

# THE CONGRESSIONAL GLOBE:

NEW SERIES:

CONTAINING



THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-SECOND CONGRESS.

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VOLUME XXIV.—PART III.

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BY JOHN C. RIVES.

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[For Index, see Part I.]

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# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

SATURDAY, JULY 10, 1852.

NEW SERIES...No. 107.

The twenty-fifth amendment, the next in order, was then read, as follows:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the 1st of January, 1852, at the rate of \$33,000 per trip, in lieu of the present allowance, the sum of \$236,500: *Provided*, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

The CHAIRMAN. The Chair would state, that there are several other provisions in this amendment, and thinks they should be read through. The amendment may be divided, but it should be read through.

Mr. JONES. I suppose we might dispense with reading the whole now, as the amendment will be taken up by paragraphs.

The CHAIRMAN. By unanimous consent it can be done.

No objection was made, and the further reading of the amendment, at present, was dispensed with.

Mr. JONES. I move to amend the paragraph read, by striking out all after the word "fifty-two," in the ninth line, to the word "provided," in the twelfth line.

Mr. Chairman, this provision for increasing the trips of the Collins line of mail-steamers, from twenty to twenty-six trips per annum, and the compensation from \$19,250 to \$33,000 per trip, being an increase of \$473,000 per annum, was passed by the Senate, and sent here as an amendment. That amendment was referred to the Committee on Ways and Means and reported back to this House, with a recommendation that it be agreed to.

I am, sir, a member of that committee; and it is not known to this House, or to the country, who of that committee recommended a concurrence in this amendment.

Mr. POLK. Will the gentleman state their names?

Mr. JONES. I will state that I was one of the minority who opposed that report. I am not at liberty to state gentlemen's position in the committee room. They are upon the floor, and can state their own position.

Mr. Chairman, it has always been my understanding, that when there was a Democratic party majority in this House, as well as in the country, that one of the cardinal features of that party creed was, a strict construction of the Constitution of the United States; and that the powers of this Government should be limited to clearly-expressed grants, and to those necessary to carry into effect those grants of power—not that they may be convenient and expedient. If I have read the recent platform of the Whig party, as adopted at Baltimore, they have come upon this great Democratic principle, and adopted it as the first one in their creed.

Then, sir, I ask them all to point me to that provision in the Constitution, which authorizes the passage of this law? I ask them, in the first place, to show me where the power is in the Constitution to establish mail lines to transport the mails beyond the limits of the country? I ask them to show me the necessity for the establishment of this line, in order to carry out the power to raise and support a navy? I ask them to show me the power and necessity to establish this line, in order to regulate the commerce between this country and foreign countries? I ask them to show me the authority and the necessity of establishing this line under the war power of the country? If they have the power under any one of these provisions of the Constitution, I ask them where it is?

I have read that Constitution with care, and I cannot myself find any authority for the establishment of such lines, and the appropriation of money for such purposes.

Mr. Chairman, I opposed this scheme when the bill was passed through here the last night of

the session, to put this bill in motion. I voted against the appropriation, with the provision afterwards inserted in the appropriation bill, to give life, power, and vitality to this contract with Mr. Collins, and other steam companies.

But, sir, I am no prophet, nor do I pretend to possess the spirit of prophecy; but I do predict that this system will go on, until it will arrest the attention of the people of the country; and mark me! that when it shall swell the expenditures of this country to millions of dollars, as it assuredly will, in my opinion, the tax-paying portion of the country will be roused to their interest, and it will become the issue, the great element, upon which Congressional and Presidential elections will turn; and when it shall come, it requires no spirit of prophecy to tell which side will triumph in the contest.

My five minutes have nearly expired, and I will close my remarks by submitting estimates of the expenditures and receipts from these lines, compiled from the report made to the Senate by Hon. THOMAS J. RUSK:

*Collins line of mail steamers between New York and Liverpool, commenced April, 1850.*

Annual compensation.....	\$385,000 00
March, 1852, the United States had paid the line.....	\$770,000 00
March, 1852, the United States had received from the line.....	513,546 80 -
Actual loss to United States in two years.....	\$256,453 20

*New York and Bremen line, commenced service June, 1847.*

Annual compensation.....	\$350,000 00
March 31, 1852, the United States had paid the line.....	\$683,083 31
March 31, 1852, the United States had received in postages.....	296,311 50
Actual loss to the United States, to March 31, 1852.....	\$386,771 81

*New York and Havre line, commenced service October, 1850.*

Annual compensation.....	\$150,000 00
Amount paid this line since October 5, 1850.....	\$173,550 00
Amount received from this line in postage, since October 5, 1850.....	100,671 80
Actual loss to United States on this line.....	\$72,878 20

*Charleston and Havana line, commenced October, 1848.*

Annual compensation.....	\$50,000 00
April 18, 1852, amount paid this line by United States.....	\$175,000 00
March 31, 1852, the United States had received from this line.....	33,554 00
Actual loss on this line by United States.....	\$141,446 00

## Recapitulation.

Paid to Collins line.....	\$770,000 00
" Bremen line.....	683,083 31
" Havre line.....	173,550 00
" Havana line.....	175,000 00
	\$1,801,633 31

Received from Collins line.....	\$513,546 80
" Bremen line.....	296,311 50
" Havre line.....	100,671 80
" Havana line.....	33,554 00
	\$944,084 10

Loss on mail steamers to foreign countries....	\$857,549 21
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*Mail steam-ship line between New York and Charges, via New Orleans and Havana. Contract to carry the mail made with A. G. Sloc and associates, April 20, 1847. Transferred to George Law and associates, of New York city, August 17, 1847.*

Annual compensation for full service.....	\$290,000
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*Mail steamship line between Panama and Astoria in Oregon. Contracts made with Arnold Harris, November 16, 1847. Transferred to William H. Aspinwall and his associates, of New York, November 19, 1847. Contracts for ten years, from October 1, 1848.*

Annual compensation.....	\$199,000
Amount paid these two lines for mail service.....	\$1,607,087 90
Receipts from postages from same lines.....	930,478 94

Net loss on these lines.....	676,608 96
Net loss on lines to foreign countries.....	857,549 21

Total loss to United States on ocean mail steamers.....	\$1,534,158 17
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Mr. GENTRY. I desire, Mr. Chairman, to avail myself of this opportunity to acquit myself of a duty with which I have been charged. There are no opportunities to present petitions publicly in the House. I have a petition here, signed by some thirty or forty merchants, lawyers, and distinguished citizens of the State of Tennessee, expressive of a desire that this Collins line shall receive such patronage from Congress as may be necessary to continue its existence and its usefulness. It is due to these gentlemen I should make known their wishes in that regard. I have been requested, also, by a gentleman who takes a deep interest in the success of this amendment of the Senate, and who admits himself to be interested in this matter—a gentleman in whose veracity I have great confidence—to say, that if this appropriation be not passed, the line must be necessarily discontinued, and the company will petition Congress to be exonerated from their contract. I should regret such a result, sir; but after mature reflection on the subject, and with every willingness to come to the conclusion I ought to vote for the amendment of the Senate, I have not been able to conclude such would be a proper vote, and therefore I shall vote against it.

Mr. TAYLOR. Is it in order to submit an amendment to the amendment?

The CHAIRMAN. It is not in order.

Mr. MEADE. I propose to amend the original amendment before the question is taken on striking out.

The CHAIRMAN. That amendment is not in order.

Mr. MEADE. I propose to amend the amendment of the Senate, which it is proposed to be stricken out.

Mr. TAYLOR. That is precisely what I wish to do.

Mr. MEADE. The Chair ruled that to be in order this morning, not more than an hour and a half ago, in relation to an amendment I proposed.

The CHAIRMAN. The Chair thinks such a proposition is not in order. It is in order to move to amend where the proposition is to strike out the entire amendment; but not where the proposition is to strike out a portion of it. The Chair thinks the question must now be taken on the amendment of the gentleman from Tennessee, [Mr. JONES.]

Mr. MARSHALL, of Kentucky. Do I understand the Chair to say it is not within the competency of the gentleman to amend the part proposed to be stricken out?

The CHAIRMAN. So the Chair states in this instance. The distinction the Chair makes is this: If the proposition be to strike out the whole section or subdivision, it is in order to perfect the section or subdivision before taking the question on striking out; but this is a motion to strike out the amount appropriated—\$10,000. To illustrate: The Chair thinks it would not be in order to amend that by substituting other sums before the question is taken.

Mr. JONES, of Tennessee. With the permission of the House, I will withdraw that amendment. It is not my intention to exclude debate on this subject.

Mr. STEPHENS, of Georgia. I move, if it be in order, to strike out the entire amendment, so that debate may be stopped.

Mr. ORR. I propose to perfect the amendment before the question is taken on striking out.

Mr. MEADE. Is the motion of the gentleman from Georgia in order?

The CHAIRMAN. It is in order.

Mr. MEADE. Do I understand it is to strike out the whole amendment of the Senate?

The CHAIRMAN. It is to strike out one clause of the Senate amendment.

Mr. JONES. I called for the division of the Senate's amendment. Let us take the question on that division of the paragraph. If it be rejected it is the same as struck out. It is not perfecting or amending a paragraph if it is stricken out. Certainly not.

The CHAIRMAN. The Chair thinks a call for the division of the question does not supersede a motion to strike out a portion of the amendment.

Mr. OLDS. I inquire whether it be in order to amend the motion of the gentleman from Georgia by moving to strike out and insert?

tinguished citizens of the State of Tennessee, expressive of a desire that this Collins line shall receive such patronage from Congress as may be necessary to continue its existence and its usefulness. It is due to these gentlemen I should make known their wishes in that regard. I have been requested, also, by a gentleman who takes a deep interest in the success of this amendment of the Senate, and who admits himself to be interested in this matter—a gentleman in whose veracity I have great confidence—to say, that if this appropriation be not passed, the line must be necessarily discontinued, and the company will petition Congress to be exonerated from their contract. I should regret such a result, sir; but after mature reflection on the subject, and with every willingness to come to the conclusion I ought to vote for the amendment of the Senate, I have not been able to conclude such would be a proper vote, and therefore I shall vote against it.

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Mr. OLDS. I inquire whether it be in order to amend the motion of the gentleman from Georgia by moving to strike out and insert?

The CHAIRMAN. The Chair has for the present yielded the floor to the gentleman from South Carolina, [Mr. ORR.]

Mr. OLDS. I wish to make the inquiry of the Chair whether, when the vote is taken to strike out, a motion cannot be made to insert also?

Mr. MEADE. I rise to a question of order. When I got up to move an amendment, the Chair pronounced that amendment to be out of order. Subsequently the gentleman from Tennessee, with the unanimous consent of the committee, withdrew his amendment. I presume, under the ordinary practice and courtesy of the committee, I would be entitled to move my amendment in exclusion of any member who might have subsequently obtained the floor. I was standing upon the floor at the time.

The CHAIRMAN. The Chair thinks the gentleman who first addressed it, under the circumstances, is entitled to the floor.

Mr. MEADE. I asked the gentleman to withdraw his amendment that I might be enabled to move an amendment to the clause under consideration. In obedience to that request, he did withdraw his amendment. Under such circumstances, I think I am entitled to the floor.

The CHAIRMAN. Such confusion, the Chair will say, arises by gentlemen addressing each other, and not the Chair. If gentlemen would, in all cases, address the Chair, it would not be misled. In this instance, the Chair did not so understand the gentleman from Virginia. But if that was the position he occupied, he is entitled, in precedence, to offer his amendment. It is a question of fact of which the Chair is not advised.

[Cries of "That is so!" "That is so!"]

Mr. ORR. But another gentleman was recognized by the Chair, and made a motion, after which I obtained the floor. Can we go behind this?

Mr. MEADE. It is to the amendment of the gentleman from Georgia, as well as the motion of the gentleman from South Carolina. I rise to a point of order under the statement I have submitted. My objection goes back to the motion of the gentleman from Georgia.

The CHAIRMAN. As the Chair understands the facts, the gentleman from South Carolina is entitled to the floor. If he is mistaken he regrets it.

Mr. STEPHENS. Is an amendment to my amendment in order?

The CHAIRMAN. An amendment to amend the provision to strike out is in order prior to taking the question on the motion to strike out.

Mr. STEPHENS. I submit the pending question is to concur in the Senate's amendments, which is one question. We are now only considering one part, which I move to strike out; and the only question, if the Chair will look at it a moment, is exactly the same as the one presented by the amendment of the gentleman from Virginia, [Mr. MEADE.] I move to amend the amendment of the Senate, by striking out a part. The gentleman from South Carolina [Mr. ORR] moves to strike out some of the words proposed by me to be stricken out which is an amendment in the third degree.

Mr. ORR. My proposition is to perfect the part proposed to be stricken out.

Mr. STEPHENS. The gentleman from Tennessee [Mr. JONES] moved to strike out certain words. The gentleman from Virginia then made a motion to strike out some of these words, which the Chair decided not to be in order. The Chair will perceive this is identically the same proposition, because the question now before the committee is to concur in the entire amendment of the Senate.

The CHAIRMAN. The gentleman from Georgia will recollect that the Chair based his decision on this ground: The proposition of the gentleman from Tennessee was only to strike out the appropriating words of the subdivision, and in lieu thereof to substitute others. The Chair decided that a proposition to amend by substituting other appropriating words was not in order, stating, at the same time, if it were a proposition to strike out an entire subdivision, a motion to perfect the subdivision prior to taking the vote would be in order. The Chair thinks this is that very question. The gentleman from Georgia proposes to strike out the entire subdivision covering the appropriation to the Collins line. The Chair thinks that it is in order to perfect that subdivi-

sion—to modify it in accordance with the views of the committee prior to taking the question on the motion to strike out.

Mr. JONES, of Tennessee. One word. The gentleman from Georgia will see that his object cannot be effected by the motion he has submitted. It will not stop debate, because, if it fails, amendments can then be offered.

The latter part of rule 53 reads:

"A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert."

Mr. STEPHENS. My object barely was to get a test vote upon this question, by cutting off debate. If we once get a test vote, the committee will permit the appropriation to be voted on or not. I do not want the whole of this day consumed in its discussion; but a test vote now on the Collins line.

Mr. JONES. That is what we all want.

Mr. STEPHENS. Then let us have it.

Mr. ORR. If the question of order is settled, I claim the floor.

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. MEADE. I will appeal to the gentleman from Georgia [Mr. STEPHENS] to withdraw his amendment, for this reason: A great many will vote against his amendment to strike out, because they may not be opposed to it, although they will be in favor of the amount already under contract.

The CHAIRMAN. The Chair will state to the gentleman from Virginia, [Mr. MEADE,] that the gentleman from South Carolina [Mr. ORR] is entitled to the floor upon his amendment.

Mr. ORR. I propose to amend the amendment, commencing at the ninth line, by striking out all after the words "at the rate of," and inserting the following: "\$19,250 per trip, for said six additional trips."

Some years ago, Collins and his associates applied to the Congress of the United States to make a contract with them for carrying the mails between New York and Liverpool. That contract was entered into, and they were to be paid—according to the terms of the contract—\$385,000 per annum for that service, being \$19,250 per trip, twenty trips to be made annually. They further stipulated that they would construct five steam-vessels, of a particular description, with which the service was to be performed. They proceeded to the fulfillment of the contract, but never built but four of the vessels. Congress, however, at their urgent solicitation, waived the forfeiture of their contract, which had been wrought by their failure to perform it in all of its stipulations, and still continued to pay them the sum of \$385,000. About the 1st of last November, Collins and his associates, who had applied to Congress originally to make this contract with the Postmaster General, again applied to that officer, and requested that the number of trips shall be increased from twenty to twenty-six. The number of trips were increased to twenty-six, as they desired; for this Government has never failed to yield to their solicitations, and when they became satisfied that their interests would be promoted by making a trip every two weeks, giving greater facilities for transporting passengers and freights, the increased number of trips was cheerfully accorded to them. My amendment proposes to pay them the sum of \$19,250 for that increased service. That will give them an additional compensation of \$115,500, making the entire sum which will be paid to them annually for this mail service, \$500,000. This is carrying out the contract in all fairness and justice, and they have no right to ask anything more at the hands of this Congress. I put the question to every gentleman on this floor, if my proposition does not deal with this company justly? Ay, sir, is it not generous to them? And how can the vote be justified, by which you allow Collins and his associates \$33,000 of your constituents' money per trip, when they contracted to do it for \$19,250, giving thereby a bonus, in addition to the original contract of \$457,500 annually? Let me warn gentlemen, that those who practice such profligacy with the people's money, will be called to a strict account at the ballot-box.

But gentlemen tell us this line of steamers will be discontinued unless you make this enormous appropriation. I, for one, am perfectly willing to release them from the forfeiture which will be in-

curred under their bond if they desire to renounce or abandon the existing contract; but, in my judgment, the line will not be discontinued. From the evidence before this House it is reduced to a certainty that instead of requiring \$33,000 per trip for transporting the mail between Liverpool and New York, you can have that service done for \$10,000, \$12,000, or \$15,000. The Cunarders, it seems, receive but \$14,000, according to one statement, and the highest estimate is only \$16,000. This is the line owned by British citizens, and that Government, always profligate of the money levied by taxation on the toiling millions, pays but \$14,000 per trip to Cunard. I ask, what is there in the elements of this line of Collins & Co. which requires the American Congress to pay \$33,000 for a service which is done by other persons who have no more skill, enterprise, or industry than Americans, at \$14,000? Is there any propriety—any justice in this? These \$500,000 will, in my judgment, pay an enormous compensation for the services they render; and I undertake to say here, when the figures are made out at the Post Office Department, you will find that the entire sum arising from the postage upon mail matter carried by these steamers will not yield more than \$200,000 or \$250,000; and you are now asked to pay \$858,000 for transporting a mail annually, when the postages on all mail matter carried by it is less than \$250,000; or you pay out to keep up the line \$600,000 more than it brings to you. Is such a policy defensible in any legislature?

The friends of the Collins line tell us that the present amount is inadequate, and you must give them more. Well, what is the effect of it? If the \$19,250 is a fair compensation, the excess now demanded is merely a bounty to that company; and what is the effect of it? You prohibit any competition—prohibit the running of any other steamers between the ports of New York and Liverpool. You destroy the private enterprise of your own people in starting new vessels, because this line possesses all the advantages of a new one, and the bonus of \$858,000 additional. So that private enterprise would have to compete with the Cunard line, all the lines of sailing vessels, and the Collins line too, sustained to the amount of nearly a million a year by the Government. Will this Government adopt such an unjust policy as to favor, by bounties, a few of its citizens, and prohibit the competition of the great mass in the act of conferring its bounties? Are Collins and his associates better than all other Americans? What entitles them to the bounty of this Government over all others of their fellow-citizens?

Mr. CLINGMAN. I wish to offer a few words, but I do not believe that I can explain the reasons upon which I base my vote in the five minutes allotted to me. My course on this question will be different from that of many persons with whom I usually act; and yet I do not agree with many of the arguments used in favor of this appropriation by its friends, and it is therefore the more necessary that I should state the reasons for my votes. In doing this briefly, I come first to the point made by the gentleman from South Carolina, [Mr. ORR.] I think he will find that he is mistaken in relation to the comparative amount of the compensation to the two rival establishments. If he takes into consideration the difference in size between the steamers of the Collins line and the English line, he will find that if we give them \$33,000 a trip, that we only pay them as much compensation per ton—I mean for each ton that crosses the Atlantic—as the English company get. This arises from the fact that the four Collins ships have in the aggregate as much tonnage as the seven English, and that one ship of the former by crossing fifty-two times carries as much as a Cunarder at eighty-five trips, being the whole number of crossings of the Atlantic by each line, if this proposed increase should take place. But I do not propose to rest my vote upon that consideration mainly. When Great Britain commenced, she originally gave the Cunarders, I believe, £85,000. That amount has been more than doubled, because it was found necessary to enable them to run the line as proposed; and so far as the precedent goes, there is no reason why Collins & Co. should not ask us to increase their compensation also. But Great Britain, in my judgment, very unwisely began to sustain a line in this mode so as to enable it unfairly and injuriously to compete with the private enterprise of the two



countries. I agree with gentlemen in all that they have said upon that subject. I think it is an injurious policy for the Government to sustain lines of steamers to compete with our private mercantile marine, and thus underwork and drive them out of business. But Great Britain began the system and our Government followed the example. Whether this was originally right or not is a question of much doubt. But if our Government went into the matter with a view of counteracting the policy of Great Britain, which was operating prejudicially to us as a nation, and disastrously to our merchants, then it was justifiable in so doing. By thus letting her see that we will not permit her to reap any advantage by such a departure from sound principles, we may be able to put an end to the system. To accomplish this, I should like very much for this House to instruct the Executive, or request him rather, to enter into negotiations with the Government of Great Britain and other Governments, so as to provide, by treaty, that no ship sustained in part by a Government appropriation, shall be allowed to enter the ports of either country with cargoes of merchandise or passengers. I am willing to come to that issue at once. I believe it will be wise policy for us to adopt a system by which private individuals only may be allowed to transport passengers and freight. Perhaps it may be as well to provide that the mail shall be carried by the lowest bidder, opening the competition to the whole world, so as to reduce the compensation so low as barely to cover actual cost, thus preventing undue advantage to the mail-ships. But the main point which presses upon me is this: We have gone into a contest with the Government of Great Britain, whether wisely or not I need not say. The question now is, whether we shall not vote as much money for the service performed, by taking into account the entire amount of tonnage, as the British Government does, and thus put our own people on an equal footing with the foreigners. I believe the abandonment of this line would operate unfortunately upon public opinion throughout the world. The value of national character can hardly be estimated in money. It is well known to everybody, that the most inferior consul we have now abroad, has more weight with all foreign Governments, than a minister of the first class had thirty or forty years ago. Why is this? It is because our country has a standing abroad which it did not formerly possess. This is due partly to the achievements of our soldiers in the late war with Great Britain—partly to the brilliant and difficult conquest of Mexico, and our numerous and striking victories upon the ocean—partly to our immense and rapidly increasing mercantile marine—partly to the success of our inventors at the Exhibition at London, and especially, in a most eminent degree, to the achievements of this Collins line. Let it be remembered that its ships are the largest, swiftest, handsomest, and best that have floated on the ocean since the dawn of creation.

Now, I believe it would not be wise policy to abandon this line at this time. It would tend rather to lower the position of our country abroad, in the opinion of the civilized world. It ought never to be realized that we are to be beaten in anything. This would be an injury greater than ten times the money saved could compensate. There is another reason, too, for the course I recommend. It is not determined yet whether such steamers will answer all the purposes of war vessels. Officers in the Navy differ about it. One man will tell you that they will not do, while three others will tell you that they will answer for all war purposes. I am willing to sustain this line for two years longer, its ships being the best yet built, and then we will be able, perhaps, to decide whether they will answer a good purpose or not, in time of war. If they cannot stand heavy broadsides, they may, at least, be valuable as transport ships, being safe from capture, by reason of their great speed. We may be enabled, too, by taking this course, to compel Great Britain to abandon the system, if it is an unwise one, as I regard it, thus to interfere with private enterprise.

I maintain that sound policy would, undoubtedly, require us to disband our Army and Navy, if all other nations would do the same thing. But we are compelled to keep up military establishments just to meet their efforts. For a similar reason, we ought to compete with them in this matter, and I am willing to do it for the next

two years, as this amendment proposes. As we have gone into the system, I am not willing to abandon it, until we give it a fair trial, at least. All that gentlemen have said about the tariff, has nothing to do with this question. The cotton factories referred to, have been protected forty years at a high rate, and are even now receiving a benefit of thirty per cent. protection. But the principles of the cases are altogether dissimilar. It is proposed to sustain this line because it has to compete with one which the British Government supports out of its Treasury. But this is not the case with the manufacturing establishments. They are built up and supported entirely by private enterprise, and we may well require our establishments to meet them on equal terms, without bounties. But I have no hesitation in saying, that if the fact were otherwise, that if Great Britain were to give money from her Treasury to her manufacturing establishments, to enable them to undersell our workmen, that then I would be for interfering in some mode. But such is not the fact. So, on the other hand, if the Collins line had only to compete with the private enterprise of Great Britain, I would not vote to sustain it. Undoubtedly the friends of a protective tariff ought to go for this measure. For if their doctrine be right, that we ought, in some mode, to aid our own manufacturers in their competition with foreign labor, merely because it is *foreign labor*, then with much more reason ought they to go for sustaining this enterprise, competing as it does, not only with a foreign establishment, but also with one pensioned and supported by the Government expressly to enable it to break down all competition.

Mr. POLK. I desire to offer an amendment.

The CHAIRMAN. At this time an amendment is not in order. The question before the committee being the amendment offered by the gentleman from South Carolina, [Mr. ORR.]

Mr. ORR. I call for tellers on my amendment.

Tellers were ordered; and Messrs. STANTON, of Tennessee, and HENDRICKS were appointed; and the question being put, the tellers reported—ayes 61, noes 76.

So the amendment was not agreed to.

Mr. MEADE. Mr. Chairman, I move that the words "thirty-three" be stricken out in the ninth line, and the words "twenty-five" inserted in lieu thereof. If this were a question whether we should pay this sum, or that, or another, for merely the transportation of the mails across the Atlantic, I should vote against any appropriation. I do not base my support of any compensation upon any right of Congress to make appropriations to individuals or companies for the promotion of commerce, or for the transportation of mails across the high seas. The first question which addresses itself to my mind is, has Congress the right to maintain a Navy? And the next is, whether it be politic to increase our marine and naval force in this way? That is altogether a question of economy, and it rests with Congress to say whether they will increase their naval force in this way, or in some other—a question entirely of economy, and nothing else. We should first determine whether it would be politic or wise in us, in view of the vast increase of the steam naval force of other great maritime Powers of the world, to provide, also, for strengthening this particular arm of our defense.

Having determined that question in the affirmative—having determined that prudence and a wise foresight on our part require an increase of our steam navy, then the question occurs, in what way shall that increase be made? Now, sir, I was informed by a former Secretary of the Navy some years ago, that in case of any difficulty with France or Great Britain, that either of those Powers could, within fifteen days, assemble from thirty to forty war steamers at the mouth of the Mississippi; while at that time, I believe, we were provided with about half a dozen of very indifferent steam vessels. I came to the conclusion then, and subsequent reflection has confirmed me in the opinion, that it is necessary that we should, to a greater extent, be provided with this means of defense. Inasmuch as we are not immediately in want of war steamers; inasmuch as there is no necessity to put more in commission at this time, I should content myself with making adequate provision for cases of emergency hereafter; and the inquiry should be, how can this be done most economically and with due regard to efficiency?

Now, sir, in regard to the constitutional power. We can exercise it in several different ways. We can construct vessels and provide materials for their construction, and yet we may have no immediate use for them. We may, if we choose, build vessels and lend them to individuals, upon condition that they shall keep them in repair, and in readiness for the use of the Government when occasion shall require. There are various modes by which we can provide for an increase of our naval strength. One is by paying an annual compensation to those who shall build and keep in good condition such vessels as will answer for war steamers, and be subject at all times to the call of the Government. I say it is not a question of a constitutional character; it is one addressed entirely to our discretion. I am willing to increase to a reasonable extent the compensation to these steamers, but I am not willing to go to the extent contemplated by this amendment. I am willing to give these steamers \$25,000 for each round trip they may make; and though it may be urged that these steamers are not fit for the purposes of war, about which there seems to be a variety of opinions—yet, sir, it cannot be denied they were constructed under the superintendence of one of our naval officers, with directions to see that they were so constructed as to answer the purposes of the Government, in case the Government should hereafter have occasion for them. It is, therefore, now too late to make that objection.

Mr. POLK. It is a little remarkable, Mr. Chairman, that a representative of a portion of the American people should feel impelled to address an American Congress, and remind them of their duty to their nationality. It is strange, sir, that men who are presumed to embody the wisdom of the land should have to be reminded and advised that they are pandering to British power—that they are forgetting American interests, and that they are losing sight of that grandeur and greatness which attaches to this Government. Am I, sir, to remind older men—men who have been indulging in politics for years, that we owe a sacred and glorious duty to our country? Are they willing to perform this duty, sir, in the matter at issue before us? May I stand upon the floor of the American Congress, and find men who are willing to measure our greatness by the circumference of a dollar—a dollar sir!—measure American prosperity, American greatness, by a round dollar—and thus to pander to British interests, to bow the pliant knee, and say to the power that assailed us at Lexington, that flashed the first gun from Bunker's Hill—that fought us upon sea and upon land in 1812—that has been jealous of our prosperity and greatness ever since—"Good mother, won't you carry our mails for us?" Why, sir, I scorn, I despise this anti-American feeling and sentiment. I regard it as one of those miserable pretenses which contribute to a cultivation of popular humbug, without having any sort of rhyme, or sense, or reason in it; and the men who stand to-day battling upon these principles, upon which gentlemen oppose this amendment, are behind the age. They are behind the progress of the country; they know nothing of its power or its influence, and are contributing to a combination of foreign policy designed to overshadow us.

My colleague from Tennessee [Mr. JONES] says, we have no constitutional power to carry the mails beyond our own limits. Sir, how are we to send any mails, then, beyond our limits? Are we to appropriate our money to foreign Powers to take charge of our mails, indispensable to be carried abroad to our foreign consuls and ministers? If the doctrine should obtain that this Government has no constitutional power to appropriate money by which we may transmit our mails beyond the limits of our country, why, we must cast ourselves into the arms of European Powers. The argument is fallacious.

But the gentlemen, in my opinion, who are for withholding aid from the Collins line—who are for striking down that line—are but contributing to the British policy. In regard to this and other American lines; they are in effect giving sanction to the disingenuous efforts of that Government, through a rotatory or sliding scale of freights, to break down all the American lines. With the view to show the means resorted to by that Government to break down the American line of steamers running from New York to Havre, and the points on the North sea, I will quote from Mr.

Livingston's memorial to Congress, in which is embraced a few extracts from English advertisements:

"The usual rate of freight from Havre to New York by steamers, before your memorialists' vessels were put on the line, was \$40 per ton. The Cunard vessels, as the annexed extracts from their advertisements show, have reduced the rate as low as ten dollars per ton, and in order to carry out their plan, they transport French goods in small steamers from Havre to Liverpool. This reduction, too, is only made when one of your memorialists' vessels, the Humboldt or the Franklin, is about to leave Havre.

[EXTRACTS.]

*Cunard advertisement, Havre, August, 1850.*

"Shippers are advised that the rate of freight to the United States is \$40 per ton."

The same rate for September, 1850."

"The Franklin left New York on her first trip, 4th October, 1850.

*Cunard advertisement, Havre, October 9, 1850.*

"Shippers are advised that the rate of freight by this line [the Cunard] will be \$30 per ton."

"The Franklin left Havre early in November.

*Cunard advertisement, Havre, November 4, 1850.*

"Shippers are advised that the rate of freight after the 9th November, will be \$40 per ton."

"The Franklin returned to Havre in December.

*Cunard advertisement, Havre, December 2, 1850.*

"Shippers are advised that for the month of December, up the 4th of January inclusive, the rate of freight will be \$10 per ton."

And with little variation this course has been pursued throughout the year.

In the advertisement of the Cunard line of the last date, occurs a still more striking proof of the hostile character of the opposition of this company:

"Shippers are advised that goods for the American boats [the Collins line] leaving Liverpool in December, will be transported by the Cunard steamers from Havre to Liverpool free of all charge to the shippers."

"It thus appears that, not satisfied with the attempt to turn the whole course of the freight to their own boats by taking it at a ruinous rate, in order that nothing may be left for the boats of your memorialists, they offer to transport to Liverpool whatever may remain FREE OF CHARGE, thus also creating the erroneous impression on the minds of those engaged in the French trade, that both the English and American steamers from Liverpool were united against the Havre line.

"If any further doubt can be entertained as to the real nature of this competition, and its implacable hostility to this branch of our trade, it will be removed by the statement which your memorialists hold themselves ready to prove: that the agents of the Cunard line have deliberately avowed their purpose to break down and destroy the business of your petitioners, and utterly drive them from the line; that they have insultingly recommended your petitioners to take their boats off the Havre line, and send them to Bremen, engaging not to oppose them there—only, however, on the condition that they would not stop at Southampton; in other words, being willing to allow us the free use of the British Channel, provided we would not touch on either shore, but resolved that the United States Government should have no direct line of mail steamers from New York to Havre.

"This tells its own story; and this, in our judgment, should prompt every member of Congress who has at heart the welfare of the Republic, and the honor and pride of our country, zealously to labor to sustain all our existing lines of ocean steamers, but especially the lines between this port and Havre, and this port and Liverpool—both of which come in direct competition with the great Cunard line, which has so long monopolized the trade between this city and Europe, and been supported almost entirely by a tax upon American commerce, for the special benefit of the English Government. It is a line worthy of all praise, and has been conducted with an energy worthy of its projectors, and of the Government of Great Britain. But it is, in fact, a national not a private enterprise. Its object and its aim are to strengthen the British nation at the expense of the United States, and not to make money for individuals. And, under these circumstances, it is folly—nay, worse than folly—it is madness, to ask of our merchants to sustain so unequal a contest. Our Government must come to the rescue, and that right quickly, or it must result in the triumph of Great Britain, and the disgrace of the United States, by the withdrawal of the Havre and Collins steamers, and their sale to some European Governments for war steamers, if not to the British Government itself, through some of its numerous companies.

"This is plain and startling language; but it is not less true than plain and startling. Our merchants cannot contend against the omnipotency of the British Treasury; and if our Government will not open its eyes to the vital consequences of neglecting its imperative duty in this regard, there is no alternative but to submit to the consequences, humiliating as they are."

Such is the British effort to break down our lines of steamers—an effort to which gentlemen by their action here are contributing immensely.

What is the British policy in regard to her own steamers? She now pays to foster her line from Liverpool to New York, £171,364, or \$856,820 annually. But this is not the whole truth in regard to what she pays:

"In truth, you cannot tell what is allowed by the British Government to the Cunard line. Do you know what is allowed for the line which they have established from Havre to Liverpool, which carries goods without charge at the time when a Cunard vessel is about to sail from Liverpool and an American steamer from Havre, until the

American steamer has left the port of Havre, and then charges freight and raises the price across the ocean more than double? Can you tell what allowance is made to the Cunard line by the British Admiralty for this purpose? Can you tell what allowance is made for the Antwerp line, which has been just established in connection with the Cunard line, in order to break down your commercial intercourse with Europe?"

Doubtless that Government pays a much larger sum than is apparent in any document we have yet seen upon the subject. Her policy is an insidious one. She moves secretly and stealthily to the accomplishment of her purpose.

The capacity of the Collins steamers for war purposes has been contested on this floor. The gentleman from Alabama, [Mr. Houston,] the chairman of the Committee on Ways and Means, says that Commodore Skinner knows all about it. I would like to know if the chairman of the Committee on Ways and Means, as we are upon the deficiency bill, can tell if Commodore Skinner was ever on board a steamer in his life?

Mr. HOUSTON. Do you want an answer?

Mr. POLK. I do, sir.

[Here the hammer fell.]

Mr. DEAN moved that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the Senate amendments to the deficiency bill, and had come to no resolution thereon.

Mr. STANTON, of Kentucky. I have a bill in my hand from the Committee on Public Buildings, "making appropriations for the public buildings and grounds, and for other purposes." I ask the unanimous consent of the House to report that bill, in order that it may be referred to the Committee of the Whole on the state of the Union and printed.

There being no objection, the bill was received, read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

On motion by Mr. CLINGMAN, the House then adjourned until to-morrow at 11 o'clock.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. THOMAS M. HOWE: Proceedings of a meeting of captains and owners of steamboats, held at the city of Pittsburg, indorsing the proceedings of a steamboat convention, held at Louisville, on the 7th of June, 1852.

By Mr. ROBBINS: The petition of John U. Laddenslager and 14 others, citizens of the county of Philadelphia, Pennsylvania, asking Congress to so modify the act passed September 28, 1850, as to give to each person intended to be benefited thereby, not less than one hundred and sixty acres of land.

By Mr. AVERETT: The petition of James Rangleley, praying for indemnity for French spoils prior to 1801.

By Mr. BERNHISEL: The petition of the Governor and Legislative Assembly of the Territory of Utah, asking Congress to provide for the construction of a line of electromagnetic telegraph from some point on the Mississippi or Missouri river, via Great Salt Lake City, to San Diego, San Francisco, or Astoria, on the coast of the Pacific.

By Mr. STRATTON: The petition of William Robinson and 45 others, citizens of Atlantic county, New Jersey, praying that the bounty land act of 1850 be so amended as to give one hundred and sixty acres of land to each person serving in the war of 1812.

By Mr. HENDRICKS: The petition of 220 citizens of the county of Shelby, State of Indiana, praying the passage of the House bill introduced by Mr. STANLY, entitled "A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with said States by an act approved June 23, 1836."

#### IN SENATE.

FRIDAY, July 9, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. ATCHISON called the Senate to order, and caused a letter to be read which he had received from the President *pro tempore*, requesting him to preside this day in the absence of the President.

#### PERSONAL EXPLANATION.

Mr. BORLAND. I would ask the indulgence of the Senate for a few minutes, to make a personal explanation.

The PRESIDING OFFICER. If there be no objection, the Senator can proceed.

Mr. BORLAND. I ask permission of the Senate to make a personal explanation, which is due

alike to others and myself, and which a sense of propriety will not permit me to delay.

In a speech upon the deficiency bill, delivered by me here, on the 27th of May, and since published in pamphlet form, I presented statements of the receipts and expenditures of the several Administrations of the Government, from 1789 to 1851. Those statements appear in two tables, marked A and B, on the 16th, or last page of the pamphlet speech. As the facts which these statements exhibit have been deemed of some value, in the present aspect of public affairs, and as that value is dependent upon their accuracy, I have, at the suggestion of a respected friend, carefully revised them since their publication. I am thankful to that friend for the suggestion upon which I have done so; for it has enabled me to discover an error, which I have now risen, at the first available moment, to correct.

This error will be found in the table B, of expenditures. Under the head of "military service," the annual average of expenditure of Mr. Polk's administration is set down at \$23,053,600 24; and that of the present Administration at \$15,676,609 45.

Upon examination, it is found that these respective amounts are too large; and that they have been made so, in the calculations, by inadvertently adding into the column, the two next columns of "Pensions and Indian Department." Deducting these amounts from their improper association, and the true annual average of Mr. Polk's administration, for "Military Service," is \$20,122,220 46; and that of the present Administration is \$12,057,174 65.

The correction thus made in that column of the table necessarily carries a reduction of the amounts set down to the same Administrations, respectively, in the column headed "Expenditures exclusive of public debt," which, for Mr. Polk, is set down at \$36,708,601 39; but should be \$33,777,221 61; and for Mr. Fillmore, is set down at \$40,177,030, but should be \$36,557,595 20. And reduces, also, the corresponding amounts in the column headed "Total expenditures," which, for Mr. Polk, is set down at \$43,897,916 51, but should be \$40,966,536 73; and for Mr. Fillmore is set down at \$55,442,481 00, but should be \$51,823,846 20.

These corrections extend to pages 13 and 14 of the pamphlet speech, where deductions from the tabular statements will be found. Thus, in the last paragraph of page 13, the sum of \$23,053,600 must be reduced to \$20,122,220; and \$15,676,609 to \$12,057,174. In the second paragraph, on page 14, \$3,416,762 must be reduced to \$2,780,373. In the fourth paragraph of the same page, \$40,886,237 must be reduced to \$38,321,880; and in the same paragraph, \$709,207 must be increased to \$1,764,285. In the fifth paragraph of the same page, \$41,685,812 must be reduced to \$38,066,377; and in the same paragraph, \$799,575 must be reduced to \$255,503, and the word "more" must be changed to the word "less." And in the same paragraph, but at the top of the second column of the page, \$3,468,429 must be reduced to \$2,720,374.

These errors, which I have now corrected, although they run through a considerable number of figures, and may seem to be numerous, are, in fact, but parts of a single error, and consist in deductions from it; and that single error, as I have already stated, resulted from no want of knowledge of the facts, and no purpose I could have had to misstate them; but from an inadvertence, by which, in the midst of a great number and variety of estimates, and in the course of very complicated calculations, two comparatively small items were added into the wrong column.

To show that I could have had no motive to commit the error, which I have now corrected, it will be seen that it was made in the case of both the administrations of Mr. Polk and Mr. Fillmore, between which I was instituting a comparison under those particular heads of expenditure; thus, making the former \$23,053,600, when it should be only \$20,122,220; and the latter \$15,676,609, when it should be only \$12,057,174.

It will be observed, further, that the error, even if left uncorrected, did not materially aid the purpose for which I made the comparison, which exhibited the extravagance of one Administration by showing its expenditures and its circumstances by the side of those of another. This error



caused me to overcharge each of those Administrations some three millions of dollars for army expenditures, and show an expenditure by Mr. Fillmore only some \$8,000,000 less than by Mr. Polk for "military services." As now correctly stated, the difference is just \$8,065,056 under that head, and still shows that the peace administration of Mr. Fillmore, exclusive of the amount of public debt paid, has cost the country \$2,720,374 a year more than the war administration of Mr. Polk; and, including the public debt, \$10,857,310 a year more!

I will add but a single reflection to this. We were often told during the war with Mexico, that the Government would be made bankrupt by its expenses. Some politicians, in a spirit of very peculiar economy, refused, I think, to vote the necessary supplies to prosecute that war. And even since its termination, jeremiads have not been wanting to celebrate its ruinous expenses. In the light of the figures I have exhibited, however, the true character of the war in that respect, at least, is so clearly shown, that the occupation of a class of orators is gone, and certain "blue lights" have paled their ineffectual fires. For while the war with Mexico was as admirable for the wise economy of its financial as for the brilliancy of its military conduct, it has been followed by a civil Administration which, in a time of profound peace, has increased the expenditures at least twenty-five per cent. per annum! So, if war at \$40,000,000 a year would have made the Government bankrupt, what is to become of us now when peace costs us \$50,000,000?

A poet has somewhere said—

"Peace has its victories as well as war."

Had that poet lived until now, the achievements of this Whig Administration of ours would have enabled him to add with perfect truth—

And tho' more bloodless, more expensive far.

To make this explanation the more intelligible and clear to every mind which may have been for a moment misled by my inadvertent error, I will append to my remarks those parts of my former speech which I have here corrected:

Extracts from speech, corrected.

"During Mr. Polk's war administration, the expenditures for our large army, on war service in a foreign country, averaged \$20,122,220 46; whereas, during Mr. Fillmore's peace administration, with a mere skeleton of an army, we have had to pay, for its mere support, \$12,057,174 65 per annum! And this without counting in the present year, which, as far as can be ascertained, will greatly exceed this large average."

"During Mr. Polk's war administration, when the Navy was kept always ready, and the most of it actively engaged in sea service, and at the highest necessary expense, its average expenditure was only \$7,504,468; whereas, during the three years of Mr. Fillmore's peace administration, with many of our ships neither needed nor engaged in active service, it has cost us \$8,896,976 per annum—that is, \$1,392,508 for peace more than for war!"

"Thus, striking the balance under these three heads alone, we find that Mr. Fillmore's three years of peace with all the world's has cost us in actual money just \$2,720,373 59 per annum more than Mr. Polk's one year of peace and three years of war!—Without counting the 533,070 square miles of territory, embracing 1,000 miles of sea-coast, acquired by the war."

"To show that I am right in this, let us look at the items of that account. During Mr. Polk's administration of four years, the annual average of the public debt created by him was \$11,733,974; while the annual average amount of the same debt paid by him was \$7,189,315; leaving an annual balance against him of \$4,544,659—that is, an aggregate for his whole term of \$17,508,782, or about the amount (including some \$200,000 of interest) which has since been paid to Mexico, under the treaty of Guadalupe Hidalgo. But adding this whole amount to that already charged to his Administration, and it carries his annual average up to \$38,321,880, which is only \$1,764,285 more than I have heretofore stated Mr. Fillmore's to be."

"A similar statement for Mr. Fillmore's administration shows that he has created for his three years an annual public debt of \$10,878,233; while the annual average amount of the same debt paid by him has been \$9,369,451, leaving an annual balance against him of \$1,508,782—that is, counting his full term of four years, and in liberality to him assuming no more for this year than the average of the other three, an aggregate of \$6,035,128. This, added to his other expenditures, as in the case of Mr. Polk, carries Mr. Fillmore's annual average up to \$41,685,812, which still leaves him, upon a final balance of cash accounts, chargeable with expenditures \$255,503, \$799,575 less than Mr. Polk!"

"But this, it will be perceived, is not dealing fairly with Mr. Polk's administration, upon the rule adopted in estimating and comparing the expenditures of all preceding Administrations. I have, in this particular estimate, done this unfairly to Mr. Polk, that the friends of this Administration should not have even a semblance of a pretext for complaint; and to show that even then, the balance was in his favor against Mr. Fillmore. To state the account fairly, however, as in the cases of all the other Administra-

tions, the whole public debt must be excluded, as well for Mr. Polk as for Mr. Fillmore, and this leaves the difference as I originally and fairly stated it—that is, a balance against Mr. Fillmore of \$2,720,374 per annum!"

(B.)—STATEMENT OF THE EXPENDITURES OF THE UNITED STATES, FROM 1789 TO 1853, INCLUSIVE. ANNUAL AVERAGE DURING EACH ADMINISTRATION.	
Administration.	
Washington.....	\$683,122 35
John Adams.....	1,166,238 30
Jefferson.....	2,149,057 69
Madison.....	1,699,201 40
Monroe.....	3,396,807 81
John Quincy Adams.....	2,934,393 26
James Monroe.....	4,383,824 28
John Tyler.....	7,183,856 70
Van Buren.....	5,922,000 62
Harrison and Tyler.....	6,173,593 96
Polk.....	15,376,777 62
Fillmore.....	13,957,174 65
Civil list, foreign intercourse, and miscellaneous.	
	\$1,105,503 34
Military service.	
	\$2,018,187 67
Revolutionary & other pensions.	
	\$73,507 62
Indian Department.	
	\$27,921 72
Naval establishment.	
	\$106,788 29
Expenditures exclusive of public debt.	
	\$1,996,337 31
Public debt—paid.	
	\$4,511,619 61
Total expenditures.	
	\$8,497,966 92

RAILROAD IN CALIFORNIA.

By unanimous consent, Mr. GWIN informally laid upon the table a substitute for the bill granting a donation of land for the construction of a railroad in California; which was ordered to be printed.

ORDER OF BUSINESS.

Mr. CLARKE. I desire to give notice that I shall ask leave to introduce a joint resolution.

The PRESIDING OFFICER. The Chair will inform the Senator from Rhode Island, that this being Friday, under the rule, and under the decision of the Chair heretofore made and acquiesced in by the Senate, no business can be entertained unless the rule setting apart Fridays for the consideration of private, to the exclusion of all other business, shall be suspended.

Mr. DAVIS. I move that the rule requiring private bills to be taken up this day, to the exclusion of all other business, be suspended, to enable the Senate to take up the bill which we had under consideration the day before yesterday—the bill to amend an act entitled "An act to provide for the better security of the lives of passengers on vessels propelled in whole or in part by steam."

Mr. PRATT. I hope the Senate will not agree to that motion. There is no one who estimates more fully than I do the importance of the bill

which has been introduced by the Senator from Massachusetts. It is very important to insure its passage during the present session of Congress; but whether it is passed to-day or to-morrow, cannot be of any consequence to the country at large, or to any individual in the country. I hope, therefore, that the consideration of private bills will not be dispensed with, for that or any other purpose. During the pendency before the Senate of the deficiency bill, which is now under consideration in the other House, I think there were three Fridays appropriated to its consideration. Now, there can be no reason why the bill suggested by the Senator from Massachusetts should be taken up; on the contrary, even if private business did not interpose, I would ask the Senator and the Senate to postpone the consideration of that bill for to-day. It relates to a matter in which the whole country is deeply interested. I have sent to the Board of Trade of Baltimore a copy of the bill as amended, with the request that they would indicate, so far as the practical men interested in the subject may desire to do, any amendment which may suggest itself to them. I think it is a measure which the practical men of the whole country should have an opportunity of looking into; and when we pass it, it should be made as perfect as possible. It can be of no importance whether it is passed to-day or to-morrow. It has been suggested that there is a committee of gentlemen here deeply interested in its passage, who have taken some pains in furnishing statistical information; but, sir, they have already given all the information which may be desired by the Senate, and I think they may go home perfectly satisfied that the bill, amended so as to suit the views expressed by other sections of the country, will be passed during the present session of Congress. I hope the execution of the order will not be suspended.

Mr. DAVIS. It is always with reluctance that I move to take up any business out of its regular order, but I have been requested by a number of Senators to make this motion this morning. They are, as I am, anxious that this subject should be disposed of. I should personally be very glad to accommodate the Senator from Maryland, and all gentlemen who wish to be heard upon it; but if we are to wait for the day when every man who may have some opinion about this matter will come here to express it, no day of legislation will come—no day of completion will come. Every pains have been taken to collect public opinion, to give a publicity to this measure, to spread extra copies of the bill everywhere over the country, and there has been a delay of some four or five months since the bill was reported, and I had hoped that everybody who desired to do so would have in that time come forward and expressed his opinion. I hope the bill will be taken up and disposed of to-day; but I will not consume the time of the Senate any further in making arguments about it.

Mr. BRIGHT. I have not voted, I believe, during the session to supersede private business set apart for Fridays; but I will do it this morning, believing that the bill proposed to be taken up is more important than any other bill before us. I will say further, that if I believed it would take more than an hour to perfect it, I would not vote to suspend the special order of business; but I think we can take the bill up and dispose of it within half an hour. I hope the Senator from Maryland will withdraw his objection, and let us take it up. If it takes over half an hour, I believe I may say that I will vote to postpone it; but I think we shall dispose of it within an hour at most.

Mr. PRATT. If any one will suggest a sensible reason why this bill should be taken up and passed through to-day, I will yield with a great deal of pleasure. Why is it? I have heard no reason given. The gentlemen say they are anxious to have it passed. Well, sir, every gentleman who has charge of a particular bill is anxious to have it passed; but that is not a reason why the rules of the Senate should be abrogated to carry out each one's special desire. This day is set apart by a resolution of the Senate for the consideration of private bills. The bill which it is desired to take up, undoubtedly, from its very importance, will be passed. There can be no doubt that the country will be benefited by its passage, whether it is taken up to-day or not; but if you let this

Friday be occupied with its consideration you will exclude from the consideration of the Senate, all those private bills which would pass to-day, and take away the possibility of their passing the other House. Here are claimants against the Government, to whom thousands of dollars are justly due, whose claims have been reported upon by committees, year after year, and if they are not acted on soon, by the Senate, cannot receive the sanction of Congress during the present session. The bill with which it is asked to supersede them, will be acted on undoubtedly either to-morrow, or whenever the Senate will meet again. I do think, therefore, that every reason which has been suggested why it should pass to-day, does not afford any adequate reason for postponing private bills. Senators have assigned no reason why its passage to-day would be advantageous to the country, and why it would be better to pass it to-day rather than to-morrow. On the contrary, I have suggested that I have sent the bill as amended to one of the largest commercial cities of the Union, with the view that those interested may make some suggestions in reference to the amendments. It seems, therefore, to me, so far as any reason has been assigned, that justice and policy dictate that you should wait until the persons so deeply interested may have an opportunity of having their views known.

Mr. HAMLIN. I do not know that I can give a "sensible" reason why the Senate should proceed to the consideration of this bill; indeed, I am very fearful that I shall not give such a reason as the Senator from Maryland will deem "sensible;" but I can give one or two which will control my vote, and I shall be glad if they will control the vote of a majority of the Senate. I have voted, I think, uniformly with my friend from Maryland during the whole of this session, to adhere to the rules of the Senate as applicable to private bills; and I am deeply sensible of the importance which attaches to these bills; but I shall depart from him on this occasion, and vote to proceed to the consideration of the bill relating to steamboats. The first reason which will induce me to vote for that motion is, that within the last two or three days, which have been somewhat broken, we have taken out of their ordinary course, and acted upon, as many private bills as we would pass in one whole day. That is one reason. Another is, that the bill relating to steamboats is a very particular bill; and if the Senator from Maryland were on the Committee on Commerce, from which it came, I apprehend he would concur with its members in a very hearty desire to be rid of it. It is an important bill. We are, and have been, receiving suggestions from practical men all over the country, and we desire to be rid of the bill, and pass it in such a shape as the Senate shall see fit. If it is passed at all through the other House, it is very desirable that it should go there at as early a day as possible. I think with the Senator from Indiana, [Mr. BRIGHT,] that we may perfect it in a short time; perhaps as much time has already been taken up in discussing the preliminary question, whether we shall proceed to its consideration, as would be taken up in passing the bill.

Mr. BRODHEAD. I rise merely to make an inquiry. Is this the Friday upon which private bills are considered without debate?

Several SENATORS. No.

Mr. BRODHEAD. Then, if debate be allowable to-day, on private bills, I shall vote to take up the bill proposed by the Senator from Massachusetts.

Mr. BORLAND. I hope that bill will be taken up. I have, with the Senator from Indiana, [Mr. BRIGHT,] heretofore invariably gone for taking up private bills on Fridays, to the exclusion of all public business; but the bill of the Senator from Massachusetts is of too much importance to the whole country to be deferred any longer than is absolutely necessary. As has been justly said, this is a long bill, involving many details, and it will necessarily receive a careful revision in the House. The consideration of it will involve some time there; and, therefore, the sooner we get through with it here the better. I hope no further objection will be made to taking it up.

Mr. PRATT. Every Senator who has spoken on the other side has said that heretofore he has invariably voted with me against the postponement of private bills on Fridays; and yet, it is unfortunately known to the country, or to that part

of it interested in these private claims, that a proposition has never been made to postpone them that has not succeeded.

Mr. BORLAND. The Senator is mistaken in that.

Mr. PRATT. They have always been postponed, without a single exception, to the best of my recollection. My friend from Maine, who ordinarily offers sensible reasons, when they can be offered from the nature of the subject, has said that he had two, which he deemed, at any rate, sufficiently sensible to govern his vote. What are they? In the first place, that this is a very particular bill. I cannot see how he makes that a reason. I suppose that every claimant, who is suffering from the want of money due from the United States, will consider his claim to be a very particular one. I cannot see that there is much in that reason, sensible as my friend thinks it is. The next is, that yesterday some two or three private bills were passed by the Senate. They were taken up out of their order. Senators asked the favor of the Senate to take up these bills—bills against which nobody could object; and they were so taken out of their order, and passed without discussion.

To-day is the day upon which those bills would not be considered; but to-day is the day upon which bills upon the Private Calendar, which will be discussed, will be considered, and an objection to which, if made, will not carry them over. I do not see, therefore, that the fact that yesterday some bills upon the Calendar were taken up out of their order, to which nobody objected at all, can be a just reason why these bills, which will be taken up in their regular order on the Calendar to-day, if we proceed to its consideration, should be postponed.

Mr. RUSK. I believe if we had had no discussion on the motion to take up the bill, we should have had it passed by this time, and, therefore, I do not intend to consume much time in speaking now; but I will give one or two reasons which operate strongly on my mind in influencing me to go against my friend from Maryland, with whom I have generally gone on such occasions as this; though I will not claim the credit of having always done so. There has been no more important bill before this body at this session than the one alluded to, and there will be no more important one before us. The sacrifice of property and human life upon steam-vessels has been fearful for years past. This bill has been prepared with great labor, and after a vast deal of investigation by the Senator from Massachusetts, aided by gentlemen of intelligence, integrity, and experience; who are familiar with steamboating. They have now got it perfected; and I believe that when the Chamber of Commerce, to which the honorable Senator from Maryland has sent the bill, come to look at it, they will approve of every item in it. We are drawing near the close of the session. A vast deal of property is involved in the operation of this bill, and the bill itself will draw out discussion in the House of Representatives. The delay of a day here may jeopard it there. If the safety of millions of property, if the safety of thousands of human lives from sacrifice, is an important reason—and it is, to my mind, very important—the bill should be taken up.

Mr. ADAMS. I rise for the purpose of making a single suggestion. It seems to be agreed upon all hands that it is important to act upon this bill, and to act upon it at once. As suggested by the Senator from Texas, the delay of a single day may defeat its passage in the House of Representatives. I would suggest to the Senator from Maryland that we have already passed more private bills and other bills this session than in all human probability will be acted upon in the other House. If this bill is important, as we all think it to be; if there is a chance of passing it now, and having it acted upon in the other House, that, it seems to me, would be a "sensible" reason for taking it up and acting upon it now. I beg leave to make this suggestion. It seems to be agreed on all hands that it is important to act upon it now, and equally agreed that we should act upon the Private Calendar one day in the week. I propose, then, that, by common consent, we meet to-morrow, and spend at least one Saturday in session. After the great number of holidays, it seems to me that no Senator who desires to discharge his duty to the country will hesitate to meet to-morrow, and take

up the Private Calendar, and transact the business which, under the rule, should have come up to-day.

Mr. MALLORY. I would be very glad to see a day set apart for the consideration of the bill of the Senator from Massachusetts; but I should also be glad if the Senate abstain from taking it up now. From the examination which I have given to it, with all due deference to the opinion of the honorable Senator who advocates it, I think that the important end which he seeks here, may be attained by other means than those embodied in this bill. It undertakes, if my reading of it be correct, to define in the most minute manner the duties of the owners of vessels propelled by steam, and provides, even to their engines, valves, boats, &c., for the safety of passengers. It strikes me, that the end to be attained might be reached more safely and philosophically, by embodying some broad provision in the bill, by which the owners of steam passenger vessels will be held accountable for losses, and leaving to them what means they choose to employ. In this age of progress, when almost every week brings forth some improvement in steam machinery, to attempt to shackle improvements by any legislation of this kind, seems to be unwise. It seems to me, that the owners of vessels should be left to employ what means, engineers, and pilots they please, but on their risk and responsibility; and that we should adopt the plan—which I believe prevails in England to a considerable extent—of holding them responsible for damages, and leaving them to the employment of such means as they think proper. The bill contemplates the appointment of some twenty or forty inspectors of boilers and hulls of vessels, upon whose certificates—

Mr. HALE. I desire to ask the Senator what the question is? I suggest to him that his remarks are not pertinent to the question before the Senate.

Mr. MALLORY. The question is, whether the bill shall be taken up. I am giving some reasons why it should not be taken up now.

The PRESIDING OFFICER. The Chair is of opinion that the Senator is in order.

Mr. MALLORY. I will say, then, that if the plan which I propose can be reached, if the safety of life in vessels propelled by steam can be reached, by other means than this special legislation, it will be in harmony with the progress of the age, and be better attained. At present we have the influence of owners of steamboats between us and damage and loss. We propose now to substitute for that self-interest some thirty or forty inspectors of the hulls of vessels and machinery, upon whose discretion the lives and property of citizens of the United States will depend; for upon that discretion, wisely or not, will vessels be empowered to navigate the high seas by steam. I therefore ask that the bill may not be taken up to-day.

The motion to postpone the execution of the special order for this day, for the purpose of taking up the bill named, was agreed to; there being, on a division—ayes 29, noes 4.

#### SAFETY OF PASSENGERS ON STEAMBOATS.

The Senate then took up the bill entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.'"

The PRESIDING OFFICER, (Mr. Foor in the chair.) This bill has been reported from the Senate as in Committee of the Whole, with a great number of amendments. If it be the pleasure of the Senate, the bill will be read section by section.

Mr. BRIGHT. I hope the bill will be read section by section.

Mr. SHIELDS. I think that will be a very slow process, and I would suggest to the Senator from Indiana, that unless there is some special objection to particular amendments which have been made in Committee of the Whole, we had better act on the whole together. My impression is, that the Senate are disposed to sustain the amendments as they now stand, and it will save a great deal of time if we can act on the amendments as a whole, except there may be a wish to modify some particular amendment.

Mr. BRIGHT. I have no anxiety in relation to the course that is pursued, further than that I



wish to have an opportunity to offer two or three small amendments. I only ask that the bill may be read for the information of Senators who were not present when it was acted upon before.

Mr. HALE. I hope it will be read section by section.

Mr. DAVIS. I wish to inquire if the bill has been reported to the Senate?

The PRESIDING OFFICER. It was reported to the Senate when it was last acted upon.

Mr. DAVIS. Then I suppose the first question will be on concurring in the amendments reported by the committee.

The PRESIDING OFFICER. That is the first question.

Mr. DAVIS. I would ask my friend from New Hampshire [Mr. HALE] not to call for the reading of the bill at this time; it will occupy a considerable portion of the time of the Senate, and will result in very little advantage. Perhaps the shortest course, and that which would be most acceptable to the Senate, and the most intelligible, would be to take up these amendments in the order in which they were made, and act upon them, and, at the same time, act upon such other minor propositions to amend as may be necessary to perfect the bill. I find, on looking over it, that there are two or three slight errors, typographical and others, which will require correction; and, in order to insure accuracy, I think it will be well, if it be the pleasure of the Senate, to take up the amendments in consecutive order, and dispose of them.

The PRESIDING OFFICER. The Senate will take such action in regard to the matter as it sees fit to adopt.

Mr. DAVIS. If the Senate will permit me, I will move to amend the third line of the first section, by supplying a verbal omission.

I move to insert the words "or enrollment" after the word "register," so that the section will read:

*Be it enacted, &c.* That no license, register, or enrollment under the provisions of this or the act to which this is an amendment, shall be granted, or other papers issued by any collector, to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this act have been fully complied with; and if any such vessel shall be navigated, with passengers on board, without complying with the terms of this act, the owners thereof, and the vessel itself, shall be subject to the penalties contained in the second section of the act to which this is an amendment.

The PRESIDING OFFICER. The Chair begs to suggest, that it is not in order to propose any new amendments to the bill, until those reported by the committee have been disposed of.

Mr. DAVIS. I am aware of that, but I ask the unanimous consent of the Senate to make this amendment.

No objection being made, the amendment was agreed to.

Mr. DAVIS. I hope the amendments will now be taken up and acted on in their consecutive order.

The PRESIDING OFFICER. The amendments will be read in their order, and any amendment which a Senator desires to amend, debate, or modify, will be noted by the Secretary and reserved. The vote will be taken upon those to which no objection is made in the aggregate. The others will be taken up *seriatim*.

Mr. HALE. This is an exceedingly important bill. I understand that it proposes to make a number of very important alterations in the existing laws in relation to steamboats; and it appears to me vastly more proper that we should adopt the usual course, and read the bill section by section. I am not aware that the bill has been read through even once. I think the rules of the Senate require that it should be read.

Mr. RUSK. I will state to the Senator from New Hampshire, that this bill has been under the careful consideration of the Senator from Massachusetts, [Mr. DAVIS,] for one or two sessions prior to the present session of Congress. He has not only labored most arduously upon it himself, but he has consulted very extensively and patiently with all parties interested—with engineers, captains of steamboats, and all parties familiar with the use of steam. He has had consultations with many of the most respectable owners of steamboats, many of whom are here, and with their aid the bill has been perfected. They understand this matter better than the Senate, or at all events better, perhaps, than any one individual member

of the Senate, and they unanimously agree that the bill, in the main, is correct. I understand that the honorable Senator from Massachusetts has one or two slight amendments to make, so as to make the bill correspond with amendments which were made to it the other day, and also with the views of the gentlemen I have adverted to. These men are entirely disinterested. Many of them are men of great experience in matters of this kind, captains of steamboats, some of them of thirty-five years' standing, and most successful navigators, and their views on such an important subject should not be disregarded.

Mr. DAVIS. I will state for the information of the Senator from New Hampshire, that when this bill was taken up, the reading of it commenced, and was continued for nearly half an hour when the Senate unanimously agreed to suspend the further reading of it. All that part of it which is now under consideration was read, and if it be read again it will be very apt to share the fate of other bills when being read, and gentlemen will go to reading, and writing, and talking, and no attention will be paid to the reading of the bill. I do not think it is at all necessary to read it again. Besides, it strikes me that, as a matter of right, I do not think this is exactly the point at which a gentleman has a right to call for the reading of the bill.

The PRESIDING OFFICER. If it is insisted upon, the bill will be read section by section, as I think that is the usual course.

Mr. SHIELDS. As I understand it, the bill has been considered by the Senate as in Committee of the Whole, and has been reported. If that is so, then I think the Senator from New Hampshire has no right to call for the reading of the bill at this time. I will not say that the Senator would not listen to the reading of it, but I will state that my impression is, that if it were read section by section, the Senator from New Hampshire would not be able very much to improve it.

Mr. HALE. What?

Mr. SHIELDS. I say that I think if the bill were read again, the Senator from New Hampshire would not be able to improve it very much.

The PRESIDING OFFICER. The regular parliamentary course, in the judgment of the Chair, will be to take up the series of amendments in their order, and call upon the Senate to act upon each amendment as agreed to in Committee of the Whole.

Mr. HALE. I remember that I once asked to have a bill read, which appropriated some thirteen or fourteen millions of dollars for the support of the Navy; and it was considered a very contumacious and factious act to ask for the reading, and not to be ready at once to vote away that sum. If there is anything in our rules, with regard to the right of a Senator to call for the reading of a bill, I should like to have it read. As to the suggestion of the Senator from Illinois [Mr. SHIELDS] that I cannot improve the bill, I will say that I do not know whether I can or not till I try. All I ask is to know whether I have a right to have the bill read, or whether a majority may push a bill through without reading. If they may, it is time that the Senate should look around them.

The PRESIDING OFFICER. The Chair will remark, that he is informed by the Secretary that it is agreeable to usage to take up the amendments in their order, and act upon them separately.

Mr. BRIGHT. The Chair is correct. The parliamentary usage is, to take up the amendments made in Committee of the Whole, *seriatim*, and act upon them; and if any Senator has amendments to offer, it is his privilege to offer them.

Mr. DAVIS. Then I hope the Senate will proceed to act upon the amendments in their order.

The second section was then acted upon as amended in the Committee of the Whole, by inserting in the third line the words "appointed under the provisions of this act;" and by adding at the end of the section the following proviso:

*Provided, however,* If the structure of steamers navigating rivers only be such, or the arrangement of the boilers or machinery be such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice be complied with, inspectors may vary therefrom, if in their judgment it can be done with safety.

The amendments were concurred in, and the section, as amended, is as follows:

Sec. 2. *And be it further enacted,* That it shall be the duty of the inspectors of the hulls of steamers, and the inspectors of boilers and engines, appointed under the pro-

visions of the act, to examine and see that suitable and safe provisions are made throughout such vessel to guard against loss or danger from fire; and no license or other papers on any application shall be granted, if the directions of the inspectors for preventing fires are not complied with, or if any combustible material, liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes, or machinery, shall be placed at less than eighteen inches distant from such heated metal, or other substance likely to cause ignition, unless a column of air or water intervenes between such heated surface and any wood or other combustible material so exposed, sufficient at all times, and under all circumstances, to prevent ignition; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material, in such manner as to leave the air to circulate freely between such material and the wood: *Provided, however,* If the structure of steamers navigating rivers only, be such, or the arrangement of the boilers or machinery be such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, inspectors may vary therefrom, if, in their judgment, it can be done with safety.

The next amendment was to insert in the third section the words—

"And shall also have suitable provision for turning at any time a current of steam into the hold."

The amendment was concurred in.

The next amendment was to strike out the words—

"*Provided, however,* That any steamer which shall not at any time carry more than fifty passengers, shall not be required to have more than two such pumps, one of which shall be prepared to work by steam as aforesaid,"

and insert—

*Provided,* That in steamers navigating rivers only, one of the pumps aforesaid may be dispensed with, if the other provisions for extinguishing fire are, in the opinion of the inspectors, sufficient to secure safety.

The amendment was concurred in, and the section, as thus amended, is as follows:

Sec. 3. *And be it further enacted,* That every vessel so propelled by steam, and carrying passengers, shall have not less than three forcing pumps, of at least six-inch chamber, two to be worked by hand, and one by steam, if steam can be employed, otherwise by hand, one whereof shall be placed near the stern, one near the stem, and one amidship, each having a suitable, well-fitted hose, of at least two thirds the length of the vessel, kept at all times in perfect order, and ready for immediate use; each of which pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when she is afloat, and shall also have suitable provision for turning at any time a current of steam into the hold: *Provided,* That in steamers navigating rivers only, one of the pumps aforesaid may be dispensed with, if the other provisions for extinguishing fire are, in the opinion of the inspectors, sufficient to secure safety.

The next amendments were to strike out from the eighth, ninth, and tenth lines of the fourth section the words—

"—and having a canvas fender around the gunwale filled with cork of not less than six inches in diameter."

And from the twenty-first line the word "small," before the words "steamers of light draught."

The amendments were concurred in.

Mr. DAVIS. The next amendment is to insert after the word "rivers," in the twenty-second line, the words—

"—and also to allow any other steamers, navigating rivers only, to carry but one metallic life-boat, the same being of suitable model and dimensions."

I wish to make a slight modification of that amendment, so that it may not be misinterpreted. I wish to strike out the word "metallic," at the end of the twenty-third line, and insert after the word "dimensions," in the twenty-fifth line, the words "and made of metal." That alteration will make the amendment read without a doubtful construction. Otherwise it would be doubtful as to the specific kind of life-boat to be used.

The amendment to the amendment was agreed to.

Mr. BRODHEAD. I desire to make an inquiry, relative to the metallic life-boats, of the Senator from Massachusetts, [Mr. DAVIS.] The fourth section provides, that all steamships carrying passengers shall be furnished with two boats, one of which shall be a metallic life-boat. The point of inquiry is this: Whether, if this bill passes, all these steamers will not be obliged to procure a life-boat which has been patented? The Senate will perceive that if all the owners of steam-vessels are compelled to get a particular kind of boat which has been patented, that fact alone would be worth a million of dollars to the patentee. I do not know that this would be the construction placed on that section, or that such would be the effect of the bill if it becomes a law; but I should like to hear the construction put on this section by the Senator from Massachusetts. He has al-



ready stated to me his views on this subject in private conversation; but I would be gratified if he would state them again for the benefit of the public.

Mr. DAVIS. I would state, for the information of the Senate, that I have endeavored to draw up this bill so as to avoid compelling the owners of steamboats to purchase any patent from anybody. I am aware of the difficulty of compelling a large class of persons to purchase a patented article, and understand the effect of this quite as well as the Senator does. I have been entreated, from various quarters, to adopt a particular course with respect to the patent; but I have the assurance of Mr. Francis himself, again and again, that he does not claim the patent of making metallic life-boats; he claims only the right of making a life-boat with corrugated iron, in a new and peculiar way. He has stated, again and again, that anybody can construct a metallic life-boat without interfering with his patent. My opinion is, that this section does not interfere with his patent. If I thought that it did, I should abandon it at once.

Mr. BRODHEAD. I am satisfied.

The question was then taken on concurring in the amendment as amended, and it was decided in the affirmative.

The section, as thus amended, then stood as follows:

SEC. 4. *And be it further enacted*, That every such vessel carrying passengers shall have at least two boats supplied with oars, in good condition at all times for service, one of which boats shall be a metallic life-boat, fire-proof, of approved model, not less than twenty-five feet long, six feet six inches wide, and two feet deep, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons, with life lines attached to the gunwale at suitable distances. And every such vessel carrying more than fifty passengers shall also have a similar boat for every additional fifty passengers, or, instead thereof, for every such number, a good, substantial, safe, wooden life-boat, of suitable model, fitted with life-lines, in manner aforesaid, and capable of sustaining, inside and outside, that number of persons: *Provided, however*, That ferry and tow-boats shall be exempt from the obligation to carry the life-boats herein provided for; and the inspectors are hereby authorized to grant a like dispensation to steamers of light draught, navigating small or shallow rivers, and also to allow any other steamers navigating rivers only to carry but one life-boat, the same being of suitable model and dimensions, and made of metal: *Provided*, They shall be fully satisfied that such steamers have other provisions for the preservation of life in case of fire, which are amply sufficient for that purpose.

The next amendments were in the fifth section, in which the words, "except ferry-boats," and the words "or other equally suitable material, or in the place of such life-preservers, floats, if as well adapted to the purpose," were proposed to be inserted, and the word "or," before the word "copper," stricken out.

The amendments were concurred in, and the section, as amended, is as follows:

SEC. 5. *And be it further enacted*, That every such vessel carrying passengers, except ferry-boats, shall also be provided with a good life-preserver, made of cork, double tin, copper, or other equally suitable material, or in the place of such life-preservers, floats, if as well adapted to the purpose, for each and every person on board, which life-preservers shall always be distributed and kept in readiness in the berths and state-rooms for the benefit of passengers occupying the same, and also in the most conspicuous and suitable place for all others; and shall also keep after the rate of eight fire buckets and three axes for every hundred tons measurement of the vessel, which shall always be kept distributed in a suitable manner and in good order, ready to be used in case of fire.

The next amendment was to add the following as an additional section, which was concurred in:

SEC. 6. *And be it further enacted*, That every such vessel carrying passengers on the main or lower deck shall be provided with sufficient means convenient to such passengers for their escape to the upper deck in case of fire or other accident endangering life.

The next amendment was to strike out, in the seventh section, the words, "nor shall powder, oil of turpentine, or materials which ignite by friction, be carried by any such vessels as freight; and when kept on board as stores, they must be placed in metallic vessels," and insert the following:

Except in state-rooms or apartments where no burning light is allowed to be used; no loose hemp shall be carried on board any such vessel, nor shall baled hemp be carried on the deck or the guards thereon, unless the bales are compactly pressed and well covered with bagging, or a similar fabric; nor shall gunpowder, oil of turpentine, or materials which ignite by friction, be carried on board any such vessel as freight, except in cases of special license for that purpose, as hereinafter provided; and all such articles kept on board as stores shall be secured in metallic vessels; and every person who shall knowingly violate any of the provisions of this section, shall pay a penalty of \$100 for each offense, to be recovered by action of debt in any court of competent jurisdiction.

Mr. BROOKE. I would suggest a slight amendment to the amendment, by inserting after the word "oil," the words "or spirits," so as to include spirits of turpentine as well as oil of turpentine.

The amendment to the amendment was agreed to.

Mr. CLARKE. I move to amend the amendment still further, by inserting after the word "turpentine," the words "oil of vitriol." That is an article which is carried in carboys, on board steamers, and is really as combustible as any other article, and as dangerous an article of transportation as can be found.

The amendment to the amendment was agreed to.

Mr. HALE. I wish to suggest that there are various other kinds of fluid which are equally combustible as spirits of turpentine, such as camphene and other burning fluids, from which great injuries often occur. I think the whole family of them should be treated alike.

Mr. DAVIS. I quite agree to that. I know these articles are as dangerous and explosive as gunpowder. In the original section these articles were inserted, and if any gentleman chooses to insert them here, I have no objection.

Mr. HALE. I propose, then, to insert after the word "turpentine," the words "camphene or other burning fluids."

Mr. SHIELDS. That will exclude whisky.

Mr. HALE. Some of my friends think that will cut off whisky; but I believe the words "burning fluid" are well known in commerce, and have a significance of their own.

Mr. DAVIS. I would observe to the Senator from New Hampshire that some burning fluids are explosive, and some are not.

Mr. CHARLTON. I would suggest that the words used, be "other explosive burning fluids."

Mr. HALE. I know it is difficult to agree on such details; but there is a great deal of controversy as to whether these burning fluids are or are not explosive. We know that they are sometimes said not to be so, and the first demonstration which we have that they are explosive, is made by an actual explosion, and as a consequence, a loss of life by them in many cases is the result. The term is well enough understood, I think. I think it will be better to leave out the word "explosive."

Mr. CHARLTON. I withdraw my suggestion.

Mr. DAVIS. I hope the Senator from New Hampshire will consent to adopt the word "explosive."

Mr. HALE. Very well; I agree to it.

The amendment was agreed to.

The amendment as amended was then concurred in, and the section, as amended, is as follows:

SEC. 7. *And be it further enacted*, That no curtains made of cotton, or of any material alike combustible, shall be suspended in any such vessel carrying passengers, except in state-rooms or apartments where no fire or burning light is allowed to be used; no loose hemp shall be carried on board any such vessel; nor shall baled hemp be carried on the deck or guards thereof, unless the bales are compactly pressed and well covered with bagging or a similar fabric; nor shall gunpowder, oil or spirits of turpentine, oil of vitriol, camphene, or other explosive burning fluid, or materials which ignite by friction, be carried on board any such vessel as freight, except in cases of special license for that purpose as hereinafter provided; and all such articles kept on board as stores, shall be secured in metallic vessels; and every person who shall knowingly violate any of the provisions of this section, shall pay a penalty of \$100 for each offense, to be recovered by action of debt in any court of competent jurisdiction.

The next amendment was a new section.

Mr. HALE. I move to amend the amendment, by inserting, after the word "oil," the words, "or spirits;" and also after the word "turpentine," the words, "camphene, or other explosive burning fluids." This will make the section correspond with the last section, as just amended.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. There are two blanks in the amendment, which ought to be filled up before the question is taken upon it.

Mr. DAVIS. I do not know what were the views of the Senator from Missouri, [Mr. Geyer,] but I wish that some gentleman would suggest some suitable amount and time. I propose to fill the first blank with the words, "one hundred dollars."

Mr. HALE. That sum is not large enough. I think it ought at least to be one thousand. Sup-

pose that a captain of a steamboat violates the provisions of this act, so that the whole of a boat's crew and passengers are burnt up, as in the case of the Griffith, opposite Cleveland last year, what a paltry consideration is a hundred dollars! I think it ought to be at least one thousand, and with the words, "not exceeding," the penalty can be modified at the discretion of a court. I move to fill up the first blank with the words, "one thousand dollars."

The motion was agreed to.

Mr. DAVIS. I move to fill the second blank by inserting the word, "eighteen."

The motion was agreed to.

The question then recurred on concurring in the adoption of the new section, as thus amended, and it was concurred in.

The section, as amended, is as follows:

SEC. 8. *And be it further enacted*, That hereafter all gunpowder, oil or spirits of turpentine, camphene, or other explosive burning fluid, and materials which ignite by friction, when packed or put up for shipment or sale, shall be securely packed or put up separately from each other and from all other articles, and the package, box, cask, or vessel containing the same, shall be distinctly marked on the outside with the name or description of the articles contained therein; and every person who shall pack or put up, or cause to be packed or put up for sale or shipment, any gunpowder, oil or spirits of turpentine, camphene, or other explosive burning fluid, or materials which ignite by friction, otherwise than as aforesaid, or shall deliver to any person any package, box, cask, or vessel containing either of the articles aforesaid, not marked as aforesaid, or shall ship or offer to ship the same on board of any steam-vessel carrying passengers, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding \$1,000, or imprisonment not exceeding eighteen months, or both.

The ninth section was amended by inserting in the sixth line, after the word "collector," the words "or other chief officer;" by inserting after the word "customs," in the sixth line, the words "together with the supervising inspector for the district;" by striking out the word "alone," in the tenth line, and inserting "or other chief officer of the customs and the supervising inspector for the district;" by inserting the word "in" between "Burlington" and "Vermont," in the eighteenth line; by striking out "President," in the thirty-ninth line, and inserting instead "Secretary of the Treasury."

Mr. DAVIS further moved to amend the fiftieth line by striking out all the words in it after "for." When the bill was under consideration in Committee of the Whole, the words "not exceeding" had been stricken out, and the word "deck" had been interpolated before "passengers," and following the word "passengers" the words "and (blank) cabin passengers;" the amendment to the amendment proposed to strike out all but the word "passengers," and it was agreed to.

The first clause of the section, as amended, therefore reads as follows:

SEC. 9. *And be it further enacted*, That instead of the existing provisions of law for the inspection of steamers and their equipment, and instead of the present system of pilotage and the present mode of employing engineers, the following regulations shall be observed, to wit: The collector or other chief officer of the customs, together with the supervising inspector for the district, and the president of the Chamber of Commerce, if there be one, otherwise the president of the Board of Trade, if there be one, otherwise the collector or other chief officer of the customs and the supervising inspector for the district in each of the following collection districts—namely, New Orleans and St. Louis, on the Mississippi river; Louisville, Cincinnati, Wheeling, and Pittsburgh, on the Ohio river; Buffalo and Cleveland, on Lake Erie; Detroit, on Detroit river; Nashville, upon the Cumberland river; Chicago, on Lake Michigan; Oswego, on Lake Ontario; Burlington, in Vermont; and Mobile, in Alabama—shall designate two inspectors of good character and suitable qualifications to perform the services required of them by this act within their respective districts; one of whom, from his practical knowledge of ship-building, and the uses of steam in navigation, shall be fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steamers and their equipment, deemed essential to safety of life and property, when such vessels are employed in navigation, to be called the Inspector of Hulls; the other of whom from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also in the construction and use of boilers, and the machinery and appurtenances therewith connected, shall be able to form a reliable opinion of the quality of the material, the strength, form, workmanship, and suitability of such boilers and machinery to be employed in navigation without hazard to life or property, from imperfections in the material, workmanship, or arrangement of any part of such apparatus for steaming, to be called the Inspector of Boilers; and these two persons thus designated, if approved by the Secretary of the Treasury, shall be, from the time of such designation, inspectors, empowered and required to perform the duties herein specified, to wit:

First. Upon application in writing by the master or owner, they shall, once in every six months at least, carefully

inspect the hull of each steamer belonging to their respective districts and employed in navigation, and shall satisfy themselves that each vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life and property, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

The first proposed amendment in the second clause of the ninth section was, to insert the words "not exceeding two hundred pounds to the square inch," after the word "which," in the third line, indicating the limit of pressure which may be prescribed by the owner or master of a vessel.

The amendment was concurred in.

The next amendment was to insert the words:

That the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstruction; that the spaces between the flues are sufficient, and that the fire line of the furnace is below the prescribed water line of the boilers.

The amendment was concurred in.

The next amendment was, to insert the words "sufficient in number," applying to safety-valves, and the words—

All but one of which may, if necessary, in the opinion of the inspectors, to secure safety, be taken wholly from the control of all persons engaged in navigating the vessel.

And the words—

Also a water-gauge and a steam-gauge, of approved construction, indicating the height of the water and the pressure of the steam; that upon the upper outside flue of each outside high-pressure boiler used upon rivers, there is placed, in a satisfactory manner, alloyed metals, fusible by the heat of the boiler when raised to the highest working-pressure allowed, and thereby letting steam escape.

Mr. DAVIS. To carry out the object of this clause, I wish to strike out the words just read, after the word "allowed," and insert the following:

And in or upon the top of the flues of all other boilers in a steamer, such alloyed metals be placed as aforesaid, fusing at ten pounds greater pressure, thereby in each case letting steam escape.

The amendment to the amendment was agreed to.

Mr. FELCH. I wish to understand from the chairman of the committee, what is intended by the expression in this clause, "used upon rivers?" I wish to know, whether the same thing is applicable to other waters?

Mr. DAVIS. It is not the design to make it applicable to other waters.

Mr. FELCH. Would it not be better to strike out the words "used upon rivers," so as to make it applicable to all waters? Both high and low-pressure boilers are used upon the lakes, and it is a fact, whatever may be the cause, that most of the accidents have happened upon boats having high-pressure boilers. Whatever measures may secure safety upon rivers, I think ought to be employed upon the lakes also. I suggest, therefore, to strike out the words "used upon rivers."

The amendment to the amendment was agreed to; and then the amendment as amended was concurred in.

The next amendment was to strike out the words at the end of the second clause, as follows: "If a deficiency happens it will be through the fault of the officers;" and insert the words, "so that in high-pressure boilers it shall not be less than four inches above the flue."

The amendment was concurred in.

Mr. DAVIS. I wish to offer the following as a proviso at the end of the clause:

*Provided, however,* If in any steamers hereafter built and supplied with new boilers and machinery, or in cases of machinery hereafter made, if the alloy fuses on the outer boilers at a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act.

The amendment to the amendment was agreed to.

The second clause, as amended, is as follows:

*Second.* They shall also, once in every six months, inspect the boilers of such steamers, subjecting them to a hydrostatic pressure, the limit to which not exceeding two hundred pounds to the square inch, may be prescribed by the owner or the master, and shall satisfy themselves, by examination and experimental trials, that the boilers are well made, in an approved form, of good and suitable materials; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions and free from obstruction; that the spaces between the flues are sufficient, and that the

fire-line of the surface is below the prescribed water-line of the boilers; and that such boilers, and the machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life or property. And shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, all but one of which may, if necessary, in the opinion of the inspectors, to secure safety, be taken wholly from the control of all persons engaged in navigating the vessel; that there is a suitable number of gauge-cocks inserted in the most approved manner; also, a water-gauge and a steam-gauge of approved construction, indicating the height of the water and the pressure of the steam; that upon the upper or outside flue of each outside high-pressure boiler, there is placed, in a satisfactory manner, alloyed metals, fusible by the heat of the boiler when raised to the highest working pressure allowed, and in or upon the top of the flues of all other boilers in a steamer, such alloyed metals be placed as aforesaid, fusing at ten pounds greater pressure, thereby in each case letting steam escape; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether the vessel is in motion or not, so that in high-pressure boilers it shall not be less than four inches above the flue: *Provided, however,* If in any steamers hereafter built and supplied with new boilers and machinery, or in cases of machinery hereafter made, if the alloy fuses on the outer boilers at a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act.

The next amendment was in the third clause of the ninth section, and was to strike out the words:

*Third.* That in subjecting to the hydrostatic test aforesaid, boilers called and usually known under the designation of high-pressure boilers, the inspectors shall assume one hundred pounds to the square inch as the maximum pressure allowable as a working power for a new boiler, made of the best materials and in the best manner, of plates at least one fourth of an inch thick, and shall rate the working power of all high-pressure boilers according to their strength, compared with this standard; and in subjecting to the test aforesaid that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall assume fifty pounds to the square inch as the maximum working power of a new boiler, made of the best materials and in the best manner, and shall rate all low-pressure boilers according to their strength, compared with this standard: *Provided, however,* That no boiler of any description shall be rated over one third of the test applied as aforesaid; nor shall any—

And insert:

*Third.* That in subjecting to the hydrostatic test aforesaid, boilers called and usually known under the designation of high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of inspected iron plates at least one fourth of an inch thick, in the best manner, and of the quality herein required, and shall rate the working power of all high-pressure boilers, whether of greater or less diameter, old or new, according to their strength compared with this standard; and in subjecting to the test aforesaid that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall assume fifty pounds pressure to the square inch as the maximum working power upon a new boiler of medium size, made of the material and in the manner aforesaid, and shall rate all low pressure boilers, whether greater or less, old or new, according to their strength compared with this standard: *Provided,* That no such boilers of either description hereafter made shall be rated over the said standard prescribed, and in all cases the working power allowed shall be to the test applied as one hundred and ten to two hundred: *And provided further,* The same rule shall be observed in regard to boilers previously made, unless the proportion between any such boilers and the cylinder or some other cause renders it manifest that its application would be unjust, in which cases the inspectors may depart from it, if it can be done with safety.

The amendment was concurred in.

Mr. DAVIS. I move to amend the residue of the clause by inserting the word "shall" after the word "circumstances."

The amendment was agreed to, and the concluding portion of the third clause of the ninth section, as thus amended, was as follows:

And no valve, under any circumstances, shall be loaded or so managed, in any way, as to subject the boiler to a greater pressure than the amount allowed by the inspectors; nor shall any boiler or pipe be approved which is made of bad material, or is unsafe from its form, or dangerous from defective workmanship, age, use, or any other cause.

The next amendment was to strike out from the fourth clause of the same section the following:

That she was built in the year —, that she is, in all respects, sea-worthy, having suitable accommodations for not exceeding — passengers, of all classes, and satisfactory means of escape from the main to the upper deck, in case of fire, or other accident endangering life; that her boilers were made in the year —, (if of iron) of good wrought iron, equal to the best quality of charcoal iron, not less than one fourth of an inch thick; that we have subjected them to a test pressure of — pounds to the square inch, as provided for by law: that we allow, as the maximum working power, in no case to be exceeded — pounds to the square inch, which neither exceeds one third of the test pressure aforesaid, nor the pressure allowed to a standard boiler; that we have adjusted and arranged the weights regulating the valves, as follows, to wit: —; that the number and arrangement of the gauge-cocks is satisfactory; that the provisions for supplying the boiler

ers with water are ample and certain, if not neglected; that the machinery is in good working order—

And insert:

That she was built in the year —, is in all respects staunch, seaworthy, and in good condition for navigation, having suitable means of escape in case of accident from the main to the upper deck; that she is provided with—(here insert the number of state-rooms, the number of berths therein, the number of other permanent berths for cabin passengers, the number of berths for deck or other classes of passengers, the number of passengers of each class for whom she has suitable accommodations, and the number of each whom she is permitted to carry; also, the number, form, dimensions, and material of which each boiler is made, and when made—if made after this act takes effect, and of iron, whether they are such in all respects as the act requires, whether each boiler has been tried by hydrostatic test, the amount of pressure to the square inch in pounds applied to it, whether the amount allowed as the maximum working power was determined by the rule prescribed by this act, if not, the reason for a departure from it; also, the number of safety-valves required, their capacity, the load prescribed for each valve, how many are left in the control of the persons navigating the vessel, how many, if any, are withdrawn, and the manner of securing them against interference; also, the number and dimensions of supply-pipes, and whether they and the other means provided are sufficient at all times and under all circumstances, when in good order, to keep the water up four inches at least above the top of the flue; also, the number and dimensions of the steam-pipes, the number and kind of engines; the dimensions of their cylinders; the number and capacity of the forcing-pumps, and how worked; the number and kind of gauge-cocks, water and steam-gauges, where situate, and how secured; the equipments for the extinguishment of fires, including hose, fire-buckets, and axes, the provisions for saving life in case of accident, including boats, life-preservers, and substitutes therefor, where kept, and all other provisions made on board for the security of the lives of passengers.) And we further certify.

Mr. DAVIS. There are one or two other slight amendments that are rendered necessary, in consequence of some amendments which were adopted the other day. The first is, to insert in the one hundredth and ninetieth line, after the word "made," the words, "the thickness of the metal."

The amendment to the amendment was agreed to.

Mr. DAVIS. I further move to amend the amendment by inserting the word "under," at the end of the two hundred and fourth line. This is a mere clerical error.

The amendment to the amendment was agreed to.

The question then recurred on concurring in the amendment as thus amended, and it was concurred in.

The next amendment was, to insert after the word "pumps," in line two hundred and eighteen, the words, "and other means to keep the water up to the point aforesaid."

The amendment was concurred in, and the fourth clause of the ninth section, as amended, stood as follows:

*Fourth.* That when the inspection in detail is completed, and the inspectors approve of the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector of the district, substantially as follows:

State of —, District of —:  
Application having been made in writing by — to the subscribers, inspectors for said district, to examine the steamer —, of —, whereof — are owners, and — is master, we having performed that service, now, on this — day of —, A. D. —, do certify that she was built in the year —, is in all respects staunch, seaworthy, and in good condition for navigation, having suitable means of escape, in case of accident, from the main to the upper deck; that she is provided with—(here insert the number of state-rooms, the number of berths therein, the number of other permanent berths for cabin passengers, the number of berths for deck or other classes of passengers, the number of passengers of each class for whom she has suitable accommodations, and the number of each of whom she is permitted to carry; also, the number, form, dimensions, and material of which each boiler is made, the thickness of the metal, and when made—if made after this act takes effect, and of iron, whether they are such in all respects as the act requires, whether each boiler has been tried by hydrostatic test, the amount of pressure to the square inch in pounds applied to it, whether the amount allowed as the maximum working power was determined by the rule prescribed by this act, if not, the reason for a departure from it; also, the number of safety-valves required, their capacity, the load prescribed for each valve, how many are left in the control of the persons navigating the vessel, how many, if any, are withdrawn, and the manner of securing them against interference; also, the number and dimensions of supply-pipes, and whether they and the other means provided are sufficient at all times, and under all circumstances, when in good order, to keep the water up four inches at least above the top of the flue; also, the number and dimensions of the steam-pipes, the number and kind of engines; the dimensions of their cylinders; the number and capacity of the forcing pumps, and how worked; the number and kind of gauge-cocks, water and steam-gauges, where situate and how secured; the equipments for the extinguishment of fires, including hose, fire-buckets, and axes; the provisions for saving life in case of accident, including boats, life-preservers, and substitutes therefor, where kept, and all



other provisions made on board for the security of the lives of passengers.) And we further certify, that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the point aforesaid, hose, boats, life-preservers, and other things, is in conformity to the provisions of law; and that we declare it to be our deliberate conviction, founded upon the inspection which we have made, that the vessel may be employed as a steamer upon the waters named in the application, without peril to life or property from any imperfection of form, materials, workmanship, or arrangement of the several parts, or from age or use. And we further certify, that said vessel is to run within the following limits to wit: from \_\_\_\_\_ to \_\_\_\_\_ and back, touching at intermediate places, and which certificate shall be verified by the oaths of the inspectors signing it before a person competent by law to administer oaths. And in case the said inspectors do not grant a certificate of approval, they shall state in writing, and sign the same, their reasons for their disapproval.

The fifth clause of the section was amended, by striking out the following:

"The said inspectors shall keep a regular record of certificates, whether of approval or disapproval, and when recorded; the originals shall be delivered to the collector, and they shall keep a like record of all appointments made under this act, and all revocations of appointments, and shall communicate to the collector all such appointments and removals."

And inserting the following instead:

Upon the application of the master or owner of any steamer employed only in the navigation of rivers, for a license to carry gunpowder, oil or spirits of turpentine, oil of vitriol, camphine, or other explosive burning fluids, and materials which ignite by friction, or either of them, the inspectors shall examine such vessel, and if they find that she is provided with chests or safes, composed of metal, or entirely lined therewith, or one or more apartments thoroughly lined with metal, at a secure distance from any fire, they may grant a certificate to that effect, and authorizing such vessel to carry as freight any of the articles aforesaid, those of each description to be secured in such chest, safe, or apartment containing no other article, and carried at a distance from any fire to be specified in the certificate: *Provided*, That any such certificate may be revoked or annulled at any time by the inspectors, upon proof that either of the said articles have been carried on board said vessel, at a place or in a manner not authorized by such certificate, or that any of the provisions of this act in relation thereto have been violated. The said inspectors shall keep a regular record of certificates of inspections of vessels, their boilers, engines and machinery, whether of approval or disapproval, and when recorded, the original shall be delivered to the collector of the district; they shall keep a like record of certificates authorizing gunpowder, oil or spirits of turpentine, oil of vitriol, camphine, or other explosive burning fluids, and materials which ignite by friction, or either of them to be carried as freight, and when recorded deliver the originals to said collector; they shall keep a like record of all licenses to pilots and engineers, and all revocations thereof, and shall from time to time report in writing their decisions on all applications for such licenses, or proceedings for the revocation thereof.

The amendment to the sixth clause of the section, by inserting "except ferry-boats," after "steamer," was concurred in.

The clause, as amended, reads as follows:

*Sixth.* The inspectors shall appoint and classify all engineers and pilots, and determine how many are necessary for each steamer, except ferry-boats, and of what classes.

The following proviso, to be added at the end of the eighth clause, was concurred in:

*Provided, however*, If in cases of refusal to license engineers or pilots, and in cases of removal by the local board of inspectors, any engineer or pilot deeming himself wronged by such refusal, or such removal, may, on application within thirty days to a supervising inspector, have his case examined anew by such supervising inspector, upon producing a certified copy of the reasons assigned by the local board for their doings in the premises; and such supervising inspector may, if he sees good reasons therefor, overrule the decision of such local board of inspectors; and like proceedings upon the same conditions may be had by the master or owner of any vessel, for which the said local board refuses, upon inspection, to give a certificate of approval."

The amendment proposed by the Committee of the Whole to the ninth clause, being the substitution of a new one for the clause as it originally stood, having been read,

Mr. DAVIS said: I am opposed to that amendment, and before the ninth clause is stricken out by the Senate, I propose to amend it slightly, by striking out all after the word "until," and inserting "licenses can be obtained."

The motion was agreed to, and the clause rejected by the committee was rejected.

The clause, as amended, is as follows:

*Ninth.* It shall be unlawful for any person to employ, or any person to serve as engineer or pilot, who is not licensed by the inspectors; and any one so offending shall forfeit \$100 for each offense: *Provided, however*, That if a vessel leaves her port with a complement of engineers and pilots, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault, or collusion of the master, owner, or any one interested in the vessel, the deficiency may be temporarily supplied until licenses can be obtained.

Mr. BRIGHT. I wish to amend line 349, by

striking out the words "arriving and departing," and inserting "on their arrival."

Mr. DAVIS. May I inquire the reason for offering that amendment?

Mr. BRIGHT. The reason is, that the section now requires that all steamers should be examined on "arriving and departing." My object is to have them at once examined on arrival, by the officer to whom this business is intrusted, for this reason: The masters of vessels might be greatly prejudiced by an examination after their boats are freighted and about to proceed on their trips. There are instances of port officers having required vessels to unload, preparatory to an examination, on the ground that they were not seaworthy; whereas, if they had made the examination on the arrival in port of the vessel, all this labor and expense would have been saved.

Mr. DAVIS. The only objection I have to the proposed amendment, is that it seems to me that it limits the authority to visit a vessel except upon her arrival. Now, there may be a necessity for visiting a vessel at other times than merely on her arrival. My object is not that the inspectors should be limited to the visiting of a vessel only on her arrival or departure, but that they should have power to make these visits at such times as they may think necessary. It does not call upon these officers to visit vessels when they arrive or depart, but to visit and examine steamers arriving and departing.

Mr. BRIGHT. But an officer may abuse his authority, and cause a captain of a vessel to unload even when he has got all his cargo aboard.

Mr. DAVIS. If an inspector should abuse his power, then he ought to be removed from office. I think the clause is better as it is. It leaves the matter to the convenience and discretion of the inspector to make his visit when he has time to do so. I do not want to limit the time, as proposed; and I think no gentleman here would more regret to make a provision that might be prejudicial to the interests of any party than I would.

Mr. BRIGHT. I have no doubt that if a party should violate his authority, it would be a good cause of removal; but that would be no satisfaction to a master or owner of a vessel after the injury was done. My attention has been called to the matter, and I wish to make the alteration because of an instance of a most arbitrary exercise of power on the part of an officer. It occurred to me, therefore, that it would be better that officers should exercise this power on the arrival of vessels, and if the Senator from Massachusetts will reflect a moment, I think he will concur with me in the opinion, that the limitation is not an unnecessary one.

Mr. DAVIS. Suppose the Senator should propose to insert, after the word "examine," the word "seasonably." I think that would obviate the difficulty.

Mr. BRIGHT. Very well; I have no objection to that.

Mr. CHASE. I am inclined to think that will scarcely reach the object aimed at by the Senator from Indiana. His object is to guard against the arbitrary action of the inspectors in examining boats, from time to time, as they may see fit, and to limit them to an examination at the time of the arrival of the vessel. If they are required to examine them seasonably, it will be taken to require an examination more than once. Whereas, as I understand the Senator from Massachusetts, [Mr. Davis,] he wishes that the inspectors may use their discretion as to the time of making the examination of the vessel. It strikes me, it would be as well to insert after the word "arriving," the words "as often as may be necessary." That would meet the wishes of the Senator from Indiana, without departing from the general object of the bill.

Mr. BRIGHT. I am satisfied with the suggestion of the Senator from Massachusetts. I think it will obviate the difficulty existing in my mind. The officers will then have power to examine a vessel at any time after its arrival. My object is simply to have the examination made before she is freighted for a second trip. I am therefore willing to accept the suggestion of the Senator from Massachusetts.

Mr. CHASE. I have no disposition to press any modification if, upon reflection, the Senator from Indiana thinks that modification will meet his object. But I ask him to reflect whether it

will, if the word "seasonably" be inserted, and the words "arriving and departing" be retained. I suggest that the inspectors may conceive that it is necessary for them to examine the vessel when it arrives and when it departs, thus making two examinations. That is not the object which the bill seeks to accomplish; yet I apprehend that would be the construction placed upon it. However, as the Senators from Massachusetts and Indiana are satisfied, I acquiesce.

The amendment to the amendment, by inserting the word "seasonably," was agreed to.

The tenth clause of the ninth section, as amended, is as follows:

*Tenth.* In addition to the semi-annual inspection, it shall be the duty of the said board to examine seasonably steamers arriving and departing, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessel unsafe, which service may be performed by one of the board; and if he shall discover an omission to comply with the law, or that repairs have become necessary to make the vessel safe, he shall at once notify the master, stating in the notice what is required; and if the master deems the requirement unreasonable or unnecessary, he may take the opinion of the board thereon, which shall be final; and if he shall refuse or neglect to comply with their requirement, and shall, contrary thereto, employ the vessel by navigating her, she shall be liable to the same penalties as if she had been run without a license; and all inspections and orders shall be promptly made by the inspectors; and where it can be safely done in their judgment, they shall permit repairs to be made when those interested can most conveniently do it; and no inspectors of one district shall modify or annul the doings of the inspectors of another district, in regard to repairs, unless there is a change in the state of things demanding more repairs than were thought necessary when the order was made; nor shall the inspectors of one district appoint a person coming from another, if such person has been rejected for unfitness or want of qualifications.

The amendment reported by the Committee of the Whole, to strike out of the 397th and 398th lines the word "collector," and insert,

Chief officer of the customs, and the said chief officer of the customs shall pay out of the revenues herein provided, such sums to any witness so summoned under the provisions of this act, for his actual travel and attendance, as shall be officially certified by an inspector hearing the case, upon the back of the summons, not exceeding the rates allowed to a witness for travel and attendance in a magistrate's court, in the State wherein the examination is had—was agreed to.

Mr. BRIGHT. I move to amend the amendment just adopted, by striking out the words, "magistrate's court," and inserting, "the circuit or district court of the United States." The amendment will merely have the effect of giving witnesses summoned before the board, the same wages as they would receive if summoned before the circuit and district courts. In some of the magistrates' courts, witnesses are only paid twenty-five cents *per diem*.

The motion was agreed to.

The clause, as amended, is as follows:

*Twelfth.* The said board of inspectors shall have power to summon before them witnesses, and to examine them under oath, touching the performance of their duties, by engineers and pilots; and if it shall appear satisfactorily that any engineer or pilot is incompetent, or that life or property has been placed in peril by reason of such incompetency, or by negligence or misconduct on the part of any such person, the board shall immediately suspend him and report their doings to the chief officer of the customs, and the said chief officer of the customs shall pay out of the revenues herein provided such sums to any witness so summoned under the provisions of this act, for his actual travel and attendance, as shall be officially certified by any inspector or hearing the case, upon the back of the summons, not exceeding the rates allowed to a witness for travel and attendance in the circuit or district court of the United States in the State wherein the examination is had.

The thirteenth clause, as amended, was concurred in, as follows:

*Thirteenth.* That the said board shall report promptly all their doings to the chief officer of the customs, as well as all omissions or refusals to comply with the provisions of law on the part of any owner or master of a vessel propelled in whole or in part by steam.

Mr. DAVIS. I am requested to make an amendment in the fourteenth division of the ninth section, relating to the duties of engineers and pilots. It is to insert "and all mates," after the word "pilots."

The amendment was agreed to, and the section as amended, was concurred in, as follows:

*Fourteenth.* That it shall at all times be the duty of all engineers, pilots, and mates appointed under this act, to assist the inspectors in the examination of the vessels to which any such engineer or pilot or mate belongs, and to point out all defects and imperfections in the hull or apparatus for steaming, and also to make known to them, at the earliest opportunity, all accidents occasioning serious injury to the vessel or her equipment, whereby life or property may be

in danger, and in default thereof any such engineer or pilot or mate shall be dismissed from the service.

The following amendments were made as in Committee of the Whole, to the tenth section, which enumerates the districts for which inspectors are to be appointed—to strike out "New Haven, in Connecticut, Newport, in Rhode Island," and insert "New London, in Connecticut," and to insert "and the uses of steam in navigation."

The amendments were concurred in, and the section, as amended, read as follows:

SEC. 10. *And be it further enacted*, That in each of the districts of Savannah, in Georgia, Charleston, in South Carolina, Norfolk, in Virginia, Baltimore, in Maryland, Philadelphia, in Pennsylvania, New York, in New York, New London, in Connecticut, Boston, in Massachusetts, Portland, in Maine, and San Francisco, in California, there shall be two inspectors, one possessing the requisite qualifications, as herein provided, in ship-building and the uses of steam in navigating, the other in engineering, and in the construction and qualities of the apparatus for steaming, who shall exercise all the powers herein conferred, except that of appointing pilots for said districts.

The next amendment made as in Committee of the Whole, was to insert in the eleventh section the words, "the amount of passage money and," so as to make the section read:

SEC. 11. *And be it further enacted*, That it shall not be lawful to take on board of any steamer a greater number of passengers than is certified by the inspectors in the certificate; and the master and owners, or either of them, shall be liable, to any person suing for the same, to forfeit the amount of passage money and ten dollars for each passenger beyond the number allowed.

The next amendment, made as in Committee of the Whole, was to add the following to the same section:

And, moreover, in all cases of an express or implied undertaking to transport passengers, or to supply them with food and lodging, from place to place, and suitable provision is not made of a full and adequate supply of good and wholesome food and water, and of suitable lodgings for all such passengers, or where barges impeding the progress are taken in tow, without previous and reasonable notice to such passengers, in all such cases the owners and the vessel shall be liable to refund all the money paid for the passage, and to pay, also, all the damage sustained by such default or delay: *Provided, however*, That if in any such case a bond is given to the marshal for the benefit of the plaintiff, to secure the satisfaction of such judgment as he may recover, the vessel shall be released.

Mr. DAVIS. I move to amend the amendment, by inserting after the word "barges" the words, "or other craft."

The amendment to the amendment was agreed to.

Mr. DAVIS. I also move to insert after the word "tow" the words "for a distance of five hundred miles, or over."

The amendment to the amendment was agreed to; and the amendment as amended was concurred in.

The following amendments, made as in Committee of the Whole, were concurred in:

To make the twelfth section read as follows, the amendments being in italics:

That if the master of a steamer, or any other person, whether acting under orders or not, shall intentionally load or obstruct, or cause to be loaded or obstructed, in any way or manner, the safety-valve or valves of a boiler, or shall employ any other means or device whereby the boiler shall be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or shall be exposed to a greater pressure, or shall intentionally derange or hinder the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, it shall, in any such case, be a misdemeanor, and any and every person concerned therein, directly or indirectly, shall forfeit \$200, and may, at the discretion of the court, be, in addition thereto, imprisoned not exceeding eighteen months.

The thirteenth section was made to read as follows, the amendments being in italics:

That if at any time there be a deficiency of water in a boiler, by suffering it to fall below three inches above the flue as prescribed in this act, unless the same happens through inevitable accident, the master, if it be by his order, assent, or connivance, and also the engineer, or other person, whose duty it is to keep up the supply, shall be guilty of an offense for which they shall severally be fined \$100 each; and if an explosion or collapse happens in consequence of such deficiency, they, or any of them, may be further punished by imprisonment, for a period of not less than six nor more than eighteen months.

The sixteenth section of the bill was made to read as follows, the amendment being in italics:

SEC. 16. *And be it further enacted*, That it shall be the duty of such inspectors to ascertain the quality of the material of which boiler plates are made, and to satisfy themselves, by any suitable means, whether the mode of manufacturing has been such as to produce iron equal to the best and most reliable quality made with charcoal, such as in their judgment may be used for generating steam-power without hazard to life or property. No plate of iron shall be approved which is made of unsuitable material, or of

which the manufacture is imperfect, or is not such as to give confidence in its strength, or which is less than one fourth of an inch in thickness, for a boiler of forty-two inches in diameter, and in that proportion for boilers of greater or less diameters, which is made of any but wrought iron, of a quality equal to the best quality made with charcoal.

The seventeenth section, which provides—

"That all plates approved shall be distinctly and permanently marked in such manner as the Secretary of the Treasury shall prescribe, and, if practicable, in such place or places that the marks shall be left visible after the plates are worked into boilers; and all plates rejected shall have a permanent mark put upon them, showing their condemnation, and the manufacturer shall also stamp his name upon each plate?"—

was amended by adding the following:

Made by him, and for the inspection aforesaid there shall be paid to the inspector aforesaid, five cents for each plate inspected, to be accounted for and paid over to the collector or other chief officer of the customs as revenue belonging to the United States.

The eighteenth section, which provides that hereafter it shall be unlawful to use for generating steam for power a boiler made after the passage of this act of any iron, unless it has been inspected as herein provided," &c., was amended by striking out "hereafter," and inserting after "boiler," the words "or steam-pipe connecting the boilers."

The section, as amended, reads as follows:

SEC. 18. *And be it further enacted*, That it shall be unlawful to use for generating steam for power, a boiler or steam-pipe connecting the boilers made, after the passage of this act, of any iron unless it has been inspected as herein provided; and if any person shall make a boiler of iron not so inspected, intended to generate steam for power, he shall, for any such offense, forfeit \$100, to be recovered in an action of debt by any person suing for the same; and any person using or causing to be used such a boiler to generate steam for power, shall forfeit a like sum for each offense.

The next amendment, made as in Committee of the Whole, was to add to the nineteenth section, which is in these words:

"SEC. 19. *And be it further enacted*, That if any person shall counterfeit the marks prescribed by the Secretary of the Treasury for inspected boiler iron, and be convicted thereof, he shall be fined not exceeding \$500, and imprisoned not exceeding two years,"

the following:

And if any person or persons shall stamp or mark plates with the name or marks of another, with intent to mislead, deceive, or defraud, such person or persons shall be liable to any one injured thereby, for all damage occasioned by such fraud or deception.

The amendment was concurred in.

The next amendment of the committee was in the twentieth section, to strike out "four," and insert "nine;" to strike out "one of whom shall reside near the Mississippi river, one near the Ohio, one near the lakes, and one upon the Atlantic coast," and to strike out "every four months," and insert "each year."

The amendments were concurred in, and the section, as amended, reads as follows:

SEC. 20. *And be it further enacted*, That in order to carry this act fully into execution, the President of the United States shall, with the advice of the Senate, appoint nine supervising inspectors, who shall be selected for their knowledge, skill, and experience in the uses of steam for navigation, and who are competent judges not only of the character of vessels, but of all parts of the machinery employed in steaming, who shall assemble together at such places as they may agree upon, once in each year at least, for joint consultation and the establishment of rules and regulations for their own conduct, and that of the several boards of inspectors within the districts, and also to assign to each of the said nine inspectors the limits of the territory within which he shall perform his duties.

The next amendment made in Committee of the Whole, was to add to the twentieth section the following:

And the said supervising inspectors shall each be paid for his services after the rate of \$1,500 a year, and in addition thereto, his actual reasonable traveling expenses, incurred in the necessary performance of his duty, when away from the principal port in his district, and certified and sworn to by him under such instructions as shall be given by the Secretary of the Treasury, who is hereby authorized to pay such salaries, and also such traveling expenses, when satisfied therewith, out of the revenues arising from this act; and also to pay to the inspectors of boiler iron, for the inspection in addition to their salary, after the rate of two dollars for each entire day's service in that employment; and moreover, each inspector shall keep a true account of the number of plates inspected by him, designating daily how many are approved, how many disapproved, by whom manufactured, and shall make a full return thereof, under oath, to the chief officer of the customs for the district, on the first days of January, April, July, and October in each year, to be by such chief officer forwarded to the Secretary of the Treasury.

Mr. BROOKE. I move to strike out "\$1,500" and insert "\$2,500" for the salary of the supervising inspectors. I will state that I understand it is the intention of the Senator from Massachu-

setts to move to fill the blank for the payment of the inspectors with the sum of \$2,000. I think the salary of the supervising inspectors should be more than the salaries of the inspectors, as the latter are mere subordinate officers. The controlling minds, the master spirits concerned, are the supervising inspectors; and I think they ought to be paid more than the subordinates who act entirely under them. In addition to the \$2,000, which will be received by the inspectors, they are also to be allowed \$2 a day while performing duty in inspecting boiler iron. I should prefer to give the supervising inspectors \$3,000; but to meet the views of all, I move that it be \$2,500.

Mr. DAVIS. I hope that proposition will not be adopted. The bill has been drawn up on the supposition that we could obtain practical men, hard-handed men, to carry it into execution. There is no class of men so competent to do it as the mechanics who understand the business, or those who have been practically acquainted with steam navigation and the uses of machinery. My object, I am free to say, in all instances was to put the salaries so low that they shall never be a temptation to political men. I desire that the system shall be rescued, if it is possible, from the politics of the country, and put into the hands of men competent to carry it into execution, be their sentiments what they may. For the supervisory inspectors, according to my view of the subject, we are to look to the body of engineers—to the body of men who have been commanders of boats, or who, in some way or other, whether in shops, or out of shops, have had great experience on the subject. I hope all the inspectors, supervisory and local, will be of that class of men. It is rather difficult for me to make the discrimination. I shall make some discrimination between New Orleans, and New York, and the Western waters in the pay of the local inspectors; but it is to be observed that when the supervising inspectors get \$1,500 per annum for a compensation, all their reasonable traveling expenses are to be paid, and a large portion of their duties will be to itinerate through the districts which shall be assigned to them. I apprehend that that is the wisest policy we can adopt.

I will assign another reason. My object is, that this shall be a self-supporting system. I do not desire to establish a new system to be a burden upon the Treasury of the country—a system without a revenue; but I design that it shall bring revenue enough to sustain itself; in the first place, from the inspection of the boats, and in the second place, from the payment which is made for the granting of the licences. I have estimated that revenue, and we may get, perhaps, something like \$60,000 from those two sources. I am, at present, unprepared to say whether more local inspectors may not, upon experience, be found to be needed than we have provided for. I hope we have provided enough. I am unable, also, at present to say whether so large a board of supervising inspectors may be necessary. They may be, at the outset of the system, but eventually, I think, they can be diminished, and I think they will be. I think their duties will diminish as they go on. The great difficulties of the system will be at its outset. Under these circumstances, I have considered with some care what is a proper compensation. I cannot well distinguish between the supervising inspectors. They are left to assign to each other the duties they are to perform. They are to say to each other where they shall go; and it is in their power to interchange duties, if the public service would be best promoted by it, or to change their positions if it is thought desirable. Under these circumstances it is difficult for me, and I think it would be difficult for any other gentleman to distinguish between them. I believe it is admitted on all hands that \$1,500 is a very ample equivalent for those upon the Western waters and lakes, and, I think, for those upon the coast. You will find the best men to take the position with the pay of \$1,500, with their traveling expenses. As to New Orleans, I am not able to judge, but I would prefer that the system, as it is, should be tried in the first place; and if the compensation is found inadequate—if it will not command the services of the men we contemplate, we can change it.

Mr. BROOKE. The Senator from Massachusetts says his object is to get men with hard hands. I have no objection to that; but I want something

more. I want men of hard sense—men of intellect.

Mr. DAVIS. So do I.

Mr. BROOKE. I assert, without fear of contradiction, that you cannot get an intellectual man, a man of science, at the West—I do not know how it may be at the East—to perform the duties required by the bill for \$1,500. Look at the 44th section of the bill. It requires the supervisors to collect information, and report to the Department. That requires science and skill. It requires men of intellect to do it; and men of intellect able to discriminate among the vast amount of facts and statistics that may be sent to them. I hold it as the worst economy in the world to pay poorly and stingily for important public services. The best economy is a system of liberality in the payment of public officers. If this system upon which we are about to enter is to be tried fairly, let us start fairly. Let us get men at the outset capable of understanding its operation. If you offer only \$1,500 per annum, you cannot get such men as you ought to have—men of experience, skill, and science in these matters to undertake to put the system in operation. The starting point is the most important point. Then is the time, and there is the point where you want men of science, skill, and enterprise; but you cannot get them—you cannot tempt them to leave their ordinary avocations to come forward and engage in this service in the Western country, unless you pay them for it. You may get, it is true, men for \$1,500; or perhaps for \$1,000, to act as supervising inspectors on the Mississippi and Ohio; but you cannot get men competent to discharge the duties.

Mr. HALE. I am rather inclined to go with the Senator from Massachusetts, because I think him a practical man, and he has given a reason for his course, which is a most lamentable one, but still is imperative; and that is, that if you raise the salary above \$1,500, it will be scrambled for by incompetent political partisans; and \$1,500 is about as high as we can go, with any assurance, for a man to understand his business. I am rather of opinion that if we go higher than that, we shall have somebody appointed who will stay at home and appoint agents to go out and discharge the duties—to make the calculations necessary, and himself pocket the salary.

I recollect an important fact, and one that I think may govern us in this matter, which occurred in my own experience a few years ago. A gentleman who had come from the West—he had gone from the East originally—had an idea that I had some influence at Washington, (which showed that he did not know much about it,) and wanted me to sign a recommendation that he should be appointed surveyor general out in some of the Territories. I said to him, "Do you know anything about surveying practically?" Said he, "Oh, no! it is not necessary. The work is generally done by deputies." Now, if we give a salary worth struggling for, we will get somebody who will go in and take the salary, while the work is done by deputies. And I think, if the Senator from Massachusetts thinks the salary which he proposes is high enough to secure men who will do the business, we had better agree to it.

Mr. DAVIS. I wish only to say, that so far as my experience goes, I can go into the shops where engineers are to be found, and I think I can find men enough, competent enough, in my own part of the country, who would be very glad to have a place of this description. The men of practical knowledge; and, as the honorable Senator from Mississippi well expressed it, of "hard sense," are exactly the men I want. They are hard hands and hard sense both. They are the most competent men to execute the duty practically that can be found in the country. I wish to try the experiment. I do not wish to be niggardly or close in this business. I am quite willing to be liberal. But, upon a consideration of the matter, I think \$1,500 is about as far as our revenues will permit us to go at this time. We have various other expenditures to meet. We have to furnish instruments, and to pay the traveling expenses of the supervising engineers, which will amount to a considerable sum. I think my friend ought to take it into account that I do not require the inspector to live in New Orleans; I do not require him to live in New York. I only require him to do the duty assigned to him as supervising inspect-

or. There ought to be a local inspector at New Orleans, &c.; and the man who superintends that part of the country will have Mobile, New Orleans, and a few places besides to attend to. He may live in Mobile, or in any other place, if he choose, if he only does the duty required as supervising inspector. And whenever his duty requires him to travel, his expenses for traveling are paid. I think we may be safe in trying the experiment at the sum proposed originally.

The amendment to the amendment was not agreed to.

Mr. BELL. I desire to ask a question of the Senator from Massachusetts, in regard to this subject. I am not intimately acquainted with the duties of supervising inspectors as they are prescribed in the bill. But, if I understand the reading of the bill correctly, the supervising inspector whose duty will be assigned to him at Mobile or New Orleans, for example, would have to reside pretty much at one or the other of those places. I suppose the one at New York would have to spend almost all his time there. But I am speaking more particularly with regard to New Orleans and Mobile; and, if I be correct in my supposition, and the supervising inspector must necessarily spend most of his time in those cities, if he discharges his duties with fidelity, I think \$1,500 is inadequate to procure the proper person—whether an engineer or the master of a vessel. The increase of expenditure would have to be added in those cities.

Mr. DAVIS. That is to be paid besides.

Mr. BELL. I do not mean the traveling. I mean the living. If the supervisor discharges his duty properly, he will have to live at those places. The honorable Senator suggests that he may live where he pleases, provided he discharges his duties faithfully. But, I understand, that considering the great amount of the duties of the supervising inspector at the port of New Orleans especially—more so than with regard to Mobile—he will necessarily have to live there; and I would suggest that, with regard to that supervising inspector, the salary ought to be at least \$2,000; and I should think it ought to be so in regard to the one at New York. He will necessarily be compelled to spend the principal part of the time at New York. The increased expenses of living will be greater than they would be in other places. I will not propose to disarrange the general system which has been so ably devised by the Senator from Massachusetts; but I throw out these suggestions to him. I think we can get an adequate supervising inspection for the New Orleans and Mobile districts, at the compensation I have named.

Mr. DAVIS. It seems that one great fact has escaped the attention of the Senator from Tennessee. Here are nine supervising inspectors to be appointed with general duties. The bill assigns the duty of inspecting at New Orleans to no one of them. Now, if you give to the one that happens to be stationed by their own arrangement at New Orleans, \$2,000, you just open a cause of squabble and controversy between the different inspectors. It is a discrimination which cannot be made without inconvenience. I am quite aware, of course, that it may cost more to live there than at Louisville, or at Pittsburg, or on the banks of the Ohio river, where a portion of the supervising inspectors will perform their duty, or on the lakes; but, nevertheless, in the arrangement which is made, it seems to me that the discrimination cannot be made without injury to the service. I had rather, therefore, try the experiment with it as it is.

The amendment was concurred in.

The next amendments made, as in Committee of the Whole, were various and verbal ones to the twenty-first section, so as to make it read as follows:

SEC. 21. *And be it further enacted*, That the supervising inspectors shall watch over all parts of the territory assigned them, shall visit, confer with, and examine into the doings of the several boards of inspectors, and shall, whenever they think it expedient, visit vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this act have been observed and complied with, both by the board of inspectors and the master and owners; and it shall be the duty of all masters, engineers, and pilots, to answer all reasonable inquiries, and to give all the information in their power, in regard to any vessel so visited, and her machinery for steaming, and the manner of managing both.

The amendments were concurred in.

The next amendment made as in Committee of

the Whole was in the twenty-second section, to strike out "take measures accordingly, when the result is before him," and insert "if he deems the cause sufficient, shall remove the delinquent," so as to make the section read as follows:

SEC. 22. *And be it further enacted*, That whenever a supervising inspector ascertains to his satisfaction that the master, engineer, pilot, or owners, fail to perform their duties according to the provisions of this act, he shall report the facts in writing to the board in the district where the vessel belongs, and, if need be, cause the negligent or offending parties to be prosecuted; and if he has good reason to believe there has been, through negligence, or from any other cause, a failure of the board who inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury, who shall cause immediate investigation into the truth of the complaint, and if he deems the cause sufficient, shall remove the delinquent.

The amendment was concurred in.

The next amendment made as in Committee of the Whole, was to strike out of the twenty-third section the concluding words "of the engine and boilers, and also between the area of the paddles, and the power of the engines," so as to make the section read as follows:

SEC. 23. *And be it further enacted*, That it shall be the duty of such supervising inspectors to see that the said several boards within their respective collection districts execute their duties faithfully, promptly, and, as far as possible, uniformly, in all places, by following out the provisions of this act, according to the true intent and meaning thereof; and they shall, by their established rules, harmonize differences of opinion when they exist in different boards, and promote, as far as possible, the observance, in the construction of boats and of the machinery for steaming, of a just proportion between all the parts.

The amendment was concurred in.

The next amendments made as in Committee of the Whole, were in the twenty-fourth section, so as to make it read as follows, the amendments being in italics:

SEC. 24. *And be it further enacted*, That the said supervising inspectors shall also visit collection districts in which there are no boards of inspectors, if there be any where steamers are owned or employed, and each one shall have full power to inspect any steamer in any such district, or in any other district where, from distance or other cause, it is inconvenient to resort to the local board, and to grant certificates of approval according to the provisions of this act; and to do and perform in such districts *destitute of local inspectors* all the duties imposed upon boards in the districts where they exist, including the inspection of boiler iron: *Provided, That no supervising or other inspector shall be deemed competent to inspect in any case where he is personally interested, but in all such cases the duty shall be performed by disinterested inspectors, and inspection made in violation of this rule shall be void and of no effect.*

The amendments were concurred in.

The next amendment made as in Committee of the Whole, was to insert in the twenty-sixth section, after the word "collectors," the words "other chief officer of the customs," so as to make the section read as follows:

SEC. 26. *And be it further enacted*, That it shall be the duty of each of the collectors or other chief officer of the customs for the districts aforesaid, except San Francisco, to make known, without delay, to the collectors of all the said districts, except San Francisco, the names of all persons appointed engineers or pilots, and the names of all persons from whom, upon application, appointments have been withheld, and the names of all who have been removed or suspended, and also the names of all vessels which neglect or refuse to make such repairs as may be ordered under the provisions of this act, and the names of all for which license has been, on application, refused.

The amendment was concurred in.

The same amendment was made in the two subsequent sections, after the word collectors.

The next amendment, made as in Committee of the Whole, was to strike out of the 28th section the words:

"The original certificate of the inspectors, giving to the owner or master two certified copies thereof, one of which shall be placed in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others; and the other he shall retain as evidence of his lawful right to navigate the vessel, and no one shall be allowed to navigate a steamer without such certificates"

And insert in lieu thereof the following:

All original certificates of the inspectors required by this act to be delivered to him, and shall give to the master or owner of the vessel therein named, two certified copies thereof; one of which shall be placed by such master or owner in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and there kept at all times, during a voyage, and while such vessel is receiving freight or passengers; the other shall be retained by such master or owner as evidence of the authority thereby conferred; and if any person shall receive or carry any passenger on board any such steamer not having a certificate of approval as required by this act, and a certified copy thereof placed and kept as aforesaid; or who shall receive or carry any gunpowder, oil of turpentine, or materials which ignite by friction, as freight on board any steamer carrying passengers, not having a certificate authorizing the same, and a certified copy thereof placed and kept as aforesaid; or who shall stow or carry any of said articles, at a place or in a manner not author-



ized by such certificate, shall forfeit and pay for each offense one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction.

Mr. GEYER. I move to amend the amendment by inserting after the word "turpentine," the words which were inserted in the corresponding sections of the act, referring to camphene, &c. The amendment to the amendment was agreed to.

Mr. DAVIS. I have some objection to make to the amendment. I do not think the Senator from Missouri understands the original provision in the bill. That provision is, that the collector "or other chief officer of the customs, shall retain on file the original certificate of the inspectors, giving to the owner, or master, two certified copies thereof; one of which shall be placed in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and the other he shall retain as evidence of his lawful right to navigate the vessel, and no one shall be allowed to navigate a steamer without such certificate." Now, there is penalty enough. We want no more. If the person undertakes to navigate a vessel without such certificate as that, his vessel is liable to seizure and forfeiture. That is all that can be desired. If it is unlawful to navigate without the paper, the vessel then becomes liable to seizure, and to be libeled and sold. That is a very heavy penalty. It needs nothing additional. The owner or master of the vessel is to keep the certificate set up where it can be seen at all times. Why does the Senator wish to limit the time to a period during the voyage, and while the vessel is receiving freight and passengers? Is it not better to say that it shall be kept up at all times where it can be seen? It seems to me that will be a better and safer rule than to limit them to keeping it up to the period of the voyage, and while the boat is in port receiving freight and passengers. They ought always to keep it there where anybody can see it—where any one visiting the vessel can see it. It seems to me that that rule is better than the one which the Senator has proposed. If he can modify his amendment so as to take in the latter part of it, and retain the whole section as originally proposed, I should prefer it.

Mr. GEYER. If I had supposed that there was any provision in the original section that required the certificate to be kept up at all times, I should then have adopted the suggestion of the honorable Senator, and added only that portion relating to the carrying of gunpowder; but this is a penal section, and will, in all probability, become strictly construed. As it stands, the collector is to retain on file the original certificate, and is to give to the owner or master two certified copies, one of which is to be placed in some conspicuous place of the vessel where it will be most likely to be observed by passengers and others; and the other is to be retained as evidence of his lawful right to navigate the vessel. Now, he may place it there, and it may be removed. The fact that it was placed there would exempt him from the penalty; but his lawful right to navigate depends upon the possession of the duplicate. The amendment which was adopted as in Committee of the Whole provides that he shall keep it up at all times when he is receiving freight and passengers, and during the voyage. Under the original section, if the certificate be not visible to the passengers he has full authority with the duplicate to navigate. With respect to the times when the certificate is to be kept up, I suppose that all that will be necessary will be at all times during the voyage, and when receiving freight or passengers. It will not be necessary to keep it up, nor indeed would it be practicable to keep it up, when the ship was undergoing repairs. The provision which I have added, is to make it express to keep up the certificate at all times, while on the voyage, and while receiving freights and passengers, so that he shall not satisfy the law by keeping it there a month or two and then suffering it to be removed, and proceeding to navigate the vessel upon the authority of the duplicate. It is true that if he navigates the vessel without the certificate he is liable to the forfeiture; but if he receives freight and passengers without having it put up, he is liable to no penalty at all under the original section. That enjoins the duty of putting up the certificate; but if he does not put it up, no consequence is attached, if he has the

duplicate under which he may navigate the vessel. For that reason it occurred to me that it would be necessary to amend, so that all persons going on-board, either to ship freight or take passage, will see whether the requisition is complied with or not.

Mr. DAVIS. There is a portion of the amendment which I wish to retain. I want the Senator to retain the penalty, and if he superadds that to the section as it stood first, I should like the arrangement better than the one which he now proposes.

Mr. BRIGHT. I would suggest that we should pass over the amendment for the present, to allow it to be so modified.

It was passed over accordingly.

The next amendment made as in Committee of the Whole, was to add the following as a new section:

SEC. 29. *And be it further enacted*, That every inspector who shall certify falsely touching any such vessel, propelled in whole or in part by steam, and carrying passengers, her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall, on conviction thereof, be punished by fine, not exceeding \_\_\_\_\_ dollars, or imprisonment not exceeding \_\_\_\_\_, or both.

Mr. DAVIS. I would suggest to the Senator from Missouri, whether it would not be proper to insert the word "willfully" between the words "shall" and "certify," so as to make the penalty apply to the inspector who "shall willfully certify falsely." They may make the false statement without any evil intention.

Mr. GEYER. I have no objection to that.

Mr. DAVIS. I then make the motion to insert "willfully."

The amendment to the amendment was agreed to.

Mr. GEYER. I move to amend the amendment, by filling the first blank with "five hundred," and the second with "six months."

The amendment to the amendment was agreed to, and the amendment as amended was concurred in.

The next amendment made as in Committee of the Whole, was to insert the following as a new section:

SEC. 30. *And be it further enacted*, That if any such vessel carrying passengers, having a license and certificate, as required by this act, shall be navigated without having her hull, accommodations, boilers, engines, machinery, and their appurtenances, and all equipments, in all things conformable to such certificate, the master or commander by whom she shall be so navigated shall be punished by fine not exceeding \_\_\_\_\_ dollars, or imprisonment not exceeding \_\_\_\_\_, or both: *Provided*, That such master or commander shall not be liable for loss or deficiency occasioned by the dangers of navigation, if such loss or deficiency shall be supplied as soon as practicable.

Mr. GEYER. I move to amend, by filling the first blank with "one hundred," and the second with "two months."

The amendment to the amendment was agreed to, and the amendment as amended was concurred in.

The next amendment made as in Committee of the Whole, was to strike out the following:

SEC. 27. *And be it further enacted*, That when, from darkness, fog, or other cause, the chief pilot or chief engineer shall be of opinion that the navigation is unsafe, the vessel shall, if in a river, be brought to anchor as soon as it can be prudently done, and no person in command shall be justified in pursuing a voyage in a river after being thus admonished by the engineer or pilot, but shall be answerable for any damage which may arise from the non-observance of this provision.

SEC. 28. *And be it further enacted*, That when steamers navigating rivers, or narrow, difficult or dangerous channels, and from darkness, fog, or other causes, there is just reason to fear collision or other accident from meeting and passing each other, they shall, as they approach each other, observe the following regulations:

The descending vessel shall drift, using only so much steam as shall be necessary to keep her steerage; and if no signal is given, each shall pass to the right, or on the larboard side of the other. But if in this mode of passing shall be deemed unsafe, the boat objecting to it shall give seasonable notice, by a distinct and strong stroke upon the bell, repeating the same, if necessary, at short but distinct intervals, which the other shall, as soon as heard, answer by a similar stroke, and they shall pass to the left instead of the right: but if a passage by each other is unsafe or impracticable, by reason of the narrowness of the channel, or from any other cause, the boat in such channel shall ring her bell rapidly, and the other, if not in the channel, shall give way to her and let her pass; but if both boats are entering or have entered such channel, the ascending boat shall give way to the descending boat, and no vessel shall be justified in coming into conflict with another, if it can be avoided—

And insert in lieu thereof the following:

SEC. 31. *And be it further enacted*, That when from

darkness, fog, or other cause, the pilot on watch shall be of opinion that the navigation is unsafe, or if from accident to, or derangement of, the machinery of the boat, the engineer on watch shall be of opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it is prudently can be done; and no person in command shall be justified in pursuing a voyage after being admonished, by either of the officers named, that it would be unsafe from the causes assigned, but shall be answerable for any damage which may arise from so pursuing the voyage.

SEC. 32. *And be it further enacted*, That when steamers are about to meet each other in the night, in narrow channels, or in fog, it shall be the duty of the pilot of the descending boat to keep the channel and stop his engine, and suffer the boat to float with only steam sufficient to give her steerage, until the following signals are given and answered, and a space properly cleared:

It shall be the duty of the pilot of the ascending boat, as soon as the other shall be in sight and hearing, to sound his bell once, if he shall wish to pass to his right; and it shall be the duty of the pilot of the descending boat to answer the same by one stroke of the bell; if not answered, the pilot of the ascending boat shall strike his bell again and again, at short intervals, until heard by the pilot of the other boat. But if the pilot of the ascending boat should wish to pass to the left-hand side, he shall strike his bell twice; and it shall be the duty of the pilot of the descending boat to answer the same by two strokes of his bell, and both boats shall be steered accordingly. The first call may be made by the pilot of either boat, and it shall be the duty of the other to answer as aforesaid; but if the first call cannot be complied with safely, a negative answer shall be given, by ringing the bell five or six times in quick succession, after which the call shall be reversed.

When boats shall be near meeting in a channel, or place too narrow to pass each other with safety, the one that may first be in the channel shall have a right to it, except in the rapids of the Upper Mississippi, and the other shall give way. If, however, two boats are about to enter such channel or place at the same time, and in all cases in the rapids aforesaid, the ascending boat shall give way.

Should the pilot of either boat fail to make or to answer the signals required, or should a signal be answered wrongfully, both boats shall be immediately stopped, and, if requisite, backed so as to prevent collision.

It shall not be lawful for an ascending boat to cross a channel (unless in compliance with the foregoing signals clearly made and answered) within possible striking distance by a descending boat. These rules shall be observed both night and day. Should any pilot, engineer, or master neglect or willfully refuse to observe the foregoing regulations, any delinquent so neglecting or refusing, shall be liable to a penalty of \$30, and to all damage done to any person or persons by such neglect or refusal; and no vessel shall be justified in coming into collision with another if it can be avoided.

Mr. BAYARD. I will propose a slight amendment to the amendment, because the phraseology might give rise to difficulty in tide-waters; it is, to add to the thirty-second section the words,

*Provided*, That on tide-waters, a boat moving with the tide shall be considered as descending, and a boat moving against the tide as ascending.

Mr. DAVIS. That amendment, as I understand, simply proposes that a boat in tide-water, running with the tide, shall be considered the descending boat, and the one against the tide as the ascending boat. There may be this inconvenience in navigating rivers that have tides in them. In the Mississippi river, for example, there is a tide, notwithstanding the current is downward. The adoption of the amendment to the amendment may lead to confusion. It would change the order of things. Perhaps, in our tide-waters, where there are narrow passages, it would answer. I do not see any objection to it there. But it strikes me that when we get into the rivers which have a tide, it will cause some confusion; as in vessels, for example, descending the Mississippi with the current, while the tide is setting the other way.

Mr. BAYARD. Is there a tide in the Mississippi?

Mr. DAVIS. It is recognized in law as a tide. Gentlemen say that the current overcomes the tide. I am aware of that; and that is just the confusion to which it will lead. The tide setting against the current raises the water. That is called the tide in law; and on that very foundation, the courts have decided that admiralty jurisdiction shall go as far as the tide raises the water of the Mississippi.

Mr. BAYARD. I think the current is sufficiently powerful to overcome the tide on that river; therefore, a boat will not move with the tide, for I apprehend the stream never runs up.

Mr. DAVIS. But that is the reason why it is called the tide.

Mr. BAYARD. But the boat does not move with the tide. When we speak of a boat ascending a river, in the ordinary meaning of the terms, we mean that it is going from the mouth to its source. That is not the meaning in the tide-waters. In the Mississippi, I take it for granted that, though the tide may check the current, a boat never moves with the tide.

Mr. DAVIS. If the honorable Senator will change his amendment, and say that the boat going with the current shall be considered the descending boat, it will answer.

Mr. RUSK. It does not strike me that there is much necessity for the amendment to the amendment. These regulations are intended for the rivers where there is a current, which renders it difficult for the boats to change their course. It is necessary to prescribe these rules where the river is narrow; but when we come to the tide-water, I apprehend there will be ample room. The adoption of the amendment to the amendment will produce confusion, because there is a tide in the Mississippi for a number of miles. What would be the result? You would have to change the rules every time the tide ran up and back again; and there would be a considerable danger of collision.

Mr. BAYARD. If the bill was confined to the Mississippi alone, I would not have a word to say; but it must have its construction, and apply to all waters in the United States. When we speak of an ascending boat, in ordinary parlance, it would mean a boat moving up toward the source of the river. That does not apply in all cases; and as the bill applies to all waters, it would seem that some provision of the kind I have suggested should be adopted.

Mr. DAVIS. I am rather inclined to think that we had better not adopt the amendment to the amendment at all. But, if we do adopt it, I hope it will be in a modified form; so that the boat running with the current shall be considered the descending boat.

The amendment to the amendment was not agreed to.

The amendment was concurred in.

The next amendment made as in Committee of the Whole, was in the thirty-third section, by striking out—

"Or through carelessness and inattention, or through rash and unlawful conduct, on the part of any officer, engineer, or pilot"—

And inserting—

And any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of an engineer or pilot, or their neglect or refusal to obey the provisions of law herein prescribed as to navigating steamers, may sue for and recover damages for any such injury caused, as aforesaid, by any such engineer or pilot.

The amendment was concurred in, and the section now reads as follows:

Sec. 33. *And be it further enacted*, That whenever damage is sustained by any person, in his property or person, from explosion, fire, collision, or other cause, the master and the owners, or either of them, and the vessel, shall be liable to each and every person so injured, to the full amount of damages, if it happens through any neglect to comply with the provisions of the law, or through known defects or imperfections of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of an engineer or pilot, or their neglect or refusal to obey the provisions of the law herein prescribed as to navigating steamers, may sue for and recover damages for any such injury caused, as aforesaid, by any such engineer or pilot.

The next amendment made as in Committee of the Whole, was by striking out the original thirtieth section, now thirty-fourth, as follows:

Sec. 30. *And be it further enacted*, That before issuing the annual license to a steamer, the collector of the customs for the district shall demand and receive, as a compensation for the inspections and examinations made for the year, the following sums, according to the tonnage, to wit: For each vessel of a thousand tons and over, thirty-five dollars; for each of six hundred tons and over, but less than one thousand tons, thirty dollars; and for each under six hundred tons, twenty-five dollars; for which sums the said collectors shall be accountable to the United States at the end of each quarter.

And inserting in lieu thereof the following section:

Sec. 34. *And be it further enacted*, That before issuing the annual license to a steamer employed in the coasting trade, the collector or other chief officer of the customs for the port or district shall demand and receive from the owner or owners of the steamer, as a compensation for the inspections and examinations made for the year, the following sums, in addition to the fees for issuing enrollments and licenses, now allowed by law, according to the tonnage of the vessel, to wit: For each vessel of a thousand tons and over, thirty-five dollars; for each of five hundred tons and over, but less than one thousand tons, thirty dollars; and for each under five hundred tons and over one hundred and twenty-five tons, twenty-five dollars; and for each under one hundred and twenty-five tons, twenty dollars, at the time of obtaining registry, and once in each year thereafter, pay according to the rate of tonnage before mentioned, the sum of money herein fixed: And each engineer and pilot licensed as herein provided, shall pay for each certificate granted by any inspector or inspectors, to such inspector or inspectors to be accounted for and paid over to the collector

or or other chief officer of the customs, five dollars, and the sums derived from all the sources above specified shall be quarterly accounted for and paid over to the United States in the same manner as other revenue.

The amendment was concurred in.

The next amendment made as in Committee of the Whole, was by striking out of the thirty-sixth section the words, "the district of Newport, in Rhode Island," and inserting the words, "the district of New London, in Connecticut."

The amendment was concurred in.

Mr. DAVIS. I do not know that the district in which New Orleans is situated, is called the district of New Orleans. I propose, therefore, to amend the thirty-sixth section of the bill by inserting after "New Orleans," the words "or of which New Orleans is the port of entry." A similar amendment is needed in regard to the district of Oswego, and I therefore move to insert after "Oswego," "or of which Oswego is the port of entry."

The amendments were agreed to.

Mr. DAVIS. I now move to fill the blanks in the thirty-sixth section, to make it read as follows:

Sec. 36. *And be it further enacted*, That the inspectors in the following districts shall be allowed annually the following compensation, to be paid under the direction of the Secretary of the Treasury, in the manner officers of the revenue are paid, to wit:

For the district of Portland, in Maine, \$300.  
For the district of Boston and Charlestown, in Massachusetts, \$300.  
For the district of New London, in Connecticut, \$300.  
For the district of New York, \$2,000.  
For the district of Philadelphia, in Pennsylvania, \$1,000.  
For the district of Baltimore, in Maryland, \$1,000.  
For the district of Norfolk, in Virginia, \$300.  
For the district of Charleston, in South Carolina, \$400.  
For the district of Savannah, in Georgia, \$400.  
For the district of Mobile, in Alabama, \$1,000.  
For the district of New Orleans, or of which New Orleans is the port of entry, in Louisiana, \$2,000.  
For the district of Galveston, in Texas, \$300.  
For the district of St. Louis, in Missouri, \$1,500.  
For the district of Louisville, in Kentucky, \$1,200.  
For the district of Nashville, in Tennessee, \$400.  
For the district of Cincinnati, Ohio, \$1,500.  
For the district of Wheeling, Virginia, \$500.  
For the district of Pittsburgh, Pennsylvania, \$1,500.  
For the district of Chicago, Illinois, \$500.  
For the district of Detroit, Michigan, \$300.  
For the district of Cleveland, Ohio, \$500.  
For the district of Buffalo, New York, \$1,200.  
For the district of Oswego, or of which Oswego is the port of entry, New York, \$300.  
For the district of Vermont, \$200.  
For the district of San Francisco, California, \$1,500.

Mr. BORLAND. Before this matter is disposed of, I want to make an inquiry of the Senator from Massachusetts, in reference to the State of Arkansas. He will recollect that a bill passed the Senate some time ago—I do not believe it has yet passed the House, but I have no doubt that it will—putting the rivers of Arkansas, or the steamboat interest of the rivers of Arkansas, upon the same footing with those of the other States, the general law not providing for the appointment of the inspectors by the district judges in the States which are not called collection districts. That bill passed for the benefit of Arkansas, giving to the district judge of the United States there the same power of appointment that the judges have in the other States. There is no port of entry in Arkansas. But it will be necessary, it seems to me, to make some provision for securing an inspection at Little Rock, although it is not a port of entry, because there is a very important steamboat interest there, which is becoming more and more important every year.

Mr. DAVIS. I believe I stated, upon a former occasion, that it is quite impossible, nor do we deem it necessary, that there should be inspectors in every collection district. There is but one in Maine, and but one in Massachusetts. There is none in Rhode Island. There is but one in Connecticut; but one set of inspectors upon the Atlantic coast of New York; none in New Jersey; but one set in Philadelphia; but one set in Baltimore; but one set in Norfolk; but one in Charleston; and but one in Savannah. The rivers are much more abundantly supplied than the seacoast; but we have made this arrangement: we have supposed that nearly all the steamers at one terminus or the other of their voyage, will come to a place where there are inspectors; hence it is, that in many districts we have made none. But we suppose there may be some exceptions to this rule; and one of the chief ends in appointing the nine supervisors is, that they should visit the other districts, and portions of the country destitute of inspectors. And we have empowered them,

in all such cases, to examine and grant certificates. We want to try the experiment. In many places we would not be able to find men qualified to do these duties. We want men that have the requisite qualifications to make the inspections. We want men suitable for it; men that will undertake to carry it out in good faith. We suppose that at the points where we have made the selections such men can be found. I do not mean to say that they cannot be found in Arkansas, and in some places where we have not appointed them. I know they could be found. But we have appointed as many as the revenue will permit, and we have left a little experience to decide whether local inspectors are wanted at other points. If they are, we suppose Congress will furnish them; and we think the supervising inspectors will visit the Red river, the Arkansas river, the Missouri river, the Mississippi river, the Illinois river, &c. That is one part of the duty imposed upon them, and one of the chief ends of appointing them. We expect to have very good men appointed for the stations, and we are in hopes that the system will work kindly, to suit the convenience of every one.

Mr. BORLAND. The case of Arkansas is not entirely provided for in the way suggested by the Senator. There are a good many boats belonging to Arkansas, and trading within the rivers of the State, that do not go, except, perhaps, through some accidental circumstance, beyond the State. They trade between the mouths of the Arkansas and the White river, and up those rivers; for the Senator must recollect that on the White river we have a navigation, a large portion of the year, of five hundred miles, and for a large portion of the year a navigation upon the Arkansas of over seven hundred miles, and for most of the year six hundred miles. The boats which trade on those rivers do not go beyond them. We have mail lines now from the mouth of the Arkansas river, up the White river, and up the Arkansas. The boats do, occasionally, go to Memphis; but there is no provision for inspectors there. But even suppose there were inspectors at Memphis, still our boats from the mouth of the Arkansas would have to go over two hundred miles to get the inspection. My only object is to secure for our steamboat interest within our own State—not for boats that trade between there and New Orleans, or other places—facilities for inspection. Many of the boats trade exclusively upon our own rivers; and I assure the Senator, as I undertook to show him and the Senate, when the other bill of which I speak was before us, there is no place in the world where rigid inspection is needed so much as in my State; for no imposition has ever been so gross and injurious.

Mr. DAVIS. The Senator may feel some assurance that one of the supervising inspectors will go into Arkansas.

Mr. BORLAND. I would inquire if a supervising inspector will be there sufficiently often to make the inspections?

Mr. DAVIS. It lies in the discretion of the men to arrange their duties. Our expectation is, that they will arrange the performance of their duties so as to suit the exigencies, and meet the wants of the public.

Mr. BORLAND. I will say, then, that as I apprehend we will not finish the bill to-day—I find a good many objections to completing it to-day—I shall propose an amendment before the final action on the bill, making the provision which I have suggested.

The amendments were agreed to.

Mr. HALE. I propose to amend the thirty-ninth section of the bill. It reads now—

"That every master or commander of a vessel shall provide himself with a copy of this act, and keep the same on board his vessel; and if he neglects or refuses so to do, he shall forfeit \$20."

I propose to insert, in place of that, the following:

"That every master or commander of a steamer shall provide himself with at least ten copies of this act, and keep them on board his vessel, and if he neglects or refuses so to do, or shall refuse to exhibit a copy of the same to any passenger who shall ask it, he shall forfeit \$20."

The amendment was agreed to.

Mr. HALE. I want to call the attention of the friends of the bill to another provision. There are several penalties proposed in a great many sections, and in several there is a mode of enforcing them, while in others there is none. I wish to amend the bill by adding a section which will

give a general jurisdiction in enforcing all penalties. It is as follows:

SEC. —. *And be it further enacted*, That all penalties imposed by this act may be recovered in an action of debt by any person who will sue therefor, in any court of the United States.

The amendment was agreed to.

The next amendments made as in Committee of the Whole, were to insert the following as additional sections:

SEC. 41. *And be it further enacted*, That all engineers and pilots shall, before entering upon their duties, make solemn oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, perform all the duties required of him by this act, without concealment or reservation; and if any such engineer, pilot, or any witness summoned under this act as a witness, shall, when under examination, knowingly and intentionally falsify the truth, such person shall be deemed guilty of perjury, and if convicted, be punished accordingly.

SEC. 42. *And be it further enacted*, That all parts of laws heretofore made, which are superseded by or are inconsistent with this act, are hereby repealed.

The amendments were agreed to.

Mr. GEYER. There are two sections, the forty-fourth and forty-fifth, adopted by the Senate as in Committee of the Whole, which are inserted in the wrong place. At the suggestion of the Senator from Massachusetts, I propose to transpose them. They ought to precede the forty-second section.

The two sections were read, as follows:

SEC. 44. *And be it further enacted*, That the supervising inspectors appointed under the provisions of this act, shall, within their respective districts, under the direction of the Secretary of the Treasury, take the examination, or receive the statements in writing, of persons of practical knowledge and experience in the navigation of steam-vessels, the construction and use of boilers, engines, machinery, and equipments, touching the form, material, and construction of engines and their appurtenances; the causes of the explosion of boilers and collapse of flues, and the means of prevention; the kind and description of safety-valves, water and steam-gauges or indicators; equipments for extinguishment of fires, and for the preservation of life in case of accident, on board of such vessels, and all other means in use or proper to be adopted, for the better security of the lives of persons on board vessels propelled in whole or in part by steam; the advantages and disadvantages of the different descriptions of boilers, engines, and their appurtenances, safety-valves, water and steam-gauges or indicators, equipments for the prevention or extinguishment of fires, and the preservation of life in case of accident, in use on board such vessels; whether any, and what further legislation is necessary or proper for the better security of the lives of persons on board such steam-vessels; which examination and statements so taken and received shall be transmitted to the Secretary of the Treasury, at such time as he shall prescribe.

SEC. 45. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause such interrogatories to be prepared and published as in his opinion may be proper to elicit the information contemplated by the preceding section, and upon the receipt of the examination and statements taken by the inspectors, shall report the same to Congress, together with the recommendation of such further provisions as he may deem proper to be made for the better security of the lives of persons on board steam-vessels.

Mr. HALE. I move that the Senate do now adjourn.

The question was taken, and the result was—yeas 12, nays 15; no quorum voting.

Mr. CHASE. It is evident that there is no quorum in the Chamber, and consequently we can do no business. I therefore renew the motion to adjourn.

The motion was agreed to; and

The Senate adjourned till Monday.

## HOUSE OF REPRESENTATIVES.

FRIDAY, July 9, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

### POSTAGE RATES.

The SPEAKER. The business first in order is the bill "to reduce and modify the rates of postage in the United States, and for other purposes," reported from the Committee on the Post Office and Post Roads, and postponed until to-day, that bill taking precedence of the bill in reference to the Wheeling bridge case.

Mr. OLDS. I ask the House to vote upon the amendments proposed by the committee.

The Clerk then read the first amendment, which is to strike out of line eleven the words "and a half."

Mr. OLDS. That amendment simply proposes to make the standard weight of newspapers and

pamphlets two ounces instead of two ounces and a half.

Mr. BROOKS. I think, if the House will give their attention to the subject, they will see that that is an amendment which ought not to be made. The committee originally reported, as will be seen by reference to the eleventh line of the bill, two and a half ounces to be the ultimatum of the weight of newspapers, and, I believe, of pamphlets; and the proposition now coming from the committee is to strike out the half ounce, so as to make it read, that the greatest weight of newspapers, pamphlets, or periodicals shall be two ounces.

I have not been able to ascertain the object of that amendment, because I have heard no argument in its favor; but the reasons why it should not be adopted are plain, and I think I can satisfy the House that they are good reasons, if they will give me their attention for a moment.

It is the easiest thing in the world to make a large newspaper, or a pamphlet of considerable size; and of a great number of pages, of a very light weight; but it is done by decreasing the quality of the paper—the quality of the materials of which it is made, and the thickness of the newspaper. A newspaper, for example, of this size, [holding up the Albany State Register,] may be twice as large and yet not weigh more than this does, if it is made of a thinner and lighter material than this is. If this amendment should be adopted, the newspapers and periodicals of the country, to come within the purview of the post office law, would have to be printed on paper of a lighter material, so that what the post office would gain the country would lose, both in the quality of the paper and in the eye-sight of the community. There is nothing more mischievous to the people of this country than the bad paper upon which their newspapers and pamphlets are printed. That is the great cause of the use of spectacles in this country. The only reason why I have occasion to use them—for I once had as good eye-sight as anybody—is from reading newspapers printed on this thin paper—this paper of bad quality. The amendment of the Senate will increase the necessary demand for the use of spectacles, by making the material worse and the newspapers lighter and thinner, and so injuring the whole community, it may be for the benefit of the Post Office Department, or it may not be.

Now, I contend that it would be no substantial benefit to the mail carriers to make these newspapers lighter, for the great quantity of mails now carried through this country, where the mail-bags are large and numerous, are carried upon railroads and steamboats, and it hardly matters to the country, therefore, how large or how heavy they are. But even if it did matter to the country, it should not be taken for a moment into consideration when compared with the value of the eyes of the community, and with the value of having good materials upon which pamphlets and newspapers shall be printed.

These arguments which I have attempted thus briefly to illustrate, might be dwelt upon much more at length; but in addition to this, the adoption of the proposed amendment would be a crying injustice to some of the larger newspapers of the country. I will remark here, that it does not come in conflict with any newspaper in which I am interested. The amendment, as it stands, meets my case; but it would be a crying injustice to yet larger newspapers—newspapers with which my own is, in some degree, in rivalry, but whose interests I nevertheless feel it my duty to represent. It will be a crying injustice to those newspapers to compel them to curtail their size, or a crying injustice to the community if they did not curtail their size, but were compelled to employ thinner and lighter paper, for thereby a serious damage would be inflicted upon the community.

Now, it is no injury whatever to the country to have large sheets for newspapers. The greater the industry and enterprise of newspaper proprietors, and the printers of pamphlets and periodicals—the greater their disposition to increase the size of their sheets, and furnish for a given amount of money a certain quantity of reading matter, the better it is for the public. It is a thing to be desired. Large newspapers should be rather courted than avoided. The last thing that Congress should do, should be to say to the proprietors of newspapers, Under no circumstances, under no pressure of news and intelligence, shall you print

an extra sheet. The effect of this amendment would be to compel the proprietor of a newspaper that was nearly the weight of two ounces, under no circumstances whatever to print an extra sheet—either with the speech of a member of Congress, with foreign news, or with the domestic and political news that may be abundant in the country; because the moment he attached an extra sheet to his newspaper, it would come within the purview of this amendment, and an additional tax would be laid on the subscriber to the newspaper.

I think, sir, I have now sufficiently explained the reasons why I oppose this amendment, and, in conclusion, I express the hope that it may not be adopted, but the bill will be allowed to stand as it was originally reported, with respect to this provision.

Mr. CABELL, of Florida. The business properly in order this morning, was the bill "granting the right of way and a portion of 'the public land to the States of Florida and Alabama for the construction of certain railroads in said States,'" that bill having been postponed until to-day. I am satisfied, however, that the House is much more interested in the passage of this postage bill, than in a bill which is entirely of local interest, and I am, therefore, willing that the railroad bill shall be again postponed.

The SPEAKER. The Chair and the Clerk inadvertently overlooked the bill to which the gentleman from Florida refers, which would have taken precedence of the bill now under consideration.

Mr. CABELL. I move to postpone the consideration of the bill to which I refer until Thursday next.

The motion was agreed to.

Mr. OLDS. I have but a word or two to say in reply to the gentleman from New York, [Mr. Brooks.] This is a question of some importance, and I trust the House will listen to the few remarks I have to make in relation to it. The committee originally reported in favor of two and a half ounces as the standard weight of newspapers, and for an additional rate of postage for every additional ounce, or fraction of an ounce. Upon consultation, however, with the Senate committee, and with the Post Office Department, I was directed to report an amendment to strike out the half ounce, so as to fix the standard weight at two ounces, and then the same rate of postage for every additional ounce, or fraction of an ounce. The argument used before the committee was this: That if you fix the standard weight at two and a half ounces, and then an increased rate for every additional ounce or fraction of an ounce, you make the weights for the post offices all over the country, in determining the postage upon newspapers and other printed matter, fractions of an ounce—two and a half ounces, three and a half ounces, four and a half ounces, and so on. It was, therefore, thought advisable by the Department, and by the joint committee of the two Houses, that I should be directed to report an amendment to strike out the half ounce, and leave the standard weight at two ounces.

Another argument in favor of this amendment was this: we found, by examination at the Post Office Department, that there were but few papers in the country—not more, perhaps, than three or four—the weight of which would be over two ounces. Here, for example, is the New York Courier and Enquirer, which is perhaps the largest paper in the country. This paper weighs, when dry, two ounces and three eighths of an ounce. The New York Journal of Commerce is another paper that weighs over two ounces, and there are perhaps a few other papers in the country that would weigh over two ounces—the standard weight we have fixed for newspapers. The New York Herald, double sheet, the Tribune, double sheet, the Express, double sheet, all of them weigh under two ounces—the standard weight—and it was deemed unwise by the committee and by the Post Office Department, to fix the standard weight at a fraction of an ounce, for the purpose of accommodating four or five papers. For myself, I do not care which the House shall determine on, whether two and a half ounces, as originally proposed by the committee, or two ounces as now proposed by the amendment.

Mr. JENKINS. I desire to ask the gentleman a single question. Would not the effect of the



amendment be to compel the publishers of these large papers to use a thinner and inferior paper instead of the better paper which they now use?

Mr. OLDS. We supposed that the effect of it would be to induce the publishers of the *Courier and Enquirer*, and other large papers which are three fourths filled with advertisements peculiarly for the city, to issue an edition of a small size for country circulation, and that that would be the only effect of it.

Mr. SKELTON. I propose an amendment to the amendment, which will probably meet the views both of the chairman of the Committee on the Post Office and Post Roads, and of the gentleman from New York. I propose that the weight be fixed at three ounces, thus avoiding the fraction of an ounce, and securing all the advantage which the gentleman from New York desires. I perceive that this clause of the bill includes periodicals and pamphlets, as well as newspapers. Now, periodicals and pamphlets are perhaps the most important publications in the country, and three ounces would cover many of them. I therefore propose the amendment to the amendment which I have indicated, to strike out "two and a half," and insert "three" in lieu thereof.

Mr. OLDS. I will state to the gentleman from New Jersey an objection which ought to be fatal to his amendment. It is this: if you make the standard rate of postage of all printed matter, at one cent per three ounces, for a distance, as proposed by this bill, under three thousand miles, the consequence will be that all periodicals, in short, all printed matter, would be made to conform to that weight. Take, for illustration, of the periodicals of the country, *Harper's Monthly Magazine*, which now weighs about eight ounces—the postage on which, under my bill, would be seven cents—this would issue in three numbers, instead of one, and the postage, instead of seven cents, would be three cents. Other periodicals would conform to the same practice. The result will be to so cripple the revenue of the Post Office Department, which is now already more than a million and a half short of the expenses, that we shall have to make still larger appropriations from the Treasury of the United States to meet the deficiency.

Mr. SKELTON. I cannot see the force of the gentleman's remarks. The expense of transporting three ounces instead of two and a half ounces, will make but little difference in the increased expenses of the Department. The increase of weight allowed to be transported for a given sum, will be a great advantage to the intelligence of the country.

Mr. OLDS. One single remark in reply to the gentleman. By the gentleman's proposition, he would not equalize the burden of the postage, for the reason that three fourths, four fifths, nay, ninety-nine hundredths of the newspapers of the country would not come up to the weight of three ounces, and yet you would charge those weighing over one ounce and less than three ounces, the same rate of postage you charge upon printed matter weighing three ounces. If the supposition be true that the periodicals of the country will conform in their weight to the standard you fix in this bill, if you raise it from two to three ounces, it will diminish the revenues of the Post Office Department, in the ratio of two to three, so far as paper postage is concerned.

The question was then taken upon the amendment offered by Mr. SKELTON, and it was not agreed to.

The SPEAKER. The question recurs upon the adoption of the amendment proposed by the committee, to strike out "two and a half ounces," and insert "two ounces."

Mr. BROOKS. Then all who are in favor of two ounces will vote to strike out, and those who are in favor of leaving the bill as it is, at two and a half ounces, will vote in the negative?

The SPEAKER. That is so.

Mr. OLDS called for tellers; which were ordered, and Messrs. OLDS and FOWLER appointed.

Mr. OLDS. Let the question be again stated, that the attention of the House may be called to it.

The SPEAKER. The Chair will again state the amendment. It is to strike out of the original bill "two and a half ounces" and insert "two ounces;" so that it will read, "and of no greater weight than two ounces, shall be charged with one cent postage," &c.

Mr. CHANDLER. If this amendment is

adopted it will exclude the larger papers from the mails.

The SPEAKER. If the amendment is rejected the original bill will stand at "two and a half ounces;" but if it is adopted it will stand "two ounces." Those in favor of two ounces will first pass through the tellers.

The question was then taken, and the tellers reported—ayes 67, noes 52.

So the amendment, substituting two ounces for two and a half ounces, was adopted.

The SPEAKER. The question is now upon the adoption of the second amendment.

Mr. BROOKS. Is this amendment just passed upon any further amendable?

The SPEAKER. The Chair thinks that after the amendments proposed by the committee shall have been disposed of, it will be competent to amend the bill in any of its parts.

Mr. BROOKS. Will it be necessary to go through all the amendments to the whole bill?

The SPEAKER. Perhaps it would be more regular to go through with the amendments proposed to each section first, and then receive any amendments that may be offered by gentlemen of the House to that particular section. The Chair understands that there are several amendments proposed by the committee to that particular section, which will be first disposed of, and then the gentleman can propose his amendments.

The following amendments to the first section were then severally read, considered, and agreed to, viz:

1st amendment: Section 1. Eleventh line; strike out the words "and a half."

2d amendment: Same section. Thirteenth and fourteenth lines, strike out "two" and insert "three" in each line.

3d amendment: Same section. Fifteenth line, strike out the words "published regularly," and insert the words "and periodicals, not weighing over one ounce, published regularly as often as once in three months."

4th amendment: Same section. Sixteenth and seventeenth lines, strike out the words "and not weighing over one ounce."

5th amendment: Same section. Seventeenth line, after the word "with," insert the word "only."

6th amendment: Same section. Nineteenth line, strike out the word "either."

7th amendment: Same section. Twentieth line, after the word "or," insert the words "paid quarterly in advance."

8th amendment: Same section. Twenty-first line, after the word "thereon," strike out the remainder of said section.

9th amendment: Strike out the third section.

Mr. FOWLER. I would suggest that the first section, as it has now been amended, be read, so that we may know how it stands.

The first section, as above amended, was then read, as follows:

Be it enacted, &c., That from and after the thirtieth day of June, eighteen hundred and fifty-two, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, pamphlet, periodical, magazine, book, bound or unbound, circular, catalogue, and every other description of printed matter, unconnected with any manuscript or writing, and of no greater weight than two ounces, shall be charged with one cent postage, and one cent for each additional ounce, or fraction of an ounce, for any distance under three thousand miles; and for any distance over three thousand miles, double those rates. All newspapers and periodicals not weighing over one ounce, published regularly as often as once in three months, and sent from the office of publication to actual subscribers, shall be chargeable with only one half the foregoing rates. The postage upon all printed mailable matter shall be prepaid at the office where it is mailed, or paid quarterly in advance at the office of delivery; otherwise double the foregoing rates shall be charged thereon.

The SPEAKER. Amendments are now in order to the section just read.

Mr. OLDS. It will be seen that this bill provides that "from and after the 30th day of June, 1852, the postage upon all printed matter," &c. That day having passed, it becomes necessary to amend it in that respect. I move to strike out the word "June," and insert "September."

The question was taken, and the amendment was agreed to.

Mr. BROOKS. I rise in opposition to the section as it now stands, and I shall be under the necessity of repeating a part of my argument to the House, because in the then state of the House, not one half of the members now present were then present, and the vote on the amendment was taken in such a manner, that while there was a majority at the beginning of the vote—in order to make a quorum, that majority became converted into a minority. It arose from our curious habits of doing business here, and shows how much

legislation on the most important questions is subject to chance. I do not suppose the House can well have a more important subject for legislation than this respecting the rate of postage upon newspapers passing through the mails, with its consequent influence upon the intelligence of the people of this country.

I must, then, beg the pardon of the House, if I repeat a few of the arguments which I advanced upon the opening of this morning's session.

The maximum weight newspapers and pamphlets are now allowed to have, is three ounces. If I am not correct in this statement, I beg the chairman of the Post Office Committee will correct me.

Mr. OLDS. It is so.

Mr. BROOKS. The gentleman says it is so. This fact being taken for granted, then, that three ounces is the maximum weight of newspapers passing through the post office, I beg the House to remember that the proposition contained in this section of the bill is to reduce that weight from three ounces to two ounces.

Mr. POLK. Will the gentleman from New York allow me to ask him a question?

Mr. BROOKS. Certainly.

Mr. POLK. What is the weight of the pamphlet containing the life of General Scott? [Laughter.]

Mr. BROOKS. This proposition to reduce the weight of newspapers from three to two ounces is a proposition of a good deal of importance. There are newspapers in the country over the weight of two ounces now, whose weight and quality of paper are materially affected by this section of the bill. It is not expected, nor will the passage of this bill compel them to reduce the size of their papers. That is not possible. But the effect will be to compel them to print those papers upon lighter materials, and thinner paper, and the effect of this provision upon those persons who read those papers, will be to destroy their eyesight.

Now, I hold in my hand a Congressional Globe, which I use as an illustration, because it is now on every member's table. The value of that paper per pound is about twelve cents. That weight of paper is about one third more than would be the weight of paper which could be bought for eight or nine cents, and yet every man who reads the Congressional Globe will admit that it is better to read upon paper of this weight and quality, than upon paper worth eight or nine cents per pound, of much thinner quality, and much worse material.

And yet if the principle of the general law intended for some existing newspapers, was to be applied to this Congressional Globe, the size of it would be preserved, but it would be printed upon paper worth eight or nine cents per pound, and of much thinner material.

No good, therefore, comes to the country from the adoption of such a proposition as this, but great mischief to the eyesight of the community, injury to the paper manufacturers, and to the art of printing, and of course damage to the country is to be apprehended from the passage of this proposition.

I contend, further, that it is a war against intelligence and the circulation of intelligence. The country has everything to gain by the largeness of its newspapers, the quantity of reading matter they contain, and the numerous extra sheets they put into circulation. Formerly, when this country had in it some thirteen or fourteen States, small sheets were sufficiently large to diffuse throughout the whole of it its intelligence; but now that we have thirty-one States, it is impossible for any legislator, any public man, or any individual to thoroughly comprehend the condition of the country unless intelligence be spread out in some proper form or other. In order to effect that, the country must have intelligence spread before it in large sheets, or extra sheets accompanying the newspapers. Often upon the arrival from California, there come ten or eleven columns of news of the highest importance to all parts of the country, from which emigrants have gone to California. To spread that intelligence sufficiently before the public you must have extra sheets accompanying the newspapers. Newspapers, with their extra sheets, will weigh over the two ounces prescribed in this bill; and if they print extra sheets, the tax will fall upon the community, or the pro-

# THE CONGRESSIONAL GLOBE.

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prietors of the journal will use paper of a poorer quality, of a lighter weight; and in that manner damage the eyesight of the members of the community, and the character of its printing reputation.

It is the policy of all other countries where liberty and intelligence prevail—it is the policy of our fatherland, where journalism has reached the highest state of advancement, to have large sheets for newspapers—double and even triple sheets, which the proprietors of them give to their readers. It would be impossible in a sheet limited in weight as the first section of the bill now proposes, properly to spread before the country the debates of this Congress, so that the community could have them in full. Indeed, the country, as a whole, never do have them, and they never can have them under such a law as this, for it prohibits the publication of a newspaper of a size sufficiently large. The people of my section of country seldom know now what is said by Southern men, never, perhaps, in full. The people of Mississippi, or of North Carolina, on the other side, can know little or nothing of what is said by gentlemen from New York and Vermont. The cause of the great degree of sectionalism now pervading this country is, that the inflammatory speeches made here, from the small size of our papers, are not widely circulated. The member from South Carolina sends his speech in pamphlet form to his people, and they are enraged with the people of the North for depriving them of their rights, and some member from New England or New York rises and tells how the North has been injured by the people of South Carolina, and they become enraged and indignant at the outrages inflicted upon them. Whereas, were newspapers sufficiently large, and of greater weight than at present, spread before the public, as they are before the people of Great Britain by London newspapers which circulate throughout that country, intelligence would not be as it is now, made sectional. Speeches are sectional, inflammation is sectional, and the whole tendency of this limitation of the weight of newspapers to two ounces will be to make everything more and more sectional. Wise and prudent legislators, then, ought to exert the whole power of the Government to encourage, in the printing of newspapers, the use of the best quality of paper, and the largest size, whereas this section of the bill pursues directly a reverse course.

The proposition is to make newspapers small and of a very poor material, and it is proposed to add the sanction of Congress to a policy so false by express legislation. Do I go too far when I say it is unworthy of the age? A wise Congress and wise legislators ought to rather hold out a premium for the printing of large newspapers and on good material, than to affix the penalty proposed by this bill; and if the House will reflect upon it, I am sure this idea will be abandoned. Especially will it be abandoned when members recollect the present weight of newspapers is three ounces, against which there has been no serious complaint on the part of the community.

Mr. Speaker, there are other propositions involved in this section, of yet greater importance to the country than those which I have dwelt upon. What has been, and what is now, the demand of the public? What has been the great effort of the people, out of and in doors, to obtain from Congress? Cheap postage; cheap postage upon both letters and newspapers. Cheap postage would have been obtained last Congress on newspapers, but, in the hurry and flurry of the passage of the bill, late at midnight, never having been read, and being misapprehended by the House, a bad postage law was made with regard to newspapers. I admit that it is necessary to amend and make that law better; but it is not necessary to amend it as this bill proposes, by making it worse. I have no doubt that the great body of the House entertain the idea of the public who are demanding cheap postage on newspapers. This section of the bill, however, doubles the postage on newspapers to many parts of the country; and the only benefit it

gives at all is a reduction of postage on great distances—on newspapers to California and Oregon, which are hardly yet settled. However useful it may be to them, that benefit is obtained by a positive injury—a positive infliction of damage on the settled portions of the Union. The present rate of postage, as shown by the table I have before me, for any distance not exceeding fifty miles, is twenty-five cents per quarter upon a daily newspaper. The proposition of this bill upon a two-ounce newspaper, or a newspaper a grain over one ounce, is to convert that twenty-five cents for a distance not exceeding fifty miles into a postage of seventy-eight cents per quarter. Here is cheap postage for you!

Mr. OLDS. The gentleman will see that he there labors under a mistake. This seventy-eight cents is to be paid only in case the postage be not prepaid. If prepaid, it is only thirty-nine cents.

Mr. BROOKS. It is thirty-nine on one-ounce papers, and seventy-eight on two-ounce papers. Am I right?

Mr. OLDS assented.

Mr. BROOKS. I, then, by the assent of the chairman of the Committee on the Post Office and Post Roads, state that upon one-ounce newspapers for a distance of fifty miles, this bill proposes an increase of postage from twenty-five to thirty-nine cents; upon two-ounce newspapers to seventy-eight cents; and upon two-and-a-half or three ounce newspapers yet more per quarter. This reaches almost every man in whose district a newspaper is printed; for within a circle of fifty miles, in order to take a daily newspaper weighing one ounce, you have to pay thirty-nine cents postage, and for a newspaper weighing two ounces, seventy-eight cents per quarter. I am right in these facts, and it is necessary the House should understand them. Now, if the distance be over fifty miles, and does not exceed three hundred miles, the present postage is fifty cents. By this bill, upon an ounce newspaper the postage would be seventy-eight cents, being an increase of twenty-eight cents. The postage would, of course, on papers of a greater weight, be more, especially if they printed extra sheets. In case the newspaper weighs but one ounce, and goes beyond the gentleman's district, there is a diminution of postage; but in case it goes beyond fifty, and under three hundred miles, the rate of postage, I repeat, is increased from fifty to seventy-eight cents per quarter. When the distance is over one thousand miles there is a decrease of postage; but one thousand miles is a large sweep. It reaches to the greater portion of the settled parts of the country. Is the House ready to make the large increase of postage on newspapers proposed by this bill? Is it ready to take a proposition for increase into consideration, when there is a universal cry for cheap postage, cheap newspapers, and cheap intelligence? I put it to the House whether, when the country asks for bread, it is urgent to give it stone?

As I said at the start, the long, the great distances stretching beyond one thousand miles there is a decrease of postage, because the postage under the old bill was enormously and outrageously high. I am glad there is a decrease; but this decrease should be extended in proportion, say, more in proportion to the settled reading portions of the country, who desire intelligence, and that circulation of intelligence which would make one part of this country well acquainted with the other. Mr. Speaker, this House, in adopting the bill of the last Congress, committed a great mistake, with which the country is not satisfied, and with which the country will not be satisfied. Before we repeat this mistake, let us ponder well and act deliberately upon the items in this first section of the bill, for a bill greater in importance to the great body of the reading public cannot come before us. One portion of the community should have the opportunity of well understanding the other. The great effort of Congress should be the circulation of cheap newspapers, cheap intelligence at a low rate of postage, so as to bring the several sections to an understanding of the various rights and inter-

ests of each other. The whole effect of this first section of the bill is to reverse this wise maxim, if it be admitted a wise maxim. I hope the House will undertake no such business as that. I hope we will act upon the bill deliberately, and I make the suggestion here, because I may not be able to make it hereafter, that the bill be printed in a proper form, accompanied by a report setting forth all the facts, all the changes proposed to the old bill. Let it pass through the hands of the printer, with the amendments interlined, and be deliberately acted upon. If, then, we choose to take the responsibility of increasing the rate of postage, and limiting the size of newspapers, it will be alone upon our shoulders.

Mr. OLDS. I ask the attention of the House for a few moments, though I am not sure I can make myself very intelligible, for this is a very intricate subject indeed. When I tell the House we have more than seventy distinct rates of postage on the newspapers of the country, they will perceive how difficult it will be for me to make the House understand, and I do not know that I really understand myself how this bill will bear upon the different distances fixed by the old law.

Mr. DANIEL. Has not the morning hour expired?

Mr. OLDS. I move to recommit the bill to the Committee on the Post Office and Post Roads.

Mr. DANIEL. I move to go to the business on the Speaker's table.

Mr. HOUSTON. Will it be in order for me to make a motion to suspend the rules of the House to go into the Committee of the Whole upon the deficiency bill?

The SPEAKER. It is not in order until the motion of the gentleman from North Carolina [Mr. DANIEL] is disposed of.

Mr. HOUSTON. I have a great desire to dispose of the bill now before the Committee of the Whole.

Mr. HENN. I wish to offer an amendment, by unanimous consent, to the second section of the bill, so that it may be printed in the Globe in the morning.

The SPEAKER. We have not yet reached it. Mr. HENN. I know it is not in order, but by unanimous consent, I wish to offer it so that it may be printed.

The following is the amendment proposed by Mr. HENN:

Add the following to the second section:

The presidents of universities, colleges, academies, and of all scientific institutions, and also the Smithsonian Institution, may send by mail, free of postage, the printed copies of any regular paper, pamphlet, or book published under the authority of any such institution; and also the proof-sheets of such copies while the same are being published: *Provided*, Such printed copies shall be distributed gratis.

There being no objection, it was so ordered.

Mr. HOUSTON. Unless the gentleman desires to get to the business upon the Speaker's table, and the gentleman from Ohio [Mr. OLDS] will yield me the floor for that purpose, I will make the motion to go into Committee of the Whole on the state of the Union. I am exceedingly anxious to get through with the deficiency bill with as little delay as possible.

Mr. DANIEL. The House having passed by for a long while private bills, I am exceedingly anxious that they should be now considered. I therefore insist upon my motion.

The question was then taken upon Mr. DANIEL's motion, and it was not agreed to.

So the House refused to proceed to the business upon the Speaker's table.

Mr. HOUSTON. The gentlemen from Ohio yields me the floor, and I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FOWLER. I wish to understand if the gentleman from Ohio moved to recommit the bill under discussion?

The SPEAKER. That motion was made and entered upon the Journal.

The question was then taken upon Mr. HOUSTON's motion, and it was agreed to.

The twenty-fifth amendment, the next in order, was then read, as follows:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the 1st of January, 1852, at the rate of \$33,000 per trip, in lieu of the present allowance; the sum of \$236,500: *Provided*, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

The CHAIRMAN. The pending question is upon the amendment of the gentleman from Virginia, [Mr. MEADE,] to strike out "33," and insert "25," so as to make the appropriation \$25,000 per trip, instead of \$33,000.

The question was then taken upon the amendment, and it was not agreed to.

Mr. DEAN. As it is necessary at this stage of the question to propose some amendment to the bill in order to obtain the floor, I therefore move to strike out the proviso.

Mr. BAYLY. I desire to amend the prior clause of the bill, and I wish to ascertain if, after this proposition to strike out the proviso is acted upon, it will be in order to go back to the prior part of the section?

The CHAIRMAN. The Chair thinks it will be in order to go back to any part of it.

Mr. DEAN. This is the only question which has arisen during this session upon which I have entertained doubts as to the way I ought to vote. While every feeling of national pride bid me say ay, my fixed opinions of opposition to the creation or continuance of monopolies by the General Government, or of grants by it of bounties to individuals, seemed to compel me to give a reluctant nay to the application. Amid this apparent struggle between principle and patriotism, I examined the subject in its various bearings, and am satisfied that all objections on principle are without foundation; that it is a question free from all constitutional difficulty; that the amount of the appropriation is the only real question about which we should differ. Having, after a thorough examination, come to this conclusion, I endeavored some days since to obtain the floor to give the reasons which would induce me to vote for the appropriation inserted by the amendment of the Senate, and now recommended by the Committee on Ways and Means of this House. Not succeeding at that time, as my time is now limited by our rules, I shall avail myself of the privilege universally granted, as my time will expire before finishing my remarks, to hand my notes to the reporters, that my constituents, to whom I am immediately responsible for every vote, may understand in full the reasons by which my action has been determined.

The first question to be settled in passing upon this appropriation is, *ought this Government to aid in maintaining the Collins or a similar line of steamers between this country and England?*

If this is answered in the affirmative, the only remaining question is, *whether we are not obliged to sustain this line now, because of the impossibility at this time of obtaining any other ships, of sufficient capacity and speed, to carry the mails between New York and Liverpool, in a successful competition with the Cunarders?*

In discussing the first proposition, it becomes proper that I should address myself to the question propounded by the gentleman from Tennessee, [Mr. JONES,] who, in opposing this measure yesterday, asked, "Where can you find the power in the Constitution to make this appropriation?"

Now, sir, I might answer the question by citing precedents almost innumerable, of the exercise of similar powers, with the approval of every Administration; or point to the unbroken line of policy from the foundation of the Government. I might say that the creation of this system was upon the recommendation of President Polk in his annual message—that the law was passed by a Democratic Congress, and approved and signed by a Democratic President. But I do not propose to answer it in that way, choosing rather to point out the specific clauses in the Constitution which authorize this appropriation. By referring to the preamble to the Constitution we shall find that

one of the objects for which it was adopted was "to provide for the common defense and promote the general welfare." And the eighth section of the first article reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defense and general welfare of the United States."

That is, the taxing power is given to raise money for the purpose of providing for the common defense. Admitting, however, that it can only be exercised in pursuance of the subsequent grants of power, this, taken in connection with the war-making power, and the means to be employed in the exercise of this prerogative not being specified in the fundamental law, the right to employ such as in our judgment the wants and exigencies of the times require must be clear and undisputed. At one age of the world this duty on our part would have been properly discharged by building high walls, by arming our soldiers with spears, swords, javelins, and shields. At a later day, and while we had no commerce, by raising troops, furnishing them with fire-arms and ammunition, and erecting and manning fortifications to protect our harbors and the passes to our country.

Now, it is to be noticed that the manner in which the common defense is to be provided for, is not restrained in the Constitution, except by the limitations of the express powers. We are nowhere told that we may build a fort, establish and maintain a military academy or arsenal, or make or purchase fire-arms; yet the exercise of these powers has always been unquestioned as necessary implications from the war-making power and the power to impose taxes to provide for the common defense. If it can be shown that by sustaining this line it will aid in providing for the common defense in case of war, the right to make the appropriation is clear. But will it necessarily effect this object? We have now a commerce which is universal—and in view of the revolution that steam has effected in navigation, and the probability that the next war that any foreign Power shall wage against us will be upon the ocean—when all these have their steam navies—in view of this, the necessity which this changed state of affairs creates, I submit that the power is not only within the strict purview and meaning of the Constitution; but that the duty on our part to exercise it in this manner is imperative; that a steam navy is as necessary now as were fire-arms and gunpowder in the time of the Revolution. But I find in another provision of the Constitution—in the grant to establish post offices and post roads—a direct power for that purpose.

Now, gentlemen may say, perhaps, that you cannot build a road upon the Atlantic. Why, you can build a road there as well as upon a river; and the rivers in this country are made post roads; and I cannot see any reason why the ocean cannot be so used. In fact, this line has bridged the Atlantic, and connected New York with Liverpool.

And, Mr. Chairman, there is no direct power in the Constitution to transport the mails. But it is a necessary incident to the powers granted. As I see my time is nearly out, I have only to say that I find the power in another part of the Constitution, which is "the power to regulate commerce." For it is impossible to regulate commerce unless the Government provide for the transmission of intelligence. We must have foreign correspondence, and all our Atlantic cities are interested in this matter, as well as the people at large. I say, therefore, in the Constitution, in addition to the power to provide a navy, there are three other distinct grants of power under which this appropriation can be justified.

I will not now amplify these points, but merely add there is another point, and that is, the national objects to be promoted by this enterprise. We are now compelled to meet and compete with England; with our naval and commercial marine, in a contest for the commerce of the world; and other gentlemen may do as they please, but in this, the third war with England which we are now waging, I, for one, mean to be on the side of my country. The contest now is, for commercial, industrial, and naval supremacy. It is a contest which we are waging, not by one class of our people against another, but a contest which the manufacturers, which the commercial class, which our artisans,

and our citizens generally are waging with England, for commercial and manufacturing supremacy; and I say, that in a contest of this kind, I, for one, will be on the side of my country.

Mr. BOCK. Has the war been regularly declared?

Mr. DEAN. Yes, sir, the war has been regularly declared; or, rather, it exists by the act of England, for the power of the British Government is, and for years has been, devoted to the maintenance of this Cunard line.

Mr. NABERS. I am very happy, Mr. Chairman, to agree in one particular with the gentleman from New York, [Mr. DEAN,] who has just taken his seat. It is this, that he is always found upon the side of his country. I am always found there, and not only upon the side of a part of my country, but all my country. Am I to understand that the Collins line embraces the whole country? Am I to infer that it embraces not only the people, but the Constitution, too? If so, I am free to confess that I have read that Constitution in vain.

The gentleman quotes the article in the Constitution about the common defense and general welfare, and applies it to the bounty which this amendment proposes to give the Collins line of ocean steamers. This is perverting a constitutional provision, which was intended to embrace all, to the benefit of a select few. It is invoked to aid a particular interest, and that, too, at the expense of the general welfare. Read the Constitution again, sir. I have not the honor of a personal acquaintance with the gentlemen interested in the Collins line, but I take it for granted that they are shrewd men, and know how to approach us; and how do they do it? Why, by putting the British upon our back, and appealing to our patriotism. Sir, it is the first time, in the history of this country, that I have ever known that hallowed principle called patriotism to be put up to the highest bidder for cash! In 1847, or whenever the contract was made with E. K. Collins & Co., they agreed to be patriotic for \$385,000 a year! [Laughter.] I say they agreed for a stipulated price to play the patriot, but they have tired out at that price, and now they demand, for a continuance of their patriotism towards our country, the small and insignificant sum of \$800,000, or upwards, per annum! Who could not be patriotic for that money, sir? [Laughter.] Point me to a man upon the earth who would refuse to be patriotic for a handsome sum like that. The questions were asked on yesterday by the gentleman from Tennessee, [Mr. POLK,] "Have you no nationality? Do you limit your patriotism by the round of a dollar?" To the first question I answer, yes. I am proud of my nationality. To the second I answer, no. My patriotism is not limited by the round of a dollar, but the patriotism of E. K. Collins and Co. would seem to be thus limited. What do they say? They come forward to this House and tell you, unless you increase their compensation, they cease their patriotism; that is, they will let the line go, and suffer the British to catch you! I recollect in the early struggles of this country for liberty that men made great sacrifices in order to be patriotic. I recollect that old General Marion used to sleep in the swamps of South Carolina, dash out occasionally with his men to fight the British and Tories by way of getting fresh air and a little recreation, and then return to his hiding-place, and lived upon parched corn and roast potatoes served up upon a piece of pine bark! That was patriotic in those days. But patriotism in 1852 means magnificent floating palaces—means a princely fortune as the result of a contract with the Government of the United States. But, sir, I deny that this Congress has the right to make such discrimination as is contemplated by this amendment.

[Here the hammer fell.]

Mr. MILLSON. The gentleman from New York [Mr. DEAN] moves to strike out the whole proviso. I wish to know if it is in order to amend the proviso which has been proposed to be stricken out?

The CHAIRMAN. The Chair thinks it is in order. The proviso is an independent proposition, complete in itself, and is therefore subject to amendment.

Mr. MILLSON. I move to amend the proviso by striking out the words "fifty-four," in the fourteenth line, and inserting "fifty-two" in lieu



thereof, so as to authorize Congress, at any time after the 31st day of December, 1852, to terminate the contract.

Mr. Chairman, I should be false to every principle by which my public conduct has heretofore been regulated, if I failed to express my utter and earnest opposition to this amendment of the Senate. I will not now go into a discussion of the question, whether it be consistent with the principles of the Democratic party to make this appropriation. Nor do I deem it at all necessary to reply to the argument of the gentleman from New York, [Mr. DEAN,] that the preamble of the Constitution confers upon Congress authority to provide for the common defense and the general welfare of the United States. I need make no other answer to this argument than to refer him to the resolutions of the late Baltimore Convention; and if the gentleman claims membership in the Democratic party, and subscribes to the doctrines proclaimed by their Convention, he will require no other answer to his arguments. He will find there a resolution, adopting into the Democratic creed the resolutions of Kentucky and Virginia, and the report of Mr. Madison to the Virginia Legislature, in which this very heresy of his is condemned and repudiated.

Mr. CARTTER. I wish to inquire of the gentleman, which resolution of the Baltimore Convention he refers to?

Mr. MILLSON. I refer to that declaring that the Democratic party will uphold the principles laid down in the Kentucky and Virginia resolutions.

Mr. CARTTER. Of '98?

Mr. MILLSON. Yes, sir. But what is the case before the House? The statement of it is simple enough. A company of gentlemen have embarked in an enterprise for the transportation of passengers and merchandise between New York and Liverpool. They have entered into a contract to carry the mail at a stipulated price. It is not pretended that their compensation for this service is too small. But they say that their expenses far exceed their receipts, and they inform us that they must abandon their enterprise, unless the United States will agree to make up the losses they must suffer. The ill success of their adventure has in no way been occasioned by us, but it is proposed to increase their allowance, already disproportioned to the actual service rendered, so as to enable them to prosecute their business. Sir, I see nothing in this system, but pure, simple, unmitigated protection, and protection in its most odious form.

I will do the Whigs of the country the justice to say that they have never yet, in their advocacy of the protective system, ventured so far as to put their hands into the public Treasury, and take from it sums of money for the purpose of bestowing them in bounties to favored classes; and I will do them the further justice to say that, while they urge what they wrongly suppose to be the protection of American against foreign interests, they have never gone so far as to urge the protection of American interests against American rivalry. No, sir; much as I condemn the policy they have sought to establish, they have never yet gone to the extent of seeking to protect one single manufacturer of cotton in Connecticut against all the other manufacturers of cotton in the United States. Upon such a question as this, the discussion of details would seem hardly to be necessary. There are some propositions we ought to be prepared to reject without any scrutiny of particulars. But let me direct your attention to the extent of this protection. According to the showing of the gentlemen who are the proprietors of these steam-vessels, their receipts have been \$48,286 85 per trip. Deduct, then, the amount paid them by the Government of the United States—\$19,000—and their whole receipts, from all sources, have been only \$29,286 85. And yet, we are now asked to give them \$33,000 per trip! All their earnings from the transportation of passengers and merchandise only amount to the sum of \$29,286 85, and we are asked to pay them for transporting a few mail bags \$33,000 per trip; that is to say, a sum largely exceeding the whole of their income from all other sources.

But, sir, will even this amount save them from loss? In their own exhibit, the average expense of each trip is set down at \$65,215 64; and if they should hereafter receive \$33,000 per trip from the

Government, their income, unless their other receipts should be swelled, would only be \$62,286 85; so that their loss in twenty-six trips would still be upwards of \$76,000 per year.

But all this is to be done, not for the sake of Mr. Collins and his associates, but for the good of the country. Yes, sir, that is the excuse. The same thing has always been said, when burdens have been laid upon the people, for the purpose of giving undue advantages to certain protected interests. It was done for the good of the country; to strengthen us in war; to increase our respectability abroad; to protect American labor against British rivalry; to increase the demand for our agricultural productions. It was done for the good of the farmer, the mechanic, and the merchant, who had to bear the burden, rather than for the manufacturer, who saddled it on them. We are accustomed to such arguments as these. The people have never been much impressed with them. They are, indeed, not quite original in our own country. Goldsmith pleasantly tells us that the sumptuous dinners which the churchwardens used to vote themselves, were only eaten for the good of the poor of the parish.

[Here the hammer fell.]

Mr. McMULLIN. Mr. Chairman, I shall not attempt to discuss the constitutional question which presents itself in connection with the consideration of the subject-matter now before the committee; but, sir, I must say, with due deference to the coordinate branch of this Legislature, that I think they have traveled slightly out of the way upon a mere deficiency bill—a bill, sir, to provide for the deficiencies in the expenditure of your Government—to add to that deficiency bill the enormous expenditure now proposed.

Mr. CARTTER. I call the gentleman to order.

Mr. McMULLIN. Make your point of order.

Mr. CARTTER. I will endeavor to do it. My point of order is this: that it is competent to speak against the amendment of the gentleman from Virginia, [Mr. MILLSON,] which amendment was against the bill. The gentleman is putting up a second speech against the bill. Instead of speaking against the amendment, he is speaking for it.

The CHAIRMAN. So far as the gentleman has proceeded, the Chair is not able to determine that he was out of order. The amendment is one to limit the appropriation to 1852, instead of to 1854. The gentleman may be in favor of the bill or against it, and yet support the amendment.

Mr. McMULLIN. The Chair has certainly decided correctly, because I have not yet determined my position. Before I shall have taken my seat, the question of order might, perhaps, have been properly raised upon me.

Sir, I desire to obtain from the friends of this bill, information upon two or three important points. My understanding is, that when this Collins company asked the Government to enter into partnership with them, they proposed to carry the mail for \$385,000, with which sum they would be able to compete with the British line. They now come forward and ask the Government to swell that appropriation to upwards of \$800,000. Now, sir, we require the War Department, the Navy Department, and the various other departments of the Government, to show in detail the expenditures of the Government. The Collins company come forward and say that they have expended a very large amount of money. How have they expended it? I desire to know of the friends of this measure, whether or not that company were in debt about one million of dollars, at the time they launched their vessels, and were ready to carry out this contract? I desire to know if the stock of the company has not been depreciated to from thirty to fifty below par? I desire to know, further, what salaries they pay their officers? I have been informed that they pay their captains \$6,000 per annum. If that be true, I desire to know of the friends of the company, if they cannot command the services of competent officers for \$3,000 per annum?

Sir, let these gentlemen come forward and give us a bill of particulars. Let them show the Government why they have gone into this extraordinary and extravagant expenditure of money, and not deal in these vague generalities. Let them be required to do that which the Departments of this Government are required to do. Sir, it is an outrage and an imposition upon this Government, to ask us to appropriate this money without know-

ing how the company have incurred these exorbitant expenditures.

The learned constitutional lawyer from New York [Mr. DEAN] gets up here and tells the House and the country that he is a Democrat, that this is a Democratic measure, and that it has been a Democratic measure since the foundation of the Government. The gentleman must have but little respect for the House of Representatives to present legal views in such a vague and indefinite manner. Sir, if this is not protection—protection in its most odious form—I confess that I know not what protection consists in. Sir, an appeal is made to the House of Representatives that this is a contest between Great Britain and America; and those who oppose this appropriation are told that their patriotism is not large enough, high enough, expansive enough, to protect our Government and our country against Great Britain.

[Here the hammer fell.]

Mr. MILLSON. I believe this to be an important amendment, and I therefore ask for tellers.

Mr. CARTTER. I wish to inquire if it is now in order to oppose the amendment?

The CHAIRMAN. The Chair thinks not.

Mr. CARTTER. I believe the rule is, that there may be one speech in opposition to the amendment. But the speech of the gentleman from Virginia, [Mr. McMULLIN,] who has just taken his seat, was an elaborate argument in favor of the amendment of his colleague.

The CHAIRMAN. The Chair thinks it is not in order to discuss the amendment further.

Tellers were ordered; and Messrs. CARTTER and VENABLE were appointed.

The question was taken, and it was decided in the negative—ayes 62, noes 73.

So the amendment was not agreed to.

Mr. STANTON, of Tennessee. I move to amend the proviso by striking out "54" and inserting "55."

I advocate this amendment upon the ground that it is necessary to extend the time in order to test the grounds on which this appropriation was originally made. This line was originally established with two objects. One of those objects was to carry the mails, and for that, I contend—and I presume there will be no question about it—the Government has the right to contract and to pay. It was a legitimate object, clearly within our constitutional power, and sanctioned by precedent and almost universal acquiescence. The other object was the establishment of a steam navy, or the employment in the commerce of the country of a certain number of vessels which might be employed for the protection of that commerce in time of war. Now, sir, there can be no question that this also is a legitimate object, if the means employed be appropriate. I maintain that the experiment has not yet been fully tested, and ought, by no means, to be abandoned. I maintain that these vessels, built by the Collins company, are the strongest ships that have ever been put afloat since ships have been built. I maintain that they will prove to be the best war vessels that ever have been constructed; and, more than that, I maintain that the establishment of this line has already done much for the security of the country. One gentleman, during the discussions that have already taken place, said, in the course of his remarks, that it was idle and absurd to say that these four vessels could stand against the whole steam navy of the British Government. Sir, if our Navy, with these four vessels added, could not stand against the steam navy of Great Britain, surely it could stand much less against that navy if we had not these four vessels.

Now, sir, when this policy was adopted, at the recommendation of President Polk, immediately after the danger of war with Great Britain upon the Oregon question, our coast was constantly traversed by the West India line of British steamers; and that fact created a strong apprehension on the part of our Government of a complete devastation of our coast and our commerce if a war had broken out. The effect of the establishment of this and other lines has been to drive away those British steamers from our coast. In this point of view, the effect has been to render our country more secure, to give us protection to this extent, and to give us greater confidence in ourselves.

But, sir, it has done infinitely more than that. I tried to get the floor before the debate upon this

question was closed, in order that I might submit my views at length, but I found it impossible to do so from the press of effort that was made upon that occasion to speak. I can now do it very imperfectly. I do not pretend to say that these vessels are the best that can be built, or that the principle adopted in their machinery and in the mode of their propulsion is the best that can be adopted; but I say that this is a great experiment, which has redounded to the honor of the country, and for which Government has not paid too much, and will not pay too much if the amount necessary to continue the experiment shall be appropriated by the adoption of the provision which is now under consideration. Sir, I believe that the establishment of this policy recommended by Mr. Polk, and now scarcely more than commenced, has put this Government fifty years ahead of what it would have been if this policy had never been adopted. Before the construction of these vessels, it was impossible in this country to make such machinery as that used in these Collins steamers.

[Here the hammer fell.]

Mr. TAYLOR. Mr. Chairman, the people of the United States are no doubt somewhat surprised that on the 9th day of July, 1852, we are discussing a bill, and the amendments thereto, to supply deficiencies for the fiscal year terminating on the 30th June, 1852. For one, I disclaim all participation in the slow progress of business in this House in those protracted and irrelevant debates which have so long delayed the public business; and I say here, that I think this bill and all the amendments thereto, the one now under consideration included, should have passed some three or four months ago.

Sir, I have sought the floor now, as one of the Representatives of the State of Ohio, to express my concurrence in the important amendment now under consideration, sent to us from the Senate, and to say that I believe it is the disposition of the great State which I have the honor in part to represent upon this floor, to uphold this great national interest; and that they are adverse to the opinions so eloquently expressed in the written speech read by my colleague [Mr. STANTON] the other day.

Sir, I congratulate this House that we have at last got rid of the "odious thralldom," (to use the expression of one of the most distinguished editors of this country,) imposed on the House of Representatives by the everlasting and irrelevant debate under the one-hour rule; and that we have at last got into the business condition of being obliged to confine our remarks to five minutes speeches. That is the only way in which we can make any progress in the public business; and I, for one, would confine the remarks of members, during the morning hours, to five minutes speeches, and hold evening sessions for general debate.

I wish now, in a very few words, to assign the reasons why I shall support this amendment of the Senate. The gentleman from Virginia [Mr. MILLSON] says,—and the same remark has been made by other gentlemen,—that he is opposed to this amendment, because it is giving some aid to the great principle of protection—a principle which I am proud, as a Whig member of Congress, to advocate and maintain. Sir, the principle of protection is maintained not only by the Whig party in this country, but by a large portion of the Democratic party. It is a vital principle of the American Government, and of our Constitution. What is our Government for, if it be not to advocate or defend the great principles of protection, progression, and reform? Why are we legislating here for months, unless it be to protect American rights, to protect American labor, to uphold American honor and American labor in the great country of which we are the Representatives?

Sir, I glory in the fact that this is an incidental mode of protecting American commerce, upholding American power and supremacy on the sea, and carrying out the great principle of steam navigation which was originated by American ingenuity. It is true that in 1840, the British Government seizing hold of this great principle, had, before we commenced these enterprises of ocean steam navigation, fourteen steamers on our coast monopolizing our carrying trade for freight and mails, and, in some degree, driving our own commercial marine from our own coast. The wisdom of a former Congress thought proper to establish an

ocean steam marine, and in little more than three years we have driven away the British steam vessels from our coast, monopolized the trade to Chagres, divided the profits of freight and of carrying the mails between England and other parts of Europe and the United States, and we have only to complete the work by maintaining the Collins line, which is emphatically the American line, as a national line.

Sir, I cannot go into the details of this matter now, although I have the materials here; but in one of these evening sessions, which I hope we shall have, I shall be glad to descant upon the subject. The Cunard or British line has seven vessels in commission; the Collins or American line has only four. They may properly be termed British vessels and American vessels; and the American vessels, I wish you to understand, although there are only four of them, have more tonnage than the seven employed by the Cunard line. According to the best calculation I can make, the amount paid to the Collins line by the American Government is less than that paid by the British Government to the Cunard line, the aggregate tonnage of the seven Cunard steamers being 12,252 tons, and the aggregate tonnage of the four American steamers, or Collins line, being 13,702—so that the price paid to aid the American line by the American Government is less per ton than the amount paid by the British Government to uphold the British or Cunard line—the American line receiving \$4 82 per ton, and the British line receiving from the British Government \$5 75 per ton.

The British Government has now 320 ocean steamers, carrying 1,520 guns, including her war steamers, and these easily convertible into war steamers, whilst the American Government has only 40 steamers suitable for war purposes, carrying 73 guns. And yet we find gentlemen here disposed to abandon the wise policy which originated and maintains the small effective force we now have, to countervail the immense force and far-seeing sagacity of the English Government. Sir, we cannot safely abandon our ocean steam marine. We must uphold it. Every principle of economy, of wise legislation, forbids that we should now abandon the scheme of ocean steam navigation; and it seems to me that the small advance now proposed to the Collins line of steamers is the best means of maintaining the proud position we now hold in the great progress of steam navigation. I hope the Senate's amendment will be concurred in.

[Here the hammer fell.]

Mr. STANTON, of Tennessee. I will withdraw my amendment, if there is no objection.

No objection was made, and the amendment was withdrawn.

Mr. CLINGMAN. I move to extend the time of notice to be given from six months to twelve months.

My object is to answer briefly the remarks of the gentleman from Virginia, [Mr. MILLSON,] with reference to protection. I was endeavoring on yesterday to say something on this subject, when my five minutes expired. I think, Mr. Chairman, this bill has suffered, in the estimation of some at least, from its connection with this question of protection, or a tariff. Now, what is the proposition now pending? Everybody, I think, will see at once that there is a striking dissimilarity between the two cases, as soon as attention is called to the view I am about to present. It is proposed to give this Collins line an advanced compensation, to enable it to compete with the line that is sustained by the British Treasury. Now, it is contended by nobody that the manufacturing establishments that bring their goods into this country are supported out of that Treasury. Why, sir, all manufactures which are made and brought into this country are made by private persons, on their own capital, and are brought here to be sold in open market, at such price as can be obtained, and hence gentlemen may very well be opposed to giving our American manufacturers any support, either by bounty or protection, because they have to compete with private persons only. But I say, sir, if the British Government should carry out the principle, as she has done with the Cunarders—if Great Britain, I say, were to give money to her manufacturing establishments, and thus enable them to manufacture goods at a cheap rate, and undersell us, then I should be for meet-

ing them in some mode, either by bounties to our establishments, or, what I should prefer, taxing them heavily. But she has done nothing of the sort, and therefore gentlemen may very well be opposed to going into this protective system when our manufacturers have only to meet with competition from private persons and private capital, and yet be willing to support a line of steamers which comes in competition with a line supported by the British Government. I say, sir, that if the Cunard line were supported by private persons and private capital alone, as the manufacturing establishments are, I would not give the Collins line one dollar to compete with them. I would say to them, "Go forward and fight; fight the Cunarders fairly, upon their own ground, without asking help from us." But it is because the British Government has interfered in the contest, and is assisting this very line, that I support the proposition now before us, to give our ships a fair chance in the contest, by helping them as much as Great Britain helps their opponents.

But, Mr. Chairman, I agree with the gentleman from Virginia, [Mr. MILLSON,] that this gives an advantage to these lines over private persons, and I regret it; but by withdrawing our support to the Collins line, and causing it to go down, we shall not avoid this evil. Suppose you withdraw your support from the Collins line and let it go down. Great Britain will still keep up her line and thus continue this injurious monopoly against private enterprise. She will multiply the number of her ships, and the number of trips, because then they can charge higher rates for passengers and freight, and you would still have this British competition with which our private mercantile marine would have to struggle. If we leave the field to Great Britain she will only go to a greater extent in this matter. What is the proper course to pursue? To meet her by similar lines. If she gets up an armament, though we are friends of peace we must get up another to meet it. Though, by so doing, and having two military establishments, more lives may be lost than if there were only one. You may, however, by this means restrain her. This principle of retaliation is the universal practice, not only of nations, but of men. If a man gives me a blow, and I submit, he may repeat it; but if I can succeed in knocking him down, that is the best way to satisfy him that it is wrong for him to commit a breach of the peace. Now, if Great Britain has embarked in this contest, I want her to see that she has a foe that will meet her at every point, and contest every inch of the ground. Let her see that in this race the terms are to be equal, and that she is to be pressed at every stride and beaten, if American skill, energy, and capital can do it. In this mode, and in this only, shall we be able to induce that Government to abandon this system of embarking in enterprises which ought to be left to private establishments. That is my object, but we cannot accomplish it by folding our arms, and leaving her to have everything her own way.

[Here the hammer fell.]

Mr. BAYLY. I do not derive the constitutional authority for passing this provision from the language of the preamble of the Constitution, and subsequently repeated in the clause granting powers to Congress; and I think if the gentleman from New York [Mr. DEAN] examines carefully that preamble and the subsequent clause, he will find that the words "provide for the common defense and general welfare," so far from enlarging the powers of the General Government, restrict them. I do not, therefore, find the power to make this appropriation in the preamble of the Constitution, which declares that one of its objects is to provide for the common defense and the general welfare; but I find it in that part of the Constitution which gives to Congress the undisputed jurisdiction over navigation, and the undisputed authority to maintain a navy. Sir, this question is no new one. In '94 Great Britain, by giving exclusive privileges and advantages to her ships, had nearly monopolized the shipping of the world. She had, according to the report of Mr. Madison, at that time eleven twelfths of the shipping and seamen employed in her trade. Our Government took up that question in '94, and Mr. Jefferson made his celebrated report upon the subject of commercial privileges and restrictions. Following that report Mr. Madison introduced into this House his celebrated resolutions of that year, and

made his speech upon that occasion. In Mr. Jefferson's report on commercial privileges and restrictions, he took the ground distinctly which is now taken by us, that when other nations give privileges and advantages to their shipping, that the very principle of free competition, of free trade, requires that we should meet them by countervailing regulations.

I wish I had time to go into this subject fully. Mr. Jefferson said that when one nation gives advantages to its navigation over those of any other, there were but two ways to remove this inequality. One was by friendly negotiation, which was preferable, if it could be successful, but, if it was not, the other was by countervailing regulations. He says, after going on to say that friendly negotiation was the better course, if practicable:

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter-prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them."

Now, sir, it has been said that the principle of protecting manufactures is involved in this provision. Why, sir, nobody, under the clause to regulate commerce, has ever doubted that we might pass countervailing regulations, with a view to commercial objects, to meet those of other nations. If any one doubts it, let him look to the history of the formation of the Constitution. Let him look to our whole legislation, especially respecting our intercourse with the West India Islands. If he doubts our rights to foster our navigation and raise up a school for seamen, let him look to the fishing bounties which have extended down to this very day, notwithstanding the necessity for them has disappeared.

No, sir, what we free-traders have objected to was, that in the tariff laws the power to regulate commerce was perverted to the power to encourage manufactures. What we have objected to in tariffs of protection is, that it was not the *bona fide* intention of the law to regulate commerce, but under the pretext of doing that, to cripple commerce and encourage manufactures. That is what we have objected to. It has never been objected that Congress could not pass countervailing regulations for the purpose of regulating commerce, nor has anybody even questioned the authority of Congress to jurisdiction over navigation. Has anybody ever questioned the authority of this Government to pass countervailing regulations with the very view of enforcing that equality which is the very soul and life of free trade itself.

[Here the hammer fell.]

Mr. CLINGMAN. I withdraw my amendment if there is no objection.

Mr. JONES, of Tennessee. I demand a vote upon the amendment.

The question was then taken on the amendment, and it was not agreed to.

Mr. SEYMOUR, of New York. I move to strike out of the proviso, "six months" and insert "ten months."

Mr. Chairman, I regret my necessary absence from the business of the House for a few days past, as it has deprived me of the opportunity of presenting my views upon this important question at length. I deem the proposition now before the committee, in reference to the Collins line, to be one of the most important questions that has come before this House during the present session, or that can be presented. I know, sir, that the citizens of the State I have the honor in part to represent, feel a deep interest in the success of the Collins line; but, sir, any disposition I might have to meet the wishes of my own fellow-citizens, would never induce me to sustain a measure which I did not believe to be constitutional, and to be consistent with the general weal.

I believe that those considerations which pertain to the general welfare of the country, so far as it may be involved in this proposition, outweigh anything of a local character that concerns this subject. So far as the constitutional question is concerned, I never have had the least doubt upon the subject. In my examination of the question, I was led particularly to a consideration of those laws which the gentleman from Virginia, [Mr. BAILY,] has just alluded to, and which lie at the very foundation of the commercial prosperity of this country—laws, sir, introduced at an early

period of our Government, and which have been maintained hitherto, and enforced in all their rigor, for the purpose of building up our commerce, and which have done it, and thereby have taken from our great commercial rival, just as is proposed to be done now by the operation of the system of steam marine, the monopoly of trade upon the ocean.

Sir, I have heard the cry of monopoly raised against this proposition. What monopoly? A monopoly, sir, which shall defeat the British monopoly which they enjoyed for six or seven years before the Collins line was established, and in the enjoyment of which they have cleared more than five millions of dollars, and by which they were able to put on, in competition with the very line we have established between New York and Liverpool, a splendid line of steamers, without which, I venture to assert, this increased appropriation would not be necessary to maintain the Collins line. For had the Cunarders remained of the same tonnage and swiftness as when the Collins line was projected, no gentleman can fail to see that the compensation which the Government paid to them of \$385,000 a year would have been sufficient to have transferred this monopoly from England, and given it to our own country. And is there really any objection to such a result? When there must be a monopoly either by the British or by ourselves—for that is inevitable in the present state of things—where is the American that is not prepared to stand by his own country in this matter?

But, sir, I have said that irrespective of these commercial considerations there are other views pertaining to this proposition, of a higher character, and those are the bearings it has upon our naval marine. I consider that the great question which overrides all others. For I think the time has come—if it has not already been decided and settled in the American mind—the time has come when we must settle the question, whether we are to increase our naval power, or not; and if we determine to increase it, and to make it comport with our position and character as one of the great Powers of the world, whether that shall be done in the old made of expensive ships-of-the-line and frigates, to lie in time of peace and rot in our docks, or by building up lines of mail steamers, so constructed as to be easily convertible into war steamers.

[Here the hammer fell.]

Mr. SWEETSER. Mr. Chairman, I do not feel at liberty to remain silent at this crisis of the debate. I agree with the gentleman from New York, [Mr. SEYMOUR,] that this is an important question. I believe this to be a question of grave import. It is one which should be discussed with that kind of care and examination which becomes a deliberative body, acting upon great and important interests. An appeal has been made, not only to our interests, but to our patriotism—our national pride. This is the proper forum where such an appeal should be made upon a grave question of this character. I rise for the purpose of responding, so far as I have the ability, for those whom I have the honor upon this floor to represent. I am willing to assume the full responsibility of the vote I shall ultimately give, and I will here avow that it is my determination to vote against the Collins line of steamers. The reasons for that vote I will assign. I represent in part the great valley of the West, and I desire to present a point to Western men upon which it seems to me their vote should be predicated. In so doing I do not hope to be listened to with favor by gentlemen who are protectionists in principle and in practice. I will say to those gentlemen on my right, as was said by one of old, that "Ephraim is joined to his idols; let him alone."

It will be found, by reference to the report of the Secretary of the Treasury for 1852, that more than half of the steam fleet of the American continent is upon the waters of the Mississippi and its tributaries. It is the largest steam fleet in the world. Its size is conclusive evidence of its success and superiority for its purpose to any in the world. By it, freight is carried at a lower price than by any other mode of conveyance known in this age of improvement. These steamboats carry passengers on the average for one cent per mile, furnishing all accommodations, and freight at the rate of one cent per hundred pounds per one hundred miles. This fleet is entirely the result of individual enterprise, without governmental aid.

Let us go back for a moment for the space of

forty years, and mark the progress of events. In 1811 there was but one steamboat afloat upon the waters of the Mississippi. A trip from Cincinnati to New Orleans, a distance about equal to that from New York to Liverpool, was then made in about fifteen days—cost of passage from \$60 to \$80. In 1852 about five hundred steamboats float upon the bosom of the Mississippi and its tributaries; the usual time of passage from Cincinnati to New Orleans is about six days; first class of passage from \$15 to \$20, and freights in a similar ratio. This change has been the result of the untrammelled enterprise of our citizens, unaided by donations from the public Treasury. Can it be that Western Representatives, representing a constituency who have often repudiated a system of protection, forget to manifest their abhorrence of this most obnoxious system for the draining of the Treasury, which must, in its practical effects, demand an increase of the tariff to supply an exhausted exchequer? Sir, I cannot, with certainty, picture what would have been the effects of this system of protection which is now sought to be fixed upon the country, in aid of this Collins line, and the various other lines which are now appealing to Congress for aid. If it had been adopted upon our Western waters, I venture the assertion that it would have checked the enterprise of our people, and probably overshadowed the advancement of her great interests. Their is something about this vampire system that is exhausting and destructive.

The mighty West has progressed, as I have attempted briefly to detail, with many obstacles in her track. Her great rivers have been obstructed by rafts and snags. She has asked for appropriations to clean out the great national highways, in order that her surplus might float safely to the sea-board. Whenever such an appeal is made, the very men and interests that are wide awake in this scheme, slumber most profoundly upon this cry of national pride, and national interests. Sir, let us provide first for the safety of our internal commerce, and not be led away from our true policy, by an unmeaning appeal to our national pride. I am willing that the broad ocean shall be open to the fair competition of the world; and whenever the carrying trade can be done cheaper by our nation than another, it will right itself. The loss complained of by this line of steamers may be the result of extravagance or mismanagement; if for either cause, I am not prepared to open the Treasury for relief.

I now call upon Western Representatives to look to Western interests, and point to Western success; and turn a deaf ear to the threatened suggestions which have been, and will be, made by speculators, in behalf of this system of protection. It is known that we are called upon to adopt a system in relation to ocean steamers, that will drain the Treasury of from six to eight millions per annum, an amount far beyond the expenses of the legislative, executive, and judicial departments of the Government. If we vote the amount desired by the Collins line, we fix upon Congress a precedent that will sink the Treasury to the whole extent of the estimate which I have given. Sir, I feel alarmed when I contemplate the practical results of such legislation.

The question was taken, and the amendment to the amendment was disagreed to.

Mr. CLINGMAN. I move the following as an addition to the proviso:

And provided further, That the President be requested to enter into negotiation with the Government of Great Britain and other foreign Governments, with a view of making such regulations as may be necessary to prevent the interference with private enterprise by vessels owned wholly or in part by Government.

It will be perceived by the committee that this is an important amendment. It strikes me that it is right. It has reference to what I alluded to on yesterday, and I hope it will be adopted. It is probable this system will go on, and that it will be adopted by other foreign Governments. The French are now speaking of it, and other foreign Governments will establish lines to compete injuriously with our own private establishments. I therefore think it would be very well for all the Governments in the world to agree that they would let trade and commerce be carried on by private capital, and have an understanding that Government vessels are not to embark in it. I hope the amendment will be adopted.

Mr. FREEMAN. I am opposed to the amend-



ment, and in the few remarks I have to make I desire to call the attention of the committee to a position or two of the gentleman from Virginia, [Mr. BAYLY.] He takes the ground that we have the constitutional right to make this appropriation, under that provision of the Constitution, as I understand him, which provides that Congress shall have power "to regulate commerce with foreign nations." The complete negative of that proposition will be found on the face of the bill itself; and I am astounded the gentleman should have made a point of that character before this committee. There is no provision in this bill "to regulate commerce with foreign nations." It declares only that the Collins line shall be paid a certain sum of money for transporting the mails of the United States. The power of Congress over the mails is not inferential from that of regulating commerce, either foreign or domestic, but is a positive grant to establish post offices and post roads. Let him come forward with his proposition to regulate commerce with foreign nations, and we will then have an opportunity to discuss the question. Sir, was it contended by Mr. Madison and Thomas Jefferson that the power simply to regulate commerce should enable the Congress of the United States to bestow a bounty on a private corporation to the amount of thousands—ay, millions of dollars? And this is what is called regulating commerce with foreign nations! Sir, gentlemen have mistaken the clause of the Constitution under which this appropriation is to be made. It may be found more appropriately in the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." It is a war declared against the Treasury of the nation—a war to levy black mail under the pretense of carrying the United States mail—a war upon the people to sustain the Collins line—a corporation which professes to be bankrupt, and now issues its letters of marque and reprisal to force from the people, under color of law, what it pretends to have lost in a voluntary enterprise of its own. But, sir, the power "to make rules concerning captures on land and water" covers the case entirely, [laughter;] and I am surprised that gentlemen known to be familiar with the Constitution should have passed over in silence a power so palpable, so full, and so complete in all its proportions. [Laughter.] This amendment will regulate the capture on land of about eight hundred thousand dollars per annum from the National Treasury, to be spent in riotous living upon the water. The appearance of the magnificent Baltic in the Potomac, and at the very threshold of this House, like another Trojan horse, has taken captive the American Senate, and this House is now rushing into the same ruinous vortex.

I am surprised that any Democrat, and more especially the learned gentleman from Virginia, should assume such a position. Sir, the Virginia resolutions of '98 and '99, had better be repealed, and the names of Madison and Jefferson blotted from the history of the "Old Dominion." We grant Collins & Co. a donation of \$800,000 per annum, by way of regulating commerce, and with the condition that they will grant to the United States the privilege of purchasing these ships some day or other, when they may or may not be entirely worn out. Is that regulating commerce?

Mr. BAYLY. I desire to say that I did not put it upon the ground of regulating commerce at all, but the jurisdiction over our navigation.

Mr. FREEMAN. Still worse, sir. In what clause of the Constitution may this jurisdiction over navigation be found? Sir, all the courts of the country, and all the commentators on the Constitution concur in the opinion, that the power of Congress over the foreign or external navigation of the country is derived solely from the power "to regulate commerce with foreign nations." I challenge the learned gentleman from Virginia to produce another clause of the Constitution that gives this body any power whatever over the oceanic navigation of the country. When the gentleman from Virginia [Mr. BAYLY] deserts this position, as he now does, he has no other ground to stand upon. Mr. Story, in his Commentaries on the Constitution, says:

"If commerce does not include navigation, the Government of the Union has no direct power over that subject, and can make no law prescribing what shall constitute American vessels, or requiring that they shall be navigated by American seamen; yet this power has been exercised

from the commencement of Government; it has been exercised with the consent of all America; and it has been always understood to be a commercial regulation. The power over navigation, and over commercial intercourse was one of the primary objects for which the people of America adopted their Government; and it is impossible that the Convention should not so have understood the word commerce as embracing it. Indeed, to construe the power so as to impair its efficacy, would defeat the very object for which it was introduced into the Constitution; for there cannot be a doubt that to exclude navigation and intercourse from its scope, would be to entail upon us all the prominent defects of the Confederation, and subject the Union to the ill adjusted systems of rival States, and the oppressive preferences of foreign nations in favor of their own navigation."

The same doctrine is to be found in the opinions of the Supreme Court of the United States, in the case of Gibbins vs. Ogden, 9th Wheaton's Rep., 189 et seq.; 12th Wheaton's Rep., 446; and 1st Tucker's Blackstone's Comm., pp. 247-9. The latter is a Virginia school-book, as familiar among lawyers as is Peter Parley among children.

With this accumulation of evidence, may we not safely conclude that our power over navigation is implied alone from the power to "regulate commerce?" The gentleman from Virginia, [Mr. BAYLY] having abandoned the derivation of his authority from this grant, is left without a fulcrum on which to rest his Archimedean lever, and sinks to a depth which lead and line has never sounded.

Has it, then, come to this, that the Representatives of the nation are to usurp the powers reserved to the States and the people? Are we to take out of the hardy hands of the enterprising sailors and the commercial men of the country that for which they have been toiling for years under the pretense that we have the sole and unlimited jurisdiction over navigation? I am astonished that the gentleman from Virginia especially should have undertaken to base his argument upon anything of this kind. The argument of the gentleman from New York [Mr. DEAN] is much more plausible, and it is not alone found in the preamble of the Constitution, as supposed by the gentleman from Virginia, [Mr. BAYLY], but also in the eighth section, viz: "to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States." There the power is to be found, if anywhere; and who would dream of providing for the common defense and general welfare by a donation to E. K. Collins & Co. of \$800,000 per annum for running a steamship line from New York to Liverpool? By what power of compression has twenty-six millions of people been concentrated in the colossal statues of E. K. Collins & Co.? What has become of the United States of North America? Are the latter a mere synonym for a steamship corporation? What, sir, has become of that provision of the Constitution which declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another?" The Collins line is to run alone from the port of New York. What becomes of all the ports of all the other States that line the Atlantic and Pacific States from Maine to California, and thence to Oregon? Is the port of New York, already the most favored in the country, to be the sole recipient of this extraordinary bounty? Sir, if such is to be the construction of the Constitution by Democrats, and more especially by the Democracy of Virginia, they had better expunge from their platform of principles the Kentucky and Virginia resolutions of '98—raze out the State-Rights doctrines taught by Jefferson and Madison, and supply the extraordinary "deficiency" thus created by the life and writings of Alexander Hamilton.

[Here the hammer fell.]

The question was then taken on the amendment of Mr. CLINGMAN, and it was disagreed to.

Mr. POLK. I move to strike out "six" and insert "four."

I consider that it is proper I should make an explanation. On yesterday, in a five minutes speech, I referred to Commodore Skinner as to his experience with regard to steam-vessels. I did not mean to reflect upon him at all as an officer, and as a man having full and entire information upon the subject. I say this, with the view that my remarks may not go out to the country as involving a reflection upon him.

I consider that the question now to be decided by this House is as between America and England.

I consider that, in this matter, the American Congress is called to act upon a question which, according to its determination, will affect favorably or unfavorably the interests of America. In its decision will not the American Congress stand up imbued with that spirit of patriotism which should animate every American bosom, and determine the question to the advantage of his own country? Will you give this contract to England? Are you Americans, and yet not act as become Americans when the issue is fairly made up? Washington said that none but Americans should stand guard at our outposts; and I say to-day that none but Americans should stand guard for this bill. English lobbyists should be spurned from your Halls. Will you, in the decision of this matter, pander to England and to English pride? Will you lose sight of your patriotism in casting a vote on this question? I am speaking facts that will tell upon the minds of the people. I am telling you what the public opinion will be when concentrated upon this question. Are you British or American? You are Americans, the gentleman from Virginia [Mr. MEADE] says, under restraint; and yet you are willing, in a contest for ascendancy between America and England, to compromise and break down American character—American interests—for the sake of a few dollars from your public Treasury to pay for a service to be performed. I scorn and despise that principle of economy which, to save a few dollars, would strike down American interests and pride in the face of the foe. I am willing, for the sake of progress, to vote a hundred millions of dollars to-day for the protection of the commerce of the country. We can battle any foe that will land upon our coast, and we can whip any force that the combined forces of continental Europe may send against us.

England, like Venice, has been the mistress of the seas; but America, if you prove true to her, must, in the progress of events, take her place among the nations of the world. But an American Congress, in view of progress of this character, halts and falters because a dollar may be expended. You do not, by your opposition, reflect the opinion of the people; you do not, in this Hall, exemplify by your action the noble impulses which actuate the American people. America must take the rod of Neptune. She is bound to assume the command of the seas. Will an American Legislature prove recreant to American interests, and refuse to lend its support to the Collins line—the evidence itself of the great triumph of American industry and character? To see an American fail to sustain it, is shameful in the extreme.

The policy of England is, to cripple the Collins line. Why? Because she desires to restore to herself the monopoly which she had, by means of her steam mercantile marine, before the energetic competition waged by the Collins line. She made by the monopoly, from 1841 to 1846, \$7,836,800 in gross, for mail matter, and \$5,286,800 net, besides a receipt from passage money. To sustain this monopoly, England has since increased her compensation to the Cunard line, to enable that line to reduce the price of freight and passage money. The reduction has been made. The Collins line, consequently, has been running at a loss of \$17,000 per trip.

Through the means of the steam mercantile marine, England expects to increase her overshadowing military marine. The navy of England consists of 667 vessels, and that of France consists of 328. The expense of the British navy in 1850, was \$34,000,000—

[Here the hammer fell.]

The question was taken, and the amendment to the amendment was disagreed to.

Mr. NABERS. At the expiration of the five minutes I occupied a little while ago, I was about to observe that we had no right to make the discrimination proposed by this amendment. Collins & Co. have been employed in carrying the mails of the United States between New York and Liverpool. They have made rather a hard bargain, as many mail contractors on land have done. When an individual engages to carry the United States mail by land, and finds that his compensation is not sufficient, and is obliged to forfeit his contract, what course is pursued towards him? Why, sir, the contract is let out again, and of course at a higher rate, and suit is promptly brought against the original contractor

for the difference in the bids. Some of my constituents have made unfortunate mail contracts, which they were obliged to abandon, and another bidder took them at a higher price. Under the direction of the Postmaster General a suit was brought against the defaulting contractors upon their official bond, and after laboring for the last six months I have succeeded in compromising the matter, and releasing my constituents from their contract by paying the sum of \$200 and upwards. Now, I claim for my constituents indemnity for the past, for that is what is proposed to be done for Collins & Co. by this amendment.

Not only do you propose to give Collins & Co. indemnity for the past, but security for the future, by increasing their annual pay from \$385,000 to \$800,000. Collins & Co. have engaged to carry the mail between New York and Liverpool for—as I before stated—\$385,000 per annum. They have made a bad bargain, and now, instead of allowing them, as you do mail contractors upon land, to forfeit their contract, and bring a suit against them upon their official bond for the difference if another company takes it, they come here and ask for more money to indemnify them for the bad bargain which they have made, and convert it into a profitable job. Sir, I protest against it, unless you mean to deal alike with all. The question is asked by the gentleman from Tennessee, [Mr. POLK,] are you British or American? There are none but American pulsations about my heart, sir; but I deny that E. K. Collins & Co. constitute America. [Laughter.] They are a company of gentlemen wishing to grow rich upon the Treasury of the United States. The gentleman seems to be in love with British policy,—and what is the result of that policy? It has filled the realm of Great Britain with palaces upon one side and hovels upon the other. That is what it has done. It has built up an aristocracy of wealth, on all sides surrounded by poverty of the most revolting description. Shall we follow that example? No. I desire to place E. K. Collins, and every one else, upon the same footing. That is what I desire to do; and if E. K. Collins & Co. have made a bad bargain—and they say they have—let them come here and ask to be released from a hard contract, and I will vote to release them and let out the contract to other parties; and if we have to pay more than \$385,000 per annum for carrying the mail between New York and Liverpool—which we certainly will not—I will not urge that Collins & Co. shall pay the difference, though that is the rule in other cases.

But our patriotic feelings are appealed to again and again, and one would think that we were celebrating the fourth of July, to hear the speeches of the gentlemen. [Laughter.] I have no doubt of the patriotism of E. K. Collins & Co. For the purpose of competing with the Cunard line, I have no doubt that they are willing to sacrifice all they have; and go down unwept, unhonored and unsung, merely for the purpose of—FILLING THEIR POCKETS!

[Here the hammer fell.]

Mr. POLK. I withdraw my amendment.

The CHAIRMAN. It requires the unanimous consent of the committee to be given.

[Cries of "I object!" "I object!"]

The question was then taken upon Mr. POLK's amendment, and it was not agreed to.

Mr. BELL. I propose to strike out in the fifteenth line the words "giving six months notice."

I should not detain the committee at this time, was it not for the fact that one of my colleagues [Mr. STANTON] has made an able address to this committee under the hour rule, in opposition to the Senate amendment; and as his speech, of course, will be circulated through the State which I have the honor in part to represent, I desire to explain my position in regard to this subject. I am in favor of this amendment of the Senate. I shall vote for it because I believe it is a national question. From all I can learn, I understand that the appropriation was first made for the purpose of promoting commerce and increasing our marine. I understand, also, that it becomes necessary for Congress to interpose in this matter, and afford aid from the National Treasury, not because our vessels cannot compete with those of Great Britain, but because the money of Great Britain was poured out profusely for the purpose of protecting her commerce in aiding the Cunard line, and monopolizing our trade. It is a well-established fact, that

Collins & Co. have built better vessels, and have complied with their part of the contract faithfully and honestly, and so far as they are connected with the postal arrangements, they have maintained the honor and integrity of the Government. I derive, also, the information from the reports upon this subject and other admitted facts, that before the establishment of the American line of steamers, the English line charged £7 10s. per ton for freight. After the establishment of the American line, the price on freight was reduced to £4 per ton. This reduction accrues to the benefit of our own commerce, and our own citizens. It now appears that the Collins line of steamers cannot compete with the English line, because the English Government has granted further aid to her own line. The question is now reduced to this: will you surrender these benefits, will you consent to have the price of freight increased to what it formerly was? Will you place yourselves under the necessity of having your mails transported under the British flag or the flag of any other country? These are questions we are called upon to decide by our votes on the proposition before the committee. But, Mr. Chairman, I am free to declare, for one member, that when these questions are presented, and when we are reduced to the alternative of deciding in regard to this subject, I would double the amount of compensation, if necessary, until our Government mails and American commerce, under our own flag, by our own resources, should be maintained and protected on the ocean. One word in reply to my honorable friend from Maryland, [Mr. EVANS,] who, in his remarks in reply to one of my colleagues from Ohio, [Mr. STANTON,] on a former occasion, spoke about the bounties of the General Government to the State of Ohio.

Sir, we never enjoyed the bounties of the General Government. We never asked or received enormous grants of land which the member said the General Government had given us. It is true we had five hundred thousand acres of land granted to aid us in making our canals and paying our canal debt; and also forty-nine sections to aid in making a road from Sandusky to Columbus. These were the grants for internal improvements. Some alternate sections were also granted for extending our Miami canal from Dayton to Lake Erie. But we were compelled, as a part of the grant, to make said canal within a limited time, and let the mails be carried free of tolls on said road. The Government sold its other lands for more than twice the minimum price. So that she was the gainer by the grant. The General Government has sold cash sales, in Ohio, 12,616,900 acres, average price \$1 60 per acre. . . . \$20,853,699  
Appropriated for military purposes, grants to individuals and companies, and which the Government realized, 10,446,000 acres at \$1 25 per acre. . . . 13,057,509  
\$33,911,198

The General Government, sir, has taken from the State of Ohio, on account of her lands, near \$34,000,000. Ohio has never applied for bounties and she never will.

By the ordinance of 1787, you gave her the privilege of enjoying that boon which was worth more to her than if you had granted her every foot of land within her territory. I mean, Mr. Chairman, that clause in the ordinance which forever prohibited slavery in the territory northwest of the Ohio river. That, sir, with the industry and enterprise of her citizens, is the secret of her rapid growth and continued prosperity.

[Here the hammer fell.]

Mr. EDGERTON. I propose, in the few remarks which I shall make, to examine the positions taken by the gentleman from New York, [Mr. DEAN.] It is true that I am not indorsed for legal acumen by Livingston's Law Magazine, as is the distinguished gentleman; and yet, sir, I pretend as a Democrat to have some idea of our constitutional rights and powers. The gentleman asserts that Congress is authorized to make this appropriation under the following clause of the Constitution:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States."

Now, sir, the gentleman says he is a Democrat.

Is he aware what the Democratic doctrine is in relation to this very clause of the Constitution? Has he ever read what the founder of the Democratic party said in relation to this very clause? If the gentleman has, he has failed to discover what Democratic doctrine is, as much as did the gentleman four years ago. Here, sir, is what the founder of the Democratic party says in relation to this very clause of the Constitution: To lay taxes, is the power, and the general welfare the purpose for which that power is to be exercised. Congress is not *ad libitum* to lay taxes for any purpose they please, but only to pay the debts and provide for the general welfare of the Union. They are not to do anything they please—to vote appropriations for the Collins line, for instance—for the general welfare, but only to lay taxes for that purpose. That is the Democratic doctrine. We cannot legislate here for the general welfare of the country, unless we lay taxes for the purpose. Does the gentleman propose by this bill to lay taxes for the purpose of providing for the general welfare? No, he proposes to distribute money to Collins & Co., and calls that providing for the general welfare.

But, sir, the gentleman from Tennessee, [Mr. POLK,] and some other gentlemen here, place their support of this appropriation upon a national ground entirely. Sir, I much mistake the mission of this country; I mistake much of its national glory and character, if it be to sustain individual enterprise. It is true, the glory of the nation is individual success; but this we have no power, by the National Treasury, to encourage or restrict. The national character and glory of this country consists in this Congress protecting the rights and independence of the States, and restricting the exercise of powers not granted by the Constitution. In that consists our national glory, and in nothing else. The gentleman from Tennessee says that he would "put Americans on guard." Sir, when I see this Congress surrounded by a corps of sappers and miners upon the Treasury, many of whom are now within the sound of my voice—worms living upon the powers they corrupt and destroy—I would put Americans upon guard; here, in this Hall, I would say to them, the American Congress should protect the rights of the States, the rights of the whole country, and not promote the interests of a few sappers and miners on the Treasury. We have no fear for our national superiority from abroad. The first blow will be struck here in this Hall, and by the exercise of powers not delegated to us. As against all the world, the very genius of our people will make us victorious. But what shall protect us against ourselves? against the corrupting influences of a power more concentrated, and in every other country but this, stronger than the power of liberty itself—the power of money? Nothing but a strict construction of the Constitution—But a careful watchfulness on the part of the States that their rights and powers are not usurped by this Congress. A slight departure for national glory, for instance, to-day, becomes a precedent for to-morrow; and thus, violations of the compact by the sanctions of law, have the semblance of constitutional right, and must, ultimately, operate to the destruction of the spirit and intent of the Constitution and the Union itself. It is here I would put none but Americans on guard to-day.

[Here the hammer fell.]

The question was then taken on the amendment to the amendment, and it was disagreed to.

Mr. ROBINSON moved to amend the proviso by striking out "six months," and inserting "eight months," instead thereof.

Mr. R. said: Mr. Chairman, it was very far from my purpose to have said a single word in reference to this subject. In truth, I took so little interest in this matter that I had not even made up my mind as to how I should vote upon it. But since I have listened to the discussion in this House, and witnessed such a new-born zeal for a new creed that is attempted to be interpolated into the Democratic platform, without any authority, and by gentlemen who are not sachems in our party, I have thought proper to say a word, if for no other purpose, to defend those who have voted for it. To have listened to the gentlemen who have indulged in terms of such round denunciation of those who support this measure, and denounce it in such unmeasured terms as anti-democratic, one would have supposed that it first got



into the legislation of the country by virtue of the action of a Federal Congress, approved by a Federal President. I have had the curiosity to look back into this matter. I find that it was recommended some three or four times by President Polk, who is acknowledged to have been the model Democratic President. I find that the Collins line and the Sloc line both were authorized by the Twenty-ninth Congress—a Congress with about sixty Democratic majority in this House, and a proportionate majority in the other.

Mr. McMULLIN. How did the Democrats vote?

Mr. ROBINSON. They voted for them *unanimously, without one solitary "no," in either House.* That Twenty-ninth Congress, composed of as good Democrats as ever made tracks in Washington city, passed a law authorizing these lines, and it is an absolute fact that there was so little opposition to the measures in the Senate or the House that it passed *nem. con.* There were not enough of these orthodox Democrats here, then, even to call the yeas and nays. I find that afterwards, at the beginning of the Thirtieth Congress, Mr. Polk came forward, and in his message congratulated the country on the enactment of the law authorizing them.

Mr. McMULLIN. How do you know it passed unanimously?

Mr. ROBINSON. There were no yeas and nays called upon the question; and the gentleman knows that it is a parliamentary law that every man is presumed to have voted in the affirmative when there is no division on a question. And in this case there was not even a call by a single member for a division, much less yeas and nays. President Polk in his annual message, at the commencement of the Thirtieth Congress, says:

"While other maritime powers are adding to their navies large numbers of war steamers, it was a wise policy on our part to make similar additions to our navy. The four war steamers authorized by the act of the third of March, 1847, are in course of construction.

"In addition to the four war steamers authorized by this act, the Secretary of the Navy has, in pursuance of its provisions, entered into contracts for the construction of five steamers, to be employed in the transportation of the United States mail 'from New York to New Orleans, touching at Charleston, Savannah, and Havana, and from Havana to Chagres'; for three steamers to be employed in like manner from Panama to Oregon, 'so as to connect with the mail from Havana to Chagres across the Isthmus'; and for five steamers to be employed in like manner from New York to Liverpool. These steamers will be the property of the contractors, but are to be built under the superintendence and direction of a naval constructor in the employ of the Navy Department, and to be so constructed as to render them convertible at the least possible expense into war steamers of the same number of naval officers, as well as a Post Office agent, are to be on board of them, and authority is reserved to the Navy Department at all time to 'exercise control over said steamships,' and to 'have the right' 'to take them for the exclusive use and service of the United States,' 'upon making proper compensation to the contractors therefor.'

"Whilst these steamships will be employed in transporting the mails of the United States coastwise, and to foreign countries, upon an annual compensation to be paid to the owners, they will be always ready, upon an emergency requiring it, to be converted into war steamers; and the right reserved to take them for public use, will add greatly to the efficiency and strength of this description of our naval force. To the steamers thus authorized under contracts made by the Secretary of the Navy, should be added five other steamers, authorized under contracts made in pursuance of law by the Postmaster General, making an addition, in the whole, of eighteen war steamers, subject to be taken for public use. As further contracts for the transportation of the mail to foreign countries may be authorized by Congress, this number may be enlarged indefinitely.

"The enlightened policy by which a rapid communication of the various distant parts of the globe is established, by means of American-built sea steamers, would find an ample reward in the increase of our commerce, and in making our country and its resources more favorably known abroad; but the national advantage is still greater, of having our naval officers made familiar with steam navigation; and of having the privilege of taking the ships already equipped for immediate service at a moment's notice; and will be cheaply purchased by the compensation to be paid for the transportation of the mail in them over and above the postage received.

"A just national pride, no less than our commercial interests, would seem to favor the policy of augmenting the number of this description of vessels. They can be built in our country cheaper and in greater numbers than in any other in the world."

You will observe, Mr. Chairman, that the point which has been made against this measure here is, that it is a discrimination in favor of the owners of this line. Well, if it is a discrimination to increase the compensation of the Collins line now, it was no less a discrimination to grant them compensation then. The principle was as much

violated then, in allowing any compensation, as it will be now to increase it.

But I do not propose to go further into the discussion of this matter. I have no time. I wish I had. I have examined the record, to see how this appropriation passed at the other end of the Capitol at the present session, and I find that some of the most distinguished Democrats of the nation voted for it—amongst them one who went into the Baltimore Convention with a large plurality of the delegates there representing the Democratic party in his favor for the Presidency of the United States, and a second who got nearly as many votes in that Convention.

[Here he hammered fell.]

Mr. BAYLY, of Virginia. My friend from Mississippi [Mr. FREEMAN] seemed to be very much scandalized at my defending the power of Congress to pass this appropriation. Sir, in five minutes none of us can go into an elaborate discussion upon such a point; but I now throw down the gauntlet to my able and learned friend from Mississippi, and tell him that if he has any wish to test this question in a debate upon this floor, and if, when we get into the Committee of the Whole on the state of the Union at any time, he will give me an hour's notice, I will be prepared to meet him. And this, sir, is a bold proposition; for I know the ability of my friend.

Mr. FREEMAN. I accept the challenge with pleasure.

Mr. BAYLY. Sir, the gentleman seems to think I am desecrating the names of Jefferson and Madison, when I quoted their own language. I will nevertheless quote another paragraph, and I wish I could quote this whole report of Jefferson. Immediately succeeding the paragraph I read from Mr. Jefferson's report in my first remarks, he continues:

"OUR NAVIGATION involves still higher considerations. As a branch of industry, it is valuable; BUT AS A RESOURCE OF DEFENSE, ESSENTIAL. But it is as a resource of defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board, and nothing to desire beyond their present rights. But on the sea-board they are open to injury; and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizens, seamen, and of artists, and establishments in readiness for ship-building.

"Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their objects. But if particular nations grasp at undue shores, and, more especially, if they seize on the means of the United States" (to carry our mails, for instance, and monopolize the postage), "to convert them for aliment of their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protective measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defense; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them; and its politics may be influenced by those who command its commerce.

"The carriage of our commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artisans, whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring to our feelings the error of having abandoned them. The material of maintaining our due share of navigation answers in abundance; and as to the mode of using them, we have only to adopt the principles of those who put us on the defensive; or others equivalent or better fitted to our circumstances."

Gentlemen talk about my not occupying Republican ground. Sir, there are a great many gentlemen in these days who profess to be learned in republican doctrines, who have never studied them. I do not apply this to my friend from Mississippi, for I know he stands in a different category. In 1794, it was the Republicans who took and sustained the ground I now occupy.

The Federalists then resisted it vehemently, and they were denounced as catering to British interests in doing it; but the Republicans prevailed, and the result of their success was, that so far from Great Britain possessing a monopoly of the seas, as she was in a fair way to do in 1794, we now outnumber her in our commercial marine. All this has been the result of Democratic policy. I am but standing here to defend the doctrines of Jefferson, and Madison, and the whole Republican party who followed them.

Sir, I wish to give an illustration of this matter. Take the case of our lakes. By treaty with Great Britain, it is provided that neither party shall keep, in time of peace, men-of-war upon the lakes. The object of that provision was to give the two nations, on the breaking out of war, a fair start upon the lakes. But suppose the British Government was, by giving bounties to their ships on the lakes, to give them such an advantage as to drive our shipping entirely off; would not that be a virtual violation of the treaty, and will any man say, that in a case of that sort, the United States ought to stand by quietly and see the British Government, by giving bounties to their ships, drive ours from those inland seas? Sir, there is no part of the country more interested in this question than the Northwest, except my own. We are more exposed, being on the sea-shore, and more interested.

[Here he hammered fell.]

The question was then taken on the amendment offered by Mr. ROBINSON, and it was not agreed to.

Mr. BOWIE. I propose to extend the time of notice from six to twelve months.

The CHAIRMAN. That amendment has already been proposed.

Mr. BOWIE. Then I propose to extend it to eighteen months.

The CHAIRMAN. That amendment is in order.

Mr. BOWIE. When reason ceases to point distinctly the course of action, instinct or feeling steps in to supply its place. In the present conflict of opinion with regard to the Collins line, the equipoise of argument is decided by national pride. The national feeling on this subject has been lately significantly expressed. You remember, Mr. Chairman, the profound grief which pervaded the country when that noble steamer, the Atlantic, was supposed to have been buried in the ocean, whose name she bore. Was it the value of the costly freight she carried, or the loss of the many lives involved, or national mortification at the presumed failure of American skill and American seamanship, that excited such sorrow? It was not the wealth of the cargo, or the sundered ties of nature and friendship, or the pangs of private grief; but deep, national humiliation, which overshadowed us. If such was the consequence of the imagined loss of one ship, what will be the sensation when our constituents are told, not one, but the whole line, has been swept from the seas, not by storm or tempest, but by our own hands. Sir, our constituents will not be satisfied.

Considerations of economy, equality of privileges, and individual enterprise, all fade before the prestige of American triumph in competition with Great Britain. Monopolies are odious; yet there is a monopoly so glorious, as to lose its odium in its luster—the monopoly of genius, nautical enterprise, and naval renown. For this we are now struggling with the queen of the seas. It is this which has made her flag the oriflamme of victory, and its folds more welcome as a winding-sheet to her dying seamen, than the bridal couch to the living.

I long to see this monopoly taken up. Accomplish this, and we remove the chief competition our merchants have to fear. Domestic monopolies can be regulated by law; foreign monopolies must be destroyed.

There is a class of statesmen so rigidly just, so magnanimously impartial, they would rather the steam marine should sink under what they call fair competition with British steamers, than swim under the auspices of the Government. I have not attained that enviable elevation of sentiment. They remind one of the woodman's wife, who, finding her husband engaged with a bear, drove off the dogs that came to his rescue, and insisted upon a fair fight, regardless of consequences. The American steamers have not only the bear, but the bulls, to contend with, and when the eagle would spread her wing to protect them, their friends drive her off, and insist they shall fight the whole field single-handed.

I adopt the trite maxim: Our country: may she always be right—but our country right or wrong. It may not be morally correct, yet, in the midst of conflicting theories, it is politically safe.

Merchants who pay seven per cent. for capital, and two dollars for labor, cannot compete with those who get capital for two per cent. and labor

at fifty per cent. less, with Government bounties besides. Much has been said about protection of one interest to the exclusion of others, and equality of commercial privileges. I hold it to be the duty of our Government to protect American navigation and commerce against foreign competition. These complaints do not proceed from the Representatives of the mercantile classes. They know the power to regulate commerce with foreign nations is one of the primary duties of the Federal Legislature, and whatever is necessary to secure the end is within the terms of the grant. I do not find the Representatives of the great commercial marts opposing this appropriation. They know the interests of their constituents, and knowing, dare maintain them. It is to be presumed from their silence that they approve.

Mr. MARSHALL, of Kentucky. I am opposed to the extension of the time of the notice, as asked for by the gentleman from Maryland, [Mr. BOWIE,] yet I am in favor of the line, and intend to vote for the amendment proposed by the Senate.

I desire, within the space of five minutes, to give succinctly the reasons which operate to bring me to that conclusion. I find that, upon the other side of the House, the objection to the passage of this proposition rests upon a constitutional question. I find the power to make this appropriation in the express grant of the Constitution "to provide and maintain a Navy." In the exercise of that power, I understand this Government has the right to use any modification of the power that may be beneficial. Gentlemen might as well talk to me about my right to have and maintain a carriage, and yet say that I have not the right to hire it as a hack until I want the use of it myself, as to tell me we have a right to provide and maintain a Navy, and yet have not a right to exercise the power under the modification, which invites private enterprise to build vessels suitable for war purposes, upon an agreement that the Government will employ them in transporting the mails over the ocean, yet with the express power to put such vessels into commission as war steamers whenever the Government may think proper to do so. Again, there is a source of power, under the clause, saying Congress may establish post offices and post roads. If you have the right, under the Constitution, to take charge of the postal communications; if you have the right to pay out \$20,000 to send mails from here to Liverpool—the right to repeat that as often as you have postage communications to make—why have you not the right to make continuing contracts, from year to year, with one vessel or three vessels to perform the service? This is my answer to the constitutional objection.

But, sir, I shall vote for this proposition upon another ground. In naval science a few years has made a great change. The element of steam has been introduced into ocean navigation; and if we are to talk about an American Navy at all, we must talk about an American steam navy. I will sustain this line, if for no other purpose, as a nursery for American engineers and naval officers, in which they may become acquainted with this new element—steam—which now has become an instrument of power, by which our naval renown alone can be maintained, and which, therefore, should be familiar to gentlemen of the naval profession. But I sustain it for yet another reason. Experience has shown to this country that when steam was introduced into ocean navigation the carrying trade, so far as passengers and the finer fabrics are concerned, was transferred at once from sailing to steam vessels, and by its introduction it became necessary for the packet lines, which ran from American ports, and which had successfully competed with the British lines, to give up all connection with the carrying trade, so far as passengers and fine fabrics were concerned. In order to compete with the British we were required to adopt the new element, and therefore it became a matter of necessity to our Government. During Mr. Polk's administration, Government invited, or at once acceded, to a proposition to construct and set afloat vessels, under the guidance of private enterprise, but manned, to some extent, by American naval officers, with the view to enter into this competition with England. The effect has been to give us the supremacy as steamers on the ocean. Our vessels are superior in power, swiftness, elegance, model, and capacity for war

purposes. We have regained our position as carriers. I see no consequence to flow, no effect to arise from a withdrawal of this line, except to transfer at once into the hands of our competitors all the advantages which have been gained from our experiments heretofore in steam as applied to ocean navigation, and to subject the people of this country to burdens from which their energy has just liberated them—I mean the burden of sustaining the steam lines of Great Britain by just such contributions as English cupidity may think it politic to extort.

[Here the hammer fell.]

Mr. BOWIE. I withdraw my amendment, if there is no objection.

No objection being made the amendment was withdrawn.

Mr. SUTHERLAND. I move to amend, by striking out the word "Congress" and inserting "Postmaster General," so that the Postmaster General shall give the notice, instead of Congress.

The honorable gentleman from Kentucky [Mr. MARSHALL] has said nearly all I intended to say upon this subject. I have been utterly astonished to witness the manner in which the constitutional question has been brought into this discussion. I wanted to ask the gentlemen who have been arguing against the constitutionality of this amendment, where they get the power of this Government to build war steamers for the Navy. I would ask the gentleman from Ohio, [Mr. ENDERSON,] if this amendment was to appropriate \$1,000,000 to build a steamer for the Navy, if it would not be constitutional?

Now, sir, one word more. More than four months ago, in looking over this matter, before I knew Mr. Collins, and before I visited the Baltic, and before there was any heat or discussion upon this subject, I made a memorandum of some of the reasons which would induce me to vote for this appropriation. They were simply these, and I will state them: In the first place, Congress not only has the power, but it is its solemn duty, to provide for the common defense. The policy of this nation is defensive; war is to be kept at a distance. Fortifications are expensive and entirely out of the question for this purpose, except at the principal ports, such as Boston, Newport, New York, &c. The minor ports, such as New Bedford, Newbern, Savannah, Mobile, &c., are to be protected either by military or naval forces. Fortifications would be too expensive. Steam vessels are more efficient than sailing vessels, as being more readily concentrated at any point threatened. Since the introduction of steam, ten steam-vessels are worth more than one hundred sailing-vessels, to maintain and provide for the common defense. To constitute a war steam marine, sufficient to guard the whole coast from Cape Florida to New Brunswick, would require one hundred war steamers. What is the most economical way of providing this force?

In peace, about ten steamers will be required for ordinary service. If the residue are provided by the Government, they must be laid up in ordinary. If not provided, the loss in lives and property, by an active enemy, during the first six months of a war, would teach a fearful lesson as to the folly of not preparing in peace for the exigencies of war. What then would be the cost of providing such a steam marine? Taking the past as a guide, we cannot safely estimate the cost at less than \$1,000,000 for each vessel. The interest of this sum, for ninety vessels, would be \$5,400,000. The expense of taking care of them cannot be estimated at less than \$1,000,000 annually, and the annual decay and depreciation at less than \$5,000,000. The annual expense, therefore, of providing and maintaining such a steam marine as would be adequate to the complete protection of the coast, may be fairly estimated at \$12,000,000.

Now, sir, by extending the aid of the Government to establishing ocean steamers of sufficient strength and capacity, a steam marine is kept up at an annual expenditure of one fifth that amount. The first outlay is saved, until the actual breaking out of a naval war. Why, sir, the whole policy of the original contract was to provide for the common defense, by building up a steam marine in this way, because it is cheaper and equally efficient.

The gentleman from Mississippi [Mr. NABERS] sarcastically exclaims, "that the Government has the privilege of taking these vessels by paying for

them." I ask him if that is not a privilege, by saving us the hundred million of dollars which we would have to expend, if we should build a hundred war steamers? The Government can take these steamers at any time. I ask whether this is not the true policy of the Government, and whether it is not the better policy?

Would gentlemen raise any question of constitutionality; would they raise any question of expediency, even, were this a bill to provide for building ten war steamers? By supporting this line, by giving it aid, we are encouraging a system which will, in the end, place at our disposal a marine force which will enable us to do away, in some measure, with the enormous expenses of the Navy. Gentlemen do not complain at seeing steamers lying under cover, and rotting, which have cost \$1,000,000 each, and which cost us \$26,000 each yearly to keep them there, and doing no good to any human being. It seems to me that Great Britain, when she adopted this course, to make a navy useful in time of peace, developed a great idea of the age. Instead of suffering a great amount of property and immense capital to lie idle and rot at her wharves, she makes it useful to her citizens by employing it in commerce.

[Here the hammer fell.]

Mr. INGERSOLL said that he should vote for the appropriation for the Collins line, and did not, with the lights now before him, see any constitutional difficulties in the way. The powers conferred on Congress by the Constitution to regulate commerce, authorized us to place the commercial marine of the country on a footing that would enable it to compete successfully with that of any other nation. Our foreign navigation by means of steamers, especially in the direct communication with Europe, had to struggle not only against individual enterprise, but against the Treasury, lavishly expended, of the British Government. Unless our own citizens are nerved in their laudable enterprise by the aid of their own Government, it is clear that they must, in this instance, retire from the contest. He also thought that the powers conferred on Congress by the Constitution to provide a navy, enabled us to aid these steamers, that could be at any time hereafter turned into ships-of-war, should occasion require it. Why not do this under that clause of the Constitution, as well as to provide materials to be kept till wanted for ship-building in our navy-yards? In both instances they are but materials provided for the naval service. He thought, too, that the former action of Congress had in a measure committed us to the needed appropriation.

Had he been a member of Congress when the original contract was assented to by this body, he might not at that time have gone for it; but the contract for service had been entered into; it will continue till the year 1854, and he could not now consent to abandon this, the pioneer line of our country, and thus gratify our foreign rivals, who are looking to the result of our proceedings on this subject with intense interest. He believed that the feeling he expressed was general, especially throughout the Atlantic sea-board, and that the majority of the people of the district he represented participated in it. He alluded to the opinion of Moses H. Grinnell, formerly a Representative in Congress from New York, who, although largely interested in navigation otherwise than by steam, and whose interests might therefore be supposed to be adverse to the Collins line, but who had nevertheless distinctly declared that this appropriation would not interfere with the other navigating interests of the country; for he said that if the Collins line were withdrawn from the ocean, the passengers, freight, and correspondence now accommodated by it, would not fall back upon our own sailing ships, but would be at once transferred to the Cunard, or British line.

The question was then taken upon the amendment of Mr. SUTHERLAND to the amendment, and it was disagreed to.

Mr. SAVAGE. I move to strike out all after the word "provided," and to insert the following:

That the additional allowance given by this act shall terminate on the 31st day of December, 1854.

Mr. STANTON, of Tennessee. I inquire whether that amendment be in order?

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. SAVAGE. It is not my object, on the present occasion, to go into a detailed considera-

tion of the many arguments which, I think, might well be made against the policy of the original establishment of these lines. That question has been heretofore settled, and these lines have been established. Notwithstanding all we have heard said about patriotism, and the rivalry of Great Britain, I can only look at this as a contract between us and another party, and I can only regard E. K. Collins as a mail carrier. That we have a right to make a mail contract, I have no doubt; and that it is our duty to make a good contract—a good bargain, I am equally well satisfied. The amendment which I have proposed, in part, provides for that which the bill seems to secure—that is, the fixing of a time for the termination of the extra compensation proposed to be given by this bill. My amendment fixes the 31st of December, 1854. Those advocating the bill, I suppose, would not dare to propose that the extra allowance be perpetual; and yet every man here who knows anything of the legislative proceedings of Congress, knows that the passage of this bill would be to secure this extra allowance to these parties forever! There is no power to repeal it hereafter, and if the friends of the measure are acting in good faith, they can have no objection to my amendment. If it be intended to give protection to this line of steamers only for a short time, why not say so? No, sir, the object is to fasten this incumbrance upon the country now and forever! Now, there may have been in times past—and I do not intend to discuss this question now, for it has been heretofore discussed often—a period in our history when it was necessary to give temporary protection to a feeble domestic industry, that it might be sustained. That might have been wise policy, but we are now called upon to act upon the general principle of protection to a particular interest, now struggling in competition with a foreign Power. It is to encourage one branch of our Navy in competition with a third. In times past, we remember our manufactures had to be encouraged to the entire destruction of the commercial marine. Trade was cut off by tariff revenues, which bore oppressively upon our commercial marine. Now, to-day the scheme is to be reversed, and the power of Congress is to be involved to sustain the marine, at the expense of all the other interests of the country. This policy attempted to be ingrafted on the bill, might have been a good one from the necessities of the times heretofore; but I deny that there is any reason for its continuance. It is evident that both parties to the original contract have been disappointed. The Administration recommended this policy to the country, under the supposition that E. K. Collins and his associates could do what they proposed to accomplish, for the sum proposed to be given them. A future increase of proceeds of the Post Office Department, was held out as an inducement to the Government to enter into this contract. The pay which was to be given by the Government, and money received from passengers, it was alleged by the parties who undertook to establish this line, was ample remuneration for their services. Why is it not so? I have not the evidence before me, but I am satisfied that mismanagement and extravagance have caused the results detailed to us to-day.

[Here the hammer fell.]

Mr. SACKETT. I am opposed to the amendment, but in favor of the Senate amendment, as it now stands before the committee. I regard this question as involving, first, the kind of navy this Government ought to maintain; next, the mode and manner of maintaining that navy. First, is it wise to seek to maintain a steam navy? Next, is the mode and manner presented the best to enable us to maintain that navy, for all practical purposes, and is it cheaper and more economical than to maintain the same kind of navy independently of all private connection? I think there is no longer any doubt on these questions. I think the introduction of this new system of maintaining one of the necessary powers of the Government is a vast improvement upon the old. I can see many practical reasons why it is so. There is no reason why ships constructed in this navy should not be as valuable as others, or why they should not be equal to the emergencies of war, the purpose for which they were substantially built. There is no necessary reason why they are not as good as though they were constructed by the Government itself. I say there is no necessary reason. Next,

by the introduction and maintenance of this system, we promote a great interest in time of peace. We make an element of war—one of our arms of defense of vast importance to the commerce of the country—an auxiliary to the business of the country. Now, I will ask the friends and foes of this measure; questions which I hope they will answer satisfactorily. Is not this system of maintaining a naval marine the cheapest? Does not the introduction of this new element cheapen the transportation of the products of the country? Does it not add facilities for the transportation not only of the products, but the population, from one portion of the world to any other? To my mind the proposition is readily answered. It manifestly does; then why should we forego these advantages, advantages of the highest importance to the nation? This is a contest not between individuals, but a contest between nations. The interests of individuals are involved necessarily in the controversy; but the contest really is one between two sovereignties—England and the United States—for the supremacy of the seas. It is a contest for the carrying trade, for the commerce of the world, and individuals are only connected with it so far as the nature of the contract the Government has seen fit to enter into is concerned. The contest is not theirs. It is flag against flag; Power against Power; and I shall never vote to pull down our flag in such a contest. It is a question of the supremacy of the seas; a question of commerce; and the contest, therefore, is between us and England, as to which shall have the triumph on the seas.

[Here the hammer fell.]

The question then being upon Mr. SAVAGE'S amendment—

Mr. MEADE demanded tellers; which were ordered; and Messrs. CHANDLER and MOLONY appointed.

The question was then taken, and there were—ayes 43, noes not counted.

Mr. STANTON, of Tennessee. I move to strike out "six," and insert "twenty-three." I do this for the purpose of presenting an idea which I was prevented in my five minutes' time from stating, when I occupied the floor this morning. It is contended that this payment to the Collins company is in the nature of protection—protection such as is provided in the tariff system. It is perfectly plain that there is nothing of the kind involved in this bill. I look upon it as a simple demand for services performed. The only question with us is, whether we are receiving an equivalent for the money to be given? I conceive that those gentlemen upon this side of the House, who are putting the question upon constitutional grounds, are injuring their own cause. I do not consider that proposition as worthy of notice, because there are few who will contend that we have not the right to carry the mail, or contract for carrying the mail, from the United States to England. There must be very few, also, who will contend that the Government may not maintain a Navy in the mode in which it is proposed to maintain it by this system, if it be efficient and effectual for that purpose. What do we pay in the first place, for the transportation of the mail? We could have it done cheaper, I admit. We could have the mail transported in smaller vessels, perhaps. They may be a few days or a few hours longer in crossing the ocean, but that would not be a matter of great consequence. These vessels are large and powerful, built for war purposes, and the best calculated for war purposes of any ships afloat. One of the most distinguished officers in the Navy told me with his own lips, that if he had his choice of all the vessels which are to-day afloat in any Navy of the world, he would take one of these steamers, and with alterations not costing over \$15,000 would put such an armament on board, as to make her superior to any vessel in the English, French, or Russian Navy, or any other Navy of the world.

A Voice. What Commodore? and what would it cost to prepare them for an armament?

Mr. STANTON. Commodore Perry. He said a gentleman of responsibility had offered to contract to change them for \$15,000, and he believed he would make \$5,000 by the contract. I have no doubt with that sum these steamers could be put in order for carrying an armament. The question is now, whether we are paying, or about to pay, too much for carrying mails in such vessels as these, capable of being applied to such pur-

poses? It is a question whether we are getting an equivalent for our money, and I think upon a full examination there can be no doubt of this. To be sure these contractors have been mistaken. They have built better and stronger war-vessels than they proposed to build in their contract, and after an experiment of two years in running them they find—and the whole country is aware of the fact—that they have been losing money. The simple question now is, whether it is of sufficient importance to justify us in paying the compensation asked. There is no question about it in my mind. It is no question of protection, of bounties, or of interference with the private enterprise of the country. You are only paying this man a fair equivalent for running a kind of vessels which private enterprise will never build, because they would be unprofitable. I say nothing is clearer or better settled than that private individuals cannot build such vessels as these for mail service without the support of the Government. Then in giving them the additional pay necessary to sustain them, you are only placing them upon an equality with private enterprise, by compensating them for the greater size and strength of their vessels. You are paying for those capacities in these ships which will be required in the event of a war. You are paying for the experience in building and working this immense machinery, and for the education of a corps of engineers which will be indispensable to you in the contingency of war, and which you cannot secure by any other means. In short, you are paying for a great and important experiment, which has already been of immense advantage to the country, and which, if tried in your own naval service, would cost twenty times as much. I regret that I have not time or opportunity to enlarge upon these points, for in my judgment they are susceptible of demonstration. Laying aside all national pride, all interest in the great contest against British supremacy, I am well satisfied that we receive a full compensation, in services performed, for the money asked for in this amendment.

[Here the hammer fell.]

Mr. SWEETSER. I rise for the purpose of opposing this amendment. The amendment which the gentleman from Tennessee [Mr. STANTON] offers, proposes to increase the aid which has been given to this Collins line of steamers. The gentleman says that it amounts to no interference with private enterprise; but the manner in which he emphasizes that assertion shows that he attaches an importance to it. I concur with the gentleman in that point, and it is of sufficient importance to demand the attention of the House. I attempted, in the speech which I delivered this morning, to draw a contrast between the great fleet of steamers in the valley of the Mississippi, and those upon other waters. I would follow up that idea now—

Mr. GOODENOW. I rise to a question of order. I submit that the gentleman is not discussing the amendment. I do not make this point of order out of any disrespect to the gentleman. I desire to call the attention of the House to the fact that the debate has been increasing; and as I believe every gentleman of the committee has made up his mind how to vote on the question, I do insist that those who undertake to speak shall speak in order.

The CHAIRMAN. The Chair thinks that the line of remark adopted by the gentleman from Ohio [Mr. SWEETSER] is not in order. The question under discussion is: "Shall there be thirteen months notice, instead of six," upon the propriety of limiting that notice.

Mr. SWEETSER. As it involves the whole question of propriety, I will barely remark, if the object is to confine debate strictly to the amendments proposed, I will yield the floor with great pleasure. I will inform the committee and Chair that I will feel authorized to make a point of order hereafter upon any gentleman who may depart from the strict line of discussion.

[Cries of "That's right!" "That's right!"]

The question was then taken upon the amendment to the amendment offered by Mr. STANTON, of Tennessee; and it was not agreed to.

Mr. STANTON, of Ohio. I offer an amendment which I hope the friends of this bill will accept.

I move to amend by inserting after the word "Congress" these words: "The Postmaster Gen-



eral, with the advice and consent of the President."

One word of explanation. It will be observed that the bill now confers upon Congress the power to terminate the arrangement for the additional allowance, upon six months' notice. Every gentleman must know, if this contract shall prove profitable, that the means will be found to prevent the passage of any proposition diminishing this compensation. There is no difficulty about that. I propose, therefore, in addition to the power here conferred upon Congress, if they shall not exercise it, that the Postmaster General, with the advice and consent of the President, shall terminate the arrangement, which will make it a Cabinet measure. If the Postmaster General shall be satisfied that he is paying an exorbitant and unnecessary compensation, then the President and Cabinet may discontinue the allowance, and not encounter all the delays which operate, under our rules, to effect such an object. I hope the friends of the bill will consent to an amendment of that sort. I can see no reasonable objection to it.

The question was then taken upon Mr. STANTON's amendment, and it was not agreed to.

Mr. MEADE. I move to amend the amendment by striking out "\$33,000," and inserting "\$26,000."

The CHAIRMAN. The Chair will state that the amendment of the gentleman is not now in order—the question being the motion made by the gentleman from Georgia [Mr. STEPHENS] to strike out the proviso. Motions have been made since that time to amend it, previous to the question being taken to strike out. If the gentleman does not wish to propose his amendment now, and there be no further amendments to the proviso, the question can be taken on striking it out, and then the gentleman's amendment will be in order.

Mr. MILLSON. I move to amend the proviso, by striking out "54," in the 14th line, and insert "53."

I desire, in this connection, to reply to some of the remarks which fell from the gentleman from North Carolina, [Mr. CLINGMAN], who said, on yesterday, and repeated to-day—

Mr. FOWLER. I rise to a question of order. The gentleman proposes, if I understand him, to strike out "54," and insert "53." His argument must tend to that point, and if he departs from it, he is out of order.

The CHAIRMAN. The Chair must be under the necessity of deciding that the gentleman from Virginia must confine his remarks to the change he proposes.

Mr. MILLSON. Any argument by which I can show that none of this appropriation should be voted, will apply to show that it shall be granted for a limited period only.

The CHAIRMAN. The Chair thinks not. This part which the gentleman proposes to amend is in regard to the notice, and the propriety of extending or limiting that notice would be the only question.

Mr. MILLSON. There would be no stronger reason for limiting the duration of this appropriation than that there ought to be no appropriation voted at all. If I can succeed in showing this House that it ought not to grant any further relief to the proprietors of the Collins line, I think I can show that the grant should be limited to time.

The CHAIRMAN. The Chair thinks not, and decides the gentleman to be out of order.

Mr. MILLSON. As a matter of principle, I will take an appeal.

The CHAIRMAN. The Chair decides the question of order raised by the gentleman from Massachusetts [Mr. FOWLER] as well taken; and from this decision the gentleman from Virginia takes an appeal.

Mr. FOWLER. I move to lay that appeal upon the table.

Mr. MILLSON. I do not wish to take up the time of the committee, and I will withdraw my appeal. I desire to say—

The CHAIRMAN. The gentleman's remarks will be in order after the question is taken upon striking out. The question recurs upon striking out the proviso.

The question was then taken on striking out the proviso, and it was not agreed to.

Mr. MILLSON. I move, sir to strike out "\$33,000 in the ninth line, and insert "\$20,000" in lieu thereof.

Mr. SACKETT. I rise to a question of order, and it is that the committee have been engaged in endeavoring to perfect the proviso, and until they come to a final vote upon the question of striking it out, and conclude to strike it out, the motion of the gentleman is not in order.

The CHAIRMAN. The Chair overrules the question of order raised by the gentleman from New York, [Mr. SACKETT], and holds that the subdivision is yet open to amendment.

Mr. MILLSON. I was proceeding to remark, Mr. Chairman, that the gentleman from North Carolina [Mr. CLINGMAN] seemed to admit that this system was entirely wrong, and so objectionable did he regard it that he was willing to enter into negotiations with Great Britain for the purpose of—

Mr. CABELL. I rise to a question of order. It is important to me that I should leave the city to-morrow, and I am very desirous to have the vote taken upon the amendment of the Senate. The gentleman is proceeding with remarks of a general character, and is not confining himself to the question of reducing the \$33,000 to \$20,000. I must insist, as far as I can, that gentlemen should confine themselves to the question immediately before the committee. The gentleman from Virginia [Mr. MILLSON] is now replying to a speech made by the gentleman from North Carolina, [Mr. CLINGMAN].

The CHAIRMAN. The Chair thinks, upon a motion to reduce the amount appropriated, that it is legitimate to argue that there ought to be no appropriation at all. But if you must have an appropriation, the amount should be reduced.

Mr. MILLSON. The gentleman from North Carolina [Mr. CLINGMAN] intimated a willingness to put a stop to this competition between the steamers of Great Britain and those of the United States, by negotiating a treaty between the two countries. He admits that this system of governmental protection is altogether wrong, but says that, as Great Britain commenced it, it is necessary, upon the principle of retaliation, that we should vote this amount to enable the proprietors of the Collins line to maintain the competition. That is his argument. Now, sir, I will not say how far it may be proper to act upon the principle of retaliating wrongs, but I do not see either the wisdom or the morality of inflicting an injury upon ourselves, to prevent another nation from securing a benefit, in which we, to a great extent, participate.

The argument is this: Great Britain has commenced this system, and therefore we should prosecute it. It is presented also in the report of the Senate committee upon this subject. They say:

"It may not be improper here again to note, by way of illustration, the benefits to be derived from ocean steam mail transportation, when in successful operation, as manifested in the case of the British Cunard line under the auspices of the British Government. During the first six years of its existence, the line above-named received from the Government no less than \$2,550,000, while the Government received from the company, in the form of postages, the enormous sum of \$7,836,800, or \$5,286,800 net revenue."

They then proceed to show what have been our receipts from the Collins line, which, with all their figuring, they cannot make more than \$256,773 40 per annum, and say that the Government, at the end of two years, is only "out of pocket" \$256,453 20."

That is to say, the British Government, according to the report of the Senate committee, have paid Cunard, in a period of six years, the sum of \$2,550,000. They have received \$7,836,800, and have secured a net gain of \$5,286,800. Therefore, they seem to think this furnishes a strong reason why we should pay to the Collins line for a similar period, \$5,148,000 for the sake of receiving \$1,540,640 40, and thus incurring a net loss of \$3,607,360 60.

This is the logic of the advocates of the appropriation. We ought to encounter a loss of \$3,607,360 80, because Great Britain has secured a gain of \$5,286,800. So much, sir, for this argument, plainly presented in the report of the Senate committee, and dimly shadowed forth to-day in the remarks of the gentleman from North Carolina.

Now, sir, in regard to the reduction of freights to which the gentleman from North Carolina [Mr. CLINGMAN] alludes, I beg leave to call his attention to a statement made in a paper which has been laid upon our tables by the friends of this line, in which it is distinctly stated that this reduction has not been the result of competition be-

tween the Collins and Cunard lines, but has been caused by the competition of the propellers, after the two lines were in operation. Here is the statement:

"Neither were the mail steamers between New York and Liverpool the cause of the reduction of freights on foreign merchandise. It was, as the memorialists cannot but know, the English propellers that began the system. Both the British and American mail steamers charged £7 10s. per ton, when the propellers commenced taking freight at £3 10s. per ton, which induced the mail steamers to put their rates down to £4 10s."

It is here claimed by the friends of the measure, that the reduction is not due to competition between the Collins and Cunard lines, as the gentleman from North Carolina argued, but to the competition between both these lines on the one hand and the propellers on the other.

Now, sir, in reference to the statement that Mr. Jefferson was in favor of this species of protection, I wish I had time to go into the consideration of the views presented by my colleague from the Accomac district, [Mr. BAYLY.]

I congratulate the protectionists of the country on the ally they have got in my colleague, in their hopeless efforts to make out Mr. Jefferson to be a protectionist. I have heard these arguments again and again—I have heard them from the stump and upon the hustings, but always from the lips of those who attempted to recommend or excuse the protective policy, and invoked the authority of Mr. Jefferson in support of that system.

Sir, I undertake to say, that the citation made of the opinions of Mr. Jefferson—but why need I vindicate the opinions of Mr. Jefferson in the presence of a Democratic Congress! What! Thomas Jefferson, the man who in 1826, in his letter to Mr. Giles, expressed the most earnest opposition to this whole scheme of granting bounties to a favored few! He is invoked here as the friend and advocate of a system of protection by governmental bounties.

[Here the hammer fell.]

Mr. MEADE. I rise for the purpose of opposing the amendment offered by my colleague, and, at the same time, for the purpose of declaring my entire concurrence with him in relation to the power of Congress to encourage enterprises of this kind by protective duties. In the remarks I made to the House yesterday, I said I based my advocacy—

Mr. SWEETSER. I rise to a question of order. My question of order is, that the views of Mr. Jefferson, and these other gentlemen, have nothing to do with the proposed amendment, and are therefore out of order. The Chair has, I think very properly, decided in my case that such discussion was not in order.

Mr. MEADE. I have not said anything about the opinions of Mr. Jefferson.

Mr. SWEETSER. The gentleman is discussing an hypothetical case.

The CHAIRMAN. As far as the gentleman from Virginia [Mr. MEADE] has gone, the Chair decides that he is not out of order.

Mr. SWEETSER. Certainly he is not in order.

The CHAIRMAN. The Chair thinks he is in order.

Mr. MEADE, (resuming.) Mr. Chairman, the question with me is whether we shall increase our steam-navy. I am in favor of an increase. We have, I think, about five steamships in commission, and the great maritime nations of the earth have from one hundred to one hundred and fifty. It seems to me that the addition of five more to the steam-navy of the United States is but a very small amount compared with the immense naval force of other Powers; but, at the same time, I say I am not in favor of the large increase of compensation proposed by the Senate amendment; and therefore at the proper time I shall move to insert \$26,000 in the place of \$33,000. Having settled the preliminary point that we should keep on hand an adequate steam force, I now proceed to confute the arguments of my colleague [Mr. MILLSON] by showing that instead of a loss, we shall make a gain of upwards of \$200,000 per annum for each vessel by making an appropriation of \$26,000 to this line for each round trip.

Mr. SWEETSER. I submit that this discussion is not in order.

Mr. MEADE. I am opposing the reduction to \$20,000. It is altogether wrong. I have a statement, sir, prepared at the Navy Department,

which shows that steamers of the first class in commission cost the Government, in certain articles, \$131,894 34. To that sum might be added the interest on the cost of a steam-frigate, say \$36,000, which we should have to lose in case we constructed a vessel upon our own account. It is estimated that the depreciation in a vessel of that sort ranges from twelve to fifteen per cent. per annum, which would swell the annual expense \$90,000 more. This would make the cost of a steam-frigate of the first class \$257,894 33 per annum. The difference between the cost per annum of a steam-frigate owned by the United States and the amount that we should pay to the Collins line for one of their ships, at \$26,000 per trip, I will show to be about \$225,000 in round numbers. Twenty-six trips, at \$26,000, would amount to \$676,000, which, divided by five, the number of vessels in the line, will give \$135,200 per annum for each vessel, which, subtracted from the annual cost of a Government steamer—to wit \$257,894 33—would leave \$122,694 33 in favor of the former.

Mr. STANTON, of Tennessee. The gentleman forgets to add the mail pay.

Mr. MEADE. I am coming to that. Now, sir, the mail-pay in 1851 for this line was \$343,641, which was an increase of \$173,744 over the year before, and if, during the year 1852, there should be a similar increase, as we may reasonably infer, the amount for the year 1852 would be \$517,383, which, distributed among the five steamers, would reduce the annual pay of this line to \$31,923 for each ship, being less, by \$235,971, than the cost of maintaining a Government steamer. The total saving on the five vessels amounting to the sum of \$1,129,825 per annum; the saving in five years would be \$5,649,275, being \$2,500,000 more than the cost or value of the vessels.

[Here the hammer fell.]

The question was then taken upon Mr. MILLSON's amendment to the amendment, and it was not agreed to.

Mr. MASON. Mr. Chairman, I desire to offer an amendment, to come in at the end of the proviso. I offer it in good faith. I hope the friends of the bill will listen to it, and I shall call for tellers upon it. The amendment I propose, is as follows:

*Provided further,* That any party to a contract with the Post Office Department, for carrying the United States mail, shall be remunerated for any loss he may have sustained by such contract, and that the sum of \$100,000 be, and the same is hereby, appropriated for that purpose.

Mr. CLINGMAN. Is that proposition in order? It proposes to make a general law, with reference to all persons who may not have been remunerated under their contracts with the Post Office Department.

Mr. MASON. I understand that this appropriation is made because these parties are mail-carriers, and I want to put all the mail-carriers upon the same footing.

Mr. CLINGMAN. You have no right to make a general bill of this.

The CHAIRMAN. The Chair thinks that is not in order as an amendment to this subdivision.

Mr. MASON. I move to strike out the word "six" in the sixteenth line, and insert the word "two" in lieu thereof. The proposition which I made just now, it seems, was out of order. I have no doubt, however, that those who give this \$800,000, as a remuneration to this large steam line, will perhaps take into consideration the justice of paying the \$100,000 to contractors throughout the United States, who have lost by carrying the mail service heretofore. The gentleman—the chairman of the Committee on Naval Affairs—makes this appropriation constitutional, expressly upon the ground that it is for carrying the United States mail.

Mr. FOWLER. With much respect for the gentleman who has the floor, I rise to a question of order.

Mr. MASON. I will get in order directly, if you will leave me alone.

Mr. FOWLER. The question is to reduce the time from six months to two. I trust that the gentleman will be made to confine his remarks to that point.

Mr. MASON. The number of petitions at the Post Office Department, and numerous petitions before the Committee on the Post Office and Post Roads of this House, show that there are hundreds of contractors in absolute want and desitu-

tion, who have been reduced to those circumstances by their patriotic services in carrying the mails of the United States. If, sir, patriotism requires that the proprietors of this large steam line shall be remunerated for their losses, the American people will demand that all those who carry the mails of the United States shall be likewise remunerated.

Mr. FOWLER. I insist that the Chairman shall decide my question of order.

The CHAIRMAN. The gentleman from Kentucky must necessarily confine his remarks to showing the propriety of reducing the time of notice from six months to two months.

Mr. MASON. Sir, I have heard gentlemen on all sides appealing to the patriotism of this House. May not I appeal to its sense of justice? Justice is one of the essential attributes of patriotism; and, sir, if it was proper and legitimate to appeal to the patriotism of the House, certainly it is in order for me to appeal to its sense of justice. I hope the gentleman from Massachusetts will now see that I am in order. [Laughter.]

Mr. FOWLER. I repeat that it was from no disrespect to the gentleman that I raised the question of order.

Mr. MASON. Oh, no; I am sure of that. Sir, if we are to appropriate this \$800,000 for this Collins mail line, why should not we, at the same time, remunerate the hundreds of men who have been utterly ruined and made bankrupt in carrying the mails of the United States? Gentlemen should recollect that they will have to meet these men when they go home. They are not few, nor far between. Go to the room of your Committee on the Post Office and Post Roads, or to the Post Office Department, and you will find file upon file of petitions from these men, praying for relief in every form and manner, and crying aloud for your justice as well as generosity.

Mr. STANTON, of Tennessee. Let me suggest to the gentleman that this appropriation is not merely to pay the losses of the contractors, but it is to enable them to keep up the line. Without it the line must go down.

[Here the hammer fell.]

Mr. BAYLY, of Virginia. I rise to oppose this amendment, and as in advocating a similar one, my colleague [Mr. MILLSON] made, as I fancy, a most uncalled-for reference to me, I take it for granted that it will be in order for me to reply to him.

Mr. GOODENOW. I rise to a question of order.

Mr. BAYLY. I beg the gentleman to let me go on. I desire to make a personal explanation.

Mr. GOODENOW. I rise to a question of order. I know that the gentleman from Virginia will not take it unkindly. But I claim that the question of protection has nothing to do with the amendment before the committee.

The CHAIRMAN. The gentleman from Virginia will be necessarily confined to showing that the notice ought to be six months instead of two.

Mr. BAYLY. Well, Mr. Chairman, if I understand anything about parliamentary law—and I think it is time that I should, if I have capacity to do it—I know of no better-settled principle than that when one gentleman has been allowed in speaking on an amendment, to make reference to another, and especially to one of his colleagues, parliamentary liberality requires that the gentleman so referred to should have the privilege of reply, on a similar proposition.

Mr. GOODENOW. On that ground I withdraw my question of order.

Mr. MILLSON here made a brief explanation to his colleague, [Mr. BAYLY,] not a word of which was heard by the Reporters, in consequence of his having directed his remarks from them.

Mr. BAYLY, (resuming.) That is precisely as I understood the gentleman. Sir, when that gentleman has struck as many blows, and—though it may be vanity in me to say so—as many effective blows in favor of free trade as I have, it will be time for him to say, that in supporting such propositions as this, I am fighting under the banner of protectionists. When he has struck as many blows, and—I again, egotistically perhaps, add—as many effective blows in favor of Democracy as I have, he may undertake to talk about the Whigs receiving an ally in me. I am not one of those, however, who choose to bring Democratic doctrines into disrepute by running them into absurd extremes. Disciples are becoming

worse than apostles, and men who follow in the footsteps of Jefferson are no longer Republicans.

My colleague says that this very report by Mr. Jefferson, which I have quoted, has been quoted by protectionists against him in support of a tariff. I know it, and it has always been misquoted. Neither Jefferson, Madison, Polk, Jackson, nor any other Democrat that I ever knew, questioned the power of Congress to regulate our commerce and our navigation.

Mr. JOHNSON, of Tennessee. I ask the gentleman from Virginia if he did not vote against the introduction of this scheme in 1847?

Mr. BAYLY. No vote was taken on it.

Mr. JOHNSON. I ask the gentleman if he was not opposed to it then?

Mr. BAYLY. I tell the gentleman frankly, that I was not in favor of forming a connection with this or any other company.

Mr. JOHNSON. Exactly. If it is Democratic now, why was it not Democratic then?

Mr. BAYLY. I never based my opposition to it upon the absurd ground that it was unconstitutional—never. Upon that occasion I made no point. It was recommended by a Democratic President; it was carried by a Democratic House; there was a strong feeling in favor of that law. How did the gentleman from Tennessee vote upon that occasion?

Mr. JOHNSON. I was opposed to it, and so were you.

Mr. BAYLY. Yes; but I never put my opposition to it upon the absurd ground of a want of constitutional power. I had other grounds of opposition. But having embarked our fortunes in a common bottom with these persons, even though against my wishes, in what has now become a national contest, I am not willing, through any demagogism or anything else, to back out of our partnership in a concern into which I never wished to enter.

Mr. FREEMAN. I ask the gentleman on what clause of the Constitution he relies for the power of Congress to pass this appropriation?

Mr. BAYLY. Will the gentleman tell me where Congress gets the power to require steamboats on the Western lakes and waters to take out licenses, and vessels engaged in the foreign trade to take out registers, to regulate the number of passengers that shall be brought into the country to the ton, to require vessels to have their names on their sterns, and that the letters shall be at least six inches long? Where the right to grant fishing bounties? where the right of exclusive legislation in reference to tonnage and navigation is found? If he will tell me where we find the power of marine defense—if he will, I will answer his question.

Mr. FREEMAN. In the power to regulate commerce with foreign nations and between the States.

Mr. BAYLY. The General Government has exclusive authority over the subject of navigation and tonnage. The States have been prohibited from making any regulations with respect to tonnage and navigation. Every vessel, I believe, over five tons burden, is required to take out a license, if engaged in the coasting trade, or to be registered, if engaged in the foreign trade. No State can legislate on the subject at all. The exclusive power over this subject of navigation is in Congress. Sir, this thing has nothing to do with the doctrine of a tariff for protection, and it is an utter misconception of the whole subject to suppose it has.

[Here the hammer fell.]

Mr. LETCHER moved that the committee do now rise.

Mr. GOODENOW demanded tellers.

Tellers were ordered, and Messrs. STANTON, of Tennessee, and HENDRICKS were appointed.

The question was then taken, and it was decided in the affirmative—ayes 83, noes not counted.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman [Mr. STUART] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the amendment of the Senate to House bill No. 207, "to supply deficiencies in the appropriations for the service of the fiscal year ending

the 30th of June, 1852," and had come to no resolution thereon.

Mr. HENN, from the Committee on Enrolled Bills, reported back, as correctly enrolled, the following bills and joint resolutions, which thereupon received the signature of the Speaker, viz:

An act to amend an act entitled "An act providing for the sale of certain land in the States of Ohio and Michigan, ceded by the Wyandot tribe of Indians, and for other purposes," approved on the 3d day of March, 1843;

An act for the relief of Ichabod Weymouth;

An act for the relief of Francis Tribou;

An act for the relief of Amos Knapp;

An act making appropriation for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1853; and

A joint resolution to establish certain post routes.

#### TRADE BETWEEN TEXAS AND MEXICO.

Mr. HOWARD. There is a bill upon the Speaker's table in relation to the regulation of trade between Texas and Mexico. I ask the unanimous consent of the House to have that bill taken from the Speaker's table, and referred to the Committee on Commerce.

There being no objection, the following bill was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Commerce, viz:

An act authorizing imported goods, wares, and merchandise entered and bonded for warehousing in pursuance of law, to be exported by certain routes to ports and places in Mexico.

#### WITHDRAWAL OF PAPERS.

On motion by Mr. CHASTAIN,

*Ordered*, That the papers of William Smith, a revolutionary soldier, be withdrawn from the files of the House, and referred to the Committee on Revolutionary Pensions.

On motion by Mr. PENN,

*Ordered*, That leave be granted to withdraw from the files of the House, the papers in the case of the heirs of Elias Bleadwell, claiming compensation for the loss of a library, burnt during the war of 1812, for the purpose of reference to the Senate.

On motion by Mr. WALSH,

*Ordered*, That leave be granted to withdraw from the files of the House, the papers of Philip C. Friese, for the purpose of reference to the Senate.

#### BARRACKS AT SAVANNAH, GEORGIA.

Mr. STEPHENS, of Georgia. There is a joint resolution upon the Speaker's table, proposing to surrender the property of the barracks in the city of Savannah to the city authorities. I ask the unanimous consent of the House to have that bill taken from the Speaker's table and referred to the Committee on Military Affairs. The resolution came from the Senate some time since. It is entirely a local matter.

Mr. WALSH. Is it a general bill?

Mr. STEPHENS. No; it is entirely local in its character.

There being no objection, the following joint resolution was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Military Affairs, viz:

A joint resolution for surrendering the site of the old Oglethorpe barracks to the city council of Savannah, Georgia.

#### URSULA E. COBB.

Mr. COBB. There is a bill upon the Speaker's table proposing to grant an invalid pension of four dollars a month to a poor old widow. I ask the unanimous consent of the House to have that bill taken from the Speaker's table, and referred to the Committee on Invalid Pensions.

There being no objection, the following bill was then taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Invalid Pensions, viz:

An act for the relief of Ursula E. Cobb.

On motion by Mr. McMULLIN, the House then adjourned until to-morrow at eleven o'clock, a. m.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, July 10, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

#### RATES OF POSTAGE.

The SPEAKER. The first business before the

House is the consideration of House bill No. 144, to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3d, 1851; and the pending question is the amendment proposed by the gentleman from Iowa to the second section, and to go in at the end of it, as follows:

The presidents of universities, colleges, academies, and of all scientific institutions, and also the Smithsonian Institution, may send by mail, free of postage, the printed copies of any regular paper, pamphlet, or book published under the authority of any such institution; and also the proof-sheets of such copies while the same are being published: *Provided*, such printed copies shall be distributed gratis.

Mr. OLDS. There is a motion pending to recommit this bill to the Committee on the Post Office and Post Roads.

The SPEAKER. The Chair has overlooked that motion. Does the gentleman withdraw it?

Mr. OLDS. I withdraw the motion. It is surprising, Mr. Speaker, that sectional issues must be dragged into every debate arising in this House. The gentleman from New York, with his usual ingenuity, has managed to bring a sectional argument against my poor postage bill. Now, sir, for the life of me, I cannot see what the question of slavery has to do with the postage on newspapers. This bill does not contemplate making the negroes mailable matter. The Committee on the Post Office and Post Roads do not propose sending all the negroes North, at a postage of one cent per ounce. I have no idea that the mails of the United States will ever be converted into a negro-stealing machine. The gentleman should have learnt ere this that there is an underground railroad for this purpose, which more appropriately comes under the jurisdiction of the Committee on Roads and Canals. I have no knowledge, sir, that our committee has any petition asking Congress to make this underground-railroad a mail route. I have said enough, I trust, to allay the gentleman's sectional fears, and again ask the attention of the House to the merits of the bill.

I wish to state one fact, for the information of the House and the gentleman from New York, [Mr. Brooks.] It is, that when the Committee on the Post Office and Post Roads had reported this identical bill, with the exception of the amendment just agreed to, changing the weight from two and a half ounces to two ounces, I forwarded to the publishers of each of the newspapers in the city of New York, and those of almost every other city in the country, a copy of the bill, together with a copy of the accompanying report. Within the last two weeks, a petition has been put in my hands, coming through the House of Representatives, from most of the publishers of newspapers and periodicals in the city of New York, asking what this bill provides for.

Now, sir, these publishers must have seen this bill before they signed that petition, for it had been in their hands for three months. My understanding of this petition is, that they desire the passage of this identical bill. I may, perhaps, be mistaken, but such is my construction upon it. I am sorry not to find among the number, the publishers of the New York Express; but I find here the names of James Watson Webb of the Courier and Enquirer, Greely & McElrath of the Tribune, James Gordon Bennett of the New York Herald—

Mr. BROOKS. Permit me to ask the gentleman, if they petition that the rates of postage should be increased?

Mr. OLDS. Yes, sir; I have said that those publishers who signed this petition had my bill in their possession when they signed it. In justice, however, to these publishers I must say, that I am satisfied that they are opposed to reducing the standard weight from two and a half to two ounces. I received a private letter from the publishers of one of the papers in the city of New York—the Journal of Commerce—objecting to the reduction of the standard weight below two and a half ounces. It is the only objection that has been raised by any of the publishers of newspapers in the city of New York.

Mr. SKELTON. Will the effect of this bill be to reduce the rates of postage?

Mr. OLDS. I have here some statistics, showing the rates of postage as they are under the old, and as they will be under the new law.

When I was interrupted by the expiration of the morning hour on yesterday, I was endeavoring to institute a comparison between the rates of postage charged under the law as it now stands,

and those charged under this bill; and from remarks which were made to me by gentlemen of the House, after the adjournment on yesterday, what I then feared might be true, I find to be true—that I did not succeed in making myself understood by the House.

I have been to some trouble since the adjournment of yesterday, to rearrange my table making the comparison between the rates of postage on newspapers under the old law, and the proposed new one, so that it might be more intelligible to the House. This table may contain some inaccuracies, but is believed to be substantially correct. My figures will differ very materially from those of the gentleman from New York, [Mr. Brooks,] from the fact that he bases his calculation upon a weight of three ounces, as that is the minimum weight of the old law; whilst mine is based upon a minimum weight of one ounce, which will cover more than nine tenths of the entire press of the country. The New York Herald, Tribune, Sun, &c., single sheet, will all be covered by this rate.

On a daily paper per quarter under the old law, the postage under fifty miles would be twenty-five cents—under the new, thirty-nine cents; over fifty miles and under three hundred, the old would be fifty cents, and the new thirty-nine cents; over three hundred and under one thousand, the old would be seventy-five cents, and the new thirty-nine cents; over one thousand and not exceeding two thousand miles, the old would be one dollar, and the new thirty-nine cents; over two thousand and not exceeding three thousand miles, the old would be one dollar twenty-five cents, and the new thirty-nine cents; over three thousand miles, under the new law the postage is doubled. The average rate under the old law would be \$5 25; under the new, \$2 75.

On a tri-weekly paper, the postage, where the distance is under fifty miles, under the old law, would be fifteen cents per quarter; under the new nineteen and a half cents. Over fifty miles and under three hundred, the old would be thirty cents, the new nineteen and a half; over three hundred miles and under one thousand, the old would be forty-five cents and the new nineteen and a half cents; over one thousand miles and under two thousand miles the old would be sixty cents, and the new nineteen and a half cents; over two thousand miles and under three thousand, the old would be seventy-five cents and the new nineteen and a half cents; over three thousand miles, under the new law, he rate would be double. The average rate under the old would be, three dollars and fifteen cents, under the new one dollar and thirty-six and a half cents.

On a semi-weekly paper the postage per quarter under fifty miles, under the old law, would be ten cents, under the new thirteen cents; over fifty miles and under three hundred, the old would be twenty cents and the new thirteen cents; over three hundred miles and under one thousand, the old would be thirty cents, and the new thirteen cents; over one thousand miles and under two thousand, the old would be forty cents, and the new thirteen cents; over two thousand miles and under three thousand, the old would be fifty cents, and the new thirteen cents; over three thousand and the rate under the new law is doubled. The average would be two dollars and sixteen cents under the old law, and ninety-one cents under the new law.

On a weekly paper, the postage per quarter under fifty miles, under the old law, would be five cents, under the new six and a half cents; over fifty miles and under three hundred, it would be, under the old law, ten cents, under the new six and a half cents; over three hundred miles and under one thousand, the old law would be fifteen cents, and the new six and a half; over one thousand miles and under two thousand, the old would be twenty cents, and the new six and a half cents; over two thousand miles and under three thousand, the old would be twenty-five cents, and the new six and a half cents; over three thousand miles the rate is doubled under the new law. The average would be one dollar and five cents under the old law, and forty-five and a half cents under the new.

Mr. FOWLER. Will the chairman of the Committee on the Post Office and Post Roads have the goodness to state again the difference between the rates under the present law, and the proposed



law, for distances under a thousand miles? I did not distinctly understand it, and others understood it differently from what I did.

Mr. OLDS. Then I shall have to go over the whole again.

Mr. BROOKS. We have the same tables before us. Let us compare. Take the table, where the distance does not exceed fifty miles, and what is the postage on a daily newspaper, according to your table?

Mr. OLDS. A daily newspaper under fifty miles per quarter, under the old law, is twenty-five cents; under the new, thirty-nine cents; that is by the ounce.

Mr. BROOKS. Now, let me ask another question. Suppose that paper should weigh an ounce and a grain, what would be the postage?

Mr. OLDS. It would be seventy-eight cents under that table.

Mr. BROOKS. I will now ask the gentleman another question in order to get the facts before the House. Under three hundred miles what is the postage now on a daily paper?

Mr. OLDS. Fifty cents.

Mr. BROOKS. What would it be under the proposed act, for a newspaper of an ounce or under?

Mr. OLDS. It would be thirty-nine cents.

Mr. BROOKS. What would it be for a newspaper weighing over one ounce?

Mr. OLDS. It would be double that sum, seventy-eight cents.

Mr. FOWLER. I understand the chairman of the committee to say, that over nine tenths of the papers of the country are under one ounce. Is that so?

Mr. OLDS. According to my calculation, nine tenths of the country circulation comes under an ounce. And nearly all the country papers will pass through the mail at a half cent postage.

I shall not trouble the House to extend these comparisons to transient newspapers. Suffice it to say, that the old law amounts almost to an exclusion of transient papers from the mails, while the new law, if it pass, will put them upon the same footing as other papers, only requiring that the postage shall be prepaid. That is all the difference; and it otherwise allows transient papers to pass through the mails of the United States the same as papers to regular subscribers.

I will not trouble the House, briefly comparing the effects of the old and the new law upon periodicals and other printed matter.

Periodicals weighing one ounce, under five hundred miles, by the old law would pay one cent—under the new one cent. Over five hundred miles and not over fifteen hundred miles, the old postage would be two cents, and the new one cent. From fifteen hundred to twenty-five hundred miles, the old is three cents, the new one cent. From twenty-five hundred to thirty-five hundred miles, the old is four cents. Up to three thousand miles, the new is one cent—over thirty-five hundred the old is five cents—over three thousand and the new is two cents. For two ounces the rate under five hundred miles, by the old law, is two cents, by the new one cent; from five hundred to fifteen hundred miles the old is four cents, and the new one cent; from fifteen hundred to twenty-five hundred miles the old is six cents, the new one cent; from twenty-five hundred to thirty-five hundred miles the old is eight cents—up to three thousand miles the new is one cent; over thirty-five hundred miles the old is ten cents; over three thousand miles the new is two cents. On three ounces weight, under five hundred miles, the old postage is three cents, the new two cents; from five hundred to fifteen hundred miles the old is six cents, and the new two cents; from fifteen hundred to twenty-five hundred miles the old is nine cents, the new two cents; from twenty-five hundred to thirty-five hundred miles the old is twelve cents—up to three thousand miles the new is two cents; over thirty-five hundred miles the old is fifteen cents; over three thousand miles the new is four cents. The ratio of increase per ounce continues, as in these illustrations, to the weight of four pounds under the new law; to the weight of two pounds under the old law.

The International and Harpers' New Monthly will weigh about eight ounces per number.

Under the old law these periodicals would pay eight cents for five hundred miles; under the new the postage would be seven cents. From five hun-

dred to one thousand five hundred the old postage would be sixteen cents, the new seven cents; from one thousand five hundred to two thousand five hundred the old would be twenty-four cents, the new seven cents; from two thousand five hundred to three thousand five hundred the old would be thirty-two cents—up to three thousand miles the new would be seven cents; over three thousand five hundred miles the old would be forty cents; over three thousand miles the new would be fourteen cents.

Under the old law these rates are reduced one half when paid in advance.

It will be seen at a glance, Mr. Speaker, that the enormous postage charged upon periodicals, for long distances, amounts to an exclusion of those periodicals from the mails, and consequently seriously affects the revenues of the United States. You take, for instance, California, and it entirely excludes her from obtaining, through the mails, the intelligence which can be conveyed to her through the periodicals of the Eastern and Atlantic States. It will be perceived that the gentleman from New York [Mr. Brooks] is mistaken in supposing that the proposed changes make an increase of the postage upon newspapers, periodicals, and other printed matter. It is a reduction of the postage. It is true that, under fifty miles, and, perhaps, up to five hundred, the average might be as high as it is under the old law, but when you come to five hundred miles and over, there is a reduction in the rates on the newspaper circulation of the country.

Now, Mr. Speaker, there is an argument for this. A newspaper must be mailed at one office, and delivered at another office of delivery, and the same trouble of mailing and delivery occurs where a paper is sent fifty miles, as where it is sent three thousand. There is no difference in that respect, and really the expense of transportation of newspapers in the mails of the United States is not increased in proportion to the distance, and in proportion to the increase of charges under the old law.

I know, as the gentleman himself says, that the present law was passed at the close of the session. These amendments, in relation to the newspaper postage, were put upon it in the Senate of the United States, and the changes which I now propose by the bill under consideration, restores the bill merely to the shape in which it passed this House originally, before it went to the Senate at the last Congress. The bill was sent back to us from the Senate at the close of the session, and we had not time to act upon the amendments separately, and reject them, and thus have a committee of conference. We were obliged to reject the whole bill, or take it as it passed the Senate. The whole country was clamorous for its passage; from one end of the country to the other, the cry was for cheap postage.

Why, sir, the very editors of the newspapers in New York are not satisfied under the old law. They have petitioned Congress to have it changed. I am free, sir, to admit that the new bill may be subject to objection. But it has been prepared with much care, upon consultation, by the committee of the House and the committee of the Senate, with the Post Office Department. As it now stands before the House, it has received the sanction, unanimously, of both committees of Congress, and of the Post Office Department. It may not be perfect, but the old law has been found, by experiment, to fail, so far as newspaper postage is concerned. This law must be an experiment, and if it shall be found to fail as signally as the old law has failed, let the next Congress try their hand upon it, and change it again. The country demands a change, and I venture to say, that this law gives a change that will prove satisfactory. I hope, therefore, that these amendments proposed by the committee, may be agreed to, and the bill be speedily passed.

Mr. GIDDINGS. I want to put an interrogatory to my colleague, [Mr. OLDS.] He has given us the rate of postage upon weekly newspapers of one ounce weight, and under. I wish to inquire of him the weight of our ordinary weekly newspapers in the country. Are they not over one ounce?

Mr. OLDS. They are nearly all under one ounce.

Mr. GIDDINGS. I will observe, that I have taken the pains to weigh the National Intelligencer, and that weighs an ounce and a half.

Mr. OLDS. Is it this morning's issue?

Mr. GIDDINGS. It is.

Mr. OLDS. You will find that the law requires the paper to be weighed dry. This Globe which I hold in my hand, as it came from the press this morning, will weigh one quarter of an ounce less when dry than it does now.

Mr. GIDDINGS. What is the weight of that paper when dry?

Mr. OLDS. About one ounce.

Mr. WASHBURN. I do not like this bill very well. I have no doubt that the country demands an alteration in the laws as to postage, but I think this is the worst alteration that can be made, and that it will be exceedingly unpopular. I believe the gentleman from Ohio [Mr. OLDS] is mistaken in supposing that the country papers do not ordinarily weigh over an ounce. The country papers are, any of them, as large, and weigh as much as the National Intelligencer. What I say with reference to my district is true as regards nine tenths of the country papers of New England. I have no doubt of that as a matter of fact.

Mr. OLDS. If the gentleman will allow me, I will make a simple statement. I will state that the committees of the House and Senate met at the Post Office Department, and they went through the process of weighing the country papers, and gentlemen can rest assured that nine tenths of the country press will not weigh to exceed one ounce. We tested the experiment fully and fairly at the Post Office Department.

Mr. WASHBURN. I wish to inquire whether, as the gentleman understands, there is not a provision that one ounce shall be the maximum of size which will permit a reduction?

Mr. OLDS. No reduction under the bill will take place if the paper weighs over one ounce.

Mr. WASHBURN. That is as I understand it. I move to strike out the word "one," and to insert the word "two" in lieu thereof; so that there shall be a reduction if the paper does not weigh over two ounces.

The SPEAKER. These words being inserted by the amendment made on yesterday are not amendable.

Mr. SKELTON. I would suggest to the gentleman to move to insert "one and a half" instead of "two," that the uniformity of the bill may be preserved.

Mr. WASHBURN. Would an amendment of that kind be in order?

The SPEAKER. It will not be in order to strike out any portion of the amendment inserted on yesterday, and the section is not amendable unless it be by an entire substitute for the whole section. It is certainly not if the amendment proposes to embrace any portion of the amendment adopted on yesterday.

Mr. WASHBURN. I move to strike out the following words from the bill:

"All newspapers and periodicals not weighing over one ounce, published regularly as often as once in three months, and sent from the office of publication to actual subscribers, shall be chargeable with only one half of the foregoing rates."

The SPEAKER. That was stricken out on yesterday.

Mr. WASHBURN. I then move to strike out the balance, and to insert in lieu thereof the following:

All newspapers published regularly from the office of publication, to actual subscribers, not weighing over two ounces, shall be chargeable with only half the foregoing rates.

Mr. OLDS. I rise to a question of order. The only way the gentleman can arrive at his object will be to offer a substitute for the section.

The SPEAKER. It is not competent for the gentleman to amend by striking out any portion of the amendment inserted on yesterday.

Mr. WASHBURN. I then move to add after the word "one," "and one half," so that it will read, "one and one half ounces."

The SPEAKER. That amendment is in order as it is an addition.

Mr. WASHBURN. I hope that amendment will be adopted, because it will confer upon the country papers the benefit of the reduction in postage which is proposed, whereas the bill as it now stands excludes them, or the most of them, notwithstanding what the gentleman from Ohio [Mr. OLDS] has stated. I know, in relation to the papers of my district, and of Maine generally,

that it will exclude more than one half—I am inclined to think more than three fourths of them from the benefits of this law. I will say further, Mr. Speaker, that I do not like the provision in the first section which reduces the weight of newspapers from two and a half to two ounces. It seems to be a discrimination against the large papers, and those printed on the best paper, and which are, as a general thing, the most ably edited. The bill seems to have for its object a discrimination in favor of the poorest papers—the small daily penny papers, printed with small type on light, thin, and poor paper—and against those papers which are large in size, printed with good type, on good clean paper. I do not believe in the propriety, expediency, or profit of legislating in that direction. I hope this bill will be altered, if it is to be passed, and that it will include the two and a half ounces, as proposed originally. In that way justice would be done to the large newspapers, and by the adoption of the amendment I have submitted justice would be done to the papers in the rural districts. There should be a provision in the bill, and which I shall offer an amendment to secure, in order to protect the Treasury against this reduction, and to give the country papers the protection to which they are entitled. It is, that the reduction shall not extend to papers to be circulated outside of the States in which they are printed. The reduction should apply to papers circulating within the States. In that way justice would be done to the large newspapers and to the country papers. At any rate I hope the amendment I have now offered, which will enable country papers to obtain the advantages of this bill, will pass.

Mr. OLDS. I only wish to say to the gentleman from Maine, that I represent a rural district as well as himself. I think I have endeavored to attend to the interests of the rural portion of the country, and that we have given to it the full benefits of this bill, so far as regards postage on newspapers. The remarks of the gentleman are the same as those made by the gentleman from New York [Mr. Brooks] on yesterday. My remarks in reply to him will apply equally well to the argument of the gentleman from Maine. The gentleman's amendment destroys the symmetry of the bill. That is the very thing the House is now fighting for. The Senate last year undertook to amend the House bill, but destroyed it, and the country have called upon this House to restore the bill to the shape in which it passed this House at the last session of Congress. The present is nearly the same as the bill then passed. Every member of the Post Office Committee, not only of the House but of the Senate also, and the Postmaster General, have had their minds fixed upon this question, and it has received the closest scrutiny and investigation from them—a scrutiny, I am quite sure, equal to that which the gentleman from Maine [Mr. Washburn] can possibly give it. They have made it as perfect as they can. What shall we do? If you undertake to rearrange the tariff of postage fixed by the Committee and the Department, you will destroy the symmetry of the bill, and you will destroy that simplicity which the Committee on the Post Office have endeavored to approximate. The local press of the country have been provided for in the bill.

Mr. WASHBURN. I would inquire of the gentleman how it is to destroy the simplicity of the bill by permitting the amendment I have proposed, and by which papers published in the country may be circulated for one half the postage provided for in the bill?

Mr. OLDS. I will say that you have prepared and sent all over the country at an enormous expense a set of scales prepared for the use of the post offices of the country adapted to the even ounce weights. The bill originally proposed fixed upon two and a half ounces. The objection urged to it by the Post Office Department was, that it made all the computations of postage by fractions of an ounce. That is, in all computations of postage, you must be guided by half ounces up to a weight of four pounds. If you confine the operation of the gentleman's amendment to the circulation of papers in the State where published, it would be less objectionable. Again, we have provided for the rural districts of the country. We permit the papers of rural districts to circulate in their own counties free of postage. You charge no postage at all on weekly papers, and these are

the ones which need the indulgence of the country. Under the old law and under the construction placed upon it by the Postmaster General, it did not permit, in fact, those papers to be sent free to persons who lived in the county, but who received their mails at post offices out of the county. When the office of delivery was out of the county, postage was demanded upon their country papers; but this has been remedied in this bill, and we provide that papers may be sent through the mails to subscribers living in the county, although they may be taken at post offices outside of the county.

Does this bill amply provide for the interest of the rural districts by giving the country newspapers a freer circulation in their own counties? I ask the House, if the committee have not attended to the rural interests of the country? I do not presume that the bill is perfect, but perhaps the wisdom of the next Congress, in connection with one year's experience of the Post Office Department, may suggest amendments, and perhaps the very amendment which the gentleman now offers; but the committees of the two Houses, and the Post Office Department, have, together, in their wisdom, fixed upon this as the best which can be done without detriment to the revenues of the Post Office Department. The committee only desire to accommodate the country with cheap postage, and the diffusion of intelligence. I trust, therefore, that the House will permit the bill to be passed without amendments being made, and if it should be found not to have the effect which the committee and the Department contemplate, then let the next Congress amend it again.

Mr. JENKINS. I should like to ask the gentleman a single question. Will the gentleman from Ohio [Mr. OLDS] allow me to say that the Globe printed yesterday, and dried, weighs an ounce and a quarter? It is proposed to charge such papers as that with double postage.

Mr. OLDS. Will the gentleman allow me a single suggestion? He will find the quality of the paper on which the Globe is printed exceeds in weight the country press.

Mr. JENKINS. Will the gentleman discriminate against a good quality of paper? Will he drive the country press to the use of poor paper?

Mr. OLDS. Not at all. The committee have no such intention. They have drafted this bill to meet the facts as they now exist in the country. Taking the quality and size of the country press, they have met them precisely. The gentleman has taken an extraordinary quality of paper, and the committee could not provide for every contingency of that kind.

Mr. BROOKS. I am glad that the gentleman from New York [Mr. JENKINS] has brought out this fact before the House, that the Globe, when dry, weighs an ounce and a quarter; and in order to get such a newspaper within the weight proposed by the Post Office Committee, it will have to be printed on a quality of material which would damage the eyesight of every man in the community who reads it—nay, such a newspaper as can be hardly read by people who are over forty years of age.

Mr. STANTON, of Tennessee. The Globe of yesterday had a supplement.

Mr. JENKINS. The supplement was not included in the weight.

Mr. BROOKS. This whole policy of weighing newspapers is an unwise policy from beginning to end, and in a country like ours, it ought never to have been considered. If any reformation is intended in the size of newspapers, and if it is intended that there must be smaller journals in the United States, carry out this great measure of retrograde reform by limiting, not the weight of the newspaper, but the size of the sheet. Reduce not the number of ounces, nor calculate the number of grains, but limit the number of square inches, and then you will not interfere with the quality of the material, upon which intelligence should be printed. You can have good paper then, if you insist upon having small sheets. But, sir, I do not see why this weighing of journals should be a thing more insisted upon in carrying the mails, than the weighing of passengers to go with the mails. There would be a general outcry, I think, if it should be demanded that a man weighing two hundred pounds, should not be transported over the mountains for the same compensation as a man who weighs one hundred and fifty pounds.

I think I could see what a storm would gather, if men should then be estimated by their weight. The little man even would be indignant at the privilege thus to be conferred upon him, if thus, as freight, he was to be transported by the pound! Sir, it does not at all follow, that because a journal may be small, it may not be very good, nay, better, and worth more than the journal of bulkier proportions or more imposing weight. We measure not intellect or men's appetites by the pound; and it would be just as reasonable, for a hotel keeper to be measuring and weighing men for their breakfast and dinner, as to be measuring or weighing journals, that the public appetite may be craving for intelligence.

The whole policy of limiting what should be carried by weight in the mails, is unwise and impolitic, when applied to newspapers, and one which a wise Congress should never entertain. If it is to be carried out and persisted in, in addition to these scales which are furnished the postmasters throughout the country, there should be furnished to each post office an oven where he can dry the paper, before he weighs it, as required in this bill. [Mr. JENKINS interposed.] My colleague suggests an argument of very great importance, to wit: that the religious newspapers in the country—and I believe it is a fact, so far as my knowledge extends—weigh over an ounce, and they have a circulation far and wide for great distances. This fact alone will have great effect when it comes before the country, and I trust it will have considerable weight when it comes before the House.

Another argument of the chairman of the Post Office Committee is this, that the Postmaster General and the committees of the two Houses have examined this subject thoroughly, and have agreed upon this bill. If I were willing that any one man should legislate for the country on postages, and make a Post Office law, I do not know of a gentleman whom I would rather select than the chairman of the committee, because he has given the subject much attention; but I am unwilling, upon a subject of this character, that any gentleman, or any committee, should thus legislate; and I am the more unwilling, when I reflect, that at the last session of Congress, the existing law applicable to newspapers was agreed upon by the two committees of the two Houses of Congress, and in some degree sanctioned by the executive head of the Department, and I believe it is generally admitted Congress could not have done worse, if it had tried. This fact, then, goes far to show that this is a subject which we should examine and understand ourselves, and that we should not leave it to the Post Office Committee, the Postmaster General, or anybody else, to provide for us, without our giving it a full and thorough consideration. There are great difficulties surrounding the whole subject. It is almost impossible, I admit, to frame a Post Office law which will give general satisfaction. The great radical and the pervading mischief of this bill is, that it first limits the size or weight of newspapers, encouraging bad quality of paper; and the next is, that while it reduces the rates of postage upon papers over one thousand miles, it increases it upon those under one thousand. There can hardly be any disagreement about these facts. There is no doubt that there is a reduction of postage in the bill when taken for the whole country from Texas, Oregon, and California, to Maine. I admit that fact, because, under the existing rates of postage upon weekly newspapers from the city of New York or from the city of Washington, to the city of San Francisco, the postage is thirty cents per quarter upon a weekly newspaper—a most outrageous postage, and one which ought never to have been established. In all distances the postage over one thousand miles is enormous, and because we should do right in this matter over one thousand miles, it is not a reason why we should do wrong under that distance. Why the wrong should not be done under one thousand miles is, that the great mass of the people of the country live under this one thousand miles prescribed in the bill, and the great body of newspapers are circulated in this circle of a thousand miles.

I intend, at the proper time after this amendment is disposed of, to try and amend this first section as far as possible, and perfect it. If I am not able to effect this, I intend to submit at the proper time a substitute for the first section of the



bill, which shall preserve the symmetry of the existing bill.

Mr. CABLE, of Ohio. I admire the gentleman's zeal in the cause he professes to advocate. When you simmer down his argument it amounts to this: that he has determined that this Government shall become a common carrier for the city press, to break down the country press. That is the sum and substance of the gentleman's argument. It is well known to those who live in the West that the country press has to pay for the paper which they use twenty-five per cent. more than the city press. If the gentleman can make the Post Office Department a common carrier, it imposes much of the burden upon the country press of becoming a carrier for the Eastern press. But still the argument does not stop there. He must have it. If the Post Office Department carry one ounce for a certain price, it should carry two ounces, or a ton, as it were, for the same price. I do not see any justice or any common law in that matter, and neither do I see any common sense. It is a subterfuge to baffle the understanding of this House, and accomplish a certain purpose. When his argument is understood, then the House can determine; but the subterfuge is what I am attempting to expose. When we come to the second section of this bill, I wish to offer an amendment to make the phraseology more clear; but at present I shall add no more upon this subject.

Mr. SKELTON. I hope this amendment will prevail, and for two reasons: The honorable gentleman from Ohio, [Mr. CABLE,] who has just taken his seat, has given perhaps the true reason for limiting the circulation of these papers to one ounce. That is, they wish to exclude the large and more valuable papers of the large cities from coming into competition with the small papers of the rural districts.

Mr. CABLE. I do not wish the gentleman to misrepresent me. My point was that I was opposed to this Government, or the Post Office Department, becoming a common carrier to carry papers from the East to the West free of charge.

Mr. SKELTON. I will answer the gentleman upon that subject when I have disposed of the first point. This appears to me to be the only reason for the adoption of the one ounce weight. The most valuable papers published in the United States are all the publications of our large cities. Now, in advocating the free circulation of these large and valuable papers, I am sensible that is opposing perhaps the wishes of the publishers of the small rural papers in our districts; but I believe the view which these men have taken of the interests of the small rural papers to be ill founded. I am sure that it is conceived in narrow prejudice, and should not be indulged in this House. How, sir, can the country press be injured by the circulation of the large and more valuable papers of the large cities? Can you prevent the circulation of those large papers through the rural districts by putting upon them a heavy postage?

What is the effect of this high rate of postage at the present time, upon the circulation of the large papers of cities weighing over one ounce? Notwithstanding that nine tenths of the papers weigh less than one ounce, yet the other one tenth of these papers published in the United States are the most valuable papers, papers most worthy of being read, and placed in the hands of every citizen throughout the country. And it is for the purpose, in the first place, of giving extensive circulation to the intelligence of the large cities, of the religious and more moral papers of our country, that we ought to adopt the amendment offered by the honorable gentleman from Maine, [Mr. WASHINGTON.] The gentleman on my left [Mr. CABLE, of Ohio,] asks, Shall we make the United States mails the common carriers of the country? For what purpose were the mails established but for the circulation of written and printed intelligence through the country? And we have this additional inducement to pass this amendment: while it will contribute to the circulation of intelligence, and promote morality throughout our country, it will at the same time contribute to increase the revenue derived to the Post Office Department. What would be the effect of placing these rates of postage, high as they now are, on the circulation of the larger papers? Why it is to take them out of the United States mail. I know, from my personal knowledge, that a large amount

of the papers published in the larger cities are passed through private carriers, and not through the United States mail—and why? Because the rate of postage is so high that an individual can engage in carrying these papers in packages, and circulate them extensively through the country, thus depriving the Post Office Department of the revenue which it ought to receive. Now, sir, I have two reasons for advocating this amendment. First, for the more general diffusion of intelligence and morals; and secondly, for increasing the revenue of the mail service of the United States. If these two objects are not sufficient to induce honorable members of this House to vote for this proposition, I know of no consideration that will be of sufficient weight to induce gentlemen to vote for the amendment.

Mr. CHANDLER. I have a few observations to make upon this matter, but as the gentleman from New York proposes to offer a substitute for the first section, I may as well postpone the remarks I have to make. It appears to me that the committee overlook what has been the intention of Congress for a long time, and that is to cheapen the price of the conveyance of all valuable articles by mail. We have reduced the postage upon letters, and the result has been satisfactory to the country, and is, I believe, likely to be profitable to the nation. A letter, after all, is nothing but a luxury, or a convenience, at any rate. While daily our people ask through the mails their daily bread from the public papers, any attempt to augment the expenses of receiving those papers would operate against the common sense of the community. My friend here from New York, [Mr. Brooks,] complains that the effect of augmenting the prices of conveying newspapers, would be to injure the character and appearance of the press; and he also complains, having been closely connected with the press, that a reduction in the quality of the paper, with a view to reduce the price to the subscribers, has been an injury to the public sight. My friend has, according to Shakspeare, got him spectacles like scurvy politicians, and seems to see what is scarcely visible in the papers. But the gentleman on my left, the chairman of the committee, [Mr. OLDS,] says that we shall spoil the symmetry of this bill by introducing something like justice into it. The only remark I have to make upon that is, to refer to the anecdote of Paul Jones's father, who shut up little Paul in the right, hand summer-house of the garden, because he had in the left-hand summer-house a boy who had been stealing plums, and the reason assigned to the master of the garden was, that it destroyed the symmetry of the garden to have a summer-house with a boy in it on one side, and an empty summer-house on the other. Now, sir, my friend is going to do great injustice, in order to preserve the symmetry of the bill. I cannot comprehend, even admitting that nine tenths of the public papers weigh less than one ounce, why the small number, only the one tenth, must be called upon to pay higher prices. If evil results from conveying heavy papers, the smaller the number of those papers, the less will be the injury. Why, we shall, by-and-by, have to construct a small door for small members to get into this Hall, and a larger one for you, Mr. Speaker, and my friend from Massachusetts, [Mr. FOWLER,] "goodly corpulent men, pleasant with all, and of a merry disposition," who shall come in at the side door, in order to preserve the symmetry of this House.

True is it that the whole country has been asking for years past for a reduction of the postage upon mailable matter. The reason that it was not effected upon newspapers was by an oversight, I believe, in the action here, and haste in the legislation of the country—a haste, I believe, that is not to be charged upon any of our legislation during this year; but it may be chargeable upon that which we shall have to do.

The periodical press is concerned in this matter, and if I read aright that bill, it will destroy the symmetry of every monthly and quarterly periodical published in the country at the present time. If I remember correctly, there is not a periodical that can pass through the mail at the rate set up here, and the result will be, that they will make their papers smaller. Not that they will publish them more frequently—that cannot be done—but they will find other means of conveying their periodicals to their readers than by the public mails; and instead of gaining, we shall lose by

this symmetry of the bill. Every one knows that it is now much cheaper to send periodicals from the place of publication to the place of distribution in large towns and cities, by the ordinary express general conveyances, than it is by the mail, and therefore we see books distributed in that way, because the price of postage is so large; and thus the very object had in view of encouraging the public press, is entirely defeated by an attempt to screw something more out of the readers of the papers and periodicals. I do not wish to press this any further; but I call the attention of the House to the fact, that we are legislating here against the public press—the character and appearance of the press—while in England, the greatest place for publicists in the world; the public newspapers that weigh from one to three ounces—and I presume to say that the London Times, the double sheet, does not weigh less than three ounces—go over every part of the United Kingdom without postage, because they are public papers.

Now, Mr. Chairman, we seem to be levying a tax upon knowledge by augmenting the price of our papers from the place of publication to the places where they are most read, and I protest against it, not merely on behalf of the publishers of the papers, but in the name and behalf of the people who are benefited by the distribution of these papers. It is no argument against this that a portion of the public press is not what it ought to be. All I have to say is, that if any part is deficient in morality and respectability, it is the more necessary that we should extend the circulation of the better portion. I shall defer my argument upon the principal provisions of the bill until the gentleman from New York has offered his substitute for it. In the mean time, I hope this House will not be carried away by any of the recommendations of the committee that merely proposes symmetry in the bill.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. OLDS. I move to recommit the bill to the Committee on the Post Office and Post Roads.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DANIEL. I should be very glad to have the bills upon the Speaker's table disposed of, if I could; but the gentleman from Alabama having submitted his motion, I will submit a motion which will have priority over it; and that is, that the House will resolve itself into Committee of the Whole upon the Private Calendar.

The SPEAKER. The question must first be taken upon the motion of the gentleman from North Carolina.

The question was then taken, and it was decided in the negative—ayes 45, noes not counted.

So the motion was not agreed to.

The question recurred upon Mr. Houston's motion, and being put, was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair.)

#### DEFICIENCY BILL—COLLINS LINE.

The CHAIRMAN stated as the first business before the committee the consideration of the amendments of the Senate to House bill No. 207, "to supply deficiencies in the appropriations for the service of the fiscal year ending 30th of June, 1852," and that the amendment immediately under consideration was the following, viz:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the 1st of January, 1852, at the rate of \$23,000 per trip, in lieu of the present allowance, the sum of \$236,500: *Provided*, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

The question immediately pending is the proposition of the gentleman from Kentucky [Mr. MASON] to strike out "six," and insert "two," in the sixteenth line of the amendment, in reference to the Collins steamers.

The question was then taken upon Mr. MASON's amendment, and it was not agreed to.

# THE CONGRESSIONAL GLOBE.

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The CHAIRMAN stated that the question recurred upon agreeing to the first clause of the Senate amendment.

Mr. HOUSTON demanded tellers; which were ordered.

Mr. ORR. What did the Chair state was the question?

The CHAIRMAN. It is on agreeing to the first division of the Senate amendment.

Mr. ORR. I have an amendment to offer if it is in order.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. ORR. I propose, Mr. Chairman, to strike out the entire amendment, and insert that which I send to the Clerk's desk to be read.

Mr. WALSH. I rise to a point of order; and it is that this amendment comes too late. The committee had divided already, and tellers were called for.

The CHAIRMAN. The Chair thinks the amendment is not too late. It may be offered any time before the vote is taken. There is a motion pending to strike out the clause.

Mr. ORR. I suppose that this motion to strike out and insert would take precedence over the motion to strike out?

The CHAIRMAN. The Chair will state to the gentleman what the rule is upon this subject: "A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert." The Chair was in error in stating the question first in order this morning. The pending question is upon the motion of the gentleman from Georgia [Mr. STEPHENS] to strike out this clause.

Mr. ORR. Suppose the House refuses to strike out, will it then be in order for me to offer my amendment?

The CHAIRMAN. It will.

Mr. ORR. Then I shall offer it.

Mr. STEVENS, of Pennsylvania. I offer the following amendment to come in at the end of the section:

In order to raise revenue to defray the money appropriated by this and other laws—

*Be it enacted, &c.,* That the duties to be levied on goods, wares, and merchandise, imported into the United States, shall be assessed on the average price which such articles bore in the principal markets of the United States on the 1st day of December, 1846; such price to be ascertained by the Secretary of the Treasury.

Mr. HART. I rise to a point of order, which is, that that is not germane to the bill.

The CHAIRMAN. The Chair thinks the amendment of the gentleman from Pennsylvania is not in order.

Mr. STEVENS. I offer that amendment in order to raise the revenue hereby appropriated. I think it is in order to see who wants general protection instead of special protection, and I appeal from the decision of the Chair.

Mr. HOUSTON. I wish to ask the Chair, or the gentleman from Pennsylvania, a question. I want to understand this amendment. Do I understand that the gentleman proposes to increase the duty upon iron for the purpose of paying the additional expenses of the Collins line?

Mr. STEVENS. I ask that the amendment may be again read.

The Clerk read the amendment.

The CHAIRMAN. The Chair decides this amendment to be out of order. From that decision the gentleman from Pennsylvania takes an appeal. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. STEVENS. I ask for tellers upon the amendment.

Tellers were ordered, and Messrs. CHANDLER and MASON were appointed.

The question was then taken, and the tellers reported—ayes 82, noes not counted.

So the decision of the Chair was sustained.

The question recurred on Mr. STEPHENS's motion to strike out the clause.

Mr. STEVENS, of Pennsylvania. I now

move to amend the amendment by striking out "\$33,000" and inserting "\$20,000."

The CHAIRMAN. That amendment has already been voted down.

Mr. STEVENS. Then I move to insert "\$21,000."

Mr. S. said: Mr. Chairman, as those who vote against this appropriation have been denounced by several fervent gentlemen, as wanting in patriotism and deficient in nationality, I deem it proper to give a few reasons why I shall be found among that class. This is essentially a measure of protection, not by the imposition of duties, but by the donation of a large bounty to a particular firm. I am in favor of the protection of American enterprise, when it is made general, so that every American citizen may partake of its benefits—may compete for its possession. Now, a law giving a million of dollars a year to any American citizens who shall carry the mail from New York, Boston, or Philadelphia, to England, in the shortest time, and in the best vessels, I will vote for. That is impartial reward to honest competition. But to bestow a large bounty on a particular firm to the exclusion of all others, is, in my sight, profligate favoritism. I am for encouraging all American mechanics and manufacturers by equal and general laws. But to select particular mechanics or manufacturers, cotton mills or iron works; and sustain them alone by bounties against foreign competition, is not fair American legislation; but is unwise, unjust, if not corrupt favoritism. That is the identical case before us. This separating a particular interest from all others, and giving it isolated protection, is suicidal to the system of general protection. It takes away a portion of its friends.

But we are told that this is patriotic, because it is sustaining American enterprise against British competition. Sir, it is sustaining this line against all American competition. It is enabling this company, by governmental aid, to reduce the price of freight and fare below what any other American steamers can afford to carry for. In short, it is giving a monopoly to them of all the passengers, specie, and valuable freight between the two countries.

But this is sustained as a great measure of defense, by building up a steam war navy. Four merchant steamers to compete with the eight hundred war steamers of England! Sir, it is simply absurd. Beside, they are not fit for war vessels, and never can be made so. Wheel vessels have been found wholly unfit for war. A few broadsides carry away their wheels and totally disable them. They are abandoned by the British Admiralty, who are building all their war steamers with screw-propellers, hid under the stern, out of the way of gunshot. Their large frigates, nearly a hundred of them, have already been thus altered. No, sir; these paddle boats to skim the ocean in a race, are fit for nothing but to flee from the enemy. But national glory is concerned! In what? In being the swiftest vessels? Why, sir, this was accomplished before ever Collins became a mendicant on the Government. American ship-builders had long ago distanced all rivals on the ocean, and that at their own expense. Why not make it a matter of national glory to have the swiftest breed of horses and hounds?

But, sir, I admit that this discussion has rebounded to the honor of the nation, by elevating the tone and improving the taste of parliamentary oratory. Why, the gentleman from Tennessee, [Mr. POLK,] and others, in their furious patriotism, have evoked the martyrs of the Revolution from their peaceful graves at Lexington, Concord, Bunker's Hill, and Yorktown, and seated them at this feast on board the Collins steamer. This is a slight departure, to be sure, from the classical injunction, not to enlist a god unless the service be worthy of him. What has produced this glowing fervor among certain advocates of this grant? If a proposition is before you to appropriate money to pay just debts, loan-office certificates for money advanced the country in time of need, or pensions to old soldiers, it can hardly find a hear-

ing, and is sure to be rejected. But put millions into the bill, and it is impossible to defeat it. Any bill can be carried by those who have millions at their command, with hampers of champagne annexed.

The friends of this special protection have just voted against my amendment, to give general protection by an equal tariff, and I will vote against this grant.

[Here the hammer fell.]

Mr. MASON. Mr. Chairman, I am opposed to that amendment, and I am opposed to it partly because it increases the donation to this company.

Now, sir, those gentlemen who advocate this increased appropriation to the Collins steamers, do it on the ground that it is absolutely necessary in order to keep the line in operation, and they charge those who are opposed to the increase of compensation with being opposed to the line, opposed to the mail steam service altogether, and with being, if not traitors to the American side of the question, at least in favor of the British side. Now, sir, it would not be difficult to prove that the very individuals who are for this increased compensation, are acting against mail steam service in general; for they are making these lines cost so much that the nation will not be able to keep up many of them, and therefore they will be reduced to few in number. Cannot a system of economy be introduced into this steam mail service, which will extend it instead of reducing it? We had a sample of these mail steamers sent round for the American Congress and American people to examine. We are told that the expense of these steamers per trip, is so heavy that the company cannot bear it. Well, sir, cannot a steamer run as fast, beat a British steamer just as well, and protect American commerce just as well, with \$5,000 worth of looking-glasses in it, as with \$10,000 worth? Cannot it perform this important service to the country by carrying the mails, and protecting our commerce, just as well by having its furniture made out of plain American walnut, as by having it made out of rosewood and mahogany? Could not it compare as advantageously with other steamers that float the ocean, with a tea-service that cost \$1,250, as with one that cost \$2,500? Cannot all these expenses be reduced to a certain rate of economy, such as we and our constituents are accustomed to at home? Cannot these steamers do just as important service to the Government, and reflect just as much honor and credit to the Government, by going on a more economical scale, as by going into extravagances such as were manifested to every one who visited the Baltic?

[Here the hammer fell.]

The question was then taken on Mr. STEVENS's amendment, and it was disagreed to.

Mr. EWING moved to amend the amendment by striking out "January" and inserting "July" instead thereof.

Mr. E. said: By the excellent example shown us upon both sides of this question, I discover that it is quite possible to give, within the space of five minutes, at least the principal reasons which induce us to vote for or against the proposed Senate amendment.

If I remember rightly, Mr. Chairman, the proposition for the reduction of postage, which was adopted in the last Congress, came from the city of New York. This House was then flooded with printed memorials, and there was the same outside pressure brought to bear upon it then as now, in order that those large firms, with an immense correspondence, might get their postage at the rate of three cents, that being to them, at least, a considerable object, and they having, besides, railroads, steamboats, and every other facility for intercourse and travel, totally independent of the Post Office Department. Now, sir, in the sparsely populated portions of this country the people are dependent on the Post Office Department for the facilities of intercourse so essential to the progress and prosperity of the country. By this reduction of postage in the first instance, it was necessary to pass laws compelling the Department to

grind down contractors to the lowest limits, to have the mails carried in the cheapest possible form, having them weighed to see whether two horses could haul them, or whether it would be necessary to hitch on four horses. Let a contractor go to the Department with a bushel of memorials asking for the reestablishment of some old line which formerly existed, but has been abolished in consequence of the reduction of postage, and he will be told that the mails must be weighed, and if they are too heavy for two horses, then, and then only, will he be paid for four. And then, if he comes to the Department for indemnity upon a losing contract, he will be laughed at. Sir, I know something about these things. I have had some experience in these matters, because I had the honor of being a mail contractor myself before I came down in the world to the position which I now occupy. [Laughter.]

Well, sir, after reducing the postage, chiefly for the benefit of New York and similar communities, we are now called upon, after having made a contract with certain trans-Atlantic mail contractors, at their own prices—for, I believe, the contract was not given, originally, to the lowest bidder—we are now called upon to pay them a bonus out of the Treasury. This is cheap postage with a vengeance. A great deal is said about the excellence of these steamers. They are certainly the deepest draught steamers I have yet heard of—drawing thirty-three feet in the National Treasury. [Laughter.] Sir, if it is the cheapest mode of sustaining a navy, to have our vessels hired out and pay men for using them, let us keep up the Navy on a system of that sort, applied to sail vessels as well as steamers. If there is any advantage in it, it ought to be general. After we have worked out a correct system, I like to have everything conform to that system.

[Here the hammer fell.]

Mr. MOLONY. Mr. Chairman, I will briefly give the reasons for my opposition to the amendment now pending before this committee. It is not a question simply involving dollars and cents; if so there would not be, in my mind, insurmountable objections to it, although in that regard the objection is not a *light one*.

As a means of transporting the mails of the United States from New York to Liverpool, the proposition is *nakedly* to give to the "Collins line" \$600,000 per annum from the National Treasury more than Mr. Tibbets proposes to carry them for, with all of the guarantee that the Government might demand for their transportation according to contract; a difference in *proposals*, amounting in 1860, the termination of the Collins contract, to not less than \$5,000,000. An out and out bonus to that company from the National Treasury, for which the nation will receive *no consideration whatever*.

The consideration of dollars and cents, therefore, presents to my mind objections to the passage of this amendment, which, if not *insurmountable*, are of great weight.

But there is an objection to which there has been repeated allusions in the course of this debate, which makes it impossible for me, as a Democrat, to support it, having in view the principles of Jacksonian Democracy and the Constitution of my country. It is the principle of protection that is involved in this proposition—not protection to a great American interest, embracing and benefiting all connected with that interest, but protection of an individual enterprise, and that, too, to the injury of the whole commercial marine of the country. Yes, sir, this amendment, if passed, appropriates in the next eight years, \$5,000,000 of the people's money, for which they receive no equivalent, and the shipping interests of the country an injury from the unjust discrimination against them.

It has been, for a long while, a cardinal doctrine of the Democratic party, that the great iron and cotton interests, in which are involved hundreds of millions of capital, and upon the prosperity of which hangs the fortunes of so many thousands, and the bread and raiment of millions of American citizens, should not be supported by a tax upon the whole nation; and to the amendment of the gentleman from Pennsylvania, [Mr. STEVENS,] which has just been voted down, and *properly, too*, because of the principle of protection contained in it to the iron interests of Pennsylvania, the Democracy presented an unbroken front of opposi-

tion, as they ever have done, to protection to a class at the expense of the whole people.

Yet, sir, some gentlemen, to whom the Democracy of the country have long looked as champions of their cause, turn right round, leave the rank and file upon the Democratic side of the House, and are found standing shoulder to shoulder with the Whigs, in support of this very principle of protection, as embraced in the Senate amendment now before us;—only differing from the principle of a protective tariff in its application, being in this amendment applied in the most objectionable form ever presented to an American Congress—the protection, nakedly and solely, of an individual enterprise, at the expense of our National Treasury. Protection to any portion of our people at the expense of the whole nation, is a *Whig, not a Democratic principle*. But if I could be induced to sustain the principle as applied in any form, I would most certainly sustain the amendment of the gentleman from Pennsylvania in preference to the Senate amendment now pending. The former would be voting a given amount from the people's Treasury into the pockets of the iron interests of Pennsylvania, embracing thousands of our citizens, while the proposition before us proposes to give the same to an individual.

[Here the hammer fell.]

Mr. MOORE, of Pennsylvania. If we continue to make five minute speeches upon the general principles and features of this bill, we will never get a vote upon it. And I feel it my duty to give notice to the House, that I will endeavor to enforce the rules of the House, so as to confine gentlemen in their remarks to the subject of their amendments.

The question was then taken on the amendment offered by Mr. EWING, and it was not agreed to.

Mr. JOHNSON, of Georgia. Is a motion to strike out and insert in order?

The CHAIRMAN. If it applies to the entire clause it is not in order.

Mr. JOHNSON. Then I move to strike out "Liverpool" and insert the word "Trieste." The recital in this bill, and the objects stated in it, for which this appropriation is asked, differ from the arguments proposed for the consideration of this House. Why should we make this appropriation? What are its objects, and what its purpose? It is to transmit the mail, as provided for in the bill. And what are the arguments to support it? One is, as I understand, that we have entered into a contest, as a nation, with Great Britain, and we must come out of that contest victors.

Another is, we must add to our greatness as a nation; that we must build up a navy that will protect the nation, and be the admiration of all the world; that England has a splendid navy, and that we, too, must make preparations for having one of a like or similar character.

Mr. MOORE, (interrupting.) My friend from Georgia [Mr. JOHNSON] will understand that it is not out of any discourtesy to him that I interrupt him, but that I feel bound to enforce the position I assumed a few moments ago. I ask the Chair if the gentleman's remarks are in order?

Mr. JOHNSON. I wish to make these remarks apply to the amendment I proposed. If this sum will authorize them to go to Liverpool, it will authorize them to go to Trieste.

The CHAIRMAN. The Chair does not as yet see the gentleman's application. [Laughter.]

Mr. MOORE. I did not understand the Chair's decision.

The CHAIRMAN. The Chair states that the gentleman intends to show, that his remarks are applicable to prove that if the sum proposed to be given by this amendment will carry one of these vessels to Liverpool, it will carry it to Trieste. The Chair does not yet see the application.

Mr. JOHNSON. One argument used by these gentlemen is, that we must prepare for war, and that these vessels can be converted into vessels fitted for service in times of war. Well, the testimony is, Mr. Chairman, that they are unfit for war purposes, except for vessels for transport, and if that is our purpose, march up boldly and directly, and say that our purpose is not to transport a mail, but to build up a navy for the purposes of war. If it be for the purpose of transporting the mail, let us transport it across the waters as we transport it across the land.

Mr. CARTTER. On horseback?

Mr. JOHNSON. Let out the contract to the lowest bidder.

If, sir, the object is to enable a competition to be sustained between the United States and Great Britain, in the transportation of merchandise and passengers, let us, as has been remarked by the gentleman from Pennsylvania, [Mr. STEVENS,] enable all our vessels to compete with Great Britain in that respect.

Has this Government the power to grant a bonus of this character? Under what clause of the Constitution is it to give it? We have power to transmit the mails, but in transmitting the mails it is necessary to have regard to the principles of justice and equity.

Mr. GOODENOW. The gentleman is out of order.

Mr. JOHNSON. I have said all I desire to say, and I will take my seat. [Laughter.]

Mr. BROOKS. I rise to oppose the amendment of the gentleman from Georgia, [Mr. JOHNSON,] and I hope, if I am not strictly in order, the rules of the House will be enforced. I want to try an experiment to see if there is any way of bringing this debate to a close.

The proposition now before the House is to transfer the terminus of the line from Liverpool to Trieste; and if I am in order, it will be my duty only to show why the transfer should not take place.

The CHAIRMAN assented.

Mr. BROOKS. Then, sir, as these steamers, in order to reach Trieste, would have to pass by the Straits of Gibraltar, I propose to descant for a while upon the Pillars of Hercules, then to give loose to my fancy on the classic shores of the Mediterranean, and to evoke here, for the consideration of the committee, the departed spirits and living remembrances of Italy and of Greece. It will not be difficult for me to show, I am sure, that a much more beautiful prospect will be presented to the traveler in these steamers, thus coursing in these seas by such coasts, and amid the islands that gem these seas, than if he were to go to the cold and rocky shores of England.

Mr. FOWLER, (interrupting.) I rise to a question of order. [Laughter.] The gentleman's remarks are out of order.

Mr. BROOKS. Then it will be my duty to sit down, if the point of order is decided against me.

Mr. FOWLER. I insist that the Chair shall decide the question of order. He is not opposing the amendment.

The CHAIRMAN. So far as the gentleman from New York proceeded, the Chair could not tell whether he was in favor of the amendment, or not. He was giving a beautiful illustration of what the trip would be, provided the amendment prevailed. [Laughter.]

Mr. BROOKS. I am glad that I have been able to proceed thus far in my speech without a successful arrest by the astute gentleman who sits before me upon this point of order.

In arguing this question, and I hope I shall not be interrupted again, as I have only five minutes allowed me, it is my purpose to show that whoever embarks in these steamers for Trieste, must pass by the Pillars of Hercules, and have on either side the classic shores of the Mediterranean, all rich in historical renown. There is Sicily, with *Ætna* upon it, whose base is surrounded with villages and clothed with vineyards, and there is the beautiful bay of Naples, and the far-famed Vesuvius, with Pompeii and Herculaneum disintegrated from lava at its foot. It would not be difficult to show, sir, that the tourist would be more tempted to take, and would be more enlightened in taking, this trip than in coasting the English channel amid the rocks and fogs of England. It would not be difficult to make him linger as he ascended the Adriatic, either at the base of the hills, near which is the little Republic of San Marino, or where is the sea-born Venice; but if I attempted all this it might not be strictly in order, as it would rather show "Liverpool" should be struck out and "Trieste" put in, to which I am—

Mr. GOODENOW. The gentleman's remarks are not in order. The gentleman from Georgia moves to strike out the word *Liverpool* and insert *Trieste*. It seems to me that the argument of the gentleman from New York [Mr. Brooks] was to show that it would be much more pleasant and beautiful to go to Trieste, and therefore is in favor of the proposition, when it should be against it,



for the mover of this proposition [Mr. JOHNSON] spoke in favor of it.

The CHAIRMAN. The Chair thinks the argument of the gentleman from New York [Mr. BROOKS] is upon the affirmative of the proposition, and not in opposition to it, and therefore not in order. [Laughter.]

Mr. KING, of New York. Is this question debatable?

The CHAIRMAN. It is not.

The question was then taken on adopting the amendment offered by Mr. JOHNSON, and it was not agreed to.

Mr. MOLONY. I move to strike out thirty-three, and insert twenty-four.

Mr. CARTER. I think that amendment has been once offered.

The CHAIRMAN. The Chair thinks that amendment has not yet been made.

Mr. MOLONY. Strong appeals have been made to the patriotism of this House in behalf of the pending amendment.

[Cries of "Order!" "Order!" and "What is the amendment?"]

Mr. TAYLOR. Will the chairman have the amendment reported? We do not understand it.

The CHAIRMAN. The gentleman proposes to strike out thirty-three and insert twenty-four.

Mr. MOLONY. Wherever American industry and American capital is struggling for ascendancy over British or any foreign competition—for America, my liveliest sympathies are always enlisted. But, sir, those sympathies are subordinate to my convictions of constitutional duty, which forbid that I should vote moneys from the Treasury of the nation into the pockets of a class, and for a stronger reason—for individual enterprises. We have been told here, that President Polk recommended, and the Democrats of that Congress unanimously voted for an appropriation to this line. What were the objects contemplated in that recommendation, and the reasons which induced the Democracy to adopt his recommendation? Was it not for the purpose of increasing our naval steam-marine? Also for the purpose of effecting the transportation of our transatlantic mail, in the most economical way? Was not, sir, President Polk and the Democrats in Congress at that time made to believe that this mail arrangement with the "Collins line" would not only be the most economical, but that in a short time it would be self-supporting; in other words, sustained by postage alone, without one dollar's expense to the Treasury? Such, Mr. Chairman, were President Polk's reasons for that recommendation, and which justified it. But, sir, have these constitutional and proper objects been realized, and have we now any reason to expect them?

Sir, the concurrent testimony of all naval architects, and naval commanders, whose testimony is before us, establish one fact beyond a doubt, and that is, that these steamers are not fit for war purposes. Commodore Perry, who is a friend of the line, and who is before us as a witness for the line, admits that they are not fitted for naval conflict with ships-of-the-line, but that they could only be useful in keeping up a guerilla warfare upon the commercial marine of the enemy, and first-rate for running away from an enemy when danger should be imminent! He thinks that they would be useful for the transportation of men and the munitions of war, and for the convey of our Navy, a service, all of which our commercial marine would be competent and ready to render when the exigency shall arise. The increase of our steam naval marine is not accomplished, then, as contemplated by President Polk. Is the postal arrangement an economical one, as it was expected to be, or is the tax upon the Treasury for the transportation of the mail growing less and less, and rapidly approaching the point of self-support, without any aid from the Treasury? After the "line" has been in operation two years, the company are begging us to give them \$364,000 more for carrying the mail per annum than their contract entitles them to, and \$598,000 per year more than a responsible bidder offers to take it for. Disguise the matter as gentlemen may, and can, this amendment of the Senate does not contemplate the increase of our Navy—nor does it the economical transportation of the mail. Such were President Polk's hopes and expectations, when the combination of war and commercial purposes in the same vessel was an untried experiment; but, sir,

the experiment has been tried, and signally failed through these steamers; neither is the naval arm of our defense strengthened, or our mails transported economically; and the only object which has been urged that remains for this appropriation is, to enable an American to beat a British steamer in a boat race!

Mr. MOORE, of Pennsylvania. I am opposed to the amendment, and call for a vote on it.

The question was then taken, and the amendment to the amendment was disagreed to.

Mr. STEVENS, of Pennsylvania, moved an amendment *pro forma*, and addressed the committee five minutes upon it. [The remarks will be found embodied in his first speech upon the same subject, in a preceding column of this day's proceedings.]

Mr. STANTON, of Tennessee. There are two ideas which have been presented in this discussion to which I wish to reply in the few moments allowed me by the rules under which we are discussing. One of them was alluded to by the gentleman from Pennsylvania, who has just taken his seat, and it is, that these steamers are unfit for war purposes, because they are side-wheel steamers. The gentleman seems to have the idea that in future times the new element of steam in operation, and with all the power which it gives vessels, will be applied for the purpose of going out on the ocean, and standing side by side, to fire at each other, as was the fashion in former days when we sent out these old hulks of the line-of-battle ships and frigates to do that sort of thing. That will not be the case in future wars; but if it were, a side-wheel steamer is not so vulnerable as the gentleman seems to imagine. Unless a shot strikes the shaft fair, full, and perpendicular, there would be no injury done. You might shoot one hundred shots through the wheel, and knock off a few of the paddles, but in all probability the speed of the ship would be increased in consequence; because the error heretofore has been that we have had too many instead of too few paddles. The shaft could not be struck perpendicular, once in a million of shots. Besides, sir, the old system of fighting with thirty-two or forty-four pounders has been or will be entirely superseded, and the mode of contest will be with shells weighing from sixty-four to one hundred and thirty-two pounds, from eight to eleven inches in diameter. To plant one of these shells in the proper place, at the water-line, going into the hold of a vessel will destroy it.

Now, sir, so far as the vulnerability of the machinery is concerned, an idea which has been presented by some one in the discussions here, the experiments at our navy-yard have shown that a very simple coal bunker, some four or five feet in width, filled with coal, will arrest the force of a sixty-four pounder, and render it perfectly harmless. One of the shells fell into that coal-bunker, passing through the side of the vessel into the coal, exploded there without even setting fire to the bituminous coal. So the machinery of these steamers will be entirely shielded by ordinary coal bunkers, with the exception of the shaft of the wheel, which may or may not be struck; so that, sir, it is not by any means settled that the propellers, which never can attain as high a speed as side-wheel steamers, are superior even for many purposes of war to the side-wheel steamers.

Another idea has been presented by the gentleman from Pennsylvania [Mr. STEVENS]—if not by him, at least by some other gentleman this morning, that costly furniture and other costly arrangements about these ships have swollen the costs, and therefore increased the expenditure very largely. Now, I have information which I believe to be entirely correct, that the gilding and the mahogany and maple panels, stained glass and everything about any one of these vessels—that is merely put there for ornament—did not amount to \$8,000 or \$10,000 for each vessel, and that upon a sum of about \$700,000. Of \$3,000,000, \$8,000 or \$10,000 to each vessel, amounts to a very small item, and does not, to any considerable extent, swell the expenditure. As to champagne, I can only say when I went on board the Baltic, the people got—

[Here the hammer fell.]

Mr. STEVENS demanded tellers upon his amendment; which were not ordered.

The question was then taken on the amendment

to strike out "33,000," and in lieu thereof insert "32,200," and it was disagreed to.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question recurs on the amendment of the gentleman from Georgia, [Mr. STEPHENS.]

Mr. ORR demanded tellers; which were ordered.

Mr. MEADE here made some statement in regard to the receipts and expenditures of the Collins line, to show that there was no necessity for an increase of appropriation to sustain that line.

Mr. FOWLER. I am opposed to the amendment, as I am to the further consumption of time on this subject, and therefore call for the question.

Mr. MEADE. I think this is an important amendment. I am thoroughly convinced, in my own mind, eleven per cent. profit is amply sufficient, and therefore demand tellers.

Tellers were ordered, and Messrs. STANTON, of Tennessee, and HENDRICKS were appointed.

The question was then taken on the amendment of Mr. MEADE, to strike out "33,000," and in lieu thereof to insert "32,000," and it was not agreed to; the tellers having reported—ayes 47, noes 74.

Mr. SAVAGE. I move to amend by adding the following:

And that the additional allowance given by this act shall terminate on the 1st day of December, 1854.

It is not my purpose on this occasion to urge any serious objection against the additional compensation proposed to be given by this bill. I shall be content to limit it to that which the bill itself seems to propose—a protection for a short time.

I am one of those who doubt the policy of establishing this line of steamers—but I waive that point. I am not convinced that they require the aid that they are now asking of us, or if they do require it, that it is not the result of want of economy on the part of the managers. I believe this project will prove one of the most profitable speculations that could possibly be entered into by these contractors, and will sustain itself and afford ample remuneration to its owners. If the company needs protection, it is only for a short time, as the profits which are necessarily attached to the business will soon be sufficient to sustain it. But if this compensation is given in the form proposed by the bill, it is given forever, and will be a perpetual tax upon the Treasury.

I have no doubt but that the stock in the Collins line will, in a short time, be the most valuable in the country, and the object I have in view by the amendment, is to provide that this extra compensation shall cease in two years from this time.

It is alleged that this line is in great pecuniary difficulty—and I admit that I may be mistaken in regard to their immediate necessities—but if we are to give money to every company that asks for it, and which may come with some show of justice to demand it at our hands, we shall not have a dollar in the Treasury in a very short time.

A great noise is made about patriotism, which I do not understand as being involved in the issue. I remember that a few months since, we were lectured upon patriotism and the rights of "down-trodden humanity throughout the world." Some of us were then abused because we could not bow to the prevailing spirit of Kossuthism which swept over the country, and by the very men who are to-day lecturing us for standing up for the Treasury against this line of steamers.

According to this new creed, patriotism consists in a lavish expenditure of the public money to build up this line of steamers in rivalry to Great Britain. Why do not gentlemen go further, and carry out the principle—rival her House of Lords, her laws of primogeniture, her national debt, her immense navy and standing army? The argument is simply ridiculous. There would be as much patriotism and rivalry of Great Britain in passing a bill in favor of Jackson, the American Deer, who, like the Collins line, for a pecuniary reward, has been engaged in a contest of speed with Her Majesty's subjects, and triumphed over the swiftest of their runners.

[Here the hammer fell.]

Mr. FOWLER. I have not heard a single amendment which I would be willing to adopt. I desire to oppose this among the rest, and call for the question.

The question was then taken on Mr. SAVAGE's amendment, and it was disagreed to.

Mr. McMULLIN. The hammer fell on yesterday when I was in the midst of a sentence. I desire now to close that sentence, and call the attention of the House—

[Cries of "Order!" "Order!" "Order!"]

The CHAIRMAN. Does the gentleman from Virginia [Mr. McMULLIN] propose an amendment?

Mr. McMULLIN. I move to strike out "\$33,000," and insert "\$19,100."

I desire to address myself particularly to Democratic gentlemen upon this side of the Hall.

Mr. STEPHENS, of Georgia. I rise to a question of order. My point of order is, that it is not in order to move to amend my amendment. The only question pending before the House is to concur with the amendment of the Senate to our bill. I move to amend the Senate amendment by striking out certain words. That is an amendment in the second degree. The amendment of the Senate is an amendment in the first degree. My motion to amend that is an amendment in the second degree; and now any motion to amend mine is an amendment in the third degree. I call for the reading of the rule, on the 189th page in the Manual:

The Clerk then read the rule, as follows:

"A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree. A bill originating in one House is passed by the other with an amendment. The originating House agrees to their amendment with an amendment. The other may agree to their amendment with an amendment—that being only in the second, and not the third degree. For, as to the amending House, the first amendment with which they passed the bill, is a part of its text; it is the only text they have agreed to. The amendment to that text by the originating House, therefore, is only in the first degree, and the amendment to that again by the amending House is only in the second, to wit: an amendment to an amendment, and so admissible. Just so, when, on a bill from the originating House, the other, at its second reading, makes an amendment; on the third reading, this amendment is become the text of the bill; and if an amendment to it be moved, an amendment to that amendment may also be moved, as being only in the second degree."

The CHAIRMAN. The Chair feels constrained to overrule the question of order raised by the gentleman from Georgia, [Mr. STEPHENS,] and decide the amendment, such as is proposed now to the clause proposed to be stricken out, to be in order.

Mr. STEPHENS. Does the Chair think that it is in order to amend an amendment in the second degree?

The CHAIRMAN. The Chair does not conceive that question to be involved in the point raised. If it were, the Chair would not hesitate to decide that the question of the gentleman from Georgia was well taken. The Chair thinks it is not an amendment to the amendment. The gentleman will recollect that the Chair has not put the question in that form, at any time, to the committee, as he considered that the motion made by the gentleman from Georgia was suspended during the time the committee were engaged in amending the clause proposed to be stricken out. Each amendment has been stated to be an amendment to the Senate amendment in the second degree.

Mr. STEPHENS. I think the Chair is wrong, but I will not take an appeal.

Mr. JOHNSON, of Tennessee. I wish to see if I understand the proposition. I understand the original proposition is an amendment from the Senate to the House bill. I understand that the gentleman from Georgia [Mr. STEPHENS] moves to amend the original proposition, which is the amendment of the Senate to the bill; and his amendment, therefore, is an amendment in the second degree, and he is clearly in order.

Mr. STEPHENS. The gentleman from Tennessee [Mr. JOHNSON] is entirely wrong. The original proposition is not the Senate's amendment. Our text is the original bill, and the Senate's amendment is an amendment in the first degree as to us. My amendment is an amendment in the second degree as to us. There can be no question about that.

The CHAIRMAN. That is the view which the Chair takes of it. But suppose an amendment is made to the clause here, and adopted. That is an amendment to the Senate amendment, and is as far as we can go upon that amendment. You cannot entertain a motion to amend that amendment. Suppose the question is taken upon the

gentleman's motion to strike out, and his motion is carried, and the clause stricken out, why; the whole thing is ended. If it fails, we stand with an amendment to the Senate amendment.

Mr. JONES, of Tennessee. I ask, if the motion which the gentleman from Georgia makes to strike it out, can be put? If you strike it out, would it not be a rejection of that provision? The Committee of the Whole on the state of the Union have no authority to reject a proposition referred to it. You have no right in Committee of the Whole to strike out the enacting clause of the bill, if the original bill is before you.

Mr. STEPHENS. How can you put a question to strike out anything? If I cannot strike out six lines, how can I strike out a word? It is perfectly competent to amend by striking out one word, or any number of words.

Mr. CABELL. I rise to a question of order. The Chair has decided the question, and there has been no appeal taken.

The CHAIRMAN. The Chair would not be captious. He has made his decision. The Chair will state in reply to the gentleman from Tennessee, if this had been a motion to strike out the entire Senate amendment, the Chair would think that to be out of order; but an amendment to strike out a portion of the Senate's amendment, the Chair thought was in order. The Chair entertains some doubt now whether it was in order, but is inclined to think it was—at all events, that question is not before us.

Mr. JOHNSON, of Tennessee. I understand the Chairman to state that the House bill is the original text. I want to raise this point with the Chair: Suppose a bill goes from this House to the Senate, and comes back here with an amendment, why, then, the original bill is beyond the reach of the House; the House can make no amendment in the original bill, but must act on the Senate amendment.

The CHAIRMAN. The gentleman is correct in that.

Mr. JOHNSON. Then, sir, the Senate amendment being the original proposition, an amendment to an amendment to the Senate amendment is only in the second degree, and is plainly in order, according to the Manual.

The CHAIRMAN. The gentleman is correct in saying that the House cannot amend the original bill; but he is incorrect in supposing that the Senate amendment is our text. Our text is the original bill. The Senate amend that, and we cannot entertain an amendment to an amendment to the Senate amendment.

Mr. CARTTER. I would like to inquire if there is any question of order now before the committee?

The CHAIRMAN. There is not.

Mr. STEPHENS, of Georgia. I do not think we shall ever end this debate in any other way, and, therefore, I take an appeal from the decision of the Chair, and I ask for tellers on the appeal.

Tellers were not ordered.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. McMULLIN, (resuming.) I will endeavor to bring myself within the rules of order, and address myself to both sides of the House. I desire to call the particular attention of this committee and of the country to the platform adopted the other day by the Democratic party in their Convention at Baltimore.

Mr. GOODENOW. I call the gentleman to order. The Democratic platform has nothing to do with this amendment.

The CHAIRMAN. The gentleman from Virginia must confine his remarks to the amendment which he has submitted.

Mr. McMULLIN. I will show the gentleman that my remarks are pertinent.

The CHAIRMAN. The Chair will say to the gentleman from Virginia that an argument to prove that the Senate amendment is unconstitutional is not in order.

Mr. McMULLIN. I am going to advance arguments to prove that the amendment is just. I do not mean, as I said yesterday, to discuss the constitutional question. I am going to discuss the propriety and expediency of the amendment which I have offered, and the inexpediency of the Senate amendment, as it comes to this House. Sir, the

Democratic party declare in their platform, that justice and sound policy forbid the general Government to fortify one branch of industry—

[Loud cries of "Order!"]

Mr. GOODENOW. I insist that the gentleman is out of order, and I ask for the enforcement of the rule which provides that if a member is decided to be out of order he shall take his seat.

The CHAIRMAN. The Chair has already decided that an argument to prove that Congress has no power to make such an appropriation as this is not in order on the amendment submitted by the gentleman from Virginia. But if the gentleman wishes to argue the policy of making the appropriation provided for in the Senate amendment, it is in order.

Mr. McMULLIN. I have not raised the constitutional question. I desire to show that the amendment I have submitted ought to be adopted because it is less partial in its character than the Senate amendment. I hold that the Senate amendment is partial legislation; that it confers special favors upon a few individuals—Collins & Co.—to the detriment of a large majority of the American people. Is there a gentleman on this floor who will deny that proposition? Is not legislation of this kind sectional and partial? There can be no doubt about it.

Sir, the gentlemen belonging to the Democratic party who support this appropriation, have read themselves out of the Democratic church, if the platform as laid down at Baltimore is to be relied on. I have not time to read it, but I beg gentlemen to read it for themselves. Sir, if this House has the power, and shall exercise that power, of passing this amendment of the Senate for the benefit of Collins & Co., you will be called upon next, perhaps by my colleague from the Accomac district, [Mr. BAYLY,] to make appropriation for the benefit of a line of steamers from Norfolk, and perhaps next for lines of steamers from Boston, New Orleans, and from every port in the Union.

Mr. Chairman, I asked the friends of this amendment, yesterday, to tell the House and the country whether or not, when this company first undertook this contract, they were not \$1,000,000 in debt, and whether they are not giving exorbitant and extravagant salaries to their officers—as high as \$6,000 per annum? They have not answered those questions. I now desire to know one or two more facts in reference to the company. It has been said by Madame Rumor, that foreign capitalists have invested capital in this company. We hear a great deal about patriotism, and about protecting the interests of our country. Sir, I claim to be as much an American as any gentleman here. I claim, too, to be as pure a patriot as any of the gentlemen who choose to vote for this unjust and iniquitous appropriation. But I ask the committee to pause before they sanction by their votes this unjust system of legislation. Sir, if rumor is to be believed, foreign capitalists hold stock in this Collins line, and I have also understood, from rumor, that the same foreign capitalists hold stock in the Cunard line. Is that true? Is it possible that there can be any truth in that report?

Mr. CARTTER. I will answer the gentleman. It is not true.

Mr. McMULLIN. I ask the American Congress to appoint a committee to investigate these matters before they pass this appropriation.

[Here the hammer fell.]

[Several cries of "Question!"]

Mr. ALLISON. I think it is evident that the committee is tired of this boy-play, and I move that the committee rise.

Mr. STEPHENS, of Georgia. I am tired of sitting here hearing these speeches. I think it would be better to adjourn at once than to stay here all day doing nothing. I call for tellers on the motion of the gentleman from Pennsylvania.

Tellers were ordered; and Messrs. STEPHENS, of Georgia, and VENABLE were appointed.

The question was then taken, and it was decided in the negative—ayes 34, noes 89.

So the committee refused to rise.

The question recurred upon the amendment proposed by Mr. McMULLIN.

Mr. CAMPBELL, of Illinois. Has there been any speech made in opposition to the amendment of the gentleman from Virginia?

The CHAIRMAN. There has not.

Mr. HOUSTON. Did not the gentleman from Pennsylvania [Mr. ALLISON] make a speech?

The CHAIRMAN. He did not; he merely submitted a motion that the committee rise.

Mr. CAMPBELL. There has been a great deal said upon this subject, and gentlemen seem to be getting very tired of it. I apprehend there is time enough to get this money; it is not expected that it will go out by the next mail however. I have been somewhat amused at the different reasons which different gentlemen have assigned for their support of this amendment.

Mr. GOODENOW. I submit to the Chair that the gentleman is not in order.

The CHAIRMAN. The Chair thinks that the remarks which the gentleman has made so far are not in order.

Mr. GOODENOW. Then I hope the Chair will enforce the rule.

Mr. CAMPBELL. It would be difficult to tell what would be in order here, to suit the gentlemen on the other side of the House.

Mr. GOODENOW. "The gentlemen on the other side of the House" are willing to take the vote. That is what would suit them.

Mr. CAMPBELL. I can tell the gentlemen on the other side that I am opposed to this grant of money. Is that in order?

The CHAIRMAN. The Chair thinks it is not in order in opposition to this amendment.

Mr. CAMPBELL. I ask to have the amendment read.

The CHAIRMAN. The Chair will state the amendment. It is to strike out \$33,000 and insert \$19,100. The argument which the Chair decided would be in order in support of this amendment was to show that the Senate amendment ought not to prevail; that there ought not to be any appropriation; but if any, a less one than the amount proposed by the amendment of the Senate.

Mr. CAMPBELL. Well, sir, I am opposed to the amendment. I am opposed to giving the Collins line \$100 in addition to the \$19,000. I apprehend that I have a right to give my reasons for that opposition, if I desire to do it.

Mr. FOWLER. I raise a question of order on that point. The proposition is to strike out \$33,000, and insert \$19,100; the gentleman must argue against striking out \$33,000 and inserting \$19,100.

The CHAIRMAN. The Chair has decided, again and again, that the only argument in order is an argument in favor of the Senate amendment.

Mr. CAMPBELL. What does the Chair decide?

The CHAIRMAN. The Chair decides that the only argument which can be made in opposition to this amendment, is one to show that the Senate amendment ought to be adopted, and that this amendment to it ought not to be agreed to.

Mr. CAMPBELL. Well, sir, I cannot make a speech upon that side of the question. [Laughter.]

The question was then taken on Mr. McMULLIN's amendment, and it was not agreed to.

Mr. CAMPBELL, of Illinois. I move to amend the amendment by striking out \$33,000, and inserting \$19,150. Now, I hope gentlemen will not interrupt me. I have not troubled them in their speeches upon this subject.

In listening to this discussion for two or three days—and I have been highly gratified, too—I have been rather amused at the different reasons which different gentlemen have assigned why they support this amendment of the Senate. Some gentlemen do it under one provision of the Constitution, and some gentlemen do it under another provision of the Constitution. I am astonished that they have not come out openly and independently, and taken the true ground—and that ground, in my judgment, is simply this, that the Collins company want this amount of money.

But the most miserable pretense of all which I have heard set up as a reason why this donation should be made is, that our *power* and *glory* as a nation hang upon the result. This has been repeated, echoed and reechoed, *ad nauseam*. Its supporters have made it a test of patriotism, and all those who are unwilling to admit that E. K. Collins & Co. are the nation, are set down as enemies of the country, and as pandering to British interests and to British power. Why, sir, this has

been the old war-cry of the protection party for the last thirty years, and has long since lost all its terror with the American freemen, if it ever had any.

The gentleman from Pennsylvania [Mr. CHANDLER] went into a long argument for the purpose of showing that it would reduce the price of freight from England to this country. Now, I understand that gentleman to be the head and front of the increase of duties on iron in which his State seems more interested than it is in any other question. If, then, this appropriation of money will reduce the price of freight of that article to this country, and bring it here cheaper, I would ask him if he expects to benefit the interest of which he is the peculiar representative in this House by advocating a policy that will decrease the price of the staple of his own State? But, sir, it is a strange thing to me that here are a few individuals who can come into this House and ask for a protection of this character when the voice of ten millions of people in the valley of the Mississippi, proclaiming the nationality of the great Father of Waters, and asking for a comparatively small appropriation to remove the difficulties which the interior commerce of that vast region of country are compelled to encounter, and they are not heard, and if heard, are not listened to, but are met at the threshold by the objection that there is no power in the Constitution to authorize an appropriation for any such purpose. The great Father of Waters is not national, but E. K. Collins & Co. are very national.

I tell you, sir, that if this amendment is permitted to prevail, the old protection party of this country will have achieved a victory, the influence of which will not end with the Collins line of steamers, but will be the entering wedge to a still greater and more stupendous scheme of protection and monopoly, which then we can resist not. I for one, sir, say, if we must have a protective policy, let it be one that will be diffusive in its operation, reaching whole classes, instead of this *local, individual* protection, the most odious and objectionable shape in which it was ever presented before. We are told that we must emulate the example of Great Britain in this particular, and thus justify a departure from the settled and fixed policy of the Government. Sir, I have always been taught that the extravagance and consequent public debt of Great Britain afforded us an *example* not to be followed, but to be shunned, and from which we have derived the most salutary lessons of economy.

I am accustomed to this cry about "British interest." The Democratic tariff of 1846 was, according to the *American* ideas of these same gentlemen, a "*British tariff*." But I can assure them it has no terrors for me; and if opposition to this proposed *gift* to be taken out of the public Treasury—if opposition to this *special* protection will, in the estimation of its friends, array me against the best interests of my country, then, sir, my vote shall be recorded on the *British* side of the question.

[Here the hammer fell.]

The question was then taken on the motion of Mr. CAMPBELL, and it was not agreed to.

Mr. OLDS. I move to amend by striking out all down to the word "*provided*," and insert—

That the Postmaster General, with the assent of E. K. Collins & Co., advertise in the usual manner and at the usual time for the transportation of the mail between New York and Liverpool, in semi-monthly trips, and that he award the contract to the lowest responsible bidder, said bidder to be an American citizen.

I desire, sir, that when gentlemen vote for this amendment for the Collins line, that they do not vote for it supposing it to be necessary for the mail service of the United States.

I am opposed to this special contract system—this making a contract for transporting the mails for a period of ten years at a certain sum. Why, sir, what has been the effect of that system? You made a contract for transporting the mail from New York to San Francisco for a period of ten years.

Mr. McCORKLE. To Oregon.

Mr. OLDS. Yes, to Oregon, and now, sir, although only two years of that time has expired, we have before the Committee on the Post Office and Post Roads, offers for transporting that mail at a saving of half a million of dollars annually to this Government. That, sir, shows the folly of

making a contract of this kind. And now, sir, while they are asking for this appropriation for the mail service, as they say, we have responsible bidders before that committee—and a bill to carry it into effect was reported by my colleague on the committee [Mr. GRAY] the other day—for transporting the mail from Jersey City to Galway, Ireland, at the sum of \$10,000 the round trip. If there are offers to carry this mail for \$10,000 the round trip, why is it necessary for the mail service of the country to give E. K. Collins & Co. \$33,000 for the same service?

If gentlemen wish to give this as a *bonus* to E. K. Collins & Co. for bearing the British, let them say so, and not do it under the pretense that it is necessary for the mail service of the country, for it is not.

I say you have responsible bids for carrying this mail for \$10,000 the round trip, and they do not even ask that.

Mr. SEYMOUR, of New York, (interrupting.) I wish to ask one question right here. Whether they are war steamers or not?

Mr. OLDS. That is the very question. I am arguing that this appropriation is not necessary for the mail service of the country. I do not care what other matters are put upon it. If it is for a protection to E. K. Collins & Co., call it protection. Call things by their right names, and vote for things by their right names, and not vote for appropriations for post office services, to the amount of \$33,000 a trip, when you have responsible bids to do that service for \$10,000 a trip. And I say they do not ask even that. They only ask, that the Postmaster General may advertise for proposals, and make the contract at a sum not exceeding \$10,000, and letting competition go below that sum.

Now, sir, gentlemen here say it is necessary for the mail service of the country to let them give E. K. Collins & Co., \$33,000 per trip. I deny it. The mail service requires no such appropriation. And gentlemen may as well understand, at once, that they are voting nearly a million of dollars to protect E. K. Collins & Co. against the competition of American citizens, for the carrying trade between this country and Europe.

Mr. WASHBURN. And I take issue with the gentleman, and maintain that it is for the mail service of the country that this amount is required, and that it is indispensable, if we are to keep up this international mail service, that it should be granted. If we are to have the mails carried between this country and England, by our own lines as the gentleman's proposition implies, we must make such provision as will secure the establishment of a line or lines that will carry them. And how can you accomplish that? How can you obtain the carrying of any just portion of the mails between New York and Liverpool? Simply by having a line established that will carry the mails quicker and more regularly than any other line can, or does, or at least as quick and regularly as any other. If we establish a mail line we want a good line, the best, the quickest, and the most regular, and certain, that can be placed upon the route, and we must have it; and in order to accomplish it, this contract with Collins & Co. is, I think, necessary. You must pay this amount, or an amount equivalent, to them or to somebody else, and, inasmuch as it is to be paid to somebody, why not as well to E. K. Collins as to any other company?

I am satisfied that the mail cannot be carried for the present rate of compensation. The value of the stock of that line in the market, settles this conclusively and incontestably to my mind. So to have the mails carried, it requires a greater compensation than we are now paying. Shall we increase it, in order to have the mail service continued? That a line of this description should be successful, we must have speed, and in order to obtain the speed necessary, there must be size. Size is a great element in this question of speed. We must have large ships, and the machinery of those ships must be of the best and most improved character. Size and expense are the conditions of speed and success in an enterprise of this character. The whole establishment must be a costly one, if it is to be successful. It is not the expense of fitting up its saloons, the cost of carpets, mirrors, sofas, and the like, that constitute any great portion of the cost of one of these steamers. This kind of expenditure is an infinitely small portion



of the whole cost of one of these ships. The great cost is in the size, and in the superiority of the workmanship and machinery, which you must have, or the whole enterprise will be a dead failure. With the aid now solicited, every dollar of which, and more too, will be returned, to be continued only so long as till we shall have broken up the British monopoly and secured fair play, this line can compete with any other line. And, sir, do you want to see this line, which is the glory of our country, and of whose triumphs every American is justly proud, swept from the ocean now, by withholding the amount necessary to keep it up? I am opposed to the policy involved in the gentleman's amendment. His experiment would be a total failure, and would cover us with mortification. Our noble ships—the fleetest and the safest in the world—are to be abandoned for a contract with the lowest bidder. Does any one believe that such a contract would bring us ships that would successfully compete with the British line?—that would succeed in performing the mail service that would be expected to be performed? Certainly not, for the simple reason that the speed and regularity of that line cannot be obtained at an actual expense less than what you now propose to pay. Experience has taught this. And your now lowest-bidder line would fail, because it could not help it. If the proprietors of such line should make expenditures not warranted by the contracts with the Government, and place ships upon the route equal or superior to the Collins ships, they would be driven, inevitably, to ask for increased compensation, or would be driven from the seas, as you now propose to drive Collins. Does any man believe, or pretend to say, that the mail service between America and Great Britain can be performed at the present time, and under existing circumstances, as well as it is performed by the present line, for less money than we are asked to pay that? Certainly not. Then why talk about new contracts? Either maintain the present line or have nothing to do with any.

[Here the hammer fell.]

Mr. SWEETSER demanded tellers upon the amendment; which were ordered; and Messrs. CHANDLER and OLDS were appointed.

The question was then taken on the amendment of Mr. OLDS, and it was disagreed to; the tellers having reported—ayes 72, noes 75.

Mr. MEADE made some remarks, in continuation of those previously made, with the view to show that the financial condition of the Collins line was such that no increase of appropriation was necessary.

Mr. DEAN. I am opposed to the amendment of the gentleman from Virginia, from the simple reason that two committees, one of this House, the Ways and Means, and the Post Office Committee of the Senate, who have had ample opportunities to acquire all the necessary information, and who have thoroughly examined the whole subject, have reported to us the amount contained in the Senate's amendment as necessary to carry on this enterprise. A majority of the Committee on Finance, in the Senate, have also made a similar report.

Mr. MEADE. I am relying on that report by which I can prove what I have said.

Mr. DEAN. I ask whether we are to act differently upon this subject from what we do upon all others, or whether we are to rely upon the report of those men who have had all the means of information within their reach, and who, after a full investigation, say this amount of money is sufficient—barely sufficient; that this company, in endeavoring faithfully to execute their contract, have already lost about \$500,000? Or whether we are to take our own opinions, without having the necessary facts to attain a proper result on which to found our opinions? I do not wish to detain the committee, and I hope that the friends of the enterprise will cease to occupy the time of the committee, and come to a direct vote on the proposition, whether the Senate's amendment shall pass or not. I trust, also, that no factious opposition will be offered by the opponents of the measure; but that we shall be permitted to vote upon the amendment, and ascertain whether there is or is not a majority of the House in its favor.

Mr. MEADE demanded tellers upon his amendment; which were ordered; and Messrs. CAMPBELL, of Ohio, and HIBBARD were appointed.

The question was then taken upon the amend-

ment of Mr. MEADE, and it was disagreed to—the tellers having reported ayes 52, noes 73.

Mr. ABERCROMBIE moved that the committee rise; which motion was disagreed to.

The question was then taken on the motion of Mr. STEPHENS, of Georgia, to strike out the clause with regard to the Collins line, and it was disagreed to.

Mr. ORR. I offer, as a substitute for the entire clause, the following:

That there shall be allowed the Collins line of steamers, for transporting the mails between the ports of New York and Liverpool, for making twenty-six trips per annum, at such times as the Postmaster General may direct, the whole amount of postages received on mails carried by said steamers to which the Post Office Department is entitled to receive under our postal treaty with Great Britain: *Provided*, That the same shall be in lieu of the compensation now paid the Collins line of steamers under an existing contract: *And, provided further*, That the owners of the said Collins line shall consent to the arrangement herein provided.

I think this system of the Government entering into partnership with individuals in the construction and ownership of steamers for war purposes, under pretense that they were to be used for mail transports in time of peace, was wrong originally, and if I had been a member I should have voted against it in the first instance. I find, however, that system fastened upon us so far as this Collins line is concerned, by a contract which I am willing shall be executed by the Government in good faith. They were to make, originally, twenty trips annually, but at their own request, submitted to the Postmaster General, they were permitted to increase the trips to twenty-six. This gives them a pretext for coming here and asking additional compensation; and to carry out the original contract in a spirit of generosity to them, I proposed on yesterday to give them \$19,250 per trip for the six increased trips, that being the sum paid for each of the twenty trips as the first contract stipulated. The friends of the line, however, declined to accept that amendment, and voted it down by a decided majority. That vote indicated on their part an unmistakable purpose to change the original contract entered into by the Government. Well, sir, if this is to be the policy—if the original contract is to be varied at the solicitation of Collins and his associates, then the faith of the Government no longer stands pledged to them, and in entering into a new contract, this Government should so construct it as to prevent it becoming so heavy a charge upon the Treasury. I insist this Congress shall make now a better arrangement than the previous one, and for one I am utterly opposed to placing any obstacles whatever in the way of Collins renouncing or abandoning the original contract.

The new contract I now offer Collins is found in the amendment. It proposes to give the line the whole proceeds of the postage on the mails carried by them between New York and Liverpool, which is a more liberal allowance than most mail contractors receive from the Post Office Department, and my proposition not recognizing their vessels as war steamers allows them the privilege of carrying the mails in any description of vessels they may choose. I suppose it is almost idle to assume, with any degree of seriousness upon this floor, that these vessels are well adapted for war purposes, or that they could ever be converted into efficient war steamers. We are to regard this, therefore, merely as a Post Office arrangement for the transportation of the United States mail. And let me ask members upon this floor when they desire to have a horse mail route established from one point to another within their districts, costing \$50 or \$100, whether or not it is the policy of the Post Office Department to allow such route to be established unless there is a reasonable probability that the postages received will defray the expenses of the transportation. Why is a different rule to prevail with reference to these steamers?

Gentlemen talk about building up a steam navy, to be used for war purposes in the event of war. Why, Mr. Chairman, I do not profess to be thoroughly informed upon this subject, but so far as my investigation has gone, there is not a single officer of the British navy—and many of them have been examined before a committee of the House of Commons, the British Government having entered largely into contracts with individuals for transporting their ocean mails on steamers which it was once supposed could be readily converted into efficient war steamers—that has ven-

tured to express any other opinion than that such vessels are not well suited for war purposes; that the side-wheel steamers with the machinery above the water line, such as the Collins steamers, cannot be relied on in naval warfare. Two shots from the vessel of an enemy could entirely disable them, should they happen to strike the wheels, leaving the vessel to the mercy of the waves and the guns of the enemy, the machinery being impotent for an advance or retreat. The screw-propeller is the only steamer adapted for such purposes, if the testimony of all the British naval officers, and a majority of our own, is to be credited. It may be said—and the argument was used in the other end of the Capitol, by a distinguished Senator from Michigan, [Mr. CASS,]—that the Collins steamers would be useful for transporting troops, supplies, munitions of war, &c. Now, I ask whether you want these splendid Collins steamers, described by my friend from Kentucky, [Mr. MASON,] with chandeliers, mirrors costing thousands of dollars, Brussels tapestry and carpets, mahogany and rosewood furniture, for transporting beef, pork, bacon, flour, beans, and cornmeal? It would be a novel spectacle to see the superb state-rooms of the Baltic filled with barrels of pickled pork, and the saloons with rusty bacon sides. But these vessels never will be needed for transport ships. If you get into war with an enemy having a strong naval power, your merchant vessels—sailing and steamers—will be driven into port, and you can get hundreds of them for transportation purposes.

But, sir, we have been told with emphasis to make this appropriation, that it will not do for us to be outstripped by the British Government. The national honor is, in this argument, reduced to a small point; it is made to depend on our keeping the Collins steamers, although at a cost of nearly a million annually, running between New York and Liverpool, because they have beat the Cunard line, owned by British subjects, a few hours in a voyage of 3,000 miles. Do you want to keep up with the British Government in her extravagance? In her system of bounties, of favoritism to the few, in her taxation of the toiling millions? Do you want to have her pension system? Her retired list, not only from the army and navy, but from civil life? Do you want to have her public debt? Imitate Great Britain, and you will have all these delectable luxuries to feast your constituents upon. Much of the prosperity and glory of America is traceable to the fact, that our statesmen, in legislating, have heretofore studiously avoided following the example she has set, and have shunned the ruinous policy she has pursued towards her oppressed subjects.

[Here the hammer fell.]

Mr. TAYLOR. I am very anxious to have the vote taken upon this subject, and I will state the grounds of my opposition to the proposition of the gentleman from South Carolina [Mr. ORR] in a very few words. I have heard it intimated this morning that there was no evidence that these steamers were fit for war purposes. Let me say to gentlemen, that if they had examined the Executive documents sent to Congress this session, they would have found there the testimony of one of the highest officers of the American Navy, to the effect that these steamers were fit for war purposes. I have the document before me, and I will read from it. It is Executive document No. 50, sent to the Senate, the report of the Secretary of the Navy in relation to ocean steamers in the employment of the United States. I find a letter from Commodore Perry, addressed to the Secretary of the Navy, which I have not time to read in full. I will read, however, a few sentences from it, which give the contradiction, in so many words, to the declaration which has been made so repeatedly by intelligent gentlemen upon this floor, that these steamers are unfit for war purposes. Here is the extract from Commodore Perry's letter to the Secretary of the Navy, dated February 18, 1852:

"I now proceed to reply to the first division of the inquiry, as follows:

"Question first. 'Whether the steamships employed in the transportation of the United States mail, under contract with the Navy Department, or any other steamships employed in the transportation of our foreign mails, are in all respects suitable for immediate conversion into steamers for war purposes, capable of carrying the armament or battery appropriate to the class specified in the contract?'

"In answer to the foregoing (first) question, I am of opinion that they are not, in all respects, suitable.

"Question 2d. And if not suitable for such immediate conversion, whether they could be altered so as to make them efficient war steamers?"

"Answer. The following named Atlantic steamers may be converted, by slight alterations, into war steamers of the first class: Of Collins line—The Atlantic, Pacific, Arctic, and Baltic. Of Law's line—the Ohio, Georgia, and Illinois. Of Mortimer Livingston's line—the Humboldt and Franklin.

"Pacific steamers. Of Aspinwall's line—first class—the Golden Gate; second class, the Panama, Oregon, California, and Columbia.

"The foregoing vessels of the respective contracts are variously constructed as to materials, fastening, strength, and model.

"According to my calculation, the cost of conversion of either of the beforementioned vessels, exclusive of armaments, repair of machinery, and ordinary repair, would not, or certainly ought not, exceed for steamers of the first class, \$20,000, and for steamers of the second class, \$15,000; and it would be readily done for this at any of our navy-yards—provided, that useless alterations were not made."

What necessity or propriety is there for gentlemen rising in an American House of Representatives, and informing members of this House, and the people of this country, that four Atlantic steamers, costing more than any other in the world, constructed under the supervision of your own officers of the Navy, at a cost of \$700,000 or \$800,000 each, and built in such a way as to make them available for war purposes, are not suitable for war steamers, in the opinion of British officers, when we have here the proof, from one of the most distinguished officers in the Navy of the United States to the contrary? Gentlemen say that no application has been made for this increase of compensation to the Collins line from any large number of American citizens. I am informed—and if I am not correctly advised the chairman of the Naval Committee will correct me—that there are *thirty-two petitions*, numerous signed, by the principal business men in the large cities of the United States, praying Congress to aid in upholding and continuing this Collins line as a national enterprise, greatly conducive to the public interests, and of immense benefit to the country, in the transportation of your mails, and in strengthening your naval marine in time of war, if we should unfortunately be engaged in war hereafter. The establishment of this line has already effected great benefit to the country. I will state, in answer to the gentleman from Illinois, [Mr. CAMPBELL,] who says that we, who support this increased appropriation to keep up this line for the transportation of the mail between the United States and England, withhold appropriations necessary for the improvement of Western harbors and rivers, that he is greatly mistaken. I have always been the advocate of liberal appropriations for these objects. During the last Congress, I made a speech in favor of the passage of a bill to improve the condition of Western rivers and harbors, and the Whigs of Congress generally voted in favor of liberal appropriations for the improvement of Western rivers and harbors. But it was killed in the Senate by Democratic members, after having passed this House. I have many reasons for upholding this Collins line. It is no longer a private enterprise wholly—the Government having a very large interest in it, and now holding liens on all the vessels for moneys advanced; and the Government and people are deeply interested in keeping up this American line of ocean steam navigation.

[Here the hammer fell.]

The question then being upon Mr. ORR's amendment,

Mr. JOHNSON, of Tennessee, demanded tellers; which were ordered; and Messrs. STANTON, of Tennessee, and HENDRICKS were appointed.

The question being put, the tellers reported—ayes 50, noes 73.

So the amendment was rejected.

Mr. MARSHALL, of Kentucky, moved that the committee rise.

Mr. ORR demanded tellers; which were ordered; and Messrs. BRIGGS and VENABLE appointed.

The question was then taken, and there were—ayes 67, noes 74.

So the committee refused to rise.

Mr. VENABLE. I propose to amend the amendment by moving as a substitute the substitute offered by the gentleman from South Carolina, [Mr. ORR,] with the addition of \$50,000.

Mr. STANTON, of Tennessee. I rise to a question of order. My point of order is, that this particular clause has been voted upon, and every amendment which has been offered to it, until the

substitute was offered. The substitute has been voted down, and now, according to the rule repeated again and again, it is too late, and it is not in order to offer an amendment to the original clause.

Mr. VENABLE. This is a different proposition.

The CHAIRMAN. The Chair understands that the point of order raised by the gentleman from Tennessee is this: that a motion to strike out and insert having been lost, another motion to strike out and insert different matter is not in order.

Mr. STANTON. My point of order is, that it is not in order to amend the original proposition.

The CHAIRMAN. If the motion of the gentleman from North Carolina [Mr. VENABLE] is to strike out the original proposition, and insert other matter, the Chair thinks the gentleman will be in order.

Mr. VENABLE. Mr. Chairman, I have taken no part in the debate upon this question since the five-minutes rule has been adopted. I am reluctant to consume the time of the House now, and feel so unwell as to be particularly disinclined to engage in the discussion. But a desire to place myself right upon the Journal of this House, and an abiding confidence that the country will be informed concerning its action, constrains me to offer the substitute now submitted. Should this appropriation pass as reported in this deficiency bill, I feel peculiarly anxious that those interested in my character as a statesman and a Representative, may find the evidence that I am clear of the whole responsibility. The advocates of this measure have uniformly defended it upon the certainty of the return of the advances made by the Government through the postages accruing from the line. This was the assurance upon the first suggestion of the measure, and has been urged as a reason for every advantage which has been conceded them on their repeated applications. Indeed, it is the only resource of reimbursement which has ever been suggested. It is true that much has been said of those ships as war steamers, much more of the glory which is to be secured for our country. Of the fitness of those vessels for our naval defense, I will not now speak. The advances already made are amply sufficient to entitle the Government to any aid which they may be able to give, especially when it is known that we shall have to pay for them before they are used; and as to the glory, I know of no system of calculation which will enable me to come to an exact conclusion as to its actual value.

But of the money concerning which such promises have been made—the postages which are to be poured into the Treasury—I had assumed that the estimates were real and candidly made. But, sir, the vote upon the substitute of the gentleman from South Carolina [Mr. ORR] has disclosed the most naked state of facts that I have ever known to be exhibited. It fixes the conclusion that those who have furnished the estimates of the income from postages had no faith in the statements which they made. I now add \$50,000 to the whole amount of postages, and tender this to answer the demands of this company of stockholders. I have known a tailor who made large advertisement of his skill in making garments, refuse his own handiwork in part pay for the bill for making them. I have often known men indisposed to take their own paper in payment of their debts. But here is a case in which there is a positive refusal to take the work and the bill and all the income and profits arising from the whole enterprise, together with the debt due, and still it has been declined. We offer the ships, with all their tonnage and capacities for profitable employment, the postages increased and increasing, and all the glory to be especially the property of those adventurers, and it is rejected. I offer \$50,000 more, and suppose that will also be rejected. Sir; they claim compensation for conveying the mail, and refuse all the postages in part payment. They tell the Government of immense revenue to be derived from postages, and yet utterly eschew any reliance upon their own declarations. Sir, the people ought to be informed; they will know the full extent of this delusive scheme sought to be fixed upon them. Sir, this is a test question, an experiment of the Collins line to ascertain whether the influences and the pressure which they can command, can open the

Treasury door. The report of the Senate's committee as to the other lines, gives us a glimpse of the future. It is an instinct, not confined to the human race, to watch and take advantage of inroads upon the resources of others. The cattle and stock of every neighborhood soon learn the habits of any mischievous animal that breaks down inclosures and follow him in his expeditions, that they may enter fields through the breach he has made. So this clamorous mendicant now urging his necessity of appropriations for relief, stands in front of a long line of others who are watching for the success of the application, preparing themselves for similar favors. If there be truth in the arguments which are resorted to, to sustain the measure, those who speak so confidently of profits ought to be willing to take the profits and postages for pay, or every sensible man, and the country at large, will consider the whole scheme as a deliberate foray upon the Treasury.

Mr. EVANS. Will the gentleman from North Carolina [Mr. VENABLE] inform me how many post offices and post routes can be sustained in his State by means of the postages alone which accrue there? I believe that in North Carolina, and indeed in every State south of Maryland, the postages never have amounted to anything like a sufficient sum to sustain the expenses incurred in carrying the mail, and in supporting the postal establishment in those States. Suppose any one were to predict, what will undoubtedly happen, that the growing resources, the enterprise, and the industry of those States, will at some no distant period make the receipts more than the expenditures, would the gentleman not think the proposition a most unjust one which would require that every post office and post route not capable now of sustaining itself should immediately be abolished? Yet that is his proposition with regard to this line.

And pray what is it that he is willing to give the Collins line? Not the whole amount of postages which it has been instrumental, directly or indirectly, in bringing into the Treasury. Not all that the postal convention, brought into existence by this line, gives us—but only the postage on letters carried by the Collins ships; and yet I venture to predict, that in a few years the gentleman will be very unwilling to make any such arrangement with the line, because the postages will have increased to more than the sum now proposed to be paid; but no private company without unlimited capital can afford to wait for this accretion.

Now, sir, what does the gentleman from South Carolina [Mr. ORR] propose? He offers for the six additional trips to be performed \$19,500 per trip, without reflecting that these additional voyages are to be made in mid-winter, when scarce any passengers or any freight will be carried, and when the voyage is a charge of its whole cost, and that \$19,500 is the pay for a summer trip.

Let him give \$65,000, the cost of each trip, as a remuneration for making it. This, for six trips, will amount to \$390,000, which, added to \$385,000, the amount now paid, will be, for a year's service, \$775,000, being almost as much as is proposed to be paid by this Senate amendment.

The honorable gentleman from Virginia [Mr. MEADE] has made a labored argument about the profits of the Collins line. I have not time in five minutes to follow him; but I am prepared to say that he is altogether mistaken.

The stock of the Collins line is only worth sixty cents on the dollar, and sells for that in the market. Now ordinary six per cent. being everywhere from ninety-five to one hundred and seventeen, will the gentleman inform me how it is that this stock, which he makes a twelve per cent., is only at sixty?

The gentleman's computations thus sufficiently refute themselves.

Mr. ORR. I would like to ask the gentleman one question.

The CHAIRMAN. The gentleman from Maryland has yielded the floor, and further discussion is out of order.

The question was then taken on Mr. VENABLE's amendment, and it was not agreed to.

Mr. ABERCROMBIE. We shall never get this vote taken. I move that the committee rise.

Mr. GORMAN demanded tellers; which were ordered; and Messrs. JOHNSON, of Tennessee, and HOWARD were appointed.

The question was then taken, and it was decided in the affirmative—ayes 80, noes 74.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. STUART) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly the amendments of the Senate to the deficiency bill, and had come to no resolution thereon.

On motion by Mr. FLORENCE,

The House then adjourned until Monday, at eleven o'clock, a. m.

#### IN SENATE.

MONDAY, July 12, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the War Department, made in compliance with a resolution of the 25th May last, requiring statements of the amounts expended for printing, binding, and public advertising, executed by order of that Department, from the 4th March, 1849, up to 25th May, 1852; which was ordered to be laid on the table and printed.

Mr. CLARKE. Mr. President, I have been requested to present to the Senate some resolutions that have been passed by the corporate authorities of the city of Georgetown, remonstrating against the reconstruction of the Potomac Bridge on its present site, and recommending some point above that city as a suitable location. I think it would be better to have them read, and then referred to the Committee on the District of Columbia.

The resolutions were accordingly read, and so referred.

#### PETITIONS, ETC.

Mr. DAVIS. Mr. President, I have a petition, signed by a large number of the principal merchants and ship-owners of Boston, Massachusetts, setting forth that this Government has never recognized the independence of the Government of Hayti. They go on to represent the magnitude of the commerce of the United States engaged in the trade with that country, and the importance of that trade; and they pray that this Government recognize it as an independent State, they deeming it essential to the interests of the commerce of the country that it should receive the protection which grows out of that consideration. I move to refer the memorial, without reading, to the Committee on Foreign Relations.

It was so referred.

Mr. SHIELDS presented a petition of citizens of Jacksonville, Illinois, and a petition of citizens of the city of New York, praying Congress to pass the bill commonly known as the "homestead bill," which were referred to the Committee on Public Lands.

Mr. JONES, of Iowa, presented the petition of William D. Arnett, who complains of the heavy fees charged to persons who make applications for patents, praying that suitable persons be appointed in the Patent Office to consult and advise with inventors about to apply for patents; which was referred to the Committee on Patents and the Patent Office.

Mr. BRADBURY presented the memorial of Harlow Spaulding, praying compensation for services as acting naval storekeeper at Spezia from 1847 to 1851; which was referred to the Committee on Naval Affairs.

Mr. SEBASTIAN presented the memorial of Samuel H. Hempstead, praying compensation for services rendered as district attorney under the act of 17th of June, 1844, in defending claims to lands in Arkansas; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented a petition of citizens of Bangor, Maine, praying that the bill granting land to the States for railroads, and for other purposes, may become a law; which was referred to the Committee on Public Lands.

Mr. CHASE presented eleven petitions of citizens of Ohio, praying that the bill now before Congress, known as the "homestead bill," may become a law; which were referred to the Committee on Public Lands.

Mr. RUSK presented the memorial of Daniel Searle & Co., mail contractors, praying compensation for additional services required of them by the Post Office Department; which was referred to the Committee on the Post Office and Post Roads.

#### REPORT FROM A STANDING COMMITTEE.

Mr. MILLER, from the Committee on Finance, to which were referred the memorial and papers of Edwin Lord and Francis Bacon, praying a release from certain judgments obtained in favor of the United States on bonds given for duties on goods imported prior to 1839, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

#### PENSION AND BOUNTY LAND LAWS.

Mr. GEYER, from the Committee on Pensions, submitted the following resolution:

*Resolved*, That the Secretary be directed to purchase five hundred copies of the pension and bounty land laws, with the opinions, decisions, and regulations in relation to those laws, recently compiled by Mayo and Moulton: *Provided*, The price does not exceed \$3 50 per copy.

#### NEW CUSTOM-HOUSE.

Mr. HAMLIN submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation for the erection of a custom-house at Waldoboro', Maine.

#### NOTICES OF BILLS.

Mr. CLARKE gave notice of his intention to ask leave to introduce a joint resolution directing the Secretary of War to cause the harbor and river of Providence, in the State of Rhode Island, to be surveyed, and an estimate made of the cost of clearing out said harbor.

Mr. GWIN gave notice of his intention to ask leave to introduce a bill making a grant of land for the construction of a canal from Tulare Lake to the San Joaquin river, in the State of California.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

An act to regulate the terms of the district court of the United States for the district of Iowa;

An act for the relief of the heirs and representatives of the late Robert Sewall;

An act to provide for the promotion of certain officers in the Engineer, Topographical Engineer, and Ordnance Corps;

An act for the relief of John Duff; and

An act to amend an act entitled "An act to incorporate the Washington Gaslight Company," approved July 8, 1848.

#### IMPROVEMENT OF THE CHICAGO RIVER.

On the motion of Mr. SHIELDS, the Senate proceeded to consider the bill to authorize the Mayor and Common Council of Chicago, Illinois, to excavate a portion of the public reservation at that place, with a view to the improvement of the navigation of the Chicago river.

The bill was read a second time and considered as in Committee of the Whole. It provides that the corporate authorities of the city of Chicago shall have authority to excavate such portion of the reservation at Chicago, not exceeding the limits described in their memorial of January 5, 1852, as may be necessary, according to the plan set forth in the memorial, for the improvement of the Chicago river.

The bill was reported to the Senate without amendment, and ordered to be engrossed and read a third time.

#### BILOXI BAY INDIANS.

On the motion of Mr. SEBASTIAN, the joint resolution authorizing the examination of the claims of the Biloxi Bay Indians was read a second time and considered as in Committee of the Whole. It proposes to authorize the Secretary of the Interior to cause to be examined and reported upon, the claim of that portion of the Choctaw Indians residing east of the Mississippi river, known as the Biloxi Bay Indians; and when it shall appear from the evidence taken before, or reported by, the former Choctaw Commissioner, that the claimants were, at the date of the treaty, Choctaw heads of families, residing within the Choctaw territory, and had signified their intention to remain and become citizens of the States, and to take reservations, and that they resided on said lands for the period of five years next ensuing, or were dispossessed by reason of the Government having disposed of their lands, or on account of their fear of being forcibly dispossessed, or through threats of persons engaged in the emigration of the tribes; to

allow and award to those, falling within this provision, certificates for like quantities of land, provided for others of the tribe under the third section of the act of August 3, 1842—to be issued and patented to them in full, without the restrictions of the act of 1842, or the act of March 3, 1845.

Mr. FELCH. I should like to understand the nature of the bill before us.

Mr. ADAMS. It is precisely in conformity with what has been done in the case of other Indians. Testimony was taken under a former commissioner, but was not completed in time to be reported by him before the expiration of the law under which it was taken. The object of this joint resolution is to authorize the Secretary of the Interior to act as if the law had not expired. It only extends the time for the Secretary to investigate and determine upon the testimony which has been reported. The object is only to extend to these Indians the same privilege which has been extended to other Indians in the same condition.

The bill was reported to the Senate without amendment; and ordered to be engrossed for a third reading.

#### SUSPENDED LAND ENTRIES.

On the motion of Mr. FELCH, the Senate proceeded, as in Committee of the Whole, to consider the bill to revive and continue in force for a limited time, the provisions of an act relative to suspended entries of the public lands.

It proposes to enact that the several provisions of the act of August 3d, 1846, entitled "An act providing for the adjustment of all suspended preemption land claims in the several States and Territories" be continued in force for the term of one year from the date of this act; and those provisions are declared applicable as well to cases which were inadvertently omitted to be acted on under that act, as to those of like character and description which have arisen between the date of that act and the present time, and shall be regarded as applying to locations of bounty land warrants, as well as to ordinary entries or sales. It further provides that in all cases where patents have been issued on entries which were entitled to be confirmed under said act, such patents may be surrendered, and the officers, at the time of such surrender, who, by said act of 1846, are constituted a board of adjudication are, by this act, authorized and empowered to confirm such entries, and upon the canceling of the outstanding patent, the Commissioner of the General Land Office is to be authorized to issue a new patent, on such confirmation, to the persons whose title is confirmed to their heirs or assigns.

Mr. FELCH. The act to which allusion is made in this bill, has been extended in its operation, I believe, by two several acts. It is now proposed merely to extend it for a further length of time. When I drew up the bill in the first instance, I framed it so as to provide for the extension of the act for the term of one year. I propose now to amend the bill, by striking out "one year," and inserting "five years." This bill is merely intended to enable the Department to dispose of many cases of conflicting land claims, where land offices have been changed, or where, from other causes, entry has been suspended, without the necessity of coming to Congress in every particular instance. The act has been found to operate very beneficially heretofore, and having expired, it is merely proposed to renew it.

Mr. DOWNS. Entirely approve of the amendment which has been offered by the chairman of the Committee on Public Lands, but I could never see any reason why the law should be limited at all. The only purpose for which I rise now is to inquire why it is that this law may not be perpetual. Why should it be temporary? Certainly it has been very useful heretofore, and constant applications are made here session after session for its renewal. I really could never see why a law so beneficial and so desirable, and which seemed to be so necessary to carry on the land system satisfactorily, should be made from time to time, of temporary duration. I would therefore suggest to the chairman, whether it would not be better to strike out the limitation, and make the bill perpetual.

Mr. FELCH. I do not see any good reason why the law should not be made perpetual. The fact is, however, that the cases are much less numerous now than they were when the act was



originally passed. I believe the adjudications, at an early day under the first act, amounted to some two or three thousand cases, which were reported to Congress. I have no objection to increasing the time to ten years, if the Senator prefers that, or even to make the law perpetual.

Mr. DOWNS. Say ten years.

Mr. FELCH. I will modify my amendment by inserting "ten years," instead of "five years."

The amendment was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. DODGE, of Iowa. I hope the bill will be postponed until to-morrow. It is one of considerable interest to the new States and Territories. I have not had an opportunity to look into it, and I am anxious to confer with a member of the House who has the subject under consideration, to know whether it will meet certain suspended entries. I move to postpone the further consideration of the bill until to-morrow.

Mr. FELCH. I would suggest to the Senator, to allow the bill to be ordered to its engrossment, and then to-morrow, when it comes up upon its passage, he can present his objections to it, if he has any.

The PRESIDENT. The bill will not be subject to amendment after it is engrossed.

The motion to postpone was agreed to.

JAMES R. CREECY.

On the motion of Mr. GWIN, the bill for the relief of Colonel James R. Creecy was read a second time and considered as in Committee of the Whole. It proposes to authorize the payment to him of the sum of \$552 50 in consideration of money expended and services rendered by him in raising a regiment for the Mexican war. The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

ELIZABETH F. THURSTON.

A message from the House of Representatives was received by Mr. HAYS, its Chief Clerk, announcing that it had passed a joint resolution for the relief of Elizabeth F. Thurston, of the Territory of Oregon.

It was read a first and second time.

Mr. DOUGLAS. I ask that the resolution be now considered. I will explain its provisions. Mr. Thurston was a Delegate from the Territory of Oregon in the last Congress. Before he started for home, he franked documents and books printed by order of Congress to himself in Oregon. On his way home he died. The postmaster in Oregon refused to deliver up the books to his widow, and this resolution is simply to authorize the postmaster to deliver them to Mrs. Thurston. I hope it will be passed immediately.

There being no objection, the Senate proceeded to consider the resolution as in Committee of the Whole. It provides that: whereas Samuel R. Thurston, deceased, late Delegate in Congress from the Territory of Oregon, did, during the period of his official term, frank to Lynn City, in that Territory, to the address of himself and wife, sundry books and documents; and whereas the acting deputy postmaster at Lynn City refused to deliver them up to Elizabeth F. Thurston, his widow, under the allegation that the same were improperly franked, and demanding the payment of postage as a condition precedent to their delivery,—the Postmaster General be directed to cause the acting deputy postmaster at Lynn City, in the Territory of Oregon, to deliver up to Elizabeth F. Thurston, widow of Samuel R. Thurston, deceased, all such books and documents so withheld, franked by, and belonging to Samuel R. Thurston, without post office or other charges thereon.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time and passed.

ISAAC COBB.

On motion by Mr. HAMLIN, the Senate proceeded, as in Committee of the Whole, to consider the bill of the House of Representatives for the relief of Isaac Cobb. It proposes to direct the Secretary of the Interior to place the name of Isaac Cobb, of Abbot, in the State of Maine, on the pension list, at the rate of \$24 per annum, commencing on the 4th of March, 1841, and to continue during his natural life.

Mr. HAMLIN. This bill has at two or three

different times passed the House of Representatives, but has never before been reached in the Senate. It has been, at this session, passed very early by the House. It allows only one fourth of a full pension, and has been recommended by the Commissioner of Pensions, and I hope there will be no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time and passed.

#### SAFETY OF PASSENGERS ON STEAMBOATS.

The Senate resumed the consideration of the bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," the question pending being upon the amendment made in Committee of the Whole to insert the following additional sections:

Sec. 42. *And be it further enacted*, That the supervising inspectors appointed under the provisions of this act, shall, within their respective districts, under the direction of the Secretary of the Treasury, take the examination, and receive the statements in writing, of persons of practical knowledge and experience in the navigation of steam-vessels, the construction and use of boilers, engines, machinery, and equipments, touching the form, material, and construction of engines and their appurtenances; the causes of the explosion of boilers, and collapse of flues, and the means of prevention of fires, and the kind and description of safety-valves, water and steam-gauges or indicators; equipments for extinguishment of fires, and for the preservation of life in case of accident, on board of such vessels, and all other means in use or proper to be adopted, for the better security of the lives of persons on board vessels propelled in whole or in part by steam; the advantages and disadvantages of the different descriptions of boilers, engines and their appurtenances, safety-valves, water and steam-gauges or indicators, equipments for the prevention or extinguishment of fires, and the preservation of life in case of accident, in use on board such vessels; whether any and what further legislation is necessary or proper for the better security of the lives of persons on board such steam-vessels; which examination and statements so taken and received shall be transmitted to the Secretary of the Treasury, at such time as he shall prescribe.

Sec. 43. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause such interrogatories to be prepared and published as in his opinion may be proper to elicit the information contemplated by the preceding section, and upon the receipt of the examination and statements taken by the inspectors, shall report the same to Congress, together with the recommendation of such further provisions as he may deem proper to be made for the better security of the lives of persons on board steam vessels.

The amendment was concurred in.

The next amendment made, as in Committee of the Whole, was to insert, as section forty-four, the following:

Sec. 44. *And be it further enacted*, That all penalties imposed by this act may be recovered in an action of debt, by any person who will sue therefor in any court of the United States.

The amendment was concurred in.

The next amendments made as in Committee of the Whole, were to insert:

Sec. 45. *And be it further enacted*, That all parts of laws heretofore made, which are superseded by or are inconsistent with this act, are hereby repealed.

Sec. 46. *And be it further enacted*, That all parts of this act shall be in force on the 1st day of November next, except the requirement to have pumps and hose to extinguish fires, and life-boats, which shall take effect on the 1st day of January next.

The amendments were concurred in.

The PRESIDENT. The twenty-eighth section was amended on a previous day, and passed over. It was now again considered. That section as amended is as follows:

"Sec. 28. *And be it further enacted*, That the collector or other chief officer of the customs, shall retain on file all original certificates of the inspectors required by this act to be delivered to him, and shall give to the master or owner of the vessel therein named, two certified copies thereof, one of which shall be placed by such master or owner in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and there kept at all times during a voyage, and while such vessel is receiving freight or passengers; the other shall be retained by such master or owner as evidence of the authority thereby conferred; and if any person shall receive or carry any passenger on board any such steamer not having a certificate of approval, as required by this act, and a certified copy thereof, placed and kept as aforesaid; or who shall receive or carry any gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluid, or materials which ignite by friction, as freight on board any steamer carrying passengers, not having a certificate authorizing the same, and a certified copy thereof placed and kept as aforesaid; or who shall stow or carry any of said articles, at a place or in a manner not authorized by such certificate, shall forfeit and pay for each offense one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction."

Mr. GEYER. At the suggestion of the Senator from Massachusetts, I propose further to amend the section by striking out the words "during

a voyage and while such vessel is receiving freight or passengers." The object of the amendment is to require the certificates to be kept up at all times after they are delivered.

The amendment was agreed to.

Mr. GEYER. I have another amendment to offer to the same section—to insert between "a" and "certificate" the words "certified copy of the;" and to strike out after the word "act" the words "and a certified copy thereof."

This section as it stands, provides that the owners shall be subjected to penalties for navigating vessels unless they keep exposed the certificate of inspection and a copy thereof. I propose to require only a certified copy.

The amendment was agreed to.

The section as it now stands is as follows:

"Sec. 28. *And be it further enacted*, That the collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required by this act to be delivered to him, and shall give to the master or owner of the vessel therein named two certified copies thereof, one of which shall be placed by such master or owner in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and there kept at all times; the other shall be retained by such master or owner as evidence of the authority thereby conferred; and if any person shall receive or carry any passenger on board any such steamer not having a certified copy of the certificate of approval, as required by this act, placed and kept as aforesaid; or who shall receive or carry any gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluid, or materials which ignite by friction, as freight on board any steamer carrying passengers, not having a certificate authorizing the same, and a certified copy thereof placed and kept as aforesaid; or who shall stow or carry any of said articles, at a place or in a manner not authorized by such certificate, shall forfeit and pay for each offense one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction."

Mr. DAVIS. On looking over the bill, I was surprised to find that there was an omission which I supposed had been supplied. The intention was that this bill should not apply to the public vessels of the United States, or to vessels coming from foreign countries. I therefore offer the following amendment as an additional section, to come in before the present section forty-one:

*And be it further enacted*, That this act shall not apply to public vessels of the United States, or vessels of other countries.

The amendment was agreed to.

Mr. DAVIS. I wish to offer an amendment to the ninth section, relative to the duties of inspectors, so as to place the construction of the bill out of doubt. It is to strike out the word "such," and insert "all;" so that it will read: "they shall also, once in every six months, inspect the boilers of all steamers," &c.

The amendment was agreed to.

Mr. DAVIS. For a like purpose, I move to insert "for one year," so as to authorize the inspectors, if satisfied that an applicant for pilot is qualified, to "give him a certificate to that effect, authorizing him to be a pilot within the limits prescribed in the certificate for one year."

The amendment was agreed to.

Mr. DAVIS. I move to amend section twenty, which provides for the compensation of the supervising inspectors, by inserting after the words "traveling expenses" the words, "and the actual reasonable expenses, both to them and to other inspectors, of transporting from place to place instruments used in inspections." The object is to cover a little expense that may be necessary in transporting from place to place the instruments used in making test trials.

The amendment was agreed to.

Mr. DAVIS. I move to amend the thirty-sixth section, by inserting the word "each" after the word "shall," so that it will read: "the inspectors in the following districts shall each be allowed," &c.

The amendment was agreed to.

Mr. HALE. The fourth section of the bill now provides—

"That every such vessel, carrying passengers, shall have at least two boats, supplied with oars, in good condition at all times for service; one of which boats shall be a metallic life-boat, fire-proof, of approved model, not less than twenty-five feet long, six feet six inches wide, and two feet deep, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons."

I move to amend this provision by striking out all after the word "service," down to and including the word "deep;" and after the word "respects" strike out "a;" and after the word persons insert "each;" so that it may read—

That every such vessel, carrying passengers, shall have

at least two boats, supplied with oars, in good condition at all times for service, and in all respects good, substantial, safe sea-boats, capable of sustaining, inside and outside, fifty persons each.

I offer this amendment to avoid what I understand to be the effect of the bill, which is to compel everybody to buy Francis's metallic life-boats. The question was suggested the other day by the honorable Senator from Pennsylvania, [Mr. BRODHEAD;] and the honorable Senator from Massachusetts, [Mr. DAVIS,] who has charge of the bill, said it was not the intention of the framers of the bill to compel the owners of steamboats to buy these particular metallic boats. It is well enough known to all of us, that when the courts come to construe this act, if it ever becomes a law, they will not ask what the honorable Senator who had charge of the bill meant, but they will ask what the bill itself means.

Now, I understand that there is but one metallic life-boat known in the country; and I understand further—and if I am in error in this, I would like to be corrected—that that metallic life-boat is a patented boat, known as "Francis's metallic life-boat;" that its model and size, as to length, and depth, and width, are just exactly and precisely, to a foot, and an inch, what is prescribed here as the necessary length, depth, and breadth which these boats are obliged to be; that is, twenty-five feet long, six feet six inches wide, and two feet deep. I do not know that the information which I have is correct, but I am told by those who pretend to know, that the description covers exactly Francis's life-boats.

If the bill is amended in the manner in which I propose, then the provision compulsory upon steamboat owners to buy Francis's metallic life-boats will be left out, and they will be left at liberty to purchase the best boats that can be bought for the purpose. I think that this, if nothing else in the bill, may be left to those inspectors who are provided for in this bill.

I am told further, by gentlemen who have some practical knowledge upon this subject, and who have not been specially consulted as to the particulars that were to be put into the bill, that the size of these boats would be very inconvenient to some steamboats in some waters that are not rivers; that is, that there are some steamboats navigating some bays and inlets of large bodies of water, which would—instead of being benefited and made more safe for the lives of passengers by having such boats—be actually incommoded, hindered, and obstructed by them. It will be seen that the bill makes no sort of provision that the life-boat shall bear any proportion to the length of the steamboat. No matter how small the steamboat is, she must have a metallic life-boat twenty-five feet long, six feet six inches wide, and two feet deep. It is that provision to which I object; and this amendment brings up the whole question, whether the Senate will compel all the steamboat proprietors in the United States to purchase Francis's metallic life-boat.

It strikes me that the bill is obnoxious and liable to this objection. Now I think, with all deference, that Senators had better advise themselves a little more as to what is a life-boat, and what constitutes a safe, manageable, and reliable life-boat, before they compel the whole country to purchase Francis's boat. If I am not misinformed, it is the opinion of some of the most practical men of the country, that this is no life-boat at all; and that without other equipments, accompaniments, or accoutrements, it is not a safe boat, and cannot be relied on. I may give as an instance, an individual whose name I suppose is known to a great many members of the Senate, who has sustained that opinion. Captain Forbes, of Massachusetts, I understand, gives that as his opinion. The amendment which I have offered raises the question, whether we shall compel persons to purchase that boat.

Mr. DAVIS. The remarks of the Senator from New Hampshire require a word or two of explanation. I think that if the gentleman had a little more faith in those who have examined the subject, and if he were a little less influenced by speculations made in the lobby, he would be more likely to arrive at correct and sound results. I take it to be a matter too clear to admit of controversy that the construction of such a life-boat as the bill refers to, and which should be, in every sense of the word, a good and sufficient life-boat,

cannot be possibly an infringement of the patent of Mr. Francis. I have had occasion to know that such is the case from various interviews with that gentleman, and also with the gentleman with whom, as I suppose from his remarks, the Senator from New Hampshire has consulted. I have had them both before me; and I know how anxious both are that Congress should adopt a provision compelling the purchase of a patented article. It has been my intention to steer clear of such a proposition, and to leave the supply of these boats open to competition. I have been assured again and again by Mr. Francis that he does not claim to be the sole patentee of the metallic life-boat, but that he claims to be merely the patentee of a peculiar kind of life-boat. I do not propose to compel any steamboat owner to purchase a boat of that structure. I have been careful in that respect, and have no doubt at all as to the construction that will be generally put upon that section of the bill. I am actuated by a principle that I avowed here on Friday; that is, that we should not introduce any clause into our legislation which would have the effect of compelling a person to purchase any article of a particular individual.

The Senator says, "How is it that I adopted just the dimensions of the life-boat registered by Mr. Francis in the Patent Office?" If the Senator is correct, and the dimensions mentioned here are similar to those in Mr. Francis's patent, it does not follow that I am indebted to him for them. I obtained them more than a year ago from a distinguished officer of the Navy, to whom I addressed a letter requesting information as to the proper dimensions. That officer, who is now in this city, and at the head of a bureau, sent the information I desired, and I adopted it at once, feeling more safety in trusting to his judgment than to my own. I think it is a material point to stipulate that the boat should not be of a less size than that mentioned in the bill, for a boat of considerable size possesses many great advantages. She is safer, and more capable of performing the service required of her, than a small boat in a rough sea; and it is well known that these small boats, on many occasions, have proved not only inefficient but dangerous. For this reason I thought it best that we should adopt such a size as was adequate in the judgment of able and experienced men.

The Senator says that in some cases—for instance in rivers—it would not be safe for steamers to carry several boats of this large size; but I think I have rendered the observation unnecessary, having provided that vessels navigating interior waters and still waters should be compelled by the inspectors to carry but one life-boat, of proper dimensions, and made of metal.

Mr. HALE. Where is that provision made?

Mr. GEYER. In the fourth section.

Mr. DAVIS. It is in these words:

"Provided, however, That ferry and tow-boats shall be exempted from the obligation to carry the life-boats herein provided for; and the inspectors are hereby authorized to grant a like dispensation to steamers of light draught, navigating small or shallow rivers, and also to allow any other steamers navigating rivers only to carry but one life-boat, the same being of suitable model and dimensions, and made of metal."

I thought that I had made all the accommodation which could be required, when I provided that the smaller class of boats should be freed from the operation of this bill, in that respect, and in the other cases referred to in the proviso, having granted the inspectors a discretionary power.

Now, on this point, Mr. President, allow me to say one word. I put it to you, and I put it to the Senate, whether suitable and adequate provisions were ever made for the preservation of life, by any measures which have hitherto been adopted? Look into the statistics which have been furnished from the Treasury Department, and see what an immense sacrifice of human life there has been in cases where steamboats have been wrecked in our rivers by snags or by rocks, or where they have been destroyed by fire. The sacrifice of life is generally enormous, and in almost all these cases, so far as I have been able to trace out the particulars of their history, that loss of life has been owing to the want of proper and suitable means to take passengers from the boats to the shore, although the wrecked or burning steamboat might be within a very short distance of the shore. It is but a short time since a boat was destroyed upon Lake Erie, and although she was so near the shore

as actually to run aground, two hundred and fifty persons perished for the want of suitable means of escaping to the shore. It has been against accidents of this sort that I have endeavored to provide in this bill. Some suitable means are necessary to take passengers to the shore, however near the boat may be, and that is all that I wish to insure by this provision. I had no idea in my mind of introducing into the bill anything that should encumber the commerce of the country, or cause any inconvenience to the provisions of commercial business. Hence, after this bill was drafted, I was induced to make some modification, and to leave it in the discretion of inspectors of boats, whether they should carry more than one life-boat upon the steamboats navigating the rivers. I have stated my reasons for requiring metallic life-boats. In the first place, they endure a much longer service; in the next place, they will never leak, if properly made; in the last place, they are incombustible in their character, and meet all those contingencies which spring up where it is necessary to escape from a burning boat. I have left the provisions of the bill so that the gunwales may be constructed with such floats as they see fit to use.

If Mr. Stanton, with his vulcanized float, as he calls it, can turn any vessel into a life-boat—as he says he can—if a metallic boat, or any other structure sustained by these floats, will, in the judgment of the inspectors, answer the purpose, they will pass them, and if not, they will not pass them. I would rather have the question settled by the inspectors, than to undertake to settle that complicated question here in the Senate.

Mr. HALE. The very object of the Senator from Massachusetts is the object at which I am aiming. I would remark, however, that I was a little surprised that he should say I had not taken pains to inform myself in regard to this matter by other means than by consulting with persons in the lobby. Sir, if the Senator from Massachusetts has not had behind and around him a whole corps of persons with whom he has been in consultation—

Mr. DAVIS. Yes, sir; but they were not patentees.

Mr. HALE. I did not say whether they were patentees or not; neither did the Senator from Massachusetts. The honorable Senator has not answered the objection which I made. He has described a metallic life-boat, so many feet long, and so many feet and inches wide, and so many feet deep. I am told, by a reference to the Patent Office, that exactly such a boat as that described in the bill—or so nearly so that it varies only one inch—is a boat which has been patented. The honorable Senator says that he did not obtain his dimensions there, but from an officer of the Navy. I have been told—and I have no doubt it is the fact—that these are the dimensions of Mr. Francis's life-boat. If it is, then you compel these gentlemen to get a metallic life-boat, answering, in every particular, to the length, width, and depth of Mr. Francis's life-boat. Well, sir, what makes it a life-boat? There is but one metallic life-boat, that I know of, and that is the one having air chambers in it. Then it seems to me that, by this section, as it now stands, you compel all owners of steamboats to purchase this very boat. I want to strike all that out, and leave it to the owners of steamboats, and others concerned, to get the best boats they can. I want to leave them at liberty in this respect. I do not want to give them Hobson's choice—take this or nothing. The honorable Senator, no doubt, got his information from somebody who is not a patentee in regard to the proper dimensions of this metallic life-boat; but notwithstanding that, it appears to me that he has got in the bill just precisely such a provision as will compel everybody concerned to purchase this boat, and no other, whether it should turn out, on investigation, to be the best boat or not; and that is a provision which I want the Senate to refuse to adhere to. Let them have two boats, the best that can be found, composed either of metal, or of any other material, as the inspectors may think best. But if we are to compel this particular patented boat to be used, then say so at once, and right out; and do not indicate it by giving the precise dimensions of this boat, as well as the material of which it is made.

But, sir, this bill appears to me to be liable to another objection. It provides that there shall be

two boats, one of them of a given size, but the other may be no larger than the hull of an acorn:

"Every vessel, carrying passengers, shall have at least two boats supplied with oars, in good condition at all times for service, one of which boats shall be a metallic life-boat, fire-proof, of approved model, not less than twenty-five feet long, six feet six inches wide, and two feet deep, and in all respects a good, substantial, safe sea-boat, capable of sustaining inside and outside fifty persons, with life-lines attached to the gunwale."

Such is the language of the bill as it now stands. Thus, while you have all the dimensions of one boat, with a variety of other particulars in regard to what it shall be, there is no description whatever of what the other boat shall be. Now, I will ask the Secretary to read from the desk the amendment as I propose it.

The amendment was read by the Secretary, as follows:

Strike out of the fourth section, lines four, five, and six, the following words:

One of which boats shall be a metallic life-boat, fire-proof, of approved model, not less than twenty-five feet long, six feet six inches wide, and two feet deep.

Mr. HALE. Now read that part of the section as it will read with the omission of these words.

That portion of the section was accordingly read, as follows:

"That every such vessel, carrying passengers, shall have at least two boats supplied with oars, in good condition at all times for service, and in all respects be good, substantial, safe sea-boats, each capable of sustaining fifty persons," &c.

Mr. HALE. Should the Senate see fit to adopt this amendment, it will throw the whole thing open; it will give the inspectors the discretion of taking what they believe to be the best boats. It may be possible to amend the bill in other respects, but in regard to these boats I propose to give the widest latitude—the world at large—to get these boats from, so that the best may be had, and not to confine the selection to this one particular boat of the dimensions prescribed in the bill. I charge upon the bill that it compels every man who owns or sails a steamboat, whether he will or not, to purchase the patented life-boat of Mr. Francis; and the Senate has already declared that it is not their intention to pass a provision having such a meaning, or that they should be compelled to purchase any patented article. But if the Senate insist upon the principle that they will compel the best article to be bought, whether it is patented or not, then I have an argument with them as to whether this boat of Mr. Francis is the best that can be got. Till that, however, is settled, I have nothing in the world to say. I think the best way would be to leave the whole subject open.

Mr. DAVIS. I think the Senator from New Hampshire does not understand the purpose aimed at in drawing this section of the bill. I suppose that every steamer which floats carries at least one boat; ordinarily, I believe, they carry two. This provision requires that they shall have two, one of which at least shall be a life-boat, and made of metal. I did not undertake to prescribe the dimensions of the other boat, for this reason: that is the boat in the ordinary use of the vessel, and those who navigate the vessel are the best judges of the dimensions and character of the boat which they wish to employ in daily service. I leave that to their judgment, for the very obvious reason that they are the best judges of what suits their convenience. A boat of the size which the Senator from New Hampshire intends to provide, competent to carry fifty persons, with life-lines attached to the gunwales, would be a very inconvenient boat for the ordinary service of a steamer, and therefore it is that I think that portion of the bill should not be changed, and that the owners or masters of vessels should be left to determine upon the size of the boat employed in ordinary service.

The Senator leaves out of sight the fact that for every addition of fifty persons, we require an additional life-boat, except upon the rivers, made to carry at least fifty persons. We, however, require but one boat to be metallic, leaving it at the option of those who furnish the boats to have them of metal or of wood, only requiring that they shall be safe boats, and capable of carrying fifty persons. This is putting to a close shift enough to sustain life, and you necessarily will put a portion of them even then into the water upon the life-lines. It was never supposed that

all could, in every case, be sustained by boats, but that the weaker, the children and the females, and those who would be incompetent to sustain themselves in the water, might take their position in the boats. The very terms in which the provision is expressed show that it will be in many cases, and in many circumstances, impossible to save life in the way that it is desirable. The provision is not large enough for it. The only cases in which the life-boat for every fifty persons is dispensed with, is upon the rivers, and where the inspectors shall be satisfied that the other provisions made by the owners are adequate and ample for the preservation of human life. The reason why I do not go on and require an additional boat for each addition of fifty persons, in boats navigating the rivers, is this: It is said that it will be an encumbrance to vessels. To vessels of a large size I am aware that it would be an encumbrance to have to carry a life-boat for each of the fifty passengers on board. I leave it, therefore, to the judgment of the inspectors who are upon the spot, and who can see what provisions are made for the preservation of life, and who understand that they are required to see that they are ample. If they are satisfied with the description of means for escape, required by this act, then we are content that they shall say that the vessel shall engage in business with other means for the preservation of the lives of passengers. But I do think the Senate should make some suitable and adequate provision for the preservation of life, the destruction of which has been enormous; and it is quite time that some provision was made for its better protection. Before the Senate strikes out the provision requiring a metallic life-boat, I hope they will consider the matter well, and not be carried away with the idea that the bill subjects the owners of boats to purchase such life-boats as are patented. I do not understand it so at all. If it was so, I should ask to have this very provision struck out. The Senator from New Hampshire says, that this provision will require the purchase of a patented boat. But what evidence does he bring that it is so? He says the dimensions of the boat as described in the bill are precisely the same as those of a particular patented boat. Suppose that is true. Does he undertake to say that any man can patent the size of a boat? No man undertakes such a thing as that. That is out of his reach. This size is taken because it is a convenient one for this particular purpose.

I should not have the least objection to varying the dimensions, provided it can be done without impairing the usefulness of the boat. Experience, I suppose, has shown that a boat of about that size, is the right kind of boat for passing through the surf and be employed in service of this description. I have also the word of Mr. Francis himself, and made complainingly, too, that the bill does not touch his patent at all. He is a very respectable man, and he was very anxious that I should embrace his patent. I have tried not to do it; and he says that the bill does not embrace it. He has a boat which is patented, made of corrugated iron, made in a particular way, by which he considers the iron is greatly strengthened. He has said to me again and again, that the privilege of making metallic life-boats is open to all the world. That is the way in which I understand it too. There is no purpose of touching the patent of any body. I meant to steer clear of the whole of that thing, and I hope the provision will be maintained.

Mr. HAMLIN. The Senator from Massachusetts [Mr. Davis] has stated some of the reasons which would induce me to go with him in opposing the amendment proposed by the Senator from New Hampshire. But there are some other reasons to which he has not alluded, and to which I will ask the attention of the Senate.

The bill has been prepared with great attention by the Senator from Massachusetts, [Mr. Davis,] and much credit is due to him for the degree of perfection which it now possesses. In my judgment there is no one provision of the bill of more importance in regard to the security of public life than that one which provides that steamboats shall be provided with fire-proof boats. If that is stricken out I know of no other provision that may not as well be erased. The Senator from New Hampshire tells us that he designs to leave the matter open; to give to parties the right of competition; or in other words, to leave it to the discre-

tion of the owners of the boat to say which is the best for the purpose. If the argument of the Senator proves anything it proves altogether too much. It simply goes to the extent that you should place no restriction upon those who undertake the business of transporting passengers from place to place, but that he should be allowed to do everything according to the best mode which his judgment may suggest. Now, it is to obviate that very thing that the provisions and penalties in this bill have been provided. It is for the purpose of compelling those persons who own boats to have them inspected by competent and disinterested persons for the purpose of making them safe for the public.

If the Senator from New Hampshire had looked into the statistics which have been collected in regard to this matter, he would have found that, in nearly one half of those instances in which boats have been destroyed by fire, the great loss of life has been caused by the want of fire-proof boats; and yet, in the face of this, he would leave it open to competition, and there might, after all, be no fire-proof boat there, as it might not be in accordance with the interests or the wishes of those who own or sail the boat. I repeat, that this is one of the most important provisions of the bill. It may not be of such vital importance to vessels on our rivers as to those upon the ocean and the lakes; but let those who have witnessed or heard of the sad calamities from fire, where no metallic life-boats have been found, answer whether or not these boats should be adopted. Sir, we all know that the cry of "fire" on board a vessel is as horrifying to all on board as is the sound of the breakers on a lee-shore to the ear of the sailor. The Senator from New Hampshire would have this provision in regard to metallic life-boats stricken out. He would have no life-boats which are patented. He would not compel those who own steamboats to purchase those life-boats which are patented! Very well, sir; neither would I. The Senator will, perhaps, allow me to ask him if, by this amendment, he does not intend so to construct the bill as to have Stanton's boat? I suppose so. I suppose that the friends of that boat have had the ear of the honorable Senator. Why did they not go to the Committee on Commerce, and ask for an investigation, instead of going about the lobbies of the Capitol in this way, for the purpose of getting this provision stricken out? I may be mistaken; but I apprehend that, if the Senator will answer me frankly, he will say, that it was his design to bring in this boat as within the class of boats to be used by the steamers.

The Senator from Massachusetts, I think, has very well answered the objection raised by the Senator from New Hampshire to this provision. I think the Senator from Massachusetts is perfectly right in the construction put by him on that portion of the bill, and that there can be no mistake about the correctness of his assertion, that it will not compel the owners of steamers to purchase Mr. Francis's patent life-boat; that boat may be as long, as wide, and as deep as the one which steamboat owners will be obliged to obtain under this law, but those are not the qualities patented by Mr. Francis. In his application for a patent, he may have described his boat as being of similar dimensions, for aught I know, but that is not the thing for which Mr. Francis claims a patent; it is for the material, and the manner in which that material, corrugated iron, is worked into the boat, that he claims the patent, so that if any other person were to construct a life-boat of plain iron—even though it were of the same dimensions with Mr. Francis's boat, yet it would not be an infraction of his patent. The air chambers, and all the other matters which render his boat peculiar, are also described in his application, and every one, on comparing it with this bill, must perceive that it is not the boat described here. They are both metallic life-boats which are spoken of, it is true, but it is incorrect to suppose that the metallic life-boat which steamboat proprietors would, in accordance with the terms of the bill, be obliged to procure, is identical with Mr. Francis's boat. In reply to the argument of the Senator from New Hampshire, in favor of leaving it to the discretion of the persons who will have to purchase, to decide what kind of life-boat they will get, whether metallic, or otherwise, it might be asked: what necessity is there for imposing any



restrictions on them at all? Why compel them, by another provision of this bill, to submit for examination by the inspectors, the iron of which the boilers are to be made? Why not leave them open to purchase the best article in the market, according to their own judgment? Why place any restrictions on the manner of constructing the boats?

There is no provision in the bill of more importance, in my opinion, than that which renders it compulsory to have a fire-proof life-boat on board steamers. That is my view of the matter; and I hope that the Senate will reject the amendment of the Senator from New Hampshire.

Mr. HALE. I rather despair of being understood by the Senate, if I have failed of being understood by so intelligent a gentleman as the chairman of the Committee on Commerce, [Mr. HAMLIN.] I will in the first place, however, answer his question. He wants to know if I have not spoken to somebody out of the Senate Chamber; and the inquiry was put with an air that seemed to imply that it was a crime, which should at least subject a man to the censure of the Senate. Now, I have seen in the newspapers accounts of persons coming here, who were interested in getting the ear of members of Congress, and giving dinners, and having hampers of champagne come by the railroad, and everything of that sort, and I have seen accounts of very sumptuous entertainments, to which members of Congress were invited by persons interested in matters before Congress, and as I have been questioned by the Senator from Maine, I will make a clean breast of it. I do not know that I ever dined with any of these gentlemen that come here for the purpose that I have suggested, and as for ever having drank with them, I never did, for I have not tasted a drop of spirits for twenty years; but I believe I did once smoke a cigar with a gentleman of that description, for I recollect that on one occasion when I had been smoking with a gentleman, he told me that he was an agent for some patentee, who had something before Congress. I admit that a gentleman has actually spoken to me—[laughter]—a gentleman has spoken to me on this matter, outside of the Senate Chamber. But gentlemen have not come to wing my seat on both sides of me for several days, while a matter has been going on; nothing of that sort.

The Senator seems to suppose that I propose to strike out the provision which requires life-boats. No such thing. The Senator asks me a question, and desires a candid answer, which I will give him. He wants to know whether, if we strike out Francis's life-boat, which is now in the bill, I have not another to offer? I will say that I do not intend to offer any. I have no other motion to make. If the Committee on Commerce will put in a provision which shall secure to the public the best safeguards which the inventions of science and the discoveries of practical men can bring to their purpose, that is all I ask, and all I want.

I have been peculiarly fortunate in my position in the Senate. I have been so well known by the outsiders that they never come to me for influence. I recollect that when I was making a speech on one occasion in the State of New Hampshire, I remarked that it was a peculiarly fortunate circumstance in my position here that no candidate for public favors or public influence ever troubled me. A man at once responded, "That is true, for I went there for an office, and I avoided you as I would the plague." Whatever else I have done, in these things gentlemen must exonerate me. I have walked as safe from all appeals for such influence as if I was all covered with a leprous disease, amongst these harpies that come here to feed and fatten upon the public Treasury. There is that advantage in being an Abolitionist or a Free-Soiler. [Laughter.] You do not have such vermin as that around you. They will keep away from you, and I will submit to any other charge under heaven but that of having anything to do with them, and whenever that charge is brought I will tell you my hands are clean. I claim no approbation for that, as though I was the most virtuous man in the world, but because none have been here to apply to me. No man having a patent and coming here for a fat job has been such a fool as to come to me; he knows better, and goes somewhere else. I claim in this matter to stand here, and to have suggested the

views which I did without any sinister influences of applications or offers. Neither myself nor any friend that I have on earth, that I know anything about, is to be benefited a thousandth part of a hair by this or any other amendment, and the only interest I have in it personally, is, that I hope some time or other to go as far South and West as I can, with safety, [laughter,] and without danger from accidents upon steamboats and from other casualties; and I want the legislation of the country, in common with all other citizens, to be such as to give equal and impartial protection to everybody.

How can gentlemen, lawyers, educated men—men who are familiar with the forms and phrases of common and of legal language, get up here and tell me, that if a man has got a patent life-boat, in which the proportions enter into the patent, and that he has described it, and then come forward and describe in their bill just exactly such a boat—just so long, just so wide, and just so deep, and a metallic life-boat, and no other metallic life-boat being in existence except that one which is patented, how can they tell me that the boat they describe is not the patented boat? I do not believe either of these gentlemen can stand up and look himself in the face in a mirror and tell himself so. [Laughter.] They would feel in a ridiculous position if they were to attempt it. It is in the bill, and I want it stricken out; and I do not wish to have anything put in except that which shall best subserve the object of this bill—the safety, and the greatest degree of safety, to everybody; and the very pertinacity with which this provision is adhered to, convinces me with tenfold force of the propriety of striking it out.

Sir, since it has been so fashionable, under such high authority, to ask gentlemen if they have not been spoken to outside of the Senate, I would like to ask those honorable gentlemen if they have not been spoken to—talked to—nothing else. Have they not been talked to outside of the Senate and inside of the Senate? Have not those gentlemen violated the very rules of the Senate, which forbid that there should be whispering and talking, and attending to other business when gentlemen are endeavoring to enlighten them? [Laughter.] But, sir, all that has been done. Now, if you are going to have a bill for the better security of life on board of steamboats, why have it; make a clean thing of it, and do not let it be a bill for the better security of life, and for other purposes, by putting into it a patented life-boat, and thereby make the owner of the boat the richest man in the United States of America. I am willing that the bill should assume any shape the Senate may deem best; but if the Senate go to putting into it a patented article, on the ground that it is the best, then I am ready to go into an argument as to which is the best article. I want, however, to strike out this provision, and thereby avoid such a discussion. All that I propose, as the Senate will see, is not to insert a single word. If the Senate will strike this out, then it would be open to amendment by inserting "the best life-boat, combining all the qualities of economy and safety that can be devised," or some such words. What is the objection to it? Why must the number of feet and inches, and the width and the depth, which are here mentioned, be adhered to? If you want to include patents, why put them in at once; but if you want to strike them out, then strike them out so that it shall be clearly seen what is the design of the Senate in this respect. If the committee think we should have metallic boats with air-chambers, let us have them; let them have the best thing that can be had. But if the committee will do a thing which they say they did not mean to do, and thus put in an article which is patented, then I may have an argument as to which is the best. I will not, however, enter into that now. I have as little interest in the matter as anybody.

Mr. DAVIS. I have only one word to say in reply, and that is, if the Senator from New Hampshire believes that we require that the life-boat should, in all cases, be of the exact dimensions described in the bill, he is mistaken. All that we require is, that the life-boat shall not be of a less size than that mentioned. The object was to insure the employment of boats of such a class as would be capable of performing the important duties contemplated. They may be as much larger than the size described as parties may

choose; in that respect, it is not my intention to impose any limits, and the bill was never so designed.

Mr. RUSK. The adoption of the amendment of the Senator from New Hampshire would deprive this bill of a large portion of its merits. I venture the assertion that an examination into statistics will show that in all the accidents which have happened to steamers near shore, by far the greater proportion of deaths has been caused by the want of means to reach shore, rather than from any other cause; yet, the Senator from New Hampshire requires us to strike out the absolute requirement which the bill imposes on the owners and navigators of steamers to provide a life-boat for the purpose of carrying off the passengers in case of fire or wreck, and he assumes that these life-boats are patented, and that the bill is intended to cover the patent. The only proof which he has brought in support of this assumption, still put forward by the Senator in spite of the thrice-reiterated declaration of the Senator from Massachusetts that the bill does not touch the patent—is the assertion that the bill describes a boat of the same size as that which Mr. Francis is said to have patented. But that argument now drops from under him, for it is evident that the bill does not require that the life-boat shall be of the exact dimensions therein set forth; as the Senator from Massachusetts has clearly shown the dimensions mentioned constitute merely the *minimum* size of the boats; and I would rather trust to the sober judgment of the Senator from Massachusetts than to the mere instinct of the Senator from New Hampshire. I hope that this provision of the bill will not be destroyed by the amendment of the honorable Senator.

The Senator from New Hampshire has chosen to make here a confession laudatory of himself, and to that there can be, of course, no objection. But the Senator has also alluded to gentlemen now in the Senate Chamber, whom we have seen here for several days past, and whom I hope we shall see, until this bill is perfected. The Senator has seen fit to cast reflections on those gentlemen; but, sir, I know them, and I tell the honorable Senator from New Hampshire, that neither he nor I need be ashamed of possessing as good a character as any one of these gentlemen. They have no patents. They have been sent here by the respectable people of the Western country, who are interested in steamboat navigation, and whose lives are constantly exposed to danger, in consequence of the want of some degree of caution; selected as intelligent men who have been engaged in steamboat navigation themselves, and thoroughly conversant with the subject, and one of whom for thirty-five years acted as commander of a steamboat, during which time, to his honor be it said, not a single accident occurred to him. His character may be taken as a standard by which to judge of the whole of these gentlemen. Sir, their character would not suffer by a comparison with that of anybody; their object in coming here is highly laudable; they come here full of experience, which they are desirous of communicating to the Legislature for the purpose of conferring a benefit on the whole community; and, allow me to say to the honorable Senator from New Hampshire, that there would have been less talk about this bill if he and I knew as much about steamboating as these gentlemen do, and if we had had as much consultation with them as the Senator from Massachusetts has had.

Mr. BRODHEAD. I made the inquiry which I suggested the other day in regard to this section without consulting any one. It seems to me, however, that the difference between the views of the Senator from New Hampshire and those of the Senator from Massachusetts can be easily adjusted. The Senator from New Hampshire thinks that a certain life-boat called Francis's life-boat would be favored if the section passes as it is now. The Senators from Massachusetts and Maine are of a different opinion. I would propose to amend the bill by adding at the end of this fourth section the following proviso:

*Provided further,* That this section shall not be so construed as to compel the purchase or use of the boat known as Francis's life boat.

With such a proviso as that I think there can be no objection to the section.

Mr. DAVIS. I have no objection to that amendment at all, provided that if instead of using

the name of Mr. Francis you should use the words "any patented life-boat."

Mr. BROADHEAD. I am quite willing to shape the proviso so as to meet the wishes of the Senator from Massachusetts. It will then read:

*And provided further,* That this section shall not be so construed as to compel the purchase of any patented life-boat.

The PRESIDING OFFICER, [Mr. NORRIS.] The question must first be taken on the amendment proposed by the Senator from New Hampshire, unless it be withdrawn.

The question was taken on the motion to strike out, and it was decided in the negative.

The question then recurred on the adoption of the proviso, and it was agreed to.

Mr. CHASE. I ask leave to introduce an amendment, to come in at the forty-ninth line of the first clause of the ninth section, after the word "accommodations." It is to insert the words "for her crew and." It will then read, "suitable accommodations for her crew and for passengers."

The object of the amendment is simply to require the inspectors—as they are required to ascertain that there are suitable accommodations for deck passengers, to ascertain also that there are suitable accommodations for the crews of boats. I have consulted with the Senator from Massachusetts, who has the charge of the bill, and he has no objection to the amendment. It seems to me to be of considerable importance to provide for this class of men, who are worthy of consideration, and who are not provided for in the bill.

The amendment was agreed to.

Mr. GEYER. When this bill was before the Senate as in Committee of the Whole, the words "or spirits" were inserted in the tenth line of the sixth section, after the word "oil," so as to make it read "oil or spirits of turpentine." I move to amend by striking out the words "or spirits."

The amendment was agreed to.

Mr. SEBASTIAN. I observe that in section eighteen, as the bill is now printed with the amendments, there are two distinct offenses created against the policy of the act; the one is the making of steamboat boilers out of other iron than that required to be stamped and inspected, and the other is for counterfeiting the stamp or marks prescribed by the Secretary of the Treasury. In the first instance the penalty is only one hundred dollars, and in the next it is five hundred dollars, and an imprisonment not exceeding two years. I move to amend the eighteenth section by striking out the word "one," and inserting "five," so as to make the penalty in the first instance equal in this respect to the penalty in the next. My object in offering the amendment is this: By the nineteenth section, the penalty is five hundred dollars, and an imprisonment not exceeding two years, for any person counterfeiting the stamp. It seems to me that the penalty attached to both of these delinquencies ought to be the same. For the making of a boiler with unstamped iron, the penalty is one hundred dollars—a penalty totally inadequate to carry out the regulations made in the bill. Sir, if there be any one provision in the bill—and I think in its details it is as comprehensive as any specimen of human legislation that I have ever heard discussed in this Hall—if there is any one provision which is of paramount importance, it is that which regulates the quality and tenacity of the iron out of which boilers are to be made, and prescribes the pressure to which it is to be subjected. Now, the penalty for the construction of a boiler out of inferior iron is only one hundred dollars, and my objection to it is, that being so low, the owner of a boat may disregard it, and construct his boiler of the cheaper iron, and then make a clear money speculation, even if subjected to the penalty. I am sure that it must be the object of the Senate, in perfecting this bill, to suppress, as much as possible, that kind of barter by which we have heretofore exchanged human life for mere money. It is a grievance of which all engaged in Western commerce have complained, that the manufacturers of boilers and engines, and the owners of steamboats, have too often sacrificed human life from motives of pecuniary advantage.

I have in my hand a statement, which I presume is reliable, which shows how little effect the penalty proposed in this section may have:

"Section sixteen provides that any person making a

boiler of uninspected iron, shall forfeit \$100! A large cylinder boiler weighs about eight thousand pounds. Cheap and inferior iron costs from one to one and a half cents per pound less than the best iron. A person, therefore, contracting to build a boiler, could, under the penalty of this law, make money by putting in the most inferior iron, and paying the fine, even supposing that he was forced to pay it in every case. In every case where he was not forced to pay it, his profit would be the additional \$100. It is manifest, therefore, that this provision as it stands, will virtually defeat the object sought to be attained, so far, at least, as the quality of the iron is concerned. The penalty certainly should be greater than that in section seventeen, for counterfeiting the stamp, and a still heavier punishment should be inflicted on all persons using boilers made of unstamped iron."

I think it is manifest that the object sought to be obtained by this bill will be lost, unless the penalty is not higher in this case. The penalty for counterfeiting a stamp is \$500, and I think should be as much. My object in making the amendment is merely to increase the penalty, and I think the Senator from Massachusetts, [Mr. DAVIS,] to whom I feel much obliged for the service he has rendered in perfecting this bill—will agree with me that the penalty is totally inadequate, inasmuch as it appears that the provision may not only be violated, and the fine incurred, and still a speculation be made. The difference in the cost of the inferior iron and that which the bill requires will more than cover the penalty. I hope the Senator from Massachusetts will agree to the amendment, as I think it is entirely reasonable.

Mr. DAVIS. The Senator has not mistaken my view of the matter at all. He has satisfied my mind that he is right, and I hope the amendment may be adopted.

The amendment was agreed to.

Mr. DE SAUSSURE. I move to amend the fortieth section of the bill, by striking out the concluding words, "according to the aggravation of the offense," in order to insert some definitive penalty. As the section stands, it reads thus:

"That any inspector who shall, upon any pretense, receive any fee or reward for services rendered under this act, except what is herein allowed to him, shall forfeit his office."

This is all right.

"—And if found guilty on indictment, be otherwise punished, according to the aggravation of the offense."

That is too indefinite. It is a wise and humane principle of legislation, that the penalty should never be left indefinite. The Constitution, it is true, prescribes that excessive fines or unusual punishments shall not be inflicted; but that is the only restriction here, upon the discretion of the court; otherwise a man might be fined \$10,000 and be imprisoned ten years under the clause. I think it will be better to adopt the course pursued in other parts of the bill; for example, in the nineteenth section it is provided, that if any person shall counterfeit the marks prescribed by the Secretary of the Treasury for inspected boiler iron, he shall be liable to a fine not exceeding \$500, and imprisonment not exceeding two years.

And again: in the twenty-ninth section the same provision, as to the punishment, is contained exactly; that is, in cases where there shall be a false certificate. So it is throughout the act.

Mr. DAVIS. The section that the Senator proposes to amend, is the only exception.

Mr. DE SAUSSURE. I think it would be better to amend it, and make the punishment definitive.

Mr. DAVIS. What amendment does the Senator propose?

Mr. DE SAUSSURE. I propose to insert, in the place of that which I move to strike out, the words "by fine or imprisonment: *Provided*, such fine shall not exceed — dollars, and such imprisonment not exceed — months."

Mr. DAVIS. I would suggest that, instead of striking out the words "according to the aggravation of the offense," to add to them the words "by fine not exceeding — dollars, and imprisonment not exceeding — months."

Mr. DE SAUSSURE. I am very willing to do that. My amendment then will be to add to the section the words "by fine not exceeding \$500, or imprisonment not exceeding six months, or both."

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment proposed, the question will be, Shall the bill be engrossed and read a third time?

Mr. MALLORY. It is with a great deal of regret that I find myself constrained to vote against

the bill. It appears to be popular in the Senate, and might claim my vote on the consideration that it is an object of national importance, that seems to have been duly considered by the committee to which it was referred. On that account I shall vote against it with a great deal of reluctance and regret. But, sir, it is not the first attempt of the kind which has been made by legislation. It is an attempt to amend the act of 1838, which had for its object the preservation of life on board of vessels propelled by steam. I think that this bill, of course, is much better than that, but still that it is not calculated to attain the great object proposed. If it were a sectional matter, if it referred only to one portion of the country and received the approbation of Senators from that portion, I should feel still greater reluctance to saying one word in opposition to it; but it is national, and applies as well to vessels navigated by steam upon the Atlantic waters and the Atlantic ocean, as upon the Western waters—as well to vessels among which explosions rarely occur, as to that class on the Western waters where they are of frequent and disastrous occurrence.

Independent of some of the minor details, which I will not detain the Senate in objecting to, the main objection I have to the bill is upon the principle of making the safety of the passengers depend immediately upon the will of the inspectors to be appointed. As the matter is adjusted now, the self-interest of steamboat owners and steamboat companies is placed between the traveling community and the disasters. The self-interest of steamboat owners prompts them to have good boats, good boilers, and good machinery, in order to establish a good reputation for their boats. The bill before us contemplates not only that no register, no license, no enrollment, shall be granted to any vessel hereafter built, but that no shipping articles, no manifests, no crew list, for any vessel engaged in the trade, coastwise or in a foreign trade, shall be given to them, or, in short, that no steam vessel shall clear out, coastwise or otherwise, from any custom-house, until the examination attempted to be provided for shall have been made and the certificate given. If it were possible that such an examination could be made by competent persons, it would be a great object to be attained; but it is upon the established fact that such an examination as is contemplated is not really provided for, and cannot be attained, that I shall vote against the bill. Here are examinations to be made by some fifteen or twenty or more inspectors, who are to be political appointees, appointed by collectors of the customs—every collector differing in his particular notions as to the qualifications necessary in an inspector—every collector regarding the machinery and the boat in a different light, and one collector regarding one system of machinery and one kind of boiler as the safest, and another collector preferring a different kind; each making the appointments in accordance with his own notions of the safety of the lives of the passengers. These collectors are not chosen with reference to such appointments. They are chosen with reference to another and different class of qualifications. The result will be that the inspectors will be the friends of the collectors; perhaps their relations; at all events their political associates, and like other appointments made, as the inspectors of the customs, &c., they will all be made no doubt on political considerations.

Then the bill contemplates that the inspectors of boilers and hulls shall go on the boats after the hulls have been laid, and the machinery put into its place, and satisfy themselves that the boilers are of the best form, and the machinery and hull best adapted for the purpose in view. If we could find any man upon earth, or any set of men, sufficiently skilled in this matter to examine the boiler after having been placed in the vessel, and tell, from an external examination, that it was the best, that it contained no flaw, no defect; and if we could attain this object, which every engineer and machinist on the face of the earth will tell you is impossible, we do not even stop there. We require them to go further, and see that the machinery hereafter to be made, boilers hereafter invented, and the various appliances to steam machinery, are to be the very best that could be adopted. They are to be satisfied, and, upon their being satisfied, is every inventor to depend for the application of his machinery. There is no appeal from the inspector's decisions. Here is a man

who builds a boat on a new and improved plan, or with a new and improved boiler; here is the competition which it is the policy of the country and of the age to encourage; but he must satisfy the political appointees—the inspectors—that his machinery, which has never before been used but by himself—a pure invention of his own, for which he alone deserves credit, of which no other man knew anything—that it is the best, or he cannot get a certificate, cannot go to sea, and his vessel is useless to him. To carry out the intention of the bill, you have got to suppose that the inspectors are the purest men; and our Government does not proceed on that ground. In the making of appointments, the Government proceeds upon the ground that human nature is corruptible, and the very highest office to the lowest has thrown around it ten thousand shields in the shape of bonds. These men are to be placed in a station holding more power over the great steaming interests of the country than any set of men have ever possessed in this country. I ask you, if it is not a power peculiarly liable to be abused? It is a matter purely discretionary. There is no responsibility for an error. If they say a certain boiler is not applicable to the machinery, a boiler that was never tested, never tried, how is their discretion to be brought to the question? They are clearly not responsible for it. Here is a position of great responsibility; a position that may be abused to a greater extent than that of any other trust I know of in this Government. The salary to be given to these men is \$1,500 a year. That will not obtain the most scientific knowledge upon the subject, and, with due deference to what was observed the other day—for there seems to be great reason in it, that this small salary will get men from the workshops, and that they are the men whom we want—I would say we do want such men; but we want men, at the same time, combining with practical knowledge a scientific education; possessed with that knowledge which the officers in the British Navy possess; men who first stood at the desk, and then practiced in the machine shops, to apply themselves to the practical knowledge of machinery.

The objection, then, that I have to the bill is, that it puts a stop at once to all competition. It proceeds upon a wrong principle. And when I make this objection, I do not wish to make a long speech upon the subject. I throw out these suggestions as the reasons which shall govern my vote, and as showing the principle which I would adopt. Senators will recollect that the rigid rules of the common law, before the laws regulating common carriers were relaxed, held the carriers responsible for the goods in their charge to the utmost extent. It was no excuse that they were set upon by robbers. They had to pay for the goods. Sir, the safety of passengers in this country is of as great importance as was the property of men in that age before these rules were relaxed. I would say, then, pursue this principle: At the time a register or enrollment is granted to steamers, demand of the owners a bond to respond in damages, and hold them accountable for all losses that may accrue from the explosion of boilers; and let them select what means they please as to the boats or machinery. Leave competition entirely open. Do not bind them to select a stop-cock, or valve, or a pump of any particular form and construction, and of such a length. Give them the widest field for competition. Let them select any machinery they please, but hold them responsible for all losses that may ensue from explosions. Why is it that explosions occur so rarely on the Atlantic waters? We scarcely ever hear of one of them. What is it, unless it be on account of the greater care exercised in the selection of officers and engineers who navigate the boats? It is well known that on the Western waters the promotion is from the fireman to the engineer, and that the engineers possess merely the practical knowledge gained as firemen. It is not so upon the Northern and upon the Atlantic waters. The engineers there are scientific men, as well as those who have practically acquired an education upon that subject. My objection, then, to the bill is, that it makes the judgment of the inspectors—the political appointees—the test of every other man's merits, and substitutes their judgment and mere discretion for the self-interest which the passengers now have between these and the owners of the boat. The whole philosophy

of the bill, in my opinion, is wrong; therefore, I shall vote against it.

Mr. DAVIS. I have but a word to say in reply to the Senator from Florida. He seems not to know that the law of discretion has been the law long enough, and that all these mischiefs have come up under it. He seems to overlook another fact. If a simple liability were sufficient, why, does he not know that that has always existed, as under the common law, for negligence and carelessness, at all times and under all circumstances? And has it proved enough? Is it adequate?

Mr. MALLORY. I will answer the Senator, by saying that he misconceives me entirely. There have been various attempts made in the States to reach this object. In the State of Alabama they have made it murder in the engineer—punishing by death for explosion, where negligence could reach him. But you can never fix negligence upon the engineer. My proposition is to make him responsible, negligence or no negligence. Not only responsible for not having exercised due diligence, but for all explosions of steam.

Mr. BORLAND. I have a few words to say in respect to this bill. I shall not go into an examination of it. I have not examined its details. I have not felt qualified to do so. I do know, however, that very serious evils exist in the steam navigation of the region of country in which I live—the great Mississippi valley. It has long been indispensable to the safety of our lives and property that those evils should be corrected. All legislation heretofore has failed to correct them. We have now before us a bill which proposes to accomplish that object. It has been before us the whole session, and has been examined and elaborated, I apprehend, more patiently, thoroughly, and faithfully than any bill ever was before in the Senate of the United States. I repeat, I have not the practical knowledge of the subject which would qualify me to examine and pass upon the details of the bill. But this I do know, that not only has it passed through careful examination and preparation at the hands of the Senators who have devoted themselves most patiently and assiduously to it, but those Senators have had, during their labors, the assistance, the suggestions, and the advice of the most respectable, intelligent, and experienced steamboat commanders and engineers which this country has produced. Some of those gentlemen are personally known to me, and have been ever since I have resided in the Western country, now sixteen years. Their characters, both as individuals and as professional men, are the very highest; and I am satisfied that no one residing in the Mississippi valley, who has resided there for the last ten or twelve years, would hesitate to take their judgment and opinions as the best authority that could be given. It has been with their advice and assistance—under their patient and careful supervision—that the Committee on Commerce have framed this bill. For myself, I rely upon those who have prepared this bill with entire confidence. If it be not perfect, and shall not answer the purpose for which it is designed, it is my opinion, that in the present state of knowledge on the subject, it is impossible to make one that will answer the purpose. That it has defects we must suppose; for all the works of human hands and human brains have defects; but I believe this—and I believe it on the faith which I have in those who have made it—to be the most perfect that ever has been made, and the most perfect that can be made at the present day.

All the gentlemen to whom I allude I consider eminently qualified to construct a bill to remedy the evils which we have suffered. They know what those evils are, and they know, if any one can know, how to cure them. Without disparagement to any of the others, I take occasion to allude particularly to one, who has been alluded to by the Senator from Texas, and who was among the very first that ever navigated a steamboat upon the Ohio and Mississippi rivers. He began there as far back as 1817—the fourth in the business—and until the last year has constantly been occupied in the business. His career has been most wonderful; it has been one which will hand down his name to the latest posterity with the highest honors; for his has been a most responsible position, involving the care of the life and property of millions; and during that time—thirty-five years—not a single accident ever happened to life or prop-

erty while under his care. Such a man is Captain Shallcross, of Louisville, Kentucky. Now, when a gentleman of that character and experience—a man respected by all who know him in the community where he lives, and along a line of fifteen hundred miles of river navigation, to which his life has been devoted uninterruptedly for thirty-five years—whose character as a man, as an engineer, and as a steamboat commander, is without spot or blemish, but is indorsed, and established, and commended to us by a career of so protracted, and of such unparalleled success, without a single failure, comes forward and tells me this is right, I should consider myself, or any man no better qualified, presuming a great deal to question his judgment of a practical question in his profession, and scarcely less than criminal to oppose obstacles in the way of what he tells me will protect the lives and property of our citizens—of the millions who travel with their families, and who transport their property by hundreds of millions on our great rivers.

For these reasons I take this bill as it is, believing it to be the best that can be made, and that it is to confer great benefits upon the country in which I reside. I, like many others, have a direct personal interest in all this. I, with my family, have to travel upon our rivers for thousands of miles. The life of myself and of my family is at stake; and I am for availing myself of all the safeguards that can be thrown around me and mine, and not only around me and mine, but around all my constituents and fellow-citizens. I therefore accept this bill not only with satisfaction, but with feelings of the highest admiration and gratitude to those who have prepared it. I did hope that it would have passed the body without a dissenting voice. I think the gratitude of the whole country is due to its authors.

Mr. DAVIS. The Senate will pardon me for saying thus publicly, in behalf of the committee, and more especially of myself, that we feel under the greatest obligation to all the gentlemen, both captains of boats and engineers, who have rendered their services here in obedience to instructions from their fellow-citizens, and who have rendered the greatest possible aid to us in the preparation of the bill.

The question was taken, and the bill was ordered to be engrossed for a third reading.

#### SALES OF RESERVED LANDS.

On the motion of Mr. FELCH, the Senate proceeded, as in Committee of the Whole, to consider the bill "to authorize the sale of reserved lands, and for other purposes."

It proposes to enact that in all cases where lands have been or may hereafter be reserved for military, naval, or other purposes, and when the Secretary of the proper Department shall certify that such lands are no longer required by the Government for public purposes, the President of the United States may cause the same to be sold under the laws which may be in force at the time for the disposal of public lands, or under such special regulations as he may prescribe: *Provided, however,* That no preemption right shall attach to any such lands. The second section provides that where improvements have been or may be made on any lands, by societies or individuals, under the authority of the Government, such societies or individuals shall be entitled to a preemption to the tracts of land so improved by them, at the then minimum price, not exceeding in extent the quantity of a quarter section: *Provided, however,* That when two or more such societies or individuals may have improved the same tract of land, and it cannot be divided so as to secure to them their respective improvements, they shall be permitted to enter the same, each in proportion to the extent and value of his improvement, and the patent shall issue for the whole tract, describing the interest of each therein.

Mr. FELCH. The object of this bill is to cause the sales of reserved lands, when the reservation shall be removed, to be made in the same manner as sales of other public lands of the United States are now made, under the direction of the Secretary of the Interior. At the present time lands which are reserved for military purposes are subject to sale only by the Secretary of War—those reserved for naval purposes only by the Secretary of the Navy. This occasions a very great inconvenience, and both Departments have joined



in a letter to the Commissioner of Public Lands, recommending that wherever the reservation is removed the lands shall be administered under such officers as now have charge of the general public domain. That is the general object of the bill. There is a proviso in the first section that no preemption right shall attach to any of the said lands. I move to amend the proviso by adding to it the following:

In virtue of any settlements made prior to the time of the offering at public sale of the same under this act.

The object is to embrace these reservations within the same rules as the present public domain.

The amendment was agreed to.

Mr. FELCH. The second section of the bill is designed to provide a preemption right to some missionary societies—I think there are now five of them—established under the direction and authority of the United States Government, with their buildings upon the land. This is merely to give them a preemption right to one hundred and sixty acres of land in such cases. But lest the section, as it now stands, should be misconstrued, and be applied to other purposes and other interests, I wish to amend it so as to make it more definite. I therefore move to strike out the words "societies or individuals," where they first occur, and insert the words "religious or missionary societies, or their agents." To correspond with that, I move to insert, instead of the word "individuals," where the phrase "societies or individuals" next occurs, the words, "their agents in their behalf, and for their use;" and where the word "individuals" next occurs in the phrase, to strike it out and insert "their agents."

The amendments were agreed to, the bill was reported to the Senate as amended, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

EMILY H. PLUMMER.

Mr. BROADHEAD. I would be pleased if the Senate would take up the bill for the relief of Emily H. Plummer, reported by the Committee on Pensions. I move to postpone the previous orders, and take it up.

The motion was agreed to. The bill was accordingly read a second time, and considered as in Committee of the Whole.

It proposes to require the Secretary of the Interior to place the name of Emily H. Plummer, widow of the late Captain Samuel M. Plummer, of the United States Army, upon the pension roll, and pay her for five years a pension amounting to half the pay per month to which her husband was entitled at the time of his death—the pension to commence from March 9th, 1852.

Mr. BROADHEAD. Since this bill was reported, the lady for whose benefit it is intended died, leaving two children—one four and the other five years old. I therefore propose to amend the bill by striking out "Emily H. Plummer, widow," and inserting "Joseph Morton Plummer and Mary Reynolds Plummer, minor children"—striking out "her" and inserting "them"—striking out "her husband" and inserting "their father."

The amendments were agreed to.

The bill was referred to the Senate as amended, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading. And then, on motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

Monday, July 12, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. Butler.

The Journal of Saturday was read and approved.

The SPEAKER stated as the business before the House, the consideration of bill No. 144, to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," and that the pending question was on the motion to recommit the bill.

## IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. St. MARTIN. I ask the unanimous consent of the House that a bill from the Senate, now upon the Speaker's table, in relation to the deepening of the passage of the Mississippi river, may be taken up.

Mr. OLDS. Will the time consumed on that bill come out of the morning hour?

The SPEAKER. Does the gentleman from Louisiana propose that it shall come out of the morning hour?

Mr. St. MARTIN. No. I ask that the bill may be considered before proceeding to the execution of the order in relation to the morning hour.

Mr. HOUSTON. If the time is to come out of the regular business part of the day, I must object. If it is to come out of the morning hour, I have no objection.

Mr. OLDS. If it is to come out of the morning hour, I must object.

Mr. JOHNSON, of Arkansas. I hope there will be no objection to accommodating a gentleman who has consumed so little of the time of the House in any way.

Mr. JOHNSON, of Georgia. Is the object of the gentleman from Louisiana to have the bill referred or to put it upon its passage?

Mr. St. MARTIN. I wish to have it acted on now.

Mr. JOHNSON. Then I object.

## WASHINGTON CITY GUARDS.

Mr. GENTRY. I ask the unanimous consent of the House to present a resolution which will occupy but two minutes, and to which I am sure there can be no objection from any part of the House. I am informed by our pages, that some of them, and other youths of this city, have formed a juvenile military company. They have applied to the Secretary of War for arms, but he informs them that he has no legal authority to give them any. I ask the unanimous consent of the House to offer the following resolution, granting him that authority:

*Resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of War be, and he is hereby, authorized to loan to the Washington City Guards such small arms as he may consider suitable for a juvenile company.*

Mr. STANLY. If the gentleman will put in their hands a spelling-book and a prayer-book, I have no objection, but I object to the arms.

Mr. GENTRY. I move to suspend the rules.

The SPEAKER. That is not in order during the morning hour.

Mr. HOUSTON. Then I call for the regular order of business.

## NEWSPAPER POSTAGE RATES.

The SPEAKER. The pending question is on recommending the bill in regard to the postage on newspapers.

Mr. OLDS. I desire to repeat a notice which I gave to the House a day or two since, that the Post Office Committee is now preparing the post route bill. It is nearly finished, and I propose to report it very soon. I trust that members will visit the committee room and see that their routes are correctly inserted, as there is sometimes a difficulty in understanding names.

I now withdraw the motion to recommit the bill, and I wish to say to the gentleman from Maine, [Mr. WASHBURN,] that if he will change his amendment which he offered on Saturday last, so as to confine it to the circulation of newspapers within the States, I have no objection to it.

Mr. WASHBURN. I indicated on Saturday that I should offer an amendment of that kind, for I understand perfectly well, that if there is not an amendment of that character, it will operate injuriously on the revenues of the Department. I now withdraw the amendment which I proposed on Saturday, and offer the following, to come in the first section of the bill as amended, after the words "with one half of the foregoing rates"—

*Provided, That all newspapers and periodicals not weighing over two ounces, when sent to actual subscribers within the States where such newspapers and periodicals are published, shall be entitled to the reduction provided for in this section.*

Mr. CARTTER. From very brief reflection upon the subject, I am opposed to the distinction made upon State lines, and also to the distinction made in the weight of newspapers. The distinction made in the weight of the papers appears to me to be a distinction against the good quality of the material upon which the matter is printed, and against the good quality of the matter itself. Again, I do not understand the economy of patronizing the interior, if this relates to city papers, with poverty of literature, or poverty in the art through which it is conveyed. It appears to me, that if a distinction is to be made at all, that distinction ought to be a patronage of the best quality of papers. I

understand that the large weeklies of the East cannot reach the constituencies of the West under the provisions of this bill, except by the imposition of a higher tax. I do not know whether I am right or wrong in this, but I suppose it to be the case. Sir, what is the reason assigned for the introduction of this distinction? It is that the patronage of this description of matter, by a uniform postage running from one State into another, is prejudicial to the local circulation of the country press at home. Well, sir, if this argument be true, you have the full force of it in its very worst aspect by providing for an inferior character of paper.

Now, sir, I had the honor of introducing the amendment by which the country sheet is now circulated free of postage, within the county in which it is published. That was thought, at that time, necessary, in order to keep the country press alive. But I am not to be told that you will do that by rejecting the papers of good quality, as it is proposed to reject it here. If you propose to transmit to the country intelligence from abroad, give us intelligence worthy of transmission, and give us those sheets that recommend, by their example, emulation in the country press. There is another thing in reference to this matter, which, it seems to me, is wrong. The great reason lying at the basis of the postal reformation of the last Congress was, the dissemination of cheap intelligence throughout the United States. I resisted that reformation at the time, because I believed it would produce in the Post Office Department, the very difficulties that experience has proved. But you have got that reformation entailed upon you for weal or for woe, and let us not make it worse by an attempt here to discriminate against the good papers.

I am opposed to the amendment of the gentleman from Maine. The great end in view, in this postal reformation, was uniformity and simplicity—uniformity in the charges upon distance—and this amendment proposes to reëact the very distinction that was sought to be removed by the reformation of the last Congress. I have not given a great deal of deliberation to this subject, but from what little examination I have given to it, I am opposed to any distinction that will bear heavily upon the well-recommended papers. If I understand this amendment, it takes a distinction between sheets weighing one ounce and sheets weighing two ounces, outside the borders of a State, without taking a distinction of the same kind within the borders of the State. Now there may be very good reasons for that, but I confess I cannot perceive them.

Mr. COBB. We have been engaged upon this bill for three days and have made no progress in it, and I think the House is ready to take a vote on it.

Mr. CABLE, of Ohio. I hope the gentleman will allow me to offer an amendment to the second section.

Mr. COBB. Very well.

The SPEAKER. Such an amendment would not now be in order.

Mr. CABLE, of Ohio. I ask the unanimous consent of the House to allow me to propose an amendment to be acted upon when we reach the second section of the bill.

There was no objection, and the amendment was presented, as follows:

*Add at the end of the second section the words, "without reference to the location of the office of delivery."*

Mr. COBB. My object is to call the previous question, if there are no further amendments to be offered.

Mr. BROOKS. If the previous question is to be called, I want to offer two or three amendments before we come to voting upon this subject, in order that they may be voted upon.

Mr. COBB. I withdraw my call, in favor of the gentleman from New York, [Mr. Brooks.]

Mr. BROOKS. I wish to propose amendments in the seventh and eleventh lines—in the seventh line, by striking out the word "newspaper," and in the eleventh line, after the words "two and a half ounces," insert "each newspaper of no greater weight than two and a half ounces." I am obliged to submit the amendments in that form, in order to get them voted upon in order.

The SPEAKER. The proposition to amend is not now in order.

Mr. BROOKS. Then I give notice of inten-

tion to offer the amendments, if the previous question is to be pressed.

Mr. DISNEY. Will the gentleman from Alabama [Mr. COBB] allow me a word?

Mr. COBB. I yield for the purpose of admitting all amendments.

Mr. BROOKS. I have the floor, I believe, for the purpose of submitting my amendments. Another amendment I propose to submit to that section is, to strike out the last paragraph, which reads as follows:

"The postage upon all printed mailable matter shall be prepaid, either at the office where it is mailed, or at the office of delivery, otherwise double the foregoing rates shall be charged thereon; all transient printed matter shall be deemed unpaid, unless paid at the office where it is mailed."

If these amendments prevail, or do not prevail, I purpose to submit a substitute for the entire section.

The SPEAKER. Notice only of these amendments can now be in order.

Mr. DISNEY. I desire to notify the House, in the same manner, that I want to offer an amendment to the bill. It is a provision requiring that in all cases of the publication of uncalled-for letters in the German language, it shall be the duty of the Postmaster General to cause such publication to be made in the German newspaper having the largest circulation in that vicinity, and in all respects to be governed by the law in relation to the publication of uncalled-for letters in the English language.

Mr. COBB. I now call for the previous question.

Mr. WASHBURN. Will the gentleman yield a moment to me?

Mr. COBB. To make a speech?

Mr. WASHBURN. No, sir, only a remark, and I will renew the call for the previous question.

Mr. COBB. I yield.

Mr. WASHBURN. I think the gentleman from Ohio [Mr. CARTTER] misapprehends the operation of the amendment which I proposed. The bill, as it originally stood, provides that all papers weighing not over two ounces shall be sent any distance short of three thousand miles at a postage of one cent. Then there was a provision that papers weighing not over an ounce should be sent for one half that sum. The consequence was to bring about the very evils which the gentleman complained of—that it is a discrimination against good papers, and in favor of the poorer papers published in the cities, because the papers weighing not over an ounce, published in New York, could be sent three thousand miles at a postage of half a cent, when a local paper (as most of our local papers weigh an ounce and a quarter) cannot go forty miles without paying the postage of one cent, or twice the amount that is paid upon the paper sent from New York to St. Louis. It was in order to discriminate in favor of good papers, and to afford protection to the country papers, and enable them to support themselves, and stand up against the most indifferent issues of the city press, that I proposed the amendment I have offered.

I renew the call for the previous question.

Mr. HENN. I hope the gentleman will withdraw the call for the previous question, that I may offer an amendment to the second section.

The SPEAKER. I must give notice to gentlemen offering amendments, that if the previous question is seconded and the main question ordered, it will cut off the propositions made by them, there being an amendment now pending.

Mr. OLDS. By unanimous consent of the House, cannot the amendments be admitted, that a vote may be taken upon them?

Mr. JONES, of Tennessee. I object to that.

Mr. BROOKS. I wish to make an inquiry. Did I understand the Chair to say that the previous question cuts off all the amendments submitted?

The SPEAKER. All of which notice only has been given, as a matter of course.

Mr. BROOKS. I hope the previous question will not be seconded.

Mr. JONES. It only cuts off those amendments which gentlemen gave notice they would offer.

The SPEAKER. It does not cut off pending amendments.

Mr. BROOKS. How many amendments are pending?

The SPEAKER. The pending amendment is the one offered by the gentleman from Maine, [Mr. WASHBURN.]

Mr. BROOKS. But does it cut off the other amendments of which notice has been given?

Mr. JONES. Certainly.

The SPEAKER. If the gentleman makes a proposition to amend, by way of a substitute, it is perhaps in order.

Mr. BROOKS. I offer the amendment I have sent to the table as a substitute for the second section, and I understand the Chair to decide that that amendment, by way of a substitute, will be in order to be voted upon.

The SPEAKER. It will be.

The question then being, "Shall the previous question receive a second?"

Mr. COBB demanded tellers; which were ordered; and Messrs. HENN and CHANDLER were appointed.

The House was then divided on the question, and the tellers reported—ayes 80, noes not counted.

So the previous question was seconded; and the main question was then ordered to be put.

The SPEAKER. The first question is upon the amendment proposed by the gentleman from Maine, [Mr. WASHBURN,] to insert after the word "rates," in the first section, what will be again reported by the Clerk.

The amendment was again read, as follows:

*Provided*, That all newspapers and periodicals, not weighing over two ounces, when sent to actual subscribers within the State where such papers and periodicals are published, shall be entitled to the reduction provided for in this section.

Mr. WASHBURN. I demand tellers upon the question.

Tellers were ordered; and Messrs. STANTON, of Tennessee, and FOWLER appointed.

The question was then taken, and the tellers reported—ayes 90, noes not counted.

So the amendment was agreed to.

The SPEAKER. The question is now upon the amendment offered by the gentleman from New York, [Mr. BROOKS,] by way of substitute for the second section. It will be read.

The proposed amendment was read, as follows:

Strike out the first section of the bill as amended, and insert the following in lieu thereof:

That from and after the 30th day of September, 1852, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, pamphlet, periodical, magazine, book, bound or unbound, circular, catalogue, and every other description of printed matter, unconnected with any manuscript or writing, and of no greater weight than two and a half ounces, shall be charged one half cent postage, and one half cent for each additional ounce, or fraction of an ounce, for any distance under one thousand miles, and for any distance over one thousand miles double those rates. All newspapers published regularly, and sent from the office of publication to actual subscribers, not weighing over one ounce, shall be charged one half of the foregoing rates, when sent over one thousand miles.

Mr. WASHBURN. I would move an amendment to that substitute, if it be in order—the same as I offered to the original section.

The SPEAKER. No amendment is in order, as the previous question has been called for, and seconded.

Mr. FOWLER. I am persuaded the amendment is not understood. If it will be in order, I will ask that it be again read.

The amendment was again read, as above inserted.

Mr. BROOKS. It is simply a substitute to the first section, and leaves the others as they were.

The question was then taken on the substitute submitted by Mr. Brooks, and it was not agreed to, the tellers having reported—ayes 38, noes not counted.

Mr. SKELTON. I move a reconsideration of the vote by which the substitute of the gentleman from New York has been rejected, and upon that motion will submit a few remarks.

The SPEAKER. Debate is out of order, the previous question still operating.

Mr. SKELTON. I then withdraw the motion.

Mr. SACKETT. Is a substitute to the first section now in order?

The SPEAKER. No amendment is now in order except those pending, the main question having been ordered to be put.

The second section of the bill was then read, as follows:

"Sec. 2. *And be it further enacted*, That books, bound or unbound, not weighing over four pounds, shall be deemed

mailable matter, and all printed matter chargeable by weight shall be weighed when dry. The publishers of newspapers and periodicals may send to each other from their respective offices of publication, free of postage, one copy of each publication; and may also send to each actual subscriber, inclosed in their publications, bills and receipts for the same, free of postage. The publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published, one copy thereof free of postage."

Mr. HENN moved to amend the above section, by adding the following, viz:

The presidents of universities, colleges, academies, and of all scientific institutions, and also the Smithsonian Institution, may send by mail, free of postage, the printed copies of any regular paper, pamphlet, or book published under the authority of any such institution; and also the proof sheets of such copies while the same are being published: *Provided*, Such printed copies shall be distributed gratis.

The question was then taken on the amendment, and it was rejected.

The SPEAKER stated the question to be next on the following amendment, by way of addition to the second section:

"Without reference to the location of the post office of delivery."

Mr. OLDS. That amendment is already provided for in the bill.

The question was then taken on the amendment, and it was rejected.

The question was then taken on the amendment of the Committee on the Post Office and Post Roads, to strike out the following section, and it was agreed to:

"Sec. 3. *And be it further enacted*, That all laws or parts of laws incompatible with the provisions of this act are hereby repealed."

Mr. HENN. Was not the other amendments I sent up to the Chair in order previous to the ordering of the main question to be put?

The SPEAKER. Notice was only given of intention to offer the amendment. Objection was made to have it considered, and such is the fate of several other amendments proposed to be offered by gentlemen this morning.

The SPEAKER stated the question next to be upon the following amendment of the Committee on the Post Office and Post Roads, which was taken and agreed to, viz:

10th amendment: Add the following additional sections:

Sec. 3. *And be it further enacted*, That no newspaper, periodical, magazine, or other printed paper, or matter, shall be entitled to be sent at the rates of postage in this act specified, unless the following conditions be observed:

*First*. It shall be sent without any cover or wrapper, or in a cover or wrapper open at the ends or sides, so that the character of the matter contained therein may be determined without removing such wrapper.

*Second*. There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing or marks upon it, nor upon the cover or wrapper thereof, except the name and address of the person to whom it is to be sent.

*Third*. There shall be no paper or other thing inclosed in or with such printed matter; and if these conditions are not complied with, such printed matter shall be subject to letter postage; and all matter sent by mail from one part of the United States to another, the postage of which is not fixed by the provisions of this act, shall, unless the same be entitled to be sent free of postage, be charged with letter postage.

Sec. 4. *And be it further enacted*, That if the publisher of any periodical, after being three months previously notified that his publication is not taken out of the office to which it is sent for delivery, continue to forward such publication in the mail, the postmaster to whose office such publication is sent may dispose of the same for the postage, unless the publishers shall pay it; and whenever any printed matter of any description, received during one quarter of the fiscal year, shall have remained in the office without being called for during the whole of any succeeding quarter, the postmaster at such office shall sell the same and credit the proceeds of such sale in his quarterly accounts, under such regulations and after such notice as the Post Office Department shall prescribe.

Sec. 5. *And be it further enacted*, That so much of the second section of the act entitled "An act to modify and reduce the rates of postage in the United States, and for other purposes," approved March 3d, 1851, as relates to the postage or free circulation or transmission of newspapers, periodicals, and other printed matter, and all other provisions of law inconsistent with the provisions of this act are hereby repealed.

The question was stated to be next on the following amendment, submitted by Mr. DISNEY, to be added at the end of the bill:

*And be it further enacted*, in all cases of publication of the uncalled-for German letters, it shall be the duty of the Postmaster General to cause such publication to be made in the German newspaper having the largest circulation in the vicinity, such publication to be governed in every respect by the provisions of the law in relation to the publication of uncalled-for letters in the English language.

Mr. BELL. I wish to make an inquiry of the chairman of the committee which reported this bill.

# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d Congress, 1st Session.

WEDNESDAY, JULY 14, 1852.

NEW SERIES.....No. 110.

The **SPEAKER**. Only by the consent of the House can the inquiry be made.

There was no objection.

Mr. **BELL**. I wish to inquire whether the construction of that section would not require all German letters to be published in some German newspaper?

Mr. **OLDS**. This is not an amendment reported by the committee at all, but by my colleague, [Mr. **DISNEY**.]

Mr. **DISNEY**. The amendment only affirms what I believe now to be the existing law. It is for the publication of uncalled for German letters in the German paper having the largest circulation near the post office in which the letters are.

Mr. **BELL**. Suppose there is no German newspaper printed in the county where there are German letters in the post office?

Mr. **DISNEY**. By existing law, the Postmaster General has the discretion to determine whether the publication of them shall or shall not be. The amendment provides that in the publication of uncalled for German letters, he shall be governed by the provisions of the general law in relation to the publication of uncalled for letters in the English language. I repeat, I have no doubt such a provision is in the existing law as would authorize what I now hope by my amendment to accomplish, but the Postmaster General in his wisdom thinks differently.

Mr. **PHELPS**. Will it be in order to call for the reading of the existing law upon the subject. [Cries of "Order!" "Order!"]

The question was put on the amendment, and upon a division there were—ayes 40—

Mr. **DISNEY** demanded the yeas and nays; which were ordered.

Mr. **CLINGMAN**. Believing this bill will make the existing law worse, I move to lay it upon the table, and I trust my motion may be agreed to.

Mr. **OLDS** demanded the yeas and nays; which were ordered.

The bill, as amended, reads as follows:

Be it enacted, &c., That from and after the thirtieth day of June, eighteen hundred and fifty-two, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, pamphlet, periodical, magazine, book, bound or unbound, circular, catalogue, and every other description of printed matter unconnected with any manuscript or writing, and of no greater weight than two ounces, shall be charged with one cent postage, and one cent for each additional ounce, or fraction of an ounce, for any distance under three thousand miles; and for any distance over three thousand miles, double those rates: *Provided*, That all newspapers and periodicals not weighing over two ounces when sent to actual subscribers within the State where such papers and periodicals are published, shall be entitled to the reduction provided in this section. All newspapers and periodicals not weighing over one ounce, published regularly as often as once in three months, and sent from the office of publication to actual subscribers, shall be chargeable with only one half the foregoing rates. The postage upon all printed matter shall be prepaid at the office where it is mailed, or paid quarterly in advance at the office of delivery; otherwise double the foregoing rates shall be charged thereon.

Sec. 2. *And be it further enacted*, That books, bound or unbound, not weighing over four pounds, shall be deemed mailable matter, and all printed matter chargeable by weight shall be weighed when dry. The publishers of newspapers and periodicals may send to each other, from their respective offices of publication, free of postage, one copy of each publication; and may also send to each actual subscriber, inclosed in their publications, bills and receipts for the same, free of postage. The publishers of weekly newspapers may send to each actual subscriber within the county where the papers are printed and published, one copy thereof free of postage.

Sec. 3. *And be it further enacted*, That no newspaper, periodical, magazine, or other printed paper, or matter, shall be entitled to be sent at the rates of postage in this act specified, unless the following conditions be observed:

First, It shall be sent without any cover or wrapper, or in a cover or wrapper open at the ends or sides, so that the character of the matter contained therein may be determined without removing such wrapper.

Second, There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing or marks upon it, nor upon the cover or wrapper thereof, except the name and address of the person to whom it is to be sent.

Third, There shall be no paper or other thing inclosed in or with such printed paper; and if these conditions are not complied with, such printed matter shall be subject to letter postage; and all matter sent by mail from one part of the United States to another, the postage of which is not fixed

by the provisions of this act, shall, unless the same be entitled to be sent free of postage, be charged with letter postage.

Sec. 4. *And be it further enacted*, That if the publisher of any periodical, after being three months previously notified that his publication is not taken out of the office to which it is sent for delivery, continue to forward such publication in the mail, the postmaster to whose office such publication is sent may dispose of the same for the postage, unless the publisher shall pay it; and whenever any printed matter of any description, received during one quarter of the fiscal year, shall have remained in the office without being called for during the whole of any succeeding quarter, the postmaster at such office shall sell the same and credit the proceeds of such sale in his quarterly accounts, under such regulations and after such notice as the Post Office Department shall prescribe.

Sec. 5. *And be it further enacted*, That so much of the second section of the act entitled "An act to modify and regulate the rates of postage in the United States and for other purposes," approved March 3d, 1851, as relates to the postage or free circulation, or transmission of newspapers, periodicals, and other printed matter, and all other provisions of law inconsistent with the provisions of this act are hereby repealed.

The question was then taken on the motion to lay upon the table, and it was disagreed to—yeas 23, nays 148; as follows:

YEAS—Messrs. Abercrombie, Charles Allen, Ashe, Thomas H. Bayly, Bowne, John H. Boyd, Briggs, Brooks, George H. Brown, Burrows, Chandler, Clingman, Haws, James Johnson, George W. Jones, Henry D. Moore, John Moore, Morehead, Schermerhorn, Alexander R. Stephens, Sutherland, Wallace, and Williams—23.

NAYS—Messrs. Allison, William Appleton, Averett, David J. Bailey, Barrere, Beale, Bell, Bingham, Bissell, Bockock, Brenton, Albert G. Brown, Duell, Burt, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chapman, Chastain, Cobb, Conger, Cullum, Curtis, George T. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Duncan, Dunham, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Florence, Fowler, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Giddings, Gilmore, Goodenow, Gorman, Green, Grow, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haven, Hendricks, Henn, Hubbard, Holladay, Horstford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, Jenkins, A. Johnson, John Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Landry, Lecher, Mace, Mann, Edward C. Marshall, Martin, McCorkle, McLanahan, McMullin, McQueen, Milson, Molony, Morrison, Murray, Nabers, Newton, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Porter, Powell, Price, Rantoul, Reed, Richardson, Riddle, Robbins, Robt. Robinson, Russell, Sackett, Schoolcraft, Scurry, Davis L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, St. Martin, Stuart, Sweetser, Taylor, Thurston, Townshend, Venable, Walbridge, Ward, Washburn, Watkins, Welch, Wilcox, Woodward, and Yates—148.

Mr. **HOUSTON**. Has not the morning hour expired?

The **SPEAKER**. It has.

Mr. **HOUSTON**. I then move the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. **GENTRY**. I will ask the gentleman from Alabama to withdraw his motion for a moment, that I may introduce the resolution to which I have alluded this morning. Its consideration will not occupy five minutes.

Mr. **HOUSTON**. I cannot.

Mr. **STANTON**, of Tennessee. If the gentleman will not withdraw his motion for my colleague's resolution, probably he will for the one I hold in my hand.

Mr. **HOUSTON**. If I withdraw for one, I shall have to for the introduction of resolutions by gentlemen all around me. Members in all parts of the Hall are pressing me to go on with the public business. [Cries of "Hold on to your motion!" "Hold on to your motion!"] The deficiency bill should be now passed into law, if it is to be at all.

PRINTING.

Mr. **GORMAN**. I think it is in order for the Committee on Printing to report at any time. I now ask to make a report from that Committee, and to move that it be made the special order for Thursday next, and ordered to be printed.

Mr. **HOUSTON**. I suppose the motion I have submitted, being also a privileged motion, should be first put.

Mr. **GORMAN**. Gentlemen can have no ob-

jection to my making a report, and moving it be a special order for some future day.

Mr. **HOUSTON**. I object to any special order being made, unless the appropriation bills can also be made special orders.

Mr. **GORMAN**. I will make this remark with the leave of the Chair. It seems to me if the rule with regard to reports from the Committee on Printing means anything, it means I can make a report at any time. The privileged motion of the gentleman, it occurs to me, only takes precedence in contradistinction to ordinary motions. His motion will be pending, and come up immediately after my report has been submitted.

The **SPEAKER**. The gentleman from Indiana will recollect that the language employed is the same in both cases. It is always in order to go into Committee; and it is always in order for the Committee on Printing to report. The proposition was first made to suspend the rules, which is a privileged motion, and in the opinion of the Chair, must be first put. The question will be first taken on the motion to go into Committee of the Whole on the state of the Union.

Mr. **STANLY**. Is it in order to move a suspension of the rules for any other purpose than to go into Committee of the Whole?

The **SPEAKER**. It is not.

Mr. **STANLY**. I would suggest to the chairman of the Committee on Ways and Means to move to suspend the rule allowing five minutes debate on the balance of the deficiency bill. Unless he does the discussion will continue two weeks longer.

Mr. **HOUSTON**. It is very evident from the contest on both sides, that it will be useless to make the effort. It is tolerably close between the parties. Several on this side of the House state they will labor to get a vote to-day, which I hope we may.

[Cries of "That's right!" "That's right!"]

The question was then taken on the motion of the gentleman from Alabama, [Mr. **HOUSTON**.] and it was agreed to.

DEFICIENCY BILL—COLLINS LINE.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. **STUART** in the chair.)

The **CHAIRMAN**. The question before the committee is the Senate amendment to House bill No. 207. The pending question is on concurring with the first subdivision of the Senate amendment in reference to the appropriation for the Collins line, as follows:

"For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the 15th of November last to the Secretary of the Navy, commencing said increased service on the first of January, 1852, at the rate of \$33,000 per trip, in lieu of the present allowance, the sum of \$235,500."

Mr. **SEYMOUR**, of New York. I desire an opportunity may be afforded to the honorable gentleman from Virginia [Mr. **MEADE**.] to correct a statistical statement he made the other day with reference to this subject.

Mr. **HOUSTON**. I call the gentleman to order. I intend to aid in enforcing the rules of the House. Mr. **MEADE**. I ask, before any vote be taken, unanimous consent of the House to make a personal explanation which will take about three minutes.

[Cries of "Go on!" "Go on!"]

Mr. **MEADE**. I stated in my speech on Saturday, that the receipts of the Collins line for the last two years were about \$2,900,000, and I quoted the report of the committee of the Senate, made by Mr. **Rusk**, which had been laid upon our tables by the friends of that line, and of course I thought it was correct, or they would not have submitted it to us. It is true I had in my possession means by which the error I fell into might have been detected, but not suspecting, I did not advert to the documents which I had. Since my remarks on Saturday were made, Mr. **Rusk**, the



chairman of that committee, has had his attention called to the fact, and has addressed me a letter, in which he refers me to the error which the report contains. The error is this, that he has included in the receipts of that company, in the last two years, mail pay, \$770,000 twice, making it thus upwards of \$1,500,000 paid to that company instead of the \$770,000. I based my remarks upon the amount of receipts as stated by the report of the Senate committee. Hence I am not responsible for the error into which I fell, and the deduction which I drew from the report, admitting that it was true, was perfectly legitimate. I ask that the letter addressed to me by Mr. Rusk may be read by the Clerk.

Mr. STEPHENS, of Georgia. I object to the reading of the letter.

Mr. MEADE. I will read the letter myself then:

WASHINGTON, July 11, 1852.

DEAR SIR: I have understood that in a speech made by you yesterday, in the House of Representatives, to prove that the Collins line were making, instead of losing money, you quoted the following passage from a report recently made by me to the Senate:

"These ships cost, when ready for sea, in cash, \$2,944,142 76, or an average of \$736,035 67 each.

"They have made forty-one voyages between New York and Liverpool, at an average expense of \$65,212 64 per voyage, making, in all, the sum of \$2,673,841 24, which, when added to the cost of the ships, say \$2,944,142 76, makes the entire amount of money expended, \$5,617,984.

"On the other hand, the average receipts of the company, per voyage, have been, as stated, \$48,286 85, or, in all, \$1,979,760 85; amount advanced, \$308,000, and amount paid for two years mail service, \$770,000, making the total receipts from all sources, \$2,957,760 85."

On looking over this, I see that a mistake has been made by inserting the amount paid by the Government twice. The amount received by them from the Government was included in the \$48,286 85 average receipts per voyage, and should not have been again added; so that the receipts from all sources were \$1,979,760 85, as first stated, in place of \$2,957,760 85, as arrived at by the error of adding the amount paid by the Government to the line a second time, as you will perceive more clearly by reference to the statement of Mr. Youle, which is as follows:

NEW YORK AND LIVERPOOL U. S. M. S. S. Co.,  
No. 55 WALL STREET, NEW YORK, December 15, 1851.  
Statement showing the actual expenses and receipts of the first twenty-eight voyages of the New York and Liverpool United States mail steamships, Atlantic, Pacific, Arctic, and Baltic:

<i>Expenses, Wages of Crew, and Provisions for same.</i>	
Average of each voyage, as above.....	\$8,845 04
Fuel do do do.....	8,612 28
Repairs to machinery, do do.....	4,571 90
do do extras, average as above.....	4,643 00
Ordinary expenses, including carpenters and joiners, port charges, sailmakers, light and dock dues, passengers' provisions and waiters, and other necessities, average as above.....	12,762 73
Insurance, average on above voyages.....	8,904 64
Interest do do do.....	8,438 00
Deterioration at seven per cent. per annum on do.....	8,438 00
Total.....	\$65,212 59

<i>Receipts.</i>	
Passage money, average as above.....	\$21,392 65
Freights do.....	7,744 20
Mail money from Government do.....	19,250 00
Total.....	48,386 85

Deficiency average, per voyage.....\$16,928 74

Mr. William L. Youle, Secretary of the New York and Liverpool United States Mail Steamship Company, swears that he is not interested in said company, and that the foregoing statement is true.

You will do me a favor, which will be but an act of justice to the parties, if you will present this explanation to the House. Very truly yours, THO. J. RUSK.  
Hon R. K. MEADE.

[Here the hammer fell.]

Mr. HOUSTON. I wish to ask the gentleman a question while he is making a personal explanation.

The CHAIRMAN. The gentleman's five minutes have expired, and he has no right to make further explanation.

Mr. HOUSTON. The gentleman in the same speech, has set down—

[Cries of "Order!" "Order!"]

The CHAIRMAN. The gentleman's time have expired, and the gentleman from Alabama is out of order.

Mr. OLDS. I propose to strike out the Senate amendment in regard to the Collins line, and insert what I send to the Chair.

The amendment was then read by the Clerk, as follows:

"That the Postmaster General be authorized and required, with the assent of E. K. Collins & Co., to advertise for proposals to transport the United States mail between the city of New York, North America, and Liverpool, Eng-

land, for the period of four years, from and after the 1st of January next, in semi-monthly trips, in American first class ocean steamers, the schedule time to be equal to that now made by the Collins line of steamers, and at all times to be equal to the time made by the British Cunard line; and that the contract be awarded to the lowest responsible bidder; said bidder to be an American citizen."

It has been urged here, that Mr. Collins has a bad contract for the transportation of the mail.

Mr. EVANS. I rise to a point of order. That is the same amendment which was offered on yesterday.

Mr. OLDS. That is not the same amendment. It has been urged that Mr. Collins has a bad contract for carrying the mail. This may or may not be so. I am friendly to E. K. Collins, and am disposed to do him justice. It is true, that if one of my constituents, or yours, Mr. Chairman, had made a bad contract for the transportation of the mail, the Government would hold him to the bond. One of my constituents contracted to carry the mail from Zanesville, Ohio, to Maysville, Kentucky, and, like Mr. Collins, he made a bad bargain, and failed. What was the consequence? The Post Office Department commenced a suit against his sureties. I have been negotiating for a compromise, and have just completed an arrangement, by which the sureties of my constituent pay \$2,500 to be released from the bond. Now, sir, I am willing to release Mr. Collins from his bond, without damages or prejudice. I do not wish to hold him to a bad bargain, and I am willing that he should have the opportunity, not only of relinquishing and giving up this bargain, but also of being a bidder again. Surely, this is giving over all competition. My amendment requires first class steamers for the transportation of this mail. Collins has such steamers already for the service. This gives him a most decided preference over any other person. If he has a bad bargain, I do for him what the Government would not do for my constituent. I am willing to relieve him from a bad contract, and then suffer him to come in and compete for the contract again, the same as any other American citizen.

I meet the objections of those who say that we are upon the British side, because I exclude British competition. I require the steamers to be American citizens. What can they ask more than this? Is it not doing full justice to Collins & Co.? I warn E. K. Collins & Co. not to relinquish this contract without a second thought. One of the largest steamboat owners and builders in the United States—a gentleman of great experience, and who has a memorial before the Post Office Committee for the transportation of the mail upon ocean steamers between New York and San Francisco, said to me that he would give Collins & Co. \$200,000 for their contract to transport this mail for the balance of their time, if he could get their contract without taking their steamers. The contract, then, is a good one, and my friend from Kentucky [Mr. Mason] was right in supposing that this enormous appropriation was for rosewood and mirrors, and not for the mail service of the country.

The whole truth is, these steamers are extravagantly and gorgeously furnished; they are, in fact, floating palaces, too extravagant to be profitable to the owners, unless, by this appropriation, the people can be compelled to foot the bill.

Mr. HART. I would like to inquire if the gentleman has made a calculation how much the Cunard steamers cost?

Mr. OLDS. I have nothing to do with the Cunarders. I am as much of an American citizen as the gentleman from New York, [Mr. Hart], and I have gone as far as he dare go, for I have excluded British competition, and required the bidder to be an American citizen. What ought Collins to ask more than this? Have I not done him full justice? If he has a hard contract and a hard bargain, let him throw it up. The Government would not let my constituent do it, but compelled his sureties to pay the penalty of the bond. Notwithstanding this, I would let Mr. Collins throw up his contract, and bid again. All he has to do is to enter into competition with other American citizens, and not British. I warn him, however, that there are American citizens enough ready to take this contract. He need not fear British competition. But let him beware of the enterprising Yankees, who will beat the British in this, as they have done in everything else. I

repeat, sir, give the Yankees half a chance, and they will beat the British, and give them four in the game.

Mr. EVANS addressed the committee during five minutes, in opposition to the amendment.

The question being on the amendment of Mr. OLDS—

Mr. NABERS called for tellers; which were ordered, and Messrs. FULLER, of Maine, and STANTON, of Tennessee, were appointed.

The question being taken, the tellers reported—ayes 66, noes 75.

So the amendment to the amendment was rejected.

The question recurred upon agreeing to the first branch of the clause appropriating to the Collins line.

Mr. HOUSTON demanded tellers; which were ordered, and Messrs. STANTON, of Tennessee, and FULLER were appointed.

The question was then put, and it was decided in the affirmative—ayes 84, noes 73.

So the amendment was agreed to.

The second clause of the twenty-fourth amendment of the Senate was then adopted, as follows:

"Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

The second clause of the twenty-fifth amendment of the Senate was read, as follows:

"For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June 30, 1852, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the apprehension and safe keeping of prisoners, in addition to former appropriations, \$90,000: *Provided*, That no officer of the United States, who is in attendance upon any court of the United States, in the discharge of the duties of said office, shall receive any pay or compensation for his attendance as a witness on behalf of the Government, at the same time he receives compensation as such officer."

Mr. GIDDINGS. I move to strike out that clause. I do so for no other purpose than to call upon the chairman of the Committee on Ways and Means for information as to what amount of the sum therein contemplated to be granted, was made for the prosecution of those persons in Philadelphia, and in Boston, who were accused of violating the fugitive slave law. I wish him also to state, if he is possessed of the information, the amount of this appropriation paid for capturing fugitive slaves. I make the inquiry, in order to place this matter before the country, and to give this information to the people. I wish it to be distinctly understood, that my object is to call upon the committee for this definite information; and I will say that it is because we have not been permitted to offer resolutions here, calling for the information that I am now constrained to ask of the chairman of the Committee on Ways and Means. During the entire session, by the evasion of the old and formal rules of the House, we have had no opportunity to bring resolutions before the House to call for this information. We have been, unable to do it, and we have no other means of bringing it before the country, but by calling upon the chairman of this committee to give us all the information which he may possess.

Mr. HOUSTON. The gentleman's question is specific, and I have no information upon that precise question. I can say this, however, that in the prosecutions for violation of the neutrality laws in Louisiana and other points, and also for the expenses of recapturing fugitive slaves, there are some \$30,000 estimated as having been absorbed of the appropriations that were made under this head of expenditure.

Mr. GIDDINGS. Will the gentleman state the amount paid for the recapture of fugitive slaves, aside from the other?

Mr. HOUSTON. I cannot do it, because I have not the information with me. It was not furnished to the committee.

Mr. GIDDINGS. Will the gentleman explain to us and the country, why this information was suppressed?

Mr. HOUSTON. I do not know whether the information has been intentionally suppressed or not. If I had it I would disclose it at once. I regard it as wholly unimportant. If it amounted to \$100,000 I would not hesitate to say so. I will, however, read what was furnished to the Com-

mittee on Ways and Means, by Mr. Whittlesey, the Comptroller of the Treasury, through the Secretary of the Treasury, upon the subject, and then the gentleman will possess all the information I do:

SIR: In pursuance of your reference to me of House bill No. 146, reported by Mr. McLANAHAN from the Committee on the Judiciary, January 29, 1852, to regulate the fees and costs to be allowed officers of the Federal courts, with a note indorsed thereon by Mr. HOUSTON, chairman of the Committee on Ways and Means, requesting you to examine the bill, and make estimates based upon it, stating as nearly as may be how much should be appropriated, in case that bill should become a law, I have to report, that I have examined the subject, and submit the result of my examination and opinion, as follows:

The amount drawn for expenses of courts, during the year ending June 30, 1851, over and above repayments, was over.....\$616,000  
 Drawn from July 1st, 1851, to this date, over.....543,000  
 Balance now to the credit of that fund, about.....6,000  
 And to the credit of fines, forfeitures, and penalties, about.....13,000

During the present fiscal year the expenses have been very much increased, probably \$30,000 or \$40,000, by prosecutions growing out of the fugitive slave law in Massachusetts, New York, and Pennsylvania, and prosecutions in New York and Louisiana, for violations of neutrality laws; many of the bills for these extraordinary expenses have not yet come in. There will probably be needed from this time until the 30th June, including those extraordinary expenses, about.....110,000

And if so, there will be a deficit of about.....90,000  
 This large deficit will occur notwithstanding the amounts have been closely examined in this office, and my action as an accounting officer has been complained of by some of the marshals, clerks, and district attorneys, as extremely rigid.

Mr. GIDDINGS. I withdraw the motion, Mr. Chairman.

The question recurred upon agreeing to the Senate amendment, and being put it was agreed to.

The third clause of the 25th amendment coming up next in order, was read by the Clerk as follows:

"To enable the Secretary of the Interior to pay to the clerks employed in the census office on extra duty, at the rate of \$100 for full service, according to the office roll, the sum of \$10,500."

Mr. HOUSTON. I feel it due that I should state, in connection with that amendment, the principle that is involved, so that the committee will understand what it determines if they should agree to the amendment. The Committee on Ways and Means rejected it.

The CHAIRMAN. The gentleman can proceed with the consent of the committee.

Mr. HOUSTON. I do not want to speak out of order. I move a non-concurrence in that amendment as recommended by the Committee on Ways and Means.

The CHAIRMAN. The gentleman may move to strike out the clause.

Mr. HOUSTON. Then: I move to strike it out. The item just read by the Clerk is intended to compensate a number of census clerks, as they are called, who, as it is alleged, have worked beyond the office hours, as they seem to understand them. I understand that a practice prevails in the Department, that the clerks enter upon their duties at a given hour in the morning, and that they cease from their labors at a certain hour in the evening. The claim here set up is, that these clerks have worked for some length of time after the evening hour arrived, when they should have ordinarily ceased from their labors. If we agree to this amendment we shall, I think, establish the precedent of paying all the clerks who labor after office hours.

Mr. STEVENS, of Pennsylvania. I am opposed to this amendment. I understand, sir, upon inquiry, that at the commencement, or just before the commencement of Congress, it became necessary either to appoint new clerks or to impose additional duties upon the old clerks, in order that the Department might be prepared for the session of Congress; and I am informed by the Superintendent of the Census Board that he preferred to impose additional duties upon the old clerks under a promise of compensation, and that they worked, in addition to the usual time for which they were employed, from six o'clock until ten in the evening, and often until eleven o'clock. They did the work which they were employed to do as clerks, and have enabled the Board to discharge last week some twenty clerks permanently. Now, this matter was examined by the Committee on Claims, and if I am rightly informed, that committee have agreed to report the full amount. They have not, however, had an opportunity of

reporting, but had ordered a bill to be prepared for the full amount claimed. I hope, under these circumstances, that the justice of paying men for performing work which they have not been paid for before will be seen by the House. They have saved a great deal to the Government by it, and have done work which, according to the terms of their engagement, they were not bound to do. There was not only an implied but an express engagement to pay them extra compensation, and I hope that economy as well as justice will dictate to this House the propriety of doing it, and that this amendment will not prevail.

Mr. EDGERTON moved to amend the Senate amendment by increasing the appropriation one dollar.

Mr. E. said: My object in offering that amendment is to make a brief statement in relation to this claim. These temporary clerks employed in the Census Office—and mind, sir, they were temporary clerks, not permanent clerks of the Department—made an application to the Committee on Claims for extra compensation for services rendered after office hours. There is no question as regards the fact that the service has been performed between the hours of six in the evening, after office hours, until ten or twelve o'clock at night. A regular table was kept of the time. The Committee on Claims, on the application of these clerks, with the certificate of Mr. Kennedy, the Superintendent of the Census, that the labor had been performed by them, that they were temporary clerks, and that it was extra service, instructed me, as a member of that committee, to report a bill for the relief of these Census clerks. Pending this action of the Committee on Claims, the Senate incorporated into this deficiency bill this appropriation for their payment. If the Senate amendment be agreed to, there consequently will be no necessity for a report from the Committee on Claims. The easiest way to accomplish the purpose is for this House to agree to the amendment of the Senate, because otherwise the Committee on Claims will feel it to be an act of justice and duty to these men, who were temporary clerks only—not permanent salaried officers of the Government—employed for this special service, to report a bill for their relief. I hope, under the circumstances, that the House will agree to the Senate amendment.

Mr. HOUSTON. I wish to state a fact, in addition to the statement made by the gentleman from Ohio. These clerks are temporary, just so far as the Census Bureau is temporary. It applies to every clerk in the Census Office who has labored. It does not specify who labored. I understand the law to be, that the clerks in the various Departments are required to work eight hours a day. The practice, however, is, that they go to their office at nine and come out at three o'clock, falling at least two hours short of the time that the law requires them to work. Then, again, I know the fact, and so does every member of this House who has had much connection with the various offices in the Departments of the Government, that all the officers, at times, when there is a press of business upon them, work after the usual hours of closing the office in the evening. Now, sir, during all the time that is occupied in opening the mail contracts, the clerks in the Post Office Department work not only after three o'clock, but many of them work until bed-time.

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to ask him one question?

Mr. HOUSTON. I will.

Mr. STEVENS. Do you not know, that the clerks in the Census Office get considerably less pay than others, being confined to \$1,000 per annum, while the clerks in the other Departments get from \$1,100, \$1,200, and \$1,400?

Mr. HOUSTON. No, sir. So far from that being correct, I understand it to be incorrect. A large number of the clerks in the Third Auditor's Office and in the Pension Office get less than \$1,000. Many get as low as \$600 or \$700. There are several \$800 clerks there, and the heads of the bureaus and departments will tell you, the Postmaster General will tell you, that his clerks come to their offices very frequently and work after office hours.

Mr. CULLOM. I wish to ask the gentleman a question in relation to this matter. I desire to know whether the Secretary of the Interior did not stipulate with the clerks that they were to re-

ceive additional compensation, and whether he has not recommended it?

Mr. HOUSTON. There is no such stipulation shown in the papers. I take it for granted, the Secretary of the Interior being a sensible man, that no such contract was made, because, as a matter of course, he could make no such contract.

Mr. CULLOM. I desire to inquire whether he did not recommend that this increased compensation should be given by Congress?

Mr. HOUSTON. Here is all the evidence. I will read it to the gentleman. Here is a letter from Mr. Kennedy, the Superintendent of the Census Bureau:

CENSUS OFFICE, 5th July, 1852.

SIR: It appears that there is a disposition manifested by members of Congress to make some provision for each of the clerks in the Census Office as have performed extra duty.

To enable them, however, to carry into effect their good intentions, it is said that it is necessary for you to make an estimate for the amount to enable the matter to take such a direction as will give any reasonable hope of its passage through the present Congress.

If it be your pleasure to do this, I would suggest that the sum of \$10,500 would be sufficient to pay for all the extra duty performed at the rate of \$100 to all who rendered full service according to the office roll, and proportionately to those whose services were more limited.

I have the honor to be, sir, very respectfully, your obedient servant,

J. G. KENNEDY.

Hon. A. H. H. STUART, Secretary of the Interior.

And here is a letter from Mr. STUART:

DEPARTMENT OF THE INTERIOR,  
 WASHINGTON, May 5, 1852.

SIR: I have the honor to enclose herewith a copy of a letter from the Superintendent of the Census, on the subject of the payment to the clerks of his office, of the amount which he thinks justly due to them, for service rendered out of office hours, and beg leave to commend his suggestions to your favorable consideration.

I am, sir, very respectfully, your obedient servant,  
 ALEX. H. H. STUART, Secretary.

Hon. R. M. T. HUNTER,  
 Chairman Committee on Finance, Senate, U. S.

Mr. RICHARDSON. I wish to ask a single question. If I remember this matter correctly, this extra work was not done under order. The clerks were not compelled to do it, but it was done under a contract or an agreement between the head of the Census Bureau and his clerks. Some of them worked twelve, some eighteen, some twenty-four, and some thirty days. Now, why was it that some worked thirty days, and some eight or ten, if it were not done by contract?

Mr. HOUSTON. I have no idea that a contract was made.

The question was then taken upon Mr. EDGERTON's motion, and it was not agreed to.

The question recurred upon Mr. HOUSTON's motion to strike out the clause, and, being put, it was not agreed to.

The question was then taken upon agreeing to the amendment of the Senate, and it was decided in the affirmative.

So the amendment was agreed to.

The fourth clause of the twenty-fifth amendment was read and agreed to as follows:

"For determining, running and marking the northern boundary of the State of Iowa, on the parallel of forty-three degrees thirty minutes north latitude, in addition to the appropriation heretofore made for the same object, \$15,000."

The fifth clause of the twenty-fifth amendment of the Senate was read as follows:

"For the reconstruction or repairs of the steamer Bibb, used in the survey of the Nantucket Shoals, \$15,000."

Mr. STANTON, of Ohio. I move to strike out that clause. It will be seen by reading the clause now under consideration, and the three succeeding clauses, that they provide for an appropriation for improvements upon the Atlantic coast. There is no pretense of their being deficiencies. They are appropriations, to be expended in the present fiscal year. The proposition now is, that you shall here put in for the benefit of these localities these appropriations which will be needed in the coming fiscal year; and by this hocus pocus it is attempted to push these things through, and when we come to the improvements for the benefit of internal commerce we shall not be able to get them through. I move, therefore, to strike out the clause and let these propositions take their place in the general appropriation bill for the coming fiscal year.

Mr. DUNCAN. I wish to say one word upon that amendment. I understand, sir, it is very desirable, for the purpose of the coast survey, that this appropriation should be made for the

reconstruction or repair of that steamer. At present it is unfit for use, and it is therefore necessary that they should have a suitable vessel in order to prosecute that survey. I will only state these facts in the hope that the committee will not concur in the amendment.

The question was then taken upon Mr. STANTON's amendment to the amendment, and it was not agreed to.

The question recurred on concurring in the amendment of the Senate, and being put, it was decided in the affirmative.

So the amendment of the Senate was concurred in.

The sixth clause of the twenty-fifth amendment, coming up next in order, was read by the Clerk, as follows:

"For establishing a depôt of coal, for naval purposes, at Key West, in the State of Florida, \$20,000."

Mr. GORMAN. I move to strike out that clause; and I do so not because I am opposed to an appropriation for this purpose, but because I am opposed to its being put in at this place. It is well known that we have a river and harbor bill pending, and this item is one that would be legitimate in a bill of that kind, and it will be more or less included in a bill of that character. What is the next item in these amendments? It is "for the purchase of a site on which to erect a custom-house at Bangor, Maine, \$15,000." What is the next after that? "For the purchase of a site on which to erect a custom-house at Bath, Maine, \$11,000." If Maine, or any other portion of the country, is to have appropriations of this sort stuck into the bill, when the time comes to make an appropriation to the rivers of the West, the gentlemen from that portion of the Union will be found, as they always have been found, voting against it, or, at least, demanding something additional as compensation for voting for us. This appropriation, and the ones that follow it, are evidently stuck in here for the purpose of being passed under the power and influence of this bill. If there are to be appropriations made for harbors and light-houses and custom-houses, I want them to stand their chance in a bill that is legitimate. I am opposed to all the river and harbor bills that are generally got up here. I have always voted against them, and I shall continue to vote against them.

Mr. HOUSTON. I ask the Chair to enforce the rule. The gentleman is discussing the river and harbor bill. We shall never get through with this bill unless gentlemen are confined to the discussion of the pending amendments.

The CHAIRMAN. The Chair does not think the gentleman from Indiana is out of order. The clause he proposes to strike out is of that character, and it is certainly in order for him to say what are his opinions on the subject.

Mr. GORMAN. I am illustrating my remarks by a reference to subsequent clauses, which I have a right to do.

Sir, I shall continue to move to strike out every one of these appropriations until they are introduced in the proper place and at the proper time; and I will venture the assertion, that if these appropriations come in here, it will operate against an appropriation to the Ohio and Mississippi rivers. I shall continue to oppose them upon that ground. This is not the proper place for them. I object to this kind of legislation—slipping in appropriations in this way, without notice, and without giving us fair play. Sir, at the proper time, I shall move to amend this clause by appropriating \$500,000 for the improvement of the Ohio and Mississippi rivers.

Mr. WASHBURN. I wish to say, in reply to the gentleman from Indiana, that he is altogether mistaken in the illustration which he draws from the item in reference to the custom-house at Bangor, in Maine. That is really and truly a deficiency.

Mr. MARSHALL, of Kentucky. I call the gentleman to order. That clause is not now under consideration.

Mr. WASHBURN. I merely wish to correct the statement of the gentleman from Indiana, in order that the committee may not be misled.

The CHAIRMAN. The gentleman is not in order in discussing that clause of the amendment now.

Mr. GORMAN called for tellers on the motion to strike out.

Tellers were ordered; and Messrs. GORMAN and WASHBURN were appointed.

Mr. HOUSTON. Would it be in order for me to have read the recommendation of this item from the Secretary of the Navy?

The CHAIRMAN. It can only be read by unanimous consent.

Mr. HENDRICKS. I object.

The question was then put, and the tellers reported—ayes 34.

A further count not being insisted on, the motion was disagreed to.

Mr. STANTON, of Ohio. I move to amend the clause by adding thereto the following:

And the sum of \$500,000 for the construction of a steamboat canal around the Falls of the Ohio river, at Louisville, on the Indiana side of that river.

Mr. HAMILTON. I raise a point of order on that amendment, that it is not germane to the proposition before the House.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. STANTON. I should like to know upon what ground the Chair so decides.

The CHAIRMAN. The Chair thinks it does not relate to the same subject as the amendment of the Senate.

The question was then taken on concurring in the clause of the amendment of the Senate, and it was decided in the affirmative.

So the amendment was concurred in.

The seventh clause of the twenty-fifth amendment coming up next in order, was read by the Clerk, as follows:

For the purchase of a site on which to erect a custom-house at Bangor, Maine, \$15,000.

Mr. GORMAN. I move to strike out that clause. I understand the principle of a deficiency bill to be, to make appropriations to supply deficiencies that are authorized by law. Now, if it is in order for the Senate to put in a clause here for new matters—to build new custom-houses or to purchase sites for custom-houses when there is no authority of law for it, it is in order for this House to make an appropriation for the Ohio river. It is true the Committee on Ways and Means have reported in favor of this clause. That committee can recommend anything they think proper. But I insist that if the rule applies to one thing, it shall apply to all. There is no law authorizing this appropriation, nor is it to supply any deficiency.

Sir, I do not expect that this clause will be stricken out. I calculate that the bill is to go through. It is like a horse or a strong man plunging in a morass, and the harder we strive to check it, the deeper it fixes itself upon this House. I do not expect that my motion will prevail. I calculate that it will not get more than thirty votes. But I shall continue to move to strike out these appropriations which are not authorized by law, and which have been improperly inserted here.

Mr. APPLETON, of Massachusetts. When the amendment now under discussion was before the Committee on Ways and Means, they did not concur in it, not having all the information which they thought was necessary. Since that time I have investigated the subject, and I am entirely satisfied that this amendment ought to pass. Fifty thousand dollars have already been granted for the purpose of building a custom-house at Bangor, Maine. It was supposed at the time that that sum would be sufficient to buy a site and build a custom-house. On making examinations, however, and procuring plans and estimates, it has been found that the \$50,000 was required for the building of the custom-house, independent of the site, and the present application is for \$15,000 to pay for a site which has been contracted for. The plan has been laid before the Secretary of the Treasury and the Commissioner of Customs, both of whom assure me it is right and proper that this amendment should pass. Bangor, in the State of Maine, is a place of very large business, and where a building of this kind is absolutely required for the storage and examination of goods, and the security of property. I hope, therefore, that the amendment of the Senate will be concurred in.

Mr. WASHBURN. For the sake of adding a few remarks to what the gentleman from Massachusetts has said, I will offer an amendment.

Mr. HOUSTON. I suggest to the gentleman from Maine that it would probably be better—

Mr. DEAN. I rise to a question of order. I ask if this matter is further debatable?

Mr. HOUSTON. I do not want to debate it. I was only going to say to the gentleman from Maine that I have here a letter from the Secretary of the Treasury in relation to these custom-houses in Maine, which probably presents the facts as well as he can present them in any other way.

Mr. WASHBURN. It shows, I presume, that this is a deficiency. The original grant was \$50,000.

Mr. DEAN. I ask if this debate is in order?

The CHAIRMAN. Does the gentleman from Maine submit an amendment?

Mr. WASHBURN. I move to amend the clause proposed to be stricken out, by striking out "fifteen," and inserting "sixteen" in lieu thereof. I will state that at the last Congress an appropriation was made—

Mr. HOUSTON. The letter from the Secretary of the Treasury explains the matter exactly.

Mr. WASHBURN. Well, let it be read.

The Clerk read the letter as follows:

TREASURY DEPARTMENT, May 3, 1852.

SIR: In reply to your request, I have the honor to give you the following extract from a communication from this Department, under date of 30th of January last, to the chairman of the Committee on Ways and Means of the House of Representatives of the United States, on the subject of new custom-houses, building or authorized to be built, so far as the same relates to those at Bangor and Bath, in the State of Maine, viz:

"Bangor. The appropriation by Congress for this building is limited to \$50,000, besides which the site has cost \$15,000. Arrangements are about being made to commence the work, but a special appropriation of \$15,000 is respectfully recommended to pay for the site, as the \$50,000 was allotted by law for the building."

"Bath. The act of Congress limits the cost of the building and site to \$25,000. The site has cost \$11,000, leaving only \$14,000 for the building, which is insufficient for a suitable structure. No progress has been made towards erecting this structure, and it is respectfully recommended that an appropriation should be made for the cost of the site, leaving the original sum of \$25,000 as exclusively applicable to the building."

Very respectfully, your obedient servant,

THOS. CORWIN,

Secretary of the Treasury.

Hon. H. HAMLIN, Chairman Committee on Commerce, Senate of the United States.

Mr. WASHBURN. It will be seen that that letter confirms entirely the statement which has been made by the gentleman from Massachusetts, [Mr. APPLETON.] Last year an appropriation of \$50,000 was made for the purchase of a site and the erection of the building, and then there was a further provision that the building itself might cost \$50,000, leaving a site to be purchased out of money to be afterwards appropriated. There is, therefore, a deficiency to the amount of what the site on which the building is to be erected will cost. A plan for the building has been made, and adopted by the Treasury Department, which will cost the sum of \$50,000, which the act authorized them to expend for that purpose. The act also authorized the purchase of a site. The amount was not fixed, however, inasmuch as it could not be told how much the site would cost. That has now been ascertained. A site has been purchased, the title has been made good, and \$15,000 has been paid for it. This amount is therefore a deficiency necessary to make up the sum which was authorized to be paid for the building.

Mr. DUNHAM. The question involved in this particular debate, is one that is applicable to several other cases. Now, there were appropriations made, as gentlemen who were here during the last Congress will recollect, for several custom-houses, among which are the two under consideration, one at Cincinnati, one at Louisville, and several others which I do not now recollect. The language of the law was after this manner: So much for the erection of a custom-house at such a place, provided it shall not cost more than so much. I have no doubt that the intention, at the time, was that the whole establishment should cost the amount appropriated.

Mr. WASHBURN. Will the gentleman allow me to say, that such was not the case in relation to the Bangor custom-house, as I am informed by the gentleman who drew the bill, and it was not so understood at the time.

Mr. DUNHAM. The difference in that case, probably arose from the clause, saying that it should cost no more, being left out. But the intention in regard to the whole of them, I have no doubt, was, that the whole establishment should



not cost any more than the amounts then granted. I believe the course has been pursued in all, to make estimates for buildings which would cover the whole appropriations heretofore granted, and then come forward, as is now done, in almost every case, and ask for additional appropriations to purchase the sites, so that the whole appropriation of the last Congress may be applied to erecting the buildings, and it is for the committee to say whether they will sanction that practice or not.

The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Maine, [Mr. WASHBURN.]

Mr. WASHBURN. I withdraw my amendment, if there is no objection.

No objection was made, and the amendment was withdrawn.

The question was then taken on the amendment offered by Mr. GORMAN, to strike out the clause, and it was not agreed to.

The question was next taken on agreeing to the clause as reported from the Senate, and it was agreed to.

The eighth clause of the twenty-fifth amendment was then read, as follows:

"For the purchase of a site on which to erect a custom-house, at Bath, Maine, \$11,000."

Mr. HUNTER. I move to strike out that clause. In doing that, I wish to say that I agree heartily with what has been said by the gentleman from Indiana, [Mr. DUNHAM.] I agree with him in saying that it was understood by the members of the last Congress, that every one of the appropriations made for the erection of custom-houses, was intended to have precisely the same restrictions in them. The appropriations then made were for the entire expense of purchasing sites and building those custom-houses; and if the words of the law, in the clause or clauses, expressing that intention are different from that, the law is different from what we all understood, and different from the argument made by some gentlemen upon this floor in favor of them. If the law is different from what I and others understood it to be, I hold that we should let them expend the appropriation already made, before we give them any more. I am opposed to giving them a cent more, until we know whether the West is to have anything in the appropriation bills or not. I give gentlemen timely notice now, that, so far as my vote is concerned, every single appropriation of this kind shall be opposed as heartily as I can oppose it.

Mr. FULLER, of Maine, (interrupting.) What do you want?

Mr. HUNTER. I want improvements for our Western rivers and harbors; and I say, too, if my recollection serves me right—and I appeal in that respect to the members of the Thirty-first Congress—that that gentleman [Mr. FULLER] made the remark upon this floor, that those appropriations were sufficient to buy the sites and build these custom-houses. Such were the arguments made last year.

Mr. MARSHALL, of Kentucky. I trust there is no occasion for this suspicion the gentleman from Ohio [Mr. HUNTER] exhibits, and I have an amendment which I want to offer to the next clause that will test it. I merely rise to make that remark, and I hope there will be no distinction between the custom-houses at Bath and Bangor, and others. I have an amendment, which will test the sincerity of gentlemen upon this subject.

The question was then taken on the amendment offered by Mr. HUNTER, to strike out the clause, and it was not agreed to.

The question then recurred upon agreeing to the clause as reported from the Senate, and it was adopted.

The ninth clause of the twenty-fifth amendment was then read, as follows:

"For the completion of the custom-house at Mobile, \$100,000."

Mr. MARSHALL, of Kentucky. I move to amend that clause by adding thereto "and for the completion of the custom-house at Louisville, Kentucky, the additional sum of \$43,700."

Mr. DUNHAM. I rise to a question of order. It strikes me that the amendment is not germane to the one to which it is offered as an amendment.

Mr. MARSHALL. It is about custom-houses.

Mr. DUNHAM. But it is a separate and distinct question.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. MARSHALL. I desire to explain to the committee, in a very few words, exactly the condition of that work. In the Thirty-first Congress an appropriation was made of \$75,000 for the purpose of purchasing a site, building a custom-house, post office, &c., at the city of Louisville. Sixteen thousand dollars of that money was expended in purchasing a site. The title was obtained, and plans of the house submitted to the Treasury Department. The Treasury Department has approved of the plan, which I have seen, and that plan can be executed for the remaining amount of the appropriation, but it can only be executed by building a house of brick and wood, that would not be fire proof. The estimates of an architect have been submitted to the Treasury Department for making the work fire-proof. By these estimates it appears that such a building will cost that much more, (\$43,700,) and that is all that it will cost; and I shall not be coming back here for any more.

A VOICE. Be certain about that.

Mr. MARSHALL. There will be no necessity to do so. The architect has gone into the details of the work. I have requested the Secretary not to let out the work at all, until the sense of Congress could be taken upon the proposition, and I trust the amendment will pass. I will state, in addition, that the Secretary of the Treasury, after the estimates of the architect were submitted to him, addressed a letter to me, which I supposed I had with me, in which he recommended an appropriation of \$43,700 for that purpose, and for the reasons I have stated.

Mr. DUNHAM. I am not at all surprised at this proposition for this additional appropriation, coming in at this session of Congress. I was well satisfied, and so stated in the running debate which occurred upon this amendment, as offered in the last Congress, that this would be the course which these things would all take. I was as well satisfied of it then as I am now. I believe the gentleman from Kentucky [Mr. MARSHALL] made as strong a pledge to the House, as he makes now, that \$75,000 was all he wanted, all that would be necessary, and all that he would ask.

All that was necessary was to get an entering wedge. The prediction I then made has proved true, and I undertake to say, that there is not a single instance, where an appropriation was made during the last Congress for custom-houses, in which they are not now coming forward at this session and asking for additional appropriations. Here is my friend from Ohio, [Mr. DISNEY,] who at the last session got an appropriation upon the same terms, and upon an express pledge, I believe, that that was all that was necessary, and who stands ready now to offer an amendment of the same character.

Mr. DISNEY. I wish simply to deny in form and set terms the statement the gentleman has been pleased to make in regard to any avowments I made upon that occasion.

Mr. DUNHAM. I did not mean that the gentleman made such statements at the time, but I think that he will find that a clause to that effect was attached to the appropriation for the erection of his custom-house at Cincinnati. As I stated before, in almost all of those appropriations for the erection of custom-houses, the same language was used. They construe those appropriations as made to erect the building only, and then come here and ask additional appropriations to buy the lot with.

Mr. DISNEY. I desire to offer an amendment to the pending amendment.

The CHAIRMAN. Such an amendment is not in order.

Mr. DISNEY. As the Chair decides that an amendment to the amendment is not in order, with his permission I will call his attention to the law. The matter now pending before the committee is original matter, originated in the Senate, and presented to this House as original matter, and comes before this committee not as an amendment.

Turn to the Manual, and you will find it distinctly laid down, that matter originating in either House, and transmitted to the other House, there to be acted upon, is original matter before that House. So the law states.

Mr. DUNHAM. I will suggest a simple reason why this proposed amendment, and the one

already offered, are out of order. They are not deficiencies, and cannot be, from the fact that the law making these appropriations, stipulated that it was to build them, and therefore they cannot be deficiencies.

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. DUNHAM] that the gentleman from Ohio [Mr. DISNEY] has not indicated what his amendment is. The Chair has decided that any amendment at this time is out of order, and that an amendment to an amendment is not in order.

Mr. DISNEY. In what part of the Manual does the Chair find that amendment?

The CHAIRMAN. The Chair has examined that question. It is found at page 189 of the Manual. As the Chair understands the law, it is expressly stated, that with the House the original bill is our text. That the Senate have amended, and we can propose but one amendment to their amendment at a time, and therefore that the proposed amendment of the gentleman from Ohio [Mr. DISNEY] is not in order.

Mr. DUNHAM. I will suggest to the Chair, that the reasons I stated as applicable to the amendment offered by the gentleman from Kentucky, [Mr. MARSHALL,] render it out of order. I raise the point. The law making the appropriation for the custom-house at Louisville, stipulated that the amount granted thereby should build the work. It is not a deficiency, and therefore not applicable to this bill.

The CHAIRMAN. The Chair listened to the remarks of the gentleman from Kentucky [Mr. MARSHALL] for the purpose of ascertaining whether it was clear that this was a deficiency or not. The Chair thinks there may be some doubt about it, and unless the question were perfectly clear, he would not undertake to decide it, and not regarding it so, the Chair entertains the amendment.

Mr. HOUSTON. Will it be in order for me to attempt to amend the gentleman's amendment before it is voted upon?

The CHAIRMAN. The Chair thinks not.

Mr. HOUSTON. Cannot I move to amend matter proposed to be inserted before it is inserted?

The CHAIRMAN. The Chair thinks not; because that would be an amendment in the third degree.

Mr. HOUSTON. Will it be in order for me, then, to have a letter from the Secretary of the Treasury on the subject of these custom-houses read?

The CHAIRMAN. Only by unanimous consent.

Objection was made.

Mr. MARSHALL, of Kentucky, demanded tellers upon his amendment; which were ordered; and Messrs. STEVENS, of Pennsylvania, and FULLER, of Maine, were appointed.

The question was then put on the amendment, and the tellers reported—ayes 71, noes 35—no quorum.

[Cries of "Let us have a recount!" "Let us have a recount!"]

The question was again put, and the amendment was agreed to—the tellers having reported—ayes 80—noes not counted.

Mr. DISNEY. I desire to offer the following amendment:

For the completion of the custom-house at Cincinnati, \$50,000.

Mr. HOUSTON. If the gentleman will allow me, I will make a suggestion which will save a little time, if nothing else. Here are the custom-houses of Bangor, Bath, Norfolk, Mobile, Cincinnati, St. Louis, Pittsburgh, and Louisville, all on precisely the same footing; and I would suggest that one amendment embrace the whole of them. If one is to be incorporated in the bill, the whole should.

Mr. DISNEY. As an individual, I should have no objection to the suggestion of the chairman of the Committee on Ways and Means. But I desire to correct one statement he has made, which is, that each of these acts stand upon the same ground. They do not. There is this difference between the case of the Cincinnati custom-house and that of the St. Louis custom-house—

Mr. DUNHAM. I rise to a question of order. I have the law applicable to the case of Cincinnati. The first appropriation was made at the first session of the last Congress—1849-'50—of \$50,000, on

condition that that sum should complete the work. The last appropriation was made at the last session of Congress. I will read it:

"For the construction of the building for a custom-house, independent treasury, and other offices of the United States, at Cincinnati, Ohio, in addition to the appropriation of September 30, 1850, \$25,000. But no part of this shall be expended, unless the same shall complete the work."

There can be no deficiency in that bill.

Mr. DISNEY. If the gentleman had waited a moment before raising his question of order, he would have found my amendment is to supply a deficiency.

The CHAIRMAN. The gentleman from Indiana will see, I apprehend, that the Chair, in deciding a question of order, cannot determine the law or fact, but I suppose the gentleman would not contend it is not in the power of Congress, after that law, to pass another, and to go on and appropriate more money?

Mr. DUNHAM. That is true; but there cannot be a deficiency here.

The CHAIRMAN. That is a question of fact the Chair does not feel himself called upon to decide.

Mr. DISNEY. If the gentleman had listened to me, he would not have raised the point of order.

The CHAIRMAN. The Chair will state, further, so that hereafter there may be no misapprehension, that the Chair has held heretofore, when this bill was under consideration in the committee, that a proposition to add a provision for an entirely new work was not in order, and that being so clear, it could not be called a deficiency; but where the proposition is to add an appropriation to those which have already been made, the Chair thinks it must be regarded as a question in order.

Mr. DISNEY. That is a deficiency we are assured by the Secretary of the Treasury. This case, as I was remarking when interrupted by the point of order, stands upon different and much stronger grounds than any of the other cases, that of St. Louis alone excepted. The case of St. Louis rests upon the same grounds.

Why, in the case of the custom-house at Cincinnati, and also in relation to the one at St. Louis, the existing laws warrant and authorize the construction of the building involving an expenditure to the amount now asked for. The Secretary of the Treasury states expressly, that the Department is already authorized. He has taken a part of the funds Congress authorized him to employ in the construction of the work, and applied it to the purchase of a site, thereby creating a deficiency in the existing appropriation. He now asks Congress to remedy that deficiency by granting the additional appropriation of \$50,000 provided for under the amendment now pending before the committee. The Department under the present law feels itself authorized to enter into contract for the completing of these custom-houses, to wit: that of Cincinnati and that of St. Louis, at a cost not exceeding \$75,000 each; and the Secretary is making arrangements accordingly. They are going on with the structure under the existing law. We are not asking by this amendment for authority to construct the building, or an increase of appropriation; we are only asking you to appropriate money for that which you have authorized to be undertaken.

Mr. DUNHAM. I wish to inquire of the gentleman, if this money has been taken out of the fund appropriated by law to erect the building, by what authority has it been done?

Mr. DISNEY. The present appropriation for the erection of the Cincinnati and St. Louis custom-houses is \$75,000 each, with the proviso that "the cost of the buildings, respectively, shall not exceed \$75,000." The sites have been purchased. The site at Cincinnati has cost \$50,000, and that at St. Louis \$37,000. The Department, under the present law, feels itself authorized to progress with the building. That is what the Secretary says. The appropriation, then, was not for the purchase of the site, but the construction of the building. The Department feels itself authorized to erect upon these sites buildings not to exceed in cost \$75,000 each. He has bought the site, and is now going on to erect the edifices. He asks for enough to pay the debt you have authorized him to contract. That is the whole case.

Mr. CLINGMAN. I should like to inquire

whether the \$50,000 is to complete the building?

Mr. DISNEY. The \$50,000 is to be appropriated towards the construction of the building. The law authorizes the Secretary of the Treasury to construct edifices not to exceed in cost \$75,000 each, and he has adopted plans the execution of which will cost that amount. In the case of the Cincinnati custom-house there is a deficiency of \$50,000, which we ask to be appropriated. These facts are true of both Cincinnati and St. Louis. It occurs to me now that the city of St. Louis has no Representative upon this floor.

Mr. PHELPS. I intend to offer an amendment, covering the custom-house of that city. I would inquire of the Chair whether such an amendment would be in order now?

The CHAIRMAN. The Chair thinks not.

Mr. BROOKS. I rise to ask if this thing is to go on, where we are to stop? I wish gentlemen would ask for anything else than custom-houses. There may be occasion for custom-houses at Cincinnati, Louisville, and other places on the western waters; but there is, in my estimation, a much better occasion for appropriations for the western rivers and harbors. I much prefer appropriations should be made for them. I am loth to rise in opposition to these amendments.

Mr. GENTRY. The gentleman surprises me. That is an extraordinary objection coming from that quarter. I have been here twelve years. For nine out of that twelve I voted every year additional sums to complete the custom-house in the city of New York, which is a splendid marble palace.

Mr. BROOKS. Does the gentleman want an appropriation for Knoxville? I will vote for an arsenal, but I do not want to vote for a custom-house at Knoxville. It is the principle of the thing to which I ask to call attention. If there be anything in the West for which I am willing to make liberal appropriations, it is the improvement of its rivers and harbors. But, under the pretense of getting custom-houses, and other things of that kind, it is only taking so much from the Treasury, which, in my opinion, ought to be devoted to other purposes. We will soon be asked to appropriate for a custom-house on the Kanawha river, at a point in the district of the gentleman who sits before me. We will be asked for custom-houses in all the western rivers, and for their construction large appropriations.

But while I am willing to complete the work so far as they have gone, I am not willing to extend the system further. Custom-houses, for which appropriations have been made, I am willing to vote appropriations for their completion. We now see the gentleman from Missouri [Mr. PHELPS] rising and asking an appropriation for a custom-house at St. Louis. It is strange some gentleman from Illinois does not rise and ask for an appropriation for a custom-house at Galena. And the gentleman from Minnesota will be called upon to ask for the construction of a custom-house at Red river. Where are we to stop, if we are to go on with this system?

Mr. GENTRY. Is it the policy of a Representative from the city of New York to simplify all these things by voting one large custom-house to the city of New York, and lines of steamers supported by the Government, so that all the imports shall be there?

Mr. BROOKS. I will answer that question. Take away the custom-house to-morrow, and we will give the country \$10,000,000 a year. We do not want any custom-house there. Remove it, and you will make it a mighty city. London and Rome will be nothing in comparison with it then. Spies are put over our merchants; we do not want them. We would like to raze the custom-house to-morrow.

Mr. PHELPS. I would like to inquire of the gentleman whether he is in favor of free trade?

Mr. BROOKS. I would like to have free trade for the city of New York alone. I am in favor of free trade, if you will let us import all the goods there, and then add a duty upon all outside of the city to support our city. That is what I am in favor of—free trade for the city of New York alone. [Laughter.] I rise in good faith, however, to say, that I am willing to go for these appropriations to a moderate extent; but I am not willing to go to an unlimited extent. I am not willing to take in a Government deficiency bill any amount of custom-houses that gentlemen may

seem willing to offer here, and I dare rise and make opposition, though I am taunted with the charge that I support appropriations only for the city of New York.

The question was then taken on Mr. DISNEY's amendment, and it was agreed to.

Mr. THOMAS M. HOWE. I move the following amendment:

For the completion of the custom-house and other public offices connected therewith, at Pittsburg, \$35,000.

During the Thirty-first Congress there were appropriations made for four custom-houses, at four different points in the West—at St. Louis, Cincinnati, Louisville, and Pittsburg. At the two former there were appropriations of \$75,000 for the purpose of constructing and building these custom-houses. At the two latter points the language of the law is, that the entire cost of building and the purchase of the sites should be \$75,000.

There seems to me a discrepancy in the appropriation between the several points. At the city of Pittsburg a lot has been purchased at an expense of \$35,000, leaving \$40,000 for building. This sum is entirely inadequate to construct such a building as the public wants require. It is a historical fact, that in the city of Pittsburg the public records have been exposed to fire within the last five years. The books and papers of the custom-house have been placed in buildings which have been twice destroyed by fire within the last five years. It is considered economy, therefore, upon the part of the Government to make such appropriations—at least my constituents think so—as will construct a building which will be fire-proof; and I have no doubt that gentlemen will concur with me and my constituents in that view of the subject. Forty thousand dollars is inadequate to accomplish that result, and I propose, therefore, to increase the amount to \$75,000 for the building, adding \$35,000 to the \$40,000 which now remain. This is the sum which has been recommended by the Secretary of the Treasury, as an amount which will construct a fire-proof building. It is a less sum than has been asked for and obtained from this committee by the gentleman from Kentucky, [Mr. MARSHALL,] and I propose to make \$35,000 additional, so as to make the whole sum \$75,000, placing us upon a par with St. Louis and Cincinnati. I hope the committee will award this sum for this purpose.

The question was then taken upon Mr. Howe's amendment, and it was agreed to.

Mr. PHELPS. I propose the following amendment:

For the completion of the fire-proof building in the city of St. Louis, Missouri, for a custom-house, independent treasury building, and other offices of the United States, \$37,000.

Mr. PHELPS. I have but one word of explanation which I think necessary to make, as the Representative from the St. Louis district is confined by sickness at home, and is unable to be here to speak for the interests of the city which he represents. The duty therefore devolves upon me, as one of his colleagues, to offer the amendment which has been read, and which he himself would have offered. I believe it to be right. Appropriations have been made for the erection of a fire-proof building at St. Louis, not merely for a custom-house, but for an independent treasury and for the other public offices which are kept permanently in that city. When we refer to that city and its commerce, and when we look to the receipts of the last fiscal year, we find that the duties collected in that city to be more than \$280,000, as I have been informed by a gentleman who has just arrived from that city, and who is well informed upon that subject. Again, by law a branch of the Treasury Department is kept in the city of St. Louis, and the Assistant Treasurer's office is located there. The Government of the United States has been at great expense in paying for fitting up an office, so as to cause it to be fire-proof; and when the Assistant Treasurer has been removed, and another one has been appointed, who selected some other office, a still further expense has been incurred by the Government in fitting up this office also. In addition to that, this building is designed for another purpose, not merely for a custom-house and independent treasury, but also for a surveyor general's office, the records of which are kept there in buildings rented by the Government. All the records appertaining to surveys in the States of Illinois and Missouri are

kept there, for the surveyor general located at St. Louis is surveyor general for Missouri and Illinois. In addition to that, there are officers in the Quartermaster's Department or Commissary's Department, constantly stationed at St. Louis, and it is necessary that they should have offices in which to transact their business. The supplies necessary for the troops upon the Mississippi and Missouri rivers, and upon the Plains, are purchased in that city. It was designed at the time the appropriation was made for the erection of a custom-house and independent treasury building, that these offices should be kept in that building. The Secretary of the Treasury, in a report in relation to custom-houses, and to which reference has been made by other gentlemen, has mentioned that \$37,000 were now necessary for the completion of the building. At the first session of the last Congress the sum of \$75,000 was appropriated for the purchase of a site and the erection of a building. There was the same provision in that law, that the cost of the construction should not be more than \$75,000. But the Secretary of the Treasury found that the site cost more money than was expected. Thirty-seven thousand dollars have been expended in the purchase of a site, and that amount of money is wanted for the purpose of completing the edifice.

The question was then taken upon Mr. PHELPS's amendment, and it was agreed to.

Mr. FREEMAN. I offer the following amendment:

For the completion of a marine hospital at Vicksburg, on a site purchased for that purpose by the Secretary of the Treasury, \$30,000.

The CHAIRMAN. The Chair thinks that the amendment is not in order.

Mr. FREEMAN. Five thousand dollars have been appropriated for the purchase of a site.

The CHAIRMAN. It has no connection with custom-houses, and therefore it is not in order.

Mr. INGERSOLL submitted an amendment appropriating \$50,000 to rebuild the custom-house at New Haven, Connecticut.

Mr. HOUSTON. I ask the Chair if that amendment is in order? There is no pretext, I suppose, for saying that it is to supply a deficiency. It is a proposition to commence a new work. There is no authority for it at all, no estimate—nothing of the sort.

The CHAIRMAN. The Chair thinks that the amendment is not in order.

Mr. HOUSTON. These other appropriations are for works which have been already commenced, and are all estimated for.

The CHAIRMAN. The Chair thinks that a proposition to rebuild a house is like a proposition to build a house in the first instance.

Mr. INGERSOLL. I will state that this matter has been referred to the Committee on Commerce, who, I understand, are in favor of the appropriation.

The CHAIRMAN. The Chair thinks that does not alter the case.

Mr. MILLSON. I offer the following amendment:

For completing the custom house at Norfolk, Virginia, \$50,000.

Mr. Chairman, at the last Congress an act was passed appropriating \$50,000 for the erection of a custom-house, and the purchase of a site, at Norfolk, Virginia. My constituents being exceedingly modest as well as economical, supposed that \$50,000 would be sufficient to erect the building. The Treasury Department, however, entertains a different opinion, and I beg the House to understand that I am submitting this amendment not at the instance of my constituents at all, but because the Secretary of the Treasury has stated to the House, that the amount appropriated is insufficient to complete the building. I will state that this communication was made to the House, not only without any prompting from me, or my constituents, but even without my knowledge. I had intended to wait until the civil and diplomatic appropriation bill came up, before bringing this matter to the attention of the committee, but as it seems to be settled that the proper mode of proceeding is to introduce these applications for deficiencies at the present time, I will content myself by submitting the amendment which I have offered.

I will read to the committee what the Secretary of the Treasury says upon the subject:

"The act of Congress limits the cost of the building at Norfolk, at \$50,000, besides the proceeds arising from the sale of the old custom-house. No site has yet been selected; but the amount appropriated is not deemed sufficient for a suitable building at that port, and it is respectfully recommended that the appropriation should be increased \$50,000."

I believe that the Committee on Ways and Means would have passed favorably upon this appropriation. I have no doubt they would have done so when the civil and diplomatic appropriation bill came up. I will state, however, that since that report was made to the House by the Secretary of the Treasury, a site has been purchased for an amount which leaves the residue of the appropriation utterly insufficient, as I think, to complete the building.

The question was then taken on Mr. MILLSON's amendment, and it was agreed to.

The Senate amendment, as amended, was then agreed to.

The following clauses of the twenty-fifth amendment of the Senate were then severally read, considered, and agreed to, viz:

"10th. For arrears of contingent expenses in the Post Office Department, \$7,500.

"11th. For compensation to temporary clerks employed conditionally to bring up arrears of business in the Dead Letter Office, \$1,002 67.

"12th. For fuel for the General Post Office building, from the 20th of February, 1852, to the end of the season, \$750."

The thirteenth clause of the twenty-fifth amendment coming up next in order, was read by the Clerk, as follows:

"For the payment of the salaries of the special agents of the Post Office Department, at the end of the fiscal year ending the 30th of June, 1852, \$11,500."

Mr. HENN. I move to strike out that appropriation; and I do it for the purpose of asking the chairman of the Committee on Ways and Means whether it is to pay an additional number of special agents, or whether it is to pay the regular salaries of the usual number of agents.

Mr. HOUSTON. At the second session of the Thirty-first Congress, a law was passed to increase the salaries of the special agents from \$1,000 to \$1,600. To that law a proviso was attached, that no greater amount should be applied than was appropriated in that bill. The object of the proviso was to confine the number of special agents to those who were then in the employment of the Post Office Department. The Postmaster General found, however, that he could not get along with that number of special agents. He has, therefore, considering that he had the discretion, instead of giving them \$1,600, increased the number of special agents, and the whole amount appropriated by the last Congress for this purpose has been paid over to the special agents at the rate of \$1,000 apiece, except probably one agent. The object of this appropriation is to increase the salaries of all of the special agents in the employment of the Department—I think some sixteen or eighteen.

Mr. HENN. I ask the chairman of the Committee on Ways and Means, if he does not consider that the Department employs more of these special agents than is necessary?

Mr. HOUSTON. It is difficult for me to answer that question, and do justice to myself and the Department.

Mr. HENN. I am satisfied that there have been more Post Office agents in the part of the country which I represent than were at all necessary. They have been employed for political purposes, and I do not wish to vote for an appropriation for the payment of men whose whole business has been political.

Mr. HOUSTON. I am opposed to this appropriation myself. I opposed it in the committee. A majority of the committee, however, thought it was necessary to make it, and they therefore overruled me; and I take it for granted that resistance to an appropriation in this committee will amount to but little. I therefore submit the facts as I have stated them to this House.

Mr. BAYLY, of Virginia, moved to decrease the amount of the appropriation to one dollar, and said: Mr. Chairman, I recollect very well the history of that provision of the law. An application was made to the Committee of Ways and Means at the last Congress in respect to this subject. The ground upon which the Department placed it was, that they wanted to give an increase of salary in order that they might get a superior order of men. It was represented to us that if we would increase the salaries of these officers,

they would be satisfied with a fewer number, and we took them at their word.

Mr. AVERETT. I ask my colleague if this appropriation does not go directly in the teeth of an express provision of the bill of the last Congress?

Mr. BAYLY. Certainly, it does.

Mr. HOUSTON. I will read the provision of the law passed at the last session of Congress; it is as follows:

"And be it further enacted, That the Postmaster General is hereby authorized to allow hereafter to the special agents of the Post Office Department annual salaries of \$1,600: Provided, That no more shall be expended for this purpose during the present year than is already appropriated in this act."

Well, the amount appropriated in this act was \$35,000; so that, as I stated before, the object and intention of Congress, as clearly expressed in the law, was that no more than \$35,000 should be expended, but that in expending that amount the salaries of the special agents then in the employment of the Department might be increased. But the Postmaster General thought fit to increase the number of special agents, and has absorbed the money in that way without increasing the salaries of those then in the employ of the Department.

Mr. EVANS. I understand the chairman of the Committee of Ways and Means to say that the Postmaster General found it necessary for the public service not to increase the salaries, but to employ an additional number of special agents. The gentleman upon my left [Mr. HENN] says that these agents have been employed for political purposes. I do not know how it may be in his country, but I will do justice to the last Administration—that of Mr. Polk—and to the present Administration, and say, that nowhere in our part of the country were they employed for any such purpose under Mr. Polk's administration, nor are they now. They have been employed in making valuable detections in many cases. I do not know what motive the Postmaster General could have in increasing the number of special agents unless he found it absolutely necessary. The operations of these special agents are always secret, and have to be so in order to be effective; and I have no doubt the Postmaster General found it necessary to increase the number in order to make detections. Are we now to take away the salaries after the service has been performed? The gentleman from Alabama admits that these salaries were increased to \$1,600, and therefore this is not a violation of law.

Mr. HOUSTON. The gentleman misunderstands me. This appropriation is intended to increase the salaries, not only of those who were in the employ of the Government at the time the law was passed, but of all who have been appointed since that time, from \$1,000 to \$1,600.

Mr. EVANS. Well, their salaries were fixed at \$1,600.

Mr. HOUSTON. At the time the law passed there were, say ten of these special agents employed. I do not know the precise number. The law said you might increase the salaries of these officers to \$1,600, provided that no more than was appropriated should be expended, which was \$35,000. The Postmaster General found it necessary to employ a larger number, and he could not give them \$1,600, but was compelled to keep the salaries down to \$1,000, and now these special agents, not only those who were already employed, but those appointed since, apply to have their salaries increased up to \$1,600.

Mr. EVANS. It is as I understood it precisely. The compensation ought to be \$1,600. There is no propriety in striking it out.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Virginia, [Mr. BAYLY.]

Mr. BAYLY. I withdraw my amendment, if there is no objection, as I prefer the one offered by the gentleman from Iowa, [Mr. HENN.]

The CHAIRMAN. The question recurs on the motion of the gentleman from Iowa, [Mr. HENN.] to strike out the clause.

Mr. PHELPS. I propose to reduce the appropriation \$1,000.

I desire to submit a short explanation in relation to this appropriation. By the legislation of Congress, the salaries of these special agents of the Post Office Department were increased to the sum of \$1,600 per annum. Prior to that time, they



had received but \$1,000. But in appropriating money for the purpose of paying the salaries of these special agents, you also allow an item for defraying the expenses of those who are arrested for committing depredations upon the mails. I do not recollect the exact language, but the clause appropriating this money is so much for special agents, and so much for defraying the expenses of depredators. That is, agents are employed for the purpose of traversing the country, and ascertaining who have been engaged in the perpetration of any robberies upon the mails; and they are also directed to inquire into the regularity of the mail service, and to make suggestions in relation to any change they may deem proper in the operation of the mail service in the sections of country through which they may travel. The duty which devolves upon them is an arduous one. They are, to a certain extent, police officers, for whenever a depredation has been committed upon the mail, the Postmaster General is informed of it, or the special agent is informed of it, by the local postmaster, and they are compelled to resort to the vicinage of the place where these depredations are committed, and by their ingenuity endeavor to detect the persons who have been guilty of these violations of law. I say it is an arduous and responsible duty, and I have entertained the opinion that the sum appropriated, and the amount of salary fixed by this law, was none too great.

I will further state to this committee that, in addition to the sum of \$1,600, they are also paid their traveling expenses while they are engaged in traveling over the country. Is that sum more than sufficient to induce any man, of sufficient responsibility for that office, to leave his family and engage in traveling the country? In consequence of there being such an amount of money expended in defraying the expenses of the prosecution—I mean the proceedings before a magistrate when a person has been arrested, charged with the commission of any offense against the laws of the Post Office Department, which expenses are defrayed out of this appropriation—the Postmaster General could not pay these special agents the \$1,600 per annum, and has paid them only \$1,000.

Mr. JONES, of Tennessee. I am opposed to this amendment. This question, like a great many others, has for its naked object, the increase of salaries. The Postmaster General has authority to appoint mail agents to travel upon the mail routes, and detect persons who commit depredations upon the mails—as well postmasters, and mail-carriers, as other persons. Their salary, at present, is fixed at \$1,000. In addition to that, they receive two dollars per day for traveling expenses, and, sir, they are charged nothing for traveling upon a mail route where passengers can be conveyed. Upon steamboats, stages, and railroads, upon which they travel, in order to look after the mails, and detect these depredators, they are never charged one cent for their passage. Then, sir, I think that with \$1,000 salary and their expenses paid, there can be, perhaps, as good men obtained to engage in this service as you can get for \$5,000. You can get businessmen at \$1,000, who will enter upon the duties of that service as a livelihood, and discharge the duties in order to retain the position. But, sir, when you give these large salaries, as has been the case in some instances, these appointments are given to political partisan favorites, who are, perhaps, waiting sometimes for a seat in this or the other end of the Capitol. Now, you give a fair salary—\$1,000—and in most of the States of this Union, if not in all of them, you will get the very best men of the country for this particular branch of the service. I think the committee and the House should non-concur with the amendment, and reject it.

The question was then taken on the amendment offered by Mr. PHELPS, and it was not agreed to.

Mr. AVERETT. Mr. Chairman, I move to reduce the appropriation to \$1,000. I offer this amendment to enable me to make a few remarks upon the clause of the bill now before us. My colleague, [Mr. BAYLY,] who was chairman of the Committee of Ways and Means in the last Congress, and the present chairman of that committee, [Mr. HOUSTON,] both assure me and the House that this appropriation, demanded by the Executive, is designed to cover a deficiency created by overleaping the limitations imposed by law. I understand that the last Congress expressly stip-

ulated what the salaries of these officers should be, and made an appropriation accordingly, and said to the Executive, "thus far shalt thou go, and no further." In disregard of the express limitations imposed by law, more agents have been employed than were authorized, and we are asked to ratify and pay for this usurpation.

Now, sir, I do not begrudge to these agents, or to clerks, fair, yea, liberal salaries. They are the working men of the Government, and ought to be punctually and liberally paid. I would be willing to pass a law increasing the compensation of some of them. It is not on account of what they are to receive under the provisions of this bill that I oppose this clause of it. My opposition is founded upon other and higher considerations. It is our duty, as the representatives of the people, to hold control over the treasure which comes from the pockets of our constituents. But, if we allow the President or his subordinates to contract debts without authority of law, or to transcend limitations which Congress have expressly imposed, and then not only tamely submit to such usurpation, but expressly indorse and ratify it, we divest ourselves of our rightful authority, violate our representative obligations, encourage a foul system of unauthorized expenditure, and add to the power, while we diminish the responsibility, of the Executive. This is but a part of a system that has become fashionable. It is time—it is our duty to put a stop to it. Let us no longer listen to the appeals in behalf of men who have been employed not only without authority, but directly in the teeth of the prohibitions of law. The "laborer is worthy of his hire," but we must teach him to see first whether there is any lawful authority for employing him; and when our high functionaries make contracts not only unauthorized by law, but in violation of law, they ought to be compelled to "foot the bill," and be held responsible for their transgressions.

Mr. TAYLOR. I want to say a word in opposition to the amendment proposed by the gentleman from Virginia, [Mr. AVERETT.] So far from wishing to diminish this appropriation, it is, in my opinion, the duty of Congress, if necessary, to increase it. I look upon this service as one of the most important duties of the Post Office Department. It is impossible to estimate the importance of the service. What is the service? If I understand it, certain special agents are appointed to detect robberies of the mail. You may appropriate ten, or fifteen, or twenty thousand dollars, and the service may require \$30,000, or more. If the Postmaster General be restricted to the amount of \$5,000 to ferret out the numerous mail robberies that are committed, and which have become very frequent since you have extended your post office establishment all over the country, he will be unable to have that duty performed as it should be. These robberies have become very frequent on the line from the East to the West. Very many have been perpetrated within the last year or two between that part of the country where I reside and the great Eastern cities. Innocent men, men engaged in important business, bankers, merchants, and others have had their checks, and drafts, and money stolen in their transmission from the Western States to your Eastern cities, and some of those robberies have been detected by the vigilance of the Postmaster General, through these agents. They might not have been detected if you had limited the Postmaster General to four or five thousand dollars. I do not understand this \$11,500 asked for to be an extravagant appropriation at all. It appears to me to be a very proper one. It appears to me to be an economical one, and I trust this committee will not delay action upon important bills, by quibbling about whether we will give \$1,000, or \$5,000, or \$11,500, to prevent robberies of the mails of the United States, that now extend over this vast country, and to bring, with certainty and dispatch, these criminals to justice, even if it should require a few thousand dollars more than we appropriated. The amount asked for is a very trifling one, and I hope the committee will not adopt the amendment offered by the gentleman from Virginia, [Mr. AVERETT.]

The question was then taken on the amendment offered by Mr. AVERETT, and it was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Iowa, [Mr. HENN,] to strike out the clause.

Mr. HENN. Upon that I ask for tellers.

Mr. STANTON, of Kentucky. Is it in order to move to amend, by increasing the amount of the appropriation?

The CHAIRMAN. It is.

Mr. STANTON. I move to increase it \$1,000. I make the motion, simply for the purpose of making a remark or two, and I shall not detain the House five minutes with what I have to say.

I have had some little experience in this matter, having, upon two different occasions in my life, had the honor of receiving from the Postmaster General commissions as a special agent. Now, sir, I know exactly what is required, and I know precisely the amount of expense to be incurred in undertaking this duty.

Mr. HENN. I ask the gentleman to give way a moment, while I ask the chairman of the Committee on Ways and Means, whether or not the Postmaster General has increased the number of these special agents? I wish it distinctly understood, that I am not opposed to the amount of salary, but to the number of agents employed. The Department has increased the number of agents, and thereby prevented them from getting the whole amount of salary that it was intended by the law they should receive.

Mr. HOUSTON. That is one cause, and the main cause, of the absorption of the appropriation of the last Congress for this service.

Mr. STANTON. The extent of our country has increased. Two empires almost have arisen upon our continent that are attached to this Union, and the necessity for an increase of this description of officers is obvious to everybody. As I said before, I have had some experience in the matter. In the year 1845, Cave Johnson, an economist after the order of my friend from Tennessee, [Mr. JONES,] a strict constructionist, and a man who scrupled about the one tenth part of a dollar, was at the head of the Post Office Department, and he chose to abolish the whole system of special agents and to devolve that duty upon the distributing postmasters of the country. I happened to be one at the time, and was honored with a commission and instructed to go into the mountains of old Kentucky to investigate mail depredations there. The duties of my office required my presence there, but in obedience to the mandate of the Postmaster General, whom I considered had a right to command me, I went into the mountains. There were no railroads or stage-coaches there upon which I could get a free passage, but I had to hire a horse at a dollar a day. I had to pay my own expenses, and two dollars per day was just about half as much as I expended in the service of the Government.

Mr. HOUSTON. I suppose the gentleman wants the facts before the committee. Does the gentleman mean to say, for hiring a horse, where there was no public conveyance, he had to pay out of his own private funds?

Mr. STANTON. They allowed me two dollars a day.

Mr. HOUSTON. No, sir. The principle is universal, if you go to where the public conveyance does not take you, the Government pays you extra. You may hire conveyances to transport you from point to point at the expense of the Government. It is universal. There is no exception to that rule.

Mr. STANTON. I do not care what the arrangement is now, the arrangement then was, that out of the two dollars allowed me by the Postmaster General, I was compelled to pay all the expenses I incurred, in consequence of which I wrote to the Postmaster General I could not attend to the duties, and threw up the commission. The Postmaster General a short time afterwards changed the arrangement, and appointed special agents. Under that system in 1837, when Amos Kendall was Postmaster General, I had a commission. I was allowed five dollars a day for my services, and two dollars a day for my traveling expenses; but two dollars did not pay my traveling expenses, although I went over the regular roads, upon which persons had contracts to carry the mail, free. Sir, \$1,000 is not enough to pay the man who undertakes that duty. He must be a man of character. He must be a man of sagacity. He must be a man capable of detecting rogues that are scattered all over this broad Union. A large majority of the depredations committed upon the Post Office Department are committed at small offices off from the regular

line where the mail is transported on horseback. Why, sir, a man cannot hire a horse and undertake this duty and accomplish it as he ought to do, with the allowance of only two dollars a day. I think the salary is not enough.

The question was then taken on the amendment to the amendment, and it was disagreed to.

Mr. FLORENCE. I move, Mr. Chairman, to add \$500 to the appropriation. I desire to express my entire concurrence with the views, and to indorse the conclusions arrived at by the experience of my friend from Kentucky, [Mr. STANTON.] I have had an opportunity of observing the absolute necessity there is that gentlemen of character and intelligence should be selected to perform the duties of special agents of the General Post Office Department. I will recite an incident to the committee to show how necessary it is to have the services of intelligent and sagacious gentlemen in that position; and every member, it occurs to my mind, is aware that a proper, indeed a liberal, compensation should be paid, so as to obtain and secure that class of men to which I have referred. It seems to me there cannot be a reasonable difference of opinion upon that point. A gentleman who now occupies the position of special agent for the General Post Office was informed a depredation had been committed on the United States mail at the Philadelphia post office—that a letter deposited there containing a draft for \$1,000 had been abstracted. There is at the post office door, after the closing of the mail, but before the bags are taken from the office, a small pouch in which letters are deposited previously to the mail matter being dispatched to its destination. This pouch is taken charge of by the route agent—distributed and made up by him in the cars. The person who deposited the letter averred he had deposited the letter containing the \$1,000 draft to which I have alluded in the pouch inside of the door of the post office. It was taken from there to the cars en route to New York. Suspicion immediately attached itself to the route agent. And here I may remark that, in my humble judgment, this class of Government officers do not receive compensation enough. They are now paid but \$800 a year; and I may remark further, by way of parenthesis, that I do not think there ought to be such a difference between the compensations of the route agents and special agents of the Post Office Department. The duties of either class are exceedingly responsible and arduous, and they should be paid a salary commensurate with the important service they render. Suspicion, as I have already said, attached itself to the route agent. The person who deposited the letter declared, in the most solemn manner, that he pushed it into the pouch, and that it fell to the bottom—thereby rendering it impossible for any one to abstract it therefrom. The special agent, a man of judgment, of nice discrimination, and fully competent and equal to his position, upon questioning the route agent, was well assured, from his cool manner, his general appearance, and having confidence in his integrity—his previous good character justifying the conclusion—that he had not committed the depredation; and doubted very much whether the letter had been safely and securely placed in the pouch. The agent was right in this surmise. Before eleven o'clock the next day the draft had been drawn at the Bank of North America, with a forged indorsement upon it. I am fearful I shall not be able to complete my story before the expiration of my five minutes. Immediately afterwards, by the scrutiny and investigation entered into by the special agent, it was discovered a boy had visited the Philadelphia post office upon business for his employers, and in the act of depositing letters for them had taken the letter from the pouch—had forged the name of the person in whose favor it was drawn, and had drawn the \$1,000 from the Bank of North America. The letter had not been securely placed in the pouch, but was left so that it was easily taken therefrom by the boy. The special agent, by severe scrutiny, good judgment, and having capacity for the place he fills, ascertained, by the investigation he immediately instituted, that the depredator had gone to Cincinnati. He went immediately to that city, arrested the perpetrator, recovered a large portion of the money, and brought the boy back to Philadelphia. I was a member, if I recollect correctly, of the grand jury which returned a true bill for the offense; and I

believe the boy is now under bonds to be tried for that depredation.

Now, sir, this proves, in the first place, that it requires intelligent gentlemen to perform this duty, not only to protect the public against wrong being done to them, but equally to defend those in the employ of Government, to whom suspicion frequently is unjustly attached. In the next place, we can perceive they have arduous duties to perform, traveling, as they do, from one end of the country to the other at a moment's notice, and at all seasons of the year. Without men of ability and sagacity, it will be impossible to prevent or discover depredations on the Post Office Department. They are committed, as we know, almost daily. It is known there have been more depredations committed on the Post Office Department within the last few years than at any previous time in the history of the country.

A Voice. It is because this is a Whig Administration.

Mr. FLORENCE. The gentleman says this is because we have a Whig Administration. I do not desire, nor was it my purpose to make attacks upon any one when I rose. I merely wished to urge the propriety of paying what I consider to be a fair compensation for arduous duties performed in the service of the Government.

Mr. HOUSTON. I am in the hope we will press action upon this bill and report it to the House to-night. I am opposed to the amendment and ask for a vote upon it.

The question was then taken on the amendment to the amendment, and it was rejected.

Tellers were demanded on the motion of Mr. HENN to strike out the clause, and they were refused.

The question was then taken, and decided in the negative.

The question was then taken on agreeing to the Senate amendment, and it was agreed to.

The fourteenth and fifteenth clauses of the twenty-fifth amendment of the Senate were adopted, as follow:

"For payment to the following named tribes of Indians of the undermentioned sums due them, retained by the late sub-Indian agent, William H. Bruce, the same to be reimbursed to the United States when recovered from said sub agent or his sureties, viz:

"To Menomonees, \$9,466 27.  
"To Chippewas, Menomonees, Winnebagoes, and New York Indians, \$531 50.  
"To Six Nations of New York, (Stockbridge,) \$22 50.  
"To Stockbridge, \$1,806.

"For expenses of treaty with the Mississippi and St. Peter's Sioux for the extinguishment of their title to lands in Minnesota Territory, being in addition to the appropriation for the same object, made 30th September, 1850, \$4,372 38.

"For expenses of treating with the Indians and half-breeds, for the extinguishment of the title to their lands on the Red river of the north, in the Territory of Minnesota, being in addition to the appropriation for the same object, made 30th September, 1850, \$901 05."

The Clerk then read the sixteenth clause of the twenty-fifth amendment of the Senate, as follows:

"For this sum as an advance to the Chippewa Indians of the Mississippi, under the third article of the treaty of 2d August, 1847, to be expended in opening farms for their benefit, and extending their farming facilities, \$5,000."

Mr. HOUSTON. This item was in the committee ordered to be stricken out, for the purpose of putting it in regularly in the Indian bill. It is an item which belongs to, and we have a part of it now in the Indian bill. The committee have instructed me to move to strike it out of this bill and to put it in the Indian appropriation bill. If it be retained here, confusion will be created in the appropriation. There is no necessity for it in this bill.

Mr. SIBLEY. I trust the chairman of the Committee on Ways and Means will allow me to make a statement. This sum is required to be appropriated at the earliest possible moment. These Indians, or a portion of them, under a former appropriation, have been removed. It is the intention of the Department to apply this money, in anticipation of the ordinary appropriation, to farming purposes. The money is absolutely necessary now. It is merely in anticipation of the regular Indian appropriation bill.

Mr. HOUSTON. The gentleman is mistaken. The Government agreed to pay this tribe of Indians \$1,000 a year for forty-six years, to be applied to farming purposes, as it is alleged. The treaty is not, however, very clear upon that subject. In the regular Indian bill we have one of the forty-six payments appropriated. This proposition is to

anticipate five of the payments—instead of paying \$1,000 to pay \$5,000—five forty-sixths of the original amount to be given by the treaty. They said they wanted it early last winter for the purpose of using it for farming purposes, so as to bring the land into cultivation this spring. They have not got the money. If they get it now they cannot use it before next year. They do not want it now, before the regular bill passes. In the Committee on Ways and Means this item was decided to be irregularly here, and that the phraseology is such as not to be an offset against the treaty.

Mr. SIBLEY. I wish to state to the committee, that I probably understand more about this proposition and the questions connected with it, than the gentleman can possibly do. Under the treaty made in 1847, these Indians were to receive \$1,000 annuity for forty-six years. The Department now requires this sum to be expended in anticipation for five years, in order that the Indians who have been removed west of the Mississippi from the east, shall have the means of subsistence when they get there. The Indian agent has just left here for his post, after having waited for some time to get through this appropriation. He states that it is absolutely necessary that this appropriation should be made, and that a treaty provision being anticipated for five years, would be all that was required to put their farming operations in such shape, that the Indians hereafter can be supported from the proceeds of their farms.

The question was then taken upon striking out the clause, and it was agreed to.

The eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth clauses of the twenty-fifth amendment of the Senate were then considered and agreed to, as follow:

"For fulfilling treaties with the Winnebagoes, viz: purchase of tobacco, per second article of treaty of 1st August, 1839, and fifth article of treaty of 15th September, 1832, \$375.

"For fulfilling treaties with Ottowas and Chippewas, viz: purchase of tobacco, per fourth article of treaty of 28th March, 1836, \$300.

"For fulfilling treaties with the Sacs and Foxes of the Mississippi, viz: purchase of tobacco, per fourth article of treaty of the 21st September, 1832, \$200.

"For fulfilling treaties with the Menomonees, viz: purchase of tobacco, per second article of treaty of 3d September, 1836, \$100.

"For the payment of annuities, and the transportation of the same, to certain tribes of Indians, in accordance with the seventh article of the treaty made at Fort Laramie, on the 17th day of September, Anno Domini 1851, \$60,000. And the Secretary of the Interior is hereby authorized to purchase the provisions, merchandise, domestic animals, and agricultural implements, to be delivered in payment of the annuity first payable under the seventh article of said treaty, without previous advertisement, if such purchases can be so made on reasonable terms."

The twenty-sixth clause was then read, as follows:

Section three, page fifteen, line nine, strike out the word "hereafter," so as to prevent the Executive branch of the Government hereafter recognizing any contract between any tribe or part of a tribe and any attorney or agent for the prosecution of any claim against the Government under this act.

Mr. HOUSTON. There are two amendments here (the twenty-sixth and twenty-seventh) which necessarily go together. I should like the attention of the gentlemen from Arkansas [Mr. Johnson] and Indiana [Mr. Fitch] to the words here, just transposing the word "hereafter" from one place to another. The committee will remember, that when this deficiency bill was before the House a short time ago, upon the motion of the gentleman from South Carolina, [Mr. Woodward,] a provision was inserted, declaring that the President of the United States should not recognize any contract with agents for the Indians. That was intended to apply to all contracts from the time the law might pass. The Senate have transposed the word, so as to make the word "hereafter" apply to the time of making the contract, and not to the action of the President of the United States. They have changed the phraseology of the provision which we made, which was, that no contract shall hereafter be recognized and made the law, so that it shall not be lawful to recognize contracts hereafter made—so as to let in all contracts, whether fraudulent or otherwise, which may exist at the time the law takes effect. The Committee of Ways and Means non-concurred in the amendment of the Senate.

Mr. CHANDLER. Does the gentleman mean to say that where debts have been recognized by the Indians they are not to be paid?

Mr. HOUSTON. This provision was offered by the gentleman from South Carolina, and it was intended to put down the fraudulent and corrupt practice which has prevailed in this city and everywhere else where Indians are managed at all on the part of white men, of making contracts with Indians and defrauding them out of their dues. Let me illustrate the case. An Indian is entitled to an annuity and a compensation from the Government under some treaty, and some white man, an Indian agent, goes to him and tells him that he cannot get his pay without the instrumentality of some white man, that Congress will not pay any attention to him; and he thus induces him to give him a large amount, sometimes a quarter, sometimes a half, and in some cases more than half. The gentleman from Florida [Mr. CABELL] is better acquainted with these things than I am, and he knows that often, for really no service at all, the Indian is deprived of more than half his money by these kind of agents or attorneys.

Mr. CHANDLER. I am concerned to know if an Indian trader purchases goods in the East, and sells them to the Indians upon credit, is to lose his debts?

Mr. HOUSTON. That has nothing to do with it.

Mr. JOHNSON, of Arkansas. I will make a brief explanation in regard to this matter, if the gentleman will allow me. An amendment was drawn up by the gentleman from South Carolina, [Mr. WOODWARD.] I was consulted with and satisfied, at the time, that it was correct, and would hereafter relieve a class of cases where the Indians themselves were the sufferers from an imputation which existed most unfairly against them in the minds of gentlemen, and that it would place them upon their own merits before the House, and that it would enable them to be properly cared for and sustained here. I am entirely satisfied, that the amendment proposed by the Senate will materially change the section which was originally adopted by the House. I believe that the best thing which can be done for the benefit of these Indians, is to place them in this position, where they can employ their own agents if they choose, and pay them themselves, and where the Government will have nothing to do with these agents. Or, in other words, will not recognize any contract between them and the Indians, but leave them to be governed by Indian law; and in their transactions with the Indians to receive what they may choose to give them. We will have nothing to do with their business at all. This will enable them to get justice, whereas they cannot get it unless a course of this kind is taken. I am opposed to the amendment, and I agree with the chairman, of the Committee on Ways and Means not to concur in the amendment of the Senate.

Mr. SEYMOUR, of New York. Mr. Chairman, I wish to say a few words—

The CHAIRMAN. The Clerk will report the next amendment, and then the gentleman will be heard.

The amendment was then read, as follows:

"Section 3, page 21, line 12, after the word 'contract,' insert the words 'hereafter made.'"

Mr. SEYMOUR. I wish to inquire of the Committee of Ways and Means, whether it is the intention to have the expression which was inserted in the House bill apply to contracts which had previously been made between these Indians and other persons, in good faith, and whether the action of the Senate has not been merely to restrict it to subsequent contracts? It seems to me, if this is so, that then the action of the Senate is right, and we should agree in their amendment, and the word "hereafter" should stand where they put it, and not where the committee of the House put it. I do not think we are prepared to say that contracts which have been made in good faith between these Indians and agents, for the purpose of getting their money or any other thing, shall be abrogated. I will not prejudice them. They have been made in good faith; they ought to stand to them. All that should be done by any law in this matter, should apply to future contracts, that all persons in future may have notice of it. No such law has existed heretofore, and if contracts have been made in good faith between these Indians

and their agents, they should not be embarrassed by any provision like this.

Mr. WOODWARD. Mr. Chairman, if the principle of the amendment proposed by me when the bill was first before the House, and which has been stricken out or modified, by the Senate, be correct, there is no good reason why it should not apply to existing contracts, as well as those hereafter to be made. The Senate must have misconceived the nature of the provision. It will not operate to make void existing contracts between Indians and white men, or to prohibit such contracts in future. Nor does it propose to take from the white man acting as the agent of an Indian or tribe of Indians, any remedy he may be entitled to by law, for breach of contract by the Indians. It simply proposes to prohibit executive officers from assuming to exercise judicial functions in such cases, between the agent and the Indian. Your executive officers cannot lawfully practice such jurisdiction, and what the Constitution and the laws have denied them, a white man and an Indian cannot by contract confer upon them.

Besides the usurpation, there is the grossest injustice and inequality in this executive judiciary. It is exerted for the exclusive benefit of the white man, and always to the disadvantage of the Indian. It is not an equity jurisdiction to enjoin what is fair, and just, and reasonable between the parties. Its object is to hold the Indian to his bargain no matter how grossly he may have been imposed upon; and this, too, without any consideration of the real value of the services of the agent, or whether he was either faithful or skillful in performing them.

Your Departments assume to pronounce judgment against the Indian, and then to execute their own judgment. Why should they desire to be permitted to do this? And what should it matter whether the contract be already made, or be hereafter to be made?

The Senate appear to have supposed that the provision as applied to existing contracts, would be in the nature of an *ex post facto* law. This is a great mistake. The agent is left to his remedy in the courts of the country, or the courts of the Indian tribes. And he who trusts an Indian, especially he who cheats an Indian, has no right to complain that the laws have not provided a peculiar and extraordinary jurisdiction for his special benefit.

It is a suspicious circumstance, that influences have been exerted to exempt existing contracts from the operation of the provision. I fear there is something wrong.

Mr. WALSH. Is it in order to discuss this matter?

The CHAIRMAN. Further discussion is not in order.

Mr. WALSH. When this original proposition was submitted to the House, I objected to it as violating vested rights. With the indulgence of the committee, I will repeat the reasons which I suggested then.

[Cries of "Order!" "Order!" "Order!"]

Mr. WALSH. All I have to say is, that is a most extraordinary state of facts that three or four gentlemen have been discussing this matter upon one side—

[Loud cries of "Order!"]

The question was then taken upon disagreeing to the Senate amendment, and it was decided in the affirmative.

So the amendment was disagreed to.

Mr. PHELPS. I wish to inquire if the amendment was adopted or rejected?

The CHAIRMAN. The question was put upon disagreeing to the Senate amendment, and it was decided in the affirmative.

Mr. EVANS moved that the committee rise.

Mr. HOUSTON. Oh, no; let us get through with the bill.

The question was then taken upon Mr. EVANS's motion, and it was decided in the negative.

So the committee refused to rise.

The twenty-sixth amendment of the Senate was read, as follows:

"Sec. 4. And be it further enacted, That no estimate or appropriation of money, in any bill making appropriations, shall authorize the payment of any increased pay, allowance, or compensation in any form whatever beyond the amount prescribed by law, in any case, unless there shall first be a specific direction for such extra payment, designating the officers to whom such extra payment shall be made."

Mr. JOHNSON, of Georgia. I move to strike out that clause on the ground that that is already the law. None of these officers have the power to appropriate any money, or apply it in any way, unless authorized by law.

The question was then taken upon Mr. JOHNSON's motion, and it was not agreed to.

The question recurred upon concurring in the Senate amendment, and being put, it was decided in the affirmative.

So the amendment was concurred in.

Section five, being the twenty-sixth amendment of the Senate, coming up next in order, was read, considered, and agreed to, as follows:

"Sec. 5. And be it further enacted, That the Commissioner of Public Buildings be, and he is hereby, authorized to apply any unexpended portion of the money appropriated by the act of Congress entitled 'An act making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol,' approved January 13th, 1852, to the payment of expenses necessarily incurred in repairing the damage lately done by fire in the office of the clerk of the Supreme Court, and in making other repairs about the Capitol."

The Clerk then read the sixth section, being the last of the Senate amendments, as follows:

"Sec. 6. And be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized to purchase for the United States a suitable piece of ground at a central point in the city of San Francisco, California, as a site for the erection of the custom-house heretofore authorized to be built: Provided, That said site or ground may be obtained with good and sufficient title to the United States in exchange for such reasonable portion of the Government reserve in that city as the said Secretary shall deem just and equitable, or for a sum in lieu thereof not exceeding \$40,000; and to enable the Secretary of the Treasury to carry into effect this provision, the sum of \$40,000 is hereby appropriated: Provided, That if the said Secretary shall fail to obtain such ground on satisfactory terms, then the said sum, or such portion thereof as may be necessary, may be expended in providing the proper foundations for said custom-house on the site heretofore selected for the purpose."

Mr. MARSHALL, of Kentucky. I move to strike out the last proviso. I do not understand it, and I should like to have some explanation of it. I do not understand why \$40,000 are to be appropriated to laying the foundation of the custom-house at the site already selected, in case they cannot get another site. I understand that the contract is made for building that custom-house. We have here \$40,000 to be appropriated and spent in laying new foundations for a house that is already contracted for in case they cannot find a new site.

Mr. McCORKLE. There is but one explanation to give of it, which is this: The lands owned in San Francisco by the United States are what are called water-lands. The point selected upon which to erect this custom-house had, about a year ago, eight feet of water upon it, and about thirty feet of mud under that water. It is estimated that it would cost at least \$40,000 to put a proper foundation there for the custom-house, which would have to be done by piling and filling in. If, however, it becomes necessary to purchase another piece of ground, this money in that instance, instead of being applied for piling and filling a foundation, will be appropriated for the purchase of another site. That is the object of this proviso. In case a more eligible position cannot be purchased, then it is made the duty of the Department to make a foundation upon this property, which the United States already own.

Mr. MARSHALL, of Kentucky. Is not that provided for in the \$400,000 contract?

Mr. McCORKLE. No, sir; \$400,000, as in the case you brought up from Kentucky, is appropriated to building a custom-house, and not laying the foundation.

Mr. MARSHALL. I ask the gentleman if the contract has been made for putting up the house without putting under it the foundation?

Mr. McCORKLE. The contract is for putting up the house, and not putting in the foundations.

Mr. GOODENOW demanded tellers upon the amendment, but they were not ordered.

The question was then taken upon Mr. MARSHALL's amendment, and it was disagreed to.

The question recurred upon agreeing to the amendment of the Senate, and being put, it was decided in the affirmative.

Mr. HOUSTON moved that the committee rise and report the bill and amendments to the House; which motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman [Mr. STUART] reported that the Committee of the Whole



on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the amendments of the Senate to House bill No. 207, and had instructed him to report back that they had agreed to some of those amendments, some with amendments and others without, and had instructed him to report to the House and ask its concurrence.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House that that body had passed sundry bills.]

Mr. GENTRY. I desire to offer a resolution.

Mr. JONES, of Tennessee. I ask what will become of the deficiency bill, if my colleague goes to something else?

The SPEAKER. The question immediately before the House is upon agreeing to the report of the Committee of the Whole on the state of the Union.

Mr. JONES. Exactly; but if the House passes from this bill it will go upon the Speaker's table.

Mr. GENTRY. I do not wish to interpose any obstruction to the passage of the bill. I was going to move a suspension of the rules for the purpose of introducing a resolution, which, I am sure, will not occupy more than five minutes.

Mr. JONES. I suppose my colleague will give way until a motion is made to recommit the deficiency bill, and call the previous question upon it.

Several Voices. Let us have the previous question.

Mr. GENTRY. I will waive my right to the floor, and trust to the courtesy of the House to allow me to offer a resolution afterwards.

Mr. HOUSTON. I move to recommit the bill to the Committee of the Whole on the state of the Union, and I ask the previous question. My object is to keep the bill up so that we can dispose of it.

Mr. GENTRY. I move to suspend the rules for the purpose of introducing the resolution which I have sent to the Chair. I beg leave to remark, that there is nothing in it—

The SPEAKER. The motion of the gentleman from Alabama [Mr. HOUSTON] takes precedence over the motion of the gentleman from Tennessee [Mr. GENTRY] to suspend the rules.

Mr. HOUSTON. I suppose the House wanted to go to this subject, or to adjourn. My object is to put the bill where it can be reached in the morning as unfinished business. I move a recommitment, and the previous question.

Mr. GENTRY. Cannot the question go over until to-morrow morning, by common consent?

The SPEAKER. It can only be done by unanimous consent.

Mr. GENTRY. I ask the unanimous consent of the House to allow me to introduce my resolution.

Mr. JONES, of Tennessee. We cannot leave the bill without the unanimous consent of the House.

The SPEAKER. That is what the Chair decides.

Mr. JONES. I move that the House adjourn.

Mr. GENTRY. I am upon the floor, I believe, and therefore the gentleman cannot submit that motion. A very few moments will straighten out this little difficulty.

The SPEAKER. The Chair has stated to the body that the first question in order is upon the demand for the previous question made by the gentleman from Alabama, [Mr. HOUSTON]; but the gentleman from Tennessee asks the unanimous consent of the House—

Mr. GENTRY. No, sir. Let me correct you, if you please. I understand the House, by common acquiescence, to permit the motion of the gentleman from Alabama to go over until to-morrow morning in order to give me an opportunity to make the motion which I desired to make. It is competent for the House, by common consent, to allow the motion of the gentleman from Alabama to be entered, and go over until to-morrow morning. I understand that to be universally agreed on. I now move to suspend the rules, to enable me to introduce the resolution I propose to introduce. I suppose the gentleman from North Carolina [Mr. STANLY] will not object to it. It amounts to nothing more than this: That some of our little pages, and other boys of the city have formed a military company. The Secretary of

War is anxious to equip and arm them with weapons which are not very valuable to the country. He has no legal authority to do this, however, and it is necessary to introduce a resolution to give him that authority.

Mr. EDGERTON. I object to the resolution. The previous question was then seconded.

Mr. JONES, of Tennessee. I move, before the question is taken upon ordering the main question, that there be a call of the House.

Mr. CAMPBELL, of Illinois. I move that the House do now adjourn.

Mr. JONES. Well, I have no objection to an adjournment.

The question was then taken, and agreed to; and

The House adjourned until to-morrow at eleven o'clock.

## IN SENATE.

TUESDAY, July 13, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. WADE presented a petition of citizens of Cardington, Ohio, praying that the bill now pending before Congress, commonly known as the "homestead bill," may become a law; which was referred to the Committee on Public Lands.

Mr. GWIN presented the petition of Charles B. Polhemus and Charles Griswold, composing the firm of Alsop & Company, of San Francisco, and owners of the steamer Quickstep, praying to be reimbursed the amount of a judgment recovered against the steamer for a collision while employed in the service of the Coast Survey and under the command of an officer of the Navy; which was referred to the Committee on Finance.

Also, the petition of Francisco Lope Urriza, a citizen of California, praying remuneration for losses sustained during the late war with Mexico; which was referred to the Committee on Foreign Relations.

Mr. CHASE presented a petition of citizens of Cincinnati, Ohio, praying that the bill now pending before Congress, commonly known as the "homestead bill," may become a law; which was referred to the Committee on Public Lands.

Mr. SOULE presented a memorial of James H. Rhinehart and others, praying confirmation of their titles to lands within the Maison Rouge grant; which was referred to the Committee on Private Land Claims.

## REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of James Montgomery, praying Congress to aid him in the construction of a steamer which will be competent to carry the mails between New York and Liverpool in six days, and between Newfoundland and Liverpool in four days, and which shall be also suitable for war purposes, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on the Post Office and Post Roads; which was agreed to.

He also, from the same committee, to which was referred the memorial of Robert F. Pinkney, a lieutenant in the Navy, praying Congress to prevent the further dissemination of misrepresentations injurious to his professional reputation made by Commander Wilkes in the history of the Exploring Expedition, published by the authority of Congress, asked to be discharged from the further consideration thereof, and that it be referred to the Joint Committee on the Library; which was agreed to.

He also, from the same committee, to which was referred the memorial of Philip F. Voorhees, praying the reimbursement of certain expenses incurred while in command of the United States ship Savannah, submitted an adverse report thereon; which was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the petition of John West and others, engaged in the merchant service and on board of privateers during the last war with Great Britain, who were taken prisoners, praying compensation for the time lost and sufferings endured during their imprisonment, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. ADAMS, from the Committee on Claims, to which was referred the petition of Lieutenant

Colonel Ebenezer Dumont, praying compensation for a horse killed in Mexico, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Manufactures, to which was referred the memorial of George K. Shoenberger and others, praying to be allowed a patent for the manufacture of Russia sheet iron, reported a bill for their relief; which was read; and passed to the second reading.

## PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. RUSK, it was

Ordered, That the report of the Secretary of War in relation to the claims of certain friendly Creek Indians, and their legal representatives, for arrears of pay due them for military services in the Florida war, communicated to the Senate, June 15, 1848, be taken from the files and referred to the Committee on Indian Affairs.

## JOINT RESOLUTION AND BILLS PASSED.

The following engrossed joint resolution and bills were severally read a third time and passed: Joint resolution authorizing the examination of the claims of the Biloxi Bay Indians;

An act to authorize the sale of reserved lands, and for other purposes;

An act to authorize the Mayor and Common Council of Chicago, Illinois, to excavate a portion of the public reservation at that place, with a view to the improvement of the navigation of the Chicago river;

An act for the relief of Colonel James R. Creecy; and

An act for the relief of Joseph Morton Plummer and Mary Reynolds Plummer.

## SAFETY OF PASSENGERS ON STEAMBOATS.

The bill entitled "An act to provide for the better security of the lives of passengers on board vessels propelled in whole or in part by steam," was read the third time.

Mr. DAVIS. There is a slight omission on the seventh page of the bill, at the ninth line, which I desire to have supplied. We provide in the bill for the pay of two inspectors in the State of Texas, in the district of Galveston. On looking at the bill as engrossed, I find that at the portion of the bill which I have named, where the districts are enumerated, the district of Galveston is omitted. I ask the unanimous consent of the Senate to insert at the point which I have indicated the words "Galveston in Texas."

The PRESIDENT. Unanimous consent must be given in order to amend the bill at this stage.

No objection being made, the amendment was made, and the bill passed.

## WASHINGTON CITY GUARDS.

Mr. CLEMENS. I ask the unanimous consent of the Senate to introduce a joint resolution, no notice having been given. It is a joint resolution, for supplying the Washington City Guards with arms.

Leave was given, and the resolution was read the first time, as follows:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be and he is hereby authorized to loan to the Washington City Guards such small arms as may be suitable for a juvenile company.*

Mr. CLEMENS. I ask that it may have a second reading now.

The PRESIDENT. With a view to reference?

Mr. CLEMENS. No, sir, I think it could be passed now.

The resolution was accordingly read a second time, was considered as in Committee of the Whole; was reported to the Senate without amendment, was ordered to be engrossed for a third reading.

Mr. BORLAND subsequently rose, and said: Mr. President, a joint resolution, relative to furnishing arms to the Washington City Guards, was this morning ordered to be engrossed. It has been engrossed, and I ask that it may now be read a third time and passed. It was ordered to be engrossed this morning without any opposition or dissent, and I hope there will not now be any objection to it.

Mr. HALE. This resolution is to furnish this juvenile company with such arms as the Secretary of War may think suitable to them. I think it would be better to furnish them with Webster's spelling-book. I must, therefore, object to the third reading of the bill.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) Objection being made, the resolution cannot now have its third reading, as it has already had one reading to-day.

#### SURVEY OF PUBLIC LANDS IN CALIFORNIA.

Mr. GWIN. I give notice to the Senate to-morrow I shall call up bill No. 7, for the purpose of offering a substitute, in which the right of preemption only is granted. It is a bill to provide for the survey of the public lands in California, the granting of donation privileges therein, and for other purposes. I have given notice to the chairman of the Committee on Public Lands, and have submitted the bill to him. I hope it may be taken up to-morrow and disposed of.

#### SUSPENDED LAND ENTRIES.

Mr. FELCH. There was a bill before the Senate yesterday which was about to be ordered to be engrossed for a third reading when its further consideration was postponed on motion of the Senator from Iowa, [Mr. DODGE,] for reasons which he then assigned. I have since consulted with him and he withdraws all objection: I therefore move that the consideration of the prior orders be postponed, and that the Senate take up the bill. It is a bill to revive and continue in force for a limited time, the provisions of an act relative to suspended entries of the public lands.

The prior orders were postponed, and the bill was taken up, and ordered to be engrossed for a third reading.

#### LOSSES OF SPANISH SUBJECTS.

Mr. MASON. I wish, Mr. President, to take up a joint resolution, which was reported some time since by the Committee on Foreign Relations. It provides for the payment of the claims of private individuals, but as it was recommended to the consideration of the Senate by the President of the United States, I suppose it may be considered, in reality, as a public measure in its character.

Mr. CHASE. May I ask the Senator from Virginia [Mr. MASON] for information as to the nature of the joint resolution?

Mr. MASON. It is a resolution to indemnify certain persons at New Orleans and Key West, from losses suffered through the violence of a mob.

Mr. CHASE. I have no objection to it.

The joint resolution was then read a second time, and considered as in Committee of the Whole.

It provides that the President of the United States be requested to cause an investigation to be made of any losses that may have been sustained by the consul of Spain and other persons residing at New Orleans or at Key West, in the year 1851, and who, at that time were subjects of the Queen of Spain, by the violence of lawless individuals arising out of intelligence then recently received at those places, of the execution of certain persons at Havana by the Spanish authorities of that Island, who, embarking from the United States, had invaded the same with hostile intent; and that such losses so ascertained to persons at that time, subjects as aforesaid, on the certificate of the Secretary of State, that the same are proven to the satisfaction of the President, together with the reasonable costs of the investigation, shall be paid to those entitled.

Mr. SOULE. I hope that the further consideration of the resolution will be postponed, unless the chairman of the Committee on Foreign Relations [Mr. MASON] will consent to strike out certain words. I move to strike out the word "lawless" in the ninth line.

Mr. MASON. The amendment suggested by the Senator from Louisiana will not affect the object of the resolution at all. It is intended to provide indemnity for the persons referred to; and the amendment merely affects the tone of expression contained in it. I shall, therefore, yield to it.

The amendment was agreed to.

Mr. SOULE. I hope, further, that at line twelve, the following words be stricken out:

"Who, embarking from the United States, had invaded the same with hostile intent."

It will then read:

"By the violence of individuals, arising out of intelligence then recently received at those places of the execution of certain persons at Havana by the Spanish authorities of that Island."

My object is, not to interpose any difficulty to

the passage of the resolution, but merely so to amend it that it may not contain anything which would wound the feelings of any person in the State which I have the honor in part to represent.

Mr. MASON. I have no objection to the amendment. It is to strike from the resolution words which might wound the feelings, as it is said, of some of the citizens of New Orleans. It is not necessary to retain the words in order to carry out the object of the resolution, and if stricken out, the resolution will be congruous in its parts, and I cheerfully acquiesce in the proposed amendment.

The amendment was agreed to, the resolution was reported to the Senate, the amendments were concurred in, and the resolution was ordered to be engrossed and read a third time.

#### WITHDRAWAL OF PAPERS.

Mr. SOULE. I move that Mrs. Margaret Carmick be permitted to withdraw from the files of the Senate certain papers which she filed on the occasion of presenting a memorial to Congress in order to obtain a pension. She wishes to remove these papers for the purpose of presenting them to the Commissioner of Pensions.

The PRESIDENT. Has the memorial been reported upon?

Mr. SOULE. I do not know; but at all events, the object is to present the papers, with additional papers, to the Commissioner of Pensions.

The PRESIDENT. If it has been reported upon adversely, the papers cannot be withdrawn under the rules of the Senate, because they may be presented again to-morrow. When was the memorial presented?

Mr. SOULE. Two years ago.

Mr. BORLAND. I would suggest that it would not make any material difference in this case whether it has been reported upon adversely or not. The object of withdrawing the papers is not with a view to renew the application here; but on the allegation that new matter has been obtained which will enable the petitioner to secure a pension on application at the Department under the existing law, the ground would be a good one for allowing the papers to be withdrawn.

The PRESIDENT. We cannot tell what the object of withdrawing the papers is.

Mr. BORLAND. It is declared in the application.

The PRESIDENT. But it does not go upon the record.

The question was taken, and leave to withdraw the papers was granted.

#### JOINT RESOLUTIONS INTRODUCED.

Mr. DODGE, of Iowa, by unanimous consent, asked and obtained leave to introduce a joint resolution for the relief of George R. C. Floyd, late Secretary of the Territory of Wisconsin; which was read a first and second time by its title, and referred to the Committee on Finance.

Mr. CLARKE, agreeably to previous notice, asked and obtained leave to introduce a joint resolution directing the Secretary of War to cause the harbor and river of Providence, in the State of Rhode Island, to be surveyed, and an estimate made of the cost of clearing out said harbor; which was read a first and second time by its title, and referred to the Committee on Commerce.

Mr. SEBASTIAN, by unanimous consent, asked and obtained leave to introduce a joint resolution to provide additional security for the lives and property of persons navigating the western waters; which was read a first and second time by its title, and referred to the Committee on Commerce.

#### APPROPRIATION BILLS.

Mr. NORRIS gave notice of his intention to ask leave to introduce a joint resolution amending the joint rules of the two Houses so as to require all the annual appropriation bills to be sent to the Senate by the House at least ten days before the day agreed upon for the adjournment of Congress.

#### PRIVATE LAND CLAIMANTS.

On motion by Mr. FELCH, the Senate, as in Committee of the Whole, proceeded to consider the bill authorizing a certain class of private land claimants to file their claims with the register and receiver at Detroit, Michigan, for investigation; and

On motion, by Mr. FELCH, it was

Ordered, That it be recommitted to the Committee on Private Land Claims.

#### EMIGRANTS TO CALIFORNIA AND OREGON.

On motion by Mr. DOUGLAS the Senate resumed, as in Committee of the Whole, the consideration of the bill for the protection of an emigrant route and a telegraph line, and for an overland mail between the Missouri river and the settlements in California and Oregon.

Mr. DOUGLAS. I will offer an amendment to the sixth section, to meet the objection which was made the other day, that it might be considered a monopoly so far as permitting a telegraphic line to be established along the route was concerned. I move to strike out of the sixth section the words, "such persons as he shall associate with him," and insert, "any other person or persons who shall desire to do so." The section will then read:

"That Henry O'Reilly or any other person or persons who shall desire to do so, are hereby authorized, at their own expense, to establish and operate lines of telegraph communication over the public domain along said routes, and under the protection of said military posts and stations, subject to such regulations and conditions as shall be prescribed by the President; and during the period of three years, shall be permitted to use the military posts and stations as telegraphic stations free of charge."

Mr. CHASE. I will suggest to the Senator from Illinois, that it will be expedient to give to the President of the United States a discretion, that he may grant the right to establish a telegraph line to such persons as he may deem expedient. It may not be known to the Senator, that the right of telegraphing is involved in a very serious controversy. There are three modes of telegraphing in common use—the House printing telegraph, the Bain chemical telegraph, and the Morse electromagnetic telegraph. Mr. O'Reilly, I am aware, has had the control of one of these modes, namely, that patented by Bain, the chemical telegraph. Mr. Morse and his associates, control the magnetic telegraph; and I believe, though I am not certain on that point, that Mr. House and his associates, have the control of the printing telegraph. I am not prepared to say which of the modes of telegraphing is best adapted to the purposes contemplated by the bill, but it is very certain that all the modes are involved in controversy, and that none of them at the present moment, has the sanction of all the courts, to which questions affecting the validity of the patents have been submitted. It seems to me very clear that we should not be in a hurry to grant any exclusive right to any one individual. I will therefore propose, and I hope it will meet the concurrence of my friend, that the sixth section be amended by striking out the words "that Henry O'Reilly and such persons as he shall associate with him, are hereby authorized," and insert the words "that the President of the United States be hereby authorized to grant to such person or persons, and upon such terms as he shall deem expedient and right." So amended the section will authorize the President to grant to such person or persons, and upon such terms as he shall deem expedient, the right to establish and operate the lines of telegraphic communication over the route proposed. That will obviate all difficulty.

Mr. DOUGLAS. I presume that the Senator from Ohio and myself will not differ at all as to the object we have in view. I inserted the name of Mr. O'Reilly in the bill, because he had petitioned Congress for permission to establish a telegraphic line from the Mississippi river to the Pacific ocean. He only asked permission to put up his poles over the public domain. I presume that that permission would not be denied to any citizen of the United States who desired to establish such a line. But, at the suggestion of the Senator from Texas, I chose to alter it, to make it read that Mr. O'Reilly or any other person or persons who may choose to do so, may have that permission. As I have modified it, then, it gives the privilege to Mr. O'Reilly, Mr. Morse, Mr. Bain, Mr. House, or any other gentleman who has a patent, or who may procure the privileges of a patent, to establish a line of telegraph. I presume there can be no objection to giving permission to everybody. I would not be willing to give to the President of the United States the privilege of designating the man who might establish a telegraph, and then confine it to him; because it would be authorizing the President by law to establish a

monopoly. But if we give the right to anybody to establish a line across the public domain, there is no monopoly; and, if we choose to establish more than one, the competition will be beneficial to the public, instead of injurious.

As to what patent shall be used, if any, I am not certain but that it is already, by the bill, vested in the President of the United States to determine; because it says, the telegraph is to be established, subject to such regulations and conditions as shall be prescribed by the President of the United States. My object in inserting that clause was, that the President should require telegraph stations to be established at such points as the public service might require. For instance, it may be important in our military operations, on many accounts, that there should be a station of a telegraph from Fort Laramie, or Fort Kearny, or any other point; and that the President should require the company that established the telegraph to keep stations at such points as the public interest would require, in order to facilitate the transmission of intelligence, either to our army, or to any other point. I think, with the amendment which I have made, the bill is entirely free from objection, and accomplishes all the object that the Senator from Ohio suggests in his amendment, without subjecting it to the charge of authorizing the President to establish a monopoly, by giving the privilege to one man, and withholding it from others.

Mr. CHASE. The bill, as it now stands, is subject to the very objection which the Senator from Illinois urges against the amendment which I have submitted. No one, I apprehend, who knows anything of the character of the telegraph enterprise in this country, imagines that, over so great an extent of territory, more than a single line can be established. Of course then, if you give the authority to anybody, you give an exclusive authority. That is clear. The question then recurs, what is the best mode of conferring that authority? And if you confer it upon a single individual, and those whom he may choose to associate with him, or who may choose to associate themselves with him, you necessarily limit it to one of these modes of telegraphing.

Mr. DOUGLAS. Will the Senator allow me to make a suggestion? Suppose I strike out the name of Mr. O'Reilly entirely, and let the bill read—"that any person or persons who may choose to do so, are hereby authorized to establish a telegraph line," &c. Perhaps that will obviate the objection, and I will consent so to modify it. Mr. O'Reilly's name was only inserted, because he petitioned for the privilege.

Mr. CHASE. I will accede cheerfully to that suggestion. I wish to have it understood, however, that whilst I am desirous that this thing should be left open, and while I would prefer that it should be left to the discretion of the President of the United States to make the contract on such terms as he may think proper, I mean to say nothing which would detract in the slightest degree from Mr. O'Reilly. I know that gentleman, and I know him to be a very intelligent and energetic man, who, having the means, would be eminently qualified to carry through an enterprise of this sort.

The question was taken on the amendment to strike out the name of Mr. O'Reilly, so as to let the bill read, "that any person or persons who shall desire to do so, are hereby authorized to establish and operate a telegraph line," &c.; and it was agreed to.

Mr. DOUGLAS. It will be necessary to fill a blank in the last section, which provides for carrying the provisions of the bill into effect. I am not aware of what would be the precise amount of appropriation necessary; but I propose to insert, for the time being, \$100,000.

Mr. HALE. I was about to ask the Senator from Illinois, who reported this bill, if he had made a calculation of how many men it would take to occupy the stations and guard-houses, provided for in this bill, along the route. But I understand from him that the purpose of the bill is, that the three regiments which are to be raised shall perform that duty. Three regiments of ten companies each, and a hundred men to a company, if I calculate aright, amount to three thousand men. And I think, if any gentleman will look at the amount of our military expenses, not in time of war but in time of peace, when our troops were stationed along the coast and in forts years back, and then

look at the number of men, they will find that it takes about \$1,000 a man to support the Army in time of peace at home. It will not, probably, be less expensive to support them on this route than it will be to support them at home on the coast. If that be so, this appropriation, instead of being \$100,000, ought to be at least \$3,000,000 to begin with, for these three additional regiments, exclusive of all the other expenditures which will have to be incurred for supplies, live stock, agricultural implements, the extinguishment of Indian titles, &c. I would suggest, whether it would not be better to make the sum so large as to meet the actual increase of expenditures which will be incurred.

Mr. DOUGLAS. Mr. President, I meet here the very difficulty which I had anticipated; and that is this: I am afraid the Senator from New Hampshire, and some others, have not read the bill.

Mr. HALE. I have read it.

Mr. DOUGLAS. If the Senator examined the matter, he would find that the large items of expenditure for the regular army consist in the transportation, in the supplies for the animals, and in the purchase of horses. Probably nine tenths of all the army expenses on the Western frontier are to be found under those items. The Senator will find that under this bill all of this expense is to be borne by the men themselves. They are to furnish their own horses; they are to raise their own supplies and forage along the line. Hence we do not make any appropriation for these purposes. The Committee on the Territories were unable to make a specific estimate of what would be the necessary expenditures under this bill, and therefore we propose to put in \$100,000 as a sum that will probably answer the purposes, and then the Administration, from year to year, can estimate, hereafter, how much money will be required. I presume that, for the present, \$100,000 will be enough.

Mr. HALE. I do not intend to say anything to embarrass the bill, but I will state one fact. I had occasion some ten years ago—before Texas was annexed, before the Mexican war, before any of those extraordinary expenses growing out of our increased territories, and those expenses to which the Senator from Illinois has referred, occurred—to look into the statistics; and I think any gentleman who will examine them will find that from 1840 to 1844, the military expenses of the United States—not counting the naval establishment—were not less than \$1,000 to each man in the Army. That was before we had these extra expenses to which we have been subjected by enlarging the "area of freedom" so much as we have done. I think that now, notwithstanding what the Senator has said, the expense on this line will not be less. Notwithstanding the prudent foresight with which these things have been anticipated, and the provisions which this bill makes for pea-patches and potato-fields on the route, I apprehend that it will be found in the end not to be much cheaper to support the Army there than to support it at home on the coast. I think it will be better to put into the bill what we think—what we have reason to think—it will cost. My own opinion is, that \$3,000,000 will not cover the expenses. My own opinion is, that \$3,000,000 would not more than do it if these men were to be kept at home on the coast; and that \$6,000,000 would be as small a sum as you can possibly compromise for, if the bill shall be passed.

Now, I ask, would it not be better to put into the bill something like the sum which experience has demonstrated to be necessary to support the men, instead of inserting so small a sum as has been proposed? I think \$3,000,000 is the very lowest sum which will be necessary.

Mr. MASON. Mr. President, this bill, it seems to me, involves matter that should pass under the revision of the Committee on Military Affairs. It proposes to add three regiments to the present military force of the United States; to employ them on special duty, to be sure, and a very peculiar and remarkable duty, as it strikes me. But it proposes to add three regiments, numbering three thousand men, to the present military force of the United States. I had understood the general sense of the Legislature of the United States to be that there was a strong indisposition to increase, for any purpose, the military force of the United States. If I recollect correctly, the

chairman of the Committee on Military Affairs, within a few days past, reported a bill making a small increase of the present military force for a purpose, which I am free to admit, as at present advised, I consider a very imminent necessity—the purpose of protecting the citizens who reside on the Mexican border from the incursions and depredations which are daily committed there. But how that bill may fare when it comes under consideration, I am at present unprepared to say.

It is now proposed, from a totally different quarter, by the Committee on the Territories, as I understand, to increase the military force of the United States, and to increase it by the large proportionate number of three thousand men. And for what purposes? For the purpose—first, of protecting a line of telegraphic communication between the Atlantic States and the State of California and the Territory of Oregon. A line of telegraphic communication that does not exist, and probably will not exist for the next quarter of a century, is to be protected by a military force, to be raised immediately.

Then, for what further purpose? For the purpose of protecting the mails that are to be transported from the Atlantic States to the State of California and our possessions on the Pacific. I am not aware that the mails are now carried from the Atlantic States across the country to our possessions on the Pacific. If a proposition were to come from the Committee on the Post Office and Post Roads to institute a mail route now to carry the mails across the country to the Pacific, I, for one, should be decidedly opposed to any such policy, because it must involve an inordinate and disproportionate expense, compared with the present mode of transporting them across the Isthmus. At any rate, the mails are not now transported overland; and yet, in anticipation of such a policy, it is proposed to make this large increase to our military force.

Again, the third purpose for which this military force is to be raised, is to protect the immigrants who take this inland route across the country. Now, so far as I am advised, there has been a stream of emigration, at the proper season of the year, constantly tending from the present borders of our settlements across the continent, to the Pacific coast; but I am not aware that any very serious Indian depredation has been committed there. Now and then, from the accounts we get, we know they meet with predatory bands of Indians, but as far as I recollect, there have been no actual hostilities.

But you are to raise 3,000 men for the purpose of protecting telegraphic communications that do not yet exist—for the purpose of protecting a mail route that has not been established—and for the purpose of protecting emigrants who take this inland mode of getting to the Pacific possessions, when, as far as I am advised, there is no present occasion for it. What is all this to cost? Why the bill provides for a conjectural appropriation of \$100,000, not for the purpose of paying these troops, not for the purpose of subsisting them—for they are to be paid and subsisted under existing laws—but for the purpose of enabling the President to carry into effect some incidental provisions that are contemplated by this bill. The honorable Senator says the soldiers are to sustain themselves. I entertain a very great respect for the judgment of the honorable Senator from Illinois upon any question, but I submit to him that if we send these troops there to protect a country of some 2,000 or 3,000 miles in extent, they would have very little time to raise supplies by agricultural labor, or in any other way, and that that advantage would be found to be purely conjectural. But what is it to cost the country, what is it to cost the Treasury, to raise these 3,000 men for these purposes, which at present, as far as I understand the subject, are barely speculative? The Senator from New Hampshire says that it will cost \$1,000 for each soldier. That would involve an expenditure of \$3,000,000. Are we to expend this large amount for such speculative purposes?

I do not mean to debate the subject to any very great extent at present, but it seems to me that in order to preserve harmony in the legislation of the country, this bill, which is almost purely of a military character, should pass under the revision of the Committee on Military Affairs. I move therefore that it be referred to that committee.



Mr. DOUGLAS: I think the Senator from Virginia misapprehends the character of the bill to which he objects. The object of the bill, as has been previously stated, is to protect the regularly-traveled emigrant route across the continent, and the objects to be accomplished are not merely in anticipation or imaginary, but they are real. I suppose there are now upon the plains, crossing on this route, at least 20,000 men, women, and children, unprotected from Indian hostilities, and every day more or less of them are scalped by the savages. As long ago as 1846 a regiment of 1,000 men was attached to the regular Army for the express purpose of protecting this line. The necessities of the country—we being engaged in a foreign war—induced the President of the United States to divert them from the objects for which they were created, and sent them to Mexico. Since that time it has been found necessary, or at any rate it has been determined, to employ them in other service than that of the protection of this line.

I apprehend that no man will pretend that it was consistent with the obligations of Congress and of the Government to leave this emigrant line unprotected. We are bound to protect our own citizens, and there are high considerations which require that this line especially shall be rendered safe and secure. The question is, how is it to be accomplished? Will you send your regular Army there, or will you protect it by a line of military colonization? If you send the regular Army there, you must also send supplies, both for the animals and for the men. We know that it is the cost of transportation which constitutes a very large proportion of the expenditure of the Army. I think that military colonization will be found the most effectual, and the cheapest mode of protecting that line.

This bill provides for the raising of three regiments of volunteers for three years, but they are to be paid in land along the line. At the end of three years we hope to be able to withdraw the military machinery, and have a continuous line of settlements from the States on this side of the mountains, to the settlement in California and Oregon. Your military force can then be withdrawn. If, on the contrary, you do not encourage military colonization, you must keep up your regular Army on the line forever. These three regiments are to be raised as farmers principally, and are required to raise their own provisions and supplies for themselves and their animals, to the fullest extent that that country will produce them. I think that these three regiments can be sustained on that line cheaper than one regiment of the regular Army can be sustained anywhere. If you will make it a matter of comparison of dollars and cents between the cost of the force provided under this bill, and a regiment of regular troops, you will find that the three regiments provided for by this bill, will cost the Government less money—perhaps not more than half as much money—as one regiment of regular troops. It is true, the expenditure for the first year will be much larger than the expenditure for the two years following. But I believe that, as a matter of economy, as well as of duty to our own citizens, this is the best mode of accomplishing the object.

In regard to the suggestion of the Senator from Virginia, that I was anticipating a mail route, and providing a military force for the protection of it before it was established, he happens to be entirely mistaken. There has been for several years a mail route established by law on this line, and a mail carried regularly, whenever it can be carried and protected against the Indians. It arises from the necessity of the case. We have military posts along the line. We have a territory half way upon this line. Our mails go there, not with very great regularity, not very often, but yet there are contracts in existence for the regular transportation of the mail. The provision as to a telegraphic line, constitutes a mere incident of the bill.

Mr. MASON. I should like to learn from the Senator if he is informed whether there is an existing contract for carrying the mail between any of the States on the Mississippi, as Missouri, or any other State, and the Territory of Oregon or the State of California inland across the country, and if it is, how often it is carried, and by whom?

Mr. DOUGLAS. Not expecting to be catechised upon this subject, I am not able to answer in detail. I happen to know, however, that sev-

eral years ago—as early, I think, as 1846—a mail route was established across the country by law. I happen to know that during Mr. Polk's administration, when Mr. Cave Johnson was at the head of the Post Office Department, he made a contract for the transportation of the mail from the Missouri river to Utah.

Mr. ATCHISON. There is a mail route and a mail carried from the frontiers of Missouri and Iowa to the Salt Lake.

Mr. MASON. Is the mail actually carried?

Mr. ATCHISON. It is carried to Utah.

Mr. DOUGLAS. A mail has been carried by this route to Utah for some years. I know the Department advertised for service on the residue of the route, both to California and Oregon. I do not know whether any contracts were made. But this is entirely immaterial; the public interests require a mail upon the line. And yet the mail is the least important of all the objects of the bill. The great object is to form a line of settlements, so that traders, travelers, emigrants, and settlers may be protected from the tomahawk and scalping-knife of the Indians. I have no faith that we can hold our settlements on the Pacific in connection with those on this side of the mountains, unless we have a line of settlements across the country. I would like to know how, in the event of a foreign war, you are to have any connection between the Atlantic and the Pacific States. I believe that the safety of the Union, the integrity of the Republic, requires that a communication across these mountains should be kept up and rendered secure. I believe that the only mode of accomplishing that object is by a continuous line of settlements, and that line of settlements can only be formed by military protection for a short time until they are large enough and strong enough to protect themselves. I think that three years, under the operation of this bill, would firmly establish such a line of settlements as would enable the people to protect themselves, at least on much the greater portion of the route. I believe that the expenditure which will be required under this bill, although it may be large, will yet be small compared with any other mode of protection that can be adopted. I believe that this expenditure will be a matter of economy, and will save this Government millions in the end, if we now reduce the system to practice.

It may be that the bill is not drawn with as much precision and as much skill as it ought to have been. It may be that the members of the Committee on Military Affairs could have done it better. The reason it came from the Committee on the Territories is, that the whole route is through the Territories especially committed to our charge. If it had not been referred to that committee, one part would have gone to the Military Committee, another portion to the Post Office Committee, and that portion in relation to the telegraphic lines would have gone I know not where. Some portion of the bill would have had to go to the Committee on Roads and Canals. In order to avoid this confusion territorial bills embracing various subjects are usually sent to the Committee on the Territories, and we take charge of all the various subjects, whether they refer to roads, to military or Indian affairs—whatever they may be, we take charge of all. It seems to be appropriate in the nature of the case, that the Committee on the Territories should combine and blend all the objects in the same bill. I do not wish to discuss this bill. I only wish to make explanations, so far as objections are made to any items of it.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The question is on the amendment of the Senator from Illinois, to fill the blank in the last section of the bill with \$100,000.

Mr. HALE. Does not the motion to commit, made by the Senator from Virginia, take precedence of that motion?

The PRESIDING OFFICER. No, sir; the Senate is now considering the bill as in Committee of the Whole, and the question must first be taken on the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Virginia, to refer the bill to the Committee on Military Affairs.

Mr. BORLAND. I have no particular objection to the reference of this bill to the Committee on Military Affairs. I am a member of that committee, and although I have not consulted

the other members of it, I would indulge the hope that if referred to them it would be favorably considered by them—at any rate, that they would throw no obstacles in the way of its passage. But I do not see the necessity of giving it that reference. I do not see any interest it affects which brings it within the particular jurisdiction of, or the range of duties assigned to the Committee on Military Affairs. I think it is a misapprehension of its character and object—the main object, which lies at the bottom of it—to regard this bill as a military measure. True, it has a military feature; but it is by no means its most important, as certainly it is not to be a permanent feature. Its true character and objects are eminently civil, and relate directly, chiefly, and for ultimate permanency, to the disposition and settlement of the public lands. Connected with this general object, it is true it has, as I admit, a present important military feature. But even in that, during its temporary existence, so far from requiring, as the Senator from Virginia [Mr. Mason] seems to suppose, an extravagant or even an increased expenditure of money, it is calculated, even as a military measure, in my opinion, to reduce the enormous cost of our present military establishment.

We know that a very large portion of our money expenditures for the military service has resulted from the transportation of troops, munitions of war, and provisions along a portion of this very route, and a maintenance of a military force in our new possessions West. I apprehend that this very kind of service has cost us more than all the rest of our military establishments together, as it has been administered. At any rate, it has cost much more in proportion to the number of troops employed in that service and elsewhere. Such, at least, if I understand it, is the excuse or explanation given by the present Administration for the amazing amount they have expended for the military service during the last three years. It is true, I believe, as has been suggested here, that the expenditure for our whole military establishment has been, during that period, something like a thousand dollars (\$1,000) per annum, for every man employed. Probably it is more than that, for while our whole military force does not, I think, exceed ten thousand men, we have had to pay something more than twelve millions of dollars (\$12,200,500) a year for its maintenance during the past three years of profound peace. This pays twelve hundred dollars (\$1,200) a year for each man.

Gentlemen must be mistaken in supposing that it will cost anything like \$1,000 per man; or an aggregate of \$3,000,000, to maintain the three regiments proposed to be raised by this bill. How can it cost so much? Their ordinary pay and emoluments, as provided in the bill, are to be paid in the ordinary way, and at the well-known scale of prices, as we pay the other portions of the army, even in this region of country—not what it costs now, in the distant land where we propose to employ this force. It is the object, as this bill expressly provides, to avoid and obviate the heavy outlay which has been and is now paid for transportation, &c., at the same time that the service will be adapted to the end in view, and be far more efficiently and usefully performed.

These troops are to be paid no more than the rifle regiment of our regular army, originally raised for this very service, but since diverted from it; and besides that, they are "to raise, gather, and preserve all the provisions, breadstuffs, forage and supplies, of whatever kind, which shall be necessary to sustain themselves and their animals, without cost to the Government, to the fullest extent, that the country can be made to yield and produce the same." And still further—they "shall furnish their own clothes, and horses and horse equipments." They are to be allowed the same pay, only, as the mounted troops of the regular Army, no matter where employed, and, like those troops, to "be armed at the expense of the United States." Here we see that, while it is in the matters of pay and arms, only, they cost the Government anything—and, in those items, no more than the same number would cost in any portion of the country, no matter how cheap, the whole cost of mounting, clothing, equipping, and subsisting, which can scarcely be estimated at less than three hundred dollars per annum, for each man, is saved to the Government; for it is just so

much more, which we now pay for every mounted soldier in our service for the items I have enumerated, than this bill proposes for these regiments. And in this saving, I have not estimated the transportation of provisions and forage, or its purchase at a high price—all of which is avoided, and therefore saved to the Government. Some compensation, it is true, is to be allowed each man, for these expenses, in the way of a grant of land—a section or six hundred and forty acres—at the end of his term of service. But this can be hardly estimated in the expense to the Government; for we have, long since, granted to settlers in Oregon, the same quantity of land, for the mere act of settlement, without requiring any service at all.

On the score of expense, then, I think no objections to this bill can be allowed any weight.

Mr. BRADBURY. I would inquire of the honorable Senator whether the regiments to be raised under this bill are not to be mounted, and whether that will not be a very great additional expense?

Mr. BORLAND. The men are to be mounted; but, as I have shown, the bill expressly provides, at their own expense.

But suppose, for the argument, everything the Senator from Virginia [Mr. MASON] says, on the score of expense, be true; suppose it would cost three millions a year for this purpose, I for one, sir, do not hesitate to say, that in view of all the advantages to the country at large,—the saving of expense in other departments, the increased value it would give to the public lands, the extension of the settlement in our country, the establishment of a proper communication between the Mississippi valley and the Pacific coast,—I should regard such an expenditure, even double as much, as more than compensated—as “dust in the balance,” against the good it would purchase for us.

Sir, we have been talking for years about establishing a railroad across the continent, from the Mississippi valley to the Pacific ocean. Has any one who ever considered that project—and we know how it has been favored—been startled when you spoke of the expense? I have known it discussed in reports and in speeches; but a few millions of dollars never entered in the argument against it. Suppose any one were to come before the Congress of the United States, and suggest that a good communication from the Mississippi valley to the Pacific ocean—even as a practical basis for a railroad—could be established, and a line of roads and settlements made, for \$9,000,000, and propose to do it for that sum. If we did not suppose he was a visionary, or an insane man, and that it would not be safe and proper to have transactions with him, we would hardly permit his proposition to escape his lips, before we would close a bargain with him. I apprehend there is no man in either House of Congress, or anywhere in the country, who would not be willing to pay \$9,000,000 for such a communication as I have suggested. And, yet, here is almost its equivalent—a proposition from one of the ablest of our committees, to take the indispensable step, and make not a mere road, but a continuous line of American civilized settlements clear across the continent, and connecting, by a living chain, the two great, and now widely-separated divisions of our possessions; and gentlemen imagine an expense of \$9,000,000, and start back in horror from it! Its real cost would not, in my opinion, be one third part of that sum.

I may be wrong in the view I have taken of this measure. I may be wrong in the estimates I have made of the advantages which are to result from it. But I am more mistaken than I have ever been in my life, if, for the expenditure necessary to establish this line of communication between the Pacific and Mississippi valley, upon the plan proposed, at which gentlemen seem to be so much alarmed, we would not have a line of communication and a line of settlements at the end of three years, and accomplish as much as we could hope to accomplish in twenty years, by undertaking, as an independent thing, as heretofore proposed, at this day to make a railroad direct from the Mississippi valley to the Pacific ocean. Why, sir, Mr. Whitney, whose proposition has been received in both Houses of Congress, and all over the country with so much favor, and on a direct vote, taken as a test question here, lacked but eight votes of being adopted by the Senate—proposed that you should give him to make a railroad—how much?

A strip of country sixty miles wide, running from Lake Michigan to the Pacific ocean! Even that was not considered extravagant in its amount, in view of the great advantages which would result to the country from the establishment of a proper line of communication. And remember too, sir, that was upon a line of which not one tenth part of the population of the States of this Union could have availed themselves with any great advantage—perhaps not one twentieth part, in comparison with a communication across the country in the region where this is proposed to be made. I have always believed that, if the practical intelligence and good faith of Mr. Whitney had been confided in, his proposition would have been acceded to by Congress. There are those who have not despaired of his scheme yet. I am not of them.

It seems to me that some of our friends, who reside in the older States, manifest far too much concern whenever a proposition is made to extend our settlements westward, and open up new fields for the enterprise of our people, lest we should inflict some injury upon them, by draining off their population to more attractive regions than they now inhabit and cultivate. I apprehend that just the same fears were entertained years ago, Mr. President, when you (Mr. BRIGHT in the chair) and I were little boys, that, as the country was opened west of the Alleghany mountains, and the Mississippi valley began to be settled, the old States would be drained of their population, and a great rival would be built up there, which would inflict serious injury upon them as communities. But what has the result been? Has any injury been inflicted upon the older States? Has a rival been built up in the great valley of the Mississippi, which has robbed them of prosperity?—which has detracted anything from the value of their lands, or the profits of their industry, or their improvement in any way as communities? So far from it, it may be asserted with entire confidence, that not a man has settled in the Mississippi valley, not a house has been built there, not a dollar has been expended there, which has not contributed tenfold to the prosperity of every State east of the Alleghany mountains. If we could suppose such a thing as that our settlements had not extended west of those mountains, and that the Mississippi valley—I speak of it in its whole extent—was now unsettled, as it was forty or fifty years ago, I apprehend that neither the land nor the business pursuits of any kind in the older States would compare in value with what they now are. The truth is—and no man can be blind to it, or disregard it—every settlement made in the West, requiring the immigration of people, or the use of money, has been, and continues to be, an investment of capital which has paid, and will continue to pay, the largest interest to the people of the original States which capital invested by any people has ever paid, since business pursuits ever engaged the attention of mankind.

Sir, though I am a resident of the western country, and very far West—beyond the Mississippi river—I am a native of this region of country. And however strongly duty binds me to the land of country in which I live, and however strong I feel it to be my duty to watch over the interests of that land, and make it the object of my special care, every feeling of my heart binds me to the region east of the mountains, particularly to the region round about here, within no great distance from which I was born. I was born and raised within the smell, almost in sight of salt water—the Atlantic ocean—and although my more active duties bind me to the West, I can never forget the land of my birth; and would be as far from advocating any measure which could inflict injury upon her, as any man who now resides within the Old Dominion. She has not now, and never had, and never will have a son, even if he never goes beyond her borders, who loves her, or can love her, more than I do. I would as soon do aught to dishonor the memory of my mother, as advocate any measure which could detract from the honor or the welfare of that good old State in which I first drew my breath. It is characteristic of her sons—I trust it ever will be the pride of Virginians to cherish her name and fame as idols of the heart. For myself, dear land of my birth—

“Where’er I go, whatever radius to see,  
My heart untraveled, fondly turns to thee!”

But I do believe, and, as far as observation and

experience can be relied upon as the basis of belief, there can be no doubt that every step we take, every lick we strike for the extension of the settlements and the increase of the prosperity of the Western country, reflects upon the interests, the honor, the strength, and the permanent welfare of this region of country—of Virginia, and all her old sisters, with honors and advantages augmented tenfold.

I suggested here the other day a consideration for the more Western States—particularly the one which I have the honor in part to represent here—that not only the advantages, but the necessity of extending settlements still further west of us. I was once told, and I confess, when the suggestion was first made to me, only a few years ago, on the first setting out of the immense emigration to California, I was dubious of its influence upon the State in which I live, and other Western States, on account of the immense and sudden draft upon our population. I know there was a temporary disadvantage to us resulting from that emigration; I know it drained off a number of the most active and enterprising of our people; I know it carried off a large amount of the money of the country; I know that, under the excitement for the gathering of gold, the business of the whole country was unsettled for a time—a sort of gambling spirit pervaded the community. In view of all that, I hesitated—nay, I had painful apprehensions as to the ultimate consequences of such a state of things. I did not encourage it. Indeed, for a little while I actually opposed it. But no great observation and experience—no long looking forward—no elaborate estimates of causes and effects—were necessary to relieve my mind of all fears, and satisfy me that, so far from a lasting or even serious injury, it was but a temporary inconvenience, to be compensated tenfold—ay, an hundredfold, by the advantage we would gain by the extension of settlements west of us, which would place us between two settled, civilized countries, give us an outlet for trade and commerce on both sides of us, and make us a thoroughfare, as Ohio has been, by which we could settle all the land within our borders, and make every acre valuable.

I did not expect that this bill would give rise to much discussion, certainly not that anything could make me deem it my duty to say a word in its defense. I was not prepared, and did not feel disposed to go into a discussion of it. The views which I have suggested are general in their character, and are suggested by the very face of the bill. They are the results, or general conclusions to which my mind has come, from a somewhat careful consideration of the general subject. I have not deemed it at all necessary to go into details; nor, indeed have I deemed it either proper or necessary to do so on this occasion, as that has been done by the distinguished Senator from Illinois, [Mr. DOUGLAS,] who is the author of the bill, and who is so much better qualified to do so, to bring forward upon its true grounds, and establish its merits upon sure grounds.

I hope the bill will not be referred to any committee, and while I will not oppose its postponement, in order that Senators may have more time to examine its provisions, I would be glad to vote upon it now.

Mr. BUTLER. I find that I do not fully understand this bill, and I will say that I think its objects have not been fully explained by its author, [Mr. DOUGLAS.] I do not undertake to say that the Senator from Illinois may not explain this bill. I suppose he will do so with his usual clearness and intelligence; but at present it seems to me to be aimed first at one object, and then at another. It seems to combine many objects, and I cannot get from the authors of it any distinct reason for the passage of the bill, or distinct avowal of its objects. The only thing that I discover distinctly is, that it involves an appropriation of about four millions of dollars annually. I am inclined to think that, if I were disposed to retort upon the Senator from Arkansas, [Mr. BORLAND,] I should be justified in saying that it is an appropriation of \$4,000,000 to create a Collins line across the prairies, and if I should borrow his arguments which he urged as objections to a Collins line over the water, I think I could answer some of the reasons which he has so strongly given for this line across the wilderness to the Pacific ocean. Four millions of dollars for what? Sir, has the gentleman answered that question? It is for a bounty upon

emigration, to encourage new swarms to leave the old hive. Yes, sir, it is to give the public lands away in a new manner; to encourage your young men to go and take possession of the lands, under the security given by armed guards placed upon the route. Is it a military guard? Gentlemen say not. How are they to subsist themselves as volunteers? I suppose they must depend upon themselves as other emigrants have been compelled to do. Or are they to take upon themselves the business of agriculture? Then you not only give them the public lands, but you give them the means of subsisting in the mean time, and you absolutely pay them to go and take possession of the lands. I have heard before, sir, of propositions to give away the public lands, but this is the first time that a proposition has come before us, to pay persons to go and take the public lands. You cannot disguise it; this is the form that it will assume at last.

The Senator from Arkansas [Mr. BORLAND] says that the old States feel some trepidation and alarm when propositions of this kind are made. Let him understand that those who go forth as emigrants are the friends and brothers of those they leave behind, and they share our common sympathies. But this is the first time we have undertaken to colonize the new States at the expense of the old States exclusively. Were Tennessee, Missouri, Kentucky, or was Arkansas itself settled by the bounty of the Government? Why, sir, voluntary emigration alone will exhaust the old States, or at least it will have no limit. Those who choose may now go for the purpose of improving their fortunes, but this whole system, under the guise of strengthening the Army, is nothing but a proposition to give \$4,000,000 a year to certain young men to go and make their fortunes with the aid of the Government to accomplish it. If they choose to go to California or Oregon, by the way of the Isthmus, or around the Cape, the sea is open to them, but you should not stimulate this emigration. I do not say that I would not encourage it fairly; but I would do it by allowing those who choose to go and pay for the lands, to go; and a population which goes and pays for the land, will be worth something. But the foreign population, encouraged to go from the large cities like New York and Philadelphia, and take your land, is not to be compared with those who go and pay for the land with that which they had earned before they went.

But, I did not intend to go into this subject. All I ask is, that it may be considered. If the Senators from Illinois will give reasons, or suggest reasons, such as gentlemen of their responsibility can give, I may withdraw my objections; but I cannot allow an appropriation of \$4,000,000 to be passed here without having the objects explained in such a way that the country can understand them. Whenever gentlemen satisfy me, I shall indulge no feeling of jealousy, particularly between the old and new States, because my friends are there, my relations are there, and will continue to go; but I hold that this exhausting of the old hive to make new swarms, under the stimulating influence of the bounty of the Government, is full of instruction.

I heard my friend from Texas [Mr. Rusk] remark that there were fifty-four millions of money to be appropriated, and that the Collins line was about as good an object to make an appropriation for as any other. Now, my friend from Arkansas says that the protection of this emigration is about as good an object as any other. I think he ought to join the Collins line party, and one take land and the other money. There is no resisting the combination for the giving away of the public property.

Mr. DOUGLAS. I will endeavor to comply with the wish of the gentleman from South Carolina, [Mr. BUTLER,] and explain the objects of the bill; I thought I had done so before.

We have large possessions on the Pacific ocean, which are rapidly increasing in population. We have wealthy and populous States on this side of the Rocky Mountains, but, between them we have an intervening unsettled country—a vast wilderness, filled with hostile savages—through which there is no road that is safe for the emigrant or the business man; the object of the bill is to bind closely together these two great divisions of this Republic; to afford protection upon the route to the Pacific, to the emigrant, protection to the settler, protection to the business man, protection to

the agents of Government, protection to every man who, by the authority, or the permission of this Government, shall find it necessary to cross that route. This is the object of the bill.

Now, the first question I wish to settle with gentlemen who oppose the bill is this: is it their purpose to leave that route unprotected? or do they hold that it is the duty of the Government to give protection to it? Gentlemen argue as if they never intended to provide protection for the multitudes traveling on that line. The Senator from South Carolina [Mr. BUTLER] tells me that it is the first time he has ever seen a proposition to pay money for the settlement of a new country. I do not understand, distinctly, what the Senator means by "paying money for settling a new country!" If affording protection to settlers and travelers, to their families, and to their property, constitutes what he terms "paying" them, I apprehend that he has read the history of his country to very little purpose, if he says this is the first time such a proposition has been made. I think I could point to millions that have been expended for the protection of the settlers in the State of Georgia; to fifty millions expended for the protection of the settlers in the State of Florida. I do not know how many millions have been devoted to the same purpose in Alabama, Louisiana, Arkansas, Missouri, and in all the new States. Millions upon millions have been expended to protect settlers and emigrants, their families and their property, in these States, and is this Western route to be an exception to the general rule? By no means. The bill only provides, and only proposes to do on this line of travel what you have constantly done elsewhere, what you have always recognized as a sacred obligation—to afford protection to life and property wherever you have a settlement within the limits of the country. If gentlemen concur with me in this view, if the obligation to protect the route is recognized, then I am ready to enter into the discussion of this question—the legitimate question—what is the cheapest, best, and most effectual mode of accomplishing this great and important duty. The Senator from South Carolina [Mr. BUTLER] speaks of four millions of dollars, and repeats it over and over again, as if it were a fixed and established fact, that the passage of this bill would impose on the Government the expenditure of that amount! By what authority does he fix the cost at four millions of dollars? By way of jest, I suppose, the Senator from New Hampshire, [Mr. HALE,] on a former occasion spoke of the cost being three millions of dollars; but that assumption was predicated on the supposition that the horses for these three thousand men were to be furnished by the Government, and that all the supplies of every description required for their subsistence were to be sent to them by the Government from the States, instead of their being raised along the line by the men. I know of no means by which we can arrive at the precise amount of the expenditure. I have no idea, however, that it would be one half or one third of the lowest sum stated or suggested by the opponents of this bill. I cannot say, nor is it material, how much the precise amount of expenditure will be, provided it is your duty to afford the protection, and provided, further, that this is the cheapest and most efficient mode of accomplishing that object.

Sir, it is an easy thing to excite ridicule against a measure of public policy, if we are disposed to make light of the subject instead of discussing it gravely. I hardly know how to meet gentlemen in debate for the reason that I am unable to understand what their policy is. If I could be informed as to what point I should direct the argument, whether it be that no protection is to be furnished, or whether it be that this is not the proper mode in which to afford that protection, then I should be able to answer. Sir, it looks to me as if the design was to deprive us of every thing like protection in that vast region lying between the Mississippi and the Pacific ocean. If that be the object of those gentlemen who oppose this measure, I hold that they, rather than we, are the allies of these steam lines to which allusion has been made. But I know that that cannot be the motive. It cannot be that they wish to drive all our emigrants who wish to go to California or Oregon, some six, seven, or eight thousand miles by water, instead of allowing some of them to go across the country by land. What, then, is the object of gentlemen?

Is it to force the Pacific States and the Territories of the Union to separate from the Atlantic States, and become an independent Government? Sir, whatever the object may be, it requires not the spirit of a prophet to foresee that it is utterly impossible to preserve this Union—that it is utterly impossible to preserve that connection between the Atlantic and the Pacific, if you are to keep a wilderness of two thousand miles in extent between you.

Again, sir, you have gone too far now to refuse this protection. You have authorized settlements and established territorial governments in the intermediate country. You have organized two distinct Territories lying half way between the Atlantic and the Pacific States of the Union, in the very midst of that wilderness. You have encouraged your people to move there; you have promised them protection for their lives and their property, and in pursuance of your own invitation, and under the obligation and protection of your own laws, twenty thousand men, women, and children, are now on their way through that wilderness to their new homes, exposed to all the ravages which savage hordes may inflict upon them from time to time. And are you now to abandon them? Are you now to abandon your own fellow-citizens, whom you have encouraged to go there, or will you be true to the dictates of duty and honor and afford them protection? Money, sir, money is the argument which is used against the performance of duty. Sir, if it is to be made a question of money, then, as I said before, this is an economical measure. Look at your expenditures within the borders of New Mexico during the last year? I have not examined the details of the reports, but I have heard it said upon this floor, that during the last year you expended money to the amount of six millions of dollars. And if that is so, let me ask what you have accomplished? You have not, with all the money, been able to keep the Indians in check, or to protect the lives and property of your citizens there. Is it proposed now to go on in this way and expend six millions more every year? And if it takes six millions annually for that Territory, will it not take six millions also for each of the others under the same plan of operation?

Sir, I hold that you are bound to incur even that enormous expenditure, if you cannot afford the requisite protection at a less cost. I deny that it is a question whether they shall be protected or not. I deny your right to withhold protection from these people. You are under a moral obligation to do it; you cannot refuse to do it; and the only question is, as to the best and cheapest mode of performing that which is imperative to be done. If any gentleman on this floor can show that it can be done by another mode cheaper than the one I have suggested, I am ready to adopt it. If any gentleman will point out a provision of the bill which is not well adapted to the object contemplated, I am quite willing that it should be stricken out, and another one substituted in its place. If any Senator will show me how this duty can be performed at less expense, I will readily adopt his amendment; but I neither understand nor appreciate the course of argument which opposes this bill and supplies nothing in the place of it, so that the great duties which are imposed upon us may be performed under the circumstances of the case.

Mr. President, I was not ambitious to come forward with a proposition of this kind. The Committee on the Territories took the subject under their consideration, because, under the rules of the Senate, they were charged with the protection of these Territories; and for the further reason that memorials upon memorials in piles, from all the Western States, have been flowing in upon us during the entire session, and the Senate have referred them to the Committee on the Territories, so that that committee should take such steps as they might deem to be necessary.

Mr. MASON. Memorials for what?

Mr. DOUGLAS. Memorials for the protection of the emigrant lines; memorials for protection between the Mississippi river and the Pacific ocean; memorials for protection by military force; memorials for the establishment of law and order there; memorials, in short, asking for protection to life and property along the whole line. We have in the committee-room innumerable memorials upon this subject; and scarcely a day passes



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in which we do not receive more of them, setting out the hardships, the murders, and the ravages which are there daily committed. We felt it to be our duty to do something. We do not pretend that we have devised the best system that can be devised; we can only say that we have devised the best that has occurred to us. If any Senator has a better one, let him come forward and produce it—if he has a cheaper one, let him propose it; but, until some other one is proposed, we contend that this is entitled to consideration; and that until a cheaper mode can be devised, the item of expenditure is not a proper argument against this mode of doing that which we are bound to do.

Mr. DAWSON. I am in favor of the motion of the Senator from Virginia, to refer this subject to the Committee on Military Affairs. I consider it as embracing one of the most important propositions that have been for a long time presented to this body—presented without an estimate or without any previous understanding on the part of the Senate as to the amount of money it is to involve. I propose to say a word or two to the Senator from Illinois, on the subject of the expense involved in this measure, and to ask him whether, before he presented this bill here, he made any investigation as to what would be the amount of expense of raising and equipping these three regiments. There are to be three thousand mounted men, who are to be raised and paid at the same rate as the mounted riflemen who were sent to California. Has he taken into consideration, so as to advise us before we give our votes upon this subject, what will be the cost of transportation necessary to carry the subsistence some two thousand miles to stations near to California? Has he thought of that? And has he made an estimate of the buildings that will be necessary for the convenience and comfort of the soldiers and as shelter for their horses, and of the utter impossibility of procuring lumber or even common trees on these vast prairies to build these houses with? Has he ascertained how long it will take to clear the land where all this subsistence is to be raised? Not a word of it, sir, have we heard; and yet the Senator from Illinois denounces those who happen to speak of probable expenses, which certainly appear not less enormous than probable, when the lives of emigrants are taken into consideration! Sir, I hold that this is no way to lay down a proposition. Lay down your plan; show your estimates for everything you propose to do. Tell us what is to be the distance of this telegraphic line which is to be protected? Why, sir, if I am rightly informed, it is some eighteen hundred or two thousand miles. And three thousand men are to be dotted along this line for its protection! And suppose you divide them into companies of a hundred each, how many stations will you have over the two thousand miles? One station for every sixty miles! And then, to show you the plausibility of this bill, these men are to protect these telegraphic lines, while at the same time it is thrown out to the country that they are to subsist themselves by agricultural labor! Sir, it cannot be done. They cannot do it. There will be a constant traveling backward and forward to protect the emigrants as well as the telegraphic posts. Sir, a proposition like this evidently appertains to the jurisdiction of the Committee on Military Affairs, and I desire to have it investigated by that committee, in order that I may be justified in giving my vote.

It is necessary, too, sir, that we should consider the character of the country over which this line is to be built; and in that will be found numerous and large items which the Senator does not appear to have considered at all, such as the numerous rivers which are to be bridged or ferried over in the long distance of two thousand miles. What is likely to be the expense of erecting bridges or of constructing all the ferry-boats necessary in this long journey? How are the materials to be got? or, if you make boats where the materials are found, how are you to get them to the rivers where they are to be used? All these are vastly important considerations. I am not disposed to with-

hold the needful protection to the emigrant. Sir, that is the object which we ought to have in view; and when we present a bill of this nature, involving so great an undertaking, I think we ought not to dream of commencing it until we have pretty thoroughly understood where we are going, and how we are to get there.

It has been said that \$4,000,000 will not suffice to cover the expenditure which will be incurred by this bill. Sir, we all know that the cost of transportation has been immense even from Independence to Santa Fe, over a regular-built route; and yet these three thousand men are not only to support themselves by agricultural labor, but are to make a road and build bridges over a space of two thousand miles. Sir, what plausibility is there in such a proposition? Everything which is contemplated in this bill, Mr. President, must be carried into execution by the appropriation of money. The builders of these bridges and ferry-boats will have to be mechanics transported from one end of the line to the other, because these three thousand soldiers will be all the time on duty, or taking care of their horses. There are so many ways in which money will be rendered necessary here, that it is due to the country and the Senate—the Senator from Illinois himself not having, perhaps, sufficient time, in consequence of the press of other duties, to look so minutely into the details as seems to me to be necessary—that the chairman of the Committee on Military Affairs should investigate this whole subject, and present it in the shape in which it ought to be presented to the Senate and the country. Then we shall more fully understand it; and when we come to vote upon it, we shall do so with more satisfaction, whether we should find it necessary to vote for it or against it. I therefore feel obliged to vote for the motion of the Senator from Virginia, that this bill may be recommitted to the Committee on Military Affairs, especially considering that the Senator who is at the head of that committee knows something of the cost of transportation in some of those regions.

One thing further. This bill had passed my notice except in one point of view. I supposed it was intended as a means of erecting a great telegraphic line, as I casually observed it; and one thing for which I supposed this military escort was necessary was for the protection of this telegraphic line. Now the idea of a telegraphic line through a savage country extending some two thousand miles, seems to me to be hardly very practicable. It would have to be traversed over every day for the repair of accidents, the result either of storms or of mischievously disposed persons. Why, sir, even for that, three thousand men would not be enough. I am glad to find, however, that it was not, as I at first supposed, to make an appropriation of the public money for the benefit of an individual. I think if the bill is referred to the Committee on Military Affairs, it will be likely to come back in such a shape as will present to us various public considerations which should be taken into the account by this body.

Mr. DOUGLAS. I feel bound to resist the reference of this matter to the Committee on Military Affairs. I feel bound to resist it for the reason that at this late period of the session it would be equivalent to a rejection of the bill.

Mr. DAWSON. If the gentleman will only show me an estimate of the cost of transportation, &c., I will not propose such a reference.

Mr. DOUGLAS. I was remarking that a reference could be made, if at all, with quite as much propriety to the Committee on Roads and Canals, over which you preside, (Mr. BRIGHT in the chair.) Gentlemen may make a more plausible argument, since the object of this bill is to make a great road over a vast wilderness, and to keep up bridges, to show that the bill ought to go to the Committee on Roads and Canals, in order that they may bring forward the estimates of the cost of building the road. And when the Committee on Roads and Canals shall have reported, another gentleman, desiring that further delay may

be made, may move to have it referred again to the Committee on the Post Office and Post Roads, because it provides for carrying the mails; then, after that, gentlemen may say that it must be referred to the Committee on Public Lands, in order that they may report upon that part of the bill which proposes to grant land to the soldiers along the line. Thus you will find, that if the jurisdiction over this matter is taken from the Committee on the Territories, you have no committee to which it is proper to refer the bill. With the same plausibility that the gentleman urges a reference to the Military Committee, you may urge a reference to the Committee on Roads and Canals, to the Committee on the Post Office and Post Roads, to the Committee on Public Lands, and, perhaps, to two or three other committees; and, sir, the whole effect of any reference will be, to kill the bill.

The gentleman wishes for estimates; he wishes to know the cost of the buildings, of the bridges, and boats along the line. Why does he want the estimates, and if he wants them, how is he to get them?

Mr. DAWSON. Call for them.

Mr. DOUGLAS. And where from? Will you call from the vast wilderness, where you have neither an officer nor a soldier, nor an agent of any kind? Or will you send an agent there, and wait till next year for a reply? I apprehend you will wait a longer time than that, before you will have a reply to your call. That is the very thing to which I object. We have not the means to get at the estimate; you have not a man in the nation prepared to make an estimate. And why do you want an estimate? The provision in the bill is, that the troops shall build station houses and posts for themselves with their own hands, out of the materials to be obtained along the route. No matter what the cost is, it does not cost the Government a dollar, for they are to be built out of the material along the line, and by the soldiers themselves, who are to be paid by the compensation provided in the bill. The gentleman talks about the cost of the transportation of the materials which may be needed for building these posts and stations. I perceive that the Committee on Military Affairs do not understand the spirit of the bill. Who ever dreamed of hauling lumber two thousand miles to build a bridge, when you may make an adobe bridge from sun-dried brick, made of the clay found on the very spot? The materials may be taken out of the very bank of the rivers. I fear that if the bill were sent to the Committee on Military Affairs, the Senator from Georgia [Mr. DAWSON] would get the estimates far above four millions of dollars, if he proposed to haul the material across the country for building these bridges, &c., instead of getting the material along the line, and constructing these buildings of adobe brick. I take it, the material may be obtained along the line.

Mr. DAWSON. Can you make ferry-boats of adobe brick?

Mr. DOUGLAS. I know the gentleman is suggesting these inquiries for the purpose of drawing my attention from the provisions of the bill; but I will go through with my course of remark. It so happens that he has not studied the geography of the country. The rule is, and everybody who has seen the prairies knows, that when you approach a stream, you find there is timber skirting its banks. And when you travel across a prairie and see timber rising in front of you, you rest assured that water is near. It so happens that Providence has placed timber near the streams, so that bridges and boats can be constructed for crossing them.

In the same way you go through with all the estimates for which the Senator from Georgia asks. He wishes to know the estimated cost of transportation. Why, sir, this bill provides for dispensing with transportation by compelling these stations to raise their supplies along the line, and thus avoid that enormous expense which is incurred every year by the regular Army for transportation. The gentleman cannot get it out of his head that this is to be conducted upon the extravagant

scale upon which the regular Army is conducted, and it is for that reason that I fear to have the bill go to the Committee on Military Affairs, on account of the amount of money which they may think it necessary to provide.

Sir, we show clearly the object of the bill. It is to make a road and protect that road, and all the people who travel upon it or settle along the route. We wish to do it in the best and cheapest possible mode; and we know the best mode is to make it for the interest of the men owning the soil to protect the soil. There is no mode by which you can do it except by a line of settlers from the valley of the Mississippi to the Pacific ocean. That line of settlements can only be formed by making the road and protecting it. You need it for a military road as well as for commercial and domestic purposes. You need it to regulate your intercourse with the Indians, and it is your duty to make it for the protection of those who have already gone there under the protection of your laws.

When you look at this, you will see that all these estimates are unnecessary, because the expenditure is to be met by the men themselves. But the Senator says, these men will have to be engaged in the duties of soldiers, and therefore cannot have time to build themselves houses. Sir, the moment you have one hundred men stationed at a post, the presence of that number operates as a perfect security. Fifty can go on to the next station and raise it, and twenty of those who remain may be engaged in cultivating the soil.

The Senator from Georgia asks how long a time it will take to clear the country, and prepare it for the cultivation of the soil? The gentleman does not happen to live in a prairie country; he is not aware that all the land is already cleared, and therefore ready for the plow at this very moment.

Mr. DAWSON. Does it not take a year to raise a crop, and a year to raise hogs?

Mr. DOUGLAS. That is the very point I was coming to. It will not take a year to raise the hogs, as the Senator appears to anticipate, for I expect that they will drive their horses, their cattle, and their hogs with them, as the emigrants do; whenever they remove for the purpose of taking up a position elsewhere, they invariably drive all the live stock necessary for their use with them, and that stock will be able to support itself on the prairies during the summer, and those very prairies constitute vast meadows on which the grass necessary for the subsistence of the stock during the winter can be cut. The only thing you have to supply, therefore, is a portion of the breadstuffs during part of the first year, until the corn crop can mature. For that reason I suggested that the expenditure for the first year will be greater than for any subsequent year.

But I must remind the Senate again, that the pointing out these objections, and the suggestion of these large expenditures, show us that we are to expect no protection at all; they evince direct, open hostility to that section of country.

The Senator from South Carolina [Mr. BUTLER] points out this expenditure, without taking into consideration the argument that this mode is fifty per cent, cheaper than any that has ever yet been devised and reported on by the Committee on Military Affairs. I want the opponents of this bill to meet the argument. Have they done so? If they do not adopt this system, what system will they adopt? I want again to remind them that every objection, every argument they use, shows clearly that they are predetermined to deprive us of all protection. We wish to understand what line of policy is to be pursued towards us; whether it is simply a choice of means that is to be consulted, or whether we are to be subjected to a denial of all justice. This is the very point which we wish to understand. The Great West demands some protection of this nature; the Pacific coast demands it; the whole nation demands it. Is there a man in this Senate who does not know that to refuse to withhold that protection, is to advocate the disunion of this Republic? Is there a man in this body who does not know that this Union cannot exist unless we have some means—either this road, or a railroad, or some other means of communication, with the Pacific?

I want Senators to meet this broad question, and, if they are opposed to open a communica-

tion between the Atlantic and the Pacific, if they are in favor of disunion, let them declare it. Let the people of the United States understand it distinctly. I care not what cause they allege for their course, whether they rest it on the score of economy, or on any other footing. It is true that the protection we ask for will cost money; the protection of the Union costs money in every section. We have expended money freely in Georgia, and in those other States from which this opposition comes; we have expended millions on millions on the coast of the Old Dominion. Never has the great West objected when Virginia asked for one, two, five, or seven millions for the protection of the Old Dominion; and that against an imaginary, anticipated, foreign invasion! But when we of the West ask for protection for ourselves, our women, and children, over whose heads the tomahawk is suspended, we are told that it costs money! Economy is the argument put in contrast with a call for the preservation of life. I think it is time that gentlemen understood the bearings of this question.

I repeat that I do not stand upon the provisions of this bill. Modify them as you please, provided you accomplish the object. Change them as you please. Offer amendments to every section, so that not a line I have written shall remain, and I will accept them, provided you carry out the object of the bill; provided you afford protection to emigrants and settlers, and open a communication with the Pacific.

Mr. BUTLER. I wish to say a word or two in explanation and in answer to the Senator from Illinois, before dismissing this subject, for I am not prepared to vote upon it now. I told him candidly that I had not the information to enable me to vote intelligently upon it at this time.

Mr. DOUGLAS. I am willing to accede to the request of the Senator to postpone the consideration of the bill until some day named by him.

Mr. BUTLER. I have not considered the provisions of the bill. It struck me as a remarkable bill, however, and one which broaches a new policy; and in that I am entirely correct. The Senator from Illinois has repeated the words, "Will you deny us protection?" I think the word "protection" has been very often repeated, as though I had denied the power or right of every Government, and this Government especially, to protect its citizens in the enjoyment of life and property. But how is the Government to afford that protection? Are you to have guardians for every man, woman, and child, who chooses to leave one part of the country to go to another? That would be one mode of protection. Are you to afford a military escort for the traveler from one part of the country to another? In every instance the protection which is to be afforded to every people by their Government, is the protection of the law. The protection by the Army, of course, may be in enforcement of the law. You organize a territorial government. For what? To give your people protection. You have an army. For what purpose? To give your people protection. If the Senator from Illinois will convince me that this is the best mode of increasing the Army—and heretofore protection has been afforded to our citizens and emigrants going abroad, by the law, and by the Army, by the war-power—I may look with favor upon his proposition. But this is the commencement of a new policy, that, under the guise of regulating emigration, or promoting the Union, is to be adopted! Sir, I shall not be surprised shortly to see some bill introduced into this body to hasten the millennium, [laughter,] some specific measure; and I have no doubt money would be one of the measures for hastening the millennium. [Continued laughter.] What declamation would you hear then! What fruitful themes for declamation the Union supplies!

But when the honorable Senator from Illinois rises and proposes a measure here, he must take the responsibility of satisfying the body that the measure is proper in itself. He has no right to retort on those who oppose it, that they have not satisfied him that their objections are valid. That is no mode of treating a proposition of this kind. He must satisfy me upon his responsibility, as a statesman and a politician, that the measure is right. I have a right, and we all have a right, to make every objection we can, until we have sufficient reasons to satisfy the body that the measure is proper, and ought to be adopted. He

should satisfy us that this is the best mode of increasing the Army—if it is necessary to increase it three thousand men—for the purpose of protecting our emigrants or settlers against the Indians. That protection has heretofore been extended by the sword, and by an army under the command of the Government; but to make roads, and bridges, and ferries, and plant corn-fields, to enable your emigrants to go from one part of the country to another, has never been done from the beginning of the Government to this time. That is a form which protection has never assumed. The only protection that many have had has been by going in bodies and protecting themselves, or they have had the ordinary protection from the Army, or from the laws. Adventurers who go from one part of the country to another must devise means for protection to some extent—not entirely, I admit; but I am opposed to making the Government the guardian of every one. I like the principle of the common law; let every man protect himself to some extent; but when he cannot do it, give him the protection of the law and of the Army; but to make a road, and plant corn-fields, and do all this, is a new mode of giving protection. It is, to be sure, feeding our people at the expense of the Treasury.

I am not prepared to vote upon the bill now. I should desire time to be convinced in regard to its details. I do not say that I am opposed to it entirely; but I must retort upon my friend, when he tells me that I have made objections which he cannot understand and does not think valid, that I expect him, as the author of the measure, to satisfy me, and all those who act with me, in regard to its provisions.

Mr. DOUGLAS. To what time does the Senator desire the bill to be postponed?

Mr. BUTLER. I should like four or five days, to converse with the Senator or some other person on the subject.

Mr. DOUGLAS. I am willing to postpone the further consideration of the bill for a week—say until next Tuesday.

Mr. BUTLER. I move to postpone it until this day week.

Mr. BORLAND. I have a few words to say, not so much against the postponement—though I am prepared to act upon the bill speedily—as in response to a suggestion of my friend from South Carolina, [Mr. BUTLER,] which looked a little like shifting me from my position in supporting a measure which I have taken some trouble to uphold. He thought, from the rule of action by which I seemed to be governed in this case, that I might, without inconsistency, go over to the support of the Collins line of steamers. If he, or any of the advocates of the Collins line, or of any other measure, can show me that it stands on a foundation similar to this, I will go for it at once and without hesitation. But the Senator treated it as a most amazing proposition that we should undertake to protect emigrants going from one portion of our country to another, and asked if we were to appoint a guardian for every man, woman, and child who chooses to move from one region of the country to another? He says he is willing to put them under the protection of law and the army.

Mr. BUTLER. It has never been done otherwise.

Mr. BORLAND. Now, let me ask if this bill proposes to do any more for the persons who, for commerce or for any other purpose, seek a new home in our own territory—even if we do pay three or four millions a year—than we pay now, and have paid from the foundation of the Government, in protecting those who, for purposes of commerce, or any other purpose, choose to leave our borders and go into foreign countries? For what do we keep up a Navy? An American citizen chooses to build a ship, and load it with commodities for purposes of speculation or pleasure, and go thousands of miles across the ocean, perhaps into regions now unknown, and discover new territories with which to trade or reside. Let him be subjected to an outrage there—let his rights of person or property be infringed, and what is the consequence? What has already been acknowledged as the obligation of this Government is to send armed ships there, and seek redress for the injury received in person or property; and for the purpose of doing that, and of being always ready to do it, we are now paying \$8,000,000 a year to maintain a Navy.

If, for the purpose of protecting our citizens who, for commerce or for pleasure, or any other purpose, often leave our own shores and go thousands of miles across the ocean, we are bound to maintain a Navy, at an expense of eight millions of dollars a year, I ask the Senator how can he object when we propose—even at the extravagant estimate which he has made of four millions a year—to protect our citizens, men, women, and children, who choose to seek new homes on our own soil, and in pursuance, too, of the policy which this Government has adopted, and has been carrying out for years, of acquiring new territory, and inviting and encouraging its settlement by the enactment of liberal laws? How can we refuse protection to these, while we are giving every day to another class of our people who are better able to protect themselves, and are certainly no more entitled to protection?

As to the estimate which has been made, that it will cost four millions a year to carry out the objects of this bill, I know it is extravagant, but I shall not undertake to discuss it now. I presume the further consideration of the subject will be postponed until a future day. In the mean time I will look into it, and if it shall become necessary, I think I shall be able to show by figures which no one can dispute, that the proposition can be carried out at an expense not only far below that which Senators opposing it have suggested, but at such a reduction upon the present expenditures for military services intended for the same purpose, but which serve no good purpose whatever.

Mr. BELL. I understand the motion pending is to postpone the further consideration of the bill. I do not wish to discuss the subject now, but I was about to suggest to the friends of the measure—and I beg leave to say that I do not know but that I shall be one myself when I come to understand the practicability and extent of the objects proposed to be attained by it—whether we could not get some advantage by committing it, as was proposed, to the Committee on Military Affairs in the mean time. I have spoken to the chairman of that committee [Mr. SHIELDS] on this subject, and he says truly, with the other Senator from Illinois, [Mr. DOUGLAS,] that it is a matter which does not admit of definite estimates; still I beg leave to suggest that there are some branches of information which would essentially aid us in coming to a proper conclusion, and if we postpone it that that committee might give us some very valuable information upon the subject. For example, I think we want topographical information, and I presume it is more readily within their means and convenience to present it to the Senate than any other committee. I suppose the various reports of exploring parties, of engineers and others who have made reports to the Department, could be collected, and some valuable information be brought before the Senate by a little attention and industry on the part of the committee. I think it important to ascertain whether the objects stated by the honorable Senator from Illinois are practicable. I have not, to be sure, very thoroughly studied the geography of the country as stated by the honorable Senator; but is it possible to effect the plan of protection which the honorable Senator proposes? I think we want light on that subject. My general information upon the subject teaches me that we have about five hundred miles of sterile desert crossing streams in which there is but a very slight margin of vegetation; and the suggestions thrown out by the honorable Senator, it seems to me—unless we have more information than I have on the subject—are not practicable with regard to one of the most exposed portions of the route; for example, the route on which the cattle and horses, not only of the military force, but of the emigrant parties are in danger every year of perishing on account of a deficiency of grass on the road, for although grass does spring up on the plain from our western borders to the Rocky Mountains, yet it is sparse. This is a part of the subject on which information could be furnished by the Military Committee, and I should like to see it.

Mr. DOUGLAS. I would suggest that all the information on that subject that can be furnished, is printed by the Senate, and in the hands of everybody, in the report of Colonel Fremont, who encamped, night after night, on this very route.

Mr. BELL. Is that the route proposed in the bill?

Mr. DOUGLAS. Yes, sir.

Mr. BELL. And it is supposed to be practicable to establish large posts, one hundred miles from each other, and intervening posts, twenty miles distant, between the main points?

Mr. DOUGLAS. Yes, sir.

Mr. BELL. Then there is another point upon which we might get the information condensed. We have not time to look into the reports, made by the exploring parties, within the time that the gentleman thinks we ought to act upon the bill. He proposes to establish settlements for cultivation at various points. Is there such a soil on the route as to admit of that? The prairies, over which the road is proposed to pass, are not the rich prairies of Illinois, Iowa, or a part of Missouri. I understand they are of a very different character. I should like to have some condensed report on that subject. It could be extracted readily. If the posts are to be sustained by cultivation at the points where they are to be established, it is an important question whether or not the country is fertile enough for the purpose of forming the nucleus of a settlement. If it be practicable, the object is a worthy and a noble one; but I beg leave to propose now to the honorable Senator from Illinois the question—and I would like him to answer it if he is prepared—whether he expects any such line of posts as this would be a sufficient communication overland—sufficient military communication for the still greater ulterior purpose of holding the two great sections of this country together? How would that facilitate the passage of armies? It would only subsidize the soldiers themselves, and would not even supply provisions to emigrants; and when we want to transport troops and munitions of war, does not the whole project fall far short of the greater object of opening a communication? In that point of view, it is important to ascertain if we can make an approximate estimate of the cost of the undertaking, and if it will cost three or four millions a year, (and I think it cannot cost less than three millions the first year,) in reference to that, another question arises, whether this plan would be the cheapest? The honorable Senator says it is the cheapest plan, and the best one united. If it will cost three or four millions the first year, and two or three millions the second, had we not better commence at once a great mode of communication by railroad or plank road, or some other means which would enable us, with sufficient facility and cheapness, to keep up the communication, and hold the two grand sections of the Union together, and protect the western frontier? These military posts, it seems to me, will not accomplish that object. They are to be temporary. They are to give protection to the emigrant, but they open no such communication as the country will demand, between the Atlantic and the Pacific coasts, and must demand before a great while, particularly, as the Senator suggests, if we should be involved in a war with any powerful maritime nation abroad. If it is to cost us ten millions of dollars in three years, as some gentlemen sincerely believe,—and others think it will cost more,—would it not be more advantageous to employ that immense sum in the commencement in making a railroad from our western borders to the base of the Rocky Mountains? That ten millions would make such a road. Would it not be cheapest to commence at once some great communication of this kind? These are all subjects which do not seem now to be settled definitely, but they are worthy to be considered.

Another suggestion: The honorable Senator proposes to make these posts—these three thousand men to be stationed along a line of two thousand miles—for the protection of emigrants, and he says there are twenty thousand on the route now—some gentlemen suggest thirty thousand. I have heard of no depredations committed by the Indians on them this year. The emigrants are only upon the route about four months in the year; but the bill proposes to establish and keep upon that line three thousand men through the whole year. There are eight months in the year when they are not necessary for the protection of the emigrants. As I understand it, about four months complete the travel by emigration from the western part of the frontier to the settlements in our western Territories. I may be mistaken in that, but it is my impression. In the mean time the three thousand men, and not only the men, but their three thousand horses must be subsisted.

Has the honorable Senator taken into his calculations the estimate that such a force alone will absorb the subsistence upon which the cattle and the horses of the emigrants themselves must depend? The grass upon that desert of five hundred miles, on this side of the Rocky Mountains, does not spring up luxuriant and rich as it does in Illinois, Iowa, or Missouri. It is scant for a large portion at all seasons, and even the emigrants are detained on their journey, and their beasts of burden die for want of a sufficient supply of grass—at least such are the accounts I have seen.

If the bill is postponed, I beg leave to suggest whether it would not be profitable to the whole Senate to send it to the Committee on Military Affairs, so that we may have the necessary information condensed and presented to us—or let it be recommended to the Committee on the Territories for that purpose. I care not to which it is sent, provided this information is obtained. I do not think it sufficient for the honorable Senator from Illinois to say that every gentleman can examine the voluminous reports made on this subject, giving an account of the various explorations made on the line. I think it is ordinarily the duty of the committee which brings in such a measure to present it in such a shape that Senators who are occupied particularly in the investigation of other matters which are before their respective committees may see at a bird's-eye-view the whole subject as far as there is any information to be obtained in regard to it. I merely suggest that we might have such a report at the time to which it is proposed to postpone the further consideration of the bill.

Mr. BRADBURY. Mr. President, it is admitted on all hands that this is a very important measure, necessarily attended with very great expense. I have not seen, as yet, any urgent necessity for it demonstrated. It is said that it is to give protection to the emigrants, who are passing to the Pacific. Now, I would like to hear from the honorable Senators who have advocated the bill, the extent of the depredations that have recently been committed by the Indians upon the emigrants. I think that some year or two ago, forty-seven thousand emigrants passed Fort Laramie in a single year. That was probably a larger number than usually pass; and I am not in possession of facts which show that any considerable number, or any of them, fell victims to the savages. It is possible that the Indians may have committed some depredations; it is possible they may have committed some murders; but I think the number has been unusually small, and that the security with which the emigrants pass through the Indian territory, exceeds that which border settlers have usually enjoyed.

I think that before so important a measure as this receives the sanction of the Senate, we ought to have some distinct data, showing definitely an urgent and imperative necessity for it. It is urged that we should establish a line of communication with our possessions on the Pacific, if we would hold them. Such a line of communication is essential. I believe there is great force in this suggestion; but telegraphic communication is the last mode to answer that purpose. If we would connect ourselves with our western possessions, and bind them to us so as to hold them permanently, it must be by a railroad. In the first place, it would be utterly impracticable to maintain and keep up a line of communication by telegraph. The distance is some two thousand miles, and how liable it would be to interruptions, extending for such a distance, from accident and from design, when passing through a country occupied by numerous tribes of mischievous and hostile Indians. When interrupted, how is it to be restored? How are you to ascertain the point where the wire is broken, and to repair it without serious delay? Then the extremes are so remote, and the intermediate stations so far from each other. All this will be attended with very great practical difficulty. Who is to maintain and operate the stations along the line? Is the military force to do it? It is obvious, I think, that telegraphic communication is peculiarly adapted for, and can only be safely sustained through a settled country, and not a wilderness like this.

Again, regarding a railroad to the Pacific as essential, if we would hold our possessions on that coast, I object to this bill as a measure that would embarrass, and probably defeat, the railroad, by



absorbing the means necessary for that purpose. The connection should be across the continent, and by continuous permanent settlements along the whole line, uniting the East and the West, with the means of rapid and easy communication. This can be effected only by a railroad. Such a road would furnish not only the means of conveying intelligence, but of carrying the products of settlers to a market, and bringing back their supplies, and thus enabling them to settle in these interior regions. It would settle the country. Now it is well known that the means by which a railroad must be built, is the *public land* along the line.

This bill proposes to absorb that means, and is therefore antagonistic to a railroad. It provides that each one of the three thousand troops that are to be raised, should have, in addition to the pay and emoluments of mounted riflemen, six hundred and forty acres of land apiece. This would be selected along the line, and of course the best land would be taken, and you would thus absorb the means that may prove essential for carrying forward successfully the great and important measure of a railroad.

Again, there is a serious objection on the ground of expense. It is not a trivial affair to maintain three thousand mounted troops at points so remote, where, as has already been shown by the honorable Senator from Tennessee, there are long distances where the supplies for men and horses must be transported. We find, too, that when we increase the army, it is difficult to reduce it again; and if these men are raised, I fear the increase will be permanent. It is said, I know, that at the expiration of three years these troops can be disbanded. In such case they will be either settled along the line, or they will return to their homes again. Now, I would like to ask gentlemen practically acquainted with matters of this character, whether it would not be more difficult and more expensive at the end of three years, if this military force should be disbanded, to protect the disbanded men than the emigrants who are now traveling along that line? We will then have a narrow line of settlements of two thousand miles in extent. They will be entitled to protection. They can truly say they were invited by the Government to occupy these remote, isolated positions—they can say that the Government has withdrawn its aid and support from them, and that they have a necessity to apply their exertions and labors to support themselves and families, and that therefore they ask military posts to be established along the line for their protection, unless they can be under pay for protecting themselves. Their protection would cost much more, I apprehend, than that of the emigrants who now pass through the country.

Mr. BORLAND. The Senator suggested just now, if I understood him, that he was in favor of building a railroad across that desert country. He objects to the necessity for military protection to those settlers along that line at the end of three years. I wish to ask him if he thinks it would cost more to protect these settlers than it would to protect a railroad along a course of one thousand or fifteen hundred miles, with no settlements at all?

Mr. BRADBURY. I will answer the honorable Senator. When a railroad is established, we furnish the means of communication which will establish a permanent and large line of settlements the whole distance. By means of a railroad the farmer can bring his produce to market. You establish that which will be a benefit to settlers, and enable them to sustain and protect themselves; for they can go there in large numbers, and in this respect you have the great advantage of a railroad over a telegraphic line. I presume the honorable Senator does not suppose that the farmers are to transport their produce to market along the telegraphic line. It is for this reason that a railroad will lead to permanent and large settlements from the Atlantic to the Pacific, and will bind the two portions of the Union together, which a telegraph cannot do. It is for this reason that I fear, if this measure is adopted, you will defeat one which will be of substantial, permanent, and national benefit.

The PRESIDING OFFICER, (Mr. BRIGHT.) The question is on the motion to postpone the further consideration of the bill till Tuesday next, and make it the special order for that day.

Mr. RUSK. I hope it will not be made the

special order. It will then stand in the way of other business.

Mr. HALE. I ask a division of the question. The PRESIDING OFFICER. Then the question will first be on the motion to postpone.

Mr. DOUGLAS. I feel authorized to modify the motion so as to postpone the consideration of the bill for a week without making it the special order.

The motion to postpone was agreed to.

#### RATES OF POSTAGE.

A message was received from the House of Representatives by Mr. FORNEY, its Clerk, announcing that it had passed a bill to amend an act entitled "An act to reduce and modify the rates of postage within the United States, and for other purposes," approved March 3d, 1851.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, July 13, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the further consideration of House bill No. 144, to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes."

#### LAND DISTRICTS IN IOWA.

Mr. HENN. I ask the unanimous consent of the House to take up Senate bill No. 478, now upon the Speaker's table, "to create three additional land districts in the State of Iowa," and to have it considered at this time before proceeding to the execution of the special order.

Mr. JOHNSON, of Georgia. Is it the intention of the gentleman to have the bill referred, or to put it upon its passage?

Mr. HENN. I desire to put it upon its passage. I will state to the gentleman from Georgia that the Committee on Public Lands of the House have agreed to a bill precisely in the same words as this bill which has passed the Senate. It is very important that this bill should pass before any proclamation is got out for the sale of the lands in the western portion of the State of Iowa.

Mr. JOHNSON. I should be very happy to accommodate the gentleman from Iowa; but I must insist on the regular order of business.

Mr. HENN. The bill will not occupy more than five minutes, and I hope the gentleman will withdraw his objection to it.

Mr. JOHNSON. I cannot withdraw it.

#### CALIFORNIA BATTALION.

Mr. McCORKLE. I have an indulgence to ask of the House, in reference to a very important matter, which I think no gentleman will object to when I state what it is. I ask the unanimous consent of the House to take up from the Speaker's table a bill which provides for the appointment of three commissioners from the Army to adjust, examine, and report to the next Congress upon the claim of the California battalion—a battalion who served in California during the Mexican war, and who subsisted themselves and purchased their own arms.

Mr. JOHNSON, of Georgia. I object, and insist on the regular order of business.

Mr. McCORKLE. If the gentleman will hear the facts, I think he will withdraw his objection.

Mr. CLINGMAN. I should like to know what is the regular order of business?

The SPEAKER. The further consideration of House bill No. 144, reported from the Committee on the Post Office and Post Roads.

Mr. CLINGMAN. [Well, sir, the regular order of business has been insisted on by my friend from Georgia, [Mr. JOHNSON.] I have no objection to this discussion if it is to come out of the morning hour, but otherwise I must object to it.

Mr. OLDS. I object to it if it is to come out of the morning hour.

Mr. JOHNSON. I insist on the regular order of business.

On motion by Mr. HUNTER, by unanimous consent,

Ordered, That the petition and papers of Henry Pauling be withdrawn from the files of the House, and referred to the Committee on Claims.

#### RATES OF POSTAGE ON NEWSPAPERS.

The SPEAKER. The regular order of business is the further consideration of House bill No. 144, to amend an act entitled "An act to modify and reduce the rates of postage in the United States, and for other purposes," and the pending question is on the amendment offered by the gentleman from Ohio, [Mr. DISNEY.]

The amendment was read as follows:

And be it further enacted, In all cases of publication of the uncalled for German letters, it shall be the duty of the Postmaster General to cause such publication to be made in the German newspaper having the largest circulation in the vicinity, such publication to be governed in every respect by the provisions of the law in relation to the publication of uncalled for letters in the English language.

Mr. DISNEY. At the suggestion of several gentlemen, and with a view of making the amendment broader, so as to embrace all other languages, I will modify my amendment so as to read as follows:

That when a list of uncalled for letters shall be published in any newspaper printed in any foreign language, said list shall be published in such newspaper having the largest circulation within the range of delivery of said office.

The SPEAKER. If there be no objection, the gentleman will be allowed to modify his amendment.

No objection was made.

The SPEAKER. Upon this amendment the yeas and nays have been ordered.

Mr. OLDS. I hope the call for the yeas and nays will be withdrawn.

The SPEAKER. That can only be done by unanimous consent.

There being no objection, the yeas and nays were withdrawn.

The question was then taken on Mr. DISNEY's amendment, and it was agreed to.

There being no further amendment to the bill, it was ordered to be engrossed and read a third time; and was subsequently read the third time.

The bill as amended was read through by the Clerk.

Mr. BROOKS. Has the previous question exhausted itself yet?

The SPEAKER. It has.

Mr. BROOKS. I am about to move for the recommitment of this bill to the Committee on the Post Office and Post Roads, with some instructions, which I hope will meet with the approbation of the House. I would not make the motion if, upon this question of the weight of two and a half ounces, as reported in the original bill, there had been a fair vote. It will be remembered that two and a half ounces was the weight originally agreed upon by the committee, but it was subsequently altered. On taking a vote in the House on maintaining the original proposition of the committee—two and a half ounces—there was a majority of the House in favor of it; but it was necessary to make a quorum, and members voting blindly to constitute that quorum, reversed that majority into a minority. It is for that reason that I claim the indulgence of the House in asking for the recommitment of the bill, which is now the only way left to obtain a true vote upon the principle on which I wish to divide the House.

Mr. Speaker, it is quite unnecessary for me to repeat the arguments that I advanced the other day on this subject, because those arguments have been repeated on the other side of the House, as well as upon this. The principle on which I oppose this bill is, that this limitation of the weight of periodicals and newspapers to two ounces, as it now stands in this bill, is a premium for bad printing and for a bad quality of paper—a retrograde in the art of printing, and a discouragement of all printing.

It is said that newspapers of the present size will come within two ounces. But it is the policy of this country, or it ought to be the policy of this country, to encourage printers to print as large newspapers as possible, containing the largest possible amount of reading matter, provided they can do it for a given sum of money. This bill as it now stands reverses that policy, and it offers a premium for the printing of newspapers upon paper of bad quality and of low weight, and in that way would result in great injury to the community.

I voted for the amendment of the gentleman from Maine, [Mr. WASHBURN.] because it bettered the bill somewhat; but the principle which we

have incorporated in the bill, by the adoption of that amendment, is a vicious principle; its whole tendency is to confine the circulation of papers published in one State to that State, and to that State only. Its whole tendency will be sectional; to make the people of one State know only the politics of that State, and the politics of no other State; and to prejudice the people of one State against taking papers published in another State. For instance, the people of the States of New York and Pennsylvania can have the benefit of the papers published in the cities of New York and Philadelphia; but the moment those papers pass into New Jersey or Delaware the postage is enhanced, because they are carried half a mile across the Hudson river into New Jersey, and fifteen or twenty miles to the Connecticut line on the other side. And in the same way, papers published in Cincinnati cannot be taken into the State of Kentucky without an enhancement of the postage. The States are considered separate nations by this bill, having no right to take the papers published in each other.

The motion I propose to submit now is to recommit this bill to the Committee on the Post Office and Post Roads, with instructions "to report a bill not raising the rates of postage on newspapers under one thousand miles, or limiting the weight of newspapers or periodicals beyond the existing law."

I remarked the other day that this bill did, in fact, increase the rates of postage on newspapers under one thousand miles. I think I demonstrated that, and it is not necessary to repeat the argument. I therefore propose to instruct the committee to report a bill not raising the rates of postage on newspapers under a thousand miles. The maximum weight of newspapers under the present law is three ounces. This bill makes it two ounces.

Mr. JONES, of Tennessee. I rise to a question of order. Was not the previous question ordered on this bill?

The SPEAKER. Not upon its passage.

Mr. JONES. Has the bill been engrossed?

The SPEAKER. It has.

Mr. JONES. Then no amendment is in order.

The SPEAKER. The gentleman from New York proposes to recommit the bill with certain instructions.

Mr. JONES. The committee cannot amend the bill now.

Mr. BROOKS. We can commit the bill with instructions. I was remarking, when I was interrupted, that under the existing law the maximum weight of newspapers is three ounces. This bill proposes to make the maximum two ounces. The second branch of the instructions, therefore, directs the committee to report a bill not limiting the weight of newspapers and periodicals beyond the existing law. I now ask for the previous question on my motion, upon which I shall call for the yeas and nays.

The SPEAKER. Upon that proposition the previous question has been demanded.

Mr. OLDS. I merely rise to ask the question whether the rule allowing an hour's speech after the previous question has been ordered, would allow me to reply to the gentleman from New York, [Mr. Brooks,] as I reported the bill? I have not yet occupied that hour. I will say to the House, however, that I do not want five minutes.

The SPEAKER. The Chair thinks the gentleman has a right to address the House.

Mr. JONES, of Tennessee. I submit the question to the Chair, whether the instructions are in order or not? The bill is certainly not amendable here, and the gentleman from New York cannot move to recommit this bill with instructions to report another bill.

Mr. BROOKS. I do not propose to do that. I have the right, under the one hundred and forty-sixth rule, to move its recommitment, whether it can be amended or not. I moved to recommit with instructions.

Mr. JONES. The bill is engrossed, and cannot be amended.

The SPEAKER. The one hundred and twentieth rule is this:

"After commitment and report thereof to the House, at any time before its passage, a bill may be recommitted."

Mr. JONES. Exactly; but not with instructions to amend.

The SPEAKER. The Chair thinks that would follow as a matter of course, as one of the objects for which a bill is to be recommitted.

Mr. JONES. We cannot amend it here, and certainly we cannot give instructions to a committee to do what we cannot do. It seems to me that the only mode to attain that object now, is to reconsider.

The SPEAKER. There is a general power to instruct committees, and the gentleman will not, I suppose, deny that the committee itself may amend after it is recommitted. There is, then, a general power, the Chair again remarks to the House, to instruct its committees, and the Chair is therefore inclined to think the instructions are in order.

Mr. CLINGMAN. Such has been the uniform practice of the House.

The previous question then received a second, and the main question was ordered to be put.

Mr. OLDS. I desire only to occupy a few moments of the time of the House, in reply to the suggestions of the gentleman from New York, [Mr. Brooks.] I am satisfied that this opposition upon the part of the city press is becoming almost factious towards this bill. I believe the opposition to be entirely confined to that interest. Now, sir, what are the facts? This bill does not raise the postage upon papers that circulate within the county—it entitles them to go free; and it goes beyond the old law, because it provides that they may go to a post office out of the county, provided the subscriber lives in the county, which is not the case with the existing postage law.

Thus far, then, this bill does not increase the postage. Then, this bill does not increase the postage within the State where the paper or periodical is published, because the provision introduced by the gentleman from Maine, [Mr. Washburn,] which was assented to by the House, allows them to circulate within the State at the minimum rate fixed in the bill, which is a very low one indeed, being only half a cent upon a paper weighing two ounces. Now, sir, what is really the provisions of this bill of which the gentleman complains? It is not true, as the gentleman says, that it increases the rate of postage upon all distances up to a thousand miles. It does not increase the postage for distances between five hundred and fifteen hundred miles. It does, perhaps, increase the rate in some degree under five hundred miles.

But, sir, ought this increase to be a subject of complaint? Is it a hardship for a gentleman who takes the New York Express double sheet, living in New Orleans, that he shall be compelled to pay one cent postage for the transmission of that paper through the mail of the United States? Is that a great hardship, sir?—such a one as the city press ought to complain of? And yet that is precisely the rate of postage fixed in this bill. The double sheet New York Express, New York Herald, and New York Tribune, can go from the city of New York to Galveston, Texas, for one cent postage. And if that is a hardship, I do not know what there is they cannot complain of as a hardship.

But we are compelled to look a little to the revenues of the office. I should be willing to reduce the rates of postage not only upon letters, but upon papers, still lower than they are now, if such could be done with due regard to the interests of the country and the revenues of the Post Office Department. But so long as you permit your franking privilege to exist, you cannot reduce the postage upon letters and upon newspapers as low as it really ought to be. The amount of circulation of free papers, and of exchange papers, is enormous; and I will venture the assertion, that of all the newspapers delivered from the post office in the city of New York, not one half pay any postage at all. Yes, sir, I am prepared to say that more than one half are delivered at that office without the payment of any postage. It will still be so under this law.

Mr. BROOKS, (interrupting.) I would ask the gentleman if, under this law, it would not cost a cent to send a newspaper from Cincinnati to Covington, just across the river, in Kentucky?

Mr. OLDS. It is so under the old law. It is impossible to fix upon any rule that will do equal and exact justice to all men. Under any general rule you may lay down there must be cases of peculiar hardship. You have to fix a line some-

where. You had to fix it under the old law, and you must fix it under the new.

I was about to remark, that I would be glad to reduce the postage upon newspapers still lower. I do not wish to cripple the press, or decrease the dissemination of intelligence throughout the country; but in order to reduce the postage either upon letters or printed matter, you must consent to do away with your franking privilege. Are gentlemen prepared to do this? For one, sir, I am willing to come up to the mark.

In Great Britain, a member of Parliament, the Queen of Great Britain herself, or the Postmaster General of England, cannot frank a letter. This is a privilege that has grown up in this country, fastened on the post office system of the country, and unless you dispense with it, you are obliged to raise the postage upon letters and papers received by the people of the country. It is a necessary consequence of the franking privilege, enjoyed by members of Congress and others.

Now, I am willing to have as low a system of postage as possibly can be established consistent with a proper regard to the revenues of the Post Office Department. This bill will increase the revenues, and it will work no hardships at all to the circulation of newspapers, and the dissemination of knowledge through the country. It is not such a tax as will be burdensome to the people. I will ask you, sir, suppose you reduce the rates of postage still lower, in accordance with the provisions of the motion submitted by the gentleman from New York [Mr. Brooks] to recommit with instructions, what will be the consequence? Why, sir, you will have to increase the tax upon the people of the country to raise a higher revenue to defray the expenses of the Post Office Department. You have already found that you have to appropriate a million and a half of dollars, and perhaps two millions of dollars, to sustain the Post Office Department, and in that, sir, you do not take into consideration your ocean mail service. The appropriation you make to E. K. Collins is not a charge upon the Post Office Department. The Aspinwall line and the Bremen and Havre lines are not a charge upon that Department. Leaving the whole of the ocean mail service out of the calculation, and yet you have to appropriate more than a million and a half of dollars to support your present postal facilities; and yet the gentleman from New York, [Mr. Brooks,] to sustain the interest of the city press, asks for a greater reduction of the postage upon city papers. Let me not be misunderstood, Mr. Speaker. I have no hostile feeling against the city press. I wish them well, and trust they may double their country circulation annually. But my position as chairman of the Committee on the Post Office and Post Roads, compels me to look to the interest of the whole country. I should be derelict in duty did I not look to the revenues of the Post Office Department, and, as far as in my power, avert the imposition of increased taxes upon the people.

Believing, as I honestly do, that the bill, in the shape in which you now have it, will meet the wants and the approbation of the country, I trust that the motion to recommit will not prevail, and that the bill will be suffered to pass in the form in which it now is without further delay.

Mr. BROOKS. I call for the yeas and nays upon my motion.

Mr. HART demanded tellers upon the yeas and nays; which were ordered; and Messrs. HART and SAVAGE were appointed.

The House was then divided, and the tellers reported—ayes 36, noes 92.

So the yeas and nays were ordered.

The question was then taken upon the motion to recommit the bill with instructions, and it was disagreed to—yeas 33, nays 133; as follows:

YEAS—Messrs. Abneromble, John H. Boyd, Briggs, Brooks, George H. Brown, Carter, Chandler, Clingman, George T. Davis, Evans, Giddings, Hart, Haws, Henn, Horsford, John W. Howe, Jenkins, James Johnson, Daniel T. Jones, Mann, Martin, McCorkle, Henry D. Moore, John Moore, Newton, Sackett, David L. Seymour, Skelton, Stanley, Abraham P. Stephens, Sutherland, Wallace, and Walsh—33.

NAYS—Messrs. Aiken, Allison, Averett, Babcock, David J. Bailey, Barrere, Beale, Bell, Bingham, Bissell, Bragg, Brenton, Buell, Burrows, Burt, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Caskie, Chapman, Chastain, Cobb, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Duncan, Dunham, Durkee, Edgerton, Edmundson, Ewing, Faulkner, Florence, Fowler, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Gorman,

Green, Grey, Grow, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Haven, Hendricks, Hibbard, Holladay, Houston, Howard, Thomas M. Howe, Hunter, Ingersoll, Ives, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, Mason, McLanahan, McQueen, Meade, Millson, Miner, Molony, Murphy, Murray, Nabers, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Powell, Price, Richardson, Riddle, Robbins, Robie, Robinson, Ross, Savage, Schermerhorn, Schoolcraft, Scurry, Origen S. Seymour, Smith, Benjamin Stanton, Richard H. Stanton, Thaddeus Stevens, St. Martin, Stuart, Sweetser, Taylor, Thurston, Townshend, Venable, Walbridge, Ward, Watkins, Welch, Alexander White, Wilcox, Wildrick, Williams, Woodward, and Yates—133.

So the House refused to recommit the bill.

[Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled "A joint resolution for the relief of Elizabeth F. Thurston, of the Territory of Oregon;" which received the signature of the Speaker.]

The question now being, Shall the bill pass? it was put and agreed to.

So the bill was passed.

Mr. OLDS moved a reconsideration of the vote on the passage of the bill, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### SPRINGFIELD AND TERRE HAUTE RAILROAD.

The SPEAKER. The business next in order is the consideration of House bill No. 289, entitled "A bill granting the right of way and a portion of the public lands to the States of Indiana and Illinois to aid in the construction of a railroad from Springfield, Illinois, to Terre Haute, Indiana." The gentleman from Indiana [Mr. DAVIS] is entitled to the floor.

Mr. DAVIS, of Indiana, took the floor.

Mr. JONES, of Tennessee. If the gentleman will yield the floor, I will move that the consideration of this bill be postponed until to-morrow morning. We cannot get through with it now before the expiration of the morning hour.

Mr. DAVIS. I will yield to the gentleman for the purpose of submitting the motion he has suggested.

Mr. JONES. I then submit the motion that the further consideration of the bill be postponed until to-morrow.

The question was then taken, and it was agreed to.

Mr. COBB. There are three or four other bills in the precise situation of the one, the consideration of which has just been postponed. They will be also, I suppose, postponed until to-morrow. If that is not the understanding, I will move to take one of them up.

Mr. STUART. As there is only three minutes remaining of the morning hour, I suggest that we, by unanimous consent, proceed to the consideration of business in the House. There will be then no difficulty, as the bills to which the gentleman alludes will come up in their proper place.

The SPEAKER. The consideration of these bills having been postponed until to-day, if not acted upon now, will be taken up in their order some other day.

Mr. HOUSTON. I move to take up the deficiency bill, which was reported from the Committee of the Whole on the state of the Union yesterday.

The SPEAKER. The morning hour has not expired yet by one minute.

#### PUBLIC PRINTING.

Mr. GORMAN. I wish to make a report from the Committee on Printing.

The SPEAKER. A report from the Committee on Printing is not in order during the morning hour, which has not yet expired by three quarters of a minute.

Mr. SACKETT. Has not the morning hour now expired?

The SPEAKER. It has.

Mr. GORMAN. I believe I have the floor now.

The SPEAKER. The House on yesterday ordered the main question to be put on the deficiency bill, and the Chair, if called upon to execute the rules rigidly, must decide that that takes precedence over all other propositions.

Mr. JONES, of Tennessee. The main question was not ordered on the deficiency bill. The call for the previous question was seconded, and I

then moved that there be a call of the House. In that condition the House adjourned.

Mr. GORMAN. If the main question was not ordered, I am in order.

The SPEAKER. The Chair is now satisfied that the main question was not ordered to be put; but the Chair is not satisfied that the gentleman has a right to make a report unless the House has determined whether or no the main question shall be ordered to be put.

Mr. CABELL, of Florida. I insist upon the regular order of business.

[Cries of "Question!" "Question!"]

The SPEAKER. A motion for the call of the House, which motion the gentleman from Tennessee states he submitted, is not in order after the call for the previous question has been seconded.

Mr. JONES. It is not in order after the main question has been ordered to be put, but it is in order after the call for the previous question has been seconded.

The SPEAKER. A motion for the call of the House is not in order after the call for the previous question has been seconded, by express rule of the House.

Mr. VENABLE demanded the yeas and nays upon ordering the main question to be put; which were ordered.

The question was then taken on ordering the main question to be put, and it was agreed to—yeas 117, nays 52; as follows:

YEAS—Messrs. Abercrombie, Thomas H. Bayly, Barrere, Bell, Bibbhaus, Bowne, John H. Boyd, Bragg, Brenton, Briggs, Brooks, George H. Brown, Burrows, Burt, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapman, Churchwell, Clingman, Cobb, Conger, Curtis, George T. Davis, John G. Davis, Dawson, Dean, Disney, Doty, Duncan, Evans, Faulkner, Florence, Fowler, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Gilmore, Goodenow, Goodrich, Hammond, Harper, Hart, Haws, Haven, Henn, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, John Johnson, Robert W. Johnson, J. Glancy Jones, Kuhns, Kurtz, Lockhart, Mann, Edward C. Marshall, Humphrey Marshall, Martin, Mason, Millson, Miner, Henry D. Moore, John Moore, Morrison, Murray, Nabers, Outlaw, Samuel W. Parker, Perkins, Phelps, Price, Richardson, Riddle, Robbins, Robie, Robinson, Russell, Sackett, Schermerhorn, Schoolcraft, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Stuart, Sutherland, Taylor, Thurston, Walsh, Ward, Watkins, Welch, Wells, Alexander White, Wilcox, Wildrick, Williams, Woodward, and Yates—117.

NAYS—Messrs. Willis Allen, Averett, Babcock, Beale, Bobcock, Buell, Thompson Campbell, Chastain, Daniel, Edgerton, Edmundson, Ewing, Floyd, Freeman, Gorman, Green, Grey, Grow, Hamilton, Isham G. Harris, Sampson W. Harris, Hendricks, Hibbard, Hillyer, Holladay, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Letcher, McLanahan, McQueen, Meade, Molony, Morehead, Murphy, Olds, Orr, Andrew Parker, Peaslee, Powell, Ross, Savage, Scurry, Smith, Thaddeus Stevens, Sweetser, Townshend, Venable, Wallace, and Woodward—52.

So the main question was ordered to be put.

Mr. HOUSTON. The motion submitted by me on yesterday to recommit the bill, was made with a view to keep the bill before the House. I would now like the House to give me permission to withdraw that motion, so that we may proceed to vote upon the bill.

There was no objection, and the motion was withdrawn.

The SPEAKER. The amendments of the Senate will be read through, in connection with those of the Committee of the Whole. If it be the pleasure of the House, the amendments to which there is made no objection will be voted upon in a mass.

Mr. AVERETT. This is a very important bill, and as there are only one hundred and sixty members present, for the purpose of getting a fuller House, and as a motion for a call of the House is not now in order, I move an adjournment; and upon which motion I demand the yeas and nays.

The yeas and nays were refused; and the motion to adjourn was disagreed to.

The SPEAKER. The Clerk will now read the amendments of the Senate, and those proposed by the Committee of the Whole on the state of the Union in connection.

The Clerk having read the amendments, the following, to which there was no exception, (the action upon which in Committee of the Whole on the state of the Union having been heretofore stated,) were concurred in without a division,

viz: Nos. 1, 3, 4, 6, 8, 9, 10, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, and 29.

The House then proceeded to consider those amendments upon which a separate vote had been asked.

The SPEAKER. The Clerk will report those amendments upon which a separate vote was asked:

The second amendment of the Senate was read, as follows:

Page 2, line 26, after the word "dollars," in the clause providing for the temporary clerks in the office of the Third Auditor, strike out the words:

"Provided, That no clerk shall receive more than at the rate of \$1,000 per annum under this act."

And insert the following in lieu thereof:

"Which sum shall be distributed among the clerks according to the discretion of the Secretary of the Treasury: Provided, That no salary from this fund shall exceed \$1,200 per annum."

This amendment of the Senate was amended in the committee, by inserting after the word "exceed" the words "\$1,000 per annum, except two, who shall receive \$1,200."

The question now being upon concurring in the amendment of the Committee of the Whole to the Senate amendment—

Mr. ABERCROMBIE demanded the yeas and nays; but they were not ordered.

The question was then taken, and the amendment of the committee was concurred in.

The amendment of the Senate, as amended, was then agreed to.

The fifth amendment of the Senate, upon which a separate vote had been called for, was read, as follows:

Page 5, line 95, after the clause appropriating \$80,000 for running and marking the boundary line between the United States and Mexico, according to the treaty of Guadalupe Hidalgo, insert the following:

"Provided, That nothing herein contained shall be so construed as to sanction a departure from the point on the Rio Grande, north of the town called Paso, designated in the said treaty."

The committee had amended this amendment, by striking out the words "from the point on the Rio Grande north of the town called Paso, designated in the said treaty," and inserting, in lieu thereof, the words "from the true line of the treaty," so as to make it read:

"Provided, That nothing herein contained shall be so construed as to sanction a departure from the true line of the treaty."

The question being upon concurring in the amendment of the committee to the Senate's amendment, it was put, and upon a division, there were—yeas 70, nays 76.

Mr. BROOKS demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 73, nays 103; as follows:

YEAS—Messrs. Abercrombie, Allison, Barrere, Bell, Bibbhaus, Bowne, John H. Boyd, Brenton, Briggs, Brooks, George H. Brown, Buell, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Chandler, Chapman, Conger, G. T. Davis, Dockery, Duncan, Evans, Floyd, Fowler, Giddings, Goodenow, Goodrich, Gray, Harper, Haws, Haven, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Jenkins, James Johnson, Preston King, Kuhns, Mann, Martin, Miner, Henry D. Moore, Morehead, Outlaw, Andrew Parker, Samuel W. Parker, Perkins, Porter, Reed, Robie, Schermerhorn, Schoolcraft, Scudder, Smart, Snow, Stanly, Benjamin Stanton, Thaddeus Stevens, Taylor, Thurston, Townshend, Walbridge, Walsh, Ward, Washburn, Watkins, Welsh, Alexander White, and Williams—73.

NAYS—Messrs. Aiken, Averett, Babcock, David J. Bailey, Thomas H. Bayly, Beale, Bissell, Bragg, Burt, Bushy, Thompson Campbell, Carter, Caskie, Chastain, Churchwell, Clingman, Cobb, Curtis, Daniel, J. G. Davis, Dawson, Dean, Dinmick, Disney, Doty, Dunham, Edgerton, Edmundson, Faulkner, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Gilmore, Gorman, Green, Grow, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Hillyer, Holladay, Houston, Howard, Ingersoll, Ives, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Lockhart, Edward C. Marshall, Humphrey Marshall, Mason, McCorkle, McLanahan, McQueen, Meade, Molony, Morrison, Murphy, Murray, Nabers, Orr, Peaslee, Penn, Phelps, Powell, Price, Rantoul, Richardson, Riddle, Robbins, Robinson, Ross, Russell, Sackett, Savage, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, Stuart, Sweetser, Venable, Wallace, Wilcox, Wildrick, and Woodward—103.

So the House refused to concur in the amendment of the committee.

The amendment of the Senate was then agreed to, on a division—yeas 91, nays not counted.

The seventh amendment of the Senate, upon which a separate vote had been asked, was then read, as follows:



Insert after line one hundred and eight,  
 "For compensation of the Surveyor General of Arkansas,  
 per act of August 8, 1846, \$2,000."  
 "For clerks in the office of the Surveyor General of Ar-  
 kansas, per act of August 8, 1846, \$6,300."

The question being upon agreeing with the Com-  
 mittee of the Whole on the state of the Union, in  
 non-concurring with the Senate in this amend-  
 ment—

Mr. JOHNSON, of Arkansas. I will ask in  
 what position that amendment is?

The SPEAKER. The Committee of the Whole  
 upon the part of the House propose to strike that  
 amendment out.

Mr. JOHNSON. I would ask permission of  
 the House to make a five minutes explanation in  
 regard to this amendment.

Leave being unanimously granted,

Mr. JOHNSON resumed. I was absent from  
 the city when this amendment was considered in  
 Committee of the Whole. Thus the Senate  
 amendment providing for the payment of a defi-  
 ciency of salary due to the officers of the surveyor  
 general's land office of Arkansas was stricken out.  
 It is money which will have to be paid some time  
 or other. The service was performed, and the  
 chairman of the Ways and Means himself, I believe  
 will say that this money will have to be paid some  
 time or other, and the reason why this provision  
 was stricken out was because the surveyor gen-  
 eral's office of Arkansas ought to have been dis-  
 continued heretofore.

Mr. HOUSTON. Will the gentleman allow  
 me to make a single remark? There is no doubt  
 about the service; but the question presented  
 to the Committee of the Whole on the state of  
 the Union was, that the service was rendered in  
 violation of the action of the last Congress in re-  
 fusing or declining to put in this appropriation.

Mr. JOHNSON. That is the statement of the  
 gentleman in regard to it. Then I will ask the  
 chairman of the Committee on Ways and Means,  
 if he does acknowledge this fact, that at some time  
 or other the money must be paid?

Mr. HOUSTON. I have no doubt that this  
 money will be paid. I have told gentlemen so  
 here repeatedly. I think the gentleman will agree  
 with me, that the service has been rendered in vi-  
 olation of the law by the Commissioner of Indian  
 Affairs. But he is doing right in endeavoring to  
 get the appropriation for his own State. I believe  
 it will be paid some time or other. I have no ob-  
 jection to its being paid.

Mr. JOHNSON. There is a general law in  
 existence which discontinues the surveyor's office  
 at a certain point. It was recommended at the  
 close of Mr. Polk's administration that the office  
 should be closed, but the next Administration that  
 came in after Mr. Polk's, when their attention was  
 called strictly to the condition of that office and  
 the public surveys, recommended that it should be  
 continued, and the House of Representatives  
 expressly passed a law making an appropriation  
 to continue it. This has been the law. The  
 Thirty-first Congress made that recommendation,  
 and this office has been continued ever since. The  
 officers discharged the duties which were imposed  
 upon them, and there is now an account due them  
 for services rendered which my friend from Ala-  
 bama [Mr. Houston] acknowledges will be paid  
 some time or other. The Senate provided for it  
 by inserting an amendment which ought never to  
 have been stricken out. It never would have been  
 stricken out if the matter had been properly ex-  
 plained; but I was absent from the city, and there  
 was no one else here to explain it. That is the way  
 the matter stands. I ask that the House will re-  
 fuse to concur in the amendment of the Commit-  
 tee of the Whole to the Senate amendment, and  
 that they will agree to pay the money due for ser-  
 vices rendered in the Surveyor General's office. I  
 will not detain the House any longer.

The question was then put, and the House re-  
 fused to concur with the Committee of the Whole  
 on the state of the Union in striking out the Sen-  
 ate amendment.

The amendment of the Senate was then agreed  
 to.

The eleventh amendment of the Senate (upon  
 which a separate vote was asked) was read,  
 proposing to strike out "\$1,000," and insert  
 "\$1,200," in the proviso of the following clause:

"For compensation of extra clerks employed in the  
 office of the Commissioner of Pensions, \$30,000: Provi-

ded, That no clerk shall receive more than at the rate of  
 \$1,000 per annum under this act."

This amendment was amended by the Com-  
 mittee of the Whole on the state of the Union by  
 striking out the proviso of the Senate and insert-  
 ing the following in lieu thereof:

"Provided, That no clerk shall receive more than at the  
 rate of \$1,000 per annum under this act, except two, whose  
 annual salary shall not exceed \$1,200."

The question being upon concurring in the  
 amendment of the committee to the Senate's  
 amendment, it was taken by tellers (Messrs. Ful-  
 ler, of Maine, and Chandler acting as such)  
 and decided in the affirmative—ayes 73, noes 55.

The amendment of the Senate as amended was  
 then agreed to.

The thirteenth amendment of the Senate to the  
 clause providing for the payment of interest on  
 the awards to the Choctaw claimants, upon which  
 a separate vote had been demanded, was read, as  
 follows:

"Provided, That after the 30th day of June, 1852, all  
 payments of interest on said awards shall cease, and that  
 the Secretary of the Interior be, and he is hereby, directed  
 to pay said claimants the amount of principal awarded in  
 each case respectively, and that the amount necessary for  
 this purpose be, and the same is hereby, appropriated:  
 Provided further, That the final payment and satisfaction  
 of said awards shall be first ratified and approved as a final  
 release of all claims of such parties, under the fourteenth  
 article of said treaty, by the proper national authority of  
 the Choctaws, in such form as shall be prescribed by the  
 Secretary of the Interior."

This amendment had been amended by the  
 Committee of the Whole on the state of the  
 Union, by inserting after the word "appropri-  
 ated" the words "not exceeding \$872,000."

The question was taken upon the amendment  
 of the committee, and it was agreed to, and then  
 the amendment of the Senate as amended was  
 concurred in.

The first clause of the nineteenth amendment,  
 which had been stricken out by the committee of  
 the Whole on the state of the Union, was read, as  
 follows:

"For contingent expenses of the Senate, \$137,775."

The question being on agreeing to this clause—

Mr. JONES demanded the yeas and nays; but  
 they were not ordered.

The question was then put upon agreeing to  
 the amendment of the Senate, and it was de-  
 cided in the affirmative.

So the amendment was agreed to.

The second clause of the nineteenth amend-  
 ment, upon which a separate vote had been de-  
 manded, was read, as follows:

"To enable the Secretary of the Senate to pay for the  
 copies of the report of Doctor David Dale Owen, United  
 States geologist, on the geology of Iowa and Wisconsin  
 and Minnesota Territory, heretofore ordered to be executed  
 for the use of the Senate, under the special direction of the  
 Commissioner of the General Land Office, thirty-one thou-  
 sand two hundred and eighteen dollars and seventy-five  
 cents: Provided, That no more than fifty cents a copy  
 shall be paid for the binding of the book."

The question was then taken, and the amend-  
 ment was agreed to.

The third clause of the nineteenth amendment,  
 upon which a separate vote had been demanded,  
 was read, as follows:

"To enable the Clerk of the House of Representatives to  
 pay for three thousand five hundred copies of the report of  
 Doctor David Dale Owen, on the geology of Iowa and Wis-  
 consin and Minnesota Territory, ordered by a resolution of  
 the House of Representatives, to be executed under the spe-  
 cial direction of the Commissioner of the General Land  
 Office, \$16,187 50: Provided, That no more than fifty cents  
 a copy shall be paid for the binding of the book."

The question was then taken on the amend-  
 ment, and it was agreed to.

The twenty-fifth amendment, upon which a sepa-  
 rate vote had been demanded, was read, as fol-  
 lows:

"For additional compensation for increasing the trans-  
 portation of the United States mail between New York and  
 Liverpool, in the Collins line of steamers, to twenty-six  
 trips per annum, at such times as shall be directed by the  
 Postmaster General, and in conformity to his last annual  
 report to Congress, and his letter of the 15th of November  
 last, to the Secretary of the Navy, commencing said in-  
 creased service on the first of January, 1852, at the rate of  
 \$33,000 a trip, in lieu of the present allowance, the sum of  
 \$236,500: Provided, That it shall be in the power of Con-  
 gress at any time after the 31st day of December, 1854, to  
 terminate the arrangement for the additional allowance  
 herein provided for, upon giving six months' notice."

The question being upon agreeing to this amend-  
 ment of the Senate,

Mr. SWEETSER demanded the yeas and nays.  
 The yeas and nays were ordered.

The question was then taken, and it was decided  
 in the affirmative—yeas 89, nays 87.

YEAS—Messrs. Aiken, Thomas H. Bayly, Bell, Bibb-  
 hans, Bowne, John H. Boyd, Briggs, Brooks, George H.  
 Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis  
 D. Campbell, Carter, Chandler, Chapman, Clingman,  
 Conger, Curtis, George T. Davis, Dean, Doty, Duncan,  
 Evans, Florence, Fowler, Thomas J. D. Fuller, Gamble,  
 Gilmore, Goodenow, Goodrich, Hammond, Harper, Hart,  
 Hays, Haven, Henn, Horsford, Howard, Thomas M. Howe,  
 Thomas V. How, Ingersoll, J. Glancy Jones, Kuhns, Kurtz,  
 Mann, Edward C. Marshall, Martin, McCorkle, Meade,  
 Miner, Henry D. Moore, Morehead, Morrison, Murray,  
 Penn, Perkins, Porter, Price, Rantoul, Reed, Riddle, Robie,  
 Robinson, Russell, Sackett, Schermerhorn, Schoolcraft,  
 Scudder, David L. Seymour, Snow, Stanley, Frederick P.  
 Stanton, Richard R. Stanton, Abram P. Stephens, Stone,  
 St. Martin, Strother, Stuart, Sutherland, Taylor, Thurston,  
 Walbridge, Walsh, Ward, Washburn, Welch, Alexander  
 White, and Yates—89.

NAYS—Messrs. Abercrombie, Allison, Averett, Bab-  
 cock, David J. Bailey, Beale, Bocoock, Bragg, Brenton,  
 Buell, Burt, Busby, Joseph Cable, Thompson Campbell,  
 Caskie, Chastain, Churchill, Cobb, Daniel, John G.  
 Davis, Dawson, Disney, Dunham, Durkee, Edgerton, Ed-  
 mundson, Ewing, Faulkner, Floyd, Freeman, Gentry, Gor-  
 man, Green, Grey, Grow, Hamilton, Isham G. Harris,  
 Sampson W. Harris, Hendricks, Hibbard, Hillyer, Holla-  
 day, Houston, John W. Howe, Hunter, Ives, Jackson,  
 Jenkins, A. Johnson, James Johnson, R. W. Johnson,  
 Daniel T. Jones, George W. Jones, Preston King, Letcher,  
 Mason, McLanahan, McQueen, Millson, Molony, Murphy,  
 Nabers, Olds, Andrew Parker, Samuel W. Parker, Peaslee,  
 Phelps, Powell, Richardson, Robbins, Ross, Savage, Scurry,  
 Origen S. Seymour, Skelton, Smart, Smith, Benjamin Stan-  
 ton, Thaddeus Stevens, Sweetser, Townshend, Venable,  
 Wallace, Watkins, Wildrick, Williams, and Woodward  
 —87.

Pending the call of the roll,—

Mr. DIMMICK stated that he had paired off  
 with his colleague [Mr. FULLER] on this particular  
 question, or that he should have voted in the nega-  
 tive.

Mr. MACE stated that he had paired off with  
 Mr. BENNETT, and that he also was opposed to  
 the measure.

Mr. MARSHALL, of Kentucky, said that he  
 had paired off with Mr. STEPHENS, of Georgia.

Mr. WILCOX stated that he had paired off  
 with Mr. LANDRY.

Mr. ORR said that he had paired off with Mr.  
 POLK, and was against the amendment.

Mr. EASTMAN said that he had paired off  
 with Mr. MEACHAM, and that he was opposed to  
 the amendment.

Mr. BARRERE said that he had paired off  
 with Mr. BOWIE, and that he was opposed to the  
 amendment.

So the amendment was agreed to.

Mr. CARTER. I move to reconsider the  
 vote by which the amendment was agreed to, and  
 to lay the motion to reconsider upon the table.

Mr. CABLE, of Ohio. Is it in order to move  
 to lay the bill upon the table?

The SPEAKER. It is in order.

Mr. CABLE. Then I make that motion, and  
 I demand the yeas and nays.

Mr. SWEETSER. I move that the House  
 adjourn.

Mr. CARTER. I withdraw my motion to  
 reconsider.

Mr. SWEETSER. Then I withdraw the mo-  
 tion to adjourn.

The yeas and nays were ordered upon Mr.  
 CABLE's motion.

Mr. HART. I wish to inquire what would be  
 the effect of this motion? Will it lay all the  
 amendments upon the table?

The SPEAKER. The bill with all the amend-  
 ments.

The question was then taken, and it was decid-  
 ed in the negative—yeas 73, nays 104, as follows:

YEAS—Messrs. Abercrombie, Averett, David J. Bailey,  
 Beale, Bocoock, Bragg, Brenton, Albert G. Brown, Buell,  
 Busby, Joseph Cable, Thompson Campbell, Caskie, Chas-  
 tain, Churchill, Cobb, Dawson, Dimmick, Durkee, East-  
 man, Edgerton, Edmundson, Floyd, Freeman, Gaylord,  
 Gorman, Green, Grow, Hamilton, Isham G. Harris, Samp-  
 son W. Harris, Hendricks, Hibbard, Hillyer, Holladay,  
 John W. Howe, Thomas Y. How, Ives, Jenkins, Andrew  
 Johnson, James Johnson, Daniel T. Jones, George W.  
 Jones, Preston King, Letcher, Mason, McLanahan, Mc-  
 Queen, Millson, Molony, Murphy, Nabers, Olds, Orr,  
 Andrew Parker, Peaslee, Powell, Richardson, Ross, Rus-  
 sell, Savage, Scurry, Origen S. Seymour, Skelton, Smith,  
 Benjamin Stanton, Sweetser, Townshend, Venable, Wal-  
 lace, Wilcox, Wildrick, and Woodward—73.

NAYS—Messrs. Aiken, Allison, Thomas H. Bayly, Bar-  
 rere, Bell, Bibbighaus, Bowne, J. H. Boyd, Briggs, Brooks,  
 George H. Brown, Burrows, Burt, E. Carrington Cabell,  
 Caldwell, Lewis D. Campbell, Carter, Chandler, John G.  
 Davis, Dean, Dockery, Doty, Duncan, Dunham, Evans,  
 Ewing, Florence, Fowler, Thomas J. D. Fuller, Gamble,  
 Gentry, Gilmore, Goodenow, Goodrich, Grey, Hammond,

Harper, Hart, Haws, Haven, Henn, Horsford, Houston, Howard, Thos. M. Howe, Hunter, Ingersoll, Jackson, Robt. W. Johnson, J. Glancy Jones, Kuhns, Kurtz, Lockhart, Mann, Edward C. Marshall, Humphrey Marshall, Martin, McCorkle, Meade, Miller, Miner, Henry D. Moore, Morehead, Morrison, Murray, Samuel W. Parker, Penn, Perkins, Porter, Price, Rantoul, Reed, Riddle, Robie, Robinson, Sackett, Schermerhorn, Schoolcraft, Scudder, David L. Seymour, Smart, Snow, Stanley, Frederick P. Stanton, Abraham P. Stephens, Stone, Stuart, Sutherland, Taylor, Thurston, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Alexander White, Williams, and Yates—104.

So the House refused to lay the bill upon the table.

Pending the call of the roll—

Mr. ORR said: I shall vote aye. I have originally voted against this bill, and I have agreed to pair off with Mr. Polk upon the Collins amendment, but, nevertheless, I feel at liberty now to vote to lay the bill upon the table.

The question recurred upon agreeing to the second clause of the twenty-fifth amendment, as follows:

"For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-two, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the apprehension and safe-keeping of prisoners, in addition to former appropriations, ninety thousand dollars: *Provided*, That no officer of the United States, who is in attendance upon any court of the United States, in the discharge of the duties of said office, shall receive any pay or compensation for his attendance as a witness on behalf of the Government, at the same time that he receives compensation as such officer."

Mr. JONES, of Tennessee, demanded the yeas and nays; which were not ordered.

The question being taken upon the amendment, it was agreed to.

The third clause of the twenty-fifth amendment of the Senate was then agreed to, viz:

"To enable the Secretary of the Interior to pay to the clerks employed in the Census Office on extra duty, at the rate of \$100 for full service, according to the office roll, the sum of \$10,500."

The fifth clause of the twenty-fifth amendment of the Senate, upon which a separate vote was asked, was read as follows:

"For the reconstruction or repairs of the steamer Bibb, used in the survey of the Nantucket shoals, \$18,000."

The question being on agreeing to the amendment,

Mr. HUNTER demanded the yeas and nays; which were not ordered.

The question was put, and the amendment was agreed to.

The sixth clause of the twenty-fifth amendment, for establishing a depot of coal for naval purposes at Key West, in the State of Florida, \$20,000, was then agreed to.

The seventh clause of the twenty-fifth amendment of the Senate, for the purchase of a site on which to erect a custom-house in Bangor, Maine, \$1,500, was read.

The question being on its adoption—

Mr. HUNTER demanded the yeas and nays; which were not ordered.

The question was then taken, and the amendment was agreed to.

The eighth clause of the twenty-fifth amendment, for the purchase of a site on which to erect a custom-house at Bath, Maine, \$11,000, was then agreed to.

The ninth clause of the twenty-fifth amendment of the Senate was read, as follows:

"For the completion of the custom-house at Mobile, Alabama, \$100,000."

This amendment of the Senate had been amended by the Committee of the Whole on the state of the Union by the addition of the following clauses:

"For the completion of the custom-house at Louisville, Kentucky, the additional sum of \$43,700.

"For the completion of the custom-house at Cincinnati, \$50,000.

"For the completion of a custom-house and other public offices connected therewith, at Pittsburg, \$35,000.

"For the completion of the fire-proof building in the city of St. Louis, Missouri, for a custom-house and independent treasury building, and other offices of the United States, \$37,000.

"For the completion of a custom-house at Norfolk, Virginia, \$50,000."

The question being on concurring with the committee in its amendments to the Senate amendment—

Mr. HUNTER asked for the yeas and nays; but they were not ordered.

The amendments were then severally concurred in.

The question then being upon agreeing to the Senate amendment as amended—

Mr. MOORE, of Pennsylvania, demanded tellers.

Mr. LETCHER demanded the yeas and nays. The yeas and nays were not ordered.

Mr. MOORE called for tellers; which were ordered; and Messrs. STANTON, of Tennessee, and CAMPBELL, of Illinois, were appointed.

The question was then taken, and the tellers reported—ayes 98; noes not counted.

So the amendment of the Senate as amended was agreed to.

The twenty-eighth and thirtieth amendments, upon which separate votes had been asked, were then agreed to.

Mr. HOUSTON. What is the question now before the House?

The SPEAKER. The amendments of the Senate have all been disposed of.

Mr. HOUSTON. Then what is the question now?

The SPEAKER. There is no question before the House.

#### BOOKS FOR NEW MEMBERS.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to offer the resolution which I send to the Chair.

The Clerk read the resolution, as follows:

*Resolved*, That the Clerk of this House be, and he is hereby, directed to purchase and furnish to each new member of the House who has not heretofore received them, the same books that were purchased for and furnished to the new members of the last Congress; and that, as far as possible, he purchase them of the original publishers: *Provided*, That this resolution shall not authorize the reprinting of any such books.

Mr. JONES, of Tennessee, objected.

#### THE INDIAN APPROPRIATION BILL.

Mr. HOUSTON. I desire to offer a resolution to close debate upon bill No. 43, making appropriation for the service of the Indian Department, and for the fulfillment of Indian treaties. I shall propose to close the debate at twelve o'clock tomorrow, so that, if the House sees fit, there can be a session this evening, to enable those gentlemen who desire to speak to do so. I shall call for the previous question; but if the gentleman from Arkansas [Mr. JOHNSON] desires to offer an amendment, I will give way to enable him to do so, and then I shall call for the previous question.

#### COLLINS LINE—MOTION TO RECONSIDER.

Mr. WHITE, of Alabama. I rise to a privileged question. I move to reconsider the vote by which the amendment of the Senate to the deficiency bill, in relation to the Collins line, was agreed to.

The SPEAKER. Did the gentleman from Alabama vote with the majority?

Mr. WHITE. I did, sir.

Mr. CLINGMAN: I move to lay the motion to reconsider upon the table.

Mr. AVERETT. I move that the House adjourn.

Mr. OLDS. On that motion I call for the yeas and nays.

[Cries of "Oh, no!" and "Let us adjourn!"]  
Mr. OLDS. Well, I withdraw the call for the yeas and nays.

Mr. HOUSTON. I desire to ask a question of the Chair. If we get into this contest about the Collins line, of course the balance of the day is gone. Is it not in order to pass over this motion to reconsider until tomorrow, unless it is pressed now, and have a vote upon my resolution, so that we can devote this evening to speech-making?

The SPEAKER. That can only be done by the unanimous consent of the House.

Several Members objected.

The question was then taken on Mr. AVERETT's motion, and it was agreed to; and the House adjourned until tomorrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. RIDDLE: The petition of Henry C. Carter, of Kent county, State of Delaware, praying Congress to grant him relief, in consequence of imposition by an agent upon the General Land Office.

By Mr. JONES, of Tennessee: The petition of William Moore and others, for mail routes from Pulaski, via Fayetteville, Tullahoma, and McMinnville, to Sparta.

Also, the petition of Abner S. Boone and others, for mail routes between the same points.

By Mr. MOORE, of Pennsylvania: A memorial of the Agricultural Society of Philadelphia, in favor of an Agricultural Bureau.

#### IN SENATE.

WEDNESDAY, July 14, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. SHIELDS presented a memorial of the Mayor and Common Council of the city of Alton, Illinois, praying that the city of Alton may be made a port of entry; which was referred to the Committee on Commerce.

Mr. BORLAND presented the petition of the Green Mountain Rifle Corps, praying that the Secretary of War may be authorized to furnish the corps with arms and accoutrements; which was referred to the Committee on Military Affairs.

#### REPORTS FROM STANDING COMMITTEES.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the joint resolution to provide additional security for the lives and property of persons navigating the Western waters, reported it back with an amendment.

He also, from the same committee, to which were referred resolutions of the Legislature of Wisconsin, and the memorial of citizens of St. Lawrence county, New York, in relation to a ship canal round the Falls of St. Mary, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the memorial of Sarah and Lucinda Turner, praying an appropriation to test Tripplitt's invention for preventing the explosion of steam-boilers, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BRADBURY, from the Committee on the Judiciary, to which were referred a resolution of the Senate directing the Judiciary Committee to inquire into the expediency of making it penal for any officer of the Army, or other person appointed by the President, having a salary by law for his compensation, to contract, directly or indirectly, for supplies for Government; and also, a communication from the Secretary of War relating to the same subject, reported a bill amendatory of the act "concerning public contracts," approved April 21, 1848; which was read and passed to the second reading.

He also, from the same committee, to which was referred the petition of Susan C. Randall, praying compensation for extra duties performed by her late husband, Archibald Randall, in the circuit court of the United States, submitted an adverse report thereon; which was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which were referred the petition of Frederick Parsons, praying a grant of bounty land; and the petition of John Spencer, late receiver of public moneys at Fort Wayne, Indiana, praying indemnity for losses on account of a suit against him by the Government, submitted adverse reports thereon; which were ordered to be printed.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred a joint resolution for the purchase of the half-breed tract on Lake Pepin, in Minnesota Territory, reported it back without amendment.

Mr. RUSK, from the Committee on Indian Affairs, to which was referred the memorial of George Stealey, praying compensation for his services and expenses while on a mission to the Indian tribes in California, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

#### COLLECTION DISTRICTS IN OREGON.

Mr. HAMLIN. The Committee on Commerce, to which was referred the bill from the House of Representatives, entitled "An act authorizing the President of the United States to designate the places for the ports of entry and delivery for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon, and to fix the com-

'pensation of the collector at Astoria, in said Territory," have directed me to report it back without amendment, and recommend its passage. A bill similar to this has already passed the Senate, very nearly in the form of the present bill. In the Senate bill salaries were proposed for certain officers there. The House have passed this bill, diminishing the salaries below the amount fixed in the Senate bill. The Senator from Indiana [Mr. BRIGHT] is extremely desirous that the bill should be put upon its passage, and I ask that it may be considered now.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole. It proposes to authorize the President of the United States to designate the places for the ports of entry for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon, upon receiving satisfactory information as to the best location for the said ports, instead of the places now established by law. It further provides that the annual compensation of the collector at Astoria, in Oregon, shall be \$3,000, including the fees of his office, commencing on the 1st day of July, 1852.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### RESOLUTIONS ADOPTED.

Mr. BRADBURY submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Pensions be instructed to inquire into the expediency of continuing a pension to Mrs. Thankful Reynolds.

Mr. FELCH submitted the following resolution; which was considered and agreed to:

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of establishing a new land district, embracing the county of Benton, in the Territory of Minnesota.

#### THE ISLAND OF HAYTI.

Mr. MASON. I ask leave to offer the following resolution:

*Resolved*, That the President be requested to communicate to the Senate, if not incompatible with the public interest, copies of the correspondence of Robert M. Walsh, Esq., whilst acting as Commissioner of this Government at the Island of Hayti.

It appears that our commercial intercourse with that Island is increasing rapidly. I am informed, from sources entitled to credit, that the correspondence of this gentleman, who was recently a special commissioner to Hayti, will be found to be of much interest, both politically and commercially. I ask, therefore, that the resolution may be considered at this time.

There being no objection, the resolution was considered and agreed to.

#### AMENDMENT OF THE RULES.

Mr. NORRIS submitted the following resolution; which, under the rules, lies over for one day:

*Resolved*, That (the House of Representatives concurring) the sixteenth joint rule of the two Houses be amended by adding the following thereto: "And all general appropriation bills shall be sent at least ten days previous to the day fixed for the adjournment of Congress."

If amended as proposed, the sixteenth joint rule will read:

"No bill that shall have passed one House, shall be sent for concurrence to the other on either of the last three days of the session; and all general appropriation bills shall be sent at least ten days previous to the day fixed for the adjournment of Congress."

#### LOSSES OF SPANISH SUBJECTS.

The engrossed joint resolution for the relief of the Spanish consul, and other subjects of Spain residing at New Orleans, and of subjects of Spain residing at Key West, by indemnity for losses occasioned by violence of the mob in the year 1851, was read the third time.

Mr. MASON. In consequence of some modification made yesterday, at the instance of the Senator from Louisiana, it will be necessary to insert, after the word "Havana," the words "in Cuba." I ask the unanimous consent of the Senate to make that amendment.

The amendment was agreed to, and the joint resolution was passed.

On motion by Mr. SOULE, the title of the resolution was amended by striking out the words "by violence of the mob."

#### SUSPENDED LAND ENTRIES.

The engrossed bill to revive and continue in

force for a limited time the provisions of an act relative to suspended entries of the public lands, was read a third time and passed.

#### REDUCTION OF POSTAGE.

The bill from the House of Representatives to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

#### WASHINGTON CITY GUARDS.

The engrossed joint resolution to supply the Washington City Juvenile Guards with arms, was read a third time; and the question was, Shall it pass?

Mr. HALE. Mr. President, I have great doubt as to the propriety of passing this resolution. I do not know precisely the nature of the company referred to in it, but I perceive they are styled "Juveniles," and I suppose they form a sort of infant military school. I believe that the experiment of establishing infant military schools, when tried, has failed. I see that among the petitions presented this morning, is one by an honorable Senator from Arkansas, from some juveniles somewhere else, asking the same privilege. The arsenals in which the United States arms are deposited, are scattered all over the United States. The juveniles in other places will learn the juvenile privileges which have been extended here, and we shall have applications pouring in upon us from one end of the country to the other. If we do for one company what this resolution proposes to do, we must, to be impartial, distribute arms to whoever asks them, and so we shall have to furnish all the children throughout the United States with fire-arms.

I suppose these juveniles are about fourteen years of age. The next thing will be, some juvenile company will be formed of boys eight or ten years of age; and they will petition for small pistols and revolvers, and we will have to furnish them to all who are large enough and stout enough to carry them. If they are not large enough and stout enough to carry them, we shall have to furnish them with dirks and small arms. I think, without any attempt to be jocose on this occasion, that it is an evil example. I think we had better not pass the resolution. It would be well for us to pause. I believe that the military spirit does not need any more encouragement or fostering than it has already had. It has elected one President lately, and it is going to try very hard to elect another. [Laughter.]

Besides, sir, I am opposed to it on another principle. If you give out the arms of the United States to adults—men who have become capable of assuming legal responsibilities—you may then have some security that the arms will be safely kept, and returned when they are wanted, fit for the purposes for which the United States want them. But if you distribute them to juveniles, they cannot assume legal responsibilities. They may give their word of honor—and I am not certain that that is not better than the legal responsibilities of older men, but it is not such as Governments deal with. I think, with all disposition to sympathize with young men and boys—and nobody has more of it than I have—that this is a mistaken manifestation of that sympathy, and encouragement, which ought not to be extended to them. I appreciate highly the generous motives of the Senator who introduced the resolution, but I think that he is mistaken. But, whether he is or not, such is my judgment. I shall feel constrained to vote against the resolution, and I shall ask the yeas and nays upon it.

Mr. CLEMENS. When the Senator from New Hampshire, yesterday, objected to the third reading of this resolution, I was at some loss to understand the reason; but he has explained it to us to-day, to my entire satisfaction. The Senator, it is known to most of us, is a Free-Soil candidate for the Presidency; he has no military glory to run upon, and hence he is opposed to the military spirit. [Laughter.] Now, this is one of the most innocent things imaginable. The resolution does not provide that these boys shall be furnished with guns. No one ever contemplated that they should have muskets, because they cannot handle them. It simply proposes to authorize the Secretary of War to furnish them with such arms as, in his

judgment, they can use to advantage. There is scarcely a city, there is scarcely a village of three thousand inhabitants, anywhere in the country, in which there is not such a company. I myself belonged to one for years; and I take occasion to say now, that I sincerely believe a boy of that age will learn more, as to the uses of fire-arms in three weeks, than a grown man will in seven.

There can be no harm in this. The Secretary of War is required to do nothing. The resolution simply gives him the discretion to furnish this company with old sabres, if he chooses—something with which they can do no damage. No one supposes he will give them muskets, for they would be useless to them. They could not manage them. He may furnish them with any light arms he sees proper. The Government has some twenty-odd thousand old sabres, that might be employed in that way, without any great detriment to the public; unless it should encourage the military spirit, and thus assist in defeating the Senator from New Hampshire for the Presidency. [Laughter.]

Mr. HALE. Mr. President, I had hoped that after the Union was so thoroughly saved as it has been, and the Wilmot proviso was dead, and its friends buried, flings at their corpses or remains would be spared; but it seems it is not so. The honorable Senator indulges in what he supposes to be wit; and I have no doubt it was, because I saw several laugh. But I think that the thing ought to be treated seriously by the Senate. What sort of arms would the Secretary deem suitable for these juveniles?—I believe they are styled "juveniles." I do not know exactly their ages, but as they are called juveniles, I suppose they must be infants under the age of twenty-one. Some of them would no doubt be capable of handling pretty large arms—heavy muskets; and then it would be graduated down. I think that the whole thing is wrong. If you once commence, you will not stop here. Another petition has already been presented for the same object; and petitions will continue to come in.

When I got up I did not know but that I should indulge a little more fully than I think, upon reflection, it is best for me to do, in remarks upon a certain subject which the allusion of the Senator from Alabama would give me an opportunity of doing. I refer to the position in which I stand in relation to the matter to which he has referred. But upon the whole, as the Senate is not very full, and I do not think the steam is quite up yet, I will not do it. [Laughter.] But I will take occasion to tell the Senator this: I do not know the course which I or my friends may take, but I think when the election is over the party defeated will not be at a loss to know how it happened that it was defeated. That is all I will say at present. I ask the yeas and nays on the passage of the resolution.

The yeas and nays were ordered, and being taken, resulted—yeas 23, nays 14; as follows:

YEAS—Messrs. Adams, Atchison, Boring, Charlton, Clemens, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Gwin, James, Jones of Iowa, King, Mallory, Mason, Norris, Rusk, Sebastian, Shields, Soule, Sprague, and Toucey—23.

NAYS—Messrs. Bayard, Bradbury, Bright, Brodhead, Chase, Davis, Dawson, Geyer, Hale, Hamlin, Miller, Sumner, Upham, and Wade—14.

So the resolution was passed.

#### ORDER OF BUSINESS.

Mr. SHIELDS. I rise for the purpose of asking the Senate to take up the bill to provide for the protection of the Territories of New Mexico and Oregon, and the States of California and Texas.

Mr. GWIN. I gave notice yesterday, that I should to-day call up the California land bill.

Mr. SHIELDS. I wish to take up a bill in which the Senator is very much interested. My impression is, that it will occupy but a very little time. It is, as he knows, a subject of very great importance. The bill to which I allude, is a bill which has passed the House, and to which the Committee on Military Affairs of the Senate has reported an amendment. With the permission of the Senator from California, I would like to call it up, and have it amended as proposed and sent back to the House.

Mr. GWIN. I am very much in favor of the measure which the Senator from Illinois proposes to take up. But I gave notice yesterday that I should to-day ask the Senate to take up the bill to which I have referred. It is a bill of very great importance to California, and I hope it will be



taken up. It has been reported for several months and has been lying on our tables for a long while.

Mr. SHIELDS. I do not wish to interfere with the Senator from California. I know that the bill which he proposes to take up is very necessary, and I have no wish to interfere with it. The bill which I propose to take up concerns his own people more, perhaps, than any other portion of the country; but I will withdraw the motion to enable him to take up the bill to which he alludes.

#### PUBLIC LANDS IN CALIFORNIA.

On the motion of Mr. GWIN, the Senate proceeded, as in Committee of the Whole, to consider the bill "to provide for the survey of the public lands in California, and the granting of donation privileges, and for other purposes."

The Committee on Public Lands reported an amendment to the bill, which was to strike out all of the original bill after the enacting clause and insert a new one.

Mr. GWIN. Mr. President, I propose, as I gave notice yesterday, to offer a substitute for the whole bill. I will proceed very briefly to give the reasons which have induced me to offer the substitute. I am in favor of the bill as reported by the Committee on Public Lands, but I have been informed that there is great doubt whether the bill can pass the other House in the form in which it has been reported. I have, therefore, in order to secure legislation with regard to the public domain in California, proposed this substitute. It does away with the donation system provided for in the original bill, and substitutes in its place the preemption system.

It is now four years since California, by the treaty of Guadalupe Hidalgo, was recognized as an integral part of the American territory, and nearly two years since she was admitted as a sovereign State into the Union; but the machinery of the land system has not yet been put into full operation in our State. One of the conditions in the act of Congress of the 9th of September, 1850, for her admission is, "That the people of said State, through the Legislature, or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of the same, shall be impaired or questioned," the Constitution having delegated to Congress "the power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." This constitutional delegation of power, and the law for the admission of our State, plainly point out the duty of Congress in this matter, and the settled policy of the nation, fixed by a long series of legislative acts as to all the other territory of the United States, and now grown into an established system, require that the public lands in California shall be laid open to sale without delay, which the suffering interests of our people now imperiously demand.

Soon after California was represented in Congress, a bill to effect this object was introduced, among other measures, affecting our landed interests; and, although constantly pressed and strenuously urged at the last session, owing to exciting and extraordinary causes, of public notoriety, the only step towards the measure was the introduction of an item into the general appropriation act of 3d March, 1851, providing a sum for the surveys of public lands and private claims, and compensation, limited to two years, for a surveyor general. The legislation which I have heretofore proposed and advocated contemplated the granting of donations to actual settlers, upon liberal principles. Since then the "homestead" bill, being, in some respects, a kindred measure, and of a general character, has passed the other House, and is now before the Senate. In consideration of this fact, objections have been advanced against making special provisions for donations in the California land bill, creating well-founded apprehensions that its passage may be jeopardized, deferred, or defeated, if this measure, in a special bill for our State, be now insisted upon. I am willing, therefore, to waive the principle for the present, being moved to do so by a conviction of the necessity for such speedy legislation as will secure to our people the early benefits of the land system by survey, public sale, and especially by a preemp-

tion system that will make their rights attach from the instant of the passage of the law on agricultural lands, whether surveyed or unsurveyed. I now introduce a substitute for the original bill, on which I ask the immediate action of the Senate, and to which I think no reasonable exception can be taken. It creates, permanently, the office of surveyor general for California, fixes his salary; provides for incidentals; for an official seal by which to authenticate papers; gives him the same power in regard to surveys in California as the surveyor general of the State of Louisiana has in that State; authorizes him, in executing surveys, to act in cases of conflicting boundaries, but not to preclude a legal investigation and decision by the proper tribunals; stipulates a maximum price for the survey of private claims and public lands; gives power to the head of the Department, if he deems proper, to direct the surveys according to the geodetic method; to depart from the rectangular system where the public interests may require it; authorizes the President, with the advice and consent of the Senate, to appoint a register and receiver, with the usual powers; fixes their salary; directs the location of the land office at a convenient place, with power to remove it, and to create two or three land districts in California, and appoint officers; lays open all the agricultural unsurveyed public lands in California, whether surveyed or unsurveyed, to preemption, according to the act of 4th September, 1841, removing the restriction in that act as to the extent of possessions of claimant, or in regard to abandonment of his residence to move on public lands; grants the sixteenth and thirty-sixth sections to the State for school purposes; directs all unsold public lands to be proclaimed and offered, and thereafter makes them subject to private sale at \$1 25 per acre; forbids the register and receiver from taking fees, except for deciding preemptions, but allows receiver actual expenses for making deposits.

The bill which I have prepared as a substitute, further provides that, where there shall be a house erected and a cultivation on the school sections, the State authorities shall take an equivalent in other lands; forbids a settlement on a tract selected for a military post, or within a mile of such post; declares that certain town or village sites, shall not be subject to entry by settlers under this act, but shall be subject to the act of 23d May, 1844, for the "relief of the citizens of towns upon the lands of the United States, under certain circumstances," except such towns as are on mineral lands, to which the act gives the inhabitants a right of occupancy and cultivation, until Congress shall dispose of the same; confers authority for paying for surveys by the day, instead of the mile, when necessary; orders that officers may hold over after their commissions have expired, until their successors enter on duty; directs the surveyor general, when compatible with other duties, to inspect the surveying operations on the field, to see that the work is faithfully done, or to depute an agent for the purpose; authorizes a seal to be provided for the surveyor general of Oregon, and fixes his salary; and grants to California two entire townships for a seminary of learning; provides as to the manner of selection, and grants to the State ten sections of land for the purpose of erecting public buildings.

Such is an outline of its provisions—all of which have been, time and again, sanctioned by legislative acts as to other States, and are founded upon precedents too well established to be now disputed—precedents, too, that authorize and allow a far more liberal policy towards our State, especially, in reference to donations, and in regard to which I now give notice that, unless provided for in a general law, I shall hereafter insist upon by introducing a measure to convert the preemptions under this act into donations, by dispensing with any payment on the land.

Seven months of the present session have elapsed—we are hastening to the close of the first session of the Thirty-second Congress—and I now call upon the Senate for a speedy passage of this bill, so indispensable and of such vital importance to the present and future welfare of my constituents.

Mr. FELCH. The bill originally introduced into the Senate was referred to the Committee on Public Lands, which committee reported it back with an amendment, which was a substitute for the whole bill. The Senator from California now proposes a further amendment, which is, in fact,

a substitute for both of them. I wish to propose an amendment or two to the proposition of the Senator from California, but I suppose that, in the present stage of the proceedings, it will be hardly competent for me to do so, as it would be an amendment to an amendment to an amendment.

The PRESIDING OFFICER. (Mr. NORRIS in the chair.) The Chair did not understand that to be the state of the case.

Mr. GWIN. If the substitute which I have offered is adopted in place of the original bill, and the amendment reported by the Committee on Public Lands, it will then be open to amendment, I suppose.

Mr. HUNTER. I think the Senator from California is mistaken. If the substitute is once adopted it cannot be amended. All amendments must be made before the Senate adopt the substitute.

The PRESIDING OFFICER. The Chair understands the rule to be, that when amendments are moved to the original bill, the question is taken first on those amendments, then on the amendment to the substitute, and then the question is taken on the substitute itself.

Mr. HUNTER. I think that is the rule.

Mr. GEYER. I submit that the amendments reported by the committee are the first in order, and that this amendment is intended as a substitute for the amendment of the committee.

The PRESIDING OFFICER. The Chair understands the rule to be, that the original bill is first to be perfected before the question is taken on the substitute.

Mr. GEYER. Is this a substitute for the original bill?

Mr. HUNTER. As I understand it, this is a substitute for the original bill, and therefore I apprehend the Chair is perfectly right.

The PRESIDING OFFICER. The Chair now understands that the committee reported a substitute for the whole bill. The first question, therefore, will be on the amendment of the committee.

Mr. FELCH. If that amendment is adopted, will it then be open to amendment?

Mr. HUNTER. I now see the state of the case. The bill was referred to the committee, and the committee proposes to amend it by a substitute, and the Senator from California now proposes to amend the substitute of the committee. The best plan to get out of the difficulty will be to vote down the substitute of the committee, and then let the Senator from California offer his amendment as a substitute for the original bill.

Mr. DAVIS. This is a motion to amend the original bill, is it not?

The PRESIDING OFFICER. The original bill was referred to the Committee on Public Lands, and that committee reported a substitute for it.

Mr. DAVIS. The committee report in favor of striking out the whole of the original bill. Now it is competent for the Senate to amend that bill before it is stricken out. Therefore, if this is proposed as an amendment to that, I think it is in order.

The PRESIDING OFFICER. The original bill is open to amendment; but if no amendment be offered, the question will be on the substitute reported by the committee.

Mr. HUNTER. I understand that the Senator from California and the Committee on Public Lands have agreed that they will consider his substitute in place of their own. It will save time, therefore, to vote down the substitute of the committee. The question will then stand as between the original bill and the substitute of the Senator from California. Of course, amendments can be offered to the original bill, before the vote is taken on the substitute.

Mr. ADAMS. I understand the rule, as suggested by the Senator from Virginia, that the original bill is under consideration now, and may be perfected before the substitute is voted upon; but there being no proposition to amend or perfect the original bill, the question comes up first upon striking out, and then the substitute will be open to amendment. If that should be rejected, then, as the Senator from Virginia suggests, the proposition of the Senator from California would come up.

The PRESIDING OFFICER. The question

now is on agreeing to the amendment reported from the Committee on Public Lands.

Mr. FELCH. I hope we may vote down that proposition; not but that I prefer it altogether to that which is offered by my friend from California, for I am disposed to be more liberal than his substitute proposes to be, to the settlers on the public lands in that portion of the country. But as he apprehends difficulty, apart from the merits of the case, and desires to substitute a preemption right instead of a donation right, of course I yield at once, and hope the Senate will vote down the amendment of the committee.

The amendment reported by the Committee on Public Lands was rejected.

Mr. GWIN. I now offer my substitute for the original bill; which is to strike out all after the enacting clause, and insert the following:

That the surveyor general for the district or State of California, who is now, or may hereafter be appointed by the President, by and with the advice and consent of the Senate, shall keep his office at such place as the President, in view of the public convenience, shall from time to time direct; and the surveyor general, if he has not already done so, and his successors in office, before entering upon duty, shall take and subscribe an oath or affirmation before a judge of a United States court, or other competent officer, to support the Constitution of the United States, and faithfully discharge the duties of his office, and give bond in the same amount as other surveyors general, the penalty thereof to be increased whenever the Secretary of the Interior shall deem proper. He shall be entitled to receive a salary at the rate of \$4,500 per annum, payable quarterly, to commence from the time of entering into bond.

SEC. 2. *And be it further enacted*, That there shall be allowed for clerk hire in the office of the surveyor general, the sum of \$11,000 per annum, or so much thereof as may be necessary; and for office rent, fuel, and other incidental expenses of his office, such sums as shall be found necessary by the Secretary of the Interior. And the Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said surveyor general; and any copy of, or extracts from the plats, field-notes, and other records and documents on file in his office, when attested as such, by the said seal, and the signature of the surveyor general, shall, in all judicial matters, have the same force and effect as the originals.

SEC. 3. *And be it further enacted*, That the said surveyor general shall have the same power and authority, and perform the same duties respecting the public lands and private claims in the State of California, as by law appertain to, and are required of the surveyor general in Louisiana, except so far as the same may be modified by this act. He shall engage a sufficient number of skillful surveyors as his deputies, whom he shall cause to survey, measure, and mark base and meridian lines through such points, and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed, and also to survey and establish the other lines of the public lands. He shall also cause all private claims to be surveyed after they have been confirmed; and in the location and survey of them, he shall have the same power and authority as are conferred on the land officers of Louisiana, by the sixth section of the act of 3d March, 1831, creating the office of the surveyor general for that State; and for surveying the base and meridian lines, and private claims, and meandering navigable waters, the deputy surveyor shall be allowed not exceeding \$16 per mile; and for surveying the other lines of the public lands, there shall be paid not exceeding an average of \$12 per mile: *Provided*, That none other than township lines shall be surveyed when the lands are mineral or are deemed unfit for cultivation; and no allowance shall be made for such lines as are not actually run and marked in the field, and were actually necessary to be run.

SEC. 4. *And be it further enacted*, That if, in the opinion of the Secretary of the Interior, it shall be advisable, he is hereby authorized to direct such surveys after what is known as the geodetic method. And whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands would promote the public interest, he may direct such change to be made in the mode of surveying and designating the said lands as he may deem proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges: *Provided*, That such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres, unless under peculiar circumstances.

SEC. 5. *And be it further enacted*, That there shall be appointed, by the President, by and with the advice and consent of the Senate, a register of the land office and receiver of public moneys for the State of California, at such time as, in his judgment, the public interest may demand, with a salary each of three thousand dollars per annum, payable quarterly; and the land office shall be located at such place as the President, in view of the public convenience, shall from time to time direct; and previously to entering on the duties of their offices, they each shall take and subscribe an oath or affirmation, before one of the judges of the United States courts, or other competent officer, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, and shall give bond in the same amount as other registers and receivers of the public land offices; and their general duties and responsibilities shall be the same as other officers of like character: *Provided, however*, That at such time or times as in his judgment the public interests may so imperatively require, and in the absence of any further and special legislation of Congress on the subject, it shall be lawful for the President of the United States to divide the State of California into two or three separate and distinct land districts, as circumstances shall determine to be necessary, embracing, respectively, the upper

and lower, or the upper, middle and lower portions of the State; and he shall appoint, by and with the advice and consent of the Senate, or during the recess of Congress when necessary, a register of the land office and receiver of public moneys for each of such land districts; and the land offices for the same, respectively, shall be located at, and be removed from time to time to such places as the President shall deem most suitable for public convenience.

SEC. 6. *And be it further enacted*, That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be and hereby are granted to the State for the purposes of public schools in each township, and with the exception of lands reserved and appropriated under the authority of this act, and excepting also the lands claimed under any foreign grant or title and the mineral lands, shall be subject to the preemption laws of 4th September, 1841; and shall, after the plats thereof are returned to the office of the register, be offered for sale, after six months' public notice in the State of the time and place of sale under the laws, rules, and regulations now governing such sales, or such as may be hereafter prescribed: *Provided*, That where unsurveyed lands are claimed by preemption, the usual notice of such claim shall be filed within three months after the return of the plats of surveys to the land offices, and proof and payment shall be made prior to the day appointed by the President's proclamation for the commencement of the sale, including such lands, the entry of such claims to be made by legal subdivisions, and in the most compact form: *And provided further*, That the restrictions in the act of 4th September, 1841, as to the extent of the possessions of the claimant, and of quitting or abandoning his residence on his own land to reside on public land in this State, shall interpose no bar to their obtaining the benefits of this act; and all of said lands that shall remain unsold after having been proclaimed and offered, shall be subject to entry at private sale as other public land, and at the same minimum price per acre; and the register and receiver shall not be entitled to any percentage or fees, except for deciding preemption cases, when each of them shall be allowed the same fees as are paid to other like officers; but the receiver shall be entitled to his actual necessary expenses, going and returning in making his deposits.

SEC. 7. *And be it further enacted*, That where any settlement, by the erection of a dwelling house, or the cultivation of any portion of the land, shall be made upon the sixteenth and thirty-sixth sections, before the same shall be surveyed, or where such sections may be reserved for public uses or taken by private claims, other lands shall be selected by the proper authorities of the State in lieu thereof, agreeably to the provisions of the act of Congress, approved on the 20th of May, 1826, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships, not before provided for," and which shall be subject to approval by the Secretary of the Interior. And no person shall make a settlement or location upon any tract or parcel of land selected for a military post, or within one mile of such post, or on any other lands reserved by competent authority; nor shall any person obtain the benefits of this act by a settlement or location on mineral lands.

SEC. 8. *And be it further enacted*, That the public lands, not being mineral lands, occupied as towns or villages, shall not be subdivided, or subject to sale, or to be appropriated by settlers, under the provisions of this act; but the whole of such lands, whether settled upon before or after the survey of the same, shall be subject to the provisions of the act entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May 23d, 1844, except such towns as are located on or near mineral lands, the inhabitants of which shall have the right of occupation and cultivation only until such time as Congress shall dispose of the same; nor shall any lands specially reserved for public uses, be appropriated under the provisions of this act.

SEC. 9. *And be it further enacted*, That whenever the public surveys, or any portion of them, authorized by this act, or by the act approved September 27, 1850, entitled "An act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands," are so required to be made as to render it expedient to make compensation for the surveying thereof by the day, instead of by the mile, it shall be lawful for the Commissioner of the General Land Office, under direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, shall be necessary to insure the accurate and faithful execution of the work.

SEC. 10. *And be it further enacted*, That, except where the President of the United States shall see cause otherwise to determine, each officer to be appointed in virtue of this act, and also every other like officer of the United States, may continue in the uninterrupted discharge of his regular official duties, and is hereby authorized accordingly so to act, after the day of expiration of his official commission, and until a new commission shall be issued to him for the same office, or otherwise, until the day when a successor shall enter upon the duties of such office; and the existing official bond of any such officer so acting, shall be deemed and held to be good and sufficient, and in force until the date of the approval of a new bond to be given by him if reappointed, or otherwise, for the additional time wherein he may so continue officially to act, pursuant to authority hereof. And the provision as to bonds to be given by deputy surveyors for the faithful execution of their duties, in a penalty of double the estimated amount of money accruing to them under their surveying contracts, as required by the act of March 3d, 1831, entitled "An act to create the office of surveyor general of the public lands for the State of Louisiana," referred to in the third section of this act, shall be and the same is hereby made applicable to public surveys in the State of California, and the sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor general; and the same provision is hereby extended to all other branches of the public surveying service elsewhere; and all such bonds heretofore required of deputy surveyors, according to usage in the surveying service, shall be deemed and held to be of the same validity as if the same

had been required by law. And it is hereby made the duty of each of the respective surveyors general of the public lands of the United States, so far as is compatible with the desk duties of his office, occasionally to inspect the surveying operations while in progress in the field, sufficiently to satisfy himself, from actual inspection, of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged, shall be allowed; and where it is incompatible with his other duties, for a surveyor general to devote the time necessary to make a personal inspection of the work in progress, they he shall be, and hereby is, authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and \$8 per day during the examination in the field: *Provided*, That such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor general, or any person employed in his office at a regular salary, shall be engaged in such special service, he or they shall only receive his necessary expenses in addition to his regular salary.

SEC. 11. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and required to cause to be provided for the office of surveyor general of Oregon a seal, with such device as shall be deemed suitable, and copies of any papers on file in his office which may be authenticated by him under said seal shall be evidence in all cases in which the originals would be evidence; and from and after the passage of this act the salary of said surveyor shall be \$3,500 per annum.

SEC. 12. *And be it further enacted*, That the quantity of two entire townships, or seventy-two sections, shall be and the same is hereby granted to the State of California, for the use of a seminary of learning; said lands to be selected by the Governor of the State, or any person he may designate for that purpose, in legal subdivisions of not less than a quarter-section of any of the unsold, unoccupied, and unappropriated public lands therein, subject to the approval of the Secretary of the Interior, and to be disposed of as the Legislature shall direct: *Provided, however*, That no mineral lands, or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act, shall be subject to such selection.

SEC. 13. *And be it further enacted*, That there shall be and is hereby granted to the State of California the quantity of ten entire sections of land, for the purpose of erecting the public buildings of that State; said lands to be selected by the Governor, or any persons he may designate, in legal subdivisions of not less than a quarter-section of any of the unsold, unoccupied, and unappropriated public lands in that State, and subject to the approval of the Secretary of the Interior: *Provided, however*, That none of said selections shall be made of mineral lands, or lands reserved for any public purpose whatever, or lands to which any settler may be entitled under the provisions of this act.

Mr. FELCH. I wish to propose one or two verbal amendments. The first one is to strike out the words "reserved and" in the sixth line of the sixth section, and to insert after the word "act" the words "or reserved by competent authority." That part of the section will then read—

"That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be, and hereby are, granted to the State for the purposes of public schools in each township, and with the exception of lands appropriated under the authority of this act, or reserved by competent authority," &c.

The amendment was agreed to.

Mr. FELCH. I propose further to amend the same section, by inserting in the twenty-second line, after the word "subdivisions," the words "according to the United States surveys." That part of the section will then read—

"*Provided*, That where unsurveyed lands are claimed by preemption, the usual notice of such claim shall be filed within three months after the return of the plats of surveys to the land offices, and proof and payment shall be made prior to the day appointed by the President's proclamation for the commencement of the sale including such lands, the entry of such claims to be made by legal subdivisions, according to the United States surveys," &c.

The amendment was agreed to.

Mr. FELCH. I further move to amend the same section by adding at the end the following proviso—

"*Provided*, That nothing in this act shall be construed to authorize any settlement to be made on any of the public lands not surveyed subsequently to the 1st day of January, in the year 1853, nor shall any rights of such settlers be recognized by virtue of any settlement or improvement made subsequent to that date."

Mr. GWIN. I trust the Senator from Michigan will so change his proviso as to confine his restriction to one year after the passage of this act. It may so happen that this act may not be passed by the first of January next. I would suggest to him to strike out the words "1st of January, 1853," and insert "one year subsequently to the passage of this act."

Mr. FELCH. I will modify the proviso so as to meet the views of the Senator from California.

The proviso as modified was read, as follows:

"*Provided*, That nothing in this act shall be construed to authorize any settlement to be made on any public land not surveyed, unless the same be made within one year from the passage of this act; nor shall any rights of such

settlers be recognized by virtue of any settlement or improvement made upon such unsurveyed lands subsequent to that date."

**Mr. FELCH.** The bill now recognizes the rights of settlers to preemption on lands that are not surveyed; of course it must do so, or no rights could be recognized, as no lands have been surveyed as yet. The bill, as originally reported at the last session of Congress, followed in its provisions the bill in relation to settlements in Oregon, granting to settlers donation rights, not merely at the present time, but prospectively, as in Oregon, until the end of two years from the next January; a considerable portion of that time has now elapsed, and I propose in the amendment to give settlers time to secure the preemption rights on the unsurveyed lands, hoping that a commencement may be made in the surveys, so that they may obtain privileges, either by entry or by preemption claims. I do not think, considering the great length of time required to obtain information in California in regard to the provisions of this act, that the time mentioned—one year—would be too long; certainly not too long, when compared with the time allowed in the bill relative to Oregon; but that is a matter for the consideration of the Senate.

**Mr. HUNTER.** It may all be right, but still I want some information in regard to the bill. I believe it is a departure from the system which has been pursued on this side of the Rocky Mountains, as we have never given preemption rights ahead of the surveys, except in special cases. Perhaps it is also a departure from the system in another respect, as it proposes to permit whites to go and settle upon Indian lands.

**Mr. GWIN.** There are no Indians in California who can claim rights, other than possessory rights, to any of the agricultural lands. Their locations on these lands are mostly broken up. The Indians are in the mountains, in and beyond the gold regions. There are few Indian tribes, so far as my information extends, who would be disturbed in consequence of the passage of this act. There is no obstacle, therefore, on this ground, in the way, and it is important that the bill should pass, as it will entitle persons who have settled on lands belonging to the United States, whether surveyed or unsurveyed, to their preemption rights, and give them security in their possessions until the surveys are made; for Senators should remember, that only \$25,000 have been appropriated for the purpose of extending the land system of the United States to California; and although some township lines have been run, none of the public lands have as yet been surveyed, nor can they be, to the extent that the wants of the country demand, for many years to come. The only thing that it remains for us to do, therefore, is to devise means for the purpose of securing occupants in the peaceable possession of their lands.

The amendment was agreed to.

**Mr. FELCH.** In the forty-seventh line of the eleventh section, there is a provision for the payment of the actual and necessary expenses of the officer who may be deputed by the surveyor general to inspect, in his stead, the surveying operations while in progress in the field. It provides that, in addition to the allowance and payment of the actual and necessary expenses of such person, he shall be paid eight dollars per day during the examination in the field. I move to amend this part of the section by striking out "eight," and inserting "five," so that this officer shall be remunerated at the rate of five dollars per day.

The amendment was agreed to.

**Mr. GWIN's** substitute, as amended, was agreed to, and the bill was reported to the Senate.

**Mr. GEYER.** I observe, in the sixth section, it is proposed to grant to the State of California sections sixteenth and thirty-sixth, in every township, for purposes of schools. I do not know, Mr. President, what is the reason for that difference in this act, from the course which has been taken in regard to other States and Territories, with the exception of Oregon, and why it is proposed to grant two sections in every township for the support of schools. I do not look upon it as a grant to a State; but I suppose that these donations are made by way of encouraging persons to settle upon the public lands, and that they are given to the towns as an inducement that they will have this land appropriated to schools; while

in the other land States the sixteenth section alone has been reserved. I understand the thirty-sixth section was also reserved in Oregon and dedicated to schools. But I suppose that arose from the peculiar condition of that country. A different system from that which has been adopted in the other States and Territories was adopted there by way of inducing persons to go into that remote region to occupy that territory, then belonging to the United States, which had remained unsettled by citizens of the United States for many years. I do not know that any such bounty is necessary to induce settlements in California; and I therefore move to strike out the words "and thirty-sixth."

**Mr. GWIN.** If the Senator from Missouri will take into consideration the time when the Oregon bill passed, he will find that it was within the last two years, and that it has precisely the same provision which is in this bill. I am sure that the same advantages, in regard to education, are due to the people of California which have been granted to the people of Oregon. It seems to me it would be a most flagrant act of favoritism to give to the people of Oregon, who are divided from the people of California only by an imaginary line, double the amount of land for school purposes which you give to the people of California. As to the inducements to emigration, the Oregon bill was passed with more especial reference to the settled policy of the Government; and the same course will be pursued with respect to remote Territories hereafter. I hope this distinction will not be drawn against the people of California, when the same amount of land precisely has been granted to the people of Oregon, and when there are many advantages given to the people of that Territory which are not asked for in this bill. The donation principle is admitted in the bill for Oregon; and though we will contend for that principle hereafter, if the homestead bill does not become a law, all we ask now is simply that we may have the land system extended to California, and the same amount of land granted for school purposes as was granted to Oregon.

**Mr. GEYER.** Mr. President, if I thought my proposition would have the effect of a discrimination against California, I would withdraw the motion to amend at once; but it is because there is a discrimination in favor of California that I have made the motion. Provisions are proposed to be made for the people of California, which were never made for those of any other State. I would have no earthly objection to the dedication of four sections of land in every township, for the purposes of schools, if that is to be the system to be adopted in reference to the public lands; indeed, I believe the interests of the Government would be promoted by providing that four sections in every township should be given for that purpose, instead of one. But my attention was called to this by the fact that in every other land State, the sixteenth section alone has been reserved for the benefit of schools, and I am not able to understand why a discrimination was made in favor of California. It was made in the case of Oregon, and it was made as an exception, and I supposed it arose from the fact that some additional inducement was necessary to be offered to prevail on persons to go into that remote region and settle; it was to some extent necessary for the defense of that Territory of the United States, that it should be occupied by citizens of our own country, and on that account I supposed it was that two sections were dedicated to school purposes in every township. I do not understand that the same reason exists now in relation to California, and I beg the Senator from that State [Mr. GWIN] to understand that it is because it is making an exception, departing from our general policy, that I object to it. Allowing, and believing it to be good policy for the Government generally to appropriate a larger portion of the public land than has heretofore been appropriated for purposes of education, it is only because this seems to be an exception to the general policy that I object.

**Mr. SHIELDS.** I will state to the Senator from Missouri, [Mr. GEYER.] that when I was on the Committee on Public Lands, we had this bill before that committee, and I concurred in this provision in relation to California; and I did so from a conviction that even after this bill had passed, California would have less valuable school land than either the State of the honorable Senator or my own. Such is the character of the country, that

though they get nominally twice as much land, they will really have less in value. Now, the Senator knows that the whole of that country is of an entirely different formation from anything on this side of the mountains; that the only portion of the country capable of cultivation, is that lying along the rivers, and even that, in most instances, must be irrigated in order to be profitably cultivated. I take it for granted that the country is very much like that which we saw in Mexico, when we passed through it, rather of an Asiatic formation; and if so, California, even if you double the quantity given to other States, would have a less quantity of valuable land, given for this purpose, than the State of Missouri, or Iowa, or Illinois. That was the impression upon which I acted then, and I am satisfied, that if the Senator will reflect for a moment that that country is only capable of being cultivated along the rivers, and even there, in many instances, only by irrigation, he will see that this land will not be sufficient to afford the means of education which we have in the States of the Mississippi valley, where the land is so much more fertile.

**Mr. BORLAND.** I am in favor of retaining this proviso, on the general ground that it is a proper and good policy to double the quantity of land usually given for common-school purposes; and in connection with this, I will mention now—for I presume some Senators may have forgotten it—that, two years ago, the Senate passed, without a dissenting voice, a bill granting to all the new States having public lands within their borders, this additional section of land in each township, and further allowing an exchange of all the school sections, where they might be found to be of inferior or unsalable quality. The bill was introduced by myself, and was reported favorably upon by the Committee on Public Lands. It passed the Senate, and most probably did not pass the House in consequence of its not being reached. Such a bill, I believe, is on the Calendar now from the Committee on Public Lands. I trust, therefore, that you will pass this section as it is. I think it is desirable that it should be passed. I did suggest to the Senator from California that it might be well to amend it by making the provision applicable to all the States; but as he wishes his bill to stand upon its own merits, I will not offer that amendment.

**Mr. GEYER.** As I said before, I am not disposed to press this amendment, because I believe the provision of the bill, as it now stands, to be unjust to other States; not on that ground at all. The explanation given by the Senator from Illinois has satisfied me that this case may probably be an exception. The lands of California may probably not be such lands as would be of any great value. At the same time, I am pleased to learn that the Senate, on one occasion, have passed an act to extend it to other States; and I, for one, would be ready to vote for such a proposition as would equalize grants to the States to any number of sections not exceeding four sections to every township for the purposes of education. I withdraw the amendment.

**Mr. FELCH.** I wish to offer an additional proviso to the sixth section:

The amendment was read, as follows:

*And provided further, That this act shall not be construed to authorize any settlements to be made in any tract of country in the occupation of any Indian tribes, or to grant any preemption right to the same.*

**Mr. GWIN.** The rights of the Indians to any territory in California are merely possessory; and I would like to learn from the Senator from Michigan whether this would have any reference to certain settlements made by the Board of Indian Commissioners under treaties which they made, and which, perhaps, it is not improper to say, were not confirmed by the Senate. They have been placed on portions of the public land they did not occupy before. I am quite willing to concede that these Indians have possessory rights, as they had them when the country came into the possession of the United States, when they occupy the same locations, but there are at present very few of them in the agricultural districts. Those who are located in the agricultural districts were chiefly at the mission stations. I believe there were at one time some thirty thousand Indians at the various missions in California. There are some few Indian villages on the Sacramento and other rivers. There is one on Captain Sutter's



possessions. But they are diminishing every year, and I am not anxious to disturb them in their possessions, but am also unwilling to acknowledge any right of soil in these tribes. Let them remain at the villages they now occupy, and confine the operation of the proviso to that object, and I will not oppose it.

Mr. SHIELDS. I would take the liberty of asking the Senator from California, what provision is made in regard to the land occupied by these Indian missions?

Mr. GWIN. None at all. It does not bear upon them. A large number of grants have been made of lands formerly cultivated by the missions. The bill merely relates to the public domain distinct from the lands. These lands, for a few varas immediately around the missions, are claimed by the priests, and these claims are, I presume, being adjudicated upon by the board of commissioners. The bill has no reference to these claims whatever. They may be brought before Congress in a separate bill, if it is decided that the board of land commissioners have not power to extend to them the relief which the representatives of the church ask.

Mr. FELCH. My object in offering this amendment is certainly not to embarrass any of the settlers of California. A suggestion was made by the Senator from Virginia, that we might possibly, in legislating on this matter, be interfering with some of the rights of the Indians of that country. The truth is, that we have little actual knowledge on the subject of the Indian tribes in that country. Officially, we have none, for I believe we have no treaties that ever were made with any of them. It is, however, understood that a large portion of the country occupied by the whites is relieved of the original inhabitants. Still I understand that there are portions of the country to which the Indians have retired—perhaps mineral portions—and which they are occupying to a considerable extent. My object was to avoid the possibility of white people going among the Indians and making settlements, and claiming that the United States had given sanction to it by this law in opposition to the rights of the Indians. The way to get rid of the Indians is not by sending white men to claim rights among them. It is to form treaties with them, as the Government has heretofore done, according to the provisions of the Constitution. Although this bill is intended to provide for those settlers who are now there, and those who may go there within a limited time, I think we should endeavor to keep it free from all embarrassments of the kind to which I have alluded. I therefore apprehend, that while this proviso will not interfere with any settlements made there, because the settlements will be made where there are no Indians, yet I think it is a safeguard which is due to the Indian themselves, and which we ought to throw around their rights. I do not apprehend that this proviso will embarrass anybody; but, on the other hand, it seems to me to be quite proper that we should give the Indian that security which I desire to give him by this proviso.

Mr. GWIN. I shall not oppose it. I do not think it will have any particular bearing any way.

The question was then taken on the amendment, and it was agreed to; and the section, as finally amended, is as follows:

"Sec. 6. And be it further enacted, That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be and hereby are granted to the State for the purposes of public schools in each township, and with the exception of lands appropriated under the authority of this act, or reserved by competent authority, and excepting also the lands claimed under any foreign grant or title, and the mineral lands, shall be subject to the preemption laws of 4th September, 1841, and shall, after the plats thereof are returned to the office of the register, be offered for sale, after six months' public notice in the State of the time and place of sale under the laws, rules, and regulations now governing such sales, or such as may be hereafter prescribed: *Provided*, That where unsurveyed lands are claimed by preemption, the usual notice of such claim shall be filed within three months after the return of the plats of surveys to the land offices, and proof and payment shall be made prior to the day appointed by the President's proclamation for the commencement of the sale, including such lands, the entry to such claims to be made by legal subdivisions, according to the United States surveys, and in the most compact form: And *provided further*, That the restrictions in the act of 4th September, 1841, as to the extent of the possessions of the claimant, and of quitting or abandoning his residence on his own land to reside on public land in this State, shall interpose no bar to their obtaining the benefits of this act; and all of said lands that shall remain unsold after having been proclaimed and offered, shall be subject to entry at

private sale as other public land, and at the same minimum price per acre; and the register and receiver shall not be entitled to any percentage or fees, except for deciding preemption cases, when each of them shall be allowed the same fees as are paid to other like officers; but the receiver shall be entitled to his actual necessary expenses, going and returning in making his deposits: *Provided*, That nothing in this act shall be construed to authorize any settlement to be made on any public land not surveyed, unless the same be made within one year from the passage of this act; nor shall any rights of such settlers be recognized by virtue of any settlement or improvement made on such unsurveyed lands subsequent to that date: And *provided further*, That this act shall not be construed to authorize any settlements to be made in any tract of country in the occupation of any Indian tribes, or to grant any preemption rights to the same."

The PRESIDING OFFICER. The question will now be on concurring in the several amendments made as in Committee of the Whole.

The amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

#### EXCHANGES OF SCHOOL LANDS.

Mr. MALLORY. I now move that the Senate postpone all prior orders, with a view to take up "A bill allowing exchanges of school lands, and authorizing selections for deficiencies in certain cases."

The motion was agreed to.

The bill was read a second time, and considered as in Committee of the Whole.

It provides, that where any tract of land which has been set apart for the use of schools in any of the several States which contain public land, has been or shall be found of inferior quality, unfit for cultivation, or unfavorably located, the proper school authorities of such State may, and they are hereby authorized to relinquish the same under such rules and regulations as may be prescribed by the Commissioner of the General Land Office, and to select in lieu thereof, in legal subdivisions, a quantity not to exceed the number of acres of the tract so relinquished, of any of the unclaimed and unappropriated public lands then subject to private entry at the minimum price, situated within the township where said relinquished land was situated; or should none of good quality remain in the township, then the selection may be made in each case from any such land within the limits of the particular State, the selection to embrace at one and the same time all the land authorized to be taken by the authorities making the exchange, and to be entered and recorded at the proper land office of the district in which the selected land may lie; and upon the approval by the Secretary of the Interior of the new selection under authority of this act, a patent shall issue as in other cases: *provided*, that before any such patent shall issue, or any right or interest attach to the land so selected, the proper authorities holding the title to the land proposed to be exchanged, shall execute and deliver to the United States proper deed or deeds, to be approved by the Secretary of the Interior, conveying to the United States an unencumbered title to the premises so proposed to be exchanged; and also, that the principles of the act entitled "An act to authorize the selection of certain school lands in the Territories of Florida, Iowa, and Wisconsin," approved the 15th of June, 1854, and which have been heretofore held to be applicable only to actually surveyed townships, in which the sixteenth section therein was either in whole or in part covered by confirmed titles, leaving other public land in said township be extended so as to apply to those tracts of country, in any of the States referred to in the first section of this act, covered by large private claims, which embrace a greater area than a township and which, therefore, may have precluded the survey in the usual rectangular mode of what would have been a township of public land; and also, that the land authorized to be selected and granted by this act, may be, by the proper State authorities, disposed of for the same purpose and in the same manner as other school lands heretofore granted.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### WEST FELICIANA RAILROAD.

Mr. BROOKE. I ask for the postponement of the previous orders, for the purpose of taking up Senate bill No. 306. It is a bill for the relief of the West Feliciana Railroad Company.

The motion was agreed to, and the bill was taken up as in Committee of the Whole.

The bill has been published heretofore. It provides that the duties paid by the West Feliciana Railroad Company on certain iron rails imported by the company in 1836, be refunded by the Government.

Mr. DAWSON. I propose the following additional section to the bill, covering the same principle for a similar object:

Sec. 2. *Be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to refund to the Georgia Railroad and Banking Company the duties collected on certain railroad iron imported by said company: *Provided*, That the said company shall prove to the satisfaction of the Secretary of the Treasury, that the rails so imported were actually laid down at, or about, the time when the rails of the Red River Company, the Central Georgia Railroad and Banking Company, and the Munroe Railroad Company were laid down, on the rails of which companies Congress has already remitted the duties.

The amendment was agreed to.

Mr. BRODHEAD. I should really like to know what peculiarity there is in these two cases, that should cause Congress to remit the duty on this iron? Other companies, I believe, pay duties on railroad iron. If there is anything peculiar in these two cases that would make them exceptions to the general rule, I should like to know it.

Mr. BROOKE. In accordance with the request of the Senator from Pennsylvania, I will state the facts of this case. By an act passed in July, 1832, all the railroad iron imported within five years thereafter, and actually laid down, was to be admitted free of duty. In 1836, iron was imported by the West Feliciana Railroad Company—a portion of it was taken direct to New Orleans, and a portion to New York. That part of the iron which was sent to New Orleans was lost by the sinking of the steamer Choctaw, while on her way up the river; and in consequence of difficulties having occurred in securing the right of way, that portion which was conveyed to New York was not laid down within the five years specified by the act, although it was imported within that time; and the company now ask that the duties be refunded to them, inasmuch as they complied, so far as they could, with the act of 1832. I ask for the reading of the report, which sets forth all the facts.

Mr. DAWSON. My friend from Pennsylvania, who represents the iron interest, [Mr. BRODHEAD,] will find that this amendment comes in competition with no interest which he represents. It is only to perform an act of justice, which has been recognized in this body for eighteen years past. It will be recollected that in 1832 the Government of the United States, for the purpose of encouraging internal improvements by the States, permitted railroad iron to be brought in free, as these duties had an oppressive effect upon individual and State enterprise. The act was continued in force down through 1836 and 1837, and until 1842. The facts in regard to that matter have been properly stated by the Senator from Mississippi, [Mr. BROOKE.]

As early as 1833, Georgia undertook to connect the Northern with the Gulf States by a railroad communication, and to open a way for travel to the Mississippi valley. We expended more capital, undertook more weighty contracts, and executed them with greater rapidity than any other State in the Union, altogether for the convenience of the country, and at an immense loss, for our stock went down to forty cents on the dollar. But we have survived all that. It so happened that large shipments of railroad iron were ordered before the passage of the act of 1842, but they did not arrive until after that act went into operation, and duties were paid. From time to time the railroad companies in Georgia, and throughout the South generally, have applied for a remission of the duties, and they have been remitted. The Feliciana Railroad Company applied ten years ago for a remission of duties on this iron. The money which was paid by the company went into the Treasury, and bills for the relief of the company have passed one body or the other heretofore, but have failed to pass through both. All we ask now is, to be placed on precisely the same footing as other companies, and that we may have simple justice done, asking no donations, expecting no liberality, that has not been extended to others. To think of my friend from Pennsylvania, [Mr. BRODHEAD,] who expects me to aid his iron-mongers, rising up and opposing such a measure as this—it is shocking! Why, the money has

already been paid over to the Government; and paid, too, under circumstances which did not require it of them more than of other companies which have been exempt.

I am looking at my smiling friend from Iowa, [Mr. DODGE,] and want to remind him that we, in Georgia, have not had a particle of aid in the construction of our great railroad route. We have not had extended to us the same degree of liberality which has been shown by Congress to the new States, nor have we asked it; all that we ask now is justice. I call on the Senators from Iowa, from Illinois, from Tennessee, and from Missouri, and ask them whether they are willing to refuse us this act of justice, and to forget the benefits conferred on them by opening a road from Georgia to the banks of the Tennessee? We have tapped the valley of the Mississippi, and, owing to our exertions, you may now start from Washington, and travel by railroad to the banks of that beautiful river—the Tennessee. Having executed this great work—having carried the road over mountains, having sometimes tunneled mountains, having ordered the iron, which was to have been laid down before the act of 1842 passed, is there anything unreasonable in our coming forward and asking for the remission of the duties paid? Is there anything wrong in it? Certainly not. Why should not this section pass?

My friend from New Jersey, [Mr. MILLER,] if I am not mistaken, reported in favor of this claim some few years ago, when it was under the control of my late colleague Mr. Berrien; and it has been repeatedly reported on favorably.

The facts are what I stated them to be. Under the law of 1832 the iron was ordered, but did not arrive in Georgia until after the act of 1842 had gone into operation. Every other company, similarly situated, has had its duties remitted—the Central Railroad Company had its duties remitted; the Munroe Railroad Company had its duties remitted, and all that we ask is, to be put on a par with those companies; that, having aided by our enterprise in opening a speedy communication with the West, the few thousand dollars which we paid, in the shape of duties, may be refunded, as has been done in all other cases. The losses of the company have been great, and render them more urgent in demanding that measure of justice, which, I am sure, no member of this body can deny, after having accorded it to all others. Certainly, no one can refuse that to one section of the country which has been done for another.

Mr. ATCHISON. By way of reciprocating the extreme liberality always shown by the Senator from Georgia [Mr. Dawson] to the West, and particularly in relation to the public lands, I will make this proposition to him: If he will accept, in lieu of the money paid by way of duties upon this railroad iron, lands that have been offered for sale at \$1 25 per acre, I will give it my consideration.

Mr. DAWSON. I have one word to say in reply. It is the honor of the Government that I am desirous of protecting. We paid the duties in money, and the Government surely would not wish us to take the value of it in lands.

Mr. ATCHISON. The Senator charges \$2 50 per acre for public lands when we make a bargain for some, particularly for railroad routes; and I thought I was conferring a favor on him by suggesting the possibility of his getting lands at a reasonable rate. He estimates these public lands much higher than we do; indeed, much higher than money, and I conceived that I was making a very liberal proposition.

Mr. COOPER. After the very pathetic appeal made by my friend from Georgia, [Mr. Dawson,] I feel very great reluctance in opposing his amendment. However, notwithstanding his appeal, I shall have to put myself in the same category with that of my colleague, [Mr. Brodhead,] I am opposed to the amendment offered by the honorable Senator from Georgia; although, as I understand the proposition, I am not opposed to that of the Senator from Mississippi, relating to the West Feliciana Railroad Company. I understand that that comes under the provisions of an act passed a number of years ago, by which the duties were designed to be remitted on iron imported for certain railroads. The amendment proposed by the Senator from Georgia does not follow the principle of the law to which I have just referred;

and although I have no doubt that a few thousand dollars put into the pocket of this great company would enable it to extend its operations and divide larger profits to the stockholders, yet when I begin to grant bounties, I shall not grant them to great corporations. I am in favor of protection to American industry so far as protection can be afforded by discrimination in levying duties. If I could abandon the principle at all, it would not be in favor of great corporations; it would be in favor of those who we are told suffer from the imposition of the duties. Sir, on some other occasion I may attempt to prove to the Senate that the imposition of duties does not always, nor even generally, enhance the price, but that it has a contrary effect. It is very easy to show, too, by reference to particular articles, for instance, the article of nails, that a duty of four cents per pound was at one time imposed, and very speedily we brought the whole price down to three and one fourth cents per pound. That is but one illustration of the effect to which I have referred. But I believe, that whilst I am willing to grant that which the principle of the act of 1836 intended to grant, I am not willing to go any further, and give bounties to these great corporations.

Mr. BRODHEAD. I would inquire of the Senator from Georgia whether the amendment which he proposes has ever been acted upon by a committee of this body?

Mr. DAWSON. I understand that it has been acted upon several years ago; and I believe the Senator from New Jersey [Mr. MILLER] can verify the fact. I have been referred by the Hon. John P. King to papers stating all these facts, and alleging their existence.

I regret very much to hear the Senator from Pennsylvania express the idea that the duties on iron do not enter into the prices paid. If that be true, then no protection is wanted upon iron. But my impression was that the duties were paid by the consumer. That is my position; but we will not controvert that point. I wish, however, to state the facts in regard to this case a little further. In 1832, a law was passed permitting railroad iron to come in free of duty. That law remained in force for five years, and it was extended for five years more, namely, till 1842, when it was altered, permitting, however, all railroad iron which had been then ordered, or was on the way, to be admitted duty free. Some of this iron was not laid down for three or four years after this alteration of the law, owing to the poverty of the companies, and yet the duty was remitted upon it. That grew out of the character of the times. Now, here are Senators on this floor, from every State of the Union, all of which began their improvements about that time, and I ask if a single company, in any one State, has been required to pay the duties, or if they have paid them under the circumstances prescribed by the act of 1842, whether they have not been remitted? Yes, sir, all of them. These are the only two exceptions. The Georgia railroad is a private company. On the rails laid along part of this great line the duties were remitted; but on this other part they were not remitted, owing to the facts I have stated. Now, gentlemen say that, having got so much, why should we ask for more? But, sir, see what the little State of Georgia has done with her own capital! She has carried out this great link at an enormous expense; and if we are disposed to encourage the States to make these internal improvements, which are useful to the whole nation, this is certainly one of them. Gentlemen talk about having a connecting link from Boston to Louisiana. What State in the whole Union has done more than Georgia to carry out such a link? What State has expended more millions for the public convenience than that State? Massachusetts, I understand, is the first State in the Union in regard to railroads; New York, I believe, is next; I believe Pennsylvania is next, and Georgia is the next to Pennsylvania.

Now, let me mention another fact. For years our stock was a perfect sacrifice. The original constructors of these roads lost fifty per cent. on the value of their stock. They realized no dividends for years, and still, through their energy and perseverance, with the view of accomplishing the purpose originally intended, they did carry that purpose out. I believe, however, the Senate has no disposition to debate the matter any further.

A SENATOR. What is the amount?

Mr. DAWSON. I do not know, but the matter is to be brought entirely within the provisions which have been applied to all the other bills which have been passed; and the Secretary of the Treasury is to say whether all the facts are as alleged, so as to bring this case within the provisions of the law which has been provided for cases of this kind. He is to decide, after an examination of the facts, whether it comes within the principle. We have surrounded that principle in every way, with every safeguard, for the protection of the Treasury. This matter does not at all interfere with the iron interest; and even if the money is taken out of the Treasury, that ought to be no reason why the iron interest should oppose it. I dislike to see the iron interest get into a squabble about so small a matter as this.

Mr. HALE. Mr. President—  
The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The Chair will suggest that this debate is not in order, as there is nothing at this moment before the committee. It will be better to allow the bill to be reported to the Senate, as the amendment has been agreed to in Committee of the Whole.

Mr. HALE. Then let the bill be reported to the Senate.

Mr. BORLAND. Before the question is taken on concurring in the amendment, I want to make an inquiry from the Senator from Georgia.

Mr. HALE. I am entitled to the floor. I yielded in consequence of the Chair having informed me that there was nothing before the committee.

The bill was then reported to the Senate as amended, and the question recurred on concurring in the amendment.

Mr. HALE. Let the amendment be read.  
It was accordingly read.

Mr. HALE. I heard but a little of the remarks of the Senator from Georgia, and what I did hear pleased me so much, that I regret that I did not hear more. But I believe that Senator is right in saying that Congress has uniformly released the duties in cases of this sort. Under these circumstances, if the iron was ordered under a law which admitted it free of duty, in the expectation that it would be received under the operation of that law, and there was a failure to receive it prior to the passage of a new act changing the terms on which it might be received and imposing duties, Congress has remitted the duties. I am willing to go as far as that now; but I wish to have the assurance that such is the fact with reference to this bill. We do not know when the iron was ordered, or when it was received, but we are called upon to pass an act, provided the Secretary of the Treasury shall be satisfied that the rails were received at the time that certain other rails were received. The Senator from Georgia shall have my vote, if he can show that the iron was ordered under a law which would admit it free of duty, or with a low duty, and that from any casualty it failed to be received till a higher duty was fixed, as I am for imposing only such a duty as would have been proper when the iron was ordered; but that is not shown.

Mr. MILLER. As I reported this bill to the Senate, I wish to make a few remarks. By the act of 1832, Congress declared that the duties on any railroad iron imported and laid down within three years after the passage of that act should be remitted. Congress extended the terms of that act to 1845, I think. In this case, all the iron was imported within the time. Part of it was lost in the Mississippi river, by the sinking of the steamboat which was transporting it to New Orleans, and, of course, could not be laid down. The company could not give their affidavit that the iron had been laid down; hence the necessity of an act to relieve them in that respect. The remainder of the iron, as the petitioners stated, was not laid down within the three years, owing to difficulties from pressure in the money market, which they did not anticipate, and for other sufficient reasons. But it was all afterwards laid down upon their own road. As Congress has remitted the duties in numerous cases of a similar character, and as this comes within the spirit of the act of 1832, I think it should pass. In the case of the company in Georgia, I believe the iron was ordered previous to the passage of the act of 1842.

Mr. DAWSON. It was in 1841.

Mr. MILLER. But I think it did not get into

the country within the three years prescribed in the act.

Mr. DAWSON. No, sir.

Mr. MILLER. In the case of the Feliciana railroad the iron was imported within the three years; but in the case of the Georgia railroad it was not. But the Feliciana company did not lay down the iron within three years, owing to peculiar embarrassments. A bill for their relief has once passed the Senate. My friend from Pennsylvania need not be at all alarmed about the passage of this bill.

Mr. DAVIS. I should be glad to see something on the face of the amendment by which a proper case can be shown. I quite agree that this case falls within the spirit and meaning and principle of the act permitting the iron to be imported free, and the act of 1842. At the same time I should be very much disappointed if we were to open, by any process of legislation, a new class of cases. If there were anything in the amendment which would show that this case belonged to that class of cases, so that we are all satisfied that we are not opening new ground for further applications from other persons not in the same condition, I should be better satisfied likewise. I am satisfied, from the explanation of the Senator from New Jersey, that it is within that class of cases.

Mr. DAWSON. I think the whole thing is sufficiently evident on the face of it. I will read the amendment again, for the information of the Senator. It is as follows:

SEC. 2. *Be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized to refund to the Georgia Railroad and Banking Company the duties collected on certain railroad iron imported by said company: *Provided*, That the said company shall prove to the satisfaction of the Secretary of the Treasury that the rails so imported were actually laid down at or about the time when the rails of the Red River Company, the Central Georgia Railroad and Banking Company, and the Munroe Railroad Company, were laid down, on the rails of which companies Congress has already remitted the duties.

The object was to place the case within the laws at present existing.

Mr. FELCH. It seems to me that we ought to subject this amendment to the examination of a committee. The facts in the case are scarcely known to the Senate at all. On two former occasions a petition was presented to Congress, and in both instances, I believe, was referred to the Committee on Finance, and no report was ever made, I believe, from any committee; so that we have here, as an amendment to a bill, a claim which has never received the sanction or examination of any committee at all.

Mr. DAWSON. If the Senator will pardon me, I will state that this subject was acted upon before I was in the Senate, and that, as I understand it, the several railroad companies were sought to be relieved by a general bill; but that afterwards they were taken up separately. I know that at that time the honorable Mr. King, who, by the by, is now president of this railroad company, had charge of it, and he turned it over to the care of Mr. Berrien.

Mr. FELCH. It has never before appeared upon the records of the Senate. It seems to have been referred to a committee, but never reported upon. The other companies referred to in this amendment presented their claims, and they were referred to committees, and reported favorably upon. Now I am perfectly willing to apply to this case the same rules which have been applied to other cases; and in order that it may be done, I move to recommit the bill to the committee.

Mr. DAWSON. I am informed that a bill has once passed the other House relating to this very case, before.

Mr. FELCH. I hope the bill may be recommended to the Committee on Finance.

Mr. BROOKE. I hope the Senator from Michigan will not persist in his motion to recommit the bill. I think it would be unfair that my bill, to which there is no objection, should be impeded by the amendment of the Senator from Georgia. I trust, that rather than recommit the bill, the Senate will vote down the amendment and let my bill go on its way rejoicing.

Mr. FELCH. My object is not to embarrass the bill of the Senator from Mississippi; but I am not willing to vote for the amendment of the Senator from Georgia until it has been referred.

Mr. DAWSON. I dislike to embarrass the bill of the Senator from Mississippi; but I also dislike to see opposition to the claim of Georgia

alone. I put her in company with Mississippi, not with the view of weakening her claim, but rather on the supposition that being in such good company it might be strengthened. But if it is thought desirable to recommit the bill, I will withdraw my amendment rather than his bill should be jeopardized. I will say, however, to my friend from Michigan, that I do not think he need be alarmed. He might permit the bill to pass to a third reading, and if by to-morrow he should see any reason to reconsider the matter he could make the motion to reconsider, and the bill could be reconsidered accordingly.

Mr. MILLER. I hope that motion will not be concurred in. I will suggest that the further consideration of the bill had better be postponed until to-morrow, and, in the mean time, the Senator from Georgia (Mr. DAWSON) can so amend the section as to render it unobjectionable to the Senate. I will state, that I am not entirely satisfied myself with the phraseology of the amendment. I will again suggest to the Senator from Michigan (Mr. FELCH) that he should withdraw his motion, and allow the bill to pass over until to-morrow.

Mr. DAWSON. I have no objection to the course suggested by the Senator from New Jersey, [Mr. MILLER,] provided that the Senator from Mississippi (Mr. BROOKE) has no objection to it. If the bill should be postponed until to-morrow, I will ask the Senator from Michigan (Mr. FELCH) to look over it in the mean time, and change the language for the purpose of improving it.

Mr. MILLER. I now move to postpone the further consideration of the bill until to-morrow. The motion was agreed to.

#### THE DEFICIENCY BILL.

A message was received from the House of Representatives, by the hands of Mr. P. B. HAYES, Chief Clerk, announcing that the House had considered the amendments of the Senate to the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852, and that the House had rejected several of the Senate amendments, had concurred in some with amendments, and had concurred in others.

Mr. HUNTER. I ask the unanimous consent of the Senate to be allowed to make a motion. I move to refer the bill which has just come from the House of Representatives to the Committee on Finance.

The motion was agreed to.

#### EXECUTIVE SESSION.

On motion by Mr. GEYER, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened; and

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 14, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER stated as the first business in order the consideration of House bill No. 289, "granting the right of way and a portion of the public lands to the States of Indiana and Illinois, to aid in the construction of a railroad from Springfield, Illinois, to Terre Haute, in Indiana."

Mr. OLDS. At the request of the chairman of the Committee on the Post Office and Post Roads of the Senate, I ask leave to withdraw from the files of the House certain papers, for the purpose of sending them to the Senate.

There being no objection, it was so ordered.

#### LOCKPORT AND BUFFALO RAILROAD.

Mr. HAVEN. I ask the unanimous consent of the House to introduce the joint resolution which I send to the Chair.

The resolution was read for information, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way through the public lands of the United States lying in Black Rock, in the county of Erie, and State of New York, be, and the same is hereby, granted to the Lockport and Buffalo Railroad Company: *Provided*, That in the opinion of the President of the United States, such grant be not injurious to the public interest, and that the location shall be approved by the President, as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion, the said rail-

road be discontinued or abandoned, the grant shall cease and determine.

Mr. SKELTON objected to its introduction.

Mr. HAVEN. I hope no objection will be made to this resolution, as it concerns mainly my own district, and as it is of consequence to the applicants that the grant shall be made at once, if at all. It is usual to pass resolutions of this kind. This House has done it in one or two instances this session. I remember one instance—the case of the plank road in North Carolina, the Payetteville road, and I think there have been others. In this case there is only eighteen acres of land, on which a defensive work called Fort Porter is situated. The fort is some thirty feet or more above the level of the Erie Canal. This land drops down a steep bank, and there is a small plat running along by the canal, on which the company propose to run the railroad track. It cannot go over the hills, or get into the city in any other way. I hope the objection will be withdrawn.

The SPEAKER. Is the objection withdrawn? Mr. SKELTON. No, sir. I object to it.

Mr. PRICE. I ask leave to offer the resolution which I send to the Clerk's desk.

Mr. MACE. I object.

Mr. PRICE. I hope the gentleman will let it be read for information. I am sure there can be no objection to it.

Mr. MACE. I object, and call for the regular order of business.

#### SPRINGFIELD AND TERRE HAUTE RAILROAD.

The SPEAKER. The regular order of business is the consideration of the Springfield and Terre Haute railroad bill.

Mr. DAVIS, of Indiana. Mr. Speaker, when this bill was reported back from the Committee on Public Lands a few days since, with a recommendation that it be passed, the House extended to me its courtesy by postponing the further consideration of it until to-day. I stated on that occasion that I had confidence in my ability to adduce such facts, and to impart such information as would satisfy the House that if there be merit in a single bill among the series introduced during the present session, embracing the alternate-section principle, there is merit in the one now under consideration. It is for this purpose, sir, that I ask the indulgence of the House for a few moments. I trust that I may ask this favor without being considered obtrusive, for I am confident that no one has occupied less of its time than myself. I intend to be brief, for I am well aware of the fact that much time has been consumed in the discussion of the principles involved in this bill. I am aware that not only the subject, but the patience of the House is well-nigh exhausted, and I am also aware that other great measures of public policy are pressing themselves upon the attention of gentlemen; nevertheless these are important measures—important to the Government, important to the country, and consequently entitled to a fair, deliberate, and candid hearing.

This is a bill granting the right of way, and a small portion of the public lands to aid in the construction of a railroad from Terre Haute, in the State of Indiana, to Springfield, in the State of Illinois, and similar, in all its provisions, to the bill passed during the present session, granting the right of way and a portion of the public lands to aid in the construction of a railroad from Hannibal to St. Joseph, in the State of Missouri. It is contended by honorable gentlemen on this floor, that Congress has no constitutional power thus to dispose of the public domain. The friends of this measure, however, contend that Congress has this power; and, in support of their opinion, refer to the following clause in the Constitution:

"Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

Sir, I am not a lawyer, and do not claim for myself any peculiar qualification to decide upon or to construe more correctly than another the constitutional law; but, looking at this provision of the Constitution as a plain, practical question, I cannot resist the conviction that the power in Congress is full and ample to dispose of the public lands in the manner and for the purposes sought by this bill. If, however, I distrusted my own judgment, I have the satisfaction to know that every Administration of the Government, from that of Washington down to the present time, have



recognized this power in Congress, and have given it their sanction and approval. The numerous instances in which similar grants have been made by Congress, and approved by the Executive, coming down to us through our country's political history, have been so often referred to in debate during the present session, I regard it as a work of supererogation were I to call the attention of the House to them again. It is sufficient for me to say that I am not embarrassed by a single doubt as to the constitutional power of Congress to make these grants. It is, to my mind, clearly a question of policy, of expediency, and as such I intend to treat it.

By casting your eye over the map of the country, you will see that the cities of Philadelphia, Columbus in Ohio, Indianapolis and Terre Haute in Indiana, and Hannibal and St. Joseph in Missouri, are nearly on the same parallel of latitude; a line of railroad on this route would open a direct communication between the Atlantic cities and the heart of the fertile region of the upper Mississippi. Within the next eighteen months that part of this line of road will be completed from Philadelphia to Indianapolis; between Indianapolis and Terre Haute the road is in operation; between Springfield and Quincy a great portion of the road is finished, and the balance rapidly progressing towards completion. The grant of lands to the State of Missouri made during the present session, and to which I have before referred, with the private capital of that rich and enterprising State, will at once enable her to construct the road from Hannibal to St. Joseph, thereby making this great chain complete, except that part between Terre Haute and Springfield, a distance of one hundred and twenty-six miles. The object of the bill under consideration is to supply this link.

From a statement prepared at the General Land Office, and now in my possession, it is estimated that about sixty-one thousand acres of land will be granted by the passage of this bill, a portion of which have been in market and subject to private entry since 1816, and the residue since 1823. They are refuse lands, situated in the middle of a vast prairie, and utterly worthless to the Government; but, sir, pass this bill, aid the private enterprise of the country to add this last link to this great national thoroughfare which must in a few years be continued westward to the Pacific ocean, and they will at once become valuable, and find a ready market at the minimum price of \$2 50 per acre, as fixed by this bill. They will be settled and brought into cultivation by an energetic and enterprising people, who, by their labor and industry, will add something to the wealth and prosperity of the country. They will no longer remain a barren waste, valueless to the Government, and an obstacle and barrier to the settlement and improvement of the West.

But it is contended that the value of the alternate sections reserved to the Government by the provisions of this bill will not be increased in value. My experience, sir, compels me to a conclusion directly opposite. In my State about four hundred miles of railroad have already been constructed. The value of real estate immediately contiguous to these roads, without a single exception, has been augmented from one to three hundred per cent., and I think I might safely challenge gentlemen to point to me a single instance where the like result has not been produced by like causes. Let me ask them, would not this principle apply with peculiar force to the case under consideration? These lands are as rich and fertile as any upon which the sun shines; but situated as they are—forming a part of an extensive plain, remote from timber, stone, and other materials for inclosing, building, and other purposes—it is unreasonable to suppose that they will be purchased from the Government while millions of acres of lands equally rich and fertile, possessing all these advantages, can be bought at the same price. But assure to the purchaser of these lands a facility of access and speedy communication with the markets, and I can assure you, sir, that no lands in the Western world will be sought after with greater avidity. These, sir, are some of the beneficial effects to be produced by the passage of this bill. I do not exaggerate or overestimate them. I speak from a full knowledge of the facts, acquired by a life spent in the West; and he who doubts the truth of my conclusions knows but little of

western people, and the effect of such improvements upon the value of western lands.

I have intimated that this road is, in its character, national. I repeat it, sir. Completed from Philadelphia to St. Joseph, it will be the longest direct line of railroad on the globe—fourteen hundred miles in length. Passing through the center, or nearly so, of the States of Pennsylvania, Ohio, Indiana, Illinois, and Missouri, a country unequalled upon the face of the earth in its agricultural and manufacturing resources, and all the elements of wealth and greatness—about mid-way between the lakes of the North and the Ohio river—connected by railroads with Boston, New York, Baltimore, and other Atlantic cities—it will unite with the road from Louisville to Nashville and Savannah; to Charleston on the South, and by innumerable roads with the lakes of the North. By the completion of this road a communication and trade hitherto unknown will be opened between these distant regions, binding them together still more closely by the ties of interest, and promoting the common welfare of all. Nature, sir, has marked this as the great overland line of travel from the East to the West. Let me ask gentlemen, if this be not sufficient to stamp it as a work somewhat national in its character?

The bill is objected to because the lands sought to be appropriated lie within the State of Illinois, that State having heretofore been liberally provided for. True, sir, these lands are all within the borders of Illinois; there is not an acre of them within the State of Indiana. She received, a few years since, one million six hundred and nine thousand acres of land, to aid her in extending the Wabash and Erie canal to the Ohio river. I am proud on this occasion, as one of her Representatives, to express the gratitude she still feels for that munificent grant, every acre of which has been faithfully applied to its legitimate purposes. And more, sir; that canal will be completed during the present year, and the waters of the lakes will mingle with those of the Ohio. But, sir, is this objection well taken? The advantages of this grant will not inure to the exclusive benefit of Illinois. She does not come here pressing this bill. Missouri, Indiana, Ohio, Pennsylvania, and other States, have quite as deep an interest in the success of the measure as Illinois.

Now, if the measure be right and just, if the general interest of the country is to be advanced, will gentlemen give it their opposition on the ground alone that the interest of Illinois too is to be promoted by its success? Again, sir, the Ohio and Mississippi rivers are national in their character. Will gentlemen oppose appropriations of the public money for the improvement of these rivers, because thereby the interest of the States contiguous to them may be advanced in a greater ratio than the more remote States of the Union? I trust not. If, by the passage of this bill, sir, a link shall be added to a chain of great national communication, if its own merits commend it to the favorable consideration of the House, I would entreat gentlemen to support it as a measure for the good of the common country.

Mr. Speaker, I have listened with pain to the sectional turn gentlemen have in the course of debate, attempted to give these railroad propositions. I have heard with regret the terms "Western interests," "Western rapacity," "Western land piracy," applied to them. I cannot consent to pass them by in silence; I would be unworthy of a seat in this Hall if I did so. These remarks are gratuitous and out of place; they come with an ill grace from gentlemen whose States have shared so largely in the bounty of the Government, for constructing harbors, light-houses, breakwaters, and other important national improvements, out of moneys, too, paid into the common Treasury by the western and southwestern States as a tribute for the privilege of settling, subduing, and bringing under cultivation the western wilds. In all these appropriations, the West has been governed by a generous and liberal policy. No charge that the public interest had been retarded by the advancement of sectional interests has ever been heard from her Representatives on this floor, to my knowledge, nor will it ever be unless it be in self-defense.

Now, sir, let me tell gentlemen, that if this system of debate is to be persisted in, if western improvements and western measures are to be opposed upon sectional grounds, the West will take

care of herself. It is said that "power is always stealing from the many to the few." This remark is peculiarly applicable to the present case, for the time is not far distant when the voice of the West will be more potent in these Halls than it is now.

Sir, I deplore sectional issues of every kind; we are a common brotherhood, seeking the same high destiny. No great measure of public policy can be adopted by this Government affecting the interests of one section, either for weal or for woe, without at the same time, to some extent, affecting the interests of the rest. Were I, sir, to seek a motto giving full expression to the sentiments of my own heart, it would be: "The North, the South, the East, the West, and the Center, one and inseparable, now and forever."

I have doubtless manifested some feeling and anxiety for the passage of this bill, but am unconscious of being governed by local or selfish considerations.

I desire, in conclusion, sir, to address a few words to those gentlemen who supported the Hannibal and St. Joseph railroad bill. That work will be almost valueless without the connection which will be provided for by the passage of this bill. It cannot exist without it. It is the Eastern trade and the Eastern travel which is to sustain it. Such were the views taken by the honorable gentleman from Missouri, [Mr. HALL,] in his able speech delivered in this House during the present session. Such, sir, are my views, and such must inevitably be the conclusion of every gentleman who will calmly and dispassionately investigate the subject.

Gentlemen seem at a loss to understand why it is that the new States have, within so short a period, from a mere handful of hardy pioneers, scattered over a vast, unbroken, and primitive wilderness, become populous, wealthy, and powerful; and in seeking for a solution of the problem, have, no doubt honestly, arrived at the conclusion that this wonderful spectacle is the result of favors bestowed upon them by the Government. The conclusion is erroneous. Were it possible for these gentlemen to go with me to the West, I would give them a practical answer. Sir, I would point them to the prairie and the forest; to the rich and fertile soil; to the exhaustless mineral resources; to the boundless fields of grain; to the beautiful rivers; to the millions of intelligent, enterprising, and industrious people, who have inherited the indomitable energy and patient endurance of their fathers of New England, the chivalrous daring of their ancestry in the sunny South, with the honesty and integrity of both. With such a heritage, sir, the result need not be speculative; it could not be other than it has been.

I trust the bill will pass. If it be in order, I move the previous question.

Mr. DEAN. I wish to make an inquiry of the gentleman [Mr. DAVIS] before he takes his seat; and that is, whether this road is not provided for in the general land bill proposed by Mr. BENNETT?

Mr. DAVIS. It is not.

Mr. JONES, of Tennessee. As the previous question is called for, I move to lay the bill upon the table.

Mr. AVERETT. I move that there be a call of the House, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken on the motion for a call, and it was disagreed to—yeas 54, nays 114.

The question then recurred on the motion to lay the bill upon the table.

Mr. MILLSON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MARSHALL, of Kentucky. I move the reference of the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order; the pending question being to lay the bill upon the table.

The question was taken on the motion to lay the bill upon the table, and it was disagreed to—yeas 78, nays 101; as follows:

YEAS—Messrs. Aiken, Allison, Averett, David J. Bailey, Thomas H. Bayly, Beale, Bibbhausa, Bocoek, Bragg, Buell, Burt, Caskey, Chapman, Churchwell, Cullom, Curtis, Daniel, George T. Davis, Dawson, Dockery, Edmundson, Faulkner, Floyd, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Grow, Hammond, Isham G. Harris, Hibbard, Hilyer, Holladay, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuriz, Letcher,

# THE CONGRESSIONAL GLOBE.

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32D CONGRESS, 1ST SESSION.

FRIDAY, JULY 16, 1852.

NEW SERIES....No. 112.

Mann, Martin, Mason, McCorkle, McMullin, McNair, McQueen, Meade, Millson, Morehead, Murray, Newton, Andrew Parker, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Ross, Savage, Origen S. Seymour, Smith, Stanly, Thaddeus Stevens, Stone, Venable, Wallace, Washburn, Wildrick, and Woodward—78.

**NAVS**—Messrs. Abercrombie, Willis Allen, Bell, Bowne, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Chandler, Clingman, Cobb, Conger, John C. Davis, Dean, Dimmick, Doty, Duncan, Eastman, Edgerton, Evans, Fitch, Florence, Freeman, Gentry, Gilmore, Goodenow, Gorman, Green, Grey, Harper, Hart, Haws, Haven, Hendricks, Henn, Houston, Howard, Thomas M. Howe, Jackson, Andrew Johnson, James Johnson, John Johnson, R. W. Johnson, Kuhns, Landry, Lockhart, Mace, Edward C. Marshall, Humphrey Marshall, McLANAHAN, Miller, Miner, Molony, Henry D. Moore, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Phelps, Porter, Price, Rantoul, Richardson, Riddle, Robinson, Russell, Sackett, Schermerhorn, Schoolcraft, Seudder, Scurry, David L. Seymour, Skelton, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Taylor, Thurston, Townsend, Walsh, Ward, Watkins, Welch, Alexander White, Wilcox, and Yates—101.

Previous to the announcement of the preceding vote,

Mr. MURPHY stated that he had paired off with Mr. HALL, who is absent from the city.

Mr. DAVIS, of Indiana. As the morning hour has expired, if it be in order, I withdraw my call for the previous question upon the passage of the bill under consideration, and to move to recommit the bill to the Committee on Public Lands, and upon which motion I call for the previous question.

## APPORTIONMENT UNDER THE SEVENTH CENSUS OF THE UNITED STATES.

Mr. McLANAHAN. I ask the unanimous consent of the House to submit a report from the Committee on the Judiciary, with regard to fixing the number of Representatives, and to provide for their apportionment under the Seventh Census of the United States. It is a bill which ought to be printed at once.

There was no objection, and permission to report was accorded.

Mr. McLANAHAN. I am instructed by a majority of the Judiciary Committee to report back Senate bill No. 281, entitled "An act supplementary to 'An act providing for the taking of the seventh and subsequent censuses of the United States, and to fix the number of the members of the House of Representatives, and providing for their future apportionment among the several States,' approved 23d May, 1850."

Accompanying that bill, sir, as a minority of the Judiciary Committee, I submit a report, and I will here take occasion to state that, under the circumstances, I have no great objection to the passage of the Senate bill, because already many of the States have distrusted for representation. The act of 1850 on this subject has been so far executed in most of the States of this Union, that it would be impolitic and unwise now to repeal it. I desire, however, to enter my protest against it, and in my report I take the ground that the act of 1850 was in itself unconstitutional, and opposed to the uniform practice of this Government. A departure from the well-settled construction of the Constitution on this subject has occasioned all the delay, all the difficulty and embarrassment in which we are now involved. It is only by returning to the ways in which our fathers walked that we can proceed with safety.

Mr. HOUSTON. I call the gentleman to order.

Mr. McLANAHAN. I have but further to state, that the honorable gentleman from Kentucky [Mr. MARSHALL] also submits a minority report, which will be printed, under the motion that I now intend to make.

Mr. HOUSTON. I do not want to consume time which ought to be appropriated to other business, and therefore call the gentleman to order.

Mr. McLANAHAN. I move to refer the bill to the Committee of the Whole on the state of the Union, and that the bill, and reports accompanying it, be printed.

Mr. MEADE. Will a motion to put the bill upon its passage take precedence?

The SPEAKER. It will not.

Mr. MEADE. I submit the motion that the bill be put upon its passage.

Mr. JONES, of Tennessee. I object to the motion.

The question was then taken, and the bill and accompanying reports were referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

## DEFICIENCY BILL—COLLINS STEAMERS.

The SPEAKER. The question now recurs upon the motion to lay upon the table the motion made by the gentleman from Alabama, [Mr. WHITE,] to reconsider the vote by which the clause in the deficiency bill, for the increase of appropriation to the Collins line of steamers, was adopted.

Mr. HOUSTON demanded the yeas and nays; which were ordered.

The question was then taken on the motion to lay upon the table, and it was agreed to—yeas 92, nays 86; as follows:

**YEAS**—Messrs. Aiken, Thomas H. Bayly, Bell, Bibb, Bowne, John H. Boyd, Briggs, Brooks, George H. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapin, Clingman, Conger, Culom, Curtis, George T. Davis, Dean, Doty, Duncan, Evans, Florence, Fowler, Thomas J. D. Fuller, Gamble, Gilmore, Goodenow, Goodrich, Harper, Hart, Haws, Haven, Henn, Horsford, Howard, Thomas M. Howe, Thomas Y. How, Ingersoll, J. Glancy Jones, Kuhns, Kurtz, Landry, Lockhart, Mann, Edward C. Marshall, Martin, McCorkle, Meade, Miller, Miner, Henry D. Moore, John Moore, Morehead, Morris, Murray, Penn, Perkins, Porter, Price, Rantoul, Reed, Riddle, Robie, Robinson, Russell, Sackett, Schermerhorn, Schoolcraft, Seudder, David L. Seymour, Snow, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Suberland, Taylor, Thurston, Walbridge, Walsh, Ward, Washburn, Welch, and Yates—92.

**NAYS**—Messrs. Abercrombie, Willis Allen, Allison, Averett, Babcock, David J. Bailey, Beale, Biscock, Bragg, Brenton, Buell, Burt, Busby, Joseph Cable, Thompson Campbell, Caskie, Chastain, Churchwell, Cobb, Daniel, Dawson, Disney, Durkee, Edgerton, Edmundson, Faulkner, Floyd, Freeman, Gentry, Gorman, Green, Grow, Hamilton, Isham G. Harris, Sampson W. Harris, Hendricks, Bibbard, Hillyer, Holladay, Houston, John W. Howe, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, Preston King, Letcher, Mason, McLANAHAN, McMullin, McNair, McQueen, Millson, Molony, Murphy, Nabers, Olds, Andrew Parker, Samuel W. Parker, Peaslee, Penniman Phelps, Powell, Richardson, Robbins, Ross, Savage, Scurry, Origen S. Seymour, Skelton, Smith, Benjamin Stanton, Thaddeus Stevens, Sweetser, Townsend, Venable, Wallace, Watkins, Alexander White, Wilcox, Wildrick, and Woodward—86.

So the motion to reconsider was laid upon the table.

Previous to the announcement of the preceding vote, the following proceedings occurred:

Mr. ORR. I will state to the House that I have paired off with Mr. POLK on this question.

Mr. SMART. I have agreed to pair off with my colleague [Mr. APPLETON] upon this question, provided my vote shall affect the result. I have reason to believe that it will, and therefore cannot vote. He is in favor of, and I am opposed to the appropriation for the Collins line of steamers.

Mr. DIMMICK. I have paired off with my colleague [Mr. FULLER] upon this question. I should have voted in the negative.

Mr. FAULKNER. When my name was called I was on the sofa back of the railing. I supposed that was within the bar of the House, and therefore when the interrogatory was propounded to me by the Chair, whether or no I was within the bar, I responded that I was within the bar, supposing that was the construction and meaning of the rule. The Chair can decide whether I am, or am not, entitled to vote.

Mr. JOHNSON, of Tennessee. I rise for the purpose of making the inquiry whether there is not a law adopted for the government of this House, that requires members when present to record their votes; and whether the mere statement that gentlemen have paired off with others who have gone on trips of pleasure, be sufficient to paralyze a corresponding number, so that they may shrink from their responsibility of a vote.

[Cries of "Order!" "Order!"]

The SPEAKER. The gentleman has a right to rise to a question of order. According to the rules of the House it is made the duty of every member present to vote; yet the Chair has no power to compel members to vote; and it would be for the House to adopt such action as it might think proper upon the subject.

The gentleman from Virginia [Mr. FAULKNER] calls the attention of the Chair and the House to the fact that he was outside of the bar when his name was called, and as the Chair understands, did not come within the bar before the name succeeding that of his own was called.

Mr. AVERETT. I was standing near my colleague when his name was called, and his head went over the bar just after his name was called. [Laughter.]

The SPEAKER. The Chair is called upon to decide according to the statement of the gentleman from Virginia, [Mr. FAULKNER,] that he has not the right to vote.

Mr. RICHARDSON. It is very usual for members to vote standing outside of the bar.

The SPEAKER. The gentleman did not vote when his name was called, but came in afterwards, and in reply to the interrogatory of the Chair, stated he was within the bar and voted.

Mr. RICHARDSON. I have voted very often myself outside, but leaning over the bar.

The SPEAKER. The gentleman is misinformed with regard to the facts. The gentleman did not vote outside of the bar, but as the Chair understands, he voted after he came in, answering the interrogatory of the Chair that he was within the bar.

Mr. RICHARDSON. Supposing he had voted when his name was called, under the construction the Chair gives the rule, he would not have been entitled to vote. It is an everyday practice for members to vote standing on the outside of the bar, and the votes thus given are recorded. If the gentleman has no right to vote, his vote should be stricken from the list.

Mr. STANTON, of Tennessee. This question is very unimportant, as it does not affect the result of the vote.

Mr. JOHNSON, of Tennessee. I am in hopes the rule of the House will be enforced, so that gentlemen, until the result is announced, will keep away from the Clerk's desk.

The SPEAKER. The Chair has stated the rule of the House. It will be for the House to determine whether or not the name of the gentleman from Virginia be stricken from the list. The Chair will further state, that it will not change the result of the vote one way or the other. Is it the pleasure of the House that the name of the gentleman shall be retained on the record?

[Cries of "Certainly!" "Certainly!"]

Mr. STUART. I move to take up a motion to reconsider, made by me in January last.

## PRINTING.

Mr. GORMAN. I ask the gentleman from Michigan to yield me the floor until I can make the report from the Committee on Printing, which I have been so anxious to submit for several weeks past.

Mr. STUART. As the gentleman from Indiana, as I understand, does not propose to take action upon that question at this time, but merely to submit the report, and to postpone its consideration, I yield the floor for that purpose.

Mr. GORMAN. I do not propose action now. I am instructed by the Committee on Printing to report to the House, "A bill to provide for executing the public printing, and establishing the prices thereof, and for other purposes."

Mr. G. Desirous of having the House advised of the details of the bill, as it comes up for consideration to-morrow morning, I move that it be printed.

Mr. CARTTER. Can it be printed to-day? Mr. GORMAN. I will say, in response to the gentleman, that I will see it shall be immediately printed, and laid upon the desk of each member to-morrow morning.

Mr. STANLY. I rise to a question of order. I suppose, sir, that this committee reports under the 20th joint rule. I wish to call the attention of the Chair to that rule, and desire to state, that I consider the committee have no authority to make a report of this kind. It is not within their province or their duty. They have no more authority to report this than to report any other matter pending before the House.

Mr. GORMAN. If the gentleman will allow me, I will relieve him from that difficulty. There have been referred to that committee various memorials for the establishment of a printing bureau, others for the adoption of other plans, and a bill of the Senate introduced into that body by Senator CLEMENS, of Alabama. They have all been considered by the committee, and the bill which I have reported is the result of their deliberations.

Mr. STANLY. The reference of these memorials does not confer authority upon the committee. We may refer to them memorials to alter the tariff laws, to establish a branch Mint, to raise an army, and to make appropriations for roads and canals, but the reference does not give that committee jurisdiction over them. If the rules are to be violated in this way, there will be no end of their violation at all. I want the decision of the Chair upon that subject as a precedent for our action hereafter. That committee have no power to handle this subject further than this rule is authority. The 20th rule reads as follows:

"20. A committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on the part of the contractor to execute the work ordered by Congress, and to make a *pro rata* reduction in the compensation allowed, or to refuse the work altogether, should it be inferior to the standard; and in all cases the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing; but no bill shall be acted upon for work that is not actually executed and delivered, and which they may require to be properly authenticated."

Mr. STANLY. I maintain that under the rule this committee have no jurisdiction over that subject. They have to audit merely the accounts of the public printer, and to take such measures connected with the present public printing, account for the delay in its execution, and say what shall be deducted. They have no authority to report a bill to change the entire law of the land in regard to the public printing.

The SPEAKER. During the last Congress, the Committee on Public Printing reported what was regarded by many gentlemen as a private claim. The question was then made, as it is now made by the gentleman from North Carolina, [Mr. STANLY,] that it was not competent for the Committee on Printing to make such a report. It was decided, however, that as that subject had been referred by the House to the committee, it was clearly in order. The Chair understands from the statement of the chairman of the committee, that the matters embracing the provisions of this bill had been referred to that committee. Unless the Chair has been misled in regard to the facts, it seems to me there can be no doubt as to the right of the committee to report the bill.

Mr. HAVEN. The precise point desired to be made is, not that the committee have not the right to report upon the subject when it is referred to them, but that they cannot report now in advance of the time when they shall be called upon for reports.

The SPEAKER. The rule is very clear that the Committee on Printing may report at any time.

Mr. HAVEN. The question is not whether they may not report at any time upon the ordinary business conferred upon them by law, but whether they can report upon general matters not pertaining to their duties under the existing law which may have been referred to them from time to time? That is the question, I understand.

The SPEAKER. The 21st rule reads thus: "It shall be the duty of the Committee on Printing to report at any time."

There is in this no qualification. The decision of the Chair is, that it is in order for that committee to report upon any matter referred to it, or that they have a right to report upon under the

rule, at any time; and he cannot recognize the distinction drawn by the gentleman from New York, [Mr. HAVEN.]

Mr. HAVEN. The point supposed to be made was this: that the rule was made in reference to the existing law, which declares that the committee have charge of this business, and of seeing that the contract is executed, and that they might report at any time upon these points. Now, subsequent to all this, new duties are charged upon it, by reference of matter to them—

The SPEAKER. In that immediate connection the gentleman will allow the Chair to say, that the reasons which the gentleman gives may be very good why the matter referred to that committee should not go there; but they do not, in the opinion of the Chair, furnish a ground for him to decide against its being in order, that matter having been referred to that committee.

Mr. MARSHALL, of Kentucky. It will be recollected—

Mr. HOUSTON. What is the proposition now before the House for discussion?

The SPEAKER. The gentleman from North Carolina [Mr. STANLY] raises a question of order, and several gentlemen have been indulged in explanations.

Mr. HOUSTON. If there is any matter to be settled, I am perfectly willing for it to proceed. I am exceedingly anxious, however, to take up and consider the appropriation bills. But this report has got in by reason of my having lost the floor by a privileged question.

Mr. MARSHALL. It will be recollected, as I stated before—

The SPEAKER. The gentleman from Alabama calls to order, and debate is not in order, unless an appeal is taken.

Mr. MARSHALL. I do not propose to discuss a question of order.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from North Carolina, [Mr. STANLY.]

Mr. STANLY. I appeal from that decision, and ask the yeas and nays upon it. If I understand the Chair, a memorial being referred to this committee gives it power to report a bill at any time. At that rate they can report a bill for rivers and harbors—to alter the tariff, or anything else, at any time.

The SPEAKER. The decision of the Chair is this: The House has referred to the Committee on Printing matter precisely such as is embraced in the bill. There is a rule authorizing that committee to report at any time. The Chair, therefore, decides that the bill, or report of the committee, is in order. From this decision the gentleman from North Carolina [Mr. STANLY] takes an appeal.

Mr. MARSHALL, of Kentucky. I do not know whether, under the rules, this subject is debatable at all.

The SPEAKER. It is debatable, in the opinion of the Chair.

Mr. MARSHALL. Being in order, I will make a single suggestion.

Mr. STUART. I gave the floor to the gentleman from Indiana, [Mr. GORMAN,] to make a report, upon the ground that it would not occupy any time. If this thing is to be discussed, I shall feel myself compelled to assume the floor.

The SPEAKER. The gentleman from Michigan, [Mr. STUART,] and the whole House, by common consent, permitted the gentleman from Indiana [Mr. GORMAN] to make this report. It is before the House, and it is for the House to determine what they will do with it.

Mr. STUART. But I yielded the floor conditionally for that purpose.

Mr. MARSHALL, of Kentucky. I understand that the question of order which the gentleman from North Carolina [Mr. STANLY] made, stopped the making of this report, because his question of order meets the report at the threshold, as to whether such a report can be made.

The SPEAKER. The Chair decides that the question of order was made in time to arrest the report.

Mr. STUART. I ask if I am not entitled to the floor? [Laughter.] I certainly was recognized by the Chair, and yielded the floor temporarily to the gentleman from Indiana. I said to the Chair and to the House, that inasmuch as the gentleman from Indiana only wished to introduce his report,

and not to have any action upon it, which would take but a moment, I would yield him the floor temporarily for that purpose.

The SPEAKER. The gentleman from Michigan so stated when he made the report, but a question of order has been raised upon the report itself, and the gentleman from Kentucky [Mr. MARSHALL] is entitled to the floor. The Chair does not think it can be taken from him.

Mr. STUART. The gentleman from Kentucky is not speaking to the question of order.

Mr. MARSHALL. I propose to speak to the merits of the bill.

Mr. STUART. I understood the gentleman to bring up new matter entirely.

Mr. MARSHALL. I intended to make a motion as soon as I arose, for the reference of this report, in case the Chair had decided the question of order, and no appeal had been taken; but when the Chair announced that the appeal was debatable, I proposed to make a suggestion upon that point.

The SPEAKER. It is in order.

Mr. MARSHALL. The House will recollect, that when the difficulties occurred about the contract with the present public printer, the Committee on Printing assumed the position that this House had no right to instruct that committee, and that by the existing law, and by the constitution of the committee, they were beyond the power of the House. If the Committee on Printing bring in a bill, and it should be the pleasure of this House to recommit it to the Committee on Printing with instructions, what is to prevent them at once from assuming again that this House cannot instruct them to report a bill, and that they would not do it unless they please? And the very fact that they have it in their competency, such a position is evidence of the fact that they have no right to originate legislation; and the House will be placing itself in the absurd position of permitting a committee, on memorials referred to it, to introduce general matters of legislation. When this House acts upon that matter of legislation, and sends it back to that committee, with instructions to prepare it in a definite mode, that committee can return back to the House for reply, that they are out of the power of the House, and that they will not obey it. Gentlemen cannot escape from that conclusion, and this bill ought not to be entertained. It will be recollected, upon that occasion, that while this Committee on Printing had the particular matter of the contract under their supervision, in order to reach the matter of legislation, this House constituted a special committee, for the purpose of revising the laws and reporting a bill. Now, this bill is matter of general legislation, as I understand it, upon which a special committee of this House is now acting. I suppose that the House will refer the bill, at the proper time, to the special committee raised by the House, which has charge of the general subject-matter embraced in the bill.

Mr. STANTON, of Kentucky. I desire to ask at what time this committee was raised?

Mr. MARSHALL. It was raised immediately upon the last report of the Committee on Public Printing, while that matter was pending.

Mr. STANTON. It has been nearly two months ago.

Mr. MARSHALL. I do not know how many months ago.

Mr. STANTON. It has been a considerable time ago. Do they expect to report this session?

Mr. MARSHALL. We expect to report this session. I will state to my colleague, that the committee has concluded upon the basis of its report, and will be ready to report as soon as they can get a scale of prices upon which to base a report. The committee has had no opportunity to report, as they have not the right to report at any time. Probably by the time we shall have an opportunity to report, we shall be ready to do so.

Mr. DEAN. Is a motion to lay the appeal on the table debatable?

The SPEAKER. It is not debatable.

Mr. DEAN. Then I make the motion to lay the appeal upon the table.

Mr. STUART. I suppose I can take the floor now, and go on with my business.

My motion will override anything, except a motion to adjourn. I will never yield the floor again, unless the terms upon which I yield it are understood and adhered to by the Chair and the



House. My motion being a motion to reconsider, I understand, under the rules, is a privileged one, and takes precedence of everything, except a motion to adjourn.

Mr. HOUSTON. The motion is to lay the appeal upon the table.

The SPEAKER. The question is upon laying the appeal upon the table. The Chair did not understand the gentleman from Michigan [Mr. STUART] as insisting upon his right to the floor.

Mr. STUART. Yes, sir; I do insist upon it.

The SPEAKER. The Chair will consider that question, and endeavor to decide it correctly.

Mr. DEAN. Does not a question of order take precedence of all other motions?

The SPEAKER. The Chair is of opinion that the privileged question raised by the gentleman from Michigan, must take precedence of the privilege of the Committee on Printing to report, if the gentleman insists upon it.

Mr. HOUSTON. I wish to know what is the state of the question? I have a privileged question remaining undisposed of that is confronted by the question of the gentleman from Michigan. Now I want to know what is the condition of this report, if any has been made?

The SPEAKER. A report has not been made, because the House has not received it, but it remains a proposition, to be determined upon, in the opinion of the Chair, after the expiration of the morning hour to-morrow, unless it be again shut out by some privileged question of a higher grade.

Mr. HOUSTON. Do I understand the Chair correctly, as saying that a report has been received from the Committee on Printing?

The SPEAKER. The question of the reception of the report is before the body. An appeal has been taken from the decision of the Chair, and a motion made to lay that appeal upon the table.

Mr. STANLY. But the Chair decides, that the report was not in order, and that the gentleman from Michigan [Mr. STUART] had a prior right to the floor. That, of course, excludes it altogether.

The SPEAKER. The motion of the gentleman from Michigan takes precedence of the report.

Mr. STANLY. Then how could the report come in at all?

The SPEAKER. The motion of the gentleman from Michigan stops the consideration of the matter before the House, which is the proposition to report.

Mr. HOUSTON. Is this report, then, confined to the morning hour?

The SPEAKER. In the opinion of the Chair, it cannot be considered during the morning hour, but will be the first business in order in the House after the morning hour shall have expired.

Mr. HOUSTON. Then I wish to present another point of order. The express condition upon which the gentleman from Michigan agreed to let the report come in was that it should come in and be taken up in the morning hour. I understood that was the condition, and it was so stated by the gentleman from Indiana, [Mr. GORMAN.]

The SPEAKER. The Chair did not so understand it.

Mr. HOUSTON. Was not that the understanding of the gentleman from Michigan?

Mr. STUART. I certainly so understood it.

The SPEAKER. The Chair understood it simply that the gentleman from Indiana should make his report from the Committee on Printing. He has attempted to do so. Objection was made to the reception of that report upon the ground that it was out of order. The Chair decides it to be in order. An appeal has been taken from that decision, and a motion is made to lay the appeal upon the table.

The gentleman from Michigan [Mr. STUART] now calls up his proposition to reconsider a certain vote; which, in the opinion of the Chair, takes precedence of the motion of the gentleman from Alabama, [Mr. HOUSTON,] and the proposition of the gentleman from Indiana, [Mr. GORMAN.]

Mr. HOUSTON. I am satisfied that the gentleman's motion takes precedence of mine, and confronts me. I have no doubt about that. But I feel an interest in the matter, because if this question of printing intervenes between the appropriation bills and the action of this House, they will be put off until October, and we shall not get the work done at all.

The SPEAKER. Does the gentleman appeal from the decision of the Chair?

Mr. HOUSTON. I wished to present a suggestion to the Chair to see if I understood the Chair correctly in his decision. Here is a report, as I understand it, made from the Committee on Printing, and the Chair now decides without disposing of that report, although it is not made in the morning hour, and therefore not cut off by the expiration of the morning hour, that before that report is disposed of another member can rise and call up a privileged motion—a motion to reconsider—and thereby stop the action of the House upon the unfinished business which was then before it. Now, I am aware if this report had been made in the morning hour, and the morning hour had expired, why, as a matter of course, the gentleman could have called up his privileged question.

The SPEAKER. Will gentlemen suspend for a single moment until the rule is read? The rule is as follows:

"56. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn after the said succeeding day, without the consent of the House, and thereafter any member may call it up for consideration."

Mr. STUART. Now, I hope the gentleman from Alabama will allow me to proceed with my remarks.

The SPEAKER. The Chair reviews his decision in reference to the motion made by the gentleman from Michigan, and it is upon this ground: If the motion to reconsider is made when a different subject is before the House, it is entered and remains until that subject is disposed of, and then takes precedence over other business, except the motion to adjourn. Therefore, in the opinion of the Chair, and according to the practice, as the book states, the motion of the gentleman from Michigan cannot interfere with the motion immediately before the House.

Mr. STUART. Then I am entitled to the floor when this motion is disposed of.

The SPEAKER. The gentleman will then be entitled to the floor.

Mr. HOUSTON. I understand that the pending motion now is to lay the appeal upon the table.

The SPEAKER. That is the question now before the House.

Mr. STANLY. As this motion is important, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will again state the question, so that there may be no misunderstanding, in reference to this business. The gentleman from Indiana [Mr. GORMAN] presented a report from the Committee on Printing, embracing a proposition to change the existing law upon that subject, stating at the same time, which is not doubted by any one, that memorials concerning the matter contained in the bill, have been referred to that committee, and it is upon that matter that the committee report. That being the case, the Chair unhesitatingly decides that the report is in order. From that decision the gentleman from North Carolina [Mr. STANLY] takes an appeal, upon the ground that the committee cannot act upon such matter—cannot change the law, but has been constituted simply for the purpose of having that law regularly executed. The Chair thinks that is a fair statement of the gentleman's point of order.

Mr. STANLY. The committee have no authority, under the rules of this House, to alter the law.

Mr. BURT. Do I understand the Chair to say, that the committee report a bill to change the existing law?

The SPEAKER. That is the nature of the report.

Mr. BURT. And they ask authority to make that report after the expiration of the morning hour?

The SPEAKER. Yes, and propositions to change the law have been referred to the committee by the House. That is the ground upon which the Chair bases his decision.

Mr. HAVEN. Will the Chair allow me to inquire, that it may be stated, whether the report embraces any of the subjects which have been given in charge to the Committee on Printing by the law, or whether it is confined solely to the subjects which were referred to in those memorials?

The SPEAKER. The Chair is very free to answer that the law of the two Houses creating the committee, does not confer the power upon that committee to change the law, but it was competent for the House to refer any matter they chose. The House is to be the judge of that.

The question was then taken upon laying the appeal upon the table, and it was decided in the affirmative—yeas 108, nays 60; as follows:

YEAS—Messrs. Aiken, Averett, Babcock, Thomas H. Bayly, Bocoek, Bragg, Albert G. Brown, Buell, Burt, Busby, Joseph Cable, Caldwell, Thompson Campbell, Caskie, Churchwell, Cobb, Curtis, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Doty, Duham, Edgerton, Edmundson, Faulkner, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Gilmore, Gorman, Green, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Heno, Hibbard, Holladay, Houston, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letclier, Lockhart, Mann, Mason, McCorkle, McLanahan, McMullin, McNair, McQueen, Millson, Morrison, Murphy, Murray, Nahers, Olds, Andrew Parker, Peaslee, Penn, Phelps, Powell, Price, Rantoul, Riddle, Robbins, Robie, Robinson, Ross, Savage, Schoolcraft, Searcy, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Snow, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Stuart, Sweetser, Townsend, Wallace, Wilcox, and Wildrick—108.

NAYS—Messrs. Allison, Barrere, Bell, Bibbhaus, John H. Boyd, Briggs, Brooks, George H. Brown, Burrows, E. Carrington Cabell, Carter, Chapman, Chastain, Culom, George T. Davis, Dockery, Duncan, Durkee, Evans, Fowler, Goodenow, Goodrich, Grey, Harper, Haws, Haven, Horsford, John W. Howe, Thomas M. Howe, Thos. Y. How, Hunter, Landry, Humphrey Marshall, Martin, Miller, Miner, Molony, Henry D. Moore, John Moore, Morehead, Samuel W. Parker, Perkins, Porter, Reed, Sackett, Schermerhorn, Stanly, Benjamin Stanton, Thaddeus Stevens, Strother, Sutherland, Taylor, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Alexander White, and Yates—60.

So the appeal was laid upon the table, and the decision of the Chair was sustained as the judgment of the House.

Mr. GORMAN moved that the bill and report be postponed until to-morrow, and that they be printed.

The motion was agreed to.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House that that body had passed the following bills and resolutions, and asking the concurrence of the House therein:

An act to authorize the President of the United States to designate the places for the ports of entry and delivery for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon, and to fix the compensation of the collector at Astoria in said Territory;

An act to revive and continue in force for a limited time, the provisions of an act relative to suspended entries of public lands;

A resolution for the relief of the Spanish consul and other subjects of Spain, residing at New Orleans, and of subjects of Spain at Key West, by indemnity for losses occasioned in the year 1851; and

A joint resolution to supply the Washington City Juvenile Guards with arms.]

Mr. STUART called up a motion made by him in January last to reconsider the vote by which the House referred to the Committee on Roads and Canals the bill making appropriation for the improvement of the navigation of the Illinois river. He addressed the House an hour in favor of the Government making appropriations for the improvement of harbors and rivers, within the range of the Constitution; that is, on those waters where the Federal Government has jurisdiction, or into which foreign commerce has access. [His remarks are published in the Appendix.]

Mr. HOUSTON. The question now before the House is the motion for reconsideration, submitted by the gentleman from Michigan.

Mr. STUART. I do not now insist that a vote be taken on that motion.

Mr. HOUSTON. I move to lay the motion to reconsider on the table. We have it up, and let it be now disposed of.

The question was taken, and the motion to reconsider was laid upon the table.

CLOSE OF DEBATE ON THE INDIAN BILL.

Mr. HOUSTON. I call up the resolution submitted by me on yesterday, for the termination of debate in committee on the Indian appropriation bill. That bill has been discussed for two or three weeks. I modify the resolution, so that it will read that debate shall close five minutes after the

Committee of the Whole shall again resume the consideration of the bill.

Mr. JOHNSON, of Arkansas. The chairman of the Committee of Ways and Means has just stated that this bill has been under discussion for several weeks, but it is well known there has been no debate as yet upon the merits of it.

Mr. HOUSTON. That has not been my fault. Mr. JONES, of Tennessee. The previous question has not been called, and with the gentleman's consent, I move the debate be terminated upon the bill in one hour after the committee shall have again resumed its consideration. I hope no one will interfere, but let the chairman of the Committee on Indian Affairs have the floor for that hour, that the Committee on Indian Affairs may be heard.

Mr. HOUSTON. I am willing to agree to that.

Mr. JOHNSON. I object to that amendment being made now; and I will state my reasons for the objection. As the chairman of the Committee on Indian Affairs, I can state to the House that there are questions which must arise upon that appropriation bill which will demand debate; and those questions cannot be discussed under the five minutes rule.

Mr. HOUSTON. With the gentleman's consent, I will modify my resolution, so that it will read that debate on the Indian appropriation bill be terminated one hour after the committee shall again resume its consideration. I do not want an hour to speak. It is my great desire to progress with the business of the country.

Mr. JOHNSON. I must appeal to the House. That is not satisfactory.

Mr. HOUSTON. I object to further debate, unless it is declared to be in order.

The SPEAKER. Discussion is out of order.

Mr. JOHNSON. I will not debate the question, but we must be heard, if possible, upon this subject. I move that debate be closed within four hours after the committee shall again resume the consideration of the bill. There are two speeches which will have to be made upon the subject. Upon my motion I demand the previous question.

The call for the previous question was seconded; and the main question was then ordered to be put.

Mr. CONGER. I move to lay the resolution upon the table.

Mr. JONES, of Tennessee. I call for the yeas and nays upon that motion.

The yeas and nays were refused—there being, upon a division, yeas 10, nays 123.

The question was then taken on the motion to lay the resolution upon the table, and it was not agreed to.

Mr. JOHNSON's amendment was then agreed to, and the resolution as amended was adopted.

Mr. HOUSTON moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; which motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

On motion by Mr. HOUSTON, the Indian appropriation bill was taken up for consideration.

Mr. FITCH. Mr. Chairman, certain matters have been referred to the Indian Committee, of which I am a member, and the only opportunity we will have to report upon them, or any fact connected with them, will be during the pendency of this general Indian appropriation bill. I desire, therefore, now to call the attention of the committee to one of these matters, which can only be discussed under the hour rule, as there are so many collaterals connected with it, as to preclude the possibility of throwing that light upon it during the five minutes debate which the subject admits, and justice demands. I will be as brief as possible, my only object being to convince the members of this committee of the correctness of the views which I myself entertain in relation to the matter.

It is not a pleasant task for me to advocate what is ordinarily called a claim, and yet such is the character of what I am about to move as an amendment in the Indian appropriation bill, and about to discuss. It is a claim, however, not of an individual character, but one presented by a nation, or part of a nation, of Indians. It has already been discussed at some length by the chairman of the committee, [Mr. JOHNSON, of Arkansas,] but

unsuccessfully, as the order which had previously been adopted by the House stopped debate, and cut him off from most of his explanation. I send the amendment to the Clerk's desk, and desire it read.

The amendment was then read, as follows:

For liquidated balance found due the Creek Indians for losses sustained during the last war with Great Britain by that portion of the tribe that was friendly to and cooperated with the United States in accordance with the promise of the Government, \$110,417 90; to be paid by the United States agent for the Creek Indians to those individuals now living, and the legal representatives of those deceased, who are entitled to receive the same *per capita*.

At the risk of some repetition I shall briefly allude to the origin of the claim which the amendment proposes to pay. As you know, Mr. Chairman, it originated in the so-called Red-stick war, which was a part and parcel of the war of 1812 and 1813. In that war the great body of the Creek Indians took part against us. They were allies of the English, and enemies to us. A portion of them, however, remained faithful to their peace stipulation with the American people, and fought in our ranks, making our enemies, though their own countrymen, their enemies. They thereby subjected themselves to depredations upon the part of the hostile Creeks, who esteemed them not only enemies, but, as our allies, traitors to their own people, and manifested their anger by destroying their villages, their crops, and their stock. At the close of that war, General Pinckney being in command in that quarter, was directed to treat with the hostile Creeks, and certain instructions were sent to him by which it was supposed he would be governed. Those instructions were dated the 17th of March, 1814. They were to procure—

"1st. An indemnification for the expenses incurred by the United States in prosecuting the war by such cession or cessions of land as may be deemed an equivalent for said expenses.

"2d. A stipulation on their part that they will cease all intercourse with any Spanish post, garrison, town, &c.

"3d. An acknowledgment of a right in the United States to open roads through their country, to navigate waters and streams within the same," &c.

These instructions, as already remarked, were dated the 17th of March, 1814. Three days thereafter, on the 20th of March, the Secretary of War seems to have reconsidered them, and wrote to General Pinckney "that the proposed treaty with the Creeks should take a form altogether military, and be in the nature of a capitulation, in which 'case the whole authority of making and concluding the terms will rest with you exclusively. In this transaction, should it take place, Colonel Hawkins, as agent, may be usefully employed.'" General Pinckney, then, had plenipotentiary powers—the terms were to be such as he might prescribe—such as his judgment could approve, irrespective of any previous instructions from the Department. General Pinckney, with these ample powers conferred upon him, and having associated with him Colonel Hawkins, proceeded to make known to the hostile Creeks, through those who had been friendly, the terms upon which a "capitulation" or treaty could be made. He promised to the friendly Indians, furthermore, that they should be indemnified for their loss of stock, and for the injuries they had sustained by the depredations committed upon them by their hostile brethren, and that in taking land from the hostiles to indemnify Government for the expenses of the war, the territorial rights of the friendly Indians should be respected. In conformity with these principles and promises, the commencement of this stipulation was had; but before its completion General Jackson superseded General Pinckney. He (General Jackson) was instructed on the 24th of May to carry out the arrangement which General Pinckney had commenced. General Jackson consequently perfected this capitulation, but not upon the terms of the promise which had been made, or the principles which had been promulgated by General Pinckney, so far as the friendly Creeks were concerned.

In the letter of May 24th, 1814, of the Secretary of War to General Jackson, reference is made to the instructions which had been sent to General Pinckney. The instructions of 17th March, were doubtless those alluded to, and not the subsequent letter of the 20th, putting the treaty upon the basis of capitulation, and giving General Pinckney plenipotentiary powers; and therefore General Jackson supposed he had no authority under

these instructions to liquidate the claims of the friendly Creeks for depredations. He accordingly, so far from making a provision for these claims out of the lands which he obtained by the treaty from the hostile Creeks, refused to take them any further into consideration than to make known to the President the wish of the friendly Creeks, that they should be investigated and paid, in accordance with General Pinckney's promise. In making the treaty, General Jackson did not confine himself to merely obtaining from the hostile Creeks a certain amount of land to indemnify us for the expenses of the war, but, governed altogether in the act by political considerations, he took likewise eight million acres of land belonging to the friendly Creeks. He did this for the purpose of insuring the observance, by the Indians, of the second item of the instructions to General Pinckney—the one requiring the Indians to abstain from "all intercourse with any Spanish post, garrison, or town." The Spanish authorities were then in possession of Florida; and the eight million acres taken from the friendly Indians intervened between the remainder of the Indian possessions and that Territory, cutting the Indians off from access to it. He thus did it for good reasons—reasons, indeed, which, when explained to the friendly Creeks, they acquiesced in, although they protested against the disregard of their claim.

Mr. JOHNSON, of Arkansas. Will the gentleman from Indiana [Mr. FITCH] allow me to interrupt him a moment? He has fallen into an error, that the Indians acquiesced in this arrangement. They always protested against it, and you will find their protest in the American Archives. They did not acquiesce in it; and it was a most outrageous transaction, by which we took eight million acres of land from these friendly Creeks, the allies of the United States, who fought with us and for us against their own tribe of Indians, as indemnity for the war. It is as gross an outrage as was ever committed.

Mr. FITCH. I have the Archives to which the gentleman alludes. I do not understand from them that the friendly Indians willingly consented to the surrender of their land, but they acquiesced in it as a necessity from which they saw no apparent escape. The reason was explained to them; and they submitted, with a protest against the non-payment of their claim, and a protest furthermore against the capitulation which compelled them to the surrender of their territory. The Indians unwillingly assented to the treaty, and only signed it upon General Jackson's promise to forward the President General Pinckney's promise that their claims should be paid out of the proceeds of this land, or otherwise. These promises, in their estimation, constituted a part of the treaty. They drew up a statement relative to their claims, dated the 9th of August, 1814, a day or two after the treaty was completed, and insisted upon its being forwarded with the treaty.

We learn by a letter from Colonel Hawkins to the War Department, dated August 1st, 1815, (American Archives,) that the Speaker (Indian) said:

"Before he signed any papers with him, [General Jackson,] as he would not admit their claims in the treaty, he should make and sign a paper expressive of them, and who were the masters of the land."

Accordingly, on the 9th August, (1814,) this paper was drawn up and signed, and "the Speaker urged it should be sent on with the treaty, which they were about to sign, to which he annexed the letters of the 23d and 25th April, between General Pinckney and Colonel Hawkins."

These letters contained the promises to the friendly Indians of remuneration for the depredations committed by the hostiles—the promises we are now endeavoring to have redeemed.

Colonel Hawkins further says: "The document of the 9th is what, in fact, the chiefs call 'their part of the treaty.'"

That statement, according to their ideas, constituted a part of the treaty as binding upon the Government as any other part of it. The claims alluded to in it are those on which payment is now asked. It will be remembered that two distinct promises were made by General Pinckney to the friendly Indians—first, that their claims should be paid; second, their territorial rights should be respected. I have shown the hitherto non-redemption of the first promise, and that the second was violated for political reasons. I have shown that

the friendly Indians remonstrated against this refusal of General Jackson to recognize their claim, and against his taking, by the capitulation, eight million acres of their land—thus blending them with the hostile Indians, and treating all as a conquered people; that at their request General Jackson permitted them to draw up a statement of the 9th of August, 1814, relative to their claims, and of their right to the land, declaring, among other things already quoted, that they relied “on the justice of the United States to cause justice to be done to them,” and that he not only permitted them to draw it up, but promised to forward it to the President of the United States, which promise he fulfilled.

The obligation imposed upon the United States by General Pinckney's promises to the Indians was so apparent, that the treaty or capitulation having been ratified on the 16th of February, 1815, soon afterwards, on the 12th of July following, the Secretary of War wrote to Colonel Hawkins, asking the nature and extent of the indemnity which these friendly Indians expected, how far justice and policy would dictate its payment, and how it should be paid—whether in land, goods, or in money. On the 18th of August, 1815, Hawkins answered, that justice demanded the adjudication and payment of the claims; that the promises of General Pinckney should be redeemed; that the claims should be paid in money to the individual claimants. As to the amount of the indemnity, he could not report, because the vouchers were not in his possession—part of them being in the hands of General Jackson's secretary, and the remainder being in the possession of the assistant agent at Coweta.

One objection now urged to the payment of the claims is, that, although Colonel Hawkins said, in his letter of the 18th of August, that he could not state the amount of the claims, he yet ventures the opinion that “at the time of drawing the lines for the treaty”—the capitulation at which the land was taken—the Indians would probably have been satisfied with \$60,000. It has been asserted that the \$60,000 was intended as an estimated amount sufficient to cover the entire claim of individuals for destruction of their property. The interpretation put, by the Indian Bureau, upon that sentence of Colonel Hawkins's letter embracing the opinion relative to the \$60,000 is, that the amount (\$60,000) was designed by him as an estimate of what the Indians would have taken for their territorial rights, and had no relation to individual claims. It is perfectly immaterial, however, whether he meant the one or the other, for it was but an opinion—made, it would appear, without any consultation with the Indians, and, as he himself said, without the facts of the case before him. It was not even an estimate—for an estimate presupposes some data upon which it is based—and he expressly stated he had none such; that none of the vouchers were in his possession. He was instructed to ascertain the amount of the claims which would be embraced under the principles and promises published by General Pinckney. He proceeded to do this, and on the 1st of April, 1816, made a report “on the claims of the friendly Indians for losses sustained by them in their civil war, agreeably to the terms of peace offered by Major General Pinckney, 23d April, 1814, and the preliminaries of the treaty of Fort Jackson, of August following.” Up to that time he found due \$78,360 75, out of claims presented to the amount of \$108,415 12½, but he stated in that report, that he could only arrive at an approximation to the amount of these claims, because the hunters were absent. Now all who know anything of Indians, are aware that hunters and warriors are synonymous, and are the leading men of the nation—those alone who know aught relative to the affairs of the nation. In the absence, then, of the hunters, it was utterly impossible for Colonel Hawkins to arrive at anything like a close approximation to the amount of the claims. He reported, however, that, in his judgment, \$100,000 would cover the whole.

In March, 1817, soon after that report was made, Congress appropriated \$85,000, and that amount was forwarded. Before, however, it could be paid, or the investigation into the amount of the claims completed, Hawkins died, and was succeeded by D. B. Mitchell. Mitchell was appointed on the 20th of March, 1817, and the Secretary of War instructed him that the final distri-

bution was not to be made at that time, because the whole amount of claims was not then ascertained. Here was an express recognition, on the part of the Secretary of War, that the \$85,000 was only designed to cover the claims in part, and was not esteemed sufficient to cover the whole. Mitchell, consequently, felt himself instructed to withhold the money until the entire amount of claims was known. He accordingly did so, and proceeded to complete the investigation which Hawkins had commenced. During that investigation, claims to the amount of upwards of \$300,000 were presented. The chiefs, with the aid of Mitchell, reduced the amount to \$195,000. Toward this, the \$85,000 was paid, *pro rata*—about three fifths of the entire amount being thus left unpaid. That leaves the amount now asked for—\$110,000. This amount the Executive branch of the Government has acknowledged due, and it is now asked of this committee and of this Congress.

Hawkins's first estimate, that \$60,000 would have satisfied the Indians at the time of the drawing of the lines, is, as I have already stated, brought up as an objection to this claim. It is said that that \$60,000 was intended to cover the whole amount, and that, therefore, the \$85,000 ought to have been sufficient. It is further objected that the Committee of Ways and Means, in 1824, made a report adverse to the claim; and that their report should be conclusive. It appears they had only before them Hawkins's first estimate—\$60,000—and knew nothing of his subsequent estimate of \$100,000. They therefore had not all the necessary facts before them upon which to base a conclusive report. Whether the \$60,000 was intended to cover the whole of the claims, territorial and all, of the friendly Indians, or not, is, as I have before stated, perfectly immaterial to the issue here. That was not an estimate, but a mere opinion, without data or vouchers to sustain it. Upon subsequent and partial inquiry, there was made an estimate of \$100,000, and still later, after rigid inquiry, the whole amount was found to be \$195,000. The direction to withhold the payment of \$85,000 until the claims were all in was, in itself, a recognition, upon the part of the authorities here, that \$85,000 could not satisfy the entire claims justly due to the Indians.

It is sometimes said, that this claim was in part provided for by the treaty of 1826, by which we engaged to pay \$100,000 to certain Creek Indians, a part of which sum we have paid very recently. But that \$100,000 had no relation whatever to these claims. It grew out of a previous treaty which this Government made in 1825 with McIntosh and a few of the Indians friendly to him—a treaty which, it was subsequently charged, was brought about by improper means, and which created so much dissatisfaction among the Indians generally, that McIntosh and many of his friends were soon killed—victims to the fury of their brethren who supposed themselves outraged by the treaty. So obnoxious was that treaty, that in 1826 another was made to annul the previous one; and by the latter, the Government agreed to pay \$100,000 as indemnity for injuries sustained by McIntosh's friends from the hostility of the other Indians in consequence of their dissatisfaction with the treaty of 1825.

Again, it is said that this claim has rested a long time—since 1817—and no mention has been made of it in Congress subsequent to 1824, until within a very recent period, and therefore it is argued the claim must have been considered as having been paid, or as being unjust. Neither of those positions holds good. There is proof here of an indisputable character, that the Indians were never satisfied with the payment of the \$85,000, and that it was never considered a payment in full. If they did not present their claim to Congress, they were constantly urging it on the Department. Mr. Calhoun says, on March 10th, 1824:

“Since the payment of the \$85,000 above-mentioned, repeated applications have been made by the Creek Indians for further demands, but the Department declined acting on them as there was no appropriation at its disposal that could be so applied.”

The Indians have constantly, year after year, urged their claim on the Department, but the Department has had no money with which to pay it, hence they now ask that an appropriation be made for that purpose. It is true that for a certain time the Creek nation of Indians, as those familiar with their history well know, were almost disbanded and disorganized in consequence of their

own intestine troubles, and they had more than enough to do to settle those troubles, without insisting on the payment of a claim due only to a portion of the nation. A large portion of the Creeks are those who were hostile to us during the war of 1812 and 1813, or the descendants of hostiles, and consequently they have no interest whatever in urging the claims; on the contrary, have doubtless felt worse than indifferent to their payment, because of their ancient hostility to those who were to be benefited by the payment.

I should have been pleased to have gone more elaborately into this case, but my object has been from the commencement, not to dwell too much upon collaterals, but to present the strong points. I have endeavored to answer, as far as a limited time would permit, certain objections which have been urged, and may be urged again, to the payment of the claim. It has been said that the adverse report of 1824 ought to be binding and conclusive, because of the character of the gentlemen composing the then Committee of Ways and Means, from which that report emanated. That, sir, would be paying too much deference to the opinions of individuals, even if they had at that time all the light in relation to the case before them, which we have now. But that was not the case, because we are told by the Indian Bureau that they had not Hawkins's second estimate before them, and consequently they did not act with a full knowledge of all the facts of the case. And, sir, there are good reasons, independent of Pinckney's promises, why the claim should be paid. Those promises, I take it, every gentleman will say, are obligatory upon us. They are promises from which we cannot with honor escape. Gentlemen may sneer at the idea of such a thing as honor in dealings between us and the weak remnants of a tribe, who were at one time powerful enough to compel us, from motives of policy, if from no other, to do them justice. But the same principles which govern us in our intercourse with the most powerful nations in the world, should equally be our rule of action in dealing with the red men, even though it be only a feeble band. We promised these people certain considerations for their services, and for the damages they have sustained as our allies, and those promises we have not redeemed in full. Shall we seek to escape their redemption because of the inability of the tribe now to compel us to their fulfillment? or shall we rather keep faith with those who were friendly to us in the time of our need?

Now circumstances are reversed—we do not need their services, but they are dependent upon us; but does this deprive them of their right to demand justice from us? Is this a reason requiring them to abandon all expectation of the fulfillment of our promises to them? I said there were reasons independent of Pinckney's promises for the payment of this claim. One of the strongest is found in the fact, that at the time of the capitulation, which was designed to be a capitulation of hostile Creeks only, the friendly Creeks were merged with the hostiles—were made a party to the surrender, and thus treated as enemies, after having fought with us, not against us—after having been our allies instead of our enemies. We made them a party to the surrender, and took from them eight million acres of land, in addition to the fifteen millions we took from the hostiles. We had, it is true, a good political reason for doing so. We were governed in the act by policy, not by strict justice; but having benefited by the policy, shall we now refuse to pay a just debt to those who were injured by it, thus paying for one injury by the infliction of another? Reverse the case. If policy thus denied upon the part of others justice to us, how long would it be submitted to? These eight million acres of land from the friendly Indians, and the fifteen millions from the hostile ones, have since been in part sold by the United States for a sum far exceeding the cost of that Creek war.

General Pinckney was told to insist upon a sufficient quantity of land to cover the expenses of the war; and included in those expenses should be, of course, the claims which he subsequently recognized on the part of the friendly Creeks for indemnity. I repeat, a sufficient quantity of those lands has already been sold to far more than compensate for the expenses of that war, including these claims. What good reason, then, is there



why the claims should not be paid? We have the money in our Treasury—the proceeds of the lands—and shall we keep it there and thus speculate at the expense of justice, and of our promise to those who befriended us in the hour of our need, and suffered because of that friendship? We have not only refused to pay them out of the proceeds of the domain taken from the hostile Indians as we promised, but we have taken their own lands.

We had a political purpose to accomplish, and we had political reasons for our action. But let us not now adopt the dollar-and-cent policy of refusing to pay a debt because the creditor is too feeble to enforce its payment, and because, having the money in the Treasury, we can appropriate it to another use. Such policy, if avowed, would degrade us, as it ought to, in the estimation of every man in the civilized world.

I recollect, Mr. Chairman, when this matter was previously under discussion, and my friend, the chairman of the Committee on Indian Affairs, [Mr. JOHNSON,] was speaking on it—I recollect, I say, a little opposition from yourself, (Mr. JONES, of Tennessee, in the chair,) opposition usual, and usually expected of you; because, I believe, whatever other charges, if any, can be brought against you, partially for any bill which contemplates appropriations of money out of the Treasury, for any purpose whatever, is not among them. I do not wish to be understood as desiring to take advantage of your now occupancy of the chair for the purpose of making any allusions to you, under the supposition that you cannot answer them. If you desire to answer, I trust you will call another gentleman to the chair, and obtain the floor for that purpose. Every facility in my power, even to yielding a portion of my own time, shall be granted you for that purpose. I will now read a portion of your language upon the occasion of the previous debate (25th March ult.) upon this subject. I shall do it, as you will find, Mr. Chairman, for the purpose of calling your attention to a promise which you then made. In view of that promise, I candidly expect you, Mr. Chairman, as an honorable man—and such we know you to be—to hereafter be one of the warmest advocates of this amendment; for you promised, under certain circumstances and upon certain conditions, to support it cheerfully. Those conditions have been complied with, as can be easily demonstrated to the House. Your language upon the occasion referred to, is as follows:

"If the Committee on Indian Affairs, or the Committee on Claims, or any other committee of this House, will take up this case, investigate and ascertain what particular Indians, who were friendly to the United States, are entitled to the specific sums of money which make up this aggregate sum of \$110,000, and report such a bill here providing for the payment of the particular Indians who sustained losses, or, in case of their death, to their heirs, I will vote most cordially and cheerfully to pay this money to them. Let us know who are the Indians, and who are the heirs. I think we should not only be just, but we should, upon all occasions, be liberal to the Indians in this country. I say, if you will ascertain who are the particular Indian chiefs and warriors of the friendly party entitled, I will vote for a bill to pay them. But, until I know who they are, I cannot vote this money. I know that the gentleman from Arkansas (Mr. JOHNSON) would not, nor would any member of this committee, ask for the payment of this money if it were going to the Creek nation as a nation. If it is due at all, it is due to particular individuals; and when it can be ascertained and a specific appropriation made to them, then I will give it my support."

Now I intend, Mr. Chairman, to hold you to this promise. We have taken this matter up, we have investigated it, and ascertained to what particular Indians, or their heirs, this money is payable. Here is the list, [holding it up,] each individual's name, and the amount he was entitled to. Many of these individuals are yet living, and where they are not, their heirs are very easily traced, and this money will be paid to them; and where there are no heirs, the money will remain in the Treasury. If I have not met every objection which can be urged to the amendment, I hope some gentleman will let the fact be known; or if any gentleman desires to state and debate an objection, I will yield him a portion of my time for that purpose, expressing at the same time an entire conviction of my ability to hereafter successfully refute his objection.

Mr. MEADE. I wish to send up an amendment to the amendment already offered to the bill.

The CHAIRMAN. The Chair must state that he does not understand the gentleman from Indiana [Mr. FITCH] to offer an amendment, but to

give notice of one he will offer when the right time arrives.

Mr. FITCH. That is all.

The CHAIRMAN. The bill will have to be read through by clauses and paragraphs, and then the amendment will be in order.

Mr. MEADE. I then give notice that I will at the proper time offer as an amendment to the amendment the one which I send to the Chair. I desire the Clerk to read it.

The amendment was then read, as follows:

*Provided*, That before the said sum, or any portion thereof, be paid, the said tribe or nation of Indians shall give a release of all demands arising out of said war, and the treaty consequent thereon.

Mr. MEADE. My object, sir, in offering that amendment is to conclude, upon the part of the Indians, any further demands upon the Government. Probably, sir, I might, in strict justice, admit that these Indians did have an equitable claim upon this Government for the eight million acres of territory which were taken from them under this treaty. However, it would be a stale demand, and one which I wish to have relinquished. As has been stated by the gentleman from Indiana, [Mr. FITCH,] when we made a treaty with the hostile Creeks, we agreed beforehand with the friendly Creeks that we would provide for their indemnity, they having lost large sums in houses, furniture, horses, and cattle. When General Jackson took possession of that army, previously under command of General Pinckney, he assumed to himself, in virtue of the ample instructions which had been given to his predecessor, to prescribe the terms of that treaty; and unfortunately for those friendly Indians, it became necessary, from the necessities of State alone, to deprive them of large strips of territory running down to the Florida line, the object being, as stated by General Jackson at the time, to cut off communication between the Indians living on the west side of the Chatahochee river, and the warlike Seminoles who lived in the Territory of Florida. That was done for the future security of our citizens. While its injustice abstractly was admitted—while the friendly Creek Indians were aware that great injustice was done them in depriving them of their territory, yet they yielded to the interest of the United States, relying hereafter upon the justice of the American Government to grant them an indemnity.

After that treaty was made, Mr. Chairman, orders were issued to our Indian agent, Mr. Hawkins, to ascertain the loss which the Indians had suffered in their lands, and in their horses and cattle; and after a partial examination, Mr. Hawkins reported to the Government that he would estimate their losses at somewhere about \$100,000. But before he had completed his investigations, Mr. Hawkins died, which subsequently led to the appointment of Colonel Mitchell, who completed the investigation. It is in the report of Colonel Mitchell, made in the year 1817, that this sum of \$110,417 is stated as the amount due to these Indians, for depredations committed by these hostile Creeks.

Well now, Mr. Chairman, I find that that does not embrace the eight million of acres of land which we took from them, and which now constitute a portion of the State of Georgia, and from the sale of which, I understand, we have already received some \$8,590,000.

Now, Mr. Chairman, this nation of Indians has dwindled down to a comparatively small number; but yet some persons may take it into their heads hereafter to stimulate those Indians to come forward and demand payment for these lands, and it is for that reason that I offer the proviso, which requires that the nation, before this \$110,417 shall be paid them, do grant a release of all demands that may have originated in that war.

Mr. FOWLER. I am deeply interested in the gentleman's statement. Will the gentleman inform me how much they have already received?

Mr. MEADE. They have received about \$85,000 or \$90,000. I do not know the exact amount.

Mr. FOWLER. Of the \$110,000?

Mr. MEADE. No. Of the \$200,000 and odd. I will state to the gentleman that this \$110,000 is the balance left, after giving them credit for \$85,000 appropriated before the balance was ascertained, Congress believing, at the time, Mr. Hawkins to be right in his estimate of the amount

of money due them for these depredations. This is the balance.

Mr. FOWLER. How much, if anything, have they received on account of that eight million acres of land?

Mr. MEADE. They have received nothing on account of that eight million acres of land, as I understand. Now, in view of that fact, Mr. Chairman, I am not inclined particularly to scrutinize every item stated in this balance of \$110,000, knowing full well, whether it be more or less than their sufferings amounted to, the fact that we have taken eight million acres of land from them, from which we have realized, probably, as many millions of dollars. I will not go into an exact account, with a view to ascertain the real balance due to them for these depredations.

Mr. JOHNSON, of Arkansas. I am informed by a gentleman that, while I was outside of the bar, the gentleman introduced a proposition to put a barrier to their presenting any other claim these Indians may have against the Government—providing, if this be given, that they are never to demand anything else from the Government.

Mr. MEADE. My proposition is, simply, that before this money is paid to these Indians, the nation shall release all demands growing out of that war, and the treaty consequent upon that war.

Mr. JOHNSON. You are speaking of the eight million acres of land. The taking of that was one of the consequences growing out of that war.

Mr. MEADE. It may be so contended.

Mr. JOHNSON. The proviso is, then, to cut off these Indians or their heirs from the reclamation of those eight millions of acres?

Mr. MEADE. Yes, sir.

Mr. JOHNSON. The gentlemen then stated that if it were not adopted, the gentleman from Arkansas might come in and attempt to obtain for these Indians the reclamation of these eight million acres of land.

Mr. MEADE. I did not say so.

Mr. JOHNSON. I am then incorrectly informed. I will state to the gentleman that I do not oppose his amendment, which precludes these Indians from ever coming back again. I will not oppose it if these Indians want to take the \$110,000. If they are willing to take it by way of compromise for every other right they may have, I will vote for the amendment. I am willing that it shall be passed. But it will be a proud task for any man to stand upon the floor of the House of Representatives and compound the debts of the Government of the United States against a creditor powerless, and who is under your feet! But I will vote with the gentleman! Is that the way the American House of Representatives is to legislate with reference to an ignorant, helpless, down-trodden people? This is the measure proposed. I will not do otherwise than vote for the gentleman's amendment, and let these Creek Indians take the \$110,000, and let them feel, when they have taken it, that the Government which took from them while they were its allies, and after they had been bravely contending for our cause eight million acres of land—this great and good Government—their great Father is the one which reaches out its hand to pay a just debt of \$110,000, saying: "I will give you that which I own to bedue you, but you must acknowledge beforehand, that in robbing you of eight million acres of land, I have robbed you most righteously." Is that it? That is the philosophy of this House.

Mr. MEADE. I did not yield the floor to the gentleman to make a long speech. I offered that amendment for the purpose of settling this account with the Indians now and forever. The Indians have preferred their claim for \$110,000. I want them to bring forward at this time every claim they may have against the Government to preclude legislation hereafter upon the subject. And I now give the gentleman from Arkansas notice, that if these Indians have any further claims against this Government, and he desires to befriend them, let him bring them forward now. I am opposed hereafter to having these claims reopened. They have slept upon their rights, if they have any, in relation to these lands, from 1814 down to the present time, and I do not wish these old transactions ripped up again. If they have anything to claim in consequence of the taking of these eight million acres of land, I say let them

bring forward that claim now, and I will consider it. But I have no idea these Indians shall hereafter, when they are almost extinct, bring forward claims for millions of dollars against this Government, after they have slept for forty or fifty years.

Mr. FOWLER. If the gentleman will allow another inquiry. If I understand the gentleman from Virginia, he admits they have an equitable claim for the eight million acres of land, and that they are entitled to \$110,000 for losses.

Mr. MEADE. I say this, Mr. Chairman: that they might hereafter bring forward a claim against us for this eight million acres of land. I have not sufficiently investigated the subject to say whether it would be an equitable claim or not; I only know that they had a title to the land which was taken from them by this treaty; but there have been many other treaties made with these Indians, and there have been other pecuniary considerations passing between the Government and them. I am not sufficiently conversant with the facts to inform the gentleman whether such a claim be equitable or not.

Mr. FITCH. I now claim the floor under the understanding made with the gentleman.

Mr. McMULLIN. I move, with the gentleman's consent, that the committee rise.

Mr. TAYLOR. I would suggest to the gentleman to modify his motion so that it will be in the power of the committee to take a recess till seven o'clock. I think these speeches of an hour each in length should be heard in the evening and business would be facilitated. We will get through a month sooner by adopting that plan.

Mr. FITCH. If all the members present were convinced, they would not constitute a quorum of the committee.

Mr. TAYLOR. We can have a general understanding no vote shall be taken.

Mr. HOUSTON. We had last week, at the evening session, a better audience than we had in the morning.

Mr. TAYLOR. Gentlemen need not come here if they do not want to.

Mr. FITCH. I cannot explain my other amendment in five minutes, and will therefore yield altogether my right to the floor.

Mr. JOHNSON, of Arkansas. I do not want to speak to-night. I am willing that the debate shall be closed after the conclusion of my speech, but I would ask the indulgence of the committee to submit my remarks in the morning.

Mr. TAYLOR. I wish to suggest to my friend from Arkansas that there are many gentlemen who desire to speak. It is pleasant to speak during the evenings, as we have proven. I should have great pleasure in listening to the gentleman to-morrow, but some other one can occupy the floor this evening. We have but a month to sit here, and it is utterly impossible to accomplish the public business unless we debate during the evenings.

Mr. JOHNSON. Then to-morrow morning there would be no certainty I should be entitled to the floor.

Mr. TAYLOR. There would be an understanding that the gentleman should be entitled to the floor in the morning.

The question was then taken on the motion submitted by Mr. McMULLIN, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 43, "making appropriations for the Indian department for the year ending 30th of June, 1853," and had come to no conclusion thereon.

#### IMPROVEMENT OF THE SAVANNAH RIVER.

Mr. JACKSON. I ask the unanimous consent of the House to take up Senate bill No. 96, "to provide for the removal of obstructions in the river Savannah and for the improvement of the same," for the purpose of reference. It is a bill in which my constituents are deeply interested.

There was no objection, and the bill was taken up, read a first and second time by its title, and referred to the Committee on Commerce.

#### DEBATE ON THE INDIAN BILL.

Mr. HOUSTON. The gentleman from Arkansas has stated his willingness to have the debate closed on the Indian appropriation bill as

soon as he shall have concluded his remarks. I presume no one else desires to discuss it. The Senate have now introduced a joint resolution proposing to amend the joint rules of the two Houses that appropriation bills from us shall not be received within ten days from the time fixed for adjournment. It is absolutely important we should send them something. I move debate upon the Indian appropriation bill be terminated one hour after the committee shall again resume its consideration.

Objection was made.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the resolution was adopted.

#### EULOGIES ON MR. CLAY.

Mr. PRICE. I ask the unanimous consent of the House to submit the following resolution:

*Resolved*, That twenty thousand copies of the obituary speeches and proceedings, upon the death of Henry Clay, in the Senate and this House, be printed, under the direction of the Committee on Printing, for the House.

There was no objection.

The question was then taken, and the resolution was unanimously adopted.

Mr. FOWLER moved the House adjourn; which motion was agreed to.

And the House adjourned till to-morrow, at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions and memorial were presented under the rule, and referred to the appropriate committees:

By Mr. BROWN, of Mississippi: The petition of A. E. Lewis and other citizens of Louisiana, Mississippi, and Alabama, praying an appropriation to remove obstructions at the mouth of the East Pascagoula river.

By Mr. CHANDLER: The memorial of William Beschke, asking from Congress assistance to complete a steamboat with a new mode of propulsion; also, patronage for a ship gun and other valuable inventions.

By Mr. GILMORE: The petition of citizens of Indiana county, Pennsylvania, for a post route from Indiana, Pennsylvania, to Smicksburg in Indiana county, Pennsylvania.

#### IN SENATE.

THURSDAY, July 15, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BRIGHT presented the credentials of the Hon. DAVID MERIWETHER, appointed a Senator by the Governor of Kentucky in place of the Hon. HENRY CLAY, deceased, which were read, as follows:

COMMONWEALTH OF KENTUCKY, *scd*

Henry Clay, Esquire, who was duly chosen Senator for this Commonwealth, in pursuance of the Constitution of the United States of America, having resigned during the last session of the Legislature of the Commonwealth, to take effect on the first Monday of September next, and having died before the period that his resignation takes effect—I, Lazarus W. Powell, being Governor or Chief Magistrate of the Commonwealth, have, therefore, thought fit, by virtue of the said Constitution, to appoint DAVID MERIWETHER, Esquire, to be and act as a Senator for the Commonwealth until the time the resignation of the said Henry Clay takes effect.

Given under my hand and seal of the Commonwealth this 6th day of July, 1852.

L. W. POWELL.

By the Governor:

J. P. METCALFE, Secretary of State.

The oath prescribed by law having been administered to Mr. MERIWETHER, he took his seat in the Senate.

Mr. BRIGHT. The letter of appointment just read, and which conferred upon you authority to administer the oath just taken by the honorable Senator from Kentucky, must have struck Senators who paid attention to its reading; as different in phraseology from letters or certificates of appointments usually given in such cases.

That paper limits the term of service of the appointee to the first Monday of September next, that being the time at which the resignation of the then Senator (since deceased) was to take effect.

My object in rising is not to ask action at this time upon the credentials of the pro tempore appointee, but to say that I regard the limitation contained in the credentials of the honorable Senator as standing for naught, and that though he may not himself set up claim to the seat he occupies, after the time mentioned in the paper just read, yet he has certain constitutional rights, his constituency and every State in the Union have certain constitutional rights arising out of, and to be affected by the mode and manner this question is determined, which will require him to serve until such time as those delegated by the Constitution of the United States shall act in

choosing his successor. I have made these suggestions to prevent any misconception of the facts, and to place my esteemed friend, the honorable Senator from Kentucky, in a proper position before the body if the question should ever come up again. The honorable Senator himself, I am authorized to say, has personally no feeling in the matter other than that which arises from a desire to serve his constituents faithfully, and fulfill the obligations of the laws and Constitution under which he acts.

Mr. DOUGLAS. I would suggest the propriety of referring these credentials to the Committee on the Judiciary. I entertain great doubts as to the power of the Governor to appoint a Senator, and limit the period to a shorter time than that prescribed by the Constitution of the United States. The Constitution declares that if a vacancy occurs during the recess of the Legislature, the Governor may make a temporary appointment, and the commission shall extend to the next meeting of the Legislature; which shall then fill such vacancy. I entertain great doubt as to the power of the Governor, in his commission, to make a limitation, not only unauthorized by the Constitution, but in direct violation of its express terms. As to what the effect of such a limitation would be upon this commission, I am not prepared to state. I think it may as well go to the Judiciary Committee for investigation.

Mr. BUTLER. I have no doubt that this question is a very important one; but I should dislike to anticipate events, and act for something which may never arrive. I am one of those who do not think that the mere paper is anything but the evidence of the title. The real title of the Senator who has just taken his seat is according to the Constitution, and what may be conferred upon him by the Commonwealth of Kentucky. I do not hold that the Governor of the State, by any language he can use, can limit the tenure of office under the Constitution of the United States. But I will say to my friend from Illinois that it is possible that this issue may never arise; and if it does, and Mr. Dixon should come here and claim the seat, the honorable Senator may be perfectly quiet, because it will be the duty of this body at that time to decide upon the validity of his election.

Mr. DOUGLAS. I have made no motion, but simply threw out the suggestion.

Mr. BRIGHT. I think, with the Senator from South Carolina, that the contingency may never arise, and therefore it would be premature now to make a reference to the paper presented. If it does arise, it will then be time enough to raise the issue. That matter was considered before the paper was presented. I hope the Senator from Illinois will not press his suggestion.

Mr. GWIN. I differ entirely from the Senator from Indiana. I think this paper ought to be referred to the Judiciary Committee. If it is not in accordance with the requirements of the Constitution, it ought to be so declared. It is no appointment at all, if the Governor has put an improper limitation upon it. Certainly the Senator who has just taken a seat in this body cannot hold his seat longer than the period specified in the commission; which is until the time when Mr. Dixon's commission is to take effect. I do not intend to prejudge the question; but I am clearly of the opinion that the wording of the executive appointment is wrong. It is the only paper of the kind that has ever been presented in this body. A vacancy was created by resignation to take effect at a future day, followed by an election to fill the vacancy from the date specified. In the mean time the Senator who resigned, to take effect at a future day, dies before that day arrives; and the vacancy of that seat in this body is by death, and not resignation, and should be filled accordingly. I think it cannot be filled in the form of the commission that has just been read. It should have had no reference to Mr. Dixon's election. The question ought to be examined by the Committee on the Judiciary before we pass away from it.

Mr. COOPER. Mr. President, I think there can be no doubt in relation to this question. I think the suggestions made by the honorable Senator from South Carolina, commend themselves to the favorable judgment of the Senate. The Senator from California is certainly wrong when he says, there is no commission conferred upon the Senator from Kentucky, by the paper which has been read. If there be an improper limit, in

contravention of the Constitution, that limitation is void, and is mere surplusage, which does not affect the Senator's right to the seat. But I think, as it is a question that may never arise, it is better that it should be passed over until the occasion presents itself.

The PRESIDENT. There is no motion before the Senate.

The conversation therefore dropped.

#### PETITIONS, ETC.

Mr. RUSK. I formerly presented a petition from mail contractors for extra allowance. This subject was presented to the House of Representatives in 1844, where it was acted upon. During this session of Congress, the petition, with accompanying papers, was presented here, and referred to the Committee on the Post Office and Post Roads. In the examination of these papers, I found that the matter had been before Congress, and been acted upon; therefore it became necessary to obtain the papers which were presented with the petition originally. These were in the office of the Clerk of the House of Representatives. I applied for them, and he said that he could not permit them to leave his office, without an order of the House. I therefore procured the order withdrawing them, for the purpose of presenting them to the Senate; which I now do, and move that they be referred to the Committee on the Post Office and Post Roads.

They were so referred.

Mr. SUMNER presented a petition of citizens of Franklin county, Massachusetts, praying that the homestead bill may become a law; which was referred to the Committee on Public Lands.

Mr. SOULE presented a resolution of the United States Agricultural Society, praying to be incorporated; which was referred to the Committee on Agriculture.

Also, resolutions of the National Convention for the promotion of Agriculture, asking the aid of Congress in promoting the interests of that branch of industry; which were referred to the Committee on Agriculture.

Mr. COOPER. I have been requested to present the memorial of William Beschke, a native of Prussia, and a naturalized citizen of the United States, praying Congress to examine an invention which he denominates a "breach-loading steady ship-gun," and also a model propeller. I will merely state that I know the gentleman. He is a man of education and scientific attainments. His gun has been examined by a number of gentlemen, and has been pronounced a very extraordinary invention. This much I thought but just to the memorialist to state before moving to refer the memorial to the Committee on Naval Affairs, which I now do.

It was so referred.

Mr. MORTON presented the petition of George J. Tehnbauer, praying additional compensation for taking the Seventh Census in Florida; which was referred to the Committee on Claims.

Mr. GWIN presented a petition of citizens of Nevada, California, praying the establishment of a branch Mint in that State; which was ordered to be laid on the table.

#### REPORT FROM A STANDING COMMITTEE.

Mr. WALKER, from the Committee on Revolutionary Claims, to which was referred the memorial of Anna De Neufville, submitted a report, accompanied by a joint resolution for the relief of the heir of John De Neufville and son; which was read and passed to the second reading.

The report was ordered to be printed.

#### NOAH HANSON.

Mr. HAMLIN submitted the following resolution for consideration:

*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to pay out of the contingent fund of the Senate, to Mrs. W. Maria Hanson, as administratrix of the estate of Noah Hanson, law messenger of the Senate, the usual per diem compensation for his services from March 27, 1851, to June 1, 1851, and from October 1, to November 1, 1851, the time of his decease, and also to pay the funeral expenses of said Hanson, as heretofore paid in similar cases.

#### DERBY'S REPORT.

Mr. GWIN submitted the following resolution for consideration:

*Resolved*, That one thousand additional copies of the report of the Secretary of War of the 15th of June, communicating, in compliance with a resolution of the Senate, a

reconnaissance of the Gulf of California, and the Colorado river, by Lieutenant Derby, be printed for the use of the Senate.

#### BILL INTRODUCED.

Mr. DAWSON, by unanimous consent, asked and obtained leave to introduce a bill for the relief of certain Mexicans living in territory acquired by the treaty of Guadalupe Hidalgo; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

An act allowing exchanges of school lands, and authorizing selections for deficiencies in certain cases; and

An act to provide for the survey of the public lands in California, the granting of donation privileges therein, and for other purposes.

#### ADJOURNMENT OF CONGRESS.

Mr. HUNTER. Some time since a resolution from the House, in relation to the adjournment of Congress, was, upon my motion, ordered to lie upon the table. I desire now to move to take it up for consideration.

Mr. SHIELDS. I would ask the honorable Senator from Virginia if he wishes to fix the day of adjournment until we know something about the appropriation bills?

Mr. HUNTER. I had intended to state, that it was my purpose, if the resolution should be taken up, to move to amend it by fixing the 30th of August, which I think is the earliest day upon which we can adjourn. It will be for the Senate, however, to determine what day it will fix. My own opinion is, that, by the 30th day of August, we ought to be able to get through with the business of the session. If the Senate should take up the resolution, it is my purpose to offer the amendment I have indicated. I should not be willing to vote to fix an earlier day, and I fear we cannot get through the necessary business if we fix an earlier day.

The motion to take up the resolution was agreed to, and the Senate proceeded to consider it. It is as follows:

*Resolved*, (with the concurrence of the Senate,) That the President of the Senate, and the Speaker of the House of Representatives, close the present session of Congress by an adjournment of their respective Houses on Monday, the 16th day of August next, at the hour of twelve o'clock, meridian.

Mr. HUNTER. I move to amend the resolution by striking out "sixteenth," and inserting "thirtieth," so as to fix the day of adjournment for the 30th of August.

Mr. SHIELDS. I am as anxious as the honorable Senator from Virginia to adjourn at an early day; but, I confess, we have been treated in such a way by the House for two sessions past, that I am very unwilling to close the door, by adopting such a resolution, before we receive the general appropriation bills. The last session we sat here, we had a certain number of hours in which to accomplish our work, and we had to hurry through the most important bills which came before Congress. We all recollect the manner in which that matter was conducted, and the scenes which were transacted in this Chamber. I think it is the duty of the House to send us the appropriation bills in due time; and when those bills come we will concur with them in adjourning as promptly as possible. But unless we do that; unless we make that understood, my impression is that those appropriation bills will be kept back as they have been heretofore, and we will be compelled to accept them as they come from the House, without examining them, or to reject them *in toto*. I am anxious for an early adjournment; but I should dislike very much to be placed in the position in which we have been placed for the two sessions past.

Mr. GWIN. I shall vote against fixing any day of adjournment until the amendment to the rules, suggested by the Senator from New Hampshire, [Mr. NORRIS,] is adopted. I am utterly opposed to fixing a day of adjournment, unless we have, ten days prior to that period, all the appropriation bills before us. I hope there will be no day fixed until that amendment to the rules is made. If we place ourselves in the power of the House, they may send us the whole of these appropriation bills two or three days before the adjournment, and we shall be forced to pass them

without examination. I am opposed to fixing any day until the amendment of the rules, proposed by the Senator from New Hampshire, is adopted.

Mr. DOUGLAS. If it be in order, I would move a resolution that the Secretary of the Senate be instructed to notify the House of Representatives, that the Senate will be ready to adjourn in ten days after we receive the appropriation bills from the House. As things now stand, it is held forth to the country that we are responsible for protracting this session of Congress. I wish it to be understood that the Senate are ready to adjourn, at any time, as soon as we can receive the appropriation bills and have time to act upon them. I suppose ten days would be sufficient, and would be the shortest time within which we could act upon them, if we should be ready to enter upon their consideration the moment they are received. I think it is due to the country, I think it is due to the other House, that they should know why it is that we are waiting and not fixing a day of adjournment. We are waiting simply for the House to send us those bills; and if the House can understand officially that that is the reason why the Senate is waiting, it will probably hasten the reception of the bills, and will, at any rate, let both the House and the country know the reason for the delay.

The PRESIDENT. A proposition of the nature suggested by the Senator from Illinois, will not be in order.

Mr. ADAMS. I shall vote against the amendment proposed by the Senator from Virginia, with the hope that this body will concur in the resolution passed by the House, which has been on our table for the last month. It is suggested by the Senator from Illinois, [Mr. SHIELDS,] that the appropriation bills may be sent here at so late a period, that this body will not have an opportunity to act upon them; and the last session has been referred to as an instance of that. I would ask that Senator, or any other Senator, whether, within the last twenty years, he has ever known any session of Congress, or of any other deliberative body, where the mass of business was not thrown on the last days of the session? It is so every session; and shall we better the matter by postponing the day of adjournment until the 30th of August? I think not. I think that if we determine to adjourn on the 16th of August, the House will send to the Senate the appropriation bills as soon as possible. At all events, it seems to me the Senate should concur in the resolution of the House, and then do the best we can. We have already consumed a great deal of time; and I think it is due to the Senate, it is due to the country, it is due to the character of the Congress of the United States, that we should adjourn very early. In my humble opinion, we shall make more character, and do the country more good by an early adjournment, than by any legislation.

Mr. HAMLIN. I am willing to vote for the shortest time for adjournment that any Senator will name; I am willing to vote for the resolution of the House, which is now under consideration, if we can first have a vote of the House upon the resolution which has been submitted by the Senator from New Hampshire, [Mr. NORRIS,] But until we can have that, I am not disposed to vote for any particular day of adjournment. There is a responsibility which rests upon this body in relation to the annual appropriation bills. When those bills are sent to us at the last week of the session, we assume that responsibility without being able to perfect those bills. We are made responsible for acts for which we should not be held responsible.

Mr. BUTLER. Reject them.

Mr. HAMLIN. The Senator from South Carolina says, "reject them." Now, the Senator from South Carolina knows very well, that, however obnoxious, however objectionable, or however wrong may be some of the provisions contained in an annual appropriation bill, it would be utter folly to attempt to reject it. If we, therefore, proclaim to the House, that we shall be ready to adjourn at any period of time within ten days after they shall forward to us the appropriation bills, it seems to me that we discharge our whole duty.

I understood the suggestion made by the Senator from Illinois [Mr. DOUGLAS] to be a distinct motion. I suppose the amendment of the Senator from Virginia will be first in order; but after the



question shall be taken upon his motion to amend, I suppose it will be in order to move to amend the resolution by striking out the whole of it, and passing in its place a resolution that the Senate will be ready to adjourn within ten days after the appropriation bills shall be sent to it from the House; or let the resolution lie upon the table until the Senator from New Hampshire shall have the opportunity of passing his amendment to the joint rules, and send it to the House, and let them concur in it. I will then vote to adjourn on the 16th of August, or at any time after they shall give us ten days to pass upon the appropriation bills; and, in my judgment, that is a very limited time.

**Mr. HUNTER.** Mr. President, there are two classes of objections to the amendment which I have proposed. The Senator from Illinois [Mr. SHIELDS] objects that it is unsafe to fix any day for adjournment at all until we get the appropriation bills, and in that he is sustained by the Senator from Maine. The Senator from Mississippi, and some others, think we ought to adopt the resolution as it came from the House, and fix the time of adjournment for the 16th of August. I am inclined to think that it would not be wise to wait until the appropriation bills are sent from the House, but that it would be more politic to fix some day, by which the business of the country could be transacted, if the two Houses were disposed to do so, not only because it is proper in itself, but because it is usual, and operates as a sort of notice between the two Houses that the session is to terminate at that time, and they apply themselves more closely to business after the day of adjournment is fixed. Such has been our experience heretofore.

I doubt, if we were to fix no day, whether the appropriation bills would be here by the end of August. I think it probable that the House would still continue to delay, and that we might have that series of debates in which Congress has been engaged for some time past.

Neither do I think it would be altogether courteous or proper to send to the House such a resolution as my friend from Illinois [Mr. DOUGLAS] proposes to send. He proposes to send our Secretary down to the House to say that "within ten days after you send us the appropriation bills we will be ready to adjourn." It would be, in effect, saying, "nothing prevents us from adjourning but your neglect to discharge your appropriate functions and duties."

**Mr. GWIN.** It is true.

**Mr. HUNTER.** If it be true, it would scarcely be courteous in us to say this to the other House. It seems to me that it would be improper. I believe that if the appropriation bills were here, we could perhaps get through with them in ten days, but it would be very hard work. I think that would be hardly time enough to allow. Besides, what would be the meaning of the phrase? Should we wait for ten days after all the appropriation bills get here, or ten days after the first one? They have already sent us two appropriation bills—very small ones it is true—pension bills, which have been acted on. If it means that we shall be ready to adjourn ten days after the last appropriation bill shall be sent to us, it might be more time than would be necessary for the consideration of any one bill. But I think it is objectionable on the ground that it would be considered discourteous, and would engage us in disputes with the other House, which I wish to avoid.

On the other hand, it is my opinion, from what I can learn, and I have endeavored to ascertain—for I am anxious to fix as early a day as the Senator from Mississippi or any other gentleman—that we cannot get through with the necessary business of the country by the 16th of August, even if the House and the Senate were both to work as long and as much as could reasonably be expected of them. We not only have all the main appropriation bills to act upon, except the two small pension bills to which I have referred, but we have a vast mass of other business upon the Calendar which ought to be attended to. I am told that the House has done very little in regard to private claims. It will probably be insisted upon that it shall devote some two or three days to the Private Calendar, before it adjourns; and it is right and proper that it should do something for the relief of private claimants. We all

know that if we were to work diligently from now until the 30th of August, it would be as much as we could do to dispatch properly the business connected with the appropriation bills, and certain other bills relating to the business of the country, some of which we have sent down to the House, and some of which are yet to be considered—bills of great importance. I do not think, therefore, that it would be safe to fix any day earlier than the 30th of August, and yet I think we ought to fix on the first day we can, with safety, to operate by way of notice to the House and to the country that we intend to get through, if possible, by that day; and I think it would be an inducement to the House themselves to do business more rapidly.

**Mr. BUTLER.** I made a remark just now which, perhaps, I might as well explain. I intimated that it would be proper in some cases to reject the appropriation bills. I say so again. If the House give us notice that they will adjourn on the 16th of August, and they fail to send us the appropriation bills within such time as they themselves have indicated, I say, for one, on the responsibility of a Senator, that I would not take their bills blindly; but I would be willing to reject the bad ones, and leave the responsibility with them. I want no controversy between the two Houses; and when the intimation is thrown out that the House has not transacted business with dispatch, I think we might as well look to some delays in this body, occasioned by such discussions as took place with regard to the Collins line.

**Mr. HALE.** Mr. President, I have no professions to make of my desire to go home, or of my willingness to adjourn. I will let that matter take care of itself; but I want to call the attention of the Senate to the fact, that two years ago we agreed, I do not know exactly when, to adjourn on the 30th of September. On the 24th of September, six days before that, we had an appropriation bill sent to us from the House, making an appropriation of some \$10,000,000 for the naval service of the United States. That was committed to our appropriate committee; and, Sunday intervening, on the 28th of September, when we had to adjourn on the 30th, we had, for the first time, under consideration that bill making appropriations to the amount of \$10,000,000. I had given some attention to the subject, and I asked to have that bill read through once, and I remember that half a dozen or a dozen Senators got around me immediately, begging, for God's sake, that I would not be so factious, but that I would withdraw the request to have read through once a bill that was to appropriate about as much money as it used to cost that "extravagant" administration of John Quincy Adams to get through the year with. But I believe the bill was read through once, and on that day it was passed. It was remarked by a Senator from North Carolina, [Mr. BADGER,] that it was within his knowledge that Senators then voted against their convictions, because, they said, there was no time to consider amendments. He mentioned a fact which is within the recollection of many Senators who now hear me, that an honorable Senator from Kentucky, now deceased, was in his place, and voted with me on an amendment, merely because, he said, there was not time to consider it; and his vote was given against his judgment because there was no time.

Now, I am not willing to put myself in that position. I will not vote for any day, 30th or 40th, that may be named, until I am sure the business of the Senate is in such a position that I may acquit myself of the responsibility which belongs to me—and I conceive that I have some—as an individual Senator, of exercising my deliberative judgment upon the appropriation bills which may be sent here.

I remember, too, one very important bill, a bill making appropriations for all the light-houses of the United States—a matter of very great importance to commerce—and the question was how fast our clerks could run from here to the House, and from the House to the President's, to get that light house bill signed. I believe it was estimated that if our clerks could run from here to the House, and from there back to the President's room, and then here again in five minutes, it might be passed. Five minutes was all the time we had under the position in which we voluntarily put ourselves,

for the consideration of a bill making appropriations for all the light-houses in the United States. Now, sir, I am willing to take the responsibility and the odium, if any odium comes with it, of absolutely refusing to fix any day for adjournment until we can be satisfied that we shall be in a situation in which we may discharge the responsibilities which belong to us, by deliberately considering the propositions made to us to appropriate the money of the people.

**Mr. BORLAND.** I am as anxious as any one to adjourn, and I think the Senator from Mississippi gave some good reasons why we should adjourn at an early day. There was one other which he might have added, which I confess has a good deal of influence with me, in desiring to adjourn at an early day; that is, that it would greatly promote the comfort of Senators and members of the other House, as well as the character of Congress. But, sir, my constituents are too much interested in important measures which are now pending before Congress, to permit me to vote for an adjournment at a day so early that it would almost inevitably prevent the passage of these bills by refusing them time. I would adjourn next week if the business which we have before us could be acted upon by that time. I do not believe that can be the case. I do not believe it can be acted upon by the 16th of August. I doubt whether many important measures can be acted upon by the 30th of August. But as that time seems to have met the views of Senators, and there seems to be some good reason why we might get through with the important business by that time, I shall vote for the amendment of the Senator from Virginia.

But, Mr. President, I think there is one consideration—and it seems to be the main one brought forward here against an early adjournment—which has very little foundation in fact. It is the importance of passing the appropriation bills. In view of what has been the action of this Government within the last year especially—I speak of the Executive Government—I do in all conscience, believe that it is a matter of comparatively little importance whether we pass the appropriation bills or not in advance for the public service. The Senator from Virginia, [Mr. HUNTER,] as chairman of the Committee on Finance, is ready this morning to report the deficiency bill, which yesterday came back from the House; which bill proves clearly and conclusively, that whether we pass the appropriation bills or not, or whether we put items in them or not of a particular character, the Executive finds no difficulty in carrying on the Government. If it be lawful, if it be right for that Department of the Government to contract obligations, incur expenses, and use the public funds in the administration of the Government without an appropriation by law, then all this anxiety and solicitude which Senators manifest on the subject of the appropriation bills has, in my opinion, very little to do with the merits of the question. Suppose we pass an appropriation bill, suppose, in our discretion, we appropriate only half as much as the Executive Department of the Government said would be necessary, does that make any difference as to the amount? Suppose we leave out three, five, ten, or twenty millions from the fifty or sixty millions per annum which I suppose we shall have to use for the expenses of the Government under this Administration, will that lessen the expenses of the Government? If we may judge from the past, it will serve but as a stimulant to expend more. I do not know but if we were to leave it to the discretion of the Executive altogether, that we should gain something for the public interest; for when, last year, we refused an appropriation asked for by the Executive, that Department, in disregard of our refusal, went on and not only expended what we refused, but made the amount a little larger, if I am capable of making the calculation.

**Mr. SEWARD.** I shall vote for the amendment proposed by the Senator from Virginia, because I am satisfied that it is the duty of the Senate to cooperate with the House in bringing this session to a close within a reasonable time. I have never known a legislative body to adjourn in any other way, except by a prorogation power elsewhere, or by resolution similar to this. I have never known any deliberative body that adjourned itself in any other way than by a resolution introduced in one House, passed, and sent to the other to meet its approbation, fixing a day in advance,

at which time it was supposed, upon consultation, that both would probably get through the business before them. I can see very well that we shall not be prepared to adjourn on the day named by the House of Representatives, but if we extend the time a fortnight, and give them notice now, if they act as they have always acted, and as all legislative bodies with which I have had any acquaintance have acted, they will then address themselves to the business that devolves upon them. The amendment of the Senator from Virginia strikes me as being reasonable and practicable, and I am sure we shall never adjourn in any other way but by the passage of a resolution.

Mr. MILLER. I have been a member of this body about ten years, and at the end of every long session of Congress during that time, we have had the same difficulty in fixing the time of adjournment. If gentlemen will turn their attention to the debates which took place whenever a resolution of this kind came from the House, they will find that what has been said to-day is nothing more than a repetition of what has been said before—the difficulty of getting through the business at the time fixed by the House; and yet experience has shown that we never commence really to work up the business of the nation until the House designates the time of adjournment. When the period is once fixed, we go to work knowing the time we have and the business likely to come before us, and prepare ourselves to adjourn at the time fixed by the two Houses. With regard to the general appropriation bills, I think there are more difficulties suggested here than actually exist. The principal and most important matters contained in those bills are national matters. We all understand generally what they ought to be; and it is not necessary for the body to wait until the House sends them to us for the purpose of calling our attention to them. All these matters are thought of by honorable Senators. They know generally the nature of the appropriation bills, and are prepared to act upon them when they come. The respective committees of the Senate have already considered, I have no doubt, many of the important matters contained in them. When they have come here, the difficulty has not been with regard to the important matters contained in them, for want of a proper investigation, but on account of some factious opposition frequently made to certain appropriations. Now, that opposition will be made, no matter how far distant you may fix the day. If you fix as the day the 1st of October, you will find the same difficulty when the time arrives. I also understand that the other House is now prepared, and intend to take up immediately the appropriation bills. They have already changed their hour of meeting from twelve to eleven o'clock, and I have no doubt that the appropriation bills will be taken up and acted upon by that body on or about the 1st of August. I think we might get through the business at the time fixed by the House, but for fear there may be some difficulty in that, I am willing to vote for the amendment of the Senator from Virginia.

Mr. DAWSON. I do not intend to make a speech upon the subject, but merely to state the reasons why I shall vote for the original resolution. It is said by every Senator that we are anxious to adjourn, and such I believe to be the feeling of all. It is stated by the Senator from Illinois, that we can adjourn within ten days after the reception of the appropriation bills; and that if we do not adjourn the fault will be with the House of Representatives. The House of Representatives have announced to us by resolution, that they will be ready to adjourn on the 16th of August. Are they not the best judges of their own power and capacity to discharge the duty incumbent on them? And are we going to give an excuse for the extension of this session of Congress, by adding fifteen or sixteen days to the session, thereby changing the *onus* before the public from the House to the Senate? My own judgment is, that the House of Representatives will send us the whole of these bills, at least by the 4th or 5th of next month—especially as they have said so; and that we can take up the whole of the measures and carry them through, and be prepared to adjourn at the time designated. What is to prevent us? Is it not known to every Senator who has been here during the sessions limited by the Constitution to ninety days, that no business is transacted

prior to the 1st day of January, ensuing our meeting; and that scarcely ever is an appropriation bill reported to the House of Representatives before the 1st of February? And yet we always adjourn on the 4th of March, as required by the Constitution. What, now, is the object of this limitation? To place upon us the same necessity in the long session, which we have prolonged for nine months, as the Constitution places upon us for a short session. We shall then act more and talk less, and debate no measure that it is not desirable to pass. I therefore shall vote against the amendment of the Senator from Virginia; and I say to him, in doing so, that I have great confidence in his judgment; but he ought not to seek to be the judge of the House of Representatives; he ought not to take it upon himself to say that the House of Representatives will not do what they have proposed to do. They have said that they will be ready to adjourn on the 16th of August. Let us pass the resolution. If there should be any failure, by our concurring in it, and we should be driven to the inevitable necessity of passing another resolution extending the time of the adjournment, the fault will not be ours, but will be that of the House of Representatives.

Mr. HUNTER. I desire to state a fact, which is made necessary by the remarks of the Senator from Georgia. I am not assuming to be the judge of the other House. I have consulted with some of the experienced members of the Committee of Ways and Means, and from what they tell me, it will be unsafe to adjourn before the 30th of August.

Mr. DAWSON. The Senator will pardon me for saying that we have their declaration in the resolution. It is their public act before the country. By that we are to be judged; not by the private conversation of some of their members.

Mr. SHIELDS. I desire to make a statement. I think it may relieve us from embarrassment. Perhaps we had better keep the resolution in our own power. Let it lie on the table; and let us adapt our action upon it to the action of the House. I should dislike to send it back. I would rather have the original resolution in our power, and await some further action of the House on the business before them.

Mr. GWIN. No member of the Senate is more anxious for an early adjournment than I am; for unless we adjourn early, it will be impossible for the Senators and Representatives from California to go home before the next session; but I shall not vote for any day of adjournment until we get the appropriation bills from the House of Representatives. I had some little experience on that subject during the last Congress. The Senator from New Hampshire [Mr. HALE] has alluded to what took place during the last long session of Congress. The light-house bill passed here without even being read. He might have named that; and the bill at the last session was passed also without being read; and it contained provisions which make a perfect mass of nonsense, so far as portions of my State are concerned. I think this experience, which we have had so recently, should induce us to withhold our assent from any adjournment until we have an opportunity of examining such important bills. I am therefore entirely opposed to fixing a day of adjournment now. I think it is a matter of necessity that we should have some assurance of receiving the appropriation bills from the House in a reasonable time, before we come to a determination upon an adjournment. They have not taken bills from the Speaker's table which we passed months ago. Talk about the progress of business made by that House! They have made no progress. We cannot judge of the future by the past; or, if we can, there will be no adjournment at all. We should not put it out of our power to examine the appropriation bills when they send them to us. I hope, therefore, there will be no action here on this subject until we have some evidence that we shall have time to examine those bills, or, at least, until the passage of the amendment to the rules proposed by the Senator from New Hampshire, [Mr. NORRIS.] I hope that amendment may be agreed to; and, in the mean time, I move to lay the resolution on the table.

Mr. ADAMS asked for the yeas and nays on the motion, and they were ordered; and being taken resulted—yeas 12, nays 34; as follow:

YEAS—Messrs. Davis, Dodge of Iowa, Douglas, Geyer,

Gwin, Hale, Hamlin, Norris, Rusk, Shields, Sumner, and Walker—12.

NAYS—Messrs. Adams, Atchison, Bayard, Bell, Borland, Bright, Brodhead, Brooke, Butler, Charlton, Chase, Clarke, Cooper, Dawson, De Saussure, Dodge of Wisconsin, Felch, Foot, Hunter, James, King, Mallory, Mason, Meriwether, Miller, Pratt, Sebastian, Seward, Smith, Soule, Spruance, Toucey, Upham, and Wade—34.

So the motion was not agreed to.

Mr. RUSK. I move to postpone the further consideration of the subject until to-morrow. If we go on with it now we shall inevitably consume the whole day in debating it. The chairman of the Committee on Military Affairs yesterday gave notice that he would to-day call up a most important bill, which was reported from that committee—one that is extremely important to the country, as it is to the State I represent, for we are constantly being murdered by the Indians there; and I hope it will be taken up and considered.

Several Senators. We can vote on the resolution now.

Mr. RUSK. I withdraw the motion, if we can come to a vote.

Mr. ADAMS. I ask for the yeas and nays on the amendment of the Senator from Virginia.

The yeas and nays were ordered; and being taken resulted—yeas 22, nays 22; as follow:

YEAS—Messrs. Atchison, Bell, Borland, Bright, Brodhead, Brooke, Butler, Charlton, Dodge of Iowa, Felch, Foot, Hunter, James, Mason, Miller, Sebastian, Seward, Smith, Spruance, Sumner, Upham, and Wade—22.

NAYS—Messrs. Adams, Bayard, Chase, Clarke, Cooper, Davis, Dawson, De Saussure, Dodge of Wisconsin, Geyer, Gwin, Hale, Hamlin, King, Mallory, Norris, Pratt, Rusk, Shields, Soule, Toucey, and Walker—22.

So the amendment was rejected.

Mr. MERIWETHER, when his name was called, said: I ask to be excused from voting. The question is one on which I do not feel prepared to vote, not being apprised of the state of the business before Congress.

The PRESIDENT. If such is the pleasure of the Senate the gentleman will be excused.

Mr. SHIELDS. If it be in order now, I will move to lay the resolution on the table. My reason for it is, that I think we are going to get into some difficulty. I really apprehend, though I am anxious to adjourn on the day designated by the House, that the business is not in such a way as to enable us to do so. I am anxious to adjourn; but I should prefer to keep this resolution in our own power for the present. I suggest to the Senator from Virginia, whether it will at all retard the business, to keep it a week longer in our power? I am as anxious to adjourn as he is; but there are so many important bills to be acted upon, that I think if we adjourn on the 16th, from the way the House transacts business, we shall disappoint the country. If it be competent, I will move to lay the resolution on the table, for the purpose of taking it up again at a proper time, as soon as we ascertain the state of things in the House. I do not feel prepared to vote for it now as it stands.

Several Senators. Move to postpone it.

Mr. SHIELDS. I will change my motion, and move to postpone the further consideration of the resolution until this day week. By that time I think the House will have taken some action, which will enable us to act more intelligently.

Mr. DAVIS. I hope that motion will prevail. It is hardly worth while for me to go into the reasons; but I really should be glad to know whether we can accomplish the business which is indispensably necessary before we fix upon the day of adjournment. I think we have been put to great inconvenience, and done injustice to ourselves and to the country, by the hurried manner in which we have heretofore been obliged, at the close of the session, to vote upon important bills. All the important bills of the session are in the rear at this moment—more in the rear than at any session which has occurred. I should be glad to experiment a little before the resolution is disposed of, to see what progress we can make. Whenever we can see day-light in regard to an adjournment, the earlier the better; but I should be loth to go away without discharging our obligations to the country, by passing the necessary appropriation and other bills. By passing the resolution, we may throw the opportunity of discharging our duty out of our hands. We came very near it, at the session before the last. We were driven within three or four hours of the last moments of the session, to pass the most important business

we had. I do not want to be put in that position again.

Mr. PRATT. I am satisfied that, but for the motion of the honorable Senator from Virginia, [Mr. HUNTER,] by which this resolution was laid upon the table when sent here from the House, we should have been prepared to adjourn upon the day indicated by the House. I am further satisfied, that if it continues to lie on the table, we shall be in the same position at the end of one month, or two months, that we are to-day. It is, therefore, essential, in my opinion, that we should act upon the resolution fixing upon some day at which the session of Congress shall be brought to a close. I believe that if we fix upon the 16th of August, the day mentioned by the House, the House will of course, in justice to the country at large, go to work upon those measures alone which are essential to be passed, and they will be in as good a position to do justice to the country as they will be by any postponement which we may make. We shall have at last to rely in a great degree upon the examination made by the committees of this body, to which these measures will be referred. It would be impossible for every Senator to discuss the details and particulars of them. We must rely in a great degree upon the judgment of the committees, and I, for one, am prepared now to vote for the resolution of the House. At any rate, we ought to act definitively upon the subject, and I therefore hope the motion to postpone will not prevail.

Mr. SOULE. It strikes me that the apprehensions entertained with reference to an early adjournment are unfounded. It would seem to be the opinion of some that the postponement of this resolution will give us some security that the business of the House will be brought up in time, and that the Senate will be allowed to act advisedly upon the measures which will come before it. Such seems certainly to be the object sought after by those who oppose the adjournment on the 16th of August. But will they realize what they mean to effect by voting against the resolution? In my judgment they will not. The experience of the past affords a presumption to the contrary. Now we have the House committed by the very step which it has thought proper to take—committed not only to the Senate but to the country—committed how? To the effect that it will in due time send to this body those measures which it cannot be expected we would be willing to pass without due consideration. Is not that the obvious bearing and effect of the resolution? Clearly it is.

And what are we going to do by postponing the resolution? Precisely the contrary of what we expect to realize. We are going to exonerate the House from the obligation which it has voluntarily and by its own act assumed, and incur it ourselves. I, for one, am unwilling to do so. I feel bound to presume that the House is as much aware of its responsibility as we can be of ours. I feel bound to presume that it will set itself to work, so as to avoid the consequences of that responsibility; but should my presumption in that respect be unfounded—if I were wrong in what I take pleasure to expect from the disposition of the House, then I am not at a loss as to the course I shall pursue. Whenever time shall be wanting for me to consider deliberately of measures committed to my judgment, I shall decline acting at all, and let the responsibility rest where it may. But, sir, I do not apprehend these extremities. The House will act—the more readily and promptly on account of the very position in which the resolution has placed its members. I shall, therefore, be for concurring at once in the resolution, as being the only means for bringing the business of this session to a close.

Mr. SHIELDS. I do not mean to protract the debate. I take no pleasure in throwing the responsibility *on* or *onus* on the House. The only question, I consider, is this: Shall we be able to transact the important business of the session in the time stated? The inquiries I have made in relation to the business in the House satisfy me that we shall not. Not one important measure has passed Congress this session. The table of the House is loaded with important bills from the Senate. And does any man suppose that they, and the appropriation bills, can pass within the time fixed in the resolution? I think not. I shall therefore persist in my motion to postpone the

resolution for a week, and then, after having made inquiries, if I think we can adjourn on the 16th, I will unite with other gentlemen in endeavoring to do so. But if it be detrimental to the public business we ought not to adjourn, no matter where the responsibility falls.

Mr. BRIGHT. I concur in the opinion expressed by the Senator from Maryland, [Mr. PRATT,] that had the Senate taken up the resolution of the House when it was first brought here and concurred in it, we could have been ready at the time specified to adjourn; but having failed to do so, we have as usual since that time been very industriously engaged in doing very little. Moreover, events have occurred since that time which lost to both the Houses five or six days. The vote taken but a few moments ago, shows that there are but forty-four Senators present. Six are absent by order of the Senate. In these circumstances, I think it would be very proper to agree to the motion made by the Senator from Illinois, to defer the consideration of the resolution for one week. If then we find that we shall be able to get through by the middle of next month, we ought to agree to the resolution. But I have my doubts upon that point, and I am unwilling to see the remnant of the session—the little which is left—employed in hasty legislation, as has been the case more or less for the last five or six sessions. Gentlemen prepare their business, and are unable to get it up at an early part of the session—hence, at the close, it is put through either shapeless or not at all. I was in hopes that the close of this session would be distinguished somewhat for its attention to and care of, not only public, but private business. There is an immense amount of private business undisposed of, which is now in its incipient stage. If the amendment moved by the Senator from Virginia had been agreed to, namely: to adjourn on the 30th of August, I think we could have wound up the business by that time. I was in hopes that that would have been agreed to by the Senate, but I shall now vote with the Senator from Illinois, to postpone the resolution.

Mr. PRATT asked for the yeas and nays upon the motion to postpone; and they were ordered.

Mr. RUSK. If the honorable Senator will change his motion to postpone till Monday next, I will vote for it. I think we can act upon it as well on Monday as in a week from this time.

Mr. SHIELDS. I would make the modification most cheerfully, only my object is to make some inquiries as to the condition of business in the House—to ascertain how it stands, and how we stand. I would change it, if I could obtain that information by that time.

The PRESIDENT. It can only be modified by unanimous consent, the yeas and nays having been ordered.

Mr. HALE. I object.

The question being taken by yeas and nays, resulted—yeas 27, nays 19; as follows:

YEAS—Messrs. Atchison, Bell, Borland, Bright, Brodhead, Brooke, Charleston, Davis, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Felch, Foot, Geyer, Gwin, Hale, Hamlin, James, Jones of Iowa, Mallory, Mason, Meriwether, Norris, Sebastian, Shields, Sumner, and Upham—27.

NAYS—Messrs. Adams, Bayard, Butler, Chase, Clarke, Cooper, Dawson, Hunter, King, Miller, Pratt, Rusk, Seward, Smith, Soule, Spruance, Toucey, Wade, and Walker—19.

So the further consideration of the resolution was postponed till Thursday next.

#### RECONSIDERATION.

Mr. NORRIS. I move to reconsider the vote by which the amendment of the Senator from Virginia to the resolution which has just been postponed was rejected. The motion, I suppose, can be entered on the Journal.

The PRESIDENT. That will not be necessary. The resolution has been postponed; and the motion can be made when it comes up again.

Mr. NORRIS. I suppose the motion must be made either to-day or to-morrow.

The PRESIDENT. The Chair will state that no object can be effected by making the motion now, unless the Senate take up the resolution again by reconsidering the motion postponing it. When it comes up again, this day week, the motion can be made to insert either the 30th, or any other day in place of the 16th.

Mr. NORRIS. But I suppose the motion to reconsider must be made to-day.

The PRESIDENT. The Senator does not

exactly understand the Chair. The reconsidering of the vote which rejected the striking out of the 16th and inserting the 30th would have no effect on the resolution whatever. The resolution has been postponed until Thursday next.

Mr. NORRIS. The Chair does not seem to understand me. I have given notice, that when the resolution comes up, I will move a reconsideration of the vote rejecting the amendment of the Senator from Virginia.

The PRESIDENT. That will not be necessary. When the resolution comes up again, the Senator can move to strike out "16th," and insert any other day.

Mr. HUNTER. Will it be in order to move it when the resolution comes up again, the Senate having decided against it?

The PRESIDENT. The Senate having decided against it to-day will not prevent their deciding it again. The motion to reconsider, however, can be entered upon the journal.

#### AMENDMENT OF THE RULES.

On motion by Mr. NORRIS, the Senate proceeded to consider the following resolution, submitted by him for consideration yesterday:

*Resolved*, That (the House of Representatives concurring) the sixteenth joint rule of the two Houses be amended by adding the following thereto: "And all general appropriation bills shall be sent at least ten days previous to the day fixed for the adjournment of Congress."

Mr. SHIELDS. I would suggest to the Senator to amend the resolution by inserting after the word "sent," the words "to the Senate." It is too general as it stands.

Mr. NORRIS. That was the original form in which the resolution was drawn up; but I do not think there can be anything unconstitutional in the Senate originating appropriation bills.

Mr. GWIN. I hope the Senator from New Hampshire will not alter his resolution. I hope it will remain as it is. I have no doubt of the power of the Senate to originate appropriation bills. An appropriation bill is not one for the raising of revenue. We have certainly the power of originating appropriation bills, which are different from bills for raising revenue. I therefore hope the resolution will remain as it is.

The resolution was adopted; and, as amended, the sixteenth joint rule will read thus, if the House of Representatives shall concur:

"No bill that shall have passed one House, shall be sent for concurrence to the other on either of the last three days of the session; and all general appropriation bills shall be sent at least ten days previous to the day fixed for the adjournment of Congress."

#### DEFICIENCY BILL.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill from the House of Representatives, to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1852, with the amendments thereto, submitted the following report:

They recommend that the Senate should agree to the amendment of the House, to strike out all after the word "cents," in line 7, of the twelfth amendment of the Senate, except the following provisions:

For presents and provisions for Indians visiting superintendent on official business, \$1,000.

For traveling expenses of the superintendent and the necessary attendants, \$2,500.

That it should disagree to the amendment of the House to the fourteenth amendment of the Senate.

That it should agree to the amendments of the House to the twenty-fifth amendment of the Senate, with the following amendments:

Strike out "\$43,700," and insert "\$16,000," in line 6, of the House amendment, following line 71 of the Senate amendment, and add after line 18, in the said House amendment, as follows:

"For per diem compensation and mileage of Senators, members of the House of Representatives, and Delegates, \$50,000."

That it should insist on the eighteenth amendment, and concur in all the other amendments of the House to the Senate amendments.

The twelfth amendment to which the report refers, was as follows:

"1. Page 7, after line 142, insert:

"2. For expenses of establishing the superintendency of Indian Affairs in California, authorized by the act of 3d of March, 1852, viz:

"1. For salary of superintendent, \$1,318 08.

"2. For salary of clerk, \$824 17.

"3. For rent of office for superintendent, \$1,000.

"4. For stationery, fuel, lights, &c., for office of superintendent, \$275.

"5. For messenger expenses, &c., \$400.

"6. For labor, miscellaneous items, and contingent expenses of the superintendency, \$275.

"7. For presents and provisions for Indians visiting superintendent on official business, \$1,000.



"8. For traveling expenses of the superintendent and the necessary attendants, \$2,500.

"9. For furniture for superintendent's office, \$300.

"10. For iron safe for superintendent's office, \$1,000.

"11. For United States flags, for distribution among the tribes, \$500."

The House struck out every item but the first, and the Finance Committee of the Senate recommended a concurrence in the House amendment, except as to the seventh and eighth items.

The fourteenth amendment of the Senate was to strike out these words:

"For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, and to negotiate with said Indians, under instructions from the Commissioner of Indian Affairs, for their removal from that State to some designated unoccupied territory of the United States, \$25,000."

"And insert in lieu thereof the following, viz:

"For the purchase of presents, and to negotiate under instructions from the Secretary of the Interior, with the Indians in Texas, who have intruded themselves into that State from the territories of the United States, for their removal from that State, \$25,000."

The House struck out the words which we have placed in italics, so that as amended the amendment reads thus:

"For the purchase of presents, and to negotiate, under instructions from the Secretary of the Interior, with the Indians in Texas, for their removal from that State, \$25,000."

The Senate Committee on Finance recommended a disagreement with this amendment.

The twenty-fifth amendment of the Senate added the following item:

"For the completion of the custom-house at Mobile, \$100,000."

This the House of Representatives amended by adding the following:

"For the completion of the custom-house at Louisville, Kentucky, the additional sum of \$43,700.

"For the completion of the custom-house at Cincinnati, \$50,000.

"For the completion of a custom-house and other public offices connected therewith, at Pittsburgh, \$35,000.

"For the completion of the fire proof building in the city of St. Louis, Missouri, for a custom-house and independent treasury building, and other offices of the United States, \$37,000.

"For the completion of a custom-house at Norfolk, Virginia, \$50,000."

The Senate Committee on Finance propose to reduce the appropriation for the Louisville custom-house from \$43,700 to \$16,000; and to add to the House amendment—

"For per diem, compensation, and mileage of Senators, members of the House of Representatives, and Delegates, \$50,000."

The committee recommend that the Senate insist on its eighteenth amendment, to which the House disagreed. It is to insert at the end of the clause in page 13, appropriating \$1,500 for the payment of Messrs. Babcock, Wilkinson, and Holcombe, for revising the laws of the Legislative Assembly of Minnesota, the following:

"Provided, That hereafter no expenses incurred by a Territorial Legislature shall be paid out of the Treasury of the United States, unless previously sanctioned by law."

In all the other amendments the Senate committee recommend a concurrence.

Mr. HUNTER. I ask that the bill may be taken up at this time, for the purpose of considering that report.

The PRESIDENT. It requires unanimous consent.

No objection was made.

Mr. HUNTER. If the Senate choose, the question can be taken on the report in gross or separately on the amendments. I understand the Senator from Texas wishes to make a separate question on the amendment in relation to the Texas Indians. The Committee on Finance have concurred in all the amendments made by the House to the bill, with three or four exceptions. The first was this: The House struck out all that portion of the amendment which related to the superintendency of Indian affairs in California, with the exception of the salary of the superintendent. The Committee on Finance recommend to concur in that, with the exception of two items—one being for presents to the Indians, and the other for the traveling expenses of the superintendent, who is to be sent there for the purpose of seeing the Indians. The next amendment, in relation to which there was a difference of opinion, was that for the custom-house at Louisville. The House added to the amendment of the Senate certain estimates made by the Department since it was offered. The Department recommended that

in those cases in which it was provided last year, in the appropriation bills, that \$75,000 should be devoted to the purchase of the site and completion of the building, Congress should appropriate \$75,000 for the building, independent of the site. The House adhered to that recommendation, with one exception. They allowed to Louisville \$47,000, instead of the price of the site, which was \$16,000. The Committee on Finance have recommended that that amendment be so amended as to conform it to the usage in relation to the other custom-houses, and to the estimate of the Department. That is the second case in which we differ.

The third is the amendment introduced here in relation to the appropriation for the removal of Indians who may have intruded into the territory of Texas. The House struck out the words "who may have intruded themselves into that State from the territories of the United States," so as to make it read, "for their removal from that State." The committee do not agree to that, but recommend that we should insist on our original amendment, making the appropriation for the removal of Indians who may have intruded into Texas.

The fourth, in which we disagree from the House, is in the amendment in relation to territorial expenses. We provided, in that amendment, that appropriations should not be made hereafter for the expenses of any Territory which were entered into without the sanction of law. That was rejected by the House because a law was passed in 1842 to that effect. But it is thought proper to insist on it, inasmuch as the law has been departed from, to give notice that it will be hereafter adhered to.

There is also an additional amendment which it is necessary to put in. There was a deficiency in the fund for the pay and mileage of Senators. The Secretary of the Senate sent down an estimate to the Committee on Ways and Means which was rejected in the House. The Committee on Finance have added that because it will be necessary. The original estimate reached only to the 17th of August. The Speaker of the House has drawn enough to serve that body until that period, and there is a deficiency in what is left for the Senate. It is a deficiency created in great part, it is true, by the extra session of the Senate, but still it is necessary to provide for it. The Committee on Finance have therefore recommended an amendment by which it is provided for. I believe these are the only cases in which we have differed from the House. We have recommended the concurrence in all the other of their amendments.

The PRESIDENT. If such is the pleasure of the Senate, the question will be on concurring in the report of the Committee on Finance.

Mr. RUSK. I hope that the question in relation to the Texas Indians may be excepted. I concur willingly in the whole report, with that exception. I move that that portion of the report be excepted.

The PRESIDENT. Then the question will be on agreeing with the whole of the report, excepting that portion which relates to this particular amendment.

The question was accordingly taken in concurring in the report, excepting the amendment above referred to, and it was concurred in.

The PRESIDENT. The question will now be on concurring in that amendment.

Mr. RUSK. I trust that the Secretary will read the amendment made by the Senate, and also that made by the House of Representatives.

The amendments were read as follow:

The Senate's amendment was:

"For the purchase of presents, and to negotiate, under instructions from the Secretary of the Interior, with the Indians in Texas, who have intruded themselves into that State from the territories of the United States, for their removal from that State, \$25,000."

And the amendment of the House of Representatives was to strike out the following words:

"Who have intruded themselves into that State from the territories of the United States."

Mr. RUSK. I hope the House amendment will be agreed to. The appropriation amounts to the small sum of \$25,000, for the purpose of removing the intruding Indians from Texas. The Senator from Virginia [Mr. HUNTER] seems to imagine that in the language of the House of Representatives there is conveyed an instruction to the President to remove all the Indians. There is

no such instruction. The restriction I should have resisted at the moment it was made, as an unnecessary precaution, because it not only implies a suspicion that Texas requires something improper in this negotiation, but that you cannot, on this, as on all other occasions, trust to the Executive Government the necessary powers for carrying it on. The idea, to my mind, is utterly preposterous. Whatever negotiations are made with regard to the removal of these Indians, would be the subject-matter of treaty, and must, therefore, necessarily come before the Senate. Nobody requires that such a proposition as the Senator from Virginia has alluded to should be inserted in this bill, and therefore the restriction recommended by the Committee on Finance is unnecessary, and would only impede the negotiation that would take place with the Indians, because the first step would be to hunt them up, to find them, to ascertain by legal proof, such as would satisfy the Senator from Virginia, who were the Indians that went over from the territory of the United States and settled in Texas. I should be glad to have him there as witness, and associate counsel, for the purpose of proving their identity. He would find it rather a difficult matter.

The appropriation, as made by the House of Representatives, places the matter in the discretion of the Executive of the United States, where such discretion properly rests, and where it has been placed heretofore. I think it would be preposterous for Congress to attempt to give particular instructions with regard to these Indians. I cannot see any of the difficulties apprehended by the Senator from Virginia, at all; for no liability rests on the President to remove all the Indians from Texas, according to the wording of the amendment by the House.

Mr. HUNTER. The amendment of the Senate reads as follows:

"For the purchase of presents, and to negotiate, under instructions from the Secretary of the Interior, with the Indians in Texas who have intruded themselves into that State from the territories of the United States, for their removal from that State, \$25,000."

Now, the Senator from Texas says it is only designed to have it apply to Indians who intruded themselves into the territory. If that is the only design, why not express that idea in terms? because I think he will see, if he examines the amendment which the House have sent here, that there is danger of its receiving a very different construction. He asks who is to ascertain what Indians have intruded into the territory of Texas? It was the Senator himself who said that the Indians had intruded, and he is lawyer enough to know that the burden of proving who they are rests on him. We have an agent there, and we will appropriate the money to remove those who are proved to have intruded. But take it the other way, and suppose we expunge these words from the amendment, and how does it stand? Here is a very small sum appropriated, but it is nevertheless the entering wedge, which implies that the United States is under some sort of obligation to remove the Texan Indians from Texas. Where shall we remove them? Where is the territory which we have for the purpose of removing them? They belong to Texas, and the United States have not assumed the obligations to remove them and provide a place for them elsewhere. If the Senator from Texas thinks the United States are under any obligation to remove them, the question should come up in another shape; for it is a large question, and requires much consideration.

The Senator has complained that our Indians have intruded upon Texas and committed depredations there. I am willing to make appropriations for the purpose of securing the people of Texas, so far as the Government can do it, from such intrusions; beyond that I am not willing to go. I do not think we are bound to do it, nor can we have the means to do it, unless we make some further provision for that purpose. Whenever we do that, it will take a much larger sum of money than \$25,000.

But the Senator says that this removal is to be a matter of discretion with the President of the United States. The President of the United States, however, will be compelled to exercise his discretion within the provisions of the law; and if by law we acknowledge the obligation, and assume the business of removing the Indians from Texas, what discretion will the President have? When

we have a law on that subject he will be bound to execute it. I am unwilling, at present, to assume that we are under any such obligations. When the question comes up fairly I am ready to consider it. I wish to reserve my opinion until that time, as I do not wish to prejudge it. I therefore desire to have the words put in which were put in by the Senate, for the purpose of excluding the idea that we are under obligation to remove them.

Mr. RUSK. I do not think that a solitary appropriation has ever passed this body, extending the hand of this Government to afford protection against Indian depredations in Texas, without undergoing the strictest and most searching investigation—depredations not committed by the Indians belonging to Texas, but by Indians who, by the policy of this Government, and in the teeth of their solemn treaties, have been forced upon them. I assert the fact, that this Government has violated the obligations of its treaty, and has forced upon Texas, from the frontier of the territory lately purchased from that State, a tribe of Indians the most dangerous, and from which the people of Texas suffer more than from all other tribes together. The Government not only did this, but it furnished to them \$10,000 a year, furnished in arms and ammunition, which they used upon our defenseless women and children; and now, when the pitiful sum of \$25,000 is asked to be placed at the discretion of the Executive officers of this Government, for the purpose of removing these Indians from Texas, metaphysical arguments are brought forward to show that it would be incurring an obligation on the part of the United States to remove all the Indians from Texas. We ask for an appropriation of \$25,000 for the accomplishment of this desirable end—the removal of those Indians which have been forced upon us by the policy of the United States Government.

And, sir, the honorable Senator from Virginia chooses to say that the Indians belong to Texas! Sir, they belong as much to the United States as to Texas, even the Indians in regard to whom he entertains so much alarm lest the Government should be compelled to remove the whole of them—I mean the Camanches. More of their home, if they have any home at all, is in the territory acquired by the United States from Texas. Their principal range is in the territory; and the Senator from Virginia, it seems to me by his course of reasoning, is not only desirous of driving these Camanches, and Caddoes, and Cherokees, and Shawnee Indians into our territory, but he is unwilling to assume the responsibility of keeping out these Camanches. It seems to me that his objection to the amendment of the House of Representatives involves a suspicion which the words of that amendment will not bear, and for which they do not appear to me to furnish the slightest foundation.

Mr. HUNTER. The Senator from Texas has introduced two or three issues, which, it seems to me, do not arise out of this amendment. The first is the treatment of the State of Texas by the United States Government. I was not aware before, sir, that the Government of the United States had dealt hardly or unkindly with that State; but if that question should ever come up, and if the Senator is determined to maintain that opinion, I hope he will do it on some other occasion—that it may be discussed in connection with some other bill; for I have no doubt that if he enters into that inquiry, he will find that he has not quite so much cause of complaint as he thinks he has. He says I am unwilling to relieve the State of Texas from the pressure of the Indians, whom we have forced upon them. Why does he say so? I say I am willing to adopt an amendment providing for the withdrawal from Texas of all the Indians over whom the United States has control, and for whom they are responsible. I did not say that the United States might not at some future day to provide a place of refuge for the Indians in Texas. All I said was that I was not willing to prejudge that question, and to give such a shape to the amendment as would cause us to assume that obligation; for I am not convinced that it is an obligation resting upon the United States, to provide for the removal of these Indians. He has said, what I admit to be true enough, and what would be provided for in the amendment if it retained its original shape—namely, that we are bound to save them from the intrusion of those Indians which belong to the territories of the United States. But,

sir, I apprehend that we would find it an embarrassing question, if we were to attach to the United States the sole responsibility of managing all the Indians in Texas. They may, indeed, undertake it at some period or other; but, as I before remarked, that is a question upon which I do not now wish to pass judgment—one on which it is not now necessary to pass judgment. The principal evil of which he complains is the intrusion of the United States Indians upon Texas. For that evil I am willing to provide a remedy. This amendment, as it was passed by the Senate, provides that remedy, but I am unwilling to go further.

Sir, the Senator from Texas objected that metaphysical arguments have been used against the claims of Texas. If the claim of Texas is restricted to what is asserted in the amendment, I have used no argument against it. I have admitted a willingness to provide for it. Neither have I argued that other question; but I apprehend, whenever it does come up, let the Senator take which side he may, he will use metaphysical arguments, if he argues the question at all.

Mr. RUSK. The Senator from Virginia charges me with having raised this question, when he has raised it himself, by saying that the amendment of the House assumes the right of the Government of the United States to remove all the Indians from Texas. The Senator himself raises the question, and then objects to my answering him. Now, I say that, if this amendment pass, as proposed by the House, no such obligation as the Senator speaks of is incurred, not in the slightest degree. The amendment now appropriates a certain sum for the removal of the Indians—nothing more.

I will state my position again: Texas ceded to the United States a large quantity of territory, over which these Camanches roam twice as much as over the State of Texas. Suppose that, in the expenditure of this money, the President of the United States should see fit to say to these Camanches—and such a policy has been recommended by the officers who have had counsel with them—suppose that the Government should say, "We will locate you here, and will furnish you with the implements of husbandry, and will furnish you with provisions;" suppose that were done by the Government, in the territory belonging to the Camanches, still that territory belongs to the United States, and the Senator would, in fact, preclude the attempt from being made to induce the Camanches to quit their robbing and murdering habits. However, I do not expect that to take place, nor to see such a treaty made. The Senator, in his place here, will not allow anything bearing such a construction to pass; and, in his desire to avoid any responsibility on the subject, frames the appropriation in such a way as to preclude any idea of obligation resting on the United States to provide for the security of the frontier. Now, I ask him—and he is a better lawyer than I am—to show how this amendment imposes the slightest obligation on the part of the United States. Words are generally used in incurring an obligation, and I ask him to read, and plainly construe, this amendment, and show me where there are three words which imply the slightest obligation on the part of the United States to remove all the Indians.

There is an obligation on the part of the United States which the Government has not been very ready to discharge; that is, the defense of the frontier; but I do not mean to enter into a discussion on that point now. The Senator says that I shall have some little difficulty in showing that these Indians entered Texas from the territory of the United States! Sir, I should find none. I court that issue at any time. I stood by, myself, and was a witness of the intrusion. I stood by, and saw the arms and ammunition, taken from these Indians. If that was not dealing hardly with Texas, I do not understand the English language. If furnishing these savages with arms and ammunition for the slaughter of women and children is not dealing hardly, I do not know what could be so termed.

The PRESIDING OFFICER. The question is on concurring in the amendment made by the House of Representatives to the amendment of the Senate.

Mr. HUNTER. The Committee on Finance recommend that the Senate do disagree to that amendment.

The amendment was not agreed to.  
The PRESIDING OFFICER. That disposes of all the amendments made to the bill.

#### PROTECTION OF THE TERRITORIES.

Mr. SHIELDS. If there is no other business now before the Senate, I move to postpone all prior orders, for the purpose of taking up House bill No. 259. It is "An act to provide for the protection of the Territories of New Mexico and Oregon, and the States of Texas and California," which has been reported back from the Committee on Military Affairs, with an amendment.

The motion was agreed to, and the Senate proceeded to the consideration of the bill as in Committee of the Whole.

The bill, as it came from the House, provides that the President be authorized to cause arms to be distributed among such portions of the inhabitants of New Mexico and Oregon, and the States of Texas and California, as he may deem advisable, and under such regulations and precautions as may be considered necessary to insure the preservation of said arms, and the application thereof to the defense of the said Territories; and that so much of the two hundred thousand dollars annually appropriated by the act of 23d of April, 1808, for arming the whole body of the militia of the United States, as may be necessary, shall be used for that purpose, anything in said act to the contrary notwithstanding; and that the President be authorized, whenever he may deem it necessary for the protection of said Territories, or either of them, to call out all, or any portion of the militia thereof, or to accept the services of one or more volunteer companies which may be raised therein; and that the volunteers and militia so called into service shall be entitled to the same ordinary monthly pay and allowances as were provided by law for volunteers while in the service of the United States under the act entitled "An act providing for the prosecution of the existing war between the United States and the Republic of Mexico," approved May 13th, 1846.

The committee proposed to amend the bill by adding thereto the following sections:

Sec. 3. *And be it further enacted*, That the President of the United States is hereby authorized to accept the services of as many companies of mounted Texan rangers as he in his judgment may deem necessary for the protection of the Texan frontier: *Provided*, That the whole force thus raised and employed in Texas, shall in no case exceed the number of five hundred men.

Sec. 4. *And be it further enacted*, That each of the said companies of rangers shall consist of one captain, one first, one second, and one third lieutenant, five sergeants, five corporals, and one hundred privates, who shall engage to serve the Government for one year, at least, from the date of their muster into the service of the United States, unless otherwise ordered and directed by the President.

Sec. 5. *And be it further enacted*, That the said mounted rangers shall provide their own horses, clothing, and equipments, with the exception of arms and ammunition, which arms and ammunition are to be supplied by the Government; but if any member of any of said companies shall fail, during his term of service, to provide himself as above mentioned, the United States may furnish him with the same, and retain the amount out of his pay.

Sec. 6. *And be it further enacted*, That the commissioned officers shall receive the same pay and emoluments as officers of the same grade in the Army of the United States, and the officers shall be allowed forage for their horses, and be entitled to the same rations as those of the same grade respectively in the Army of the United States; and the sergeants shall be allowed \$28 per month, the corporals \$25 per month, and the privates \$22 50 per month respectively, and shall be entitled to the same rations and the same forage for their horses, which are now allowed to dragoons in the regular service of the United States.

Sec. 7. *And be it further enacted*, That the officers, non-commissioned officers, and privates, raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds or otherwise, incurred in the service, as has heretofore been allowed to officers, non-commissioned officers, and privates, in the military establishment of the United States, but shall in no case be entitled to compensation for the loss of horses or private property, and shall be subject to the rules and articles of war, and such regulations as have been or shall be established according to law for the government of the Army of the United States.

Sec. 8. *And be it further enacted*, That when the President shall deem it necessary to employ any portion of said force for the protection of the Texan frontier, he shall cause the Governor of Texas to be notified of his intention, designating the number of companies that will be required, and the place or places of muster: and such company or companies as the Governor may select for said service, not exceeding the number designated by the President, and who shall present themselves regularly organized and equipped, in accordance with the requirements of this act, shall be mustered into the service of the United States, and shall continue in such service, subject to the rules and regulations aforesaid, for the term of one year, unless otherwise ordered and directed by the President.

Sec. 9. *And be it further enacted*, That the President is also authorized to call upon the Governor of California for

any number of companies which he may deem necessary for the protection of the frontier of said State, not exceeding five in all, to be in all respects mounted, organized, and equipped, to consist of the same number of officers, non-commissioned officers, and privates, to receive the same pay and emoluments, to serve under the same limitations for the same term, and to be subject in all respects to the same rules and regulations as already provided by this act in the case of the Texan rangers.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The question will then be on agreeing to the amendment proposed by the committee.

Mr. SHIELDS. I am informed that the reading of the report of the Committee on Military Affairs will greatly facilitate the passage of this bill. I wish the report may be read.

The PRESIDING OFFICER. Let the report be read.

It was read accordingly; from which it appears that the state of affairs on the Rio Grande frontier is of the most deplorable character. Pillage, robbery, and murder are of such frequent occurrence as to render life and property altogether insecure; and unless immediate steps be taken to arrest the evil, there is reason to apprehend that it will end in an atrocious and vindictive border warfare in that region of our country.

The committee, without deeming it material to inquire into the causes which have produced these outrages, or to specify particulars, declare that it is a matter of public notoriety, that the present condition of the Texan frontier is such as to require the immediate attention of the Government. The mixed character of the population on the Rio Grande frontier, differing in habits, manners, and language, naturally leads to dissensions, and as the American settlements on the Rio Grande are sparse and defenseless, adequate protection cannot be furnished by the civil authorities, aided by a small and insufficient force along such a vast extent of country. Protection can only be afforded by a strong force of mounted riflemen, such as was used in a similar case by the Republic of Texas.

An equal necessity seems to exist for the employment of a similar force in California. A large portion of the population of this State, from the nature and variety of their pursuits, are scattered over the frontier and exposed to Indian hostilities. It is not to be expected that a small regular military force could furnish adequate protection throughout the whole extent of the California frontier; and besides, experience shows that the temptation to desertion is so great, that the regular military force cannot be relied on for adequate frontier protection in that State. Mounted rangers seem to be best calculated for such irregular and anomalous border service, until such time as a change in the condition of things in these States may render a small regular force sufficient for their protection.

The measure here recommended will enable the President to call out this force as circumstances may render it necessary; and if, upon full trial, it be found efficient, he will be able to withdraw, at his discretion, a large portion of the regular force from California and Texas, and concentrate the same in New Mexico and Utah, and on the great lines of travel between the Mississippi valley and Pacific coast.

This disposition of the military force of the country will afford additional, and it is to be hoped adequate, protection to the inhabitants of these Territories, and to emigrants crossing the continent; and will, besides, contribute to diminish the enormous expense of maintaining a multitude of small military posts—policed rather than garrisoned by military detachments, wholly insufficient to overawe the Indians or to protect the inhabitants.

With a view, therefore, to preserve peace with a neighboring Republic, to prevent a lawless border warfare, and to afford such protection to our frontier settlers as their present defenseless situation so urgently requires, the committee reported back the bill, with an amendment designed to accomplish these desirable objects.

The amendment was agreed to, and the bill was reported to the Senate.

Mr. GWIN. The compensation which is allowed to the men I think is entirely too small. It is only \$22 50 per month; and it is well known that, so far as my State is concerned, we cannot secure the services of mounted rangers with their own horses at that rate of compensation. We give to common soldiers there \$15 a month. These

men are to be out in the bush; they are to find their own horses and equipments, and it will be impossible to execute this law, unless you increase the compensation. I therefore move that the compensation be at least fifty per cent. above that proposed in the bill.

Mr. SHIELDS. I hope the Senator from California will not persist in urging this amendment.

Mr. GWIN. I have prepared an amendment, which I now offer. It is to insert in the eighth line of the ninth section, after the word "emoluments," the words "with an addition of fifty per cent. for two years and." The section, as thus amended, will then read:

Sec. 9. And be it further enacted, That the President is also authorized to call upon the Governor of California for any number of companies which he may deem necessary for the protection of the frontier of said State, not exceeding five in all, to be in all respects mounted, organized, and equipped, to consist of the same number of officers, non-commissioned officers, and privates, to receive the same pay and emoluments, with an addition of fifty per cent. for two years, and to serve under the same limitations for the same term, and to be subject in all respects to the same rules and regulations, as already provided by this act in the case of the Texan rangers.

Mr. SHIELDS. By the terms of the bill these men are to be employed but one year. If the force be found sufficient, and if it answer the purpose, the President can continue it *pe-hap* for two years. Consequently the amendment is objectionable on that ground. But there is another consideration. The same principle applies to all the troops serving in California. I presume the allowance made to the troops in California is wholly inadequate; but there has been no legislation giving additional pay to any of the regular troops. The legislation that took place on that subject has expired, and I think it would be unfair to give this additional pay to this force and not to the regular troops also serving in the same country and under the same circumstances. And I may as well state here as at any time, that we considered this force, which is to consist of about five hundred men, to be the cheapest, as well as the best kind of force that can be employed on that frontier; and that although the monthly pay is much greater than that of the regular troops—the latter receiving only eight dollars per month, and these twenty-two and a half dollars per month—yet as they will furnish their own horses and clothing, and as they will present themselves organized and ready for reception into service, we find them much cheaper than any regular forces raised in any portion of the country and transported to the frontier. I could go into the items and give every item of expense, but I presume it is unnecessary. The chief expense arises in the first place in the recruiting; next, in the contracts in relation to horses and equipage, in contracts for clothing, in transportation from the East to the West, and in the casualties accompanying that transportation; for the loss by casualties attending the transportation of horses, in most cases, amounts to twenty-five per cent. I find this is the most effective and at the same time the cheapest force that can be employed on the frontier.

Now I suppose that no man who has watched the state of things on the Rio Grande, does not see the necessity of some additional protection, not only to our own people, but that species of protection which, by our treaty stipulations, we are bound to give to the Mexican people on the soil which we have acquired. If this force does not accomplish it, I cannot, for my life, devise any scheme by which it can be done; for I take it for granted that the character of the men who present themselves, thus armed and equipped at their own expense, will be far superior to that of men recruited about the recruiting stations. I am also satisfied that the men who reside in, and are acquainted with the country, with the Indians, and the Mexicans, if they are the right sort of men, will be much more efficient, and a more valuable force for the protection of the frontier, than any men sent from the East.

I will say nothing as to the necessity for such protection. I presume that the Senate admits that; but I will say that on the Rio Grande, from its mouth to the Paso del Norte, we are on the eve of one of the most nefarious border wars that any country ever engaged in; it will be distinguished by murder and robbery in every degree. It is too frequently the case, and, in saying this, I feel that Senators who are acquainted with that coun-

try will bear me witness, that the guilty there escape the punishment of their crimes, and the innocent suffer. For instance, a murder is committed on the American side of the river, and the guilty parties escape to the mountains, perhaps to the woods; the next day the party that sets out in pursuit of the murderers, find it impossible to arrest them, but wreak their vengeance on the innocent. That is the state of things now on the Rio Grande. I wish I could impress on the people there the necessity of keeping sacred faith with the Mexicans; every consideration of duty, of policy, and of magnanimity, should make them do so.

I take it for granted that if five hundred well-selected, intelligent men were raised and embodied in Texas, that we shall hear nothing more of filibustering and Caravajalling. I think that if such a force had existed Caravajal would never have shown his face on the American side of the Rio Grande.

Now, as I remarked, from the calculations I have made, it seems that this force will cost \$531,821 a year; a regular force of mounted men, enlisted regularly, at the same pay as regular troops, and sent there, would cost the Government \$752,735 the first year, and for the second, and each subsequent year, would cost \$437,035. As I have already stated, the expense is incurred here, not on the frontier; in your contracts, in the transportation of men and horses from the East, from Maine and Massachusetts, to California; whereas this bill provides the means for obtaining the men, together with their horses and clothing, on the spot. The men provide their own horses and their own clothing, consequently the only expense to the Government, is for the forage for the horses, and for the pay and rations of the men.

Now, with regard to the amendment offered by the Senator from California, [Mr. GWIN,] my impression is, that there is a necessity for an increase of pay in the whole of that State; but the increase should be equal; it should apply to the regulars, as well as to the volunteers, and the Committee on Military Affairs has that matter under consideration, and intend to bring in a general bill on the subject. I think, therefore, it would not be advisable to introduce the subject into the present bill.

Mr. GWIN. As the chairman of the Committee on Military Affairs has stated that the committee intend to report a general bill giving increased compensation to the army and officers in the State of California, that will answer the purpose of my amendment. The increased compensation which I propose should be in operation for two years. My proposition was to increase it fifty per cent. within that period. I am quite of opinion that the compensation should be increased, and on the assurance which has just been given to the Senate by the chairman of the Committee on Military Affairs I will withdraw my amendment.

Mr. SHIELDS. As the bill came from the House it only provided for the Territories of New Mexico and Oregon. It said nothing in regard to Utah. I presume that that was done on the assumption that the Mormons were able to protect themselves; but on mature consideration it seems to me to be better that we should legislate equally as to all, and that the Territory of Utah should be included with the Territories of New Mexico and Oregon. I will state that by this bill the President of the United States has the power either to call out the troops in these Territories or not, as the necessities of the case may appear to require. If there be no necessity to call them out, of course he will not do so. And if there should unfortunately be such a necessity, then he can call them out in proportion to such necessity.

In relation to the remark of the honorable Senator from California, that if these troops that are thus to be raised in Texas and California should not accomplish the object for which they are designed, I trust the President will disband them at once—and particularly in Texas. If the troops thus raised do not prevent these outrages on the Rio Grande, and if it is found that after they are raised these outrages continue, and that the Americans go to the other side of the Rio Grande and aid Mexicans to violate the laws of Mexico, I should be quite willing, for one, to call upon the President to disband them at once. I trust, however, to the honor and the character of the men;



and I trust something to the State of Texas, too, for she has more interest than any other portion of the country in putting down the paltry and insignificant warfare that is going on, and which is as disgraceful to our country as it is injurious to the country on the other side. But while I say that, I must also say for our own side, that there is now on the Mexican side a large body of Mexican troops—if troops they can be called, which receive no pay—for the Government of Mexico is too poor to pay them—and they may be considered as half soldiers and half brigands—these men are necessary to protect our people against that class.

Mr. RUSK. The troops provided for by this bill, which I think is about the best that could have been provided, have been called for by the President of the United States. The Mexicans have on the opposite side several thousand troops at Matamoros. Our own forces during the time of the filibustering affair were not more than about twenty. We have a custom-house in which are deposited large stores of goods, and, I believe, there is not a single soldier at the place. In another part of the country, where the Camanches cross for the purpose of committing depredations, I think there have been two broken companies. At Paso del Norte there was a station, at which there were some hundred soldiers. The commander of that portion of them used to be attached to the ninth military division including New Mexico. The commander removed the soldiers from that station, and they have no soldiers there now at all.

In regard to the apprehension which might be entertained from these troops entering into any collision with Mexico, I think there need be none at all. I am very sure that if there had been two hundred Texan rangers upon that frontier during the time of Caravajal's operations there, none of it would have been heard of. Previous to the time that Caravajal commenced his hostilities, the citizens of Texas, scattered up and down the towns on the Rio Grande, were enjoying a trade of some two or three millions of dollars annually, a profitable trade with Mexico; and that trade, by the operations of Caravajal, a man totally destitute of character, has been entirely broken up. If the citizens of Texas had been in sufficient numbers there, they would have stopped his operations; and I have no doubt that if two hundred soldiers had been there, none of those depredations would have been committed. The presence of two hundred Texan rangers would mend the manners of the Mexicans speedily; for they have some occasion to entertain considerable respect for that class of troops, with whom they have heretofore had some little acquaintance. They would effectually preserve peace on that frontier.

The amendments made to the bill, as in Committee of the Whole, were concurred in by the Senate.

Mr. SHIELDS. The bill in its present form provides only for the distribution of arms among the people of the States of Texas, and California, and the Territories of New Mexico and Oregon. I move to amend it by inserting "Utah" after "New Mexico," so that it will read: "That the President of the United States be, and he is hereby, authorized to cause arms to be distributed among such portions of the inhabitants of New Mexico, Utah, Oregon," &c.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

#### MEXICAN BOUNDARY COMMISSION.

Mr. CLARKE. Mr. President, the resolution introduced by the honorable Senator from California, [Mr. WELLER,] for the appointment of a select committee to investigate the charges preferred against the Commissioner upon the Mexican boundary was the made special order for to-day. The honorable Senator from California himself designated to-day; but he is not here, and I should be very unwilling to proceed with the discussion in his absence. There is some evidence now being prepared in regard to the subject which is not yet fully completed; I therefore move that the resolution be taken up in order, that its further consideration may be postponed until Wednesday next.

The motion was agreed to; and the Senate accordingly resumed the consideration of the resolution.

Mr. CLARKE. I move to postpone the further consideration of the resolution until Wednesday next, and make it the special order for that day.

Mr. DOUGLAS. I must object to making this resolution the special order for Wednesday, as such a proposition was strenuously resisted in regard to a bill which I have been urging, and which stands postponed to the day previous to that named by the honorable Senator.

Mr. CLARKE. I do not insist upon that part of the motion with regard to making the resolution the special order; but simply move that its further consideration be postponed till Wednesday next.

The motion was agreed.

#### EXECUTIVE SESSION.

On motion by Mr. CLARKE, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, July 15, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is House bill No. 271, "granting the right of way and a portion of the public lands to the States of Florida and Alabama for the construction of certain railroads in said State."

Mr. SIBLEY. I ask the unanimous consent of the House to submit a resolution.

There being no objection, the resolution was then read, as follows:

*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of establishing one or more additional land offices in Minnesota, and providing for the appointment of a surveyor general for said Territory, and that said committee report by bill or otherwise.

The question was then taken, and the resolution was adopted.

Mr. MACE. On yesterday, when the Collins line appropriation was up, and my name was called, I stated that I would not vote because I had paired off with Mr. BENNETT, of New York. I was opposed to the appropriation. The matter was omitted by the Reporters.

The SPEAKER. The question is upon committing the bill to the Committee of the Whole on the state of the Union.

Mr. CABELL, of Florida. That motion was made with a view of preventing the bill from going upon the Speaker's table. The bill has been frequently under consideration, and I do not propose now to make a long speech in favor of it. I will merely call the attention of the House to the fact that this bill, which is now under consideration, was the first bill of the kind ever introduced into Congress. As far back as 1836, a bill of this kind was reported to this House, and passed the Senate, and has continued to pass the Senate from year to year.

Other States have availed themselves of the suggestion or plan proposed by the Pensacola Railroad Company to induce the General Government to aid in the construction of railroads passing through the public lands by a grant of the alternate sections of land on either side, and two States have been more fortunate than the State of Florida in inducing the Committee on Public Lands to report their bills in advance of others, which have passed both Houses of Congress and become laws. Signal benefits have thus been conferred on the States of Illinois and Missouri, in the Northwest. We now ask a similar act of justice and liberality for my section of the Union, the extreme Southeast. The bill under consideration provides for a road from the town of Pensacola, in Florida, to Montgomery, in Alabama, about one hundred and fifty miles in length. If gentlemen will refer to the documents upon the subject, they will find that this very road has been recommended from time to time by the War Department as absolutely essential to the protection of the town of Pensacola. There is between that town and the populous parts of Alabama, and other sections of the country, a wilderness of some sixty or seventy miles, which separates that place from the rest of mankind. It has been deemed by the Department, as you will see by referring to the reports

of the engineers, that in order to give security to the public works at Pensacola, which have already cost the Government millions of dollars, it is absolutely essential that some means of transportation be afforded for the troops and munitions of war essential to the protection of such important national interests. There is, at present, no means of getting to Pensacola except by sea. It is mentioned in one of these reports that during the difficulties on the Canada frontier some years ago, the British Government transferred their naval station from Halifax to Bermuda, some two hundred and eighty miles from Charleston. They are, as you know, already in possession of the Island of Jamaica, and we can imagine what will be the situation of this country and the condition of the inestimably valuable commerce passing around the capes of Florida, if we have not some strong point upon the Gulf of Mexico which is accessible to our troops and munitions of war.

It has been very properly and wisely said by a committee of a former Congress, to whom this subject was referred, that "without an easy, rapid, and safe railway communication to the interior, 'all their money, and all the national considerations which dictated the purchase of Florida' with a view of obtaining Pensacola for a naval 'depôt, will result in so much benefit conferred on 'any great naval Power with which we may hereafter happen to be at war.'" In this connection I ask the attention of the House to a few extracts from the reports of Colonel Totten, Chief of the Engineer Department:

In his report to the Secretary of War, dated November 2, 1843, he says:

"The fortifications of this harbor, at the present moment, so far as the works themselves are concerned, constitute a formidable and efficient array of strength; and, within two or three years, the entire system of local defense will be complete, excepting only such auxiliary means as may, without danger, be left to be executed when about to be needed."

"But there are other considerations connected with the security of this great harbor, which are independent of mere defenses, whether naval or military; such, I mean, as relate to a safe and easy communication with the sources of supply and relief. These are of more than common interest here, because any enemy that should be able to test the arrangements for defense would, in doing so, completely cut off all the existing channels of communication. This isolated position of Pensacola, in reference to any productive or populous region, is its peculiar disadvantage; which has all along been kept in view by those connected with the defensive preparations, and by them has been repeatedly presented to the notice of the Government."

"There was a time when private enterprise seemed about to connect this mere harbor of refuge into one of the great entrepôts of western commerce, by opening a direct and speedy communication with the interior; but, since the failure or postponement of that hope, the extent to which the General Government may, in such a case, interfere to carry out enterprises having such an object, would seem to have become a very important question."

In his report dated November 30, 1844, Colonel Totten uses the following language:

"Pensacola harbor, Florida.—I beg leave to refer to previous reports from this office for strong expressions of opinion as to the value of this harbor to the nation, and the importance to the large public interest already established therein, of opening direct communication with the interior. The works of defense, in charge of this department, have been improved to the extent admissible with the funds at command, and are now in progress of such improvement. Some further aid will be needed, as stated in the following reports on the particular works."

Colonel Totten, in his report dated November 1, 1845, uses the following emphatic expressions in regard to the necessity of a communication to the interior from Pensacola:

"Now that the defenses of this harbor are in a condition of efficiency, inviting the resort thither for shelter, in time of war, of vessels of every description, and warranting any extension which it may be desirable to give to arrangements for their repair, reëquipping, and refreshment, it appears to be quite important to look to the means of getting access to the productive and populous interior districts. The sterility of the region contiguous to Pensacola is the only defect which its harbor has as a naval station or a point of rendezvous; but this defect may be a very serious one in certain moments, and invites, therefore, the particular attention of the Government. It is presumed, that if no opportunity be afforded for the National Government to act directly in the matter, any private enterprises, tending to remove this difficulty, will be eagerly patronized."

In his report dated 10th November, 1846, he again calls attention to this subject, and says:

"I have so often, in my annual reports, invited the attention of the Government to the importance of this harbor for national purposes, and to the need of opening a communication with the rich country of the North, and shall, therefore, on these subjects, now restrict myself to referring back to these communications."

There are many other reasons which I could give in favor of this road, but I am satisfied if I

go into a long discussion of the subject, it will be utterly impossible to get a vote to-day. Enough has been said to show the national importance of this road, and the interest which the Federal Government has in its construction. I will merely add, that another great advantage to the country from the construction of this road is, that it will form a continuous line of railway communication from the extreme eastern section of the Union to the Gulf of Mexico, thereby affording increased facilities to the Government for the transportation of the mails, and a speedy and direct communication between the Atlantic cities and those on the Gulf of Mexico. At present the great line of railroads to the Southwest terminates at Montgomery. This road will complete the connection.

In this same bill there is a provision made for a road across the peninsula of Florida, from some point upon the Atlantic, on or near the St. Mary's river, to some point on the Pacific coast, to be designated by the State of Florida. The importance of this road as a national work must be obvious to all. The question has claimed the consideration of this Government for a series of years, as to whether a ship-canal could be constructed across the peninsula of Florida. That project has been held by many scientific men not to be a feasible one. At all events, its feasibility is so doubtful, that I have no idea that this Government could now be induced to undertake it. The railroad which we now propose will be, in some sort, a substitute for the project of the ship-canal, and so far from interfering with the latter project, will be in aid of it, by diverting travel and commerce, and thus attracting public attention to the importance of this communication across the peninsula to avoid the dangerous navigation around Cape Florida. The proposed road passes through a district of country "so poor that it will not yield black-eye peas," and will never be worth five cents an acre unless this road is constructed. This fact every man knows who has ever been in that section of the country; for it is a sandy, pine, barren country throughout nearly its entire length. We propose, by this bill, to give the State the alternate sections of land on either side of this road, which, though utterly worthless in themselves, will acquire great value from the facilities the road will afford for the transportation to market of lumber, pitch, tar, and turpentine, the only products of the land, and which it is now utterly impossible to make available. The increased value given to similar lands, similarly situated in the State of North Carolina, by the construction of the Wilmington road, enables us to form some estimate of the advantage to the Government, as a great land proprietor, in a pecuniary point of view, by the passage of this bill and the completion of this road. The alternate sections reserved to the Government at present are worth nothing. Their value will probably be enhanced to the increased estimate, \$2 50 per acre, put upon them by this bill. Whatever may be true of alternate sections of land through which the other railroads in the Northwest may pass, it is certainly true in this case, that the lands in these alternate sections are utterly worthless without the construction of this road. I do not know that it is necessary for me to say more upon this subject now, except that the Legislature of the State of Florida has authorized a subscription, on the part of the State, of \$1,000,000 towards the construction of this road. I withdraw the motion to recommit, and move to put the bill upon its passage, and upon that motion I demand the previous question.

The SPEAKER. The Chair understands that the gentleman did not submit the motion to recommit.

Mr. CABELL, of Florida. I think I made the motion.

The SPEAKER. The gentleman made the motion to recommit to the Committee on Public Lands. The gentleman from Tennessee [Mr. JONES] moved to recommit it to the Committee of the Whole House on the state of the Union. That is the question.

Mr. CABELL. Those motions were separately reconsidered, if the Speaker will recollect, until we came back to this distinct vote. I had the floor upon the last motion, which was to recommit the bill. All those other motions had been reconsidered. That is my recollection. Was there such a motion as to recommit the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. The motion to recommit it to the Committee of the Whole on the state of the Union is now pending.

Mr. CABELL. Will the Speaker be so kind as to tell me who made that motion?

The SPEAKER. The gentleman from Tennessee [Mr. JONES] made the motion, and he followed it up by a motion to lie upon the table, which was voted down, and the question recurred upon the motion to commit, which is now the question before the House.

Mr. CABELL. What will be the effect of the previous question? Will it cut off the motion to put the bill upon its passage?

The SPEAKER. It will bring the House to a vote first upon the motion to commit.

Mr. CABELL. And what will be the next motion?

The SPEAKER. Upon the passage of the bill.

Mr. CABELL. I shall move the previous question.

Mr. SEYMOUR. I wish to inquire if this road is embraced among the roads provided for in the land bill which has passed this House?

Mr. CABELL. There is a clause in that bill to this effect: that the lands granted to railroad companies shall be deducted from the land appropriated to the individual States. There are two millions of acres appropriated in that bill to the State of Florida. We desire now merely to give direction to that grant, and have it deducted from the two millions. I call the previous question.

Mr. HOUSTON. I wish to ask the gentleman from Florida whether that bill does not itself direct the application of land for that road?

Mr. CABELL. No, sir.

Mr. MILLSON. The House is thin, and with a view of giving time to absent members to have an opportunity of voting, I move that there be a call of the House.

Mr. LOCKHART demanded the yeas and nays; which were ordered.

The question was then taken upon Mr. MILLSON's motion, and there were—yeas 35, nays 108. So the House refused to order a call.

The SPEAKER. The question is upon recommitting the Florida land bill to the Committee of the Whole on the state of the Union. If that motion should fail, it will bring the House to vote first upon the amendment, and then upon the engrossment of the bill.

The previous question was seconded, and the main question ordered.

The SPEAKER. The question recurs upon committing the bill to the Committee of the Whole on the state of the Union, and having it printed.

Mr. HARRIS, of Tennessee. I move to lay the bill upon the table, and upon that proposition I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 75, nays 84; as follows:

YEAS—Messrs. Aiken, Allison, Averett, Bibb, Bingham, Bock, Buell, Busby, Joseph Cable, Lewis D. Campbell, Carter, Caskie, Chapman, Chastain, Curtis, George T. Davis, Dean, Dimmick, Edgerton, Edmundson, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Green, Grow, Hamilton, Hammond, Isham G. Harris, Hart, Hibbard, Holladay, Hunter, Ingersoll, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, Mason, McLanahan, McMullin, McQueen, Meade, Millson, Morrison, Murphy, Murray, Newton, Andrew Parker, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Russell, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Richard H. Stanton, Sweetser, Thurston, Townshend, Tuck, Wildrick, and Woodward—75.

NAYS—Messrs. W. Allen, Bell, Bissell, J. H. Boyd, Briggs, Brenton, Briggs, Brooks, A. G. Brown, E. Carrington Cabell, Caldwell, Thompson Campbell, Chandler, Churchwell, Clingman, Cobb, Conger, John G. Davis, Dockery, Duncan, Eastman, Evans, Fitch, Florence, Freeman, Gentry, Gilmore, Gorman, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hendricks, Henn, Horsford, Houston, John W. Howe, Thomas M. Howe, Jackson, James Johnson, John Johnson, Robert W. Johnson, Landry, Lockhart, Humphrey Marshall, Miller, Miner, Molony, Henry D. Moore, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Phelps, Porter, Richardson, Sackett, Schermerhorn, Schoolcraft, Scurry, Smith, Stanley, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, A. H. Stephens, St. Martin, Strother, Stuart, Taylor, Venable, Walsh, Ward, Watkins, Welch, Wilcox, Williams, and Yates—81.

The SPEAKER. The question is upon referring the bill to the Committee of the Whole on the state of the Union.

SEVENTH CENSUS.

Mr. McLANAHAN. I move a reconsidera-

tion of the vote taken yesterday, by which the bill and reports of the Judiciary Committee on the subject of the apportionment of the Seventh Census of the United States, were referred to the Committee of the Whole on the state of the Union. My object is to have them printed, and in a few days after they shall have been printed to call them up for consideration.

Mr. STUART. I rise to a question of order—that this motion cannot be made within the morning hour.

The SPEAKER. The Chair thinks that it is in order for the gentleman from Pennsylvania [Mr. McLANAHAN] to have his motion entered at any time, but it would not be in order to consider his motion at this time. That is the distinction which the Chair makes. The motion will be entered upon the Journal.

#### FLORIDA LAND BILL.

The question then recurred upon referring the Florida land bill to the Committee of the Whole on the state of the Union.

Mr. HAMILTON demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 77, nays 77; as follows:

YEAS—Messrs. Aiken, Allison, Ashe, Averett, Beale, Bibb, Bingham, Bock, J. H. Boyd, Buell, Burt, Caskie, Chapman, Chastain, Curtis, Dean, Dimmick, Edgerton, Edmundson, Floyd, Fowler, Gamble, Giddings, Grow, Hamilton, I. G. Harris, Hascall, Hibbard, Holladay, Houston, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Morehead, Morrison, Murphy, Murray, Newton, Andrew Parker, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Russell, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Townshend, Tuck, Venable, Washburn, Welch, Wildrick, and Woodward—77.

NAYS—Messrs. Willis Allen, Bell, Bissell, Bragg, Brenton, Briggs, Brooks, Albert G. Brown, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Clingman, Cobb, Conger, George T. Davis, John G. Davis, Disney, Dockery, Doty, Dunham, Evans, Fitch, Freeman, Gentry, Gorman, Green, Harper, Sampson W. Harris, Haws, Hendricks, Henn, Horsford, John W. Howe, James Johnson, John Johnson, Robert W. Johnson, Landry, Lockhart, Mace, Humphrey Marshall, Miller, Miner, Molony, Henry D. Moore, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Phelps, Porter, Price, Richardson, Sackett, Schermerhorn, Scurry, Smith, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Alexander H. Stephens, St. Martin, Strother, Stuart, Taylor, Walsh, Ward, Watkins, Wilcox, Williams, and Yates—77.

#### PUBLIC PRINTING.

Mr. GORMAN. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. GORMAN. Is not the next business before the House the bill in relation to the public printing?

The SPEAKER. The report from the Committee on Public Printing is the first business in order.

Mr. GORMAN. I ask for the reading of the bill.

Mr. HOUSTON. This bill has just been laid upon our tables, and I wish to know of the gentleman from Indiana [Mr. GORMAN] whether he will not allow me to make a motion to postpone its consideration until to-morrow? It is impossible that members can have examined it since it came to our desks this morning. Then, sir, I have another reason why I wish to postpone. I have great anxiety to get through, if possible, with the Indian appropriation bill to-day. There is nothing before the Senate. They will get through the deficiency bill to-day; and my object is to send them that bill, that they may be at work upon it.

Mr. GORMAN. I would accommodate the gentleman certainly, or any one else in the House, if this were a new question; but the public printing has been subject to discussion so long, and the merits and demerits of every proposition have been discussed so long, that it is not like a new question. We have talked about it until it is perfectly familiar to the ear and the recollection of everybody. The rates and charges have been before the House since the first report of the committee upon the subject of public printing. The rates and charges originally reported to the House are the same as those in this bill; and there can be no kind of question raised that has not been raised, and no question discussed that has

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not been discussed—and consequently I cannot consent that it shall go over from day to day.

The Clerk then read the bill reported by the Committee on Printing, as follows:

*Be it enacted, &c.*, That the joint resolution entitled "Joint resolution directing the manner of procuring the printing for the two Houses of Congress," approved August 3, 1846, be, and the same is hereby, repealed.

Sec. 2. *Be it further enacted*, That, from and after the passage of this act, there shall be elected a public printer by each House of Congress, to do the public printing for the Congress for which he or they may be chosen.

Sec. 3. *Be it further enacted*, That the following shall be the prices to be paid for such printing as may from time to time be ordered by Congress:

## FOR THE FIRST CLASS,

Consisting of the bills and joint resolutions of both Houses.  
For composition, per page, fifty cents.

For the press-work, paper, folding, and stitching, per page—

For five hundred and eighty copies, seventy-five cents; and at the same rate for any greater number not exceeding one thousand copies.

## FOR THE SECOND CLASS,

Consisting of reports of committees of both Houses, with indexes:

For the composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and twenty-five cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—

Per thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—

For twelve hundred and fifty copies, ninety-five cents, and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding, and stitching of each table larger than octavo—

For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page, for one hundred copies—

For the octavo size, one quarter of a cent.

For each table larger than octavo, one quarter of a cent.

Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram, or plate, of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

## FOR THE THIRD CLASS,

Consisting of the journals of both Houses, with indexes:

For the composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and twenty-five cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, one dollar and seventy-five cents.

For the press-work, paper, folding, and stitching, per page, octavo—

For twelve hundred and fifty copies, ninety cents, and at the same rate for any greater number not exceeding fifteen hundred and fifty copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page, for one hundred copies—

For the octavo size, one quarter of a cent.

## FOR THE FOURTH CLASS,

Consisting of the Executive documents of each House, embracing messages from the President, reports from the several Executive departments, offices, and bureaus, and the documents and statements communicated therewith, with indexes:

For the composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and twenty-five cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—

Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—

For twelve hundred and fifty copies, ninety-five cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding, and stitching of each table larger than octavo—

For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page, for one hundred copies—

For the octavo size, one quarter of a cent.

For each table larger than octavo, one quarter of a cent.

Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram, or plate, of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

## FOR THE FIFTH CLASS,

Consisting of every other description of printing not included in the preceding classes for each House, with indexes, and divided as follows, viz:

## Part A of the Fifth Class,

Consisting of resolutions and other documents from State Legislatures, memorials, petitions, and all other papers or documents not included in parts B and C of this class:

For the composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and twenty-five cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—

Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—

For twelve hundred and fifty copies, ninety-five cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding, and stitching of each table larger than octavo—

For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching to be omitted in the copies reserved for binding, per page for one hundred copies—

For the octavo size, one quarter of a cent.

For each table larger than octavo, one quarter of a cent.

Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram, or plate of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

## Part B of the Fifth Class,

Consisting of treaties, messages, reports, and other papers and documents ordered to be printed in confidence for the use of the Senate:

For the composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and twenty-five cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—

Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching, of the octavo size, per page—

For sixty-five copies, twenty cents; and at the same rate for any greater number not exceeding one hundred copies.

For the press-work, paper, folding, and stitching for each table larger than octavo—

For sixty-five copies, two dollars; and at the same rate for any greater number not exceeding one hundred copies.

## Part C of the Fifth Class,

Consisting of tabular statements of the orders of the day, lists of yeas and nays, circular letters, and all other printing of a miscellaneous character, not specified in either of the preceding classes, or in parts A and B of this class:

For composition, in whatever type, size, or form that may be required—

Per thousand ems for plain work, fifty cents.

Per one thousand ems for rule and figure work, fifty cents.

For the press-work, paper, folding, and stitching one hundred copies, per page—

For royal octavo or any size smaller, twenty cents.

For quarto post, one dollar.

For folio cap, one dollar.

For any size larger than folio cap, one dollar.

The paper to be used under this part C to be such as may be directed by the Secretary of the Senate and Clerk of the House of Representatives, respectively.

Percentage deduction for additional copies of either class.

For deduction on the prices above stated for the press-work, paper, folding, and stitching, for furnishing additional copies of matter included in either of the aforesaid classes, the additional copies to be printed on the same paper, with the same ink, and in the same style, as the usual numbers, viz:

For deduction for any number of copies—

Exceeding fifteen hundred, and not exceeding five thousand, none.

Exceeding five thousand, and not exceeding ten thousand, two per centum.

Exceeding ten thousand, and not exceeding twenty thousand, three per centum.

Exceeding twenty thousand, five per centum.

Sec. 4. *Be it further enacted*, That the Clerk of the House of Representatives and Secretary of the Senate shall purchase of the lowest and best bidder all the paper to be used for the public printing, said paper to be of a fine and smooth texture, weighing at least fifty pounds to the ream, not calender; the price or cost of said paper to be deducted from the prices for printing herebefore fixed.

Sec. 5. *Be it further enacted*, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the Speaker of the House and President of the Senate, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, and to make a pro rata reduction in the compensation if the work shall not be done in a neat, durable, and workmanlike manner, or to refuse the work altogether if not so executed as aforesaid. The committee shall audit and pass upon all accounts for public printing; but no bill shall be acted upon for work not actually delivered.

Sec. 6. *Be it further enacted*, That all motions to print extra copies of any bill, report, or other public document, shall be referred to the committee of the members of the House in which the same may be made; and all expenses

for printing shall be paid out of the contingent fund of the two Houses, in proportion to the number ordered by each, except the expense of composition, which shall be paid by the House first ordering the same to be printed.

That all acts or joint resolutions conflicting with the provisions of this act be, and the same are hereby, repealed.

Mr. GORMAN took the floor.

## ERROR—FLORIDA RAILROAD BILL.

The SPEAKER. Will the gentleman from Indiana suspend for a moment?

Amid the confusion prevailing in the House, at the time, the Clerk made a mistake in the count, upon the vote to refer the Florida land bill to the Committee of the Whole on the state of the Union. The vote stands, in fact, a tie. Under the rule, it is the duty of the Speaker, to vote when his vote would change the result. The Speaker votes in the affirmative, and the bill is therefore referred.

Mr. DEAN. I rise to a privileged question. I move to reconsider the vote by which the bill was referred, and to lay the motion to reconsider upon the table.

The SPEAKER. In the opinion of the Chair, the motion to reconsider must be entered, but cannot interfere with the business immediately before the House.

Mr. DEAN. Then I withdraw the motion.

## THE PUBLIC PRINTING.

Mr. JENKINS. Will the chairman of the Committee on Public Printing allow me to introduce a substitute for the bill which he reported, that it may be read for the information of the House, if it is in order?

Mr. GORMAN. I am somewhat surprised to hear the gentleman from New York ask that of me, under the circumstances, but I cannot now say why. I certainly would extend to him any courtesy that I possibly could, but—

Mr. JENKINS. Allow me to say, I have no doubt the gentleman would be glad to extend to me any courtesy, and I hope therefore I may have an opportunity of offering the substitute.

Mr. CARTER. We will take care of it, if the previous question is called.

## THE FLORIDA RAILROAD BILL.

Mr. STUART. I rise to a question of order. I was engaged at the moment, but I understand the Speaker to have voted upon the question of referring the Florida railroad bill. I wish to state this for the consideration of the Speaker. The vote had been announced, the Chair had decided that the motion to refer the bill to the Committee of the Whole on the state of the Union was not carried, and the House had proceeded to other business.

Several Voices. There was a mistake in the vote.

The SPEAKER. The Chair acted upon the idea that it was his duty to vote, and that if any error existed in the vote it should be corrected, and that the Journal should be kept correctly.

Mr. STUART. I understand the rule to be this: In the first place, I understand that the Speaker may vote upon any question if he chooses; but according to the practice of the House, when the vote of the Speaker will change the result, he may or may not vote. It is usual, if he votes at all, to do so at the request of a member; but I submit this question that the Speaker can no more vote after the question has been decided, and the House has proceeded to other business, than any other member of the House can vote. If the House has not proceeded to the consideration of other business, and the Speaker has not before announcing the vote finally, then he can vote; but after that he has no more right to record his vote than any other member of the House.

Mr. DUNHAM. I would like to make a single suggestion. The objection of the gentleman from Michigan [Mr. STANT] comes too late, for the vote of the Speaker was received by the common consent of the House. No one objected.

The SPEAKER. The following is the rule upon the subject:

"12. In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not be required to vote,



unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division the question shall be lost."

Mr. STANTON, of Tennessee. I desire to inquire whether there was an error in the statement of the vote?

The SPEAKER. There was an error in the statement of the vote. The Chair thought it was his duty to state that error to the House, that it might be corrected; and he was under the impression that it was his duty, also, under the rule, to cast his vote. It will be for the House to determine what disposition it will make of the matter.

Mr. STANTON. I think the Speaker is perfectly right.

Mr. JONES, of Tennessee. Suppose the error had not been discovered until after the House adjourned to-day, the Speaker would have brought it to the consideration of the House to-morrow.

The SPEAKER. The Journal must have been corrected in the morning, at all events.

Mr. JONES. The error would have been discovered, and the Speaker would have given his vote then.

Mr. STUART. When I raised my question of order, I did not understand the fact now stated, that an error existed in the vote, which was subsequently corrected.

The SPEAKER. There was a miscount of one vote.

#### THE PUBLIC PRINTING AGAIN.

Mr. GORMAN. I certainly will not inflict a speech upon this House upon the printing question. I shall not attempt to debate it in any manner. I simply want to make a statement to the House, as perhaps some gentlemen did not hear the bill read distinctly. Perhaps from where I stand my voice can be heard by every member in the House, and I will briefly state what this bill is.

The first section provides that the act approved the 3d August, 1846, shall be repealed. The second section provides for the election of a public printer, and the third section establishes the prices; and I will here state, that the prices are the same as those which were reported to the House upon a former occasion. The prices are what were called Towers's estimate.

Mr. STANLY. Will the gentleman allow me to ask him a question?

Mr. GORMAN. Certainly.

Mr. STANLY. I understand that the gentleman does not propose to debate this subject, and I desire, therefore, to ask him in relation to certain matters of fact as he goes along. I understand the gentleman from Indiana to have said that the prices are nearly the same as those fixed by the committee for the performance of the work in case Hamilton's contract was pronounced null and void. I ask the gentleman from Indiana if in that contract there was not more charged because only the balance of the work had to be done?—because if the public printer had done all the work for the whole Congress, he could have done it for less, (having time to prepare himself,) than it could be done for by a person who might undertake to finish a contract which Boyd Hamilton had left unfinished?

Mr. GORMAN. I will answer the gentleman. I do not know that that entered at all into the consideration of the estimate made by Towers. I am not at all advised that it did. We did not so state to him, nor do I know what considerations induced him to fix upon these prices.

Mr. STANLY. I have been informed that that consideration did enter into the estimate. Can the gentleman inform me who fixed those prices?

Mr. GORMAN. The prices in this bill were fixed by Mr. Towers, in an estimate sent to the Printing Committee, I believe three months ago, or perhaps not more than two months ago.

Mr. STANLY. One more question. Is not the contract with Boyd Hamilton pronounced null and void, and set aside by the committee?

Mr. GORMAN. The resolution passed by the Committee on Printing declared that the contract was not void, and not forfeited, but that A. Boyd Hamilton had not complied with his contract.

Mr. STANLY. Was not another contract entered into with other persons to execute the printing?

Mr. GORMAN. A contract was entered into by the Committee on Printing with Gideon & Co. to do the printing of the Senate, and Donelson &

Armstrong (now Armstrong) to do the printing of the House.

Mr. STANLY. Now I should be glad to know what will become of these two contracts if this bill becomes a law?

Mr. GORMAN. I will state to the gentleman from North Carolina—and perhaps it is proper for me to state it—that if this law goes into effect, Messrs. Gideon and Armstrong have given me in writing power to relinquish their contracts to the Government at any time. I have that writing before me at this moment. I am not at liberty, however, to read it, and have it published in the papers, but it has been shown to some of the gentleman's friends, and I am authorized to relinquish this contract for Mr. Gideon whenever I say so. The present law will have to be repealed before I ever will say so.

Mr. SMART. I have understood—I do not know how true it is—that that writing which the gentleman has, is not very explicit, and I think it is material that we should see the writing.

Mr. GORMAN. I have it here, and if the gentleman will come and sit by me, I will show it him; but I have no authority to let it go into the papers, because it was an authority given to me by a gentleman in private life.

Mr. GIDDINGS. I want to inquire of the gentleman from Indiana if, in this arrangement, the interests of the Whig party are as well attended to as those of the Democratic party.

Mr. GORMAN. They are not attended to at all, I assure you. Neither the interests of the Whig party or any other party have been attended to. We have tried to do what we thought right, and that is about all. We expect to elect a Democrat, however, if we can, my friend.

Mr. GIDDINGS. One further inquiry. Is this bill in accordance with the direction of the Democratic caucus?

Mr. GORMAN. Well, sir, I have no kind of objection to reply to that question. The Democratic party had a caucus; the Democratic party did agree that the public printing had not been executed according to contract; they did agree that the public service was suffering from that failure; they did agree that there must be some remedy; they did agree to adopt a remedy, and they did agree that this was the best remedy. These are the matters upon which they agreed.

Mr. MASON. Let me correct the gentleman in his last remark.

Mr. GIDDINGS. I have one further question to ask the gentleman, if he will allow me, but I will yield to the gentleman from Kentucky, if he wishes it.

Mr. McMULLIN. I wish to ask the gentleman a question.

Mr. GIDDINGS. I will yield to my friend from Virginia, as I want to get at these interrogatories.

Mr. McMULLIN. I desire to know how the prices reported by the committee will compare with the prices of 1819?

Mr. GORMAN. I cannot exactly tell myself, not being a practical printer; but I understand printers to say that they are about thirty-five to thirty-nine per cent. lower than the prices of 1819.

Mr. PHILIPS. An inquiry has been made by the gentleman from Ohio, [Mr. GIDDINGS,] as to what was done in the Democratic caucus. That matter has been published, and perhaps, not agreeing in everything with what has been said by the gentleman from Indiana, [Mr. GORMAN,] though I may have misunderstood him, I have no objection myself to proclaim what was done in that caucus. It was determined that it was expedient that each House of Congress should elect a public printer. It was also declared to be expedient to regulate the price—to pay a reasonable price for composition, press-work, binding, and stitching the documents ordered to be printed for each branch of Congress. It was furthermore declared to be expedient, so as to obtain proper paper upon which the public printing was to be executed, that Congress should procure the paper for such printing, and in coming to such a result, I am satisfied that it is the same result to which every gentleman must come, when he takes into consideration the manner in which the public printing has been executed for the last three Congresses, this included.

Mr. GORMAN. I said I was not going to make a speech. The gentleman from Missouri,

[Mr. PHILIPS] has detailed precisely what the Democratic caucus did agree to in a resolution offered by him. Let me state further, that it was not determined by that caucus who was to be the public printer. No nomination was made. The only thing that was agreed to by that caucus was what has been stated by the gentleman from Missouri.

This bill is not presented in obedience to that caucus. It was drawn long before that caucus was called—a month before that caucus was heard of, or thought of. It was drawn immediately after the nomination for President by the Democratic party, without consultation, except with the members of the Committee on Printing, and with the select committee appointed by this House, of which the gentleman from Kentucky [Mr. MARSHALL] is the chairman—the provisions of this bill being substantially the same as the provisions of the bill agreed upon by that committee.

There are some details in this bill in which some of our friends, and some gentlemen of the opposition, cannot altogether concur. In the conflicting opinions upon all questions of this complicated character, there will always be some difference of opinion in regard to the particular items in a bill; but the main and substantial features of this bill have been submitted to every gentleman by whom this question of printing has been considered—

Mr. CLINGMAN. Will the gentleman allow me to ask him a few questions?

Mr. GORMAN. I will, with pleasure.

Mr. CLINGMAN. I have looked over the sections of this bill, but, of course, I cannot tell what the rate of compensation is—whether it is fair or not. I will ask the gentleman how it will compare with Towers's bid, and with John C. Rives's bid?

Mr. GORMAN. I stated to the House before that this is Towers's estimate; it is substantially the same as Towers's bid, varying only in one class. I believe I am within the bounds of truth when I say that it is critically and actually the same as Towers's estimate, except in the fourth class, and that is a little higher.

Mr. CLINGMAN. Then, if I understand it, this is about the rate at which it was agreed that the printing should be let to the Union and the Republic.

Mr. GORMAN. This is the precise scale of prices at which it was agreed that it should be let to the Union and the Republic.

Mr. CARTTER. I understand that the chairman of the committee designs calling the previous question, but before he does so, I desire to make an inquiry of him in regard to the precise application of the fourth section if the bill. The fourth section provides—

"That the Clerk of the House of Representatives and the Secretary of the Senate shall purchase of the lowest and best bidder all the paper to be used for the public printing; said paper to be of a fine and smooth texture, weighing at least fifty pounds to the ream, not calender; the price or cost of said paper to be deducted from the prices of printing hereinbefore fixed."

I wish the chairman of the Committee on Printing would explain that provision. It appears to be that the amount paid for the paper shall be deducted, but no reference is made to the price or quality of the paper.

Mr. GORMAN. I will endeavor to explain it. Members upon both sides of the House will remember that these bids were made with a view to the public printer being required to find the paper; this estimate of Towers was made with that view. Gentlemen will also remember that after the discussion in this House, there seemed to be a decided impression that the Government should buy the paper, that the public printer should not speculate upon it, and that it would then be of the style, and texture, and weight that the Government desires its printing to be done upon. With that view, my friend from North Carolina [Mr. VENABLE] suggested an amendment almost in the precise words that are employed in this fourth section. After examination, I thought it proper that we should put in that provision; and it was put in. It simply provides that the price of the paper is to be deducted from the price of the composition and press-work.

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to ask him what is to be done with the contract with the present public printer? Is there any provision for that?

Mr. GORMAN. Not in this bill.

Mr. STEVENS. Well, I should like to know what is to become of him; because we cannot elect a new printer until we get rid of the old one. The law nowhere authorizes us to dismiss him, but only to hold him on his bond for any deficiency in his work. Now, we have one printer, and I want to know what is to become of him?

Mr. GORMAN. If the law is repealed, the gentleman who is now the public printer will relinquish his contract. I can say that to the gentleman.

Mr. STEVENS. I do not know but that he will. What I want to know is, if the committee undertake to say that the repeal of that law repeals the contract between this Government and the present public printer?

Mr. GORMAN. Now, I think gentlemen ought to be satisfied with asking me questions.

Mr. SMART. I would like the gentleman to inform me—

Mr. GORMAN. I cannot yield to any further questions. I hope gentlemen will try to be reconciled, and be satisfied.

Mr. STEVENS. The caucus so decided.

Mr. GORMAN. Not at all. Men's consciences are not controlled upon questions of legislation, I apprehend, by the resolution of a caucus. It is a recommendation to friends, and that is all. It is to be expected, however, that there will be a liberal consideration paid to the dignified deliberation which was bestowed upon this question by Democrats who, I hope, were devoted to the welfare of their country, as well as to the welfare of their party. It is a recommendation to their political friends of what they deem the best action to take. If any gentlemen differ with them, I hope it will be an honest difference—I expect it will be. I make these remarks simply in reply to the gentleman from Pennsylvania.

Mr. Chairman, I shall take the responsibility of offering an amendment which has been handed to me by the gentleman from North Carolina, [Mr. VENABLE.] It will be remembered by gentlemen that there was a contest here some time since as to whether this House had a right to instruct the Committee on Printing. To obviate that difficulty, and entirely do away with all further argument or contest on the subject, the gentleman from North Carolina has handed me an amendment which I think ought to be incorporated in the bill. I will read it; it is to add to the fifth section the following:

*Provided, That no contract, agreement, or arrangement entered into by the committee shall be binding, or take effect, until the same shall be reported to the House of Congress to which the printing belongs, and approved by the same; and when the printing relates to the business of both Houses of Congress, then it shall be reported to both Houses of Congress, and approved by them.*

Mr. FITCH. I have prepared an amendment intended to obviate the same difficulty, and if the gentleman will permit me, I will read it. The fifth section of this bill is, I believe, substantially the existing law. Is it not?

Mr. GORMAN. It is.

Mr. FITCH. My amendment more clearly defines the duties of that committee. It is to strike out the word "which" in the fifth line of the fifth section, and insert the following:

*Whose duty it shall be, if there be any neglect, delay, or defect in the execution of the public printing, to report the fact, instances, and extent to the House and the Senate, and if joint instruction relative to this action be not given within three weeks from the date of their report, they shall—*

Mr. GORMAN. The amendment of my colleague is substantially the same as that of the gentleman from North Carolina. The amendment of the gentleman from North Carolina covers all that ground, and consequently there is no necessity for accepting the amendment of my colleague.

The SPEAKER. The amendment of the gentleman from Indiana [Mr. Fitch] cannot be offered without the consent of his colleague.

Mr. GORMAN. I hope, sir, that after having disposed of this public printing, I shall be permitted to withdraw from this vexed question. I have never in my life had a public duty to perform in which I had so many conflicting elements to meet. I have never discharged a public duty with a more conscientious regard for the public weal and the service. In the selection of individuals to do particular jobs, I confess that my party predilections have sometimes governed me.

But I have been so much annoyed, and have been so much subjected to the suspicions of gentlemen in regard to prices and in regard to my party predilections, that I think, after I have discharged my duty, and got the public printing once fixed upon a permanent basis, I shall ask the kind indulgence of the Chair to discharge me from further service on that committee. It is a committee upon which any gentleman who discharges his duty lays himself open to the constant criticism of his kindest and best friends.

Sometimes it has been a duty which I have really performed with reluctance. It is one which at the proper time I shall ask to be discharged from.

Mr. Speaker, as I said before, this bill has been discussed; the prices have been discussed; the merits of a proposition for a printing bureau have been discussed; the election of a printer has been discussed; the buying of paper by the Government has been discussed. Now you have a proposition plainly before you to repeal the existing law, to elect a printer, to fix the prices, and to provide that the Government shall hereafter buy the paper on which the printing is done, and upon this question I now ask for the previous question.

Mr. MARSHALL, of Kentucky. I hope the gentleman will not insist on his demand for the previous question.

Mr. CAMPBELL, of Ohio. I ask the gentleman to withdraw the call for the previous question. There is one matter here which I should like to have explained.

Mr. JENKINS. I hope the gentleman will allow me to offer a substitute for the bill.

Mr. GORMAN. The gentleman from Ohio [Mr. CAMPBELL] desires to propound a question, and for that purpose I will withdraw the demand for the previous question.

Mr. CAMPBELL. I should much prefer that the gentleman would withdraw the demand for the previous question, to allow me to submit a few remarks in relation to the bill.

Mr. GORMAN. I cannot do that.

Mr. CAMPBELL. The question I desire to ask, is substantially the same as that which was propounded by my colleague, [Mr. CARTER.]

Mr. GORMAN. Then I must insist on the previous question, for I have answered that question once.

Mr. CAMPBELL. At all events I did not understand the gentleman's explanation, and I desire to call his attention to it again. I understand that the committee have reported this bill, in pursuance of the recommendation of the caucus. The object of that caucus, as stated by the gentleman from Missouri, [Mr. PHELPS,] was to allow a fair price for composition, press-work, folding and stitching—Congress to furnish the paper. Now, sir, it will be observed that when the committee—

Mr. GORMAN. I cannot allow the gentleman to make a speech, because my time will be out, and I cannot then call the previous question.

Mr. CAMPBELL. I merely wish to explain to the gentleman—

The SPEAKER. The gentleman from Ohio is not in order. The gentleman from Indiana insists on his right to the floor.

Mr. CAMPBELL. The point I desire to submit is simply this—

Mr. GORMAN. I really cannot yield the floor any longer.

Mr. CAMPBELL. Well, I hope the previous question will be voted down.

Mr. JENKINS. Will the gentleman from Indiana allow my substitute to be read?

Mr. MARSHALL, of Kentucky. I desire to know if it is in order now to move to refer this bill to the Select Committee on Printing?

The SPEAKER. The gentleman from New York [Mr. JENKINS] rose, and was recognized by the Chair, and appeals to the gentleman from Indiana [Mr. GORMAN] to yield the floor to him for the purpose of having his substitute read.

Mr. JENKINS. I desire to have my substitute read; and then I will give way to the gentleman to move the previous question.

Mr. GORMAN. I cannot yield the floor, because my time will be out, and I cannot hold the floor for the purpose of moving the previous question.

The SPEAKER. In reply to the question propounded a moment ago by the gentleman from

Kentucky, [Mr. MARSHALL,] the Chair would state that it is not in order to receive a motion to commit while the demand for the previous question is pending.

Mr. MARSHALL, of Kentucky. I thought that the demand for the previous question being made, but not seconded, the motion to commit took precedence. If the demand for the previous question be seconded, the motion to commit cannot be made at all.

The SPEAKER. It cannot, nor can any motion intervene between the demand for the previous question and the putting of the question for seconding that demand.

Mr. MARSHALL. I appeal to the gentleman from Indiana [Mr. GORMAN] to allow me to make a single remark upon this bill.

Mr. GORMAN. I cannot.

Mr. JOHNSON, of Arkansas. I rise to a question of order. I submit that this debate cannot be allowed after the demand for the previous question has been made. The Chair so stated.

#### FLORIDA RAILROAD BILL AGAIN.

Mr. STEPHENS, of Georgia. I rise to a privileged question. I have just ascertained that my name is not recorded as having voted against the motion to commit the Florida land bill. I certainly did rise in my place here, and vote in the negative.

The SPEAKER. The Chair recollects very well that the gentleman from Georgia did vote upon that motion, and that he voted in the negative. He regrets that these errors should have been committed by the Clerk; but he only wonders that such errors are not more frequently committed in this body, where there is so much confusion. The accuracy of the Clerk in these matters has usually been very great indeed. The only wonder is, that mistakes are not more frequently made. The Chair learns that the vote of the gentleman from Georgia is not recorded. He very well recollects, as before stated, that the gentleman did rise in his place after the roll had been called, and addressed the Chair, and that he voted in the negative. It is for the House to determine whether the correction shall be made or not.

Mr. CARTER. I recollect that the gentleman from Georgia voted in the negative.

There was no objection, and the vote was recorded, making a majority in the negative.

So the bill was not committed.

Mr. GENTRY. Does not the question now recur upon the bill?

The SPEAKER. It does not. The consideration of that bill is confined to the morning hour, which has expired. It will come up as the first business for the morning hour to-morrow morning.

#### THE PUBLIC PRINTING AGAIN.

Mr. BRENTON. I desire to ask my colleague, the chairman of the Committee on Printing, [Mr. GORMAN,] to withdraw the demand for the previous question.

The SPEAKER. The gentleman can propound no question unless the gentleman from Indiana [Mr. GORMAN] withdraws the demand for the previous question.

Mr. GORMAN. I do not withdraw the demand.

Mr. MARSHALL, of Kentucky. I demand the yeas and nays upon seconding the demand for the previous question.

The SPEAKER. It is not in order to have the yeas and nays upon seconding the demand for the previous question. The gentleman can demand them upon ordering the main question.

Mr. SMITH obtained the floor.

Mr. MARSHALL. I move to lay the bill upon the table, and upon that motion I demand the yeas and nays.

Mr. SMITH. I desire to know if I have not the floor?

The SPEAKER. The gentleman from Alabama has the floor, and the gentleman from Kentucky cannot take it from him to make his motion.

Mr. SMITH. I rise to make a personal appeal to the honorable chairman of the Committee on Printing. I do it, as a friend to the principles of the bill. But it is a matter of two much importance to be voted on under the operation of the previous question. There has been but one speech made, and that in favor of the bill. The thing should be more thoroughly investigated. The dis-

cussion heretofore had upon this subject has been of a very desultory character, and no distinct opinion on any particular branch of this subject has been arrived at; especially are we undecided upon the all-important question—the price of the work. Now, sir, I appeal to the chairman of the Committee on Printing to withdraw his demand for the previous question. The honorable gentleman from Kentucky [Mr. MARSHALL] is the chairman of the Select Committee on Printing. I hope, sir, that that select committee will have an opportunity of making their report before the vote is taken on this bill. The special committee was raised to investigate this whole subject, on account of its great importance. If the House attempts to force this bill down, under the operation of the previous question, I shall vote against every portion of it, and also against the candidate which may be brought forward under it. If we have a fair chance to investigate and make it right in its features, then I will sustain it, and the nominee of the party; for printing, sir, I can never consent to make a matter of money, a political principle. This subject of printing involves a vast amount of money, and it is our duty to attend to the Treasury untrammelled by party considerations.

Mr. MARSHALL. If the demand for the previous question is withdrawn, I will not make the motion to lay the bill upon the table.

The question was then taken upon seconding the demand for the previous question, and the result was—ayes 49, noes 98.

So the demand was not seconded.

Mr. JENKINS. I now offer the following substitute for the bill, which I send to the Clerk, and ask to have read.

Mr. HOUSTON. I want to make a suggestion to the gentleman from New York.

Mr. JENKINS. I hope I do not lose the floor.

The SPEAKER. The gentleman from New York is entitled to the floor, and it will be for him to say whether he will yield it to the gentleman from Alabama, [Mr. HOUSTON.]

Mr. HOUSTON. I only desired to say, that I suppose the gentleman wishes to have his bill printed, and I propose that he should make the motion to print, and let the bill go over till members can have an opportunity to examine it.

Mr. JENKINS. If the bill is printed, that will answer my purpose. I move that the further consideration of this subject be postponed till tomorrow, and that the bill with the amendments be printed.

The SPEAKER. The bill has already been printed. Does the gentleman move that the proposed amendments be printed?

Mr. JENKINS. I submit that motion.

Mr. MARSHALL, of Kentucky. I move that the bill and amendments be referred to the Select Committee on the Public Printing.

Mr. JENKINS. I believe I still have the floor.

Mr. KING, of New York. I hope my friend from New York [Mr. JENKINS] will have his amendment read, and we can then know how to dispose of it.

Mr. JENKINS. I have no objection to having the substitute read.

It was then read, in part, by the Clerk, as follows:

A bill amendatory of a joint resolution passed August 3d, 1846, entitled "A joint resolution directing the manner of procuring the printing for both Houses of Congress."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall immediately be chosen by joint resolution of both Houses of Congress a Superintendent of Public Printing, who shall be a practical printer, and shall hold his office during the present Congress, or until another be appointed in his place; said Superintendent is hereby clothed with all the authority conferred in and by said joint resolution, upon the Secretary of the Senate and the Clerk of the House of Representatives, the President or Vice President of the Senate, the Speaker of the House of Representatives, and the authority conferred upon the Committee on Printing in and by the second section of said joint resolution; and he is hereby required to perform all the duties conferred by said joint resolution upon said officers, and each and every of them, except the duties of the Committee on Public Printing mentioned in the third section of said joint resolution.

*Sec. 2. Be it further enacted,* That the said Superintendent, when so appointed, shall take the oath of office prescribed in the second section of the act of the 3d of March, 1791, for clerks and other officers, and shall execute to the United States a bond, with two sufficient sureties, to be approved or by the President of the Senate and the Speaker of the House of Representatives, in the penalty of \$10,000, conditioned for the faithful performance of the duties of his office. The said Superintendent shall, therefore, procure the printing necessary to be done before the close of the pres-

ent session of Congress, or which may have been begun but not performed substantially according to contract, upon such terms as he may deem most advisable, and as shall best promote the public interest; and for that purpose the said Superintendent is hereby authorized to purchase the requisite paper for said printing.

*Sec. 3. Be it further enacted,* That the said Superintendent be, and he is hereby authorized to contract for and purchase all paper for the printing of both Houses of Congress during his continuance in office; that contracts for paper shall, at all times, be separate from contracts for printing, and the same person shall not be allowed to contract both for printing and furnishing the paper; the contracts for printing to be done, and paper to be furnished after the close of the present session of Congress, shall be let and entered into in the manner prescribed in the first section of said joint resolution, and shall embrace the paper and printing for the residue of the present Congress only.

*Sec. 4. And be it further enacted,* That said Superintendent be and he is hereby authorized to decide upon the performance or non-performance of all said contracts, and whether the contracts be performed in due time, and to declare the same forfeited for non-performance. The contracts to be entered into for printing shall contain a stipulation that the printing shall be done in a reasonable time; which time may be designated as occasion shall require by the said Superintendent; which conditions shall be inserted in each contract. Before declaring any contract forfeited for non-performance, the Superintendent shall immediately serve a written notice thereof upon the defaulting contractor, specifying the particulars in which such failure of performance consists, and the Superintendent shall thereupon immediately proceed to relet such contract in the manner provided in the said first section of said joint resolution as herein amended; but he shall not relet such contract to such defaulting contractor. Said Superintendent shall forthwith cause the contractor, so failing to perform his contract, and his bail to be prosecuted in the name of the United States for the damages arising from such failure.

*Sec. 5. Be it further enacted,* That the said Superintendent shall personally superintend the business entrusted to his charge. He shall keep the samples of paper and printing upon which the contracts are let; he shall keep an accurate account of the paper furnished and the printing done, with the contract prices thereof and all expenses pertaining to said office. He shall make a full report of his doings at the opening of each session of Congress and as often as Congress or either House shall direct; and shall be entitled to receive a salary of \$2,000 a year for his services.

*Sec. 6. Be it further enacted,* That within thirty days before the adjournment of every Congress, both Houses shall proceed by joint resolution, to choose a Superintendent of Public Printing, who shall possess the power and be subject to the same duties herein conferred and imposed upon the said Superintendent. Said Superintendent shall be entitled to the like salary, and shall hold his office for the period of two years or until another be chosen. So much of the said joint resolution of the 3d of August, 1846, as is inconsistent herewith is hereby repealed.

The following is the joint resolution proposed to be amended by the foregoing bill:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Senate and the Clerk of the House of Representatives, be and they are hereby authorized and required, at the beginning of the final session of every Congress, to advertise, for four weeks successively, in all the newspapers published in the city of Washington, for sealed proposals for supplying the Senate and House of Representatives, respectively, of the next ensuing Congress, with the necessary printing for each; which advertisement shall describe the kind of printing and the quality of paper required, as near as may be, in the execution of the work; and said advertisement shall divide and classify the printing of the respective Houses, as follows: One of bills and resolutions; one of reports of committees; one of journals; one of Executive documents; and one for every other description of printing; each class to be a separate job, and to be provided for by separate contract. The said advertisement shall also contain a designation of the place in the said city of Washington where such sealed proposals shall be received, and the day and time of day at which said Secretary and Clerk will cease to receive any further proposals. And the Secretary and Clerk aforesaid shall provide suitable samples of the printing required, and of the paper on which the same is to be executed, to be kept at the place so designated as aforesaid at least twenty days successively before the time of receiving proposals shall expire, open to the inspection of all persons desiring to make proposals for the printing aforesaid, intelligence whereof shall be contained in said advertisement. Immediately on the expiration of the time for receiving said proposals, they shall be opened by the Secretary and Clerk aforesaid in the presence of the Vice President, or President of the Senate, and the Speaker of the House of Representatives, and of such persons making proposals as may wish to be present. And the Secretary of the Senate, under the supervision of the Vice President or President of the Senate, and the Clerk of the House of Representatives, under the supervision of the Speaker, shall, thereupon, let each class of said printing to the lowest bidder, who shall furnish satisfactory evidence of his practical skill and his ability to do the work, and who shall offer good and sufficient security for the faithful execution of the jobs and contracts undertaken by him. And thereupon the Vice President or President of the Senate and its Secretary, and the Speaker of the House and its Clerk, shall proceed to take bonds, with good and sufficient security, for the due and faithful performance of the work; and the officers aforesaid shall immediately thereafter report to their respective Houses all such lettings of printing, and the contracts relating to the same. *Provided,* That the said proposals shall remain sealed until the time appointed for examining the same.

*Sec. 2. And be it further resolved,* That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a Committee

on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on the part of the contractor to execute the work ordered by Congress, and to make a *pro rata* reduction in the compensation allowed, or to refuse the work altogether, should it be inferior to the standard; and in all cases, the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing; but no bill shall be acted upon for work that is not actually executed and delivered, and which they may require to be properly authenticated.

*Sec. 3. And be it further resolved,* That all motions to print extra numbers of any bill, paper, or document, in either House, shall be referred to the members of the committee of that House, who shall report upon the propriety of printing, and the probable expense thereof, as early as convenient. And all expenses for printing shall be paid from the contingent fund of the two Houses, in proportion to the number of copies ordered by each, except the expense of composition, which shall be paid by the House which shall have first ordered the printing of the paper or document; and if there shall be a second composition, it shall be paid for by the House which shall authorize and direct the same; and when extra copies of any document or paper shall be ordered by both Houses, they shall be delivered to the two Houses simultaneously, in proportion to the number of copies by them respectively ordered.

*Sec. 4. And be it further resolved,* That all laws and parts of laws now in force, not in conformity with the provisions of this joint resolution, be and the same are hereby repealed.

Mr. HOUSTON. I hope the time of the House will not be taken up by the reading of this substitute.

Mr. JENKINS. I then move that the further reading of the bill be dispensed with, and that the proposed amendments be printed, and with the original bill, be referred to the Select Committee on Printing.

Mr. DEAN. Upon that motion I demand the yeas and nays.

Mr. JENKINS. I will modify my motion so as simply to move that the proposed amendments to the bill be printed. Then any other motion can be made by itself as to its disposition. I do not desire to incur the motion by attaching to it any other proposition.

Mr. MARSHALL, of Kentucky. I move so to modify the motion of the gentleman from New York, that the bill, with the amendments, be referred to the Select Committee on Printing, and I propose to make a remark or two upon that motion, if the gentleman from New York does not intend to take the floor.

Mr. JENKINS. Upon the motion to refer I do not design to make any remarks, for the reason that I desire to discuss the merits of the bill when I can get the floor for that purpose.

The SPEAKER. The gentleman from New York has the floor, if he desires to address the House.

Mr. JENKINS. I will give way for a single explanation by the gentleman from Kentucky.

Mr. MARSHALL. I do not design, at this time, to discuss the bill. I only desire to submit a remark, to show why the bill should be referred if it is the sense of the House to refer it.

Mr. JONES, of Tennessee. I wish to make an inquiry of the chairman of the Select Committee on Printing, when they will probably be ready to report?

Mr. MARSHALL. I will answer the gentleman's inquiry frankly and at once. The special committee—if their political opinions are to enter into the matter—a majority of them, belong to the other side of the House. They will make their report just as soon as it can be done intelligibly, and with fairness, both to the people and the printer. They have nothing else to subserve except to get a bill regulating the public printing, upon a fair footing—one which shall give remunerative prices to the employees, and shall be fair to the people of the country. That is all the object they have in view.

Mr. JONES. That is all I want.

Mr. MARSHALL. They will report as soon as they can get the data upon which to make an intelligent and proper report.

Mr. STANTON, of Kentucky. Will my colleague permit me to ask him a question?

Mr. MARSHALL. Will my colleague permit me to answer one question at a time? I will state that, after having determined to pay remunerative and fair prices to the printers, in order to obtain what amount, in the estimation of the craft or trade, were fair prices, I made personal application to most of the printing establishments in this city, but I got a schedule of prices from one only. I repeated my applications to the others.



I did not conceal the fact that the committee had come to the determination that the Government should buy the paper. I have not been able, except in that one instance, to obtain a statement. We have conferred upon the propriety of sending to the other cities to ascertain from the larger establishments what was a fair rate. We only desire to reach that, and just so soon as we can learn from the best sources, what are fair prices to remunerate the public printer for the work pertaining to a printer, we will make our report. Our committee have determined that the paper shall be furnished to the printer. I do not find that the printers interested in this matter, are agreed that the Government shall take away more than the furnishing of the paper at all. In fact, I think they are all disinclined to it.

Mr. JONES. I now ask the gentleman from New York to yield me the floor for a moment. I think this committee can report in a week.

Mr. JENKINS. I decline to yield the floor further. I perceive that this question in regard to the report of a select committee is likely to embarrass my motion. My motion is to print merely, and I do not want to have that incumbered by other matters.

The SPEAKER. It is in order, however, to move to refer the bill.

Mr. KING, of New York. I desire to know whether a motion to postpone until to-morrow, which is a day certain, would not be in order, and whether that motion would be debatable?

The SPEAKER. That motion is in order, but would not be debatable. Does the gentleman from New York [Mr. JENKINS] yield the floor to his colleague? [Mr. KING.]

Mr. JENKINS. I yielded to my colleague for an inquiry.

Mr. KING. I understand, then, it is in order to make this motion to print, and that having been passed upon, that a motion to postpone the consideration of the bill until to-morrow will be in order, will preclude other motions, will not be debatable, and will in the mean time enable us to have the amendment printed, and thus have the whole subject before us to-morrow, if the House shall order the printing done. After making a single remark I will suggest to my colleague either to make the motion or permit me to do it. I am myself in favor of open competition, and of the contract system, to the lowest bidder for doing this work. I am unwilling to admit that the American Congress is unable to enforce a contract.

Mr. HOUSTON. If we are going to have a debate let us have a debate, but if we are going to postpone let us postpone. I call the gentleman to order.

The SPEAKER. The gentleman is in order. The question of printing is debatable.

Mr. HOUSTON. That is true, but he is not entitled to the floor; except to ask a question.

The SPEAKER. He has the floor by the consent of his colleague, [Mr. JENKINS.]

Mr. KING. I am in favor of the contract system, and of letting out the work to the lowest bidder. I am in favor of the proposition submitted by my colleague, [Mr. JENKINS.] I believe, if it is fairly presented to the House, it will be adopted. All I ask is a fair and full consideration of it, and a full knowledge of it upon the part of the House. I am opposed to the motion to refer, because I believe the subject of the printing of this House requires early and prompt action. We have not had our documents, and have been unable to furnish them to our constituents. We are unable to obtain those which are necessary for our own information in the matter of legislation. This business of printing, in my judgment, has been already postponed too long, and we ought to act promptly upon it. If, in the course of a day or two, the committee upon which is the gentleman from Kentucky, [Mr. MARSHALL,] could report, I would have no objection to postponing, but I do not think it ought to be postponed long. I am willing the further consideration should be postponed until to-morrow.

Mr. JENKINS. I will barely remark that I do not wish to postpone this subject at all.

Mr. FULLER, of Maine. I merely rise to respond, as a member of the special committee, to the inquiries of the gentleman from New York, [Mr. KING,] that I know of no reason why the special committee may not report in three days.

Mr. JENKINS. I do not wish to have this subject postponed for an unreasonable time. If the special committee cannot report under a week, that is too long a time, and I am opposed to postponing the subject so long. I hope this subject will be brought up for consideration at an earlier day than that, and be disposed of. My amendment is, that a practical printer be appointed by the two Houses of Congress, upon a salary; and that we surround this subject with powers sufficient to carry out the contract system in its fullest extent, and to secure with efficiency and promptitude the execution of the work, so that every member may have his documents in a reasonable time. I hope, therefore, that the motion to postpone this subject until to-morrow, and that the amendment be printed, will prevail.

Mr. HART. I desire to know if the report of a special committee takes precedence of the report of standing committee?

The SPEAKER. Ordinarily it will do so, but not under the special order of the House, which confines the morning hour to the call of committees for reports.

Mr. HART. The difficulty I suggest would be embarrassing. The special committee would not have an opportunity of reporting to this House.

The SPEAKER. Without the consent of the House, that special committee could not report until all the standing committees are called.

Mr. GORMAN. The gentleman from Kentucky [Mr. MARSHALL] has no parliamentary right to make a report until the balance of the regular committees shall have been called, if any one person of this House objects, unless they report on some Monday, when it shall be in order to move a suspension of the rules, and then it will require the usual number of two thirds to suspend the rules. Now, sir, the object must be, and cannot be any other, if I am a judge—

Mr. HOUSTON, (interrupting.) Is there a motion pending to postpone the consideration of this matter until to-morrow?

The SPEAKER. There is no motion of that sort pending. There is a motion to commit this bill and amendment to the Special Committee on Printing.

Mr. HOUSTON. I understood the gentleman from New York [Mr. JENKINS] to make that motion.

The SPEAKER. The gentleman from New York withdrew the motion.

Mr. JENKINS. The Speaker labors under a mistake. I did make the proposition, and I desire it to have effect. I moved to postpone the consideration of this matter, and to have the amendment printed.

The SPEAKER. Then there is a pending motion to postpone, which is not debatable. The proposition to print, however, is.

Mr. GORMAN. If that motion was not entertained by the Chair until after I obtained the floor, it interferes with my right.

The SPEAKER. It was made before the gentleman took the floor.

Mr. GORMAN. But it was not entertained, as I understand, by the Chair.

The SPEAKER. The Clerk, however, entertained it. The Chair decides that the motion is pending, and that it takes precedence of the motion to commit.

Mr. GORMAN. Is it debatable?

The SPEAKER. It is not. A motion to print alone would be debatable.

Mr. GORMAN. I submit, as a matter of course, to the decision of the Chair.

The SPEAKER. The question will be first taken upon the motion to postpone, and then upon the pending amendment. The first proposition is not debatable, the second is.

Mr. GORMAN. I want to debate it, and say a few words. The question of printing entitles me to the floor, and entitles me to be heard, but I do not want to be out of order.

The SPEAKER. The proposition to print cannot be considered separately from the question to postpone, and the proposition to postpone is not debatable.

Mr. GORMAN. I do not want to postpone, but the question to print brings up the whole question.

Mr. FOWLER. I rise to a question of order.

The SPEAKER. The Chair decides that de-

bate is out of order until the motion to postpone is disposed of.

Mr. FOWLER. That decides the question of order I was about to make.

The question then recurred upon the adoption of the motion to postpone until to-morrow.

Mr. BELL called for the yeas and nays; which were not ordered.

Mr. MARSHALL, of Kentucky, demanded tellers; which were not ordered.

The question was then put, and it was decided in the affirmative—ayes 75, noes 47.

The SPEAKER. The question recurs now upon the proposition to print the amendment.

Mr. HOUSTON. I demand the previous question upon that motion.

Mr. GORMAN. I want to know whether I had not the floor upon that question?

The SPEAKER. The gentleman did not seek the floor at the time when he could have occupied it.

Mr. STUART. I ask the gentleman from Alabama [Mr. HOUSTON] to withdraw his demand for the previous question; for certainly it was the understanding of those upon this part of the House, at all events, that the gentleman from Indiana [Mr. GORMAN] should have the floor upon that question.

The SPEAKER. The Chair expected that the gentleman would seek the floor, but he did not.

Mr. CLINGMAN. I beg leave respectfully to ask the Chair whether this motion to postpone, having been passed, does not necessarily carry over the whole subject, the motion to print and everything else?

The SPEAKER. It has been the practice of the House, according to the recollection of the Chair, to take a vote separately upon a motion to commit and a motion to print.

Mr. GORMAN. I certainly did not want to annoy the Speaker for the purpose of getting the floor; but I want to say to the House, upon the subject of printing, who is to print? How is it to be printed? What do you want printed?

Mr. CAMPBELL, of Ohio. I wish to interrupt the gentleman a moment.

Mr. GORMAN. I have the floor.

Mr. CAMPBELL. I then rise to a question of order.

The SPEAKER. The Chair understands the previous question has been called for.

Mr. HOUSTON. Gentlemen all around me say their understanding was, that the gentleman from Indiana [Mr. GORMAN] should have the floor. I think it is an improper time to debate this bill, on a motion to commit. I do not want to take an advantage, however, and I will therefore withdraw my demand for the previous question.

Mr. CARTER. I renew the demand for the previous question.

The previous question was seconded, and the main question was ordered to be put.

The question was then taken on the motion to print the amendment, and it was agreed to.

Mr. JONES, of Tennessee. Mr. Speaker—

Mr. JENKINS. I rise to a question of privilege. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The SPEAKER. The gentleman from Tennessee [Mr. JONES] was first recognized by the Chair.

#### DEBATE ON THE INDIAN BILL.

Mr. JONES. I call up my motion, made on yesterday, to reconsider the vote by which the resolution was adopted terminating debate upon the Indian appropriation bill in four hours after it shall again come under consideration in the Committee of the Whole on the state of the Union.

If the resolution be reconsidered, I shall move to amend it, to close the debate one hour after the committee shall resume the consideration of the Indian appropriation bill.

Mr. GIDDINGS. I trust the gentleman will extend the time to one hour and a half. I should like to have half an hour for the purpose of discussing the merits of the bill.

Mr. JONES. When the resolution comes before the House, the gentleman can submit that amendment.

Mr. STANTON, of Ohio. I move to lay the motion to reconsider upon the table.

The question was put on the motion to lay upon the table; and, upon a division, there were—ayes 56—

Mr. STEVENS, of Pennsylvania. I demand tellers.

Mr. STANTON. I will, with the consent of the House, withdraw my motion.

Mr. STEPHENS, of Georgia. I renew it.

Tellers were demanded, and ordered; and Messrs. STEPHENS, of Georgia, and MOLONY were appointed.

The question was again put, and the motion to lay the motion to reconsider upon the table was agreed to, the tellers having reported—ayes 63, noes 54.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CONGER. I would inquire whether it be in order to move that the House proceed to the consideration of the business upon the Speaker's table?

The SPEAKER. Not pending the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DISNEY in the chair.)

#### INDIAN APPROPRIATION BILL.

The CHAIRMAN. The business first in order is the consideration of House bill No. 43, making appropriations for the expenses of the Indian Department for the year ending 30th of June, 1853; upon which the gentleman from Arkansas [Mr. JOHNSON] is entitled to the floor.

Mr. JOHNSON, of Arkansas. My colleague on the Committee on Indian Affairs [Mr. FRENCH] requests from me a few minutes of my time for the purpose of stating a few facts; I therefore yield to him.

Mr. FITCH. I have made the request, Mr. Chairman, of my colleague in consequence of having lost some considerable portion of my time yesterday by yielding to another gentleman. I shall speak directly to the amendment which it is my intention, and of which I now give notice, to offer at the proper time. I alluded yesterday to the disagreeable nature of the duty sometimes imposed upon members of committees of advocating claims. If matters of this character, however, are referred to me, as a member of the committee under the ordinary rules of the House, and, after a rigid investigation, I find nothing in them upon which to hang a doubt of their justice and validity, or anything that would justify me in opposing them, I should esteem myself as forfeiting any confidence which the House and my constituents might be disposed to repose in me if I sought to create doubts and raise objections not justified by the evidence in the case.

It is true, sir, that pettifogging objections can be urged to the payment of any claim, however just; but there is nothing in the character of such objections recommending them to gentlemen in their private relations, and certainly nothing appealing in favor of a resort to them by a grave legislative body, for whose acts an entire nation is accountable. An individual weighing character and credit at nothing might refuse to pay a just debt, unless upon the condition precedent of the relinquishment to him by his creditor of another debt, perhaps equally as just; but such compounding of debts—such a principle, I apprehend, this nation and this Congress would hesitate to declare as their guide of action in their intercourse with other nations, or their own people. It is, however, the principle which, I am sorry to say, is recognized by the amendment offered by my friend from Virginia [Mr. MEADE] on yesterday to my amendment, for the benefit of the friendly Creeks. It is a principle which I hope will not be adopted. I have but little further to say with reference to the claim of the Creeks. By the treaty of 1821 we compelled them to indemnify certain citizens of Georgia for depredations committed upon those citizens by the Indians. In doing so, we exercised a right incumbent upon us; for while, as the government of the people and their servants, we are bound to protect them from injury—as guardians of the Indians, justice demands our protection to be extended over them. In the protection of our

people—citizens of Georgia—we compelled the Indians to compensate individuals for damages inflicted upon them; and shall we refuse to mete the same measure of justice to others we demanded for our citizens, especially when those others look to us for protection, and when the damages for which they ask restitution were inflicted upon them because of their friendship and alliance with us?

I now desire, sir, to address myself to the amendment to which, in the first portion of my remarks, I made reference. It is an amendment relating to the Menomonee Indians of Wisconsin, and providing for additional compensation to them for certain lands that were purchased from them by the Government. The amendment reads:

"For additional compensation for the sale of their lands in the State of Wisconsin, by treaty of October 18th, 1848, \$221,840, the same to be paid in such manner, with the approbation of said nation, as the President may think most advisable to their prosperity and happiness."

Mr. Chairman, I presume no gentleman of the committee desires to vote upon a proposition involving the expenditure of almost a quarter of a million of dollars, without knowing something about it. Hence, I hope to have the attention of the committee while I briefly explain that amendment. The Menomonees of Wisconsin were possessed of a large and valuable tract of land, surrounded and encroached upon by whites, which it was very desirable should be purchased by the Government for the purpose of being brought into market and cultivated. There were obstacles to a treaty, which had prevented one being made until 1848. In October, 1848—I will not be precise, though I have the date before me—a treaty was made. I desire to call the attention of members from Ohio to my subsequent remarks upon this subject, because, in pursuing its history, as detailed in the report of the Commissioner of Indian Affairs, dated April 23d, 1851, I shall necessarily be compelled to say some hard things, and allude to charges of a grave character against a gentleman of that State, and desire to avoid even the seeming of a disposition to prevent his friends here, in his absence, from making such defense of him as they may think is required. The gentleman to whom I allude is Mr. Medill. He was Commissioner of Indian Affairs in 1848, and was detailed as a special commissioner to negotiate a treaty with the Menomonees. We find by the record that, "As preliminary to the making of this treaty, the question was submitted to the Attorney General of the United States to determine the extent and quantity of the lands owned by these Indians. He gave an opinion on the 13th of September, 1848, in which he examined the several treaties previously made with the Menomonees, and the agreement between them and other tribes in relation to their boundaries."

"After this opinion of the Attorney General was given, the Secretary of War issued his instructions to the commissioner who was appointed to negotiate the treaty. These instructions were dated September 14th, 1848." These instructions told Mr. Medill, "The President is disposed to treat the Indians with kindness and liberality;" and, "if a treaty can be effected at a cost per acre of the estimated quantity of land within the limits suggested by the Attorney General, not exceeding that paid by the United States under the treaty with the Menomonees of September, 3, 1836, provide in the treaty for the purchase of all their claims to lands in Wisconsin, and stipulate for the payment of a sum not exceeding the same ratable price as in the same treaty above referred to; the quantity of land estimated to be within these limits, and to form the basis of calculation of price, is three millions twenty three thousand and eight hundred acres."

We are told by the Commissioner of Indian Affairs, (report April 23d, 1851,) that "Accompanying these instructions there was a map, prepared at the Topographical Bureau under the direction of this office, in accordance with the foregoing opinion of the Attorney General. The area marked out on the map as the Menomonee tract was estimated to contain the number of acres mentioned in the instructions, to wit, three million twenty-three thousand eight hundred acres."

We first, then, have reference to the treaty of 1836, to ascertain the price which he was authorized to pay, and we find it was a fraction more

than eighteen cents an acre. With these instructions, with this knowledge that the amount of land was three millions twenty-three thousand eight hundred acres, and this map, he proceeded to Wisconsin. I desire to call the attention of the committee to another fact connected with this matter. Upon the map was laid down "a small lake that determined the course of one of the boundary lines" of the Menomonee lands. I call attention particularly to this "small lake," because it will figure again in the further history of the transaction. He convened the Indians, and asked them to sign a treaty—not ceding to the United States an "estimated quantity of land," at a certain "cost per acre"—but stating that, "The said Menomonee tribe of Indians agree to cede, and do hereby agree to cede, sell, and to relinquish to the United States all the lands in the State of Wisconsin, wherever situated." In consideration of which sweeping cession they were to receive \$350,000.

We have seen that he went to Wisconsin with a knowledge that he was to treat for at least three millions twenty-three thousand eight hundred acres. We will now proceed to prove, that by his own admission, he discovered while there the possession of the Menomonees to be four million acres. In his report to the Secretary of War, dated December 12, 1848, he says:

"But I ascertained, while in the country, that there was an error in the map which was before the Attorney General, in relation to the location of a small lake that determined the course of one of the boundary lines, and which, if so corrected as to conform to the representations there made, would probably increase the number of acres which I was authorized to recognize as belonging to the Indians to about four millions."

And in his report for 1848-'49, to Congress as Commissioner of Indian Affairs, he speaks of the treaty as one by which the Menomonees "cede all their lands in Wisconsin, containing about four millions of acres."

With these instructions, and this knowledge of the amount of land he was about to purchase, let us next see what it is in proof he told the Indians. He "repeatedly told said Indians that their tract of land contained only about sixteen hundred thousand acres; that he was offering them more for the same than he was instructed by their great father to pay therefor." And that "the speeches of said Medill in said councils were filled with threats and menaces towards said Indians, by which means (in part) he was able to obtain (as he did) a signed treaty." And further, that "He told the nation he would not give them more than the \$350,000 for said land, and threatened them with the authority of the United States, and its power to remove them at its pleasure, if they did not sign the said treaty."

"He threatened to degrade those of their chiefs who opposed the treaty, if they did not consent to the terms which he proposed; and declared that if they persisted in refusing to sign it, he would remove them, and appoint other chiefs who would sign it. Thus he induced some of their chiefs to sign said treaty from fear, and because they supposed that the United States would force them off their lands if they did not willingly sell and cede them."

And of the Indians, it is in proof that they "signed the treaty of October 18, 1848, under the belief that, should they refuse, the Government of the United States would violate their repeated pledges of protection, and send troops to force them to leave their homes."

And that "Osh Kosh, the head chief, said to his fellow-chiefs then in council: 'My friends, we cannot do otherwise; we are forced into it.'"

Mr. SWEETSER. I hope the gentleman will permit me to put a question to him. I desire to know upon what authority the gentleman makes this statement.

Mr. FITCH. Upon official authority from the Indian Bureau, made up in part of a record left by Mr. Medill when he left the Bureau. I quote mostly from such authority.

Mr. SWEETSER. I am not acquainted with the facts. I only ask that question.

Mr. FITCH. Desiring not to consume too much of the time of my friend from Arkansas, [Mr. JOHNSON,] I have condensed the history of this matter as much as possible; but have official authority for all the statements I have made relative to it—authority based upon Mr. Medill's record, the affidavits of fourteen witnesses, the

written statement of one reverend gentleman, and of "two members of the Society of Friends." The correctness of the authority can scarcely be doubted—the credibility of the witnesses appears to be unimpeachable, and the facts as related appear to be incontrovertible, though there is a denial of the charges against Mr. Medill. This denial consists of statements, *not affidavits*, of five persons. To this denial I may again refer, time permitting. The testimony to sustain the facts which I have briefly mentioned and the statements I have quoted, is, in the language of the present Commissioner of Indian Affairs, "full and explicit upon all the alleged points of wrong and grievance," of which the Menomonees complain.

What is exhibited by the state of facts thus officially disclosed? Successful efforts upon the part of a Government functionary to procure by threats and fraudulent misrepresentations, from a feeble and friendly people, who have never shed the blood of an American citizen—who have never raised a tomahawk against us—a cession of what *he knew* to be near 2,500,000 acres of land, without any compensation!

The cession which Mr. Medill supposed to be 4,000,000 acres, was afterwards ascertained to contain 5,000,000 acres. The Indians, therefore, lost 3,500,000 acres, for which they have received no consideration. Was this treating them with the "kindness and liberality" contemplated in President Polk's instructions?

It is not to be wondered—no, it should have been expected, that the Indians would appeal from the terms of such a treaty, forced upon them in such manner. They accordingly did appeal. A deputation of their chiefs came to this city, and appealed to the President from the wrong and outrage perpetrated upon them. They asked that the treaty of the 18th of October, 1848, should be construed to cede, on their part, only 3,023,800 acres to the United States, or that a new treaty should be made. They desired something approximating to the value of their lands. The Commissioner of Indian Affairs does not deem it expedient to grant either request, for reasons which, in justice to my friend from Arkansas, [Mr. JOHNSON,] I cannot enumerate, as it would encroach too much upon his time, but which will be found in the report of the Commissioner, to which I have before alluded, of April 23, 1851. He recommends compensating them for the amount of land which Mr. Medill was expected, under his instructions, to purchase of them at the price of 1836, the price he was expected to pay. Strict justice, it appears to me, would require us to pay that price per acre for the 5,000,000 acres; but the Department having the matter under charge, and presumed to have a more full and correct understanding of it than we can, think and recommend otherwise, and the committee of which I am a member acquiesces in that recommendation.

We therefore propose, by the amendment I shall offer, to pay \$221,840, that being the balance due for 3,023,800 acres at the price of 1836—18 99-100 cents per acre. With this amount the Commissioner believes the Indians will be content; and it is the least a decent regard for honor and justice will permit us to pay. Its payment is recommended not only by the Commissioner of Indian Affairs, but the recommendation is repeated by the Secretary of the Interior, with the sanction of the President, all of them having examined the matter. It therefore stands upon a footing upon which scarcely ever a claim of that extent and character was before placed; for whatever we on this side of the House may say of Mr. Fillmore's political opinions—however heterodox we may and do esteem them, and whatever political sins may result from them—we have yet to hear his personal honesty questioned. If there be any one disposed to do it, he has yet to speak, and even then candor compels me to say, that I should very probably question the veracity of the witness. The claim, then, comes before us after full investigation by these parties. Their recommendation has been submitted to the committee of which I am a member, and that committee instructed me to offer the amendment which I will offer at the proper place.

Mr. OLDS. With the consent of the gentleman from Indiana, I desire to remark, that I am not a personal friend of Colonel Medill, and should not feel called upon to notice this seeming attack upon his official conduct, were it not that he is a constituent of mine. The gentleman

speaks, as he says, from the record of the Indian Bureau. I ask him to state if the same record does not show that Colonel Medill, at the time of his negotiation with the Wisconsin Indians, had no knowledge of there being a greater quantity than the 1,600,000 acres paid for by his treaty with them?

Mr. FITCH. Quite the contrary. The record shows that he had full knowledge of the ownership by the Menomonees of at least 3,023,800 acres, and that he subsequently learned on the spot where and when he was negotiating the treaty, that the amount was 4,000,000 acres.

Mr. SWEETSER. I understand the gentleman to say, in the beginning of his remarks, that the Attorney General had his attention called to the state of the Territory, and had made an estimate, with which Mr. Medill proceeded to Wisconsin, and upon which he acted. I understand the gentleman to say distinctly, that that statement disclosed the amount of vacant unsold land belonging to the Menomonees, and upon that he makes the charge upon Mr. Medill, that he could not be ignorant of the fact. Now, I wish to put the further question, whether there is disclosed in the Department, or anywhere, any conceivable motive, on the part of Mr. Medill, to deceive these Indians? If so, let it go to the country.

Mr. FITCH. I have said nothing of his motives. I know nothing of them. Motives are not what the committee referred to me to investigate. It was acts and their result. Motives can only color the act, they cannot change the result.

Mr. CHANDLER. I ask the gentleman whether he is satisfied that we have received more land than we have paid for, without regard to the fraud or mistake on the part of the commissioner?

Mr. FITCH. We have; and the committee place the application for additional compensation upon that ground. The Indians consented to the treaty, which ceded more land than they were told they possessed. They were not deceived by being so told in regard to the amount of land which they possessed. They knew it was more than was represented; but threats, and fear of losing all their land without any compensation, unless they assented to the treaty, induced them to do so. We paid them by the treaty for less than two million acres, and received 5,000,000 or more.

Mr. CHANDLER. Then, as the guardians of the Indians, and as honest men, we have nothing to do but to pay for what we actually got.

Mr. FREEMAN. I desire to ask the gentleman from Indiana one question. I understood him to say that the Indians were fully aware, at the time they signed the treaty, that they owned this additional quantity of land. By what power did Medill force these Indians to sign that treaty?

Mr. FITCH. He told the chiefs, in the first place, that if they would not sign the treaty, he would degrade them and appoint others in their stead. The chiefs knew his power and position, for these Indians are intelligent men. He likewise told them that if the tribe prevented the perfection of the treaty, he would employ military force to drive them out of the country. It was the power of threats, then, by which they were made to sign the treaty.

Mr. STANTON, of Tennessee. Allow me to ask whether Colonel Medill denies having made use of these threats?

Mr. FITCH. I do not know. No denial by him is before the Indian Committee, or referred to by the Bureau.

Mr. JOHNSON, of Arkansas. There is a denial by certain witnesses, to which the gentleman from Indiana [Mr. FITCH] has previously referred.

Mr. FITCH. Certainly; and I thank the gentleman from Arkansas for calling my attention to those witnesses again, or in my anxiety to encroach no further upon his time, I should have omitted any further allusion to their evidence. The denial, to which the gentleman from Arkansas refers, consists of written statements (not sworn to) of five individuals. Two of these, I believe, were Indian sub-agents. Certainly one was, and he appears to be the principal one—William H. Bruce. The name is one with which the House is probably familiar. He figured in the recent deficiency bill as a defaulter to the amount of some \$33,000, and under circumstances which should destroy his credibility, even if he was a man of veracity before. It appears to have been through him that the statements of the other four persons

were obtained, at least they were forwarded to the Indian Bureau by him. With a reiteration of what I have before said, that the application for additional compensation is based not upon charges against Mr. Medill, or any motive which may have governed his acts, but upon their result, upon the fact that by his treaty the Indians were paid for less than two million acres while they were made to cede five millions, I surrender the floor to the gentleman from Arkansas, with thanks for his courtesy.

Mr. JOHNSON, of Arkansas. There is no statement of Mr. Medill, whether he denies having made use of the threats or not, but we must presume he does.

The gentleman from Pennsylvania [Mr. CHANDLER] asked whether or not we have got land which we did not pay for; and he came to the conclusion that if we have, and from Indians that were at our mercy, it ought to be paid for. Every one will agree to that proposition. Well, the object of this amendment is to pay for what we got, over and above what we have paid for. We are called upon to come to a conclusion, whether it is true that we did get more than we paid for, from the facts of the case.

Mr. FITCH. Will my friend from Arkansas allow me to state that there is an Executive recommendation to pay the Indians the difference? The amount of land estimated by the Attorney General at the time Medill went out, was three million and odd thousand acres; but it was subsequently ascertained, and Medill knew it, that it was four millions of acres.

Mr. JOHNSON. That we got more land than we paid for, cannot be said legally. It is not correct *legally*, because the treaty defines in the description of the land sold, *all the land that they possess*. But what is the fact, in truth and justice, with reference to this transaction between these Menomonees and the Government of the United States? Sir, it was difficult to determine what land these Indians were entitled to, and what were the boundaries of their territory. All the facts were accordingly collected from various previous treaties with the tribe, and the whole matter was referred to the Attorney General of the United States to settle the law points involved, and to determine carefully what in truth were their boundaries. The decision of the Attorney General exposed an amount of land in their possession, and belonging to them, of 3,023,000 acres. Armed with these documents and this decision, Mr. Medill started for the Indian territory, as a special commissioner, to make a treaty with this tribe. Well, sir, when he got there, he discovered that there was an error, and that the land which the Indians had amounted to 4,000,000 of acres, as he stated in his own report, instead of 3,023,000. He reported this when he came back, and spoke of it with pride, that in the transaction with the Indians, he had got the whole 4,000,000 of acres for \$350,000. Well, sir, it turns out, on surveying the land, and on putting it into our surveyor general's land office, in plats marked out by the chain and compass, that we got 5,000,000 of acres from the Indians.

Now, sir, what were the instructions given to this commissioner when he was sent out to make this treaty? Those instructions from President Polk were, that he should give to these Indians for their lands not exceeding what had been paid to them for another portion of their land, under a treaty of 1836. The rate which was paid then, if paid for 3,023,000 acres which the Attorney General estimated the Indians to possess, would have amounted to upwards of \$571,000. Well, sir, Mr. Medill goes out and buys the whole of the land owned by the Indians, and in conformity with those instructions, he makes a treaty and gives them \$350,000. For what? For 3,023,000 acres? No, sir; but for all the land they had, which turns out to have been 5,000,000 acres. But that is not all. It is charged by the Indians, that Mr. Medill exhibited maps to them, and represented to them that they had not more than 1,600,000 acres. What is there in this transaction, aside from all the oral testimony, which goes to prove that that representation was made? There is this, (and if it be not the evidence of truth, it is one of the most remarkable coincidences that ever occurred, or, as some might consider it, a piece of circumstantial testimony more conclusive than direct proof of the fact, and it is this,) that taking the instruction to pay a given sum—say



about nineteen cents per acre—for the 3,023,000 acres which it was estimated the Indians possessed, it would have amounted to upwards of \$571,000; but if you estimate it, you will find that \$350,000, which he agreed to pay, was precisely, leaving off about \$40,000, what he was authorized to pay if the quantity of land had been 1,600,000 acres instead of 3,023,800 acres; and the \$40,000, which makes up about the \$350,000, is expressly set apart for the half-breeds, whose aid was essential to him.

Now, I mean to convince you that it was represented to the Indians that they had only one million six hundred thousand acres, and that they made the treaty on that representation. I do not speak of it as a point of dishonor to Mr. Medill. Indeed, it may be regarded by many as a skillful piece of diplomacy for the service of this Government, and that it was faithful service; but was it honorable for a powerful nation? Certainly, it is a most singular coincidence that the amount agreed to be paid would almost precisely come up to the amount authorized by the instructions, if the amount of land had been one million six hundred thousand acres. Is it not, then, reasonable to suppose that the land was bought from the Indians as one million six hundred thousand acres? It all may be right, or it all may be wrong. This amendment is for the purpose of paying for the whole amount of land supposed at the time to be theirs. If we take the five million acres from these Indians for \$350,000, they may indeed say that their great father has certainly driven a very *hard bargain* with them.

Mr. SWEETSER. With the permission of the gentleman from Arkansas, I desire to ask whether these Indians, prior to the ratification of this treaty by the Senate, sent in any protest against the ratification, showing the fraud now represented to have been perpetrated upon them by the commissioner?

Mr. JOHNSON. I know that the Christian part of this same tribe represented these things here, but how soon after this treaty I am unable now to say.

Mr. OLDS. As I stated before, my relations with Colonel Medill are not friendly; but as his representative, I feel authorized to put in a disclaimer against these charges. Colonel Medill is regarded by those who know him as an honorable man. I have known him often accused by his political enemies, but never before by his political friends. Allow me to say that the evidence now adduced against him, although introduced here by the political friends of Colonel Medill, nevertheless is furnished by his political enemies. I am not myself familiar enough with the affairs of the Indian Bureau to attempt his justification. This, however, is not the first attempt that has been made by the political enemies of Colonel Medill to assail his administration of Indian affairs. He triumphantly vindicated himself before, and I think I may venture to pledge him to do so again. I trust I may ask the indulgence of this House and the public to suspend any condemnation of Colonel Medill until they have heard his version of this transaction. I am confident that, after hearing his statement, they will acquit him of any dishonorable motives.

Mr. JOHNSON. I desire to say, that to make up a judgment against Mr. Medill, when there is evidence furnished on the record to prove that he was not guilty of this fraud, without a hearing, would be doing him total and entire injustice. I say that there is testimony on the record that goes to repel all these charges.

Mr. PHELPS. There is the evidence of Morgan L. Martin.

Mr. JOHNSON. Morgan L. Martin is one, and there are three or four others. I will not charge Mr. Medill with having done these things and with having defrauded the Indians; but I will at the same time say, that it is plain we have got five millions of acres of land for \$350,000. If, sir, we got 5,000,000 of acres of the land of this tribe of Indians for \$350,000, it is an outrage in the sight of God and man. We will not give up the land, but hang to it like grim death, and rob the Indians of *all their land*.

Mr. STANTON, of Tennessee. I only desire to say, that from a personal acquaintance with Colonel Medill for a long time, I believe him to be totally incapable of perpetrating a fraud such as that represented; but at the same time we all

know that he is a gentleman who from the best of motives would endeavor to drive the best bargain he could. It seems to me that without imputing any fraud to Colonel Medill, it is perfectly clear from the statements which have been made here, and which I presume to be correct, that a great mistake was made on both sides.

Mr. JOHNSON. That is exactly the conclusion I come to. In order to obtain relief in this matter, it is not necessary to prove that there must have been absolutely fraud and misrepresentation committed.

Mr. CAMPBELL, of Ohio. Will the gentleman permit me to interrupt him?

Mr. JOHNSON. Not till I have finished my sentence. I want to get out this idea, for I deal in ideas, one at a time, and do not wish them confounded. [Laughter.] I say it is not necessary for any man to suppose that there must have been fraud or misrepresentation in the matter, such as to dishonor a man in the slightest degree. I have not made these charges myself, nor will I do so, because I should want to see most conclusive proof before I would charge a man with such a crime. But the bill states the facts of the case, and they are ample enough to satisfy us that those Indians have been dealt most harshly by upon our part—that they have got nothing, and that we have robbed them of what we in Congress are all daily fighting over, as the greatest boon and richest blessing man can have.

Mr. CAMPBELL. As Colonel Medill is a resident of the State which I in part represent, I will state that these disclosures have somewhat surprised me, and I would suggest, as a way of getting along with this business, that my colleague from the Circleville district [Mr. OLDS] should embrace this inquiry in the resolution which he has been trying to get before the House for a long time in reference to the Gardiner claim. [Laughter.]

Mr. JOHNSON, of Arkansas. Oh, I cannot give way for these little disputes—gentlemen can never come that game upon me.

Mr. OLDS. I ask the gentleman to allow me to say one word?

Mr. JOHNSON. I cannot tolerate this. It will not do. [Laughter.]

Mr. OLDS. When I made the charge against Mr. Corwin, my colleague, as the immediate representative of Mr. Corwin, pledged him to call for an investigation; since which nothing has been heard from him. I have pledged Colonel Medill to make a full vindication of his administration of the Indian Bureau. We shall now see which will come up to the scratch.

Mr. JOHNSON. I have every disposition to be courteous, but I cannot stand this at all. [Laughter.]

I will leave that proposition, and I beg the attention of the House to another somewhat remarkable case.

I am come to a case in relation to which I procured all the facts and statements from the Department of Indian Affairs. It is from that Department that we have derived the facts in reference to all these cases. We have demanded of them, in every case where there has been a matter before us for inquiry, to investigate the matter fully from their own files, at the expense of the Government, and present us with all the facts, so that the Committee on Indian Affairs, and the House of Representatives, may have the fullest and fairest chance possible to judge in the case. I will now present a case where we have all the facts before us. I have a bundle of papers connected with it, large enough, in all conscience, and which I have made the basis of an amendment which I will send to the Clerk, and ask to have read. [A copy of the amendment was not procured.]

That the committee may understand more clearly, I will state a proposition, which has to be demonstrated, and the facts will demonstrate it. It is this: The United States made a treaty with one portion of a tribe of Indians, by which they sold them a certain portion of territory, defined by lines and bounds, and received a consideration in full for it, pledging ourselves to give them a title and patent in fee for all of it. Six years after that, the United States sold one hundred thousand acres of the same land to another portion of the same tribe, and received a consideration for it, for which we were to give to that portion of the tribe, also, a fee simple title, and give them, too, a patent for it.

Now, there are two questions which arise: Are not the United States bound to return the consideration which they received from the last sale, to the latter part of the tribe, and which portion of the tribe should it be paid over to? Both portions of the tribe occupy all the land first sold, and they live together like a band of brothers. They are the Shawnee Indians, and the best civilized portion of the Indians. I repeat, the question which now arises is, are not the United States bound to refund the money she received from the second sale of the same land? Now, in view of these facts, can any man rise in this House and contend that it is not right that the Government of the United States should return the consideration which she thus obtained of the ignorant Indian under false pretenses?

There is one proposition. There is another which originates in it, and it is this: As the first portion of the tribe purchased all of the land upon which the whole tribe are now located, and as they have received the second portion of the tribe with them upon that land, whether it is not right that the consideration to be refunded by the United States should not be paid to the first portion? We have brought in this amendment so as to provide that the entire fund obtained by the Government on the second sale of the same land, should be refunded to the Indians, and should be paid over in money; and the Committee on Indian Affairs have determined that it shall not be paid to either portion of the tribe separately, but that it shall be paid to the whole tribe. This is a succinct statement of the whole case. I beg leave to read to the House this document which I hold in my hand, with some commentary upon it, in order to make it more plain. It is short, and if this House is disposed to do justice, there will be interest enough manifested to hear it read.

With some parts of this report I do not concur. I think they are not consistent with a just conclusion from the facts of the case, but I will point them out as I go on. It is from the Secretary of the Interior. It is dated the 6th of July, 1852, only a few days ago. It was completed first in April last; but some errors were discovered in it, and I returned it for correction, and it now comes dated only a few days ago. It says:

"I have the honor to transmit to the Committee on Indian Affairs of the House of Representatives the accompanying papers, relating to a claim of the Shawnees of Ohio, in which I find the facts to be as follows:

"On the 4th of January, 1793, Baron Carondelet, in behalf of the Spanish Government, gave permission by grant to Lewis Laramie to settle with the Delawares and Shawnees within the province of Louisiana, upon the right banks of the Mississippi river, from the Missouri to the Arkansas, with the understanding that the lands selected were to be considered as vacated upon their removal therefrom."

They were to have the lands so long as they lived upon them, but it was to be considered vacant as soon as they removed from it.

"By virtue of this grant, a tract of land near Cape Girardeau, twenty-five miles square, was taken possession of by the two tribes, who, for a time, occupied it jointly, but in the year 1815 the Delawares abandoned it, leaving the Shawnees the sole occupants.

"In the sixth section of the treaty made by the United States with France on the 30th of April, 1803, by which the Province of Louisiana was added to the United States, it was stipulated that such treaties and articles as existed between Spain and any Indian tribe should be observed by the United States."

Now we come directly to that portion which relates to the matter of dispute, and I ask your especial attention:

"On the 7th of November, 1825, the United States entered into a treaty with these Indians by the name of the Shawnees of Missouri, by which the latter ceded and relinquished to the former the lands abovementioned, in consideration of a gift to them, and those of the same name in Ohio, who might thereafter emigrate to the west of the Mississippi, of a tract equal in extent to fifty miles square, situated west of the Mississippi, and designated by metes and bounds; with the proviso, that if, upon exploration, said lands should not, by a delegation of the tribe, be deemed suitable, an equal extent of territory should be assigned them on the Kansas river, west of the boundary of the Missouri.

"It was finally determined to settle them on the Kansas, and the Missouri Shawnees were removed there in 1828."

It will be perceived at once that fifty miles square on the Kansas river was bought and paid for by the Missouri Shawnees, and the United States got the lands which the Missouri Indians had occupied, between the Missouri and Arkansas rivers, near Cape Girardeau.

"There is no evidence to show that this tribe was, until this time, associated in any manner with the Shawnees of

Ohio, who, as a separate and distinct tribe, were dwelling upon lands of their own, in a distinct region."

This last sentence of the report is all nonsense, and not worth the reading. The two tribes spoke the same language; the one provided for the other by a treaty, and there are other important intrinsic facts which show they were the same, and divided perhaps years before by some unfortunate intestine feud. Schoolcraft would tell a different tale in his *Indian History and Statistics*.

"One of the stipulations of the treaty of 1825 was, that the lands in question should be conveyed by patent, in fee-simple, to the *Missouri Shawnees*." By patent in fee-simple, these fifty miles were secured to the Shawnees. "This provision was complied with on the 11th May, 1844," during Mr. Tyler's administration, for the first time. There was the treaty standing unperformed all the time from 1825 to 1844, during all of which time they were entitled to a patent in fee-simple. "The provision was complied with on the 11th of May, 1844, when a patent was issued to them," following the conditions of the treaty. It conveyed the fifty miles square of land on the Kansas to the Shawnees of Missouri, for themselves "and those of the same nation" who were residing in Ohio, subject to the right secured to the "Ohio band of Shawnees." Now, these two bands of Shawnees had been separated for many years—we do not know how long. But there is, we see, a provision made in the treaty of 1825, with the Missouri Shawnees, though separated hundreds of miles from the Ohio Shawnees, by which fifty miles square should be conveyed to the Missouri Shawnees for their benefit, and the joint benefit of the Ohio Shawnees, whenever they should remove west of the Mississippi. But "this right," that is, the right of the Ohio Shawnees so called, "as will appear hereafter, was only a right of occupancy, (so says this report,) no consideration passing from them." The Ohio Shawnees paid nothing for the right, it is true. "They were at the time living in the State of Ohio, on lands owned by them, in their own exclusive right." But by the treaty of 1825, they were provided for, and by the language of the treaty, as well as the patent, they have a full interest in the fee, and cannot be forced out of it by the action of the Missouri Shawnees.

Now, sir, we come to the other band, the Ohio Shawnees. "On the 8th of August, 1831, the United States executed a treaty with the *Shawnees of Ohio*, by which they agreed to grant to this 'division of the tribe, by patent in fee-simple to them,' as the language of the treaty expressly says, 'and to their heirs forever, as long as they shall exist as a nation, and remain upon the same, a tract of land to contain one hundred thousand acres, within the tract of land equal to fifty miles square which, as above-mentioned, had been before granted to the Shawnees of Missouri.'" This is the treaty of 1831. "The consideration to the United States of the cession of the said hundred thousand acres on the Kansas, was the lands 'owned or claimed by them in the State of Ohio.'" These lands the United States received from the Indians, in consideration of conveying lands to the Indians; lands which they (the United States) had already sold, and in which these Indians already had an interest, although they did not know it, secured to them through their brethren of Missouri in the treaty of 1825, from whom, at that time, they were widely separated, and of whose existence even they may have been ignorant.

Thus these Ohio Shawnees ceded all the lands they had in Ohio, and the consideration paid by the United States was one hundred thousand acres of land which the United States had already sold, and already received pay for, and which they thus sold a second time. A singular position this—for a people to sell a second time what they had already sold, and receive pay a second time for what they had already received pay for, and to a part of the same people who had paid for it in the first place, and who owned it, and had a joint fee-simple interest in it at the very time it was a second time purchased.

Now, if there is any conscience among men—any honor in the Government—and I have doubted whether there could be an element of that character reckoned upon in this soulless corporation—after I have seen men, intrusted so highly as we are here, vote in the way I have seen them vote upon matters of this character—I say if there is

any conscience among men—any honor in the Government, the consideration a second time paid to the United States, and now lying in your Treasury, must be paid to these people.

[Here the hammer fell.]

Mr. PHELPS here obtained the floor.

Mr. JOHNSON. Will the gentleman allow me a few words more in explanation. I will occupy but a few moments, I assure him.

Mr. PHELPS. I will yield for a few moments.

Mr. JOHNSON. I will then proceed, and I will comment no longer upon that kind of spirit which, out of mere suspicion as to whether a measure is right or not, will not examine to see whether it is right, and, from mere suspicion, will vote dishonor upon the escutcheon of the nation itself. I will make no further remarks about that, but continue with the statement in this paper. "It was also stipulated, that if there should not be a sufficiency of good land unoccupied by the Shawnee Indians," those already on the Kansas river, "those who had already settled on the tract, then the one hundred thousand acres thereby granted to the Shawnees of Ohio should be located on land contiguous." If they had taken the one hundred thousand acres of land contiguous, then there would have been some consideration for the lands they had ceded to the United States in Ohio. They went over among their brethren after this, and found their brethren ready to receive them with open arms. They settled down amongst them, and intermarried, and they are one people. Their interests are common, their friendships and affections are altogether. They have settled, and are at home there, and live upon the rights which were secured to them under the treaty of 1825 with the old original Cape Girardeau Shawnees. They have never thought of taking the lands contiguous.

"The United States further agree, that upon the sale of the lands in Ohio, the proceeds of those lands, after deducting seventy cents per acre, the cost of survey, and certain improvements, shall constitute a five per centum fund for the future necessities of the tribe."

The United States was to reserve seventy cents per acre, so that there can be no difficulty in making the estimate of what is the true consideration paid over. The whole of those lands have been surveyed and sold, as the records of the General Land Office show.

"When the lands in Ohio were surveyed, there were found to be 96,051 acres, which have been sold by this Government for \$126,551. The cost of the sale and the improvements mentioned in the treaty, amounted to \$21,005 40, which, together with the seventy cents per acre, was deducted from the aggregate amount received for the land in Ohio bought from the Indians, and the remaining sum of \$39,300 18, now constitute a fund upon which five per cent. per annum is paid by the United States for the use of the Ohio Shawnees." All they ever got out of what their lands actually brought, was \$39,000, and the seventy cents per acre was what the United States got from them, without giving them one cent of consideration for it.

"The aggregate amount of seventy cents per acre, which was deducted from the sum received for the land, is \$66,246 23, and remains in the Treasury," and is the amount of money which, by the amendment I shall offer to the Indian appropriation bill, is asked shall be refunded to the Shawnee Indians.

Now, sir, the question is, how shall it be refunded? The Ohio Shawnees, as it is claimed by their agents here, or was claimed, demand that they shall receive it, because it was for their lands. But the Missouri Shawnees say that they have furnished the consideration in this fifty miles square, which the United States was bound to furnish, and demand the consideration which the United States received for it. If we pay over the amount to the Ohio Shawnees, the Missouri Shawnees might well come forward and say to the United States, "We furnished the land, and we demand the money which you received, as an equitable settlement, if, indeed, it be not a legal right; and thus you may have to pay it over again." It would be at least a troublesome case for a kind heart or a tender conscience. If, upon the other hand, we pay it to the Missouri Shawnees, the Ohio Shawnees may say, "That under the treaty of 1825, though it is true we paid nothing for it, still our joint rights

were provided and secured in the fifty miles square. 'It was our land you got for nothing in Ohio. Your payments to the Missouri Shawnees are made in your own wrong, and we make our demand.'" Thus we might have to pay to them this sum again. Therefore it is that I have offered the amendment in the way I have, after full consultation, "for the payment to the Shawnees (embracing the whole tribe) of the moneys due to them under and by virtue of the treaties of the 7th of November, 1825, and the 8th of August, 1831, between the United States and said tribe of Indians, the amount being \$66,246 23," with a proviso, however, that the said tribe of Indians shall first express their assent to this method of settlement, and that the payment of the above sum, equally to the whole tribe, shall be satisfactory in discharge of this debt by the United States. If we pay it to one tribe we may have to pay it to the other. Their rights stand equally balanced, and we should pay it equally among them all, and not until they express their assent that it shall be so received by them, in satisfaction of the debt.

Now, Mr. Chairman, I will not trespass longer upon the time of my friend, [Mr. PHELPS,] and will yield the floor.

Mr. PHELPS. Mr. Chairman, I would not have sought the floor to address the committee, were it not that charges have been made by two members of the Committee on Indian Affairs against a gentleman whom I have always esteemed as a faithful officer and as an honorable man. I knew Wm. Medill when he was Commissioner of Indian Affairs.

Mr. JOHNSON, of Arkansas. You say charges by two members. I have not charged. I cast no imputation against him, because I expressly said that the facts were there, and I would not permit myself to draw a conclusion, or to make a charge, knowing that he had no chance to be heard.

Mr. PHELPS. Then it is to avoid inferences which may be drawn by persons who may read the remarks of my friends from Indiana and Arkansas that censure is due Colonel Medill in the negotiating of this treaty.

Mr. FITCH. If there be a charge made in stating the evidence of the Indian Bureau, communicated in part by Mr. Medill himself, and part by others, in full, the charge has been made.

Mr. PHELPS. I take the position, looking to the documents before me, that Colonel Medill is fully exonerated from practicing any fraud upon the Menomonees in the negotiation of the treaty of 1848. But it is true I have not before me the official documents, by which I mean, the letters and other evidence on file in the office of the Commissioner of Indian Affairs. I have, however, the annual report of the Commissioner of Indian Affairs made to the Secretary of the Interior, wherein he introduces and refers to extracts taken from the evidence on both sides. The gentleman from Indiana [Mr. FITCH] took occasion to refer to the character of Mr. Bruce, whose letter is upon file fully exonerating the Commissioner of Indian Affairs from any misrepresentation to the Menomonee Indians at the time of the negotiation of the treaty. With regard to the character of Mr. Bruce, perhaps the gentleman from Indiana and myself will not disagree. But were there not other men—honorable men—who filled and who are filling high and responsible stations in the country, who gave the same testimony Mr. Bruce gave? I will refer to one gentleman, Hon. Morgan L. Martin, who was a Delegate from the Territory of Wisconsin, and with whom I served here in the Twenty-ninth Congress. He was the president, I believe, of the convention which framed the constitution of the State of Wisconsin, and he also had the confidence of the administration of Mr. Polk, for he was appointed commissioner to negotiate treaties with the Indians. He testifies in relation to this matter, that the representations to which the gentleman from Indiana refers as having been made to the Indians at that time, were not made, and that he was present at the time of the negotiation of the treaty.

Mr. FITCH. If the gentleman will allow me, I will state a distinction between their statements.

Mr. PHELPS. One is a letter, and the other is sworn to.

Mr. FITCH. The statements the gentleman refers to, of the position of the Christian party, are mere statements. The charge is sustained by

ten gentlemen under oath. There is a very broad distinction.

Mr. PHELPS. I am willing to that. But first, Mr. Chairman, let us refer to the instructions given to Colonel Medill, when he was appointed the commissioner to negotiate this treaty with the Menomonees. There was a controversy as to the extent of their rights—some contending their territory was less than 2,000,000 acres; but upon a reference of this matter to the Attorney General of the United States, he stated that he was of the opinion there were upwards of 3,000,000 acres of land to which the Menomonees had a title. That was then assumed as the basis upon which the treaty was to be negotiated. The Attorney General said they had title to 3,023,800 acres of land. I will now read the following extract from the instructions given to Colonel Medill by the then Secretary of War, under whose jurisdiction Colonel Medill at that time was:

"In consequence of the conflict and confusion as to the true boundaries of the Menomonee country within the limits of the State of Wisconsin, I have taken the opinion of the Attorney General of the United States on the subject, and inclose to you a copy for your information. The President is disposed to treat the Indians with kindness and liberality; and while the extreme claims of the Menomonees to territory already purchased by the United States from the Chippewas and Winnebagoes cannot be recognized; you may, if a treaty can be effected at a cost per acre of the estimated quantity of land within the limits suggested by the Attorney General, not exceeding that paid by the United States under the treaty with the Menomonees of September 3d, 1836, provide in the treaty for the purchase of all their claims to lands in Wisconsin, and stipulate for the payment of a sum not exceeding the same ratable price as in the same treaty above referred to; the quantity of land estimated to be within these limits, and to form the basis of your calculation of price, is three millions twenty-three thousand and eight hundred acres."

The instructions to the commissioner then were positive that he must assume there were three million twenty-three thousand eight hundred acres of land, to which the Menomonees had a title, as the basis upon which the treaty was to be made. He could not, under the instructions given him by his superior officers, recognize any right in the Menomonees to an excess over that quantity. The instructions were, that he might allow a price not exceeding that which had been paid to the Menomonees per acre by the treaty of September 3d, 1836. We have only this extract from the instructions to that commissioner, but, as a matter of course, the instructions which have always been given by the Secretary of War, when the Commissioner of Indian Affairs was under the jurisdiction of that Department, and by the Secretary of the Interior since it has been placed under the jurisdiction of his Department, are, that you shall not give exceeding a certain amount. Furthermore, the instructions are generally directed to the purchase of the land at a low price, and not for \$1 25 per acre; for there is no land we have purchased from the Indians that we have paid \$1 25 per acre for. The price has varied from three to fifty cents per acre. Recently a treaty was negotiated with Indians living within the Territory of Minnesota, represented by my friend before me, for the purchase of certain land. I do not know the price they were paid, but I have no doubt the Delegate will inform us.

Mr. SIBLEY. They were paid a little over ten cents per acre—between ten and eleven.

Mr. PHELPS. Large tracts of land within the limits of Minnesota Territory have been negotiated for by the present Commissioner of Indian Affairs, and purchased at a price not far from ten cents per acre, just about the same price stipulated to be paid the Menomonees by the treaty of 1848.

Mr. FITCH here made a remark entirely inaudible to the Reporter.

Mr. PHELPS. Upon the basis given him in his instructions for the treaty, he could not recognize an excess, because he was instructed by the Secretary of War to assume that they had title to 3,023,800 acres of land; and he paid \$350,000 for the tracts which he did purchase from the Menomonees. The Commissioner of Indian Affairs remarks as follows:

"Some controversy had arisen in relation to the extent and boundaries of the country owned by these people, the principal chief claiming nearly eight millions of acres, whilst the Department conceded to them a much less quantity. The matter was referred to the Attorney General, who, upon a full examination of the numerous treaties heretofore made, as well with this as the various other tribes which formerly inhabited that region of country, gave an elaborate and satisfactory opinion on the subject. I was

accordingly limited in the recognition of their rights, as will be seen by the letter of instructions, to 3,023,800 acres, and to the same rate of compensation therefor which was paid for the land acquired from the same tribe by the treaty of 1836."

He acted within his instructions, and received the approval of the Secretary of War and of the President of the United States for his conduct in that negotiation. The treaty was subsequently ratified by the Senate. When did you hear the charges of fraud and misrepresentation? I say they are made by some traders or half-breeds, who desire to receive more of the money of the Government. The statement was made under oath, I will say, that some of these persons charged the commissioner had represented to them at the time of the negotiation, that they owned but 1,600,000 acres of land, and that he threatened, unless they signed the treaty presented to them, he would disgrace some of their chiefs—that he would depose them and install others into their position. These are the representations which have been made by these half-breeds and traders, who are living with the Menomonees. Who were present when the treaty was executed? There were present gentlemen of character and standing, whose letters are as much a guarantee of truth, contained over their signatures, as the oath of an employee of an Indian trader or a half-breed.

By reputation I have some knowledge of the character of the half-breeds and of a class of white men who resort to the Indian country. You have heard the Commissioner of Indian Affairs charge that when money was to be disbursed to the Indians that they were defrauded of the rights by white men. The charges of misrepresentation are made by this class of men against Colonel Medill. One of the gentlemen who speak of the complaints made by the Indians about the manner of the negotiating of this treaty denominates them a "issue of cunning fabrication"—"looks upon it as a scheme to get money out of the Treasury." Of the character of Mr. Bruce, as I have already stated, I have nothing to say. Of Morgan L. Martin I have already spoken. The member upon this floor representing his district is well aware of his character and high standing. I will also refer to A. G. Ellis, a gentleman with whom I have no personal acquaintance. I find that A. G. Ellis and M. L. Martin, were by Mr. Polk's administration appointed commissioners to negotiate treaties with the Stockbridge and other tribes of Indians residing in the Northwest Territory. A. G. Ellis was a witness to the negotiation of this treaty, and at that time an Indian sub-agent. I have before me the treaty signed by Colonel Medill as commissioner, and by the Indians, and signed and sealed in the presence of Albert G. Ellis, Morgan L. Martin, Samuel Ryan, and several other gentlemen. The present Commissioner of Indian Affairs reporting upon this case refers to some of the testimony. I will read the statement of the testimony of these gentlemen in connection with that of Mr. Bruce:

"William H. Bruce, the sub-agent, to whom a copy of the petition had been transmitted by this office, states that he was present at the making of the treaty, and denies that anything derogatory to the character of the gentlemen employed in making it took place. He adds, if a mistake was made by Mr. Medill, it was owing to the maps before him. He also submits—

"1st. A letter from the Hon. M. L. Martin, in which it is stated that he (Mr. Martin) was present with Commissioner Medill at the making of the treaty, and that every charge, either direct or by implication, against the latter, of improper conduct, is destitute of truth.

"2d. A letter from A. G. Ellis, in which it is stated that the charges against Mr. Medill are gratuitous and malicious; that the latter exhibited great kindness and patience to, and used no concealment with, the Indians; that the opposition to the treaty came, not from the Indians, but from the half-breeds, the traders, and their missionary.

"3d. The deposition of Samuel Ryan, which sustains the foregoing; and,

"4th. A letter from Colonel Francis Lee, United States Army, in which he says, with some facts to give plausibility to the whole, the petition of the Christian party is a tissue of cunning fabrication; looks upon it as a scheme to get money out of the Treasury."

Now, these are the witnesses who testify to the conduct of Colonel Medill at the time this treaty was negotiated. We have the testimony of a Lieutenant Colonel of the Army of the United States, who can have no inducement to misrepresent. He has no personal interest at stake. His profession calls him to maintain and defend the honor and the rights of this nation. The station he occupies stamps with truth every assertion he

makes. He would as soon falsify his oath as to make a statement under his hand that is untrue. It is only for the purpose of presenting this testimony in relation to the conduct of Colonel Medill at the time these negotiations took place with the Menomonees—it is to remove the inference of any improper conduct on the part of Mr. Medill, from the charges which have been made here, tending to inculpate and censure him, or cast even a shadow of suspicion upon him, that I am induced at this time to refer to these things. I regret that I did not know this matter was coming up. I am sorry that either myself or some gentleman from the State of Ohio had not been furnished with this evidence for the purpose of making a more complete defense of Mr. Medill's character—knowing him, as I do, to be a noble and honest man, and a faithful officer—one who has sought the interests of the Government, and, as I believe, those of the Indians also, and which can be easily shown by reference to the public documents of the country. For five years I had a personal acquaintance with him, and the greater part of that time he held the office of Commissioner of Indian Affairs. Prior to that time, he had held a seat in the House. At this time he is the Lieutenant Governor of the State of Ohio. His character for honesty is above reproach. I have defended him from the charge of fraud or misrepresentation in negotiating this treaty.

Mr. SWEETSER. I do not wish to detain the committee but for a few moments. The ground upon which the Committee on Indian Affairs ask the appropriation for the Menomonee Indians is most extraordinary, and involves a most grave and serious charge against an eminent citizen of my State, the former Commissioner of Indian Affairs.

Mr. HOUSTON. Will the gentleman allow me to make a motion, to see whether the committee will not have a recess and meet again this evening for discussion?

Mr. SWEETSER. I do not desire to occupy the attention of the committee more than ten minutes, and therefore I prefer speaking now, and finish the discussion. I say, the ground upon which this appropriation is asked is a most extraordinary one. I do not rise for the purpose of resisting the influence of the argument made in favor of this appropriation; but standing as I do here, one of the Representatives from Ohio, I feel bound, in consideration of public duty, to interfere in this debate, in order to exculpate an absent friend, who had no knowledge that an attack would be made upon him in this House, and what I may say is without examination, or any pretended knowledge of the facts further than they have been disclosed here.

That I may proceed understandingly, I will repeat the charge, as I understand it, and as I apprehend it was understood by the committee. I will do the honorable gentleman from Arkansas [Mr. JOHNSON] the justice and credit to say, that he has not himself indorsed this charge. If I have understood the gentleman from Indiana, [Mr. FITCH]—and if I am wrong, I wish he would correct me—he started out with the assertion that he desired to call the attention of the delegation from Ohio, particularly, to what he would state, inasmuch as he was about to state harsh things against an individual who stood high in that State. I consequently paid particular attention as the gentleman proceeded to state his charge, and I call his attention to some facts, which I consider material in the defense of this case.

The charge, substantially, is this: that Colonel Medill being armed with power from the Government, proceeded to the Territory of Wisconsin, in order to make a treaty with the Indians residing within that Territory; that prior to this the Government had given him information, predicated upon the statement made by the Attorney General, of the extent of the possessions of the Indians within that Territory; that he went there with a full knowledge of all the facts upon which his action was to be predicated; that in the face of this information and the truth, he said to these Indians that they had but about 1,600,000 acres of land, for which he was to treat, when he knew that they possessed and claimed about 5,000,000 of acres, and by threats and falsehood obtained from them a cession of all their territory, under a general grant. That is the nature of the charge. Superadded to that is the charge, that when the



Indians were hesitating in relation to making the treaty, Colonel Medill, armed with the powers of the Government as one of its high officers, and the only channel through which these Indians could reach the Government, threatened these Indians that unless they made the treaty upon the basis laid down by him, the strong arm of the Government would be used against them, the chiefs would be overthrown, and they would be removed by the military power of the country. Will this charge be proved by the records of the country? I interrupted the honorable gentleman, and demanded to know upon what authority, or even evidence, he made the charge. He replied, upon record evidence now on file in the Indian Bureau. I now say, if that charge be true, the country is disgraced, and I stand here, as one of the people's Representatives, to say, when that case is made out, that I am prepared to go as far as any man to set aside all these treaties predicated upon grounds that outrage the feelings of every man, not only of the House of Representatives, but the whole country. This charge should not be made unless predicated upon proof about which there can be no cavil. This charge ought not to be made against the Government in which we live, and go abroad to the nations of the earth, that this Government, in the nineteenth century, with all its power, has so abused and outraged an inoffensive people, who have never shed the blood of a white man, as has been stated to their credit. If this charge can be substantiated, there is no penalty known to any criminal code upon the face of the earth that ought not to be inflicted upon the commissioner who negotiated the treaty.

I interrogated the honorable gentleman upon one part of his argument, whether there was any conceivable motive for the perpetration of this outrage upon the Indians. He did not assign any. As this discussion proceeded—and it seemed that none of these gentlemen who had investigated the matter were disposed to assign any motive upon the part of Mr. Medill—my colleague from the Butler district [Mr. CAMPBELL] arose, and in order to make a political point here, asked my colleague from the ninth district [Mr. OLDS] whether he was willing to let this charge go in connection with the charge which he had made against a high officer of Government. The only distinction between the two cases is, that Colonel Medill was charged with cheating the Government not for his own benefit, while the other officer was charged with cheating the Government for his own benefit. The cases are not parallel. As we proceeded with this matter, the honorable gentleman from Missouri, [Mr. PHELPS], whose attention has been called to this matter in consequence of being a member of the Committee on Indian Affairs, presents a different phase of the case, and before I sit down I will call the gentleman from Indiana [Mr. FROST] to either explain his statement, or take back the charge which he has made against Colonel Medill. It appears that when Colonel Medill went to Wisconsin to treat with the Menomonee Indians, that his data was mere conjecture. The estimate of quantity was not the result of any actual survey or reconnaissance of the country, that had even the pretense of accuracy.

It was known to the Attorney General and to Colonel Medill, that these Indians possessed a considerable territory, but the precise amount was to all uncertain. His instructions were to purchase all for a gross sum. Supposing that the quantity would be about three millions of acres, he purchased the whole of their possessions in Wisconsin. The treaty was ratified by the Senate without objection from the Indians.

At this point allow me to repeat that there is no evidence here that Colonel Medill used any threats for the purpose of inducing these Indians to sell their possessions.

Mr. FITCH. I simply rise to say that the gentleman is mistaken.

Mr. SWEETSER. I hope the gentleman will publish the evidence, if any exists, in his speech. If the charge be true, I desire that the severest penalties should be inflicted upon an American citizen who dared, in the face of the American people, to perpetrate such an outrage. I care not who he is. I do not rise here for the purpose of pettifoggery or shielding this man at all; but I rise for the purpose of making a point that will bring out the truth. I will not trespass upon the attention of my friend from Minnesota [Mr. SIBLEY]

but a moment longer. Here is a plain case in relation to the public lands. Colonel Medill was in error in relation to the extent of the possessions of the Indians, as has been developed by subsequent examinations and survey. The Attorney General was not well advised, and the Indians were in error themselves. The Government desired to buy all their possessions in Wisconsin, and they intended to sell all. It is now ascertained that the amount, as stated by the commissioner, was too low. That is the true state of the case. We are not called upon to vote so as to disgrace any Department of the Government, or any man connected with the treaties. Instead of predicated the case upon the statement of the gentleman, it seems to me that he has presented a false issue, and one that will not command the vote of this committee favorably. It may be that the gentleman's judgment was clouded by prejudice.

If you predicate your vote upon the fact that this charge was true, there is no man here that would give such a vote until after a full and fair investigation of this matter, and until the accused party had been heard in his defense, and the facts had been placed before the country. If there has been an honest mistake, which is the reasonable view of the case upon the admitted testimony on file, if we have driven the Indians into a hard bargain through a mistake in relation to the quantity of land they possessed, we should now come forward and make up to these Indians what is honestly their due. In my judgment that is the ground upon which this case should rest. There is no reason, from the disclosures made here, to make the charge which has been made here against Colonel Medill, the commissioner who negotiated this treaty. Thanking gentlemen for their attention, I yield the floor to the gentleman from Minnesota, [Mr. SIBLEY.]

Mr. SIBLEY. I have not risen with any design of making a set speech or of consuming much of the time of the committee. I deemed it but right and proper in me, however, in view of the fact that an attack had been made upon a gentleman who formerly occupied a distinguished position under this Government, to yield a portion of my time to the gentleman from Ohio, [Mr. SWEETSER], to enable him to reply to the very serious charges which had been made against Colonel Medill, by members of the Committee on Indian Affairs of this House. It was but justice to the absent, that the reply should go forth to the country simultaneously with the accusations against him, and to effect this object, I very cheerfully permitted the gentleman from Ohio [Mr. SWEETSER] to occupy as much of my time as he might deem necessary to devote to the defense of the former Commissioner of Indian Affairs. Being myself ignorant of all the facts connected with the transactions between the Government and the Menomonee Indians, I have nothing to say on that subject. I propose to detain the committee for a short time in the discussion of another matter of very general interest to the country at large, and particularly to the Indians themselves. Sir, the aboriginal tribes upon this continent, and especially those inhabiting the northern portions of it, are subjected to a great amount of suffering, because of the want of food and proper clothing. This is a subject which I had the honor of bringing before this House during the last Congress, in a speech which I made upon the general topic of our Indian relations, when I took occasion, among other things, to state, that the miserable condition of the wild tribes of the West was far from being realized by Congress and by the country.

Sir, but two short years have passed since that speech was delivered, and my observation and the information I have gathered since that time, have entirely corroborated the statements therein contained. I have seen whole bands of Indians, comprising men, women, and children, reduced to a state of emaciation from hunger, shocking to behold in this fair land, which God has blessed with an abundance of all the elements necessary for the support of human life. I have witnessed the voracity with which these poor creatures have seized upon and devoured garbage the most disgusting, from which the very pampered dogs of your cities would turn away with loathing. It would be some consolation to be able to assert with truth, that reduced to these extremities, there was still no reason to believe that any had actually perished from the want of some kind of food capa-

ble of sustaining life. Unfortunately even that solace is denied us.

I have reason to know, from statements which have been made to me, by respectable men in the Indian country, that during the last year, in the Territory which I have the honor to represent upon this floor, there have been from sixty to one hundred deaths among the Indians, from actual starvation. I may be met here with the statement that these calamities befall them because of their improvidence. I have no disposition to deny that such is the case to some extent. Everybody who knows anything about the character of an Indian is aware that he acts up to the scriptural maxim of letting "the morrow take thought for the things of itself." If he has but sufficient to feed himself and his family for one day, he does not trouble himself much about what he is to have of fare for the next. That is especially the case with the Indians who depend exclusively upon the game for subsistence. Now, I have reason to know, that many of the large western prairies which formerly abounded in wild animals are now entirely denuded of them. The consequence is, that within two or three years bands of Indians who relied entirely upon the buffalo, elk, and antelope for their daily supply of food, have been reduced to the last stages of destitution.

I propose in an amendment I shall offer to the bill under consideration, before I take my seat, to appropriate the sum of \$100,000, to be applied by the Secretary of the Interior to relieve such cases of suffering as I have described among the Indians in any part of the United States. I have taken particular care likewise to provide that no part of this money shall be paid out by the Secretary unless statements from entirely reliable sources shall be brought to his notice, showing the absolute necessity of the expenditure.

In immediate connection with this subject I propose to reply to a charge made by the gentleman from Missouri, [Mr. PHELPS], against a class of persons in the West called Indian traders.

Mr. PHELPS. The gentleman will permit me to say, that in the allusion which I made to the Indian traders as being unworthy of credit, I did not mean to refer to the owners of trading establishments, but to the class of men employed by them to trade with the Indians. Those persons do not stand very well on the frontier where I live.

Mr. SIBLEY. Sir, I accept the explanation of the gentleman, so far as it goes, but I will not remain silent in this House and hear a whole class of citizens, with many of whom I am intimately acquainted, denounced, as I have sometimes heard them, by gentlemen who knew nothing about those they so bitterly inveighed against. I am aware that there are individuals in the West who are very improperly denominated Indian traders, who deserve all the denunciation that can be poured upon them, here or anywhere else. I mean those men who are engaged in selling liquor to the Indians, and taking from them in exchange therefor, blankets, guns, or anything else they may chance to possess. I hold these individuals in just as much detestation as the gentleman from Missouri can probably do. Thank God! we have very few of them in our Territory, and when they come there they are not suffered to remain long, before they are made to feel the weight of the public indignation.

But when that gentleman, or any other, undertakes to pour forth denunciations upon the regularly-licensed traders, as destitute of integrity and honor, I shall take issue with him at once.

We have in our Territory many citizens who have been engaged for years in the Indian trade, and who are as high-minded, as honorable, and as little obnoxious to the charge of defrauding the Indians, as any gentleman in this House. I will do them the justice to say, that they, in conjunction with the missionaries of the Cross, have gone further to benefit the Indians, to feed them when they were hungry, to clothe them when they were naked, to prevent the introduction of liquor among them, and to alleviate their sufferings generally, than any other class in the community.

Mr. SWEETSER. I ask the gentleman if it is not within his knowledge that, during the times of scarcity and starvation with these Indians, the traders have reduced themselves almost to poverty, in order to relieve the Indians in their exigencies?

Mr. SIBLEY. I will state to the gentleman

that such is very frequently the case. The men who receive licenses as traders must first show that they are of good character, otherwise, by the terms of the law, they should not be permitted to go into the Indian country at all. They are withal compelled to give bonds to the Government in a large amount to observe all existing regulations, and to refrain from any violation of the laws regulating trade and intercourse with the Indian tribes. Such men are the real friends of the poor Indian, and will share the last crust or the last blanket with the starving, shivering savage. For the most part, so far from defrauding the Indians, they are defrauded by them; for I assure the gentleman that he very much underates the character of these western Indians for shrewdness and intelligence, if he thinks they can be very easily imposed upon. They know the value of the articles of merchandise used by them about as well as the whites themselves, and are quite as apt to look after their own interests.

But I wish to present another fact in relation to this much-abused class of men. I have been an Indian trader myself for fifteen or more years, and I cannot consent to be placed in the category mentioned by the gentleman from Missouri.

Mr. PHELPS. I exonerated you.

Mr. SIBLEY. I know the gentleman did not intend to apply his remarks to me personally; but I choose to defend the class to which I myself have so long appertained against all such imputations.

Mr. PHELPS. I have already said that I did not intend to embrace in my remarks the principal traders, the proprietors of the trading establishments; I only intend to embrace their employees, the men whom they employ to trade with these Indians.

Mr. SIBLEY. I am perfectly willing to admit that there are traders and half-breeds among the Indians, as there are persons in all communities, who are no better than they should be. It would be strange indeed if there were not exceptions to the general rule.

Mr. PHELPS. That is the class to whom I allude.

Mr. SIBLEY. They form a portion of those who spend their lives among the Indians; but they are men whose characters are just as well known and appreciated among the Indians, and held in as just estimation by them as they are by the whites. I wish, as an act of justice to this class of the community, to state one fact which no man who knows anything about it will controvert. Of all the Indian traders of my acquaintance, (and they are many in number,) I know of none who have enriched themselves, but I am aware that by far the largest number have become utterly impoverished in the prosecution of this branch of commerce. Do these facts go to show that the Indians are defrauded by these people? or rather, do they not afford incontestable evidence that such wholesale charges are utterly without foundation? I have no knowledge of the kind of men they may have upon the frontiers of Missouri, to whom the gentleman particularly alludes. I am speaking of men some of whom hold high social positions in our Territory, and whose representations may be regarded as entirely reliable. It is from them that I have derived in part the information of the miserable condition of the Indians; and it is upon the statements of such individuals, together with my own general knowledge of the necessity of the case, that I have based my action in the introduction of the amendment referred to.

Now, sir, I desire to advert to another fact connected with Indian treaties which have been made, and are constantly being made with the Indians. There is a great mistake in the public mind about the amount of compensation which the Indians receive under these treaties. It is generally supposed that they are paid a price for their lands somewhat approximating to that at which the Government holds its public domain. Why, sir, so far from that, the average rates paid to the Indians for land, since the foundation of the Government, have been about eight cents an acre; and yet we constantly hear complaints made of the large appropriations that are required to fulfill these treaty stipulations. Gentlemen seem to forget that we have taken away the homes of these poor wretches, driven them west of the Mississippi, amongst wild and hostile bands of Indians,

who fall upon them with scalping-knife and with tomahawk, and that their principal dependence for subsistence is on the small annuities which they receive from this Government.

Mr. MURPHY. I desire to ask the gentleman a question. He appears to be well acquainted with the Indian character, and I understand his proposition to be to make provision for those that are suffering among them. I desire to ask the gentleman if the tendency of this provision will not be to increase the suffering?

Mr. SIBLEY. I will answer the gentleman from Georgia very cheerfully. If I had any idea that such would be the effect of this provision, I should certainly not offer the amendment. I will state to the gentleman, that as to the matter of fact, there can be no difference of opinion among men who are at all acquainted with the situation of matters in the West, that this state of things does exist. Not a year passes by, that scores and scores of these Indians do not perish from actual starvation, and I ask the gentleman, whether he thinks that in view of that state of things, this Government should fold its arms and refuse to make a small appropriation to meet such exigencies as these?

Mr. SWEETSER. With the permission of the gentleman, I will state that I have a near relative living in his neighborhood, from whom I received a letter a few days since, concerning the Indians in that locality. He writes me, that in consequence of the treaty made last fall, the Indians have not made so much provision for their subsistence as they have done hitherto, and that consequently, large numbers of them are not only suffering from hunger, but are actually dying. I believe that the Indians need the aid of the Government, and I shall vote for the amendment of the gentleman from Minnesota.

Mr. SIBLEY. I have no doubt the gentleman's information is correct. I will state to the committee, that I was present at the time the Upper Sioux treaty was made, which has just received the sanction of the Senate. I know that when the Indians arrived at the grounds, a great many of them were scarcely able to walk, from pure exhaustion. Many women and children were reduced almost to skeletons. There were present, when the treaty was made, from two thousand to three thousand Indians, and the commissioners were obliged, as a matter of absolute necessity, to send out teams to meet them laden with supplies to save them from death by actual starvation on their way to the treaty ground. I mention this as a single instance of the desperate straits to which the wild tribes of the prairies are reduced. If the facts could be obtained in an authentic form from all parts of our extended country, it would be found that other tribes are suffering in like manner.

Sir, this Government has assumed to itself the guardianship of these poor Indians, and should take immediate measures to meliorate their condition. With an overflowing Treasury—with your teeming granaries, and all the elements of prosperity abounding in your midst, for very shame let not the American Congress refuse to contribute something to alleviate the awful sufferings which, unrelieved, bid fair soon to destroy utterly the remnants of that noble race whose homes you are daily invading and appropriating to your own benefit. The sum proposed in the amendment is, as I have before stated, \$100,000. If by the expenditure of a part, or the whole of this amount, the lives of hundreds can be saved, who will regret the outlay? If no such exigency arises as to require the money to be devoted to that sacred purpose, it will remain in the Treasury, and Congress will at least have the satisfaction of knowing that its duty has been performed.

I now send up the amendment, and ask that it may be read:

For the subsistence of the Indians of any tribe residing within the limits of the United States who may hereafter be suffering for want of food and proper clothing, to be expended under the direction of the Secretary of the Interior, \$100,000: *Provided*, That in no case shall any portion of said sum be paid out unless a reliable statement shall be made to the Secretary of the Interior of the existence of such a state of suffering amongst the Indians as is contemplated in this clause.

Mr. GIDDINGS. I rise for a different purpose than that of expressing my approbation of the amendment which has just been read. But I will say, that my heart responds to the proposition of the gentleman from Minnesota. I would that the

Committee on Indian Affairs should report a general change in our policy towards that much-abused people, and, instead of sending armies to slay them, we should send them food to sustain them. That would operate as the most efficient protection to our frontiers that could be provided. If this system were adopted, we should have no more trouble with them—no more Indian depredations. But I rise to make a statement, to which I ask the particular attention of the chairman of the Committee on Ways and Means, and the chairman of the Committee on Indian Affairs.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, its Secretary, announcing that it had agreed to some, disagreed to other amendments made by the House, and had made one new amendment to the bill to supply deficiencies in the appropriations for the fiscal year ending June 30, 1852.]

Mr. G. proceeded. I repeat, I ask the especial attention of those gentlemen to some interrogatories which I desire to propound to them, for the purpose of obtaining information, and that the information may go to the country. I will observe, that I desire to have the experience of the able chairman of the Committee on Indian Affairs [Mr. JOHNSON, of Arkansas] to obtain this intelligence. According to reliable information, which I received in the summer of 1850, these Creek Indians, to whom attention has been turned, and for whose benefit I shall most heartily concur with the chairman of the Committee on Indian Affairs, by voting for the compensation he proposes to give them, with force and violence seized from seventy to one hundred free persons of color in the Indian territory, or, at least, those claiming to be free, and enslaved, sold them, and transported them to the State of Louisiana, where they are now in servitude as slaves. I will state that this was done in violation of their treaty entered into in 1845, and in subversion of our solemn faith entered into with these negroes during the Seminole war, in 1837. The official information upon this subject is in the Indian Department, where it has been received, and from which we have not been able to obtain any intelligence by resolution, although a resolution for that purpose has been in my desk since the first day of the session.

The questions I desire to propound to those gentlemen are, first, Is it a fact that those persons of color were seized and sold into slavery? and, second, by what claim of right, or pretended title, did these Creek Indians enslave and sell those people? If gentlemen are not prepared to answer these interrogatories now, I hope they will be to-morrow. I hope I shall have a plain and distinct answer to these two questions. In order that I may not be misunderstood, I will repeat, is it a fact, shown by the official records of this nation, or within the knowledge of these gentlemen, that from seventy to one hundred persons, claiming to be free, were seized by these Indians and sold into slavery? Secondly, by what authority was that outrage committed? In order to give time to answer these two questions, I will now consent that the committee rise.

Mr. JOHNSON. I never fail to answer a gentleman's question if I am able; and I will answer the questions put by the gentleman from Ohio so far as I can.

The subject-matter of which the gentleman speaks has never been before the Committee on Indian Affairs during my connection with that committee, in this or any other session of Congress; and, therefore, I have no official knowledge in regard to the matter at all. Then as to the knowledge I have obtained incidentally, I do know that there has been a great contest in relation to a portion of these Creek Indian negroes. I do know that the matter has been looked into here in the Executive Departments; I do know that the matter has never been before the House at all, unless it has strangely escaped my notice. I know it has not been before my committee. I know the Attorney General of the United States has declared his opinion as to the title of these negroes. I think there were seventy of them, though it might have been more or less. So, then, I have no official information on the subject to which the gentleman alludes.

Some two or three years ago, I knew of a contest going on about the title to these negroes, and that it was decided that they belonged to those Indians. They had established themselves in a free

town, which they maintained with force and arms. There were heavy disturbances existing there in the Indian nation, amounting at times almost to civil war. I believe before it was done with, it was quite civil war. I know they were taken, but what was done with them I do not know. They were taken and carried out of the nation, with the design of holding them as property, when they could not hold them in the nation, on account of the disturbance which they created. I know the decision of the Attorney General of the United States, as to the title to these negroes, and that is the whole statement in regard to the matter, as far as I can give it. I know nothing at all officially, but as far as I know anything in relation to the matter from any source, the gentleman is welcome to it. There is nothing disguised, so far as I am concerned.

Mr. GIDDINGS. I have not the least doubt there is not. I have served with that gentleman, and I know his feelings, the humanity which he always exhibits. But there is one thing which I want to say here, and then I will give way.

Mr. JOHNSON. There is one thing more which I will give. I have it from a gentleman from the State of Arkansas, who is generally correct in the statements he makes. I can only give the gentleman's understandings, for I have no official information. I can, however, give some information from this gentleman, who is well acquainted with the progress of this contest, and the condition of things there at the time, in relation to the action of these very same parties who were slaves to the Creeks. The representation is, that the most shameful outrages upon the face of the earth have been perpetrated upon females, the daughters of the Indians themselves, which justified civil war upon their part.

Mr. GIDDINGS. Before I give way for the committee to rise, I must protest against this offsetting of crimes. If those negroes were guilty of rape, it was no reason why this Administration should sell them, or suffer them to be sold, into slavery. But I know what gentlemen would answer—

Mr. JOHNSON. Then why ask for an answer?

Mr. GIDDINGS. Because I intended to expose the manner in which these crimes have been treated, and to-morrow I will explain the matter further.

Mr. JONES, of Tennessee. The gentleman does not acknowledge either of the Baltimore platforms, so I suppose he may agitate. [Laughter.]

A motion was then made that the committee rise, which was put, and carried in the affirmative.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. DISNEY) reported that the committee had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 44, it being the Indian appropriation bill, and had come to no conclusion thereon.

Mr. HOUSTON. The deficiency bill has been returned to the House. I understand the Senate has concurred in most of the amendments of the House. I had hoped it would be in such a condition that the House could concur in the amendments to which the Senate have disagreed. I will state what they are.

Several MEMBERS. There is no quorum, and you cannot pass them.

Mr. HOUSTON. I do not want to have any trouble about it, and I will move that the bill be committed to the Committee on Ways and Means. There are but three amendments which the Senate have not concurred in, and I think there will be no objection to those. They have non-concurred in the amendment of the House in reference to the appropriation for the Louisville custom-house. They have reduced the appropriation to \$16,000. They have insisted upon the amendment which we rejected, providing that money should not be expended in the Territories without being previously sanctioned by law. They have also non-concurred in the amendment of this House to that paragraph of the bill which proposes to allow \$25,000 to negotiate for the removal of the Indians from Texas. They non-concur in our amendment by which we propose to give it to all the Indians. They propose to confine it, as originally, to the Indians who have gone from the territory

of the United States into Texas. Those are the amendments now pending between the two Houses. The Senate have added an amendment to the amendment of this House by which they propose to appropriate \$50,000 for the pay and mileage of members of the Senate. I would like a concurrence in these Senate amendments.

Mr. MARSHALL, of Kentucky. I trust this House, although there are very few of us here now, will be very far from concurring in that portion which relates to the Louisville custom-house.

Mr. HOUSTON. The gentleman from Kentucky [Mr. MARSHALL] resists it as a matter of course.

Mr. SKELTON. I rise to a question of privilege. I move that the House do now adjourn.

The SPEAKER. The motion is not now in order.

Mr. MARSHALL. I have only this to say, that I trust the House will not concur in that portion of the Senate report which relates to the Louisville custom-house. As a Representative of that district, I do not know by what instrumentality the Senate has been affected, or who it is that has operated upon it; but I would rather have no amendment than to have \$16,000, because there is no sense or propriety in it.

Mr. SKELTON. I rise to a question of order.

Mr. MARSHALL. But whether this House concurs or not in the other amendments, I trust it will not concur in that, and that they will either drop it entirely, or give me the benefit of a committee of conference. I have said all I desire to say.

Mr. JOHNSON, of Arkansas. I desire the gentleman to yield me the floor a moment.

Mr. SKELTON. I rise to a question of order. It is, that there is no business before the House, and consequently debate is out of order.

The SPEAKER. (Mr. PHELPS in the chair.) The Chair will say to the gentleman—

Mr. FOWLER. I was recognized by the Chair.

Mr. HOUSTON. I was going to move to commit this bill.

Mr. FOWLER. I was recognized by the Chair, and I claim the floor.

Mr. HOUSTON. I move to refer this bill to the Committee on Ways and Means.

Mr. FOWLER. I have the floor.

Mr. MARSHALL. How can gentlemen take the floor in this way? I yielded the floor to the gentleman from Arkansas, [Mr. JOHNSON.]

The SPEAKER. The gentleman from New Jersey [Mr. SKELTON] rose to a question of order.

Mr. SKELTON. My question of order is, that there is no question properly before the House, and consequently that debate is out of order.

The SPEAKER. By general consent the deficiency bill was taken up.

Mr. COBB. General consent was not asked.

Mr. HOUSTON. I asked that the bill be referred to the Committee on Ways and Means. We will have a report in the morning.

Mr. MARSHALL. Is it the order of this House that the floor can be taken from me in this manner?

The SPEAKER. The gentleman from New Jersey [Mr. SKELTON] rose to a question of order.

Mr. MARSHALL. I am willing to yield to a question of order.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] moved informally to proceed to the consideration of the deficiency bill. No objection being made to the motion the Chair then entertained it, as he understood, by unanimous consent.

Mr. JOHNSON, of Arkansas. That is right; that is correct.

Mr. COBB. No appeal to the House for consent was made.

The SPEAKER. The gentleman from Kentucky [Mr. MARSHALL] is entitled to the floor.

Mr. JOHNSON. The gentleman has yielded to me to make a single remark by way of explanation. It is this, sir; I do not wish to make a motion myself to have this bill referred to a committee of conference between the two Houses, upon those two or three amendments. I do not wish to make the motion myself, because it involves upon any one who makes the motion the

necessity of taking the position of chairman of the committee, and I do not want it, because I should have no time to attend to it. I suggest that such course be taken with it; and I hope the amendment of the gentleman from Kentucky [Mr. MARSHALL] will be concurred in.

Mr. FOWLER. I rise to a question of order. There is no quorum present, and I make the point of order, that we cannot transact business without a quorum.

Mr. MARSHALL. That question cannot be ascertained while I am upon the floor.

Mr. FOWLER. My question of order is, that we can do no business, because there is not a quorum here.

The SPEAKER. There has been no division by which the Chair could determine whether a quorum is present or not.

Mr. MARSHALL. I move that a committee of conference be appointed upon the points of difference between the Senate and ourselves.

Mr. COBB. I want a division upon that motion.

The SPEAKER. The Chair will state to the gentleman from Kentucky, [Mr. MARSHALL,] that he is informed that there is a new amendment proposed by the Senate to this bill, which will require some other action upon the part of the House than a committee of conference.

Mr. MARSHALL. Then I change my motion, and move that this House disagree to the Senate amendments, and appoint a committee of conference, and inform the Senate of the fact.

Mr. FOWLER. I move that the House adjourn.

The House was being divided on the motion, when—

Mr. HART took the floor. Where will this bill go should the House now adjourn? To the Speaker's table?

The SPEAKER. The motion is now pending to disagree to the Senate amendments.

Mr. HART. Will it be the first business in order to-morrow morning?

The SPEAKER. It goes to the Speaker's table.

Mr. HOUSTON. If there is a new appropriation, it will be necessary to send it to the Committee on Ways and Means.

Mr. JONES, of Tennessee. That bill as it comes from the Senate, proposes a new appropriation of \$50,000. That, as a matter of course, under the rules, if required, must go to the Committee of the Whole on the state of the Union.

Mr. AVERETT. I understand that a motion to adjourn has been made, and the House is divided upon that motion.

The SPEAKER. A motion was made to adjourn, and while the question was being put, the gentleman from New York [Mr. HART] rose to a question of order.

Mr. HART. I beg pardon. I rose to make an inquiry of the Chair.

Mr. HENN. I rise to a question of order. The rules of this House require each member to keep his seat, and that but one member shall speak at a time. [Laughter.]

The SPEAKER. The question is upon the motion to adjourn.

Mr. FOWLER. I would like to inquire if the chairman of the Committee of Ways and Means did not make a motion to recommit this bill?

The SPEAKER. The floor was not assigned to him for that purpose.

Mr. FOWLER. I understand that to be the fact.

Mr. HOUSTON. I do not want to be captious about this thing at all. I know the bill has to take that course, and therefore I move to commit the bill to the Committee of Ways and Means.

Mr. JENKINS. I rise to a question of order. I wish to know what question is now pending?

Mr. JOHNSON. Is it not a question of adjournment?

The SPEAKER. That is the question.

Mr. MACE. I call for the yeas and nays.

The question was again being taken on the motion to adjourn, when

Mr. FOWLER said: I withdraw the motion to adjourn, as there is some doubt about the position of the bill.

Mr. COBB. I renew it.

Mr. HOUSTON. I move to commit the bill to the Committee of Ways and Means.

Mr. COBB. I ask for a division upon that motion.

Mr. MARSHALL. I understand my motion



is pending, and I do not mean that it shall be overslaughed. I understand I had made a motion to disagree with the amendments proposed by the Senate, and to appoint a committee of conference, and inform the Senate thereof. I do not intend that that motion shall be set aside, unless this House votes it down.

The SPEAKER. The gentleman will suspend a moment. The gentleman from Kentucky has submitted a motion that the House disagree to the amendments made by the Senate to the deficiency bill. The gentleman from Alabama [Mr. Houston] has submitted a motion that the bill, together with the amendments, be referred to the Committee of Ways and Means. The Chair is informed that the Senate have adopted a new amendment, appropriating \$50,000. The rules of this House require its consideration in a committee. Hence, in the opinion of the Chair, the motion submitted by the gentleman from Alabama [Mr. Houston] would have precedence. The motion now pending before the House, is the motion to commit the bill to the Committee of Ways and Means.

Mr. FOWLER. That being the motion, I move that the House adjourn.

Mr. HOUSTON. Let us act upon it in the morning.

Mr. AVERETT. I protest against any proceedings here with only twenty-five members present. There are not more than twenty-five or thirty present, and I insist on a division upon the question of adjournment.

The House being divided on the question, there appeared—ayes 12, noes 18; but before the vote was announced,

Mr. FOWLER withdrew the motion.

Mr. AVERETT. I move that the House do now adjourn.

The SPEAKER. The question has just been put and the House refused to adjourn.

Mr. HOUSTON. I ask that the question may be put upon the motion to commit the bill.

Mr. WALSH. When will the committee have a chance to report back the bill?

Mr. AVERETT. I have no sort of objection to proceeding, but for the fact that there are not thirty members present, and therefore I protest against any proceedings being had.

Mr. MARSHALL. I rise to a question of order.

Mr. AVERETT. There is no quorum present. I move that the House adjourn.

Mr. MARSHALL. My motion is pending.

Mr. SEYMOUR, of New York. I wish to inquire whether the gentleman from Alabama [Mr. Houston] has made a motion, which is entertained by the Chair, that this bill be committed to the Committee of Ways and Means? and whether if the House now adjourn, that motion having been made, the bill will be prevented from going to the Speaker's table, so that it will be reached in the morning?

The SPEAKER. The motion of the gentleman from Alabama [Mr. Houston] is already entered. The bill will therefore not go to the Speaker's table.

Mr. MARSHALL. Before the question of adjournment is presented, I want to know what decision the House has made upon my motion?

The SPEAKER. The Chair decided that the motion of the gentleman from Alabama [Mr. Houston] took precedence of the motion of the gentleman from Kentucky, [Mr. Marshall], and therefore entertains the motion to commit. If the House decides not to commit the bill, then the motion of the gentleman from Kentucky will be next in order, unless some other motion be submitted. But that question must be first taken. I will furthermore state to the gentleman from Kentucky, that there is a rule of this House requiring all appropriation bills to be considered in the Committee of the Whole on the state of the Union. The motion of the gentleman from Kentucky is decided out of order until the committee have acted upon this new appropriation.

The question was then taken on the motion of Mr. AVERETT, and it was agreed to.

So the House adjourned until to-morrow at eleven o'clock.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ABERCROMBIE: The petition of Stephen O'Kelly, claiming compensation for services and losses incurred in behalf of the United States, during the Creek Indian hostilities in Alabama, in 1836.

By Mr. PARKER, of Indiana: The petition of Jeremiah Smith, G. W. Monks, and 56 others, citizens of Randolph county, Indiana, praying for the passage of Mr. STANLY's bill, applying the fourth installment to purposes of colonization.

By Mr. GOODRICH: The petition of Stephen Thompson and others, revolutionary soldiers, for a modification of the pension laws.

By Mr. PEASLEE: The petition of Roswell Shurtleff and others, praying for the passage of the bill introduced by Hon. EDWARD STANLY, in favor of African colonization.

#### IN SENATE.

FRIDAY, July 16, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT. This is private bill day. Mr. BORLAND. I would inquire whether this is the day on which private bills may be discussed?

The PRESIDENT. This is the day on which, if any discussion arises, the bills must be passed over.

THOMAS H. LEGGETT.

The PRESIDENT. The first bill on the list is a bill for the relief of Thomas H. Leggett.

Mr. HUNTER. There is objection to that bill; and I understand that no bill can be discussed to-day.

The PRESIDENT. The rule requires that if any discussion arises, a bill shall be passed over; or it shall be passed over if any Senator expresses a disposition to discuss it.

Mr. SEWARD. If there is no disposition to discuss the bill, we may as well take the question now.

Mr. HUNTER. I would prefer that the bill should be passed over for to-day.

The PRESIDENT. Does the Senator propose to discuss the bill?

Mr. HUNTER. I cannot tell until the bill comes up; other members may wish to discuss it.

Mr. BORLAND. I have something to say on it.

The PRESIDENT. It will be passed over.

MARVIN W. FISHER.

The next bill on the Calendar was the bill for the relief of the widow of Marvin W. Fisher, which provides for directing the Secretary of the Treasury to pay to Harriet F. Fisher, widow and executrix of Marvin W. Fisher, the sum of \$20,000, as a full compensation for the past use of the machine invented by him for charging percussion caps, in the arsenals of the United States, and also for the future free and undisturbed use by the Government of the patent right to the machine, with its improvements, as patented November 21, 1848.

Mr. BORLAND. I would suggest, as I did before when that bill came up, that another bill has been reported embracing substantially the case provided for here, and other cases of a similar character. That bill is intended as a substitute for this. For that reason I move that this bill be laid upon the table.

The motion was agreed to.

THOMAS PEMBER.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Thomas Pember. It proposes to direct the proper accounting officers of the Treasury to audit the account of Thomas Pember, and to pay him the difference between the compensation of a captain's clerk and a purser on board the United States steamer Vixen, from October 23, 1848, to June 20, 1850, and the difference between the compensation of a captain's clerk and a purser on board the ship Electra, from July 1, 1847, to February 28, 1848.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

MARK BEAN AND RICHARD H. BEAN.

The bill for the relief of Mark Bean and Richard H. Bean was stated to be the next in order. It proposes to direct the Secretary of the Treasury to pay to Mark Bean and Richard H. Bean, of Arkansas, the sum of \$15,000, as a compensation and indemnity in full for losses sustained by them in their removal under the third article of the treaty

with the Cherokee Indians, of May 6, 1828, by which they were forced to abandon not only the lands which they had settled, cultivated, and improved, but an extensive manufactory of salt, warehouses, dwelling-houses, and other large improvements.

Mr. BAYARD. When the bill was up before, it was opposed by the Senator from Kentucky, [Mr. UNDERWOOD,] now absent as one of the committee of the Senate, who has gone to accompany the remains of his late colleague. I think the bill ought not to be acted upon in his absence. He may wish to continue that discussion. Certainly, as I understood his argument then, this is clearly a bill which ought not to pass the Senate. I have no desire to discuss it myself. I am not sufficiently familiar with its details to do so, but I have no doubt he would discuss it, for he is opposed to it, and I think he was very successful in showing why it should not pass. I think the bill ought not to be taken up in his absence, and therefore I move to postpone its consideration till Friday next.

The motion was agreed to.

ROBERT T. NORRIS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Robert T. Norris. It provides for the payment to Robert T. Norris of the sum of — dollars, in consideration of injuries received by him while acting as a pilot under the direction of the collector of customs in New York.

Mr. SEWARD. I move to fill the blank with \$500.

The amendment was agreed to.

Mr. BAYARD. I would like to hear the report in that case read.

The report was accordingly read; from which it appears, that Robert T. Norris was a regularly trained and licensed pilot in New York; that in September, 1839, he was directed by the collector of the customs of that port to pilot a floating light-ship, belonging to the United States, from the East river to the station off Sandy Hook; and while performing this duty, and engaged in the act of mooring the vessel, the chain-cable slipped out of the hawse-hole on the port-bow, in consequence of one of the stoppers giving way, and coming in contact with his person; badly injuring his right leg, and so violently injuring the left, that amputation was afterwards necessarily performed. By this accident the petitioner was disabled from pursuing his avocation, and his means of support were rendered very precarious. The committee consider that the accident having happened on board a ship belonging to the Government, under its management, and while the party was engaged in the service of the Government, it is a case commending itself to the magnanimity, if not to the justice, of the United States. At the same time, the committee say that they cannot advise the precedent of granting pensions for injuries and wounds received in the civil service of the United States. They therefore have thought proper to submit a bill providing for the payment of a fixed sum; and they refer, as a precedent, to the report made in the House of Representatives, May 2d, 1850, in the case of Eli Darling.

Mr. FELCH. I wish that this bill should be laid over until another day. I see, by the proceedings heretofore, that a bill for the same object once passed the House, came to the Senate, was reported upon adversely here, and the bill was finally indefinitely postponed. I would like to look into that adverse report.

Mr. HUNTER. This bill ought to be laid over. It seems to me it introduces a new principle—the granting of pensions to pilots.

Mr. FELCH. I move to postpone the further consideration of the bill until Friday next.

The motion was agreed to.

LEWIS H. BATES AND WILLIAM LACON.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Lewis H. Bates and William Lacon. It proposes to authorize the accounting officers to audit and allow the claim of Bates & Lacon for losses and damages sustained by them in consequence of the proceedings of the custom-house officers in New York, in exacting from them, on certain importations of iron into that port, made between June 1st, 1829, and January 1st, 1832, higher duties than were required by law, and in seizing and libeling those goods on the refusal of Bates &

Lacon to enter the same subject to higher duty, and for certain costs of court paid by them, and not reimbursed.

Mr. FELCH. I move to postpone the further consideration of this bill. I find that it is in the same situation with the one last up.

The motion was agreed to.

RICHARD MACKALL.

The PRESIDENT announced that the next bill on the Calendar was one for the relief of Richard Mackall.

Mr. BAYARD expressing a wish to debate the bill, it was passed over.

HENRY KING.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the representatives of Henry King. It proposes to direct the Secretary of the Treasury to pay to the legal representatives of Henry King the sum of \$8,140 for his services in the third Maryland regiment, and in the commissary department during the revolutionary war.

Mr. BAYARD. I do not desire to oppose this claim, or to discuss the bill, if those who advocate it are willing to have it amended by striking out the allowance of interest. I move to amend the bill by striking out the sum of "\$8,140," and inserting "\$1,817.36." On the face of the bill it does not appear that any interest is allowed, but in point of fact the claim originally for revolutionary services was \$1,817.36. The report of the committee shows that interest to the amount of \$6,332.64 is allowed upon the claim, and embodied in the bill, as if it were part of the claim. I move to amend the bill in that way, and if the amendment shall be agreed to without discussion, I shall not oppose the bill. Otherwise I shall be compelled to oppose it. I am opposed to paying four times the amount of the claim.

Mr. SHIELDS. I would like to hear the report read.

Mr. BAYARD. If interest is to be claimed, I shall discuss the bill; but if interest is not claimed, I have no objection to make to the bill.

The report was read, from which it appears that the claim is for the services of Henry King as sergeant in the third Maryland regiment from May 30th to October 20th, 1778, at the rate of \$10 per month; as commissary's clerk from October 21st to December 31st, 1778, at \$35 per month; as commissary's clerk from January 1st, 1779, to April 19th, 1780, at \$50 per month; as assistant commissary of issues from May 10th, 1780, to September 10th, 1781, at \$75 per month; and for a retained rating during a small part of the time, which latter item amounts to \$8 15c., making the total \$862 10c. The United States are credited with various payments during that time, amounting to \$180 18s. 8d.

Mr. SHIELDS. I would suggest that this bill be laid over for the present, and that we go on with cases requiring less time and less trouble. There are several matters involved here that may, in my humble opinion, lead to an immense amount of claims upon the Government. For one, I want to examine this matter very carefully. If we establish the principle here involved, we may have to continue it in other cases. I am afraid that the principle of the case is wrong. I do not object merely to the allowance of interest, but I have my doubts as to whether the principal should be paid.

The PRESIDENT. Does the Senator propose to discuss the bill?

Mr. SHIELDS. Yes, sir.

The PRESIDENT. It will be passed over.

JOHN JACKSON AND OTHERS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Jackson, Joseph Pineau, and Louis A. S. Smith. It proposes to direct the Secretary of the Treasury to pay to these persons the mileage allowed by law to witnesses attending the courts of the United States, from Port-au-Prince, in the Island of St. Domingo, to the city of Boston.

Mr. GEYER. Mr. President, I understand that there are some differences in the mode of computing mileage, and it is desirable to avoid that. The sum which it was intended to allow to these witnesses was \$180 each. I therefore move to amend it, by striking out the words "mileage allowed by law to," and to insert "the sum of \$180 each for their mileage as;" so that

the bill shall provide for paying them "the sum of \$180 each for their mileage as witnesses attending the courts of the United States," &c.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

HIRAM MOORE AND JOHN HASCALL.

The PRESIDENT. The next bill in order is a bill for the relief of Hiram Moore and John Hascall. The bill has been read once, and will now be read a second time.

The bill was accordingly read a second time, and considered by the Senate as in Committee of the Whole.

It provides that there be granted to Hiram Moore and John Hascall, citizens of the United States, and to their heirs, assigns, and legal representatives, for the term of fourteen years, from the 27th day of June, A. D. 1850, the full and exclusive right and liberty of making, constructing, using, and vending to others to be made or used, the improvements for cutting, thrashing, or cleaning grain, or either of them, and embraced in the model, drawings, or specifications connected with letters-patent granted to them on the 28th day of June, 1836, for a machine commonly known as "Moore & Hascall's Harvesting Machine," together with the improvements invented by them, or either of them, in perfecting said machine, or any part thereof, from the date of their original patent, to the day from which the same is hereby renewed and extended. And that the Commissioner of Patents be directed and required to make a certificate of such renewal and extension; and append an authenticated copy thereof to the original patent, with the proper specifications and claims: *Provided*, That the said patentees shall first pay into the Treasury, to the credit of the patent fund, the fees required by law for the renewal or extension of patents: *And provided further*, That all rights and interests in said patent heretofore granted or assigned by said patentees, or by their duly authorized agents, in their name, shall inure to and be enjoyed by such assignees and purchasers thereof, respectively, during the renewed term of said patent, upon the same conditions and to the same extent as for the term that did exist when such sale or assignment was made.

Mr. JAMES. I wish to offer an amendment to that bill. It is to add the following proviso:

*Provided*, That any additional claim to said letters-patent of 1836, so made and presented to the Patent Office for letters-patent, under the provisions of this act, shall be for a patent improvement or addition, and shall, by this act, in the same manner be open to be contested on the ground of priority of invention, or other legal grounds.

Mr. HUNTER. Is there any report accompanying that bill? If there be I would like to hear it read.

The PRESIDENT. There is no report.

Mr. HUNTER. I should like to hear some explanation of the bill from some of its friends, as there is no report.

Mr. FELCH. I believe there is no printed report. The amendment of the Senator from Rhode Island, if I understand it correctly, will probably lead to some debate, and I therefore move to postpone the further consideration of the bill until Friday next.

The motion was agreed to.

ADJOURNMENT OVER.

Mr. HALE. I move that when the Senate adjourns to-day, it do adjourn to meet on Monday next.

Mr. ADAMS. I ask for the yeas and nays on that motion.

Mr. SHIELDS. I hope the Senator will withdraw the call for the yeas and nays.

Mr. HALE. No, let him have them.

The yeas and nays were ordered.

Mr. WALKER. I should like to ascertain, Mr. President, if that motion is in order on private bill day?

The PRESIDENT. Certainly; it is a motion to adjourn.

Mr. WALKER. No, it is not a motion to adjourn, but a motion to regulate adjournment.

The PRESIDENT. It is perfectly consistent with private business.

Mr. WALKER. No; it is entirely public business.

The question was then taken on the motion, and resulted—yeas 30; nays 10; as follows:

YEAS—Messrs. Atchison, Bayard, Forland, Bright, Brodhead, Brooke, Butler, Chase, Cooper, De Saussure, Downs, Felch, Foot, Geyer, Hale, Hamilton, James, Mangum, Meriwether, Miller, Norris, Pearce, Pratt, Rusk, Sebastian, Shields, Soule, Toucey, Upham, and Wade—30.

NAYS—Messrs. Adams, Dawson, Dodge of Wisconsin, Dodge of Iowa, Jones of Iowa, King, Mallory, Seward, Spruance, and Walker—10.

So the motion was agreed to.

JOSHUA KENNEDY.

The Senate took up "A bill for the relief of the legal representatives of Joshua Kennedy, deceased," which was read a second time and considered as in Committee of the Whole. The bill provides that the Secretary of the Treasury pay to the legal representatives of Joshua Kennedy, deceased, out of any moneys not otherwise appropriated, the sum of \$6,500, in full compensation for the destruction of property by the Creek Indians in the year 1813.

The report from the Committee on Indian Affairs was read, in which they state that the destruction for which the petitioners ask indemnity did not take place "while" the troops occupied the property; but there can be no doubt that "such occupation was the cause of its destruction," so that the case, in the opinion of the committee, comes clearly within the spirit, if not the letter, of the act of 1816, and the supplement thereto. If the military occupation be the exciting cause of the destruction, it is difficult to imagine what difference the precise moment at which the destruction took place can make. It is the feeling of hostility, created on the part of the enemy by the act of the Government in erecting a source of annoyance in their neighborhood, which makes the Government liable for the consequences of its own act, and not the particular time chosen by the enemy to satisfy its vengeance. In the case under consideration, the petitioner had originally erected his buildings and other improvements under the assurance given in the President's proclamation, that the persons and property of settlers should be protected. Subsequently these buildings were converted into a temporary fort by an officer of the Government, and as such became the point of assault to the Indians immediately after their successful attack on Fort Mimms and the massacre of its garrison. It is true, the party of troops which had occupied the premises had, in their panic occasioned by the destruction and slaughter at Fort Mimms, retired; but immediately after that destruction, and whilst the military defenses were still in existence, the premises were attacked and destroyed by the enemy.

Mr. BAYARD. I would like to look into the report which purports to be annexed to the report which has been read, giving the result of a former examination of a committee, which is not stated in that report. There are some principles stated here to which I cannot assent, in regard to the construction of the law of 1817. The committee say that they have examined the case with great care; and that they find the facts to be in accordance with the report of the Committee on Claims of the Thirtieth Congress, "filed, and intended to be made a part hereof." That report is not printed, and the facts alluded to do not appear in this report at all. I move to postpone the further consideration of the bill until Friday next.

The PRESIDENT. The report to which the Senator alludes has been printed.

Mr. RUSK. I wish to say one word, sir, in regard to this matter.

The PRESIDENT. There can be no discussion.

Mr. RUSK. I do not propose to discuss the question. I merely wish to explain the nature of the other report.

The PRESIDENT. The other report is printed.

Mr. RUSK. I know it is, but the Senator from Delaware [Mr. BAYARD] has not examined it, and I wish to save him the trouble of an examination. I believe there have been adverse reports in both cases—an adverse report once, and two reports in favor of it. The principal difficulty arose from this claimant not complying with the law in regard to indemnity in such cases. The law was passed with a limitation, and that limitation expired before any decision was made on the subject, though the case was presented to the Commissioner. This was the cause of the difference between the two reports.

The PRESIDENT. The Chair must interfere to prevent discussion. Does the Senator from Delaware make any motion?

Mr. BAYARD. I would rather like to look into the facts, and examine the law of 1817.

The further consideration of the bill was then postponed until Friday next.

#### LIEUTENANT W. D. PORTER.

Senate bill No. 254 was then taken up, and read a second time, and considered by the Senate as in Committee of the Whole, being "A bill for the relief of Lieutenant W. D. Porter."

The bill provides that the Secretary of the Treasury be directed to pay to Lieutenant W. D. Porter, of the Navy of the United States, the sum of \$1,848 61, being for so much money expended by him for expenses incurred in bringing Amin Bey, of the Turkish navy, and his attendants, to the United States, in the year 1850, at the request of the Minister Resident of the United States at Constantinople.

No amendment being offered, the bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### BANCROFT WOODCOCK.

The Senate took up Senate bill No. 259, for the relief of Bancroft Woodcock. It was read a second time, and considered as in Committee of the Whole.

It enacts that the several patents granted to Bancroft Woodcock, on the 26th day of January, in the year 1832, and on the 23d day of November, in the year 1836, and on the 14th day of June in the year 1837, and on the 31st day of January, in the year 1845, for his improvements in the self-sharpening plow, be renewed and extended for the term of ten years, from and after the passage of the act; provided, the said Bancroft Woodcock shall, within three months after the passage of the act, make and file in the Patent Office amended specifications of his inventions, for the purpose of correcting defects therein; and shall pay the legal fees and charges thereof. And the Commissioner of Patents is directed to receive the surrender of the said patents; and on payment of the fees and charges provided by law for the extension of patents, to issue to Bancroft Woodcock new patents, with amended specifications; provided, however, that said patents, issued under the act, shall have no more force or effect as evidence, or otherwise, than if the renewal and extension had been made by the Board of Extensions or the Commissioner of Patents, before the expiration of the original patents; and provided further, that all persons now enjoying the lawful use of machines constructed under the patents aforesaid may continue to use the same, notwithstanding the act.

Mr. SHIELDS. That bill, as I understand it, is intended to revive a great many old expired patents.

Mr. JAMES. If the Senator from Illinois will permit me, I will explain the bill in a few words. Mr. Bancroft Woodcock had taken out four patents for his inventions, the last of which expires in 1859. The object of the renewal is simply to confirm to him the rights and privileges which heretofore belonged to him, and without which the last improvement would be of no value. Mr. Woodcock is a hard-working mechanic, and the committee have examined his claim, and are satisfied of its justice and propriety. The extension, nominally for ten years, is, in reality only for three years, because the patent which he at present holds, expires in 1859. The benefit which will be really conferred on Mr. Woodcock, will be the extension of the other patents, of which the last is an improvement, during that time.

Mr. SHIELDS. I believe I understand the bill now. The last patent which Mr. Woodcock obtained expires in 1859, and he asks for an extension of it—being an improvement on many previous patents—for a term of three years, and he desires to have the previous patents superadded, as it were, to the last patent?

I really do not know whether this is a matter upon which we can legislate properly. I am not acquainted with the subject; but it appears to me to be a question for the consideration of the Commissioner of Patents, rather than for the action of the Senate.

The PRESIDING OFFICER. The Chair will

be under the necessity of passing the bill over, if any discussion should arise on it.

Mr. SHIELDS. I shall not offer any further objection to the bill.

Mr. WALKER. I object to it.

The PRESIDING OFFICER. It will be passed over.

#### CYRUS H. McCORMICK.

The next bill in order was a bill for the relief of Cyrus H. McCormick.

Mr. NORRIS. I propose to discuss that bill when it comes up. It is, therefore, unnecessary to read it now.

The bill was accordingly passed over.

#### CAPTORS OF THE FRIGATE PHILADELPHIA.

The next bill in order was a bill for the relief of the captors of the frigate Philadelphia.

Mr. HALE. I shall discuss that bill. I wish it to be passed over.

The bill was accordingly passed over.

#### FREDERICK VINCENT.

The next bill in order was a bill for the relief of Frederick Vincent, administrator of James Le Caze, surviving partner of Le Caze and Mallett.

Mr. BAYARD. That bill, I believe, reserves interest on the claim. I shall wish to discuss that question, if it is intended to give interest. From so much of the report as I have glanced at, I am inclined to think the Government never can be liable to interest in such a case, either on principles of justice or equity, or on any other principle.

The PRESIDENT. The bill will be passed over.

Mr. BAYARD. I would rather discuss it from the phase of the report.

The bill was accordingly passed over.

#### ANN ROBINSON.

The Senate took up "A bill for the relief of Ann Robinson;" which was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of State to pay to Ann Robinson, of Virginia, the sum of \$380, it being the assessed value of a slave, carried off from Virginia by the British forces, in June, 1813, during the war declared by the United States against Great Britain, if there be so much remaining of the fund of \$1,204,960, provided by the first article of the treaty of Ghent, and paid by Great Britain, and accepted by the United States in full satisfaction for slaves and other property carried off.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### GUSTAVUS A. DE RUSSY.

The Senate then took up House bill No. 96, being "A bill for the relief of Gustavus A. De Russey, late an acting purser in the United States Navy," which had been read a second time, and was considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to pay to Gustavus A. De Russey, late an acting purser in the Navy, the sum of \$514, in full of the balance of compensation to which he is entitled for his services as an acting purser.

Mr. FELCH. If there is a report in that case I desire to hear it read.

The report made by the committee of the House of Representatives was read, in which the committee state, that the ship Concord, belonging then to the Brazilian squadron, was some time in the year 1842, by order of Commodore Morris, commander of said squadron, sent to the coast of Africa. William Bærum was then captain of said ship, and the said Gustavus A. De Russey was captain's clerk, the latter officer receiving the pay of \$500 per annum. In the month of October, in the said year 1842, the ship Concord, being engaged in the pursuit of slaves, was wrecked at the mouth of the Orange river, and the captain and purser were lost in an attempt to cross the bar in a boat. On the 7th of November, 1842, to fill the office of purser thus made vacant, Mr. De Russey received an acting appointment, under the hand of Lieutenant Gardner, then the senior officer belonging to the wrecked Concord; and was duly placed in charge of the stores, moneys, accounts, and effects of the former purser. He assumed this charge under all the disadvantages consequent upon a shipwreck on a desolate coast, and fulfilled

in all their details the duties of a purser to the officers and crew until they were received on board the United States ship Pennsylvania, after their arrival in the United States. His services as purser extended to the 31st of March, 1843. The pay of pursers in the Navy, as previously regulated by law, was \$40 per month and two rations per day, of the value of twenty cents each. In addition to this, however, certain perquisites attached to the office, in the shape of commissions on purchases, or profits on supplies; but on the barren coast of Africa, where few supplies could be obtained, and they only from a considerable distance and at great cost, Mr. De Russey was deprived of the benefit of any such perquisites or emoluments, because he furnished the supplies at the cost of procuring them.

The bill was reported to the Senate without amendment, read a third time, and passed.

#### PROTECTION TO THE TERRITORIES.

Mr. SHIELDS. A bill passed this body this morning—House bill No. 259, being "An act to provide for the protection of the Territories of New Mexico and Oregon, and the States of Texas and California,"—when I happened to be absent. Yesterday, by an amendment made to the body of the bill, "Utah" was inserted as one of the Territories to be protected, and it was omitted in the title; I wish now to amend the title so as to assimilate it to the body of the bill, and ask permission of the Senate to do so.

Mr. RUSK. You have a right to make the amendment.

The PRESIDENT. The bill can be amended as the Senator from Illinois desires, by the unanimous consent of the Senate. If there be no objection made, the title will be so amended.

No objection being made, the title was amended, accordingly.

#### HEIRS OF THOMAS FLETCHER, DECEASED.

The Senate proceeded, as in Committee of the Whole, to consider the bill from the House of Representatives, entitled "An act for the relief of the executors and heirs of Thomas Fletcher, deceased," which was reported from the Committee on the Judiciary, without amendment. It enacts that William M. Seddith, and Henry Daniel, the surviving executors, and Felix F. Fletcher, D. W. Fletcher, and Margaret Washington, late Margaret Fletcher, heirs of Thomas Fletcher, shall be released and discharged from a certain penal bond, in the sum of \$20,000, payable to the United States, executed by said Thomas Fletcher, as one of the sureties of Carey Nichols, May 28, 1817.

The bill was reported to the Senate without amendment, ordered to be read a third time, and being read a third time, was passed.

#### SYLVESTER CHURCHILL.

The bill for the relief of Sylvester Churchill was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It proposes to require the Secretary of the Treasury to pay to Sylvester Churchill, Inspector General of the United States Army, out of any money in the Treasury not otherwise appropriated, \$1,020 14, being the pay and emoluments of his office from July 8, 1845, to January 21, 1846, to which he is justly entitled, but which he cannot obtain as the law now stands.

The bill was reported to the Senate without amendment.

At the request of Mr. DAVIS, the report of the Committee on Military Affairs was read, from which it appears that Sylvester Churchill, of the United States Army, was appointed inspector-general on the 15th of September, 1841, to rank from the 25th of June of that year; and that on the 23d of August, 1842, a law was passed which, among other things, abolished the office of one of the two inspectors general of the Army. The President and Secretary of War, however, found it necessary, for reasons which they assign at length, to continue both until the 29th of April, 1845, during which time the memorialist discharged the duties of the office with acknowledged zeal and ability. On the 29th of April, 1845, the President deemed it necessary under the law alluded to, to abolish the office. The memorialist, being the junior, was honorably discharged. The necessity of the service, however, and the injustice done a meritorious officer, induced Congress to restore the



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office; and on the 21st of January, 1846, the memorialist was restored to his former rank and emoluments. During the interval from July, 8, 1845, to 21st January, 1846, he continued in the public employment, but by an oversight in the act which restored his office, he is unable to draw pay for that period without a special act. The amount was \$1,020 14, to which he is justly entitled; and the committee concur with the War Department in recommending that justice be done in this case to a gallant and meritorious officer by the passage of a special law for his relief.

The bill was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### W. K. AND APHIA JENNINGS.

The bill for the relief of W. K. and Aphia Jennings was read a second time, and the Senate proceeded to consider it, as in Committee of the Whole. It directs the Secretary of State to pay to W. K. Jennings and Aphia Jennings, in the State of Virginia, the sum of \$1,120, being the assessed value of four slaves carried off by the British forces in the month of June, 1814,—being the legal representatives of William Bean, deceased, who was the representative of Sarah Ullmer, his sister, who died in his lifetime, and who had lost three slaves, Esther, and two children, the said Bean having lost a negro man named Sam,—if there be so much remaining of the sum of \$1,200,409 60, paid by Great Britain to indemnify the United States for slaves and other property carried off by Great Britain during the war, and which the United States accepted in full satisfaction of the same.

The bill was reported to the Senate without amendment and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### ANDREW SMITH.

The Senate proceeded, as in Committee of the Whole, to consider House bill entitled "An act for the relief of Andrew Smith," which was reported from the Committee on the Post Office and Post Roads without amendment.

It proposes to direct the Secretary of the Treasury to pay to Andrew Smith, of Campbellton, in Georgia, \$100, in satisfaction for two Treasury notes, specially indorsed to his order, and alleged to have been abstracted from the mail between Hamburg, Mississippi, and Campbellton, Georgia, each for \$50, on his producing satisfactory evidence to the Secretary that they were so indorsed and mailed to him, and abstracted as aforesaid, and paid under a forged order of the said Smith.

Mr. BAYARD. I perceive that the report made by the committee in that case is adverse, and I therefore move that the bill be indefinitely postponed. I take it for granted that the Senator from Texas [Mr. Rusk] would not have made an adverse report, unless it was absolutely necessary.

The motion was agreed to, and the bill was indefinitely postponed.

#### JOHN A. BRYAN.

The joint resolution for the relief of John A. Bryan, was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It proposes to require the Secretary of War to receive proof of the number of days that John A. Bryan was engaged in the discharge of the duties of a commissioner, to make and carry into effect the treaty with the Wyandot Indians, he being appointed commissioner for the purpose aforesaid, by the Secretary of War, on the 19th of April, 1836, and pay said Bryan at the rate of eight dollars per day, for the time so engaged, out of any moneys in the Treasury not otherwise appropriated, deducting therefrom any amount which he may have heretofore received for said service.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and, being read a third time, was passed.

#### ELISHA W. B. MOODY.

The Senate proceeded, as in Committee of the Whole, to consider the bill to reimburse to Elisha W. B. Moody moneys paid by him as owner of the British bark Sarah in the rescue of the passengers and crew of the American ship Caleb Grimshaw. It proposes to direct the Secretary of the Treasury to audit and pay to Elisha W. B. Moody, on having satisfactory proof that he was the owner of the British bark Sarah, such sums of money as he paid for disbursements in or about the rescue of the passengers and crew of the American ship Caleb Grimshaw, which took fire at sea in 1848, and in carrying them to New York, together with damages which he actually sustained as owner by reason of his performing that humane act, to be shown to the satisfaction of the said Secretary, and not to exceed \$5,000.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### ORANGE AND ALEXANDRIA RAILROAD.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of the Orange and Alexandria Railroad Company. It proposes to direct the Secretary of the Treasury to pay to said railroad company, assignees of the Commonwealth of Virginia, \$120,000 in full of money advanced by the said Commonwealth to the Government of the United States in erecting public buildings in the District of Columbia, in pursuance of an act of the General Assembly of the said Commonwealth, approved 27th December, 1790.

The following amendment was formerly submitted by Mr. BRODHEAD. To add two additional sections to the bill:

SEC. 2. *And be it further enacted*, That the said Secretary be further directed to pay to the State of Maryland, out of any money in the Treasury not otherwise appropriated, \$72,000, in full for money advanced by the said State to the United States for the same purpose mentioned in the foregoing section, in pursuance of an act of said State, entitled "An act concerning the District of Columbia and the city of Washington," approved December 19, 1791, and the resolutions of their Assembly of the previous session.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated, to the treasurer of the Commonwealth of Pennsylvania, for the use of the said Commonwealth, the sum of \$100,000, in full compensation for siting up, for the use and occupation by Congress and the public officers, of the public buildings in the city of Philadelphia, then belonging to the said Commonwealth.

Mr. HUNTER. I hope this will be passed over. I shall have something to say upon it when it comes up.

The bill was accordingly passed over.

#### MARIA TAYLOR.

The Senate proceeded, as in Committee of the Whole, to the consideration of the bill for the relief of Maria Taylor, reported from the Committee on Private Land Claims. It proposes to enact that Mrs. Maria Taylor, wife of William R. Taylor, of the parish of Ascension, State of Louisiana, claiming in her own right a certain tract of land in that parish, near its upper limits, on the left bank of the river Mississippi, containing eleven and a half arpents by forty in depth, bounded above by the land of the late Jean Louis Parent, and below by that of the late Pierre Prospere, together with the land immediately adjacent to and back of the said tract, containing twelve arpents front by forty additional in depth, with such diverging of the lateral lines as to embrace an area of five hundred acres, be confirmed in the title thereto: *Provided*, That this act shall only be construed as a relinquishment of the Government of all claim to the said tract of land: *And provided*, also, That it shall not operate against the claim of any other person to the said tract of land.

The report of the Committee on Private Land Claims was read, from which it appears that the petitioner states that she is the lawful owner and proprietor of a certain plantation situated in the parish of Ascension, State of Louisiana, near its upper limits, on the left bank of the Mississippi

river, composed of two tracts mentioned in the bill; that she derived the title to one tract, as described, through sundry main conveyances from the original proprietors, whose possession commenced long anterior to the treaty of cession of Louisiana, and which have been continued uninterrupted by any subsequent owners to the present time; that the possession and occupancy of the rear tract has also been continued nearly the same length of time; but a confirmation of the title thereto could not be obtained in consequence of its being included within the limits of the survey of the Houma grant, made by one of the claimants under that grant, and that in order to remove this objection Carlos de Armas, under whom she claims, on the 26th of December, 1816, purchased from General Wade Hampton, who had acquired that grant by purchase, all his right and title to said tract. The committee are satisfied that all the material facts stated by the petitioner are established by documents on file, accompanying the petition; and, considering the long uninterrupted possession and cultivation of the land, are of opinion that the petitioner is entitled to relief, and accordingly report a bill.

Mr. FELCH. I ask that this may be laid over until next week.

The bill was accordingly passed over.

#### JAMES HIGGINBOTHAM.

The bill for the relief of James Higginbotham was read a second time, and considered as in Committee of the Whole. It provides that James Higginbotham be authorized to relinquish to the United States, in such form as the Commissioner of the General Land Office shall prescribe, the south half of section No. 29, township No. 81, north of range 23 west, in the district of land offered for sale at Iowa City, in the State of Iowa; and, upon the relinquishment being made, he shall be authorized to enter, in lieu thereof, the south half of section 27, in the same township, or, if the same be sold, any other half section of land subject to private entry at the land office at Iowa City.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### THOMAS MARSTON TAYLOR.

The bill for the relief of Thomas Marston Taylor was read a second time, and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury to allow to Thomas Marston Taylor, a purser in the United States Navy, in the settlement of his accounts, such deficiency as shall be shown to exist by reason of his making deposits of Treasury notes in the Phoenix bank, Charlestown, Massachusetts, subsequently to the month of April, 1842; and shall also allow to him such reasonable and proper expenses as he has actually incurred and paid in prosecuting any suit brought to enforce the supposed priority of the claim of the United States over other creditors, upon the just assets of the bank in the hands of the trustees; evidence thereof being furnished by the said Taylor to the accounting officers.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### JOHN J. SYKES.

The bill for the relief of John J. Sykes was read a second time, and considered as in Committee of the Whole. It proposes to direct the Postmaster General to cause to be paid to John J. Sykes, or his legal representatives, such sum of money as may appear to be due to him for services rendered and disbursements made by him, as assistant mail agent in California, from October 19th, 1850, to December 25th of the same year, on the production of satisfactory vouchers, showing that such services were actually rendered and disbursements made.

The bill was reported to the Senate without

amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### WADE ALLEN.

The bill for the relief of Wade Allen was read a second time, and considered as in Committee of the Whole. It proposes to direct the Postmaster General to adjust and settle the claim of Wade Allen, deceased, for extra services performed as contractor under the firm of Allen & Kitchen, in transporting the mail from Montgomery to Mobile, in the State of Alabama, during the years 1844 and 1845, and to allow and pay to the legal representatives of Wade Allen a just and legal compensation for the extra services performed by him in carrying the mails one month in each of those years over that route on a different schedule, and in a less time than he was required to do by his contract; that compensation to be estimated by reference to the original contract and the special contract, if any such shall be proved to have been made in relation to the performance of such extra services.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time, and passed.

#### WILLIAM P. S. SANGER.

The bill for the relief of William P. S. Sanger was read a second time, and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury to pay to William P. S. Sanger the same rate of compensation for the time he was employed as engineer at the Norfolk navy-yard, as was allowed by the act of Congress, approved September 28th, 1850, to James Heron, for services which he had rendered at the Pensacola navy-yard.

Mr. BAYARD. I ask for the reading of the report in that case.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) There is no report.

Mr. GWIN. There is no report, but there is a letter from the Navy Department which I ask may be read.

The Secretary accordingly read a letter from the Chief of the Bureau of Yards and Docks, stating that Mr. Sanger performed the services referred to; that he performed them to the satisfaction of the Bureau, and that he asks merely the same allowance as was made by Congress to the civil engineers at the New York and Pensacola navy-yards for similar services, and the Bureau recommend the allowance of the claim.

Mr. WALKER. I wish the Senate to understand that this is one of a class of cases where it is proposed to allow compensation to an officer because he happened to perform duty.

Mr. GWIN. Additional duty.

Mr. WALKER. It is additional compensation for performing duty.

Mr. GWIN. Additional compensation for performing additional duty.

Mr. WALKER. This person was required to perform duties as civil engineer at the Norfolk navy-yard.

The PRESIDING OFFICER. Does the Senator object to the consideration of the bill?

Mr. WALKER. No, sir. I wish simply to remind the Senate of what they are doing. I do not wish to see a principle established by which we are to pay additional compensation to every man in office who happens to perform some duty.

Mr. FELCH. I would like to inquire of the chairman of the committee who reported this bill, whether any compensation was ever before given for these services?

Mr. GWIN. If the gentleman had attended to the reading of the letter from the Chief of the Bureau of Yards and Docks, he would have seen that the proposition is to give to this officer precisely the same compensation which was given to officers at New York and Pensacola for services like those performed by Mr. Sanger. This is the third instance of the kind; and Mr. Sanger is the only officer who has not been paid additional compensation for those additional services.

Mr. FELCH. The Senator does not understand my inquiry. I wish to know whether any bill ever passed before providing for the payment of this individual for these services?

Mr. GWIN. No, sir.

Mr. FELCH. I find that two bills have been passed for the relief of William P. S. Sanger. I do not know whether it is the same individual or not. My inquiry is whether those bills were passed providing compensation for the same services. I think it would be better to let the subject lie over in order to examine it.

Mr. PEARCE. This bill is for an entirely different purpose from the bills referred to by the Senator from Michigan. Those bills were passed for the relief of Messrs. Sanger & De la Roche.

Mr. GWIN. This gentleman is one of the most worthy officers in the employment of the Government. I have examined this claim very thoroughly, and I was at first under the impression that the Naval Committee had accompanied the bill with a report. At any rate, the committee unanimously recommend the passage of the bill. They believed he was entitled to the additional compensation, as other officers who performed similar services had received it.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### WILLIAM G. WILLIAMS.

The bill for the relief of the legal representatives of Captain William G. Williams was read a second time and considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the Treasury to adjust and settle the accounts of the late Captain William G. Williams, of the Corps of Topographical Engineers, and to allow the amount of certain vouchers alleged to have been lost in consequence of Captain Williams having been killed in the battle of Monterey; not exceeding \$300, the balance appearing against him; and that the three months' extra pay allowed by the act of July, 1848, be paid to the widow or orphan children of said Williams.

Mr. PRATT. I propose to amend the bill by adding at the end of it these words: "out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### FRANCIS B. STOCKTON.

The bill for the relief of Francis B. Stockton was read a second time and considered as in Committee of the Whole. It proposes to direct the proper accounting officer to pay to Francis B. Stockton, a purser in the United States Navy, the sum of \$67 57, being the amount of losses sustained by him by reason of making his deposits of public moneys in the Phoenix Bank of Charlestown, Massachusetts.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### WALTER COLTON.

The bill for the relief of the legal representatives of Walter Colton was read a second time and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to the legal representatives of the late Walter Colton, the sum of \$7,865 33, being the amount deposited by him in the Treasury of the United States, above the net amount for which the prize ship *Admirante* was purchased by his agent.

Mr. GWIN objected to the consideration of the bill; and it was passed over.

Mr. HAMLIN subsequently rose and said: The Senator from California a short time ago, when the bill for the relief of the legal representatives of Walter Colton was under consideration, interposed an objection, and it was passed over. He has consented to withdraw his objection, and has requested me to call up the bill.

The Senate resumed the consideration of the bill as in Committee of the Whole.

Mr. DAVIS. That bill led to a pretty sharp discussion last year. The Senator from Maine, [Mr. BRADBURY,] who reported it from the Committee on the Judiciary, is not here; and I think perhaps it would be better to pass it over.

Mr. SHIELDS. The principal opposition made to this bill, on a former occasion, was by myself.

Afterwards, upon a thorough investigation of the question, I felt that I had not understood it at the time I objected to it; and I determined that if it ever came up again, I should not make any opposition to it. I saw Mr. Colton, after I opposed the bill. He called upon me, and laid his papers before me, and I went through an examination of them. He is now dead; and the bill now provides for paying the amount to his legal representatives. I make this statement, because I recollect that formerly I opposed the claim very violently; and afterwards, upon a thorough examination of it, I felt that it was a just one.

Mr. DAVIS. I did not make the objection on my own account. I do not know that I have any opinion about the bill. I recollect that there were gentlemen who opposed the claim, and I wished to state that fact. I withdraw any objection which I have made to the bill, if other gentlemen are satisfied.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### WILLIAM GRAYSON.

The PRESIDING OFFICER announced that the next bill upon the Calendar was one for the relief of the heirs of Colonel William Grayson.

Mr. UPHAM. There is some dispute about that bill, and I ask that it may be passed over.

It was passed over.

#### ANN C. BELKNAP.

The bill granting a pension to Mrs. Ann C. Belknap was read a second time and considered as in Committee of the Whole. It proposes to require the Secretary of the Interior to place the name of Mrs. Ann C. Belknap, widow of the late Brigadier William G. Belknap, on the list of pensioners, and pay her a pension per month at the rate of half the monthly pay to which her late husband was entitled at the time of his death; the pension to commence on the 1st of January, 1852; and to continue during her widowhood.

The bill was reported to the Senate without amendment and ordered to be engrossed for a third reading.

It was subsequently read a third time and passed.

#### SANTIAGO E. ARGUELLO.

The bill for the relief of Santiago E. Arguello was read a second time and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Santiago E. Arguello, late a captain in the California battalion, the sum of \$11,548 for losses of property sustained by him during the period of said service, and in consequence thereof.

Mr. HALE called for the reading of the report, and it was accordingly read. From the report it appears that Captain Arguello was a wealthy and influential inhabitant of California, residing in the vicinity of San Diego. On the invasion of the country during the Mexican war, and on the appearance of the proclamation of Commodore Stockton, then in command of that division of the American forces, Arguello placed himself at the head of a company raised through his influence and exertions, and immediately joined the United States forces, and fought with distinguished bravery upon several occasions under the command of Commodore Stockton, who fully attests his gallantry and the importance of his services. On November 25, 1846, he was appointed by Commodore Stockton a captain of riflemen in the California battalion, and on January 16, a member of the legislative council of the Territory. In consequence of his attachment to the cause of the United States, and the zeal and activity which he manifested in their service, his *rancho* was ravaged and laid waste, his buildings burned, and his cattle and other movable effects taken away by the enemy, by which he appears to have been reduced from competency and wealth to penury and dependence. The commissioner appointed by H. Fitch, esq., Alcalde of San Diego, to examine and report upon the losses of Arguello, stated under oath, after a personal examination, that the personal property thus destroyed by the enemy amounted, at the lowest value, to \$14,888. The committee reduced some of the items so as to allow but \$11,548, and consider that sum justly due to Captain Arguello. Accompanying the report are some letters of Commodore Stockton, showing

his appreciation of the services of Captain Arguello. The report refers to a case in 1818, where a report was made by a committee of the House of Representatives in favor of a claim of the same nature. The Senate Committee on Claims in the second session of the Twenty-first Congress adopted the same principle in their report on the case of John Daly, a Canadian refugee, and on that report a bill was passed granting to John Daly \$5,000 for supplies furnished and assistance rendered to the Army of the United States in Canada.

Mr. DAWSON. The principle involved in this bill is one which I have not considered. It would seem, from the report, that there have been some cases prior to this, in which the Government has adopted a similar principle. I do not know whether, on examination, it would turn out that the cases involved the same principle. Suppose an enemy were to enter our country, and one of our citizens should join him, and thus become a traitor to his own country, and take up the cause of those who are invading us, are we to place him in a condition where he could, with equity and justice, require a foreign Government to pay him for any losses occasioned by his course towards this Government? I am not prepared to adopt this principle, nor can I consider it correct in morals. When we invade a foreign country, and one of their citizens joins us, and then claims the protection of this Government against his own people, for confiscating his own goods, ought we to remunerate him? That is the whole amount of this transaction.

Now, sir, I maintain that the Government of Mexico, during the whole time that the war was going on, had a right to confiscate the property of this man, if he was one of their citizens, and deserted their standard, and took sides against his own country. I do not think we are bound, by any consideration of natural law, national law, or of morals, to interpose and protect him. I do not desire to go into the discussion now. I hope the bill may be passed over for the present.

Mr. BRODHEAD. One word before the bill is passed over. The Government of the United States had the benefit of this man's services; his property was destroyed in consequence of his attachment to our cause; and if the honorable Senator from Georgia will listen to the letter of Commodore Stockton, I think he will withdraw his objection.

Mr. BAYARD. I suppose the bill will have to be passed over; but I would ask the Senator from Georgia to look into the facts of the case. I think the case is one of great merit; indeed, I think the sum recommended by the committee is less than ought to be allowed.

Mr. DAWSON. I do not know that, upon examination, I shall be opposed to the claim. At present I am disposed unfavorably towards it; but I should like to have an opportunity of examining it, and ascertaining whether this principle has ever been recognized by the Government before.

Mr. GWIN. This gentleman is one of my constituents, and I will say a word in regard to him, as the remarks of the Senator from Georgia may be misunderstood. The Senator says that this man turned traitor to his own country. Why, sir, the people in California then were in a state of revolution. The Californians were fighting against the Mexican Government, and were revolutionizing the Government. In the midst of this revolution the proclamation of war reached California, and the United States took possession of the country. This individual, because he was prominent in opposition to the Mexican Government, independent of our contest, was punished by the destruction of his property. It is one of the most meritorious claims ever brought before the Congress of the United States.

Mr. SEWARD. I feel bound to move that this bill lie over till next Friday.

Mr. DAWSON. If the report had presented the facts as set forth by the Senator from California, the case would have been different, but there is nothing in the report about an existing revolution.

Mr. BRODHEAD. If the gentleman had listened to the letter of Commodore Stockton, he would have seen what were the facts.

Mr. DAWSON and Mr. HALE. Let the bill lie over.

The bill was passed over.

#### JACOB BANTA.

The bill to enable Jacob Banta to locate two revolutionary bounty land certificates was considered as in Committee of the Whole. It proposes to authorize Jacob Banta to enter and locate one hundred and sixty acres of land in any land district in Illinois or Iowa, on any lands subject to private entry, at the minimum price, upon presenting and surrendering at such office revolutionary bounty land certificates, numbered 3,178 and 3,182, issued under the act of Congress of May 30th, 1830.

The bill was reported to the Senate without amendment and ordered to be engrossed for a third reading.

#### HENRY C. MILLER AND OTHERS.

The bill for the relief of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley, was read a second time and considered as in Committee of the Whole. It proposes to authorize the Superintendent of Indian Affairs at St. Louis, Missouri, to receive proof as to and inquire into the quantity and value of oxen and other property taken from Henry C. Miller, Philip Thompson, and Jesse B. Turley by the Osages or other tribes of Indians, in the month of June, 1847, while traveling from the State of Missouri to Santa Fé; that if the Superintendent shall find that the Osages, or other Indians receiving annuities from the United States, forcibly took said oxen from Miller, Thompson, and Turley, then the Superintendent is required to retain from the annuities of the Indians an amount sufficient to indemnify Miller, Thompson, and Turley for the loss of their property. It further provides, that if it shall appear from the proof before the Superintendent that the depredations were committed by Indians not receiving annuities from the United States, it shall be the duty of the Superintendent of Indian Affairs to report his proceedings, together with all the evidence and proof in the case, to the Commissioner of Indian Affairs, together with his opinion as to the value of the property, in order that the same may be paid out of the Treasury of the United States; and that in the examination of the claim the Superintendent shall proceed according to the provisions of the "Act regulating trade and intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834.

Mr. ADAMS. I ask that the bill may be passed over, as I intend to discuss it.

The bill was accordingly passed over.

#### ISAAC ADAMS.

The bill for the relief of Isaac Adams was read a second time. It proposes to enact that the letters-patent granted to Isaac Adams on the 14th of October, 1830, for a new and useful improvement in the printing machine, called the "power printing-press," and also the letters-patent granted to Isaac Adams on the 2d of March, 1836, for additional improvements in the power printing-press, be extended for the period of fourteen years.

Mr. ADAMS. I am opposed to all these bills. I intend to make a general speech on the subject of the extension of patents.

The PRESIDING OFFICER. The bill giving rise to discussion will be passed over.

#### GEORGE DENNETT.

The bill for the relief of George Dennett, of Portsmouth, New Hampshire, was read a second time and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to George Dennett the sum of \$75 in full for services performed by him in bringing up arrears of business in the naval office, at Portsmouth, New Hampshire, at a time when there was no naval officer.

Mr. BAYARD. I shall object to that bill. It appears to me, as far as I can judge from reading the report, that it is a case in which the party accepted the situation of naval officer, and an attempt is made to give him extra compensation, because the books of the office had not been brought up for about three months anterior to the appointment. I shall certainly object to this claim, and I ask that it may be passed over.

Mr. HAMLIN. I hope the Senator will allow the report to be read.

Mr. BAYARD. I have no objection to hearing the report read.

At the request of Mr. HAMLIN the report of the Committee on Commerce was read, from which it

appears that George Dennett was appointed naval officer for the port of Portsmouth, New Hampshire; that he took the oath prescribed by law, and entered on the discharge of his official duties on the 13th of March, 1849; that the office of naval officer was vacant from the 18th of December, 1838, to the 13th of March, 1839; that it therefore became Mr. Dennett's duty to bring up the arrears of business for the time the office was vacant, for which he received no compensation. In pursuance of the recommendation of the Secretary of the Treasury, and from the fact that, in the opinion of the committee, Mr. Dennett is justly and equitably entitled to compensation for that service, the committee report a bill for his relief.

The PRESIDING OFFICER. Does the Senator from Delaware withdraw his objection?

Mr. BAYARD. No, sir, I shall certainly oppose the bill whenever it comes up. It seems to me that the principle on which it is based is utterly unsustainable.

The bill was passed over.

#### HEIRS OF JAMES BELL.

The bill to amend an act entitled "An act for the relief of the heirs of James Bell, deceased," was read a second time and considered as in Committee of the Whole. It proposes to enact that the proviso to the "Act for the relief of the heirs of James Bell, deceased," approved June 30, 1834, so far as the same prevents the payment to the heirs or legal representatives of the full amount found to be due to them by the proper accounting officers, under the provisions of the act of 1834, be repealed; and that the full amount found to be due on said account, adjusted in the manner prescribed in that act, be paid to the legal representatives of James Bell.

Mr. BAYARD. That bill, if I understand the report—and I have read it very hastily while other cases were being considered—includes the allowance of interest, and defends the principle of allowing interest on all revolutionary claims. I certainly shall discuss that question.

The bill was accordingly passed over.

#### JOHN MOORE WHITE.

The bill for the relief of John Moore White was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to John Moore White, the son and sole heir of John White, a major in the army of the Revolution, who was slain at the battle of Germantown, the seven years' half pay to which Major White, had he not died, would have been entitled by a resolve of Congress, passed August 4, 1780, together with such interest thereon as would now be due, if a certificate for the said seven years' half pay had been issued under the operation of the funding act, and no payment made thereon.

Mr. ADAMS. I desire to discuss this bill.

Mr. MILLER. I hope the Senator will allow the bill to be considered now.

Mr. ADAMS. If the interest is stricken out, I shall not discuss the bill. I merely propose to discuss the question of allowance of interest.

Mr. MILLER. I have no objection to amendments being offered and acted upon; but I will state that this old gentleman is over eighty years of age, is very poor, and blind, and this bill, to be of any service to him, should be passed immediately.

Mr. ADAMS. I think this whole matter is founded in error.

The PRESIDING OFFICER. The rule is very clear, that if debate arises upon a bill, it must be passed over.

Mr. WALKER. A number of bills on the Calendar are of the same character, and I wish to observe to gentlemen who are making these objections, that these claims are all based upon a solemn promise of the Government, under resolutions passed in 1780, 1782, 1783, and 1784, I believe, that interest would be paid. It is a solemn contract of Government, and it does seem to me extraordinary that, at this day, gentlemen should object to fulfilling the promises of Government, made to these old revolutionary soldiers.

The PRESIDING OFFICER. The bill, giving rise to discussion, must be laid over.

#### WILLIAM JONES.

The bill for the relief of the legal representatives of William Jones was read a second time, and



considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to cause to be paid to the legal representatives of William Jones, late of Massachusetts, the amount which he would have been entitled to receive under the pension act of 1818, had his name continued on the pension roll until June 22, 1829, the day of his death.

Mr. ADAMS called for the reading of the report of the Committee on Revolutionary Claims; and it was accordingly read.

From the report it appears that William Jones was a soldier in the war of the Revolution; that he served as a sergeant for more than eighteen months; that he received no bounty, gratuity, or pension from the General Government on account of his services; that he was entitled to a pension under the act of 18th March, 1818; that his name was inscribed on the pension roll under that act, at the rate of ninety-six dollars *per annum*, to commence August 16, 1819; that, before any payment was made to him on account of his pension, it was suspended, for some cause unknown. The Committee consider that it is right and proper to allow the representatives of the deceased the pension to which he would have been entitled had his name been kept upon the pension roll, and he received his pension until the day of his death.

Mr. BAYARD. I should like to have an explanation of one fact stated in the report before I can vote for the bill. It appears, from the report, that the name of William Jones was inscribed on the pension roll, at the rate of \$96 per annum, to commence on the 16th of August, 1819; but that, before any payment was made to him on account of his pension, his pension was suspended for some cause unknown. I should suppose that the cause might be ascertained from the Department. It is not probable that the pension was suspended without cause; and if there was cause, we should know what it was. It may have been sufficient. I object to the bill unless there is some explanation on that head. It does not appear from the report, that any application was made to the Department to know for what cause the party was stricken off the pension roll. It certainly ought to be known.

The PRESIDING OFFICER. The bill giving rise to debate will be laid over.

#### URIAH JONES.

The bill for the relief of the legal representatives of Uriah Jones was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to the legal representatives of Uriah Jones, late of Providence, Rhode Island, the sum of \$1,180, being the amount he would have been entitled to receive had his name been placed upon the pension roll, under the act of 1832, agreeably to his application.

Mr. FELCH called for the reading of the report of the Committee on Revolutionary Claims; and it was accordingly read.

From the report it appears that Uriah Jones enlisted in the Rhode Island continental line, in the company of Captain Humphreys, attached to the regiment under the command of Colonel Angell, in March, 1777, and continued to serve until September 24, 1782, when, in consequence of some misunderstanding with Captain Allen, who at that time commanded the company, he, with several others, left the army, and returned to their homes; that he was in actual service nearly six years; was engaged in several battles, among which were those of Springfield, Red Bank, and Yorktown; that he was several times wounded; and, at the time of his death, had two balls in him; that he never received any gratuity, pension, or bounty from the General Government on account of his services; that he made application to the Commissioner of Pensions to be placed on the pension-roll, under the act of 1832, but his name having appeared on the Rhode Island roll as a deserter, his claim to a pension was rejected. Under the act of June 27, 1832, all privates who served six years during the war of the Revolution, were to be allowed a pension for life, at the rate of \$80 per annum. The question as to whether the party was entitled to a pension turned upon the fact as to whether he could be considered a deserter. The committee consider that it is proved by the evidence very clearly that he was not a deserter; that he did not leave the army until long after actual hostilities had ceased; that he left in consequence of a mis-

understanding with his captain; and therefore that he ought not to be considered as cut off from the operation of the act of 1832.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### THE AMISTAD CASE.

The bill to indemnify the masters and owners of the Spanish schooner *Amistad* and her cargo was announced to be the next bill in order.

Mr. SEWARD intimating a wish to debate it, it was passed over.

#### JOHN MCINTOSH.

The Senate proceeded, as in Committee of the Whole, to consider the bill from the House of Representatives for the relief of John McIntosh. It proposes to direct the Secretary of the Interior to place the name of John McIntosh, of Montgomery county, Kentucky, on the roll of invalid pensioners at the rate of eight dollars per month; the pension to commence on the 4th of March, 1848, and continue during his natural life.

Mr. ADAMS called for the reading of the report.

The report of the Committee on Invalid Pensions of the House of Representatives was accordingly read, from which it appears that John McIntosh enlisted as a soldier in 1813 in Captain Henry Daniel's company of infantry; that he marched immediately to Seneca, Ohio, and joined the forces under the command of General William Henry Harrison; that he proceeded from thence with the troops on a forced march to Lower Sandusky, thence to Canada, and thence to the Thames; in which battle he was engaged. At the expiration of twelve months, the time of his enlistment, he was discharged from the service. While in the service in the line of his duty, on the forced march referred to, he received an injury in the right leg, producing a rupture of the muscle, from the effects of which he never recovered, but which continues to grow worse as he advances in life. Two good surgeons, of respectable character, in the State of Kentucky, state that his disability is total. The committee therefore report a bill for his relief.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### SAMUEL W. CHILSON.

The bill for the relief of Samuel W. Chilson was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Samuel W. Chilson the full amount of three months' pay, at the rate of \$600 per annum, as compensation for damage sustained by him in consequence of his being discharged from duty as mail agent on the railroad from Boston to Springfield without any previous notice, or without any charge of misconduct or delinquency preferred against him, in violation of the contract entered into by him with the Postmaster General, dated July 23, 1840, entitling him to such notice.

Mr. ADAMS called for the reading of the report of the Committee on the Post Office and Post Roads, from which it appeared that on the 23d of July, 1840, the Postmaster General entered into a contract in writing with the petitioner, Samuel W. Chilson, whereby the petitioner engaged to serve the Department as mail agent on the railroad from Boston to Springfield, to take charge of the mails, to receive and deliver the mails at the intermediate offices, and to perform other services specified in the contract, for which he was to be paid \$600 per annum. The contract was for one year, and it contained a provision that the petitioner should give three months' notice before he quitted the service, and that the Postmaster General should give him like notice before he discharged him, providing, however, that he might be discharged at any time for palpable delinquency in the discharge of his duties. The contract was continued by consent of both parties, and the petitioner remained in the service of the Department until February 28, 1842, when he was discharged without any previous notice, or any charge or claim of misconduct or delinquency; but it appears by the statement of the Department that the Postmaster General and the railroad company, not being able to agree on the terms for the transportation of the mail over the railroad, the mail was

withdrawn from that company, and transported for a short time in some other way. This was assigned as a reason for discharging the petitioner. This was a contingency that was not foreseen or provided for in the contract, and in the opinion of the committee it does not take away the right of the petitioner under the contract. He was not a public officer, but merely performing a service under a contract, and has the same claim for breach of contract as he would have had if the contract had been with an individual. The committee, therefore, report a bill for his relief.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### CREW OF THE MISSOURI.

The bill for the relief of the petty officers and seamen of the late United States frigate *Missouri*, was read a second time and considered as in Committee of the Whole. It proposes to direct the proper accounting officers of the Treasury to pay to each of the petty officers, seamen, marines, and others composing the crew of the United States frigate *Missouri*, at the time that ship was burned in the harbor of Gibraltar, in August, 1843, the sum of \$75, in consideration of the loss of clothing and other personal effects, sustained by them in consequence of their exertions in endeavoring to preserve the property of the United States.

Mr. BORLAND. Within the last three or four years several cases have been before the Senate, not precisely like this, but involving the same principle, and my impression is, that they have been invariably rejected. There is now pending a claim of the officers of the brig *Somers*, which was lost at Vera Cruz. I must object to the consideration of this bill.

The bill was passed over.

#### THOMAS J. PAGE.

The bill for the relief of Thomas J. Page was read a second time, and considered as in Committee of the Whole.

It proposes to require the proper accounting officers of the Treasury to audit and adjust the account of Lieutenant Thomas J. Page, of the United States Navy, for his expenses in preparing his accounts as acting purser of the United States brig *Dolphin*, and to pay the same, provided the amount to be thus paid shall not exceed \$75.

Mr. DAVIS called for the reading of the report of the Committee on Naval Affairs; and it was accordingly read.

From that report it appears that the memorialist alleged that in October, 1849, while on the East India station, he was appointed to command the brig *Dolphin*, and with the command was connected the appointment of purser; that he performed the duty of purser on board the vessel, and adjusted accounts for the Government as acting purser, and submits an account of the time he was employed, for which he claims compensation at the rate of \$1,500 per annum, making the sum of \$3,037 92. The report of the committee, which was made by Mr. MALLORY, goes into the whole question of allowances to naval officers, and comes to the conclusion that the memorialist is not entitled to pay as purser for performing the duties of purser while acting in command of the brig *Dolphin*; but, inasmuch as he was subjected to some expenses in preparing statements of accounts beyond the sphere of his ordinary and legitimate duty, the committee report a bill for his relief to that extent.

Mr. DAVIS. I do not know that I have any objection to the bill. I believe, from hearing the report read, that the committee arrived at a very correct conclusion in regard to the general principle. That is, that a person commanding a small vessel is not entitled to the pay of a purser because he performs the duties of purser. The committee propose, however, to make some allowance in consequence of some extra expenses to which the officer was put on account of preparing books and matters of that sort. To that I have no objection.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading. It was subsequently read a third time and passed.

#### HEIRS OF BENJAMIN O. MOOERS.

The bill for the relief of Benjamin O. Mooers,

deceased, late a lieutenant in Colonel Hazen's regiment of the revolutionary army, was announced as the next bill in order.

Mr. BAYARD gave notice that he should discuss the bill, and it was accordingly passed over.

MATTHEWS, WOOD, AND HALL.

The bill from the House of Representatives for the relief of Charles S. Matthews, Charles Wood, and James Hall, was announced to be the next bill in order.

Mr. BRODHEAD intimated a desire to discuss it, and it was laid over.

JOHN DEVLIN.

The Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of John Devlin. It proposes to direct the Secretary of the Treasury to cause to be audited and settled, by the proper accounting officers, the account of John Devlin for services rendered as temporary clerk in the office of the Fifth Auditor, in the years 1837 and 1838, and to pay him such sum as may be found equitably due for such service, not exceeding \$1,366.

Mr. SHIELDS: As the Senator from Indiana, [Mr. WHITCOMB,] who introduced the bill is not present, I wish to state that it has passed the Senate already three times, I believe, but failed in the House. Mr. Devlin was employed as clerk under Mr. Pleasanton, in the Fifth Auditor's Bureau, under the promise that when the usual appropriation for that Bureau should be made, he would receive a salary at the rate of \$1,000 per year. He was employed for sixteen months, but by misapprehension, when the appropriation was made, it was not sufficient to cover his case. The service was performed at the request of the head of the Bureau. The committee in their report refer to former cases, and conclude with the recommendation that the petitioner, having rendered valuable and faithful services for which he has not received compensation, ought to be paid.

Mr. DAWSON. I perceive that the Senator from Delaware reported the bill this year.

Mr. E. YARD. I did report the bill at this session; I examined the facts of the case, and think they are very clear. I did not think it necessary to make any written report, because there were previous reports made in favor of the claim.

Mr. HALE. I do not object to this bill, but I do not know but that it will be obnoxious to some of the arguments which the Senator from Arkansas [Mr. BORLAND] made against the deficiency bill. [Laughter.]

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

JOHN McAVOY.

The bill for the relief of John McAvoy was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of War to cause to be paid to John McAvoy, late a private in company H, of the 8th regiment of United States infantry, the sum of \$20, which sum was paid, by McAvoy for transportation from Brazos de Santiago, to New Orleans, while in the service of the United States.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

NATHAN WESTON.

The bill for the relief of Nathan Weston, jr., late additional paymaster in the Army of the United States, was read a second time, and considered as in Committee of the Whole. It proposes to direct the accounting officers to pay to Nathan Weston, jr., the full amount of three months' extra pay, in conformity with the fifth section of the act of July 19, 1848.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

BOUTON, WRIGHT, AND FISHER.

The bill for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher, was read a second time, and considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Richard M. Bouton, George Wright, and Harriet F. Fisher, widow of Marvin W. Fisher, the sum of \$5,000 each, as a full compensation for the past use of their machines for making and charging

percussion caps in the arsenals of the United States; and also for the future free and undisputed use by the Government of those machines, together with the patent rights thereof.

Mr. HALE. I do not rise to oppose the bill, but to call attention to the fact that another bill has been reported, which partly covers this case; that there are conflicting claims here.

Mr. BORLAND. A single word will, I think, satisfy the Senator from New Hampshire. The other bill to which he alludes was laid on the table, this having been subsequently reported in order to cover the whole ground, and make an equitable arrangement of the whole matter. The other bill was laid on the table to make way for this.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

JAMES W. CAMPBELL.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of James W. Campbell, of Pike county, Missouri. It provides that James W. Campbell, of Pike county, Missouri, be authorized to enter, free of charge, any of the public lands subject to private entry, at \$1 25 per acre, subject to sale at the land office for the district of Palmyra, in the State of Missouri, not exceeding one hundred and twenty acres, upon making proof to the satisfaction of the register and receiver of that land office, subject to the approval of the Commissioner of the General Land Office, that he is the legal assignee of John J. Jackson; and that two receipts, numbered 19,513 and 19,514, dated June 26, 1838, purporting to be issued by A. Byrd, receiver at Palmyra, in favor of Jackson, one for \$50, and one for \$100, surrendering the said receipts to the United States, and executing a relinquishment of all his right, title, and interest to the land therein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

GIDEON HOTCHKISS.

The bill for the relief of Gideon Hotchkiss was read a second time, and considered as in Committee of the Whole. It proposes to enact that the letters-patent granted to Gideon Hotchkiss, a citizen of the United States, on the 9th of January, 1837, for a new and useful improvement in the construction of reacting water-wheels and other appendages, for the term of fourteen years from November 30, 1836, be renewed, revived, and extended, from and after the date of the passage of the act, for and during the term of seven years: *Provided, however,* That such renewed and extended patent shall be open to legal inquiry, as if issued under the general law: *And provided, also,* That all persons now enjoying the lawful use of any water-wheel or improvement prior to the patent of Gideon Hotchkiss, and purchasers of any such water-wheel, or improvement lawfully constructed, may continue to use the same, notwithstanding the provisions of this act.

Mr. BORLAND. I do not propose to offer any amendment to this bill, but I think it ought to be discussed.

Mr. BRODHEAD. If my friend from Arkansas will allow the report to be read, I think he can have no objection to the bill. This man would have the right to have his patent extended at the Patent Office, but there was a misunderstanding, which prevented him from doing so.

Mr. BORLAND. Then I withdraw my objection.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

WILLIAM R. NEVINS.

The bill for the relief of William R. Nevins was read a second time, and considered as in Committee of the Whole. It proposes to enact, that so much of the eighteenth section of an act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts made for that purpose," passed on the 4th of July, 1836, as prevents the extension of a patent after the expiration of the term for which it was originally issued, be suspended so far as shall be necessary to authorize the renewal of the patent of William R. Nevins, of the city of New York, for his invention of what is denominated in his letters-patent,

"A certain machine for rolling and cutting crackers and biscuit," dated March 2d, 1836, and reissued May 9th, 1848, subject, however, to all other restrictions and conditions in that act contained.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

On motion, the Senate adjourned till Monday.

## HOUSE OF REPRESENTATIVES.

FRIDAY, July 16, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is House bill No. 271, "granting the right of way and a portion of the public lands to the States of Florida and Alabama for the construction of certain railroads in said States."

Mr. SEYMOUR, of New York. I ask the unanimous consent of the House, that the bill which came from the Senate, entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" be taken from the Speaker's table and referred to the Committee on Commerce. It is a very long bill, containing forty-seven sections. I ask its reference now, that that committee may have time to examine it. [Cries of "Agreed!" "Agreed!"]

The bill was then read a first and second time by its title, referred to the Committee on Commerce, and ordered to be printed.

## HOOR OF MEETING.

Mr. CHANDLER. I ask the unanimous consent of the House to introduce the following resolution, which, in my opinion, is of the nature of a privileged question:

*Resolved,* That on Monday next, and thereafter during the present session of Congress, this House will meet at ten o'clock in the morning, and that there shall be a recess from three to five p. m., each day.

Objection was made, and the resolution was not admitted.

## FURNITURE FOR THE HALL.

Mr. SWEETSER. I ask the unanimous consent of the House to introduce the following resolution. I think it is one that should be offered as a privileged question, but whether it be so or not, I am confident it will meet with the approbation of the House:

*Resolved,* That the Clerk of this House is hereby authorized to purchase new sofas, or settees, and chairs for the hall of the House, and such other necessary furniture as, in his judgment, may be wanted for the convenience of members, with as little delay as possible.

Mr. DUNCAN. Where are they to be placed? Mr. SWEETSER. Instead of the old ones. I hope the old sofas may be removed, for they are a disgrace to the House.

Mr. LETCHER objected.

Mr. SWEETSER. I insist that as this resolution provides for the convenience of members of this House, it is a privileged question.

The SPEAKER. The Chair thinks differently from the gentleman from Ohio, and so decides.

## COMPENSATION OF THE CLERKS.

Mr. WELCH. I ask the unanimous consent of the House to submit the following resolution, which I am instructed to report to the House by the Committee on Accounts:

*Resolved,* That John A. Parker, John Hunnicut, and M. Martin, be allowed the same compensation as assistant clerks of the House of Representatives—say \$1,500 per annum—for the present session of Congress.

Mr. BRIGGS. I am in favor of the resolution, but would suggest to the gentleman to modify his resolution to make it extend to this Congress instead of this session.

The SPEAKER. Is there objection to the introduction of the resolution?

At the request of Mr. FOWLER, the Clerk again read the resolution.

Mr. NABERS. If the resolution be not objected to, I move the resolution I send to the Clerk's desk.

Mr. HOUSTON. If amendments are to be offered, and there is to be discussion on the resolution, I object.

Mr. STANTON, of Tennessee. I rise to a question of order. The question of order I make is this: The resolution was read, and the gentleman from Alabama paid no attention to its reading. The Chair called upon the House to know if there were any objection, and there was no objection, and it was not until the second reading of the resolution that the gentleman objected. I therefore submit that the objection comes too late.

Mr. HOUSTON. The gentleman's own statement shows that he paid no attention to what did take place.

The SPEAKER. The Chair decides the objection was not too late.

So objection being made, the resolution was not admitted.

#### INDIAN CLAIMS.

Mr. FREEMAN. I ask the unanimous consent of the House to take up Senate resolution No. 39, authorizing the examination of the claims of the Biloxi Bay Indians, for its reference to the Committee on Indian Affairs.

There was no objection, and the joint resolution was read a first and second time by its title, and referred to the Committee on Indian Affairs.

Mr. HAMILTON. I call for the regular order of business.

#### FLORIDA AND ALABAMA RAILROAD.

The SPEAKER. The business in order is the consideration of House bill No. 271, entitled "A bill granting the right of way and a portion of the public lands to the States of Florida and Alabama, for the construction of certain railroads in said States." The pending question is upon the amendment submitted by the gentleman from Florida, [Mr. CABELL,] in the nature of a substitute.

[The Clerk here read the substitute, which has been published heretofore.]

Mr. CABELL. I will only ask the attention of the House to a statement of the effect of this amendment. It differs from the original bill in this, that it embraces the amendment which was made to the Missouri railroad bill as it came from the Senate, that these companies shall take the lands appropriated by the bill as the road advances by the ten miles. When they construct ten miles of the road they are to take the land granted to them along that distance. It differs also from the original bill in this, that it prevents a collision in the selections of land between this railroad and the one contemplated by the bill of the gentleman from Alabama, which crosses it at right angles. These are the only differences between the original bill and my proposed substitute. If the House is favorable to the bill, I trust it will adopt the substitute.

Mr. COBB. My colleague's [Mr. ABERCROMBIE] road is provided for in the bill, is it not?

Mr. CABELL. The bill provides for no other than the Florida railroad.

Mr. ABERCROMBIE. The amendment of the gentleman from Florida is a proper one. It prevents any conflict hereafter occurring between the Florida road and the one proposed by my bill in the selection of the land granted by the Government to aid in their construction. One crosses the other at right angles.

Mr. CABELL. As the gentleman has stated, my substitute, by this variance from the original bill, is only intended to obviate a collision of interests, which will hereafter occur if the bill for the Alabama railroad pass. There is no other but the Florida railroad provided for.

Mr. AVERETT. It is almost impossible to hear, from the confusion in the Hall, what is read at the Clerk's desk, and in consequence we are voting upon amendments, the contents of which are not known to us. I would inquire of the Chair whether amendments have been received since the call for the previous question has been seconded?

The SPEAKER. None have been received since the call for the previous question was seconded.

Mr. AVERETT. I understood the gentleman had submitted an amendment whilst the House was acting under the operation of the previous question.

The question was put on the substitute, and upon a division there were—ayes 65—

Mr. MOORE, of Pennsylvania, demanded tellers; which were ordered; and Messrs. MOORE of Louisiana, and ORR were appointed.

Mr. ORR. If I am indulged in a remark, I think the House will sustain the amendment.

The SPEAKER. The Chair trusts that the gentleman may be indulged.

Mr. ORR. The remark I desire to submit does not go to the merits of the bill.

Mr. AVERETT. If the House is acting under the operation of the previous question I object, unless the opponents of the measure be also allowed an opportunity to reply.

Mr. ORR. The amendment is all right, and gentlemen may vote for or against it as they choose.

The question was again put, and the substitute was adopted; the tellers having reported—ayes 84, noes 37.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. LETCHER. I demand the yeas and nays.

The yeas and nays were not ordered, there being upon a division—ayes 27, not a sufficient number.

Mr. SWEETSER. I move to lay the bill upon the table; and upon that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and the motion to lay upon the table was disagreed to—yeas 73, noes 87; as follows:

YEAS—Messrs. Aiken, Allison, Averett, Babcock, Thos. H. Bayly, Beale, Bibb, Bingham, Boccock, John H. Boyd, Buell, Burt, Caskie, Daniel, Dawson, Dean, Dimmick, Edmundson, Floyd, Fowler, Gaylord, Giddings, Goodenow, Grow, Hamilton, Hammond, Isham G. Harris, Hart, Hascall, Holladay, Horsford, Thomas Y. How, Hunter, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Letcher, Mann, Martin, Mason, McLanahan, McQueen, Meade, Milson, Morehead, Murray, Andrew Parker, Perkins, Powell, Reed, Riddle, Robbins, Robie, Ross, Russell, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Richard H. Stanton, Sutherland, Sweetser, Thurston, Tuck, Wallace, Washburn, Wildrick, and Woodward—73.

NAYS—Messrs. Abercrombie, Willis Allen, Barrere, Bell, Bowne, Bragg, Brenton, Briggs, George H. Brown, E. Carrington Cabell, Caldwell, L. D. Campbell, Thompson Campbell, Chandler, Churchill, Clingman, Cobb, Conger, John G. Davis, Disney, Doty, Duncan, Dunham, Durkee, Evans, Ficklin, Fitch, Florence, Freeman, Gentry, Goodrich, Gorman, Gray, Harper, Sampson W. Harris, Haws, Hendricks, Henn, Houston, Howard, John W. Howe, Thomas H. Howe, Jackson, James Johnson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, Mace, Humphrey Marshall, McNair, Miller, Molony, Henry D. Moore, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Pennington, Phelps, Porter, Price, Richardson, Robinson, Sackett, Schermerhorn, Schoolcraft, Scurry, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, St. Martin, Stuart, Taylor, Walsh, Ward, Watkins, Welch, Wilcox, Williams, and Yates—87.

So the motion to lay upon the table was disagreed to.

Previous to the announcement of the above vote,

Mr. FULLER, of Maine, stated that he had paired off with Mr. STEPHENS, of Georgia.

The question then recurred upon ordering the bill to be engrossed and read a third time.

The question was then taken, and it was decided in the affirmative.

Mr. CABELL, of Florida. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The bill was then read the third time.

Mr. CABELL. I move to put the bill upon its passage, and upon that motion demand the previous question.

The previous question was seconded, and the main question was ordered to be put.

The question now being, Shall the bill pass?—

Mr. BUELL demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 77, nays 85; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Barrere, Bell, Bragg, Brenton, Briggs, George H. Brown, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clingman, Cobb, Conger, John G. Davis, Disney, Doty, Duncan, Durkee, Evans, Ficklin, Fitch, Florence, Freeman, Gentry, Goodrich, Gorman, Harper, Sampson W. Harris, Haws, Haven, Hendricks, Henn, Houston, Howard, John W. Howe, James Johnson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, Mace, Humphrey Marshall, McNair, Miller, Minner, Molony, H. D. Moore, John Moore, Nabers, Olds, Orr, S. W. Parker, Penn, Phelps, Porter, Price, Richardson, Sackett, Schermerhorn, Scurry, Smith, Stanly, Benjamin Stanton, F. P. Stanton, Abraham P. Stephens, Stuart, Taylor, Walsh,

Ward, Watkins, Welch, Wells, Wilcox, Williams, and Yates—77.

NAYS—Messrs. Aiken, Allison, Averett, Babcock, Thos. H. Bayly, Beale, Bibb, Bingham, Boccock, John H. Boyd, Buell, Burt, Caldwell, Caskie, Chapman, Churchill, Curtis, Daniel, Dawson, Dean, Dimmick, Dockery, Edmundson, Ewing, Floyd, Fowler, Gamble, Gaylord, Giddings, Goodenow, Grey, Grow, Hamilton, Hammond, I. G. Harris, Hart, Hascall, Holladay, Horsford, Thomas H. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jenkins, Andrew Johnson, D. T. Jones, Geo. W. Jones, J. Glancy Jones, Preston King, Letcher, Mann, Martin, Mason, McLanahan, McQueen, Meade, Milson, Morehead, Murray, Newton, Andrew Parker, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Ross, Russell, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Snow, Richard H. Stanton, Thaddeus Stevens, Sutherland, Sweetser, Thurston, Tuck, Wallace, Washburn, Wildrick, and Woodward—85.

So the bill was rejected.

The SPEAKER. The bill next in order is the bill proposing to give the right of way to railroads generally.

Mr. JENKINS. I rise to a privileged question. I move to reconsider the vote by which the bill was just rejected, and to lay the motion to reconsider upon the table.

Mr. CABELL. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CLINGMAN. Is it not in order to move to suspend the rules and go into Committee of the Whole on the state of the Union?

The SPEAKER. The morning hour has not yet expired.

Mr. MILLSON. I rise to a point of order. The point of order I raise is simply this: I do not object, myself, to the motion to reconsider, believing it to be in order, but the House may think differently. At the last Congress this point was raised and settled by an appeal to the House. I understand this question has been already once reconsidered.

The SPEAKER. The gentleman is mistaken. The vote upon the passage of the bill has not been reconsidered. That vote has but this moment been taken.

Mr. ORR. It was the reference to the Committee of the Whole that was reconsidered.

Mr. STUART. I move to proceed to the business upon the Speaker's table.

Mr. KING, of New York. Let us dispose of the motion to reconsider.

The SPEAKER. The morning hour having expired, the regular order of business will be the consideration of private business upon the Speaker's table.

#### THE REPORT ON PRINTING.

Mr. GORMAN. I ask the unanimous consent of the House to commit the bill, with all the amendments, which was pending yesterday in regard to the public printing, to the Committee on Printing. The chairman of the select committee [Mr. MARSHALL, of Kentucky,] and myself have agreed to have a joint meeting between us this evening, and I desire that the whole business be recommitted to the Committee on Printing with that view.

Mr. KING, of New York. I object to the recommitment. I think that we had better have this matter settled now.

The SPEAKER. This being private bill day, it is competent under the rules, in the opinion of the Chair, to proceed to the consideration of private business upon the Speaker's table.

Mr. ORR. The House can by a vote determine to proceed to other business.

The SPEAKER. The difficulty is, that the gentleman could not get in a motion to proceed to that description of business. It is competent for the House to go into a Committee of the Whole House, or Committee of the Whole on the state of the Union.

Mr. STEVENS, of Pennsylvania. What has become of the motion to lay on the table? Is that passed by, as a matter of course?

The SPEAKER. We have passed from the consideration of that subject, the morning hour having expired. That question is pending when we shall again return to the morning hour.

Mr. HOUSTON. I thought I had the floor, and it was taken from me by the privileged motion of the gentleman from New York, [Mr. JENKINS.]

The SPEAKER. The gentleman has lost no right, however.

Mr. HOUSTON. I wish to ask if it be the pleasure of the House to take up and vote upon the deficiency bill, which has come back from the



Senate with two or three disagreements. With the consent of the House, I will explain them, and it will not take but a few minutes.

Mr. COBB. I object. Private business ought to be attended to.

Mr. HOUSTON. I move, then, that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. I feel bound to make this motion, from the fact that the Senate is now without work, and have sent us a resolution refusing to receive from us, if we agree to their resolution, any appropriation bills within ten days of the day of adjournment. It is absolutely essential that we should get through with something, and send it to the Senate.

The question was then taken upon Mr. Houston's motion, and it was agreed to.

So the rules of the House were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union (Mr. DISNEY in the chair) on the Indian appropriation bill.

Mr. GIDDINGS. It is not my intention to detain the committee at very great length, as I do not know that I am able to make my voice heard through the Hall. I however intend to give a historical relation of the facts, without argument or embellishment. We heard last evening the statement of the official head of the Indian Committee, that during the summer of 1850, from seventy to one hundred persons claiming to be free in the Indian territory, and under protection of our laws, were seized by those Creek Indians, enslaved, and sold into bondage. I distinctly called the attention of that gentleman, and the official head of the Committee of Ways and Means, to the fact, and desired to know by what right or claim of title, these Indians seized and enslaved these people. To that question neither of these gentlemen has responded. They proclaimed their ignorance; but the chairman of the Committee on Indian Affairs, however, said that he had been informed by a member of this House, that these negroes had committed rapes upon the daughters of the Indians. I know not who the gentleman was, but I understood him to be a member of this House, and if he possesses further information, I have no doubt he will come forward at once and give it to us.

Mr. JOHNSON, of Arkansas. What does the gentleman want? I can scarcely hear you.

Mr. GIDDINGS. I was saying that I did not know who the gentleman was that communicated to you this information.

Mr. JOHNSON. I have some further information this morning. Would the gentleman like to hear it? We cannot go anywhere and find a more desperate or lawless band of people in any community within the limits of the United States, or California, or among the balance of mankind.

Mr. GIDDINGS. It would be a strange affair if these people, brought up in a slaveholding community, should not copy some of their masters' examples.

Mr. JOHNSON. It is one of the instances of extraordinary lawlessness of that people. You requested me to furnish you with as many facts as I could this morning in regard to this subject.

Mr. GIDDINGS. I have requested nothing from that gentleman concerning these charges of crime to justify seizing and selling them into bondage. I have not called upon the chairman this morning, but his friend, to whom I always refer in a case of necessity, and never except under necessity. [Laughter.]

Mr. ABERCROMBIE. I gave the information to the chairman of the Committee on Indian Affairs, and I received it from a source which cannot be doubted—the agent of the Indians themselves.

Mr. GIDDINGS. I would like to have the gentleman inform us if the females committed these rapes?

Mr. ABERCROMBIE. I think the gentleman has put an impertinent question, such as ought not to be answered by any gentleman upon this floor.

Mr. GIDDINGS. I wish that gentlemen would not provoke these interrogatories from me. I wish that gentlemen would learn to treat colored people as men. When I speak of the solemn fact of seventy or a hundred persons as being seized and enslaved, and now toiling under the lash, what is the answer by which this outrage is attempted to be justified? Why, that they committed rape.

If that be a fact let them be punished as others are.

Mr. JOHNSON. That was merely an allusion to the lawlessness of the Indians.

Mr. GIDDINGS. It was the only fact by which it is attempted to justify an outrage unequalled in the history of our nation. Why, sir, shall slaveholders justify their crimes by this charge, when that crime is authorized by law in every slave State of the Union, and practiced by a large portion, who, owning the mothers, sell their own children! With such examples before them, it would be extraordinary if negroes should not learn some of the habits of the more genteel portion of community.

Mr. JOHNSON. I must say that I will have nothing more to do with this debate; for it will lead into one of those kind of squabbles which I abhor.

Mr. GIDDINGS. Let the gentleman retire from this unpleasant discussion. He made the charge and I meet it. It is not my intention to detain the committee more than half an hour; but I will say that the history of the people who were thus sold into slavery is one of the most interesting in the annals of the nation. No people on this continent has passed through such scenes, trials, and persecutions. For seventy-six years they have been contending for their freedom—a people who for nearly three generations have been struggling for liberty have been at last seized and sold, and now pine in bondage.

These are not the slaves who fled from Georgia previous to and during the war of our Revolution. Those generations are gone, passed away, and the people now at last enslaved or fled from our nation, are the grandchildren and great grandchildren of the heroic people who fled from the oppression of Georgia slaveholders as early as 1776. Others took advantage of the turbulent times, when the colonists were themselves fighting for freedom, and fled into the further portions of the Creek settlements, in the lower part of Georgia, and there took up their residence. The first treaty for their surrender by the Creek Indians was with Georgia, as a sovereign State, in 1786. The numbers who had thus fled from slaveholding tyranny I am unable to state; but they were strongly attached to freedom; and the Indians undertook to return these people back to their masters, but found themselves unable to do it; and when our present Constitution had been adopted, and Congress assembled under it, at its first session, in 1796, the first treaty entered into by the Government of the United States, was a treaty with these Creek Indians to return these fugitives from slavery in Georgia, for which we, the people of the United States, were to pay them a stipulated annuity, which has to this day been paid, and for which we are still paying them annually, the certain, definite, and distinct sum of \$1,500. The first great and principal error was in our Executive at that time, consenting to interfere in this catching of negroes; and although this history has been by me, on two former occasions, briefly alluded to, yet, in order to make the subject understood, it is necessary that I should repeat some of the principal facts, in order to show the outrage which the present Executive has suffered to be committed within our jurisdiction, and under our laws. Again the history of this people may now be fully written. Their connection with this nation has ceased, and instead of bringing their history down to a certain date, as heretofore, I am able now to close the sad tale so far as the people of this nation will ever learn it.

In 1796, the Indians were able to bring in a few of the negroes. But being unable fully to comply with their stipulations, entered into another treaty, called "the treaty of Colerain," and again renewed their contract to bring forward the remaining fugitives. As time passed on the people of Georgia became clamorous for the return of their negroes, and many attempts were made to seize them. They nearly all fled with those Creeks with whom they associated by marriage, &c., and went into Florida, entirely beyond the jurisdiction of this Government, and soon acquired the name of the "Seminole band," the word *Seminole* meaning runaway. There they lived, intermarried with the Indians, and actually became a part of them. Situated as they were, the Government was unable to constrain the Creeks to bring them back to slavery.

After the war of 1812 had closed, I think some

time in 1816, there were found on the banks of the Apalachicola river, some three hundred or four hundred of these negroes, who had assembled there in a fortification, determined to defend and protect their liberty. From 1774 these negroes and their ancestors had been contending for freedom. They had lived with the Seminoles, had acquired an influence with the Indians, and no persuasion could induce them to think of returning to bondage. They therefore resolved to die rather than surrender their freedom. They had, many of them, been born in the everglades of Florida, and their lives spent thus far in efforts to evade the hand of oppression, to evade the power and influence of this Government, which, for an entire generation, had endeavored to enslave them. Yes, sir, while boasting of this as the only free Government upon earth, its powers and influence were exerted to reenslave these miserable outcasts.

But, sir, as I before said, some three or four hundred of them had assembled in a fort, and this Government—pressed by the slaveholders in Georgia—issued an order from yonder Department to our Army and Navy to go there—go there, invade Florida, then a Spanish province, and to seize these people who were then dwelling in peace, and only desiring to live in undisturbed quietude. There they had their plantations and gardens, their flocks and herds, their wives and little ones, living in seclusion from the world, innocent and inoffensive. But, sir, two gun-boats were sent up the river Apalachicola, and opened their fire upon these people, to slay them for no other cause upon earth than their love of liberty. They fired hot shot until the magazine was reached and exploded, and in one instant two hundred and seventy human beings, for no other fault than their dislike of oppression, were sent to their final account. Sir, their blood rests upon us, upon our Government, upon all who wielded its powers and influence. Terrible was that hour, and terrible must be the retribution of those who then bathed their hands in innocent blood. Those who survived the explosion were seized by the troops, manacled, and returned to slavery by our army. In Georgia and Alabama they and their descendants bow to the servile tasks, or sleep in servile graves. Those who were not then in the fort, lived in different towns in the deep recesses of the forest and everglades. They escaped destruction, and we may well imagine had no very friendly feelings towards our Government.

In 1818, it is well known that the first Seminole war occurred. Then again the Army of the United States sought to recapture and reenslave those who remained of this people. They were again found in conflict for their freedom. They rallied to the fight, and in various battles did fatal execution against our Army, and the celebrated Arbuthnot, who was hanged by the orders of General Jackson, whether rightly or wrongly I do not pretend to say, was charged with having counseled these people to the maintenance of their liberty. This was one of the charges brought against him, and of which he was convicted, and for which he was executed. Sir, through a series of years, and a succession of the most extraordinary struggles, these people were found fighting and defending their liberty, in a manner which would have done honor to our most heroic ancestors. And, sir, the harder they strove, the more intense the clamor of the slaveholders became. Every effort was made to induce this Government to get back their bondmen. The Executive appointed commissioners to hold a council, or rather to enter into another treaty with the Indians.

In 1821, at a place called Indian Spring, a final treaty upon this subject was negotiated. By that treaty we extorted from the Creek Indians 5,000,000 acres of land, for which we stipulated to pay \$450,000. Two hundred and fifty thousand dollars were retained by this Government, so much of it to be paid over to the slaveholders of Georgia as would compensate them for the negroes who had left there forty years previously. Under an investigation by commissioners appointed by the then Executive of the United States, the whole number of negroes were ascertained, and all of them strictly counted and paid for; and here I will say, that according to the late Attorney General, Mr. Wirt, the slaveholders were allowed from two to three times the real value of each slave, and at this estimated value the whole sum rose only to \$109,000, and in this amount was

included the very slaves that we ourselves had murdered upon the Appalachicola river. And here let me say, by way of episode, to gentlemen who are so fond of acting in this Hall upon matters with which they are ignorant, that the slaves said to have escaped from the father of Mrs. Irwin, to whom, during the present session, we have granted some \$25,000, because her father lost slaves, that these slaves of her father were included in this negotiation, and paid for, as I understand the record; for all who were gone, and all who were proven to have left their masters, were regarded as having taken refuge with the Indians, and were paid for accordingly; and yet there was \$141,000 left which the Indians supposed was theirs.

And now I come to an important point in this history. While this claim for the \$141,000 was pending, which the Indians hoped to get, there was no hostility, no very apparent uneasiness among them. Yet, strange to say, while this money lay in our hands, and the Indians were calling for it, having paid for the slaves, and claiming that it belonged to them, the slaveholders of Georgia also claimed it as theirs. They insisted that it should be paid over to them, and this contest went on from, perhaps, 1826 to 1834. In the latter year this House and the Senate passed a law to pay over this balance of \$141,000 to the owners of the slaves.

Mr. DURKEE. I wish to ask the gentleman a question.

Mr. GIDDINGS. Certainly, if for any information.

Mr. DURKEE. I should like to know why that money was paid over to the slaveholders of Georgia? Upon what authority, and for what object was it paid over?

Mr. GIDDINGS. My friend inquires as to the claim which Georgia made to this money. I can answer in no other language than what they themselves have given through their official agents in this Hall. The claims of the slaveholders of Georgia were referred to a select committee, and the chairman of that committee, if I mistake not, was a gentleman of the name of Gillmore, who was from Georgia. He had the whole subject under consideration; he examined it minutely and carefully, and made a long detailed report, and he came to the conclusion that they had no title whatever to this money, save one, and that was by way of indemnifying the owner of the slave for the offspring which they would have borne to their masters had they remained in bondage. This can be found in the report on the subject made to this House by the select committee in 1832 or 1833. This was the claim, and one upon which I have no disposition to comment.

But I will proceed. The \$141,000 was paid over to the owners of the slaves, in addition to the former sum, stated by Mr. Wirt to be at least twice the real value of the slaves, and then the Indians became clamorous at once. The whole amount of \$250,000 had been taken from them, and a delegation from the Upper Creek towns started, in 1835, to seize these people residing with the Seminoles in Florida. With the negroes and the Seminoles the Lower Creeks sympathized. And here, sir, early in 1835, commenced the hostilities to which so much attention has been directed in another end of the Capitol during the present session of Congress. Mr. Chairman, if I may be allowed, I will say, that in 1837 the gentleman who was then Secretary of War, (General Cass,) now a member of the Senate, when called on by this House, by way of resolution, to report the causes of these Creek hostilities in Alabama and Georgia, (for you will recollect the discussion in the Senate arose upon a claim of Alabama for losses sustained by these hostilities,) reported to this House and the Senate, that this negro transaction and this paying over the money, was one of the causes which led to those hostilities. But the learned Senator appears to have forgotten that fact, and now, sixteen years subsequently, there were three days spent in the other end of the Capitol discussing the causes of this Creek difficulty in Georgia and Alabama, and it was principally carried on by three distinguished Senators, all of whom had been members of the Executive Cabinet. The whole object of the discussion appeared to be the ascertainment of the cause of these hostilities with the Creeks of the Lower Towns. One honorable Senator ascribed it to the starving

condition of the Indians, who were said not to have food to subsist upon; another thought it arose from defrauding them in their lands; and another to bad management of the Executive in hurrying the Indians off to their western country. The disputants exhibited more ingenious tact and ability in avoiding this subject of the negroes than I ever saw by any other statesmen. I presume this was in compliance with the injunctions of the two parties, not to agitate the subject of slavery. But they spoke, I think, of everything else than the real cause of those hostilities.

As I have already stated, immediately after this last money was paid over to the slaveholders, the Creeks from the Upper Towns went in pursuit of the slaves, and the negroes being connected with the Seminoles, the Seminoles and negroes together resisted the Creeks. They resisted the outrages sought to be perpetrated upon them, and immediately hostilities were commenced both by the lower Creeks and Seminoles. Those hostilities were nearly simultaneous, and the battles were fought by the same Indians and the same negroes. And the Seminole or Florida war and the Creek war in Georgia were, in fact, one war, as appears from the documents in our library. The Indians in the upper Creek towns were in favor of seizing the slaves, but the lower Creeks sympathized with the Seminoles and negroes who were in Florida, and they aided and assisted in the early part of the Florida war, and in some instances were the only persons engaged in perpetrating the outrages upon the white settlements.

And in this connection I may say that these facts were officially reported in 1837, by the then Secretary of War. The treaty of Payne's Landing was declared valid. By it the Seminoles had stipulated to emigrate to the Indian country west of the Mississippi. They refused to go there, because the Creeks had possession of the country, and the Seminoles knew the moment they were placed within the power of the Creeks, that moment the Creeks would seize these negroes as their slaves. The negroes had obtained a controlling influence over the Indians and fought with them. They controlled their councils and commanded them in the field. If gentlemen will look at Executive Document 225, first session, Twenty-fifth Congress, they will find the whole history of this transaction. As I have already hinted, many of these people had as it were been born upon the battle-field; educated under the sound of the war whoop; and their whole lives spent in defending and protecting their God-given right to freedom. In this manner generations had risen, fought, and passed from the stage of life, and were succeeded by men able in council and valiant in battle. In this way, during the years 1835, 1836, and 1837, they were fighting continually for the liberties which their fathers had maintained; followed through swamp and everglade; pursued and hunted by our troops; persecuted, tormented, yet they remained firm in their love of liberty, and in their patriotic devotion to their families and friends, determined to die rather than surrender themselves to slavery. Sir, I do not mean any personal detraction, but the distinguished general who now bears aloft the banner of the Whig party went there with his army. He had fought upon the Niagara frontier, and he had conquered the proud hosts of Britain. He had met the enemy in many pitched battles, but when he came in contact with these negroes and Indians his military fame was of no repute. His laurels drooped, his plumes fell, and his colors trailed in the dust; he could not conquer them. With all the energy and all the power, all the influence and all the skill and tact which he possessed, he was quite unable to subdue them. He gave up the contest and left the field.

Sir, it was only by stratagem and by the violation of our most solemnly pledged faith that these persons finally fell victims to the inexorable spirit of slavery. When it was found that no army could conquer them, recourse was had to deception, fraud, and corruption. I do not say it was intended by the officers then in command. Agents were sent to tell them to come in, and that if they would surrender by capitulation they should be secured in their persons and property. I call the serious attention of the House and the country to the fact that General Jesup, acting as our commander in Florida, on the 6th of March, 1837, entered into a solemn compact and article of capit-

ulation with these very identical negroes and their allies, the Florida Indians, securing them in their persons and property, and the faith of the nation was pledged to them in that compact. It is in the fifth article of the capitulation, and is as follows:

"General Jesup, in behalf of the United States, agrees that the Seminoles and their allies (distinctly recognizing these negroes as the allies of the Seminole Indians, and they were recognized as such throughout) who come in and emigrate to the West shall be secure in their lives and property."

That was the pledge of this Government, and the negroes came in and surrendered; they were transported west, and when they arrived at the further boundary of Arkansas, they found that they were not to be protected upon the lands of the Creeks, and they stopped upon the Cherokee territory. They had no territory of their own, and they dared not go within the Creek jurisdiction, because they would be enslaved. The Cherokees were dissatisfied with it, and complained to this Government. The Creeks were dissatisfied because the negroes did not come into the Creek country, in order that they might get their slaves, and hostilities were threatened in that country for four years. In 1845, a treaty was entered into between the Cherokees, the Creeks, the Seminoles, and this Government, and in that treaty it was stipulated that the Seminoles should be permitted to go into the territory, and conduct their own affairs. The Creeks bound themselves not to molest them or their negroes, and this Government agreed to pay a certain sum to each, and to the Cherokees, as compensation for the stipulations mentioned. All questions of property, including the question of the freedom of these negroes, were, by mutual consent, to be referred to the President of the United States. This question of the freedom of the negroes was in issue there, and it was settled by the solemn stipulation of the Creek Indians, that they would submit it to the Executive of the United States. In obedience to that stipulation, the Seminoles and these negroes went into and settled in the Creek territory.

As was stated yesterday by the gentleman from Arkansas, [Mr. JOHNSON,] the colored people had their settlements there by themselves, and continued in the enjoyment of all the comforts of civilized life for five or six years. In 1847-'48, the Creeks sent forward their claim against this Government for the \$141,000. You will recollect, Mr. Chairman, that that money had been paid over to the slaveholders of Georgia, in 1834. Well, sir, the Creeks renewed their claim. In 1847, I refused to vote for a Whig Speaker, and in consequence of that I was removed from the post of chairman of the Committee on Claims, which I had held under prior Whig rule, and was transferred to the seventh or eighth member on the Committee on Indian Affairs, where, I believe, I had the pleasure of serving with the gentleman from Arkansas, [Mr. JOHNSON,] This identical claim of the Creek Indians was referred to myself, and therefore I know something about it. I found that the Indians had a clear and indisputable right to the \$141,000, and I therefore made a report in favor of the claim; this House and the Senate passed it, and the Indians received their money. After they had received that money, in 1852, in violation of their compact, in violation of all the solemnities of their treaty, and of all the dictates of humanity, they, with armed force and violence, seized from seventy to one hundred of these negroes, enslaved them, sold them into bondage, and there they now remain. They attempted to seize upon the others, and there was fighting, and bloodshed, and civil war, in order that they might obtain possession of these persons and send them to eternal servitude. And there, sir, was the Executive of this nation looking on with folded arms and seeing these outrages perpetrated, and the pledged faith of this Government to secure these people in their lives and property violated and trampled under foot. Sir, had we thus violated our solemn compacts with any other people or nation on earth, as we have that which we entered into with these negroes, we would have cast upon our history a stain which no time could erase. A portion of these negroes attempted to flee to Mexico under the celebrated chief Wild Cat, but they were pursued, a battle was fought, and many were slain on both sides, but the gallantry of these heroic negroes was too powerful for negro-catchers. They escaped, and are now safe in Mexico, and we shall hear from them and their children to the third and

fourth generation. Another portion is said to have gone northward and found a resting-place in Canada.

Sir, I believe that of the five or six hundred of these persons who went west, not one now remains in that Territory. They are no longer under our jurisdiction, their story is told, and their history may now be written. A more romantic history does not exist upon the records of this or any other nation. For nearly three generations these people have been fighting and contending for the rights which God had given them. During that whole time the arm of this Government has been raised to enslave them. Our money has been poured out by way of appeasing their oppressors. The very men who murdered these negroes in 1816 received, during the last session of the Twenty-fifth Congress, a bonus—a gratuity of more than \$15,000 for thus murdering and massacring their fellow-men. Our Treasury has been drained to enslave these people; but, sir, the arms of this civilized Government were unable to effect it. And until we violated our faith—until we disregarded our compact, and sent them within the power of the Creeks, and there left them to become victims of those savages, they maintained their liberty.

Now, Mr. Chairman, I have accomplished what I intended. I intended to give the country these facts without embellishment, and without going into particulars more than was necessary. The President should have informed us. Indeed, we ought to have been permitted to introduce resolutions calling for official information on this subject; but efforts to suppress agitation has cut off all chance for obtaining information in this mode. I have had a resolution calling for this information in my desk since the commencement of the session.

Mr. Chairman, I may have mistaken some of the facts in this history which I have given, but I think I have not. I believe I have given them correctly, in dates, names, and places. If I have mistaken any point, I trust others will set me right.

Mr. SWEETSER. Mr. Chairman, my design in rising this morning is to present a few considerations to the committee, touching the appropriation that is asked for the Menomonee Indians of Wisconsin. It will be recollected by those members who were present last evening, that I made a point touching the conduct of the recent Commissioner of Indian Affairs, (Colonel Medill.) It was well known to you and the House at the time, that it was without examination and without consultation in relation to the facts upon which it was predicated. I have the satisfaction this morning of informing the committee and the country, that upon examination of the report which is submitted to the House by the present Commissioner of Indian Affairs, I am fully sustained in the construction that I put upon the conduct of the late Commissioner, Colonel Medill. And, without attempting to go into anything like the controversy that seems to exist between the late Commissioner and the honorable gentleman from Indiana, [Mr. Fitch,] who made, as I conceive, an attack upon him yesterday, I desire now, in the few moments that are allowed me, to place a correct statement of the facts connected with the case before this committee and before the country.

The substance of the charge made yesterday was, that Colonel Medill had, in negotiating the treaty with the Menomonee Indians of Wisconsin, in 1848, practiced a fraud upon that tribe; and the inference to be drawn from the manner in which the charge was made is, that he acted knowingly and wantonly in the perpetration of a fraud. In the defense of the Commissioner, I then stated that the data upon which he acted, was a proper one, and that the appropriation which was now asked in this bill, did not depend upon the truth or falsehood of the charge which was made by the honorable gentleman from Indiana [Mr. Fitch] against Colonel Medill. But, in order to be explicit with regard to the point to which I rose this morning, I will read so much of the report of the present Commissioner of Indian Affairs as relates to this particular item—the conduct of the late Commissioner, Medill, in relation to this treaty. I ask the attention of the committee, and of all those gentlemen who feel an interest in this subject, to the point which I here present. I will not take up the time of the committee by reading the whole report, but only such portions of it as refer

to the matter I am now noticing. After going on to state that, prior to the time of Mr. Medill's going to Wisconsin to make a treaty with these Indians, the Attorney General was called upon to examine the several treaties made with the various tribes of Indians in the country contiguous to the Menomonees, to ascertain the data upon which they were founded, and to report; which report was to furnish the precise data upon which Mr. Medill was authorized to act, and to which the instructions of the Executive Department of the Government was attached, the present Commissioner says:

"After this opinion of the Attorney General was given, the Secretary of War issued his instructions to the commissioner who was appointed to negotiate the treaty. These instructions were dated September 14th, 1848, and contained the following directions, to wit:

"In consequence of the conflict and confusion as to the true boundaries of the Menomonee country within the limits of the State of Wisconsin, I have taken the opinion of the Attorney General of the United States on the subject, and inclose to you a copy for your information. The President is disposed to treat the Indians with kindness and liberality; and while the extreme claims of the Menomonees to territory already purchased by the United States from the Chippewas and Winnebagoes cannot be recognized, you may, if a treaty can be effected at a cost per acre of the estimated quantity of land within the limits suggested by the Attorney General, not exceeding that paid by the United States under the treaty with the Menomonees of September 3, 1836, provide in the treaty for the purchase of all their claims to lands in Wisconsin, and stipulate for the payment of a sum not exceeding the same 'valuable price as in the same treaty above referred to; the quantity of land estimated to be within these limits, and to form the basis of your calculation of price, is three millions twenty-three thousand and eight hundred acres.'"

"Accompanying these instructions there was a map, prepared at the Topographical Bureau under the direction of this office, in accordance with the foregoing opinion of the Attorney General. The area marked out on the map as the Menomonee tract, was estimated to contain the number of acres mentioned in the instructions, to wit, 3,023,800 acres.

"On the 12th of December, 1848, the commissioner of the United States reported to the Secretary of War that he had consummated the treaty. He said:

"You will perceive that the Menomonees cede to the United States all their lands in the State of Wisconsin, without any reservation whatever; and that the resolution of the Senate of the 3d of March, 1843, has, in all other respects, been strictly observed."

"The second article is in these words, to wit: 'The said Menomonee tribe of Indians agree to cede, and do hereby agree to cede, sell, and to relinquish, to the United States, all their lands in the State of Wisconsin, wherever situated.'

"As preliminary to the making of this treaty, the question was submitted to the Attorney General of the United States, to determine the extent and quantity of the lands owned by these Indians. He gave an opinion on the 13th of September, 1848, in which he examined the several treaties previously made with the Menomonees, and the agreement between them and other tribes in relation to their boundaries."

This treaty was submitted to the Senate of the United States, and at a subsequent session it was ratified. Up to that time there had not been a whisper against the conduct of Colonel Medill, or a charge made of fraud in connection with the treaty I have referred to.

A MEMBER. Up to what time?

Mr. SWEETSER. Up to the subsequent session of 1848 and 1849.

A MEMBER. Was that immediately after the treaty?

Mr. SWEETSER. It was. Now, sir, I am here to-day for the purpose of asserting, without fear of contradiction, that the Executive branch of the Government, with the present intelligent Commissioner of Indian Affairs, do not appeal to this House to make this appropriation predicated upon the ground assumed by my honorable friend from Indiana, [Mr. Fitch,] yesterday. They put it officially upon the ground which I assumed yesterday—that the data upon which the commissioner acted was imperfect—that there was a conflict of opinion in relation to the extent of land which the Menomonees held in Wisconsin. But he was instructed to purchase that territory at a sum not exceeding the sum paid to them by a prior treaty made in 1836. These facts are all fully sustained by the evidence on file.

Now, sir, when we come to the charge made by the honorable gentleman from Indiana, I will admit that there is a conflict of testimony; that individuals had attempted to set aside this testimony; and have sought to avoid it altogether, and that it is predicated upon the testimony to which the honorable gentleman from Missouri [Mr. Phelps] adverted on yesterday. I will not take up the

time of the committee to read all this report, because I do not deem it important. But I will read, before I sit down, a section of the report made by the present Commissioner of Indian Affairs, in order to show the true grounds upon which this appropriation is sought by the Department. My purpose is not to go further into the defense of Colonel Medill than to say this: he is a gentleman not unknown to fame. For a considerable time—I think three or four Congresses—he held a seat upon this floor. He was subsequently transferred, during the Administration of Mr. Polk, to the position of Commissioner of Indian Affairs. In the opinion of a large portion of the public men of the country who knew him, a better officer never existed under the Government; and his integrity, so far as I know, has never been impeached.

Subsequently, he was elected a member of the convention to remodel the constitution of Ohio. He was called to the presidency of that convention, and was, afterwards, almost unanimously nominated for Lieutenant Governor of the State, which position he now occupies. Sir, I should be false to the duty I owe to the constituents I represent upon this floor, to whom Mr. Medill has been so long and so favorably known, if I did not rise in my place and state to this House and to the country, what I know to be the facts upon the acts of Mr. Medill, as Commissioner of Indian Affairs, were predicated.

In this connection I will state, what this report well says, that, with a feeble tribe of Indians like the Menomonees, situated as this Government is in relation to the Indians of the country, if this charge is sustained, it is one of no ordinary import, and it being of that great and important character, I feel it my duty. I feel called upon by every consideration of public duty, so far as the facts would justify me, to repel the charge. I will not take up the time of the committee by reading more than what the present Commissioner says of the conflicting testimony. I beg leave to call the particular attention of the committee to it:

"By the treaty of 1831, provision was made for the manner in which the lands set apart as the future home of the tribe should be subsequently acquired by the United States. The provision to this effect was as follows:

"The boundary, as stated and defined in this agreement, of the Menomonee country, with the exception of the cessions hereinbefore made to the United States, the Menomonees 'claim, as their country,' that part of it, adjoining the farming country, on the west side of the Fox river, will remain to them, as heretofore, for a hunting-ground, until the President of the United States shall deem it expedient to extinguish their title. In that case, the Menomonee tribe promised to surrender it immediately, upon being notified of the desire of the Government to possess it. The additional annuity then to be paid to the Menomonee tribe, to be fixed by the President of the United States."

"Subsequent treaties did not abrogate the foregoing provision, and by it ample power is given to the President to do full justice to these Indians. It is respectfully suggested, that the clear meaning of this provision is, that the President should have power to extinguish the title without a treaty, and by mere notice; for it says, 'In that case,'—that is, when the President shall deem it expedient to extinguish the title—'the Menomonee tribe promise to surrender it immediately, upon being notified of the desire of the Government to possess it.' And it further provides for the mode of compensation, or the sum to be paid, when the title is extinguished. This is also to be fixed by the President. It says, 'the additional annuity then to be paid to the Menomonee tribe, to be fixed by the President of the United States.' By this it was evidently intended to leave the whole question in the hands, and subject to the will, of the President.

"Should the President decide to exercise the discretionary power vested in him by the treaty of 1831, the amount of the 'additional annuity,' the manner of payment, whether in money or goods, and the several dates at which payments shall be made, will have to be determined.

"In fixing the amount, it may be well to refer to the instructions which preceded the negotiation of the treaty of 1848, and to the report of the Commissioner after it was consummated.

"The Secretary of War, in his instructions to Mr. Medill, after informing him of the disposition of President Polk to treat the Indians with kindness and liberality, directed him to effect a treaty, at a cost, per acre, of the estimated quantity of land, 'not exceeding that paid by the United States under treaty with the Menomonees of September 3d, 1836,' and estimated the quantity to form the basis of his calculation of price, at 3,023,800 acres.

"By the treaty of September 3d, 1836, it appears, from the report of the Commissioner, that 4,184,320 acres were ceded to the United States, for which the Menomonees were to receive the sum of \$791,510 50. A similar rate of payment would, as stated by the Commissioner, make the 3,023,800 acres amount to \$571,840. He, however, negotiated the treaty, which acquired for the United States all the lands claimed by the Menomonees in Wisconsin, for the sum of \$350,000, a sum far short of the maximum which he was authorized to offer. The number of acres, it appears from the same report, exceeded the estimate of the Secretary of War, being about 4,000,000; and this latter



quantity, at a rate similar to that paid in the treaty of 1836, would amount to \$756,453.

"It appears, then, by the treaty of 1836, the price paid for the 4,184,320 acres was 18 9-10th cents per acre; at the same rate, only 1,851,851 acres would have been acquired for the \$350,000, paid under the treaty of 1848. It is alleged, however, by the Indians, that Mr. Medill stated that they owned only 1,600,000 acres, and that he was paying or offering them more for their lands than he was authorized by the President to offer. When, therefore, it is considered that 1,600,000 acres, at the maximum which the Commissioner was authorized to offer, amounts to \$302,400, and that it is alleged that he told the Indians he was agreeing to pay more than he was authorized to pay, there is reason to believe, and it is in evidence, that such a statement was made to them; and although it does not appear that they were deceived by it in regard to the quantity which they owned or claimed, yet it may be worthy of consideration, in connection with the other facts and circumstances, in determining the additional compensation proper to be allowed them.

"It is known that these people are helpless and dependent. Great dissatisfaction exists among them by reason of the treaty of 1848. The impression which generally prevails among our own citizens in their vicinity is, that they have been hardly dealt with, and that the terms of their contract bear heavily upon them. The lands which, by the treaty of 1848, they had surrendered, are exceedingly valuable, and in extent, as computed at the General Land Office, exceed five millions of acres. To pay them now, what the Government under the administration of President Polk was willing to pay, is the least, taking all the circumstances into consideration, which, in the opinion of this office, it should do. The quantity then estimated to form the basis of Mr. Medill's calculation of price was 3,023,800 acres. This, at the maximum which he was authorized to pay, would amount to \$571,840; and this is the least sum, after deducting the \$350,000 already paid, which, in my opinion, the Government ought to pay, or which would satisfy the Indians. With this amount of additional annuity, properly applied, it is believed they would be content; it will satisfy them that the Government designs to do them justice, and will so impress them with a sense of gratitude, as to make them more obedient to those instrumentalities which may in future be employed to bring them under the influence of civilization and Christianity.

"Indistinctly connected, too, with the settlement of this question is the fact, that the period is rapidly approaching when these Indians will have to remove from their present residence to the one provided for them west of the Mississippi. The expenses of their removal they will themselves have to defray, and this is an additional reason why the most favorable consideration should be given to their petition for relief. Besides affording them the means of removing, a knowledge that an additional annuity had been granted to them would, no doubt, have a most beneficial effect in conciliating their good will, and leading them to a more ready acquiescence in the policy and measures of the Government in regard to their future management.

"The papers submitted by you are herewith returned, together with the memorial of the 'Christian party' of the Menomonees, and the statements in answer thereto, to which reference has been made in the foregoing.

"Very respectfully, your obedient servant,

"L. L. LEA, Commissioner."

Now, Mr. Chairman, the question is presented to this House, who hold the equitable conscience of the nation, upon the ground that it is not only free from objection, so far as the charge of fraud is concerned, but it appeals to the equitable conscience of this House and the country, whether, after this mistake has been made—a mistake which, between man and man in the ordinary tribunals of the country, would authorize a court of competent jurisdiction to decree a relief—they will give the relief which is asked for; whether they will make the appropriation which the Executive branch of the Government, after three or four years examination, have determined is just and equitable towards this defenseless and inoffensive people. I hope, sir, the appeal is not made in vain. I will not hesitate to render all the aid I can give, in the discussion of this question; and if I were permitted to remain here, would give my vote cheerfully for this appropriation. But I say in my place here, it is not necessary to make a charge against any person in connection with this treaty. Here has been an obvious mistake, as subsequent examination has demonstrated, and all that is now asked for is, to do what the Government designed to do in the origin of this transaction—to make this people whole for the territory which they have conveyed to the United States. I hope it will be done, as a matter of right and justice.

Mr. FITCH. I will not consume the time of the House in answering the gentleman from Ohio, [Mr. SWEETSER.] I made no attack upon his constituent, Mr. Medill. I gave simply a history mostly from the official record, and all sustained by that record, of his treaty with the Menomonees and its results. If that is to be construed into an attack, the gentleman [Mr. SWEETSER] had better direct his efforts to procuring a change in the record, or limit his defense to a denial of its correctness or authenticity. The gentleman him-

self has quoted from the record matter which will not much benefit his constituent. He speaks of a mistake which is to exonerate Mr. Medill from blame. The idea of a mistake originated with Mr. Bruce, the sub-agent. He is the witness I mentioned yesterday who made a written statement designed to defend Mr. Medill. In that statement he says if a mistake was made by Mr. Medill, it was owing to the maps before him. This was said for the purpose of defending Mr. Medill from a charge of having attempted to deceive the Indians. But Mr. Bruce said too much for a successful defense of his friend, for, by calling our attention to a mistake, he leads us to inquire what kind of a mistake it was. We find Mr. Medill admitting, that while he was on the ground, he discovered a mistake which increased the possessions of the Indians from 3,023,800 acres to 4,000,000 acres. But did he give them the benefit of this mistake? On the contrary, he told them they had but 1,600,000, and refused to pay them for more than that! If the gentleman [Mr. SWEETSER] can make for him no better defense than a mistake, silence would be a mercy to him. But mistake has nothing to do with the case before us. We are dealing with a result which is not denied.

The CHAIRMAN. The time has arrived at which this debate is to terminate. No further discussion will be allowed, except under the rule in relation to amendments.

Mr. COBB. It is suggested to me that I did wrong in my action this morning in reference to the deficiency bill. And whenever I am satisfied that I am wrong, or have done wrong, I am willing to make proper reparation. I objected this morning to the consideration of the deficiency bill, from my anxiety to proceed with the private business we then had under consideration.

Now, sir, from the urgent necessity for the passage of that bill—and for the reason, as the gentleman from Alabama [Mr. HUSTON] says, that the Senate have nothing before them—I am going to move that the committee rise, that we may go back to the House, in order that the chairman may propose to take up that bill, and that the House may consider it. We then can come back into committee upon this bill, or we can proceed to the consideration of business on the Private Calendar, as the House may think best.

I move that the committee rise.

The question was then taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 43, "making appropriations for the Indian Department for the year ending 30th of June, 1853," and had made progress, but come to no conclusion thereon.

#### DEFICIENCY BILL.

Mr. HUSTON. With the consent of the House, I wish to take up the deficiency bill which has been returned from the Senate. There are a few matters of difference between the two Houses, which I will explain in a very few words, and then ask the House to vote upon them.

The first subject of disagreement between the two Houses I will read. It is this:

"For presents and provisions for Indians visiting superintendents on official business, \$1,000."

Also,

"For traveling expenses of the superintendent and the necessary attendants, \$2,500."

These two items were among the original amendments of the Senate, but were stricken out by the House. The Senate did not concur in the action of the House in striking them out. The explanation which I heard made in the Senate on yesterday, in reference to them, appeared satisfactory to me. A large number of treaties have been made with the California Indians, which have been rejected by the Senate. The next steamer for California carries out the news of the rejection of those treaties, and the Department is exceedingly anxious that it should have this amount of money, for the purpose of sending the superintendent, along with the news, with presents, to pacify the Indians upon the receipt of that intelligence.

The second disagreement between the two Houses is this: The Senate amended the original

bill of the House in the section relating to the Texas Indians, by an amendment which directed the \$25,000 to be appropriated to the removal of such Indians in Texas as "have intruded themselves into that State from the territories of the United States." The House amended that provision by striking out these words, so that the \$25,000 would have been applicable to the negotiation and removal of all the Indians in Texas. The Senate insist upon a concurrence with their original proposition, and I heard the argument there yesterday, and I was satisfied that that proposition was right. The argument was this: that if we now make this appropriation to commence a negotiation with the Indians of Texas, who really belong to Texas, and with whom the Government of the United States have nothing to do, we will thereby assume jurisdiction and involve ourselves in interminable trouble and expense in regard to them. The Senate, therefore, insist upon their amendment.

The next item, Mr. Speaker, is in regard to the Louisville custom-house. The House amended the original amendment of the Senate by appropriating \$43,700 for the completion of the Louisville custom-house. The Senate reduces that appropriation to \$16,000; and they did it, as I understand, upon this ground. I did not get the opportunity, when this subject was under discussion in the House, of having the letter of the Secretary of the Treasury read, because my friend from Kentucky [Mr. MARSHALL] objected to it. When we were in committee the Chair decided that I had no right to debate the subject, because the gentleman who preceded me had debated it.

The Secretary of the Treasury recommended, in regard to all these custom-houses at Pittsburg, Cincinnati, St. Louis, Bath, Mobile, Bangor, and Norfolk, that in each case Congress should appropriate, in addition to the amount already appropriated, a sum sufficient to pay what had been expended in purchasing the sites. All the other custom-houses have received that appropriation. We have appropriated for the Pittsburg and Cincinnati custom-houses what the lots have cost; and at all the other places we have appropriated what the estimates of the Department called for, except to the custom-house at Louisville, and there we have appropriated \$43,700. As I understand, the letter of the Secretary, which was referred to the Committee of Ways and Means, proposed this appropriation of \$16,000 for the Louisville custom-house. Since that time the Secretary has written a letter to the honorable member who represents the Louisville district, [Mr. MARSHALL], in which he adopts a plan the estimate of which requires \$43,700. That estimate never reached the Committee of Ways and Means, and it never reached the House, except by reference made to it by my friend, [Mr. MARSHALL.] I think the Senate have done right in their action, and that is the unanimous opinion of the Committee of Ways and Means, as far as we have had a committee this morning.

It is true that the lot in Louisville cost only \$16,000, while at Cincinnati the lot cost, I understand, more than \$50,000. The lot cost \$58,000, but the citizens made up the \$8,000; which reduced the cost to \$50,000, and in that case the appropriation is \$50,000. If this appropriation of \$16,000 is agreed to in regard to the Louisville custom-house, then the custom-houses at that place, at Cincinnati and Pittsburg, will stand precisely upon the same footing, each one having \$75,000 for building the house.

There are two other amendments. The Senate have added this new amendment:

"For per diem compensation and mileage of Senators, members of the House of Representatives, and Delegates, \$50,000."

It is proper for me to say to the House, that this \$50,000, added by the Senate, is for the purpose of supplying a deficiency by the abstraction—by the taking of that amount from the original appropriation for constructive mileage. But what can this House do? Is it possible for us to control a coordinate branch of the Legislature? The money is gone, and it may be proper enough for us to discuss it, and, if we choose, to condemn the act, as I do, as an improper act upon the part of the Senate; and, although it may be proper enough to condemn it, and say we disapprove of it, yet can we control the Senate? If the Senate see fit to stand up for its present pay, as a matter of course this bill will fail. And if this bill should

be lost, it would be put in some other bill. The constructive mileage has already been taken by Senators who intend to take it, and it is gone. This appropriation is for the pay of mileage and per diem for this session.

Mr. STEVENS, of Pennsylvania. If this is allowed, cannot they claim a credit this year, upon what they have abstracted, as the gentleman calls it, the last?

Mr. HOUSTON. I do not think that is a proper expression.

Mr. STEVENS. I think it is a proper word. I think it was abstracted, subtracted, and extracted wrongly. I do not think it ought to be allowed. I think the House ought to insist upon disagreeing to it.

Mr. HOUSTON. It is for the House to do as it sees fit upon the subject. I wish to lay the statement as fairly as I can before the House; but it is proper for me to say that it is impossible for us to defeat that appropriation.

The next amendment upon which the Senate insist, is the amendment which you remember was discussed in committee, and is this:

"Provided, That hereafter no expenses incurred by a Territorial Legislature, shall be paid out of the Treasury of the United States, unless previously sanctioned by law."

The House defeated that proviso upon the ground that the law of 1842 covered it. It is true, that law does remedy the difficulty which existed before that day, and, as was well remarked by the Delegate from Minnesota, [Mr. SIBLEY,] whom I do not now see in his seat, we have allowed a departure from that law; we have allowed a misconstruction of that law, and we are ourselves responsible for the loose course of proceeding in regard to those Territories. It was well argued, in the Senate yesterday, that something else must be done besides notifying them we intend to adhere to the provisions of the law of 1842. The amendment can do no harm, if it does no good. I have now stated the disagreements.

Mr. STUART. I want to call the gentleman's attention to the fact, as I understand it, that each House takes mileage for itself. The Committee on Mileage reports, and each House for itself determines this question, and determines it conclusively. Now, sir, whatever opinion may be entertained here in regard to paying constructive mileage of Senators, it is a matter this House has no control over, and a matter for which this House is in nowise responsible—not in the least degree. And I should be very sorry to have this House act upon a suggestion which has fallen from the gentleman from Pennsylvania, [Mr. STEVENS,] to refuse to concur in this amendment of the Senate for any such reason as he assigns.

Mr. STEVENS, of Pennsylvania. If the gentleman will allow me, I will inquire of the chairman of the Committee of Ways and Means whether we did not insert a clause in some bill last year making it a law to prevent constructive mileage?

Mr. JOHNSON, of Arkansas. This does not come into conflict with it.

Mr. STUART. No doubt we may with the concurrence of the other House and the President—covering the whole legislative department of the country—change a law; but, sir, when that law is changed, each House again determines for itself what the law is.

Mr. JOHNSON. My recollection of the passage of that law is this: The Senate itself introduced the clause which cut off the constructive mileage last Congress. This case is not affected by that law at all—it is for constructive mileage anterior to the time of the passage of the law.

Mr. STEVENS. It is for constructive mileage of last March.

Mr. JOHNSON. After the law has passed?

Mr. STEVENS. Yes, sir.

Mr. JOHNSON. Well; I am unable to say anything in regard to that.

Mr. FITCH. Happening last Congress to be on the Mileage Committee, this matter fell under my observation, and I now rise merely for the purpose of giving information correctly with regard to this subject. A provision was introduced by the Senate into some bill cutting off constructive mileage for the sessions of the Senate that may be called on the 4th of March, 1853, and on the 4th day of March in every fourth year thereafter. The design was to prevent Senators from drawing constructive mileage for that usual Executive session called after the inauguration of a new

President. Last year's session of the Senate was not one of that character, and therefore does not come under this provision of law. Senators chose to avail themselves of the old law and drew their constructive mileage.

Mr. STUART. I did not rise for the purpose of discussing the propriety of any law, but simply to state the fact, which I believe is, that this House cannot control this question, and that this House is not responsible for the pay of mileage to members of the Senate. Each House determines that question for itself.

Mr. GENTRY. This House can determine the principle.

Mr. FITCH. So far as the existing law will permit them, they can. But there is another thing in relation to this question of mileage which it may be as well to state. It is perfectly immaterial whether we admit or cut off the constructive mileage of the Senators for their last session; for even if we had it within our power to prevent them receiving the money now, their names are upon the record, and if they choose to, they may at any time hereafter draw the amount to which they are entitled should the regular appropriation for mileage cover the amount. Instances have occurred where it has been drawn years subsequently, and they will occur.

Mr. HOUSTON. I am satisfied the positions assumed by the gentleman from Michigan, [Mr. STUART,] and the explanation of the gentleman from Indiana [Mr. FITCH] of the law of 1851, are correct. The law of the 3d of March, 1851, reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, no member of the Senate shall be entitled to receive compensation for his attendance at the Senate, in the recess of Congress, during such meeting of the Senate as may be called on the 4th day of March, 1853, and on the 4th day of March in every fourth year thereafter, other than the eight dollars per diem for attendance, now allowed by law: *Provided*, That this act shall not apply to a Senator, not a member of either House of Congress at the expiration of the Congress preceding such called session of the Senate."

The law makes the question plain.

Mr. FOWLER. I rise to a question of order. If I understand the chairman, the Senate have added an appropriation of \$50,000 to the bill. My question of order is this: Whether the House, there being a new appropriation added by the Senate, can proceed to discuss and act upon it until it shall have been first referred to the Committee of the Whole on the state of the Union? I make the question with great deference, but it seems to be one worthy of consideration.

Mr. HOUSTON. That is the rule of the House very clearly, but unanimous consent was given to consider the proposition.

Mr. FOWLER. I understood the consent of the House was, that we might hear from the chairman the propositions that have been submitted by the Senate, and not that we should proceed to consider and act upon them.

The SPEAKER. The Chair's recollection of the proceedings is, that the House gave its unanimous consent to the consideration of the amendments proposed by the Senate. The House and Chair have been acting upon that understanding.

Mr. FOWLER. If that is the understanding, I waive my question of order. I did not so understand; certainly.

Mr. HOUSTON. I will again call the attention of the House to a line in the law of March 3d, 1851:

"No member of the Senate shall be entitled to receive compensation for his attendance at the Senate, in the recess of Congress, during such meeting of the Senate as may be called on the 4th day of March, 1853, and on the 4th day of March in every fourth year thereafter."

This session of 1851 was a called session, and held before the law took effect according to its conditions; so there can be no doubt about the law authorizing Senators to take the mileage provided for by the amendment.

Mr. STEVENS, of Pennsylvania. This question of constructive mileage is a mere construction. The law allows them actual mileage, and is it not competent for us at any time to refuse to make an appropriation to any branch of this Legislature for a demand for services never rendered?

Mr. HOUSTON. This House has power to do a great many things which I think it improper for them to exercise. Now, the Committee of Ways and Means this morning, although the bill

was not referred to them in terms, sent for and acted upon these amendments. Their action, to be sure, was informal; but that committee unanimously agreed to recommend a concurrence in the action of the Senate, and therefore the passage of the bill.

Mr. JONES. The Senate's amendment, with reference to the constructive mileage, was not unanimously agreed to in the committee.

Mr. HOUSTON. I may be mistaken about that. Probably the gentleman voted against that, but the other recommendations were unanimous. Under the instructions of the committee, I shall move to agree in the three instances, and to recede in two instances.

The SPEAKER. The pending question is the motion to refer to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I withdraw that motion, and propose concurrence in the Senate's action, and upon that motion demand the previous question.

Mr. MARSHALL, of Kentucky. Mr. Speaker—

Mr. HOUSTON. I will yield to the gentleman to make an explanation, still holding my right to the floor, however.

Mr. MARSHALL. I will not accept the liberty the chairman of the Committee of Ways and Means proposes to extend to me, as a member of this House, and I throw myself upon the pleasure of the House, that he shall not call the previous question upon me.

The SPEAKER. The gentleman from Alabama is still upon the floor.

Mr. MARSHALL. I understood the gentleman to tender to withdraw his call for the previous question, for the purpose of allowing me to make an explanation. I desire to reply that I want to make some remarks with regard to the appropriation for the Louisville custom-house. I want to be heard upon that; and I want the House to disagree to the amendment of the Senate in that particular.

Mr. HOUSTON. I do not know what the gentleman means. I do not want, of course, to preclude him from making his explanation. I want, however, to retain the floor for the purpose of getting this bill through.

Mr. MARSHALL. The Senate has become suddenly economical, and, for the first time since I have been in the public service, has reduced an appropriation made by the House of Representatives. We are told by the honorable chairman of the Ways and Means, that in effecting this reduction in the case of the Louisville custom-house, the Senate has merely cut down the appropriation to the point recommended by the Secretary of the Treasury, and to the original intent of the law—that the amount remaining for the erection of the building at Louisville reimburses all that was expended from the original appropriation for the lot, and that the amount cut off was an extravagance into which I have led the House.

Mr. Speaker, the law ordered custom-houses, &c., to be built at Louisville, St. Louis, Cincinnati, Pittsburg, Mobile in Alabama, and Norfolk in Virginia. To each of the five points first named, the sum of \$75,000 were appropriated. I understood at the time, it was designed that the ground should be purchased, and the building erected with the sum appropriated. But in the case of Cincinnati, the Secretary so construed the law as to allow \$75,000 to be appropriated for the building alone, regardless of the cost of the ground, while at the other points the law was construed that \$75,000 was to cover the total expenditure, both for the ground and building. The appropriation for Mobile was \$100,000, for Norfolk \$50,000, with a clear and explicit declaration that in each case the appropriation should purchase the site and erect the building. If the idea which guided the committees of Congress was to restore merely the expenditure which has been made for a site, I should like to know from the honorable chairman of the Ways and Means, who is a member from Alabama, why the rule was not applied in the case of Mobile? The expenditure for a site in that town was only \$12,500, but the appropriation this year is \$100,000 for the custom-house in addition to \$100,000 last year. I should like to know why the rule was not applied by the chairman of the Committee on Finance in the Senate to the case of Norfolk in Virginia, where nothing of the

appropriation of last year (\$50,000) was spent and no site has been purchased—no plan of building adopted, and for which \$50,000 are now appropriated additionally without starting a question in the committee of either House?

Mr. Speaker, to this suggestion it will be replied by the gentleman from Alabama, [Mr. Houston,] that the Secretary of the Treasury recommended both the appropriations in the cases of Mobile and Norfolk which have been voted. Yes, he did, and I rejoice that he did so, expressly in the case of Louisville, as will appear by the letter which I now send to the Clerk's table to be read to this House, which letter was before the Senate committee when the reduction of the appropriation to \$16,000 was voted, and which letter had been exhibited to the gentleman from Alabama and other members of the Committee of Ways and Means, before they agreed to the reduction as made in the Senate. The following is the letter:

TREASURY DEPARTMENT, June 4, 1852.

SIR: In reply to your verbal inquiries, with reference to the progress that has been made towards the erection of a building, in the city of Louisville, for a custom-house, a post office, and other public offices, I have to state:

1st. That commissioners were promptly appointed, to select a site for the building, in order that the intentions of the Government might be carried out without unnecessary delay.

2d. That these commissioners selected a lot, for which the Government has paid the sum of \$16,000.

3d. That architects were publicly invited to submit plans for the building; and that two plans were received, one of which I was willing to adopt, if the building could be erected in accordance with it, durable and fire-proof, for the balance of the appropriation, (viz: \$59,000); and

4th. That specifications and estimates were called for, from the architect by whom this plan was submitted, which specifications and estimates have just been received.

According to those, the building can be erected of brick and wood for the residue of the appropriation on hand; but for a structure of stone and iron, substantial and fire-proof from bottom to top, an expenditure of \$102,700 is shown to be necessary. As a safe and durable building is desired, I would respectfully recommend an additional appropriation by Congress of the sum of \$43,700, for the purpose of constructing the same according to the plans and specifications above referred to.

I am, very respectfully, your obedient servant,  
THOS. CORWIN, Secretary of the Treasury.  
Hon. HUMPHREY MARSHALL, House of Representatives.

I came to this House with that letter in my possession, and asked for an appropriation of \$43,700 for the custom-house at Louisville, as the Secretary recommended, and then the chairman of the Ways and Means opposed me, but this House, acting upon the recommendation of the Department, unhesitatingly voted the sum demanded, and thereupon Cincinnati, Pittsburg, St. Louis, and Norfolk came forward through their Representatives on this floor, and asked the appropriations which were granted them. Do you not know that had this House refused the appropriation to the Louisville custom-house which was asked by me, it would also have refused the rest? Could Mobile have received \$100,000, or Norfolk \$50,000, had the appropriation to Louisville of \$43,700 been voted down in this House? Why, then, has the Louisville appropriation alone been selected as a mark by these committees? Why has the recommendation of Mr. Corwin been followed in every other case than that of my district?

The gentleman from Alabama [Mr. Houston] attempts an explanation by referring to the remarks of the Secretary of the Treasury, in submitting his "annual estimates," in which he says:

"The Department has plans for the custom-houses at Pittsburg and Louisville, which can probably be completed for the above sum of fifty thousand dollars each; but it is a matter of great doubt whether it is either economy, or in other respects good policy, to erect such buildings as can be constructed within that limit. It is to be recollected, that in these buildings, it is intended to accommodate not only the business of the custom-house, but also the post office, United States courts, the land offices, independent treasury, and any other of the Federal officers who may be located in these places respectively.

"These cities are increasing so rapidly, that what might be considered sufficient accommodations for the above purposes at this time, will probably be entirely inadequate in the course of a comparatively very few years, and will then require to be extended or entirely rebuilt. It should also be an indispensable requisite in all public buildings to be hereafter erected, that they should be perfectly fire-proof, both from the interior and exterior; and it is but right and proper that such structures should be not only well and substantially built, but should, within reasonable limits, be finished to a hand-some and ornamental manner, both inside and out. That all these requisites cannot be obtained in a building of the necessary size, the cost of which is limited to a few thousand dollars, is very apparent. That limit would oblige the Department to the use of brick as a material, and to adopt plans which, though called fire-proof, are not so completely such as should be the case with all public structures. Buildings for the above purpose, in every way suitable and proper, and with accommodations not only

sufficient for the present, but for the probable future wants of the Government for a long period, can be erected and furnished for seventy-five thousand dollars; and it is earnestly recommended that such increased appropriations should be made. Another reason for granting this sum is, that it would prevent what might be considered as an invidious distinction between these two cities and those of Cincinnati and St. Louis, where a larger amount has been appropriated.

"If Congress, however, should not think it advisable to grant that sum for Pittsburg and Louisville, contracts can be made for the buildings to cost not more than \$50,000 each, but for less than that amount the Department is convinced that it would be inexpedient and injudicious to attempt the erection of them. On this footing an additional appropriation of \$16,000 would only be required for Pittsburg, as the balance remaining of the appropriation for Louisville exceeds \$50,000."

Mr. Speaker, you will perceive, by reading this communication from the Secretary, that only \$16,000 is asked for Pittsburg, and nothing for Louisville—if it is the intention to erect houses costing only \$50,000; but it is advised that the appropriations shall be expended in each case to \$75,000, because the Department then supposed this sum would be sufficient to complete the plan which the Secretary had in view, and which was adopted for the Louisville custom-house. Subsequently, however, the Secretary received the working estimates from the architect whose design was approved, and that person informed him that \$102,700 would be necessary to finish the house upon the plan proposed. The Secretary then addressed the letter to me which has been read by the Clerk, and recommended the appropriation necessary to build the house upon the plan properly.

I believe no plan for the custom-house at Cincinnati or St. Louis has been adopted, and I venture the assertion that no plan will be executed in either city for \$75,000. The gentleman from Alabama pursues the suggestion of the Secretary, that \$75,000 for the building will make all of our western cities exactly equal in the favors received from Government, and therefore the additional appropriation asked for the Louisville custom-house should be reduced from \$43,700 to \$16,000. He goes on the principle that "equality is equity," and proposes, I presume, to divide fairly among us. Now, sir, I eschew that principle and repudiate it as a test of proper legislation. There is no reason why the custom-houses in the several cities named should be built upon the same plan, or should cost exactly the same amount of money. We should look at the wants of Government, at the probable future of your business at these several localities; and in arranging the buildings to be erected, we should act with enlightened forecast to meet the public wants, without regard to the particular amount spent here or there. But, if the idea of preserving equality, which the Secretary of the Treasury suggested, and the chairman of the Committee of Ways and Means repeated, is to be our guide, it imports, necessarily, that the buildings shall be on the same plan in each locality.

There remains a more difficult condition to be met with in this view. We must equalize the wages of labor and the prices of materials in each, in order that an equal sum of money may accomplish the same amount of work in each. The mere suggestion of the idea exhibits the absurdity of pursuing any such rule. But, sir, if it is to be pursued, then be pleased to remember that \$125,000 have already been appropriated for the custom-house in Cincinnati, \$100,000 for that at St. Louis, \$105,000 for that at Pittsburg; and if the appropriation I ask shall be granted, only \$118,000 will have been appropriated at Louisville. If the commissioners at Cincinnati paid \$50,000 for the site, and those at Louisville only \$16,000, surely our economy of the fund which was placed at our disposal should not operate against us. If Cincinnatians have paid a high price for ground, in order to erect their custom-house and post office in the most conspicuous place, and the Louisville people have taken an obscurer site, in order to erect the finer house with the fund at their disposal, each have exhibited the peculiarity of their taste, and both should be indulged. If you mean to treat them alike, when you now appropriate \$50,000 for Cincinnati, you should bestow upon Louisville the same amount. That is essential upon the idea of "equality, in order to avoid invidious distinctions." But, sir, as I before remarked, there is nothing worthy of the American Congress in that idea of equality, as applied to these appropriations, and if there be, the commit-

tees have violated it by making an invidious distinction against the commercial city in my district. They have disregarded, also, the recommendation of the Secretary, as exhibited in the letter read at the Clerk's table. Can it be that gentlemen will apply to these buildings, which are intended for post offices and court-rooms, as well as custom-houses, their old rule that, because Cincinnati and Louisville are in the interior, the appropriations there should not be more than half as great to accomplish the purpose as they would be if the cities were situated on the sea-board? I have shown you the facility with which the committees appropriate for Mobile and Norfolk, and how they justify under the Secretary's recommendation. I show you how stringent they suddenly become when the appropriation is in the interior, and how they trample on the recommendation from the Treasury in the case. Upon what principle do these committees act?

Mr. HUNTER. What is the difference in the whole amount proposed to be appropriated between Mobile and Louisville?

Mr. MARSHALL. The whole amount appropriated to Mobile is \$200,000. The whole amount appropriated to Louisville will be \$118,000. I imagine that my district collects three or four times as much revenue as the port of Mobile. We collect \$78,000 a year in duties at the port of Louisville, and yet we are here higgling upon the question whether you shall expend an additional \$27,000 upon the public buildings in Louisville. I am as much in favor of economy as any man, but I desire to see it dispensed with a proper hand, and in a proper manner. I trust that this House, under the circumstances, will not commence in their economy upon my city, but will disagree to this amendment at least, and give me the benefit of a committee of conference with the Senate.

Mr. HOUSTON. The gentleman from Louisville [Mr. MARSHALL] has argued his case as if it were the Committee of Ways and Means who had made the discrimination of which he complains. In that he mistakes. This amendment originated in the Senate, and was intended not only to destroy a discrimination in his favor, but also to reduce the appropriation to the estimate of the Secretary of the Treasury. The gentleman very well knows that I have been endeavoring to get for him the \$16,000 which he and the Secretary both said would be ample to build a suitable custom-house in Louisville. I was in favor of giving it to him, because, from the attention and investigation I had given the subject, I thought it necessary and proper. The Secretary of the Treasury says it is necessary to appropriate this additional \$16,000, in order to build and properly furnish a custom-house that shall be perfectly fire-proof, both from the interior and exterior. I believe the appropriation ought to be made, and endeavored to get the Committee of Ways and Means to come to the same conclusion. But while this matter (of these custom-houses) was under examination by the Committee of Ways and Means, the Senate saw fit to act upon it, by providing for three, and leaving out the others. I have a right to speak of my own action in committee. My course has been equally fair towards all the custom-houses proposed at the various points; and if the gentleman from Kentucky thinks otherwise, he can confer with any member of that committee on the subject. I stated, in the Committee of the Whole on the state of the Union, a few days since, that these custom-houses should be completed; and, while I believed it was improper to put any of them in this bill, yet, if any of the appropriations for custom-houses were to be retained, that they all stood substantially upon the same footing, and should all be rejected or retained. I do not say they are all equally necessary as custom-houses, for I do not so regard them; but, as they have all had partial appropriations, they should now have enough to finish them. I remain of that opinion, but it seems the gentleman has changed his mind. The Senate, as well as the Committee of Ways and Means, in this instance, have kept within the recommendation of the Secretary of the Treasury; and the document which has been read by the gentleman from Kentucky [Mr. MARSHALL] was never seen in the committee room. It is a recommendation sent to the gentleman himself, and, I presume, at his own instance. It is true, it has been shown to me, within the last few



days, by the gentleman from Kentucky; but it never has been before the committee.

Mr. MARSHALL. I showed it to you as chairman of the committee.

Mr. HOUSTON. I am unable to say in what capacity the gentlemen intended me to see it. I do not, however, regard it as a recommendation of the Secretary of the Treasury to this House, or to the Committee of Ways and Means. But my friend from Kentucky says they collect more revenue at Louisville than at the port of Mobile. Mr. Speaker, I fear he has not looked into the matter. Why did he not state how, and under what circumstances, the revenue is collected at Louisville and Mobile respectively, and the difference in the duties of the collectors at each point? Where are the duties performed—I mean to ask, where are the services rendered upon which the revenue is collected at Louisville? Is it at Louisville? Not at all; all that is done by the collector at Louisville is to receive the money. Louisville is a port of delivery, and not a port of entry; and every box or package of goods that goes to Louisville, Cincinnati, Pittsburg, St. Louis, or any other port above New Orleans, is entered at New Orleans, inspected there, and every particle of the work necessary to clear them through the custom-house is performed in New Orleans, except the mere collection of the money; and the money is received by the surveyor at Louisville on a statement or certificate from the collector at New Orleans. The surveyor of the customs at Louisville then takes the certificate of the collector at New Orleans and examines whether the packages and certificates correspond, receives the money, and issues his permit for the delivery of the goods.

Mr. MARSHALL. Suppose a thousand bags of coffee are imported direct to Louisville, or any other interior port, I ask the gentleman what sort of handling and what sort of inspection they undergo at New Orleans, or any other exterior port at which they may be introduced into the country; and whether they cannot be warehoused, under the law, after they reach the city of Louisville?

Mr. HOUSTON. Just precisely the same sort of handling, inspection, and labor they would undergo if there were no port at Louisville, or such interior point; the only thing from which the collector at the exterior port would be relieved would be the handling of the money. The gentleman says that the goods may be stored at Louisville; but does he maintain that that would devolve labor to any amount upon the surveyor there? Besides, this provision does not provide at all for a warehouse at Louisville.

Mr. MARSHALL. I state to the gentleman from Alabama, that nothing is more needed at Louisville than a warehouse.

Mr. HOUSTON. That may be; but I say, and the fact is beyond controversy, that this amendment does not propose to erect a warehouse for goods.

Mr. DISNEY. I hope the gentleman will allow me to state, that the very buildings now proposed to be erected by the Secretary of the Treasury at each of these ports, are all to have provision made for the storage of goods. It is the practice now at each of them, to receive and store goods.

Mr. HOUSTON. The gentleman is mistaken; the very reverse of what he says is correct. The plans and estimates which are before the Committee of Ways and Means show no such thing.

Mr. MARSHALL. I state to the House, with the gentleman's permission, that the plan and estimate for the building at the city of Louisville, do provide for rooms in that building for the purpose of storing goods under the public warehousing system.

Mr. HOUSTON. I have not seen the plan and estimate for the custom-house at Louisville, because it was passed at the last Congress, and therefore the plans were not called for by us. But the Committee of Ways and Means have called for plans of several that were before them this session, and I have seen others at the Treasury Department, and not one of those plans contains any provision for the storage of goods, and I feel very confident that the gentleman is mistaken. As I said before, the whole of this labor is performed at New Orleans, with the exception of the mere receiving of the money and retaining it or paying it over, according to orders.

Now, sir, in Norfolk and Mobile it is very dif-

ferent; they are ports of entry as well as delivery, and goods are brought to those ports from foreign countries direct, are entered, inspected, and all the labor is performed there just as it is at New York, Boston, or New Orleans. There is therefore some reason why the buildings should be larger, and necessarily more costly at those ports. You have at Mobile a collector, a deputy collector, several clerks, weighers, gaugers, measurers, thirteen inspectors, and all the other officers necessary to execute the revenue laws of the country.

But, sir, I must hasten on. I will show you that the Secretary of the Treasury says he can build a house at Louisville that will answer the purpose very well, for \$59,000. Here is his recommendation, and it is the only one that is before Congress, except the letter which the gentleman from Kentucky has read, and which he drew out of his pocket—I will not say his breeches pocket, for I believe letters come from coat pockets now-a-days. [A laugh.] I will read what the Secretary of the Treasury says in regard to the custom-houses at Louisville and Pittsburg:

"The Department has plans for the custom-houses at Pittsburg and Louisville, which can probably be completed for the above sum of \$50,000 each; but it is a matter of great doubt whether it is either economy, or in other respects good policy, to erect such buildings as can be constructed within that limit. It is to be recollected that, in these buildings, it is intended to accommodate not only the business of the custom-house, but also the post office, United States courts, the land offices, independent treasury, and any other of the Federal officers who may be located in these places respectively.

"These cities are increasing so rapidly, that what might be considered sufficient accommodations for the above purposes at this time, will probably be entirely inadequate in the course of a comparatively very few years, and will then require either to be extended or entirely rebuilt."

He is arguing now against the \$50,000:

"It should also be an indispensable requisite in all public buildings to be hereafter erected, that they should be perfectly fire-proof, both from the interior and exterior; and it is but right and proper that such structures should be not only well and substantially built, but should, within reasonable limits, be finished in a handsome and ornamental manner, both inside and out. That all these requisites cannot be obtained in a building of the necessary size, the cost of which is limited to \$50,000, is very apparent. That limit would oblige the Department to the use of brick as a material, and to adopt plans which, though called fire-proof, are not so completely such as should be the case with all public structures."

Now listen to what follows:

"Buildings for the above purpose, in every way suitable and proper, and with accommodations not only sufficient for the present, but for the probable future wants of the Government for a long period, can be erected and furnished for \$75,000; and it is earnestly recommended that such increased appropriations should be made. Another reason for granting this sum is, that it would prevent what might be considered as an invidious distinction between these two cities and those of Cincinnati and St. Louis, where a larger amount has been appropriated."

It seems that the Secretary of the Treasury does not want to make an invidious distinction between Cincinnati, St. Louis, Pittsburg, and Louisville, which are all in the interior, and some of them, as it were, in the same neighborhood, and he gives that as a reason for granting \$75,000 to Louisville. He thinks that as \$75,000 was to be expended on the building at Cincinnati and St. Louis, it would be an invidious and improper distinction to say that the buildings at Pittsburg and Louisville should not have \$75,000 also. Well, sir, I am willing to give them \$75,000 each, and this \$16,000 to Louisville will make it up to \$75,000. I think the Government should make all its buildings hereafter erected fully and perfectly fire-proof, both from the interior and exterior. He says he cannot erect a complete fire-proof building for \$59,000, but he can for \$75,000, and he therefore asks the appropriation of that sum. I am willing to give no more.

Mr. MARSHALL here made a remark which the Reporters could not hear.

Mr. HOUSTON. I am treating the subject fairly, and when I have discharged my duty I shall have nothing further to say upon it. But I want to bring the facts before the House. I should not have gone into this so extensively if the gentleman had read the whole of the Secretary's recommendation on this point.

Mr. MARSHALL. I did read it.

Mr. HOUSTON. Not what I now propose to read. I will add a little to what the gentleman read. The Secretary of the Treasury, says:

"If Congress, however, should not think it advisable to grant that sum (\$75,000) for Pittsburg and Louisville, contracts can be made for the buildings to cost not more than \$50,000 each, but for less than that amount the Department

is convinced that it would be inexpedient and injudicious to attempt the erection of them. On this footing an additional appropriation of \$16,000 would only be required for Pittsburg, as the balance remaining of the appropriation for Louisville exceeds \$50,000."

That is to say, he can make a contract for the building of a custom-house at Louisville for \$50,000 or \$59,000, which will answer all the purposes of the Government at present, but he thinks we ought to have a building fire-proof, both interior and exterior, and well and handsomely finished, to suit the fashionable notions of the people of Louisville. He seems to be struggling hard to convince Congress that Louisville is entitled to \$75,000, and I agree with him.

Mr. MARSHALL, of Kentucky, made a remark, which was not heard by the Reporter.

Mr. HOUSTON. I have read what the Secretary says, and I am satisfied he is right. There is no necessity of giving this large amount to Louisville, and only \$75,000 to Cincinnati and Pittsburg. The house can be built for about the same cost in either of these cities, and every man here will concur with me in that opinion. It requires substantially the same character of building, and about the same amount of cost, to build a custom-house in either of those cities. Why should you build a finer house in Louisville than anywhere else? Why should you make the invidious distinction between Louisville and other cities in the same region of country?

I am now going to speak of the gentleman's estimates. We all know how estimates sometimes get in here.

Mr. MARSHALL. These are the estimates of the architect.

Mr. HOUSTON. I wish to say, that when I was struggling to obtain this \$16,000 to Louisville, the Secretary of the Treasury told me that he had plans and estimates in his hands for building a fire-proof building for \$75,000. That is what he told me, and that is what is written down here. These estimates were made without any solicitation or interference on my part. He gave these estimates without consultation with me, or any one else, so far as I know. And it is now for us to determine whether we shall send this bill back again to the Senate, or whether we shall terminate the matter now. It seems to me, that the amount involved is not enough to make it worth while to send the bill back to the Senate. I will say to gentlemen, that if we disagree to this amendment, and appoint a committee of conference, it may even endanger the passage of the bill itself. It stands, at least, a chance to be defeated entirely. The superintendent is now ready to start for Oregon, if he had the money to pay expenses. It is very important that he should be there. I call the previous question.

Mr. FITCH. I desire to know what will be the effect of the previous question?

The SPEAKER. Each amendment will be acted upon separately, as distinct propositions.

The previous question was then seconded, and the main question was ordered to be put.

Mr. MARSHALL. I ask for a separate vote upon the Louisville custom-house amendment.

Mr. STEVENS, of Pennsylvania. I ask for a separate vote upon the amendment relative to constructive mileage.

Mr. JONES, of Tennessee. So do I, and the yeas and nays upon that.

The SPEAKER. It is competent for the House to take the question upon receding from its amendments, or upon insisting upon them, whichever it be the pleasure of the House to do. If the question is taken upon receding from its amendments it will save one vote, which would otherwise have to be taken upon concurring.

The first amendment was to strike out or disagree to the following amendment, proposed by the Senate to the original bill:

"For presents and provisions to the Indians, and for a visit of the superintendent, upon official business, \$1,000. For traveling expenses of the superintendent, and other necessary expenses, \$2,500."

Mr. HOUSTON. My motion is to recede from the disagreement of the House to that amendment.

The question was put, and the motion was agreed to; and the House receded.

The next amendment was the following, which was made by the Senate to the original bill:

"For the purchase of presents, and to negotiate, under instructions from the Secretary of the Interior, with the Indians in Texas, who have intruded themselves into that

State from the territories of the United States, for their removal from that State, \$25,000."

And the amendment of the House of Representatives was to strike out the following words:  
"Who have intruded themselves into that State from the territories of the United States."

The question was on receding from the House amendment.

Mr. HOWARD. I hope the House will not recede from its amendment.

Mr. FITCH. I call the yeas and nays.

Mr. JONES, of Tennessee. If the House will permit me to say five words, I think I can make that matter clear.

Mr. FITCH. I object, unless some one can have an opportunity to speak upon the opposite side.

Mr. JONES. I have no objection to that.

Several MEMBERS objected.

The yeas and nays were not ordered; only four members rising.

Mr. HART demanded tellers; which were ordered; and Messrs. JOHNSON of Arkansas, and HOUSTON were appointed.

Mr. JONES, of Tennessee. May I ask the chairman of the Committee on Indian Affairs one question?

The SPEAKER. Only by unanimous consent.

Mr. JONES. I desire to ask that gentleman if the gentlemen from Texas in the House did not favor this amendment?

Mr. JOHNSON. The Texas men are opposed to it.

Mr. HOWARD. The amendment defeats the whole object.

Mr. JONES. I think it carries out the precise object.

Mr. HOWARD. It is exactly the reverse.

The question was then taken, and the tellers reported—ayes 87, noes 34.

So the House agreed to recede from its amendment.

The SPEAKER. The Senate have made an amendment to the amendment made by the House to the original amendment of the Senate, which will be reported to the House.

The amendment of the Senate was to "strike out \$43,700 and insert \$16,000."

The section thus amended would read as follows:

"For the completion of the custom-house at Louisville, Kentucky, the additional sum of \$16,000."

Mr. MARSHALL. I want the House to insist upon the amendment of the House to the Senate amendment. I make that motion.

Mr. HOUSTON. The motion, I suppose, will be to recede. That is the motion I made when I was up.

The SPEAKER. It is neither the one nor the other. The question is upon agreeing to the amendments of the Senate.

Mr. MARSHALL. I understood the Speaker, upon a former occasion, to say to the House that we might take either form of the question.

The SPEAKER. This is an amendment by the Senate to our amendment.

Mr. MARSHALL. I hope we shall disagree to the amendment of the Senate. I demand tellers.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

Tellers were ordered, and Messrs. MARSHALL of Kentucky, and HOUSTON were appointed.

The question was then taken, and the tellers reported—ayes 42, and, before the noes were taken, the tellers disagreed as to the number, and

Mr. HOUSTON reported that there had been a miscount.

The SPEAKER. The tellers report that they cannot count. [Laughter.]

Mr. MARSHALL. I was about nine ahead, when he closed the game upon me. [Laughter.]

Mr. HOUSTON. The last half dozen that passed through, he counted in one way and I another.

The SPEAKER. The tellers will again resume their places, and a recount will be had.

The tellers accordingly resumed their places, and a count was had, when

Mr. HOUSTON reported: Another miscount, Mr. Speaker. It is impossible for the gentleman

[Mr. MARSHALL] and myself to take the count. [Laughter.]

Mr. FAULKNER. I call for the yeas and nays.

The SPEAKER. The gentleman will recollect that the yeas and nays were demanded but refused.

Mr. STANTON, of Tennessee. I was about to say there was a quorum voting, for I recollect that there were sixty odd in the affirmative, and forty-six in the negative, and ten or a dozen went through afterwards.

The SPEAKER. There is no question about a quorum.

Mr. HOUSTON. I know about as much as the gentleman from Tennessee [Mr. STANTON] on the subject. I say there was no quorum voting.

Mr. PHELPS. I hope, by general consent, there will be a recount.

The SPEAKER appointed Messrs. PHELPS and CHANDLER to act as tellers, (Messrs. MARSHALL and HOUSTON having been excused,) when the question was again taken, and the tellers reported—ayes 71, noes 62.

So the House concurred in the amendment of the Senate.

The next amendment of the Senate was then read, as follows:

"For per diem compensation and mileage of Senators, Members of the House of Representatives, and Delegates, \$50,000."

Mr. STANTON, of Ohio, called for the yeas and nays; which were ordered.

Mr. STEVENS, of Pennsylvania. Did the Senate propose that as an amendment to the custom-house appropriation?

The question was then taken on agreeing to the Senate amendment, and it was decided in the negative—yeas 42, nays 97; as follows:

YEAS—Messrs. Barrere, Briggs, George H. Brown, Burt, Chandler, Conger, Dawson, Dockery, Duncan, Fitch, Florence, Freeman, Gamble, Goodrich, Gorman, Sampson W. Harris, Hart, Hendricks, Holladay, Houston, Jackson, Robert W. Johnson, J. Glancy Jones, Kuhns, Lockhart, Miller, Henry D. Moore, Nabers, Orr, Phelps, Porter, Price, Schermerhorn, Snow, Stanley, Frederick P. Stanton, Richard H. Stanton, Stuart, Taylor, Thurston, Walsh, and Welch—42.

NAYS—Messrs. Abernethy, Aiken, Averett, David J. Bailey, Bell, Bocoock, J. H. Boyd, Bragg, Brenton, Albert G. Brown, Buell, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Caskey, Chapman, Churchwell, Clingman, Cobb, Curtis, Daniel, George T. Davis, John G. Davis, Dimmick, Disney, Eastman, Ewing, Faulkner, Ficklin, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Giddings, Grey, Grow, Hamilton, Hammond, Harper, Hascall, Henn, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Andrew Johnson, John Johnson, George W. Jones, Preston King, Landry, Mace, Humphrey Marshall, Martin, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Miner, Molony, J. Moore, Murphy, Murray, Newton, Andrew Parker, Samuel W. Parker, Penslee, Penniman, Perkins, Powell, Rantoul, Reed, Robbins, Robie, Schoolcraft, David L. Seymour, Origen S. Seymour, Smart, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, Venable, Walbridge, Wallace, Ward, Washburn, Watkins, Wilcox, Wildrick, and Woodward—97.

So the amendment was not agreed to.

Mr. HOUSTON. There is one further amendment, to which I suppose there will be no objection, and I move that the House recede from its amendment.

The amendment referred to was then read, as follows:

"Provided, That hereafter no expense incurred by a Territorial Legislature shall be paid out of the Treasury of the United States, unless previously sanctioned by law."

The SPEAKER. This was an original amendment of the Senate, to which the House disagreed. The Senate insists upon its amendment.

Mr. HOUSTON. I move that the House recede from its disagreement.

The question was taken, and the motion was agreed to.

So the House receded from its disagreement.

The amendments were all disposed of.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to take up a bill upon the Speaker's table, for furnishing arms to the juveniles. Every one knows what that means, I suppose. It is a bill to authorize the Secretary of War to furnish arms for a company of boys.

A Voice. I object, I object.

Mr. DANIEL. I have made several efforts to get the House to dispose of several bills lying upon the Speaker's table for months. It is very necessary that they should be disposed of, and I do hope they will be disposed of now. It will consume but very little time. It is a reproach

to the House to permit bills, involving so large interests as they do in regard to private individuals, to remain so long undisposed of. They ought to be disposed of at once.

The SPEAKER. The first business in order before this body, is the consideration of business upon the Speaker's table.

Mr. CARTTER. I move that the House adjourn.

The question was taken, and the motion was agreed to.

So the House adjourned until eleven o'clock tomorrow morning.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BOYD, of New York: The petitions of citizens of New York, in favor of extending Uri Emmons's patent for a planing machine, dated 25th of April, 1829.

By Mr. IVES: The petition of Captain John Hoover, of Leroy, Jefferson county, New York, for an invalid pension.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, July 17, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is a motion to lay upon the table a motion to reconsider the vote by which the Florida railroad bill was rejected.

#### LAND DISTRICTS IN IOWA.

Mr. HENN. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 438, entitled "An act to create additional land districts in Iowa," with a view of having it put upon its passage. I hope my request may be granted. It is the same bill that the House committee reported.

Mr. COBB. That is a large State, and it should have additional land offices. There ought not to be any objection to the bill being taken up.

Mr. HUNTER. If it is proposed to put the bill upon its passage, I object.

#### RAILROAD IRON FREE OF DUTY.

Mr. MACE. I ask the unanimous consent of the House to introduce a bill of which I have given previous notice, with a view of having it referred to the Committee of Ways and Means.

There was no objection, and the bill was read a first and second time by its title, as follows:

"A bill to admit railroad iron free of duty."

Mr. ROBBINS. I object to that bill.

The SPEAKER. The gentleman's objection comes too late.

Mr. JONES, of Tennessee. I move to lay the bill upon the table.

Mr. MACE. I demand the yeas and nays upon that motion.

Mr. ORR. I hope my friend from Tennessee will withdraw his motion, and let the bill be referred.

Mr. JONES. I decline to do so.

The yeas and nays were then ordered.

Mr. STANTON, of Tennessee. I question whether the motion of the gentleman from Tennessee be in order at this stage of the proceedings. The only motion that could be made upon the first reading of a bill would be to reject it.

The SPEAKER. It has passed its second reading, and is now open for engrossment, amendments, commitment, or to be laid upon the table.

[A message was here received from the Senate, through ASBURY DICKINS, Esq., its Secretary, notifying the House of the passage by that body of certain bills.]

The question was then put upon the motion to lay the bill upon the table, and there were—yeas 51, nays 64; no quorum voting.

The SPEAKER. There is not a quorum voting. As the Chair is satisfied there is one present he trusts those who have not will cast their votes.

Messrs. JOHNSON of Georgia, BATLY of Virginia, HAMILTON, BEALE, and FREEMAN asked the unanimous consent of the House to be allowed to vote, they having been outside of the bar when their names were called.

Mr. CLINGMAN. I hope the unanimous

consent of the House may be accorded, so that we may have a quorum.

Mr. FOWLER. I object.

The SPEAKER. There are 51 in the affirmative and 64 in the negative—no quorum.

Mr. SEYMOUR, of New York. There is undoubtedly a quorum in the House, several members having come in since the vote has been taken; and I will inquire of the Chair whether it be not in order, by unanimous consent, to move that the bill be referred to the Committee of Ways and Means?

The SPEAKER. That motion is not now in order.

Mr. STUART. I move that there be a call of the House.

Mr. HAMILTON. I move, by unanimous consent, that the vote be retaken on the motion to lay on the table the bill introduced by the gentleman from Indiana.

The SPEAKER. The motion of the gentleman from Michigan would seem to be an objection to all propositions except that for the regular order of proceeding.

Mr. JONES, of Tennessee. I wish to inquire whether a quorum voted on the motion to lay the bill upon the table?

The SPEAKER. A quorum did not vote.

Mr. JONES. Then I submit this question: That there being no quorum upon that vote, it is clear, beyond all sort of question, there was no quorum present when this bill was introduced and read the first and second time.

Mr. CLINGMAN. That does not follow.

Mr. JONES. I ask if the admission of the bill can be taken as the action of the House?

The SPEAKER. To the question raised by the gentleman from Tennessee the Chair has to reply, that, although the House did not divide, it is to be presumed there was a quorum present. The Chair overrules the point of order, for the reason that we are a quorum for all legislative purposes until the contrary has been shown. The question is now upon a motion for a call of the House.

Mr. BAYLY, of Virginia. I rise to a question of order. My point of order is this: That when the House is found without a quorum upon any vote, members coming in have a right to vote, notwithstanding the rule that is usually appealed to; and such must be the case if you are ever to have a quorum. If members who are brought in by a call of the House are not permitted to vote you never will have a quorum.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Virginia. One of the plainest rules of this body is, that no gentleman can vote without unanimous consent, who was outside of the bar when his name was called.

Mr. STANTON, of Tennessee. I rise to another question of order. If the question whether there be a quorum or not, or whether there has been a quorum or not, is involved, I maintain the point that it is apparent to the Speaker, from facts which he is obliged to notice, there is a quorum; for the vote shows there was within one of a quorum, and before that vote was announced various gentlemen asked to be permitted to vote.

The SPEAKER. If the gentleman will allow the Chair. Whatever might be the power of the Chair upon the point presented, the question is not now before the body, it being superseded by a motion which is clearly in order, that there be a call of the House. That is the only business now in order, except a motion for an adjournment.

Mr. HOUSTON. I call for tellers upon the motion for a call of the House.

Tellers were ordered; and Messrs. MACE and CLINGMAN were appointed.

The question was then taken, and the House refused to order a call—the tellers having reported—ayes 38, noes 89.

The SPEAKER. There being a quorum present the Clerk will again call the roll. The question is upon the motion of the gentleman from Tennessee [Mr. JONES] to lay the bill introduced by the gentleman from Indiana, [Mr. MACE], entitled "A bill to admit railroad iron free of duty," upon the table. The bill was introduced by unanimous consent this morning, underwent its first and second reading, and a motion was made to refer it to the Committee of Ways and Means,

when a motion was submitted that the bill be laid upon the table, upon which motion the question is now to be taken.

The question was again put, and the motion to lay upon the table was disagreed to—yeas 74, nays 79.

So the motion to lay the bill upon the table was disagreed to.

The SPEAKER. The question now recurs upon the motion to refer the bill to the Committee of Ways and Means.

Mr. MACE. Inasmuch as several members of the Committee of Ways and Means do not like the reference to that committee, I withdraw that motion, and move that the bill be referred to the Committee of the Whole on the state of the Union, and ordered to be printed; and upon which motion I call for the previous question.

Mr. KING, of New York. I ask that the gentleman will withdraw his call for the previous question until I shall offer an amendment.

Mr. MACE. The bill is perfect in itself.

Mr. KING. As the gentleman objects, I trust the call for the previous question will not be seconded. I ask that my amendment be read for information.

Mr. ORR. I object.

Mr. DEAN. I move to lay the bill upon the table.

Mr. FLORENCE. I demand the yeas and nays upon that motion.

The SPEAKER. That proposition has just been voted upon, and the Chair thinks the motion cannot be repeated at this time.

Mr. DEAN. Action has been had since. The gentleman has withdrawn his motion to refer the bill to the Committee of Ways and Means, and he now proposes to refer it to the Committee of the Whole on the state of the Union.

The SPEAKER. As there may be a reason, from the change of the proposition, to induce the House to lay the bill upon the table now, that did not operate before, the Chair entertains the motion.

Mr. HOUSTON. I hope the gentleman from New York [Mr. DEAN] will withdraw that motion, and the gentleman from Indiana [Mr. MACE] will let this bill go to the Committee of Ways and Means. I think it is better for those who are opposed to the bill to let it go to that committee, so that we can go on with other work. It is useless to spend time caviling about this matter. If there is a majority in favor of the passage of this bill, in God's name let them carry it. If it be referred to the Committee of Ways and Means, I can only say, that so far as I am concerned, it shall be promptly acted upon, and reported back to the House.

Mr. CLINGMAN. By unanimous consent I wish to ask a question of the chairman of the Committee of Ways and Means.

[Cries of "I object!" "I object!"]

The SPEAKER. It is objected to, and debate is out of order.

Mr. CLINGMAN. If he desires to reconsider it, why did he vote to reject the bill in the first instance?

[Cries of "Order!" "Order!"]

Mr. ROBBINS. Is it competent for the gentleman from Indiana [Mr. MACE] to withdraw his motion, if any gentleman objects to it?

The SPEAKER. It is competent for the gentleman from Indiana to withdraw his motion. The motion made by him is, to refer the bill to the Committee of the Whole on the state of the Union, and that the bill be printed. The gentleman from New York [Mr. DEAN] moves, again, to lay the bill upon the table.

Mr. VENABLE. If this motion prevails, it takes the bill with it upon the table.

The SPEAKER. The motion is to lay the bill upon the table.

Mr. HOUSTON. Let me ask the House if they will not—

[Cries of "Order!" "Order!"]

The SPEAKER. Is it the pleasure of the House that the gentleman from Alabama [Mr. HOUSTON] should be heard?

[Cries of "I object!" "I object!"]

Mr. HOUSTON. I am aware that discussion is out of order, but I wished to ask the House to refer the bill.

The question being upon the motion to lay the bill upon the table,

Mr. DEAN demanded the yeas and nays; which were ordered.

Mr. MOORE, of Louisiana. I would most respectfully ask the Chair, if this motion to lay upon the table is in order? We have had that motion already, and the House have refused to lay the bill upon the table.

The SPEAKER. The Chair decides that, inasmuch as action has taken place since, by the withdrawal of the motion to commit the bill to the Committee of Ways and Means, and a substitution of the motion to refer it to the Committee of the Whole on the state of the Union and print, it is in order.

Mr. CAMPBELL, of Illinois. I rise to a question of order. When the gentleman from Indiana [Mr. MACE] asked leave to introduce this bill, he was permitted to do so with the understanding that he would refer it to the Committee of Ways and Means. After he was permitted to do so without objection, he makes the motion to refer it to another committee.

The SPEAKER. The gentleman from Indiana [Mr. MACE] indicated his purpose to refer the bill. The House gave its unanimous consent to the introduction of the bill, but after the bill was introduced it is competent for the House to dispose of it as it may see fit under the rules. That is the opinion of the Chair.

The question was then taken upon Mr. DEAN's motion, and there were—yeas 88, nays 69; as follows:

YEAS—Messrs. Abercrombie, Allison, Averett, Babcock, Barrere, Beale, Bell, Bibb, Bingham, John H. Boyd, Briggs, George H. Brown, Buell, Burrows, E. Carrington Cabell, Lewis D. Campbell, Chandler, Chapman, Curtis, Dawson, Dean, Dimmick, Disney, Duncan, Florence, Floyd, Fowler, Gamble, Gaylord, Giddings, Hamilton, Harper, Isham G. Harris, Hascall, Haven, Holladay, Horsford, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Ives, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Letcher, Mann, Martin, Mason, McLanahan, McNair, Meade, Millson, John Moore, Murphy, Murray, Newton, Andrew Parker, Peaslee, Penn, Pennington, Perkins, Price, Reed, Riddle, Robbins, Robie, Russell, Sackett, Savage, Schermerhorn, Scudder, David L. Seymour, Richard H. Stanton, Thaddeus Stevens, Taylor, Thurston, Tuck, Walbridge, Washburn, and Wildrick—88.

NAYS—Messrs. Aiken, Willis Allen, David J. Bailey, Thomas H. Bayly, Bissell, Bocoock, Bowie, Bragg, Brenton, Albert G. Brown, Joseph Cable, Caldwell, Thompson Campbell, Chastain, Churchwell, Clingman, Cobb, Conger, Daniel, J. G. Davis, Doty, Eastman, Edmundson, Ewing, Ficklin, Fitch, Freeman, Gentry, Gorman, Green, Grey, Hendricks, Henn, James Johnson, Robert W. Johnson, Lockhart, Mace, Humphrey Marshall, McMullin, McQueen, Miller, Molony, Morehead, Nahers, Orr, Samuel W. Parker, Phelps, Porter, Powell, Robinson, Scurry, Smart, Smith, Stanley, Benjamin Stanton, Frederick P. Stanton, Abram P. Stephens, Stone, St. Martin, Strother, Stuart, Townsend, Venable, Wallace, Ward, Watkins, Alexander White, Williams, and Yates—69.

So the House agreed to lay the bill upon the table.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BUELL. I move to reconsider the vote by which the bill was laid upon the table, and to lay that motion upon the table.

Mr. BISSELL. Upon that question I call for the yeas and nays.

The SPEAKER. If there is controversy about it, the question of reconsidering the vote goes over for the present.

Mr. DANIEL. If it is in order, I move to proceed to the consideration of private bills upon the Speaker's table.

The SPEAKER. That motion is in order.

Mr. CABELL, of Florida. I ask if the morning hour has yet commenced?

The SPEAKER. The morning hour has expired by some twenty minutes.

Mr. OLDS. I would like to know when it commenced. The morning hour is devoted to reports from committees.

The SPEAKER. The Chair will state how the morning hour commenced, if gentlemen will allow him to do so. The morning hour commenced by the presentation of business within the morning hour to the consideration of the House. The gentleman from Indiana [Mr. MACE] rose and asked the unanimous consent of the House to allow him to report a bill. The Chair decides that as the morning hour was not reserved, it had expired.



Mr. OLDS. I ask if the Chair has not announced the same order of business morning after morning?

The SPEAKER. That is very true, but in every case where the morning hour has not been interfered with, it has been reserved by express motion before proceeding to the business of the morning hour. That is the shape in which unanimous consent has been heretofore asked. It was totally neglected this morning, and in the opinion of the Chair the morning hour has expired.

Mr. OLDS. I do not wish to appeal from the decision of the Chair, but I am sure the understanding was, that when leave was granted to introduce the bill, that it should not interfere with the morning hour. If I had not been of that opinion, I certainly should not have given leave.

Mr. CABELL. I ask if that was not the nature of the motion of the gentleman from Indiana, [Mr. MACE?]

The SPEAKER. The Chair has already stated that the regular business of the morning hour was reported at the Clerk's desk. The gentleman from Indiana, [Mr. MACE,] at that stage of the proceedings obtained the unanimous consent of the House to introduce his bill. Inasmuch as the morning hour has expired, a motion is now made that the House proceed to the consideration of business upon the Speaker's table. The private business upon the Speaker's table will be reported by the Clerk.

Mr. GORMAN. I do not know in what state the report made by the Committee on Printing is, if we go on with this motion. I ask if it is in order to move to postpone the report until Monday next.

The SPEAKER. It being private bill day, the private business on the Speaker's table is first in order, to the exclusion of the report of the gentleman from Indiana, [Mr. GORMAN.] By unanimous consent alone the gentleman can get in a motion with reference to that matter.

Mr. GORMAN. I then ask the unanimous consent of the House to allow me to make such motion.

The SPEAKER. If no motion is made at all with reference to the report of the Committee on Printing, it will come up in order on some future day, when not interfered with by some more privileged motion.

Mr. GORMAN. So that it does not go upon the Speaker's table, I am satisfied.

Mr. HOUSTON. Some gentlemen have misunderstood the decision of the Chair, and have insisted that the Chair did not decide that the motion of the gentleman from North Carolina [Mr. DANIEL] takes precedence over my motion to go into the Committee of the Whole on the state of the Union.

The SPEAKER. The motion of the gentleman from North Carolina does take precedence. Indeed, there is no necessity for any motion such as that made by the gentleman from North Carolina, [Mr. DANIEL.] The first business in order is Senate bill No. 185—An act for the relief of the Raleigh and Gaston Railroad Company.

Mr. JOHNSON, of Arkansas. Is it now in order to move to suspend the rules to go into the Committee of the Whole on the state of the Union upon a general appropriation bill?

The SPEAKER. It is in order.

Mr. JOHNSON. I then submit that motion.

Mr. DANIEL. Upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. STANTON, of Tennessee. Are there not some private bills upon the Speaker's table which passed without objection through the Committee of the Whole upon objection day? I think that we ought to pass those bills. They have been for months upon the Speaker's table.

Mr. SACKETT. Does the motion to go into a Committee of the Whole upon the Private Calendar take precedence of the motion to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It does take precedence.

Mr. SACKETT. I then make that motion.

Mr. LETCHER. Is it in order for the gentleman to submit that motion while the House is dividing upon the other motion?

The SPEAKER. The House was not precisely in the act of dividing. Suppose tellers had been ordered: the gentleman from New York [Mr. SACK-

ETT] would then have had it in his power, before the question itself was put—tellers having been ordered—to make the motion he now submits.

The question was then taken upon Mr. SACKETT's motion, and, upon a division, there were—ayes 40, noes not counted.

So the House refused to go into a Committee of the Whole House on the Private Calendar.

The question was then taken upon Mr. JOHNSON's motion, and it was decided in the affirmative.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. DISNEY in the chair.)

#### INDIAN APPROPRIATION BILL.

The CHAIRMAN. The business first in order is the consideration of House bill No. 43, making appropriations for the expenses of the Indian Department for the year ending the 30th of June, 1853. The time agreed upon for discussion by the House having expired, the bill is now open for amendment.

Mr. HOUSTON. I have a right, under the rules, to address the Committee of the Whole on the State of the Union for one hour. There are many things I would like to say, connected with this subject; especially upon the amendments proposed to the bill, of which notice has been given. But, as I am exceedingly desirous of expediting the public business, I will endeavor, in one instance at least, to set a good example, and I will, therefore, decline to address the committee this morning, for the purpose, if possible, of getting through with this bill.

The bill was then read by clauses.

Mr. JOHNSON, of Arkansas, moved to amend the item which reads "for repairs of buildings at agencies, \$2,000," by increasing the amount to \$15,000.

Mr. J. said: Mr. Chairman, I submit to the House, and to the gentlemen of the Ways and Means Committee, that the original recommendation of the Department was \$15,000, and that that sum is extremely moderate for the purposes for which it is asked. The policy of this Government, and the laws now in existence in regard to Indian tribes, require that the agents of the Government shall live at or among the tribes. It is found that they cannot so effectually perform their duties if they are not convenient to the tribes; nor can they exercise such a supervision as is for the best interests of the Government, for the peace of the frontiers, and of the Indian settlements themselves, when they are not among the Indians, as when they are among them. It is utter folly to expect an agent to go and live among the distant Indian tribes, where there is no dwelling for him to inhabit, and, at best, nothing but an Indian hut where his papers, office, and records must be kept. Consequently, where there is no place of residence within a tribe that lies distant from the frontier, we find that the agent, under the law which requires them to live "at or near" the tribe over which he is appointed, is often located at considerable distances, and most inconveniently. The interest of the Government, and the prosperity of the tribe, are the victims of this error.

It will readily be seen, then, when we consider the great number of these Indian tribes, that we must have some means—and Congress has heretofore always provided these means—to support the agents, and enable them to live at least in log-cabin comfort. We cannot expect them to go and camp in the woods throughout the whole period of their service as Indian agents, nor can we, considering the amount of pay which we give them, expect them to build houses for themselves, which must afterwards revert to the Government as Government agencies. A sum of \$15,000 is all that is asked for the repairs of agencies, although we have a great number of old agencies, and have taken under our control the supervision of many new tribes, where there are no agencies or houses at all; \$15,000 is all that is asked for the repair of all the old agencies that already exist. I have no question in my own mind that \$30,000 could be well appropriated among the various tribes for the purpose of establishing residences for these agents. We cannot expect Indian agents, men of intelligence and character, such as will be competent to exercise the requisite beneficial influence over these tribes, to go out themselves, mount a hunting shirt and leggings, camp in the woods, and sleep

beneath the trees upon the bare ground; nor can we expect them, under the limited and economical system which we have adopted in paying them so small an amount—in most instances no more than \$750—and losing the benefits of civilized society, living among tribes of savages, that out of this sum they should build houses for themselves, and when turned out of office by the succeeding Administration, have to abandon them, and receive nothing of this Government for them. This is not the way business is done, and I trust and believe that the Committee of Ways and Means were not fully informed of the necessities in regard to these matters. I do not believe they would have stricken out so moderate an appropriation as \$13,000 out of \$15,000.

I shall make no more remarks upon this subject, believing that what I have already said will show the necessity to the House, that the Government of the United States should provide some means by which the agents of the Government shall live among the tribes where their duties are to be discharged, and where they have to exercise that influence over the Indians which will preserve peace and good order upon our frontiers.

Mr. PHELPS. Mr. Chairman, the Committee of Ways and Means fully appreciate the necessities existing for erecting buildings at the various Indian agencies in this country. They were not, however, prepared at this time to authorize the expenditure of money for the erection of additional buildings for Indian agents. At the present time it is not determined at what point the Indian agencies are to be located. For years past money has been expended for the erection of buildings for the use of the agents in various tribes situated directly upon our frontiers; and there are at this time buildings at which the agents are now residing, and where they have been residing for several years past. At the last session of Congress, it will be remembered by those members who were in that Congress, the number of Indian agents was reduced by an amendment proposed by the gentleman from Arkansas, [Mr. JOHNSON,] the chairman of the Committee on Indian Affairs. The number of Indian agents was then reduced. At this time there are upon the frontiers houses in which the Indian agents reside, and when you come to the Territory of New Mexico and Utah, I am bound to concede that there are no buildings there for the agents to occupy, and it is a matter of uncertainty where these agents are to be stationed.

The Commissioner of Indian Affairs and the Secretary of the Interior have not yet determined what tribes are to be placed under the supervision of the Indian agent now stationed in New Mexico. Certain I am that one of these agents has been here during the last winter, thus showing that there is hardly any necessity for the number of Indian agents that has been given to the Territory of New Mexico. The Committee of Ways and Means were desirous of affording to the Indian department all the money which was needed for the purpose of repairing the buildings at the residences already erected within the Indian country, and hitherto the appropriation for that purpose has been limited to a sum of \$2,000 per annum. The Commissioner of Indian Affairs himself tells you that the estimate he now submits exceeds the estimate of past years \$13,000, and the Committee of Ways and Means made the amount proposed to be appropriated by this bill correspond with the amount that has hitherto been appropriated for that purpose.

I believe the custom hitherto has been, whenever it was thought advisable to erect a building for an Indian agent in any particular tribe, that the Commissioner of Indian Affairs, or the Secretary of the Interior, has submitted a special estimate for the erection of buildings to be occupied by such agent stationed at such point. When we have estimates of that kind sent to us, that we may know ourselves where the buildings are to be erected, that we may have all the information upon the subject, by which we may judge of the necessity of continuing agents, then will Congress be able to judge of the necessity of making such appropriations. But I am unwilling to place this sum of money at the disposal of the Commissioner of Indian Affairs, or the Secretary of the Interior, to be expended perhaps injudiciously, for Congress may determine to extinguish the title to the lands which the Indians now occupy, and then your

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expenditure of money for the buildings of the agents would be useless and thrown away. Again, there is another objection to this amendment. If you appropriate \$15,000 for the erection of new agency buildings, I desire to know how many new agency buildings will be erected?

In the Indian country, the expense of building is much greater than it is in the States. For instance, in the Territory of Oregon, it is probably five, if not ten times greater in some portions of that Territory than it is in the States, and almost every agency building erected on the frontier of Missouri or Arkansas, designed for the use and accommodation of an agent, has cost from \$1,500 to \$3,000. Let, then, the Commissioner of Indian Affairs designate where he wishes to erect these buildings, but not ask for the money to be appropriated in this manner, by which he may commence some half dozen or more buildings with an appropriation insufficient to finish them, and afterwards he will come to Congress and demand additional sums of money to be appropriated for the buildings which he has commenced in order to complete them. These are the reasons which induced the Committee of Ways and Means to make an estimate in this particular for the repairs of these buildings corresponding with the estimates of preceding years.

Mr. SIBLEY. Is it in order to offer an amendment to an amendment?

The CHAIRMAN. It is in order.

Mr. SIBLEY. I propose, then, sir, to offer the amendment which I introduced a few days ago.

Mr. JOHNSON, of Arkansas. I submit that the gentleman is not in order in offering a new amendment, unless it applies to this amendment. The question has not yet been taken upon my amendment. There has been no vote upon it yet. The question was then taken on Mr. JOHNSON'S amendment, and it was not agreed to.

Mr. HOUSTON. I desire to offer the following amendment, under the instruction of the Committee of Ways and Means, to come in after line thirty-one, on page three, viz:

For contingencies of the Indian Department, \$36,500.

Mr. Chairman, I have but a word to say in relation to that amendment. That is the usual appropriation for contingencies. The Committee of Ways and Means, pursuing the course pursued towards all the Departments, addressed a letter to the head of the Indian Bureau for a detail, or as near a detailed estimate of the expenditure contemplated by that appropriation as he could give. We desired to know for what objects the money was to be appropriated, as nearly as he could give it. He declined, for a considerable time to furnish it, and the committee, therefore, struck it out. Subsequently he furnished the information, and the committee have instructed me to request the House to insert this amendment. I hope it will be adopted.

Mr. JOHNSON. I am in favor of that amendment, and am not going to speak against it; but I desire to say, that there has been some strange misunderstanding between the Ways and Means Committee and the Department. Now, his letter bears date on the 5th of January, 1852, and the reply, dated 5th of January, 1852, was sent the same evening.

Mr. HOUSTON. I do not suppose the gentleman from Arkansas desires to question the veracity of my statement.

Mr. JOHNSON. I do not; but I am stating this to show that the Commissioner of Indian Affairs replied directly.

Mr. HOUSTON. The gentleman is misinformed. I have no doubt, as every member of the Committee of Ways and Means will state who is upon this floor—and I have not conferred upon the subject with any member of that committee—that these are the facts. We waited for a very long time, and the information was not sent to us. The letter we received does not bear date the 5th of January.

Mr. JOHNSON. Here is the letter.

Mr. FOWLER. I wish to make an inquiry.

I understood the chairman of the Committee of Ways and Means to say that he asked for information from the Commissioner of Indian Affairs as to the objects for which this money was to be appropriated, and that the Commissioner furnished the information. Will the chairman let the committee know what those objects are? Let us have the information.

Mr. HOUSTON. It is impossible for me to state them all. It is all of the contingencies that attend the administration of all the laws in regard to the various Indian tribes at the several Indian agencies all over the country.

Mr. FOWLER. Is the letter of the Commissioner short?

Mr. HOUSTON. The detailed statement of the items is in the committee-room. I can send and get it, if the gentleman wishes it, but it is long.

Mr. JOHNSON. I have it somewhat in my power to answer the gentleman from Massachusetts, [Mr. FOWLER,] having devoted much attention to this particular branch of business. It is this: There has been, from the time as far back as I am acquainted with the history of our legislation upon Indian affairs, a contingency necessary to be provided for, and actually provided for. That contingency for many years has stood at \$36,500, which is the precise amount that the chairman of the Ways and Means Committee now offers. That contingency, which was estimated for, was thrown out of the appropriation bill in consequence of some misunderstanding between the Committee of Ways and Means and the Indian Bureau or the Department of the Interior.

Mr. PHELPS. There was no misunderstanding. The Commissioner failed to answer the letter.

Mr. JOHNSON. He failed to answer the letter according to the understanding of the committee, but he answered it according to his understanding. If that be no misunderstanding, then there was none. But the appropriation itself is for contingencies. It is one that always has been made, and should be made again, and the Ways and Means Committee offer it themselves, and it is right. But I will state the objects of the appropriation.

Mr. FOWLER. That is what I want to know.

Mr. JOHNSON. The objects are to pay for the transportation of goods and money due to the various Indian tribes in every direction throughout the broad expanse of this Union. That is one of the heaviest items. The transport of goods and supplies of bacon and salt, and every other article that can be named, throughout the whole expanse of territory where our Indian relations extend, covering, I believe, a greater area, or at least as great, as that covered by our white population. That is, as I before said, one of the heaviest items which creates the necessity for this appropriation.

The various expenses of traveling incidental to the movements of the agents under the orders of the Department is another item of expenditure. There are others which I cannot go into and give you the amount of. I have examined them, and you will see how reasonable is the amount of appropriation for all the contingencies incident to the administration of this branch of the Indian department, when you consider that the amount is not increased, although during the present fiscal year our Indian relations have been most extraordinarily extended. There is no doubt of the propriety of the appropriation.

Mr. SIBLEY. Is it in order now to offer an amendment to the amendment?

The CHAIRMAN. It is.

Mr. SIBLEY. Then I offer the following amendment, of which I gave notice the day before yesterday:

For the sub-sistence of the Indians of any tribe residing within the limits of the United States who may hereafter be suffering for want of food and proper clothing, to be expended under the direction of the Secretary of the Interior, \$100,000: *Provided*, That in no case shall any portion of said sum be paid out unless a reliable statement shall be made to the Secretary of the Interior of the existence of

such a state of suffering amongst the Indians as is contemplated in this clause.

Mr. PHELPS. I rise to a question of order. In the first place, that is not an amendment to the pending amendment; and in the second place, it proposes an expenditure which is unauthorized by any existing law.

Mr. SIBLEY. I withdraw the amendment for the present, and will offer it when the amendment now pending is disposed of.

The amendment was accordingly withdrawn.

The question recurred upon the amendment submitted by Mr. HOUSTON.

Mr. PHELPS. I move to amend the amendment by reducing the amount of the appropriation \$1,000. For the information of the gentleman from Massachusetts [Mr. FOWLER,] I will furthermore explain that there are other expenditures besides those stated by the gentleman from Arkansas, although, perhaps, they come under the general heads which he has mentioned. The manner in which the annuities are disbursed to the Indian tribes is as follows: It will be recollected that the Indians are divided into different superintendencies, and the money which is to be expended within each superintendency is placed under the control and direction of that superintendent, and he then portions it out according to the law, to the various agents who have the disbursement of the money.

Mr. FOWLER. I desire to ask one question. I am entirely satisfied with the explanation of the chairman of the Committee on Indian Affairs, as far as regards the objects for which these contingencies are to be expended. This matter of contingencies, however, ought to be understood, because it is a matter of discretion. I desire, therefore, to know from the gentleman from Missouri, who has the discretionary control over the disbursement of these contingent expenses?

Mr. PHELPS. It is under the control of the Secretary of the Interior. The traveling expenses of the Indian agents are paid out of this fund. It is necessary they should have guards when going to the Indian country.

Mr. JOHNSON, of Georgia. I rise to a question of order. I object to this discussion about superintendencies, and the amount of money to be placed at the disposal of the different agents. It is not relevant to the amendment now before the committee.

Mr. PHELPS. With the permission of the committee, I will withdraw the amendment. I merely offered it that I might have an opportunity of answering the inquiry of the gentleman from Massachusetts.

There being no objection, the amendment was withdrawn.

The question recurred upon the amendment offered by Mr. HOUSTON, and being put, it was decided in the affirmative.

So the amendment was agreed to.

Mr. SIBLEY. I now propose to offer the amendment which I before submitted, but withdrew.

The amendment was again read.

Mr. DUNHAM. I rise to a question of order. That appropriation has not been estimated for, nor is it authorized by any existing law.

The CHAIRMAN. The Chair feels compelled to overrule the point of order presented by the gentleman from Indiana. It appears, without further examination, from the very face of the bill, that an appropriation is made, in lines twenty-nine and thirty, "for provisions for Indians."

Mr. PHELPS. That appropriation is provided for by express law.

Mr. DUNHAM. The appropriations provided for in the bill, to which the Chair alludes, are provided for by express treaties, which are a part of the laws of the land.

The CHAIRMAN. The Chair will remark, that in the allusion which he made to the appropriation in lines twenty-nine and thirty, he supposed that that appropriation was made under some general provision of law, authorizing the Secretary of the Interior to purchase provisions for the Indians perhaps in some particular and

specified cases. If the existing law does authorize the Secretary to purchase provisions for the use of Indians, in general terms—if there be no limitation upon such appropriations, then the amendment offered by the gentleman from Minnesota, being of the same general character, would come within the operation of the law, although larger in amount.

Mr. DUNHAM. There is no law in existence that authorizes the purchase of provisions for Indians.

Mr. SIBLEY. I will state that there is a law authorizing the expenditure of \$10,000 per annum as a civilization fund, and has been ever since 1819.

Mr. DUNHAM. For what purpose?

Mr. JONES, of Tennessee. To civilize the Indians.

Mr. DUNHAM. That is for another purpose entirely. But there is no existing law that I ever heard of that authorizes appropriations for the purpose which the amendment of the gentleman from Minnesota seems to contemplate.

Mr. SIBLEY. I rise to a question of order. Has not the point of order raised by the gentleman from Indiana been overruled by the Chair? If so, all these remarks are irregular and out of order.

The CHAIRMAN. There is a question of order already pending. The gentleman from Indiana will perceive that the whole point turns on a question of fact—whether the existing laws do or do not authorize the expenditure of money for the purchase of provisions for the use and benefit of Indians. The Chair cannot determine that question of fact without seeing the laws.

Mr. JOHNSON, of Arkansas. I rise to a question of order.

The CHAIRMAN. The question of order now pending must be determined before another one can be raised.

Mr. DUNHAM. It seems to me that the gentleman from Minnesota must first submit the authority of law by which such an appropriation can be made, as his amendment proposes.

The CHAIRMAN. The Chair will remark again that he finds in the bill a provision to the following effect:

"For provisions for Indians, \$11,800."

The Chair is therefore compelled from the face of the document to assume that such appropriations are warranted by the existing laws. If the existing laws do warrant an appropriation for such a purpose, the amendment of the gentleman from Minnesota being for that purpose, although larger in amount, is within the range of the rules of order. It all turns, as the Chair before remarked, upon the question of fact, do or do not the existing laws authorize such appropriations? The Chair infers from the face of this bill that they do.

Mr. SIBLEY. I believe that when I have explained to the committee, in the few minutes that are allotted to me under the rules, the necessity of making an appropriation of this kind, there will not be a solitary vote against the amendment. I stated in my remarks, the day before yesterday, that a state of facts had come to my knowledge within a short time which showed that in my own Territory there had, within the last few months, perished from actual starvation, some fifty or more individuals of the tribes within it. Now, I know that there is no fund at the disposal of the Department which can be used for relieving the Indians when they are reduced to extremity for want of food. I state, upon my own knowledge of the fact, that this suffering among the Indians is increasing from year to year. I myself have seen within the last few months whole bands of Indians reduced to such a state of exhaustion as to render locomotion almost impossible, and they were only enabled to live through the season by aid from the Government agents, or by individuals.

In this state of things, and with these facts staring us in the face, the question is, whether this Congress is not willing to put into the hands of the proper authorities, with all the restrictions which may be necessary to guard the expenditure of the money, such a sum as may make it possible for the Department to succor the Indians when they are found in a starving condition.

I propose, before I sit down, to modify my amendment. I find that some gentlemen around

me think the appropriation too large. I am willing to reduce it to \$50,000, and to guard it by all the limitations as to discretionary power in the Secretary which can be thrown around it, so that it shall be disbursed in no case except when the Indians are found to be actually in a condition bordering on starvation. I do not propose that whenever it is understood that an Indian tribe are somewhat straitened in their means of subsistence, and that they have not an abundance of supplies on hand, that a probable failure shall be anticipated and provided for; but when Indians are reduced to such an extremity as contemplated and expressed in the amendment, then, I think, there ought to be no doubt in the mind of any gentleman of this committee of the propriety of placing a fund at the disposal of the Secretary of the Interior, to be applied to their immediate relief.

I now modify my amendment so as to read as follows:

"For the subsistence of Indians of any tribe residing within the limits of the United States, who may hereafter be in a starving condition; to be expended under the direction of the Secretary of the Interior, \$50,000: *Provided*, That in no case shall any portion of said sum be paid out unless reliable statements shall be made to the Secretary of the Interior of the existence of such a state of suffering among the Indians as is contemplated by this clause.

Mr. PHELPS. I am under the necessity of opposing the amendment proposed by the gentleman from Minnesota. By treaty stipulation, and by law, we appropriate, in round numbers, \$800,000 to be expended for the benefit of Indians. I mean that that is the amount which we are bound by treaty to disburse to the Indians for their support and subsistence. The gentleman from Minnesota now proposes to increase the amount \$50,000, without any recommendation or estimate from the Department or from the Commissioner of Indian Affairs, but upon his own mere motion, and upon information which he has obtained by his residence in the Territory of Minnesota, relative to the suffering condition of Indians in that Territory. Now, if you make this appropriation in this instance, you will have to follow it up by appropriations hereafter, and you cannot estimate the extent to which expenditures will increase and grow upon us. Those wild tribes of Indians, which support themselves by robbing our emigrants to California and Oregon—by plundering the emigrant trains crossing the plains—are sometimes found in a state of starvation, and you would have to disburse money to keep them alive to scalp defenseless men, women, and children. Away with such philanthropy!

Mr. SIBLEY. I wish to correct the statement of the gentleman as to a matter of fact. I do not propose that this money shall be expended for the benefit of any particular tribes of Indians that now receive annuities from the Government, but among all the tribes in the United States—those who do or do not receive annuities, wherever they may be found in a suffering condition.

Mr. PHELPS. Then it is a proposition to support the wild Indians, and pay them for murdering white men.

It is proposed to extend it now, not to those civilized Indians upon our frontiers who may be starving or suffering, but you are to extend it to those wild Indians, and thus to give them a premium to plunder, scalp, and tomahawk our defenseless women and children. I can never consent to such an expenditure. There is a provision existing for an appropriation of \$10,000, or not to exceed that, to be expended under the direction of the Secretary of War, and is usually expended under the direction of the officers of the Army in the Commissary's Department, amongst the Indians who visit the military stations and forts upon our frontiers, if they are found to be in a destitute or starving condition. You will find that appropriation embraced in the Army appropriation bill. I have no objection to that appropriation.

Mr. SACKETT. Suppose the amendment were adopted, I ask the gentleman if there is any general provision of law which prescribes the manner in which this appropriation is to be expended?

Mr. PHELPS. None whatever. There is no legislation upon the subject. This provision be adopted, it will be the first and only provision upon your statute-book directing money to be expended in this manner. There is no regulation for this disbursement of this money if it is appropriated. There is no law regulating the conduct of the officers who may be charged with its disbursement.

Mr. SIBLEY. I will state to the gentleman that there is a provision appropriating \$10,000 for the civilization of the Indians, without any restriction whatever so far as the Department is concerned.

Mr. PHELPS. So far as this civilization fund is concerned, there is a standing appropriation of \$10,000, for civilizing the Indians; but that money is expended for paying missionaries to go among them, for establishing and supporting schools, and for civilizing the Indians. I know of some schools which are supported and kept up out of these \$10,000. It is not expended for purchasing clothes and provisions, but, as I said, for paying missionaries and for the support of schools. The money is expended for an altogether different purpose from that contemplated by the proposition of the gentleman from Minnesota.

Mr. JOHNSON, of Arkansas. I move to amend the amendment by striking out "\$50,000," and inserting "\$1,000."

I offer that amendment for the purpose of saying that I do not concur in the amendment of the gentleman from Minnesota, [Mr. SIBLEY,] for reasons which I will give to the committee. I do not concur in the reasons given by my friend from Missouri [Mr. PHELPS] for opposing it, but there are, in my opinion, good reasons for opposing it. My friend from Missouri says this is offered as a premium to these wild Indians for scalping and destroying our people.

Mr. PHELPS. If the gentleman will allow me, I will explain. I understood the gentleman from Minnesota to say that he did not desire this money to be expended among the civilized Indians, but among the wild Indians with whom we have no treaties—those who scalp and tomahawk our defenseless women and children on the frontiers.

Mr. JOHNSON. The object of my friend from Minnesota is this: There are large numbers of Indians within the limits of his own Territory whom I have no doubt, as he states, suffer extremely. Well, I am not afraid, if we were to give to them to preserve them from starvation, that it would prove a fruitful motive to destroy our people at all. The only objection I have to it is, that it would take something from the Treasury, and it would furnish a precedent which would grow into a system, so that all the tribes of Indians with whom we have made no treaties would be fastened upon the Government of the United States for support. But, aside from that, if I supposed that the cause of humanity required us to afford these Indians relief—if I supposed they were really suffering, so that help was seriously demanded from our hands, from the whole history of this country connected with these Indians, I should feel bound to come forward, temporarily at least, and save their lives.

But, sir, I have not that species of evidence which would authorize me to come forward and vote to expend \$100,000 or even \$50,000 for this purpose. Not at all. I do not find that the honorable gentleman from Minnesota has presented here the recommendation of any Department of this Government for this appropriation. The Department which has especial charge of these Indians has sent no message here upon the subject. He comes here and asks for the appropriation upon information which he has received from home. But is that a source of information sufficiently authoritative to be relied upon by us when we know nothing of it? We must be permitted to judge of the testimony of which he judges himself. We might not perhaps judge of it so partially as the gentleman feels bound to judge. This consideration has more especial weight when we know that the Government has agents amongst these tribes, and if serious want existed amongst them to the extent represented by the gentleman from Minnesota, the Indian agents there would report it here to the Indian Department of this Government and call for relief; and if the circumstances of the case were such as to justify it, the Department would commend it to our consideration if they did not recommend an appropriation. But they have not brought it to our notice. Now, shall we step aside here without any authoritative showing from any quarter, when we have a department of the Government expressly to attend to and investigate these matters, and appropriate \$100,000 for what we do not know to exist, or for what we do not know in that authoritative manner which we are required



to know before we act? It is setting an example or precedent the end and extent of which no man can foresee. I cannot, then, when I know that no committee of this House, and no committee of the Senate has had this matter under consideration—when no Department of the Government which have these Indian agents amongst all these various tribes of Indians, has recommended it to our consideration—when they are all silent upon the subject—agree to make the appropriation.

Mr. JONES, of Tennessee. I am opposed to the amendment to the amendment, not because I am in favor of the amendment of the gentleman from Minnesota, but I want both voted down because there are no recommendations or estimates from any Department of Government for them, and because there has been no investigation by any committee.

Mr. SIBLEY. Will the gentleman from Tennessee allow me to explain?

Mr. JONES. I cannot. I have but five minutes to speak. I wish to make a remark or two upon this bill. These entire estimates when referred to the committee by the Department amounted to \$928,890, all based upon acts of Congress and treaties with the various tribes of Indians. The Committee of Ways and Means, in reporting this bill, reported in favor of all these items except \$49,800. Thirteen thousand dollars of the sum they rejected was for the repair of buildings at the agencies, and which this committee refused to reinstate upon the motion of the gentleman from Arkansas, [Mr. JOHNSON.] Another item which the committee of Ways and Means did not report, of \$36,500, for contingencies, this committee, upon motion of the gentleman from Alabama, [Mr. HOUSTON,] the chairman of the Committee of Ways and Means, have restored. There is another item of \$300 which is not reported or estimated for. This bill includes the entire amount estimated for by the Department except the \$13,300; and of that, \$13,000 the Committee of the Whole have refused to insert in the bill. Then we come within \$300 of the amount originally estimated; and it is believed this \$300 may be accounted for by a clerical error; so that the bill, as it now stands, embraces the original estimates of the Department to us for the support of the Indian Department.

The question was then put, and the amendment to the amendment was not agreed to.

Mr. SIBLEY. Is it in order for me to amend my amendment?

The CHAIRMAN. It is in order to amend the amendment.

Mr. HOUSTON. I think it is not in order for the gentleman to amend his own amendment.

Mr. SIBLEY. If it is in order I move to reduce the sum \$20,000.

Mr. HOUSTON. I have no objection to the gentleman adopting that course; but if it is adopted it will render this debate interminable, and, with the design of getting along with this business, I object. I must do so, for if we go on allowing members to amend their own amendments we shall never get through.

Mr. SIBLEY. I ask the Chair to decide whether it is in order for me to amend my amendment?

The CHAIRMAN. The Chair decides that it is in order.

Mr. JOHNSON, of Arkansas. To avoid all difficulty, I move, in order to give the gentleman from Minnesota a chance to speak in opposition to the amendment, to reduce the amount to \$100.

The CHAIRMAN. The Chair would remark that the amendment is open to amendment, and he knows of no parliamentary rule which would prohibit the mover of an amendment from the privilege extended to every other member upon the floor. The Chair will make no remark upon the symmetry of such a proceeding. He can only decide upon the right; and he decides that the gentleman from Minnesota has the right to make the amendment.

Mr. JOHNSON. I will offer the amendment which I a moment ago indicated, and the gentleman from Minnesota can speak against it. I move to strike out all but \$100.

Mr. SIBLEY. I thank the gentleman for his courtesy. I am opposed to that amendment. I do not wish to be placed in a wrong position upon this subject by the remarks of the gentleman from Missouri, [Mr. PHELPS,] and the gentleman from Tennessee, [Mr. JONES,] with regard to my ob-

ject in offering the amendment. It has been stated that there has been no estimate furnished from the Department for this appropriation. Now, I will venture to say that there is no officer connected with the Indian Department of this Government, be he a superintendent or commissioner, who would not heartily assent to the proposition I have introduced, and declare such a provision to be indispensable. There is no official document, so far as I know, at the Indian Office showing the state of things I have exhibited. But I have here letters from reliable sources upon which I have based my statement to this committee. And I do not hesitate to reaffirm that within the last six months many Indians in the Northwest have perished for want of proper food and clothing.

The gentleman from Missouri [Mr. PHELPS] has stated that this amendment was offering a sort of premium to those wild Indians to scalp and tomahawk the defenseless emigrants. Sir, I say to that gentleman, and he must be aware of the fact, that the very reason why those Indians have become so desperate in their attacks upon the lives and property of the whites who are passing to California and Oregon is, because the action, or rather non-action, of the Government has reduced them to the necessity of providing themselves with the means of subsistence by the commission of these outrages. Has not their country been made a thoroughfare for all the people who choose to pass through it with or without their consent? Has not the game which furnished the principal food of these poor wretches been destroyed or driven off, and the Indians thereby rendered desperate? And has the Government provided against the inevitable result of such a state of things? Sir, the gentleman has made a great mistake in asserting that the passage of this amendment will be virtually offering these Indians a premium to commit depredations. It will be attended with precisely the contrary effect.

Mr. JONES. I would inquire of the gentleman from Minnesota if the Indians of any tribe with whom we have treaties, and with whom we have an agent, has been reduced to a state of starvation?

Mr. SIBLEY. I was just coming to that point.

The CHAIRMAN. Under the rules of the House, allowing five minutes' discussion, it is provided that a member offering an amendment shall be allowed five minutes to explain his amendment, and show why it should be adopted; and another shall be allowed five minutes to show why it should not be adopted. This general debate is hardly allowable, except it is under a liberal construction of the rule. The amendment is to reduce the appropriation, and the gentleman must confine himself to showing reasons why the appropriation should not be reduced.

Mr. SIBLEY. I was endeavoring to show why this amendment of the gentleman from Arkansas, [Mr. JOHNSON,] proposing to reduce the appropriation, should not be adopted. Now, sir, with regard to the question of the gentleman from Tennessee, [Mr. JONES,] I wish all the facts to be before the House when a vote is taken upon my amendment. I will state, that some of the Indians in our country are removed hundreds of miles from the agency within whose jurisdiction they are considered to be; and it is impossible for the agents to be cognizant of everything that passes amongst Indians at that distance. They must necessarily depend upon the reports of the missionaries and traders, who live near the Indians. I am not aware that any among the bands who receive annuities have died of starvation. They are, of course, far better off than others who must hunt for a subsistence. But I have before explained that, in offering the amendment, I have not reference particularly to the state of things existing in this or that part of the country. I know that much suffering is endured by the Indians in the Northwest, but to what extent no one can tell. I presume the same scarcity of food to exist elsewhere; perhaps in California, Oregon, New Mexico, or among the root diggers of the Rocky Mountains; and that the proper authorities may have the means at command to relieve any such extremity of distress, wherever it is to be found within the limits of our great country, I have been induced to present my amendment for the consideration of the committee. Having thus discharged what I conceived to be my duty, the fate of the proposition must be decided by the House. The

facts are before you; and, meager as the information is, the bare possibility of starvation being endured by any within the boundaries of this Republic, should be guarded against without delay. If the Indians do not need relief, the money will remain in the Treasury; if they should need it, God knows that this Congress ought not to withhold it from them.

But, sir, my amendment does not profess to do more than to place a fund in the hands of the Executive, to be used in succoring those poor Indians who are in a starving condition, whenever it may be known, or can be proved, to the satisfaction of the Secretary of the Interior, that the Indians are in a state of starvation. I want the Secretary to have some means at his disposal to feed them, and keep them from starvation.

The CHAIRMAN. The question is upon agreeing to the amendment to the amendment.

Mr. JOHNSON, of Arkansas. I withdraw the amendment, if there is no objection.

No objection was made, and the amendment was withdrawn.

The question then recurring upon agreeing with the original amendment,

Mr. FOWLER requested that it might be read again.

It was accordingly again read, as above inserted.

Mr. DURKEE. I propose to amend the amendment by adding \$5,000.

Mr. Chairman, I am in favor of this amendment of the gentleman from Minnesota, because it is wise, humane, and just. We all know, sir, that the Indian lives by the chase, and that his means of subsistence are precarious and uncertain—that frequently during the severe winters of the last few years, many of the Indians in the Northwest have died of starvation in consequence of deep snows, which prevented the digging of roots. Many of them, also, have suffered much from immense herds of cattle driven through their country to California, and from loss of their game killed by emigrants.

The Omahas, residing on the Missouri river, and directly on the California route, sent a delegation to this city last winter, to represent to their "Great Father" their wrongs and grievances. I accompanied this delegation to the Executive mansion, and witnessed their interview with the President. My sympathies were deeply touched as I heard these unsophisticated children of the forest relate their tale of hardship and suffering. The chief orator said to the President, "The Omaha tribe wish to maintain friendly relations with their white brethren, and are in favor of exhausting all pacific means for a proper adjustment before resorting to measures of war." The President made them presents, and promised further relief. Sir, were there a fair exposition made of the dealings and conduct of this Government towards the Indians, I fear we should find a tremendous balance against us. We may pass over these things lightly now, but it would be well for us to remember that there must come a day of reckoning. I noticed a few days since, in examining the report of the Commissioner of Public Lands, that we had realized already for those purchased of the Indians, over sixty millions of dollars profit, after paying all expenses incident to survey and sale. On a large portion of these lands may now be seen densely populated cities and highly cultivated farms worth from ten to one hundred dollars per acre; and for these lands we paid the poor Indians only about ten cents per acre. Now, while our red brethren are crowded by white settlements on all sides, and their whole country overrun by the immense travel to the Pacific, to refuse this small tribute to the cause of justice, appears to me an act of great inhumanity. This amendment you see, sir, only provides relief where there is danger of actual starvation, and shall we refuse them even this slight act of reparation? We hear much of the cruelty of slavery, and alas! justly, too, but I have never yet heard that the master in any case allowed the slave to perish with hunger. Sir, for our Government, which boasts so much of its civilization and liberality, to deny this relief to the hitherto uncared-for Indian, would be as oppressive as the conduct of the English Government towards Ireland in her infamous system of absenteeism and taxation. We all remember that only a few years since, fifty thousand people in Ireland died for want of food,

and that, too, in a year when the Island produced more than enough for the people of that ill-fated country.

Mr. JOHNSON, of Georgia. I am opposed to the amendment offered by the gentleman from Minnesota, [Mr. SIBLEY.] I am opposed to it because it involves a wrong principle. We are appealed to here, as a Government, to extend our hand for the purpose of protecting these Indians from starvation on the ground of humanity. Humanity is the cry. Why, sir, are not we appealed to as a Government by the people of this District to support the poor of this District? Why do we not appropriate sums of money for the support of the poor in all our territories, of our race, our own kindred, and our own people? Humanity would require this. This principle of humanity is far too cheap. When Kossuth arrived upon our shores, the principle of humanity required that we should declare ourselves in favor of the principle of intervention in the affairs of Europe, and to protect and regulate her affairs.

Now we are appealed to to make an appropriation to prevent the Indians from starving, and every person in distress must be recognized by this Government; everybody must be encouraged to look to the Government for provision and protection. Labor they may throw aside, may wander and roam through the woods, and refuse to work at all, and thereby be reduced to a state of starvation, and humanity and hospitality require that we should appropriate the funds of our own people to protect them!

I say, sir, it is wrong in principle. This Government has not the power and the resources to protect mankind from misery and from starvation, if they do not protect themselves by labor. Let them labor—let them till the earth. If they do not they will suffer. It is not our business, and humanity does not require that we should interfere for the purpose of regulating the affairs of Europe, or for the purpose of protecting these Indian tribes.

The question was then taken on the amendment offered by Mr. DURKEE to the amendment, and it was not agreed to.

Mr. GIDDINGS. I move to amend the amendment by inserting \$54,000 in the place of \$50,000.

I move an amendment, sir, simply for the purpose of expressing the feelings which I entertain upon this subject. I know there is no opportunity now, in a five minutes speech, of explaining in regard to the system of our intercourse with these savage tribes. I expressed the hope, a few days since, that the Committee on Indian Affairs would take this whole system into consideration and change it; and that instead of appropriating our funds now to send troops to maintain our army, and to furnish arms and munitions to butcher these poor savages, we should send them food, which is a far more efficient and powerful defense to our frontier, than all the arms we can raise. As a matter of policy, I say let us feed those who are starving. As was well alluded to by the gentleman opposite me, [Mr. DURKEE,] it is a duty due from us to those whose lands we inhabit, and whom we have driven from their soil. If there is anything due from one people to another upon the face of the earth, it is due from this nation to the savage tribes upon our western frontiers.

Sir, I was a little astonished to hear the gentleman here [Mr. JOHNSON, of Georgia] deny that this was a matter of humanity, and over which we have no control. A few days since we could vote to pay \$33,000 a trip to splendid steamships, for show, for glory, and for the purposes of commerce—and in the course of one year, we can spend a million of dollars in that way—but now when it is proposed to expend \$50,000 for the purposes of humanity, gentlemen shudder and revolt at it. Now, I beg gentlemen here, if there are any such principles and feelings as humanity, and propriety, instead of bestowing the wealth of this nation upon these corporations, upon men of wealth, upon millionaires, and ten or fifteen millions annually upon your Army and Navy—in the name of Heaven, let us feed our enemies and make them our best friends. My heart responded to every sentiment which fell from the lips of the gentleman from Minnesota, [Mr. SIBLEY,] and I know the feelings of the gentleman from Arkansas, [Mr. JOHNSON.] He is right about this matter, but I would extend it so as to induce the belief to which he alludes. Put it under the control

of proper agents, and there is no difficulty or danger of that.

Mr. Chairman, I have no more to say at this time. I ought not to have spoken at all, on account of the condition of my throat, but I merely rose to say a word in behalf of these poor Indians.

Mr. DUNHAM. Mr. Chairman, I know that upon all occasions where appeals are made to humanity, we are very apt to be carried away; but it strikes me that the principles of true humanity require that we should pursue a different course from that proposed by this amendment. We must adopt one of two lines of policy towards the Indian tribes upon our frontiers: We must either civilize them, or they must be exterminated. The idea of keeping up the present relations in our different States and Territories is preposterous. What, then, is to be the effect of this amendment? It is twofold. If you introduce this system, by appropriating this \$50,000, you will be obliged to do it again and again, until you will have to open the public Treasury to all the Indians of the country. It must result in this. Here it is now in Minnesota; perhaps, next, it will be in Arkansas; next, in the Territory beyond; and so it will go on until the Indians of all your Territories will come upon the public Treasury for support. If you put them upon the Treasury for support, you take from them the inducement to transfer their lands to the Government for the purpose of settlement. One of the great objects now accomplished by the Indians, in making their treaties with the Government for transferring their lands to the Government, is that they may have permanent means of support from the Government by receiving pay for their lands. If you adopt the practice which is to be established by this amendment, you take away all that object. And again, I ask, what inducement there will be for the Indian tribes to become civilized if you pursue this policy of supporting them in this manner? I confess I do not see any charity in this Government in supporting a single Indian by way of an annuity upon the public Treasury.

I say this is a most ruinous policy to the Indians themselves. We must either pension them upon the Treasury of the Government, and give them enough to support themselves entirely, or else we must withhold all support and compel them to become civilized, and to adopt industrial pursuits for their own sustenance. I submit to the committee whether this must not be the case? If you give the \$50,000 asked for this Territory, I will inquire whether you do not thereby take away the stimulants to their either conveying the territory to the General Government, or becoming civilized and supporting themselves by their own labor upon their own soil. I submit to the committee that it becomes them to weigh well, before they adopt this principle of gratuities to the various Indian tribes. I tell you, if you adopt this principle, by adopting the amendment, you will never see the end of it; but it will go on increasing and increasing until every Indian from the Mississippi river to the Pacific ocean, shall be put upon the public Treasury for support, to be kept, as the gentleman from Missouri [Mr. PHELPS] said, in a sort of half state of starvation, with just enough to live upon, in addition with what you give them, what they may steal and plunder from your own citizens.

Mr. DURKEE. I would like to ask the gentleman the question, whether Congress have not provided for the poor of this District; and whether, if that be so, we should not as well provide for the wants of suffering Indians as for the poor in this place?

Mr. DUNHAM. There is a very great difference in the policy. The poor of this District, if they are supported out of the public Treasury—and it may be a question whether they should or should not be thus supported—are civilized men who have been overtaken and reduced by misfortune, and therefore we are bound to support them as a portion of the community. There is nothing to be gained by throwing them back upon their own resources as will be in the case of the Indians.

Mr. GIDDINGS. With the consent of the committee, I will now withdraw the amendment proposed by me.

There was no objection, and the amendment was withdrawn.

Mr. VENABLE moved to increase the amount to \$56,000.

Mr. Chairman, we have been admonished that enough has been said about the claims of humanity, in relation to this band of starving Indians. I hope that I shall never be unwilling to hear those claims as long as they are unsatisfied. As long as I am a member of this House, the claims of the widow, the orphan, or the wronged and suffering Indian, shall never be passed by without an effort on my part to satisfy them. I mean to do my duty, and to be found ready to acknowledge those obligations which originate in my relations to suffering humanity. The gentleman from Indiana [Mr. DUNHAM] presented one of the coolest propositions to which I have ever listened—that the Indian race must be either civilized or exterminated. Who authorized us to go on a crusade to press civilization by force upon a race of our fellow-men, or to destroy them in one general massacre? Who commissioned us, as a Christian people, to destroy a whole race of men, whose offense is, that they decline to adopt our institutions, and refuse to surrender their lands? For the gentleman from Indiana declares that, should this amendment pass, the inducement for the Indians to sell the lands will be removed—a policy which presses the sword as the first argument; and, when that fails, the horrors of starvation brought on by our own cupidity. We have invaded their territory, destroyed their game, despoiled them of their lands by the mockery of treaties wrested by force; and now, when a perishing, broken-down band of savages, reduced to extremities, is presented to us for our favorable consideration, we are told that sound policy dictates that we turn a deaf ear to their complaints. A people reduced to poverty by our policy lift up their hands to us for bread; a poor band of Indians, the victims of hunger, that direst plague which waylays and besets the path of man, cry to us for food in their extremities. In reply, gentlemen cipher and calculate. With such ciphering and calculation I have no sympathy. I mean to wash my hands of any share in the responsibility in such a system. The starving Irish were heard over the ocean—their cries reached us; the victims of an earthquake in Central America have received bread at our hands; but the owners of this broad land, who have been driven from their homes, the graves of their ancestors, and all that was dear to them, may perish, and we look to that event as one of the alternatives of the policy of civilization or extermination. I do not wonder that civilization is declined by them, when all that they know of it is derived from the policy pursued by this Republic towards them and their red brethren. We can pour out millions upon the Collins steam lines and rich corporations. The Treasury can be depleted at every call of dictatorial wealth; but the faint cry of the perishing, plundered savage is drowned in the clamors which are always heard around this Hall, raised in behalf of the demands of rich cupidity. Sir, God punishes crimes in that state of society in which they do the greatest mischief; He therefore leaves to Governments and nations to be his ministers in punishing crimes which war against social organization, reserving to himself the regulation of that punishment hereafter. But, as nations do not exist hereafter, history teaches us that they are the subjects of chastisement here. Ammon and Moab, Edom and Amalek, have been swept away in His wrath; other nations have experienced the same fate, and the agitations of the civilized world indicate the progress of similar dealings on the part of Heaven. I desire, if possible, to avoid the cup of wrath which I fear is in store for us as a people, for the wrongs inflicted on this unhappy race. I do not blame them for declining civilization at the hands of their enemies and oppressors. I have never been surprised that the persecuted Aztec of Mexico, about to be executed, when the priest proposed to Christianize him in order that he might go to heaven, asked, "Are there any Spaniards there?" Being told that there were, declared that he did not wish to go to such a place. Sir, the civilization which leaves the perishing Indian to die, and withholds bread, deserves to be rejected by them. I shall vote for bread for these Indians. I feel in doing so that I have done my duty.

Mr. DUNHAM. I wish to make a single remark, as the gentleman from North Carolina has placed my argument in a false light, unintention-

ally, of course. I did not say that our policy must result in their extermination, but that the natural tendency of things must result in their extermination, unless they become civilized.

Mr. STANTON, of Ohio. I am opposed to the amendment of the gentleman. I do not think the original amount is any too much. The proposition of the gentleman from Minnesota [Mr. SIBLEY] will not prevail here. It is not large enough. It does not hold out inducements enough, and therefore it cannot succeed. [Laughter.] I confess myself a little shocked at some of the sentiments I have heard advanced upon this floor. One reason that is urged against granting this in the shape of what is called a gratuity, is, that they have now annuities.

Mr. JOHNSON, of Arkansas. I rise to a question of order, regretting very much to be compelled to interrupt the gentleman. The gentleman from North Carolina [Mr. VENABLE] presented an amendment, the adoption of which he advocated for five minutes. The honorable gentleman from Ohio, now occupying the floor, is speaking in favor of the same amendment. It is inconsistent with the rules that two speeches shall be made in favor of the same amendment. I wish to speak in opposition to the amendment, if I am permitted.

The CHAIRMAN. The Chair's attention was called to the precise point made by the gentleman from Arkansas; but in scrutinizing the language of the gentleman, failed to discover, so far as he had proceeded, any positive exhibition of a position in violation of his right, under the rule, to speak in opposition to the pending amendment. The original amendment, as the Chair is advised, is for the sum of \$50,000. The present proposition is to increase that amount, and the remarks of the gentleman from Ohio must be in opposition to that increase. The Chairman will here remark, that he too fully appreciates the importance of free, untrammelled discussion, to limit it unnecessarily; but it is obvious to every gentleman of the committee, that the strong tendency on the part of gentlemen is to extend this into a miscellaneous debate, which will be a violation, substantially, of the order of the House; and the Chair resolves that no further discussion upon the general merits of the bill shall be had, and that gentlemen shall be allowed only the privilege established by the rule of five minutes in explanation, either in favor or opposition of the pending amendment. The gentleman from Ohio will limit himself, as the Chair trusts every gentleman will, to the privilege accorded by the rules. The gentleman will therefore speak in opposition to the amendment.

Mr. STANTON. I was about to remark, if I am at liberty to proceed, that I understood gentlemen to have urged here as a reason why we ought not to grant this in the shape of a gratuity, that we are now paying some \$800,000 in the shape of annuities to these Indians. That is no gratuity. We have received three times over the amount proposed by the amendment. If they had the first principle of justice done them they would have this amount many times over. What is the original proposition? It is that you shall set apart a poor fund to save these Indians from starvation. It is nothing more nor nothing less. It is not that they shall be supported—that they shall be exempted from exertion. The inducement to labor will not be taken away. It is that when they come to the door of starvation—when they have no means of securing anything to sustain nature that they shall be supported. It is nothing more nor less. Now I assert that one dollar spent for bread is worth one hundred dollars expended for powder to preserve the peace of the frontier. Gentlemen want estimates from the Department. Did you have an estimate to appropriate \$5,000,000 to Ireland? I want to know that. It is well known you had no estimate from the Treasury for that. Did you have an estimate for the appropriation to the Collins line of steamers? Some gentlemen on the Committee of Ways and Means, who are now so distressed about precedents with regard to gratuities, have favored, without estimates being had from the Department, the appropriation of millions to the Collins line, which is big with consequences as a precedent. They are opposed to the poor fund for fear of its being made a precedent. I should like to see the distinction between the two appropriations demonstrated.

The best way, Mr. Chairman, to preserve peace with the Indian tribes is to deal justly, kindly, and generously by them. You have taken from them their lands, you have destroyed their game, you have taken away the means of their subsistence, and starvation is the necessary consequence.

The CHAIRMAN. The Chair will have to interrupt the gentleman and decide that his course of remark is out of order. He must confine himself to opposition to the amendment.

Mr. JOHNSON, of Arkansas, I rise to speak in opposition to the amendment.

The CHAIRMAN. The presumption is that the gentleman from Ohio was speaking in opposition to the amendment, and the gentleman from Arkansas will remember that the rule of the House permits but one speech in the opposition.

Mr. JOHNSON. I raised a point of order on the gentleman from Ohio. The Chair decided that the remarks of the gentleman were not in opposition to the amendment, and called him to order.

The CHAIRMAN. The Chair intimated to the gentleman that he must limit his remarks to the question.

Mr. JOHNSON. My object simply was to stop the debate.

The question was then put, and the amendment to the amendment was disagreed to.

The question then being put upon Mr. SIBLEY's amendment.

Mr. JOHNSON, of Arkansas, demanded tellers; which were ordered; and Messrs. HOUSTON and CHANDLER were appointed.

The question was then taken, and there were—ayes 41, noes 76.

So the amendment was rejected.

The following clause of the bill was read:

"For interest on the amounts awarded Choctaw claimants under the fourteenth article of the treaty of Dancing Rabbit Creek, of the 27th September, 1830, for lands on which they resided, but what it is impossible to give them, and in lieu of these scrip has been awarded under the act of the 23d of August, 1843, not deliverable east by the third section of said law, \$43,600."

Mr. JONES, of Tennessee. Under the direction of the Committee of Ways and Means, I propose to strike out all after the word "thirty," in the eighty-fourth line, to the word "dollars," inclusive, in the eighty-ninth line, and insert the following:

From the 1st of July, 1852, to the date of the passage of an act entitled "An act to supply deficiencies in the appropriation for the fiscal year ending the 30th June, 1852," a sum not exceeding \$2,000.

Mr. J. This provision of \$43,600, originally reported in this bill by the Committee of Ways and Means, was to pay the five per cent. interest upon the \$872,000 which is owing by the United States to the Choctaw Indians under the treaty of Dancing Rabbit Creek. It will be recollected that in the deficiency bill we have appropriated \$872,000 for the payment of the principal, and also for the payment of the interest up to the first of this month. We now propose to strike out this appropriation for the interest upon that debt for the current fiscal year, and appropriate this \$2,000, which is to cover the interest from the commencement of this fiscal year up to the time this debt shall be paid to the Choctaw Indians.

Mr. HUNTER. I am opposed to this amendment, because it is only three days since we have passed a law by which we provide expressly that no interest shall be paid after the first day of this month. It is a law reported from that same committee, which provides for the payment of this claim, and one of its sections declares that no interest shall be paid after the 30th day of June, 1852.

Mr. JONES. We have not paid the money upon the first of the month, and we cannot pay it until the deficiency bill shall be approved by the President. I ask the gentleman if he is opposed to paying the interest upon that debt from the first day of July until the money shall be appropriated to pay the interest?

Mr. HUNTER. I will answer the gentleman very briefly. I directed the attention of the committee to that very section at the time it was under consideration. While the bill was under consideration, I asked why it was in that shape, as there was a clause in it which provided in express terms that no interest should be paid after that day? I was opposed to the bill then, for I thought there was something in it which ought not to be there.

I am opposed to paying interest in that way, as if it were paid upon that day, and no later.

The question was then taken upon Mr. JONES's amendment, and it was agreed to.

Mr. JOHNSON, of Arkansas. I offer the following amendment, to come in after the 92d line, constituting a new clause:

"For payment to the Chickasaw Indians for the amount of defalcation of Captain R. D. C. Collins, United States disbursing agent, together with the interest thereon, at the rate of six per cent. per annum from March, 1839, until paid, \$24,982 28."

This is an amount of money which was placed in the hands of the United States disbursing agent, during a period running somewhere between 1834 and 1839, R. D. C. Collins, captain in the United States Army. That agent became a defaulter, and among the other sums of money with which he defrauded, was the amount of twenty-four thousand nine hundred and odd dollars of the funds of the Chickasaw nation. By express treaty with that tribe of Indians, we were bound to invest the whole of their funds in such a manner as should bring them an interest to be paid to them in the shape of an annuity. Their accounts remained unsettled until they themselves produced them. They have appointed a delegation of their own number, who are now in this city. They have come here to examine before the Commissioner of Indian Affairs into their accounts.

The amount was placed by the Government of the United States in the hands of their own disbursing agent, and when he broke up as a defaulter, this remaining amount had never been accounted for. This it is proposed to place to the credit of the Indians, on the books.

I will now read letters from the Treasury Department, from the Secretary of the Interior, and from the Commissioner of Indian Affairs. This letter is from the Treasury Department, and is addressed to Colonel Lea, the Commissioner of Indian Affairs.

I will ask gentlemen who wish to understand this case, to give their attention to the written statements of the Departments, rather than to anything I could say:

THE TREASURY DEPARTMENT,  
SECOND AUDITOR'S OFFICE, June 16, 1852.  
SIR: In answer to yours of the 15th instant, requesting to be informed of the amount unaccounted for, by the late Captain R. D. C. Collins, for "carrying into effect treaties with the Chickasaws, per act 20th April, 1836"—  
The amount standing against Captain Collins, on the books of this office, unaccounted for, is \$24,982 28.  
Very respectfully, your obedient servant,  
P. CLAYTON,  
Second Auditor.

Colonel L. LEA, Commissioner of Indian Affairs.

The report from the Commissioner of Indian Affairs, is to the following effect:

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS, July 14, 1852.  
SIR: I have the honor to transmit herewith, copy of a letter addressed to this office on the 17th of May last, by S. Folsom, a Chickasaw, duly authorized by his people to attend to their business at Washington, in which he calls my attention to an alleged balance of \$24,982 28 due the Chickasaws, by reason of a failure on the part of the late Captain R. D. C. Collins, United States Army, a disbursing agent, to account to the Government for the same.  
Upon receipt of the letter referred to, I addressed a communication to the Second Auditor of the Treasury, asking to be informed of the sum unaccounted for by the late Captain Collins, on Chickasaw account, and was advised by that officer that it amounted to \$24,982 28, the sum alleged to be due the tribe by Mr. Folsom, as stated above. A copy of the Auditor's letter, dated 16th ultimo, advising me of this fact, is also herewith transmitted to you.

Additional evidence of the default of Captain Collins may be had on reference to report No. 453, from the Committee on Public Expenditures of the House of Representatives.—See Vol. II., Reports of Committees 27th Congress, 2d session.

There is no doubt that the sum claimed by Mr. Folsom forms a balance of the fund which, from time to time, was placed in the hands of Captain Collins to be disbursed on account of the Chickasaws, and that he failed to do so, or to account for the same at the office of the Second Auditor. It is but just, therefore, that the claim should be allowed, and that arrangements be made for its final settlement.

With regard to the payment of interest on this demand of the Chickasaws, the only question, in my opinion, which should be considered is the period at which its computation should commence; and as it appears that the last remittance to Captain Collins was made in March, 1839, at which time \$19,500 were remitted to him, their claim to interest from that period I deem reasonable and just.

The foregoing is therefore respectfully submitted, with the recommendation that the same, and copies of the accompanying papers, be transmitted to the several Committees on Indian Affairs of the Senate and House of Representatives, to the end that an amendment be made to the general Indian appropriation bill, by which the Chickasaws may be reimbursed the sum of \$24,982 28, the amount in the hands of the late Captain Collins at the time of his



death, with interest thereon at six per cent. per annum from March, 1839.

Very respectfully your obedient servant,  
L. LEA, *Commissioner*.

Hon. A. H. H. STUART,  
*Secretary of the Interior.*

I will now read the letter from the Secretary of the Interior, inclosing the communication which I have read, and upon which the Committee on Indian Affairs have been acting. It is as follows:

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, July 15, 1852.

SIR: I have the honor to transmit, herewith, a communication of the present date, from the Commissioner of Indian Affairs, with accompanying papers, showing a balance of \$24,982 28 to be due the Chickasaw Indians, in consequence of the failure of Captain R. D. Collins, of the United States Army, a disbursing agent, to account to the Government for the same.

These papers are transmitted to the committee with a recommendation, that provision be made in the general appropriation bill for the reimbursement to the Chickasaws of the aforesaid sum, with interest thereon, at six per cent. per annum from March, 1839, the period when the defalcation occurred.

I am, sir, with much respect, your obedient servant,  
ALEX. H. H. STUART, *Secretary*.

Hon. R. W. JOHNSON,  
*Chairman Committee on Indian Affairs,  
House of Representatives.*

The proposition, sir, is to place this account to the credit of the Indians, as a nation, upon the books of the Treasury.

Mr. JOHNSON, of Georgia. I desire to ask one question. I should like to be informed by the mover of this amendment at what time this sum of money—\$24,000—was placed in the hands of this agent? and under what law, and for what objects it was placed in his hands?

[Here the hammer fell.]

Mr. JOHNSON, of Arkansas. The gentleman from Georgia can claim the floor to speak in opposition to the amendment, and then permit me to answer his questions.

Mr. JOHNSON, of Georgia. Very well, sir; I claim the floor to speak against the amendment.

Mr. JOHNSON, of Arkansas. In reply to the gentleman from Georgia, I will state that the money was placed in the hands of the regular disbursing agent, under the authority of the Government always to use their own disbursing agents for the purpose of disbursing money, in the manner in which it is ordered by law.

Mr. JOHNSON, of Georgia. Was it compulsory on the agent to pay the money over, or was it left to his discretion?

Mr. JOHNSON, of Arkansas. The gentleman will perceive that this money of the Chickasaws was in the Treasury of the United States, placed in our hands in trust; and suppose there was no authority of law for the Secretary of the Treasury, or any other Department, to place that money in the hands of one of the disbursing agents of the Government, does that release us from our liability for having abused the trust that was placed in our hands?

Mr. PHELPS. With the permission of the gentleman from Georgia, [Mr. JOHNSON,] I desire to make a remark or two with reference to this amendment, as I presume other amendments of a similar nature will be brought forward. The Committee of Ways and Means have no information in relation to this matter. Examine the estimates which have been presented here by the Secretary of the Treasury, and by the Secretary of the Interior, and you will find no estimate for any claim of this kind. I am aware that a practice has grown up of late for the Department to send an estimate for some claim which an individual Indian, or, perhaps, a tribe, may have against the Government, to the Committee on Indian Affairs, either of the House or of the Senate, and it has been customary—and more recently that custom has grown into general practice—to recommend favorable action upon that claim to the committee. The Committee on Finance of the Senate, the Committee of Ways and Means of this House, and the members of this House, except those who may happen to be upon the committee to whom the communication is made, are not advised at all in relation to these matters. The consequence will be, that hereafter it will be brought up against us that appropriations have been made by this Congress without any recommendation from any Department of the Government. If any Executive Department of the Government of the United States believes that these demands are just—that there is a just claim

against us on the part of any Indian nation which ought to be provided for in the general appropriation bill, let that Executive Department say so to either branch of Congress; and then each branch of Congress will have an opportunity of forming an opinion on that matter; but I object to these back-door estimates—for I can call them nothing else—being placed secretly in the hands of a committee, that a member of that committee may move amendments to a general appropriation bill, of which the committee that has charge of the bill has no knowledge whatever. I know nothing in relation to the justice of this claim, but I presume, from the remarks of the gentleman from Arkansas, that the agent of the Government has become a defaulter, and that money belonging to the Indians has been lost. I desire to pay every just demand which this Government owes to any Indians, but I object to this mode of burdening down appropriation bills with items for which we have no estimates, and when the Executive Departments have been afraid to say, through their estimates, how much money will be wanted for the purpose of carrying on the Government. I think it is time to put a stop to this practice. As the Representatives of the people, we have a right to have better information in relation to these matters than that which is given by gentlemen in five-minute speeches in favor of amendments. I am not censuring the Committee on Indian Affairs. I am only speaking of the course pursued by the Executive Departments of the Government. There is where the censure is justly due for sending in their estimates in this irregular manner.

Mr. JOHNSON, of Arkansas. The Committee of Ways and Means want everything in this House.

Mr. PHELPS. I would be willing that these estimates should be referred to the Committee on Indian Affairs, and that they should take charge of this bill, because they have more time to devote to the examination of these matters, and also because it is to be presumed that they are better versed in the affairs of the Indians than any other committee of this House can be.

Mr. MEADE. I move to strike out "five hundred."

Mr. JOHNSON, of Arkansas. As the gentleman from Virginia does not wish to make any remarks, I desire to speak in opposition to striking out any part of the amendment, and I wish to do it for the purpose of replying to the very extraordinary argument which has been introduced here by the gentleman from Missouri. Sir, it shows that another member of the Committee of Ways and Means knows nothing about the matter of which he talks. [Laughter.] Sir, we owe a debt to these Indians. The money was in our Treasury—in our hands—and it is gone. Your Treasury Department, your Indian Department, your Secretary of the Interior, all acknowledge it, and why shall we not pay it? Why, because the Committee of Ways and Means have not been informed of it. Justice cannot be done to these people because the Committee of Ways and Means have not been informed of the debt. Sir, one committee of this House is to be discredited because another committee has not been made the channel through which information is communicated; and not only that, but every Department of this Government must kneel humbly to the Committee of Ways and Means, and explain everything to them, before right and justice can be done to anybody. Why, sir, I will not stand here and see this slight put upon the committee of which I have the honor to be a member, unless the House says that I am wrong in this matter. If they say so, I will submit, and these amendments may all go. I ask that justice shall be done to these people, and I am met by being told that the Department had no right to send the information to me, and that I have no right to ask it in the discharge of my duty as a member of a committee. Yes, sir, justice must not be done because this amendment does not come through that hallowed channel—the Committee of Ways and Means—that identical committee which reported their Collins line appropriation. I tell you that this money is proved by the record to be due to these Indians; they claim it; the Committee on Indian Affairs report that the claim is a just one; and it is not to be allowed. Why? For any reason that goes to the merits of the case? No, sir; but for the reason that it did not go to the Committee of Ways and

Means. Sir, I call the attention of this committee to the fact that there has not been one session out of the six that I have been in Congress, at which the Committee on Indian Affairs have not contended upon this floor against the right of the Committee of Ways and Means to take charge of this appropriation bill at all. The bill contains nothing but what relates to Indian Affairs. At this session I persuaded our committee not to make a movement to take the bill from the Committee of Ways and Means, but to let it go to them; and then offer our amendments when it came into the House. It has been otherwise in all time past, and yet now the gentleman from Missouri speaks of the recent practice which has sprung up on the part of the Departments of sending estimates to some other quarter than to the almighty Committee of Ways and Means. [Laughter.] Sir, I will not stand it, and if the House wants me to stand it, let them say so, and I will pitch amendments, books, papers and all, to that committee. I hope the House will not take the ground that the Committee on Indian Affairs cannot be the channel of communication with a single Department—not even with the Indian Department—for the purpose of getting justice done, because it is protested against by the Committee of Ways and Means.

Sir, I pledge myself again that if this thing were to be gone over again, from the course pursued several times, I would move to take away the bill from the Ways and Means, and confide it to its legitimate committee—the Indian Committee. I believe the motion would have been sustained heretofore by the House. I believe it would be now sanctioned by it. But I will say more, it is no recent practice that the Committee on Indian Affairs have been called upon to appropriate for objects connected with our Indian relations; on the contrary, it was the practice of the committee, previous to my being connected with it—as I have the testimony of the chairman of the Committee on Indian Affairs previous to myself, [Mr. Jacob Thompson, of Mississippi]—always to fight the Committee of Ways and Means for that bill. It was not legitimate action to refer it to the Committee of Ways and Means at all. It should have been always referred to the Committee on Indian Affairs. That is my view of the matter.

Now, I will give you the evidence of the Interior Department, the Treasury, the Second Auditor, and of the Indian Bureau, all going to show that the money is not in the Treasury. It was there once; but it was paid into the hands of the agent. That agent never paid it over. He became a defaulter; and the money is yet due to the Indians. This appropriation is demanded by the Government to adjust the accounts with those Indians. Shall we not pay it? The gentleman says we are not to pay it because the Ways and Means have not had before them the evidence of the existence of the debt. Sir, I am not, as a member of the Indian Committee, bound to go before the Committee of Ways and Means and ask their approval of a just debt connected with our Indian affairs before it can be presented to the House for its consideration. It is none of their business. [Laughter.] It is the business of the committee to which are referred legitimately all Indian concerns—the Committee on Indian Affairs.

Mr. MEADE. Mr. Chairman, the gentleman from Arkansas has convinced me. If it be in order, I will withdraw my amendment.

There was no objection, and the amendment was withdrawn.

Mr. PHELPS moved *pro forma* to reduce the appropriation one dollar.

Mr. P. said: The gentleman from Arkansas has endeavored to make a false issue between him and myself. I found no fault with the Committee on Indian Affairs taking charge of the matters which appropriately belong to them. I find no fault with any committee of the House taking charge of the matters that are appropriately referred to it by the House. Nor did I, in my remarks, cast any censure, except upon the practice of the executive department of the Government. Since I have been upon the Ways and Means I have found much fault with the executive departments of the Government sending communications directly to the Committee of Ways and Means. I thought they should be sent to one House or the other—that each member of this House was as much entitled to know

what the executive department recommended as any one committee of this House. That is the point I make. I have, as a member of the Committee of Ways and Means, refused to receive a communication from an executive department recommending appropriations to be made, unless that executive officer would also send a similar copy of the same communication to the House of which I was a member, or to the Senate. I desire that this information should go to you, Mr. Chairman, and to every member of this House, and not merely that there should be bestowed upon a few persons constituting a standing committee of this House, information appertaining to the finances of this Government, which will come before this House as the representatives of the people, and to be doled out to us by that committee. That is the point which I make; and had this communication from the Secretary of the Interior been sent directly to this House, I would not have objected to the Committee on Indian Affairs taking charge of it. I would not have interfered. But we would have had this information printed, and each member of this committee and of the House could have examined it for himself, and have satisfied himself as to the justness of the claim. I speak in this matter from the experience I have had since I have been a member of this House. I recollect well when the Committee of Ways and Means came in here with their amendments to the general appropriation bills, and when nobody but the members of that committee knew anything of the necessity of making the appropriations which they proposed in their amendments. When those amendments were proposed, it would be stated that the Secretary of State, or the Secretary of War, or the Secretary of the Treasury, said the appropriation was necessary, and the House fairly had to take them upon trust, without examination. That is the point I wish to present. I cast no censure upon the gentleman from Arkansas, nor upon any gentleman in this committee. What I want is, that these communications shall come into the House through the proper channel. I meant that they should come directly to the House, and be presented through the Speaker of the House. Let them be printed, and let them go through the public papers, so that the people of the country may know what the Departments have recommended, and what they have not. The remarks which I saw fit to make in relation to this amendment arose from the fact that this information had not come in a manner by which the members of this House could obtain it. By the specified rules which govern this body, the Committee of Ways and Means are to report your general appropriation bills and the Indian bill as one of them. Then, sir, it may be construed into a censure upon the Committee of Ways and Means, because they have not examined the estimates upon which the Committee on Indian Affairs ask for these appropriations when they have no more information upon the subject than one of the Indians themselves, living upon the broad and extensive prairies west of our frontiers. They have never seen anything of it.

Now, I ask the gentleman from Arkansas [Mr. JOHNSON] whether a single public document has been printed at this session of Congress which gives any explanation whatever in relation to the appropriation which he now asks?

Mr. JOHNSON. That shows how much my honorable friend knows about this business. Here is a letter, dated 14th of July—

Mr. PHELPS. Has this been presented to the House?

Mr. JOHNSON. It has; and read.

Mr. PHELPS. Has it been printed?

Mr. JOHNSON. Certainly not.

Mr. PHELPS. Then it is not a communication addressed to the House. It is not addressed to the Speaker of the House. So no information has been presented to the House at all, in relation to this matter.

Mr. JOHNSON, of Arkansas. I rise in opposition to the amendment. The gentleman wants this information to go to the Committee of Ways and Means. You cannot take cognizance of anything unless first inspected by this Committee of Ways and Means. This House would be in a beautiful condition.

Mr. HOUSTON. I ask the gentleman to allow me to say one word in relation to this matter.

Mr. PHELPS. I did not say it should go to the

Ways and Means. I say each member of this House is entitled to the same information as any member of any committee. I do not ask that it should go to their committee or my committee. But why should it be sent there?

Mr. JOHNSON. I should like to know what makes their committee any more creditable or any more honorable than mine, before the House?

A MEMBER. Oh, they are all honorable.

Mr. TAYLOR. I will ask the gentleman from Arkansas, as the gentleman from Missouri seems to cast censure upon the executive officers of the Government to whom these letters were addressed? I ask merely for the purpose of information.

Mr. JOHNSON. I will tell the gentleman. Here is a letter from the Secretary of the Interior, addressed to myself, as chairman of the Committee on Indian Affairs.

Mr. TAYLOR. I think this is very proper information, very properly called for by the chairman of the Committee on Indian Affairs.

Mr. JOHNSON. Certainly. Here it is in the accomplished manner in which the Secretary of the Interior presents official information connected with this matter. It is transmitted for the consideration of the Committee on Indian Affairs.

But there is another little matter to which I wish to allude. The honorable gentleman from Missouri says, if I understood him aright, that within his recollection, the time was when the Committee of Ways and Means reported the whole of the appropriation bills, and that nobody knew anything about them, or their amendments, but that committee.

Mr. PHELPS. I did not say that. I said I—

Mr. JOHNSON. Oh! the gentleman now says he did not say it. That is well. But I was going to remark, what a beautifully blindfold condition these two hundred and odd sensible men, who know nothing about this business, must have been in. Nobody could know anything about it but the Committee of Ways and Means. Sir, we have a full right to any information we can get. This information comes through the proper channel now, and we have a full right to it; and we can satisfy ourselves whether the appropriation is a just one. We have every evidence here of truth that can be given under official oath, or that can be given under a high personal individual honor. That is here, and what does it speak of? It speaks of a duty to a race of people, humble and beneath us, whom you are not obliged to pay. To him to whom it may be a consolation to say, "we will not pay where we can help it," I would respond; "that we are not obliged to pay." All we have to do is to say, "Shut the doors of your Treasury against the just demands of these Indians, and they cannot help themselves." If the gentleman says we will not pay it, because these communications did not come through the proper channel, I will say that that consideration does not affect me. That of which he speaks has never been the channel for such communications. There was no time for these communications to be printed. There was no time for the Committee of Ways and Means to act upon these estimates, because they were not received until that committee had voted upon their estimates, and reported the bill. These communications from the Departments will always continue to come to the committee which has, expressly, the charge of the subject-matter involved. This claim is due, and this House has to pay it. It will be paid by them some time. It is provided for by treaty, and you will be compelled to pay, should you let it run on interest for five hundred years, if the public records can be preserved.

Mr. MOREHEAD. I will ask the gentleman to indulge me a moment. Do I understand that this money was paid over to an agent employed by the Government?

Mr. JOHNSON. It was.

Mr. MOREHEAD. Was that gentleman an agent both of the Indians and of the Government?

Mr. JOHNSON. No, sir. He was the regular disbursing agent, and an officer of the Army. It was Captain R. D. C. Collins. I knew him well in my lifetime. [Laughter.]

Mr. HOUSTON. How long have you been dead?

Mr. JOHNSON. I have been dead ever since I came in contact with the Committee of Ways and Means. [Laughter.]

Mr. PHELPS. If the committee will permit me, I will withdraw my amendment.

There was no objection, and the amendment was withdrawn.

The question recurring upon the original amendment offered by Mr. JOHNSON, of Arkansas; it was put, and the amendment was agreed to.

Mr. JOHNSON, of Georgia. I move to amend the amendment, by reducing the appropriation to \$50.

The CHAIRMAN. The Chair stated to the House that the original amendment offered by the gentleman from Arkansas [Mr. JOHNSON] was agreed to.

Mr. JOHNSON. I understood, if the Chair please, that the vote taken was upon an amendment to the amendment.

The CHAIRMAN. That amendment was withdrawn.

Mr. TAYLOR. I do not understand whether the amendment of the gentleman from Arkansas was adopted or not.

The CHAIRMAN. The Chair will again state, that he announced to the House that the amendment to the amendment, offered by the gentleman from Missouri, [Mr. PHELPS,] was withdrawn, and that the question recurring upon the original amendment, as offered by the gentleman from Arkansas, [Mr. JOHNSON,] The Chair put that question to the House, and it was decided in the affirmative, and the amendment was agreed to. The decision having been made, there is nothing now pending before the House except the bill.

Mr. FITCH. I have another amendment to offer to this Chickasaw section of the bill, to which I am sure there will be no objection. I am instructed by the Committee on Indian Affairs to offer it. As the papers are elaborate, I will give a statement of it as briefly as possible.

The amendment is this. Add to the clause—

For the payment of \$2,842 38 to Hiram H. Pitchlyn, in his own right, and as the sole heir-at-law and legal representative of his brother, John Pitchlyn, deceased; that being the amount of the proceeds of the sales of two quarter sections of land granted to, and located in the names of, the said Hiram H. Pitchlyn and John Pitchlyn, under and by virtue of the eighth article of the treaty with the Chickasaw Indians, made at the city of Washington, on the 24th day of May, in the year 1834, and which quarter sections of land were sold, and the proceeds thereof invested in the stock of the State of Arkansas, in pursuance of the provisions of the article aforesaid.

Mr. HOUSTON. I ask the Chair if that amendment is in order? From the reading of it, it seems to me to be an amendment to bring in the private claim of an individual Indian. I present the point of order to the Chair.

Mr. FITCH. I would like the gentleman to be a little less captious in his exceptions. It is a treaty stipulation I desire to have fulfilled, although it happens to relate to one individual. I do not see the propriety of the point of order.

Mr. HOUSTON. Does the Chair decide that the amendment is in order?

The CHAIRMAN. The Chair decides that the amendment is in order.

Mr. FITCH. The facts of this case are simply these: By the eighth article of the treaty with the Chickasaw Indians, made in the city of Washington, on the 24th day of May, 1834, the lands held by certain minors were permitted to be sold, and the proceeds invested for their benefit. When they should become of age, and upon its being certified by certain chiefs that they were of age, and that it was for the benefit of those individuals that these moneys, thus invested, should be paid to them, it was to be paid to them. This Pitchlyn was one of those minors. His brother is deceased, and he is the sole heir of the deceased. He has become of age, and it is so certified by the chiefs; and it is further certified that it is for his benefit that this money should be paid to him. That certificate is indorsed by the agent of the Chickasaws.

The amendment is recommended by the Secretary of the Interior and the Commissioner of the General Land Office. This money, which we have in our possession, for their benefit, was invested in stock which is below par. They consequently recommend that the money should be appropriated out of the Treasury rather than sell the stock at a sacrifice, when there is every probability of its soon being worth its par value. This is simply a concise statement of the facts. Unless these letters are called for, I do not propose to say any more.

Mr. HOUSTON. I should like to read them. Send them up to the Clerk.

Mr. FITCH. The treaty is cited in the amendment I have offered. This Pitchlyn was one of the minors provided for by the treaty. The land was selected; it was sold, and the proceeds invested in accordance with the terms of the treaty; and in accordance with the terms of the treaty, this Indian, having become of age, the proper Department now recommends that the money shall be paid to him. The interest has been paid every year upon this investment.

Mr. HOUSTON. Under any circumstances, it seems to me, there is an objection to the phraseology of that amendment. The facts which the gentleman has stated, have not been communicated to the House until now; but it seems to me a point presents itself there that may hereafter involve us in some difficulty. The character of the proposition is, that we shall pay to A B, as the heir of C D, a certain annuity. Now, there is a question there which ought to be decided, it seems to me, by the Department; and if the amendment is to be adopted at all, it had better be adopted in such phraseology as will authorize the proper Department to determine upon such testimony as may be satisfactory to them—whether this heirship is correct, or whether some other person may not really be the party interested.

Mr. FITCH. I am sorry I have not had time to enlighten my friend upon the subject. I stated to the committee, what I supposed would be satisfactory, that I had this proof; and of course the Department would not have recommended this amendment in favor of this one man unless they had been satisfied.

Mr. HOUSTON. Without touching the merits of the case, I suggested that, as a matter of caution, we had better so change the phraseology as to give the discretion to the proper Department to pay the money to the heir of the Indian upon presentation of such testimony as will satisfy them that he is the person entitled.

Mr. FITCH. To that I have no objection at all.

Mr. WILLIAMS. I move that the committee rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and especially House bill No. 43, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending 30th June, 1853, had made progress, but had come to no conclusion thereon.

Mr. CARTTER. I desire to make a report that involves no legislation whatever, in order that it be laid upon the table and ordered to be printed. It is a report adverse to the extension of the Woodworth patent.

No objection was made; so the report was received, laid upon the table, and ordered to be printed.

Mr. COBB. I have here a Senate bill, No. 152. It provides for the payment to a widow and seven children money due to them. It was reported from the Committee on Claims unanimously. I ask that I may be permitted to report it, and that it be referred to the Committee of the Whole House.

No objection was made, and the order was entered accordingly.

On motion by Mr. FLORENCE,

The House then adjourned until Monday morning at eleven o'clock, a. m.

## IN SENATE.

Monday, July 19, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. HAMLIN presented a memorial, very numerous signed, of citizens of Portland, Maine, praying that the bill now pending before Congress, known as the land distribution bill, may become a law; which was referred to the Committee on Public Lands.

Also, the memorial of Israel Rodgers, represent-

ing that he has been defrauded of the bounty land to which he was entitled for services during the late war with Mexico, and praying other land; which was referred to the Committee on Public Lands.

Mr. BRODHEAD. Mr. President, I present the petition of Colonel William F. Small, of Philadelphia, who represents that he is authorized to offer to the Government the services of a regiment, composed of ten companies, of active, intelligent young men, of the city and county of Philadelphia, for the purpose of protecting emigrants on the frontier and in California. He represents that the object of those composing this regiment is, to form permanent settlements on the eastern frontier of California, and to give protection to settlers, emigrants, and miners. I am well acquainted with Colonel Small. He served with great credit to himself in Mexico, and he is a gentleman well calculated to take command of such a regiment. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BRODHEAD also presented a petition, numerous signed, by highly respectable gentlemen of the city and county of Philadelphia, representing that they desire to have an act or joint resolution of Congress passed, authorizing that among the paintings selected to adorn the Capitol there may be some illustrative of the victories which constitute the naval glory of the country, and recommending W. A. K. Martin, of Philadelphia, as competent to design and execute such picture or pictures; which was referred to the Committee on the Library.

Mr. DAWSON presented the memorial of James L. Collins, praying indemnity for property lost in the Mexican war, and for services as secret and confidential agent of the United States rendered during said war; which was referred to the Committee on Claims.

Also, the memorial of Harriet O. Read, executrix of the late Lieutenant Colonel A. C. W. Fanning, of the United States Army, praying compensation for extra services of Colonel Fanning; which was referred to the Committee on Military Affairs.

Mr. BRIGHT presented a resolution of the Legislature of Indiana in favor of granting bounty land and extra pay to surgeons and assistant surgeons in the last war with Mexico, who were not duly commissioned; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CASS. I present a memorial of citizens of Philadelphia, praying that an appropriation be made for the construction of a ship canal around the falls of the river St. Mary. As the subject has already been brought before Congress by the Committee on Public Lands, I move that the memorial be laid on the table; and, at the same time, I give notice that during the week I intend to call up the bill reported by the Committee on Public Lands in relation to that subject.

The memorial was ordered to lie on the table.

Mr. GWIN presented the petition of J. W. Osborne, praying to be released from the payment of duty bonds on goods destroyed by fire while in the Government warehouse at San Francisco, California; which was referred to the Committee on Finance.

Mr. SUMNER. I have in my hands an important petition concerning American literature, signed by names universally honored in this country. The petition is short, and I will read it:

To the honorable Representatives of the people of the United States in Congress assembled:

The undersigned, authors, publishers, book-sellers, printers, editors, and paper dealers, citizens of the United States, respectfully ask that your honorable body will enact a law for the benefit of American literature, which shall give to British authors and publishers the same right to the control of their literary property in the United States that the law of England offers reciprocally to the authors and publishers of this country.

I have also a second petition to the same effect. These petitions were prepared some time ago, but only now have been placed in my hands. Among the illustrious petitioners are James Fenimore Cooper, on whose signature is now the sacred seal of death, Jonathan N. Wainwright, Hermann Melville, William C. Bryant, George P. Putnam, Washington Irving, Rev. Dr. Francis L. Hawks, Dr. Edward Robinson, Rufus W. Griswold, Bayard Taylor, and John Jay. Uniting with

these petitioners in their prayer, and cordially desiring some action of Congress on this subject, if not this session, yet speedily, so soon as it practically can be done, I move that these petitions be referred to the Committee on the Library.

The motion was agreed to.

## REPORTS FROM STANDING COMMITTEES.

Mr. JAMES, from the Committee on Revolutionary Claims, to which was referred the petition of Abigail Stafford, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which were referred the documents relating to the claim of William Senna Factor, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. HAMLIN, from the Committee on Printing, to which was referred a motion to print the report of the Second Auditor, transmitting copies of the accounts rendered for disbursements of money, goods, and effects for the benefit of the Indians during the year ending June 30th, 1851, reported against printing the same, as entirely unnecessary.

The report was agreed to.

## LANDS OF FRANCIS GARDERE.

Mr. DAVIS. I am requested by the Committee on Private Land Claims, to which was referred the petition of Francis Gardere, to report a bill authorizing the purchase of certain lands belonging to Francis Gardere. I am also requested by the committee to ask its consideration at this time.

The bill was read a first time, and ordered to a second reading.

There being no objection, it was read a second time, and considered as in Committee of the Whole. It proposes to authorize the Secretary of War, if satisfied that the title thereto is undoubted, to purchase of Francis Gardere a certain tract of land, consisting of about three acres, which adjoins lands of the United States at Baton Rouge, in Louisiana, if he shall be of opinion that the same is necessary to the United States, and that it can be obtained with an undoubted title, for a sum not exceeding \$1,500.

Mr. DAVIS. I will state for the information of the Senate, that Mr. Gardere claims a narrow strip of land which adjoins the lands occupied by the United States for an arsenal, at Baton Rouge. It is so situated that it divides those lands to a certain extent; and, in fact, part of it is now occupied by the United States. This matter has been some time in controversy; and this gentleman, not being satisfied with the existing state of things, wishes his claim settled. Since the papers in the case have been before Congress, I have had some correspondence with the Secretary of War, and he has had further correspondence with the officers at Baton Rouge on this subject. Three disinterested gentlemen were appointed to appraise the value of this land. They appraised it at \$1,500, including the whole of the land. Mr. Gardere is unwilling to sell that part which is convenient to the United States without selling the whole. This bill proposes that the Secretary of War shall, if he is satisfied that the title is undoubted, purchase it for a sum not exceeding \$1,500. I suppose that will be the easiest and speediest mode of settling the controversy.

Mr. SHIELDS. I am not sure that there is any additional land wanted at Baton Rouge by the Government.

Mr. DAVIS. I would state to the Senator that this strip of land is about forty feet wide. It runs right into the lands occupied by the United States, dividing them for some three or four or five hundred feet—I do not know how far—perhaps more than that—some thirty or forty rods. This strip of land runs right in, like a high-way, between the lands occupied by the United States. They can get along without it; but it would be very convenient to have it.

Mr. SHIELDS. The reason for my remarks was, that there has been an application this winter to have a portion of the land attached to the arsenal at Baton Rouge set apart for a burial ground. I applied to the Department to ascertain whether the amount of land held by the United States at Baton Rouge was sufficient to enable



the Government to give away a portion of it; and I found that, so far from wanting additional land, we would be able to give away some portion of that which we already have, without any detriment to the public service. I know nothing, however, of this particular case. I think it is rather unusual to pass a bill to authorize the Secretary of War to purchase land from a particular individual, designating his name in the bill.

Mr. DAVIS. The bill only authorizes the Secretary of War to purchase on condition that he is satisfied that Francis Gardère has an undoubted title to the land. Now, that may be true, which is stated by the honorable Senator from Illinois; but the condition of things there is this: This narrow strip of land runs directly into the land of the United States, dividing, it perhaps, into very nearly equal parts, and they cannot very well go from one part of the land to the other without passing over this strip, unless they take a wide circuit. This tract is only about forty feet wide, I believe.

Mr. SHIELDS. I think it would be better to refer the bill to the Committee on Military Affairs. We can report the bill as soon as we ascertain the facts in relation to it.

Mr. DAVIS. The Committee on Private Land Claims has gone through a very careful investigation of this matter. We had before us all the maps and all the plats. The Secretary of War has caused the matter to be investigated, and the land to be examined from one end to the other. There are maps showing the precise condition of things there. The title, I suppose, without doubt, is in this man. The United States now occupy the land; and they ought either to surrender it or buy it. I think nothing new will come to light by referring the bill to the Committee on Military Affairs. There are all the papers; they state just the story which I state to the Senate. They show just the state of things which I exhibit here. There is the map; there are the plans, the surveys, and the correspondence.

Mr. SHIELDS. I withdraw my opposition to the bill. I know that the honorable Senator from Massachusetts never presents a subject without investigating it very thoroughly, and I have great confidence in his opinion after investigating a subject of this kind. My only wish was to ascertain all the facts—whether the land was needed by the Government; and if needed, whether the price proposed was the proper price.

Mr. DAVIS. All that is settled by the correspondence which was before the Committee on Private Land Claims.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### PORT OF DELIVERY AT ALTON.

Mr. HAMLIN. The Committee on Commerce, to which was referred the memorial of the Mayor and Common Council of the city of Alton, Illinois, praying that that city may be made a port of entry, has directed me to report a bill to constitute Alton, in the State of Illinois, a port of delivery.

The bill was read a first time, and ordered to a second reading.

Mr. SHIELDS. I presume there will be no objection whatsoever to the bill; and as I wish to have it passed before the adjournment of Congress, I ask that it may now have its second reading.

The PRESIDENT. It requires unanimous consent to read the bill a second time now.

Mr. CLEMENS. We have had two or three bills of this sort reported against by the Committee on Commerce, and I should like to know what is the difference between those cases and this. I believe the committee have reported against the passage of similar bills.

Mr. HAMLIN. The Senator from Alabama is mistaken. I do not think he listened correctly to the title of the bill. This bill is precisely of the character which was agreed to by the committee in the case alluded to, I suppose, by him—constituting a port of delivery, and not a port of entry. The Senator from Alabama presented a memorial for the erection of a port of entry at a point which I do not now recollect. It was submitted to the Treasury Department, and they recommended that a port of delivery only be established, in conformity to the usage of the Government from its founda-

tion. I submitted the papers to my friend from Alabama, and I understood him to say that he did not desire a port of delivery alone, consequently there was no report made in the case. This bill is in accordance with the usage of the Government, which is to establish ports of delivery where they are needed on waters above ports of entry. This bill is recommended by the Department, and I apprehend there can be no objection to it.

The PRESIDENT. If there is no objection, the bill will now have its second reading.

Mr. CLEMENS. Let it lie over. I think the Senator from Maine is mistaken as to the facts in the other case. I wish to examine the matter.

The PRESIDENT. Objection being made, the bill cannot now be read a second time.

#### FOREIGN COMMERCIAL REGULATIONS.

Mr. HAMLIN, from the Committee on Commerce, submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of State be requested to prepare and communicate to the Senate, at the next session of Congress, abstracts or selections of such portions of the diplomatic and consular correspondence in the Department, within the last four years, as respects new commercial regulations adopted in the several nations with which we have intercourse, and such other information as may, in his opinion, promote the commercial interests of the United States.

#### ISTHMUS OF TEHUANTEPEC.

Mr. MASON. Mr. President, I ask leave to submit the following resolution:

*Resolved*, That the President of the United States be requested to communicate to the Senate, (if not, in his opinion, incompatible with the public interest,) the correspondence between the Governments of the United States and Mexico, in regard to a right of way across the Isthmus of Tehuantepec, granted by Mexico to a Mexican citizen, and which grant, by subsequent assignments, was transferred to a citizen or citizens of the United States; embracing all information in the possession of the Executive concerning the alleged abrogation of such grant by Mexico, the discontinuance of the work, and expulsion of those engaged in it; together with all documents connected therewith.

And that, under like limitation, he be requested to communicate to the Senate the correspondence between the two Governments, with the accompanying documents, in relation to any proposed conventions between them regarding such grant of the right of way.

Mr. President, it is my purpose to ask the Senate to consider the resolution at this time. We are all aware that since the acquisition of the important territorial possessions which have accrued to the United States under the treaty of peace with Mexico, the attention of the whole American people has been strongly directed to those modes of access the most convenient certainly, and probably, also, the most speedy, to those possessions across the continent of Southern America. As we are aware, under grants that have been obtained from the Government of New Granada, there is now in the course of construction, and nearly completed, a railroad extending across the narrowest point of the Isthmus, which connects North and South America, at Panama. We are also aware that there is now in course of construction, or said to be, a communication intended to be a ship canal across a point in Central America, between the two Republics of Nicaragua and Costa Rica. But this proposed communication, which is referred to in the resolution, which lies within the limits of Mexico, is believed, by a large portion of the American people, to be that which will be found of greatest interest to the United States, because it lies, probably by a thousand miles, nearer to their territory, and because it offers, in the estimation of a number of those whose attention has been turned to it, the most certain means of constructing a railroad.

Be this as it may, we are aware that the grant was made by the Government of Mexico, in 1846, to a citizen of Mexico, conveying to him important advantages and immunities, and holding out inducements for the construction of a way of some kind, probably a railroad, across that Isthmus. That grant, by subsequent assignments, which were authorized and legalized by the terms of the original grant, passed through English hands into the possession of citizens of the United States, where it now remains. It is alleged on their part, that they have complied with all the terms of the original grant. It is very certain that citizens holding that franchise have expended a very large sum of money in making the necessary surveys, and in preliminary arrangements to commence the work. It is equally certain that the Government

of Mexico, by one of those acts which, perhaps, national courtesy will not permit me to characterize in this place, has forcibly expelled those who were engaged in the work under the authority of the Government of Mexico itself.

Now, sir, what I want particularly to call to the attention of the members of the Senate as the representatives of the United States of America, is the probability that for half a century to come we shall not have, if we ever can have, the same immediate and certain communication across the continent of South America with our possessions on the Pacific which we will have and now have through the territories of the Republics which border on us at the South.

I wish to call the attention of the Senate and of the American people to the further fact, as I hold it, that happen what may, the necessities of the United States never can permit the exclusive control of any right of way across the continent to pass from States through which the way lies, into the hands of any foreign Power.

It is one remarkable fact connected with this right of way across the Isthmus of Tehuantepec, that whilst it remained in the hands of a Mexican citizen every facility and encouragement was given to him to prosecute the work, and whilst it remained in the hands of English subjects, to whom it was passed by that Mexican citizen, the same encouragement and facility was given to them. It has recently passed into the hands of citizens of the United States, and it has been followed by the expulsion of the grantee, with the whole party engaged on the works of the company.

Sir, I have been made aware that this subject has been a matter of negotiation between the two Governments, at one time it was believed, with a probability of a favorable issue. But in the mutations which are constantly taking place in the Government of Mexico, a final disposition of the subject has recently been made by the Mexican authorities—so far as rights existed under that grant—Mexico holds that they are ended, and all negotiation has ended with them. In this state of things, there is a propriety, in my judgment, that all the matters connected with the subject, with the conduct of the Mexican Government in regard to this grant since it passed into the hands of American citizens, should be made known to the Senate, and through the Senate to the American people; that the Congress of the United States, in its wisdom, may determine whether any, and if any, what measures shall be taken on its part to see that the rights of the citizens of America are properly regarded by every foreign Power; and further, if necessary, to take care that the essential interests of this country in reference to any and every right of way across the continent shall never come under the exclusive control of any foreign Power. It is for this purpose that I have offered the resolution, that we may have all the documents connected with the subject before us.

Mr. GWIN. Mr. President, I agree, perhaps, with everything the Senator from Virginia has said, with one exception. He has said that there is no probability that, for a quarter of a century to come, there will be any other route connecting the possessions of the United States across the continent, from the Atlantic to the Pacific, except through Central America, or across the Isthmus of Tehuantepec. Now, sir, entertaining the opinion that, long before that time expires, we shall have a railroad connecting the possessions of the United States through their own territory, I give notice here that I shall never assent to the opinion of the Senator, that it will be a quarter of a century before that event. In half that time I hope we may have a railroad communication across the continent through our own territory. I hope the resolution will be adopted. I agree with everything the Senator has said in relation to the Tehuantepec grant.

Mr. MASON. Mr. President, whenever the State of California, and the States bordering upon the Mississippi, and any States or Territories that may be intervening between them, are strong enough, or are prepared to make this railroad, I shall agree with the Senator that a quarter of a century will not elapse before the communication to which he refers will be completed. The General Government, perhaps, might make that communication within a quarter of a century, or an eighth of a century; and, I presume, that it is to this Government reference is made, when a speedy

execution of it is anticipated. It is to exclude any such inference, so far as I am concerned, that I look to so long a period for its completion.

Mr. GWIN. I wish to say for my own State, that if the General Government will give to that State what Mr. Whitney asks, thirty miles on each side of the road, we will guaranty to make a road seven hundred miles long to the mouth of the Gila, or to the northern boundary of our State, within five years.

The resolution was adopted.

#### NOTICES OF BILLS.

Mr. ATCHISON gave notice of his intention to ask leave to introduce a bill to amend an act entitled "An act to provide for the payment for horses and other property lost or destroyed in the military service of the United States," approved 3d of March, 1849.

Mr. JAMES gave notice of his intention to ask leave to introduce a bill, relating to the appraisement of merchandise, and to prevent frauds in the valuation of dutiable imports, and for other purposes.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

Bill for the relief of John Devlin;  
Bill for the relief of Samuel W. Chilson;  
Bill for the relief of Nathan Weston, jun., late additional paymaster in the United States Army;  
Bill for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher;  
Bill for the relief of Gideon Hotchkiss;  
Bill for the relief of W. R. Nevins; and a  
Bill for the relief of John McAvoy.

#### PHILO SMITH.

A message was received from the House of Representatives, by the hands of Mr. P. B. HAYES, Chief Clerk, announcing that it had passed a bill for the relief of Philo Smith; which was read a first and second time by its title, and referred to the Committee on Claims.

#### PROTECTION OF NEW MEXICO, ETC.

The bill from the House of Representatives to provide for the protection of the Territories of New Mexico, Oregon, and the States of Texas and California, was read a third time as amended, and the amendments being concurred in, it was passed.

#### LIEUTENANT TEMPLE'S MEMOIR.

Mr. BELL. Some time ago a resolution which I introduced was laid upon the table, and since that time resolutions have not been taken up in their order. I hope that resolution will now be taken up and acted upon by the Senate. It is not regarded as a political matter. When it was last before the Senate, some suggestions were thrown out by Senators on the other side of the House, that perhaps it was a political question, but I believe that that will probably be withdrawn. I move that the resolution be taken up.

The motion was agreed to, and the resolution was read, as follows:

*Resolved*, That the Secretary of the Navy be requested to furnish the Senate with a copy of the Memoir of the landing of the United States Troops at Vera Cruz, in 1847, by Lieutenant William Grenville Temple, with an Appendix, containing the written Orders of General Scott and Commodore Conner, on file in the Navy Department.

Mr. WALKER. I believe that that is a book which some time ago it was proposed to publish. When the question was last under consideration, there was a good deal of discussion in regard to it; and, if my memory serves me rightly, not a little feeling too. I must confess, however, that I have almost forgotten what light was thrown upon the question by that discussion, and I think we had better have it repeated. I believe it was then pretty generally conceded that this was a kind of pamphlet gotten up by some individual no doubt sufficiently competent to write a memoir on this subject; but, so far as my recollection goes, it was then deemed useless and unnecessary, and there was a disinclination to publish it. I cannot see why it should be regarded as more necessary to publish it now than it was then. For one I should like to have the information brought before us again, so that our memories may be refreshed.

Mr. BELL. The gentleman from Wisconsin is mistaken. These general orders never have been published.

Mr. WALKER. Will the gentleman from

Tennessee excuse me. I did not say that they had been published. I said that when the question was up before, it was proposed to publish this pamphlet, or, rather, that the object of the resolution seemed to contemplate its publication, and that on that account the resolution was laid upon the table.

Mr. BELL. The proposition is simply stated in the resolution itself, which is to furnish the Senate with a copy of this memoir. The substance of the memoir is principally professional. It is in relation to a matter of public interest connected with one of the most splendid achievements of the late war, and, indeed, it is one of the most interesting memoirs in our history since the foundation of our Government. The public have no means of getting a connected account of that transaction, and can only learn its history by searching a voluminous mass of papers bearing upon the subject. My object in asking to have the papers sent to us, was that the information might be presented in one report, so that the public curiosity might be gratified. But the main object was that the professional instruction which the memoir contains might be rendered more available for the benefit of military and naval officers, as it may be to some extent. I believe that the Senate have scarcely ever refused to pass such a resolution when it has been offered.

The Senator from Wisconsin [Mr. WALKER] says that there was an objection to printing this memoir when the resolution was first presented; and that there was a general disposition not to meddle with it. I do not know upon what authority the Senator says that. Two or three gentlemen then objected on the ground that the passage of the resolution was laying the foundation for the publication of a book. In reply to that I said that the memoir was so brief that it could be scarcely called a book, even if printed as such. I understood that the whole of it would not contain more than about forty pages in manuscript. It would be unjust to call it a book. I know that the Senator from Maine [Mr. HAMLIN] objected strongly, upon the ground that he was opposed to publishing books of any size. I stated that, whenever the Senate chose to lay down a rule that they would publish no reports of any kind, no Patent Office reports except those relating to business before us, and no reports connected with the military or naval affairs of the country, or commercial or agricultural reports except relating to business here, I would agree to it. Had such been the general understanding of the Senate, that no such reports were to be published by order of the Senate, I would not have offered this resolution.

Again, what is asked now, is not to print it, but it is merely that we should see that memoir, and see those general orders. As I have stated before, we cannot find them without wading through some fifteen hundred or two thousand pages of the general operations of the Mexican war, in order to find them. The question of printing is a subsequent one, and, I hope, though the Senator from Arkansas [Mr. BORLAND] is looking so much interested in this matter, and so earnestly, that he is not going to pounce upon it, as he is not now a member of the Committee on Printing; and I hope he will not make any objection in advance.

It is, really, a very small matter. Some gentlemen supposed, when the resolution was first presented, that it was designed to have some political bearing, and to operate in favor of General Scott, who commanded the land forces on that occasion. I suppose those who objected forgot the part which Commodore Conner took. I have not seen the orders to which the resolution refers; and, whether they will redound too much to the credit of the commanding officer or not, I do not know. I believe that the skill of the commanding general, in the management of the land forces, is admitted by all. Commodore Conner may be entitled to great credit also; but those things did not enter into my mind when I offered the resolution. My object was to have possession of an interesting portion of history, which gave a condensed view of that landing, which I have heard lauded highly by persons who were present, and who understand these subjects better than I do. It has been stated by them to have been one of the most skillful and successful operations ever effected under similar circumstances. I hope that the Senate will agree to the resolution, so that we may see

the memoir; and when the question of printing comes up, we can decide whether it is worthy of being printed or not.

Mr. BORLAND. I really did not intend to say anything on this subject, for I do not attach much importance to it; but as the Senator from Tennessee seems to think that I am very much interested in the motion, because I looked at him earnestly when he was speaking, I must be permitted to say a word.

The Senator is mistaken in supposing that I feel any great interest in the question, because I looked at him earnestly; the fact is, that I felt very much interested in the eloquent manner in which the Senator presented the subject to the Senate; and it was on that account I looked at the Senator so earnestly.

Mr. BELL. It was a mistake on my part, I assure the Senator.

Mr. BORLAND. I take occasion to say, that everything relative to the subject of this memoir, so far as the general orders are concerned, must be already published and on record, and of course, accessible to any one desirous of looking into that record.

The only thing that can be said on this question is, that this memoir, or treatise, was written by a young officer of the Army or Navy—I do not know which—for the purpose of giving his views relative to the capture of Vera Cruz. I know nothing about it myself. I apprehend that it is all that the Senator from Tennessee [Mr. BELL] says it is—very beautiful, and ably and eloquently written; but I suppose that there have been a hundred, ay, possibly five hundred, beautiful articles published on the same subject. Many of the newspapers have contained very able articles, and articles of great interest, on that subject. Nobody, certainly, admires the great achievement of the American arms at Vera Cruz more than I do; and can there be any necessity for the Senate now to adopt this memoir, and publish it as part of the official proceedings, simply because a young gentleman is rather ambitious to figure in print! If the Senate should take this course, it will open the door to every young gentleman who is seized with a like ambition, and who may be anxious to procure the *imprimatur* of this body. I, at least, do not feel disposed to attach so much importance to the lucubrations of the author of this memoir, or to any others of a similar class.

As to the question of printing, I have nothing to say—that will be a question for the Senate to determine after the document is sent here in compliance with the resolution of the Senator from Tennessee; but I will observe that in these electioneering times, when everything that can affect the fortunes, or the character, of an aspirant for a high public office, is brought forward, and when we see, not merely accounts of the battles in Mexico in print, but also pictorial representations of those battles flooding the country, I do think that it would not be expecting, or requiring too much, to give such applicants to understand that they must themselves be at the expense of printing and publishing their treatises.

Mr. DOUGLAS. If there is anything new in this memoir which has not hitherto been published, I desire that it should be brought to light. I think the whole country feel a general interest—but particularly at this time—in relation to everything connected with the late Mexican war. I have understood that there are many things which have not yet been published, both between the land forces and the War Department, and the Navy and the Navy Department, which I should like to see printed and spread before the country. Correspondence relating to trials, and to armistices, and to various other matters connected with the land forces in Mexico, which I have no doubt it would be gratifying to the public to have laid before them.

I hope that there will be no impediment thrown in the way of the passage of this resolution. It calls for information; let it come; and if that information, when it does come, confers credit upon any party, let those who are entitled to the credit have all the honor. I trust, that so far from any objection being thrown in the way of this resolution, we may have a series of resolutions, or this one so enlarged, as to bring out all other information, so that all those who were engaged in the Mexican war may have all the credit to which they are entitled. I am proud of their exploits.

I wish to have all their gallant deeds thrown before the country—that we may have published all the secret history of that war, so that we may know exactly who is entitled to credit, and how much there is of it.

Mr. MASON. I would inquire of the Senator from Tennessee, whether this memoir is in the form of an official communication made by an officer of the Navy to the Navy Department? If it be in that form, I shall have pleasure in having it published, but if it be in the form of a private memoir, with the reluctance which I have of appearing to countenance this publication of books or pamphlets by the Senate, I should have no hesitation in voting against the motion.

Mr. BELL. I presume cannot have the character of an official communication, because in such case it would be made by the Commander-in-Chief of the Army, or of the Navy, as the case might be, to the War or Navy Department. But this is a connected narrative of facts, and not one of historic or private comment, as the Senator from Arkansas [Mr. BORLAND] seems to suppose; and only connects the several instances and subjects of the transaction. No official report of an officer of the Army, or Navy, would go into a narrative of these incidents. For this purpose, as it is desirable that a continuous and brief narrative of this important operation should be published, and as it is impossible that any person can now obtain any knowledge of it, except by wading through some two thousand pages of official dispatches, this memoir has been drawn up. That is its sole object, and of course, therefore, it cannot be looked on as an official communication.

Mr. MASON. I take it for granted that this is a private paper which this gentleman has lodged in the Navy Department, as he might lodge it anywhere else, entirely subject to his own control, and which might be published by himself or any one else. Now, my objection to the resolution arises not from the nature of the subject at all, but from the fact of this memoir being a private paper; for this reason, I think the Senate ought not to be called on to publish it, or any papers of a similar character.

Mr. BORLAND. I will simply remark, as to the nature of the resolution, that I do not know that it is intended to have any ulterior effect on the election of a President; but, as the Senator from Tennessee thinks it so very important that we should have some publication relative to the war in Mexico, I will suggest to him the propriety of appointing a historiographer of that war, and let him prepare and present a condensed history, not of the capture of Vera Cruz alone, but of the whole war.

The Senator says, that the documents already published containing this information are too voluminous, and that the great merit of this memoir consists in the fact of its being a continuous narrative! Well, let the historiographer condense these documents and give a continuous narrative, including all the leading events of the war; and such a work will be infinitely superior to the memoir which the Senator proposes that we should publish.

We know that it has been said that the operations from Vera Cruz to the city of Mexico, all constituted parts of one series of operations; all belonged to one plan; and I will again suggest to the Senator that, if his object is to give a condensed view of one of those operations in that series, it cannot be understood properly, except we have it in its connection, as a part of the whole; and therefore we ought to provide for the publication of the whole. If he deems that object to be sufficiently important, and will modify his resolution, so as to provide for the appointment of a gentleman competent to write the history of the whole war, I will vote with him.

Mr. BELL. The Senator knows very well that I have no such object in view, and I doubt now whether the honorable Senator would really vote for such a proposition if presented. This is an isolated transaction in part—one not calculated to attract public attention as other brilliant achievements might do. There was no encounter with the enemy on that occasion. Nevertheless, I have heard the landing of the troops at Vera Cruz, under the circumstances, spoken of as an achievement which was and is considered by professional military men as an achievement worthy of special and separate notice; and it was this opinion,

expressed by several gentlemen who had seen the memoir, that induced me to offer this resolution to the consideration of the Senate. I had never dreamed that any gentleman would suppose it to have any political object or purpose whatever. The resolution is such as I thought I had a right to suppose, from the general feeling and spirit of this body, would meet with favor here. I thought, when a suggestion was made to bring to notice a particular transaction, of which there was no narrative before the country, which was so brief as this, and not containing sentiments or opinions, but simply giving a connected history of the orders and the circumstances attending the landing; that not only the officers of the Army and of the Navy, but the whole country, would like to see the history of that achievement. I supposed there was a feeling of patriotism strong enough in the Senate to like to see it, and I did not think of rousing any feeling of political jealousy, or that the matter would redound to the particular advantage of General Scott or of Commodore Conner. I thought that when we had expended many thousands of dollars for publications as little authorized by the Constitution and as little connected with our duties here as this paper, there could be no objection to seeing it. Sir, I think it is very likely that gentlemen of sufficient industry, and those who take interest enough in the matter to do it, may glean from the voluminous documents which contain the details of that war the several incidents connected with the landing, but they are not to be found in the condensed form in which they appear in the memoir of Mr. Temple.

Mr. BORLAND. I am not aware that the Senate has ordered public reports to be brought before them, except those connected with some of the public offices.

Mr. BELL. I do not know whether any of precisely this description have been made; but reports of public utility are frequently called for and published. We have compendiums of laws, and for various purposes, and we had a proposition this morning for a compendium of laws connected with our commercial regulations, and which might be said to be of some practical use. But this resolution does not relate to a matter of sufficient importance, that I should stand here and urge the propriety or impropriety of publishing these forty pages of a condensed narrative, relating to the landing at Vera Cruz. I merely ask that the vote may be taken, and if Senators think it ought not to be published, let them say so. I will merely say, that it is a paper filed in the Navy Department, one which those who have examined it think should be published; that it is a narrative artistic and professional in its nature, and one which might be useful to our Army and Navy hereafter; and in view of the public interest generally, it is just as important as those other compendiums to which I have referred, which have been published.

Mr. HUNTER. I was about to ask to take up the deficiency bill, which has come back from the House with a disagreement to one of our amendments.

Mr. BELL. I hope the vote may be taken on this resolution.

Mr. HUNTER. If the Senate are prepared to vote, I have no objection.

Mr. GWIN. I move to lay it on the table, with a view to go into Executive session.

Mr. BELL. I hope it may be postponed, and come up in its order as unfinished business.

Mr. GWIN. I will move, then, to postpone the consideration of this resolution till to-morrow, for the purpose of proceeding to the consideration of Executive business.

The motion to postpone was agreed to.

#### DEFICIENCY BILL.

The message before alluded to had been received from the House of Representatives, by the hands of Mr. P. B. HAYES, its Chief Clerk, announcing that the House had receded from so much of its amendment to the twelfth amendment of the Senate to the bill to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852, as had been disagreed to by the Senate; that it had receded from its amendment to the fourteenth amendment of the Senate; that it had receded from its disagreement to the Senate's eighteenth amendment; that it had agreed to the first amendment of the Senate to the

amendment of the House to the Senate's twenty-fifth amendment; and that it had disagreed to the Senate's second amendment to the amendment of the House to the Senate's twenty-fifth amendment to the said bill.

The only remaining amendment in controversy was in these words, which the Senate proceeded to consider:

“For per diem compensation and mileage of Senators, Members of the House of Representatives, and Delegates, \$50,000.”

Mr. HUNTER. I move that the Senate insist on its amendment. And if the Senate concur in that motion, I shall ask for a committee of conference. Before the question is taken, however, on that motion I hope I shall be indulged in a word or two of explanation. I am convinced that the House of Representatives disagreed to the Senate's amendment because they did not understand it. It was supposed that this amendment was designed to cover the money taken for mileage at the last called session of the Senate. It was also supposed that by voting down this amendment they could defeat the practice which has hitherto prevailed of claiming and receiving mileage in such cases. The House of Representatives, however, is mistaken to some extent as to the first supposition, and, I think, entirely as to the second.

This amendment is for \$50,000 to cover a deficiency; and the whole amount of mileage taken for the last called session, to which reference has been made, will not exceed \$40,000 or \$41,000. The deficiency therefore was not caused entirely by the mileage of that session. I presume that the House of Representatives designed to deprive the Senate of mileage for that session; but if that were the design they would utterly fail by this means to accomplish their object. The money was taken more than a year ago. It was taken according to law; it was taken according to the decision of those appointed by the law to decide on that matter; it was taken according to the opinion of the Attorney General; and the accounts of the disbursing agent who paid it have passed the proper accounting department. The money, then, which was thus taken is legally vested in those who have taken it. There is no action which the Senate or House of Representatives could take, or which the whole Government could take, which could divest those Senators of their property in that amount.

But, sir, apart from that, the effect of defeating this appropriation would be, to deprive Senators of their *per diem* allowance; and if the House intend to insist on what they have done, the effect will be to deprive us hereafter of that allowance; because if the Senate is to be deprived of pay and mileage until this money is restored, they can never receive either, for it is impossible by any action which they could take, either on this amendment or any other bill, that they can deprive Senators of property which the law has vested in them. Again, sir, this deficiency arises not from that source alone, but from other causes. It is well known that several Senators have come here to supply vacancies, and that they, of course, are entitled to their mileage.

These have been the causes which have created this deficiency; and unless this amendment is agreed to there will be no money to pay to Senators their *per diem* allowance; for I understand that the money in the hands of the Secretary for that purpose is nearly exhausted. The effect, then, of refusing this amendment will not be to deprive Senators of the mileage for the called session, but to stop their daily compensation for services which they are now rendering, and to refuse the mileage of those who have been recently appointed. I think, therefore, when the House comes to understand the matter fully, they will probably recede from their amendment.

I will further take occasion to say here, that I think it would be dangerous for either House to interfere with the personal conduct of members of the other. Suppose, sir, that we were disposed to carry on such a war, could we not retaliate? There is a law, I believe, which forbids any member from receiving his pay except on those days on which he is actually in attendance. We know very well that this rule is not observed; and suppose that, with this knowledge, we were to move to cut down the appropriation for their pay, upon the plea that much of it was for time when they were absent



from duty, and therefore not entitled under the law, would they not have cause to complain of us as having violated that courtesy which is due from one branch of the Government to another? Surely they would think such a course of procedure on our part very unbecoming.

Each House, therefore, must be allowed to judge of the propriety of its own action in relation to matters concerning that House only; and if they are guilty of any misconduct they are responsible, not each House to the other, but to the country; and throughout the country there will always be found critics enough to expose such misconduct on the part of either branch of the Legislature. I hope, sir, that it may be long before the two Houses engage in so unworthy a contest, or seek to hold up each other to public reprobation. I trust, then, that the Senate will insist on its amendment, and propose a committee of conference in relation to it; for I am sure that such a committee would not be long in adjusting this matter of difference between the two Houses.

The question being taken, the Senate insisted, and agreed to appoint a committee of conference; and Messrs. HUNTER, JAMES, and UPHAM were appointed.

#### EXECUTIVE SESSION.

The Senate, on motion by Mr. GWIN, proceeded to the consideration of Executive business, and, after some time spent therein, the doors were reopened, and the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, July 19, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of Saturday was read and approved.

The SPEAKER. The first business in order is the motion to lay upon the table a motion to reconsider the vote by which the Florida land bill was defeated.

#### RELIEF OF PHILO SMITH.

Mr. HENDRICKS. Before the commencement of the business of the morning hour, I ask the consent of the House to introduce a small bill. I will say to the House that it is a matter of interest to but one of my constituents, and it proposes to secure him the payment of the sum of \$19 96, the sum due him as one of the ordinary seamen on board the Macedonian, as the share awarded to him as captors of certain Algerine vessels, under Commodore Decatur. I do not know whether a bill for the payment of a sum of that size would be entertained here. Such is the character of the bill I desire to introduce.

The bill was then read by its title, as follows:

"A bill for the relief of Philo Smith."

Mr. HOUSTON. If it is introduced, I must have it taken out of the morning hour. There is no time to spare from the public business. If it is not taken out of the morning hour I must object.

Mr. OLDS. I shall be compelled to object if it be taken out of the morning hour.

Mr. HENDRICKS. I ask that the bill may be read for information, and I know the gentleman will not object.

The bill was then read through by the Clerk.

Mr. HENDRICKS. This is a matter of so small importance that it is hardly worth while to occupy the attention of the House at another time. The evidence in support of this claim is as clear as could be. I ask that a letter from the Treasury Department be read, and I ask that the rule which requires that it should be considered in Committee of the Whole, be suspended, and that it be acted upon now.

The letter alluded to was then read, as follows:

THE SPEAKER. It is in order.

Sir: Your letter of the 23d instant, to the Secretary of the Navy, having been referred to me, in reply I have to inform you that there is a small sum of \$19 96 due to Philo Smith, formerly an ordinary seaman on board the Macedonian, as his share of the amount awarded to the captors of certain Algerine vessels, under Commodore Decatur. Those unclaimed balances having long since been carried to the credit of the "surplus fund," they cannot now be paid, until Congress shall reappropriate money for that purpose. I am, &c., your obedient servant,

A. O. DAYTON.

JOSEPH A. LEWIS, Esq.

No further objection being made, the bill was then ordered to be engrossed and read a third time;

and having been engrossed, it was read the third time and passed.

Mr. MOLONY. There is a bill upon your table that has come from the Senate. It passed that body unanimously, so free was it from objection. It is simply this: It asks nothing out of the National Treasury, but asks the privilege for the city of Chicago, at our own expense,—which will not be less than one hundred thousand dollars,—to improve her harbor by widening the river. Why she asks this privilege of Congress is, that such improvement cannot take place without a slight excavation of an old military reserve, but no longer held for that purpose. I ask the consent of the House, so great and urgent are the necessities of the commerce of that port, that it may be taken up and passed. It has already passed the Senate.

The bill was then read a first and second time by its title, as follows:

"An act to authorize the Mayor and Common Council of Chicago, Illinois, to excavate a portion of the public reservation at that place with a view to the improvement of the navigation of the Chicago river."

The bill was then read through.

Mr. STANLY. I would be glad to know whether there is any provision in the general river and harbor bill for the improvement of the Chicago river?

Mr. MOLONY. Not for this improvement.

Mr. STANLY. Is there anything in the bill for it?

Mr. MOLONY. There is in the bill to which the gentleman alludes a provision for the completion of piers there which have already been commenced. The bill now under consideration is for the widening of the river, which is imperiously demanded for letting commerce get in and out.

The bill was then ordered to be read a third time.

Mr. DUNCAN. I wish to inquire, Mr. Speaker, whether the bill has ever been before any committee?

Mr. MOLONY. It was before a Senate committee, which reported in its favor. The report lies upon the Speaker's table. The Senate have unanimously passed the bill.

[Cries of "Question!" "Question!"]

The bill was then read the third time and passed.

Mr. MOLONY. I move that the vote by which the bill was passed be reconsidered, and that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. HOUSTON. Is it in order for me to submit the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. Not now.

Mr. HOUSTON. Why is it not in order now?

The SPEAKER. Because of the special order of the House setting apart the morning hour for the consideration of the morning business.

Mr. HOUSTON. I call for the regular order of business, then.

#### FLORIDA AND ALABAMA RAILROAD.

The SPEAKER. The business first in order is House bill No. 271, granting the right of way and a portion of the public lands to the States of Florida and Alabama, for the construction of certain railroads in said States. The pending question is the motion of the gentleman from New York [Mr. JENKINS] to lay upon the table the motion to reconsider the vote by which the bill was rejected.

Mr. JENKINS. The gentleman from Florida, [Mr. CABELL,] who feels a deep interest in this bill, has been called from the city on account of sickness, and I therefore move that its further consideration be postponed until to-morrow.

Mr. STANLY. If it be in order, I move that its further consideration be postponed till to-morrow week.

The SPEAKER. It is in order.

Mr. JENKINS. The question, I believe, will be first taken upon my motion.

The SPEAKER. According to the rules of the House, the question must be first put upon the longest number.

The question was then taken on the motion of Mr. STANLY, and it was agreed to; and the further consideration of the bill was postponed till Tuesday week.

#### RIGHT OF WAY TO RAIL AND PLANK ROADS.

The SPEAKER. The question next in order is the engrossment of House bill No. 284, to grant

the right of way to all rail and plank roads passing through public lands belonging to the United States.

Mr. COBB. It is not my intention to consume further time in the discussion of this bill. I shall, however, submit for the action of the House several amendments which have been suggested to me as being proper.

Mr. HUNTER. With the gentleman's permission, I will give notice that at the proper time I will offer the following amendment:

Provided further, That when a location for either of said railroads, or plank roads, or sites for depôts on the line of such road or roads shall be selected, the proper officers of such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depôts before such selection shall become operative.

Mr. COBB. I have no objection to that amendment. I trust I may have the attention of the House to the few suggestions I shall throw out. The bill now provides that all plank and railroad companies shall be entitled to five acres every ten miles, if there be public land there, for the purpose of constructing thereon depôts, &c. The suggestion has been made to me, that that quantity of land is too great. I have no preferences whatever in relation to the matter. It is for the House to determine whether we shall grant to rail and plank companies five, or a less number of acres, for establishing work-shops, depôts, &c. That the question may be submitted for its action, I move to insert in lieu of "five," "one," so that it will read "one acre" instead of "five."

The amendment was agreed to.

Mr. COBB. It is also suggested, that in the thirteenth line of the third section, after the words "the road shall be begun within five years," I should move to insert the words "from and after the passage of this act." The amendment, if adopted, will not affect the bill one way or the other.

Mr. HENN. I do not see the necessity for the limitation. Why not let the roads be commenced whenever it is thought proper?

Mr. COBB. I have no choice. The amendment is intended to guard the Treasury as much as possible. It is for the House to say whether the words I have proposed shall or shall not be inserted.

Mr. ABERCROMBIE. Is there any time proposed in which the roads shall be completed?

Mr. COBB. The bill provides that all such roads shall be commenced within five years, and completed within fifteen years.

Mr. SMART. Will the gentleman from Alabama [Mr. COBB] indulge me for a moment? I noticed in the reading of the bill, which I have not noticed before, that it is very loosely drawn. I see that it authorizes the company to take wood, stone, and earth from the vicinity of the railroads at all times, for building and repairing the road, and carrying it to any point. It strikes me that this is a most extraordinary grant. It is a grant to this company to go to any portion of the public lands and take wood, earth, and stone, however valuable, for the repairs of railroads. I trust that no such grant will be made by this House. What will you have left, suppose you make this grant? Suppose you wish to sell lands to a citizen, what will you have to sell? You will be obliged to sell this land with this reservation.

Mr. COBB. If the gentleman has any doubt about this matter I can obviate it in a moment. I will state to the House that they have given in several railroad bills the right of way to different States. If the gentleman from Maine [Mr. SMART] has any difficulty about this matter, I would suggest an amendment like this: "So long as they remain public," so the land which is disposed of will carry with it a revocation of the right of the road to use stone and timber from the particular land which may be sold.

Mr. SMART. If the gentleman will permit me, I will say to him that I am opposed to that grant. It is a grant that has no limit, and people may, in their discretion, take as much wood and timber on the particular road as they please. I am not for making such a grant here, and I trust that the project will be laid upon the table.

Mr. COBB. To obviate the gentleman's objection, I am perfectly willing that there should be an amendment inserted there in the words, "so long as said lands remain public belonging to the

United States," or any other words which the gentleman may choose.

Mr. JENKINS. Will the gentleman allow me to ask him a question?

Mr. COBB. I will hear any question.

Mr. JENKINS. If I understand the bill aright it grants two hundred rods of land—one hundred on each side of the road.

Mr. COBB. One hundred feet on each side.

Mr. JENKINS. That is twelve rods. Why do you want a road twelve rods wide for a plank road? It is wide enough for three or four tracks, and here are two hundred feet granted.

Mr. STUART. Will the gentleman allow me a moment? The gentleman from Maine [Mr. SMART] objects to the bill, because it fixes an incumbrance upon land that shall have been purchased by individuals. No such construction can be given this bill, because it purports to give the right of way through Government land, and this right exists while it is Government land; but the moment those lands are sold to an individual the right to take timber, stone, or earth ceases; the right of way merely remains, and nothing but that. As to the suggestion made by the gentleman from New York, [Mr. JENKINS,] in regard to the width of the road, the bill does not propose to give this number of feet along the whole line of the road. It purports to give this number of feet for the purpose of depot stations, building, &c.

Mr. JENKINS. The gentleman is mistaken. It gives a width of one hundred feet along the whole line, on each side of the road.

Mr. STUART. It only gives the additional width at different points where stations and other buildings are necessary.

Mr. COBB. One hundred feet on each side.

Mr. STUART. Roads which are laid out in the western States are at least one hundred and fifty feet in width. There is no reason why they should not be two hundred feet. It is for the purpose of a railroad track.

Mr. JENKINS. Will the gentleman allow me to ask, should there be a reason why it should be two hundred feet before the grant is made?

Mr. STUART. Certainly there should be. Whether it is one hundred or two hundred feet, it is a matter of no possible consequence except so far as regards the interests and convenience of the road. When you get on a double track why two hundred feet will not prove too much room.

Mr. COBB. I desire to call the attention of the gentleman from New York [Mr. JENKINS] to what I am about to say. I was of the same way of thinking with the gentleman, but I consulted a gentleman of this House, who is a practical engineer, [Mr. EVANS,] and he objects to the bill, because it did not give land enough. He said that it is utterly impossible to construct a road of this width through many sections of the country, where considerable excavations have to be made.

Mr. JENKINS. Will not sixty feet be wide enough for three tracks?

Mr. COBB. Two hundred feet will not be enough in many instances, especially through low ground, and they would have to beg for more. The House has the bill before it. I have no more interest in it than any member of the House, and I trust that they will take charge of it and make such disposition of it as they see fit. I am requested to call the previous question.

Mr. ABERCROMBIE. I hope my friend will withdraw the demand for the previous question for a moment. I hope the bill will not be laid upon the table. The House will recollect that a bill was defeated the other day granting the right of way and a donation of public lands to aid in the construction of a railroad from Girard to Mobile Bay. That road is now in progress, and the farmers of that section of country are now at work upon it. I suppose that there are not less than five hundred hands at work upon it at this time. It is, as I have said before, entirely in the hands of the farming community, who are making an effort to get a market where they can carry, in a cheap and speedy way, their produce for shipping. Forty miles of the road are under contract, and it passes through some three or four half sections of public lands in that distance. Reject this bill and all the work, and all the money which has been expended upon it, will be lost to that community.

Mr. JENKINS. It would be better for the gentleman to introduce a bill applicable to his case,

instead of urging the passage of a general bill of this character.

Mr. ABERCROMBIE. I cannot conceive of any bill for my case that would not be the best bill for the whole country, and for other roads. Will the Government become so narrow and contracted in its disposition as not to allow improvements of this important character to be made through every part of the country? I could not suppose that there would be such illiberality in this House. I do not think there is, and I cannot believe, for a moment, that the motion will be entertained by the House. I desire to bring this matter to the serious consideration of the House. It is a matter of no small importance to the part of the country which I have the honor to represent. They have spent a great deal of money already, and there is but a small portion of the public lands through which the road, now under contract, passes—probably not more than three or four half sections. Are we to be deprived from carrying on this road upon this account? As the road progresses, it reaches larger bodies of public lands—lands which are poor and valueless, but which will be made valuable by this improvement. Is it possible, in view of the considerations I have presented, that this House can refuse to grant the right of way to the company who are building this road? I hope that the good sense of this House will determine against the motion made by the gentleman on my left, [Mr. JENKINS.]

Mr. HAVEN. I have no desire to take up the time of the House before the vote is taken upon this bill. I desire to submit two amendments for the consideration of the House. It will be seen by reference to the bill that it authorizes the running of these roads through the public lands. I submit to the House that that may be an authority to run through these lands upon which the Government have forts, arsenals, navy-yards, dock-yards, and works of public improvement, and I propose to offer a limitation restricting the use of such property. Then I am in hopes that the bill will be so acceptable to the House, that they will take it with another amendment which I propose to offer, and which is to incorporate substantially upon the bill the resolution I offered the other day, authorizing a company in my own State to run their track through a work of the kind I have described. With these amendments, I am in hopes that the bill will pass. I would have this proviso added to the end of the third section:

*Provided still further,* That none of the foregoing provisions of this act shall apply to, or authorize any rights in any lands of the United States, other than such as are held for private entry and sale at the minimum price and such as are unsurveyed and not held for public use by erections or improvements thereon.

The SPEAKER. The amendment proposed by the gentleman from New York [Mr. HAVEN] will not be in order unless proposed as an amendment to the amendment of the gentleman from Ohio, [Mr. HUNTER,] unless by unanimous consent it be received and considered at the proper time.

Mr. COBB. I object to that amendment, and therefore the gentleman cannot offer it. I will hear the other amendment read, for I think it is right.

Mr. HAVEN. I was not aware that the amendment offered by the gentleman from Ohio was to the end of the third section. If that comes in at the end of the third section, then I propose this amendment as an amendment to his, which will be in order.

The SPEAKER. As an amendment to an amendment, it would be in order if the gentleman had the floor, or if he could offer it by the consent of the gentleman from Alabama, [Mr. COBB.]

Mr. HAVEN. That is precisely what I stated.

Mr. COBB. Let it go. I have no particular objection to it.

Mr. HAVEN. I propose now to offer an amendment as a fourth section of the bill.

Mr. COBB. I think that ought to be ingrafted for New York's especial benefit.

Mr. STUART. I wish to make a suggestion in regard to that first amendment. It is that the gentleman should strike out the words "minimum price," because you cannot cross a railroad track where alternate sections have been reserved.

Mr. HAVEN. Very well; I have no objection to that. Strike out those words.

The amendment was so modified.

Mr. HAVEN. I desire now to offer the following, to come in at the end of the bill as a fourth section:

*And be it further enacted,* That the right of way through the public lands of the United States, lying in Black Rock, in the county of Erie, in the State of New York, be and the same is hereby granted to the Lockport and Buffalo Railroad Company: *Provided,* That in the opinion of the President of the United States such grant be not injurious to public interests, and that the location shall be approved by the President as to the position and width of the said railroad: *Provided further,* That if the said railroad shall not be completed within two years, or if at any time after its completion the said railway be discontinued or abandoned, this grant shall cease and determine.

The SPEAKER. At this moment that amendment can only be entertained by unanimous consent. Another amendment being pending, it is not in order until that is disposed of.

Mr. COBB. My object is, that everybody shall be satisfied, if possible.

Mr. SACKETT. I wish to make a suggestion, with the permission of the gentleman from Alabama, [Mr. COBB,] if it is in order. I think the first section of the bill is imperfect. I am for the principle of the bill. I think it is a good bill, and ought to be passed; but there are two or three manifest defects in the first section. One is, that there is no provision authorizing surveys for the purpose of roads, unless it is upon a given track of road to be adopted, or that has been adopted by the company. In other words, there is no authority to run surveys with a view to ascertain a track.

Another thing which is common at this day is, that railroad charters are granted by different States, running through different States, and dependent upon the legislation of different States. There is no provision in this bill except for railroads, the charters of which are granted by a given State. Now, I propose a substitute for the first section containing the same principle, but which relieves it from those two defects.

Mr. COBB. I will consent to the amendment being read.

The proposed substitute was then read, as follows:

*Be it enacted,* That a right of way of one hundred feet in width, for a railroad, be and is hereby granted through any of the public lands belonging to the United States, to all railroad and plank road companies authorized by the legislative authority of any one or more of the States, and any such company shall have a right to take possession of, hold and use for the purpose of this grant so much of the land hereby granted as may be required for a railroad, stations, depots, and watering places of the company, but to no greater width and extent than is herein provided; and the engineer, officers, and agents of any such company shall have the right to enter upon any of the public lands belonging to the United States for the purpose of surveying, locating, laying out, and fencing upon any such road its stations, watering places, and depots.

Mr. COBB. I cannot accept that amendment. In the first place it proposes only one hundred feet, and an able engineer here tells me that it is impossible to establish a road of that width. The second proposition of the gentleman may bring the different States into conflict, and I have no disposition on a bill like this to do that. I therefore object to the amendment.

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to trouble him for a moment?

Mr. COBB. I cannot refuse any gentleman of the House this courtesy.

Mr. STEVENS. Mr. Speaker, there is one provision in this bill which I do not like, and I suggest it to the gentleman. As the bill now stands, a company running their road through one township of public lands, although they may run it for forty miles through other lands, will be entitled under the second section of this bill to take materials for building, and for the perpetual repair of the road, from the public lands alone, forever. Now, I suppose it is only intended to give the right to take for repairs and building through the lands of the United States; but as the bill now reads, it gives them the right to take it for the whole road off the public lands. What I propose is this, sir: that the company shall have the right to take materials off the public lands for building a road through the public lands, and for repairing it through the public lands, but not for the building and repair of the whole length of the road. I suggest to the gentleman to propose as an amendment to the end of the second section the words "through said land." It will then give the right to build it from the public materials through the public lands, and to repair it from materials through the public lands. But it will not give the company

the right to build their road at the public expense, with the timber of the public for fifty or one hundred miles, although they may run but ten miles through the public lands. It will then read:

"That the said company or companies shall have the right to take from the public lands in the vicinity of said road or roads, all such materials of earth, stone, and wood, as may be necessary or convenient, from time to time, for the actual construction or repair of the said road or roads, or any part thereof, through said lands."

That confines the application of the public materials to the road through the public lands. I understood the gentleman from Alabama, [Mr. ABERCROMBIE,] to say that his road runs through several sections of the public lands, but that most of it runs through land that is not public. I am willing that he should take the materials off the public lands for that portion of the road which runs through the public lands.

Mr. COBB. I have no objection to the amendment suggested by the gentleman from Pennsylvania, [Mr. STEVENS.] My object is to make the bill perfectly satisfactory to the House and to the country.

The SPEAKER. It is not within the power of the gentleman from Alabama to accept that amendment, the bill being a report from the committee, as the Chair understands it.

Mr. COBB. If the gentleman will send his amendment to me, I will offer it.

Mr. RISSELL. I feel some interest in this bill, but no more than every gentleman in this House ought to feel, because it is a measure which relates to the public interest. As I was about to say, though it may not be very flattering to us, yet it is amusing to consider, for a moment, how very inconsistently we have acted. Now, during the last Congress, a bill passed this House, giving, for a certain railroad, all that is asked in this bill, and fifty feet in width more, as a right of way, and, in addition to that, two millions and a half acres of the public lands. This very session another bill has been passed by the votes of members who surround me, giving to a company, or to a State—which is the same thing—first, all that is asked, every single thing asked in this bill, and fifty feet in width more; and then, in addition to that, one million seven hundred thousand acres of land besides. Then comes up a simple proposition to give to all similar companies the right of way merely, and the right of taking earth, and other suitable materials for constructing the roads, just exactly as was provided in those other bills alluded to, save that in this bill there is fifty feet less given and no land—not millions of acres, not one acre—and here we are, higgling and haggling, and quarreling, as to whether that bill shall pass, because it authorizes the taking up of too much road, or gives twenty-five feet too much land. Now, I ask if this is not an inconsistency which should shame legislation? I ask if it is not a trivial objection that is raised against this bill, which is of a general character—not partial—but uniform and equal, and extending to all companies alike certain, necessary, indispensable privileges? Is it not a trivial objection that there are ten feet too much, when, in one case, you have given away two and a half millions of acres of land, besides two hundred and fifty feet right of way?

Mr. COBB. Is the gentleman through? I am afraid he will get up a discussion.

Mr. RISSELL. I am not through, but I do not care about saying anything more. I want merely to add that this bill ought to pass without a single moment's more discussion. It is harmless and a simple bill, necessary and indispensable if you will have railroads. If you want to save the time, labor, and expense, of legislating upon every local measure,—and they are legion,—you must pass this bill.

Mr. COBB. I hope the gentleman will let us act upon the bill.

Mr. RISSELL. Call the previous question, then.

Mr. CARTTER. I want to make an inquiry in connection with this bill, with the gentleman's permission. If I am not allowed to do so, I hope the previous question will be voted down.

Mr. COBB. I intend to test the sense of the House whether they want any further discussion upon this matter or not.

Mr. ABERCROMBIE. I desire to make an explanation.

Mr. COBB. I hope my colleague will not in-

sist, because he belongs to the State of Alabama, and I have been charged with yielding the floor to the friends of the bill, although really more enemies have had the floor than friends. I propose, as an additional amendment, to come in as a fourth section, the one which the gentleman from New York [Mr. HAYEN] proposed.

The SPEAKER. It can only be done by unanimous consent.

Mr. COBB. I hope the House will not object to it.

The SPEAKER. If it is the pleasure of the House the proposition will be received and considered in its turn.

No objection was made, so the amendment was received.

Mr. COBB. Then the gentleman from Pennsylvania, [Mr. STEVENS,] who charges this bill with not being perfectly guarded in relation to taking stone and materials, asks the unanimous consent of the House to offer his amendment, to be considered at the proper place and time.

There being no objection, the amendment was received.

Mr. COBB. If the House is willing to sustain the previous question, I now call for it.

Mr. ABERCROMBIE. The gentleman from Pennsylvania, [Mr. STEVENS,] when he was upon the floor a few moments since, said that he understood me to say that the road I had been advocating in this House passed through very little of the public lands.

The SPEAKER. The Chair must interpose, and remind the gentleman that debate is not in order.

Mr. ABERCROMBIE. I only wish to give an explanation. I want to set the gentleman right.

The SPEAKER. Is it the unanimous consent of the House that the gentleman be allowed to proceed?

[Loud cries of "Object!"]

Mr. SMART. I move to lay the bill upon the table; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 70, nays 91; as follows:

YEAS—Messrs. Allison, Ashe, Averett, Barrere, Bartlett, Beal, Bibbighaus, Bowne, Breckinridge, George H. Brown, Buell, Burt, Joseph Cable, Caldwell, Carter, Chapman, Chastain, Daniel, George T. Davis, Dean, Dimmick, Edmundson, Floyd, Fowler, Gaylord, Giddings, Goodenow, Hamilton, Isham G. Harris, Hebard, Hillyer, Holladay, Horsford, John W. Howe, Thomas M. Howe, Ives, Jackson, Jenkins, George G. King, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, McLanahan, McMullin, McNair, Morehead, Murray, Newton, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Ross, Russell, Schermerhorn, David L. Seymour, Skelton, Smart, Stanley, Thaddeus Stevens, Sutherland, Thurston, Wallace, Wildrick, and Williams—70.

NAYS—Messrs. Abercrombie, Willis Allen, David J. Bailey, Thomas H. Bayly, Bell, Bissell, John H. Boyd, Bragg, Brenton, Briggs, Albert G. Brown, Burrows, Busby, Lewis D. Campbell, Thompson Campbell, Churchill, Clingman, Cobb, Conger, Curtis, John G. Davis, Dawson, Disney, Doty, Duncan, Durkee, Eastman, Picklin, Fitch, Florence, Freeman, Gamble, Gentry, Gorman, Grey, Harper, Sampson W. Harris, Haws, Haven, Hendricks, Henn, Houston, Hunter, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, Landry, Lockhart, Humphrey Marshall, Mason, Meade, Miller, Miner, Molony, John Moore, Murphy, Nabers, Olds, Orr, Andrew Parker, Samuel W. Parker, Penn, Phelps, Polk, Porter, Richardson, Riddle, Robinson, Savage, Scudder, Scurry, Smith, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Taylor, Townshend, Tuck, Venable, Walbridge, Ward, Watkins, Welch, Alexander White, and Yates—91.

So the House refused to lay the bill upon the table.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. COBB. I ask my colleague to allow me to submit a motion to recommit the bill to the Committee on Public Lands, with a view to keep it before the House.

Mr. HOUSTON. I am perfectly willing that the gentleman should submit that motion.

Mr. COBB. Then I make that motion.

#### EVENING SESSIONS.

Mr. HOUSTON. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That until otherwise ordered, this House will hold an evening session on each day, commencing at five

o'clock p. m., which shall be devoted exclusively to discussion in the Committee of the Whole on the state of the Union.

Mr. WARD. I object.

Mr. HOUSTON. Gentlemen around me insist that I shall move to suspend the rules, so as to enable me to offer that resolution. It would be a great saving of time, and if the evening sessions did not work well, we could give them up. I therefore move to suspend the rules.

Mr. VENABLE. I ask for tellers on the suspension of the rules.

Mr. HOUSTON. I will modify my resolution so as to make it read "six o'clock p. m.," instead of "five o'clock p. m."

Tellers were ordered, and Messrs. JOHNSON of Arkansas and CHANDLER were appointed.

The question was then put, and the tellers reported—yeas 76, nays 64.

Mr. CARTTER demanded the yeas and nays; and they were ordered.

Mr. BURT. I suggest to the honorable chairman of the Committee of Ways and Means to strike out the latter part of the resolution which specifies that the sessions shall be devoted to speech-making.

Mr. CARTTER. Oh, no, that is the very thing for which we want the evening sessions.

Mr. JOHNSON, of Arkansas. I suggest to the gentleman from Alabama to insert in his resolution, after the word "discussion," these words, "of those general appropriation bills upon which debate has not been closed."

Mr. HOUSTON. I have no objection to that modification.

Mr. CARTTER. I hope the gentleman will not modify it in that way.

The SPEAKER. In the opinion of the Chair, that modification cannot now be made.

Mr. RICHARDSON. I desire to know from the chairman of the Committee of Ways and Means, what necessity there is for the passage of such a resolution as this? Why cannot the House order an evening session on any day when the public necessities require it? I can see no necessity for the passage of such a resolution as this.

Mr. HOUSTON. In reply to the gentleman from Illinois, I will say that the necessity is apparent. We are near the end of the eighth month of the session, and nothing has been done. The Senate is calling upon us daily for business, and there is a resolution from that body now upon the Speaker's table, saying that they will not receive business from us within ten days of the day of adjournment. The gentleman must see the difficulties in the way, and my object is to have these evening sessions that gentlemen who want to make general speeches on promiscuous subjects may meet here and discuss. If it proves ineffectual, if it proves a bad rule, we can repeal it. There can be no harm in the experiment for the purpose of expediting the public business. There is a great necessity for it.

The SPEAKER. This discussion, as gentlemen are aware, is out of order, unless by unanimous consent.

Mr. CARTTER. I object, and call the gentleman to order.

The question was then taken upon Mr. Houston's motion, and there were—yeas 101, nays 68; as follows:

YEAS—Messrs. Willis Allen, Allison, William Appleton, Averett, Barrere, Beale, Bell, Bibbighaus, Briggs, Buell, Burt, Carter, Chandler, Chastain, Churchill, Clingman, Cobb, Conger, Curtis, John G. Davis, Dean, Dimmick, Doty, Duncan, Durkee, Eastman, Edmundson, Faulkner, Picklin, Fitch, Freeman, Gamble, Gaylord, Gentry, Giddings, Hamilton, Harper, Isham G. Harris, Haws, Haven, Hebard, Hendricks, Henn, Hillyer, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Hunter, Ives, Jackson, Andrew Johnson, Robert W. Johnson, J. Glancy Jones, George G. King, Preston King, Kurtz, Letcher, Lockhart, Mann, Martin, Mason, McLanahan, McNair, Milson, Murphy, Murray, Nabers, Newton, Olds, Orr, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Powell, Rantoul, Reed, Robbins, Robie, Robinson, Schermerhorn, Scudder, Scurry, David L. Seymour, Skelton, Smith, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, Sutherland, Taylor, Venable, Walbridge, Wallace, Washburn, Welch, and Yates—101.

NAYS—Messrs. Abercrombie, Aiken, Ashe, David J. Bailey, Thomas H. Bayly, Bartlett, Bissell, Bowie, John H. Boyd, Bragg, Brenton, Albert G. Brown, George H. Brown, Burrows, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Chapman, Daniel, George T. Davis, Dawson, Disney, Florence, Floyd, Fowler, Goodenow, Grey, Sampson W. Harris, Holladay, Jenkins, James Johnson, John Johnson, Daniel T. Jones, George W. Jones, Kuhns, Landry, Humphrey Marshall, McMullin, McQueen, Meade, Miner, John Moore, Morehead,



Andrew Parker, Penniman, Polk, Porter, Richardson, Riddle, Ross, Russell, Savage, Smart, Stanly, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Thurston, Townshend, Ward, Watkins, Alexander White, Wilcox, Wildrick, and Williams—68.

So (two thirds not voting in the affirmative) the rules were not suspended.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANLY. I ask the gentleman from Alabama to withdraw that motion, to permit me to make a motion to suspend the rules to take up from the Speaker's table the bill for the relief of the indigent insane, in order that we may fix a day for its consideration.

Mr. HOUSTON. I cannot. I must press the consideration of the public business as much as I can.

Mr. GENTRY. Will not the gentleman from Alabama allow the resolution from the Senate proposing to arm these little pages and other boys to be taken up?

Mr. HOUSTON. I cannot. I must insist on my motion.

The question was then taken on Mr. Houston's motion, and it was agreed to—ayes 83, noes 40.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Disney in the chair.)

#### INDIAN APPROPRIATION BILL.

The CHAIRMAN stated, as the business before the committee, the consideration of House bill No. 43, "making appropriation for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853," and that the pending question was on the amendment of the gentleman from Indiana, [Mr. Fitch.]

Mr. FITCH. I have modified my amendment so as to read:

For the payment of \$2,842 36 to Hiram R. Pitchlynn, in his own right and as sole heir-at-law and legal representative of his brother, John Pitchlynn, deceased; that being the amount of the proceeds of the sales of two quarter sections of land, granted to, and located in the name of, the said Hiram R. Pitchlynn and John Pitchlynn, under and by virtue of the eighth article of the treaty with the Chickasaw Indians, made in the city of Washington, on the 24th day of May, in the year 1834, and which quarter sections of land were sold, and the proceeds thereof invested in the stock of the State of Arkansas, in pursuance of the provisions of the article aforesaid: *Provided*, Said Hiram R. Pitchlynn shall establish his identity, and that he is John Pitchlynn's sole heir, to the satisfaction of the Secretary of the Interior.

Mr. HOUSTON. I have no objection to that amendment in its modified form.

Mr. FITCH. Very well, sir; then I will not trouble the committee with the reading of documentary evidence in support of the claim.

The question was then taken on the amendment, and it was agreed to.

Mr. HOUSTON. I desire to propose to the committee that we shall not read the bill regularly through, but that we shall pass through it regularly, stopping at each point where an amendment is proposed to be made. These amendments are all paid under treaties, and must be provided for. I have got a bill marked with the points at which amendments are intended to be proposed, and we shall save a great deal of time by skipping from one of those points to another.

Mr. BRENTON. If the chairman of the Committee of Ways and Means will furnish us all with bills marked at the points where amendments have to be offered, I will not object to the plan he proposes.

Mr. HOUSTON. If the gentleman has no amendments of his own to offer, of course it can make no difference to him. However, let the bill be read through.

Mr. GIDDINGS. I propose, for the purpose of asking for a little information, to diminish this appropriation five dollars.

The CHAIRMAN. There is no amendment pending.

Mr. GIDDINGS. I desire to obtain some information from the chairman of the Committee of Ways and Means, if he possesses it. This whole Chickasaw grant is appropriated according to the act of 1799.

Mr. HOUSTON. What is the amendment proposed?

Mr. GIDDINGS. To diminish the amount of the appropriation.

The CHAIRMAN. The Chair again states to the gentleman from Ohio that there is no amendment pending. This provision has been agreed to, together with the various amendments which have been offered to it, which cannot now be altered. If, however, the gentleman proposes to offer an additional provision by way of amendment, he has a right to do so.

Mr. GIDDINGS. Then I offer the following as an amendment:

*Provided*, That no portion of this amount be paid until the original contract between this Government and the Chickasaws shall be ascertained.

I offer that amendment merely for the purpose of inquiring whether the chairman of the Committee of Ways and Means, or the chairman of the Committee on Indian Affairs, can give us any information as to this original contract with the Chickasaws. It is well known that this grant is paid under the act of 1799. That act was predicated upon an agreement with the Chickasaw Indians, entered into in 1799, and that agreement is what I want to ascertain. It was made at Philadelphia, and the grant was to continue while that agreement was in force. I called upon the Department years since to ascertain when that agreement would expire. The agreement was not to be found at that time, and I now want to know of the chairman of the Committee on Indian Affairs, and of the chairman of the Committee of Ways and Means, if that agreement or contract is within their knowledge, or if they have anything to show when that contract will expire?

Mr. JOHNSON, of Arkansas. I will ask that the proposed amendment of the gentleman from Ohio [Mr. Giddings] may be read. I cannot determine what he desires, as I cannot hear him.

Mr. GIDDINGS. My amendment is that no portion of this amount shall be paid until that contract shall be ascertained to be in force.

Mr. JOHNSON. What contract is it?

Mr. GIDDINGS. The contract made at Philadelphia in 1794, and referred to in the act of 1799, under which this appropriation is made. I want to know when that amendment will expire?

Mr. JOHNSON. I can at once give to the gentleman all I have to say in regard to it. He is now referring to a matter which has been adjudicated entirely by the Committee of Ways and Means—a matter which has not been before the Committee on Indian Affairs—and a matter about which I know nothing upon the face of the earth. It has never been before us, and I know nothing in regard to it. The Committee of Ways and Means can answer, perhaps; I cannot.

Mr. GIDDINGS. Can the chairman of the Committee of Ways and Means inform me?—for we are paying money, and no one knows under what authority we are paying it. We can only say we have paid it heretofore, and we agreed to pay it so long as the contract remains in force. Now, whether that contract has expired, or whether it yet remains in force is a matter which I desire to understand.

Mr. HOUSTON. I will send up the law, and the gentleman from Ohio [Mr. Giddings] can hear it read.

Mr. GIDDINGS. I have the law.

Mr. PHELPS. I will further state, if the gentleman from Ohio will give his attention, that I have the impression that the agreement referred to in the act of Congress to which the gentleman refers, is not contained in any of the statutes of the United States, but is contained in a volume of treaties, compiled many years since, under the direction of the Secretary of War. I think it was during the last Congress that my attention was called to some treaties and agreements made with the Indians; and if I mistake not, one was with the Chickasaw Indians. I cannot now state the terms of that agreement, but my impression is, that it was a permanent annuity which was to be paid to them. The agreement is contained in an old volume of Indian treaties, but I was informed by a clerk in the Indian Office that he knew of but one volume of the publication in existence, and that was the one which they had in the office of the Commissioner of Indian Affairs.

Mr. GIDDINGS. I want those gentlemen to bring forward at the next session a knowledge of that contract. I do not want to detain the House.

If they are not prepared to show the contract now, I hope they will be the next session.

Mr. PHELPS. I am not, for one, prepared at this time.

Mr. GIDDINGS. I withdraw my amendment.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to amend the clause appropriating \$400 for the purchase of tobacco for the Chickasaws, by striking out \$400 and inserting \$500. The insertion of \$400 in the printed bill was a typographical error.

The question was put, and the amendment was agreed to.

Mr. HOUSTON. I propose, under the instructions of the Committee, to amend the clause appropriating \$1,000 for two carpenters for the Chickasaws on Lake Superior, by striking out "\$1,000," and inserting "\$1,200."

The question was put, and the amendment was agreed to.

The following clause of the bill was read:

"For sixth of forty-six installments to be paid to the Chickasaws of Mississippi, stipulated in the third article of the treaty of the 2d of August, 1847, \$1,000."

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to propose an amendment to the above clause. After the word "for" insert the word "three," and after the word "sixth" insert "seventh, eighth, ninth, and tenth;" and in the one hundred and fifty-second line, strike out the word "one" and insert in lieu thereof the word "five." The object of this amendment is to make to this tribe of Indians, the advance which was struck out of the deficiency bill a few days ago—to advance the five installments to enable them to open their farms and carry on the cultivation of them. The subject was discussed a few days ago.

The question was put, and the amendment was agreed to.

Mr. FITCH. I now offer an amendment, of which I gave notice some days since, to come in at the end of the clause in relation to the Creek Indians, at the end of line two hundred and fifteen.

The amendment was then read, as follows:

For liquidating the balance found due to the Creek Indians for losses sustained during the last war with Great Britain, by that portion of the tribe that was friendly to, and cooperated with the United States, in accordance with the promise of the Government, \$110,417 90, to be paid by the United States agent for the Creek Indians, to those individuals living, and the legal representatives of those deceased, who are entitled to receive the same.

Mr. FITCH. It will, perhaps, be scarcely necessary to allude any further to this matter. It has been estimated for; it has been recommended by the proper Department; it is in proof that these Indians aided us in our war against the hostile Creeks; and it is in proof that they suffered damages at the hands of those hostile Creeks, for which they have not been compensated, at least only in part. This amendment provides for the payment to them of the balance of the amount found due to them, under an investigation gone into by the express direction of the Government. The claim has been recognized by the Government, and they ask that this additional appropriation should be made, in order to enable them to pay it. With this simple synopsis of its history, I will submit it without further remarks, unless objection be made.

The question was then taken on the adoption of the amendment, and it was agreed to.

Mr. CONGER. I have an amendment to propose to the bill, if it is in order.

The CHAIRMAN. An amendment is in order.

Mr. CONGER. I offer the amendment which I send to the table.

The amendment was read, as follows:

To pay the claim, as adjusted by the accounting officer of the United States Treasury, in favor of David Taylor, under the latter clause of the thirteenth article of the Cherokee treaty, concluded at New Echota, December 29, 1835, and approved by the Senate, \$12,650; to be paid out of the balance of the appropriation of July 2, 1835, under an act entitled "An act making further appropriations for carrying into effect certain Indian treaties."

Mr. CONGER. That claim arises under the treaty of 1835, made with the Cherokees. For carrying that treaty into effect, appropriations were made on the second day of July, 1836. It has been the practice to pay these claims out of those appropriations. When this claim was under investigation, the First Comptroller entertained doubts whether any of these appropriations were applicable to the payment of this particular class

of claims. Having examined the matter, he furnished me with a written statement, in which he says he is unable to come to a conclusion that he has the right, by law, to pay it. There is no difficulty about the amount. That has already been ascertained by the accounting officer of the Government. There is a balance of this appropriation that is not wanted for any other purpose. It is necessary, however, to confer upon the controlling officer authority to pay this claim out of the balance remaining. That is all there is of this matter, and here is a written statement from the Comptroller stating these facts.

Mr. JONES, of Tennessee. I do not know that I am acquainted with the fact, but I understand that this claim has been allowed, and that the Secretary of the Interior has made a requisition upon the Treasury for the payment of it to some claims agents of this city, who have been endeavoring to get the claim allowed, and who have filed a caveat against the payment of it to David Taylor, until he pays his agent. Are these the facts?

Mr. CONGER. The gentleman is mistaken. So far as I can learn the facts from the Comptroller, a requisition was made upon the Secretary of the Interior; but when the claim came before Mr. Whittlesey, the First Comptroller, he stated that upon an examination of the law making the appropriation, he entertained doubts whether he could pass the claim, because this class of claims had not been appropriated for. That is the point. A communication from Mr. Whittlesey, which I will in a moment send to the Clerk's desk to be read, I think will satisfy the gentleman this amendment should be passed. Mr. Whittlesey, a few evenings since, called at my room expressly to recommend my attention to this subject. If there is any agent of claims concerned about it, I know nothing of the fact. I will ask the Clerk to read the communication I send to his desk.

The Clerk read as follows:

THE COMPTROLLER'S OFFICE, July 15th, 1882.

MY DEAR SIR: I have not been able to see David Taylor this morning, and do not know what disposal he made of my decision. It is too long to copy now, and I am afraid I shall not have time to make his case known to you intelligibly.

David Taylor married a Cherokee female. The State of Tennessee, (I think that was the State,) by legislation compelled an abandonment of her right to a reservation. By the last clause of the thirteenth article of the Cherokee treaty of the 29th of December, 1835, the United States agreed to pay this class of claimants.—(Vol. 7, *Indian Treaties*, 484.) On the 2d day of July, 1836, Congress made eleven appropriations to carry the Cherokee treaties into effect. They amount to \$690,367.—(Vol. 5, pages 72-4.) Neither appropriation is for this class of claims. It was the practice, however, until 1846, to pay this class of claims out of the appropriations mentioned. The Indians complained, and when the treaty of August 6, 1846, was concluded, the United States agreed to refund to the Cherokees what had been thus improperly charged. Albion K. Parris, Second Comptroller, was one of the commissioners, and after the treaty of 1846, he refused to sign any requisition, charging upon the appropriations of July 2d, 1836, the payment of any claim of the class of David Taylor's claim. Betsy McIntosh had a claim of the same kind of David Taylor's, and by a joint resolution of March 14th, 1848, Congress directed it to be paid out of the balance of the appropriation of July 2d, 1836.

This is a legislative construction given by Congress. I labored much in the investigation of these treaties and laws, with the desire to come to the conclusion that David Taylor might, without further legislation, be paid out of the balance of the said appropriations; but I am convinced he cannot be so paid, without violating the Constitution and the laws, unless Congress shall so direct. The balance is not wanted for the purpose for which it was originally appropriated, as other provisions were made under the treaty of 1846. David Taylor has been here a long time, and if you can contribute towards a speedy payment of his claims, you will advance the cause of justice.

I submit the form of an amendment.

Most sincerely, yours,

ELISHA WHITTLESEY.

HON. JAMES L. CONGER,  
House of Representatives.

Mr. CONGER. It will be observed that he only doubts as to whether he can pay the claim out of any of the appropriations which were formerly supposed to include everything provided for in the treaty. Upon an examination of the law and treaty referred to, I fully concur with the Comptroller in his construction, that although the claim is embraced in the treaty, that class of claims are not provided for by any one of the specified appropriations. Among the laws of the Twentieth Congress is the case of Betsy Mackintosh, one similar to this. In that case, a resolution was passed authorizing the payment of the amount claimed out of this fund. This is what Mr. Whit-

tesey refers to as a legislative construction of the act. There is no doubt with reference to the amount of the claim. He doubts whether he could pay the amount out of these appropriations, and for that reason asks the passage of the amendment I have offered.

The question was taken, and the amendment was agreed to.

Mr. FITCH. I am instructed by the Committee on Indian Affairs to offer the following amendment, to come in after line three hundred and twenty-eight, on page fifteen:

*Provided*, That all money appropriated by the three foregoing clauses, together with all similar appropriations in 1850 and 1851 for the Eel river Miamies, heretofore withheld from payment, shall be paid to said Eel river Miamies only, and to no other band whatever, or individuals; and that all annuities heretofore due and appropriated to the Eel river Miamies, but erroneously or otherwise paid to the Miami nation, shall be paid to the Eel river Miamies, out of money appropriated in 1851-'52 for payment of annuities to said Miami nation; or, if the Commissioner of Indian Affairs deem it more expedient and just to the Indians, shall be paid, and is hereby appropriated out of the Treasury of the United States, to be repaid to the United States by being withheld from the Miami annuities, in such installments as the Commissioner may deem expedient.

Mr. F. The Eel river Miamies are a small band, and gentlemen of the last Congress will recollect that the existence of the band was questioned by myself. They are in my own vicinity. I then moved a proviso, that the money should not be paid unless to the Eel river Miamies themselves, if such band existed. It was afterwards ascertained that the band was in existence, but that the money due them had been paid for several years to another band of Indians by mistake. The annuities were paid to the Miami nation proper, and not to the Eel river band, to which they were due.

The existence of the band having been satisfactorily ascertained, it is provided by the amendment that the annuities which have hitherto been withheld of 1850 and 1851, shall be paid to that band, and that band only; and further, that the annuities heretofore erroneously paid to the Miamies shall be repaid to the Eel Rivers, either out of the annuities of the Miamies or out of the Treasury, which is subsequently to be reimbursed in installments out of the annuities of the Miamies. The latter course is the one, probably, which the Secretary of the Interior and the Commissioner of Indian Affairs will adopt, because they state—and I have their statement before me, which is somewhat voluminous—that justice to the Eel Rivers demand this money should be paid now, and that if the amount, some \$13,000, were to be taken out of one or two annuities of the Miamies, they would be reduced to a sum which would scarcely meet their wants. Hence it is they propose to pay it out of the Treasury, which is to be reimbursed in small installments out of the annuities of the Miamies. The papers in the case are two voluminous to be read under the five minutes, and it is sufficient to say that the matter has been before the Indian Committee two or three times—the present and the last two years, and that in every instance it has met with its approbation. I do not think there can be a shadow of a doubt of the correctness of the amendment.

Mr. HOUSTON. I understand the gentleman to state that the money which ought to have gone to the Eel Rivers has been paid to the Miamies, who were not entitled to it, and that the proposition now is to pay out of the annuities of the Miamies proper, enough to refund what had been taken from the Eel Rivers.

Mr. JOHNSON, of Arkansas. Yes, sir; it is simply to say that not a cent shall come from the Treasury of the United States. It is merely a settlement between a tribe of Indians and a band of that tribe.

The question was then taken, and the amendment was agreed to.

Mr. FITCH. I am instructed by the Committee on Indian Affairs to offer the following amendment, to come in after line three hundred and thirty-seven:

For additional compensation for the sale of their lands in the State of Wisconsin, by treaty of October 18th, 1843, \$321,840; the same to be paid in such sums and at such times, with the approbation of such nation, as the President may think most conducive to their prosperity and happiness.

That, the committee will perceive, is the amendment in regard to the Menomonees of which I gave notice some days since. The facts in the case I have already fully set forth to the committee, and

if I know anything of the matter—and I have investigated it with some deliberation—set forth correctly. No matter whether it was a mistake or whether it was intentional, they were made to sell five million acres of land for the price of less than two million acres by the terms under which the commissioner was instructed to purchase the land. They were dissatisfied with the terms of the treaty, and they remonstrated against it at the time, and they have continued their remonstrance till this time. The amendment has the recommendation of not only the Indian Bureau and the Secretary of the Interior, but it has the indorsement of the President. It therefore comes before us in a shape which I really think the committee can scarcely question.

Mr. CARTTER. How much money does the amendment involve?

Mr. FITCH. Two hundred and twenty-one thousand eight hundred and forty dollars, the balance due them for the difference between one million and three million twenty-three thousand acres of land.

Mr. HOUSTON. What amount of land does the gentleman propose to pay for by his amendment?

Mr. FITCH. I will state that the map, and the opinion of the Attorney General, which was based upon the map and treaties, gave the Department reason to believe that the Menomonees were possessed of three millions and twenty-three thousand acres of land. That was the amount which the Commissioner was instructed to purchase on certain terms, and which the present Commissioner of Indian Affairs and the Secretary of the Interior think ought to be paid for now. With that amount the Indians will probably be satisfied.

Mr. HOUSTON. Was there any specific amount in the treaty?

Mr. FITCH. There was not.

Mr. HOUSTON. What amount did they suppose they ceded?

Mr. FITCH. They ceded upwards of five millions.

Mr. HOUSTON. What amount did they suppose they were ceding?

Mr. FITCH. They supposed they were ceding 5,000,000 to 7,000,000 acres. Our Government supposed they were buying 3,023,000 acres. The land is not surveyed. I noticed that my friend from Arkansas [Mr. JOHNSON] fell into an error in stating the amount was found to be 5,000,000 acres on being surveyed. It is now being surveyed. The General Land Office, upon a correct estimate, have ascertained the amount to be at least 5,000,000 acres. The Indians have ceded all their land, of whatever amount, but it is thought they will be satisfied if we pay them for what we supposed they were possessed of at the time of the treaty, viz: 3,023,000 acres. We have paid them by the treaty for 1,600,000 acres of it. The balance of the 3,023,800 acres is what we contemplate paying them now.

Mr. HOUSTON. Then I understand we are paying for the difference between 3,023,000 acres and 1,600,000 acres.

Mr. FITCH. Exactly; that is what is asked.

The question then being on Mr. FITCH's amendment—

Mr. KING, of New York, demanded tellers; which were ordered; and Messrs. BRIGGS and MOLONY were appointed.

The question was then taken, and there were—ayes 83, noes 42.

So the amendment was agreed to.

[A message from the Senate, by Mr. MACHEN, its Chief Clerk, was here received, informing the House that the Senate had passed bills of the following titles, viz:

48. An act for the relief of John Devlin;
325. An act for the relief of Samuel W. Chilson;
343. An act for the relief of John McAvoy;
341. An act for the relief of Nathan Weston, jun., late additional paymaster in the United States Army;
342. An act for the relief of Richard W. Bouton, George Wright, and the widow of Marvin W. Fisher;
345. An act for the relief of Gideon Hotchkiss; and

376. An act for the relief of W. R. Nevins.

And that the Senate insisted upon their second amendment to the amendment of this House to the Senate's twenty-fifth amendment to the bill of the

# THE CONGRESSIONAL GLOBE.

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32D CONGRESS, 1ST SESSION.

WEDNESDAY, JULY 21, 1852.

NEW SERIES...No. 116.

House, (No. 207,) "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1852," and ask a conference on the disagreeing votes of the two Houses thereon.]

Mr. JOHNSON, of Arkansas. At the end of line three hundred and sixty-nine, I wish to offer the following amendment:

To defray the expenses of a certain party of Omahas who visited the city of Washington during the months of February and March during the year 1852, the sum of \$3,000, or so much thereof as may be necessary to be expended under the direction of the Secretary of the Interior.

The House will recollect, upon my calling their attention to it, that in March last, while these Indians were in this city, a bill was introduced, at the instance of the Indian Bureau and the Secretary of the Interior, on the authority of the Commissioner of Indian Affairs, to defray their expenses. That bill was before the House, and it ought to have passed at once without any dispute; but my friend from Georgia, [Mr. STEPHENS,] not now in his seat, protested, upon a mere formal point, that the bill ought to be printed. I then told him, if he contended for that printing, that there would be nothing to pay the expenses of these Indians, and they would be kept waiting here a month or more longer than was necessary, and at great expense. The House ordered the bill to be laid over for printing, and it did not come back to us in a month. To save the Government from the necessity of the expense that would have resulted from the delay, the Bureau of Indian Affairs put themselves to the great trouble of obtaining time to pay those parties who had claims for the expenses of these Indians while in the city, under the assurance that Congress would assuredly, with its universal practice and precedent heretofore, make the necessary appropriation for the defraying all these expenses. I am instructed by the Committee on Indian Affairs to offer the amendment I have instead of offering a separate bill, as we intended last March. It has been the policy of this Government, from time immemorial, to bring some of the tribes here, that they might attain to some appreciation of the power of the Government, the necessity of their holding themselves in subordination to its laws, and that they might have an idea of their own helplessness if they choose to come in hostile contact with the powers of the Government. Hence it is that the expenses of many of these wild Indians have been paid by the Government, that in making these visits they might see something of the people to whom they were compelled to submit. I will read a precedent which occurred in 1849 to show the difference between that instance and this. It is a joint resolution of the two Houses: "that the sum of \$6,000 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses of a certain delegation of the Chippewa Indians and their interpreter," &c.

In this case the sum of \$6,000 was appropriated for about six or seven who comprised this Indian delegation. But in the case before us, there were nineteen in all, and they were here for weeks, and all the appropriation we have recommended for paying their expenses is the sum of \$3,000.

This, sir, it strikes me, makes the amendment itself perfectly clear, and concerning which the House cannot have one momentary doubt.

Mr. HENN. I desire to ask the gentleman from Arkansas, whether there is any objection to paying the expenses of the Indians to this place as well as home again?

Mr. JOHNSON. The gentleman asks me whether there is any objection to paying the expenses of the Indians to this place, as well as while they are here, and home again. I do not feel disposed to say anything in relation to that. But I will say to the House that the party of white men who brought the Indians here, did it without the authority of the Department, and not in accordance with their instructions or the policy of the Government in that particular instance, and therefore it was that they refused to recommend any appropriation at all, by which the expenses of

these Indians were to be paid on their way to this place. But when they found that these men would not agree to bear their expenses any further, and that the Indians were to be left in a hopeless condition, the Department recommended this sum to be appropriated to pay their expenses while here, and to enable them to return.

Mr. HENN. I would ask if the same gentlemen who brought them here were not authorized to conduct them home again?

Mr. JOHNSON. The same persons who brought them here did conduct them back again, but with this understanding on the part of the Department, that they would not recommend the appropriation of one cent to defray their expenses while coming here; their expenses while they were here, and for their return home, were all the Department recommended to be appropriated for.

Mr. HENN. At the request of the gentleman from New York, [Mr. How,] who is now absent, and whose constituents have contributed to pay the expenses of these Indians through New York, and for the purpose of paying a just debt due to the conductors for their own services, and for their expenses from the Indian country to this city, I offer this amendment, as a substitute to that offered by the Committee on Indian Affairs:

That a sum not exceeding \$7,000 be, and the same is hereby, appropriated for the expenses of the Omaha Indians, and their conductors on their journey to, from, and at the city of Washington, during the past winter, and that the Secretary of the Interior be directed to cause to be audited and paid out of the sum hereby appropriated such sum of money as may be due for such expenses.

I wish to remark that this does not cover the whole sum claimed, but I believe it will cover all that is justly due and ought to be paid them.

Mr. JOHNSON. I ask what is the amount asked for by the amendment to the amendment?

Mr. HENN. Seven thousand dollars.

Mr. JOHNSON. Then it is to increase the appropriation from \$3,000 to \$7,000. Well, sir, the gentleman from Iowa [Mr. HENN] has stated the grounds upon which he offers this amendment. It is for the House to decide whether they will pass it. I have stated that it is not recommended by the Department. If the House choose to adopt the amendment, I have no objection. But I wish it understood that it is not at my instance.

Mr. CAMPBELL, of Illinois. I am opposed to this amendment. I am opposed to the policy, if there is a policy about it, of bringing these Indians here at all, whether by individuals or by the Commissioner, or whether the Department order them here. It is to no purpose. They derive no benefit from it. It is a matter of speculation, wholly and entirely. The idea of giving the Indians a knowledge of the power of this Government by bringing them here is fallacious in the extreme. To illustrate it, a gentleman told me that after the Indians had been here for some time, and had an opportunity to examine into the power of this Government, he asked one of them what he thought of it. The reply was, that they had a medicine man at home who could kill the whole of them. This is the kind of knowledge they receive of the power of this Government.

I desire to know what authority this party of men had to bring these Indians here? The gentleman from Arkansas has just told us that the Department gave them no such authority. Upon what authority, then, do they come here and claim compensation for bringing these Indians here? Has any set of men the right to bring a party of Indians here to dance and whoop around the city, and then receive pay from the Government for it? I protest against claims of that character. Upon the ground stated by the gentleman from Arkansas—that they were brought here, and were about to be abandoned—it was the duty of the Government then, as an act of humanity, to pay their expenses and return them home; but I will not give the persons who brought them here a premium for doing an unauthorized act.

Mr. HENN. I wish to inquire of the gentleman from Arkansas whether the Government did not find, on consultation with these Indians, that they had violated their treaty with the Indians;

and therefore the Indians had just cause to come here and enter their claims against the Government for that violation?

Mr. JOHNSON. I have never examined into the matter of which the gentleman speaks, particularly. There may have been grounds of complaint upon the part of these Indians, or a portion, of the action of the Government towards them, but that does not clear up this matter so as to make it an authorized proceeding upon the part of these white persons who brought them here, as the Department alleges, upon their own hook—to speak in the ordinary language. It was not in accordance with the desire or policy or instructions of the Government at that time that they should be brought here; but it was in accordance with humanity and right that, after they had been brought here, and had no means of living here, nor of returning home, that they should be enabled to return home, and that the Government should bear their expenses.

The question was then taken, and the amendment to the amendment was not agreed to.

Mr. JOHNSON. I now ask that the question may be taken upon my amendment to pay their expenses while here, and to enable them to return home.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON. To the section of the bill referring to the Shawnees, I offer, under the instructions of the Committee on Indian Affairs, the following amendment:

For payment to the Shawnees of moneys due them under and by the treaties of the 7th of November, 1825, and the 8th of August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury for the sale of their lands in Ohio, \$66,246 33: *Provided, however,* That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe rather than to either division thereof.

That is an amendment which restores to the whole tribe what is due to them under a very strange and extraordinary state of case. The Government of the United States bought out one half of the tribe of its lands, for which it stipulated to furnish lands for the whole tribe, and give them a fee-simple title for the same. The Government then bought out the lands of the second portion of the tribe, amounting to some ninety-odd thousand acres, for which they were to give the Indians one hundred thousand acres of the land they had already sold to the first portion of the tribe, and which was already theirs by absolute treaty stipulations with a fee-simple title and a patent therefor. So the consideration for which the sale was made by the second portion of the tribe—those who lived in Ohio—was lands which the United States had previously sold, and to which they were consequently unable to give any title at all. That is the amendment, and it stands as one of the clearest of cases. I offer it with the proviso, because if the money is paid to the first division of the tribe—those from Missouri, who furnished the original consideration for the land—it would create a distinction in the tribe who are now living together like a band of brothers. The committee, therefore, came to the conclusion that it should be given to the whole tribe alike.

I have explained this case without going into minutiae, because I gave a full and distinct explanation of it in my remarks on this bill before the debate was closed. Every one then expressed entire satisfaction as to the matter, and a conviction that it was but simple justice. Under the instructions of the Committee on Indian Affairs, I have so drawn the amendment that the money shall not be paid to either branch of the tribe, but to the whole tribe. It is quite clear, and beyond dispute, from all the facts of the case, that we owe this given amount. The only question is, to whom we owe it? Singularly enough, we owe it equitably to one half the tribe, and legally to the other. But as they are a band of people among the first of the Indian tribes in point of intelligence and civilization, and as the two branches of the tribe have intermarried and live together like



brothers, supporting themselves by agriculture, so that they will have no disposition to dispute among themselves, the committee have instructed me to put in a provision that the money shall be paid to the whole tribe, and that it shall not be paid at all until they assent to its being paid in that way. If we pay it to one branch of the tribe or to the other, we shall have to pay it over again; and as we owe but one debt, we want to pay but one. The object of the proviso to the amendment is to prevent our ever being called upon to pay the debt again.

Mr. CARTTER. This amendment proposes to pay a given amount of money, does it not?

Mr. JOHNSON. Yes, sir, \$66,246 33, or seventy-one cents an acre for the land.

Mr. CARTTER. And this is in lieu of one hundred thousand acres of land?

Mr. JOHNSON. Yes, sir, land which we proposed to sell them, but which had been sold before; and they claim to have this money refunded, deducting the cost of surveys and improvements, and everything in our favor, and leaving the amount of only seventy-one cents an acre. We owe them this money by every law, equitable or legal, that was ever brought to bear on a civilized community.

The question was then taken on the amendment, and it was agreed to.

Mr. JOHNSON, of Arkansas, moved to amend the clause in reference to the Winnebagoes, by adding thereto the following:

For the payment of reasonable compensation for traveling, transportation, and subsistence of A. M. Mitchell and posse of citizens, of Minnesota Territory, summoned by him, when marshal of said Territory, and engaged in the suppression of Indian disturbances in said Territory, about the 30th of June, 1850, their accounts to be settled and payment made under the orders and direction of the Secretary of the Interior, \$1,600.

Mr. J. said: I will state that this amendment was offered by me, under instructions from the Committee on Indian Affairs, to the Indian appropriation bill of the last session of Congress.

Mr. HOUSTON. And was ruled out of order. Mr. JOHNSON. No, sir; it was not ruled out of order; and I will mention the peculiar circumstances under which this amendment failed to become a portion of the regular Indian appropriation bill of the last session of Congress, for it may be of some interest to new members to know how entirely a dead failure can be brought upon them at an unexpected moment. I offered this amendment in Committee of the Whole on the state of the Union; and, as the chairman of the Ways and Means, the gentleman from Virginia, [Mr. BAYLY,] was very anxious that we should get on with the bill, and as they had commenced reading the bill for the purpose of reporting it back to the House, says he, "Just wait, Johnson; I'll offer that amendment myself as soon as we get into the House; and, if I offer it, it will certainly pass." Says I, "Certainly, sir; I'll do so;" and I withdrew the amendment. Well, as soon as we got into the House, up jumps the chairman and calls the previous question on the bill. I remonstrated, and said I did not think it fair. Says he, "I take 'back the call for the previous question, and I now offer this amendment for the gentleman from Arkansas, and ask that it may be put in the bill and 'passed.'" Just at this point another gentleman got up, "I rise to a point of order." "The SPEAKER. The gentleman will state his point of order." Says he: "I make this point of order: 'That no section can pass making an appropriation of money without being first considered in Committee of the Whole on the state of the Union.'" The Chair sustains the point of order; Mr. Johnson must take his seat; and the chairman of the Ways and Means calls the previous question on the bill. That is the way my amendment went down. It ought to have been passed at that time. It was one of those nice little interludes in which a man thinks he has a head on his shoulders, but finds, when he comes to look at himself, that he has none at all. I now ask, as an explanation to the committee of the circumstances out of which this claim grew, that the Clerk will read the statement from the Bureau of Indian Affairs.

Several MEMBERS. It is not necessary.

Mr. JOHNSON. Very well, sir; if the committee is satisfied, I will not have it read.

The question was then taken on the amendment, and it was agreed to.

Mr. JOHNSON offered the following amendment, to come in at the end of the bill:

For payment to the heirs of Cyrus Choiche, the balance due for services rendered by him as acting Indian agent in New Mexico, from the 9th of December, 1849, to the 14th of September, 1850, at the rate of \$1,550 per annum \$1,137 76.

The Clerk read a letter from the Secretary of the Interior, explaining and recommending the appropriation.

The question was then taken on the amendment, and it was agreed to.

Mr. JOHNSON. I now offer the following amendment, to come in at the end of the bill:

For payment to Presha Bedwell, (formerly Presha Foreman,) being the amount of an award by the Cherokee commissioners in her favor, which was erroneously paid by a former Cherokee agent to some one who personated the proper claimant, the sum of \$464.

It is satisfactorily established that a former agent of the Cherokees made the payment to another person, and that this amount of \$464 due to Presha Bedwell never has been paid. It is included in the regular estimates, and was presented by me under the instruction of the Committee on Indian Affairs, as an amendment to the deficiency bill. A point of order was made upon it, and overruled; but at the same time the House—many members not voting at all—voted down the amendment, on the ground which was taken in contesting it—that the deficiency bill was not the right place for it, and that it ought to go into this bill. I am now instructed by the committee to offer it as an amendment to this bill. This item, and two other small items which I shall offer when this is disposed of, are thus referred to in the estimates of the Department: "The several sums are required to correct errors committed by the United States Cherokee commissioners in their awards, and by the Indian agent in his payment under those awards." I hope the amendment will be adopted.

The question was then taken on the amendment, and it was agreed to.

Mr. JOHNSON. I offer the following amendment, which I send to the Clerk's table:

The amendment was read as follows:

For payment to Horseyly, being the amount of an award by the first board of Cherokee commissioners (less the sum of six dollars allowed as fee to the attorney) for an improvement belonging to Tianey, the deceased wife of Horseyly, improperly valued and paid for to Tawney, of the same town, in the country east, the sum of \$54.

Mr. BELL. I rise, not under the name of opposing this amendment, but to make an inquiry of the Committee of Ways and Means. Most of us who vote here, or at least many of us, vote without understanding whether these amendments are right or wrong. I take it for granted, however, that these amendments are all right, otherwise the chairman of the committee, as well as other members of the committee, who must necessarily understand the application of these amendments, would inform us.

Mr. HOUSTON. The amendments which have been offered, with one exception, before these small ones, which are now up, as was stated by the gentleman from Missouri, [Mr. PHELPS,] on yesterday, were wholly new to the Committee of Ways and Means, as they are new to every member of this House. Nothing touching or relating to them, in any way, has ever been referred to us, with probably one exception, or to any committee. It is impossible for me, then, to know anything more about them than the gentleman from Ohio, [Mr. BELL,] or any other gentleman. That is the reason why nothing was said in regard to these claims passing this morning. It would be impossible for us to investigate them, unless communications had been made to us, or made public, so as to reach the Committee of Ways and Means, either by reference, or by being amongst the public documents. There are one or two exceptions, as I have stated.

These claims now being proposed involve, as the gentleman from Ohio [Mr. BELL] must see, issues of fact. They depend upon the truth of the statement, as set forth by the Commissioner of the Indian Bureau, that the parties were personified, and the money paid to wrong persons. Those facts are such as have never been acted upon by the Committee of Ways and Means. They were excluded from the deficiency bill upon grounds stated by the gentleman from Arkansas, [Mr. JOHNSON.] These cases, in my opinion, should

not go into this bill, not because they have no merits, for that I have not examined into, but because I regard them as private claims, which ought to have been examined into and reported, either for or against, by the Committee on Indian Affairs. I do not think it proper, however, to make that point of order in reference to them, as I do not know the claims to be unjust, and since, taking as correct the statement of the gentleman who has examined them, the Commissioner of Indian Affairs, the facts are in favor of the claimants.

Mr. BELL. I have but a word, then, to say. Without any hostility to the merits of these claims, as I do not know what merits they may possess, I shall be under the necessity of voting against them, from the fact that they have not been presented to a committee, as they properly should have been.

Mr. HOUSTON. The gentleman from Ohio is mistaken about these claims. They were presented to a committee, and were before the Committee of Ways and Means, as he will find by document No. 30. I will read the language of it:

"For payment to Presha Bedwell, (formerly Presha Foreman,) being the amount of an award by the Cherokee commissioners in her favor, which was erroneously paid by a former Cherokee agent to some one who personated the proper claimant, \$464.

"For payment to Horseyly, being the amount of an award by the first board of Cherokee commissioners (less the sum of six dollars allowed as fee to the attorney) for an improvement belonging to Tianey, the deceased wife of Horseyly, improperly valued and paid for to Tawney, of the same town, in the country east, \$54.

"For payment to Se-ka-wee, a Cherokee, only heir of Woo-te-ti-eh, deceased, for an improvement in Turkeytown valley, Alabama, which was improperly valued and paid for to Rachael Bright, a white woman, the said Woo-te-ti-eh, deceased, being the rightful owner, \$166 50."

These are the amendments now proposed, and the explanations of them is found in the same document, two or three pages further on, and is in these words:

"Nos. 3, 4, and 5. As expressed in the items, the several sums are required to correct errors committed by the United States Cherokee commissioners in their awards, and by the Indian agent in his payments under those awards."

Mr. BELL. I understand all these claims have been paid once.

Mr. HOUSTON. They have, by the Government.

Mr. BELL. And now we are asked to pay them a second time. I hold that such an application should be made through a proper committee, and—

Mr. JOHNSON, of Arkansas. They have never been paid; I dispute it; they have never been paid. Why, sir, if the Government has paid the money to parties not entitled to it, do you call that payment? And will you refuse the just debts of the Government because they have once paid it in their own wrong?—because they have made a false payment?

Mr. BELL. I understand that. Money from the Treasury of the United States has been paid out, and by the agents of this Government. They may have paid it to improper persons. I do not doubt the view the gentleman takes of it, but I want the application to come through the proper channel—through a committee who can examine it in their room.

Mr. JOHNSON. I will ask the gentleman from Ohio, if he will allow me to interrupt him, whether or not the Committee on Indian Affairs, to whom it was specially referred, and by them examined and reported upon, is not a proper channel of communication?

Mr. BELL. I do not doubt that.

The question was then taken on the amendment, and it was agreed to.

Mr. JOHNSON. I offer another amendment. It is for money mispaid, or in other words never paid at all.

The amendment was then read, as follows:

For payment to Se-ka-wee, a Cherokee, only heir of Woo-te-ti-eh, deceased, for an improvement in Turkeytown valley, Alabama, which was improperly valued and paid for to Rachael Bright, a white woman, the said Woo-te-ti-eh, deceased, being the rightful owner, \$166 50.

The question was then taken on the amendment, and it was agreed to.

Mr. HOUSTON. I move that the committee rise and report the bill to the House, with the amendments.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the

committee reported, that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 43) "making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853," and had directed him to report the same back with sundry amendments.

Mr. HOUSTON. I call for the previous question upon the bill and amendments.

The previous question received a second, and the main question was ordered to be put.

Mr. HOUSTON. I suppose the House do not care about having all the amendments read. If no one calls for the reading of them, let us take a vote upon them altogether, except those singled out, and upon which a separate vote is desired.

The SPEAKER. According to the usual practice, unless objected to, the Clerk will read the amendments. If any gentleman desires a separate vote upon any one of them he will signify it.

Exception was taken to but two amendments.

The question was then taken upon all the amendments reported from the committee, except the eighth and eleventh, and they were concurred in.

Amendment No. 8, upon which a separate vote was asked, was read as follows:

"For liquidating the balance found due to the Creek Indians for losses sustained during the last war with Great Britain by that portion of the tribe that was friendly to and co-operated with the United States, in accordance with the promise of the Government, \$110,417 90, to be paid by the United States agent for the Creek Indians to individuals now living, and the legal representatives of those deceased who are entitled to receive the same."

Mr. DANIEL. I call for the yeas and nays upon that amendment, and also demand tellers upon the yeas and nays.

Tellers upon the yeas and nays, and also the yeas and nays were refused.

The question was then taken upon the adoption of the amendment, and there were upon a division—ayes 74, noes 36; no quorum voting.

Mr. HAMILTON. I ask for tellers on the amendment.

Tellers were ordered, and Messrs. HAMILTON and CHANDLER were appointed.

The question was then taken on the amendment, and the tellers reported—ayes 85, noes 39.

So the amendment was adopted.

The next amendment which was reported as an addition to the clause making appropriation for the Menomonee Indians, and upon which a separate vote was requested, was then read as follows:

"For additional compensation for the sale of their lands in the State of Arkansas by the treaty of October 18, 1846, \$221,840; the same to be paid in such sums and at such times, with the approbation of said nation, as the President may think most conducive to their prosperity and happiness."

Mr. KING, of New York. I ask for the yeas and nays upon that amendment.

The yeas and nays were not ordered.

The question was then taken, and the amendment was agreed to.

The bill was then ordered to be engrossed and read a third time.

The SPEAKER. When is it the pleasure of the House to have the bill read a third time?

[Cries all over the Hall of "Now!" "Now!"]

The bill was then read a third time.

Mr. HOUSTON. I call for the previous question upon the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was then taken, and the bill was passed.

#### DEFICIENCY BILL.

Mr. JONES, of Tennessee. I ask that the House bill, by unanimous consent, permit the deficiency bill, which has been returned to us from the Senate with a disagreeing vote between the two Houses upon a solitary item, to be taken up, that the House will insist upon its non-concurrence with the amendment of the Senate, and that a committee of conference be appointed, as asked for on their part.

There was no objection, and the bill was taken up.

Mr. JONES. I move that the House insist upon its non-concurrence in the amendment of the Sen-

ate, and that a committee of conference be appointed by the Speaker.

Mr. STANLY. I hope the House will recede from their disagreement.

Mr. JONES. If the gentleman will permit me I will state, that his motion to recede will take precedence of the one to ask for a committee of conference.

Mr. STANLY. I want to get the House out of a difficulty, which I think they have got into by accident. I am satisfied the House acted under a mistake in voting against that appropriation the other day. There was some discussion about the constructive mileage after the adjournment of last Congress, and many members thought they were voting upon that. That is not the fact, but if it were so, it would not alter my opinion. This is an appropriation of \$50,000, to supply an existing deficiency—to pay the mileage and per diem of members of the Senate and the House.

Now, if the Senate have done anything which this body does not approve, this is not the place for us to arraign them, and I hope we will not set an example of finding fault with any conduct of theirs. If we do so, we will injure ourselves in the public estimation, and confer no great honor upon republican government itself. The question whether that honorable body has done anything wrong, I do not intend to discuss, whatever my individual opinions may be. Leave them to the tribunal of public opinion. That is the bar before which they are to be tried, as well as ourselves; and I ask the House—I implore them—not to get into a contest with the Senate about their application of their fund in whatever way they may choose to.

Mr. JOHNSON, of Tennessee. For the purpose of being informed correctly upon the subject, and for the purpose of the country being correctly informed upon the subject, I wish to ask the gentleman from North Carolina whether some \$40,000 or \$41,000 of the \$50,000 appropriation is not to pay constructive mileage of the Senate? It makes no difference what we may do hereafter, the facts ought to be known to the country, and for what this \$50,000 is to be paid. Is not this appropriation to supply a deficiency created by the payment of that constructive mileage?

Mr. STANLY. I do not know, but I understand not. I heard so from some incidental debate in the Senate; but whether it is so or not the constructive mileage has been taken by those who thought they were entitled to it.

Mr. HOUSTON. With the permission of the gentleman, I will state that this is for the regular per diem and mileage. The constructive mileage has been paid long since.

Mr. JONES, of Tennessee. If I understand this question at all it is this: At the last session of Congress we appropriated, upon the estimate of the Secretary of the Senate, \$186,000, and upon the estimate of the Sergeant-at-Arms of this House, a sum sufficient to make that up to \$835,040. Out of that the Secretary of the Senate drew from the Treasury \$190,040, and he had an unexpended balance of appropriation in his hands of \$12,000, making \$202,000 in round numbers. The last Executive session was convened on the 4th of March, 1851, and lasted some ten days. For that session most of the Senators took constructive mileage, for which no estimate had ever been made or appropriation passed by Congress; but the appropriation having been made for the fiscal year which commenced upon the first day of July, 1851, they took the necessary amount to pay constructive mileage out of the appropriation of that year, and, consequently, left a large deficiency—not this entire \$50,000, but somewhere over \$40,000. The entire constructive mileage of all the Senators, if taken at that extra session, would, according to a statement of the Secretary of the Senate, be a little over \$48,000. There is between \$6,000 and \$7,000, which, I understand, has not been drawn by Senators, and which it is probable will not be drawn, which would make some \$41,000 paid out that session for constructive mileage. Then, sir, the payment of that amount out of the appropriation leaves a deficiency at the present session of the Senate, in the fund for the pay of the mileage and per diem of Senators, which was originally estimated for by the Secretary of the Senate and appropriated by Congress.

Mr. HOUSTON. With the permission of the gentleman, I will correct him in his statement. It

must be remembered—and I know the gentleman will so soon as I allude to it—that a good many of the Senators were new Senators, who were entitled to their mileage. They took their seats at that session for the first time. I do not know the particular number, but there were certainly some three or four.

A VOICE. Some six or seven.

Mr. HOUSTON. I am informed by a gentleman near me there were six or seven. Their mileage will make a considerable portion of this amount.

Mr. JONES. That may be all right. I do not know how many there were, but the difference between the constructive mileage and the \$50,000 is made up by the difference of mileage voted to the California Senators and other new Senators which have come in.

Mr. CLINGMAN. I want to see whether I understand the gentleman's point correctly. This appropriation is to pay the regular per diem and mileage of the present Senators; but I understand if some money had not been applied in a different way, it might have been unnecessary; but it seems to me, taking it to be true that the Senate wasted money at a former session, there is no reason why they should not have the money that is due to these individuals—perhaps a different set of individuals. We cannot, upon the ground they have misapplied money formerly, refuse the usual and proper appropriation now.

Mr. JONES. The facts are before the House. I cannot myself vote for the appropriation.

Mr. FITCH. With the gentleman's permission. No matter what our opposition to this constructive mileage may be, Mr. Speaker—and past action has shown mine to be earnest—our refusal to concur in the amendment of the Senate to this deficiency bill will not reach the point. They have the money, and we have no power to make them give it up, had we the disposition to do so. The deficiency is not in the Senate mileage and per diem simply. It is in a fund for mileage and per diem of Senate and House both. The appropriation for that purpose will be exhausted early in August; and surely the House cannot intend, by its present action, to say it will refuse to make the necessary appropriation for the purpose of supplying a deficiency for its own pay and mileage.

Mr. JONES, of Tennessee. There is not one dollar estimated for by this House.

Mr. FITCH. The Sergeant-at-Arms assured me, that early in August the fund will expire, and I presume he did it with the data before him. Some time in August, then, there will be no fund for the payment of the per diem and mileage of members of the House, and merely for the purpose of showing our hostility to an act of the Senate, which we have not the power to go behind or remedy, we propose a course of action which, if we are consistent, must lead us to refuse an appropriation for our own pay. If the Senate has misapplied their funds, they alone are responsible, not the House. We find only before us the fact that a deficiency in a joint fund exists. Those who now vote against supplying it, would probably be the first to complain, if, in August, when the Sergeant-at-Arms has no money to pay them, the Senate should refuse to supply the deficiency for that purpose.

Mr. STANLY. I trust we will pursue the course that we will be satisfied with on calm reflection. One reason why we should avoid a collision with the Senate, was suggested by a gentleman near me, one of the first members of the House in intelligence, character, and length of service. Suppose the Senate should object to any appropriation to us for books, or for anything else. We would be brought into collision with that body, which would tend to our mutual discredit before the American people. If they have done anything wrong, let them be amenable to public opinion, and let us take care of our own conduct. Our only right course is, to act as gentlemen, and as members of the House. I move that the House recede from its disagreement to the Senate's amendment, and upon that question call for the previous question.

The previous question was seconded, and the main question ordered.

Mr. JONES, of Tennessee, demanded the yeas and nays.

Mr. CHANDLER demanded tellers on the yeas and nays; which were ordered.

The House was then divided, Messrs. HAMILTON and CHANDLER acting as tellers, and there were—ayes 32, noes not counted.

So the yeas and nays were ordered.

The question was then taken, and there were—yeas 70, nays 50; as follows:

**YEAS**—Messrs. Abercrombie, Willis Allen, Allison, W. Appleton, Babcock, Barre, Bissell, Bowie, Briggs, G. H. Brown, Burt, Caldwell, L. D. Campbell, T. Campbell, Carter, Chandler, Chapman, Clingman, Cobb, Conger, George T. Davis, Dawson, Doty, Duncan, Fitch, Florence, Fowler, Gamble, Goodrich, Gorman, Harper, Haws, Hendricks, Holladay, Horsford, Houston, Howard, Thomas M. Howe, Jackson, John Johnson, Robert W. Johnson, George G. King, Landry, Lockhart, Martin, Meade, Miller, Millson, Miner, John Moore, Nabers, Orr, Samuel W. Parker, Peaslee, Phelps, Porter, Rantoul, Reed, Schermerhorn, David L. Seymour, Stanley, Frederick P. Stanton, St. Martin, Strother, Sutherland, Taylor, Thurston, Ward, Welch, and Williams—70.

**NAYS**—Messrs. Aiken, Averett, Bell, Bibbhaugh, Brenton, Buell, Joseph Cable, Chastain, Churchwell, Daniel, John G. Davis, Dean, Dinwiddie, Eastman, Ficklin, Floyd, Gaylord, Giddings, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Preston King, Mace, Mann, Humphrey Marshall, McLanahan, McMullin, McNair, Molony, Murphy, Murray, Newton, Andrew Parker, Perkins, Robbins, Robie, Skelton, Smart, Benjamin Stanton, Townshend, Walbridge, Watkins, and Wildrick—50.

So the House agreed to recede from their amendment.

Mr. FOWLER. I ask the unanimous consent of the House to offer the following resolution. I presume that no objection will be made:

*Resolved*, That the Clerk of the House of Representatives furnish and deliver to each of the members and Delegates of the House of the present Congress, who have not already received them, and pay for the same out of the contingent funds of the House, such books as have been furnished to the members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses: *Provided*, That this shall not authorize the reprinting of any of said books: *And provided further*, That no work thus authorized to be furnished shall be obtained or delivered by the Clerk, unless he shall be able to procure a sufficient number of copies thereof to furnish a complete set to each member and Delegate entitled thereto.

Several MEMBERS. I object. I object. I object.

Mr. FOWLER. I move a suspension of the rules. It is the usual resolution, and designed to furnish the new members of the House with the same books that the old members have already received.

Mr. JOHNSON, of Tennessee. I move an adjournment.

Mr. FOWLER. If we adjourn now will this be the first business next Monday?

The SPEAKER. It will come up first in order after the morning hour.

The question being upon the suspension of the rules,

Mr. KING, of New York, demanded the yeas and nays; which were not ordered.

Mr. ORR. I understood the Chair to say that this question would come up first in order next Monday.

The SPEAKER. The Chair decides that it will be first in order after the morning hour next Monday.

Mr. ORR. The yeas and nays having been refused, I move that the House adjourn.

The question was then taken upon Mr. ORR's motion, and there were—ayes 43, noes not counted.

Mr. ORR. Before the result is announced I withdraw my motion.

The question was then taken upon Mr. FOWLER's motion, and there were—ayes 75, noes 18; no quorum voting.

Upon motion by Mr. JOHNSON, of Tennessee, the House then adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BAILEY, of Georgia: The petition of Elizabeth Bankstone, for pension due her deceased husband for revolutionary services.

By Mr. BROWN, of Mississippi: The petition of A. E. Lewis and others, praying for an appropriation of \$50,000 to remove obstructions from the mouth of the Pascagoula river, in the State of Mississippi.

By Mr. TAYLOR: The petition of the Mayor and City Council of the city of Chillicothe, in the county of Ross, in the State of Ohio, praying Congress to donate to the said city all the land formerly occupied by the old channel of the Scioto river, now vacant, and adjoining that city.

Also, the petition of Abner Wesson and 85 others, citizens of Ross county and the vicinity, in the State of Ohio, praying Congress to pass the bill introduced in the House of Representatives by the Hon. EDWARD STANLEY, entitled "A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the de-

posits of the public money, directed to be made with said States, by the act approved June 23, 1836."

By Mr. FLORENCE: Memorial from Colonel William F. Small, of Philadelphia, tendering the service of a regiment of volunteers for the defense of the eastern frontier of California.

By Mr. MILLER: The petition from sundry citizens of Missouri, praying for the establishment of a mail route from Bloomington to Brunswick, Missouri.

By Mr. CHANDLER: Memorial of A. Groves, jun., George Cadwalader, and many other citizens of Philadelphia, concerned in steam navigation, remonstrating against an early passage of Senate bill No. 223.

#### IN SENATE.

TUESDAY, July 20, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The PRESIDENT *pro tempore* laid before the Senate a petition of citizens of Green county, Alabama, praying that the bill now pending before Congress, known as the "homestead bill," may become a law; which was referred to the Committee on Public Lands.

Mr. CLARKE presented a memorial of underwriters, merchants, and others, citizens of Providence, Rhode Island, praying that the salary of the United States district judge for the southern district of Florida may be increased; which was referred to the Committee on the Judiciary.

Mr. RUSK presented the memorial of Francis Bouyng, praying an appropriation to enable him to introduce into, and cultivate in, the United States, the tea, indigo, coffee, and other tropical plants and fruits; which was referred to the Committee on Agriculture.

Mr. WELLER presented the petition of Elias Waldon, praying remuneration for expenses incurred in relieving destitute emigrants on the route to California; which was referred to the Committee on Claims.

Mr. FISH presented two petitions of citizens of the State of New York, praying that the bill now pending before Congress, known as the "homestead bill," may become a law; which were referred to the Committee on Public Lands.

Also, a memorial of the Common Council of the city of Brooklyn, New York, in favor of the establishment of the line of steamers between that city and Gluckstadt, in Holstein, proposed by Christian Hansen; which was referred to the Committee on the Post Office and Post Roads.

Also, a memorial of merchants of New York and Boston, asking for the recognition of the independence of Hayti by the Government of the United States; which was referred to the Committee on Foreign Relations.

Mr. TOUCEY presented a memorial of underwriters, merchants, and others, citizens of Connecticut, praying that the salary of the United States district judge for the southern district of Florida may be increased; which was ordered to lie on the table.

Mr. MORTON presented the petition of Buckingham Smith, late Secretary of Legation of the United States in Mexico, praying compensation as *Chargé d'Affaires* during the time he acted in that capacity; which was referred to the Committee on Foreign Relations.

Mr. ATCHISON presented the memorial of M. M. Marnaduke and others, praying indemnity for depredations by the Indians; which was referred to the Committee on Indian Affairs.

Mr. SEWARD presented the petition of H. H. Jones, and other citizens of New York; the petition of A. R. Plumley and other citizens of New York; the petition of John D. McGregor, and other citizens of New York; the petition of Joseph G. Carman and others, citizens of New York; the petition of Samuel Smith, and other citizens of New York; the petition of J. B. McCawley, and other citizens of New York; the petition of George L. Fox, and other citizens of New York; the petition of Thomas William Wood, and other citizens of New York; the petition of William Adams, and other citizens of New York; the petition of Charles J. Miller, and other citizens of New York; and the petition of Judge Meigs, Comptroller, the Mayor, and other citizens of New York city, in favor of extending Uri Emmons's patent for a planing machine, dated April 25, 1829; which were referred to the Committee on Patents and the Patent Office.

Mr. CASS presented the petition of John Hamm and other inhabitants of Muskingum county, Ohio, praying Congress to establish the bridges

of the Wheeling and Belmont Bridge Company as post routes, and that the company have and retain all the powers, rights, and privileges granted to them by the Legislatures of Virginia and Ohio; which was referred to the Committee on the Judiciary.

#### REPORTS FROM STANDING COMMITTEES.

Mr. MASON, from the Committee on Foreign Relations, to which was referred a message from the President of the United States, with papers in relation to the claim of Samuel A. Belden & Co., against the Government of Mexico, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. MASON submitted a report on the subject; which was ordered to be printed.

Mr. WALKER, from the Committee on Revolutionary Claims, to which was referred the memorial of William Reily, deceased, late a captain in the fourth Maryland regiment of the revolutionary army, submitted a report accompanied by a bill for the relief of the widow of the late Captain Reily. The bill was read and passed to the second reading. The report was ordered to be printed.

Mr. DOWNS. I am directed by the Committee on Private Land Claims, to which was referred the memorial of James H. Rhinehart and others, to ask to be discharged from its further consideration. In presenting this report, I have a brief explanation which I wish to make. The memorial, among other things, remonstrates against a certain bill which the memorialists represent has passed the Senate, which Mr. Rhinehart and the other memorialists contend does injustice to them. I wish to state that the memorialists are entirely mistaken. These parties are claimants to lands situated on the Maison Rouge grant. Richard King, for whose relief a bill has been passed, which bill, it is alleged, does injustice to Mr. Rhinehart, presented a memorial early in the session, asking that he be allowed to enter, by way of preemption, certain lands in the Maison Rouge grant, which he had not cultivated or inhabited, and the same which is claimed by the memorialists. In the same petition he requested to be confirmed in another tract of land, which was ceded to him by the person to whom it was granted, for making a road through the Maison Rouge claim. The Committee on Private Land Claims reported distinctly and emphatically against his first claim. They could not allow him a preemption for land which he had never cultivated, because that was not contemplated, and it would do injustice to other settlers. The committee did report a bill in his favor, confirming his title to two hundred and forty arpents of land for making the road. These parties seem to have misunderstood the object of that bill. They have supposed that it confirms Mr. King's claim to land which he had never cultivated, and which interfered with them. To remove all doubt on the subject, I will read the report which was made by the committee on the subject, which refers to the identical land, section thirteen, township nineteen, referred to in this memorial. In February last, I made the following report:

"The petitioner had two objects, distinct and unconnected, and differing in their nature. First, the petitioner prays that he may be allowed to enter, by way of preemption, a certain tract of land adjoining his plantation in the Maison Rouge grant, though his case does not come within the provisions of the act of 1841, granting preemption to certain purchasers and settlers on said grant; this the committee are of opinion ought not to be granted, because other persons claim the same land by right of settlement, and also by State location, and it would be incompetent and unusual, and improper for Congress to interfere in such cases, and accordingly recommend the rejection of this part of the petition.

"Secondly, the petitioner prays that his title may be confirmed to a tract of land conveyed to one B. Bailly in 1818, for cutting through the Maison Rouge grant a public road, by the person who then claimed the said grant. In Louisiana, by the laws in existence under the former as well as the present State government, owners of land fronting on navigable streams were required to make and keep in repair a public road along the bank of the river. In compliance with this law, the claimant of this grant, which extended some forty miles on both banks of the Ouachita river, employed a man to cut the road, and gave him in payment two tracts of land in this grant, one on each side of the river, of two hundred and forty arpents each, of which the land here claimed was one. The road there cut through a new, unsettled, and heavily-timbered country, ever since mail routes were established in that quarter of the country. The committee are of opinion that under the circumstances the petitioner has an equitable claim to have this small tract



confirmed to him, and report a bill accordingly and recommend its passage."

Here is the bill which was passed by the Senate sometime ago:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard King be, and he is hereby, confirmed in his title to two hundred and forty arpents of land on the eastern bank of the Ouachita river, in the parish of Caldwell, State of Louisiana, which was conveyed by the claimant of the Maison Rouge grant to Bagwell Bailly in eighteen hundred and eighteen, for cutting a road through said grant, and has remained in the possession of, and in cultivation by, said Bailly and his successors to the present time, and is now a part of the plantation of said King, on which he has resided for many years; and that a patent issue to him for it after a legal survey is made and returned under the direction of the surveyor general: *Provided*, That this act shall amount only to a relinquishment of title on the part of the United States."

I think it is necessary to make this explanation, because, although a copy of the memorial was sent to me some time since, and I made an explanation to the parties concerned; yet, not remembering the facts, or from inadvertence, the same memorial has since been presented by my colleague.

Subsequently to the report of the committee against part of the memorial of Mr. King, another memorial was presented by my colleague from Mr. Hynes, and King, and other persons, praying a similar grant as that for which the first petition of Mr. King prayed, and was reported against; also, that they might be allowed to enter by way of preemption, lands which they had neither inhabited nor cultivated, as the law in such cases provides. That subject was under the consideration of the Committee on Private Land Claims, and that committee had come to the conclusion to report against it, and would have reported against it before now, but for the fact that my colleague requested that the petition should be further considered.

I wish here to state my position distinctly. It is this: I shall do everything I can, as I have done on all occasions heretofore, to protect the settler in his rights. But I am opposed in this case, as I have been in every other, to the granting of preemption rights to large purchasers, where the same reasons do not exist. The applicant, Richard King, is an old acquaintance and friend of mine; and he is incensed against me because I reported against a portion of his memorial. It is very hard, when this is the case, that I should also be censured on the other side; and hence I have thought it necessary to make this explanation to show the circumstances as they actually exist. I do not think there is any equity or justice in granting preemption rights to those persons who purchase large tracts of land, and who do not occupy and cultivate them, particularly when they come in conflict with *bona fide* settlers who might be disturbed by them. There is the less reason, as this memorial very properly represents, that Mr. King should ask the privilege of entering lands, and of obtaining preemption rights to lands which he has not occupied or cultivated, because, under the bill already passed in 1851, he is entitled to enter, by way of preemption, certain lands purchased of Cox in the grant, which he did cultivate and occupy. Hence, it seems unreasonable that he should ask the right to enter in this manner lands situated in another place, which others claim, and which he has not occupied or cultivated. Under the direction of the Committee on Private Land Claims, I move that the committee be discharged from the further consideration of the memorial of James H. Rhinehart and others.

The motion was agreed to.

#### CATLIN'S COLLECTION.

Mr. SEWARD. I ask the Senate now to take up the joint resolution for the purchase of George Catlin's collection of Indian Scenes and Portraits.

Mr. CLEMENS. I hope the resolution will not now be taken up. The chairman of the Committee on the Library, [Mr. PEARCE,] who has paid some attention to the subject, is not now in his seat; and I am sure that he would desire to be present when that resolution shall be under consideration. I hope, therefore, the Senate will not take it up in his absence.

Mr. SEWARD. If the Senator from Alabama knows that the Senator from Maryland desires to be present, I will, of course, waive the motion at this time; but that honorable Senator placed in my hands papers which he had, and expressed to me an earnest desire that the resolution should be taken up at as early a period as possible.

Mr. CLEMENS. I have no objection to taking up the resolution now, if the Senator from Maryland expressed a desire that it should be taken up. I knew that he had paid attention to the subject, and I thought it proper that he should be present.

Mr. SEWARD. I have consulted with him on the subject.

The motion was agreed to.

The resolution was read a second time, and considered as in Committee of the Whole. It proposes to authorize the President of the United States to purchase the collection of Indian Scenes and Portraits, by George Catlin, for the use of the United States, on such terms, not exceeding \$30,000, as he shall think proper; and to cause them to be deposited in such of the public edifices of the Government, in the city of Washington, as he shall think proper. It also authorizes the President to appoint for the purpose an agent to act under his instructions, who shall receive a compensation not exceeding his traveling expenses and eight dollars a day for sixty days.

Mr. SEWARD. Mr. President, the Select Committee to which the subject was referred, submitted a report, which has been printed. That report states all the facts and circumstances of the case, and as it is not long, perhaps it will be as convenient, for a proper understanding of the merits of the subject, to have that report read.

The report was accordingly read.

Mr. SEWARD. Mr. President, this report presents to the consideration of the Senate the facts of the case. In the first place, this collection cost the artist the sum of \$10,000 in money, and many years of the best part of his life. The papers referred to in the report show the testimony of the honorable Senator from Wisconsin, [Mr. DODGE,] and the honorable Senator from Michigan, [Mr. CASS,] and various others present, that the paintings are valuable and true. The principle upon which the purchase is to be made, is explained in the report. The importance of securing, while we can, memorials of the aboriginal races of this country, is a point which has been settled heretofore by the action of the Government. The walls of the Capitol are graced with Indian scenes, and characters in sculpture and on canvas. Besides this, the Senate, a long time since, before I became a member of it, ordered a work to be prepared on that interesting subject by the first of our writers in that department—Henry R. Schoolcraft—a work which is going through the press at a vast expense, and is exceedingly creditable to the arts, as well as to the literature of the country.

I have nothing, therefore, to add on the subject of the merits of the case, but barely to submit some few facts which are proper to be stated for the purpose of engaging the attention of the Senate to the subject at this time, and a final disposition of it now.

This question was brought before us by letters from Mr. Catlin, in London, in jail, in which he informed us that he had been arrested for debt, and that this collection had been advertised to be sold in satisfaction of his debts. If, then, this question is ever to be decided at all, (and it has been before Congress many years,) a state of circumstances, has arisen which renders it essential, and due to him, and due to the country, that it should be disposed of now. Before the resolution was submitted, these facts were made known to the Senate. I have here a letter which has been addressed by Mr. Catlin to the honorable the Committee on the Library, of which the Senator from Maryland is chairman, which I will beg leave to read to the Senate, showing the situation of Mr. Catlin and of his collection:

To the Hon. Mr. PEARCE, Chairman of the Committee on the Library, United States Senate, and gentlemen of the Library Committee:

Some weeks since I addressed a letter to your honorable body on the subject of my Indian collection, having been informed that my memorial to the Congress had been referred to your consideration. I now take the liberty of addressing you again, and of inclosing to you the auctioneer's advertisement, which will show you the reason I have had for alarm for the safety of my collection, and the cause of this, my second prayer, that some step may be taken, if it has not yet been done, by your honorable body for the rescue of the works of my life, which you discover I have not the power myself of doing. By the inclosed circular, it will be seen that the collection was to have been sold on the 22d of this month, but by a hard struggle, aided by some American friends, the sale has been postponed until the 19th of July, on the grounds that there was a prospect of

the Congress voting the appropriation to enable me to pay my debts, and to return the collection as the property of the Government of the United States.

The auctioneer's comments upon the interest and value of the collection are worth reading, and clearly show that there is a strong desire to obtain and preserve the collection in England, if they can get it at a sacrifice; and enough, I should think, to excite some American feeling in the breasts of those who read it.

I am ashamed that my speculations have not been better managed than these results prove, and that I should be under the necessity of asking for help to preserve my work; but my desire to see these memorials preserved and treasured up by our country is above all delicate and selfish feelings, and I again pray, gentlemen, if it be not too late, that you may lose no time in recommending to the Government, not to appropriate money for my relief, but to purchase the works of my toilsome life, which I have gathered for my country, and which I offer as justly worth the price I ask for them.

The Joint Committee on the Library in 1846 decided that my price was moderate for them, and recommended its purchase: since which time, encouraged in the belief that the Government would eventually buy them, I have added to the collection, at an expense of several thousand dollars, and continued the labors of my brush; and in my last proposals have agreed to take \$15,000 less than I then required.

Confident, gentlemen, of your disposition to aid in securing these memorials to our country, I remain your obedient servant,

GEO. CATLIN.

PARIS, June 24th, 1852.

Mr. Catlin has also sent the advertisement of the auctioneer who is to sell the collection. I read:

"Catlin's Indian collection contains within itself an unique museum, fully representing the manners, customs, sports, religious ceremonies, costumes, and individuality of the interesting tribes of North American Indians, consisting of a valuable and curious display of male and female costumes, bows, quivers, spears, shields, war, eagle, and raven head-dresses, necklaces, moccasins, belts, pouches, war clubs, robes, mantles, tobacco-pouches, wampums, whistles, rattles, drums, saddles, masks for mystery dances, cradles, calumets, spears, pipes, tomahawks, scalping-knives, scalpings, and skulls; two hundred and sixteen portraits of braves, mystery men, chiefs, squaws, &c.; sixty-five landscapes, principally on the Upper Missouri river; nine spirited sporting scenes, sixty-three faithful delineations of amusements and customs; four valuable and highly-finished paintings, representing the singular religious ceremonies of the Mandan tribe; eighteen full-length figures, dressed in the costumes of their various tribes, many of them rare, curious, and valuable; a splendid Crow lodge, or wigwam, brought from the foot of the Rocky Mountains, made entirely of buffalo skins, garnished and painted, twenty-five feet high, capable of sheltering eighty or more persons; two beautiful models of the Falls of Niagara, representing them as in summer and winter; a large and splendid collection of North American quartz, a curious collection of pipes with carved red-stone bowls, besides an infinity of objects of deep and abiding interest too numerous for insertion within the limits of this particular."

By this letter of Mr. Catlin, it appears that he had in some way obtained his liberty, and that he was in Paris at the time it was written. I have not, in drawing up the resolution, adopted Mr. Catlin's calculation as to the price for this collection. Perhaps I might have done so had this letter been placed in my hands before the resolution was drawn. The sum at which the original offer of the collection was made was \$65,000. I have supposed that, under the circumstances, it would be acceptable to him if the sum of \$30,000 was provided for this purchase. At the same time, as no one could know the precise value of the collection now, I thought it better to provide that an agent should be sent out who could procure it at such price as would redeem the work, and therefore the resolution proposes to appropriate only \$30,000, which is not one-half of the original price. If it can be procured for that sum, and if that will be satisfactory to him, then we can secure it; otherwise we shall only have made an effort to secure it which will have cost the country nothing of which any citizen can complain who thinks that such works of art ought to be procured at all.

Mr. CLEMENS. Mr. President, I am aware that it is somewhat unfashionable to resist extravagant appropriations of the public money, but this is too barefaced a case to be permitted to pass without a word of opposition. This resolution is a model in its way. There is but one man in America who could have drawn it. It is: "Resolved, &c., that the President of the United States be, and he is hereby authorized, to purchase the collection of Indian scenes and portraits of George Catlin," &c.; and then it provides, that "he may appoint for the purpose an agent." This resolution does not tell us where the pictures are. They are in London. The agent is to be paid his traveling expenses and eight dollars a day for sixty days. The resolution is entirely silent as to where these paintings are, and for anything that appears on the face of it they may be in New York. The committee have reported this resolution, knowing

nothing whatever about the subject. The paintings are in London; the committee have had no opportunity to examine them. I do not know how competent they might be to judge of them, even if the paintings were here; but they have not seen them; they know nothing about them; but they propose to authorize the President of the United States to purchase of Mr. George Catlin his collection of Indian Scenes and Portraits, and to do it on the authority of certain Englishmen, who say that these are very fine paintings. Well, sir, I am not a very good judge of portraits of any sort, but I think the English are very bad judges of Indian portraits. I think we are better judges of Indian portraits than any Englishmen. Why, one of them landed here a few days ago—a man of some distinction—who fancied he could kill a buffalo within fifty miles of Washington. I do not profess to be a judge, but I have here the testimony of a man who has examined it, and who is a judge. Let it be remembered, that at the time when this resolution was reported, there was here in the Smithsonian Institution a collection of Indian portraits which the committee have entirely overlooked. It was not necessary to send an agent to London to examine them, and therefore the committee report against them. I have here the testimony of Captain Eastman, who, as everybody knows, is a competent judge. In relation to the collection of portraits now in the Smithsonian Institution, he says:

WASHINGTON, D. C., June 28, 1853.

DEAR SIR: Having been requested by you to express my opinion as to the comparative merits of yours and Mr. Catlin's paintings of the Indians of this country, it affords me pleasure to say that I consider the artistic merits of yours far superior to Mr. Catlin's, and they give a better idea of the Indian than any works in Mr. Catlin's collection.

Very respectfully, your obedient servant,

J. EASTMAN, Capt. U. S. Army.

MR. STANLEY.

There is the testimony of a man who is a judge; the testimony of a man who has examined both collections; the testimony of a man who is himself one of the best artists in the country. I would rather have a collection of portraits painted by him than by either of these gentlemen; and he tells us that here, at our own door, there is a collection of portraits far superior to any in Mr. Catlin's collection—not merely to Mr. Catlin's as a whole, but to any in Mr. Catlin's. Yet in the face of this, we are to send an agent to London, pay him eight dollars a day and his expenses, and give \$30,000 for an inferior collection. As I commenced with saying, I conclude with saying, that this is too barefaced a proposition to be allowed to pass without opposition.

MR. BORLAND. Mr. President, I am very sorry to occupy a moment of the time of the Senate upon this question. I am very sorry that this subject is occupying the time of the Senate this morning. We have many measures of public importance now pressing upon the attention of the Senate. Justice to individuals has been delayed; public interests of the greatest importance have been postponed. And for what? To consider whether we shall go into the business of buying pictures. But I will not occupy the time of the Senate with any remarks upon that aspect of the question.

We have come to this old acquaintance of ours, who has been here longer than I have been. I met this proposition here four years ago, and it has followed us up ever since. We have heard every session of "Mr. Catlin and his Indian portraits," "Mr. Catlin and his Indian portraits," until it has to me become almost like a certain patent bill that we had under consideration a year or two ago, which came pretty near running everybody out of the Senate, and we at last got so sore about it that we dismissed it, and would not consider it any further.

Since it seems that we are to buy Indian portraits; since it seems that the Government is going into the picture business, although I am opposed to the whole scheme, and think that the public interests are suffering, not only by the postponement of other measures, but by the amount of money we shall have to pay for this collection, if we have got to buy, if we have got to go into this business, I am disposed to do it understandingly. If we are to pay money out of the Treasury for pictures, I am for having the best we can get. For that purpose I have prepared an amendment to the resolution, which is to strike out all after the word "resolved," and insert—

That a select committee of three be appointed by the Chair to inquire into the relative merits and value of Mr. Catlin's and Mr. Stanley's collection of Indian portraits; or whether it may not be better to employ Captain Eastman, or some other officer of the United States Army, who is a competent artist, to paint a series of Indian portraits for the Government, than to purchase the collection of either Mr. Catlin or Mr. Stanley.

Mr. President, that opens the whole field of inquiry, and will enable and require the committee that may be appointed to examine and ascertain the relative merits of the various collections of pictures that are presented to our consideration, and to determine whether either is worthy of our patronage to this extent, or whether it may not be better to employ an officer of our own Army, who is competent, to paint us a better series than either.

I have mentioned the name of Captain Eastman because he is well known to the country as an artist of very high order of talent, perhaps equal to, if not better than any who is engaged in painting Indian portraits, and whose knowledge of Indian character, and familiarity with scenes among the Indians, qualify him better than perhaps any other man to judge of what is meritorious in such paintings; and perhaps he is himself better qualified than anybody else to produce a series that will be worthy of the patronage of the Government. The advantage of employing him or some other officer is two-fold: First, that we may thereby, and in my opinion, will obtain better work for the money which we may pay; and secondly, that we shall have to pay very little money at all. He is an officer of the Army; he is competent to do the work; and he is willing to be employed, at what he now receives as an officer of the Army, to do this work, about which gentlemen seem to have so much solicitude. For these reasons I have offered the substitute.

MR. COOPER. Mr. President, from the remarks of the Senator from Arkansas, it is evident that his objection is not to the measure *per se*, but to the collection of paintings that it is proposed to purchase. He is not for purchasing the Indian portraits, and other paintings of Mr. Catlin, but he is for directing an inquiry which is designed to result in the employment of Captain Eastman, or in the purchase of another gallery, the work of Mr. Stanley. Now, I have nothing to say against the artistic merits of either Captain Eastman or Mr. Stanley. On the contrary, I am willing to concede to both of them a very high degree of skill in this department of the fine arts. Both of them have given striking evidence of great talent; but, according to them all the merit that is due to them, or to either of them, to say that they are but gleaners after Mr. Catlin is doing injustice to neither of them.

Sir, I have seen the paintings of all these gentlemen; and, although I do not profess to be a very critical or accurate judge of matters of this kind, yet, as far as I have any judgment, I am compelled to say that the collection of Mr. Catlin is very far superior to them, or any other, in artistic merit. He was the original in this field. When he first commenced to give to the world the series of Indian portraits which are now in London, and which have been seized in execution, that field of art was entirely unexplored. His genius opened the way, and, until to-day, I have never heard it suspected or hinted that there was not a very great display of artistic skill and talent exhibited by Mr. Catlin in the paintings which the resolution before us is designed to purchase, in order to grace this Capitol. Here, abroad, everywhere, wherever these paintings have been exhibited, no matter in contrast with what others, the highest praise has always been accorded to the artist, not only for faithfulness of delineation, but, as I have said already, for general artistic skill.

Now, sir, is it not a matter that should commend itself to American statesmen and patriots to purchase a collection as perfect as that of Mr. Catlin is? The portraits which his pencil has executed are the only remains of the chiefs and braves of those tribes who were once lords of the soil, and who have almost entirely disappeared from the world. Is it not right that we should now provide that posterity may know the forms and faces of those great aboriginal chieftains, as well as that they may learn from history their other characteristics which cannot be so well exhibited upon canvas? Soon, sir, a like opportunity

of transmitting to canvas the features of these chiefs will have ceased to exist altogether; and although no doubt Mr. Stanley has employed himself with ability in this same walk of art, he has not had the same opportunities that Catlin has enjoyed, and has not produced so much that is worthy of patronage as Catlin has done. If Congress should choose, I am very willing to extend this patronage both to Mr. Stanley and to Captain Eastman. I do not think that it would be any very great stretch of public generosity to purchase the collection of Mr. Catlin, in the first place, and in the second place, the few scattering works of Captain Eastman, and finally to add to both the collection of Mr. Stanley. I do not think that it would be a great thing for a rich and powerful nation, advancing with greater rapidity to wealth, power, and intellectual preëminence than any other nation which has preceded them in the history of the world. Sir, I can conceive of nothing that would grace to a larger extent the halls which are about to be erected for the deliberations of future Congresses than a gallery containing portraits of the aborigines of this country, in order that posterity may see the faces of the race of men that occupied this soil when it was a wilderness, and previous to their time.

If there be an objection to the form of the resolution proposed by the Senator from New York, as has been suggested by the Senator from Alabama, and I apprehend that there is something objectionable in it, let us amend it; but do not let us turn our back upon the proposition merely because there is something in the resolution that gentlemen do not like. I can vote for it in its present form, though I think the employment of an agent is altogether useless. We know what the collection is; we know what it is that Mr. Catlin proposes to sell us; and a simple resolution authorizing the President to purchase and pay a sum not exceeding so much, on the delivery of the collection to an authorized person, would be all that is necessary. If somebody else will not move so to amend the resolution I will do it. I have an amendment in my hand which, in the event that no other gentleman proposes it, I shall offer. But I do trust that the proposition will commend itself to the American Senate, and that although gentlemen may sneer at it as going into the picture-dealing business, it will not deter men who have a proper regard—I will not say that, because it might cast a reflection on gentlemen, and I do not intend to do it—for these things from voting the trifling sum, in comparison with our ability, that is necessary to purchase this collection of paintings.

MR. PRATT. Mr. President, at this stage of the session, when there remains so much public business of the country requiring the attention of the Senate, I do think it will be conceded to be out of place that we should consume our time with the discussion of the relative merits of the gentlemen referred to, as portrait painters. I am opposed to the original resolution, and to the substitute offered by the Senator from Arkansas; and for the purpose of testing the sense of the Senate, I move to lay the whole subject upon the table, and I ask the yeas and nays upon that motion.

The yeas and nays were ordered.

MR. SEWARD. Will the honorable Senator indulge me in a word of reply?

MR. PRATT. My whole object was to prevent the consumption of time. If the gentleman replies, some one else will wish to reply to him. I prefer to have the sense of the Senate upon my motion.

THE PRESIDING OFFICER. (MR. NORRIS in the chair.) The question is not debatable.

The question being taken, the motion to lay the subject on the table was agreed to—yeas 26, nays 20; as follows:

YEAS—Messrs. Atchison, Bayard, Borland, Butler, Charlton, Clemens, Davis, De Sansure, Douglas, Downs, Felch, Hamlin, Houston, Hunter, Jones of Iowa, Mallory, Mason, Meriwether, Morton, Norris, Pratt, Rusk, Sebastian, Toucey, Walker, and Weller—26.

NAYS—Messrs. Bell, Brodhead, Brooke, Clarke, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Fish, Fout, James, Miller, Seward, Shields, Smith, Spruance, Stockton, Sumner, Upham, and Wade—20.

#### BILLS INTRODUCED.

MR. JAMES, agreeably to previous notice, asked and obtained leave to introduce a bill amendatory of the several acts regulating the appraisement of imported merchandise, and the more effectually to prevent frauds against the revenue,

and for other purposes; which was read a first and second time by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. ATCHISON, agreeably to previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to provide for the payment for horses and other property lost or destroyed in the military service of the United States," approved March 3, 1849; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

#### LIEUTENANT DERBY'S REPORT.

The Senate proceeded to consider the resolution submitted by Mr. GWIN the 15th instant, in relation to a reconnaissance of the Gulf of Mexico by Lieutenant Derby; and, on motion, it was ordered to be referred to the Committee on Printing.

#### DIFFICULTIES AT ACAPULCO.

Mr. WELLER submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested, if not incompatible with the public interest, to communicate to the Senate all the information in his possession relative to the recent difficulties at Acapulco, in Mexico, between the American Consul and the local authorities.

Mr. WELLER. I ask the consideration of this resolution now, as it is a matter of some immediate importance. I see, by the latest intelligence from that country, that the American Consul at Acapulco is still in prison. He was put in prison, I believe, because, as was alleged, he had interfered with some of the judicial authorities of that city. It is important that we should have all the facts in the case. When one of our agents in a foreign country is detained in a foreign prison, the honor of the Republic requires that we should investigate the matter. I ask, therefore, that the resolution be now considered.

There being no objection, the resolution was considered and agreed to.

#### THE DEFICIENCY BILL.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it recedes from its disagreement to the second amendment of the Senate to the amendment of the House of Representatives to the twenty-fifth amendment of the Senate to the bill "to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1852."

#### INDIAN APPROPRIATION BILL.

Also, that it had passed a bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30th, 1853; which was read a first and second time by its title, and referred to the Committee on Finance.

#### LANDS OF FRANCIS GARDIERE.

The engrossed bill entitled "An act authorizing the purchase of certain lands belonging to Francis Gardiere," was read a third time and passed.

#### RAILROAD IN LOUISIANA.

Mr. DOWNS. I move that the prior orders be passed over, with the view of taking up Senate bill No. 408. It is a bill granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river, in said State. This bill was reported from the Committee on Public Lands with amendments.

The motion to postpone the prior orders was agreed to, and the bill was considered by the Senate as in Committee of the Whole.

The bill consists of six sections, and provides that the right of way through the public lands be granted to the State of Louisiana, for the construction of a railroad from Shreveport, in said State, to a point on the Mississippi, at Providence or opposite to Vicksburg.

The bill is in the terms of the many bills of the same character which have been passed by the Senate.

The several amendments to the bill, which were proposed by the Committee on Public Lands, were simply such as to make it conform to the Iowa, or model bill, passed by the Senate some time ago, granting lands for railroad purposes. The amendments reported by the committee were

agreed to. The bill was then reported to the Senate, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

#### EMIGRANT ROUTE BETWEEN THE MISSOURI RIVER AND CALIFORNIA.

Mr. DOUGLAS. I ask the Senate now to postpone all prior orders, with a view to proceed to the consideration of the bill which was postponed until to-day; I refer to the bill for the protection of the emigrant route, and a telegraph line, and for an overland mail between the Missouri river and the settlements in California and Oregon.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to the consideration of the bill.

The PRESIDING OFFICER. When this bill was last under consideration, the pending question was on a motion to refer the bill to the Committee on Military Affairs.

Mr. DOUGLAS. I believe that motion was not recognized by the Chair, because it was offered when the bill was before the Senate as in Committee of the Whole.

Mr. MASON. I made that motion when the bill was last under consideration, but it was objected, by the then occupant of the chair, that the motion was not in order, because the Senate was then in Committee of the Whole. In order to afford the Senator from Texas [Mr. Rusk] an opportunity to offer an amendment, which I perceive he now has ready, I withdraw that motion.

Mr. RUSK. I propose to strike out all after the enacting clause, in the bill now before the Senate, and insert what I send to the Chair. I move, also, that the further consideration of the bill be postponed until to-morrow, in order that the amendment may be printed.

Mr. GWIN. I hope that the Senator will withdraw his motion to postpone, so as to permit me to make a motion.

Mr. RUSK. I withdraw it.

Mr. GWIN. Then I move that the bill, together with the amendment offered by the Senator from Texas, be recommitted to the Committee on the Territories. This will be the better plan, and I think it is more than probable that the committee will adopt the substitute of the Senator from Texas. I think it is also probable that it will be agreed to by the Senate.

Mr. HAMLIN. I wish to inquire whether that motion can be put while the bill is under consideration as in Committee of the Whole?

Mr. GWIN. The object of the motion is to recommit the bill and amendment, and to procure the printing of the latter. Having consulted the chairman of the committee on the subject, I can assure the Senate, that it will be acted on immediately. The probabilities are that the committee will adopt the substitute.

Mr. DOUGLAS. Through the kindness of the Senator from Texas, I have been allowed to examine his amendment, and it strikes me as being worthy of consideration, whether it will or will not be adopted as a substitute for the present bill, after some modification. From the slight examination that I have had the opportunity of making, I am induced to think that the amendment requires some modification, and I am in favor of the motion of the Senator from California, for the recommitment of the whole subject to the Committee on the Territories, the more especially as we have received an assurance that it will be acted on immediately.

Mr. BRODHEAD. I also have a substitute, which I should wish to be referred with the present bill to the Committee on the Territories. I move that it be so referred and printed.

Mr. BELL. Had we not better have the amendments read for information?

The PRESIDING OFFICER. Will the Senator from California [Mr. Gwin] modify his proposition so as to embrace both amendments?

Mr. GWIN. Certainly, sir.

The motion to recommit the bill, together with the amendments of Mr. Rusk and of Mr. Brodhead, was then agreed to.

Mr. DOUGLAS. I believe that does not include the motion to print. I move that the amendments be printed.

The question was taken on that motion, and it was agreed to.

#### NOAH HANSON.

Mr. HAMLIN. I offered a resolution a few days since in relation to pay to the widow of a deceased messenger for service rendered previous to his decease. I move that the Senate proceed to the consideration of that resolution at this time.

The motion was agreed to, and the resolution was read a second time, and considered as in Committee of the Whole.

The resolution is as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, directed to pay out of the contingent fund of the Senate to Mrs. W. Maria Hanson, as administratrix of the estate of Noah Hanson, late a messenger of the Senate, the usual per diem compensation for his services from March 27, 1851, to June 1, 1851, and from October 1, to November 1, 1851, the time of his decease, and also to pay the funeral expenses of said Hanson, as heretofore paid in similar cases.

Mr. HAMLIN. I would move to refer that resolution to the Committee on Contingent Expenses of the Senate, but that on conferring with the chairman of that committee, I learned that he approved of the resolution, and did not consider it necessary to have it referred. I will state that the person referred to in the resolution performed the duties of a messenger in one of the document rooms during the time specified in the resolution. The resolution also proposes to make provision for the payment of the funeral expenses of the deceased, which is agreeable to the precedent in some cases heretofore. The expenses are very slight, not exceeding \$100, and the widow of the deceased is, as I learn, in somewhat indigent circumstances.

Mr. DE SAUSSURE. I would much prefer to have that resolution referred to the Committee on Contingent Expenses. I am rather inclined to think that the payment of the funeral expenses in such a case is a new feature. It is not to the amount of that expense to which I should object; but I prefer to have the resolution referred to the committee, and therefore make that motion.

The motion was agreed to.

#### ADDITIONAL SECURITY ON WESTERN WATERS.

Mr. SEBASTIAN. I move that the Senate postpone all prior orders, for the purpose of proceeding to the consideration of a "joint resolution to provide additional security for the lives and property of persons navigating the western waters."

The motion was agreed to, and the resolution was read and considered as in Committee of the Whole.

It provides that it shall be the duty of the owner or master of any boat, craft, vessel, or raft, navigating any of the western navigable rivers, not propelled in whole or in part by steam, running or floating between sunset and sunrise, to carry one or more signal lights in a conspicuous place, that may be seen by other boats navigating the same waters, under the penalty of \$100.

And it provides, also, that in addition to the signal lights, as before prescribed, the master or owner of such boat, craft, vessel, or raft, shall be provided with a rattle or bell, in such times as fogs may prevent said lights from being seen, and sound the same upon the known approach of other boats, under the penalty of \$100.

It further provides, that the foregoing provisions shall apply to such vessel, boat, craft, or raft, not only while actually running or floating, but while lying to, cabled, or anchored, at any place other than such public places and landings as may by law or regulations of corporate cities and towns be appropriated for such purpose.

And also, that the penalties imposed by this resolution shall be recovered in the manner specified by the eleventh section of the act approved July 7, 1838, entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam."

And further, that the owners or masters of any boat, craft, vessel, or raft, as aforesaid, neglecting or violating the provisions of this resolution, shall not be entitled to recover against any other boat, raft, craft, or vessel, any damages for injuries sustained, (other than those which are willful and malicious,) by collision or otherwise.

The bill was reported back from the Committee on Commerce, with the following amendment: "To insert, after the word 'boats,' in the eighth line of the first section, the words 'or craft.'"

The question was taken on the foregoing amendment; and it was agreed to.



Mr. SEBASTIAN. I move to insert, after the word "bell," in section second, line fourth, the words "or some other contrivance."

Mr. DAVIS. I would suggest to the Senator from Arkansas the inquiry, whether he will not be likely to do away with all the good effects of the bill by such a "contrivance"—whether he will not weaken the means of giving an alarm, by leaving it to any man's own suggestion to take any contrivance which he may choose? I would suggest whether it would not be better to limit it to something that will give the alarm, in order to give ample notice. That is the object, I suppose.

Mr. SEBASTIAN. I will say to the Senator from Massachusetts, that I offer this amendment at the suggestion of gentlemen who have had much more experience in these matters than I have, and who suggested that other means were sometimes adopted of late, which in some cases were found to be more effectual than the ringing of a bell.

Mr. DAVIS. Then I would suggest the adoption of the words, "or some means equally effective," in place of those named by the Senator from Arkansas.

Mr. SEBASTIAN. I will adopt those words in lieu of my proposed amendment.

The amendment was agreed to.

Mr. SEBASTIAN. I propose further to amend the bill, by inserting in line sixth of the first section, after the word "steam," the words "or sails," so as to embrace all the smaller sailing craft that navigate those waters.

The amendment was agreed to.

Mr. SEBASTIAN. I have one more amendment, which is to insert in section fifth, at the sixth line, after the word "malicious," the words "or from want of ordinary care."

The amendment was agreed to.

Mr. SEBASTIAN. I would inquire whether this is a proper time to move an amendment of the title of the bill? This is called a joint resolution, while it should be denominated a bill.

The PRESIDING OFFICER. This is not the proper time.

Mr. SEBASTIAN. I will, then, move to strike out the word "Resolved" in the first section, and to insert the words "Be it enacted;" and also to strike out the word "resolved," in each of the succeeding sections, and insert the word "enacted."

The amendments were agreed to.

The resolution was then reported to the Senate as amended.

Mr. CHARLTON. I would suggest to the Senator from Arkansas, [Mr. SEBASTIAN], that by the proposed amendment, in the fifth section, it seems to me the Senator is destroying the effect of the words within the parenthesis. It reads, "shall not be entitled to recover against any other boat, raft, craft, or vessel, any damages for injuries sustained, (other than those which are willful and 'malicious,') by collision or otherwise."

If I understand the amendment, the words "or from want of ordinary care," are added after the word "malicious." It strikes me that it should remain as it was, for the plain reason, that it appears that the boat which has received the injury has not exercised ordinary care, and therefore she ought not to recover damages from the other. They ought to be upon the same footing. The rule of common law has always been, that if there be any neglect or fault at all on the part of the boat which is injured, the party cannot recover. In admiralty the rule is to divide the loss. But I would suggest that, inasmuch as, in this case, the injured boat has not exercised the ordinary care, I do not see why the owners of that boat should recover from another boat which has exercised ordinary care. If it is a proper time to make the motion, I would move that the words, "or from want of ordinary care," be stricken out. I do not wish to embarrass the bill; but I make the motion so as to make the bill harmonize with the principles of common law.

Mr. SEBASTIAN. I would suggest to the Senator from Georgia to let the question be taken on concurring in the other amendments made in Committee of the Whole first, and then upon this particular amendment by itself.

The question was taken on concurring in the several amendments made in Committee of the Whole, with the exception of the one named by the Senator from Georgia, and they were concurred in.

The question then recurred on concurring in the

amendment made by inserting the words, "or from want of ordinary care," in the fifth section.

Mr. CHARLTON. I do not wish to embarrass the bill at all, and if the Senator from Arkansas prefers the section as it is, I will not insist on my motion. It seems to me, however, that we should not concur in that amendment.

Mr. SEBASTIAN. On examining the original draft of the bill, it occurred to me that the provision as it stands was amply sufficient, because, where there is a want of ordinary care technically, an injury may be said to be done willfully and maliciously. It was thought, however, that by adding these words, it would make the matter still more specific. As to the application of the bill, I take it for granted that the Senator from Georgia is mistaken, when he says that the question applies to a boat which is injured, but which has not failed to comply with the provisions of this act.

The question was taken on concurring in the amendment, and it was not concurred in.

No further amendment being offered, the bill was ordered to be engrossed for a third reading.

#### PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. WELLER. I move to postpone the prior orders, for the purpose of taking up Senate bill No. 269, being a bill "to authorize the payment by the surveyor general of California for the surveys which may be executed of any claims which have been or may be presented to the board of land commissioners for adjudication under the act of Congress, approved 3d March, 1851, to ascertain and settle the private land claims in the State of California."

The motion was agreed to, and the bill was considered by the Senate as in Committee of the Whole.

It provides that in the case of any and all private land claims which have been or may be presented in good faith for adjudication to the board of land commissioners, under the act of Congress, approved 3d March, 1851, "to ascertain and settle the private land claims in the State of California," and in which the said commissioners may certify to the surveyor general of California that evidence is before them that such claim or claims have been presented to them in good faith and are docketed accordingly, it shall and may be lawful for the said surveyor general, out of the surveying funds, to pay for the survey of such claims as have been or may be executed under his supervision and direction: *Provided*, That upon the return to the office of the said surveyor general of the field notes and plats, he shall find that such surveys have been correctly made.

The bill was reported from the Committee on Public Lands, with amendments—namely: to add several sections, and to amend the title so as to make it read as follows: "A bill to amend an act 'entitled 'An act to ascertain and settle the private land claims in the State of California,' approved March 3d, 1851, and for other purposes.'"

The following are the additional sections proposed by the Committee on Public Lands to be added to the bill:

SEC. 2. *And be it further enacted*, That the authority conferred on the surveyor general by the first section of this act, for the payment of surveys executed under his supervision of claims before confirmation, shall only apply to such cases as the surveyor general, in the gradual extension of the lines of the public surveys shall find within the immediate sphere of his operations, and which he shall be satisfied ought to be respected, and actually surveyed in advance of confirmation; and in cases of this class he shall be authorized to trace out and establish the exterior lines of such private claims, closing upon their exteriors the lines of the public surveys, and according to such instructions as may be given by the Commissioner of the General Land Office; and the provisions of this act shall not be construed as conferring any authority on the surveyor general to pay for the survey of any such private land claims as may be isolated from, or disconnected with, the immediate line of his extension of the public surveys.

SEC. 3. *And be it further enacted*, That in every case in which the board of commissioners shall render a final decision, it shall be their duty to have two certified transcripts prepared of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the proper district court, and the other shall be transmitted to the Attorney General of the United States, and the filing of such transcript with the clerk aforesaid shall, *ipso facto*, operate as an appeal for the party against whom the decision of the board may be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid, within six months thereafter, of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the

duty of the Attorney General, within a like period, to cause a notice to be filed with the clerk aforesaid that the appeal will be prosecuted by the United States; and on a failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed.

SEC. 4. *And be it further enacted*, That in any petition which may be filed by a "present claimant," under the ninth section of the said act of the 3d of March, 1851, it shall and may be optional with him either to present or not the "derangement of title" to him from the "original claimant;" and in any case in which such derangement shall not be filed, and a final decree of confirmation shall be rendered, such decree shall inure to the benefit of the claimant under the original grant or concession, his lawful assignee, or legal representatives; and any provision of the aforesaid act of the 3d of March, 1851, inconsistent with this act, be and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That the board of commissioners for the ascertaining and settling the said private land claims, may authorize and direct the clerks of the said board to superintend the taking of depositions to be used before the said board whenever the law agent cannot attend the taking thereof; the said board, upon the application of any claimant, or of the law agent, under this act, and the act of which this is amendatory, may direct a commission to issue to take depositions before any officer authorized by the laws of California to administer oaths; in all which cases written interrogatories shall be filed before said board at least forty days before the time fixed for taking said depositions; and cross interrogatories, if desired, shall be filed before said board within twenty days after the filing of the aforesaid interrogatories. The depositions thus taken shall be carefully sealed up and transmitted, by the officer taking the same, to the secretary of the said board.

SEC. 6. *And be it further enacted*, That for the purpose of expediting the ascertaining and settling private land claims in California, the President of the United States shall appoint an assistant agent, learned in the law and skilled in the Spanish and English languages, whose duty it shall be to aid and assist in the discharge of all the duties imposed on the agent by the act of which this is amendatory, and his compensation shall not exceed \$4,000 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendments proposed by the Committee on Public Lands.

Mr. WELLER. I move to amend the sixth section by striking out of the ninth line the word "four" and inserting the word "six," so that the compensation to be allowed to the assistant law agent shall be six thousand dollars instead of four thousand, as now proposed in the bill. The reason why I propose the amendment is this: the compensation allowed to the law agent is fixed by the act, of which this is amendatory, at six thousand dollars, and the duties to be performed by the assistant are precisely the same as those to be performed by the agent himself. It is for that reason that I move this amendment.

The amendment to the amendment was agreed to.

Mr. WELLER. It will be necessary to move an amendment to the fifth section proposed by the committee, in the seventh line. It now reads in this way:

"The said board, upon the application of any claimant, or of the law agent," &c.

I move to insert after the word "agent" the words "or assistant agent."

The amendment to the amendment was agreed to.

Mr. WELLER. I move to amend the bill by offering an additional section.

The PRESIDENT. The question must first be taken on agreeing to the amendments of the committee as amended.

The amendments of the committee as amended were agreed to.

Mr. WELLER. I now move to amend the bill by adding the following as an additional section:

SEC. 7. *And be it further enacted*, That so much of the thirteenth section of the act passed March 3, 1851, entitled "An act to ascertain and settle private land claims in the State of California," as limits the time for the filing of claims, be so amended as to extend the period for presenting the same two years from and after the third day of March next.

Mr. WELLER. This section is necessary because, as the law now stands, the time for the presentation of these claims will expire on the 3d of March next. It will be impossible for the board of commissioners to adjudicate on all the cases anterior to that time; and for that reason I propose to extend the time two years from the 3d of March next.

The additional section was adopted.

Mr. WELLER. I have another section to offer to this bill.

It was read, as follows:

SEC. 8. *And be it further enacted*, That a competent person, skilled in the English and Spanish languages, shall be appointed by the Attorney General of the United States, who shall proceed to Mexico, in order to obtain copies of

all laws, decrees, and ordinances of the Spanish or Mexican Governments relating to, or affecting, land titles or claims in California or New Mexico; and also certified copies of all memorials or petitions presented to the Supreme Government of Mexico, in relation to lands in said State and Territory while in possession of the said Republic, together with all documentary evidence touching said subject. And further, to obtain such other information, under the direction of the Attorney General, as may be useful in adjusting land claims before the board organized under the act of 3d March, 1851.

Mr. GEYER. I would like to be informed whether this agent is to go to Mexico for the purpose of obtaining the muniments of titles of individual claimants? Or, to what do these documents he is directed to procure relate? The evidences of title I should suppose the claimants themselves ought to produce. If there be any other documents which the agent can procure, under this section, I am not aware of it. It may be important to collect and translate these evidences for the information of the Commissioners and the Supreme Court of the United States, when that court shall have to act on any case which may be brought before it; but I cannot understand why an agent should be sent to collect evidences of title for individuals, at the expense of the Government. The language of the amendment seems to cover that object, and I wish to inquire whether it is desirable that a public agent should be employed for that purpose?

Mr. PRATT. I understand that it is the object of my friend, the Senator from California, [Mr. WELLER,] to refer the bill to the Committee on Public Lands, after having amended it so far as he thinks necessary. Am I right in making that statement?

Mr. WELLER. No, sir. I do not propose to recommit the bill to the Committee on Public Lands. That committee reported the bill, and these are two additional sections.

Mr. PRATT. Then I was misinformed.

Mr. WELLER. The testimony I expect to obtain by sending such a commissioner to Mexico, is designed to save expense to the Government, as well as to promote the interests of the Government in other respects.

It is well known that many grants were made in California and New Mexico by the supreme Government of Mexico; and the evidence of such grants you must obtain in Mexico—you may search in vain for it in California. I propose, therefore, to send an agent there for the purpose of ascertaining the precise character of these grants, for I know that some have been made by the supreme Government of Mexico, of which we have no evidence at all in California. I am afraid, also, that the time will come when evidence will be manufactured in Mexico, for the purpose of bolstering up titles in California which have no real foundation. The sooner, therefore, you send an agent to Mexico, the sooner you will ascertain the facts in regard to the evidence that may be there, and the better you will secure the interests of our own Government. If you obtain nothing by sending out this agent, except the fact that there is nothing there at all, you will save an immense amount to the Government, for I am much afraid that titles will be manufactured in that country. The object of the amendment, therefore, is to send persons to Mexico to procure copies of all decrees and ordinances that may have been passed by the Mexican Government, in relation to these lands, and to obtain copies of all memorials presented to that Government, touching these grants. It is to supply that testimony which we cannot obtain elsewhere, and that in the decision of these cases, these commissioners may have before them all the evidence which it is possible to procure.

Mr. GWIN. This proposition has been maturely considered. It has been submitted to the Attorney General of the United States, and approved by one of the judges of the Supreme Court, the Secretary of the Interior, and also by the Committee on Finance. I have no doubt of the absolute necessity of this evidence, in order to secure justice in the decision of claims to land in California. I have authority for saying that the Supreme Court has postponed decisions in important land cases in other States for years, for the want of such information as will be collected, if this section of the bill passes. And I have reason to know, that unless the laws, ordinances, &c., authorized to be collected by this section, are furnished to the Supreme Court, the appeals on land claims from

California will remain on the docket for years. The Supreme Court cannot decide upon a title, until all the evidences of title, and the laws under which they originated, are collected in the form proposed in this bill. In similar cases in other States, the court has refused to take them up for years, for want of such evidences of titles as it is now proposed to obtain.

Mr. DAVIS. If I understand the proposition precisely, it is the same which has once been before the Senate. I then listened to the discussion which took place, and I was very well satisfied that some measure of this description ought to be taken, for the obvious reason that the initiation of land titles is, to some extent, among the records of the Republic of Mexico, as I understand. There is no means of tracing up such titles to their origin except through these records. That is applicable, as I understand, to a certain extent, to titles in California. Is that so?

Mr. WELLER. It is so.

Mr. DAVIS. It is indispensable, if the courts are to be called upon to decide these questions of title, that the evidence should be produced; and I think it is more convenient to obtain that evidence now, and, as the Senator from California [Mr. WELLER] suggests, more safe that the titles should be investigated early, and that these documents, or copies of them, should be obtained and should be in the possession of the proper authorities in this country, to be disposed of as the public exigency may require. It seems to me eminently judicious and wise that this proposition should be carried out; and I apprehend, too, that there is some foundation for the suggestion thrown out by the Senator from California, and that if these matters are left to be managed according to the wits of men, it is not improbable that false papers may be manufactured in the Republic of Mexico, and become a source of serious difficulties hereafter. I think it is safer, and indeed that it is indispensable, that we should have this evidence in the early stages of the settlement of those countries.

The amendment was agreed to.

Mr. DAVIS. Was this bill reported by the Committee on Public Lands?

Mr. GWIN. Yes, sir.

Mr. DAVIS. I should be very glad to hear some explanation of it.

A SENATOR. The bill was referred to the Committee on Private Land Claims.

THE PRESIDING OFFICER. (Mr. NORRIS in the chair.) The Chair understands that the bill was first referred to the Committee on Private Land Claims; that committee was discharged from its further consideration, and it was then referred to the Committee on Public Lands.

Mr. WELLER. The whole bill came from the Committee on Public Lands, with the exception of two sections which I have had added to it.

Mr. FELCH. Mr. President, the bill, as originally presented to the Senate, and referred to the Committee on Public Lands, consisted of but a single section. The object of that section was to secure payment for certain surveys in reference to private land claims in California. The committee added a clause in reference to that section, to act as a limitation upon it as originally introduced. The bill, as it now stands, as reported by the Committee on Public Lands, limits the payment out of the public Treasury, or out of what is known as the surveying fund, to a single instance, and that is, to the survey of the exterior limits of the private land claims when the private claims lie within the region where the public survey is going on. There are no actual marks or monuments of survey to those original claims under the Spanish and Mexican grants to be found. The consequence is, that in making the surveys, running the township lines, and other lines, where the land is subdivided in that country, the surveyor has no means of ascertaining when he arrives at a portion of country embraced within a private claim; and he can have no knowledge of that subject until the exterior lines be in some manner ascertained.

There was an application here to cause surveys to be made of all the private claims whenever they were presented to the board of commissioners. But the committee thought that, in one class of cases to which I have already referred, it was necessary that there should be some surveys, and that there need be none in other classes. They have, therefore, confined the surveys to cases

where the private land claim is within the immediate vicinity of the surveys which are now progressing under the direction of the surveyor general; so that when, in surveying a large tract of country into townships, a private claim is found to lie in the vicinity, an application is made to the board, before whom the claim is presented, and the exterior line is surveyed—the line is ascertained by the surveyors. They then close in upon that line in making the exterior survey. It is true, that when the claim is finally adjusted, it may be that these lines of exterior survey may not be found to be the true lines of the grant; but it will be perceived at once that the necessity of something of this kind is manifest from this fact, that otherwise the surveys of the public lands would be continued across the private land claims. It will cost more money to continue the surveys across the private land claims, than to arrest them and survey the exterior boundary, and then close the lines upon the exterior survey. And that is the whole object and design of the bill.

It is not surprising that difficulties should be found both to private claimants and the public surveyors, in carrying on the surveys under these circumstances; but, by limiting it in this manner, it is believed that there will be much less expense than there would be if any other course were pursued.

The bill provides, as I before remarked, for payment from the surveying fund, that is, from the public Treasury, only in those cases which I have mentioned. The large class of private claims which are scattered over the country, from one end to the other, not in the immediate vicinity of the surveys now progressing, of course will not come under the provisions of this bill, as surveys will not there be made.

There is another provision made by the committee in reference to appeals to be taken from the decision of the board of commissioners on private land claims. It proposes to extend the time of taking appeals. The object of the provision in that respect is to secure greater facilities for appeals to be taken in those cases and to enable the parties to come up directly. It requires the action of the board, in preparing the papers necessary to take the appeal before the court where it may finally come to a decision, before the Supreme Court. The magnitude of these claims is evidently such that a large portion of them must inevitably be decided by the judicial tribunals of the country. My own opinion is, that the greater the facilities afforded for a decision before the court of last resort, the better it will be both for the public interests and for the claimants. I do not believe that they can be settled in any other manner.

There is also a provision introduced which repeals the operation of the former law requiring a deraignment of title to be produced in all instances before the board. It was found to be a matter of very little consequence to securing the rights of parties and the public, and at the same time it was found to be attended with very great inconvenience, and, in many instances, enormous expense to the claimant. These are the main features of the bill as it is presented.

Mr. WELLER. There is another important amendment reported by the Committee on Public Lands, and which is, in my judgment, very necessary to the execution of the law of March 3, 1851. It is in regard to the taking of testimony. The act of 1851 provides that testimony may be taken before the board, or before any member thereof. Now, the act of 1851 gives to the board of commissioners all the vitality they have; and when that act attempts to point out a particular manner in which testimony may be taken it cannot be taken in any other way. One of the amendments proposed by the Committee on Public Lands is, that depositions may be taken, upon interrogatories and cross-interrogatories, before any person authorized by the laws of the State of California to administer oaths.

There is a difference of opinion upon this subject. There are some persons who believe, that under the law of 1851, testimony could have been taken in this way. But the general opinion of the profession has been, and the opinion of the board is, that testimony could only be taken before the board, or some member thereof. Now, as a consequence resulting from that practice, it sometimes requires eight or ten days to take the deposition of

a single witness. Oftentimes these witnesses are in a distant part of the State, old and infirm, and the board sit in the city of San Francisco; so that it was utterly impossible to bring witnesses from the greater portion of the State, in order to have their testimony taken.

The amendment to which I allude obviates that difficulty, by authorizing the taking of depositions, by interrogatories filed, in any portion of the State, before any person who is authorized by the laws of the State to administer oaths. It is of the greatest importance, in my judgment, that that provision of the bill should be passed at once, in order to enable the board of commissioners to facilitate the business of adjusting these claims.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made in Committee of the Whole.

Mr. GEYER. I ask that the last amendment be reserved, and that the question be taken separately upon it.

Mr. FELCH. I ask also that the amendment made to the sixth section, as reported by the Committee of the Whole, as to the salary of the assistant law agent, be reserved.

The PRESIDING OFFICER. If such is the pleasure of the Senate, the question on those amendments will be reserved.

Mr. PRATT. There is one section in the bill, as reported by the committee, to which I ask the attention of my friends from California. It strikes me that it would be extremely injudicious to adopt the principle which is contained in the section to which I allude. Under the original act, testimony could only be taken before one of the commissioners. The land in California either belongs to the United States, or it belongs to individuals. For the protection of the United States, it was provided in the original act, that testimony, in reference to the title to private claims, should only be taken before one of the commissioners. The bill, as reported by the committee, proposes to alter the original act, by allowing testimony to be taken in the country, before any one authorized to administer an oath—before a justice of the peace, a notary public, or anybody else—upon interrogatories filed by the claimant.

Now, suppose a case arises. A valuable territory is in question. It belongs to the United States, unless it belongs to some private claimant. The private claimant, instead of taking his testimony, as the original law provided, before the officers appointed by the United States, is authorized by this bill, if it passes, to go before some justice of the peace, file his interrogatories, and the United States will not be represented, unless it be upon interrogatories filed. The answers taken in this way before these magistrates, are to be returned as evidence of the title of these private individuals. I apprehend a great deal of evil will result to the United States from this course of examination. The Government, in nine cases out of ten, will not be represented at all; and this will put it in the power of private claimants to collect only such testimony as may be collected to corroborate their own claim, which will be determined in this way. There will not ordinarily be any cross-interrogatories filed at all. There will be no examination with regard to the credibility of witnesses, and the United States will not be protected at all by the clause which has been adopted. I therefore ask that the vote be taken separately on that section.

The PRESIDING OFFICER. The Chair would suggest that it would be better to take the question on each amendment separately; and then Senators can discuss each as it comes up.

Several SENATORS. Agreed!

The amendments made as in Committee of the Whole, as the second, third, and fourth sections, were concurred in.

The next amendment, made as in Committee of the Whole, was read, as follows:

Sec. 5. And be it further enacted, That the board of commissioners for the ascertaining and settling the said private land claims may authorize and direct the clerks of the said board to superintend the taking of depositions to be used before the said board whenever the law agent or assistant agent cannot attend the taking thereof. The said board, upon the application of any claimant, or of the law agent, under this act and the act of which this is amendatory, may direct a commission to issue to take depositions before any officer authorized by the laws of California to administer oaths; in all which cases written interrogatories shall be filed before said board at least forty days before the

time fixed for taking said depositions; and cross-interrogatories if desired, shall be filed before said board within twenty days after the filing of the aforesaid interrogatories. The depositions thus taken shall be carefully sealed up, and transmitted by the officer taking the same, to the secretary of the said board.

The PRESIDING OFFICER. The question is on concurring in this amendment.

Mr. PRATT. That is the section to which my objection obtains. I notice, from the reading of it, that there is an additional objection to it, which I did not urge before. By the original act, there was a law officer of the Government who was to take this testimony—who was to be present, in order to examine and cross-examine witnesses who were to be produced on the part of the private claimants. Now, the amendment proposes to alter the act of 1851 by substituting any one of the clerks of the board in place of the law agent of the Government. That is an additional objection, it seems to me, to the one which I urged a short time ago. The act of 1851 was intended to protect the Government, first, by the appointment of a law agent, who should be the law officer of the Government, to conduct this examination; secondly, that the examination itself should be taken before the commissioners appointed by the Government of the United States.

Mr. WELLER. Mr. President, I confess I have not been able to discover the force of the objection urged by the honorable Senator from Maryland against the fifth section of the bill, unless it be admitted that a man is much more apt to commit perjury in the State courts than in the Federal courts. I cannot discover there is any force in his argument, unless it be admitted that this board of commissioners, being Federal officers, have the power to administer an oath in such a way that a man would not be so apt to commit perjury as if that oath were administered by one of the State judges. Now, what is there in the amendment? It is simply a proposition that this testimony, which is to be introduced before the board of land commissioners, shall be taken under oath—that all the solemnities which the law usually imposes upon human testimony shall be imposed upon that upon which the commissioners are called to adjudicate these claims. Under the old law there is a provision that the testimony shall be taken before the board of commissioners, or some member thereof, in the presence of the law agent. The effect of that provision was, that you could only take one deposition at a time, because there being but one law agent, he was compelled to be present at the taking of the whole testimony. Oftentimes ten, and in some cases, to my own knowledge, fifteen days were consumed in the taking of a single deposition. If they were to go on in that way under the old law, I venture the prediction that it would take at least fifteen years to pass upon the land titles which have been already presented to the board.

The object of this amendment which is proposed by the Committee on Public Lands, is simply to authorize the taking of testimony before any tribunal authorized by the laws of the State of California to administer oaths. The section provides that the law agent or assistant law agent—for you create one under this bill—shall be present at the taking of these depositions; or, in the discretion of the board of commissioners, one of the clerks may be authorized to superintend the taking of that testimony. What is the objection to that? If this bill passes, there will be a law agent and assistant law agent. There are already five clerks. Any one of these clerks may be deputized by the board of commissioners to attend before any person authorized to take testimony in any portion of the State of California.

I apprehend that these land commissioners, looking to the interests of the General Government, will take care to send the law agent, or assistant law agent, or some competent person, to take the testimony, wherever testimony is to be taken which is material in the adjudication of a claim. Suppose a claim be presented—and there are many of them—from the county of San Diego, the extreme southern county of the State, portions of it lying at a distance of eight hundred miles from San Francisco, where the board of commissioners meet. Suppose there are witnesses in that section of the State, whose testimony is important only to prove the possession of the property on the part of the claimant, or some other matter, which is not very material as to the title. That

witness may be an old or infirm person, and it may be utterly impossible for the claimant to get him up to the city of San Francisco, where the land commissioners are in session, and that claimant must then necessarily be deprived of the benefit of this testimony. Now, is there any justice in that? If there be an officer in that portion of California—in San Diego county—who is authorized to administer oaths, wherefore, I ask, is there any impropriety in filing interrogatories, and cross-interrogatories before the board of commissioners, and ordering that testimony to be taken?

The Senator from Maryland says that the object of the original provision was to guard against perjury. You can guard against perjury as well by requiring the party to swear before the local authorities as before the Federal authorities. I know that all the profession who have been engaged in this business in the city of San Francisco, have petitioned for this very amendment which is now proposed by the Committee on Public Lands. I have seen a memorial, signed by every one of the counsel who are now engaged in the prosecution of these claims before the board of land commissioners, and signed, also, by the law agent, calling upon this Government so to amend the law as to make the act of 1851 a practicable one. From my own knowledge of the transaction of business before the board, I may well say that, unless this amendment be made to the law—if you continue to take the depositions under the act of 1851, fifteen or twenty years will be necessarily consumed in the adjustment of these land claims. Of course, it is to the interest, not only of the Federal Government, but of the State Government, that all questions connected with the title to lands in California, should be settled as speedily as possible. It is to the interest of the Government; it is to the interest of the emigrant, who is daily settling on these lands, which may be owned by private claimants. It is, therefore, in order to facilitate the settlement of these claims—in order that these questions may be decided at once, that it becomes necessary to authorize depositions to be taken in some other way than that provided by the old law.

Mr. GWIN. I am not opposed to this section of the bill, but I think it proper that I should explain why the act of 3d of March, 1851, is supposed to have proved deficient, and requires the amendment proposed. It was expected, when that law passed, that the board of commissioners would go through the country; that they would go where these land claims were. The first thing which they did when they got to California, was to decide that they would remain at San Francisco, inasmuch as the Government had not made any provision to pay their expenses for holding sessions of the board in various portions of the State.

The delegation of the State applied to the Secretary of the Interior, and have finally obtained an order for the commissioners to go from point to point, to accommodate the land claimants, as they should, and no doubt would have done at first, but for the unwise economy of the last Congress in failing to allow the necessary expenses of the board. It was proposed as an amendment to the act of the 3d of March, 1851, by a Senator from Missouri, [Mr. Benton], no longer a member of this body, that the board should be required to hold sessions at various specified points in the State; but I looked upon it so much as a matter of course that the President would require them to hold their sessions where the claims were, that I opposed the amendment. I did not think it possible that any board of commissioners would come to any other conclusion but that they were to travel through the country wherever the claims were; but it seems that the present board did come to another conclusion, and it was with great difficulty we could get an order for them to go from one part of the State to another. The former Senator from Missouri [Mr. Benton] proposed an amendment to the act above referred to, making it the duty of the board of commissioners to sit at San Diego, Los Angeles, Santa Barbara, Monterey, San José, Sonoma, and other places, and take testimony; but that was not agreed to by the Senate for the reasons above stated. I presumed, at that time, that the President would conceive this to be the duty of the commissioners, and issue orders accordingly. They have not traveled



over the country; and hence, I am in favor of increasing the number of officers to some limited extent, before whom the testimony may be safely taken; but I am entirely opposed to any construction of the original law that will release the President from the obligation of ordering the commissioners to hold their sessions in various sections of the State.

As my colleague has stated, a number of members of the bar of San Francisco have petitioned for an increase of the number of officers before whom testimony may be taken. No doubt these gentlemen would like very much to have the board sit all the time in San Francisco, because they would then get control of the business before the commission; but when the commissioners go from one section of the State to another, the difficulty which the board has labored under, while sitting at San Francisco, will be, in a great degree, removed. At the same time, I am in favor of extending the power of taking testimony to other officers, as my colleague has proposed, with secure guards to provide against loosely taking evidence that may be produced to confirm fraudulent claims. I shall not oppose his proposition, but I have thought it proper to state why there was a limitation in the original law. That limitation was inserted with the understanding that the board of commissioners would go from point to point throughout the State, and would not render it necessary to bring witnesses from great distances, and for the additional reason that there should be the most rigid examination, when oral testimony or unofficial papers were necessary to sustain a claim for land. Too many guards cannot be thrown round the taking of testimony of this kind. Land claims that rest in whole or in part upon oral or unofficial written testimony, should be passed upon with the greatest caution.

Mr. PRATT. Mr. President, it was my misfortune, perhaps, in the course of the remarks which I made, to be not understood by my honorable friend from California, [Mr. WELLER.] I will, however, endeavor to make myself understood by the Senate. The original law attempted to protect the United States by two means—first, that all the examinations of testimony should be taken before commissioners appointed by the United States; and secondly, that the examination of witnesses should be conducted by the law officers of the Government.

Now, the proposition upon our table to which I object, annuls both of these muniments of protection which were thrown around the United States by the original act; for in place of the board of commissioners taking testimony, it is to be taken before any magistrate, or any person authorized by the laws of California to administer an oath. In the next place, the examination of witnesses is to be conducted, under the proposed amendment, by any clerk of the board, instead of a law officer of the Government. I submit to the good sense of the Senate whether there is not force in the objection that the United States are not protected by this mode of examination as they were protected by the original law? Will any one tell me that an examination taken before a magistrate, a one-sided examination, to which the United States are not parties at all, and where they are not represented by anybody, or if represented, where they are represented by a clerk not a lawyer—a person not capable of making an examination as reliable as one under the original law? I do not say that the witnesses will be more apt to commit perjury by being examined before a State tribunal, than before a Federal tribunal; but by having a cross-examination made in person by the law officer of the Government, you may get information which may be important to the United States; you may be able to get, in legal form, in this way, the precise facts of the case. That is prevented if you pass the amendment to which I have made objection. If that amendment be adopted, any private claimant in California can go before a magistrate in any remote part of the State, eight hundred or one thousand miles away from where the board sits, collect his witnesses, and have an *ex parte* examination there; and that is to be returned as the evidence of title upon the part of the individual as against the United States. Would not the United States be better protected if that examination were conducted before a commissioner and by the law officers appointed by the United States? Now, if my honorable friend

cannot see the force of the objection, I think it is not my fault, but his.

Mr. WELLER. Mr. President, I do not think that I misunderstood the honorable Senator from Maryland. The amendment simply authorizes the board of commissioners to direct one of the clerks of the board, whenever the law agent or the assistant law agent cannot attend to the taking of depositions, to attend and take them. I believe there are five clerks of this board, and they are all gentlemen of the legal profession; they are all lawyers; they are all, I apprehend, competent to elicit the truth upon the examination of a witness. And, in order to guard against this loose manner of taking testimony, to which the Senator alluded, there is a provision that the interrogatories and cross-interrogatories shall be filed before the board of commissioners within a certain time.

Now, suppose that, upon the filing of these interrogatories and cross-interrogatories, the fact is discovered that the testimony of the witness is not very material; that it relates to the mere question whether the party occupied the premises at a particular date. In that case the board of commissioners would say at once, "It is unnecessary to send our law agent there; it is unnecessary to send either of these clerks there." But if, upon the filing of those interrogatories, it appears that the testimony about to be taken was material, and might affect seriously the interest of the Government, the board of commissioners, representing the Government, would take care that the law agent, or some competent person, should be dispatched to take that testimony.

I ask the gentleman what fraud can be practiced here? The board of commissioners are there for the purpose of watching the interests of this Government. There is the law agent; there is the assistant law agent. Whenever these interrogatories show upon their face—and they have to be filed forty days before the deposition is taken—that the testimony about to be introduced is material, is it not reasonable to suppose, that these commissioners, looking to the interests of the Government, will be careful to send an agent fully qualified to take the testimony? This is the objection which the gentleman urges; and I hold that there is no force in his argument, unless it be admitted that there is something peculiar about the imposition of an oath by a Federal judge, which does not apply to a State judge. If the testimony of a witness is to be taken in the county of Los Angeles, or in the county of San Diego, the materiality of the testimony will be shown to the board of commissioners by the filing of the interrogatories; and it is the duty of the agent of the Government to superintend the taking of the testimony, if he holds that the interests of the Government are about to be involved. What is the objection to that?

The section provides, that the board of commissioners "may authorize and direct" the clerks of the board to superintend the taking of the testimony—they "may" do it. I suppose they would exercise the discretion which is vested in them by this fifth section, whenever the interrogatories showed that the testimony was immaterial. Oftentimes testimony is introduced as a mere matter of form. A large mass of testimony will sometimes be introduced before the commissioners, which is not material in deciding upon the justice or the injustice of the claim. In all such cases, where the testimony is a mere matter of form, or where the fact to be elicited is immaterial, as a matter of course, an examination could as well be conducted by one of the clerks as by the law agent. If you have five clerks, and they professional men, and two law agents, and they learned in the law, and skilled in the Spanish language, as this act requires, I hold that the interests of this Government will be sufficiently guarded, and that there will be no danger of fraud being perpetrated by private claimants.

Mr. PRATT. Mr. President, by what particular practice known to California, my friend from California infers that these commissioners could ascertain the importance of testimony, before that testimony was taken, I leave it to the Senate to judge. The answer of the Senator to my argument is, that these commissioners will know, by the interrogatories filed, whether the testimony thus taken is or is not of importance; and, if they find by the interrogatories that the testimony is to

be important, they will send the law agent to make the examination. Now, how on earth they are to ascertain, from the filing of the interrogatories, whether the testimony is or is not to be important, I frankly admit that I cannot conceive. Here would be the interrogatories: "Do you know such a tract of land?" "Have you any knowledge in reference to the title to that land?" These are interrogatories which will probably be put in every case. How could the commissioners understand, by the filing of such interrogatories, that the testimony would or would not be of importance?

There is another objection to the amendment, to which I desire the attention of the colleague [Mr. GWIN] of my worthy friend from California. Under the present law, these commissioners are obliged to go into the different sections of the State for the purpose of adjudicating these land titles. Now, I submit that, practically, this amendment will repeal that obligation. The commissioners sit now in San Francisco. If, then, they are to take testimony by interrogatories in different portions of the State, there will be no necessity for them to go into different portions of the State. If this provision is made, of course they will not go to the great inconvenience of traveling eight hundred or a thousand miles; because, if the amendment be adopted, there will be no necessity for it; but they will sit permanently in San Francisco, and have migratory clerks, magistrates, and so on, who are to settle and bind the United States as regards the title to this valuable territory in California. I do think that this proposition ought not to prevail.

Mr. DAWSON. I would suggest to the Senators from California whether it would not be better to postpone the further consideration of this subject, and allow time for the introduction of a clause into the bill—in lieu of the one proposing a change in the manner of taking testimony—so as to require of the board of commissioners to sit in various parts of the State.

Mr. PRATT. That is the law now.

Mr. WELLER. I beg the gentleman's pardon; it is not the law now.

Mr. PRATT. I understood the gentleman's colleague to say that it was.

Mr. WELLER. No, sir; he said that an order had been given by the President to that effect.

Mr. GWIN. The President of the United States can order the commissioners wherever he pleases. When the original bill was under consideration, a Senator from Missouri [Mr. Benton] proposed that the commissioners should sit in certain districts, naming them. He proposed to make it imperative on them. I stated at the time that I was confident the President would order them to these points. In his amendment, Mr. Benton named the time and place of assembling the board, and I know great inconvenience might result from having the board sit at one place at a time when it might be proper to order it to another. But the commissioners determined to sit at San Francisco until provision was made to pay their expenses for traveling from place to place, and it was with great difficulty the California delegation could obtain an order for them to go from one part of the State to another.

Mr. DAWSON. My object is to introduce a provision satisfactory to the State of California, and that I think can be done only by dividing the State off into districts, and requiring the commissioners to go on circuit from place to place for so many days, or so many months, in order that the witnesses may all be brought before the commissioners. This mode of introducing testimony by way of interrogatories is an innovation upon the established rule. It is very often deceptive, and may lead us into error.

The reason why the section alluded to was introduced in the original bill two years since was this: California was settled by a population whose language we did not understand, and the character of whose people, before our race went there, we did not well know. Take such a tract of land as the Mariposa grant: Suppose the testimony upon which it should be decided in favor of a private claimant should be taken before an alcalde—a Mexican, who did not understand a word of the English language, who could not translate the Spanish language into English, so that it could be communicated to the board of commissioners. It was to avoid any misinterpretation by the person who should be appointed linguist, as well as that

the facts might be fairly presented before the commissioners, that the Senate, at that time, settled down on this idea: The commission will be composed of competent gentlemen who will understand the Spanish language in some degree. Having the witnesses before them, they can soon see their character and ascertain the reliability to be placed upon them, and the Government will thus be protected against combinations.

My friend, the junior Senator from California, [Mr. WELLER,] hinted that there were various titles which might be manufactured there. We all know that is the case in every new country. All these titles have to be investigated, or they may be imposed upon the United States so as to supersede our just rights. This may be done by combinations of men; and when these titles are to be sustained, the combination will be ready with their witnesses; and unless we make proper provisions there will be no opportunity of discovering these transactions. I do not make any charge against California, but we know these things do occur, and the object we had in view when we passed the original bill was to prevent such things.

I go this far: I will appropriate any amount of money that may be necessary to authorize these commissioners to go from place to place, to make it convenient to the State of California. I am sure that the senior Senator from California, [Mr. GWIN,] from the suggestions that he made, is in favor of the position which I occupy. Make these commissioners travel over the State of California, increase their salary, and pay the cost of their transportation, if you will. Require them to go from point to point; to sit from time to time at different places, and see the men who are to testify against the rights of the United States. We should relax no rule by which testimony is to be obtained. We should endeavor to get at the truth. The plan proposed in this amendment seems to me to be a very lax one. I do not know that there is so loose a method of obtaining testimony in any State. There are no questions half so important to the Government as those which will arise in California. Millions of acres claimed under Spanish and Mexican grants will be submitted by claimants for adjudication before these commissioners. The better plan, I think, is to arrange the matter in such a way that there can be no imputation against the honesty of the parties, and where a decision shall be made satisfactory to all. I again repeat, that I think it would be better to postpone this bill until to-morrow. If it be postponed I shall be willing to vote to take it up at any moment, and agree to a section such as I have suggested to meet the views of the senior Senator from California.

Mr. WELLER. I cannot see what will be gained by postponing the further consideration of the subject until to-morrow. Nor can I see how the taking of testimony before one of the land commissioners is better calculated to elicit the truth than testimony taken before any other person. My friend from Georgia assumes (for it is a mere assumption) that these land commissioners understand the Spanish language. Why, sir, they know nothing of the Spanish language. I admit they ought to know it. I believe further, that none of the three land commissioners know anything of the civil law, unless they have picked up a little knowledge of it since their appointment as land commissioners. They were, all three of them, common-law lawyers. All of us know that those educated as common-law lawyers generally know very little of the civil law. These land commissioners are to pass upon these questions under the civil law with all the testimony, or a large portion of it, in the Spanish language, and all of the original papers in the Spanish language!

Now, sir, I grant you, that if these commissioners thoroughly understood the Spanish language, the bringing a witness to testify in that language before one of the commissioners would better enable him to get at the truth, than if that testimony were taken before some person entirely ignorant of that language; but in this particular case there is no force in the argument, for the reason that these land commissioners do not understand that language.

If it be the desire of any considerable portion of the Senate to postpone the consideration of the subject to some future day, or if there be any Senator who desires to examine this particular question before he is called upon to vote, I shall not

hesitate to give my consent; but I do confess that I am oftentimes very much inclined to doubt the friendship of the Senator from Georgia, so far as California is concerned. I am very much inclined to doubt his liberality towards California, and I cannot consent to let the bill go over merely on his request.

Mr. DAWSON. I am very sorry that my friend from California should intimate that I have been illiberal to that State. No one is disposed to be more liberal than myself. I would like to know what the honorable Senator understands by liberality to his own State? Has he thought for a moment of the extent of the liberal grants to that State? She has possession of all of the public lands, and all of the gold mines, just as much as if we had said to her, "Take them, if you please." We have not limited her—we have not restricted her by any law of the United States. We have passed almost every bill which the Senators for that State have presented, and I have voted for a great many of them; but when you come and ask us to violate a principle which goes to consummate, as I believe, a great deprivation of the rights of the United States, I must interpose.

Mr. WELLER. Mr. President, I should be very sorry, at this late hour of the day, to enter into a discussion as to the liberality of Congress, or the Executive branch of the Government, towards California. If I should go into that subject, I might be able to demonstrate that there is no State in this Union which has been more shamefully neglected than the State of California. It is true there has been sometimes liberality upon the part of Congress; but whenever there has been liberality here, the conduct of the Executive Department of the Government has been such as to rob us of all the fruits of that liberality. Nearly two years ago Congress made a liberal appropriation for the construction of light-houses upon the Pacific coast. Not a dollar of it has been expended by the Executive Department of the Government. Some three or four weeks ago, for the first time, a contract was entered into for the construction of those light-houses; and yet the Senator from Georgia asserts that the Federal Government has been extremely liberal to the people of California! Why, sir, you have done nothing towards their custom-house. You are collecting more than three millions of revenue per annum there, and you have not yet taken the necessary steps to protect the commerce on that coast, or give to California even a custom-house or a marine hospital. You sent an agent out there, and he went about the country for a considerable time, and then came back; but nothing was done.

You have left the people of California to protect themselves against the Indians. You have had as many as eight men stationed at the mouth of the Gila, to afford protection to the great body of emigrants, and people on the frontier; and all this the Senator from Georgia considers is extreme liberality! Now, I confess that although my friend from Georgia has a great appearance of candor and liberality, so far as California is concerned, I have not yet found, when it came to acts, that that Senator backed his words. He has not at all times stood by us as I desired he should. I say this with all proper respect. I have no doubt the Senator from Georgia thinks he is doing what his duty to his constituents demands that he should do; but at the proper time I shall endeavor to demonstrate that there is no people now within the limits of the United States who have been more shamefully treated, not only by the legislative but by the executive branch of this Government, than the people of California. If I cannot demonstrate that, I will admit I have been laboring under a gross delusion.

Mr. PRATT. Mr. President, there is a legal question involved in this amendment, which I desire to state for the consideration of the Senate. I would ask the Senator what power has the Government of the United States to impose an obligation upon the State authorities to take testimony in cases in which the United States are interested?

Mr. WELLER. I grant you that the General Government cannot compel the State authorities to take testimony; but it may authorize them to do it; and if the State authorities take that testimony, I apprehend it would be legal. But I admit that the Federal Government has not power to order the State governments to take these depositions.

Mr. PRATT. Here, then, might be the result: Parties might go to a magistrate who may be in their favor, living in the locality. He may take testimony to-day favorable to the claimant, and if the United States come to-morrow with opposing testimony, the Senator admits they could not compel him to take that testimony. Now this is unexampled to me. There is no such provision in my own State, nor, so far as I know, in any State, providing that testimony to be used in the Federal courts shall be taken by State officers. I have always thought it was the practice to have Federal officers to take testimony which was to be used in the Federal courts. There are commissioners appointed for that purpose. I am not aware of any case in which testimony to be used in the Federal courts is taken before the local authorities. The result will be—the Senator admitting, as he must admit, that we cannot impose the obligation on the State authorities to take the testimony—that they may not take such testimony as may be offered by the United States, and therefore, in that aspect of it, it would be unquestionably deleterious to the interests of the Government.

Mr. BAYARD. Mr. President, I have some difficulty in voting for the fifth section, which is the question now before the Senate, owing to what I consider its obscurity—though that may arise from my not understanding the entire object in view, which the honorable Senator from California may be able to explain to me. I refer to the mode of taking testimony which is to be substituted for that provided in the original act. The original act, as I understand from the Senator from Maryland, for I have not examined it, provides that testimony shall be in all cases taken before the commissioners. The proposition here is, in the first part of the fifth section, to authorize the clerks of the board, by the authority of the commissioners, to superintend the taking of depositions to be used before the board whenever the law agent or agents do not attend to the taking of them. I do not object to that portion. Then the section goes on to provide that commissions may be issued by the board to take depositions which it is provided may be taken upon written interrogatories, and commissions may be issued to "any officer authorized by the laws of California to administer oaths."

I do not know exactly, taking the whole scope of the section into consideration, whether it is intended that there shall be any questions put to witnesses under these commissions other than those contained in the written interrogatories. If it is not intended that any other question shall be put, then of course there could be no superintendence in taking the testimony at all, on the part of the clerks. But the commissioner alone is authorized to put the interrogatories according to his own judgment. No other person can interfere. Cross-interrogatories will be filed, I presume, by the law agents of the Government on the one side, or, where the commission was asked by the Government, by the private claimant on the other side.

If I understand the rule as to the taking of depositions on written interrogatories, the commissioner would have no authority to go beyond those interrogatories. He could ask no question beyond them. If so, there can be no superintendence. Then the difficulty arises of authorizing any man in the State of California, who, by the laws of California, may administer an oath, to take depositions under written interrogatories.

Sir, in my judgment and experience, it is no such easy thing; it requires a man conversant with these matters to take the answers of witnesses to written interrogatories, or the whole effect of the examination may be lost, as regards the cross-interrogatories particularly. If your commissioner is not a competent man, a witness may be made to speak precisely what the ignorance or incapacity of the commissioner makes him speak. No lawyer who has practiced in a court of chancery can doubt, that if your commissioner is not competent, or if he is wanting in good faith in taking the deposition of a witness, under written interrogatories, he may make that deposition precisely what he pleases.

I am, therefore, not willing to confer this power, unless the justices of the peace in California, and the notaries public in California have a higher degree of intelligence and capacity than my observation has shown exists, as regards such persons

in other States of the Union, where I have known something about them. Unless the average there is higher, I am not willing to intrust to them the interests of the Government; nor do I think the interests of the claimants ought to be intrusted in such cases, to parties to take answers to written interrogatories, who, in nine cases out of ten, may be utterly incompetent to take them. I cannot vote for the section as it stands, because I think it will tend to establish a loose rule as to the taking of testimony; and a true decision on one side or the other must depend on the truth of the facts stated, which could not be relied upon by taking testimony in the mode proposed.

Mr. FELCH. Mr. President, it seems to me that there is an unnecessary alarm; for this provision does not appear to me to propose anything which, in its practical operation, will be found to put in jeopardy the rights either of the public, or of individuals who may be claimants. It has this certainly to recommend it: that there is an absolute necessity for some means of getting the testimony which both the claimant and the Government have in these cases, before the board of commissioners, in order to bring their adjudication to a termination sometime within the life of the present generation.

Now, sir, what is the provision of the old law in regard to the taking of depositions? That law is based upon the idea that the witnesses will be present; but it is not based upon the idea that the witnesses will, in all cases, testify before the commissioners acting as a board. On the contrary, it contemplates the using of depositions before the board, which may be taken at chambers before one of the commissioners. The law agent is required to be notified of the taking of depositions, in order that he may be present. A deposition, then, is presented before the board, and is used in the same manner as other depositions are, and as depositions taken under the proposed amendment are proposed to be used. Every guarantee which is had in regard to the solemnity of the taking of depositions, is had under the amendment which is proposed. It is only the tribunal that is changed, from one of the commissioners at chambers, to such persons as may be found competent among those who are authorized to take depositions to be used in the judicial tribunals of the State of California.

It seems to be supposed that there is a particular ability on the part of a commissioner at chambers. Why, sir, any other competent man may as well take, at chambers, depositions to be used before this tribunal, as one of the commissioners himself. And if it came from another man equally competent, the deposition would be as much in form and substance, and as reliable in every respect as if taken before one of the commissioners at chambers. It seems to be supposed that there may be incompetent officers appointed to take depositions in California, and that we ought not to adopt those officers as a competent tribunal to take these depositions. It is true that incompetent officers may be appointed; but what will be the case under this amendment? Why, the board themselves are to settle upon the application of the party. As I understand the operation of this amendment, if a deposition is proposed to be taken, which cannot be taken before the board, or any member of the board, then an application is made to the board of commissioners sitting as such, and they issue a commission—issue it to whom? Why, they are limited in their choice; in other words, they are authorized to select, from the persons in the State of California who are authorized to administer oaths, an individual, and a commission is to issue to him. The board of commissioners, knowing who are competent, and who are not competent, will issue a commission only to such persons as they think proper to select.

If I am correct in this matter, what is the position of the thing? Why, the commissioners themselves, acting as a board, knowing the competency of the men, and ability of the men, and the integrity of the men, will direct their commission to such a man, living in the neighborhood of the witness, as may receive their sanction as a proper man to take these depositions. And in that manner the testimony will come before the board. This I understand to be the operation of the amendment.

Mr. BAYARD. The Senator is entirely mis-

taken in his construction of the act. There can be no difficulty about it. I do aver that, on the face of the language used here, there is no authority on the part of the board to select a commissioner at all. The board may issue a commission. I think the word "may" would be construed as mandatory if a reasonable cause for asking for the taking of a deposition should be shown. If the commission issue, it issues to take depositions before any officer authorized by the laws of California to administer oaths. It would not be competent, under such circumstances, for the board to restrict the party to a particular officer of their own selection. The commission issues. It must be a general commission to any officer who is "authorized by the laws of California to administer oaths." That, I think, is the necessary construction of the language.

Mr. WELLER. The phraseology used here is, I think, precisely similar to that which is found in all laws authorizing the taking of depositions, on interrogatories, or cross-interrogatories. I have never known any case where a commission issued, in which the name of the officer before whom the depositions were to be taken was not designated, and that is the only fair and legitimate construction of the fifth section. Whenever application is made to the board of commissioners for the taking of testimony, on sufficient showing, the board directs a commission to issue to some officer of the State, who is named in that commission, to take this testimony. The phraseology of the bill is, that they "may direct a commission to issue, to take depositions before any officer authorized by the laws of California to administer oaths." Now, as a matter of course, when they come to issue this commission upon a proper application, it must be directed to some officer who, by the laws of the State of California, is authorized to administer oaths; but whether he is a proper person to intrust with this important business of taking testimony, is a question to be settled by the board of commissioners. This, I hold, is the only fair construction of the section. Any other construction would be a mere technical one, and not a legitimate one.

Mr. BAYARD. The Senator's construction is different from what the practice has been under the laws of the United States. The honorable Senator is, I think, entirely mistaken as to the necessary effect of the language.

Mr. WELLER. I speak of the practice which has prevailed.

Mr. FELCH. Mr. President, a question is raised as to the construction of this section. Perhaps I speak more in reference to my own view of it, as reported by the committee, than in regard to any technical question which may be raised as to its construction; but I understand the construction which I have mentioned to be the true one, which is to be put upon the section. I do not know any authority by which the board of commissioners could be called upon to issue a commission to such a person as did not meet the approval of that board; but if I am wrong as to the construction, or if it admits of a doubt upon that point, I desire to have the section amended, so that it shall meet that proposition.

Mr. DAVIS. Suppose a commission is issued in the words of the act, directed to A B, or any other person "authorized by the laws of California to administer oaths," that commission would issue in the very words of the act.

Mr. FELCH. I do not suppose any commission would issue in that way. I have always supposed, so far as I have known the practice, that it has been to direct a particular individual, naming him, to take particular testimony. The commission requires testimony to be taken before him.

Mr. DAVIS. The case I have put is not unusual. In some of the States, commissions are directed in that way to A B, or C D, or any person of a certain rank, as a judge of a court of record.

Mr. PRATT. That is the practice in Maryland.

Mr. DAVIS. This section authorizes the commission to issue to any person who is "authorized by the laws of California to administer oaths."

Mr. WELLER. The objection is very easily obviated. It was certainly the intention of the act to provide that the commission should issue to a person to be designated in it; but I can very readily obviate the objection by an amendment,

so that it shall read that the board "may direct a commission to issue to take depositions before any officer designated by the board, authorized by the laws of California to administer oaths." If that suits the tastes of gentlemen on the other side, I shall be willing to make that amendment. I offer that amendment, hoping that it will obviate the objection.

Upon the motion of Mr. JONES, of Iowa, the further consideration of the bill was postponed until to-morrow.

#### TOWN OF BELLEVUE, IOWA.

On motion by Mr. JONES, of Iowa, the Senate, as in Committee of the Whole, proceeded to consider the bill for the benefit of the town of Bellevue, in Iowa.

The original bill had been referred to the Committee on Public Lands, which had reported it with an amendment, which was to strike out all after the enacting clause and insert:

"That there shall be and hereby is granted to the city of Bellevue, in Iowa, the land bordering on the Mississippi river in front of the said city, reserved by the act of 2d July, 1836, for a public highway and for other public purposes, together with the accretions which may have formed thereto, or in front thereof, to be disposed of in such manner as the corporate authorities of said city may direct. The grant made by this act shall operate as a relinquishment only of the right of the United States in and to the said premises, and shall in no manner affect the rights of third persons therein, or to the use thereof, but shall be subject to the same. On application by a duly authorized agent of the corporate authorities of said city to the Commissioner of the General Land Office, a patent of relinquishment, in accordance with the provisions of this act, shall be issued therefor, as in other cases."

The amendment was agreed to.

The bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, July 20, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTELTON F. MORGAN.

The Journal of yesterday was read and approved.

#### RIGHT OF WAY TO RAIL AND PLANK ROADS.

The SPEAKER. The business first in order is the consideration of the bill giving the right of way to all rail and plank roads passing through the public lands belonging to the United States, upon which the previous question has been demanded.

On motion by Mr. HAMILTON, by unanimous consent,

Ordered, That leave be granted for the withdrawal from the files of the House of the papers in the case of Christopher Lambert, for the purpose of reference to one of the Executive Departments.

Mr. COBB. Yesterday I called the previous question on the bill under consideration. The morning hour having expired, I also entered a motion to recommit the bill to the Committee on Public Lands, in order that it might come up this morning for consideration. I now withdraw the motion to recommit the bill to the Committee on Public Lands, and also the demand for the previous question. I would like to have the attention of the House, and I will detain it but a moment. I understand that there was some dissatisfaction on yesterday in relation to my calling the previous question, and refusing to give some gentlemen the floor for the purpose of making personal explanations. I did not know at the time that they desired the floor for this purpose, or I should have given it to them with pleasure. Whenever I refuse anything to gentlemen in this House, my object is to promote the progress of business, and not to evidence any disrespect to any member of the House. It is proper that I should state this, to satisfy those gentlemen who may have been displeased on account of my refusing to allow them the floor. I am about to make another proposition. Inasmuch as I reported this bill from the Committee on Public Lands, and some gentlemen here believe that they can perfect it still further, I will withdraw the demand for the previous question, turn the bill loose upon the House, and let gentlemen do with it as they please.

Mr. POLK. Oh don't! Don't turn it loose! [Laughter.]

Mr. COBB. I do not feel at liberty to insist



upon the previous question. Having withdrawn it, I do not intend to make a speech in advocacy of the passage of this bill. I believe it to be so plain a proposition, that it needs no discussion, and, therefore, I shall not discuss the measure, leaving it in the hands of the House to do with it as they please.

Mr. OLDS. I am afraid, if the gentleman turns that bill loose upon the House, that it might injure some of us very much, and therefore I call the previous question. [Laughter.]

Mr. PERKINS. I appeal to the gentleman from Ohio [Mr. OLDS] to allow me to offer an amendment.

Mr. OLDS. I think a sense of duty compels me to insist upon my motion.

Mr. PERKINS. Let the amendment be read.

Mr. DEAN. I object.

Mr. JENKINS. As the friends of the bill refuse the amendment of the gentleman from New Hampshire, [Mr. PERKINS,] I move to lay the bill upon the table.

Mr. BISSELL. Upon that motion I demand the yeas and nays.

Mr. GAYLORD. Will it be in order to move to recommit the bill to the Committee on Public Lands with instructions?

The SPEAKER. It will not be in order, the previous question having been demanded, and a proposition having been made to lay upon the table.

Mr. BISSELL called for tellers upon his demand for the yeas and nays; which were ordered, and Messrs. STEVENS, of Pennsylvania, and POLK, were appointed; and on a count, there appeared, ayes 31.

So the yeas and nays were ordered.

Mr. AVERETT. Being unable to hear from the gentleman from Alabama, [Mr. COBB,] I rise for the purpose of inquiring whether the friends of this bill have refused to strike out that clause which gives the unlimited right to take timber and stone, to keep the road in repair?

Mr. BISSELL. I would reply if I may have the privilege—

Mr. DEAN. I call the gentleman to order.

The SPEAKER. Debate is out of order, the question being to lay the bill upon the table.

Mr. BISSELL. I do not propose to debate the bill. Will not the Chair hear what I design to say?

The SPEAKER. The Chair cannot do so without a direct violation of the rules, and he is called upon by half a dozen gentlemen to enforce them.

Mr. BISSELL. I wished to ask the Chair what was the question in order, and what was not in order?

The SPEAKER. It is the duty of the Chair to state that which he has twice done; and he will repeat for the third time, if gentlemen will permit him: The motion pending is to lay the bill upon the table.

Mr. BISSELL. I desire to ask permission of the House to answer the question of the gentleman from Virginia, [Mr. AVERETT.]

Mr. DEAN. I object, unless others can speak also.

The SPEAKER. The gentleman from New York, [Mr. DEAN,] and a half a dozen others, called the gentleman to order when the proposition was first made.

Mr. BISSELL. Then I trust, if this be the case, that the proposition to lay the bill upon the table will be voted down.

Mr. SACKETT. I wish to propound a question to the Chair.

[Cries of "Order!" "Order!"]

The SPEAKER. Does the gentleman raise a point of order?

Mr. SACKETT. I am not certain whether it is a question of order or not. I wish to ask a question of the Chair.

The SPEAKER. Discussion is not in order. By unanimous consent alone can the gentleman propound his interrogatory.

Mr. LETCHER. I object.

The question was then taken upon Mr. JENKINS's motion to lay the bill upon the table, and there were—yeas 68, nays 78, as follows:

YEAS—Messrs. Allison, William Appleton, Averett, Babcock, Bartlett, Beale, Bibbiana, Bowie, John H. Boyd, Breckinridge, George H. Brown, Buel, Burrows, Burt, Joseph Cable, Caldwell, Chandler, Chapman, Chastain, Dean, Dinwiddie, Edmundson, Faulkner, Floyd, Fowler,

Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Hamilton, Isham G. Harris, Hillyer, Horsford, John W. Howe, Thos. Y. How, Ives, Jenkins, D. T. Jones, Geo. G. King, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, Mason, McLanahan, McNair, Morehead, Murray, Newton, Peaslee, Perkins, Powell, Reed, Robbins, Robie, Skelton, Smart, Stanly, Abraham P. Stephens, Thaddeus Stevens, Sutherland, Thurston, Townshend, Venable, Washburn, and Wildrick—68.

NAYS—Messrs. Willis Allen, Bell, Bissell, Bragg, Brenton, Briggs, Busby, Thompson Campbell, Carter, Churchwell, Chingman, Cobb, Conger, Curtis, John G. Davis, Dawson, Disney, Duncan, Eastman, Fitch, Florence, Freeman, Henry M. Fuller, Gamble, Green, Grey, Harper, Sampson W. Harris, Haws, Haven, Hendricks, Henn, Houston, Howard, Hunter, Andrew Johnson, James Johnson, John Johnson, Robert W. Johnson, George W. Jones, Landry, Lockhart, Mace, Humphrey Marshall, Meade, Miller, Milson, Molony, John Moore, Murphy, Andrew Parker, Samuel W. Parker, Penn, Pennington, Phelps, Polk, Riddle, Robinson, Savage, Schermerhorn, Origen S. Seymour, Smith, Benjamin Stanton, Frederick P. Stanton, Stone, St. Martin, Stuart, Taylor, Tuck, Walsh, Ward, Watkins, Welch, Addison White, Alexander White, Wilcox, Woodward, and Yates—78.

So the House refused to lay the bill upon the table.

The bill was read through, as follows:

*Be it enacted, &c.*, That the right of way shall be, and is hereby, granted to all rail and plank road companies that are now, or that may be chartered hereafter, over and through any of the public lands of the United States, over which any rail or plank road, authorized by an act of the General Assembly of the respective States in which public lands may be situated; and the said company or companies are hereby authorized to survey and work through the said public lands, to be held by them for the track of said road, one hundred feet in width; and, furthermore, an additional quantity of fifty feet in width on each side of said road or roads along the same.

*Sec. 2. And be it further enacted*, That the said company or companies shall have the right to take from the public lands, in the vicinity of said road or roads, all such materials of earth, stone, or wood, as may be necessary or convenient from time to time, for the actual construction and repair of said road or roads, or any part thereof.

*Sec. 3. And be it further enacted*, That there shall be, and is hereby, granted to said company or companies all necessary sites for watering places, depots, and work-shops along the line of said road or roads, so far as the places convenient for the same may fall upon the public lands: *Provided*, That no one depot or watering place shall contain over five square acres, and that said sites shall not be nearer to each other than ten miles along the line or lines of said road or roads: *Provided further*, That the said grants herein contained, as well as of the use of the public lands as of the materials for the construction of said road or roads, shall cease and determine, unless the road or roads be begun within five years, and completed within fifteen years thereafter: *And provided, moreover*, That if any road, at any time after its completion, be discontinued or abandoned by said company or companies, the grants hereby made shall cease and determine, and said lands hereby granted revert back to the General Government.

Mr. OLDS. There seems to be much dissatisfaction at the call for the previous question; and, not wishing to exclude any amendment that may be proposed to the bill, I withdraw that call.

Mr. CARTTER. I move to strike out the second section of the bill, for I believe the bill is as valuable without it.

The SPEAKER. That amendment will not be in order until the amendment now before the body has been disposed of.

Mr. CARTTER. Well, I announce my purpose to make that motion at the proper time.

Mr. PERKINS. I have an amendment to offer, which, I think, will now come in at the proper place.

Mr. SACKETT. Is the first section of the bill under consideration?

The SPEAKER. It is. Does the gentleman from New Hampshire [Mr. PERKINS] propose an amendment to the first section?

Mr. PERKINS. I do, sir. I propose to amend the first section of the bill, as follows:

To strike out all after the word "width," line twelve, section one, to the end of the section, and add: *Provided*, That in case where deep excavation, or heavy embankment is required for the grade of such road, then at such places a greater width may be taken by such company, if necessary, not exceeding, in the whole, two hundred feet.

Mr. STUART. I desire, sir, to offer a substitute for that bill.

The SPEAKER. That will be in order; but the original bill will still be open to amendment.

Mr. STUART. I understand that; but I wish to propose the following substitute for the bill: to strike out all after the enacting clause, and insert what I send to the Clerk's desk.

The Clerk read the substitute, as follows:

That whenever in any of the Territories or States in which the public lands are situated, the route of any railroad authorized by authority of said State or Territory, shall lead through any of the public lands of the United States remaining unsold, the Secretary of the Interior shall be, and he is hereby, empowered to authorize the company

constructing the same, to survey and mark for that purpose through such lands, the track of such railroad, with seventy-five feet of land in width on each side of the center thereof. And the route of such road shall be designated and marked on the ground by plain landmarks, and a copy of the notes of survey and a plat thereof, with a description of such landmarks, shall be returned to the office of the Secretary of the Interior within such time as he shall designate; and, upon the approval of the same by said Secretary, the land so designated shall be set apart and held for the use of such company for the route of such railroad and the fixtures appurtenant thereto; and the public land intersected by the same shall thereafter be sold subject to the rights granted by this act; and a copy of the survey and plat aforesaid shall also be filed in the proper local land office by such company, before any rights under this act shall vest in them.

*Sec. 2. And be it further enacted*, That the grants provided for in this act, and all rights and privileges secured thereby, shall cease and determine, unless the road in each case be begun within one year, and completed within ten years after the approval aforesaid; and if the said road or roads shall at any time before or after its completion be discontinued or abandoned by said company, the grants hereby made, and all rights and privileges hereby secured, shall cease and determine.

Mr. STUART. That substitute merely proposes to give the right of way through the Government lands, one hundred and fifty feet wide. It provides for surveys to be made, and returned to the office of the Secretary of the Interior; and when so returned, and acquiesced in by him, then these lands over which the road passes are to be withdrawn from sale, and the balance of the land is to be sold, subject to this right of way. It confers no right to take timber, materials, stone, or anything else; and whenever the company or State ceases to use the right of way for the purposes indicated by the grant, the land reverts to the General Government. Now, sir, that is all we ask; and if the House is disposed to adopt that, so far as I am concerned, I shall be abundantly satisfied.

Mr. COBB. Will the gentleman allow me to say what I ask for?

Mr. STUART. Certainly, sir.

Mr. COBB. The bill which the Committee on Public Lands reported, and which has been amended to the satisfaction of almost every gentleman in this body, is such a bill as no Congress that I have been a member of, has ever refused to a State. We have precedent after precedent upon the books, where they have passed such bills granting exactly such privileges to the different States as is proposed to be granted by this bill; and now, if this House is not willing to give a general bill of a similar nature, I shall not ask for any bill. I shall vote against the proposition of the gentleman from Michigan, [Mr. STUART.] It is no proposition at all. It is a burlesque upon us to grant simply a right of way. We have already a right of way through our State.

Mr. CARTTER. I rise to a question of order. I rose a moment ago, and made a motion to strike out the second section. The Speaker pronounced the motion out of order, for the reason that the bill might be perfected first. The gentleman from Michigan [Mr. STUART] rises, and moves a substitute for the whole bill—a proposition which is still a subordinate one to the motion I made. I ask if the gentleman is in order?

The SPEAKER. That is very true. The proposition immediately before the body is the amendment proposed by the gentleman from New Hampshire, [Mr. PERKINS.]

Mr. CARTTER. Then the gentleman from Michigan [Mr. STUART] is not in order.

The SPEAKER. It is proper to entertain his proposition; but it is also true that the bill may be perfected by amendment before the gentleman's substitute can come up as in order.

Mr. CARTTER. Is it not necessary that his motion should be in order to give him the privilege of the floor? That is the question I wish to raise.

The SPEAKER. The Chair thinks it has been the custom to allow gentlemen to state briefly the contents of a proposed substitute, but the question immediately before the body is the amendment proposed to the first section of the original bill.

Mr. STUART. I propose, sir, to modify the substitute I offered, so as to make it cover plank roads also.

The SPEAKER. That modification will be made.

Mr. WHITE, of Alabama. I wish to call the attention of the House, and the gentleman from Michigan, for a moment to the character of the amendment which he has proposed.

Mr. COBB. Will my colleague allow me to make one suggestion?

Mr. WHITE. Yes, in a moment. The only object which can be subserved by the first section of this amendment, it seems to me, is to secure the accomplishment of the road, so far at least as to have it surveyed. That I understand to be the object—agreeing that this survey should be made.

The SPEAKER. Will the gentleman from Alabama allow the Clerk to report the first amendment in order?

The Clerk again read Mr. PERKINS's amendment, (as inserted above.)

Mr. STUART. I wish to understand of the Chair what is the condition of the substitute that I propose?

The SPEAKER. The substitute has been entered, and it will be taken up after the House has perfected the bill.

Mr. STUART. My view is this: It is in order to offer the substitute. The substitute is pending, but the House has a right to amend the original bill to suit itself.

The SPEAKER. And there is an amendment pending to the original bill, which the Chair decides is the first in order.

Mr. STUART. I made the inquiry for this purpose: a motion for the previous question being sustained, would not, I believe, cut off the substitute?

The SPEAKER. It would not, in the opinion of the Chair.

Mr. COBB. I will accept the amendment of the gentleman from New Hampshire, [Mr. PERKINS.] It is enough for us.

The SPEAKER. It is not in the power of the gentleman from Alabama to accept the amendment of the gentleman from New Hampshire.

Mr. COBB. I know that; but I am merely expressing my opinion about it.

Mr. CARTTER. I thought the gentleman from Alabama had let the bill loose upon the House.

Mr. COBB. Yes, so I did.

Mr. JENKINS. I call for the reading of the first section of the bill, as it will read if the proposed amendment of the gentleman from New Hampshire [Mr. PERKINS] is agreed to.

The Clerk then read the first section of the bill as proposed to be amended.

Mr. JONES, of Tennessee. I wish to suggest to the friends of this bill that I think it would be as well to insert after the words "plank roads" "macadamized turnpikes."

The SPEAKER. Does the gentleman from New Hampshire accept that amendment?

Mr. PERKINS. I do not.

Mr. COBB. I have no objection to that amendment.

Mr. JONES. Well, I offer that as an amendment to the amendment.

The question was then taken upon the amendment to the amendment, and it was agreed to—ayes 73, noes not counted.

Mr. GOODENOW. I move to insert after the words "macadamized roads," "public roads."

Mr. STUART. I hope, sir, that gentlemen in this House will not attempt to make a farce of this matter, and that they will not detain the House upon such propositions as these. Everybody knows that the States have a right to authorize the laying out of any roads through the public lands, or anywhere else, except roads of the character provided for in this bill; and it is even contended by many gentlemen that they possess that authority, and it is only for the purpose of saving dispute about jurisdiction that this bill to give a right of way to rail and plank roads through the public lands is asked for.

Mr. JOHNSON, of Tennessee. I do not rise for the purpose of making a speech, but for the purpose of asking a question. I wish to make an inquiry, whether it is necessary to pass a bill of this description, to give a State the right of way through the public domain? My opinion about that is this: I am not a lawyer, it is true, but there are some first principles, some general principles, that can be understood. I understand, for instance, that the right of eminent domain exists in the sovereignty. The State authority of a State is the sovereign power. A State has authority to incorporate a company with the privilege of making a road. Let me illustrate the point I wish to present. Here is an individual who owns the

soil lying within the limits of a State, and who is a non-resident, and here is the Federal Government, who owns the soil lying within the limits of a State, and who is a non-resident. The question then arises, after the incorporation has been granted to a company to make a road, have not they the power to grant to the company a right of way through the soil where the fee resides in the Federal Government the same as they have where the fee resides in an individual?

Mr. SACKETT. Can they do that in the case of an individual, without compensation?

Mr. JOHNSON. Exactly so; that is the very point I was going to speak to. In many of the constitutions of the States, and in the bills of rights, it is provided that property, real or personal, shall not be taken or appropriated to the public use without just compensation being made therefor. Then, usually in granting this act of incorporation, the mode of ascertaining the amount of damage is prescribed, and they have a right to set apart as much of individual property, paying compensation therefor, as the public interest requires. Then let us place individuals and the Federal Government upon precisely the same ground. If the Federal Government thinks proper to take the damages when assessed for the right of way through the public lands, let the Government receive it.

Mr. WASHBURN. I want to ask of the gentleman in whom is the right of eminent domain in the Territories?

Mr. JOHNSON. The right of eminent domain in the Territories would be in the Federal Government. If damage is done to the Government, of course compensation would not be asked for; but so far as the States are concerned, the question is clear. The right of eminent domain exists in the sovereignty; hence a State has as much a right to condemn and set apart for public use the public domain lying within the limits of the State, as it has that of an individual; and if compensation is to be made, the Federal Government is as much entitled to compensation for the land condemned and set apart for public use, as an individual is. Let individuals and the Federal Government be placed precisely upon the same footing. I think the bill is wholly unnecessary. I think it is supererogation. A State authority has this privilege already, and it is not necessary to anticipate State legislation, so far as I can perceive.

Mr. WHITE, of Alabama. If the State authority can grant the right to artificial persons, or to a corporation to trespass upon the public lands, why cannot it make the same grant to natural persons?

Mr. JOHNSON. The State authority has no authority to grant the privilege of committing trespass. That is a different affair.

Mr. WHITE. Is cutting down timber and treading upon the grass no trespass?

Mr. JOHNSON. Is it a trespass, for instance, to condemn and set apart so much of individual land to open up a public road? Is that a trespass? Not at all. The gentleman confounds two separate and distinct principles. One is the origin of law, and the other grows out of the sovereignty itself. Both growing out of the sovereignty itself, but one has its foundation in law, and the other has its existence in sovereignty. The fee is in one place and the right of eminent domain is in another. The principles are clear and distinct; and this bill is wholly unnecessary. It is not necessary to pass such a law. The States have the authority, and if the company want to use public lands—if they want timber and other materials, let them pay the Government for it upon the principle that they would have to pay individuals for it.

Mr. GOODENOW. I withdraw my amendment.

The question recurred upon the adoption of the amendment as amended, and being put it was decided in the affirmative.

So the amendment to the amendment was agreed to.

Mr. SUTHERLAND. Is it now in order to offer an amendment to the bill?

The SPEAKER. If the gentleman desires to amend the first section, it is in order.

Mr. SUTHERLAND. I move, then, to amend the first section by striking out the word "hereafter" in the fifth line, and inserting after the

word "chartered," in the same line, the words "ten years hereafter," so as to make it read:

"That the right of way shall be and is hereby granted to all rail and plank road companies that are now or that may be chartered *ten years hereafter*," &c.

It seems to me, sir, that the House would be passing a very bold public measure without much consideration, if it was to agree to this first section as it now stands in the bill. The principle contained in this first section is, "that the right of way shall be and is hereby granted to all rail and plank road companies that are now or that may be *hereafter* chartered." When? Two hundred years hence? The time is not limited. All you have to do is, to give a company a charter for two hundred years, or for five thousand years. Suppose you do charter a company for five hundred years, or for a thousand years now, when you have public lands, and they locate their road now, but do not go into operation for two hundred years, I ask any lawyer in this House what the rights of that company are through the public lands?

Mr. DAVIS, of Massachusetts. I ask the gentleman whether this provision in the third section does not meet the difficulty, "that the said grants herein contained, as well as of the use of the public lands as of the materials for the construction of said road or roads, shall cease and determine, unless the road or roads be begun within five years and completed within fifteen years thereafter?"

Mr. SUTHERLAND. After what? After the charter?

Mr. DAVIS. Unless they be begun within five years, and completed within fifteen years from this time.

Mr. SUTHERLAND. From the date of this act?

Mr. DAVIS. Yes.

Mr. SUTHERLAND. I had overlooked that provision. But, sir, it seems to me that it would be infinitely better to grant these rights of way, and grant them these privileges as each case arises.

Sir, in regard to these grants of land to railroads, and for other purposes, on certain conditions, I know that we have been making them, and that those who vote for them think it right to do so; but I say that, in the end, they will throw the land titles in these new States into inextricable confusion. I say, and I wish it to be noted, that within twenty years from this time these land States will most seriously and most solemnly regret every one of the conditions inserted in these bills. If they do not, I will never utter another sentence in public. If they will strike out every one of these conditions and convince me that the settlement of the country requires these railroads, I will vote for their bills; but I never will vote to grant lands to a State or a corporation, tying them up with conditions, and confining them in the use of the lands. I tell you, sir, I tell this House, that in the end, it will turn out to be the saddest business for the new States that they have ever gone into. I know it from experience. I know enough of the principles of the common law, and of the philosophy of the common law, to know that by this system of granting away lands on conditions and terms, and by tying them up, you are injuring yourselves, and that you will regret it forever hereafter.

If, however, by a subsequent section of the bill the time is limited, I do not insist on this amendment; but if the House thinks that it is not limited to five years after the passage of this act, or five years after the charter of the company, then I insist on my amendment. At all events, it would be safer to insert the words of my amendment. They can certainly do no harm.

Now one word more. I desire to illustrate the idea I intend to convey by this amendment, and the question of law which might arise as to what rights would attach to a company chartered, but not going into operation. It is perhaps a remnant of the feudal system; but in the manors in New York and in England at this day, it is quite common when a man leases a farm, to grant also to the tenant a right of common. Now, this question has been raised in New York, and carried to our highest courts. Here is a lease given forever, and granting the right of common; the tenant claims the right of common, and yet the landlord has no commons; the tenant claims the right to

pasture his cattle, and to cut his wood, on the land that was common when his lease was granted. Now, a question of that sort might arise under this section of the bill. A company is chartered; a bill is passed giving them the right of way; the company does not go into operation; in the mean time the lands are sold. Now, has that chartered company a right of way through the land that has been sold subsequent to the passage of the act, and which may have been surveyed for the railroad track? It is a grave question of law, what rights this first section does give to a company which is chartered, and has not gone into operation.

Mr. COBB. I have no objection at all to the amendment proposed by the honorable gentleman from New York, so far as it proposes to extend the time to ten years from and after the passage of this bill. But I see that the morning hour has nearly expired, and with a view of keeping the bill before the House, I move that it be recommitted to the Committee on Public Lands. I trust that the House will be prepared to vote upon the bill to-morrow morning, and dispose of it in one way or the other.

Mr. MEADE. I rise for the purpose of suggesting that this bill should be committed to the Committee on the Judiciary. The bill seems to involve questions of law, which should be considered more maturely than we are in the habit of considering bills that are sprung upon us in the House; and I therefore think that it should be committed to the Committee on the Judiciary. If it is in order, I will submit a motion for that purpose.

Mr. COBB. I cannot yield the floor for any motion. I have moved to recommit the bill to the Committee on Public Lands, and on that motion I call for the previous question.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. Then I desire to offer a resolution to terminate debate in Committee of the Whole on the state of the Union on House bill No. 87, "making appropriations for the support of the Military Academy for the year ending the 30th of June, 1853."

The SPEAKER. That resolution is not in order, as the bill has not been considered in Committee of the Whole on the state of the Union.

Mr. HOUSTON. I have drawn up the resolution in such a way as to make it, I think, legitimate and proper. My resolution is that the debate shall close after the discussion has been continued for a certain length of time.

The SPEAKER. The House has decided such a resolution to be out of order.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HENN. I hope the gentleman will withdraw that motion, and allow us to go to the business on the Speaker's table for an hour or two. I have no objection to going into committee after that time; but let us, at least, devote one hour to-day to the business on the Speaker's table.

Mr. St. MARTIN. Is it in order to move to proceed to the business on the Speaker's table?

The SPEAKER. It will be in order to do so if the House votes down the motion to go into the Committee of the Whole on the state of the Union.

The question was then taken on Mr. Houston's motion, and it was agreed to, on a division—ayes 86, noes not counted.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Phelps in the chair.)

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HOUSTON. I move to take up House bill No. 87, "making appropriations for the support of the Military Academy for the year ending the 30th of June, 1853."

The motion was agreed to, and the bill was taken up for consideration.

Mr. HOUSTON. There is no unusual appropriation in this bill. On the contrary, the Committee of Ways and Means have reduced some of the items. As I desire, if possible, to take up, to-day, the civil and diplomatic appropriation bill, which is the important bill of the session, I hope the committee will allow this bill to be passed upon

without any general debate, and let us take up the civil and diplomatic bill immediately.

[Cries of "Agreed!" "Agreed!"]

The bill was then read through by the Clerk.

Mr. OLDS. Mr. Chairman, I expect to make upon this occasion what is called a political speech; but I do not propose to eulogize the Democratic candidate for the Presidency, nor to detract from the merits of the Whig candidate.

Mr. STANLY. I rise to a question of order.

Mr. OLDS. I hope this will not be taken out of my hour?

Mr. STANLY. I wish to know of the dominant party in this House whether, at this late period in the session, they are willing to allow this general debate upon the appropriation bills. I am willing to submit to whatever the committee may decide. If they decide to allow this irrelevant and rambling debate to go on, let the responsibility rest upon the party which has a large majority in this House.

I raise the question that the gentleman from Ohio [Mr. OLDS] is out of order, upon the ground that he is discussing the presidential question upon the Military Academy appropriation bill. I raise the question, and whatever the committee may decide, I will agree to.

The CHAIRMAN. The Chair is of the opinion that in accordance with the general practice of the House, general discussion may be permitted to go on. He therefore overrules the point of order raised by the gentleman from North Carolina, and decides that the gentleman from Ohio is in order.

Mr. STANLY. I take an appeal from that decision.

The CHAIRMAN. The Chair decides that in accordance with the general practice of the House, in the Committee of the Whole on the state of the Union, the gentleman from Ohio is in order in discussing the presidential question. From this decision the gentleman from North Carolina [Mr. STANLY] takes an appeal. The question is now, therefore, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CHANDLER. Before the question is put, I desire to appeal to the gentleman from Ohio, inasmuch as he designs to publish that part of his speech which he does not speak, in the newspapers, not to speak any part of it, and publish it all in the newspapers.

Mr. OLDS. I am afraid it would not have the same effect upon the gentleman from Pennsylvania.

Mr. CHANDLER. I think it will have the same effect.

Mr. GOODENOW demanded tellers upon the appeal; which were ordered; and Messrs. STANLY and POLK were appointed.

The question was then taken, and the tellers reported—ayes 75, noes 39; no quorum voting.

Mr. OLDS. I ask for a recount.

[Cries of "Call the roll!"]

Mr. HOUSTON. We find almost every day, that we do not have a quorum present by one o'clock. I ask that the roll may be called.

Mr. SMART. I hope we shall have the unanimous consent of the committee for a recount. I think a quorum is present.

The CHAIRMAN. It can only be done by unanimous consent, and the Chair hears objections on all sides.

The roll was then called.

Pending the call of the roll, Mr. BRIGGS stated that he was not within the bar when his name was called, but asked that his name might be recorded as present.

Mr. HOUSTON. I believe, according to the practice of the House, it is permitted in a call of the House, for a member to record his name upon the Journal, whether he was in the House when his name was called or not; but as the rules have been universally administered, they have no such right in Committee of the Whole, upon a call of the roll.

The CHAIRMAN. The practice in committee, as the Chair understands it, has been different. The names of gentlemen have been recorded since the adoption of the rule when they have asked it.

Mr. JONES, of Tennessee. I think the Chair is misinformed in relation to this matter. I believe the first time the roll was ever called, under this rule, I was in the post office when my name was

called, and came in here a moment after, and asked that my name should be recorded. The Speaker decided, however, that it could not be recorded.

The committee rose, and the Speaker having resumed the chair, the chairman (Mr. Phelps) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 87, making appropriations for the support of the Military Academy, had found themselves without a quorum, and had directed him to report that fact to the House, with the names of the absentees.

A quorum being now present, the committee resumed its session.

The CHAIRMAN. The question is upon sustaining the decision of the Chair that the gentleman from Ohio [Mr. OLDS] was in order in discussing the presidential question upon an appropriation bill. The tellers, Messrs. STANLY and POLK, will resume their places.

The question was then again put, and the tellers reported—ayes 94, noes 37.

So the decision of the Chair was sustained by the committee.

Mr. STANLY. I call the attention of the committee to the fact that only ten Whigs voted in the affirmative.

Mr. OLDS then proceeded with his remarks, and referred at length to the opinions of General Scott on Native Americanism. He also spoke of the various questions in issue between the Whig and Democratic parties. [His speech is published in the Appendix.]

Mr. BELL then obtained the floor, and addressed the committee an hour in reply to his colleague, [Mr. OLDS], in regard to the presidential candidates. He alluded to the great public services of General Scott, and commended his fitness for the Presidency. [His remarks will be found in the Appendix.]

Mr. HOUSTON. I am anxious to get through this bill to-day. I hope the committee will dispose of it without further debate. If they will not, I shall be under the necessity of moving that the committee rise, that we may pass a resolution in the House closing debate.

[Cries of "Agreed!" "Agreed!" "Agreed!"]

Mr. SEYMOUR, of New York. I suppose, from what has transpired in committee this morning, that there will be little, if any, debate upon the bill itself. Nothing has been said in reference to the merits of the bill as yet; and as there are other important bills upon the table—one in particular, the bill for the improvement of rivers and harbors—which I desire to take up, I hope that the committee will consent that this bill be reported, so that the other may be taken up and discussed.

Mr. HOUSTON. There are some two or three amendments which I wish to offer to the bill now under consideration. I will proceed to offer them now, relying upon the suggestion that there will be no more general debate upon it.

The CHAIRMAN. The bill will now be read in detail, and each clause will be considered as a section.

The following section was then read by the Clerk:

"For pay of officers, instructors, cadets, and musicians, \$91,272: *Provided*, That hereafter, in lieu of the pay proper, rations of every description, forage, servants, and all other emoluments or allowances whatever, heretofore received, the professors of engineers, philosophy, mathematics, ethics, and chemistry, and the commandant of the corps of cadets, shall be entitled to receive \$2,000 each per annum, and the professors of drawing and French, \$1,500 each per annum."

Mr. HOUSTON. I offer the following amendment to the section just read: strike out "\$91,272," and insert in lieu thereof "\$80,409." That will make it conform to the recommendation of the Secretary of War.

The question was then taken, and the amendment was agreed to.

Mr. HOUSTON. The proviso in this section was inserted by the Committee of Ways and Means, in amendment to a law of the last Congress. Upon conferring, however, with some of the professors who were here, the committee became satisfied that the law of the last Congress ought to stand, and they have therefore instructed me to ask the House to strike out all from the word "provided" to the end of the section.

Mr. CARTTER. What is the law?

Mr. HOUSTON. There is a law which changes the compensation of the professors, giving



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all but two \$2,000, and those two \$1,500 each. It cuts off all their extra allowance except their longevity ration, fuel, and quarters. The proviso in this bill, as you will discover, cuts off their longevity rations. The committee are satisfied that this is too great a reduction, and they have instructed me to ask the committee to strike out this proviso so that the present law will stand, giving to all the professors except two, \$2,000 with their longevity rations, and to those two, the professor of French and drawing, \$1,500.

Mr. CARTTER. I am opposed to this amendment, and if it is true that the amount of these salaries are low, I would prefer giving them higher, so that we can comprehend them. In the last Congress we made an effort to strip these professors of a list of fictitious allowances in the way of provisions for servants, forage for horses, longevity rations, &c., and rendering their salaries in plain English, so that we could comprehend the amount when they appealed to us for pay, instead of following this old fiction of rations, which meant nothing more nor less, when inquired into, than so much more money. If there is anything in this bill in the way of reformation, that commends itself to my judgment and approbation, it is the simplifying these salaries and talking in English about them; and I will suggest to the Committee of Ways and Means and its chairman, that if these salaries are not enough, to make an increase, so that we will comprehend what we are paying. What are your longevity rations? What do you mean by them? What are the public to understand by "longevity" rations?

Mr. JONES, of Tennessee. By the action of the last Congress in fixing these salaries at \$2,000 it was not intended to cut off longevity rations, nor their quarters.

But these professors are occupying public houses at the Academy belonging to the Government. They say that if they are prohibited from their quarters, then other officers who are stationed at the Academy will come up and claim those Government houses which they now occupy, and they will have either to build or to rent houses. It was not the intention, as I understand it, either of the Committee of Ways and Means or of the former Congress or of this House to deprive the professors of the public houses which they now occupy.

With regard to the longevity ration, I will merely say that it is an extra ration given to each officer of the Army for each five years that he may be in service. When he has been five years in service he gets one additional ration, when he has been ten years, he gets two additional rations; when he has been fifteen years, he gets three additional rations, and so on.

Mr. CARTTER. I thought there was some absurdity about it. The principle is this, that the older a man grows the more he eats. [Laughter.]

Mr. JONES. I believe the principle of it is, that the older a man grows the more children he has.

Mr. CARTTER. It is this indirect mode of payment that I protest against. The appetite does not grow any larger, or the capacity of the stomach to digest any greater as a man advances in age. I protest against perpetuating disguises by which money is drawn out of the Treasury without the people or the House knowing it. I supposed that we had struck a blow at this description of legislation in the last Congress, but I find the Committee of Ways and Means, who are retrenchers, coming in here, after reporting a reformation which ought to be made, and endeavoring to strike it out. Now, unless these officers want an increase of food every five years, do not strike out the proviso.

Mr. FOWLER. The gentleman from Ohio has referred to the legislation of the last Congress. I had the impression that the gentleman from Ohio has, except that I thought we cut off these extras and fixed the salaries at \$2,000 for all the professors except two, and then we thought we were doing nobly. Will the gentleman inform

us how much these extras amount to? We ought to know.

Mr. CARTTER. I do not recollect. I undertook to measure their stomachs in the last Congress. I could not find any rule to be governed by, and I could only judge by experience.

Mr. SACKETT. I wish to ask the chairman of the Committee of Ways and Means a question. I wish to know what the salaries of these various officers were, aside from the rations, before the act of last year was passed, which fixes them at \$2,000?

Mr. HOUSTON. Some of them who were not attached to the Army got salaries, and those who were attached to the Army received their pay. I will explain that, if I can get the floor when the gentleman from Ohio has concluded his remarks.

Mr. CARTTER. All I have to say is this: Whatever may be the occasion for extra rations in actual service, a set of scientific professors in permanent positions do not require them. And, sir, let us talk English when we make an appropriation, and not go through the miserable rigmale of "longevity rations." [Laughter.]

Mr. HOUSTON. The gentleman from Ohio is a little unfortunate, for he has shown the committee very plainly either that he did not understand last year what he was doing, or that if he did, he has forgotten it. I will read the law, which will satisfy the gentleman that either one or the other of these is absolutely true. Here is the proviso:

"Provided, That hereafter, in lieu of the pay proper, ordinary rations, forage, and servants, heretofore received under the provisions of the act of April 12th, 1812, the professors of engineers, philosophy, mathematics, ethics, and chemistry, shall be entitled to receive \$2,000 each per annum, and the professors of drawing and French \$1,500," &c.

So that you see the law itself, of which the gentleman speaks, was a reformation, and I am willing to admit that it expressly, by its terms, leaves the professors their extra rations.

Mr. CARTTER. That was not designed.

Mr. HOUSTON. The law was intended to leave to them their extra rations.

Mr. CARTTER. The gentleman is mistaken; it was not so intended.

Mr. HOUSTON. The law certainly leaves it so. We are not restoring anything at all. The Committee of Ways and Means, believing as the gentleman believes, that the law ought to have gone on and cut off the balance of the rations, proposed in this bill that the longevity rations should also be cut off. But here is a very long and candid communication from one of the present professors, who proves satisfactorily that it is impossible for the professors to live as they ought to live, if we take away their service-rations, as they are called.

Mr. MILLSON. With the permission of the gentleman from Alabama, I desire to reply to the inquiry of the gentleman from Massachusetts [Mr. FOWLER] in regard to the amount of the rations. I will state that this longevity ration—which seems to me to be a very reasonable additional allowance—is granted first, because it is desirable to retain in the public service useful and competent men; because, too, the professors at West Point have not the same opportunities of promotion that are open to those who commence their career in the Army with them; and because this slight additional compensation is necessary to provide for the continual increase of their families.

And now I will state the amount which is added to the compensation of the professors by retaining to them this longevity ration. Supposing that a professor has served thirty-five years, the increase of his compensation, at the expiration of that time, is only \$500. That is the sole increase for a faithful and continuous service of thirty-five years.

Mr. FOWLER. Am I to understand that that is the whole amount that he will ever receive?

Mr. MILLSON. Yes, sir.

Mr. FOWLER. Well, I want to know how much these rations, forage, servants, and other emoluments will all amount to in any one year?

Mr. MILLSON. I am now speaking to the question of the longevity ration, that being the only point before the committee.

Mr. FOWLER. But I want to know how much all these perquisites for any one year amount to?

Mr. MILLSON. I can give the gentleman no information on that subject. I wish now to state to the committee what would be the whole expense to the Government, supposing the six professors at West Point received longevity rations after a service of thirty-five years. The whole additional expense for the six professors would be something like \$3,000. I think that a very reasonable addition, and I am in favor of the amendment.

Mr. HOUSTON. There was another reply I intended to make to the gentleman from Ohio, and I am sure it is one he will appreciate. If the gentleman proposes a reformation in the Army, why does he not call to account the Committee on Military Affairs of this House? The Committee of Ways and Means have attempted to reform this error, as we considered it at the time, to which he has called the attention of the committee. We thought the longevity ration ought to be cut off, but upon a reexamination of the subject we found our opinions changed, and the committee have instructed me to ask the House to strike out the provision of the bill which would deprive the professors of it. But the gentleman will remember that these longevity rations are allowed by law, and that all the other officers of the Army get them. Why does he not call for a reformation, to change the law upon this subject? Why does he not call upon the Committee on Military Affairs to so modify the law as to deprive all officers of these rations, if the professors are to be deprived of them who are already deprived of the opportunities of promotion which other officers have? The Committee of Ways and Means thought that the professors ought to be allowed them.

Mr. CARTTER. Here is the provision that was adopted at the last Congress: "That hereafter in lieu of the pay proper, ordinary rations," which I unsophisticatedly supposed at that time, meant the rations they ordinarily received, "forage and servants heretofore received under the act of April 12th, 1812," and so forth. Well, the committee reported in this bill that they should receive salaries of \$2,000, and exclude all rations. Now I do not know whether that is enough or not. If it is not, make it larger, although I think it is ample. But render it so that we can understand it, and do not attempt to keep up the fable that the older the officer grows the more he wants to eat, for the purpose of getting the money.

Mr. HOUSTON. That is the law now. Why do you not propose to repeal it?

Mr. CARTTER. I understand that. You proposed to do it by this bill, but now you are going back in this amendment.

Mr. DUNCAN. Will the gentleman from Ohio allow me to make a suggestion to him, which will perhaps remove his difficulty?

Mr. CARTTER. Certainly.

Mr. DUNCAN. If the officer himself does not eat any more as he grows older, it is highly probable that as he grows in years his family will increase, he will have more to feed and the rations will all be consumed.

Mr. CARTTER. Then increase his salary, or change the title of your longevity ration, and call it *shortevity* ration. [Laughter.] If it is to feed children, say so, and let us understand it.

The question was then taken on Mr. Houston's amendment, and it was agreed to.

Mr. HOUSTON. The Committee of Ways and Means have instructed me to offer the following amendment: After the word "subsistence," in line eighteen, strike out "\$438," and insert "\$2,263" in lieu thereof, so as to make it read: For commutation of subsistence, \$2,263.

That is to make appropriation for what the committee has just done.

The question was then taken upon the amend-

ment, and it was decided in the affirmative—ayes 70, noes not counted.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment. It merely appropriates \$30 for clothes for the commandant's servant. I will merely remark that the commandant of the cadets is entitled to a servant.

The amendment was read, as follows:

For clothing of officer's servant, \$30.

The question was put, and the amendment was agreed to.

Mr. HOUSTON. I move to strike out, in the twenty-second line, the words "and improvements for," so that instead of "for repairs and improvements, for fuel and apparatus therefor," it shall read "for repairs, fuel, and apparatus therefor," &c.

The amendment was agreed to.

Mr. HOUSTON. I now move that the bill be reported to the House.

Mr. MARSHALL, of Kentucky. I have an amendment which I desire to offer at the end of the bill.

Mr. HENN. I have an amendment which I want to offer to one of the sections of the bill. I move to strike out the twenty-eighth and twenty-ninth lines, which are as follow:

"For expenses of the board of visitors, \$3,000."

I look upon this board of visitors as a perfect humbug. It gives these gentlemen an opportunity of making a pleasant summer excursion, but it has never done any good in the least. I hope these lines will be stricken out.

The question was put, and decided in the negative.

The last two sections of the bill were then read as follows:

"For the purchase of thirty artillery and cavalry horses, \$3,000.

"For forage of ninety artillery and cavalry horses, \$6,480."

Mr. DUNCAN. I wish to ask the chairman of the Committee of Ways and Means to explain this new appropriation. I think we have nothing similar in any previous appropriation bills.

Mr. HOUSTON. The sections explain themselves. They have artillery and cavalry horses there for the purpose of exercising the students, and learning them to ride. They have some sixty or seventy horses there, but some half a dozen or probably eight or ten of them are reported as being unfit for use. They wish to increase the number to ninety, so that so much labor need not be imposed upon the same horses, and in order to make them last longer.

Several MEMBERS. That's enough.

Mr. DUNCAN. I merely rose for information, because I saw it was an appropriation which was not contained in former appropriation bills. I am satisfied with the explanation.

Mr. MARSHALL, of Kentucky. I now offer the following amendment, to come in at the end of the bill:

*Provided*, That the Superintendent of the Academy at West Point may be selected by the President of the United States from any corps of the Army of the United States, from those officers whose rank is not less than lieutenant colonel lineally, or by brevet.

It is probably known to the House that, in the present condition of the Military Academy at West Point, the Superintendent of that institution is always selected from the Corps of Engineers, and that the rank of the Superintendent for several years back has been only that of captain. Your artillery corps, your ordnance, your infantry, dragoons, and the various corps of the Army, in the present condition of the law, are precluded from the position of Superintendent of that Academy. No matter what is the character of the gentleman of the Army you may bring—no matter what gallantry he may have exhibited in front of the batteries of the enemy—no matter how high a personal character or position he may have, he is precluded from the position of Superintendent at West Point, for no other reason in the world than because he does not belong to a Corps of Engineers. It is the general wish of the Army that this change should be made in the law. The position is one of high responsibility. The Superintendent of the Academy at West Point ought to be a man to whom the youth of the country will look up to with pride. In that position there should be an example of the soldier; and without

saying anything against the Corps of Engineers, I may be permitted to observe that the merit of the Army is not confined to that corps.

The President of the United States, under the change of law which I propose, will have the opportunity of exercising his discretion and his judgment. I have put it in the proviso that he shall not be of less rank than lieutenant colonel, lineal or by brevet, because that when taken from this Engineer Corps it will be found that the Superintendent is of no higher rank than that of captain. When I was at West Point, a very distinguished gentleman from the Corps of Engineers, holding the rank of colonel, was Superintendent, and the late General Worth, then lieutenant colonel, was commandant of the corps. When this Superintendent left, another was appointed of lower rank. This involved the necessity of a change in many of the subordinate officers, because they would not be assigned a duty at West Point under the charge of an officer not equal to themselves in rank, and so it dwindled down. This is always the way. When the Superintendent decreases in rank, the subordinate officers will also proportionably decrease or diminish in rank, except the professors who do not hold rank in the Army at all. All the officers of the Army of a higher rank will refuse to serve as subordinates, when the rank of the Superintendent goes down. I submitted this proposition at the last Congress, and it met the concurrence of the whole Army. I do not wish to do injustice to the Engineer Corps of the Army at all. But this but does justice to the balance of the corps of the Army. It will not affect the pay of the Superintendent at all. I believe you now have a captain of the engineers there, and he is receiving the pay of a lieutenant colonel.

I am requested by a gentleman at my left, to speak of the duties of a Superintendent of that Academy. He is not connected with the corps at all. His duties are ornamental rather than useful. The commandant of the corps has the military command of the corps of cadets and instructs them in military tactics. The Superintendent of the Academy receives the reports from the academic professors and the commandant. He superintends the disbursements; receives visitors; communicates with your Department; and so far as I know, has general control over the Academy. But there is no reason on earth why he should be an engineer officer. There was no reason why General Hitchcock, for instance, who was the commandant there for years, and who was acceptable as a governor and instructor of youth at West Point, should not have been promoted to the office of Superintendent of that Academy, except for that clause in the law which says he must be a member of the Engineer Corps. I do not wish to detain the committee, but I think this amendment ought to pass.

Mr. JONES, of Tennessee. I desire to know of the gentleman from Kentucky, what would be the objection to so framing his amendment as to permit the President to take the Superintendent from the civil or military department?

Mr. MARSHALL. It is a military affair. I do not know that there would be any particular objection to it, except that it had better be kept in the military line.

The question was then put, and the amendment was adopted.

Mr. HOUSTON. I now move that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. Phelps) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 87, making appropriations for the support of the Military Academy at West Point, for the fiscal year ending June 30th, 1853, and had instructed him to report the same to the House with sundry amendments thereto.

Mr. HOUSTON. I ask the previous question upon the passage of the bill; and if there be no objection, I ask that the amendments may all be included in one vote.

The previous question was seconded, and the main question ordered.

Mr. KING, of Rhode Island. I ask that a separate vote may be had upon the last amendment, which provides that the Superintendent of

the Academy at West Point may be taken from any corps in the Army.

The question was then taken, and the House agreed to concur in all the amendments of the Committee of the Whole on the state of the Union except the last.

Mr. KING. I demand the yeas and nays upon concurring in the last amendment. I understand that the effect of this amendment will be to displace the present Superintendent, and for that reason I demand the yeas and nays.

Mr. CARTER. I desire to know whether that will be the effect or not?

Mr. DUNCAN. I, too, desire to know what will be the effect of this amendment upon the present Superintendent. I understand the amendment to limit the discretion of the President to a choice from the officers not less in rank than lieutenant colonel. I understand the present Superintendent only holds the rank of captain, and at the same time I suppose he discharges his duties very well. I desire to know whether the amendment will displace him?

Mr. MARSHALL, of Kentucky. By the indulgence of the House I will remark that I am perfectly willing to modify the amendment so as to allow the President the right to select the Superintendent from any corps of the Army, and not have anything whatever said about rank. All I want is to throw it open to the whole Army.

The SPEAKER. That modification can be made by unanimous consent.

No objection was made, and the modification suggested by Mr. MARSHALL was made.

Mr. KING, of New York. I ask for the reading of the amendment as amended.

Mr. MARSHALL. I will remark that I understand that the gentleman who is now Superintendent of West Point Academy, Mr. Robert E. Lee, (who is very acceptable to me,) has the rank of lieutenant colonel.

The amendment, as modified, was then read, as follows:

*Provided*, That the Superintendent of the Military Academy at West Point may be selected by the President of the United States from any corps in the Army of the United States.

The question was then taken on the adoption of the amendment, and it was agreed to.

The bill was then ordered to be engrossed and read a third time, and being engrossed, it was read the third time.

Mr. HOUSTON. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question was ordered to be put.

The question was then taken upon the bill, and it was passed.

#### RIVER AND HARBOR BILL.

Mr. SEYMOUR, of New York. With a view to go into the Committee of the Whole on the state of the Union upon the river and harbor bill, in which there is a deep interest felt throughout the country, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAMILTON. I move that the House adjourn.

Mr. JOHNSON, of Arkansas. As there is a motion made which takes precedence of the motion of the gentleman from New York, [Mr. SEYMOUR,] I will ask the gentleman if he had not better make that bill a special order? This whole question of the improvement of the rivers and harbors has been sunk through the whole session, and we ought to do something now, if ever we do it.

Mr. HOUSTON. Everything else has been sunk with it.

Mr. SEYMOUR. We can accomplish the object of the gentleman from Arkansas, [Mr. JOHNSON,] if we go into the Committee of the Whole on the state of the Union, and take this business up at once.

Mr. HAMILTON. I move the House adjourn.

Mr. JOHNSON. I hope the Chair will state both motions.

The SPEAKER. A motion is submitted by the gentleman from New York [Mr. SEYMOUR] that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, and the gentleman from Maryland [Mr. HAMILTON] moves that the House adjourn.

Mr. HENN. Has the gentleman from Maryland the right to the floor, to submit that motion? The SPEAKER. The motion is in order.

Mr. JOHNSON. If the Whig party will vote against this which they call their charter doctrine, the House can adjourn.

The question was taken on the motion to adjourn, and it was not agreed to.

Mr. TAYLOR. I hope the House will go into the Committee of the Whole, and take up this bill.

Mr. HOUSTON. Will not a motion to take up one of the appropriation bills take precedence in the committee of a motion to take up the river and harbor bill?

The SPEAKER. That is a question to be determined by the chairman of the committee, whoever he may be.

Mr. JOHNSON. Mr. Speaker, I rise to a question of order. That cannot be so, it having been decided by precedent heretofore. Sir, if you refer that question to the chairman of the committee, we have no show at all, for any man may be chairman there. The river and harbor bill is a general appropriation bill, and it has been so decided by the Speaker heretofore.

Mr. MEADE. It was so decided, confessedly against the rules of the House.

The SPEAKER. Debate is not in order. The question is upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAMILTON. I demand the yeas and nays upon that motion.

Mr. JOHNSON, of Georgia. I move that the House adjourn.

Mr. MEADE. I ask for a division of the House upon that question.

Mr. JOHNSON, of Arkansas. Those who vote here against this bill are Virginians, and she has neither rivers or harbors.

Mr. MEADE. I ask for tellers upon the motion to adjourn.

Tellers were ordered, and Messrs. FOWLER and MORONY appointed.

The question was then taken, and the tellers reported—ayes 32, noes 67; no quorum voting.

Mr. MEADE. I move that the House do now adjourn.

Mr. JOHNSON, of Arkansas. I rise to a question of order. No quorum is necessary to determine the question of adjournment either way. The rule is as good upon one side as upon the other.

The SPEAKER. The question just submitted, and upon which the House was divided, was upon a motion to adjourn; and no business having been transacted since, another motion is not now in order.

Mr. JOHNSON, of Georgia. I move that there be a call of the House.

Mr. SMART. I call for the yeas and nays upon that motion.

Mr. KING, of New York. This question can be decided to-morrow, just as well as to-day. When we go into the Committee of the Whole to-morrow, this motion can be made, and it will be for a majority of the committee to decide it, and as we have no quorum present, I move that this House adjourn.

Mr. JONES, of Tennessee. There can be nothing effected by going into the Committee of the Whole to-day, and taking up that bill, because, if that should be done, it would be tantamount to making it a special order, and gentlemen must see that we can effect nothing by going into the Committee of the Whole, now, without a quorum.

Mr. SEYMOUR, of New York. My object in making the motion now is to get into the committee upon this bill, with the understanding that this being the unfinished business, it would come up first before the committee to-morrow. I ask the Chair if that would not be the result if we go into the committee to-day, and take up this bill?

Mr. JOHNSON, of Georgia. I rise to a question of order. The pending motion is, that there be a call of the House, which should be first disposed of. Is debate in order?

The SPEAKER. The gentleman from New York, [Mr. KING,] however, submitted a motion that the House do now adjourn.

Mr. KING. I withdraw that motion that my colleague [Mr. SEYMOUR] may give notice that he will submit the motion to-morrow to take up this

bill. I think it unnecessary to have a call of the House now.

Mr. HOUSTON. Then I give notice that to-morrow I shall move to take up one of the regular appropriation bills.

Mr. JOHNSON, of Arkansas. Then, sir, I ask whether the last motion submitted and acted upon, was not a motion to adjourn?

The SPEAKER. It was.

Mr. JOHNSON. I will further ask, for the information of the House upon this subject, whether it was not decided during the preceding Congress that an appropriation bill for rivers and harbors was a general appropriation bill, and whether that decision is not a precedent here?

The SPEAKER, (Mr. STUART in the chair.) The Chair trusts that the House will indulge him in a statement. Whatever may have been the experience of Congress upon this subject is as well known to the House as to the Chair. The Chair has a well-ascertained opinion of his own upon this subject, but he is acting temporarily in the chair, and even if he were acting permanently, he would not undertake to decide that question. It is to be decided by the chairman of the committee, after the House shall have resolved itself into the Committee of the Whole on the state of the Union, what shall be the order of business before the committee.

Mr. JOHNSON. Then the chairman can settle it which ever way he pleases.

Mr. CHASTAIN. I renew the motion to adjourn.

Mr. KING, of New York. I ask for a division of the House upon that question, that we may determine whether a quorum is present or not.

The question was then taken on the motion to adjourn, and upon a division there were—ayes 42, noes 60. No quorum voting.

There being no quorum in the House, On motion by Mr. CARTER, the House then adjourned until to-morrow at eleven o'clock, a. m.

#### MEMORIALS.

The following memorials were presented under the rule, and referred to the appropriate committees:

By Mr. CHANDLER: The memorial of George C. Read and other citizens of the United States, asking Congress to employ Mr. William A. K. Martin to paint a picture representing an American naval victory, to be placed in the Capitol.

Also, the memorial of numerous citizens of Philadelphia asking Congress to construct a canal around the Sault Ste. Marie.

Also, the memorial of Carson & Newbold, of Philadelphia, asking compensation for merchandise destroyed while in the public stores (port custom-house) in the city of Philadelphia.

#### IN SENATE.

WEDNESDAY, July 21, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. CHASE presented three petitions of citizens of Ohio, praying that the bill now pending before Congress, known as the "homestead bill," may become a law; which were referred to the Committee on Public Lands.

Mr. SEWARD presented a memorial of inhabitants of Joe Daviess county, Illinois, praying that the transportation of the mails on Sunday may be prohibited by law; which was referred to the Committee on the Post Office and Post Roads.

Mr. DAVIS presented two memorials of steam engineers, residing on the northern lakes and the rivers, bays, and gulfs of the Atlantic coast, praying the enactment of a law for the correction of the existing evils in the management of steam vessels; which were ordered to be laid on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee on Claims, to which was referred the memorial of Russell & Jones, surviving partners of Brown, Russell & Co., praying remuneration for services, and indemnifications for losses incurred in transporting stores for the troops in New Mexico, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which was referred the memorial of Israel Rogers, representing that he has been defrauded of the bounty land to which he was entitled for services during the late war with Mexico, and praying other land, submitted an adverse report thereon.

He also, from the same committee, to which was referred the bill from the House of Representatives to protect actual settlers upon the land on the line of the Central Railroad and branches, by granting preemption rights thereto, reported it back with an amendment.

#### BILL INTRODUCED.

Mr. WADE, by unanimous consent, asked and obtained leave to introduce a bill for the improvement and the establishment of a line of settlements along the route to California and Oregon; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

An act granting to the State of Louisiana the right of way and a donation of public land for the purpose of locating and constructing a railroad from Shreveport to the Mississippi river, in said State;

An act for the relief of the town of Bellevue, in Iowa; and

An act to provide additional security for the lives and property of persons navigating the western waters.

#### FOREIGN POSTAL ARRANGEMENTS.

Mr. SUMNER submitted the following resolution; which was agreed to:

*Resolved*, That the President of the United States be requested to furnish to the Senate copies of any correspondence not heretofore communicated to Congress, between the Department of State and the diplomatic agents of the United States abroad with regard to foreign postal arrangements, and especially cheap ocean postage, so far as the same can be done without detriment to the public interests.

#### DEPUTY NAVAL OFFICERS.

Mr. HAMLIN submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on Commerce be directed to inquire into the propriety of placing the compensation of the deputy naval officers and deputy surveyors, for the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, on an equality with deputy collectors at said ports.

#### MEXICAN BOUNDARY COMMISSION.

Mr. CLARKE submitted the following resolution for consideration:

*Resolved*, That the Secretary of the Interior be directed to report to the Senate, as soon as practicable, the reasons for the recall of Lieutenant Colonel J. D. Graham from his position as chief astronomer of the Boundary Commission, employed in determining the line between the United States and the Republic of Mexico; together with all the papers connected with his appointment, the revocation of that appointment, and the instructions given to him. Also, that the Secretary of the Interior be further directed to report to the Senate any instructions given or sent to Andrew B. Gray, relating to the initial point upon the Rio Grande, agreed upon by the Commission, and the reasons for the removal of the said Andrew B. Gray from his position as surveyor upon the part of the United States upon the said Boundary Commission.

#### THE TAUNTON RIVER.

Mr. DAVIS submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on Commerce be instructed to inquire into the expediency of making provision for the survey of Taunton river with reference to the obstacles impeding navigation therein.

#### INDIGENT INSANE.

Mr. SHIELDS. I desire to ask permission of the Senate to take up Senate bill No. 188.

Mr. GWIN. I hope the Senator will give way for a moment, until I suggest the taking up of the resolution which was postponed until to-morrow, in regard to the day of adjournment. The Senator from Louisiana [Mr. SOULE] conceives it to be his duty to be present when that resolution is voted upon. It is well known to the Senate, that he is in very bad health, and it is probably dangerous for him to be in the Senate at all. I hope that, by general consent, that resolution will be taken up this morning and acted upon.

Mr. SHIELDS. I presume that the bill which I desire to take up will provoke no discussion, and I am under some obligation to make an effort to call it up this morning. If it gives rise to any debate, I will agree to lay it aside, and take up the resolution referred to by the Senator from California, which I presume will excite some discussion. I would state to the honorable Senator from Louisiana, that the moment the bill to which I refer is through, I will call up that resolution. It is a bill that passed the Senate at the last session, after



full discussion, and I hope that it will provoke no discussion now. I call it up for the purpose of having it passed, if there be sufficient strength here to pass it; if not, let it be rejected. I wish to have a decision of the subject. It is what is known as "Miss Dix's bill," for the relief of the indigent insane; and I will throw myself not only on the courtesy, but upon the gallantry of the Senate, to take it up and dispose of it now, one way or the other. I take it for granted, that although Senators may be inclined to vote against it, and feel it to be their duty to do so, no one will be disposed to assail or attack it, and that it will provoke no discussion. I move to postpone all prior orders for the purpose of taking up the bill making a grant of lands to the several States of the Union for the relief and support of indigent insane persons.

Mr. HUNTER. I hope the Senator will not press that motion. The bill to which he alludes is one to which I am opposed. If we can distribute lands among the States for that purpose, we can do it for any other purpose. I hope it will not be taken up.

Mr. GWIN. The Senator from Illinois is mistaken if he thinks the bill will not lead to discussion.

Mr. SHIELDS. Then if it does give rise to discussion, and any Senator indicates a wish to debate it, I will not press it to-day. But I was in hopes that, as it was so fully discussed before, it would be settled one way or the other now without discussion. I take no other interest in it, except to do what I consider to be my duty as chairman of the committee which reported it.

Mr. DAVIS. I hope that bill will be taken up and disposed of.

The motion was not agreed to, there being on a division—ayes 17, noes 22.

#### ADJOURNMENT OF CONGRESS.

Mr. SHIELDS. I now move to take up the resolution of the House in regard to the adjournment of Congress.

The motion was agreed to.

The resolution is as follows:

*Resolved,* (with the concurrence of the Senate,) That the President of the Senate and the Speaker of the House of Representatives close the present session of Congress by an adjournment of their respective Houses on Monday, the 16th day of August next, at the hour of twelve o'clock, meridian.

Mr. SHIELDS. I have called up this resolution for the accommodation of my honorable friend from Louisiana, whose health is such that he will be obliged to leave the city. He wishes to have some action on it before he leaves. But I am still of opinion that it would be indiscreet and improper for us to act upon it for some time to come. I shall vote against concurring in the resolution, although I have called it up.

Mr. SOULE. I do not wish to be understood as indulging a personal desire or feeling of my own, when I express my preference for an adjournment on the 16th of August. That preference I would unhesitatingly surrender, if I could but be persuaded that the interest of the country, or the business of the session could be promoted and advanced by it. But my impressions, Mr. President, are decidedly the other way. I verily believe that we hold the House under a solemn and binding obligation—a bond which I am unwilling to cancel—that it shall so dispose of the bills which await its action, as to send them hither in season to enable us to bestow upon their merits our most serious and most considerate attention. We need not fear that by concurring in the resolution upon our table we will be exposed to a renewal of the mortifying scenes which were exhibited here at the last session, in the hurry with which we had to act upon most important and momentous measures. The House will feel the weight of responsibility that rests upon its shoulders, and is not likely to overlook the duties which that responsibility imposes. Should we not concur in the resolution as we have it on our desks, the friends of the amendment postponing the adjournment to the 30th of August, may find it at least difficult to bring the House to assent to it; and then we are again thrown at its mercy, and with no better prospect of ending our labors than we had three months ago. It seems to be an object, on all hands, that the session should speedily be brought to a close. The country, I apprehend, is rather more anxious lest, in what remains of it, we should do

too much, than that we should do too little. By fixing the adjournment for the 16th of August, we have still twenty-six days left for winding up and closing our labors. I would wish honorable Senators to distrust neither the House nor themselves, and they will soon discover that there is ample time in those twenty-six days for perfecting leisurely what may be incomplete, and for doing up without precipitancy what may remain undone. The postponement insisted upon, we all know, will advance none of the objects sought to be attained through it. We will be, on the 31st of August, precisely where we would have been on the 16th. The longer we postpone the adjournment, the greater will the tendency be to crowd the Journal in both Houses with new schemes of legislation, that will come and press upon us at the last hour, to the detriment of the legitimate business which should take precedence upon them, and which will only be attended to in earnest, when it shall be ascertained that there is a fatal day, and a fatal hour, beyond which they cannot be expected to reach. Such being the view which I have taken of the question, my vote shall be on this, as it was on a former occasion, for adjourning on the 16th.

Mr. SHIELDS. I wish to say again, that I really can see nothing to be accomplished, nothing to be gained, by acting upon the resolution at this time. I must say, that so far as I can judge, I cannot see that the business of the session is in such a condition as to allow us to fix a day of adjournment. Take, for instance, the deficiency bill—a bill that ought to have been passed almost the first week of the session, which we only passed the other day, and then with great difficulty. That being the case, I am unwilling, while the question is in our own power, to let that power depart from us. I would rather let the resolution lie on the table; and when we think the proper time has come for adjourning, we can designate the time, and send the resolution to the House.

Mr. SMITH. I move to amend the resolution in conformity with the suggestion made by the honorable Senator from Virginia [Mr. HUNTER] the other day, to strike out the "16th," and insert the "30th," which is the last Monday in August. I suppose it is in order to do that now, notwithstanding the vote of the Senate the other day, by which the amendment proposed by the Senator from Virginia was rejected.

The PRESIDENT. The Chair considers it to be in order. The subject comes up at a subsequent day. It does not prevent the Senate from deciding now that they will do what they then decided they would not do. This resolution is not like a bill.

Mr. SMITH. I hope that the vote will be taken upon this subject without any very protracted discussion. It is hardly worth while to spend another day in debating it. I cannot, however, but feel some degree of surprise, after the experience we have had on this subject, that an honorable member of this body should suppose that the business of the session can be brought to a close without fixing a day of adjournment; or that he should suppose that we can, until we do fix that day, make any very considerable progress with the public business. I care not how long we remain here; we may go along, with the day undetermined, from now until the middle of September, and we shall be, substantially, in the same condition that we now are. It may be very deplorable that it should be so; it may be very deplorable that the appropriation bills are to be sent into this Chamber from the House of Representatives, within some six, or eight, or ten days of the adjournment; it may be very deplorable that we should be obliged to hand over those bills to the Committee on Finance, and that they should be reported to us, and we be compelled to act upon them, as we have been heretofore, without an opportunity to give them hardly a moment's consideration. Such has been our past experience, and such, I venture to predict, will be our experience at the present session of Congress; and, therefore, I venture to make an appeal to my friend, the chairman of the Committee on Finance, [Mr. HUNTER], to take this business into his own hands—and I hope he will do it next session of Congress—and prepare the bills, and report them to the Senate, to the end that we may take them up, and give them some consideration.

I repeat, sir, until we fix the day; until it becomes certain that Congress will adjourn within some short period, no considerable progress will be made with the public business. What is the condition of bills that have passed the Senate and been sent to the House of Representatives? I do not know that it is in order for me to refer to it, but I believe that if we could ascertain the truth, if we could have the facts before us, we should ascertain that a vast number of them now lie accumulated on the table of the Speaker of the House of Representatives, which have not received even a reference to the proper committees of that body.

I trust, therefore, without dwelling upon the subject, that we shall now fix the day of adjournment. I know we shall be involved in difficulty, and serious difficulty, too; but it is inevitable. I hope we will now fix the day for adjournment; and I am in favor of the last Monday in August. I cannot concur with the opinion of my honorable friend from Louisiana upon this subject. That honorable Senator says, that the House of Representatives have taken the responsibility of fixing the 16th day of August. When did they assume that responsibility? Several weeks ago; and it was on the assumption that we would then agree to it. But the state of things is now entirely altered. We have a totally different state of things. If we agree to the resolution, it will be passed; and the House will have no opportunity to review the question, whether, in the present condition of the public business, they will be in a condition to adjourn on the day they originally named. The House, therefore, cannot properly be said, under the existing circumstances of the case, to have assumed the responsibility of deciding now, that we can adjourn on the day named by them; but by amending the resolution, as I now propose, we can send it back to the House, and they will have an opportunity to review the subject and to decide anew, whether they will be prepared to adjourn, either on the day named in the amendment, or on that named in their resolution. If they say now, that they can be prepared to adjourn on the day originally named by them, I shall, for one, be prepared to agree in it. But I think that they ought to have an opportunity to review the question, inasmuch as we did not act on it with any great degree of promptitude, which opportunity they will have, if the amendment prevails.

The PRESIDENT. The Chair will take occasion to state to the Senate, that, after reflecting for a moment upon the subject, he is now under the impression that the question having been once decided by the body on the yeas and nays, a motion to fix the same day which was once moved and rejected by a vote of the Senate cannot be made. The Chair will read the parliamentary law on the subject:

"A question once carried cannot be questioned again at the same session; but must stand as the judgment of the house."

Mr. BRODHEAD. I presume that the amendment can be received by unanimous consent, and that we can take a vote upon it.

Mr. ADAMS. I beg leave to suggest that it was in reference to that very rule of the Senate that the Senator from New Hampshire [Mr. NORRIS] moved a reconsideration of the vote on the amendment proposed by the Senator from Virginia, [Mr. HUNTER,] with a view of bringing it up again.

Mr. SMITH. To relieve the Chair and the Senate from any difficulty on the subject, I will move to insert "Tuesday the 31st." It cannot make any essential difference whether we adjourn on Tuesday or Monday. I move to strike out "Monday the 16th," and insert "Tuesday the 31st."

The PRESIDENT. That will be in order.

Mr. CASS. Mr. President, I accord with what has been said by the honorable Senator from Illinois, [Mr. SHIELDS.] So far as respects myself, there is no member of the Senate more desirous than I am of returning to my family, and not one who has fewer personal motives to remain here than I have. But there are considerations higher than those. There is a change going on in the legislative organization of this Government such as would work great changes in other Governments under other circumstances. Under the Constitution we are a coordinate branch of the Government. By the Constitution we have the right to originate any bills except money bills—except

bills raising taxes on the people. Those we cannot originate. The initiatory step in regard to such bills must be taken by the House of Representatives. We can originate any appropriation bill as well as the House of Representatives; but the practice has been that they originate in the other House, and I suppose the Senate would be unwilling to depart from that practice, except under extreme circumstances. Practically, we are reduced to a legislative cipher in regard to appropriation bills, and there is not a member on this floor who does not know it. The time has come when a practical remedy should be applied. Bills are forced upon us at the last moment of the session; and you know, Mr. President, and all of us know, that they have been passed by the Senate without our knowing one word that was in them. We have been driven to this extremity: either to stop the financial operations of the Government, or to pass hastily bills that we have never seen, and know not what they contain.

Mr. President, that is not the power given to us by the Constitution. We owe it to our position, we owe it to our duty, as one of the great depositories of the legislative power of this country, and we owe it to the Constitution itself, that we should have time to look into those bills, and act upon them on our own responsibility.

Gentlemen talk about a joint rule to prevent bills coming to us within a few days before the close of the session. What good will it do? We all know that such rules are suspended at the very last moment of a session. They are practically so much waste paper. They have never prevented any single bill from either House going to the President. To my own personal knowledge, a President has had sometimes to sign bills at the last moment of the session without even reading them through.

Now, I insist that we have come to such a pass that there should be some practical check put to this great legislative evil. We cannot discharge our duties to the country under this state of things. We are becoming a mere court of registry; and worse than that, a court of registry without being able to read what we are called upon to register, without being able to exercise any rational control. We have to pass upon certain items in appropriation bills; and we ought to consider whether they are necessary—whether the public interest demands them; but every member knows we do not do it. I ask whether the personal convenience of any member, or any consideration stronger than that should stand in the way of our doing fearlessly our duty? I think the resolution should lie upon the table for the present. I believe that to be the only practicable remedy that is within our power. I believe it is a question between that and the actual surrender of the legislative power of this body to the House of Representatives. For my own part, I shall vote to lay the resolution upon the table until such a time as I think the Senate can act understandingly upon it, and know what bills they are called upon to pass, so that they can fulfill their duty. We are as much the Representatives of the American people as are the members of the House of Representatives. They are elected by the people. We represent the State sovereignties, which are as dear to the people of this country as any portion of our institutions. We are as responsible to them, and that responsibility I, for one, want to meet and discharge properly.

Mr. BUTLER. Mr. President, I do not enter into this discussion with any view of affecting the question before us, but with a view to make some general remarks which have been suggested by the observations of the honorable Senator from Michigan. The course of legislative proceedings at this session has made two pregnant indications, in my opinion; and they are, that measures of the greatest importance have been passed without discussion, and discussions have taken place upon matters that were not properly before the body. Yes, sir, we are departing from the proper mode of proceeding as a legislative body, to register the rescripts of another coordinate branch of the Legislature—I suppose I may speak of it from newspaper reports—which is taking up its time in discussing the present merits of the presidential can-

cesses. The proceedings of the two separate bodies composing the Legislature, provided by the Constitution of the United States, must necessarily

be conducted with comity, and that is the only rule. I speak of comity in the highest sense; not as mere idle courtesy, but that kind of comity which should require of one certain duties which essential justice dictates. Why are not the appropriation bills here? Am I to be told that by laying this resolution upon the table and taking time before we act upon it, we shall correct the evil which the honorable Senator from Michigan has so strongly pointed out; and which is but an omen to the times that this Government is changing its character entirely, and that Congress has lost the respect in the public mind which has heretofore been awarded to it, because it has become a mere public body, to speak as one would at a hustings? I believe that more bills have been passed by this body at this session than were ever passed at any session of Congress since I have been a member of the Senate; and there has been more discussion on matters that do not legitimately belong to the body which has taken jurisdiction of them.

Now, sir, I do not, upon this question, agree with the honorable Senator from Michigan—and I have a very great respect for his opinions; I would defer to them upon most matters, but upon this, if he intends to correct this evil, I think it should be done by leaving the subject, and agreeing to adjourn upon the 16th of August, the time proposed by the House of Representatives. Will it be said that by so doing we shall leave the wants of the country unprovided for—that we shall deny the money necessary to carry on this Government? Allow me to say—and I say it with great deference—that if Congress were not to meet for five years, or ten or twenty years, the Government of this country could exist and survive it. I have contemplated this subject well, and I believe if Congress were not to meet in ten years, it would be just as well for the interests and true liberties of the country. I am not one of those who believe that everything is to be done by the guardianship of Congress. I believe that one of the very best things that could occur, so far as regards the practical evil which we experience, would be to deny the supplies which might be exacted of us, not from an intelligent judgment, but which might be exacted from us, perhaps, by a combination—though I do not think it has ever occurred by a political combination—between the President and the House of Representatives. Such a thing might exist; there could be such a combination to withhold the appropriation bills, until such time that we would be bound merely to register their edicts. I do not believe any such thing has ever occurred. I believe the evils which have been complained of, occur entirely from the vicious tendencies of these bodies at Washington to discuss matters that do not belong to them. That is my opinion. I am willing to agree to adjourn on the 16th of August, and let the consequences fall where they may.

Mr. HAMLIN. Mr. President, I have no doubt that if Senators were to consult their own private individual feelings, the earliest possible day named would meet the concurrence of the Senate, and I certainly should vote for the very earliest day. But there are public considerations which rise superior to individual wishes. I concur most cheerfully in every word, syllable, and letter, that fell from the Senator from Michigan. There are obligations, in my humble judgment, which rest upon us, and as one Senator here, I am disposed to concur with the Senator from Michigan, in meeting those obligations manfully.

The appropriation bills have been sent to us from the other branch of Congress heretofore on the last day, or last two days of the session—appropriating tens and twenties of millions of dollars. We are made responsible for those bills when they undergo what here is worse than the mockery of legislation. Why, sir, legislation presupposes that there is to be investigation and deliberation, and every Senator knows that that is a violent presumption, at least when applied to these bills. We have sent to the House a joint resolution, proposed by the Senator from New Hampshire, [Mr. NORRIS], to amend the joint rules so that the appropriation bills shall be sent to this branch of Congress at least ten days before its adjournment. I wish it had comported with the sense of the other House to have concurred with the Senate in the adoption of that resolution. If they had done so, I should have voted most cheerfully for any day they fixed, allowing us ten days to act on the appropriation bills. But the

House of Representatives, in its wisdom, has not seen fit yet to concur with the Senate, and until it shall do so, or until we shall see some progress made, I intend to vote for no hour, no day of adjournment, no time which shall crowd those appropriation bills upon us in the last hours of the session.

Within the last few years I have seen an appropriation bill, appropriating \$10,000,000, sent here, and Senators have been implored to desist from either excluding what was in the bill or including what it was believed by our committees should go into it. Senators here were deterred from offering any amendment, because we were admonished by the hands of the clock that a delay of a few minutes would defeat the bill.

I do not regard the defeat of the appropriation bills as a matter of so slight importance as the Senator from South Carolina does. I concur with him very fully in the belief that if we had but one session for some years, and made our appropriations to cover that period of time, we should have very little trouble. We are oppressed with an excess rather than a want of legislation; but while our appropriations are required to be made annually, I would hold it to be an evil if they were not annually made.

Mr. GWIN. Mr. President, if, like the Senator from South Carolina, I represented one of the old States, I should be indifferent about the time when Congress adjourns, because no local legislation is needed in his State which can even, as he supposes, go on independently of this Government; but it is entirely different with the State which I represent. We have a great deal of local legislation indispensably necessary to be passed by Congress, and hence the time of adjournment is of very great importance to the State of California.

I agree with the Senator from Michigan, and the Senator from Maine, that we never should determine on the day of adjournment until the appropriation bills are sent to us from the House of Representatives. A few days ago we discussed the question of adjournment, and we refused then to pass or amend the House resolution. Immediately afterwards we passed a resolution proposing to amend the joint rules by which no day of adjournment was to be fixed until ten days after the appropriation bills were sent to us. How has the House met that proposition? This morning, instead of taking it up, what have they done? They have set aside this proposition to amend the rules and all the appropriation bills, and taken up the river and harbor bill, so as to send it to us as they sent it last year, to destroy the whole legislation of the country, or force us to pass it.

I am not willing to submit to any such coercion. I am not willing to see appropriation bills amounting to \$40,000,000 pass in three or four hours, at the close of the session, as we were forced to pass them at the last session, owing to the fact that the river and harbor bill was brought up to block legislation, or to compel us to pass it. I am utterly opposed to fixing any day of adjournment, until we get the appropriation bills here so that we may examine and discuss them. I hope the Senate will never again put it in the power of the House of Representatives to coerce us as we were at the last session of Congress.

Mr. DAVIS. Mr. President, I do not rise for the purpose of giving any advice to the House of Representatives, nor for the purpose of administering any rebuke to them. They have responsibilities of their own which I believe they perfectly well understand. They comprehend their own duties and are responsible to those who sent them here. I would rather look here, and inquire what, under the circumstances, we ourselves ought to do to take care of our own appropriate sphere of action. If the House do not go forward as rapidly as we desire, I would leave them to choose their own time, and take their own action, to execute the duties which are imposed upon them. I have very little faith in any of these means of forcing legislation by agreeing upon a day of adjournment, or by any other mode. I would shun the difficulty which has been pointed out by the honorable Senator from Michigan, [Mr. CASS], and perhaps it will require a little patience on our part to do it.

I believe it is agreed in the Senate, and I think the chairman of the Committee on Finance so said to us the other day, that it is impossible to get

through with the business by the day of adjournment proposed by the House. It will leave us no time for deliberation here. What is the proposition now under consideration? It is to extend that time to a future day. Do gentlemen imagine that they are to force the House of Representatives by such a process? Suppose we amend the resolution in the form proposed, and send it to the House, we then place it in the hands of the House to dispose of it as they please. We shall have lost all our power over it. We shall have lost, what now lies in our hands, the control of this measure, which by many gentlemen is esteemed a matter of very great consideration under the circumstances which exist. Now, would it be wise, if they are right in the view which they take of the subject, to extend the time named by the House to a future day by the amendment and throw the matter back into the House of Representatives again? I think it would not. I wish, as I said the other day, to see my way clear through this matter before I undertake to fix a day of adjournment. I wish to see that we have proper time to act upon the important measures which shall be sent to us, and which must be sent to us from that body. I would reserve the fixing of a day of adjournment until we see daylight. With these views, I shall vote against all these propositions.

Mr. MASON. When this resolution was before the Senate a few days ago, I voted for the amendment of my colleague to postpone the time of adjournment till the 30th of August. I did it because I concurred in the opinion of that honorable gentleman, and others, that we should not have sufficient time, judging from the probable course of action of the coordinate branch of the Legislature, to perfect the appropriation bills within that time. I shall now change my vote. I believe that, between now and the 16th of August, we shall have sufficient time to perfect the appropriation bills, provided they are immediately acted upon in the House, where they originate. But, if other legislation is to take precedence of them, I am for concurring at once in the proposition of the House, in order to induce them, if practicable, to confine their deliberations, till the close of the session, to the appropriation bills. I do not believe that requiring the appropriation bills to be sent here in ten days, or fourteen days, or twenty-four days, before the adjournment, will expedite the action of the House upon those bills. If it be expedited at all, it will be from our prompt action on the determination of the House to adjourn on the 16th of August.

I agree with the Senator from Michigan, that all deliberation has practically been taken from us on the most important questions belonging to this Government—the appropriation of the money of the people. If there be any mode of correcting the evil which he has pointed out, I will go with gentlemen in devising that mode. It may be by originating these bills here. I see no objection to originating the bills here, except a proper regard for the practice of the country. But, if the Senate is to be driven to it, I shall go with gentlemen in doing it. But I shall change my vote now on this subject. I will vote for the day of adjournment named by the House, and I will do it with the belief that the House will conform its action to its own act in fixing that day; with the belief that it will bring to the notice of the country the fact that, if the appropriation bills are lost, it will be by the habitual action—I will not say of which House. If they are put off till the last days of the session, so that we have no time for deliberation, I wish to let the country see who is responsible for it. I will take the responsibility, for one, of now fixing the day. I am willing to vote for the earliest day—that which was suggested by the House of Representatives.

Mr. BELL. I do not rise to notice any suggestion thrown out to remedy the mischief of having appropriation bills sent here during the few last days of the session, as they have heretofore been to the great embarrassment of the Senate, because they could not be considered maturely by us. From my experience of the legislation of Congress for many years, I never expect to see the time when many of the most important bills will not have to be acted upon by one House or the other in the very closing hours of the session. It results from the constitution of Congress, and from the freedom of discussion and debate, and the freedom of action of the members, and from

the general disposition to throw off the most important matters that come before us for consideration until the close of our services here at each session.

With regard to the particular proposition now before the Senate, it occurs to me that the resolution was in the most effective position when it was lying on the table for the present. We had some very appropriate discussion the other day, which was calculated to have a proper effect on the country, and on the Senate and House of Representatives. I think it had some effect. I think that the postponement of the question at that time was very properly made; and I may say that I think some Senators are rather unjust to the House in saying or supposing that under the pressure of that debate they would not expedite the business in the House. Let me enumerate some things that they have done since the discussion of the other day. They have closed up the deficiency bill with very little trouble, and without loss of time, and have passed the Indian appropriation bill in a reasonable time. They took up also and passed the Military Academy bill, a subject which has often occupied days and days of discussion; and now they have taken up the river and harbor bill, and will probably dispose of it in a few days. But the objection now made is, that the river and harbor bill is interposed between the appropriation bills, and this industry and dispatch which has been manifested in the House within the last few days does not content the Senate. They would have been content, perhaps, if the river and harbor bill had not been interposed.

But that bill is one of those very measures which require the most mature consideration; it is one which is usually composed of many items which deserve the consideration of both bodies. It relates to a branch of public policy which has been considered of great importance by several Administrations, though there have been intermissions in that policy, and it may be said that the public mind is not fully settled as to the question whether it is a proper policy or not. I think the House of Representatives have taken the proper steps by taking up that question in advance of some of the appropriation bills, in order that it may be acted upon and sent to the Senate, so that it may meet with due consideration here, before the other appropriation bills are thrown in pell-mell at the close of the session. The probability is, that unless we get at the consideration of that great measure soon, it will have to be passed without consideration, or be condemned with as little. Whatever may be the opinion of the majority of the people of the United States, it is a question which excites deep interest in a large portion of the Union, particularly in the Northwest, and in some degree in the Southwest. It is a proper subject to be taken up, as a measure of importance, and which ought to be dispatched by the House and given to the Senate in due time for their deliberation; and whatever may be the final decision upon the question, it should be maturely considered. I presume it was taken up by the House with a view to giving it due consideration there in the first place, and, secondly, to give the Senate an opportunity to discuss and consider the policy of that measure. It is in some sense an appropriation bill. Bills of that nature heretofore have contained appropriations to an amount of some two or three millions of dollars. And it does not lose the character of a most important measure, and at the same time of an appropriation bill, because its policy has sometimes been favored by one Administration, and again condemned by another.

I rose, however, for the purpose of saying that the debate here, the other day, has had a salutary effect on the House, as I think, and that they have done well since that discussion, and if we think proper to let it lie on the table another week it will still have a salutary effect. I think that the House are now under some obligations to send the appropriation bills here before the 16th of August. Members of that House must feel the force of that obligation. This is a mode of giving activity and energy to their movements, and I would suggest, though I will not move it, that the resolution had better lie on the table another week. I am myself ready to adjourn on the 16th of August, if we can have the most important appropriation bills sent to us. I voted, the other day, for the amendment of the Senator from Virginia, [Mr. HUNTER,] because, having the control as he does, of the most

important bills before either House of Congress, I thought his opinion was entitled to some deference. I think it possible now, that we may get through by the 30th, and if the House of Representatives will send the appropriation bills here by the sixteenth, we can do it. But, as I suggested before, I hope the Senate will agree to let the resolution lie on the table for a few days longer, so that we may see if it will not quicken the movements of the House of Representatives.

Mr. PRATT. I concur entirely in what has been said by the Senator from South Carolina, [Mr. BUTLER,] I believe that the self-respect and the preservation of the purity, the independence at least, of this body, as one of the branches of the National Legislature, depend on our prompt and decisive action on this question.

The House of Representatives, a month ago or more, passed a resolution, stating that they would be ready to adjourn on the 16th of August; they have not asked us to send that resolution back; they have not made any motion to reconsider that vote; therefore they say, in effect, to the country that they are now prepared to adjourn on the 16th of August! That is what the country must understand, and can only understand, by the action of the House of Representatives. Well, now we are asked to say that we cannot adjourn on the 16th of August, because, it is said, the appropriation bills will not be sent here in sufficient time to admit of due consideration by the Senate! The only mode of correcting this evil is, by bringing public opinion to bear on it; and the only mode by which you can bring public opinion to bear, is to reject the appropriation bills sent here at the close of a session, unless they come in time to enable us to consider them—and to consider them with proper deliberation. There can be no doubt as to what should be our course with respect to this question, in my opinion. Let the amount of evil caused by the rejection of the appropriation bills be what it may, it is nothing comparable to the mischief produced by one branch of the Legislature forcing the other to act without really knowing what they act upon.

The House of Representatives have said, and now say, to the country, that they are ready to adjourn on the 16th of August. Let us adopt the resolution they have sent here, and if they do not enable us to receive the appropriation bills in sufficient time before the 16th to consider them deliberately, let us reject the bills; then the public will see where the evil lies and correct it. But if you postpone the day of adjournment; if no such consequence grows out of it, public opinion will not be drawn to the subject, and the evil will last forever. Suppose that the appropriation bills are not passed, and we adjourn at the day appointed by the House resolution, we meet again on the 1st December, and I want to know where is the great and overwhelming hardship to the country, if they are not passed? I am unable to see it.

I think this resolution affords us an opportunity upon which I am anxious to seize to procure a decision by which the attention of the public will be drawn to the question; and I do hope, if the House of Representatives do not send us the appropriation bills in time to enable us to consider them maturely, that we will adjourn without acting upon them. I am desirous that such an event should occur, in order that the public may see the evil and correct it, as it can only be corrected by the sound action of public opinion.

Mr. DOUGLAS. It occurs to me that if we occupy the whole time between this and the 16th of August in discussing this question of fixing a day for adjournment, we shall not be very likely to get through the business by that day. If, however, we would postpone all unnecessary discussions, possibly we might get through by that time. If we continue to debate this matter for two weeks, I do not think that the opinion of any one will be changed. I therefore hope that the question will be taken.

Mr. GWIN. When the Senator from Tennessee [Mr. BELL] was passing a eulogy upon the House of Representatives for taking up the river and harbor bill, I wish at the same time he had told the Senate why it was not taken up four or five months ago, so that we might have had an ample opportunity for discussing it in the Senate. Instead of adopting this course dictated by an obvious sense of duty, they have passed it over until the seventh or eighth month of the session, and



that, too, after passing a resolution that they will adjourn on a given day.

The House commences the discussion of this important measure when there is scarcely time to pass the necessary appropriation bills, and will send it here to impede the passage of these bills as it did before. I am prepared to take up and give a deliberate discussion to the river and harbor bill when there is time for such discussion; but I am opposed to giving it precedence of the whole important business of the country. I am by no means willing, Mr. President, to see the experiment which the Senator from Maryland [Mr. PRATT] seems to court. This Government has been in existence under the Constitution for upwards of sixty years, and the appropriation bills have never yet been lost. I do not wish to see such an experiment tried.

Mr. CLEMENS. I agree with the Senator from Illinois, [Mr. DOUGLAS,] that we had better go to voting, and for that purpose I shall make a motion; but before I do so I wish to answer one or two suggestions which have been made by the Senator from Maryland, [Mr. PRATT.] That Senator says that the House of Representatives yet say that they are ready to adjourn. He is mistaken, however, for the chairman of the Committee of Ways and Means says that they cannot be ready by the 16th of August. His opinion is, that if this resolution had been adopted when it first came here, the House would have worked up to it; but that now it is altogether impossible to get through the business by that time.

Another thing: the Senator from Maryland said he would be quite willing to adjourn without passing any appropriation bills. I have no doubt that the Whigs generally, both in this and the other House, would be perfectly willing to adjourn without passing any appropriation bills, and then, when they had an opportunity of going before the country, amuse themselves by laying all the blame upon the Democrats. I move to lay the whole subject upon the table; and upon that motion I ask the yeas and nays.

The yeas and nays were ordered.

Mr. BELL. I will ask if that motion should prevail, whether it will not be perfectly in order to move to take up the resolution at any time?

The PRESIDENT. Certainly the subject can be taken up at any time upon motion to take it up.

The yeas and nays were then taken, and resulted—yeas 19, nays 32; as follows:

YEAS—Messrs. Aitchison, Bell, Brooke, Cass, Clemens, Davis, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Geyer, Gwin, Hamlin, Jones of Iowa, Norris, Shields, Stockton, and Sumner—19.

NAYS—Messrs. Adams, Bayard, Borland, Bright, Brodhead, Butler, Charlton, Chase, Clarke, Dawson, Douglas, Fish, Foth, Houston, Hunter, James, King, Mason, Meriwether, Miller, Pearce, Pratt, Rusk, Sebastian, Seward, Smith, Soule, Spruance, Toucey, Upham, Wade, and Weller—32.

So the motion to lay the resolution on the table was rejected.

The PRESIDENT. The question now occurs on postponing the further consideration of the resolution until this day week.

Mr. BELL. If the Senate will allow me, I will withdraw that motion. I see that it is the sense of the Senate to fix a day.

No objection being made the motion was withdrawn.

Mr. CHASE. When this question was under the consideration of the Senate a few days since, I voted against the proposition of the chairman of the Committee on Finance, [Mr. HUNTER,] to strike out the "16th August," and insert instead the "30th August," as the day of adjournment; but it now appears, by the information received from the chairman of the Committee of Ways and Means of the House of Representatives, [Mr. HOUSTON,] that it will be impossible to get through the business by the 16th August; I shall therefore reverse my former vote, and now vote for the proposed amendment.

It is very well known, by those who are acquainted with the early history of this Government, that, almost at the outset, a proposition was made to divide the business between the Senate and the House of Representatives. That proposition did not prevail, and then grew up the practice, which has ever since prevailed, of originating all the appropriation bills in the House of Representatives, and then sending them to the Senate. There is

nothing, however, in the Constitution requiring this course of action, and before we complain of the House of Representatives for negligence in the performance of its duties, it seems to me that it belongs to us to ascertain the extent of our powers, and then, if the appropriation bills are not sent to us soon enough by the House of Representatives to enable this body to act on them, we should originate those bills here, and send them down to the House.

I do not concur in one observation which was made by the honorable Senator from South Carolina, [Mr. BUTLER.] He seems to think that this Government would get along very well without any sessions of this body or of the House of Representatives; that if Congress were not to sit for twenty years—I believe that was the period he named—Government would proceed quite as well as if we had our regular annual sessions. I concur rather in the remark of a distinguished French civilian, that "every departure from annual legislative sessions is an approach to despotism;" and I believe that if that event should take place, which the Senator seems to contemplate with favor, the suspension of the sessions of Congress for a period of ten or twenty years, the result would necessarily be either the consolidation of the Government and the establishment of a despotism, or the dissolution of the Union. Neither of these events could I contemplate without pain and dismay.

Upon the whole, I am in favor of action upon this subject now—in favor of fixing that time which the chairman of the Committee on Finance here, and the chairman of the Committee of Ways and Means in the House of Representatives, indicate as the time within which the business of Congress can be accomplished. I shall therefore vote in favor of the amendment proposed by the Senator from Connecticut [Mr. SMITH] to the resolution as it now stands.

Mr. DAWSON. The Senator from Alabama [Mr. CLEMENS] took occasion to say, a few moments ago, that every Whig on this floor would be willing to adjourn without passing the appropriation bills.

Mr. BUTLER. The Senator from Ohio [Mr. CHASE] has made allusion to my remarks, and I wish to correct myself if the Senator from Georgia will allow me.

Mr. DAWSON. Certainly.

Mr. BUTLER. I have stated, Mr. President, that I wished to correct myself, and in doing so I shall take the liberty of making a few remarks applicable to the Senator from Ohio, as he has gone out of his way to attribute to me language which I did not employ. I believe I did say, sir, that this Government would go on without a meeting of Congress for three or four, or perhaps even for ten years; and in making that remark, my view was to show its stability. I am not one of those who believe so entirely in the supremacy of Federal legislation. I am one of a class of politicians that believe that if there were less influence exerted through the Federal head, and more honor in the different parts of the Confederacy, we should have the elements of an honorable Union—a Union unlike that which is now almost torn asunder by the agitating speeches of Jacobins in this Hall.

The PRESIDENT. The Chair is sorry to interrupt the Senator, but he must remind him that the question is on agreeing to the amendment proposed to the resolution in regard to adjournment. The Senator, therefore, must be aware that he is not speaking in order.

Mr. BUTLER. When I say that subjects have been agitated in this Hall having a Jacobin tendency, am I out of order? Can I not refer to such speeches?

The PRESIDENT. Certainly, in a general way.

Mr. BUTLER. Well, then, let those make the application of the remark who have introduced the elements of discord into this House. I am willing to take my share of it, sir, if any applies to me. But, sir, allow me to say that I believe there are elements of perpetuity in American and Saxon institutions independent of the annual agency of Congress; and if I did not believe it I should have but a poor opinion of, and very little confidence in, republican institutions. Yes, sir, my confidence in the perpetuity of republican institutions would die the moment I could suppose

it depended upon the wisdom of men who choose to claim, for the Federal Government, powers which were never conceded to it. Sir, what has this Government become? A mere agency to collect and distribute money, or to meet and generate discussions of the most injurious kind—discussions calculated to throw apart the different members of this Union, bound together by a common league. When I used the remark to which allusion has been made I did so with no view of introducing the topic which the gentleman from Ohio has introduced, let him disguise it as he may. I did not introduce it with any such view; but I do say that I do not think I shall submit to any species of legislation in the other House which is unconstitutional and offensive. That was my object; and I thought the sooner we come to the issue—the practical question—the better, if you must have a practical Government.

Before I close, allow me to make a remark in regard to what was said by the Senator from Tennessee, [Mr. BELL.] He has introduced another topic here, which does not belong to this occasion. Sir, if we had assented to the proposition of the House of Representatives fixing the 16th of August as the day of adjournment, would the river and harbor bill have been taken up in the House? No, sir; not at all. And that very fact shows that, by taking up any given topic for discussion, they can force this body to adopt their measures; and I suppose that, in that way, the river and harbor bill will be forced upon us. No doubt they have counted the votes, and intend that it shall be passed without discussion. I know that those who have the power can distribute the public money, or the public lands of this country; but I am not to be satisfied, as the Senator from Tennessee would be, by taking a silent vote, without raising my voice upon the subject. But, sir, that fact shows the importance of our coming to some conclusion. Fix a time for adjournment. Let it be the time which the House itself has fixed—the 16th of August; and I will warrant you that it will at once take up and dispose of all the appropriation bills necessary to carry on the Government. I never have said that appropriations for objects within the legitimate and constitutional sphere of this Government should not pass. I have never said that appropriations for the support of the Army and Navy, and other constitutional purposes, should not be made. No such thing, sir; and more, so long as I have anything to do with the Government, I shall not fail to do my duty in these respects. If such appropriations are defeated, it will not be by my agency. It is not our fault, but the fault of the times, that measures are brought here which are not within the sphere of our constitutional duties, and with which we have no right to meddle.

Neither am I to be told, Mr. President, by the Senator from California, [Mr. GWIN,] that the State of South Carolina is not interested in appropriations of this Government. I made no allusions to California which were not perfectly respectful. It is true that I was opposed to her admission into the Union, for reasons which I urged at the time, and which I still think were good. But I have ceased to make war upon California; and since she has been admitted I am as ready to do justice to her as I am to any other State, notwithstanding I had some objection to her coming into the Union. All I said was, and I say it again, that from her position she will be an ally to the doctrine of free trade, and will, at the same time, uphold the constitutional rights of the minority. But, sir, I did not rise to go into these questions, but simply to say, that when gentlemen rise to make allusions which are not called for, they should remember the proverb which says, "Those who live in glass houses should not throw stones."

Mr. GWIN. Only one word. The Senator from South Carolina must have misunderstood me. I simply stated that South Carolina was not so deeply interested in local legislation as California.

Mr. DAWSON. As I was going on to observe, sir, when interrupted by the Senator from South Carolina, a friend of mine [Mr. CLEMENS] has said that he had no doubt every Whig on this floor was desirous that Congress should adjourn without passing the appropriation bills. So far as I am concerned, I disclaim that imputation. I do not desire that Congress should adjourn without passing the appropriation bills, nor do I wish the impression to go abroad to the country that either

branch of Congress is governed by such a determination. If any one desired to discuss this question, so as to make that appeal, the proposition should have been started at an earlier day. Why are we delayed now, and constrained to continue this session of Congress down to the 31st of August? Is it from the want of the appropriation bills? Is that the fault of the Senate? Not at all. The Constitution requires that all appropriation bills shall originate in the House of Representatives.

Several SENATORS. No! No! No!

Mr. CASS. Tax bills only.

Mr. DAWSON. Well! All bills for the purpose of raising revenue; and we have adopted the principle that all bills of this nature should originate in the House of Representatives, so that it has acquired the force of a constitutional provision. That is what I wished to say, and what I wish to be understood. Now, these appropriation bills have not reached us; the fault is not ours; nor, perhaps, is it that of the House of Representatives. But, supposing that the House of Representatives had been determined to force these measures through, and to force an early adjournment of Congress, had they not the power to do so? Are parties so equally divided in the House of Representatives that it is with difficulty that you can get an appropriation bill presented? I presume not. The majorities are tremendous in both branches of Congress. Why, then, insinuate the remark that the Whigs are desirous of adjourning without passing the appropriation bills? Why insinuate that one party is desirous of preventing their passage? Such an insinuation has not operated on either party. The delay has grown out of the peculiar character of the present Congress, and out of the exciting circumstances connected with it. We find ourselves subjected to the influence of these circumstances, and we cannot avoid it. We must adjourn, and we must pass the appropriation bills, and the question is: What is the best plan to adopt for the accomplishment of that object?

The other day, I voted for the motion to adjourn on the 16th of the ensuing month; and I did so under the conviction, at that time, that the House of Representatives would be enabled to send the appropriation bills to us sufficiently early to act on them before that day; as the Senator from Illinois [Mr. SHIELDS] stated that we would be able to pass them all in ten days, I had no difficulty in voting for that resolution. But it seems now that the House cannot send the bills soon enough to adjourn at that date, and the only difficulty I have in changing my vote is this: it will appear, by the record, that the House of Representatives asked us to adjourn on the 16th of next month, and that we refuse to do so. Is that a position which we ought to occupy? My friend, the Senator from Alabama, [Mr. CLEMENS,] informs us that the chairman of the Committee of Ways and Means in the House of Representatives says, that it will be impossible to adjourn before the last day of August. Well, perhaps that statement by the chairman of the Committee of Ways and Means will change the aspect of things; but why has not the chairman of the Committee of Ways and Means caused an intimation to be sent to this body, of the impracticability, or impossibility, of adjournment on the 16th? That House is composed, immediately, of the representatives of the people; for the discharge of their duty they are directly answerable to the people; our Government is a representative Government, and as, in accordance with its forms, that House is an emanation from the people, and is answerable to them, it must alone bear the blame of the delay; let us, therefore, adopt any resolution relative to the adjournment that the representatives of the people may send, and leave them to make the necessary explanations, and bear the responsibility.

I prefer, like the Senator from Maryland, [Mr. PRATT,] that we should run the risk of passing these bills, rather than accept the position that we now occupy, for it seems probable that the question—who is to blame for the delay in the business of this Congress? will become a matter of discussion. It appears to be made a question before the country; and I desire that the representatives of the States should stand correctly before the public, and that the immediate representatives of the people should assume their own responsibilities. If these bills had been reported to us as

early as the month of June—and seven months should have been sufficient to prepare them—we should have passed them, and would be ready to adjourn to-day, but we have not yet seen them. Nevertheless, the business of the Senate is now as far advanced as it ever has advanced during a long session of Congress; perhaps more bills have been passed now than ever was passed during any long session heretofore held.

Mr. BUTLER. Yes; I think more.

Mr. DAWSON. And yet the imputation which seems to rest on us is that we have failed to discharge our duty. Why should that imputation be permitted to rest on us?

I beg to say that Congress has the power to change the day of adjournment, even after it has been fixed by a concurrent resolution. If we concur in this resolution, and the House of Representatives find it out of their power to get through with their business at the time fixed, let them send us another. That will place us in a proper attitude before the country. I say nothing on this question which I desire should go to the country for the purpose of influencing the public mind. All I desire is that the Senate may be placed fairly on this question, and occupy the position before the country which it really does occupy. These are my views, and therefore I urge that we should adopt the resolution sent to us by the House, and let the House send us back another, asking an extension of the time, if they desire it. We know what committees have to report last: The chairman of the Committee on Finance in the Senate, and the chairman of the Committee of Ways and Means in the House. Can any one say that the chairman of the Committee on Finance here has not discharged his duty? Certainly not. He has brought everything before us for our action, which belongs to his committee; and if in the other branch of Congress everything has not come up, in consequence of the great amount of business to be acted upon, and on account of the great number of members of the House, who in consequence cannot act with so much facility as we do—perhaps they are not to blame, because their machinery is such as to cause more delay necessarily—that is not our fault. Let them say to us, if they find that they cannot get through with their business on the 16th, "We were mistaken when we passed the resolution." Hence I urge that we should adopt the resolution. One Senator has said that if we had concurred in the resolution when it first came here, they would have been ready to adjourn on the 16th of August, but because we did not concur in it, and hold them up to industrious habits, they have fallen back in the business. That is not so, I think. Let us take the resolution as it is, and adopt it, and then if they are not ready to adjourn we shall not be to blame.

Mr. CLEMENS. The Senator from Georgia [Mr. DAWSON] has asked why the chairman of the Committee of Ways and Means has not communicated the information to this body, that they cannot get through with the business in the House, so as to adjourn on the 16th of August? That is a very singular question. I do not know any means which he has of communicating officially with this body. It happened that he was standing by my seat while this discussion was going on, and I asked him the question: Can you get through with the business of the House by the 16th? He said, "No, we cannot; but I believe if you had adopted the resolution when it was first sent, the House would have been induced to work up to it; now it is too late, it is impracticable." That is the way in which it was communicated to me, and that is the only manner in which the chairman of the Committee of Ways and Means can communicate to this body, that is, through the individual members of it.

As the Senator from Georgia has chosen to refer to a playful remark made by me, that I had no idea that there was a Whig member of this body who would not like to see the appropriation bills fail, so that they might charge their failure upon the Democrats of this body, I must say, and say it seriously, too, that I see and know what must be the result. There are questions pending here for the revision of the tariff, and it may very well be, that that tariff should be amended, and I may be in favor of some amendments; but if the bills are lost for want of time, what will be the result? Every Whig speaker in Pennsylvania will tell the people that the Democrats prevented their getting

the tariff. There are improvements which may be made in rivers and harbors which may be needed; but I do not intend to vote for the bill blindly. Suppose that bill is lost, as it was before, and as it shall be again, if I can defeat it under the same circumstances, every Whig speaker in the Northwest will tell his people that this Congress have refused to do justice to the Northwest, and thus claim the election of the Whig candidate for the Presidency. Gentlemen know these things will happen. I do not intend to place myself, nor the party with which I act, in such a position. I intend that the appropriation bills shall take their regular course. If they do not come here within the three days of the end of the session, as the rule requires, I will take the responsibility of killing them. So with regard to the river and harbor bill. I shall vote for the earliest day for adjournment, and then I will kill their bills, if they do not come here in due time.

Mr. RUSK. I do not think that the question whether the House or the Senate is to blame, nor which of them is entitled to the most credit, nor do I believe that any question respecting the dissolution of the Union, or want of respect by this body toward the other, is involved in this subject. I think the only question legitimately before us is, whether or not we can pass the bills upon which we are to act before the 16th of August. Gentlemen say we have not time to do it. One gentleman says we have not time to discuss them properly. I suppose that if we could discuss them until we were satisfied, we should not adjourn this year. Another gentleman says that he is informed by the chairman of the Committee of Ways and Means of the House, that it is impossible to get through those bills by the time they had fixed. I have great respect for the opinion of the chairman of the Committee of Ways and Means; but I have another opinion myself, and I believe that when pressed into the service he can do a great deal more business than he supposes. We have now more than three weeks to go upon before the 16th of August, and the question is, whether the two Houses can pass the regular appropriation bills by that time. It is a longer time, according to my recollection of what has happened in the past, than we have ever devoted to them. You may fix the day of adjournment at the 30th of August, or the 30th of September, and these appropriation bills will be passed in the same hurly-burly fashion, as if you fix the day at the 16th of August. They will be acted upon in precisely the same manner, because the moment you fix the time, and extend it, other matters will come up, and presidential speeches will be made, and all the time we shall have to pass the appropriation bills will be the very last days of the session. The time of adjournment is approaching, and there is much anxiety on the subject, and a desire that we should have as much information as possible with regard to important measures which must be passed; but my own opinion is that we have ample time, and that we shall give as much time to the appropriation bills if we determine to adjourn on the 16th of August, as we shall have if we extend the time to the 31st. Under these circumstances, I intend to vote for concurring in the resolution as sent here by the House.

The business that may remain unfinished at the end of the session will come up at the next session without a re-reference to committees, and I think that on the whole it will be better for us, and better for the country, that we should have the appropriation bills passed on the 16th than on the 31st of August. I have been two or three times dreadfully alarmed for fear that the appropriation bills would be lost, but I never intend to be alarmed again. I saw the clock pointing to near the last moments of the session, and I begged gentlemen for God's sake to pass these bills. My friend from Missouri [Mr. ARCHISON] asked me not to beg gentlemen so earnestly, and said there was no danger that the appropriation bills would be lost. And after that we had ample time, for we did pass them, and had half an hour to spare.

Mr. STOCKTON. Being one of the humblest members of this august body of the representatives of the Federal Republic, I have been slow to participate in this discussion, and certainly should have said nothing on the subject if it had been confined to the mere question of agreeing to a day of adjournment. But a question has been con-

nected with this discussion which seems to render it my imperative duty, as a representative of the State of New Jersey, to say a few words in relation thereto. In the first place, however, I must say that I do not concur in the reproaches which have been cast upon the other branch of Congress on account of any supposed delay in their business. If any delay has occurred, the reason is to be found in the great amount of business which Congress has had to consider and to act upon. Nor am I disposed to find fault with any of the discussions which have taken place on the subject of presidential candidates. They have been mostly interesting, and I do not know that they have interfered with the business of Congress. The business of Congress requires reflection and information, which is not to be attained in this Chamber alone. So far as I am concerned, sir, my mind has been more devoted to the consideration of the public business in my own than in the Senate Chamber. Therefore, so far as my voice goes, I am ready to acquit both Houses of Congress of any neglect of their appropriate duties. The delay, if any, has been caused by the amount and the importance of the business we have had before us. Though I am as desirous of returning to the bosom of my family as any member of this body can be, I would prefer that the resolution should lie on the table for the present; and until I can see more clearly the probable time when we may hope to finish the public business in a satisfactory manner to our constituents, well as ourselves.

Mr. President, I had no disposition to discuss this question, and but for the exciting speech made by the Senator from South Carolina, [Mr. BUTLER,] I should have remained silent. The Senator from Tennessee [Mr. BELL] spoke of the importance of the harbor and river bill; and another Senator spoke of the importance of the tariff bill. With regard to the first I have but little to say at present, except to concur in its importance. With regard to the tariff, I must be permitted to say that I regard it of more consequence to my constituents than any other bill which has been, during the session, or is now pending before Congress. The tariff—ay, sir, the tariff—the mere mention of which startles gentlemen from their propriety, and drives them headlong into the question of the dissolution of the Union—I have to tell such gentlemen, let them come from where they will, or represent whom they may, that there are two sides to the question of the tariff; and, Democrat as I am, I intend that, on all proper occasions, my voice shall be raised in the Senate, and out of the Senate, in behalf of the poor laborer of the North; and he who represents the slave labor of the South may raise his voice as potential as he sees fit, he will not alarm, but find me prepared, to the best of my poor ability, to defend the interest of the free laborer of the North. But, sir, do not misunderstand me. I repudiate the doctrine of a tariff for the purpose of protecting one interest more than another interest, one section more than another section. We are not to consider the interests of fragments, but of the whole people; not of States, but of the nation. Sir, we must seek for some sound, well-settled principle upon which to rebuild this theory of the tariff.

The PRESIDENT. The Chair must remind the Senator from New Jersey that the question is not upon the tariff, or upon any other bill.

Mr. STOCKTON. I am aware of that, sir.

The PRESIDENT. The Senator can allude to the subject of the tariff generally; but it will not be in order, upon the present question, to go into the merits or demerits of any tariff.

Mr. STOCKTON. What I mean to say is this: that the tariff bill is a matter of so much consequence, that it behooves Congress not to adjourn without modifying it; and I give that as a reason why we cannot now fix a day for adjournment. Besides, sir, the tariff bill to which I allude, is not for protection of manufacturers; it is not to be a tariff exclusively for revenue; but it is intended to protect millions of our fellow-citizens, who earn their bread by the toil of their own hands. I can tell the Senator from South Carolina that their interests are not much longer to be disregarded. Sir, this Government may survive the effects of the most disastrous battles; we may regain lost territory; but I tell him and others to be warned in time—that we may not be able to

resist the importunate remonstrances of a free, but impoverished and degraded people.

Mr. BUTLER. The Senator from New Jersey is under a great mistake. I made not the least allusion to the tariff. However, I suppose he may as well hang his speech on what I said, as on what was said by any other Senator. I certainly made no allusion to the tariff—not in the least.

Mr. STOCKTON. What I meant to say is this: that the tariff belongs to the business of Congress, and is entitled to as much of our time as any other matter. If the Senator from South Carolina did not speak of "free trade"—if he did not make use of that expression which naturally leads to the consideration of the whole subject of a tariff—then I stand before the Senate corrected.

Several SENATORS. He did. He did.

Mr. BUTLER. I wish to correct the gentleman. I believe that if he chose to take the remark which I made in that view, he might have used it for the purpose of dilating upon the subject. I think, however, that the subject of the tariff was freely spoken of by the Senator from Alabama; and the remarks of that Senator, it appears to me, might have afforded the Senator from New Jersey a better text than my remark in regard to "free trade." The connection in which I spoke of free trade—and I hope the Senator from New Jersey, while he is in favor of the tariff, will not undertake to controvert the great doctrines of free trade—was in relation to California. Though that, as far as I know, does not involve the tariff, yet in candor to the Senator I must admit that I did speak of California as a probable ally against one which might be a proscriptive and protective tariff. My remark may allow that interpretation, but I used it at the time with no such purpose. I did not wish to introduce into this debate any topic which did not properly and legitimately relate to the subject. I did, perhaps, manifest some little temper, because I thought that some topics had been introduced here which ought not to be introduced, I will not say deliberately, but perhaps inadvertently. I think the Senator from New Jersey is at liberty to make his remarks both in regard to what was said by the Senator from Alabama and myself, for I believe we both, in some measure, said something in relation to the question of a tariff—though all that I said was a mere allusion, in the most casual way, to the subject of free trade.

Mr. STOCKTON. All that was necessary to fill the measure of my surprise on hearing the Senator's explanation, was for him to have added, that what he did say, was said in the most amiable and unexcitable and courteous manner. He put some interrogatory in regard to free trade. I do not remember its precise purport. But, sir, I am willing to confess my homage to the sublime and simple truths of Adam Smith, and the disciples of that school of political economists. I will go further, and say that I believe all the efforts that have been urged against his leading doctrines, and those of Ricardo on rent, have failed; but their application to this country, in its present condition, in relation to the rest of the world, and in reference to the commercial policy of other nations, is an entirely different question—the great question. It does appear to me, (not designing anything offensive), the most absurd thing in the world to be wrangling and quarreling about the abstract theories of free trade, when we have staring us in the face the necessity of raising fifty millions of annual revenue, which has, since the origin of Government, and must continue to be, almost entirely obtained from duties on imports. Now, sir, what I claim is the right, as a representative of New Jersey, interested as she is in the development of her iron, not to allow any reproach as to its importance, any insinuation as to its unconstitutionality, or any sneer at efforts made to modify the tariff without remarks from me. I hope before the session is over that gentlemen will have to face the music on that same question of the tariff. We mean, if we can, to get it up before the Senate, and we intend to explain to the Senate, and to the people, our objects, views, and motives in doing it. New Jersey means to insist that you shall unlock the hoards of treasure which slumber in the mountains that traverse her territory, as well as that of a sister State. She means to insist that by doing so you will not violate the Constitution; that you will only be fulfilling your obligations to further other in-

terests besides those of commerce and agriculture; and I say this to show the importance of sitting two months longer, rather than avoid this great question.

Mr. HUNTER. I am constrained to ask if it is in order to debate the tariff on this resolution?

The PRESIDENT. Certainly not; but the Chair was unwilling to interrupt the honorable Senator.

Mr. STOCKTON. I am very much obliged to the Senator; but if he had taken the same trouble to arrest the extraordinary excitement of his own friend, he would not have had occasion to interfere in my behalf. [Laughter.] I did not intend to say a word about the day of adjournment. But, sir, you may expect to wake up New Jersey whenever the tariff is agitated; you may then look out for her. [Laughter.] I will now relieve you, Mr. President, by no longer persisting in this debate.

Mr. BORLAND. I shall not enter into the general considerations which have been presented at such length on this subject; but shall confine myself to the simple question before the Senate, and state, in as few words as I can, the reasons which control my vote. They are not personal to myself, so far as convenience or comfort are concerned—although I have as strong reasons, perhaps, in this respect, to induce me to adjourn at an early day, and go home, as any other Senator. Nor is it a question with me as to whether the Senate or House is to blame for delay. It is a practical question, however, with me, whether there be time allowed—reasonable time—for the passage of the important bills which are before the two Houses of Congress. Feeling as much concern, I apprehend, as other Senators, for the passage of bills which are general in their character, and which affect the interests of the whole Union, I have, at the same time, a particular interest for that region of country in which I reside, and for bills relating to it which are now at stake before the two Houses. Without undertaking to give the reasons, I express my conviction, that there is not time, between this and the 16th of August, for the passage of those bills; and I deem it to be of a great deal more importance to the country generally, and especially to my constituents, that we should sit here, at least until the last of August, or the last of September, if necessary, and take time for the passage of those bills, than that we should gain any other advantage, personal or otherwise, by an early adjournment. For that reason, and believing, from what I learn of the condition of things in the other House, that there may be time for the passage of these bills by the last of August, I shall vote for the substitution of the "31st" for the "16th" of August.

Before I conclude my remarks, without going into a general discussion, I wish to make a single statement of fact to the Senator from New Jersey. In intimating the importance of bills before the two Houses of Congress, as a consideration for prolonging or curtailing the session, I can say to him that the bill to which he alluded, and attached so much importance, so far as it affects the interests of the different States of this Union, affects the interests of my constituents, I apprehend, far more than his; for I think I can state as a fact, which cannot be controverted, that so far as iron is concerned, we have more of it in Arkansas at this time than would make the whole of New Jersey a solid mass of iron, and then as much copper besides.

Mr. DOWNS. Mr. President, as I voted to lay the resolution on the table, I shall vote for the latest day of adjournment proposed. I think there is no necessity for us to get up, at this late period of the session, after nearly eight months' sitting, a desire for a hasty adjournment—that, all at once an inspiration should come upon us that we are violating our duties if we do not, pell-mell, right or not right, fix an early day of adjournment, and go home whether the business be done or not. For one, I can see no reason for it. We came here to do the important and necessary business of the country. It is true, we have been here a great while. We have done much; but we have much yet to do—much which we may do in the course of the next month or six weeks; and I think it is more important to the country that we should take a reasonable time for the disposing of the business before us, than that we should, all



at once, get up this fever, and rush home, whether the business before us is through or not.

I cannot see the consistency with which gentlemen, some of whom voted last week for the 30th of August as a proper day of adjournment, now say they will vote for the 16th. Why is this? They seem to have worked themselves into a sort of passion against the House of Representatives, because they have not sent bills here. I shall not enter into any crimination or recrimination with the House. I think it much more important to the Senate to be sure that we do our own duty before arraigning the conduct of others. They have their own responsibility. Let them meet it; I will not arraign them here.

This resolution came to us more than a month ago, I believe, and we took no action upon it then. On the contrary, when a member of the Senate who holds a most responsible position, and whose voice should have weight on the subject, suggested, at the time it came, that it ought to be postponed until the appropriation bills were sent to us, in order that we might know what time we should have, it was postponed. And now, after a month or six weeks, with the exception of two unimportant appropriation bills, which will not take up much time, we have not received any of those bills. When the time intervening between now and the day designated by the House is much shorter than if we had fixed the day of adjournment then, I cannot see the consistency or propriety of voting for the shortest period. There is a great deal of business that is now matured in both Houses; we have our minds made up on it; we have formed our opinions; we have discussed it, and reported upon it; it is now fresh in our minds; we can dispose of it now more satisfactorily to the country than we shall be able to do at any other time, when the discussions would all have to be renewed. Shall we break up under these circumstances, and go home without doing this business?

Gentlemen have referred to the appropriation bills, as if they were the only things before Congress. Why, Mr. President, they must have forgotten that there is a great deal of other very important business. The appropriation bills, I agree, will necessarily pass. They always do. And they will pass, if you should not take them up until the last day of the session. But there is something else before Congress besides them. What have we been discussing all the session? Where are the important railroad bills—some thirty or forty, I believe—which passed the Senate, and are not yet disposed of by the House? Where is that important bill about the homestead rights, which we have received from the House of Representatives, in favor of which you have so many memorials presented from so many quarters, and which has not yet been reported back from the Committee on Public Lands? Are we to get up and run home without acting on these measures? Where is that important bill, sent to us from the House, on the subject of granting public lands for railroads, upon which there is so strong a feeling in many States?

Although that bill contemplates a measure which was once rejected by the Senate, on an elaborate discussion; yet, perhaps, in the earnestness of the new States to do something on this important subject, those who opposed it before may finally, as a compromise, think it better to take that bill, with some modifications, rather than go home, after the urgent wish expressed in so many quarters in the new States to have these appropriations made, without getting anything.

Now, I, for one, anxious as I am to get away—and I am as anxious as any one—I am not willing to fix an unreasonably short period and go home; and when I am called upon by my constituents, to say why these measures were not disposed of, tell them it was because we had not time. I think it much better to take a month more, and have a reasonable time to dispose of these matters, than hasten off suddenly and leave them undisposed of.

Besides, if there is any blame—and I do not attach any blame to the House or Senate in this matter—after having delayed so long the proposition of the House to adjourn, to take it up at this time and concur in it, would be taking them by surprise. If there is any want of performance of duty on their part, by passing the resolution we shall relieve them from that responsibility, and take it upon ourselves. But, as was well ob-

served, if we had fixed the time a month ago, when the resolution was sent here, it would have given a reasonable time to dispose of the important measures before Congress; whereas, if we take it up now and agree to it, we shall take them by surprise, and compel hasty and improvident action upon those measures. I hope, then, Mr. President, that the proposition to postpone the day of adjournment until the 31st of August, will be adopted. That will give us reasonable time. It will not allow time enough for long discussions; I presume no one wants to have them; but it will allow reasonable time to dispose of the appropriation, and other important bills in which the country feel a great interest. I hope, therefore, that the amendment will be agreed to.

The PRESIDENT. The question is on the amendment to strike out "Monday the 16th," and insert "Tuesday the 31st."

Mr. BRODHEAD asked for the yeas and nays; and they were ordered; and, being taken, resulted—yeas 23, nays 23; as follows:

YEAS.—Messrs. Borland, Bright, Brodhead, Brooke, Cass, Chase, Clarke, Clemens, De Saussure, Dodge of Wisconsin, Downs, Felch, Foot, Geyer, Hunter, James, Jones of Iowa, Meriwether, Miller, Pearce, Sebastian, Seward, Shields, Smith, Spruance, Stockton, Upham, and Weller—23.

NAYS.—Messrs. Adams, Atchison, Bayard, Bell, Butler, Charlton, Davis, Dawson, Dodge of Iowa, Douglas, Fish, Gwin, Hamlin, Houston, King, Mason, Norris, Pratt, Rusk, Soule, Sumner, Toucey, and Wade—23.

So the amendment was agreed to; and the question recurred upon the resolution as amended.

Mr. GWIN. I move to postpone the further consideration of the resolution until this day week; and upon that motion ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 36; as follows:

YEAS.—Messrs. Bell, Cass, Clemens, Davis, Dodge of Wisconsin, Dodge of Iowa, Felch, Geyer, Gwin, Hamlin, Jones of Iowa, Norris, Shields, Sumner, and Wade—15.

NAYS.—Messrs. Adams, Atchison, Bayard, Borland, Bright, Brodhead, Brooke, Butler, Charlton, Chase, Clarke, Dawson, De Saussure, Douglas, Downs, Fish, Foot, Houston, Hunter, James, King, Mason, Meriwether, Miller, Pearce, Pratt, Rusk, Sebastian, Seward, Smith, Soule, Spruance, Stockton, Toucey, Upham, and Weller—36.

So the motion was not agreed to.

The resolution as amended was then concurred in by the Senate.

#### MILITARY ACADEMY BILL.

A message was received from the House of Representatives by the hands of Mr. HAYES, its Chief Clerk, announcing that it had passed a bill making appropriations for the support of the Military Academy for the year ending the 30th of June, 1853.

The bill was read twice, and referred to the Committee on Finance.

#### PRIVATE LAND CLAIMS IN CALIFORNIA.

On motion by Mr. WELLER, the Senate resumed the consideration of the bill "to authorize the payment by the surveyor general of California of any claims which have been, or may be presented to the board of land commissioners for adjudication under the act of Congress, approved 3d March, 1851, to ascertain and settle the private land claims in the State of California."

The bill was under consideration yesterday as in Committee of the Whole, when various amendments were made. The bill was reported to the Senate, and some of those amendments were concurred in. The question was on concurrence in the following amendment:

"SEC. 5. And be it further enacted, That the board of commissioners for the ascertaining and settling the said private land claims may authorize and direct the clerks of the said board to superintend the taking of depositions to be used before the said board whenever the law agent, or assistant agent, cannot attend the taking thereof. The said board, upon the application of any claimant, or of the law agent, under this act and the act of which this is amendatory, may direct a commission to issue to take depositions before any officer authorized by the laws of California to administer oaths; in all which cases written interrogatories shall be filed before said board at least forty days before the time fixed for taking said depositions; and cross-interrogatories, if desired, shall be filed before said board within twenty days after the filing of the aforesaid interrogatories. The depositions thus taken shall be carefully sealed up, and transmitted by the officer taking the same, to the secretary of the said board."

Mr. WELLER moved to amend it by inserting between the words "officer" and "authorized" the words "designated by the board;" which was the pending question at the adjournment. I have been shown to-day an amendment which has been drawn up by my friend from Maryland, which I

think carries out the object intended to be accomplished by the fifth section as it was drawn up. I shall, as a matter of course, interpose no objection to his amendment. My only object was to facilitate the transaction of business before the board of commissioners. My judgment has been that to accomplish that object power should be conferred on some other persons than the members of the board to take testimony. As the amendment of the Senator from Maryland will answer the purpose, I withdraw the amendment which I offered yesterday.

Mr. PRATT. I propose to amend the amendment, as adopted in Committee of the Whole, by striking out the words "direct a commission to issue," and inserting "issue at their discretion a commission to some person known to them to be competent." I propose also to insert after the word "depositions," the words "at such time and place as they may designate," and to insert after the last amendment "who shall be and hereby is authorized to administer oaths to all witnesses who may depose before them." I propose further to strike out the following words:

"Before any officer authorized by the laws of California to administer oaths; in all which cases written interrogatories shall be filed before said board at least forty days before the time fixed for taking said depositions; and cross-interrogatories shall be filed before said board within twenty days after the filing of the aforesaid interrogatories."

If the Senate agree to the amendments which I have proposed, the amendment reported from the Committee of the Whole will read:

SEC. 5. And be it further enacted, That the board of commissioners for the ascertaining and settling the said private land claims may authorize and direct the clerks of the said board to superintend the taking of depositions to be used before the said board whenever the law agent or assistant agent cannot attend the taking thereof. The said board, upon the application of any claimant, or of the law agent, under this act, and the act of which this is amendatory, may issue, at their discretion, a commission to some person known to them to be competent, at such time and place as they may designate, who shall be and hereby is authorized to administer oaths to all witnesses who may depose before them. The deposition thus taken shall be carefully sealed up and transmitted by the officer taking the same, to the secretary of the board.

These amendments have been shown to the Committee on Public Lands, who reported this bill, and they concur in them. The Senators from California are willing to accede to them.

The amendments to the amendment were agreed to.

Mr. GWIN. I propose the following proviso, to come in at the end of the fifth section:

Provided, That the board shall hold sessions at Los Angeles, Santa Barbara, and Monterey, at such times, after giving due notice, as the President of the United States may direct, and that the actual expenses incurred in traveling and holding such sessions of the board shall be paid out of the Treasury of the United States.

The board of commissioners give as a reason why they do not hold their sessions at various portions of the State, that it is impossible for them to do so without expending a large portion of their salaries. It is perfectly proper, as I contended when the act which the bill under consideration proposes to amend passed, that their actual expenses for traveling should be paid. I looked upon it as of the greatest possible importance that the board should go where the claims were. The reason why they have not done so—the reason why the President has not ordered them to do so—is, that the expense of their traveling would absorb their salaries, so that it would be impossible to get competent men to fill the office.

Mr. FELCH. I desire to inquire what the salary of each commissioner is?

Mr. GWIN. It is \$6,000 per annum. The Senator has before his committee various communications, addressed to me by the board, in which they say that it absorbs a large portion of their salaries to meet the ordinary expenses there now; and if you add to them the expenses of traveling and opening the board at other places, it will absorb the whole. That is what they state.

Mr. ATCHISON. I would suggest to the Senator from California the propriety of adding, as an additional proviso, the following:

Provided, That such traveling expenses shall not exceed the full amount of their salaries now allowed by law.

I think, without such a proviso, the amendment of the Senator from California will be about doubling their salaries in the end. With my proviso, I am willing to take it.

Mr. GWIN. I would be willing to put in a provision that these expenses shall not exceed

\$2,000, but my colleague suggests that if we specify any sum, the expenses will amount to that and nothing else.

Mr. WELLER. That is the objection to fixing the limit. They would be sure to put their traveling expenses precisely at that amount. I prefer the words of my colleague's amendment, so as to pay them their necessary and actual traveling expenses. If you say that the expenses shall not exceed \$2,000, they will be sure to make them exactly \$2,000, and I think, as a matter of economy, we had better not limit them in the bill to any specific amount, but use such phraseology as shall confine the expenses to what are absolutely necessary, and they will not be very great. I suppose the transportation from San Francisco upon steamers, to the lowest point in the State, would be some \$40 or \$50, and the expenses of living at Los Angeles or Monterey would be much lower than at San Francisco, where the board now are.

The amendment to the amendment was agreed to, and the amendment as amended was concurred in.

The next amendment, made as in Committee of the Whole, was to add the following as an additional section:

SEC. 6. *And be it further enacted*; That for the purpose of expediting the ascertaining and settling private land claims in California, the President of the United States shall appoint an assistant agent, learned in the law and skilled in the Spanish and English languages, whose duty it shall be to aid and assist in the discharge of all the duties imposed on the agent by the act of which this amendment, and his compensation shall not exceed \$6,000 per annum.

The PRESIDENT. The question is on concurring in this amendment.

Mr. FELCH. That section, as reported from the Committee on Public Lands, made the compensation of the assistant agent \$4,000. On the motion of the Senator from California, [Mr. WELLER,] the Senate, as in Committee of the Whole, struck out four and inserted six. So that I am opposed, and now move to amend the amendment, by striking out "six" and inserting "four," which will restore the section to the form in which it came from the Committee on Public Lands.

I see by the law under which the agent himself is appointed that his salary is not fixed. It is left to the President to determine what amount, per annum, should be paid him, and I understand it has been fixed by him at \$6,000.

Mr. GWIN. I will state to the Senator that there is another act in regard to that. By the original law, there was no limitation; but in the civil and diplomatic appropriation bill of last year, there was a limitation made. That bill, in appropriating \$50,000 for the expenses of the board of commissioners, provided that the salary of the law agent should not exceed \$6,000.

Mr. FELCH. I was not aware of that. The provision of the law prescribes the duties of the law agent. He is required to be skilled in the Spanish and French languages; and of course is supposed to be competent for the performance of all the duties devolving upon him. Now, the qualifications of the assistant agent are to be precisely the same. The question, then, is, whether the salary ought also to be the same. I rise now more for the purpose of making an inquiry than for anything else. It has been reported that the law agent, who has been appointed, instead of having the qualifications which are required by the law, is neither a Spanish nor a French scholar, and therefore is not competent to perform his duties so far as the translation and the investigation of the records are concerned.

Mr. WELLER. He is required to understand the Spanish and English languages, but not the French. I have no personal acquaintance with the law agent who has been appointed; my information, however, is, that he does not understand the Spanish language—that he does not pretend to be a Spanish scholar. He is a very respectable stump speaker, but as to the Spanish language, I believe he knows nothing about it.

Mr. FELCH. I only wanted to inquire whether we are called upon to appoint an assistant agent, because the agent has not the qualifications prescribed by the statute? If that is so, I do not feel at liberty, in the first place, to go for appointing a man to do his duty; and in the next place, to give an exorbitant salary to the man who is to do that duty. It seemed to the committee, as this individual is to be merely an agent—

although we admit the great importance of the duties to be performed, and the high qualifications which are required—looking at the enormous expenditure that this board is to cost, in any event, to the Government, and upon the supposition that the discretion of the President was properly exercised in selecting a man having the qualifications provided in the statute, it might not be necessary to pay such a high salary to a person who is to act in his place. I admit at once, if we are to make the substitute the principal instead of the agent, who may not be competent for the discharge of his duties, we should provide for him. I am willing to give as high a salary as may be necessary, but it seems to me, upon the supposition that the appointment of the law agent is such as it should be—and if it is not, it should be changed—if we give \$4,000, as provided in the section as it came from the committee, we would be giving an amount amply sufficient to secure the services of a man competent to fill the office.

Mr. WELLER. The services to be performed by the assistant law agent are precisely similar to those which are to be performed by the law agent. It requires as much legal ability, and just as profound a knowledge of the Spanish language to discharge the duties of the post of assistant law agent, as for the other post. Hence I think it necessary and proper that the pay of the assistant law agent should be precisely the same as that which is fixed for the law agent.

Now, whether the law agent be competent fully to discharge the duties of the station or not, I am not prepared to say; but if he is not, I know of no way by which he can be got rid of. He has been appointed by the President of the United States, who was authorized by law to appoint him, and I know of no way by which the legislative department of this Government can now displace him. That he does not understand the Spanish language—and I speak of that, of course, from information which I have received from others—is, in my judgment, a very great defect. It is of the greatest importance that the person who is appointed to examine these claims before the board of commissioners should be thoroughly acquainted with the Spanish language, and be able to read the original grants; and nearly all the original grants were in the Spanish language. It is therefore absolutely important that the law agent should be able to read them in that language, in order that he may discharge understandingly the duties imposed upon him by the law.

But I believe these appointments have been very unfortunate. I believe the law agent is a common-law lawyer, who has been sent out to that country to investigate cases which are to be decided under the civil law, that having been the law of the territory when we acquired it. The commissioners, as I stated yesterday, are all common-law lawyers. The President of the United States should have selected a law agent not only acquainted with the civil law, but the commissioners who are to adjudge these claims under the civil law should be familiar with the science of the civil law. In the exercise of his discretion, the President of the United States has seen fit to appoint the persons whom he has appointed; and now I hold that it is important, in order to the proper discharge of the duties under the law, that an assistant agent should be appointed.

The law agent himself has asked the Department of the Interior for the appointment of three additional agents, and he asks for an increase in the number of clerks, as well as the number of agents who are to try these causes. The delegation of the State of California, looking to the interests of that State—desiring, of course, that the business should be facilitated, in order that the rights of parties in that State may be decided at once—have agreed to recommend the appointment of one assistant agent, instead of three assistant agents as asked for by the law agent. That the appointment of this person is necessary, I have not the slightest doubt. In my judgment, it will be almost impossible to execute the law of 1851, within a reasonable time, unless there be assistant counsel employed to represent the Government of the United States.

It is for that reason that I have advocated the proposition to appoint one assistant law agent, and not three, as was asked for, not only by the law agent, but, I believe, also by the board. I am willing to give them one additional law agent; and

one will, I think, be amply sufficient to enable the Government to be properly represented in conducting these cases. I propose to fix the compensation of the assistant law agent at \$6,000, because that is the compensation which is already allowed by law to a person who performs similar services.

Mr. FELCH. I do not object to the appointment of this one law agent, for it may be necessary to make the appointment. Nor would I have Senators understand that I object to a fair and liberal compensation—much more liberal than would be given for any like service on this side of the continent. But let us look for a moment at the salaries which are provided. They are very liberal. The commissioners receive \$6,000 each, and it is proposed to give the same salary to the assistant law agent. The law agent, I understand, also receives \$6,000; but there are other officers appointed who have important duties in connection with the action of the board. Among them is the secretary, whose qualifications are precisely the same as those required of the law agent and assistant law agent.

Mr. WELLER. I think the law does not require that the secretary should be a lawyer. The act of 1851 requires that the law agent shall be by profession a lawyer.

Mr. FELCH. He is to be "learned in the law."

Mr. WELLER. I imagine he could not well be "learned in the law" except he were a lawyer by profession; but there is no such qualification necessary for the secretary.

Mr. FELCH. I do not refer to the qualification in that particular point, but to the qualification of which I was speaking, to wit: the knowledge of the Spanish and English languages—those qualifications which will enable him to perform the duties in connection with the old records and documents, and with the settlement of the claims. The qualifications of the secretary are the same in that respect, and his salary is fixed at \$4,000. There are also five clerks in connection with the board. Their qualifications are not defined, but the salary paid them is \$1,500 each. I do not think we ought to make the salary of the assistant law agent higher than that of the secretary of the board. I do not think we ought to make it equal with that of the commissioners. I do not think the qualifications required of him, and the duties which he has to perform, would require that exorbitant compensation. All of these salaries, in any event, are very high, such as we have not given elsewhere; and although I have always voted with my friends from California for paying liberal salaries to our officers in that State, I think they ought in this case to be content with the \$4,000 proposed by the committee.

Mr. WELLER. I am satisfied that it would be utterly impossible to obtain the services of a competent assistant law agent for \$4,000. If gentlemen desire to defeat the bill entirely; if they are opposed to the appointment of an assistant law agent; if they believe such an officer is wholly unnecessary, then with great propriety they can defeat the object entirely by striking out \$6,000 and inserting \$4,000. But I am satisfied it will not be within the power of the President to secure the services of a competent person, skilled in the Spanish and English languages—such a one as he ought to appoint, acquainted with the civil law—at a compensation of \$4,000 per annum. It may seem extravagant to gentlemen who are not acquainted with the condition of things in California. The expenses of living in that country have been so often alluded to, that it is not necessary now that I should refer to them. What may seem extravagant to gentlemen here, on account of the comparatively cheap expenses of living on this side of the Rocky Mountains, would be certainly considered to be very liberal and fair on the other side.

Mr. BAYARD. Mr. President, I can well understand that, in California, less than \$6,000 would not command the services of a proper agent, or assistant agent, or additional agent, whatever you may choose to call him, under the sixth section of this bill. In my judgment, the law officers of the Government are the sole protection of the Government in these cases. If they are proper individuals, and perform their duties properly, they will constitute the great protection of the Government against spurious and unauthorized claims. The

greatest security the Government can have must be in the efficiency of these officers. If you expect, by peddling upon the subject of salaries, to obtain a proper man, of professional character, with the accomplishments which the law requires, for less than \$6,000, I think you will be mistaken. If you go upon that ground, then you had better not think about an additional agent at all, but throw all the labor upon the present agent.

As I understand the recommendation of the Committee on Public Lands, it is to appoint another agent, because the present agent is not able to perform all the duties that will be thrown upon him, owing to the multiplicity of business. And, in fact, the agent recommended, whom they call an "assistant agent," stands in the light of an associate counsel, or associate agent, having precisely the same character of duties, standing professionally on the same level, and having the same requirements made of him as of the original agent. In the profession, a mere sense of personal pride would, under such circumstances, prevent any competent man from accepting the office at a less sum than the compensation allowed to the agent. Professional feeling alone would deter a man of character in the profession from accepting the office at a less salary.

Mr. WELLER. I can state, from my own personal knowledge of the business which is already before the board of commissioners, and that which will be presented to them, that it will require the whole time, not only of the law agent, but of the assistant law agent, to attend to it. It is utterly impossible to secure the whole time of any man who is learned in the law, and skilled in the Spanish and English languages, for a less compensation than \$6,000 a year; more especially will it be impossible to obtain the services of a proper person for a compensation \$2,000 less than that of the counsel with whom you have associated him, thus placing the assistant agent in a degrading position.

The question being taken on the motion of Mr. FELCH to amend the amendment made in Committee of the Whole, by striking out "six" and inserting "four," no quorum voted;

And, on motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 21, 1862.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

Mr. BOWIE stated that he had received a communication from his colleague, Mr. COTTMAN, stating that he was detained at home on account of the illness of his child.

The SPEAKER. The business first in order is a motion to recommit to the Committee on Public Lands, House bill No. 284, "granting the right of way to all plank and railroad companies through the public lands of the United States."

### CESSION OF CUMBERLAND ROAD.

Mr. STANTON, of Ohio. There is a bill pending in the Committee of the Whole on the state of the Union, of considerable importance to the State of Ohio, to which I apprehend no gentleman can possibly object. It will be impossible to reach it during the session unless the House will consent to take it up and pass it now. I hope I may have the unanimous consent for that purpose. It is a bill to cede to the State of Ohio the unfinished portion of the Cumberland road. For that road we have made no appropriation for the last twelve or fourteen years. The State of Ohio desires the cession of the road that she may complete it. The portion that has been constructed is going to dilapidation. Similar bills have been passed for Indiana and Illinois, and this is a precise copy of the bill passed in those cases.

Mr. COBB. I have no objection to the proposition, provided it does not come out of the morning hour. If it does I will object.

The SPEAKER. It is for the House to decide whether or not it shall be taken out of the morning hour.

Objection was made.

Mr. STANTON. I should be glad that the gentleman objecting would state his objections, that they may appear upon the record.

Mr. JOHNSON, of Tennessee. I ask the unanimous consent of the House to introduce the fol-

lowing resolution, to which no objection can be made after it has been read:

*Resolved*, That the Secretary of War and the Secretary of the Navy, if not deemed incompatible with the public good, report to this House the number of officers belonging to the Army and Navy, remaining in and about Washington city; and also the duties performed by them connected with the public interest.

Mr. WALSH objected.

Mr. OLDS. I call for the regular order of business.

### RIGHT OF WAY TO PLANK AND RAILROADS.

Mr. COBB. I withdraw my motion to recommit the bill granting the right of way to all plank and railroad companies through the public lands of the United States, to the Committee on Public Lands, and also my call for the previous question. I think there will be no difficulty in passing the bill this morning, after I shall have made a brief statement. Many members have been opposing the bill on the ground that it granted to plank and railroad companies the use of stone, timber, &c., in perpetuity. By agreement with the honorable gentleman from Ohio, [Mr. CARTER,] who was opposed to the measure upon that ground, I shall make the motion that the grant of the use of timber, stone, &c., shall be limited to the completion of the road. I trust there will be no objection to this restriction on the part of the friends of the bill. That is all they desire, and relying upon being sustained, if the amendment shall be incorporated in the bill by unanimous consent, I shall call for the previous question.

Mr. CARTER. I hope the amendment may be adopted. It limits the grant to the material necessary to construct the road in the first instance.

Mr. STEVENS, of Pennsylvania. There is an amendment proposed by myself, which is by common consent pending.

Mr. COBB. The amendment I have just suggested comes in after yours, which will make it much stronger.

Mr. STEVENS. I think the substitute of the gentleman from Michigan, [Mr. STUART,] leaving out the second section, is a proper bill. The second section is a bad one, but the first is an excellent one. I shall go for that.

Mr. SEYMOUR, of New York. I will say, having looked at the bill the gentleman from Alabama proposes now to pass, that the amendment which he suggests strikes me to be the very one which should be adopted, and I hope the House will consent to it. Let these roads which are built through the public land have the benefit of the timber and stone they need for the construction of the road in the first instance; but not to entail upon the road any perpetuity of right in after years. That is the object, I understand, of the gentleman from Alabama, and I think with that modification that the bill is a good one. I hope the assent of the House will be accorded to the modification.

Mr. SMART obtained the floor.

The SPEAKER. The Chair will state, with the permission of the gentleman, that he understands the amendment of the gentleman from Alabama to be to strike out from the second section the words "and repairs." The grant then will be "of such materials of earth, stone, or wood as may be necessary or convenient from time to time for the actual construction of the said road or roads, or any part thereof."

Mr. SMART. I desire to inquire of the gentleman from Alabama whether he is willing to accept the substitute of the gentleman from Michigan, [Mr. STUART?]

Mr. COBB. I have submitted the matter for the determination of the House, by which I am willing to abide. I do not expect to obtain the vote of the gentleman from Maine under any circumstances.

Mr. SMART. I wish to make a single remark in relation to this subject. I think gentlemen of the West are making a bill which in reality is in opposition to their own interests. I understand that they wish to retain in the bill the clause authorizing the taking of timber from the land. They say now, in the first instance; but, sir, it occurs to me—

Mr. COBB. I cannot yield to the gentleman to make an argument. I will only reply, that so far as Western gentlemen are concerned, they will take care of their own interests.

Mr. SMART. I wish simply to state the effect of the provision, if the gentleman will indulge me for a moment. I say, under that provision you take all stone—

Mr. COBB. I cannot yield for discussion. The amendments have been made to conform to the wishes of the opponents of the bill. I have yielded for the submission of every amendment suggested since the bill has been before the House for consideration.

Mr. SMART. I object to the gentleman's amendment, as he is not willing to allow me a single statement.

Mr. COBB. Very well. The matter is with the House for its decision. I call for the previous question.

Mr. FOWLER. I think, to make the language of the second section consistent, the words "from time to time" should be stricken out, provided it is only proposed to grant the use of material in the construction of the road in the first instance.

Mr. COBB. I have no objection to that. Gentlemen may offer whatever amendments they may deem proper, so that the bill is kept alive. If anybody else wants to make an amendment, I will not call for the previous question.

Mr. ROBBINS. If the call for the previous question be sustained, will not the question recur upon the adoption of the amendments?

The SPEAKER. That will be the case; but the Chair understands the gentleman from Maine to object to the pending amendment of the gentleman from Alabama.

The question was then put upon seconding the call for the previous question, and there were, upon a division—ayes 42.

Mr. FICKLIN demanded tellers; which were ordered; and Messrs. JOHNSON, of Arkansas, and FOWLER were appointed.

The question was again put, and the tellers reported—ayes 66, noes 15; no quorum voting.

Mr. KING. I move that there be a call of the House.

Mr. JOHNSON, of Arkansas. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered; and the question being then put upon the motion for a call of the House, it was disagreed to—yeas 65, nays 78. So a call of the House was refused.

The SPEAKER. The question recurs upon seconding the demand for the previous question, and on that question tellers have been ordered.

Mr. CHASTAIN. I wish to inquire whether the amendment suggested by the gentleman from Alabama, [Mr. COBB,] who reported this bill, limiting the use of timber, stone, &c., to the original construction of the road, has been accepted, and whether it can be considered by the House?

The SPEAKER. It was objected to by the gentleman from Maine, [Mr. SMART,] and therefore not entertained.

The question was then taken, (Messrs. FOWLER and CHASTAIN acting as tellers,) and there were—ayes 85, noes not counted.

So the previous question was seconded, and the main question was then ordered to be put.

The SPEAKER. The question will be first upon the pending amendment, offered by the gentleman from New York, [Mr. SUTHERLAND,] which is to strike out the word "hereafter" in the fifth line of the first section, and insert after the word "charter," the words "within ten years hereafter."

The question was then taken, and the amendment was agreed to.

The SPEAKER. The Chair is informed by the Clerk that there were several amendments which were permitted to be offered by the unanimous consent of the House. If such is the fact, of course they will be read. The following amendment was offered by the gentleman from Ohio [Mr. HUNTER] to the third section:

*Provided further*, That when a location for either of said railroads or plank roads, macadamized turnpikes, or sites for depots, on the line of such road or roads, shall be selected, the proper officers on such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depots, before such selection shall become operative.

The gentleman from New York [Mr. HAVEN] proposes to amend this amendment by adding the following:

*Provided further*, That none of the foregoing provisions of this act shall apply to, or authorize any rights in any lands of the United States other than such as are held



for private entry and sale, and such as are unsurveyed, and not held for public use by erections or improvements thereon.

The amendment to the amendment, and the amendment as amended, were agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. STEVENS] moves to amend the second section of the bill, by adding at the end thereof the words, "through said land."

The question was taken, and the amendment was agreed to.

The SPEAKER. The gentleman from New York [Mr. HAVEN] proposes as an additional section, the following amendment, which will be now reported by the Clerk.

The amendment was then read, as follows:

That the right of way through the public land of the United States, lying in Black Rock, in the county of Erie, and State of New York, be, and the same is hereby, granted to the Lockport and Buffalo Railroad Company: *Provided*, That in the opinion of the President of the United States, such grant be not injurious to the public interests, and that the location shall be approved by the President as to the position and width of said railroad: *And provided further*, That, if the said railroad shall not be completed within two years, or if at any time after its completion, said railroad be discontinued or abandoned, the grant shall cease and determine.

The question was then taken, and the amendment was agreed to.

Mr. SACKETT. Is it in order to move an amendment to the first section?

The SPEAKER. No amendment is in order, the previous question having been ordered. The question now before the House is upon the substitute offered by the gentleman from Michigan, [Mr. STUART.]

Mr. CARTTER. The amendment suggested this morning was not entertained I believe by reason of the previous question.

The SPEAKER. The gentleman from Maine [Mr. SMART] objected.

Mr. CARTTER. I ask the gentleman from Maine and the unanimous consent of the House to place a limitation upon the right to appropriate material.

Mr. SMART. If gentlemen will permit me to say a few words—

The SPEAKER. The gentleman from Maine can only proceed by the unanimous consent of the House.

Mr. SMART. I am willing to go for the substitute of the gentleman from Michigan, [Mr. STUART.] which I believe is the appropriate bill. I still continue the objection I have already made.

Mr. CARTTER. Then I ask the unanimous consent of the House to insert at the close of the second section a limitation upon the appropriation of material to the first construction of the road. The amendment I make is to strike out the words "and repair."

Mr. SMART. I object.

Mr. CARTTER. Is it in order to reconsider the vote by which the previous question was ordered, with a view of availing myself of an opportunity to move the amendment I have suggested?

Mr. DUNCAN. I rise merely to say that the bill, as amended, meets my approbation, although I should prefer the amendment.

Mr. COBB. The friends of the bill have no objection to it.

Mr. DUNCAN. I was about to ask that the original bill may be read, so that the substitute may be offered.

Mr. SMART. At the suggestion of friends around me, I will withdraw the objection I made.

Mr. WHITE. I renew the objection.

Mr. CARTTER. I move to reconsider the vote by which the main question was ordered to be put, in order to make the amendment I have indicated.

The question was then taken, and it was agreed to.

Mr. CARTTER. I now move the amendment which I have already suggested, and upon it call the previous question.

The previous question was seconded and the main question ordered.

Mr. SEYMOUR, of New York. I ask for the reading of the second section as it stands amended.

The section was read by the Clerk.

Mr. SEYMOUR. I ask the unanimous consent of the House that the word "actual" be stricken out, and the word "first" inserted in lieu thereof; so that it may read "for the first construction of said roads."

There being no objection, it was so ordered.

The question was then taken on Mr. CARTTER's amendment, and it was agreed to.

The question then recurred upon the substitute offered by the gentleman from Michigan, [Mr. STUART.]

Mr. STUART. I wish to suggest a mere verbal amendment, which is this: Where the words "General Assembly" are employed it would be better to say "Legislatures." That would cover all the legislative authorities of all the States.

There being no objection, the bill was so amended.

Mr. SACKETT. I ask the unanimous consent of the House to strike out the word "over," in the sixth line of the third section and to substitute the word "upon" in lieu thereof. It is bad sense as it now stands. It will then read "upon which railways may be situated."

Mr. CAMPBELL, of Illinois. I object to that amendment. It amounts to nothing at all.

Mr. HUNTER. An amendment was adopted yesterday, inserting the words "macadamized turnpikes" after the words "plank roads," where they occur in the first section. I ask the unanimous consent of the House that those words may be inserted wherever it is necessary, to make the whole bill conform to the amendment as adopted yesterday.

There being no objection it was so ordered.

Mr. HENN. There is one other incongruity. The words "ten years" are used in the first section, and "five years" in the third section. I ask the unanimous consent of the House that the third section may be made to correspond with the first.

There being no objection, it was so ordered.

Mr. DUNCAN. I call for the reading of the original bill as amended.

It was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way shall be, and is hereby, granted to all rail and plank road or macadamized turnpike companies that are now, or may be chartered within ten years hereafter, over and through any of the public lands of the United States, over which any rail or plank road or macadamized turnpikes, authorized by an act of the Legislature of the respective States in which public lands may be situated; and the said company or companies are hereby authorized to survey and mark through the said public lands, to be held by them for the track of said road, one hundred feet in width: *Provided*, That in case where deep excavation or heavy embankment is required for the grade of such road, then at such places a greater width may be taken by such company, if necessary, not exceeding in the whole two hundred feet.

SEC. 2. *And be it further enacted*, That the said company or companies shall have the right to take from the public lands in the vicinity of said road or roads all such materials of earth, stone, or wood as may be necessary or convenient, from time to time, for the first construction of said road or roads, or any part thereof through said lands.

SEC. 3. *And be it further enacted*, That there shall be, and is hereby, granted to said company or companies all necessary sites for watering places, depots, and work-shops along the line of said road or roads, so far as the places convenient for the same may fall upon the public lands: *Provided*, That no one depot or watering place shall contain over one square acre, and that said sites shall not be nearer to each other than ten miles along the line or lines of said road or roads: *Provided further*, That the said grants herein contained, as well as of the use of the public lands, as of the materials for the construction of said road or roads, shall cease and determine, unless the road or roads be begun within five years from and after the passage of this act, and completed within fifteen years thereafter: *And provided, moreover*, That if any road, at any time after its completion, be discontinued or abandoned by said company or companies, the grants hereby made shall cease and determine, and said lands hereby granted revert back to the General Government: *Provided further*, That when a location for either of said railroads or plank roads, macadamized turnpikes, or sites for depots on the line of such road or roads shall be selected, the proper officers of such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depots, before such selection shall become operative: *Provided further*, That none of the foregoing provisions of the act shall apply to or authorize any rights in any lands of the United States other than such as are held for private entry and sale, and such as are unsurveyed and not held for public use by erection or improvement thereon.

SEC. 4. *And be it further enacted*, That the right of way through the public lands of the United States lying in Black Rock, in the county of Erie, and State of New York, be, and the same is hereby granted to the Lockport and Buffalo Railroad Company: *Provided*, That, in the opinion of the President of the United States, such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion, the said railroad be discontinued or abandoned, the grant shall cease and determine.

The substitute of Mr. STUART [published yesterday] was also read.

Mr. MANN. I wish to inquire whether this bill does not include California, so that a road, as soon as the public lands are surveyed there, can be laid out twelve rods wide, and an acre taken for a depot anywhere?

Mr. CARTTER. I rise to a question of order. I understand that this substitute of the honorable member from Michigan [Mr. STUART] is the Senate bill now pending in the House; and the question of order I wish to make is, whether one bill can be made as a substitute for another.

The SPEAKER. The Chair is informed that it is not identically the same. The substitute was entertained yesterday by the House, and under the circumstances the Chair does not feel justified in ruling it out of order.

Mr. STEVENS, of Pennsylvania. I rise to ask the unanimous consent of the House to make an amendment, to obviate the difficulty which I see has struck the mind of the gentleman from Massachusetts, [Mr. MANN.] It is this: At the end of the first section of the substitute I propose to insert these words:

*Provided*, That said company shall have no interest in the minerals on the lands thus granted.

Otherwise they will take up half the California gold lands.

Mr. CARTTER. I do not see the necessity for that amendment, and I object to it. The bill purports simply to grant the right of way and occupancy—a usufruct-right such as highways have in all cases of that kind, and it is well understood that they have no other right than the right to occupy, for the purpose of passing over.

Mr. CAMPBELL, of Illinois. Is not the previous question in force?

The SPEAKER. It is.

Mr. CAMPBELL. Then I object to this discussion.

Mr. CARTTER. I withdraw my objection.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. I then move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STEVENS. I wish to know if I had the unanimous consent of the House to offer my amendment, and whether it is now pending?

The SPEAKER. It was objected to.

Mr. STEVENS. I believe the objection was withdrawn.

#### HOSTILITIES ON THE RIO GRANDE.

Mr. HOWARD. I wish the gentleman from Alabama [Mr. HOUSTON] to withdraw his motion for a moment, to enable me to make a statement to the House. I wish to get up a bill that will take but a few moments to dispose of. It relates to the difficulties upon the Rio Grande, and the hostilities that are going on there. It is a House bill, which the Senate have passed with amendments.

Mr. HOUSTON. I have no doubt that the committee will come into the House this evening time enough for the gentleman to make that motion. If I yield now, I shall have to yield to a dozen other gentlemen who are wishing me to do so.

Mr. HOWARD. If the gentleman from Alabama knew the facts, he certainly would not object. We have by the last mail received news that two villages upon the banks of the Rio Grande have been burned, and that steamboats have been brought in from the New Mexico side. There is a bill which has passed the Senate authorizing the President, if he deems it necessary, to call for a sufficient force to repress those hostilities, and to preserve peace upon the borders. If this matter is delayed much longer, it will lead to serious consequences; and I hope, therefore, as it will not take five minutes to concur in the amendments of the Senate to the bill which has already passed this House, that the gentleman will withdraw his motion.

Mr. STEVENS, of Pennsylvania. If the motion is withdrawn, is not the bill upon which we were acting when the motion was made to go into Committee of the Whole again before us?

The SPEAKER. The Chair understands the gentleman from Texas [Mr. HOWARD] to ask the gentleman from Alabama to withdraw his motion.

to go into the Committee of the Whole on the state of the Union, that he may ask the unanimous consent of the House to take up a bill which he will designate.

Mr. HOWARD. It will not take five minutes. I have no doubt the House will concur in the amendments of the Senate.

Mr. HOUSTON. I understand there is objection, and unless there is unanimous consent, of course it is of no use for me to withdraw my motion.

Mr. HOWARD. Who objected?

Mr. HOUSTON. I believe there was objection made just now.

Mr. HOWARD. Nobody objects. At all events, if any objection is made, I will renew the motion.

Mr. HOUSTON. Then I withdraw my motion.

Mr. HOWARD. I now ask the unanimous consent of the House to take up from the Speaker's table House bill No. 259, to provide for the protection of the Territories, which has been returned from the Senate with sundry amendments.

Mr. STEVENS. I think we had better go on to-day with the other bill. I do not believe that one night can make any difference about these Indians.

The SPEAKER. Does the gentleman from Pennsylvania object?

Mr. STEVENS. Yes, sir.

Mr. HOUSTON. Then I renew my motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were suspended, and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair.)

#### CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. I move to take up bill No. 196, which is the civil and diplomatic appropriation bill.

#### RIVERS AND HARBORS.

Mr. SEYMOUR, of New York. I move that the committee proceed to the consideration of bill No. 282, being "a bill for making appropriations for the improvement of rivers and harbors."

Mr. HOUSTON. I wish to make a suggestion to the gentleman from New York, [Mr. SEYMOUR.] The bill he calls for is behind almost all the appropriation bills.

Mr. STUART. I call the gentleman to order.

The CHAIRMAN. The gentleman from Alabama [Mr. HOUSTON] moves to take up House bill No. 196, which is the civil and diplomatic appropriation bill; and the gentleman from New York [Mr. SEYMOUR] moves to take up House bill No. 282, for the improvement of rivers and harbors.

Mr. HOUSTON. I rise to a point of order, which is this: In the first place, there can be but one motion pending at the same time; and then I do not want the Chair to state that motion, so as to preclude the point of order which I will raise afterwards, which is—that that bill cannot be taken up, unless by a formal vote of the committee setting aside every other bill upon the Calendar that is before it.

The CHAIRMAN. The Chair will decide the point of order. He supposes, as a matter of course, that the vote must be first taken upon the motion first made. All appropriation bills are privileged bills, and the question will first be taken upon the motion which was first made by the gentleman from Alabama.

Mr. SEYMOUR, of New York. I submitted the motion which I made, because I supposed that the bill to which it refers was also a general appropriation bill, and I ask the Chair, as a question of order, whether it is not competent, if the committee should refuse to take up—

Mr. BURT. I call the gentleman to order.

Mr. SEYMOUR. I am propounding a question of order.

The CHAIRMAN. Debate is out of order. The Chair has already stated that the question will first be put upon the motion of the gentleman from Alabama, [Mr. HOUSTON.]

Mr. MARSHALL, of Kentucky. Before the question is put, is it not naturally in order, and in conformity with the practice of the committee, to

move to set aside one bill in order to take up another bill?

The CHAIRMAN. Not an appropriation bill. All general appropriations are excepted by the rule.

Mr. STUART demanded tellers upon the motion of the gentleman from Alabama, [Mr. HOUSTON.]

Mr. CAMPBELL, of Ohio. I desire to take an appeal from the decision of the Chair, if the Chair decides that it is not in order to take up the river and harbor bill.

The CHAIRMAN. The Chair has not so decided. The Chair will again state his point. The appropriation bills are all privileged bills, and the motion of the gentleman from Alabama [Mr. HOUSTON] to take up House bill No. 196 being first made, it must be first voted upon. If it is not carried, then it will be in order to take up the other bill.

Mr. MARSHALL, of Kentucky. If a motion is made to lay aside that bill before the question is put upon taking it up, is it not in order?

The CHAIRMAN. The Chair thinks not. A motion is not necessary to lay aside the other bills on the Calendar, because the appropriation bills are privileged bills.

MESSRS. CLINGMAN, and STEVENS of Pennsylvania, were appointed tellers.

The question was then taken on Mr. HOUSTON's motion, and it was decided in the negative—ayes 47, noes 92.

So the motion was not agreed to.

Mr. SEYMOUR. I now move to take up House bill No. 282, being a bill for the improvement of rivers and harbors.

Mr. MEADE. I rise to a question of order. I should like to have the rule read in reference to appropriation bills. It will be said that this question was decided by the last Congress. I have only to state to the committee that I was in the chair at the time, and I decided that the motion to take up the river and harbor bill was out of order. I was overruled by the committee. Many of the Whigs who voted to reverse my decision stated that they did it knowing that I had decided correctly, but that they were determined to override the rules and take up the bill.

The CHAIRMAN. The Chair will think himself constrained to decide in accordance with the decision of the last Congress, that it is in order to take up the bill.

Mr. MEADE. The question is whether the Democrats will do as the Whigs did then. [Laughter.] Do I understand the Chair decides against me?

The CHAIRMAN. Yes. The Chair decides in accordance with the ruling of the last Congress, that it is in order to take up the river and harbor bill.

Mr. MEADE. Then from that decision I take an appeal.

Mr. BURT. I ask that the Chair will have the rule read to the committee which designates the general appropriation bills, and I feel myself very anxious to know upon what grounds the Chair has decided.

The Clerk then read the rule, No. 135, as follows:

"In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside; provided, that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at the discretion of the committee, and when demanded by any member, the question shall first be put in regard to them."

Mr. DUNCAN. I ask for the reading of the 80th rule.

The Clerk read the rule, as follows:

"80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House."

The question then being, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MEADE demanded tellers; which were ordered; and MESSRS. STEVENS, of Pennsylvania, and JOHNSON, of Arkansas, were appointed.

The question was then taken, and it was decided in the affirmative—ayes 93, noes 24.

So the decision of the Chair was sustained as the judgment of the committee.

The bill having been read through by the Clerk, the first clause was reported for amendment.

Mr. SEYMOUR, of New York. In introducing to the committee the subject of river and harbor improvements, as they are particularly considered in this bill, permit me to say that the Committee on Commerce of this House, at an early period in the session, had their attention drawn to this great question of the improvement of harbors and rivers, and a discussion was had to some extent, upon the consideration of the President's message, in reference to this subject; but the principles or views upon which the committee would act in framing a bill, were not then determined. Shortly after that time, however, petitions came in to a very large number from all quarters of the country, praying for these appropriations for the improvement of our large and navigable rivers, and for the improvement of our harbors both upon the sea-coast and upon the northern lakes. Petitions also came in in reference to our great western rivers in such numbers, and presenting such pressing exigencies upon this subject, that the committee, before any decision had been had in reference to the President's message, referring this subject specifically to our consideration, and the reference which the House saw fit to make of those various petitions, proceeded to the consideration of this very important, and, I will add, as it has proved, very embarrassing subject. In addition to these petitions, I ought to state to the committee, that from many of the large cities deputations of gentlemen of the highest respectability connected with our commerce, and practical navigators—men who have been long engaged in navigation both in our foreign and domestic commerce—have appeared before that committee, pressing upon their consideration subjects of very great importance to the localities where they resided. I allude particularly to very respectable delegations sent here by the cities of Boston, New York, Philadelphia, Baltimore, and New Orleans.

Sir, we found when we approached this subject that it was full of embarrassments. On looking back upon the history of this country for the last fourteen years, we found that no appropriations had been made—not even to keep in repair public works which had been through a long period, under previous appropriations, erected by the Government and were out of repair. We found, in some cases, that the channels of streams and the approaches to harbors were rendered even worse than they were in their natural state by the obstructions occasioned by the lack of appropriations to keep in repair these old works of the Government. We found, also, that very large and extensive territories have been added to this Government during the fourteen years which have elapsed since, with one exception, and that limited in its character, any general appropriation bill of this character has passed. In that period the State of Texas, with a sea-coast of six hundred miles, and watered by numerous very large rivers, where there are harbors adequate to a very large trade, if they shall but receive small appropriations for the purpose of removing the sand bars at their mouths, has been opened to the commerce and enterprise of the country. Besides this, the march of population to the West, during that long period has been settling the wilderness and developing the resources of one of the richest and most fertile countries on the face of the globe. New States have been added to the Union—States which have received no consideration by appropriations of this character since they have been admitted into the Union; States where large towns, great commercial centers, are now growing up, where there are large harbors to be improved, and where commerce is concentrating; States in which rivers of great magnitude, needing but small appropriations to remove the obstructions of nature, will in a short time bring from the improved and fertile regions of the interior a vast amount of commerce to the lake coast.

Under these considerations, and in view of a subject so embarrassing as this is, the committee addressed themselves to the preparation of this bill, and I will say, in behalf of the committee, that they have devoted more time to the preparation of this bill than to any other bill—indeed, I may add, than to all the other bills before them—although the subjects referred to them are very numerous, and concern the whole commerce of the country, both foreign and domestic.

Sir, the majority of the committee were opposed to entering upon anything like a general system of internal improvements. They wished to frame such a bill as would meet the good sense of this House and of the country—one that should not embrace so large an amount, and located at such various points of the country as would not be amenable to the objection that it was reviving the old policy of a general system of internal improvements, but which would, at the same time, satisfy the imperious demands of commerce. The great difficulty has been to define and settle upon a bill which, at the same time that it should meet the wants of commerce, would suit the wishes and gratify the expectations of the various localities concerned. That, sir, is a very difficult matter. It is one that has occasioned great embarrassment to the committee. Many gentlemen appeared before the committee, expecting that, because appropriations were contained in a former bill which passed this House, a bill embracing very large appropriations, made at numerous points, and, I may say, apparently much at random, and without that regard to localities and the interests of commerce, the same appropriations should be adopted by the committee, and reported to the House in this bill.

But the committee have prescribed another rule for their conduct. They have supposed—and that is the ground upon which they have framed this bill—that it was their duty to provide for the general wants of the commerce of the country at those localities, those great commercial depôts, where it had already concentrated. They did not suppose that it was within their province to go into those parts of the country just rising into importance, where the commerce had hardly yet defined its localities, where you would not know if you appropriated to-day ten or twenty thousand dollars for the improvement of a harbor, whether ten years hence there would be any trade or commerce to be benefited by it. They preferred rather to confine the appropriations to the wants of the general commerce of the country, by locating them at the great centers of commerce, where it already exists, and where it will be benefited.

But, sir, were we to confine ourselves to these points, there would be another sort of protection for commerce, that would be wanting. While our trade is passing from one of these great centers to another, either upon the lakes or the ocean coasts, it will need harbors of refuge, to which it can repair in case of distress; and appropriations for such harbors, in the view of the committee, are not merely local in their character, but protect and subserve the interests of the general commerce of the country. For instance, in framing this bill, we have located a harbor of refuge between the mouth of the Niagara river, on Lake Ontario, and the port of Rochester, at the mouth of the Genesee river. Between those points, a distance of some eighty or ninety miles, there were many harbors which had been projected, and some of which, I believe, received the favorable consideration of the Government, and had received appropriations. But the committee did not think it proper, they did not think it fell within the rule which they had prescribed for their action, to recommend appropriations for any of these small ports, simply because they had received them before.

But inasmuch as the general commerce on that lake, in its transit from the mouth of the Niagara river to the harbor of Rochester, in case of stress of weather would need a harbor for shelter, the committee determined to locate one, and only one, between those two points. And let me say here, that they located that harbor, as they have all others of this character, without reference to any speculative interest that gentlemen living there may have, but simply from the consideration that Oak Orchard creek is midway between the two points to which I have alluded, and will afford a harbor where all shipping, in case of necessity, will find a shelter and protection from storms. The case which I have stated to the committee illustrates the principle upon which the committee have proceeded in framing the whole of this bill. They have not intended in any instance to depart from that rule, and when they provide for the general wants of commerce by making improvements in harbors where that commerce has already concentrated, and then provide for such harbors of refuge as will be needed in its transit from one of those points to another, they regard the appro-

priations such as will subserve the general interests of the commerce of the country. Surely a bill so framed should not meet with the objection which has often been raised—and too many times with the very best of reasons—that the appropriations are designed to subserve the interests of some particular locality rather than the country at large. I would not be willing to give my vote for a bill that should be framed upon a different principle.

I believe that the principles which we have deemed proper to adopt in framing this bill, are strictly within the constitutional power of Congress; within the line of policy prescribed by the fathers of our Republic; within the doctrines laid down by General Jackson in his messages, and followed by his immediate successor. They conform to the doctrines of Mr. Calhoun, presented in his able report relative to the proceedings and objects of the Memphis Convention. They are, too, in accordance with the opinions formerly expressed by a citizen of my own State, whose opinions upon this, as upon every subject of public concern, ever received the highest consideration and the fullest confidence, by the entire population of that State. I refer to the lamented Silas Wright, who coincided with the views I have expressed upon this subject. He held that it was legitimately within the power of Congress to appropriate for the improvement of harbors and rivers, confining their appropriations, as is done in this bill, to the wants of a great national commerce—for its protection in our great commercial centers, and its transit from one point to another.

Mr. Chairman, I have not the vanity to believe that this bill may be entirely perfect. There were a great many embarrassments in framing such a bill, arising out of the want of that information which, had the system of making these improvements for our large harbors and rivers been kept up for the last fourteen or fifteen years, we should have been supplied with. We have had to look back to the data of former years. We have been obliged to refer, continually, to the Topographical Bureau for further estimates. In some instances we have obtained them, and in others we have been compelled to rely upon such information as we could get from various reports which have heretofore been made upon this subject, and we present appropriations based upon them as the best information we could obtain.

When we consider the amount which it is proposed to appropriate by this bill, it seems perfectly apparent that it would be better to adopt it with its limited appropriations, than, by imposing various amendments which may be proposed so to enlarge the amount as to subject the bill to the objections which have been made against other bills of this nature. The amount provided for in this bill is a little over \$1,500,000; and that amount is small when we consider the extent of our country, the number of our rivers and harbors which have, for a long time, needed improvement, and which still need it, and the value of the commerce exposed to the dangers against which this bill is intended to guard. I do not intend to go into a statistical detail of these disasters, which have been attended with loss of property and of life, to a most alarming extent upon our Western waters, and our Northwestern lakes. Yet I will here say to this House and to the country, that the Committee on Commerce have had before them statistical information upon this subject, showing that, in one year—the year 1851—the amount of property lost upon our Northwestern lakes, in consequence of a lack of proper harbors of refuge, has been far greater than the whole amount appropriated in this bill for the whole country. Yes, sir; upwards of \$2,000,000, as we learn from the statistical information before us, have been lost during the last year upon our Northwestern lakes, mainly for the want of those very works of improvement which this bill seeks to construct.

It would be impossible for me, upon this occasion, to give any adequate view of the magnitude of the commerce which is to be subserved by these appropriations. Since the last appropriations to these objects, it has largely increased beyond any calculation we have at the present time. In the year 1847, a convention was held at Chicago, where much valuable and authentic statistical information bearing upon these points, was collected. Since that time, I am not aware that there has been any regular and properly-authenticated information communicated to Congress upon this sub-

ject. We have been obliged to glean what information we could from the newspapers of the day, and from the various periodical publications which have treated of our commercial interests. But we may safely assume that this commerce, so great fourteen years ago as to astonish the country by its magnitude, if we are to be guided in our estimate of its present volume by the authentic information given to the public by the Chicago convention in 1847, has, within this period, increased threefold.

Why, sir, when we look at the improvements that are going on under the guidance of individual enterprise, and by the aid of private capital, in the construction of railroads throughout the country, for the increase and accommodation of its internal trade, we cannot fail to see its vast extent and the almost incalculable surplus products by which it is sustained. There is not a State in the Union which is not now aroused upon this subject and diligently constructing her railroads upon which to transport the products of the illimitable and fertile West to the harbors and ports of the East for domestic consumption or transshipment abroad. Look at New York, spanned by three parallel railroads, connecting the commerce of the western lakes with the populous marts of the East, besides the main artery of her inland trade, the Erie canal—and sustained by the demands for transportation. I was surprised by the statements of a very respectable committee which came before the Committee on Commerce, from the State of North Carolina—a State which, until recently, had not imbibed the spirit of improvement, nor entered with much zeal upon the development of her own resources by the construction of railroads, and other works of internal improvement. But, sir, that State is now directing its energies with as much ardor and efficiency as any other State in this Union, towards this great object, by the construction of railroads and other improvements. And she, too, seeks by these means not only to lay open her own agricultural and mineral wealth, but also to reach the trade and commerce of the great western valley through the neighboring State of Tennessee. The bill under consideration seeks to aid her enterprise by the improvement of those harbors on her coast to which this trade is being directed.

Sir, you find the State of South Carolina, too, very deeply interested at the present time in the subject of railroads, connecting with similar lines of communication in the Western States, and provision has been made in this bill for the improvement of the harbor of Charleston, the point towards which those lines of railroads are directed. The general design should be so to reach the trade and commerce of the West that it may find an easy transit to all those points on the seaboard, north and south, where it will meet our foreign trade. The spirit of enterprise beginning with the northern and central parts of this Union has extended to every portion of the Union. The railroads to the Western States have poured incalculable wealth into the Eastern States, and so they are destined to do for a long period to come.

Now, I invite gentlemen who have hitherto entertained prejudices against this system, to look at this bill as it has been drawn, limited, and carefully guarded as it is in every point, within the constitutional authority to which I have alluded, and see whether it be not better to join with the rest of their fellow-citizens in this work, restricted within constitutional limits, and thus to develop our own resources by the improvement of our rivers and harbors. By so doing, while we are developing the great and ever-growing West, we shall also add wealth to the seaports of the East. I know there are difficulties; I know there are dangers attending this as well as every other subject of legislation. It has been said that this system leads to corruption and extravagance; and that it will bankrupt the Treasury. Sir, what subject of legislation which comes before this House is not obnoxious to the same objection? Will not the Navy, and the Army, if you vote profuse and extravagant expenditures, in the spirit which has been charged upon the friends of the improvement of rivers and harbors, lead to corruption? Would not those systems lead to extravagance? Would they not be apt also to bankrupt the Treasury of the country? Why are they not objected to, because they may lead to that result? It is because we all trust



in the good sense of Congress, and in the good sense of the people who sent us here to make such appropriations as we ought to make, and no other. I know that we might go into a general scramble, and make up a bill, as some, I believe, have been made up in former days, for the very purpose of dividing out the public funds. I would deprecate such a course. It is not necessary. The interests of the country do not demand it. It should be repudiated by every honest legislator, to whatever party he may belong. Such a policy will find no favor with me. Sir, I believe upon this subject, as upon all other subjects within the pale of the Constitution, that the Congress of the United States have the purity, integrity, honesty, and firmness to meet questions of this character upon principle, and to decide them upon their merits. When the day comes, if it ever does, that the Congress of the United States cannot be trusted with the exercise of this power, it will be a dark day for our Republic. Such an insinuation goes to impeach the moral honesty of the community; it impeaches the integrity and the patriotism of those who come up from every part of the country to legislate for this great people. It would be the knell of our liberties if it were to be known and understood that this Congress, assembled here, was so corrupt, so dishonest, so regardless of constitutional duty, and so devoid of patriotism, that they could not decide questions of this character with honesty, and are not, therefore, to be trusted with them. I am not one of those who believe that there is not intelligence enough among the people to understand these subjects, and to appreciate our conduct as Representatives. And although many gentlemen who agree with me politically may differ with me upon this subject, yet I never entertained a doubt that we had the constitutional power and our bounden duty to make such appropriations of this character as the wants of the commerce of the country demanded.

Sir, this bill is designed, and in the main does justice to all parts of the country. I respectfully submit that it should not meet with any serious opposition. That amendments may be offered I have no doubt. Gentlemen will feel called upon to offer them, and I hope they will receive a proper consideration from the committee. But it would be most unfortunate if, under the guise of perfecting this bill, a course of emendation should be adopted upon it that would so load it down with matters foreign to the subject to which the committee have limited their action, that it would not receive the approval of those who desire to give fair and reasonable protection to this great national interest.

Mr. MOORE, of Louisiana. Mr. Chairman, there are two items of appropriation in this bill to be expended in Louisiana, of which I think it my duty to say something, in order that the objects may be well understood by the committee.

The first is the appropriation for opening a ship-channel through the most convenient pass leading from the Mississippi river into the Gulf of Mexico. I give notice that, at the proper time, I shall offer an amendment to increase the appropriation from \$75,000 to \$150,000. This is, as I contend, to all intents and purposes, a national work. The Mississippi is the natural outlet for ten States of this Union, and parts of five other States. The population of the valley of the Mississippi in 1850, excluding Virginia and Pennsylvania, amounted to near ten millions; adding the portions of those two States in that valley, the population exceeded ten millions. Besides this, the whole shipping interest of the Atlantic States may be taken into the account, so that nearly or quite half the population of this Union may be said to have a direct interest in this work. The exports through that channel to foreign countries, for the year ending June 30, 1851, amounted to \$54,000,000, and the exports, coast-wise, may safely be put down at a like amount.

Louisiana, the outlet of that great valley, is the second State in the Union for exports of domestic productions, and the fourth in point of imports from foreign countries. The annual loss occasioned by detention and injuries to vessels by reason of the obstructions proposed to be removed, is estimated by the Chamber of Commerce of New Orleans at \$500,000, and the increased price in the freight and insurance is estimated at *five million six hundred thousand dollars*. This immense loss falls almost entirely upon the producers of that

great valley, and the shipping interest of the Atlantic States. I therefore call upon the Representatives whose constituents are interested, to give their support to the amendment that I propose to the bill.

The other appropriation to which I allude is for the removal of the raft in Red river. In the report of the Secretary of War, accompanying the President's message, "the removal of the obstructions to the navigation of Red river is recommended as a means of reducing the expenses of supplying many of the posts in Texas and New Mexico."

The Secretary says, that "the amount that the Government would save by means of this improvement, in two or three years, would defray the cost of the work." I shall endeavor to show that the estimate is not only within bounds, but that the General Government will be the gainer to a much larger extent, in that respect, and also in other respects.

I had the honor to introduce a bill at the commencement of this session, providing for the removal of this obstruction, which was referred to the Committee on Military Affairs; and I understand that a favorable report has been ready to be made for several months past—without any opportunity to make it.

By a report of the Quartermaster General, now before that committee, dated December 20, 1851, General Jesup says:

"The saving to the Government which would be made by the removal of the raft (in Red river) may be estimated at about \$45,000 annually, provided a regiment of troops is to be maintained on the line of the frontier, [of Texas,] and in proportion."

In another part of the report he says:

"But if that river should be effectually cleared, so as to render its navigation certain during high stages of water, it is believed that at least two other of the present posts in Texas, now occupied by other troops, could be more economically supplied than at present; added to which, it is but fair to presume that as the posts on the new line be pushed forward toward the *Rio Grande*, it will be found that that route will be cheaper and more certain for supplying the posts in the vicinity of El Paso, in New Mexico, than the present route via Indianola and Fort Leavenworth."

This estimate comes from a highly-meritorious officer, whose position, experience, and intimate knowledge of the country enable him to form more correct estimates than any other living man. I had previously conversed with a highly-intelligent officer of the Army, who has been three years stationed on the northern frontier of Texas, whose opinions coincided with those of General Jesup, and who pointed out other advantages.

General Jesup based his estimate upon the presumption that the freight to Preston, on Red river, would be the same as now charged to Fort Smith, on the Arkansas river. I have the assurance, that if the raft was removed, it would be much lower, which, taken in connection with the two other posts mentioned by General Jesup, would increase the saving to about \$75,000 per annum; this would be still further increased if supplies to New Mexico were transported through that channel. The road is well known to be far superior to any other. Captain Marey, in his report of that route, (Ex. Doc., 31st Cong. 1st sess., Senate, No. 64,) says:

"We found a smooth road, over a gently undulating country of prairie and timber, and abounding with numerous clear spring branches." \* \* \* "Our road is as firm and smooth as a turnpike, with no streams of any magnitude or other obstructions, through the entire distance." \* \* \* "I conceive this to be decidedly the best overland wagon route to California for several reasons. It can be traveled at any time," &c., &c. \* \* \* "It would form a direct line of communication with Cook's road from the United States to the Pacific, shorter by several hundred miles than any other."—pp. 224 and 225.

"The grass remains green during the entire winter, and the climate is salubrious and healthy; it possesses all the requisites that can be desired for a fine agricultural country."

I know that while that river was partially clear of obstructions in 1839, a quantity of bullion was brought from New Mexico through that channel to New Orleans.

I have said that the Government will be the gainer in other respects. In order to explain this, it will be necessary to give a short history of the original work. The appropriations from year to year, from 1828 to 1838, inclusive, amounted to something about \$326,000. The raft then extended about one hundred and sixty miles from its present location downwards, the greater portion of which had doubtless been there more than half a century. A portion of this appropriation was expended in making examinations and surveys.

The whole of that immense raft was removed under the efficient superintendence of Captain Shreve in about five years. In 1838 the navigation of that river was opened for seven hundred and fifty miles from the foot of the former raft. A slight additional expenditure for two or three years, judiciously applied, as recommended by Captain Shreve, would have made the navigation free forever. This is fully explained in his report, made in March, 1839. Speaking of the necessity of further appropriation and expenditure, he says:

"The advantages to be derived from that operation are various and important in their character."

"1. The water flowing out through the bayous, on the southwest, &c., falls into the river through two outlets at Shreveport, which backs up the river above for fifteen miles, diminishes the current so much that it has not sufficient power to open the original bed.

"2. The bayous on the northeast require stopping also."

Speaking of the commencement of the work by him in 1833, he says:

"At that time there was no settlement on the river from forty miles below the raft to Fort Towson, except a few at the Caddo Agency, and a few in Arkansas and Texas, from the foot of the original raft to Fort Towson, seven hundred and fifty miles by the meanders of the river."

His estimate then was \$85,000, to make it effectual. About the time that this Herculean work was completed, a treaty was made with the Caddo Indians, who resided west of the river along the raft to remove them; and a land office was established at Natchitoches, with a land district embracing the land on both sides of the river, the greater part of which was previously entirely shut out by that obstruction.

The first sales of land in 1838 in that district amounted to \$411,870. (See Ex. Doc. No. 38, H. R., 26th Cong., 2d sess.) The year following the sales were \$79,527. (Ex. Doc. No. 24, H. R., 27th Cong., 2d sess.) The sales since then to the second quarter of the year 1849 were in all about \$742,497; and there remained about three million acres to be disposed of.

The sales of land in the Washington district, Arkansas, similarly situated, to 1847, inclusive, amounted to \$630,855. (Ex. Doc. No. 12, H. R., 30th Cong., 2d sess.) And there remained in that district in 1834, 420,989 acres that had been in market twenty-five years, so that the sales of the public lands brought into market by this gigantic improvement amounted to \$1,373,352—four times its original cost.

In 1841, the raft had again formed to a limited extent, and another appropriation of \$75,000 was made; but from some cause the work was abandoned before any good result was obtained.

I have shown by official documents that the General Government has been the gainer by the original removal of that obstruction, and I feel satisfied that a like result will be obtained by its removal at the present time, exclusive of the immense advantages in military operations, in the increased celerity and certainty in the transportation of troops and their supplies—an object of great importance—and facility of communicating with New Mexico.

This improvement will contribute to the defense of the country, too, in another and much more pleasing, efficient, and cheap manner, by facilitating and inviting the settlement of the northern frontier of Texas by that extraordinary class of men of the West and Southwest known as backwoods and frontiersmen. I will venture to assert, without fear of contradiction, that a more patriotic and efficient set of men cannot be found in any country. Give them a foothold, and fairly organized and acquainted with each other, you may then dispense with your standing army along that frontier; they have no superiors in Indian warfare; they can out hunt and out shoot any Indian, and can trail quite equal to any Indian. I have lived many long years among them, and know them well.

According to the principles laid down by the late John C. Calhoun in his Memphis speech, and speeches on the Cumberland-dam question, this improvement may fairly be classed as a national work. I am not the advocate of any indiscriminate system of internal improvement by the General Government; but I hold, with the late Mr. Calhoun, a strict constructionist, that there are works that of necessity are national, "and that if you set up too narrow a construction, and do not give the power originally intended, there is great danger that there will be no limitation upon it

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“whatever.” But I do not wish to put this work on those grounds alone. I say that it is necessary and proper, and that it is required for the defense of the country, for the transportation of, and supplies for troops; that it will produce an immense saving in the Quartermaster's Department; that it will open a better and shorter road, for military purposes, to New Mexico and territory of the United States west; that it will bring into market a large body of public land, and in these points of view becomes essentially a national work. General Jackson must have so considered it, because I find that appropriations were made for that object almost every year during his Administration, both before and after his veto of the Maysville road bill; and the late President Polk, while a member of this House, voted for appropriations for that work.

If it was then considered a national work, it becomes ten times more so now. Since then Texas has been annexed, New Mexico and California have been acquired, and we are bound by a solemn treaty to defend Mexico from the incursions of the Indian tribes in our territory; and a very onerous treaty it is, too. And in order to comply with its stipulations, a line of military posts must be kept up along the northern frontier of Texas, and in New Mexico and California.

I think that I have made it sufficiently clear that the cost of the work will be saved in less than two years in the transportation of troops and their supplies alone, and this, too, exclusive of the large body of public land that will thereby be brought into market, which will more than reimburse the entire expenditure.

If my view of this subject be correct, Congress has clearly the power—and in view of economy, it becomes the duty of Congress to provide for the removal of this obstruction—by the fourth section of the fourth article of the Constitution. The United States is bound to protect each of the States against invasion and against domestic violence. Troops must therefore be stationed along the Texas frontier to keep off the Indian tribes in the territory of the United States. Then if this work, as I have demonstrated, is necessary and proper to that end, or for the support of the army, the power is clearly conferred without any regard to that vexed question of internal improvement by the General Government.

It may be asked why this work should not be executed by Louisiana? My answer is, that the obstruction is at the northern limit of that State. The United States, and the States of Arkansas and Texas, have by far a greater interest; and by the act admitting Louisiana into the Union, it is prescribed “as a condition upon which said State is incorporated into the Union, that the river Mississippi and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of said State as to the inhabitants of other States, and the Territories of the United States, without any tax, duty, impost, or toll therefor, imposed by the said State.” It is therefore clearly a work that should be executed by the General Government.

The United States engineer estimated the removal of the raft, and other improvements required in the river, at \$186,500. A large portion of this amount is estimated for cut-offs and other work below Shreveport, thought not to be absolutely necessary. The original raft was removed at an average cost of about \$20,000 per mile, including costs of examinations, surveys, boats, &c. The raft is now stated to be about five miles long, and must be more easily removed than the original, which had lain there over half a century. It is therefore concluded that \$100,000 will be sufficient to free the navigation of the principal obstruction.

Mr. SACKETT. I do not intend to make a general speech upon the subject of the improvement of rivers and harbors, but only to call attention to certain defects and omissions, and to one more especially of a most glaring character in this bill, which I think this House ought to correct, and which I am quite sure they will correct after the facts of the case are presented. At the proper

time I shall submit a motion, to supply what is, as I think, a most manifest and extraordinary omission in this bill. I will say, in passing, that I am in favor of the principle of the improvement of our rivers and harbors, and that it is a duty enjoined upon the Government, by every consideration of justice and good faith, toward the commerce of the country. There is a commerce on Lake Ontario of near \$100,000,000 yearly. Every State of the West, and every citizen of the West, is interested in that commerce. A large share of our products of the West float over that lake, which possesses but few of what may be called natural harbors. There are few good and valuable harbors that can be secured for the benefit of commerce upon it. I wish to have the attention particularly of the chairman of the Committee on Commerce to what I am about to state, with the view to ascertain whether he assents to the truth of the facts I shall set forth. As early as 1829, the Government adopted Big Sodus Bay—as it is known, in contradistinction to Little Sodus—as one of the harbors of this lake. Government had a double object in view then, which is of equal potency now. One object was to improve by far the best harbor upon the lake, for the benefit of the commerce of the lake; and the other object was this—Lake Ontario being the dividing water between this and a foreign Power, and that harbor being about half way between the eastern and western ends of the lake, was the only depot the Government could secure, in case of a war, for the shelter of any naval force it might have upon it. I can say, beyond the possibility of contradiction, that it is the only harbor of sufficient capacity to answer the necessities of the Government in case of war, between England and the United States, upon that lake. It is a bay about six miles long and from one to two and a half wide, and surrounded by a rising country, contributing to make it one of the most perfect harbors upon the lakes or sea-board of the whole country. I risk little in saying that there is no better harbor upon the American coast, sea-board or lakes, than the harbor of Big Sodus Bay. It has several sheltering islands in it. It is situated midway upon the lake, and consequently the Government, at an early period, as I have stated before, (1829,) adopted this as an important harbor, that should be protected and improved; and we have actually expended upon it between \$140,000 and \$150,000. I may not be precisely accurate in the amount, but at any rate that is not far from the sum.

The mouth of the harbor is now protected by two piers nearly a mile in length, which were built more than twenty years ago, and which are now, to a certain extent, in a state of dilapidation. On account of their protected situation, they have stood better than any piers this Government has constructed elsewhere upon the inland waters for the security of a harbor. The Government this year recommend an appropriation of \$15,000 to put this important work in a state of preservation and security. I am personally well acquainted with the situation and condition of these piers, and, if it be desired, can go further into detail, as to the pressing necessity for their improvement. I believe the \$15,000 recommended by the Government—and the chairman of the committee will justify me in stating that that sum has been recommended—will put those piers in a condition to stand for many years to come. At present there exists breaches in them, some of the stone, timbers, and planking are gone, and some dredging is required at the mouth of the harbor of sand and dirt, the collection of twenty years. The piers are about a mile in length, stretching out into the lake; and what they require is to be thoroughly repaired, so that they will stand the storms of the lake. Unless they are so repaired, the immense expenditure of the Government of more than \$140,000 will be lost and wasted, and the very best harbor upon any of the lakes will be rendered useless to commerce.

I do not intend to cast any direct censure upon the committee which has reported this bill, and given this subject its consideration. I attribute to

a misapprehension of the circumstances of the case rather than to intended wrong, that with such a case as this before them, they have not recommended any appropriation for the preservation of this harbor, though, as I fully represented this case before that committee, the circumstances of this omission are very extraordinary, and as I think and as the people of this country interested in the commerce of that lake will think, are without excuse.

This same committee have gone fifteen miles further east, and recommended \$10,000 for a new work, in no one respect comparing at all in value or importance with this, and refused to recommend for this when even the harbor is ready made, and only wants repairing; such an extraordinary course cannot be justified. This new work was never recommended by the Government. The Department recommend no appropriation for it. Now why does this committee assume to abandon the most important harbor on the lake, to enter into a new scheme of this kind? It demands explanation—explanation that I know cannot be given on any principle of justice, right, or sound legislation. They have made an appropriation, I say, for a new work at a distance of sixteen or seventeen miles from Big Sodus Bay, for which the Government has never heretofore given a recommendation. Why is this? Why is a work of this vast importance neglected, and one of the best harbors of all the lakes abandoned, to try some new experiment, of which we know nothing, and where there is no commerce, no shipping, and now no harbor? The distance from the mouth of the Genesee river, below Rochester—a very important commercial point—to Oswego, which is another important point, is between sixty and seventy miles; and without the harbor of Big Sodus, I wish the committee to bear in mind—for it is a fact that cannot be contradicted—there is not a single harbor of protection for vessels for this whole distance, a part of the lake more exposed than any other, it being in the central part and at the widest point, and nowhere sheltered by a single island or protection. The work suggested will not be a protection at all, for it has not yet been begun.

What can be the meaning of this abandonment of so important a work? Why does the Committee on Commerce neglect to recommend the preservation of a work on which there has been already expended more than \$140,000, and a harbor that is by far the best on all the lakes—a harbor that is the only one that can be used as a naval depot in case of war? This is a most extraordinary proceeding—one that cannot be justified—one that every principle of right, justice, and propriety condemns. It is a mockery of harbor protection to pursue such a course—a course that will meet the swift condemnation of the people, and that ought to be repudiated by every interest connected with commerce. Are we to let the best harbors of the country go to decay for the sake of new and untried experiments? Such a course is unheard-of in the course of commercial protection, and I call upon the House to take notice of it.

I say there is no protection at present, except this harbor, between the two by far the most commercial points on that lake, Rochester and Oswego, a distance of between sixty and seventy miles. I ask this committee, and I ask the chairman of the committee, whether this is wise and sound legislation? whether it is justice to the harbors and the commerce of that lake to refuse to appropriate to a work constituted as this is—a work in which there has been more than \$140,000 expended, and which is regarded through that whole country as the very best harbor upon the lake, and that only requires an appropriation of \$10,000 or \$15,000 to keep it in a state of preservation for a long series of years? The water in that harbor is from thirty to forty feet deep. There are at least three square miles of water in it of sufficient depth to float any ship of our Navy.

There are other considerations, which, in justice to the subject, this committee ought to take

into account. This bay is situated about nine miles from the Erie canal. A canal is at this time in process of construction, to connect the Erie canal with the waters of that bay, which is very soon to make that one of the great commercial points upon that lake. A railroad company is also organized for the purpose of constructing a road to connect that point with the series of railroads which connect the West and the East, the coal regions of Pennsylvania, and both the central and southern line of railroads running through the State of New York. If we examine this subject, we see that it is not only a point of vast importance directly, to the commerce upon the lake, but it is a point of vast importance connected with the internal trade that will necessarily and very soon be connected with the point itself. In fact, looking to the future interests of the country, there is no more important commercial point upon our inland lakes.

Mr. TAYLOR. The gentleman from New York [Mr. SACKETT] seems to be discussing a particular item in this bill in regard to the improvement of some harbor on Lake Ontario. He is very properly discussing it; but I suggest to him, and I submit a question, whether his remarks would not be more proper under five minutes explanation, which would be allowed upon each of these items;—and I see that there are five for Lake Ontario.

I would further say to the gentleman, without interrupting his speech, that I really believe that it would be wiser to move that the committee rise, and limit debate to five minutes, and then proceed to the items of this bill, so that the bill may pass to-morrow. The time of this House is very precious, and I would suggest to my friend from New York [Mr. SACKETT] that he allow the motion to be made, that the committee rise for the purpose of limiting debate, so that we can proceed to the consideration of the various items in this bill. I see that there are seventy-three of them in all, and I suppose that there are gentlemen who would like to make seventy-three speeches for and seventy-three speeches against them. We would progress admirably under the five minutes rule, and I submit, with all due respect to the gentleman, the suggestion that the committee rise for the purpose of limiting debate.

Mr. SACKETT. If my friend will allow me, I have to make a remark or too further. I am nearly done with the subject. I do not desire to occupy the attention of the committee for any considerable length of time. I have made these remarks, because I thought such an amendment as the one I have suggested could not be presented under the five minutes rule, as I regard the point in whose behalf I have offered these remarks as one of the most important points upon the lake. It is, in truth, the only naval point which can be used upon Lake Ontario. I wished to make these explanations with a view of giving the committee the facts, so that when the amendment is moved it may be properly understood.

Mr. SEYMOUR. I wish in this connection to state some matters of fact. The works upon this Big Sodus Bay upon Lake Ontario, to which he refers, are old works, and were commenced in 1829. The first appropriation that was made for that harbor was to the amount of \$143,000. The harbor is a fair one for a harbor upon that lake. We have appropriated \$10,000 for the improvement of another harbor, which is about fifteen miles from that one, upon the understanding that the land and the position of the other harbor, would render it of great value as a harbor of refuge upon that coast; and another reason is because that part of the coast is the most exposed of any part of Lake Ontario, and if vessels are ever in danger of being driven by the northwest winds upon the coast, it is at that point. The facts as they came to the knowledge and understanding of the committee are, that the other bay, which is about fifteen miles further to the west, and is surrounded by such high banks as to afford better protection at the present time for shipping, induced the committee to make this appropriation, rather than to make an appropriation for the old work, supposing that work could be at some future time put in repair if necessary, and that the sum which we have now named in this appropriation was, at this time, a proper and fair distribution of these appropriations applicable to that point.

Mr. FULLER, of Maine. I wish to ask the honorable chairman of the Committee on Com-

merce a question. If a vessel approaching Oswego in a gale from the northwest could enter that harbor—whether the committee had not in view an appropriation for a harbor of refuge, where vessels might make it when they could not at Oswego?

Mr. SEYMOUR. My colleague upon the committee, the gentleman from Maine, [Mr. FULLER,] is right in his suggestion.

Mr. SACKETT. One suggestion made by the chairman of the committee as a reason for neglecting Sodus Bay is a reason in relation to which he is entirely mistaken. It is not true in point of fact that the country surrounding Little Sodus Bay makes it better than the Big Sodus Bay. I do not wish to say anything against that point; it is not necessary. I do not know but with \$100,000 or \$200,000 expended there a harbor of some value might be made. I suppose this to be true. But while I suppose this—guess at it, which is all the committee could have done, for the Government recommended nothing—I know that *Big Sodus Bay* is by far the best harbor upon that lake or on any of the lakes. There is no harbor that compares with it at all, either in capacity, safety, or security; and there is no harbor that can compare with it in a national point of view for naval purposes. Should we ever have any difficulty with England, there is no harbor so calculated for defense on account of the points of intersection with the lake. In fact the Committee on Commerce has refused to report for the only national harbor of protection for a navy there is on Lake Ontario, and that too even after the Government has made the work, and all that is wanted is to keep it in repair.

On the subject of appropriations for that lake, I ought to say a word. The commerce of that lake is immense, and increasing with wonderful rapidity. The whole country is interested in it, and the appropriations for that lake are only about one half what the appropriations are for Lake Erie. I am not complaining, however, in regard to that point. I am only endeavoring to show to the committee the great propriety, as I think, of improving this harbor, and putting these works, upon which the Government have expended so much, in a safe state of preservation. That is all I ask, and that is all those interested in this matter ask. It is what the commerce of the whole country requires. I come now directly to the point. Will this committee suffer these works to go to decay for the want of \$10,000 or \$15,000, which will put them in a state of preservation that will last for a long series of years? I do not believe that any such policy will characterize our legislation. There is some misapprehension on the part of the Committee on Commerce touching this subject. They have overlooked this important work without reason, and this House will correct it. The chairman of the Committee on Commerce says Little Sodus will serve as a port of refuge to vessels going to Oswego. Suppose it will, is so important a point as Big Sodus to be neglected to build up a tender to Oswego? What sort of justice is this, what sort of protection to commerce is it? There is at Sodus a light-house, collector, and custom-house officers, and commercial business. How is it at the point the committee proposes? I leave the committee to answer.

I have been solicited to move that the committee rise, for the purpose of closing this debate. There are those who desire to be heard before this committee upon other matters connected with this bill, and I shall therefore decline to make such motion. I wish to say a word upon the supposed infallibility of this bill. I protest against any such idea as to any bill which may be brought into the House.

The committee are to judge of the propriety or impropriety of every amendment, and are we to be told when the Committee on Commerce bring in their bill here, that it is brought in upon such principles, under such circumstances, and after such labor by the committee, that it is not justly subject to amendment? Sir, I agree to no such proposition: I understand that there are various important points of the rivers and harbors of the country which are entirely neglected by this bill. I have endeavored to represent one. There are others of still greater importance, and I protest against the principle that we are not to look to the real propriety of the case, but to be guided precisely by the views of the committee that reported

the bill. I repudiate all such ideas of legislation.

The amendment that I intend to propose at the proper time, in reference to Sodus Bay, appropriates \$15,000, which is the precise sum that the Government has recommended as the proper amount to be expended in order to secure the works already there from destruction by the elements and the waters of the lake.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported that the committee had examined bills of the following titles, viz:

H. R. No. 91. An act for the relief of the executors and heirs of Thomas Fletcher, deceased;

H. R. No. 207. An act to supply deficiencies in the appropriations for the services of the fiscal year ending the 30th of June, 1852;

H. R. No. 262. An act to authorize the President of the United States to designate the places for the ports of entry and delivery for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon, and to fix the compensation of the collector at Astoria, in said Territory;

H. R. No. 231. An act for the relief of James W. Campbell, of Pike county, Missouri;

H. R. No. 167. An act for the relief of Isaac Cobb;

H. R. No. 96. An act for the relief of Gustavus A. De Russey, late acting purser in the Navy;

H. R. No. 103. An act for the relief of John McIntosh; and

S. No. 241. An act to authorize the Mayor and Common Council of Chicago, Illinois, to excavate a portion of the public reservation at that place, with a view to the improvement of the navigation of Chicago river—

And found the same truly enrolled; when the Speaker signed the said bills.

Mr. TAYLOR. With a view to facilitate the progress of the public business, I shall not avail myself of the opportunity now afforded me of addressing the committee for one hour, although I have listened to over two hundred speeches from other gentlemen which have occupied nearly the whole session. I submit to the committee that we shall progress with this bill with as much satisfaction to every gentleman interested in it, and with as much benefit to the whole country, by closing the debate and confining ourselves to the explanation of amendments in five-minutes speeches, as we shall by further debate under the one hour rule; I therefore move that the committee rise, with a view to close the debate in a short time.

Mr. DISNEY. I trust my colleague will withdraw that motion. It is very evident, from the indications around us, that this bill has been taken up quite unexpectedly, and that gentlemen are not prepared to debate it. The bill is certainly altogether too important in its character to be forced through the House without full and free discussion in regard to it.

Now, I have a matter to bring to the attention of the committee, in which my constituents are interested—a matter of vast importance to them and, I believe, to the Republic generally; and certainly to propose to me to crowd into a five-minutes speech, even a mere statement of facts, is asking too much.

The CHAIRMAN. The motion to rise is not debatable.

Mr. TAYLOR. I merely propose to reply to my colleague. I notice that this bill contains appropriations for the Mississippi, Missouri, Ohio, and Arkansas rivers, \$260,000.

The CHAIRMAN. Does the gentleman withdraw his motion?

Mr. TAYLOR. I do; but merely to reply to my colleague. I am as much in favor of these appropriations as my colleague, or anybody else; but we are now within less than a month of the close of this session, with the great bills of the session pressing upon us, and the Senate, in some degree, reproaching the House with not expediting the public business. Now, here is a bill which has been before us since the 14th day of June last. It was submitted to this House more than a month ago, and I do not believe there is a gentleman in this committee who has not long since made up his mind definitely in regard to these appropriations, and who is not ready to vote on them. I do not desire to limit debate upon the general policy of the country; and if gentlemen desire it, I am willing to have evening sessions from seven till ten o'clock.



Mr. MEADE. Will the gentleman from Ohio allow me to say a word by way of explanation?

Mr. TAYLOR. I yield the floor to the gentleman for that purpose.

Mr. MEADE. I wish to say to the gentleman from Ohio, that a motion for the committee to rise with a view of closing this debate ought, in my opinion, never to be made, unless the committee shows a disposition to quit the subject-matter before it in order to discuss general matters having no connection with that subject. We have been in committee but one hour, and there has been no disposition to quit the merits of this bill with a view of discussing other matters. Now, while gentlemen show a disposition to confine themselves to the merits of the bill, and its various details and provisions, I do think that the application of the gag law by a majority of this House would be exceedingly injudicious and unjust.

I will remark further to my friend, that while it is not my purpose, nor, as far as I know, the purpose of any gentleman who is opposed to this bill, to make hour speeches, with a view of delaying the decision of the question, or in any way to throw impediments in its way; yet there are some who are desirous of bringing before the attention of the committee certain *bona fide* amendments to this bill which require more than five minutes explanation. And if my friend was not in too great a hurry to make his motion for the committee to rise, I would ask him for still more time, for the purpose of bringing to the notice of this committee one instance of omission in this bill, which, in my opinion, works great injustice to the State which I in part represent. But I will not ask my friend to grant me more of his time, unless it is freely granted. If it is granted, however, I have only to say that it will not take me more than ten minutes to say what I have to say. I do not wish to speak in opposition to the bill generally.

Mr. SEYMOUR, of New York. I hope the gentleman from Ohio will withdraw his motion for the committee to rise, in order that the gentleman from Virginia, and any other gentlemen who wish to present to the committee subjects that appertain to the perfection of this bill, may be heard at the present time.

Mr. TAYLOR. In deference to the wishes of the gentleman from Virginia, and of the distinguished gentleman who is chairman of the committee that reported this bill, I will, before I sit down, withdraw the motion. I wish, however, to make a remark in answer to the gentleman from Virginia.

The CHAIRMAN. Does the Chair understand that the motion to rise is withdrawn?

Mr. TAYLOR. Yes, sir; I withdraw it; but I wish to respond to the gentleman from Virginia.

Mr. MEADE. If the gentleman from Ohio will allow me, I will mention to him that one of my colleagues, who represents an interest deeply involved in the question of river and harbor improvements, is desirous, I have no doubt, although I have not conferred with him, of submitting his views upon this subject.

Mr. TAYLOR. I will state to the gentleman that I have withdrawn the motion until gentlemen depart from the discussion of the bill now under consideration. I differ with the gentleman from Virginia in this respect: I think that we can discuss these bills which have been lying on our tables so long a great deal more appropriately, intelligibly, and successfully, by limiting debate, and confining ourselves to five minutes of explanation for and against amendments. My experience here leads me to that conclusion.

Now, I have no desire to limit the general debate upon this bill, or any other; but I submit to the gentlemen of this committee that it behooves us, as legislators, when we have been sitting here since the first Monday in December last, to expedite the public business, and, if we ever mean to pass a river and harbor bill, to do it now, and do it quickly, for the people all over the country expect it at our hands, and expect that we shall pass upon it in time for the Senate to pass upon it also. You know that we lost a very valuable appropriation bill of this kind at the last session, because we sent it to the Senate too late for them to act upon it. In my humble judgment, however, it was in good time; but we were then in view of a presidential nomination, and it did not suit the views of presidential aspirants to take up that bill, for the want of which the Western country, and

the United States generally, had been suffering for so many years, and hence it was defeated.

Now, I should like to consume an hour in discussing the merits of this bill, and of the various appropriations contained in it. It is imperatively demanded by the Western States that something shall be done to protect our harbors, to protect the commerce amongst the States, to improve our rivers, to uphold that vast internal commerce which is greatly superior, in amount, to our foreign commerce, and which, I say, demands the attention, and the speedy attention, of this House, and of this Congress. We should not, then, fritter away our time in unnecessary debate. I wish to debate some amendments which I design to offer to this bill, but I am content to debate them under the five minutes rule. Those of my friends ought not to complain who have already occupied two, three, four, and five hours of the time of this House during the present session. There are a hundred gentlemen in this House—and I wish the country to know and understand it—who, by the tyranny of the rules which we have imposed upon ourselves, have not been permitted to occupy five minutes of the time of this House on any proposition, local, private, or public.

Now, I have great deference to the wishes of those gentlemen. I am willing to sit here during four or five hours in the morning, and then have protracted sessions in the evening, if they desire it, to hear them discuss public questions of general interest. But when a bill of this kind is before us, which has been upon our tables for a month; when we have resolved to adjourn on the 16th of August, and when we have been reproached by the Senate for not sending them the important appropriation bills, so that they may get ready to adjourn, I do think it behooves us to act speedily and promptly on this bill, and not consume time by unnecessary and vexatious disquisitions on questions which are not before us.

I will now yield my right to occupy the floor one hour, and I will withhold my motion as long as gentlemen confine themselves to a discussion of the bill now before us, but I shall renew it as soon as I find gentlemen departing from it to make presidential Buncombe speeches, to which I have no objection, provided they can be made at some convenient time during our sessions, and which, if it becomes necessary, I shall probably indulge in making myself. But I submit that we are called upon by an imperious necessity, not only to act on this bill, but to hear from our various committees—the Naval Committee, the Committee on Military Affairs, the Committee on Commerce—upon other subjects than this bill, and all the other committees which have not been called for four months, while some of us have been sitting here in exhausted health and spirits, listening with regret to the waste of the time of the House and of the committee, which, it seems to me, might have been profitably appropriated, if we had limited ourselves to debate on the questions under consideration.

Now, I have no reproaches to make against any gentleman of this House; but as a member of some little experience, I feel that I have a right to submit it to the gentlemen of the committee, if it does not behoove us to act promptly upon this bill, particularly when, as the gentleman from New York [Mr. SEYMOUR] says, it is fourteen years since any appropriations have been made for the improvement of our harbors and the protection of our commerce. I, for one, sir, am willing to sit here day in and day out, to hold evening sessions, and to pass this bill before we take up any other appropriation bill whatever. I am friendly to the war establishment, and to our Navy, and I am willing to go to a reasonable extent to make appropriation for the civil and diplomatic service of the country; but I say that gentlemen who represent interior districts, should stand by this bill and pass it in some form or other, before they touch the civil and diplomatic bill, or any other appropriation bill, in the House or in the committee.

Mr. STANLY. I wish to offer a substitute for the entire bill now before the committee. I would not do it if I was assured that no amendment would be offered to the bill as reported by the Committee on Commerce.

The bill I propose is one introduced into the House by me on the 4th of March last, and referred to the Committee on Commerce. It is the identical bill which passed this House, in the last

Congress, which was sent to the Senate, and was defeated there on the last day of the session. I offer it now, without any further remarks, and hope it will be printed in the *Globe*, so that every one can examine it. Then, if the House vote this substitute down, I shall feel justified in voting against all other amendments which may be offered. If we cannot take this bill, let us take the one reported by the Committee on Commerce.

The substitute was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum of money be, and the same is hereby, appropriated, to be paid out of any unappropriated money in the Treasury sufficient for the following purposes, viz:

For a breakwater structure at the harbor of Burlington, on Lake Champlain, \$15,000.

For a breakwater structure at the harbor at Plattsburg, on Lake Champlain, \$15,000.

For the improvement of the harbor at White Hall, on Lake Champlain, \$10,000.

For repairs and working of dredge on Lake Champlain, \$9,000.

For improvement of the harbor at Port Ontario, on Lake Ontario, \$15,000.

For the improvement of the harbor at Oswego, on Lake Ontario, \$40,000.

For the improvement of the harbor at the mouth of Big Sodus Bay, on Lake Ontario, \$10,000.

For the improvement of the harbor at the mouth of Little Sodus Bay, on Lake Ontario, \$10,000.

For the improvement of the harbor at the mouth of the Genesee river, on Lake Ontario, \$20,000.

For the improvement of the harbor at the mouth of Oak Orchard Bay, on Lake Ontario, \$10,500.

For a dredge-boat on Lake Ontario, \$20,000.

For the improvement of the harbor at Buffalo, on Lake Erie, and the repair and extension of the sea-wall thereat, \$50,000.

For the improvement of the harbor at Dunkirk, on Lake Erie, \$20,000.

For the improvement of the harbor at Cattaraugus, on Lake Erie, \$15,000.

For the improvement of the harbor at Erie, on Lake Erie, \$41,000.

For the improvement of the harbor at Conneaut, on Lake Erie, \$15,000.

For the improvement of the harbor at Cunningham's Bay, on Lake Erie, \$10,000.

For the improvement of the harbor at Ashtabula, \$15,000.

For the improvement of the harbor at the mouth of Grand river, on Lake Erie, \$15,000.

For the improvement of the harbor at Cleveland, on Lake Erie, \$20,000.

For the improvement of the harbor at the mouth of Black river, on Lake Erie, \$10,000.

For the improvement of the harbor at the mouth of Vermillion river, on Lake Erie, \$10,000.

For the improvement of the harbor at Huron, on Lake Erie, \$10,000.

For the improvement of the harbor at Sandusky, on Lake Erie, \$30,000.

For the improvement of the harbor at Monroe, on Lake Erie, \$30,000.

For a dredge-boat on Lake Erie, \$20,000.

For the improvement of the harbor at Michigan City, on Lake Michigan, \$30,000.

For the improvement of the harbor at Chicago, on Lake Michigan, and for repairs of dredge and dredging, \$27,176.

For a breakwater structure at the harbor of Waukegan, on Lake Michigan, \$15,000.

For the improvement of the harbor at St. Joseph, on Lake Michigan, \$20,000.

For the improvement of the harbor at the mouth of the Kalamazoo river, on Lake Michigan, \$10,000.

For the improvement of the harbor at the mouth of Grand river, on Lake Michigan, \$10,000.

For the improvement of the harbor at Milwaukee, on Lake Michigan, \$25,000.

For the improvement of the harbor at Racine, on Lake Michigan, \$20,000.

For the improvement of the harbor at Southport, on Lake Michigan, \$15,000.

For a dredge boat on Lake Michigan, \$20,000.

For continuation of the surveys of the northern and north-western lakes, \$25,000.

For the improvement of the harbor at Dubuque, on the Mississippi river, \$20,000.

For the improvement of the harbor at St. Louis, on the Mississippi river, \$50,000.

For the improvement of the harbor at Havre de Grace, in Maryland, \$20,000.

For a breakwater structure at Great Point, Nantucket, Massachusetts, \$20,000.

For the improvement of the harbor at New Bedford, Massachusetts, \$10,000.

For the improvement of the harbor at Provincetown, Massachusetts, \$4,500.

For the improvement of the harbor at Wilmington, North Carolina, and a resurvey of the Cape Fear river below Wilmington, and for the survey of the harbor at the mouth of New river, below Jacksonville, North Carolina, \$10,000.

For the improvement of the harbor at Bridgeport, Connecticut, \$10,000.

For the improvement of the harbor at Savannah, and the naval anchorage, near Pulaski, \$50,000.

For the construction of a breakwater structure at Staniford Ledge, in the harbor of Portland, Maine, \$30,000.

For the improvement of the harbor at Falmouth, Massachusetts, between Buzzard's Bay and Vineyard Sound, \$4,500.

For the improvement of the harbor at Providence, and the removal of a rock in Saukonnet river, Rhode Island, \$5,000.

For the improvement of the harbor at New Castle, Delaware, \$15,000.

For the improvement of the harbor at Newark, New Jersey, embracing the Bay of Newark, and the Kills, westward of the mouth of the bay, \$15,000.

For the improvement of the harbor at Port Penn, Delaware, embracing the Reedy Island Shelter, \$25,000.

For the completing of the removal of the sand shoal in Paullico river, below Washington, North Carolina, \$5,000.

For the continuation of the Delaware breakwater, \$50,000.

For the improvement and further survey of the harbor at Baltimore city, below the Port Warden's line, and the Patapsco river, from the said Port Warden's line to the mouth of said river, \$20,000.

For the repair and preservation of the harbors on the coast of the Atlantic ocean, \$20,000.

For the removal of obstructions to the navigation of the Hudson river, above and below Albany, \$75,000.

For the removal of the obstructions to the navigation of the St. Clair river, connecting the upper and lower lakes, \$40,000.

For the improvement of the Ohio river above the Falls at Louisville, \$80,000.

For the improvement of the Mississippi river below the rapids, the Ohio river below the falls at Louisville, and the Missouri and Arkansas rivers, \$240,000; and for the Illinois and Tennessee rivers, \$50,000 each.

For the improvement of Red River, \$80,000.

For the repair of the dam at the head of Cumberland Island, in the Ohio river, \$50,000.

For the improvement of the harbor at Stamford, Connecticut, \$5,000.

For the improvement of the Hog-Island channel, in the harbor at Charleston, South Carolina, \$25,000.

For the improvement of the harbor at Manitowoc, in the State of Wisconsin, \$10,000.

For the improvement of the harbor at Sheboygan, in the State of Wisconsin, \$10,000.

For the improvement of the upper and lower rapids of the Mississippi river, \$50,000.

For the improvement of the Hurlgate channel, in New York harbor, \$30,000.

For the removal of rocks obstructing the navigation of Cob-cock Bay, near Falls Island, below the Port of Pembroke, on the coast of Maine, \$5,000.

For the improvement of the harbor at the mouth of Saginaw river, in Saginaw Bay, on Lake Huron, \$10,000.

For the improvement of the Bayou La Fourche, in Louisiana, \$25,000.

For the improvement and further survey of the harbor at the mouth of Clinton river, on Lake St. Clair, in the State of Michigan, \$10,000.

For the improvement of the harbor at Pultneyville, in the State of New York, on Lake Ontario, \$10,000.

For the improvement of the harbor at the mouth of Black river, in the State of Michigan, \$10,000.

For a survey of the harbor at Beaufort, North Carolina, with an estimate of the cost and advantages to said harbor, of connecting the river Neuse therewith, \$2,500.

For the survey of the Mississippi river above the Falls of St. Anthony, for the purpose of ascertaining what improvements (and the expense thereof) can be made in the navigation at Sauke and Pike rapids, \$5,000.

For the improvement of the harbor at Mobile, \$50,000.

For surveying the entrance to Taunton harbor, Massachusetts, \$1,500.

For the improvement and further survey of the harbor at Richmond city, Virginia, and the James river from said harbor to the mouth of said river, and from the junction of said river with the Appomattox river, to the city of Petersburg, \$20,000.

For the construction of snag and dredge boats, and discharging-scows, for the removal of obstructions in the harbors on the coast of Texas, \$50,000.

For the removal of Middle Rock, designated on the chart as "Rocky Buoy," in the harbor of New Haven, Connecticut, \$5,000, or for the erection of a beacon thereon, at the discretion of the Secretary of War.

For removing the raft in the Colorado river, Texas, \$20,000.

For removing the obstructions in the Rio Grande river, Texas, \$25,700.

For the improvement of the harbor of Port Jefferson, New York, \$5,000.

For reopening a communication between Albemarle Sound, North Carolina, and the Atlantic ocean, \$100,000.

For a sea-wall on the great Brewster, in the harbor of Boston, Massachusetts, \$15,000.

For the construction of snag-boats, dredge-boats, and discharging-scows, to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western waters, \$100,000.

For a breakwater at Richmond Island, in Portland harbor, \$10,000.

For the improvement of the harbor at Port Jefferson, New York, \$5,000.

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it was that those who have no constitutional scruples upon this subject should have overlooked the State of Virginia, while all the other States have been provided for? I say, Mr. Chairman, it is unfair. It is utterly unjust that any State should be overlooked from the simple fact that her delegation is restrained by honest convictions from asking for appropriations of this sort. Those who do not entertain constitutional objections should take care in all bills of this sort to see that equal justice be done to every section of the Union.

Mr. SEYMOUR, of New York. I ask the gentleman to allow me to explain the matter.

Mr. MEADE. I cannot give way at present. I said I had conferred with the honorable chairman of the Committee on Commerce. He gave me for a reason of the omission that no estimates or petitions had been submitted to his committee for the State of Virginia. It only shows that the Department which submitted the estimates have overlooked the State of Virginia entirely.

Now, sir, the delegation from Virginia have the same reasons for not appearing before the committee that restrain them from voting for such appropriations in the House. But if it be the policy of Congress to improve the rivers and harbors of the country, is it not incumbent upon those who are in favor of them, and who have no constitutional scruples in the way, so far to respect the honest opinions of Virginia as to see that she shall not suffer by the integrity and fidelity of her Representatives in strictly adhering to the great doctrines inculcated by their forefathers, and reiterated time after time by their children?

Look to the map of Virginia, and see if there is a State in this Union penetrated by more noble rivers than that State is. Is there a State in this Union presenting to the operations of commerce so inviting a field as her bays and rivers? Not one. If it be the purpose of Congress to look to interests of this sort, I appeal to its justice, I appeal to its sense of equity, that the State of Virginia shall not be put under the ban simply because she entertains an honest belief that Congress has no authority under the Constitution to make such appropriations. Sir, it is the bounden duty, in my opinion, of those who have the charge of preparing these bills, to provide for the interests of that State as well as for those of other States of the Union. Why, sir, I find more than a dozen appropriations for the great State of New York, embracing every portion of it. The interest of almost every State except Virginia is carefully provided for.

To those from the interior of the country who may be disposed to favor the improvement of rivers, and who have no constitutional objections to appropriations by Congress for such purposes, I beg to say that in the State of Virginia, the noble James river, which bears the commerce of three most important cities, presents, at this time, an obstacle to the general commerce of the country equal to that of any river in the United States. But for Harrison's Bar, which lies about sixteen miles below the junction of the Appomattox and James rivers, ships of the largest burden would float safely up to the wharves at City Point and discharge their cargoes without hindrance. They can now only reach that point by putting half their cargo on board of lighters which, at great expense, are sent down to Harrison's Bar for that purpose. This bar is about sixty-five miles from Richmond, and some twenty-five or thirty from Petersburg. But, Mr. Chairman, we have not been urging upon Congress the appropriation of \$50,000 for the removal of that bar. We have not brought to the attention of the nation the great interests involved in the navigation of the James river. We have not brought the claims of that river and its heavy commerce to the attention of Congress, for the reason that I have just named: our convictions in regard to the powers of Congress over the subject.

Is it not incumbent, then, upon those who entertain no such scruples, to see that the interests of every section of the country be provided for. It is adding insult to injury, to tell us we do this to punish you. To punish what? To punish honesty of purpose? To punish constitutional convictions? Is it because the term "Virginia abstraction" has become odious in this House, that this policy is pursued? Let me remind those gentlemen that we value those abstractions as the

dictates of a sacred duty. Let them consider the source from which such opinions come. Let them consider that it is by virtue of the veneration and respect which we have been ever in the habit of observing towards the great charter of our rights. Let them consider, at least, that they proceed from an honest purpose, and that we are governed in this matter by a principle—a principle that leads us to these results; and that however erroneous they may be deemed by others, they are as much bound to respect them as one denomination of Christians are bound to respect the conscientious opinions and belief of another. If both sincerely believe in their religion, it becomes neither to tell the other they are wrong, and should be punished. Should Virginia be excommunicated because she adheres to her faith—because she refuses to be purchased? I protest against such a system of legislation. I say to the committee, that by pursuing a policy of this sort, instead of promoting and fostering a feeling of love for the Confederacy, it is calculated to create heartburnings and discontent, and to convert the Congress of the United States into an inquisition and engine of torture, to force the consciences of men.

Mr. Chairman, while I shall vote against this bill, in consequence of many appropriations in it which I cannot approve, and which I believe to be unconstitutional, yet if such a bill is to pass, it is my duty to urge upon this House, and upon those who can conscientiously vote for such a bill, to do justice to all.

Mr. STANLY. Will my friend allow me to say a word? In the substitute I have offered, there is an appropriation for the very thing to which the gentleman has referred.

Mr. MEADE. I am very well aware of that; but I should prefer this bill with the omission of my State, to the bill offered by the gentleman from North Carolina, [Mr. STANLY,] for the simple reason, that it does less violence to the Constitution. That bill is much more local and particular in its provisions. I would prefer this bill as the lesser evil, although the greater evil would offer a local benefit. I shall not be controlled in my choice between the bill before the House and that proposed by the gentleman from North Carolina, by the fact that there is in that bill some \$40,000 or \$50,000 offered as a reward for the vote of Virginia. No, sir; I prefer this bill which contains an appropriation of about \$1,500,000, to the amendment offered by the gentleman from North Carolina, which I believe appropriates upwards of \$3,000,000.

Mr. SEYMOUR, of New York. The remarks which have fallen from the gentleman from Virginia [Mr. MEADE] demand from me, on behalf of the committee, a few words of explanation in reference to the course which we have pursued. The Committee on Commerce found, when they looked at this subject for the first time, that no estimates had been made for any appropriation that fell within the State of Virginia. They found that no petitions had been presented from that State for any appropriation, or even for a survey upon which future appropriations could be based. No member of this House from the State of Virginia ever presented to that committee any objects for their consideration; and I would ask the members of this committee whether they deem it proper for any committee of this House, and more especially a committee constituted, as we were, in reference to the distribution of the patronage of the Government, if I may so call it, upon works of this character, to have sought cases, in the different States, for the purpose of locating our appropriations? Had we done so, we should have departed entirely from that spirit and principle of practice by which we have been actuated in the formation of this bill from the beginning to the end of it. At the same time, sir, it did not escape our observation, and it was a matter of remark and consideration in the committee, that the great State of Virginia, with all her commercial interests, did not appear in this bill. But they said that a sense of delicacy and propriety, in reference to the construction of a bill of this character, certainly ought to have, and did have, the effect to withhold any member of that committee from calling upon any gentleman from the State of Virginia to solicit a case, where we might appropriate money in that State.

Mr. HOUSTON, (interrupting.) The gentleman seems to place the fact that there is no appropriation in that bill for the State of Virginia

Mr. MEADE. If I understood the gentleman from North Carolina, [Mr. STANLY,]—for I heard him but very imperfectly,—he now proposes to offer, as an amendment, the bill passed by the House during the last session of Congress.

Mr. Chairman, I do not intend to make a speech upon this question. I only wish to submit a very few remarks to the committee upon the subject. I see from the votes that have been taken upon preliminary questions in connection with this bill, that it is the determination of this House to pass this bill in some shape or other. I wish to bring to the attention of the committee the fact, that while nearly every State in the Union has been provided for in this bill to some extent, that which I have the honor to represent in part is not mentioned. Every other State has some appropriation except (I may without egotism be permitted to say) the great State of Virginia. I have conferred with the chairman of the Committee on Commerce, [Mr. SEYMOUR,] and asked him why

upon the ground that members of that State did not call upon the committee and petition for anything of that kind. While I do not think that is a ground that ought to be considered, yet I wish to ask the gentleman if that was the rule which influenced him in not inserting some provision, and making some appropriation for the Tennessee river? He was called upon, I know, upon that subject. I find nothing in the bill for that important watercourse.

Mr. MEADE. I did not yield the floor for the introduction of any new matter. I yielded to the gentleman from New York [Mr. SEYMOUR] for the purpose of allowing him to make an explanation of the course pursued by the committee in regard to my own State.

Mr. SEYMOUR. I wish to say to the gentleman from Virginia, [Mr. MEADE,] since he has alluded to the position of Virginia, and to the opinions entertained by her in regard to works of this character, and of the constitutional right of Congress to make appropriations therefor, that no considerations of that kind operated upon the committee in this matter. We respect the State of Virginia; we respect her statesmen; we respect her interests; and we were most happy to find, upon investigations which we instituted upon this subject, that the first appropriation that was made for the construction of piers upon the Delaware river, for the protection of the commerce of this country in that quarter, was sanctioned by that distinguished citizen, Thomas Jefferson, from Virginia—the very first appropriation, as early as 1805, of \$5,000 and upwards, for the purpose of commencing upon these waters works for the protection of commerce.

Mr. MILLSON. I wish to know if the gentleman from New York [Mr. SEYMOUR] is to be understood as asserting that Mr. Jefferson admitted that Congress possessed this power of making appropriations for rivers?

Mr. SEYMOUR. I mean to say this, that Mr. Jefferson approved of that bill, and I believe he approved of one or two others, the effect of which was to protect our commerce in the harbors and upon the rivers of the country. I know very well the doctrine he proclaimed in his messages. I know that he announced himself as opposed to the system of internal improvements; but I know at the same time that he did approve of that bill, and I believe one or two others, which he based upon no other power than that expressed in the Constitution—a power for building piers for the purpose of making navigation easy and safe.

Mr. MILLSON. Will the gentleman allow me to read his own language upon this subject?

Mr. SEYMOUR. Yes, sir; but I concede all that.

Mr. MILLSON. Mr. Jefferson, in the second session of the ninth Congress, speaking of the continuance of imports, and of the probable surplus revenue, after the extinguishment of the public debt, uses this language:

"Their patriotism certainly would prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers."

And in the same connection he adds:

"I suppose an amendment of the Constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public revenues to be applied."

Mr. SEYMOUR. I will add to what I said in reference to the views of Mr. Jefferson, that Mr. Adams and Mr. Monroe also coincided in the views which they put forth in their messages upon this subject, and that they were opposed to a general system of internal improvement; but at the same time those distinguished men, during their administrations, did not hesitate to approve of works which had for their object the protection of the commerce of the country upon our lakes and in our harbors.

Mr. Monroe went to a greater extent in this matter than the two Presidents that preceded him. Too much is due to the history of those times.

I wish to say a word further in regard to the remarks of the gentleman from Virginia, [Mr. MEADE,] whom I was proceeding to answer when [Mr. MILLSON] interrupted me. He alluded to appropriations contained in this bill for works in the State of New York. There are appropriations, large in amount, made to that State,

as there are also to other States that have great commercial interests, and which are bordered by large navigable waters.

The proper idea, I think, to be entertained upon this subject, is not that every State in the Union should be entitled to an appropriation for the protection and preservation of its commerce, but that wherever a national object can be found, wherever it may be, whether in the State of New York, or in the State of Virginia, or in any other State, there let us meet it with the constitutional power, and let us exercise it in the protection of our commerce; and inasmuch as no question was brought before us in relation to the State which the honorable gentleman [Mr. MEADE] represents, and which he has so ably vindicated here, we did not enter into that inquiry in reference to that State. Indeed, we had no basis for our action.

No report was presented to us and no estimates in reference to the Tennessee river, to which the gentleman from Alabama [Mr. HOUSTON] has alluded. The honorable gentleman from Tennessee [Mr. CHURCHWELL] did, however, bring before us, from the War Department and Topographical Bureau, the case of the Tennessee river, and referred us to previous reports upon the subject. It underwent a very patient and long investigation in the committee, but the committee were not in favor of inserting it in this bill.

Mr. CHURCHWELL. Will the gentleman yield to me a moment?

Mr. MEADE. I propose to finish what I have to say, and then will leave the floor to the gentleman.

Mr. CHURCHWELL. I merely wish to ask if I understand the honorable gentleman from New York, [Mr. SEYMOUR,] the chairman of the Committee on Commerce, to say, that the reason why the Tennessee river was not provided for in the bill as reported, was, that no one appeared before that committee in behalf of that interest?

Mr. SEYMOUR. I am obliged to the gentleman from Tennessee [Mr. CHURCHWELL] for the opportunity to correct a mistake, committed by me in reference to that matter. In one meeting we did institute that investigation upon the data before us, which were surveys made some years previous, and the gentleman from Tennessee, [Mr. CHURCHWELL,] apprehending that such data were imperfect, and understanding the conclusion to which we had arrived, very creditably to himself, and for the benefit of his constituents, procured from the War Department a new estimate upon that subject, which, I will do him the justice to say, was not received by the committee until they had come to their conclusion upon the subject.

Mr. CHURCHWELL. I desire to ask the honorable chairman this question: Did not the committee, when I appeared before them with Long's report on that river, and the estimates of the cost of the improvement of its navigation, as made out by the Topographical Bureau and submitted to the Secretary of War, give me, as a reason why an appropriation for the Tennessee river was not included in the bill, that they had perfected their bill, and that it was already as large as would probably pass?

Mr. SEYMOUR. I do not know whether they did or not.

Mr. MEADE. Having the highest opinion of my worthy friend, the chairman of the Committee on Commerce, [Mr. SEYMOUR,] both as to his intelligence and integrity, I am inclined to receive almost any apology he may offer for his neglect of Virginia in reporting this bill.

The chairman of the Committee on Commerce says it was not his business to invite applications of this sort. Well, that may be true, and I conceive he may not have regarded that as a part of his duty; yet, had I been a member of that committee, it seems to me that I should have taken a different view of its obligations. I should, without any special application, have thrown my eye over the whole extent of country, and examined into the wants of the whole Union.

Now, Mr. Chairman, I would simply remark, that the chairman of that committee, no doubt, in investigating this question, had before him the appropriations included in the bill of the last session. In that bill Virginia was not wholly neglected as in this. Why is it that the small amount contained in that bill should not have struck the attention of the Committee on Commerce, if they read the bill at all, which I presume they did? If there

was not a disposition to overlook the interest of my State, how is it that estimates were presented from the executive officers of the Government, without including estimates for the State of Virginia also? That was an omission upon the part of those officers which I cannot charge upon the committee or its chairman. Let the members of this House remember that the river to which I have called their attention, is the largest river in the State of Virginia, upon which are situated three of its most important towns. The obstructions in it are serious impediments to commerce, and can be easily removed by an adequate appropriation. James river affords the means of transporting to the markets of the world almost the entire tobacco crop of the State of Virginia, amounting to fifty thousand hogsheads. The worth of that tobacco is from three to five millions of dollars annually, according to its price.

In addition to that, sir, the other great staple of Virginia, wheat, goes down that river in considerable quantities. There cannot be less than from three to five hundred thousand barrels of flour transported to the markets of the world through that outlet. These constitute the most important articles of our commerce. The whole amount of commerce going down the James river cannot, in my opinion, fall short annually of from \$5,000,000 to \$6,000,000.

We all know that there must be a return trade of equal amount coming up the river, making a grand total of some \$10,000,000 or \$12,000,000.

Mr. Chairman, whilst I am making this speech in behalf of the State I in part represent, I do not wish by what I say to impress upon the committee the importance of passing a bill of this character. No, sir! I believe that every internal improvement ought to be constructed by the individuals directly interested in it.

[A message was here received from the Senate, through ASBURY DICKINS, Esq., its Secretary, notifying the House of the passage by that body of the joint resolution of the House, fixing the day of final adjournment, with an amendment, and sundry bills, and requesting the concurrence of the House therein.]

There is another very large river washing the shores of Virginia, the Roanoke, in which North Carolina is also interested, down which immense amounts of produce annually go. There are many impediments in that river, which might be removed by an appropriation of this sort. And in this connection, Mr. Chairman, let me bring to the attention of this committee a most important fact: that of the appropriations for internal improvements, made since the establishment of the Government, amounting in all from \$10,000,000 to \$15,000,000, but \$25,000 has ever been voted to the State of Virginia, and that was for the construction of a canal from the city of Norfolk to the Dismal Swamp. I believe that is the extent of appropriations which ever have been made to the State of Virginia, notwithstanding the multitude and the extent of her wants upon that subject. It is, however, an evidence of her fidelity to those principles which she has ever maintained in relation to the power of the General Government.

Mr. ALLISON. I would ask the gentleman from Virginia what would be the probable cost of the removal of the bar in the James river?

Mr. MEADE. I will answer the gentleman from Pennsylvania simply by telling him that there have been estimates made, but I do not now recollect the precise amount. I presume \$50,000 would at least be sufficient to remove that bar. I am not, however, certain as to that.

Mr. ALLISON. Do I understand the gentleman to argue that such an amendment would be proper to this bill?

Mr. MEADE. I say such an amendment would be highly proper if the bill be passed at all.

Mr. ALLISON. If the gentleman will offer such an amendment, I, for one, will cast my vote in its favor.

Mr. MEADE. The gentleman will be gratified—an amendment to that effect will be offered.

Mr. STUART. I wish to ask a question. The gentleman has been complaining of the Committee on Commerce for not reporting something favorable to Virginia. Now, I am not a member of that committee, and do not propose to take it in charge, but I would ask him whether he does not know that that committee, as well as all others, can



properly only take up such subjects as are referred to it? And when he concedes there has not been a petition before the committee asking for anything of the kind, with what propriety he can make the objection?

Mr. MEADE. The same idea was forcibly stated by the chairman of the Committee on Commerce, to which I have made allusion, and therefore I say it was unnecessary for the gentleman from Michigan to have reiterated it.

Mr. STUART. I wish to ask the gentleman another question. I want him to tell this committee whether he will vote for this bill should his amendment be incorporated in it?

Mr. MEADE. That question was also unnecessary, and I should characterize it by a stronger term but for the respect which I have for the gentleman from Michigan. I have said, in the course of my argument, that no bribe this committee could offer would induce me to depart from the principles in which I religiously believe, and which were taught me from my cradle by my father. Did he admit the supposition in his mind at the time he asked me such a question—that my vote would be controlled by such an appropriation? I have repeatedly said, Mr. Chairman, in the course of my argument, and I had hoped that every member of this committee had heard it, that while justice and equity required a fair appropriation to be made to the exigencies of my State, should such a bill pass, yet the delegation from Virginia, entertaining my views, would vote against the bill. But while we, under the control of our conscientious convictions, would vote against this bill, it was nevertheless the duty of every fair man in this committee to make the appropriation. I contend that the favors granted by Congress to any State of this Union should not depend upon the particular principles entertained by her in reference to constitutional power. I repeat again, sir, that the Committee on Commerce, to which was referred these various petitions, should have taken the whole subject under their consideration; and while I do not mean to bring charges against that committee or its worthy chairman, having the utmost confidence in it and its purposes, yet I would regard it as an omission of duty, which probably the press of business had occasioned. I repeat again, that the bill of last Congress was before that committee, for the bills of previous Congresses are usually taken by committees as a guide for their action, and in that bill their attention was drawn to an appropriation made for this very case.

Mr. STUART. If the gentleman will allow me for a moment, I wish to say, that any question I have propounded was with the utmost respect for both the gentleman and his opinions, and simply for the purpose of bringing to his attention, because I know the gentleman's fairness upon all occasions, the character of the argument which he urges; and to submit—and I do that also with great respect—that any gentleman who denies the power of Congress to make these appropriations, cannot fairly object to any bill upon the ground that it does not appropriate for the benefit of his State. The only legitimate argument for him is, that he is opposed to the whole, and that he goes against the whole.

Mr. MEADE. You had as well contend, that in the bill which distributed the surplus revenue some years ago, the State of Virginia should have been left out because she believed the distribution to be wrong. If you adopt a particular policy, though it may be in opposition to the views of a particular State, that policy should apply equally to it as to the other States; but he must have a very perverse opinion of things who would suppose that in adopting a general policy for this Government, it should only be applicable to those who favor it. There are not, I trust, ten men in the committee who entertain the opinions of the gentleman from Michigan.

Mr. STUART. The gentleman misapprehended me. I do not say such a bill should not be framed. I say, on the other hand, distinctly that it should be framed. I would make improvements in every State without reference to the opinions of its delegates upon the subject. But what I say is, that it is within the legitimate range of argument that a gentleman having constitutional scruples to these bills at all times, cannot object to them upon the ground that they did not favor his State.

Mr. MEADE. The gentleman has not changed his position. If the State of Virginia were to vote in the Congress of the United States against the declaration of a war which she believed to be unjust, would the gentleman exonerate the State of Virginia from furnishing her quota of men and money to prosecute that war? Certainly not.

Now, Mr. Chairman, the ground upon which I place, apart from the constitutional question, my opposition to the appropriation of money for local improvements is, that the country to be benefited by these improvements is the country which should pay for them. And if a county of Ohio, or of New York, were to apply to the Legislature of either of those States for an appropriation for any local work, it would be unjust to tax the people of a remote county for that improvement, simply because it would benefit that particular locality, and thus contribute to the aggregate wealth of the country. Why, sir, if I owned an estate upon which there was an immense water power, could I require my neighbor to come and build my mill, because it added to the general wealth of the country? No, sir; the utmost I could require of him would be to indorse my note, and enable me to raise funds to erect that improvement. And so with regard to any county in any State of this Union. When it makes application for an internal improvement, it is granted upon the principle that the work will yield annually a profit equal at least to the interest on the money expended. If it does not, then the capital has been lost.

There are various considerations which enter into the mind of a Legislature of a State when it grants money for internal improvements besides the local benefit that may accrue. If the property is improved in value, why that property is more highly taxed, and thus a return, to some extent, is made into the Treasury, which contributes to the payment of the interest upon the money borrowed and expended. I will admit that many things should be taken into consideration in appropriating for internal improvements besides the profits arising from the work. It may be valuable in other respects, but as a general rule, unless it promises to yield profits in some shape or other equal to the interest of the outlay, the work should not be made. If \$100,000 is expended by the community on a work which returns but half the interest, \$50,000 is utterly lost. Nobody will deny a proposition so plain.

Those whose property is benefited, and whose income is increased by the improvement, should, in some way or other, be the bearers of the expense of its construction. All that a particular locality can require of the rest of the community, is to come to its assistance, and enable it by the general credit to borrow the money necessary for the work. This is the principle upon which every internal improvement should be based, and no other; those who receive the profit should bear the burden.

Mr. WALSH. Who should make the improvement in Virginia rivers?

Mr. MEADE. If the gentleman had listened to my argument, the question would not have been asked. I contend that every State should make its own improvements, and that Congress should not undertake to make internal improvements for the States.

Mr. WALSH. You have said that there was a general commerce upon the James river. If Virginia does not choose to make the improvement, is the general commerce of the country to suffer on that account? Is that the argument?

Mr. MEADE. That is not the argument at all.

Mr. WALSH. I only desire to understand the gentleman.

Mr. MEADE. The gentleman has put a question to me, which would draw me out upon the constitutional question, which I do not wish to argue. It is a foregone conclusion of the majority of the House, that this bill should pass, and I do not wish to waste my breath upon the constitutional question. I am only speaking of the expediency of making internal improvements with a view of inducing this committee, if possible, to confine their appropriations to those works alone where we have some assurance that the amount expended upon them will be returned in some way or other, by way of profits to the community, and not lavish the money of the country prodigally, and throw it away where no benefit will be derived,

or if a benefit, not commensurate with the amount of the outlay. These are the considerations which I wish to press upon the minds of the committee, as they have already decided the constitutional question, as I infer from the various preliminary votes taken here. If I cannot effect one thing, I will try and effect another. If I cannot induce Congress to withhold unconstitutional appropriations, my next object is to induce it to confine these appropriations only upon such works as are known to be essential and important; and furthermore, I wish to induce Congress to exercise that power as a father would over his family, and not to make advancement to one child and forget the claims of another, or as a court of equity which will not neglect an absent distributee, but bring all the interested parties before the court. The State of Virginia is not a party to the bill. I ask this committee now to issue its summons and bring Virginia before the House, and let her rights be protected.

[Mr. FULLER, of Maine, here made an inquiry which was entirely inaudible to the Reporter, but it was in reference to the necessity of removing Harrison's bar.]

Mr. MEADE. I am not in the habit of asserting as a fact what I do not know and cannot prove to be a fact. I can only give to this committee my belief upon this subject. It is my sincere and honest belief that the interests of the commerce of the country as much demands the removal of Harrison's bar, as it does the construction of any of those works for which appropriations are made in this bill, with the exception, probably, of the Mississippi and the Red river. I find appropriations for the Hudson river, for the benefit of a State which has expended \$40,000,000 in internal improvements—a State which has constructed her canal from the Hudson to Lake Erie, at an expense of \$15,000,000. The appropriation made to the Hudson is but a mite compared to the immense amounts which that State is expending every year in internal improvements. This is small game for the State of New York, when contrasted with the immense amount appropriated for the enlargement of the Erie canal. At Harrison's bar, vessels which do not draw more than fourteen or fifteen feet water, come to a dead halt until lighters from the city of Petersburg and Richmond come to their relief.

The committee can now truly estimate the importance which the removal of this bar is to the commerce of the James river. Gentlemen may ask me, if it is so important, why Virginia does not remove the bar by appropriation from her own means? Virginia, at this time, is engaged in immense works of internal improvement, and there is not so great and pressing a necessity for the removal of this bar as exists for constructing the great lines of communication to the West, to which Virginia is now devoting her energies.

Our citizens are taxed as heavily at this time as they can with convenience bear, for the purpose of shaking hands with their brethren of the great West. We expect at no distant day, perhaps not more than three years, to stretch our arms from James river to the Mississippi, and to invite to our ports a part of the trade of that great and magnificent valley. The committee will see at once why the State of Virginia prefers to appropriate all its means at this time to the important improvements of which I have spoken. Persons engaged in shipping in the cities of New York, Philadelphia, Baltimore, Boston, and other sections of the country, are directly interested in having this obstruction in James river removed, so that their vessels can have free navigation to our cities. City Point, which is at the confluence of James and Appomattox rivers, is but ten miles from the city of Petersburg, with which it is connected by a railroad. From the city of Richmond it is forty-five miles distant. That point is the *entrepôt*, as it were, for both places.

Mr. MARSHALL, of Kentucky. I have not taken the floor for the purpose of making an hour's speech.

Mr. TAYLOR. I wish to suggest to my friend from Kentucky, [Mr. MARSHALL,] that he will allow me to make a motion that the committee rise, so that I may offer a resolution in the House, closing debate upon this bill at twelve o'clock tomorrow. We can agree to have a recess from five to seven o'clock this evening, and go on and discuss this bill.

Mr. MARSHALL. I cannot yield the floor for any such purpose. I was disposed to oppose the proposition, when first suggested by the gentleman from Ohio, [Mr. TAYLOR.]

Mr. TAYLOR. I trust that the gentleman is in favor of limiting the debate to some reasonable time.

Mr. MARSHALL. I think myself that debate upon this bill ought not to be limited, so long as any gentleman desires to speak. My opinion is very decided, that upon a bill so important as this, there are a great many amendments wanted; and representing the section of country that I do, I shall vote for this bill with a great deal of hesitancy, if I vote for it at all. I find in this bill that the State of New York—

Mr. TAYLOR. I wish that the gentleman would allow me to put myself right. I did not wish to prevent the gentleman from offering any reasonable amendment. I humbly submit that we should limit debate to some hour to-morrow—say twelve o'clock.

Mr. MARSHALL addressed the committee for a short time, in favor of river and harbor improvements, but without concluding, yielded the floor to—

Mr. YATES, who moved that the committee rise.

The question was put, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the chairman [Mr. OLDS] reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 282, making appropriations for the improvement of certain harbors and rivers, and had come to no conclusion thereon.

#### HOSTILITIES ON THE FRONTIER.

Mr. HOWARD. I ask the unanimous consent of the House now to call up the bill to which I alluded this morning, for the protection of the frontiers.

[Cries of "Too late!"]

Mr. DUNCAN. I object, and move that we do now adjourn.

#### ADJOURNMENT OF THE SESSION.

Mr. HOUSTON. I hope I shall have the consent of the House to call up the resolution proposing to fix the day for adjournment, and I ask the gentleman from Massachusetts [Mr. DUNCAN] to withdraw the motion to adjourn for that purpose.

Mr. DUNCAN. Has that resolution passed the Senate?

Mr. HOUSTON. It has, and I desire now to call it up.

Mr. DUNCAN. We can do that another day as well as to-day. I insist upon my motion to adjourn.

The motion was agreed to, and the House adjourned till to-morrow morning at eleven o'clock, a. m.

#### PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. SKELTON: Petition of citizens of New Jersey in favor of Mr. Stanley's bill making appropriations for the assistance of the Colonization Society.

By Mr. SMITH: Petition of Noble A. Penland praying Congress to allow him a pension for services in the last war.

#### IN SENATE.

THURSDAY, July 22, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. HAMLIN presented the memorial of Henry A. Amelung, praying an appropriation to test a plan for preventing steamboats or other vessels from sinking, of which he is the inventor; which was referred to the Committee on Commerce.

Mr. GWIN presented the memorial of John S. Davis, a citizen of California, praying to be indemnified for depredations upon his cattle, committed by the Indians during the winter of 1851; which was referred to the Committee on Indian Affairs.

Also, documents in relation to the claim of Edward J. Jackson, praying indemnity for a mule stolen by the Indians in the winter of 1851; which were referred to the Committee on Indian Affairs.

Also, the memorial of Commander Thomas R. Gedney, United States Navy, asking to be reimbursed certain payments made by him in 1846-'7, on account of expenses of the coast survey; which was referred to the Committee on Finance.

Mr. WADE presented a petition of voters of Cardington, Ohio, praying that the bill now pending before Congress, known as the "homestead bill," may become a law; which was referred to the Committee on Public Lands.

Mr. BRIGHT presented the petition of Samuel Brenton, asking that a claim allowed to T. A. H. Edwards, and erroneously paid to James McKay, may be investigated, and relief afforded to the lawful owners of said claim; which was referred to the Committee on Indian Affairs.

Mr. BRODHEAD presented a petition of citizens of Blair county, Pennsylvania, praying that the bill providing for the payment of the fourth installment of the deposits of the public lands directed to be made with the States by the act of June 23d, 1836, may become a law; which was referred to the Committee on Finance.

Mr. CLEMENS presented the memorial of Rosa W. Inge, praying the continuation of the pension allowed her for the services of her late husband, Lieutenant Z. M. P. Inge; which was referred to the Committee on Pensions.

Mr. PEARCE presented the memorial of Erskine & Eichelberger, praying the payment of the amount of a debt due them, which was contracted by John Gunter, jun., a Cherokee Indian, prior to the Cherokee treaty, of December 29, 1835; which was referred to the Committee on Claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. HAMLIN, from the Committee on Printing, to which was referred a resolution of the Senate to print one thousand additional copies of the report of the Secretary of War, of the 15th of June, containing a reconnaissance of the Gulf of California and the Colorado river, by Lieutenant Derby, reported in favor of printing the same; which was agreed to.

Mr. FOOT, from the Committee on Pensions, to which was referred the petition of Hannah Thompson, praying that the pension she now receives may be continued for life, asked to be discharged from the further consideration thereof, as the committee propose to report a general bill which will include her case; which was agreed to.

#### EXTENSION OF COAST SURVEY.

Mr. GWIN submitted the following resolution; which was agreed to:

*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate what sums will be required, without interfering with the regular progress of the coast survey, to extend it to the present fiscal year so as to include the islands in the vicinity of the Santa Barbara channel, coast of California, viz: the Islands of Santa Cruz, Santa Rosa, San Bernardo, Anacapa, Santa Catalina, Santa Clemente, San Nicholas, and Santa Barbara; and also to report whether the usual land surveys, dividing the islands into townships, sections, half sections, quarter sections, and eighth sections, could not at the same time be made by the officers of the coast survey, under the direction of the Superintendent.

#### ADDITIONAL SCHOOL LANDS.

On the motion of Mr. BORLAND, the previous orders were postponed, and the Senate proceeded, as in Committee of the Whole, to consider the bill allowing exchanges of, and granting additional school lands in the several States which contain public lands, and for other purposes.

Mr. BORLAND. Before the bill is read, in order that our action may be facilitated upon it, I will state to the Senate that a portion of this bill—the first section—has already been provided for by a bill which was passed the other day, on the motion of the Senator from Florida, [Mr. MAILLORE], allowing an exchange of the sixteenth section, if it should be found to be of inferior quality. This bill contains three sections—the first section, which relates altogether to the exchange of the sixteenth section, if inferior, for another section of good land, becomes unnecessary in consequence of the bill which was passed the other day. As the passage of that bill took place since this bill was reported from the Committee on Public Lands, I have to propose some verbal amendments to the second and third sections.

The PRESIDENT. Let the bill be read, and then the Senator from Arkansas can offer his amendments.

The bill was read accordingly. It consists of

three sections, the first of which provides that where the sixteenth section heretofore set apart for the use of schools in each of the several States which contain public land, has been or shall be found of an inferior quality, unfit for cultivation, or unfavorably located, the inhabitants of each township, under the authority of said States, shall be at liberty to relinquish the said sixteenth section, and to select in lieu thereof any other section, either as a whole section, or in any legal subdivisions, within the same township that may remain subject to sale by private entry; or should none such remain in the same township, then the selection may be made in each case from any land within the limits of the State subject to sale by private entry, to be entered and recorded at the proper land office of the district in which the selected land may lie, and a proper conveyance made therefor, in the usual form, under the authority of the United States; and upon the approval, by the Secretary of the Treasury, of the new selection, under the authority of this act, the original tract shall *ipso facto* revert to and become public lands of the United States.

The second section provides that there shall be selected, in the manner set forth in the preceding section, an additional section of land, either as a whole section, or in any legal subdivisions, for each township within the said States, and under their authority, which section is granted by this bill for the use of schools within such township, and shall be recorded and conveyed as before stated.

And the third section provides that the land authorized to be selected and granted by the first and second sections of, or by any preceding acts for similar purposes, or any part of the same, may be, by the proper authorities, disposed of in accordance with the laws now in force in relation to such lands in each of the States, respectively.

Mr. BORLAND. I propose, for reasons which I stated just now, to amend the bill by striking out of the first section all after the enacting clause, and inserting the second section as I propose to modify it.

The PRESIDENT. The proposition to modify the second section will be a separate question. The question must first be on striking out of the first section all after the enacting clause.

The motion to strike out was agreed to.

Mr. BORLAND. I now move to amend the second section of the bill, which becomes the first, by adding after the word "selected," in the second line, what I send to the Chair.

The amendment was read, as follows:

After the word "selected," in the second line, insert: Either as a whole section, or in any legal subdivisions, within the same township that may remain subject to sale by private entry; or should none such remain in the same township, then the selection may be made in each case from any land within the limits of the State, subject to sale by private entry, to be entered and recorded at the proper land office of the district in which the selected land may lie, and a proper conveyance made therefor in the usual form, under the authority of the United States; and upon the approval by the Secretary of the Interior of the new selection under authority of this act, the original tract shall, *ipso facto*, revert to and become public lands of the United States.

The amendment was agreed to.

Mr. BORLAND. I now move to strike out, after the amendment just adopted, the words "in the manner set forth in the preceding section," these words being unnecessary, as there is no preceding section.

The amendment was agreed to.

Mr. BORLAND. I propose to make a corresponding amendment in what was the third section of the bill, but which is now the second. It is to strike out the words "and second." This is merely a verbal amendment, and is necessary to make the bill consistent.

The amendment was agreed to.

Mr. BORLAND. The word "sections," in the same section, is in the plural number. It should be in the singular. I move to strike out the "s."

The amendment was agreed to.

Mr. DAWSON. I will inquire of the Senator from Arkansas whether this bill proposes to give any additional sections to the new States for common school purposes?

Mr. BORLAND. I will answer the question of the Senator from Georgia. Some two years ago this bill passed the Senate in a form similar to that in which it has been reported by the Com-

mittee on Public Lands; but it did not pass the House of Representatives for want of time; it could not be got up for consideration. It has been recently reported by the Committee on Public Lands; but the first section, granting the power to exchange inferior sixteenth sections for good lands, has been rendered unnecessary by the general bill passed a few days since, and has, in consequence, been stricken out. The second section, which has now become the first section, grants a section in addition to the sixteenth section already granted to the new States.

I will not now enter into an explanation of the reasons which make such a grant necessary and proper to carry out the object which Congress had in view in making the original grant of one section in each township in the new States. I suppose that the Senate is satisfied on that point, as to the propriety and policy, and justice of the measure—the necessity, indeed, if we desire to carry out the original object which Congress had in view in making these grants, which was to set apart such a quantity of land in each township in the new States, as would suffice for the establishment of a common school in the township.

I will also state, that this additional section has been granted to Oregon and California, and this bill simply proposes to put the other States on the same footing with regard to the public lands donated for schools.

Mr. DAWSON. Then, as I understand the proposition, it is to double the quantity of land which has been already granted to the various new States for school purposes. That is what I understand to be the fact. Now, sir, I do not desire to enter into a discussion upon this subject. I merely present it as another evidence of the large claims which the new States are making upon the old States. From the foundation of the Government, or rather from the time that we have admitted new States into the Union, one section in each township has been allowed for school purposes.

Now, because Oregon and California, for certain reasons, have been allowed an extension of this particular kind of grants of land, all the land States are claiming, in the first place, to have all the lands which they have heretofore received from the Government for school purposes, and which are found not to be worth a dollar and a quarter per acre, returned to the United States, and the township permitted to take the very best lands lying within the township for school purposes, to supply the place of the sixteenth section; and added to that, after we have given them lands as good as can be found in the township, we are to double the amount to all the new States, from Ohio down to the last State admitted. I merely present this statement to show the immense quantity of public land which we are now appropriating to the new States; first for purposes of internal improvement, and then for purposes of education, and I beg Senators from the new States to observe that I am not going to oppose this amendment. They claim land, and whenever the claim is made, we concede to them the amount of land which they desire.

This bill proposes to double the amount already given; and all I have to ask is, that whenever the question of the right of the old thirteen States shall come up, and they ask some portion of the land, they shall be respected. I can see no want of constitutionality in an honest and equal distribution of the public lands among the States, either in kind or in a division of the proceeds. I see no ground left for the new States to charge the old States with a want of liberality, and I beg them seriously to take into consideration the bill which is called Bennett's bill, for dividing a small portion of the public lands among the old States which have been worn out in the production of the means of sustaining a large population and raising men to manhood, and after exhausting the soil, has sent them off into new lands, there to "flourish like a green bay tree," not merely by the force and effect of their own labor, but by the kindness, indulgence, and liberality of the Government of the United States. Now, as the parents of these new States have become old, infirm, and exhausted, will they who have gone from our midst claim everything, and deny to us simple justice? Can you turn round and bring us back to the old question of the unconstitutionality of the distribution of the proceeds of the public lands, or its

division in kind? I trust, Mr. President, that will not be done. Whenever a proposition of this kind is brought before the Senate I can see, Mr. President, by your own expression of countenance, that it is not likely to injure the State of Alabama. This will not injure any of the new States. You are benefited by it. And though the general wealth throughout the country is superior to that of my own State, and though you have the means of sustaining internal improvements, and educating your children far superior to ours, yet you call upon us to contribute funds for that educational purpose. And when we ask you to aid those who are so impoverished in the old States as to be without the means of the education of their children, and to give them some portion of this fund, you pronounce it unconstitutional. Here is a time for reflection, a time for us all to consider, and for the people throughout these United States to take this great question into their own hands and manage it. I have ceased to make any opposition to these schemes of the new States. I know they will all succeed until they carry all their requisitions upon the Government to such an extravagant extent as to create an excitement among the people. And, in order to prevent that, I beg to present this as a sound argument in favor of Bennett's bill.

Mr. BORLAND. As I said, I do not wish to enter into an argument respecting the merits of this bill. I have been under the impression until this morning that it meets with the approval of the Senate, and will meet with the approval of the country; and I am glad that the Senator from Georgia has expressed his intention not to oppose it. When the Bennett bill, to which that Senator has alluded, comes up, it will be soon enough to discuss its provisions. If that bill has merits, its friends will then set them forth; if not, they will allow it to take its chance. As the Senator admits the merits of the present bill, and no one is disposed seriously to question its provisions, it will, I trust, be voted on without occupying the time of the Senate by any further discussion.

Mr. DAWSON. I do not wish to be misunderstood by the Senator from Arkansas placing me in a position that I did not advance. I did not oppose the bill, because it would be useless to do so, but I would advocate it if it extended a similar meed of justice to all the States, and would put it out of the power of the new States to deny henceforth the claims of the old States whenever they may come up for consideration.

I make no opposition to the bill, for the reasons I have just stated. That is the ground upon which I put it.

The bill as amended was reported to the Senate, the amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

#### SAULT STE. MARIE.

On motion by Mr. FELCH, the Senate proceeded, as in Committee of the Whole, to the consideration of the bill granting to the State of Michigan the right of way and a donation of public lands for the construction of a ship canal around the Falls of St. Mary's, in said State, which was reported from the Committee on Public Lands with an amendment.

Mr. FELCH. I gave notice the other day that when this bill should be called up, I should propose an amendment in the form of a substitute for it. The bill provides for a grant of land for the purpose of constructing the canal. The amendment which I shall offer proposes to construct it as a public work by the United States, and to have the use of money instead of land. As the object of the bill is somewhat changed, and the amendment which I propose is a substitute for it, it may not be necessary to read the original bill until we act on the substitute. Unless some Senator wishes to have the bill read, I move to suspend the reading of it, and propose, as an amendment, to strike out all after the enacting clause, and insert the following in lieu thereof:

That the Secretary of War be, and he is hereby, authorized and directed to contract with the lowest bidder or bidders, after public notice given in the usual manner for letting contracts, for the construction of a ship canal around the Falls of St. Mary's, in the State of Michigan; which canal shall be not less than one hundred feet wide and twelve feet deep, with single locks not less than three hundred and fifty feet long and seventy-five feet wide, with such piers and other appendances as shall, in the opinion of said Secretary, be required for the safe and proper use of said canal: *Provided*, That said Secretary may enter into separate contracts for such different portions of the work, in

constructing said canal as he shall deem conducive to the public interest, and the aggregate amount of all said contracts shall not exceed \$400,000, which shall be paid to the contractor or contractors as the work progresses, reserving always a sum equal to twenty per centum on the amount of work performed until the whole be completed: *And provided further*, That the contractor or contractors shall perform the work under such instructions and superintendence as the said Secretary shall deem necessary and proper to secure the faithful execution of the contracts, and shall give such ample security for the performance thereof as he shall direct and approve: *And provided further*, That such contractor or contractors shall have the right of taking from any of the lands of the United States stone and other materials for the construction of said canal and its appurtenances.

Mr. CASS. Mr. President, I desire to say a few words on the subject of this bill, and I will detain the Senate but a little while, for I believe it is pretty well understood. The Senate are aware of the relative position of the great lakes of our continent; that they constitute three plateaus; the principal one—Lake Superior—having an elevation of six hundred feet above the ocean; the second plateau, including Lakes Erie, Huron, and Michigan—I call them one, for, though they are not strictly on a level, yet there is a permanent water communication between them—and Lake Ontario. Between the last and Lake Erie there is a difference of about three hundred and fifty feet. That is now overcome by the Welland canal, a work constructed on the British side, by the British Government, by means of which the upper and lower lakes, except Lake Superior, are now in communication, for the purpose of navigation. Between the middle plateau and Lake Superior are falls of about thirty, or, perhaps, thirty-five feet, including the rapids, leaving, however, the fall of St. Mary. We desire to overcome, by this communication, the falls of about thirty feet. The consequence of this want of communication is, that between Lake Superior and Lake Huron there is no transit of articles going up and down. The communication must stop, and a different class of vessels must be provided for on the upper lake. It is, as the Senate may well see, a very great interruption, and a very great expense to the navigation, that the business of the upper and lower lakes have to encounter.

Here is an extent of water of nearly fifteen hundred miles, and a coast of nearly five thousand miles, including these five great lakes, covering a superficies of nearly eighty thousand miles, one of the most magnificent regions in the world. With Lake Superior we are just beginning to be well acquainted. Until lately it was supposed that the land was not worth anything. It is now ascertained that it affords a valuable means of agriculture, besides being one of the richest mineral districts in the world. I presume all the members of the Senate have looked over Whitney & Foster's report. From it they will see that the copper and iron are inexhaustible treasures, enough to supply the whole world. Copper is found there in native masses in prodigious sizes, unknown everywhere else in the world; and the iron is found in such quantity as has never been found elsewhere; and there is enough of it to supply the whole world. The iron alone is a mineral treasure for any country; and what will perhaps surprise some gentlemen, they will see by referring to that report—and many Senators know that the iron is perhaps richer than any other in the world—that one ton and a half of ore gives one ton of bloom iron. It is among the richest mineral treasures we have. That region is growing to be vastly important. The United States own upon it, I have ascertained from the Land Office, twenty millions of acres of land, and the communication between which and the ocean must be by Lake Superior. They own in the upper peninsula of Michigan ten millions of acres; of which have been sold short of two hundred thousand acres, and been granted for school purposes short of three hundred thousand acres, leaving within that upper peninsula, now the property of the United States, among the richest mineral districts in the world, nearly ten millions of acres.

Now, Mr. President, no gentleman here will deny the expediency, almost the necessity, of having a canal, to overcome these disadvantages, of only three quarters of a mile, and only a fall of twenty-five feet. As to any constitutional difficulty, there is none whatever. Every foot of this proposed canal is to be over the public lands. The United States have nothing to do but dig the canal through their own land, without asking the per-



mission of anybody; without interfering with or interrupting the State government in any respect, and the work is done. Now, sir, as to improving the value of our own land, there is no man in the world, knowing the district, knowing the region above, but would consider it a good speculation to construct a work of this nature, with a view to enhance his own property. But there are other and still more important considerations which should influence us in this matter. In a military point of view, there can be nothing more important for this country, looking to the future, than the construction of such a canal. In the event of a difficulty with Great Britain, the first thing we should have to do would be to construct a military marine upon the three middle lakes, and another upon Lake Superior. You cannot carry your marine from one lake into another; but if this canal were constructed, the marine which you have upon the middle lakes, would answer the same purpose upon all. It was so felt during the Oregon difficulty. At the time we feared a rupture with England, Mr. Polk's administration, to my own knowledge, were on the point of proposing to Congress to construct the canal with this view, and were only prevented from taking that measure by an amicable adjustment of the difficulties then pending with the British Government, rendering the work unnecessary.

The Senate will perceive at once the bearing of this subject upon our military operations hereafter. Lake Superior is too important to be neglected. It will be as important in a few years as the coast of any other lake; and the difficulties with that country which may come—as difficulties may come between all countries—and which prudent men ought to foresee will compel us to build a marine there, one single ship of which would build the canal which we now ask, and enable us to transport the marine up and down, backwards and forwards, as may be wanted on the middle or upper lakes. As a mere measure of military precaution, therefore, it is worth more than all it will cost. You must have the sailors there also—you must have the whole expense on all the lakes, when one would answer equally for the whole, with this canal. As an important matter of commerce, as a matter of expediency connected with the navigation and business of the country, few measures can be more important. There are few gentlemen who are aware of the importance of the navigation on the lakes. Our commerce is now not less than \$200,000,000 upon them, and our navigation very little, if any, less than 200,000 tons. However startling these amounts may be, yet the tables submitted to the Senate will show the fact. There is an amount of commerce well worth the fostering care of the Government, so far as we can exercise it within our constitutional limits.

A few years ago the State of Michigan passed a law, made the necessary arrangements, and was going on of itself, to build this canal; but it was prevented, very foolishly, very unwisely, without any just motive, in my opinion, by the General Government from doing it. I am now authorized to say, that if you will give permission to a company of individuals to make that canal through your land, they will do it without asking a cent from the Government. But this, the Government does not want. The State government does not want it. The country upon the upper lakes does not want it. They do not want to pay the heavy tolls necessary, if it is held as a matter of profit in the hands of individuals. Still further, let me tell you, that I ascertained from the last paper received from Lake Superior, that a party are now on the opposite side of the Sault, by order of the Canadian Government, with a view to the construction of that canal, as they have constructed the Welland Canal around the Falls of Niagara. That would not answer our purpose at all. What we want is a canal of our own within our own territory to answer the necessary purposes required both in peace and in war. The President of the United States, in his message, I think of the session before the last, on a review of the whole subject, expressly recommended this measure to the consideration and favorable action of Congress. He had seen its important bearing upon the upper country, with a view not only to their interests, but to the interests of the whole United States, and he recommended to Congress to pass a law with that view.

Mr. President, I have a memorandum of a number of subjects to which I might call attention, but time is short. There are gentlemen here, perhaps, who can state to the Senate more accurately than I can the amount of iron ore which has been already transported. But allow me to read a single paragraph from a paper which I received this morning, from the Sault Ste. Marie, which will show the progress of improvement in that region:

"The Iron Mountain and Lake Superior Railroad Company are putting up a large office at the lake terminus of the road; and they have located their depot and most part of the line of the road. We learn from Mr. Ely, superintendent, that the route is quite as favorable as was expected. The grade, though steep, will be easily overcome, especially as there will be but little freight to take up from the lake. The road will run for some distance near the bank of the lake, and accommodate every one."

Here is a road now actually laid out, and in process of construction, to accommodate the iron works, which is to run from Lake Superior across the whole peninsula, to Lake Michigan, entirely by private enterprise, the product of which is to go by way of the Sault Ste. Marie.

"This is a project of immense importance to the iron interests of this lake, and, in fact, to the whole Northwest. With this road, five thousand tons of iron can be shipped as easily, in the same time as five hundred tons have been this season; and with a ship-canal at the Sault, five hundred thousand will be a limit of yearly shipment as easily accomplished. Does any one think this is a steep estimate? Let him look at the steep and high iron mountains, worth more by the pound than common pig metal; let him look at the almost limitless demand growing up at the great West, and consider these facilities for procuring here a supply, and he will be satisfied with our estimate."

"This road is but the beginning of a more extended route from this place to Bay de Noquet, on Lake Michigan, which will make a direct southern outlet for some of the iron from this region, as well as an inlet for the supplies needed to carry forward extensively the iron business."

The amendment proposed by my colleague, instead of containing the provision made by the original bill, which appropriated land, and which intended to confer upon the State authority with a view that the work might go on by the authority of the Legislature, proposed that Congress shall do the work like any other public work, rendered necessary by the circumstances of the case. An amount of land might be given that would make the canal; but it would take a long time; and, in the fluctuations now attending our land system, not knowing, from day to day, what measure Congress may adopt, men competent to construct such a work would be fearful about taking land for compensation. The matter remains altogether so uncertain, that it is difficult to tell what amount would be necessary, or whether any reasonable amount would be sufficient now to induce them to go on. In these circumstances, we propose that the United States shall take hold of the work, and make it as they would any other improvement; and I trust that such will be the decision of the Senate.

Mr. DAWSON. I will ask the Senator who reported the bill, whether there has been any survey made, or estimate presented as to the cost of construction of this canal?

Mr. FELCH. There have been two surveys made for this work. One was made, in the first instance, under the authority of the State of Michigan, in 1836, I believe. Subsequently to that time, the attention of the Department was called to the subject, and they directed another survey to be made under the authority of, and by the officers connected with, the Topographical Bureau; and a report was presented, exhibiting the whole country, with a map of it, giving the distances with an estimate of the expense. The estimate is given in detail. The total amount of expense is \$454,107 66. This provides, however, for a canal with double locks, the estimate for which was based upon the length and size of the steamer Michigan, which was then the only steamer upon the lakes belonging to the Government. That was a small iron vessel, one hundred and sixty-seven feet long. The dimensions for the canal were, one hundred feet wide, and twelve feet deep; for the locks, two hundred feet long, and fifty feet wide.

Since that time, the commerce of that country has very much increased, and the dimensions of the canal, as provided in the amendment, are larger than those provided for in the estimate. In other words, we have, in the amendment, provided for a canal which shall accommodate the steamers now plying upon the lakes—supposing that they will be

large enough for future use. The size of the locks, then, is larger than that provided for in the estimate; but the estimate provided for double locks, while the amendment provides for single locks. The probability is, that the expense of making the work which we have provided for in this amendment will be not very far from that which was the subject of the estimate by the Department. I believe this answers the inquiries of the Senator.

Mr. DAWSON. Mr. President, this is another of those internal improvements that I suppose come within the Baltimore platform. It seems, from the argument of the distinguished Senator from Michigan, [Mr. Cass,] that it is necessary for the public defense, for the purpose of increasing and protecting the commerce of the country; and he says further, that it is necessary for the purpose of increasing the value of the public lands, which, I suppose, makes it all very justifiable! I do not pretend to enter into the discussion of the question of internal improvements on this bill. All that I require is, that the Senator who reported it shall call upon the proper Department to have an estimate made of the cost of the construction of the canal, founded upon the data presented in the bill, and ascertain how much money we are about to appropriate for the improvement.

I admire very much this manner of introducing a bill for internal improvements, putting it upon its own independent footing, and not in connection with other propositions, merely for the purpose of gaining strength to carry it through. It is certainly a very honorable position to place it in; and I must ask of the Senator to be so kind as to bring it within one of my principles. In passing bills making appropriations for internal improvements, I always desire an estimate to come from the Department, as to the probable cost. Then I will take into consideration the propriety and practicability of the improvement, and vote in regard to it, according to my convictions. But here, sir, there seems to have been two surveys—one made by individuals, for their own individual enterprise, or intended enterprise—none authorized by the Government of the United States, save through the head of a Department. Was it by Congress that they were called upon to make that estimate? or did the Department itself call the attention of the engineers to it?

Mr. CASS. The Department makes almost all of these estimates. Not one case in ten arises from a resolution of Congress: not one in twenty; perhaps not one in fifty.

Mr. DAWSON. As we are taking the matter into consideration ourselves, to declare whether the improvement ought to be made, let us have it submitted to the Department, and let the estimate be made by our authority. I do not recollect who was Secretary of War at the time the order was given for the survey to ascertain what the canal would cost the Government. Will the Senator from Michigan be kind enough to inform me in what manner it was made?

Mr. FELCH. The report of the Topographical Bureau was called for by a resolution of the Senate, and was presented to the body, in reply to that resolution, in 1844.

Mr. DAWSON. The report made by the Topographical Engineers was called for, I know, by a resolution of the Senate; but a resolution was never passed by this body authorizing a report to be made, according to my recollection of the matter. I know the report was called for; but I want to know when the Secretary of War instructed the engineers to make the survey. What is the date of the engineer's report?

Mr. CASS. If the honorable Senator would be good enough to recur back to the register, he would find who was Secretary of War at the time. My colleague, I believe, said that the date of the report was 1844.

Mr. DAWSON. That is the time the report was communicated to us; but how long was the officer engaged in making the report?

Mr. CASS. Perhaps one day.

Mr. DAWSON. What I wanted to show was, that the report had been made for a number of years; called for by the Department, and not by the authority of Congress. I wished to show to the Senate that the number of years past and gone since the examinations upon which that report was based, cannot be less than twelve or

fourteen. As it is now proposed to increase the dimensions of the canal over what was then proposed, it is proper that we should have a new estimate presented.

The amendment of the Senator from Michigan is already before the Senate for consideration. I presume it will take but a short time to submit the provisions of that amendment to the Topographical Bureau, and have an estimate made, and let it be presented here; then we shall know upon what to base our action; we shall have no bad foundation, by which other appropriations may be based upon this for other internal improvements. I also like to require estimates in every case before passing upon an internal improvement bill. That is my object and design in this case.

Mr. CASS. I would ask the honorable Senator if he intends to vote for the bill, if he gets the report which he desires?

Mr. DAWSON. I think it very probable; if the canal would increase our commerce and protect our frontier as a military improvement—thus bringing it within either of the platforms—the Democratic or the Whig.

Mr. CASS. Which will the gentleman take for himself?

Mr. DAWSON. I will take both. [Laughter.] Your platform is certainly much weaker than ours on that point; and therefore I certainly cannot fail to take yours by accepting our own.

Mr. FELCH. It seems to me that there can be very little object in taking the course proposed by the Senator from Georgia. The amount provided for by the amendment is less than the estimate of the Department. That estimate was for \$454,000. The provision in the amendment which I have offered is, that the Secretary of War shall receive proposals for the construction of the canal, accepting of course the lowest bid. He may receive a bid for the whole or any portion of the work. The whole cost, however, is not to exceed \$400,000. Unless a contract can be made for the amount of \$400,000, of course no legislation which we may have here on the subject can go into effect.

In regard to the amount, the Representatives of Michigan felt an interest in providing, in the first place, for an amount which would be sufficient to construct the work; for it is true that although it is a work of a good deal of magnitude, yet it is of that character that if money is appropriated, in this manner, a single season will, I believe, be sufficient to open the communication between the lakes lying below Lake Superior. We desired, therefore, to fix upon such a sum as would be sufficient, in the first place, to insure the making of contracts for the execution of the work; and in the second place, which would not be an extravagant expenditure of money for the construction of the work. We were, therefore, satisfied, on consultation, with the amount proposed—and I can assure the Senator that the consultation has not been confined either to members of the Senate, or to individuals outside, but included those at the Department who were conversant with the matter, who have aided us in fixing on the amount necessary to secure the construction of this work at a very low expense.

Now, it is very true, as my colleague said, that there are men outside of this Chamber—moneyed men in this country—men interested in the country bordering on Lake Superior—who would at once take hold of and construct the work, if the Government would permit them to do so. We have resisted all application of that kind, because we thought it was a work of so much public importance, that acting, to a certain extent, for the public interests, we ought not to suffer it to pass into the hands of individuals, and thereby give them the control of the navigation of the upper and lower lakes.

The amount fixed in the amendment, \$400,000, with the explanation I have given, will, I think, be sufficient; and I see no necessity of sending to the Department for the purpose. This is a less sum than the Department estimated for in 1844. Although the work will be increased as regards the magnitude of the locks, it is a less sum; and yet I have no hesitation in saying that, for the amount specified here, we can at once have contracts entered into for the construction of the work. If it can be done for less, of course the whole amount proposed to be appropriated will not be expended. The matter will be open to the com-

petition of every person who may see fit to enter into it.

Mr. DAWSON. I do not wish to prolong this debate; but I will very candidly state to the honorable Senator what my object was. If this canal is needed for the public defense, then the bill ought properly to have been investigated before the Committee on Military Affairs. If it is intended for the purpose of encouraging our commerce, it ought to have been referred to the Committee on Commerce. But, as it comes from the Committee on Public Lands, it can only be considered as an improvement for the purpose of increasing the value of the public lands. Have the Military Committee asked for the appropriation of this money for the public defense? Have the Committee on Commerce ever presented a report to this body, asking for an improvement of this kind, for the purpose of encouraging the commerce of the country? Then it comes down at last to one of the arguments of my distinguished friend from Michigan, [Mr. Cass,] that it is to increase the value of the public lands. And then the question necessarily arises whether we should appropriate this amount in money, for the purpose of improving the value of the public lands in this way.

The Senator from Michigan stated that not many years ago a late President of the United States, when we were in danger of a foreign war, had it seriously under consideration to present the subject to Congress as a means of increasing our public defenses. But that apprehension passed off, and he did not do so. He thereby showed his good judgment and good sense, and his unwillingness to involve the Government in an appropriation of money which the emergencies of the time did not require. Yet, now, when we are in a state of profound peace—when there is no war-cloud lowering—when there is no apprehension felt, we are called upon to make this appropriation. In the same way I might speak of the appropriation in reference to the commerce of the country. Then the question is: Is it politic, merely for the purpose of improving the value of the public lands, to make this appropriation? I wanted to get to that point, and to show to the Senate that we are legislating now for the defenses of the country, and for the encouragement of commerce, through the Committee on Public Lands.

Mr. CASS. I do not intend to follow the honorable Senator from Georgia through this discussion. We have pursued that race long enough, and I am not going to say another word about it. But I cannot help noticing one most extraordinary doctrine which he has advanced, which is, that if a standing committee of this body report a proposition, we here have no right to take into consideration any other question than the simple one that may have been before the committee.

Mr. DAWSON. I did not say you had not the right to do it, but that it is unusual.

Mr. CASS. Unusual! Why, Mr. President, I take it that if a measure is before this body and a Senator is compelled to vote upon it, it is his duty to look to all the circumstances connected with it. A measure is presented; it is referred to a committee; the committee make a report giving their views; and then when it comes before the Senate, it is every Senator's duty to look into the whole circumstances connected with it. There are propositions which come before us every session which involve considerations that are frequently not adverted to by the committee which report them. Very frequently occasions arise where questions involve different interests, and it is difficult to know to which committee to refer them; but because they are referred to one of the committees, does it, therefore, follow that we are to lose sight of all the considerations which might recommend their reference to another committee? Such a doctrine will not do for a moment. You might as well shut your eyes to these questions at once.

Mr. PRATT. Mr. President, I shall vote with a great deal of pleasure for the bill before the Senate. It comes from a committee of which I am a member, and I would ask my friend from Georgia whether, when a subject is referred to a committee by the Senate, it is not the appropriate duty of that committee to report upon it. It was by the action of the Senate that this subject was sent to the Committee on Public Lands. The action of the Senate, therefore, superinduced the duty, on

the part of that committee, of making such a report as they believed proper in regard to it.

This is a national work of internal improvement, and the amendment of my friend from Michigan, instead of going in a roundabout way to do what is to be done, proposes to appropriate out of the public Treasury the public money to do it. It recognizes the old doctrine—in favor of which I have always been—in the power of the General Government to appropriate the public money for works of national importance. I rose more particularly, however, to suggest that it is all-important, as it seems to me, that we should pass this bill at this time, not only for the reasons assigned by my honorable friends from Michigan, but for another reason—that, if it is not passed now, it may be possible, looking to the future, that we may have at the head of this Government some one who would prevent its going into effect, even if it were passed.

Mr. FELCH. Mr. President, the Senator from Georgia inquired whether this bill had received the sanction of any of the committees of this body, except the Public Lands Committee. He asked why it was not referred to the Committee on Commerce. I wish merely to state, that it has been referred to the Committee on Commerce. They have given their sanction to the bill in a report here. It was then referred to the Committee on Public Lands. That committee have given their sanction to it, and their report provided for the execution of the work by a grant of land, which was the scope of their authority. It has received the sanction of the War Department, as is indicated by the report to which reference has already been made. The President of the United States, also, gave it his sanction in his message to Congress, which was alluded to by my colleague.

Mr. SMITH occupied the attention of the Senate for some time, in favor of the proposed canal, showing its importance, and the great importance of the region of country it would open to market. He also commented upon the mineral resources of that region, and their great value to the country. [For his remarks see Appendix.]

Mr. MASON. It is not contemplated, I suppose, that we shall take a vote upon this bill to-day.

Several SENATORS. "Oh, no!" "Oh, no!"

Mr. CLARKE. There will be no vote taken on this bill to-day, and I therefore move to postpone its further consideration till to-morrow.

The motion was agreed to.

#### MEXICAN BOUNDARY COMMISSION.

Mr. CLARKE. I now ask the favor of the Senate to allow me to call up a resolution which I offered yesterday, for the purpose of disposing of it. It will not occupy one moment. It is a resolution in relation to a call for papers from the Department of the Interior.

The motion to take up the resolution was agreed to.

The resolution is as follows:

*Resolved*, That the Secretary of the Interior be directed to report to the Senate, as soon as practicable, the reasons for the recall of Lieutenant Colonel J. D. Graham, from his position as chief astronomer of the Boundary Commission, employed in determining the line between the United States and the Republic of Mexico; together with all the papers connected with his appointment, the revocation of that appointment, and the instructions given to him. Also, that the Secretary of the Interior be further directed to report to the Senate any instructions given or sent to Andrew B. Gray, relating to the initial point upon the Rio Grande, agreed upon by the commission, and the reasons for the removal of the said Andrew B. Gray from his position as surveyor upon the part of the United States upon the said Boundary Commission.

Mr. CLARKE. I move to lay the resolution on the table; and, in doing so, I merely wish to say that, since the introduction of that resolution, I have ascertained that all the papers which I designed to call for by that motion, were included in a similar resolution, offered by the Senator from California some time ago. To call for them again would be a work of supererogation, and I therefore move to lay the resolution on the table.

The motion was agreed to.

#### PRIVATE LAND CLAIMS IN CALIFORNIA.

Mr. GWIN. The unfinished business of yesterday is a bill to "authorize the payment by the 'surveyor general of California for the survey of 'any claims which have been, or may be presented 'to the board of land commissioners for adjudication under the act of Congress, approved 3d

March, 1851, to ascertain and settle the private land claims in the State of California."

I believe that is the next business in order to-day; but, as it is now late, and as it is desirable that we should have a short Executive session, I will simply remark, that if it leads to any further discussion, I will move its postponement. I think, however, that we can take a vote upon it to-day, and I hope it may be taken up and disposed of. I move that that bill be taken up.

Several SENATORS. No, no; it's too late; adjourn.

Mr. GWIN. If gentlemen are indisposed to take up the bill, I will withdraw the motion.

The motion was withdrawn.

#### EXECUTIVE BUSINESS.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, July 22, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER stated that the business first in order was the consideration of House bill No. 284, "to grant the right of way to all rail and plank roads passing through the public lands of the United States."

Mr. CLARK. I ask the unanimous consent of the House to take up and have passed Senate bill No. 316, which is now upon the Speaker's table. It is a bill entirely of a local character, and the interests of the citizens concerned in it demand that it shall be passed. I believe that if the House will hear the bill read, there will not be a dissenting voice to its passage.

Mr. DUNCAN. Will the gentleman state what is the object of the bill he refers to?

Mr. CLARK. The object of the bill is merely to relinquish to the town of Bellevue, in the State of Iowa, a certain narrow strip of land bordering the Mississippi river. It is formed, in part, by accretions, and I suppose it does not amount to more than three or four acres altogether. The object of relinquishing it is to enable the corporate authorities to erect warehouses and wharves. Nobody is interested in it except the citizens of the place. If gentlemen will hear the bill read, I am sure they will permit it to pass.

Mr. AVERETT. Has the bill been referred to any committee of this House?

The SPEAKER. It has not.

Mr. AVERETT. Then I object to its being taken up.

Mr. CLARK. I hope the objection will be withdrawn. The people of the town are waiting the passage of this bill in order to build warehouses and wharves, which the commercial interests of the place absolutely require.

The SPEAKER. Does the gentleman from Virginia withdraw his objection?

Mr. AVERETT. I do not.

#### CHESAPEAKE AND OHIO CANAL.

Mr. HAMMOND. I ask the unanimous consent of the House to take up from the Speaker's table Senate bill No. 358, for the purpose of having it referred. It is a bill "directing a survey and estimate of the cost of constructing a canal basin at the terminus of the Chesapeake and Ohio Canal at Georgetown."

There being no objection, the bill was taken up, read a first and second time by its title, and referred to the Committee on the District of Columbia.

Mr. FLORENCE. I ask the unanimous consent of the House to present a bill "for the protection and settlement of the eastern frontier of California," for the purpose of having it referred to the Committee on Military Affairs.

The SPEAKER. Has previous notice been given?

Mr. FLORENCE. No, sir; I have given no notice of it.

Mr. STANLY. Then, sir, I object.

Mr. SEYMOUR, of New York. I insist on the regular order of business.

#### RIGHT OF WAY TO PLANK AND RAILROADS.

The SPEAKER. The regular order of business is House bill No. 284, and the pending question is on the substitute offered by the gentleman from Michigan, [Mr. STUART.]

The bill as amended and the substitute [published in yesterday's proceedings] were then read.

Mr. SMART called for the yeas and nays on the substitute, and asked for tellers on the yeas and nays.

Tellers were ordered; and Messrs. OLDS and DAVIS, of Indiana, were appointed.

The question was then put, and the tellers reported 23 in the affirmative.

So the yeas and nays were not ordered.

The question was then taken on agreeing to the substitute; and it was decided in the negative—ayes 36, noes 81.

So the substitute was not agreed to.

Mr. COBB moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

On motion by Mr. DAVIS, of Massachusetts, several clerical errors in the bill were corrected.

The bill was then ordered to be engrossed and read a third time, and was subsequently read the third time.

The question now being, Shall the bill pass?—

Mr. SMART called for the yeas and nays.

The yeas and nays were not ordered.

The question was then put; and it was decided in the affirmative.

So the bill passed.

Mr. COBB moved to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

On motion by Mr. COBB, the title of the bill was amended, by inserting after the word "plank" the words "Macadamized turnpike."

#### CESSION OF CUMBERLAND ROAD.

Mr. STANTON, of Ohio. I desire to renew the request which I made yesterday. I ask the unanimous consent of the House to enable me to move that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill to cede to the State of Ohio the unfinished portion of the Cumberland road; the State authorities desire to finish it. If the bill is not taken up now, it cannot pass at this session.

Mr. BISSELL. What does the gentleman propose to do with the bill?

Mr. STANTON. I want the House to pass it.

Mr. BISSELL. Then I object.

Mr. STANTON. The State of Illinois got a bill passed just like this.

Mr. RANTOUL. I ask the unanimous consent of the House to submit the resolution which I send to the Clerk's desk.

Mr. OLDS. I object, and call for the regular order of business.

[Cries of "Read the resolution!"]

The resolution was then read, as follows:

Resolved, That the President of the United States be requested to communicate to this House, so far as may be, in his opinion, be consistent with the public interest, all the information in his possession relative to the right of vessels of the United States to take fish within three miles of the coasts of the British North American Provinces, according to the uniform practice under the convention of 1818, and as to any order issued, or any cruisers dispatched, or fitting out by the Government of Great Britain, or by either of said Provinces, for the purpose of interrupting said fishery; and also what measures, if any, have been taken by the authority of the United States to protect such right of fishery.

Mr. OLDS. I object.

The SPEAKER. Then the House will proceed to the regular order of business.

Mr. OLDS. At the request of gentlemen around me I will withdraw the objection.

The resolution was then again read and adopted.

#### HOSTILITIES ON THE FRONTIERS.

Mr. OLDS. I ask for the regular order of business.

Mr. BISSELL. I ask the unanimous consent of the House to take up from the Speaker's table the bill authorizing the Government to furnish arms to the citizens upon our frontiers.

Mr. OLDS. I cannot consent. I call for the regular order of business.

Mr. BISSELL. Will the gentleman hear what the bill is, and then object?

Mr. OLDS. But I shall be compelled to object to any other than the regular order of business.

Mr. BISSELL. I hope the House will allow

me a word in explanation of the object of this bill. The House sometime ago passed a bill authorizing the Government to supply the citizens upon our frontiers with arms for their own protection. The bill was sent to the Senate, where it received a small amendment, authorizing the President, in certain cases, to call out the militia there for the protection of the frontier. With that amendment the bill is now returned to the House. The recent and the latest accounts show the greatest possible necessity for the passage of this bill, as the Indians and Mexicans upon the frontiers of Texas are committing the most horrible outrages, and there is the utmost necessity that this bill should be immediately passed. I ask the unanimous consent of the House to take that bill from the Speaker's table, with a view of concurring in the slight amendment made by the Senate.

[Cries of "Agreed!"]

Mr. STANTON, of Ohio. I object.

Mr. HOWARD. I appeal to the gentleman to withdraw his objection.

Mr. BISSELL. I am sure if any gentleman will read the latest accounts from the frontier of Texas, he will not object to the passage of the bill. I have no interest whatever myself in the matter, but the necessity of the case demands that the bill should be passed immediately. I think no gentleman objects.

Mr. STANTON. I objected; and I do not withdraw my objection.

#### SPRINGFIELD AND TERRE HAUTE RAILROAD.

The SPEAKER. The regular order of business is the consideration of House bill No. 289, granting the right of way and a portion of the public lands to the States of Indiana and Illinois to aid in the construction of a railroad from Springfield, Illinois, to Terre Haute, Indiana. The pending motion is to recommit the bill to the Committee on Public Lands.

Mr. DAVIS, of Indiana. I now withdraw the demand for the previous question, and also withdraw the motion to recommit; and in order to get a vote upon the merits of the bill, I move to put it upon its passage; and upon that motion I call the previous question.

Mr. STEVENS, of Pennsylvania. I move to lay the bill upon the table.

Mr. STANLY. I ask the gentleman to withdraw that motion for a moment, and let the bill be postponed for a week or two, in order to see what the Senate may do with the land bill.

Mr. STEVENS. I would willingly do that, but I suppose the motion to postpone is not in order. I ask the Chair whether it is competent for me to move to postpone the further consideration of the bill?

The SPEAKER. That motion is not in order during the pendency of the call for the previous question.

A MEMBER. Let the call for the previous question be withdrawn.

Mr. DAVIS. I decline to withdraw the call.

Mr. STEVENS. Then I insist upon the motion to lay upon the table, and ask the yeas and nays upon the motion.

The yeas and nays were ordered, and the question being taken, the result was—yeas 61, nays 78; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, Ashe, Averett, Babcock, Barrere, Bartlett, John B. Boyd, Bragg, Caskey, Chastain, Cleveland, George T. Davis, Dawson, Dinwiddie, Duncan, Faulkner, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Haswell, Hibbard, Horsford, John W. Howe, Daniel T. Jones, George W. Jones, George G. King, Preston King, Kurtz, Lecher, Mann, Martin, Mason, McLanahan, McQueen, Menzies, Milson, Morehead, Murray, Newton, Perkins, Reed, Robbins, Ross, Savage, Origen S. Seymour, Skelton, Smith, Thaddeus Stevens, Sutherland, Venable, Wallace, Washburn, Wildrick, and Woodward—61.

NAYS—Messrs. Willis Allen, Bissell, Bowne, Briggs, Albert G. Brown, George H. Brown, Bushy, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Clark, Clingman, Cobb, Cullon, J. G. Davis, Doty, Eastman, Ficklin, Fitch, Florence, Freeman, Goodenow, Goodrich, Green, Grey, Harper, Hart, Hebard, Hendricks, Henu, Howard, T. M. Howe, Jackson, James Johnson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, Mace, Humphrey Marshall, Miller, Miner, Molony, John Moore, Nabers, Olds, Samuel W. Parker, Penit, Penniman, Phelps, Polk, Rantoul, Sackett, Schermerhorn, Seary, David L. Seymour, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Taylor, Townshend, Walbridge, Walsh, Ward, Watkins, Addison White, Alexander White, Wilcox, Williams, and Yates—78.

So the bill was not laid upon the table.



The question then recurred upon seconding the demand for the previous question.

Mr. YATES demanded tellers; which were ordered; and Messrs. FOWLER and ASHE were appointed.

The question was then put, and the tellers reported—ayes 59, noes 63.

So the House refused to second the demand for the previous question.

Mr. DOTY. I wish to offer an amendment to the bill.

The SPEAKER. Is the proposition in the nature of an additional section?

Mr. DOTY. It is designed as an addition to the last section of the bill.

Mr. ALLISON. Is it in order to move to postpone the further consideration of the whole subject for two weeks?

The SPEAKER. It is in order.

Mr. ALLISON. Then I move that the bill, with the proposed amendment, be postponed for two weeks.

Mr. TAYLOR. I ask that the amendment may be read, so that we may have some knowledge of what we are acting upon.

The amendment was then read, as follows:

That to aid in the construction of the railroads hereinafter mentioned there shall be and hereby is granted to the States hereinafter named, respectively, all the rights, privileges, and liabilities conferred by the preceding sections of this act, on the States of Indiana and Illinois; and that public lands of the United States to the same extent, in proportion to the length of the road, on the same terms, limitations and restrictions in every respect shall be and hereby are granted to each of the said States hereinafter named, respectively, for the benefit of the road or roads described, viz:

To the States of Ohio, Indiana, and Illinois, for a railroad from Toledo, in Ohio, by Logansport and Lafayette, in Indiana, and by Peoria, in Illinois, to Burlington; from Cincinnati, in Ohio, by Vincennes, to St. Louis; and from Louisville, by Mount Carmel, on the nearest practicable route, to a point on said last-mentioned road, in Illinois.

To the States of Missouri and Arkansas, for a railroad from a point on the Mississippi river opposite Cairo, by Little Rock, to a point on the Texan boundary, in Arkansas, with branches from Little Rock to Fort Smith, and to a point on the Mississippi river, to be designated by the Legislature of the State of Arkansas.

To the States of Louisiana and Mississippi, for a railroad from New Orleans, by the way of Jackson and Canton, in Mississippi, thence to connect, by the nearest and best route, with the proposed Nashville and New Orleans railroad; from New Orleans, by Opelousas, to the Texas line; and from a point opposite to Vicksburg to Shreveport, and thence to the boundary of Texas.

To the States of Mississippi and Alabama, for a railroad from Brandon, in Mississippi, to Montgomery, in Alabama. To the State of Wisconsin, for a railroad from Chicago, by Woodstock, Janesville, and Fond du Lac, to Lake Superior; from Milwaukee, by La Crosse, on the Mississippi river, to the Falls of St. Anthony; and from Manitowoc, on Lake Michigan, by Stevens's Point, to the Falls of St. Croix, and thence to the Mississippi river, in the Territory of Minnesota, with a branch to Fond du Lac on Lake Superior.

To the State of Iowa, for railroads from Dubuque to Keokuck, and from Davenport, Dubuque, and Burlington, on the Mississippi river, upon the best and most direct routes to the Missouri river—the points of termination to be selected by the Legislature of the State of Iowa.

To the State of Michigan, for a railroad from Zilwaukee, on Saginaw river, by the head of Grand Traverse Bay, to Mackinaw; from Pontiac, to the mouth of Grand river; and from Port Huron, on the river St. Clair, across the Peninsula of Michigan, to Lake Michigan.

To the State of California, for a railroad from San Francisco to San José.

To the States of Alabama and Mississippi, for a railroad from Charleston, in South Carolina, to Memphis, on the Mississippi.

To the States of Indiana and Illinois, for a railroad from Lafayette, in Indiana, by Middleport, in Illinois, to La Salle county.

To the State of Florida, for a railroad and branch from a certain point near the Atlantic ocean, in Florida, across the said State, to a certain other point or points on the Gulf of Mexico, in said State; the said points, and the route of the said road and branch, to be designated by the authority of the said State; and also, to the States of Florida and Alabama, for a railroad from a certain point on Pensacola Bay, in Florida, to Montgomery, in Alabama, (with a branch from the said road to a point at or near the terminus of the Girard and Mobile road, on the waters of Mobile Bay or Tensaw river, in the said State of Alabama,) the route of said road and branch to be designated by the authority of the said States, respectively.

To the State of Alabama, for the Alabama and Tennessee river railroad, leading from Selma to the Tennessee river, at or near Gunter's Landing.

Also, for the Winchester and Tennessee river railroad, leading from Winchester to the Tennessee river, at or near Deposit, in the State of Alabama.

And the routes of the said roads shall be on the most direct and feasible lines between the places named, and in all cases where the said routes, or either of them, are not now located and determined, the proper authority of each State, respectively, through which said roads, or parts thereof, run, or to which the preceding grants are made, shall determine the same. And all mineral lands, excepting those subject by law to private entry, are hereby ex-

pressly reserved to the United States from the lands hereby granted.

Mr. JONES, of Tennessee. I rise to a question of order. The amendment, I think, is certainly not in order, for the reason that the bill under consideration is for a particular object, and this amendment is to introduce a general system applicable to other States in which the public lands lie, and the Chair will recollect that it has been held in this House uniformly, I believe, that a pension bill, for instance—

Mr. JOHNSON, of Arkansas, (interrupting.) I must call the gentleman to order. He cannot debate the matter.

The SPEAKER. The gentleman is stating his point of order, and after the decision of the Chair is made, the gentleman from Arkansas [Mr. JOHNSON] may appeal.

Mr. JONES. I was stating what had been the uniform practice of the House.

Mr. DOTY. I wish to remind the Chair of the decision the Chair made, in the case of the bill reported for a railroad in Wisconsin by the Committee on Public Lands, and referred to the Committee of the Whole. A gentleman from Kentucky was allowed, and decided by the Speaker to be in order, to move an amendment in favor of a railroad in Kentucky, and a general grant of land. The question is therefore decided.

The SPEAKER. Was that during the present session?

Mr. DOTY. It was.

The SPEAKER. The Chair does not recollect it.

Mr. DOTY. Mr. GREY, of Kentucky, made the motion.

Mr. JOHNSON, of Georgia. Is a further amendment in order at this time?

The SPEAKER. There is a question of order pending, upon the amendment already proposed. The bill, as the Chair understands it, proposes to appropriate lands, and to give the right of way to the States of Indiana and Illinois: This proposed amendment is to extend precisely the same privileges, as the Chair understands, to other States.

Mr. TAYLOR. To what other States?

The SPEAKER. The number I do not recollect, but there are several. In a word, the effect of the amendment is to convert a bill for a special purpose, into very nearly a general bill, embracing almost all, if not all, the States of the Union, in which public lands lie. The Chair is inclined to overrule the question of order raised by the gentleman from Tennessee, [Mr. JONES.] The Chair confesses that he has some doubts.

#### PUBLIC PRINTING.

Mr. STANTON, of Kentucky. I wish to inquire if the morning hour is out?

The SPEAKER. It is.

Mr. DOTY. I move to recommit the bill, to which I offered the amendment which has just been read, to the Committee on Public Lands.

The SPEAKER. The gentleman from Kentucky [Mr. STANTON] has the floor.

Mr. STANTON. Is not the first business in order the report of the Committee on Printing?

The SPEAKER. It is the first business in the House.

Mr. DAVIS, of Indiana. Would it be in order to move to recommit the bill which we have just had under consideration, to the Committee on Public Lands?

The SPEAKER. It would be in order, if the gentleman can get the floor for that purpose.

Mr. STANTON. If I do not lose my privilege to the floor, I will yield to that motion.

Mr. HARRIS, of Tennessee. If the morning hour has expired, I insist upon the regular order of business.

The SPEAKER. The morning hour is out. Mr. HARRIS. Then I insist upon the regular order of business.

Mr. STANTON. As I have the floor, I will make the motion to recommit the bill to the Committee on Public Lands.

Mr. STEVENS, of Pennsylvania. I rise to a question of order. Is it competent to make that motion, while a motion to postpone to a day certain, is pending?

The SPEAKER. It is not only competent, but the Chair thinks it takes precedence; but he will turn to the rules. The 46th rule reads:

"When a question is under debate, no motion shall be

received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged," &c.

The Chair thinks that the motion to recommit is not in order.

Mr. STEVENS. I was under the impression that it was not, until the other motion was decided. However, the Chair will determine.

The SPEAKER. The motion to postpone to a day certain takes precedence.

Mr. KING, of New York. Then the motion to commit is not in order?

The SPEAKER. It is not.

Mr. STANTON, of Kentucky. The first business in order is the report of the Committee on Printing. The chairman of that committee is necessarily absent, and I move to postpone the consideration of that business until to-morrow, when he will be here.

Mr. KING. My colleague over the way, [Mr. JENKINS,] who offered a substitute for the bill reported by the Committee on Printing, is obliged to be absent to-morrow, and for a few days. If it is to be postponed on account of the gentleman from Indiana, [Mr. GORMAN,] the chairman of the committee, being absent, I suggest that it be postponed for a still longer time, say until the latter part of next week. My colleague can say when he will be back.

Mr. STANTON. I have no objection to any reasonable time.

Mr. KING. Then I suggest a week from Monday next. It can be taken up at any time by unanimous consent, at an earlier period.

Mr. STANTON. I cannot consent to so long a delay. I have no objection to have its consideration postponed until next Monday.

Mr. KING. My colleague will not be back then. I will inquire of the Chair, if it will not be in order to bring this matter up at any time, if it is not postponed?

The SPEAKER. If the House does not postpone it.

Mr. KING. If it is not postponed it remains the business first in order in the House, after the morning hour?

The SPEAKER. It does.

Mr. STANTON. I will modify my motion, and move to postpone its consideration until Monday, instead of to-morrow.

Mr. FLORENCE. I move to postpone it until Tuesday next.

Mr. JENKINS. I move to postpone it until this day week.

The SPEAKER. The question will first be taken on the longest time.

The question was then taken upon the motion of Mr. JENKINS, to postpone the consideration of the whole matter until Thursday next, and it was agreed to.

#### THOMAS RITCHIE'S CLAIM.

Mr. STANTON. I am instructed by the Committee on Printing for the House, who have had under consideration the memorial of Thomas Ritchie, on the subject of public printing, proposing a reduction of fifty per cent. upon the prices of 1819, as the prices by which he proposes that his accounts shall be settled, to make a report upon that subject. My object in presenting a report now is merely that it may be printed; and I will, in addition to the motion to print, move to postpone the consideration of it until this day three weeks.

The SPEAKER. Is the report in the shape of a bill or a joint resolution?

Mr. STANTON. In the shape of a joint resolution.

The resolution was then read a first time by its title, as follows:

"Joint resolution providing a settlement with Thomas Ritchie, assignee of William M. Belt, for printing in the Thirty-first Congress."

Mr. STANLY. I should like to know how that report gets before the House?

The SPEAKER. It comes from the Committee on Printing, which has the privilege of reporting at any time.

Mr. STANLY. I raise the question of order, that that committee has no jurisdiction over the subject. That is a private claim, and the Committee on Printing has no jurisdiction over it at all.

Mr. STANTON. I have simply to say that

the House gave the committee jurisdiction over the matter by receiving Mr. Ritchie's memorial, and by referring it to us; and we have simply acted in obedience to the commands of the House in presenting the report.

Mr. STANLY. The gentleman from Virginia, [Mr. BAYLY,] who is not now in his seat, very properly intimated to the House, a few days since, that we are in the habit of exercising a higher law, one above the Constitution and the rules, by taking jurisdiction of subjects which do not properly belong to the various committees. Now, this is one of those occasions; and I want the House to settle, before they go any further, whether this Committee on Printing has any authority to pass upon private claims in this manner. According to the rules, the Committee on Printing have no more to do with it than the Committee of Ways and Means, or the Committee on Military Affairs, or any other committee in this House—none in the world.

Mr. STEVENS, of Pennsylvania. If the gentleman will allow me to ask a question, I desire to know whether this bill refers to any printing of this Congress, or whether it is a claim for past and executed work?

Mr. STANTON. It relates to the current work. Mr. Ritchie has not completed the work of the last Congress. He has not had it in his possession long enough to enable him to complete it. The work is now going on. The resolution simply provides the terms upon which the account shall be settled; and it relates to the current business of the last Congress which is under the control of this House, and the officers of the House.

Mr. HAVEN. I would like to inquire of my colleague upon the Committee on Printing, [Mr. STANTON,] whether this is a report from the Joint Committee on Printing, or whether it is a report only from that part of this committee which consists of the members of this House? Before the question is answered, I deem it due to myself to say, that for one, as a member of that committee, I have always insisted that the duties of that committee were simply executive, and should be confined to carrying out in its fullest force and operation the resolution under which the committee were appointed; and hence I have declined to act upon any of these things which I did not consider as pertaining to the duties of that committee. If it shall turn out that this report is made by a portion of that joint committee, then I want to submit a question, whether this House can receive anything short of a report from the Committee on Printing, which consists of three members of each House?

Mr. STANTON. I stated, when I introduced the report, that it was a report from the committee of this House, and not of the joint committee. The memorial of Mr. Ritchie was referred to us, the three members of this House on the Committee on Printing, and we were directed to take the matter into consideration, and report upon it. We have done so.

Mr. HAVEN. Then I desire to make the additional question. The second section of the joint resolution recognizes a Committee on Printing; and there is but one such committee, that I am aware of, and that consists of six members—three from this House and three from the Senate. I submit, in addition to what was suggested the other day, that even if the whole of that committee, as a committee, can report upon any subject, at any time, yet it is not competent for half of that committee to do it.

Mr. STANLY. The following is the 20th joint rule:

"A committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective Houses, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on the part of the contractor to execute the work ordered by Congress, and to make a *pro rata* reduction in the compensation allowed, or to refuse the work altogether, should it be inferior to the standard; and in all cases, the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing; but no bill shall be acted upon for work that is not actually executed and delivered, and which they may require to be properly authenticated.—Joint resolution (section second) of the first session Twenty-ninth Congress."

Now, sir, this must have been audited and passed upon in the last Congress. Mr. Ritchie has been paid according to his contract in the last

Congress, and this is an application of his for relief, because he lost money by that contract. I want a vote of the House upon the point of order, before this question shall be acted upon.

The SPEAKER. The fact that the House of Representatives has directed the memorial of Thomas Ritchie to be sent to that committee is conclusive as to the decision of the Chair.

Mr. STANLY. How did the House send it? Did some gentleman send it up, as we do petitions every day, and say, presented by Mr. A B, and referred to such a committee?

The SPEAKER. That would be equally legal and regular, in the opinion of the Chair. It will be for the House to alter its rules, if they are imperfect.

Mr. STANLY. Do I understand the Chair to decide that the reference of one of these papers gives jurisdiction to the committee?

The SPEAKER. The Chair so thinks.

Mr. STANLY. It is time the House should decide that question. After the question is decided I want to raise the question whether one half of the committee can make a report. If so, it is not necessary for the House to appoint any one committee upon any particular branch of business; for if I can get a committee favorable to my views, having referred to it—

Mr. BRECKINRIDGE. I call the gentleman from North Carolina to order.

The SPEAKER. The gentleman is called to order. Does he take an appeal from the decision of the Chair?

Mr. STANLY. I do take an appeal.

The SPEAKER. If the gentleman will allow the Chair for a single moment, he will refer to the proceedings of last Congress upon this very subject.

"WEDNESDAY, February 12, 1851—page 267.

"Mr. McWillie, from the Committee on Printing, to whom was referred the memorial of Thomas Ritchie, a party to the contract of William M. Belt, to execute certain classes of the printing of Congress, asking that some arrangement may be made by which he may be suitably compensated, reported a joint resolution (No. 36) 'for the relief of Thomas Ritchie on the subject of the public printing.'"

"Mr. Burt made the point of order that it was not competent for the Committee on Printing at this time, except by unanimous consent, to make a report based upon a private memorial—the rule of the House which authorizes the Committee on Printing to report at any time only contemplating such cases as are designed to expedite the public printing."

"The Speaker stated that the 21st joint rule explicitly provides that 'it shall be in order for the Committee on Printing to report at any time; it places no restrictions as to the subject matter of such report, only limiting the committee to such matters as are legitimately before them. For this reason, and in conformity with a decision of the House in the Thirtieth Congress, he decided that it was in order for the Committee on Printing to report the said joint resolution at this time."

"From this decision of the Chair Mr. Burt appealed."

"Mr. Robert M. McLane moved that the appeal be laid on the table."

"And the question being put on the latter motion,

"It was decided in the affirmative."

"So the decision of the Chair was sustained."

The Chair decides that it is in order for a committee to make a report based upon a memorial that has been referred to it.

Mr. STANLY. I take an appeal from that decision.

Mr. STEVENS, of Pennsylvania. I demand tellers upon the appeal from the decision of the Chair.

Tellers were ordered.

Mr. STANLY. This question involves some \$200,000 in its decision, and I demand the yeas and nays.

Mr. STANTON, of Kentucky. Only \$60,000.

Mr. STANLY. I understand \$200,000.

Mr. STANTON. Then we differ about that.

The yeas and nays were ordered.

Mr. LETCHER. Is it in order to move to lay the appeal on the table?

The SPEAKER. It is.

Mr. LETCHER. Then I submit that motion.

Mr. STANLY. I demand the yeas and nays upon that proposition.

The yeas and nays were ordered.

Mr. KING, of New York. I desire, for the purpose of ascertaining the precise question before us, to propound an inquiry. I understand the gentleman from North Carolina to raise the point that the sending of a petition to a committee by a single member, under the rule, does not confer upon that committee jurisdiction of a subject the same as if the House had made the reference.

The SPEAKER. The gentleman gave some such reason for taking an appeal. The Chair's decision is, that inasmuch as the memorial has been sent regularly under the rules of the House to that committee, it is in order for it to make a report upon that memorial.

Mr. KING. My vote will be governed by the facts of the case. I doubt whether a single member can confer jurisdiction; but if in open House, by its order, the reference was made, there is a difference.

Mr. JOHNSON, of Arkansas. I call the gentleman to order. Discussion is not in order.

Mr. KING. My object simply was to get possession of the facts of the case.

The SPEAKER. The Chair, in reply to the gentleman from New York, will be allowed, he trusts, to say, that even if it were referred by a single member, it was referred under a rule of the House, which is as binding as though it were referred in open House. It is the business of the Chair to enforce the rules as they are and not to amend them.

Mr. KING. And then the decision of the Chair is that such a reference would confer jurisdiction?

The SPEAKER. The Chair so decides.

Mr. CARTTER. I ask the reading of the rules governing the power of the committee—rules 20th and 24th.

The SPEAKER. They will be read, unless objected to.

Mr. JOHNSON, of Tennessee. For the purpose of getting information, and ascertaining the starting point of this matter, I ask that there be read the entry made upon the memorial. Let us see to what committee it was referred by the member introducing it, and whether it was referred to the whole or only part of the committee.

[Cries of "There is objection to the reading or discussion!" and "Question!" "Question!"]

The SPEAKER. All discussion is objected to upon the right of the Chair.

Mr. JOHNSON, of Tennessee. We need light upon this subject.

The question was then taken upon the motion to lay the appeal from the decision of the Chair upon the table, and it was agreed to—yeas 81, nays 64; as follows:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, Averett, Babcock, Thos. H. Bayly, Bissell, Bragg, Breckinridge, Busby, Caldwell, Thompson Campbell, Caskey, Chastain, Churchill, Clark, Cobb, George T. Davis, John G. Davis, Dawson, Dimmick, Doty, Eastman, Faulkner, Fitch, Florence, Floyd, Freeman, Thomas J. D. Fuller, Gaylord, Green, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Hearn, Hibbard, Houston, Howard, Jackson, Robert W. Johnson, George W. Jones, Kurtz, Letcher, Lockhart, Mace, Mann, Mason, McLanahan, Meador, Millson, Molony, Murphy, Murray, Nabers, Olds, Penn, Polk, Powell, Rantoul, Richardson, Robbins, Ross, Seely, David L. Seymour, Origen S. Seymour, Skelton, Smart, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Strother, Stuart, Thurston, Wilcox, Wildrick, and Williams—81.

NAYS—Messrs. Allison, Barrere, Bell, Bibbhaugh, Bowne, John H. Boyd, Brenton, Briggs, Albert I. Brown, George H. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Cleveland, Conger, Cullom, Duncan, Fowler, Gentry, Giddings, Goodenow, Goodrich, Grey, Grow, Hascall, Haven, Hebard, Horsford, John W. Howe, Thos. M. Howe, Hunter, Andrew Johnson, James Johnson, Daniel T. Jones, George G. King, Kubus, Landry, Humphrey Marshall, Martin, McQueen, Miller, Minor, John Moore, Morehead, Newton, Samuel W. Parker, Perkins, Reed, Sackett, Savage, Schermerhorn, Scudder, Stanley, Benjamin Stanton, Thaddeus Stevens, Taylor, Walbridge, Wallace, Walsh, Ward, Washburn, Watkins, Addison White, Alexander White, and Yates—64.

So the motion to lay the appeal upon the table was agreed to.

[A message was here received from the President of the United States informing the House of the signature of certain bills.]

Mr. STANTON. I move that the further consideration of the report be postponed till this day three weeks, and that it be ordered to be printed.

Mr. STANLY. There is another question of order pending—the one raised by the gentleman from New York.

Mr. HAVEN. I desire that question disposed of. The question just decided was disposed of the other day, and I did not care to trouble the House about that. The question I raise was stated before, and it is, that this petition was referred to the Committee on Printing, consisting of three members of this House and three members of the Senate, which is designated in the law as the "Committee on Printing." There is no such thing as a division of it in the law. The third

section provides that certain duties may be discharged by members of the committee from each House. If the Chair has the section I allude to before him, he can understand my point.

The SPEAKER. The Chair has the section before him.

Mr. HAVEN. The Chair, then, sees my point. It is stated by the gentleman from Kentucky, [Mr. STANTON,] and no doubt truly, that this is the report from a portion of that committee; that it is from the members of that committee of the House. It is not, therefore, a report from the committee. To be so, it must be a report from a majority of members of that committee from both Houses. It is not the report of that majority. The law specifies the duties that may be performed by one portion of the Committee on Printing.

The SPEAKER. The Chair understands the question of order raised by the gentleman to be, that this must be a report from the entire committee, which is a joint committee of the two Houses. The third section of the law reads as follows:

"That all motions to print extra numbers of any bill, paper, or document of either House, shall be referred to the members of the committee of that House, who shall report upon the propriety of printing, and the probable expense thereof as early as convenient."

It is very clear from this section that the law contemplates separate action to that extent, at all events.

Mr. HAVEN. There is no doubt of that.

The SPEAKER. And the right of that portion of the committee belonging to the House has been again and again exercised, the Chair thinks, in this body.

Mr. STANTON, of Kentucky. Allow me to make a suggestion at this point. It has not been three days since this House referred to that committee, composed of three members of this House, a proposition to print under their direction, and, in their discretion, twenty thousand copies of the obituary speeches and proceedings upon the occasion of the announcement of the decease of Mr. Clay.

Mr. HOUSTON. That comes under the express letter of the law.

Mr. HAVEN. Besides the House could direct any one member of the committee to make such a contract.

Mr. STANTON. The joint resolution of 1846 provides that the Joint Committee on Printing shall have this printing executed, and that the contract shall be made by it; but the House conferred upon our portion of the committee special authority by that resolution to have this printing done under their own discretion. It is taken from under the law.

Mr. SACKETT. Has the House done so in this case?

Mr. STANTON. It did so in the case of the printing of the obituary addresses.

Mr. HAVEN. If the gentleman will allow me a moment, the House conferred—if that is the language of the resolution—upon the three members of the House composing the Committee on Printing the power to have executed a certain number of copies of the obituary addresses and other proceedings of the House upon the occasion of the announcement of the death of Mr. Clay.

Mr. STANTON. It is not an extra number of any document ordered to be printed by the House. It is a special job out of the usual and ordinary printing of the House.

Mr. HAVEN. It is understood and conceded that it does not come within the powers of the committee under the law. It is not in the fifth class of printing, for if it had been, it would have gone to the public printer—Mr. Hamilton—without any difficulty. And not coming within either of the classes, it was a kind and portion of printing for which there was no contract provided, and hence the committee was charged with exercising a duty not under the law to carry out the will of the House upon that subject.

Mr. STANTON. I will ask my colleague upon the committee if the House has power, without any rule, to refer that description of matter to this committee, whether it has not power to refer this proposition of Mr. Ritchie?

Mr. HAVEN. Mr. Ritchie's proposition was referred to the Committee on Printing composed of the six members I have mentioned. In the other case, the proposition was referred to the three members of the House on that committee.

Mr. STANTON. The gentleman labors under a mistake there.

Mr. HAVEN. In one case under the rule, and in the other by the House.

Mr. STANTON. The gentleman labors under a great mistake.

The SPEAKER. The gentleman from New York contends that the memorial was referred to the entire Committee on Printing, and not a portion of it, and that it is not in order for a portion of the committee to report. That is his point.

Mr. STANTON. Now to the facts. The gentleman who presented the memorial says he designed to send it to our committee. It was indorsed upon the back "To the Committee on Printing." If it had been intended to send it to the joint committee, it would have been so reported upon the Journal. The Clerk of the House sent it to our committee, believing that to be the direction intended by the author, as it really was. That is the way our committee got possession of it.

Mr. STANLY. I wish only to say a word. I will not indulge in argument. On the 10th of January, 1851, the petition was first presented. It is indorsed "Petition of Mr. Ritchie, for compensation for public printing, proposing a reduction of fifty per cent. on the prices of 1819, and asking relief from his contract."

There is nothing at all about the current business of the session. The last entry upon the petition is, "March 17th, 1852; referred to the Joint Committee on Printing. THOMAS H. BAYLY." The reference is to the joint committee, and here half of that committee have undertaken to do the duty of the whole, and this House is to act upon it before it goes to the committee at all.

I should like to have the yeas and nays upon that proposition.

Mr. SEYMOUR. I wish to inquire of the Chair whether this discussion is in order?

The SPEAKER. The Chair is very anxious to make a correct decision in this case, and was indulging gentlemen in the suggestion of facts.

Mr. STUART. I will make a single suggestion. This Joint Committee on Printing possesses certain duties under a law, but not under any rules of this House. I have listened, and, as I understand, all gentlemen agree that this is not a duty arising under that law, but that it is a subject-matter referred to the Committee on Printing under the rule of this House. The only Committee on Printing this House has for such purpose is its own committee. We cannot refer to a joint committee raised for a particular purpose. Now it has been held heretofore that the members of this committee, appointed by the House, constitute its committee, and the only committee it has, upon printing.

Whenever, therefore, a subject is referred, under the rules of the House, to the Committee on Printing, and that subject does not fall within this law which authorizes this joint committee, and defines its duties, it goes to the members appointed by this House. They have the sole control over it, and they are the only ones who can report to the House, because they are the only ones over whom the House have any control. They are the only organs from whom we can compel a report. We cannot coerce a report in this House from the joint committee, but from that portion which constitutes our Committee on Printing we can, by resolution, coerce a report. We can instruct, and we can control them, and if the facts have been properly stated in this case, I submit that the report has been correctly made.

The SPEAKER. I wish to know if a portion of the committee belonging to the House did not report during the present session, changing the existing law upon the subject of printing. Has it not become our practice by that precedent? The law very clearly contemplates action upon the part of the committee of each House, independent of the other. The Chair overrules the question of order raised by the gentleman from New York, [Mr. HAVEN.]

Mr. BAYLY, of Virginia. I only desire to refer to the mistake which the gentleman from North Carolina [Mr. STANLY] has made in a matter of fact. The old memorial of the last Congress, which was re-referred at this Congress, is indorsed thus: "THOMAS H. BAYLY, referred to the Committee on Printing."

Mr. STANLY. In whose handwriting?

Mr. BAYLY. It is my indorsement. The Clerk interpreted it as referred to the Joint Committee on Printing, but he had no right to alter my reference, as the first is in my handwriting, and the other in that of the Clerk. Here is the memorial I presented at this session, and it is indorsed in these words, in my handwriting: "THOMAS H. BAYLY, referred to the Committee on Printing." I beg to say to the House—

Mr. HAVEN. Will the gentleman allow me to interrupt him? I fear I shall lose the opportunity unless he does. I do not desire to raise these questions continually, and when the House disposes of them, I am willing to abide by them. I desire to take an appeal from the decision of the Chair upon that subject. I will mention it now for fear that I may lose the opportunity, that the Committee on Printing is a designation which the law gives to the members of both Houses on that committee. There is no such thing as a committee of this House, and a committee of the other. There is nothing but a Committee on Printing, and then there are certain duties which are conferred upon the members of that committee, who belong to this House.

Mr. JOHNSON, of Tennessee. For the sake of getting a little light, and to have the beginning point right, I wish to ask the gentleman a question. I understand him to draw a distinction between the Joint Committee and the Committee on Printing. I wish to know if there are two distinct committees—whether there is a Committee on Printing in this House, and a Joint Committee of the two Houses?

The SPEAKER. There is but one, which is a joint committee, but the duties of this committee are in many cases made separate by the express language of the law.

Mr. BAYLY. The phraseology of that reference was not accidental upon my part, but it was placed there by design. I was consulted about this memorial as to where it should go. Some persons had the impression that it should go to the Committee on Claims. That was not my opinion. We have a great many Committees on Claims; a Committee on Revolutionary Claims to which the revolutionary claims go—a Committee on Private Claims, to which all private land claims go—a Committee on Revolutionary Pensions, to which invalid pensions and other claims go, which properly come under their jurisdiction. Then there are a variety of claims which go to the Committee on Foreign Affairs—such as the claims of the Secretaries of Legations, for instance, who perform the duties of Ministers. Besides these Committees on Claims which have specific jurisdiction, there is a general committee, if I may say so, which is the residuary legatee of all other claims, and that is the Committee on Claims.

This is a claim which I thought ought to go to the committee having jurisdiction of the subject to which the claim related, precisely as I would send a private land claim to the Committee on Private Land Claims; and as I would send a claim in respect to printing to the Committee on Printing.

Mr. CARTTER. I rise to a question of order. It appears to me that the House have just settled this whole question by laying upon the table an appeal from the decision of the Speaker upon a question of order that tested the admissibility of this report.

The SPEAKER. That is very true. In terms the gentleman from North Carolina [Mr. STANLY] appealed from the decision of the Chair that a part of the committee had a right to report; and the House decided that the committee had the right to make the report. Another ground of objection is made, and the gentleman from North Carolina [Mr. STANLY] has a right to appeal from the decision of the Chair, which he has done. It is the same question repeated upon different grounds, that the report made is inadmissible.

Mr. CARTTER. The point I wish to make is this—

Mr. HAVEN. I beg pardon, if the gentleman from Ohio will allow me to correct a mistake. I do not wish to take up the time of the House. The other was a decision as to whether the committee had a right to report at any time. That was decided and disposed of by the House. This is a question whether less than the committee—that is, one half of the committee—can report in regard to this matter when it has not been before the committee?



The SPEAKER. It resolves itself into the same proposition: whether the report was a proper one under the rule. The Chair decided that it was. From that decision an appeal was taken, and it is substantially the same as the other for different reasons.

Mr. CARTER. The point I make is this: that a distinct reason, or accumulated reason, operating upon the mind of the House to bring them to the same conclusion, cannot change the force of the decision which has been already made upon this question.

The SPEAKER. The gentleman from Kentucky [Mr. STANTON] arose and stated distinctly that it was a report from that portion of the Committee on Printing which belonged to the House of Representatives. The gentleman from North Carolina [Mr. STANLY] raised the question of order, that the report could not be received under the rules. The Chair overruled that objection. From the decision of the Chair the gentleman from North Carolina took an appeal, and the House have laid that appeal upon the table. The Chair must repeat again, that it is the same question as to the reception of the report, although the appeal is founded upon a different reason.

Mr. STANTON, of Tennessee. I desire to state a simple fact. The gentleman from New York [Mr. HAVEN] stated his reason prior to the decision which was made by the Chair and vote taken by yeas and nays.

The SPEAKER. He made an argument which went against the reception of the report.

Mr. STANLY. My friend from Virginia [Mr. BAYLY] is mistaken in regard to a part of his statement as to the reference of this petition. The last petition reads, "referred to the Committee on Printing;" that is dated March 16, 1852. The next day after that reference is to the Joint Committee on Printing, March 17th.

Mr. BAYLY. The direction I made to the Clerk was to refer it to the House committee.

Mr. STANLY. What is it that gives jurisdiction? It is the reference by this House. How does this House act? By the direction which the Clerk gives the petition. That reference is special, and to the Joint Committee on Printing; but by the terms of the report of my friend from Kentucky, [Mr. STANTON,] it is referred only to one part of it.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from New York, [Mr. HAVEN,] upon the ground that his proposition has been already decided. It is competent to take an appeal from that decision, but it is a repetition of the question of order raised by the gentleman from North Carolina, [Mr. STANLY,] based upon different reasons. The gentleman will remember he urged that very reason against the reception of the report.

Mr. HAVEN. I desire to say to the Speaker, and the House, of course, that I did not so understand it, or I would not have raised the question of order. I have no desire but to put an end to the continual questions of order raised upon this matter. I wish to have it settled. I understood the gentleman from North Carolina [Mr. STANLY] had made his point.

The SPEAKER. The reasons against the reception of the petition were made to operate, and did operate, upon the minds of certain gentlemen. The appeal is upon the very same point as to the reception of the report, which has already been made.

Mr. STANLY. I appeal from that decision, because it is altogether a separate and distinct question. Suppose it should turn out that there was only one member in the city during the whole time, and that during the whole year two members died. They of course could not have acted upon the report.

Mr. SEYMOUR. I object to any discussion unless there is an appeal taken from the decision of the Chair.

The SPEAKER. The gentleman from North Carolina [Mr. STANLY] takes an appeal.

Mr. SEYMOUR. I move to lay the appeal upon the table.

Mr. STANLY. I only wish the question settled. It ought to be settled in some way. The first question was, whether the committee have any jurisdiction at all upon the subject? And the next question is, whether it ought to be referred to the whole committee or not? The questions

are as wide apart as two questions can possibly be. The House have decided that the committee had jurisdiction of the matter by the reference of the petition to them, by sustaining the Speaker in his decision. There is an end of that, and I have nothing more to say upon that point.

The SPEAKER. The gentleman will recollect that the gentleman from Kentucky [Mr. STANTON] stated distinctly that it was a report from that portion of the committee belonging to the House, and upon that state of facts the gentleman from North Carolina [Mr. STANLY] took an appeal.

Mr. STANLY. No, sir. I appealed upon the ground that they had no authority over this question at all.

The SPEAKER. The Chair desires to be understood by the gentleman from North Carolina, [Mr. STANLY,] and he thinks that he will agree with the Chair. It is precisely the question which was raised and settled upon his own proposition, as to the right of the committee to report—

Mr. STANLY. No, sir.

The SPEAKER. But for different reasons.

Mr. STANLY. It was another argument used by the gentleman from New York [Mr. HAVEN] in addition to what I stated at the moment he interrupted me. I remarked that that was another question, and surely it is another question. I have nothing to do with that appeal. I made no point, and I did not know that this point was coming up. This is altogether different from the one made before. I wish the House to decide whether one half or a member of this Committee on Printing can make a report.

Mr. STANTON, of Kentucky. If the gentleman from North Carolina labors under the impression that this is a report from a single member of that committee he is much mistaken.

Mr. STANLY. By no means. I put that by way of argument to the Chair.

Mr. BARRERE. I understood the Chair to have decided this point: that a single member may refer a petition or memorial to less than the whole committee. That seems to be involved in his decision. If reference was made to a part of the committee it violates the rule—

The SPEAKER. That is another reason why the report should not be received; and if upon the appeal now taken the House sustains the Speaker, the gentleman from Ohio [Mr. BARRERE] can have the same question repeated again for the reason which he has now stated.

Mr. BARRERE. I merely desire to know how the Chair decides the matter.

The SPEAKER. The Chair decides that the memorial was properly referred to the committee.

Mr. BARRERE. If it be referred to the whole committee, can a part make a report?

The SPEAKER. The decision of the Chair is this: The committees of the two Houses act in cases which are separate and distinct from each other. This is a matter which belongs exclusively to this House. The practice of the House is to receive such reports, and the Chair adheres to that practice.

Mr. JOHNSON, of Arkansas. Is it possible to call the previous question upon this matter?

The SPEAKER. It is.

Mr. JOHNSON. We have had so much debate and lost so much time upon this matter, that I call the previous question.

The SPEAKER. The decision of the Chair is, that the question of order made by the gentleman from New York [Mr. HAVEN] is in fact the same question of order raised by the gentleman from North Carolina, [Mr. STANLY,] upon which he took an appeal from the decision of the Chair, and which appeal was laid upon the table. The gentleman from North Carolina [Mr. STANLY] insists, the ground being different, that the question is really a different one, and may be again decided by the House. The Chair thinks it is incompetent for the gentleman from New York, [Mr. HAVEN,] or the gentleman from North Carolina, [Mr. STANLY,] to appeal thus the second time from the decision of the Chair after the question of the receivability of the report had been settled by the vote of the House. From that decision the gentleman from North Carolina takes an appeal, and upon that the previous question is demanded.

Mr. STANTON, of Ohio. What will be the effect of the previous question?

The SPEAKER. It will bring the House to a

vote upon the appeal taken from the decision of the Chair.

Mr. STANTON. Not upon the report of the committee?

The SPEAKER. No, sir.

Mr. STUART. I move to lay the appeal upon the table.

Mr. HART called for tellers; which were ordered; and Messrs. PENN and CHANDLER were appointed.

The question being taken, the tellers reported—ayes 63, noes 61.

Mr. STANLY demanded the yeas and nays; which were ordered.

The SPEAKER. If not objected to, the Chair will again state the question as he understands it. It would be quite competent for the House to reconsider its vote and reach this object, but nothing can be clearer to the Chair than that an appeal upon the appeal just decided is not in order. The Chair was of opinion that the House really could not understand the question. The gentleman from North Carolina took an appeal from the decision of the Chair, which was, that the gentleman from Kentucky had a right to report. The gentleman took an appeal from that decision, which was laid upon the table. The gentleman now says, that the committee had no such right to report, but for another reason entirely—and it may be a very good one—and insists that he has the right again to take precisely the same appeal that he took before. These, certainly, are the facts of the case which must appear upon the Journal.

Mr. HAVEN. With the permission of the Chair, I desire to correct his statement. I submit that the former decision of the House was, that the committee had a right to report. This is a question whether less than half of the committee have the right.

The SPEAKER. In reply to that, the Chair states that the gentleman from Kentucky stated, with great distinctness and clearness, that it was a report from a part of the committee, and from the decision of the Chair, that such a report was in order, the appeal was taken.

Mr. STANLY. I hope the Chair will allow me to put myself right. He misunderstands me. I never said or argued that the Committee on Printing had no right to report. I argued that they had nothing to do with this case at all—that they had no jurisdiction over it.

The SPEAKER. That is very true.

Mr. STANLY. My argument was, that the whole committee of the Senate and the House together, had nothing to do with this. That was my point, and from the decision of the Chair upon that point, I appealed. Then the question raised by the gentleman from New York, and which had not occurred to me, is whether the committee had reported at all. The House has to decide that.

The question was then taken upon laying the appeal upon the table, and it was decided in the affirmative—yeas 78, nays 70; as follows:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, Ashe, Averett, Thomas H. Bayly, Bragg, Brinkridge, Busby, Caldwell, Carter, Caskie, Chastain, Churchwell, Clark, Cobb, John G. Davis, Dawson, Disney, Doty, Eastman, Faulkner, Florence, Freeman, Thomas J. D. Fuller, Green, Hamilton, Hammond, Isiah G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Howard, Jackson, Robert W. Johnson, George W. Jones, Kurtz, Letcher, Lockhart, Mason, McLannan, Meade, Millson, Molony, Murray, Nabers, Olds, Peaslee, Penn, Polk, Powell, Rantoul, Richardson, Robbins, Ross, Savage, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Strother, Stuart, Sutherland, Thurston, Townsend, Venable, Wilcox, Wildrick, and Woodward—78.

NAYS—Messrs. Abercrombie, Allison, William Appleton, Barrere, Bell, Bibbians, Bowne, John H. Boyd, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, Lewis D. Campbell, Cleveland, Clingman, Conger, Culom, Duncan, Durkee, Fowler, Giddings, Goodenow, Goodrich, Gray, Grow, Harper, Hascall, Haven, Hebard, Horsford, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Andrew Johnson, James Johnson, Daniel T. Jones, George G. King, Kulus, Landry, Mann, Humphrey Marshall, Martin, McQueen, Miller, Miner, Moore, Morehead, Newton, Samuel W. Parker, Penniman, Perkins, Reed, Sackett, Stanly, Benjamin Stanton, Thaddeus Stevens, Taylor, Walbridge, Wallace, Walsh, Ward, Washburn, Watkins, Addison White, Alexander White, and Yates—70.

So the appeal was laid upon the table, and the decision of the Chair was sustained as the judgment of the House.

The joint resolution was then read a second time.

Mr. STANTON, of Kentucky. Mr. Speaker,

there are several appropriation bills which the chairman of the Ways and Means Committee is desirous of getting through with as speedily as possible. I therefore desire to move to postpone the further consideration of this resolution until this day three weeks.

Mr. POLK. I suggest to the gentleman to say two weeks.

Mr. HOUSTON. That would hardly leave us time to get through with the appropriation bills.

Mr. STANTON. My object in putting off this matter is that other, and, perhaps, more important business of the country, shall be got through, and that this matter should not in any way embarrass the action of the House upon those measures.

The SPEAKER. Does the gentleman propose that the report of the committee be printed?

Mr. STANTON. I do, sir.

Mr. STANLY. I call for the reading of the resolution.

The joint resolution was read, as follows:

*Resolved*, That Thomas Ritchie, assignee of William M. Belt, the contractor for executing the second, fourth, and fifth classes of printing for the Thirty-first Congress, shall receive as compensation for said work, payment at the rate of one half of the price paid for the printing under the joint resolution of 1819, and in lieu of the prices specified in the contract of said Belt.

Mr. BAYLY. I would suggest that we shall be more pressed three weeks from now than in one or two weeks. It occurs to me that the better time would be an earlier day.

Mr. STANLY. If this resolution is postponed will that give it priority over other business when it comes up?

The SPEAKER. That will depend on the circumstances of the case. There are various other propositions that would take priority.

Mr. STANLY. Does it make it a special order?

The SPEAKER. It is impossible for the Chair to anticipate what would interfere with the consideration of it.

Mr. STANLY. I desire to inquire how much money this will take out of the Treasury?

Mr. STANTON, of Kentucky. I remarked to you about \$60,000. If I had had an opportunity then, I should have corrected some of the errors into which you have fallen.

The SPEAKER. The motion to postpone is not debatable.

Mr. STEVENS, of Pennsylvania. I move to postpone the resolution until the 4th of March.

Mr. POLK. When Pierce is to be inaugurated.

The SPEAKER. The gentleman from Pennsylvania [Mr. STEVENS] must propose some day within the present Congress.

Mr. STEVENS. Then I say the third of March.

Mr. STANTON, of Ohio. I wish to inquire if this is not a bill that is required by the rules to go to the Committee of the Whole on the state of the Union? Does it not appropriate money?

The SPEAKER. It does not, according to the opinion of the Chair.

Mr. STANTON, of Kentucky. I move the previous question, and I desire to know what will be the effect of that motion?

The SPEAKER. The effect of it will be to bring the House to vote upon the motion of the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. STANTON. And if that fails, then upon my motion?

The SPEAKER. Yes.

Mr. STANTON. Then it is exhausted.

Mr. STUART. I wish to make an inquiry. If we sustain the previous question, will it not cut off the motion to postpone?

The SPEAKER. It will cut off the motion to postpone.

Mr. STANTON. Then I withdraw my demand for the previous question.

Mr. HOUSTON. Will it be in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It will be, in the opinion of the Chair.

Mr. KING, of New York. Let us postpone this matter first.

Mr. HOUSTON. Very well, if the House will let this matter be postponed by general consent.

The SPEAKER. The motion to postpone is not debatable.

Mr. HOUSTON. If it is not debatable, then I withdraw my motion.

The question was accordingly withdrawn.

The question being upon the motion proposed by Mr. STEVENS, of Pennsylvania,

Mr. STEVENS demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 64, nays 90; as follows:

YEAS—Messrs. Allison, Barrere, Bell, Bibbhaugh, Rowne, John H. Boyd, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Cleveland, Conger, Durkee, Fowler, Giddings, Goodenow, Goodrich, Grow, Hascall, Haven, Hebard, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, James Johnson, Daniel T. Jones, George G. King, Preston King, Kuhns, Landry, Mann, Humphrey Marshall, Martin, McQueen, Miller, Miner, John Moore, Morehead, Newton, Samuel W. Parker, Penniman, Perkins, Rantoul, Reed, Sackett, Schermerhorn, Stant, Stanly, Benjamin Stanton, Thaddeus Stevens, Taylor, Thurston, Townsend, Walbridge, Wallace, Ward, Washburn, Watkins, Alexander White, Woodward, and Yates—64.

NAYS—Messrs. Abercrombie, Aiken, Willis Allen, John Appleton, William Appleton, Ashe, Averett, Thomas H. Bayly, Bissell, Bragg, Breckinridge, Busby, E. C. Cabell, Caldwell, Thompson Campbell, Caskie, Chandler, Chastain, Churchill, Clark, Clingman, Cobb, John G. Davis, Dawson, Dimmick, Disney, Doty, Duncan, Eastman, Ewing, Faulkner, Fitch, Florence, Floyd, Freeman, Thomas J. D. Fuller, Gaylord, Green, Grey, Hamilton, Hammond, Harper, Isham G. Harris, Hart, Hendricks, Henn, Hibbard, Houston, Howard, Jackson, Andrew Johnson, Robert W. Johnson, George W. Jones, Kurtz, Letcher, Lockhart, Mason, McLaughan Meade, Molony, Murphy, Murray, Nahers, Olds, Peaslee, Penn, Polk, Powell, Richardson, Robbins, Ross, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Sutherland, Venable, Walsh, Addison White, Wilcox, and Williams—90.

So the motion was not agreed to.

The question recurred to postpone the further consideration of the report until this day three weeks; and, being put, it was agreed to.

#### SEVENTH CENSUS.

Mr. McLANAHAN. I call up my motion, made on Saturday last, to reconsider the vote to refer to the Committee of the Whole on the state of the Union the Senate bill apportioning the Seventh Census.

Mr. SEYMOUR, of New York. Is it in order to move to go into the Committee of the Whole on the state of the Union?

Mr. McLANAHAN. This is a privileged question.

Mr. SEYMOUR. So is the other.

The SPEAKER. That motion will be in order when the gentleman can get the floor for the purpose of making it; but the gentleman from Pennsylvania [Mr. McLANAHAN] is now upon the floor.

Mr. HOUSTON. Will it be in order for any member to make a motion to postpone the consideration of the motion to reconsider?

The SPEAKER. It will be in order when the gentleman can get the floor.

Mr. HOUSTON. I supposed the gentleman had yielded the floor with a view to the motion's being put.

Mr. McLANAHAN. No, sir; I had not yielded it.

The Clerk then read the title of the bill, as follows:

"Senate bill No. 281, supplementary to an act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the number of members of the House of Representatives, and to provide for the future apportionment among the several States, approved 23d May, 1850."

Mr. McLANAHAN. It is not my design, at this late day in the session, to make any decided opposition to the passage of this bill. My main object in submitting the report which accompanied the bill, was to turn the attention of this House, and of the country, to the fact, that the constitutional provision for the apportionment of the census had been violated—and that the act of 1850 was a total departure from the uniform practice of the Government from the beginning. The law of 1850 bears a striking similarity, in all its features, to the bill presented to President Washington, in 1792. It is well known that after full consultation with his distinguished Cabinet—Jefferson being Secretary of State—President Washington sent his first and only veto message, with this bill, back to the House of Representatives, where it originated. The bill fell under the weight of the constitutional objections urged against it by the Executive. And from 1792, up to 1842, the uniform practice was to divide by a

fixed ratio—not the aggregate mass of the representative population of all the States in the Union, but the representative population of each separate State, without regard to fractions. In 1842, this practice was abandoned, so far as to admit the representation of major fractions—fractions above a moiety. Mr. Webster, in his celebrated report as chairman of the Judiciary Committee of the Senate, avowed the doctrine that the representation of minor fractions would be *unconstitutional*.

The bill, however, before the House has received the sanction of the Senate. I was directed to report it without amendment, by the majority of the Committee on the Judiciary, and I have now moved to put it on its passage.

Now, sir, inasmuch as the most of the States in the Union have already formed districts for their Congressional representation—thereby anticipating the execution of the law—and inasmuch as the presidential election approaches, and electoral representatives of the several States must be ascertained under the provisions of this bill, I am willing that it should be acted on without further delay. If the House see proper to pass the Senate bill, I will not interpose any objection here, although I must say I never can sanction its principles by voting in its favor. I am opposed to it in the general and in the detail. I move that the bill be put upon its passage.

Mr. KING, of New York. The motion to reconsider must first be put.

The SPEAKER. Does the gentleman demand the previous question upon the proposition to reconsider?

Mr. McLANAHAN. No, sir.

The question was then taken upon the motion to reconsider, and it was decided in the affirmative.

The question recurred upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. McLANAHAN. I withdraw that motion, and move to put the bill upon its passage, and upon that I demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be read a third time, and was subsequently read a third time.

Mr. MARSHALL, of Kentucky. Desiring to have an opportunity of recording my vote against that bill, I call for the yeas and nays upon its passage.

Mr. FOWLER demanded tellers upon the yeas and nays; which were not ordered.

The yeas and nays were not ordered.

The question was then taken, and it was decided in the affirmative.

So the bill passed.

#### ADJOURNMENT OF CONGRESS.

Mr. HARRIS, of Tennessee. The resolution fixing the time of adjournment of the present session of Congress, was returned by the Senate on yesterday, with an amendment. I ask the unanimous consent of the House to take up from the Speaker's table that resolution, in order that we may concur in the amendment.

Mr. TAYLOR. I object.

#### CLOSE OF DEBATE.

Mr. SEYMOUR, of New York. Before moving to go into Committee of the Whole on the state of the Union, I wish to offer a resolution closing debate upon the river and harbor appropriation bill. As to the time, I will state to the House that it is immaterial to me, but the period for the close of the session is drawing near, and I should like the debate to be closed to-day if possible. If gentlemen want a longer time they can offer amendments. I offer this resolution: To close debate in the Committee of the Whole on the state of the Union upon the river and harbor appropriation bill, at four o'clock this afternoon.

Mr. CAMPBELL, of Illinois. Mr. Speaker, this is a very important bill, and many gentlemen are desirous to be heard upon it before the discussion is closed. The resolution proposes a very short time, only an hour and a half. I move to amend that resolution by inserting Saturday next at one o'clock.

Mr. JONES, of Tennessee. I give notice that if that should be voted down, I will move "tomorrow, at one o'clock."

Mr. CAMPBELL, of Illinois. I hope, sir, that my motion may prevail.

# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

SATURDAY, JULY 24, 1852.

NEW SERIES....No. 119.

Mr. HARRIS, of Tennessee, demanded tellers upon the amendment.

Tellers were ordered, and Messrs. FOWLER and MOLONY were appointed.

Mr. JONES. Is it in order to offer an amendment to the amendment of the gentleman from Illinois, [Mr. CAMPBELL,] by striking out the words "Saturday, at one o'clock," and inserting "to-morrow, at one minute after one o'clock" in lieu thereof?

The SPEAKER. The Chair thinks that would be technically in order.

Mr. SEYMOUR, of New York. I will adopt that as a part of the original resolution.

Mr. CAMPBELL. You cannot get rid of my amendment by that kind of operation.

The SPEAKER. It would accommodate the action of the House if the gentleman from New York [Mr. SEYMOUR] be allowed to amend his resolution.

Mr. VENABLE. He has a right to do it.

The SPEAKER. The Chair thinks he has a right to modify it. It will then read "that debate shall close to-morrow, at one o'clock."

Mr. JONES. I move to amend the amendment by striking out "Saturday, at one o'clock," and inserting "to-morrow, at one minute past one o'clock."

The question was then taken upon the amendment to the amendment, and it was agreed to—ayes 66, noes 55.

So the amendment to the amendment was agreed to, and the question being then taken upon the resolution as amended, it was decided in the affirmative—ayes 66, noes 55.

So the resolution was agreed to.

Mr. SEYMOUR, of New York. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. St. MARTIN. I hope the gentleman will withdraw that motion, to enable me to submit another motion, which will occupy but one minute.

Mr. SEYMOUR. I withdraw it.

Mr. St. MARTIN. I ask the unanimous consent of the House, to submit a motion that the Committee on the Judiciary be discharged from the further consideration of the memorial of clerks in the custom-house at New Orleans, and that it be referred to the Committee on Claims.

There being no objection, the motion was entertained and agreed to.

Mr. HOUSTON moved to reconsider the vote by which the resolution, terminating debate on the river and harbor bill, was agreed to, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. SEYMOUR. I now renew the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union (Mr. OLDS in the chair.)

## RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN stated that the business before the committee was House bill No. 282, "making appropriations for the improvement of certain harbors and rivers," and that the gentleman from Kentucky [Mr. MARSHALL] was entitled to the floor.

Mr. MARSHALL, of Kentucky, concluded his remarks in favor of river and harbor improvements. [His remarks will be found in the Appendix.]

Mr. LOCKHART obtained the floor, but yielded to

Mr. STUART. It is evident that there are many gentlemen who wish to speak upon this subject, and as it is nearly dinner time, I propose the committee take a recess until five o'clock.

Mr. CAMPBELL, of Illinois. I hope not. I hope the gentleman will proceed with his speech.

Mr. TAYLOR. I would suggest six instead of five o'clock.

Mr. STUART. I accept that modification.

The question was then put upon the motion that the committee take a recess till six o'clock, and it was agreed to.

And the committee then took a recess till six o'clock.

## EVENING SESSION.

The House resumed its session in the Committee of the Whole on the state of the Union on the river and harbor bill, (Mr. OLDS in the chair.)

Mr. LOCKHART, who was entitled to the floor, addressed the committee an hour in favor of the bill. He avowed himself a strict constructionist of the Constitution, and said he was prepared to vote for a just system of measures, of a national character, for the improvement of rivers and harbors. In doing so he was not departing from the Democratic doctrine, having before him the example of Jefferson, Madison, Monroe, Jackson, and Polk. He expressed the hope that the gentlemen from Virginia, and from other sections of the Union on the Democratic side of the House, would lay aside their abstractions and go in for the support of this bill, which was certainly national in its character. He expressed some objections to the details of the bill, which gave large appropriations to the Northern and Eastern sections of the country, and comparatively small appropriations to the great western rivers.

Mr. WALSH did not wish to trouble the committee with a speech, and gave notice that he should write out what he wished to say in defense of the Committee on Commerce.

Mr. DUNCAN obtained the floor, and entered into a vindication of the Committee on Commerce from the charges which had been preferred against it. The gentleman from Kentucky, [Mr. MARSHALL,] he said, complained that the bill appropriated too little, while the gentleman from Virginia [Mr. MEADE] complained that the bill appropriated too much, he being opposed to all such appropriations; and both charged the committee with injustice and neglect of duty towards their particular sections. He entered into a refutation of those charges by calling attention to the duties of the committee, and detailing its labors and the data on which its action was based. In the course of his remarks he said that the committee proposed to appropriate as much as could be judiciously expended by the next session of Congress. As to the complaint of Virginia members that there is no appropriation in this bill for that State, he remarked that so long as they adhere to hair-splitting constructions of the Constitution, they must suffer the consequences and take the responsibility. He expressed the hope that the substitute offered by the gentleman from North Carolina, [Mr. STANLY,] containing many objectionable items, and involving a much larger appropriation of money, would not be adopted.

Mr. VENABLE addressed the committee in opposition to the bill on constitutional grounds. He had been in the House long enough to know that the mere will of the majority fixed the construction of that instrument; and when gentlemen rise to speak about the constitutionality of a measure it excites a smile, and they are called abstractionists for endeavoring to maintain the Constitution which they are sworn to support. The question of constitutionality on the subject now before the committee had not been touched, and the gentlemen who had spoken in favor of it had been driven from point to point until they had been compelled to take shelter under the shade of "the general welfare." The Whigs spend all the money they can. It was their policy, and they act up to it. He did not complain of them; but he wished to confine his remarks to those gentlemen who call themselves Democrats. They had just returned from the Baltimore Convention, which declared against any general system of internal improvements. There were seventy-three items in this bill—one of them appropriating \$5,000 for connecting the waters of Indian river and Mosquito lagoon, at

the Haulover, Florida. When a small stream was made so peculiarly Democratic as to come within the force and meaning of the Democratic platform, he was at a loss to understand the meaning of the declaration.

Mr. CAMPBELL, of Illinois, addressed the committee an hour in support of the policy of making appropriations for harbor and river improvements. He said he could see no constitutional impediment to making such appropriations at any point where there was Federal jurisdiction—at any point where the general commerce of the country, whether upon the lakes or the sea-board, demanded such appropriations. He could not enter into the nice distinction made by some gentlemen, that it was constitutional to improve the harbors on the sea-board, and unconstitutional to make such improvements on the northern lakes, and the great western rivers. He objected to such a construction of the Constitution. He could see no difference in principle between improving harbors on the lakes and Atlantic coast, and the improvement of the western navigable streams.

[The above speeches will be found in the Appendix.]

Mr. MOLONY obtained the floor, but yielded to

Mr. FAULKNER, who moved that the committee rise; which motion was agreed to, there being upon a division—ayes 8, noes 7.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 282, making appropriations for the improvement of rivers and harbors, and had made progress therein, but had come to no conclusion thereon.

Mr. FAULKNER. I would ask of the House, as it is a matter which can excite no sort of opposition, that the Committee on Military Affairs be discharged from the further consideration of the memorial of the State of Virginia, asking to have refunded to her moneys advanced to the Mexican volunteers, and to submit a report which I move, with the memorial, be laid upon the table, and printed.

There was no objection, and the order was entered accordingly.

On motion by Mr. FLORENCE, the House then adjourned.

## PETITIONS, &c.

The following petition, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. WALBRIDGE: The petition of Hermann Camp and seventy-five other citizens of Tompkins county, New York, in favor of Mr. Stanley's bill making appropriations for the Colonization Society.

By Mr. STANTON, of Ohio: The petition of citizens of Miami county, Ohio, praying the establishment of a post route on the turnpike from Troy to Springfield, Ohio.

Also, the memorial of Robert Irons, of Logan county, Ohio, praying that a pension may be granted to him for his services in the Indian war of 1790.

By Mr. FAULKNER: The memorial of John F. Cannon, of Warren county, Virginia, praying relief in a contract made with the Post Office Department.

## IN SENATE.

FRIDAY, July 23, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

On motion by Mr. HUNTER, it was

Ordered, That the execution of the order of the Senate, assigning Friday of each week for the consideration of private claims, be suspended until one o'clock.

## PETITIONS, ETC.

Mr. SHIELDS presented the petition of Amos Kuapp, praying that the pension allowed him may be made to commence from the 3d of April, 1848; which was referred to the Committee on Pensions.

Mr. STOCKTON presented the petition of Anna Maria Baldwin, praying compensation for time and expenses in obeying a summons of the United States circuit court for the District of Co-



lumbia, in the case of the United States against White; which was referred to the Committee on Claims.

Mr. SEWARD submitted additional documents in relation to the establishment of a line of steamers from Brooklyn, New York, to Gluckstadt, in Holstein; which, with the memorial of Christian Hansen, on the same subject, were referred to the Committee on the Post Office and Post Roads.

#### EMIGRANT ROUTE TO CALIFORNIA.

Mr. DOUGLAS. The Committee on the Territories, to which was recommended the bill for the protection of the emigrant route and a telegraphic line, and for an overland mail between the Missouri river and the settlements in California and Oregon, together with an amendment by the Senator from Texas, [Mr. Rusk,] and another offered by the Senator from Pennsylvania, [Mr. Baopnead,] have had the same under consideration, and directed me to report a substitute for the original bill, and for both amendments. I move that the bill be taken up for consideration, with the view of moving that the substitute be printed, and that its further consideration may be postponed until next Wednesday.

The motion was agreed to; and the bill was taken up and considered as in Committee of the Whole.

On motion by Mr. DOUGLAS, it was

Ordered, That the further consideration of the bill be postponed until next Wednesday.

#### MILITARY ACADEMY BILL.

Mr. HUNTER. Mr. President, the Committee on Finance, to which was referred the bill from the House of Representatives making appropriations for the support of the Military Academy for the fiscal year ending June 30th, 1853, have directed me to report the same with certain amendments. As I suppose that it will lead to no debate, I ask that the bill be considered immediately. If it leads to any debate, I shall be willing to postpone it, as I do not wish to interfere with private bills.

The PRESIDENT. It requires unanimous consent to consider the bill at this time.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

The amendments of the committee were, to insert the following items:

"For riding hall, \$12,000.

"For improvements and additions to officers' quarters, \$3,000.

"For additional pay to the lithographer and pressman employed in the lithographic office, \$50 each—\$100;"

—to add the following additional section:

"And be it further enacted, That hereafter the assistant professors of French and drawing shall receive the pay and emoluments allowed to other assistant professors;"

and to strike out the following clause:

"Provided, That the Superintendent of the Military Academy at West Point may be selected by the President of the United States from any corps in the Army of the United States."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. HUNTER subsequently rose and said: There has been a mistake in the enrollment of the deficiency bill, and it will be necessary to rectify it by reconsidering the vote ordering the Military Academy appropriation bill to a third reading, in order that we may attach to it an amendment rendered necessary by this mistake. The deficiency bill has gone to the President, and has been signed by him; and it is necessary that we should introduce speedily some amendment, in order to make provision for what was omitted there. The item is in relation to the compensation and mileage of members, which was a subject of difference between the two Houses, but which was finally settled. By some mistake it was omitted by the enrolling clerk. It is my purpose now to ask a reconsideration of the vote ordering the amendments to the Military Academy bill to be engrossed, and the bill to be read a third time, that we may add a section to it making provision for this item.

The motion to reconsider was agreed to.

Mr. HUNTER. I now offer the following amendment as an additional section:

Sec. 3. And be it further enacted, That to rectify a mistake which was made in the enrollment of the bill entitled

"An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852," by omitting a clause appropriating for per diem compensation and mileage of Senators, Members of the House of Representatives, and Delegates, and agreed to by the Senate and House of Representatives, the sum of \$50,000 is hereby appropriated for that object out of any money in the Treasury not otherwise appropriated.

I think it due to the clerks of the Senate to say that the mistake was not made by them. It was made by the enrolling clerk of the House of Representatives.

The amendment was agreed to; the amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read a third time, and passed; and the title was amended, on motion by Mr. HUNTER, by adding thereto the words "and for other purposes."

#### THE NORTH AMERICAN FISHERIES.

Mr. MASON submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate, if, in his opinion, not incompatible with the public interests, all correspondence on file in the Executive Departments with the Government of England, or its diplomatic representatives, since the convention between the United States and Great Britain, of October 20th, 1818, touching the fisheries on the coasts of the British possessions in North America, and the rights of citizens of the United States engaged in such fisheries, as secured by said convention.

And that the President be also requested, under like limitation, to inform the Senate whether any of the naval forces of the United States have been ordered to the seas adjacent to the British possessions in North America, to protect the rights of American fishermen, under said convention of 1818, since the receipt of the intelligence that a large and unusual British naval force had been ordered there to enforce certain alleged rights of Great Britain, under said convention.

Mr. MASON. Mr. President, I have thought it my duty, considering the present aspect of affairs, so far as they are communicated to us by the public journals, to submit this resolution and ask that it be considered immediately. We are informed, unofficially, but in a manner clearly indicating that it is correct, that the British Government has recently asserted rights under the convention of 1818, in relation to the fisheries of the north, which, whether they exist or not, they suffered from 1818 to 1841 to pass without a question, and after 1841, when the question was mooted as to the respective rights of British subjects and American citizens under the treaty of 1818, they still suffered to remain *in statu quo*.

Sir, the British Government know well that very large and important interests are embarked by citizens of the United States in these fisheries. They know that the harbors, and coasts, and seas off their possessions in North America swarm at stated seasons of the year—and this, as I am informed, is one of those seasons—with these fishing vessels; yet, suddenly, without notice of any kind, we are informed from the public journals, and semi-officially, by a sort of proclamation from the Secretary of State, that a very large British naval force has been ordered into those seas for the purpose of enforcing, at the mouth of the cannon, the construction which Great Britain has now recently determined to place on that convention. Now, sir, I had supposed, in this civilized age, and between two such countries as those of Great Britain and the United States, that were it the purpose of England to revise her construction of this convention, and require that it should be enforced, comity, ordinary comity, national courtesy, would have required that notice should have been given of that determination on the part of Great Britain. But, sir, when no such notice is given; when, on the contrary, the first information that reaches us is that Great Britain has ordered into those seas a large naval force for the purpose of enforcing this alleged right, I know not in what light it may strike other Senators, but it strikes me as a far higher offense than a breach of national courtesy—as one of insult and indignity to the American people.

This morning, in the first paper I took up from the North, I see extracted from one of the British colonial newspapers, printed at St. Johns, in New Brunswick, a formal statement of the actual naval force ordered by Great Britain immediately to rendezvous in those seas. It consists of the Cumberland, a seventy-gun ship, commanded by Sir G. F. Seymour, who, I believe, is a British admiral commanding on the West India station; and then follows an enumeration of steam-vessels, sloops-of-war, and schooners, to the number of

nineteen, ordered to rendezvous there immediately, and with the utmost dispatch. For what purpose? To enforce at once, and without notice to this Government, so far as I am informed—and yet we have some information, through the *quasi* proclamation of the Secretary of State—at the mouth of the cannon, the construction which the British Government places upon that convention. I do not know what view has been taken by the President of this extraordinary movement on the part of the British Government; but I think I do know what the American people would demand of the Executive under such circumstances. If there be official information, or information satisfactory to the Executive, that this extraordinary naval armament has been ordered by Great Britain into the North American seas, for the purpose of executing, instantaneously, the construction which Great Britain places upon the convention, I say the American people will demand of their Executive that all the naval force on the home station should be ordered there instantly, to protect the American fishermen.

Sir, we have been told by the poet who most deeply read the human heart, that "out of this nettle, danger, we pluck this flower, safety;" and if I may be told that there is danger of collision, I would answer at once, there is no danger. But if there were, it becomes the Executive immediately to resent that which can be looked upon only as an indignity and insult to the nation. I have no fear, Mr. President, that war is to follow the apparent collision which has taken place between the two Governments; but I confess that I feel deeply the indignity that has been put upon the American people, in ordering this British squadron into those seas without notice; and if I read the feelings of our people aright, they will demand that a like force shall be instantly sent there, in order that the rights of our people may be protected.

Sir, I do not profess the power to construe the purpose of this movement on the part of the British Government; but I was very much impressed by a dispatch which I saw in one of the late papers, but which, unfortunately, I have not at hand, within the last few days—a dispatch from the Foreign Office of Great Britain to the Colonial Office, advising the Colonial Office of this movement—advising it that it was one that required celerity and dispatch, and requiring that measures should be taken by the Colonial Office to procure concert between the British naval force and the colonial authorities. The reason assigned was, that this measure was taken on the part of Great Britain as preliminary to certain negotiations. Now, what does this mean? I know not what these negotiations are, but if it means anything, it means that we are to negotiate under duress. Ay, sir, at this day, that this great people, covering a continent, and numbering five and twenty millions, are to negotiate with a foreign fleet on our coast. I know not what the President has done; I claim to know what the American people expect of him. I know that if he has done his duty, the reply to the resolution of inquiry will be, I have ordered the whole naval force of the country into those seas to protect the rights of American fishermen against British cannon. I hope it will be the pleasure of the Senate to consider the resolution immediately.

The PRESIDENT. The resolution is not under consideration, except by unanimous consent. If not objected to, it will be considered.

There was no objection.

Mr. HAMLIN. As one of the representatives of a State most deeply interested in the subject embraced in the resolution, I desire to express my gratification that the chairman of the Committee on Foreign Relations has seen fit to call the attention of the Senate and country to it; and I desire to yield a most hearty and cordial approval of every word and sentiment which have been expressed by that Senator. We are not permitted to know at this time precisely, what is the state of affairs between this country and Great Britain; and it is for the purpose of knowing, so far as it may be compatible with the public interest, what is the precise state of affairs, that this resolution has been offered. It is, indeed, wonderful, that after a treaty had been acquiesced in, and after a construction had been given by acquiescence for a long period of time, without notice, an armament from that Government should be sent

into those waters. What are its peculiar objects, it is impossible for us to tell. That there is some ulterior purpose beyond that which is borne upon the face of the matter, in my judgment, is quite certain. Indeed, it has been whispered—rumors have come to my ears—that it is taken in connection with the question of reciprocity of trade with the British colonies surrounding us. Whether it be so, or whether negotiation is to be demanded, or legislation to be asked under duress, I am sure we are not permitted to know. But, if that be the case, it was well said by the Senator from Virginia, that in this age, ay, at this hour, it is wonderful, indeed, if either negotiation or legislation should be attempted by such a course. We could neither legislate nor negotiate under such a state of things, without dishonor or disgrace, nor would we.

This is a very important question, however, to the States that compose the Northern section of this Union. Their interests are extensive. The individuals who are engaged in these fisheries are numerous, and their lifetime is one of danger and disaster; and while the treaty has been acquiesced in, and a construction given to it by acquiescence for a long period of time, it is nevertheless true, and is well known to all of us who reside in the immediate vicinity, that there have been many occasions when its plain principles have been violated, and our fishermen have been subject to annoyances, and their vessels seized and confiscated upon more than one occasion, when it is justly believed they had not fallen within the provisions of the treaty stipulations. They have never been free of annoyance. What is to result from this movement remains to be seen.

It is not my purpose, at this time, to go into an accurate account of the extent of that interest, or of the persons who are directly connected with it. As one class of our population, however, there are none who have more just calls upon us for protection in their just rights. Wherever a naval battle has been fought, on the ocean or on the lakes, the men interested in those fisheries have been the individuals who have added luster to our flag in every such engagement; and they are, indeed, entitled to all the protection which the treaty stipulations of the Government can give them. That flag which they have so patriotically sustained on all occasions they may well look to for protection now, and I am rejoiced that the chairman of the appropriate committee proposes to make the appropriate call upon the Department. When we shall learn definitely what is the precise state of affairs, I shall concur most cheerfully with the Senator in carrying out the just demand which he has made. This is not the time, in my opinion, when a discussion should be had upon the general question. The resolution itself shows that we should have that definite information which we do not now possess. When that shall arise, I will endeavor to show the extent and magnitude of this great branch of industry, and its connection with the commerce and prosperity of the country; and I believe I can satisfy all that our fishermen may call upon us for protection in all their rights; nor do I doubt that they and the commerce of the country will receive that protection from our Government.

Mr. CASS. Mr. President, I desire also to express my full concurrence with the remarks that have fallen from the Senator from Virginia, [Mr. Mason,] and my gratification at the character of those remarks, equally statesmanlike and patriotic. It seems to me that the course of the British Government in this matter, so far as we can understand it, is one of the most extraordinary proceedings that has occurred between nations in modern times. What the object is, I cannot precisely determine to my own satisfaction. Whether it is to try us, or to provoke us, or with some ulterior object, I do not undertake to say; but, in any event, I trust that this Congress, as I am sure the American people, will stand up to their rights, whatever they may be, and maintain them. But there is a question, independent of any doubt that may arise on the construction of the treaty, as to our right to fish within a given distance from the British colonial coasts. Here is a treaty which has been in force more than thirty years, and a practical construction has been put upon it from the day it was made to this day, without contradiction. Now, in this state of things, what do the British Government do? They do

not enter into a negotiation to remove the difficulty. They draw the sword and cut the Gordian knot. Instead of amicable negotiations with a view to terminate the difficulty between us, they resort to force in the face of the world. But I trust this Government will meet the British Government face to face.

But I may be allowed here to express the regret I feel that one word has been published in the papers on the subject, by way of warning to the fishermen; for I understand by the remarks in one of the respectable papers here, that that was the view with which a publication was made. This is a mistake. It is in fact saying to the fishermen, "There is great doubt in regard to this question. Take care how you go there until that doubt is removed." That is not the way to meet such a question as this. It is not proper to meet it by throwing out doubts to the country and to the world. We should stand upon our position until the question is met by fair negotiation, and not say at once to the world, "There is great doubt upon this subject—great doubt whether we will support our fishermen, and therefore we tell them to take care how they go there. We should stand upon the position we occupy, upon the construction put upon the treaty for almost half a century; and we have a right to say to the British Government, 'If there is any doubt upon this subject let us negotiate, and do not draw the sword and cut the knot.'" I fully concur with every word that has been said by the Senator from Virginia.

Mr. DAVIS. Mr. President, I have heard it rumored—and I speak only from rumor—that this matter is now under the consideration of gentlemen clothed with power to negotiate. The newspapers inform us that the British Minister has gone to Boston, and the letter-writers state—and I suppose they tell the truth—that he there meets the Secretary of State to consider this matter. If there is really any difficulty I hope they will find some mode of adjusting it; but I must confess that, though I may be wanting in the earnestness of patriotism which belongs to gentlemen in this Chamber, I have really felt no alarm—no apprehension for the safety or the peace of the country—none whatever. I feel no anxiety, because I see nothing which menaces our tranquillity or promises to disturb our repose, and I think I apprehend, to my own satisfaction, what lies at the bottom of the matter on the British side of the question. I think my friend from Maine [Mr. Hamlin] has got hold of the key which unlocks and exposes all that may seem mysterious in what has occurred in the Provinces.

There has been for some considerable time past a pretty earnest and determined effort made to open between these colonial governments and the Government of the United States, what they call reciprocity in trade. Certain propositions, known by that name, have been brought forward in Congress, and one is now pending in the other House. There have been bills, called bills of reciprocity, reported to each of the Houses, in former sessions, which failed to become laws. I may say, that whenever I see a bill that has any claim upon its face to its title—a bill that is actually reciprocal in its character—I shall give it a very careful consideration. Hitherto I have seen none. I have seen a pretty strong and urgent effort made by these colonies to open what they call a reciprocal trade with this country, but that reciprocal trade, if you examine the bills brought forward, will be found to contain conditions in favor of their own people, while the reciprocity is not extended to us. Whenever that is extended to us, I shall be disposed to treat it with great respect. But a measure of this description must look to our interests, as well as to that of our neighbors, or it can have no claim to be called reciprocal.

I feel as sensitive perhaps as any gentleman upon this floor, and desire to give the most ample and the most complete protection to the fishing interest, which is mixed with this question of reciprocity; and I declare with the greatest sincerity that I do not believe that in all of the great interests of this country there is one that deserves and merits protection more. I know of no interest where the dollars which are earned are earned with more labor, more toil, more peril, or more sacrifice of personal comfort and enjoyment. Sir, the fisherman pursues his employment upon the open, tempestuous Atlantic ocean, enduring all the hardships which belong to that laborious pur-

suit, all the privations and all the sufferings which separation from home and a continuous isolated condition on the sea implies, and after all obtains nothing but a moderate, a humble living. That is their choice, however; for the world is open to them as to others.

But there is a national point of view in this matter which is deeply interesting to us. These men who go upon the Grand Banks and upon the Labrador coast to fish are generally native citizens. There is scarcely an exception; they are native-born citizens, and from that nursery springs the great body of navigators and men of enterprise, who adorn and embellish the country. I say it here, sir, fearless of contradiction, that if you take away this protecting arm of the Government, you take that which is more essential to you in the defense of the country than any one thing which can be named. Why, sir, the enterprise, the skill, and the courage of these men are manifest as far as our name and fame extend. They carry your commerce everywhere, and they give to it the high character which it has attained. Without them and their maritime skill we should sink down into the condition of France, and other countries, which have not found themselves capable of carrying on successfully a great and extended commerce with other nations. This is the nursery of the skill and strength which are indispensable to success on the ocean. As a money-making business, I may say to you, what will be found to be true on analyzing the subject, that the profits of fishing seem incapable of alluring any one into the pursuit. But as a maritime subject, it is clothed with interest in every point of view.

Hence it is I would give to them heartily and cordially, under all circumstances, the protection which they deserve. But while I desire this, it is fitting and proper that I should repeat what has been declared by the Senator from Maine, that these fisheries have been more or less attended with controversy and difficulty at all times. There are, as the Senator from Virginia justly observed, fishing grounds lying within the exclusive jurisdiction of the colonies that are valuable, and they desire to participate in them. Through accident or through inattention they sometimes get upon those grounds; sometimes their vessels have been seized; and it may be lawfully, but sometimes it is said unlawfully condemned. But that seizures have taken place from time to time we all know.

At what time Great Britain put the construction on the treaty which raises the difficulties which are now said to exist, I am not at this moment informed; though I do know that the controversies have been so grave as to cause remonstrance which was followed by negotiation. I believe we do not claim, we never have claimed, the right to fish within the limits of her jurisdiction without her consent—that is, within three miles of the coast; but I have understood she sets up a claim of this kind: there being on the coast of her colonies large bays and inlets of the sea that are very extensive in their character, she says, in giving interpretation to the treaty, that when the headlands of such bays are within six miles of each other, she claiming jurisdiction three miles from each coast, we cannot enter to fish. That is probably the chief matter of controversy. This is not the time to discuss that point, or to vindicate the ground which we maintain. It is said, however, that an unusual force—and I believe it is an unusual one, one of unusual numbers, of unusual strength—has been ordered to protect this right. I see nothing more avowed than the purpose of protecting their lawful right to what the treaty of 1818 concedes. This may or may not cover the motive. I can find some solution of what seems at least unusual in the suggestion of the Senator from Maine. I have seen the rights of navigation upon the St. Lawrence more stringently asserted than formerly. There was a time when courtesy would pass a vessel of the United States through the canals of the Province, but such privileges are now denied or reluctantly conceded. I have been told of late that it cannot be passed upon any terms. You hear the matter of the free navigation of the St. Lawrence much discussed, and that of the St. Johns also. The latter, perhaps, is, to some extent, more important than the former.

But still there are gentlemen—the Senator from Illinois for example—who esteem the free navigation of the St. Lawrence of very high importance.

That may be, though I believe the effect of the internal improvements of the United States has been to divert a very large portion of the trade of the St. Lawrence through New York. That has been the result; but still that is a great highway, and it is desirable that it should be opened, though if the Canadians desert it for highways of ours it remains to be seen whether we have genius enough to make it available to great practical uses.

These colonial gentlemen are earnest for permission to bring their products free of duty into our markets, and they wish to barter the navigation of these rivers and the fisheries for this privilege; and what more natural than in this earnestness they should esteem it advisable to straighten the line, and to refuse the courtesy that has heretofore been extended, and if the fishery laws have been a little laxly administered, to hold us up to the full letter of the law, and, perhaps, a little beyond it? I can find a solution of that sort that satisfies my own mind very well; yet I profess no knowledge upon this subject but what is open to everybody. It is gathered, in fact, from the circumstances which surround us—nothing else. Now, I do not believe, any more than the Senator from Virginia, that anything very serious is to grow out of it; but still it is certainly a matter to which the attention of the Government ought to be directed. They ought at least to take pains to investigate the subject, and see whether there is anything that deserves consideration on the part of this country; and if there is I trust they will make the appropriate movement.

I hardly know what better guarantee we can have than that which I suggested in the outset of my remarks. If the Secretary of State and the British Minister are together in consultation on the subject, I dare say, before they part, we shall know and understand the length and the breadth, the depth and the height of this whole subject. Nevertheless, so far from having any objection to the passage of the resolution now under consideration, I most heartily and cordially approve of it, and shall be gratified to see the information for which it calls, and gratified to look a little more into the subject; and if there is anything deserving the attention of the Senate, I know it will get it.

Mr. BUTLER. Mr. President, I wish to make a single remark. I do not know what may have been the British policy upon the subject of the fisheries; but I know that the British Government has become a good deal excited on the subject. I have reason to say so. In 1832, as I am informed, and I know at later periods, (in 1845,) the British subjects upon the Bahama Islands, and other neighboring islands, did apply to the Government for leave to fish, believing they had been unjustly excluded by the fishermen from the North, who had gone there. Now, it may be that Great Britain has done this with a view to bring this subject to a negotiation; and I confess it is a singular form, in which they have proceeded, to reach that result. But they wish to make some issue; they wish to make some negotiation on the subject. I dislike to see an issue made by arms, in the first place, to be ended peaceably. Of course, I wish for a peaceable end; but I think negotiation should precede the arms. I think it would be better to commence the matter with negotiation instead of arms. I agree very much with the Senator from Massachusetts, that it would be better to leave the matter to the negotiation of those in whose hands it is at this time. That would be quite as safe as if it were made the subject of popular agitation.

Mr. BORLAND. I do not come from a portion of the country which is supposed to be directly or deeply interested in the particular interests involved in the question now before us. But, sir, I do feel deeply interested, as my constituents do, in every question which affects the honor of this country and its proper relations with other countries. For that reason I would add a few words to what has been said.

I concur most fully in the views which have been expressed in favor of the adoption of the resolution. I hope it will be adopted unanimously. But while I do so, I must express also the astonishment and regret I have felt that there should be any necessity for it; and that instead of our calling upon the President for information upon this important subject, the Executive should have failed to communicate to us, voluntarily and at once, all that he has in regard to it. It cannot be

said that the Executive does not attach importance to the question itself, to make it a matter of communication, for we find in the newspapers such communications from the Secretary of State. And I have here, in a late New York paper, dated two days ago, a letter from him to the editor of a Boston newspaper on this subject. In those communications—the one a sort of proclamation to the fishermen, whose interest are directly involved—and the other to the Boston editor, furnishing a portion of an old official record—and both together evincing, on his part, a familiar acquaintance with the whole subject, both past and present, and showing that, in a certain sense, he is not indifferent to its importance. And more, and what I regard as far more serious by his manner of treating it, as suggested by the honorable Senator from Michigan, [Mr. CASS,] casting doubts over the rights of our citizens—rights which have not before been questioned. Thus, sir, the Secretary of State has made the matter one of newspaper publication and popular discussion. Now I ask if this subject, involving the rights of our citizens as endangered by the hostile acts of a foreign force, be of sufficient importance to call forth the Secretary of State in public proclamations to warn the people of impending danger from such a source, what has withheld his hand from communicating all his information in regard to it to the two Houses of Congress, who alone are competent to deal with the question in its most serious aspect—who alone are authorized and able to take efficient measures for the full protection of the interests and honor of the country?

Sir, it may be true, as the Senator from Massachusetts has said, that the proposition for reciprocal trade between the British Colonies and the United States is at the bottom of this. But, I ask, if that be so—if all the views he expressed on that subject be correct—if such a course as has been pursued be the way to open negotiations with us? Has it ever happened before, in the whole history of our country, from the day when our independence was acknowledged by Great Britain until this Administration, that negotiations have been opened with us through the medium of cannon pointed against our citizens and our ships? If there be such an instance in our history, I confess my ignorance of it; and I would gladly have remained in ignorance to my dying day that such a thing could be. But, whether I be ignorant on this point or not, I am very sure of one thing—that its existence at the present time will not only not be tolerated by the American people, and should not be tolerated by their representatives in either House of Congress; and more, sir, its toleration for one moment at the other end of this avenue, by those intrusted with the Executive management of our foreign relations, while it should be held up before the people's eyes, will be inevitably sure to receive the people's condemnation, as it ought to receive it, in terms the most decided and emphatic.

It has been said, in the course of this discussion, that a negotiation, perhaps, is going on between the British Minister and the Secretary of State at Boston. If that be true, it is certainly a most extraordinary proceeding, that negotiations, involving a question of such importance as this, should be carried away from the seat of Government, from the neighborhood and beyond the observation of the whole Cabinet, and of Congress, to a remote town, made, as it were, a matter of summer recreation, rather than a national business here, at the appropriate place, and under legitimate, accustomed, and appropriate influences. But I am not satisfied that this suggestion is true. So far, it seems to be a mere newspaper rumor, which is fully offset by a very positive newspaper statement which contradicts that rumor flatly. The New York Herald (as reliable for such information as any paper we receive) declared positively, on yesterday, that Mr. Crampton was neither then at Boston, nor had been there at all; and that the rumor that he and the Secretary of State were engaged in negotiations there, had no foundation whatever in fact.

Mr. ADAMS. I have no objection to the passage of the resolution. The resolution itself admonishes the Senate that we are not advised of all the facts in relation to this matter; and until we are advised and have all the information that can be obtained in reference to this controversy, I submit to Senators, that it is not altogether proper

to create a war panic about matters of which the statement of every Senator shows we are not advised. Articles in newspapers, and such like intimations, together with a letter from the Secretary of State, are all the information which we have upon the subject. The inquiries contained in the resolution are not only right and proper, but I think they ought to be made, and to receive an early answer. Yet I do not think it is the best policy for the proper conduct of these negotiations, that, in this body, there should be a war panic or denunciations by the one side or by the other. I think this discussion is premature; that we should obtain all the information that can be obtained before we so fearlessly assert, that we will maintain our position. I think we should first ascertain that we are right, and then talk of maintaining our position. I have no fear, sir, that our Government will not maintain its position when that is discovered; but first let us have the information, and then determine whether or not we are right. And if we find that we are right, then the idea of either Great Britain, or any other Power holding an armed force over this Government, will only excite a smile on the countenance of every American citizen; for the British Government cannot so far misunderstand the American character, as to suppose that such a course would have any influence in determining any action on our part, which it might be desired by such Power that we should take.

Mr. SEWARD. I shall vote with very great pleasure for the resolution of the chairman of the Committee on Foreign Relations, [Mr. MASON.] I have read it with some care; and I perceive that it is limited to two objects—in the first place, a call for the information in the possession of the executive branch of the Government; and in the next place, for information as to whether that branch of the Government has resorted to any measures for the purpose of exhibiting, on the part of the United States, an armed force in the waters which are the scene of the difficulties which have arisen. I see nothing improper in the calls made. While all of us feel the importance of the fisheries, on the northern shores, to the United States, it must also be admitted that there is no one State—either Maine, for which the chairman of the Committee on Commerce [Mr. HAMLIN] has spoken; or Massachusetts, for which another Senator [Mr. DAVIS] has given expression—that is more interested than another in this question; it is very clear that there can be no collision of the forces, or of any portion of the forces, of Great Britain and the United States on the Bay of Fundy, or in the waters adjacent, which will not necessarily involve this whole country in the blaze of war; and if that event should arrive, there is no part of the Union that will be exempt from its calamities, and certainly that State which I, in part, represent, will be one of the first to be visited with its responsibilities and its disasters.

While, therefore, I see, and admit, the propriety of calling for this information; if it be true, as there seems to be no doubt that it is, that the British Government has exhibited a force preliminary to negotiation, and while I think that the suggestion is a pertinent one that the Government of the United States should be prepared with a corresponding force for the purpose of maintaining an attitude equally commanding and advantageous for negotiation; while I think that this resolution, in itself, is not only harmless, but proper, I must deprecate, with the Senator from Massachusetts, [Mr. DAVIS,] if I understood the spirit of his remarks correctly, any undue excitement on this subject.

It is a great and important question, and whether it is to be terminated, as I have no doubt it will be terminated, peacefully; or is to be determined by a sterner arbitrament, it is very clear that it will be conducted most wisely and most safely on our part, if we keep cool during the present stage of the controversy; and I, for one, propose to keep myself in that temperament. Nor do I think that there is anything extraordinary in newspaper accounts of the negotiation on this subject. We all know that the honorable and distinguished Secretary of State is accustomed, precisely at this season of the year, to resort to his native climate as a protection against that of this latitude, which is injurious to his health, and he resorted there before any of these questions had arisen. He is there recruiting his energies and



his strength, and wisely, and, I hope, well, too. If he has transferred to the mountains of New Hampshire the scene of the negotiation upon this subject, I beg Senators not to think that the latitude is at all unpropitious to a negotiation which will maintain the dignity and honor of this country. For, if I recollect right, it was from those mountains that issued only one or two years ago, that famous dispatch which established the relation of the United States to the despotic Powers of Europe—the Hülsemann letter. I do not know, nor do I care, whether the honorable representative of the Government of Great Britain has resorted to Boston for the purpose of meeting and negotiating with the Secretary of State. If it be true, it is well. The negotiation can be conducted as well there as elsewhere; and if it be not true, the Secretary of State has given abundant evidence in the publications which have already appeared upon the subject, that he is alive to the interest involved in this question, and that he is sound with regard to national interests, as, indeed, we all know, that he is loyal and devoted to the dignity and honor of his country. While, therefore, I shall vote for the resolution, I do not think the occasion calls for unnecessary excitement on the subject.

Mr. RUSK. I do not design to enter into this debate at any length; but from the very statement of the case, it seems to me that the conduct of Great Britain in this business should be met promptly, on our side. It is supposed by some Senators to be designed to bring about an enactment for reciprocity of trade on our part with the British colonies. If that be so, I will never give a vote for such a measure under such circumstances, no matter what may be the consequences. I will never yield to any threats made by the British Government, and cannon will be found to be the least available argument that could be used.

It is said, upon the other hand, that it is for the purpose of bringing about a negotiation by which the British Government will acquire rights in another quarter similar to those which they have acceded to us on the northern coast, and which we claim there. Sir, is this the way to negotiate? Is this the time when negotiations are to be opened between Great Britain and the United States, after ordering a strong naval force there? Can we negotiate at the cannon's mouth? No, sir, I would not negotiate, nor would I sanction a negotiation, nor stop to inquire into the justice of a negotiation brought about under such circumstances. I think it is due to ourselves to protect our rights, and if we would do it, it is necessary to meet this demonstration on the part of Great Britain with a similar demonstration. I would do nothing to bring on a war; I know the evil consequences which would result from a war, but I would not submit to this domineering spirit which has manifested itself too much in all the conduct of Great Britain with other nations. We have equal rights, and under such circumstances we owe it to ourselves to maintain them—some time or other we may be compelled to do it. If England chooses to negotiate with cannon, we can negotiate with similar instruments, and whenever the time comes, we shall be ready to do it. She will find she has blows to receive as well as blows to give. She has interests to be sacrificed upon the ocean as well as we have. War will be as injurious to her as to us, and she will find to her cost that a demonstration of a strong naval force will be of but little avail in carrying out any views she may have in this matter. I shall most cheerfully vote for the resolution offered by the honorable Senator from Virginia, [Mr. MASON.]

Mr. MASON. I desire to be indulged in one word, that I may put the matter right, so far as I am concerned, having originated the resolution. I can assure the honorable Senator from Massachusetts, [Mr. DAVIS,] as well as the Senator from New York, [Mr. SEWARD,] that I never had it in contemplation, nor have I expressed any such purpose in this matter, as to substitute war for negotiation. Sir, if Great Britain had been content to submit this matter to negotiation, either upon our shores, or upon their island, I should not have called for the information. I would have left the matter in the hands of the executive branch of the Government, to which it properly belongs. But, when we are informed that a large and unusual naval force has been sent, with dispatch and

celerity, into those waters, preliminary to negotiation, I want to express to the Senate, that if negotiations have begun I would stop them. I would not exchange one word, or write one line on the subject of these fisheries, until that force be withdrawn. I wished to express that purpose. Sir, we are to be considered in possession of these fisheries—a possession, whether rightfully or wrongfully obtained, acquiesced in by the other Power for thirty-odd years; and the first intimation which the American people have had of any dispute, are some twenty vessels of war ordered immediately to these waters. I know not for what purpose the Secretary of State has gone to Massachusetts; I know not for what purpose the British Minister has gone there, (if he has gone there.) But I do know this: That if that honorable Secretary, for whose intellect no one entertains a higher respect than I do, exchanges one word with that Minister, or pens one line, until that force is withdrawn, he will disappoint the expectations of his countrymen.

Mr. TOUCEY. I trust that nothing has been said, or will be said, in this place, that will operate adversely to the important interest which is involved. I concur most fully in the sentiments of the Senator from Massachusetts [Mr. DAVIS] with regard to the magnitude of that interest. It has ever been cherished by the Government and people of this country as one of the very highest importance, not merely as a profitable employment, but as a nursery for seamen. I feel, myself, entire confidence that nothing which has been said, or will be said, in this Senate, will operate adversely to that interest. I must say, however, that, if it be proposed to open a negotiation on the subject, under the mouths of British cannon, it is a mode of initiating it that does not commend itself to my judgment as a citizen of this country, or as a member of this Senate. After we have been in possession of this right, we and our ancestors, from the first settlement of this country down to the present moment, without the slightest interruption; after the British Government, during a period of more than thirty years, have acquiesced in the enjoyment of it under the treaty of 1818, by our northern fishermen, are we now to be interrupted in it, and to have a negotiation forced on us in this hostile way? I trust, sir, that no Government of this country will ever open a negotiation in regard to any interest in this exceptionable and, I may say, humiliating manner. I may say that if the Executive is desirous of conducting this matter in a spirit becoming the American people, the first step will be a demand for the withdrawal of the British naval force.

And what, sir, is the meaning of this notice which has been sent to the public prints by the Secretary of State? What is its object? I should like to hear the Senator from Massachusetts [Mr. DAVIS] explain the object of that notice, issued from the State Department to the public. Is it that our fishermen should withdraw from those waters which they have been accustomed to frequent, before the negotiation is commenced? Is it that we are to abandon our rights, and then open a negotiation under British cannon? Is that the object? If it be, it is a mode of opening and conducting it, that I think this country will not very cordially approve of.

I am sorry that I have not that confidence in the Executive which, perhaps, I ought to have. After what I have witnessed in Central America; after what I have witnessed on the coast of Cuba; after what I have witnessed in reference to this matter thus far, I confess that my confidence in the Executive is not as strong, as, perhaps, it ought to be.

It seems, indeed, that the British Government is rather disposed to pursue a hostile course towards us, not only in Central America, not only in sending forces into the neighborhood of Cuba, but in sending this large force to the neighborhood of Nova Scotia.

I return my thanks to the chairman of the Committee on Foreign Relations, [Mr. MASON,] who has introduced this resolution. I am very glad that the subject has been introduced here; for I am constrained to think that perhaps the Executive Department may need a little prompting—prompting, at least, by forcing on it a knowledge of the intense interest felt on the subject, and the importance attached to it by the Senate, if nowhere else.

The Senator from Massachusetts [Mr. DAVIS] says that the claim of Great Britain is, that we shall not enter a bay where the capes are not six miles apart. Does the honorable Senator suppose that that is the extent of the claim which is made? Is he well informed on that subject? I had myself supposed that their proposition was to draw a line from one cape to another without limiting it to a distance within six, or ten, or twenty, or forty miles, and then to require us to keep three miles outside of that line. That, as I understand, is the claim of the British Government; and the force that is sent into British waters and our waters there, is for the purpose of enforcing that claim, contrary to the practical construction put upon the treaty from 1818 down to the present day; and that force is sent there without notice, and sent, too, in the fishing season, so that vessels engaged there are seized, without warning, for a violation of this new interpretation of the treaty of 1818.

I express again my gratification that the Senator from Virginia has presented this resolution. I shall vote for it with great cordiality, and I trust the consequences growing out of it will be only such as will conduce to the safety of this great public interest.

Mr. DAWSON. Mr. President, I honor the motive which prompted the introduction of this resolution; but I am sorry to be obliged to say that I do not consider the course which the discussion has taken is in character with the motives which prompted it. Facts have been assumed for the purpose of discussing this question, with a view not precisely intended to be involved when the information shall come in. If I understand the reason of this resolution being offered, it is that the Senate is without legitimate information on the question, and that it is desirable to have it in order that we may thereby shape our action; and, in getting at this information, intimations too strong to be misunderstood, objects too clear to be misinterpreted, have been inferred and commented upon.

The Senator from Connecticut [Mr. TOUCEY] says that the Executive probably may want prompting on this question; that he does not understand the feelings of the country, and particularly the feeling exhibited here! When has he ever exhibited a want of interest in any great question? From what public or political act of his can you infer that he has been sleeping on his post when the honor and interest of the country were involved? What act of his ever authorized a Senator to rise in his place upon this floor and presume that he has not discharged his duty? What circumstance has been suggested here that would influence the mind of any Senator so as to lead him to suppose that he is not now acting upon the question on the information which he has, and is seeking for all other necessary and proper information? And when was it that he ever failed to communicate to the Senate any matter likely to involve the honor or the interest of the nation? Never, sir. Why then talk about prompting, urging, and stimulating the Executive Department of this Government to sustain its honor and its influence?

I would not have uttered one word upon this subject, but that I see everything tending to party, and to influence the public mind against the agents of the Government. Have we got to this pass, that we cannot discuss even the grave question of probable war, without first attacking the character of the representatives of the people at the head of one of the Departments? It is said that this is a great interest of the North, and that they are alive to it. And where has the North a greater man to sustain her interests, than the present Secretary of State? When is it that he has ever failed to meet any duty devolving upon him in that respect? Never, sir; never. But I am not going to be the occasion of introducing discussion. I merely reply to gentlemen by saying, that this has all occurred within three days; and yet blame is sought to be imputed to the Executive Department! Wait your time, gentlemen, with patience. First obtain your information; and if the Executive or any member of his Cabinet, has failed to discharge his duty, then stand upon that which will be understood by the people, and make your attack. But we are now standing on air—treading on nothing; and therefore we should avoid making any insinuations which might seem to be ungenerous or

unkind. Even the absence of the Secretary of State has been spoken of; an absence created by the state of his health. Who supposes, Mr. President, that when a question like this arises—a question, I may say, almost involving peace or war—he, or any other man connected with the Administration of this Government, would fail in the full discharge of his duty?

But, Mr. President, I regret this for another reason. No longer ago than yesterday, in reply to the distinguished Senator from Michigan, [Mr. Cass,] I stated that there was no "war cloud" now lowering over us; but how seasonably this reminds me of what is said in the best of books that we "know not what a day or an hour may bring forth." Can it be that all this talk of war, which we hear this morning, was intended to frustrate my prediction of yesterday? [Laughter.] Sir, the people may well inquire why this discussion, with this reference to subjects upon which we have no information, should have arisen; and why war should have been spoken of here to-day. My friend from Mississippi [Mr. Adams] has unquestionably put this matter in its proper light. He spoke of it as it ought to be spoken of. He said, "You have no official information, and why will you needlessly alarm the country?" Let us, then, wait with patience. This is Friday. We can have the information by to-morrow or Monday; but in the mean time I much fear that the public mind will become filled with apprehensions. The telegraphic wires will convey the information over the length and breadth of the Union, that the question of war has been discussed here; that gentlemen have risen in passion, asking for information when they had none; and yet went on to talk about war, and about the guns of a foreign country being brought to bear upon us; and that the Government of this country would be forced to treat under the pointed artillery of an enemy! Sir, I ask, in all candor and seriousness, are these facts? No, sir, they are mere imaginings—mere expressions of gentlemen whose minds are not informed as to the actual facts; and yet it will go from one end of the country to the other, that there is a "cloud of war" lowering over the country, when nobody seriously believes any such thing. Hence it is that I say, that I honor the motive which prompted this resolution of inquiry, in order that the public mind may be quieted in regard to the matter. Is there a Senator here who supposes for a moment that the resolution will result in the communication to this body of any grounds on which we shall have occasion to talk about war? Not one, sir; not one.

The papers which have been spoken of as having been published in relation to this subject, really amount to nothing. So far as I can comprehend the subject, I can really see nothing but what is amicable between the two nations. I am in favor of the resolution, and hope it will be passed.

Mr. TOUCEY. I will reply to the question which the Senator from Georgia has addressed to me by asking a question. Why has there been issued from the Department of State the letter which has appeared in the public prints? and why has not the Executive, instead of that, sent a naval force to protect the fishermen in the enjoyment of their rights?

Mr. DAWSON. Does the gentleman desire an answer to that question now?

Mr. TOUCEY. Yes, sir.

Mr. DAWSON. I presume that if the fishermen have been deprived of their accustomed rights, and the President has been informed of it, he has discharged his duty. If those statements, with regard to the fishermen being injured in their just rights, be true, show them to be so, and present to me the papers in which the declaration is made.

Mr. TOUCEY. Does the Senator from Georgia say that the President has sent a naval force to our northern waters for the purpose of protecting our fishermen?

Mr. DAWSON. Did you understand me to say so?

Mr. TOUCEY. I understood the Senator to intimate it, and I wish him to be explicit.

Mr. DAWSON. I will respond to the inquiry, because in arguing a question in the Senate I take every gentleman upon his own statements. He propounded to me the question, why has not the President done so and so, and asked me to respond. I reply, that if his facts be true I would

presume that the President had discharged his duty.

Mr. TOUCEY. The answer of the gentleman is, that he presumes the President has discharged his duty. How has he discharged his duty? What has the Executive done? The Secretary of State has issued a notice to the fishermen, and I can conceive of no object of that notice, except that it is to induce them to yield to the British claim. There has been time to send a force there. What vessel, what naval force, has gone there or has been ordered there? If there has been a movement of that kind it ought to have been public. No information has been communicated to Congress, and, so far as the public know, nothing has been done. And now the facts to which I have adverted justify me, I think, in saying that we have not the evidence of there having been those prompt and decisive measures which the country demands.

Mr. BORLAND. I think the Senator from Georgia [Mr. Dawson] is altogether mistaken in saying we have no information on this subject. If the Secretary of State be capable of communicating information, and is worthy of belief, we have information from him. We have, as I have said, publications in the newspapers, over his own signature, as Secretary of State, that Great Britain has ordered this large naval force there, and that there is danger of that force coming in hostile collision with our people; and the resolution of the Senator from Virginia, as I understand it, is based upon that information, and very natural inferences from it. Mr. Webster, as Secretary of State, has published to the world, through the newspapers, that such has been the action of the British Government, and he has given a sort of politico-historical account, somewhat in detail, of this fishery question. And, as part of its present aspect, he says that an American fishing vessel has already been taken by the British naval force there, and carried into a British port; that a number of our citizens, with their property, while engaged in their usual pursuits, and in the exercise of rights not questioned for thirty years, and entitled to our protection, have been captured on the high seas by an authorized British naval force, and carried prisoners into a British port, and there detained for trial by British courts. It is true, sir, we learn, from another source, and I rejoice at it, that, in the spirit which belongs to and becomes our people, a sufficient number from other vessels organized and armed themselves, and pursued the marauders, and "cut the vessel out" again, leaving her commander, it is said, still a prisoner.

Such are the publications, and they are not disputed. Now, if that be not information upon which to act, I should like to know what would be the character of information to induce the Senator to act? It is in the face of these facts, as published to the world by the Secretary of State, that we ask for what else the Executive may know, what he has done, and what he means to do. We surely are entitled to such further information—indeed, we need it, if we mean to do our duty, and do it intelligently and effectively.

Mr. DAWSON. The Senator will perceive that I am in favor of the resolution. I have announced that fact, and you are entitled to that. The gentleman goes on discussing a point that I never raised, one way or the other.

Mr. BORLAND. The Senator said we had no information upon which it was proper to act.

Mr. DAWSON. Upon which it was proper to make an attack upon the Executive branch of the Government. That was the issue.

Mr. BORLAND. As to the declaration of the Senator that these things occurred so long ago as the sixth of July, the letter of the Secretary of State is dated on the twentieth instant, only three days ago; and as far as we have any knowledge at all on the subject it has all come to us within three days. If it was so long ago as the Senator has said, there might be time for the first flush of excitement to have passed away, and the Senator might well say that it was out of place now. Perhaps there is not so much excitement as the Senator supposes—not so much as may lead to war. But if there be no cause for excitement, when, upon the authority of the Secretary of State, we are told that our citizens have been interfered with in the rightful pursuit of their business—that their rights have been violated, their persons violated, and their property taken by an armed

force,—if the Senator finds no cause for excitement in all this, and no cause of censure against an Executive that neither puts a stop to it himself, nor calls upon us to do so, then I know not when or where, or in what he would find cause. In such a state of things, I think negotiations are out of place. It is time something were done, either by the Executive or by us.

Mr. SEWARD. This is either a grave question, or it is not. If it is a trivial one, time is only wasted in discussing it. If it is a serious one, it is worth while to know what we are disputing about. Now, we certainly are not disputing about this call for information, for we are unanimously in favor of that, so far as it is possible to ascertain from the sentiments expressed by gentlemen on this floor. Then the only question about which there is any dispute is, whether any fault should be attached to the executive branch of the Government, thus far? I submit to Senators, that if there be a prospect, however dim and distant, of a war with Great Britain, it is an important and serious question, and one of the best modes for losing the advantages in a negotiation, either for securing our rights or for preventing that war, is to show the British nation at the outset that we are not agreed among ourselves; that we are taking to task the executive department of our Government, for want of sufficient promptness in securing our interests. But let that pass.

What evidence is there that the Executive has failed, or that the Secretary of State has failed, or is about to falter in securing the national rights? Why, our first knowledge of this question comes from a publication of his own, announcing it to the country, and declaring that in his opinion the right of the question was on our own side; and that very communication was made before he had time to examine the facts, and the evidence since disclosed, showing that the position assumed by the British Government is wrong, and that the position assumed by the fishermen is right. The Secretary of State is already committed. What, then, is wrong? Gentlemen say that he is proceeding to negotiate while there is an armed force collected by the opposite party, to compel us, if we will negotiate, to negotiate under threats or menaces. Sir, it is the business of the Secretary of State, and of the Government, always to be ready, in my humble judgment, to negotiate under all circumstances, whether there be threats or no threats—whether there be force or no force; but the manner, and the spirit, and the terms of the negotiation will be varied by the position that the opposing party may occupy. And there is nothing new in this. We have a treaty that is called the treaty of Washington, which settled conflicting boundary claims between the United States, embracing a portion of the State of Maine, and the Province of New Brunswick, and it was consummated, as the negotiation was held, while both parties were standing on the line ready, if the negotiation failed, to establish their respective pretensions by force.

Sir, we sent a Minister to Mexico to negotiate the payment for indemnity for commercial obligations and other claims; but at the same time we marched a force to the Rio Grande, and we afterwards dictated the terms of peace to Mexico, with a victorious army in her capital. I agree that the parties should be made equal, equal in every advantage for negotiation; and if it be true—and there seems to be ground to believe it is—that the British Government has resorted to the extremely improper measure of collecting a force in those waters, preliminary to the negotiation, then I subscribe to every word which has been uttered by the Senator from Virginia, and implied in his resolution, that we should be represented there by an equal force. One object of this resolution is to ascertain from the President whether he has sent such a force. Either we believe that he has sent such force or we believe that he has not. If we assume, with the Senator from Connecticut, [Mr. Toucey,] that he has not, and that he is indisposed to do so, and will not, then it is an insult to the President to ask him if he has sent the force, which we have concluded in our own minds that he has not sent. We should at once proceed to a vote of censure, and not to a resolution of inquiry. If it would be proper to send a force, we are bound to believe that the Executive, which has charge of the whole case, knows the time and the manner of sending that

force, and, therefore, I repeat that in the very moment we are inquiring whether a force has been sent it is discourteous to the President, as it is unwise and imprudent, to bestow censure for not having done that which we imply that we suppose he may have done, or will yet do in good season.

On the whole, I see no necessity for any excitement on this subject. A war with Great Britain will be no trifling affair, and, as I said before, we will go into either negotiation or war, and come out of it more safely, if we are to go into it, keeping cool and taking our time, and taking every advantage of circumstances which may arise. I need not say that when such an exigency comes I shall be as well prepared to meet it, its responsibilities and its consequences, and to stand as long and firmly by the national rights and dignity as any one here or elsewhere.

Mr. BELL. Mr. President, I do not wish to continue this discussion by going into any expression of my views on the various suggestions which have been thrown out, but I wish to say a word or two upon one point. I have listened with a great deal of interest—with more than common interest—to all that has been suggested on this subject on both sides of the Chamber. I have listened with a great deal of pleasure to much that has been said. I accord with much of it; but there is one view, one suggestion—and the whole debate is very suggestive to my mind—which has not yet been thrown out.

I do not think there is any real cause to apprehend war between the two countries, growing out of this transaction, whatever it may be; and it has been very well said that we do not know all the facts bearing upon it. Certainly, sir, some portion of the discussion might very well have been postponed. But there have been certain sentiments announced which I think worthy of a passing attention from the Senate, and from the country.

I understood the honorable chairman of the Committee on Foreign Relations to say that, from some information within his reach, he is satisfied not only that some few vessels-of-war of Great Britain have been ordered to those grounds for the protection of the alleged rights of British fishermen, but that the extraordinary armament of twenty vessels-of-war has been ordered into those waters for the protection of British interests.

Mr. MASON. I have no other information than that contained in the public journals of the day. I stated that I obtained that information as to the extent of the British armament from a newspaper of St. Johns, New Brunswick, setting out the armament, and stating its objects, which I took to be authentic.

Mr. BELL. That was a very good foundation upon which to base the remark. There must be no great reason to doubt—I believe it is not doubted at all, that some unusual force has been ordered to that station—some armament beyond the usual extent. I hinted at the amount of it for the special purpose of calling the attention of the Senate to it.

The honorable Senator has also announced the sentiment, that if it be true that any armament has been sent to those waters, all negotiation ought to cease, if there has been any projected negotiation.

Mr. MASON. Not at all. I announced this, that the presence of an unusual armed force almost in our own waters, sent there with dispatch and celerity as a preliminary to negotiations, had been stated in the public journals; and if that were true, in my estimate of the spirit of the American people, they would require that armament to be withdrawn before any negotiations were entered into.

Mr. BELL. I understood the honorable Senator, perhaps, not exactly as he has stated it now; but I understood him to announce that there seemed to be authentic information that it was in connection with a negotiation—not that the British Government had sent this armament there as a preliminary to a negotiation, but that in their instructions to their officers, it was expressly stated that it was in connection with a pending negotiation. Upon the assumption that this was true, I understood the Senator from Virginia to announce that all negotiation ought to cease.

If it be that that force is ordered there as a preliminary to a negotiation, I will not say what would be the soundness of the policy of the Brit-

ish Government in commencing a negotiation by such an order issuing from her Admiralty, or from any other department of her Government; but I will say that if it be as assumed by the honorable Senator from Virginia, his sentiment was a correct one. If it was for the purpose of intimidating and overawing this country by the superiority of the British force, and thus commencing a negotiation with an armed battery of a thousand or two thousand guns, then it would be a question whether negotiation ought not to be terminated until they were withdrawn.

I did not rise, Mr. President, for the purpose of going into the particular details of this business; for we are really somewhat in the dark as regards what they are. But there are some, which seem to me of sufficient authority to base some action of this body upon them. I rose merely for the purpose of expressing this sentiment: that if Great Britain has thought proper to array this force upon those waters in connection with a negotiation, and for the purpose of forcing a reciprocity treaty (for which she has so much desire) between her North American Provinces and the United States; and if she has, whether wisely or unwisely, thought proper to order these armaments into those waters for that purpose, then I rejoice that she has done so. Not that I think war will grow out of it; for I believe there is too much good sense and intelligence in the two countries to suffer a war to grow out even of a menacing and insulting attitude—such as that taken by Great Britain. She will find some way, consistent with her honor, to recede from her position, if she has taken it. But I repeat the sentiment—if she has done so, I rejoice at it.

Honorable Senators have said they feared the Executive of the United States had not met this question with the true national spirit with which he ought to have met it; that he should have ordered an adequate force immediately for the protection of our interests in those waters. Honorable Senators on the other side of the Chamber particularly have spoken with that spirit of resoluteness and determination that indicated that they were ready to meet Great Britain at once in this controversy, with guns and with naval armaments, if it were proper in that way to maintain the honor and dignity of the country.

I say again, sir, that I rejoice, or shall rejoice, if Great Britain has taken this position, trusting that it will not lead to any serious difficulties between the two countries. I rejoice at it because I trust that it will serve to wake up this country to its true position, that we are not in a condition either in regard to the fisheries or our interests in the States south of us, or in regard to the islands on the Pacific coast, to negotiate on precisely equal terms with such a Power as Great Britain. Sir, she has some twenty-odd thousand guns on her floating batteries to back her diplomatic agents, when she sends them abroad. She has great advantages over us. Still, great as they are, I know the American spirit is ready to maintain the honor of this country against all odds. I am rejoiced to see even the Senator from Arkansas [Mr. BORLAND] waking up upon this subject, and ready to meet Great Britain. I have understood that there has been a proposition made in another Hall to curtail the appropriations for the Navy, from the very moderate estimates sent in by the Executive Government, fully one third. And I would like to know of the honorable Senator from Connecticut, [Mr. TOUCER], where are our twenty ships-of-war, to meet the twenty British ships-of-war on those waters? We may have a greater number than that—I do not know exactly how many—on our various commercial posts on the Atlantic coast, on the Mediterranean, in the East Indies, or on the Pacific coast. I do not know how many of these are in proper condition for service. I question whether we have altogether in our Navy more than twenty or thirty vessels in proper condition to be sent out to meet this squadron of twenty ships, which is not one twentieth part of the British Navy fit for service. I call the attention of honorable Senators on the other side of the Chamber particularly to this question. I wish them to remember it when we come to the subject of making appropriations for the Navy.

On a former day I threw out the intimation, that, if I had the power, I would vote five millions extra, for making experiments in regard to the building up of a navy, so as to have a respectable

force on the Pacific coast; though such a force would not be equal to half or one tenth that of Great Britain, or France, yet, with a good force there, you would be in a position, without the probability of absolute and shameful disaster, to meet any Power from abroad that might think proper to insult us.

I repeat again, that I apprehend no war with Great Britain in regard to this question; but I think this a fit occasion, not only to call the attention of the Senate, but, so far as I can, to call the attention of the country to our miserably defenseless condition; to call attention to the condition in which we would be if our honor compelled us to meet the power of Great Britain, as some think there is danger we shall be compelled to do. I have not the least idea that a war will grow out of the transaction. The truth is, we would be in a condition to be overawed—or ordinary people would be in such a condition—except for the indomitable energy, courage, and self-sacrificing spirit of this country, for every gentleman must know that, to meet Great Britain promptly at this time, must be a great sacrifice, not to the honor of the country, but to the safety of many of the most exposed parts of the country; and the safety of our dominion in one quarter of the world. Still our honor would be preserved after all; and finally, perhaps, history would have no occasion to record, that the United States had ever succumbed to any power, however superior. The only object for which I arose was to call attention to this fact.

Mr. BORLAND. Mr. President, I am unwilling to prolong this discussion, but a remark of the Senator from Tennessee [Mr. BELL] calls for a word from me. He expressed his gratification to find that I—even I—was waking up to the interests and honor of this country. Sir, I am but an humble member here, and do not often take part in discussions upon the general policy of the Government, confining myself more particularly, as I think becomes me, to the special interests of my immediate constituents; but I am not aware that I have made a remark here, or given a vote, or failed to give a vote, that has indicated anything like indifference to any question of importance—to any measure involving the national defenses.

Mr. BELL. Perhaps I did not explain sufficiently what I intended by the allusion to the honorable Senator. I referred to his sentiments, expressed some weeks ago, in relation to the expenditures of this Government upon the Navy.

Mr. BORLAND. Such, I supposed, was the Senator's allusion, and that is the point to which I wish to come. I find no necessity for changing the opinions then expressed upon that subject, in view of what some Senators seem to regard as a cloud of war. I do not anticipate that war will grow out of this any more than the honorable Senator from Tennessee does. But even if I did, it would not change the opinions I sincerely entertained, and decidedly expressed, in regard to appropriations. I did not, and do not now, object to full, abundant appropriations for all purposes of national defense. The point of my objection was, that unnecessarily large and extravagant expenditures had been made in a time of peace. But let war actually come, or impending danger of war, and I shall be as ready as the honorable Senator from Tennessee, or any other Senator, to vote not only as much as the twelve millions per annum for the Army, and eight millions for the Navy, which I complained, the other day, that this Administration had expended in a time of profound "peace with all the world;" but I will vote fifty millions, if necessary, without hesitation—nay, sir, the last dollar now in the Treasury, or which the entire means of the people could pay into it, if it were to protect their interests or their honor.

I do not object to sufficient defenses, or the means of paying for them. But we are not deficient, either in means or preparation for defense. I do not agree with Senators who say we are in a defenseless condition. I do not think, with the Senator from Tennessee, that there is any necessity or propriety in expending "five millions extra" to put ourselves in a better state of defense. We are now the best defended people upon the face of the earth. I do not agree with the Senator that, if war should come, we are so exposed to the incursions of the enemy, by land or water, that our interests would materially suffer before we



could give blow for blow, and drive him from our shores, and even from the sea. Such is the spirit and character of our people, fostered and developed by our institutions, that ten days would not be suffered to elapse from the first sound of war, before every assailable point would be prepared, as no other people could prepare, to receive all comers, and defy the world in arms. Such is my opinion of my country and my countrymen.

It is a remarkable fact, Mr. President, and I think it is not out of place to notice it here, that, in looking back through the history of our Government, especially to the war period of 1812, and since that time, in every dispute, or hostile collision, with a foreign nation, without an exception that now occurs to me, there has been a party in our country, and represented in the two Houses of Congress, which has invariably taken sides with that foreign country, and against our own. Or, if they have not actually taken sides against us, they have, at least, held back the word of encouragement, and often the helping hand, when we have needed them to sustain the interest and honor of home. Such things I do not charge against the Senator from Tennessee in person—far from it. But the old elements of that same party are yet organized in this country, and are not without representatives in the two Houses of Congress. Of this, and its line of demarkation, we have proof in this discussion here to-day.

Sir, it may be no unfit occasion to say a word in reply to the inquiry which was made on the other side of the Chamber, as to where was the ground of apprehension that the present distinguished Secretary of State would not be found true to the interests of his countrymen, when brought in collision with the interests of other countries, and Great Britain especially? I may remind the Senators who ask that question, that in the war of 1812, growing out of interests similar to those of these very fishermen, the distinguished Secretary of State, then a member of the other House, denounced and opposed the war, and used terms of reproach against those who were engaged in it, and the protection of whose rights had led to it; and if my information is not greatly at fault, uttered that notable exclamation, "Let them starve and freeze!" That gentleman then, and those adhering to him, denounced the war in terms which I will not now disgust the ears of an American Senate, or an American people, by repeating. Even when the war was over, and the patriotic hearts of our people, from one end of this Union to the other, were pouring out their gratitude to God for the success of our arms, and congratulating one another upon the glory which rested upon our flag, fresh from the fields of that war, the present Secretary of State, and those who adhered to him, instead of joining in that expression of gratitude, and in that voice of congratulation, declared it to be unworthy of a Christian people to rejoice at the result of such a war. I do not undertake to say that the distinguished Secretary of State himself used these precise expressions; but we know, as well as we know any other thing in our history, that the party to which he belonged, and of which he was considered the head and leader, in the other House of Congress, did utter expressions such as that; and that division upon the opinions and sentiments then entertained and thus expressed, marked the line of separation between the political parties of that day, and which have continued their separate existence until now. From that day to this, whenever disputes or collisions have arisen between our own country and another, and anyone has advocated, has demanded, prompt and energetic action, to vindicate the rights of our own, opposition and rebuke have never failed to make themselves seen and heard on the other side of the Chamber.

Mr. PEARCE. Mr. President, the Senator from Mississippi [Mr. ADAMS] has well expressed my opinion. I think that we admit, by the resolution which is now before us, that we are not furnished with the information which is desirable and necessary for the understanding of this question; else it is to be presumed we should not ask for it. Well, sir, in the absence of information—when we are but half informed, or not informed at all—we are proceeding to discuss, and almost to determine, this whole matter. We determine first, and consider afterwards. I think that is a reversal of all proper course of proceeding. I do

not know, sir, what course the Administration will take; but I think it scarcely liberal to throw upon them at this time the suspicion of being wanting in patriotism and public spirit. Still less do I think it fair in the Senator from Arkansas [Mr. BORLAND] to give, as the basis of that suspicion of his, the supposition which he seems to entertain, that the Secretary of State, at a time to which the memory of man can scarcely run, as mine certainly does not, did express some opinions very disgusting, as he says, to American ears. I do not recollect the whole course of that distinguished man; but I know this, that he was not a member of the Congress which declared war against Great Britain, and that many years ago, when he was charged in this Senate with being wanting in public spirit during the war of 1812, he replied with great vigor, and defied the production of any evidence to show that he was wanting in the most loyal patriotism, or any vote or opinion of his inconsistent with honorable and patriotic conduct. He said he differed from the dominant party of that day as to the course which should be pursued in the conduct of the war, that it had been written of Great Britain by one of her sweetest poets that—

"Her march is o'er the mountain wave,  
Her home is on the deep,"

and that during the war of 1812, he was for meeting her at that home; he was for intercepting her on that march; he was for giving play to the gallant spirit of our Navy, and teaching Great Britain that we were not strangers on the bosom of the deep. I do not believe, sir, that any unpatriotic expression, such as the Senator from Arkansas has referred to, ever escaped the lips of that eminent man during the war of 1812, or at any other time. And when charges were rung most loudly and repeatedly against him here in this Hall, twelve or thirteen years ago, I never heard such language imputed to him.

But be this as it may, what course is the Administration to take? Are they to assume, as gentlemen here assume, that the British have sent a fleet to the waters of Nova Scotia and New Brunswick to overawe us, that we may be compelled to negotiate at the mouth of the cannon? I am not willing to assume it. I think a regard for the honor and dignity of the country—a consciousness of the regard, and for our nation's dignity and courage, which other nations must entertain, would prevent them from assuming that. I think that if the Secretary of State, or the Executive, were to call upon the British Government to say whether such was the purpose of sending their fleet to the waters of Nova Scotia and New Brunswick, they would promptly disavow it. The British Government would probably say that they have had, ever since the treaty of 1818, and before that time, vessels cruising upon that station for the purpose of protecting their fishermen in their just rights, and that this increased force was sent for this purpose, and no other. If they should say that, who could doubt that they said that which they had a right to say, and were doing that which they had a right to do? We would not hesitate to send our fleet to protect our fishermen, under similar circumstances, and would not think ourselves liable to a suspicion of offering a national insult if we did so. I have no doubt, therefore, that this purpose would be promptly disavowed.

But, says the honorable Senator from Connecticut, [Mr. TORCEX], and I think some other Senators, that it is due to ourselves that we should send a fleet to the same waters to which the British have ordered their fleet—to their waters. I do not see that Senator now in his seat, and I regret it, for I should like to know from him what instructions he thinks the Executive ought to give to the commander of the fleet sent to those waters, because it would very much depend upon that, whether such a demonstration would be harmless, ridiculous, or pernicious. Should we send a fleet without instructions? To do so would be a farce. To send them with one set of instructions would be almost as ridiculous; and to send them with another might involve the country in war, and subject the President to impeachment.

Mr. MASON. If the Senator will indulge me for an instant, I will state to him what is my view of the subject. It is this: that if the British Government have sent a large and unusual naval force into the seas adjacent to their possessions in North

America—where American citizens were in the habit of fishing unmolested—with instructions, as we are informed, to interfere with the rights asserted by these American fishermen, whether well or ill-founded, under a construction alleged to be placed by the British Government upon the convention of 1818; and if the American Executive is informed that such a movement has taken place on the part of the British Government, it was his imperious duty at once to order an adequate naval force into those seas, to protect American citizens in the exercise of their rights under the treaty.

Now, sir, as to the danger of collision, I put this to the honorable Senator from Maryland: the British Government have taken the initiative, and they either expected a collision, or they did not. If they expected a collision, they were not deterred in their movements by that expectation. If they did not expect a collision, they expected us to acquiesce tamely in this national offense on their part—for it is a national offense, according to international law to send without explanation, and without notice, such a fleet, on such an occasion, to these waters.

Mr. PEARCE. I think the Senator is trenching on my time.

Mr. MASON. I did not mean to interrupt the Senator, but to give him my view of the subject. He asked what instructions should be given to our naval commanders if sent on such a mission. I will tell him what instructions. I would suggest to instruct the naval commander to preserve the rights of the American fisherman *in statu quo*; to let him fish where he has been accustomed to fish for the last thirty years; and if he was interfered with by the British naval power, to protect him; and I would do it for the very purpose of avoiding a collision between the two countries.

Mr. PEARCE. There are a great many *ifs* and *buts* in the statement of the honorable Senator from Virginia. It is much more qualified in that respect than the remarks of the Senator from Connecticut, [Mr. TORCEX]. I do not understand the latter Senator to put any of these contingencies in the case at all, but to assume that it is now the duty of the President of the United States to send a fleet into the waters of Nova Scotia and New Brunswick. I said that much would depend upon the character of the instructions given to the commander of such a fleet. Much would depend upon the purposes of the British Government—and of those purposes the Senator understands no more than myself. It is a matter of pure conjecture. If the commander of such a fleet is to be instructed to protect our fishermen in their just rights, who is to tell him, or is he himself to be the judge, when their just rights are invaded? Is the Executive to transfer his duty of construing a treaty to a captain of a man-of-war? How shall he give him definite instructions? Shall he leave it to the commander to say which are the broad waters of the ocean common to all nations, and which are those in which we fish by license?

The Senator says our fishermen are to exercise their just rights, as they have for thirty years past. Who knows how they have exercised their just rights for thirty years past? Is this Government prepared to say on what part of the coast of the British Provinces, and within what distance from the shore they have invariably fished for thirty years past? May it not be that our fishing vessels have encroached from time to time? Do we not know the fact that they have done so?

Our fishing vessels have been captured more than once in the course of the last thirty years for the violations of treaty. Is the captain of a man-of-war to determine the questions that may arise, some of them, perhaps, very nice and subtle? Or is he to be sent there with general instructions to protect our fishermen, and be left to the guidance of his own discretion and the conjectures he may make as to the proper construction of the treaty? Or, on the other hand, is he to be sent there and be told, if you find a British vessel capturing an American fishing-smack in British waters, or within the waters of a bay whose entrance is not above six miles wide, open your broadside upon him? Now, sir, when the Executive does that, I think he will assume a power for which the Congress of the United States will be very apt to call him to account, and a very solemn account, while the country, too, would demand a reckoning. It would be assuming a power which does not belong to the Chief Magistrate of this coun-

try; it would be forcing this country into a war, when the power of making war resides in Congress, and in Congress alone. I think, sir, that, without stimulating the Executive by fiery discussion here, we may safely intrust the honor of the country and the interests of our Northern fishermen in his hands. No American statesman is likely to betray the one or sacrifice the other. With a full sense of his responsibility to the country and his own stainless reputation, and with much fuller knowledge than we now have of the subject, we may expect him to discharge his whole duty.

But I do not wish to violate the rule which I announced as the proper one when I set out—that is, that it is not wise to discuss a subject when we are not furnished with the necessary information in regard to it; and I conclude with the hope that the discussion will not be pursued further, and that the resolution may either be passed at once, or, if there is to be further debate, that it may be postponed till another day.

Mr. PRATT. Mr. President, I suppose, from the lateness of the hour, that this day cannot be devoted to the object for which it was designed. I differ in some degree from those Senators who have spoken on this subject; and that difference of opinion, in my own mind, brings me to the conclusion that there is a much stronger probability of a collision with Great Britain than is expressed by the Senators who have spoken. Great Britain has said that she now claims the exclusive right of fisheries on those waters. Mr. Webster, the representative of this Government, has said that under the convention of 1818 the citizens of the United States are entitled to fish there. Here, then, the two Governments are directly at issue. Great Britain has sent an unusually large fleet there to protect her citizens in the alleged rights assumed by her Government. We have the letter of instructions from the British Admiral to the commanders of the vessels composing that fleet, which says that our citizens are to be prevented from fishing in those waters as they have done from 1818 to the present time. Mr. Webster assumes not only that this is the legitimate construction of the treaty of 1818, but that the British Government have subsequently, in 1845, admitted our construction to be the correct and legitimate construction of the treaty of 1818. Now, sir, when the two Governments stand in this attitude; when here is the British fleet instructed by the Admiral in command to take possession of our vessels pursuing what our Government says is their legitimate right, is there no danger of collision?

Our fleet ought to be sent there—and it can be sent with but one object—with instructions upon the part of our Government precisely similar to those sent on the part of Great Britain. We have the letter of their Admiral directing their vessels to take possession of our fishing boats, and to capture our seamen engaged in this business, which our Secretary of State says—which our Government says, is the legitimate right of every citizen of the United States. Now, when our vessels go there, they can go there properly with but one instruction—that if the British Government enforce that order it must be prevented by force. As my colleague says, it is all a farce to send a fleet there unless you send such instructions.

Each Government has assumed its attitude upon the subject, the one claiming for its citizens the exclusive right of fishery, the other assuming a claim upon the part of our citizens of the right to fish. The British Government have sent their vessels there for the purpose of preventing the exercise of that right by our citizens. If we send, as we ought to send, a fleet there, it should be with instructions that if the British attempt to carry out the orders of their Admiral, our naval force must prevent it—that if it is to be done by force it must be prevented. I therefore see in the attitude of this question, a greater probability of war than I did with reference to the "54° 40'" question, or with reference to any position in which the country has been placed within my recollection.

It seems to me that the whole argument here to-day has proceeded upon a false hypothesis. It is assumed that the British Government have sent their vessels there in order to treat. Why, sir, the sentiment avowed by my friend from Texas, [Mr. Rusk,] that the people of this country, the

Government of this country, will never consent to treat at the cannon's mouth, is well known to the British Government. It is as well known to the British Government, as it is known, Mr. President, to you or me. There is not a Government on the face of the civilized globe that does not now know that no treaty can be made with the American Government, if it be attempted to be done by force, however desirous this Government might otherwise be to make the treaty which the other Government proposed. It is known to Great Britain; and therefore I assume that she has no intention to treat. She would not have sent her fleet there if she had desired to treat on that or any other subject. There is not a man in the country who would submit to treat with her, if the fact assumed, no doubt correctly, by the honorable chairman of the Committee on Foreign Relations [Mr. Mason] be correct. Great Britain, therefore, does not pretend to treat. She has assumed her attitude on this subject. It is this: That she has the exclusive right to these fisheries. She intends, at the cannon's mouth, to protect her subjects in what she has proclaimed to be their rights. We cannot be left in doubt on that point, because we have here the letter of her Admiral, published by our Secretary of State, setting forth that fact.

I think the people of this country should not be lulled into security about this matter. I think there is great danger of collision with Great Britain in regard to this subject. I have no doubt that the Executive Department of this Government has done as much as any Senator would desire it to do. I have no doubt that the necessary steps have already been taken to provide a sufficient naval force to protect our seamen in what our Government has proclaimed to be their rights; and when the naval force of this country goes there, I do not see how a collision is to be avoided. The British Admiral must withdraw his orders, or those under his orders must not obey them, or a collision is inevitable—it cannot be avoided. Is there an officer in the American Navy, who, if sent there for this purpose, would permit an American vessel to be captured without firing his guns into those who were about to capture her, however unequal the force might be?

I certainly did not rise to defend the Administration. It can need no defense from me. The members composing it are about to retire from public life. The gentleman who has been most assailed has retired, or will retire very shortly. I think that the violent assaults on that gentleman might at least have been dispensed with. His age, the services which he has heretofore rendered to his country, ought to have protected him, it seems to me, in this, the theater of his fame, from the violent attack which has been made upon him by my honorable friend from Arkansas. I need not say anything in this Hall with regard to the character of Daniel Webster. I will not attempt it. We all know him. The American people all know him. There is no necessity for political asperity to rail against him, for he is about to retire from public life forever; and he should rest in the affections of the American people. His talents should be admired, as I believe they are, by the people at large, and should be free, I think, from any violent political attack.

The resolution was adopted.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it had passed the Senate bill supplementary to "An act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives, and provide for their future apportionment amongst the several States," approved May 23, 1850.

Also, a bill to grant the right of way to all rail and plank roads and macadamized turnpikes passing through the public land belonging to the United States.

The last-mentioned bill was read a first and second time by its title, and referred to the Committee on Public Lands.

#### ADDITIONAL SCHOOL LANDS.

The bill allowing exchanges of, and granting additional school lands in the several States which contain public lands, and for other purposes, came up on its third reading.

Mr. BORLAND. I will state to the Senate that since that bill was ordered to be engrossed yesterday, I myself, together with the chairman of the Committee on Public Lands, have examined it with a great deal of care, and although it expresses really what is intended, yet, owing to its having been made up by amendments, the phraseology of the bill is not perhaps as clear and specific as it might be. For that reason I ask the unanimous consent of the Senate to substitute another bill which I have prepared. It is the same in substance as this, but varying somewhat in the order of its arrangement.

The PRESIDENT. The bill can only be amended at this stage by unanimous consent.

Mr. BORLAND. The amendment which I propose is to strike out all after the enacting clause, and insert:

That there shall be, and hereby is, granted to each of the States which contain public lands, and to which one section only in each township has heretofore been granted for the use of schools, one additional section of land of good quality for each township within said States, which additional section is hereby granted for the use of schools within such townships; the said additional section to be selected under the authority of said States respectively, either as a whole section, or in any legal subdivisions within the township that may remain subject to sale by private entry, or should none such remain in the same township, then the selection may be made in each case from any lands within the limits of the State subject to sale by private entry, to be entered and recorded at the proper land office of the district in which the selected land may lie, and a proper conveyance made therefor in the usual form.

Sec. 2. And be it further enacted, That the land authorized to be selected and granted by the first section of this act, or by any preceding acts for similar purposes, or any part of the same, may be, by the proper authorities, disposed of in accordance with the laws now in force in relation to such lands in each of the States respectively.

The amendment was agreed to. The bill was read the third time, and passed.

On motion the Senate adjourned till Monday.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, July 23, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is upon ordering the following bill to be engrossed and read a third time, viz: "A bill granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, commencing at the village of Pontiac, in the county of Oakland, and terminating on the navigable waters of Lake Michigan, in the county of Ottawa."

Mr. SAVAGE. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 276, entitled "An act for the relief of Colonel James R. Creedy," for the purpose of its reference.

There was no objection, and the bill was taken up, read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

#### EXPLANATION.

Mr. POLK. I rise to a privileged question. In justice to the gentleman from Kentucky, [Mr. BRECKINRIDGE,] I consider it proper to state that desiring to be absent from the city of Washington, he requested that I would pair off with him on the vote upon the Collins line of steamers—I being for and he against it. I did so. During his absence the honorable gentleman from Maryland [Mr. HAMMOND] asked me to assign to him the pair off, as he wished to leave for Maryland. Being doubtful whether I would at the time leave the city or not, I assigned it to him. When I found that I had to leave, I paired off with the gentleman from South Carolina, [Mr. ORR.] On my return, upon a conversation with Mr. HAMMOND, I learned that he apprehended the assignment was to apply only till Saturday. He told me that when he found there was some doubt upon the subject he ceased to vote. He did not vote when it was explained to him. I make this statement that the gentleman from Kentucky may be correct upon the record.

Mr. CLARK. I ask that Senate bill No. 316, be taken from the table in order that it may be referred.

Mr. DUNCAN. What does the bill provide for?

Mr. CLARK. It is the same bill of which I

spoke on yesterday morning. It is to relinquish to the town of Bellevue a strip of land.

Mr. OLDS. Does the consideration of the bill come out of the morning hour?

Mr. STEVENS, of Pennsylvania. I object. I do not know what the bill is.

#### PROTECTION OF THE FRONTIERS.

Mr. BISSELL. I ask the unanimous consent of the House to permit the bill authorizing the President to supply the citizens upon the frontier with arms to be taken up and passed. I would say again to the House that there is the greatest necessity for speedy action upon that bill. Our citizens upon the frontier need the arms. Its consideration will occupy but a moment.

[Cries of "Agreed!" "Agreed!"]

Mr. OLDS. If it does not come out of the morning hour, I will not object. Otherwise I shall.

Mr. STANLY. I object, if it does not come out of the morning hour.

Mr. BISSELL. Well, then, let it be taken out of the morning hour.

Mr. OLDS. Then I object.

Mr. BISSELL. Then I propose that it be taken up in advance of the morning hour. It will take but a single moment to pass the bill.

Mr. STANLY. I object to that.

#### SPRINGFIELD AND TERRE HAUTE RAILROAD.

Mr. DAVIS, of Indiana. I rise to a question of order. I would inquire of the Chair whether the consideration of the Springfield and Terre Haute railroad comes up first in order during the morning hour?

The SPEAKER. The decision of the Chair in regard to that matter is, that there being no question pending to commit the bill, it takes its place upon the Speaker's table.

Mr. DAVIS. I will endeavor to state my point of order in as few words as possible. I understand the Chair to decide that a motion to recommit or to commit the bill to the Committee on Public Lands would keep it from the Speaker's table?

The SPEAKER. It would keep it before the House.

Mr. DAVIS. I understand the Speaker decides, further, that a motion to postpone to a day certain will not keep it from the Speaker's table.

The SPEAKER. That is the decision of the Chair.

Mr. DAVIS. It strikes me the Chair makes a difference without a cause. I have examined as far as I could this question of order, and am satisfied that if the motion to recommit keeps the bill before the House, the motion to postpone certainly does not put it upon the Speaker's table. If the Chair overrules my point, I take an appeal.

The SPEAKER. Under the twenty-seventh rule, Senate bills and resolutions are to be taken up in their order, and if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made, in which case, if not otherwise ordered by the majority of the House, they are to be laid upon the table in the general file of bills, to be taken up in their turn. That provision has controlled his predecessor in reference to Senate bills, and also bills reported from committees, upon their second reading. The practice of the House, as far as the Chair knows, has been uniform upon that point—that unless a motion be pending to commit, the bill takes its place upon the Speaker's table in the general file.

Mr. DAVIS. I wish to make a remark, by the leave of the House, to put myself right. The amendment to the Springfield and Terre Haute road was proposed against my will and consent. I understand this morning that the gentleman who offered it is now willing to withdraw it, and to let the vote be taken upon the merits of the bill which I had the honor to present. I do not desire to state anything further. I will take an appeal from the decision of the Chair, and I trust that the House will sustain that appeal, that there may be a direct vote upon the bill.

Mr. ALLISON. I understand, then, that if the House sustains the appeal, and reverses the decision of the Chair, they reverse the rule upon this subject, as understood and practiced by the House?

The SPEAKER. It will reverse the practice of the House.

Mr. ALLISON. That is the point to which I wish to direct the attention of the House.

The SPEAKER. And it is difficult to say where the change in the practice will end.

Mr. ALLISON. That is the point I wish made.

The SPEAKER. The Chair, from all his experience, could not point out the trouble that might follow.

Mr. STEVENS, of Pennsylvania. I move to lay the appeal upon the table.

Mr. DAVIS demanded tellers; which were ordered.

Mr. ROBBINS. I would be gratified if the Chair would state the question.

The SPEAKER. On yesterday a motion was made to postpone a bill which was before the body for consideration. Before the House determined upon taking the vote upon the motion to postpone the morning hour expired, and the House proceeded to other business. The Chair decides that the bill in that stage, according to the universal practice of the House, goes upon the Speaker's table in the general file, to be taken up in its order.

Mr. RICHARDSON. I desire to propound a single question to the Chair. The practice of the House has invariably been, that where a motion is made to commit, the bill does not go upon the Speaker's table.

The SPEAKER. That is true.

Mr. RICHARDSON. What is the difference in fact, and what rule makes the difference between the motion to postpone and the motion to commit?

The SPEAKER. The Chair this moment read the rule, which provides that Senate bills in that precise condition, being upon their second reading, shall go upon the Speaker's table, unless there be a motion to recommit. That expression in regard to committing, or a pending motion to commit, has been controlling the action of this body upon bills reported from the committees when at the same stage as the bills from the Senate.

Mr. RICHARDSON. I desire to make this point: A provision is made that Senate bills at a particular stage—the House having passed from their consideration to go into Committee of the Whole—shall go upon the Speaker's table, and take their place upon the files. This excludes the idea of any other but Senate bills going there. The practice of the House in regard to House bills at the same stage has been in conformity with that rule; although the rule itself excludes, in my opinion, the decision which the Chair has made.

Mr. ROBBINS. Will the Chair have the rule read again?

The 27th rule was then read, as follows:

"3d. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees and put under way; but if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.—September 14, 1857."

The SPEAKER. This is the rule, which is clear enough in regard to Senate bills. According to long usage, and, as the Chair thinks, according to propriety, bills reported from committees in this House take the same course, and no preference should be given to them over bills from the Senate in the same stage.

Mr. RICHARDSON. I desire to know of the Chair, as he is more familiar with the rules than myself, if there is any other rule bearing upon this question of which the Chair is aware?

The SPEAKER. The Chair knows of no other rule bearing upon this matter.

Mr. RICHARDSON. The effect of the rule, then, in my judgment—

Mr. STEVENS, of Pennsylvania. The question is not debatable.

The SPEAKER. It is not debatable, as a motion has been made to lay the appeal upon the table.

Mr. RICHARDSON. Discussion is not in order I know, but I wish to inquire for information upon this subject.

The SPEAKER. The Chair would remark to the gentleman from Illinois, [Mr. RICHARDSON,] and to the House again, that if there is a single instance in the history of the proceedings of this body varying from the practice as stated by the Chair, he is not aware of it.

Mr. RICHARDSON. I am not familiar with the practice, but I do not think that the rule warrants the practice.

Mr. STEVENS, of Pennsylvania. I call the gentleman to order.

Mr. CAMPBELL, of Illinois. Was not this bill "ordered otherwise" than committed to the Committee of the Whole?

The SPEAKER. There was no order taken upon it. The bill was upon its engrossment.

Mr. CAMPBELL. The rule says, "if not otherwise ordered by a majority of the House." Was it otherwise ordered? What did the House order? Is it competent for the House to make the order?

The SPEAKER. It was competent for the House to do it, but they did not do it.

Mr. CAMPBELL. A motion was made to postpone it two weeks hence. That precluded the reference to the Committee of the Whole, and was virtually "otherwise ordering" in regard to the disposition of the bill.

The SPEAKER. If a motion had been made to postpone to a particular day, a question before the House, and equally legitimate, was to order the bill to be engrossed and read a third time, neither of which keeps the bill before the House, according to the practice.

Mr. DAVIS, of Indiana, took the floor.

Mr. NABERS. Is the question debatable? I feel obliged to object to the gentleman's proceeding.

Mr. DAVIS. Cannot I have the liberty of referring to some authority upon this question? I will send it up to the Chair to be read. It is an extract from Jefferson's Manual in support of my appeal.

The SPEAKER. If not objected to the authority will be read for the information of the House.

"That the rules require that one hour shall be devoted to reports of committees, &c., each morning; that the report of a committee, under consideration when the hour expires, becomes, on the succeeding morning, the first business before the House, after the commencement of the morning hour; and that the business is to be resumed at the stage where it was left when the hour expired."—*Jefferson's Manual*—"Arrangement of Business."

The SPEAKER. If it be the pleasure of the House to overrule the universal practice of the House, the Chair has no objection in the world; but he would feel it to be his duty at once to recur to, and present for action thereon, a great many other bills which, in the same form, have passed to the files on the Speaker's table. From the first day of the session they have gone regularly in that way, and taken that course.

The question was then taken on laying the appeal upon the table, Messrs. CHANDLER and ST. MARTIN acting as tellers; and there were—ayes 89, noes 37.

So the House laid the appeal upon the table.

Mr. DAVIS, of Indiana. I rise to a privileged question. I move to reconsider the vote by which the House refused to second the demand for the previous question.

The SPEAKER. That motion is not in order, the bill not being before the body.

#### OAKLAND AND OTTAWA RAILROAD.

Mr. STUART. I understand the question to be upon the engrossment of the bill read at the Clerk's desk.

The SPEAKER. That is the question.

Mr. STUART. I do not wish to detain the House in reference to that bill. I can state, in a very few words, that there are at this time twenty-five miles of road completed from Detroit, northwest to Pontiac, in our State. The object of this bill is to provide for the construction of a road from Pontiac, in connection with this road, to Lake Michigan, opposite Milwaukee. The distance is about two hundred miles. Upon the eastern portion of this road, and upon the western also, the public lands are entirely taken up.

In the central part of the State, east and west, there is a considerable amount of public lands unsold, so that upon the line of this road, if the bill pass, the State would have the benefit of about two hundred thousand acres, according to the statement which I have from the General Land Office. The road, as gentlemen can see by a single glimpse at the country, would form a continuous line in connection with the contemplated railroad from Milwaukee to the Upper Mississippi, and from the Upper Mississippi to the Eastern States of Pennsylvania, New York, and the New England



and the Atlantic States. I regard the work as important to these States as to these Western States. It is a work of immense importance to our State, running through the lower peninsula, north and south. What I ask for this bill is nothing but a fair and candid consideration. I shall not detain the House, because I cannot suppose for an instant that I can inform gentlemen upon the general purposes of bills of this character. I have stated a few facts which affect this road. I can assure gentlemen that it is not a visionary affair. It is a road most meritorious in its character, and one which must be and will be built eventually whether the State gets this assistance or not, because the great interests of the country demand it. But it is a bill which falls clearly within the rule which is contended for in regard to these bills; and I believe that the alternate sections of land and the unsold lands in the country adjacent will refund five times over to the Government what they will get without the construction of the road for the public lands. I am desirous that the bill should be put upon its passage; and if any gentleman wishes to have it read through before I move the previous question upon it, I shall have no objection.

Mr. STEVENS, of Pennsylvania. I do not wish it read. I desire to ask a question, however. Is there any provision in the bill by which the amount of funds furnished by the United States is to be returned to the United States in the shape of stock? or does it go to stockholders?

Mr. STUART. The only provision in the bill is to grant lands to the State of Michigan for the construction of this road. There is no provision for refunding to the United States at all.

Mr. STEVENS. If it contains a provision that the United States, for the amount of funds which it contributes, shall hold stock in common with the other stockholders, I will go for this and other railroads; but I never will give land to enrich other stockholders.

Mr. STUART. There is no such provision. The benefit which the United States Government will derive from the increased value of the alternate sections, and the increased sale of the Government lands in the vicinity, will more than compensate for the land proposed to be granted. If it is desired to have the bill read, I have no objection. I move the previous question on the engrossment of the bill.

The bill was then read through by the Clerk.

Mr. CABLE, of Ohio. Is it in order to move to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not, as the previous question is demanded.

Mr. CABLE. Is it in order to move to lay the bill upon the table?

The SPEAKER. It is in order.

Mr. CABLE. Then I make that motion.

Mr. STEVENS. Upon that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 79, nays 67; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, William Appleton, Ashe, Averett, Babcock, Barrere, Beale, Bibb, Bissell, Boyd, Bragg, Breckinridge, Burrows, Joseph Cable, Caldwell, Caskie, Chastain, Churchwell, Cleveland, Curtis, Geo. T. Davis, Dimmick, Duncan, Faulkner, Floyd, Fowler, Thomas J. D. Fuller, Goodenow, Hamilton, Harper, Isham G. Harris, Hart, Hascall, Hebard, Hibbard, Hillyer, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Jackson, Andrew Johnson, Geo. W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Lecher, Mann, Martin, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Milson, Morehead, Murphy, Newton, Powell, Reed, Robbins, Robie, Savage, Schermerhorn, Seudder, Origen S. Seymour, Skelton, Stanly, Benjamin Stanton, Thaddeus Stevens, Sutherland, Wallace, Wildrick, and Woodward—79.

NAYS—Messrs. Abercrombie, Willis Allen, Bissell, Bowie, Brenton, Briggs, Albert G. Brown, Geo. H. Brown, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clark, Clingman, Cobb, Conger, John G. Davis, Disney, Doty, Eastman, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Gentry, Sampson W. Harris, Hendricks, Henn, Houston, Howard, James Johnson, John Johnson, Robert W. Johnson, Landry, Lockhart, Mace, Humphrey Marshall, Miller, Molony, Nabers, Orr, Samuel W. Parker, Penniman, Phelps, Polk, Porter, Rantoul, Sackett, Scurry, David L. Seymour, Richard H. Stanton, Abraham P. Stephens, St. Martin, Stuart, Taylor, Thurston, Townshend, Walsh, Ward, Watkins, Welch, Addison White, Alexander White, Wilcox, and Yates—67.

Mr. RICHARDSON, before the vote was announced, said: I was not within the bar, but I ask

permission of the House to record my vote. I should have voted in the negative.

Mr. ALLISON. I object.

So the bill was laid upon the table.

Mr. BARRERE. I move to reconsider the vote by which the bill was laid upon the table.

Mr. CABLE. I move to lay that motion upon the table.

Mr. ALLISON. I demand the yeas and nays. Mr. SEYMOUR. Has the morning hour expired?

The SPEAKER. It will not expire until sixteen minutes past twelve.

Mr. STUART. I believe I was entitled to the floor.

The SPEAKER. Gentlemen upon the floor are apt to suppose that they are ahead of everybody else.

Mr. STUART. I ask the Chair this question: Has he announced the name of any gentleman as making a motion since the gentleman from Ohio, [Mr. BARRERE?]

The SPEAKER. The Chair announced that the gentleman from Ohio [Mr. CABLE] moved to lay the motion to reconsider upon the table.

Mr. STUART. I addressed the Chair—

The SPEAKER. So did the gentleman from Ohio, [Mr. CABLE,] and the gentleman from Pennsylvania, [Mr. STEVENS.]

Mr. STUART. Did the Chair acknowledge either of them by name?

The SPEAKER. The Chair recognized by name the gentleman from Ohio, [Mr. CABLE,] who made the motion to lay the bill upon the table.

Mr. STUART. I would ask the yeas and nays upon that question.

The SPEAKER. The Chair would say to the gentleman from Ohio, that he would be gratified if he would withdraw his motion, as it is the usual practice and courtesy of the House to allow the gentleman who reports a bill to control it.

Mr. CABLE. To gratify the Chair, I will withdraw my motion.

The SPEAKER. The gentleman from Ohio, [Mr. CABLE,] and the gentleman from Pennsylvania, [Mr. STEVENS,] and the gentleman from Michigan, [Mr. STUART,] were simultaneously upon the floor. The Chair recognized the gentleman from Ohio, [Mr. CABLE,] The question, however, to reconsider the vote and lay upon the table is not debatable.

Mr. STUART. That motion is not made. The gentleman from Ohio [Mr. CABLE] withdraws his motion and yields the floor to me.

The SPEAKER. The question to reconsider is not debatable, and therefore the Chair supposed at the moment that it could not be a matter of any consequence to anybody who obtained the floor, as the question was not debatable.

Mr. STUART. I desire, as the morning hour is within some two minutes of being out, that the House will consent to let this motion pass over until to-morrow morning.

The SPEAKER. Is it the pleasure of the House that this matter shall be passed over until to-morrow morning?

Mr. STEVENS, of Pennsylvania. I object.

Mr. STUART. I ask the yeas and nays upon the motion.

Mr. STEVENS. I move to lay the motion upon the table.

Mr. RICHARDSON. I move that there be a call of the House.

Mr. POLK. I move that the House adjourn, and upon that motion I call for tellers.

Tellers were ordered, and Messrs. DAVIS, of Indiana, and CHANDLER were appointed.

The question was then taken, and there were—aye 7, noes 114.

Mr. SEYMOUR. Has the morning hour expired?

The SPEAKER. It has.

Mr. SEYMOUR. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union.

#### PROTECTION OF THE FRONTIERS.

Mr. BISSELL. I ask the gentleman from New York [Mr. SEYMOUR] to withdraw his motion for a moment, that I may ask the House to take up and pass the bill for the protection of the frontiers. It will take but a moment to dispose of it.

Mr. SEYMOUR, of New York. I would be

glad to do so, but the hour of debate is limited, and there are a number of gentlemen who wish to speak upon the river and harbor bill.

Mr. BISSELL. It will consume but a moment.

Mr. MEADE. I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER. That motion takes precedence of the one submitted by the gentleman from New York.

The question was then taken upon Mr. MEADE's motion, and it was not agreed to.

Mr. BISSELL. I would state to the gentleman from New York that the bill which I propose to take up will not consume three minutes' time. There will be no discussion upon it, and there is certainly no bill before the House that requires action more than this. I will renew the gentleman's motion when it is disposed of.

Mr. SEYMOUR. I cannot withdraw my motion.

Mr. BISSELL. Then I hope the House will vote down the gentleman's motion; and upon it I ask for tellers.

Tellers were not ordered.

The question was then taken upon Mr. SEYMOUR's motion, and it was agreed to.

#### RIVER AND HARBOR BILL.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of House bill No. 232, making appropriations for the improvement of certain harbors and rivers; upon which Mr. MOLONY was entitled to the floor.

Mr. MOLONY. Mr. Chairman, I do not intend to occupy the portion of the hour allowed me before this debate closes by order of the House. But, sir, from the great interest which my constituency particularly, and the Northwest generally, feel in just and liberal appropriations for harbors and rivers, I feel constrained, contrary to my own feelings, to present some considerations which suggest themselves to me as bearing upon the bill pending before the committee. We have, sir, the usual amount of objections, both as regards the Constitution and expediency, with which we always meet from certain gentlemen whenever measures of deep interest to the Mississippi Valley are under discussion in this body.

All of our railroad bills giving alternate sections to railroads, eminently calculated to settle and develop the boundless resources of that valley, adding at the same time to the value of the public domain and the resources of your National Treasury, have to meet here constitutional objections from a certain quarter. From the same gentlemen the cry of unconstitutionality was raised when the bill giving a home to the homeless and land to the landless was before us. That bill, sir, while it was but just to that class of our fellow-citizens whom it was particularly designed to benefit, was sustained by high considerations of national policy, and eminently commended itself to the favor of the new and landed States, calculated, as it is, to swell the tide of emigration to them, and hasten the development of their vast agricultural and commercial wealth. Yet, sir, it had to encounter, on its passage through this House, all the snags and sand-bars which these strict constructionists could throw in its way; but fortunately it outrode all of these perils, and is now in the hands of the Senate, to whose action upon it the country is looking with the most profound interest.

In relation to the constitutional objections urged by gentlemen to the passage of the bill now pending before us, I have but a little, very little, to say, sir. As the gentleman from North Carolina last evening remarked, so say I, sir. It is utterly in vain to discuss this constitutional question. It is a question so utterly foregone that I am not aware of any American statesman, living or dead, who had a national reputation, or who now has one, who has not and does not concede the constitutional question. This is not, and never has been, a party question; but upon the power and duty of Congress to make these improvements for the benefit of your commerce, inland and foreign, there has been and is a most remarkable unanimity among eminent American statesmen, all recognizing the power and duty. I repeat, sir, I am not aware of the constitutional question ever having been raised by a single eminent American statesman.

But, Mr. Chairman, there is singular inconsistency in the preaching and practice of gentlemen who upon this floor raise these constitutional objections. They are ever ready, sir, to put their hands into the National Treasury for the improvement of harbors, the erection of breakwaters, building of light-houses, for the building and maintenance of a Navy, *all* for the protection of our Atlantic commerce. Yes, sir, we have been voting annually, for the benefit of your foreign commerce, millions of dollars, which, in the aggregate, from the adoption of the Constitution up to 1852, amounts to \$271,000,000! while the amount for the protection of your inland commerce, in the aggregate, is only \$8,000,000! For these vast expenditures of your National Treasury gentlemen of the strict construction school uniformly vote. Of their constitutionality I entertain no doubt; but of the expediency of continuing a system of naval appropriations, which has already swallowed up hundreds of millions of treasure, great doubts are entertained, and upon it a grave question arises for the consideration of the American Congress and the country. The constitutional power for these appropriations is derived from the clause of the Constitution which confers upon Congress the power to regulate foreign commerce, and the commerce between the States and the Indian tribes. That in the regulation of foreign commerce is involved the right to appropriate money for its protection no one denies; and whatever may be thought of its expediency, all admit the constitutionality of the series of annual appropriations for the benefit of our foreign commerce. Of the vast amount of \$271,000,000! *no constitutional scruples* were ever entertained, *no fears* of national bankruptcy have ever been sounded in our ears—at any rate by these gentlemen of constitutional scruples, *so insurmountable* when a bill comes before us appropriating \$1,000,000 for the regulation of the commerce between the States, upon the great chain of lakes stretching half way across the continent, upon the vast Mississippi and its navigable tributaries, where floats a commerce of twice the value of that which is carried on upon the Atlantic. All these constitutional scruples are in the very face of that clause of the Constitution which confers upon Congress the power to regulate the commerce between the States, as well as the foreign, and giving that power over both, not by an implied, but an *express grant*. In what I have said I intend not to arraign the motives of any gentlemen who now do, or who heretofore have, occupied seats upon this floor. I take it for granted that every gentleman is governed by his own convictions of constitutional duty, and of expediency, on this question and all others. I accord that much to all, as I claim it for myself.

But while I concede that, I must say that gentlemen are inconsistent, and are giving us but a poor return for the steady and liberal support which has been given by western members to measures of interest, *particularly* to Atlantic commerce. We, sir, have had no sectional views operating upon our minds, inducing us to withhold our voices or our votes from measures which we acknowledge to be both national and constitutional; but, sir, it may become a question for Western members to decide, whether our support of Atlantic commerce, at the expense of our National Treasury, at any rate with the liberality of former years, is not to cease, since, in return for our liberality, we meet with nothing whenever we move in behalf of western commerce, however modest in our demands, from certain quarters, but constitutional scruples and cries of national bankruptcy!

When the bill was before this body appropriating to E. K. Collins & Co., in the course of the next eight years, not less than \$5,000,000 more than a responsible bidder offered to take our mails for, I believe it was both constitutional and highly expedient in the opinion of some gentlemen, who now see in this bill a violation of the Constitution, which appropriates \$1,000,000 for the protection of a commerce, in which twelve millions of American people are directly interested, and in which, indirectly, every portion of this Union has a vast interest. I intend not to charge upon gentlemen who sustained that appropriation to the Collins line of steamers, any improper motives. I could not reconcile my support of that bill with my convictions of constitutional duty, and with those views of strict economy in the use of the public money, by which I am guided; still I am well

aware that some of the ablest, purest, best men of both political parties, in both Houses of Congress, sustained this appropriation to the Collins line; and whatever I may think of their act, my high respect for those gentlemen forbids a suspicion of the purity and patriotism of the motive. But I do say, that for gentlemen to express here constitutional and other objections to the passage of this bill, or the principle of it, after voting for that, *is straining at a gnat, after having swallowed the camel*, an illustration of the palpable inconsistencies in which honorable gentlemen will sometimes be found.

And, again, although in the opinion of some gentlemen, the homestead and railroad bills contemplated a use of the public domain, both being in violation of the Constitution, and a diversion from the National Treasury of its resources, yet, sir, when Mr. BENNETT's bill was before us, distributing not less than \$60,000,000 of the public lands, and abstracting that vast amount of our national resources, with no equivalent to our National Treasury whatever, there were some Democrats, who, disregarding the objections which they urge to this bill, and others who voted for it, not only in violation of those rules in regard to the Constitution and economy, by which now they profess to be governed, in violation of a cardinal Democratic doctrine, which has been incorporated in every Democratic platform since the days of General Jackson, viz: *no distribution* of the public lands or their proceeds among the States. But perhaps gentlemen will say that this doctrine of the Democratic party is opposed only to an equal distribution of the public lands, and that since Mr. BENNETT's bill makes not an equal distribution of the sixty millions, but gives it *mostly* to the old States, hence there is no departure from Democracy, according to their strict construction of our creed.

Mr. AVERETT. I understand the gentleman to make his remarks in application to those who held these constitutional scruples about the Collins line. I beg leave to say here, that those having those scruples are in the majority on that question; and that his remarks fall but upon the minority of our party.

Mr. MOLONY. I do not know that I comprehend very clearly the point that the gentleman makes. I have made no application to individuals of my remarks. I am stating a fact, and that fact is this: that there are many bitterly opposed to this bill, who had no constitutional scruples in voting for a bill which gave E. K. Collins & Co. a bonus of \$5,000,000 for carrying our transatlantic mail.

Mr. Chairman, I propose to notice briefly the declarations of gentlemen who rise here in their seats and proclaim to this House and the country, that the support of appropriations for the protection of our inland commerce, is anti-Democratic—that the principle involved in them is appropriated by and belongs to the Whig party of the country. I deny the statement, sir. Gentlemen undoubtedly believe what they assert, but they, in this instance, are committing not an uncommon mistake, viz: the substitution of a few individuals, and those themselves for the National Democratic party.

The founder of the Democratic party, as well as the great expounder and author of the Constitution himself, who were both its strict constructionists and true interpreters of its meaning, sanctioned appropriations for both foreign and inland commerce; and all succeeding Democratic Administrations, and all the great men in our party, among whom stand prominent General Jackson, Silas Wright, and John C. Calhoun, have not only sanctioned by their votes, but have sustained them by unanswered and unanswerable argument; and, sir, President Polk, who, it is known, had very strict, and, by many regarded, illiberal views upon this question, had no doubt of the constitutionality of appropriations of the public money for harbors upon our lakes, and improvements upon our navigable rivers, which were *national* in their character; and the ground upon which he based his objections to the bill submitted by both Houses of Congress to him, in his celebrated veto message, was not a denial of the power to Congress to vote the money, but its application to objects deemed by him local, not national; also, that the necessities of the Treasury, at that crisis, engaged, as we were, in a foreign and expensive war, made it inexpedient, in his view, for him to sign it. With-

out meaning to be understood as indorsing all the sentiments of that message, still, I repeat, such were President Polk's grounds for his veto, and no other. And, sir, that General Pierce entertains the same views in relation to this subject that Jefferson, Madison, Jackson, Wright, and Calhoun have declared and vindicated by the power of their votes and mighty intellects, I am assured; sir, in that gallant man, and pure and incorruptible statesman, the Democracy of the Mississippi valley have the most unreserved confidence; and, under the glorious standard which Pierce and King now bears triumphantly upon our inland seas, and the mighty rivers of the West, and upon which is inscribed *protection* to the commerce of our lakes and rivers, are the invincible Democracy of the great Northwest now rallying with an unanimity and enthusiasm in support of Young Hickory of the granite hills, only equalled by their devotion to Old Hickory, in whose footsteps, as regards rivers and harbors, as well as upon other questions, as his illustrious predecessor, will Frank Pierce be sure to follow.

In the great Northwest lies the reliable strength of the Democratic party. There, sir, standing in its true position, that party cannot be defeated. But, sir, if certain gentlemen could succeed in their efforts to throw upon the national Democratic party the responsibility of those views which they individually entertain in relation to rivers and harbors; it would be a responsibility that, in the great State of Ohio, also in Indiana, Michigan, Wisconsin, Illinois, and Iowa, would crush it to the earth. Standing in their true and ancient position, the Democracy, in all of them, will come gloriously out of the approaching contest, with Illinois heading them, as she did in 1844, as the banner State of the Union.

Sir, it is for no abstraction that we are contending, in demanding protection to our commerce. It is a principle of right which applies directly and vitally to us; in it is involved the preservation of the lives of the people engaged in the protection of the property involved in a commerce of \$500,000,000 or \$600,000,000, which floats upon the great chain of northwestern lakes and the mighty Mississippi and its tributaries. Sir, the Democratic voters of the Northwest cannot be bribed by any considerations of advantage merely to abandon a principle, or their party founded upon a principle; but if the day should ever come when that principle shall be abandoned, when the *living faith* which is and ever has been in us, *shall be denied*, then will the people of the Northwest stand to the doctrine of protection to our inland commerce, and deny its allegiance to that party which forsakes it.

Mr. Chairman, I wish to call the attention of the House and the country to the fact, that during the last fourteen years, upon your lakes and rivers, not less than \$2,000,000 annually, and about one thousand lives, have been lost; and if you add the item of insurance against the dangers which this Government should have removed, amounting to not less than \$2,000,000 more, you have the startling aggregate of loss of life and property, not less, during the last fourteen years, than \$50,000,000 of property and ten thousand lives! Yes, sir; and all, or most of it, in consequence of this Government failing to extend to our commerce that protection which humanity, its own interest, and a high sacred constitutional duty, require it to grant; but for failing to do it, not only has this occurred—this frightful destruction of human life and great loss of property—but widows and helpless orphans, by tens of thousands, have been deprived of their earthly protectors, who, in a moment of fancied security, were hurried from time to eternity, with not one moment's preparation for themselves and for those whom they were leaving penniless and friendless behind them.

In conclusion, I repeat again, that upon the question of harbors and rivers the Democracy are now, and ever have been, sound; and upon this principle, as well as upon all of the time-honored principles of our party, stands the gallant Franklin Pierce; in him the Democracy of the Northwest have unbounded confidence, and the trust we repose in him he will faithfully discharge, and the great interests of our lakes and rivers, which, on the fourth of March next, the American people will commit to his keeping, he will be faithful to, as he has ever been to the duties of every station to which the partiality of a confiding constituency have called him.

Mr. Chairman, I now propose, in the few minutes left to me, to consider very briefly and imperfectly the details of the bill now pending.

I have no doubt, sir, that the committee, in considering this question, did it under all of the responsibility that would attach to gentlemen of high intellect, unimpeached integrity, and patriotism, in a like position; but, sir, it was the misfortune of the great Northwest not to be represented on that committee. We are so constituted, Mr. Chairman, that our convictions of right are *one thing*, and our convictions stirred up and impelled forward by a *deep* and living interest in a question, *quite another*. It is an old saying, and long since admitted as a truthful one in this body in theory, and generally in practice, that a banishing should be committed to the tender care of a watchful and kind-hearted nurse. In the organization of this committee that correct rule was departed from, and no gentlemen from the Northwest are upon it, and some entertaining constitutional objections, I believe, to any bill of the kind. Under such circumstances, nothing better could have been looked for, and it becomes the duty of this committee to so far perfect the bill as will make it acceptable to the river and harbor interest.

A great injustice is done to the Mississippi and its navigable tributary waters in this bill. The appropriations should be increased for the Lower Mississippi, and to the Upper Mississippi there should be a liberal appropriation for the removal of the Rock River Rapids, and one for the removal of obstructions to navigation below and above the Falls of St. Anthony; by the removal of which—which can be effected for a trifling amount, comparatively—great advantages will result to the commerce of the upper river, for which the delegate from Minnesota intends offering an amendment, and to which no well-grounded objection can be urged. The Tennessee should have an appropriation, the Ohio an increase; and, sir, to the Illinois river there should be an appropriation of at least fifty thousand dollars. This river is navigable for two hundred and fifty or three hundred miles; and what renders it eminently of a national character is, that it and the Illinois and Lake Michigan canal connect the navigable waters of the Mississippi with the lakes, forming an uninterrupted water channel for commerce from the city of New York, by the way of Buffalo and Chicago, to New Orleans. One of my colleagues intends offering an amendment in behalf of that river, which deserves, and I hope will receive, the favorable action of the committee. The only amendment which I propose to offer is for the construction of a breakwater and the erection of a pier at Waukegan, Illinois, on Lake Michigan. I called the attention of Colonel Abert, the head of the Topographical Corps, to the necessity that existed for a harbor of refuge at Waukegan for the commerce of the lakes. He admitted the necessity as being great and urgent, and said that he had made a survey of that port, and had made an estimate for the construction of a breakwater, which would give the best harbor for refuge on Lake Michigan, and for about one half the expense of any one on the lake. Since the committee have not made appropriation for this place, I shall submit an amendment to the bill in behalf of it, as the only one which I have to offer.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from New York [Mr. SEYMOUR] is now entitled to an hour to close the debate.

Mr. DISNEY. I trust the chairman of the Committee on Commerce will be kind enough to allow me a portion of his time.

Mr. SEYMOUR. For a few moments.

Mr. DISNEY. I thank the chairman of the Committee on Commerce for extending to me a portion of the time allotted by the rules of the House exclusively to him. I regretted exceedingly at the time that the motion should have been made which was made to limit debate in this committee upon a bill of so much importance as that now pending before the committee. There is no one object which has ever occupied the attention of Congress that has ever so enlisted the attention of the public, or which has created so much excitement among the entire people of the country as the subject of internal improvements.

Mr. JOHNSON, of Georgia. I rise to a question of order. I desire to know whether the chairman of the Committee on Commerce [Mr. SEY-

mour] has the right to transfer the floor to another person?

The CHAIRMAN. The Chair supposes the gentleman from New York, after having obtained the floor, has the right to yield it for personal explanation; but he cannot yield it for the purpose of general discussion.

Mr. DISNEY. Mr. Chairman, I wish to say one word in relation to this matter of closing debate upon this bill. The effect of this operation of limiting debate has been, that a Representative of a larger commercial interest than any other upon this floor has, by the action of this House, been entirely excluded from uttering a solitary word upon the merits of this bill. I have sought the floor from the commencement of this discussion; but I have failed to get it. By the action of this House the most important commercial and navigating interest within the limits of this Republic, so far as any single district is concerned, is prevented from being heard at all in relation to this bill. So much for the action of the House. Now, you will allow Buncome speeches to be made by the hour upon unimportant bills, but—

Mr. SEYMOUR. I desire to know whether the gentleman from Ohio has the right to take a part of my time with my own consent?

The CHAIRMAN. Not without the unanimous consent of the committee.

Mr. SEYMOUR. If I am entitled to the floor, I will yield to the gentleman from Ohio for explanation.

Mr. NABERS objected.

Mr. DISNEY. I appeal to the committee to allow me to proceed.

Mr. NABERS. I presume there are one hundred gentlemen in this House precisely in the same condition with the gentleman from Ohio. So far as I am concerned, I have no objection to his proceeding with his remarks. I too, like him, have sought the floor again and again from the beginning of this discussion, for the purpose of expressing my views upon the subject. But by that outrageous vote of this House, (I cannot call it otherwise than outrageous,) our mouths have been shut upon a bill more important in its character than any which has been before the House.

The CHAIRMAN. The Chair will remind the gentleman that this question is not debatable. The gentleman can proceed if there is no objection.

[Cries of "Object!"]

Mr. DISNEY. I move that this committee do now rise, with the view of enabling me to introduce a proposition for the reconsideration of the vote limiting debate upon this bill.

The CHAIRMAN. The gentleman has not the floor for that purpose, unless the gentleman from New York yields it to him.

Mr. SEYMOUR. I do not yield for that purpose.

Mr. DISNEY. I am in actual possession of the floor, and I make that motion.

The CHAIRMAN. The gentleman from New York [Mr. SEYMOUR] is entitled to the floor. The gentleman has no right to make the motion.

Mr. DISNEY. Well, this proceeding of closing debate is an outrage, and I protest against it.

[Cries of "Order!"]

The CHAIRMAN. The gentleman from Ohio is out of order, and will take his seat.

Mr. SEYMOUR, of New York. Mr. Chairman, were I called upon to justify the case which a Government unfettered by constitutional restrictions should bestow upon the commerce subject to its control, I should content myself by referring to the extent of that commerce and its demand for protection. If this national interest was everywhere diffused, occupying all classes of citizens, from the man who can supply only the bone and muscle of an iron frame up to the skillful navigator and the merchant prince; if it employed an immense capital, wafted by every breeze and borne on every sea; if it was exposed to the encroachments and depredations of the barbarian, the marauder, the ruthless pirate, or if endangered by the various perils of an extended coast, or the obstructions of mighty rivers, I would at once claim for it, on the score of that parental care, that general guardianship, which any supreme national Government should exercise over the interests of its citizens, the protection and the fostering care of the Government to whom such vast commercial interests pertained.

Protection, in that sense of the term which renders secure the person and property of the citizen, whether upon the land or the sea, is acknowledged by all to be one of the highest duties of every Government. The united suffrages of all nations, ancient and modern, have sustained this sentiment. It has ever been the cardinal rule of the statesman, and the boast of the patriot. It was the maxim of the sages of antiquity that the most perfect Government was that by which the rights of the meanest citizen were regarded of equal sanctity with those of the wealthiest and most powerful. And it may well be the pride of our Government that its legislation and its power regard the rights and the welfare of its humblest citizen—the sailor before the mast—as sacred as the millionaire whose capital puts the machinery of commerce in motion; which regards the bone and muscle, nautical skill, and the capital, each as but links in that golden chain which binds the wealth of commerce fast to our side.

In this general view of the duty of the supreme Government of a nation, the protection of all those engaged in its commerce—extending that commerce—removing the obstacles to its advancement—and protecting it on the high seas, and in the harbors, are most clearly embraced. This consideration will always have a most important bearing in defining the limits of legislation under a constitutional government of limited powers like our own. In all such cases the power to make appropriations for any purpose, must be referred solely to the provisions of the Constitution. That is the great chart by which all its powers are to be measured.

The clause in the Constitution of the United States to which the power of improving rivers and harbors has principally been referred, is found among the express grants of power, and reads as follows: "Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes." The language itself, "to regulate commerce with foreign nations and among the several States," would seem to be so explicit as to leave no doubt and need no comment. Commerce on our large rivers is surely regulated by those improvements which direct its course, facilitate its passage, and protect it from the perils of navigation while floating on their bosom. Commerce on our ocean coasts and inland seas is regulated by those improvements which have for their object its safety from storms by the protection of roadsteads and harbors. Such works regulate it by increasing its volume and insuring the certainty and regularity of its transit from point to point.

But we are not left to a narrow rule of construction. We may safely occupy a higher and more satisfactory ground. The framers of the Constitution intended to confer this power upon the new Government. What had these sages of the Revolution assembled for? To patch up a rickety Confederation? No! They had met to form a new government—a government whose main and distinctive quality should be, that it operated not upon States and communities, but upon individuals. It was designed not to make requisitions of sovereign States, but to command individual citizens of a common country to make and govern a Union, not a Confederation. It was, therefore, clothed with the power to lay and collect taxes, duties, imposts, and excise. It exercised these high powers. It laid tonnage duties, imposed a tariff of duties upon importations, built custom-houses, established port regulations, appointed collectors, and assumed to demand and hold the whole revenue derived from commerce, for the use and support of the General Government. Can it for a moment be pretended that the States surrendered to the General Government the right of collecting a revenue from their commerce, and did not also surrender the power of giving that commerce direction, extension, and protection?

The whole history of our country, cotemporaneous with the formation of the Constitution, forbids such a supposition.

The conflicting commercial regulations of the different States of the old Confederation, was one of the greatest sources of trouble and embarrassment to the National Government of that day. The impossibility of producing united, just, and proper action in extending those facilities, and that protection demanded by the complex commercial intercourse of contiguous States, rendered it neces-



sary to create a superior power, upon which should devolve the duty of regulating, in the most extended sense, this great national interest.

The writers of the Federalist alluded to the want of a power to regulate commerce as one of the principal defects of the old Confederation. It is there said, "The interfering and unneighborly regulations of some States, contrary to the true spirit of the Union, have, in different instances, given just cause of umbrage and complaint to others, and it is to be feared that examples of this nature, if not restrained by a national control, would be multiplied and extended till they become not less serious sources of animosity and discord than injurious impediments to the intercourse between the different parts of the Confederacy."

And Mr. Madison declared that "The defect of power in the existing Confederacy, to regulate the commerce between its several members, is in the number of those which have clearly been pointed out by experience."

Mr. Calhoun, too, in his elaborate report made to the Senate in 1846, upon the subject of harbor and river improvements, says:

"The embarrassments, distraction, and hazard of collisions, growing out of the exercise of the power thus reserved to the States respectively to regulate their commerce with foreign nations and with each other, were so great and alarming as, in the opinion of the reflecting and patriotic, to demand a speedy and effectual remedy, and contributed more than any other cause to the calling of the Convention which framed the Constitution. As is well known, care was accordingly taken to apply effectual remedies as might be expected by delegating to the newly-formed Government the exclusive power of regulating the commerce of the States with foreign nations and with one another, and prohibiting, without qualification, the States from entering into any treaty, alliance or confederation."

The Constitution, then, evidently gives to the National Government all power which the States, under the Confederation, had exercised, or might have exercised, to regulate commerce with foreign nations or among themselves.

It is a well-attested historical fact, that before the adoption of our Constitution, the power of erecting such light-houses, buoys, beacons, and piers, or breakwaters, had been exercised by each State at its own pleasure, and as it deemed the exigencies of its commerce to demand. Each State levied its own duties, imposts, and excises; and from its treasury thus supplied, regulated and protected its commerce by such structures and improvements as were demanded.

Sir, so clearly obvious, so well understood at that day was it, that by the power to regulate commerce, the General Government had the power not only to light up the whole coast, by the erection of light-houses, not only to save commerce by buoys and beacons from destruction on rocks, sand-bars, and snags, but to protect it from the storms of the ocean and our inland seas—that at the first session of Congress after the adoption of the Constitution a law was passed authorizing, to the fullest extent, the exercise of this commercial power. After enacting a law "for laying a duty on goods, wares, and merchandise imported into the United States," and another "imposing duties on tonnage," it passed a law entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers." It is worthy of observation, that although there was no grant of commercial power to the General Government, except what was given by the power to regulate commerce, this act provided for the payment out of the National Treasury "for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk, before the passage of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe." Not only did this act adopt all the public works of this character then in the country, and provide for their rebuilding and repair, but provided for an extension of these works, by directing the building of a new light-house at the entrance of Chesapeake bay.

Here, then, was claimed and exercised the power to erect and maintain, in the bays, inlets, harbors, and ports—public piers. For what purpose was this power exercised? For national defense merely? No; but for the broadest and most general of all commercial objects, fully expressed in the language of the act itself—"rendering the navigation easy and safe." And by whom was this done? Not by the men of a remote generation from the fathers of the Republic, but by the

first Congress convened under the Constitution; a body of men embracing many of the most illustrious members of the Constitutional Convention of 1787. Among them we find the names of John Langdon and Nicholas Gilman, of New Hampshire; Roger Sherman, of Connecticut; William Patterson, of New Jersey; Robert Morris, George Clymer, and Thomas Fitzsimmons, of Pennsylvania; Richard Bassett and George Reed, of Delaware; Daniel Carroll, of Maryland; James Madison, of Virginia; Pierce Butler, of South Carolina; and William Few, of Georgia. Nine of the old thirteen States were represented in this Congress by one or more of those who had represented them in the Constitutional Convention, making an aggregate of thirteen men, distinguished for their talents and patriotism, now, as legislators of the nation, claiming the right to exercise this power under the Constitution which they had themselves helped to frame. Neither language nor contemporaneous exposition can furnish stronger proof of the existence of this power in the Constitution.

This construction of the Constitution, so clearly deducible from its language, has been for a long course of years so fully sustained and followed by the legislation of the country, under all political parties, that it is now approved and sanctioned by a large majority of the people. Recurring to past legislation, we find that from the commencement of Mr. Jefferson's administration to the end of Mr. Tyler's, there have been appropriated for the construction and repair of roads, and the improvement of rivers and harbors, \$17,199,222. These appropriations were made as follows:

Under Mr. Jefferson.....	\$48,400
" Mr. Madison.....	250,800
" Mr. Monroe.....	707,621
" Mr. J. Q. Adams.....	2,310,475
" General Jackson.....	10,532,882
" Mr. Van Buren.....	2,222,544
" Mr. Tyler.....	1,076,500

Although these appropriations during the administrations of Jefferson, Madison, and Monroe were made chiefly for the improvement of roads and canals, yet we find in 1802 an appropriation of \$30,000 for repairing and erecting piers in the Delaware river; in 1805 an appropriation of \$5,888 for the same purpose, and still another in 1806. These acts received the official approval of Mr. Jefferson.

In 1816, under the administration of Mr. Monroe, an act passed making an appropriation for repairing the piers in the harbor of Newburyport and the preservation of Plymouth beach, in the State of Massachusetts, and another appropriating \$75,000 for the improvement of the navigation of the Mississippi and Ohio rivers. Thus it appears that while those distinguished statesmen—Jefferson, Madison, and Monroe—did not admit the power of the General Government to enter upon and adopt a general system of internal improvements, embracing roads and canals, they did not hesitate to approve of acts of Congress for the aid and protection of commerce, by erecting piers and other harbor works, and improving the navigation of our large rivers.

There had been, however, ever since the close of the war of 1812, a large party in the country in favor of a system of internal improvements, embracing the construction of roads and canals in the States, by the General Government.

The Cumberland road commenced during the administration of Jefferson, and the gigantic enterprise of New York for connecting the waters with the Atlantic had begun to develop the wealth of the great West. The practicability and the advantages of these avenues of trade and commerce were no longer problematical. The question was settled. The enterprise of the whole country was aroused, and urged capital and legislation to follow these glorious examples. As is usual in such cases, this fervor mingled with political agitation, and the expediency of our Government adopting a general system of internal improvements, extending over the whole country, became one of the leading topics in the political discussions of the day. In Congress the movement took a decided shape and character. In the House of Representatives a committee called "A Committee on Internal Improvements" was formed. The system of improvements by roads and canals thus adopted, was nurtured by this organ of the House, and increased from year to year in extent, in the number and magnitude of the works recommended,

and the expenditures increased until it received a check in General Jackson's veto of the Maysville road bill—and was finally prostrated by the prevalence of the doctrines of that celebrated message, elaborated, discussed, and repeatedly applied in his subsequent messages. The extent of the evils engendered by this system will be seen by the character of the bills which they reported. This committee on internal improvements was abolished in 1832; and the contents of the last bill reported by it should be preserved, as illustrative of the system which it represented. It contained, among other appropriations, the following: for a road from Detroit to Grand river; a road from Memphis to Little Rock; a national road from Portsmouth, Ohio, to Lynnvile mountain, in North Carolina; a road from Lower Sandusky to the boundary line; for a canal from the Illinois river to Lake Michigan; for a subscription to the Alexandria Canal Company, and to erect a bridge over the Ohio river at Wheeling. Here, then, are grouped together, in one system, roads, bridges, canals, and joint-stock companies, exhibiting the true character of that class of improvements for which there were, at the time of the Maysville veto, projects before Congress, the completion of which would have required more than \$100,000,000. The Maysville road itself started at a point on the Ohio river, and ran only sixty miles to an interior town. It was a strong case of a mere local improvement, not general or national in its character.

The doctrine which finally prevailed, and which was sanctioned by the administration of General Jackson as the true constitutional doctrine, and was followed in the subsequent administration of Mr. Van Buren, is thus laid down by General Jackson:

"There is another class of appropriations for what may be called, without impropriety, internal improvements, which have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others, have already been stated to Congress. I will now only add, that at the first session of Congress under the new Constitution, it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of this act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and further, that it be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding, when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the extension of these expenditures to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes as well as on the sea-board. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors."

It must be peculiarly grateful to every friend of the judicious and proper exercise of this power under the Constitution, to find it fully sustained and justified by that venerated patriot who never failed, whether in the Cabinet or the field, to stand by the Constitution. The prosperity and advancement of his country in all her varied interests, and especially in the extension of her commercial interests by the improvement of the great natural avenues and depôts of her commerce, were objects which lay near his heart. He repeatedly, in his messages to Congress, declared himself the friend of those internal improvements which were national in their character and designed to advance the great interests of general commerce. And as a permanent proof of his sincere devotion to these interests, he placed his approval upon record to acts of Congress appropriating more money for these objects than the aggregate of all which has been sanctioned by every other Administration, from the adoption of our Constitution to the present time.

Sir, it needed the vigorous mind, the determined will, and the inflexible purpose of such a man at

the head of our Government to establish, sustain, and guide this policy. It needed his strong arm, at the same time, to protect it against the attacks of its enemies, and to save it from the excesses of its friends. The nations of antiquity were accustomed to erect statues commemorative of the virtues and achievements of their heroes and statesmen. We, at an humble distance, follow their example, and the gratitude of this Republic will soon be evinced by an equestrian statue to be erected in this capital in honor of the hero of New Orleans.

But, sir, permit me to say, that while the work of the artist shall transmit to posterity the victorious General in the attitude of triumph, there is another work, not less permanent, and equally grand and imposing—the Delaware breakwater, a structure which owes its existence chiefly to the wisdom, firmness, and expanded national feeling of Andrew Jackson. And the tempest-tossed mariners through future years who shall take refuge behind its surge-beaten walls, will ever be reminded of him, the great hero and statesman, whose policy it commemorates, and whose distinctive character it indicates in its silent but impressive majesty. There it stands, and there we hope it ever will stand, as he, its great founder, stood, when in the zenith of his power, firm and immovable, amid the jarring elements of political factions.

Sir, in this review of the policy of our Government on this subject, I shall not omit to notice the veto message of President Polk on the river and harbor bill of 1846. That message presents, in a very able manner, the opinions of that distinguished statesman, whose administration fills one of the brightest pages of his country's history. Those opinions had been long before formed, expressed, and acted upon by him, from the very commencement of his public life in the councils of the nation. They are entitled, as are all the productions which emanated from the pen of that able man, to our most respectful consideration. But when we reflect upon the circumstances which called forth that veto—the preconceived opinions of the President; his hitherto consistent opposition to such measures as he was there called upon officially to prove; an empty Treasury; the pressing exigencies of the Mexican war; the vast amount of debt already incurred in its prosecution; the prospect of a still further and larger increase of this debt; and the great uncertainty which then hung over the issue of the contest,—we cannot fail to see that, aside from any views of precedents and clearly-settled previous policy, there were other reasons, abundant and sufficient to justify the course adopted by the Executive. Indeed, he sets forth, as one of the prominent reasons justifying the withholding of his approval of that bill, the situation of our Treasury, and the embarrassments created by the war with Mexico. I trust that single exception, occurring under such circumstances, will not be allowed by the American people to have unsettled and overturned the well-established policy of the country, for near half a century, on the subject of these improvements.

I cannot dismiss this review of the constitutional power in question, without referring to opinions expressed by two distinguished statesmen of different sections of the country, and each, during his public career, wielding a political influence more potent than the highest official station could give. I refer to John C. Calhoun and Silas Wright.

Mr. Calhoun, in the report to which I have already referred, after pursuing at some length a course of the most luminous and forcible argumentation, arrives at the following general conclusions. After citing the provisions of the Constitution and the subsequent acts of Congress, he says:

"These provisions furnish conclusive proof that the States, under the power to regulate commerce, established light-houses, buoys, beacons, and public piers; that Congress regarded the power as delegated to it, to the same extent; that the object of the power was the increased facility and safety of commerce along the coast; that it appropriated especially to the regulation of commerce among the States, as the portion of the ocean in its vicinity is the great common highway of the commerce of the States bordering on it; and that it embraced navigation as well as trade."

Again he adds:

"Having now shown that the power to regulate commerce, fairly construed, embraces the establishment of light-houses, buoys, beacons, and public piers, for the increased safety and facility of the commerce of the Atlantic coast, your committee will next proceed to consider the question,

whether it may not be constitutionally applied to increase the safety and facility of the Mississippi and its waters?"

After pursuing at some length the line of his argument, he concludes thus:

"Having now shown that the power to regulate commerce among the States is as applicable to the commerce of the Mississippi as it is to that of the Atlantic coast, and that the removal of the obstructions which endanger or impede its navigation is as fully embraced by it, as the establishment of light-houses, buoys, beacons, and public piers, your committee are also of the opinion that it extends to the removal of like obstructions in its great navigable tributaries, including such as have three or more States bounding on their navigable waters."

Thus the whole power claimed by the friends of these measures is conceded by this eminent statesman, of the school too of the strictest construction. For the slight exception he makes of such rivers as run between two States only, or are confined to a single State, stands upon a construction most clearly erroneous and inconsistent with the unqualified grant of the power itself.

Sir, Silas Wright, the clear and logical reasoner, the pure-minded legislator, the greatest of our northern statesmen, in his letter to the Chicago Convention written in May, 1847, after reviewing the constitutional question and the many embarrassments which attend the exercise of this power, admits its existence in reference to such improvements as are of a general or national character.

Having expressed these views in relation to the constitutional question, I shall now address myself for a few minutes to one or two considerations which have been urged against this bill. The gentleman from Kentucky [Mr. MARSHALL] the other day complained of the manner in which these appropriations were proposed to be applied to the western rivers. He urged that the sum of \$260,000 named for them all should have been divided and distributed by the bill to the several objects to which it was to be applied. I will say to the committee in reference to that point, that the manner of appropriation adopted in the bill was introduced as a matter of economy, and under the advice of and after full consultation with the Topographical Bureau. Former appropriations have been made to individual works. The custom has been to open an account with each work separately, and in every case to procure for each of these works upon the western waters a separate and distinct company of men to operate, and a distinct equipment of boats and machinery necessary to carry on the operations. It has, however, been found, by experience, more economical for the Government to have a general appropriation, which would enable them to purchase one set of boats and implements in number and equipment sufficient for the work on all the rivers, and to operate upon them as the exigencies of the case might seem to require. Thus, the Topographical Bureau, under whose direction the whole force operating on these waters will be placed, can adapt their movements to the state of the water and other circumstances as may best subserve the interests of the Government. The gentleman has also alluded to what he has been pleased to denominate the apparent inequality of these appropriations between the different sections of the country. I hope gentlemen have examined this subject for themselves, and if they have, they will see that there is no such inequality existing. None surely was intended. I find, upon looking over these appropriations, that for the Atlantic coast there is an amount of \$530,000; for the northern lakes, \$492,000; and for the western rivers and harbors, \$458,000. Such a distribution, if tested by the only proper criterion by which appropriations of a national character should be tried, the actual wants for the operations of the next fiscal year, is eminently just and proper. I will say further, in regard to the western rivers, that in no case have we reduced the estimates sent to us from the Department for these rivers, but we have given them in every instance the full amount asked for by the Government. We have gone further: we have added to the appropriations for the western rivers \$125,000, which the Government did not ask for, and for which they sent us no estimates until we called for them. We have recommended a large amount required for opening the mouth of the Mississippi, for the benefit of the great trade not only of New Orleans but of the upper country.

I differ with the gentleman from Kentucky [Mr. MARSHALL] in his view of the character of this appropriation. The appropriation for the mouth of the Mississippi is as advantageous to the

Upper Mississippi, the Ohio, or the Missouri, as if it was given to these rivers specifically. No appropriation is more needed than that which opens the mouth of the Mississippi, giving access to the foreign trade, and an outlet for the whole internal trade of the great valley. At the present time the mouth of the Mississippi is so clogged as almost to prevent navigation. I will say to the committee that there is not in this bill a single case which appeals more strongly to the House for the exercise of the constitutional power to improve rivers than this very appropriation. So deeply has it been felt by the people in that quarter, that they have come here in large numbers, representing the mercantile and shipping interest of the city of New Orleans, and they have laid before us statistical information, showing the most alarming extent and injury of these obstructions. The Senate, upon this representation, without waiting for the usual forms of business, passed a bill appropriating this sum of \$75,000, and sent it to us asking our concurrence in the measure. The committee, however, have placed it in this bill, deeming it just to the pressing wants of other parts of the country that this appropriation should abide the action of the House upon this general subject—for there are other points suffering for immediate appropriations. I might name the city of Boston, where the main channel to its harbor has been for several years back filling up by the abrasion of the island lying near it, which is not only blocking up that channel, but threatens serious injury to the whole commerce of that port. Indeed, this will demand our action immediately in a military point of view if in no other.

In the last Congress an appropriation was made of \$15,000 for the purpose of protecting Great Brewster island. If that island is washed away, (and it is now rapidly going,) it will fill up the only good channel which gives access to the large shipping of Boston, and will deprive the harbor of that city of the protection of the forts and batteries we have erected there to defend the commerce of that great commercial emporium of the North. There are numerous cases of this character demanding the immediate action of Congress. There is a case in the State of North Carolina where this Government has constructed a fort on the Cape Fear river, and established piers. Subsequently the falling down of the walls, and the abrasion banks upon which they stood, have materially obstructed the navigation of that very valuable river—a river in which the great bulk of the commerce of that enterprising State is now finding its way to the ocean. There has been a committee here representing that interest and urging immediate action upon the part of this House. We desire that all parts of the country should be fairly heard, and dealt fairly with.

Allusion was made by the honorable gentleman from North Carolina, [Mr. VENABLE,] who is not now in his seat, to the character of the bill in reference to the location of the appropriations, and that the committee had acted most unfairly and unjustly.

He estimated that the planting States had not been fairly dealt by in making these appropriations. Sir, those States lie mainly on the Atlantic seaboard, and if you will look at what we have given them on the sea-board, you will find that it amounts to \$433,000, and if you add to that their proportion of interest in what has been given to the great rivers of the West, it makes the sum of \$563,000 that is given to the planting States. Sir, no injustice of this kind was designed, and none has happened through any mistake or negligence of the committee. I am satisfied that this committee, on examining the details of this bill, will see that it does ample justice to every part of this country.

Sir, an allusion has been made to my own State—a State which has a vast commercial interest, and a large extent of lake coast and of river navigation as well as considerable sea-coast. Now, instead of the appropriations for that State being increased as western and southern appropriations have been, this bill contains upwards of \$20,000 less than the estimates sent to us by the Department for the State of New York. We have also been referred to the important work recommended here for the Delaware river, and though it did not fall within the constitutional ground which we had prescribed for ourselves, yet this and some other improvements on that river stand upon different

ground from any other. These piers and some others in the Delaware river were long since ceded to the Government upon the implied understanding and agreement that the Government would keep them in repair. Among these works were the piers at Port Penn. They lie on the east side of Reedy Island, and greatly need repairs.

The Department, however, believed that a better work could be made on the other side of Reedy Island, and that, too, for a small increase of expenditure; and we recommend that object as one of great importance to the vast commerce of the city of Philadelphia.

But, sir, seeing that my time is nearly out, let me say, in conclusion, that I regretted the introduction of the substitute proposed by the gentleman from North Carolina, [Mr. STANLEY,] which is the old bill of last session. I warn gentlemen who are friends of judicious and proper appropriations of this character against adopting such a bill as that. Gentlemen who were in the last Congress know the character of that bill. The committee had it before them. They went into an examination of its contents, and they found that a large number of appropriations were put in that bill without any estimates whatever from the proper Department, without any surveys, so that when you commenced the work you never could know where it would end, or what would be its utility. I will mention one item in the bill which struck the Topographical Bureau as most extraordinary. It was an appropriation of \$20,000 to construct a breakwater at Nantucket, for which there had been no survey or estimate; and when the attention of the Bureau was called to the subject, they found that you might as well construct a breakwater on the broad expanse of the Atlantic as to put it there; and its ultimate expense, instead of being computed by thousands, would absorb millions of dollars. There are other appropriations in that bill of a similar kind, and so numerous are they, and so ill-digested, and of such doubtful utility, that I warn the friends of this bill against the adoption of it. There are many votes in this House which will be given for this bill that, under no circumstances consistently with good policy and with the principles which we have adopted for our guidance on this great national subject, can be given for the bill introduced by the gentleman from North Carolina.

Let me say here, that I am far from claiming for this bill anything like perfectability. I stated, in opening this discussion the other day, that the committee labored under great embarrassment in forming this bill, and I stated the reason, of those embarrassments. I wish now to say to gentlemen on all sides that this bill is the result of great deliberation on the part of your committee, and has arisen out of concessions and compromises of opinion, differing as we did with regard to the extent to which we should proceed in this matter; and I hope for that reason, if for no other, the House will be very reluctant to admit any additions to it. This bill has arisen from a concession of the various grounds and opinions of the members of the committee—all believing that the great interests of the country on this subject were no longer to be neglected by Congress; that it rose above all party considerations and demanded imperiously at the hands of Congress such action under the Constitution as shall protect, as far as practicable, by these improvements, the immense interests of our national commerce.

Mr. DISNEY. I shall make one more attempt to appeal to the good sense of the House, and I therefore move that this committee rise. My object is to extend the time allowed for debate on this bill.

Mr. JONES, of Tennessee. I will say to the gentleman from Ohio that he cannot effect his object in the House any more than in the committee. A motion was made to reconsider the vote by which the resolution closing this debate was agreed to, and that motion was laid on the table. The gentleman can therefore only get in a resolution to extend the time allowed, by unanimous consent.

The CHAIRMAN. So the Chair has stated. Mr. DISNEY. The gentleman from Tennessee is entirely mistaken.

The CHAIRMAN. The motion to rise is not debatable.

The question was then taken on Mr. DISNEY's motion, and it was not agreed to.

And the committee proceeded to consider the bill by clauses.

Mr. STANLEY. I wish to make an inquiry of the Chair relative to the order of proceeding, for it has been differently decided by different presiding officers. I ask when, in the opinion of the Chair, the vote on the substitute, which I offered a day or two since, can properly come up?

The CHAIRMAN. After the committee have perfected the original bill and the substitute.

Mr. JOHNSON, of Georgia, moved to strike out the first clause of the bill, which is as follows: "That the following sums of money be, and the same are hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the superintendence of the Secretary of War, for the following purposes:"

and to insert in lieu thereof the following:

That the consent of Congress is hereby given to each of the States hereinafter named, to levy a tonnage duty upon the commerce within their respective jurisdictions for the purpose of raising and collecting the several sums of money hereinafter specified, which said sums when so collected shall be appropriated to the works and uses hereinafter designated.

Mr. J. said: It has long been a cardinal principle of the Republican party of this country that this Congress and this Government should not exercise and assume doubtful powers. The exercise of the power of this body to pass this bill is one of a contested character, but the Constitution is clear and unequivocal, that Congress may give its consent to the States to lay tonnage duties. There is no doubt of that. Every person concurs in the power of Congress to give its consent to that, but there is a vast variety of opinion as it respects the power of Congress to appropriate directly from the Treasury, money for the purposes of internal improvement. If we adopt this amendment, we avoid that difficulty; we shall stand by the cardinal principles of the Republican party.

This amendment, sir, is in conformity also with the views of Mr. Polk in his veto message. It is in conformity with the practice and usage of the Government, and if adopted it will check extravagance; each locality and each State will know best what improvements can be made, how they are to be made, and how they will best answer the purposes for which they are designed. Now, the contest is not how the improvements can be best effected, but what section shall receive the largest amount of money. But the amendment will have another effect; it will put the tax upon the persons who are interested in these improvements, and who receive benefit from them; the tonnage duty will be upon the owners of the vessels, and they will then charge the consumers for the use of the facilities afforded by these improvements. These will be the effects of this amendment if it is adopted. If, however, it be not adopted, and if this Government takes upon itself a system of improvements, it leads to extravagance, puts a tax on people who ought not to pay it, has a tendency to form combinations, and to exhaust the Treasury.

Mr. STANLEY. I am opposed to the amendment, but I shall not occupy my five minutes in discussing it. I shall be obliged to the gentleman from Georgia if he will tell me what he means by the Republican party.

Mr. JOHNSON. I will answer the gentleman. The Republican party consists of those who contend that this Government has no powers but those clearly granted in the Constitution, and such as are incidental to and necessary to carry out the granted powers.

Mr. STANLEY. That is, the sensible men of both parties.

Mr. JOHNSON. In the party to which I recently belonged there is as much latitudinous construction as in any other.

Mr. STANLEY. The party to which you recently belonged. What party does the gentleman belong to now?

Mr. JOHNSON. I now belong to the independent order of outsiders. [Laughter.]

The question was then taken on Mr. JOHNSON's amendment, and it was not agreed to.

Mr. MILLSON. Is it in order to move to strike out the enacting clause of the bill?

The CHAIRMAN. The Chair thinks not. The enacting clause is the last thing to be considered. The gentleman can move to strike out the first appropriation if he chooses.

Mr. MILLSON. I move, then, to strike out the first clause in the bill, which is as follows:

"For the construction of the Delaware breakwater, \$30,000."

I have not the vanity to suppose that I can shed any new light upon a subject which has engaged for so many years the attention of our wisest statesmen. If I could, it would, perhaps, be idle to attempt it. From the indications already given, I doubt if the most conclusive reasoning that the subject is susceptible of, could defeat the passage of this bill. I cannot even permit myself to hope that it is to be the last of its kind. It has already been decided to rank among the general appropriation bills, and our rules may soon require such a bill to be annually reported, with the bills for the support of Government, within the first thirty days of the session.

Gentlemen on this side of the House insist that there is nothing in this measure at war with the doctrines of the Democratic party. About that, sir, I have nothing to say now. I will not assume to speak *ex cathedra* as to what may constitute Democracy. Nor do I mean to charge that this bill violates the Constitution of the United States. Whatever may be my own convictions upon the subject, to insist that I am certainly right and other gentlemen unquestionably wrong, may not be altogether becoming. When, however, the gentlemen from Illinois, [Messrs. CAMPBELL and MOLONY,] the honorable chairman, [Mr. SEYMOUR,] and others who have spoken in this debate, attempt to show that these appropriations for the improvement of rivers and harbors, have been the settled policy of the Government from its earliest establishment, I take issue with them; and I refer them to the declaration of Mr. Polk, in his admirable veto message, that the power was not only never exercised, but was never even claimed for more than thirty years after the organization of the Government.

Sir, I have not thought it proper, in addressing statesmen, to urge them to oppose a particular policy because Mr. Jefferson or Mr. Madison believed it to be unconstitutional. We are not now before a court of justice arguing cases upon precedents and authorities. Independent reasons ought to be addressed to the understandings of gentlemen; and that method of discussion which seeks to maintain a favorite theory by citations of illustrious names, is not more complimentary to the hearer than it is apt to be convincing. The Constitution did not exhaust itself in its appeals to the past generation. It speaks to us as it did to them, and it is safer to rely upon the text than upon the commentary.

But, sir, when the authority of Mr. Jefferson is invoked by the friends of this bill, it is allowable to show that they have utterly misconceived his opinions. Gentlemen insist that their views are sanctioned by this great republican statesman, and they lay much stress upon his approval of the bill making appropriations for light-houses, and for building piers in the Delaware river. This bill was passed in April, 1802, and it cautiously provided for a cession by the States to the United States of the land on which not only the light-houses, but the piers were to be built. It is upon this slender foundation that gentlemen rest their argument that Mr. Jefferson acknowledged the power of Congress to expend millions of dollars in this system of internal improvement, prosecuted in utter contempt of the State jurisdiction. But I now propose to read a letter of Mr. Jefferson to Albert Gallatin, written in October, 1802, not only upon the general subject which gentlemen have been discussing, but in reference to this very appropriation for piers in the Delaware river. As I presume they have never seen this letter, I invite their particular attention to it. They will find that Mr. Jefferson utterly condemns the system of which they are the advocates, and that the only ground on which he conceived the appropriation could be considered constitutional was that the piers might be necessary for the protection of our ships-of-war. Here is the letter:

"You know my doubts, or rather convictions, about the unconstitutionality of the act for building piers in the Delaware, and the fears that it will lead to a bottomless expense, and to the greatest abuses. [How prophetic!] There is, however, one intention of which the act is susceptible, and which will bring it within the Constitution; and we ought always to presume that the real intention which is alone consistent with the Constitution. Although the power to regulate commerce does not give a power to build piers, wharves, open ports, clear the beds of rivers, dig canals, build warehouses, build manufacturing machines, set up manufactories, cultivate the earth, to all of which the



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power would go if it went to the first; yet a power to provide and maintain a Navy is a power to provide receptacles for it, and places to cover and preserve it. In choosing the places where this money should be laid out, I should be much disposed, as far as contracts will permit, to confine it to such place or places as the ships-of-war may lie at, and be protected from ice, and I should be for stating this in a message to Congress, in order to prevent the effect of the present example. The act has been built on the exercise of the power of building light-houses, as a regulation of commerce. But I well remember the opposition on this very ground to the first act for building a light-house. The utility of the thing has sanctioned its infraction. But if on that infraction we build a second, on that second a third, &c., any one of the powers of the Constitution may be made to comprehend every power of Government."

Mr. HOWARD. Mr. Chairman, this power to improve the navigation of rivers and harbors has been so long exercised by the Government, first and last, by almost every Administration, except that of Mr. Polk, that I hardly now think it is an open question. But I have one objection to this bill, which to me is an insuperable objection. It is sectional, eminently sectional in its character—too much so; I think, to command the votes of a majority of this House; certainly too much so to command mine, without considerable modification. Whoever takes up this bill and scans it, will see that it has three prominent objects. It is to appropriate to the great centers where the voting is done, and to leave out all the other sections; substantially, without reference to the merits of the works they present to the consideration of the House and the legislation of Congress.

Now, sir, there were many objections to the bill that passed the House at the last session of Congress. I voted for that bill, though I could not conceal from myself the fact that there were many objectionable features in it; but it had one merit, at least, over this. It was not entirely sectional; it was not confined to Big-Sodus and Little Sodus, and the lakes, and to those places where the voting is to be done which is to pass the bill, as is eminently the case with the one now before the House.

Sir, my own State has a sea-coast of over seven hundred miles, yet, upon that sea-coast, there is not a single appropriation in this bill. It is entirely omitted. The bill of last Congress appropriated \$50,000 to her coast. There was an appropriation in the bill of the last session for the improvement of the Rio Grande, made upon survey by an officer of the Topographical Engineers, and estimate, and upon the recommendation of the Administration and of the War Department, that the navigation of that river was necessary or highly convenient for military transportation. The same recommendation was also made by the Secretary of War the present session; but that recommendation has not been regarded. I understand it was upon the pretense that the boundary line had not been run. I say pretense, because the line was being run. The party running it have now reached as far as Laredo, the largest portion of the line, and will be at the mouth of the Rio Grande before this bill can pass both Houses, and that river, if there is a national character in any river, is national in its character, because it divides the two Republics. All that is required, as I understand, to make it perfectly navigable nearly half way to El Paso from its mouth, is \$25,700, as estimated by the officer who surveyed it, and the saving to the Government each year, in the cost of transportation, would be more than twice that amount. But, sir, it cannot be expected that in any bill which has the character which has been given to this—a State that has only four votes—should expect to have justice done here, and much less liberality.

Mr. ROBBINS. I wish to make an inquiry of the gentleman—

[Here the hammer fell.]

Mr. MILLSON. With the consent of the committee I will withdraw my amendment.

Mr. JOHNSON, of Arkansas. I object.

The question was then taken, and the amendment was not agreed to.

Mr. FULLER, of Maine. I move to amend by increasing the appropriation \$5,000.

I did not intend to have made a speech upon

this bill at all, but to have contented myself with the labors I performed in committee. But on hearing the remarks made by the gentleman from Texas, in which the charge was made that this bill was framed upon sectional grounds, and knowing that at least so far as one member of that committee was concerned, that no such motives operated in reporting this bill, I now disclaim entirely any sectional feeling in the matter. I should have been much better gratified when the gentleman made these charges, if he had pointed out the manner in which the bill was sectional, rather than to have made the charges alone. He says, for instance, that his own State, with a sea-board of seven hundred miles, is passed over. Sir, there is an appropriation in that bill of \$20,000 for one river in the State. But he says that Texas has only four votes. Why, sir, my own State has eight votes—double the number of the gentleman's State. We have a sea-coast of thirteen hundred miles in all, and between three and four hundred in a straight line; and yet, although we have double the number of votes, we have an appropriation in this bill of only \$15,000, while Texas has \$20,000.

Mr. HOWARD. You have got it ever since the organization of the Government.

Mr. FULLER. If that is the sectionality of which he speaks, and on account of which he cannot vote for the bill, I take it, as one member of the committee, I should be exempted from the charge of entertaining any such feeling; for it is to be supposed that I should have the interest of my own State as much at heart as the State which the gentleman [Mr. HOWARD] so honorably represents. The sectionality of this bill, therefore, so far as the two extreme States upon the sea-board are concerned, is, that Texas having four votes has \$20,000, while Maine, with her eight votes, has only \$15,000. Maine is also the third State in the Union in point of commerce, the extent of which I had something to say in my former remarks. Then, when the gentleman from Texas charges this as being a sectional bill, I hope he will, at least, exempt one member of the committee from that charge.

Now, in relation to the merits of the bill itself, the committee have already had their attention called to it. I, for one, was willing to give my assent to put the sea-board, the lakes, and the Mississippi river upon an equal footing, so that one section of the country should have no advantage over the other. And I think this is as fair a bill in that particular as, perhaps, any gentleman in this House could sit down, with the given sum, and appropriate.

For myself, I do not admit the constitutional right of this Government to go into a system of internal improvement, unless in connection with our sea-board and harbors. There is a difficulty, in my mind, how it is possible to apply the rule that these improvements should be made by the States themselves; for instance, to the Mississippi river.

There are certain improvements to be made, snags to be taken out, and the river to be cleaned out. Now how can any one State bordering upon this river make these improvements? What States would do it? Would Mississippi? would Louisiana? would Arkansas? would any of the other States? The same remark applies to the lakes and to the Atlantic sea-board. Then I say it is wrong to throw upon the commerce of the country the burden of making these improvements. Perhaps there is no species of property which already bears a heavier burden.

[Here the hammer fell.]

Mr. BISSELL. I am opposed to the amendment offered by the gentleman [Mr. FULLER] who has just taken his seat. Indeed, I do not know but I shall be opposed to the whole bill. I will not say just now that I shall vote against it, though my present inclination is to do so, unless it receives very essential modifications. Of course I shall not attempt, in the few minutes allowed me, to go into a discussion of the details of the bill. I intend at present to notice but a single objectionable feature—one of the many with which the

bill abounds—with a view of directing to it the especial attention of Western men. It is a consideration—that to which I am now referring—which ought, in my judgment, to go very far with all just men in determining the amount of favor which the bill ought to receive. I find here, for continuing the improvement of the navigation of the Hudson river above and below Albany, \$50,000. That river is navigable, I believe, for about sixty miles.

Mr. SEYMOUR, of New York. Will the gentleman permit me to correct him? The Hudson river is navigable for one hundred and fifty miles, and the improvement projected upon that river is where the tide ebbs and flows.

Mr. BISSELL. I meant to say one hundred and sixty miles—not sixty. I knew the distance well, having frequently traveled from New York to Albany. But I do not know how far up the tide ebbs and flows; the gentleman can tell me.

Mr. SEYMOUR. Over one hundred and fifty miles, and up to a dam constructed across that river, at least four miles above any portion of the improvement.

Mr. BISSELL. Well, then, call the navigable distance one hundred and fifty miles. And, for that one hundred and fifty miles of the Hudson river, \$50,000 is appropriated by this bill.

Now, pass to the next item in the bill:

"For the improvement of the navigation of the Mississippi river, below the rapids; the Ohio, including the repairs of the dam at Cumberland island; the Missouri and the Arkansas rivers, \$260,000."

Here is an extent of western river navigation scarcely less than six thousand miles—forty times greater than the length of the Hudson—and for all this the bill proposes to appropriate \$260,000; a sum only about five times as great as that appropriated to one hundred and fifty miles on the little Hudson. This is the fact to which I call the attention of western members on this floor. Upon what principle can this thing be maintained? Is it equitable? Is it adjusted according to the difficulties and dangers of navigation, or the real, actual necessities of commerce? The Hudson may need improvement—doubtless does—to facilitate commerce. But what are its wants in that respect compared with those of the western rivers? On which of them do the disasters to life and to commerce occur? There runs, nearly the entire navigable distance of the Hudson river, directly upon its margin, one of the finest railroads in the Union; and the time occupied in passing over it is three hours. Besides this, the river itself, in its present condition, is justly regarded as one of the finest navigable streams in the world. Why, then, appropriate a sum for the improvement of the navigation of that river, proportionably greater, by near forty-fold, than for western rivers—rivers whose banks, unlike those of the Hudson, are not lined with railroads?

I ask again, why appropriate \$50,000 for the improvement of this little span of the Hudson, and a sum so insignificantly small, comparatively, for this immense extent of western waters? Where are the dangers to river navigation? Are they not in the Mississippi, the Missouri, the Ohio, and the Arkansas? Where are the snags, and other obstructions, which so often send scores of human beings to their watery graves, and bury in the deep the rich cargoes of our inland commerce? Not on the Hudson—not on the Hudson; but on the Mississippi and its tributaries.

[Here the hammer fell.]

The question was then taken on the amendment offered by Mr. FULLER, and it was not agreed to.

Mr. CASKIE. I move to insert between the ninth and tenth lines the amendment which I send to the Clerk's table.

The amendment was read, as follows:

For the improvement of the James and Appomattox rivers below Richmond and Petersburg, \$50,000.

Mr. CASKIE. Inasmuch as an appropriation to these two rivers, in connection with this bill, has been several times alluded to in incidental debates which have sprung up here, and as I have not yet heard from any one an objection to the

fairness of the appropriation asked for that purpose, according to the principles of the bill, I do not feel called upon to say anything in reference to the amendment I have offered, save only that my friend [Mr. MEADE] and myself, who represent the two districts interested, are perfectly prepared to give any explanation which may be desired.

Mr. DUNCAN. I wish the committee to understand that this subject was in no way presented to the Committee on Commerce, and that they had no petition, no memorial, no surveys, and no request, in reference to these rivers made to them. The subject was never brought to their notice, except from the circumstance of finding an appropriation for the improvement of the navigation of those rivers in the bill of last year, until the subject was presented to the House.

And while I am up, I will mention a curious fact. In the year 1844, there were appropriations made for harbors and rivers; but they were made in separate bills. A gifted son of Virginia, Mr. Tyler, was then in the presidential chair. He saw fit to sign the bill for the western rivers and lake harbors, but vetoed the bill for the harbors and rivers of the Atlantic coast; and he assigns as a special reason for vetoing that bill, that it included the very rivers which gentlemen now present to the committee. He made it a prominent feature of his objection to the bill, that it included appropriations to those rivers in Virginia. I presume, sir, he must be supposed to have understood the interests of Virginia, and that, at least, he had good reason for thus singling out those appropriations, as special objects of condemnation.

Mr. MEADE. I will ask the gentleman whether that veto was not based on constitutional grounds alone? The necessity of the work Mr. Tyler did not controvert. He vetoed the bill upon the ground of the unconstitutionality of such an appropriation.

Mr. DUNCAN. I have the message before me, but I have not time to read it. The veto was not placed upon unconstitutional grounds alone; but the objection was, that if the improvements suggested were made, it would favor one part of Virginia to the exclusion of another.

Mr. CABELL, of Florida. Will the gentleman allow me to ask him a question? Before the gentleman appeals to this authority of Mr. Tyler, I ask him whether he assented to the reasons given by Mr. Tyler? whether Mr. Tyler was not acting in opposition to the opinions which the gentleman himself entertains? and whether it is fair to quote his opinions in opposition to the amendment now offered to this bill? And further, I ask the gentleman whether this very appropriation has not been recommended from time to time by the proper department, to which this question is properly referable?

Mr. DUNCAN. I do not concur at all with Mr. Tyler in opinion. I stated his opinions that they might pass in the House for what they are worth.

In regard to recommendations, I say again, that we had no recommendation this year upon that subject, and I am not aware that in former years there has been any recommendation from the executive department.

[Here the hammer fell.]

The question then recurring upon the amendment offered by Mr. CASKIE,

Mr. MEADE demanded tellers; which were not ordered.

The House was then divided on the question, and there were—ayes 50, noes 40; no quorum voting.

Mr. CHANDLER. I hope tellers may now be appointed by unanimous consent.

No objection was made, and Messrs. CHANDLER, and PARKER of Indiana, were appointed tellers.

The question was again put upon the amendment, and it was rejected—the tellers (Messrs. CHANDLER, and PARKER of Indiana) having reported—ayes 62, noes 63.

Mr. COBB. I propose to add at the end of the ninth line in the bill, the following:

For the surveying and improving the Tennessee river, \$25,000 below, and \$50,000 above the Muscle Shoals in said river.

It is not my intention to censure either directly or indirectly the Committee on Commerce for having omitted in this bill to provide for the improve-

ment of the Tennessee river, which is navigable for more than three hundred miles below, and five hundred miles above the Muscle Shoals. I have submitted the amendment by which that omission will be supplied. It will be observed that I do not propose the improvement of the Muscle Shoals, for to do that would require the expenditure of upwards of \$3,000,000. The importance of the improvement of the Tennessee river has long since been acknowledged by the Government, for years ago they granted four hundred thousand acres of choice land in Alabama for the improvement of the Muscle Shoals. That is of itself a strong argument in favor of the amendment. We cannot expect that, after the expenditure of four hundred thousand acres of land, and accomplishing nothing, in the improvement of those shoals, to get another appropriation for that object. Below these shoals steamboats are running at all seasons of the year, and there are improvements which can be made there which will add much to the navigation of the river. Everybody on the committee, acquainted with the stream, knows that it rises in the State of Virginia, flows through Tennessee and Alabama, and empties into the Ohio river, in Kentucky. Its importance is admitted by all. If it be proper to improve it, why not begin the work now, when numbers of steamboats are upon the river, running above and below the Muscle Shoals?

Mr. Chairman, I had some constitutional scruples in relation to the improvement of certain rivers and harbors, until my return home about twelve months ago from the Congress of the United States. I got on board the Chattanooga to descend that river to my home, a distance of about one hundred miles. Whilst the boat was steaming down the river it was stove by a rock, which could have been removed for \$200, and the lives of the passengers—my family and myself included—were periled. That at once convinced me in regard to the constitutionality of the question, and the importance of the improvement of that river was practically demonstrated to me. [Laughter.] I am well satisfied that there are improvements which should be undertaken by the General Government, and which are strictly constitutional. Of that I have never doubted, although my favorite policy, from the first time I had the honor of a seat here, has been to authorize the States to levy tonnage duties, for the purpose of making improvements of the character provided for by this bill and others. I believe that Congress has the power in certain instances to improve rivers and harbors.

Mr. CHURCHWELL. I move the following, to come in as an addition to the amendment:

For the improvement of the Tennessee and its navigable tributaries above the Muscle Shoals, \$133,600, to be expended under the direction of the Secretary of War.

I offer that amendment in good faith. It is based upon the estimates of the Department made out by the Topographical Engineers.

Mr. DUNCAN. I raise the question, that it is not in order for the gentleman from Tennessee now upon the floor to submit an amendment to the amendment offered by the gentleman from Alabama [Mr. COBB] to the bill.

The CHAIRMAN. This is only an amendment in the second degree, and therefore in order.

Mr. DUNCAN. The amendment of the gentleman from Alabama has not been opposed. The rule declares that a speech of five minutes shall be made in favor, and a speech of five minutes against the amendment.

Mr. COBB. Why the gentleman seems to suppose there is going to be opposition to my amendment? [Laughter.]

The CHAIRMAN. The Chair overrules the point of order raised by the gentleman from Massachusetts.

Mr. CHURCHWELL. The amendment I have offered is based upon the estimates of the Department. I regret that I did not obtain the new estimates in time to have submitted them with the old estimates of Colonel Long, to the Committee on Commerce for their investigation, and for the insertion of the appropriation for the improvement of the Tennessee river in the original bill. There can be no good reason urged from any quarter of this Congress, why that river should not be improved as well as any other river provided for in that bill, and that, too, sir, upon Democratic national grounds. It is as much a national

object as the Ohio. A majority of the committee which reported this bill, belong, I believe, to the Democratic party. That they were sincere in putting in appropriations for the rivers they have, I have no doubt, nor will they now say the Tennessee ought not to be improved. And although we oppose a general, wasteful, and profligate system of internal improvements by the General Government, at the same time we have the sanction of every President, from the first Congress down, for a reasonable, judicious, and prudent expenditure of the public money for the improvement of highways which may be necessary to make navigation easy and safe. I propose this amendment, sir, because I believe that the water-course, to which the appropriation provided by it is to be applied, comes under that character of improvements, and is of national importance.

The Tennessee river, I am aware, has not attracted the attention that the Delaware, Hudson, and other northern rivers have. It has not met with the early favor of the Government. Its obstructions are as nature made them, but there is no river more susceptible of being improved. The completion of the great railroad, however, from Chattanooga upon its banks to the southern sea-board at Charleston and Savannah, is fast developing its value and the necessity of its improvement—giving us an outlet for our commerce, which has increased more than a hundred-fold in the past two years. The tonnage on the river is more than doubling itself every year. The increase of the great staple of the Southern States the last season, borne on its bosom, was over twenty thousand bales; an increase of the article of Indian corn, over the former season, of five hundred thousand bushels, shipped to markets abroad. Indeed, sir, I might go on and show from facts and figures that the importance of this beautiful river, as a great national highway, is of the character to merit and deserve improvement by the Government. It has been surveyed by the Government; it has been used by the Government for the transportation of its troops; it is now used for the transportation of the Government mail. Heading in Virginia and North Carolina, it runs in a southwesterly direction through East Tennessee and Alabama, washes the shores of a portion of Georgia, is the line between Mississippi and Alabama, and then, after making an extraordinary curve in a northwesterly direction through West Tennessee, it flows through Kentucky and empties into the Ohio, bearing off the surplus products—limitless in quantity—of the rich and fertile Tennessee valley.

The character of the obstructions to its navigation are such as to be easily improved, consisting principally of jutting rock and shoals, alternating with deep and unobstructed basins, varying in depth from twenty to forty feet, allowing the channel through the shoals to be deepened without injury to it above or below. Its banks, being principally of rock and a different soil from the Ohio, Mississippi, Missouri, or Arkansas, are not subject to injury from floods, and any improvement would be permanent. Its obstructions have cost the Government a few dollars. I well recollect that a few years ago, when the Mexican war was raging, troops were raised in East Tennessee, (the nursery of soldiers,) and that the easiest conveyance for them to the seat of war was down the Tennessee river, and I believe, also, that to the steamboats in the service of the Government, there had to be paid a demurrage of \$500 a day on account of the delay, caused by the obstructions in that river at low water.

I could still further assign as another reason, why it should be acknowledged by this Government as a national object. When a survey was made by Colonel Long, in conjunction with some assistants in Tennessee, the expenses of that survey were refunded to the State of Tennessee by General Jackson, thereby acknowledging it as worthy of the favor of the Government. If the position is to be taken, whether our river is entitled to improvement—whether it is equal to the Ohio or other rivers—I tell gentlemen that, in navigable extent it is the fourth highway in the United States, and in volume of water the third. I have been asked, by gentlemen around me, where is Tennessee river? I tell them, that it is in the very heart of the Confederacy; and while you are improving your veins near the surface, that convey the national blood in a healthful condition, let us improve the main arteries to the extent their

importance demands. I see no reason why western rivers should not be improved, as well as the northern rivers or northern harbors. It is strange and extraordinary logic that admits the right to erect light-houses, piers, and buoys, to point out rocks and breakers to vessels and denies the right to remove the rocks that caused the necessity for them.

[Here the hammer fell.]

Mr. WALSH. I believe it is in order to oppose this amendment. I have no objection to the Tennessee river and its improvement; but there seems to be a wide mistake abroad, particularly upon the part of some gentlemen in this House in regard to the subject of river and harbor improvements. The ascertainment of the amount of money to be appropriated in these cases is almost as nice as arithmetical calculations. We must know the nature of the obstruction—we must know whether it is worth while to begin the improvements; we must know the season at which those improvements are to be made; and all this information we get from the officers of the proper Department. In reply not only to what has been said by the gentleman from Tennessee, [Mr. Churchwell,] but especially in reply to the gentleman from Illinois, [Mr. Moline,] who attempts to make this a sectional matter, by arraying hostile feelings against us, I will say that the appropriations for the Ohio and Mississippi rivers are within a very small amount of the appropriations recommended by the appropriate Department. The items are the same recommended by your scientific men, as the sum of money which ought to be appropriated within a given time and at particular seasons. Gentlemen seem anxious, by going to the Treasury and dragging out its means at once, to realize the fable of the golden goose, whose owner, not satisfied with her laying a golden egg every day, killed her in the vain idea of getting a still greater increase. The appropriation for the Tennessee river was not an appropriation sustained by any estimate at all from the proper Department; nor do I understand the gentleman now to say that it was. He says that there was a local survey in that State; all I understood him to say was, that there was a survey under the authority of the State of Tennessee.

Mr. HOUSTON. Under the authority of the Government of the United States. The gentleman misunderstood his statement.

Mr. WALSH. All I mean to say is this: that those estimates were never presented to the committee in my presence—they were never there for our action. And if the House will now allow me, I will say that the committee have had no opportunity for their examination.

Mr. HOUSTON. I called the attention of the chairman of the Committee on Commerce myself, and another member of that committee, to this very improvement; and upon more occasions than one, I have solicited them to take up this subject and incorporate an appropriation for this river in the bill.

Mr. CHURCHWELL. I have the estimates of the Department now in my hand. They are the same which were presented to the chairman of the Committee on Commerce.

Mr. WALSH. I am only speaking from my own personal knowledge. Sir, there is nothing sectional in this bill; and the statement which declares that it is sectional is not sustained by a single fact before the committee. The fact stated by the gentleman from New York, [Mr. Seymour,] shows that there has been an equal division of these improvements to different sections of the country. The charge is wholly unfounded that this committee have acted upon any sectional grounds. We endeavored to promote the interests of all sections of the country. When our attention was called to this matter of the Rio Grande, it was suggested that the boundary question was not settled. We knew that in regard to the harbor and river bill of the last year, the hair-splitters of the Senate relied upon that very item for the purpose of defeating the appropriation. It was in no pretense, but in the very spirit of compromise, and a desire to prevent difficulty, that we did not embrace that item.

Mr. SEYMOUR. As the gentleman has alluded to the Rio Grande matter, I wish to say that I hold in my hand the correspondence upon this subject from the Topographical Bureau, showing that the line had not been run on the Rio Grande,

and that no survey could be made upon which any estimates ought to be founded.

Mr. WALSH. You will recollect that this was made the point of difficulty by gentlemen in another branch of Congress in regard to these appropriations.

[Here the hammer fell.]

The CHAIRMAN. The Chair supposes that this discussion about the Rio Grande is out of order on an appropriation for the Tennessee river.

The question was then taken on Mr. Churchwell's amendment; and it was rejected.

Mr. BROWN, of Mississippi. I offer the following amendment:

For removing obstructions from the mouth of Pascagoula river, in the State of Mississippi, \$50,000.

Gentlemen belonging to the Committee on Commerce say that appropriations of this kind have not been inserted in the bill because they have not been asked for. I sent to that committee a petition for this very appropriation, and not only has it been left out, but no sort of notice has been taken of it.

Mr. JOHNSON, of Arkansas. I desire to move that the committee rise, and then the gentleman can make his speech to-morrow.

Mr. BROWN. I hope that this talk about the committee's rising will not come out of my time.

The CHAIRMAN. Of course not.

Mr. JOHNSON. We have come to a stand still and can do nothing. I move, therefore, that the committee rise.

Mr. SEYMOUR. I hope the committee will not rise. I demand tellers.

Tellers were ordered; and Messrs. LETCHER and RICHARDSON were appointed.

The question was then taken; and there were—ayes 62, noes 67.

So the committee refused to rise.

Mr. BROWN. I was proceeding to say, that the members of the Committee on Commerce were wholly mistaken, as far as the proposed appropriation was concerned, when they said that it had been left out of the bill because it was not asked for. More than once petitions for this appropriation have gone to that committee through the ordinary channels. I have not, it is true, gone and besought the members of the committee in person, to put into the bill this or any other appropriation. I have neither begged nor bargained for that which I have a right to demand in the name of my constituents. My constituents petitioned, as was their right; and I presented their petition, as was my duty. And I took it for granted, that the members of the Committee on Commerce, like the members of the other committees of this House, would discharge their duty. Still, I find this bill reported, and no notice taken of those petitions. I find, also, and it is that of which I especially complain, that the State which I have the honor in part to represent upon this floor—a State which supplies to this Government one seventh part of its exports, and, by consequence, one seventh part of its imports, and which, therefore, supplies one seventh part of the whole revenue of the Government derived from imports—has not had appropriated to it in this bill one single solitary dollar; not one farthing. Sir, the State of Mississippi has been entirely overlooked in the preparation of this bill.

A VOICE. So has Virginia.

Mr. BROWN. No, I think Virginia has not been entirely omitted. She has something, but Mississippi has not one dollar from the commencement to the conclusion of the bill. This is the only item that has been asked for, and it was due to that State that it should have been granted; or if not granted, the petitions should have had at least a decent and respectful consideration. Why is this? Why are our petitions thus trampled under foot and spit upon? Is it because the Mississippi delegation come here subscribing to the doctrine of a strict construction of the Constitution? Are you going to establish the principle in this country, that money is to be doled out to those only who believe that a liberal construction of the Constitution is right? and are you going to refuse appropriations to those who take a different view of their duty to the Constitution? Are the liberal constructionists—those who believe the Government may and ought to make these appropriations, about to band together, seize the public money and appropriate it to themselves, and will they deny to those who dispute their power to appropriate all partici-

tion in a common fund? If that be the principle upon which you are going to act, why, let us understand it. I understand that the treasure of the nation is the common property of the nation, and is not to be distributed to the States according to the opinions of their Representatives on a constitutional question. We hear all around us that gentlemen have not been able to get their items of appropriations put into this bill, because they themselves believe that such appropriations are unconstitutional. Sir, have we fallen upon times like these, that gentlemen band themselves together to seize upon the national treasure and appropriate it to their own use, denying all share to those who chance not to agree with them in their construction of the constitutional power? If that is the doctrine let us understand it.

I have been falsely charged with being a disunionist; but if it be true that gentlemen who believe the National Treasury is subject to the unrestricted legislation of Congress, may seize the common fund; divide it among themselves, and deny all participation to those who will not justify the division, then, sir, I say it would be as honorable to consort with highwaymen as to live in such a Union. When the surplus revenue was distributed, was Virginia and Mississippi denied their distributive share because they opposed the distribution? No; if you have so much respect for our opinions as not to give us our share of the money because we think you ought not to use it in this way, then I pray you carry your respect a little further. We believe that you have no power to tax us as you do under the protective policy. Will you so far respect our opinions as to withhold taxation? No, sir; you will impose taxation whatever may be our opinions; and you do it without stint or mercy. It is only when you come to disburse the money that you are seized with these violent fits of respect for our opinions. If you cannot appropriate money in my district out of respect for my constitutional opinions on the subject of these appropriations, then carry your respect a little further, and quit taxing my constituents until I am satisfied that you are doing it according to the Constitution. If you may take money out of my district without my consent, you may put it back without my consent. If we are to have a partial system of distribution, then let us have a partial system of taxation. If my State is to be thus excluded from the appropriations, let her be stricken from the tax list. Cease to draw money from her, and she relinquishes forever all claim upon the National Treasury. But if the hand that gathers is thrust into her pocket, she calls it robbery if you close against her the hand that distributes.

[Here the hammer fell.]

Mr. McMULLIN obtained the floor.

Mr. GIDDINGS. I rise to a question of order. I understand that the appropriation proposed in this amendment is not to continue any work that has already been commenced, or that is authorized by law. I would inquire of the Chair whether, that being the case, it is in order under the 81st rule, which is as follows:

"81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

Mr. RICHARDSON. If the Chair sustains the point of order raised by the gentleman from Ohio, this whole bill is out of order.

Mr. GIDDINGS. I will say, in reply to the gentleman from Illinois, that this bill is to provide for the carrying on of works which have been already commenced.

The CHAIRMAN. The Chair supposes that that rule has reference to the general appropriation bills reported from the Committee of Ways and Means, and not to this bill, which was reported from the Committee on Commerce. The Chair therefore decides that the amendment of the gentleman from Mississippi is in order.

Mr. GIDDINGS. From that decision I appeal, and I believe the appeal is debatable.

The CHAIRMAN. No, sir, it is not debatable.

Mr. GIDDINGS. Then I simply ask that the Clerk may read the 81st rule, so that the committee may understand it.

Loud cries of "Object!"



Mr. LETCHER. I move that the committee do now rise.

The CHAIRMAN entertained the motion, and proceeded to divide the committee upon it.

Mr. McMULLIN. I rise to a question of order. That motion cannot be entertained. I was upon the floor to speak in opposition to the amendment of the gentleman from Mississippi; the gentleman from Ohio rose to a question of order, and I took my seat until that question of order was decided. I insist that no gentleman has a right to take the floor from me to submit any motion.

The CHAIRMAN. The gentleman from Virginia is right. The facts are as he has stated, and the motion that the committee do now rise is not in order, unless he yields the floor for that purpose.

Mr. LETCHER. I rise to a question of order. My colleague retained his seat until the committee was actually dividing on my motion. It was too late for him to claim the floor then.

The CHAIRMAN. The Chair decides that that does not take away from the gentleman from Virginia [Mr. McMULLIN] his right to the floor.

Mr. DISNEY. Suppose this question of order should be continued for half a day, would it not be competent for the committee to rise?

The CHAIRMAN. The appeal must be decided at once, and without debate.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. ORR. I raise another question of order, that the amendment submitted by the gentleman from Mississippi is not germane to the amendment to which it is offered. The one is to improve the Tennessee river, and the other is to improve a river in Mississippi.

The CHAIRMAN. The Chair thinks that the amendment is germane and in order.

Mr. ORR. Will the gentleman from Virginia yield the floor for a motion to rise?

Mr. McMULLIN. I yield it for that purpose.

Mr. ORR. I move that the committee do now rise.

The question was put, and on a division there were—ayes 60, noes 35.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 282, "making appropriations for the improvement of certain harbors and rivers," and had come to no resolution thereon.

Mr. HOUSTON. I ask the unanimous consent of the House to call up the resolution proposing to fix a day for the final adjournment; which has been sent back from the Senate with an amendment.

Mr. TAYLOR. I object.

Mr. EWING. I move that the House adjourn.

Mr. BISSELL. Will the gentleman withdraw that motion for one moment?

Mr. EWING. I withdraw it.

#### PROTECTION OF THE FRONTIERS.

Mr. BISSELL. I hope there will be no objection now to taking up and disposing of the bill which I mentioned this morning, to authorize the President to place in the hands of our citizens on the frontier arms for the protection of themselves against the Indians.

Mr. WARD. I object, and move that the House adjourn.

The motion was agreed to, and the House adjourned until to-morrow at eleven o'clock, a. m.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, July 24, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the motion to reconsider the vote by which the following bill was ordered to be laid on the table, viz: "A bill granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa railroad, commencing at the village of Pontiac, in the county of Oakland, and termin-

ating on the navigable waters of Lake Michigan, in the county of Ottawa."

Mr. FOWLER. I ask the unanimous consent of the House to present a bill, of which previous notice has been given, merely for the purpose of having it referred.

Mr. ORR. Let us first hear it read.

The title of the bill was read, as follows: "A bill amendatory of the several acts regulating the appraisement of imported merchandise, and more effectually to prevent frauds against the revenue."

Mr. JONES, of Tennessee. I object.

Mr. DUNCAN. I ask the unanimous consent of the House to present the following bill, to which, I am sure, there will be no objection. I ask that it be read for information.

The bill was read by its title, as follows: "A bill to reduce the duties on certain articles, and to exempt certain articles from duty."

Mr. JONES, of Tennessee. I object.

Mr. SCHERMERHORN. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given, and to which, I presume, there will be no objection.

Mr. HOUSTON. I object to any bills being introduced, and call for the regular order of business.

#### OAKLAND AND OTTAWA RAILROAD.

The SPEAKER. The regular order is the consideration of House bill No. 290, to grant the right of way and a portion of the public lands to a certain railroad in Michigan. The pending motion is to reconsider the vote by which the bill was laid upon the table.

Mr. STUART. I move to postpone the further consideration of that motion until Wednesday next; and I hope there will be no objection.

Mr. CLEVELAND. I hope the consideration of this bill will be postponed longer than that. If a day further off is fixed, I shall have no objection.

Mr. STUART. If it is desired to postpone the consideration to a later day, I have no objection. I do not wish to take up the time of the House with it now.

Mr. JONES, of Tennessee. Has a motion been made to lay the motion to reconsider on the table?

The SPEAKER. No such motion has been made.

Mr. JONES. Then I make that motion.

Mr. STUART. I apprehend the gentleman could not get the floor for that purpose. I was upon the floor myself.

The SPEAKER. The motion to reconsider not being debatable, unless the gentleman from Michigan [Mr. STUART] desired to make a motion, he could not hold the floor, and the gentleman from Tennessee [Mr. JONES] had a right to make the motion to lay the motion to reconsider upon the table.

Mr. STUART. To make a motion is the precise purpose for which I rose.

Mr. MEADE. Before we proceed further with this matter, I desire to know what the bill is?

The bill was again read by its title.

Mr. STUART. I now hope the gentleman from Tennessee will allow me to make the motion to postpone, if that motion can be made. I will not make any other motion with reference to the bill.

Mr. JONES. We are now within a few weeks of the close of the session, and it is necessary to economize time as much as possible, in order to get through with the public business.

Mr. STUART. But it will take but a minute to postpone the bill.

Mr. JONES. I know it will not, but if we postpone it till Wednesday next it will come up again then, and we shall have it all to go over again. I think it is better to dispose of the bill now.

Mr. STUART. If the motion to lay the motion to reconsider upon the table is to be put now, I ask for a call of the House, and upon that motion I demand the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. HAMILTON, and STEVENS of Pennsylvania, were appointed; and the House being counted, the tellers reported—ayes 31.

So the yeas and nays were ordered.

The question was then put upon the motion for a call of the House, and there were—yeas 44,

nays 72, the Speaker voting in the negative to make a quorum.

So a call of the House was refused.

When the name of Mr. COTTMAN was called, Mr. WALSH rose and stated that his colleague [Mr. COTTMAN] had for some time been detained from the House, in consequence of the sickness of a child, and he was now detained on account of her death.

Mr. CLEVELAND stated that Mr. Grow was confined to his room by indisposition.

Mr. STUART. I now move that the further consideration of this bill be postponed till Wednesday next.

The SPEAKER. The Chair understands that motion is already pending, as well as the motion to lay the motion to reconsider upon the table. The latter motion must first be put, unless the gentleman from Tennessee withdraws it.

Mr. JONES. I decline to withdraw the motion.

Mr. STEVENS, of Pennsylvania. I demand the yeas and nays upon the motion to lay upon the table.

The yeas and nays were ordered.

Mr. HOUSTON. Will the Chair state the precise motion?

The SPEAKER. On yesterday the House, by a vote, laid the bill on the table. A motion was then made to reconsider that vote. The gentleman from Tennessee [Mr. JONES] now moves to lay the motion to reconsider on the table, which is the motion now pending, and upon which the yeas and nays have been ordered.

The question was then put, and decided in the negative—yeas 53, nays 81; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, William Appleton, Ashe, Bartlett, Bibbhaus, Bragg, Brockbridge, Burrows, Caldwell, Caskie, Chastain, Cleveland, Daniel, Edmundson, Fowler, Thomas J. D. Fuller, Giddings, Goodnow, Grey, Hamilton, Isham G. Harris, Hebard, Hibbard, Hittler, Horsford, John W. Howe, Jackson, Andrew Johnson, George W. Jones, George G. King, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, McAnallan, McMullin, McNair, Meade, Millson, Morehead, Murphy, Murray, Perkins, Powell, Origen S. Seymour, Skelton, Thaddeus Stevens, Wallace, and Wildrick—53.

NAYS—Messrs. Abernethy, Willis Allen, Barrere, Bissell, Bowne, Brenton, Briggs, Brooks, Geo. H. Brown, Busby, E. C. Cabell, Lewis D. Campbell, Chandler, Clark, Chinguan, Cobb, Conger, Cullum, John G. Davis, Doty, Durkee, Eastman, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Gentry, Green, Harper, Sampson W. Harris, Haws, Hasall, Haven; Hendricks, Henn, Houston, Thomas Y. How, Hunter, James Johnson, John Johnson, Robert W. Johnson, Landry, Lockhart, Mace, Humphrey Marshall, Miller, Miner, Nabers, Olds, Orr, S. W. Parker, Penn, Pennington, Phelps, Polk, Porter, Price, Richardson, Robie, Sackett, Schermerhorn, Scurry, David L. Seymour, Smith, Stanley, Benjamin Stanton, Abraham P. Stephens, St. Martin, Stuart, Taylor, Thurston, Townshend, Walbridge, Walsh, Ward, Watkins, Welch, Addison White, Wilcox, and Yates—81.

So the House refused to lay the motion to reconsider upon the table.

The question then recurred upon the motion to postpone the further consideration of the bill until Wednesday next.

Mr. CLEVELAND. I move to amend the motion by striking out "Wednesday next" and inserting "two weeks from next Tuesday."

Mr. STUART. I hope the bill will not be postponed longer than Wednesday next.

The question was put upon the adoption of the amendment, and upon a division, there were—ayes 62, noes 61.

Mr. FICKLIN demanded tellers; which were ordered; and Messrs. CHANDLER and St. MARTIN were appointed.

The question was again put, and the tellers reported—ayes 54, noes 69.

So the amendment was not adopted.

The motion to postpone the further consideration of the bill till Wednesday next was then agreed to.

#### WHEELING BRIDGE.

The SPEAKER. The next business in order is the consideration of the bill "declaring the Wheeling bridge a lawful structure, and for other purposes." The pending motion being to commit to the Committee of the Whole on the state of the Union and print.

Mr. OLDS. I move to postpone the further consideration of that bill till a week from the next Monday. There are other matters from the Committee on the Post Office and Post Roads which I desire to have come up; and as the bill will be likely to occupy considerable time, I move its postponement till Monday week.

Mr. FOWLER. Is there not a motion pending to print the minority report?

The SPEAKER. The motion was to commit the bill to the Committee of the Whole on the state of the Union, and to print the majority and minority reports.

Mr. STUART. I hope its consideration will be postponed until a week from Wednesday next, instead of Monday.

Mr. OLDS. I have no objection to that, and will so modify my motion.

Mr. FOWLER. I hope the motion will be so framed as to include the motion to print both the majority and minority reports. All I desire is that these reports shall be printed.

The SPEAKER. Will the gentleman from Ohio state what is his precise motion?

Mr. OLDS. I move to postpone the further consideration of the bill until a week from Wednesday next, and that the two reports be printed.

The motion was agreed to.

#### REPORTS FROM THE COMMITTEE ON THE POST OFFICE AND POST ROADS.

Mr. CLARK, from the Committee on the Post Office and Post Roads, reported a bill for the relief of the Southern Michigan Railroad Company; which was read a first and second time by its title and referred to the Committee of the Whole House, made the order of the day for to-morrow, and, with the report accompanying, ordered to be printed.

Mr. CLARK, from the same committee, reported a bill for the relief of Cornelius Covert, of Michigan; which was read a first and second time by its title.

Mr. CLARK. I ask that it shall take the same course.

Mr. STUART. I wish to make a short statement to the House, and then I shall move to put the bill upon its passage. It is simply a bill for the relief of a contractor for carrying the mail, where the contract was entered into under a mistake. It is conceded by the Postmaster General that the mistake was made. His contract should have been entered into for \$419, whereas it was entered into, through a mistake, for \$219. The Postmaster General examined into the matter, and conceded that it was an error, but he thought he had not the power to correct it, but that it must be done by Congress. The Committee on the Post Office and Post Roads have also examined into the subject, and they are of the opinion that it was, unquestionably, an error, and that the man ought to be relieved. He is running upon the line now, and running at a great disadvantage. Not being a man of means, it embarrasses him greatly to carry out his contract; yet if he does not carry it out, the Department will prosecute him. This is, in a few words, a correct statement of the facts of the case. The mistake was made of inserting \$219, when it should have been \$419.

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to ask him a question? In the proposal, what was the sum named?

Mr. STUART. Four hundred and nineteen dollars. It is merely an error in drawing up the contract. The bill proposes to give him, not what was his bid, but to give him the bid of the next man under him. I know the man very well—I live but a few miles from him, and I know that this delay embarrasses him very much. I hope the House will pass the bill.

The question now being upon the motion to commit to the Committee of the Whole House—

Mr. CLARK. I have no objection to the bill being put upon its passage, and will withdraw the motion to commit, to enable the gentleman to make his motion. I will state, however, in this connection, that this bill stands upon about the same ground as a large class of bills.

Mr. STUART. I now move to put the bill upon its passage.

The bill was read through by the Clerk.

Mr. BISSELL. I am very far from wishing to do anything to embarrass this bill, but I would like to know of the gentleman from Iowa, [Mr. CLARK,] what we are to understand by his remark, that this is but one of a class of cases?

Mr. CLARK. The gentleman is to understand just this—

Mr. KING, of New York. This bill makes an appropriation, and must, except by unanimous consent, go to a Committee of the Whole.

Mr. STUART. No, sir; it does not make any new appropriation.

The SPEAKER. The bill provides for the payment of money out of the Post Office fund not otherwise appropriated.

Mr. STUART. It does not raise any money or make any new appropriation, but simply corrects a mistake.

Mr. STEVENS, of Pennsylvania. It is evidently an appropriation.

The SPEAKER. The Chair is of the opinion that it must go to a Committee of the Whole, if it is insisted on, under the rule.

Mr. STUART. I hope no one will insist upon it. The case is precisely as I stated; the facts are clear; and there is no dispute about it by the Postmaster General, and none by the committee. It will be seen by the committee that this man does not get what he paid, but simply gets \$396 instead of \$419; which was his bid. The Postmaster General recommended that amount, because if that man's had not been taken, the one at \$396 would have been.

Mr. STEVENS. In consequence of the remark, that this was one of a whole class of cases of this kind, I must ask that it be referred to the Committee of the Whole.

Mr. CLARK. In answer to the gentleman from Illinois, [Mr. BISSELL,] I did not mean to say that there is another case just like this; but—

The SPEAKER. Objection being made, the bill must be referred to the Committee of the Whole.

Mr. STUART. I ask the gentleman from Pennsylvania [Mr. STEVENS] to withdraw his objection. He can learn from the gentleman from Iowa, [Mr. CLARK,] the chairman of the committee, that the facts of the case are just as I have stated them.

The SPEAKER. Is the objection withdrawn?

Mr. STEVENS. It is a most extraordinary mistake in the Postmaster General, if it be one; and if it be a mistake, it is most extraordinary if he cannot correct it; and if there is a whole class of cases of this kind, I must have time to look into them.

Mr. STUART. The gentleman from Iowa will not say that there is another case precisely like this.

Mr. CLARK. I cannot say that there is another case precisely like this; but there are cases for obtaining pay for carrying the mail, and the cases are alike in this respect.

Mr. BISSELL. I do not wish to be understood as interposing any objection myself.

Mr. STUART. This bill is not for an increase of pay, but is an absolute deduction from what the parties supposed they were to receive, reducing that pay from \$419 to \$396.

Mr. LETCHER. I would like to know of the gentleman from Michigan [Mr. STUART] when this contract was entered into?

Mr. STUART. It was entered into some year or two ago, but I cannot tell the time precisely. The contract is now in force, and the man is now carrying the mail.

Mr. LETCHER. When was the mistake ascertained?

Mr. STUART. A short time after the contract was entered into. The Department was notified of it by my predecessor. When I came on I went to the Postmaster General. He referred the case to his law officer to examine, and they determined that the mistake ought to be rectified; but that they had not the power to do it, and that the contractor must come to Congress for relief.

Mr. FOWLER. I wish to say that I hope the gentleman from Pennsylvania [Mr. STEVENS] will withdraw his objection. We examined this case fully in committee, and were satisfied that the mistake ought to be rectified, and if he were to examine it a whole day he would come to the same conclusion.

The SPEAKER. Unless the objection be withdrawn, the bill must go to the Committee of the Whole.

The objection was not withdrawn, and the bill was referred to the Committee of the Whole on the state of the Union.

#### PROTECTION OF THE FRONTIER.

Mr. BISSELL. Has not the morning hour expired?

The SPEAKER. It has.

Mr. BISSELL. I feel it my duty again to ask

the House that they will take up and pass the bill to which I referred on yesterday, which is to authorize the Executive to furnish the citizens upon the frontiers with arms to protect themselves against the Indians. I ask the unanimous consent of the House to take it up.

[Cries of "Agreed!" "Agreed!"]

No objection was made, and the bill was reported to the House by its title, as follows:

"H. R. No. 259. An act to provide for the protection of the Territories of New Mexico, Utah, Oregon, and the States of Texas and California."

The amendments made to the bill by the Senate were then read by the Clerk.

Mr. STANLY. I shall interpose, Mr. Chairman; no delay to the passage of this bill, but I wish to call the attention of the House to one or two facts before they pass it. This is a very important measure to Texas, and the frontiers, as my friend from Illinois [Mr. BISSELL] tells us. There is no doubt about that, and the gentleman from Texas [Mr. HOWARD] thinks so too. Now, sir, whenever there is any trouble on the Texan frontiers with the Indians, amounting to the destruction of a pig, or the killing of a cow, we are threatened with an Indian war, and the expense goes on, we do not know to what extent. We are to have the expense of the Government now increased by the amendments which the economical Senate have put to this bill—the economical Senate, who are very fond of scolding the House of Representatives—and about which I intend to say a word, when that resolution relating to adjournment comes up.

We shall have, I believe, an expense put upon the country of more than \$1,000,000 a year, if this bill becomes a law; and the consequence will be, that at the next session of Congress we shall have, besides the regular estimates for the appropriation, a deficiency bill to pay the expenses incurred by this bill. In a month or two after this bill passes, some outcry will be raised about Indian devastations upon the Texan frontiers; a few public meetings will be held; the President will be called upon to authorize the raising of these five hundred mounted volunteers. They will come into service, and then a deficiency of nearly \$1,000,000 will be called for, while the Administration for the time being will be held responsible for this increase of expense, caused by this act of Congress, and for which there will be no regular appropriation.

Now, sir, I hold in my hand a document transmitted to the Committee of Ways and Means, at the early part of this session, from the Secretary of the Treasury. The document is No. 29. My honorable friend [Mr. HOWARD] from Texas, writes to the Secretary, and asks for an estimate of the amount required to pay the four companies of Texan mounted volunteers, who have not been paid. The Secretary of the Treasury sends to the House the estimate, and afterwards the estimate for another company, making five altogether.

By referring to document No. 28, to which I have alluded, you will find this estimate:

*Estimate of amount required to pay four Companies of Texas Mounted Volunteers, called into the service of the United States by Brevet Major General George M. Brooke, and Brevet Brigadier General W. S. Horney.*

Name of Captain	Period of service.	Amount.
H. E. McCulloch.	May 5 to Nov'r 5, 1851.	\$18,119 00
A. A. Wallace.	March 23 to Sept. 23, 1851.	17,450 00
D. O. Connor.	March 17 to July 18, 1851.	12,266 00
A. S. Ford.	March 23 to Sept. 23, 1851.	17,950 00
Total.		65,785 00

The estimate for the fifth company was some \$15,000 or \$16,000, making in all about \$80,000, which has gone into the deficiency bill. It will be observed that these estimates are for "pay," and that does not include, according to estimates I have been enabled to make, one third part of the actual amount of expense of these five companies of Texan volunteers. That merely "pays" the men. Now, sir, there is all the forage, there is all the immense cost of transporting those men, and supplies from wherever they may be ordered to the frontier, and which cost will be a great deal more than the "pay" of the men. One hundred and fifty thousand dollars will not pay the expense of those five companies of Texan volunteers called into service at that time.

Now, sir, when all this outcry is made about our expenses—and I do not think the gentleman from Texas [Mr. HOWARD] has indulged in it, but it has come from other quarters—we are not only to have Texas included within the provisions of this bill, but we are to have Utah and California added to the bill by the Senate. We are to have an expense of \$1,000,000 entailed upon this country by this bill through these amendments from the Senate, and it is an ungracious task to oppose it. The cry is, "the frontiers are in danger; the Indians are committing devastations; men, women, and children are murdered, and property is being destroyed."

But I want to make a remark for the sake of future reference, and to let the country know how the expenditures are increased. I commend the forbearance and patriotism of gentlemen from the West and North, who give their votes day and day, for these appropriations, without raising any objection. Those who are so anxious to protect the frontiers, turn a deaf ear to the demand of protection by American laborers. Thousands of lives and millions of dollars are lost on the western waters for want of a river and harbor bill, but the Senate will not allow the country to have such a bill. You must adjourn at one or two o'clock on Fridays and Saturdays, and cannot sit five or six hours for the purpose of getting through that bill. Millions of property are destroyed by snags in the Mississippi and Ohio rivers, and life there does not seem to be regarded. Hundreds of men are sunk by a single snag in the Mississippi; and this is all right; but let an Indian kill a white man upon the frontiers, and you go to the expense of millions of dollars. I do not object to all proper expenditure for this purpose, but I wish to see justice done to other parts of the country. These extraordinary expenses have not come from this House. Let the Senate bear the responsibility of this act. We are to be abused and censured for loss of time, and it may be all right to favor the gentlemen who would fasten this immense appropriation upon us, without any committee of this House having passed upon it, or having examined it. I shall not call the yeas and nays upon it, but I shall not vote for the bill as it stands, for I have not had a chance to examine it. Let the responsibility of this immense expenditure, which, in less than twelve months will amount to more than \$1,000,000, be upon the heads of those who advocate it, and not upon us.

Mr. BISSELL. It is the duty of the Government to protect its citizens upon the frontiers, or it is not. If it is not, then this bill ought not to be here at all; and, being here, it ought to be voted down—not the Senate amendments only, but the entire bill. If it be conceded that it is our duty to protect those citizens, then we must do so, cost what it may; though we ought, doubtless, to have due regard to the economy as well as the efficiency of the mode we may adopt of performing that duty.

The most important of these Senate amendments contains a well-guarded provision for raising, if, in the opinion of the Executive, it becomes necessary to do so, a force of volunteer mounted rangers, not to exceed five hundred in number, to operate in defense of the frontiers; and, though raised for one year, they are liable to be discharged the very moment the necessity which called them forth shall cease to exist. I doubt whether the gentleman from North Carolina [Mr. STANLY] can devise any better mode of accomplishing the object.

Mr. STANLY. Such a force is three times as expensive as that of the regular Army; and we give the President the power to call them into service when he wants them.

Mr. BISSELL. On the question of relative cost, the gentleman, I think, is clearly mistaken. But has he no confidence in the discretion of the President?

Mr. STANLY. More than you have, I suspect.

Mr. BISSELL. I have sufficient faith in the present Executive cheerfully to intrust him with this discretionary power. I have no thought that Mr. Fillmore will call out the rangers provided for by this bill, unless it becomes indispensable to do so for the protection of the lives and property of our citizens. Nor do I fear that any man likely to be chosen to the Presidency in future will exercise the very plain powers conferred by this bill

unwisely. I feel quite sure that Mr. Pierce will not, and I do not think any other man will have the opportunity, at least not for four or five years to come.

It is incumbent upon us, beyond all question, to protect, by some means, those frontier citizens from the hostile savages with which they are surrounded. We ought to protect them effectually. It is a crying sin against us that we have delayed that protection so long. The best, the most effectual, the most economical mode of doing it, is, in my judgment, that provided for by the bill now before us. It is true, we have a regular Army, which, to some, may seem sufficient for all our necessities. But this which we are now considering is a peculiar service, requiring for its proper performance a particular description of force—mounted rangers. The foe is the wild Indian; his mode of warfare that common to his race. He makes his descent upon the settler stealthily and suddenly, and retreats again to his place of concealment as rapidly as his fleet horse can carry him. Of what use are infantry or artillery here? Who but mounted rangers, men living upon the spot, acquainted with Indian habits, practiced in border warfare, and, to some extent, familiar with the country, can operate effectively against such a foe? Nor is it a small consideration that the men liable to be called into service under this bill would feel the additional stimulus imparted by the knowledge that they were fighting for the protection of their own firesides. The comparatively small mounted force belonging to our regular Army is scattered, in detached corps, from one extreme of the Union to the other. They could not, without great expense, be marched from Oregon, for instance, or other remote points, to the borders of Texas; nor is it probable that that could ever be done in so short a time as to answer any good purpose.

Mr. GIDDINGS. With the gentleman's permission I will propound to him a question. I care nothing about these presidential matters. I wish to inquire why the necessity of this increase of the Army? If the troops we have there are not fit for service, in Heaven's name why not discharge them, and secure those that are? My objection is to an increase of the Army, and the consequent increase of expenditure. We have an Army upon hand for the protection of the Union, and if they are not capable of protecting it, why not discharge them and appoint others?

Mr. BISSELL. The gentleman from Ohio [Mr. GIDDINGS] considers the regular Army all-sufficient for the purposes contemplated in this bill. I have already explained, in part, my reasons for thinking otherwise. Suppose it were attempted to carry out the views of that gentleman, what, probably, would be the result? An emergency arises, consequent upon Indian ravages, requiring the instant presence of a military force, say on the frontier of Texas. Mounted troops—the only ones that could be of any possible use—might then be ordered from Oregon, and other distant points. The expense of transportation would be enormous, and the unavoidable delay such as to render the movement wholly nugatory. Before the troops could arrive at their place of destination the necessity for their presence would have passed away; our citizens will have been slaughtered, their plantations devastated, and the Indians by whom the outrages were committed will have found safety in their mountain fastnesses.

Mr. GIDDINGS. Why not take the troops from Fort Washington, and the Atlantic coast, where they are of no use?

Mr. BISSELL. Because, first, the cost of transporting them to the points at which troops might be needed on the frontier would more than equal, probably, the expense of raising all the force needed right here in the vicinity of the troubles; and, secondly, because, as I have already said, they are not that description of troops requisite for this service.

Mr. GIDDINGS. Are they of any use where they are?

Mr. BISSELL. Perhaps so, perhaps not. I do not answer for that; and it is quite clear that whether they are or are not useful, our exposed citizens on the western frontiers are free from responsibility on that score.

Although the bill authorizes the President to call for as many as five hundred volunteers, yet it does not follow that in any event which may arise

he will call for even half that number. He will exercise a sound discretion, and accept the services of only so many as the exigency of the case may require. Perhaps not more than a hundred will ever be called for under this law; perhaps not one; and those, few or many, who may be received into the service are to be retained only so long as there may be actual necessity for it; and they are only to receive pay accordingly. A sudden incursion of the Indians may make it necessary on the instant to raise a company of fifty or one hundred Texan rangers. In twenty days they may have performed the requisite service, when they will receive their discharge and return to their respective homes. But instead of this simple and natural mode of accomplishing a plain but most important object, gentlemen would have us incur the expense and delay of transporting regular soldiers to the scene of hostilities—soldiers who, from the nature of the service to be performed, are worthless when they get there.

Mr. GIDDINGS. I did not intend any such thing.

Mr. FULLER, of Maine. I would like to inquire of the gentleman from Illinois what number of the regular troops of the Army are now stationed in Texas?

Mr. BISSELL. The precise number I do not now recollect. I believe, however, the number to be amply sufficient for the protection of the frontiers of that State if they were the right description of troops; but they are not. Three hundred mounted Texan rangers are worth, for Indian fighting, twice the number of regular troops now in Texas.

Mr. FULLER. I believe there is something like one third of the regular Army now there.

Mr. BISSELL. Very probably. But for any use they are of in the way we are now considering, they might just as well be taken away.

Mr. DISNEY. If the gentleman will allow me, I will state a fact. Some time last summer, I fell in company with General Garland, who, I understand, is in command of that frontier. I asked him to explain to me, if he could, why these outrages and depredations continued upon that frontier, what kind of troops were necessary to prevent them, and how many? His reply to me was, "My dear sir, I have troops enough now there, if it is the will of the American Congress, to 'exterminate every Indian between the Atlantic and Pacific oceans.'" "What, then," I inquired, "is the cause of them?" "Why, sir," said he, "the whole difficulty lies here: the State of Texas gives license to white men to mingle and trade among the Indians, and they keep them in a state of insubordination." He said, repeating his remark, "I have men enough to exterminate every Indian between the two oceans."

Mr. BISSELL. I should like to know, then, why the gallant General has permitted so many outrages and so much slaughtering to be done by the Indians on that frontier? Surely it were an easier task to protect that frontier, than to exterminate all the Indians between the two oceans.

Mr. DISNEY. I tell the tale as it was told to me.

Mr. BISSELL. Yes, but you were not told the whole tale. The General, if I am not misinformed, is not upon the frontiers of Texas at all—perhaps not within two or three hundred miles of the scene of difficulties. On the contrary he is at a post quite in the interior. Had he been differently situated, and with more experience in Indian warfare upon that frontier, he might have formed a different estimate as to what could be done with the Indians with his small force. Though I doubt not that, with that force, he could accomplish all that any man could, for I regard him as an excellent and brave officer. But the fact that these outrages have continued, notwithstanding the presence of such a force in Texas, is conclusive that something else is requisite to be done. And I repeat the expression of my own deliberate conviction, that that "something" necessary to be done is wisely and economically provided for in the bill now before us. Give the President the discretionary power to call for rangers when the necessity arises, under the restrictions provided in the bill, it being incumbent upon him to discharge them the moment the necessity ceases, and you have done all that is requisite for the protection of the frontiers, and done it effectually.

Mr. STANTON, of Ohio. I would ask the



gentleman from Illinois whether the amendment does not provide that their services shall not be accepted for less than a year?

Mr. BISSELL. It provides that the engagement to serve shall be for one year. This is the engagement on the part of the volunteer. He is to serve so long, unless sooner discharged. But it is the right and the duty of the President to discharge the volunteers thus raised the moment their services can be dispensed with. They may be discharged within ten days, and even without being marched to the seat of war.

Mr. STANTON. Is it not provided that, if they are called into service, their pay shall be continued through the year?

Mr. BISSELL. Not at all. It provides for their payment for the time they actually serve—no more. If they serve for ten days, and are then discharged, they are to be paid for those ten days, and for them only. It seems to me that there can be no sufficient objection to this mode of protecting our frontiers, if we concede protection to be due them. The gentleman from Ohio [Mr. DISNEY] seems to suppose that all these Indian troubles arise from the conduct of mischievous white men, who are permitted to mingle and trade with the Indians. To some extent that may be true; but not, I imagine, to the extent supposed by that gentleman. No doubt there are vicious white men among the Indians, who do sometimes instigate them to perpetrate outrages upon our frontier settlers. But what then? Is the honest and peaceable settler, in the pursuit of his own avocations at home, entitled to no protection from his Government? Are innocent women and children to be slaughtered at the pleasure of neighboring savages, and we raise no arm to save them because the foe has been instigated by outcasts from among ourselves? No, gentlemen; our Government must discharge its duty to all its citizens, especially in the protection of their lives. If it fails in this, it forfeits all claim to protection for itself.

Mr. STANLY. I will call the gentleman's attention to one point. If I mistake not, there is a provision here for the payment of horses lost in the service.

Mr. BISSELL. No, there is no provision of the kind.

Mr. STANLY. Is there not a provision for pensioning those wounded, as though they were in the regular service? I do not think that is right.

Mr. BISSELL. There is not.

At the request of Mr. JOHNSON, of Arkansas, the Clerk again read the bill and amendments.

Mr. HOWARD. I wish to correct one or two mistakes into which the gentleman from North Carolina [Mr. STANLY] has fallen. As to the duty of this Government to protect all of its citizens, whether upon the frontier or upon the fishing ground, I presume there can be but one opinion. Now, sir, you have acquired a large territory which you must defend. You have undertaken in your treaty with Mexico to restrain your tribes within the United States. That provision of the treaty has been totally neglected, which every man in this House knows; and the consequence of that neglect will be that a large number of claims arising in Mexico, will be preferred here for payment. I presume that it is the intention of the House to protect the men who live upon the frontiers of Texas, California, Oregon, New Mexico, and Utah. Two methods have been proposed by which this is to be effected. The Administration has called for additional forces. The Administration, through its messages and reports, has told you that the present force is inadequate. They, to be sure, have called for an increase of the regular Army, but no one knows better than the honorable member from North Carolina that an increase of the regular Army cannot be accomplished. You cannot get a bill for that purpose through Congress, even if it were a proper measure. My own opinion is, that it is not necessary. That the regular Army requires reorganization is true; that we have no use for the increase of infantry, does not admit of doubt. That four regiments at least of the eight regiments of infantry now in service, ought to be converted into permanent cavalry, in order to make the Army efficient for the present frontier service, is the opinion of the best-informed officers in the Army.

But the cheapest and most efficient method of defending the frontiers, is the one which this bill

proposes, which is to call out the resident militia, who understand the character of the service, who can perform it, and who can undergo the hardships to which it subjects every one embarked in it. General SHIELDS, of the Senate, has made a close calculation with regard to the expense of the two kinds of force, and he shows that the mounted rangers are thirty per cent., and more, cheaper than the regular Army. The whole amount of force contemplated by the bill, is 1,100 men for California, Oregon, Utah, New Mexico, and Texas. Under the estimate of General SHIELDS, if you increased the regular Army to the same extent, the annual cost would be \$752,735 per annum for 1,100. The same force as proposed by the bill would cost \$531,821 per annum. The pay of the rangers is greater; but you get clear of the expense of transportation of men and horses, which you must incur if regular troops are resorted to. It is these items, together with the expense of recruiting, which make regular troops more expensive than mounted rangers. With this species of force, the only expense is for the pay and rations of the men, and the forage of the horses. In addition to that, if you increase the Army, it will fasten this increase upon the establishment permanently, and you will make it a permanent expense; whereas, if you adopt this plan for protecting the frontiers, they will be strong enough in a very short time to protect themselves; and you will not need a permanent force, and will not incur a permanent expense. The enlistment is for only twelve months, and in a few years the force may be safely disbanded. A great deal has been said about the amount of troops now in service on the frontiers. Every man who has paid any attention to the subject, knows that the regular Army is totally deficient in cavalry, and that the Indian service requires cavalry; that it is as absurd to put infantry upon this service, as it is to put a man on foot in pursuit of a man mounted on a fleet horse on the prairies. If you had ten times the number of men upon the frontier as you now have, they could not give protection, unless they were mounted. An increase of infantry is not an increase of the defenses of the frontier.

Mr. WEIGHTMAN. This Administration, at the last session of Congress, recommended an increase of two or more regiments of mounted men, besides the increase of the infantry and the companies of artillery, so as to make virtually four regiments.

Mr. HOWARD. That would make the expense four times as great, and would not furnish as efficient a force as the employment of hardy frontiersmen, who are good riders, accustomed to hardship, and acquainted with Indian habits and character. According to the statement of the gentleman from Ohio, [Mr. DISNEY], this increase of the regular Army proposed by the Administration to the last Congress, would make an additional expense of \$3,000,000 a year; whereas this plan proposed by the bill under discussion, furnishing eleven hundred men for Oregon, California, Utah, New Mexico, and Texas, cannot much exceed \$500,000. It must be apparent that this is the efficient mode—the cheap method, and that it will furnish a force which will do some good. As to what the gentleman from Ohio [Mr. DISNEY] says in relation to General Garland, I would say that he is a very clever gentleman, but he has done as little Indian fighting in Texas as the honorable gentleman from Ohio himself, and not as much, for I believe he did join us there in a fight when we had the Mexicans to deal with. I wish to state to the House, as this matter has been dragged in here, the way the regular Army of the United States makes a campaign against the Indians, as stated to me by one of the Indian agents. Before they leave camp, it is understood about a week, that a party is going out in pursuit of the Indians, and of course the Indians know all about it. Well, then they get ready, take eight or ten days' provisions, blow all their horns, beat the drums, and march out. The Indians go before them until their eight or ten days' provisions are exhausted, and then these regulars start back into camp, returning home at a much faster rate than when they went out, and the Indians generally come back after them at their leisure. The men are not accustomed to and not fitted for the rapid movements necessary to overtake Indians. They are excellent troops for regular warfare, but not adapted to frontier service.

I do not wish to say anything in disparagement of the regular Army, but they are totally unfit for this Indian service, as at present organized. The privates are not the right material. The men whom they recruit from the cities, and from other places, cannot undergo the hardship, and they know nothing of riding. They know nothing of frontier life. The regular officers of the United States Army are equal to any hardships or any service, but you have never given them men who can perform service upon the frontier. Your infantry upon the frontiers are totally useless. They are not put there except to prove the necessity for keeping up these posts. Every man knows that if you have a cavalry force you cannot keep in the saddle at any one time, more than one-third or one-fourth of the force, and there are always plenty of men to keep the posts and guard the forts, if you have only an exclusive cavalry force on the frontier. It is, therefore, idle to talk of increasing the Army by infantry, in the manner proposed by the Administration. If you were to increase it, it would be four times as expensive as this plan, and totally inefficient when done. Regular cavalry, who have been for a series of years upon the frontier, acquire the habits and experience of frontier life. But what you want is immediate service, and it would take two or three years drill of raw dragoon recruits to render them at all efficient.

Mr. RICHARDSON. I desire to know of the gentleman from Texas, if he can give us the information; what amount of troops Texas had upon this frontier when she had to guard her settlements against these Indians, and what amount of United States force there is now in the different forts. In other words, I desire to know if Texas did not defend that entire frontier from the Indians with two companies of mounted troops? You have there now some two or three regiments. Can they protect the frontier as well as two such companies?

Mr. GIDDINGS. I would like to inquire of the gentleman from Texas [Mr. HOWARD] if this force is absolutely necessary in order to protect those regular troops? [Laughter.]

Mr. HOWARD. I believe the infantry have some horses which they come down to steal. In answer to the gentleman from Illinois, [Mr. RICHARDSON], I will say it is true that Texas protected her frontier with two or three companies, but the frontier is now much more extended. It is true that there is a large force of United States troops upon the frontiers of Texas; but as I have said before, they are not a mounted force, and not of that character which will give security to the frontier and perform the service required there. When Texas had her three companies, they were always mounted, and they performed a vast amount of service. They rode everywhere; they could kill the game in the prairies, and supply themselves with food when necessary, and could undergo any amount of hardship. They always moved rapidly, because not encumbered with the baggage which every regular Army will demand.

Mr. RICHARDSON. I am satisfied from my observation about these things, and some little experience, that the regular Army is not the right kind of force to benefit the frontier against the Indians, and that you must have that kind of force settled in the neighborhood of the Indians who understand and are acquainted with their habits. One company taken from Texas will do more good in their defense than three companies of the regular Army. I do not believe that the regular Army can be equalled, however, by volunteers, where they have to fight a force upon the field; but where you have to hunt up the enemy, as you do the Indians, the men who settle upon the frontier are the best troops in the world to defend the frontier. I am clearly of the opinion that Congress should pass some act by which you will make the people who live upon the frontier defend themselves and pay them for it.

Mr. HOWARD. As to that feature of the bill which provides for arming the citizens of the frontiers, I have only to say, that the arms are here rusting in the arsenal, and they would not cost the Government one dollar except for transportation. There can be no sound objection to making that disposition of the arms.

Mr. JONES, of Tennessee. With the permission of the gentleman I wish to say, that in the report of the War Department I find a letter of

Captain S. G. French, of the Quartermaster's Department, in the first part of the President's message and accompanying documents of the present session, page 233. Captain French says, speaking of the Indians in Texas, in the eighth military department:

"Their numbers appear to have been considerably overestimated, if the reports of men who have been among them can be relied on, and the information gained by Lieutenant Colonel Hardee, in his expedition to their country, be correct. It is believed that the entire numbers, including all ages and the different sexes, of all the tribes that frequent the border settlements of Texas in the eighth military department does not exceed 4,000.

"The respective numbers of the different bands may be set down, by their own computation principally, about as follows: Delawares, 63; Shawnees, 70; Tonkaways, 300; Quapaws, 200; Caddoes, 160; Anadokes, 200; Joneses, 113; Keechies, 48; Tawacuoos, 140; Wacoos, 114; Lepanses, 350; Lower Camanches, 700; and the Northern Camanches at 1,500."

If this statement be correct, there are not exceeding 4,000 Indians of all ages, sexes, and conditions in the eighth military department, composed of the State of Texas. I should think that they would not number more than 800 or 1,000 warriors. By the Report of the Adjutant General, in the same book, page 201, giving the strength and condition of the Army, their actual returns and their location, he says—

"That when this report was made to Congress last November, there were stationed in Texas, as present, 1,837 troops."

He put down the aggregate force of those who were present and absent, and which they had in Texas, as 2,319—one man, if this report be true, for every two Indians of all ages, sexes, and conditions in that country. I understand that they have taken some troops from Oregon; and I believe it is shown by this same report that in all California and Oregon at this time we had less than 750 troops.

Mr. FULLER, of Maine. Will the gentleman state also the number of troops that are located in New Mexico?

Mr. HOWARD. I will say a word in relation to Mr. French. It is very easy for a United States officer to go out to New Mexico, dressed in regimentals, and run through that country, and then send a report to the Department. Such loose information is not entitled to any weight on such a subject. The former agent who resided among these Indian tribes for years, reports the actual number of Indians, resident in Texas, about 10,000. It is well known, in addition to that, that there are tribes who penetrate into Texas from the Territory of New Mexico, and other Territories of the United States; so at some seasons there are probably 20,000 Indians in Texas, during the winter season, committing all sorts of depredations. If they will give us what we ask for in this bill, I should be quite willing that the infantry should be withdrawn from Texas altogether. I say that this force is entirely useless, and worse than useless. It is absurd to suppose that such a force can be made available for the defense of the country against the inroads of mounted Indians. How is a man on foot to run down an Indian on a fleet horse? It is preposterous to say that such a force can do anything for the defense of the frontier in Texas, Oregon, or New Mexico.

Mr. JONES, of Tennessee. In answer to the question of the gentleman from Maine, [Mr. FULLER,] I will state that, according to the report of the Adjutant General, made last fall, there were in the ninth military department (New Mexico) 1,459 troops, and in Texas and New Mexico some 3,500 troops.

Mr. STANLY. I desire to ask the gentleman from Texas [Mr. HOWARD] one question. I wish to ascertain whether the State of Texas does not refuse to let the United States exercise any jurisdiction over the Indians in her territory at all? If that be so, Texas, before she calls upon us to authorize her to take men to protect herself, ought, at least, to consent that the United States should exercise jurisdiction over those Indians, and make treaties with them, or remove them, or otherwise exercise authoritative influence over them.

Mr. HOWARD. The State of Texas has consented to every jurisdiction which this Government has asked over these Indians. The Government has never pretended that the Indians owned any fee, or right of occupancy. This Administration, as well as all past Administrations, take

the ground that they could not make any treaty of limits without the assent of Texas, but whenever they have applied to the State of Texas for any regulation giving them the right of control over the Indians, it has, so far as I know, up to this time, been granted. The fact is, that the Government of the United States has left the subject too much at loose ends.

Mr. STANLY. Does not the State of Texas forbid the traders of the United States from going there, and has she not refused to give any reservation to Indians inside her borders?

Mr. HOWARD. No, sir. The facts of the case are these. I was of the opinion, and still am of the opinion, that the United States Government has a right, under the Constitution, to regulate the commerce with the Indians, and that it is a power conferred upon the Federal Government.

I made an application myself to the Indian Department under the present Administration to exercise that power, because I considered it proper that the United States should regulate the traders and the trade with the Indians; but the Department declined, upon the ground that they had no jurisdiction over the subject, which, in my opinion, is as clear a mistake as ever was committed. It is a jurisdiction expressly given by the Constitution over all Indian tribes. Texas, by her legislation, has permitted the Indians to reside temporarily and hunt north of a certain line, but with no right to pass south of it, without express permission. The line has been recognized and acted upon by this Government. The State has dealt liberally with the Indians, considering that they have no right of occupancy in Texas. And as to the other suggestion of the gentleman from North Carolina, Texas has never opposed the General Government in its right to make treaties with the Indians. The State has admitted the right as to everything but that of negotiating about occupancy, and the line between the Indians and the whites, and that power this Government has never claimed. The Indian agents of the United States, as to all other subjects, make treaties with the Indians without any opposition or question from the authorities of Texas.

Mr. STUART. I only wish to say a word or two upon this subject, and then I intend to move the previous question, believing that the matter has been sufficiently discussed before the House. I wish, in the first place, to enter my dissent, as one member of this House, with regard to the assertion made by the gentleman from Texas, [Mr. HOWARD,] that the treaty between this country and Mexico has not been complied with in regard to protecting their frontiers against the depredations of the Indians. However proper that may be argumentatively, I do not think the facts justify the conclusion, and I do not think this House ought to do an act which can be quoted against the Government at a future day in support of any such claim. Therefore, as a member of this House, I dissent from the proposition, so that, if the record is ever to be used, it shall not be said that the gentleman from Texas made the assertion, and that it was acquiesced in by this body.

Mr. HOWARD. I wish to state that the Administration has made the same assertion, and called for additional forces.

Mr. STUART. Now, sir, in reference to this bill, the whole subject seems to me to resolve itself into a single question, which is this: Is the executive department of this country the proper depository of the discretion provided for in this bill? It seems to me that it is, not only by the Constitution, but by the practice of the Government.

Mr. CLEVELAND. As the gentleman from Michigan has given notice that he proposes to call for the previous question, will he allow me to say a word?

Mr. STUART. If the gentleman will be brief, I will, with pleasure.

Mr. CLEVELAND. I wish to call the attention of the House to the importance of the bill now under consideration. We know very well at the time this bill was introduced here, at the solicitation and suggestion of the Representatives of these Territories and States, who feel particularly and specially interested in the matter, that they only asked of us an appropriation of money to purchase arms to be distributed to men to be used in case of emergency. That was as far as they went in their request, as every member of the

House will recollect. Then, sir, in order to give them the protection sought, and save to the Government the unnecessary expenditure of money, an amendment was offered, by which provision was made that the arms not needed in the old States might be sent there for this purpose. That amendment prevailed, and in that shape the bill passed this House, to the entire satisfaction of every man who had charge of the matter from that section of the country. Now, I ask, whether any new feature has arisen which renders it important that this addition should be given?

Mr. WEIGHTMAN. I had the honor of introducing this bill for the benefit only of the people I represent. It was referred to the Committee on the Militia. As the bill came from the committee, it provided for the distribution of arms among the people of New Mexico, and authorized the President to call out troops in New Mexico and also in Oregon. When it came into the House, it was amended by the addition of California and Texas, so far as regards the distribution of arms, but it did not give authority to the President to call out troops, in cases of emergency, in California or Texas. The Senate amendment gives that authority to the President in reference to California and Texas.

Mr. CLEVELAND. When the bill passed this House, it gave to the men of Texas and New Mexico, wherever there existed danger from the incursions of Indian parties, arms; and it gave power to the President, through his authorized agent, to call out this force at once to repel an invasion, and then retire. That was all that was asked for. When the bill got into the Senate, this amendment was made to it, which I take the liberty to say is a regular addition to our regular Army of one thousand mounted men. All agree that the Army is too numerous now, not properly mounted, and not of a proper character; and really, some information fell from the gentleman from Texas, [Mr. HOWARD,] that it was a nuisance in his State, and that Texan rangers were almost needed to protect our infantry there. But if you will examine the amendment of the Senate, you will find that it is a permanent increase of one thousand mounted men to our regular Army, for which we shall have to bear the expense through all coming time, and which the gentleman from North Carolina [Mr. STANLY] says will be one million of money or more. This is an important matter, and I beg to call the attention of the House to it. Valuable as time is, I believe we can spend a little time profitably here in examining this matter, before we are called upon to increase the Army. Is there any man who has a vote in this House, who is bold enough to stand up and say that the Army which now exists, with a proper reorganization, is not all sufficient?

Mr. STEVENS, of Pennsylvania. Will the gentleman allow me to make one remark? Does not this bill propose to pay the soldiers there double what the present troops receive?

Mr. HOWARD. No, sir; it does not.

Mr. STEVENS. Why, it proposes to give them \$22 a month.

Mr. HOWARD. No; it gives them the pay of volunteers. An estimate from General Shields shows that it is seven per cent. cheaper, and for this reason: These men on the ground furnish their own horses and clothes—everything but their arms; whereas, if you send regular troops there, you must pay the expense of transportation.

Mr. CLEVELAND. In the little time allowed me by the courtesy of my friend from Michigan, [Mr. STUART,] I wish to expose to the House the character of this amendment. The original bill which passed this House had my support. No man is more ready than I am to afford additional protection to the frontier settlements, and I believe that is the common sentiment of the House; but in the amendment to this bill, you are clandestinely to get an additional increase for a regular army of one thousand mounted men, at an enormous expense. No man who has examined the bill will deny that assertion.

Mr. BISSELL. The gentleman overlooks the fact altogether that it authorizes these troops to be enlisted for only a single year.

Mr. CLEVELAND. Surely; but let us examine this, for it seems to me that my friend from Illinois [Mr. BISSELL] does not understand it, or I do not understand it. I beg to know whether

they may not be reenlisted for a new year, when their year expires, and reenlisted through all coming time, in precisely the same manner of our regular Army? and no gentleman upon the floor understands it better than the gentleman from Illinois. Disguise it as you will, in point of fact this is a permanent increase to our regular Army of one thousand mounted men, for the benefit of a particular region, at an enormous expense, greater than any one corps we have. Gentlemen may say that they must be disbanded at the end of a year; that the enlistment expires at that time; but in no instance will that take place, for there never will be a time when there will not be Indians there to meet and repel. I deny that it is good policy for this House thus, not understanding what they are about, to make a regular increase of this character, or any other, to the Army; and especially one of this description. I agree with the gentleman from North Carolina [Mr. STANLY] in reference to this kind of legislation coming to us from the Senate. It has already carried \$8,000,000 into the pockets of a private concern in New York, and millions in other directions. I think we ought to be careful how we make this addition to our Army, which all agree is now sufficiently numerous and expensive, by an amendment of the Senate to a bill which was asked for here by men who knew as well what was needed as any gentlemen now here, although they might not have had friends who wanted to get commissions.

Mr. STUART. I was proceeding to state, when I yielded the floor to the gentleman from Connecticut, [Mr. CLEVELAND,] that it seemed to me that, both under the Constitution and the practice of the country, this discretion has been vested in the Executive Department; and, sir, if the arguments used by gentlemen in opposition to this bill be true, why, the troops will not be raised, because there is no necessity for them; and if there is a necessity, they will and ought to be raised. I am willing to leave it there. I am perfectly satisfied, from the little I know about such subjects, that nothing short of a mounted force is worth anything at all in hunting down mounted Indians.

Mr. CLEVELAND. I desire to ask the gentleman a question. Have you in your experience ever known an office created by the Government where there were not plenty of men, and friends enough to provide for them?

Mr. STUART. I, sir, fortunately, or unfortunately, never enrolled myself in that list of men who suspect everybody.

Sir, the Constitution of the country vests certain powers in Congress, and certain in the Executive Department, and I am opposed, in the first place, to trenching upon them from any source; and, in the second place, I am willing to leave this responsibility where the Constitution has placed it, and let that Department assume and abide by the responsibility.

Now, sir, believing that this question has been discussed so far as discussion can be valuable, I move the previous question.

Mr. ORR. If the gentleman will withdraw the demand for the previous question, I desire to offer an amendment and make a motion, and I will renew his motion myself. I promise not to make a speech of more than two minutes in length.

Mr. STUART. My object is, sir, to terminate discussion. If I can, sir, without yielding the floor, allow the gentleman to submit his amendment and his motion, I will do so.

The SPEAKER. That can only be done by unanimous consent.

Mr. STUART. What amendment does the gentleman propose?

Mr. ORR. I propose to add to the Senate amendment this proviso:

*Provided, That the President shall, before ordering out any troops authorized by the preceding sections, disband one of the regiments of infantry now in the service of the United States.*

I then desire to move to refer the bill and amendment to the Committee of the Whole on the state of the Union, and that the bill and amendment be printed, so that the House can understand the action.

Mr. HOWARD. I appeal to the gentleman from South Carolina not to embarrass this bill with that amendment. The regular Army bill is the place for that. We have news every mail from California, Texas, and New Mexico, that the In-

dians are committing depredations, and butchering men, women, and children.

Mr. STUART. I cannot withdraw the demand for the previous question.

Mr. ALLISON. I ask the gentleman from Michigan to withdraw his demand for the previous question.

The SPEAKER. The gentleman from Michigan has declined to do so upon several applications.

Mr. STUART. I hope the gentleman will allow me to say that I wish to test the sense of the House upon this subject. I should be very glad to oblige the gentleman, but I think this matter has been already sufficiently discussed.

Mr. ALLISON. I merely wish to remark—

The SPEAKER. Debate is out of order. The gentleman from Michigan absolutely refuses to withdraw his motion.

The House was then divided upon seconding the demand for the previous question, and there was not a second.

Mr. ORR. I propose to amend the Senate amendment by adding the proviso which has just been read. I understand that the amendment of the Senate is in single sections.

The SPEAKER. The first pending amendment will be reported by the Clerk.

The Clerk read the amendment, as follows:

"After the words New Mexico, in the first section, fifth line, insert the word Utah."

The SPEAKER. The amendment proposed by the gentleman from South Carolina [Mr. ORR] will not be in order to the first amendment proposed by the Senate.

Mr. ORR. Mr. Speaker, I desire to make a motion to commit the bill and amendment to the Committee of the Whole on the state of the Union, and that they may be printed. It is very evident—

The SPEAKER. Will the gentleman allow the Chair. The first amendment proposed by the Senate to this bill is of a character which will not allow the amendment proposed as an amendment to the Senate amendment. The gentleman's amendment will be in order to the second amendment of the Senate, but not to the first.

Mr. ORR. This bill originated in the House of Representatives, to provide for arming citizens upon the frontiers. When it went to the Senate, an amendment or amendments were put into it, providing that additional troops should be raised, rangers and troops of that description. The proviso that I desire to insert is to come in at the end of that portion of the Senate amendment.

The SPEAKER. It will be in order at that place, but not in order as an amendment to the first amendment of the Senate.

Mr. ORR. Will the Chair entertain the amendment now?

The SPEAKER. It cannot be entertained except by unanimous consent.

Mr. STEVENS, of Pennsylvania. I think this is a very important bill. It goes to create a large force of eleven hundred or twelve hundred men, if I understand it, and it is going to be a permanent tax, not only for these men, but for their pensions for all future time. Now, it ought to be deliberately considered, and the idea that because these Indians have burnt villages, this bill must pass immediately, is one that I do not understand. I understand these popular appeals, the effect they have, and how little effect they ought to have. Now, I would suggest to the gentleman from South Carolina [Mr. ORR] to move to refer this bill to the Committee on Military Affairs, and let any amendments that may be suggested by gentlemen be considered there, and the bill reported back, which can be done in the course of three or four days, and the House can then act deliberately upon it. The plungings that we make are those which involve us in all the difficult and dangerous schemes of this Government, and every other Government, and are always brought upon us under the cry of some pressure. I have no doubt that some murders have been committed in Texas; but will the passage of this bill this day bring those who have been murdered back from their graves, or is there any danger that those murders will be renewed instantly? Why, the raising and organization of these troops will take some time, and three or four days will not make any difference. I hope gentlemen will not, therefore, act on this appeal which is made, and which seems to appeal to

our feelings. It is a great permanent system—for it will be permanent. As the gentleman from Connecticut [Mr. CLEVELAND] said, it is not for a year, but a lease from year to year, enduring forever, and fixing upon the country a great military system. We gave all that was asked in the bill that passed this House. We gave arms to all the people upon this frontier, and we authorized the calling out of these people when they got those arms, whenever emergency should require it. This is nothing but an additional large army, to be permanent from year to year, and not when emergency requires it. We have authorized already, as I said before, the arming of all these people who are now to be converted into regular troops, and we have authorized them to be called out whenever there is occasion. What more is necessary? If a permanent addition to the Army is to be made, let it be made in a regular way. Let the country know it. Let us change the character of our forces if they are not good for anything. Let us disband them and convert them to some other species of troops which will be of service, and enlist, if you please, those who are accustomed to hunt down Indians. Let us do this in a regular way. I hope the gentleman will move to refer this bill to the Committee on Military Affairs.

Mr. SCURRY. With the permission of the gentleman from South Carolina, I desire to say a few words. This is a subject of considerable interest to the State which I have the honor in part to represent—although it does not so particularly interest that portion of the State to which I belong as it does the district of my colleague. I am satisfied, from the demonstrations that have been made in this House, that there is no possibility of passing this bill.

A MEMBER. Not now.

Mr. SCURRY. No, nor at any other time. I am convinced of that, and have been for some time past. All we want to know is, whether the Congress of the United States intend to afford that protection which is due from this Government to the people of Texas. If you do not intend to pass, kill this bill without evasion, and we shall then necessarily be compelled to rely on ourselves for our own protection. When that hour arrives, believe me, that the sons of Texas will be found at their posts and true to their trusts. When the people of Texas learn that the Government of the United States will stand quietly by and see their fellow-citizens massacred by the Indians and Mexicans; when they find that those depredations on the frontier, costing hundreds of lives a year, are passed by and totally disregarded by the Congress of the United States; they will feel and know that the period has arrived when they must rely upon themselves, and become their own protectors.

I know the officers of the United States Government stationed in Texas are all opposed to this kind of force; nor has the time ever been when the officers of the United States Army favored the employment of volunteers. The Government itself prefers the discipline and subordination of the regular Army, however inefficient to a volunteer force, even though that volunteer force were the most efficient that was ever employed in any species of warfare.

Now, as to the expense of this mode of defense. During the bloodiest period of the Mexican war, the United States stationed on the frontier of Texas, from the Rio Grande to the Red river, a regiment of volunteers, commanded by the present Governor of Texas. That regiment cost the Government less than any other regiment of mounted men in the service; and I state as a fact, without the fear of contradiction, that the frontier of Texas was better protected by that single regiment than it has ever been since Texas was annexed to the United States. During the time that regiment was upon the frontier, Indian depredations were unheard of; and why it is, with the enormous force, (a force represented here to be equal to the whole Indian population of Texas,) does not give equal security, is alone to be accounted for upon the ground that it is unfit for the service in which it is employed.

Much credit is due to the officers and men composing that regiment of volunteers, for the activity and energy which they displayed in giving security to the whole frontier. Their success arose, in part, from the system adopted, which converted the regiment into a daily moving column, extending from



the Red river to the Rio Grande. This kind of service cannot be done with the regular infantry, even if they were disposed to undertake it; and I will be excused for questioning their disposition.

Sir, I earnestly desire that this bill may pass. I have spoken upon this subject from the fact that I am cognizant of the difficulties under which the people of Texas have labored; and I feel equally well satisfied that if this force is placed upon the Rio Grande, that it will not only repress the Indian and Mexican marauders, but it will also suppress and keep down those inroads of which gentlemen so loudly complain here as having been made into Mexico.

Give us a force from the citizens of the frontier, who are acquainted with the habits and warfare of the Indians and Mexicans, and who have been accustomed to fighting and pursuing them, and they will not only prevent filibustering expeditions into Mexico, but will check and put down depredations upon our own border. But let the infantry remain there unaided as it is; and our ears will continue to be saluted with the cry of woe from the scalped of the wilderness, and the most cruel massacres will still continue to be enacted.

Mr. ORR. I have occupied a good deal more time than I anticipated, but I hope the House will bear with me a little longer. I do not understand the gentleman from Texas, who has just resumed his seat, to charge directly that this Government has manifested any indisposition to protect the people of Texas. Whilst I am not very thoroughly informed as to the history of the present Administration, and as to how it stands affected to the people of Texas, I think that he might have spared the Government an imputation of that sort. There are now, Mr. Speaker, two thousand five hundred troops within the limits of Texas, or about that number. One of the gentlemen from Texas [Mr. HOWARD] tells us that they are utterly inefficient for the purposes for which they have been posted there. In addition to that large number, I am now just told that seven hundred more troops have been recently sent there—the rifle regiment.

Mr. HOWARD. The whole force there never has been over eighteen hundred men; and I will state another fact, that more than half of those are engaged in the duties of the Quartermaster's Department, cutting hay and wood.

Mr. ORR. Whether the force there was three thousand two hundred men, according to the official report of the Secretary of War now before me, or eighteen hundred, according to the gentleman from Texas, his argument shows very conclusively, that numbers is a matter of no consequence, for he says that the troops are utterly inefficient, and that it would be better to have no troops there at all.

Mr. HOWARD. I spoke of the infantry.

Mr. ORR. The Government has certainly shown a disposition to protect the people of Texas, and to protect the people of Mexico from the forays of the Indians, carrying out in good faith the stipulations of the treaty with Mexico, by posting some four thousand soldiers in the Territories of Texas and New Mexico. If the troops that have been sent there have proved inefficient for that purpose, then the amendment that I have presented should be adopted. Now, I have no prejudice against the plan which the gentleman from Texas has indicated as the proper one to defend well and efficiently the Texan frontier—none at all. If that is the best description of troops, mounted volunteer rangers—and I am disposed to concede very much to the experience and knowledge of the two worthy Representatives from Texas—why, then, give them that description of troops. But if the troops belonging to the regular Army now stationed on the Texan frontier, are doing no service at all, then if you raise five hundred mounted men for the purpose of frontier defense, disband an equal number of regular troops. I have no desire to kill this bill by indirection, or through a covert assault. It has been intimated to me since I indicated the motion that I proposed to make, that it might have the appearance of hostility to the bill, to send it to the Committee of the Whole on the state of the Union.

With a view of showing to the friends of the bill that I desire in good faith, that their frontier shall be efficiently protected, and in their own way, but at the same time without such an enormous tax on the Treasury of the United States, I will change the motion that I originally proposed to

make, and move that the bill and Senate amendment—including my own, if in order—be referred to the Committee on Military Affairs. That committee will be enabled to report back the bill in a few days—perhaps in a week or ten days.

Mr. HOWARD. When will that committee be called for reports, at the rate we are going on now?

Mr. ORR. I have no doubt the committee will be called in due season; but if not, and if the case so urgently requires the action of Congress as the gentleman represents; two thirds of the members can be found upon any Monday to suspend the rules to enable that committee to submit their report. I do not at all desire to kill off the bill, but I am utterly opposed to having the regular Army increased eleven hundred men by this ingenious device; and that is the practical effect if the bill should pass without some such amendment as I have indicated. I am utterly opposed to any such policy as that. If our infantry regiments cannot subserve the purposes for which they are in the employ of the Government, convert them into cavalry troops; and if they are then still incompetent or inefficient on account of the personal incapacity of the soldiers for this arduous service, disband them and take those who can serve the Government efficiently. Now, I think the gentlemen from Texas are asking a good deal of this House in requesting them to pass at once, without consideration, reference to a committee, or printing, a bill occupying so many pages as this does—a bill which the gentleman from North Carolina [Mr. STANLEY] tells us will involve an expenditure of \$1,000,000 annually, and a permanent increase of the regular Army of more than one thousand. To ask the House to take such a bill upon trust, or on the recommendation of the Senate, without referring it to any committee, is really asking a good deal. It strikes me that the request is not at all signalized by its modesty. I am therefore in favor of sending the bill to the Committee on Military Affairs. Let them devise some plan to obviate the objections which have been made here, and then report the bill back to the House. If they are not called for reports, we can suspend the rules, and the bill can be reached in that way; and if eleven hundred additional troops are to be raised for service on the western frontier, let us have a provision in the bill to reduce the existing force by disbanding an equal number. I now move that the bill and amendments be referred to the Committee on Military Affairs, and that the bill and amendments be printed; and if the House concur in the views which I have presented, they will sustain the previous question which I now demand.

Mr. JONES, of Tennessee. Is there any amendment pending?

The SPEAKER. There is no amendment to the amendment proposed by the Senate pending.

Mr. JONES. I have one that I wish to get in, and I think it will certainly meet the approbation of the friends of the bill. I should like my amendment to go to the Committee on Military Affairs, for perhaps it is not drawn with as much care as it should be.

The SPEAKER. Does the gentleman from South Carolina withdraw the call for the previous question?

Mr. ORR. The gentleman from Tennessee desires to make a remark or two, and I will therefore withdraw the call for the previous question if I do not lose my right to the floor.

The SPEAKER. That can only be done by unanimous consent.

The amendment of Mr. JONES was then read, as follows:

*Provided, That the horses and horse equipages furnished by the troops mustered into service under this act, shall, at the time of being mustered into service, be valued in such manner as shall be prescribed by the Secretary of War, and each man mustered into service as herein provided, shall receive payment from the United States for their horses and horse equipages respectively.*

The SPEAKER. That amendment is not in order to the first amendment proposed by the Senate.

Mr. JONES, of Tennessee. My experience in these matters is, that nearly all the horses that are mustered into service, belonging to the volunteers, have, sooner or later, been paid for by the Government; and it would be better, in my opinion, that the value of the horses at the time they are mustered into service, should be paid by the Gov-

ernment; and then, in case the horses are lost in the service, you will save the volunteer the trouble and expense of coming here for his relief, and will save us the trouble of making out his claims and having them audited at the Department.

Mr. STEVENS, of Pennsylvania. Does the gentleman desire that the Government should pay for the horses in advance, and then pay the soldiers double wages also?

Mr. JONES. No, sir. I want the whole subject to go to the Military Committee; but I wish to have that committee provide that the horses shall be paid for at the time they are mustered into service, and then that the troops shall be paid as dragoons, mounted upon Government horses.

Mr. DUNCAN. I wish to ask the gentleman from Tennessee a question. If I understand it, this bill contemplates bringing these troops into service for a very limited time.

Mr. JONES. For twelve months.

Mr. DUNCAN. And they are not to be kept in service for that time even unless wanted. They may be dismissed within thirty days, if their services are not necessary. Now, if the Government is to buy horses for them all, when they are mustered into service, what is to become of the horses after the troops are dismissed?

Mr. JONES. They will not be dismissed until their time is out, and by that time there will be but few horses left.

Mr. MEADE. If I read the bill correctly, these soldiers are to provide their own horses, for which they are to be paid an additional sum—some ten or twelve dollars a month above the ordinary wages, I think. This was intended not only to pay for the hire of the horses, but to pay also for the risk they run of losing them. That being the case, I should much prefer, rather than buy the horses, which will be valued at a very high price, to give these ten or twelve dollars per month, and let the soldiers run their own risks as to loss of horses.

Mr. JONES. I understand all that. We always give forty cents per day for this risk. But it is usually the case, that after we have paid the forty cents per day for the risk, we pay for the horses too. That is what it comes to at last.

Mr. HOWARD. They have no legal claim for the horses; and if you adopt the amendment which the gentleman proposes, you cannot tie the hands of Congress, so that they cannot pay for the horses afterwards.

Mr. JONES. Well, I hope the bill will be referred to the Military Committee, and that they will take the whole subject under consideration, and make the bill conform to that provision for buying the horses, and then giving the troops the same pay as dragoons mounted upon the Government horses; for you will at least save the forty cents per day while they are in the service. I call for the previous question.

Mr. SCURRY. I hope the gentleman will permit me to call his attention to this provision of the bill. It expressly provides that the troops shall receive no compensation whatever for the loss of horses.

Mr. STEVENS, of Pennsylvania. But that is not a finality. That may be repealed. [Laughter.]

Mr. BROOKS. I wish to make one suggestion before the gentleman moves the previous question. I wish to provide that the committee may report at any time, because we shall never get the bill back unless that provision is made.

Mr. JONES. I have no objection to that.

Mr. KING, of New York. Is that in order?

The SPEAKER. It is not in order if objected to.

Mr. KING. I object.

Mr. JONES. I now again demand the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be committed to the Committee on Military Affairs—ayes 75, noes not counted.

#### TOWN OF BELLEVIEW.

Mr. CLARK. I should now be pleased if I can get the consent of the House to call up Senate bill No. 316; the object of which is to relinquish to the town of Belleview, in the State of Iowa, a certain narrow strip of land bordering upon the Mississippi river, and have it passed. It is a bill entirely local in its character, and one

to which there can be no objection. I hope the House will allow it to come up. I ask that it may be read, and I have no doubt it will pass.

Mr. DUNCAN. I object.

Mr. SEYMOUR, of New York. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky. I ask the gentleman from New York to withdraw that motion for a moment, in order to allow me to introduce a resolution in relation to the publication of the obituary notices which were ordered to be printed a few days ago. My resolution provides that they shall be bound. I hope there will be no objection. It will take but a moment.

Mr. SEYMOUR. I decline to withdraw the motion.

The question was then put, and the motion agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of House bill No. 282, making appropriations for the improvement of certain harbors and rivers.

#### RIVER AND HARBOR BILL.

The CHAIRMAN. When the committee rose yesterday an amendment was pending, offered by the gentleman from Alabama, making appropriations for the improvement of the Tennessee river. To that amendment the gentleman from Mississippi [Mr. BROWN] offered an amendment making an appropriation for the improvement of the Pascagoula river. The question now pending is therefore the amendment to the amendment; upon which the gentleman from Virginia [Mr. McMULLIN] is entitled to the floor.

Mr. McMULLIN. Mr. Chairman, I am opposed to the amendment of the gentleman from Mississippi, [Mr. BROWN], because I think it will have the effect to render the bill more acceptable to the House. It occurs to me that the bill as it stands is so wholly objectionable in all its features, that it cannot receive the votes of a majority of this House; but if you adopt this amendment, it will serve to render the whole bill more palatable to some gentlemen. Now, sir, the bill that passed this House at the last session of Congress was one highly objectionable to me. But, notwithstanding the fact that that bill appropriated twice the amount which this bill proposes to appropriate, according to my recollection, it bore upon its face something approximating to even-handed justice. But, Mr. Chairman, when you examine this bill, what do you see? Why, sir, you find, in the first place, that the committee that reported this bill, headed as it is by the distinguished gentleman from New York, [Mr. SEYMOUR], has taken especial pains to provide well for that little, unimportant State, New York. [Laughter.] You find, when you come to look into this bill, New York introduced in a good many different places.

Mr. BROOKS. I rise to a point of order. Dog-days have already commenced, and I feel it my duty to insist that this discussion shall be confined within legitimate limits. The amendment under consideration is an appropriation for the improvement of the Pascagoula river, in the State of Mississippi. The point of order which I make is, that the gentleman must confine his remarks to showing why the appropriation should not be made for the improvement of that river. We shall not get through the discussion on this bill in three weeks, if we go on in this manner. I raise the point of order, that the gentleman from Virginia is not discussing the amendment before the House; and I intend to appeal to the committee to sustain me, so as to see whether we are disposed to go on with the public business or not.

The CHAIRMAN. The Chair supposes that the gentleman in opposing this particular amendment, will have the right to show why other portions of the country provided for in the bill, are not deserving of the same appropriation.

Mr. BROOKS. I beg to suggest that this one appropriation is now under discussion. When the items relating to Ohio or New York come up, the gentleman can then oppose them if he chooses.

The CHAIRMAN. The Chair is well aware that, according to a strict construction of the rules, the gentleman from Virginia is not in order. He would gladly enforce the rule if he supposed the

committee would sustain him, but he is unwilling to enforce them, strictly upon one member of the committee, and not upon all.

Mr. BOCOCK. I would state in reply to the gentleman from New York, [Mr. BROOKS], that the remarks of my colleague [Mr. McMULLIN] were strictly in order, and upon this ground. My colleague was contending that the adoption of the amendment of the gentleman from Mississippi [Mr. BROWN] would tend to make this bill more acceptable, and thereby increase the chances of its passing; but this bill ought not to pass, and therefore he contended that the amendment of the gentleman from Mississippi should not be adopted, because it would increase the chances of the bill.

Mr. BROOKS. The gentleman does not understand my point of order. I wish to restate it.

The CHAIRMAN. The Chair will say that this point of order is not debatable.

Mr. BROOKS. Is it not in order for me to restate my point?

The CHAIRMAN. The Chair has already sustained the point of order made by the gentleman from New York, and decides that the gentleman from Virginia is out of order. The Chair now states to the committee, that in future he shall strictly enforce the rule in this respect. The gentleman from Virginia will proceed in order.

Several MEMBERS. That is right.

Mr. McMULLIN. The gentleman over the way [Mr. BROOKS] has given conclusive evidence that the position I took was right. His conduct shows conclusively that there was something in the point I was making upon the honorable chairman of the Committee on Commerce, [Mr. SEYMOUR.] Now, I ask that committee to tell this committee and the country, upon what principle it is that they have put in some twelve or fourteen appropriations, in different items, to the State of New York, amounting in all to \$250,000, or thereabouts. Now, sir, if you pass this amendment of the gentleman from Mississippi, you add, probably, his vote to the bill, and perhaps the votes of others. I consider the bill to be unjust in itself, and desire to see it defeated if possible.

The course pursued by this committee has been so perfectly disinterested that it reminds me of an anecdote I once heard. There was an old lady who, being very self-righteous in her prayers to high Heaven, asked God to be merciful to all the world, and more particularly to herself. This committee, in dealing out the favors of this Government, are anxious to do justice to all the States, and more particularly to the State of New York. I expect to offer an amendment or two in favor of the Old Dominion.

Now, sir, I ask this House to pause before they adopt either the amendment of the gentleman from Mississippi, or any other amendment to this bill. This bill, in my judgment, ought to be rejected. You have here a House, composed in the main of Democrats. Now, sir, I ask this House, and I ask the committee, if they can in justice to themselves go forward and vote for a bill which is so partial in its operations? The last river and harbor bill of the last Congress appropriated \$50,000 to Virginia, but the Virginia vote was cast against that bill, and, sir, it is likely to be cast against this bill also. I do not mean to charge upon the committee that they designedly overlooked Virginia.

Mr. JOHN W. HOWE. Is it in order now to offer an amendment?

The CHAIRMAN. There is already an amendment pending to the amendment, and it would not be in order.

The question being upon the amendment offered by Mr. BROWN.

Mr. BROWN demanded tellers; which were not ordered.

The question was then taken on the amendment to the amendment, and it was not agreed to.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Alabama, [Mr. COBB.]

Mr. GENTRY. Is that amendment open to amendment?

The CHAIRMAN. It is.

Mr. GENTRY. The amendment of the gentleman from Alabama proposed to appropriate how much?

The CHAIRMAN. Twenty-five thousand dollars below, and \$50,000 above the Muscle Shoals, in the Tennessee river.

Mr. GENTRY. I move to change the sums

proposed to be appropriated to \$10,000 in each case.

An estimate has been made by the Engineer Department, Mr. Chairman, of the sums needed to improve the navigation of the Tennessee river. I think it would be inexpedient for this committee to amend the bill, by adopting the amendment proposed by the gentleman from Alabama, [Mr. COBB], and inconsistent with the estimates from the proper Department. Those estimates contemplated an appropriation of upwards of \$100,000 above the Muscle Shoals. The river is navigable below the shoals. A railroad runs around the shoals, and the estimates confine the improvements below the shoals. There are a few obstructions to be removed, and which being removed, will make that stream one of the best in America. The Engineer Department has estimated for the removal of those obstructions to the navigation of that river above the shoals. If it is the pleasure of this committee, and of this House, to make an appropriation for that river at all, I think the appropriation ought to be made in conformity with the estimates of the Department. Extensive systems of railroad improvements have been made south of the Tennessee river, connecting with the Chattanooga; and extensive systems are being completed, connecting the Northwest with this stream. There is no point in America, in my opinion, where it is so important to remove obstructions from navigation as that of the Tennessee river. If you intend to have a system of improvements, it ought to be a system all-embracing in its character. Why exclude this important tributary to the Mississippi when all others are embraced? Repeated estimates and reports have been made by scientific engineers, showing that it contributes a larger volume of water than the Ohio itself, to the Mississippi river. Any gentleman who looks at the system of improvements already completed south to the Chattanooga, and those in progress of completion north of that point, will see in a moment that there is no stream in America where so much good will be accomplished by small appropriations for the removal of a few obstructions and rocks, easy of being removed, and which being removed, make it at once one of the most navigable streams, and one which conduces to the welfare of a larger extent of country than any other stream, except the Mississippi river itself, embraced in the provisions of this bill.

I hope, therefore, that the amendment offered by the gentleman from Alabama [Mr. COBB] will not be adopted, and that the proposition which will be presented by my colleague, who represents the Knoxville district, [Mr. CHURCHWELL], founded upon estimates coming from the proper Department—the Engineer Department—will, at some stage of the proceedings, be adopted.

I will never vote for any bill that fails to embrace that stream, and I hope no man from the region of country I represent will sustain a bill that excludes a provision for that stream.

Mr. SEYMOUR. I wish to inquire in regard to those estimates, whether they were made by any officer upon the ground, and upon an examination of the obstructions to which he refers.

Mr. GENTRY. There have been repeated surveys and estimates made at various periods. The Chief of the Corps of Topographical Engineers was directed by the Secretary of War to examine those previous estimates, and to make out a new estimate therefrom, which is just as well as if a new survey had been made. There is no difficulty upon the subject at all.

Mr. SEYMOUR. Then the estimate was made from the old estimates?

Mr. GENTRY. The nature of the stream has not changed, and they are as good as if they were made yesterday. They were made by scientific men, and have been repeatedly made, and the reason why that stream has not heretofore been embraced in such bill is, that those representing that section of country have had constitutional objections in regard to the power of Government to make appropriations for such objects, and instead of struggling to obtain appropriations for this stream, they have discouraged every effort to make appropriations for it.

Mr. COBB. I hope the gentleman's amendment will not be adopted.

Mr. GENTRY. Then I withdraw it. [Laughter.]

No objection was made, and the amendment was withdrawn.

Mr. FREEMAN. I move to amend the amendment, by inserting \$30,000 for the removal of the bar at the mouth of the Yazoo river. It is very clear that this bill is a partial one upon its face. While appropriations are made for streams which pass through the interior of almost every State in this Union, not one single dollar is appropriated to rivers or harbors in the State of Mississippi, nor on its gulf or river coast. The chairman of the committee [Mr. SEYMOUR] admitted the other evening, that two bays, the Little Sodus and the Great Sodus, entirely within the jurisdiction of the State of New York, had large appropriations to them in this bill, and that the State of New York had the right to improve them, thereby excluding the Federal Government. On the second page of this bill is another appropriation of \$50,000 to the Hudson river, at Albany. This place is also entirely within the jurisdiction of the State of New York; and such is the case with regard to most of the items of this bill; yet not a dollar is appropriated to the rivers of Mississippi, emptying either into the Gulf of Mexico, or into the Mississippi itself. Just at this moment, an amendment of my colleague [Mr. BROWN] for an appropriation to clear out the mouth of the Pascagoula river, which empties into the Gulf of Mexico, has been voted down without ceremony. We have the Tombigbee river, running through the States of Alabama and Mississippi, long enough, according to the definition of certain gentlemen here, to be called a national stream, also the Pascagoula and the Chickasaw; yet not a dollar is given either. We have the Pearl river, passing from the Gulf of Mexico to Jackson, the capital of the State of Mississippi, and thence to the interior, which is navigable for six months in the year for large steamers, and not a single dollar is appropriated to that. Here, also, is the Yazoo river, for which I offer an amendment, and to which not a single dollar has been appropriated. Yazoo City, a large and thriving commercial town upon this river, has more commerce than nine tenths of the rivers and harbors included in this bill.

Why, sir, the second appropriation in this bill, instead of being an appropriation to improve rivers and harbors, as professed in its title, proposes to construct a harbor upon the east side of Reedy Island, in the Delaware; and there are several appropriations for the same purpose.

Instead, therefore, of making appropriations for the improvement of rivers and natural harbors, this committee have recommended appropriations to build harbors, where nature never intended they should be.

Mr. WALSH. I would say to the gentleman that that is one of the harbors in the Delaware river, which the Government is under a solemn contract to keep in repair.

Mr. FREEMAN. The gentleman is mistaken. The appropriation is to build the harbor, and not to repair or improve it. The gentleman will have to amend the bill, if it is an old harbor.

I want \$30,000 to be appropriated for the improvement of the mouth of the Yazoo river, emptying into the Mississippi river, which latter is admitted, upon all hands, to be a stream entitled to improvement. The Mississippi river is a great national highway, a stream not within the jurisdiction of any single State, but the common boundary of nine States, and over which no single State has exclusive jurisdiction, and therefore as strictly within the power of Congress to improve as the Atlantic coast. The Yazoo river runs from the interior of Mississippi, through one of the most fertile cotton regions in the world. It bears away the cotton, and brings, in return, the annual supplies for the planters. At the mouth of this river, in the bed of the Mississippi river, is a bar, of equally as much importance and magnitude as the bar in the Hudson river at Albany. Why not cut it away? The bar at Albany, as I am informed by the chairman of the Committee on Commerce, [Mr. SEYMOUR], requires \$300,000 to improve it, and they have been improving that bar ever since I can remember. They have actually expended \$375,000 upon it, and yet the bar is just as bad as when they commenced appropriating for its improvement. It feeds with a growing appetite; the bar gets larger as the public treasure is lavished upon it, and, at the same rate of improvement, by the time the whole estimate of \$300,000

is expended upon the work, the river will be wholly impassable.

Mr. FULLER. I am opposed to the amendment offered by the gentleman from Mississippi, [Mr. FREEMAN]. Gentlemen oppose this bill because it does not contain appropriations for every harbor and every river in the Union, which is susceptible of being improved, and which may be done constitutionally. Unless, therefore, you get up a bill large enough to do the whole at once, shall we do nothing? You can do a portion this year, and a portion another year. I do not suppose any gentleman expected the committee to report a bill large enough to do the whole at once.

Mr. FREEMAN, (interrupting.) The gentleman is a lawyer, and a good lawyer, too. Now, I ask him what he thinks of that provision of the Constitution which provides that no preference shall be given to the port of one State over that of another? We have some ports in Mississippi; but you have given preference to the ports of other States to the exclusion of those of Mississippi.

Mr. FULLER. I will respond to the gentleman that his State is not precluded from having an appropriation some other year. To provide during one year the appropriations for all the States would swell the bill too large.

Mr. FREEMAN. What year are we to come in, I should like to know? I fear it will be after the day of judgment.

Mr. FULLER. The gentleman's colleague [Mr. BROWN] said that the State of Mississippi was the only State upon the Atlantic sea-board that was not provided for in this bill. In that the gentleman is mistaken. He then went on to assume the reason why the State of Mississippi was omitted by the committee. He assumed that the omission was owing to her peculiar political opinions. Now, New Hampshire, which is a jewel in the galaxy of States, I presume all will concede, with a sea-board of fifty miles, and a very fine port, has not had a dollar appropriated to her. The gentleman is therefore mistaken in that fact. He was quite as much mistaken in the inference which he drew. The committee did not omit to give an appropriation to the State of Mississippi for the reason he assigns.

Now, sir, as has been remarked heretofore, the committee went around the frontier of the country, endeavoring to deal out equal and exact justice to all portions of it. There is not gold enough in the mines of California to improve all your harbors. Are gentlemen going to take the ground that because their particular river is not appropriated for, they are going to oppose the bill? The result of that argument would be, if it have any force at all, opposition against any bill. The gentleman, as his State borders upon the Mississippi, ought to be satisfied with her share that has been appropriated for that river. These are all the remarks I desire to make.

The question was then taken on Mr. FREEMAN'S amendment to the amendment, and it was rejected.

Mr. YATES offered the following amendment: For the improvement of the navigation of the Illinois and Cumberland rivers, \$100,000; \$50,000 of said amount to be expended on each of said rivers.

Mr. Chairman, I must confess, that I am very much surprised at the report of this committee. How it happens that a committee, aiming to frame a system of improvements and to do equal justice to all parts of the country, to provide for the protection of life and property on the sea-coast, on the inland lakes, and the important navigable rivers of the country—how it happens, that that committee should overlook and omit the Illinois river, I do confess I am at a loss to imagine. This, sir, is an unpardonable oversight.

I am not disposed to find fault with this committee. I must say I like the men who compose it well, and I must exonerate them from any deliberate design to do injustice to any portion of the country, or any desire to claim for their several localities larger appropriations than they would award to the West or any other section. But, sir, the fault is here: there is no representative of western interests on that committee, favorable to the construction of internal improvements. It is unfortunate for the country and unfortunate for the symmetry of this bill, that several members from the West had not been appointed on that committee to present the wants of the ten millions of people of the valley of the Mississippi. I have

discovered the fact, to my great regret, that many eastern men, have but faint conception of the extent of western interests, of western wants and western progress; and while honestly disposed to do us justice, yet for the want of this knowledge, they fall far short of it. And; while they deal out to the West with a sparing, reluctant and parsimonious hand, they seem astonished that our hearts do not overflow with gratitude for what they consider the most unbounded liberality. You speak to them of improving the Illinois river, and their replies are absolutely provoking. "Oh!" say they, "if you make appropriations for the improvement of the Illinois river, then you must make appropriations for every other river." These same gentlemen have appropriated by this bill, \$50,000 for the Hudson river. Now, I wish to inform you, sir, and this committee, and I speak emphatically, and from personal knowledge, that the Illinois is as large and fine a navigable stream as your far-famed Hudson. While, sir, it is navigable at most seasons of the year for boats of the largest size, from its mouth to LaSalle, a distance of two hundred and fifty miles, your Hudson is navigable for only one hundred and fifty miles. If you will look at your geographies you will find this out.

I had the pleasure, a short time since, of traveling upon the Hudson, and it was a pleasure. I saw a picture of life and animation there which delighted me. I saw the waters there moved by every sort of craft. Steamer after steamer, and sail after sail floated in the beautiful prospective, while along its banks the iron horse dashed by us at the speed of forty miles an hour. Mansions of elegance and splendor, and a numerous succession of beautiful cities and villages passed in review before us. But, sir, while I admired the Hudson and its beautiful scenery, and viewed the evidence of wealth and prosperity upon its banks, yet I found that, for the purposes of navigation, it was not a better stream than the Illinois. And yet, sir, for that river there is in this bill an appropriation of \$50,000, although it is within the limits of a single State, and although a railroad runs on its banks parallel with it from its mouth to the highest point to which it is navigable. Is this equal and impartial legislation? Is it fair to lavish the public treasure in appropriations to a State powerful in resources, commanding the commerce of the ocean, and abounding in capital and wealth, for the improvement of her rivers, while a single dollar is denied to a young and needy State, for her rivers, equally national, and deserving of improvement?

If the Illinois river is not a national stream, then there is none. The doctrine that a river, to be a national one, must flow between two or more States, and not be comprehended within the limits of a single State, is becoming obsolete, and is yielding to the more intelligible and sensible construction that if it is needed and used for the transportation and travel of many States, then it is national, whether it is contained within a single State or washes the shores of a dozen. The Hudson is a national thoroughfare upon this very principle. Its source and its mouth are in the State of New York, but its head-waters are connected with other States and with the lakes by railroads, so that it floats the commerce and travel of many of the States of this Union. The Illinois stands upon the same ground. Its head-waters are connected with the lakes by the Illinois and Michigan canal; and railroads from its head-waters to the lakes, and to the Upper Mississippi, are already projected, and several are, at this time, in the process of construction.

I say, sir, if the Illinois river is not a national work, then the Mississippi is not. It is, in a strong sense, a direct extension of that river to Lake Michigan. It connects the great lakes with the Father of Waters. It connects New York with New Orleans. Nearly all that trade which finds its way over the lakes, and on that long line of railroads which sweep around the lakes on its way to the West, seek its natural and almost only channel down that stream. And this is no secret. I am speaking what is known to the country, although it may have escaped the attention of the committee. The rapid increase of the commerce upon this stream, its statistics, and the immense amount of business, travel, and transportation upon it have been the constant subject of newspaper correspondence and comment in every part of the



country, and occupies no unimportant part in the printed reports and communications of executive officers to the two branches of Congress. It is one of the most important of all our western waters. There is not a traveler from the East to St. Louis, or to any part of the interior of the West, whether he travel down the Ohio and up the Mississippi, or by the northern lake route, who does not take this river in his route, either going or returning.

In a speech which I made in April last before this House, I exhibited some statistical facts showing the importance of this stream. I then showed, what seemed to surprise some members of the House, that the trade and transportation upon this river was greater than that upon either the Missouri or Upper Mississippi. I showed that the number of arrivals at the city of St. Louis of steamboats from the Illinois was greater than from the Upper or Lower Mississippi, the Missouri, or the Ohio; and that of the staple articles of wheat, corn, &c., the amount transported on this river in the direction of New Orleans and by the northern lakes, was considerably greater. I mention this, not to disparage the Missouri and Upper Mississippi, for the amounts appropriated to them by this bill are too small, and they are each deserving of larger appropriations than the Illinois river, because they are longer, their obstructions are greater, and their navigation far more perilous and difficult.

But, sir, we are not without the highest sanctions in favor of the nationality of this stream. The Government of the United States, acting upon the proper assumption, after the usual surveys, that this connection between the lakes and the Mississippi was a great national thoroughfare, made a handsome grant of lands to the State of Illinois for the construction of that magnificent work, the Illinois and Michigan canal. It also caused a survey and plans and estimates, of the Illinois river to be made, and on the 6th March, 1838, Mr. Poinsett, then Secretary of War, communicated to the Senate, in obedience to a resolution calling for the same, the report of the Topographical Bureau of Engineers, showing, at length, the national character of the stream, its capacity, obstructions, and plans for its improvement. I shall call the attention of the committee to a few extracts from that report:

"In an agricultural, commercial, as well as a military point of view, the Illinois river is destined to occupy an important rank amongst the rivers of the West. Embracing in its arms its principal tributaries, the southern shores of Lake Michigan, it traverses more than two thirds of the State of Illinois from north to south, and waters, by its branches, more than half its width, an extent of country unrivaled for the fertility of its soil, perhaps, in the world."

"By means of the Illinois and Michigan canal (less than one hundred miles in length) its waters will be united with those of Lake Michigan, thus completing the connection of the internal navigation of the country from New York to New Orleans."

"In a military point of view, the uninterrupted navigation of this river cannot be overlooked, as it will afford facilities for the transportation of troops and munitions of war with certainty and celerity, and will enable the Government, should it at any time become necessary, to concentrate upon the frontier, with rapidity and ease, any amount of force, while, at the same time, the capacity of the valley of the stream to furnish supplies for their use is unbounded."

Upon the subject of the capacity of the stream, the report says:

"When compared with other streams in the West, the Illinois, even in its present unimproved State, is superior to most of them in the depth of its waters. The improvement of the Tennessee contemplates, at the utmost, the attainment of a depth of only twenty-four inches, and that of the Ohio, between Pittsburg and Wheeling, a depth of thirty inches; whilst the Illinois in its natural state has at no time (with the exception of two or three bars) a less depth than two feet, and that only in extremely dry seasons, and for a short period in midsummer."

As to the obstructions, the report remarks:

"The Illinois river, from Peru to its mouth, flows over a bottom of sand and alluvial matter with a current so very gentle and uniform as to cause but a few hours' difference in the time occupied by steamboats in ascending or descending its stream, an estimated distance of two hundred and fifty miles." "The obstructions consist entirely of bars, formed for the most part by the deposit of sand and alluvial matter brought down by the tributary streams, and in some cases by the widening of the bed of the river itself." "A few logs and snags are here and there to be found, but the obstruction from this cause is much less than in other fresh-water streams. No danger is apprehended from them, as they retain their positions from year to year, and being few in number, and their localities perfectly known, they are easily avoided."

The report, after referring to several plans for

removing these obstructions, adopts the following, which, in my opinion, is the best:

"The only plan which is likely to prove of any advantage is the second one proposed, viz: To excavate channels through the bars, and that only to a limited extent. This mode is believed to be peculiarly adapted to this river, as the deposits form very slowly, in consequence of the alluvial matter brought down by the current being unusually small."

"The plan recommended is, to purchase a dredging machine, to be constantly employed during the summer months, first in excavating channels through the bars, and afterwards in keeping open the passages thus formed. It is believed that a depth of three feet would amply accommodate any probable amount of transportation upon the river; and from the fact that two feet water is already found (save on one or two bars) an excavation of one foot in depth, and in many cases of six inches only, would effect this object."

Now, Mr. Chairman, here is a navigable river; one of the greatest of our national thoroughfares, and it is believed that an appropriation of \$50,000 will render it permanently navigable for years to come, at all seasons of the year. Now, sir, for two or three months in the year its navigation is obstructed, except for boats of the very smallest size, which work their way over these bars with great difficulty and after long detentions. At this very time, from the mouth of the river to its source, steamers and canal boats in great numbers are aground, unable to proceed on their journeys. Now, you will observe that no Representative from the West has proposed to reduce the appropriations for the benefit of the East. We do not complain of them. They are necessary and proper. We only propose to increase in a proper ratio the number and amount of the appropriations for necessary objects in the West. It is but poor encouragement to western members to vote millions for the benefit of the East and for the protection of foreign commerce, while, for the want of small appropriations, we are compelled to see millions of dollars' worth of western agricultural production obstructed in their way to market. I do confess, sir, I shall be very loth to support this or any bill which makes such distinctions against the West.

I hope to see the bill properly amended; and when it is so amended, I shall support it most cheerfully. And I shall support it for reasons very different from those which influenced gentlemen on the other side of this House, whose platform says they are opposed to a general system of internal improvements. I shall support it because it is a general system of internal improvements. We cannot do without a general system, and at the same time do justice to all parts of the country. What is a general system? I call that a general system which appropriates for the Atlantic coast, and for the lakes and rivers in every section, according to their absolute necessity, and having a due regard to economy. Look at your broad extent of territory, your extended coast, your great lakes, and your Mississippi and its tributaries, all requiring the fostering hand and support of the Government. Two millions of dollars, properly expended, would be no great burden on the Treasury; it would revive your commerce; it would start the West upon a new tide of prosperity; it would stimulate the enterprise and industry of the whole country, and the Government would have accomplished one of the objects of its creation, the promotion of the good of the people. Our commerce has floated over snags long enough; our citizens have found watery graves in our western rivers long enough, in carrying out your narrow platforms, your straight-jacketed constructions, and your salt-water abstractions. We are called upon by every consideration—the saving of hundred of lives and millions of property annually destroyed, cheapness and expedition in getting to market, exemption from heavy insurances, and by every consideration of the general welfare, to pass at this session a river and harbor bill, liberal in its provisions to every section of our common country.

Mr. NABERS. I am opposed to the amendment. It occurs to me, Mr. Chairman, that the progress of the debate upon the general merits of this bill, so far, ought to convince every candid member of this committee that the system contemplated is improper. But why? Simply because it seems we can never determine what is a national work, or what is a local one. There is the difficulty. Every gentleman appears to argue that his particular river, or his particular harbor is

a national river or harbor; but not so with the rest.

Again, sir, gentlemen are advocating this bill upon the Democratic side of the House. And I will take occasion to say that I have no purpose of delivering a lecture here. They tell us that while they are in favor of this bill, they are at the same time opposed to a general system of improvements. Now, I wish some of them to tell me if this be not a system, what is a system? If this bill be not a system of improvements, what is it?

Mr. BROOKS. I rise to a point of order. The proposition under consideration is to make an appropriation for the Illinois and Cumberland rivers, which it is the duty of the gentleman from Mississippi to oppose, whereas he is discussing the question of internal improvements.

The CHAIRMAN. The Chair thinks the remarks of the gentleman in order as opposing any appropriation.

Mr. BROOKS. But it is his duty to oppose this particular one.

The CHAIRMAN. Opposing all appropriations is opposing this specific one.

Mr. BROOKS. We have had discussion of the general principle before, and it is utterly impossible to get through with the bill in this way.

Mr. NABERS. I am very much obliged to the chairman and committee. As I made no allusion to New York, I had supposed the gentleman would not have raised his point of order. I have no hostility to New York, or to any other State; but I was trying to ascertain, if I could, if this bill does not propose a system of internal improvements. What am I to understand by a system? Perhaps I cannot illustrate my meaning better than by an anecdote. Mark you, I tell it not for amusement, but for the purpose of making the committee understand my exact meaning, and of adding to the standard literature of the day. [Laughter.]

Gentlemen think that while they favor this bill they are against a general system of improvements. Well, sir, a colored gentleman in my region of country became intoxicated on very bad whisky. The next morning he swore that he would never drink another dram. The next opportunity that offered, he answered: "I have said that I never would take another dram, but stop—I believe I will take two or three swallows!" [Laughter.] Now, I submit to this committee, whether, if this bill does not propose a general system of internal improvements, it does not take two or three swallows in that direction? [Renewed laughter.] It is absurd to talk in that way. Again, if gentlemen are opposed to a general system of improvements, should not the very same process of reasoning which induces them to oppose a general system induce them to oppose a partial one? I ask with what consistency gentlemen can oppose a general, impartial, equitable system of internal improvements, and yet go for one that is partial in every feature?

Gentlemen have been exceedingly guarded in getting up this bill. They have informed us that they have guarded against any infringement of the Constitution of the United States. We would be led to infer from the general tenor of their observations upon this bill, that they have fixed the Constitution precisely in the midst of the heavens, and that they fear if it were let go to one side or the other, the universe might be upset. But, sir, I ask any candid man to tell me why, if it be thus fixed in the center, its rays fall partially? Why does it not shine equally upon every portion of the Confederacy? It does not do so. While its light concentrates with almost killing force in some particular localities, in others all is dark as midnight.

The question was then taken upon Mr. YATES's amendment, (Messrs. CHANDLER and MOLONY acting as tellers,) and there were—ayes 63, noes 66.

So the amendment was rejected.

Mr. JOHN W. HOWE. I offer the following amendment:

For a survey of the Alleghany river from Pittsburg to Olean Point, with a view for further improvements, \$30,000.

The Alleghany river takes its rise in the State of New York, runs into Pennsylvania, flows back again into the State of New York, and at last finds its way into the Ohio. It is the Ohio at Pittsburg, and therefore, if it does not wash three

States, it washes two States three times, and, of course, comes within the constitutional rule South. [Laughter.] An appropriation for this river, I consider, then, as germane to this bill. The committee will see, if they will listen to what I say, that the appropriation I ask has as much merit as any one provided for in the bill. A canal runs from Rochester, in the interior of the State of New York to Olean Point, connecting with the river at that place. From Olean to the point where the Allegheny meets the Monongahela—and the two form the Ohio—the distance is about two hundred and twenty miles. All I desire is, that a survey for improvements should be made. A steamboat ascended this river three miles above Olean Point more than eighteen years ago. About six months in a year steamboats ply regularly for the distance of one hundred and thirty miles upon that river, and for three months in a year a distance of about two hundred miles; and it would be capable of plying the whole year between Pittsburgh and Olean in case the proper improvements were made. All we ask for at this time is a survey, in order to see what improvements can be made.

I will state that, about twelve or fifteen years ago, a survey was ordered by this Government, with the view of improving this river. A survey was made with great care, and at reasonable expense, of course, and a favorable report was made to Congress in regard to this improvement, but nothing was done. The report and the survey have been lost or mislaid, and now we can get no trace of them at all. It is for this reason that we ask for this appropriation of \$20,000 to have a re-survey, with the view of improving it hereafter, if in the wisdom of this Government it should be thought proper to do so. I am for a general system of internal improvements, and I am a Democrat in that respect. [Laughter.] I am for a general system of internal improvements of all rivers, with which I stand immediately connected, [laughter:] which is the case with most members. I think that no one will dispute this. New York and Ohio are interested, as well as Pennsylvania, in this improvement, and so are the whole United States, because this river is the great connecting link between the waters of the Atlantic and the Gulf of Mexico, and it would be the most direct route, if it was improved, by which you could go from New York to New Orleans at any season of the year. It may be improved so that at all seasons it would be navigable for steamboats of some two hundred or three hundred tons burden. It is so in its natural state, except in a dry time, when the bottom of the river rises too near the surface of the water. [Laughter.]

Mr. GIDDINGS. I would like to inquire whether the gentleman really believes that this is a work which is general and national, according to the Whig resolutions?

Mr. HOWE. I am confident that it is according to both platforms. I should say according to the letter of one, and the construction put upon the other. [Laughter.]

Mr. GIDDINGS. I hope that we may soon get to a vote upon this bill; and I will say to my friend from Pennsylvania, [Mr. Howe,] that I shall speak against this appropriation. It is probable, within a few months, at the next session of Congress, that we shall pass another bill for the improvement of our rivers and harbors, and before it be possible for us to expend, in a proper manner, the moneys appropriated by this bill. I contemplate that we shall have another bill to supply the deficiency. We have had, in my district, but one appropriation in fourteen years, and that was merely for repairs. In diffusing among the people of our country the benefits of commerce, we have been niggardly in making appropriations from the public Treasury, while we have squandered \$200,000,000 to keep our Army and Navy, for no other purpose than to kill, destroy, and butcher mankind. We have, in times past, and are now standing here and contending against giving to the people the prosperity which this bill would carry to them. I am not a little astonished at the tenacity with which every attempt to appropriate moneys for the benefit of the United States is opposed, while every attempt to squander the funds in any other direction is met promptly, and our treasure is poured out profusely. Let me say here that the estimates in my district have been cut down more than in any other part of the Union; but I ask for no additional appropriation,

unless it be to repair, in one instance, these works. I am anxious to see a wise and liberal system of internal improvements commenced, established, and put in successful operation. Now, let us begin, and let us adhere to the committee; for they have given this subject great consideration. They have, in my opinion, acted according to their best judgment, although I wish they had appropriated double the amount to these objects that they have appropriated.

The question was then taken on Mr. Howe's amendment, and it was rejected.

Mr. RICHARDSON offered the following as an amendment to the amendment:

For the improvement of the navigation of the Illinois and Cumberland rivers, \$50,000; \$45,000 of said amount, or so much thereof as may be necessary, to be expended upon each of said rivers.

Mr. Chairman, there is not in my road the constitutional difficulty that lies in the way of some gentlemen who have expressed their opinions before this committee, in regard to the powers of this Government. I hold that we have the constitutional power to make a road, to use and improve one already made, to make a canal or improve one already made, to improve the navigation of a river wherever it is necessary to transport mails, troops, munitions of war, or the supplies of provisions for those troops. In other words, we can do any of these things where it is for the use of Government; and it is clearly constitutional, in my judgment. It is wholly immaterial whether that river runs through two, three, or a dozen States, or is wholly within a single State.

The amendment I propose most clearly comes within the class of cases I have laid down. I propose to give \$45,000 to improve the Illinois river. That stream is one of the links in the chain of communication between the Atlantic sea-board and the valley of the Mississippi. The arms that are used on our western frontier have of necessity to be carried upon it. A large portion of the provision for the troops is carried there. The mails are or should be transported upon it. During the war with Mexico troops were carried upon it, and both in war and peace the Government interest requires the improvement of that river. In high water the entire stream for three hundred miles is one of the best for navigation. In low water there are three or four obstructions which can be removed at a small expense, and these being removed the river would at all times be the very best for navigation of any in the United States. It is most certainly true that commerce would be greatly benefited by this improvement. The products for transportation are nowhere so great as along the banks of that river. It traverses for its whole extent the richest and most fertile country that the sun shines upon, settled by an enterprising and industrious people.

Gentlemen who have preceded me in this debate have characterized this bill as sectional. Sir, it is eminently so. The bill proposes to give \$50,000 to improve the Hudson river, after over \$300,000 has been expended by this Government heretofore for the same object—a river that has now no obstructions, only navigable one hundred and sixty miles, with a railroad along its banks its entire length; and nothing to the Illinois, navigable over three hundred miles, with all the claims and reasons I have stated.

It is true, the bill gives something to the Mississippi river; but only enough to send agents out to make contracts, buy boats, and exhaust the sum to favorites—not enough to do anything to improve that river, or any other West. The bill is eminently Atlantic and eastern. The western rivers, upon whose bosoms float four times in value all our foreign commerce, gets by this bill less than \$400,000, while the East takes, in her modesty, only a little over \$1,000,000.

I have said, Mr. Chairman, that I had no constitutional difficulties in supporting a fair and just bill, to carry out the objects necessary and proper to be carried out in improvements. The bill now under consideration I regard as a better one than the one presented two years ago. It is better only in a few particulars; it leaves out a few improvements east that had no claims under any circumstances to be improved; it leaves out the appropriations for the improvements of some towns that were in the bill one or two years ago. In other particulars it is very objectionable. The appropriation for the improvement of the rapids of the

Mississippi is not enough by full one half. It is of no importance and no benefit to the Government or the people to appropriate enough to get ready to go to work upon the rapids; and the appropriation is just about enough to buy boats, &c., to begin the work, and not enough to do anything more. I concur with my colleague, [Mr. Bissell,] that it needs many amendments.

Mr. CLEVELAND. I am desirous of calling the attention of the committee to the opposition which I shall make to the amendment of the gentleman from Illinois; but I am more anxious to call the attention of the country, and especially of the Democratic party, to it. The people of this country are a reading people, and they will see that gentlemen have already urged upon the committee millions of dollars of appropriations that should have been provided for, as they claim, in this bill, and before we get through it will be, millions upon millions.

Now, some gentlemen say that this is not a general internal improvement bill; but, sir, no man can be so willfully blind, or so blinded by political prejudices, or by a desire for victory at the coming election, as not to see that this is but the entering wedge, and that it will ultimately, if persisted in, drain the Treasury of hundreds and hundreds of millions of dollars. There is no way to escape it. Log-rolling is a common practice in this House, and there is no way in which it is possible to guard against it, if the Democratic party incorporate this Whig policy of internal improvements by the General Government into its creed. Gentlemen, if they will go back a few years, will remember that this was the great and dividing question between the two parties of the country. James K. Polk, when in the presidential chair, with his clear head, saw the danger there was to the country from beginning such a system, and had the nerve, in imitation of "Old Hickory," to set not only his face but his pen against it. What has been the result? There is not a well-informed man in America but what knows that the action of that Democratic President has saved to this country hundreds of millions of dollars. Now, Frank Pierce is nominated by the party that sustained the course of President Polk, and he is to be reproached by some of my Democratic brethren in this House because he is opposed to this very system.

Mr. JOHN W. HOWE. Will the gentleman let me ask him one question?

Mr. CLEVELAND. I cannot. I have not time.

Mr. RICHARDSON. I hope the gentleman from Connecticut will allow me to propound to him one question?

Mr. CLEVELAND. I must decline, for I desire to express my views, so far as I can, within the five minutes allotted to me. In my judgment, those gentlemen are abandoning the ground on which the Democratic party have so successfully stood for years and years, and caving in to Whiggery, for it is caving in, and everybody understands it so; and there is no use trying to disguise it. They may think that the passage of this bill will end in the coming election of President, but they will do it at the expense of the best interests of the country, and the entire destruction of the party. Such may be the result. It would be better to go back and take the advice of "Old Hickory," and James K. Polk—the men who dared to stand upon the principle that this Government is a Government of limited powers.

Mr. SEYMOUR, of New York. I observe that the gentleman from Connecticut is quoting General Jackson; I ask him whether he is willing to abide by the doctrine of Jackson?

Mr. CLEVELAND. I answer that I am. I was about to say that I am half inclined to try the experiment that the committee have proposed. I am free to say I think the committee deserve great credit for the power of resistance they have shown. They have given us a very moderate bill, and I am tempted to give the country this bill and let them try it. I forewarn the real Democracy of the country, however, that they may, and I fear will, find bitter consequences flowing even from this; but at the same time, I think the Committee on Commerce deserve credit for not reporting a bill containing appropriations to the amount of three, five, or ten millions of dollars, as will probably be done at the next session, if this bill passes. We ought to set our faces against any kind of

amendments to this bill. Let one single amendment come in, and there is no security; the Treasury will be robbed to the amount of millions of dollars, at this session. The only security we can have is to have the Democratic party in power, and have them live up to their principles. Sir, we must guard against the Whigs getting their old notions into our new platform.

Mr. SEYMOUR, of New York. I rise to a question of order. I ask whether the amendment offered by the gentleman from Illinois is in order, inasmuch as it embraces two distinct propositions, not at all connected with each other?

The CHAIRMAN. The Chair does not see that that makes any difference.

Mr. SEYMOUR. Then he might put a hundred different propositions in one amendment.

The CHAIRMAN. The Chair supposes the amendment is in order.

Mr. RICHARDSON. I ask for tellers on the amendment.

Tellers were ordered, and Messrs. GREY and FOWLER were appointed.

The question was then taken, and it was decided in the negative—ayes 57, noes 68.

So the amendment was rejected.

Mr. MEADE. I now offer, as an amendment, the section offered by my colleague [Mr. CASKIE] yesterday, changing the sum from \$50,000 to \$49,500, so as to read as follows:

"For the improvement of the Appomattox and James rivers, \$49,500."

Mr. Chairman, I have a few facts to state to this committee which will, I think, enlighten them to some extent upon this subject. Upon this river four of the most important towns in the State of Virginia are situated. They annually contribute to the General Post Office a revenue of \$40,000. The city of Richmond \$23,000; Petersburg \$6,000; Lynchburg \$4,000; and Norfolk \$7,500. They are all either situated directly upon this river, or connected with its commerce. The city of Petersburg, which I represent, is situated upon tide-water, about ten miles from the confluence of the James and Appomattox rivers, and may be called a James river city.

Now, sir, we ask an appropriation of \$49,500, being about the amount reported to be necessary by your own engineer about ten years ago.

Mr. Chairman, I stated to the committee on a former occasion that the State of Virginia had been entirely overlooked in this bill. Having the finest harbors and the most extensive sea-coast of any State upon the Atlantic—in the face of all this, it has been entirely neglected. I find that there are thirteen towns in the State of New York whose aggregate post office revenue is only \$52,000—only \$12,000 more than that of the four towns I have named in Virginia, which have appropriations amounting to \$258,000 in this bill. But in connection with this fact let me state, moreover, that these towns in the State of New York have already received from the hands of the General Government \$1,122,000; the towns which I have mentioned in Virginia having all of them received in this time but \$25,000; which was all given to the city of Norfolk. The city of Albany, on the Hudson river, yielding a post office revenue of \$23,000, has an appropriation in this bill of \$50,000, and has already received from the General Government \$370,000. But I desire to call the attention of the gentleman from Connecticut, [Mr. CLEVELAND,] who started out with a very good speech against internal improvements, but yet indicated a mitigated hostility to this bill, to the fact that the Committee on Commerce has, in this bill, made appropriations to every little town in New York having a creek that could be called a navigable stream. For the little harbor of Oak Orchard creek this bill contains an appropriation of \$10,000, having already received from the Government \$20,000, and such is the smallness of the population that it pays into the post office treasury but \$76 per year. A port called Port Jefferson has an appropriation of \$1,200, which pays into the post office treasury \$150 per annum. The harbor at the town of Dunkirk has an appropriation in this bill of \$30,000, and pays only \$779 into the post office treasury, and having already received \$93,000 from the General Government. The thirteen places in the State of New York which are provided for in this bill have altogether received more than a million of dollars from the General Government, and have in this bill an ag-

gregate appropriation amounting to \$258,000, while the whole revenue paid by them into the post office treasury is only \$12,000 more than that paid by the four towns for which I ask this appropriation. Nothing indicates more truly the commercial importance of a place than its post office revenues.

Mr. SEYMOUR, of New York. I am happy to avail myself of the opportunity afforded by the remarks of the gentleman from Virginia [Mr. MEADE,] to allude to the appropriations for the State which I have the honor, in part, to represent, and which have so often been the subject of invidious remark. I regret that the gentleman from Virginia should have taken the course he has in holding up to this committee a comparative view of the revenues of certain post offices in New York with certain others in Virginia, instead of comparing the commercial returns of the two States. Anything connected with the commerce of my State, or the importance of the Hudson river, I shall at all times be ready to meet, whenever gentlemen shall invite the discussion.

I stated in my remarks at the opening of this debate, the principle upon which this bill was framed. I instance the very case of Oak Orchard creek on Lake Ontario, to which the gentleman has alluded, as an illustration of that principle. We have made an appropriation for that place, not with reference to its local commerce—we expressly repudiated that as a criterion for appropriation—but with reference to the general commerce of the lake upon which it is situated, and for the purpose of providing for that general commerce a harbor of refuge. But in reference to this particular case, a better appropriation is not contained in this bill. The fact was brought to the notice of the Committee on Commerce, that a harbor of refuge was especially needed at that point during the storms which prevail upon the lake. We have not sought to make these appropriations for the purpose of building up towns at any particular points, but to make them where the general commerce of the country demanded. The same is true with regard to Dunkirk and Port Jefferson harbors in New York. The latter, on the northern shore of Long Island is intended as a harbor of refuge, and is the only harbor of that kind upon a coast of one hundred and forty miles in extent, covered by a large commerce.

As to the Hudson river, the gentleman from Virginia, [Mr. MEADE,] and the gentleman from Illinois, [Mr. BISSELL,] yesterday seemed to consider it a small river, of very little importance—altogether a trifling affair, compared with the western waters. Have these gentlemen considered that this is the only outlet for a trade as large as that of which they so continually boast of, upon the Mississippi and its tributaries? It is, like the mouth of the Mississippi, an outlet for that great chain of Mediterranean lakes which stretches from Lake Ontario to Lake Superior, the natural avenue for the whole trade of those lakes except the comparatively small amount which passes through the St. Lawrence. This trade comes down to the tide waters of the Hudson by the Erie canal and the several lines of railroad, and then finds its way to the great emporium of our commerce. The official returns of last year show that produce to the amount of \$54,000,000 came by the canals alone to the tide waters of the Hudson, of which three-fourths at least came from the West, and a great portion from Illinois itself. The ascending trade will make nearly as much more; and when you add the other trade upon the river, coming by railroads and other ways, you will swell it up to the amount which gentlemen are claiming for the Mississippi itself. But this appropriation has been denounced as extravagantly large. It is \$50,000; and it is only the fourth appropriation the Government has made for that work, which was begun in 1834. This is the smallest appropriation that ever passed this House for that work; smaller by one half than those passed during the administration of General Jackson. It is a case of the most urgent necessity; so strong that the Legislature of the State at its last session appropriated \$10,000 to be employed in affording temporary relief to the navigation, until the National Government should resume this important and truly national work.

With regard to the particular case upon which the gentleman from Virginia has offered this amendment for the James river, in which the city of Richmond is principally interested, I explained to the committee the other day the situation in

which the committee were placed. The committee would have recommended an appropriation to a national work in Virginia as cheerfully as in any other part of the Union. But we had no memorial, no estimates for this work. We heard nothing in relation to it until the bill came up in this House for consideration, when gentlemen get up and denounce the action of that committee for not inserting it in the bill, and claim that it should now be inserted without estimates, without surveys, and without data.

The question now being upon the adoption of the amendment to the amendment.

Mr. MEADE demanded tellers; which were ordered; and Messrs. JOHN W. HOWE and BARRE were appointed.

Mr. CASKIE. Is it in order for me to ask the unanimous consent of the committee to say a very few words upon the amendment?

The CHAIRMAN. It is in order for the gentleman to ask the consent of the committee, though it requires unanimous consent to give permission. Several Members objected.

Mr. HARRIS, of Tennessee. I move that the committee do now rise.

The question was put, and the motion was not agreed to.

So the committee refused to rise.

The question being taken upon the amendment to the amendment, the tellers reported—ayes 49, noes 59—no quorum voting.

Mr. CAMPBELL, of Illinois, moved that the committee rise, which motion was agreed to.

The committee accordingly rose, and the Speaker having taken the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 283, making appropriation for certain rivers and harbors, and had come to no resolution thereon.

On motion by Mr. ASHE the House then adjourned until Monday at eleven o'clock, a. m.

## IN SENATE.

MONDAY, July 26, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tem.* laid before the Senate a report of the Secretary of the Interior, made in compliance with a resolution of the Senate calling for information in relation to the Commission appointed to run and mark the boundary between the United States and Mexico.

Mr. WELLER. I presume it will be utterly impossible to print the whole of this document in time for the use of the Senate during the present session of Congress. It is necessarily a voluminous document. Whether it has been retained in the Department for the purpose of preventing its publication, I shall not undertake to say. Certain it is that there are some of us here who will be very unwilling to vote for appropriations for the continuance of this boundary survey until we have had an opportunity of investigating the mass of testimony now submitted to the Senate. It was for the purpose of facilitating this business that I went to the Department at the verbal request, and not in accordance with a written note, for the purpose of selecting those documents of which it was wholly unnecessary that copies should be made. I spent two or three hours, not in selecting papers to be sent to the Senate, but in selecting those which I considered it was wholly unimportant should be copied. They consisted of invoices of goods turned over from one Department to another, which were wholly useless so far as regards the determination of the question to be settled here. Well, sir, that is the document sent to the Senate after a lapse of four months. In the present condition of the public printing, I take it for granted that it will be impossible to print this document during the present session of Congress. The object of the Secretary, however, may be attained by sending the document in, if delay was desired. There is much of this document, however, which may be printed at once. It may be possible that if the document be transmitted to the Committee on Printing, they may make such a selection from it as will enable the Senate to understand the manner in which this Boundary Commission has been managed when we are called upon to make an appropriation to meet its expenditure. For that purpose, I move



to refer it to the Committee on Printing, with the view of determining how much of it should be printed. I think it may be probable that much of it will be found unnecessary to be published at any time. There may be many papers which the committee may decide they will not publish. But, certainly a large portion of this document ought to be published before the Senate is called upon to make further appropriations for the continuance of the work.

Mr. CLARKE. I have no objection to the motion of the Senator from California. There are a great many of these papers which are very necessary to be seen by the Senate, before they can act upon this question. There are a great many papers, as I understand, that relate particularly to the initial point which has been partially agreed upon, if not finally decided upon by the Commissioners of the Boundary Survey. I think that all the papers which relate to the initial point should be published. I merely suggest to the Senator from California, whether it will not be better to amend his motion, so as to carry with it instructions to print everything which relates to the initial point of the surveys, which were made in the neighborhood of the Rio Grande, so that everything may be before us previous to the time when the subject will probably come up for discussion.

Mr. WELLER. As that is the practical question which the Senate will be called upon to decide, of course the Committee on Printing will decide that everything relating to that point should be published at once. On these matters which we are called to pass upon, the Committee on Printing will see the necessity of having this matter published.

Mr. CLARKE. I merely wish to say, that I do not desire to interfere with this in any degree whatever; and with the understanding that the committee will select everything relating to these points; but the difficulty is, that the Committee on Printing might not know what it would be necessary to publish.

Mr. GWIN. If the Senator from Rhode Island will allow me to interrupt him, I will make a suggestion which I think will obviate all difficulty. I would suggest that the matter should be referred to a select committee consisting of the Senator from Rhode Island, [Mr. CLARKE,] my colleague, [Mr. WELLER,] and the Senator from Texas, [Mr. RUSK.] I think by adopting such a course, every necessary document could be selected.

Mr. CLARKE. I very much doubt whether such a suggestion would be of any use. The Senator from California will have much other business to attend to. I have little time myself, and the Senator from Texas, we all know, is engaged from early morning till late at night in the public service. No Senator devotes himself with more alacrity and zeal to the public service than that Senator. Under these circumstances, therefore, I think such a committee could do very little towards the accomplishment of the desired object. On the other hand, if the Committee on Printing should undertake it, they, understanding what would be wanted, could make the selection. I have no objection, however, if gentlemen think proper to refer this matter to a select committee, but I think the other course would be the best.

Mr. HAMLIN. I concur in the suggestion of the Senator from California, [Mr. GWIN.] The papers on the table relate to a subject in which the gentlemen he has named have, very appropriately, an interest, and of which, perhaps, they have a better knowledge than any others in the Senate. They would, therefore, readily select such papers as would bear upon any of the various points in controversy, and there would thus be no necessity for printing any others. I hope the action of the Senate will take that direction. The selection and printing of the papers will be done much more readily, and a much better disposition will be made of them than could be otherwise attained.

Mr. COOPER. I do not rise to oppose the reference moved by the Senator from California, [Mr. WELLER,] but to answer a remark which I understood to have been made by that gentleman, and which, in my opinion, was unkind and unjust to the Secretary of the Interior. I am not certain that I understood that remark, but I took it to be that, by the delay which had occurred in transmitting to the Senate the papers which had been called for, the Secretary of the Interior had, per-

haps, answered the object which he had in view. That I believe was the substance of the remark made by the Senator from California.

Mr. WELLER. With the permission of the Senator, I will say this: I remarked that there had been an unusual and unaccountable delay in answering the resolution of the Senate; but, whether the Secretary of the Interior had designed to prevent publication by withholding the documents until this late period of the session I did not say; although there are suspicions connected with some gentlemen in his office that might induce such a belief. I did not say that the object of keeping the documents back so long, was to prevent their publication, but, at all events, such is the inevitable effect.

Mr. COOPER. I understood the Senator from California [Mr. WELLER] to say that the object of the Secretary of the Interior might have been attained by this delay; and I still understand that that is the substance of what the gentleman did say. If I am correct in so understanding the Senator, I think his remark is unkind and unjust to the Secretary of the Interior. I do not believe that when a call for documents is made by the Senate, that gentleman would willfully and purposely cause a delay in transmitting those papers for the purpose of subserving any object of his own—any improper object. I do not think that the character of that gentleman would warrant any imputation of the kind. I do not understand it as having been made directly against the Secretary; but I am sure from what I know of him that he would not lend himself to any conduct of the kind alluded to by the Senator from California. So much, I think, it is proper to say.

Mr. RUSK. The sending of this matter to the Committee on Printing at this late period of the session will in all probability delay the proper action of the Senate on the question to which the papers relate.

There is another difficulty. The papers will have to be considered, and their contents discussed probably in the committee; and thus the committee itself may be involved in a difficulty in selecting the proper papers to be printed. It might be said or supposed that some papers bearing on the question had not been ordered to be printed. The object of this call was that we might have before us the testimony in regard to a question of vital importance to the United States. I regret extremely, from whatever cause it may have occurred, that four months of the session should have been consumed in responding to this call. I am not prepared, nor do I intend, to make either charges or insinuations in relation to this delay, though I regret that so much time has been lost since the call was made before we have received these papers. They relate to a question of vital importance to the interest of the United States in relation to this boundary line.

I contend that the Commissioner has departed from the treaty of Guadalupe Hidalgo, to the loss to the United States of a large territory, and in a position where it is remarkably important. The Commissioner and the Secretary of the Interior insist that they have carried out the treaty. I insist that they have palpably departed from it. I desire to arrest this proceeding where it is; but I do not desire to do anything which might fall upon parties engaged in the survey, who have not fallen into this error. These parties are very far from home, and depending upon appropriations to be made, or already made. I could see no place where we could get up the question better than the present, where we could have it properly and fairly discussed.

I should dislike to interfere with appropriations for carrying on this survey; but if driven to that, and no other means are afforded of arresting what I believe to be a survey which will be greatly injurious to the United States, I shall be bound to resort to it. This is a grave question, one that I regard as a violation of the treaty. An initial point has been established on the Rio Grande, above that where it was established by the treaty, at least thirty-four miles. The extent of territory included in the running of that line will be thirty-four miles by about one hundred and eighty, and that at a most important point for communication between the Atlantic and Pacific portions of this country. What I am anxious to do is, to get this question before the Senate and Congress, in such a form that this mischief may be prevented. What

I fear is, that if there is to be delay, the Commissioner may go on and complete the line between the Gila and the Rio Grande from an improper point. It seems to me, therefore, that to reach this question in the shortest possible manner, and bring it before the Senate in a proper form, with all the facts bearing upon it, the best plan will be to refer these papers to a special committee of five Senators. And I will say that I desire not to be placed upon that committee. I have considerable feeling in reference to this matter. I believe I would do justice, but I confess I have considerable feeling on the subject. I think that if this initial point, which the Commissioner has fixed upon, is retained, we shall sustain an injury irreparable, one which will be more mischievous in its consequences than any which we have sustained for a long time. Having these views, I desire, from feelings of delicacy in relation to this matter, not to be placed upon the committee. I hope, however, that the Senator from California will modify his motion in such a manner that these papers may go to a select committee. Such a committee can, in a short time, make a selection of what they consider necessary to have printed, as bearing upon the question to be considered by the Senate. The Printing Committee could take no action except with reference to the question of printing, and would not have the whole subject before them as the select committee would have. I hope, therefore, the Senator from California will modify his motion as I have suggested.

Mr. CLARKE. I was about to say, in reference to this incidental question, that I was very desirous indeed to see the papers, in order that I might be better enabled to discuss the question involved in the resolution. I felt a special interest in investigating the conduct of the Commissioner of the Boundary Survey. Finding the papers did not come in, I ventured to go to the Department and inquire when we might expect them. That was on Thursday last. The Secretary told me they would be here immediately. He said that when the resolution of the Senator from California was adopted, he saw at once that a vast mass of papers would necessarily have to be examined. He spoke of having given an invitation to the Senator from California to make a selection of papers which he desired to have sent. He stated that he at once set two clerks to copying papers, and finding that their progress was slow, he engaged another, and the three were constantly engaged in copying and examining the papers. The papers, after they were copied, had to undergo a particular and thorough examination. That was the reason given to me why the papers had not been sent in sooner after the call of the Senate. I did not expect that the question of the initial point would be brought incidentally into the discussion in the Senate; on the contrary, I did hope that it would not. I had been apprised, and the Senate had been apprised, sometime since, by the open and manly declaration of my friend from Texas, [Mr. RUSK,] that upon another occasion, and at another time, he should bring up that question distinctly for the consideration of the Senate. That Senator believes, sincerely, no doubt, that there has been an error on the part of the Commissioner in determining upon the initial point on the Rio Grande from which to proceed on the westward line. From an examination of the subject, I have come to a different conclusion. That, however, is only a difference of opinion between friends, and can have no further effect. My own impression is, that it is a question which does not involve anything now before the Senate, and that until we see the papers now sent in to the Senate, we shall not be prepared to enter into a discussion of a question which the Senator says is of so much importance to the country, and to those who have been engaged in the commission for running the boundary line.

My purpose is to confine myself in the remarks I shall make hereafter, to a defense of the private character of the Commissioner, and, incidentally, to charges made against others, following, with the limited means in my possession, the transit of this commission, and of its re-formation in 1850, up to the time when these charges were prepared and sent here; together with the other evidence which has been furnished. My object in doing so is simply this: to vindicate the character of an individual far away from this place—an individual who is not here to refute the charges brought

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against him, and who is not afforded an opportunity of speaking for himself. It is the private character of the Commissioner which I propose to vindicate, and, by the blessing of God, I shall be able to do so.

As regards this initial point, I shall beg my friends, who are so anxious to pursue this investigation, not to force on a discussion at this moment, when no one is prepared to take part in it, or to say what is right or what is wrong. The Senator from Texas [Mr. Rusk] has his opinion; I have mine; but I am not prepared to vindicate that opinion to-day. I merely say this for the purpose of begging my friends to withhold an expression on one point, and let us get through the discussion on some others.

I think that the suggestion of the Senator from Texas, [Mr. Rusk,] relative to the printing of the papers, is a good one. Let a special committee be appointed to select such papers as it is ascertained apply to the charges against the Commissioner; also, such papers as relate to the charges against others; for let us recollect that the charges laid before us are not made against one man alone. Let all the papers referring to these charges, and connected with the boundary line, and the initial point on the Rio Grande, be selected and printed. There are many papers which it would be folly to think of printing; for, even if they were printed, they would not be worth the paper upon which they were printed.

I concur in the suggestion made by the Senator from Texas, [Mr. Rusk,] for the appointment of a select committee, to whose care the selection of the documents for publication may be left.

The PRESIDENT. The Chair will take occasion to say that the discussion with regard to the initial point of the boundary line is not now under consideration. It is simply a question of reference to a committee.

Mr. PEARCE. I do not wish to say anything on the subject of referring this matter either to the Committee on Printing or to a select committee. I did not hear the remarks of the Senator from California, [Mr. Weller,] but if I understood he remarks of the Senator from Pennsylvania, [Mr. Cooper,] some suspicion had been expressed by the former named Senator that the Secretary of the Interior had withheld these papers with a special design. It is to that point I wish to speak. I have before me a communication from the late chief clerk in the Department of the Interior, to the Secretary of that Department. In this communication he says, that when the call was made it was his duty to prepare these papers and send them to the Senate, and that the instructions of the Secretary of the Interior to him were to have them prepared with all possible dispatch. He further says, that the force in the Department not being sufficient, it was necessary to obtain clerks elsewhere; that two clerks were transferred from the Census Bureau, and that part of the time three clerks were employed. After they had made copies of the papers which were supposed to be necessary, it was considered essential that these copies should be compared with the original documents. The communication to which I have referred further says, that these clerks devoted to the work of revision and correction all the time that could be spared from other duties which imperatively required their attention, being frequently engaged upon it till a late hour of the night. It also goes on to say:

"After the comparison and the correction of errors, and the supplying and copying of such papers as had escaped attention at first, it was necessary to arrange all these papers—an immense mass—in intelligible order; a work which required an intimate knowledge of their contents, and much intelligence and skill, and, of course, to be intrusted to one clerk only. It will be remembered, also, that the records of the Department on the subject are embraced in a bound volume, and fill many pages folio. But one clerk at a time could be employed upon this, and that fact occasioned some delay after the other papers were prepared.

"This statement will show some of the causes of the delay complained of. The resolution might have been responded to sooner, if you had seen proper to pursue one of these two courses, viz: either by taking the regular clerks of the office from their regular duties, and thus practically putting a stop to the operations of the Department; or, 2d,

by employing a large number of extra temporary clerks, who would not have done the work so well, but would have done it—a proceeding not looked upon with much favor by Congress, and which the contingent fund at your disposal would not very well bear."

That, I believe, is a fair explanation. It is evident that the Secretary of the Interior could not be perpetually engaged in supervising the work of the copying clerks. He gives his orders, and reiterates these orders, from time to time. That he has done; and, having done that, I think he is exonerated from all complaint on the subject.

Mr. WELLER. Mr. President, I know that much of what the honorable Senator from Maryland has stated in regard to the Secretary is true; because upon more than one occasion upon which I have been at the Department, I have heard him tell his chief clerk that he must increase his force to get this report sent to the Senate. But as far back as the 10th of June, I received a letter from the Secretary in which he informed me that the papers would be sent in in a very few days; that they were then comparing them. I had called myself at the Department some four or five times, in regard to the answer to this call, and was constantly imploring the Secretary to increase the force, in order that we might have the answer in time to have it printed. Notwithstanding all this, it has been delayed. Whether it was the intention of the Secretary to prevent its publication at this session or not, I do not undertake to say. There is no man connected with the administration of public affairs here for whom personally I entertain a higher opinion than the head of the Department of the Interior. I would be slow to impugn his integrity. But there are persons connected with that Department who were also connected with it under the administration of a late ex-Senator, [Mr. Ewing,] and I confess I do not entertain as high an opinion of them as I do of the head of the Department. There may be some gentlemen connected with that Department now who were engaged in the performance of duties there when certain letters were suppressed by the then head of the Department for the purpose of injuring me. If there be any fault on the part of the Secretary of the Interior, it has been, in my judgment, because he did not give his personal attention to the subject, although entreated by me on several occasions to give it. He knew I had no confidence in some of his subordinates. That is what I have to say; and I still think the resolution could have been answered much sooner, and under different circumstances would have been answered much sooner. I hope I am now understood. An answer to the resolution was necessary to the vindication of my own reputation against infamous charges made upon this floor; and for this reason I may have shown more than a usual degree of anxiety.

The PRESIDENT. The Chair will have to interpose again, and remind Senators that the question is simply on referring the communication to the Committee on Printing.

Mr. WELLER. In answer to the suggestion made in regard to the appointment of the select committee, if it is thought advisable by any considerable portion of the Senate, I will not interpose any objection to it. I will not make the motion myself, because I do not desire to be placed on the committee, and under the parliamentary rule I might subject myself to be put on it if I should make the motion. I hope, therefore, my friend from Texas will introduce it in the form of a proposition to amend my motion. I would accept it as an amendment to my proposition.

The PRESIDENT. The proposition is to refer the communication to the Committee on Printing.

Mr. GWIN. I move, as an amendment, to refer the subject to a select committee.

The PRESIDENT. That motion is not in order. The question must first be taken on the proposition to refer to the Committee on Printing.

Mr. WELLER. I withdraw my motion.

Mr. GWIN. I move that the communication be referred to a select committee of five, to be appointed by the Chair.

The motion was agreed to.

The PRESIDENT. It requires the unanimous consent of the Senate for the Chair to appoint the committee.

No objection was made; and the President appointed Messrs. WELLER, CLARKE, RUSK, COOPER, and TOUCEY, as the committee.

## PETITIONS.

Mr. WADE presented a petition of citizens of Morrow county, Ohio, praying that the bill now pending before Congress, known as the "homestead bill," may become a law; which was referred to the Committee on Public Lands.

Mr. DAVIS. I desire to present a petition of certain publishers of daily papers in the city of Boston. They represent that there is a bill before the Senate, which has come from the House of Representatives, regulating the postage of daily papers; and I desire to get the attention of the chairman of the Committee on the Post Office and Post Roads to the subject. They complain that, by the provisions of that bill, they are oppressed, and ask the Senate to look into those provisions, and see whether they are just towards the publishers of daily papers that weigh more than two ounces. I understand, from the memorialists, that they are the publishers of papers falling within that category, and that it imposes what they deem to be a very unreasonable burden upon them. They say that the former postage was a cent within certain limits, and that it is now proposed to raise it to two cents. They think the Senate ought to take cognizance of the subject, and make some more equitable legislation. While the bill reduces postage everywhere else, they complain that it raises it on them. I move to refer the petition to the Committee on the Post Office and Post Roads.

The motion was agreed to.

## REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Pensions, to which were referred the following memorials of widows of soldiers who have been on the pension roll, but whose pensions have expired, praying a renewal of their pensions, ask to be discharged from their further consideration, for the reason that the committee have reported a general bill, which will embrace the cases presented by the memorials:

Memorial of Sarah A. Watson;  
Memorial of Augusta O. Boyd;  
Memorial of Mary Ann H. Ridgeley;  
Memorial of Mary Robb;  
Memorial of the widow of Orlando Pierce; and  
Memorial of Elvira F. Smith.

He also, from the same committee, to which were referred the petitions of John Cripps, Orson Young, and the children of Hannah Scott, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the petition of Lavinia Taylor, widow of Isaac Taylor, a private in the United States Army, praying a pension, reported a bill for her relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the bill from the House of Representatives for the relief of Silas Champton, of New York, reported it back without amendment.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to which was referred the petition of John H. C. Mayer, praying that a sum of money paid by him on land subject to entry may be refunded with interest, reported a bill for his relief; which was read and passed to the second reading.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the memorial of Samuel H. Hampstead, praying compensation for services as district attorney in defending claims to lands in Arkansas, submitted a report, accompanied by a bill for his relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Of-

Office and Post Roads, to which was referred the petition of the administrator of Isaac L. Battle, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. GEYER, from the Committee on Pensions, to which were referred the bills from the House of Representatives, for the relief of Catherine Clarke, and for the relief of David Murphy, reported them back without amendment.

He also, from the same committee, to which was referred the memorial of Sarah Crandall, praying a pension, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred a joint resolution relating to pensions, reported back the same with an amendment.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill from the House of Representatives making appropriation for the current and contingent expenses of the Indian department, for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1853, reported back the same with sundry amendments.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, to which was referred the memorial of John R. Jefferson, praying compensation for carrying the mail, and damages for the annulment of his contract, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the memorial of Van Rensselaer Morgan, praying to be allowed compensation for his traveling expenses while returning from the Sandwich Islands, by order of the Navy Department, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of citizens of Pensacola, praying that measures may be taken for the construction of a ship-of-war at that navy-yard, and that it be prepared for the construction, equipment, and repair of all classes of vessels-of-war, submitted a report on the subject; which was ordered to be printed.

#### GEORGE R. C. FLOYD.

Mr. GWIN. I am instructed by the Committee on Finance to report back the joint resolution for the relief of George R. C. Floyd, late Secretary of Wisconsin Territory, and sureties, and offer a substitute to the joint resolution. Inasmuch as it is a matter which has been adjudicated before by the Senate—as it merely refers the accounts to the proper office for adjustment—I ask for its consideration now. I presume there will be no objection to it.

No objection was made, and the Senate proceeded, as in Committee of the Whole, to consider the joint resolution. The amendment of the committee is, to strike out all after the resolving clause, and insert the following:

"That the proper accounting officers of the Treasury Department be authorized and directed to settle the accounts of George R. C. Floyd, late Secretary of Wisconsin Territory, upon principles of equity and justice."

The amendment was agreed to. The bill was reported to the Senate as amended; the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

#### SETTLERS ON THE CENTRAL RAILROAD, ETC.

Mr. SHIELDS. I move to postpone all prior orders, for the purpose of taking up House bill entitled "An act to protect actual settlers upon the land on the line of the Central Railroad and branches by granting preemption rights there-to." My reason for making this motion is, that it is a bill of such a nature that unless it passes within a few days, it will be of no avail to the persons whom it is intended to benefit.

Mr. GWIN. I hope the Senator will withdraw his motion to allow me to offer a resolution.

Mr. DODGE, of Iowa. I will suggest to the Senator from California that it will take but a short time to act upon the bill. The necessity for its passage is great.

Mr. SHIELDS. The parties intended to be

benefited by the bill are preëmtors on the line of the railroad, and they will lose their little improvements unless it passes within a few days. It is only intended to enable them to enter the land at \$2 50 per acre, the Government price. The lands are to be sold, and they will get into the hands of speculators unless this bill shall pass in a few days. That is the only reason for asking the Senate to take it up now. It will be of no avail in two or three days.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to consider the bill. It was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause, and insert the following:

"That each and every person now an actual settler and occupant, and who, on the 20th day of September, in the year of our Lord 1850, had made such an actual settlement and improvement as would have entitled him to a right of preemption under the act of September 4th, 1841, but for his failure to give the requisite notice under that law, or to file proof within due time, on any tract of land now owned by the United States, and situated within the limits reserved from sale by order of the Government, because of the grant of alternate sections to the States of Illinois, Mississippi, and Alabama in aid of the construction of the Chicago and Mobile railroad and branches, by virtue of an act of Congress approved September 20th, 1850, entitled 'An act granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama in aid of the construction of a railroad from Chicago to Mobile,' shall have the right to purchase, at the price established by law in regulating the sales of said lands, a quantity of the tract so settled on and improved, not less than forty nor more than one hundred and sixty acres, in legal subdivisions, on which said improvements may be situated: *Provided*, That any person claiming the right to purchase under this act shall, before the actual offering of the tract at public sale, file with the register of the proper land office a notice describing the land by its numbers, and make the necessary proof, affidavit, and payment for the land, within twelve months from the date of this act: *And provided further*, That the right of way upon and across any tract of land claimed under the provisions of this act, not exceeding two hundred feet in width, shall be reserved and retained for the said railroad and branches, as the same may be located and constructed."

The amendment was agreed to. The bill was reported to the Senate as amended; the amendment was concurred in, and ordered to be engrossed, and the bill was ordered to be read a third time.

#### BILL INTRODUCED.

Mr. DODGE, of Iowa, by unanimous consent, asked and obtained leave to introduce a bill to provide for the correction of errors in the location of military bounty land warrants, and entry of lands; which was read a first and second time by its title, and referred to the Committee on Public Lands.

#### JAMES C. WATSON.

Mr. CHARLTON. I desire to ask the unanimous consent of the Senate to take up the bill for the relief of the legal representatives of James C. Watson, of Georgia. I will explain, in a few words, why I make that request of the Senate at this time. My colleague, [Mr. Dawson,] whose presence on the occasion of the debate on the bill is absolutely necessary, may be detained from the Senate by unavoidable circumstances for many days after this. I ask, therefore, as an act of courtesy to him, that this matter may be taken up at this time, to enable him to leave the Senate Chamber to attend to duties which are more pressing upon him, a knowledge of which, perhaps, is familiar to most of the Senators present. I move to postpone all prior orders, for the purpose of taking up that bill.

Mr. HUNTER. I regret very much, but I am constrained by a sense of duty to insist upon taking up the Indian appropriation bill. I think, after having sent a resolution back to the House of Representatives proposing to adjourn on the 31st of August, we ought to take care to transact the business as fast as they send it to us, especially the general appropriation bills. The Indian appropriation bill was reported this morning, and I hope the Senate will take it up, and consider it in preference to other subjects. Other gentlemen have special subjects which they wish to have considered, and if we begin with this, I do not know where it will end. I presume the Senator can have his bill taken up on next private bill day.

Mr. SUMNER. I certainly have every disposition to treat my friend from Georgia with every courtesy, but the bill which he seeks to take up out of its course is a private bill. Naturally, therefore, it should come up on Friday. But there is another circumstance on account of which I

may certainly appeal to the courtesy of the Senate. It is known to all that the Senator from Ohio [Mr. Chase] has expressed an intention to discuss the bill. It is within my personal knowledge that he has made elaborate preparation for that discussion. Now, it so happens that this very day he has left the city to be absent some days; and his last request to me, as he left, was to appeal to the Senate to have that bill, if it should be brought forward, put aside until his return. On that ground, as a courtesy to the absent Senator, and as this is a private bill, and therefore does not properly come up with our public bills, I must join with the Senator from Virginia, and ask that it may not be considered to-day.

Mr. CLARKE. Mr. President, I certainly do not wish to interfere with the desires of any member of the Senate, with regard to the order of business that should be taken up. I have no inclination to interfere with the wishes of the honorable Senator from Georgia, but, sir, after the explanation made by the honorable Senator from Massachusetts, it would be hardly courteous to the Senator from Ohio to take up the bill named by the Senator from Georgia, in his absence, inasmuch as he has prepared himself for its discussion. But, incidentally, in this discussion upon the motion of the honorable Senator from Georgia, my friend from Virginia [Mr. Hunter] has intimated his wish—and his wishes are almost always law with us—that the Indian appropriation bill should be taken up for consideration by the Senate. Now, I submit in opposition to that incidental suggestion, and in opposition to the motion of the Senator from Georgia, that there already has been in this Chamber a discussion upon a resolution that was introduced by the honorable Senator from California, [Mr. Weller,] in relation to certain charges that were made against the Commissioner to run and mark the boundary line between this country and Mexico. The Senate will recollect that that discussion, so far as it proceeded, was entirely of a violent and personal character. It falls to my lot to undertake to defend an absent man, and so far as the limited materials within my possession have enabled me, I am ready to enter upon that defense now, and I certainly will ask the Senate not to supersede, by any new subject, the consideration of the regular order, which was expected to come up to-day, but that the motion of the Senator from Georgia, and the suggestion of the honorable Senator from Virginia, may not prevail, and that I may be allowed to go on with my remarks, following the honorable Senator from California.

Mr. WELLER. I desire to know whether I understood the Senator aright. Did he charge me with having made a violent personal attack on the present Commissioner?

Mr. CLARKE. I said that the discussion, as presented by the honorable Senator, was of a violent and personal character. I believe that was the expression, but I retract the word "violent." It was only personal. I meant nothing offensive.

Mr. WELLER. It was not personal so far as the Commissioner was concerned.

Mr. CLARKE. The Senator will allow me to explain that I meant no discourtesy to him, and I ask him now, in advance, not to get angry with one who does not intend to offend him, or anybody else, any further than in the line of duty prescribed as a Senator on this floor. So far as that goes I shall do my duty. But I would observe that, in the remarks made by the honorable Senator upon his resolution, he referred to a former Senator upon this floor. With that, except as an incidental thing, I have little to do; but in those remarks there were charges preferred by him—for the first time they ever came to my knowledge—against the Commissioner. It was to these charges that I referred as being of a personal character. I retract the word "violent," and beg the Senator not to think that I meant anything discourteous.

The PRESIDENT. The question is on postponing the prior orders for the purpose of taking up the bill named by the Senator from Georgia.

Mr. RUSK. It seems to be a matter of courtesy all round. A motion is made by the honorable Senator from Georgia to take up, as a matter of courtesy to his colleague, the bill which he has named. The honorable Senator from Massachusetts desires, as a matter of courtesy to the Senator from Ohio, that it should be postponed until he has an opportunity to come back and discuss



it. As I understand the Senator from Rhode Island, he desires that he shall have his rights, by going on with another discussion. Now, sir, I have to choose between these three gentlemen to whom I should extend courtesy.

Mr. DAWSON. If my friend will allow me, I will ask my colleague to withdraw his motion.

Mr. RUSK. I hope the Senator will not do so. The bill was once up, and would have been discussed and passed, but the honorable Senator's politeness then withdrew the motion in order to give the Senator from Ohio an opportunity to investigate it. I know something of this bill, and it is clearly just, legal, and right. It is for money paid by General Watson years ago, which is now owing to his heirs. I know the question which is desired to be raised by the honorable Senator from Ohio. He desires to raise a question where, in fact, none can be raised, and to fasten to the bill a question as to the right of property in slaves. I have examined the facts in the case. The whole claim arises, to be sure, in relation to some slaves that were captured from the Seminole Indians. Under an order of one of the officers of the Government they were to be turned over to the Creeks.

The PRESIDENT. The Chair will be under the necessity of saying that the bill is not under consideration.

Mr. RUSK. I will then confine my remarks to this. The question is, whether this motion shall not prevail out of courtesy to the Senator from Ohio. Now, I know the claim to be a just one. I feel sure that it does not involve the questions supposed. I know the condition of the honorable Senator from Georgia to be that which must be extremely embarrassing. He has a son at the point of death. This bill has been delayed and delayed; and one day in its order, when we were upon private bills, it was, as a matter of courtesy, postponed. And now that Senator has to choose between going to the bedside of his sick and dying son, or extending his courtesy, and not discharging his duty to his friends and constituents. Under such circumstances, I hope the Senate will take up and dispose of the bill.

Mr. BUTLER. I have received a communication from one of the parties interested in this bill, insisting that it shall not be taken up in the absence of the Senator from Alabama, [Mr. CLEMENS,] who is not now present. I am not acquainted with the merits of the bill. I have no reason to believe but that it is just; but there is some difference among the parties as to the propriety of taking it up now, which I do not understand. But I am requested to state this much to the Senate, that one of the parties is desirous of having the Senator from Alabama present when it is considered.

Mr. SUMNER. I would take the liberty of correcting my friend from Texas, so far as he has undertaken to state what the honorable Senator from Ohio would say, if he were here to discuss this question. I understand that the Senator from Ohio has made an elaborate examination of the facts and documents in the case. He is desirous of presenting his conclusions on that examination, to the Senate. This case is one which has been some ten or twelve years before Congress, and now for the first time has reached this body; and when a Senator has set himself apart and made that preparation for an examination, may he not expect that the bill will, at least, take its regular place on the Calendar as a private bill, and then be called up, and he have an opportunity to present the results of his examination to the Senate? I think it is not claiming too much for that absent Senator—after he has made his preparation, when he has authorized me to make that known to the Senate—to ask this indulgence.

Mr. RUSK. I know this indulgence was once extended to the Senator from Ohio. I am not disposed to be wanting in courtesy to anybody; but I know this case. I have investigated the matter. My moral perceptions may be wrong; but I do not think I have seen a stronger case of justice presented before the Senate. I know very well that the honorable Senator from Ohio did request the Senator from Georgia to postpone it on a former day; and now, under the circumstances, it is a question whether or not we shall indulge the Senator from Ohio, as a matter of courtesy to him, in raising an abstract question, or indulge the Senator from Georgia, who is called away from the Senate by an afflicting circumstance.

Mr. WALKER. The last remark of the Senator from Texas does not seem to present the case properly. My friend from Massachusetts, but an instant before, denied that the object of the Senator from Ohio was to raise a mere abstract question here. He assured us that the object of that honorable Senator was to present an argument upon the facts of the case. I know nothing at all about this claim. If any Senator has investigated it, and can elucidate it upon the facts, I shall be glad, for one, to hear him. I regret exceedingly not to extend any courtesy whatever which may be asked, to the Senator from Georgia, under the circumstances; but we have a request that this case may not be taken up to-day, on account of another Senator, [Mr. CLEMENS,] who is also absent. This being the state of things; it being desired by the Senator from Ohio to give an argument upon the facts, not upon an abstract question; and the Senator from Alabama desiring to submit another argument, I suppose, or at least to be present, I think we had better not take up the bill now, out of its order, when it is not private bill day.

Mr. CHARLTON. I am sorry that I cannot accede to the request of my colleague to withdraw my motion. I recollect to have read in an old play of a man who made up his mind that he would never again do another courteous act as long as he lived. If I were my colleague, I would make up my mind not to do another courteous act during my life, if this request should be refused. When the case was called up before, the Senator from Ohio requested that it might be postponed, stating that he desired to make some remarks upon it. My colleague, with his usual courtesy, acquiesced. He was ready, and able, and willing at that time to debate the whole question, and present it thoroughly and accurately to the Senate. It was simply through his courtesy to the Senator from Ohio that it was postponed. How is he situated now? Here is a solemn duty which he is called upon to perform. Whether he shall not have another more solemn duty to perform, is a question I hate to entertain, but which he may have to entertain. Now, between these two courtesies, between these duties, can the Senate hesitate for a moment? The Senator from Ohio has had ample time to prepare himself. He is not called away, as far as we know, by any extraordinary circumstance. My colleague has prepared himself for the case; and his presence is indispenably necessary to the safe and effectual vindication of the claim just as it is. I ask the Senate if they will hesitate between these two different courtesies? I am as ready to hear the Senator from Ohio upon the abstract question of slavery, which we are just as ready to meet as any other question involved in this case; but the Senate have intelligence and information enough before them to act upon the case without the Senator from Ohio; and I ask, under the circumstances, that the Senate will take up the bill as an act of courtesy, and an act of justice to my colleague.

In reference to the absence of the Senator from Alabama, I have only to say, that his absence—although perhaps it may be important to have him here—cannot affect the merits of the case. There may be a question, after the Senate shall have passed this bill, which of two legal representatives shall be entitled to the money. With that question the Senate has nothing to do. It will be referred to the proper Department to pay the money to the legal representatives of James C. Watson; but that is a question which is not at all to be agitated here. All the Senate have to do is with the abstract justice of the claim; and now I make an earnest, and I hope, effectual appeal to the Senate, to relieve my colleague from the unfortunate predicament in which he is placed—placed, too, by his courtesy to the Senator from Ohio. I hope, therefore, the Senate will agree to take up the bill and pass it.

Mr. WADE. My colleague [Mr. CHASE] has left the city for to-day, not supposing that this bill would come up out of its regular order, it being a private bill. He has been guilty of no negligence in preparing himself on the question, as I know. He expected it would come up on the last private bill day, and was then ready to meet it. It is not true that he has been negligent in preparing himself; he is prepared, and was prepared then. But the bill was passed by the Senate being occupied with other matters. He went away, believing that it would not come up again

until next private bill day, and had not anticipated at all any movement to take it up out of its regular order. I know that he thinks it a very important bill, and believes that the claim is not well founded, not on account of any abstract principle that I know of. I have understood from him, that it depended on a great variety of facts, and investigation of documents of considerable magnitude, requiring considerable labor to go through their investigation. I know he has come to a conclusion directly opposite to that which the Senator from Texas thinks is very clear. He has prepared himself, he has investigated the case, and he wishes to state to the Senate the result of his investigation. He did not anticipate any movement to take it up out of its order. Were he here to-day, he would be ready to discuss it; for he did in good faith proceed to inform himself of the facts, and he immediately prepared himself for the discussion. I think, out of courtesy to him, the bill should not be taken up to-day. I think, in justice to all, that we may understand it, it should not be taken up.

Mr. CLARKE. I had designed—and my papers are before me—to go on to-day; but after the appeal which has been made by the Senator from Georgia, [Mr. CHARLTON,] and the particular circumstances under which that appeal has been made, I withdraw all claim I may have upon the courtesy of the Senate to proceed to-day, and will vote for the motion of the honorable Senator from Georgia.

Mr. DAWSON. I trust I may be permitted to suggest to my colleague to withdraw his motion until to-morrow, and let the Senator from Rhode Island go on this morning.

Mr. CLARKE. It makes but little difference to me whether I proceed to-day or to-morrow. I have the evidence before me; it is nearly all either written or printed. I have very little myself to say, except to submit the evidence.

Mr. CASS. As the Senator from Rhode Island is perfectly willing to postpone his remarks, it certainly appears to me that the appeal, presented by the Senator from Georgia, is such as to justify the Senate in going on with the bill which he has moved to take up.

Mr. CHARLTON's motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Treasurer of the United States to pay to the legal representatives of General James C. Watson, late of the State of Georgia, deceased, \$14,600, with six per cent. interest per annum, from May 8th, 1838, till paid, being the amount paid by him, under the sanction of the Indian agent, to certain Creek warriors, for slaves captured by said warriors while they were in the service of the United States against the Seminole Indians in Florida.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### COMMITTEE ON ENROLLED BILLS.

Mr. JONES, of Iowa. I move that the President of the Senate appoint an additional member of the Committee on Enrolled Bills, as one of the members of that committee is now absent on account of indisposition.

The motion was agreed to, and Mr. CHARLTON was appointed.

#### NOTICE OF A RESOLUTION.

Mr. TOUCEY gave notice of his intention to introduce a joint resolution, transferring from the office of the Attorney General to the Solicitor of the Treasury the duty of examining titles to lands proposed to be purchased or taken by the United States for custom-houses and other public purposes.

#### THE BOUNDARY COMMISSIONER.

The Senate resumed the consideration of the resolution, submitted by Mr. WELLER on the 28th of June, proposing the appointment of a select committee of five to investigate the charges preferred by Colonel J. McClellan, of the Corps of Topographical Engineers, against J. R. Bartlett, Commissioner to run and mark the boundary line between the United States and Mexico.

Mr. CLARKE addressed the Senate for some time in defense of the official conduct of Commissioner Bartlett, but, without concluding, gave way—

And the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, July 26, 1851.

The House met at eleven o'clock, a. m.

The Journal of Saturday was read and approved.

The SPEAKER. Reports are in order from the Committee on the Post Office and Post Roads.

Mr. HARRIS, of Tennessee. I ask the unanimous consent of the House to take up the resolution fixing the day of adjournment.

[Cries of "Agreed!" "Agreed!" all over the House.]

Mr. OLDS. Agreed, if it does not come out of the morning hour.

Mr. HARRIS. I will then propose to take up the resolution before proceeding to the execution of the business of the morning hour.

Mr. GIDDINGS. I object to taking up the resolution previous to the morning hour.

The SPEAKER. It is objected to, and the resolution cannot be taken up until after the expiration of the morning hour.

Mr. OLDS. I would inquire if there is not some unfinished business pending before the House for the morning hour?

The SPEAKER. The Chair is informed by the Clerk that there is not. Reports are now in order from the Committee on the Post Office and Post Roads.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported the following resolution:

*Resolved, That the Clerk of this House be directed to pay to Nathan Rathburn, at the same rate of compensation that other clerks of the House are paid, from the first day of January, 1851, to the 4th day of March, 1851, for services as clerk of the Committee on the Post Office and Post Roads.*

Mr. OLDS. I send to the Chair a letter directed to the chairman of the present committee, from the chairman of the same committee during the last Congress, which I desire to have read.

The letter was then read, as follows:

WASHINGTON, 7th May, 1852.

DEAR SIR: Mr. Nathan Rathburn was employed as clerk of the Committee on the Post Office and Post Roads, of the House of Representatives, Thirty-first Congress, from the first of January, 1851, to the close of the session. The committee reported a post route bill, an unusual thing at a short session, which made it indispensable to employ a clerk. Very respectfully,

E. D. POTTER, late Chairman

Committee on the Post Office and Post Roads.

Hon. E. B. OLDS, Chairman, &c.

Mr. OLDS. I have only a word to say in relation to that resolution. At the last short session of Congress, there were so many petitions for post offices and post roads, which is a very unusual thing, that it became necessary to report a bill in reference thereto. The chairman of the committee being engaged in other duties, as members of the House generally are during a short session, and in attending to the sittings of the House, had not the time to attend to the drawing up of that bill, and he employed a clerk for the time named in that resolution—that is, from some time in January to the close of the session in March. All I have to say is, that the House have the power to pay the clerk employed by that committee. If they do not do it, the chairman of that committee will have to pay him out of his own pocket.

The SPEAKER. The question is upon the adoption of the resolution.

Mr. STANLY. I wish to know of the gentleman from Ohio, [Mr. OLDS,] if his predecessor, the chairman of that committee, did not ask permission of the House to employ a clerk, and the House refused to grant it? I do not wish to object to this small matter, but I do not want to set a bad example, by allowing a committee to do what the House forbids. My recollection is, that the gentleman asked authority to employ a clerk, and the House refused it. If so, it is improper for us to pass this resolution.

Mr. OLDS. The gentleman is mistaken in supposing that the chairman of the committee acted in opposition to the wishes of the House. He employed this clerk with the expectation that he would have to pay him out of his own funds. I am aware that there was no resolution of Congress authorizing the employment of a clerk by that committee. Now, it is a question simply whether Congress will pay that clerk, or whether the chairman of the committee shall do it?

Mr. STANLY. The gentleman has not an-

swered my question. My question was: Did not the House refuse to authorize the employment of a clerk?

Mr. OLDS. I have already stated that I suppose there was no authority from the House for the employment of a clerk; but the chairman of the Committee on the Post Office and Post Roads found it absolutely necessary to have a clerk, and if the House does not pay for the services of that clerk, the chairman will be obliged to pay it himself.

Mr. STANLY. Did not the House refuse? That is the question.

Mr. GENTRY. It seems to me that this principle is involved in the proposition now before the House—namely, whether the House will confer indiscriminately upon all of its committees the discretion of employing clerks whenever they choose without its authority? If we adopt the principle of paying when they employ a clerk without the authority of Congress, we may expect every committee to employ a clerk, and the House be called upon to pay them.

Mr. JOHNSON, of Georgia. I wish to ask the gentleman from Ohio, [Mr. OLDS,] why his predecessor did not ask for authority to employ a clerk, if a clerk was necessary?

Mr. OLDS. I am informed by the gentleman from North Carolina [Mr. STANLY] that the committee did do so, but the House refused.

Mr. CLINGMAN. In what position is this question before the House?

The SPEAKER. The question is upon the passage of the resolution.

Mr. CLINGMAN. I regret that any question has been made about this matter; but, as it has been made, I think the House had better settle the principle right. I remember, that in the last Congress, there were repeated applications from several committees for clerks, and the House refused its consent. Now, we understand that the chairman of the Committee on the Post Office and Post Roads thought proper to employ a clerk, and he did so, according to my recollection, upon a distinct refusal of the House to pay him. I do not think, therefore, that there is any principle which will justify us in paying him. I would rather give ten times the sum for some other object.

I hope the House of Representatives will not allow itself to be trifled with in this way. I have known repeated instances, in my experience, of this kind, when attempts have been made to get clerks, but more frequently in the executive branch of the Government, where we have refused expressly to allow them, and where, notwithstanding they were employed, we have been called upon to pay them. There are several instances now, which I hope will come up during the discussion of the appropriation bills, where it will be found that executive officers have asked for appropriations of money for particular purposes, such as the building of houses, offices, or something else, which were refused, but where they have gone on to spend the money notwithstanding. Now, with what propriety can we refuse to pay any debts they choose to contract if we allow this system to go on here? This is a small matter, I admit, but the chairman of the committee, whoever he was, thought fit to employ this clerk, and I think he ought to pay him. We have all to employ clerks. I do, and every member has to for our private business, and without them we cannot get along with our public and private business both. I hope the House will reject this application. I move to lay the resolution upon the table.

Mr. OLDS. I hope the gentleman will withdraw his motion, to allow me to say a word.

Mr. CLINGMAN. I withdraw it.

Mr. OLDS. I wish to say, in relation to this matter, that this applicant stands in precisely the same condition as the Secretary of War in asking appropriation for the deficiency bill. Congress had refused appropriations for purposes asked in that bill, but the War Department went on and made the expenditures. But here is a poor man, with his wife and children depending upon his daily labor for their subsistence. He has given his services for sixty days to the country—services absolutely necessary to be rendered—and he asks pay for those sixty days at the usual rate of compensation, and this House, in its magnanimity, refuses to pay him, and yet gives \$3,000,000 to the War Department, in the deficiency bill. I told this applicant that although I believed his claim a just

one, it was too small a one for the House of Representatives to pass, but if he could come and ask for half a million, as for the Collins line, he could get it.

Mr. CLINGMAN. I wish to ask the gentleman from Ohio [Mr. OLDS] if he did not oppose the deficiency bill upon that ground? That is my recollection.

Mr. OLDS. I did, and ask the gentleman if he did not vote for it?

Mr. CLINGMAN. I will state this distinction between the two cases. There is this important distinction: The expenditures in this deficiency bill were generally of a character authorized by law. We are bound by law to maintain our Army and Navy, and Congress said they could be maintained at a less rate than the Secretary thought they could be, and the House has become satisfied that a larger sum than was appropriated was necessary to do what the law required should be done. But we have no law authorizing the employment of these clerks. If we had such a law, and had voted a certain sum of money which was found insufficient, then there would be a similarity in the two cases.

Mr. HART. I move to lay the resolution on the table.

Mr. OLDS demanded the yeas and nays; which were ordered.

The question was then taken upon the motion to lay the resolution upon the table, and it was decided in the negative—yeas 61, nays 72; as follows:

YEAS—Messrs. Abercrombie, Allison, John Appleton, William Appleton, Barrere, Beale, Bibbhaus, John H. Boyd, Bragg, Brenton, George H. Brown, Burrows, Caldwell, Chastain, Cleveland, Clingman, Cobb, Daniel, John G. Davis, Duncan, Eastman, Faulkner, Ficklin, Gaylord, Gentry, Grey, Hamilton, Harper, Isham G. Harris, Hart, Hebard, Hendricks, Houston, John W. Howe, James Johnson, George G. King, Preston King, Letcher, Martin, Millson, Minor, Molony, Henry D. Moore, Morehead, Murphy, Samuel W. Parker, Penniman, Perkins, Ross, Smart, Stanley, Benjamin Stanton, Taylor, Thurston, Tuck, Watkins, Welch, Addison White, Wilcox, and Wildrick—61.

NAYS—Messrs. Aiken, Ashie, Bissell, Albert G. Brown, Busby, E. Carrington Cabell, Joseph Cable, Thompson Campbell, Carter, Chandler, Chapman, Clark, Dawson, Dimmick, Disney, Doty, Durkee, Edmundson, Florence, Fowler, Freeman, Thomas J. D. Fuller, Giddings, Green, Sampson W. Harris, Henn, Hibbard, Howard, Thomas M. Howe, Thomas Y. How, Jackson, John Johnson, Robert W. Johnson, Kurtz, Lockhart, Mace, Mann, Humphrey Marshall, McNair, Murray, Nahers, Newton, Olds, Peaslee, Penn, Polk, Porter, Powell, Price, Richardson, Robbins, Robie, Schermerhorn, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Abraham P. Stephens, Thaddeus Stevens, St. Martin, Stratton, Strother, Stuart, Sutherland, Townsland, Walsh, Ward, Washburn, Alexander White, Williams, and Yates—72.

Mr. OLDS. I move the previous question.

The House was divided on seconding the previous question, and there were 75 in the affirmative, and 30 in the negative; no quorum voting.

Mr. ROBBINS. I ask that the House may be divided by tellers.

Tellers were ordered; and Messrs. FULLER, of Maine, and CHANDLER appointed.

Mr. OLDS. If there be no objection, I will withdraw the call for the previous question.

No objection was made, and the call was withdrawn.

The SPEAKER. The question is now upon the adoption of the resolution, upon which tellers have been ordered. The same gentlemen will act as tellers.

The question was then taken, and the tellers reported—ayes 79, noes 43.

So the resolution was adopted.

Mr. OLDS moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

CORNELIUS COVERT.

Mr. STUART. I move to reconsider the vote by which the House referred the bill for the relief of Cornelius Covert to the Committee of the Whole. I stated the contents of that bill to the House, and the gentleman from Massachusetts [Mr. FOWLER] also stated that the committee had examined it with great care. It is simply to correct an error in a contract.

The SPEAKER. The Chair understands that the bill is in the hands of the printer, in compliance with the order of the House. The gentleman's motion may be submitted for consideration and postponed.

Mr. STUART. I will then submit the motion, and give notice that I will call it up.

The SPEAKER. The gentleman can call it up at any time in the morning hour. Reports from the Committee on the Post Office and Post Roads are now in order.

#### POSTAGE ON THE CONGRESSIONAL GLOBE.

Mr. OLDS. I am instructed by the Committee on the Post Office and Post Roads to report the following joint resolution:

Joint resolution providing for the distribution of the laws of Congress and the debates thereon.

With a view to the cheap circulation of the laws of Congress and the debates contributing to the true interpretation thereof, and to make free the communication between the representative and constituent bodies:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the present session of Congress the Congressional Globe and Appendix, which contain the laws and the debates thereon, shall pass free through the mails so long as the same shall be published by order of Congress: Provided, That nothing herein shall be construed to authorize the circulation of the Daily Globe free of postage.*

The resolution was read a first and second time.

Mr. OLDS. I ask that the resolution may be put upon its passage. It is not necessary that I should explain it, as its object, I presume, is understood by every member of the House.

The joint resolution was ordered to be engrossed and read a third time.

The SPEAKER. When shall it have a third reading?

[Cries of "Now!" "Now!"]

Mr. DUNCAN. I wish to inquire of the chairman of the committee whether these laws cannot be now distributed free by the frank of the Clerk?

Mr. OLDS. There is no doubt but what members of Congress have the right to frank the Congressional Globe. It is printed by order of Congress and is, therefore, a public document. It is the only publication which does any justice to this House before the country. The proceedings of both the Senate and House of Representatives are reported in the Congressional Globe; and the country, by the circulation of that publication can understand precisely the relative importance of the two Houses, and precisely what is done in the two Houses; but take, sir, the Union or National Intelligencer, and you find a full report of the proceedings of the Senate but a very meagre account of the House proceedings, inasmuch as the House pays nothing for the insertion of its proceedings in those two papers.

A MEMBER. These papers contain a wretched skeleton of the proceedings of the House.

Mr. OLDS. Yes, sir, as a friend near me says, they are but wretched skeletons. Members of Congress have received communications from all portions of the country with regard to the unfairness with which the proceedings of this House are known or represented in the country. The people know nothing of what is going on here, and the only way they can know is by the circulation of the Congressional Globe. Mr. Rives does not propose to raise the price of the Globe at all. If it can be circulated free, without the frank of members of Congress, to subscribers, it will be taken into the country, and we shall be fairly represented. The Appendix to the Globe will hereafter contain all the laws passed at each session of Congress. Thus, we will not only give greater circulation in the country to the proceedings of both Houses in an authentic form, but the laws themselves, which those debates and proceedings serve to illustrate and explain.

Mr. DUNCAN. The object of the resolution, then, is that the subscribers of the Congressional Globe may receive it free of postage.

Mr. OLDS. Yes, sir; but not the Daily Globe.

Mr. DUNHAM. I certainly shall not vote for the resolution. While I am perfectly willing there shall be such a modification of the postage law as shall put the Congressional Globe upon a footing with the other newspapers of the country, I can see no reason why it should be put upon a more favorable one.

Mr. OLDS. I have but a word to say in relation to that. We do not know the new postage bill will become a law. We have no evidence of it at all. The Congressional Globe now goes through the mail as transient matter, and the postage upon it for a long session of Congress is more than nine dollars.

Mr. DUNHAM. That was the very thing to which I was coming. I understood that point perfectly well. My opposition to the resolution is this: while I am willing to take away the ob-

jection to which the gentleman alluded, and to provide that the Congressional Globe shall go as a regular newspaper, I am not willing that it shall go free through the mails of the country. There is no more propriety in allowing this publication that privilege than any other newspaper in the United States. The Globe is for the information of the people, and so is every other newspaper published in the country. It should be simply put upon a footing with other papers, and not privileged over that of others. If the gentleman will so modify his resolution that the Congressional Globe shall pay the same rate of postage as other newspapers, as if it were a regular and not an irregular publication, I will vote for it; but I will never give my vote that it shall go through the mails of the country free.

Mr. CARTTER. I do not wish to discuss this proposition, but it occurs to me there is a good reason for distinguishing between this paper and others. The matter here proposed to be sent free of postage is exclusively Congressional, and in that particular unlike any other newspaper publication; but I do not wish to discuss it. I think it ought to be passed, and with a view of facilitating that result, I call for the previous question.

[Cries of "That is right!" "That is right!"]  
The call for the previous question was seconded, and the main question was ordered to be put.

The question was then taken, and the resolution was passed.

Mr. CARTTER. I move to reconsider the vote by which the joint resolution was adopted, and that that motion be laid upon the table.

The latter motion was agreed to.

#### POST ROUTE BILL.

Mr. OLDS. I am instructed by the Committee on the Post Office and Post Roads to report "a bill to establish certain post routes."

The bill was read a first and second time by its title.

Mr. OLDS. I wish to say with reference to that bill that we have endeavored to make it satisfactory to all the members of the House. It is not necessary that the bill shall be read, as each member has examined it and ascertained that it contains what he desired. I therefore move to dispense with its reading, and that it be put upon its passage. It contains nothing but post routes.

Mr. MACE. I have an amendment to offer.

Mr. OLDS. I wish to say one word in regard to offering amendments to this bill. I gave notice in the House more than five weeks ago, and again about two weeks since, to members to have their post routes all before the committee, that they might be embodied in this bill when it came before the House, and to obviate the necessity of having the bill printed, or taking up the time of the House in submitting amendments. If it is now to be opened for amendments, we may spend two or three days in its consideration. Let the amendments go over to the short session, and let another post route bill be then reported.

Mr. MACE. I will ask that my amendment be read.

Mr. OLDS. I will make the suggestion that the bill go back to the Committee on the Post Office and Post Roads, and gentlemen can then go to the committee room and see that their amendments are inserted.

Mr. MACE. I withdraw my amendment.

Mr. OLDS. I move that the bill be recommitted to the Committee on the Post Office and Post Roads.

Mr. CORB. A great many members have amendments to offer. I have no doubt that when it gets to the Senate it will be amended. I do not see why it should be recommitted to the committee.

Mr. HOUSTON. I call for the previous question.

Mr. JOHNSON, of Tennessee. Do I understand the previous question as being called?

The SPEAKER. The Chair has not heard the demand for the previous question.

Mr. HOUSTON. I understand the motion is to recommit the bill. I called the previous question, with a view to have the bill recommitted, if it is possible, without any further discussion at all.

The SPEAKER. The Chair must state that the call for the previous question was not heard at all. The gentleman from Tennessee [Mr. JOHN-

SON] was recognized, and if he claims the floor is entitled to it.

Mr. HOUSTON. I made the demand.

The SPEAKER. The Chair did not hear the gentleman.

Mr. JOHNSON. I understand the proposition is to recommit the bill, or to put it upon its passage under the operation of the previous question, without having it read. There are a great many gentlemen here interested in the establishment of post routes running through their districts, and it seems to be a strange proposition to come forward with a long bill establishing post routes all over the country, and ask that it be put upon its passage without even having it printed or read. It is true that the chairman of the committee informed the House sometime ago that the bill was in course of preparation, and called upon gentlemen to present to the committee their amendments.

Mr. HOUSTON. The proposition is to recommit the bill, for the purpose of allowing members to go down to the committee room, examine, and see if their routes are in the bill. My object was simply to accomplish that end, and get through with this matter. I understand from the gentleman who is at the head of the Committee on the Post Office and Post Roads, that it has been usual, with a solitary exception, to pass this bill without printing, and the committee always allowed members to see whether their routes were in the bill. That is the proposition now.

Mr. FOWLER. I desire that the chairman of the Committee on the Post Office and Post Roads may withdraw his motion to recommit, and that we may pass this bill at once. I think I can satisfy the House that there will be no injustice done. Every post route has been carefully examined by the committee, and, I believe, in every single instance, the committee have referred to gentlemen in this House who have entered petitions. All have been consulted already. I believe it is usual to pass the bill without reading it. I hope the gentleman will withdraw the motion to recommit.

Mr. JOHNSON. In this connection I am sorry to inform one of the members of the committee that his information is incorrect. I have had various petitions and applications forwarded to me, and, under the rules of the House, I have referred them to the Committee on the Post Office and Post Roads, but I have never received any information from the chairman of any meeting of the committee, or as to whether any of the routes based upon these applications were embraced in the bill or not.

Mr. OLDS. Will the gentleman allow me to inform him that, unless he received notice that there was some dispute about his post routes, they have been embraced in the bill? In all cases where gentlemen have received no notice, their routes have gone in.

Mr. JOHNSON. How do I know, in referring those petitions, that they ever reached the committee? How do I know, or how do the members of this House know, that the Clerk, in making out and transcribing the bill, may not have omitted some post routes? How easy is it to commit mistakes? I cannot see any objection to the postponement of the bill to a day certain, and having it printed, so that each member may examine it for himself, and ascertain whether his routes are embraced in the bill or not. To report a long bill without even having it read to the House, and to say that we must take it, *volens volens*, upon the mere *ipse dixit* of the chairman—and this, too when we ascertain the fact that members who have referred petitions to the committee have not been consulted, and do not know whether their routes are in the bill or not—is a most extraordinary proceeding. And it seems, if you wish to get information, you must go in person to the committee, for the bill is not printed, as bills usually are, for the inspection of each member.

Mr. HARRIS, of Tennessee. Has not the morning hour expired?

The SPEAKER. It has.

Mr. HARRIS. I ask that we take up the resolution fixing the time of adjournment of the present session of Congress.

Mr. STANLY. I object.

[Cries of "Agreed!" "Agreed!" "Agreed!"]

Mr. HARRIS. Then I move to suspend the rules for that purpose.

The SPEAKER. There is a motion already pending to suspend the rules. The proposition



made by the gentleman from Massachusetts [Mr. FOWLER] on last Monday, is the question pending at this time.

Mr. FOWLER. I call for that question.

Mr. HARRIS. Is the motion pending now to suspend the rules, the regular order?

The SPEAKER. It is.

Mr. HARRIS. I call, then, for the regular order of business.

Mr. STANTON, of Kentucky. I have a resolution which I am directed to report from the Committee on Printing.

The SPEAKER. It will not be in order, while a motion to suspend the rules is pending.

#### BOOKS FOR NEW MEMBERS.

Mr. FOWLER. I call for the question upon the resolution which I submitted.

The resolution was then read, as follows:

*Resolved*, That the Clerk of the House of Representatives furnish and deliver to each of the members and Delegates of the House of the present Congress, who have not already received them, and pay for the same out of the contingent fund of the House, such books as have been furnished to the members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses: *Provided*, That this shall not authorize the reprinting of any of said books: *And provided further*, That no work thus authorized to be furnished shall be obtained or delivered by the Clerk, unless he shall be able to procure a sufficient number of copies thereof to furnish a complete set to each member and Delegate entitled thereto.

Mr. DUNCAN. I have an amendment which I wish to offer.

The SPEAKER. The resolution is not yet before the House. The question is upon suspending the rules to admit it.

The question was then taken, and it was decided in the affirmative.

So the rules were suspended.

Mr. FOWLER. I demand the previous question upon the passage of the resolution.

Mr. DUNCAN. I wish to offer an amendment. I will promise to renew the previous question, if the gentleman will withdraw it.

Mr. FOWLER. No, sir.

The previous question was seconded, and the main question ordered to be put.

Mr. CAMPBELL, of Ohio, demanded the yeas and nays.

Mr. DUNCAN demanded tellers on the yeas and nays; which were ordered, and Messrs. PENN and CHANDLER were appointed.

The House was then counted, and the tellers reported—yeas 32, noes 105.

So the yeas and nays were ordered.

Mr. JOHNSON, of Tennessee. Before the Clerk commences calling the roll, I desire that the 40th rule of the House shall be read.

The Clerk read the 40th rule, as follows:

"No member shall vote on any question in the event of which he is immediately and particularly interested."

Mr. FOWLER. I desire to know from the Speaker if this rule debars any member from voting on this resolution? I think it does not.

Mr. JOHNSON. I ask the gentleman if the rule does not exclude all members from voting who are personally interested in this affair? That is the law of this House.

Mr. FOWLER. That is a question for every member to decide for himself.

Mr. ALLISON. If it be the pleasure of the House, I should like to say a few words on the resolution as I am interested in it, according to the 40th rule.

Mr. FOWLER. The previous question has been ordered.

Mr. ALLISON. I hope the gentleman will withdraw his demand for the previous question.

Mr. FOWLER. It is not in my power to do so.

The question was then taken upon the adoption of the resolution, and it was decided in the affirmative—yeas 87, nays 47; as follows:

YEAS—Messrs. Aiken, John Appleton, William Appleton, Ashe, Barrere, Bibbhaugh, Bissell, John H. Boyd, Bragg, Briggs, Albert G. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Chapman, Cleveland, Cullom, George T. Davis, Disney, Doty, Eastman, Florence, Fowler, Freeman, Henry M. Fuller, Thomas J. D. Fuller, Giddings, Goodenow, Hart, Haven, Hebard, Hillyer, Horsford, Howard, John W. Howe, James Johnson, Robert W. Johnson, J. Glancy Jones, George G. King, Kuhns, Kurtz, Landry, Letcher, Mace, Mann, Humphrey Marshall, Martin, McLauchan, McMullin, McNair, Miner, Henry D. Moore, Morehead, Murray, Newton, Peaslee, Penn, Polk, Powell, Price, Richardson, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Scurry, David L. Seymour, Origen S. Seymour, Smart, Smith, Richard H. Stanton, Abraham P. Stephens,

Thaddeus Stevens, Stone, St. Martin, Sutherland, Taylor, Thurston, Townshend, Tuck, Walsh, Welch, Wilcox, and Yates—87.

NAYS—Messrs. Thomas H. Bayly, Bockock, Brenton, Brooks, Joseph Cable, Caldwell, Caskie, Churchillwell, Clark, Clingman, Cobb, Curtis, Daniel, J. G. Davis, Duncan, Dunham, Edmundson, Ficklin, Floyd, Gaylord, Green, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hendricks, Hibbard, Houston, Thomas Y. How, Hunter, Jackson, Andrew Johnson, George W. Jones, Preston King, McQueen, Meade, Millson, Outlaw, Penningman, Phelps, Robinson, Savage, Skelton, Stanly, Benjamin Stanton, Wallace, Watkins, Addison White, and Wildrick—49.

So the resolution was agreed to.

Pending the calling of the roll,

Mr. MOORE, of Louisiana, said, that as the question had been raised as to whether members interested in the resolution had a right to vote, he should decline voting.

Mr. FOWLER moved to reconsider the vote by which the resolution had been passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### ADJOURNMENT OF CONGRESS.

Mr. HARRIS, of Tennessee. I ask the unanimous consent of the House to take up the resolution fixing the time for the final adjournment of this session of Congress.

Mr. POLK objected.

Mr. HARRIS. Then I move to suspend the rules to enable me to take up the resolution, and upon that I demand the yeas any nays.

The yeas and nays were ordered.

Mr. MEADE. I move to postpone the consideration of this question for one week.

The SPEAKER. That motion is not in order. The pending question is to suspend the rules of the House.

Mr. WALSH. Is it in order to ask a single question in relation to this motion?

The SPEAKER. It will be in order by unanimous consent.

Mr. WALSH. I desire to make one single suggestion to the House.

The SPEAKER. Is it the pleasure of the House to hear the gentleman's remarks?

Many MEMBERS objected.

Mr. WALSH. Have gentlemen read Mr. Webster's speech in this morning's papers?

[Loud cries of "Order!"]

The question was then taken upon Mr. HARRIS's motion, and there were—yeas 107, nays 60; as follows:

YEAS—Messrs. Abercrombie, Aiken, Willis Allen, Allison, John Appleton, William Appleton, Babcock, Bibbhaugh, Bissell, Bockock, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, Burrows, Bushy, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Chandler, Chastain, Churchillwell, Clark, Cleveland, Clingman, Curtis, John G. Davis, Dimmick, Duncan, Durkee, Eastman, Edmundson, Faulkner, Ficklin, Fitch, Floyd, Thomas J. D. Fuller, Gaylord, Gentry, Goodrich, Green, Hamilton, Isham G. Harris, Sampson W. Harris, Haven, Hendricks, Henn, Hibbard, Hillyer, Horsford, Houston, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, J. Glancy Jones, Kurtz, Landry, Letcher, Lockhart, Martin, McMullin, McNair, Molony, Henry D. Moore, Morehead, Murphy, Murray, Nabers, Newton, Olds, Orr, Samuel W. Parker, Penn, Perkins, Powell, Richardson, Robie, Robinson, Ross, Savage, Schoolcraft, Origen S. Seymour, Skelton, Smart, Smith, Benjamin Stanton, Abram P. Stephens, Thaddeus Stevens, St. Martin, Stratton, Thurston, Townshend, Tuck, Walbridge, Wallace, Washburn, Watkins, and Yates—107.

NAYS—Messrs. Thomas H. Bayly, Barrere, John H. Boyd, Brooks, George H. Brown, E. Carrington Cabell, Chapman, Cobb, Conger, Cullom, Daniel, Disney, Doty, Dunham, Florence, Fowler, Goodenow, Grey, Harper, Hart, Haws, Hebard, Howard, John Johnson, George W. Jones, George G. King, Kuhns, Mace, Mann, McLauchan, Meade, Miller, Millson, Miner, John Moore, Outlaw, Peaslee, Penningman, Phelps, Polk, Porter, Robbins, Sackett, Schermerhorn, Scurry, David L. Seymour, Stanly, Richard H. Stanton, Strother, Stuart, Sutherland, Taylor, Walsh, Ward, Welch, Addison White, Alexander White, Wilcox, Wildrick, and Williams—60.

So (two thirds not voting in the affirmative) the rules were not suspended.

Pending the call of the roll,

Mr. MEADE said: I voted for a suspension of the rules, believing that we ought to fix the day of adjournment. Since I gave my vote the chairman of the Committee on Foreign Relations [Mr. BAYLY] has given an intimation—

[Loud cries of "Object!" and "Order!"]

The SPEAKER. Debate is out of order. No remark is in order.

Mr. MEADE. Well, I am at liberty, I suppose, to change my vote, voting in the dark. I wanted to hear something from the chairman of the Committee on Foreign Relations—

[Loud cries of "Object!" and "Order!"]

Mr. MEADE. Then I will vote in the negative.

#### LANDS FOR THE INDIGENT INSANE.

Mr. STANLY. Mr. Speaker, there is a bill upon the Speaker's table, which has been lying there for action for some time. I ask the unanimous consent of the House to take it up, with a view of appointing some future day for its consideration. It is a bill for the relief of the indigent insane. A large majority of the House are in favor of it; but I wish to have some day designated for its consideration.

Mr. JONES. I object.

Mr. STANLY. Then I move to suspend the rules, to enable me to take up that bill, and upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. BISSELL. The question is not distinctly understood.

The SPEAKER. The Chair will state the question. The gentleman from North Carolina moves to suspend the rules of the House for the purpose of taking up and acting upon House bill No. 76, making a grant of public lands to the several States of the Union for the benefit of indigent insane persons.

The question was then taken upon Mr. STANLY's motion, and there were—yeas 100, nays 53; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Allison, William Appleton, Barrere, Bell, Bibbhaugh, Bissell, John H. Boyd, Brenton, Briggs, Brooks, Albert G. Brown, Geo. H. Brown, Burrows, E. C. Cabell, Caldwell, Thompson Campbell, Carter, Chandler, Chapman, Churchillwell, Clark, Clingman, Cobb, Cullom, George T. Davis, Doty, Duncan, Ficklin, Florence, Fowler, Freeman, Henry M. Fuller, Gaylord, Gentry, Giddings, Goodenow, Goodrich, Green, Harper, Sampson W. Harris, Haws, Haven, Hebard, Horsford, John W. Howe, Thomas M. Howe, James Johnson, George G. King, Kuhns, Kurtz, Landry, Mann, Martin, McLauchan, McNair, Miller, Miner, Henry D. Moore, John Moore, Morehead, Nabers, Newton, Outlaw, Samuel W. Parker, Peaslee, Penningman, Perkins, Porter, Price, Richardson, Sackett, Schermerhorn, Schoolcraft, Origen S. Seymour, Skelton, Smart, Smith, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stratton, Stuart, Sutherland, Taylor, Thurston, Townshend, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, Williams, and Yates—100.

NAYS—Messrs. Ashe, Babcock, Thomas H. Bayly, Bockock, Bushy, Joseph Cable, Caskie, Chastain, Daniel, John G. Davis, Dimmick, Disney, Dunham, Durkee, Edmundson, Floyd, Thomas J. D. Fuller, Grey, Hamilton, Isham G. Harris, Hart, Hendricks, Henn, Hibbard, Hillyer, Howard, Thomas Y. How, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, George W. Jones, J. Glancy Jones, Preston King, Mace, McMullin, McQueen, Meade, Millson, Murphy, Murray, Olds, Penn, Powell, Robbins, Robie, Ross, Savage, Scurry, David L. Seymour, Wallace, Wilcox, and Wildrick—53.

So (two thirds not voting in the affirmative) the rules were not suspended.

#### WILLIAM SPEIDEN.

Mr. DANIEL. I ask the consent of the House to report a bill from the Committee on Claims—a Senate bill—and I will briefly state to the House the reasons why I wish to report it. It is a case of some urgency. It is a bill proposing to relieve Purser Speiden, who served under Commodore Stockton and Commodore Shubrick, in the capacity of purser, paymaster, commissary, and quartermaster, while they were operating in the Pacific. In the performance of these duties, which were arduous, it is alleged that he incurred considerable extra expense, and that he sustained some loss by receiving, inadvertently, counterfeit money. His case has been submitted to the proper Department, and they have decided that it does not come within the act of the 3d of March, 1849, allowing compensation to those persons collecting military contributions and disbursing them during the Mexican war. He is, therefore, under the necessity of applying to Congress. The Senate have passed the bill, and it has passed the Committee on Claims without a dissenting voice. My object is to put the bill upon its passage, that Purser Speiden may attend to it in person before he goes upon the Japan expedition. He is likely to be gone several years, and the case cannot be so well adjusted in his absence as in his presence.

Mr. CABLE, of Ohio, objected.

Mr. DANIEL. I move to suspend the rules.

Mr. STANTON, of Ohio. What is the amount of the claim?

Mr. DANIEL. The amount of the claim is about \$4,000.

The question was then put upon Mr. DANIEL's

motion, and upon a division there were—ayes 80, noes 38.

So (two thirds voting in the affirmative) the rules were suspended.

Mr. DANIEL, from the Committee on Claims, reported back Senate bill No. 217, for the relief of William Spelden, with sundry amendments.

Mr. JONES, of Tennessee. Does that bill make an appropriation?

The SPEAKER. It does.

Mr. DANIEL. I suppose we are acting under a suspension of the rules?

The SPEAKER. The bill cannot be passed unless the rule requiring its commitment is suspended.

Mr. DANIEL. I move to suspend the rules so that the bill may be put upon its passage.

Mr. STANTON, of Ohio. Can that be done without unanimous consent? Can it be done by two thirds of the House?

The SPEAKER. It can be done by two thirds. Mr. STEVENS, of Pennsylvania. I ask for the yeas and nays upon that motion. I think it is a very dangerous practice to suspend that rule.

The yeas and nays were not ordered.

Mr. DANIEL demanded tellers; which were ordered.

The question was then taken upon Mr. DANIEL's motion, and it was decided in the negative.

So the rules were not suspended.

The bill was then referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

#### APPROPRIATION BILL.

Mr. HOUSTON. I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That the bill of the House of Representatives No. 87, making appropriations for the support of the Military Academy for the year ending June 30, 1853, and the Senate amendments thereto; also, the bill of the House of Representatives No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1853, and for other purposes; also, the bill of the House of Representatives No. 220, making appropriations for the support of the Army for the year ending June 30, 1853; also, the bill of the House of Representatives No. 240, making appropriations for the naval service for the year ending June 30, 1853; also, the bill of the House of Representatives No. 241, making appropriations for the service of the Post Office Department for the year ending June 30, 1853, and for other purposes; also, the bill of the House of Representatives No. 242, making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, for the year ending June 30, 1853, be severally made the special order of the day for Wednesday next at one hour after the meeting of the House, to be considered in the order above named; and that they continue the special order of the day one hour after the meeting of the House from day to day, and for every day thereafter, Fridays and Saturdays excepted, until the said bills shall be finally disposed of.

Mr. SEYMOUR, of New York, objected.

Mr. HOUSTON. Then I move to suspend the rules. I have given two days for finishing the river and harbor bill, which is now before the Committee of the Whole.

Mr. SEYMOUR. I will say to the gentleman that no person is to be blamed, because that bill is not already finished. The committee have proceeded to discuss it.

Mr. HOUSTON. I ask a suspension of the rules; and I think there is plenty of time to get through that bill by Wednesday.

Mr. SEYMOUR. I call for the yeas and nays. The yeas and nays were ordered.

Mr. CHANDLER. I rise to propound a question to the Chair. I desire to know whether the adoption of that resolution will interfere with the regular five minutes discussion of the river and harbor bill? I desire to know whether that bill must give way to these appropriation bills if we adopt that resolution?

The SPEAKER. It will give place if the river and harbor bill is not disposed of by Wednesday.

Mr. SEYMOUR, of New York. If I can I will withdraw the call for the yeas and nays, and ask that the vote may be taken by tellers.

The SPEAKER. That can only be done by unanimous consent.

Mr. CLEVELAND objected.

Mr. ROBBINS. I wish to make an inquiry of the Chair. I wish to know, if that resolution passes, whether it will deprive the committees from reporting during the morning hour?

The SPEAKER. It will not. It does not propose to interfere with the morning hour.

The question was then taken upon Mr. Hous-

ton's motion, and there were—yeas 72, nays 77, as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Allison, John Appleton, William Appleton, Ashe, Bocoek, Breckinridge, Brenton, Briggs, Albert G. Brown, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Cas- kie, Chastain, Churchill, Cleveland, Clingman, Curtis, Daniel, John G. Davis, Dimmick, Dunham, Edmundson, Faulkner, Ficklin, Hamilton, Isam G. Harris, Sampson W. Harris, Hart, Hascall, Hendricks, Hibbard, Hillyer, Houston, Howard, Thomas Y. How, Jackson, Andrew Johnson, James Johnson, Robert W. Johnson, George W. Jones, Kurtz, Letcher, McMullin, McNair, Millson, Molony, Murphy, Nabers, Olds, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Polk, Price, Robinson, Ross, Skelton, Smith, Snow, Thaddeus Stevens, Stratton, Thurston, Wallace, Watkins, Wilcox, and Wildrick—72.

NAYS—Messrs. Babcock, Barrere, Bell, Bissell, John H. Boyd, Brooks, George H. Brown, Burrows, Busby, E. Carrington Cabell, Carter, Chandler, Chapman, Clark, Cobb, Conger, George T. Davis, Disney, Doty, Duncan, Durkee, Eastman, Florence, Floyd, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Goodrich, Green, Grey, Harper, Haws, Haven, Hebard, Henn, Horsford, John W. Howe, Thomas M. Howe, John Johnson, George G. King, Kuhns, Landry, Lockhart, Mann, Humphrey Marshall, Martin, Miller, Miner, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Pennington, Porter, Rantoul, Robbins, Robie, Savage, Schermerhorn, Schoolcraft, Seudder, Scurry, David L. Seymour, Origen S. Seymour, Benjamin Stanton, Abraham P. Stephens, St. Martin, Stuart, Sutherland, Taylor, Townshend, Tuck, Walbridge, Ward, Welch, Addison White, Alexander White, and Yates—77.

So (two thirds not voting in the affirmative) the rule was not suspended.

#### CLERKS' SALARIES.

Mr. WELCH. I ask the unanimous consent of the House to offer the following resolution from the Committee on Accounts:

*Resolved*, That John A. Parker, John Hunnicut, and M. Martin be allowed the same compensation as assistant clerks of the House—that is to say \$1,500 per annum each, for the present session of Congress.

Mr. CABLE, of Ohio, objected.

Mr. WELCH. Then I move a suspension of the rules.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman how many clerks are now employed by the Clerk of this House, and what is their compensation?

Mr. WELCH. I am not able to answer the gentleman's question. The other members of the committee are absent, and I was not present when this resolution was agreed to.

Mr. JONES. I would ask if this resolution does not propose to increase the compensation of the messengers in that office so as to make it the same as the clerks?

Mr. WELCH. The resolution is to allow Mr. Martin, Mr. Hunnicut, and Mr. Parker the same pay that the officers who performed the same duties during last Congress received. So I understand it.

Mr. FLORENCE. Include them all.

Mr. JONES, of Tennessee. I ask if they were not appointed as messengers?

Mr. CAMPBELL, of Illinois. I have an amendment to offer, to which I do not think the gentleman will object.

The SPEAKER. That is not now in order.

The question was then taken upon Mr. WELCH's motion, and it was decided in the negative.

So the rules were not suspended.

#### RIVER AND HARBOR BILL.

Mr. SEYMOUR, of New York, moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; which motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. OLDS in the chair,) and resumed the consideration of House bill No. 282, making appropriations for the improvement of certain harbors and rivers.

The CHAIRMAN. When the committee rose, there were two questions pending—an amendment offered by the gentleman from Alabama, [Mr. COBB,] making an appropriation for the Tennessee river; and an amendment to that amendment, offered by the gentleman from Virginia, [Mr. MEADE,] making an appropriation for the James river; and upon the latter question tellers had been ordered.

Mr. MEADE. Is it competent for me to withdraw the amendment?

The CHAIRMAN. It can only be done by unanimous consent.

Mr. WARD. I object.

Mr. MEADE. I desire to withdraw it, with a view of offering it again hereafter, when I shall present some additional facts to the committee.

Mr. WARD. If that is the gentleman's purpose, I will withdraw the objection.

Mr. MEADE then withdrew his amendment.

Mr. SEYMOUR, of Connecticut, moved to amend the amendment by adding thereto the following:

Also, for the improvement of the harbor of Bridgeport, Connecticut, \$6,000; also, for the improvement of the harbor of Norwalk, Connecticut, \$6,000.

Mr. S. said: Mr. Chairman, I am prepared to vote for a river and harbor bill properly framed, and my impressions were in favor of this bill when it was first presented; but on examination, the details seem to me to be open to considerable exception. It is true that the bill is less monstrous than some of its predecessors, and the committee are entitled to great credit in having given us a bill which in point of extent and amount may be regarded as moderate and reasonable. But it strikes me that the principles are erroneous upon which the committee have distributed their appropriations. There are two methods, entirely distinct the one from the other, upon which such a bill may be framed: 1st, such works only may be embraced as are clearly of general interest to the commerce of the country—works which stand out prominently as of common necessity for the Union—works to which State authority is manifestly and wholly incompetent, and which are by necessity thrown upon the care and patronage of the General Government. Of this character are the improvements of the navigation of the Mississippi and its great tributaries. A dozen States are interested in this navigation; no one State has the necessary jurisdiction to make improvements. No one State can be singled out and called upon to expend her money in improving a navigation in which a dozen other States have an equal interest, and from which improvements, if made, the other States will derive an equal benefit.

Of this character are also certain improvements of harbors on the great lakes;—harbors which are sought to be improved, not for the local benefit of the harbor itself, but to furnish a safe shelter to the commerce of whatever State may need a retreat from the storm.

Of this character are also certain improvements on the Atlantic and Pacific coasts, the Delaware breakwater, for instance, in which the commerce, not only of these States, but of the world also, is interested.

The naval defense of the country may also require attention to some of the lake and ocean harbors.

One mode, then, of framing a river and harbor bill is, to select only these great objects, and to carry such a bill the appeal would be to our feelings as American citizens, and to no local considerations; to our pride and patriotism, not to our selfishness. Such a bill would be separated by an immeasurable distance from mere works of internal improvement, and would have to contend with no constitutional scruples. Such a bill, sir, the committee have not, in my judgment, given us. When we come to read the bill section by section, we shall find, I think, that objects are embraced which cannot be regarded as of common interest and national importance, in the sense I have been speaking of.

The other principle and mode of framing a bill is, to make it an omnibus, and to patronize some small improvement in every State, and in almost every Congressional district. Such a bill may crawl through the House like the animal called a milledip, I believe, for it will find a motive power in every part of the body. I do not say that such is the character of the bill we have; a few States are wholly omitted in the bill; but if the local interests of one hundred Congressional districts are served, that will be sufficient to secure its passage, especially if those who draw blanks this year are promised compensatory prizes in the next bill. Believing, then, that this bill is framed upon the principle of attempting a distribution of favors, I have submitted my amendment, and in its behalf, I appeal to the sense of justice of the House. The bill appropriates \$1,500,000, of which \$6,000 is for removing a rock in New Haven harbor, and that is all which the bill gives to Connecticut. The population of the State is, to that of the Union, as three hundred and twenty-four. This bill gives

us in the proportion of six to fifteen hundred. The just share of the State in an appropriation of \$1,500,000, is \$28,000, instead of \$6,000, and the amendment, if adopted, will still fail to do us justice.

The harbors of Bridgeport and Norwalk were presented to the consideration of the Committee on Commerce, accompanied with careful surveys and estimates, and with favorable reports, from the Topographical Bureau; and the improvements are vastly more national than most of the objects embraced in the bill. The committee having rejected the applications, my only remedy is now by this appeal to the House.

Both Bridgeport and Norwalk are important and growing places, with a rapidly-increasing trade, foreign and domestic. Important railroads terminate at both their harbors, one of which, at Norwalk, has been completed within the last year.

In reply to my complaint, that by this bill Connecticut fails to receive her fair proportion, I was told by my friend, the honorable chairman of the committee, that Bridgeport may receive something under a general appropriation, included in the bill for contingencies upon the Atlantic coast. But the interest of Bridgeport in that fund is too small and too contingent to be of any account.

If the amendment which I have proposed be adopted, one serious objection to the bill will be removed. It will, indeed, still be an omnibus bill, and will embrace many improvements which strike me as being rather local than national. But the bill by this amendment, and a few others of like character, will be rendered more just and equal than it now is. But if this amendment shall be rejected, one method of rendering the bill national is still open—that is, to strike out all the appropriations that are merely local, and thereby essentially reduce the total amount of the appropriations. In this way, perhaps, the bill can be rendered acceptable by confining it to those important objects which cannot be effected by State authority, and which must either be wholly neglected and abandoned, or be prosecuted by the General Government. For such appropriations I desire to cast my vote. It is of no importance whether the money is to be expended on the Atlantic or Pacific, on the Lakes or on the Gulf of Mexico. My interest in such appropriations is not local nor sectional, but is American. It belongs to me as a citizen of the United States, and not as a citizen of any particular State. But if the bill remains unmodified, and I am compelled to vote upon it as it now stands, although it contains several appropriations which I would gladly vote for, yet, as a whole, my vote must be against it. If the harbors of Connecticut are excluded, and other harbors, of no greater claims or merits, are provided for, I shall be wanting to my duty as an humble representative of my constituents if I should fail to protest and vote against the measure.

Mr. FREEMAN. Mr. Chairman, I am opposed to the amendment of the gentleman from Connecticut. This bill is entitled "A bill making appropriations for the improvement of certain harbors and rivers." A large amount of the appropriations are for works entirely within the jurisdictions of the several States, and over which the State governments have exclusive jurisdiction. It is, therefore, a bill establishing a system of internal improvement within the States of this Union, and that, too, without the consent of either of said States. We were told the other day by a member of the Committee on Commerce, [Mr. WALSH,] that the committee reported this bill under the constitutional power of Congress to "regulate commerce;" and yet, strange to say, there is not a single regulation of commerce in the whole bill. Not one, sir. The Secretary of War is armed with the arbitrary power of expending nearly a million and a half of dollars on seventy-three specified works. Not a word is said about commerce or navigation—not a single "regulation" prescribed. What is meant by the constitutional power to "regulate commerce?" In order to be exact, I will read from Story on the Constitution, vol. 2, sec. 1061:

"In the first place, then, what is the constitutional meaning of the words to 'regulate commerce?' for the Constitution being one (as has been aptly said) of enumeration, and not of definition, it becomes necessary, in order to ascertain the extent of the power, to ascertain the meaning of the words. The power is to regulate; that is, to prescribe the rule by which commerce is to be governed. The subject to be regulated is commerce. Is that limited to traffic, to

buying and selling, or the interchange of commodities? Or does it comprehend navigation and intercourse?"

"Commerce, undoubtedly, is traffic; but it is something more. It is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches; and is regulated by prescribing rules for carrying on that intercourse."

Here is the law and the commentary. Not a word is said about appropriating money for improvements, either external or internal. Not a word is intimated about building or improving harbors or rivers; nor do the terms of the Constitution admit of any such construction.

The whole power granted is "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Now, if we can improve rivers and harbors within "the several States," under this grant of power, we can also improve rivers and harbors within the jurisdiction of "foreign nations." The power to regulate commerce with foreign nations is as broad as the power to regulate commerce among the several States. They are identically the same; and is any man so crazy as to admit the power to build harbors and improve rivers and harbors throughout Europe, Asia, and Africa, or that such power was intended to be given to Congress? Again, the power to regulate commerce with the "Indian tribes" is identically the same as that to regulate commerce with foreign nations and among the several States; yet it is well known that the Indian tribes of the United States have no rivers or harbors to improve; they have never engaged in navigation at all. We have always denied them any title either to land or water. We have treated them as mere tenants at will, with the right to hunt and fish until we choose to drive them away by force, or coax them away by small donations of gewgaws and money.

If, then, it be impossible, under this clause of the Constitution, to improve rivers and harbors, either "with the Indian tribes," or in "foreign nations," it is equally out of our power to do the same thing within the several States of this Union.

By what rule of interpretation is it that the word "commerce" is construed by the learned Committee on Commerce to mean both rivers and harbors? We have always been taught that a river was a large stream of water flowing in a channel; that a harbor, in the commercial sense, was a port, or haven, for ships; a bay, or inlet of the sea, in which ships can moor and be sheltered from the fury of the winds and a heavy sea; any navigable water, where ships can ride in safety; that commerce was a mutual change of goods, wares, productions, or property of any kind, between nations or individuals, either by barter or by purchase and sale; trade; traffic. The words are totally dissimilar in meaning; and yet, the committee tell us they all mean the same thing; in short, that the commerce of the present day is the philosopher's stone of a past age.

The legal rule for the interpretation of words is, that they shall be taken in their ordinary import—as they are generally received in the community where the law was made and is to operate. By this rule we have seen that commerce means one thing, rivers another, and harbors a third; yet the committee tell us to improve rivers and harbors is to regulate commerce among the States.

The world have generally supposed that commerce was one thing, and the means or mode of carrying on commerce was another; they have generally supposed that rivers and harbors, wagon roads, and railroads, were public highways, over which commerce was conducted, and its transmission regulated—that these agents were merely instruments in the hands of the "common carriers" of the country who transport the articles of commerce. If this is all a mistake, and rivers and harbors are in fact a part of commerce itself, then wagon roads and railroads, with all their paraphernalia, are also parts of commerce, and we can build wagon roads and railroads, road wagons, railroad cars, and steamboats, under the power of regulating commerce. They are all a part of the same system. In fact, railroads are fast superseding rivers and harbors in the carrying trade—they carry with more rapidity and more safety, and are, therefore, better inland instruments of commerce. Why, then, have the committee neglected this all-important branch of commerce? Why are no appropriations made for wagon roads and railroads? We need such roads in Mis-

issippi and Louisiana, and a million and a half of dollars would help the railroad commerce very much indeed. We have now eleven thousand miles of railroads engaged in commerce. The committee might easily have appropriated as much per mile to the railroads as they have per mile to the navigable rivers. Why not make the appropriations uniform? Why protect one branch of commerce and totally neglect the other? Sir, this forced and unnatural interpretation of the Constitution would enable Congress, with equal propriety, to engage in all the branches of commerce, to the exclusion of the people of the States. It is admitted, that where Congress has jurisdiction, that jurisdiction is exclusive of all others. If the construction of harbors and the improvement of rivers be regulations of commerce, to build steamboats, steamships, and sail vessels, are still more legitimate regulations, and then to engage in the carrying trade follows as a natural result of the other assumptions of power. Thus, under a mere power to prescribe uniform rules for conducting our foreign and domestic commerce, Congress becomes an absolute despotism, monopolizing the entire commerce of the country, foreign and domestic, and driving all competitors from our waters.

A conclusion so monstrous, so utterly at war with all the principles of our confederated Republic, should cover with shame and confusion the advocates of such a construction of plain language which conveys but a single meaning.

Again, sir, if to improve the highways over which commerce is transported be to regulate commerce, as the committee contend, then all the overseers of roads and road-makers, and all the Irish and German emigrants laboring on the railroads of the United States are actively engaged in "regulating commerce among the States." They are doing that which the Constitution has confided alone to Congress. Their acts are therefore unconstitutional and void, and the Committee on Commerce should sally out and work the roads themselves by way of executing their constitutional power to regulate commerce.

But, sir, if to improve harbors be to regulate commerce in the United States, this bill violates the Constitution in another particular. Several of the ports of the United States are not included in the bill, and the Constitution declares that "No preference shall be given by any regulation of commerce to the ports of one State over those of another." This bill gives a preference to the ports of New York over the ports of several other States.

This clause of the Constitution should satisfy the committee that they are wrong in the interpretation they have given to the power to regulate commerce. It is wholly impossible to improve all the ports of the United States alike. Some require large expenditures of money, while others are perfect by nature and require none at all. But if the regulation of commerce be simply to prescribe rules by which commerce and navigation is to be conducted, one set of rules will apply to all the ports in the Union; and hence no preference would be given to any port by such regulations; and such is clearly the intent of the framers of the Constitution.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. WARD offered the following as an amendment to the amendment:

For the improvement of the navigation of the Cumberland river, \$50,000.

Mr. W. said: Mr. Chairman, I do not design to make many observations with reference to the propriety of this amendment. I do not doubt the power of Congress to make these appropriations, and not only that, but I believe it is the absolute duty of Congress so to do. The stream to which I propose this appropriation is one of more magnitude than is ordinarily attributed to it. It is one of those streams that are by the ordinance of 1787, and by the Constitution, taken peculiarly under the control of Congress itself. It is a stream that the States have no jurisdiction over, because it is navigable to all the States of the Union. It is a stream upon the bosom of which floats an annual trade of from five to ten millions of dollars—embracing a trade through the better part of Kentucky and the better part of Tennessee. The national character of this stream was demonstrated by an appropriation made in 1832, during General Jackson's administration, and also by appropria-



tions made in 1834-'5-'6-'7 and '8. After that, from some cause unknown to me, no appropriation has been made for that stream. It is a national stream, and one in which my State and the district which I represent, are particularly interested.

I do hope that if we are going to exercise that power which Congress has all along exercised, of improving the highways and rivers of our country, that a portion of that power should be exercised for the benefit of this improvement. The amount is not more than the magnitude of the interests involved in the trade of that river demand. And why was it left out? I do not mean to say that the committee have done wrong in leaving it out, but that stream is entitled to the fostering care of this Government, and I hope and trust that those of this committee who are disposed to exercise that care over our streams, will exercise it, and extend it over that stream which my constituents are particularly interested in. I do not see why it is that this Government, so anxious to extend its power for the purpose of protecting its external commerce, is not as anxious to extend the same power for the protection and extension of its internal commerce. Have we the power to expend from nine to sixteen million dollars annually to protect our commerce with foreign nations, and have it not to protect that commerce in which our citizens only are concerned? That is not my construction of the powers of the Government. If you do exercise this power, as you annually do, for the protection of our foreign commerce, how much greater is the necessity for its exercise for the protection of our internal commerce? We are then promoting our own interests exclusively; while in protecting our foreign commerce, we are protecting the interests of foreigners, as well as our own.

Mr. ROBINSON. I regret exceedingly that I have been so indisposed for several days past as to have been prevented from participating in this debate. It was my intention, if I had been in my seat when the honorable chairman of the Committee on Commerce reported this bill, to have objected to its introduction. The committee will recollect that gentleman and myself had some conflict at the commencement of the session as to the respective jurisdictions of our committees—the Committee on Commerce and Roads and Canals—over the subject of rivers and harbors. They will also recollect that the House took several votes, and decided, by a thirty majority, that the Committee on Commerce had no jurisdiction over the rivers. Yet in defiance of that vote that committee have seen proper to report here a bill embracing all the rivers, after the Committee on Roads and Canals, of which I am a member, had submitted separate appropriations for each of the rivers.

Mr. SEYMOUR, of New York. I wish to interrupt the gentleman.

Mr. ROBINSON. I cannot yield.

Mr. SEYMOUR. But I wish to correct what I believe to be a misapprehension of the action of the House. I do not understand that any such vote has been taken.

Mr. ROBINSON. There was more than one vote taken upon the subject.

Mr. KING, of New York. I rise to a point of order. The gentlemen cannot discuss this question upon the amendment which has been offered to the bill.

Mr. ROBINSON. I am opposed both to the amendment and the bill.

The CHAIRMAN. The Chair supposes the major proposition contains the minor, and declines to rule the gentleman out of order.

Mr. ROBINSON. I intend to vote against the amendment and against the bill, and I am giving reasons why I shall give those votes. I am opposed to omnibus bills of whatever character or however you may get them up. I am opposed to congregating together a mass of appropriations. There are appropriations in this bill for which I would vote had I the opportunity, but I wish to place myself upon the record by stating to this committee, and through them to the country, that very early in the session, I introduced, from the Committee on Roads and Canals, bills which were placed upon the Calendar, for the improvement of the Arkansas river, the Ohio above the falls, the Mississippi, and a bill for the improvement of Rock Island rapids, referred to by the gentleman from Illinois, [Mr. CAMPBELL.] They are

upon the Calendar, and very much in advance of the bill introduced by the gentleman from New York. They ought to have been taken up in their order, and passed according to their merits. But instead of that, the House has seen fit to overslaugh these bills entirely. The Committee on Commerce has seen proper to assert its jurisdiction and take these matters into its own hands. I hope not only upon this account, but on account of the public interest, this bill will be defeated, as the last one was the last session of Congress. I consider it no better than that of the last session—not a whit better. When gentlemen remarked to me that they had taken up our western bill, I had some curiosity to know what that "western bill" was, and I found it was the river and harbor bill. Now, if gentlemen will look into this bill, they will find that instead of being a western bill, it is a northeastern, Atlantic, and northern lake bill. The great West have very little share in it. Sir, I call the attention of this committee to the fact, that the great West had no representative on the committee which framed this bill.

Mr. FULLER, of Maine. What does the gentleman mean by the great West? Where is the geographical distinction? I should like to know the boundaries?

Mr. ROBINSON. I mean the Mississippi valley. There is very little of the great Mississippi valley interested in this bill. It is a partial bill.

Mr. FULLER. It gets \$400,000.

Mr. ROBINSON. The bill, it is true, appropriates \$260,000 to the Mississippi river and its tributaries, but it does not provide how much shall be expended upon any one river. If it passes, the War Department may send out an engineer who may appropriate every dollar upon a single mile upon one of its tributaries, or upon the main branch. He can do with it what he pleases, either to expend it all in building a wing dam or in changing the channel in a single place. I think much the most sensible plan is, as indicated in my bill, to build boats for pulling snags out of the natural channel. If I had time to enter into the merits of this bill, I could show that it was susceptible of greater and more corrupt abuses than any other bill that can find its way through Congress. There is no sort of restraint upon the Government officers.

Mr. FULLER. Is not the same power given with reference to the Atlantic appropriations?

Mr. ROBINSON. I will not argue that question. It is wrong in reference to the Atlantic appropriations, as well as the others, to give the money into the hands of the Government officers without any check whatever—without telling them how it is to be expended, or where the appropriation is to be made.

Mr. WARD demanded tellers upon the amendment to the amendment, but they were not ordered.

The question was then put, and the amendment was not agreed to.

Mr. FREEMAN. Mr. Chairman, I am opposed to the amendment of the gentleman from Alabama. In my former remarks of this morning I disputed the power of Congress to make internal improvements under the power to "regulate commerce," but I do not deny the power of Congress, under other grants of the Constitution, to improve such rivers and harbors as are strictly national highways, and not exclusively within the jurisdiction of a State. Congress may regulate the commerce of rivers within the jurisdiction of a State, but cannot interfere with the right of a State to construct improvements by removing obstructions, erecting wharves, locks, dams, or even turning the channels of rivers. A State may levy tolls on vessels navigating such improved rivers or harbors: but the Constitution expressly forbids any State to levy any duty of tonnage, or any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and even such duties are for the use of the United States, and subject to the revision of Congress. These and the like regulations of commerce are reserved exclusively to Congress, and lend additional force to the conclusion that the improvement of rivers and harbors are not regulations of commerce.

All oceans, bays, gulfs, harbors, rivers, and lakes not entirely within the territorial jurisdiction of a State are national highways, and liable to be improved by authority of Congress. No State

can assume the power to improve such waters, because they are the common property of all the States. They cannot be improved by a combination of States, because the Constitution declares that "no State shall, without the consent of Congress, enter into any agreement or compact with another State."

The Mississippi river is an illustration of this principle. It has its source near the boundary between the United States and the British possessions; it passes through the commercial as well as the geographical heart of the Union, and finally empties into the Gulf of Mexico. Bordering on the west bank of the river are the States of Louisiana, Arkansas, Missouri, Iowa, and the Territory of Minnesota; on the east bank are Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi—making two continuous tiers of States, spanning the entire Union from British America to the Gulf of Mexico. All the great rivers that flow from the Rocky Mountains, through Nebraska, the Indian Territory, and upper Texas—the Missouri, the Platte, the Arkansas, the Canadian, and the Red rivers, with their numerous navigable branches—empty into the Mississippi. On the east side are several rivers in Wisconsin and Illinois, the Ohio and its tributaries, including the Cumberland and Tennessee rivers, and minor streams from the State of Mississippi—making fifteen States and Territories in the richest and most productive portion of the habitable globe, whose commerce naturally flows into the channel of the Mississippi river. If such a river be not a national highway for the United States, then the Atlantic ocean is not. The border of the Atlantic coast, from the State of Mississippi to the British line, has Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, and Maine—being fourteen States. Add Pennsylvania and Vermont, which are not immediately on the coast, and there would be sixteen States. But the western part of Pennsylvania has a large commerce on the Ohio, and thence down the Mississippi river. So that the commerce of the Mississippi river arises from as many States and Territories as border the Atlantic coast from Maine to the Mississippi line, thereby making the Mississippi river as much a national highway for all the purposes of commerce and national defense as the Atlantic ocean itself. No single State has the sole right to improve this river. The Constitution forbids all the States from making compacts or agreements with one another, and therefore the Mississippi cannot be improved by a combination of a part or all of the fifteen States and Territories immediately interested in its navigation.

The same is the case with regard to the great lakes and connecting rivers that separate us from British America. Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York, all border upon this chain of inland seas. No single State can claim their exclusive jurisdiction. If, then, no single State can improve these waters, and no combination of States can be made for that purpose, it follows, as an irresistible conclusion, that the power rests in the United States. But, independent of this argument, there are other grants in the Constitution which throw upon the Federal Government the onus of improving the navigation of the class of waters named.

Congress is authorized "to lay and collect taxes, duties, imposts, and excises, pay the debts, and provide for the common defense and general welfare of the United States." "To provide and maintain a Navy." "To raise and support armies." "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." "To establish post roads," and under the war power, military roads.

"The United States shall guaranty to every State in this Union, a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or the Executive, (when the Legislature cannot be convened,) against domestic violence;" and "may make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Under the power to lay and collect taxes, duties, imposts, &c., the policy of the Government has

been, and now is, to raise a sufficient revenue by duties upon imports. The revenue of the country depends, in a great measure, upon our commerce with foreign nations. It is, therefore, the right and the duty of Congress to regulate, encourage, and protect this foreign commerce as the source of our national revenue. We regulate this commerce in part by treaty stipulations with foreign nations, and in part by passing laws imposing a tariff on imports and declaring all the regulations, rights, duties, and burdens of persons and vessels engaged in commerce and navigation. In order to collect the revenue arising from this commerce, we establish ports of entry and custom-houses, and appoint officers to make the collections. We encourage and protect this source of revenue from disaster at sea by the improvement of the external channels of navigation in all the various modes; the erection of buoys, light-houses, &c. We protect this source of revenue from the assaults of foreign nations and from piracy, by the power of our Navy, which is required to float wherever the "star-spangled banner" is unfurled to a breeze. To render the Navy secure from the disasters of the sea, navigation must be improved, as well for purposes of national defense as for national revenue. Hence it follows, that in all the waters where this foreign commerce floats, and in all the harbors and ports where this commerce terminates and the revenue is collected, the Federal Government has the right to make the necessary improvements.

It may be said that this rule does not apply to the Upper Mississippi, where no foreign commerce floats and no revenue is collected. At points where this objection exists and navigation is obstructed, Congress may in its discretion improve the navigation for other national purposes. This river is now used as a national post road for the transmission of the mails, and as a national military road for the transmission of naval and military armaments; and under the power to establish post roads and to protect the fifteen States and Territories on the line of this river in the enjoyment of a Republican form of Government and from invasions, rebellions, and insurrections, Congress may make such improvements as will "in peace prepare for war," and thus enable the Federal Government to give all the great States in the valley of the Mississippi the same facilities for protection that is given to the States upon the sea-board.

It will be observed that all the navigable waters I propose to improve are upon the external boundaries of the States, or so connected with our foreign commerce, the national revenue, or national defence, as to place them exclusively under the jurisdiction of Congress for these purposes. My position is, therefore, strictly within the rule of the Democratic party, against a system of internal improvements within the jurisdiction of the States. President Polk, in his veto of a similar bill to this, remarks:

"The Constitution has not, in my judgment, conferred upon the Federal Government the power to construct works of internal improvement within the States, or to appropriate money from the Treasury for that purpose."

General Jackson, in one of his messages to Congress on this subject, sent in the following classifications of navigable waters, subject, in his opinion, to be improved by the authority of Congress:

"1st. Improvements of harbors on the sea-board.

"2d. The removal of partial and temporary obstructions in a river already navigable, lying between a port of entry established by law, on said river, and another such port on the ocean.

"3d. The improvement of the harbors on such rivers, and within such places, or on the great lakes, which are themselves directly traversed by vessels engaged in our foreign commerce."

This varies but little from the rule I have laid down in the foregoing argument.

Both the Whig and Democratic parties, in their Baltimore platforms, agree that Congress has the power to make improvements of a national character; but there seems to be a great diversity of opinion alike among Whigs and Democrats as to what class of improvements are really national. Being a strict constructionist—a State-Rights man—a Union Democrat—I have sought, for my own gratification, to deduce the true rule to govern this important branch of public policy from the Constitution itself. If I have failed, it is to be attributed to my weakness, and not to any fault of the Constitution.

The bill under consideration contains several legitimate appropriations, but many more that are

objectionable as merely local improvements in the interior of States. The objections of President Polk to a former river and harbor bill, and for which he vetoed the same, apply still more forcibly to this bill than to that. Besides, the Secretary of War has the unrestricted power to spend the money appropriated as his will may direct. His personal attention to fifty-seven distinct improvements, scattered in remote parts of the Union, cannot be expected, and is not required by the bill. The Committee on Commerce have made no report to this House as to the necessity of any one of the proposed improvements. The Committee may be well informed on the subject, but they have taken good care to keep their information to themselves. The House and the country are wholly uninformed by the committee, not only as to the existing necessity for the expenditures proposed, but also as to the amount of money each improvement will require, the character of the improvements to be made, and the time to be consumed in their completion.

In short, the bill looks like a series of donations, amounting to a million and a half of dollars, to the common carriers of the country, to be doled out by the Secretary of War, who is required to give no bond for the faithful application of the money, and has no instructions as to the character of the works to be constructed. In the valley of the Mississippi, the places to be improved are not even named. Hunters after fat jobs will beset the Secretary with their schemes and proposals, not to make improvements but to make money; and if this million and a half of dollars does not prove to be a political corruption fund, a Federal pipe-laying scheme, it will be because the Secretary of War is a man of immaculate purity, patriotism, and sagacity, and not because the Committee on Commerce have guarded the appropriations with any statesmanlike precautions against it. The friends of the bill seem resolved that it shall not be amended. They may have the power to pass it, and we have neither a Jackson, or a Polk to strangle the Briarean monster with a veto; but it will do its friends no honor, and the country no good.

Mr. DISNEY. I rise to make a suggestion with regard to the mode of procedure on this bill. I submit to the Chair, and to the committee, that it will be more symmetrical, and will better facilitate the action of the committee with regard to this bill, if the Chair will rule, and the committee will sustain that ruling, that gentlemen shall withhold their amendments until we arrive at the section of the bill to which they appropriately belong. If amendments for localities in every section of the country are offered to the first section of the bill, the debate will be interminable.

Mr. BROWN, of Mississippi. I ask whether the gentleman is in order?

Mr. MEADE. Virginia has no locality in the bill.

Mr. DISNEY. You can, then, offer your amendments at the end of the bill.

The question then recurred upon the amendment of the gentleman from Alabama, [Mr. COBB.]

Mr. COBB demanded tellers.

Mr. JOHNSON, of Georgia. I desire to offer an amendment to the amendment.

Mr. DUNHAM. I rise to a question of order. I submit whether it is not too late to offer that amendment after the question on the original amendment has been submitted to the House?

The CHAIRMAN. The Chair supposes that, as the vote has not been consummated, it is in order to submit an amendment.

Mr. DUNHAM. The House was in the very act of dividing.

The CHAIRMAN. But it is in order, after a vote has been taken upon one side only, to propose an amendment, and to discuss the proposition contained in it. The Chair overrules the point of order.

Mr. DUNHAM. I take an appeal from the decision of the Chair.

The CHAIRMAN. The Chair decides that the amendment is in order. From that decision the gentleman from Indiana takes an appeal.

Mr. DUNHAM. I desire to make a suggestion.

The CHAIRMAN. Debate is not in order.

Mr. DUNHAM. I have a right to state my question.

The CHAIRMAN. The Chair has stated the question, and debate is not in order.

The question then being, Shall the decision of the Chair stand as the judgment of the committee? Mr. DUNHAM asked for a division of the House.

The House was divided, and there were—ayes 65, noes not counted; no quorum voting.

Mr. STEVENS, of Pennsylvania. I call for tellers.

Tellers were ordered; and Messrs. STEVENS and FULLER appointed; and, the question being taken, the tellers reported—ayes 98, noes not counted.

So the decision of the Chair was sustained.

Mr. JOHNSON, of Georgia. I ask the Clerk to read the amendment I have offered.

The amendment was read, as follows:

And also for the survey of the Flint and Chattahoochee rivers, in the State of Georgia, with a view of improving the navigation thereof, \$25,000.

Mr. J. said: It has been objected to certain proposed amendments to this bill, that they ought not to be ingrafted upon it, for the reason that no estimates have been forwarded to us by the proper Department. I believe that has been urged against the proposed appropriation to the James river, in the State of Virginia; and similar objections have been urged to other streams named—for instance, the Tennessee and Yazoo rivers. I propose, in this case, to obviate that objection so far as the two rivers embraced in my amendment are concerned, by asking an appropriation from this body to make a survey for the purpose of ascertaining what improvements can be made in the navigation of those streams. The Flint river is almost entirely within the State of Georgia, but still it is navigable and connected with foreign commerce. It penetrates a rich and fertile country, producing a large amount of cotton.

The Chattahoochee river forms for several hundred miles the boundary between the States of Georgia and Alabama, and is navigable at certain portions of the year, and at other times is not. That is the case with each of those streams. After forming a junction with the Flint river, it constitutes the Appalachian river. From those two rivers, and from the Appalachian, there is exported annually to foreign countries, cotton to the value of about \$10,000,000. This amount of produce is exported upon the bosom of the waters of those two rivers. They are objects of national concern. They are connected with our national trade and national interest, as much so as the North river, or the Illinois, or the Mississippi, or Ohio rivers. There are obstructions in the rivers which an appropriation of money can remove.

But it is objected, that Virginia is not to receive anything, that Georgia is not to receive anything, and that Alabama is not to receive anything. Why? Not because their proposed improvements are not of a national character, but because their Representatives upon this floor entertain doubts as to the constitutional power of this body to make such improvements, and because they believe in the impolicy of exercising it, if the power existed.

I understand that the ground upon which this bill is based, and the ground upon which it is to receive public favor, in the minds of gentlemen upon this floor is, that the objects are national in their benefits. Here, then, sir, is a national object. Make, then, an appropriation for it.

I am free to say, as an individual, and I believe I represent the views and feelings of the people of my State, that I do not believe Congress has the constitutional power to make these appropriations; and if it has the power that it is impolitic to exercise it; but for that reason are my constituents and my people to be deprived of the benefits of these appropriations?

I ask gentlemen, when they look to the political sentiments and political views of individuals, that they will not confine their vision to the South, and to our constitutional notions. Let them look, also, a little to the constitutional notions of the people upon Lake Erie, at Sandusky, and at Cleveland—to the notions of the people at Chicago and Ashtabula. If men's notions are to control appropriations, let those men who have constitutional notions such as those referred to, not have the benefits of this Government aid.

I am free, sir, to state, that if these amendments are ingrafted upon this bill, I will not even then vote for it. But if there is to be a distribution of the spoils, contrary to the policy of the Government, I ask for the people of my section of the country that they shall share in that distribution,

and that our notions of the power of the Government, and the policy of its exercise, shall not govern the action of this body, and that national views and national benefits shall control its action.

Mr. FULLER, of Maine. I rise to make a single remark upon a single point. As a member of the Committee on Commerce, sir, I say it is very painful to my feelings to hear gentlemen charge upon that committee that they were influenced in selecting any of the places which they have recommended for appropriations from any political consideration whatever. So far as concerns myself and my associates upon that committee, I do not believe that that idea ever entered their minds in the remotest sense. The disposition of that committee was to do justice to all sections of the country; and as the gentleman from Georgia [Mr. Johnson] refers to the sentiments and notions entertained in particular sections of the country upon political and constitutional questions, I refer him to the mouth of the Savannah; I refer him to the harbor of Charleston; I refer him to Mobile, and to the mouth of the Mississippi, all of which have been provided for. And why will gentlemen persist in charging that this committee was influenced by sinister considerations in reference to one part of the Union over another? If I believe, sir, I am incapable of any action whatever, it is an action of that kind, arising from such motives.

I hope that gentlemen who have objections to this bill, will put them upon grounds that will not impugn the motives of the committee.

The question was then taken on the amendment offered by Mr. JOHNSON, of Georgia, and it was not agreed to.

Mr. WARD. I propose to amend the amendment by inserting "for the improvement of the navigation of the Cumberland river, \$45,000."

Being a friend, practically and theoretically, to internal improvements, I wish to suggest to those who framed this bill that if any interests have been neglected that ought to have been embraced in this bill, good policy would require that they should listen to the complaints of those whose interests have been neglected.

As I have before remarked, Mr. Chairman, I am friendly to the exercise of the power of voting appropriations for internal improvement, and believe it to be the duty of the General Government to exercise the power to clear out all navigable streams of a national character. And when my particular portion of the community, who are directly interested, appeal to those who have this power under their guardianship, and that appeal is disregarded, I cannot say how far that may influence my final action in reference to this particular bill. If the object for which I now appeal be not in its character national, if it deserves not the consideration of this House, I desire not its action. But that this is a national stream, I appeal to the action of this House in 1832, '4, '5, '6, '7 and '8, during the administrations of General Jackson and Mr. Van Buren. That it is one of magnitude, so far as commerce upon it is concerned, I appeal to the fact that there is a trade upon it, amounting to between five and ten millions of dollars annually. Since 1838, nothing has been done for us. We now appeal to this House, who seem disposed to recommence this system of internal improvement. We ask you to make an appropriation for a stream which eminently demands it. We ask you in behalf of those who are in favor of carrying the beneficent action of the General Government into operation, so far as the interests of the community demand it. Are we to be unheard, and is our appeal to be disregarded? We are a part and parcel of that great valley of the Mississippi, which has already been too long neglected by the General Government. Although we may not be as numerous as those who live upon the lake shores, our interests are as dear to us as theirs. We desire—we demand—not as a favor, but as a matter of right, that something shall be done for this stream, which is clearly and undeniably a national one. It flows through the two States of Tennessee and Kentucky, a portion of the community which has ever responded to any and every call made upon its gallantry. We have done our duty to this Government, and we now ask in return that it will do its duty towards us. In 1838 she did it. Whether or not there has been any particular application made to the committee for an appropriation to this river I do not know; but there are many things the committee have not

done that justice to the community would require. I do not impugn their motives. I believe that they did the best they could, under the circumstances, and what they thought was right; but there are interests which have been neglected in this bill. Many members of the House are opposed to the principle of internal improvements. There are others in favor of the exercise of the power by the General Government, like myself, who may vote for this bill if properly amended, when it is important for us to vote upon its final passage; but it is but bad policy for the friends of the bill to oppose honest efforts made to perfect the bill by necessary amendments. I hope and trust, as this is not more than the interests of the stream demand, as it is a national stream, that the committee will vote in the amendment I have submitted, and unite the friends of the system to carry the bill through, as nearly perfect as it is possible for such frail mortals as we are to make it.

Mr. McMULLIN. I shall oppose the amendment of the gentleman from Kentucky [Mr. WARD] for the same reason that I the other day opposed the amendment of the gentleman from Mississippi, [Mr. Brown.] I call the attention of the committee to the inquiry I shall propound. I desire to know of the Chair whether or not it be competent for me to move that the committee rise, with a view of moving in the House the reconsideration of the vote by which general discussion upon the merits of that bill was suspended?

The CHAIRMAN. It is not in order. A motion to rise and report the bill to the House cannot be entertained so long as amendments are pending.

Mr. McMULLIN. I desire debate reopened upon this bill.

Mr. CLINGMAN. It cannot be done.

The CHAIRMAN. A motion to reconsider the vote by which the resolution terminating debate was adopted, was laid upon the table.

Mr. DISNEY. I suggest that the object sought to be obtained by the gentleman from Virginia, does not, of necessity, involve a motion of reconsideration. It is a provision of parliamentary law that the adoption of a new order rescinds an existing one. It therefore does not require a rescinding, *pro forma*.

The CHAIRMAN. The Chair does not intend to decide that question. The Chair only says that a motion for the committee to rise and report the bill cannot be entertained so long as amendments are pending in committee.

Mr. McMULLIN. Is it competent for me to move that the committee rise?

The CHAIRMAN. It is competent for the gentleman to move that the committee rise, but should it rise, the bill is left in the committee. Does the gentleman submit the motion?

[Cries of "Oh no!" "Let us go on with the bill!"]

Mr. SEYMOUR, of New York. I rise to a question of order. No member of the committee is entitled to the floor except for the purpose of debating an amendment.

The CHAIRMAN. The gentleman is opposed to the amendment, and so long as he says nothing he is entitled to the floor. [Laughter.]

Mr. McMULLIN. I do not think that the gentleman should have raised the question of order upon me. He will recollect Corporal Trim, whose silence was more eloquent than his speech, and I have no doubt my silence would suit the gentleman's views better than my speech. [Laughter.]

I concur fully and entirely in the views taken by the gentleman from Georgia, [Mr. JOHNSON], but dissent from the gentleman from Kentucky as to the power of the General Government. I assert, that I never have seen presented to the American Congress for its adoption a more sectional and partial bill of appropriations for internal improvements than the present one. I do not mean to impugn the motives of members of the committee; but it is sufficient for me to know—and I desire that the country shall know—that this bill is partial and sectional in its provisions. Will any gentleman of the committee deny that fact? If they do, I will only ask a reference to the bill itself to justify my assertion. There is no appropriation proposed for Virginia, although there are several streams national in their character flowing through her territory. Is not the noble James river a national stream? It is, all will admit; and yet there is no provision for its improvement. I

will not charge that the Committee on Commerce have omitted appropriations for the "Old Dominion" because her delegation were rather too tight-laced to vote for a system of internal improvements. There are other national streams in Virginia besides the James river. There is the important stream of Holston, which runs through my district. It is a tributary of the Mississippi, and ought to be provided for; and before this bill is disposed of, it is my intention to submit an amendment for that purpose.

The question was then put upon Mr. WARD's amendment; and, upon a division, there were—ayes 35—

Mr. WARD. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and MOLONY were appointed.

The question was again put, and the tellers reported—ayes 54, noes 59.

The CHAIRMAN. There is no quorum, and the Clerk will call the roll.

[Cries of "Recount!" "Recount!"]

The CHAIRMAN. If there be no objection, a recount will be had.

There was no objection, and the question was again put, and the amendment was lost—the tellers having reported—ayes 53, noes 73.

So the amendment to the amendment was rejected.

Mr. TAYLOR. I desire to offer the following amendment:

For the improvement of the navigation of the Ohio river above the falls at Louisville, \$160,000.

The committee will recollect, that a few days ago, with a view to the prompt and speedy action of this House upon this bill, I resigned the privilege I had of speaking one hour. I should be very glad now to speak one hour, to show how deeply interested in the bill is the section of country from which I come, but I am so anxious now to have a vote upon this bill, and have it adopted or rejected, that I would sit down now, and not consume the five minutes' time to which I am entitled, if I thought by such course that I should induce speedy action. I desire speedy action upon the bill, in order to accommodate the coordinate branch of Congress, and give them something to do within a few days. We have been subjected to unmerited reproaches for not sending the Senate something to do. They overlooked the great fact that we sent them a bill of this House, which occupied us five or six weeks, distributing equitably sixty millions of acres of public lands, carrying out that great Whig policy which was devised some years ago, of distributing the proceeds of the public lands by voting to divide the lands equitably, instead of the proceeds, for internal improvements and education. We have sent them a bill of far more importance than any bill with which they have been favored this session, and it still lies on their table. Now I wish to speak to the amendment I propose.

Mr. STANTON, of Ohio. I rise to a point of order. The gentleman does not wish to spend time unnecessarily.

Mr. TAYLOR. I am obliged to my critical friend from the Bellefontaine district, [Mr. STANTON], but he is as much out of the way now as usual. I advocate the adoption of this amendment for several reasons. We have had no appropriation in fourteen years for the Ohio river, a stream of about one thousand miles in length, navigable for steamboats, and which bears upon its bosom a greater amount of commerce than any other river, in proportion to its length, in the United States. Last year the Committee on Commerce and this House did appropriate \$80,000 for that river, but a Democratic Senate rejected it; and, in my opinion, a Democratic Senate will again reject this bill in any form in which you may send it to them. I think it is a good omen for this country, when so many of our Democratic friends in this committee are ready to consider as so much idle wind the resolution adopted by their late National Convention, in which they resolved "that the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

Now I am for a general system and reasonable appropriations therefor, and not for a partial system of internal improvements. Every Democrat of any great distinction in this country has advocated a general system of internal improvements, from the days of Jefferson down to the present



time. What do I see in a speech which lies before me? The honorable chairman of the Committee on Commerce, [Mr. SEYMOUR], and other Democratic members, show that from the administration of Mr. Jefferson down to that of Mr. Tyler, there were appropriated hundreds of thousands, and millions of dollars, for objects similar to those contemplated in this bill; and even greater appropriations were made during General Jackson's administration—the very impersonation of Democracy. I quote the amounts from the chairman's speech:

"This construction of the Constitution, so clearly deducible from its language, has been for a long course of years so fully sustained and followed by the legislation of the country, under all political parties, that it is now approved and sanctioned by a large majority of the people. Recurring to past legislation, we find that from the commencement of Mr. Jefferson's administration to the end of Mr. Tyler's, there have been appropriated for the construction and repair of roads, and the improvement of rivers and harbors, \$17,199,222. These appropriations were made as follows:

Under Mr. Jefferson .....	\$48,400
" Mr. Madison .....	250,800
" Mr. Monroe .....	707,621
" Mr. J. Q. Adams .....	2,310,475
" General Jackson .....	10,582,882
" Mr. Van Buren .....	2,222,544
" Mr. Tyler .....	1,076,500

I rejoice to find that a portion of the Democratic party in this House are abandoning the resolution of their National Convention, introduced for a special purpose. The Whig resolution of their late National Convention, in this respect is liberal, and I will read it:

"6. The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers; and it is expedient that Congress shall exercise that power whenever such improvements are necessary for the common defense or for the protection and facilities of commerce with foreign nations or among the States—such improvements being, in every instance, national and general in their character."

It acknowledges the power of Congress, under the Constitution, to improve rivers and harbors, and takes the ground that we are called upon by every consideration of duty, to make appropriations to improve our lake harbors, and particularly our great western rivers, as well as the harbors upon the Atlantic sea-coast. It has been my fortune to have passed over Lake Erie, within a few years, some half dozen times. Four times it has been my misfortune to have been on the lake in a storm, when for thirty-six hours we were endeavoring to get into a harbor of refuge, one of those formerly improved by the General Government, and when the lives of hundreds of passengers were endangered. Then I could have wished that some of the anti-internal improvement men in Congress could have been on board to have witnessed the necessity for these appropriations. Then they would have changed their tune, and I think they would have declared themselves in favor of the power of the General Government to build up a system of internal improvements, and improve our lake harbors, and navigable rivers.

Mr. MILLSON. I am opposed to the amendment of the gentleman from Ohio, [Mr. TAYLOR.] I rise, however, not so much for the purpose of assailing it, as with the view of offering some observations in reply to what has fallen from the gentleman who introduced the amendment, from my honorable friend from Connecticut, [Mr. SEYMOUR], and from other gentlemen who participated in the debate this morning. They rely a good deal upon a distinction between what they call national and local improvements. Some gentlemen, too, who agree with me in their general views upon this bill, have intimated a willingness to vote for a bill making appropriations for works of a national character. These they suppose to be constitutional, but the others not so. I ask gentlemen whence is this distinction between improvements of a national and local character derived? Certainly not from the Constitution itself. What is a national improvement? What is meant by the phrase? Will they say that a national improvement is a constitutional one? That is only begging the question. It is reasoning in a circle. The improvement is national, because it is constitutional, and it is constitutional, because it is national. The distinction is altogether arbitrary and fantastic. If, however, national means general, as distinguished from local, then I agree with the honorable gentleman [Mr. TAYLOR] who has just taken his seat, that this system of internal improvements is condemned by the resolution of the

Baltimore Convention, which he has just now contrasted with the resolution adopted by the recent Whig Convention. If this resolution does not condemn such improvements, then I do not know what is its meaning. No other construction, it seems to me, can be put upon the resolution of the Baltimore Convention than the one I have given it.

But in truth, sir, there is no such distinction known to the Constitution, as that between national and local, or general and particular improvements. If a thing be at all within the power of Congress, it does not cease to be constitutional because it is made the subject of a general system. And if the power over the subject is not given to Congress, it cannot be made constitutional by multiplying the occasions for legislating upon it. The resolution of the Democratic Convention declares, that the Constitution confers upon Congress no power to commence and carry on a general system of internal improvements. If any internal improvements are constitutional, then a general system could not be unconstitutional. Will any gentleman say that Congress possesses no power to establish a general system of post roads—a general system of post offices—a general system of mints for coining money? No, sir. If the power be granted—if it be one of the subjects of legislation within the constitutional competency of Congress, then it matters not whether the thing done be general or particular, it is equally constitutional; if not, it is equally unconstitutional. I would appeal to gentlemen belonging to the Democratic party—I know very well the situation in which some of them are placed—I know the difficulties of their position, and I speak more in sorrow than in anger when I express the opinion, that their votes, if given for this bill, will not be in accordance with the ancient usages and doctrines of the Democratic party. What was the vote, even in the last House of Representatives, upon this subject? I have it here. Upon the bill which then passed this House there were—years 103, nays 87. Of the yeas there were 85 Whigs, and only 18 Democrats. Of the nays there were 7 Whigs, and 80 Democrats. This was the division of parties in the last Congress upon the bill which then passed this body.

Mr. SEYMOUR, of New York. That was a very bad bill.

Mr. MILLSON. The gentleman says that was a very bad bill. I think, with him, that it was a very bad bill; but, with all proper deference, I think this, too, is a bad bill, because I conceive it assumes powers which have never been granted to Congress, and which, as Mr. Polk very truly said, in his excellent veto message, were never exercised for more than thirty years after the Government went into operation. There is an ancient superstition among some savage tribes, that they succeeded to the moral and mental attributes of those whom they slay in battle; and perhaps the Democratic party, after their many victories over the Whigs, have a right to appropriate to themselves the principles and doctrines of their opponents, as spoils of war. Let them say, if they please, that they claim these principles as their own, by right of conquest. But I protest, as I have before done, against the idea that they are sanctioned by the republican fathers of the Constitution.

The question was then taken upon Mr. TAYLOR's amendment to the amendment, and it was not agreed to.

Mr. EASTMAN. I move to amend, by adding the following:

For completing the improvement of Grant river slough, at the town of Potosi, in the State of Wisconsin, which was commenced under an act of Congress, approved June 15th, 1844, and which is yet unfinished, \$15,000.

In 1844, there was a grant of land made for the purpose of improving the landing, or harbor, at the town of Potosi, in Wisconsin. The land was sold, and the proceeds of it were applied to the object contemplated, but the sum realized from the sale was not, however, sufficient to make the improvement desired. The work which has been commenced will go into decay unless there is an additional appropriation made for this improvement. I offer this amendment in good faith, so that what has been already done by Congress may not be rendered useless, for want of another appropriation to complete the work.

Mr. JOHNSON, of Arkansas. I am opposed to the amendment, but I rise simply for the pur-

pose of saying that we have made no progress; and it seems to me that those of us who are in favor of the bill should make no speeches about this matter at all, for this course would certainly bring us at some period to a vote upon the question. We have only got so far to the first section, and it seems to me that we are in a condition that we will never get through. There is a good deal of business to be done, and there is no telling when we can adjourn, unless we can get through with the business before us. I do hope that we will go on, and that the friends of the bill will have nothing more to say about it.

The question was then taken on Mr. EASTMAN's amendment to the amendment, and it was not agreed to.

Mr. DISNEY offered the following amendment:

For the purchase of the Louisville and Portland canal, and towards the construction of a canal on the Indiana side of the river, \$500,000.

Mr. D. said: I had desired to express myself somewhat at length in regard to this bill, had it been the pleasure of the House to have allowed me that privilege. I shall not be guilty of the folly of attempting to make a speech in the five minutes now allotted to me by the rules, but my action in regard to this bill will be determined by the result of the vote of the committee on this amendment. If this amendment be adopted, I shall vote for the bill with cordiality. If it be rejected, I shall use my best endeavors to crush and defeat the bill. My reasons for it are few. That amendment will test the sincerity of gentlemen who claim to be the exclusive friends of these internal improvements, because the improvement there asked for is more important in its character than any five provided for in this bill. There is more commerce passes that point than there is at any five of the ports provided for in your bill. The obstructions there are greater than at any other point provided for in your bill; and so far as the constitutional questions go it is freer from objection than any other work provided for here, for the Ohio river, from its rise down to its debouchment, lies entirely without the limits of any State.

I have not time in five minutes to state the facts connected with this matter; but I will state, in general terms, that more than \$500,000,000 of commerce annually floats upon these great western rivers. And I put it distinctly to gentlemen who claim to be the exclusive friends of this bill, and ask, How will you defend yourselves before the people of the West, if you vote down this appropriation, and yet vote such appropriations as are provided for in this bill? The tax already paid by the people of the West on these obstructions has amounted to millions; and the pecuniary tax is but small compared to the incumbrances inflicted on commerce by the existing obstruction at this point. More than \$100,000,000 of commerce annually passes over these falls. More than two thousand steamboats pass through the existing canal, independent of the large number which pass over the falls at high water, and when the navigation will permit it.

I repeat again, that the amendment which I now offer will test the sincerity of gentlemen, and enable the people of the West to determine how far they are sincere in advocating the improvement of the rivers of the West. The committee have so far voted down one after another each and every appropriation to improve the western rivers. The Committee on Commerce have allowed in their bill \$260,000 for all the western rivers, the commerce of which amounts to \$500,000,000 annually, and in the trade of which more than thirty thousand men are engaged, while you appropriate \$400,000 for the commerce floating on the lakes of \$50,000,000 or \$60,000,000 annually, and \$500,000 to the Atlantic coast, when your whole foreign commerce does not equal the commerce upon our streams. How can you stand up before the people of the West and say that you are friends to river improvements, when you will vote millions here for the improvement of petty, contemptible harbors into which no commerce goes, and refuse appropriations for points on the rivers of the West where hundreds of millions of dollars are annually involved, and where the obstructions are so great that if they existed upon any part of the Atlantic coast there would be a general rebellion amongst the people?

I repeat what I said in the outset, that the action of the committee on the amendment which I have offered will test the sincerity of their professions in regard to river improvements. If you vote down this amendment, the people of the West will have no faith in your professions, or your anxiety in regard to the interests of the commerce of the West.

Mr. MARSHALL, of Kentucky. I am opposed, seriously and in earnest, to the amendment offered by the gentleman from Ohio. So much of it as relates to an appropriation for the purchase of the outstanding stock in the Louisville and Portland canal, I discussed the other day, but so much as proposes a canal upon the Indiana side of the Ohio river, I think I could demonstrate to be uncalled for, inexpedient, and improper. I venture my reputation upon the fact, that it is demonstrable that no canal can be constructed on that side of the river, that will answer the purposes of commerce, for less than \$1,000,000—ranging, according to the different plans, from \$1,000,000 to \$7,000,000—and that the canal on the Kentucky side of the river can be enlarged to dimensions that will suit the wants of commerce, now and hereafter, for a sum ranging from \$600,000 to \$700,000. I have stood, for months, ready to offer to the American Government a contract, with indisputable security, for the sum of \$700,000 to enlarge and extend that canal, and to have it finished in two years—with an interruption of navigation that shall be limited to three months—so that a steamboat ninety feet broad, and four hundred feet long shall be able to pass through it. But I do not even ask the House of Representatives to pass upon any proposition of that sort until I have an opportunity to exhibit maps which I have in my possession, which will show the form of the Ohio at that point, and which will show that there is no proposition that has ever been submitted to make a canal on the Indiana side of the river that will bear the test of an examination of five minutes. That is enough to say against the proposition of the gentleman from Cincinnati.

I will consume the balance of my time in making the suggestion, that we have not yet got beyond the appropriation for the Delaware breakwater, and that if we are to discuss, under the five minutes rule, all the conceivable amendments that may be offered to this bill, on the first clause thereof, we might as well at once commence a reconstruction of the entire bill. I have amendments lying on my desk, connected with western improvements, that I intend to offer when we come to the western improvements; and it strikes me as proper that gentlemen who have amendments to offer, should offer them at least to some clause of the bill connected with the part of the country to which those amendments refer.

We have already spent upon the Delaware breakwater one million nine hundred and odd thousand dollars. I am ready to vote this much more. I do not know when we shall get to the conclusion of the appropriation for it. I see by the last report that it is proposed, when they get the breakwater finished, to put an hospital on it.

Mr. DISNEY called for tellers; but they were not ordered.

The question was then taken on the amendment to the amendment, and it was disagreed to.

Mr. DUNHAM offered the following as an amendment to the amendment:

For the construction of a steamboat canal around the Falls of the Ohio river, at Louisville, on the Indiana side of said river, \$500,000.

Mr. DUNHAM said: Mr. Chairman, when this bill came up for discussion, I was, unfortunately, unable to express my sentiments in reference to it. I concur in some of the remarks made here this morning by my colleague, [Mr. ROBINSON.] I do not expect, from the committee whence this bill emanated, and from the various votes which have been given here since we commenced voting on amendments, that we shall have anything like justice done to the valley of the Ohio and of the Mississippi. As has been very forcibly exhibited by the honorable member from Cincinnati, [Mr. DISNEY,] we find, in this bill, appropriations for harbors, and for the improvement of rivers, the importance and the commerce of which can bear no sort of comparison with the commerce of the Ohio river, and the importance of the improvement which my amendment contemplates.

No man can doubt that the great Mississippi valley is, after all, the tax-paying portion of the country. We have, for years, had burdens laid upon us for the purpose of improving the harbors and streams on the sea-board and lake-coasts, while our commerce has been entirely neglected. We have actually been paying tribute into the public Treasury for the purpose of getting our products to their markets. It has been a two-edged sword to us. On the one hand, we have been compelled to furnish means for your improvements, and on the other hand, we have been compelled to pay a tax into the general Treasury for the few pitiful improvements we have had.

So far as the gentleman from Kentucky [Mr. MARSHALL] is concerned, I should be very glad that he should have an opportunity to make good the vaunting boast which he has uttered here this morning, and compare the advantages of a canal on the Kentucky side with those of one on the Indiana side. I undertake to say that I shall be able, if that controversy shall ever come up, to demonstrate to this House, and to the country, that you cannot build a canal upon the Kentucky side of the river sufficiently large for the commerce of the Ohio, or that you can possibly get a boat of any dimensions into the mouth of it at the lower end.

As to the assertion of the gentleman relative to the comparative cost of the two works, why, every survey that has been made, so far as my knowledge extends, shows that the improvement which we desire on the Indiana side of the river can be made for a much less sum than that on the Kentucky side. The gentleman himself has said that they will want \$700,000. Now all we want is half a million. That is all we ask, and with that half a million we will undertake to remove this obstruction to the navigation of the Ohio river, which would be an immense relief to the commerce of the Ohio, in which the whole country is interested from Pittsburgh to New Orleans.

I had hoped that the legislation upon this subject would have been allowed to take the legitimate course—that it would have been brought forward by the proper committee. When that question does come up, I shall be prepared to enter at large into its discussion, and I believe I shall be able to satisfy the House and the country of the justice, economy, and propriety of this appropriation. I shall especially be able to show the illiberal spirit of the gentleman from the Louisville district, who has boasted so much here.

Mr. WALSH. I do not concur in what the gentleman from Indiana [Mr. ROBINSON] has said with regard to the respective jurisdictions of the Committee on Commerce and the Committee on Roads and Canals. I have never understood that at any time the jurisdiction over this subject has been exercised by any committee other than the Committee on Commerce. I have never understood that the House of Representatives, by any vote, has changed that jurisdiction. It is perfectly plain, that if we had no other ground upon which to resist this amendment, that furnished by the disagreement between the two gentlemen who have just spoken, in regard to the proper location of the proposed canal, would be amply sufficient.

Mr. DISNEY. I will remark that the only difference between the gentleman from Kentucky [Mr. MARSHALL] and the gentleman from Indiana [Mr. DUNHAM] and myself is, that he wants the canal built upon one side of the river, and we want it built upon the other.

Mr. WALSH. The proper Department will decide upon which side it should be located; and when we have its surveys and estimates before us we can act advisedly.

But even, sir, if the House should sustain the proposition, no blame can attach to the committee for not reporting it in this bill. The Committee on Commerce, although having properly in charge harbor and river improvements, have no control over the subject of canals. That control belongs to the committee of which the gentleman from Indiana [Mr. ROBINSON] is chairman.

I will now, Mr. Chairman, refer to a charge which has several times been made on this floor, and which has no foundation in facts. I allude, sir, to the imputation sought to be cast upon the committee of having acted upon sectional grounds and in a proscriptive spirit.

Now, sir, the appropriations in this bill show upon their very face, that the charge is unfounded.

I will now mention some facts which I desire shall go before the country in relation to this matter. The gentleman from North Carolina [Mr. VENABLE] came before that committee, avowing his constitutional scruples and his intention to vote against the bill. But notwithstanding this, he gave us every information in relation to the appropriations that were needed in his own State. The gentleman from Georgia, representing the Savannah district, [Mr. JACKSON,] also came before us, and though he avowed his objections to the bill, and declared that he would not support it, yet, nevertheless, gave us every assistance in relation to the item connected with his own district.

Mr. STANTON, of Ohio. I rise to a point of order. I want to know what this has to do with the Louisville canal?

Mr. WALSH. This general debate has been allowed upon the part of others. I have something now to say to my friend upon my left, from Ohio, [Mr. TAYLOR,] who seems so anxious for a speedy termination of this discussion. The very worst way we can adopt to come to a speedy vote is to raise these party questions. There is nothing in this bill which will impugn a single plank in the Baltimore platform. It is not a question of internal improvement, as men of other days have understood these terms. If gentlemen will refer to the days of 1818, they will find that there were then two sets of resolutions introduced by Mr. Calhoun and Mr. Clay, into the House of Representatives; one declaring the right of Congress to appropriate the public money to the construction of roads and canals, which was carried by a decided vote in the affirmative; the other declaring the right to make military roads, was defeated by a few votes. These questions then were passed upon by that republican party to which I belong now. [Laughter.] They decided that internal improvements were constitutional, and that is the system of internal improvements, to which the Baltimore platform manifestly alludes. The power to regulate commerce, by the improvement of harbors and rivers, was never questioned. The construction, demanding such improvements, I undertake to say, notwithstanding the earnest and able argument of the gentleman from Mississippi, [Mr. FREEMAN,] has been sustained by Jefferson, and by every republican President of the country, and is coeval with the Constitution itself. And let me say to the gentleman from Mississippi, if I have time to refer to the constitutional question, that this right, under the naval clause, to which he refers, is even more extended than under that authorizing the regulating of commerce.

Mr. CLARK. I move that the committee do now rise.

Mr. JONES, of Tennessee. I wish to give notice that when we get into the House, I shall move to suspend the rule which authorizes this five minutes' debate in Committee of the Whole, from and after to-morrow, at two o'clock, upon this bill.

Mr. CLARK's motion was then put, and agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 262, "making appropriations for the improvement of certain harbors and rivers," and had come to no resolution thereon.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled "An act supplementary to 'An act providing for taking the Seventh and subsequent Censuses of the United States, and to fix the number of members of the House of Representatives, and to provide for their future apportionment amongst the several States,' approved the 3d of May, 1850."

Mr. JONES, of Tennessee. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the five minutes rule be suspended, so far as relates to the bill of the House No. 262, from and after two o'clock, p. m., to-morrow.

[Loud cries, "I object!" "I object!"]

Mr. JONES. I move to suspend the rules.

Mr. BROWN, of Mississippi. Upon that motion I demand tellers.

Tellers were ordered; and Messrs. HAMILTON, and FULLER of Maine were appointed.

The question was then taken, and the tellers reported—ayes 59, noes 62; two thirds not voting in the affirmative.

So the House refused to suspend the rules.

Mr. FOWLER. I move that the House do now adjourn.

The motion was agreed to, and

The House adjourned till to-morrow, at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PORTER: The petition of George Lynch, of St. Charles, Missouri, for an increase and arrears of pensions.

By Mr. MOREHEAD: The petition of Abner Apple and others, praying the establishing of a post road from Allendale to Monticello, in the county of Guilford, North Carolina.

By Mr. HARPER: The petition of John Stillwell and 49 others, citizens of Muskingum county, Ohio, asking for the passage of the bill introduced by Mr. Stanley, for paying over the fourth installment of the surplus revenue.

By Mr. SCUDDER: The petition of John Aiken and others, asking an appropriation for the erection of additional buoys in the harbor of New Bedford, Massachusetts.

By Mr. MOORE, of Louisiana: The petition of Isaac Huddleston and 61 other citizens along the route, asking that a post road be established from the mouth of Red river to Burr's Ferry, in Louisiana, thence to Huntsville, in Texas.

Also, the petition of G. W. Thompson and others, in relation to the Rio Hondo land claims.

By Mr. HUNTER: The petition of John Clark, of Belmont county, Ohio, for damages to his land and mill, occasioned by the construction of the national road.

By Mr. ALLEN, of Illinois: The petition of W. L. Lassar, and 46 other citizens of Hamilton and White counties, Illinois, asking Congress to establish a mail route from the town of McLanesboro, in Hamilton county, to Liberty, in White county, Illinois.

By Mr. BROWN, of Mississippi: The petition of the trustees of the Monticello Academy, in the State of Mississippi, praying Congress to pay over to said trustees the amount of money, with interest thereon, for which the United States improperly sold a sixteenth section of land belonging to said Academy.

By Mr. MOORE, of Pennsylvania: The memorial of Board of Trade and citizens of Philadelphia, asking for the removal of obstructions from the mouth of the Mississippi. Also, the memorial of Democratic citizens of Montgomery county, Pennsylvania, asking for an increased duty on iron.

Also, the memorial of citizens of Philadelphia, asking for a modification of the bounty land act of 1850.

#### IN SENATE.

TUESDAY, July 27, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. JONES, of Iowa, presented the memorial of the City Council of Dubuque, Iowa, praying a further appropriation for the completion of the improvements in the harbor at that city; which was referred to the Committee on Commerce.

Mr. RUSK presented the memorial of Dwight Smith, a citizen of the United States, praying indemnity for losses sustained in consequence of his forcible expulsion from Mexico by military force during the late war with that Republic; which was referred to the select committee appointed on the subject of claims against Mexico.

#### JUDICIAL DISTRICTS IN ARKANSAS.

Mr. SEBASTIAN asked and obtained leave to introduce a bill entitled an act to amend "An act to divide the district of Arkansas into two judicial districts, and for other purposes;" which was read a first and second time.

Mr. SEBASTIAN. The main object of that bill is to extend the criminal jurisdiction of the district court over the western portion of the State, occupied chiefly by Indians. I therefore ask that the bill may be referred to the Committee on Indian Affairs.

Mr. BRIGHT. I think the reason assigned by the Senator from Arkansas is hardly sufficient to secure that reference for this bill. It appears to me that it ought first to go to the Committee on the Judiciary, in order that that committee might ascertain the reasons why we should divide the State.

Mr. SEBASTIAN. There is but one section of the bill embracing matter which is relevant to the consideration of the Committee on the Judiciary, and that is the provision which requires the circuit court of the United States to be held semi-annually, instead of annually. All the remainder of the bill has relation to the extension of the criminal jurisdiction of the court over the Indian

country. That is the main, I may say the prime object of the bill; and it seems to me, considering it in that point of view, that the subject is one of which the Committee on Indian Affairs have appropriate jurisdiction.

The bill was referred to the Committee on Indian Affairs.

#### OPERATIONS OF THE NAVY.

Mr. GWIN submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested to inform the Senate in what manner the vessels of the Navy are now employed, specifying the objects and operations of each squadron, and of single vessels on special service; and also to communicate to the Senate a statement of the force of the Navy available for immediate service.

Mr. GWIN. I hope that resolution will be considered now. It is not necessary to do more than to allude to a certain event, to show that it is important to get that information immediately.

Mr. MILLER. I think that resolution had better lie over one day, according to the rule.

The PRESIDENT. Does the Senator from New Jersey object to its consideration at this time?

Mr. MILLER. I do.

The resolution was accordingly laid over, under the rule.

#### CIRCUIT COURTS OF THE UNITED STATES.

Mr. GWIN submitted the following resolution, which was agreed to:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of so reorganizing the circuit courts of the United States as to include the States of California, Texas, Florida, Iowa, and Wisconsin within said circuits.

#### BRIG "GENERAL ARMSTRONG."

Mr. JONES, of Iowa, submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested to communicate to the Senate (if not incompatible with the public interest) copies of all the correspondence which has taken place, and documents that may have been collected, since the message of the President of the 15th of December, 1845, (printed with Senate documents, 1st session Twenty ninth Congress, in volume 3, No. 14,) in relation to the claim of the owners of the brig General Armstrong against the Government of Portugal, including all letters and papers in the possession of the Government material to a full understanding of the subject, and not heretofore communicated to the Senate.

#### REPORT FROM A STANDING COMMITTEE.

Mr. WADE, from the Committee on Claims, to which was referred the petition of Silas Loomis, submitted a report, accompanied by a bill for the relief of the legal representatives of Daniel Loomis, deceased; which was read and passed to the second reading. The report was ordered to be printed.

#### MEXICAN BOUNDARY COMMISSION.

Mr. WELLER, from the select committee appointed to inquire into the subject of printing a report of the Secretary of the Interior, made in compliance with a resolution of the Senate calling for information in relation to the commission appointed to run and mark the boundary between the United States and Mexico, submitted the following resolution:

*Resolved*, That the President of the United States be requested, if not incompatible with the public interests, to transmit to the Senate copies of—First, a letter from Mr. M. Gonzales de la Vega, Chargé d'Affaires of Mexico, to the Secretary of State, dated January, 1852; second, copy of a letter from the Mexican Minister to the Secretary of State, dated 11th March, 1851, both upon the subject of the American and Mexican boundary commission.

Mr. WELLER. I hope that resolution will receive the consideration of the Senate now. The letters referred to are very material in regard to this boundary commission, and I presume they are on file in the State Department. They are referred to in the communication which has been made to the Senate by the Secretary of the Interior, but the letters themselves have not been sent to the Senate. I have been instructed to offer that resolution by the committee, and I hope it will be agreed to.

The resolution was adopted.

#### APPEALS TO THE SUPREME COURT.

Mr. GWIN. I have another resolution which I wish to offer:

*Resolved*, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for appeals to the Supreme Court of the United States from the district courts of California, in all cases involving the amount of \$2,000.

I understand that the district judges in Califor-

nia have decided that, under the law organizing the district courts, there is no power of appeal to the Supreme Court of the United States, and that great injustice is likely to occur to litigants in the courts there, on account of this want of power. I hope the resolution will be now considered.

The resolution was agreed to.

#### FUGITIVE SLAVE LAW.

Mr. SUMNER. I have a resolution which I desire to offer; and, in announcing it, I give notice that I intend to call it up as early as possible—perhaps to-morrow during the morning hour. I will then throw myself on the indulgence of the Senate.

The resolution was read, as follows:

*Resolved*, That the Committee on the Judiciary be requested to consider the expediency of reporting a bill for the immediate repeal of the act of Congress, approved September 18, 1850, usually known as the "fugitive slave act."

Mr. MASON. I hope the Senate will indulge me for one moment. There are few acts I would not sooner commit than deny the right of speaking on any subject to a Senator who throws himself on the indulgence of this body; but, if the gentleman who has offered this resolution asks to-morrow, or at any other time during this session, the indulgence of the Senate to be heard on it, I, for one, shall refuse. We have fixed a day for the adjournment; it is at hand, and it is probable that the House of Representatives will agree to adjourn on that day; and here, after eight months of the session have elapsed, within thirty days of the adjournment, the Senator from Massachusetts, representing a State, in part, asks to be heard on a question which involves the continuance of this Union! and that at a time when there can be no reply! I shall refuse the Senator's request.

The PRESIDENT. The Chair will remind the Senator from Virginia that there can be no discussion at this time.

#### BILL AND JOINT RESOLUTION PASSED.

The following engrossed bill and joint resolution were severally read a third time and passed:

An act to protect actual settlers upon the land on the line of the Central Railroad and branches, by granting preemption rights thereto; and a

Joint resolution for the relief of George R. C. Floyd, late secretary of Wisconsin Territory, and sureties.

Mr. TOUCEY, agreeably to previous notice, asked and obtained leave to introduce a joint resolution to confer additional duties and powers on the Solicitor of the Treasury; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

#### ALTON, A PORT OF DELIVERY.

Mr. HAMLIN. At the request of those who are interested materially in the subject, I ask the Senate to take up for consideration "A bill to constitute Alton, in the State of Illinois, a port of delivery." The honorable Senator from Alabama [Mr. CLEMENS] interposed an objection to this bill when it was offered before; but I understand he now withdraws that objection. There are peculiar reasons why it should be taken up and considered now. I apprehend that it will not occupy many minutes.

The motion to take up the bill was agreed to. The bill was read a second time, and the Senate proceeded to its consideration as in Committee of the Whole. It provides that Alton, in the State of Illinois, shall be constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and that there shall be appointed a surveyor of customs to reside at that port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the 2d of March, 1831, providing for the payment of duties on imported goods, at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid 'at those places.'" It also provides that this port of delivery shall be annexed to and made a part of the collection district of New Orleans, and that all the facilities and privileges afforded by the act of Congress of the 2d of March, 1831, be extended to it.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.



## EXPLORATION OF BEHRING'S STRAITS.

Mr. GWIN. I wish to make an inquiry of one of the members of the Committee on Commerce. The Senator from New York [Mr. SEWARD] some time ago reported from that committee a bill to authorize an exploration and reconnaissance of the courses of navigation used by whaling vessels in the regions of Behring's Straits, and also of such parts of the China seas, Straits of Gaspar, and Java Sea as lie directly in the route of vessels proceeding to and from China. I wish to know when that Senator intends to call the bill up. It is of the greatest importance to my State.

Mr. SEWARD. I am prepared to call the bill up at the first opportunity. I should be glad to take it up now; but as the Senate is occupied at this moment I will call it up to-morrow, if the Senator from California will give me his support.

Mr. SEWARD, subsequently, by unanimous consent, informally submitted an amendment to the bill; which was ordered to be printed.

## FALLS OF ST. MARY'S, MICHIGAN.

Mr. FELCH. I desire to ask the Senate to take up a bill which was in part discussed the other day, the action of the Senate in regard to which was not completed. It is Senate bill No. 28, in reference to the construction of a ship canal across the State of Michigan.

The PRESIDENT. Is that a special order?

Mr. FELCH. I believe not.

Mr. HUNTER. If the Senator from Michigan will agree to lay the bill aside at one o'clock, if it should occasion debate, I will agree to it.

Mr. FELCH. I will agree to that. I move, therefore, that the prior orders be postponed, and that the Senate proceed to the consideration of that bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to the consideration of the "bill granting to the State of Michigan the right of way and a donation of public lands, for the construction of a ship-canal around the Falls of St. Mary's, in said State," the question being on the adoption of an amendment reported by the committee, to strike out of the twentieth line of the first section the words, "two hundred," and insert "two hundred and fifty;" and in the next line to strike out the word "fifty," and insert "sixty," so as to make that clause of the section read:

"And provided further, That said canal shall be at least one hundred feet wide, with a depth of water twelve feet, and the locks shall be at least two hundred and fifty feet long and sixty feet wide."

The amendment was agreed to.

The PRESIDENT. These are all the amendments reported by the committee.

Mr. HUNTER. I was not in the Senate when that bill was taken up, but I understand it is a bill appropriating money for an internal improvement solely within the limits of one State. I wish to know what is the character of the bill, because, if that is the case, I must say that it appears to me that we are going much further than we have heretofore done in relation to this system.

Mr. TOUCEY. I regard this work as being calculated exclusively for the public benefit, so far as we are called on to act in regard to it. It proposes to open a canal on the lands of the United States, by means of which Lake Superior will be connected with the lakes below. Without this canal it will be indispensably necessary to maintain a naval force on Lake Superior, as well as on the lakes below; but if this canal be constructed, one single naval squadron will suffice for the service on all the lakes. To effect that object, the proposition is now made to construct a canal on the lands of the United States, and thus render a double marine force unnecessary on the lakes. In order to remove any objection which may yet exist in the minds of Senators, I will offer an amendment to the amendment which has been proposed by the Senator from Michigan, [Mr. FELCH.]

The PRESIDENT. There was an amendment offered by the Senator from Michigan, [Mr. FELCH,] which has been printed. The question will next be on that amendment.

The amendment was to strike out all after the enacting clause, and insert the following:

"That the Secretary of War be, and he is hereby, authorized and directed to contract with the lowest bidder, or bidders, after public notice given in the usual manner for letting contracts, for the construction of a ship canal around the Falls of St. Mary's, in the State of Michigan, which canal shall not be less than one hundred feet wide and

twelve feet deep, with single locks, not less than three hundred and fifty feet long and seventy-five feet wide, with such piers and other appurtenances as shall, in the opinion of said Secretary, be required for the safe and proper use of said canal: *Provided*, That said Secretary may enter into separate contracts for such different portions of the work in constructing said canal as he shall deem conducive to the public interest, and the aggregate amount of all said contracts shall not exceed four hundred thousand dollars, which shall be paid to the contractor or contractors as the work progresses, reserving always a sum equal to twenty per centum on the amount of work performed, until the whole be completed: *And provided further*, That the contractor or contractors shall perform the work under such instructions and superintendence as the said Secretary shall deem necessary and proper to secure the faithful execution of the contracts; and shall give such ample security for the performance thereof as he shall direct and approve: *And provided further*, That such contractor or contractors shall have the right of taking from any of the lands of the United States stone and other materials for the construction of said canal and its appurtenances.

Mr. TOUCEY. I propose to amend that amendment by adding to it the following, as an additional section:

Sec. 2. *And be it further enacted*, That the said canal, with its appurtenances, when the same is completed, shall be delivered over to the State of Michigan, to be kept in operation and repair, and subject to use by all citizens of the United States, and such foreigners as may be permitted to use the same by authority of Congress, upon the payment of such tolls and charges only as shall, in the aggregate, be sufficient to defray the necessary expenses of the operation and repairs of said canal: *Provided*, That all boats and vessels belonging to or in the employment of the United States shall at all times be allowed to pass through said canal free of all charges: *Provided also*, That there shall be kept under the authority of said State an accurate account of expenditures in the repairs and the operating of said canal, and also of all receipts for tolls and charges, and a sworn statement of the same be returned to the Secretary of War in the month of January in each year: *And provided further*, That the work upon the said canal shall not be commenced until said State, by an act of the Legislature thereof, shall agree to accept the same, and shall make proper provision for the preservation, repair, and operation thereof on the terms and conditions above specified.

Mr. BELL. I believe that this bill originally proposed to appropriate land for aiding in the construction of this work. The proposition made by the Senator from Michigan [Mr. FELCH] is to make the appropriation in money to the amount of \$400,000. That proposition involves a new question, and I think brings up very clearly the consideration of an old one, which for many years has been considered as having had its quietus, for the present at least. As I understand this proposition, there is no difference between it and that which was once made, and in effect was carried in a different shape, for the construction of the Chesapeake and Delaware canal. The same arguments were then urged in favor of that work which are now urged in favor of this. It might be said that the proposition is similar to that which has so frequently been discussed in this Hall, for the construction of a canal in the State of Indiana around the falls of the Ohio river, and making an appropriation from the Treasury for that purpose. There was also another similar proposition with which you, Mr. President, are better acquainted, which was to construct a canal in the State of Alabama around the Muscle Shoals in the Tennessee river. The construction of the Florida canal is another proposition of a similar character. No one of these propositions is different in principle from the proposition to construct a canal through any one State in the Union. I shall be glad if honorable Senators will say where the discrimination can be made.

I think the principle is the same. For example, it is said, with reference to this measure, that it is important for the military defense of this country. So is every great work which facilitates rapidity of movement through the different portions of this Confederacy. Every work is highly useful which tends to aid in the transportation of the munitions of war, so as to be able to meet an enemy where we are hardest pressed. The rapid accumulation of forces in such a case is important, and if we extend this principle so as to embrace the common military defenses of the country, all works of internal improvement of that description—roads, canals, and railways—come under the same principle. Those to which I have alluded are of this description. This pass between Lakes Superior and Huron, the pass between the Delaware and Chesapeake Bays, and the passes on the various rivers of the country, are all objects which would be useful as military appliances in bringing forth the resources of the nation for the purpose of defending ourselves against a foreign enemy; yet, in principle they are not different from that great

line of communication which once was proposed to connect Buffalo and New Orleans. The same principle and the same policy would apply as to the military defenses of the country, strengthening its resources in time of war, as well as giving energy to our commerce in time of peace. No one denies that.

It is said that this particular pass would be especially useful as a means of national defense, by enabling us to pass our ships speedily from one of the great lakes to another, in case of a war with Great Britain. Are honorable Senators really sincere when they place their reliance for support to this measure, upon that—I will not call it pretext, in deference to gentlemen—but that argument, as presented by the Senator from Connecticut? Why, if war is possible, it might be useful to us to have such a means of communication. But does any gentleman really contemplate that in any future collision with Great Britain, we shall have any necessity for military defenses on the northwest, or between Lakes Superior and Huron? In what period of time, in what remote generation do they expect there will be sufficient English population and resources in that quarter of the British possessions, to cause us any annoyance or alarm whatever? Does not everybody know, that in the event of a war with Great Britain at any time, or in ten or twenty years at least, the power of this Confederacy, increased as it is by its population and resources, would soon pass over the boundaries which separate us from the colonies of Great Britain, and that the few troops kept there would soon be compelled to yield? Does any gentleman suppose really that we are to have war steamers on Lake Superior for the purpose of defending our northwestern boundary against Great Britain, or that the lakes lower down, Erie and Ontario even, will need such defense? I venture to say that if the real judgment of Senators on this floor were announced, it would be that we have no cause to fear from any British force on any part of our northern frontier. Such has been the growth of this country since the war of 1812, that every gentleman will see that the reduction of the British power in Canada would be but a morning's work. There might be some hard fighting to maintain the contest there, but every gentleman must see that our growth since 1812 has been such, that from the moment war was proclaimed, England would not dream of retaining possession of that province. It would be surrendered, given up, abandoned at once. Honor might compel them, perhaps, to hold out for a short time; but certainly with no expectation of maintaining their ground or resisting the resources of our twenty or thirty millions upon their southern borders, against their one million or two. I say, therefore, that I take it that the talk about the necessity of this canal as a means of defense, is a mere pretext.

As to the principle involved, I have said that the principle is the same as would be involved in carrying out a general system of internal improvements. I had thought that that system was settled, practically at least, and that that portion of the Whig party—but I beg pardon for using party titles here; it was not my intention to do so; it is wrong. I shall go on to speak of the system of constructing works of internal improvement by the aid of appropriations from the Treasury. I thought that system had been abandoned by both the great parties in the country. I was always opposed to it. I think no man has been more earnest and zealous in supporting the policy of making appropriations for the maintenance of commerce, for opening harbors on the lakes and elsewhere as being more national in their character, as being a description of improvements not generally to be carried out by a combination of individual capital, and as not always affording individual States such reason to expect benefit as to induce them to engage their revenues in the construction. I have maintained that policy, but I have strenuously opposed any scheme of a general system of internal improvements.

I did not care about opposing this bill, as it came before the Senate originally. The proposition then was to appropriate five hundred thousand acres of land for the construction of this canal. I was willing that the bill should pass in that shape, as it was assimilated in principle to the appropriations for railroads in those States in which the public lands lie; but the proposition now before the Senate is very different; it is for

an appropriation of \$400,000 from the Treasury of the United States for the construction of this work.

I am glad that a sense of the impropriety of the measure is manifested by so many Senators; and I am anxious that it should be discussed, in order that we may come to a vote on it. I want to know—and I do not speak now as a party man—I do not want to see how it will operate on the two contending parties of the country—I want to ascertain whether such a system is likely to be taken up and approved by the body of the people throughout the United States, and by a majority of the members of the two Houses of Congress. I am opposed to it on the ground that it leads to profligacy and waste of the public money, and because there would be no end to it. No treasury whatever would satisfy the extravagant demands that would be made on it under such a system. I repeat that I would like to know on what distinct principle Senators could support this proposition, except on the ground that it is expedient to effect this particular improvement. Suppose that the argument is that this is an isolated work; that it will open a very short passage between the two lakes, a passage very important to the mining resources and copper mines of Lake Superior—a distance of country which appears to possess extraordinary mineral riches, scarcely yet developed. If it be important on that ground, why is it that precedence is given to such a measure as this? Senators talk of the embarrassment to the trade in transporting supplies to the mines, if this passage is not made; and in the transportation, again, of the products of the miners' labor. In answer to this, I will merely say, what is the difference in principle between giving \$400,000 for the purpose of opening this pass, and the construction of a railroad for the purpose of connecting it directly with Lake Michigan, or with some other point? There is no difference; the principle is the same; and the only question is as to the power and the expediency. The power and expediency is the same in the one case as in the other, and on principle you might as well vote for the one as for the other.

But the point to which I wished to call attention, when I made this slight digression, was, that there were older demands pending for nearly half a century—demands that should have precedence of this work. Who that has any knowledge of the manner in which commerce is going on in the West, is not aware of the tax imposed on transportation from the Upper to the Lower Ohio, and from the Lower Ohio to New Orleans, and indeed on all the branches of the Mississippi, amounting to hundreds of thousands of dollars; indeed a million of dollars—half a million at least, besides the incumbrance attending reshipment at Louisville. Taking the amount for the whole year—for at some periods it is only the smallest class of boats which can pass, and in such cases commerce is cut off altogether—I should suppose that at least half a million of dollars would be a moderate estimate for the tax imposed on the general commerce on that river by the obstruction. The Senator from Indiana [Mr. BRIGHT] can correct me if I make an over-estimate.

Mr. BRIGHT. More than that.

Mr. BELL. The Senator from Indiana thinks it is more than that; and I think so too. Then look at the Muscle Shoals in the Tennessee river, a river which I found, to my surprise, some few years ago was scarcely known, but which is now recognized as one of the greatest rivers of the country, as broad as the lower part of the Ohio itself, or nearly as broad, and yet so obstructed that it is not even known to intelligent gentlemen of the country, and members of the Senate and House of Representatives.

The Senator from Connecticut, [Mr. SMITH,] the other day had much to say about the rich copper mines of Michigan; but when you talk of the discovery of rich mines, go up that river. I know that this may appear to be somewhat like a local allusion, but I merely state it in answer to what was said, and to the glowing description which was given by the Senator from Connecticut, the other day, of the copper mines and the copper ore of Lake Superior. Sir, you may have some knowledge of the mineral riches of the waters of Tennessee, after you pass the Cumberland mouth. I know that rich copper mines have been discovered in that river—riches that have been shut out from the knowledge of the world, and much more

shut out from being carried to market by obstructions in our water-courses. And if it be any pretext for giving precedence to such a work, that these copper mines have been discovered on Lake Superior, I think that we have a much higher claim; for copper mines are known to exist, and coal mines, and iron, and other metals, and they deserve to be noticed; and, if any section of the country is to have the aid of the Government because of the existence of mines, I think the State of Tennessee should have priority. The principle and the objects would be the same in both cases, and I can see no ground on which we can give priority to this claim.

But again, Mr. President, I am greatly anxious that we should do something for our rivers and harbors in the West, and particularly in the Northwest. How is it that this bill is sought to be pushed through in preference to other bills? How is it that the object here is sought to be made a separate one and is not connected with a general river and harbor bill? I am no advocate for the practice of connecting a great number of measures together and giving strength to the whole, while in its separate parts it would have nothing but weakness; but I appeal to Senators to say whether that has not been the principle on which such measures have had to abide their fate, not only in the House of Representatives, but also to some extent in the Senate? Ay, sir, even the present session a proposition was made to appropriate \$50,000, not for an original improvement in the navigation of the Ohio river, but positively to remove a nuisance created in the channel of that river by a former appropriation, the former work of this Government. And, sir, that proposition sleeps. The Senator from Kentucky [Mr. UNDERWOOD] took that bill under his charge, and during the present session has made some three or four distinct efforts to obtain an appropriation for the removal of this obstruction, or for repairing that work which the Government had placed there by its prior action. And yet, the Senate resisted that bill. On what principle was it done? On the principle that it must share the common fate of appropriations for such purposes—on the principle that if a river and harbor bill should not pass, that particular bill should not pass. I will not undertake to say whether the proposition now under consideration can be discriminated from rivers and harbors, or for removing obstructions in our rivers generally; but I think it cannot. It is not an improvement of a harbor; it is not for the removal of an obstruction existing by nature or which may have been accidentally thrown into the channel of a great water-course, but for the construction of a canal between two great lakes; to remove an obstruction originally placed there by nature. It is directly for an appropriation for the construction of a canal, which I say cannot be discriminated on principle, from a general system of internal improvements which has been advocated by some in former times.

I insist, therefore, that this work shall share the fate of the Cumberland dam appropriation. If it be a work which can be brought within the principle of the river and harbor bill, let it be brought in as one of the amendments to that bill. Let it not be said that because these mines are so rich, it is necessary that this work should be taken out of the general principle. Perhaps these mines are rich, but I have not the faith to believe that the copper is twenty per cent. richer than other copper that has been discovered, or will bear so much greater stress or strain than the copper of other mines. Nor do I believe that the iron found there is thirty per cent. stronger than any other. I have but little more faith in these reports than I have in spirit rappings, and I cannot say that I have much in either. The one is about as marvelous to my mind as the other. The copper mines may be rich, and I have no doubt that a canal will be useful in promoting trade, manufactures, ship-building, and other objects. I have no doubt of that. But I want this bill to come up where it can be discussed in connection with other subjects which are analogous in principle. I want to know whether it can be discriminated from the principle which applies to the appropriations made for the improvement of rivers and harbors. If it properly comes under the general subject of improvements of the national rivers and harbors, connected with the commerce of the country, and stands upon the same footing that the improvements in the harbors of the lakes or in the rivers

stand upon, let it go into that bill, and let all matters which stand upon the same principle be acted upon together. If it cannot stand there let it fall.

Then, upon either ground, I see no propriety, no demand in the public interest or the public wants which requires that this bill should be hurried through before the other.

I did not intend to make these remarks, as I did not suppose that this bill was coming up this morning under these circumstances. It certainly involves all those principles which I have stated. If no other Senator wishes to reply to what I have stated I will move to lay the bill upon the table.

Mr. CASS. The honorable Senator from Rhode Island [Mr. CLARKE] is entitled to the floor to-day upon another subject; and I said to him this morning, that if this bill were taken up, and should lead to debate, as far as my colleague and myself were concerned, we would consent to postpone it at the proper moment for him to go on. I desire now to fulfill that promise.

Mr. CLARKE. I desire to get through with the few remarks which I have to make in continuation of what I said yesterday; but personally I am not in a great hurry. If the honorable Senator prefers to go on now for a short time, I have no objection.

Mr. CASS. It would be better to pass the bill over informally, and let the Senator proceed with his remarks.

Mr. HUNTER. I hope it will be passed over. The Senator from Rhode Island has the floor, not having finished the speech which he commenced yesterday.

Mr. SMITH. I wish merely to suggest to the consideration of the Senate, that whenever we take this matter up, I really think it ought to be finished. If the honorable Senator from Rhode Island desires to go on with his remarks now, I would prefer to have the bill postponed; but whenever we do take it up, I hope the Senate will finish it.

Mr. BUTLER. I hope my friend from Tennessee will not intimate any purpose to move to lay the bill upon the table. I hope it will be permitted to take as wide a range of debate as any other subject in this body.

Mr. BELL. I have not made the motion.

Mr. CASS. I also hope that a wide range of debate will be permitted on the bill; and I merely wish now to say, that the honorable Senator from Tennessee has, in my opinion, totally mistaken the ground of the bill. It has no connection with the system of internal improvements at all; and I think we who are in favor of the bill, can satisfactorily show that to be the case. For the purpose of permitting the Senator from Rhode Island to proceed with his remarks, I move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

JAMES C. WATSON.

Mr. WADE. I move to reconsider the vote on the passage of the bill for the relief of the legal representatives of James C. Watson, which was passed yesterday. I do it because I wish my colleague to have an opportunity to express his views upon the bill. I do not propose now to discuss it, but merely make the motion, and let it lie on the table.

The PRESIDENT. The Senator from Ohio moves to reconsider the vote on the passage of the bill, and also that that motion lie on the table.

Mr. WADE. I will state that that bill passed this body under peculiar circumstances. It is a bill of some considerable importance, on account of the amount appropriated by it. It passed this body without any investigation whatever, while, I understand, there are many documents and much evidence that should be traveled through carefully and investigated before any one can determine whether the claim is well grounded or not.

Mr. RUSK. Is the proposition that the motion to reconsider lie on the table?

The PRESIDENT. It is. The Senator from Ohio must withdraw the latter motion which he made, or he cannot enter into a discussion upon the subject.

Mr. WADE. I do not propose to discuss the merits of the bill, but simply wish to say that the Senate are aware that it passed under peculiar circumstances, and without investigation, but that it did undergo considerable investigation in the other House, and was not there considered a claim so

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plain as to be passed without investigation. I know my colleague has prepared himself with an elaborate argument upon the subject, and I know also that he has come to the conclusion that the claim is not well founded. I do not claim to have investigated it so as to be prepared to take it up now. I have not had the means to do it; but from what I have heard my colleague say, from his investigations—

The PRESIDENT. The Chair will have to ask the Senator again, whether he withdraws his proposition to lay the motion to reconsider on the table?

Mr. WADE. I have got through with what I wished to say. The bill passed under such circumstances that I think my colleague should have an opportunity to make his objections known to the Senate. If the claim is well founded, of course it will pass; if not, it ought to be rejected.

Mr. CHARLTON. I rise to a question of order—whether a motion to reconsider can be made by any one who did not vote with the majority to pass the bill?

The PRESIDENT. Certainly not.

Mr. CHARLTON. Then I ask, whether the Senator from Ohio voted in favor of the passage of the bill?

Mr. WADE. I did not. I voted against its passage.

The PRESIDENT. Then the Senator cannot make the motion to reconsider the vote. The motion must come from one who voted in the majority.

Mr. WADE. I voted with the minority.

The PRESIDENT. Then the motion to reconsider cannot be entertained.

## THE BOUNDARY COMMISSIONER.

The Senate resumed the consideration of the resolution submitted by Mr. WELLER, on the 28th of June, for the appointment of a select committee of five, to investigate the charges preferred by Colonel J. McClellan, against John R. Bartlett, Commissioner to run and mark the boundary line between the United States and Mexico.

Mr. CLARKE concluded his defense of Mr. Bartlett, and explanations were made by Mr. WELLER. [Mr. C.'s speech will be found in the Appendix.]

Mr. HUNTER. I move that the resolution lie on the table, for the purpose of submitting a motion that the Indian appropriation bill be taken up.

The motion was agreed to.

## MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. HAYES, its Chief Clerk, announcing that it had passed a joint resolution providing for the distribution of the laws of Congress, and the debates thereon.

## INDIAN APPROPRIATION BILL.

Mr. HUNTER. I move that the Senate proceed to the consideration of the bill from the House of Representatives, "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1853." It is not my purpose to go into it this evening, but I wish to have it pending when the Senate adjourns to-day, in order that it may be the first business in order to-morrow after the morning hour.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, July 27, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The bill of the House, No. 271, to grant the right of way and a portion of

the public lands to the States of Florida and Alabama, to aid in the construction of certain railroads, was rejected when last under consideration.

A motion was entered to reconsider the vote by which the bill was rejected, and to lay the motion to reconsider upon the table. The question upon the latter motion is the first business in order, it having been postponed until to-day.

On motion by Mr. WATKINS, by unanimous consent, it was

Ordered, That leave be granted to withdraw from the files of the House the petition and papers of Daniel Witt, for the purpose of transferring them to the proper department—the Pension Office.

On motion by Mr. SCHERMERHORN, by unanimous consent, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petitions and papers of David Bell, and of George S. Claffin, and that they be severally referred to the Committee on Revolutionary Pensions.

## POST ROUTE BILL.

Mr. OLDS. I ask the unanimous consent of the House that I may withdraw the report, which I made yesterday, from the Committee on the Post Office and Post Roads—being the post route bill—in order that the committee may add to it such amendments as may be thought desirable, so as to avoid the necessity of such amendments being made when it comes before the House. I think there can be no objection.

No objection was made, and the report was withdrawn.

Mr. OLDS. I give notice to the members of the House, that the report will be in the room of the Committee on the Post Office and Post Roads during the day, and I hope each member will examine it, and see that his route or routes are in it.

Mr. MOREHEAD. When will the committee report?

Mr. OLDS. To-morrow morning.

## RAILROAD IN FLORIDA AND ALABAMA.

The SPEAKER. The business before the House is a motion to lay upon the table the motion to reconsider the vote by which the bill was laid upon the table, "granting the right of way and a portion of the public lands to the States of Florida and Alabama for the construction of certain railroads in said States."

Mr. SMART. I move that there be a call of the House.

The question was taken on the motion, and it was agreed to.

The roll was then called through, and also the names of the absentees.

Mr. ROBBINS. I would inquire of the Chair if there is a quorum voting?

The SPEAKER. There is a quorum—one hundred and forty members having answered to their names.

Mr. ROBBINS. Then I move that all further proceedings under the call be dispensed with.

The question was put, and the motion was agreed to.

The SPEAKER. The question recurs upon laying upon the table the motion to reconsider the vote by which the bill which has been heretofore referred to, was rejected.

Mr. SMART. Upon that question I demand the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered.

The question was then taken, and it was decided in the negative—yeas 74, nays 79—as follows:

YEAS—Messrs. Aiken, Allison, J. Appleton, Ashe, Babcock, Barrere, Bibbhausa, Boeck, John H. Boyd, Breckinridge, Joseph Cable, Caskie, Chapman, Chastain, Cleveland, Curtis, Darby, Dawson, Dimmick, Duncan, Edgerton, Edmundson, Faulkner, Fowler, Thos. J. D. Fuller, Gamble, Gaylord, Giddings, Goodenow, Grey, Hamilton, Harper, Isham G. Harris, Hascall, Hebard, Hillyer, Holladay, Thos. M. Howe, Thos. Y. How, Hunter, Andrew Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McLannan, McMullin, Millson, Morehead, Samuel W. Parker, Pease, Perkins, Polk, Robbins, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Richard H. Stanton, Thaddeus Stevens, Stratton, Sutherland, Thurston, Townsend, Walbridge, Wallace, Washburn, and Wildrick—74.

NAYS—Messrs. Willis Allen, William Appleton, Bis-

sell, Bragg, Brenton, Brooks, Albert G. Brown, George H. Brown, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, T. Campbell, Chandler, Clark, Clingman, Cobb, Denn, Disney, Dockery, Doty, Durkee, Eastman, Fitch, Florence, Gentry, Goodrich, Green, Hart, Haven, Hendricks, Henn, Horsford, Houston, Howard, John W. Howe, Jackson, James Johnson, John Johnson, Robert W. Johnson, Kuhus, Landry, Mace, Humphrey Marshall, McNair, Miller, Molony, Henry D. Moore, John Moore, Nabers, Olds, Outlaw, Penn, Pennington, Phelps, Polk, Porter, Price, Robie, Sackett, Schermerhorn, Seurry, Smith, Stanley, Benjamin Stanton, A. P. Stephens, St. Martin, Strother, Stuart, Taylor, Walsh, Ward, Watkins, Welch, Addison White, Wilcox, Williams, and Yates—79.

So the motion to reconsider was not laid upon the table.

The SPEAKER. The question now is upon reconsidering the vote by which the bill was rejected.

Mr. CLINGMAN. Has the previous question been called upon that?

The SPEAKER. It has not.

Mr. CLINGMAN. I call for the previous question.

The House was divided upon seconding the demand for the previous question; and there were 72 in the affirmative; when

Mr. STUART demanded tellers; which were ordered; and Messrs. PENN and CALDWELL were appointed.

The House was again divided, and the tellers reported—ayes 88, noes not counted.

So the previous question received a second, and the main question was ordered to be put.

Mr. STANTON, of Ohio. I voted on the motion to lay the motion to reconsider upon the table, under a misapprehension. I ask the unanimous consent of the House to change my vote from the affirmative to the negative. It will make no difference in the result of the vote.

No objection was offered, and the change was made.

Mr. SMART. I call for the yeas and nays upon the motion to reconsider.

The yeas and nays were ordered.

The question was then taken, and there were yeas 76, nays 76, as follows:

YEAS—Messrs. Willis Allen, Russell, John H. Boyd, Bragg, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Chandler, Clark, Clingman, Cobb, Disney, Dockery, Doty, Duncan, Durkee, Edgerton, Fitch, Florence, Henry M. Fuller, Gentry, Goodrich, Hart, Haven, Henn, Houston, Howard, John W. Howe, Jackson, James Johnson, John Johnson, Robert W. Johnson, Kuhus, Landry, Mace, Humphrey Marshall, McNair, Miller, Miner, Molony, Henry D. Moore, John Moore, Nabers, Olds, Outlaw, Penn, Pennington, Phelps, Porter, Price, Sackett, Schermerhorn, Scudder, Seurry, Smith, Stanley, Benjamin Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Taylor, Walsh, Ward, Watkins, Welch, Addison White, Wilcox, Williams, and Yates—76.

NAYS—Messrs. Aiken, Allison, John Appleton, Ashe, Babcock, Barrere, Bibbhausa, Boeck, Breckinridge, Joseph Cable, Caskie, Chapman, Chastain, Churchwell, Cleveland, Cullon, Curtis, Daniel, Dawson, Dean, Dimmick, Dunham, Edmundson, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Goodenow, Green, Grey, Hamilton, Harper, Isham G. Harris, Hascall, Hebard, Hillyer, Holladay, Horsford, Thomas M. Howe, Thomas Y. How, Hunter, Andrew Johnson, George W. Jones, J. How, Jones, Geo. G. King, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McLannan, McMullin, Millson, Morehead, Samuel W. Parker, Pease, Perkins, Polk, Robbins, Savage, David L. Seymour, Origen S. Seymour, Skelton, Smart, Richard H. Stanton, Thaddeus Stevens, Stratton, Sutherland, Thurston, Townsend, Walbridge, Wallace, Washburn, and Wildrick—76.

There being a tie vote, the Speaker voted in the negative; so the motion to reconsider the vote by which the bill was rejected did not prevail.

Mr. SEYMOUR, of New York. Has not the morning hour expired?

The SPEAKER. It has.

Mr. CAMPBELL, of Illinois. When my name was called upon the last vote, I stated that I did not understand the question. Before, and when the vote was announced, I was engaged in conversation. I ask the consent of the House to record my vote.

[Cries "I object!" "I object!" all over the House.]

## OBITUARY NOTICES.

Mr. STANTON, of Kentucky. I desire to make a report from the Committee on Printing.



Mr. CLEVELAND. Has the morning hour expired?

The SPEAKER. It has, and the gentleman from Kentucky [Mr. STANTON] presents a resolution from the Committee on Printing, which will be read.

The resolution was then read as follows:

Resolved, That the proceedings of the House and Senate on the death of Henry Clay, ordered by this House, and now in the process of publication, be bound under the existing contract for printing.

Mr. STANTON. I desire to say in explanation of this resolution, that the book will make something over one hundred and fifty pages. It is less in size than the restrictions placed upon books which are to be bound, under a resolution of the House some time since, hence the necessity of a resolution to obtain authority to bind it under the existing contract for printing. It will be published very neatly.

Mr. KING, of New York. What will it cost?

Mr. STANTON. About one shilling.

The question was taken on the resolution, and it was agreed to.

#### RIVER AND HARBOR BILL.

Mr. SEYMOUR, of New York. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORDS in the chair,) and proceeded to the consideration of House bill No. 282, making appropriations for certain rivers and harbors.

The CHAIRMAN. When the Committee rose on yesterday the questions pending were, the amendment of the gentleman from Alabama, [Mr. COBB,] making appropriation for the Tennessee river, and the amendment to that amendment, offered by the gentleman from Indiana, [Mr. DUNHAM,] making an appropriation for a ship canal around the falls upon the Indiana side.

Before proceeding to the consideration of the pending amendments, the Chair asks the indulgence of the committee to state, in advance, a decision which he feels himself called upon to make, relative to the further consideration of this bill. And, inasmuch as this decision will be an innovation upon the practice of the Committee of the Whole on the state of the Union, he announces it in advance, that no member of the committee, when called to order under it, may suppose the Chair personal or invidious, and that the committee, by an examination of the question, may be prepared to sustain or overrule the Chair.

The last clause of the 136th rule provides for discharging the Committee of the Whole on the state of the Union "from the further consideration of any bill referred to it, after acting, without debate, on all amendments pending, or that may be offered." The Chair holds that this rule not only absolutely precludes all discussion upon the merits and demerits of the bill, but that it also forbids all debate upon the pending amendments, and that if there was no other rule, making an exception, the committee would be compelled to vote upon all pending, or amendments to be offered, without discussion.

The 34th rule makes the exception; but being an exception, it must receive a strict construction. It is as follows:

"Any member shall be allowed in committee five minutes to explain any amendment he may offer; after which, any member first obtaining the floor shall be allowed to speak five minutes in opposition to the amendment."

The Chair will feel himself bound to give a strict construction to this rule; and will hold, that all remarks upon the general merits of the bill will be out of order as "explaining" an amendment, and that all remarks touching the demerits of the bill will be out of order as opposing an amendment.

If the committee sustain this decision, the business of the session will be greatly expedited, and whether they do or not, the Chair will feel that in making the decision he has discharged his duty.

The question is upon the amendment of the gentleman from Indiana, [Mr. DUNHAM,] and on that amendment tellers have been ordered.

Messrs. STEVENS of Pennsylvania, and JOHNSON of Arkansas, were appointed as tellers.

The question was then taken, and the tellers reported—ayes 12, noes not counted.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the following amendment, proposed by the gentleman from Alabama, [Mr. COBB:]

"For surveying and improving the Tennessee river, \$25,000 below, and \$50,000 above, the Muscle Shoals in said river."

Mr. COBB. I demand tellers upon that amendment.

Tellers were not ordered; and the question being put, the amendment was rejected.

Mr. SIBLEY. I offer the following amendment:

For the survey of the Mississippi river between Fort Snelling and the Falls of St. Anthony, and also above the Falls of St. Anthony, with special reference to the improvement of Sauk and Pike rapids, \$5,000.

Mr. Chairman, I have offered this amendment, not *pro forma*, for the purpose of making a five minutes speech, but in good faith, and with an earnest desire that it will be adopted. Sir, it may be said by the Committee on Commerce who reported the bill now before you, that the necessity for the appropriation asked for has not been pressed before that committee. That is true; but it was no fault of mine that the subject introduced by me as an independent proposition, was not allowed to take the usual course, but was ordered to be referred to another committee. Had not that been the case, I can assure the honorable chairman of the Committee on Commerce, that he would not have escaped repeated visitations from me, with a view to secure his good offices in behalf of the small appropriation I now ask for, and its incorporation into the river and harbor bill.

Mr. Chairman, it is of very great importance to the Territory of Minnesota, that a survey should be made of the Mississippi river, immediately below the Falls of St. Anthony, as well as above that point. A report from a competent officer, based upon actual survey, will determine the mooted point, whether that river can be made safely navigable at a low stage of water from Fort Snelling to the Falls. As a matter of justice to large numbers of our citizens, a proper examination should be made without delay under the authority of Congress. The river above the Falls needs some improvement, in the removal of bowlders in the channel, and particularly in the displacement of the rocks at Sauk and Pike rapids, but for which impediments in the navigation, steamers might run from the Falls of St. Anthony to Pockegoma Falls, a distance of nearly four hundred miles. A part of the country through which the Mississippi runs above the rapids mentioned, as well as below them, cannot be surpassed for beauty and fertility, and the removal of the obstructions in that stream would be incalculably beneficial to the whole of the upper part of the Territory. The Government would also be benefited by the increase in the sales of land, which would necessarily follow any measure adding to the facilities of intercommunication, like that anticipated by my amendment. I hope the small appropriation embraced in it will be granted, that Congress may obtain the requisite information as to the sum necessary to be expended for the improvement of the Mississippi within the limits of Minnesota. Inasmuch as the sum embraced in my amendment for a like purpose was included in the river and harbor bill which passed the House during the last Congress, and as the present bill contains not one dollar of appropriation for Minnesota, I ask the committee to vote for my proposition.

Mr. NEWTON. I am opposed to this amendment because I am in favor of the bill. For the amendment, if adopted, is calculated to weaken the prospect of passing the bill. Every independent amendment is calculated to have that effect. For each one that has been offered and rejected has equal merit with the one now offered. If amendments that materially increase the amount of the bill be adopted, it opens the way for the whole class that have been so long neglected, that the amount would frighten the friends of the bill, and thereby defeat the object. I would vote for the amendment if it could pass; so I would for those that have been rejected.

Improvement of rivers and harbors is one of the most important subjects. It has been neglected and its policy doubted for the last fourteen years, until that which had before been done has dilapidated and gone to decay to such an extent

that the sacrifice of life and property has aroused public opinion sufficient to command public action.

The bill is entirely too inadequate for the wants—too long neglected—of this great country. But we are near the close of the session, and have no time to mature a bill adequate in all its parts to all our wants and necessities. I would vote for it if it contained but one single appropriation of the number it now contains; for by it we should revive the policy so long withheld, that the power is denied. I would support it because it is offered by the Democratic party, who heretofore have denied its exercise in any practical manner. I would support it because it commits the incoming Administration, whom in a certain event, without that committal, I fear would block it. But last, and most of all, I would support it because the country and our best interest imperiously call for and demand it. I presume every member has some favorite amendment he would be glad to have adopted, but because he cannot obtain it, no friend of the measure will oppose it. The lake shore in northern Ohio is poorly provided for. Ashtabula, a point that has an appropriation, but since the bill has been reported, the harbor has received an injury that requires the amount to be increased.

Conneaut, a harbor equally important with Ashtabula, and in the neighborhood, has received nothing, and will probably be ruined in the course of another year, without an appropriation. To save it, it will be necessary to take some portion from the others and apply to this, and by it the amount will not be increased. Small as this bill is, there is probably as much as will be used before we meet again in December.

There has been expended upon Lake Erie, in northern Ohio, from 1826 up to 1838, the following sums in the different years. Until that time no appropriation had been made by the General Government in the State of Ohio:

Year.	Grand river.	Cleveland.	Huron river.	Ashtabula cr'k.	Black river.	Conneaut river.	Cunningham creek.	Vermilion.	Sandusky Bay.	Total.
1826.	\$5,620 00	\$19,000 00	\$5,000 00	\$12,000 00	\$7,500 00	\$2,500 00	\$2,000 00	\$10,000 00	\$400 00	\$55,000 00
1827.	9,125 11	19,175 00	4,413 25	2,403 50	8,529 77	1,517 76	1,517 76	20,000 00		54,569 25
1828.	5,563 15	17,788 56	5,335 00	6,940 25	8,529 77	6,125 65	2,956 00	25,510 23		65,910 23
1829.	5,698 00	3,672 00	3,480 36	7,015 00	9,975 00	6,370 00	1,500 00	35,495 00		65,910 23
1830.	2,600 00	6,500 00	1,500 00	3,400 00	2,400 00	7,380 00	1,500 00	31,800 00		45,773 91
1831.	10,000 00	13,315 00	6,700 00	5,000 00	5,000 00	4,400 00	5,000 00	11,307 38		56,975 00
1832.	6,000 00	15,006 59	4,300 00	7,591 00	6,660 00	2,500 00	5,000 00	20,000 00		65,975 00
1833.	6,000 00	10,000 00	2,365 00	8,000 00	5,410 00	5,000 00	5,000 00	20,000 00		65,975 00
1834.	10,000 00	15,006 59	4,300 00	7,591 00	6,660 00	2,500 00	5,000 00	20,000 00		65,975 00
1835.	6,000 00	10,000 00	2,365 00	8,000 00	5,410 00	5,000 00	5,000 00	20,000 00		65,975 00
1836.	10,000 00	15,006 59	4,300 00	7,591 00	6,660 00	2,500 00	5,000 00	20,000 00		65,975 00
1837.	6,000 00	10,000 00	2,365 00	8,000 00	5,410 00	5,000 00	5,000 00	20,000 00		65,975 00
1838.	10,000 00	15,006 59	4,300 00	7,591 00	6,660 00	2,500 00	5,000 00	20,000 00		65,975 00
										\$468,358 01

In 1844 there was appropriated to Grand river \$10,000, to Cleveland \$25,000, to Huron river \$5,000, to Ashtabula creek \$5,000, to Conneaut river \$5,000, to Sandusky bay \$15,000, in all \$65,000. Lake Erie may be said to be the great outlet to western trade and business.

From the foregoing appropriations the following

Amount Expended from 1826 to 1838.

harbors were begun: at Conneaut the improvement was begun in 1829; the river was then obstructed by a bar, and frequently nearly dry, and rarely more than two feet of water; but since the pier has been begun a depth of from ten to eleven feet can be carried from the lake into the river, and after entering the river it is sufficiently deep for half a mile. This harbor is now the boundary line between Pennsylvania and Ohio, and accommodates both States. The whole amount appropriated from 1829 to 1844 is \$48,305, and the commerce of the harbor in 1846 was \$380,475. At Ashtabula \$69,149 has been expended. When the work was begun not more than three feet of water could be commanded at the entrance; now it is adequate for the first class steamers one and a half miles, and the commerce in 1846 was \$891,584. Cunningham river received appropriations from 1826 to 1838 to the amount of \$28,668, from which appropriations very considerable business sprung up, ware-houses were built, and produce landed; but in 1838 it was reported against by the Government commissioner, as not being sufficiently large to come within the constitutional provision, and it has been permitted to dilapidate.

Grand river harbor is one of great safety. When the improvement commenced the river was obstructed by a bar; at first there were only six feet of water, now there are eleven. It is navigable two miles. The commerce of 1846 was \$891,584.

Cleveland, by reason of these improvements, has become of great importance. When the improvement began, the river was obstructed by a bar, and occasionally nearly dry; now ten feet of water can be commanded. The commerce of 1846 was \$12,559,100; the whole amount appropriated is \$149,413.

Black river is navigable for about four miles; at first obstructed by a bar, and sometimes dry, and now nine feet of water. Its commerce in 1846 was \$215,040.

Vermillion, by reason of these appropriations, has become an important point; at first, not more than three feet of water, now from six to nine. Commerce of 1846, \$137,770.

Huron is also an important harbor, at first obstructed by a bar, and sometimes dry; now ten feet of water.

Sandusky is a very important harbor, and in an unfinished state. Its commerce in 1846 was \$5,943,177.

Upon this lake is employed, in connection with more northern lakes, 160,520.71 tonnage of shipping. The commerce of these harbors, in 1846, was \$21,018,730. At most, or all of these harbors, are light-houses, warehouses, and other convenient buildings for the transaction of an extensive business with the surrounding country. In all instances the sums appropriated were insufficient to complete the work according to the original design, and for want of subsequent appropriations to finish and repair, they have been, and are now, in a dilapidated condition, by means of which, in many instances, there is great loss of lives and capital. By reason of the harbor at Cleveland, mainly, it has advanced from a common village to be the second city in the State, and bids fair to be among the first in the Union. Sandusky, Painesville, Ashtabula, and Conneaut, from the same causes, have advanced from small villages to cities and towns of much commercial importance.

By these Governmental appropriations a large amount of capital and shipping has been invested, which is now suffering immensely from the want of the continuation of the same policy, by which it was invited and encouraged.

I hold that the Government, by having commenced this policy, and invited the investment of millions of money and employment of hands, are now bound, by every consideration of policy and humanity, to continue it. No country under heaven suffers so much as ours from a vacillating policy.

From 1826 to 1838 this policy was pursued from year to year, until our lakes and rivers were covered with ships, and our shores with cities and villages; and all at once it was unconstitutional and impolitic to continue it, and, with the single exception of 1844, all appropriations have been withheld, and by it the country clad in mourning. No interest so much neglected, the consequence of which is so fatal to our prosperity.

By this bill, many of the most important places

are provided for, others are not. It is the product of minds entertaining various views of policy and expediency, designed as an introduction of that neglected yet not abandoned policy, under which our country so much flourished. Let us not extinguish the feeble light, but nurse it as a precursor of that which is to come. The amendment now sought is one among the many means calculated, but not designed, to defeat the object. At no period of our Government has the passage of a bill of this character been of more importance, or more ominous in its effects and consequences. Both of the great political parties of the country are its advocates and supporters, and the country acquiesces and demands it.

The question was then taken, and the amendment of Mr. SIBLEY was rejected.

Mr. CURTIS proposed to amend the bill, by inserting the following, viz:

For removing obstructions in the Allegheny, \$15,000.

Mr. CURTIS. This amendment proposes to appropriate a small sum for the removal of obstructions which now impede the navigation of the Allegheny river. This river might be made navigable at a very moderate cost from its junction with the Ohio to the New York improvements, thereby affording, after the completion of the Genesee valley canal, a continuous navigable water communication from the waters of the Hudson and the St. Lawrence to those of the Ohio and Mississippi. It may therefore be said with propriety to be a work purely national in all its characteristics. If appropriations for the improvement of the Ohio, such as is contained in this bill now under consideration, are constitutional and expedient, then the one asked for the Allegheny, which is a mere extension of that river, is also constitutional and proper.

I am not one of those who doubt the constitutional power of Congress to appropriate money for the improvement of rivers which are national thoroughfares for our foreign or inland commerce, or the construction of suitable harbors for the accommodation and protection of our shipping. It is a power which has been so long exercised, that if precedent is entitled to any weight in constitutional construction, may be regarded as settled. The power to regulate commerce with foreign nations and among the several States and Indian tribes, is sufficiently explicit to relieve my mind from all constitutional scruples upon the subject of appropriating money for the improvement of rivers, and the erection of harbors, by which our commerce can be extended and protected—or, to use the constitutional language, "regulated." The only difficulty has always been to draw the line of demarcation between those which were national and those which were local. A general system of internal improvements, embracing roads and canals, has at this late day but few advocates. The doctrine may be regarded as fully settled during the administration of General Jackson, in his celebrated veto message of the Maysville road, and acquiesced in by every succeeding Administration, with the exception of Mr. Polk's, whose construction would circumscribe the action of Congress on the subject of improvements to narrower limits than those of any of his predecessors. Upon that subject I am induced to follow in the footsteps of General Jackson, and the Democratic Presidents who preceded him, in their construction of the constitutional powers of Congress over river and harbor improvements, and I am rejoiced to see that the Committee on Commerce have adopted that rule for their guidance in their report of the bill now before the committee; and if the bill can be confined to objects purely national, and such as are necessary for the protection and extension of our commerce, it shall receive my support. I confess, however, that my support would be more cordial, if the amendment which I have proposed should be adopted.

The improvement of the Allegheny comes under that class of national objects which are admitted to be constitutional, because national; indeed, it may be classified with a majority of the appropriations in this bill.

Surveys have been made of this river by highly-competent engineers, and estimates made of the cost of its improvement, showing its entire practicability, at a very moderate expenditure. It does not, therefore, come under the head of a new scheme or project. A very considerable commerce

is now carried on by means of steamboats and other craft upon this river, which run regularly, about six months in the year, as far up as Franklin, a distance of about one hundred and twenty miles, and irregularly to Warren, a distance of one hundred and eighty miles from Pittsburgh. This commerce might be very materially augmented by the removal of some of the most prominent existing obstructions in the river, which this appropriation would aid in accomplishing. If the attention which the importance of this channel of communication demands was bestowed upon it by the General Government, the river would be made navigable during most of the year. To all those interested in increasing the facilities of trade between New York with the valley of the Ohio, this improvement especially commends itself. This river is the only natural channel of communication connecting the improvements of New York with the waters of the Ohio, from which the trade of New York is cut off during the early part of the season, or has to seek its way through improvements in Pennsylvania, when a preference is, of course, given to the trade of Philadelphia, subjecting that of New York to great delay, inconvenience, and increased expense.

Mr. STANTON, of Ohio. I should like to ask the gentleman, whether he proposes the removal of the aqueduct and bridge across the Allegheny at Pittsburgh?

Mr. CURTIS. No, sir.

Mr. CARTER. I wish to make, under the decision of the Chair, an argument in opposition to this amendment. I propose to fill the full compass of the rule. I am opposed to the amendment.

The question was then taken, and the amendment was rejected.

Mr. BISSELL. I offer the following amendment:

For the improvement of the navigation of the Illinois river, \$50,000.

The adoption of that amendment, Mr. Chairman, will tend to remove, in some measure, one of the most objectionable features of this bill—its unjust and oppressive inequality.

Mr. FULLER, of Maine. I raise a point of order upon the gentleman.

Mr. BISSELL. Very well. But do not let it be taken out of my five minutes' time.

The CHAIRMAN. The Chair did not hear the remark of the gentleman from Illinois.

Mr. FULLER. His remark was that his amendment would in some degree remove the inequality of the bill.

The CHAIRMAN. The Chair holds that the gentleman from Illinois must confine himself strictly to an explanation of his amendment.

Mr. BISSELL. I shall certainly do so. There seems to be an extraordinary degree of sensitiveness on the part of the gentleman from Maine, and the other members of the committee who have introduced this bill. They seem to have an instinctive knowledge that it cannot stand the test of examination; and in that I agree with them. The amendment which I now submit proposes an appropriation of \$50,000 for the improvement of the Illinois river. During the last Congress, what was called a river and harbor bill passed this House, after a careful consideration in the proper committee, and after a lengthy discussion in this House; and it only failed in the Senate for want of time. That bill may be regarded as having received the sanction of the country. It met my approval.

That bill contained an appropriation of \$50,000 for the improvement of the navigation of the Illinois river. Now, I am at a loss to conceive what new light the committee reporting this bill have received that has induced them to reject that important item? How is it that the Illinois river has so dwindled in importance since the last Congress as to be entitled to no notice at all—not even to be mentioned in an omnibus bill of this sort? The former bill, with an appropriation of \$50,000 for the Illinois river, passed the House—failed in the Senate but for want of time, and was sanctioned by the country. Surely, then, the committee reporting this present bill need have had no fears about incorporating that item for the benefit of one of the most important rivers of the West. Or, if \$50,000 were too large a sum, they might have proposed thirty, or twenty, or ten thousand at least, for that object. Their map might have

shown them that there was such a river as the Illinois, and that, in a business and commercial point of view, it was of some importance.

The State of Illinois, at an expense of more than \$6,000,000, has built a magnificent canal connecting Lake Michigan with the Illinois river. The Illinois connects with the Mississippi, which flows directly on to the Atlantic ocean. Unless the Illinois is kept in a navigable condition, our costly canal is comparatively valueless. The State of Illinois, strong as she may feel herself, is yet too poor easily to bear a loss of \$6,000,000. Is it possible, that while voting away millions for the improvement of harbors and rivers, Congress will refuse the trifling sum necessary for the improvement of the Illinois, and thus render, in a great measure, valueless the expensive and magnificent canal which that State has at such a great cost constructed? Let me call the attention of the committee to one suggestive fact in connection with this subject?

The Illinois river stands in almost precisely the same commercial position that the Hudson does. It is one link in the chain connecting the lakes with the Atlantic ocean on the west, while the Hudson constitutes a precisely similar link, connecting them with the ocean on the east. The Illinois river, uniting with the canal, may be said to connect the lakes with the Atlantic ocean—so does the Hudson. In position and in commercial importance they are almost identical, except that the one is west and the other is east of the Alleghany mountains. Now, for the improvement of the Hudson this bill appropriates \$50,000; for the improvement of the Illinois, nothing. Altogether pass by the fact that the Hudson has heretofore received thousands upon thousands of dollars from the Government, while the Illinois has never received a cent, and complain only at this time of the injustice meditated by this particular bill. Sir, this bill is unequal, inequitable, monstrously unjust—if it be in order to speak of the bill. [Laughter.]

The CHAIRMAN. It is not in order to allude to the merits or demerits of the bill in discussing this amendment.

Mr. BISSELL. Strictly speaking, I suppose not; but if I allude to it at all, what else can I say? I cannot say that it is a just bill. [Laughter.] The chairman of the committee [Mr. Seymour] tells me to say nothing about it. That, no doubt, is the proper injunction to give to the friends of the bill, and upon their observance of that injunction depends its safety. [Renewed laughter.]

Mr. FULLER, of Maine. I will agree that the gentleman from Illinois makes out a very strong case. If any case could be put where there has been an omission, the case he puts is one of the strongest, and particularly because this river and canal connecting with it have had from the Government a large appropriation of the land of the United States, a railroad some where in the vicinity of this canal has had a grant which the friends of it say is equal to \$20,000,000. This, therefore, I say, furnishes a very strong case in behalf of my friend from Illinois.

Mr. BISSELL. Does the gentleman say that any land or money has been applied by the General Government to the Illinois river?

Mr. FULLER. I understand that appropriation of alternate sections of land has been heretofore made to aid in building the canal of which the gentleman has spoken.

Mr. BISSELL. Yes, sir, and in addition to that, that canal has cost the State of Illinois more than \$6,000,000.

Mr. FULLER. I do not doubt that, and so have a great many other canals cost a vast deal of money which the Government has not contributed a cent towards; hence I conceive that the gentleman from Illinois [Mr. Bissell] has made out a very strong case!

Mr. McMULLIN. I rise to a point of order, [laughter] and it is, that the gentleman from Maine [Mr. Fuller] should confine his remarks to the subject-matter under consideration.

The CHAIRMAN. The Chair understands that the gentleman from Maine is opposing the amendment.

Mr. FULLER. I was only stating reasons why I could not go for the gentleman's amendment.

Mr. BISSELL. I ask for tellers upon my amendment.

Mr. WARD. I offer the following amendment to the amendment:

For the improvement of the navigation of the Cumberland river, \$49,000.

I am only desirous to secure what I conceive to be justice to that particular river, and in so doing I hope that the House will not consider me unnecessarily troublesome. I am not in the habit of demanding or asking at the hands of Congress any favor which my judgment does not clearly and conclusively show is right in itself; and when I am satisfied that what I do ask is right, I feel myself authorized to resort to all legitimate means for obtaining it. The Cumberland river, for which I desire an appropriation to be made, received, in the year 1832, during General Jackson's administration, an appropriation of \$30,000; in 1834 it received an appropriation of \$30,000; in 1836 it received an appropriation of \$20,000; in 1837 it received an appropriation of \$55,000; and in 1838 it received an appropriation of \$20,000. I think that these facts clearly and conclusively demonstrate the fact that Congress have uniformly, upon an examination of that stream, been satisfied that this was a stream of a national character, which demanded action at the hands of the General Government. It is a stream that is navigable for upwards of six hundred miles, running through the States of Tennessee and Kentucky.

But this is not the only point upon which I base the claim for an appropriation for this river. It is true that as great an amount of trade does not pass down that stream as down the Hudson river. It is our misfortune to live in a country more sparsely settled than that upon the Hudson; but there are individuals living upon the Cumberland who are as much entitled to the protection of this Government as those more fortunate, living upon the Hudson. This bill proposes to give to the Hudson river \$50,000 for a navigation of one hundred and fifty miles, while the proposition I present is to give, for the improvement of the Cumberland river, \$49,000 for a navigation of six hundred miles. It is not the number of individuals involved—it is not the amount of produce which comes down a stream, that gives it a national character. The duty of the Government is as great to protect half a dozen individuals settled upon a stream, which is national in its character, as it would be to protect a million. It is true, if they have not the same voting power—if they have not the same influence in attempting to thwart measures which are in themselves unjust, as would the million, yet, according to the principles of justice, if we examine the matter philosophically, they have as much right to the protecting arm of the Government as would larger numbers. We have no railroad in that country, by means of which we can transport our produce to market. We are dependent alone upon this single stream, and we are surrounded by mountains in every direction. The citizens who inhabit the valley of that river are industrious and enterprising; and I do hope and trust that the friends of this bill will not force from its support those who are in favor of the principle of the improvement of rivers and harbors. They may find, if they force A, B, and C from supporting this bill, that when the final vote is to be taken, they will not have strength enough to carry out this or any other improvement. I am anxious to see a system of improvements commenced, and I wish to see such a system established upon broad, just, and general principles.

Mr. CARTTER. I am opposed to the amendment.

Mr. WARD demanded tellers; which were ordered; and Messrs. KING of New York, and GAYLORD were appointed.

The question was then taken upon Mr. WARD's amendment, and there were—ayes 58, noes 59.

So the amendment to the amendment was not agreed to.

Mr. MACE. I offer the following amendment to the amendment:

For the improvement of the Wabash river, \$50,000.

I offer this amendment in good faith, and I believe it should be adopted by the committee. The Wabash river is a river that is strictly national in its character—as much so as the Hudson or any other river that has been mentioned. It is navigable for most of the season, for four hundred and fifty miles, dividing the frontier between the States

of Illinois and Indiana, for about three hundred miles. If the few obstructions which exist in that river were removed it would make it navigable all the season, except when frozen over. The question of its importance is not a new question before the country. In 1832, an appropriation passed both Houses of Congress appropriating for this river, if I remember correctly, \$100,000. That appropriation was vetoed by General Jackson, upon the ground that there was no port of entry upon that river. Subsequently, the Congress of the United States made Lafayette a port of entry, obviating that objection, but from that time to the present, no appropriation has been made. Now, I am not disposed to make an assault upon this bill, and I will state to the friends of it that I am in favor of its principles, and unless I change my mind—whether my appropriation is made or not—I think I shall vote for it. The people occupying the portion of the State of Indiana which I represent, are in favor of such improvements. We have our Wabash and Erie canal, extending from Evansville to Toledo, upon Lake Erie—the longest canal in the United States, upon which our productions find their way North and South, and especially in a northerly direction.

I feel as much interested in the improvement of the Hudson river, the harbor at Buffalo, and all these improvements in this bill, as any other man; but I do ask this committee—and I ask them in good faith—and I ask it because I believe it is right and just—to appropriate \$50,000 for the improvement of the Wabash river. There can be no objection to it. It is a small sum of money. I think it will be the settled policy of the country to engage in improvements of the kind contemplated by the bill. If it is to be the policy, let the precedent be settled in favor of the Wabash river as well as other rivers of a like character; let these appropriations be made, and then the country will become harmonious, and such appropriations will not enter into the political contests of the day. I trust, as I have before stated, that this committee will seriously consider my amendment, and vote for the small appropriation asked for in it. Upon the amendment I have offered I demand tellers.

Tellers were not ordered.

The question was then taken, and the amendment to the amendment was rejected.

Mr. CARTTER offered the following amendment to the amendment:

For the improvement of the Tuscarawas river, \$10,000.

Mr. C. said: Mr. Chairman, it may not be known to the committee that the Tuscarawas river is a very important river, but it is a river that has flowed a great many years. When it commenced flowing, the history of the region of that country does not give; but, it is supposed, shortly after the subsidence of Noah's flood. It is a very interesting river in its Indian legendary, and has been appropriated to national commerce long before the discovery of this continent by Columbus. [Laughter.] Bark canoes have, in days gone by, floated down the Tuscarawas, and it is said that they always floated down easier than they floated up. [Laughter.] From time immemorial its beautiful waters have been very important; for, if it were not for the waters of the Tuscarawas, and some other streams, the Mississippi river would be unfurnished with water. [Laughter.] In this point of view, the committee will perceive that it is of the highest importance to the national commerce of the country; and I hope that this recommendation of this river will be sufficient to move their vote one way or the other upon the subject. [Laughter.]

There is another consideration which operates with me personally—

Mr. CLARKE. I rise to a question of order. I wish to know whether this is in pursuance of the order promulgated by the chairman this morning, or the higher law?

The CHAIRMAN. The Chair supposes that the gentleman is giving his reasons why his amendment should be adopted, and that he is in order.

Mr. BISSELL. I rise to a question of order. I think it is not in order for the gentleman to encroach upon the province of Dan Rice—at any rate not in the House of Representatives. I make that point. [Laughter.]

The CHAIRMAN. The Chair overrules the point of order. [Renewed laughter.]

Mr. STEVENS, of Pennsylvania. Then the



Chair decides that it is becoming in the gentleman from Ohio [Mr. CARTTER] to do so?

Mr. CARTTER. I am aware that my amendment may be opposed by other rivals. [Great laughter.] I will say to my honorable friend from Illinois, [Mr. BISSELL,] that I do not wish to oppose my amendment to the prejudice of his, and I am willing to admit, if he institutes a comparison, that the Illinois river is a little longer than the Tuscawawas river; nevertheless, in the ratio of the amount of water, the Tuscawawas is just as important as the Illinois river. My own impression in reference to both is, that it will be found, in the lapse of time, that all these improvements had better be in the direction of supplying water. [Laughter.] For it will be found, in the history of the cultivation of the country, that the great difficulty is the want of water. Now, I hope, with these substantial recommendations of this amendment, that it may be placed alongside of and considered with others.

Mr. WILLIAMS. I hope the gentleman may be allowed to withdraw his amendment.

Mr. CARTTER. I will withdraw it.

Mr. STEVENS objected.

The question was then taken upon Mr. CARTTER's amendment to the amendment, and it was not agreed to.

Mr. CAMPBELL, of Illinois. I have an amendment which I desire to offer.

Mr. BISSELL. I ask the gentleman from Illinois to withhold his amendment until a vote is taken on the amendment that I offered.

Mr. CAMPBELL. Very well; I withdraw my amendment.

Mr. BISSELL demanded tellers upon his amendment, but they were not ordered.

The question was then taken upon the amendment, and it was not agreed to.

Mr. CAMPBELL, of Illinois, offered the following amendment:

For the improvement of the Rock river rapids, in the Mississippi, \$50,000.

Mr. STEVENS. To increase the rapids?

Mr. CAMPBELL. Yes, sir, to increase their rapid usefulness. I intend, sir, to confine myself to the explanation of this amendment, and I have only a few words to say.

In the bill reported by the Committee on Commerce, the general appropriation for the Mississippi, Missouri, Ohio, and some other rivers, is made to take effect below the Des Moines rapids, about one hundred and fifty miles below the Rock river rapids, in the Mississippi river; therefore no part of that appropriation can be applied to the improvement of the Rock river rapids. That same bill contains an appropriation of \$50,000, to be applied to the improvement of the Des Moines rapids in the Mississippi river, and to those rapids alone. No appropriation, then, thus far has been suggested for the improvement of the Rock river rapids, in the Mississippi river. Now, sir, these rapids are about eighteen miles in length, and they offer to the free navigation of the Mississippi river almost insurmountable obstructions when the water is in a low state. Last spring the Post Office Department established a river mail from St. Louis to Galena, a point about one hundred miles above these rapids. Since the season of low water has commenced, the company having that contract have been under the necessity of stopping their large boats, and making arrangements to run boats above the rapids. It will be seen, therefore, for the national purpose of transportation of the mail on this great national stream, that the improvement of these rapids is essentially necessary. If, sir, the appropriation of \$50,000 should be carried into effect for the improvement of the Des Moines rapids, it makes it more necessary and more essential that some improvement of a corresponding character should be made in the rapids situate or located one hundred and fifty miles above them on the same stream.

In 1837, under an act of Congress, and in obedience to an order from the War Department, an engineer made a survey of these rapids, and it has been ascertained that the appropriation of a very small sum, something, of course, over \$50,000, but \$50,000 itself would make a very great improvement in the navigation of the upper rapids. The river is here crossed by chains of rock stretching from shore to shore. The channel is narrow and ruinous, and there are ledges of projecting rocks, that reach into the channel, which are ne-

cessary to be removed. If these rocks were removed, the channel would not only be straitened, but it would be widened, and thereby make the navigation of it a great deal more safe and easy than it is at present.

Mr. SEYMOUR, of New York. The remarks which have fallen from the gentleman from Illinois deserve a few words of explanation from the committee.

I would say that both propositions for the improvement of the Des Moines and the Rock river rapids were before the committee. The charts, surveys, and estimates were all examined; and the committee were satisfied that the chief obstructions to the navigation upon these rapids were in the Des Moines rapids at the lower part of them; and for the purpose of seeing whether these obstructions could not be in a great measure removed—about which there had been some doubt, so much as to suggest the propriety of constructing a canal around both rapids—the committee concluded to recommend \$50,000 for the purpose of removing the chief difficulty, the principal obstructions, which we understood are at the foot of the Des Moines rapids. Now, if this operation—which we contemplate by this bill, and which we have restricted to two chains as they have been surveyed by an engineer, and are described in the bill as the lower chain, and the English chain—should prove as successful upon a further examination, as we hope it will, then we can go on with propriety at a subsequent time, and make other appropriations for removing some of the difficulties to which the gentleman from Illinois has alluded. The whole amount of the estimate for this work is, I think, nearly half a million of money.

Mr. CAMPBELL, of Illinois. This estimate, it will be remembered, was made in 1837, when the country was unsettled, and when it was very expensive both with regard to procuring and employing men, and obtaining materials to commence operations with. At the present time, sir, the country is densely settled, all materials are on the ground, and provisions and everything else are greatly cheapened. Besides that, it has been ascertained that about half the expense estimated by that officer, would so improve these rapids as to make the navigation free and easy. I therefore do not consider that the estimate made thirteen or fourteen years ago, under the circumstances in which the country was then situated, is a proper estimate by which to judge of the expense that would be necessary for the proposed removal of these obstructions to navigation.

Mr. SEYMOUR. I am gratified to learn that we may hope, at a future day, to perform this work, if the experiment which, with this \$50,000, we propose to make in the most difficult part, is successful, at a less sum than has been estimated. But it was the opinion of the committee, and also of the Topographical Bureau, that \$50,000 would be all that could be advantageously employed during the present fiscal year.

I hope the amendment, therefore, will not prevail.

Mr. CAMPBELL demanded tellers, but they were not ordered.

The question was then taken on the amendment, and it was not agreed to.

Mr. COBB offered the following amendment:

For improving the Tennessee river, \$120,000, to be expended under the direction of the Secretary of War, above and below the Muscle Shoals in the said river.

Mr. DUNCAN. I wish to raise a question of order, whether an amendment, substantially the same as the one having been once or twice presented to the committee, and voted down, can be again offered?

The CHAIRMAN. The amendment is not the same. It proposes a different amount, and therefore the Chair thinks that it is in order.

Mr. COBB. Mr. Chairman, when I offered an amendment to this bill of \$75,000, a few days since, I offered it then, as I do this now, in good faith. I understood, in the course of the discussion upon the various amendments, and, in fact, in relation to the very one I offered of \$75,000, that there was particular objection to it, because it was not large enough. I have understood, sir, that there were men in this House who determined to vote against that amendment, because the amount was not large enough. Now, when I offered that amendment of \$75,000, I did it with a

view to make it correspond with the principle of the bill proposed by the committee. I observed, very clearly, from an examination of that bill, that the object of the committee was to appropriate alone to legitimate objects. They omitted some evidently, and the second object was to curtail the expenditure at this time as much as possible. I thought then that this \$75,000, perhaps, would be about the proportion that that particular section of country ought to have, compared with the amounts that the bill proposed then to appropriate. Since then I have been told that that amount would not be worthy of consideration, and from the action of this House, when I called for tellers, but three solitary gentlemen rising, and when my vote was taken, no more than five voting for it, it was evident that I was mistaken in the amount, and I now propose to increase it to \$120,000.

Sir, when I was discussing the propriety of the appropriation for the Tennessee river, when I last addressed this House, I did so with great reluctance. I do so with great reluctance now, for I assure the House and the country that nothing is more taxing to me—I was going to say to my modesty—than to rise and address this House upon any occasion. But, sir, duty is the highest law with which I am acquainted. Duty demands that I should make a strenuous effort, and I tell this House and the country that it is the last effort I intend making for the improvement of the Tennessee river. If I do not succeed in this, I beg to say that whenever the substitute is proposed for this bill, I intend to vote against it, although the Tennessee river has therein an appropriation of \$50,000. I do this for the reason that I believe the substitute is improper. I shall vote against it upon the ground that I believe such a bill ought not to pass this House.

The CHAIRMAN. The gentleman is not in order.

Mr. COBB. I will return to my amendment instantly.

I believe, sir, that the sum of \$120,000 ought to be appropriated for the purpose of improving the Tennessee river. When I addressed the committee before, I believe I was floundering upon the rock just below Chattanooga, and endeavoring to descend, but now I will turn from that rock, and pass upwards. There are, as I understand, many individuals who inquire as if it had been a doubtful thing heretofore—and I suppose this is more playfully than otherwise—where is the Tennessee river? The Tennessee river that this amendment proposes to improve, rises in the States of North Carolina and Virginia, and proceeds through both those States into the State of Tennessee. It then runs through Tennessee into Alabama, in the northeastern portion of that State, entirely through the State of Alabama; it then proceeds into a portion of Mississippi—or, at least, we may say Mississippi bounds that river upon the South—passing between the States of Tennessee and Mississippi, then into the State of Tennessee and into Kentucky, and empties into the great Ohio.

Mr. COBB asked for tellers; but they were not ordered.

The question was then taken on Mr. COBB's amendment, and it was not agreed to.

Mr. McNAIR offered the following amendment:

For the repairs of the works at Marcus Hook, on the Delaware river, below Philadelphia, \$5,000.

Mr. McN. said: Mr. Chairman, although this is a good bill and more moderate in its appropriations than some former ones, yet I do not think it is perfect. These piers, for the repair of which I ask a small appropriation, were not built by the Government, but they were ceded to it by the State of Pennsylvania. Therefore there can be no ground for saying that these piers cost the Government anything originally. They are now in a state of dilapidation, and are almost useless on account of their decay. The materials are rotting, and the mud is covering them over. When these piers were ceded to the Government by Pennsylvania, it was the understanding and the agreement that the Government should keep them in repair for the benefit of commerce on the Delaware river. Therefore there is an obligation on the part of this Government to keep them in repair; and she does not act in good faith towards Pennsylvania if she does not. The report of the Topographical Engineer concludes with calling the "attention to the fact not generally known that the United States,

\* in accepting the cession from the States of Delaware and Pennsylvania of the harbors on the Delaware, being those of Port Penn, Newcastle, Marcus Hook, and Chester, guaranteed to keep them in repair."

The citizens of the town of Marcus Hook, in their memorial to Congress, ask \$20,000; but in this amendment I only ask for them the small sum of \$5,000, in order that, being so reasonable, I might get what I ask. I hope it will be borne in mind by this House that these piers are situated on the west side of the river Delaware, which is at that place about three miles in width, and that all the vessels sailing to and from the great city of Philadelphia, containing four hundred and nine thousand inhabitants, sail by these piers. Now, it may seem to some persons in this House that the repair of these piers is not of much importance to commerce; but we must take into consideration that these piers are the cause of a little harbor being formed below them for vessels of large size, and that that harbor in times of storm, and most especially when the river is full of ice, is a matter of very great importance. Many times in the winter vessels of large size find protection there from the ice.

I cannot agree with some gentlemen of this House, who think that the West and North get too little appropriation in proportion to the East. There are in the bill \$86,000 for the Delaware river below Philadelphia, and none above on tide-water, a distance of forty miles. Now, Philadelphia is a large city, and her commerce extends to every commercial country in the world, and Pennsylvania is a large State, asking for appropriations for none of her rivers except the Delaware, and we think, in proportion to other parts of the United States, the amount is small. From the calculation that I have made, I find that the Atlantic States obtain, according to the present bill, \$377,000; the Southwest and West \$535,000; and the North on the lakes \$503,000. This seems to be a pretty good division in the different sections of the Union.

There is one thing said about the East which I think is unjust, and that is, that the Atlantic States have received a very large amount from the Government for their rivers and harbors many years ago, and therefore they should not receive so much now. It should be remembered that the old States paid for all these things themselves long before the new States came into the Union, and they have now equal right to appropriations with the new ones.

The question was then taken on the amendment offered by Mr. McNair, and it was not agreed to.

Mr. STANTON, of Ohio. It seems to me that there have been votes enough taken to satisfy this committee that no amendment is intended to this bill.

The CHAIRMAN. Does the gentleman propose an amendment?

Mr. STANTON. Yes, sir; I move to strike out the first section of the bill, from the third to the seventh line.

The CHAIRMAN. We have passed that part of the bill, and therefore no amendment to it is in order. We are now at the eighth line.

Mr. STANTON. Then I move to strike out the words, "For the continuation of the Delaware breakwater, \$30,000."

Mr. Chairman, I suppose that there have been votes enough taken to satisfy this committee that no amendment is to be made to the bill by way of addition. I now propose to see whether this committee will make any amendment by way of subtraction.

The Committee on Commerce appropriate for the Atlantic coast a large part of the \$1,500,000, and the great Mississippi valley, embracing one half of the population and more than one half of the commerce of the country, gets only one sixth of the appropriations. The Mississippi and its tributaries have an appropriation of \$260,000, out of \$1,500,000, which is only one sixth of the aggregate amount. Every one knows that the appropriations for the eastern section and for the Atlantic slope are for the improvement of tide-water rivers, where there are no obstructions to navigation. Here is an appropriation of \$50,000 to the Hudson, a stream without obstructions, and where there never has been a solitary vessel lost by obstructions to the navigation; whilst upon the Ohio, to which we have not appropriated a dollar for fourteen years, four hundred and fifty

lives have been lost within a year. Now, I ask the Representatives of the Mississippi valley, if they intend that these appropriations shall all go eastward and to the Atlantic coast, and if the one half of the population of the country which they represent, is to be content with one sixth of the appropriations contained in these river and harbor bills? I myself am prepared to strike at the enacting clause of the bill, and to take the responsibility before the country of defeating the whole bill, unless there is to be something like equality. It does so happen, strangely enough, that the majority of the committee which reported this bill are from the Atlantic slope.

Mr. CLEVELAND. Are these remarks in order?

The CHAIRMAN. They are not. The gentleman must confine his remarks strictly to his amendment, and show why this appropriation should be stricken out of the bill.

Mr. STANTON. Then I have nothing more to say.

Mr. RIDDLE. As the gentleman from Ohio has given no reasons why his amendment to strike out the appropriation for the Delaware breakwater should prevail, it may, perhaps, be unnecessary for me to detain the committee with a word upon the necessity of that appropriation.

Mr. Chairman, I presume there is no member of this House who, knowing the advantages of this breakwater to the commerce of our country, the condition of the work, and that it has been constructed by Congress at an expense of hundreds of thousands of dollars, perhaps millions, as suggested by the gentleman from Kentucky, [Mr. MARSHALL,] would now be willing to strike out an appropriation which will enable us to complete and preserve it. This, sir, is not a State matter. It is not, because it bears the name of the Delaware breakwater, a State improvement. It is essentially a national work, and one in which the citizens of New Orleans, or any commercial city of the United States, have more interest than the citizens of Delaware. I have known nearly two hundred vessels, from every section of the United States, and from almost every portion of the world, to be at one time riding in safety in this breakwater; whereas, if it had not been there, perhaps one fifth of these vessels would have been lost, and the lives on board destroyed. Sir, when I say it is the interest of the Government to complete this work, I speak of what I am well convinced. My attention was directed to the subject some time since. My observation has taught me that the amount reported by the committee will not only enable the Government to replace the stones which have been washed away, but lay upon them a capping, or heavy course, which will resist the storms and ice, and preserve the substructure from the effects of the lashing waves. Yet the gentleman from Ohio rises from his seat, and, with coolness and deliberation, moves to strike out this appropriation, small as it is, which is calculated, not only to preserve the work which has been done, but to complete it, and protect, to a great degree, the commerce of the country and the world.

Sir, vessels from all parts of the Union are compelled, at times, to seek this breakwater for safety. The rice and cotton of the South; the products of the Middle States, and the manufactures of the North, as well as the most valuable cargoes of foreign goods, frequently float there, side by side, and, during the raging of the storm, defy the winds and the waves. This protection to our commerce has been afforded by an American Congress, but not quite to the extent it deserves. If the work be not speedily completed, that which has already been constructed must inevitably be destroyed, and Congress will, at an early day, have to appropriate four times the amount now asked for. I therefore trust that the proposition of the gentleman will be voted down.

Mr. STANTON called for tellers; but they were not ordered.

And the question being taken upon the amendment, it was not agreed to.

Mr. TUCK. I desire to offer an amendment to that clause.

Mr. MARSHALL, of Kentucky. I rise to a question of order. After a motion to strike out the clause, no amendment to it is in order.

The CHAIRMAN. A motion to strike out does not preclude a motion to amend, according to our rules.

Mr. MARSHALL. I have always understood that after the vote was taken on a motion to strike out a clause, it could no longer be amended.

The CHAIRMAN. That is the parliamentary law, but an exception is made by our rules. The 53d rule is as follows:

"A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert."

Mr. TUCK offered the following amendment:

For the improvement of the navigation of the Illinois river \$44,000."

Mr. T. said: Mr. Chairman, as an eastern man, when I had taken a survey of the appropriations contained in this bill, I confess I was surprised that the Illinois river had not received any attention from the committee. I believe it to be an oversight on the part of the committee, and if they had received and had had before them the information which has been laid before this committee, they must have been unanimous in favor of some appropriation for the Illinois river.

I proposed this amendment, being fully aware that the committee have several times voted down propositions to improve this river; but I believe that a more full consideration of, and a more careful inquiry into, the importance of this river will lead to a different result. It has some two hundred and fifty miles of navigable waters, making it one of the most important rivers in the West. Having traveled several times over that river, I have been astonished at the amount of business done upon it—at the magnitude of its commerce compared with that of the Ohio and Mississippi rivers. I ask the committee to remember this fact. There are more arrivals of steamboats at St. Louis from the Illinois than from any other western river.

Mr. WALSH. Will the gentleman allow me to ask him a question? What particular points upon the Illinois river need improvements?

Mr. TUCK. There are twenty-eight bars between La Salle and the mouth of the Illinois, which are impediments to the navigation of this river. By the removal of some four of these bars, at a cost of some \$50,000, the capacity of the river will be increased, as shown by surveys, so that it will exceed that of the Ohio river.

Mr. JOHNSON, of Arkansas. I rise to a question of order. The point I wish to make is this: That the mere change of the sum for the accomplishment of the same object is not such a change as to allow the amendment to be offered again after having been once rejected. After it has been once rejected by the committee, the rule excludes it from being offered again.

Mr. TUCK. That point has been overruled within half an hour.

Mr. JOHNSON. If we are to understand that any change of sum, from one cent to half a million of dollars, will permit the same amendment to be offered over again we shall never get through with this bill.

The CHAIRMAN. The Chair will state that according to the practice of the committee such amendments have been allowed, and he does not feel authorized to change that practice. He overrules the point of order.

Mr. JOHNSON. I then take an appeal, and I hope the committee will decide that amendments can be offered once and no more.

The CHAIRMAN. The gentleman from Arkansas raises the point of order, that an amendment, having been once offered for the improvement of the Illinois river, and voted down, that it is not in order to offer another amendment appropriating a different sum for the same purpose. The Chair overrules the point of order. From that decision the gentleman from Arkansas appeals, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

[A message was here received from the Senate, announcing the passage by that body of the following bills:

Joint resolution for the relief of George R. C. Floyd, late Secretary of Wisconsin Territory, and sureties; and

An act to protect actual settlers upon the land upon the line of the Central Railroad and branches, by granting preemption rights thereto.]

Mr. JOHNSON demanded tellers upon the appeal; but they were not ordered.

Mr. JOHNSON. I am sure the question could not have been understood. I call for a division upon the question.

The House was then divided, and there appeared to be no quorum voting.

By unanimous consent, tellers were then ordered; and Messrs. CHANDLER and LETCHER were appointed.

The question was again put, and the tellers reported—ayes 90, noes not counted.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. TUCK, (resuming.) I have proposed this amendment not because I had any particular partiality for the western country, but because I believed an appropriation ought to be made for the improvement of this river, if any harbor and river bill should ever pass Congress. The Illinois river passes through the great State of Illinois, embracing a tract of country of greater fertility than any other of equal extent in the whole country. That State now sends seven Representatives to Congress, and in the next Congress will send nine. The Illinois river runs through the richest portion of that country, and connects and communicates, by means of other rivers, with the most distant parts of the State. I think if the committee will consider the magnitude of this river, and the extent of the commerce carried over it, they will consent to include this appropriation in the bill.

Mr. CLEVELAND. I desire to know if the gentleman is not acting under the five minute rule?

The CHAIRMAN. The time taken up by the point of order which was raised is not taken out of the gentleman's time, and his five minutes have not yet expired.

Mr. TUCK. I hope gentlemen will permit this general system of internal improvement to be perfected by introducing this meritorious item. They may be prevented hereafter from adopting any "general system;" and I advise them to make the present system as perfect as possible. Let them do all they can to develop the resources of the country before they become bound, hand and foot, according to the Democratic platform, against all improvements, either for East or West.

Mr. FULLER, of Maine. Mr. Chairman, I am opposed to this amendment, both as an eastern man and as a fair-minded man. As an eastern man, I am opposed to it upon this ground: If western men are disposed to put eastern men in a wrong position, I am disposed to correct them. Now, sir, this bill contains within it appropriations for improvements west of the slope of the Alleghany range of mountains to the amount of \$717,000.

The CHAIRMAN. The Chair must remind the gentleman that he must confine his remarks strictly to showing why this particular amendment should not be adopted.

Mr. FULLER. That is precisely what I am doing. I am bringing my argument directly to bear upon the point to show why the gentleman's amendment should not prevail.

The CHAIRMAN. The Chair has decided that any remarks upon the general merits or demerits of the bill are not in order.

Mr. FULLER. Certainly. I am bringing my remarks to show why the appropriation should not prevail.

The CHAIRMAN. The point the Chair makes is, that the rule closing debate is positive, and that the rule granting five minutes' debate must be construed strictly to apply to remarks in explanation of the amendment or in opposition to the particular amendment under consideration. No allusion can be made to the merits or demerits of the bill itself.

Mr. FULLER. Well, sir, I will endeavor to confine myself to the rules prescribed by the Chair.

Mr. STUART. I wish to make a suggestion. While I believe the Chair to be decidedly correct in his decision, I beg to ask this question: Suppose the amendment offered was already provided in the bill, would it not be competent to oppose it upon the ground that the very same provision was in the bill?

The CHAIRMAN. Certainly.

Mr. STUART. Well, that is just what the gentleman was doing.

Mr. FULLER. I am very much obliged to the

gentleman for his suggestion. I say the amendment of the gentleman from New Hampshire should not be adopted, because it will be doing injustice to other sections of the country, and because it would be making an appropriation for a section of country which has no claim upon the Government, and which has been amply and liberally provided for.

Mr. TUCK. Then I understand the gentleman to object to this amendment because the West have already larger appropriations than the East. Now, I would ask him if the West have not voted for appropriations to be expended upon the Atlantic coast many times when they had not one dollar appropriated to themselves?

Mr. FULLER. Not to my knowledge. I am not aware of any bill of this kind in which the western country has not its full share of the public money.

Another reason why I am opposed to the appropriation recommended in the amendment of the gentleman from New Hampshire is, that there are no estimates from the proper Department for the amount required upon that river. There are no particular obstructions pointed out, and no particular estimates for the removal of those obstructions; so that the committee can determine whether the appropriations contained in this amendment are proper or not.

Mr. YATES. In the remarks which I submitted upon this subject on Saturday, I showed that estimates had been made. I referred to a report of the Topographical Bureau made to the Senate, showing what those obstructions were, and their number. This information the gentleman can find in my printed speech, published in the Globe of this morning.

Mr. FULLER. I do not pretend to deny that there may have been at some time an exploration and survey of the Illinois river. What I desire to say is, that there has been no survey, accompanying the sum which it is now proposed to appropriate, showing its pertinency to the improvement for which it is to be made.

The question being upon the adoption of the amendment,

Mr. TUCK demanded tellers; which were not ordered.

The question was taken, and the amendment was not agreed to.

Mr. GREEN. I offer the following amendment, viz:

For the removal of a bar in Sandusky Bay, on Lake Erie, at the mouth of Sandusky river, \$10,000.

Mr. Chairman, I do not offer this amendment for the purpose of obstructing the passage of this bill, nor do I desire to take up the time of the committee in discussing it. I will simply say that while the entrances of almost every river and harbor upon Lake Erie have received appropriations, this one has been entirely neglected. We have expended ourselves \$10,000 in removing obstructions in the river, and we now ask for this sum for the removal of the bar in the bay, at the mouth of the river.

There is considerable commerce carried on there, although to a great disadvantage in consequence of that obstruction, and simple justice to that section of the lake country requires that we should have this appropriation. We only ask, sir, an amount equal to that which we have made up by private enterprise, and expended upon that work. I hope, Mr. Chairman, the amendment will be agreed to. I call for tellers on the question.

Tellers were not ordered.

The question was then taken, and the amendment was not agreed to.

Mr. MOLONY. Mr. Chairman, I propose the following amendment:

For the construction of a breakwater and piers at Waukegan, Illinois, \$10,000.

There was submitted to the Committee on Commerce an estimate for a harbor of refuge at this port, on Lake Michigan, with reasons why an appropriation should be made for it, which should have been conclusive in favor of it with the committee.

Colonel Abert, the head of the Topographical Corps, reports, in response to a call made upon him by the chairman of the Committee on Commerce, "that from an actual and careful survey of that port, he is convinced of the necessity of a harbor of refuge there for the safety of the general

commerce of the lakes;" and he accordingly submits, for the consideration of the committee, an estimate which was about one half the amount of any estimate ever submitted for a harbor upon Lake Michigan, which, he says, will make a harbor of refuge at that port better than any one now upon the lakes.

When the committee consider that not less than \$2,000,000 and six hundred lives have been lost upon the northwestern lakes, in the last four years, and that for the last fourteen years not one dollar has been appropriated to the commerce there, it is hoped that an object so strongly recommended by that officer, whose position enables him to know, and whose duty it is to report in relation to the urgent necessities of that commerce, and to whose report the greatest respect should be paid by the committee and the House, will not be rejected by the committee. The committee have gone behind the Topographical Bureau, whenever injustice to any particular locality has been charged upon them, alleging that no estimates had been submitted by the War Department for the object; also affirming that, as a rule of action, they had been guided by it in their recommendations in this bill now pending.

The rule adopted by the committee is generally a very correct one; but in this instance they have violated their own rule, and not reported in favor of this object—a harbor of refuge at Waukegan—which had been urged upon their favorable consideration, by reasons as cogent as any submitted in behalf of any object in the bill.

The committee have clearly departed from a rule of action of their own adoption, showing no good reason for it, and I hope that my amendment will be adopted by the committee. I demand tellers on the question.

Tellers were not ordered.

The question was then taken, and the amendment was not agreed to.

The next clause of the bill was then reported as follows:

"For the construction of a harbor on the east side of Reedy Island, Port Penn, Delaware, \$51,000."

Mr. MARSHALL, of Kentucky. I move to strike out that clause in the bill.

I make my motion, Mr. Chairman, for the purpose of hearing from the chairman of the Committee on Commerce, the considerations which induced the committee to put that clause in the bill.

I find, upon an examination of the estimates by which the committee were guided, no trace of an estimate for this work. I understand that upon the west side of that island, a harbor is already constructed, and I do not understand why we should commence the construction of one upon the east side of the island. This is a large appropriation, and probably the gentlemen at the head of the Committee on Commerce [Mr. SEYMOUR] can explain the necessity of it.

Mr. SEYMOUR, of New York. I have heretofore called the attention of the committee in general terms, to this appropriation for the construction of a harbor on the east side of Reedy Island, Port Penn, in Delaware. Port Penn was one of those points on the Delaware river, where a pier, constructed by the State authorities, was many years ago ceded to the General Government, with an understanding that the Government should keep it in repair. The Government proceeded, for several years, to appropriate large sums of money for the purpose of keeping in repair these works, which were upon the west side of the island, and between that and the western shore of the Delaware. But it has been found that the old structure will not answer the purpose for which it was intended, so well as the construction of another harbor of the same character upon the eastern side of this small island, where the water is deeper, and where a better anchorage can be had for ships. And I will say to the committee, that the difference of expense between the new structure that is proposed, and the repair of the old structure, is about two thousand dollars.

The whole subject has been referred to the Topographical Bureau, and they sent an officer of great ability, a topographical engineer, who examined into the matter, and I hold in my hand a long correspondence, and several voluminous and very interesting reports upon that subject, which are full of proofs of the necessity of the harbor, and the expediency of constructing that upon the



east side of this island, a short distance from the old works, rather than going on with the improvement and repairs of the old structure.

Mr. MARSHALL. I would inquire if those estimates were submitted to the Committee on Commerce by the Topographical Bureau, or were they contained in the printed estimates from the heads of the bureaus to Congress?

Mr. SEYMOUR. I will answer. There were a great variety of petitions and memorials from persons interested in the navigation of these waters, showing the necessity of this work; but before the Committee on Commerce proceeded to adopt it they sent to the Topographical Bureau and desired from them an investigation of the proposed work. They made the investigation, and returned to us a full report, going into detail, showing the expenditure necessary to complete the work, and also the expediency of it. Those are the documents to which I referred.

Mr. MARSHALL. If I understand the chairman of the committee, the old pier upon the west side of the island is still standing.

Mr. SEYMOUR. It is standing in a dilapidated condition; and the Topographical Bureau believe it to be an unwise expenditure to put repairs upon it, and that it would be cheaper, and better subserve the interests of commerce to construct this new harbor, which is but a short way from the old one.

Mr. FULLER, of Maine. I would call the attention of the chairman of the committee to the depth of the water there.

Mr. SEYMOUR. I referred to that subject, but should have added that upon taking the sounding upon the western side of Reedy Island, it was found that if we should go on with that structure, we should not have a work of much utility. The large ships passing up the Delaware river could not be protected there. The work would be of little service, whereas upon the eastern side of the island, and but a short distance from the old work, a most excellent protection can be obtained by the ice-harbor, which is proposed to be constructed, as is described here in the particular estimates we have, and which can be built for the sum we have named in the bill.

The question was then taken on the amendment proposed by Mr. MARSHALL, of Kentucky, and it was not agreed to.

Mr. HEBARD. I offer the following amendment to come in at the end of the twelfth line:

For continuing the breakwater structure, and improving the harbor, at Burlington, Lake Champlain, Vermont, \$15,000.

From the intimations which have fallen in the committee, it would seem there is a determination that no amendments to the bill shall be adopted. If that be so, I, of course, suppose that the amendment I have just submitted will share the fate of all others. Whatever may be the determination of the Committee of the Whole, or the committee who reported this bill, I shall not neglect my duty, but present the amendment. I have offered it in good faith, believing the appropriation contemplated proper, and that it should be incorporated into the bill; and I say this from the fact that the chairman of the Committee on Commerce, some days ago, declared the rule, which in some measure guided them, was to make these appropriations where the wants and necessities of the commercial community had already been developed, and where works had already been commenced, but not completed. This is different from almost all the other amendments that have been offered. This is the only work which has ever received any aid from the Government in the State of Vermont. It was commenced some fifteen or more years ago, but it has had no appropriation since 1844, and now remains in an unfinished condition. The money which has been already expended will be lost unless the work is carried forward to completion. It is a place where there is a very considerable commerce, and where there would be a very good harbor, but for the fact that it receives the sweep of the winds from the west and northwest which sometimes renders the navigation of the lake very dangerous.

I hope there will be no objection to this amendment. I hold out no threats of what will be my action if it be rejected, but I hope that the good sense of the committee who reported the bill will interpose no objection to its incorporation into it. It has, I believe, received the recommendation of

the Department every year. This very year the amount of appropriation in my amendment has been estimated for and recommended by the Engineer department. The reports of that department have set forth, better than I could, the reasons and necessities of this appropriation. I do not know, sir, by what measure of justice or by what rule of action that committee were guided when they omitted to take into consideration this appropriation, thus recommended and so much needed, and when it is based upon the very ground which I understood the chairman to say was their rule of action. I trust there will be no objection to the amendment.

Mr. WALSH. I wish only to say a few words in opposition to this amendment, and it does seem to me that gentlemen proposing amendments act upon the idea that the Union is to be dissolved, or we are to be conquered by the British. They certainly seem to consider that there is to be no other harbor and river bill than the one before the committee. This system is necessarily a progressive one, and to be gradually extended. If we were to extend the provisions of this bill to all the cases presented by gentlemen, or even to those of the description of that presented by the honorable member, [Mr. HEBARD], the appropriations thus made at one time would be unreasonably large. At the renewal of the system we must establish certain rules for our government. Let gentlemen recollect that there has been no appropriation for fourteen years, and that the undertaking now must necessarily be of a progressive character, and gradual development. What rule, then, have the committee acted upon?

In making these appropriations, the committee looked first to the great highways of human intercourse and the great channels of trade—the Mississippi, the Ohio, the Arkansas, and other rivers of that description. And looking to the Mississippi, we appropriate in one item, \$75,000 for the improvement of its mouth, in which some twelve or fifteen States are interested. We appropriate large sums for its improvement at other points. And so with regard to the Ohio. We must adopt this rule, sir, or otherwise the whole scheme must fail.

Mr. SACKETT. I rise to a question of order. Is not the gentleman debating the merits of the bill?

Mr. WALSH. I say that this amendment is not in order, because it does not come under the rule which we must adopt in entering upon these improvements anew. We must confine ourselves at the outset to the great highways of human intercourse and the great channels of trade, and then the other points which are subordinate in interest can be deliberately considered as legislation in the premises progresses. There has been a good deal of anecdote told and argument urged in this matter. The complaints preferred are similar to those which may be made by a greedy man, that he cannot swallow at one meal enough to last him a lifetime. Gentlemen might as well complain that committees had not put in the Navy or Army bill at a particular session, an amount that would sustain either institution for twenty years. The argument of gentlemen is against the whole nature of the system. Why, sir, the debt of the United States, as was remarked to me this morning, is \$60,000,000, upon which we pay an annual interest of more than \$3,000,000. And here is a Government thus indebted by one single item appropriating \$1,500,000. Is not that enough for one season? Is it not enough, looking to the incumbrance upon the Government? I have this further to say, that if this system is not to be a gradual one, if it is not to be progressive and founded upon surveys and estimates, and executed and rendered by your officers in the proper department, whose science enables them to make a proper examination, it had better fail. If it is to be a general grab at the Treasury of the country, without proper guide and control, it should be lost.

The CHAIRMAN. The gentleman is giving too large a latitude to the rule that has been laid down.

Mr. WALSH. I have said all I desired to say. The question was then taken on Mr. HEBARD's amendment, and it was rejected.

Mr. MARSHALL, of Kentucky. I offer the following amendment, to come in at the end of the twelfth line:

For the repairs of the Cumberland dam on the Ohio river, \$50,000.

I have not offered that amendment, or any other, to the bill as a mere matter of form. I submit the amendment as an act of justice to one of the great thoroughfares to which society resorts, and which it uses, and which, in the view of the gentleman from Maryland, [Mr. WALSH], ought to become the first object of our consideration in adopting this system. The Cumberland dam has been placed across the Ohio river for the purpose of improving the navigation of the Cumberland river. It was put across the Ohio river, from the head of the Cumberland Island to the Illinois shore, under the authority of the United States exercising its power to improve the navigation of the river, when the Ohio was free from obstruction there. Freshets have broken the dam away, and at high water one end of it is entirely submerged. They are now compelled to keep a stationary engine there, and every boat that passes up through the sluice, or break in the dam, is taxed for the use of the stationary engine from \$25 to \$75. Actually at that point in the navigation of the Ohio river, boats traveling under ordinary power cannot go up over the Cumberland dam. You ought either to take it out of the river or improve it. A great many people of the West are inclined to take it out; but I understand that that will be, probably, a matter of impossibility, as you have sunk in the middle of the stream rocks weighing upwards of twenty tons, which are now imbedded in the bottom of the river. Upon those rocks this dam has been constructed. This is a work for which estimates have been made, and the amount I now ask for the purpose of repairing that dam has been reported by Colonel Long, and was passed in the last appropriation bill. It was reported by the office of Western Improvements in 1848. I hope there will be no difficulty in putting that amendment through.

Mr. SEYMOUR, of New York. I desire to make a reply to the remarks of the gentleman.

Mr. MARSHALL. With the gentleman's permission, I will modify my amendment. I will make it, "For the repair or removal of the Cumberland dam," and let the committee repair or remove it, as they see fit.

Mr. SEYMOUR. I suggest to the gentleman from Kentucky whether that is not entirely ambiguous? Should we appropriate \$50,000 in this bill, which may answer for its repair, but may be four times what is necessary for its removal? Now, the Government have estimated for the repairs, not the removal, of this dam, and that is included, at \$50,000, in the last official estimate upon this subject, by Colonel Long, which I have before me, in which he has put together all the estimates required for improvements for the year beginning the 1st of July, 1850, and ending the 30th of June, 1851—for the last fiscal year before this; so that it may be considered as an estimate for the present time. In this the estimates for the repairs of the Cumberland dam, at \$50,000, are added to the other estimates for the western rivers, including the Mississippi, the Arkansas, the Missouri, and Ohio, and amount to \$300,000. Now, this was reported by the officer who has had charge of the works on the western waters, to the head of the Topographical Bureau, as a sufficient sum of money to be appropriated for one fiscal year. Through that Bureau it came to the War Department. That Department revised and sent it to us, reduced \$40,000; and \$260,000, instead of \$300,000, is now asked for the same work. That is not sufficient to complete it, but is all the Government can well apply during the present fiscal year.

Mr. MARSHALL. I would inquire whether I understand the gentleman as stating that the appropriation of \$260,000 includes an appropriation for the Cumberland dam?

Mr. SEYMOUR. The \$300,000 which was reported by Colonel Long to the Department, in 1849, included the Cumberland dam. The head of the Topographical Bureau, this year, in sending in his printed estimates, refers in his report to the report of Colonel Long, as the data upon which he based his printed estimates, which have been laid before the House.

Mr. MARSHALL. Does that embrace the Cumberland dam?

Mr. SEYMOUR. It was specifically embraced in the original estimate of Colonel Long, and that

having been referred to us this year must be considered as containing the Cumberland dam. The chief of the Department has certified to us that \$260,000 was enough for these improvements during the current fiscal year, instead of \$300,000, which the subordinate certified to him. I trust the committee will be governed rather by the opinion of the head of the Bureau, and the War Department, than by the opinion of a subordinate officer. The estimate which we have put into the bill, without any deduction, is no index whatever to the whole sum that may be wanted in the future to complete these works, but is only intended for this fiscal year's operation. And here is the mistake gentlemen have made upon these appropriations. You cannot test them by the amount we propose to report this year. The operations for this year suffice only for the initiatory step in these works. We are now to recommence the work on the western waters, and for the first year we ask such appropriations as are necessary for the construction of snag-boats and other boats, and for the operations upon these waters for the current fiscal year only, as well as for repairing the Cumberland dam. This very appropriation for the Cumberland dam is included in another part of this bill.

Mr. DISNEY. I would inquire if the pending amendment is in the first degree?

The CHAIRMAN. It is in the first degree.

Mr. DISNEY. I move to amend the amendment by increasing the sum \$10,000. I move the amendment simply for the purpose of enabling me to say that this work has been duly characterized by the gentleman from Kentucky [Mr. MARSHALL] as a public nuisance, as it now obstructs that stream. The danger lies here: That if you build up that dam you will obstruct the navigation of the Ohio, and if you tear it down it will fill up the mouth of the Cumberland. It is so great a nuisance that the steamboat men themselves will pull the dam away. Certain it is, that something should be done, and the dam should not be left in its present position. It should be either removed or repaired. One or the other of these things should be done, for as it now stands it is one of the worst possible nuisances. As regards the estimate of the Department, it is the veriest of all moonshine. When the engineers or officers did see it, the dam was in repair. Now it has been torn partially away, and in the worst of possible forms, it obstructs the Ohio and does not relieve the Cumberland. If there be an appropriation made by this House, I think the amendment I have offered should be adopted. What amount is necessary to make the repair I do not know; but I am satisfied that the dam should be removed, or some other measures taken in order to leave the navigation of the Ohio unobstructed. I hope that some appropriation will be made for the Cumberland.

The question was then taken upon Mr. DISNEY's amendment, and it was not agreed to.

The question then recurring upon Mr. MARSHALL's amendment, tellers were ordered; and Messrs. HAMILTON and HENDRICKS were appointed.

The question was then taken, and there were—ayes 32, noes not counted.

So the amendment was rejected.

Mr. WARD. I propose to offer the following amendment:

For the improvement of the navigation of the Cumberland river, \$48,000.

In offering this amendment, it may be thought that I am unnecessarily importunate in regard to this appropriation; but when gentlemen take into consideration the importance of this stream, and the great interest which my constituents have in this matter, they will excuse me for my urgency. It is our misfortune to represent the mountaineers, than whom there is no class of people in the United States more thoroughly imbued with patriotism. Government has never demanded a duty of them which they have failed to perform. Who does not know that the district of country which I have the honor to represent has contributed much to the honor of the country, and that she has always gallantly and manfully responded to her country's call, in bearing up the stars and stripes?

Mr. CARTTER. Is it in order to talk about patriotism and things in general upon this bill?

The CHAIRMAN. The Chair trusts that the

gentleman from Kentucky [Mr. WARD] will confine his remarks to the amendment.

Mr. WARD. I will keep in the bounds of order. We have suffered enough in sustaining the Government, at least to expect that she will extend a little aid in the improvement of this river. Is it not enough that citizens of the district which I have the honor to represent have fallen upon foreign soil in sustaining the stars and stripes of our country, but in addition thereto, citizens of that district shall be compelled to risk their lives upon the stream, for the improvement of which I now ask the beneficent action of the Government, in granting such aid as will prevent this unnecessary sacrifice of the lives and property of the mountaineers? They have a right to demand such aid, and it is just and proper that it should be appropriated. It seems to me, that there can be no construction which can be brought to bear upon this subject, that can negative such a proposition. Upon what grounds, then, do this committee refuse an appropriation for this river? Have they refused it upon the supposition that the wisdom of the Committee on Commerce, who framed this bill, is infallible?

Mr. SEYMOUR. Will the gentleman permit me to ask him a question—whether he has ever presented any estimates to the committee, or ever called their attention to the wants of that river?

Mr. WARD. I acknowledge the fact, that no estimate has been presented to the committee. But should that alter the case? If the appropriation is a just and proper one, it has claims upon the consideration of this committee as much as if it were presented to the Committee on Commerce.

Mr. WALSH. The gentleman admits that he never sent any estimate to the committee. Some gentlemen seem to suppose that the committee are bound to hunt up information for themselves. Here is the amount which has been appropriated for the improvement of the navigation of the Cumberland river in years past. In 1832, \$30,000 were appropriated; in 1834, \$30,000; in 1836, \$20,000; in 1837, \$55,000; in 1838, \$20,000; making in all over \$150,000—three times as much as the State of Maryland has ever received for her streams and rivers altogether.

Mr. MARSHALL, of Kentucky. I will ask the gentleman if the same estimates do not show that we have appropriated two millions of dollars to the Delaware breakwater alone? and if that is not as much as you have appropriated to the western streams altogether?

Mr. WALSH. I do not suppose it is, but I have not time to examine it. The Delaware breakwater is not connected with the commerce of one State, two or three States, but it concerns the interests of the commerce of the whole country.

The CHAIRMAN. The Chair calls gentlemen to order, as the debate is entirely out of order. The Chair cannot see what the Delaware breakwater has to do with an appropriation for the Cumberland river. The debate must be confined to the merits of that amendment.

Mr. WALSH. In the absence of any information as to the manner in which this money has been expended, how is it possible for any committee to recommend any further appropriation? The sum of \$150,000 has been appropriated to one single river in the West, and if there is any evidence to show that it has been all expended, and that the removal of obstructions in its navigation require further expenditure, of course we will give it. But certainly no complaint can be made against a committee of this House, with nothing but this record before them, and with no recommendation showing the necessity of any further appropriation.

Mr. WARD demanded tellers upon his amendment, but they were refused.

The question was then put, and a division being had, there were—ayes 27, noes 73; no quorum voting.

The CHAIRMAN. If there be no objection, the question will be taken by tellers, in order to see if there is a quorum present.

There being no objection, Messrs. CHANDLER and ASHE were appointed tellers.

The question was then again put; and it was decided in the negative—ayes 54, noes 80.

So the amendment was not agreed to.

Mr. BROWN, of Mississippi, proposed to amend the bill by inserting after the seventeenth line the words:

For removing obstructions at and near the mouth of the Pascagoula river, in the State of Mississippi, \$10,000.

Mr. B. said: When I proposed this amendment the other day, I asked for \$60,000 in obedience to the request of the petitioners. The sum was a large one, and I apprehend that some gentlemen may have voted against the amendment on account of its magnitude, and others on account of want of actual knowledge as to what was the Pascagoula river. The Pascagoula river is one emptying into the Gulf of Mexico, and is nearly as large, as some gentlemen here may know, as the Susquehanna river, being nearly five miles wide at its mouth, and running some seventy miles into the interior, and being for that distance navigable for the largest class of steamers. There is, however, an obstruction at the mouth of it which renders its navigation entirely useless. If gentlemen desire to know what that obstruction is, what is to be sought for above the river, and what is to be carried upon it, I can inform them that the tributaries of the Pascagoula lead into the most fertile portion of the cotton-growing region, and that its banks are thickly covered with live-oak and with the very finest species of pine. The obstruction consists in a deposit of earth and sand, making a bar near the mouth of the river which renders its navigation wholly impracticable except when the tide is in a particular direction, or when a storm raises the waters so high as to enable a vessel to pass over the bar; and when once vessels get into the river, it is exceedingly questionable when they will get out again. Under these circumstances, the petitioners ask that that bar may be removed, and my amendment proposes to appropriate \$10,000 for that purpose. I have no further speech to make in regard to it.

Mr. HUNTER. I am opposed to this amendment until there is an exploration and survey to find where the river is. [Laughter.]

Mr. BROWN asked for tellers; which were ordered; and Messrs. WILLIAMS and PENN were appointed.

The question was then put; and it was decided in the negative—ayes 32, noes not counted.

Mr. JOHNSON, of Georgia, moved to strike out the following provision of the bill:

"For continuing the improvement of the navigation of the Hudson river above and below Albany, \$50,000."

Mr. J. said: I believe that river is entirely within the jurisdiction of the State of New York. It is a fine, noble river, and its navigation is good. There is, moreover, a railroad running parallel with the banks of the river for the distance of one hundred and sixty miles. Why, then, should an appropriation be given to that river when the navigation is good, and when facilities for trade are thus afforded to the people connected with it? Why should an appropriation of \$50,000 be given to that river, and nothing to the Illinois, nothing to the Cumberland, nothing to the Tennessee, nothing to the Yazoo, nothing to the Chattahoochee, and nothing to the James river? Those rivers are all suited for navigation, but they all have obstructions in them. Upon what principle of equal justice is it that this money is to be appropriated to the Hudson river? Is it upon the principle that you are to make the rich richer? New York is a powerful State—powerful in influence, in wealth, and in commerce; and therefore this appropriation must be made for the Hudson, but these other rivers, in which there are obstructions, cannot receive a dollar.

The gentleman from Maryland tells us that in commencing this system the great channels of human intercourse must first be attended to, and that afterwards those streams of minor importance will receive the favor and encouragement of the Government. We are to understand, then, that this is to be a progressive system—that this is but the commencement of the squandering of the money that is in the Treasury—that it is to be carried on year after year, and session after session—and that a perpetual tax is to be laid upon the people of the different sections of this country for the benefit of those rivers and streams that may meet with the favor of Congress. I say, sir, that this appropriation ought to be stricken out. The Hudson river has no more claim upon this House than other rivers have. Other rivers have more claim and demand more consideration from this House than it does. There is no necessity for this improvement; there is a necessity for the improvement of other rivers.

Mr. DEAN. I am opposed to the motion of the gentleman from Georgia, to strike out this appropriation of \$50,000 for the improvement of the navigation of the Hudson, and desire to answer the question which he has just propounded. He asks, Why should an appropriation be made for the Hudson river?

Mr. JOHNSON, of Georgia. And not for the Tennessee river?

Mr. DEAN. We have not come here to discuss the comparative merits of grants to be applied to particular localities, or the propriety or impropriety of this or similar bills. We are now acting under the five-minutes rule, and must confine ourselves to amendments to the bill, and our discussions to the pending amendments; and as much has been said about the amount appropriated by this bill to various points in New York, I would say to gentlemen, and to western men particularly, that this is not a New York improvement, or a New York appropriation, but one in which their own States are vitally interested, for the reason that this is the great artery of trade for the whole West, and that more internal commerce passes up and down the Hudson than upon any river in the United States.

[Cries of "No!" "No!"]

Mr. DEAN. I am not—I cannot be mistaken upon this subject. It is one which I have investigated, and I here assert that more butter, cheese, oats, corn, and grain of different kinds reach tide-water by way of that river than reach New Orleans by way of the Mississippi.

Several VOICES. Oh, no; you are mistaken.

Mr. DEAN. No, sir; I am not mistaken. I have recently had occasion to examine the subject, and though I have not now the figures by me, not supposing I should be required to use them here, I will refer gentlemen to the statistics collected in Hunt's Merchant's Magazine for 1850 and 1851.

A word as to the necessity for this appropriation. If gentlemen will go up the railroad which they have spoken about as being directly on the bank of that river, and which has been brought in here to show that the appropriation was not needed—a railroad which has not been constructed by grants of land from the General Government, or by any aid from the State or National Treasury but wholly by private enterprise—they will often see at low tide—not a single boat—but whole fleets of sloops and steamboats on the overslaugh near Albany. They will also see the steam dredge at work in the river, removing that obstruction. Now, we ask as but an act of justice, when we are thus expending our own resources to remove this obstruction to navigation—a navigation in which all the States are interested—that a small portion of the common fund should be applied to the same purpose.

Mr. FULLER, of Maine. I would ask the gentleman if it has not been decided recently that the State of New York has no jurisdiction over that river?

Mr. DEAN. In the case of *Gibbons vs. Ogden*, in the Supreme Court of the United States, it was expressly decided that the State of New York had no power to restrain the navigation of that river—that flowing, as it did, between different States, that the river belonged to the Union, and was open to the free and unrestricted commerce of the Union; and, consequently, that in its navigation, every State has an interest and equal right.

Mr. DISNEY. The gentleman is wrong in regard to that decision. I desire to ask him if the Supreme Court of the United States, in that case of *Gibbons vs. Ogden*, did not decide that the State of New York had exclusive jurisdiction over the Hudson river; but that no State had a right to grant exclusive privileges to any particular individual to the navigation of any particular river within the limits of that State?

Mr. DEAN. The question in the case to which the gentleman refers, was as to the power of the Legislature of the State of New York to confer the exclusive right to Fulton and Livingston to navigate all the waters within the jurisdiction of the State by boats impelled by steam or fire. *Gibbons* was running two steamboats from Elizabethtown, New Jersey, to New York city. Ogden, the assignee of Fulton and Livingston, had obtained an injunction against him in the New York courts, which had been sustained by the Court of Errors—then our highest judicial tribunal. An appeal was taken to the Supreme Court of the United States, where the injunction

was dissolved, the decision of the State courts reversed, upon the grounds I have stated. So that, by the express decision of the highest judicial tribunal known to the Constitution, this river is a national highway, and this appropriation is for a national object.

I desire to say, further, that the members from New York do not come here to oppose proper and constitutional appropriations for the improvement of the rivers or harbors of other States, or to ask appropriations exclusively for their own. They only ask that the same rule may be applied to New York that is applied to every other State in the Union.

The mere fact of this being an appropriation for the Hudson river, and that river being situated within the State of New York, does not make it a New York appropriation at all.

Mr. MARSHALL, of Kentucky. I will suggest the propriety of making the amendment which I suggested before. I move to strike out the words "above and," and to insert in the place of "Albany" the word "Troy." The section now reads—

"For continuing the improvement of the navigation of the Hudson river above and below Albany, \$50,000."

It would then read as follows:

"For continuing the improvement of the navigation of the Hudson river below Troy, \$50,000."

The object of the amendment is to provide that no portion of the appropriation shall be expended above the city of Troy.

Mr. SEYMOUR, of New York. I wish to explain to the gentleman from Kentucky [Mr. MARSHALL] and the committee, the reason for adopting the phraseology used in the bill to which he has alluded. It arises out of the nature of the obstructions upon that river. Six miles below Albany is the principal obstruction upon the river. It is known in that country by the term overslaugh; and, as I remarked, it is the greatest impediment in the whole course of the navigation of the river. But whilst the principal Government works have been commenced at this location, about six miles below Albany, there is another obstruction of the same character about two miles below the United States arsenal, at Watervliet, near Troy, where the Government has also commenced a work. The obstruction is one which impedes the navigation of the river nearly as much as that below Albany; and the improvement is equally necessary at both points. The language used in this bill with reference to this appropriation is precisely the same as that employed in the early appropriations for this river; and after consultation with the Topographical Bureau, and the War Department, for the purpose of securing the navigation of this river at both these points, and for the purpose of securing a portion of this appropriation to each point, I think the phraseology is best as it is.

Mr. MARSHALL. I would suggest to the honorable chairman of the Committee on Commerce, that if this obstruction of which he speaks is between the cities of Troy and Albany, the amendment which I propose would not prevent the appropriation being expended at both these points. What I want is, that none of the money shall be expended for improvements above Troy.

Mr. SEYMOUR. The language of the section as it stands does not provide for expending any of the money above Troy. There are no Government works above that city, and there is no navigation above the dam, a short distance from the city. This appropriation is to continue works which the Government has already commenced. When these works are completed, the navigation of the river will be good. I hope the language of the section will remain as it is in the bill.

Mr. MARSHALL demanded tellers upon the adoption of the amendment; which were ordered; and Messrs. BRECKINRIDGE and SCURRY were appointed.

The question was then taken, and the tellers reported—ayes 55, noes 73.

So the amendment was not agreed to.

Mr. MARSHALL. I now move to insert after the word "Albany" the words "but not above Troy," so that it will read:

"For the continuation of the improvement of the navigation of the Hudson river above Albany, but not above Troy, \$50,000."

I will state to the committee that my only object

in offering this amendment is, to provide a limit beyond which this appropriation cannot be used. You perceive, sir, that the appropriation now reads:

"For continuing the improvement of the navigation of the Hudson river above and below Albany."

What I propose to do is, to limit the appropriation so that it shall not be expended above the city of Troy. I have no idea of attempting the improvement of that river above the dam at Troy. I propose to alter the verbiage, because, forsooth, it is said that we might force the whole expenditure of the appropriation below Albany.

Mr. SEYMOUR. This is a mere verbal alteration to which I have no particular objection if it is insisted on. But if the gentleman from Kentucky will look at the amendment and at the original provision of the bill, he will see that the amendment is wholly unnecessary, because the provision of the bill as it stands, provides for continuing the improvement of the navigation of that river. And by the language of the bill itself, the appropriation cannot be applied to works not already begun by the Government. Now, there are but two of these works. One is below Troy, about two miles below the United States arsenal, and the other is about six miles below Albany. These are the two items to which the appropriation is designed to apply.

Mr. MARSHALL. All I propose to do is to confine the expenditure of this appropriation below Troy, and I think there can be no objection to that.

The question was then taken, and the amendment was adopted.

Mr. JOHNSON, of Georgia. I now demand tellers upon my amendment to strike out the whole clause.

Tellers were ordered; and Messrs. HENN and DEAN were appointed.

The question was then put, and the tellers reported—ayes 46, noes not counted.

So the amendment was not agreed to.

Mr. WARD. I move to strike out "\$50,000," and insert "\$25,000."

Mr. POLK. Is it in order to move that the committee rise?

The CHAIRMAN. Not without the consent of the gentleman from Kentucky, who is entitled to the floor.

Mr. DEAN. I rise to a point of order. I submit that it is not in order to propose that amendment after the motion to strike out the section has been rejected.

The CHAIRMAN. That point has already been raised and decided. The gentleman's point is correct according to parliamentary law, but not according to an express rule of the House.

Mr. POLK. I ask the gentleman from Kentucky to yield to enable me to make a motion that the committee do now rise.

Mr. WARD. I will yield for that purpose.

Mr. POLK. I submit that motion.

The motion was put, and the committee refused to rise.

Mr. WARD. I will not pretend that the Hudson is not a national object demanding an appropriation of some magnitude. The intention of the framers of this bill seems to be not to give appropriations to national objects, but to parcel them out according to a standard formed by themselves, which standard, when examined, does not justify the amount of appropriation made to that river. The proposition which I have made again and again, for the river which I in part represent, has not been voted down upon the ground that it is not an object worthy of appropriation, but—

The CHAIRMAN. The Chair will have to interrupt the gentleman. He must confine his remarks to a change in the appropriation to the Hudson river.

Mr. WARD. How can I do that but by comparison, to show that the appropriation in the bill for the Hudson river is too large?—and therefore I conceive myself to be in order.

The committee has refused to make an appropriation for the river which I in part represent, not because it was not a national object, but because we are to commence a system of improvements upon an economical plan.

The CHAIRMAN. The Chair must again interrupt the gentleman, and insist upon enforcing the rule of order which he laid down this morning.



The argument that the committee has refused to vote appropriations for the Cumberland river is not applicable to the amendment to reduce the appropriation for the Hudson river.

Mr. WARD. It is a very difficult matter to know what is in order under that decision.

The CHAIRMAN. The Chair thinks the construction to be strictly this: When a motion is made to reduce an appropriation, remarks must be made to show why that particular appropriation should be reduced, and why it is more than is necessary for that particular work.

Mr. WARD. In order to do this, it seems necessary to allude to the standard upon which these appropriations are recommended; and in so doing to advert to the different streams—

The CHAIRMAN. In discussing that question it is not in order to discuss the refusal of the committee to make appropriation for streams in a different part of the country.

Mr. WARD. This bill contains appropriations for various rivers, and the appropriations to these rivers should be made according to the magnitude of the interest involved, the extent of the navigation, and length of the streams. To the Mississippi and its tributaries, amounting to upwards of sixteen hundred miles of navigation, they have appropriated the sum of \$260,000; and to the Hudson river, with a navigation of one hundred and fifty miles, they have appropriated one fifth of that amount.

I hope that the system of internal improvement, if commenced at all, of which I am in favor, will be based upon a principle just to all portions of the Union, for each and every portion of it are equally interested in the matter. Now, when those who are settled upon the Mississippi and its tributaries—amounting to one half the population of the United States—demand that an appropriation shall be made to them, there is doled out to them \$260,000, while those living upon one hundred and fifty miles of navigation get \$50,000. Is that just, is that proper and fair? Is it proportionate to the interests involved in the two streams? It seems to me not, and that \$25,000 is as much as the Hudson river demands, and as much as the interests involved in it are entitled to, and I hope and trust that this committee will cut it down to that amount.

Mr. MEADE. I am astonished at the amendment offered by the gentleman from Kentucky, [Mr. WARD.] Does the gentleman reflect that the Hudson river has received heretofore but \$370,000? [Laughter.] Does the gentleman wish to cut down the Hudson river to the paltry sum of \$25,000? If he does, let me remind him of another fact, that of the amount appropriated by this bill, to wit: \$1,500,000, the State of New York will have to pay about \$180,000 of it, calculating her portion by her population. She receives but \$258,200 under this bill, which is but about \$75,000 more than she will have to pay towards these improvements; and will the gentleman attempt to put the State of New York upon the same footing with other States of this Union—that great State which contains the emporium of the commerce of the United States? Why, sir, the gentleman's feelings should be more national.

I, sir, who represent the State of Virginia, which has not one single cent appropriated in this bill, and which has to pay \$100,000 towards the payment of this million and a half, even I, sir, whose State receives nothing under this bill, am opposed to the amendment of the gentleman from Kentucky, [Mr. WARD.]

Why, sir, will he be so cruel as to scatter his shot among the little brood of chickens the chairman of the Committee on Commerce has hatched, after an incubation of some five or six months—[laughter]—a brood of thirteen as pretty little chicks as you ever saw. Well, he has only divided among them the sum of \$258,000, and what is that when compared to the million and a quarter already received by them? [Laughter.]

Why, has the gentleman no national feeling? Does he remember, sir, that we have already testified to the amount of \$850,000 in favor of the superior advantages that State enjoys over the rest of the Union? Now, sir, while the House is willing to go to this extent in favor of that great State, why should the gentleman be so uncharitable as to object to this little sum of \$50,000 to a little river in the State of New York, which has hitherto received but \$370,000? [Laughter.]

I am astonished at the gentleman, and I hope he will withdraw his amendment? [Laughter.]

The question being upon the adoption of the amendment,

Mr. WARD demanded tellers; which were not ordered.

The question was then taken, and the amendment was not agreed to.

Mr. JONES, of Tennessee. Will it be in order to move that the committee rise, and report this bill to the House, with a recommendation that it do not pass?

The CHAIRMAN. It is if no gentleman desires to offer any further amendments to the bill.

Mr. MEADE. I have a few amendments more which I desire to offer.

Mr. YATES. I move to amend the bill by adding:

For the improvement of the navigation of the Illinois river, \$40,000.

Mr. Chairman, I will say but a few words upon this amendment. I have not offered it in any capacious spirit of opposition. I assure you, and this committee, that it is not from a factious opposition, but because it is a subject which I feel deeply at heart.

Sir, the subject of appropriations for the improvement of the navigation of the Illinois river has been much, and for a long time, discussed throughout the length and breadth of our State. The question of constitutional power has been raised; and I feel a great desire for this Congress to settle this question. It is one that deeply affects my constituents and the prosperity of my State, and in no small degree the commerce and interests of many States of this Union. I offer the amendment to this particular section, making an appropriation for the improvement of the Hudson river, for the reason that the Illinois river is situated similarly to that river. The two streams are nearly alike in every particular. They are each within the limits of their respective States. The head waters of the Hudson are connected with the lakes by railroads and canals, and the commerce of many States is transported upon it. This makes it a national stream. The head waters of the Illinois are connected with the lakes by railroads and canals, and the products and merchandise of numerous States are borne upon it. This makes that a national stream. Now, sir, I wish to test the fairness and justice of this committee. Are you willing to give to the wealthy and powerful State of New York \$50,000 for a stream only one hundred and fifty miles in length, and deny to the young and needy State of Illinois an appropriation of \$40,000 for a navigable stream two hundred and fifty miles in length, and one of the most important rivers in the United States? This is the question I put to the committee, and I call upon them to face it and to vote upon it, with this view of the question. Is it fair, is it honest, is it just to the State of Illinois, to deny her this small appropriation, and give to a State of the most unbounded wealth and resources a larger appropriation, for a river with a railroad on its banks for its whole length—a State, sir, which is literally cut up with railroads, and whose harbors command the commerce of the world? I trust what I say will not be interpreted into bitterness of feeling on my part towards New York. I have none. I do not wish to reduce her appropriations, but to raise those for the Ohio, Illinois, and Mississippi rivers to the same standard.

Now, in a speech I made on Saturday, I brought forward before this committee the report of a survey, estimates, and plans made under the direction of the Government of the United States, by a civil engineer, showing that this was a national stream, and showing that there are important obstructions to the navigation of this river. Now, what are the facts? Why, sir, steamers of the largest size are now floating without obstruction or detention upon the Hudson, while on the Illinois river, from La Salle to the mouth of that river, at this very time, while we are now discussing the question, steamboats and canal-boats are aground, their crews out of employ, and the whole commerce of that river obstructed for want of an appropriation—for the want of that encouragement which it is the bounden duty of this Government to extend to all her great national highways, and which the public sentiment of this country now most imperatively demands.

The amendment which I propose is right, and

it ought to be made. Our steamboats are detained by bars in this river, when an appropriation of \$40,000 would remove them and place us upon an equality with the far-famed Hudson. I do not decry the Hudson. Any person who ever traveled on it will be proud that such a stream is in his country. I did not vote to strike it out of the bill. I do not propose to diminish the appropriation for it a single dollar. No, sir; but I propose to ingraft upon it a stream equally important and equally national as the Hudson; and I think the House will see the propriety and justice of so doing.

Mr. Chairman, let the friends of internal improvements act in concert, let them amend this bill in some few particulars only, and we shall soon witness the beneficent effects of our legislation in the vast increase of our commerce and in the accelerated march of our country to that high preeminence of prosperity which as patriots and Americans we all so much desire her to attain.

Mr. EVANS. I do not know that I have any objection to this appropriation, but rather to the place where it is proposed to introduce it. There seems an unusual desire to make the appropriations for the western rivers and the western harbors as amendments to the appropriations for the eastern rivers and harbors. Gentlemen are so eager and impatient to introduce their amendments that they cannot wait until they arrive at the proper place in the bill. There are abundant opportunities, when we reach the Illinois appropriation, to put in this amendment. I think it likely I shall vote for the bill of my friend from North Carolina, [Mr. STANLEY] which has something in it for the gentleman from Illinois, [Mr. YATES.] In advocating these amendments, some gentlemen, instead of taking liberal national grounds upon this general question, are animated by something like hostility to the East.

Since 1776 there has been expended in the State of Maryland \$55,000; and in the State of the gentlemen particularly anxious here to-day, \$2,617,000, not to say anything about millions of acres of public lands they have received. Well, sir, I do not entertain any envy towards the West. I hope she may be prosperous and great; but why all this clamor about these expenditures in the East?

The CHAIRMAN. The gentleman must confine himself strictly to remarks in opposition to the amendment.

Mr. EVANS. Then I will say no more at present.

The question being on the adoption of the amendment—

Mr. YATES demanded tellers; which were not ordered.

The question was then taken on the amendment of Mr. YATES, and it was not agreed to.

Mr. McMULLIN. I move that the committee do now rise.

The question was put; and upon a division there were—ayes 53, noes 47.

Mr. OKR. I demand tellers.

Tellers were ordered; and Messrs. CARTER and HART were appointed.

The question was again put, and the motion to rise was disagreed to, the tellers having reported—ayes 59, noes 75.

Mr. MASON. I offer the following amendment:

For the enlargement of the Louisville and Portland canal, and constructing an additional lock, four hundred feet in length, \$700,000.

Mr. Chairman, my amendment appropriates \$700,000 to the enlargement of the Louisville and Portland canal, and for the construction of an additional lock, four hundred feet in length, which is the amount for which a contractor proposes to make that improvement. This canal, by the consent of the State of Kentucky and the stockholders, belongs to the General Government, after a few hundreds of dollars shall be paid out of the tolls on the canal, which event will transpire in about one year. The Government advanced money to construct that canal. It has received back all that it advanced, and \$35,000 besides. It was authorized that the profits of the canal should be paid to the extinguishment of stock held by individuals in it, and the whole commerce of that country is taxed by tonnage duties, for the purpose of reimbursing the Government for the advances it made for the construction of the canal.

The Government, then, in a short time, will own this whole canal, without forfeiting one solitary dollar. It is a question, then, whether they will enlarge and improve it, or build another canal around the falls, upon the Indiana side. The most economical plan is that which will meet the wants of commerce, and to meet the wants of commerce the canal should be enlarged. My proposition is to appropriate \$700,000 for that purpose. It is not a gratuity, for the Government will receive that sum back in tonnage duties, as it has received back every dollar it expended on it heretofore. We have the right to ask, when we pay tonnage duties upon that canal, better accommodations than are at present afforded. The locks are small and the navigation is very much obstructed. The appropriation of \$700,000, as proposed, will afford better accommodations, and the Government will not lose a dollar thereby. The tolls in three or four years will reimburse it. The stock in that canal is the most profitable of any in the United States, its profits having redeemed all that has ever been expended upon it, and the Government is the gainer by about \$35,000, and the Government will receive the balance of the stock by an arrangement with the stockholders.

Mr. MEADE. Will we not then have petitions here asking that it shall be made a free canal?

Mr. MASON. I do not ask that until the Government has been reimbursed every dollar. Probably some may send such petitions, but it is for Congress to say whether they will or will not make the canal free. If they do so, however, I would inquire of the gentleman whether it would not be better to do that than to appropriate \$50,000 for the improvement of the navigation of the Hudson river, upon which traveling is easy compared with that on the western waters, where navigation is obstructed by snags? That river is deep and straight, and there is not a snag in it. Yet you appropriate \$50,000 to improve it, and never to be reimbursed. We ask this \$700,000 shall be appropriated for the improvement of that canal from which the Government receives so large a profit, and which will be repaid.

Mr. GOODENOW. I am opposed to the amendment of the gentleman from Kentucky. The magnitude of the amount is a sufficient objection to it, in my mind. I hope the question will be taken upon the amendment at once.

Mr. DISNEY. I move to strike out the amendment, and to insert in lieu thereof the following:

Towards the improvement of the navigation of the Falls of the Ohio \$500,000, to be expended under the direction of the Secretary of War.

Mr. DISNEY. I am opposed to the original amendment as offered by the gentleman from Kentucky, [Mr. MARSHALL] because, sir, it does not contemplate that sort of arrangement for the convenience of commerce passing that point which the exigencies of that interest require. The existing extent of commerce now passing that point requires two canals, and it is increasing so rapidly that it will, in a short time, imperatively demand the addition of a new canal, so that there may be one for the ascending, and another for the descending commerce.

I do not propose to enter into a controversy with the gentleman from Kentucky, as to which side of the river this improvement shall be made upon; and hence, in the amendment I now offer, I propose to leave the entire subject to the decision of the Secretary of War. The necessity for it is apparent to every person who is at all familiar with the obstructions in the navigation at that point. The difference between the gentleman and myself is, that he wants to subserve what he supposes to be the local interests of Louisville. Her selfishness affords a reason which may influence the Kentucky members, but which the general interests of that entire region repels and prohibits. Why, sir, this attempt to enlarge that canal would be the total destruction of commerce while the enlargement was going on. But when the gentleman from Louisville [Mr. MARSHALL] remarked, on yesterday, that he would undertake to demonstrate this thing could be accomplished better, it struck me that a remarkable improvement had taken place in the gentleman since he made an effort of the same kind before the Committee on Roads and Canals, who had the subject under consideration. They decided against the proposition of the gentleman. He failed to convince them of what he

said he could demonstrate to the committee, and I apprehend he would be about as successful upon this floor as he was there. But, sir, I desire to say another thing before I take my seat, and it is to appeal to gentlemen to give us a record upon these various matters when this committee shall rise. Let us see—let the people of the West be no longer humbugged by this cry about river improvements—let them see who it is that vote down their applications for the improvement of their rivers. Give us the record, and I ask no more; but do not, when this committee rises, sustain the call for the previous question, which will prevent us making motions in the House which will give us a record upon each proposition separately. I want the people of the West to see who have voted down appropriations for each of their western rivers, and who have voted down the appropriations for the improvement of the Falls of the Ohio. Let them appreciate the truth of the declarations and professions which will be made about the anxiety of a certain class of politicians in this country to improve the western rivers.

Mr. MARSHALL, of Kentucky. I rise to oppose the amendment of the gentleman from Cincinnati, [Mr. DISNEY.] This is no time to discuss the question which the gentleman has presented. All I have to say to that gentleman—as his remarks seem to be pointed at me—is, that I am ready to make my record now and at any time, either in the committee, in the House, or before the people, upon this subject; and I say now, that no bill can command my support at any time which has in it an appropriation for the Indiana canal, because it would be a profligate and extravagant waste of the public money.

Mr. DISNEY. Give us the record.

Mr. MARSHALL. I make the record now to satisfy the gentleman in advance, and I will be ready to exemplify the record by a demonstration whenever the time comes that will put the whole scheme, I think, to public shame. There is no selfishness manifested here either on the part of Louisville or on the part of her Representatives; but there is a plain, straight-forward attempt to do what is exactly right, and subserve the purposes of navigation, and at the same time save the public money, as far as possible, and not to get this Government into a scheme which cannot be consummated for less than millions of dollars. As a Representative from the city of Louisville, if I could not look any further than that city, it would be just as proper and prudent for me to agree here to arbitrate this matter before the Secretary of War as it would have been for the Hebrew mother, in the Bible, to have divided her child when a false mother presented herself. I do not see the object of gentlemen in thrusting upon us a controversy of this sort where one has an opportunity of speaking only five minutes. The people of Cincinnati will see that their Representative, after having waited here eight months in silence, could not expect to have succeeded when he presented a proposition here before the Committee of the Whole, involving an expenditure of \$500,000, by indulging himself with a five minutes' speech in explanation thereof. The very magnitude of his effort in behalf of the navigation of the Ohio, must carry conviction to his constituency of the sincerity with which he presses the movement. My vote in the last Congress, and my action and speech, have been in favor of internal improvements; and I am willing to compare my record upon that subject with the gentleman from Cincinnati, [Mr. DISNEY.] I am willing for his people and mine to look at our action in the last Congress upon this subject, when we had an opportunity to pass a bill with liberal appropriations for western streams. Then I was at the post of duty. Where was he? Why his anxiety for improvement brought him in the next morning. [Laughter.]

The question was then taken on Mr. DISNEY's amendment to the amendment, and it was not agreed to.

The question then recurring upon the original amendment—

Mr. MASON demanded tellers; which were not ordered.

The question was then taken, and the amendment of Mr. MASON was not agreed to.

Mr. MEADE moved that the committee rise.

The question was then taken, and the committee refused to rise.

The next section was then read, as follows:

"For the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers; \$250,000."

Mr. MARSHALL, of Kentucky. I move to strike out all after the word "navigation" to the word "dollars," inclusive, and insert the following:

Of the Ohio river above the Falls, \$60,000; and for the purchase of snag boats and scows, necessary for efficient service upon the western rivers, \$100,000; and for the improvement of the Mississippi, Missouri, Arkansas, and Ohio below the Falls, \$200,000.

It will be perceived, from the manner in which the amendment is drawn, that I attempt merely by that amendment to separate the amount specifically appropriated for the upper Ohio, in the estimates submitted to the Committee on Commerce, from the amount which was intended by the Engineer Corps of last fall to be appropriated below the Falls. In addition to that, I ask for the appropriation of \$100,000 for the purpose of reconstructing the snag-boats which are intended for use upon western waters. At the time this business of improving the western waters ceased, there were four snag-boats in use there. The cost of these boats was estimated at \$25,000 each. There is appropriated in this bill exactly \$100,000 for the purpose of making scows and dredging-boats for the lakes and Chesapeake Bay. I only ask for an equal amount of money for the boats to be used upon western and southern waters. I show the fact that these boats, costing that amount, were in use upon those waters when the improvements ceased. I hope that there will be no difficulty in increasing the appropriation that amount, and that there will be no difficulty on the part of the committee in separating the appropriation which was designed for the upper Ohio from that which was designed for the Ohio below the Falls.

I will remark that the Hudson river above and below Albany is a case right in point. Remember that the head of the Committee on Commerce was exceedingly averse to altering the phraseology of the appropriation for this river, lest, forsooth, it might be all spent below Albany. Now, I wish to apply in this case the very *morale* of what he taught me to the specific appropriation asked for above the Falls of the Ohio, and that it shall not be within the competency of any engineer or Secretary to spend it upon some other river than the Ohio.

Mr. CAMPBELL, of Illinois. I desire to offer an amendment to the amendment of the gentleman from Kentucky, [Mr. MARSHALL.]

The CHAIRMAN. The motion is to strike out and insert, as you will perceive. It is in order to move an amendment to the words to be stricken out, and the words to be inserted there.

Mr. CAMPBELL. I desire to strike out of the original bill. I move to strike out the words "below the rapids," and insert "below the Falls of St. Anthony."

My object in offering this amendment is to extend the appropriations, or at least to give to the Executive the discretion of extending them in aid of the navigation of the Mississippi river. The provision from which I propose to strike out the words "below the rapids," restricts the appropriations to that point. Above that point, no part of the sum appropriated by this clause can be applied. I do not understand the reason for this restriction in the appropriation. Besides that, I am opposed to conferring on the Executive Department the power which is contained in this paragraph. I am opposed to placing it within the power of any single man to take this immense sum of money and appropriate it at any particular point on any of these rivers where he may see fit to apply it. I think it is the duty of Congress to make the appropriation, and to designate the points where it is to be applied. When the gentleman makes his motion to designate those points—I do not understand whether I am correct in this construction or not—he requires that the balance of the appropriation shall be expended below the Falls of the Ohio. That would exclude that portion of the Upper Mississippi river between its mouth and the Falls of St. Anthony.

The sum proposed to be appropriated is meagre, and I would desire to increase it; but I perceive that it is almost impossible. When you vote money, let it not be scattered over the country for the mere purpose of giving to every portion of the country some part of the appropria-

tion; but let the amount, when it is appropriated for a specific object, be commensurate with the importance of that object. What will \$50,000 do towards improving the rapids in the Mississippi river? And if it amounts to nothing, of course the object of the committee is merely to fix a stake there for the purpose of showing that they have brought that region of country within their range, when, in fact, they have been of no practical benefit to it whatever.

The gentleman from Maryland [Mr. EVANS] spoke of the immense sums that had been expended in the West. I will say to him, that if he will refer to the statistics in relation to this subject, he will find that from 1806 to the present time, there have been expended a little over \$17,000,000; and out of that sum only a little over \$2,000,000 has been expended for western harbors and western rivers. I ask, if this inequality is to be perpetuated by this bill, and by all the other bills that are to follow it for all time to come? I hope that the amendment which I offer may prevail, and that the Executive may have a discretionary power of going to the head of navigation, instead of being restricted to the Des Moines rapids.

Mr. McMULLIN. I move that the committee do now rise.

Mr. ORR. Would it not be in order to move that the committee take a recess?

The CHAIRMAN. It would; but the motion that the committee do now rise would have precedence.

Mr. ORR. We shall never get through this bill unless we sit here longer. I ask for tellers on the motion of the gentleman from Virginia.

Tellers were ordered; and Messrs. McQUEEN and POLK were appointed.

The question was then taken, and it was decided in the affirmative—ayes 69, noes 48.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 282, "making appropriations for the improvement of certain harbors and rivers," and had come to no resolution thereon.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HOUSTON. The Senate have returned the Military Academy appropriation bill, with certain amendments. I ask the unanimous consent of the House to allow that bill to be referred to the Committee of Ways and Means.

There being no objection, it was so ordered.

On motion by Mr. CAMPBELL, of Illinois, the House then adjourned until to-morrow, at eleven o'clock, a. m.

#### PETITION, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. HAWS: The memorial of Edward H. Swift, of the city of New York, asking for the return of certain duties paid by him to the Government, on sugar destroyed by fire in said city.

By Mr. ASHE: The petition of James M. Lewis, praying for a pension for wounds received while in the service of the United States during the late war with Great Britain.

#### IN SENATE.

WEDNESDAY, July 28, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. BRODHEAD presented five petitions of citizens of Pennsylvania, remonstrating against the renewal of the patent granted to Austin and Zebulon Parker for improvements upon reaction water-wheels; which were referred to the Committee on Patents and the Patent Office.

Also, a memorial of the Board of Trade and citizens of Philadelphia, praying the removal of obstructions from the mouth of the Mississippi river; which was referred to the Committee on Commerce.

Also, five memorials of citizens of Pennsylvania, praying the speedy construction of a ship-canal around the Falls of the St. Mary's river; which were ordered to be laid on the table, as the subject is now before the Senate.

Also, a memorial of citizens of Montgomery county, Pennsylvania, praying that the bill providing for the payment of the fourth installment of

the deposits of the proceeds of the sales of the public lands, directed to be made with the several States by the act of June 23, 1836, may become a law; which was referred to the Committee on Finance.

Mr. FISH presented the petition of Changuion P. Jervey and others, praying for an American register for the brig "Marthaette Morse," late the Belgian brig "Enterprise;" which was referred to the Committee on Commerce.

Mr. CHARLTON presented a memorial of the agent of the State of Georgia, praying that the accounting officers of the Treasury Department may be authorized to allow and pay all accounts intended to be provided for by act of 11th August, 1842, "providing for the settlement of the claims of Georgia for the services of her militia," when it shall be made to appear that the State has allowed and paid the same; which was referred to the Committee on Military Affairs.

Mr. MASON presented the memorial of R. M. Heath, agent for the State of Virginia, praying that certain moneys expended by said State in organizing, &c., the Virginia regiment of volunteers for the Mexican war may be refunded; which was referred to the Committee on Military Affairs.

Mr. DODGE, of Iowa, presented the petition of William and M. Dearing, praying the correction of an erroneous entry of land; which was referred to the Committee on Public Lands.

#### PROCEEDINGS ON THE DEATH OF MR. CLAY.

Mr. HAMLIN. The Committee on Printing have instructed me to report the following resolution:

*Resolved*, That the proceedings of the Senate and House of Representatives on the death of Henry Clay, ordered by the Senate, and now in process of publication, be bound under the direction of the Committee on Printing, by the binder of the Senate documents.

Mr. CASS. I think there can be no objection to that resolution, and I hope it will be taken up and adopted immediately.

No objection was made to its consideration.

The PRESIDENT. According to the rules of the body, as it proposes to appropriate money out of the contingent fund, it will be required to be read three times.

Mr. HAMLIN. I think not. It cannot be possible. We have a contract made with the binder of the Senate, and all volumes that are ordered to be printed are ordered to be bound, if they exceed a certain number of pages. This work does not come up to that number of pages; but being a work of this particular character, and one worthy of being preserved, and the House of Representatives having adopted the principle of binding it, it is simply including it within the rule.

The PRESIDENT. If such is the understanding of the Senate, the resolution will not be read three times.

The resolution was then adopted.

#### REPORTS FROM STANDING COMMITTEES.

Mr. FELCH, from the Committee on Public Lands, to which was referred the bill supplemental to the act approved March 3, 1851, to ascertain and settle the private land claims in the State of California, reported back the same, with a recommendation that it do not pass.

Mr. GWIN. I shall at another time ask the indulgence of the Senate to make some remarks on that subject. I have been most grossly misrepresented in regard to the principles involved in that bill. I want to have an opportunity of explaining it, and I feel pretty confident that I can do it in a manner to insure it the favorable consideration of the Senate, notwithstanding the Committee on Public Lands are adverse to it.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the joint resolution to confer additional duties and powers on the Solicitor of the Treasury, reported it back without amendment.

Mr. BORLAND, from the Committee on Pensions, to which was referred the petition of Mrs. Maria Davis, praying a pension and bounty land, for the services of her son during the war with Mexico, submitted a report accompanied by a bill for her relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of Rev. Richard Fuller, praying that a pension may be allowed to the

mother of Captain James Stewart, of the United States Army, submitted a report, accompanied by a bill for the relief of Mrs. Claudia Stewart; which was read, and passed to the second reading. The report was ordered to be printed.

#### RIGHT OF WAY TO ROADS.

Mr. FELCH. The Committee on Public Lands, to which was referred House bill entitled "An act to grant the right of way to all rail and plank roads and macadamized turnpikes passing through the public lands belonging to the United States," have instructed me to report it back without amendment. A bill similar in its character passed the Senate the other day. This is a House bill; and I suppose the House, having passed it, will not act on the other. As the Senate has once acted on a bill of the same kind, I ask that this may be considered now.

No objection was made, and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct that the right of way shall be granted to all rail and plank roads or macadamized turnpike companies that are now or that may be chartered within ten years hereafter, over and through any of the public lands of the United States, over which any rail or plank road or macadamized turnpikes are or may be authorized by an act of the Legislature of the respective States in which public lands may be situated; and the said company or companies are thereby authorized to survey and mark through the said public lands, to be held by them for the track of said road, one hundred feet in width: provided, that in case where deep excavation or heavy embankment is required for the grade of such road, then at such places a greater width may be taken by such company, if necessary, not exceeding in the whole two hundred feet.

It proposes also to grant other privileges, such as are granted to railroad companies, and with like limitations.

And it proposes further to direct that the right of way through the public lands of the United States lying in Black Rock, in the county of Erie and State of New York, shall be granted to the Lockport and Buffalo Railroad Company; provided that, in the opinion of the President of the United States, such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad; and provided further, that if the said railroad shall not be completed within two years, or if at any time after its completion the said railroad be discontinued or abandoned, the grant shall cease and determine.

Mr. HUNTER. I hope the bill will be laid over. I should like to look into it.

Mr. BORLAND. I would suggest to the Senator that we passed a bill of this character about the same time, or soon after this bill passed the House—a bill for the same purpose being in the two Houses at the same time. To save time, therefore, and to prevent any conflict in legislation, the proposition now from the Committee on Public Lands is to take the House bill, which, in substance, is precisely the same as that passed by the Senate.

No amendment being made, the bill was reported to the Senate, ordered to be read a third time, and it was read a third time and passed.

#### LAND DISTRICTS IN WISCONSIN.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands, to which was referred House bill to establish additional land districts in the State of Wisconsin, to report it back and recommend its passage. As it is a bill which will not consume any time, can lead to no discussion, is a measure of very great importance to the State, and has received the favorable action of the House, I am instructed to ask the unanimous consent of the Senate to consider it now.

No objection was made, and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to establish two additional land districts in the State, and defines their boundaries, establishing the two land offices thereof respectively at Stevens's Point and La Crosse, and authorizing the President of the United States to remove such offices to any other place in the districts whenever he may deem such removal expedient. It also proposes to authorize the Presi-



dent to appoint, by and with the advice and consent of the Senate, a register and receiver of the public moneys for each of said districts, who shall be required respectively to reside at the seat of said offices, and perform the duties and receive the compensation prescribed by law in relation to other land offices; and if it should be found necessary to establish said districts during the recess of Congress, the President is authorized to appoint such officers until the end of the next session of Congress: provided, however, that the act shall not go into effect until at least six months after its passage. It further proposes to direct the Commissioner of the General Land Office to transfer all papers, &c., which may be necessary for the sale of the public lands, to the offices thereby constituted.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time and passed.

#### BILL PASSED.

The engrossed bill to constitute Alton, in the State of Illinois, a port of delivery, was read a third time and passed.

#### DISTRIBUTION OF THE LAWS AND DEBATES OF CONGRESS.

The joint resolution from the House of Representatives for the distribution of the laws of Congress and the debates thereon, was read a first and second time by its title, and referred to the Committee on the Library, as follows:

Joint resolution providing for the distribution of the laws of Congress and the debates thereon.

With a view to the cheap circulation of the laws of Congress, and the debates contributing to the true interpretation thereof, and to make free the communication between the representative and constituent bodies:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the present session of Congress the Congressional Globe and Appendix, which contain the laws and the debates thereon, shall pass free through the mails so long as the same shall be published by order of Congress: Provided, That nothing herein shall be construed to authorize the circulation of the Daily Globe free of postage.*

#### THE ISTHMUS OF TEHUANTEPEC.

A message from the President of the United States was received, by Mr. M. P. FILLMORE, his Secretary, transmitting, in answer to a resolution of the Senate of the 19th instant, requesting the correspondence between the Government of the United States and that of the Mexican Republic, respecting a right of way across the Isthmus of Tehuantepec, a report from the Department of State, and the documents by which it was accompanied.

On motion by Mr. MASON, the message and documents were referred to the Committee on Foreign Relations.

#### SECRETARY OF THE CENSUS BOARD.

Mr. DAVIS asked and obtained the unanimous consent of the Senate to introduce a joint resolution, explanatory of an act supplementary to the act approved 23d of May, 1850; which was read and ordered to a second reading.

Mr. DAVIS. It is my purpose to move to commit this resolution to the Committee on the Judiciary, if the Senate think it necessary. It is simply explanatory of a law which was passed a few days since, which is within the knowledge of many gentlemen. It is simply to give a construction to that act. If it is thought necessary, I will move to refer it to the Committee on the Judiciary.

Mr. BUTLER. I was not the member of the committee who reported the bill which this joint resolution proposes to explain and amend, and therefore, perhaps, I ought not to speak; but the honorable Senator from Massachusetts conferred with me, and it seems very obvious to me that the joint resolution ought to pass; that is, if Mr. Whittlesey is at liberty to give the construction to that act which may be insisted upon. It will give the clerk of the Census Board \$5,500 instead of \$2,500 or \$3,000, if that act is not explained according to my clear understanding of how much he ought to be paid. I think the joint resolution ought to pass without any reference.

Mr. DAVIS. I ask for the second reading of the joint resolution now. I think it ought to pass, for the reason suggested by the honorable Senator from South Carolina, and ought to pass promptly. I desire that the joint resolution may be read, that the Senate may see what it is.

The resolution was read as follows:

*Resolved, &c., That the third section of the act entitled "An act supplementary to an act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives, and provide for their future apportionment among the several States," approved 23d of May, 1850, be so construed that no allowance as compensation shall be allowed to any person for constructive or any other service rendered as Secretary to the Census Board after the 1st day of June, 1850."*

The joint resolution was read a second time, by unanimous consent, and considered as in Committee of the Whole.

Mr. DAVIS. I would remark, that in the act which we passed concerning the representation of California, the subject of the census of that State was under consideration; and there is in that act a third section to which this resolution applies. I have not that section before me, but I have the original act, and can make myself understood from it. The twentieth section of the act of May, 1850, is as follows:

*"That for the purpose of carrying into effect this act, and defraying the preliminary expenses, there is hereby appropriated out of any money in the Treasury, not otherwise appropriated, \$150,000, out of which the said Secretary of the Interior may allow to the person employed as Secretary of the Census Board, a compensation after the rate of \$3,000 per annum during the period he has been in employment."*

The third section of the act, which we passed a short time ago, strikes out the words "has been," and inserts "may necessarily be." I am told that under that amendment there has been a claim put in for double pay; first, of Superintending Clerk of the Census, and then of Secretary of the Census Board. I am informed that this Superintending Clerk, who was also Secretary of the Census Board, was allowed after the rate of \$3,000 a year, up to the 1st day of June, 1850, when the census was required to be taken, that being the day fixed for the examination by the act of May 23, 1850. This act prescribes in another section, that the Superintending Clerk shall have a salary after the rate of \$2,500 a year. Now, upon what authority of right or for what service rendered to the Census Board, a claim in addition to the \$2,500 can be sustained is beyond my comprehension; but the amendment was made for some purpose, and must relate to this officer, since the amended section refers to his compensation as Secretary of the Census Board, and nothing else. I reported the act of 1850 under the direction of the committee, and it was not our purpose, or that of the Senate, to assign to this officer two distinct duties, or to give him compensation for two offices. The act was so framed as to limit the compensation of the Secretary of the Census Board to the post, and to transfer his duties, if any remained, to the Superintending Clerk. No other construction can be put upon the act, and hence the necessity of amending it before extra pay can be allowed. Nothing is plainer than that this Superintending Clerk was to have the entire superintendence of the census, under the Secretary of the Interior, and that the office of Secretary of the Board was abolished by the appointment of such a clerk.

I doubt if the Census Board has ever had a meeting from the 1st day of June, 1850, to this day, or has had anything to do. All the business confided to them was, in the first place, to prepare blank forms; and they were subsequently directed to have the preliminary papers printed. They were in process of printing at the time the bill passed, and they were directed in that bill to continue the care of this printing until it was completed. No other duty was ever assigned to them that I am aware of. If it be possible, under the amended act, to give the construction to it which has been intimated, I think it is the duty of the Senate to say that they did not mean to sanction the existence of the two offices. No duties remained for the Secretary of the Board to perform which did not, as was intended, devolve upon the Superintending Clerk, and for which he is fully and liberally paid by his salary.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### EXPEDITION DOWN THE YUNI AND COLORADO RIVERS.

Mr. GWIN offered the following resolution, and asked for its immediate consideration:

*Resolved, That the Secretary of the War Department*

transmit to the Senate, as soon as practicable, a copy of the expedition down the Yuni and the Colorado, under the command of Captain Sitgreaves, corps of Topographical Engineers, and of the maps belonging thereto; also the sketches and views and illustrations of Indian customs.

Mr. ATCHISON. I would like to have that matter explained. I do not know what it is; but from all I can now gather, it appears to me to be designed to bring about the printing of another book by the Senate.

Mr. GWIN. I should like to know on what authority the Senator says this is designed to bring about the printing of a book. It was sent to me by the head of the Topographical Bureau, stating that it contained important information. I know as little about it as the Senator from Missouri; but take it for granted that Colonel Abert would not bring this matter here, or have sent it to me, unless it contained important information. He sent it to me with a note, requesting that it might be considered by the Senate.

Mr. ATCHISON. Then I think it is premature to consider it at this time. I expected that the Senator from California would be able to give us some information. I do not know to what extent this matter may go. I do not know anything about it, or what it would cost to print it.

Mr. GWIN. When the communication comes before the Senate, that will then be a question for consideration. The question of printing is not now before the Senate. The simple fact is this: That one of the officers of the Government has made an exploration of a portion of the territory of the United States not hitherto explored, and has prepared a statement of its results. We ask to have this communicated to us. Whether it is sufficiently useful to go to the expense of printing it is a question to be decided hereafter.

Mr. MASON. I am as much opposed to this system of printing books as any Senator present; but I am decidedly of opinion that where explorations have been made by intelligent officers of the Army and Navy over portions of the American continent not hitherto explored, I think we cannot better expend a reasonable sum of the public money than by printing and diffusing that information. I never heard of this before, and suppose that it is of that character, and I shall readily agree to the resolution.

The resolution was agreed to.

#### FUGITIVE SLAVE LAW.

Mr. SUMNER. I ask the Senate to take up the resolution which I offered yesterday, and on the question of taking it up I wish to say a word.

In asking the Senate to take up this resolution for consideration, I say nothing of its merits, nor of the argument by which it may be maintained; nor do I anticipate any objection to it on these grounds. All this will properly belong to the discussion of the resolution itself, when it is actually before the Senate. The single question now is—not the resolution—but whether I shall be heard upon it. As a Senator, under the responsibilities of my position, I have deemed it my duty to offer this resolution. I may seem to have postponed this duty to an inconvenient period of the session; but, had I attempted it at an earlier day, I might then have exposed myself to a charge of a different character. It might then have been said, that a new-comer, and inexperienced in the scene, without deliberation, hastily, rashly, recklessly, I pushed this question before the country. This is not the case now. I have taken time, and, in the exercise of my most careful discretion, now ask for it the attention of the Senate. I shrink from any appeal founded on a trivial personal consideration; but, should I be blamed for any delay latterly, I may add, that, though in my seat daily, my bodily health for some time past down to this very week, has not been equal to the service I have undertaken. I am not sure that it is now. But I desire to try.

And now, again, I say the question is simply, whether I shall be heard. In allowing me this privilege—this right, I may say—you do not commit yourselves in any way to the principle of the resolution; you merely follow the ordinary usage of the Senate, and yield to a brother Senator the opportunity which he craves, in the practical discharge of his duty, to express convictions dear to his heart, and dear to large numbers of his constituents. For the sake of those constituents, for my own sake, I now desire to be heard. Make such disposition of my resolution afterwards as to you

shall seem best; visit upon me any degree of criticism, censure, or displeasure; but do not deprive me of a hearing. "Strike, but hear."

The PRESIDENT. The motion of the Senator is, I presume, to postpone the prior orders, with the view of taking up that resolution.

Mr. SUMNER. It is.

Mr. MASON. It is the undoubted right of every Senator to introduce into this body any subject which, in his judgment, is appropriate to the occasion; but there is a correlative right on the part of the Senate to consider it, or not, as they think proper. Now, I object to the consideration of this resolution at this time; but from no discourtesy to the gentleman who has introduced it; from no objection, at a proper time, to consider the question involved in the resolution, if any gentleman here, on his Senatorial responsibility, chooses to bring it up; but I object to it, because it is manifest, at this late period of the session, that the Senate can give it no further consideration than to hear the remarks of the Senator who introduces it. It is not, therefore, introduced for any practical object; and because of its disturbing character—because, whenever it does come before the Senate, it comes in the form of a fire-brand, I will say, that till the Senate is prepared to consider it, and pass upon it, I object to its consideration; and upon the question of taking up the resolution, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKE. I merely wish to state, Mr. President, that the State which I have the honor, in part, to represent upon this floor, and also the State that is so worthily represented by my friend who sits on my left, [Mr. CHARLTON,] stand in a peculiar attitude in reference to this question. Both of these States have in the most solemn manner, by means of conventions—not mere party conventions, but conventions assembled by requisition of their Legislatures—declared in the most solemn and emphatic manner that the repeal, or essential modification, of the fugitive slave law shall be regarded by them as a sufficient cause for the dissolution of this Union. This, sir, is no idle threat. It is a threat which I believe will certainly be carried into execution with the full concurrence of the whole South whenever that act shall be done. Then, sir, I can regard this proposition as no less than to instruct the Committee on the Judiciary to bring in a bill to dissolve this Union; and I cannot consent—courtesy or no courtesy—that such a question should be mooted at this late day of the session. Sir, we in the State of Mississippi do not regard this fugitive slave law as of any essential benefit to us. Our negroes in the State of Mississippi seldom, if ever, escape to the northern States; and when they do escape, we consider the time, and trouble, and expense of recapturing them as being more than they are worth.

The PRESIDENT. The Senator from Mississippi must be aware that the resolution is not under consideration.

Mr. BROOKE. I am aware, Mr. President, that it is not; and I am giving reasons why it should not be taken up.

The PRESIDENT. The Senator is not entering into the merits of the resolution?

Mr. BROOKE. No, sir. As I was remarking, we do not regard this law as having any merits so far as we, in Mississippi, are concerned; but its repeal would be an act of bad faith—an act showing that no faith can or will be kept by our northern brethren with us; and we contend that a Union preserved under such circumstances, would be worse than no Union at all. Hence I am opposed that, at this stage of the session, a question so momentous should be brought before us. I disclaim any intention to exhibit a want of courtesy towards the Senator from Massachusetts in refusing my vote to take up this resolution, and I think I have given reasons which should be satisfactory. I therefore move to lay the whole subject upon the table.

Mr. CHARLTON. Will the Senator from Mississippi withdraw that motion for a moment? I will renew it.

Mr. BROOKE. I withdraw the motion.

Mr. CHARLTON. Mr. President, it is my misfortune to have differed with the honorable Senator from Massachusetts on another occasion, as well as to do so on this occasion, on a question of the courtesy of this House. I am sorry to do it; for it would give me great pleasure to be able

to offer any courtesy to that gentleman. But the question before us is something more than a question of courtesy. It is a question, as the Senator from Mississippi [Mr. BROOKE] has just said, of vital importance to this Union, and particularly to the State which I have the honor in part to represent. Mr. President, look at the position of affairs in this body. Your tables are now loaded with bills, bills of a most important and necessary character; appropriation bills, bills necessary for the purpose of carrying on the machinery of our Government; and all these must stand still that a resolution may be debated, which will have the effect, if it have any effect at all, to rend in pieces this Union. I say rend in pieces, for the State of Georgia stands pledged that the moment the fugitive slave law is repealed, come what will, come what may, at once to dissolve the ties which she owes to it; and having thrown down that gauntlet, neither I nor any of my constituents will be willing to recede from it.

If the Senator from Massachusetts will look a little, and only a little beyond his own coast, he will see the humiliating spectacle of the star-spangled banner—I will not say trailing in the dust—but at half-mast, and the crew and captain of a vessel in charge of one of the captains of a national vessel of Great Britain. And if he turns his attention back from that humiliating spectacle to this Chamber, he will see every Senator ready to protect the interest of the country and the property of his constituents; he will see every one ready, disregarding every sectional prejudice and feeling, to give his property and his blood for the protection of the property of citizens of any portion of this Confederacy.

Just at this time, when we know where the brunt of this war is to fall, if there be a war, we know our condition upon our southern borders; but we do not look at those consequences when the interests of the Confederacy are at stake, and we are willing to sacrifice everything for the good of this glorious Union. Just at this time, when we are ready to make any sacrifice which the Union calls for from us, he asks us to break down the only guard for the protection of our property; he asks us to hold ourselves recreant to our own rights, and take up this resolution to the disregard of the great mass of business which we are called upon by our constituents to perform.

I am ready to consider the question involved in the resolution when it comes up in its order. I do not wish to gag the gentleman. I feel a personal respect for him, and I am willing to extend every courtesy to him which is reasonable; but there is a bound beyond which courtesy may not extend.

It is my good fortune to be a Union Democrat, and I am not ashamed of my position. I know that I, as well as a great body of men with whom I was associated in Georgia, have been held up to scorn and reproach, because we were willing to abide by the compromise, the fugitive slave law being a prominent feature of it. We were willing to take it. We did not stop to consider whether full justice had been done to us, but we saw in the effort to come to a compromise, a returning sense of justice, and we were not willing to cut loose from the glorious bond that held us to the northern Democracy, who had stood by us through good and through evil report. We were ready to do battle for the star-spangled banner whilst this compromise was respected by the North, but that was the extent to which we were willing to go.

As I have said, we adopted the compromise as a peace-offering. Repeal the fugitive slave law and we are absolved; break that, and Georgia is not true to herself if she continues dishonored in this Confederacy. Let them class me as they please, I am a Union Democrat. I love this glorious Confederacy; it would bring tears to my eyes to have it dissolved. I love it, and I look upon it as a last trial of an experiment to show that a free people can govern themselves. There was an old prophecy relating to Rome, "when stands the Coliseum Rome will stand, when falls the Coliseum Rome will fall, and when Rome falls, the world." But still I am unwilling to go one inch beyond the line which has been drawn. Why should I, upon any principle of personal courtesy, vote to allow a resolution to be taken up which is either useless or worse than useless? For it is useless, if it is merely to spend the time of the Senate upon a subject in listening to its discussion, when we do not intend to act upon it; and it is worse

than useless if its effect will be to dissolve this Union. Shall I vote for it? No; I will not. I tell the Senator from Massachusetts that I mean no personal disrespect to him. I have known him long, and I acknowledge that I have received courtesies from him; but on a question of this character, where the interests of my State are concerned, I should feel myself recreant to my State and to myself, if I should vote for it. And I say, in the face of this nation, that if the fugitive slave law is repealed, then the gentleman may say, as I would say, "My native land, good night; good night to all your prosperity and to all your greatness, and come what will, come what may," we have exhausted the argument, and we will stand by our arms."

Mr. GWIN. I move that this subject be laid on the table, for the purpose of taking up the Indian appropriation bill.

Mr. PRATT. But the yeas and nays have been ordered on the question of taking up the resolution, and I desire to have them.

Mr. GWIN. Then I withdraw my motion to lay on the table.

Mr. SHIELDS. I do not know that I understand the question before the Senate, Mr. President, having just come in.

The PRESIDENT. The question is on the motion of the Senator from Massachusetts, [Mr. SUMNER,] to postpone the previous orders for the purpose of taking up the resolution he offered yesterday.

Mr. SHIELDS. I will ask for the reading of the resolution by the Secretary.

The resolution was read, as follows:

"Resolved, That the Committee on the Judiciary be requested to consider the expediency of reporting a bill for the immediate repeal of the act of Congress, approved September 18, 1850, usually known as the 'fugitive slave act.'"

Mr. SHIELDS. As a member of this body I am decidedly opposed to that resolution, and shall vote against it whenever it comes up for discussion. But that is not the question now, and it occurs to me that Senators have attached too much importance to the motion which is really before the Senate.

I felt that there was great force in the observations which fell from the Senator from Virginia [Mr. MASON] yesterday. There was very great force in what that Senator observed, that the resolution being brought in at this late stage of the session, at a time when we are almost overwhelmed with business, it could not be considered by the Senate—no opportunity for reply being afforded. The principle involved by the resolution being a mere abstract question—for such I hold it to be now—and the resolution itself being merely introduced in order to give the Senator from Massachusetts [Mr. SUMNER] an opportunity of addressing the Senate, I think it is a great pity that the time of the Senate should be wasted by it now. I regret that the Senator has deemed it necessary to his position, or to himself, to bring such a resolution forward; but having done so, the only question is whether you will permit him to be heard or not. Will you deprive a member of this body of the right of expressing his views on a subject that, for ought we know, may interest him? Will you compel him to be silent?

I have sat in this Senate, and have listened to treason, uttered by honorable Senators, and yet we have listened patiently; and I ask Senators from the South to consider whether anything will be gained by preventing a gentleman from being heard on a question like this. Can we gain anything by stifling his voice on this subject? I am as decidedly opposed to the agitation of this question as any Senator in this body, and while I shall vote against any law to modify or change the fugitive slave act, unless it be found defective in its operation, and with a view to strengthen it, yet if there is a motion made to lay the resolution on the table, I shall vote against laying it on the table. I will hear what the gentleman has to say; and more than that, I have a peculiar curiosity at this stage of affairs in our country to hear what this third party has to say, so that we may know how they are to stand in the coming presidential contest. I take it that the Senator from Massachusetts means to give an *exposé* of their views and intended proceedings. I want that third party formed, for one, and I would not stifle it for a mo-

ment. I will give it all the encouragement I can. I want men to be classified in the coming election, and that those in the northern States, my own as well as the rest, may be so classified, in order that we may know how many are disposed to favor the repeal of the fugitive slave law. We shall lose nothing, in my opinion, by a classification.

I shall vote against the resolution itself, and against any reargitation of this question; but, at the same time, I mean never to give a vote to prevent any gentleman from being heard in this body. Let him come from what quarter he may, I will hear him, whatever he may choose to say. I would, therefore, suggest that the honorable Senator postpone his resolution and speech until Saturday. It will interfere then with none of the legitimate business. I hope we may all agree to give the gentleman a hearing on that day. I have not the least idea that his speech will ever rend the union of these States asunder. [Laughter.]

Mr. GWIN. Mr. President, I differ entirely from the honorable Senator from Illinois with regard to extending courtesy to a Senator here, to speak on any subject which he chooses to present before the Senate. If the Senator from Massachusetts were to introduce a resolution here to instruct the Committee on the Judiciary to inquire into the expediency of reporting a bill to dissolve this Union, I should like to know whether the Senator from Illinois would vote in favor of his having an opportunity to speak on such a resolution? Now, Mr. President, I recollect very distinctly, some ten years ago, that, upon the occasion of a gentleman from Massachusetts (Mr. John Quincy Adams) bringing forward a memorial in the other House of Congress in favor of dissolving this Union, there was a weeks' discussion, and he was very nearly being expelled from the House.

Mr. SHIELDS. The honorable Senator will permit me to say that a treasonable proposition—a proposition openly and flagrantly treasonable—of course this Senate should not entertain. I should not vote for such a thing as that. I have already said that I should not vote for this resolution. I shall vote against it, and against any bill that may be brought in in favor of such a proposition.

Mr. GWIN. Well, sir, I look upon the two propositions as one and the same. I think that the resolution which has been introduced by the Senator from Massachusetts, proposing to instruct the Judiciary Committee to report a bill to repeal the fugitive slave law, is equivalent to introducing a resolution to dissolve the Union; because we all know that the repeal of that law would produce that result. We have just heard it from the Senators from Mississippi and Georgia, that their States were bound to, and they would act upon it. I have no doubt that the repeal of that law would dissolve the Union; and therefore, the introducing of this resolution I look upon as equivalent to introducing one to inquire into the expediency of dissolving the Union; and hence, there is no degree of courtesy I could be asked to extend to any Senator, that would justify me, in my judgment, as a representative of one of the States of this Confederacy, in voting in favor of this discussion. Therefore, although I should desire to extend all reasonable courtesy to the Senator from Massachusetts, I cannot comply with his request in this case.

Mr. DOUGLAS. Mr. President, like the Senator from Massachusetts, I am anxious to be heard, and I came into the Senate this morning after riding the entire night, for the express purpose of being heard—not upon the fugitive slave law, nor upon any other question calculated to have effect upon the pending presidential election. I make my speeches on those subjects elsewhere, and come here to make speeches upon practical subjects of legislation. The Senate postponed the bill to protect the emigrant route to Oregon and California, with the amendments for a railroad to the Pacific, until this day. The Committee on Territories having reported the bill, and it having been postponed until to-day, I, as chairman of the committee, expected to be called upon to explain its provisions; and I do think that the subject of a railroad to the Pacific ocean is a matter of more practical importance to the nation, the people of the United States, and the world, than a speech upon the fugitive slave law. Hence, I shall insist upon adhering to

the practical matters of legislation before us, and shall refuse to extend any act of courtesy to any gentleman to make a mere theoretical or a political speech intended to operate upon the presidential election, or fan the flames of discord that have so recently divided this great people.

Mr. BUTLER. I suppose I may feel myself included in the appeal which has been made to gentlemen from the South, by the Senator from Illinois, [Mr. SHIELDS:] but there is no man more averse to this question of debate. I have said here openly, and somewhat under the censure of the Senate at the time I did so, that I would not be compelled to vote for a measure which looked to the suppression either of presenting petitions or of the right of debate. I have long seen that efforts to arrest agitation by attempting to exclude petitions and close debate are vain. I know it will go on. I believe the honorable Senator from Massachusetts is pledged to agitate. However, that may be beyond the matter; and, therefore, I would be perfectly willing, as he is bound to do it, I suppose, under very high obligations to his constituents, to give him leave at any time to speak on this subject when the other side can be heard. A fair field and a clear sky upon this subject, and I fear nothing. But I feel myself embarrassed very much by the peculiar attitude and the peculiar juncture of affairs at this time; and I feel a conflict between a sense of duty—I may say a sense of duty to every Senator—and courtesy. But, if this subject is taken up, the fact cannot be disguised that the Senator himself will be bound to make allusion to South Carolina and her laws—

Mr. SUMNER. I shall not.

Mr. BUTLER. Then I shall be clear, perhaps. [Laughter.] I do not know how it can be discussed very well without some allusion of the kind. However, I suppose the honorable Senator from Massachusetts would not like it to be said that he has played the part of a parliamentary rhetorician here. I believe he would not like it to be said of him, that he had risen to play the orator before the Senate of the United States, and to make a speech merely. If he intends anything he ought to have before him, under the responsibility of a Senator, and especially of a Senator from Massachusetts, a dignity of purpose. And does he intend to carry out the purpose of referring this to the Judiciary Committee, with a view to have it acted upon? Or is it merely a pretense to give him an opportunity to make an oratorical display before the Senate, and make the proceedings of the Senate the vehicle of communication for his speech throughout the United States, and wash deeper and deeper the channel through which flow the angry waters of agitation already?

If that is his object, I must be allowed to say, when he undertakes to agitate, perhaps the true current cannot be controlled, unless there is some counteracting influence upon his speech. I say this much to the gentleman himself. His speech must have an influence. I suppose it is intended to have an influence; and, therefore, I feel extremely embarrassed on this subject, as I have heretofore said, that I did not intend to suppress discussion or exclude petitions. I feel more embarrassed upon the vote I shall give than I have upon almost any other subject, and I am inclined to think that I shall not vote at all in reference to the matter, but leave it to others to decide it.

Mr. BORLAND. Mr. President, if this were a mere question of courtesy, I apprehend I should be as ready to extend it to the Senator from Massachusetts as any one here. But, while I will not say that it rises above courtesy, and extends as far as some Senators seem to consider it—the question of the integrity of this Union—I will say that it is a question materially affecting the practical business before this body. We have recently passed a resolution, after some considerable debate, in which we have solemnly determined—we have brought ourselves under a solemn obligation—that we will devote our time from this to the last day of August, to the practical business of the country, for which we were sent here, and for want of which no one can deny that the country is to some extent suffering, and is destined to suffer still more. For that reason, without undertaking to give any other—deeming that sufficient—I shall vote against the consideration of this resolution at this time.

I think Senators have erred, to some extent in supposing that we commit a discourtesy, or do

anything unusual in refusing to the Senator from Massachusetts the taking up of his resolution out of its order at this time, and considering it. Nothing is more common in the proceedings of this body than to refuse to take up a question that is not considered of practical importance, to the postponement and exclusion of other matters which all acknowledge to be matters of practical importance, and which have precedence in the regular order of business. I myself, although I have experienced the courtesy of the Senate in many instances, have made motions to take up important business which was before the Senate out of its order, and have been refused. There is not a Senator, I apprehend, upon this floor, who has felt interested in bills for his own State—if that be discourtesy—who has not received discourtesy from the hands of the Senate, upon asking to take up business which the Senate recognized and acknowledged to be of vital interest to the constituents of the Senator making the proposition. But I have never considered it a discourtesy. I have never supposed that any other Senator considered it a discourtesy to be refused precedence for business in which he took a special interest over all other business. Why, then, should it be considered an act of discourtesy to the Senator from Massachusetts? Why should it be considered anything unusual to refuse now to take up and consider his resolution, to the postponement and exclusion of all the important business of the session, in the very last month of the session, when everything must necessarily be considered in some degree of haste? Why should it be considered an act of discourtesy to him to refuse to postpone every other interest, however important, to take up and consider that which I apprehend neither he himself nor any other Senator upon this floor would say is to have any practical operation here—certainly no beneficial operation—upon the business which is pending before us, and which it is our solemn duty to attend to, at this time, and attend to assiduously.

There is, in my opinion, no disguising the fact, that if this subject is discussed by one Senator, it will call forth discussion from other Senators, and there is no telling, when it is once open, when it will be closed. Now, Mr. President, I appeal to the two great parties who compose this Senate, as the representatives of the American States, whether, when we adopted the compromise measures so called, we did not make a solemn pledge, and if both parties do not now stand pledged, not only by their votes here but by their Conventions recently held in a neighboring city, to pursue such a course as shall keep out of the councils of the nation and the public discussions of the country, as far as they may be able to do so, all consideration of this subject, which has always been agitating to the country—which has always been evil in its consequences, and dangerous to the integrity of this Union? I may say here, as I have often said to my constituents, that to many of those measures I was opposed. I am not going, Mr. President, into a discussion of their merits. I simply wish to state my position. When those measures were passed by constitutional majorities in the two Houses of Congress, and received the official sanction of the President of the United States, whatever opposition I might have felt to them, I felt bound by a sense of duty to the country to yield my opposition, and acquiesce, for the sake of peace, and quiet, and harmony in the country, and the preservation of this Union. But if Senators and Representatives who had objections, and yielded them upon considerations of this sort, feel bound now to sustain the measures for the great object for which they were passed, and to sustain what has been said to be the accomplishment of that great object, I ask, if the majority who approved of them, who voted for them all, who sustained them here, and proclaimed them as a "peace-offering," and as having accomplished the object, if they are not bound now to carry out the pledge solemnly made, and since so often solemnly reiterated, and by their votes, and by their decided action here, keep agitation out of the Senate of the United States, and leave the matter at peace so far as we can, and attend to our practical duties? For these considerations, I shall vote against considering the resolution.

Mr. HUNTER. It seems to be likely that we shall consume all our time in this preliminary debate.



# THE CONGRESSIONAL GLOBE.

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THURSDAY, JULY 29, 1852.

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Mr. SHIELDS. I wish to move to postpone the resolution until next Saturday.

The PRESIDENT. The resolution is not under consideration. The simple question is on postponing the orders with a view of taking it up, and on that question the yeas and nays have been ordered.

Mr. HUNTER. The Senate will recollect that the bill making appropriations for the Indian Department has been, I may say, before the Senate for three days. It was reported one day, it was yesterday taken up, and the Senate adjourned while it was pending.

Mr. SHIELDS. I wish to ask the Chair whether it is not competent to move to postpone the motion of the Senator from Massachusetts until next Saturday?

Mr. HUNTER. This is a question in relation to the order of business, and cannot be postponed, but must be decided.

The PRESIDENT. The question is on postponing the orders with the view of taking up the resolution of the Senator from Massachusetts. That question cannot be postponed; it must be taken.

The question being taken by yeas and nays, resulted—yeas 10, nays 32; as follows:

YEAS—Messrs. Clarke, Davis, Dodge of Wisconsin, Foot, Hamlin, Seward, Shields, Sumner, Upham, and Wade—10.

NAYS—Messrs. Burdett, Brodhead, Brooke, Cass, Charlton, Clemens, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Gwin, Hunter, King, Mallory, Mangum, Mason, Meriwether, Miller, Morton, Norris, Pearce, Pratt, Rusk, Sebastian, Smith, Soule, Spruance, Toucey, and Weller—32.

So the motion to take up the resolution was not agreed to.

## INDIAN APPROPRIATION BILL.

The PRESIDENT. The hour has arrived for the consideration of the special orders. The first special order is the bill from the House of Representatives "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1853."

Mr. SEWARD. I do not think that bill was made the special order for to-day.

The PRESIDENT. It is the unfinished business of yesterday, and is therefore the first special order.

Mr. SEWARD. I wish to state, for the information of the Senate, and especially for the information of the honorable Senator from California, [Mr. GWIN,] that I came here this morning, intending to propose to take up the bill providing for a reconnaissance of Behring's Straits. I give notice now, that I shall ask the Senate to take up that bill after we shall have got through with the bill now under consideration, or during the morning hour to-morrow.

Mr. CASS. I merely wish to observe that I have had a conversation with the chairman of the Committee on Finance, and he has agreed to interpose no objection to the consideration of the bill for the construction of a canal around the Falls of St. Mary's, when the bill now under consideration shall be disposed of. Myself and my colleague are very anxious to terminate that bill. I therefore wish to give notice that when it is next taken up, I shall urge the Senate to dispose of it; and I shall ask to have it taken up as soon as this bill is through with. I will repeat what I said yesterday, that if we cannot satisfactorily show to the Senate that a work of defense upon a remote frontier, and upon the land of the United States, has no more connection with the doctrine of internal improvements than it has with the judiciary, or any other power assumed and granted to the Government of the United States, we will abandon the whole measure.

The PRESIDENT. The Indian appropriation bill is under consideration. It has been reported from the Committee on Finance with several amendments, the first of which is to strike out the following clause:

"For liquidated balance found due the Creek Indians, for losses sustained during the last war with Great Britain by that portion of the tribe that was friendly to and co-operated with the United States, in accordance with the promise of the Government, \$130,417 90, to be paid by the United States agent for the Creek Indians, to those individuals now living, and the legal representatives of those deceased, who are entitled to receive the same."

Mr. HUNTER. Mr. President, this claim is, I believe, an old acquaintance of the Senate. It originated in the transactions of the war of 1814 with the Creeks, which was determined by a treaty made by General Jackson with the tribe in that year. When that treaty was made by General Jackson, under the instructions of the War Department, he obtained a cession from the Creeks for the purpose of reimbursing the Government for the expenses of the war; and for military and other purposes, he obtained a cession of a large portion of land. I believe it amounted to 22,000,000 of acres. Of these lands, about 8,000,000 of acres belonged to the friendly Creeks. This amount was reserved by General Jackson, as he said, for military purposes, and purposes which were then beneficial, not only to the United States, but to the Creeks themselves, because by interposing white settlements there they intercepted the Creek Indians from access to Florida, which was then a foreign possession. It was necessary, therefore, for military, as well as other purposes, to obtain possession of this portion of the Creek lands. When that cession was made, the friendly Creeks were not satisfied with the terms of the treaty. They agreed to sign it, however, provided that General Jackson would send on to the Government, along with their signatures, their statement in relation to their claim. It is a statement which was sent along with the treaty. It was not a portion of the treaty—it was not incorporated into the treaty; but it was sent by General Jackson as their statement along with the treaty when it was communicated to the Government. Their statement was:

"We call ourselves, as we are, masters of the land. We have adhered faithfully in peace and war to our treaty stipulations with the United States. Finding that General Jackson, in drawing the lines around our country, to retain so much of that conquered from the hostile Indians as he deemed just, found it necessary, for political motives and purposes, to run a line within which there is a great quantity of lands actually our property, for which he, as an equivalent, leaves to the conquered Indians lands between Coosa and Tallapoosa, we do not deem the exchange as an equivalent. It shall not, however, interfere with running the line, as we rely on the justice of the United States to cause justice to be done us. And on these conditions we request that General Pinckney's letter, of the 23d of April, to Colonel Hawkins, and the answer thereto, of the 25th, be sent on with the treaty, which we will sign after delivering this instrument."

The portion of General Pinckney's letter here referred to contains these declarations:

"The United States will retain so much of the conquered territory as may appear to the Government thereof to be a just indemnity for the expenses of the war, and as a restitution for the injuries sustained by its citizens and the friendly Creek Indians. You will please, sir, to communicate these terms to the friendly Indians, and enjoin them, in the prosecution of the war against such as may continue hostile, to abstain carefully from injuring those who may be returning with the intention of making their submission. You may likewise inform them that the United States will not forget their fidelity, but in the arrangement which may be made of the lands to be retained as indemnity, their claim will be respected; and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause will also receive a remuneration in the ceded lands, in such manner as the Government may direct."

General Jackson, in making the treaty, obviously had reference to these assurances; for he retained in that treaty for each of the Creek chieftains the lands of which they were in possession for the use of themselves and their heirs, so long as they remained upon them. He also retained for the friendly Creek Indians a portion of the land which belonged to the hostile Creeks. It is true that when they asked him where the hostiles were to go, he said there was enough for both; and in this he said what was perfectly true; for he retained upwards of five millions of acres for a tribe numbering from twenty thousand to twenty-five thousand persons, being something like two hundred and fifty acres per man. He said it was enough for both. I believe it was. But he transmitted,

as they desired, with the treaty, their communication in reference to their lands. Colonel Hawkins, the Indian agent, and a very valuable agent, one in whom the Government seemed to have great confidence, and justly to have reposed it, was written to on the subject. In relation to these claims of the friendly Creeks, Colonel Hawkins says:

"As to the extent of the claims, I have no data to calculate from. Part of the vouchers were taken on by Mr. Cassedy, the General's secretary, and the remainder given in since to the assistant agent, at Coweta, which I have ordered on here; whatever they may be, I will forward them, as soon as received. I believe, at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent. The Indians of Tookaubatche were the most faithful, and the greatest sufferers; their town was besieged for eight days, and when they had to retreat it was destroyed with all their property but what they could carry off when they retreated to Coweta. Some of Coosaude, Tuskegee, Coweta, and Tallahassee, had their houses burnt, their stock and provisions destroyed—some few to a considerable amount, but mostly to a trivial one. The losses sustained were by no means general, as many of the friendly towns did not lose anything but what was taken by disorderly individuals of Floyd's army."

Various questions were put to Colonel Hawkins by the War Department. The third question was:

"Question 3. Whether indemnity ought to be made to them by restoring a part of the ceded land, or by an additional annuity, or by giving them a certain fixed sum in money or goods?"

In reply to this he said:

"I believe the correct way would be to liquidate the claims of individuals, some of which, I am told, are too high; reduce them to a just value, and pay them. If it were a national claim, a cession of land might be desirable; but to individuals it is otherwise."

The meaning of that was obviously this: that Colonel Hawkins thought, not that we were bound to pay them for their lands—not that we were bound to pay them for property destroyed by the hostile Creeks, for we were not bound to indemnify our own citizens for the property destroyed during the war by the hostile Creeks, unless it was done because that property was in possession of the troops, or the possession of the United States for military stores. We were not bound to indemnify them according to any view of things, whether they be looked upon as citizens of our own country, or as a separate and independent people; but in order to satisfy them, as these friendly Indians seemed to think they had been hardly dealt by, Colonel Hawkins said the best way would be to liquidate these claims, and make the Indians an allowance of money. He said, that, at the time the treaty was made, he believed \$60,000 would have satisfied them. Afterwards he made an examination, and on making that examination, he found that \$78,000 ought to be paid them, and said their just claims could not exceed \$100,000.

With this information, in 1817 the subject was brought up before Congress, and the Committee of Ways and Means, at the head of which was Mr. Lowndes, of South Carolina, reported upon it, and reported that under all these circumstances, after reciting this calculation of the Indians in relation to their lands, we should pay them \$85,000, a sum which was between that found by Colonel Hawkins to be due, and the greatest amount which he thought could possibly be due to the Indians. In order to show that this was designed to be paid, not upon the supposition that we were bound to remunerate them actually for all the losses they suffered—not upon the supposition that we were bound to pay them for the eight millions of acres of land—but in order to do what was reasonable, to give satisfaction, it was proposed to make an appropriation of this sum of \$85,000, in gross, to be distributed rateably amongst all the claimants, thinking that would satisfy the friendly Creek Indians in relation to their treatment by the United States. In order to show that that was his view, I will read what Mr. Lowndes says:

"At the time of the treaty, the friendly Creeks would have been satisfied, in the opinion of Colonel Hawkins, to have received as an indemnity for their losses, the sum of \$60,000. As it is to be considered in some measure a claim under a treaty, as they seem to have expected that some fixed sum would be distributed among them as an equivalent for their losses, and as to do so will be to make it the interest of each sufferer that the losses of another shall

not be exaggerated beyond their real amount, the committee believe that it will be best to appropriate a definite sum, to be applied, under the direction of the Secretary of War, to indemnify the friendly Creek Indians for property destroyed by the hostile Creeks, in fair proportion to their losses."

A law was passed, in pursuance of this recommendation of Mr. Lowndes, and the sum recommended, \$85,000, was appropriated in gross. It was supposed to be as much as the Indians could reasonably expect; not upon the idea of paying them every cent which they might have lost from the injuries of the hostile Creeks during the war, but merely to satisfy them,—to persuade them that they had been dealt with generously. It seems, however, that they were not satisfied, and they presented their claim again. The matter was again adjudicated by the Committee of Ways and Means in 1824, at the head of which committee at that time was Mr. Louis McLane. That report takes the ground that the question had been settled by Mr. Lowndes, and that they would not disturb that settlement. Here is a portion of that report. The committee say:

"It is the opinion of the committee that the sum of \$85,000, appropriated by the law of 1817, was intended to be a full indemnity for all the losses of the friendly Indians, and was equal to any reasonable expectation. This appears to be manifest from the estimate by Colonel Hawkins, that the chiefs would have been satisfied at the date of the treaty with the sum of \$60,000; and, in the letter of the acting Secretary of War to D. B. Mitchell, the Indian agent, directing the application of the money, he is informed that, as the law is general in its terms, and predicated on Colonel Hawkins's estimate, it will be proper to pay the claimants mentioned in the estimate only a portion of their claim at present, as it is probable that there may be other claimants entitled to the benefits of the law, who are not mentioned in the list of claims furnished by Colonel Hawkins; therefore a final distribution of the money should not take place until the whole amount of the claims is ascertained."

This shows that it was the opinion of the Secretary of War that this was the allowance of a sum in gross to be distributed among the Indians ratably, so as to satisfy them of our mode of dealing with them. It was obviously the opinion of the Secretary of War that after ascertaining the whole amount of the claims, this sum of \$85,000 was to be distributed among the claimants ratably. The committee, therefore, in 1824, decided that they would not disturb the settlement made in 1817.

I know, sir, that it has been urged by the Commissioner of Indian Affairs, seizing upon a single clause in the report of 1824, that this committee, at the head of which was Mr. McLane—and which was one of the ablest committees, if you will refer to the members composing it, ever organized in the House of Representatives—did not understand this subject; and that they were mistaken as to the facts, basing the assertion upon a loose expression in the report. But whoever will read it will see it was consistent and clear in its object, as it was concise in its statements. The idea that Mr. McLane did not understand the statement of the agent, General Mitchell, which is relied upon in order to disparage and set aside this report, is refuted by the fact that, appended to the report is the letter of General Mitchell, which was presented along with it, and submitted by Mr. McLane and the committee themselves. It is obvious therefore that they had all these papers before them, and that they understood the subject. Their decision was, that they would not disturb this settlement—that it was a settlement made by Congress—not to pay the whole amount of the losses, but to pay a certain sum of money in gross, to be distributed among the claimants ratably.

It is nowhere to be found that Mr. Calhoun, then Secretary of War, ever recommended the payment of the claim. Being called upon, he submitted these papers, and said they were all the information which he had upon the subject. General Jackson, when he submitted the treaty, did not recommend the payment to the friendly Creeks of anything. He was, subsequently, for eight years President of the United States, and had the power and the means, and would undoubtedly have recommended something to be paid, if he had believed that anything was due; but he failed to do so because, doubtless, he did not think it proper to disturb the settlement which had been made.

Now, I ask the Senate whether they think it right to go back and disturb the settlement and adjustment of this claim made in 1817—something like thirty-five years ago—especially when they come to remember that it was subsequently brought

up to another committee in 1824, and they refused to disturb the settlement? It is now assumed, at this great distance of time, that we should go back and examine the circumstances attending this treaty, and see whether the settlement or adjustment was not an improper one, and reopen the whole question, in order to see that justice may be done.

Why, sir, if we act upon this principle, I take it upon myself to say that there is not a treaty which we have made with the Indians, which I have examined, which could not be set aside upon the same grounds. If we go upon the ground that the Indians were the owners of these lands, and that there was not enough paid to them for that ownership, I can take all the treaties and show upon their face that the Indians have not received a full compensation for what they have ceded. Why, I am told that the Osages have ceded to the United States upwards of 140,000,000 acres of land, and have received only about \$400,000 in exchange for it. If we should reopen this treaty in order to readjust this agreement, I do not see how we could refuse to go back and examine the Osage treaty, and see if they had any legitimate claim upon us; for if these Creeks have any legitimate claim at all, it is in relation to their lands—the 8,000,000 acres taken from them. If we were to readjust this, and pay the \$110,000 demanded, in addition to the \$85,000 previously paid for their losses, you would make this act the foundation of another claim. They would come before us in a short time and ask us to give them something in return for the 8,000,000 acres of land which were ceded to the Government under the treaty of 1814.

But, sir, what will become of the Treasury? What will become of the time of Congress, if we thus go back and reopen these ancient transactions, and undertake now, upon such imperfect evidence as we may collect, to readjust these matters? I say, if we act upon this principle, we may make up our minds that we shall have business enough, in relation to these Indian claims, to employ nearly all the time which Congress has to bestow upon the business of the country; for I know of no treaty, if the question of inadequacy of consideration is to be made a ground for disturbing it, which may not be reopened and disturbed.

I go a little further. I say that if the Senate determine to reopen and readjust this account, and to go back into these ancient transactions, I am not satisfied that these Indians would be entitled to receive more than they have received. They certainly were not entitled to payment from us for losses inflicted upon them by members of their own tribe—by the hostile Creeks, and were to be paid nothing but a mere gratuity to satisfy them. Nor were we bound to remunerate them for the 8,000,000 acres of land taken from them; for, as General Jackson well said, those lands were taken, not only for our benefit, but for theirs; because it was greatly to their interest that peace should be preserved; and as long as the Creek nation had free access to Florida, it would be impossible, or at least very difficult, to preserve peace.

I do not, for one, admit that the Indians have any other than a possessory right in these lands. I do not believe that it is a proper principle in treating with them to consider them as the owners of the lands, and go upon the idea of compensating them for the lands. We have never done so. We have never paid them a sum which would be anything like a compensation for the lands themselves, if they were considered as belonging to the Indians. No, sir. Our obligation is this: that where it is necessary to remove these Indians, we do it in such a manner as shall be compatible with their future happiness and future improvement; and we make them such allowances as will put them in no worse a situation than arises from the very necessity of the case—and the necessity of the case under which they suffer, is being thrown into competition with the white man, a competition before which they must ultimately perish.

I believe that the course of the Government, so far from having been inhuman and unkind to these people, as has been said, for the last thirty or forty years at least, has been eminently humane, and has palliated, so far as they were concerned, a necessary evil. It has postponed their fate; it has delayed their destiny. The United States have done all that they could do in order to afford these people every facility for improvement

and civilization. I believe, therefore, that we were not bound, in equity or law, to treat with these Indians upon the principle that they were the owners of these 8,000,000 acres of land, and that we should pay them for them. We left them, as General Jackson said, enough for both portions of the tribe. We gave them, according to this treaty, one year's subsistence. We gave, as we promised, to the chiefs of the friendly Indians, the possession of what they held, during their lives, and as long as their posterity would keep them. And finally we removed them west of the Mississippi, where this tribe, numbering now about twenty thousand people, have 9,000,000 acres of land—very fine lands—more, I am told by the Commissioner of Indian Affairs, than they can possibly use.

Now, I ask, upon a survey of the whole of our transactions with these Indians—of all the circumstances connected with this matter, if we have not done as much for them as they could reasonably expect. I doubt whether we should have benefited them if we had given them a larger allowance in money. I believe that if we look into this matter we shall find that we have injured them by mistaken efforts of philanthropy; and that, often, when we have made these pecuniary allowances out of mistaken feelings of generosity, it was affording them the means of self-destruction, and the degradation of their tribe. In saying so, I do not speak without the book. Why, in the very last report of the Commissioner of Indian Affairs, we have a report from the Kansas agent, Thomas Mosely, in which he says:

"I believe, and feel well assured, that large annuities of money afford a certain data by which the final extinction of the red men can, with arithmetical precision, be made. In this little tribe, now numbering less than six hundred, in the space of ten weeks there has been one murder, and several badly stabbed and injured, and some ten or twelve have died from the effects of drunkenness, and, in the mean time, about thirteen have died of cholera. The most of these were interperate."

In another portion of his report he says:

"I am clearly of the opinion, that to pay the annuities once a year is the better policy; and if it could be legally made only once in two years, it would then throw the dissolute and drinkers upon their own resources, and perchance they might see the necessity of betaking themselves to some useful employment. I view annuities, in money paid to Indians, as a great misfortune, if not a curse, to a majority, as they are seldom benefited by it to the extent of its amount. If some plan could be adopted by which the annuities could be expended upon improvements, farms, or houses for the Indians, it would result to them and their families more beneficial and valuable."

"I find the Shawnee people more industrious in the general, and better farmers, than the neighboring tribes. Why is this difference? It must be because they draw but a very small annuity, not sufficient even to attract traders, and they are thrown upon their own resources, and it is with them work or do worse."

I am therefore of opinion, that this claim has been adjusted as long ago as 1817, and that it would be impolitic now to attempt to disturb that settlement; and I must say, that if I were called upon to readjust, in looking to the transactions as they have come down to us through that distance of time, I believe that the Government has done as much for these Indians as it was wise to do upon any view of the case. Nor do I believe that it would have been better for the Indians themselves if the Government, at that day, had given them, instead of \$85,000, \$185,000 in money. It was for these reasons that I for one voted in the Committee on Finance to strike out this item, and to recommend to the Senate to strike it out.

MR. CHARLTON. Mr. President, I do not propose to make a speech in reference to this claim, but only to offer a few remarks in regard to it, as it has fallen in my way to be conversant with its nature. I differ now, as I would always differ from the honorable Senator from Virginia, with great diffidence, because I know the ability, the learning, and the research which he brings to the investigation of every question to which he turns his attention. But, sir, the human mind is liable to fall into error, and I think my friend from Virginia has made that lapse in the present instance.

The question before the Senate is, Have we made any promises to these Indians? and if we have made promises, have we performed them? The abstract question, whether we ought to pay them annuities at a greater or less distance of time, is a very different question. The questions now under consideration are, as I state them: Have we ever made any promises to these Indians? and have we fulfilled those promises? Senators must remember the condition of affairs at the time when

these promises were made. We were then engaged in a war with Great Britain—I speak now of 1813 and 1814—and a great part of the Creek Indians were induced by the evil purposes perhaps of the British Government, certainly by other Indian tribes, particularly the Prophet—the brother of Tecumseh, I believe, being the main agent—to rebel against the treaties which they had made with the United States, and put themselves in a state of armed hostility. It was very important to the Government that a portion of these Indians, as many as could be, should be kept from active hostility against the United States, for we had enough upon our hands in the war with Great Britain and with the rest of the tribe. Those Indians who remained true to the Government, and true to the treaties which they had made with the Government, rendered essential service. They arrayed themselves against their own clan—against some of their own tribe; they gave their blood, and they gave their property, as the results of their aid in our behalf. I do not know whether my friend from Virginia is a military man or not, but he must remember that the very highest military authority of this land at present, an authority which, although he will not recognize it, a great many else will, has said that it is a very dangerous position for a man to place himself under a fire both in his front and in his rear at the same time. That is the position which the friendly Creeks occupied. They had divers fires to contend with in front and rear, but they remained true and faithful.

The first remark of the Senator from Virginia, to which I wish to reply, is, that we were not bound to indemnify the friendly Creeks for their own land, which they lost by remaining faithful to the treaty which they had formed with the Government. I say that we were bound to indemnify them for this land, because the Government promised to indemnify them; and the report which I have before me, from the Department of the Interior, shows that that was the policy of the Government, and that that was what we promised. It will be remembered that General Pinckney was clothed with almost absolute authority by the Secretary of War, in relation to this matter. In the report from the Department of the Interior, I find the following:

"General Pinckney employed Colonel Hawkins, the Government agent for the Creeks, to make known to them the terms upon which peace would be granted, among which was, that the United States will retain so much of the conquered territory as may appear to the Government to be a just indemnity for the expenses of the war, and as a restitution for the injuries sustained by its citizens, and the friendly Creek Indians." He was instructed to communicate these terms to the friendly Indians, and enjoin them, in the prosecution of the war against such as may continue hostile, to abstain carefully from injuring those who may be retreating with the intention of making their submission. You may likewise inform them that the United States will not forget their fidelity, but in the management which may be made of the land to be retained in indemnity, their claim will be respected, and such of their chiefs as have distinguished themselves by their exertions and valor in the common cause, will also receive a remuneration in the ceded lands, in such manner as the Government may direct."

Now, the Senate will perceive that we did make, during this war, a promise to indemnify the Creeks; that in consideration of their friendly conduct, we would indemnify them against all losses which they might sustain. That promise covered at that time, as was supposed, their individual losses incurred from the hostile Creeks during the contest; for they did not certainly, and the Government did not seem, at that time, to contemplate that as a reward to them for remaining friendly to the United States, we would take away their land. But the Government did take away the lands of the friendly Creeks; that was one of the fires in front and rear to which they were subjected.

Such was the condition of affairs when General Jackson came on to make this treaty with them. He insisted upon drawing his line with the sword. He took away not only the lands of the hostile Creeks, but also the land of the friendly Creeks; and when they asked him where they should go, he pointed them to what my friend from Virginia terms an "equivalent," which was a small portion of their own territory. It strikes me that this was a curious kind of equivalent. Suppose we had a very broad domain; suppose it possible that a foreign Government should conquer and take away all our lands, and give us a small por-

tion, such as Rhode Island and Delaware, and tell us that was an equivalent for the losses we had sustained, and then put hostile people along with us. That was the condition of things in this case. The United States narrowed these Creeks to a small portion of their own territory, for they were masters of the whole Creek territory at that time, in a certain sense. A very small part of it in comparison with their great quantity of land, was reserved for them, and then the hostile Creeks were put in among them—the Indians whose blood was roused by the contest they had between each other. That was the equivalent which they got.

But it is said, that even if we were bound to pay them, this payment has been made. The various reports made on the subject in the House of Representatives have been alluded to, and I shall speak of them very briefly. First, it is said that Colonel Hawkins, the intelligent agent of these Indians, reported that \$60,000 would have been received by them as an equivalent for these losses. I say, respectfully, that is not so. Colonel Hawkins reported that they would have received as an equivalent for their lands \$60,000. Now, we all know that a party who is under the power of another may be willing to receive as an equivalent in one sense what is really not an equivalent in another. They were under the power of the Government. They were under the power of the military chieftain who had them in charge. But Colonel Hawkins, in that connection, was not speaking of these individual losses at all. He was alluding to the land, and he says so expressly. The report which I have before me from the Department of the Interior, speaking of Colonel Hawkins's report, says:

"In regard to the claim on account of the lands of the friendly Indians included in the cession exacted by the treaty, he expressed the opinion that at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent."

There is no claim here for the losses. This referred altogether to the land. He spoke exclusively of the land which the friendly Creeks had lost; and in making allusion to the \$60,000, he did not refer at all to the individual losses which they had sustained. The Senator from Virginia tells you, and the reports will show, that one town—the town of Tookaubatche—was completely destroyed, the cattle of the inhabitants were driven away, and their houses were burnt down. The whole individual property of the chiefs and other warriors was taken away from them by the hostile Creeks. It is these individual losses for which they now claim compensation, and not for their land which has been taken from them.

Colonel Hawkins, in that very letter, draws a distinction between the land for which they were willing to receive \$60,000, and the individual losses which they sustained. The losses were sustained by warriors who remained faithful to the United States during that conflict. Colonel Hawkins reported, in August, 1818, that he had no data on which to calculate as to the extent of the claims of individual losses, part of the vouchers having been taken away by General Jackson's secretary, and the remainder given to the assistant agent at Coweta. Then he goes on to say:

"In regard to the claim on account of the lands of the friendly Indians, included in the cession exacted by the treaty, he expressed the opinion that at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent."

There is a very clear distinction drawn here between the individual losses of the Indians, and the lands taken from them. Colonel Hawkins says that they were willing to receive \$60,000 as an equivalent for their lands, but that he had no data from which he could make a calculation as to the extent of their individual losses.

Mr. BUTLER. Does the \$60,000 cover the individual losses?

Mr. CHARLTON. There is very clearly a distinction drawn. He says:

"In regard to the claim on account of the lands of the friendly Indians, included in the cession exacted by the treaty, he expressed the opinion that at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent."

He stated that he had no data upon which to calculate, as to the extent of the claim for individual losses, and after stating that, he goes on to say that the Indians would have been willing to receive \$60,000 as an equivalent for their lands.

Mr. BUTLER. Does he use the word losses, or lands?

Mr. CHARLTON. I will read to the Senator exactly what the report from the Department of the Interior says:

"Colonel Hawkins reported, August 18th, that he had no data upon which to calculate, as to the extent of the claims for the individual losses; part of the vouchers having been taken by General Jackson's secretary, and the remainder had been given to the assistant agent at Coweta."

"In regard to the claim on account of the lands of the friendly Indians, included in the cession exacted by the treaty, he expressed the opinion that at the time of drawing the lines for the treaty, \$60,000 would have been received as an equivalent."

Colonel Hawkins, on the 1st of April, 1816, made an additional report as to the amount of the claims; and he stated that, from the peculiar condition of affairs, it was imperfect, and could not be otherwise till all the hunters came in; but he found in that report that the aggregate of the claims presented up to that time, was \$108,415 12½. The amount favorably reported upon was \$78,360 75.

It is manifest that he did not consider the \$60,000 as an equivalent for both, for he makes a favorable report on claims to the amount of \$78,360. He estimated that the whole amount of just claims would not exceed \$100,000. The Senate will perceive that this was a mere estimate. He stated that the Indians were on their hunting grounds, and he could not form a correct estimate, but that he had already obtained an estimate which he considered as just, for over \$78,000; and added that he supposed the just claims would amount to \$100,000. In that estimate was not included the losses on account of the destruction at Tookaubatche. That town was totally devastated; and the individual property of the warriors was altogether destroyed.

In 1817, Mr. Lowndes made his report. I think by looking at it, it will be manifest that the committee did not consider that the \$85,000 which they proposed to appropriate, was an equivalent for all the losses, and would pay for all the individual losses which the Indians had sustained. That will be made evident by turning to page five of the report which we have received from the Department of the Interior. The Secretary of War, upon the \$85,000 appropriation, instructed Colonel Hawkins to pay the Indians "only a portion of their claims at present, as it is probable that there may be other claimants entitled to the benefits of the law who are not mentioned in the list furnished by Colonel Hawkins; therefore, a final distribution of the money should not take place until the whole amount of claims are ascertained."

It will not do for the Senator from Virginia to say that the Government did not intend to pay these losses in full. Certainly the whole action of the Government shows that it intended to pay the whole, in full, when fairly ascertained. What! this Government huckster with a party of unfortunate Indians to pay them a *pro rata* share upon their individual losses—losses recognized by the Government, the propriety of paying which was recognized, and an appropriation made to pay them. Is that the true construction of these instructions? Certainly it is not. Our sense of justice would revolt from that. The instructions do not contemplate that. They were to Colonel Hawkins to pay the Indians "only a portion of their claims at present, as it is probable there may be other claimants entitled to the benefits of the law who are not mentioned in the list of claims furnished by Colonel Hawkins; therefore a final distribution of the money should not take place until the whole amount of claims are ascertained."

I ask the Senate, was it intended, when the whole amount of claims was ascertained, to pay a *pro rata* portion? Would not that be an act of bad faith? The Government called to its service these unfortunate men, who really stand in the attitude of *cestui que trusts*. They remained faithful to the Government from circumstances which made it very honorable to them, or very politic to them, I do not know which. I ask, then, if such is the construction to be put upon this clause—that after their just claims had been ascertained according to the intention of the Secretary, he was to say to them, acting for the Government, "Gentlemen, we will give you a *pro rata* allowance, to be distributed amongst you, for these individual losses?" I beg my friend from Virginia to say seriously



whether he thinks this was the meaning of the Secretary of War in his dealings with this unfortunate race—for they are unfortunate. In this case we have certainly got the lion's share. Whether they have merely a possessory right in the land, or whether it belonged to them, is not the question for our consideration. We certainly took the land from them. We took it from them in consequence of their fidelity to us against the hostile Creeks. It is at this day much more valuable to the Government, and has brought, and will bring, more money than would pay for the expenses of that war with the Indians. I do not think the instructions of the Secretary of War contemplated that there was to be merely a *pro rata* allowance to be paid to these men. The whole language shows that such was not his intention. The object was to retain a part of the claims until the whole amount should be ascertained, and then the Government was to pay them that full amount when it should have been ascertained.

Now we come to the report of 1824, upon which so much stress has been laid by the Senator from Virginia. It is said that in that case one of the most able men in this country made a report adverse to this claim. Mr. President, the ablest man in this country is liable to error, and it so happens that sometimes the ablest men in this country are more liable to error than anybody else, because they are very apt, in the press of public business, and the demands made on their time and talent, to overlook small matters. That the chairman of that committee fell into error is certainly no imputation on his talents. Far be it from me to make any imputation against the talents or business habits of Mr. McLane; but I say it is apparent upon the face of his report—and I think if the Senator from Virginia will read the whole report to the Senate, the Senate will agree with me—that he did make an egregious error. He states that the original claim amounted only to \$110,417 90. Now, so far from that being true, that was the balance which remained after the application of the appropriation which had been made by Congress. Did he not fall into error there? He stated, as the whole amount originally claimed, what remained after the appropriation which had been made by Congress had been paid to them. I say that is the fair construction of it. And you will find that Governor Mitchell, who was appointed agent subsequent to Colonel Hawkins, reported this amount as the balance due to these Indians. This is what led Mr. McLane into his hasty error; and I will say here, that hasty errors, and hasty letters, ought to be carefully avoided, particularly in matters of arithmetic, for, unfortunately, figures never lie, though men sometimes do.

By looking at this report of Governor Mitchell, the then Creek agent, it will be seen that the amount of claims which he adjudicated was \$184,028 50. The amount of payments was \$73,610 60, leaving a balance due of \$110,417 90. Yet Mr. McLane put this down as the whole amount of the liquidated claims. The original amount liquidated was \$184,000, and the amount of payments was nearly \$74,000, leaving a balance of over \$110,000. Is not that a very essential difference? Is not the rule, *falsus in uno falsus in omnibus*, applicable here? If we discover an error of such a glaring character in regard to a matter of this description, is it not fair to infer that there are errors in other parts of the report? I make the question fairly. The Senator from Virginia says the fair construction of this report is, that this was the whole balance of the original claim. I only ask, in justice to these Indians, that that portion of the report be read. If it is read, I think the Senate will agree with me that Mr. McLane did fall into an error when he stated that that was the original amount, whereas it was only the balance.

Mr. HUNTER. Does the Senator desire me to read it now?

Mr. CHARLTON. Certainly; I shall be very happy to hear it.

Mr. HUNTER. Here is the paragraph to which the gentleman refers:

"These claims for horses were liquidated by the chiefs, in council, at Fort Hawkins, in July, 1817, and amounted to the sum of \$110,417 90. Of this sum, \$81,085 60 was paid to the individuals in proportion to their respective claims."

I admitted that this, strictly interpreted, was a

mistaken view of the case; but it is very plain to my mind what he meant. One hundred and ten thousand dollars was the balance left of the claims of the Creeks after the \$81,000 had been paid. When he said, "Of this sum \$81,085 60 was paid," he meant to say that that was paid on the whole original sum of over \$190,000. As a proof that he must have meant that he knew all about the matter, I would refer to the fact that he annexes to the report a letter of General David B. Mitchell, which shows that the \$110,000 was the balance. It is from this report of Mr. McLane that I obtained a copy of the letter of Mr. Mitchell, which is there stated in full.

Mr. CHARLTON. I believe Talleyrand said once that the use of language was to conceal thoughts; and I think that we may advance a little, and say, that the object of this report, in making figures and statement, (if the commentary of the Senator of Virginia be correct,) was to conceal what the writer really meant by it; for I say that it is self-evident, (if the explanation or commentary of the Senator from Virginia is correct,) that the gentleman who made this report has said directly the opposite of what he meant. It seems very curious that the author of it should write to a dollar and cent the very amount of the balance, and state it as the amount of the original claim "liquidated by the chiefs." Certainly, "liquidated by the chiefs." By whom else was it to be liquidated? It was presented by them and liquidated by them in common with the agent. There can be no mistake about that.

I ask the Senator from Virginia now, as I know he is a candid and fair man, to listen to this sentence from the report, which is very short, and tell me whether it is possible that it can bear the meaning which he gives to it?

"These claims for losses were liquidated by the chiefs, in council, at Fort Hawkins, in July, 1817, and amounted to the sum of \$110,417 90. Of this sum, \$81,085 60 was paid to the individuals, in proportion to their respective claims; and the balance (\$3,914 40) was placed in the hands of the two principal chiefs, by general consent, to be applied to some cases of peculiar hardship otherwise unprovided for."

The report of Mr. McLane is wrong from beginning to end. The amount liquidated by the chiefs at Fort Hawkins, in 1817, was only \$134,504 50. Afterwards, the amount liquidated at the agency, in 1818, was \$49,524—making in all the sum of \$184,028 50. So he was wrong there. He was wrong in stating that these claims for losses were adjudicated by the chiefs in 1817, to the amount of the sum named. But, in 1818, as I have already said, another amount of \$49,524 was added; and, acting upon the instructions of the Secretary of War, payments were made upon these amounts of two fifths to each individual for those losses, ascertained, allowed, and acceded to—making the balance due, after the appropriation of \$85,000 had been applied to that object, the precise balance of \$110,417 90, which the report assumes to be the amount of the original liquidation.

Now, was not an error made there? Does not the Senator perceive, do not all perceive, that Mr. McLane was evidently in error? In the confusion of the moment, glancing his eye down upon the report of General Mitchell, looking at the items, he took the balance remaining as the sum total of the amount of claims liquidated, which a man in a hurry would be very apt to do. I say, he took the amount of balance as the original amount liquidated, whereas it was only the balance due after paying two fifths of the claims.

I do not feel myself authorized to trespass longer upon the patience of the Senate on this question. I did not intend to make a set speech upon it, and do not intend to do so now. I believe that honesty is the best policy; I believe that the remark applies to individuals, and I believe also that it applies to Governments. I think it applies more especially when we have to deal with those who are under our control. It is the same feeling which has always characterized us in dealing with the female sex; and these friendly Creeks were as much under our power as the ladies are, and a great deal more, let me say in parenthesis, not meaning to infringe upon the dignity of the Senate.

The question is, then, did we not promise this to the Indians? We did. We confirmed it afterwards. We agreed to pay the amount of the claims when they should be ascertained. Our own agent ascertained these claims, and stated them to

be \$184,000. Now, this idea that we are to pay for these claims *pro rata*, is unworthy of this Government.

Is it not a horrible idea that the United States Government, in dealing with these *cestui que trusts*, when the justice of the claims have been ascertained, is to give the claimants two fifths of their claims *pro rata*? These claims were ascertained by our own agent to his entire satisfaction; and he was a man whose honor cannot be impeached. Both these agents were beyond reproach. Here now, when we are asked to pay these claims, the cry is set up that they are a stale demand. That is always the cry when the weak claim from the strong. These claimants have been knocking at our doors for years; but other claims were in advance of them. I ask the Senate to look at this claim before they reject it. The fact that it has been long standing is no answer against it. It is the very reason why we should do justice now. The fact is we did promise to indemnify these Indians not only for the lands, but for the losses they sustained. Let the lands go; we took them from the friendly Creeks as a reward for their kind services in opposing their brother Creeks. They fought for us. The hostile Creeks took them on one flank, and deprived them of their property, drove away their cattle, burnt their houses, killed their women and children and some of themselves; left their red blood in that "Red Stick war." We, on the other flank, from motives of policy, took away the whole of their lands, and after a solemn promise made during this war that we were going to fully indemnify them for the losses which they had sustained from the hostile Creeks, penned them up in a small delta, and told them, "this is enough for you." When they asked us where the hostile Creeks were to go, we said to them: "Take them amongst you." Was not that very charitable and kind to pen them up in a small piece of land, and require them to take the hostile Creeks into their midst! This was the "equivalent" which my honorable friend from Virginia says they received. These other small pieces of land which he says the chiefs received individually as an "equivalent," they also lost. After the treaty, the laws of the whites were extended over them. Does my friend from Virginia not know that the Indians cannot live under the laws of the whites? And when the white population came in, the Indians had to abandon their pieces of land and clear off.

I speak zealously upon this matter. I have no particular interest in it. I do not know one of the Creek Indians. But I think justice ought to be done at all times and under all circumstances. The answer that this is a stale claim, will not do, provided it is shown here that this Government promised this unfortunate race to recompensate them for their individual losses; and on the showing of our own agent, paid them but two fifths of these losses. I therefore appeal to the justice of the Senate to retain in this bill, the appropriation which the House of Representatives have put into it for these claims. Let the bill stand as it is in this respect; and let the amendment of the committee be rejected.

Mr. BORLAND. Mr. President, I do not intend to make a speech to the Senate on this subject, for on two or three occasions before, when this question was before the Senate, I have presented my views of the case, and urged, as far as I was able, the propriety and justice of paying this claim. The Senator from Georgia, at this time, has so fully and clearly set forth the merits of the claim; that I do not think it needs another word by way of argument, in its support. But I rise simply to call the attention of the Senator from Georgia, and the Senator from Virginia, to one single point, suggested incidentally by the Senator from Virginia—that the liquidation of these claims was made not by the agent of the Government, but by the chiefs of the Indians themselves. In that, the Senator from Virginia is clearly mistaken. The liquidation was made by the agent of the Government in consultation and cooperation with the chiefs. But suppose it had been made entirely by the chiefs of the Indians themselves; the fact that it was afterwards recognized by the agent of the Government as a proper liquidation, makes it equivalent to his own act, just as if he had gone into it originally and made the liquidation wholly himself.

Another thing: To show that these Indian chiefs

who were concerned with the agent in this liquidation were not disposed to be exorbitant in their demands on the United States, or to yield to all claims which might be set up by the individual Indians, I would mention that they greatly reduced the claims, as presented by the individual Indians, and their award in many instances, perhaps in almost every instance, reduces considerably the amount of the claim.

But, sir, it is not necessary to go back to that transaction at all, to see whether they have made a fair liquidation or not. It is enough for us to act now, to know the fact, that in the year 1817, by a solemn act of Congress we recognized that liquidation, and made an appropriation to pay it, though it was not enough to pay it, as the Senator from Georgia has said; for, under that act, only two fifths of the claims were paid; that is, on a claim of \$2,000, \$800 were paid; and so it was throughout. The recognition by the Government of the claim, as far back as 1817, and its partial payment make it obligatory upon us, in my opinion, beyond dispute, to pay the balance now.

It was for this reason that I remarked, in a speech which I made on this subject, when the deficiency bill was under consideration, that I considered this claim as the only item in it which was a real deficiency. It was to make up a balance due upon a claim which had been liquidated and recognized by us, and paid in part. My opinion is that it should have remained in the deficiency bill, but the Senate struck it out. It has now pleased the House of Representatives to provide for the claim in this bill; and I do think it is time—I think we owe it to the ordinary considerations of justice, to say nothing of liberality and generosity, towards a people whose country we have taken, and whose dearest rights, we are bound to admit, we have trampled upon—to pay them now what they ask, not as a favor, but what they demand as a simple act of justice, which we acknowledged thirty-five years ago.

Mr. BELL. Mr. President, I do not propose to examine this question fully, since the Senator from Georgia has so clearly explained the grounds upon which the claim is supported. But I think that this proposition can be clearly discriminated from that class of propositions, or from that course of legislation, to which we seem to have a considerable tendency, in regard to compensations to the Indians for their lands; that is, going back and inquiring whether strict justice has been done to them, and whether more ought not to be done, upon some promises in some shape or form made by the agents of the Government at some time. I think this claim can be well discriminated from that whole class, in regard to which I agree with the Senator from Virginia, that it would be highly impolitic to go back and examine for years and years past, no matter how long or at what more recent period, and see whether exact and precise justice was done to an Indian tribe, when we had taken a portion of their lands from them by treaty; because in general it is but little more or less than taking their lands, for we give them such compensation as we are willing to give. I agree with the honorable Senator from Virginia as to that.

Nor can the idea be sustained of equalizing the payments that are made to indemnify the Indian tribes for their lands, under treaties made at various periods by the Government. Such a thing would be utterly impossible. We have not the means of doing it justly, in the first place; and in the second place, we are called upon by no considerations of justice to do it. I think, if the honorable Senator from Virginia has listened to the train of argument submitted by the Senator from Georgia, and will listen to an addition or two which I propose to make, he will see that this claim stands entirely upon a different ground. And I think, in order to understand it properly, it would be well for the Senate to throw out of view altogether all that has been said, and all the evidence that has been adduced as to the value of the lands taken from these Indians, under the treaty of Fort Jackson in 1814. We can throw that altogether out of the case; for, as I understand the claim, it is not based upon that idea. That has only been thrown in as a make weight, as an auxiliary argument, to show that justice required something to be done towards these Indians in regard to another matter.

I have been led to look somewhat carefully into

this claim, upon the request of the honorable Senator from Arkansas, [Mr. SEBASTIAN,] whose accuracy and judgment in these examinations I have had an opportunity of testing upon many prior occasions. When this proposition was brought up in the Senate as an amendment to the deficiency bill, I must confess that my impression was against the justice of the claim set up on behalf of the Creeks. I was not entirely satisfied in regard to it; but my impression was then strongly against it. I have since made a more careful examination into the matter, and find that no connection really exists between the foundation of this claim, and the claim as to the value of the lands which were taken from the friendly Creeks.

Again, I was unfavorably impressed towards the claim when the question was up before, by the consideration that, subsequent to 1814, and subsequent to 1817, and even subsequent to 1818, when these claims were liquidated, there had been two or three treaties made with the Creek Indians by this Government, and I did not clearly perceive why, if this had been a subsisting claim at the time, and the Indians had continued to make the claim—I mean the friendly Indians in the war of 1814—it was that this claim was not liquidated in those subsequent treaties. My mind was strongly impressed with the idea that if it had been well-founded—if the Indians themselves felt that they were clearly entitled to this additional compensation for their losses in the war of 1814, it would then have been set up, and would have been allowed by the Government, or we should have known why it was rejected.

There are two grounds upon which I doubted before, when this question was up.

If we can divest our minds of all that has been said, and all that has been found in these reports, as to the treaty of Fort Jackson, in regard to the cession of land, and in regard to the stipulation by which we obtained a large quantity of land, first from the hostiles, and then nearly as large a quantity from the friendly portion of the Creeks, we may be better able to see whether this claim is really founded upon distinct principles of its own, not connected with this idea of going back and paying a full compensation for lands that we got by the treaty a long time ago.

Now, sir, four or five months before this capitulation—for I must here recapitulate a part of the argument used by the honorable Senator from Georgia—General Pinckney, who was then the commander-in-chief of these forces, was written to by the Secretary of War, to assure the friendly Indians that they should be fully indemnified for all their losses sustained during the war. General Pinckney communicated the contents of this letter to the agent for the Indians, Colonel Hawkins. Colonel Hawkins sent runners through the Creek country, particularly to the friendly Creeks, inciting them to assist the Government of the United States against the hostiles. And it was in good part in consequence of this notification, that he succeeded in a few months in getting both the hostile Creeks and friendly Creeks together in general council, where General Jackson made known the terms upon which he would treat with them.

Complaint was made at that time to General Jackson, or he was reminded of the promise made to them of indemnity for their losses; and I believe he said they should be indemnified. The treaty was made. This was in 1814. Subsequently the agent of the Creeks was directed by the proper Department of the Government to ascertain and liquidate the claims of the friendly Creeks for spoiliations committed by the hostiles during the war in 1813 and 1814. In 1816 claims to the amount of about \$100,000, I believe, were presented. I do not remember whether it was in the council of the chiefs or how. As I understand the communication of Colonel Hawkins, he communicated to the War Department the fact that the claims then, in 1816, supposed to be good, amounted to about \$80,000; but he said, at the same time, that the account was imperfect—that all the claims were not presented or adjudicated, or, to use a mercantile phrase, liquidated. Congress, in 1817, appropriated \$85,000, and put that amount at the disposal of the Government. The Government sent it out to the agent, who was, at that time, I believe, General Mitchell, who had superseded Colonel Hawkins, with instructions that if that were not enough to pay the whole

amount, he should distribute it *pro rata* among the claimants to the amount of the claims then ascertained, as far as the liquidation had been attempted. In his report of the case, he expressly says that the account which he had sent was not complete. There were further claims to be ascertained and liquidated. When this sum of money was placed at the disposal of the agent, he paid it *pro rata* to the claimants, and reported that a balance of \$110,000 remained unpaid. This report came in in the year 1818; for this liquidation, under which this balance of \$110,000 remained unpaid, did not take place in 1817. The final liquidation of the claims took place in 1818. The friendly Creeks came forward and claimed this balance; and that is the foundation of the present claim.

The report of Mr. McLane, made in 1824, is relied upon to show that these Indians are not entitled to any balance. I will not recapitulate all the views submitted by the honorable Senator from Georgia upon that point, to show that the distinguished gentleman who made that report either had not the proper documents before him, or that he totally misunderstood those that were before him. I am of opinion that, by looking into the papers belonging to the question of that time, it will be seen that he had the data before him by which he could have corrected his own report, and that this balance of \$110,000 remained after the \$85,000, which had been appropriated, had been paid. One mistake of that report was in assuming that the \$85,000 which had been paid was to be deducted from the \$110,000, and in assuming the amount of the original claim as being \$110,000, and therefore refusing to make a further appropriation.

There was an antecedent report of Mr. Lowndes, which has been referred to, which was made, I think, in 1817, in which Mr. Lowndes recognized distinctly the obligation of the Government to pay this claim; but it has no other connection with it except to show that that distinguished man recognized the obligation of the Government to pay the whole of this claim when ascertained.

Then, sir, this is a claim in the first place due, not to the Creek nation as a nation, but it is due only to a portion of the tribe. It was due to the friendly Creeks, constituting, it may be, a majority, or less than a majority, or, perhaps, more than a majority of the whole tribe. Subsequent treaties were made with the Creeks: one was made in 1821. It is very well known that that treaty was made, as was alleged at the time, and as is now, I suppose, generally admitted, by General McIntosh and his followers, without the consent of many of the leading chiefs and warriors of the tribe; for which reason he lost his life, and the lives of those who united with him in that treaty of Indian Spring, were endangered. That was the first treaty made by him without due authority from his tribe. The Government of the United States subsequently acknowledged this fact.

In 1826 there was an additional treaty made, which was to repair the mischiefs, and to restore harmony to the Creek nation, in consequence of the disruption of it, occasioned by the treaty of Indian Spring, made in 1821. The friendly Creeks—I am narrating now the circumstances which have reconciled my mind to believe that there is sufficient reason to support this claim—entered into that treaty of 1826 with a view to restore the harmony which had been interrupted in consequence of the arrangement made by General McIntosh in 1821. These claims then existed only as individual claims, and did not belong to the nation in its tribal character. This claim was still left by that treaty in the condition of a private claim on the part of the friendly Creek Indians, who had never been indemnified for the losses sustained by them at the hands of the hostiles in the war of 1813-14.

The treaty of 1832, about which we had a good deal of discussion in this Chamber some weeks ago, was a treaty by the whole tribe, not so much for the cession of the country, as for the cutting of it into reservations, with liberty to themselves to sell it without even executing an agreement to remove westward. This was a treaty entered into under circumstances of expediency and pressing necessity, at the time, with the whole nation, including the hostiles. It will be observed that all these treaties—those of 1821, 1826, and 1832—were treaties nominally made in the name of the whole nation. The treaty of 1821 was, in fact,

made by a fraction of it, but not by this particular fraction—being made by a portion of these friendly Creeks who are the claimants, and perhaps a portion of the hostiles united with them. The treaty of 1826 was a national one, as regards the Indians, bringing in the whole tribe. Still these friendly Creeks—who had suffered in 1814, acting under the jarring interests and ill-feeling that existed among the different fractions of the tribe—at that time, without any prospect of success, attempted to interpose into the treaty what was considered a private claim against the Government of the United States in consequence of the promise of General Pinckney in 1814.

Then there is further evidence, that during the whole of this period Ho-poth-le-yoholo particularly, one of the most distinguished chiefs that belonged to the friendly part of the tribe, never lost sight of an opportunity of pressing this claim upon the Government. It truly rests upon his own authority to say—for we have no other documentary evidence of it—that in 1832, the last general treaty with the tribe, he did present that claim, and urged the propriety and justice of its being paid. He said that General Jackson said to him, in 1814, that this was a matter which concerned the whole country. "We want you to remove; but whenever you remove and go West 'this money will be ready for you; you shall be allowed the whole of your losses incurred in the 'war of 1814.'" I do not pretend that there is any documentary evidence for this, but we find by the report of Mr. McLane, in 1824, that it was a claim then prosecuted.

In 1841—while it was my bad fortune, perhaps, to be a few months at the head of one of the Departments—I dispatched an intelligent agent, well acquainted with the Indian character and Indian affairs, to that country. There had been so many panics and alarms got up on the western border with regard to several discontented portions of these tribes—the Cherokees and Creeks especially—that to ascertain the true character of their complaints, and to see if there could be any means devised of giving them content and making them satisfied, an agent was sent out. One of the causes of complaint reported by the agent was, that those who were alive of the old friendly party in what was called the "Red Stick war" of 1814, considered that this Government had not kept its faith with them; that they had been promised by the Government of the United States indemnity for their losses; that they had only been partially paid; that they had brought their claims again and again to the Government; that the Government had shut its ears to them; that they had prosecuted their claim from time to time, and that the Government continued to lend a deaf ear to them, and that they would never be satisfied until the balance of their losses was paid them. I believe such was the written report of the agent. I have not seen it very recently, but I imagine that it can very readily be referred to. I adduce this for the purpose of showing that these Indians never lost sight of that claim in their national or tribal character, but that the representatives of this portion of the tribe which incurred the losses, considered that they had a claim upon the Government under its express promise.

Mr. HUNTER. Will the Senator from Tennessee permit me to interrupt him for a moment? for I really wish to ascertain his views, not for the purpose of controversy, but to see what they are. If I understand him, his opinion is, that we are called upon to pay these Indians for the losses which they sustained in the war—that we are bound to make good their individual claims for those losses, and are not bound to pay them anything for the lands which we have taken from them.

Mr. BELL. My judgment is not founded on the land at all; and therefore I said that we could more clearly comprehend the full justice of the claim by throwing out the consideration of the land.

Mr. HUNTER. But I would ask the Senator whether, if we are bound to pay this claim, he does not think we shall have another claim made here for the land? I wish to ascertain whether the Senator thinks this will be the end of it, or whether it will not bind us to make good another claim for the lands themselves? For myself, it seems to me that that will be the result.

Mr. BELL. My opinion is that this Govern-

ment cannot go back in a search after justice, even if it has been neglected and trodden upon in our transactions with the Indians. As the honorable Senator from Virginia himself said, if you examine the scale of allowances made to the Indian tribes, you will find that some have had a hundred, and some five hundred, and some a thousand percent. more than others, owing to the different circumstances under which treaties have been made, the difference in the value of the land, and owing also to the different views of justice entertained by the Government at different times. I doubt if a hundred millions of dollars would equalize the allowances to be made to the Indians for the exactions we have made from them of their lands. I concur most cordially and clearly with the honorable Senator from Virginia on that head, and with regard to the cession of these lands, as the Indians say, which were taken by General Jackson when, like Brennus, he threw the sword into the scale. I think we cannot go back. The Indians, as a nation, have had the benefit of the sale of three fifths of their whole country, at whatever prices their lands would bring. That has happened to the hostile as well as to the friendly portion of the Creek nation. Though I believe they have had little out of their reservations, yet each head of a family was permitted to sell and make what he could out of the six hundred and forty acres which he held. That was a much larger allowance than this Government thought proper to allow to numerous other Indian tribes in the treaties we have made with them. I do not think that on grounds of policy or of justice, in regard to this tribe—unless we take up the large, broad, expansive, and philanthropic idea of indemnifying the remnants of all these tribes for the value of the land of which we have deprived them since the foundation of the Government—that there can be any limitation to such a proposition. Such a proposition, it appears to me, would be chimerical—a proposition which we would not have the power or the resources to fulfill or carry out. I agree that General Jackson took a portion of their lands, as they called them, but I do not think there is much in that idea, because the land was as much the land of the hostile as of the friendly Creeks.

What the friendly Indians meant by that, as I understand, is, that General Jackson took possession of a strip of territory which they happened to occupy; for the country occupied by the nation was one—there was no line between the two sections separating the friendly from the hostile. I repeat, that the lands so taken by General Jackson belonged quite as much to the hostile as to the friendly Creeks. The latter had no greater right than the others, being merely the occupants of that country; and General Jackson might have said to them, "I take this land not only from you, but from the whole nation; you occupy it as one nation of Indians; I do not draw any lines between you." So that I think there is nothing in that argument, and the Senator from Virginia [Mr. HUNTER] need not have any fears that they can come here and make any reclamation on this Government for having been despoiled of their lands, as those lands constituted a part of the common Creek country. This claim is founded on very different considerations. It is not a claim made by the whole, but by a part of the Creek nation, which remained firm in their friendship to the United States, and who shed their blood in attempting to reduce their hostile brethren to submission to the United States. They show that, in accordance with the terms of the capitulation, they ought to have been indemnified for their losses; and they say that they never were indemnified.

I have attempted to show the distinctive features of this claim, as being distinct from that class to which the Senator from Virginia referred, when he stated so forcibly and truly that this Government could not go back to do justice to these tribes, from whom we have obtained lands, and who now think that we did not pay them a full and ample compensation. It is for these reasons, without attempting to go into all the particulars of the case, that I have been led to change my impression of the validity of the claim, since this subject was under consideration on a former occasion. If I am mistaken in any material fact, I should like to be corrected. But I think this is a private claim, being set up by a portion of the tribe, and therefore not in any sense a national claim, which it was not

convenient to pay, and not likely to be taken into consideration in subsequent treaties, because the views of a portion of the tribe were hostile to it. For example, the hostile Indians did not care about making it a condition in the treaties of 1821, 1826, or 1832, that the friendly portion of the tribe should be paid for losses inflicted upon them by the hostile Indians themselves. It was not a matter which concerned the nation at large; and I think that because it is rather in the nature of a private claim, and because these friendly Creeks have never been able to get the assent of the whole tribe to urge the claim on this Government, we ought to be more careful to do them justice than if it had been an outstanding claim of the tribe from 1814. If it had been an outstanding claim of the tribe since 1814, I should have reason to suppose that it would have been settled in the treaty of 1821, or 1826, or 1832. I have stated the reasons why it was not settled by either of those treaties.

The question was taken on the amendment, and it was not agreed to.

And, on motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 28, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

### • CORNELIUS COVERT.

Mr. STUART. I desire to call up the motion to reconsider the vote by which the bill for the relief of Cornelius Covert was referred to the Committee of the Whole House. It will be recollected that the gentleman from Pennsylvania [Mr. STEVENS] objected to the passage of the bill when it was last up, but since then he has become satisfied of the correctness of the bill, and that it ought to pass. The bill is simply for the correction of a mistake in the contract. The proof is clear and conclusive that the contract was drawn up for \$219, when it ought to have been \$419, according to the accepted bid. The Postmaster General recommended to the committee that the contractor be paid \$396 per annum, which is the amount of the next bid below him. There can be no objection to the bill. I repeat that it is simply for the correction of an error. I therefore move to reconsider the vote by which the bill was referred.

The question was then put upon Mr. STUART's motion, and it was decided in the affirmative.

So the vote was reconsidered.

The question recurred upon ordering the bill to be engrossed and read a third time.

Mr. CLEVELAND. I wish to inquire of the gentleman from Michigan whether this subject has been investigated by any committee of the House?

Mr. STUART. I will state that it has been very carefully examined by the Committee on the Post Office and Post Roads.

Mr. CLEVELAND. One question further. I want to know if the committee unanimously recommended this bill?

Mr. STUART. So I understand. The gentleman from Massachusetts [Mr. FOWLER] stated to the House the other day very distinctly, that there was no question about it. I hope the bill will be passed at once.

The bill was then ordered to be engrossed and read a third time, and was subsequently—being engrossed—read the third time, and passed.

Mr. STUART moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

### OAKLAND AND OTTAWA RAILROAD BILL.

The House then proceeded to the consideration of the motion submitted by Mr. BARRERE on Friday last, to reconsider the vote by which House bill No. 290, "granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa Railroad, commencing at the village of Pontiac, in the county of Oakland, and terminating on the navigable waters of Lake Michigan, in the county of Ottawa," was laid upon the table.

Mr. STUART. I move that there be a call of the House.

The motion was agreed to.

The roll was accordingly called, and one hundred and sixty members answered to their names.



During the call of the roll the following proceedings took place:

Mr. HENDRICKS stated that Mr. DAVIS, of Indiana, was confined to his room by sickness.

Mr. KING, of New York, stated that Mr. BUELL was detained at home by sickness in his family.

Mr. HART stated that Mr. MARSHALL, of California, was confined to his room by sickness.

On motion by Mr. ORR, all further proceedings under the call were then dispensed with.

The question recurred upon reconsidering the vote by which the Oakland and Ottawa Railroad bill was laid upon the table.

Mr. SAVAGE. I move to lay the motion to reconsider upon the table.

Mr. STUART. I rise to a question of order. The last vote taken in reference to this bill was on a motion to lay the motion to reconsider upon the table, and the House refused to lay it upon the table.

The SPEAKER. That being the case, the Chair must rule the motion of the gentleman from Tennessee out of order.

Mr. SAVAGE. Then I move that the bill be postponed indefinitely.

The SPEAKER. The bill is not before the House, and the Chair doubts whether it is competent to postpone indefinitely the motion to reconsider. The Chair thinks it is not in order.

Mr. TUCK demanded the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was then put, and it was decided in the affirmative—yeas 76, nays 74; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, Brenton, Briggs, George H. Brown, Rusby, E. Carrington Cabell, L. D. Campbell, T. Campbell, Chandler, Clark, Clingman, Conger, Doty, Durkee, Eastman, Edgerton, Evans, Ficklin, Fitch, Florence, Freeman, Gentry, Goodrich, Green, Harper, Hays, Haven, Hendricks, Heib, Houston, Howard, Thomas Y. How, James Johnson, John Johnson, Robert W. Johnson, Kurtz, Landry, Mace, Miller, Molony, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Pennington, Phelps, Polk, Porter, Price, Rantoul, Richardson, Sackett, Schermorkorn, Schoolcraft, Scurry, Smith, Stanley, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Taylor, Thurston, Townsend, Walsh, Ward, Addison White, Alexander White, Wilcox, Williams, and Yates—76.

NAYS—Messrs. Aiken, Allison, John Appleton, William Appleton, Babcock, Beale, Bell, Bonck, John H. Boyd, Bragg, Burrows, Joseph Cable, Caldwell, Caskie, Chapman, Chastain, Churchill, Cleveland, Daniel, George T. Davis, Dawson, Dean, Dockery, Duncan, Dunham, Edmundson, Floyd, Fowler, Thomas J. D. Fuller, Gamble, Giddings, Goodenow, Grey, Hamilton, Isham G. Harris, Hebard, Holladay, John W. Howe, Thomas M. Howe, Ingersoll, Jackson, George W. Jones, George G. King, Preston King, Kuhns, Letcher, Mann, Martin, Mason, McLanahan, McNair, McQueen, Meade, Millson, Morehead, Murphy, Newton, Perkins, Robbins, Robie, Ross, Savage, Schomaker, Scudder, David L. Seymour, Origen S. Seymour, Smart, Stratton, Tuck, Walbridge, Wallace, Washburn, Watkins, and Wildrick—74.

So the vote by which the bill was laid upon the table was reconsidered.

During the call of the roll, the following proceedings took place:

Mr. ASHE stated that he had paired off with Mr. DAVIS, of Indiana.

Mr. COBB. I was engaged in conversation at the time, and do not know whether I was within the bar when my name was called or not. I believe I was, but I cannot speak with certainty.

The SPEAKER. The gentleman states that he believes that he was within the bar when his name was called, and the Chair thinks that is enough to entitle him to vote.

Mr. JOHN W. HOWE. I must object.

Mr. COBB. If there is any objection, I will not ask that my vote may be recorded.

The question then recurred upon the motion to lay the bill upon the table.

Mr. KING, of New York, demanded the yeas and nays; and they were ordered.

Mr. STUART. Before that question is taken, I move that there be a call of the House, and on that motion, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. I presume that the object of the gentleman from Michigan is merely to exhaust the morning hour, and I hope, therefore, that he will allow this question to go over until to-morrow, and permit us to go on with the river and harbor bill at once. If there be no objection, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The motion of the gentleman can only be entertained by unanimous consent.

Mr. STUART. I desire to make an inquiry of the Chair, so that there may be no misunderstanding about this matter. I do not wish to embarrass the business of the House, but I want to know, if this bill is passed by now, what will be its condition. Will it come up to-morrow morning? I understand that it will.

The SPEAKER. If the bill is postponed there will be no difficulty; it will come up during the morning hour to-morrow.

Mr. JONES. Then I move that the further consideration of the bill be postponed until to-morrow.

The motion was agreed to.

Mr. STUART. I now withdraw the motion for a call of the House.

Mr. SEYMOUR, of New York. I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. That motion is not in order before the expiration of the morning hour, unless by unanimous consent.

There was no objection, and the motion was submitted, and on being put, it was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Olds in the chair,) and resumed the consideration of House bill No. 282, making appropriations for the improvement of certain harbors and rivers.

The CHAIRMAN. When the committee rose, there were two questions pending. The gentleman from Kentucky [Mr. MARSHALL] moved to strike out, after the words "navigation of," in line twenty-one, to the word "dollars," in line twenty-five, inclusive, and insert a substitute in place thereof. The gentlemen from Illinois [Mr. YATES] moved to amend the amendment by striking out the word "rapids," in the original proposition, and insert the words "the Falls of St. Anthony." The question pending, therefore, is upon the amendment to the amendment.

The question was taken, and the amendment to the amendment was not agreed to.

The question then recurred upon Mr. MARSHALL'S amendment.

Mr. MARSHALL. Upon that amendment I demand tellers.

Tellers were ordered; and Messrs. BAYLY, of Virginia, and ST. MARTIN were appointed.

The original clause was read, as follows:

"For the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, \$260,000."

The amendment was read, as follows:

Strike out after the word "navigation," to the word "dollars," in line twenty-five, inclusive, and insert the following: "of the Ohio river above the falls, \$50,000; for the purchase of the snag-boats necessary for efficient service on the western rivers, \$100,000; and for the improvement of the Mississippi, Missouri, Arkansas, and Ohio below the falls, \$200,000."

The question was then put, and the tellers reported—ayes 55, noes 63.

So the amendment was lost.

Mr. MILLER offered the following amendment:

Strike out all after the word "river," in the twenty-second line, to the word "dollars," in the twenty-fifth line, inclusive, and insert the following:

For the improvement of the Ohio river, \$50,000;

For the improvement and repairs of the dam at Cumberland Island, \$50,000;

For the improvement of the Mississippi river between the Falls of St. Anthony and the head of the Des Moines rapids, \$30,000;

For the improvement of the Mississippi river between the foot of the Des Moines rapids and the mouth of the Ohio, \$50,000;

For the improvement of the Mississippi river between the mouth of the Ohio and New Orleans, \$50,000;

For the improvement of the Missouri river below the mouth of the Big Sioux river, \$60,000;

For the improvement of the Arkansas river, \$50,000;

For the improvement of the Illinois, Tennessee, and Cumberland rivers, each, \$40,000.

Mr. M. said: Mr. Chairman, I have offered that amendment because I regard the provisions of this bill, as reported by the Committee on Commerce, as inadequate to the wants of the western rivers, and because the committee have aggregated the objects of appropriation. I regard it, sir, as insufficient, because, by reference to the estimates which were furnished by the Topo-

graphical Bureau in 1850, and which have been several times alluded to in the course of this discussion, it will be seen that over \$100,000 are needed for the construction of snag-boats and other boats necessary for the improvement of our western rivers. It will be seen, by reference to the Executive documents of 1849-'50, that the estimates for the construction of snag-boats were as follows:

For the construction and outfit of two snag-boats, of the largest class, at \$35,000 each.....	\$50,000
For the construction of three light draught snag boats, \$15,000 each.....	45,000
For the construction and outfit of two machine boats, at \$2,250 each.....	4,500
For repairs and reoutfit of snag-boat Hercules.....	2,000
	<u>\$101,500</u>

The bill reported by the committee includes in the appropriations of \$260,000, for the four rivers mentioned, the repairs for the dam at Cumberland Island in the Ohio river, which, according to the estimates furnished by the Topographical Bureau to the last Congress, amounts to the sum of \$50,000. Add to this the estimates by the same bureau, for contingencies of all sorts, of \$14,500, and the cost of snag and other boats, and the improvement of Cumberland dam, will amount to \$166,000; which sum, deducted from the amount of the appropriation, will leave only \$94,000 for the improvement of the thousands of miles of navigable water in those four great rivers.

And yet the Committee on Commerce have reported the sum of \$50,000—more than half that amount—for the improvement of the Hudson, which, as I understand, has only one hundred and fifty miles of navigable water. Now, Mr. Chairman, I am not objecting to this appropriation for the Hudson river; but if it be necessary to appropriate \$50,000 for one hundred and fifty miles upon the Hudson, which is a better stream than either of those mentioned in my amendment—better than the Ohio, as I understand, and far better than the Missouri, the Mississippi, or the Arkansas river, how much ought to be appropriated for those streams? If you will estimate it, you will find that this bill appropriates more than \$300 a mile for the Hudson river; while it has appropriated only at the rate of about \$50 a mile for these western rivers. Gentlemen say that more commerce passes over the Hudson than over either of those rivers. That may be true; but I presume no gentleman will contend that there have been as many lives lost, as many boats sunk, and as much property lost upon the Hudson in the last fifteen years as upon the Mississippi river and its tributaries within a single year. I have before me a report, which reached me last night in one of the western papers, showing that since the first of January last the number of steamboats lost upon these rivers has been thirty-one. The number lost by snags, since the navigation of the Mississippi river and its tributaries by steamboats commenced, is four hundred and sixty-nine, and the number lost during the year 1849 was eighty-three.

I ask that the gentlemen of this committee will look at this further fact. The steam marine upon our western waters is greater than the whole of that of Great Britain. The whole steam marine of Great Britain amounted, in 1848, to 168,078 tons, while that upon our western rivers amounts to 204,725 tons. I ask that this committee will not only make such appropriations as our western rivers require, but I ask that they will do another act of justice to the people of the West. I ask that, instead of appropriating \$260,000 for the four rivers, leaving its distribution to the discretion of the officer who superintends their improvement, and the application of this fund, that you will make specific appropriations for each river, and not leave the appropriation in such condition that the amount may be applied exclusively to any one, or two of them, but give to each an amount to which it is fairly and justly entitled.

Mr. CLEVELAND. I am opposed to this, as I am to all amendments offered to this bill. But I want to call the attention of the committee to this fact: If they will consider the subject but a minute, they will be satisfied that they can accomplish their objects, and save a vast deal of time, by a course other than that of offering all these amendments. There is, as gentlemen know, a substitute for this bill before this committee, offered by the gentleman from North Carolina, [Mr. STANLEY] which em-

braces all, or nearly all, these various amendments proposed by gentlemen from the different sections of the Union. That substitute will necessarily come up and be acted upon by the committee, and gentlemen who prefer to support that, which is the bill that passed the House the last session, can support that amendment. If it passes, all, or nearly all, the improvements for which these various amendments are offered, will be provided for. I shall myself vote against that amendment, and I trust a majority of the committee will. But by pursuing that course, we shall decide all these questions by a single vote, and shall thus save the time now so unnecessarily expended, as gentlemen must be aware.

One word further. I have no doubt that gentleman offering these amendments hope they will pass, or if they have had abundant evidence from the action of the committee that they are not to pass, they are placing themselves right before their constituents in order to satisfy them that their Representatives have not been unmindful of their particular interests. But in the substitute offered, these gentlemen can all accomplish their object by recording their votes in the House in favor of that substitute, and save the useless consumption of time. I would therefore suggest to the gentlemen of this committee, that we can bring this matter to a speedy and satisfactory conclusion by coming to a vote upon the amendment of the gentleman from North Carolina. If that is voted up or down, let us vote upon the bill as presented after that vote, and let it be the final vote. All this time will then be saved, and the object of all these gentlemen will be as well cared for by recording their votes in the House as if all these separate amendments had been offered.

Mr. MILLER. I desire to say a word or two in reply to the gentleman from Connecticut.

The CHAIRMAN. No further discussion is in order.

Mr. MILLER. Then I demand tellers upon my amendment.

The question being on the adoption of the amendment offered by Mr. MILLER—

Mr. MILLER demanded tellers; which were not ordered.

The question was then taken, and the amendment was not agreed to.

Mr. MARSHALL, of Kentucky. I offer the following amendment:

Add the following at the end of the clause, in line twenty-five: "And for the purchase of snag-boats for service on the western and southwestern rivers, \$80,000."

Mr. M. said: I have not offered a single amendment except in good faith, and with the idea that it ought to pass. I have now, in the shape in which I have placed this amendment, abandoned the hope of fixing the amount for the improvement of the upper Ohio at \$60,000, as was estimated by the engineers, and am compelled to leave the appropriation as the Committee on Commerce have placed it.

I have now, sir, offered an appropriation which will add eighty thousand dollars, for the purpose of building snag-boats upon the western waters, and will increase the appropriations in this bill by that sum. And I wish to know how it is, that this committee can consider it fair and proper to appropriate in this bill \$100,000 for the purpose of making dredge-boats and delivery scows for use upon the northern lakes, and refuse the same amount for the purpose of making snag-boats for use upon the western rivers? I do not understand the philosophy of this; and it is insufficient to tell me, in explanation of it, that the Committee on Commerce have reported it. I have already stated to the committee, that at the time this system stopped, in 1847, there were four snag-boats being used upon the Mississippi and Ohio, but that they were sold out. From this \$260,000 in the bill, which includes \$50,000 for the Cumberland dam, and \$60,000 estimated by the engineers for the upper Ohio, you will have remaining but \$150,000 for the Missouri, the Arkansas, the Mississippi, and the Ohio below the falls. And of this amount, if you expend \$100,000 to replace the snag-boats necessary to recommence this system of improvement, you will have left then but \$50,000 with which to work upon the whole western rivers.

Now, sir, I do not know what western men may do. I do not know what the Representatives of the valley of the Mississippi may do; but if

this House refuses this appropriation, I would vote this bill down a thousand times. This is one of the last appeals I have to make, and I trust that this amendment will be put upon the bill. It is fair, it is proper, and it is necessary.

Mr. FULLER, of Maine. I am opposed to the amendment offered by the gentleman from Kentucky, who last addressed the committee.

It is a little singular that the Department did not think proper to recommend to this House and to Congress, any greater appropriation for the western rivers than the committee have reported in this bill. They reported all that the Department recommended. Now, sir, I do not know—perhaps the gentleman from Kentucky [Mr. MARSHALL] can inform the committee—what is the cost of a snag-boat, as compared with dredge-boats, as to their durability? And why is it that gentlemen indulge here in asking for these random appropriations?

Mr. MARSHALL. Twenty-five thousand dollars have been estimated for each of these snag-boats. The estimate is contained in the report of the superintendent of western improvements; and if the gentleman had looked through the reports, he would have seen what snag-boats cost.

Mr. FULLER. Suffice it to say, in answer to the gentleman, that the committee reported all that the Department recommended, and I suppose the Department understands what is necessary to be appropriated in any one year. If I have any idea of the mode of improvement of the western rivers, it is not as expensive as the building piers of stone-work and masonry; it is simply by the use of these boats, the pulling up the snags.

But, sir, there is another reason why the amendment proposed by the gentleman should not be voted by the committee. This Government owes \$63,000,000, and it pays \$3,000,000 a year interest money. A million and a half of dollars is all that the present force of your Topographical Bureau can expend in any one year. Do gentlemen want to vote large sums of money to have that Bureau increased to expend it? It strikes me not. It would not be judicious, and I think, therefore, that a bill that appropriates \$1,500,000 a year, is in all conscience enough.

Mr. SEYMOUR, of New York. I only wish to call the attention of the gentleman from Maine, [Mr. FULLER], and also of the gentleman from Kentucky, [Mr. MARSHALL], to the estimates which were sent to Colonel Long, who has the supervision of this work. In that he estimates as necessary to build and outfit the two new snag-boats of the largest class, \$25,000 each, and three of a lighter draft, at \$15,000 each. He also recommends the repair and outfit of the large boat on hand, the Hercules. These estimates were referred to us by the chief of the Topographical Bureau. This is all they ask for, and it leaves a balance of \$50,000 for the Cumberland Island dam and the working of these boats for one year. The simple question is whether we shall add \$80,000 or \$100,000 more than the Department asked for for the present fiscal year?

The question was then taken on the amendment of Mr. MARSHALL, and it was not agreed to.

Mr. CLINGMAN. I move to raise the sum from \$260,000 to \$850,000.

My object, Mr. Chairman, is to get for those western rivers precisely the same amount which we voted for the Collins line. I voted for that appropriation. I thought it right then, and I still think so, and would vote for it again. But, sir, I am of the opinion that this appropriation for the Mississippi river is entirely too small—I mean for the Mississippi and its tributaries. According to the report of Lieutenant Maury, there are twenty thousand miles of navigable waters. That river and its upper tributaries, lie in fifteen of the States. One half of the Union is directly interested in this matter. Now, sir, it is very well known, that that section has heretofore had but little or nothing of all the appropriations made by this Government.

The people of the West have come up liberally to maintain the Government in its revenues, and by men in times of war, and from their interior position they have had but little or nothing. Now, I do not contend that it is a sound principle to distribute money merely with the view of giving equality to the different sections; but, sir, those western rivers really need it, and when they can make a fair case for an appropriation, why should

you not give them a liberal one, so as to put them on a fair footing with the rest of the Union?

I have a statement which estimates the commerce upon that river and its tributaries, upwards and downward, at more than \$200,000,000. Then, you have an immense commerce passing over many thousands of miles of navigable water, of the most dangerous character in this country; and yet, sir, the obstacles are not of the kind that are most difficult of removal, such as long shoals or stony rapids. They consist mainly of snags, and some bars of mud, which can be easily displaced. I hope, therefore, when it is borne in mind that there are immense losses annually upon those rivers, by means of obstructions that can easily be removed, and that this Government has heretofore done little or nothing for that section. I trust, I say, that gentlemen will come up and give it a liberal appropriation.

But I am told by the gentleman over the way, [Mr. SEYMOUR,] that the present bill proposes to give as much money as can be expended in one year. I care nothing about that. I think it very likely that we shall not get another of these bills passed for the next ten years, (nor do I care much if we do not, as I am not partial to the system,) and as these rivers have been for fourteen years without an appropriation, I should like to give them a liberal one at this time. Let us do what is right. The Treasury is said to be now in a good condition, with a surplus of ten or fifteen millions of dollars, and let us make a liberal appropriation for that portion of country that has heretofore had but little, and is most in want.

I moved this amendment, Mr. Chairman, not as a mere matter of form, but because I think the appropriation too small; and I hope that those gentlemen who, like myself, are not very friendly to the system, will nevertheless agree that if it is to go on, and expenditures are to be made, that they shall be so arranged as to do the greatest amount of good. As this river and its tributaries lie in so many States, it cannot otherwise be improved.

I think it very likely that the framers of the Constitution never contemplated such action as this; yet all parties and all Administrations have sanctioned national appropriations. But everything is national in one sense, and local in another, and my great objection to this whole system is, that you can draw no line of distinction between what is national and what is merely local, and therefore there are likely to be great abuses. I hope that gentlemen who stand like me, not very favorable to this system of improvement by the General Government, will, if it is to go on, vote the money where it is most needed. Let us act fairly to all sections of the country, and vote for this amendment, and if it shall be adopted with some other changes, I am inclined to vote for the bill. As it now stands, however, the appropriations it makes are so unequal, and lavished with so partial a hand, where they are least needed, that the bill, as a whole, ought to be defeated for that reason alone.

The question being on the amendment of Mr. CLINGMAN—

Tellers were demanded and ordered; and Messrs. HAMILTON and BEALE were appointed.

The question was then put, and the tellers reported—ayes 57, noes 67; no quorum.

By unanimous consent a recount was ordered.

The question was again put, and the tellers reported—ayes 69, noes 85.

So the amendment of Mr. CLINGMAN was not agreed to.

Mr. CHURCHWELL. I offer the following amendment:

For the improvement of the Tennessee river and its navigable tributaries, above the Muscle Shoals, \$138,000; to be expended under the direction of the Secretary of War.

I offer the amendment for the Tennessee river again, with a variation in the amount of the appropriation. It seems that all outside of the Committee on Commerce have to put their fingers upon a particular wire to have any amendment passed. In offering the amendment again to the bill, I do so without much hope that it will be adopted. The amount is based on proper estimates from the Department, and cannot be objected to on that account. That it is for a national object no one in all the opposition has denied; yet there is a fatality attending the proposition, which seems common to all, unfortunate indeed, sir. The bill reported by the Committee on Commerce seems

to be so perfect in all its parts, that its friends oppose every amendment, however wise and meritorious. Up to the present hour, I suppose not less than fifty propositions have been offered and voted down. In this bill, the Ohio and Arkansas are provided for. Why is the Tennessee left out? It was in the bill reported by a similar committee to the last Congress. Has it grown less important, or less national and meritorious?

This improvement has been estimated for by the Department. Several members of that committee have informed me that they are willing to put this amendment in. The gentleman from Maryland [Mr. WALSH] intimated his willingness for its incorporation into the bill. I hope he will now yield it his support, and I trust that it will meet with the approval of a majority of this committee.

The CHAIRMAN. The gentleman must confine his remarks to an explanation of his amendment.

Mr. CHURCHWELL. My amendment explains itself. [Laughter.] Its reading is its best explanation, and I hope it will be passed. I will tell gentlemen interested in the passage of this bill that eleven votes will count in its passage. I ask the adoption of my amendment, because I believe it to be necessary and proper. If we look back into the history of this system, we find that the Tennessee river, although the fourth river in navigable extent in the United States, has received comparatively nothing from the Treasury.

Mr. WALSH. The gentleman must have been mistaken in supposing I would vote for this amendment. He told me there had been surveys made for the improvement of the Tennessee river by the General Government, and that he had them in his possession. I told him that I would look at them with pleasure. I gave him no assurance that I would vote for the appropriation.

Mr. CHURCHWELL. The gentleman said that he had no objection to the improvement of the Tennessee river, and I understood him to say the amendment ought to be adopted.

Mr. WALSH. I said on yesterday that the time would speedily come when the Tennessee river would be reached in the progress of these improvements.

Mr. CHURCHWELL. Yes, sir, the time will come, I hope—and I suppose the gentleman would vote that it be improved now if it cost nothing. The honorable gentleman remarked that he had not seen the estimates. Those estimates were before the committee. They were in the hands of its chairman for several days, and if the gentleman from Maryland has not seen them it is not my fault. I have them. He can see them now. It will be my pleasure to show them to him. Here they are:

#### WAR DEPARTMENT, } WASHINGTON, July 13, 1852. }

SIR: In compliance with your verbal request, I have the honor to transmit you an estimate, prepared by the Colonel of Topographical Engineers, for the improvement of the Tennessee river, above the Muscle Shoals.

Very respectfully, your obedient servant,

C. M. CONRAD, Secretary of War.

Hon. WM. M. CHURCHWELL,  
House of Representatives.

#### BUREAU OF TOPOGRAPHICAL ENGINEERS, } WASHINGTON, July 13, 1852. }

SIR: In reply to the inquiries of the Hon. Mr. CHURCHWELL, in reference to the various estimates for the improvement of the Tennessee river, I have the honor to state that these estimates were made at a period when prices of food and labor were much lower than now. The estimate for the impediments above the Muscle Shoals, has been revised by State commissioners, under this change of prices, which revision, it is believed, will approach nearer the reality of the expenditure than the estimates of 1831.

The revised estimate refers exclusively to the impediments in that river above the Muscle Shoal region, or between Kelly's Ferry and Knoxville, a distance of about two hundred and fifty miles. And from the best information which is now possessed, it is believed, that if the river were adequately improved in this distance, that it would be navigable for small draft steamboats, throughout its whole extent from Knoxville to the Ohio, and throughout the greater part of the year. These considerations make the improvement of that part of the river an object of serious importance. For this part of the river, the revised estimate amounts to—

To which add for a dredge-boat..... \$166,000  
And for contingencies, ten per cent..... 12,600

Making a total of..... \$138,600

Respectfully submitted,  
J. J. ABERT,  
Colonel of Corps of Topographical Engineers.

Hon. C. M. CONRAD, Secretary of War.

Mr. JONES, of Tennessee. I would ask my colleague whether by his remark, that eleven votes

would pass a bill, he alluded to the delegation from Tennessee?

Mr. CHURCHWELL. In reply to the honorable gentleman, I will state that an explanation is unnecessary. Everybody knows how you will vote.

Mr. JONES. There are eleven from Tennessee.

Mr. CHURCHWELL. Yes, sir; but I did not say eleven votes from Tennessee; there are some from Kentucky who I hope will support my amendment, and who will not support the bill unless there is more liberality shown to western rivers. I should like to make an allusion to the history of this question, as it seems that from the position I have assumed, I am to be indirectly lectured by my own colleague. I beg leave to present to the consideration of the committee a test vote in the United States Senate, where, it is to be presumed, are the leaders of the parties, that it may be seen that I am not alone in that position.

In the Congressional Globe of March 3, 1847, among the proceedings of that date I find the following test vote:

"Mr. DAVIS moved that the Senate proceed to consider the bill making appropriations for the improvement of certain rivers and harbors.

"Mr. D. explained that it was a bill from the House appropriating about \$600,000 for the improvement of rivers in the West, and for certain harbors.

"Mr. BAGBY understood the object of the bill. But he hoped it would not be taken up, as it would lead to a discussion which would consume so much time as would prejudice other bills of greater importance.

"Mr. DAVIS replied, that whether there was any discussion would depend on the Senator from Alabama and his friends. He (Mr. D.) did not intend to discuss it.

"Mr. BAGBY said he would oppose the bill item by item. "Mr. DIX stated that he had introduced this bill. He had no doubt of the constitutionality of the appropriations for the objects which were specified, and he hoped the bill would be passed.

"The yeas and nays were ordered on the motion to take up the bill, and the question being taken, it was decided as follows:

"YEAS—Messrs. Allen, Ashby, Atchison, Badger, Breese, Cameron, Cass, Gilley, John M. Clayton, Corwin, Crittenden, Davis, Dickinson, Dix, Evans, Greene, Hannegan, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Niles, Pearce, Simmons, Soule, Upham, Webster, and Woodbridge—32.

"NAYS—Messrs. Bagby, Benton, Bright, Butler, Calhoun, Chalmers, Mason, Turney, and Vilece—9.

"The bill was then taken up in Committee of the Whole.

"Mr. BAGBY would not delay the business of the Senate by opposing the bill item by item, as he had promised, and would simply content himself with moving as a test question, to strike out the appropriation of \$150,000 for the improvement of the river below the falls at Louisville; and on that question he should ask the yeas and nays without further remark.

"The question was taken, and decided in the negative; as follows:

"YEAS—Messrs. Bagby, Butler, Mason, Niles, Turney, and Vilece—6.

"NAYS—Messrs. Allen, Ashby, Atchison, Badger, Benton, Breese, Bright, Calhoun, Cameron, Cass, Chalmers, Gilley, John M. Clayton, Corwin, Crittenden, Dickinson, Dix, Evans, Fairfield, Greene, Hannegan, Houston, Huntington, Jarnagin, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Pearce, Phelps, Rusk, Simmons, Soule, Sturgeon, Upham, Webster, Westcott, and Woodbridge—38.

"The bill was then read a third time and passed."

Thus, upon the question (which was understood to be a test) there stood for it, twenty Democrats and eighteen Whigs, and only six Democrats against it.

The CHAIRMAN. The Chair is sorry to interrupt the gentleman, but he must confine his remarks to his amendment.

Mr. CHURCHWELL. I hope the amendment will pass. My time will not allow me to enter into a constitutional argument upon this subject, but I content myself by giving the opinion (as inferred from their votes) of twenty Democrats, strict constructionists, of the Senate, who voted in favor of the system on a test question—only six voting against it. I am opposed to a general and extravagant system of internal improvement; but having the sanction of Mr. Jefferson, Mr. Madison, Mr. Monroe, and General Jackson, under whose administrations appropriations were made, I thought proper to ask an appropriation for an object as national and as important as any in the bill. I hope it will be granted. During a period of forty years in the history of the Administrations, from 1806 up to 1845, there has been expended for road, harbor, and river improvements, not including surveys, \$17,199,223. I propose to give the amount ex-

pendent by each Administration, the year of the expenditure, the State in which expended, and the division of the Union in which expended. The information is exhibited in the following tables, viz:

EXPENDITURE OF EACH ADMINISTRATION.	
Under Mr. Jefferson.....	\$48,400
" Mr. Madison.....	250,000
" Mr. Monroe.....	706,621
" Mr. J. Q. Adams.....	2,310,475
" General Jackson.....	10,582,882
" Mr. Van Buren.....	2,222,544
" Mr. Tyler.....	1,076,500
	<u>\$17,199,223</u>

In a period of forty years, making an average expenditure little short of \$430,000 the year.

Extract from Senate Document, 44, Twentieth Congress, second session:

EXPENDITURES IN EACH STATE.	
States and Territories.	Amount.
Maine.....	\$276,574 72
New Hampshire.....	10,000 00
Massachusetts.....	526,148 22
Vermont.....	101,000 00
Rhode Island.....	32,000 00
Connecticut.....	160,407 26
New York.....	1,632,115 80
New Jersey.....	28,963 00
Pennsylvania.....	207,981 23
Pennsylvania and Delaware.....	38,413 00
Delaware.....	2,038,356 00
Maryland, Pennsylvania, and Virginia.....	1,901,227 81
Maryland.....	55,000 00
Virginia.....	25,000 00
North Carolina.....	370,377 00
Georgia.....	243,043 00
Florida.....	287,712 72
Alabama.....	204,997 00
Mississippi.....	46,500 00
Louisiana.....	717,200 00
Tennessee.....	11,920 00
Kentucky and Tennessee.....	155,000 00
Arkansas.....	486,065 00
Missouri and Arkansas.....	100,000 00
Missouri.....	75,000 00
States through which the western rivers pass, (the Ohio, Mississippi, Missouri, and Arkansas.).....	1,698,000 00
Indiana.....	1,270,733 59
Illinois.....	993,601 00
Ohio.....	2,617,661 37
Michigan.....	645,724 83
Wisconsin Territory.....	167,500 00
Iowa Territory.....	75,000 00
	<u>\$17,199,223 23</u>

AMOUNTS APPROPRIATED IN EACH YEAR.			
Year.	Amount.	Year.	Amount.
1806.....	\$48,400 00	1830.....	\$673,500 03
1810.....	60,000 00	1831.....	92,311 81
1811.....	50,000 00	1832.....	1,322,008 43
1812.....	30,800 00	1833.....	1,159,451 82
1815.....	100,000 00	1834.....	1,641,621 52
1816.....	10,000 00	1835.....	1,352,243 61
1817.....	4,000 00	1836.....	1,837,520 31
1818.....	317,959 60	1837.....	1,768,318 63
1823.....	32,920 00	1838.....	3,087,044 16
1824.....	175,000 00	1839.....	60,500 00
1825.....	176,712 00	1841.....	104,000 00
1826.....	284,253 00	1842.....	230,000 00
1827.....	398,541 45	1843.....	696,500 00
1828.....	1,030,120 55	1844.....	50,000 00
1829.....	608,560 25	1845.....	
			<u>\$17,199,223 23</u>

\*The appropriation law of 1838 directed that but a portion (not exceeding one half) of amounts appropriated should be expended in that year.

J. J. ABERT,  
Col. Corps of Topog'l Eng'rs.

AMOUNTS RECEIVED BY THE NORTHERN AND SOUTHERN STATES.	
Northern States.	Southern States.
Maine.....	Md., Va., & Pa.....
N. Hampshire.....	Maryland.....
Massachusetts.....	55,000 00
Vermont.....	25,000 00
Rhode Island.....	North Carolina.....
Connecticut.....	370,377 00
New York.....	Georgia.....
New Jersey.....	243,043 00
Pennsylvania.....	Florida.....
Penn. & Del.....	287,712 00
Delaware.....	New York.....
Indiana.....	1,632,115 80
Illinois.....	Alabama.....
Ohio.....	204,997 00
Michigan.....	Mississippi.....
Wisconsin.....	46,500 00
Iowa.....	Louisiana.....
	717,200 00
	Tennessee.....
	11,920 00
	Ken. & Tenn.....
	155,000 00
	Arkansas.....
	486,065 00
	Mo. & Ark.....
	100,000 00
	Missouri.....
	75,000 00
	South Carolina.....
	NONE.
10,822,178 23	4,679,045 00
South.....	\$4,679 045 00
North.....	10,822,178 23
Western rivers.....	1,698,223 00
	<u>17,199,223 23</u>



It is a remarkable fact, sir, that out of the whole expenditure for internal improvement by the General Government, the southern States have received but \$4,679,045, as will be seen by the table, while the northern States have received \$10,822,178. The gallant State of South Carolina has not received one dollar. I mention these facts, not from any sectional feeling, but merely to state them as they are shown from the figures. When will the time arrive when western commerce and western rivers are to receive their due proportion of the revenue? Will it ever arrive? I fear not, sir, under the system adopted.

Mr. JONES, of Tennessee. I do not wish to read a lecture to my colleague, or to anybody else here, but I intend to say—

Mr. CHURCHWELL. Is the gentleman opposing the amendment.

Mr. JONES. Certainly. I do not intend to vote for the bill whether the appropriation for the Tennessee be included in the bill or not.

Mr. CHURCHWELL. Of course not; that would not be expected of my colleague.

Mr. CHURCHWELL demanded tellers; which were not ordered.

The question was then taken upon the amendment, and it was not agreed to.

Mr. CASKIE. I offer the following amendment:

For the improvement of the James and Appomattox rivers, below the cities of Richmond and Petersburg, \$45,000.

Unlike my friend, Mr. Chairman, I go into this battle with a high hope, yes, a confidence of success; for I do not consider the amendment I offer to have yet been, in all that has been said upon this floor, really opposed. There are many things I desire to say—some of them relating to myself—but five minutes fly by so quickly that I must not only talk rapidly, but sacrificing all else, I shall confine myself to the simple presentation of such facts as time will permit me to adduce. It is a mistake to suppose that the people of Virginia are indifferent to these rivers. A petition for the improvement of the James river was, I am informed, presented to the last Congress. The Council of the city of Richmond has repeatedly acted on the subject. I have here before me the proceedings of a "Virginia Commercial Convention," held in the city of Richmond the 10th and 11th of September, 1851, in which, by resolution, they declared that "the bars which now obstruct the navigation of the James river should be removed."

The honorable chairman of the Committee on Commerce seems to base his objection to our amendment, as I find him reported in the Globe, upon the idea that we claim that our amendment "should now be inserted without estimates, without surveys and without data."

Now, if I show him that this is error, that there are surveys, estimates, and data on which I ask this amendment, may I not appeal to his fairness, and the fairness of gentlemen on all sides of the House, and ask if they will not remember the maxim "equality is equity," and in this committee correct the plain injustice of the omission of Virginia from the bill? Here in this volume of Executive documents which I hold in my hand, is the report of Howard Stansbury, United States Civil Engineer, made to Colonel Abert, of the Topographical Engineers, giving the results of a complete survey of that part of the James river where the obstructions exist, to which this amendment relates. I have been informed by Professor Bache, who is now with his camp at Rosslyn, near Petersburg, engaged in the survey of the twelve miles of the Appomattox, which this amendment includes, and which survey he will follow by that of the James, as part of the Coast Survey, of which he is the head, and who has very recently made an inspection of the James, that from such examination as he has been able to make, Stansbury's Report is a very thorough and reliable document. It is also his opinion that if there be any error in that report, it is against the improvement—the professor considering that perhaps the obstructions are now less serious than they would appear from the report. Stansbury's estimate is \$115,200.

And without making any complaint, I must be permitted to remark, that since we have been in this committee I have presented to the chairman

of the Committee on Commerce, for his examination, the report of Stansbury.

Here let me say that I trust an opportunity will be afforded the gentleman from North Carolina, [Mr. MORRHEAD,] who informs me that he considers his district as much interested in this matter as my own, to say a word on this amendment.

Now as to data. I had supposed that a glance at the map, and a very slight inspection of the census synopsis, which I imagine is in the possession of every member of this committee, would be sufficient to show the impropriety of the omission of Virginia from the bill.

Here are before me plenty of statistics, which I wish my time would allow me to read. I will give you some from the report of a committee of that Commercial Convention, to which I have already alluded, in which report it is stated that "the tonnage employed in the direct foreign trade between Europe and the waters of the James river, amounts to nearly 30,000 tons." To which I will add, that besides many large schooners running between Richmond and various ports of the country, there are now steam lines from Richmond to Baltimore, Philadelphia, and New York, which serve a very active commerce:

"In estimating the present value of the Chesapeake trade, so far as materials are at hand for a correct estimate, we will find that the James river and Kanawha canal, its principal tributary, contributed during the last year, \$6,135,365 49, the products of the interior; whilst it carried into the interior, merchandise and other articles, valued at \$7,727,324 29."

"The business of the Central Railroad has doubled within the past year, its downward tonnage amounting to 25,000 tons, and its upward transportation is perhaps one half that amount."

Mr. STROTHER. I propose to offer an amendment to the amendment of my colleague. I move to strike out \$45,000, and insert \$60,000. My reasons for so doing, I will state very briefly to the committee. It is true that the Committee on Commerce have overlooked James river, in Virginia, in the division of funds which they propose to devote to this subject; and so far as the influence and effect of the action of that committee bear upon the question, it ignores the existence of one of the largest commercial interests in this country. There is hardly any commercial portion of this country so largely demanding the favorable consideration of this body, as this very one now under consideration. The city of Richmond is now the center of internal improvements in the shape of canals and railroads, upon which have been expended, by State and individual enterprise, near \$20,000,000. Improvements are reaching towards, and when completed, will grapple with the mighty commercial productions of the Mississippi valley, so that there are concentrated already at that point a large amount of productions, not only of Virginia but of part of North Carolina, seeking for foreign and home markets, to be largely increased when these improvements strike the valley of the Mississippi river. Consequently not only the interests of Virginia are involved in this question, but the interests of all the northern commercial States, and the interests of the western productive States. This tide of production flowing and to flow along these lines to Richmond and Petersburg is obstructed in its after progress to the outside markets of the country, by the impediments in James river. The owners of vessels North, and the purchasers of productions North, are interested, as much as we are in Virginia, in the removal of these impediments.

The report of Mr. Stansbury, referred to by my colleague, [Mr. CASKIE,] shows the cost of this improvement in removing these bars, by which large vessels come up to the ports of Richmond and Petersburg. So we have data upon which to make this appropriation, and upon that data I urge upon this committee that \$60,000 are hardly enough to accomplish all that is desired in the removal of the largest impediments, and the giving a larger and freer flow to this tide of trade and commerce. I know that there are influences operating upon the minds of this committee against this appropriation. First, that the Representatives of Virginia, in their strict construction of the powers of this Government over this question, take ground but upon principles of justice and right. And many consider it just and proper to give to Virginia the fullest benefit of her own constitutional doctrines. These doctrines, although

still regarded as of great value, are now treated as holy relics, and so far as the action of the Federal Government is concerned, are reserved entirely for exhibition at grand party festivals and conventions, and exhibited there for the veneration and admiration of party. Certainly, since the days of the Memphis Convention, where the geographical discovery was announced that the Mississippi was an internal sea—a sort of Mediterranean—and its affluents, bays, estuaries, &c., the policy of the Government upon the questions embraced in this bill may be regarded as fixed, and the Virginia construction as discarded and obsolete.

While I am a disciple of that school, I am not of the "straight sect," and believe that the Federal Government has the power to improve harbors and rivers. Furthermore, I recognize the necessity of modifying abstract opinions according to the changing, enlarging, and exciting exigencies of the laws. It would be certainly unjust to the people of Virginia, and to the people of the whole Union, for this committee to reject this amendment upon the reason stated. The system should be administered upon no principles of favoritism or of punishments, but according to the just requirements of the commercial wants of the country. I stand ready to vote for any bill that is just, and wise, and fair in its character, and against any that is not.

Mr. DAVIS, of Massachusetts. I am opposed to the amendment of the gentleman from Virginia, [Mr. STROTHER,] who last spoke, and in favor of the original amendment. I shall have great hesitation in reconsidering any determination—

Mr. STROTHER. I was about to say, that at the suggestion of gentlemen, if the committee is peculiarly economical upon a question of \$15,000, I would withdraw my amendment.

Mr. DAVIS. I understand that the amendment cannot be withdrawn until I have concluded what I have to say. I was about to say that I should have great hesitation in reconsidering any determination to which the Committee on Commerce, upon a full examination of the subject, had come. I understand this to be a matter which has not been brought before the Committee on Commerce, or considered by them. I understood further, in relation to some of the appropriations asked for here, that there have been no surveys made by which Congress could judge of the cost, or what was to be done. That objection does not exist in this case, for full surveys have been made under the authority of this Government showing that this improvement may be made at an expense less than the annual injury resulting to commerce there.

Mr. HOUSTON. Is it in order for the gentleman to advocate this amendment? I understand that he should oppose the addition of \$15,000.

Mr. DAVIS. It is legitimate for me to show that the addition ought not to be made.

The CHAIRMAN. The first gentleman from Virginia [Mr. CASKIE] proposes \$45,000. The other gentleman from Virginia [Mr. STROTHER] proposes to amend by striking out "forty-five," and inserting "sixty." The gentleman from Massachusetts [Mr. DAVIS] opposes striking out "forty" and inserting "sixty."

Mr. HOUSTON. The gentleman has a right to oppose the addition of \$15,000.

The CHAIRMAN. The gentleman from Massachusetts [Mr. DAVIS] must confine his remarks to the difference between \$45,000 and \$60,000.

Mr. DAVIS. If my friend does not see the pertinency of my argument, it is no fault of mine. I will go on in the line of suggestion I was about making. I was about to say, that it appears by the report of the engineer made under the authority of this Government some number of years ago, that this improvement may be made at an expense less than the annual injury which results to commerce from the existence of these obstructions. It further appears, if any gentleman will take the pains to examine into the facts, that this improvement has been agitated in Virginia for many years.

Mr. HOUSTON. I call the gentleman to order.

Mr. DUNCAN. I believe there has been no opposition to the amendment.

The CHAIRMAN. The amendment to the amendment, offered by the gentleman from Virginia, [Mr. STROTHER,] has been discussed for and against. After the vote is taken upon this

amendment it will be in order to oppose the original amendment.

Mr. STROTHER. With the leave of the committee, I will withdraw my amendment.

There being no objection, it was withdrawn.

Mr. DUNCAN. I am opposed to the amendment offered by the gentleman from Virginia, [Mr. CASKIE,] upon the other side of the House.

Mr. CAMPBELL, of Illinois. How many speeches can be made upon this amendment?

The CHAIRMAN. The Chair will inform the gentleman from Illinois, [Mr. CAMPBELL,] that the gentleman from Virginia [Mr. STROTHER] offered his amendment, and made a speech for it. The gentleman from Massachusetts [Mr. DAVIS] rose and opposed it.

Mr. CAMPBELL. There was an amendment made to that, and two speeches made upon it.

The CHAIRMAN. The Chair holds, that when the amendment was offered, the gentleman from Virginia, [Mr. CASKIE] made a speech in favor of it. Before any opposition was made, another gentleman from Virginia [Mr. STROTHER] rose and offered an amendment to the amendment, and there was a speech for and against it. It was withdrawn, and the gentleman from Massachusetts [Mr. DUNCAN] now rises to oppose the amendment offered by Mr. CASKIE.

Mr. CAMPBELL. I should like to ask if the amendment offered by the gentleman from Virginia [Mr. STROTHER] had not been withdrawn, if he could go on and oppose the original amendment?

The CHAIRMAN. After it had been voted down he could have done so.

Mr. CAMPBELL. I appeal from the decision of the Chair. Such has not been the practice before this time.

The CHAIRMAN. The gentleman from Illinois [Mr. CAMPBELL] rises to a question of order, that an amendment to the amendment having been offered before a speech was made in opposition to the original amendment, it is not in order afterwards to make a five-minutes speech in opposition to that amendment. The Chair overrules the point of order. From that decision the gentleman from Illinois [Mr. CAMPBELL] takes an appeal. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was then taken, and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. DUNCAN. I am opposed to the amendment of the gentleman from Virginia, [Mr. CASKIE,] and I assign as a reason for the consideration of the House—the reason which I assigned a few days ago—that the improvement of the James river was never in any manner brought to the notice of the committee. I care not for the political opinions of the gentlemen from Virginia who represent that State upon the floor of this House. It was perfectly in the power of the business men at Richmond and other points upon James river, interested in this navigation, to send up a petition or to present themselves in person, and bring the subject of that improvement to the notice of the committee.

Mr. McMULLIN. I wish to ask the gentleman a question. I will ask the gentleman if the committee did not know the fact that estimates for this river were provided for in the bill of the last Congress?

Mr. DUNCAN. I stated that we had the bill before us, but we did not consider it as the rule of our action at all.

Mr. McMULLIN. I ask the gentleman if he is not now satisfied that the subject has been brought before this committee, and if it is not now competent for the committee to take cognizance of it?

Mr. DUNCAN. The question then presents itself to the House, whether they are prepared to go into an examination and introduce an important amendment upon the floor of this House, which has never been presented to the committee, in preference to some fifty other petitions of similar character for improvements upon the lakes and elsewhere, which were presented to the committee, and which they felt bound to reject under the restrictions which they imposed upon themselves in the formation of this bill. The gentlemen from the remote lakes, and from various portions of the country, have represented the state of

the respective improvements before the committee. I say that if this House inserts the appropriation for this river, at this time, they ought to go further, and make some fifty more appropriations. Unless they are prepared to do this, I call upon them not to make this appropriation—though it may be a worthy one—for James river. I do not undertake to say that it is not a proper subject of appropriation; but when satisfied of that fact, I shall certainly vote with great cheerfulness for the appropriation of James river. It was impossible for the committee to make provisions for all the objects which they deem constitutional, necessary, and important. It is only a question of time. Those cases which are omitted this year may be presented next year, and will then deserve, and I hope receive, the favorable consideration of the House.

Mr. CABELL, of Florida, moved to amend the amendment by striking out “\$45,000” and inserting in lieu thereof “\$75,000.”

Mr. C. said: I offer that amendment for the reason that, in my opinion, there is no appropriation that has been asked for, or presented to this House, which is more entitled to favorable consideration than the one which is now under consideration. The sum of \$45,000 is less than that which is estimated for, and therefore I am willing that it should be increased to \$75,000, and even more if it is necessary. My intimate acquaintance with the State of Virginia places me in a position in which I may speak advisedly upon this subject. The statistics relating to the James river have been already presented by a Representative from the State of Virginia. It has been represented to this committee that in point of importance the post office receipts of the city of Richmond, chiefly interested in this improvement, are perhaps greater than those of any other city for the improvement of whose harbors appropriations are asked, with the exception of a few large cities upon the Atlantic. The commerce of this river, and its anticipated connection with the West, gives it, in my opinion, an especial claim upon the consideration of the House.

But if it be in order, and I rise cheerfully for the purpose, I will say that, in my judgment, the course of opposition to this and similar amendments, is the most extraordinary that has ever been presented to this House. Gentlemen from the committee seem to assume that all the wisdom of the House of Representatives is in their keeping, and that this House should not take upon itself to determine the propriety of considering particular amendments. They all agree in the importance of this particular provision, but because the gentleman from the city of Richmond, who is more particularly interested in it, did not follow up that committee, and find out where their meetings were, and insist upon this appropriation which had been estimated for from time to time, and which has been in every appropriation bill for the last fifteen or twenty years, therefore it is not to be acted upon. I ask that committee why it is they have stricken out the appropriation for James river, that has been in all these bills? The Representatives from Virginia, and the people of Virginia, may very well ask why it is that the committee have assumed to strike it out, without asking the Representatives from that State whether there was propriety in it or not. I have not myself been before the committee. I desire appropriations for my own State, and I did not know that it was expected we should go before the committee. I thought all that was necessary for me, and those who are interested in these appropriations, was to satisfy the House of Representatives that it was proper, and being proper, that they would act upon it, without the necessity for the consent and sanction of a majority of a committee of this House. At the last Congress, I did apply to the Committee on Commerce, and it was then decided that the appropriation I asked for was not national. Now, it strikes me as being rather peculiar, that nothing was national that came from Florida, and this year I did not go before the committee, for I expected the same result. But I hope to induce this House to take a different view of the important interests in which my State is concerned.

Mr. ORR. I am opposed to the amendment of the gentleman from Florida. I have no disposition to debate it, and I ask that the question may now be taken.

The question was then taken on the amendment to the amendment, and it was not agreed to.

Mr. BAYLY, of Virginia, moved to amend the amendment by striking out “\$45,000,” and inserting “\$51,000.”

Mr. B. said: As is very well known to this House, I have always been opposed to this whole system. I have never voted for any of these bills, and if I ever had any difficulty in my own mind as to the inexpediency, to say nothing about the utter want of the constitutional power of Congress to pass such appropriations—if anything were wanting to satisfy us of its inexpediency, it would be the course that the Committee on Commerce, that has reported this bill, has taken in respect to it, if I may judge of that course from the remarks of my friend from Massachusetts, [Mr. DUNCAN.] What is it? He says that there was no appropriation put in this bill for the James river because the Representatives from Virginia did not go before that committee to ask for it.

Mr. DUNCAN. I did not say any such thing. I said there were no petitions presented for an appropriation for that river.

Mr. BAYLY. Very well. The gentleman, therefore, puts the neglect of the committee in acting upon this matter upon the ground that the people from the vicinity have not petitioned Congress in respect to the subject. Well, now, sir, I have made it an invariable rule of conduct on my part, as a member of several of the committees of this House, of which I have had the honor to be a member, to put less reliance upon petitions from the neighborhood, and less reliance upon the representations of members whose constituents are immediately interested in the appropriation, than upon anybody else's, because they are always interested in making out the best case they can for their constituents, which they invariably do. Their statements are “*ex parte*.” A better reliance for a committee of this House on all such occasions is, to take the responsible recommendations of the Executive. There is some little responsibility there. Their estimates are not entirely made under local influences. They are not entirely under the control of local interests in these matters, and it is no excuse to this committee that members from Virginia did not go to it, to whom they ought, to some extent, to have turned a deaf ear, if they had gone. They ought to have looked to the recommendations of the Department. I undertake to say, that no river and harbor bill—

Mr. FULLER. Will the gentleman from Virginia allow me to say a word? The committee, when they took up this matter, had recommendations from the Department for a bill; and in those recommendations, which the committee looked at officially, there was no appropriation whatever for James river; so that the attention of the committee had not been at all called to it.

Mr. BAYLY. Why did not the Administration make an estimate and recommendation? It has always been done heretofore. Why has it been omitted now? No one can be at a loss to know.

The CHAIRMAN. The Chair wishes to suggest that this debate is entirely out of order. Both the remarks of the gentleman from Virginia, [Mr. BAYLY,] and the gentleman from Maine, [Mr. FULLER,] are out of order. To be in order their remarks should go to show the propriety of striking out \$45,000, and inserting \$51,000.

Mr. ORR. I am opposed to the amendment of the gentleman from Virginia, [Mr. BAYLY,] but if Congress is to adjourn by the 31st of August, the House should finish this bill to-day.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

Mr. MEADE moved to amend the amendment by striking out the sum of \$45,000, and inserting \$53,000 in lieu thereof.

The CHAIRMAN. The Chair will notify the gentleman beforehand that he will have to confine himself strictly to showing why \$53,000 should be inserted instead of \$45,000.

Mr. MEADE. I think the Chair might as well have waited until I had broken the rule before he read me a lecture.

My object in making an increase of the appropriation, is to show to this committee that this improvement deserves a higher sum than is contained in the amendment, and at the same time, to meet the objections urged by the gentleman from Massachusetts, against any appropriation to this ob-

ject, and in doing so, I suppose I shall be in order.

Mr. Chairman, the gentleman from Massachusetts has impliedly informed this House that every appropriation contained in that bill has had a petition in its favor before the Committee on Commerce. That of the hundred and odd appropriations, large and small, contained in that bill, every one was represented by a petition before that committee. Do I understand the gentleman from Massachusetts to make that assertion?

Mr. DUNCAN. I never said anything of that kind. I said that there were either petitions presented, or representations from members.

Mr. STUART. I rise to a question of order. The gentleman from Virginia should confine his remarks to showing the propriety of increasing the appropriation.

The CHAIRMAN. The Chair will be compelled to sustain the point of order, for the remarks of the gentleman from Virginia are not applicable.

Mr. MEADE. Then how was the gentleman from Massachusetts in order?

The CHAIRMAN. The Chair decided that the gentleman was out of order.

Mr. MEADE. I do not wish to appeal from the decision of the Chair at all, but I wish to remind this committee that the gentleman from Massachusetts himself has admitted the propriety of this appropriation in the course of his remarks. This committee is perfectly satisfied of the propriety of the appropriation, but if the bill be passed at all, there is not a man in this House who does not feel in his heart that the State of Virginia should have an appropriation, and all that is necessary for us to do, is to satisfy this House, and not the Committee on Commerce. Now, Mr. Chairman, let me bring to the attention of the House the fact that this improvement is absolutely necessary to a continuation of the line of improvements by which the products of the Mississippi arriving by railroads to Petersburg and Richmond are to seek foreign ports.

Mr. HOWARD. I am opposed to this amendment, and in favor of the proposition of the gentleman's colleague, [Mr. CASKIE.] The gentleman has said he cannot understand why the appropriation for this river was in the bill which passed the last Congress, and excluded from the estimates of the present session in the bill now under discussion. To me, sir, it appears to be a very plain matter. There is a species of old fogeyism in the heads of all these departments, who remain in office permanently without being subject to political change and the vicissitudes of party. It becomes a life establishment upon which they quarter all their friends. The head of the bureau, therefore, feels an interest in having a moderate bill which will be certain to pass, and furnish some money to spend for the benefit of friends and employees. He looks, therefore, rather to the success of a small bill, than to any enlarged and liberal consideration of the great public interests. The character of the present bill is a very apt illustration of that fact. When the Department found that objections were made to the magnitude of the bill which passed this House at the last session, it is evident the Chief of the Topographical Corps, commenced trimming up for the present session. Hence we find the Department struck first at the new States that could not vote very formidably in Congress, and excluded from them several important subjects of improvement contained in the former bill, especially in my own State; and in one instance, when it had the approbation of the Department at the last session, and in another where there had been a regular survey and estimates sent in.

Sir, the subject of the appropriation to the improvement of James river is another pregnant illustration of this course and policy of the Department. An appropriation for this work was embraced in the bill of last Congress. It has been thoroughly surveyed by an able officer of the Topographical Engineers, and regularly estimated for. Why, then, was it not embraced in the present estimates and bill? It was well known that the Virginia members, with perhaps one or two exceptions, would not vote for the measure. It was, therefore, expedient to distribute the amount to some section where the Representatives would pursue a different line of conduct. Hence, James river was given the go-by. In other words, the

measure of justice to a State or district is made to depend upon the sentiments of the Representatives, or the voting strength of the State. Sir, this monstrosity is enough to disgust the country, not only with the present bill, but I fear with the whole system.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

The question recurred upon the amendment proposed by Mr. CASKIE.

Mr. ORR demanded tellers; which were ordered; and Messrs. St. MARTIN, and FULLER of Maine, were appointed.

The question was then put, and the tellers reported—ayes 83, noes 45.

So the amendment was agreed to.

Mr. BRECKINRIDGE offered the following amendment to the amendment:

To the State of Kentucky to enable that State to continue the improvement of the navigation of the Kentucky river, \$150,000.

Mr. B. said: I have been a silent observer of this debate, sir. I have taken no part in it. I have been a curious and interested observer of it. In the early part of the debate allusions were occasionally made to some principles which ought to govern these appropriations; but for the last two days it has degenerated into a scramble for the appropriation of money among the different sections and Congressional districts of this Union—just, sir, as you have seen boys scramble over the division of gingerbread or apples.

In this state of the case, I feel it my duty to come in and ask an appropriation for my district. I represent a district, sir, which is bounded in part by the Kentucky river, four counties of which lie, as it were, in the embrace of the Kentucky river; and I feel that I should merit the condemnation of my constituents if I failed, while the committee are proceeding upon present principles, to ask an appropriation for them. I believe, sir, the engineers have made no estimates for the Kentucky river; but that is nothing. On looking over this bill reported by the Committee on Commerce, of which I have made an analysis, I find that the majority of the appropriations recommended by them have not been estimated for by the engineers, in the printed report accompanying the President's message, nor recommended by the Department.

Mr. FULLER. I would like to correct that statement.

Mr. BRECKINRIDGE. I cannot yield, for my time is very short. My statement is strictly correct. I have carefully analyzed this bill, and I think quite as carefully as the Committee on Commerce themselves have. Neither, sir, did I go before the Committee on Commerce and ask for an appropriation for the Kentucky river. I considered that the committee were bound—contrary to the principles which have been announced by the gentleman from Massachusetts, [Mr. DUNCAN]—to distribute appropriations fairly among all parts of the Union according to the merits of the respective sections. I thought that we should pass a national and not a local bill, for national and not local improvements; and that the Committee on Commerce was as much bound to know those objects which were national as a court of justice is to know those laws which are general. I am emboldened by the passage of the amendment for the improvement of James river, because I believe James river runs through a single State only, and the Kentucky river runs through a single State also. The committee will perceive, sir, that I have not proposed that this money shall be appropriated under the authority of the Federal Government. I have asked for it for the State of Kentucky, to be appropriated under her authority. Why? Because being neglected for a long series of years by the Federal Government, we undertook ourselves to improve that stream, and we have made locks and dams in it, and partially improved the navigation. The State of Kentucky has the jurisdiction over it, and the control of these locks and dams.

Now, if the money appropriated should be expended under the authority of the Federal Government, the Executive might take it into his head to tear down these locks and dams, and improve the river after some other notion. We want this money to be expended under State authority. The improvement to be made with the money I ask will be connected also after a certain fashion with foreign commerce; and therefore my amendment

must command the approbation and the vote of the gentleman from Michigan, [Mr. STUART.] The commerce floats from the Kentucky into the Ohio, from the Ohio into the Mississippi, from the Mississippi into the Gulf of Mexico, and thence to the markets of this country and of the world. It is also an inter-State stream; that is to say, commerce will be borne upon the Kentucky river from State to State; for high up upon its waters a railroad is now in process of construction—at least, the stock is nearly all subscribed—and it will be completed soon, to connect with the whole network of southern railroads, by which passengers and freight will be brought to the banks of the river and transported to other States. Therefore it is an inter-State stream upon the principle laid down and acted on in this committee. I am willing also to compare the tonnage of the Kentucky river with the tonnage of many of the streams embraced in this bill, or with the tonnage that enters many of the harbors embraced in it.

Mr. WALSH. When the honorable gentleman from Kentucky says that the committee itself should have geographical information upon all these subjects, he must mean, I presume, that that information should be furnished to the committee by the gentlemen representing the different sections of the country upon that committee. And in this connection, as party allusions have been made to this system, I would beg that gentleman and the committee to recollect that the very respectable and able gentleman representing that section of country on the committee, and appointed by the Speaker of this House, is of the Democratic party, and indulges in all the constitutional scruples held by the gentleman from Kentucky. The gentleman from Kentucky will hardly pretend that members from the Atlantic border should be as well informed upon the subject of western improvements as the gentlemen from that section of the country. So much for that portion of his remarks.

Now, Mr. Chairman, I have no objection to any of these improvements if the House can come to a conclusion upon them upon evidence which is sufficient to lead them to a just result. But the appropriation sought for by this amendment—and the same may be said of that sought for by the amendment of the gentleman from Virginia, which has just been adopted—is no better entitled to consideration than fifty or sixty other appropriations which have been shut out of this bill by the action of the committee, and therefore, if it is inserted, so far from this being a system of equality and justice, it is in every respect the reverse. Something has been said about the chickens which have been fed by the action of the committee. Sir, I congratulate the House and the country that at last the game chickens of old Virginia come under the wing of the parent hen.

The CHAIRMAN. The gentleman's remarks are taking entirely too wide a latitude.

Mr. WALSH. Well, sir, if it is out of order to express these congratulations, on finding that Virginia is what Virginia was in former days, coming in under the Constitution to participate in all its blessings, I proceed to say that there is no safety but in reliance upon the reports of the Department. I have no personal acquaintance with the officers in that Department, but I answer to the argument which has been enforced with so much spirit and determination by the gentleman from Texas, [Mr. HOWARD,] that if those officers are not to be trusted in the performance of their duty—that if his charges are true, he owes it to his position as a member of this House, he owes it to the country—

The CHAIRMAN. The Chair called the gentleman from Texas to order when he was indulging in remarks of this character; and he must now call the gentleman from Maryland to order.

The Chair decides that these remarks have no application to the amendment of the gentleman from Kentucky.

Mr. WALSH. Then, sir, I say that we cannot proceed with safety in the execution of this system, but by reliance upon the integrity and intelligence of those gentlemen who are in the employment of the Engineer department. If we cannot rely upon them, either because of the want of capacity or want of integrity, it is the business of this House, as the great protector of the country, to create a new Board more subject to just responsibility, and who will be able to perform the duty more effectually and honestly.



Mr. HOWARD. I move to amend the amendment of the gentleman from Kentucky by reducing the amount \$100,000, so as to leave it \$50,000. I think that \$50,000 is enough, as there has been no survey, although I confess, Mr. Chairman, that I have no great confidence in the manner in which this bill or the estimates have been prepared by the head of the Topographical Bureau; and that if the estimates of the Topographical Bureau was here for \$150,000, I would still vote for \$50,000. Why do I say this? I say it for this reason, that the only proper person to estimate for a work is the scientific officer who makes the survey; that the information is strictly local, and that it is not within the power of the head of the department to take up that information and to undertake, intelligently, in an office in the city of Washington, to reverse all that that officer has performed, and to pronounce his work good or bad, as has been done in repeated instances in the preparation of the estimates for this bill. Sir, I do not care what gentlemen may think in relation to the position or point that I now make.

Mr. SEYMOUR, of New York. I call the gentleman from Texas to order. I understand that he has moved to reduce the appropriation proposed in the amendment of the gentleman from Kentucky. I insist that he should confine his remarks to the expediency of that reduction.

Mr. HOWARD. I am doing it. If the gentleman thinks I am not, let him comply with the rule, and reduce my remarks to writing.

The CHAIRMAN. The Chair decides that the gentleman from Texas must confine his remarks strictly to his amendment.

Mr. HOWARD. I am doing so. I am showing that this reduction ought to be made, because there is no estimate from the Topographical Bureau; and then I think it is competent for me to show how much weight ought to be attached to the action of the head of the Topographical Engineers, who has prepared these estimates. Is that not in order?

The CHAIRMAN. The Chair thinks that it is taking very large latitude.

Mr. HOWARD. If it is out of order for a gentleman to adduce reasons in favor of a position which he assumes, of course it is impossible for us to proceed intelligibly. I undertake to say that the estimates of the head of the Topographical Bureau have not been made fairly; that he has taken the reports of his subordinate officers—the most intelligent and competent officers in his corps; that he has reduced their estimates in some instances, and rejected them altogether in others.

Mr. STUART. I call the gentleman to order.

Mr. HOWARD. Let the gentleman reduce his point of order to writing.

Mr. STUART. It is not necessary for me to do so. The rule does not require it.

The CHAIRMAN. The Chair thinks that the remarks of the gentleman from Texas are entirely out of order. The Chair called the gentleman from Maryland [Mr. WALSH] to order for making remarks of the same character.

Mr. RICHARDSON. I rise to a question of order, and it is this: The rule requires that when one gentleman calls another gentleman to order in debate, he shall, if required to do so, reduce his point of order to writing; that the Chair may decide it. That is a privilege that the member upon the floor has a right to, and I make the point because it becomes important.

Mr. HOWARD. I demanded it myself.

The CHAIRMAN. The Chair will inform the gentleman from Illinois, that the Chair himself made the same point as the gentleman from Michigan.

Mr. RICHARDSON. With all due deference to the Chair, I want it reduced to writing.

The CHAIRMAN. The rule does not require the Chair to reduce it to writing.

Mr. RICHARDSON. But the gentleman from Michigan [Mr. STUART] made the point of order.

The CHAIRMAN. The Chair himself had made the same point of order, and the gentleman from Michigan only rose to enforce it.

Mr. BRECKINRIDGE. Is it in order for me to oppose the amendment to the amendment proposed by the gentleman from Texas?

The CHAIRMAN. It is in order.

Mr. HOWARD. I will withdraw the amendment to the amendment.

The CHAIRMAN. That can only be done by unanimous consent.

Several MEMBERS objected.

Mr. BRECKINRIDGE. I am opposed to the amendment of the gentleman from Texas. My amendment proposes to appropriate \$150,000, and the amendment of the gentleman from Texas proposes to reduce that amount to \$100,000. I assure the gentleman, and I assure the committee, that the amount named in my amendment is little enough for the improvement of the stream. You cannot improve the Kentucky river for \$150,000, much less for \$50,000, which the gentleman proposes to reduce it to. Indeed, the sum I ask is only intended fairly to begin the work, and must be followed by further appropriations hereafter.

Another reason for the passage of this amendment is, that the section of country in which the Kentucky river lies, and of which it is the important stream—being the principal stream in our State, as its name proves—has received fewer appropriations than any other, and that the largest appropriations have been given to the East. I call the attention of the committee to a curious fact, illustrating how certain localities are cherished by the Committee on Commerce.

On analyzing this bill, I discovered that not a single estimate made by the Engineer department for the State of New York, and accepted by the committee, has been cut down one dollar, while the estimates have been cut down one half, and sometimes more, for most of other improvements, and especially for those in the Northwest.

Mr. SEYMOUR, of New York. Will the gentleman let me say one word?

Mr. BRECKINRIDGE. I cannot; my time is too short.

Mr. SEYMOUR. I presume the gentleman does not wish to misrepresent the committee?

Mr. BRECKINRIDGE. Certainly I do not, and I will yield to the gentleman for a moment.

Mr. SEYMOUR. I will state, then, to the gentleman from Kentucky, that, instead of the fact being as he had stated it, if he will look at the printed estimates, he will find that several works estimated for on Lake Erie have been entirely left out of this bill.

Mr. BRECKINRIDGE. I have examined this bill carefully, and I am not mistaken in what I say. It is true, as stated by the chairman of the Committee on Commerce, that some of the estimates made by the Engineer department are not contained in this bill, but it is also true that of all the numerous appropriations for the State of New York, contained in this bill, there is not one in which they have not gone up fully to the estimates of the Engineer department, while they have cut down the estimates for other portions of the country, in many instances one half.

Mr. STUART. I rise to a question of order. It is not in order to discuss the general merits of the bill.

Mr. BRECKINRIDGE. I insist that the gentleman shall reduce his point of order to writing.

The CHAIRMAN. The Chair understands the rule to be, that where there has been anything personal in debate, the point of order must be reduced to writing, but not otherwise.

Mr. STUART. Well, sir, I call the gentleman from Kentucky to order.

The CHAIRMAN. The gentleman from Kentucky must confine his remarks strictly to the reasons why the appropriation should not be reduced.

Mr. BRECKINRIDGE. How does the Chair decide upon the point of order made by the gentleman from Michigan, [Mr. STUART?]

The CHAIRMAN. The Chair did not fully understand the question made by the gentleman from Michigan.

Mr. STUART. I submitted that it was not in order to discuss the merits of the bill, or whether it is founded upon the estimates submitted by the Departments or not, upon the amendment now pending.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GENTRY. I submit that it is perfectly legitimate to discuss the question which the gentleman from Kentucky was discussing. He was endeavoring to show that the appropriations contained in this bill were not fairly distributed in the various sections of the country; and I hold that that is legitimate argument.

Mr. STUART. I call the gentleman to order. I ask the Chair whether this question of order is debatable?

The CHAIRMAN. It is not debatable.

Mr. FOWLER. I call for the reading of the 36th rule. That will show that the gentleman from Kentucky has the right to demand that the gentleman from Michigan shall reduce his point of order to writing.

Mr. CARTER. I call the gentleman from Massachusetts to order.

Mr. RICHARDSON and others, objected to the reading of the rule.

The CHAIRMAN. The gentleman from Kentucky has still one minute left, and will proceed in order.

Mr. BRECKINRIDGE. I am prepared to show, and but for the extreme sensitiveness of the Committee on Commerce, would show that the localities from which the gentlemen come, who compose that committee, are amply provided for in this bill, while others are neglected.

Several MEMBERS. That is true.

Mr. BRECKINRIDGE. I mean nothing disrespectful to the committee. They did what was perfectly natural. If I had been upon that committee it would have been perfectly natural for me to have cared specially for my own State. That is the course connected with this whole system, when you descend to State and local appropriations.

The gentleman from Michigan [Mr. STUART] is solicitous that we shall not go into the discussion of the general merits of this bill. Sir, all debate upon this bill was smothered in the beginning. You have gone into committee upon the bill, and have put the five minutes rule upon us, and now you will not even allow us to discuss it upon its merits in a five minutes speech.

The CHAIRMAN. The Chair has decided that the gentleman cannot discuss the general merits of the bill upon an amendment.

Mr. BRECKINRIDGE. I do not object to the decision of the Chair, but I do object to these points of order being raised by members of the Committee on Commerce.

Mr. STUART. As it happens, however, I have not the fortune to be a member of the Committee on Commerce.

The question was taken, and the amendment to the amendment was not agreed to.

The question was then taken upon Mr. BRECKINRIDGE's amendment, and it was not agreed to.

Mr. CAMPBELL, of Illinois, submitted the following amendment, to come in at the end of the clause under consideration, viz:

*Provided*, That the appropriations herein contained for the Mississippi, the Ohio, the Missouri, and the Arkansas rivers shall be applied exclusively to the improvement of the channels of said rivers respectively, and not to the construction of landings and harbors on said rivers.

Mr. C. said: Mr. Chairman, I believe I have at last succeeded in offering an amendment, which will meet the approbation of the committee. If it does not, all I can say in addition is, that I am opposed to making appropriations in this bill for the improvement either of harbors, or landings upon the rivers. I deny the authority, and I deny the policy or the expediency of the General Government to make them, for the reason that it is substituting individual interest for the public welfare. But I have another reason for offering this amendment. Heretofore the General Government has appropriated large sums of money—hundreds of thousands of dollars—for the purpose of making the wharves of St. Louis accessible. For the purpose of making myself understood, I will explain the position of an island in the Mississippi, opposite St. Louis, about the middle of the river, called Bloody Island. The tendency of the current is to the Illinois side of that island. The city of St. Louis, however, for the purpose of diverting the natural channel of the river to the St. Louis side of the river, without any kind of authority commenced to build a dam across that portion of the river between Bloody Island and the Illinois side of the river. After they had proceeded with the work for some time, the Illinois authorities applied to the courts for an injunction, to stop the proceeding, which was granted. The city of St. Louis, in connection with the owners of Bloody Island, made an application to the Legislature of Illinois for the privilege of building two causeways, or two dams, and to make two roads, con-

necting Bloody Island with the Illinois shore. The privilege was granted by the Illinois Legislature, and for the purpose of insuring the completion of the work, they entered into bonds in a large sum with the owners of Bloody Island. They commenced the work, and having filled up the channel, they failed in constructing these two causeways. A flood came, and the whole work was very much damaged, but they succeeded in doing so much as to destroy the navigation of the river upon the Illinois side.

In the bill which passed the House at the last session, and which I understand is to be offered as a substitute to this, there is an appropriation of \$50,000 for the improvement of the St. Louis harbor. I desire now, before making this appropriation which is to be made for the improvement of this river, to have inserted in the bill a provision, that it shall be applied exclusively to the improvement of the navigation of the channels of the river, and not for the improvement or construction of harbors. These owners and capitalists at St. Louis, desire to get money from the General Government for the purpose of building these two causeways, and thereby relieving themselves from the obligations they were under to construct these works, in consequence of the bond entered into by them with the State of Illinois. For the reason I have stated, I hope the proviso to the amendment may prevail. I cannot consent that appropriations shall be made, and the patronage of the General Government used, to build up a great city on the Missouri side, to the injury of others equally meritorious on the Illinois side.

Mr. SEYMOUR, of New York. I wish, for the information of the committee, to call the attention of the gentleman from Illinois [Mr. CAMPBELL] to this fact, that there was among the printed estimates sent to the House upon this subject, one of \$50,000 for the removal of obstructions in the harbor of St. Louis. This, among other estimates, was presented to the Committee on Commerce, but they rejected it, upon the very ground which the gentleman from Illinois has now urged in favor of this proviso.

Mr. FULLER, of Maine. Will the gentlemen allow me to ask him one question, for the purpose of correcting the statement made by the gentleman from Kentucky, [Mr. BRECKINRIDGE?] I want to know whether there is a single appropriation, reported by the Committee on Commerce in this bill, which did not have the approbation of the corps of Topographical Engineers?

Mr. CAMPBELL. I rise to a question of order. I want to know whether it is in order to discuss this question, in opposition to the amendment under consideration?

The CHAIRMAN. The Chair decides that the gentleman from New York and the gentleman from Maine are out of order in the course of discussion they were pursuing.

Mr. SEYMOUR. I was going on to say that we rejected this estimate, because we did not think it came within the proper range of harbor and river improvements to construct upon a navigable river anything that might be called a harbor, which was nothing more than a landing or wharf. The committee will perceive that this large appropriation is confined by the very language of the item to which the gentleman from Illinois has alluded to the improvement of the navigation of these rivers. There is no need therefore for this amendment.

Mr. CAMPBELL. They want to improve the navigation of the Mississippi by turning its channel from the Illinois to the Missouri side; and that it would be improved by constructing these causeways. It is for the purpose of preventing this appropriation from being thus applied, under any circumstances, under the direction of the Secretary of War, that I have offered this proviso.

Mr. SEYMOUR. After this very estimate for the improvement of the St. Louis harbor having been rejected by the Committee on Commerce, and given no place in the bill, I really do not think any Secretary of War would ever take any portion of the \$260,000 appropriated for the improvement of the Mississippi river and its tributaries for the improvement of the harbor of St. Louis. If there is any danger of that being done by any Secretary of War we are likely to have there, perhaps it would be worth while to put the restriction in.

Mr. CAMPBELL. Then why object to the amendment?

The question now being upon the amendment, Mr. CAMPBELL demanded tellers; but they were not ordered.

Mr. LANE. I do not desire to oppose this amendment, but I desire to say a few words in relation to it.

The CHAIRMAN. It can be done only by unanimous consent.

Several MEMBERS objected.

The question was then put, and the amendment was rejected—ayes 32, noes not counted.

Mr. MILLER offered the following amendment:

For the improvement of the harbor at St. Louis, \$50,000.

Mr. M. said: Mr. Chairman, I beg leave, in the few remarks I intend to present upon the subject of this amendment, to call the attention of this committee to a clause in the remarks submitted by the honorable chairman of the Committee on Commerce [Mr. SEYMOUR] in opening this discussion, and then show you the inconsistency of the course taken by that committee in reference to the appropriation recommended in this amendment, with the rule laid down by the committee as indicated by the chairman in those remarks. He says:

"But the committee have prescribed another rule for their conduct. They have supposed—and that is the ground upon which they have framed this bill—that it was their duty to provide for the general wants of the commerce of the country at those localities—those great commercial depots, where it had already concentrated. They did not suppose that it was within their province to go into those parts of the country just rising into importance, where the commerce had hardly yet defined its localities, where you would not know if you appropriated to day ten or twenty thousand dollars for the improvement of a harbor, whether ten years hence there would be any trade or commerce to be benefited by it. They preferred rather to confine the appropriations to the wants of the general commerce of the country, by locating them at the great centers of commerce, where it already exists, and where it will be benefited."

Now, I desire to call the attention of the committee for a few moments to some facts in connection with this subject, which I have before me. I refer to the estimates of the Topographical Bureau, relative to this harbor, and which the Committee on Commerce had before them. At the last session a similar estimate was made for the improvement of the harbor at St. Louis.

Mr. WALSH. I desire to ask the gentleman from Missouri this question: Does he suppose the Committee on Commerce were bound to surrender their judgments upon constitutional law to the Topographical Bureau?

Mr. MILLER. I will answer the gentleman. I did not suppose the Committee on Commerce were bound to surrender their judgment to the estimates of the Topographical Bureau, nor do I suppose that we in this committee are bound to surrender our judgment to the recommendation of the Committee on Commerce. These estimates have been furnished to the committee for their consideration, but they have seen fit to reject some of them. At one moment when an amendment is offered, not embraced in the estimates, some member of the committee gravely rises, and objects to the appropriation, because there was no estimate for it; and now, sir, when an amendment is proposed for the harbor of St. Louis, for which there is an estimate, the gentleman rises and asks whether we suppose the committee are bound by these estimates?

I desire to call the attention of the committee to a few facts, to show how inconsistent are the declarations of the chairman of the committee as to the rule which guided them, with the action of the committee, as is clearly manifested by the facts to which I refer. It is very true, sir, that St. Louis was, but a few years ago, an inconsiderable French village, with a population not exceeding six thousand, and with but little trade. Now, sir, that city numbers one hundred thousand inhabitants, and it has a commerce estimated at \$60,000,000. It had, sir, according to the report of last year, over three thousand arrivals of steamboats; and yet, important as this harbor of St. Louis is, not only to the city of St. Louis, not only to the State of Missouri, but to the States of Illinois, Iowa, Wisconsin, and the Territory of Minnesota, and the country lying south of it upon the Mississippi, there is no appropriation furnished by this committee for it. I desire, sir, to know the reason why the harbor of St. Louis has been omitted?

As I remarked, Mr. Chairman, there were,

during the last year, over three thousand steamboat arrivals at the city of St. Louis; each boat of this vast number freighted with the produce of our fertile lands, and the rich ores of our mines, or the manufactures and productions of other sections. And of the whole number of steamboats plying upon our western rivers, the returns show about one hundred and thirty enrolled and licensed at St. Louis, a larger number than at any other of the great cities upon those streams, and ranking in the amount of their tonnage second to, and but a little below, the tonnage of steamboats enrolled and licensed at New Orleans.

Mr. CAMPBELL, of Illinois. It is unnecessary for me to say that I am emphatically opposed to the amendment of the gentleman from Missouri, [Mr. MILLER.] I was astonished that the committee did not see fit to adopt the amendment which I offered, and which, perhaps, would have excluded the very amendment which the gentleman [Mr. MILLER] has offered. These harbors—I will not call them harbors, for there is no such thing as a harbor on a river, the river is the harbor itself—these landings upon rivers for the benefit of localities where boats receive and discharge their freights, the General Government has already expended hundreds of thousands of dollars for the very purpose of improving them at the city of St. Louis. Is that for the benefit of the general commerce of the country? It is for the purpose of directing the natural channel of the river from the Illinois side to the St. Louis side; and the more profusely they expend the money, the more obstinately the old Father of Waters pursues his natural channel.

Sir, these claims which have been presented for harbors upon the Mississippi, have constituted one of the greatest difficulties which the friends of improvement of the channel have had to encounter in all the contests which have been had for improvements of that description. Why, sir, so local have improvements of this character been considered, that they are seldom or never embraced in any system of internal improvements. They are left to the localities, and to the cities immediately to be benefited by them.

Mr. MILLER. Will the gentleman permit me to ask him whether appropriations were not made in 1836 and in 1837 for this very harbor?

Mr. CAMPBELL. Yes, sir; and that is the very reason that I am opposed to it now. There has been, as I understand it, between \$200,000 and \$300,000 appropriated for the harbor of St. Louis, and which seems to have such an insatiable maw that it can never be satisfied. Are we to leave the rapids in the channel unprovided for, for the purpose of securing a good landing at the wharf of St. Louis? I apprehend, sir, before the committee will entertain a proposition of this kind, they will pause to consider whether it is not their duty to remove the great obstacles to the navigation of the stream, rather than to making appropriations for constructing convenient landing points for the benefit of particular cities and localities.

Sir, I am opposed to every harbor and every landing appropriation which may ever be got up in this House while I am a member of it, and I will record my vote against them. I do not oppose the amendment on account of the locality it is intended to benefit, but on account of the principle it involves. If the landing at St. Louis should be improved, other points of less importance would profit by the precedent, and there would be no end to applications for similar objects.

Mr. MILLER called for tellers; which were not ordered.

The question was then taken on the amendment, and it was not agreed to.

Mr. ROBINSON moved to strike out the clause "for the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, \$260,000;" and insert the following clauses:

That the sum of \$100,000, out of any money in the Treasury not otherwise appropriated, be and the same is hereby appropriated for the improvement of the Rock Island and Des Moines rapids, in the Mississippi river, to be expended under the direction of the Secretary of War.

That, for the improvement of the navigation of the Missouri river, by the removal of snags and other obstructions in the natural channel of said river, and for the building of a snag boat, with necessary machinery and appurtenances suitable to that purpose, the sum of \$75,000 be and the same is hereby appropriated out of any money in the Treasury

not otherwise appropriated; the same to be expended under the superintendence of the Secretary of War.

That, for the improvement of the navigation of the Arkansas river, by the removal of snags and other obstructions in the natural channel of said river, and for the building of a snag-boat, with necessary machinery and appurtenances suitable to that purpose, the sum of \$75,000 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated; the same to be expended under the superintendence of the Secretary of War.

That, for the improvement of the navigation of the Ohio river between Pittsburg and the Falls at Louisville, by the removal of snags and other obstructions in the natural channel of said river, and for the building of a snag-boat, with the necessary machinery and appurtenances suitable to that purpose, the sum of \$100,000 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated; the same to be expended under the superintendence of the Secretary of War.

That, for the improvement of the navigation of the Ohio river, below the Falls at Louisville, and the Mississippi river, by the removal of snags and other obstructions in the natural channels of said rivers, and for the building of snag-boats with necessary machinery and appurtenances suitable to that purpose, the sum of \$300,000 be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated; the same to be expended under the superintendence of the Secretary of War.

The CHAIRMAN. The Chair will be compelled to rule this amendment out of order, on the ground that the propositions are identical with various bills pending before the House; and hence, under the rule, they are not in order.

Mr. ROBINSON. Then I will modify the amendment by reducing the sum named in each proposition, five dollars.

The CHAIRMAN. That will be in order.

Mr. ROBINSON. My object in offering the amendment is to test the sincerity of gentlemen of this committee who pretend to have such a holy regard for the great West, and who desire to have a bill pass through for its benefit. Now, the Committee on Roads and Canals have had all these matters referred to them by a vote of this House, and they have had them under serious consideration, and have authorized the reporting of five different bills, which are embraced substantially in the amendment I have had the honor to offer. They appropriate a specified amount for each one of the great western rivers—for the Mississippi and its tributaries. They go further, and designate the manner in which the improvements should be made—to wit: by the removal of snags and other obstructions in the natural channel of those rivers.

If gentlemen are really sincere in desiring appropriations to aid the great West, they will certainly have no objection in striking out the clause under consideration, and substituting the one I have sent to the Chair.

The amendment I propose makes a larger appropriation for these western rivers, by some \$200,000, than the one reported by the Committee on Commerce, and it will, therefore, render the bill so much the more equal in its general character than it is now. There were, sir, upon the Committee on Roads and Canals more than one or two members, coming from the valley of the Mississippi, who represented the interests of the Great West and the people who live there, and who ought to know something about their interests; and I ask you, Mr. Chairman, who, if any, have a right to be consulted about what they want in reference to these improvements, and as to how the money should be expended? Now, the Committee on Commerce have lumped the appropriation for the three principal western rivers, to be expended under the direction of the Secretary of War. Now, every one knows, who knows anything about the western rivers, that when appropriations have been made, to be expended under the direction of the Secretary of War, without any limitation or restriction whatever, that the judgment of the steamboat captains, pilots, and river men through the entire West, has been that the appropriation has been expended so as to do more harm than good. They are the ones who possess the proper information. Now, if you will strike out the section the committee have reported, and adopt the amendment I have sent to the Chair, then you will have the money appropriated as we, who live upon those rivers, and whose interests are involved, desire it.

I stated, when upon the floor the other day, in reference to the clause appropriating \$260,000 to the Mississippi and its tributaries, that it would be in the power of the Secretary of War to expend the whole sum upon any one of those rivers, and at any point upon either, without any restric-

tion whatever. And let me ask, Mr. Chairman, in the hands of a corrupt Secretary of War, or a designing Administration, what could be made more efficient than the exercise of that discretion in controlling a presidential election?

If this bill passes as it comes from the Committee on Commerce, you put it in the power of the present President, through his Secretary, to expend the entire sum of \$260,000 at any point he chooses, for the purpose of securing votes in the pending presidential campaign. (I am happy to know, however, that at present they think their nominee is scarcely worth the candle.) I shall ask for tellers upon this amendment. I want to see western men show their hands, and I regret that we are not in the House, where we could have the yeas and nays, to show whether they are willing to vote as much money to their own section of the country as they are for the Atlantic coast.

Mr. SEYMOUR, of New York. I stated the other day to the House the reason why the Committee on Commerce placed the appropriation for these western rivers together in one sum as they have. The gentleman from Indiana, [Mr. ROBINSON,] by the amendment which he has offered, seeks to separate them, and seeks largely to increase the amount which is to be given to the western rivers. Now, the reasons stated from the Topographical Bureau, through the Secretary of War, to the committee, we judged to be good ones, and we commend them to the committee. I will repeat them. Every person who is conversant with the nature of the improvements upon the western rivers, will perceive that they are of one character, and that it consists in the construction of snag-boats and in extracting from the channels of navigation the snags and other impediments in them. Now, formerly, as the Department informed us, they have been accustomed to have separate appropriations. Each river having a separate appropriation, of course you were obliged to construct for each of them separate apparatus, because each one was entitled to the use of its own funds. Besides that, there has always been a great difficulty in operating upon those rivers, from the fact that there would be high water in one river when it is low in another.

Mr. ROBINSON (interrupting) made a remark which was inaudible to the Reporter.

Mr. SEYMOUR. The Department states that this fund should be thus concentrated and kept together; and that it will be a more economical mode of operating by enabling them to transfer their body of men engaged in this service, as well as their implements of labor, from one river to another, as may be demanded by the state of the water, or other circumstances. For these reasons, and for no other, have the committee put this whole appropriation in one item. We deemed it best for us to rely upon those men who, for a long period of years, have been conversant with these matters—who have the aid of persons of great experience in the Topographical Corps, Colonel Long and others, who have had especial charge of the improvements on the western rivers—rather than resort to any conjecture upon the subject. Even if a division of this appropriation should be decided upon, we have no data before us by which we could tell how much to give to one river or how much to another.

There is another reason. This whole appropriation is but for the ensuing fiscal year—I should rather say for the present fiscal year, for we have already passed beyond the last of June, when the last fiscal year expired. The consequence is, the Department, if this sum shall be voted, will use this money only for this year, and for the purposes indicated, in operating upon those rivers this year. The next year they will ask for more, but you are first obliged to construct and collect together your boats and other implements; and it is better to have but one set of them than to have three or four different sets—one upon the Arkansas, one upon the Missouri, one upon the Mississippi, and another upon the lower Ohio.

I will add, in reference to the gentleman's amendment, that he has omitted one very important object. We have included in our bill for the Ohio, the Cumberland dam as a specific matter. It is not contained in the gentleman's amendment.

The question being on the amendment, Mr. ROBINSON demanded tellers; which were ordered; and Messrs. DEAN, and JOHNSON of Arkansas, were appointed.

The question being put, the tellers reported—ayes 31, noes not counted.

So the amendment was rejected.

Mr. MOLONY offered the following amendment:

For the improvement of Illinois river, \$51,000; and for the construction of a breakwater and piers at the port of Waukegan, Illinois, \$15,000; also, \$31,000 for the Tennessee river.

Mr. Chairman, we have been trying for the last two days to so far improve this very unjust bill as to make it acceptable to the country, all without success, sir. But, sir, after voting down all amendments for the Illinois, for harbors of refuge upon the lakes, for the Tennessee, and other important tributaries of the Mississippi, as highly inexpedient, if not unconstitutional, notwithstanding a hundred millions of dollars, and much more, are demanding these appropriations for its safety, the committee have just voted \$50,000 for James river, upon which floats annually not \$2,000,000.

The CHAIRMAN. The gentleman's remarks are not in order.

Mr. MOLONY. The application I am going to make, will convince the Chair and the committee that they are in order.

I take that vote in behalf of James river as a good omen, as an indication that this committee have determined to reconsider their votes, and yet do justice to the Illinois river, the Tennessee, and the commerce of the lakes, by passing the amendment which I have submitted. It cannot be, sir, that this committee are prepared to place themselves on the record—

The CHAIRMAN. The Chair decides the gentleman's remarks to be out of order. They are not in explanation of his amendment.

Mr. MOLONY. I am coming directly to that explanation. The Chair will see the order of my remarks before I get through. I repeat, can it be possible that this committee are prepared to declare an appropriation to James river constitutional and expedient, while the vast commerce of the Illinois, Tennessee, and the lakes, which loudly demand—

The CHAIRMAN. It is not in order to talk about the Tennessee river.

Mr. MOLONY. That is a part of the very amendment now pending. I was proceeding to say when interrupted by the Chair, that the passage of this amendment was loudly demanded by the wants of a great commerce suffering for the want of it, and that the committee, standing upon the record against it, after voting for the James river appropriation, could not vindicate before the country its character for impartiality and justice; it would be parallel with the act of the Committee on Commerce, who have taken to New York the lion's share of the appropriation reported by them. The committee owe it to themselves to reconsider their votes.

The CHAIRMAN. The gentleman's remarks are not in order.

Mr. MOLONY. I was going only to add—and pass this amendment.

Mr. STANLY. I am opposed to the amendment of the gentleman from Illinois. If I can get an opportunity, I shall offer an amendment which will be decisive as to these amendments.

Mr. MOLONY demanded tellers; which were not ordered.

The question was then put, and the amendment of Mr. MOLONY was disagreed to.

Mr. BISSELL. I submit for the consideration of the committee the following amendment:

For the improvement of the Hudson river, above its highest navigable point, \$50,000; and, for the improvement of the Illinois river, \$300.

Mr. Chairman, I still think that in a bill of this sort something ought to be appropriated for the improvement of the navigation of the Illinois river. Of course I must admit, in deference to the committee who reported this bill, that that river is of very insignificant importance, compared with the other rivers, which that committee has so amply provided for. By itself it may be entitled to no consideration whatever, in the opinion of those gentlemen. With a view, therefore, to entitle the Illinois to the sum of \$200, I have coupled the proposition with one for an additional appropriation of \$50,000 for the Hudson. This, I hope, may render my amendment acceptable to the committee who have this bill in their especial charge. But, as the committee, in getting up the bill, have taken



care to provide in advance for the Hudson, to the extent of \$50,000, which is deemed sufficient for all the navigable portion of that river, the additional \$50,000 now asked for is proposed to be expended exclusively above the highest navigable point. [Laughter.] Now, I do hope that this very liberal proposition will secure to my amendment the favorable consideration of the Committee on Commerce, and especially of its able chairman; and that thus we may obtain for the Illinois river the \$200 prayed for. [Renewed laughter.] I admit that, compared with the Hudson, the Illinois river, although occupying a precisely similar commercial position, is a very insignificant stream. And so the Committee on Commerce have evidently regarded it. I do well remember, from my early reading, that when the renowned Dutch navigator, old Hendrick Hudson, first entered, and sailed or floated up the river, which properly bears his name, he supposed he had discovered, what so many have sought in vain for since, the northwest passage to China; and he took an extra drink of schnaps on account of it. [Laughter.] I presume, from the high appreciation in which the Committee on Commerce seem to hold that river, and the partiality evinced for it, over all other rivers, especially of the West, that they have adopted the views of the honest Dutch navigator concerning it; though it does seem as though my friend, the honorable chairman of that committee [Mr. Seymour] had lived long enough on the banks of the Hudson to have learned that the importance which its discoverer attached to the stream was altogether imaginary. [Laughter.]

A VOICE. Was it the committee that took an extra drink?

MR. BISSELL. No; it was the discoverer of the Hudson that took the extra drink. The committee have merely taken an extra share of the appropriations provided for in their bill.

Seriously, Mr. Chairman, I have endeavored to show, on previous occasions, that the Illinois river was entitled to a place in this or any similar bill which may come up for the consideration of Congress. It constitutes, as I have before said, an important link in the chain connecting the lakes with the Atlantic ocean on the west, being connected with the lakes by a most excellent and costly canal. I have likened it to the Hudson, which, in a similar manner, is connected with the lakes by a similar canal. The commerce upon it is immense, and rapidly increasing in magnitude and importance. For want of improvement, its navigation is rendered difficult, and is almost wholly obstructed at certain seasons of the year. The Government has never yet expended a dollar on that great river, while others of scarcely as much importance, though with different geographical situations, have been improved year by year with money taken from our National Treasury. I have before called the attention of the House to the fact, that the bill which passed this body during the last Congress contained an appropriation of \$50,000 for this river, and that in framing this bill the Committee on Commerce have coolly rejected that item without giving us a why or a wherefore. As an Illinoisian, feeling a deep interest in the welfare of my State, and as a lover of justice in the abstract, I shall feel constrained to withhold my support from this bill in its present shape. Nor do I see how any western man, in view of its gross inequality, can vote for the bill in the absence of those modifications which a due regard to the commerce of the great West demands.

MR. SAVAGE. I am opposed to the gentleman's amendment. I think that his State has had enough in the way of public land, without appropriating her public money.

MR. BISSELL. If that be the ground upon which an appropriation is refused for the Illinois river—and it has been so intimated by gentlemen before, when speaking in favor of the bill—I am glad to hear it announced, and wish it to be understood. We of the new States, where these lands lie, and where we are struggling to make improvements, want no better ground to justify our opposition to the bill. We never dreamed of paying in this way for those lands.

MR. SAVAGE. I was opposed to the appropriation of public land which was made to his State; and I am opposed now to the appropriation of the public money. More especially have I a right to complain when I have witnessed appropriations of every kind for the improvement of the

waters touching the State of Tennessee refused. The State of Illinois, which has received such liberal grants of the public land, is the last State which I supposed would have asked for an appropriation of the public money. I am not only opposed to appropriations for Illinois, but to appropriations for any of these States. I belong to that class of politicians who are opposed to a general system of internal improvements; but while strongly opposed to a general, I am much more hostile to a partial, unjust, and iniquitous system like that which is endeavored to be fixed upon the country by the present bill.

THE CHAIRMAN. The gentleman cannot discuss the merits of the bill.

MR. SAVAGE. I did not rise to make special objection to the gentleman's appropriation. I think his State has as much right to the public money as the State of New York. It has had liberal appropriations of the public land, but my State has had neither money nor land from the Government; and I could not well see other States receiving appropriations of land and money without objecting.

MR. DEAN. I offer the following amendment to the amendment:

And the further sum of \$50,000 is hereby appropriated to remove obstructions from every stream west of the Allegheny mountains which is navigable twenty-five miles for scows; and the further sum of \$25,000 to make each place that is now damp a proper receptacle for water; and the like sum to Professor Espy for furnishing, by scientific means, a sufficient supply of water for the same.

MR. GOODENOW. I submit that the amendment is not in order.

THE CHAIRMAN. The Chair hardly feels itself authorized to rule it out of order.

MR. DEAN. The gentleman from Illinois [Mr. Bissell] has offered an amendment which is not complete within itself. He moves the appropriation of \$50,000 for the improvement of the Hudson river above its navigable point. No man from New York—no man in this committee who is interested in the navigation of this river, or the general commerce of the country, has asked for such an amendment.

THE CHAIRMAN. The gentleman's remarks are not in order.

MR. DEAN. I am speaking to my amendment. It is necessary, in order to perfect the amendment of the gentleman from Illinois, [Mr. Bissell,] that I should offer this amendment. If the Hudson river is to be improved above tide-water, and above the place where it is navigable, the streams west of the Allegheny should be improved in the same manner. And the only way we can improve those rivers is to furnish them with water. That is all they want. They have not water enough; but there is a good place for a river all along there anywhere, if you can only furnish the proper quantity of water. Professor Espy says that he can do it. [Laughter.] I say that the amendment of the gentleman from Illinois [Mr. Bissell] is perfected by the amendment I now offer. I hope that my amendment will be adopted and voted for by those gentlemen who are in favor of the amendment of the gentleman from Illinois, [Mr. Bissell.]

MR. DUNHAM. I think that amendment offered by the gentleman from New York [Mr. Dean] is in perfect keeping with this bill, with the action of this committee, and with this whole debate. He proposes that we shall be furnished with water. I think the best supply for absence of water is wind, and we need not go far, not further than the gentleman himself, to find the machine by which we could be supplied with wind for almost any commercial and manufacturing purpose which we need in that western country. [Laughter.]

I think it ill becomes a gentleman from an eastern State to offer such an amendment as this. When the State from which he comes has had improvements made out of the General Treasury these many years, and when the commerce of his State has been created and is now maintained by the West—when its wealth has been built up from the hard earnings of these western and northwestern States, it ill becomes him to stand up in this House and attempt to cast ridicule upon the country which has made his own. He may well boast of the improvements of his State, of her wealth, of her peculiar position as the great thoroughfare for our commerce which has enriched her; but it seems to me that it is not very generous for him to ridicule our honest though humble efforts to

improve the channels of our commerce. We have grown up by our own exertions; by our own exertions we shall continue to grow, and prosper, and wax great, until the heart of this country will be in the western valley. You ask us not only to support your commerce, make your improvements, but you levy taxes upon us for the purpose of building up your manufactures; and when we come here and ask that an humble mite may be granted us out of the Public Treasury for works of general importance, a Treasury which we supply by an unjust, unequal, and partial system of taxation, arranged for your benefit, we are to be met with scorn, and taunts, and ridicule, when you have been draining that same Treasury for years and years. Others from the West may submit to it, but I, for one, will not.

Talk about our want of water! Why, it is the commerce that floats upon our western waters, that has filled the coffers of the State of New York, and the New England States. Our want of water! It is upon the bosom of our western waters that the productions of your manufactories which have been built up by the partial exercise of the powers of this Government, find a way to market, and that you have become rich, and have grown proud and insolent, as you show here upon this floor and elsewhere.

The question was then taken upon Mr. DEAN's amendment to the amendment, and it was rejected.

MR. COBB. I offer the following amendment to the amendment:

For the improvement of the Coosa river, above Greensport, in the State of Alabama, and below Rome, in the State of Georgia, \$20,000.

I will make no speech upon it. The amendment speaks for itself.

The question was then taken on Mr. COBB's amendment, and it was not agreed to.

The question was then taken upon Mr. BISSELL's amendment, and it was not agreed to.

MR. HUNTER. I offer the following amendment, to come in at the end of the original clause:

Sixty thousand dollars of the same to be expended in the improvement of the Ohio above the Falls at Louisville.

The committee will perceive that I do not propose in this amendment to make an appropriation of a single dollar more than is in the bill. In the present reading of the House bill, it strikes me that the whole amount will be expended below the Falls. Sixty thousand dollars is the amount estimated for above the Falls, and I ask only that the reading of the bill shall be changed, so that this amount shall be expended above the Falls.

The question was then taken on Mr. HUNTER's amendment, and it was not agreed to.

MR. GENTRY. I offer the following amendment:

For the improvement of the Tennessee river above the Muscle Shoals, \$100,000, to be expended under the direction of the Secretary of War.

This amendment differs somewhat from those heretofore offered and rejected by the committee. The gentleman from Alabama [Mr. Cobb] proposed an amendment for this river, to be expended in part above, and in part below, the Muscle Shoals. I am not sure whether the amount to be expended above the Muscle Shoals, was the same as proposed in my amendment. My colleague [Mr. Churchwell] offered an amendment for the improvement of the Tennessee and its tributaries. This amendment proposes simply to improve the Tennessee river above the Muscle Shoals. I do not care about saying much in its favor. It speaks for itself. It ought to speak for itself, and if the members of this Congress had looked to the geography of that country, its commercial wants, and the military necessities to be subserved by this proposition for an appropriation to that stream, there would be no need for urging it upon their favorable consideration. I do not believe that there is a single item in this bill, of all the various improvements proposed to be made by it, that is so important as this. The immense system of railroad improvements in the southern Atlantic States connect with the Tennessee river at Chattanooga. The Tennessee river is the connecting link between that point and the vast valley of the Mississippi. It is over that river that Ohio, Illinois, Indiana, Missouri, Iowa, and Minnesota will have to transport their productions to the markets which the southeastern Atlantic States furnish; and it is over the same channel of communication in time of war, when your south-

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eastern Atlantic sea-board shall be invaded by a foreign foe, that the military strength and resources of the upper valley of the Mississippi must go to the rescue. A small expenditure of money will make this communication complete and ample for all the purposes of commerce, and for the purposes of military defense.

It is surprising that men who pretend to the character of statesmen should undertake, in attempting to revise a system of public policy which has been suspended for years, should have failed to embrace this improvement in their bill. If they have any right to set up a claim to the character of statesmen, in seeking to renew this system, they should endeavor so to shape its details as to commend it to the approval of the country, and not overlook such a stream as this. Why exclude one of the most important tributaries of the Mississippi, connecting the mighty valley of the Mississippi with the southeastern Atlantic States of the Republic? I repeat, that in a commercial and military point of view, this appropriation is infinitely more important than any appropriation embraced in this bill. If wise statesmen desire to revive an important policy, if they seek to give it permanence, and maintain it, how can they expect to do so when its opponents can point to this odious and unreasonable discrimination against this stream? With such a glaring evidence of the inequality of the system, the people of that great valley will withhold their favor from those who endeavor to withhold the constitutionality and expediency of such a system. I believe in the expediency of the power under the Constitution, and in the expediency of exercising that power if it shall be so exercised as to distribute its benefits fairly in all the different parts of the country. If you adopt a principle, you must follow it out to its results, and let every section of the country have all the benefits which that principle can confer.

Mr. JOHNSON, of Arkansas. I rise to make a suggestion to the House in regard to this matter. We have not made a single step in this bill to-day. As those who are in favor of it desire to finish it to-day, and as those who are opposed to it are desirous of getting clear of it, I hope that we will sit here to-day until we have made some progress.

Mr. GENTRY demanded tellers on his amendment; which were ordered; and Messrs. HARRIS, of Tennessee, and BRECKINRIDGE were appointed.

The question was then taken, and it was decided in the negative—ayes 34, noes not counted.

So the amendment to the amendment was rejected.

Mr. JONES, of Tennessee. We have been some time engaged in the consideration of this bill. I have not trespassed upon the committee for one moment, and now, with a view of testing the sense of the committee, and for the purpose of endeavoring to get at something that we can make some progress in, I move to lay aside this bill, that we may take up the civil and diplomatic appropriation bill.

The CHAIRMAN. The Chair supposes the motion to be in order.

Mr. ORR. Well, sir, I ask for tellers upon it.

Mr. STUART. I rise to a question of order. My point of order is this: That after the House has ordered the debate to close, under the rule, it is imperative upon us to go on and act upon every amendment that may be pending or offered to the bill, and report the bill to the House. While I concede that you may lay aside a bill before the House has closed debate upon it, I make the point that you cannot do it after the debate has been closed.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken. The House has ordered the debate to be closed upon this bill. The order is, that the committee shall proceed to vote upon such amendments as may be pending, or offered to the bill, and then report the bill to the House. We are acting under that order.

Mr. JONES. Well, sir, we can lay aside the bill for the present, and resume its consideration hereafter.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Michigan.

Mr. JONES. From that decision I appeal.

Mr. ORR. I ask for tellers on the appeal.

Tellers were ordered; and Messrs. ASHIE and DISNEY were appointed.

Mr. SEYMOUR, of New York. If the committee should resolve to lay the bill aside, and take up the appropriation bill, what will be the situation of this bill?

Mr. DUNHAM. I call the gentleman to order.

The CHAIRMAN. That is not the question before the committee. A motion is made by the gentleman from Tennessee [Mr. JONES] to lay aside this bill and take up the civil and diplomatic appropriation bill. The Chair decides, that inasmuch as the House has closed the debate upon this bill, and ordered that the committee shall vote upon the amendments that may be pending or offered, and then report the bill to the House, it is not in order to lay the bill aside. From that decision the gentleman from Tennessee takes an appeal.

The question was then put, Shall the decision of the Chair stand as the judgment of the committee? and it was decided in the affirmative—ayes 84, noes not counted.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. SMART moved that the committee do now rise.

The motion was not agreed to.

Mr. STANLY. I desire to bring this matter to a close, and get the committee to decide whether they will amend the bill or not. I do not know any mode in which that question can be more satisfactorily tested, than by the one which I now propose. I desire to offer as an amendment, to come in at the end of the clause we are now at, the whole of the bill of last session, omitting only such items as are provided for in the bill, and with the addition of three small items—\$30,000 for the navigation of the Cumberland river, \$50,000 each for the Illinois and Tennessee rivers, and \$2,000 for the survey of the Pascagoula river, in Mississippi, which the State Legislature has asked the General Government to improve. This embraces all the amendments which have been offered, and if the committee will vote upon it, it will test the question whether the bill is to be amended or not, and enable us to get through our labors.

Mr. SEYMOUR, of New York. I wish to raise a question of order in reference to that amendment. The question that I wish to submit to the Chair is this, that inasmuch as a large number of the items embraced in the proposition of the gentleman from North Carolina, have already been presented to this committee and voted upon, the proposition is out of order.

The CHAIRMAN. The Chair does not understand that the amounts are precisely the same that have been voted upon; but even if they were, the Chair thinks that being combined with others, the amendment would be in order.

Mr. SKELTON. I am opposed to the amendment proposed by the gentleman from North Carolina, for the reason that it is calculated to kill the bill, and entirely to destroy the system of the improvement of the rivers and harbors of the country. Upon the same ground, I am opposed to all the amendments that have been offered here to-day. Now, sir, upon what principle have the gentlemen who offered these amendments proposed them? Upon pure national and patriotic grounds or upon mere sectional grounds? They say they want their own districts improved, and that is a very commendable desire. So do I want mine improved, and for that very reason I am opposed to these amendments. My State gets only \$11,000—a very small sum, and not as large as we are entitled to, but we are willing to take it rather than destroy the chance of ever getting anything. What will be the effect of the adoption of this amendment? Why, it is very evident that this House will never appropriate four millions of dollars in a single

year. Last year's session demonstrated that fact, and I appeal to those who are friendly to these improvements to vote against amendments of this kind, and against all amendments, for the reason that that is the only way in which we can get the western rivers improved at all.

I have as deep an interest in the West as in my own State. I should like to see the whole country benefited, but we must wait. We cannot do everything in a day. We might spend a hundred millions of dollars during the coming year in the improvement of our rivers and harbors, and spend it with benefit to the country; but then we cannot have a hundred millions of dollars to spend in a single year. We shall destroy the system entirely by carrying it forward too rapidly. Let us then proceed gradually and judiciously. If our western friends are not dealt fairly by at this session, let them wait until next session. I will guarantee that there is a disposition on the part of the members from the East to do ample justice to the West.

Mr. MEADE. I would ask the gentleman if he proposes ultimately to spend the one hundred millions of dollars upon internal improvements?

Mr. SKELTON. I have no doubt that that sum will be spent, in the course of years, gradually and judiciously. This House has selected a judicious, high-minded, and intelligent committee to report on appropriations of this kind. If gentlemen want rivers and harbors improved, let them submit their propositions to the committee that has been appointed by the Speaker, and that has the confidence of the House, and let them be carefully examined by that committee. Now, I confess that I cannot judge of the propriety or impropriety of the various expenditures on western rivers, but I trust in the Committee on Commerce. I have confidence in their integrity; I have confidence in their intelligence, and I am willing to trust to them, not because I believe their report to be right, judicious, and fair to all sections of the country, but because I believe that this is the only plan by which we can carry forward these improvements.

Mr. LETCHER. I move that the committee take a recess till seven o'clock this evening.

The motion was not agreed to.

The question now being upon Mr. STANLY's amendment—

Mr. APPLETON, of Maine, called for the reading of the amendment.

It was read as follows:

For a breakwater structure at the harbor of Burlington, on Lake Champlain, \$15,000.

For a breakwater structure at the harbor at Plattsburg, on Lake Champlain, \$15,000.

For the improvement of the harbor at White Hall, on Lake Champlain, \$10,000.

For repairs and working of dredge on Lake Champlain, \$9,000.

For improvement of the harbor at Port Ontario, on Lake Ontario, \$15,000.

For the improvement of the harbor at the mouth of Big Sodus Bay, on Lake Ontario, \$10,000.

For the improvement of the harbor at the mouth of the Genesee river, on Lake Ontario, \$20,000.

For the improvement of the harbor at Cattaraugus, on Lake Erie, \$15,000.

For the improvement of the harbor at Conneaut, on Lake Erie, \$15,000.

For the improvement of the harbor at Cunningham's Bay, on Lake Erie, \$10,000.

For the improvement of the harbor at the mouth of Vermilion river, on Lake Erie, \$10,000.

For the improvement of the harbor at Huron, on Lake Erie, \$10,000.

For the improvement of the harbor at Sandusky, on Lake Erie, \$30,000.

For the improvement of the harbor at Monroe, on Lake Erie, \$20,000.

For the improvement of the harbor at Dubuque, on the Mississippi river, \$20,000.

For the improvement of the harbor at St. Louis, on the Mississippi river, \$50,000.

For a breakwater structure at Great Point, Nanucket, Massachusetts, \$20,000.

For the improvement of the harbor at New Bedford, Massachusetts, \$10,000.

For the improvement of the harbor at Bridgeport, Connecticut, \$10,000.

For the improvement of the harbor at Falmouth, Massachusetts, between Buzzard's Bay and Vineyard Sound, \$4,500.

For the improvement of the harbor at New Castle, Delaware, \$15,000.

For the improvement of the harbor at Newark, New Jersey, embracing the Bay of Newark, and the Kills, westward of the mouth of the bay, \$15,000.

For the removal of obstructions to the navigation of the Hudson river, above and below Albany, \$75,000.

For the removal of the obstructions to the navigation of the St. Clair river, connecting the upper and lower lakes, \$40,000.

For the improvement of the Ohio river above the Falls at Louisville, \$80,000.

For the improvement of the navigation of the Cumberland river, \$30,000.

For the Illinois and Tennessee rivers, \$50,000 each.

For the repair of the dam at the head of Cumberland Island, in the Ohio river, \$50,000.

For the improvement of the harbor at Stamford, Connecticut, \$5,000.

For the improvement of the harbor at Manitowoc, in the State of Wisconsin, \$10,000.

For the improvement of the upper and lower rapids of the Mississippi river, \$30,000.

For the further improvement of the Huridae channel, and Harlem river, in New York harbor, \$30,000.

For the improvement of the harbor at the mouth of Saginaw river, in Saginaw Bay, on Lake Huron, \$10,000.

For the improvement and further survey of the harbor at the mouth of Clinton river, on Lake St. Clair, in the State of Michigan, \$10,000.

For the improvement of the harbor at Pulneyville, in the State of New York, on Lake Ontario, \$10,000.

For the improvement of the harbor at the mouth of Black river, in the State of Michigan, \$10,000.

For a survey of the harbor at Beaufort, North Carolina, with an estimate of the cost and advantages to said harbor, of connecting the river Neuse therewith, \$2,500.

For the survey of the Mississippi river above the Falls of St. Anthony, for the purpose of ascertaining what improvements (and the expense thereof) can be made in the navigation at Sauke and Pike rapids, \$5,000.

For surveying the entrance to Taunton harbor, Massachusetts, \$1,500.

For the improvement of the harbor at Richmond city, Virginia, and the James river from said harbor to the mouth of said river, and from the junction of said river with the Appomattox river, to the city of Petersburg, \$60,000.

For the construction of snag and dredge-boats, and discharging-scows, for the removal of obstructions in the harbors on the coast of Texas, \$50,000.

For removing the obstructions in the Rio Grande river, Texas, \$25,700.

For the construction of snag-boats, dredge-boats, and discharging-scows, to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western waters, \$100,000.

For a survey of the bar and other obstructions at or near the mouth of the east branch of Pascagoula river, in the State of Mississippi, \$2,000.

[A message was here received from the Senate, announcing the passage, by that body, of the following bill:

A bill for the relief of the legal representatives of James C. Watson, of Georgia.]

Mr. ASHE. Is it in order to offer an amendment to an amendment?

The CHAIRMAN. It is in order.

Mr. ASHE. I offer the following:

For the improvement of the mouth of the Cape Fear river, at the main bar, \$20,000.

Mr. Chairman, I deferred offering this amendment to the original bill reported by the Committee on Commerce, until, by the action of the House, the appropriate occasion should occur for me to offer it; but as the substitute offered by my colleague [Mr. STANLY] will, if adopted, cut me off from any other opportunity, I must now do it. The Committee on Commerce has been liberal in its appropriations to North Carolina, and for that reason I feel much reluctance to interfere in the detail of their report; but the urgent condition of the commercial interest of my section leaves me no option. Two of the largest towns in North Carolina are situated on this river. The State, in the last six or seven years, has most generously appropriated \$5,000,000 towards their improvement. This action of the State was met in a proper spirit by the people. Enterprising, active, and energetic, they have done their utmost to forward their own prosperity. The result of their conduct is strikingly manifested in the altered condition of the town of Wilmington itself. In the last ten years they have much more than doubled their population, and added fourfold to the amount of their real and personal property. The foreign tonnage of the port has increased from 8,000 to 23,000. They are, in fact, surrounded with all the inciting elements of great prosperity; but their prospect is not cloudless. To their great terror and dismay they find for the last five years the principal inlet of the harbor, known as the Main Pass, has been filling up in a most astounding manner. Five years ago, vessels drawing fifteen feet water could come in and out; but now vessels drawing only eight or nine feet, are debarred from entering. This disastrous filling up of the inlet has been occasioned, as they believe, and as a delegation composed of merchants of the highest respecta-

bility stated before the committee, by the operations of the Government works. Very soon after the erection of Fort Caswell, the military department discovered its foundation was being completely washed away by the channel of the river. In order to prevent this, three or four jetties were run out from the main land into the channel. These jetties have indeed protected, as intended, the fort, but as a necessary consequence, have filled up the channel. This is the actual state of the case, and I most earnestly ask the committee, then, if this case is not entirely analogous to the case of Savannah, represented by my honorable friend, [Mr. JACKSON?] Could you have a case which would appeal more strongly to your sense of equality and justice? I think not.

Mr. MEADE. I would suggest to my honorable friend from North Carolina, [Mr. ASHE,] for whose proposition I entertain the kindest feelings, that he alter his amendment in such a manner as to provide for changing the appropriation of \$50,000 for reopening a communication between Albemarle sound, North Carolina, and the Atlantic ocean, at Nag's Head, to the improvement of Cape Fear river; for if I understand anything about that coast and the trade upon it, Nag's Head is comparatively a very unimportant place, and it certainly could not class among the national objects for appropriation. It is astonishing to me that when North Carolina was brought to the attention of the Committee on Commerce, they should, in their comparison of the various points worthy of appropriation, have selected Nag's Head in preference to Cape Fear river. I admit every word the gentleman has said about the importance of improving that river.

Mr. SEYMOUR, of New York. The reason why the appropriation of \$50,000 has been made to Nag's Head, as it has been called, though it is laid down in the charts as Roanoke inlet, is for the purpose of opening a connection between Albemarle sound and the Atlantic ocean for the general commerce of the country, for the whole trade that passes from North to South. Make this improvement, and you have an inland communication by passing down the Albemarle sound much safer than by going outside, where you are exposed to the most dangerous coast on the whole Atlantic. There are more localities on the North Carolina coast to be provided for than in any part of the country.

Mr. MEADE. Before Nag's Head is improved with a view to admit vessels into Albemarle sound, the gentleman had better, in connection therewith, first have turned his attention to the improvement of the Roanoke river, because, unless the navigation of that river is improved the improvement of Nag's Head will be of little service to the general commerce of the country. Here is the town of Wilmington, a large exporting and importing place, situated upon Cape Fear river, and I should have supposed the Committee on Commerce, in consideration of its importance and need of improvement, would have made this appropriation of \$50,000 to that object. But with all respect to my friend, I think he requires of us more than the due share of North Carolina, when he asks for an appropriation of \$50,000 for Nag's Head, and \$40,000 in addition for the improvement of Cape Fear river.

The question now being upon the amendment to the amendment,

Mr. ASHE demanded tellers; but they were not ordered.

The question was then put, and the amendment to the amendment was not agreed to.

The question now recurred on Mr. STANLY's amendment.

Mr. ASHE demanded tellers; which were ordered; and Messrs. CHANDLER and DISNEY were appointed.

The question was then taken, and decided in the negative—ayes 49, noes 82.

So the amendment was not agreed to.

Mr. MARSHALL, of Kentucky, offered the following amendment:

Strike out all after the word "for," in the clause "For the improvement of the navigation of the Mississippi river, below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, \$250,000," and insert the following:

For the improvement of the navigation of the Mississippi river, below the mouth of the Missouri, \$100,000

For the improvement of the Mississippi river above the mouth of the Missouri, \$50,000

For the improvement of the Missouri river, \$50,000

For the improvement of the Ohio, above the falls at Louisville, \$50,000

For the improvement of the Cumberland dam, \$50,000

For the improvement of the navigation of the Ohio river below the falls, \$25,000

For the improvement of the navigation of the Arkansas river, \$40,000

For the improvement of the navigation of the Illinois river, \$30,000

For the improvement of the navigation of the Tennessee river, \$40,000

For the improvement of the navigation of the Cumberland river, \$30,000

For the repairs of the piers at Big Sodus Bay, on Lake Ontario, \$15,000

For the improvement of the Pascagoula river, \$10,000

For the construction of snag-boats on the western and southern rivers, \$200,000

\$590,000

Mr. M. said: The amendment comprises nearly all that can be profitably expended in the year, between the present time and the time for the next appropriation bill of the next session of Congress, upon the western rivers; and it does not leave out either the upper or the lower Mississippi, or the lower or upper Ohio, or the Tennessee, or the Cumberland, or the Illinois, or the Pascagoula; but it takes care of them all. It makes a proper appropriation for the Cumberland dam, and presents to gentlemen from the valley of the Mississippi, in the concrete, what we have been trying for three days to get in the segregate. There is no object for which appropriation is provided for in this amendment for which Congress has not appropriated heretofore. It increases the appropriation to the whole West and to the whole South about \$250,000, of which amount is appropriated to the construction of snag-boats \$100,000, and the remaining \$150,000 is apportioned among all the rivers of the West. There is an appropriation, also, which has been recommended by the estimates of this year for Big Sodus Bay upon Lake Ontario. The Committee on Commerce, I perceive, have put into their bill Little Sodus Bay, for which there was no estimate, and for which there was no recommendation; and they excluded from their bill Big Sodus Bay, for which there was a recommendation and an estimate. But what they expected to gain by it, or what they expected to effect by it, I do not know. Big Sodus Bay is estimated for, and Little Sodus is not.

Mr. DUNCAN. Will the gentleman allow me to explain why the committee did that?

Mr. MARSHALL. Not in my five minutes. The gentleman can do that presently. There is some explanation for it, but it is very curious to me that a committee that goes by estimates should do that.

But there is in this amendment an appropriation of \$100,000 for the Mississippi below the mouth of the Missouri, and I ask any gentleman here if he supposes that that is an improper amount to be appropriated. If there be any appropriation here that is not properly called for, or that cannot be properly expended, why the Secretary of War, exercising his discretion, will not expend it.

My amendment has this advantage over the proposition of the committee, it indicates upon the part of Congress where the money is to be expended, and selects the works upon the part of Congress to which the appropriations are made, instead of doing that which Congress does annually for the Post Office Department, for the Engineer Department, and for every other department of this Government—the voting of sums in the aggregate, and leaving it to the Executive Department to appropriate them.

Mr. JOHNSON, of Georgia. I move that the committee rise.

Mr. BROOKS. I rise to a question of order. Is it in order to adjourn without having done anything to-day? [Laughter.]

Mr. DISNEY demanded tellers; which were not ordered.

The question was then taken, and the motion was not agreed to.

So the committee refused to rise.

Mr. BRECKINRIDGE. I do not expect to occupy my five minutes, but I wish to call the attention of the committee and the attention of my colleague, [Mr. MARSHALL,] to the fact that he has thought proper to include the Illinois river in his omnibus amendment, and to exclude an important river of his own State, which bounds in part his own district, and in part my own. I allude to the Kentucky river. It is peculiarly



unfortunate that an amendment asking appropriations for the Mississippi and Ohio rivers, should be encumbered with items which are wholly indefensible upon any principle that would place the slightest limit upon these expenditures.

The Illinois river takes its rise in the State of Illinois, and empties itself at the edge of the State of Illinois. It is a local and a State stream purely, and becomes national, according to the argument of some gentlemen, because at a high point upon its waters it is connected with the lakes by a canal, and thereby connects the lakes with the Mississippi and the southern Atlantic States. Now, sir, I put it to the committee, that if this makes a national stream of the Illinois river, you can make a national stream of every piece of water that flows in any portion of the United States.

Upon the same principle, the Kentucky river is now in process of being made a national stream, although to speak seriously about it, it is a little river which takes its rise in the mountains of Kentucky, and empties at the borders of the State, and upon which, for the greater part of the year, you cannot get a steamboat to run without the building of locks and dams to carry it up; and yet we are building a railroad which will connect its waters with the Southern, Atlantic, and the Gulf States. It is as much a national stream as the Illinois river is a national river.

I am opposed, sir, openly and unalterably opposed, to appropriations to local State streams.

Well, sir, Big Sodus Bay. I had supposed that Big Sodus Bay was in the bill, and not Little Sodus Bay, and a great many gentlemen were of the same opinion. But it turns out that Big Sodus is excluded, and Little Sodus put in. The committee have worded it artfully—"for the improvement of Sodus bay, Lake Ontario, Cayuga county, New York," &c. I understand that Big Sodus and Little Sodus are but a few miles apart; that very little commerce goes into either of them; that there are not two hundred people at either place, but that they are intended principally for harbors of refuge. What do we want with two harbors of refuge within five or six miles of each other? The time does not suffice to enter into this matter, but I protest against meritorious appropriations being endangered by a connection with others which ought not to pass.

Mr. MASON. I move to add \$50,000 for the Kentucky river; \$20,000 for the Big Sandy; [laughter;] and \$50,000 for the Wabash.

I voted against this bill at the last session of Congress, because the committee could not amend it so as to make it national. I believe this bill to be strictly national, according to the views of some gentlemen as to what makes a bill for internal improvements national—that is, that there is some appropriation in it for his particular district and locality. [Laughter.] I think that is the correct definition of nationality as applied to making internal improvement bills in this Congress.

The CHAIRMAN. The gentleman must confine his remarks to the three rivers named in his amendment.

Mr. MASON. I am doing so; and the principle and definition laid down brings my river in. [Laughter.] Big Sandy is in my district. [Laughter.] That, sir, acting upon the principle which controls the action of others here, renders it entirely national. [Laughter.] The bill reported by the committee, not including that river, is, of course, not national to me. My colleague from the Lexington district, [Mr. BRECKINRIDGE,] through whose district the Kentucky river runs, cannot vote for this bill unless that stream is included, for that would be entirely against principle.

Now, sir, I do not expect to vote for this bill, because I have no idea in the world that Big Sandy will be included. [Laughter.] I cannot possibly vote for a bill unless it is national, by being connected with my district. [Laughter.]

The fact is, Mr. Chairman, the whole matter is a perfect farce. When gentlemen undertake to lay down a system for national internal improvements, they turn it into a burlesque by making appropriations for so many little local improvements near or in their own districts. I shall vote against this bill, because, though ostensibly a national one, and laid down upon principles, it is in reality a scramble for appropriations to particular localities.

Mr. WILLIAMS. I call the gentleman to order. He is speaking against his own amendment? [Laughter.]

Mr. MASON. I make my remarks under the idea that my amendment will not be carried.

Mr. ALLISON. I am opposed to the amendment. Let us have the vote.

The question was then put, and the amendment was disagreed to.

Mr. CARTTER. I offer the following amendment:

For the improvement of the navigation of Salt river, \$5,000,000, to be expended before the 4th of March next, under the direction of the Secretary of the Treasury.

[Laughter.]

Mr. Chairman, this amendment has been suggested to me.

Mr. JONES, of Tennessee. I rise to a question of order.

Mr. CARTTER. Does the gentleman deny the nationality of this river? [Laughter.]

Mr. JONES. I had supposed that the friends of those who were to sail up that river would provide for its improvement. [Renewed laughter.]

Mr. CARTTER. If my friend from Tennessee had noticed the particular phraseology of the amendment, he would not have risen to a question of order. I provide in that amendment that the appropriation shall be expended under the direction of the Secretary of the Treasury, with a view of leaving it in the hands of its friends, [laughter,] presuming that he will not misappropriate it. [Renewed laughter.] But there is no doubt about the nationality of that stream. It has been nationally navigated for a great many years. I have been up it myself recently. [Laughter.] I know something of its navigation, and from what little observation I have made, I know that it has snags in it; and I do not wish to leave to those who have got to take the passage quite as hard a trip as I have had. I hope it will be voted early, with a view of providing an open navigation there in season, for somebody has got to occupy it. [Laughter.] The prospect now is, that the gentlemen who are in favor, *par excellence*, of improvements of rivers will have occasion to occupy it, and I ask them to come forward and vote for it. There can be no equivocation as to its nationality. It runs through all of the States, and through all of the districts of the States. [Laughter.] It embraces a portion of all the constituencies, and therefore must be of necessity national; and if you depart from the works which ought to be legitimate—works upon the high seas of the nation—and go to expending the national treasure upon rivers, I insist this one shall have the first place.

Mr. GIDDINGS. It is not my intention to reply to my colleague. I appeal to gentlemen whether we are not doing injustice to ourselves, and whether we should not proceed to vote upon this bill. Can we add to our own reputation and to the character of the country by this trifling?

[Cries of "Order!" "Order!"]

Mr. G. I know when I am in order, and I am arguing in behalf of those very gentlemen who are calling me to order. What is the scene we have presented to the country for the last three days? Amendments have been offered which no man expected to carry.

Mr. WILLIAMS. I call the gentleman to order.

Mr. GIDDINGS. My colleague does not expect to carry his amendment, I am sure. I am opposed to the amendment of my colleague, and also to that submitted by the gentleman from Kentucky.

Mr. CARTTER. My opinion is, that if we continue this character of legislation the majority of the members of the House will be interested in the appropriations.

The CHAIRMAN. The gentleman must confine his remarks to the appropriation for Salt river. [Laughter.]

Mr. GIDDINGS. I do verily believe if we go on three days longer that we will all have to travel up Salt river, [laughter,] for we are now trifling with our own reputation and the character of the country.

The question was put, and the amendment of Mr. CARTTER was rejected.

Mr. SMART. I move that the committee do now rise.

Mr. MEADE demanded tellers; which were

ordered; and Messrs. WILLIAMS and SCURRY were appointed.

The question was taken, and the committee refused to rise, the tellers having reported—ayes 56, noes 69.

The question then recurred upon the amendment of Mr. MARSHALL, of Kentucky.

Tellers were demanded, and ordered; and Messrs. MOJONY and HUNTER were appointed.

The question was put, and the amendment was disagreed to, the tellers having reported—ayes 41, noes 71.

Mr. JOHNSON, of Georgia. I move to strike out from the clause under consideration the word "repair," and in its stead to insert the word "removal," so that the appropriation will be for the removal instead of the repair of the Cumberland dam.

It will, Mr. Chairman, be recollected by the committee that opposite the mouth of the Cumberland river is the Cumberland Island, and that the main channel of the Ohio river runs between the Cumberland Island and the Illinois shore. An appropriation was made by Congress to construct a dam from the head of the Cumberland Island to the Illinois shore, for the purpose of diverting the main channel of the river from the Illinois and to throw it upon the Kentucky shore, and thereby to improve the harbor of Smithland—if I may call it a harbor. The dam was constructed. It has not benefited the harbor of Smithland, but it has destroyed the navigation of the main channel of the river. It may be urged that the navigation of the main channel has been destroyed by the breaking down of the dam, but my information is—and I have received it, being a member of one of the committees, from certain persons who appeared before it—that you cannot, by the construction of any dam there, make the navigation as good as it was by the natural channel. Then, sir, if it does not improve the navigation of the Ohio, why have it repaired? Remove it and let the river be in the condition it was before the construction of the dam. You have placed there an obstruction, and it is the duty of the Government to remove it, unless it will improve navigation. But it is said that it will improve the Cumberland river. It may improve the entrance into that portion of the channel which is next to the Kentucky shore; but how can it improve the Cumberland river? It may facilitate the entrance to that river, but will it improve the navigation of the river above the entrance? What good will that effect? None, but to allow boats to land with more facility at Smithland. And is the whole country, is the whole commercial interest connected with the navigation of that river, to be tied down to the interest of Smithland? Is every other interest to give way for the purpose of building up a small town there? The object of the amendment is to remove that obstruction.

Mr. GREY. Mr. Chairman, I oppose the amendment of the gentleman from Georgia, and am authorized to assure this committee that the gentleman is very greatly mistaken in his intimation that the "Cumberland dam" was built for the benefit of the town of Smithland. It was built for the purpose of improving the navigation of both the Ohio and the Cumberland rivers, and I will show to this committee how fully, and in what way, it effected the purposes of its erection; for, sir, I am intimately acquainted, from frequent personal observations, with the localities at and about that point.

"Cumberland Island" is opposite the mouth of Cumberland river. Those two rivers are running nearly a west course, when the Ohio, about three fourths of a mile above Smithland, divides itself around the island, one division of its waters coming into the Cumberland immediately opposite Smithland, (which is on the Kentucky side of the Cumberland river,) the other passing to the north, or Illinois side of the island; the Illinois being very greatly the *widest*, but about the same in depth with the Kentucky chute; but the shoal, or bar, which was the greatest obstruction in the Cumberland, was at or near the confluence of the two rivers, which is about two miles below Smithland. The dam from the head of the island to the Illinois shore, forced the main channel of the Ohio through the narrow, or Kentucky chute, into the Cumberland, immediately at Smithland; thence down the Cumberland, and thus deepened the water at the junction of the Cumberland with the

Illinois chute, (two miles below Smithland.) Although the dam was never completed, yet whilst it was unbroken it made the navigation of both rivers far better than it ever was before or since, and will do so again. But, sir, if the dam is now removed, (which will cost a larger expenditure than to repair it,) it will pass much the largest half of the waters of the Ohio down the Illinois side of the island, which will, at its junction with the Cumberland, again increase the bar, and stop up the mouth of the latter river, as was the case before the dam was erected.

This did, and, if the dam is removed, will again result from the fact that the Ohio is a much larger stream than the Cumberland at their junction, and its greater volume of water will force its channel, and throw the washings out of its channel into the mouth of the Cumberland river, and thus form a sand bar, destructive of the navigation of the Cumberland. But repair the dam, and from the head of the island around the south, or Kentucky side, will be a greatly better channel than the Illinois side will ever be, even if the dam were removed, because the water on the Illinois side is spread out over so wide a channel.

Sir, will you make an appropriation to remove the obstructions to its four or five hundred miles of navigation, and then make an appropriation which entirely stops up the Cumberland river at its mouth from all steamboats?

Cumberland is one of the most valuable rivers in the South or West. The evidences of its importance, and the necessity for repairing that dam, is proven by the preamble and resolutions adopted by the Legislatures of the States of Kentucky and Tennessee, by which both these States have memorialized Congress on this very subject, and instructed their respective delegation in Congress to obtain an appropriation for the repair and completion of that dam. Since that dam has been broken, the Cumberland bar at the mouth of the Cumberland has so greatly increased that boats cannot now come up to Smithland or into the Cumberland river, and a small "chicken-coop" of a steamboat of seven or eight inches draught is in low water plying between Smithland and the mouth of Cumberland river.

Mr. SAVAGE moved that the committee rise. Tellers were called for and ordered; and Messrs. HARRIS, of Alabama, and FULLER, of Maine, were appointed.

The question was then put, and the tellers reported—ayes 54, noes 67.

So the committee refused to rise.

The CHAIRMAN. The question now is upon the amendment of the gentleman from Georgia, [Mr. JOHNSON.]

Mr. JONES, of Tennessee, moved that the committee rise.

Mr. CARTTER. I rise to a question of order. That was the last vote we took.

The CHAIRMAN. The Chair supposes that it is always in order to make a motion that the committee rise.

Tellers were demanded and ordered on the motion that the committee rise.

The question was then taken, (Messrs. MASON and ORR acting as tellers,) and there were—ayes 8, noes 69. No quorum voting.

[Cries of "Call the roll!" "Call the roll!" "Call the roll!"]

The CHAIRMAN. The Chair supposes that the roll must be called.

The roll was then called, and the absentees noted.

The absentees having been reported to the House, and there being a quorum now present, the committee resumed its session.

The tellers having resumed their places, the question was again put upon the motion that the committee rise, and there were—ayes 58, noes 55.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. OLDS) reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 282, making appropriations for the improvement of rivers and harbors, and had made progress therein, but had come to no conclusion thereon.

Mr. PRICE. I ask the unanimous consent of the House to offer a petition from citizens of Jersey City, asking that some action of Congress be had for the relief of the Irish exiles, Mitchell,

O'Brien, and others. I ask its reference to the Committee on Foreign Affairs.

Objection was made.

On motion by Mr. FULLER, of Maine, the House then adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. BRAGG: The petition of L. Cooper, asking for a law authorizing the issuance of duplicate certificates of land scrip in the district of St. Stephens, Alabama.

By Mr. McNAIR: The petition of the citizens of Montgomery county, Pennsylvania, asking that the Secretary of the Treasury be authorized to deposit with the several States, the fourth installment of the deposits of the public money directed to be made with the said States, by the act of June 23, 1836.

By Mr. MOORE, of Louisiana: The petition of G. B. Burr and 33 other citizens on the route, asking that a post road be established from the mouth of Red river, to Burr's Ferry, in Louisiana, thence to Huntsville, in Texas.

By Mr. KUHN: The petition of Elizabeth McDowell, widow of James McDowell, of Pennsylvania, a revolutionary soldier, praying for a pension.

Also, the petition of William Price, praying for compensation for extra services as watchman in the Census office.

#### IN SENATE.

THURSDAY, July 29, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. SEWARD presented a petition of citizens of Milwaukee, Wisconsin, and a petition of citizens of Dewittville, New York, praying that the bill now pending before Congress, commonly known as the "homestead bill," may become a law; which were referred to the Committee on Public Lands.

Mr. SHIELDS presented the petition of John Carroll Brent, and other citizens of Washington, District of Columbia, praying that the jurisdiction of the corporation of said city may be extended over the Eastern Branch bridges; which was referred to the Committee on the District of Columbia.

Also, a petition of the citizens of Springfield, Massachusetts, praying that the armories of the United States may be placed under the superintendence of civil instead of military officers; which was referred to the Committee on Military Affairs.

Also, a representation of the petit jury of the criminal court of Washington county, District of Columbia, respecting the necessity of providing a room for the court in which to hold its sessions; which was referred to the Committee on the District of Columbia.

#### PETITION WITHDRAWN AND REFERRED.

On motion by Mr. PEARCE, it was

Ordered, That the petition of Obed Hussey, on the files of the Senate, be referred to the Committee on Patents and the Patent Office.

#### REPORTS FROM STANDING COMMITTEES.

Mr. SHIELDS, from the Committee on the District of Columbia, to which various memorials on the subject were referred, submitted a report, accompanied by a bill granting certain additional powers to the corporation of Washington; which was read and passed to the second reading. The report was ordered to be printed.

Mr. DODGE, of Wisconsin, from the Committee on Commerce, to which was referred the petition of Henry A. Amelung, reported a bill to authorize the Secretary of the Treasury to test the plan of Henry A. Amelung, to prevent steamboats and other vessels from sinking; which was read and passed to the second reading.

Mr. CLEMENS, from the Committee on Military Affairs, to which was referred the petition of Whitmarsh B. Seabrook, Joseph Whaley, and others, praying payment for military services during the last war with Great Britain, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. BORLAND, from the Committee on Pensions, to which was referred the memorial of Mrs. Elizabeth Armistead, widow of General W. K. Armistead, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Mrs. Asenath M. Elliott, widow of the late Captain E. G. Elliott, submitted a report, accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. SEBASTIAN. The Committee on Indian Affairs, to which was referred the bill "to amend an act to divide the district of Arkansas into two judicial districts, and for other purposes," have directed me to report it back with an amendment.

As this bill has not yet been printed, I ask that it may be taken up, so that it may be ordered to be printed in its amended form. The amendment of the committee is simply to amplify and make more explicit the original bill. I ask that the bill be now taken up.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

The first section provides that from and after the passage of the bill, the counties of Sevier and Sebastian, in the State of Arkansas, shall be included within the judicial district created by the act of March 3, 1851, styled the "Western District of Arkansas." The second section provides for an additional term of the circuit court of the United States for the "Eastern District of Arkansas," to be held at Little Rock annually.

The third section provides that the existing laws of the State of Arkansas for the punishment of crimes which are not locally inapplicable, shall, after the passage of the act, be in force in that part of the Indian country included within the jurisdiction of the district court of the United States for the western district of Arkansas, and that all acts and parts of acts for the punishment of crimes in the Indian country inconsistent with the foregoing enactment be repealed, except—1st, So much of the laws of the United States as provides for the punishment of treason, robbery of the mail, counterfeiting the coin or securities of the United States. 2d, The various laws now in force regulating trade and intercourse with the Indian tribes, and for maintaining peace upon the frontier.

The amendment of the committee is to add to this: "and 3d, Such other laws for the punishment of crimes and offenses against the laws, treaties, or authority of the United States, over which the courts of the United States have exclusive jurisdiction."

The amendment was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

On motion by Mr. SEBASTIAN, it was

Ordered, That the further consideration of the bill be postponed until to-morrow, and that the bill as amended be printed.

#### DEPOSITORY OF THE TREASURY.

Mr. WELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate—

1st. At what period a depository of the Treasury was established at California, and at what point?

2d. What deposits such depository was authorized to receive, and what deposits were made with him, as acknowledged or recognized by the Treasury Department?

3d. When did the monthly statement of the Treasurer of the United States, required by law to be published, first announce that a depository had been established in that State?

4th. If such depository was authorized before or after Collector King's appointment at San Francisco, why was not the amount on deposit given in said monthly statements previous to November last?

5th. State the dates and amounts of the bonds (if any) given by collectors Collier and King, as designated depositories of the public money.

#### FORTS AND NAVAL DEPÔTS.

Mr. SHIELDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate, for the action of Congress at its present session, the amount necessary to construct a fort and naval depot at San Francisco, California, and the amount that can be advantageously expended in the construction of said work, during the fiscal year ending 30th June, 1853; also, the whole amount necessary to complete the defense of Garden Key, or Tortugas Island, Florida, with the amount that may be advantageously expended on the same during the said year, and similar information in relation to Fort Delaware, Delaware river, and such other important points as may be most exposed in case of war, and which require immediate efficient defense.

#### TRUST FUNDS.

Mr. BRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the amount of trust funds in the Treasury (specifying each) at the close of each of the last four fiscal years; also, the causes of the usual differences or discrepancies between the statements of balances in the Treasury at the end of fiscal years, as exhibited in the an-

annual reports on the finances, and the annual reports on the receipts and expenditures of the United States, stating the same for each of the fiscal years ending 30th June, 1849, 1850, and 1851.

#### BRIDGES ACROSS THE POTOMAC.

Mr. SHIELDS. I offer the following resolution:

*Resolved*, That the Committee on the District of Columbia be instructed to report, by bill or otherwise, a practical plan for the accomplishment of the following objects:

1. For the repair of the Long Bridge across the Potomac for temporary use as a service bridge.
2. The erection of a new bridge over the Potomac river, at the Little Falls, to supply the place of the chain bridge carried off by the late flood.
3. The erection of a new bridge across the Potomac river, at or near the site now occupied by the Long Bridge, according to the plan adopted by General Andrew Jackson, President of the United States, and approved by him on the 3d of April, 1833.

I do not wish to call up the resolution for action now. I merely ask that it may be laid on the table and printed. I have also collected a great deal of statistical information, and I will ask that that be printed for the use of the Senate. It is a very important matter.

The resolution and statement were ordered to be printed.

Mr. MASON informally laid on the table the following, which he gave notice he would offer as an amendment to the resolution of the Senator from Illinois; which was also ordered to be printed:

And that they inquire into the practicability and expense of constructing, at some point west of Georgetown, a suspension bridge, a stone bridge, or a bridge of such character as may be adapted to the transit as well of ordinary travel as of railroads, in case that should be considered the most convenient point in the District of Columbia for connecting the northern with the southern line of railroads.

#### SECRETARY OF THE CENSUS BOARD.

The joint resolution explanatory of an act supplementary to an act approved 23d of May, 1850, came up on its third reading.

Mr. MANGUM. I apprehend that that resolution, which was yesterday ordered to be engrossed for a third reading, upon very little consideration, is founded in a mistake in fact. I am not prepared to give a full and clear investigation of that mistake this morning, but hope to be in the course of a day. I move to reconsider the vote ordering the joint resolution to a third reading, and that that motion lie on the table until I shall be prepared to make an explanation of the subject to the Senate.

Mr. DAVIS. I have no objection to the delay, which, however, can be obtained without making a motion to reconsider the vote. I wish distinctly to state to the Senate, that if the Secretary of the Census desires to be heard upon this question, I have no earthly objection to it.

The motion to reconsider was ordered to lie on the table.

Mr. DAVIS. I give notice, in order that the parties may be prepared, that I shall call up the joint resolution to-morrow.

#### BILLS INTRODUCED.

Mr. DOWNS, agreeably to previous notice, asked and obtained leave to introduce a bill for the settlement of a certain class of private land claims, within the limits of the D'Antrive claim, and for allowing preemption to certain purchasers and actual settlers, in the event of the final adjudication of title of said D'Antrive in favor of the United States, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

Mr. STOCKTON, by unanimous consent, asked and obtained leave to introduce a bill amendatory of the several acts regulating the appraisement of imported merchandise, and the more effectually to prevent frauds on the revenue, and for other purposes; which was read a first and second time by its title, and ordered to lie on the table and be printed.

#### SURVEY OF THE WHALING GROUNDS AND

#### ROUTES OF COMMERCE ON THE PACIFIC.

Mr. GWIN. I move that the Senate proceed to the consideration of the bill "authorizing an exploration and reconnoissance of the courses of navigation used by whaling vessels in the regions of Behring's Straits, and also of such parts of the China Sea, Straits of Gaspar, and Java Sea, as lie directly in the route of vessels proceeding to and from China.

Mr. HUNTER. I hope that will not be done. It wants only fifteen minutes of one o'clock, when

the Indian appropriation bill comes up as the special order. I want to put that bill through, that we may not be forced to interfere with private business to-morrow.

Mr. GWIN. It will take but a short time to consider the bill which I propose to take up. The Senator from New York [Mr. SEWARD] has a few remarks to make upon it, and then I think it will pass without opposition.

Mr. HUNTER. I am very sure that it cannot be passed in fifteen minutes. I think we had better dispose of one subject at a time.

Mr. SEWARD. I shall detain the Senate but a very few minutes on the bill. I hope it will be taken up now. I have been waiting several days for an opportunity to get the bill up.

Mr. HUNTER. Will the Senator consent to put the bill aside at one o'clock?

Mr. SEWARD. I will pledge myself to receive a proposition from the honorable Senator from Virginia, at any time, to do it.

Mr. GWIN's motion was agreed to.

The bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the President of the United States to cause an exploration and a reconnoissance to be made, under the direction of the Secretary of the Navy, of the courses of navigation used by whaling vessels in the region of Behring's Straits, and also of such parts of the China sea, Straits of Gaspar, and Java seas, as lie directly in the route of vessels proceeding to and from China, and that for this purpose, the President shall be authorized to employ one or more suitable vessels of the Navy and such officers of the Navy and Army of the United States, as shall be necessary. It also proposes to continue the act in force two years.

Mr. SEWARD. Mr. President, some years ago, when ascending the Alabama, I saw a stag plunge into the river, and gallantly gain the western bank, while the desponding sportsman, whose rifle he had escaped, sat down to mourn his ill luck under the deep magnolia forest that shaded the eastern shore. You, sir, are a dweller in that region, and are, as all the world knows, a gentleman of cultivated taste and liberal fortune. Perhaps, then, you may have been that unfortunate hunter. Howsoever that may have been, I wish to converse with you now of the chase, and yet not of deer, or hawk, or hound, but of a chase upon the seas; and still not of angling or trolling, nor of the busy toil of those worthy fishermen who seem likely to embroil us, certainly without reluctance on our part, in a controversy about their rights in the Bay of Fundy, but of a nobler sport and more adventurous sportsmen than Izaak Walton, or you, or Daniel Boone, or even Nimrod, the mightiest as well as most ancient of hunters, ever dreamed of—the chase of the whale over his broad range of the universal ocean.

Do not hastily pronounce the subject out of order or unprofitable, or unworthy of this high presence. The Phœnicians, the earliest mercantile nation known to us, enriched themselves by selling the celebrated Tyrian dye, and glass made of sand taken from the sea; and they acquired not only these sources of wealth, but the art of navigation itself, in the practice of their humble calling as fishermen. A thousand years ago, King Alfred was laying the foundations of empire for Young England, as we are doing now for Young America. The monarch whom men justly have sur-named the Wise as well as the Great, did not disdain to listen to Oeher, who related the adventures of a voyage along the coast of Norway, "so far north as commonly the whale hunters used to travel;" nor was the stranger suffered to depart until he had submitted to the King "a most just survey and description" of the Northern Seas, not only as they extended upwards to the North Cape, but also as they declined downwards along the southeast coast of Lapland, and so following the icy beach of Russia to where the river Dwina discharged its waters into the White Sea, or, as it was then called, the Sea of Archangel. Perhaps my poor speech may end in some similar lesson. The incident I have related is the burden of the earliest historical notice of the subjugation of the monster of the seas to the uses of man. The fishery was carried on then, and near six hundred years afterwards, by the Basques, Biscayans, and Norwegians, for the food yielded by the tongue, and the oil obtained from the fat of

the animal. Whalebone entered into commerce in the fifteenth century, and at first commanded the enormous price of seven hundred pounds sterling per ton, exceeding a value in this age of ten thousand dollars. Those were merry times, if not for science, at least for royalty, when, although the material for stays and hoops were taken from the mouth, the law appropriated the tail of every whale taken by an English subject to the use of the Queen, for the supply of the royal wardrobe.

In 1486 the Portuguese reached the Cape of Storms, and, in happy augury of an ultimate passage to India, changed its ill-omened name to that of Good Hope; and immediately thereafter the States of Europe, especially England and Holland, began that series of voyages, not even yet ended, in search of a passage to the East through the floating fields and mountains of ice in the Arctic ocean. The unsuccessful search disclosed the refuge of the whales in the bays and creeks of Spitzbergen. In 1575 a London merchant wrote to a foreign correspondent for advice and direction as to the course of killing the whale, and received instructions how to build and equip a vessel of two hundred tons, and to man it exclusively with experienced whale hunters of Biscay. The attraction of dominion was stronger in that age than the lust of profit. The English now claim Spitzbergen, and all its surrounding ice and waters, by discovery. The Dutch, with truth, alleged an earlier exploration, while the Danes claimed the whole region as a part of Greenland, a pretension that could not then be disproved; and all these parties sent armed forces upon the fishing ground, less to protect their few fishermen, than to establish exclusive rights there. After some fifty years, these nations discovered, first, that it was absurd to claim jurisdiction where no permanent possession could ever be established, by reason of the rigors of climate; and secondly, that there were fish enough and room enough for all competitors. Thenceforward, the whale fishery in the Arctic ocean has been free to all nations.

The Dutch perfected the harpoon, the reel, the line, and the spear, as well as the art of using them. And they established, also, the system which we have since found indispensable, of rewarding all the officers and crews employed in the fishery, not with direct wages or salaries, but with shares in the spoils of the game, proportioned to skill and experience. Combining with these the advantages of favorable position, and of frugality and perseverance quite proverbial, the Dutch even founded a fishing settlement, called Smeerenburgh, on the coast of Spitzbergen, within eleven degrees of the North Pole, and they took whales in its vicinity in such abundance, that ships were needed to go out in ballast to carry home the surplus oil and bone above the capacity of the whaling vessels. The whales thus originally attacked, again changed their lurking place, Spitzbergen was abandoned by the fishermen, and the very site of Smeerenburgh is now unknown. In the year 1496, Sebastian Cabot, in the spirit of that age, seeking a northwestern passage to the Indies, gave to the world the discovery of Prima Vista, or, as we call it, Newfoundland, and the Basques, Biscayans, Dutch, and English, immediately thereafter commenced the chase for whales in the waters surrounding it.

Scarcely had the colonists of Massachusetts planted themselves at Plymouth, before the sterility of the soil and the rigor of the climate forced them to resort to the sea to eke out their subsistence. Pursuing the whales out from their own bays, in vessels of only forty tons burden, they appeared on the fishing ground off Newfoundland in the year 1690. Profiting by nearness of position and economy in building and equipping ships, and sharing also in the bounties with which England was then stimulating the whale fishery, they soon excelled all their rivals on the Newfoundland waters, as well as in Baffin's Bay and off the coast of Greenland. Thus encouraged, they ran down the coasts of America and Africa, and in the waters rolling between them they discovered the black whale, a new and inferior species, yet worthy of capture; and then stretching off toward the South Pole, they found still another species, the sperm whale, whose oil is still preferred above all other; and thus they enlarged the whale fishery for the benefit of the world, which since that time has distinguished the two branches of that enterprise



geographically by the designation of the northern and southern fisheries. In 1775 the fisheries were carried on by the Americans, the English, the Dutch, and the French. The French employed only a small fleet, the Dutch a larger one of 129 sail. The English had only 96 ships, while the Americans had 132 vessels in the southern fishery, and 177 in the northern fishery, manned with 4,000 persons, and bringing in oil and whalebone of the value of \$1,111,000. This precociousness of American naval enterprise elicited from Burke, in his great speech for conciliation to the colonies, a tribute familiar to our countrymen, and perhaps the most glowing passage that even that great orator ever wrote or spoke:

"Look at the manner in which the people of New England have of late carried on the whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the Arctic circle, we hear that they have pierced into the opposite region of Polar cold—that they are at the Antipodes, and engaged under the frozen serpent of the South. Falkland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry. Nor is the Equatorial heat more discouraging to them than the accumulated winter of both the Poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No ocean but what is vexed with their fisheries, no climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this perilous mode of hardy enterprise to the extent to which it has been pushed by this recent people—a people who are still, as it were, in the giste, and not yet hardened into the bone of manhood."

But Britain did not conciliate. The Revolution went on, and the American whale fishery perished, leaving not one vessel on either fishing ground.

Yet it is curious, Mr. President, to mark the elasticity of our countrymen in this their favorite enterprise. A provisional treaty of peace between the United States and Great Britain was concluded on the 30th of November, 1782. "On the 3d of February, 1783," (I read from an English paper of that period,) "the ship Bedford, Captain 'Moore, belonging to Massachusetts, arrived in 'the Downs. She passed Gravesend on the 4th, and on the 6th was reported at the custom-house in London. She was not allowed regular entry 'until after some consultation between the Commissioners of Customs and the Lords of the Council, on account of the many acts of Parliament yet in force against the rebels of America. 'She was loaded with five hundred and eighty-seven barrels of whale oil, and manned wholly 'with American seamen, and belonged to the 'island of Nantucket. The vessel lay at the 'Horsley-Downs, a little below the Tower, and 'was the first which displayed the thirteen stripes 'of America, in any British port."

Nevertheless, the lost vantage ground was not easily nor speedily regained. The effort was made against protection, against exclusion in foreign markets, and against bounties by the English Government equivalent to forty dollars per man employed, or fifty per cent. on the value of every cargo obtained—bounties not occasionally nor irregularly offered, but continued from 1750 to 1824, and amounting in the aggregate to £3,000,000. Nor was this all. These bounties, enhanced with additional inducements, were offered to the Nantucket fishermen on condition of their abandoning their country and becoming inhabitants of the adjacent British Colonies, or of the British Islands. It seemed, indeed, that a crisis in this great national interest had come. Happily there was, on the French side of the channel, at least, one unwearied friend of America, as there were many watchful enemies of England. La Fayette wrote several letters to Boston and arrested an immigration from Nantucket to the British Colonies and Islands, already on the eve of embarkation, and then addressed himself to the French monarch and his court. France saw at once the danger of a transfer of so great a number of seamen, together with the very secret, art, and mystery of whale hunting, to her hereditary and relentless enemy. The good but ill-fated Louis XVI. equipped six whaling vessels, with American harpooners, on his own account, and offered a bounty of nine dollars per man, payable by the Royal Treasury, to every American fisherman who should emigrate to France. In a whole year, only nine families, containing thirty-three persons, accepted this offer;

and therefore the King, in compliance with La Fayette's first advice, adopted the expedient of discriminating in favor of American cargoes of oil and whalebone in the French market. The American whale fishery began to revive, and in 1787, 1788, and 1789, it employed an average of one hundred and twenty-two vessels. But it still labored under the pressure of competition, stimulated by bounties both in England and in France. In 1790, the Great and General Council of Massachusetts appealed to Congress for protection to this great interest of that Commonwealth. Mr. Jefferson, the Secretary of State, submitted an elaborate reply, which, while it was liberal in its spirit, nevertheless closed with the declaration, that "the whale fishery was a branch of industry 'so poor, as to come to nothing with distant nations who did not support it from their treasures; 'that our position placed our fishing on ground 'somewhat higher, such as to relieve the National Treasury from giving it support, but not to permit it to derive support from the fishery, nor to 'relieve the Government from the obligation to 'provide free markets for the productions of the 'fishery, if possible."

The enterprise had not yet languished into life, when the French Revolution of 1789 occurred, which involved Europe, and ultimately the United States, in wars that swept the latter, as well as the French and Dutch, from all the fisheries, and left them in the exclusive enjoyment of Britain, who achieved in those wars her now established preëminence as the conqueror of the seas. At their close the British had 146 vessels in the northern whaling ground, which captured no less than 133 whales, and thus obtained 13,590 tons of oil and 438 tons of whalebone; and 56 ships in the southern whale fishery, equally successful. The Americans now reëntered the game, and the tables were speedily—and, as we think, permanently—turned in their favor. In 1824, the British became discouraged, and withdrew their bounties; and in 1842 they had no more than 18 vessels in the north fishery, which captured only 24 whales. The southern fishery declined still more rapidly; so that, in 1845, not one British whaler appeared in the South Seas. Since that time, all nations have virtually abandoned this "hardy form of perilous industry" in favor of the Americans. The entire whaling fleet of the world, in 1847, consisted of about 900 vessels, 40 of which belonged to France, 20 to Bremen and other ports in Northern Europe, 20 to New Holland and other British Polynesian Colonies, and all others, more than 800 in number, with a tonnage of 240,000 tons, belonged to the United States. The capital thus employed exceeded \$20,000,000 of dollars, and the annual productions of the fisheries amounted to \$13,000,000. With the decline of this enterprise in Great Britain, her commercial writers began to discountenance whale fishing altogether; and while they now represent it as a new gambling adventure, they endeavor to stimulate the people of continental Europe to substitute vegetable oils for those procured in the seas.

Mr. President, pray consider the cost, time, dangers, and hazard of the whale fishery. Each vessel with its outfit is worth \$30,000, and carries thirty able-bodied seamen, and is afloat on a single voyage one or two, perhaps three years. It finds the whale never below the sixtieth degree of latitude, and can remain there only during the brief polar summer of three months. The whole time may elapse without a whale being seen. When discovered, every stage of his capture is toilsome, and attended with multiplied dangers to the assailants, increased by the shoals, the ice, the storms, and the fogs, which protect the animal against his pursuers. The statistics are absolutely frightful to a landsman or a common seaman. In 1819, of sixty-three British ships sent to Davis's Straits, ten were lost. In 1821, out of sixty-nine, eleven were lost. Of eighty-seven ships that sailed for Davis's Straits in 1830, no less than eighteen were lost, twenty-four returned *clean*, while not one of the remainder had a full cargo, and only one or two *half fished*.

Pray consider now, sir, that the great triumph of the American fishermen was achieved, and is still sustained, not only without aid from the Government, but practically also without aid from the capital or enterprise of general commerce, and, indeed, to quote the nervous language of Jefferson, "with no auxiliaries but poverty and rigorous economy." The whaling fleet of the United

States, in 1846, consisted of seven hundred and thirty-seven vessels. Of the thirty States, only five, New Hampshire, Rhode Island, Connecticut, Massachusetts, and New York, were represented; and all of them except New York are the States least blest in fertility and climate. New Hampshire having only a single port, sent out only one vessel. Rhode Island, one of the three most diminutive States, equipped fifty-two. Connecticut, a small State, sent out one hundred and twenty-four. New York, with her extended territory, vast wealth, and stupendous commercial establishments, sent only eighty-five; and all the rest proceeded from that State, inferior to many others in extent, wealth, and commerce, but superior to them all in intellectual and social development—Massachusetts.

Wealth does nothing, patronage does nothing, while vigor does everything for the whale fishery. In Great Britain, London resigned it in favor of those poor and obsolete towns, Hull, in England, and Peterhead, in Scotland, as soon as the Government bounties ceased. So of the eighty-five vessels which, in 1846, represented New York in the fishery, only one went up from the port of New York, the commercial capital of the State and of the continent, while no less than eight proceeded from Cold Spring, a mere nook in the mountains which crowd toward each other just above the city, as if to prevent the waters of the Hudson from their destined meeting with the tides of the ocean. All the others were sent forth from New Suffolk, Greenport, and Sag Harbor, inconsiderable villages or hamlets on the outward coast of Long Island. Massachusetts exhibits the same case. Boston finds more lucrative employment for her capital in spindles, in railroads, and even in her fields of ice and quarries of granite; and so leaves the profits and toils of the whale fishery to Freetown, Falmouth, Sippican, Wareham, Plymouth, Holmes's Hole, Fall River, Provincetown, Fairhaven, New Bedford, and Nantucket, towns which, but for their pursuit of the whale fishery, would scarcely have been honored with designation on the chart, or names in the gazetteer. Most wondrous of all, Nantucket is a sandy island, fifteen miles long, and three miles broad, capable of maintaining by agriculture only one hundred persons, and yet it was the cradle of the whale fishery; and neither any town in America, nor in England, nor even in France, has ever successfully established, or at all maintained, the whale fishery without drawing, not merely its knowledge of whale-hunting, but the officers and crews of its vessels, chiefly from that sandy shoal thus rising above the surface of the sea.

Need I dwell here on the whale fishery as a source of national wealth, and an element of national force and strength? The number of those who are actively afloat in the pursuit ranges from 15,000 to 20,000, while twenty times that greater number of persons are indirectly engaged in the culture of hemp and the manufacture of cordage, the building of ships, furnishing their supplies, manufacturing and preparing the oil and whalebone, in sending them to market, and in the various other occupations incidentally connected with the trade. The wealth thus acquired leaves all the resources of the country untouched. Dr. Franklin cheered the fishermen of his day with the apophthegm that whosoever took a fish out of the sea always found a piece of silver in his mouth, and our experience has confirmed its truth, although it is now rejected by the commercial writers of England.

We are the second in rank among commercial nations. Our superiority over so many results from our greater skill in ship-building, and our greater dexterity in navigation, and our greater frugality at sea. These elements were developed in the fisheries, and especially in the northern fishery. We think that we are inferior to no nation in naval warfare. The seamen who have won our brilliant victories on the ocean, and on the lakes, were trained and disciplined in this, the severest of all marine service; and our naval historians agree that it constituted the elementary school of all our nautical science. What, then, would compensate us for the loss or for the decline of the whale fishery?

Mr. President, I have tried to win the favor of the Senate toward the national whale fishery for a purpose. The whales have found a new retreat in the seas of Ochotsk and Anadir, south of Behr-

ing Straits, and in that part of the Arctic ocean lying north of them. In 1848, Captain Roys, in the whale ship *Superior*, passed through those seas and through the straits, braving the perils of an unknown way and an inhospitable climate. He filled his ship in a few weeks, and the news of his success went abroad. In 1849, a fleet of 154 sail went up to this new fishing-ground; in 1850, a fleet of 144; and in 1851, a fleet of 145. The vessels were manned with thirty persons each; and their value, including that of the average annual cargoes procured there, was equal to \$9,000,000, and thus exceeded by near \$2,000,000 the highest annual import from China. But these fleets have been beset by not only such dangers of their calling as customarily occur on well-explored fishing grounds, but also by the multiplied dangers of shipwreck resulting from the want of accurate topographical knowledge—the only charts of these seas being imperfect and unsatisfactory. While many and deplorable losses were sustained by the fleets of 1849–'50, we have already information of the loss of eleven vessels, one thirteenth part of the whole fleet of 1851, many of which disasters might have been avoided had there been charts, accurately indicating the shoals and headlands, and also places of sheltered anchorage near them. These facts are represented to us by the merchants, ship-owners and underwriters, and are confirmed by Lieutenant Maury, who presides in this department of science in the Navy as well as in the labors and studies of the National Observatory. We want, then, not bounties, nor protection, nor even an accurate survey, but simply an exploration and reconnaissance of these seas, which have so recently become the theater of profitable adventure and brave achievement of our whale hunters. This service can be performed by officers and crews now belonging to the Navy, in two or three vessels which already belong or may be added to it, and would continue at most only throughout two or three years. Happily, the measure involves nothing new, untried, or uncommon. To say nothing of our recent search for the lamented Sir John Franklin, nor of our great exploring expedition under Captain Wilkes, we are already engaged in triangulating a coast survey of the Atlantic shore. Charts, light-houses, and beacons, show the pilot his way, not only over that ocean and among its islands, but along all our rivers and even upon our inland lakes. The absence of similar guides and beacons in the waters now in question results from the fact that the Pacific coast has but recently fallen under our sway, and Behring's Straits and the seas they connect have not until now been frequently navigated by the seamen of any nation. Certainly somebody must do this service. But who will? The whalers cannot. No foreign nation will, for none is interested. The constitutional power and responsibility rests with the Federal Government, and its means are adequate.

California is near this fishing ground. Her enterprising citizens are already engaged in this pursuit, and henceforward the whale hunters of Nantucket must compete with a new rival possessing the advantage of nearness to the scenes of their labors. California, therefore, joins Massachusetts in this reasonable demand.

Mr. President, the small exploring fleet thus proposed would be obliged to quit the Northern seas early in September, and could not return to them until the succeeding June. I propose that it should spend that long season in performing a service not dissimilar under milder skies, in that part of the Pacific ocean and its adjoining seas, which is usually traversed by vessels sailing from New York and San Francisco to China and the Indies. Remember, sir, if you please, that not only has no Asiatic prince, merchant, or navigator ever explored this one of all the oceans the broadest and most crowded and crowned with islands, but that they have forbidden that exploration by European navigators, who have performed whatever has been done at the peril and often at the cost of imprisonment and death. We have made no accurate survey, for we have only just now arrived and taken our stand on the Pacific coast. We are new on that ocean—nay, we are only as of yesterday upon this continent; and yet maps and charts are as necessary to the sea-faring man on that ocean as on any other, and just as necessary on every ocean as monuments and guides are to him who traverses deserts of sand or wastes of trackless snow.

Lieutenant Maury informs us that every navigator of those waters is painfully impressed with a sense of surrounding dangers—they exist, and yet the only charts that have been made fail to indicate in what forms or in what places they will appear. So imperfect is our topographical information, that a large island called Ousima, supposed to be thickly inhabited and highly cultivated, lies in the fair way to China, and yet no vessel has ever touched or gone around it. It would repay tenfold the cost of the whole exploration, if we should find on that island a good harbor and a friendly people.\* Horbergh's charts of these passages, are the best. But these are of old dates, and although they have been corrected from time to time, yet they are very imperfect. The shoals in the China Sea, the Sea of Japan, and the Straits of Gaspar, are represented to us by navigators, as being formed of coral, a mixture of animal and vegetable organization, and therefore increasing rapidly in magnitude as they approach near to the surface of the waters. It is particularly necessary to explore and note the shoals and islands lying between the coast of Palawan, on the China Sea, and that of Cochinchina, and also the shoals in the vicinity of West London, Prince of Wales, and Paulo Sapata Islands. The perils existing there oblige ships going up and coming down through those seas against the monsoons, to beat at disadvantage, while an exploration would probably disclose eddies and currents which would allow of straight courses where now no one dare pursue them. Clement's Strait and the Caranata Passage are filled with the same dangers. Again, the great outlet from the China sea into the Pacific ocean, by the Balisee, and adjacent passages between the islands of Luconia and the coasts of China and Formosa, need to be surveyed, although the islands are generally well designated on the maps. Then proceeding northwardly, a regard to the safety of the whaler demands that the islands between the coasts of China and Japan, and from them to the Loo Choo Islands, and so on to the Russian possessions, and along them eastwardly to Behring's Straits, should be surveyed. The last attempt to perform that duty was made by a small Russian fleet, which was captured and destroyed, while its officers and crew were imprisoned by the Japanese. Lastly, as we advance eastwardly in the very track pursued by our whalers and China men, we encounter islands, and many shoals imperfectly defined, and especially the Bonin Islands; while prudence requires a careful reconnaissance also of the Fox Islands, which, although lying somewhat northwardly of the passage, might, if well known, afford shelter in case of inclement weather. This reconnaissance in a temperate latitude is demanded by the merchants, underwriters, and navigators, in all our Atlantic as well as in our two Pacific ports, and the argument for it rests on the same foundation with that which supports the proposition for the more northwardly exploration. Sir, the mails and a certain class of passengers will be carried by us, or by the English steamers, from California. And the Chinese port is Shanghai. And yet for want of such a survey as this, you cannot choose or establish a coaling station, although the length of the voyage is seven thousand miles.

Sir, have you looked recently at the China trade? It reaches already seven millions in value annually. Have you watched the California trade? Its exports in bullion alone already exceeds \$50,000,000 annually, and as yet the mineral development of that State has only begun. The settlement of the Pacific coast is in a state of sheer infancy. There is, speaking relatively, neither capital nor labor there adequate to exhibit the forces of industry that might be employed in that wonderful region. Nor is California yet conveniently accessible. The railway across Panama is not yet completed. The passage through Nicaragua is not perfect; that which leads through Tehuantepec is not begun; nor have we yet extended, even so far as to the Mississippi, the most important and necessary one of them all, the railroad across our own country to San Francisco. The emigrant to the Atlantic coast arrives speedily and cheaply from whatever quarter of the world; while he who would seek the Pacific shore, encounters charges

and delays which few can sustain. Nevertheless, the commercial, social, and political movements of the world are now in the direction of California. Separated as it is from us by foreign lands, or more impassable mountains, we are establishing there a custom-house, a mint, a dry-dock, Indian agencies, and ordinary and extraordinary tribunals of justice. Without waiting for perfect or safe channels, a strong and steady stream of emigration flows thither from every State and every district eastward of the Rocky Mountains. Similar torrents of emigration are pouring into California and Australia from the South American States, from Europe, and from Asia. This movement is not a sudden, or accidental, or irregular, or convulsive one; but it is one for which men and nature have been preparing through near four hundred years. During all that time merchants and princes have been seeking how they could reach cheaply and expeditiously, "Cathay," "China," "the East," that intercourse and commerce might be established between its ancient nations and the newer ones of the West. To these objects Da Gama, Columbus, Americus, Cabot, Hudson, and other navigators, devoted their talents, their labors, and their lives. Even the discovery of this continent and its islands, and the organization of society and government upon them, grand and important as those events have been, were but conditional, preliminary, and ancillary to the more sublime result, now in the act of consummation—the reunion of the two civilizations, which, having parted on the plains of Asia four thousand years ago, and having traveled ever afterwards in opposite directions around the world, now meet again on the coasts and islands of the Pacific ocean. Certainly no mere human event of equal dignity and importance has ever occurred upon the earth. It will be followed by the equalization of the condition of society and the restoration of the unity of the human family. We see plainly enough why this event could not have come before, and why it has come now. A certain amount of human freedom, a certain amount of human intelligence, a certain extent of human control over the physical obstacles to such a reunion, were necessary. All these conditions have happened and concurred. Liberty has developed under improved forms of government, and science has subjected Nature in Western Europe and in America. Navigation, improved by steam, enables men to outstrip the winds, and intelligence conveyed by electricity excels in velocity the light. With these favoring circumstances there has come also a sudden abundance of gold, that largely relieves labor from its long subjection to realized capital. Sir, this movement is no delusion. It will no more stop than the emigration from Europe to our own Atlantic shores has stopped, or can stop, while labor is worth there twenty cents and here fifty cents a day. Emigration from China cannot stop while labor is worth in California \$5 a day, and in the West Indies \$10 a month, and yet is worth in China only \$5 for that period. Accordingly we have seen sixty-seven ships filled, in three months of the present year, with seventeen thousand emigrants in the ports of Hong Kong, Macao, and Whampao, and afterwards discharge them on the shores of California, and of Cuba, and other islands of the West Indies.

Sir, have you considered the basis of this movement, that this country and Australia are capable of sustaining, and need for their development, five hundred millions, while their population is confined to fifty millions, and yet that Asia has two hundred millions of excess? As for those who doubt that this great movement will quicken activity and create wealth and power in California and Oregon, I leave them to consider what changes the movements, similar in nature but inferior in force and slower in effect, have produced already on the Atlantic coast of America. As to those who cannot see how this movement will improve the condition of Asia, I leave them to reflect upon the improvements in the condition of Europe since the discovery and colonization of America. Who does not see, then, that every year hereafter, European commerce, European politics, European thoughts, and European activity, although actually gaining greater force, and European connections, although actually becoming more intimate, will, nevertheless, ultimately sink in importance; while the Pacific ocean, its shores, its islands, and the vast regions beyond, will become the chief theater of events in the world's great Hereafter?

\* Within the last year the *Mennon*, an American ship, valued with her cargo at \$500,000, was lost in the Straits of Gaspar.

Who does not see that this movement must effect our own complete emancipation from what remains of European influence and prejudice, and in turn develop the American opinion and influence, which shall remould constitutional laws and customs in the land that is first greeted by the rising sun? Sir, although I am no socialist, I nevertheless cannot reject the hope that peace is now to have her sway, and that as war has hitherto defaced and saddened the Atlantic world, the better passions of mankind will soon have their development in the new theater of human activity.

Commerce is the great agent of this movement. Whatever nation shall put that commerce into full employment, and shall conduct it steadily with adequate expansion, will become necessarily the greatest of existing States; greater than any that has ever existed. Sir, you will claim that responsibility and that high destiny for our own country. Are you so sure that by assuming the one she will gain the other? They imply nothing less than universal commerce and the supremacy of the seas. We are second to England, indeed, but, nevertheless, how far are we not behind her in commerce and in extent of empire! I pray to know where you will go that you will not meet the flag of England fixed, planted, rooted into the very earth? If you go northward, it waves over half of this continent of North America, which we call our own. If you go southward, it greets you on the Bermudas, the Bahamas, and the Caribbee Islands. On the Falkland Islands it guards the Straits of Magellan; on the South Shetland Island it watches the passage round the Horn; and at Adelaide Island it warns you that you have reached the Antarctic Circle. When you ascend along the southwestern coast of America, it is seen at Galapagos, overlooking the Isthmus of Panama; and having saluted it there, and at Vancouver, you only take leave of it in the far northwest, when you are entering the Arctic Ocean. If you visit Africa, you find the same victorious cross guarding the coast of Gambia and Sierra Leone and St. Helena. It watches you at Cape Town as you pass into the Indian Ocean; while on the northern passage to that vast sea it demands your recognition from Gibraltar, as you enter the Mediterranean; from Malta, when you pass through the Sicilian Straits. On the Ionian Islands it waves in protection of Turkey; and at Aden it guards the passage from the Red Sea into the Indian Ocean. Wherever western commerce has gained an entrance to the continent of Asia, there that flag is seen waving over subjugated millions—at Bombay, at Ceylon, at Singapore, at Calcutta, at Lahore, and at Hong Kong; while Australia and nearly all the islands of Polynesia acknowledge its protection.

Sir, I need not tell you that wherever that flag waves it is supported and cheered by the martial airs of England. But I care not for that. The sword is not the most winning messenger that can be sent abroad; and commerce, like power, upheld by armies and navies, may in time be found to cost too much. But what is to be regarded with more concern is, that England employs the steam engine even more vigorously and more universally than her military force. Steam engines, punctually departing and arriving between every one of her various possessions and her island seat of power, bring in the raw material for every manufacture and supplies for every want. The steam engine plies incessantly there day and night, converting these materials into fabrics of every variety for the use of man. And again, the steam engine forever and without rest moves over the face of the deep, not only distributing these fabrics to every part of the globe, but disseminating also the thoughts, the principles, the language, and religion of England. Sir, we are bold indeed to dare competition with such a Power. Nevertheless, the resources for it are adequate. We have coal and iron no less than she, while corn, timber, cattle, hemp, wool, cotton, silk, oil, sugar, and the grape, quicksilver, lead, copper, silver, and gold, are all found within our own broad domain in inexhaustible profusion. What energies we have already expended prove that we have in reserve all that are needful. What inventions we have made prove our equality to any exigency. Our capital increases, while labor scarcely knows the burden of taxation. Our Panama route to China has a decided advantage over that of the Isthmus of

Suez, and, at the same time, vessels leaving that country and coming round the Horn will reach New York always at least five days sooner than vessels of equal speed can double the Cape of Good Hope and make the port of Liverpool.

Mr. President, we now see how conspicuous a part in the great movement of the age, California and Oregon are to sustain, and that, as yet, they are separated from us and isolated. They will adhere to us only so long as our government over them shall be conducted, not for our benefit, but for their own. Their loyalty is great, but it cannot exceed that of the thirteen ancient American colonies to Great Britain; and yet the neglect and oppression of their commerce undermined that loyalty, and resulted in their independence. I hear often of dangers to the Union, and see lines of threatened separation drawn by passionate men or alarmists, on parallels of latitude; but, in my judgment, there is only one danger of severance, and that is involved in the possibility of criminal neglect of the new communities on the Pacific coast, while the summits of the Rocky Mountains, or of the Snowy Mountains, mark the only possible line of dismemberment. Against that danger I would guard as against the worst calamity that could befall, not only my country, at her most auspicious stage of progress, but mankind also, in the hour of their brightest hopes. I would guard against it by practicing impartial justice toward the new and remote States and Territories, whose political power is small, while their wants are great, and by pursuing at the same time, with liberality and constancy, the lofty course, to which they invite us, of an aspiring, yet generous and humane national ambition.

Mr. HUNTER. I move to postpone the further consideration of the bill until to-morrow, for the purpose of taking up the Indian appropriation bill.

Mr. GWIN. I hope the bill will not be postponed. It ought to be acted on immediately.

Mr. HUNTER. I have no speech to make upon the bill, but I am unwilling to see it passed in its present shape. As it stands it vests unlimited discretion in the President of the United States. There is no limitation as to the amount which may be expended. The only limitation is that vessels of the Navy are to be employed.

Mr. SEWARD. I have an amendment which I think will remove the objection of the honorable Senator. It has been printed and laid on the tables of Senators. It is in the nature of a substitute, to strike out all after the enacting clause, and insert:

That the President of the United States be, and he is hereby, authorized to cause an exploration and reconnaissance to be made, under the direction of the Secretary of the Navy, of the track of navigation pursued by whaling vessels in the region of Behring Straits, and also of such parts of the China Sea, the Straits of Gaspar, and Java Sea, as lie directly in the route of vessels proceeding from Atlantic or Pacific American ports to China and Japan; and that for this purpose the President is authorized and requested to provide one or more suitable vessels, or assign them from vessels now in the Navy, and such officers of the Navy and Army of the United States as shall be necessary; and the sum of \$135,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of carrying this act into execution.

Sec. 3. And be it further enacted, That this act shall continue in force two years.

The motion to postpone was agreed to.

#### INDIAN APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1853;" the question pending being upon the second amendment of the Committee on Finance, which was to strike out "ten," and insert "two," in the following clause in relation to the Miamies:

"For permanent provision for the purchase of one thousand pounds of tobacco, ten thousand pounds of iron, and one thousand pounds of steel, stipulated in the 4th article of the treaty of October 23, 1826, \$770."

Mr. HUNTER. The change is made to make the provision correspond to the treaty. Owing to some mistake the House of Representatives put in "ten thousand," instead of "two thousand."

The amendment was agreed to.

The third amendment of the Committee on Finance was stated to be to strike out from the appropriations for the Menomonees the following:

"For additional compensation for the sale of their lands in the State of Wisconsin, by the treaty of October 18, 1848, \$221,840; the same to be paid in such sums and at such times, with the approbation of the said nation, as the President may think most conducive to their prosperity and happiness."

Mr. HUNTER. Mr. President, this amendment relates to the last treaty made with the Menomonee tribe of Indians. According to that treaty a provision of \$350,000 was given to that tribe for the cession of lands which they made at that time.

Commissioner Medill, when he went to the treaty ground, was instructed by the President that he might give them at the rate of nineteen cents per acre—which was the price that had been paid to the Menomonees for a previous cession of land—for a quantity of land not exceeding 3,230,800 of acres. These instructions were given in pursuance of an opinion of the then Attorney General, who, I believe, is the present Senator from Connecticut, [Mr. Toucey,] in which the belief was expressed that this was the extreme limit of the rightful demands of the Menomonee tribe of Indians. They had made a treaty formerly, by which, for \$791,310 50 they had ceded lands to the United States. This was to obtain the residue of their lands. Some difficulties had existed between the Menomonees and other tribes as to their rightful boundaries. The question was submitted to the Attorney General, and he came to the conclusion that they could not claim more than that amount of land. The President accordingly instructed the commissioner that he should not give more than such a sum per acre for so many acres, but he did not instruct him that he should go to the extreme limits which were allowed him under this commission.

It appears from the report of the commissioner, and indeed from other testimony, that when he got upon the ground, the Menomonees claimed a much larger quantity of land than was supposed to belong to them. They claimed about 8,000,000 of acres. Indeed the commissioner himself found that in the map upon which the Attorney General and himself had previously acted, there was probably a mistake; and he thought, as he reported when he came back, that their lands were about 4,000,000 of acres. He made a bargain with them by which he obtained a cession of all their rights, whatever they were, for the sum of \$350,000. Much testimony was taken upon both sides, and the present Commissioner of Indian Affairs, in the report which he has given us on the subject, decided that it was a contract of hazard; that the Indians on the one hand insisted that there was this large amount of land—larger than it has turned out to be—whilst the commissioner refused, on the other hand, to give more than the sum which they finally accepted.

The exterior lines of the surveys of the land have been run, and it appears from them that something like five millions of acres were ceded by these Indians under that treaty. They have set up a claim, not under the treaty, but an equitable claim for compensation for this additional amount of land. They have claimed it because, as they allege, there was fraud on the part of the commissioner who negotiated the treaty. In relation to the question of fraud, there has been much testimony, and I am informed by my friend from Missouri, [Mr. Atchison,] the chairman of the Committee on Indian Affairs, that the question was raised at the time when the treaty was ratified by the Senate, and that the Committee on Indian Affairs was then satisfied that there was no fraud or misrepresentation on the part of the commissioner. And the Senate must have been satisfied for they ratified the treaty. Nor is the circumstance that a less compensation was given than that which was the extreme limit fixed by the instructions of President Polk to be considered as having vitiated the treaty, because that fact was before the President when he communicated the treaty to the Senate; and that fact must have been before the Senate when they confirmed it. Mr. Medill, in his report, says that he was authorized to have given this sum, but that he obtained the cession for less; and he himself supposed that the lands ceded amounted to about 4,000,000 acres.

In relation to the question of fraud, there are persons who have charged it upon the commissioner, and there is a good deal of testimony in the Department on the subject. On the other



side, there is testimony to prove—and that, I believe, of very high character—that nothing of the sort can be attributed to him. Among the persons who deposed that the allegations are false, so far as Commissioner Medill is concerned, are Colonel Lee, of the Army; Mr. Martin, who, I believe, formerly represented the Territory of Wisconsin as Delegate in the House of Representatives, with whom the Senator from Iowa [Mr. Dodge] is well acquainted; Mr. Ellis, a former Indian agent; and Mr. Bruce, the late Indian agent. All these gentlemen depose that nothing of the sort can properly be charged to Commissioner Medill, who negotiated the treaty.

This claim of the Menomonee Indians is founded upon the charge of fraud, and the further allegation—that there was an inadequacy of consideration—that having sold so much land they ought to have received more than was given them under this treaty. There is no pretext of doubt in relation to the construction of the treaty itself. It is clear and specific. The present Commissioner of Indian Affairs, in examining the testimony, came to the conclusion that fraud could not be imputed to the commissioner who negotiated the treaty, and he came to the conclusion that the treaty bound the Indians—that it was a contract of hazard; but he also said that he believed that, so far as the Indians were concerned, it was a hard bargain, and in order to rectify it, he proposed to go back to the provisions of a former treaty—the treaty of 1831, under which the President was allowed, without any further treaty, without the necessity of negotiating this last treaty, to remove the Indians from those lands, and make them such further allowances in the shape of annuity as he might think to be just and proper. Under that authority, derived from the Indians by the treaty of 1831, the Commissioner of Indian Affairs came to the conclusion that the Executive had the power to settle this question, and he proposed to give such additional allowance as would amount to the sum authorized by President Polk in his instructions, if Commissioner Medill had gone to the extreme limit of those instructions; that is to say, he proposes that we should appropriate such a sum as, in addition to the \$350,000 paid, would amount to the price of 3,023,800 acres of land, at about nineteen cents an acre. The House of Representatives have put into the bill a provision making that appropriation.

This appropriation the Committee on Finance, after a careful consideration, determined ought to be stricken out. We were of the opinion that it ought to be stricken out, because, if we go upon such testimony as this, if we set aside treaties thus made by our officers—treaties in relation to whose construction there can be no sort of doubt—we may go through the whole catalogue of Indian treaties, and set them all aside. We lay the foundation for new claims in relation to almost every Indian treaty which has ever been negotiated, because you may take any of them, and on their face prove an inadequacy of consideration, if you argue upon the supposition that the Indians were the proprietors of the land. As I said yesterday, I am told in the Department, that the Osages have ceded in all more than one hundred and forty millions of acres of land for something like \$400,000; and they are a more numerous tribe, I believe, than the Menomonees. If you pass this, how could you refuse their demands, when they come with their maps and the treaties in their hands to show that the consideration was inadequate, unless, indeed, you could go upon the supposition that the Indians were deceived, and the commissioner had been guilty of fraud? I think, with the testimony before us, it would be doing great injustice to Commissioner Medill to make any such admission. So far as the facts are concerned—so far as any comparison is proper to be instituted between the quantity of land ceded and the amount of money given, the commissioner made no concealment of the facts. He reported it to the President in the report which accompanied the treaty. He said he believed there was more land than was supposed by the Attorney General at the time the instructions were given. But he did not, nor do I, acknowledge, that this Government, in its past transactions with the Indians, ever supposed that they were entitled to demand of us the full value of the lands as owners. Sir, they could only be regarded as having some possessory title, and, as I said yesterday, all that

could be fairly asked of us, would be to make such provision for them as would open up to them chances for future improvement and civilization; as would protect them in peace and quiet; as would give them what would place them in such a position as ought reasonably to satisfy a tribe of their number and position.

This tribe numbers about two thousand five hundred persons, all told. They received by the cession of 1831, something like \$700,000. They received, under this treaty of Commissioner Medill, something like \$350,000—making upwards of \$1,000,000 in all. They received, too, in exchange for their former possession, a tract of country, which, I am told, comprises about 600,000 acres of land, to which they will be removed. And it seems to me, when we come to look at what is necessary for their comfort, that this is an ample provision. If we have made an ample provision for them, what more can be required of us? If we are to suppose that they are the owners of the land, we should not be satisfied with giving them nineteen cents an acre; for it is worth much more. If we believe that, in equity, we ought to give them this price—which is a high price for Indian lands—then this appropriation will not do, for it does not amount to the difference between the amount which we have actually given them, and the amount which would be due upon the land which they actually sold, if we were to value them at nineteen cents an acre. They sold upwards of 5,000,000 of acres, and their claim in the whole would be, therefore, if we were to give them that amount per acre, upwards of \$900,000, and the sum necessary to be appropriated to make up the difference, instead of being only \$220,000, would be something like \$600,000.

But, Mr. President, suppose we make the appropriation, will the Indians get the benefit of it? Is not that one objection to making these appropriations in gross? So strongly does the Commissioner of Indian Affairs seem to feel this, that he recommends that whatever additional compensation is given them, should be given in the shape of annuities, from year to year. And that was the original promise made by the President, in the year 1831—that if he should remove them, under that treaty, he would pay them an additional compensation in the shape of an annuity. It seems to me that something of this sort ought to be done. Why, sir, I found a contract in the Department in relation to this very tribe, by which one agent—and I do not know that they have more than one—was to get one third of the amount which they were to receive. It is true, and is just to that agent, to state that the sub-agent who transmitted the contract and the correspondence, says he consulted the Indians, and they declared that they were willing to make the contract—that it was fairly made. But the very fact that they should have made so improvident a contract, is proof that it will be throwing away the money to appropriate it in gross, as is proposed to be done here. If we do give them additional money, it ought to be done with such safeguards as would secure the enjoyment of it by the Indians themselves.

The whole question with me is this, whether these two thousand five hundred Indians have not been sufficiently provided for by this and former treaties? It strikes me that they have been; but if it should turn out that they have not been, I should be willing to make further provision for them, not in the shape of compensation for their lands, but in order to discharge ourselves of the obligation of securing their comfort and providing for their future home by suitable arrangements and provisions for them. That I should be willing to do. But if we act upon the principle that the Indians, or their agents, can come here and set aside treaties by private parol declarations on the part of the commissioner, or transactions at the time, or secret and private understandings on the part of the Indians themselves, or mistakes and misunderstandings on the part of the Indians, then we shall never know what we are confirming when a treaty is sent for ratification to this body.

If this appropriation be made, and this principle be carried out, the whole system of Indian treaties ought to be abolished; because it will be impossible that the Senate can know what bargain they are making when they act upon an Indian treaty. If it is favorable to the Indians, it binds us, of course; because they are the weaker party. If it is unfavorable to them, or if they

produce testimony to show that there were private declarations, or fraud, or anything of that character on the part of the commissioner, they may come here and disturb the treaty, and set aside its provisions, introduce new contracts and new agreements upon which the Government has to act.

I think, therefore, for the sake of example, that this item should be stricken out. But there is a difficulty in relation to these Indians, for which I am willing to provide. They will soon have to remove, owing to the action of Congress. At the present session, the inhabitants of Wisconsin have been pressing to have these Indian lands, which were ceded, put into market. If the lands are put into market, it will be necessary to remove the Indians. They are not willing to go to the country reserved for them, and which is theirs by right; but they are willing to go, and, as I understand at the Department, the people of Wisconsin are probably willing that they should be temporarily placed in a portion of the northern part of that State. Under these circumstances, the Commissioner of Indian Affairs has drawn up an amendment, which I shall offer, if this provision be stricken out by the Senate—to appropriate \$25,000 to remove them temporarily to this place, until it can be seen whether an arrangement can be made with the government of Wisconsin, to make a permanent exchange with the Indians, and to give them some more permanent location in some portion of the State. If the Legislature of Wisconsin should be unwilling to make such an arrangement, of course the Indians will have to go further west, to the lands which belong to them; but if the people are willing, and the Indians themselves desire it, it would seem to be fair to make this arrangement. In order to make such an arrangement possible, it would be necessary to make some provision for their removal, and their temporary settlement.

Mr. ATCHISON. Mr. President, I concur in the object which the Senator from Virginia has in view—to strike this clause from the bill. This matter was before the Committee on Indian Affairs in 1848, when the treaty was submitted to the Senate. The charge of fraud and mistake was then investigated by the committee and by the Senate. Charges were made, letters were written, and memorials were sent on against the ratification of that treaty. Specifications were sent forth against the conduct of Commissioner Medill, who negotiated the treaty. We gave it a close investigation, and Commissioner Medill, upon every charge, and upon every specification, proved them to be entirely false, and himself to be entirely innocent, by the very best men in the State of Wisconsin, who testified in his favor. But suppose there was a mistake—and I am willing to admit that perhaps the Indians, at the time, were not fully aware of the extent of their claim—this is not the time to make an appropriation, and it is upon that point that I wish to address a few remarks to the Senate.

Suppose they are entitled in equity and good conscience to \$220,000, in addition for their lands, I say this is not the time to make the appropriation, in my opinion; because they are in an unsettled state. They were to have removed within two years after the ratification of the treaty, to the territory set apart for them by it, upon the Crow-Wing river west of the Mississippi. They have examined that country; they have explored it through a delegation, and are of the opinion that it is not a country suitable for them, and they are unwilling to remove to it for the reason that it is a barren country, entirely void of game; and for another more potent reason with them: they say that they will be hemmed in on one side by the Chippewas, and on the other by the Winnebagoes, their hereditary enemies; and they being a small band compared with either the Chippewas or Winnebagoes, are unwilling to go there. What is their condition? There is no other land set apart or appropriated for them. They are still in the State of Wisconsin. The white settlers are pressing upon them; and place them wherever you may in the limits of that State, I doubt very much whether the Legislature of Wisconsin will ever give their consent that the Menomonees shall permanently live within the limits of their State. It is against their policy. It is preparing trouble in the future, if the Legislature should consent. They may consent to their remaining there for a few

years; but this Government must provide some home for them.

Then I see no necessity for this appropriation at this time, even admitting their claims to be just; because they cannot use it. They have no use for it; and I think the Government will be acting very foolishly to make the appropriation, and place it in the hands of the Indians, or their agents, whosoever they may be; because a home must be provided for them; and a territory, perhaps, that would be large enough, and would suit them, would cost not merely ten, fifteen, or twenty cents an acre, but might cost from fifty cents to a dollar an acre. Therefore, I think there is no necessity for the Indians having the money at this time; particularly so since the chairman of the Committee on Finance intends to propose an appropriation of \$25,000 for their present subsistence and accommodation. Then, without going into the question whether there was fraud perpetrated or not; or whether there was a mistake as to the quantity of land or not; or whether we have paid them too small a price for their land, it seems to me to be inexpedient to make the appropriation at this time.

When the proper time arrives, I shall be willing to deal liberally with them—not only justly, but liberally. If \$220,000 shall not be sufficient to establish them in their new homes, and start them as an agricultural people, I shall be willing to take half a million out of the Treasury for that purpose. Therefore, I think we had better agree to the amendment proposed by the committee, and when the time arrives when this money will be necessary and beneficial to the Indians, we may consider it, and if there be equity in their claim, make the appropriation.

Mr. SEBASTIAN. Before the vote is taken on the motion of the Senator from Virginia to strike out that clause from the bill, I will ask to substitute the amendment which I send to the Chair, in lieu of the whole of that clause. In other words, I move to strike out the objectionable portion of the bill, and to insert what I send to the Chair.

The amendment was read, as follows:

That an additional compensation for the sale of their lands by the treaty of October 18, 1848, for the excess of land actually ceded over the quantity owned by them, as ascertained by the official opinion of the Attorney General, at the same rate as that paid for said territory, assuming the quantity as that fixed in said opinion, may be allowed in the discretion of the President of the United States: *Provided*, That the same shall be subject to all necessary deductions for expenses of procuring a new home, removal there to, and subsistence for twelve months thereafter: *And provided further*, That the balance shall not be paid until after such removal, and then in such manner as the President may direct.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Arkansas that he proposes to strike out precisely what the Senator from Virginia [Mr. HUNTER] proposes to strike out.

Mr. SEBASTIAN. I am aware, Mr. President, of the difficulty which may arise under the rule of the Senate, and I shall, therefore, withdraw my amendment for the present, and confine myself to what the Senator from Virginia proposes to strike out; and if that motion prevails, then I will offer my amendment.

Mr. BELL. The proposition of the Senator might be made by way of amendment to the clause. He has a right to move to amend it before the question is taken on the motion to strike out.

The PRESIDING OFFICER. The Chair understands the amendment of the Senator from Arkansas to propose to strike out precisely the same matter which is proposed by the Senator from Virginia to be stricken out. Therein is the difficulty.

Mr. WELLER. The motion of the Senator from Virginia is simply to strike out.

Mr. BELL. The Senator from Arkansas may leave a word or two of the original clause standing, and so shape his amendment as to move to amend the clause.

Mr. WELLER. There is no necessity for that, for the proposition of the Senator from Arkansas is to strike out and insert; and, as I regard the rule, a motion to strike out and insert has precedence of a mere motion to strike out.

Mr. SEBASTIAN. I can obviate the whole difficulty, by attaching my amendment to the pre-

ceding clause. I find it will make good sense, if so attached.

The PRESIDING OFFICER. The Chair will remind the Senator from Arkansas that the amendment proposed by the Senator from Virginia is to strike out another clause, and not the one to which the Senator proposes to attach his amendment. The motion of the Senator from Virginia is therefore first in order.

Mr. SEBASTIAN. Then I will address my remarks to the question on the amendment proposed by the committee. It matters but little whether the question be in the precise form of my amendment or that of the committee. The amendment which I propose, instead of making an appropriation upon what I conceive to be an artificial and arbitrary basis, which I think cannot be justified upon any correct principle, provides for an extra allowance to the Menomonees upon what I consider a true and just principle. It is to allow the Indians the same rate of compensation for the country which they thought they had ceded as for that which they did actually cede, providing only for the excess in quantity over that which it was supposed they owned, by that which has been ascertained to be the amount belonging to them at the date of the treaty. That excess amounts to about two millions of acres—an excess which, in proportion to the land which the Indians were induced to believe from the map at the Land Office belonged to them, is such as to strike the mind of every Senator as amounting on its face to a palpable mistake.

Mr. President, I throw out of consideration altogether what I regard as an unproved charge against the Commissioner of Indian Affairs, in reference to a fraudulent concealment of the real quantity of land at the time of making the treaty. That forms no part of the ground upon which I have gone in coming to the conclusion that this is a just claim; but I put it upon the ground of a claim coming under the head of what lawyers class as mistakes. I throw out all charges of fraud—charges which I regard as neither substantiated by testimony, nor sustained in view of the known probity and integrity of the Commissioner of Indian Affairs, who negotiated this treaty. But there are some facts upon record, apart from those to which the Senator from Virginia has alluded, as being merely parol declarations of credible witnesses; which are enough to show that there was a glaring and palpable mistake between the amounts of land which the Indians supposed they were ceding, and that which they actually did cede, which must strike the mind of every Senator as being an amount too large to have been covered up from the knowledge of the Indians. A simple and brief history of the case, as it appears from documents on file in the Indian Office, will show that what I have remarked is strictly correct.

In 1848 the Government, desiring to obtain the lands of the Menomonees, about which there was a dispute in regard to the quantity, referred the matter to the then Attorney General, who examined the subject, and who ascertained to his own satisfaction that there was not more than 3,860,000 acres justly belonging to them. For this the commissioner was authorized to pay at a rate not exceeding eighteen cents per acre. He called the Indians together, and offered them for the whole amount of their lands \$350,000, which was at the rate of about eleven and a half cents per acre for what they were induced to believe they owned at that time. Preparatory to this the Commissioner of Indian Affairs had been furnished with a map at the Land Office, according to which the Indians were represented as owning about 3,000,000 acres. That map was exhibited upon the council grounds, and, according to that, we allowed them for only 3,000,000 acres. The Commissioner of Indian Affairs does not conceal the fact that he went upon that map as containing the true boundaries of the country. Subsequent discoveries made at the Land Office have revealed the fact, that instead of there having been only 3,000,000 acres ceded, there were nearly 5,000,000.

More than this: There was a rude map constructed by the hands of the Indians by such means as they could command, by which they showed and contended that they owned more than was shown by our map. The commissioner discountenanced and repelled that presumption, and they were compelled to submit to the offer made

for the amount of land as disclosed by the map of the commissioner. They therefore ceded a quantity of land according to their map, so that it was said by a member of the House of Representatives that "we bought according to the Indian map, and paid according to our map," making a difference of 2,000,000 acres.

Mr. DESAUSSEURE. I would ask the Senator from Arkansas, if he will permit me, whether it is a fact that the actual quantity of land has been ascertained by a survey? I have heard otherwise. I have heard that the survey has not been completed, and by turning to a memorandum which has been laid upon our tables, it will be found that in the report made by the Commissioner to the Secretary of War, after the treaty, he said that, while in the country, he ascertained "there was an error in the map" in his possession "in relation to the location of a small lake that determined the course of one of the boundary lines," the correction of which would probably increase the number of acres "to about four millions." He further says, that "the Commissioner of the General Land Office, upon the evidence now in his possession, estimates the tract as having contained at the time of the treaty, five millions. 'Estimates,' mark you. Not that it is surveyed.

Mr. SEBASTIAN. I can give the Senator from South Carolina the basis on which the Land Office made the estimate. It was from an estimate made under the inspection or by the measurement of the Corps of Topographical Engineers, under the authority of the Land Office. In making out a map, the Corps of Topographical Engineers estimated the amount between certain boundaries, and those boundaries were afterwards ascertained to be true, and that amount shows a slight excess over five millions of acres in the country. The discrepancy arises in this way: there was a particular lake which governed one of the boundaries of the country. The situation of this lake was laid down incorrectly in the map which governed the decision of the Attorney General. They found that that lake was one or two hundred miles further off than was at first supposed, varying the amount of land by that much, and embracing in all, an excess of two millions of acres. The map which has been recently made out, properly locates this lake, which governs the Wisconsin boundary, and thus we have five millions of acres, according to the estimate made by the Corps of Topographical Engineers.

I believe, Mr. President, that I have now stated the entire history of this claim. It consists of the fact that there was an official document made out under the inspection and by the advice of an officer of the Government; that by that map the Indians were represented as owning 3,000,000 acres; that in consequence of a mistake in one of their boundaries, we took, by treaties made in general terms, all their lands, and swept away from them about 2,000,000 acres more than they thought they were selling at the time. This, therefore, as it seems to me, constitutes a just and equitable claim on the Government in their behalf for this excess; and in placing it upon this principle, and allowing for that excess, I have allowed at the same rate for this excess as the price would be per acre by paying for 3,000,000 acres the sum of \$350,000. That is the position of the matter, and the ground on which I place it.

One word more, and I have done. It was thought by my colleagues on the Committee on Indian Affairs, who investigated this claim, that the time had not arrived to do justice to these Indians; that the whole appropriation was premature; and that the fact that they had not yet removed to their new home was sufficient to show that we ought not to settle the claim, or make the appropriation, until a home was provided for them. That state of affairs leads me to a precisely opposite conclusion from that to which the worthy chairman of the Committee on Indian Affairs was brought. I think that the allowance should be given for the very purpose of removing that difficulty. It is true that the country assigned to them is found to be inhospitable in climate; and worse than that, it was in the neighborhood of their implacable enemies, with whom they would be exposed to be in an eternal state of warfare. They chose, therefore, to remain upon the land which they had ceded, in the State of Wisconsin. Whether this desire of theirs will be granted, it remains for the Legislature of Wisconsin to determine. But how

is a country to be obtained for a home for them, and how are their removal and subsistence to be provided for except out of this appropriation which the other branch of Congress have been disposed to grant?

This is what I provide for. My amendment provides for procuring them a home, and for their removal, and subsistence for twelve months. It provides that the balance shall not be paid until these contingencies are met; and it seems to me, that the amendment obviates all the difficulties to which the chairman of the Committee on Finance and the chairman of the Committee on Indian Affairs have referred. It only provides for the payment of the money when all these problems have been solved.

As to the time when justice should be done, I think, as a general principle, it is true, that it should be done as soon as we are satisfied that it is due, and that it ought to be performed at all. This is no old and stale claim revived from the musty archives of the Government, for the benefit of heartless agents, or to satisfy the cupidity of speculators; nor is it one of that class which has arisen from an attempt to overreach the Indians, and impose a hard bargain upon them. This is not an old claim, but one which has been closely followed up in different forms, from the first. Immediately after the treaty was ratified, the Indians sent delegates on here in order to correct it; but they were unsuccessful, as the chairman of the Committee on Indian Affairs has told us. They have never lost sight of the claim. When the claim first appeared, it was not for the justice of Congress, but against the whole effect of the treaty, which they alleged was a fraudulent one; but they were unable to substantiate the fraud by evidence. The subsequent claim has been placed on the ground of a palpable mistake, and on that ground I think that we ought to make the allowance.

This is a claim in which I have little interest, and with regard to which I have no feeling at all; and in expressing these views, I have only attempted to show what were the views of the friends of this claim in the other House. I leave it for other gentlemen to dispose of as they see fit.

Mr. WALKER. I in part represent the State in which these Indians reside, and in which this money, if paid to the Indians, will probably be expended. It might be inferred, therefore, that I should be one of the most zealous friends of this item in the appropriation bill; but I entirely concur with the chairman of the Committee on Finance, and with the chairman of the Committee on Indian Affairs, in the sentiments they expressed. I think the item ought to be stricken out of the bill. That we acquired more lands from the Menomonees by the treaty than was contemplated by this Government at the time, I have very little doubt; but I am not aware that in the negotiation with these Indians, or with any other of the tribes, we have been at all times particular to ascertain the precise number of acres, and then pay the Indians per acre for what they concede. We know that the lands purchased from the Indians, generally, are in an unsurveyed district of country; and that to arrive at a lumping bargain it is usual to make an estimate of the quantity contained within the tract. In this case the estimate was too low, and there is an excess over the quantity supposed to have been purchased, thus entitling the Indians to some allowance.

I concur with the chairman of the Committee on Finance, and the chairman of the Committee on Indian Affairs, in the opinion that this is not only an improper time to make this appropriation, but that the manner of this proposed appropriation is also improper. I object to the appropriation being made at this time, and also to its being made in gross; and it occurs to me, as it may have occurred to other Senators, that the lips of the chairman of the Committee on Finance have given utterance to one reason which ought to determine us against it, and that is: Some person has, at one plunge, at one grab, secured one third of the whole amount which these Indians may get, either at this time or hereafter! And it seems to me that is not all; but that a member of one branch of the Government is also to pocket \$30,000 out of this appropriation, if it should pass. That has been intimated to me, and I heard it in such a manner that I think it may be fully proved.

A SENATOR. To what branch of the Government does that person belong?

Mr. WALKER. To the legislative branch.

That there is a secret, lurking desire to cast censure on the once commissioner, Mr. Medill, is to my mind self-evident. So long ago as 1842, when that gentleman was in the House of Representatives, he had occasion to make a speech, in which he visited a certain other person who has been high in authority in Wisconsin, with charges of the most flagrant crimes. That those charges have never, to this day, been answered is true. That they were well made I believe, and the community believes, because they were not answered. That that individual, therefore, secretly treasured up in his heart the determination to have revenge, I believe. The time has arrived. As soon as this treaty was made, there came forth charges of fraud against Mr. Medill, and they have been pressed zealously ever since. Although the present Commissioner states that there is no proof of fraud, this appropriation is sought for; and not only is there thus to be a triumph over Mr. Medill, but some of those who make the charges of villainy and avarice against him, are to pocket \$30,000 out of the money of the Indians.

What do you propose to accomplish for the Indians by making this appropriation at this time? It is very evident that you are about to fill the pockets of others. But do you place in the hands of the Indians anything that will be available even as a temporary benefit? Would not the grant of this money be an injury to them? They are now living in the midst of the white population; the Government formerly assigned to them a home, a distant one it is true, west of the Mississippi; they visited it, and found that it was a country where they would be starved to death, or where those who escaped starvation would be killed by the Sioux, by the Chippewas, or by the Winnebagoes.

They shrunk back to Wisconsin, for starvation or death by the tomahawk were all that awaited them in that country, and they are now located in the midst of the whites; where the Maine liquor law does not extend, but where they can obtain as much liquor as they desire. If this appropriation shall be made, drunkenness, dissipation, and death will prevail among those unfortunate people, and what they do not spend in that way, they will be swindled out of; the money will be gone before they have proceeded a mile from the place where it has been placed in their hands, or tied up in the corners of their blankets.

Is this the way to treat these Indians? They are now in a country where they can exist, at least. Will you furnish them with this money which will do them no good? You will not only do them no good, but by giving it to them, you will inflict a positive injury.

When the time comes for their removal—and I am sure that the Legislature of Wisconsin will not consent that they shall remain in that State—it will be proper for the Government of the United States to look at the condition of these Indians, and consider the treaty they made, and how hard that treaty is; and to consider the means of giving them a home, and of providing them temporarily with the means of subsistence, until they are able to provide for their own maintenance. Such a course would be statesmanlike, just, and honest; but how often is it, when you make a treaty with the Indians, that any claims they may have against the Government are suppressed? In all probability until some secret agent, the enemy of his country, and the enemy of the Indians alike, has dug it up and exposed it, and then, after he obtains an assignment of the claim, we pay, not the Indians, but this agent for having extracted it from the Government. I am opposed to this course altogether, and I do hope and trust that the appropriation will be stricken out of the bill.

I am equally opposed to the amendment offered by the Senator from Arkansas, [Mr. SEBASTIAN,] because, as I have already said, we do not know what to do with the Indians. Suppose you adopt the proposition of the Senator from Arkansas, what will you do with them? Does his proposition suppose that the President shall explore and survey a country for them? Not at all. It is not an appropriation for any such purpose.

Mr. SEBASTIAN. I think the Senator from Wisconsin misunderstands the object of my amendment. It does provide for and make the payment

of this allowance to the Indians, subject to the procuring of a new home for them, as well as to pay the expense of their removal, and the cost of their subsistence for twelve months afterwards. I embraced these objects in my amendment, because I believe it was stipulated by the treaty of 1848, and is an ordinary stipulation, which is found in all our treaties with Indians which relate to their lands. It will be recollected that by the treaty of 1848, we assigned to these Menomonee Indians a new territory west of the Mississippi, which they did not like; and now the choice with them is between going to that territory or to some new country, to be assigned to them by the Government of the United States, or their taking a portion of the ceded territory; but in either case they must become a serious charge to the United States. If the State of Wisconsin agrees to allow them to remain there, then I think it would not be going beyond the limits of justice to say that they ought to have as much of their territory restored to them as was taken by this mistake, and for which they were not paid. But, in any case, the purchase of a new country, and the removal and subsistence of these Indians in that country for twelve months, as is proposed by my amendment, is to be paid for out of this surplus, and the balance is not to be paid to them until they have removed from the ceded territory to such country as may be provided.

In regard to the balance itself, I have adopted the provision in the original terms of the bill—that it shall be paid to them in such manner as the President of the United States may direct.

While I am up I will merely say to the Senator from Wisconsin, that if such a disposition of the money as I have proposed does not suit him—if he fears it is to go into other channels than those that will benefit the Indian, you have only to adopt the expedient which has been twice resorted to by the Senate—the paternity of which so justly belongs to the Senator from Wisconsin—which is, that the money shall be paid into the hands of the Indian himself, and to no other person. That is an amendment which I will not offer myself, for I have some doubts as to whether it would work altogether well; but if any other Senator chooses to offer it I will not make any opposition. I know it was agreed upon in the case of the \$2,000,000 which were paid to the Creeks, and also in the same amount which was paid to the Cherokees; and the plan has been repeatedly resorted to for the purpose of breaking down the influence of agents, and of uprooting that kind of influence by which many gentlemen suppose the proceedings of Congress have been and may be surrounded. I merely throw out these suggestions, which I think are a sufficient answer to what has been said by the Senator from Wisconsin in regard to agents, and the hands into which this money is to go, and the agencies—the corrupt agencies—by which these claims have sometimes been fished up.

Mr. WALKER. The explanation of the Senator does not obviate the difficulty to which I was alluding when I took my seat. Neither the President nor any member of this Government knows what to do with this money. The Indians themselves should be consulted as to where they will go. If they will not go to the home which has been provided for them, it is impossible to determine at present where they will go. They desire to remain temporarily in Wisconsin, and Wisconsin has consented that they may remain there for a short time, and be located in the northern part of the State, I believe; but it is utterly impossible for them to remain there for a very long time. Settlers are now scattered over the whole of the "Menomonee purchase." At this very session we have granted preemption rights to the white people there, of whom there are now twenty thousand. As soon as the settlers advance, the Indians must go. Will the Senator tell me where he proposes to locate them, even with all this money which it is proposed to appropriate? No, sir. If he asks the Indians, can they take him where they will go? No, sir. Would he appropriate this money before this Government or the Indians know what to do with it? It seems to me it is trifling to think of such a thing. What is the amendment of the Senator? It is to pay, instead of the sum of \$221,840, which the House have put in the bill, the sum of \$600,000.

Mr. SEBASTIAN. With the permission of the Senator from Wisconsin, I will state that I



think his reckoning is entirely wrong. I made a calculation of the sum which it would be required to pay according to the conditions of my amendment, and the conclusion to which I came was, that it would make but a few thousand dollars more; not more than \$4,000 or \$5,000 more. I thought the amount was so small, that it would be better to take that sum than make an arbitrary allowance. My proposition is to pay them for the additional 2,000,000 acres at the rate of eleven and a half cents an acre. The amount is easily determined.

Mr. WALKER. That is not what is argued, nor what I believe will be the effect of the amendment. If you give the same price which was paid for the land which has been purchased from the Indians, you will have to pay according to the rate which is demanded for the whole land, which is eighteen and nine tenths cents per acre. I have calculated the amount upon 5,000,000 acres—

Mr. BELL. It amounts to \$400,000.

Mr. WALKER. I made my calculation on the supposition that we were to pay nineteen cents per acre for 5,000,000 acres, which amounts to \$950,000; I then make a deduction of the sum paid under the treaty, which was \$350,000, and that leaves the sum to be paid \$600,000. The Senator from Arkansas proposes to pay only eleven and a half cents per acre. But besides that, it is subjected to the manifest objection of the assignments which have been made of this claim, by the Indians.

Now, sir, when it is made, let it be ascertained where the Indians are to go, and let Congress appropriate so much money as is necessary to buy them a home, if a new home is to be provided. If we have land, they should be content if we give them land and charge them for it. Then what will be necessary to remove them, appropriate for that purpose, together with what will be necessary to furnish them with necessary blacksmithing, and to provide the means to keep them from famine until they can be established in a new home? How do you know what to do with them now? If you appropriate the money now, how do you know what will become of it? One third of it will go into the hands of agents, and then the rest will be drawn by—I will not say whom. That is what will become of it; and who else is to have a "finger in the pie" I do not know. But so long as it can be ascertained that it will be necessary to locate them in their new home, just so long as the money now paid will support them they will pay it out till it is all gone, and none of it will benefit the poor Indians. The poor Indians? Why it is the cormorant agents who surround this Capitol who will get it, who give us more trouble than all the Indians would with arms in their hands!

Sir, if you were to propose to appropriate ten millions, to be expended in Wisconsin among the citizens of my own State, I should oppose it, if given upon this plan, when I know that the benefit is to redound to those who have done nothing but cheat the Indians. It is entirely useless; it is worse than useless; it is injurious; and I hope the chairman of the Committee on Finance will succeed in his proposition to strike out the appropriation.

I do not know to what extent my colleague concurs with me. I should be glad to have his concurrence, and to hear his views upon this matter. But whatever those views may be, I am opposed to this appropriation. I hope it may be stricken out, and that the rights of the Indians may be guarded; and whenever it is necessary that the patronage of the Government should be extended to them, it may be done. I hope that when we extend our hand to them, and say, "Take the fish," they may not find, when they seize upon it, that it is a stone.

Mr. BELL. I believe the Senate are ready for the question. I merely wish to say, that in common with the members of the Committee on Indian Affairs, I have looked a little into this claim, and I concur, in the main, in the views expressed by the Senator from Virginia, [Mr. HUNTER,] with regard to the policy of going back and overhauling this treaty to discover whether strict and adequate justice was done to these Indians. Nevertheless, I see in the condition of the Menomonees something which will force itself on the sympathy, if not on the justice, of Congress, to induce Congress at some time to make an additional appropriation for their final settlement.

I do not believe that if we were to make this appropriation, and if it could be the last appropriation that would be made for any of these considerations, we should lose anything; for I think that Congress will have to make an appropriation or a donation for the relief of these Indians. They are now in Wisconsin, but are not entitled to a foot of land which they can claim as their own. They have been permitted by the Legislature of the State and by the President of the United States, to remain where they are for the present; but that permission is merely temporary. In accordance with the terms of the treaty of 1848, six hundred thousand acres of land were provided for them. They have explored that country, and pronounced it to be unsuitable to them. For many reasons they declined going there, and the Government has not insisted that they should occupy the lands which were assigned to them. A considerable difficulty will arise when ever you come to remove them, as to the place where they are to be located.

The Senator from Wisconsin [Mr. WALKER] has stated that the Legislature will never permit them to form a permanent residence within the limits of that State. I have heard it suggested, on the other hand, that they probably would be permitted to remain. If the Senator from Wisconsin is correct in his supposition, then it is a subject which should be looked to by the executive branch of the Government. I would be glad if the Senator from Wisconsin would point out a district of country which would be suitable for the location of these Indians.

Mr. WALKER. That is just where I despair, and where the Government ought to despair, and where the Senate must despair; and, therefore, I consider this appropriation useless for the present. It should not be made until some place shall have been determined on.

Mr. BELL. My opinion is that there will be great difficulty, unless the two Houses of Congress, and those who take an interest in the northwestern country, will agree that a portion of the territory which we acquired from the Sioux should be appropriated to these Menomonees. Unless we agree that they shall have a location in the southern portion of the Minnesota Territory, I know of no country suitable to their condition to which these Indians can be removed. I have thought a little on this subject. I have examined the map, and ruminated on the condition of that country generally. You cannot force them further west, because you will at once place them amongst powerful and hostile tribes; and unless you give them a location in the southern part of the Territory of Minnesota, I cannot see where they are to go. They will be without a home; the authorities of the State of Wisconsin will not allow them to remain, and yet I do think that every consideration of ordinary sympathy, and the necessity of giving protection and guardianship to these poor creatures, does call upon the State of Wisconsin, if they have a territory they can spare, to allow them to rest within their borders.

Mr. WALKER. I was not arguing a question of morals, or of what ought or what ought not to excite sympathy; but I was speaking of the fact that Wisconsin has no country to which the whites will not advance, and hence it will be unwise to give these Indians any portion of the country there for their permanent location.

Mr. BELL. I do not know how it would be unwise, nor is it for me to say what the State of Wisconsin will do, or what generosity or humanity the people of that State will finally exhibit towards these Indians; but here is the dilemma—where are the Indians to go? They are two thousand, or two thousand five hundred in number; they are partially civilized; they live neither by the chase nor by plunder, and if you drive them away, where will you send them to? You cannot send them among the wild men of the far West. It therefore becomes a serious question, and I hope the State of Wisconsin will assign them some portion of that country, so that they may remain in that territory. I know that the people of the State of Wisconsin are generous in their sympathies; and so, indeed, are the people of the United States everywhere—the people of the Northwest as well as the people of other portions of the Union. That, however, is a question which we cannot settle here.

The Senator from Wisconsin has said, and perhaps properly, that we cannot settle the question of morality and sympathy here. No doubt the Senator thinks the people of his State will not do so, but I trust they will; for in their present condition these Indians must become a source of great annoyance to the inhabitants of Wisconsin. If that State would assign to them a hundred thousand acres, or fifty thousand acres, it would do not only an act of common humanity and generosity, but it would aid that part of the country generally in getting rid of a great difficulty. But this may be said to be aside from the question.

But whatever money you propose to give upon principles of generosity or liberality, or, if you please, on the ground of an injustice done through a mistake in the treaty of 1848, it should be reserved to a time when they and we can know where they will go and have a permanent home. The paying of a small amount, to enable them to remove to a portion of Wisconsin, would be only a temporary expedient, as the difficulties that now exist with regard to the settlements in the Northwest will accumulate every year. It is a question which requires the careful consideration of the Government. I foresee that. I hope they will have a portion of the territory assigned them in Wisconsin. If the State of Wisconsin will consent to that, then it will be time for the Congress of the United States to step forward and show their generosity, or justice, if you please, by giving further compensation for lands which we have acquired by the treaty of 1848.

From the examination which I have given to this question, I see no ground for further compensation upon principles of strict justice. I should like to know from the Senator from Arkansas, [Mr. SEBASTIAN,] where he obtains his evidence of a distinct definitive boundary of the Menomonee country. The treaty of 1848 cedes all the lands to which they had any claim. They never had any separate and distinct boundary to their lands, so far as I understand the history of that tribe. The treaty of 1831 specifies a boundary "claimed" by the Menomonee Indians; it is true. But what is the fact with regard to the claim made by these Indians? We have had to extinguish the title of the Sioux, the Chippewas, and the Winnebagoes, to portions of this very Menomonee country. The claims of many other tribes have been extinguished to large portions of this very territory, by three or four distinct treaties. There never was a time when the Menomonees could claim a boundary free from the adverse claims of the Sioux, the Chippewas, or the Winnebagoes, to certain parts of it.

I do not mean to go into a detailed statement of this subject. I admit that whether there is justice in the claim or not, we shall find ourselves in a situation in which we shall be compelled to make some further compensation to the Indians on some ground or other; but now is not the time. I think this clause ought to be stricken out.

Mr. CASS. I have listened to this discussion with a good deal of interest, with a view to make up my own mind in regard to it, and the conclusion to which I have come is this: I am clearly of opinion that something should be done for these Indians, but I am very much in doubt as to what should be done. For myself, I must say that I have not facts enough before me to enable me to come to an ultimate decision in that respect.

The treaty between the United States and the Menomonees, by which the latter ceded their lands, provides that they should cede all their lands to the United States, and the United States gives them another country containing six hundred thousand acres, in a territory which was ceded to the United States by the Chippewas. I do not know where it is; but I suppose north and west of Wisconsin. Does it extend to the wet, marshy country on Lake Superior?

Mr. WALKER. I believe it is beyond the Mississippi, on the Crow-Wing river.

Mr. CASS. It is said that there is not a sufficient quantity of good land within that boundary to support the Menomonees. That we do not know. The Menomonees were to remove to it within two years.

Mr. HUNTER. I believe I can furnish the Senator from Michigan with the information he requires. Does he wish to know what we propose to do with the tribe?

Mr. CASS. I merely wished to know what the character of the country is. The treaty stipulation in regard to the removal of the Indians from Wisconsin is clear; it says that they may remain two years within the State, and even longer if the President gives no notice.

There is a singular provision in one article of the treaty; it is, that they may go and examine the country which was set apart for them, and yet by that very treaty they were not allowed to refuse to remove there. We guarantied to them by treaty the possession of this territory which they decline to accept; but we should know something about the nature of that country, and whether it is capable of supporting these Indians before we think of providing another country for them. I would ask the Senator from Virginia whether this country is capable of supporting them?

Mr. HUNTER. I can answer the Senator from Michigan, if he will allow me. The country is not suitable to the taste of these Indians. In all probability it is capable of supporting them; but one great difficulty is that it throws them into contiguity with powerful hostile tribes. The Commissioner of Indian Affairs told me that he thought he could make an arrangement with the last Legislature of the State of Wisconsin, but that he had failed; and that he hoped to succeed with the next Legislature in making an arrangement by which they might be located on the Wolf and Oconto rivers. I have an amendment which he recommended, proposing an appropriation of \$25,000 for the purpose of removing them there temporarily. The necessity of removing them from their present home is, that the people of Wisconsin wish to put this land into market.

Mr. CASS. Then, if I understand the chairman of the Committee on Finance, the difficulty is not in the nature of the country, but in its contiguity to hostile Indians. I know these Indians well. There is something curious in relation to their history. They have never sought to be engaged in any contest with hostile tribes surrounding them. It is their boast that they have never killed a white man. They were never hostile to us. Although they have been living in contiguity with the Winnebagoes, and the Chippewas, and the Sacs and Foxes, and other tribes ever since the French owned that country, I venture the assertion, on my firm belief, that they never took a scalp. I have not the remotest idea that if you transfer them to a point west of the Mississippi, to which the Sacs and Foxes are contiguous, one drop of blood will be shed in consequence. Twenty years ago, I descended the Mississippi river with a party of Chippewas who had been in a state of war with the Sioux. After going down the river some five hundred miles we approached the Sioux and Buffalo country, and they became alarmed. They landed and saw the foot-prints of the Sioux, and found some hieroglyphical marks on the bark of a birch-tree, which had been put there to show that the Sioux had been there, describing the number of the parties, and what they had done, which was to them all as clear as daylight from these hieroglyphical marks. The flag of the United States was there, and I told them there was no danger.

We went down the Mississippi as easily as we would now go down the Ohio. There was no danger, and my opinion is, that a small force of the United States sent into that country with them would obviate all difficulty. But still I would not force them to go there if the country is not suitable for them, for they are the best and most peaceable Indians that are to be found in any part of the country. They have subsisted very much upon the wild rice, and hence have been called the Wild-rice Indians. They gather immense quantities of it in their canoes, in the fall, from the lakes, where it remains during the winter. And beneficent it is in nature, to give them this means of subsistence, which sows itself, so that they are not even under the necessity of preserving grain for seed; for the Indians generally, will very often eat up their seed grain when they have it, and they would eat up this if they could.

There is one thing that I beg Senators to consider. We are parties, judges, and executioners in this case, and therefore it becomes us, in the position we occupy before the country and the world, to deal, not with strict justice as between white man and white man, but liberally and generously. Let me tell you there is not a Menom-

onee, there is not an Indian from one end of the country to the other, that knows the difference between 1,000,000 of acres and 5,000,000; they have not the slightest conception of it. You undertake to bound any country by miles, and they know nothing at all about it; but all you can do is, to name certain places with which they are acquainted, and tell them that those places are the limits of which you speak, and they will understand you; but whether that country contains 1,000,000 or 5,000,000 of acres, they have no conception.

One thing with regard to Colonel Medill. I have not the slightest idea that he ever intended any fraud or the least wrong in the treaty that he made. Probably there is more land than was supposed. Colonel Medill specified that the Indians should have a certain sum. They estimated the land at so much, and he said he would give so much for it. The Indians could not know anything more about the transaction, if limited to a certain number of millions of acres, than if it had been in Chinese. We had it our own way, and the signature of these Indians made to the treaty should no more preclude them from having justice done than if they were blind on that point. If we assumed that there were three millions of acres, and we agreed to pay so much per acre, and it turns out that there were four millions of acres, we are bound, upon every principle of justice, to make up the difference, and not say we bought three millions, so and so, and it turns out that there are four or five millions. I repeat, that, upon every principle of justice, we should do what is right, whatever may have been the treaty.

I have great doubts about the propriety of paying them \$250,000 as proposed, either individually or collectively. I do not believe that it would do them any good. I would much prefer that we should provide a country for them, in which they can live. They do not raise any large quantity of agricultural products; nor do they hunt. They are rather disposed to live on a few vegetables, and the wild rice. The country they occupy is not a hunting country, nor are they capable of hanging on to the chase like the Sioux; and I should wish to send them to such a tract as would induce them to attend to agriculture; a country which they could improve, and such a country we should find for them in the United States, and put them fairly and honorably in possession of it. When the time comes, we should make up any difference to which they may be entitled, and give them every cent of it; but it would be much better to throw this money in the river than to pay it to them now in gross. Provide for them a small sum now; act justly with them; send some person to investigate the actual position of their affairs; or charge the commanding officer, or the Governor of Minnesota to make an examination, and ascertain whether they are in the slightest danger from the interference of the Sioux; and if there should be any danger, let the Government step between them and the Sioux. I repeat that I think it would be better to take this course, reserving to ourselves such action as circumstances may render necessary.

Mr. SEBASTIAN. In order that the amendment may be put in proper parliamentary shape, I have modified it so as to strike out the words "\$221,840; the same to be paid in such sums, and 'at such time, with the approbation of said nation, 'as the President may think most conducive to 'their prosperity and happiness,' and insert, in lieu of it, the following:

For the excess of land actually added, over the quantity owned by them, as ascertained by the official opinion of the Attorney General, at the same rate as that paid for said territory, assuming the quantity as that fixed in said opinion, may be allowed in the discretion of the President: *Provided*, That the same shall be subject, after all necessary deductions, for expenses of procuring a new home, removal thereto, and subsistence for twelve months thereafter: *And provided further*, That the balance shall not be paid until after such removal, and then in such manner as the President may direct.

So that the same clause may read:

"For additional compensation for the sale of their lands in the State of Wisconsin, by the treaty of October 18th, 1848, for the excess of land actually added, over the quantity owned by them, as ascertained by the official opinion of the Attorney General, at the same rate as that paid for said territory, assuming the quantity as that fixed in said opinion, may be allowed in the discretion of the President: *Provided*, That the same shall be subject, after all necessary deductions, for expenses of procuring a new home, removal thereto, and subsistence for twelve months thereafter: *And provided further*, That the balance shall not be paid until

after such removal, and then in such manner as the President may direct."

Mr. HUNTER. This amendment, I think, is premature, and will hardly accomplish the object that was designed. It certainly would throw these allowances of money into the hands of the agent, as it seems to me. But I propose, if the Senate should strike out the provision in the bill, as recommended by the Committee on Finance, to move to insert the following provision:

For expenses of their removal from their present location to the district of country on the Wolf and Oconto rivers, designated in the report of Superintendent Murray to the Commissioner of Indian Affairs, dated September 30th, 1851, \$25,000.

This is an amendment drawn up at the Indian department, and suggested by the Commissioner of Indian Affairs, and is designed to meet this state of things. These lands are about to be offered for sale. The whites will go in among the Indians and disturb them, and thus lead to collision, which it is desirable to avoid. The district of country here designated belongs to the United States. The Indians are willing to go to it. The Commissioner says there is a very great sympathy felt for them among the people of Wisconsin, and he supposes, from what he can learn, it will be agreeable to those people that the Indians should be located in this way, and we can provide for them temporarily until it shall be ascertained to what other place it will be best to remove them. The Indians are dissatisfied with the country set apart for them by the treaty of 1848. The Indian department hopes to be able, when it shall have had time to look around, to make some more suitable provision for them; and this is designed for a temporary resting place, and for a permanent settlement, if the Legislature of Wisconsin shall agree to that.

It seems to me that it will be enough to do this now. We cannot know what it may be necessary to appropriate to obtain a permanent home for them, because we cannot know where it may be located. Whenever that is ascertained, I shall be willing to vote—not upon the idea of paying them for their lands—what may be necessary to secure to them a suitable and proper home, one which they can enjoy—where they may live in peace and happiness; but where that may be we cannot tell until the case is investigated—until further examination is made into the countries open for Indian settlements and the peculiar wants of these people. Therefore I think it will be better to strike out this appropriation and insert the amendment which is suggested by the Commissioner of Indian Affairs, and which I shall offer if the Senate will agree with the Committee on Finance in striking out this appropriation.

Mr. CASS. I would ask the Senator where is the country to which he proposes to remove the Indians? Is it in Wisconsin?

Mr. HUNTER. It is.

Mr. CASS. I think there can be no difficulty in saying that the Legislature of Wisconsin, and of all of the northwestern States, will not consent to a permanent residence of any band of Indians among them. They would not drive them away from lands which they now occupy; but I do not believe they would suffer any band of Indians to settle permanently upon a new tract.

Mr. HUNTER. This is not proposed as a permanent arrangement, unless the Legislature shall say that it is to be permanent. It is intended merely as a temporary arrangement. The Commissioner of Indian Affairs tells me that he believes it to be the wish of the people of Wisconsin to have them settle there.

Mr. CASS. If it is to be a temporary arrangement I have no objection.

Mr. ATCHISON. Does the Senator propose to locate them on the Fox river?

Mr. HUNTER. No, sir, but on the Wolf and Oconto rivers, on territory which forms a part, I believe, of their cession.

Mr. CASS. I would ask the Senator one other question. I did not hear the terms of his proposition; and what I wish to know is, whether it would allow provisions to be issued to the Indians to supply their necessities?

Mr. HUNTER. The phrase which I use is: "For expenses of their removal." I suppose that \$25,000 will be enough to provide for those expenses, including the issuing of provisions. It was my design to include provisions.

Mr. CASS. It would be a very dangerous experiment to remove the Indians, and set them

down in the wilderness, without any provision for their support. Therefore, I wish some provision made for them. I have my doubts as to whether the sum proposed to be appropriated by the Senator from Virginia, will be sufficient.

Mr. SEBASTIAN. Mr. President, I rise for the purpose of asking the chairman of the Committee on Finance—as there appears to be some difference as to what the Commissioner on Indian Affairs has recommended—whether the amendment which he proposes now to submit, as he says upon the recommendation of the Commissioner on Indian Affairs, is in lieu of the appropriation which came from the House, and which was also recommended by the Commissioner of Indian Affairs? The very appropriation which we have been discussing was recommended by the Commissioner of Indian Affairs, who made a very elaborate report after a careful investigation of the subject. Now, here is another amendment not embraced in the original bill, proposed to be offered by the Senator from Virginia; and I wish to know, whether it is supposed by the Commissioner that this temporary provision is to be in lieu, and to obviate the necessity of the provision which came from the House?

Mr. HUNTER. The amendment was drawn up to meet the case of this appropriation being stricken out. I did not understand the Commissioner of Indian Affairs as withdrawing his original recommendation. But, if the Senate should strike out the provision appropriating \$220,000, then he recommends that this other provision should be made. And I certainly understood that, if it was made, it would enable them to get along until next session very peaceably and comfortably.

The question being taken on the amendment of Mr. SEBASTIAN, it was not agreed to.

The amendment of the committee to strike out the clause was agreed to.

Mr. HUNTER. I now offer the following amendment:

For expenses of their removal, and provisions, from their present location to the district of country on the Wolf and Oconto rivers, designated in the report of Superintendent Murray, to the Commissioner of Indian Affairs, dated September 31, 1851, \$25,000.

Mr. WELLER. I think that amendment had better specify on its face that it is for the temporary removal of the Indians; and I think also that it is proper that it should contain a provision making it dependent upon the Legislature of Wisconsin assenting to it. I do not think it is proper that we should go into any of the sovereign States of this Union, and undertake to remove the Indians from one portion of the State to another without the consent of the local authorities. But as this amendment is now drawn up it might admit the construction that we intended that the Indians should reside there permanently. It would be better to insert the amendment I have suggested for the purpose of rebutting that presumption.

Mr. HUNTER. I am perfectly willing to insert the word "temporary;" but it cannot be necessary to have the consent of the Legislature of Wisconsin to the temporary removal of the Indians. It is proposed to remove them to Government lands which have never been offered for sale.

Mr. WELLER. If the lands belong to the Government, I suppose there can be no doubt as to the authority of the Federal Government to place the Indians there.

Mr. HUNTER. I modify the amendment by inserting the word "temporary" before the word "removal." The amendment was agreed to.

Mr. MASON. It is the opinion of many Senators, with whom I concur, that we should have an Executive session to-day. I therefore move to postpone the further consideration of this subject until to-morrow. The motion was agreed to.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, July 29, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order

is the motion to lay upon the table House bill No. 290, "granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa Railroad, commencing at the village of Pontiac, in the county of Oakland, and terminating on the navigable waters of Lake Michigan, in the county of Ottawa."

Upon this motion the yeas and nays were ordered.

#### TOWN OF BELLEVUE.

Mr. CLARK. I should be gratified if the House would allow me to take up a bill, the object of which I can state in one minute by the clock. The Government laid off several towns in the State of Iowa, amongst others Bellevue, and reserved in each section a small strip of land from sale and occupation except as a common. The citizens of that town desire that that strip of land should be relinquished to them in order that they may control it for public purposes, for putting up warehouses for the storage of wheat and other products. There is but one section in the bill, and it can be read in one minute.

Mr. HOUSTON. If it comes out of the morning hour I do not care.

Mr. CLARK. I will not take more than a minute's time.

Mr. CABELL, of Florida. I wish to know if it will come out of the morning hour. If so, I object.

Mr. CLARK. I desire that it shall not come out of the morning hour.

Mr. CABELL. I have no objection, then.

Mr. HOUSTON. I object to it.

Mr. CLARK. It will not take one minute to read the bill. The people there are waiting, and anxious for its passage, and I hope that the gentleman will withdraw his objection. It can be passed while we are talking about it.

Mr. HOUSTON. If the gentleman will include it in the morning hour I will not object.

#### OAKLAND AND OTTAWA RAILROAD.

The SPEAKER. The objection is not withdrawn, and the question now is upon laying bill No. 290 upon the table, upon which the yeas and nays have been ordered.

Mr. STUART. I move that there be a call of the House.

The motion was agreed to.

The roll was then called, and 129 members answered to their names.

On motion by Mr. STUART, all further proceedings under the call were then dispensed with.

The SPEAKER. The question now recurs on the motion to lay the bill upon the table, upon which the yeas and nays have been ordered.

The question was then taken, and there were—yeas 63, nays 82; as follows:

YEAS—Messrs. Aiken, Allison, William Appleton, Bartlett, Beale, John H. Boyd, Burrows, Caldwell, Caskie, Chaistain, Cleveland, Daniel, Dawson, Dimmick, Dockery, Dunan, Dunham, Edmundson, Fowler, Thomas J. D. Fuller, Giddings, Goodenow, Hamilton, Isham G. Harris, Hascall, Hebard, Hibbard, Holladay, Horsford, John W. Howe, Hunter, Ingersoll, Andrew Johnson, George W. Jones, George G. King, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McMullin, McNair, McQueen, Millson, Morehead, Murphy, Newton, Perkins, Robbins, Robie, Ross, Savage, Schermerhorn, Origen S. Seymour, Skelton, Stratton, Tuck, Venable, Walbridge, Wallace, and Wildrick—63.

NAYS—Messrs. Abernethy, Willis Allen, Barrere, Bell, Bragg, Brenton, Brooks, George H. Brown, Busby, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clark, Clingman, Cobb, Conger, Disney, Doty, Durkee, Eastman, Edgerton, Evans, Picklin, Fitch, Florence, Freeman, Goodrich, Green, Grey, Harper, Sampson W. Harris, Haven, Hendricks, Henn, Houston, Howard, James Johnson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, Mace, Miller, Molony, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Pennington, Phelps, Polk, Porter, Price, Rantoul, Richardson, Robinson, Sackett, Schoolcraft, Scurry, D. L. Seymour, Smith, Stanly, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Thurston, Townshend, Walsh, Ward, Watkins, Welch, Addison White, Alexander White, Wilcox, and Williams—82.

So the House refused to lay the bill upon the table.

Mr. STUART. The question, as I understand, is now upon the engrossment of the bill.

The SPEAKER. The Clerk informs the Chair that the previous question was demanded.

Mr. STUART. It was demanded, but not seconded. I made the motion for the previous question.

Mr. CLINGMAN. I appeal to the gentleman

before he moves the previous question, to allow me to offer an amendment. I desire that it should be read. I will then vote for the previous question, and for the bill, if my amendment be adopted. The amendment is very short, and I hope that the gentleman may consent.

Mr. JOHNSON, of Arkansas. I ask the gentleman from Michigan [Mr. STUART] to yield me the floor to offer an amendment.

Mr. CLINGMAN. I hope that both amendments will be allowed to be offered. Let the amendment of the gentleman from Arkansas [Mr. JOHNSON] come in first, and mine follow.

Mr. STUART. I propose to withdraw the demand for the previous question, and I yield the floor to the gentleman from Arkansas [Mr. JOHNSON].

Mr. JOHNSON. I submit the amendment which I asked leave to offer.

Mr. CLINGMAN. I ask the gentleman from Arkansas [Mr. JOHNSON] to allow my amendment to be added at the end of his amendment.

Mr. JOHNSON. I will ask for the reading of my amendment, and I will say also to the gentleman from North Carolina, [Mr. CLINGMAN,] that I have no objection to the reading of his amendment, if he desires it, but I cannot consent to its being offered.

Mr. CLINGMAN. I hope that my amendment may be admitted.

Mr. JOHNSON. I have the floor and I shall be compelled to occupy it, as I have some remarks to make. I regret to refuse anything to the gentleman from North Carolina, but when I shall have expressed some views upon the propriety of the amendment which I have submitted, I shall be compelled to call the previous question.

Mr. CLINGMAN. Will the gentleman hear my amendment? It is a very short one—but a single sentence.

Mr. JOHNSON. I will permit the gentleman to make a motion in reference to the reading of his amendment, if I am at liberty to do so.

The SPEAKER. The amendment of the gentleman from Arkansas [Mr. JOHNSON] will be first read.

The amendment was then read by the Clerk, as follows:

Sec. —. And be it further enacted, That to aid in the construction of the railroads hereinafter mentioned, there shall be, and hereby is, granted to the respective States hereinafter named, for the aforesaid purposes, and no other whatsoever, every alternate section of land designated by odd numbers for six sections in width on each side of said roads; but in case it shall appear that the United States have, when the lines or routes of the said roads are definitely fixed by the authorities aforesaid, sold any part of any section hereby granted, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governors of said States, respectively, to select from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of preemption has attached as aforesaid, which lands, being equal in quantity to one half of six sections in width on each side of said roads, the States aforesaid, respectively, shall have and hold to and keep for the use and purposes aforesaid, and for no other purposes. And the sections and parts of sections of land which, by such grant, shall remain to the United States within six miles on each side of said roads, shall not be sold for less than double the minimum price of the public lands when sold. And that all the rights, privileges, and liabilities herein conferred on the State of Michigan in the provisions of this act, in relation to the use by the United States of the said railroads for the transporting the property, troops, and mails of the United States, the time for completing the said roads, and the modes of applying the avails of the public lands for the construction of the roads, shall be and hereby are adopted in relation to all the States and railroads, respectively, hereinafter named, in as full and ample manner as though specially enacted in relation to each of the same, to wit:

To the States of Ohio, Indiana, and Illinois, for a railroad from Toledo, in Ohio, by Fort Wayne, Logansport, and Lafayette in Indiana, and by Peoria in Illinois, to Burlington; from Belpré, by Chillicothe, Hillsborough, Cincinnati, and Vincennes, to St. Louis; and to the States of Indiana and Illinois, for the railroad from New Albany by Mount Carmel, to Alton in Illinois.

To the States of Indiana and Illinois, for a railroad from Lafayette, in Indiana, by Middleport, in Illinois, to La Salle county; also, for a railroad from St. Charles, on the Missouri river, by Alton, to Terre Haute, on the Wabash river, with a branch from Springfield, to Bloomington, to Chicago; and to the State of Indiana, to aid in the construction of the railroad leading from Cincinnati, Ohio, by Richmond, New Castle, and Logansport, in Indiana, to Chicago, in Illinois.

To the States of Missouri and Arkansas, for a railroad from a point on the Mississippi river opposite Cairo, by Little Rock, to a point on the Texan boundary, in Arkansas, with branches from Little Rock to Fort Smith, and to a point on the Mississippi river, to be designated by the



Legislature of the State of Arkansas. Also, for a railroad from Fort Leavenworth to the Merrimack river, within the county of Franklin; and from the mouth of the Ohio river to the Iron Mountain, in Missouri; and from Washington in Arkansas, to Gaines's Landing.

To the States of Louisiana, Alabama, and Mississippi, for a railroad from New Orleans, by the way of Jackson and Canton, in Mississippi, thence to connect, by the nearest and best route that may be selected, with the proposed Nashville and New Orleans railroad; also, from New Orleans, by Opelousas, to the Texas line; and also from a point opposite to Vicksburg, on Lake Providence, to Shreveport, and thence to the boundary of Texas.

To the States of Mississippi and Alabama, for a railroad from Brandon, in Mississippi, to Montgomery, in Alabama; also, for the Memphis and Charleston railroad.

To the State of Florida, for a railroad and branches from a point near the Atlantic ocean, in Florida, across the said State, to a certain other point or points on the Gulf of Mexico, in said State—the said points and the routes of the said road and branches to be designated by the authority of the said State. And also, to the States of Florida and Alabama, for a railroad from a point on Pensacola Bay, in Florida, by Montgomery, to Talladega, in Alabama, with branches from said road, to the waters of Mobile Bay or Tensaw river, and to a point on the Chattahoochee river—the route of said road and branches to be designated by the authorities of said States, respectively.

To the State of Alabama, for the Alabama and Tennessee river railroad, leading from Selma to the Tennessee river, at or near Gunter's Landing; also, for the Winchester and Tennessee river railroad, leading from Winchester to the Tennessee river, at or near Deposit, in the State of Alabama; and also, for the Girard railroad, leading from Girard in Alabama, to the waters of Mobile Bay.

To the State of Wisconsin, for a railroad from Chicago, Illinois, by Woodstock, Janesville, and Fond du Lac, to Lake Superior; and also, for the La Crosse and Milwaukee railroad, leading from Milwaukee, by La Crosse, on the Mississippi river, to the Falls of St. Anthony; and also, for the Manitowoc and Mississippi river railroad, leading from Manitowoc, on Lake Michigan, by Stevens's Point, to the Falls of the St. Croix, and thence to the Mississippi river, in the Territory of Minnesota, with a branch to Fond du Lac of Lake Superior; and also, from Manitowoc, by the cities of Milwaukee, Racine, and Kenosha, to Chicago.

To the State of Iowa, for railroads from Dubuque to Keokuck, and from Davenport, Dubuque, and Burlington, on the Mississippi river, upon the best and most direct routes to the Missouri river—the points of termination to be selected by the Legislature of the State of Iowa.

To the State of Michigan, for a railroad from Traverse Bay, on Saginaw river, by the head of Grand Traverse Bay, to a point opposite Mackinaw, on the Straits; and from Port Huron, on the river St. Clair, across the Peninsula of Michigan, to Lake Michigan.

To the State of California, for a railroad from San Francisco to San Jose.

To the State of Missouri, for a railroad from Pahrany to a point on the Mississippi river, opposite Quincy, Illinois.

And the routes of the said roads and branches shall be on the most direct and feasible lines between the places named for their commencement and termination; and in all cases where the said routes, or either of them, are not now located and determined, the proper authority of each State, respectively, through which said roads, or parts thereof, run, or to which the preceding grants are made, shall determine the same. And all mineral lands, excepting those subject by law to private entry, are hereby expressly reserved to the United States from the lands hereby granted.

Mr. CLINGMAN. I now offer my amendment.

Mr. JOHNSON. I cannot consent to allow the amendment of my friend from North Carolina [Mr. CLINGMAN] to be offered.

Mr. CLINGMAN. I ask the gentleman to allow it to be read.

Mr. LETCHER. I rise to a point of order.

Mr. CLINGMAN. I ask permission to read the amendment myself. It is very short.

Mr. JOHNSON. I must decline it.

Mr. CLINGMAN. I hope, then, that the previous question will not be seconded.

Mr. LETCHER. I desire to know whether the amendment proposed by the gentleman from Arkansas [Mr. JOHNSON] is in order? If I understand it, these very propositions which are embraced in this omnibus, have been passed upon by the House at a former period of the session. Many of them, if not most of them, have been in separate bills. The point of order I raise is this: that the House has decided upon these separate bills and refused to pass them, and it is not in order to embrace them in this omnibus, and present them as an amendment to the bill now before the House.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Virginia, [Mr. LETCHER.] The amendment is not in and of itself any of the bills that have been or are before this body, and therefore is not out of order upon that ground.

Mr. SKELTON. I rise to a question of order, and it is this: that it is not in order to ingraft a general bill upon a special case; and the proposition of the gentleman from Arkansas being a bill general in its character, is not germane to the ori-

ginal bill, which provides for a special object. They have no connection whatever.

The SPEAKER. The original bill proposes to grant certain benefits to the State of Michigan; the amendment proposes to grant precisely similar benefits to other States. Whilst the Chair is not very clear that the policy is good, or that the objection might not originally be at least plausible, still in conformity with the decisions which the present occupant of the chair has made, and with decisions made by others before him, the Chair overrules the point of order raised by the gentleman from New Jersey.

Mr. SKELTON. From that decision of the Chair I appeal; and I ask for the yeas and nays upon the appeal.

Mr. RICHARDSON. I move to lay the appeal upon the table.

Mr. FULLER, of Maine. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TUCK. I call for the reading of the 55th rule.

The Clerk read the rule, as follows:

"55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

Mr. JONES, of Tennessee. I ask that the decision of this House, made upon the 1st day of April, 1850, may be read.

Mr. RICHARDSON. I object.

Mr. ORR. Is this matter debatable? Has not a motion been made to lay the appeal upon the table?

The SPEAKER. It has.

Mr. ORR. Then I object to any discussion.

Mr. JONES, of Tennessee. Gentlemen do not want light.

The SPEAKER. All debate is out of order.

Mr. CLINGMAN. I take it to be in order at this stage, to move to lay the whole subject on the table; and I make that motion.

Mr. RICHARDSON. That motion is not in order pending the question on the appeal.

Mr. JOHNSON, of Arkansas. There is a question of order before the House which must first be decided.

The SPEAKER. The motion of the gentleman from North Carolina would control the whole matter. The decision of the Chair will be ineffectual certainly, if the House decides that the whole subject shall lie upon the table. Both are privileged questions; but the motion of the gentleman from North Carolina covers the whole ground, and, in the opinion of the Chair, is in order.

Mr. STUART. If this decision be right, it would be out of the power of the House—[Loud cries of "Order!"] If a motion is now in order to lay the whole subject upon the table, I ask the Chair if a question of order on an appeal could ever be determined by the House?

The SPEAKER. Nor would there be any necessity that it should be determined.

Mr. FOWLER. I call for the yeas and nays upon the motion of the gentleman from North Carolina, [Mr. CLINGMAN.]

The yeas and nays were ordered.

The question was then taken upon Mr. CLINGMAN's motion, and it was decided in the affirmative—yeas 104, nays 62; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, William Appleton, Ashe, Babcock, Bartlett, Beale, Bell, Bibb, Bingham, Bovee, Bowie, John H. Boyd, Brooks, Burrows, Busby, Joseph Cable, Caldwell, Caskie, Chapman, Chastain, Cleveland, Clingman, Curtis, Daniel, George T. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Duncan, Durham, Edmundson, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Gentry, Giddings, Gilmore, Goodenow, Goodrich, Grey, Hamilton, Isham G. Holladay, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Andrew Johnson, George W. Jones, George G. King, Preston King, Kuhns, Kurtz, Letcher, Mann, Martin, Mason, McMillin, McNair, McQueen, Meade, Millson, Morehead, Murphy, Murray, Newton, Outlaw, Perkins, Polk, Robbins, Robt, Robinson, Ross, Savage, Schoonmaker, Scudder, Origen S. Seymour, Skelton, Smart, Stone, Stratton, Stuart, Sutherland, Thurston, Townshend, Tuck, Venable, Walbridge, Wallace, Ward, Watkins, Addison White, and Wildrick—104.

NAYS—Messrs. Abernethy, Willis Allen, Barrere, Bissell, Bragg, Brenton, Briggs, George H. Brown, E. Carington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clark, Cobb, Conger, Doty, Durkee, Eastman, Edgerton, Ficklin, Fitch, Florence, Freeman, Sampson W. Harris, Haws, Henn, Houston, Howard, James Johnson, John Johnson, Robert W. Johnson, Landry, Lock-

hart, Mace, Miller, Molony, John Moore, Nabers, Olds, Orr, Samuel W. Parker, Penn, Penniman, Phelps, Porter, Rantoul, Richardson, Sackett, Scurry, Smith, Stanley, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Walsh, Welch, Alexander White, Wilcox, Williams, and Yates—62.

So it was ordered that the whole subject lie upon the table.

Great noise and confusion prevailed in the Hall.

Mr. STUART. I move to reconsider the vote just taken, and I also move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Loud cries of "Order!"]

Mr. CLEVELAND. I move to lay the motion to reconsider upon the table, and upon that motion I demand the yeas and nays.

Mr. JOHNSON, of Arkansas. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I rise to a question of order.

Mr. STUART. I have a question of order which I desire to submit to the Chair.

Mr. JONES. My question of order is, that this bill having once been laid upon the table, and that vote reconsidered, it is not in order to move a reconsideration of it again.

Mr. CLINGMAN. It is a different bill; it has been amended.

Mr. JONES. The gentleman is mistaken. There has been no amendment or alteration of the bill.

Mr. CLINGMAN. An amendment has been moved, which changes the position of the bill.

The SPEAKER. The question of order raised by the gentleman from Tennessee will be decided when the bill comes up again. The motion of the gentleman from Arkansas [Mr. JOHNSON] is now pending, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STUART. I have a question of order which is in advance of all these, if I can get the ear of the Chair to state it. I made a motion to reconsider the vote, and I also moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair holds that that is the question which must first be put.

Mr. STUART. Yes, sir; but I had a right to submit those two motions, and I submitted them before the gentleman from Connecticut [Mr. CLEVELAND] moved to lay the motion to reconsider upon the table.

The SPEAKER. The Chair is informed that that is the history of the matter. It had escaped the attention of the Chair.

Mr. STUART. I say that I have a right to have my motion submitted.

The SPEAKER. Certainly, but the right of the gentleman from Connecticut to move to lay the motion to reconsider upon the table is very clear.

Mr. JOHNSON. The gentleman from Connecticut never was recognized.

Mr. CLEVELAND. Yes, sir, I was.

Mr. JOHNSON. The gentleman was not recognized by the Chair.

[Loud cries of "Order!" "Order!" and great confusion.]

The SPEAKER. The Chair will again state the question. A motion was made by the gentleman from Michigan [Mr. STUART] that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union before the gentleman from Connecticut [Mr. CLEVELAND] moved to lay the motion to reconsider upon the table. The Chair states, however, that when this subject is reached again, the gentleman from Connecticut will have a right to make the motion.

Mr. JONES, of Tennessee. I desire to submit a question of order to the Chair. I know it is the custom here for gentlemen to move the reconsideration of a vote, and to make another motion to lay that upon the table, those motions both relating to the same subject; but the question I wish the Chair to decide, if this is the proper time, is, whether a gentleman can make a motion to reconsider, and then make a motion on an entirely different subject before the first motion is submitted to the House or decided?

The SPEAKER. Being both privileged motions, the Chair thinks that it is in order under the practice of the House.

Mr. JONES. I do not believe there is such a case upon the records of the House.

The SPEAKER. The Chair thinks there are very many in the practice of the body.

Mr. KING, of New York. I ask what has become of the first question of order raised by the gentleman from Tennessee? [Mr. JONES.]

The SPEAKER. That question will be decided when the motion to reconsider again comes up.

Mr. KING. Then the motion to reconsider has not been entertained. It has only been presented, and the question of order upon it is pending.

The SPEAKER. It is presented, and the point of order will be decided when the subject comes up again.

Mr. HOUSTON. I ask for a vote upon the motion of the gentleman from Michigan, [Mr. STUART.]

Mr. JOHNSON, of Tennessee. For the purpose of acting understandingly on this subject, I wish to put a question to the Chair. When a motion is made to reconsider, the House may consent to pass over that motion and go to something else; but the House has not consented to enter the motion to reconsider made by the gentleman from Michigan, and it is still before the House. It is a privileged motion, and any member has a right to call it up for action at any time. But it has not yet passed from under the consideration of the House, and how, then, can the gentleman make another motion upon a separate and distinct subject?

The SPEAKER. The Chair decides that the gentleman from Michigan has a right to move to reconsider, and his right is also clear to move to suspend the rules to go into the Committee of the Whole on the state of the Union.

Mr. STUART. The morning hour had expired when I made my motion.

The SPEAKER. It is for the House to determine whether they will agree to the motion of the gentleman from Michigan.

Mr. CLEVELAND. If the House refuses now to go into Committee of the Whole on the state of the Union, will not this subject come up as the first business?

The SPEAKER. It will; and the question of order raised by the gentleman from Tennessee will then be decided. The Chair does not see that the rights of any gentleman are compromised.

Mr. STUART. The motion to reconsider must go over until the morning hour to-morrow.

The SPEAKER. That is true. It will have to go over to the morning hour, belonging, as it does, to the morning hour.

Mr. JONES, of Tennessee. I desire to propound one interrogatory to the Chair. The gentleman from Michigan [Mr. STUART] submitted the motion to reconsider, and then moved to go into the Committee of the Whole on the state of the Union. Could he then have called the previous question on it, and then have moved that the House adjourn, before taking his seat, or being recognized by the Chair on any one of those motions?

The SPEAKER. Does the gentleman from Tennessee appeal from the decision of the Chair? If the gentleman appeals, the Chair will reply, and give a great many examples within his recollection.

Mr. FULLER, of Maine. I appeal from the decision of the Chair.

Mr. JONES, of Tennessee. I ask for the reading of the 56th rule.

Mr. JOHNSON, of Arkansas. I object.

The SPEAKER. Debate is in order.

Mr. HOUSTON. I desire to ask a question of the Chair, if it is in order to do so. The Chair has decided that the motion to reconsider belongs to the morning hour, and I desire to know if any member has not a right to insist upon a vote on the motion to go into the Committee of the Whole on the state of the Union?

The SPEAKER. There can be no question about it.

Mr. HOUSTON. Then I insist upon a vote.

The SPEAKER. The Chair begs leave to make a single remark in explanation. Suppose the House determines that the gentleman from Michigan [Mr. STUART] had not a right, at the

time, to make the motion to go into Committee of the Whole on the state of the Union, and the gentleman from Tennessee [Mr. JONES] insists upon the vote on the motion to reconsider—which it would be his right to do, unless it was superseded by another question privileged in its character—and that is the precise question or proposition made by the gentleman from Michigan—the only thing that could be effected by the gentleman from Tennessee would be to put the gentleman from Michigan down, and to put the gentleman from Alabama, [Mr. HOUSTON,] or some other gentleman up, to make a privileged motion that would take the House from the proposition which he seems desirous to get at. That is the whole history of the matter.

Mr. CLEVELAND. I hope the gentleman from Maine [Mr. FULLER] will withdraw his appeal.

Mr. JONES, of Tennessee. I call the attention of the Chair to the 56th rule.

Mr. HOUSTON. Is debate in order now, or is it proper to have a vote upon the motion to go into Committee of the Whole on the state of the Union?

The SPEAKER. An appeal has been taken from the decision of the Chair, and that appeal is debatable.

Mr. HOUSTON. Is the appeal debatable now? I understood the Chair to decide that it belonged to the morning hour.

Mr. JONES. I ask the gentleman from Maine to withdraw his appeal from the decision of the Chair.

Mr. FULLER. I will withdraw the appeal.

Mr. JONES. Now, admitting that the gentleman from Michigan [Mr. STUART] had the right to make both motions without taking his seat, I submit that the motion to reconsider takes precedence of the motion to go into Committee of the Whole on the state of the Union. The 56th rule expressly provides that—

"When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; and such motions shall take precedence of all other questions, except the motion to adjourn."

Mr. STUART. But in this case one motion is in the morning hour, and the other is not. That makes a distinction.

Mr. JONES. That makes no difference. A reconsideration is moved. The rule provides that a motion to reconsider shall take precedence of all other motions, except a motion to adjourn; and therefore the motion to reconsider submitted by the gentleman from Michigan must take precedence of the motion to go into Committee of the Whole on the state of the Union.

The SPEAKER. Will the gentleman from Tennessee answer the Chair one question?

Mr. JONES. I will, if I can.

The SPEAKER. The Chair thinks the gentleman will find trouble to answer it satisfactorily to himself.

This appeal, and everything connected with it, belongs to the morning hour, and must go over to the morning hour. If the motion to reconsider be made, the whole debate upon that motion must be confined to the morning hour; and if any gentleman rises in his place and moves to go to the consideration of any other business, it is in order, notwithstanding the motion to reconsider is one of a privileged character. Does not the gentleman from Tennessee agree that this statement is correct?

Mr. JONES. I think it is not exactly correct, because the 56th rule provides that a motion to reconsider shall take precedence of all others, except the motion to adjourn.

Mr. JOHNSON, of Arkansas. If the Chair and the House will allow me, I think I can save some trouble in regard to this matter by making a simple statement to the House. It is evident that the whole difficulty upon this subject has arisen out of the hostility which has been excited on account of the omnibus bill presented by myself this morning. I will now state to the House that I am satisfied entirely by the vote of 100 to 60 upon this omnibus bill, indicating the feeling of the House in regard to that bill this morning. I do not desire to embarrass the proposition of the gentleman from Michigan, [Mr. STUART,] and I will say that, after the immense majority against that omnibus bill

this morning, I am satisfied that the proposition cannot prevail; and when the proper time arrives, I pledge myself to withdraw it. I look upon it as killed by that vote.

Mr. HAMILTON. There will be objection to withdrawing that amendment.

The SPEAKER. Does the Chair understand the appeal from the decision of the Chair to be withdrawn?

Mr. FULLER. I will withdraw the appeal.

Mr. HAMILTON. I object.

The SPEAKER. The gentleman has the right to withdraw his appeal.

Mr. HARRIS, of Tennessee. If the House refuse to go into Committee of the Whole on the state of the Union, will the motion to reconsider the vote by which this bill was laid upon the table, be the first business in order?

The SPEAKER. It will be first in order in the morning hour only.

Mr. HARRIS. But the motion to reconsider, being a privileged motion, is it not competent to call it up at any time? Is it not in order to call it up immediately?

The SPEAKER. The Chair decides that it can only be called up as a privileged motion, connected with and as a part of the business of the morning hour.

Mr. HARRIS. I think, according to the 56th rule, it may be called up at any time.

The SPEAKER. The Chair thinks not.

Mr. CARTTER. I call for a vote upon the motion to go into Committee of the Whole on the state of the Union; we have wasted time enough uselessly in the discussion of this question.

The SPEAKER. No debate upon this question is in order.

The House was divided upon the motion to go into the Committee of the Whole on the state of the Union, and there were—ayes 78, noes 71.

Mr. FOWLER demanded tellers, which were ordered; and Messrs. HARRIS, of Tennessee, and CLINGMAN were appointed.

The question was again taken, and decided in the negative—ayes 71, noes 86.

So the House refused to go into the Committee of the Whole on the state of the Union.

#### REPORT ON PRINTING.

Mr. STANTON, of Kentucky. I ask if the first business in order is not now the consideration of the report of the Committee on Printing.

Mr. HARRIS, of Tennessee. I rise to a privileged question. I move now to take up the motion to reconsider the vote by which this land bill was laid upon the table.

Mr. STANTON. I ask the Chair to answer my inquiry.

The SPEAKER. The gentleman from Kentucky [Mr. STANTON] moves to call up the report of the Committee on Printing, the consideration of which was postponed till to-day.

Mr. SKELTON. I move to lay the motion upon the table.

The SPEAKER. The gentleman from New Jersey cannot make that motion, because the motion to reconsider is not before the House. The Chair decides that both these motions are distinctly privileged motions by the rules of the House. He decided some minutes since that the motion to go into the Committee of the Whole on the state of the Union was also a privileged question, which would take precedence of a motion to reconsider a vote, which is in itself a privileged question by the rules; and the rules declare that it shall be put if any gentleman desires it, to the exclusion of all other motions. Yet the rules are as positive and distinct that it is in order at any time for the Committee on Printing to report. The power of that committee to report at any time is perfectly clear; and in the opinion of the Chair, that report having been made, and its consideration postponed till to-day, carries with it the right to call up the report for consideration at the time to which its consideration was postponed. The Chair decides therefore that the consideration of the report of the Committee on Printing is the first business in order.

Mr. STANTON. My object is not to call up that report for consideration by the House now, for this reason: the Special Committee on Printing and Joint Committee of the two Houses have held several conferences upon this subject, and have finally agreed upon the provisions of a bill, which

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they intend to present as a substitute for the bill introduced by the Committee on Printing. My only object in calling it up now is to have it postponed till to-morrow, in order to give time to print it. I move that the further consideration of the report of the Committee on Printing be postponed till to-morrow morning, and that the report of the special committee be printed.

Mr. MARSHALL, of Kentucky. I will say to my colleague that the Special Committee on Printing have prepared a bill which they are ready to report at any time.

Mr. KING, of New York. I desire to know whether the report of the Special Committee has yet been submitted to the House?

The SPEAKER. It has not.

Mr. KING. Then it is not yet in a condition to be printed.

Mr. STANTON. I understand the committee have their report ready, and I ask that it be printed.

Mr. HOUSTON. Is not the consideration of the report of the Committee on Printing confined to the morning hour?

The SPEAKER. By a special rule of the House, it is in order for the Committee on Printing to report at any time. The Chair, therefore, thinks that the consideration of this report cannot be confined to the morning hour.

[Cries of "Question!" "Question!"]

The SPEAKER. The Chair wishes to explain the state of the question distinctly to the House. The gentleman from Kentucky—

Mr. STANTON. I presume there will be no objection. I ask that the report of the Special Committee may be allowed to be printed in order that members may have an opportunity of seeing it. I presume the proposition will meet the unanimous consent of the House.

Mr. KING, of New York. I object to that for the present.

Mr. STANTON. I then move that the further consideration of the report of the Committee on Printing be postponed till to-morrow, and that the report be printed.

The motion was agreed to.

Mr. STUART. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HARRIS, of Tennessee. I call up the motion to reconsider the vote by which this railroad bill was laid upon the table.

Mr. HOUSTON. You cannot call that up except in the morning hour.

Mr. HARRIS. I call for the reading of the 56th rule.

Mr. RICHARDSON. I thought that the gentleman from Michigan [Mr. STUART] rose to a privileged motion. I insist that the Chair shall put the motion to go into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair understands precisely the same question is made again. Gentlemen seem to be dissatisfied with the decision of Chair in reference to this motion to reconsider. The Chair would like to inquire of those who are skilled in our practice here under parliamentary law, what position that bill would be in if the committee did reconsider it now? Could they find any rule by virtue of which they could force the House to consider it now?

Mr. KING, of New York. I will say one word upon this subject. These railroad bills have occupied the attention of this House from the commencement of the session to the present time, to the exclusion of all other business. It is time that this log-rolling system should be stopped.

[Cries of "Order!" "Order!"]

The SPEAKER. Any feelings of this kind, however, ought not to induce you, gentlemen, to introduce a new practice into this House. The Chair overrules again the question of order made by the gentleman from Tennessee, [Mr. HARRIS.]

Mr. HARRIS. I appeal from the decision of the Chair, and ask for the reading of the 56th rule.

Mr. BAYLY, of Virginia. The morning hour

having expired, is it in order to move to proceed to the business upon the Speaker's table?

The SPEAKER. The Chair has no doubt about it at all; but there is an appeal made from the decision of the Chair.

Mr. BAYLY. But I had the floor before the appeal was taken.

The SPEAKER. The gentleman has a right to take an appeal. There is no question about that.

Mr. STUART. I move to lay the appeal upon the table, and upon that question I demand the yeas and nays.

Mr. HARRIS. I ask for the reading of the 56th rule.

Mr. STUART. I object.

The SPEAKER. The Chair hopes that both the rules, and all the rules upon this subject will be read by general consent.

Mr. CARTER. I object.

The SPEAKER. The gentleman from Michigan [Mr. STUART] rises in his place and moves that the rules be suspended, and that the House resolve into the Committee of the Whole on the state of the Union, under a rule which declares that that motion shall be in order at any time. The Chair thinks that is the question now before the body. The gentleman from Tennessee [Mr. HARRIS] contends, that under the rule authorizing any member to move to reconsider a vote of the House, and to have it considered, that that is the question now before the body. The Chair overrules the point of order taken by the gentleman from Tennessee, [Mr. HARRIS], and he takes an appeal from the decision of the Chair. Another gentleman [Mr. STUART] has moved that the appeal do lie upon the table, and upon that proposition the yeas and nays are demanded.

Mr. RICHARDSON. I desire to ask a question. Does not this motion to reconsider arise out of business reported from the committee, and as such belongs wholly to the morning hour?

The SPEAKER. It does; and belongs exclusively to the morning hour. Such, certainly, has been the invariable practice of the Chair, during his service in this position. The Chair would further remark, that unless we thus classify our business, as has been the practice, we shall have confusion so confounded that it will be difficult for the wisest among us to get along.

Mr. HOUSTON. I desire to ask the Chair another question.

Mr. HARRIS. Is this question debatable?

The SPEAKER. It is not.

Mr. HARRIS. Then I call the gentleman to order.

Mr. HOUSTON. I want to elicit a fact from the Speaker.

The SPEAKER. That will be debate, but the Chair hopes the gentleman will be heard.

Mr. HARRIS. I object.

Mr. STUART. I withdraw, for the present, my call for the yeas and nays upon the motion to lay the appeal upon the table, and demand tellers.

Mr. HARRIS. I demand the yeas and nays.

Mr. RICHARDSON. I ask for tellers upon the yeas and nays.

Tellers were ordered, and Messrs. PENN and BROOKS appointed.

The House was then divided, and the tellers reported—yeas 25, nays 94.

So the yeas and nays were ordered.

The question was then taken, and it was decided in the affirmative—yeas 112, nays 39; as follows:

YEAS—Messrs. Abernethy, Aiken, Willis Allen, Babcock, Thomas H. Bayly, Barrere, Bell, Bibbhaugh, Bissell, Bowie, Bragg, Breckinridge, Brenton, Albert G. Brown, George H. Brown, Burrows, Busby, E. C. Cabell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Churchill, Clark, Clingman, Cobb, Florence T. Davis, Dimmick, Dockery, Doty, Durkee, Eastman, Edgerton, Edmundson, Ewing, Picklin, Fitch, Florence, Floyd, Fowler, Gaylord, Gentry, Giddings, Goodenow, Goodrich, Green, Harper, Hart, Hubbard, Hillyer, Holtaday, Horsford, Houston, Howard, Thomas M. Howe, Hunter, Ingersoll, Jackson, James Johnson, Robert W. Johnson, George G. King, Kuhns, Kurtz, Landry, Lockhart, Mann, McNair, Miller, Miner, Motony, Henry D. Moore, John Moore, Murphy, Murray, Nabers, Olds, Orr, Samuel W.

Parker, Peaslee, Penn, Penniman, Phelps, Price, Rantoul, Robbins, Schermerhorn, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Stanly, Abraham P. Stephens, Stone, St. Martin, Stratton, Strother, Stuart, Sutherland, Thurston, Townshend, Tuck, Venable, Walbridge, Welch, Ward, Welch, Alexander White, Wilcox, Wildrick, and Williams—112.

NAYS—Messrs. Allison, William Appleton, Beale, Bock, John H. Boyd, Briggs, Joseph Cable, Caldwell, Caskey, Chastain, Cullom, Dean, Disney, Duncan, Grey, Hamilton, Isham G. Harris, Haws, Hascall, Haven, Hebard, John W. Howe, Thomas Y. How, Andrew Johnson, George W. Jones, Preston King, Letcher, Martin, McMullin, McQueen, Milson, Morehead, Newton, Outlaw, Savage, Schoonmaker, Benjamin Stanton, Wallace, and Watkins—39.

So the appeal was laid on the table.

The question then recurred upon the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, and, being put, it was agreed to.

## RIVERS AND HARBORS.

So the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Olds in the chair.)

Mr. JONES, of Tennessee. I move that the committee proceed to the consideration of the civil and diplomatic appropriation bill.

The CHAIRMAN. The Chair decides that motion not to be in order, for the same reasons given yesterday upon a similar motion.

Mr. JONES. I ask the Chair to turn to the rule, which prescribes the course of proceedings in committee, which is, "that the Calendar shall be called, and that the committee shall proceed to the consideration of business as called, unless there be a motion to lay it aside, giving precedence, however, to appropriation bills, and to some others under particular circumstances." The order of this House, closing debate upon any particular bill, does not make it a special order, and compel the committee at each succeeding sitting, to take up that same subject. I take an appeal from the decision of the Chair.

The CHAIRMAN. The Chair requests the Clerk to read a part of the special order, by which debate was closed upon the river and harbor bill.

The latter part of the order was then read, as follows:

"And the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee."

Mr. JONES. Exactly, and the Chair will see that, on the resumption of the subject by the committee, it also cuts off five minute debates.

Mr. STUART. I call the gentleman to order.

Mr. JONES. Is not the appeal debatable?

Mr. STUART. It is not.

The CHAIRMAN. Whether debate is in order, depends upon the correctness of the decision of the Chair. If, as the gentleman contends, debate be closed upon the bill, no debate can be allowed upon the appeal. The Chair supposes that the order of the House, requiring the committee to vote upon amendments, and then to report the bill, with the amendments, to the House, is a positive order, from which the Chair feels that he cannot take the responsibility of departing. That is the decision, and from it the gentleman from Tennessee [Mr. JONES] takes an appeal.

The question being, "Shall the decision of the Chair stand as the judgment of the committee?" it was put, and decided in the affirmative.

So the decision of the Chair was sustained.

The CHAIRMAN. When the committee last rose, it had under consideration House bill No. 282, making appropriation for the improvement of certain rivers and harbors. The question pending was the motion of the gentleman from Georgia, [Mr. JOHNSON,] to strike out the word "repairs," and insert the word "removal," in the clause—

"For the improvement of the navigation of the Mississippi river below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and Arkansas rivers, \$250,000."

The question was then taken on the amendment, and it was not agreed to.



Mr. WARD offered the following amendment: Strike out the entire clause above inserted, and insert in lieu thereof:

For the improvement of the navigation of the Mississippi, the Ohio, the Missouri, the Cumberland, the Tennessee, the Illinois, the Arkansas, and the Red rivers, \$750,000.

Mr. W. said: Mr. Chairman, it is very evident to my mind, when looking over the vast country embraced in this appropriation, that enough has not been done for it. The section of country included in my amendment contains one half of the population of the United States. It furnishes almost two thirds of the internal trade of the United States. It embraces a navigation of upwards of sixteen thousand miles.

The bill recommended by the committee, proposes to appropriate a million and a half of dollars; and of that sum, it proposes to give to the section of country embraced in my amendment, only about \$300,000. This is not doing justice to that section of the country. The trade upon these rivers, according to an estimate made in 1846, then amounted to four hundred and thirty-odd millions of dollars, and according to the same report, that trade had been increasing annually at the rate of ten per cent. for ten years preceding that time. It has been increasing at the same, if not a greater rate, up to the present moment. The trade upon those rivers for which this appropriation of \$750,000 is asked, amounts to \$766,000,000 annually. And for the purpose of cleaning out these highways to market, upon which is borne that large amount of property annually, this committee propose the appropriation of only some \$300,000. Is it just, when this money is to be dispensed, that the western community should only receive one fourth of the entire amount of the appropriations in the bill? It seems to me not. The objects proposed to be accomplished are national in their character. Upon that subject there can be no rational dispute. They have been recognized as national by the appropriations that have been made heretofore by Congress, when this subject was up, and fully and fairly discussed. They are all national streams, and the vastness of the interests involved, demands far more than is given by this bill. And those who are in favor of a system of internal improvements, should, when framing one, place it upon a just and impartial basis, or it can never be sustained before the American people.

Mr. WARD demanded tellers; which were ordered, and Messrs. KING of New York, and BEALE were appointed.

The question was then taken, and the amendment was rejected; the tellers having reported—ayes 39, noes not counted.

Mr. PARKER, of Indiana. I submit the following amendment:

*Provided*, That so much of the said sum as may be requisite for that purpose, be applied to the construction of four substantial snag-boats for use upon said rivers.

Mr. Chairman, I presume there can be no objection to this amendment. It appropriates no additional sum of money. It simply allows those of us of the Mississippi valley who take a deep interest in river and harbor improvements to divert, of the \$260,000 appropriated for the western rivers, such an amount as may be requisite for the construction of four substantial snag-boats, to be used on those rivers. There certainly should not be any objection to this amendment, with any friend to these improvements. It meets with the entire approbation, so far as I have been apprised, of the western members thus friendly.

Mr. Chairman, and gentlemen of the committee, unless these snag-boats be constructed, the appropriation will be of comparatively little value. You might about as well set a mechanic to work to build a house without tools, as our operatives of the West to work in the improvement of these rivers without snag-boats. No snag-boats have been provided for. Dredging machines and mud-scows have been provided for upon the northern lakes. They are indispensable to make the appropriations there available. In like manner are these snag-boats requisite for our western rivers. At the time these river improvements were broken down, the snag-boats were destroyed or disposed of. They were indispensable at all times when improvements were making, and they will be indispensable at all times hereafter, if valuable improvements are in good faith to be made. And this amendment asks only for the diversion of a

portion of the appropriation for the construction of these boats. It strikes me that this committee cannot object to it—the western members I am sure will not. Will our northern brethren upon the lakes? Will our Atlantic brethren? It does not affect the integrity of this bill. Let me say, however, with reference to this matter, that there is no gentleman from the West who feels more keenly the rank injustice done to the West by this bill than I do. But, sir, we have spent time enough upon it. I have voted for all propositions to increase the appropriations for the West; for my head and heart are in them; but it is folly to consume the time of the committee further at this late day of the session upon them. I hope my friend from Kentucky [Mr. WARD] will desist. He has struggled enough—he has had his time. We have made the effort time and again, for the adoption of his and numerous other important measures, and it now seems to me, with all respect, a reckless consumption of our time, to attempt them further. Let us then rest satisfied with what we have got, as it is manifest we cannot get any more. I am for that, simply because I cannot do better; and I hope that there is no friend of river and harbor improvements upon this floor that will vote against this bill because he cannot get as much as, or just what he wants. The passage of even this bill, by this Congress, is a great point gained for the future. It will establish an important principle.

Mr. SEYMOUR, of New York. I wish to call the attention of the gentleman from Indiana to the estimates contained in the report of Colonel Long, who has been charged with the improvements upon the western waters, and upon which the head of the Topographical Bureau has based the communications which have been laid before us this session, and upon which the committee have acted. The appropriation in the bill has been based upon his estimates. He has stated what it is proposed to do with the money. It is proposed to build two large snag-boats for use where he should deem them wanted, and three more of a lighter draft—in all five boats—

[Here the hammer fell.]

The question was then taken, and the amendment of Mr. PARKER was lost.

Mr. HOWARD. I submit the following amendment:

For dredge and snag-boats for the improvement of the navigation upon the coast of Texas, \$50,000.

Mr. Chairman, I wish to state that this appropriation was in the bill which passed at the last session of the preceding Congress. It was put in the bill by the Committee on Commerce with the full concurrence and consent of the head of the Topographical Engineers, upon a conference with him. I do not know why it was not embraced in the present bill, for certainly, if it had been recommended to the Committee on Commerce by the Department, it would not have permitted the injustice to exist which does in this bill in relation to the coast of Texas. Why a coast of near one thousand miles that is susceptible of so much improvement as this, has been entirely pretermitted in this bill I am at a loss to understand. The entrances to most of the harbors on that coast are obstructed by bars which are shallow. They can easily be dredged out. To Texas, that has furnished and is now furnishing so large an export of cotton and sugar, and is supplying a large contribution to commerce, it strikes me this committee are not disposed to do anything like justice. It seems to me this committee should not stand here merely to register the estimates of the Topographical Department—to do nothing else than to obey the behests of that Department. I trust this amendment, as it received the sanction of the Department at the last Congress, and of this House during the session of the last Congress, will receive the favorable consideration of the Committee of the Whole. The dredge-boats which this comparatively small appropriation would provide, would be sufficient to deepen the bars at the entrances of the bays on the coast of Texas, and also remove the bars at the mouths of the rivers which empty into the bays. There have been surveys of the coast of Texas already sufficient to authorize this estimate, or the head of the Topographical Engineers would not have agreed to it at the last session of Congress. Why is it omitted now, except for the reason that the bill can get more votes by spending this amount of money

in the East and North, already so lavishly provided for?

The coast of Texas was surveyed, at least in part, during the war with Mexico. The mouth of the Rio Grande was surveyed by an officer of the Topographical Engineers, who recommended that the bar should be dredged out. Matagorda and Aransas Bays were also surveyed, and Galveston Bay was sufficiently examined to show the necessity of a dredge-boat in that bay, especially on the channel between Galveston and Houston.

Mr. SEYMOUR, of New York. I wish to state in brief the reason why we have not included this appropriation in the bill. No doubt the time will come when there will be snag boats needed upon the coast of Texas; but it has been the uniform practice of this Government, before it appropriated to the building of boats, or to any other matter, for the purpose of making improvements, to make an estimate and to survey the work, especially if it were a large one.

Mr. HOWARD. I will state to the gentleman that there was during the war with Mexico a survey made by the engineers of the Army, of Matagorda and Aransas Bays, and, if I am not incorrectly informed, also of Galveston Bay. They found it necessary to survey these bays for military operations. Those surveys are now in the Department, I presume.

Mr. SEYMOUR. The answer to that is found in the fact, that no estimates have been sent to us upon which the House might act by way of improvements for the purposes of commerce. We have provided in this bill for a survey of the bar at the mouth of the Trinity river, and we would have recommended to the House the survey of the mouth of the Rio Grande, which is a large river, and important to the commerce of the country; but at the time the bill was framed the boundary line was not settled, so that no survey could be properly made. When a survey shall be had at the proper points where improvements are necessary in Texas, and the House shall have its attention called to the estimates and data, it will be then time to provide for snag-boats and improvements.

Mr. HOWARD. I should like to ask the gentleman whether the same condition of things did not exist at the last session, when the committee recommended this appropriation?

Mr. SEYMOUR. That I cannot tell. I have the manuscript statement of the Department, advising that it would be improper to direct even a survey of the Rio Grande at this particular time, or until the boundary line shall have been settled. We have had our attention called to no specific improvements needed upon the coast of Texas. I suppose there are some; and if so, they are connected with the mouths of their rivers.

Mr. HOWARD demanded tellers; which were not ordered.

The question was then taken, and Mr. HOWARD's amendment was rejected.

Mr. McMULLIN. I offer the following amendment:

For the improvement of the North Fork of Holston river, from Saltville, in the county of Washington, Virginia, to the Tennessee line, \$30,000.

I have not offered this amendment, Mr. Chairman, from a factious opposition to the bill, but in good faith, and in the full belief that it should be adopted. I appeal earnestly to the gentlemen of the Committee on Commerce, and to its chairman particularly, to yield this amendment their approval and adoption. The first question which presents itself to the consideration of the committee is as to the character of this stream. It is a national stream. I refer to the members from Tennessee for a proof of its nationality.

This river heads in Virginia, and passes through Tennessee and a portion of Mississippi. Upon it there have been thousands and millions of dollars of property involved. I appeal to the committee, notwithstanding I feel that I am appealing in vain, because it does seem to me that it has been the purpose of the Committee on Commerce not to have permitted an *i* to be dotted or a *t* to be crossed. It is true that they have been overpowered with the justice of the proposition of my colleague from the Richmond district, [Mr. CASKIE,] and adopted it, although James river was strangely excluded from the bill by the Committee on Commerce. I appeal to the gentlemen from Tennessee, whose State has been neglected as was Virginia—I appeal to the liberal chairman of this committee,

who has been so very prolific in his investigations, according to the speech of my colleague from the Richmond district, [Mr. CASKIE,] and desire to know if he cannot come up and vote for this amendment. It is true, that this river, which I propose to improve, has not been surveyed over the whole route.

Mr. SEYMOUR. I wish simply to ask my friend from Virginia, [Mr. McMULLIN,] whether he is disposed to vote for the amendment himself?

Mr. McMULLIN. Most assuredly. I shall vote for it with great pleasure, and I am desirous that the gentleman from New York [Mr. SEYMOUR] should vote for it. If he will come up and vote for it, I have no doubt that it will pass. Propositions have been presented to this House again and again, which to my mind were just. If the committee intend to pass this bill—as it is supposed they do—I appeal to them if they wish to carry out even-handed justice, and if they have any regard to population and taxes, that they will adopt this amendment.

Mr. FLORENCE. Will the gentleman say, that if the bill is amended, he will vote for it?

Mr. McMULLIN. I will not; but that does not affect the question. I have a right to appeal to those gentlemen who intend to vote for the bill to do justice. I hope that my honorable friend from Pennsylvania, [Mr. FLORENCE,] while he is dealing out justice to all portions of the country, will deal it out to that portion of the country which I have the honor to represent in part.

Mr. MILLER. I wish to ask the gentleman a question, whether, if the amendment prevails, he will vote for the bill?

Mr. McMULLIN. No, sir.

Mr. MILLER. Then I have to say that I have frequently heard of Virginia abstractions—

Mr. BAYLY, of Virginia. Will the gentleman allow me to ask him a question?

Mr. MILLER. I wish only to make a short reply, and I will yield the floor afterwards.

Mr. BAYLY. Suppose the gentleman from Virginia [Mr. McMULLIN] will agree to vote for the bill, will you agree to vote for the amendment?

Mr. MILLER. I have to say this, that I have heard of Virginia abstractions, but this is the first instance of a practical illustration of the term. Here is the gentleman who offers that amendment—

The CHAIRMAN. The Chair must call the gentleman to order, for not confining his remarks to the amendment.

Mr. MILLER. I intend to make an application of my remarks to the amendment which the gentleman has offered. Here is an honorable Representative from Virginia, who believes that every such appropriation is an infraction of the Constitution, and that every such appropriation is a wrong done to the Constitution, and votes against all such bills; and yet he asks an appropriation of some \$30,000, and thereby seeks to induce this committee to make an infraction upon the Constitution. Yes, sir; he goes further, and seeks through this committee to induce the House of Representatives to abstract \$30,000 from the public Treasury. This, I say, is a practical illustration of the term, and truly, sir, may it be called a Virginia abstraction.

The question was then taken on Mr. McMULLIN's amendment, and it was rejected.

Mr. RICHARDSON. I move to amend the clause, appropriating \$50,000 for the improvement of the Des Moines rapids, in the Mississippi river, at the lower chain and English chain, by striking out \$50,000 and inserting \$100,000.

The CHAIRMAN. We have not reached that section of the bill.

Mr. WARD. I offer the following amendment:

For the improvement of the Mississippi, Ohio, Missouri, Cumberland, Illinois, Tennessee, Arkansas, and Red river, \$700,000.

I am anxious to place this bill in a form in which I can consistently act with my notions of propriety and justice to the portion of country which I represent. I am struggling to place myself and that community right upon the subject of internal improvements. We are in favor of internal improvements; we are in favor of improving the highways to market.

The CHAIRMAN. The gentleman must confine his remarks strictly to an explanation of his amendment.

Mr. WARD. I will do so, and confine myself

to the rules laid down. The interests involved in that country are of far greater importance, it seems to me, than this committee are disposed to give to it; not only on account of the immense amount of property which is annually risked upon those streams, but on account of the unnecessary risk of human life, which should be above all price and above all considerations. When we behold from year to year and from day to day the unnecessary sacrifice of life and property, we conceive ourselves justified in calling upon this Government to make an appropriation large enough to prevent such a sacrifice. The amount there proposed will not do it; for after appropriating the \$100,000 for the snag-boats, which it is proposed to construct, and \$50,000 to repair the dam at the mouth of the Cumberland, you have left only for the improvement of over sixteen thousand miles of navigable water, \$110,000, a sum that will scarcely compensate men to employ the hands to do the work. Are the Representatives of this mighty Republic so disregardful of property and life as to permit this sacrifice still to be carried on? It cannot be possible that the committee will refuse to give the sum which is asked to be given here? It will take at least the sum proposed in this amendment to make the necessary improvements upon the rivers embraced in the amendments. I do think that the interests of life and property which are involved here are of sufficient importance to receive a favorable response at the hands of the committee. I wish to see this bill passed. I wish to see the system commenced upon that just and liberal principle upon which it can be sustained. I do not want the whole valley of the Mississippi to be made opponents of that system, because it is so important to their well being, as it regards both property and life. If those who have framed this bill are determined to abstract from us three quarters of a million of dollars and to give us only about \$310,000, we will not submit to it, if we can avoid it.

Mr. CHANDLER. I rise to oppose the amendment of my honorable friend from Kentucky, [Mr. WARD.] I rise to oppose it, because the amendment offered is in opposition to the principles of propriety which should rule this House. I oppose the amendment now, and I have opposed no other amendment before, because I have waited to see when patience should cease to be a virtue, and when forbearance on the part of the House would lead to some forbearance upon the part of those who try the patience of the House—

Mr. STANTON, of Ohio. Are the gentleman's remarks in order?

Mr. CHANDLER. Yes, sir, I am in order. [Cries of "Go on!" "Go on!"]

Mr. STANTON. I make the question of order.

The CHAIRMAN. The Chair trusts that the gentleman from Pennsylvania will confine his remarks in opposition to the amendment.

Mr. CHANDLER. I am confining myself to the amendment, and I hope I shall produce some amendment of another kind. [Laughter.] It is time that gentlemen of this House should know that we cannot and will not—we who are for the bill, and the sober, rational part of this House who are opposed to the bill—will not be dragged into a conformity with what we deem inconsistent with our honor and the dignity of the House.

Mr. JOHNSON, of Georgia. I call the gentleman to order.

Mr. CHANDLER. Am I out of order?

The CHAIRMAN. Yes, sir.

Mr. CHANDLER. Then I will proceed in order.

Mr. STANTON. I move that the rules of the House be insisted upon, and that the gentleman take his seat.

Mr. ORR. I move that the gentleman be permitted to proceed in order.

The question was then taken, and it was decided in the affirmative.

Mr. CHANDLER. The gentleman from Kentucky [Mr. WARD] says that he has a right to be heard. Let him be heard, not in defense of himself, not for any personal rights which I have, but for that respect in which I have been educated for this body, and for that respect which the people of the country have for it. It is not to be overlooked that we are sinking in the esteem of the community, instead of commanding the public

admiration. What I have said the committee can comprehend.

Mr. YATES demanded tellers on the amendment; which were not ordered.

The question was then taken upon Mr. WARD's amendment; and it was rejected.

Mr. YATES. I offer the following amendment:

For the improvement of the navigation of the Mississippi river, \$175,000; for the Ohio, \$100,000; for the Missouri, \$50,000; and for the Illinois, Arkansas, Tennessee, Red, and Cumberland rivers, each, \$40,000.

Mr. Y. said: I do not propose to discuss the amendment. It is a plain proposition; it speaks for itself. I propose that amendment with a view of placing myself right upon the record—to show, sir, that I am in favor of the improvement of our navigable rivers. Whatever my vote may be upon this bill, this amendment, which I offer in good faith, will show that I am in favor of the construction of internal improvements by the General Government, when such improvements are proposed to be constructed upon a proper principle. Now, Mr. Chairman, here is a fair amendment. It proposes \$175,000 for the Mississippi, \$100,000 to the Ohio, \$50,000 to the Missouri, and \$40,000 to the Arkansas, Illinois, Red river, and Cumberland rivers; in all, not half a million of dollars. Now, sir, our western rivers and harbors ought to have an appropriation of at least \$1,000,000 to remove the snags, flats, and bars, and to deepen the channels of said rivers. Look at the vast extent of territory through which these rivers flow. Look at the twenty thousand miles of steamboat navigation, the ten millions of people upon the banks of those rivers, interested in their navigation, and at the \$250,000,000 worth of property annually floating upon these streams, and at the immense sacrifice of life and property, and I repeat that we ought to have \$1,000,000 appropriated for the improvement of these rivers. I only propose by this amendment to have a half million of dollars appropriated.

I contend, sir, that if this committee is willing to do fair and impartial justice to the western country, they will adopt this amendment. Vote it down, if you please—vote against our western rivers and harbors; but the time will come when we shall have the power to resist such oppression, and such partial legislation. I, sir, am not to be deterred in offering my amendment by gentlemen who say we are attempting to tire down this committee. There is a majority of this committee in favor of this very appropriation of half a million of dollars to the improvement of our western rivers; but the voice of the committee is smothered by the determination of gentlemen to vote against all amendments, right or wrong. And, sir, when we get into the House they will move the previous question, and cut off all amendments. I, sir, should like to see their names on the record.

The CHAIRMAN. The Chair feels constrained to remind the gentleman that he must confine his remarks strictly to his amendment. The Chair called the gentleman from Pennsylvania [Mr. CHANDLER] to order for proceeding with remarks of a similar character.

Mr. YATES. Well, sir, I do not wish to proceed out of order. I shall say nothing more, but ask for a vote on the amendment.

Mr. McMULLIN. It must be obvious to every gentleman in the committee that this amendment cannot be adopted. I most respectfully suggest, therefore, to the committee we decline entering upon any further amendment, and come to a direct vote upon reporting the bill to the House.

The CHAIRMAN. The remarks of the gentleman are not in order.

Mr. McMULLIN. I beg to say in reply to the gentleman from Missouri, [Mr. MILLER]—

[Cries of "No!" "No!"]

Mr. McMULLIN. The gentleman tells us that he has at last found out what Virginia abstractions consist of.

[Cries of "Order!" "Order!"]

The CHAIRMAN. The Chair will be compelled to confine debate strictly within the rule.

The question was then taken upon Mr. YATES's amendment; and it was not agreed to.

Mr. LANE offered the following amendment:

That the sum of \$50,000 be appropriated for the improvement of the navigation of the Willamette river, in the Territory of Oregon.

Mr. L. said: I have very little hopes, from the

result of the votes upon the amendments that have been offered this morning, that this amendment will be adopted. I nevertheless know that the appropriation asked is a just and necessary one. Early in the session of the Legislative Assembly of Oregon, the Legislature passed a joint resolution asking an appropriation of twice the sum I here ask for this very purpose. The importance of the uninterrupted navigation of that river was known and felt by the Legislative Assembly of that Territory, and they have, therefore, appealed to you for the appropriation necessary to effect this object, so essential to the prosperity of the country, and, in the event of a war with the Indians, so important to the transportation of troops and supplies of our army.

I ask for a small sum of money for the improvement of the navigation of the only tributary of the Columbia river at all valuable for steamboat navigation. This river empties into the Columbia about ninety miles from its mouth. The navigation of the Columbia is uninterrupted for first-class vessels to the mouth of the Willamette, from whence large vessels ply for a distance of twenty miles up that river. At present, there exist serious obstructions to the safe navigation of the last-mentioned river, capable of being removed at a comparatively slight expense to the General Government, and I trust that, in view of the importance of the commercial advantages of that river, the committee will waive their seeming determination not to permit any amendment to the bill before them, and grant the appropriation asked. It is in vain to think of the inhabitants of that Territory effecting the object for which this appropriation is asked. The pioneers of that country are unable, however willing they might be, to engage in such an enterprise. The Territory I have the honor to represent here, has neither demanded nor received huge appropriations for any purpose, nor has she asked for that not absolutely necessary to the immediate wants of the Territory. The amount asked by this amendment, it is true, is insufficient to the completion of the work, but if granted now, will insure a survey, &c., by which appropriations may hereafter be made, with a full knowledge of its importance, and the means necessary to the completion of the work. I repeat, therefore, that I hope the committee will waive their seeming purpose to pass this bill only as reported, and permit the amendment I have proposed to pass.

The question was then taken upon Mr. LANE's amendment, and it was not agreed to.

Mr. RICHARDSON moved the following amendment:

To strike out \$30,000, and insert \$100,000 for the improvement of the Des Moines rapids, on the Mississippi river.

Mr. R. said: The sum of \$50,000 proposed by the committee to improve the Des Moines rapids, in the Mississippi river, is wholly inadequate and insufficient to accomplish that object. It is not sufficient for the expenditure of a single season. The Government has heretofore appropriated sums for the removal of these obstructions in the river. They have appropriated small sums, and by the time they have had their boats and materials ready to proceed to the work, the appropriations have been exhausted, and nothing beneficial has been done. The rocks will have to be removed for several miles, and in doing so you can have the work going on at the same time the entire distance, if the appropriation is sufficient to authorize it.

Mr. FULLER, of Maine. I would ask the gentleman, what length of time in the course of the year can you work upon the improvements in that place?

Mr. RICHARDSON. Upon an average six months, some seasons more, and of course some less; but the average about that time. For about three months, as a general thing, the river is obstructed by ice, either being frozen over or floating ice. For two or three months, as a general thing, the water is too high; but from July until the first of December work can be performed on these obstructions. The fact that you have work done only a portion of the time is an argument in favor of increasing the appropriation proposed by the committee, and in favor of the amendment I propose. The experience of the past ought to satisfy the committee, if they have studied it, and studied it well, that this amount is too small to do any practical good there. If the intention is merely

to give to the West enough to be appropriated to contractors for the purpose of undertaking to do work, and to engineers and those who are in the pay of the Government and in its employment, gentlemen have accomplished it, and will accomplish but little else, I fear.

The gentleman from Maine [Mr. FULLER] proposed an inquiry which, I think, more properly I ought to make of him. I would inquire of him, what amount of time he has found it reported that work can be done upon these improvements?

Mr. FULLER. Less than six months in the year.

Mr. RICHARDSON. Is the report made to you by men who have been upon the grounds operating upon this work? What extent of time do they say they can work there?

[Here the hammer fell.]

Mr. SEYMOUR, of New York. We have had before us in determining this amount, the precise time. It is less than six months, according to my recollection; but I cannot tell the exact time. I wish, however, to say, in reference to this matter, to the gentleman from Illinois, [Mr. RICHARDSON,] that the amount appropriated, he will see by the terms of the bill, is for two chains—this work having been surveyed, and numbered, or named in specific divisions. The lower chain is at the lower part of the rapids, and the English chain is next above, and the gross amount, I think, which is necessary to complete the work upon these two chains—and not the work for this one year, but actually to complete it—would be between \$60,000 and \$70,000. The committee supposed that \$50,000 would be an ample sum to remove the obstructions that could be removed in one year at these points, which are the most serious obstructions to the navigation.

Mr. HENN offered the following amendment:

Strike out the word "fifty," in the twenty-eighth line, and insert the words "sixty-six," so that it will read: "For the improvement of the Des Moines rapids, in the Mississippi river, at the lower and the English chain, \$66,000."

Mr. H. said: Mr. Chairman, my object in offering that amendment is, to cover the estimates made by the Topographical Bureau, which estimates have been made, I believe, since the action of the committee upon that subject. The committee acted upon the old estimates principally. On the 14th of last month, the Topographical Bureau had their attention called to the subject by the Senate committee. The head of that Department has made an estimate for the improvement of the Des Moines rapids, a part of which communication I wish to read to the House:

"Taking this data, and considering from former experience, that preparations need not be made so long beforehand, I have the honor to submit, in conformity with the letter of the Hon. Mr. HAMLIN, an estimate for the current year, or for the fiscal year ending 30th June, 1855. \$50,000  
Add ten per cent. for contingencies..... 6,000

Total.....\$66,000

"But if it be considered desirable to work on both rapids at the same time, the double of this estimate would be more appropriate, say \$132,000.

"I beg leave to state that the better way is to operate on one of the rapids (the lower rapid) at a time, beginning at the lower end, and gradually ascending as an adequate passage is accomplished.

"The boats, machinery, tools, and working materials, have to be preserved, while the work is suspended, and good responsible men have to be kept in pay to aid in watching over and preserving the boats, &c. On these accounts the ten per cent. for contingencies is added to the estimates. Respectfully submitted,

"J. J. ABERT,

"Colonel Corps of Topographical Engineers.  
"Hon. C. M. CONRAD, Secretary of War."

In regard to the time, Mr. Chairman, that can be profitably employed upon these rapids in *one year*, the Department estimates it at three months, and it estimates the necessary expenditure per month at \$20,000, making \$60,000 for the three months. I would have liked very much to have had an appropriation in this bill for the upper or Rock Island rapids, as well as the lower rapids, but inasmuch as the committee have seen fit only to provide for the lower rapids, and the Department is of the same opinion, I shall at the present time, I fear, be compelled to be satisfied, if I can get the amount increased for the lower rapids to that estimated by the Topographical Bureau, to wit: \$66,000.

I wish to say one word in connection with these rapids, in order that the House, or that portion of the committee who have not examined the subject, may understand the truth of what has been stated by some who have pretended to have been

upon the rapids, to wit: "that it is necessary to blast a channel, through the rocks, two hundred feet wide, for the whole length of the rapids."

This is not the case. The appropriation asked for is mainly for the purpose of straightening the channel by cutting off the points of rocks that project, and to render thereby the channel, not only of greater width, but more easily navigated.

I have a map here of the lower rapids, and also one of the upper rapids, and gentlemen who are interested in this question, if they will look at the map, will see what is the precise work necessary to remove these obstructions, and thereby not only render the great Father of Waters navigable for large boats, for an increased distance of more than five hundred miles, but which will save thousands upon thousands of dollars annually to the people of the Mississippi valley. I hope, Mr. Chairman, that the committee will at least give the small increase I ask for this object.

The question was then taken on Mr. HENN's amendment, and it was not agreed to.

Mr. CAMPBELL, of Illinois, proposed the following amendment:

In the twenty-sixth line, after the words "Des Moines," insert "and Rock river." Strike out all after the word "river," in the twenty-seventh line, to the word "fifty" inclusive, and insert "one hundred."

Mr. C. said: I do not propose, sir, to take up any of the time of the committee in discussing this amendment, as there is no prospect of its prevailing. I would beg leave to inform the committee that last fall there was a convention held at the city of Burlington, in the State of Iowa, when four States and one Territory—the Territory of Minnesota—were represented. That convention memorialized Congress for an appropriation of money for the improvement of the Des Moines and Rock river rapids, as contemplated by the amendment I have just offered, which provides that \$100,000 shall be appropriated for the improvement not only of the Des Moines, but the Rock river rapids also. My object in offering the amendment is to carry out the intentions and views of that convention. I had thought that those who had the charge of the proceedings of the Burlington convention, and those to whose care they were confided, would have seen that a report upon the memorial would have been made to this House, that the importance of the objects embraced in the memorial might have been brought home to the members of the committee themselves, and that the attention of the country might have been attracted to the necessity, in a commercial point of view, of doing something towards removing the obstructions at the points referred to. But in this I was disappointed.

That memorial was quietly referred to the Committee on Commerce. Whether that committee deigned to take into consideration the memorial and request of that large convention, in which four States, all lying on the Mississippi river, were represented, is a matter which I do not pretend to express any opinion upon. It would seem from the appropriation that they had resorted to other modes of receiving information, than to the proceedings of that convention. That convention, composed as it was of delegates of the most influential and respectable character, representing four States and one Territory, was entitled, I apprehend, to be heard with respect, not only by this House, but by that committee. My object, then, as I said before, in offering the amendment, is to carry out, in some degree at least, the wishes of that convention, having an appropriation made, not only for the Des Moines rapids, but also for the improvement of the Rock river rapids. The sum of \$50,000 appropriated for the improvement of the Des Moines rapids, is wholly and entirely inadequate. They could go on and improve all the chains of the Des Moines rapids at the same time that they are improving the two chains designated by the committee, if they only had the means to do so. Where, then, will be the advantage, if you improve one chain and leave another chain immediately above it, that forms an equal obstruction to the navigation of the river? What have you gained? What have you accomplished? If you are going to make an appropriation, make it large enough to be of some advantage, and that will apply immediately, and do not have the work continued from time to time, leaving obstructions to be overcome in the navigation as difficult and serious as they were before the appropriation was made.



I do not agree with the honorable chairman of the committee, [Mr. Seymour,] that the improvement of the natural channel is an experiment, and that the \$50,000 appropriated in the bill is sufficient for that purpose. The committee had before them the report of Lieutenant Lee, in which he shows that the improvement of the natural channel is not only practicable, but preferable to all other modes. And the correctness of that report has never been questioned, except by those who have an interest to subvert, in preventing the improvement of the rapids altogether, that they may continue to profit by a continuance of the obstructions. I say, sir, that their improvement, in the manner indicated, has ceased to be an experiment.

The question was then taken on Mr. CAMPBELL's amendment, and it was not agreed to.

Mr. MOORE, of Louisiana, moved to amend the eighth item of the bill by striking out "\$75,000," and inserting "\$150,000," so as to make it read:

For opening a ship channel of sufficient capacity to accommodate the wants of commerce through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, \$150,000.

Mr. M. said: In offering this amendment, I am not influenced by any factious motive; neither do I wish to condemn the action of the committee at all. I suppose, sir, they perceived that a bill had passed the Senate making an appropriation of \$75,000 for this object, and they took it for granted that that sum would be sufficient. If they had taken into consideration the immense amount of commerce which goes through that channel—being within a fraction of \$54,000,000 to foreign countries, probably a like amount coast-wise outwards and half that amount inward—I feel very confident that they would have put down the sum which I now propose, or more. This subject has attracted the attention of the public, because one of the principal channels has been used, for several years past, as a ship-channel. The bar has been gradually increasing until now ships of the larger class, that formerly navigated there freely, are entirely prevented from entering the Mississippi. If the members of this committee will notice a document that has been laid before them, they will see that the largest class of ships have been detained there from five to forty days. I am impelled by a sense of duty to offer this amendment, because I believe that the sum appropriated in this bill is totally insufficient to do any efficient work, even during the present season; but I will state, that if the committee is determined to make no amendment, I shall be satisfied.

The question was then taken on Mr. MOORE's amendment, and it was not agreed to.

Mr. MOORE then moved to amend the ninth item of the bill, which reads as follows:

"For removing the raft of Red river, \$50,000,"

by adding thereto the following:

To be expended under the direction of the Secretary of War, who shall contract for keeping the navigation free for the space of two years after the removal of said raft.

Mr. M. said: I do not desire to increase the sum. I believe it is as much as could be conveniently expended this season. I offer that amendment because it is according to the recommendation of Captain Shreve, who, I will venture to assert here, was the most efficient and practical engineer that has ever been employed by these United States. Unless something of this kind is done, any appropriations made towards clearing that raft will finally prove inefficient.

In 1839 Captain Shreve recommended that a slight appropriation should be made to keep the channel open for two years. Had that appropriation been then made, there would have been now no necessity whatever for making any appropriation. I do not know that I can convey to the minds of this committee anything like a description of the country around this raft; but I will endeavor to do so, and to show the reason why it becomes absolutely necessary to keep that part of the river open for a year or two after the raft is removed. Above this raft (which is an accumulation of drift timber) the river is pretty wide, and is navigable for five or six hundred miles at high water. At that point it suddenly becomes narrower. Just above the raft the high lands on the western side recede, leaving a wide valley, and again touch the river at Shreveport. Along the foot of these high lands there is a chain of bayous

and lakes. These lakes, or portions of them, were, as I suppose, formerly the valleys of the bayous or rivulets which drained the high lands, and were formed into lakes by the action of the former raft below Shreveport, which backed up the water and formed deposits at their outlets. I judge this, because there are many standing trees in those lakes. The action of the raft has thrown the current over the bank, just at the head of this raft, and cut out small channels. The great body of the water flows out there and comes in again in two channels, just above the town of Shreveport. The peculiar quality of this river is, that its waters contain large quantities of sediment that has gradually deposited and partially filled up the old channel of the river between these points. The banks, therefore, are of a loose, alluvial nature; and if kept open for two years, will gradually cut out its natural channel, and keep it entirely clear of drift, as it does now below Shreveport, where probably the greater portion of the original raft lay. I think the amendment necessary, and hope that it will be adopted.

The question was then taken on Mr. MOORE's amendment, and it was not agreed to.

Mr. SCURRY moved to amend the bill by striking out the following item:

"For a survey of the harbor at the mouth of Trinity river, Texas, \$3,000,"

and inserting in lieu thereof the following:

For a survey of Trinity river, Texas, including the bar at the mouth, \$3,000.

Mr. S. said: It will be apparent to the committee that I do not propose to increase the amount of the appropriation. I merely desire to correct a mistake which has been made in this item by the Committee on Commerce. There is no harbor at the mouth of Trinity river, but there is a bar there which obstructs the navigation of the river, for which this appropriation is intended. I believe that the appropriation will be sufficient to continue the survey as far as it is necessary to be made. I have no complaint to make of the action of the Committee on Commerce upon this subject. The appropriation is sufficient to satisfy me, if it is changed so as to secure the object for which it is intended.

Mr. SEYMOUR. I rise merely to say that this amendment is one which ought to be adopted. The statement made by the gentleman from Texas is correct.

The question was then taken upon Mr. SCURRY's amendment, and it was agreed to.

Mr. CABELL, of Florida, offered the following amendment to the bill:

For survey of harbor at the mouth of the St. John's river and Apalachicola bay, \$2,000.

Mr. C. said: Mr. Chairman, it was my purpose to have asked this House for an appropriation for the purpose of improving these harbors, but the committee and the House seem determined not to grant appropriations of this kind without such detailed information as it is not in my power now to give. I am collecting that information. Memorials have been sent to Congress at different times, and there is a good deal of information in the Department bearing on this subject, but it is not of a character which I believe would induce the House to make the appropriations necessary to improve those harbors. I now ask for an appropriation of \$2,000 for each of these harbors—at the mouth of the St. John's and of the Apalachicola, for the purpose of surveys.

If the obstruction at the mouth of the St. John's river should be removed—and I believe it can be for a very moderate sum—it would open the navigation of that river for two hundred miles. There is a point on the St. John's river at which we can approach the navigation on the Gulf of Mexico about sixty miles; and if this appropriation at the mouth of the river should be deemed practicable—and I believe it will be so found—it will shorten the transit across the isthmus of Florida very materially. It is for that reason that I ask an appropriation of \$2,000, which, I understand, will be sufficient for the survey. The city of Apalachicola is the third in importance on the Gulf of Mexico. The exports from that city amount to about \$10,000,000 annually, and if it were in any other locality, I need not say to this House how large an amount would have been obtained for the improvement of that harbor consequent upon the great importance of it. I have not, however, the kind of information before me which is necessary

to influence the action of the House in regard to that harbor, and therefore I only ask for the small appropriation of \$2,000 for a survey.

I trust, sir, that in consideration of the moderation of my request, and in consideration of the fact that I represent twelve hundred miles of seacoast, if there is anything national anywhere, it seems to me this improvement is national. I ask for this small appropriation, and nothing less, and I hope this committee will grant it.

The question now being upon the adoption of the amendment,

Mr. CABELL demanded tellers; but they were not ordered.

The question was then put upon the amendment, and upon a division there were—ayes 34, noes 40; no quorum voting.

[Cries of "Call the roll!"]

The CHAIRMAN. No quorum having voted, the Chair thinks he has the right to order tellers.

Messrs. HENDRICKS and HART were appointed as tellers; and the question being again put, it was decided in the negative—ayes 55, noes 76.

So the amendment was not agreed to.

Mr. BELL. I offer the following amendment to the bill:

For the connection of the Cumberland road, west of Springfield, in the State of Ohio, \$200,000, to be expended on the present surveyed and located line between the said town of Springfield, Ohio, and the Indiana State line.

The CHAIRMAN. The Chair supposes the amendment is not in order.

Mr. BELL. From that decision I take an appeal.

The CHAIRMAN. The gentleman from Ohio submits an amendment for the construction of the Cumberland road between the town of Springfield, Ohio, and the Indiana State line. The Chair decides the amendment to be out of order. From that decision the gentleman from Ohio takes an appeal. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was then taken, and the decision of the Chair was sustained.

Mr. MOORE, of Louisiana. I do not think the committee could have understood the object of the amendment submitted by me a short time ago, or they would have agreed to it. I offer the following as a proviso to that clause of the bill providing for the removal of the Red river raft:

Provided, That the Secretary of War shall be authorized to contract for keeping the navigation of said river open at that point for one year after the removal of said raft.

The CHAIRMAN. At what portion of the bill does the gentleman propose to insert his amendment?

Mr. MOORE. At the end of the thirty-ninth line.

The CHAIRMAN. The committee have passed that clause of the bill, and it is not in order to refer back to it.

Mr. APPLETON, of Maine, offered the following amendment:

After the word "harbor," in the forty-fourth line, insert "\$10,000," so that the section will read: For a breakwater at Richmond Island harbor, \$10,000; and for repairing the breakwater at Portland harbor, Maine \$10,000.

Mr. A. said: Mr. Chairman, I do not offer this amendment for the purpose of making a speech on it. Still less do I offer it for the purpose of embarrassing the bill. I cannot say, as the gentleman from Ohio did yesterday, that upon the fate of my amendment will depend my vote upon the bill; for my vote will not be determined by any such consideration. I shall consider the measure as it may present itself when the final vote is taken on it, and shall then act with relation to it as, on the whole, I think it deserves. But the bill is open to improvement; and I offer my amendment in good faith, in order to improve it.

There are two works mentioned in the clause under consideration, both of which are recognized by the committee as coming within the scope and principles of the bill. But the appropriation inserted for them is wholly inadequate to do them justice; and neither of them can be omitted without doing wrong to the commerce of that part of the country to which they apply. One of them—Richmond Island harbor—is intended to complete a harbor of refuge on the Atlantic coast, where nature has almost completed it already. The estimate for this work by the Department has never been less than \$10,000, and no less sum will complete it. It is a work suggested by the Coast

Survey; and in which New York and Massachusetts, and every State which sends ships along the coast of Maine, is interested almost as much as Maine itself; and to neglect it now would be to neglect one of the most important works which the bill contains.

The other work—the breakwater on Staniford's Ledge—is an old work, which requires completion. In its present condition it may be productive of mischief, because, at the end of the completed portion of it, a number of rocks have been submerged, which have been found inconvenient, being concealed from view to vessels entering the harbor. The estimate for this work, embodied in the river and harbor bill of the last Congress, was \$20,000; and I suppose the committee must have intended to make some appropriation for it this year. Yet I do not see how they intended to divide the sum appropriated between the two works embraced in the clause; and I do not see how the Secretary of War is to divide it. I have not time to examine this subject fully; but it is surely good policy, in the case of a small work like either of these, to assign money enough to finish them at once, and not allow them to drag along for years, and thus increase the cost by delaying them. I hope the committee themselves will vote for this amendment, and that it may be adopted. The State of Maine has only a small amount in this bill, at best; but I do not offer to amend the bill on that account, but because the amendment is right in itself, and is demanded by the very principles upon which the committee have proceeded in granting this bill.

The question was taken upon Mr. APPLETON's amendment, and it was not agreed to.

Mr. BISSELL. I desire to know whether the appropriations in this bill for the breakwater at Richmond Island harbor, and for the repair of the breakwater at Portland harbor, were recommended by the Department?

Mr. FULLER. Yes, sir; they have been estimated for.

Mr. BISSELL. I now desire to ask the chairman of the Committee on Commerce the same question.

The CHAIRMAN. If the gentleman intends to submit any remarks, he must first submit his amendment?

Mr. BISSELL. Very well; I submit the following amendment:

For the improvement of the harbor at Waukegan, in the State of Illinois, \$11,000.

I would now, as a preliminary to the few words I have to say upon this amendment, like to ask the gentleman from Maine [Mr. FULLER] again if the \$10,000 appropriated in this bill for a breakwater at Richmond Island harbor, and the repairing the breakwater in the Portland harbor was recommended by the Department the present session of Congress?

Mr. FULLER. I am not able to answer the gentleman as to whether this appropriation was recommended the present session or not. I do not know.

Mr. BISSELL. I should now like to address the same question to the honorable chairman of the Committee on Commerce, whether this appropriation was recommended by the head of the proper Department the present session?

Mr. SEYMOUR, of New York. I will say, in reply to the gentleman, that there were no printed estimates sent us for appropriations for these two works. There was a general item in those estimates for repairs and improvements upon the Atlantic coast. We have cut that item down considerably—it is the last item in the bill but one—and appropriated \$10,000, a portion of which is to be applied to the breakwater at Portland harbor, or so much as may be necessary to repair that work. So far as the other work is concerned, we learned, upon consultation at the Department, that it was a valuable work, and should be made. There were also numerous memorials and petitions upon the subject of constructing this work.

Mr. BISSELL. Then, as I understand it, there were no specific recommendations from the Department for this particular case.

Mr. FULLER. Then you do not understand it right. [Laughter.]

Mr. BISSELL. I thought that was what the gentleman said.

Mr. FULLER. There have been recommend-

ations from the Department for this appropriation, but I said I did not know whether there were recommendations to the present session.

Mr. BISSELL. Then I am to understand that this appropriation has been recommended by the Department, but not at this session. Now, heretofore it has been a sufficient reason for the chairman of the Committee on Commerce, [Mr. SEYMOUR,] and his colleague upon that committee, [Mr. FULLER,] to reject all amendments when they could rise and say the appropriation was not recommended by the Department.

Mr. FULLER. I have made no such statement.

Mr. BISSELL. Then I beg the gentleman's pardon, and will except him from the charge.

The CHAIRMAN. The Chair will remark that the gentleman is not confining his remarks to the amendment offered by himself. The gentleman must restrict his remarks to the explanation of that amendment.

Mr. BISSELL. I am giving a reason why the amendment should be adopted. Now, my amendment proposes an appropriation of \$11,000 for the improvement of the harbor upon Lake Michigan in Illinois. The Department has at the present session, in the strongest manner, urged upon the committee to appropriate \$10,000 for that very harbor in the State of Illinois.

Mr. FULLER, of Maine. Were they by printed estimates?

Mr. BISSELL. No, sir; but by a written letter did the Department strongly urge upon the committee to make an appropriation of \$10,000 for the harbor of Waukegan in Illinois. Not only that, but the last bill, of a similar kind to this, which passed this House, contained an appropriation of \$10,000 for that harbor. When we attempt to put upon the bill an amendment of a few hundred or thousand dollars for any improvement in the West, the chairman of the Committee on Commerce is very much in the habit of rising and saying—and I admit the argument is good as far as it goes—they cannot admit that amendment, because the Department has not recommended it. Now, it is admitted right here, upon the spot, that they have made an appropriation for works which the Department has made no recommendation for this session.

Mr. FULLER, of Maine. Not by me. The gentleman entirely misunderstands me. I say it was recommended by the Department.

Mr. BISSELL. There is no misunderstanding between us. I admit that heretofore such a recommendation may have been made; but this session no recommendation was made to the committee, and the committee take the responsibility; and I do not know but it is right to put in \$10,000 for those two little harbors; but I know, at the same time, that the Department did strongly urge the necessity of a harbor at Waukegan, and the committee rejected it. Now, I hope the House will hear no more of that argument. I hope this amendment will be adopted. It is but for \$1,000 more than the Department recommended.

Mr. SEYMOUR. The amendment which the gentleman from Illinois [Mr. BISSELL] has so strenuously urged, considering the reference he has made to the Committee on Commerce, needs a single word in the way of reply.

The harbor of Waukegan was brought to the attention of the committee. The friends of the appropriation brought to us from the Topographical Bureau a survey of that harbor, estimates, and a statement that if improvements were made there, it would make a good harbor; but the committee declined putting it into the bill, and for this reason: Chicago is the great center of commerce for that part of the lakes. We found that Chicago needed an appropriation of a considerable amount for the repairs of her harbor, although she had received over \$200,000 before for that purpose, and we recommended an appropriation for Chicago.

The next large point or center of commerce, as we proceed northward upon that lake, is Milwaukee, the great port of Wisconsin, which lies eighty or ninety miles, I believe, further north. We recommended a considerable appropriation for that harbor, and it was also recommended by the Department. Now, between those two large points or centers of commerce, it was established to the satisfaction of the committee that steamers, as well as sail vessels, in passing would need har-

bors of refuge, or at least one harbor of refuge; and upon the principle we have acted, as I stated in opening this discussion, we recommended an appropriation for a harbor of refuge. Racine and Southport lay between those two places. Both have heretofore received appropriations, and works were in progress, but needed something more to finish them. Racine, from its position, has a harbor which, under certain circumstances connected with the storms upon the lakes, would answer a better purpose as a harbor of refuge than any other; and the committee deemed it for the general interest of commerce that those two harbors between Chicago and Milwaukee should be completed, rather than we should make an appropriation for the commencement of a new work at Waukegan. There were circumstances arising out of the position of Waukegan itself that would render it, in our opinion, inferior as a harbor of refuge to either of the others I have referred to. The reason is this: Waukegan lies upon the dead face of the lake shore. It has, we understand, no indentation for a harbor, no river of any size empties in there; whereas at Racine there is a river which helps to form a harbor, and a point of land juts out into the lake that affords protection from storms. At Southport, too, there is a small lake or bayou near the shore, and the improvement already begun contemplates the use of that bayou as a harbor of refuge. This work when completed will form one of the best harbors of that kind on the lake.

The question was then taken on Mr. BISSELL's amendment, and it was not agreed to.

Mr. SMART offered the following amendment: For the construction of a breakwater at the mouth of Rockland harbor, in the State of Maine, \$25,000.

Mr. S. said: There has been no estimate submitted for this appropriation, but I have yet to learn that we sit here as a House of Representatives, merely to record the edicts of a Department. I think, sir, if I can satisfy gentlemen that this appropriation ought to be made, that this House will take the liberty to act, whether the Department has acted or not. I wish to say that I have received a petition, and presented it to this House, of some eight hundred names, asking for this appropriation. That petition was referred to the Committee on Commerce. I believe no action has been had upon it by that committee.

I offer this amendment in good faith, and hope it will pass. I will say to the House, that the State of Maine has less in this appropriation bill than almost any other State in the Union. She has only \$16,000 out of an appropriation of \$1,500,000. A fair appropriation would give her \$50,000 out of that sum. I will frankly say, I cannot vote for a bill so unjust to my State.

To the harbor of Rockland, I desire to call the attention of gentlemen. Rockland is a commercial and lime-burning town of nearly six thousand inhabitants, and is one of the most flourishing towns in Maine. The harbor of Rockland is situated on the southwest part of Penobscot Bay, and is the last town at which vessels touch in proceeding from the cities and towns on the Penobscot Bay and river, on their way to Boston, New York, and southern ports.

The harbor is now exposed to easterly and southeasterly storms, by which vessels are often driven ashore, and great losses sustained. Ships of the largest size are built at Rockland, and more lime is manufactured and exported from this town, than from any other town in the United States. I establish, then, I think, a strong case, and I ask gentlemen of this committee to decide upon its merits, without regard to the despotic edicts of the Department. If I can satisfy this House that the appropriation should be made, I ask the House to make it, and not go to a Bureau, and ask them for their opinion. The opinion of this House is worth something upon a question of this kind, and if I make out a case demanding the appropriation, I ask the House to give me this appropriation. I claim it, in the name of a State that has been dealt unjustly by in this bill, in my judgment. I claim it because it is as meritorious a case as can be found from the first line of the bill to the last.

There is another harbor in the district I represent—the harbor of Searsport—which has better claims than many that are provided for in this bill; and if river and harbor bills are to pass, I hope the citizens of Searsport will forward their petitions to Congress. The citizens of Rockland

have petitioned, and I ask, at this time, that their prayer be granted.

Mr. MARTIN. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Maine. I do not oppose it so much from the amount he requires, as from the simple fact that I am desirous to see some places left out of this bill, for the purpose of giving force and power to pass one other bill, which I hope to see introduced into this House at its next session, for about the same amount. I consider that the friends of the improvements of our harbors and rivers have heretofore done much towards defeating all such measures by adding amendments to any reported bill until the amounts become so large, and also embracing so many locations of a doubtful national character, that no sane man could vote for them. I am confident, sir, that the real friends of these bills must come up to the point of sustaining the bill reported by the Committee on Commerce, and reject all amendments of much amount, or they will see this bill increased to an amount which will sink it to the same level with all of its predecessors for the last fourteen years. I feel constrained to call upon all common-sense business men to pursue a more reasonable and consistent course upon the bill now before this committee, and to bring it to a vote upon its merits. It is of too much importance to the interest of this really great commercial nation to be lost from year to year by factious opposition of individuals, who claim to be in favor of the principle.

We have a bill now before us which has been reported by a standing committee of this House, amounting to about \$1,500,000, which I think sufficiently large to recommence this long-neglected system of improvements.

Those rivers and harbors which are not embraced in this bill, will lay a good foundation for a bill at our next session; and allow me to appeal to all gentlemen upon this floor, who desire to see the system prevail, to abandon all their opposition to this bill, and come up with an honest support of the committee, and the bill which they have reported.

And in proof of my own sincerity, allow me to say that I have four ports in my Congressional district, upon Lake Erie on one side, and the Allegany river upon the other, all of which have been surveyed by the General Government, and more or less outlay has been made upon these improvements. And this bill only provides for one of them, and I have refused to move any amendment to this bill to bring them in, for fear of embarrassing this bill, and being the means, with others, of killing this bill.

The question was then taken on the amendment offered by Mr. SMART, and it was not agreed to.

Mr. RICHARDSON moved to strike out the following:

"For the breakwater at Richmond Island harbor, and repairing the breakwater in Portland harbor, \$10,000."

Mr. R. said: Mr. Chairman, if it is a good reason why we should not amend a bill, that the proposed amendment has not been recommended by the proper Department, it is a good reason why the Committee on Commerce should not put in anything which was not recommended by the Department. I want to make the rule alike applicable to all cases, and make it operate upon the gentleman from Maine, [Mr. FULLER,] who is a member of the committee, as it operates upon me.

Mr. FULLER. What is the rule?

Mr. RICHARDSON. If it is a good reason why we should not insert amendments in the bill for the Illinois river, the Cumberland, the Tennessee, because they have not been recommended this year, it is a good reason that the committee should not put in anything that was not so recommended.

Mr. FULLER. In all cases where an appropriation has been made at some previous time, there has been a recommendation, giving particulars of the work. I suppose the recommendations are not like a white bird's egg, which rots the first year. [Laughter.]

Mr. RICHARDSON. I did not understand the point of the gentleman's wit. If I did I would reply to him.

Very many of the appropriations that have been proposed to be added to this bill by gentlemen representing western States, have been recommended heretofore by the Department; for instance, the one recommended by the gentleman from Kentucky, [Mr. WARD,] for the Cumberland river,

has been recommended by the Department, and placed in the bills of this House, year after year, for half a dozen years in succession, and yet the Committee on Commerce tells us it has not been recommended this year, and therefore it is a good reason why it should not be in. I want the rule applied to the gentleman from Maine [Mr. FULLER] as well as myself.

I want to see whether the gentleman is willing to stand by the principles that he says governed him in acting upon this bill. The chairman tells us the reason of the omission of an appropriation for Waukegan was, that there were other ports convenient to it. There are ports convenient to the one in Maine, which I have indicated as provided for in the bill which I shall move to strike out. There are more reasons why appropriations should be made for improvements upon the lakes and rivers of the West than for those upon the sea-board provided for in this bill. I ask the gentleman from Maine what population will be accommodated by his improvement? Is there any considerable port there?

Mr. APPLETON. That harbor of refuge at Richmond Island will accommodate every merchant, ship-owner, and mariner, who has occasion to traverse the Atlantic ocean, along the eastern coast of Maine. It costs but \$10,000.

Mr. RICHARDSON. So will any other port on the Atlantic where ships go.

Mr. APPLETON. You cannot find another point upon the Atlantic in that region, which will answer the same purposes. It is a harbor of refuge peculiarly.

Mr. ORR. I am opposed to the amendment, but I do not propose to debate it. I will only request the Chair to rigidly enforce the rule hereafter, when amendments are offered, and to confine gentlemen to explanations of their amendments.

The CHAIRMAN. The Chair will endeavor to do so, strictly.

Mr. RICHARDSON demanded tellers; which were ordered; and Messrs. MACE and CLINGMAN were appointed.

The question was then taken, and the amendment of Mr. RICHARDSON was disagreed to, the tellers having reported—ayes 6, noes not counted.

Mr. MOLONY. I propose the following amendment:

For the construction of a breakwater and the erection of a pier at the harbor of Waukegan, \$12,000.

Mr. Chairman, my object in offering this amendment, is to correct a statement of the chairman of the Committee on Commerce, that Waukegan, as a harbor of refuge—such as it can be made at a trifling expense—would be inferior to others in the vicinity provided for by the bill before us.

The CHAIRMAN. The gentleman must confine his remarks to an explanation of his particular amendment.

Mr. MOLONY. I intend to do that.

The CHAIRMAN. It is now too late to vindicate the Department.

Mr. MOLONY. The chairman of the Committee on Commerce ventured an opinion here, that the harbors in the immediate vicinity of Waukegan were better for refuge than this could be made. The chairman did not see fit to give to us the reasons upon which that opinion was based. But, sir, I state that it is right in the face of an opinion entertained by the head of the Topographical Corps, officially given to the Committee on Commerce; which opinion is founded, not as the chairman's was, by looking at the map two thousand miles from the port in question, but, sir, is the result of an actual survey; which survey, Colonel Abert tells the committee is conclusive in his mind of two things, viz: First, that a harbor of refuge is much needed there; and second, that said harbor can be constructed, and a better one for refuge than any one on Lake Michigan, and for about one half of the money that has been estimated for any other one on said lake. Yet with no evidence before the Committee on Commerce, other than what was furnished by the Topographical Bureau, which was most emphatic in favor of this appropriation, the chairman rises up here, and gives his opinion that this would not be as good a harbor of refuge as others in the vicinity.

Such, Mr. Chairman, are the facts in this case. The chairman of the Committee on Commerce has declared, again and again, that the rule which

governed his committee in making up this bill, was the estimates of the Department. Yet, sir, the longitude of Waukegan is too far west to have the benefit of that rule. But in contempt of their own rule, this port is left out of their bill, while little points east of the Alleghanies, for which no estimate has been submitted by the Department, have been included.

The question was then taken, and the amendment of Mr. MOLONY was rejected.

Mr. CABELL. I offer the following amendment:

For the survey of the harbors at the mouth of the St. John's river and at the mouth of the Appalachian river, \$3,000—\$1,500 for each.

Mr. Chairman, I believe that this application for appropriation was not entirely understood, or I am sure it would have been adopted when it was last submitted to the consideration of the committee. The St. John's river is navigable for about two hundred miles, but at its mouth there is a bar which materially obstructs navigation. At the town of Jacksonville, which is about twenty miles from the mouth of the river, there are now fourteen large steam saw-mills, and more in the process of construction. They cut, I understand, at least thirty millions of feet of lumber annually, which is more than is cut at the town of Wilmington, on the Cape Fear river. Besides this, there is an annual exportation of ten millions of feet of range timber from that place. From the knowledge of these facts, the committee may estimate the shipping that will be necessary to this business. I stated before that I did not ask for a large appropriation for the improvement of this harbor, because I had not all the data essential. I simply ask an appropriation of \$1,500, for the purpose of making a survey of the mouth of the river. I mentioned before, that if this harbor were improved it would give a steamboat of the largest class navigation at one point within about sixty miles of the navigable waters of the Gulf, and that it would facilitate and shorten the transit across the peninsula.

I may state further, that the light-house at the mouth of the St. John's river is in great danger of being destroyed, for the want of a survey and an appropriation for the improvement of the harbor. If the harbor be improved, as is recommended by those who have examined the coast of Florida, it will tend to preserve the light-house.

The importance of the town of Appalachicola is known to commercial gentlemen from the northern and eastern States. The exportation of that town is about \$10,000,000. All that is asked by this amendment is an appropriation of \$1,500 for the survey of the harbor at the mouth of the Appalachian river, on which is situated the town of Appalachicola. I appeal to gentlemen to give this appropriation. There was nothing in the bill of the last session of Congress for us. I could not get anything in it for my State. I ask the committee to show that there is no ground for the charge that this bill is sectional in its character. I have not the constitutional scruples that gentlemen have in regard to many of these works of improvement upon the coast. But whatever be the constitutional scruples of gentlemen, I do not hesitate to say, that if there is anything constitutional in the system, it is the kind of improvement I now ask. The harbor is almost without the jurisdiction of the State. To improve it, would be as constitutional as to improve any point in the mouth of the Chesapeake Bay between Norfolk and Old Point. I trust the committee will allow this small appropriation. I demand tellers.

Tellers were not ordered.

The question was then put, and the amendment was disagreed to, there being, upon a division—ayes 26, noes not counted.

Mr. MARSHALL, of Kentucky. I offer the following amendment:

For the purchase of the outstanding shares of stock in the Louisville and Portland Canal Company held by private individuals, provided the same shall not cost more than \$230 per share, \$250,000.

Mr. SEYMOUR, of New York. I rise to a question of order upon this amendment. It is not germane to the bill, as it provides for the purchase of stock of a company.

The CHAIRMAN. The Chair entertains doubts as to whether the amendment is in order; but so many propositions have been entertained with reference to that canal, the Chair could not well rule it out of order.



Mr. MARSHALL. The very object of the amendment is to facilitate river navigation there. I have but to say that in the speech which I made a few days ago, I stated the exact condition of that property; \$250,000 will free that canal and relieve the commerce of the Ohio river from the burden of \$250,000 which it will have to pay under existing arrangements by a tax upon that commerce. I do not choose to waste the time of the committee.

I trust that the proposition will pass, and that gentlemen who vote for these appropriations for various localities will remember that this proposition is one in which some thirteen or fourteen States are interested.

Mr. MARSHALL demanded tellers; which were not ordered.

The question was then taken upon Mr. MARSHALL's amendment, and it was rejected.

The following section was then read by the Clerk:

"For the protection of Great Brewster Island in the harbor of Boston, \$30,000."

Mr. APPLETON, of Massachusetts. I move to strike out \$30,000 and insert \$50,000.

Mr. Chairman, in the year 1848 an appropriation of \$40,000 was made for the protection of the Great Brewster, on condition that the island should be ceded to the United States. The city of Boston purchased the island and ceded it to the Government, by an act of the Legislature of Massachusetts giving jurisdiction. The work was commenced in 1849, and suspended in 1850 for the want of funds. From personal observation I state that no inconsiderable portion of the work was destroyed by the gale in March, 1851, and by the action of the sea, the work being left in an unfinished state. The object of this appropriation is the protection of the channel to the largest, or one of the largest naval depôts in the United States and the harbor of Boston. The present position of the channel has been placed before the Committee on Commerce by scientific engineers in the service of the Government. The Great Brewster is an island situated at the entrance of the harbor of Boston and Charlestown, on the north side of the channel, and forms a natural breakwater of about three thousand yards, covering Nantasket Roads, containing nearly forty acres. The eastern side of the island is exposed to the direct action of the sea, and is rapidly washing away. Its bank on that side is very high and nearly vertical. The highest point of the hill is on the west of this bank, showing that at least the half of the island has disappeared within a few years. This island forms one side of the channel, opposite to which is one of the most efficient forts in the United States, lately built at a great expense. Should a new channel be formed by the washing of this island, this battery might become useless. I am assured by General Totten that I cannot too strongly advocate an appropriation sufficient to secure the object, which he thinks can be accomplished for \$50,000.

The question was then taken on Mr. APPLETON's amendment, and it was rejected.

Mr. MOREHEAD moved that the committee rise.

The question was then put, and it was not agreed to.

So the committee refused to rise.

Mr. SCUDDER. I offer the following amendment:

For a breakwater at Great Point, Nantucket, Massachusetts, \$25,000.

Mr. Chairman, the amendment proposed is for an appropriation for the purpose of erecting a breakwater at Nantucket Point near the northeast end of the island of that name. This appropriation is for one of the cases, among many others, which the committee have seen fit to leave out of their bill. I will endeavor, very briefly, as I must under the limited time, to show the public expediency and necessity of this appropriation. I do not ask it as some appropriations are asked for, where there has been no survey and estimate. There was a survey and estimate in this case as early as 1827, under the authority of the Government. The lowest estimate for a breakwater of convenient length, that would shelter twenty-five or more vessels, is \$250,000. It is a work of magnitude and great importance, not only to Massachusetts, but to the whole country. The proposed structure is to be at the east end of the

Vineyard Sound. This Sound is on the coast of Massachusetts, extending about sixty miles from one part of the Atlantic to another. It is bounded on the south and east by a group of islands, of which Nantucket is one, and on the north and west principally by the continent. It is from four to thirty miles in width and incumbered with many shoals, bars, and ledges. At the east end of this Sound, and in an easterly direction, the Nantucket shoals extend out to a great distance. The navigation over these shoals is exceedingly dangerous at certain seasons of the year, depending much upon the winds and tides. There is no harbor of refuge nearer to them, for vessels going through what is called the south channel, than Holmes's Hole, which is about forty-five miles to the west. At the inclement seasons of the year, in order to get safely over the shoals, it is necessary for vessels to avail themselves of the first of southerly winds and favorable tides. They frequently leave Holmes's Hole with a fair wind and prospect, and by the time they arrive at the shoals the wind ceases, or tide makes ahead, and they are left to point their way back again, or navigate the dangerous passes in the night and storms. I need not say that they are frequently driven to sea or shipwrecked in making this attempt.

If the contemplated breakwater were erected so as to form a harbor at Nantucket Point, near these shoals, then the vessels, instead of harboring at Holmes's Hole, would go on to the Point, and from thence would be able to take an early advantage of the south winds and tides, and navigate the shoals in daylight, and with safety. It is said by the report of the engineer who surveyed this place, that fifty vessels a day sometimes pass down to the shoals from Holmes's Hole harbor. I have counted, I think, one hundred vessels at a time passing down the sound in the north and south channels.

The amount of shipping which passes through the sound is very great. The coasting vessels of New England, the tonnage of which is about 500,000, all pass through it many times in the year; many of the foreign-bound vessels, and those to the English Provinces also pass this way. The scientific gentleman who made the survey said, as long ago as 1827, that 8,000 vessels a year would avail themselves of the breakwater, if erected. Since then our coasting tonnage has more than doubled. Although the contemplated breakwater is intended as a harbor of refuge principally, yet the local conveniences of Nantucket should not be overlooked.

The inhabitants of this town have about 20,000 tons of shipping employed in the whaling business. They have been engaged in this industry for a century or more, and have carried on their business under a disadvantage of having no ship harbor. The harbor at which their ships enter when loaded, is Edgartown, about thirty miles from their residence; and from and to this harbor they transport the cargoes and outfits by lighters. Even under these circumstances, the town has become wealthy, and its citizens are not excelled in industry, respectability, and intelligence, by any part of New England. If the breakwater should be built, it would afford them a ship-harbor, and give a new impetus to their enterprise. Probably there is no place on the Atlantic coast where a harbor of refuge is more needed, than at or near the Nantucket shoals. There are but few citizens in this country who have been engaged in commerce, that have not met with losses by shipwrecks in that region, and fewer still, I apprehend, who have not lost near and dear friends, who would have been saved had this contemplated harbor been built. Within my own recollection, I could recount the loss of single ships and cargoes, on these shoals, whose value was equal to about one half of the costs that would be incurred in making a convenient harbor: according to the estimates of the Department. I hope the amendment will be adopted.

Mr. WALSH. I wish to ask the chairman of the Committee on Commerce if this is the same place to which he referred?

Mr. SEYMOUR. I understand that this amendment relates to Nantucket. If it is, then it is the same breakwater to which I referred.

The question was then taken on Mr. SCUDDER's amendment, and it was rejected.

Mr. BROWN, of Mississippi. I offer the following amendment:

For a survey of the bars and obstructions at and near the mouth of the east branch of the Pascagoula river, in the State of Mississippi, with a view to the removal of said bars and obstructions, \$2,000.

I have offered that Pascagoula amendment for the last time. [Laughter.] I stand here pretty much in the attitude of the man who visited General Jackson when he was President. He came on to Washington asking for the mission to England. It was refused him. He then asked a Cabinet appointment. That was refused him. He came down to a collectorship, and when that was refused him, he said he would put up with a clerkship. But that also was denied him. As a last dying hope he inquired of the old General if he could not give him a pair of old boots; and when they were refused, he swore he would not be a Jackson man any longer. [Laughter.] I have asked \$60,000 to make improvements on the Pascagoula, and I have come down by little and little until now I ask only \$2,000 for a survey. If you do not give it to me I shall certainly vote against this bill. [Laughter.]

Gentlemen do not seem to understand the value of the Pascagoula river. Let me tell them it is a river of national importance, and ought to be improved by the nation. Three rules have been prescribed by distinguished men for governing cases like this. One by General Jackson, another by Mr. Calhoun, and the third by some one else—I do not know who. This third party said a work to be national ought to be in salt water. But General Jackson thought you could improve up to the last port of entry on a river, whether it was on salt or fresh water; and Mr. Calhoun laid down the rule that a river flowing through three States could properly claim the jurisdiction and protection of the National Treasury.

Now, this improvement on the Pascagoula is in salt water; for it is in the Gulf of Mexico, and, besides, I understand there was a salt barge sunk there about ten years ago. [Laughter.] Then it may be called a port of entry; for the river at this point enters directly into the county of Jackson, in my State. The Pascagoula river flows through three States. It rises in a State of prosperity—it flows through a State of affluence—but it empties into a State of embarrassment. If, however, you will only give me this \$2,000 to make the survey, I have no doubt it will empty, ultimately, into a State of extraordinary wealth, and that will make four States. I will not take less than \$2,000 for this survey. That is the last and lowest proposition. If you do not give me that, I shall vote against the bill most certainly. [Laughter.] I believe you think I mean to do it, any how.

The question was then taken on Mr. BROWN's amendment, and it was rejected.

Mr. TUCK offered the following amendment to the bill:

For the construction of a sea-wall from Great Island to Goat Island, in Portsmouth harbor, New Hampshire, provided the same can be done, in the opinion of the Secretary of the Navy, without increasing the current of water against said islands to any injurious extent, the sum of \$21,313.

Mr. T. said: I offer that amendment in good faith, and I hope it will be adopted, because I believe it ought to pass. I propose this amendment for an improvement in Portsmouth harbor, and I will state this fact—although I do not pretend that it is a very strong argument in favor of the allowance of the claim—that there is not a dollar appropriated in this bill for my State. Now, sir, it is verified by the affidavits connected with the petition that I hold in my hand, that on the day on which those affidavits were made, there were no less than three vessels run aground, in consequence of the violence of the current, which may be remedied by erecting the sea-wall proposed. The petition was referred to the Committee on Commerce. Colonel Abert, of the Topographical Engineers, went into an estimate of the cost of the work, which is the sum mentioned in the proposed amendment, and Colonel Abert made a report on the subject. I understand from the chairman of the Committee on Commerce, that the main reason, if not the only reason, why the committee acted unfavorably upon the proposition was, that in the latter part of this report of Colonel Abert, he suggests the possibility that by erecting this sea-wall, the current might be increased to such violence as to do damage to the land. Now, sir, I have drawn my amendment in such a way, that if, in the opinion of the Secretary of the Navy, the rapidity of the current would be dangerously in-

creased, there shall be no appropriation, and no erection of this sea-wall. Now, I submit that this amendment stands better than any of those which have been voted down, and that it stands equal to any of the few amendments which have been sustained by this committee. I hope that gentlemen will not vote it down, because they have got into the habit of voting down all amendments, but that they will grant us this little sum, which is less than our State ought to receive in the way of improvements. I state that in one day, no less than three vessels went ashore in consequence of the want of this improvement, which may be given us for the sum of \$20,000.

The question was then taken on Mr. TUCK's amendment, and it was not agreed to.

Mr. DISNEY. I move that the committee do now rise.

The motion was not agreed to.

Mr. SCUDDER. I offer the following as an amendment to the bill:

For the improvement of the harbor of New Bedford, Massachusetts, \$10,000.

Mr. S. said: Mr. Chairman, we have sat and heard patiently the numerous propositions and arguments upon this bill from the western gentlemen, and I hope that New England will be heard in the same manner upon the points of imperfection which they may wish to point out and amend.

Sir, I hope this amendment will prevail. It is for the purpose of improving a very important harbor in New England—the harbor of New Bedford—one, perhaps, of the most importance in Massachusetts. In view of the whaling interest, there is no place in the United States, if in the world, that excels it.

The men and capital engaged in this department of industry, and which make this harbor their post, constitute more than one half of the whole so engaged in the United States. One half of all the oil and whalebone of the country is obtained by these ships. The number of ships, including a few smaller vessels, is about three hundred and thirty-one. Arrivals and departures of these ships are occurring daily at almost all seasons of the year. The object of this appropriation is to improve their harbor, so that their loaded ships may enter and depart without detention. I am informed that the harbor is so shallow that it is very difficult for loaded ships to approach the city or landings at ordinary tides, without being lightened; and that it is so narrow by reason of bars and flats that ships cannot move in and out conveniently without getting aground on one side or the other. Private industry and contribution have done much towards removing these obstacles, but they would be too onerous to the citizens if borne to the extent which would be necessary to render the facilities which are required. It is of general importance to the commerce of the country that this harbor should be deepened, and I now press it upon the attention of this committee.

I do not intend to censure the Committee on Commerce, as others have done, for leaving this and other appropriations out of their bill. I doubt not they have acted according to their best judgment; but I differ from them, and hope the amendment which I have now offered to them will be adopted.

The question was then taken on Mr. SCUDDER's amendment; and it was not agreed to.

Mr. WARD moved that the committee do now rise.

The motion was disagreed to.

Mr. FOWLER offered the following amendment to the bill:

For surveying the entrance to Taunton harbor, Massachusetts, with reference to its improvement, \$1,500.

Mr. F. said: I am in favor of improving the harbors and navigable rivers of the country. I would make these improvements in the West, in the East, in the South, in the North. On this subject I am ready to shake hands with the friends of internal improvements across the Alleghany, across the Rocky Mountains. The bill now before us proposes to save men's lives, to save their property, to promote the wealth, prosperity, and happiness of the whole people. Imperfect as this bill is, I will go for it; but I am anxious to improve it by the addition of items that ought not to have been omitted. Among the omissions is Taunton harbor. This item was in the bill passed by this House last year, and ought, most assuredly, to be in this bill. The harbor of Taunton,

Massachusetts, situated at the head waters of the eastern arm of the Narragansett Bay, is an important harbor. A large amount of merchandise is constantly passing in and out of that harbor. If a moderate amount of money were expended in the removal of rocks and shoals, that merchandise might be transported safely in vessels of a much larger size than can be employed at present. The necessary improvements can be made in a manner to secure permanent benefits to an enterprising community, whose business is connected not only with all parts of New England, but with the whole country—I may say, with every country on the globe. The eastern branch of the navigable waters of the Narragansett Bay, at the head of which stands the beautiful and thriving village of Taunton, in the rapid progress of commercial enterprise, has become a thoroughfare for a large amount of domestic and foreign merchandise. The amount of mercantile and manufacturing business done on that branch of the bay within the State of Massachusetts is exceeded but by few northern ports. I will mention a few items of merchandise transported upon these waters yearly: 500,000 bushels of grain; 50,000 tons of coal; 25,000 tons of iron; 20,000,000 feet of lumber; 100,000 casks of nails; 50,000 barrels of flour; 10,000 casks of lime; 6,000,000 bricks; 10,000 dozen of shovels, spades, and forks; 10,000 bales of cotton; 200,000 pieces of cotton and calico goods; 50 tons of anchors; 700 packages of Britannia ware; 40 tons block tin; 1,000 tons of provisions; besides numerous other articles. The aggregate amount of tonnage of the United States is 3,772,000 tons. The tonnage of Massachusetts is about 700,000 tons—greater than that of any State except New York. Massachusetts owns nearly one fifth of our whole tonnage, and she should by no means be overlooked. I hope this amendment will be sustained.

Mr. BAYLY, of Virginia, demanded tellers on the amendment.

Tellers were ordered; and Messrs. FOWLER and CARTER were appointed.

The question was then put, and the tellers reported—ayes 44, noes 74.

So the amendment was not agreed to.

The following section of the bill was then read: "For the further improvement of the harbor of New York, by the removal of the rocks at Hellgate, \$30,000."

Mr. BRECKINRIDGE. I wish to inquire of the chairman of the Committee on Commerce whether these rocks at Hellgate are in New York harbor?

The CHAIRMAN. The gentleman cannot make the inquiry, unless he makes an amendment to which it will be pertinent.

Mr. BRECKINRIDGE. I do not wish to make any remarks. I only wish to make the inquiry for information.

The CHAIRMAN. The gentleman is out of order.

Mr. BRECKINRIDGE. Then I move to strike out the appropriation, for the purpose of giving the chairman of the Committee on Commerce an opportunity to reply.

Mr. SEYMOUR. I shall be happy to respond to the gentleman's inquiry, but I do not understand it perfectly.

Mr. BRECKINRIDGE. I want to know whether these rocks at Hellgate are in the New York harbor?

Mr. SEYMOUR. They are.

Mr. BRECKINRIDGE. How far are they from the Battery?

Mr. SEYMOUR. It is in the East river, near where it empties into the harbor of New York, and unites with the Harlem, a small river, coming from the North river.

Mr. BRECKINRIDGE. I ask the chairman of the Committee on Commerce whether these rocks are not seven miles from the Battery?

Mr. SEYMOUR. No, sir; I do not think it is three miles. It is known to all navigators in that part of the country. It has been excavated, in part, by a French engineer. This is designed to remove the remaining portion, which I have no doubt it will.

The question was taken on Mr. BRECKINRIDGE's amendment; and it was not agreed to.

Mr. FOWLER offered the following amendment:

For surveying the entrance to Taunton harbor, Massachusetts, with reference to its improvement, \$1,200.

Mr. F. said: Mr. Chairman, I perhaps made a mistake when I was up before. I asked for \$1,500, but the House could not go so large a sum.

Mr. CARTER. I call the gentleman to order.

Mr. FOWLER. I perceive the item just read in the bill, of \$1,200 for the survey of the harbor of Port Jefferson, New York, with reference to its improvement passed unanimously. Now, I insert \$1,200 for the improvement, of this port, and I hope the committee will also pass this. It is not necessary to say another word in reference to it.

The question being upon Mr. FOWLER's amendment,

Mr. FOWLER demanded tellers; but they were not ordered.

The question was then taken, and the amendment was not agreed to.

Mr. GREEN offered the following amendment: For the improvement of the harbor at Port Clinton, on Lake Erie, \$10,000.

Mr. Chairman, I offered an amendment a few days since for the removal of the bar at the mouth of the Sandusky river, which the committee rejected, although it will not be denied that it is a work of as much if not more merit than many of the appropriations contained in the bill now under consideration. It is of vast importance to the commercial interests of a large section of the northwestern part of the State which I in part have the honor of representing on this floor—a portion of the State whose interests have been heretofore entirely neglected. The amendment then offered, as well as the present one, is free from the objections made by the chairman and other members of the Committee on Commerce to almost every amendment that has been offered to this bill, that no survey and estimates had been made by the proper officers of the Government.

I have now before me, Mr. Chairman, the survey and estimates for making these two improvements, made by authority of Congress by the United States Topographical Engineers, showing the necessity and the practicability of the work at a moderate expense compared to their importance when completed. This report and estimates have been before the Committee on Commerce since the commencement of the present session of Congress, and I am afraid that they have been entirely overlooked by that committee, or that they have not received that attention which their importance demanded at their hands, or they would undoubtedly have placed them both, or one, at least, in the present bill.

The amendment I have just offered, Mr. Chairman, proposes the sum of \$10,000 for the improvement of the harbor at Port Clinton, on Lake Erie, not so much on account of the local commerce of that place at present, for the country back of it is comparatively new, but filling up rapidly with a hardy and industrious population, who will compare in intelligence and energy with any portion of the Union, and who are rapidly developing the vast agricultural resources of that rich and fertile country which but a few years since was a wilderness. I say, sir, that it is not on account alone of the local commerce, but as a harbor of refuge for the protection of the general commerce of all the northern lakes, the extent and importance of which no gentleman in this House can be ignorant.

It will not be overlooked, Mr. Chairman, by the people interested in the improvement of the western lakes and rivers, that in the formation of this Committee on commerce not one single member of this House in the least interested in the commerce of the northern lakes or the great valley of the Mississippi has been placed upon that committee. The majority of them have no personal knowledge of the wants and interests of the West. It cannot, therefore, be expected that its interests should find that favor in the opinion of the committee necessary to protect the lives and property of its citizens. The West has nothing to hope for from Congress until western men shall exercise the power they have in this House, and demand from this Government at least an equal share in the distribution of the general fund for the general welfare.

The question was taken, and the amendment was not agreed to.

Mr. HOWARD. I now desire to offer, as an amendment, a section which was in the bill of the last session. I offer the following:

For the improvement of the navigation of the Rio Grande, \$25,000.

Mr. Chairman, I have, perhaps, already sufficiently explained the importance of this appropriation. It would result in an annual saving to the Government, of more than double the amount of the appropriation in transportation for the army. It has been earnestly recommended by the Secretary of War and the Quartermaster's Department.

The head of the Topographical Engineers objected to it at the last session, that the question of jurisdiction as to the channel had not been settled between the United States and Mexico. There was never anything in the objection, as the treaty gives to the United States the right of navigation of the river, and the Secretary of War overruled Colonel Abert, by saying it was a question for Congress. That officer, in resisting this improvement, has placed himself in direct opposition to the Secretary of War, who in his last report, urged it for military purposes. And as to the question of the jurisdiction, the survey of the Rio Grande will be completed by the Boundary Commission, before this bill can become a law.

There is no doubt that it is a national stream, as it separates this country from the Republic of Mexico, and its navigation is made national and common to both countries by the treaty. There has been a large commerce on the river ever since peace with Mexico, which would augment to ten or fifteen millions a year if adequate protection was given to that frontier.

The statement that there has been no survey, or estimate for the river, is wholly unfounded. There was a survey by Lieutenant Smith, one of the most accomplished officers in the Topographical Corps. He goes into a minute estimate of the whole work and sums up as follows:

Cost of outfit.....	\$4,700
Amount of pay-roll, (for labor hands).....	12,350
Provisions.....	2,142
Total.....	\$19,202

And concludes as follows:

"If we add one third of this amount to cover unforeseen accidents, delays, &c., there will result for the final estimate, \$25,600."

He goes minutely into the consideration of each and every obstruction, and accompanies his report by a map showing its locality. The river, therefore, has been carefully surveyed, and estimated for by the officer who made the survey. It was in the bill of last Congress, but there is no justice to my district in the present bill.

The amendment was not agreed to.

Mr. SAVAGE offered the following amendment:

That the sum of \$50,000 be appropriated for the purpose of improving the navigation of the Cany Fork and Cumberland rivers, above the city of Nashville, in the State of Tennessee.

Mr. Chairman, these are the only two navigable streams which touch the district I represent; and I can say further, that I represent upon this floor a district in which a single dollar has never been expended by the General Government for internal improvements. I am opposed to this whole system, but I am in favor of this amendment, for the reason that if such a system is to be put into operation, this ought to be made a part and parcel of it. It is a system which gives to a large portion of the people of the United States all the benefits which are claimed to be derived by the provisions of this bill for the respective localities to which they are applied; and though our rivers are not so large, yet I cannot appreciate that sort of logic, which would fail to give us the necessary means of improving those streams, and would give to others, whose navigation is by nature much superior to ours. The streams for which I ask this appropriation, it is true, are small, but their improvement is as much a matter of importance to my constituents, as is the improvement of the larger streams to the constituents of gentlemen representing the sections of country in which those streams are located. My constituents have ever been ready to sustain this Government by money and by men; and I ask that a portion of the benefits of this bill shall go to them; I ask gentlemen, who are so fortunate as to live upon larger streams than I do, whether they will vote these large sums of money, of which we pay an equal proportion, and, at the same time, refuse to give us a single cent? I say,

we must ever regard a bill of that kind as a fraud upon our rights. Sir, a certain class, upon this floor, have put just enough into this bill to secure a majority of this House for the purpose of appropriating large sums of the public money to their own individual interest. The gentleman from New York [Mr. MARTIN] discloses the true state of facts, when he says he wants a portion of these appropriations reserved for the purpose of passing bills of this kind hereafter. The truth is, that if you were to make a bill fair and equal to all portions of the country, such a bill could not pass this House. One man could go home to his constituents, and tell them "I have brought you \$50,000 to improve your river;" but let that constituency be able to tell him, "You have brought us home an appropriation to improve our rivers, but you have given an equal one to every other district in the country;" and they will not thank him for it.

[Cries of "Question!" "Question!"]

The question was taken, and the amendment was not agreed to.

Mr. GOODENOW. I move that the committee do now rise.

The motion was not agreed to.

Mr. GREEN offered the following amendment:

For the survey of Mouse Island and Ottawa City, on Lake Erie, with reference to the establishment of a break-water, \$400.

Mr. GREEN called for tellers upon the adoption of the amendment; but they were not ordered.

The question was then put, and the amendment was not agreed to.

Mr. EDGERTON offered the following amendment:

For the improvement of the Maumee river, in the State of Ohio, below the foot of the rapids, \$20,000.

Mr. E. said: Mr. Chairman, I desire to offer a few remarks in explanation of that amendment. There is no amendment which has been proposed to this bill which has more justice in it than this. The reason is, that there is now in the National Treasury, derived from those immediately interested in this improvement, the money which we ask for making it. It is known that, in 1815, the Government laid out Government lots at the foot of the rapids, near the side of Fort Meigs, now the town of Perrysburg. The Government officers intimated that that point would be the head of navigation in the Maumee river. The Government also reserved for itself, at the same time, the principal lots in the town of Perrysburg for a military post. For these reasons the people purchased lots at that point, at exorbitant prices, upon the supposition that Perrysburg and Maumee City, upon the opposite side of the river, were to be the head of navigation. In 1835, the Government ordered a survey of the Maumee river, upon which the estimated expense for making this improvement was \$51,000. I now ask for \$20,000 to commence making this improvement. It is absolutely necessary to the business of these towns at the foot of the Maumee rapids. The town of Perrysburg is the county seat of the county of Wood, and Maumee City is the county seat of Lucas county. The Government has, by its acts, indicated this as the head of navigation for that river, and the State of Ohio has, by means of locks and a canal, so increased the business facilities of these towns, that nothing is required but an improvement in the navigation of the river to add much to the commerce at the foot of the rapids. It is so for a good part of the year, and, during the prevalence of the southwestern winds, the waters are driven from the bay, and their navigation is impeded. This appropriation which is asked for is believed to be nearly sufficient to accomplish the object.

The question was then taken on the amendment of Mr. EDGERTON, and it was not agreed to.

Mr. CLINGMAN. I move to strike out "\$8,000," and insert "\$25,000" in the following clause:

"For the improvement of the channel at the mouth of the Cape Fear river, North Carolina, \$8,000."

Mr. C. said: I know, Mr. Chairman, that this is an unfortunate time of the day to ask the House to listen to me for even three minutes, which is as much as I shall occupy at this time. We are anxious, I know, to get through the bill, and many of us would like to get our dinners; yet I hope the committee will hear me for a moment.

This sum of \$25,000 is exactly what Professor Bache recommended for this work, as I have been informed by my colleague, [Mr. ASHE;] and it is to remove an obstruction which was put in the mouth of the Cape Fear river by the Government itself. Ten years ago, there was about fifteen feet of water upon that bar, and the Government, in endeavoring to protect the fort at Smithville, caused to be erected some piers, or jetties, which checked the current, and by reason of the deposit of sand, made the bar shallower, and also by throwing the current to the opposite shore, has greatly widened the river at that place, and rendered it much shallower than formerly. The consequence is, that the depth of water on the bar is reduced to only seven feet, and is becoming less every year, so that the harbor will possibly soon be destroyed. I hope gentlemen will remember, too, that there is not another harbor within one hundred miles of this entrance at the mouth of the Cape Fear, into which a vessel can go for refuge.

We ask that the Government will repair the mischief it has caused—do what it did for Great Britain in the harbor of Gibraltar. You will recollect that, some years since, the steamer Missouri sunk in that bay by a casualty, and somewhat obstructed the passage of the shipping there; and at the request of those interested, we appropriated, during the last Congress, the sum of \$80,000 to remove that obstruction. There was the case of a vessel which was sunk by mere accident, and yet we felt it to be our duty to remove it. In the present instance the Government, by its own operations, has stopped up the harbor in the mode I have stated, and we only ask that the wrong done be remedied.

I would say, further, that this sum was asked for by Professor Bache, or his subordinates, and I understand it has been refused by the Committee on Commerce, upon the ground that they had already given \$55,000 to North Carolina.

Why, sir, it is a little extraordinary that the chairman of the Committee on Commerce did not see that they had given about \$250,000 to the State of New York, and North Carolina has—

Mr. SEYMOUR, of New York, (interrupting.) I only wish to say, I did not refuse my vote to it upon any such ground. I wished an appropriation put into the bill adequate to the purpose.

Mr. CLINGMAN. My colleague [Mr. ASHE] informs me that Professor Bache recommended \$25,000. I was about to say that North Carolina has four times as much sea-coast as the State of New York, while they will not allow us one fourth as much money as they give to that State, and the navigation with us is perhaps more dangerous than upon the coast of any other part of the continent; and, sir, bear in mind, that there is not a port within one hundred miles of Cape Fear harbor, and the Government has thought proper, not by design, I admit, to obstruct it, and reduce the depth of the water from fifteen feet down to less than seven feet. Have we not a right, then, to demand an appropriation adequate to the removal of that obstruction? The commerce of the place, too, is rapidly growing, thanks to the enterprise of its inhabitants; and as soon as the improvements on the upper part of the river, now in progress, are completed, and the large coal-fields of that region are made readily accessible from tide-water, there must be a vast increase in the tonnage and shipping of that port. When the Government ought to be aiding us, it is too much that it should be throwing obstructions in the way. Upon the principles of common honesty, I feel that I have a right to demand of the committee an adequate appropriation.

Mr. CLINGMAN demanded tellers; which were ordered; and Messrs. CAMPBELL and FLORANCE appointed.

The question was then taken on Mr. CLINGMAN's amendment, and the tellers reported—ayes 42, noes 73.

So the amendment was lost.

Mr. CALDWELL. I move that the committee rise.

The question was put, and the motion was not agreed to.

Mr. SAVAGE offered the following amendment:

That there be and is hereby granted to the States of Tennessee and Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000 each, to aid them in making that part of the southwestern railroad lying between the village of Tullahoma, in the county



of Coffee, in the State of Tennessee, and the town of Danville, in the State of Kentucky; and that the sums aforesaid be subject to the disposal of the Legislatures of said States, for the purpose aforesaid, and for no other whatsoever.

And be it further enacted, That the sums aforesaid are granted upon condition that the Legislatures of said States shall, in disposal thereof, secure to the United States stock in the railroad aforesaid equal in amount to the sums above appropriated.

The CHAIRMAN. The Chair decides that amendment not to be in order, as it is not germane to the bill.

Mr. SAVAGE. I then propose the following amendment:

That there is hereby granted to the States of Tennessee and Kentucky the sum of \$200,000, to aid them in building a ship-channel, or whatever other means of transportation the Legislatures of the said States may agree upon, between the village of Tullahoma, in the county of Coffee, in the State of Tennessee, and the town of Danville, in the State of Kentucky.

Mr. GOODENOW. I rise to a question of order. The amendment offered by the gentleman from Tennessee [Mr. SAVAGE] is not in order.

The CHAIRMAN. The amendment proposes an appropriation for building a ship-channel, and he thinks it is in order.

Mr. DUNCAN. I rise to a question of order. This amendment is similar to those which have been ruled out of order upon the ground that they were for the construction of canals. This is for the construction of ship-canals, and is not for the improvement of rivers and harbors.

The CHAIRMAN. The Chair thinks an amendment in order for the construction of a canal around the falls of Louisville. It is germane to the bill.

Mr. GOODENOW. I call the attention of the Chair to the fact that this is a proposition to grant money directly to a State.

The CHAIRMAN. The Chair decides the amendment to be in order. Does the gentleman appeal?

Mr. GOODENOW. I do not.

Mr. SAVAGE. This appropriation is intended for that portion of the country which I represent, and which is represented by the gentleman over the way, [Mr. WARD.] It is a portion of the country which has never received any benefit from the system of internal improvements, and this appropriation, if granted, will be the first ever obtained for that section of country, and I think would be the last they will ever ask for. It is the opinion of those best acquainted with the subject, that this sum would be amply sufficient to establish such a means of communication as will satisfy the wishes of that quarter of the country, and do more towards facilitating commerce between the northwestern and southern States than any appropriation that could possibly be made. It is in the direct line which connects Charleston with Cincinnati, and is a nearer route, by a hundred and ten or fifteen miles, than any other. I cannot assert that a ship canal is certainly practicable, but some mode of transportation ought to be established, and I leave that to the wisdom and discretion of the Legislatures of the two States, which have always been able to make a proper distribution of any funds which have been given into their charge. If they determine not to build a ship canal across the Cumberland—and I have no idea that it will be undertaken unless it can be accomplished—it will be left to their wisdom to consider other modes of transportation over this route, which, in my opinion, is of more importance to the States of Georgia, Tennessee, Alabama, Florida, Ohio, and Kentucky, than anything embraced in the bill. It is a practicable route, and much nearer than any other that can be found. It has now engaged the attention of intelligent men of that section of the country. I have been induced to present this amendment by instructions from my own constituents and those of gentlemen from Kentucky who have given the subject their fullest consideration. A line of communication between the town of Danville in the State of Kentucky, and Tullahoma, in the State of Tennessee, is desired, because it will connect that region of country with the northern States. It will be a connection between the northern and southern railroad, and the most rapid means of communication between Charleston and Cincinnati.

Mr. STUART. I am opposed to that amendment for several reasons, but I will only state one of them now for the information of the Chair

hereafter. It proposes a grant of money to the States to carry out works, whereas this bill provides for granting money to improve works over which the General Government has power, and the States have none.

The question was then taken, and the amendment of Mr. SAVAGE was disagreed to.

Mr. HOWARD. I offer the following amendment, to come in after line one hundred and thirty-seven:

For the survey and improvement of the navigation of the Brazos and Guadalupe rivers, Texas, \$30,000.

Mr. H. said: I wish simply to state, Mr. Chairman, that the Quartermaster General, in his annual report to the last Congress, asked for the improvement of the navigation of these rivers, for the purpose of military transportation. This appropriation is, therefore, applied for by the Government itself. Upon the application of the military commander of that division, a survey of these rivers was ordered; but subsequently, when the Department wished to cut down the improvements for the West, the head of the Topographical Engineer corps countermanded that order. The improvement of the navigation of those rivers according to the reports of the Quartermaster General, is highly necessary for Government purposes, and it must be apparent to all that it is necessary; for it has in that country, a large number of infantry with whom they can do nothing in the way of fighting or defense against mounted Indians. Some means of cheap transportation to them of pork and beans is absolutely necessary.

[Laughter.] I do not offer this amendment with the vain expectation that it will be voted into the bill, but I submit it to show the people who reside in that country that they stand no more chance of getting anything for the improvement of their rivers, than they do of getting protection of their men, women, and children, now subject to Indian inroads. But, sir, these rivers run through a large planting district which is as rich in soil as any other portion of the United States. There is a large production upon the banks of those rivers of cotton and sugar; and the emigration to Texas at this time is about as large as that to California. It is, therefore, manifest that these rivers are to contribute largely to commerce. They will furnish for exportation the great staples which will give rise to a foreign commerce. There is now exported from this section of country a large amount of cotton, and the region on these two rivers is filling up rapidly with a planting population. It is, together with the Trinity and Colorado, one of the most fertile planting regions in the Union.

The question was then taken, and the amendment of Mr. HOWARD was disagreed to.

Mr. STUART. I propose the following amendment, to come in after the one hundred and forty-third line:

For the improvement of the harbor at the mouth of the Kalamazoo river in the State of Michigan, \$10,000; and \$8,000 for the improvement of the harbor at South Black river in said State.

I shall not detain the committee a moment with reference to that amendment. I simply desire to say that it proposes appropriations for the improvement of two very important points upon the eastern shore of Lake Michigan—important, not only so far as regards local commerce, but highly important as harbors of refuge. Lake Michigan is known to be the most difficult of navigation in a storm, of the whole chain of lakes. More vessels in proportion to the number upon it, are wrecked, than upon any other. The winds usually prevailing are from the west, the northwest or the southwest, which invariably drive the vessels upon the eastern shore, upon which there is not a single harbor approachable in case of a storm. I move the adoption of the amendment.

The question was put and the amendment of Mr. STUART was disagreed to.

Mr. GIDDINGS. I move to strike out the following:

“For continuing the improvement of the harbor of Cleveland, Ohio, \$30,000.

“For the further improvement of the harbor of Fairport, at the mouth of Grand river, Ohio, \$10,000.

“For the improvement of Black Lake harbor, Lake Michigan, \$8,000.”

And in lieu thereof to insert the following:

For continuing the improvement of the harbor at Cleveland, Ohio, \$25,000.

For the further improvement of the harbor at the mouth of Grand river, \$8,500.

For continuing the improvement of the harbor at Ashtabula, Ohio, \$8,500.

For continuing the improvement of the harbor at Conneaut, Ohio, \$8,500.

Mr. Chairman, if I can obtain the ear of the committee, I will state the cause of my making this motion. In the first place, I say we ask nothing more from the Government than the committee have reported, although the appropriations for the district which I represent have been cut down from the recommendations of the Department, \$35,000—more, perhaps, than any other district in the United States. The committee in their report have omitted the harbor of Conneaut. And here let me say, that my own personal interests are at Ashtabula and opposed to Conneaut; but I know the importance of that harbor; forty-six years ago last month I landed in that harbor, and for forty-six years I know that it has been a harbor of refuge for vessels in distress. The shores have been lined with vessels which have been wrecked, and the bones of many of our western people have been scattered upon it between that place and Erie upon the one hand, and that place and Ashtabula upon the other. The whole commerce of the lake—every sailor upon that lake is interested in the harbor of Conneaut; and I only ask the transfer of \$8,000 from Cleveland, Fairport, and Ashtabula, to Conneaut. I do it upon my own responsibility, because I do not believe that there is an elector or citizen in the whole district but what will say that it is right and ought to be done. I do not believe there is a sailor upon the lakes but what will say it ought to be done. I say, upon my own responsibility, it ought to be done, and I hope the committee will do it, inasmuch as we ask for nothing more than what the Committee on Commerce have given us.

The question was then taken, and the amendment was not agreed to; there being upon a division—ayes 23, noes not counted.

Mr. SACKETT. I move to insert the following at the end of line one hundred and eighty:

And \$15,000 to repair the piers the Government has constructed at Big Sodus Bay, Wayne county, Lake Ontario, and to improve the harbor at that place.

I trust I may have the attention of the committee to this subject for two or three minutes. I am quite sure, if the amendment be understood, there will be no opposition to it. I hold in my hand the report of the Department with regard to this appropriation. I will read one or two extracts, showing the reasons upon which this application is made. I have only time to read extracts; the report is long. There is no place upon the American shore which possesses so great advantages for a harbor, or for a naval depot. Upon its importance as a naval depot, the report says:

“There is no place on the American shore which possesses greater advantages. The ease with which the harbor may be entered; its spacious and commodious bay, in which a large fleet may be maneuvered; its protection from ill winds, as well as from sudden incursions from an enemy; its position about equi distant from either end of the lake, by which it could afford prompt assistance to any point, all combine to characterize it as a highly favorable site for a naval depot. It can also be well defended by works upon the heights to the east and west of the entrance, to which the pier heads, properly modified, might be made powerful auxiliaries.”

The report upon the present condition of the piers the Government has constructed at this harbor, holds the following language:

“After the great length of time which has elapsed since the piers were constructed, it is hardly necessary to say, that they are much decayed from the water line and above; being made of timber cribs, loaded with stone, they now need extensive repairs. The officer in charge of the work, reports that the working season being far advanced when he arrived there, he had to confine his operations to the western and most exposed pier. A portion of it contiguous to the beach, had settled very much on the lake side. The planks being decayed and broken, or torn off and much of the loading of the cribs washed out. And on further examination it was found that many of the lower timbers were much decayed.

“The eastern pier being much sheltered by the one on the west, was not considered as requiring such immediate attention. Its condition, however, is very precarious, and the pier head has been seriously injured. The planks have been swept off, as well as one of the courses of timbers, and the stone in many places swept out.

“Big Sodus, about twenty-five miles from Oswego. This is an extremely fine bay, of great capacity and depth.”

The Department recommends \$15,000 as necessary to keep these works in repair. This harbor is by far the most important harbor, touching any naval operations that may ever transpire upon that lake, that there is upon it. It is from five to

six miles long, and from one to two and a half miles wide.

The Government, at an early day, seeing the importance of securing and protecting this harbor so that it might be available to it, laid out \$143,000 in constructing piers about a mile long for its protection. Those piers are now in a condition which renders it absolutely necessary that there should be a small sum appropriated to preserve them from destruction. The sum contained in my amendment, is the sum reported by the Department as now necessary. This fine harbor has been abandoned by the Committee on Commerce without reason and against right, and it is the duty of this House to provide for its preservation. The committee has gone fifteen miles east to begin a new work, of which they know nothing, and which, though the very place has been surveyed, the Government has never recommended as a harbor at all. The course of the committee is not worthy of support. There are light-houses at Big Sodus; and the beacon light at the head of the pier is in imminent danger of being lost, in consequence of the state of the pier where it stands. The abandonment of this harbor is little else than to abandon the commerce of all the central part of the lake. As I have but five minutes, I cannot go into all the detail of its importance, but I can say every interest of commerce demands its improvement; and if it is defeated, I intend the responsibility of its defeat shall rest, where it belongs, with the Committee on Commerce and those who are sustaining it—the Democratic majority in this House. I ask a vote.

Mr. RICHARDSON. I am opposed to the amendment proposed by the gentleman from New York, [Mr. SACKETT.] Looking over this bill of more than a million, we find that the improvements along New York are as thick as mile-posts along a public road. I think they have had enough. When I look into this bill and see that they get over \$200,000, and see that the great valley of the Mississippi gets but the same amount—a few thousand more—I think that gentlemen from New York ought to be satisfied. That is my opinion about it.

Mr. DEAN. I am satisfied.

Mr. RICHARDSON. I have no doubt of it. The gentleman who has proposed that amendment by which he is to get \$15,000 to Little Sodus or Big Sodus, does not seem to be in the same fix as my friend near me. It is to his amendment I am speaking, and not to my friend near me, who has got all he wants, I have no doubt, and would have had more if he wanted it. The Hudson gets \$50,000, which is the best navigable stream in the world, with but a single obstruction in it; and I have no doubt they could get \$50,000 every year to the end of time if they demanded it. Why, the West have nothing—really nothing, and yet gentlemen are urging their amendments here to increase the amount which their State gets.

Mr. CABELL, of Florida. We have been here five and a half hours, and I move that the committee rise.

The motion was not agreed to.

The question recurred upon Mr. SACKETT's amendment, and being put, was not agreed to.

Mr. WALBRIDGE moved the following amendment:

At the end of line one hundred and eighty, on the eighth page, insert:

For the preservation and improvement of the pier at Great Sodus Bay, Wayne county, New York, \$10,000.

Mr. W. said: This appropriation is not asked for the purpose of commencing any improvement, but to preserve a work which the Government have already been to a large expense in erecting. It is conceded, sir, and the reports show it, if you will look through them, that this harbor at Great Sodus Bay, is one of the most important harbors upon Lake Ontario. And as a harbor of refuge, (to say nothing of the business and commerce of the village situated there,) it is of almost incalculable importance to those engaged in navigating those waters. The Government have expended there about \$140,000. The works, I believe, are built principally of wood, and it is a number of years since they were erected. They are no doubt somewhat decayed and dilapidated, and I understand that a week ago last Sabbath night, a small portion of the pier, in a gale that took place at that time, was carried away. I am informed by a gentleman of that place, and I have his letter to that effect, that the work for the distance of about half

a mile will be liable to be carried off, unless the work is protected. I desire, sir, to read an extract from a letter which I have received, which shows the condition of this work:

"Great Sodus Bay, as you well know, is, by universal consent, admitted to be the best harbor on the northern frontier.

"These improvements long since suffered much from natural decay, through lapse of time, and need an appropriation for necessary repair, and the more urgently as the lake is higher this season than it has been in fourteen years before, giving to the storms a greater destructive power on the rotten and dilapidated piers than in low water of ordinary seasons.

"There is great danger that unless repairs be made before winter, nearly the entire east pier, of about half a mile in length, will be swept away, leaving the harbor entirely unsheltered from easterly storms, and rendering necessary a great outlay for rebuilding.

"It certainly cannot be the intention of the Government to adopt the 'penny wise and pound foolish' policy of going into heavy outlay for new works, and leave those already constructed to perish for want of slight repairs.

"Mr. Samuel Cole, disbursing agent for the Pension Office, has been recently at the point, and having visited the piers and inspected their condition, I refer you to him as a competent witness; but since he saw them, on Sunday night last the sea made a breach through the east pier, although the blow was by no means a heavy one, and nothing to compare with the storms of fall and winter, reinforced with floating ice."

Now, sir, my view in relation to this matter is, that for the purpose of saving to the Government what they will necessarily have to expend if they suffer this to remain as it is, it is better to make a small appropriation—say of \$10,000—for the purpose of preserving this work, than to suffer it to be carried away, and the harbor to become entirely useless. That harbor is very essential and important to persons who navigate that lake. It is one that concerns the commerce of the country; and if it should be destroyed, those who carry on commerce upon that lake may suffer to a great extent. Prudence and economy require that the appropriation should be made.

The question was then put upon Mr. WALBRIDGE's amendment, and it was not agreed to.

Mr. MARSHALL, of Kentucky, moved that the committee rise.

The motion was not agreed to.

Mr. EVANS moved the following amendment: For the improvement of the navigation of the Illinois, the Cumberland, and the Tennessee rivers, each, \$15,000.

Mr. E. said: I do not intend to make a speech. I want, as an eastern man, to offer something for the western country. I hope the amendment will be adopted.

The question was then taken upon Mr. EVANS's amendment, and it was not agreed to.

Mr. SACKETT obtained the floor.

Mr. MARSHALL, of Kentucky. I wish to inquire of the chairman of the Committee on Commerce, whether there is not a law now in force, and whether it is not in his recollection, that the gentleman who served in the last Congress from the Oswego district, (Mr. Duer,) obtained the passage of a law authorizing the levy of a tonnage duty at that port?

The CHAIRMAN. These remarks are out of order; the gentleman from New York [Mr. SACKETT] is entitled to the floor.

Mr. SACKETT moved the following amendment:

For the improvement of the harbor at Pulneyville, on Lake Ontario, \$10,000.

Mr. S. said: The Committee on Commerce have adopted the idea of abandoning old and important works and taking up new ones.

Mr. CARTTER. I rise to a question of order. The gentleman is commenting upon the course pursued by the committee.

Mr. SACKETT. I think the committee deserve it.

The CHAIRMAN. The gentleman must confine his remarks to the amendment.

Mr. SACKETT. That is precisely what I intend to do. This harbor is situated about twelve miles from the mouth of the Genesee river, and is most convenient and important as a harbor upon Lake Ontario. To illustrate its importance I will state that the committee in their report have abandoned the only good harbor upon that lake, where the Government has expended \$143,000, and picked up a new work fifteen miles the other way from the one that I am now proposing, and which has never been recommended by the Government in any way whatever, on account of its importance as a harbor of refuge. The harbor I am now proposing to improve may be made a good harbor,

and ought to be improved. It is of more, vastly more importance than Little Sodus, where the committee has recommended \$10,000.

The question was then taken upon Mr. SACKETT's amendment, and it was not agreed to.

Mr. EWING moved that the committee rise.

The motion was not agreed to.

Mr. BABCOCK proposed the following amendment:

For repairing the pier and continuing the improvement of the harbor of Port Ontario, Lake Ontario, New York, \$10,000.

Mr. B. said: I offer this amendment, Mr. Chairman, not with any view of embarrassing the passage of this bill—a bill which I regard as one of the most important and useful measures which has received the consideration of this House during the present session. Knowing the impatience of the committee, I only ask for a minute or two. I believe there is merit in my amendment, which should secure for it the favorable action of this committee.

This Government has already expended \$50,000, or thereabouts, upon this improvement, and, although it was left in an unfinished state, the harbor was made accessible and useful to the commerce of the lake.

It was a leading object of the Government in making this improvement in the outset, to make a good and safe harbor of refuge in bad weather at a point where such a harbor was greatly needed. That object was accomplished, and, in addition, the improvement had the effect to increase considerably the commerce and navigation of this lake, as well as to make it more secure.

Though the construction of a railroad in the vicinity within the last year has impaired the business of this place, it is still the depot of a considerable amount of property for shipment on the lake; sufficient to make it worthy of note in considering the propriety of protecting the Government works at this point.

This harbor is situated at the mouth of Salmon river, a river which empties into Lake Ontario, not far from midway between Oswego and Sackett's Harbor, and it is the only port which a vessel of ordinary draught of water can make or enter, between those two places, which, by the shore line, are between fifty and sixty miles apart. This coast, between Oswego and Sackett's Harbor, is very much exposed in bad weather, and has proved fatal to many vessels and their crews before this improvement was commenced. A sad wreck of a fine ship, and the loss of the passengers and crew, on this coast, in 1835, had much influence in inducing the Government to commence this work in 1836.

The estimate submitted by the War Department to this Congress for this improvement is \$20,000; but, appreciating the importance of making this bill a moderate one, I ask for only \$10,000, one half of the estimate—a sum little, if any, above the amount required to repair and secure from entire destruction the present Government works.

I know, sir, from personal examination, the condition of the pier built at this point by the Government, and know it to be in a dilapidated and ruinous condition, and liable in every storm upon the lake to further serious injury, if not entire destruction.

Mr. Chairman, it is as a harbor of refuge mainly, that I urge this small appropriation for this work—a work of great importance to the already large and rapidly-increasing commerce of Lake Ontario. I sincerely hope my amendment will be adopted.

The question was then taken upon Mr. BABCOCK's amendment, and it was not agreed to.

Mr. EWING moved that the committee rise.

The motion was not agreed to.

Mr. SCHOONMAKER. I offer the following amendment:

For the removal of the bar at the mouth of the river Rondout, in the State of New York, \$20,000.

Mr. S. said: Mr. Chairman, I propose this amendment in compliance with the request of some of my constituents. It proposes to remove the bar from a stream out of which in 1851 plied regularly twelve steamboats, fifty sail vessels, and fifty barges. During the season of navigation in that year over seven thousand five hundred sail vessels and barges cleared from and were loaded in that stream, and the commerce of the stream is constantly increasing.

Mr. HART. I would inquire of the gentleman

if the river was not previously known as Esopus creek?

Mr. SCHOONMAKER. Yes, sir.

The question was then taken on Mr. SCHOONMAKER's amendment, and it was rejected.

Mr. EWING. I move that the committee rise, and I demand tellers upon that motion.

Tellers were not ordered.

The question was then taken, and upon a division, there were—ayes 6, noes 117.

So the committee refused to rise.

Mr. EVANS. I offer the following amendment:

For the improvement of Queestown creek, Maryland, \$3,000.

Mr. Chairman, a large number of persons in Maryland are interested in this work. I do not design to detain the committee at this time, but I trust the amendment may be adopted.

The question was then taken upon Mr. EVANS's amendment, and it was rejected.

Mr. BOWIE. I offer the following amendment:

For removing the obstructions in the channel of the river Potomac, between the Long Bridge and the Aqueduct at Georgetown, and at the mouth of the Eastern Branch, \$23,000.

Mr. Chairman, all are aware that the city of Georgetown sustained very great injury by the freshet this last spring in consequence of these obstructions. It is said, upon the best authority, that the town suffered damage of not less than \$60,000 or \$70,000. This results, as I am informed, by the construction of piers to the Long Bridge, and I think it no more than justice that some change should be made now. That bridge has been removed by act of Providence. In addition to this, I am told that there is a bar at the mouth of the Eastern Branch, which prevents vessels of great tonnage coming up to Washington, and up to the navy-yard, over that bar, on the other side of which there are twenty feet of water. The improvement I ask for here is of great importance to Government, as well as the citizens of this District. I hope that, as they are not represented upon this floor, that we will take them under our peculiar charge, and protect their interests.

Mr. DURKEE said: Mr. Chairman, I have been greatly surprised while listening to arguments made use of by gentlemen in opposing the passage of this bill. I allude to remarks made by honorable gentlemen representing important sections of the West. To me it appears that in this matter some of my western friends have not exercised that sagacity and good judgment which usually mark their public conduct. They complain that New York, Boston, and other Atlantic cities receive more than their share in this appropriation; that great injustice is done to western rivers, and that they will vote against the bill, unless it be amended so as to meet their views. Sir, admit that these complaints are well founded, it does not follow that the interests of the West require its Representatives to oppose the bill. Appropriations that are actually needed for the removal of obstructions in the harbors of our large importing cities, or the removal of obstructions in the Hudson river, against which so much has been said, are beneficial to the West as well as to the East. The improvement of the Hudson river, and of all the harbors on the great lakes, will certainly lessen the insurance and freight on goods passing over this route. When goods can be shipped from New York to Chicago for five dollars per ton, instead of fifteen, they will of course come that much cheaper to the consumer, and the value of produce shipped in return, necessarily enhanced in western markets. This argument, too, holds good in regard to appropriations for improving the mouth of the Mississippi. The removal of these obstructions benefits all the States lying on this great river and its tributaries. I hope, therefore, that gentlemen will pause and weigh the subject well before they shall finally determine to give their influence against this measure, whether it may or may not be so amended as to meet their views.

There are other objections, Mr. Chairman, made against this bill. Gentlemen say they have scruples about the power of Congress to make such appropriations. But without entering upon a constitutional question, it strikes me as sufficient for our present purpose, to know that the General Government is in possession, and has sole juris-

diction of these harbors and rivers; that Congress has deprived the States of all authority to raise a revenue by way of tonnage duty for their improvement, and is therefore bound by the strongest possible obligations to make such improvements as are necessary for the safety of human life and the transportation of merchandise.

Sir, there is no getting away from this conclusion; for the General Government to hold possession and do nothing itself, nor let the States, is indeed acting the part of the "dog in the manger." This has been the policy for several years, at the sacrifice of thousands of valuable lives and an immense loss of property. Our internal commerce amounts to \$800,000,000 annually, and yet is thus grossly neglected by the Government. One quarter per cent. on this large amount, expended annually upon our harbors and rivers, would, in a few years, put them in good condition for refuge and navigation, whereas we lose a much larger amount every year for the want of these improvements.

Sir, the people are beginning to inquire how this \$50,000,000 is yearly expended—and well they may! Look at the immense sums misapplied by Congress. Two years ago, we appropriated \$10,000,000 for the purchase of Texas scrip, at a par calculation, when it was worth only ten cents on the dollar. We have paid, during the last twenty years, \$10,000,000 to officers of the Navy, who have not been employed on service. We have paid, or agreed to pay, about \$20,000,000 to Wall street speculators, the effect of which is to sustain a monopoly in ocean steam navigation, thus depriving the people of all the advantages that might otherwise accrue from competition and cheap ocean postage. Yet gentlemen that could vote to appropriate public funds so liberally for the benefit of private corporations and individuals, have terrible misgivings about lending their support to a small harbor bill for the protection of a commerce of such magnitude. Sir, this surely is "straining at gnats, and swallowing camels." If this gross neglect, by the Government, of the lives and property of its people, and this profligate expenditure of the public funds, is to continue, and the great commercial interests of the country finally abandoned, I cannot see why the people should not in their turn abandon and dispense with such a Government. For what is the possible advantage to them in paying \$50,000,000 a year, if they receive not the least equivalent in return?

Mr. Chairman, it would be well for us to call to mind, in this discussion, the origin and history of this Government. It was for the protection of commerce, and the lives of those engaged in it, that it was called into being. Great Britain infringed on the laws of a legitimate trade in America, the States formed an alliance to resist these aggressions; this was the origin of the Federal Government. We had no other necessity for its creation—we have no other for its continuance. The State governments are competent to protect and maintain all our civil and political rights, except those involved in commercial relations. If, then, the Federal Government is to disown all care and responsibility over four fifths of the whole commerce of the country, and refuse to give up its jurisdiction over harbors and rivers to the States immediately connected with these interests, it will become necessary for the people to provide a remedy for such grievances, and let me tell gentlemen they will not fail to do it. Sir, let Congress pass this bill, and extend its fostering care over this immense accumulation of American industry, at least till some better method shall be instituted for such protection.

Mr. WARD. I offer the following amendment to the amendment:

For the improvement of the Cumberland river, \$25,000.

Mr. Chairman, I do not desire to make a speech. I thank the gentleman from Pennsylvania [Mr. CHANDLER] for the lecture which he has given me for my pertinacity in urging the necessity of improvements for western rivers. I urged them from a consideration of their vast importance, and I think that they are worthy the consideration of this House. I believe that the amendment which I now propose ought to be adopted.

Mr. CARTTER. I wish to make an inquiry of the honorable gentleman. Is this the same Cumberland river? [Laughter.]

Mr. WARD. Identically the same, and one well worthy of your consideration and mine.

Mr. EWING moved that the committee rise.

The question was then taken, and it was decided in the negative.

The amendment to the amendment was disagreed to.

The question was then taken on Mr. BOWIE's amendment, and it was rejected.

Mr. FLORENCE. I offer the following amendment:

For the improvement of the Delaware river, commencing at a point opposite Pine street, in the city of Philadelphia, extending along the said river the entire front of the district of Southwark, and thence to the southern line of the township of Passyunk, in the first Congressional district of Pennsylvania, being the points of the northern and southern boundaries of the eastern line of said district, or as much further north or south as competent engineers may designate after such actual and careful survey as may be proper, to deepen the channel of said Delaware river, so as to secure a sufficient depth of water to enable the authorities entrusted with the duty, to securely harbor and safely dock any United States vessel-of-war of the tonnage of the largest ship-of-the-line upon the United States dry-dock at the United States navy yard, in the county of Philadelphia, and to facilitate this purpose, the extension of the wharf line be authorized, as much further out as may be deemed proper to build a pier, by which the purpose indicated may be attained, \$50,000.

Mr. Chairman, I submit this amendment in good faith, because it is of the utmost importance, and will be advantageous to my constituents, the first object nearest my heart. Whether this amendment is passed or not, I deem it proper to say I intend to vote for the bill now before the committee. The self-evident necessity of the improvement I suggest, opposite the city of Philadelphia, is so strongly impressed upon my mind that I need say but little in its favor; but for that I ask the ear and attention of the committee. There is not now a sufficient depth of water for the purpose of securely docking "a ship-of-the-line" at the United States navy-yard, Philadelphia. An appropriation of \$50,000 will be sufficient to enable us to deepen the channel, and by that means to securely dock a ship-of-the-line. This will, in the accomplishment, give employment to a large number of clever, frugal, and industrious people living in my district. That is the impelling motive which induces me to offer this amendment. With the declaration of this fact, and with the reasons I offer, which to my mind are clearly irresistible, I earnestly hope that an amendment of so much consequence as this is, of so much advantage to my constituents, of so much importance to the United States, in securing the use of the United States dry-dock, a work which cost the large sum of \$842,000 to construct—I repeat, sir, I earnestly hope the sum named in the amendment may be appropriated. I want to make the United States navy-yard at Philadelphia a favorite place with the Government for the employment of our skillful artisans and mechanics.

The CHAIRMAN. The gentleman's remarks are out of order.

Mr. FLORENCE. Very well, sir, I will not detain the committee longer. I desire a vote upon the amendment I have offered to hasten on business. I may say, however, again, that whether it is passed or not, I shall support the bill making appropriations for the improvement of rivers and harbors, now under consideration.

Mr. JONES, of Tennessee. I wish to inquire of the gentleman from Pennsylvania, [Mr. FLORENCE,] if this amendment is to make an appropriation to prevent Pea Patch Island from washing away?

Mr. FLORENCE. I will offer an amendment, if the gentleman will vote for it, to build a fort there. At all events, I will be gratified if the gentleman from Tennessee [Mr. JONES] will vote for the amendment I have offered. He will aid in accomplishing a good purpose, I assure him. Besides, he will have the thanks of all classes of people in and about Philadelphia, especially those I have the pleasure and honor to represent upon this floor. If it was in order, I would clearly prove and explain the indifference which I think has been exercised toward our navy-yard, and the want of proper appreciation of our skillful mechanics. At a more favorable opportunity, I assure you all, I will do so. I hope my amendment may meet the approval of the committee, and be passed.

The question was taken on the amendment of Mr. FLORENCE, and decided in the negative.

Mr. STRATTON offered the following amendment:



For the erection of a breakwater on Crow Shoal, at Cape May roads, New Jersey, \$100,000.

Mr. Chairman, it is not my intention to make a five-minutes speech on the amendment I have just offered, but I desire to say that no proposition contained in the bill before the committee, is, in my judgment, more deserving their approval.

The attention of Congress was a few years since called to the importance of the proposed work, by resolutions of the State of New Jersey, and numerous petitions of citizens of that State, engaged in the coasting trade.

A survey of Cape May roads, including Crow Shoal, was made under instructions of the Secretary of War, by Major Bache, of the Topographical Engineer Corps. His report shows that the proposed breakwater can be advantageously constructed, and that it will afford great security to the trade intended to be protected.

The Committee on Commerce in their report, say that they have carefully examined the subject, which is important from its involving the protection of life and property, and that the practicability of erecting this work, is fully shown by the able report of the engineer.

The report of the engineer shows that the "commerce of the Delaware is carried on through two channels communicating with the sea. The main, or ship channel, enters by Cape Henlopen, and is capable of receiving vessels of the largest class; the New England channel, by Cape May, is limited to a draft of twelve feet." Vessels passing through the first-named channel, are protected by the breakwater near Cape Henlopen. To protect the trade passing through the latter, is the object of erecting the proposed breakwater.

"The Cape Henlopen channel is generally used by the foreign trade, and by the coasting trade south of the Delaware, while the Cape May channel is preferred by the coasting trade east of the Delaware.

"The great increase of this trade has greatly increased the necessity of this work."

The committee, in closing their report, say "that influenced by a sense of duty to afford every proper protection to prevent loss of life, to protect the great and increasing trade passing through this channel, and by the various considerations presented in their report—in their opinion this work should be erected."

The question was then taken on Mr. STRATTON's amendment, and it was rejected.

Mr. HOW, of New York. I offer the following amendment:

For continuing the improvements at the harbor of Big Sodus, county of Wayne, and State of New York, and for repairs of the same, \$12,000.

The question was then taken on Mr. How's amendment, and it was rejected.

Mr. ASHE. I offer the following amendment:

And he it further enacted, That the commissioners of the town of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton, upon all vessels not less than sixty tons, for the purpose of clearing out the obstructions in the mouth of Cape Fear river, and that to effect that purpose the said commissioners to pledge the receipts from the said tonnage duty to pay the interest or principal on any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at its next session, order and authorize such a tonnage duty.

Mr. SEYMOUR. That amendment is not germane to the bill, and therefore not in order.

The CHAIRMAN. The Chair has previously entertained a motion of that kind, and he considers it as in order.

Mr. ASHE. My friend from New York [Mr. Seymour] cannot see anything in order but what is consistent with his own notions. I have a few remarks to make upon this amendment. On yesterday I offered an amendment, in which I explained, in a very few words, the difficulties under which the town of Wilmington labored—the first town in the State of North Carolina, and the most enterprising one in the whole South. These difficulties were laid before the Committee on Commerce. They were informed of the fact that all the improvements in North Carolina concentrated at that single point, and that the bar in the river there has been gradually filling up, until now there are only eight or nine feet of water. These facts I am authorized to state upon the authority of Professor Bache and others, who have examined the work.

This amendment asks no privilege of the Government but what was granted to the city of Sa-

vannah, in Georgia, fifty odd years ago for the removal of similar obstructions.

Now, sir, it is proposed to cut off my State from all the benefits of this bill because, forsooth, I am not one of those Democrats who will vote for this thing and that thing, and everything, and because I will not vote for this bill. I have been asked if I will vote for this bill. As an honest man, I cannot vote for it, but as an honest Representative, I ask this House to allow the city of Wilmington to tax its own tonnage, in order to remove the obstructions which have been put there by your Government to protect your fortifications, and which fill up the only harbor that is of any consequence to that town. I ask you, as a favor to the people of Wilmington, not to expend Government money, but to allow them, by and with the consent of the Legislature of North Carolina, to levy tonnage duties which will operate against themselves, in order to raise money to put themselves in a better position. The request is reasonable and just, and now that the magic spell which prohibited all amendments has been broken, and several important amendments have been ingrafted on the bill, I hope the committee will not refuse it, but will grant us this mere act of justice to enable us to survive at least until another Congress can be elected. I ask for tellers on the amendment.

Tellers were ordered; and Messrs. VENABLE and McNAIR were appointed.

The question was then put upon Mr. ASHE's amendment; and the tellers reported—ayes 65, noes 64.

So the amendment was agreed to.

Mr. BROOKS. Is it in order for me to move to amend the amendment which has just been adopted?

The CHAIRMAN. That amendment has been adopted, but an amendment to come in at the end of it would be in order.

Mr. MOORE, of Louisiana, moved to amend the following item of the bill:

"For removing the raft of Red river, \$50,000,"

by adding thereto the following:

*Provided*, That the Secretary of War be authorized to contract for keeping the channel of Red river open at the point now obstructed by raft for one year after the removal thereof.

Mr. M. said: I will not detain the committee one minute, but I feel the necessity of this amendment in order to make the appropriation at all effective. It is absolutely necessary that these obstructions should be kept out for a year or two after they are removed, otherwise they will immediately re-form. These obstructions are composed of drift timber, that floats down the river and stops at this point, where it is narrower than it is above; and, if it is kept open for a year or two, the current of the river will cut out its own channel, so as to make it perfectly clear, as has been done below this point. The raft originally existed about one hundred and sixty miles below where it at present exists, but that portion of the river is now perfectly navigable.

The question was then taken upon Mr. Moore's amendment, and it was not agreed to.

Mr. BROOKS. I propose to add to the amendment of the gentleman from North Carolina, [Mr. ASHE,] which has just been adopted:

And the same privileges are granted to the State of New York that are granted to the State of North Carolina.

I offer that amendment for the purpose of making a few remarks. I do not propose to resist the amendment of the gentleman from North Carolina any further here, but to meet it in the House. One of the very purposes for which the Constitution was formed, was to prevent this rivalry of ports, to prevent undue tonnage being levied at one port different from that which might be levied at another. That was one of the great objects in the formation of the Constitution. The amendment which this committee has adopted gives to the city of Wilmington power to levy tonnage duties, not only on her own commerce, but on the commerce of New York, Maryland, South Carolina, and all other parts of the United States. It vests the State of North Carolina with the absolute power of doing this. If a like privilege is given to the State of New York, it will be within our power to tax the whole commerce of the United States to any extent our State Legislature may will, and thus to have the whole commerce of the United States subservient to our State legislation.

Mr. CLINGMAN. Do it.

Mr. BROOKS. Why, if we were to tax our immense commerce one sixteenth part of a cent, we should raise an enormous revenue—enough to carry on our Government. The principle is wrong; but if the privilege is given to Wilmington, it must be given to all the ports on the Mississippi and Ohio.

Mr. ASHE. I ask the gentleman if it has not been given to Savannah and to Baltimore?

Mr. BROOKS. I know of but one case in which it has ever been granted, and that was to Baltimore. It was refused to Oswego at the last session of Congress.

Mr. ASHE. It has been granted to Savannah.

Mr. DEAN. I rise to a question of order. I submit whether it is in order for my colleague to speak in opposition to his own amendment?

Mr. BROOKS. I am not doing so. I am arguing to show that if this privilege is granted to Wilmington, or any other city, it must be granted to New York, also. I am arguing to show the immense benefit which we might derive from tonnage duties of this sort levied by our people upon the commerce of the United States. But I did not rise to delay the action of the committee on this bill. I merely rose to call attention to the principle involved in the amendment of the gentleman from North Carolina. I have no doubt we can defeat it in the House, or vote it down on the yeas and nays.

Mr. BAYLY, of Virginia. I entirely disagree with the gentleman from New York [Mr. Brooks] in respect to this question of the tonnage duty, and as to the history of the adoption of the clause in the Constitution in respect to it. If the gentleman will look into the history of the formation of the Constitution, he will find that that privilege was granted with express reference to these improvements, and the contemporaneous expositions of the Constitution bear out the history of that formation in this respect.

The CHAIRMAN. The Chair, and no doubt the committee, would probably like to hear the remarks of the gentleman from Virginia, but the Chair must remind the gentleman that he is speaking in favor of the amendment of the gentleman from New York.

Mr. BAYLY. Well, sir, I desire simply to state one fact. The gentleman from New York says that the city of Baltimore is the only one to which this privilege has been extended. Now, one of the earliest acts of the Government was to authorize the laying of a tonnage duty, for the purpose of removing an obstruction from the Savannah river, in the State of Georgia, and that act was renewed for many successive sessions, and at that day no man in Congress believed that the General Government had any authority to remove that obstruction in any other way than by authorizing the State to levy a tonnage duty.

Mr. FLOYD. Is it in order to offer a substitute to my colleague's amendment?

The CHAIRMAN. It is in order.

Mr. FLOYD. I offer the following substitute:

The consent of Congress is hereby granted and declared to the passage and operation of any law which any State shall hereafter pass, to lay a duty of tonnage, for the purpose of improving the harbors and rivers in such State.

The amendment which I have had the honor to submit, is in phraseology in accordance with the Constitution and the acts heretofore passed by Congress. From 1790 to 1850, there have been no less than thirty-six laws passed by Congress, giving its consent to different States to lay tonnage duties for particular improvements and for specified time. Acts of that description have been passed for the States of Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Alabama; so that there is nothing new in the principle of the proposition which I now make to this committee. It is merely making it a general proposition instead of limiting it to a particular city, or to a particular port for a specified time.

In regard to the Constitution, I think my honorable colleague [Mr. Brooks] was mistaken in the view he expressed. Mr. Madison says the right of laying tonnage duties was reserved by the States, subject to the consent of Congress, for the express purpose that the different States might lay tonnage duties to improve their harbors. Such is the commentary of Mr. Madison upon this

clause of the Constitution; and in corroboration of that there is this fact, that for thirty years after the formation of the Constitution, this right was never asserted or exercised by Congress. The danger of which my honorable colleague seems to be afraid, consists in this; that one State will lay tonnage duties which will be injurious to the commercial interest.

Now, in my opinion, you cannot have a better guarantee than the particular interest of each State that it will not lay an improper or oppressive duty which will embarrass commerce in its own ports, in addition to which Congress can prevent any abuse of this right by withdrawing its consent. It is not intended by this proposition to affect the other portions of this bill, nor do I anticipate that it will have that effect; but I am fully impressed with the belief that this power may be better and more wisely exercised by the States than it ever has been by the General Government. My colleague—the chairman of the Committee on Commerce [Mr. SEYMOUR]—has already informed the committee that so uncertain are these appropriations by the General Government that many of the rivers and channels have been made worse rather than better by the improvements which have been commenced. Now, if they are undertaken and carried on by the States, they may be commenced and carried on with a certainty of revenue arising from these tonnage duties, and with some sort of system which may, perhaps, result in good. I am informed by gentlemen upon the Ohio river that it is a question whether much more harm has not been done upon that river than good, by the works which have been commenced there.

Mr. CARTTER. I am opposed to the last amendment. Without entering into a discussion of the constitutional power, and without reference to its history, it is enough for me to know that the Federal Government has been engaged ever since its existence in making appropriations for opening up its external commerce, and I am opposed to delivering up into the hands of the State of New York or any other State this power.

Mr. ASHE. I beg leave to ask my friend from Ohio when this system commenced by the General Government?

Mr. CARTTER. It commenced with the very existence of the Federal Government.

Mr. ASHE. For many years there were no appropriations of this kind by the Federal Government. I think the gentleman will find that the gentleman from New York is right in his statements in reference to this matter.

Mr. CARTTER. I object to this amendment especially, for the reason that one solitary State in this Union now forms the gateway to nearly all the commerce of the nation; and especially to all the commerce of the great West. I protest against the principle that will deliver up to the State of New York the power of determining what duties shall be imposed upon the commerce of the West. Why, sir, the history of the State of New York is a history of subsidy upon the part of the western States to her support. We have constructed her internal improvements. We have supported her government, and this proposition, if carried into effect, would serve to bring us into the same subordination in reference to our external commerce. Her harbors are now prepared for free trade with all the earth—all the oceans of the earth; and now to deliver into her hands the power of levying a tribute upon the commerce which must pass that gateway, would be a folly in legislation against which I enter my protest.

The question now being upon the amendment to the amendment,

Mr. FLOYD demanded tellers; but they were not ordered.

Mr. LETCHER. I move that the committee do now rise.

The motion was not agreed to.

The question was then taken upon Mr. FLOYD's amendment to the amendment, and it was not agreed to.

The question then recurred upon Mr. BROOKS's amendment, and being taken, the amendment was not agreed to.

The question then recurred upon Mr. STANLY's substitute to the whole bill, [heretofore published in the Globe.]

Mr. STANLY. I hope the question will now be taken upon that substitute without further debate.

[Loud cries of "Question!" "Question!"]  
Mr. STANLY demanded tellers; which were ordered; and Messrs. BROOKS and CHANDLER were appointed.

The question was then put, and the tellers reported—ayes 47, noes 85.

So the substitute was not agreed to.

Mr. YATES. I offer the following amendment, upon which I call for tellers:

For the improvement of the navigation of the Illinois river, \$25,000.

Tellers were not ordered.

The question was then taken on the amendment; and it was not agreed to—ayes 7, noes not counted.

Mr. CARTTER. I move that the committee do now rise and report the bill.

Mr. MARSHALL, of Kentucky. I move to strike out all of the bill after the enacting clause.

Mr. CLEVELAND. I rise to a question of order. I submit that it is not in order, after the bill has been read through by sections and has been amended, and after a substitute for the whole bill has been offered and rejected, to amend the bill or alter it in any manner except by offering an additional and independent section.

The CHAIRMAN. The Chair thinks it is not in order to go back and insert an amendment in any portion of the bill. The committee have passed upon this bill, and it is not in order to insert an amendment into any part thereof. The point was made, the Chair recollects, when the bounty land bill was under discussion. The Chair then so decided. An appeal was taken, and the decision of the Chair was sustained by the committee.

Mr. WARD offered the following amendment:

For the improvement of the navigation of the Cumberland river, \$30,000.

Mr. W. said: Mr. Chairman, I desire to urge, as a parting admonition, upon the friends of internal improvement, this my last appeal, before I place myself in the ranks to which I have never yet attached myself upon this particular subject. But, sir, my district has rights—

Mr. CARTTER. I rise to a question of order.

The CHAIRMAN. The gentleman must confine himself to the explanation of his particular amendment.

Mr. WARD. I am in order, and intend to apply my remarks.

Mr. CARTTER. I insist upon my point of order.

The CHAIRMAN. The gentleman must confine himself to the merits of the amendment.

Mr. CARTTER. He is talking about political alliances.

Mr. WARD. The interest involved in that stream is clearly of a national character, and that interest has been entirely overlooked by the Committee on Commerce. We are, as it were, expatriated from our own country; we are exposed to continual losses from the accumulation of snags in that river since 1838, and I hope and trust that this committee, who have the power of making appropriations towards the various objects in various portions of this Union, will exercise that power in favor of justice, and with a due regard to the interests I have the honor to represent. I know that gentlemen who feel not, and see not as I do, may look upon me as unnecessarily troublesome in this matter. But they do not behold the difficulties which surround the district which I represent. They know not the losses daily sustained there. I know them all, and feel them more keenly than they can, and I now appeal to this committee, as I have on previous occasions, not that I desire to be troublesome, but that my district should be properly regarded by this House; so that, when money is paid out of the Treasury, she should receive her proportion to prevent those losses of lives and property she is daily suffering.

The navigation is six hundred miles in extent, and the annual trade amounts to from \$5,000,000 to \$10,000,000, and it has been regarded as a national stream since 1832, and the only reason that I did not go before the Committee on Commerce was, that I knew that that committee would report to the Committee of the Whole House, which had power, independent of that committee, on this subject, or any other, and also the right to say where money should be appropriated and used. They have the right to overrule the recommenda-

tion of the committee upon a subject of that sort, and believing that when a claim was made out worthy of the consideration of this House, they would hear and respond to it, I rested content.

Mr. WARD demanded tellers upon his motion; which were ordered; and Messrs. BOCCOCK and HARRIS were appointed.

The question was then taken, and the tellers reported—ayes 51, noes 72.

So the amendment was not agreed to.

Mr. MARSHALL, of Kentucky. I move now to strike out all after the enacting clause.

Mr. EVANS. I rise to a question of order. The committee have agreed to the sections in this bill, and it is not in order to move to strike out what the committee have inserted.

The CHAIRMAN. The Chair thinks it is immaterial when that amendment is offered, whether before the committee proceeded to the consideration of the bill, or afterwards. The committee can proceed to perfect the bill, and then it is in order to move to strike out all after the enacting clause.

Mr. EVANS. Is it in order to go back and move to strike out any particular portion of the bill?

The CHAIRMAN. That could not be done, but the Chair thinks it in order to move to strike out all after the enacting clause.

Mr. BROOKS. Would it be in order for me to move, for instance, to strike out the appropriation for James river?

The CHAIRMAN. Not by itself, but with all the rest after the enacting clause.

Mr. JONES, of Tennessee. If that motion, to strike out all after the enacting clause, is carried, will not that be a rejection of the bill?

The CHAIRMAN. It will be if the House confirms the report of the committee; not without.

Mr. JONES. I submit whether the committee can reject a bill?

The CHAIRMAN. The committee can easily decide the question for themselves.

Mr. CLINGMAN demanded tellers upon the motion; which were not ordered.

Mr. C. then asked for a division of the House. The House was divided on the motion, and there were—27 in the affirmative, and 76 in the negative; no quorum voting.

Mr. CARTTER. I move that the committee rise, and report the bill to the House.

[Cries "Call the roll!" "Call the roll!"]

The CHAIRMAN. There is a motion pending, and a motion that the committee rise and report the bill is not in order.

Mr. CHANDLER. There was a mistake in the count.

Mr. JONES. The Chair announced that there was no quorum.

The CHAIRMAN. The Chair has a right to ascertain by tellers whether there is a quorum or not.

The Chair appointed Messrs. CHANDLER and HAMILTON as tellers.

Mr. COBB. What is the question?

The CHAIRMAN. It is upon striking out all after the enacting clause.

The question was then again put, and the tellers reported—ayes 28, noes 91.

So the amendment was not agreed to.

Mr. POLK proposed the following amendment:

*Provided, however, That no part of the money hereby appropriated shall be drawn from the Treasury, unless the net proceeds of the sales of the public lands shall be sufficient to satisfy the same.*

Mr. Chairman, it is not my purpose to consume five minutes in the discussion of this amendment. But if the bill known as the Bennett bill, distributing the public lands to the different States, or if the various railroad bills now pending shall pass into laws, and the public lands are consumed in that way, I would like to know where this money is to come from? If we dispose of all the public lands, we must take the money from other sources of revenue; and I am unwilling to embarrass the Treasury, by taking the means which should be otherwise appropriated, and squandering them upon rivers and harbors. I merely state the proposition, without intending to argue it.

The question was then taken on Mr. Polk's amendment, and it was not agreed to.

Mr. SEYMOUR. I move that the committee rise, and report the bill to the House.

[Cries of "Question!" "Question!"]

Mr. WELCH. I desire to offer an amendment.  
Mr. WALSH. I rise to a question of order.  
The gentleman from New York [Mr. SEYMOUR] had the floor, and moved that the committee rise. It is not in order to take the floor from him to offer an amendment.

The CHAIRMAN. So long as gentlemen offer amendments, the Chair is obliged to entertain them.

Mr. SKELTON. I make the point of order, that, after a motion is made that the committee rise and report the bill, it is out of order to receive an amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SKELTON. I appeal from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the committee?" it was put, and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. FLORENCE. Is it in order to suggest to the gentleman from Tennessee [Mr. POLK] how the revenue can be raised? [Laughter.]

The CHAIRMAN. The gentleman is not in order.

[Cries of "Order!" "Order!" all over the Hall.]

Mr. WELCH offered the following amendment:

For surveys and estimates, with a view to the construction of artificial dums and reservoirs on the head waters of the Ohio river, for the improvement of its navigation, upon the plan proposed by Mr. Elliott, \$50,000.

Mr. WELCH. I do not intend to discuss the amendment, but I want a vote upon it.

[Cries of "That's right!" "That's right!"]  
The question was then taken on the amendment, and it was not agreed to.

Mr. SEYMOUR. I renew my motion, that the committee rise and report the bill to the House.

Mr. STANLY. I have an amendment to offer. The amendment was as follows:

For the improvement of the Illinois river, \$50,000; for the improvement in the Tennessee river, \$50,000; and for the improvement of the Cumberland river, \$30,000.

Mr. STANLY obtained the floor, and yielded it to

Mr. CAMPBELL, of Ohio, who moved that the committee do now rise; which motion was disagreed to.

Tellers were demanded and ordered; and Messrs. MASON and VENABLE were appointed.

Mr. CARTER, (in his seat.) We Whigs want to defeat the river and harbor bill. [Laughter.]

The question was then put, and the committee refused to rise; the tellers having reported—ayes 38, noes 80.

Mr. STANLY. If our western men upon both sides of the committee stand up to the amendment I have submitted, we can adopt it. I have offered it because I thought the West should have justice done it, after the legislation of this Congress has done so much for the North and East. I have hitherto voted against the various amendments which have been presented, because I had reason to hope that the substitute I offered, which does more justice to the West, would be adopted by the committee. That has not been done. The Illinois is an important river, and so also are the Tennessee and Cumberland rivers important. There is no provision in this bill for them; and if our friends from the West will stand up and vote for appropriations for these three important rivers, they can be attended to. That is all I have to say.

Mr. SACKETT. I offer the following substitute for the amendment of the gentleman from North Carolina:

At the end of the bill add:  
For the improvement of the Ohio river above the falls at Louisville.....\$80,000  
For the improvement of the Ohio below the falls.....40,000  
For the improvement of the Mississippi below the mouth of the Missouri.....65,000  
For the improvement of the Mississippi above the mouth of the Missouri.....65,000  
For the improvement of the Cumberland river.....40,000  
For the improvement of the Tennessee river.....40,000  
For the improvement of the Illinois river.....40,000  
For the improvement of the Arkansas river.....40,000  
For the improvement of the Missouri river.....40,000  
For the improvement of the piers and harbor of Big Sodus Bay on Lake Ontario.....15,000

For the improvement of the harbor at Pultreyville, Lake Ontario.....10,000  
For the construction or purchase of snag boats for the Mississippi, Ohio, Missouri, and Arkansas rivers.....100,000  
\$525,000

The question was then taken, and the amendment of Mr. SACKETT was disagreed to.

The question then recurred upon the amendment of Mr. STANLY.

Mr. STANLY demanded tellers; which were ordered; and Messrs. HAYEN and RICHARDSON were appointed.

The question was then put, and the amendment was disagreed to; the tellers having reported—ayes 56, noes 68.

Mr. FLORENCE. I offer the following amendment, that I may be enabled to make an explanation:

And provided further, That in the event of a reduction of the revenue below the sum necessary for the ordinary expenses of Government, the duties upon iron be increased to forty per cent. *ad valorem*; that amount coming within the revenue point, and approved by a late distinguished Secretary of the Treasury.

The CHAIRMAN. The Chair rules the amendment to be out of order.

Mr. McMULLIN. I move that the committee rise and report the bill to the House.

[Cries all over the Hall of "Question!" "Question!"]

Mr. CAMPBELL, of Ohio. I desire, before that motion is put, to submit the following amendment:

For the improvement of the Ohio river above the Falls at Louisville, \$25,000.

Mr. LETCHER. If the gentleman will yield I will move that the committee do now rise.

Mr. CAMPBELL. I yield for that motion.

Mr. LETCHER. I then move that the committee do now rise.

The question was put, and the committee refused to rise.

Mr. CAMPBELL. I have not participated in the discussions upon the various amendments which have been offered to this bill, from the fact that I took occasion at an early period of the session, to express my views at large upon the subject of internal improvements. I desire the adoption of this amendment for the purpose of carrying out, to some extent, the principles which control me in relation to these improvements. I am now, as I always have been, in favor of a system of internal improvements by the General Government, but I desire, whenever it is to be adopted, to embrace equality to all the various sections and interests of this great Confederacy.

Mr. CARTER. I rise to a question of order. My colleague is making metaphysical discriminations. [Laughter.]

Mr. CAMPBELL. It is wonderful that my colleague is able to discover it! I say, sir, that injustice has been done to the western rivers. There appear to be in this House a combination on the part of the sea-board, and—

[From the loud cries of "Order!" "Order!" and the general confusion pervading the Hall, the remainder of the sentence could not be heard by the Reporter.]

Mr. CAMPBELL. You cannot get clear of me in that way. [Cries of "Order!" "Order!" "Yell on, gentlemen, I have been in just such rows as this before; here and elsewhere. I say there is a combination on the part of the sea-board—[Loud cries of "Order!" "Order!" "Go on!" "Go on!" and I denounce it! A combination has been formed by those representing the interests of the northern lakes and eastern sea-board, against the great rivers of the interior. They are the only passengers in this omnibus, and the mighty valley of the Mississippi is again cast off with a mere pittance.]

Mr. SEYMOUR, of New York. I ask that the rule be enforced upon the gentleman, as well as it has been upon others.

The CHAIRMAN. The Chair finds it difficult to enforce rules of order upon a great many. The gentleman's remarks are out of order. He must confine himself to an explanation of his amendment.

Mr. CAMPBELL. I am showing that the inequality of the provisions of the bill is a reason why the amendment should be adopted. That is

certainly in order, though it is difficult to get a great many to so understand it just now.

Mr. FLORENCE. I call the gentleman to order.

The CHAIRMAN. The Chair calls the gentleman from Pennsylvania to order.

Mr. FLORENCE. I offered a proviso here for the purpose of informing the gentleman from Tennessee [Mr. POLK] how revenue may be raised, if the calamity occurs which he so much fears, in the event of the passage of the land bills to which he refers; but it is not in order, alas! for the Old Keystone and her resources, which, but for that, might be benefited. It is the means, however, of forcibly illustrating the expressive lines of Hudibras—

"Ah, me! what troubles do environ  
The wight who meddles with cold iron!"

[Cries of "Order!" "Order!" "Order!"]

The CHAIRMAN. The gentleman is out of order, and he will please take his seat.

Mr. CAMPBELL. This is not the first evidence of combinations of this sort that I have seen made in this House. I remember during the last Congress, of our effort on the part of protection—[Cries of "Order!" "Order!"] I am merely showing the means resorted to for the purpose of carrying measures partial in their character. And I only desire to add that western Democrats, after all their Buncombe speeches in favor of western rivers, have aided to carry out this unequal system by voting as they have done, with scarce an exception, against the substitute of the gentleman from North Carolina, [Mr. STANLY,] which offered liberal appropriations to western States.

Mr. POLK. This rule has been enforced upon all others, and I do not see why it should be tolerated upon the gentleman from Ohio.

Mr. FLORENCE. Most assuredly, for it was enforced upon me. I insist upon its enforcement. [Laughter.]

The CHAIRMAN. The gentleman from Ohio is out of order. His time, however, has now expired.

Mr. EVANS. I must confess that I feel surprised at the course of remark indulged in by the gentleman from Ohio, when he proclaims to the House of Representatives, that east of the Alleghanies there is unfriendliness towards the great improvements of the West.

The CHAIRMAN. The Chair will feel itself constrained to call the gentleman to order.

Mr. EVANS. The gentleman from North Carolina [Mr. STANLY] offered an amendment containing appropriations for the improvement of western rivers and harbors, and he voted for it, and I did the same thing. Opposition, sir, came to it from quite other quarters. I do not know whether the gentleman voted for it or not.

The CHAIRMAN. The Chair is compelled to call the gentleman to order.

Mr. EVANS. I want the country to know that the Democrats from his own portion of the country are at heart opposed to these measures—[Cries of "Order!" "Order!" "Order!"] The sincere friends of these river and harbor improvements are the Whigs of the East and the Whigs of the West—[Cries of "Order!" "Order!"] Ah! you are endeavoring now to cry down and suppress the utterance of the truth; but I, like the gentleman from Ohio, [Mr. CAMPBELL,] have been in just such crowds before, and mean to say my say.

The CHAIRMAN. If the Chair had the power to command the Sergeant-at-Arms, he certainly would preserve order in this committee. The gentleman is out of order, and he will please take his seat.

Mr. EVANS. I want to see these appropriations passed.

A MEMBER. Let the riot act be read. [Laughter.]

The CHAIRMAN. This is a branch of the American Congress, a body which is respected throughout the world, and the Chair hopes that the committee will throw itself upon its dignity for a few moments, and the bill will be reported and passed.

Mr. EVANS. I have not heard what the Chair has been saying, there is so much noise in the Hall. I am in order. Let others be kept quiet.

The CHAIRMAN. The gentleman's time has expired.



# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32<sup>d</sup> CONGRESS, 1<sup>st</sup> Session.

SATURDAY, JULY 31, 1852.

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The question was then taken, and the amendment of Mr. CAMPBELL was rejected.

Mr. EVANS. I offer the following amendment to come in at the end of the bill:

For the improvement of the Missouri river, \$51,100; and for the improvement of the Illinois, Cumberland, and Tennessee rivers, each, \$33,000.

I do not intend to occupy a moment in discussion. I only make the assertion, that if the pretended particular friends of western harbors and rivers will come up and join with eastern and western Whigs, we can pass this amendment. I demand tellers upon it.

Tellers were ordered; and Messrs. Cobb and Hart were appointed.

The question was then taken, and the amendment was disagreed to; the tellers having reported—ayes 55, noes 70.

Mr. SEYMOUR, of New York, moved that the committee rise and report the bill to the House; which motion was agreed to.

The committee then rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 282, making appropriations for certain harbors and rivers, and have directed him to report back the same, with sundry amendments.

Mr. SEYMOUR. I move the previous question.

Mr. JONES, of Tennessee. I move that the House adjourn.

Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled, bills with the following titles:

An act for the relief of the legal representatives of James C. Watson, of Georgia;

An act to grant the right of way to all rail and plank roads and macadamized turnpikes passing through the public lands belonging to the United States; and

An act to establish additional land districts in the State of Wisconsin; which several bills received the signature of the Speaker.

Mr. RICHARDSON. I ask that the question may be taken upon the adjournment.

Mr. DEAN. I rise to a question of order.

The SPEAKER. No question is in order, except the question for adjournment.

Mr. DEAN demanded the yeas and nays; which were ordered.

The question was then taken; and there were—yeas 56, nays 90; as follows:

YEAS.—Messrs. Willis Allen, Ashe, Thomas H. Bayly, Babcock, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Dawson, Dimmick, Dunham, Edmundson, Ewing, Ficklin, Gilmore, Hamilton, Isam G. Harris, Hendricks, Hillyer, Holladay, Houston, Howard, Andrew Johnson, George W. Jones, Letcher, Mace, Humphrey Marshall, Mason, McMullin, McQueen, Milson, Morehead, Murphy, Oids, Orr, Phelps, Savage, Origin, S. Seymour, Smart, Benjamin Stanton, Stone, Venable, Wallace, Ward, Watkins, Addison White, Wildrick, Williams, and Yates—56.

NAYS.—Messrs. Aiken, Allison, John Appleton, Wm. Appleton, Babcock, Barrere, Bell, Bowie, John H. Boyd, Brenton, Briggs, Brooks, George H. Brown, Burrows, Carter, Chandler, Chapman, Cleveland, Conger, Curtis, George T. Davis, Dean, Dockery, Doty, Duncan, Durkee, Eastman, Evans, Florence, Floyd, Fowler, T. J. D. Fuller, Gamble, Giddings, Goodenow, Green, Harper, Hart, Haws, Haven, Henn, Horstford, John W. Howe, Thos. M. Howe, Thomas Y. How, Hunter, Ingersoll, Jackson, John Johnson, George G. King, Preston King, Kuhns, Landry, Lockhart, Martin, McNair, Miller, Molony, Henry D. Moore, Murray, Newton, Oulaw, Pennington, Perkins, Polk, Porter, Richardson, Riddle, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, D. L. Seymour, Skelton, Stanley, Abraham P. Stephens, St. Martin, Stratton, Stuart, Sutherland, Thurston, Townshend, Tuck, Walbridge, Walsh, and Welch—90.

So the House refused to adjourn.

Mr. HOUSTON. I move to lay the bill upon the table, and upon that question I demand the yeas and nays.

Mr. CARTTER. I rise to a question of order; and that is, whether the gentlemen who reported this bill [Mr. SEYMOUR] is not entitled to the floor?

The SPEAKER. The gentleman from New York [Mr. SEYMOUR] was entitled to the floor

until he demanded the previous question; but he is not entitled to it now. The gentleman from Alabama [Mr. HOUSTON] moves to lay the bill upon the table.

Mr. STUART. The gentleman from New York [Mr. SEYMOUR] certainly had a right to withdraw his motion.

The SPEAKER. The Chair did not know that the gentleman from New York [Mr. SEYMOUR] was seeking the floor, and therefore he recognized the gentleman from Alabama [Mr. HOUSTON]; and, in the opinion of the Chair, this is a question about which there can be no doubt.

Mr. SEYMOUR. I wish merely to say, that I sought the floor, and I believe I addressed the Chair before the gentleman from Alabama, [Mr. HOUSTON.]

The SPEAKER. The Chair can only say that he never saw the gentleman from New York struggling to get the floor, as his eyes would have been turned in that direction.

Mr. CAMPBELL, of Illinois. Is it in order to move a call of the House? This is an important bill, and I therefore move that there be a call of the House.

Mr. STANTON, of Ohio. I move that the House adjourn.

Mr. HOUSTON. If the gentleman from New York [Mr. SEYMOUR] desires to withdraw the previous question, I am perfectly willing to withdraw the motion to lay upon the table.

Mr. CARTTER. I object.

Mr. STANTON. I insist upon my motion that the House adjourn.

The SPEAKER. It has been the universal practice of the House to give the floor, in preference to any one else, to the gentleman who introduces a bill. That was done in this case at the start. The gentleman from New York [Mr. SEYMOUR] called the previous question. The Chair did not expect that he wished to withdraw it, and did not see him. The gentleman from Ohio [Mr. STANTON] moves that the House adjourn.

Mr. HOUSTON. I am perfectly willing that the gentleman from New York [Mr. SEYMOUR] should have the floor to withdraw his motion. I withdraw the motion to lay the bill upon the table.

The SPEAKER. The Chair has just stated that there was a motion pending, that the House adjourn. Is that motion withdrawn?

Mr. STANTON. It is not withdrawn.

Mr. WALSH. I rise to a question of order. No business has intervened between the two motions to adjourn.

The SPEAKER. Another motion was made for a call of the House. The Chair has no doubt that there has been business.

Mr. POLK demanded tellers on the motion; but they were not ordered.

The question was then taken, and it was decided in the negative.

So the House refused to adjourn.

The SPEAKER. The question now pending is upon the motion made by the gentleman from Illinois, [Mr. CAMPBELL,] that there be a call of the House.

The question was taken; and a call of the House was refused.

Mr. SEYMOUR. I now ask a vote upon seconding the demand for the previous question.

The SPEAKER. That is the question now before the House.

Mr. ORR. I move that the bill be laid upon the table.

Mr. CARTTER. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STANLY. I wish to suggest to the gentleman from South Carolina, to allow the gentleman from New York [Mr. SEYMOUR] to make a motion to recommit the bill, with a view, if the House adjourn, that it come up to-morrow morning.

Mr. HARRIS, of Tennessee. I move that the House adjourn.

The motion was disagreed to—ayes 59, noes 88.

Mr. VENABLE. I move that there be a call

of the House, and upon that motion I demand the yeas and nays.

Mr. CARTTER. The question is on laying the bill upon the table.

The yeas and nays were ordered.

Mr. CHASTAIN moved that the House do now adjourn.

Mr. VENABLE called for the yeas and nays.

The yeas and nays were ordered.

Mr. SEYMOUR, of New York. I wish to make a statement to the House. I am willing to make a motion to recommit the bill, if gentlemen will allow me to do so.

[Cries of "No!" "No!" and "Order!"]

Mr. MARSHALL, of Kentucky. I insist on the regular order.

Mr. EVANS. I desire to ask a question of the Speaker, for information. If the House adjourns now, where will the bill go?

[Loud cries of "Order!"]

The SPEAKER. If it be the pleasure of the House, the Chair will respond to the interrogatory of the gentleman.

[Loud cries of "No!" "No!" and "Order!"]

Mr. CARTTER. The bill will go upon the Speaker's table; there is where it will go.

[Renewed cries of "Order!" "Order!"]

The question was then taken on Mr. CHASTAIN's motion, and it was decided in the negative—yeas 50, nays 87; as follows:

YEAS.—Messrs. Willis Allen, Ashe, Thomas H. Bayly, Babcock, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Caskie, Chastain, Churchwell, Clingman, Cobb, Dimmick, Disney, Dunham, Edmundson, Ficklin, Gilmore, Hamilton, Isam G. Harris, Hendricks, Hillyer, Holladay, Houston, Howard, Andrew Johnson, James Johnson, George W. Jones, Letcher, Mason, McMullin, McQueen, Milson, Morehead, Murphy, Phelps, Ross, Savage, Smart, Stanley, Benjamin Stanton, Stone, Stratton, Venable, Wallace, Watkins, Addison White, Wildrick, and Williams—50.

NAYS.—Messrs. Allison, John Appleton, Wm. Appleton, Babcock, Barrere, Bowie, John H. Boyd, Brenton, Briggs, Brooks, George H. Brown, Burrows, Carter, Chandler, Chapman, Cleveland, Conger, Curtis, George T. Davis, Dawson, Dean, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Fitch, Florence, Floyd, Fowler, Thos. J. D. Fuller, Giddings, Green, Harper, Hart, Haws, Haven, Horstford, John W. Howe, Thos. M. Howe, Thomas Y. How, Hunter, Ingersoll, Jackson, John Johnson, George G. King, Preston King, Landry, Lockhart, Mann, Martin, McNair, Miller, Molony, Henry D. Moore, Murray, Newton, Oulaw, Pennington, Perkins, Polk, Porter, Richardson, Riddle, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Origin S. Seymour, Skelton, St. Martin, Smart, Sutherland, Thurston, Townshend, Walbridge, Walsh, Welch, and Yates—87.

So the House refused to adjourn.

Mr. ORR. If the House will indulge me for half a minute, I think that we can relieve all parties from the difficulty in which we are placed, and adjourn.

[Loud cries of "Go on!" "Agreed!" and "Order!"]

The SPEAKER. The pending question is on the motion that there be a call of the House.

Mr. ORR. The gentleman from North Carolina, [Mr. VENABLE,] who made that motion, is willing to withdraw it. I will withdraw the motion to lay the bill upon the table; the gentleman from New York [Mr. SEYMOUR] will withdraw the demand for the previous question, then move to recommit the bill, renew the demand for the previous question, and move an adjournment, without requiring the previous question to be sustained.

[Cries of "Agreed!" and "Good!" "Good!"]

Mr. SAVAGE. I rise to a question of order. The yeas and nays have been ordered on all those motions, and the gentlemen cannot withdraw them without unanimous consent. I object to the withdrawal.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from Tennessee. The gentleman is aware that an amendment can be withdrawn any time before action upon it.

Mr. SAVAGE. Not after the yeas and nays have been ordered upon it.

The SPEAKER. Yes, sir.

Mr. VENABLE. I ask the House to indulge

me in a single remark. I moved a call of the House with no other object than to teach gentlemen that it is impossible to force this House to do business while fifty persons are determined they shall not do it. I made the motion for no other purpose than to teach gentlemen that lesson, which it seems hard for them to learn. If the gentleman from New York [Mr. SEYMOUR] had moved to recommit the bill, there would have been no objection to an adjournment. I now withdraw the motion for a call of the House.

Mr. ORR. I withdraw my motion to lay the bill upon the table.

Mr. SEYMOUR, of New York. I now withdraw the demand for the previous question, and move that the bill be recommitted to the Committee on Commerce, and on that motion I call for the previous question.

Mr. DEAN. I move that the House do now adjourn.

The motion was agreed to, and the House adjourned until to-morrow at 11 o'clock, a. m.

## IN SENATE.

FRIDAY, July 30, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. TOUCEY. I move that the rule requiring to-day to be devoted to the consideration of private bills, be suspended until one o'clock, as I wish to present a memorial.

Mr. HUNTER. I have no objection to devote until one o'clock to the morning business, but I shall then make a motion to suspend the order, for the purpose of taking up the Indian appropriation bill.

Mr. CASS. If there is any particular reason why private bills should be postponed, I will not say a word about it; but unless there is some particular reason, it seems to me that we ought not to postpone the consideration of private bills. It is very late in the session, and a great many cases demand our action immediately, which, if not acted upon immediately, must be postponed till the next session. But I repeat, if there is any particular reason for suspending private bills for a short time, I shall not object.

Mr. TOUCEY. My object merely is to present a memorial, and ask its reference at this time.

Mr. PRATT. I hope there will be no postponement of private bills; I hope we shall proceed to the consideration of private bills at once, without even devoting the morning hour to any other business. We have notice already that at one o'clock the Senator from Virginia will make a motion to proceed to the consideration of the Indian appropriation bill; so that to-day will again be taken away from the object to which it should be devoted. I hope, therefore, the Senate will concur with me in proceeding at once to the consideration of private bills. I ask the yeas and nays on the motion of the Senator from Connecticut.

The yeas and nays were ordered, and being taken, resulted—yeas 23, nays 18; as follows:

YEAS.—Messrs. Bayard, Brooke, Butler, Charlton, Cooper, Davis, De Sauture, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Foot, Hunter, King, Mangum, Mason, Pearce, Seward, Soule, Spruance, Toucey, Upham, and Weller—23.

NAYS.—Messrs. Atchison, Borland, Bright, Cass, Clarke, Cluett, Downs, Hamlin, Mallory, Meriwether, Miller, Morton, Pratt, Rusk, Sebastian, Sumner, Wade, and Walker—18.

So the motion was agreed to.

## MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by Mr. M. P. FILLMORE, his Secretary, transmitting, in compliance with a resolution of the Senate of the 27th instant, a copy of the notes of Mr. Luis de la Rosa and J. M. Gonzales de la Vega; which was read, and,

On motion by Mr. WELLER, referred to the select committee appointed on the subject of the United States Mexican Boundary Commission.

## PETITIONS, ETC.

Mr. TOUCEY presented a memorial of James Hamilton, for himself, and in behalf of Sarah A. Hunt, Ann Barnacastle, William S. Wetmore, assignee of the trustees of the Bank of the United States, and others, praying Congress so to modify the proviso of the boundary act passed 9th September, 1850, that the creditors of Texas may file their releases separately, and receive the amounts respectively due them by the State of Texas.

On motion by Mr. TOUCEY, it was

Ordered, That the memorial be referred to a select committee, consisting of five members, to be appointed by the President pro tempore.

Mr. TOUCEY, Mr. SOULE, Mr. FOOT, Mr. MASON, and Mr. SEWARD, were appointed the committee.

Mr. BRIGHT subsequently moved to reconsider the vote by which the memorial was referred to a select committee; which motion was ordered to lie on the table.

Mr. COOPER presented a petition of P. Wideman and others, citizens of Pennsylvania, praying that the "homestead bill" may become a law; which was referred to the Committee on Public Lands.

Also, a remonstrance of the citizens of Allegheny county, Pennsylvania, against the further extension of Woodworth's patent for a planing machine; which was referred to the Committee on Patents and the Patent Office.

Mr. SMITH presented a petition of Truman Gilbert and others, citizens of Connecticut, praying that the "homestead bill" may become a law; which was referred to the Committee on Public Lands.

He also presented a memorial of citizens of Connecticut, praying the passage of the "homestead bill," which was referred to the Committee on Public Lands.

Mr. HUNTER presented a memorial of the laborers employed in the State Department, praying an increase of compensation; which was referred to the Committee on Finance.

Mr. CHARLTON presented a memorial of the Chamber of Commerce of the city of Savannah, Georgia, praying that an appropriation may be made for surveying the Chinese seas and the whaling region of the North Pacific; which was ordered to lie on the table.

Mr. SOULE presented the memorial of Henry Johnson, executor of Philo B. Johnson, deceased, praying indemnity for spoliation committed by the Mexican authorities on the schooner Constitution, of which the deceased was master; which was referred to the select committee appointed on the subject.

Mr. GWIN presented the petition of J. J. B. Walbach, a lieutenant in the Navy, praying repayment of his expenses in returning home, sick, from the United States ship St. Mary's, on the Pacific station; which was referred to the Committee on Naval Affairs.

Mr. BORLAND. I present the petition of a large number of merchants and other respectable citizens and professional men, residing at Memphis, Tennessee, and that region of country, praying the establishment of lines of mail steamers between Louisville and New Orleans, connecting the shallow and deep navigation at Memphis. The object sought by the petitioners in this case was presented to the Senate by myself, a month or two ago, and the subject was referred to the Committee on the Post Office and Post Roads. That committee has reported a bill accomplishing the object in view. I will not, therefore, ask a reference of the memorial, but move that it be received and laid on the table. I wish merely to say to the Senate, that at a very early day I shall move to call up that bill which has been reported by the committee, and ask the action of the Senate upon it.

The petition was laid upon the table.

## REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the bill for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis, reported it back without amendment.

Mr. SEWARD, from the Committee on Commerce, to which was referred the bill to repeal an act entitled "An act concerning tonnage duty on Spanish vessels," reported it back without amendment; and on his motion the report of the Secretary of the Treasury, of the 1st of April, relating to the subject, was ordered to be printed.

Mr. MASON. The Committee on Foreign Relations, to which were referred the President's message of the 28th instant, and the documents accompanying it, concerning the right of way across the Isthmus of Tehuantepec, with a view to examine into the propriety of printing them, have examined them as far as practicable, and instructed me to say that, in their judgment, it would be desirable to print all the documents;

they are not voluminous. I move, accordingly, that the President's message and the documents accompanying it, relating to the Tehuantepec treaty, be printed for the use of the Senate.

The motion was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. P. B. HAYES, its Chief Clerk, announcing that it had passed a bill for the relief of Cornelius Covert, of Michigan.

## DISTRIBUTION OF THE LAWS AND DEBATES OF CONGRESS.

Mr. PEARCE. I am instructed by the Joint Committee on the Library, to which was referred the joint resolution from the House of Representatives "providing for the distribution of the laws of Congress, and the debates thereon," to ask that they be discharged from the further consideration thereof, and that it be referred to the Committee on the Post Office and Post Roads. I will state for the information of the Senate, that though the title of the resolution seems to bring it within the cognizance of the Joint Committee on the Library, the subject-matter does not. It is a resolution which provides that the Congressional Globe, in which the laws and debates of Congress are reported, shall pass through the mails free of postage. The subject-matter of it properly belongs to the Committee on the Post Office and Post Roads. Therefore I am directed to move that the Joint Committee on the Library be discharged from its further consideration, and that it be referred to the Committee on the Post Office and Post Roads.

Mr. HAMLIN. I think we had better put the joint resolution upon its passage. The Committee on the Post Office and Post Roads, supposing the matter would have been referred to them, has given it a consideration and it meets their approbation. I apprehend there can be no objection to it. I move that it be put upon its passage.

The PRESIDENT. It cannot be put upon its passage in this stage of the resolution. The question is on discharging the Joint Committee on the Library from its further consideration, and referring it to the Committee on the Post Office and Post Roads.

Mr. HAMLIN. Then I ask a division of the question; first that it be taken on discharging the Joint Committee on the Library.

The PRESIDENT. The question will be divided. Will the Senate discharge the Committee on the Library from the further consideration of the resolution?

The motion to discharge the committee was agreed to.

The PRESIDENT. The question now is on the motion to refer the joint resolution to the Committee on the Post Office and Post Roads.

The motion was not agreed to.

Mr. HAMLIN. I ask that the joint resolution be now put upon its passage; and for that purpose I move to postpone all prior orders that the Senate may proceed to the consideration of the joint resolution.

The motion was agreed to; and the Senate proceeded to consider the joint resolution as in Committee of the Whole. It is as follows:

With a view to the cheap circulation of the laws of Congress and the debates contributing to the true interpretation thereof, and to make free the communication between the representative and constituent bodies:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the present session of Congress the Congressional Globe and Appendix, which contain the laws and the debates thereon, shall pass free through the mails so long as the same shall be published by order of Congress: Provided, That nothing herein shall be construed to authorize the circulation of the Daily Globe free of postage.

Mr. PEARCE. It seems to me that the resolution is of doubtful propriety. It is true that the Globe, which it proposes to send free of postage, is not a political newspaper. It is true that it publishes nothing but the debates of Congress, and the laws which we pass. But, then, it is also true that it is a private enterprise. Each House of Congress subscribes for a certain number of copies of the Congressional Globe, for the use of their members. Those copies each member, as he receives them, may frank, as he pleases; and we do frank them. But it is proposed, now, that this paper shall pass through the mails free to all subscribers in every part of the country. Although this work does not come into competition with

any other paper, it is very doubtful to me whether, if we give this privilege to the Globe, we shall not be importuned—and with some show of reason, perhaps—to grant the same privilege to other papers. We shall be told that they are papers of eminent public utility; that they are not connected with politics at all. If it be not a public document, I do not see how we can make the discrimination without extending the same privilege to other papers. I think, perhaps, the Senate are going a little too precipitately about it. My only object in saying a word now, is to call the attention of Senators to it, that they may understand what they are voting upon, and consider whether it is altogether proper. I doubt it myself.

Mr. BORLAND. Mr. President, I am sorry to have to differ in opinion from the Senator from Maryland on this subject, but I think he has put this resolution upon a ground upon which it really does not and should not stand. It is not a proposition to give to the proprietor of the Congressional Globe the privilege of circulating his paper free of postage; but it is a proposition to disseminate the laws which we enact here, and the discussions upon them, which make up their true interpretation, freely among the people, who are interested in these laws, and in those discussions. We are every day ordering the publication of public documents, and we are circulating them by thousands and hundreds of thousands, in the form of books, all over the country. Now, sir, if it be proper to circulate matter of that sort, which, by the order of either House of Congress, is published and deemed of interest to the people of the country, it must certainly be of equal, and I deem it of far greater importance, to circulate freely among the people the laws themselves, and all the discussions which go to enable, or in any way help them to interpret the laws—to understand them properly, in all their bearings, and the objects in view in their passage. We are paying annually many thousands of dollars for the publication of the laws alone in the different States in the Union, in various newspapers. I do not know how many thousands we expend in this way, but it is a great many. That is a very proper object upon which to expend the public money. I would, if I could, have the laws of the United States published in every newspaper in the Union, so that all the people might see them, and fairly understand them. This, then, is a proposition to carry out that good object. It is not only to present freely and fully before the people the laws, but all we say in regard to them; not only to enable the people to acquire a thorough knowledge of the laws themselves, but to look to the conduct of their representatives in the two Houses of Congress, to enable them to see the considerations which govern them, and be able to hold them to a just accountability, so that it will not be in the power either of the representatives themselves to impose upon their constituents, or of those who may choose to undertake to misrepresent the representatives, to succeed in so base an object. It will give a fair exposition before the people of the country of the proceedings of their representatives.

Mr. BUTLER. So far as regards the laws of the United States, if they could be separated from the debates in this resolution, I concur entirely in the views expressed by the Senator from Arkansas. But, I object to allowing a private newspaper go free of postage, because it publishes the debates. My friend says that they are the key to the interpretation of the laws. That is not so, sir. If I wanted to understand one of the laws of Congress, I believe the last way in which I would approach it, would be through the debates that have nothing to do with it. Is it not notorious, that one question is up, and another debated in the other House, particularly, and sometimes in this? I think the title of this joint resolution, had better be one for the encouragement of public speaking, and for the propagation of a great deal of bad speeches. I am satisfied, that the best thing which is done in Congress, is the speaking. If we were to speak altogether, as I have heard a distinguished man say, and pass no laws, I do not know but what it would be the best employment of Congress. But, it would be the very worst use of the public money, to appropriate it for the purpose of spreading and communicating this species of literature—a kind of literature very little instructive, and, in my opinion, not much listened to in Congress, and which, I think, ought not to be read

much out of it, except in a few instances. If we had a censor, to circulate the few good speeches, I would be very willing to make this publication of them. But, we cannot do that. I wish there were no reporters. It would be better if there were none. And, then let the newspapers, like the bee, extract what is good, and exclude what is bad. Let the best editors come here and take what they choose; but let not reports go out by the wholesale, and be the vehicle for all sorts of communications. If a man wants to publish a treatise on any subject,—on the fisheries, or whales, or whalebone, or anything else, all he has got to do, is, to select his subject, deliver his speech here, and it makes quite a little book, and he may have it bound and published at the public expense. Any one who wants a theme, can select it in this Chamber or in the other House,—take any subject—chemistry, philosophy, &c., and make his speech and publish it in the Globe, and there is his book. I have only to say, that I agree with my friend from Maryland, that I think we ought to postpone this. I cannot agree to extend, because I think it an abuse of our power, the privilege of circulating that kind of matter free through the mails.

Mr. HAMLIN. The Senate have seen fit to adopt a system to provide for reporting the debates. The House have adopted a similar system. They have made contracts with the individual who publishes the Congressional Globe, and, under those contracts, he is compelled to report the proceedings of both branches of Congress. By the existing postage law, those reports are excluded from the mail. They are absolutely excluded, unless the postage is paid in advance, at such enormous rates as actually to exclude them. It is not a newspaper. There is no description of that paper in the existing postage law, which allows it to go through the post office, except as printed matter paid in advance. If, then, there is importance enough attached to the subject to induce Congress to provide for the reporting of their proceedings, I apprehend those reports should be circulated through the country.

I attach somewhat more importance to them than the Senator from South Carolina. I think, however, much of evil may be attached to the excess of debate; but we should be very much worse off if we were to circumscribe it, or stop it, which would be virtually stopping, in that respect, the freedom of speech. I hope the joint resolution will commend itself to the favorable consideration of the Senate, as it has to that of the House. Having taken such steps as we have taken to procure reports, I think we do no more than justice to the community by providing for the free dissemination of the debates through the mails. We all of us need watching. I think, if we bring the eyes of the people upon us, they will at least do no harm. I think that very much good will arise from the free and extensive dissemination of the doings of both branches of Congress. I hope the resolution will receive the favorable action of the Senate.

Mr. MASON. Mr. President, the proposition, as I understand it, is to circulate, free of charge, through the mails, the Congressional Globe and Appendix, which contain the proceedings of Congress. It strikes me that there are two decided objections to the resolution. The first is, that you should not only report and print, at the public expense, the debates of Congress, but extend it still further and circulate them free; because to circulate them free of charge is to circulate them at the public expense. I think we went very far in calling upon the Treasury to pay for the reporting and printing of the debates of the Senate, and now, to circulate them at the expense of the Treasury, seems to me to be transcending our proper duty to the people we represent.

But there is another and even stronger objection. It is, that this resolution gives an undue preference to the owners of that paper over the owners of other papers. It must follow, if this paper is circulated without charge, that it will invite a subscription with which other papers cannot compete. It will be lending the bounty of the Government to benefit and enrich that paper. If the objection exists, as the honorable Senator says, that it cannot now be carried through the mails like other papers, because it is not within the class of newspapers provided for in the postage law, let the law be changed in that respect,

and make it a newspaper. Further than that I cannot go.

Mr. PRATT. Mr. President, there is one view of this subject which induces me to vote for the resolution. The debates of the Senate are now published in one party paper, the Union; and they are published also in the Congressional Globe. As far as one of the two great parties of the country is concerned, its members are subscribers to this party paper, and get the debates of Congress; but the party to which I am attached do not generally subscribe for it; and they are excluded entirely from perusing the debates of this and the other branch of Congress.

Mr. BUTLER. It is their own fault. The Intelligencer had the same privilege and renounced it.

Mr. PRATT. The gentleman says it is the fault of the Whigs. I am sure there is no one attached to the party to which I belong, who would not have desired the Intelligencer to continue the publication of the debates. But its proprietors have refused to publish them; and, therefore, there is now no Whig paper in the country publishing in full the debates of this and the other branch of Congress. That great portion, therefore, of the American people who are Whigs are excluded, by the present law, from participating in the advantages which the other party have in seeing the debates.

There is another answer, I think, to the argument of my friend from Virginia. He says, that it is giving an advantage to this paper over all others. I do not look upon it in that light. This paper is not like any other. It is not a party paper. It contains nothing on earth but the debates of Congress. It excludes everything else. It, therefore, does not stand upon a footing with any other paper. It is said, by the Senator from Maine, who made the motion to take up the resolution, and who is a member of the Committee on the Post Office and Post Roads, that by the existing postage law, it cannot be sent through the country, because the postage is so high; therefore, none, or very few, subscribe to it; consequently, we are paying the enormous expense of having the debates published, and by the existing postage law, we exclude the people of the country from subscribing to the paper. Now, I think it will not be a very great incumbrance to the Post Office Department to have this paper sent free of charge; and therefore I shall vote for the joint resolution with a great deal of pleasure.

Mr. GWIN. I think the Senator from Maryland is mistaken in regard to the Whig party not getting the benefit of a report of the proceedings of Congress. I think the most efficient reports of the proceedings of Congress that are published in this city are in the National Intelligencer. They contain the most information. They are not so extensive, but they are drawn up with great care and accuracy. They give an account of the proceedings, which the people will read. The reports in the official papers are so long and go into such details that the people will not read them, as they will read those in the Intelligencer. I think the reports of the Intelligencer are admirable. They embody the proceedings of Congress, leaving out a great many details which are not necessary. If the honorable Senator from Maryland will bring forward a proposition to compensate the editors of that paper for the reports they publish, I will sustain it. Those reports are much more condensed, and therefore are read more extensively in the country. I think therefore that the objection the Senator from Maryland brings forward is not sustained by the facts of the case.

Mr. PRATT. Will the honorable Senator bring me a National Intelligencer, and show me a debate? Except, perhaps, upon the question of a war, which was alluded to the other day, I have not seen a single speech of a member of this body published in that paper. It may be that, according to the view of the honorable Senator from South Carolina, the editors of that paper have been making a selection, and that in their judgment there has not been any speech made this session by any Senator or member of the other House worthy of dissemination among the people. But it is certainly true that there has been no speech of a member of this body published in that paper, except upon the isolated question of the fisheries, and of non-intervention; and I will state, as a fact which cannot be overcome, that we pay about



\$100,000, or more, for the printing of the speeches of the members of this body. We pay a very large amount, which comes out of the public Treasury, for the publication of those speeches; and the question is, Shall the people be permitted to subscribe for this paper, and read those speeches? That is the whole question. Under the existing law they cannot subscribe, because the postage prevents its being sent, except at enormous rates.

Mr. GWIN. I think the Senator misunderstood me. My statement was, that the reports of the proceedings of Congress in the Intelligencer are more generally read than the reports in any other newspaper, because they are more succinct, and give the substance of the proceedings, without going into unnecessary details. I think they are the most interesting and useful reports; and, as I said before, if the Senator will bring forward a proposition to compensate the editors for their reports, I shall be willing to vote for it. I do not think it is necessary to publish all these speeches. I do not think the people read them. I think the publication of our proceedings are entirely too extensive.

The joint resolution was reported to the Senate without amendment, and ordered to a third reading by a vote, on a division, of ayes 21, noes 17. It was then read a third time and passed.

#### PRIVATE BILLS.

The PRESIDENT. The hour of one o'clock having arrived, private bills come up in their order.

Mr. HUNTER. I move to suspend, for the remainder of the day, the operation of the order requiring to-day to be devoted to private bills, for the purpose of taking up the Indian appropriation bill.

Mr. CLEMENS. I hope that motion will not prevail. We have on our table a number of private bills which, if passed at all, must be passed to-day. It is a matter of very little importance whether the Indian appropriation bill gets through this week, next week, or the week after. Nobody will be affected injuriously by it, if it does not pass until the end of the session. But there are claimants here who have just claims on the Government, whose claims we know will not be attended to—for this session at least—unless they are disposed of to-day. Claimants are here demanding justice at our hands. I hope it will be granted to them.

Besides, there are other reasons why the Indian appropriation bill should not be taken up to-day. The chairman of the Committee on Indian Affairs [Mr. ARCHISON] has not concluded an examination which he has been making in relation to the very next amendment which comes up. There is also an amendment to be offered by the Committee on Indian Affairs, in which the Senator from Georgia [Mr. DAWSON] feels a great deal of interest, and he is detained to-day by the sickness of his son. If the bill should be taken up, therefore, we should be compelled to postpone it, because Senators would not go on with it under the circumstances. At any rate, it would be impossible to get through with it to-day, and it is wholly immaterial whether we get through with it or not to-day. It is not necessary that it should be passed to-day. There is no pressing necessity for it. There is no immediate demand for its passage, and we know that if the private bills are postponed now, they will not be considered again for the remainder of the session. I hope we shall proceed to the consideration of the Private Calendar.

Mr. WELLER. Mr. President, I think there would not have been so many private bills upon the Calendar undisposed of, if the Senate had agreed to sit on Saturdays. I recollect that on last Friday my friend from Alabama himself made the motion to adjourn over until Monday, and I am not sure but that he made the motion on more than one occasion. I have thought that it would be better for us to sit on Saturday for the very purpose of disposing of the bills on the Private Calendar, for every one must see that unless these bills are acted on now, there is no probability whatever, that they will pass the House of Representatives at the present session.

In order, therefore, to dispatch, particularly that portion of the business accumulating on our hands, it would be better for the Senate to sit on Saturday.

Mr. HUNTER. Mr. President, I suspect that we have passed and sent to the House as many private bills as they will be likely to act upon at this session, or as they will have time enough to act upon. There is time enough for us to act upon any private bills which may have been sent by the House of Representatives. But I fear it would be throwing away time now to consider any more of our own private bills, and send them to the House.

Nor do I agree with the Senator from Alabama, that it is a matter of no importance whether the Indian appropriation bill is settled this week or next week. We have proposed to adjourn on the 31st of August. If we do so, it will require us to occupy ourselves industriously. If we mean to discharge the public business of the country, there are other things to do—there are other public measures, besides the appropriation bills, to be attended to. Nor does it follow that we should do nothing in relation to the Indian bill at all, on account of what has been said by the Senator from Alabama. It is true, there is an amendment which the chairman of the Committee on Indian Affairs wishes further time to examine. That amendment could be laid over. But there are other amendments of the Committee on Finance, and there are amendments which the Committee on Indian Affairs, I understand, is now prepared to offer as soon as the Senate shall be through with the amendments proposed by the Committee on Finance. I hope, therefore, that the Senate will proceed to the consideration of the Indian appropriation bill.

Mr. BORLAND. Mr. President, I hope we shall go on with private bills to-day. At an early period of the session, we recognized the propriety of giving these private bills a fair consideration, and made it a portion of our rules that we would devote Friday of every week to their consideration. We have, time after time, suspended that rule, and put off private bills sometimes for as many as three Fridays in succession. Now, towards the close of the session, when we know there are private bills here, the justice and the pressing necessity of which no one will deny, and which cannot be passed, as the Senator from Alabama has suggested, at this session, unless acted upon to-day, we are called upon to postpone them. I do think that from these considerations, and from common justice, we ought to proceed to the consideration of private bills.

Mr. HUNTER. I am informed by the Secretary of the Senate, that we have never passed as many private bills at any session before, as at this session; so that I think it is not fair to say that the Senate has done injustice to private claimants.

Mr. RUSK. I am very sure that we have not passed half as many private bills as we ought to have passed. There are many bills on the table which have been reported and re-reported, passed and repassed. If we have passed some at this session, and now refuse to consider the rest, it is making favorites of some claimants against the Government, and postponing others.

Mr. CLEMENS. I wish to say a word in reply to the Senator from California, [Mr. WELLER.] He says that on last Friday I made a motion to adjourn over, and thereby defeated the action of the Senate on private bills on Saturday. Why, does not that Senator know that if we had met on Saturday, not one solitary private bill would have been touched? Does he not know that by a standing rule of the Senate, we take up private bills on Fridays. Besides, I do not know whether last Friday was wasted, but other matters took precedence.

Mr. WELLER. The Senator is mistaken as to what I did say. I did not say that private bills necessarily came up on Saturday, but that we might have sat on Saturdays and disposed of some of them. That is my opinion still.

Mr. CLEMENS. We have never spent any day upon private bills, except days specially set apart for them. If we were to sit here from now till the beginning of the next session, we would not do so. I did make a motion to adjourn over on last Friday, and it is probable I shall make the same motion to-day—and I believe the Senator voted with me then.

Mr. WELLER. No, sir.

Mr. CLEMENS. He certainly did not vote against the motion.

Mr. WELLER. The Senator is mistaken. I never voted to adjourn over.

Mr. CLEMENS. I believe there was no division on the motion, and we know that gentlemen are sometimes willing to have it done, although they do not want to help to do it.

The motion to suspend the order requiring private bills to be taken up, was not agreed to, there being, on a division, ayes 18, noes 20.

JOSEPH H. D. BOWMAR.

Mr. DOWNS. There is a private bill which was laid on the table some weeks ago, which I wish the Senate now to take up and dispose of. It is a bill for the relief of Joseph H. D. Bowmar. It was laid on the table under peculiar circumstances. The Senator from Michigan, [Mr. FELCH], the chairman of the Committee on Public Lands, and myself differed about a material fact in the case, and I therefore consented that the bill should be laid on the table. Since that time, I have examined the matter, and I have satisfied myself as to that point, and I therefore ask the Senate to take up the bill now and dispose of it.

The motion was agreed to, and the Senate resumed, as in Committee of the Whole, its consideration. It provides for granting a patent to Joseph H. D. Bowmar, of Carroll parish, Louisiana, for a lot in fractional section No. 27, in township 19, of range 13 east, in the district of lands north of Red river, subject to entry and sale, at Ouachita, in the State of Louisiana, containing one hundred and forty-five and thirteen hundredths acres, on final settlement certificate No. 9977, issued to Bowmar on May 16, 1849; and that so much of the second section of the act of March 3, 1849, entitled "An act for the relief of James G. Carson," as confirms the selection made by the Secretary of the Treasury of said lot No. 27, for the use of public schools be repealed: *Provided*, That nothing in this act shall be construed so as to reduce the quantity of land to which that township is entitled by law.

Mr. FELCH called for the reading of the report of the Committee on Private Land Claims; and it was read.

From that report it appears that Bowmar, the memorialist, settled on lot No. 27, in fractional township 19, range 13 east, in the district of lands north of Red river, and became entitled to preemption in consequence of such settlement. This lot having been improperly selected for school purposes, upon an appeal to the Secretary of the Treasury, the selection was revoked, January 4, 1849, and the memorialist was permitted to enter his preemption. Before the entry was actually made, however, Congress, in ignorance of his rights, passed an act for the benefit of James G. Carson, by which Carson was permitted to enter the lot No. 27, which had been entered for school purposes by the proper officers, and for the settlement of which the memorialist had obtained a certificate bearing date May 16th, 1849. Owing to the obstacle arising from the act of Congress for the relief of Carson, a patent was refused to Bowmar. The committee, therefore, are of opinion that a bill should be passed allowing the memorialist to enter on this section.

Mr. FELCH. This bill was reached in its order some time ago, and upon my motion, I believe, it was then laid upon the table. Since that time I have looked into the facts in relation to it, and as I have not my memorandum here, not supposing it would again be called up out of its order, my recollection is not very fresh in regard to it. I was satisfied, however, from examining the matter, that this bill ought not to be passed. The difficulty about it is, that the land to which a preemption right is proposed to be given in this bill is, in point of fact, school land belonging to the State, being, I believe, the sixteenth section, which, in each township, is set aside by general law for school purposes. It seems to have been claimed by preemption right for an individual named Carson, and a law was passed by Congress allowing him to enter the land, providing, at the same time, as the general law provides, that if the sixteenth section should be taken in that way, the parties might select another in lieu of it. Those authorities selected this twenty-seventh section, and it became the property of the State for school purposes.

I think there has been some subsequent action on the matter by Congress, and yet, after all, there

is nothing, so far as I have been able to discover when I looked over the papers, which divested the title of the State. It is, as I understand it, the property of the State as school land, and therefore it is not in the power of Congress to make a different disposition of it and deprive the State. I know there is a proviso in this bill which declares that it shall not diminish the quantity of land taken for school purposes. Of course we cannot divest the State authorities without their consent, and even if we should undertake to do so, the bill makes no provision as to the manner in which the same quantity of land shall be taken elsewhere. The difficulty arises from the want of power on the part of Congress to make this disposition. I regret that the question should have been brought up to-day, because I have some memoranda on the subject which I wished to present, and am compelled now to state only my general recollection of the matter.

Mr. DOWNS. Mr. President, I am sorry that the gentleman has not got his memorandum here. He had it here when the subject was up before, and I regret to say that it was totally erroneous, and gave an incorrect representation of the whole matter. I have looked into the papers since the question was up before, and I see no reason to doubt the propriety of the bill. The gentleman does not understand this case as well as he would have the Senate believe he does.

I must say once for all, that I consider it a little extraordinary that, not only in this case, but in many other cases reported on by the Committee on Private Land Claims, the chairman of the Committee on Public Lands should take upon himself to supervise their proceedings, and consider that nothing should be done on a case, unless it came from his committee. If that course is to be pursued, I suppose the gentleman had better move to disengage altogether with the services of the Committee on Private Land Claims. And now to show with how much caution gentlemen of another committee ought to interfere with the proceedings of a committee of which he has no knowledge, I wish to point out to the gentleman, and to the Senate, how egregiously he has mistaken the whole case, when he comes in to correct the solemn and formal action of another committee.

The Senator has stated that this is an ordinary case of preemption—that here is a lot of land set apart in the township as a school lot, and that therefore it must be sacredly preserved as such, and that Congress has no power to dispense with that rule, or to give it to the claimant in this case. This is an imperfect statement of the case. The true statement is this: That, under a special act of Congress, passed in 1826, I believe there have been selected in this particular township instead of one, three school lots. By that act, in certain fractional and other townships, the Secretary of the Treasury was authorized to make certain selections, so as to give the proper school authorities in Louisiana certain lands. They made those selections. In several townships various lands were selected. In this particular township three lots were selected. Sometimes through inadvertence, or want of information, more lands were selected than the township was entitled to. In this particular case it was ascertained, long afterwards, that more than the quantity to which the fractional township was entitled had been selected. The petitioner here, who has settled on one of those lots, petitioned the Secretary of the Treasury, Mr. Walker, and after a formal investigation of the matter, the Secretary took up the question and decided that more than the legitimate portion of this township had been selected, and that, therefore, he would release, not lot sixteen, but lot twenty-seven, which Bowmar claims, from that reservation, and allow him to perfect his preemption. Now, is there anything illegal in that? Is there anything improper in that? Was it not competent for the Secretary of the Treasury to undo an error which had been made before? Most assuredly it was. It has been done in other cases. After full examination he did release this land from the school reservation, and allow Bowmar to go on and perfect his preemption.

But the gentleman is equally mistaken in the law as he is in the fact. He says Congress has no power to make such a release as that; whereas, the papers here show that the very act of Congress passed in favor of Carson did release the

township—the act of Congress did release a portion of the land, and gave a preemption right to Carson. That act of Congress released one of the three lots from the same reservation which the Secretary of the Treasury, by authority, had previously released. Perhaps Congress has now grown wiser than it has been heretofore, or, if we follow the advice of the gentleman, we shall grow wiser; but this has been the practice pursued for many years. There are many cases in which these exemptions from reservation have been granted, and especially in cases of this kind, where three lots were selected instead of one. It is perfectly competent to do it. Precisely the same thing was done by Congress for Carson, and was done by the Secretary of the Treasury in relation to Bowmar. The only reason why Bowmar did not perfect his entry in accordance with the decision of the Secretary of the Treasury, made before the passage of the act passed for the relief of Carson, was that he did not apply to the Land Office before that act was passed.

A serious mistake which the gentleman made when the subject was up before—as I understood him, and his memorandum showed it—was that the act of Congress for the relief of Carson was passed before the release by the Secretary of the Treasury. The papers show that such is not the fact; that this release was made before the passage of the act, and that if Bowmar had happened to apply to the Land Office earlier, he would have been allowed to perfect his entry. He was obliged to go to the Land Office, and before he did go there, to perfect it according to the decision which was made, as the report states, the act was passed. The decision of the Secretary of the Treasury was made in January, and the act was passed in March, I believe. When he came to the Land Office, he found that the act had been passed. The question again came before the Secretary of the Treasury, and he decided that, as Congress had interposed, there was no power for him to interfere.

This, then, is the state of the case. The only objection that existed in this case was removed by the Secretary of the Treasury before Congress passed the act for Carson's relief. That act was passed by Congress without any knowledge that an application had been made to the Department by Bowmar. It is evident that if Congress had known the condition of things, it would not have passed that act. The act of Congress in favor of Carson, mentions this reservation, and the selection previously made. That would not have been done if it had been known that the selection had been set aside previously by the Secretary of the Treasury, as the papers show that was done.

The whole case, then, is this: There were three lots reserved for schools in this particular township. Bowmar, I believe, was the oldest settler, and certainly the one who obtained the consent of the people of the township, for the other party did not obtain their consent. He applied in the regular manner to the Secretary of the Treasury, and the Secretary released the reservation of one of the school lots, and allowed him to perfect his entry; but before the entry was actually perfected Congress, without knowing anything on the subject, passed an act in favor of Carson. Now, I suppose that the regular act of the Secretary of the Treasury, in the discharge of his duty, is as binding under the circumstances as the act of Congress was. I do not dispute the authority of either to release the land from this reservation, and I do not think that either ought to be considered a nullity. The object of this bill, therefore, is to place these parties on the same footing—to continue the release of this reservation which was made by the Secretary of the Treasury, and let Carson, if you please, have the benefit of his act—place the parties on an equal footing, and let the merits of the case be contested before the courts.

There is no contest between the people of the township about this matter. The contest is between Carson and Bowmar; and the object of the bill is to place them on an equal footing, and then they may go before the courts of justice, and have their rights adjudicated. There can be no objection raised that the township will not consent, for the papers show that the township has consented. At any rate, there is a proviso in the bill that it shall not be done contrary to their wishes. The Senator from Missouri, [Mr. Atchison,] some time ago, when the subject was up, made objec-

tion to the bill, but after investigation he has withdrawn his objection, and thinks the bill ought to pass.

Mr. CASS. I have very great respect for my honorable friend from Louisiana, but it seems to me that his remarks on this case are not characterized by that comity towards my colleague which he usually displays towards his fellow-members, and which we all ought to display. He seems to censure my colleague for investigating a case upon which the Committee on Private Land Claims have reported, and he talks about revising their proceedings, as though any of us were precluded by the report of a committee, and had no right to investigate facts, and circumstances, and principles connected with it. When any member of a committee investigates a case—and I feel as though I could do it in very few cases—and a member comes forward and takes upon himself to look into it, and ascertain the law and the facts in regard to it, in order to guide our decision, I am much obliged to him for it.

Let it be remembered, in this particular case, that my colleague is at the head of the Committee on Public Lands; and between the subjects which go before that committee and the Committee on Private Land Claims there is very great connection; and when he deems it to be his duty, as chairman of the Committee on Public Lands, to present his views with respect to the cases thus brought before us, we ought all to be under obligation to him. I am sure that my honorable friend from Louisiana, on reflection, will take that view of the case. The character of my colleague is known to us all. There is not a member on this floor who is not perfectly convinced in the probity of his intentions. Although the Senator from Louisiana is, no doubt, certain as to the justice of his case, we who are dispassionate—we who have had no peculiar cause to investigate it, and no local feelings to act upon us—look upon it as a question which is open to examination, and I am sure the members of the Senate will be thankful to my colleague if he has investigated it. I have considered it my duty, under the circumstances, to advert to the remarks of my honorable friend from Louisiana, in the hope that they will not be repeated, under the circumstances, by any Senator.

Mr. DOWNS. I am very sure my honorable friend from Michigan, [Mr. Cass,] who has just addressed the Senate, if he knew the circumstances of the case as well as I do, would not have said what he has said. It was not in regard to an ordinary case that I made these remarks. This is not the first, but the twentieth time, in which this interference which I oppose has taken place. I have heretofore let it pass by in silence. It was not simply the interference in this case which prompted me to make the remarks which I have made; but because here, in a case examined by me and by my committee, an important fact was stated, that this release was made by the Secretary of the Treasury before the bill for the relief of Carson was passed. It was so stated in the report. It was so stated by me in the debate. Yet the Senator got up here in the Senate, and read from a memorandum—and by the way, I would like to know who furnished him with it—that such was not the fact. I was taken so much by surprise at it, that I consented at once that the matter might be investigated, and had the bill laid over.

Now, sir, is that an ordinary occurrence? Is it such an ordinary case that it is to be passed over without any notice? A fact was stated in a formal manner in the report of the committee; it was stated by me here in my place; and yet the gentleman got up and contradicted it. Is it right? Is it proper? Is it just to myself or to the committee that such a matter should be passed over in silence? I was as much astonished as any man could be at the course pursued by the honorable Senator from Michigan, [Mr. Felch,] However inconsistent with his usual course, still the facts are as I have stated; and it was my duty, as a member of the committee—as a member of the Senate—to meet it. I intended, on the very next day, when private bills were considered, to have called up the bill, and made some remarks. I did not do so, because the gentleman was then absent, on account of sickness; and circumstances have prevented me calling it up before this time.

The Senator from Michigan who last addressed

us [Mr. Cass] is entirely mistaken in supposing that I object to the interference of another member of the Senate with my report. What I do object to is to a Senator contradicting, unless he has sufficient and competent authority to do so, a fact stated by me in my place, and also in the report. Now, it turns out, on investigation, that the fact was as I stated it. That is what I object to, and not to the interference. I think the Senate well knows, as the Senator from Michigan [Mr. Cass] has observed, that I am not captious in matters of this kind, and I am not disposed to object to interference with my reports. It is done every day. I do not object to a gentleman opposing my bills, but I shall object to any interference under similar circumstances.

Mr. FELCH. Mr. President, I scarcely expected that this debate, which has relation to a matter pending before the Senate—the decision of a question in which no Senator has any particular interest—should have resulted in any thing like a personal allusion; and especially a personal allusion to myself. With the Senator who has just taken his seat, I have always been upon the most friendly terms. But I am surprised at the course which he has taken upon this occasion. His remarks are without foundation in anything which has been said or done by myself, and certainly without foundation in anything which I have ever felt either of interest in this case, or of personal feeling toward the gentleman himself. Sir, I regret it.

I have no harsh words to reply. The Senator must enjoy his remarks to satisfy himself and his feelings, if he has any in regard to the matter; but I repeat, that I regret that he has found it necessary either to entertain a feeling of that kind, or to express it here upon this floor.

Sir, as chairman of the Committee on Public Lands, I know as well as any man what are the boundaries of the duties of that committee. I believe that few men here will accuse me of attempting to step beyond the bounds of that duty. But it does so happen, that in relation to administering the public domain, it is very often the case, that what are called private land claims, which go to the Committee on Private Land Claims, are so connected with the class of claims which go to the Committee on Public Lands, as scarcely to be distinguished, the one from the other. Many of them relate to precisely the same subject; and of this very class of cases, some go to the Committee on Public Lands and some to the Committee on Private Land Claims. If I have considered it my duty on any occasion to interfere—to use the expression of the Senator from Louisiana—in matters of this kind, it has been because my attention has been more particularly directed to the subject of the disposition of the public lands, and not from any personal feeling or personal desire to interfere with the reports or the actions of other members of the Senate. I beg Senators to recollect that, placed, as I have been, on the Committee on Public Lands ever since I have been in the Senate—directing my attention to that subject—I have withdrawn my mind from almost all other subjects discussed in this body. I should like sometimes to participate in debates of a more general and interesting character; but I have been compelled to devote my whole energies, and very much of my time, to the duties of that committee; and no man has regretted it more than I have. I know that it has been made the subject of remark in regard to myself, that I have not participated in debates on subjects of more general interest. Having directed my attention to that particular subject—being placed there, not by choice, but against my wishes—I have considered it my duty to look into the disposition of the public domain as well as I could; and to express my views upon those subjects which relate to it whenever they have been presented—not as chairman of that committee, but as a member of the Senate. As one of the members of this body, whenever questions of this kind have come up, and my attention has been directed to them, and I thought I had information which could with profit be presented to the Senate, I have gone beyond any petty personal feeling to perform that which I regard as my duty, and the duty of every member of the Senate.

Have I ever presented a bill here from the Committee on Public Lands, to which I have not invited scrutiny and investigation? Have I ever

complained of any man for scrutinizing my reports? Have I ever complained of any one for aiding me in doing justice to those parties who come here for justice, or for protecting the public interests, when those interests (as they always are) are brought in question by the bills we are about to pass? No, sir, I regard it as the duty of every man who stands here, as the chairman of a committee upon any subject, to look around the Senate, upon every side, invite investigation, and seek for information. Whenever I have presented a matter of this kind, I have been ready to thank every man who, with more knowledge than myself, has come up to enable me either to advance the measure I have introduced, or prevent its being advanced when the public interest required that it should not be passed. That is what I regard as my position.

I come here with no complaints of any man, and regret that any one should have found occasion to make a complaining allusion to myself, such as has been made on this occasion. There is one person of whom I would wish never to speak here or elsewhere; and that is myself. Self is the last subject upon which a man ought ever to speak. But I have done with that.

Mr. DOWNS. I merely wish to explain that it was not personal feeling that influenced me. So far from entertaining any personal feeling against the honorable Senator, I spoke because I felt it to be my duty, under the circumstances, to make the remarks which I have made. And, to show that there is no personal feeling on the subject, and has not been from the beginning, but that I have merely done what I considered to be my imperative duty, I take occasion now to say, with all sincerity, that the Senator from Michigan is one of the very last members of the Senate in relation to whom, if I could have had my choice, I should have made the remarks which I have made. There has existed between us a friendship which has never been interrupted. I have great confidence in his judgment. Yet, the circumstances were such that, even against all this, I have felt it to be my duty to make the remarks which I have made.

Mr. FELCH. Mr. President, I come now to the fact which the honorable Senator stated—which was true—that, in the memorandum which I had here before, there was a mistake as to the date of one of the laws passed by Congress. There was a mistake in the date. The honorable Senator took the memorandum from my hands, and returned it to me again, stating that fact. Subsequently I looked upon the memorandum, and found that there was a mistake. But that the Senator supposed it was anything more than a mistake in making out the memorandum never, until this moment, entered my mind. I did not understand him to impute anything wrong in that matter, or anything more than a mere error in copying.

Mr. DOWNS. I wish the gentleman to understand me. I do not even now suppose that the mistake was made by the Senator. I suppose it was made by the memorandum. My objection was, that the Senator used the memorandum after it was stated to him that it was a mistake. I never supposed, nor did I intend to charge, that he had intentionally used the mistaken memorandum; but he did use it after it was stated to be a mistaken one.

Mr. FELCH. I made no use of the memorandum after the Senator pointed out to me the error, and I had an opportunity to look at the papers. After that I made no use of it, either here or elsewhere.

Now, what is the amount of the matter? That the memorandum misled me as to a date; the Senator pointed it out to me; I looked at it, and found that there was a mistake. Have I ever alluded to it since? Have I made use of a memorandum which was not correct, when it was shown to me that it was not correct? I did find that there was a mistake as to the date on the memorandum, and I have never used the memorandum since I found that to be the case. But, on looking at the papers, I was satisfied that it was a mistake, which did not change the principle involved in the case; but, on the contrary, that this section—number twenty-seven—was a section which had been selected by the school authorities, and which had been confirmed by the Secretary of the Treasury, when that Department had charge of the public lands,

before the Department of the Interior was organized.

Mr. DOWNS. I would suggest to the Senator that he is entirely mistaken. The selection was made by the register and receiver, under the instructions of the Secretary. The people of the township had nothing to do with the selection.

Mr. FELCH. The selection was made in the manner pointed out by law. At any rate, this twenty-seventh section was selected by the proper authorities, instead of the sixteenth section, which was taken for another purpose. My principle is this: that whenever that section was selected according to law, and was approved by the Secretary of the Treasury, it became, that moment, the property of the State authorities, for school purposes; and from that moment it was out of the power of Congress to give it to a third person, and in that manner divest the title of the local authorities of the State. That is the point in controversy. That is all the point there is in this case.

Suppose the Senator should say I was mistaken in all this. I have no angry feeling on this subject; I am willing to go to the record and see whether I am right. I want to ascertain the facts. I know none of these parties. All I want is that we shall investigate this matter, and do whatever may be right about it. I am willing to give a preëmption right in this case, if we have the power to give it.

I have but a few words more to say, and they are in regard to the proposition of the Senator as to the power of Congress over the school lands. I will explain myself in a very few words on that subject. The sixteenth section is originally, in all the townships, reserved for school purposes, by general law. Previous to the time of the State organization, it is reserved in the same manner pointed out in the laws providing for the survey of the country, reserving the sixteenth section. The sixteenth section is not, however, appropriated for school purposes; that is to say, the title to it does not vest until, by act of Congress, it is made to pass directly in the State within which it lies. The school authorities, and sometimes the townships, have charge of it, and sometimes the State authorities themselves. But whoever may be the competent authority, that authority has the charge of the school lands. Whenever the State is admitted into the Union, the sixteenth section is then provided for. It is provided for, and lately it has been made a condition that they shall have the sixteenth section to manage for themselves, for school purposes, upon assenting to certain other propositions which Congress always makes to them upon their admission. That is the usual way. Whenever they assent, what then is the case? Why, the sixteenth section is no longer a mere reservation for school purposes, to be disposed of afterwards by Congress, but it is the property of the State, for that particular purpose, and comes under the charge of the regular school authorities. That is the true state of the case.

Now, the principle has been this: After the reservation, and before the cession of the land to the State, Congress has power over it, and may grant preëmption rights, and it may dispose of it in other methods, providing, as it always does, to make up the quantity elsewhere, if the sixteenth section should be taken for some other purpose. Up to that time, they have full power over it, as the Senator says. So they have, and they have that power up to the time the school land is ceded to the State; but when it is ceded to the State, the power of Congress ceases—utterly and forever ceases; and Congress then has no authority to grant preëmption rights; no power to give it to individuals—to this man or to that man, for this purpose or for that purpose, without the assent of the State. That doctrine is certainly very clear. It is manifest by this bill, because the bill provides that the inhabitants of the township shall give their assent; but the inhabitants of the township are not the power which have the authority to control and manage this land. By their petitions to Congress, or by their assent, they cannot divest the title which is now in the State or the town authorities, as such, having upon them the obligations and the conditions of that trust, which is merely a trust to use it for school purposes. We cannot divest the title in that manner.

There is my difficulty in this case, and it is the only difficulty I have; it is the abstract question,



and nothing else, which weighs upon my mind. It is the question whether, the proper authorities having selected this twenty-seventh section for school purposes, it is competent for the Government to divest them. That is the only question. As I now understand the facts, and as I understood the facts all the while, that principle applies to this case. If it does not apply, however, if Senators are satisfied that in point of fact we have power to divest the title of the State authorities to this land, and to give a preemption right to this individual, certainly I am willing to go with my friend from Louisiana. My difficulty is upon that point. I do not see that we have the power to do what the bill proposes to do.

Mr. DOWNS. I am inclined to think it is a mere question of law. I think the Senator assumes that Congress has no legal power to release this reservation. No doubt the distinction which has been made is a good one, where land was originally reserved as land vested in a State; but in both cases, both before and after its investment in a State, it has been the practice of Congress to release such reservations with the consent of the parties interested. Why, sir, in the very act for the relief of Carson, there was a reservation of another section in the same township in the same reservation, and the land was in the same situation as this land was when the reservation was asked at the Treasury Department. I cannot see how the question of legality can arise. Does the gentleman contend against the right of Carson also? There was no difficulty in the case of Carson. It was in consequence of the fact that the Carson claim was allowed, that the Secretary of the Treasury withdrew the permission of this claimant to perfect his title, and therefore he must have considered the claim of Carson valid. But, according to the doctrine of the Senator, the act in favor of Carson was illegal and inoperative. If this were an original question I would say, never in a single case remove the reservation; but when I looked into the statute-book, and found that the thing was done every day, and also after the consent of the people of the township was given, and saw that it was done by the competitor in this case, since Congress has given this man Carson the preference here, I do not see why there should not be fair play between them, and why they should not both be put upon the same footing.

According to the idea of the Senator from Michigan, the act in favor of Carson was illegal; and because it is doubtful, he will allow the illegal act to stand, and reject this claim. Why give Carson his claim, and deny it to the other? Even supposing that Congress have not the power to release from reservation, it seems unjust to do it in one case and not in the other. You thus give one of them a title; and the moment you have done it, you take from the other the privilege of perfecting his title also. I know the gentleman would not deny justice in this case, by granting to one what he would refuse to another. We do not ask that Congress shall take the land from one and give it to the other. All we ask is that Congress will place the two parties on the same ground.

Mr. SHIELDS. I wish to inquire whether this land was selected by authority of the State first for school purposes, and whether that selection was approved by the proper authority here?

Mr. DOWNS. These selections are made by the registers and receivers of public money, and the school authorities have nothing to do with it.

Mr. SHIELDS. That may be the case in Louisiana. I wish to know whether the land was selected for school purposes, and whether the selection was approved by the agent of the Government? and if so, whether we could pass a law relating to it after that?

Mr. DOWNS. Such laws have been passed repeatedly.

Mr. SHIELDS. I was not aware of the fact.

Mr. BORLAND. I do not intend to enter into this discussion, although the subject is one in which I feel much interest, involving, as it does, the question as to the power of the Government to undertake to divest the school authorities of their title to lands granted for school purposes. The law has been so plainly stated by the Senator from Michigan, [Mr. FELCH,] and by the Senator from Illinois, [Mr. SHIELDS,] as to the principle of law involved, that it is unnecessary for me to say anything on that subject. As to the practice of Government, I have had especial occasion to

look into that subject, not in regard to this case, but in regard to others, very carefully; and I am not aware of a single case in which Congress has passed an act undertaking to divest a State, or the school authorities in a State, of school lands after the selection and confirmation of such lands have been made.

Mr. DOWNS. I will point out a case to the Senator. The very case under discussion, in which this man Carson is concerned, is one of that kind.

Mr. BORLAND. I am not acquainted with the circumstances of that case; it has escaped my observation; but I will undertake to say that, as a question of law, although I do not pretend to be a lawyer, if Congress have passed such an act, it is of no force, and that the State authorities, or the school authorities, can, at any time, enforce their title, and claim the land, no matter into whose hands it may have passed, or what laws Congress may have enacted. Why, if Congress have made a grant of land, and that land has been selected, and the title confirmed to the grantee, whether an individual, a State, or a school, they have no more authority to pass an act to take back that property without free consent of the owner, than they have to go into any State of the Union and pass an act to divest an individual of a piece of landed property of which he may have been possessed for fifty years.

I rose, principally, for the purpose of making an inquiry of the Senator from Louisiana, [Mr. DOWNS,] as to the law of his State on this subject. As I understand the question, the bill provides that the grant shall be made to this individual, on condition that the school authorities of the township shall give their consent to it.

Mr. DOWNS. If the Secretary will read the proviso to the bill, it will answer the inquiry of the Senator.

The proviso was read, as follows:

*Provided, That nothing in this act shall be so construed, as to reduce the quantity of land to which said township is entitled by law.*

Mr. BORLAND. That does not meet the question I intended to ask the Senator from Louisiana, [Mr. DOWNS,] The bill renders it necessary that the authorities shall give their assent. I understand that the authorities of Louisiana have nothing to do with the school lands; that, by legislative provision, the school lands are consolidated, and that one common fund is formed for the whole State; so that an act of the Legislature, and nothing but an act of the Legislature, together with an act of Congress, could make such a grant valid.

Mr. DOWNS. I think that this proviso clearly shows the argument of both the Senators to be wrong. Their argument is, that it is not competent for Congress to take away this particular quantity of land. The bill is furnished with that express provision, for it says, that the effect of the bill shall not be to diminish the quantity of land. If this is so, and if it be possible to give this individual his right of preemption, and not deprive the people of the township of any right to which they are entitled, does not the argument of both gentlemen, in such case, fall to the ground? That provision is a part of the bill. It limits the bill, which has no proper authority to deprive the school authorities of a single acre of land. Does not such a proviso answer all objects, and silence all objections?

Mr. BORLAND. The Senator from Louisiana is mistaken if he supposes that I am arguing merely in regard to the quantity of the land. He knows well enough, that in many cases the value of land does not depend so much upon its quantity as upon its locality and quality; and, to show what I mean, I will remark, that in my own State, by act of Congress, there were two changes of school lands for other lands which very seriously injured the school interest. These two instances, however, were before the grants had been perfected, and while they were merely reservations. In one case, the sixteenth section was deemed a proper one, on account of its locality, to locate a town upon in the county of Washington, in the western part of the State of Arkansas. The county authorities desired it as a location for the seat of justice for that county; and application was made to Congress, and the sixteenth section was granted by Congress to that county, to be laid off into two lots and used for the building of a court-house and jail, and other buildings, and commissioners were appointed to

make a selection somewhere else. The proceeds of the sale of that section on which that town was built, was sufficient to endow a college, and the other section which the school authorities got, in lieu of it, has not been sufficient to establish even a common school.

So also in another case, Congress passed an act taking the sixteenth section in another county—the county of Crawford—for the establishment of a military fort and dépôt, and directing that the school section should be taken somewhere else. Now, the value of the land where this fortification now stands, as in the other case, is sufficient to endow a college, and yet they have not, to this day, got land enough in that county to endow a school. It is to prevent things of this sort, that I am opposed to the passage of such laws—to say nothing of the want of power on the part of Congress.

I know nothing of this particular case. I know nothing of the parties claiming here; but I apprehend it is a fact that this piece of land for which this individual is here claiming the right of preemption, is worth five times as much as any public land in any part of that county; and if you grant the right of preemption to this individual—that is supposing you have the power—you will give him land at the rate of \$1 25 per acre which in all probability may be worth \$10 or \$20 or \$25 per acre, or even more than that, and you force the commissioners to go and select a piece of land in lieu of it which is perhaps not worth more than \$1 or \$1 25 per acre. That is certain, because in that region all the lands which are salable have been taken up, and in that way you defeat the beneficent object of Congress in granting lands for school purposes. You permit, for the benefit of an individual, the use of most valuable land, and you turn the schools off with lands which for all the years they have been in market have not yet sold for \$1 25 per acre; and you thus give them that which produces a sum altogether insufficient for the attainment of the object for which the grant was originally made.

I am quite aware, Mr. President, that there may be individual cases of hardship. Individuals, as we know has frequently been the case, may have settled by mistake upon school lands and improved them. In all these cases I would go as far as I have lawful authority to relieve them; but when I am met by such an obstacle as meets us in this case, namely, the want of power, I hold that in the first place, if we pass such an act, it would be worth nothing if the school authorities thought proper to contest it; and in the second place, that we would do great wrong to the school interest for the benefit of an individual. I cannot, therefore, give my sanction to it.

Mr. RUSK. I see no difficulty which can result from the passage of this bill. I have not investigated the case much, but from the discussion it seems to me clear that the school authorities can lose nothing by the passage of the bill, while, if we refuse to pass it, much injury may result to the settlers. If it be not absolutely school lands, he is entitled to his preemption, certainly; and if it be school lands, and has been vested by an act of Congress in an individual, we cannot by a second act of Congress give a title. The bill is on a footing which is guarded. There is an express proviso that limits the bill, and prevents him from claiming the land at all, if it came into the quantity set aside for schools. Under these circumstances, I can see no objection to it.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

HEIRS OF JOSHUA KENNEDY.

Mr. CLEMENS. I now move that the Senate take up Senate bill No. 257, being "A bill for the relief of the legal representatives of Joshua Kennedy, deceased." It is a bill which has been reported favorably several times by committees of the Senate; it has passed this body three times, and has passed the House once, at a different session. I think there can be no objection to it. It was taken up a few days ago, and laid over in consequence of objection being made by the Senator from New Hampshire, [Mr. HALE.]

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to pay to the legal representatives of

Joshua Kennedy, deceased, the sum of \$6,500, in full compensation for the destruction of property by the Creek Indians in the year 1813.

Mr. BRODHEAD. Is there any report from the committee?

Mr. CLEMENS. There is a report accompanying the bill, and as it explains the subject much better than any speech I could make, I will read it, with the permission of the Senate:

"The Committee on Indian Affairs, to whom was referred the petition of the heirs of Joshua Kennedy, respectfully report: That they have examined the case with great care, and find the facts to be in exact accordance with the narrative contained in the report of the Committee on Claims of the House of Representatives at the first session of the Thirtieth Congress, herewith filed and intended to be made a part hereof. On entering upon the examination of this case, the committee felt a distrust of its justice, occasioned by the length of time during which it had been permitted to remain unsettled, and the fact that a commission had been appointed for the express purpose of deciding upon this and similar claims.

The prejudice which had thus arisen soon passed away, however, on a careful examination of the facts as stated in the evidence, particularly when it was ascertained that there had been no *laches* on the part of the petitioner in presenting his claim, which had been left unsettled owing to the shortness of the time for which the commission was appointed, to wit: two years. The destruction for which the petitioner asks indemnity did not take place 'while' the troops occupied the property; but there can be no doubt that 'such occupation was the cause of its destruction,' so that the case, in the opinion of the committee, comes clearly within the *spirit*, if not the letter, of the act of 1816, and the supplement thereto. If the military occupation be the exciting cause of the destruction, it is difficult to imagine what difference the precise moment at which the destruction took place can make. It is the feeling of hostility, created on the part of the enemy by the act of the Government in erecting a source of annoyance in their neighborhood, which makes the Government liable for the consequences of its own act, and not the particular time chosen by the enemy to satisfy its vengeance. In the case under consideration, the petitioner had originally erected his buildings and other improvements under the assurance given in the President's proclamation, that the persons and property of settlers should be protected. Subsequently these buildings were converted into a temporary fort by an officer of the Government, and as such became the point of assault to the Indians immediately after their successful attack on Fort Mimms and the massacre of its garrison. It is true, the party of troops which had occupied the premises had, in their panic, occasioned by the destruction and slaughter at Fort Mimms, retired; but immediately after that destruction, and whilst the military defenses were still in existence, the premises were attacked and destroyed by the enemy."

Mr. BRODHEAD. I believe this is the first bill of that precise character which has been brought before the Senate—probably the first time that a bill of this character has been reported. The claim for compensation here made, arises out of the destruction, by the Indians, of some private property, which was occupied, or which had been occupied by the troops of the United States. Now, the rule in civilized warfare is, that where private property is occupied by the forces of the contending parties, it is lawful for the enemy to destroy such property, and the Government reimburses the owner for the damage so inflicted. That is the rule observed in civilized warfare; but the same rule has not prevailed when private property has been destroyed by the Indians in consequence of its being occupied as a military post, because the Indians invariably destroy private as well as public property; they have never made any discrimination in this respect. The fact that this mill was occupied for some time by our troops, would not make any difference in the degree of hostility shown by the Indians. During the period of its occupancy by the troops, it was *quasi* public property; but it was not so occupied at the moment of its destruction, and therefore the fact of the occupation for a brief period, does not bring the case within the rule established after the war of 1812, and referred to in this report.

If there are any precedents in favor of this claim, I should like to see them. If the bill passes, there are numerous other cases of a similar character which will come here. The whole western frontier—more especially as our settlements are pushed further west—will send in claims for compensation in that case.

As the Indians have never exercised any discrimination between public and private property; and as the rules, applicable to the compensation of parties who have suffered loss by civilized warfare, have never been applied to the relief of those whose property has been destroyed by savages, I shall be compelled to vote against this bill, unless there are some very peculiar facts connected with the case.

Mr. RUSK. The law of 1816 was general in its character, and did not make the distinction

which the Senator from Pennsylvania draws. He draws a distinction between civilized and savage warfare. The law was broad and liberal. Though this case has been reported upon favorably many times, there has been one adverse report upon it since 1816; and one of the difficulties I had in reporting upon it was, that, as I supposed, the parties had not applied under that general law. It turned out, however, upon investigation, that they did apply under the act of 1816. The board that sat to determine the amount of damage to be paid, under that act, was limited in time, and as the Senate will remember, that time expired before they could examine this case. There was no objection to this claim whatever, because the law was general, and covered all cases of wars with Indians as with civilized enemies. The facts in the case are these, and it comes within the principle of the law of 1816, so that so far from being a precedent, it is in conformity with numerous cases which have passed Congress. Sometime since, I investigated the matter, and I found numerous affidavits in relation to the case, though some were considered not entirely correct at the time. The claim is for buildings, which were a set of mills, to the neighborhood of which the troops had been ordered, and which they took possession of and occupied, because they were the most defensible place in the neighborhood. Our troops were there, and they put up some barricades around the mill and occupied it as a post. The Indians, during the time that these troops were in this occupation, attacked and massacred every one in Fort Mimms. This was two miles below. I suppose they did not kill every one; but they took that fort, and coming to this post, and seeing that it had been used by their enemy, they destroyed it, burnt up the mill, fortifications, and all. To show that the fact of its having been occupied by our troops was the moving cause of their destroying it, it is only necessary to take into consideration the fact that there was considerable other property in the neighborhood which they did not touch. These are the facts about this case. It comes within all the rules of the precedents, instead of being itself a precedent.

Mr. BRODHEAD. I make a legal point, and make but one point. Perhaps I was not sufficiently well understood when I was up before. I do not dispute the facts that are urged in relation to this claim; I admit the facts all to be true. The question is this: In civilized warfare, wherever our troops have occupied private property, and the enemy has destroyed that private property in consequence of such occupation, the Government has always paid for losses sustained, according to the rules relating to civilized warfare. But I must be permitted to assert, that, in our contests with the Indians, no such rule has been adopted or prevailed, because the Indians destroy public and private property alike. The fact that our troops casually occupied a gentleman's mills is not an inducing cause, at least not a sufficient cause to induce the Indians to destroy those mills. In marching from Fort Mimms to those mills which were destroyed, no doubt they destroyed much private property not occupied by our troops.

If this bill prevails, would not all other persons living in that neighborhood, who lost private property by the Indians, have an equal claim? I raise this question before the Senate, whether you will apply the same rule in cases of warfare with the Indians that you do in cases of warfare with civilized nations? If you do, then it is right to pass this bill, and if you will establish this rule, then I know many other cases now pending before the Committee on Claims, which must come forward. I raise that legal point.

Mr. ATCHISON. It seems to me that the reason of the law of 1816-'17 applies to this case. We may have laws which are not founded in reason; but if we have such laws I think every one will admit that they ought not to be followed as precedents. But it is said that this property was destroyed by the enemy. What for? On what principle was the law of 1816 made? It is, that where private property has been taken for the use of the Government for the time being, and the use by the Government of such property, by having troops there, attracts the enemy to that point, whether civilized or savage, and the enemy has destroyed it, then the owner is entitled to compensation for such property. That I understand to be precisely the case here. Fort Mimms was

destroyed a day or two before this mill was destroyed. A few troops occupied and fortified this mill, it being on the frontier of that settlement. The occupation of this mill by these troops attracted the Creek Indians to that point, and they destroyed it, and one or two out-houses adjoining. If my recollection is right, the Committee on Indian Affairs only estimated the loss sustained by the destruction of the mill and property immediately in the possession of the troops.

Then again, sir, it is a remarkable fact that there was no other property destroyed in that neighborhood by these Indians. They were attracted to this mill expecting to find it occupied by a small body of troops. These troops, however, having heard of the massacre at Fort Mimms, took time by the forelock, and abandoned this mill a very short time previous to its destruction by the Indians. Whether they acted with bravery or with cowardice is another question—one, about which I will not inquire, although I have my doubts whether they might not have stood their ground, and defended their position, having the notice which they had. That, however, is not the question. It is the principle which is involved; and the Senator from Pennsylvania [Mr. BRODHEAD] has raised the very question—the principle on which this and all other similar cases must be decided. I can see no objection to the compensation being made which is proposed in this bill. The Indians expected to find this mill in the occupation of our troops. They were disappointed, it is true, for the troops had abandoned the fort a day or two before the Indians arrived. But the Indians knew they had been there, and that they had used it as a fort; and it is for the Senate now to settle the principle.

I cannot myself see any distinction between the mill being destroyed by Indians or by Frenchmen, if we had been at war with France at the time. The mill had been but a day or two previously in the occupation of our troops, and when the Indians came upon it they destroyed it; and no man can deny that it has been the universal custom of the Government to pay compensation to the suffering party in such cases. But, when the same causes brought this band of Creek warriors upon this little fortification, which was taken possession of by the United States troops or the troops of the State, I do not recollect which, and it is a matter of no consequence as to that point—when the same causes brought the Creek Indians to that post which would have brought a civilized enemy to it, I can see no difference, and no reason why the money should not be paid for the property thus destroyed in the one case as well as in the other.

Mr. BRODHEAD. I entertain great doubts whether, under the law of 1816 and 1817, the claimant in this case would be entitled to payment, even if his losses had been inflicted by civilized people instead of by the Creeks. That act made provision for the compensation of those private individuals whose property was destroyed during the last war; but no payments were made under it, except in those cases where the property was actually in the occupation of our troops at the moment of its destruction, or where there were military stores on the premises. Now, according to the statement of this case by the Senator from Missouri, [Mr. ARCHISON,] these mills were not in the actual possession of our troops at the time they were destroyed, nor did they contain military stores. If the Senator is correct in making that statement, the owner could not be reimbursed even if the enemy had been Great Britain, and if the mills had been burned by British troops. The Senator says that the Creeks destroyed the mills because they had been occupied by the troops of the United States; not because they found the troops actually in possession, and that the property would not have been destroyed, if it had not been so occupied. How can the Senator prove a fact of that kind? How can any one tell the purposes of the Indians? If they did not destroy private property in the same neighborhood, if it was not their universal practice to destroy private as well as public property, then I would admit that the fact might be proved; but under existing circumstances it cannot be proved; and therefore, I am of opinion, that no payment could be made in accordance with the act of 1816.

I have no personal feeling in this matter; and raised this point for the consideration of the Sen-

ate as a question of principle. I desire the decision of the Senate upon it, so that we may know how to act in future.

Mr. PRATT. The chairman of the Committee on Claims has said that this is a very important case, because there are many cases depending upon the decision of the Senate upon this question. In the investigation of this claim, being a member of the Committee on Claims myself, I could never see the distinction which was attempted to be drawn between a civilized and an uncivilized enemy. The principle upon which the act of 1816 was based was, that wherever private property was so occupied by the forces of the United States as to justify an enemy in destroying it, there followed the correlative duty on the part of the Government to pay for the property so destroyed. That the Senator from Pennsylvania admits. In the application of that principle, so far as the Committee on Claims is concerned, they have applied it so as to meet the case of losses by a civilized enemy. I never could see a reason for that distinction. I now ask the attention of the Senate to the question, as I will propound it.

Suppose we were at war with a civilized enemy, Great Britain for example, and our troops should take possession of a house belonging to an individual, and fortify it, and use it as a fort. There is the fortification which our troops had made, and when the enemy approach the house, the troops retreat. Can it be said that this civilized enemy would not be entitled, in such a case, to destroy that fortification? Why, no one would say that. And in all that class of cases, where the enemy has been civilized, the Committee on Claims have uniformly reported in favor of paying for the loss sustained. I cannot see the distinction between the destruction of the property by a savage or a civilized enemy; or on what principle you would be justified in making payment for losses sustained in the one case, and not in the other. Can any one give a sensible reason for such a distinction?

If we had been at war with Great Britain, and our forces had occupied this House or mill, in the manner in which it was occupied, and had retired as the troops did in this case, it is conceded by the Senator from Pennsylvania that our Government would have been bound to pay, because Great Britain would have been entitled to destroy the property; and consequently, as we had given them a legal right to destroy the property on account of its occupation by our troops, we were bound to pay for it. Therefore, if it authorized a civilized enemy to destroy the property, it would authorize a savage enemy to do it. I cannot see, if this property was destroyed solely because it was occupied by our troops, why we are not as much bound to pay as if it had been destroyed by a civilized enemy. It is an important question, and I wish to have it settled with a full understanding of the bearing which the decision is to have upon many other claims, and with a knowledge of all its consequences.

Mr. CLEMENS. Mr. President, I do not wish to argue this question, but rise for the purpose of offering an amendment. The words "in the Treasury" have been accidentally omitted after the word "money" in the bill. I move that they be inserted.

The amendment was agreed to.

Mr. CLEMENS. This is a bill that, it seems to me, requires no arguments to commend it to the Senate. It requires a mere statement of facts.

The Senator from Pennsylvania [Mr. BRODHEAD] is wholly mistaken when he says that there are no precedents for the payment of this claim. On the contrary, there is no precedent adverse to it. The Senator thinks that it should not be paid; seven different committees of this body, and one committee of the House of Representatives have been of the opinion that it ought to be paid. Where the weight of authority lies, I shall not attempt to decide. Three times has this bill passed the Senate; and if it does not present a fair claim for compensation, I should like to know what case can be presented to Congress that will be entitled to compensation. This property was occupied by our troops at the time the massacre at Fort Mimms occurred; after that event, the Indians marched to attack this property in consequence of its occupation by the troops; and the garrison abandoned it, and sought safety in flight; the Indians then destroyed the mill, but they did not

destroy any other private property on the way or in the neighborhood. They were attracted there by the presence of the troops; and went solely for the purpose of destroying the mill, together with those who were in it; and it was, therefore, solely in consequence of that occupation that the place was destroyed, as the troops had just abandoned it before the Indians arrived.

Now, as to these fine-spun distinctions between civilized and savage enemies, I will not occupy time, nor weary the Senate by attempting to show that we are bound to pay in the one case, as much as in the other. The exciting cause of the destruction of this private property, whether by civilized, or savage enemies, was the occupation by the troops of the Government, and the Government is therefore responsible.

Mr. BAYARD. I shall not make any remarks with regard to the bill under consideration, although I agree with the Senator from Maryland, [Mr. PRATT,] that the principles involved, with regard to the destruction of property by an enemy, in the law of 1816-'17, are very important in themselves; and I fear that they have been unadvisedly departed from. I do not intend to enter into any discussion in reference to this particular bill, but I have a word or two to say in reference to that class of bills to which the Senator from Maryland has referred—namely, those claims which are yet to be reported upon. In the present case, I will state what I believe to be the principle of relief embodied in these laws, and not only in these laws, but in the original cases, in which the Government has made compensation for damage done to property by the enemy during war. The right of civilized nations is drawn from the struggles of civilized nations; and that right is on the part of one nation to destroy any public stores, public buildings, or public armaments of any kind, belonging to the enemy; and the principle follows, that if the Government necessarily impresses upon private property a public character by the mode of its occupation, the party to whom the property belongs, is fully entitled to redress for the destruction of his property, if that destruction results from an act of the Government.

Now, the laws of 1816-'17, in the language of the bill, guarded against what might be an evil arising from these loose notions of what might be sufficient to impress upon private property the character of public property, and therefore they provide, in order to secure compensation for damages, that the occupation of such property, by troops, as barracks, or for military stores, shall be limited to the time of actual occupation. And this was an essential provision. The case is essentially different, however, where the Government takes private property, and turns it into a fortification, as in this case. The principle of the law is, that if you impress upon it the character of public property, the enemy has a right to destroy it; and in regard to the facts in this case, although I think the report would have been better if it had been more specific, I am, notwithstanding, inclined to think that the case is one in which the party is justly entitled to relief. The Government took a certain mill, and turned it into a fortification. The mill remained in that situation till it was destroyed by the Indians, and after that, the party owning the property claims compensation.

Mr. CASS. Will the Senator allow me to inquire whether this was done with the knowledge of the party?

Mr. BAYARD. Whether it was done with the knowledge of the party or not, is immaterial, if Government takes possession of private property and turns it into a fortification, and thus invites its destruction. The party would not be entitled to compensation, unless the Government has impressed upon that private property the character of public property. If, as in this case, the Government takes possession of the property of a citizen and impresses upon it the character of public property, turning it into a fort, and the troops retreat before the enemy comes up, and that property is destroyed by the enemy, the Government is responsible. If a private house is taken, and it is not altered in any way in its form, and then retire from it, its character as private property would remain the same. It is only when it is in the actual occupation by public troops, that the party is entitled to redress. If, however, the Government turn it into a fort, and leave it in that

shape, and it is destroyed in that shape, then I say that Government is bound to pay. That was the case in this instance. Government impressed upon the private property the character of public property, and therefore Government is responsible for its acts, which resulted in the destruction of the property.

This is the law as it exists among civilized nations. They destroy private property remaining in the shape of a fortification, whether occupied or unoccupied. If that principle prevails among civilized nations, most certainly you would extend the same principle with regard to granting relief for losses caused by savage warfare.

The reason why Government cannot undertake to remunerate citizens for losses of private property in civilized warfare is most palpable. If it were to be done, you would justify them in the destruction of private property, because they would thus assail your Treasury, which must meet the expense of the remuneration; and it would be the policy to destroy your Treasury as well as your armaments. But when war exists among civilized nations, they have said they would not touch private property. If, however, you adopt the principle of making good the destruction of private property, you invite its destruction, because you give it the character of public property by so doing, and will be responsible for its destruction, and thus exhaust your Treasury. The principle of humanity, which would prevent the destruction of private property where there could be no redress, we should in such a case be exempt from; because we should know that at a later day the party would be relieved from the loss by his Government. I suppose that to be the reason why nations in their laws have always refused to pay for the destruction of private property, unless at the time of the destruction the character of public property was impressed upon it; in which case they are responsible for it.

I believe that is the true principle, the true construction of the laws of nations; and according to the principle of the law of 1816, as this case stands, although the reasoning did not satisfy me, the facts as set forth do satisfy me. Government fortified the property, and thereby impressed upon it the character of public property; and is therefore responsible for its destruction.

The distinction therefore in this case is, that the Government may impress a permanent character on property, and then the actual occupation at the moment of destruction is not necessary to entitle the owner to recover the value. Destruction might take place during the occupation by the military, or it might not. In this case a permanent character was given by the fortification by the Government; and that being the case, I think the claim comes within the principle of the law of 1816, and ought to be allowed.

Mr. BRODHEAD. I understand the facts of the case very differently from the Senator from Delaware, [Mr. BAYARD.] I understand that these mills were occupied with the consent of the owner; that they were not fortified; consequently no permanent character was given to them, and when the troops left, they immediately became private property again.

Mr. BAYARD. If the Senator will allow me to read an extract from the report, I think he will come to a different conclusion. The facts, as I have already stated, are not given as specifically as I could wish, but I will give them as they are stated. The report says:

"In the case under consideration, the petitioner had originally erected his buildings and other improvements under the assurance given in the President's proclamation, that the persons and property of settlers should be protected. Subsequently these buildings were converted into a temporary fort by an officer of the Government, and as such became the point of assault to the Indians immediately after their successful attack on Fort Mimms, and the massacre of its garrison."

I understand the words "converted into a temporary fort," to embrace some act which would effect the change of the character of these buildings into a fort, by the erection of a stockade, or by some other mode—a character which would remain after the troops had retired. The character impressed by the Government on the property still remained.

The bill, as amended, was reported to the Senate, and the amendment having been concurred in, the bill was ordered to be engrossed for a third reading.



## EXECUTIVE BUSINESS.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, but in a few moments the doors were reopened.

## ADJOURNMENT TILL MONDAY.

Mr. ATCHISON moved that when the Senate adjourns it adjourn to Monday next.

Mr. HOUSTON. I object to the proposition to adjourn over to-morrow. I think there is no necessity for it in any respect, or on any ground whatever. I am opposed to adjourning over for a single day, or a single hour, when the time can be profitably employed in the transaction of the business of this nation. For that reason I shall object to the proposition.

The PRESIDING OFFICER, (Mr. BRIGHT.) There can be no discussion upon a motion to adjourn.

Mr. ATCHISON. But this is not a proposition to adjourn in such sense as precludes debate. The rule says that a motion to adjourn shall be decided without debate. This, however, is to decide the time at which the Senate will again meet when it adjourns to-day. It is a different question from a mere question of adjournment.

The PRESIDING OFFICER. The question is on the motion, that when the Senate adjourns to-day it be to meet again on Monday next.

Mr. ATCHISON. I think that question is open to debate; but I do not intend to discuss this matter at all. The Senator from Texas [Mr. Houston] has stated that I have not the same appreciation of the value of time that he has. That assertion may well be true. But, sir, I am quite willing to compare work with that gentleman during the present session. Work, sir, I say work! I am a member of a committee, and I examine evidence, and documents, and make reports, and do all other work which a member of a Senate committee may do, and should do, and which I think it is my duty to do. I take my share of the labor—the work. It is true that I do not occupy much of the time of the Senate in making speeches. No, sir; and I must confess further that I am sometimes very restless under speeches.

Mr. President, to cut this matter short, allow me to say that I do not wish to make any issue of this kind with the Senator from Texas, although he has tendered it. If I am not much mistaken, that Senator, if not during the present session, then during a former one, has gone home and attended to his own private business.

A SENATOR. It was during the present session.

Mr. ATCHISON. My friend near me says it was during the present session. Well, in regard to that I have nothing to say, except that the services of the Senator are valuable here on all occasions. He is a gentleman of experience, and his opinions have great weight. I am willing to award all this to him; I am willing to admit that his labors are far more valuable than mine, and, perhaps, far more valuable than those of many other members of the Senate; I am willing to admit all this; but I do not think that by an adjournment over till Monday any time will be lost that could be devoted in the Senate to the business of the country. On Saturdays, and in the mornings before the meetings of the Senate, is all the time that Senators have to transact office business, or to attend to any private business that may demand their attention. I know that many gentlemen of this Senate have a large correspondence, which they usually bring up on Saturdays, and even on Sundays.

Mr. MASON. Oh, no; not on Sundays!

Mr. ATCHISON. Yes, sir, on Sundays. I have seen some of my friends at work on Sundays; and I do not know but that, if I called upon my friend from Virginia [Mr. Mason] to give evidence of the fact, I might prove it by himself. [Laughter.]

But, sir, I see no necessity for the Senate sitting to-morrow. I am satisfied that there would not be a quorum present. The Senator from California might go on and make his speech, but I am quite willing to give him a chance to make it on Monday, and I am willing to listen to him, too, on that day or any other day. I know that it is delicacy on his part to ask for a meeting of the Senate to-morrow, while I feel that it is courtesy on my part to press this motion. I am willing to give him one day next week—say Monday. To make a speech to empty benches and an empty gallery—

why, sir, the thing is preposterous; not to be thought of. [Laughter.]

Mr. HOUSTON. I am very sorry that my friend from Missouri should have misapprehended my position. I did not say, nor did I intend to say, that the Senator from Missouri did not place the same value on the time of the Senate that I did.

Mr. ATCHISON. I so understood the Senator.

Mr. HOUSTON. I said the gentleman might not do so, but for certain reasons I did appreciate the time of the Senate. At the same time, I intended no reflection upon any one. But it certainly has been the uniform custom during this session, to make this motion every Friday. One gentleman, not now here, has been the habitual mover of that question—I mean no disrespect—that when we adjourn, we adjourn to meet on the following Monday. That has been the case throughout the whole session.

Now, Mr. President, I did go home, and the very identical reason why I did so, was because I had been so long in the Senate, that I had learned to calculate, with considerable precision, as to the time when the Senate might be expected to engage in business in earnest, and how long my services might be dispensed with. And if I had started on my journey home before the Christmas holidays, I might have had it in my power to add another month to the leave I took. Now, we have but little time left, and much business to be done. A portion of the business must be transacted, and if you set any reasonable time for the final adjournment, it will take all the time, being constantly employed, to transact all the business which it is indispensable to have done. I will accord to my friend from Missouri—

Mr. ATCHISON. The apology of the Senator from Texas is quite sufficient. I am perfectly satisfied with it.

Mr. GWIN. I have but a word to say. There is a question of much importance to me and my constituents which should be discussed to-morrow, and I intended to call it up to-morrow. I know perfectly well that it will not be considered of any great importance to the Senate generally. It will be chiefly a law argument. But it is of much importance to me to clear myself from misrepresentations on the subject. I cannot think of occupying a day of next week with a question of this kind, when we shall necessarily be engaged in the transaction of important business. If I cannot get to-morrow, I will not ask for any day next week, but take my chance of being heard at another time.

Mr. DODGE, of Iowa. I hope the Senator from California may be gratified in his wishes, and that the Senator from Missouri will withdraw his proposition. I am sure he is very anxious to have an opportunity to speak to-morrow, as, if he does not, it is quite uncertain when he may have an opportunity of doing so.

Mr. ATCHISON. I will give him a chance on Monday.

The question was then taken on the motion to adjourn over; and, on a division, there were—ayes 21, noes 15.

So the motion was agreed to.

## RIVER AND HARBOR BILL.

A message was received from the House of Representatives, by the hand of Mr. P. B. HAYES, its Chief Clerk, informing the Senate that the House had passed a bill entitled "An act making appropriations for the improvement of certain harbors and rivers," and asking the concurrence of the Senate therein.

Mr. DAVIS. I move that the Senate take up the river and harbor bill, which has been sent to us from the House of Representatives, in order that it may be referred to a committee.

Mr. MASON. I object.

The question was then taken, and it was decided in the negative.

Mr. MASON. I now move that the Senate proceed to the consideration of Executive business.

Mr. DAVIS. I beg pardon. I rise to a question of order. Can we go into Executive session when there is a matter before us without disposing of it? That is the question of order which I raise.

The PRESIDING OFFICER. The Senator

from Massachusetts moved to take up the bill named by him; the Senator from Virginia objected; I then put the question whether the Senate would take up the bill, and as I understood by the sound, the majority were opposed to it, and I announced the vote to be in the negative.

Mr. DAVIS. I understood the Chair to announce that the motion to take up the bill was agreed to.

The PRESIDING OFFICER. The Senator from Virginia objected to taking up the bill.

Mr. DAVIS. The Chair will pardon me. I do not think this matter depends upon an objection. It is open to be taken up by a majority of the Senate. If that question was not put, I wish it put.

Mr. MASON. The question to take up the bill which was called for by the Senator from Massachusetts, was decided in the negative.

Mr. DAVIS. No, sir; that is a mistake.

The PRESIDING OFFICER. The Chair stated that the motion of the Senator from Massachusetts was to take up the bill. To this the Senator from Virginia [Mr. Mason] objected. The Chair then put the question to the Senate, on the motion to take up the bill, and the Chair understood the Senate to decide in the negative.

Mr. DAVIS. There is a mistake about this. I wish the Senate to understand my object. I simply asked that the bill might be taken up, in order that it might be committed. That is the motion which I made; and if the decision of the Senate was in opposition to that motion, I certainly did not comprehend that decision. The whole thing was done in a very hasty manner. I thought the Chair announced that the bill was taken up.

Mr. JONES, of Iowa. And so did I.

The PRESIDING OFFICER. The Chair will take the question again if such is the wish of the Senate.

Mr. MASON. Allow me one moment; I wish to state a proposition. This is private bill day; and under that rule which is absolute, no business can be taken up unless a vote of the Senate be first taken on a motion to lay aside the rule by which private bills are to be exclusively considered on Fridays. Such a motion has not been made, and the motion of the Senator from Massachusetts is therefore not in order.

Mr. DAVIS. Then I will submit the question in a shape that will perhaps be unobjectionable. I move to suspend the rule in regard to private bills in order to take up this bill.

The PRESIDING OFFICER. That motion is in order.

Mr. MASON. I submit that the Chair announced the decision of the Senate in regard to the motion of the Senator from Massachusetts, which was that the Senate refused to take up the bill. That was the judgment of the Senate, and I then made the motion to go into Executive session.

Mr. RUSK. And that motion was carried.

Mr. DODGE, of Iowa. I hope I may be allowed to say, that we did not hear in this part of the Chamber, either the motion, or the announcement by the Chair, and I hope the question may be stated again. I will take occasion to say, that though the river and harbor bill was lost at the last session by a course of tactics sometimes practiced here, and then employed by my friend near me, that it will not be so lost again. The friends of the bill will be ready for the contest in the expenditure of time and the trial of nerve.

The PRESIDING OFFICER. The motion is to go into Executive session, unless there is a motion to reconsider the vote refusing to take up the bill.

Mr. DAVIS. I beg to state, that if there was an announcement by the Chair, such as the Senator from Virginia understood, I only have to say, that it was not so understood by the gentlemen around me. They understood that the decision was to take up the bill. Now, in consideration of the state of things in the Senate at the time the question was put, I submit to the Chair whether, in fairness, the question should not be put again.

The PRESIDING OFFICER. The Chair will put it again with pleasure if such is the wish of the Senate. I hope there will be no objection.

Mr. JONES, of Iowa. I wish to say, that I understood the announcement to be, that the vote was in favor of taking up the bill. I remarked at

the time but two voices in the negative, while I am sure there were as many as a dozen in favor of it.

**THE PRESIDING OFFICER.** The Chair announced that there was a majority in the negative; and that the Senate refused to take up the bill.

**Mr. TOUCEY.** I would ask if, after that, there was not a motion to go into Executive session, which passed, and which was announced by the Chair as having passed?

**THE PRESIDING OFFICER.** The Senator from Massachusetts objected before the decision was announced.

**Mr. WELLER.** What had become of the previous motion, to proceed to the consideration of Executive business, which had been carried? The Presiding Officer had ordered the galleries to be cleared and had abandoned the chair, and the doors were closed; and then again the Presiding Officer took the chair, and, without any motion, the doors were opened.

**THE PRESIDING OFFICER.** A motion was made to reopen the doors, and the doors were reopened.

**Mr. MASON.** Mr. President—

**Mr. DAVIS.** Am I entitled to the floor?

**THE PRESIDING OFFICER.** The Senator from Massachusetts has the floor.

**Mr. DAVIS.** Then I appeal to honorable gentlemen, and I submit to the decision of the Chair; and I take this question as decided that the Senate voted not to take up the bill; but when the Senate considers the circumstances under which the vote was taken I must say that we did not so understand it here, or we should have asked for a division. I ask whether it is not right that some gentleman should ask for a reconsideration of the vote. I cannot claim that right myself.

**Mr. RUSK.** I will attend to the request of the Senator from Massachusetts, [Mr. Davis;] but before I move for a reconsideration of the vote, I will make one or two remarks concerning this matter of internal improvements, and this river and harbor bill. I may observe that it is one on which it is well known that great diversity of opinion exists in various parts of the country. It is well known that it is regarded by many gentlemen of high character for intelligence and undoubted patriotism, as unconstitutional. I must say, further, that since I have had the honor of a seat on this floor, that, with the exception of one time, it has always been forced upon us at the close of a session, when there was no time for the consideration due to a subject of so much importance. There is a sort of system about this to which I object, and against which I solemnly protest. There are many national improvements for which I am willing to vote, and to which I have no constitutional objection; but there is another class to which I have very serious objections, and that is to appropriations of money out of the Treasury to influence the popular opinion in particular Congressional districts.

**Mr. President,** this is a matter in which the whole country is concerned—East, West, North, and South—and one which furnishes strong temptations for combinations and partial legislation. It is a question in which every part of the country is concerned from one extreme to the other. But, sir, here we are at the end of a session of nine months, when not a word can be said, or a reason assigned, in favor of vast improvements which are national in their character; and we are called upon merely to register the estimates of some head of a bureau who chooses to furnish them.

Some of these improvements I am in favor of; and under the circumstances under which the motion of the Senator from Massachusetts was disposed of, I will move to reconsider the vote, in order that the bill may go to the Committee on Commerce; and I hope they will investigate the whole subject. I know that that portion of the country from which I come needs large improvements, and the country will save by them. These necessary improvements have been passed over without receiving any attention, while hundreds of thousands of dollars have been appropriated for improvements of a purely local character, and of very doubtful general benefit to the country.

**Mr. GWIN.** While the Senator from Texas is making his suggestion to the Committee on Commerce, I hope they will take into consideration that there is a part of the territory of the United States on the Pacific coast which has never

been found out in any river and harbor bill yet. We have about two thousand miles of coast there within the territory of the United States, and it has never been ascertained by any committee in preparing a river and harbor bill. I hope, while taking into consideration the wants of the State of Texas, the committee will look to that coast also when examining the bill.

The motion to reconsider the vote refusing to take the bill up was agreed to.

The question recurred on taking up the bill.

**Mr. CLEMENS.** I do not know what is in that bill. I am anxious to vote for a reasonable bill for the improvement of rivers and harbors. I do not know what is in that bill, and I want to know. I do not intend that it shall progress further and faster than the Constitution allows. I shall object to its being read more than once to-day. I believe it cannot be read twice on the same day, if it is objected to. I shall ask that the bill be read through.

**THE PRESIDING OFFICER.** The question is on suspending the order of business for the purpose of taking up the bill.

The motion was agreed to.

**THE PRESIDING OFFICER.** The bill will have its first reading.

**Mr. CLEMENS.** Let the bill be read through.

**Mr. JONES,** of Iowa. I move to dispense with the reading of the bill, except by its title, if it is in order.

**THE PRESIDING OFFICER.** Any Senator has a right to demand that the bill be read through.

**Mr. DAVIS.** I do not know what the rule is, but I know what the practice is. The practice, when a bill is taken up for commitment, is to read it by the title. I have no earthly objection to its being read throughout. If it is to be read through, it may as well be read now as at any time. But I submit to the Chair whether it is not according to the rule to read a bill which is taken up for the purpose of commitment, by its title?

**THE PRESIDING OFFICER.** The usual course is to read a bill by its title a first and second time, with a view to reference.

**Mr. ATCHISON.** Is it not competent to call for the reading of the bill through? Or cannot the Senate, by unanimous consent, direct that it be read by its title? This bill is about to be read a first time. It has to be read a second time under our rules, before it can be referred. Is not that the case?

**THE PRESIDING OFFICER.** Yes, sir.

**Mr. ATCHISON.** And one objection prevents its second reading to-day. Therefore, I see no object to be gained in having the bill read through now. It will be read a first time to-day, and, if objected to, it must go over until Monday, before it can be read a second time; and, after it is read a second time, the motion will be made to refer, or otherwise dispose of it. I ask the Senator from Alabama, then, to withdraw his request to have the bill read through, and let it be read a first time by its title.

**THE PRESIDING OFFICER.** The rule requires that the three readings of a bill shall be on three separate days. Any one Senator objecting, will postpone the second reading of the bill, as a matter of course, to another day.

**Mr. CLEMENS.** I shall object to its being read more than once to-day. Let it be read by its title.

The bill was then read a first time by its title—"An act making appropriations for the improvement of certain harbors and rivers."

**Mr. DAVIS.** I now move that it be read a second time, with a view to reference.

**Mr. MASON.** I object to that. I understand that it cannot be read a second time on the same day, except by unanimous consent.

**Mr. DAVIS.** That is not the point. The bill may be ordered to a second reading. When it has been so ordered, the Senator can object to its second reading to-day, if he sees fit.

**Mr. ATCHISON.** I am not satisfied that this is parliamentary. I know it is the usage of the Senate. But the bill has been read a first time, and to-morrow the second reading comes up, as a matter of course, unless the Senate make a further order. Why insist, then, on taking a vote as to whether it shall be ordered to a second reading?

**THE PRESIDING OFFICER.** It is in the power of the Senate to order the bill to a second reading.

**Mr. SHIELDS.** The question is, whether the bill shall be read a second time. If that is agreed to, the question will come up, whether it shall be read a second time now, that is, if it is asked for; but, then, an objection will prevent its being read to-day.

The bill was ordered to be read a second time.

**Mr. DAVIS.** I ask that it may be read a second time now, with a view to its reference to the Committee on Commerce.

**Mr. BUTLER** and **Mr. CLEMENS** objected; consequently, the bill was not read a second time.

#### EXECUTIVE SESSION.

On motion by **Mr. SHIELDS**, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

And the Senate adjourned till Monday.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, July 30, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

**THE SPEAKER.** The business first in order is the motion to reconsider the vote by which the following bill was ordered to be laid on the table, viz: "A bill granting the right of way and making a grant of land to the State of Michigan, to aid in the construction of the Oakland and Ottawa Railroad, commencing at the village of Pontiac, in the county of Oakland, and terminating on the navigable waters of Lake Michigan, in the county of Ottawa."

#### PERSONAL EXPLANATION.

**Mr. OLDS.** I rise to a question of privilege. It will be remembered by the House that a few days ago—I believe upon the 20th instant—I had the honor to address the Committee of the Whole on the state of the Union, on the presidential question. In the course of my speech, after reading a letter from the National Intelligencer signed "Americus," I used this language:

"The authorship of this communication was charged upon General Scott by prominent Whigs, who desired to defeat his nomination in 1848. Neither General Scott nor any friend for him has had the hardihood to deny but that its paternity belonged to him. The charge has now been made in the Union, under the very eyes of General Scott. He dare not deny it. I repeat the charge here in the American Congress. Will any gentleman on the Whig side of the House rise in his place and deny the charge? I pause for an answer. None, none dare make the denial. Let this, then, be set down as one of the known incidents in General Scott's public life; and let our Irish and German friends take good heed how they cast their votes for any man holding and avowing such sentiments. Let them read the views of General Scott, and be warned in time. 'Being forewarned let them be forearmed.'"

**Mr. STANLY.** I rise to a question of order. I desire to know what is before the House?

**THE SPEAKER.** The gentleman from Ohio rose, as he stated, to a question of privilege.

**Mr. STANLY.** What is that question of privilege?

**Mr. OLDS.** I am now stating it as fast as I can.

**Mr. STANLY.** The gentleman is reading from a newspaper. Is that a question of privilege?

**Mr. OLDS.** It is a question of veracity between myself and my colleague, [Mr. BELL.]

**Mr. STANLY.** The gentleman can reply to his colleague in some other way. That is not a question of privilege. I object to it; I always have objected to it.

**THE SPEAKER.** The Chair has been unable to perceive that there is any question of privilege involved in what the gentleman from Ohio has thus far stated.

**Mr. OLDS.** I state that the question of privilege is a question of veracity between my colleague [Mr. BELL] and myself.

**Mr. STANLY.** That is no question of privilege.

**THE SPEAKER.** The Chair does not think there is any question of privilege involved in that.

**Mr. OLDS.** I hope gentlemen upon the other side of the House will not object to my proceeding.

**Mr. STANLY.** I object.

#### BELLEVUE LAND BILL.

**Mr. CLARK.** I repeat the request which I made to the House yesterday morning, to take up Senate bill No. 316, ceding certain land to the

town of Bellevue, in Iowa, for the purpose of putting it upon its passage. I can state the object of the bill in less than thirty seconds. The Government holds certain reserved lands in Iowa, next to the Mississippi river—

Mr. HAMILTON. Is this to come out of the morning hour?

The SPEAKER. Does the gentleman from Iowa propose to take up the bill before proceeding to the consideration of the business in the morning hour?

Mr. CLARK. Yes, sir.

Mr. JONES. I object, and call for the regular order of business.

Mr. CLARK. I do not believe there can be any objection to taking up that bill.

The SPEAKER. Objection was made by three or four gentlemen; and, amongst others, by the gentleman from Tennessee, [Mr. JONES.]

Mr. CLARK. No one objected but the gentleman from Tennessee, and I do not think he will insist on his objection.

The SPEAKER. It is impossible for the Chair to anticipate what gentlemen will do. Several gentlemen objected, and the Chair so announced. Is the objection withdrawn?

Mr. JONES. No, sir.

#### OAKLAND AND OTTAWA RAILROAD.

The question recurred on the motion to lay on the table the motion to reconsider the vote by which the Michigan railroad bill was laid on the table.

Mr. HAMILTON. I move to lay the motion to reconsider upon the table.

Mr. CLEVELAND. That motion was made by me yesterday.

The SPEAKER. That motion was proposed to be made, and the Chair decided that it could not be made at that time.

Mr. CLEVELAND. Well, I wished to renew the motion at the proper time.

Mr. CLINGMAN. It was upon my motion that this bill was laid upon the table, but I understand that the gentleman from Arkansas—

[Loud cries of "Order!" and "Object!"]

Mr. JOHNSON, of Arkansas. If the motion to reconsider prevails, I want to withdraw the omnibus.

[Loud cries of "Order!"]

Mr. STUART demanded the yeas and nays; and they were ordered.

Mr. HENDRICKS. I wish to inquire of the Chair whether, if we reconsider this vote, the gentleman from Arkansas will have a right to withdraw his amendment, even if there is objection to its withdrawal?

[Cries of "Order!"]

Mr. ALLISON. I can inform the gentleman from Indiana that its withdrawal will be objected to.

The SPEAKER. The right of the gentleman from Arkansas to withdraw his amendment before action has been had upon it, is very clear.

Mr. JOHNSON. And no action has been had upon it.

Mr. STUART. I want to call the attention of the Chair to the rule upon that subject. It is perfectly clear.

The SPEAKER. The Chair has stated that the right of the gentleman from Arkansas to withdraw his amendment is very clear.

Mr. JONES, of Tennessee. I rise to a question of order. Does the Chair decide that the gentleman from Michigan had a right to move a reconsideration of the vote by which the bill was laid on the table, after it had once been reconsidered, and when the bill had not been altered in the least?

The SPEAKER. The gentleman from Tennessee raises a question of order in reference to the motion to reconsider. Some days since, the House reconsidered the vote by which this very bill was laid upon the table. Yesterday the bill was again laid upon the table, and a motion is now made to reconsider again. If it had been upon the passage of the bill, it is very clear that a second reconsideration could not take place; but the laying of a bill upon the table is not decisive, under our rules—at all events it is not contemplated by the rules as a vote decisive of the fate of the bill, whatever the practice may have been. It is often a question of time merely—to lay on the table now and refuse it then. The Chair

thinks that from its nature, it may be reconsidered as often as the House chooses, being a question only in regard to the time of laying the bill upon the table. The Chair is not sure that this decision is a correct one under the parliamentary law, but he thinks it is. The vote to lay on the table yesterday, and the vote to lay on the table today, are distinct votes, controlled perhaps by time alone. The Chair therefore overrules the point of order.

Mr. VENABLE. I move that there be a call of the House.

Mr. MILLSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. VENABLE's motion, and it was decided in the negative—yeas 51, nays 104.

So a call of the House was refused.

The question recurring upon the motion to lay the motion to reconsider upon the table, it was taken and decided in the affirmative—yeas 92, nays 73; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, William Appleton, Babcock, Bartlett, Beale, Bennett, Bockert, John H. Boyd, Breckinridge, Burrows, Busby, Joseph Cable, Caldwell, Caskie, Chapman, Chastain, Cleveland, Curtis, Daniel, Geo. T. Davis, Dawson, Dean, Dimmick, Dockery, Duncan, Edmundson, Floyd, Fowler, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Goodenow, Grey, Hamilton, Isham G. Harris, Hascall, Hebard, Hibbard, Hillyer, Holaday, Horsford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, Jackson, Andrew Johnson, George W. Jones, Preston King, Kuhns, Kurtz, Lotcher, Mann, Martin, Mason, McLachlan, McMullin, McNair, McQueen, Millson, Miner, Morehead, Murphy, Murray, Newton, Outlaw, Samuel W. Parker, Perkins, Price, Riddle, Robie, Ross, Savage, Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Smart, Stone, Stratton, Sutherland, Tuck, Venable, Walbridge, Wallace, Watkins, and Wildrick—92.

NAYS—Messrs. Abernethy, Willis Allen, Barrere, Bowie, Bragg, Branton, Briggs, Albert G. Brown, George H. Brown, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Chandler, Clark, Clingman, Cobb, Conger, Disney, Doty, Durkee, Eastman, Edgerton, Ficklin, Florence, Freeman, Green, Harper, Sampson W. Harris, Haven, Hendricks, Henn, Houston, Howard, Thomas Y. How, James Johnson, John Johnson, Robert W. Johnson, Landry, Lockhart, Mace, Humphrey Marshall, Miller, Molony, John Moore, Nabers, Olds, Orr, Penn, Pennington, Phelps, Polk, Porter, Richardson, Robinson, Sackett, Scholcraft, Seury, Stanley, Benjamin Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Thurston, Towsuhen, Walsh, Ward, Welch, Addison White, Alexander White, Wilcox, Williams, and Yates—73.

So the motion to reconsider was laid upon the table.

Pending the call of the roll on the above vote, the following gentlemen stated that they had paired off:

Mr. ASHE with Mr. DAVIS, of Indiana; and Mr. HART with Mr. McCORKLE.

#### STEAMBOAT RACING.

Mr. SACKETT asked the unanimous consent of the House to offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of reporting a bill making it a capital offense for the officers and men, employed upon any steamboat running on any of the waters of the United States, and on which passengers are carried for hire, to be in any way engaged in running any such boat, on which they may be so employed, in any race, trial of speed, or contest for rapidity of passage with any other steamboat or vessel.

Mr. JOHNSON, of Georgia, objected.

Mr. KING, of New York. That subject is already before the Committee on Commerce.

The SPEAKER stated that reports were in order from the Committee on the Post Office and Post Roads.

#### POST OFFICE LAWS.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a joint resolution "modifying the existing laws for the government of the Post Office Department in relation to California and Oregon;" which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

#### JOHN DEARMIT.

Mr. CLARK, from the same committee, reported a bill for the relief of John Dearmit; which was read a first and second time by its title.

Mr. C. I desire to know whether it is necessary that that bill should go to a Committee of the Whole House?

Several Voices. "Read the bill!"

The bill was then read through.

Mr. CLARK. Is it necessary that this bill

should go to the Committee of the Whole House? It provides that the sum therein mentioned shall be paid out of any money in the Post Office Department not otherwise expended.

The SPEAKER. The principle which has hitherto controlled the action of the House upon this point is simply this: If by the passage of the bill under consideration, money will actually be paid out of the Treasury, without an appropriation, it must go to the Committee of the Whole. A precisely similar case was before the House the other day, and the Chair so decided.

Mr. CLARK. I move, then, that it take the usual course—that it be referred to a Committee of the Whole House, and made the order of the day for to-morrow, and that the bill and report be printed.

The motion was agreed to.

Mr. GREY, from the same committee, to which was referred the petition of J. C. Buckles, of McStee & Eastman, and of the legal representatives of Nathaniel Patten, deceased, made reports thereon, accompanied by the following bills, viz:

A bill for the benefit of J. C. Buckles, of Louisville, Kentucky;

A bill for the relief of McStee and Eastman; and

A bill for the relief of the legal representatives of Nathaniel Patten, deceased, late a Representative of Missouri.

Which bills were severally read a first and second time, committed to a Committee of the Whole House, made the order of the day for to-morrow, and the bills and the reports ordered to be printed.

Mr. GREY, from the same committee, to which was referred the petition of Washington Castleton, of Hawesville, Kentucky, made a report thereon, accompanied by a bill for his benefit; which bill was read a first and second time by its title.

Mr. GREY. I ask that the bill be read through with the view of having it put upon its passage.

The bill was read through by the Clerk.

Mr. GREY. I presume that this bill could be acted upon without reference to a Committee of the Whole House.

The SPEAKER. Under the rule of the House, the bill, containing as it does an appropriation, must be referred to a Committee of the Whole House, unless by unanimous consent the House allows it to be put upon its passage.

Mr. GREY. The bill provides that \$110 31 shall be paid to the Postmaster at Hawesville, Kentucky, for money paid twice by him through mistake. I hope there will be no objection to its being now put upon its passage. I ask that the report be read.

The report was then read by the Clerk.

Mr. JONES, of Tennessee. I wish to inquire if this bill provides for the payment of a sum of money which the postmaster alleges to have inclosed in a letter, but which was lost?

Mr. GREY. I will answer in relation to this matter, that I believe every member of the Committee on the Post Office and Post Roads agreed in the justice of this claim, and agreed to recommend the passage of the bill. The facts connected with the case were these: It is the custom of the Postmaster General to authorize drafts to be remitted from the postmasters in the small towns in the interior of the country, for the amount they receive in those offices. These drafts are drawn in favor of a postmaster in some of the large towns in the neighborhood, who, in that respect, act as the agent of the Department. Hawesville is upon the Ohio river, about one hundred miles below Louisville. The Postmaster General drew a draft upon the postmaster at that place in favor of the postmaster at Louisville. The postmaster at Louisville wrote to the postmaster at Hawesville, and drew upon him for \$110 13, which was the amount of money in the hands of the postmaster at that place. The postmaster at Hawesville immediately took the money, and got it exchanged for two fifty dollar notes, and one ten dollar note, making \$110, which was the amount of the draft sent by the Postmaster General, put the money into a letter, and mailed it to the postmaster at Louisville. He proves that the money was put into a letter which he wrote to the postmaster at Louisville. He proves that the letter was mailed and placed in the mail bags under the care of the agent of the Postmaster General. That mail bag was broken open, and the money taken from it. Then, sir, the proof is positively made out that there



was no neglect of duty upon the part of the postmaster at Hawesville.

Mr. JONES, of Tennessee. When was this? Mr. GREY. It was the 10th or 11th of February, 1850. He applied to the Auditor to allow him credit for this \$110, but he said that he had no authority to do so. He proves by the postmaster at Louisville that the mail which arrived at that time at Louisville was broken open, and letters extracted, from Hawesville. There were six or eight letters sent in that mail from Hawesville, but one or two of which were received. The postmaster at Louisville said the mail had evidently been robbed, but the boat had gone to Cincinnati, and he would wait till it came back, and see whether the letters could not be recovered; but nothing was heard from them. He then applied to the General Post Office, to have the money allowed him; but the Auditor decided that the laws regulating the Post Office Department prohibited him from doing so, and recommended him to petition to Congress for relief, with the expression of opinion that there would be no difficulty if he could show that there was no neglect on his part. Mr. SEYMOUR, of Connecticut. Has the morning hour expired?

The SPEAKER. It has expired. Mr. SEYMOUR. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. GREY. I hope the gentleman will withdraw his motion, and allow me to get through with this small bill. I will say that this postmaster at Hawesville is an old man, and that his whole support was derived from his compensation as postmaster of this town. The office paid him about \$105 per annum. That was the whole amount paid him by the office, and he was unable to pay the debt. His sureties were obliged to pay it, and did pay it, and now come, upon the recommendation of the Post Office Department, to Congress for relief. Now, sir, this man acted in good faith. The laws of the Post Office Department were complied with strictly, and the money was paid over. He acted honestly from beginning to end; and he sustains as honest a character as any man in the country. I ask that the bill may be put upon its passage.

Mr. PHELPS. I desire to know if the morning hour has not expired?

The SPEAKER. It has. Mr. PHELPS. I am opposed to this bill altogether. I move to proceed to the business on the Speaker's table.

Mr. COBB. I hope not, unless the motion is first made to recommit this bill.

Mr. GREY. I move to recommit the bill to the Committee on the Post Office and Post Roads.

The SPEAKER. The gentleman from Kentucky [Mr. GREY] was upon the floor when the gentleman from Missouri [Mr. PHELPS] arrested him, and moved to go to the business upon the Speaker's table. The gentleman from Kentucky then asked to make the motion that the bill be re-committed to the Committee on the Post Office and Post Roads. Now, by a strict adherence to the rules, the gentleman from Kentucky could not make the motion.

Mr. JONES, of Tennessee. I hope this bill will be disposed of now by laying it upon the table. I believe it is a bill that ought not to pass.

Mr. GREY. I thought the motion was made to recommit the bill to the Committee on the Post Office and Post Roads.

The SPEAKER. That motion cannot be made under the rules of the House, unless by the consent of the gentleman from Missouri, [Mr. PHELPS.]

Mr. GREY. I hope the gentleman from Missouri will allow me to make that motion.

Mr. PHELPS. I should be very happy to accommodate my friend from Kentucky; but I believe the principle contained in the bill now under consideration is wrong. I believe the Government of the United States should not be held responsible for valuables which are transmitted through the mail. I must therefore decline to withdraw the motion.

Mr. SEYMOUR, of New York. I move to take up the river and harbor bill, which was reported from the Committee of the Whole on the state of the Union, on yesterday.

Mr. GREY. I again appeal to the gentleman

from Missouri to extend to me the courtesy to allow me to enter a motion that this bill be committed, so that it may come up again on another day.

Mr. PHELPS. Well, I will extend to the gentleman that courtesy. I withdraw the motion to go to the business upon the Speaker's table.

Mr. GREY. I now move to recommit the bill to the Committee on the Post Office and Post Roads.

Mr. KING, of New York. I think the bill ought to go to the Committee of the Whole on the state of the Union.

The SPEAKER. The motion has been made and entered upon the Journal to recommit the bill to the Committee on the Post Office and Post Roads.

Mr. PHELPS. I move to go to the business upon the Speaker's table.

Mr. SEYMOUR, of New York. Is it not in order now to call up the unfinished business of yesterday?

The SPEAKER. In the opinion of the Chair, that motion is not in order until the motion made by the gentleman from Missouri to go to the business upon the Speaker's table is disposed of.

The question was then taken; and the House refused to go to the business on the Speaker's table—yeas 32, noes not counted.

Mr. JONES, of Tennessee. Does not the bill of the gentleman from Kentucky, just before the House, now come up again?

The SPEAKER. It does, in the opinion of the Chair, and the gentleman from Kentucky [Mr. GREY] is entitled to the floor.

Mr. STUART. I submit that it is in order to call up and proceed with the unfinished business of yesterday.

The SPEAKER. The gentleman from Kentucky is entitled to the floor. It is, however, in order to arrest debate and move to go to the business upon the Speaker's table, and call up the unfinished business of yesterday.

Mr. STUART. I make that motion.

#### REPORT ON PRINTING.

Mr. STANTON, of Kentucky. I ask if the report of the Committee on Printing does not now come up first in order?

The SPEAKER. It does, in the opinion of the Chair.

Mr. STANTON. Then I ask that it may be taken up.

Mr. JONES. How does the gentleman get the floor from the gentleman from Kentucky? [Mr. GREY.] The bill has not been re-committed, but is still before the House. The gentleman, [Mr. GREY,] while occupying the floor, was arrested in his remarks, under the rule of the House which authorizes any gentleman to take the floor from him, after one hour spent in the morning business, to move to proceed to the business upon the Speaker's table. As I understand it, that is the only motion that can be made, which will take the floor from him, and that being voted down, he is still upon the floor.

The SPEAKER. The gentleman from Tennessee [Mr. JONES] will remember, that the rule provides expressly that the floor may be taken to move to go to the business upon the Speaker's table, or to the orders of the day. That is the language of the rule. If it is in order to go to the business upon the Speaker's table, it is in order to go to the orders of the day. The Chair therefore rules that the motion of the gentleman from Kentucky [Mr. STANTON] is in order.

Mr. MILLSON. This being Friday, and the morning hour having expired, is not the motion of the gentleman from Connecticut, [Mr. SEYMOUR,] that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the Private Calendar, in order?

The SPEAKER. That is also true, this being private bill day.

Mr. SEYMOUR, of Connecticut. The honor and good faith of the nation require that we should go to the private business.

Mr. MILLSON. Is not this objection day?

Mr. JONES, of Tennessee. This is the fifth Friday of the month, and objection days are the first and fourth Fridays.

The SPEAKER. It is not objection day.

The question was then taken on the motion

submitted by Mr. SEYMOUR, and it was not agreed to.

So the House refused to go into committee upon the Private Calendar.

The question recurring upon the motion to proceed to the consideration of thereport of the Committee on Printing—

Mr. STANTON, of Kentucky, said: Permit me to remark, before the question is taken, that there is a general anxiety to take up and dispose of this river and harbor bill. My object in calling up the report of the Committee on Printing was simply that it might be postponed until the disposition of that bill. I have no desire to press it now.

Mr. STUART. It is unnecessary for the gentleman to make such a motion to postpone, as the business remains before the House.

Mr. STANTON. I move that the consideration of that report be postponed until the vote be taken upon the river and harbor bill.

Mr. STUART. Say until to-morrow.

Mr. STANTON. Well, I will say until to-morrow.

The question was then taken on the motion of Mr. STANTON; and it was agreed to.

Mr. SEYMOUR, of New York. I now move that the House proceed with the consideration of the river and harbor bill.

The SPEAKER. The Chair has some doubts whether the gentleman has the right to take the floor from the gentleman from Kentucky, [Mr. GREY,] to make that motion. He is, however, inclined to think he has the right.

The question was taken on the motion of Mr. SEYMOUR; and it was agreed to.

#### RIVER AND HARBOR BILL.

The SPEAKER. The question is upon seconding the demand for the previous question.

Mr. STANLY. Is it in order to move that there be a call of the House?

The SPEAKER. It is.

Mr. STANLY. I make that motion, then.

The question was taken on the motion; and it was not agreed to.

The previous question then received a second. The question then being, "Shall the main question be ordered to be put?"

Mr. STANTON, of Ohio, called for the yeas and nays; which were ordered.

Mr. MARSHALL, of Kentucky. I desire to ask the Chair a question.

The SPEAKER. The gentleman can by the consent of the House.

[Cries of "I object!" "I object!"]

The question was then taken, and there were—yeas 98, nays 78; as follows:

YEAS—Messrs. Abner Crombie, Allison, John Appleton, William Appleton, Ashe, Babcock, Bartlett, Beale, Bennett, John H. Boyd, Briggs, Briggs, Albert G. Brown, Geo. H. Brown, Burrows, Thompson Campbell, Carter, Chandler, Chastain, Clark, Cleveland, Conger, Curtis, Dawson, Dean, Dismick, Doty, Duncan, Durkee, Eastman, Edger-ton, Fitch, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Green, Hart, Hascall, Haven, Hebard, Henn, Hillyer, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Jackson, James Johnson, Preston King, Kurtz, Lindsay, Letcher, Lockhart, Mace, Mann, Martin, McLanahan, McMullen, McNair, McQueen, Meade, Minner, Henry D. Moore, John Moore, Murray, Nabers, Newton, Orr, Penn, Perkins, Price, Riddle, Robie, Schermerhorn, Schoolcraft, Skelton, Smith, Richard H. Stanton, Abraham S. Stephens, St. Martin, Stratton, Stuart, Sutherland, Thurston, Townsend, Venable, Walbridge, Wallace, Walsh, Alexander White, and Wildrick—98.

NAYS—Messrs. Willis Allen, Barrere, Bell, Bissell, Booneck, Bowie, Breckinridge, Brenton, Busby, E. Carrington Cabell, Chapin, Cable, Caldwell, Lewis D. Campbell, Caskey, Chapman, Churchill, Clingman, Cobb, Culom, Daniel, Geo. T. Davis, Disney, Dockery, Dunham, Edmundson, Evans, Ewing, Ficklin, Floyd, Fowler, Gentry, Goodenow, Goodrich, Grey, Hamilton, Harper, Isham G. Harris, Hendricks, Hibbard, Holladay, Houston, Howard, Thomas M. Howe, Andrew Johnson, John Johnson, George W. Jones, George G. King, Kuhns, Humphrey Marshall, Mason, Miller, Millson, Molony, Morehead, Murphy, Olds, Outlaw, Samuel W. Parker, Peaslee, Pennington, Phelps, Porter, Rantoul, Richardson, Robinson, Ross, Smart, Stanly, Benjamin Stanton, Stone, Strother, Ward, Watkins, Welch, Addison White, Wilcox, Williams, Woodward, and Yates—78.

So the main question was ordered to be put.

Mr. ORR moved to reconsider the vote by which the main question was ordered to be put, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The question then recurred upon recommitting the bill to the Committee on Commerce; and being put, it was not agreed to.

The question next recurred upon agreeing to the amendments made by the Committee of the Whole on the state of the Union to the bill.

**Mr. MARSHALL**, of Kentucky. Is it now in order to move to commit this bill to the Committee on Roads and Canals, with instructions?

**The SPEAKER**. It is not. The previous question having been called, it cuts off all motions to amend or postpone.

The first amendment made by the committee was then reported to the House, as follows:

"Insert after the word 'Albany' the words 'and not above Troy,' in the following clause:

"For continuing the improvement of the navigation of the Hudson river, above and below Albany, \$50,000."

The question was taken, and the amendment was agreed to.

The next amendment was read, as follows:

"For the improvement of the James and Appomattox rivers, below the cities of Richmond and Petersburg, \$15,900."

**Mr. CAMPBELL**, of Ohio. Upon agreeing to that amendment, I ask the yeas and nays.

The yeas and nays were ordered; and the question being taken, it was decided in the affirmative—yeas 105; nays 62—as follows:

**YEAS**—Messrs. Allison, William Appleton, Ashe, Babcock, Thomas H. Bayly, Bartlett, Beale, Bell, Bennett, Bocoock, Bowie, John H. Boyd, Breckinridge, Brenton, Briggs, George H. Brown, Burrows, E. Carrington Cabell, Caldwell, Caskie, Chandler, Chastain, Clingman, Curtis, George T. Davis, Dean, Dockery, Durkee, Edmundson, Evans, Ewing, Florence, Fowler, Freeman, Gentry, Goodenow, Goodrich, Green, Harper, Iham G. Harris, Haws, Haven, Hebard, Horsford, Howard, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, Jackson, John Johnson, Robert W. Johnson, George G. King, Preston King, Kuhns, Landry, Letcher, Lockhart, Mann, Humphrey Marshall, Martin, McMullin, McNair, Meade, Miller, Miner, Molony, Henry D. Moore, John Moore, Morehead, Orr, Outlaw, Samuel W. Parker, Peaslee, Peim, Perkins, Porter, Price, Rantoul, Riddle, Robie, Schermerhorn, Schoolcraft, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smart, Stanly, Richard H. Stanton, Abraham P. Stephens, St. Martin, Stratton, Strother, Thurston, Venable, Walbridge, Walsh, Watkins, Welch, Addison White, Wildrick, Williams, and Yates—105.

**NAYS**—Messrs. Abercrombie, Willis Allen, Barrere, Bragg, Bushy, Lewis D. Campbell, Thompson Campbell, Carter, Churchill, Cleveland, Cobb, Cullom, Daniel, Dawson, Dimmick, Disney, Doty, Duncan, Dunham, Edgerton, Ficklin, Fitch, Floyd, Thomas J. D. Fuller, Gamble, Giddings, Gilmore, Grey, Hamilton, Hart, Hebard, Hendricks, Henn, Hibbard, Hillyer, Houston, John W. Howe, James Johnson, George W. Jones, Kurtz, Mace, Mason, McLanahan, Millson, Murray, Nabers, Newton, Penniman, Phelps, Richardson, Robinson, Ross, Sackett, Schoonmaker, Smith, Benjamin Stanton, Stuart, Townshend, Tuck, Wallace, Alexander White, and Wilcox—62.

So the amendment was agreed to.

The next amendment was to strike out the clause—

"For the survey of the harbor at the mouth of Trinity river, Texas, \$3,000,"

and insert the following:

"For the survey of Trinity river, Texas, including the bar at the mouth, \$3,000."

The question was taken, and the amendment was agreed to.

The next amendment was to add at the end of the bill, section two, as follows:

"And he it further enacted, That the Commissioners of the land of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton, upon all vessels of not less than sixty tons, for the purpose of cleaning out the obstructions at the mouth of the Cape Fear river, and that to effect that purpose the said Commissioners be authorized to pledge the receipts from the said tonnage duty, to pay the interest or principal of any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at the next session, order and authorize such tonnage duty."

**Mr. FULLER**, of Maine, demanded the yeas and nays; which were ordered.

The question was then taken on the amendment, and it was decided in the affirmative—yeas 90, nays 76; as follows:

**YEAS**—Messrs. Abercrombie, Ashe, Thomas H. Bayly, Beale, Bocoock, Bowie, Bragg, Breckinridge, Briggs, Albert G. Brown, George H. Brown, Bushy, E. Carrington Cabell, Caldwell, Thompson Campbell, Caskie, Chastain, Cleveland, Clingman, Daniel, Dimmick, Disney, Dockery, Doty, Dunham, Edmundson, Ficklin, Floyd, Gamble, Gaylord, Gentry, Green, Hamilton, Iham G. Harris, Hart, Henn, Hibbard, Hillyer, Holladay, Houston, Howard, Thomas Y. How, Ives, Jackson, Andrew Johnson, James Johnson, John Johnson, Robt. W. Johnson, Geo. W. Jones, Kuhns, Letcher, Meade, Millson, E. D. Moore, Morehead, Murphy, Nabers, Olds, Orr, Outlaw, Peaslee, Perkins, Polk, Porter, Riddle, Robie, Robinson, Ross, Scurry, Origen S. Seymour, Smith, Stanly, Richard H. Stanton, Abraham P. Stephens, Stone, Strother, Tuck, Venable, Wallace, Watkins, Alex. White, Wilcox, Wildrick, and Williams—90.

**NAYS**—Messrs. Willis Allen, John Appleton, William

Appleton, Babcock, Barrere, Bell, Bennett, John H. Boyd, Brenton, Burrows, Lewis D. Campbell, Carter, Chandler, Chapman, Cobb, Cullom, George T. Davis, Dawson, Dean, Duncan, Eastman, Edgerton, Evans, Ewing, Fitch, Florence, Fowler, Freeman, Thomas J. D. Fuller, Giddings, Gilmore, Goodenow, Goodrich, Grey, Harper, Haws, Hascall, Haven, Hebard, Hendricks, Horsford, John W. Howe, Thomas M. Howe, Hunter, Ingersoll, George G. King, Preston King, Kurtz, Landry, Mann, Humphrey Marshall, Martin, Miller, Miner, Molony, John Moore, Murray, Newton, Samuel W. Parker, Penn, Sackett, Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Smart, Benjamin Stanton, St. Martin, Stratton, Thurston, Townshend, Walbridge, Welch, and Addison White—76.

So the amendment was agreed to.

**Mr. JOHNSON**, of Georgia. I move to lay the bill and the amendments upon the table.

**Mr. CLINGMAN**. I hope the gentleman will withdraw his motion, until I can move to reconsider the last vote, and to lay the motion to reconsider upon the table.

**Mr. JOHNSON**. I will do so.

**Mr. CLINGMAN**. I make that motion, then. The motion to reconsider was laid upon the table.

**Mr. JOHNSON**. I now renew my motion.

**Mr. SEYMOUR**, of New York, called for the yeas and nays; which were ordered.

The question was then taken, and it was decided in the negative—yeas 72, nays 104; as follows:

**YEAS**—Messrs. Abercrombie, Willis Allen, Ashe, Thomas H. Bayly, Beale, Bocoock, Breckinridge, Albert G. Brown, Bushy, E. Carrington Cabell, Caldwell, Caskie, Chastain, Churchill, Clingman, Cobb, Cullom, Daniel, Dimmick, Disney, Dunham, Edmundson, Ewing, Ficklin, Freeman, Gamble, Gentry, Gilmore, Grey, Hamilton, Iham G. Harris, Hart, Hendricks, Hibbard, Hillyer, Holladay, Houston, Howard, Jackson, Andrew Johnson, James Johnson, George W. Jones, Kurtz, Letcher, Humphrey Marshall, Mason, McLanahan, McNair, McQueen, Meade, Millson, Murphy, Olds, Orr, Peaslee, Phelps, Robbins, Robinson, Ross, Origen S. Seymour, Smart, Smith, Richard H. Stanton, Abraham P. Stephens, Stone, Venable, Wallace, Ward, Watkins, Alexander White, Wilcox, Wildrick, and Williams—72.

**NAYS**—Messrs. Allison, William Appleton, Babcock, Barrere, Bartlett, Bell, Bennett, Bowie, John H. Boyd, Bragg, Brenton, Briggs, George H. Brown, Burrows, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Clark, Conger, Curtis, George T. Davis, Dawson, Dean, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Fitch, Florence, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Goodrich, Green, Harper, Haws, Hascall, Haven, Hebard, Henn, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, John Johnson, Robert W. Johnson, George G. King, Preston King, Kuhns, Landry, Lockhart, Mann, Martin, Miller, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Samuel W. Parker, Penn, Penniman, Perkins, Porter, Price, Rantoul, Richardson, Riddle, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Skelton, Stanly, Benjamin Stanton, St. Martin, Stratton, Strother, Stuart, Sutherland, Thurston, Townshend, Tuck, Walbridge, Walsh, Welch, and Yates—104.

So the House refused to lay the bill upon the table.

Pending the call of the yeas and nays—

**Mr. HENDRICKS** said: I desire to state that my colleague [Mr. DAVIS] is anxious to vote upon this bill, but he is sick and unable to be in the Hall.

**Mr. BISSELL**. To accommodate a gentleman from Pennsylvania, [Mr. ROBBINS,] I have paired off with him, otherwise I should vote, aye.

**Mr. POLK**. I have paired off with Mr. STANTON, of Tennessee, who is in favor of the bill. If I were at liberty to vote, I should vote to lay upon the table.

**Mr. NABERS**. I have paired off with General TAYLOR, of Ohio, who was in favor of the bill. I am opposed to it in its present form.

The bill was then ordered to be engrossed and read a third time.

**Mr. VENABLE**. Is the bill engrossed?

**The SPEAKER**. It is.

**Mr. STUART** moved to reconsider the vote by which the bill was ordered to be engrossed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The bill was read the third time.

The question now being, Shall the bill pass?

**Mr. SEYMOUR**, of New York, called for the previous question; which received a second, and the main question was ordered to be put.

**Mr. SMART** demanded the yeas and nays upon the passage of the bill; which were ordered.

The question was then taken, and it was decided in the affirmative—yeas 103, nays 75; as follows:

**YEAS**—Messrs. Allison, William Appleton, Babcock,

Barrere, Bartlett, Bell, Bennett, Bowie, John H. Boyd, Brenton, Briggs, George H. Brown, Burrows, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Clark, Curtis, G. T. Davis, Dawson, Dean, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Fitch, Florence, Floyd, Fowler, Thomas J. D. Fuller, Giddings, Goodenow, Goodrich, Green, Harper, Haws, Hascall, Haven, Hebard, Henn, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ingersoll, Ives, John Johnson, Robert W. Johnson, George G. King, Preston King, Kuhns, Landry, Lockhart, Mann, Martin, Miller, Miner, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Andrew Parker, Samuel W. Parker, Penn, Penniman, Perkins, Porter, Price, Rantoul, Richardson, Riddle, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Skelton, Stanly, Benjamin Stanton, Abraham P. Stephens, St. Martin, Stratton, Strother, Stuart, Thurston, Townshend, Tuck, Walbridge, Walsh, Welch, Addison White, and Yates—103.

**NAYS**—Messrs. Abercrombie, Willis Allen, Ashe, Thomas H. Bayly, Beale, Bocoock, Bragg, Breckinridge, Albert G. Brown, Bushy, E. C. Cabell, Caldwell, Caskie, Chastain, Churchill, Cleveland, Clingman, Cobb, Cullom, Daniel, Dimmick, Disney, Dunham, Edmundson, Ewing, Ficklin, Freeman, Gamble, Gentry, Grey, Hamilton, Iham G. Harris, Hart, Hendricks, Hibbard, Hillyer, Holladay, Houston, Howard, Jackson, Andrew Johnson, James Johnson, George W. Jones, Kurtz, Letcher, Humphrey Marshall, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Murphy, Olds, Orr, Peaslee, Phelps, Robbins, Robinson, Ross, Savage, Origen S. Seymour, Smart, Smith, Richard H. Stanton, Stone, Sutherland, Venable, Wallace, Ward, Watkins, Alexander White, Wilcox, Wildrick, and Williams—75.

So the bill was passed.

Pending the call of the yeas and nays,

**Mr. BISSELL** said: I have paired off with Mr. ROBBINS, otherwise I should vote against the bill.

**Mr. POLK**. I have paired off with Mr. STANTON, of Tennessee, who is in favor of the bill. If I were at liberty to vote, I should vote against the bill.

**Mr. BRAGG**. While there are many provisions of this bill which I could very readily support, there are some others for which I cannot vote. Being now called upon to take the bill in the lump, I feel constrained to vote in the negative. I vote, no.

**Mr. SEYMOUR**, of New York, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

**Mr. HOUSTON**. I move that the rules be suspended, and that the House resolve itself into the Committee of the whole on the state of the Union.

**Mr. SEYMOUR**, of Connecticut. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House upon the Private Calendar.

The question was taken on the latter motion, and it was agreed to—there being, upon a division, ayes 89, noes 48.

The House accordingly resolved itself into a Committee of the Whole House upon the Private Calendar, (Mr. SEYMOUR, of Connecticut in the chair.)

#### LIEUTENANT BARTLETT HINDS.

**The CHAIRMAN**. The business first in order is the consideration of House bill No. 149, entitled "A bill for the relief of the heirs of Lieutenant Bartlett Hinds." When the committee rose, the pending question was a motion that the bill be reported to the House, with a recommendation that it do not pass.

**Mr. JONES**, of Tennessee. That case, it will be recollected by the committee, was up sometime ago. I made the inquiry of the Third Auditor, whether there was any evidence upon the records of that Department, that Bartlett Hinds ever was entitled to commutation, or that he had ever served in a capacity that would entitle him to it. There was no such evidence there, and the presumption is, he is not entitled to it at all.

**Mr. CHANDLER**. I notice that my colleague [Mr. FULLER] who reported the bill, is absent, and if there be nobody else here to defend it, I will ask that it be passed by.

Whereupon, by unanimous consent, the bill was informally passed over.

#### PAYMENT OF FLORIDA VOLUNTEERS.

The next bill that came up for consideration was House bill No. 161, entitled "A bill to provide for the payment of the companies of Captains Bush, Price, and Suarey, for military services in Florida."

By unanimous consent—Mr. WILCOX, who reported the bill, being absent—the bill was informally passed over.

## DAVID MYERLE.

The bill for the relief of David Myerle next came up in order for consideration.

The bill provides for the payment to David Myerle of \$30,000 for losses incurred whilst experimenting in American water-rotted hemp, under the direction of the War Department.

The reading of the report was called for.

Mr. BRECKINRIDGE. I would suggest to the committee, as that report is very long, and perhaps would take nearly an hour to read it, that some member of the Committee on Naval Affairs would make a summary statement of the contents of the report.

Mr. JONES, of Tennessee. Let the report be read. This is an important claim, and one which ought never to be paid.

Mr. FLORENCE. Justice requires that the claim should be paid.

Mr. DANIEL. Justice requires that the claim should be rejected.

The Clerk commenced the reading of the report.

Mr. SACKETT. I move that the reading of the report be dispensed with.

Mr. JONES. To test whether there is a quorum present competent to transact business, I move that the committee rise, and upon that motion, demand a division of the committee.

The question was then put upon a division, and there were—ayes 16, noes 44; no quorum.

[Cries of "Call the roll!" "Call the roll!"]

The roll was then called, in compliance with the rules of the House, the absentees were noted and reported to the House. It being ascertained that a quorum was present, the committee again resumed its session.

Mr. DANIEL. Has the sense of the committee been taken on the proposition to dispense with the further reading of the report?

The CHAIRMAN. It has not.

Mr. STUART. The question now is on a motion that the committee rise.

Mr. JONES. I withdraw the motion that the committee rise, as there is a quorum present.

Mr. DANIEL. I had occasion, some Congresses ago, to examine into this case, and I think I have not forgotten its main features. I think I remember all the material facts involved.

Mr. BOCOCK. Has the question been yet taken upon the motion to dispense with the further reading of the report?

The CHAIRMAN. It has not.

Mr. DANIEL. I think I have the floor.

Mr. BOCOCK. If that is the pending motion, you have not.

The CHAIRMAN. A motion to dispense with the further reading of the report was submitted.

The question was then taken, and the further reading of the report was dispensed with.

Mr. BRECKINRIDGE. I offer the following amendment to the bill:

*Provided*, That the funds hereby appropriated shall not be paid over until John Cornwall and F. Montmollin, of Kentucky, have an opportunity to contest their right to reimbursement of funds advanced by them to said Myerle: *Provided further*, That they shall institute suit for that purpose within ninety days from the passage of this act.

Mr. Chairman, I suppose that the gentleman who reported this bill from the Committee on Naval Affairs is prepared to make an argument to prove that the appropriation ought to be passed. I have nothing to say upon that subject at the present time. I have read the report carefully, and am satisfied that the Government of the United States induced Mr. Myerle to engage in experiments for the purpose of ascertaining whether American water-rotted hemp could not be obtained of proper quality and in sufficient quantities for the use of the Navy. When Mr. Myerle was about to make those experiments, under the encouragement and by the authority of the Government, he went out to the State of Kentucky, and being a man without means of himself, he obtained the funds to purchase the hemp, to hire the hands, and to go through all of his operations, from two gentlemen, who at that time lived in the district I now represent. One of them still lives there, and the other resides in the district represented by my colleague, [Mr. MARSHALL.] They furnished the money—they were the capitalists. It was by their aid that the experiments were made, whatever they may have been. Mr. Myerle gave them a lien upon the hemp to reimburse

them for those advancements. I am giving the facts as I understand them, and there will probably be no dispute about them. He gave a lien upon the hemp. Afterwards some difficulty occurred between Mr. Myerle and the Government, and the hemp thus mortgaged, or a greater portion of it, by Myerle to them was taken off and sold, and they were left minus almost the whole amount of the money advanced to him. A very small portion they recovered.

Mr. JOHN W. HOWE. How much did they advance?

Mr. BRECKINRIDGE. I cannot state from memory the exact sum; but they advanced him a sum sufficient to absorb almost the whole amount of the appropriation recommended by the Committee on Naval Affairs.

Mr. DANIEL. Was this indebtedness incurred in the purchase of the hemp, or simply making the experiment?

Mr. BRECKINRIDGE. In both.

Mr. DANIEL. Just as I supposed.

Mr. BRECKINRIDGE. This is my information, at least. I have now in my desk a letter from Mr. Myerle to one of these gentlemen, recognizing his obligations to him. Therefore the report is incorrect when it says Mr. Myerle incurred all the expenditures. The gentlemen named in my amendment are the proper beneficiaries under this bill. Mr. Myerle is now insolvent. I understand that he was worth little or nothing at the time he commenced these experiments under the authority of the Government, and the only persons who have really suffered any great loss are the constituents of my colleague and myself. The amendment I have offered does not propose that this committee or the House shall decide the question between Mr. Myerle and them, but that the money shall be retained for ninety days in the Treasury of the United States, to enable them to commence suit in the appropriate court, to contest the question between themselves and Mr. Myerle, as to the proper direction of the whole or a part of the sum. That is equitable and right. If they cannot establish their rights they must go out of court. If they can, they ought to have the money.

Mr. CONGER. As I understand the amendment, it provides that the money shall remain in the Treasury for ninety days after the passage of the act for the purpose of having the rights of the parties determined. I suggest that the amendment does not reach far enough, because as the process of law could not reach the money in the Treasury of the United States, it would be necessary that the amendment should provide that the money be retained in the Treasury until the question could be decided by the courts, and that it be paid over in accordance with that decision.

Mr. BRECKINRIDGE. The money is to be retained in the Treasury, provided suit shall be commenced within ninety days. The object of the proviso is to prevent delays injurious to Myerle. It provides that the money shall be retained in the Treasury and paid over according to the decision of the court; but there is a second proviso that these gentlemen shall bring suit within ninety days, the object of which is to protect Myerle.

Mr. BOCOCK obtained the floor, but yielded to

Mr. FLORENCE. I ask the gentleman from Kentucky whether the parties to whom he has referred as having a claim upon this fund, should it be given to Myerle, did not have the hemp he rotted in their possession, and whether they did not take it to New Orleans and put it away for three years, to the detriment of Myerle and themselves? I will ask, further, whether they did not come before the House, and ask that they should have a claim upon that fund? I would request an answer to these questions.

Mr. BRECKINRIDGE. I answer, generally, no. The gentleman is mistaken in part. It would be perfectly idle for the gentleman and myself to enter into an argument before the committee, involving all the facts and details of the case. My amendment provides that these facts and details shall be settled by a court of justice. The committee will see in a moment that that is the proper tribunal to adjudicate the matter.

Mr. FOWLER. I wish to understand the case at the outset, and will, therefore, make one inquiry of the gentleman from Kentucky. Do I understand that the person whose name is men-

tioned here, Myerle, was the agent of the Government in making that contract with the other gentlemen?

Mr. BRECKINRIDGE. Not at all.

Mr. BOCOCK. I will say to the gentleman from Massachusetts, that it was a private transaction, as between Mr. Myerle and the gentlemen named in the amendment of the gentleman from Kentucky. As a member of the Committee on Naval Affairs, it became my duty to report this bill to the House, and I feel able at any time, when it shall be proper, to state at length to the committee the facts and arguments upon which my report rests. I feel, without arrogating anything to myself, that when the time arrives, I can prove to every fair-minded member of this committee—to every man whose mind is open to the consideration of reason, facts and arguments, notwithstanding the objections of the gentleman from North Carolina and the gentleman from Tennessee—that it is right. It might seem to be proper for me, in this stage of the proceedings, to state some of the facts upon which this claim rests; but I rise at the present time more for the purpose of noticing the amendment of the gentleman from Kentucky than for any other. I shall raise the question of order upon it. With some little doubt upon my own mind whether this amendment is in order or not, I incline to believe it is not, and I shall ask the decision of the Chair on that point before I take my seat. I view that matter in this light: Mr. Myerle comes before Congress and represents he has a claim against the Government of the United States. The matter goes to the Committee on Naval Affairs. The committee considers it, and reports to the House that he has a just and well-founded claim; but here comes in a gentleman representing third parties, and says to this committee, "You ought not to pay this money to Myerle at this time, because, forsooth, there are private claims between him and these other persons, who are my constituents." The Government ought not to withhold justice, already long delayed, until they have an opportunity to test the validity of their claims against him. What has this Government to do with Myerle's transactions with other persons? Those other persons are not known in the contract with the Government. There is no privity between the Government and them. And if it were otherwise, is this amendment in order in another point of view? It provides that this money, though found to be due, shall not be paid to Myerle until these gentlemen shall have time to test their claims against him. How long is that? They say that they will begin their action in ninety days.

But who knows with what diligence they will prosecute that suit? Suppose they employ a dilatory lawyer, who will delay it term after term, and year after year, who knows then when the matter will be determined? The time, then, during which the payment of this money is to be suspended, is, in fact, if the amendment prevail, indefinite. Is it in order to introduce an amendment to that effect?

Mr. HUNTER. I submit that the gentleman should allow the Chair to decide the point of order.

Mr. BOCOCK. I have but a word more to say. This claim has been pending before Congress for the last five or six years, or more. It has passed this House, and only failed to become a law because the Senate did not have time to act on it. Why did not these gentlemen test their rights with Myerle during that time? Why did they lie still, do nothing, and say nothing, until Myerle was almost worn out, having lost his health and strength, and almost his life in this matter? They wait all this time, doing nothing, and now come and ask that the Government will withhold its arduous justice yet a little longer, until they have time to do what they might have done long ago. I wish to add a word more upon a point from which I was diverted by some interruption. The gentleman from Kentucky [Mr. BRECKINRIDGE] says that his constituents are connected immediately with this contract, because they obtained a mortgage upon Myerle's hemp. When he comes to the proof, he will scarcely be able to show the existence of any such mortgage. It is unreasonable to suppose that it was made.

This is a contract on the part of David Myerle to furnish hemp to the United States Government, and these men knew that he had agreed to deliver it to the Government. Would they have agreed,



under such circumstances, to take a mortgage upon it to secure a debt to them? I think the supposition altogether unreasonable. The proof will test the fact. It is needless, however, to go into these considerations now. I ask first the judgment of the Chair upon the question of order raised by me. I hold, as already stated, that the amendment is out of order, because it introduces here third parties, not known to the Government, who allege that they have claims of a private nature against Mr. Myerle, which this Government ought not to undertake to settle, but let these men stand on the same footing with other creditors of Myerle, and test their rights in a court of justice. It further proposes the postponement of this claim to some indefinite period, though it may be found to be just. Let the Chair decide.

Mr. CLEVELAND. It seems to me that this question of order is of some importance. I wish to say, that so far from the proposition of the gentleman from Kentucky [Mr. BRECKINRIDGE] being improper, in my judgment, it is clearly right and proper. We are sitting here as a court of equity. This is an application to our sense of justice and right. These gentlemen come forward and ask that we shall give a large sum of money, for losses sustained in making this experiment for the benefit of the Government. If there is an appropriation to be made, another gentleman comes forward and says that I am the man who really has furnished the means for making this experiment, and I am the man who is in interest here; and therefore, if the Government is to pay at all, it should pay the man who has lost his money. Is not that perfectly proper and right? Would not a court of equity allow such an application under any circumstances? This application is founded upon the ground that this man was induced to invest his money in the purchase of hemp for the purpose of trying an experiment which it was supposed would prove beneficial to the Government. He says that he invested his money in this experiment at the suggestion of the Government. In consequence of the invitation and encouragement on the part of the Secretary of the Navy to make this experiment, he lost a large amount of money.

The gentleman from Kentucky [Mr. BRECKINRIDGE] says, that in point of fact the man who furnished the money and lost it, was another person, a third party; and, therefore, he asks this House, sitting as a court of equity, if they grant the money asked for by the petitioner, to place it in a condition where the question can be settled, whether it was his money which was lost, or that of this speculator. The gentleman from Virginia [Mr. BOCKOCK] gets up and says that he can satisfy the House that Myerle is entitled to the relief he asks for; and he intimates if we do not take his opinion, that we are not fair-minded men.

Mr. BOCKOCK. I do not expect to get the gentlemen's vote.

Mr. CLEVELAND. The gentleman cannot get that of a majority of the House. The gentleman's assurance certainly will not help his case, for I believe this House will act upon the evidence adduced, and not upon the opinion of any man.

Mr. HUNTER. Is this question debatable?

The CHAIRMAN. It is not.

Mr. HUNTER. Is there not a question of order pending?

Mr. BOCKOCK. I did raise a question of order.

The CHAIRMAN. The Chair thinks that this amendment is germane. Whether it is proper or not is a question for the committee to decide.

Mr. CLEVELAND. I wish to say in regard to this matter, that when I rose I had intended to speak to the question of order merely, and I had the unanimous consent of the committee to discuss this matter, and show why this money should not be taken by some claim agent who might come in here, for the petitioner, and claim that he had lost this money, when, in point of fact, it was another's loss. The amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is in accordance with my views. I only wish to say a word to the gentleman from Virginia, [Mr. BOCKOCK], who has reported this bill.

Mr. SMART. I will ask the gentleman to give way for a motion that the committee rise.

Mr. CLEVELAND. I am nearly through. I shall listen with attention to what the gentleman who has reported this bill will say; and until he says more than he has said, or anybody else has

said, in favor of this claim, I think that the committee will hesitate, as I shall, long before they will advise the House to grant it.

Mr. JOHN W. HOWE. If I am wrong in the statements which I am about to make, I trust that gentlemen will correct me who have taken part in this discussion. I understand that this man Myerle, who was a hemp-grower himself, entered into a contract with the United States to furnish hemp; that he received assistance from two gentlemen in Kentucky, and how many more I do not know; that the credit of these two gentlemen was given to Myerle, and that they looked to his solvency entirely for their pay. If this be the state of facts, then I suppose that they have no claims at all upon this Government. Myerle has prosecuted his claim for compensation.

Mr. BRECKINRIDGE. May I interrupt the gentleman for a moment? I will make an additional suggestion. Gentlemen argue this matter as if there had been a distinct contract with Myerle by the Government under the authority of the law to do a particular thing, and then treat my constituents as third parties who come in here to interfere between Myerle and the Government. That has been the current of the argument. But, as was forcibly stated by the gentleman from Connecticut, [Mr. CLEVELAND], this is a case of equity, to be administered by the Government between Myerle and the gentlemen named in the amendment. The general principle, that in cases of contract with an individual, the Government will settle with him alone, and not admit third parties, does not apply. The case lies in a nutshell. He desired to test the qualities of American water-rotted hemp. Experiments had to be made, and the agreement with Myerle was not merely a contract for the delivery of so much hemp. It required capital to make the experiments, and the Government promised, through the Secretary of the Navy, to deal liberally and justly in the matter of these experiments. In this state of the case, Montmollin and Cornwall advanced money to buy the hemp, to water-rot it, and to prepare it for the use of the Navy. A subsequent Secretary refuses to receive the hemp, and Myerle applies to Congress for relief upon principles of equity. Congress will not decide this case upon any contract, but upon its idea of justice to all parties concerned. Now, where does the equity lie? If this appropriation is to be made to cover outlays made in experimenting for the benefit of the Government, ought it not to go to those who expended the money? At least, ought they not to be allowed to have their rights settled in a court of justice? That is all I ask.

Will the gentleman allow me to make an additional observation to the gentleman from Virginia? [Mr. BOCKOCK.] I stated that Mr. Myerle had given these gentlemen a lien upon the hemp to indemnify them; but the gentleman inquires, with an air of great surprise, how he could give them a lien upon hemp which was to go to the Government. What difference did it make if the hemp was to go to the Government? Myerle agreed to furnish the Government with hemp of a particular quality—water-rotted hemp. He goes out and buys hemp in the stack, in the country, with the money of these gentlemen, and gives them a lien upon it. It was to be prepared in a certain mode, and was afterwards to be submitted to the Government. It is perfectly clear that there was nothing in the agreement to submit to the Government which would prevent him from giving them a guarantee. The information that I have received by letter is, that the Government never foreclosed any mortgage.

Mr. SACKETT. They objected to the hemp. Mr. BRECKINRIDGE. The Government refused to take the hemp. Mr. Myerle got a large portion of it, and Montmollin and Cornwall a portion; but they are still greatly losers.

Mr. SACKETT. I desire to ask the gentleman from Kentucky one question. It appears by the report, if I rightly understand it, that the Government advanced a considerable sum to Myerle, when they entered into this arrangement of preparing this hemp. I ask whether there was not such an advance upon the hemp by the Government, and whether that advance has ever been restored to the Government?

Mr. BOCKOCK. The report states that there was a promise to make an advance; that the Secretary found himself unable to do it without the

authority of Congress; that a proposition was introduced into Congress and passed one House, but failed in the other, and the advance was in fact never made.

Mr. HOWE. I have no other motive in rising but to get at the facts of the case.

Mr. BROWN. I do not desire to interfere with the gentleman's speech, but he seems to be seeking information. I have put into the hands of the Clerk a letter from Mr. Paulding, the Secretary of the Navy at the time this contract was made, and who, perhaps, understood it as well as anybody else. I ask that the Clerk may read that letter.

Mr. HOWE. I yield the floor for that purpose.

The Clerk then read the letter, as follows:

HYDE PARK, DUTCHESS COUNTY, April 20, 1852.  
DEAR SIR: I wrote to acknowledge the receipt of your two letters from Columbia and Richmond, last winter, and one more recently from Washington, accompanied by an abstract of the late census, from the Congressional Globe, from which, among other things, I learn that twelve thousand tons of water-rotted hemp are now annually produced in the United States.

For this I do not hesitate to say, of my own personal knowledge, the country is indebted to your exertions, experience, enterprise, and perseverance, amid every species of obstacles and discouragement, and to the ruin of your affairs. It is by these exertions and sacrifices that the United States are now, in a great measure, if not entirely, independent of foreign nations for an article so indispensable to their naval and commercial marine.

I perceive that a motion to take up the bill for your relief was objected to in the House, by a member from North Carolina, whose motives, I have no doubt, were equally honest and patriotic. I know very well, from past experience, that a great portion of the claims presented to Congress are frivolous, fraudulent, and deceptive, or at least founded in weak, selfish principles by which men are so often led into erroneous ideas of what is due to themselves and others. But the recompense you ask of Congress is no adequate equivalent for your own labors and sacrifices, much less for the benefit you have conferred on your country; and it seems strange that while that body is displaying such unbounded liberality in applying the public property to the construction of railroads through deserts, and in behalf of future as well as uncertain benefits, it should thus long have delayed to discharge a debt of honest gratitude for one of such magnitude already received. I am as great a devotee of public economy as the member from North Carolina, whose known vigilance in watching over the people's money I cordially approve, at the same time that I conceive the obligations of justice superior to those of mere penny-saving.

Recollecting, as I do, that I was myself instrumental in persuading you to enter on an undertaking which had been declined by every other man to whom it was proposed, I cannot but feel an interest in the success of your application; still less can I withhold my respect from your firm reliance on the justice of Providence, if not that of Congress. It is the great sheet-anchor, and though it may sometimes drag a little in the storm, never fails to bring up the ship at last. So that I commend you with my best wishes for your final success. Your friend and servant,  
J. K. PAULDING.

TO DAVID MYERLE, Esq., Washington, D. C.

Mr. JONES, of Tennessee. With the permission of the gentleman from Pennsylvania, I wish to inquire the date of that letter?

The CLERK. It is dated the 10th of April, 1852.

Mr. JONES. Is it numbered?

The CLERK. No, sir.

Mr. JONES. I think Mr. Paulding has written one or two letters upon this subject every session of Congress for the last ten years.

Mr. HOWE. This makes evidence for Myerle's claim, and not for the creditors. So far, very well. I was not particularly inquiring as to the merits of Myerle's claim, but to see how the creditors stood connected with him. That was my purpose. You recollect that the law knows no mercy, no favor whatever. It is the equity of which the gentleman from Connecticut [Mr. CLEVELAND] speaks that will administer justice to these two creditors of Myerle, (if the evidence makes out a case in equity.) I would be disposed myself, if there was no other evidence than the statement of the gentleman, to turn them round to Myerle, because the presumption with me is, that if Myerle entered into a large contract with the Government to procure water-rotted hemp, or anything of that kind, and had no means or money of his own, and is now totally insolvent, as he says, that he must have many creditors.

Mr. BRECKINRIDGE. He was insolvent then.

Mr. HOWE. Well, if he is not insolvent now there is no necessity of connecting his creditors with this bill.

Mr. BRECKINRIDGE. He is certainly insolvent now.

Mr. HOWE. I was going to make another

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suggestion, and it is simply this: I have my own mind made up in regard to the amendment. Upon the supposition that he was insolvent then, and is now, he must have a multitude of meritorious creditors in Kentucky and elsewhere, if he was doing business there; and if it is right that these two persons should be preferred, it is equally right that all the creditors should be preferred. Therefore, this amendment ought to be enlarged, so that all the creditors of Myerle should have an opportunity of preferring their claims against him by suit at law, and substantiating their claims there, before Myerle should be allowed to take this money from the Government.

Mr. BRECKINRIDGE. Will the gentleman allow me to call his attention to the difference between the general creditors and those particular creditors springing out of the fact that the debt he owes to the creditors now before the committee is a debt intimately connected with the experiments out of which this appropriation is to spring? That, in fact, the appropriation is intended to cover losses sustained by them?

Mr. HOWE. But I would suggest that all the creditors who are connected with the hemp, and who furnished him with the means, are equally meritorious with these two, and that they, as a class of creditors, should all have an equal preference, and that there should be no preference to one over the other, but that they should take at least *pro rata*, if this Government does not give enough to pay them all. If the gentleman will enlarge his amendment in that way, I shall have no objection to adopt it.

I believe there are creditors in my own State who furnished this man Myerle with money or credit to go on with his undertaking, for which they never received a farthing. They stand precisely in the same position and relation to Myerle and this Government that these two creditors do who have been spoken of by my friend from Kentucky, [Mr. BRECKINRIDGE.] I do not believe that this Government ought to know anything about the creditors of Myerle at all. That is my private opinion. If the creditors have given credit to Myerle, they should look to him; and if he is not responsible, they should rely upon his honor, if he should get the money from the Government to pay them. It is like most other business transactions.

Mr. FLORENCE. I wish to make a remark, if my colleague will allow me to do so.

Mr. HOWE. I will yield the floor to my colleague.

Mr. FLORENCE. My friend from Kentucky [Mr. BRECKINRIDGE] intimated to this committee that Mr. Myerle, at the time of entering into this contract, was insolvent.

Mr. BRECKINRIDGE. That is my information.

Mr. FLORENCE. Now, sir, if I am correctly informed, as I believe I am, I think I can substantiate it to the satisfaction of this committee and to the House, that Mr. Myerle was at that time engaged in a very lucrative business in the gentleman's own State, yielding him, by an examination of his books, an average amount of \$68 a day, or \$15,000 a year. He was enthusiastic in this enterprise. He entered into it, because he believed that he could accomplish a great purpose, and in doing so, he was guarantied by the then Secretary of the Navy, Mr. Paulding, against loss; and further than that, the understanding was that the hemp that he submitted to the Commissioner of Naval Affairs, or some other commission which I have forgotten, that existed at that time, was not to be condemned.

Mr. BRECKINRIDGE. A single word upon the question of insolvency, that I may be properly understood. I stated that I believe Myerle was insolvent, both now and at the time he commenced these experiments.

Mr. FLORENCE. There is no doubt he is at this time.

Mr. BRECKINRIDGE. I never heard of Mr. Myerle until about a year ago, nor do I know

what his business was; but I have been informed, from various sources, that he was insolvent.

Mr. FLORENCE. He was a pioneer in the great improvements of the West. This hemp, if I understand it, was taken to Boston, and was taken possession of by the gentlemen who now lay claim to this money, or a portion of it, and sent to New Orleans. It was kept there a considerable time, made into rope and bagging, and sold, and the proceeds of the sale went into the possession or the pockets of the gentlemen represented by my friend from Kentucky, or whose interests are represented by him.

Mr. HOWE moved that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole House had had the Private Calendar under consideration, and especially House bill No. 108, and had come to no conclusion thereon.

## MILITARY ACADEMY APPROPRIATION.

Mr. HOUSTON. I ask the unanimous consent of the House to report back from the Committee of Ways and Means, the Military Academy appropriation bill, with the Senate amendments thereto.

Mr. ORR. What do you propose to do with it?

Mr. HOUSTON. I propose to refer it to the Committee of the Whole on the state of the Union.

Mr. STANLY. If there be no objection, I think the bill had better be put upon its passage. It is now near the end of the session.

Mr. ORR. I shall object to that.

Mr. HOUSTON. I should like to put the bill upon its passage.

Mr. ORR. I do not know what the amendments are, and therefore I object to its being put upon its passage.

There being no objection, the bill was received, and referred to the Committee of the Whole on the state of the Union.

Mr. ORR. I move that the House adjourn.

Mr. FICKLIN. I ask my friend from South Carolina to withdraw his motion for a moment, until I can have the concurrence of the House in a little amendment made by the Senate to the bill of the House, affecting settlers upon the Central Railroad in Illinois, which will take but a moment.

Mr. ORR. You had better do it to-morrow. I cannot withdraw my motion.

The question was then taken upon Mr. ORR's motion, and it was agreed to.

So the House adjourned until to-morrow, at eleven o'clock, a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, July 31, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER stated the question to be upon recommending House bill No. 309 to the Committee on the Post Office and Post Roads.

## LAND DISTRICTS IN IOWA.

Mr. HENN. I ask the unanimous consent of the House to take up from the Speaker's table Senate bill No. 478, being "An act to create three additional land offices in the State of Iowa." I will merely say to the House, that by this morning's papers, it appears that the Commissioner of the General Land Office has issued a proclamation for the sale of the public lands in the State of Iowa. The people residing on the Missouri river, where the greater portion of the lands are to be sold, are two hundred and forty miles from the present land office. Now, if we pass this bill to-day, a postscript can be put to the proclamation, whereby it will not be necessary to issue a new proclamation, and these people will be relieved from the necessity of traveling that great distance to the land office. I

hope there will be no objection to taking up the bill.

There being no objection, the bill was taken up from the Speaker's table, and read a first and second time by its title.

Mr. FOWLER. I should like to hear the bill read through.

Mr. HENN. I hope the gentleman from Massachusetts will not insist on the reading of the bill. I will say to him that it is drawn up in the form of all these bills, and in accordance with the views of the Commissioner of the General Land Office.

Mr. FOWLER. Very well. I waive the request.

The bill was then ordered to be read a third time, and was subsequently read the third time and passed.

## WASHINGTON CITY GASLIGHT COMPANY.

Mr. MOORE, of Pennsylvania. I ask the House to take up from the Speaker's table, a bill from the Senate to increase the capital stock of the gaslight company of this city, and to allow them to extend their pipes to Georgetown. I will merely state to the House, that the original capital stock of the company was \$50,000, and that the company very recently expended \$160,000 in improvements here in the District, and they wish now to extend their pipes to Georgetown. They cannot do it unless we pass this Senate bill. I hope there will be no objection to taking up the bill.

There being no objection, the following bill was taken up from the Speaker's table and read a first and second time by its title:

"Senate bill No. 135, to amend an act entitled 'An act to incorporate the Washington Gaslight Company,' approved July 8th, 1848."

Mr. ST. MARTIN moved that there be a call of the House.

The motion was not agreed to.

The question recurred upon ordering the bill to a third reading.

Mr. MOORE, of Pennsylvania. I will merely say further, in reference to that bill, that, as the law now stands, the capital stock of the company shall be \$50,000. The Senate has inserted previous to the words "fifty thousand" the words "three hundred and," so that the stock shall be \$350,000; and they have also inserted after the word "Washington" wherever it occurs, the words "and Georgetown," so as to enable the company to lay their pipes in Washington and Georgetown. This bill does not alter the features of the original act at all. The act is very stringent, making each stockholder liable for every cent of the whole indebtedness of the company. The bill does not alter the features of the charter at all. It merely increases the capital stock, and allows the company to extend their pipes to Georgetown.

Mr. FULLER, of Maine. Does the act prohibit the company from exercising banking powers?

Mr. MOORE. Yes, sir; it does.

The bill was then ordered to a third reading, and was subsequently read the third time and passed.

## BOUNTY LANDS TO SOLDIERS OF THE WAR OF 1812.

Mr. HENDRICKS. A month or two since the Committee on Public Lands reported a bill, No. 120, "authorizing certain soldiers of the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof." Upon the motion of the chairman of the committee, [Mr. HALL,] that bill was referred to the Committee of the Whole on the state of the Union. Subsequently the chairman moved to reconsider that vote, and I now call up that motion.

The SPEAKER. The question is upon the motion to reconsider.

Mr. GREY. I rise to a question of order. The morning hour is set apart for reports from committees.

The SPEAKER. This is also business belong-

ing to the morning hour, and being a motion to reconsider is a privileged question.

Mr. OLDS. Was not the bill to which the motion refers reported before the House adopted the special order setting aside one hour of the morning for the reception of reports from committees?

The SPEAKER. Still the Chair thinks that it would be classed with the description of business belonging to the morning hour, and as a privileged question, it may be called up at any time.

Mr. HENDRICKS. I will say, Mr. Speaker, that when this bill is understood, I think it cannot be objected to by any gentleman.

In the latter part of 1811, and the first part of 1812, it was found necessary, for the proper defense of the country, to complete the existing military establishments, and to add thereto ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons, to be enlisted for the term of five years.

The acts of 24th December, 1811, and 11th January, 1812, under the provisions of which these additional forces were organized, provided that the soldiers thus called out should, upon receiving an honorable discharge, be entitled to receive a bounty of three months' pay, and one hundred and sixty acres of land. But, by these laws no provision was made for issuing to the discharged soldier a land warrant, or authorizing him to select his land. That was left to subsequent legislation.

Afterwards, and when the old regiments had been filled, and the new ones organized, laws were passed providing for the issuing of land warrants to such soldiers as were entitled to the land bounty. But these warrants were not assignable, nor could the soldier select his land and locate his warrant upon it, but large tracts of country were surveyed and set apart as military land districts, and from the whole the soldier was required to draw his piece of land by lot. In some instances the lots fell upon good land, but very many, if not the greater portion of these soldiers, thus received land that was not fit for cultivation, that was valueless. In all these cases the Government has not given them that compensation which was promised them when they enlisted. They expected to receive land that would be of value to them, land that would furnish them homes, but in this they have been disappointed.

At an early day Congress recognized the obligation of the Government towards these soldiers. In 1826 a law was passed extending to the military lands in Arkansas only, allowing those who had received lands that were not fit for cultivation, to surrender them and locate their warrants upon other lands in their stead. That law continued in force but for five years. But it was renewed again in 1830, 1840, and in 1848. Now, Mr. Speaker, the bill before the House, which I felt it my duty to introduce at an early day of the session, extends the provisions of these laws to the military districts in Missouri and Illinois, and allows the soldiers to whom valueless lands were allotted in these districts, to surrender them, and to get other lands in their stead. This is but right, sir. It is no bounty granted to these men. It is the discharge of an obligation resting upon the Government towards them.

Mr. DUNCAN. I desire to know whether this bill is limited to the soldiers themselves, or whether it applies to the assignees of the warrant also?

Mr. HENDRICKS. It is limited to the soldiers themselves. I ask that the bill may be read.

The bill was then read through by the Clerk.

Mr. ORR. I doubt very much whether this bill ought to pass. If I understand it, it relates to bounty lands, which were granted to the soldiers of the war of 1812, the warrants for which issued to those soldiers immediately after the termination of that war, forty years ago. It strikes me that that is a very long time to have possession of lands, and now ask to surrender the original warrants, and go upon other public lands for the purpose of locating. I imagine it would result in benefit to the assignees and to speculators, rather than to the soldiers themselves. It strikes me that there has been unusual delay on the part of the soldiers in postponing the application for forty years. I believe I shall move to lay the motion to reconsider upon the table, but I will withhold the motion to see if any light can be thrown upon the subject.

Mr. BRENTON. I will state, for the information of the gentleman from South Carolina, that

the warrants issued for the benefit of the soldiers in the war of 1812 were not assignable. They were to be located for the exclusive benefit of the soldiers themselves. This bill applies to that class of warrants only, and, therefore, there can be no danger of their passing into the hands of speculators.

Mr. ORR. That may be very true, and it removes one of the difficulties that suggested themselves to my mind. I do not profess to have any familiarity with this subject. But some of these warrants, belonging to soldiers who served in the war of 1812, have come under my observation—lands located in some of the western States—in the States of Arkansas, Missouri, and other States. The lands, in many instances, where I have had occasion to examine into them, have been sold more than twenty years ago by the authorities of those States for the taxes.

Now, sir, I desire to know whether this bill is to provide for such cases as this. If this bill is to provide that lands which have been sold for taxes twenty years ago, and if the bill is to be pressed here, I hope it will be referred to the Committee of the Whole on the state of the Union, and thoroughly discussed, before it is adopted. As at present advised, however, I cannot vote for it.

Mr. BRENTON. The cases of which the gentleman speaks, where lands have been sold for taxes, or where they are otherwise incumbered, cannot happen under this bill. The lands cannot be transferred except in cases where they are entirely unincumbered, and where they are entirely worthless, and of no benefit to the soldier whatever. The law provides that the soldier must, at the time of his application for a transfer, state that fact, and prove it to the satisfaction of the officer. Lands which have been transferred cannot, as a matter of course, come within the provision of this bill. Those who have heretofore transferred them can have no benefit from this bill. There can, therefore, be no difficulty in relation to the matter of which the gentleman from South Carolina [Mr. ORR] speaks.

Mr. DUNCAN. It seems to me very questionable whether we ought to reconsider this vote and pass this bill. A long time has elapsed since these warrants have been issued; probably a large portion of the persons in whose favor they were issued, have long since deceased. This Government has fulfilled all its obligations. It has done what it promised to do. It promised bounty land and it has given it. It is an objection in my mind, that by the passage of this bill, you will increase the labor and expense of the Land Office, which is already very great. I do not think these individuals have any just claim upon the Government to be permitted, after a lapse of thirty or forty years, to change the location of their warrants, and I therefore think the bill ought not to be reconsidered, and that it ought not to pass.

Mr. HENDRICKS. I did not expect to say anything further upon this bill, but I desire very briefly to reply to the gentleman from South Carolina, [Mr. ORR,] and the gentleman from Massachusetts, [Mr. DUNCAN.] The locations were principally, if not all, made in three military districts—one in the State of Illinois, one in Missouri, and one in Arkansas. I have before remarked, that relief of the character asked for in this bill, has from time to time, since 1826, been given to those claimants whose lands were allotted in the Arkansas district. The bill now before the House proposes to extend the same provisions to the other two military districts. It makes a local law general. I think if any bill ought to pass, the one now before the House should. I know of none having more justice and right in it. The Government agreed to give these soldiers, in addition to their other compensation, one hundred and sixty acres of bounty land—land that was fit for cultivation. Afterwards the law was passed giving them the land by lot, so that under it some of them got good lands and others lands which were worthless. The object of this bill is, that in such cases those soldiers who hold worthless lands may exchange them for good lands.

But the gentleman says these warrants have been held by these soldiers thirty or forty years. Why, sir, some of the patents have not been received by the patentees over three years. I know of one case in my own district in which the sol-

dier did not receive his patent till 1849. His land was drawn for him by lot in the Missouri district, but when he came to examine it, he found that most of it was covered with water. There were not two acres fit for cultivation out of the whole one hundred and sixty. The patent was issued to him for land drawn by lot. He did not know when his patent was issued. It was deposited here in the Land Office, or in the district land office, in 1819, and lay there till 1849 without his knowing it. There are many such cases I have no doubt. Their lands are drawn by lot, and the patent deposited here in the Land Office, or in the district land office, without the soldiers, in whose favor they are issued, knowing that they have been issued.

I will only add, sir, upon this point, that the time for issuing and locating these warrants has been extended from time to time, since 1816, until 1842, at which time I find the last act for that purpose, extending the time again five years. I am not prepared to say that any warrants have issued under the extension of 1842, but I suppose there was a necessity for the law or it would not have been enacted, and that warrants have been issued since that time, perhaps at so late a period as 1847.

Now, sir, I cannot see what wrong can possibly be done by the passage of this bill. If the soldier has sold his land, or if he has suffered any lien or incumbrance upon it, or if for any reason, the title does not remain in him or his heirs, as perfect, and free from defect, as when it was first vested in him, then he cannot avail himself of the provisions of this bill. But if he still holds the lands by the same title that he received from the Government, without lien or incumbrance, then, if the land be valueless, he may surrender it again to the Government, and in its stead receive one hundred and sixty acres of good land.

I think we ought to pass this bill. We ought to pass it now, while it may be of service to the soldiers, whom it is designed to benefit. They are becoming old, and if Congress long delays this act of justice, it cannot benefit them.

Mr. ORR. How would the gentleman ascertain the fact, and how could the Land Office ascertain the fact that the title to a tract of land in a remote county in Arkansas, was free from lien, and was worthless?

Mr. HENDRICKS. I hold in my hand the printed instructions from the Land Office, under the law of 1843, relating to the Arkansas district, which is in the language of the bill before the House. I will answer the gentleman by reading from these regulations of the Department:

"The proof of the lands being unfit for cultivation, should be the affidavit of some disinterested and responsible person or persons, who shall have actually examined the whole of the land. The proof that the party has not divested himself of his interest in the land by deed or in anywise incumbered the same, and that the land has not been sold for taxes, must be the certificate of the proper officer, that there is no deed or other instrument of record going to show the fact, and the certificate of the Auditor of the State or other proper officer, that the land has not been sold for taxes, and that none are due; and the affidavit of the party to the same effect on both these points."

Mr. Speaker, this is no donation or bounty which is asked in this bill. It is a well-ascertained right which is claimed, and in passing the bill we but discharge an obligation which the Government owes to the men who fought for the country. I hope the bill will pass.

Mr. HUNTER. I merely want to state to the House that I have some knowledge of these lands myself. I wish the House to take into consideration the fact, that all subsequent laws granting bounty lands to soldiers have permitted them to locate their own lands. They have been permitted to select such lands as they thought fit. But by the first law granting bounty lands to soldiers of the war of 1812, the lands are located by the officers of the Government in particular portions of the country, as the gentleman from Indiana [Mr. HENDRICKS] has stated, and in those grants about five cases out of every seven proved to be entirely worthless. So worthless and of so little value were they considered to the soldiers that within ten years from that time these warrants, or rather these patents, (for they were not warrants at all,) were in many instances assigned with the whole interest in them for from \$5 to \$10 each. Since that time you have permitted the soldiers to enter their warrants upon the land themselves. I see no reason why those soldiers



should not be placed upon the same footing with the others. I do not see why, if we have given them worthless land, they should not be permitted to exchange it for good land. I may be permitted to say, I own one of these tracts myself. Mine happens to be a good one; but there is not one tract adjoining that where I would give fifty cents for the whole one hundred and sixty acres. Now, these soldiers were entitled to good land. They were entitled to land fit for cultivation; and as we have at later periods given to other soldiers—soldiers of the same war, and of subsequent wars—lands which were fit for cultivation, I see no reason why these men should not come in with the rest, and when they can show that their land is unincumbered, be permitted to select good lands in the place of those which are worthless. I do not make these remarks out of any personal feeling or interest, because my land is good.

Mr. PHELPS. There has been legislation upon this subject at several different periods. The first act upon this subject was in 1826. This merely relates to the location of military land warrants in the district set apart within the limits of the now State of Arkansas. Subsequently, in the year 1840, the provisions of that act were extended to the military reservations in the States of Illinois and Missouri. The first act upon this subject only gave the benefit of an exchange of location to those who actually immigrated with a view of settling upon the lands; but the subsequent acts upon the subject extended the provisions of that law, and permitted the exchange of the lands to be made under the provisions of that bill, whether the soldier desired to settle upon the lands or not. Now, it is well known in the districts of land set apart for the satisfaction of these military bounty land warrants, both in the State of Arkansas and in Missouri, that much of the land was unfit for cultivation, and is mostly uninhabited.

In the State of Arkansas the greater part of the land in this military reservation district is barren and sterile, while that in Missouri consists mostly of large and extensive prairies, destitute of wood, which lands are not yet settled, and the donations of a quarter section, or three hundred and twenty acres, which were made by the acts of 1813-'14, if they happen to fall upon tracts of land remote from timber, in those wide and expansive prairies are almost entirely worthless, and the soldier receives no bounty at the hands of the Government.

Now, where this land is unfit for cultivation, upon that fact being proved to the register and receiver at the proper land office, I think he should be permitted to relinquish his right to the tract of land allotted to him by the Government, and select other lands in lieu thereof. I hope the motion to reconsider will prevail, and that the bill will pass the House.

The question now being upon the motion to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union—

Mr. HENDRICKS demanded tellers; which were ordered; and Messrs. CAMPBELL of Illinois, and FOWLER were appointed.

The question was then taken; and the tellers reported—ayes 72, noes not counted.

So the motion to reconsider prevailed.

The bill was then reported, as follows:

"A bill to authorize certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof."

Mr. ORR. I ask for the reading of the bill.

The bill was accordingly read.

Mr. HENDRICKS. I move the previous question.

Mr. MARSHALL, of Kentucky. I hope the gentleman will withdraw his motion to allow me to offer an amendment.

Mr. HENDRICKS. I cannot withdraw it.

Mr. MARSHALL. I hope the gentleman will allow my amendment to be read.

Mr. HENDRICKS. I have no objection.

The amendment was then read, as follows:

The provisions of this act shall apply to all cases where the lands, entered by the holder of a military land warrant of the Virginia military reservation, have been lost by eviction under a decree or judgment of the Supreme Court of the United States on account of the existence of a better entry or patent.

Mr. MARSHALL. I hope the gentleman will withdraw his motion, and allow me to present the amendment.

Mr. HENDRICKS. I withdraw my demand for the previous question.

Mr. MARSHALL. I will explain to the House the object I have in view, and the cases I propose to meet by the amendment.

The SPEAKER. The pending question is to recommit the bill.

Mr. MARSHALL. I will defer my remarks until that question is disposed of.

The House was being divided, when

Mr. ORR said: Before the question is taken I desire to call the attention of the House to a matter connected with the bill. The very contingency that I anticipated presents itself in the bill. In relation to lands which have been sold for taxes, in the States where they have been located, there is no provision in this bill which would prevent the same soldier coming to the Commissioner of the General Land Office, and making proof to that effect, and getting land in lieu of that which has been already sold for taxes. I desire to call the attention of the House to the phraseology of the bill, which is this:

"Provided, That before receiving such new land, it shall be proved, to the satisfaction of the Commissioner of the General Land Office, that the land so allotted and patented to said soldier is unfit for cultivation, and that said soldier has never disposed of his interest in any said land by sale of his own, and that the same has not been taken and disposed of for his debts due to any individual, and that he shall release all his interest in the same to the United States," &c.

Now, I submit that this bill does not protect the Government in cases where the lands have been sold for taxes.

Mr. MARSHALL. I did not intend to yield the floor, Mr. Speaker, for the purpose of inviting a discussion upon the merits of the original bill until after my amendment was disposed of.

The SPEAKER. The question before the House is to recommit the bill.

Mr. MARSHALL. I supposed the question had been taken upon that motion.

The SPEAKER. A division was called for, but before a division was had the gentleman from South Carolina [Mr. ORR] addressed the Chair.

Mr. MARSHALL. I yielded the floor to have a vote taken upon that motion.

Mr. STUART. I desire to say a word or two. The gentleman from South Carolina [Mr. ORR] says there is nothing in this bill to prohibit a man who has lost his lands, by having it sold for taxes, from laying claim for, and procuring other lands instead thereof. It is a sufficient answer to that to say that there is nothing in the bill that allows him to do it. The bill simply authorizes the entry of other lands in cases where the land is unfit for purposes of cultivation.

Mr. ORR. The point of difference between the gentleman and myself can be remedied at once, if he will allow an amendment.

Mr. JOHNSON, of Arkansas. If we insert in the bill, after the words, "and that said soldier has never disposed of his interest in said land by any sale of his own, and the same has not been taken and disposed of for his debts due to any individual," the words "or sold for taxes," it will cover the case and make the bill perfect. With the consent of gentlemen, I will move to insert those words.

Mr. STUART. If gentlemen will allow me a moment, they will see that that amendment will not answer the purposes contemplated by the bill. This land, though utterly worthless for the purposes of cultivation, may have been sold for taxes, and if we insert such a provision as that, it cuts off all remedy in those cases.

The object of this bill is to give a man land where he has drawn land which was utterly worthless for the purposes of cultivation, and that is the only object of the bill. Now, if you insert such a provision, you cut off a large class of cases, for there is not a more common case, than that lands owned by private persons are returned and sold for unpaid taxes, and in these cases, although the land may be utterly worthless and good for nothing, yet he could get nothing under this bill.

Now, sir, I will not object to a provision which shall allow a person, who has lost his land which was valuable in itself, by its having been sold for taxes, to enter the same quantity elsewhere, although, for myself, I doubt the propriety of it.

Mr. ORR. If I understand the position of the gentleman from Michigan, [Mr. STUART], it is this: If the lands located are valueless, and have

been sold, the soldier is then entitled to receive other lands.

Mr. STUART. Yes, sir.

Mr. ORR. That is what I supposed.

Mr. STUART. I ask the gentleman what is his objection? If the land was valueless, how does it alter the case, though it has been sold for taxes?

Mr. ORR. A sufficient answer to that is this: nearly all the soldiers who received bounty lands for services in the war of 1812 have had the warrants in their possession for thirty or forty years. Well, in the first place, the warrant placed in his hand notified him of the town, range, and section where his land was located, and if the soldier did not look after his interest, with a view of protecting it, and to save it from being sold for taxes can he or his heirs come into Congress with an expectation of receiving favor after the expiration of thirty or thirty-five years, and that the Government shall lose all that it originally gave to him, and a hundred and sixty acres in addition?

Mr. STUART. Let us look at that argument for a moment. The Government has given bounty lands to be drawn by lot. When that lot was drawn it drew land which was utterly worthless to the soldier, and utterly valueless to the Government. The Government, I apprehend, did not intend to turn off the soldier in that way, and no one knew that such worthless lands would be drawn by him. But such would be the effect of this bill. And what is the argument of the gentleman from South Carolina, [Mr. ORR]? Why, that the lands have been held for thirty or more years, and that the Government has now lost them. Lost what? Lost a hundred and sixty acres of land that is under water and never was worth a cent, and utterly valueless for the purposes of cultivation. I have known numerous cases of that kind. I was written to during the Thirtieth Congress by a constituent of mine, inquiring about his military land warrant, which was located in the State of Arkansas; and this is but an instance of the many cases of soldiers living in New England, Pennsylvania, New York, and other States, who have drawn lands which were under water in Missouri and other western States. It would have cost at that time more than four times what the lands were worth to go and see where it is, or to learn anything about it. Again, the impression was almost universal that the lands were not subject to taxes, and the soldiers in almost every instance believed that there could be no taxes levied upon them, and that they would lie there until civilization and their convenience would permit them to go and look them up. When they went, sir, they found out their error, and that they were subject to taxation and had been sold for taxes, and, in many instances, that they were good for nothing for cultivation if they had not been sold.

This is one of the plainest cases of justice and right ever presented to a legislative body.

Mr. HUNTER. I wish to suggest to the gentleman from Michigan, [Mr. STUART], while he is making his remarks, that in many instances where the lands were sold for taxes, the parties knew at the time that they were worthless, and paid no attention to them. They were not worth even the taxes.

Mr. STUART. If it is proved that the lands are worthless for the purposes of cultivation, then the soldiers, that justice may be satisfied, ought to have lands that are good instead of them.

Mr. HEBARD. There seems to be a difference of views, Mr. Speaker, as to the extent to which the provisions of this bill should go. Now, sir, there is an amendment I desire to see made to this bill of a different character from those suggested. If there is any merit in this bill, I desire to place all the soldiers of that war who had bounty land upon an equality. Now, sir, if the soldier who drew a lot of land that is entirely worthless, and who has kept it in his hands is entitled now to have a valuable lot in exchange for it, I do not see why a soldier who has sold his worthless lot of land for a nominal price is not entitled to be put in as good a condition as the one who kept it. Nor do I see why the soldier who has had his lot which was worthless sold for taxes should not have his loss made up to him as much as the other, if the object of the bill be what I suppose it is. I therefore differ very much from the gentleman from South Carolina [Mr. ORR] in relation to the purposes of the bill. If it is to be passed,

I desire to see it put upon that footing by which some substantial justice and equality shall be dealt out to all of this class of soldiers alike; and I would, therefore, have stricken out all that portion of the proviso with regard to cases where the soldier has sold his land, and where it has been sold for the payment of taxes or debts. The proviso is, that he shall in the first place establish the fact that the land was worthless for cultivation. I do not know what difference it makes to the Government whether he has received some merely nominal sum for it or not. If one class of soldiers is to be remunerated in this way, I do not see why all should not who have suffered alike.

Mr. ORR. If it has been sold, Mr. Speaker, that is the best evidence we have that the land was not worthless. If a purchaser has been found where it was sold for taxes, we have an evidence it was not worthless.

Mr. HEBARD. Whether that be a *sequitur* or a *non sequitur*, it is not the point I am arguing. The provision of the bill is, that the soldier, or his heirs, shall show the particular fact that the lot of land drawn was worthless. If the fact be established that the lot of land was worthless, I do not see that it should make any difference with the Government whether the title has been kept in the hands of the soldier or not. If he parted with the title of his worthless land, it must have been for a mere nominal consideration.

Mr. ORR. Let me make another suggestion to the gentleman. Suppose the soldier, under this bill, proves that the land was valueless in 1818 or 1819, when he received the warrant, and that it was sold for taxes, and went into other hands at, perhaps, one or two cents per acre; and suppose that tract of land is now worth five dollars per acre, how is the question to be settled?

Mr. HEBARD. That, perhaps, may be one of the contingencies very difficult to guard against. I suppose the object is to have the soldier show that he has not received that which the Government contracted to give. When he contracted to serve the Government as a soldier, it was provided that he should receive as a part of his compensation, one hundred and sixty acres of land. He expected that the lot of land he should receive would be of some value, and if he has received only worthless land after the performance of his duty, I do not see what difference it makes with the Government whether he has sold it, or it has been sold for taxes; but in the case the gentleman supposes, neither the soldier nor his assignee would be benefited by the provisions of this bill.

Mr. TUCK. I wish to say a word, by way of caution, to the House, in regard to the passage of any new bill providing for the giving away of the public lands. My record is very clear here for the last few years. I have voted against every scheme that has been set up for giving away the public lands, with the exception of the homestead bill of the gentleman from Tennessee, [Mr. JOHNSON.] The more I reflect upon and examine into the extensive operation of the laws which have been passed, the more I am satisfied with the propriety of the course I have pursued. In order to impress upon the House the importance of caution in acquiescing in any claim for disposing of the public land, I wish to call the attention of the House to this fact: All will recollect that about the month of January last an important bill was under consideration here, the main features of which, as then supposed, referred to making provisions for the registers and receivers of the land offices; and the bill passed after a very patient consideration by the House. The provisions of that bill were supposed to have been thoroughly examined; but, sir, it was not understood, or if it was understood by anybody, it was carried through this House by a smuggling process. The great feature of the bill, as it was discussed here, was a proposition to give from \$100,000 to \$200,000 to the registers and receivers of the land offices.

Mr. JOHNSON, of Arkansas. I am very anxious, as this bill affects my own State, to submit a remark or two in regard to it, and I would suggest to the gentleman from New Hampshire, as he is not discussing the question, to yield me the floor.

Mr. TUCK. I cannot give way.

Mr. JOHNSON. I will then make the question that, as the gentleman is talking about registers and receivers, who have nothing to do with the question, he is out of order.

The SPEAKER. The gentleman is wandering from the question before the House.

Mr. JOHNSON. I object to the gentleman going on. I have called him to order.

The SPEAKER. As the gentleman has been called to order, he will have to take his seat.

Mr. TUCK. Cannot I proceed in order?

The SPEAKER. Strictly, under the rules, the gentleman cannot, only by a vote of the House.

Mr. CLINGMAN. I will beg leave to call the attention of the Chair to the rule. When a member is called to order, it is in the discretion of the Speaker to require him to take his seat. If the Speaker shall order him to take his seat he cannot proceed without a vote of the House.

The SPEAKER. The Chair hopes the gentleman from New Hampshire will be allowed to proceed with his remarks in order.

Mr. JOHNSON. I withdraw my objection.

Mr. TUCK. I have a few words more to say in reference to the bill passed in January for the benefit, as was supposed, of registers and receivers. There was in the bill alluded to, inserted in a most cunning and unobserved connection, a proviso repealing "the last proviso of the ninth section of the act of February, 1847." This short, unobserved clause was not observed nor considered by the House, nor discussed, nor probably understood, by the Senate. Not a gentleman in either House referred to it in the discussion. Now, sir, I have in my hand a letter from the Commissioner of Pensions, written at my request after that law passed, giving me an estimate of what would be the operation of the repeal of that ninth section aforesaid. The Commissioner says in this letter, that, according to the best estimate he can make, about two thousand persons will be entitled to warrants of one hundred and sixty acres each, and from one to two thousand persons entitled to warrants of forty acres each. This vast amount of land—380,000 acres by estimate—was secured by one line in a bill which purported to be for another purpose altogether. I have estimated, according to the present prices of warrants, the value of the land that will issue by the repeal of that section. It amounts to the enormous sum of \$332,500. This magnificent appropriation was obtained without a knowledge on the part of Congress of what they were doing. The clause referred to was not discussed; but the proposition on the face of the bill, to pay registers and receivers \$100,000 or \$200,000 was the almost only feature that was spoken of. Certainly not one in twenty of the members had any conception of what has proved the great provision of that bill. I voted against that bill, and I shall give no sort of favor to this new proposition to give away another portion of the public domain.

Mr. JOHNSON. I must really call the gentleman to order.

The SPEAKER. The Chair feels compelled to decide the gentleman's remarks are not in order.

Mr. TUCK. I have done.

Mr. HEBARD. I have but a single word more to say. When I yielded the floor to the gentleman from New Hampshire, [Mr. TUCK,] I did so under the supposition that he wished only to make a suggestion or to propound an inquiry. I had but very little more myself to say. My purpose, as I have before stated, in rising was merely to express a few views in relation to the bill. I did not mean to express by what I said whether I was in favor or opposed to the passage of the bill, but the amendments that would be necessary to make the bill acceptable to me, and to carry out the purposes which I suppose were the object of the bill. The amendment I have suggested would have to be made, in my opinion, to put the bill upon a footing of equality. I have not examined the case, nor am I in possession of all the facts which would justify me at the present time in giving a vote upon this bill. I am not as well situated as gentlemen representing other sections of the country, to know what frauds may be perpetrated, and what ones have been practiced in the location of these lots; but unless all of this class of soldiers can be put upon an equality, I do not see any propriety in disturbing the law as it now is.

Mr. GIDDINGS. I have some personal knowledge in regard to the rights of these soldiers. I lived in that day, and I have dealt somewhat in

those rights. The first appropriation of public lands for the meeting of these bounty land warrants, was that territory between Illinois and the Mississippi river—one of the best territories, perhaps, which could be found in the whole western country. There was less waste land upon it, than on any other territory. This was drawn by the first soldiers who received their bounty lands; and I will now state it as a fact, that for two or three years, and while those lands were exempt from taxation under the laws of the United States, the current price of these rights in the market was \$25. I have bought many a right for \$10.

Mr. EDGERTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. EDGERTON. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House on the Private Calendar.

The SPEAKER. The motion to proceed to the consideration of the business upon the Speaker's table is now the only one in order.

Mr. GIDDINGS. Can my colleague take the floor from me, to submit his motion?

The CHAIRMAN. The Chair thinks that would not be strictly in order, until the motion made by the gentleman from Ohio [Mr. EDGERTON] is disposed of. It will be disposed of by the presentation of a single bill without a vote. The rules must be enforced strictly. That is the opinion of the Chair.

Mr. STANTON, of Kentucky. Does not the unfinished business of yesterday, the report on printing, which was postponed until to-day, come up and take precedence?

The SPEAKER. It will not take precedence of private bills, because this day is set apart for private bills.

Mr. FOWLER. If we proceed to the business upon the Speaker's table, will we take up private bills?

The SPEAKER. Yes, sir, in their order.

Mr. FOWLER. I hope we will do that. It will take but a few minutes, and those bills ought to be disposed of.

Senate bill No. 185, an act for the relief of the Raleigh and Gaston Railroad Company, was then read the third time.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole upon the Private Calendar.

The question was then taken, and upon a division, there were ayes 40, noes 76.

So the House refused to go into Committee of the Whole upon the Private Calendar.

#### THE REPORT ON PRINTING.

Mr. STANTON, of Kentucky. Is it in order to take up the printing matter?

Mr. CLINGMAN. I insist upon the regular order, and that we shall proceed with the bill just announced.

The SPEAKER. The Chair thinks that under the circumstances the gentleman from Kentucky [Mr. STANTON] may have a vote upon his proposition to proceed to another privileged question. It cannot be done without a vote of the House.

Mr. STANTON. I move that the House proceed to the consideration of the subject of printing.

Mr. FOWLER. Not to-day.

Mr. CLEVELAND demanded tellers; which were ordered; and Messrs. CLEVELAND and CHANDLER were appointed.

The question was then taken, and there were—ayes 82, noes 45.

So the House agreed to take up the report of the Committee on Printing.

Mr. STANTON. It is not my purpose to detain the House with a speech.

The SPEAKER. The pending proposition is to refer the subject to the select committee.

Mr. STANTON. I will content myself with merely stating, for the information of the House, that the Joint Committee on Printing, and the Select Committee appointed some time ago upon the same subject, have had several conferences in reference to the character which should be given to this bill. After a great deal of deliberation, and after consulting with the most intelligent and experienced printers of this city, of whose services they could avail themselves, they came to the conclusion as

to the provisions which should be incorporated in this bill. They have drawn up a bill of that description, which the chairman of the Select Committee [Mr. MARSHALL] has under his care, and which he proposes to present to the House as a substitute for the bill now pending. I presume it will not be necessary to refer it back to the Special Committee or any other committee. The Joint Committee on Printing have agreed to the substitute which the chairman of the Select Committee has in his possession, and who will report it.

The SPEAKER. The pending proposition is to refer to the Select Committee.

Mr. MARSHALL, of Kentucky. The Special Committee on Printing have had this subject under consideration.

The SPEAKER. No amendment is in order while the motion to recommit the bill is pending. The motion pending is to recommit to the committee of which the gentleman from Kentucky is chairman, and it is upon his own motion.

Mr. MARSHALL. I will withdraw the motion to recommit the bill, in order that we may offer the substitute we have agreed upon for the bill.

The SPEAKER. The Chair understands that there is an amendment in the nature of a substitute already pending to the bill.

Mr. POLK. Is it in order to move to lay the amendment upon the table?

The SPEAKER. That will carry the bill with it.

Mr. MARSHALL. Is it in order for me to move to strike out all after the enacting clause, and to insert after the first section?

The SPEAKER. There is a proposition of that kind pending. The gentleman can move to strike out the whole of the pending substitute, and introduce his amendment in lieu of it. It is competent, however, to amend the original bill, section by section, first.

Mr. PHELPS. I would inquire what is the motion pending. Is it to strike out the whole of the bill, and to substitute?

The SPEAKER. The gentleman from New York [Mr. JENKINS] proposed a substitute for the entire bill.

Mr. PHELPS. Is it not in order for the gentleman from Kentucky [Mr. MARSHALL] to move to strike out all after the first section, and to insert?

The SPEAKER. The pending proposition to do so would take precedence.

Mr. PHELPS. I understand the pending proposition is, to strike out all after the enacting clause and insert. Does the gentleman from Kentucky [Mr. MARSHALL] propose to strike out all after the first section and insert?

The SPEAKER. The Chair understood the gentleman from Kentucky as offering a substitute for the entire bill.

Mr. MARSHALL. I propose to strike out all after the first section and insert.

The SPEAKER. That is in order.

Mr. MARSHALL. The substitute which we offer has been printed, but there are one or two amendments which I shall have to add. I will explain to the House.

The SPEAKER. The Chair is informed that there is an amendment pending to the 5th section of the bill. It does not preclude the gentleman from Kentucky offering his amendment, but the Chair thinks that this amendment must be disposed of first.

The amendment was then read, as follows:

*Provided*, That no contract, agreement, or arrangement entered into by this committee shall be binding, or take effect until the same shall be reported to that House of Congress to which the printing belongs, and approved by the same; and where the printing relates to the business of both Houses of Congress, then it shall be reported to both Houses, and approved by them.

The original bill reported by Mr. GORMAN, from the Joint Committee on Printing, was read, as follows:

A bill to provide for executing the public printing, and establishing the prices thereof, and for other purposes.

*Be it enacted*, &c., That the joint resolution entitled "Joint resolution directing the manner of procuring the printing for each House of Congress," approved August 3d, 1846, be and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That from and after the passage of this act, there shall be elected a public printer by each House of Congress, to do the public printing for the Congress for which he or they may be chosen.

Sec. 3. *And be it further enacted*, That the following

shall be the prices to be paid for such printing as may, from time to time, be ordered by Congress:

FOR THE FIRST CLASS,

Consisting of the bills and joint resolutions of both Houses—

For composition, per page, fifty cents.  
For presswork, paper, folding, and stitching, per page, for five hundred and eighty copies, seventy-five cents, and at the same rate for any greater number not exceeding one thousand copies.

FOR THE SECOND CLASS,

Consisting of Reports of Committees of both Houses, with indexes:

For the composition per page, octavo—  
For small pica plain, one dollar.  
For small pica rule, one dollar and twenty-five cents.  
For brevier plain, one dollar and fifty cents.  
For brevier rule, one dollar and seventy-five cents.  
For the composition of tables larger than octavo—  
Per one thousand ems, seventy cents.

For the presswork, paper, folding, and stitching of the octavo size, per page—  
For twelve hundred and fifty copies, ninety-five cents, and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding, and stitching of each table larger than octavo—  
For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page for one hundred copies—

For the octavo size, one quarter of a cent.  
For each table larger than octavo, one quarter of a cent.  
Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram, or plate, of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

FOR THE THIRD CLASS,

Consisting of the Journals of both Houses, with indexes.

For composition per page, octavo—  
For small pica plain, one dollar.  
For small pica rule, one dollar and twenty-five cents.  
For brevier plain, one dollar and fifty cents.  
For brevier rule, one dollar and seventy-five cents.

For the press-work, paper, folding and stitching, per page, octavo—  
For twelve hundred and fifty copies, ninety cents; and at the same rate for any greater number not exceeding fifteen hundred and fifty copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page for one hundred copies—  
For the octavo size, one quarter of a cent.

FOR THE FOURTH CLASS,

Consisting of the Executive documents of each House, embracing Messages from the President, Reports from the several Executive Departments, Offices, and Bureaus, and the documents and statements communicated therewith, with indexes:

For the composition per page, octavo—  
For small pica plain, one dollar.  
For small pica rule, one dollar and twenty-five cents.  
For brevier plain, one dollar and fifty cents.  
For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—  
Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—  
For twelve hundred and fifty copies, ninety-five cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding and stitching of each table larger than octavo—  
For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching not required in the copies reserved for binding, per page for one hundred copies—

For the octavo size, one quarter of a cent.  
For each table larger than octavo, one-quarter of a cent.  
Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram or plate, of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

FOR THE FIFTH CLASS,

Consisting of every other description of printing not included in the preceding classes for each House, with index, and divided as follows, viz:

Part A of the Fifth Class.

Consisting of resolutions and other documents from State Legislatures, memorials, petitions, and all other papers or documents, not included in parts B and C of this class:

For the composition per page, octavo—  
For small pica plain, one dollar.  
For small pica rule, one dollar and twenty-five cents.  
For brevier plain, one dollar and fifty cents.  
For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—  
Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—  
For twelve hundred and fifty copies, ninety-five cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For the press-work, paper, folding, and stitching of each table larger than octavo—

For twelve hundred and fifty copies, three dollars and fifty cents; and at the same rate for any greater number not exceeding fifteen hundred copies.

For deduction on account of folding and stitching to be omitted in the copies reserved for binding, per page, for one hundred copies—

For the octavo size, one quarter of a cent.  
For each table larger than octavo, one quarter of a cent.

Additional charge for the trimming, folding, stitching, or inserting of each map, chart, diagram, or plate of any size or shape, in the copies not reserved for binding—

For one hundred copies, ten cents.

Part B of the Fifth Class,

Consisting of treaties, messages, reports, and other papers and documents ordered to be printed in confidence for the use of the Senate:

For the composition per page, octavo—  
For small pica plain, one dollar.  
For small pica rule, one dollar and twenty-five cents.  
For brevier plain, one dollar and fifty cents.  
For brevier rule, one dollar and seventy-five cents.

For the composition of tables larger than octavo—  
Per one thousand ems, seventy cents.

For the press-work, paper, folding, and stitching of the octavo size, per page—

For sixty-five copies, twenty cents; and at the same rate for any greater number not exceeding one hundred copies.

For the press-work, paper, folding, and stitching for each table larger than octavo—

For sixty-five copies, two dollars; and at the same rate for any greater number not exceeding one hundred copies.

Part C of the Fifth Class,

Consisting of tabular statements of the orders of the day, lists of yeas and nays, circular letters, and all other printing of a miscellaneous character not specified in either of the preceding classes, or in parts A and B of this class:

For composition, in whatever type, size, or form that may be required—

Per one thousand ems for plain work, fifty cents.  
Per one thousand ems for rule and figure work, fifty cents.

For the press work, paper, folding, and stitching one hundred copies, per page—

For royal octavo, or any size smaller, twenty cents.  
For quarto post, one dollar.

For folio cap, one dollar.  
For any size larger than folio cap, one dollar.

The paper to be used under this part (C) to be such as may be directed by the Secretary of the Senate and Clerk of the House of Representatives, respectively.

Percentage deduction for additional copies of either class:

For deduction on the prices above stated for the press-work, paper, folding, and stitching, for furnishing additional copies of matter included in either of the aforesaid classes, the additional copies to be printed on the same paper, with the same ink, and in the same style as the usual numbers, viz:

For deduction for any number of copies—  
Exceeding fifteen hundred, and not exceeding five thousand, none.

Exceeding five thousand, and not exceeding ten thousand, two per centum.

Exceeding ten thousand, and not exceeding twenty thousand, three per centum.

Exceeding twenty thousand, five per centum.

Sec. 4. *And be it further enacted*, That the Clerk of the House of Representatives and Secretary of the Senate shall purchase of the lowest and best bidder all the paper to be used for the public printing, said paper to be of a fine and smooth texture, weighing at least fifty pounds to the ream, not callender; the price or cost of said paper to be deducted from the prices for printing hereinafter fixed.

Sec. 5. *And be it further enacted*, That a committee consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the Speaker of the House and President of the Senate, which shall constitute a Committee on Printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, and to make a *pro rata* reduction in the compensation if the work shall not be done in a neat, durable, and workmanlike manner, or to refuse the work altogether, if not so executed as aforesaid. The committee shall audit and pass upon all accounts for public printing; but no bill shall be acted upon for work not actually delivered.

Sec. 6. *And be it further enacted*, That all motions to print extra copies of any bill, report, or other public document, shall be referred to the committee of the members of the House in which the same may be made; and all expenses for printing shall be paid out of the contingent fund of the two Houses, in proportion to the number ordered by each, except the expense of composition, which shall be paid by the House first ordering the same to be printed.

That all acts or joint resolutions conflicting with the provisions of this act be, and the same are hereby repealed.

The question was then taken upon the amendment reported above, and it was not agreed to.

Mr. MARSHALL, of Kentucky. The bill which has been prepared by the special committee, of which I am chairman, is a very long bill, extending to twelve pages of printed matter, and embracing a great variety of details. If there is no objection, I will explain its provisions during the course of my remarks, and express the views at the same time which I entertain upon the subject of the public printing. It is a subject to which I have given considerable attention; but from its



complexity and difficulty, I am not certain that the information I possess is to be relied upon, or that the views I entertain as to the best mode of managing it are safe guides to proper results.

The first section of the bill under consideration repeals the resolution of 1846, which established the contract system, whereby the public printing was let to the lowest bidder. I am perfectly satisfied, from the experiments which have been made under that resolution, that the system should be abandoned.

The contract system was established upon the idea that it secured economy, and was the fairest mode of selecting the printer, since it seemed to present the largest field for competition among those who were desirous of employment in the business of Congressional printing. Experience has demonstrated the fact, that neither of these elements, upon which the system was founded in theory, appear to work well in practice. First, economy is not secured; because the work, when performed at all, has always been badly executed, and comes to Congress so tardily that the subjects to which the printed matter relates have either been disposed of before we receive the document, or have passed away from the attention of Congress, for the want of the information the document is supposed to contain. It must be apparent to all that this delay compels Congress to legislate in the dark, or not to legislate at all; and consequently that it is disastrous to that intelligent determination of questions which the public expects from such a tribunal as this; also, fatal to the practice of enlightened public economy.

Independent of these considerations, experience has shown that while contracts have been repeatedly given under the system, there is no instance in which Congress has not been memorialized, and appealed to for indemnity and remuneration for alleged losses of the contractors. Our files now contain such memorials from Wendel and Van Benthuyssen, from Ritchie, and we shall have another from Hamilton. Congress seldom resists such applications when urged with perseverance. The votes which have been taken in this and the last Congress, upon some of these applications, leave little room for doubt that whatever expectation may have been formed of realizing economy of expenditure by resorting to a contract with the lowest bidder, will be disappointed by the ultimate settlement with the contractor, who appeals from the hardships of his contract to the generosity and magnanimity of Congress.

The delay—the imperfect execution of the work—the inconvenience of legislating without the aid of printed matter, embodying the information submitted to the consideration of Congress, would seem to present sufficient reasons to abolish the system. The printing ordered by the last Congress is not yet completed—that ordered by this Congress has been delayed, as we all know, to a degree and extent which has been greatly inconvenient, and indeed prejudicial to the public interests. It will always be thus under that system. But, in the second place, the idea of enlarging the field of competition for the employment and securing fairness among bidders, has proved an error also.

The public printing was divided into five classes by the advertisements, with a view that different bidders might propose for a part only, or for parts, or for the whole, as might suit their desire and their capital. They who understand the character of the work, possess great advantages in forming their bids over printers who do not understand it. Such persons may bid for three classes, or for the whole, and by bidding low upon a class in which little is to be done, and very high upon a class in which much is to be done, may secure a contract, by reason of their average of the whole falling below the fair bidder for a single class who asks fair and living prices for that class. The same thing obtains when only a single class is bid for. Thus, the advertisements may be for proposals to print the fifth class—so much for what is to be done in one kind of type, and so much for what is to be done in other kinds of type. The printer who knows the probable quantity of each kind of type to be used in that class, will propose to set up for nothing per page in that type in which he foresees that very little will be required, and at a very high rate for that in which he sees that much will be required, and so takes advantage, by the average, of the fair bidder who

looks to a compensation for whatever type may be used, and bids accordingly. The like advantages are taken in the rates of press-work, and whatever else appertains to the work. There are minutiae in this business which you and I cannot understand—which practical printers cannot, unless they are entirely conversant with the routine of Congressional printing—of which our clerks and committees know little or nothing, and the results of all our attempts to put the system in force, have produced the conviction, upon my mind, that the printers here in Washington can combine and confound us whenever it suits their interest or pleasure; and should some unfortunate wight catch a contract that results disadvantageously, Congress is then to be besieged for indemnity or remuneration, and yielding to the appeal, stands a first-rate chance to pay, in the settlement, a higher price for bad work than would have been requisite, under other circumstances, to have secured neatness, dispatch, and workmanlike execution of the same printing.

My own reflection upon the contract system has induced the conclusion that it is erroneous in the very principles upon which it is based. The principle is, that he is the best person to employ who will work the cheapest. The only criterion the system proposes whereby to judge the person to be employed, is the cheapness of the bid. As this is to be repeated at each Congress, by advertising anew for new proposals, and constantly referring the decision of the choice to the same standard, (the rate of the bid,) it will be seen that, no matter how faithfully the public printer may have executed his contract, or how much he may have expended in his preparation to do the work so as to suit the wishes of Congress, or how much Congress may desire to continue him in that employment, the system closes the door upon him, and upon Congress also, if any competitor shall have underbid him to the amount of five dollars. This fact makes the contract for the printing of Congress a most hazardous enterprise for a man of business. He must necessarily invest very extensively in materials essential to the conduct of his business, and must keep a large capital in movement to pay ordinary and extraordinary expenses. Should he fail to secure a renewal of the contract after his first term, the depreciation upon his stock will overbalance any legitimate profits he could make on a fair contract; for no property that I know of is so unavailable as old presses, half-worn type, desks, cases, and the ordinary fixtures of a printing establishment. Hence you find, practically, that the contractor is not prepared, and fears to prepare himself to execute the work with dispatch; for the law holds out no assurance of continuance in employment as a reward for fidelity to his engagement, but, on the contrary, proclaims that skill, honesty, and the proper performance of the contract, will all be borne away and overwhelmed by a bid, if it shall be ten dollars cheaper than the bid of the printer who may have invested his means as I have supposed.

This system is an appeal to the *avarice* of labor for employment. Government stands in the market with work to be done, and means to pay for it, asking laborers to compete for it; but, unlike a private individual pursuing his own interest, Government declares that it does not mean to choose among the competitors from a comparison of ability, capacity, and fidelity—the only test is cheapness. He who is worthless may succeed over him who is able, and faithful, and tried, and ready to proceed with the work. The result has been, and will be, that the incompetent and adventurous will succeed in procuring contracts they cannot fill, and soon fail to execute—public loss occurs—the Government suffers—while, not unfrequently, the contractor is ruined.

It may be replied that the Government secures faithful performance by taking bond with sureties from the contractor. Why, sir, how fallacious is such an idea! What are such bonds worth? Where have been the recoveries on public bonds during the whole history of the Government? Even when public funds have been embezzled by fiduciaries, the bonds have not secured a reimbursement, and more seldom have any contractors in any branch of service been successfully prosecuted for liabilities incurred. A public printer's bond! Why, Mr. Speaker, no suit could be instituted to mark the damages resulting from a delay in executing Congressional printing, and none will

ever be instituted which would pay the costs of the prosecution. No system is wise, in connection with the public printing, which provides for a determination of the choice by the cheapness of the bid alone, and which deprives the employer of the right to judge from knowledge, of the ability and capacity of the employee to perform the service. No system can be wise when defaults under it are accompanied by no penalty which can be practically enforced, or when political partialities or the general magnanimity of Representatives may turn failures and losses under a contract into the basis upon which to found indemnities which will turn out to be heavy rewards. Congress will not pursue the obligor who has failed to perform a ruinous contract, and much less will it pursue innocent sureties. These considerations have induced me to recommend an entire change of the system.

Two methods of executing the public printing were suggested in lieu of the contract system: 1st. The establishment of a Government printing office under the direction of a superintendent. 2d. The employment of a public printer to execute the work, according to prices fairly remunerative, and to be regulated by law. The bill we have reported combines both these plans, yet adopts neither entirely.

Great objections exist to the adoption of the plan of a Government printing office. It establishes a printing office upon the means of Government, which may be used by those to whom it may be intrusted, for other purposes than mere Government printing—purposes which may make it a means of oppressing those who have engaged private capital in the same kind of business. Congress cannot watch the operations of such an establishment, and persons engaged in such an office will undertake, on private account, at leisure hours, a thousand jobs, which have no relation to public affairs, to the detriment of other printing establishments, in the city or out of it.

Immense outlays of money will be required to supply the wastage of material, where the Government is the source of supply. Experience proves, that when private interest watches the preservation of means invested, there will be a proper effort to prevent the wastage of the original stock, and, consequently, greater caution in the use of it. Were a printing office purchased by Government, still, a superintendent must be employed; journeymen printers must be the compositors; presses, and paper, and ink, must be the means of executing the work. If a profit is derivable from the use of presses, paper, and ink, by individual enterprise, it is urged that, by this expedient, that profit will be saved. But, in lieu of the profit saved, Government will expend large sums for ground and buildings, in salaries and wages, and be subjected to unusual wastage; for what belongs to the public will not be taken care of by persons engaged about a printing office.

Again: such an enterprise will cut off all who have invested their means here for the purpose of earning a livelihood by printing, and who looked to the patronage of Government, through its multiplied departments, as one of the supports for their trade. The special committee have compared the advantages and disadvantages to result from this plan, and have concluded to recommend against its adoption, and in favor of the election, by each House in Congress, of the public printer for the Houses respectively. No objection exists to this mode but the abuse which springs from the influence of political partialities. The dominant political party in each Congress will elect a political friend—in all probability the conductor of a central party newspaper. To such a person, when elected, profitable jobs of printing will be given, and, it is feared, occasions will be sought for the grant of extra allowances. Political parties are constantly changing in this Hall. The majority of to-day is the minority of to-morrow. So far as party patronage is concerned, the plan of electing a public printer is as fair for one party as another. The fear to be entertained is, that the ardor of party feeling may cause forgetfulness of the public interest in the struggle for power. Party fealty is often invoked to rescue a party favorite, or a party organ, from apprehended ruin; and then allowances may be made, for which there exists no necessity in the pursuit of genuine public interests. But, Mr. Speaker, what check can be placed upon a majority determined to take such a step? If you have the contract system, the extra

allowance will be made in the shape of indemnity for alleged losses. If you have a Government printing office, it will be extended under some new form. The best remedy is to establish the rates beforehand, and by law, and then he who takes the printing will see what he may expect, and, as his work progresses, let him draw his pay, according to those rates. The only fear must spring from a distrust of the Representatives of the people; and, in a Government like this, if the people may not repose securely upon their Representatives in Congress, they cannot expect to rely upon any power known to the Constitution.

The bill provides for the appointment of a superintendent of the public printing, who shall be a practical printer, and versed in a knowledge of all that appertains to printing and book-making. Withal, he is not to have interest in any contract for paper, ink, or printing. Upon this person the bill imposes the duty of giving out the matter to be printed; of receiving it when printed; of examining the work and rejecting it when unfaithfully or improperly executed, and of attending to the dispatch with which it is done. He has a liberal salary allowed to him, and he is to be restrained from a violation of his official obligations by bonds and by penal sanctions.

The idea of the committee is, that the advantages to arise from a printing bureau are secured by this employment of a practical printer to take the general and particular supervision of this branch of the public business. He will be disinterested between the Government and the printer; but, should he attempt oppression, he may be removed from office, or his decisions may be reviewed by the Joint Committee on Printing. It is supposed by the committee that the same character of talent which enables a foreman of a heavy book concern to guide its operations in the business of publishing, would be able to render satisfaction in the office of superintendent of the Government printing. In order to reduce the printing to a system which can be regulated by law, the bill requires the departmental and bureau printing, as well as the printing of Congress, to pass through the hands of the superintendent, and that he shall register it both as it goes to and returns from the public printer, to the end that a complete exhibit, intelligible to the country, may be made of the amount annually drawn from the public Treasury on account of public printing. At present this class of expenditure is clothed under the title of "contingent expenses," both by Congress and the Departments, and there is great difficulty in understanding the subject. We want a plain tabular of the expense, made out, item by item, like a merchant's account, that the country may look upon it embodied in a single report. Economy may then be practiced when popular observation can be fixed upon the annual result, and when the Representatives of the people can see at one view how much is to be estimated annually for public printing. I do not know, you do not, and I doubt much whether one among us can say how much is spent for printing by this Government from year to year. We know that the sum paid for Congressional printing has swollen to hundreds of thousands of dollars; but I have not the glimmering of an idea as to how much the printing of the Executive Departments costs the Government. So far as I can see, it is dispensed by the heads of Departments and chiefs of Bureaus, without responsibility for waste, without accountability for extravagance, and at their own will. By the plan proposed, instead of being covered up under the heading of contingent or incidental expenditures, we shall have a business record, and a chance to fix proper responsibility upon whatever branch of Government may perpetrate abuse.

The superintendent is to execute bond for the faithful performance of his duty in the sum of \$20,000, with sureties to be approved by the Secretary of the Interior, and should he violate his duty he may be prosecuted on his bond. But if he becomes interested in any contract relating to the furnishing of paper or relating to the printing, he may be fined, at the discretion of a jury, to the amount of \$10,000, and may be imprisoned in the penitentiary for five years, besides forfeiting his place. Unless he should be capitally executed, no sterner penalty for a breach of duty could have been devised. The committee have provided by this bill, that the paper on which all public printing shall be executed is to be purchased by Govern-

ment, under contract and by a sample. Experience has demonstrated that heavy speculations may be made in the article of paper, on which the public printing is executed. A public printer may engage to furnish paper of a specified quality, weight, and texture, but if the paper which he does provide falls a little short in size or weight, the decrease in price becomes a profit to the printer, illegitimately procured at the expense of the Government. These items, running through a heavy paper account, swell to thousands of dollars; and are so much abstracted improperly from the Treasury by an unfaithful public servant. This bill completely guards against such an abuse in future, by directing the superintendent to advertise for the annual supply of the paper, and to accept the bid with a sample, which shall be preserved. By that sample all the paper received under the contract must be compared, and to it must conform. Now, the examination of paper is made after the printing is executed upon it—then it will be examined by a disinterested person, and may be returned if it is not of proper quality, or shall fail to come up to the proper standard. The bids for the paper contract will be opened by the superintendent in the presence of the President of the Senate and the Speaker of the House, and the contract shall be awarded, under their supervision, to the lowest bidder, whose sample shall most nearly conform to the specifications in the advertisement for proposals. But, it will be remarked that the provisions of the bill are so guarded that the officer who issues the advertisement at the close of each Congress, will not be the officer who awards the contract; for the superintendent will go out of office at the commencement of Congress, and his successor will open the proposals after the election of a Speaker to the House. The public printer will receive paper upon his written requisitions on the superintendent. These will be filed away as vouchers against him, and he will be charged therewith. When the printed matter is returned, he will be credited by the amount of paper redelivered; so that the debits and credits on paper account of the public printer, as kept by the superintendent, will show, at a glance, the amount used in the public service, and the balance in the hands of the printer. We have been assiduous to provide all the guards and checks our own reflections suggested, and the experience of others acquainted with the subject, deemed necessary to the public interest.

Now let me turn to the rates of prices established by the bill. Under the resolution of 1846 the printing was divided into five classes, with the intent that these might be assigned, possibly, to various persons. When one person or firm shall be the printer for the House, and another for the Senate, as they will have the whole business to transact, there will be no longer any necessity for a division into classes. The bill, therefore, has abolished the classification of the public printing. The main point to which our attention was directed was the ascertainment of fair rates of compensation. The committee was not composed of practical printers, though several members had been editors; so we summoned to our assistance the best practical printers of all parties in the city. We invited Mr. Rives, of the Globe office, Mr. Gideon, of the Republic office, Mr. Towers, the foreman of the National Intelligencer, the foreman of the Union office, and the foreman of the Southern Press to come before the committee, in a consultation with the Joint Committee on Printing. Various rates and plans were presented, and the selection presented by the bill is the result finally determined upon. Since the determination of these rates, I have compared them with the prices of 1819. I find, that for "composition" our rates are nearly as high as the rates of 1819; but this is only a small item in the expense of the public printing, and the price cannot be objectionable. I know no good reason why a journeyman printer should not receive as sound wages in 1852 as he did in 1819 for setting type. The price of composition, I suppose, will fall to fifteen or twenty per cent. below the prices of 1819. Under the laws heretofore, the printer included paper in the estimates of prices. This bill excludes it. Press-work, folding, and stitching are embraced together, and, as compared with the law of 1819, I think these rates will fall more than fifty per cent. But it is the most difficult task in the world to assign fair rates. I frankly say to you, the more

I have studied this subject, the less I believe I have known about it. Printing may well be called a mystery, for when the printers talk of ems and quods, rule and figure work, small pica, &c., and tell me the modes of counting, I behold the mystery; and I become perfectly conscious, that in the attempt to establish rates and prices, we are most liable to err—indeed, that we are wholly in their power. The printers are as bad as a set of doctors. It is almost impossible to get them to agree as to what is fair; and when they do announce it, before you have gone two squares they meet you and make you believe, in one way or the other, that the rate fixed is all wrong. The rates we have reported, however, come nearest to what seems to be fair, as far as we can get at it, from the printers. Our object has been to afford fair, liberal, remunerative pay, and no more.

Mr. CLINGMAN, (interrupting.) I desire to ask the gentleman from Kentucky how this scale of prices compares with the scale which the Committee on Printing reported a few weeks since, at the time they proposed to give the printing to Gideon & Co. and Donelson & Armstrong? I have some idea of that scale, and I want to compare this one with it.

Mr. MARSHALL. Well, my impression is, that the prices allowed are about as high as those. Some of them are higher, but the deductions which are made from the printing of long numbers bring the aggregate somewhat lower.

Mr. CLINGMAN. I understood on that occasion, from conversations with Mr. Rives and others, that the rates allowed then were at least twenty per cent. higher than Towers's bid—I mean that which Towers, at the beginning of the session, offered to do the public printing for. I wish to know how much these rates are above the standard that a practical printer is willing to do the work for.

Mr. MARSHALL. I will observe, in reply to the gentleman, that Mr. Towers was with us fixing these rates. The statement we derived from Mr. Towers at first, was a statement of what he thought fair. Subsequently, he informed me that his statement was based upon an improper calculation, and that he thought his statement was wrong. But he looked over this bill yesterday, and stated to me that it was all right, except that he thought we deducted too much upon the long numbers, and on the press-work he thought we had allowed seven cents too much per page. Rives thought the press-work not quite high enough, and the deduction far too small.

Mr. CLINGMAN. I beg leave to say that I had a conversation with Mr. Towers in relation to this point, after the discussion on the report of the committee, and Towers told me that the report of the committee was from twenty to twenty-five per cent. higher than the bid which he put in at the beginning of the session. I asked him if he was willing to do the work at his bid? and he said that he was willing to do it, and that he had offered the committee bonds to any amount that they might require, to do the work according to his bid. I then asked how it was he had subsequently given the committee the rates which they report? Well, he said he had put them at what he thought fair and reasonable rates on which the printer could make a profit, but that he himself was willing to take the work at the rate he formerly bid, which was at least twenty per cent. lower than this. I am now informed by a member of the Committee on Printing, [Mr. HAVEN,] that the rate reported in the bill of the gentleman from Kentucky, is higher than that which they agreed to pay to Gideon & Co. and Donelson & Armstrong. In relation to the rate of 1819, which has been referred to as perhaps within twenty per cent. of this, I have been informed by a printer that the rate of 1819 is from two or three hundred per cent. higher than the work can be done for now.

Mr. HAMILTON. All those original bids included the purchase of the paper.

Mr. CLINGMAN. I understand that.

Mr. HAMILTON. And that last bid was upon the supposition that the paper would cost \$7.50 per ream.

Mr. CLINGMAN. The value of the paper makes no difference with reference to the composition and other points. I want to understand these prices. I am willing to give what is liberal and fair, but not an extravagant price.

Mr. CHANDLER. If the prices—as in 1819—include paper, then it makes a great difference in the printing, as to what kind of paper is purchased; and when Congress reserves to itself the right of supplying such paper as it needs—such paper as it desires to have its documents printed on, it takes from the printer the chance of augmenting his profits, by supplying us with paper of an inferior quality, and consequently it behooves us, as we would wish to do right, and give him a fair profit, to give somewhat more for the composition when he is not to have a profit from supplying us with inferior paper, or the profit which may be secured by a skillful and lawful watching of the paper market. I believe that is the proper view of the matter.

Mr. ORR. I wish to make a suggestion which will throw additional light on what has been said by the gentleman from Pennsylvania. The gentleman from North Carolina refers to the prices of 1819, and says that he understands from the remarks of the gentleman from Kentucky, that twenty per cent. deducted from the prices of 1819 would still leave a very high rate. According to a calculation which I made this morning, the prices for composition are about twenty per cent. below those of 1819. Now, the composition is merely a manual, mechanical operation, and of course the labor is as high now as it was in 1819, perhaps higher. But the prices for *press-work*, *stitching*, and *folding* in this bill, are about sixty per cent. below the prices of 1819.

Mr. MARSHALL. Some idea may be formed of the difference in the rates, when I say that we pay \$7.81 for *press-work* which cost \$21 under the law of 1819. From this \$21 you must deduct the cost of the paper, in order to get the exact difference.

The bill contains a variety of details for which, of course, the committee do not claim any originality. We have taken them from the suggestions of practical printers. We have not allowed what printers call "broadsides," in the public printing, and for which they charge enormous prices. We have directed that the matter shall be put into octavo pages, and that the small nonpareil type shall be used, when necessary, for that purpose.

Feeling no interest in this matter except a desire to promote the public interest, I have submitted to the House my own judgment, under all the lights I could obtain. I should not be at all surprised if, after two or three years' experience, it should turn out to be a system as full of errors as others we have tried. But I have acted for the best, and with an honest desire on the part of the committee to make those reforms in the law which will be most calculated to check abuses, yet to subserve the public welfare. The task has been an unwelcome one, and the bill which is the result we submit now for the judgment of the House.

Mr. CLINGMAN. I desire to ask either the gentleman who sits before me, [Mr. HAVEN,] or the gentleman from Kentucky, [Mr. MARSHALL,] to give a short statement to the House of the comparative rates in this bill and that we have been discussing, introduced by the chairman of the Committee on Printing, [Mr. GORMAN,] and those paid to Gideon & Co. and Donelson & Armstrong?

Mr. HAVEN. Mr. Speaker, so far as I am able, I will answer the question of the gentleman from North Carolina, [Mr. CLINGMAN.] I cannot give, in detail, all the information he asks for, but I can give some information upon the subject. Let me remark, in order that the House may understand the matter, for it has become somewhat complicated, that the prices in the original bill, now under consideration, being the bill introduced by Mr. GORMAN, correspond with the rates agreed upon in the contract entered into with Gideon & Co. and with Donelson & Armstrong, to remedy any neglect or delay in the execution of the contract with Mr. Hamilton. These contracts of course provided for furnishing the paper by the contractors, the same as is provided in the contract with Hamilton; that is, the contractors are to furnish the paper and printing at a given price, to be paid the contractors. In Mr. GORMAN's bill the paper and printing are put together at a given price, but the paper is to be furnished by the Government, and its cost deducted from that given price, and the balance paid to the printer: whilst in this bill, reported by the special committee, the paper is to be purchased and paid

for by the Government, and the prices for printing only are fixed and to be paid to the printer; and in order to understand the comparison of the prices, these facts must be kept in view.

The prices to be paid Gideon & Co. and Donelson & Armstrong for both printing and paper, are precisely the same as those fixed by Mr. GORMAN's bill; in other words, their contracts and Mr. GORMAN's bill are the same in price, and hence, in answering the inquiry of the gentleman from North Carolina, [Mr. CLINGMAN,] the comparison may be made between that bill and the one from the special committee.

Now, upon turning to Mr. GORMAN's bill, page two, line six, it will be found that for composition per page, octavo, the price is, "for small pica, rule, \$1.25," whilst, by turning to the special committee's bill, page seven, line twenty-six, it will be seen, for the same thing, the price is \$1.50, an increase of one sixth above the contract prices of the committee with Gideon & Co. and with Donelson & Armstrong.

Again, in the eighth line, on page two, of Mr. GORMAN's bill, for composition per page, octavo, the price is, "for brevier rule, \$1.75," whilst by turning to the bill of the special committee, page seven, line twenty-eight, it will be seen the price there fixed for the same thing is \$2—an increase of one eighth above the contract prices of the committee and Mr. GORMAN's bill.

This rise in price is uniform upon the same kind of work through all the five classes of printing specified in Mr. GORMAN's bill. I cannot tell what the aggregate of this increase would amount to; that can only be determined by the quantity of work done.

I have looked over these two bills carefully, and I can find no instance where the bill of the special committee falls below the prices of the contracts with Gideon & Co. and Donelson & Armstrong, or Mr. GORMAN's bill; but in such instances as I have mentioned it goes above them.

Mr. CLINGMAN obtained the floor.

Mr. STANTON, of Kentucky. Will the gentleman from North Carolina permit me to say a few words in further explanation of this matter, and to correct the gentleman from New York in some of his statements? These items to which the gentleman refers, relate exclusively to the *composition*, and constitute comparatively an inconsiderable portion of the work. The type set up for one book will answer for one hundred thousand. In some two or three of these items, it is true, the two committees in their conferences agreed should be increased, over and above the prices fixed in the bill reported by Mr. GORMAN. But if the gentleman had gone a little further, and examined the prices provided in each bill to be paid for *press-work*, he would have seen that the bill of the two committees, now before us as the substitute, reduces the *press-work* down as low as thirty-two and a half cents. Again, if he will examine the deductions for long numbers in each bill, he will see that in the one presented by Mr. GORMAN, they amount to nothing, while in the substitute they are upon the bulk of the printing as high as *twenty per cent.* I will turn to the two bills and compare them.

Mr. HAVEN. While the gentleman from Kentucky is looking at his notes, I will remark, that in relation to this reduction of from ninety-five cents to thirty-two cents upon *press-work*, if he will look into these bills, he will find that this reduction may be accounted for in the fact, that in one case the contractor furnishes the paper, and in the other the Government furnishes it.

Mr. STANTON. I am aware that the cost of paper is to be deducted. But a little calculation will convince the gentleman that the cost of paper added to the prices fixed for *press-work* in the substitute, will not make them anything like equal to the prices allowed in Mr. GORMAN's bill. In his bill the prices of *press-work* are regulated according to the character of the job, and range at three dollars and seventy-five cents, ninety-five cents, and ninety cents. All these are higher than the prices of 1819, which were uniform upon all kinds of work at eighty-seven and a half cents. In the substitute they are also uniform, and reduced as low as thirty-two and a half cents for all descriptions of work. The cost of the paper, taken from the prices of Mr. GORMAN's bill, will not reduce the cost of the work to anything like as low a figure as we have fixed it in the substitute now before the House.

Then take the deductions provided in the substitute for long numbers, and it will be seen that they are much greater than in the bill of Mr. GORMAN. They are as follows:

- "When the number exceeds five thousand and does not exceed ten thousand, *two per centum.*"
- "When the number exceeds ten thousand and does not exceed twenty thousand, *five per centum.*"
- "When the number exceeds twenty thousand, *twenty per centum.*"

In Mr. GORMAN's bill in no case does the deduction exceed *five per centum.* The difference between a deduction of *five per cent.* upon the cost of eighty or ninety thousand copies of the Patent Office Report, and twenty per cent., as provided by the substitute, is a vast item, and will make a very material difference in the aggregate of pay to be received by the public printers.

Mr. CLINGMAN. It is not necessary, I presume, that the gentleman from Kentucky should go into all these items. I should like to ask this question: What difference will there be in the printing of this Congress—for the gentleman can form an idea of the amount—between the prices proposed in the bill of the special committee and the original proposition, about which we have had so much discussion here—I mean the contract with Gideon & Co. and Donelson & Armstrong? I should like to know of the gentleman from Kentucky whether there would be a difference in the amount for the present Congress, and what the difference would be?

Mr. STANTON. I will answer the gentleman very cheerfully as to what my judgment is upon the subject. I believe that in consequence of the reduction in the price of *press-work*, as I have before explained, and the great difference in the per cent. of deductions provided in the two bills, the aggregate to be paid would be less, under the substitute, than under the bill presented by Mr. GORMAN. The prices contained in his bill are identically the same as those contracted by the Joint Committee on Printing to be paid to Donelson & Armstrong and Gideon & Co. The only increase of rates over the prices fixed in those contracts, provided by this bill, is upon a few items of *composition*, being a very inconsiderable portion of the work, while the reduction of the prices of *press-work*, and deduction for long numbers, are upon the heaviest part of the public printing, and make the provisions of the substitute more favorable to the Government than the original bill. This is my judgment upon the subject of the gentleman's inquiry, and I have faith to believe that it will be found correct.

Mr. FLORENCE. Mr. Speaker, with the consent of the gentleman from North Carolina, [Mr. CLINGMAN,] who still holds the floor, I desire to say a word or two in relation to the bill now before the House, in order, first, that the prices in this bill may be the better understood, as I think I can explain them, and, further, to do justice to myself in the position I have previously occupied upon the printing question during this session. To illustrate, as far as I can—and I hope I may do so intelligibly—from my limited experience upon the subject of printing, and information I have been enabled to glean, and compels me to say that I regard this as an equitable bill. I have taken some pains to ascertain the number of "ems" in a page of the different sizes of type provided for, and to be used in printing documents by this bill.

In the first place, small pica plain, that is, unruled, is provided for in this bill. There are sixteen hundred ems of small pica plain to the page.

A MEMBER. What do you mean by ems?

Mr. FLORENCE. It is a method the printers have for measuring their work. They set up the type at so much per thousand ems. It is measured by a certain rule the printers have, I do not understand myself. I believe, however, it is one thousand squares measured by the letter m type of the font of which the matter is set up. The price paid for the mere labor of composition would be about sixty-six and two thirds cents per page. According to this estimate, it would leave for the printer elected according to the provisions of this bill, for wear and tear of the type, superintending, investment of capital, office rent, and other incidentals to be provided for, about thirty-three and one third per cent. In this is included the cost for proof-reading, which is an important item in the expenses of a well-regulated printing office. It



will be necessary to insure accuracy, in the public printing, to have a *clean proof-reader*, as he is called, and to have the proofs read properly, and correctly. No other will answer the purpose. As I said, a page of small pica, for which one dollar is provided for composition, contains about one thousand six hundred ems. Fifty per cent. additional is paid for rule work. For brevier, plain, \$1 50 is to be paid, a page of which contains two thousand eight hundred ems; and the price is increased proportionately for rule work.

To better explain, I submit so much of the bill as relates to the payment for composition of the peculiar type to which I have referred, with the number of "ems" opposite it, and also prices for other composition, which I will read:

"For reports of committees and the Journals of both Houses, with indexes, and the Executive documents of each House, embracing messages from the President, reports from the Executive departments, bureaus, and offices, and documents and statements communicated therewith, with indexes; resolutions and other documents from State Legislatures; memorials, petitions, treaties, and confidential documents for the Senate; for composition per page, octavo—

For small pica plain, one dollar.....1,600 ems.  
For small pica rule, one dollar and fifty cents...1,600 "  
For brevier plain, one dollar and fifty cents...2,800 "  
For brevier rule, two dollars.....2,800 "

"For nonpareil rule three dollars and seventy-five cents.  
"For the composition of tables larger than octavo size, per one thousand ems, seventy cents; but the page of octavo size shall contain not less than one thousand six hundred ems when printed in small pica; and the body of all plain matter shall be so printed, except extracts, yeas and nays, and addenda, which shall be printed with brevier type. All rule and figure work shall be printed in royal octavo form, with small pica, each page containing not less than one thousand six hundred ems, if the matter to be printed can be brought into pages of that size with that kind of type, so as to be read with facility and convenience. If it cannot, it shall be printed with brevier type, each page containing not less than two thousand eight hundred ems; and if it cannot be brought into a royal octavo page with brevier type, so as to be understood with facility, it shall be printed with nonpareil type, each page containing not less than four thousand two hundred ems; and when it cannot be brought into a royal octavo page with nonpareil type, so as to be read with facility, it shall be printed with brevier type in a broadside, showing the whole table at one view, and be so folded that it can be bound in a royal octavo volume.

"When matter is leaded, the composition shall be counted as if the matter were printed solid, and not leaded."

This contains, I believe, so far as payment for composition is provided for, all that is of interest at this time.

The prices thus provided for in this bill to be paid to the printer who may be elected by this House, if the bill becomes a law, are, in my estimation, only equitable and fair, and are not, as far as I can judge, extravagant.

But, sir, I desire to call the attention of the House to the necessity of a change or an alteration of considerable importance, which ought to be made. The bill provides that when the number of copies to be printed exceeds a certain amount, a reduction in the price shall be made; when the number ordered exceeds 5,000 and does not exceed 10,000, a reduction of two per cent. is to be made. Now, sir, I think that 10,000 copies of any document is no more than a printer ought to be paid for. That is the number ordinarily ordered to be printed, I believe. It is the usual edition, and I would not, between five and ten thousand, reduce the two per centum which the bill, as reported, now requires. But when the number exceeds 20,000, the reduction to be made, provided for in this bill, is twenty per centum. That, in my estimation, is entirely too small an amount. In the first place, there would be a very strong inducement to obtain the printing of a large number of documents; for, when as many as one or two hundred thousand were ordered, if a reduction of only twenty per cent. was made, the printer would make a very large sum of money. Indeed, sir, he would realize by the printing of one document, a handsome fortune.

Mr. CLINGMAN. I hope the gentleman will not take up any more of my time than is necessary.

Mr. FLORENCE. I beg the gentleman's pardon. I had forgotten that I was occupying his time. I will say but one word more. I hope this alteration will be made, and when it is made, I think it will be an equitable and fair bill, as far as prices are concerned, at least such is my conviction, from the hasty examination I have been able to give it since it has been upon my desk. I desire that the bill should be amended by striking out the word "twenty" and inserting "forty."

Then, Mr. Speaker, I think another very important feature has been omitted, and that is, the present contractor has not been properly cared for in this bill.

I have in my hand an amendment, which, if in order, I would present, or offer it as an additional section to the bill, providing for the settlement of the accounts of A. Boyd Hamilton. It is as follows:

That upon the surrender of the existing contract for executing the public printing, by the present contractor, his accounts for work already done, and that necessary to be done before a printer is chosen under this act, shall be paid for at the rates provided in this act.

It is no more than justice to the public printer that such provision should be made for his relief.

Mr. MARSHALL, of Kentucky. Will the gentleman from Pennsylvania indulge me in a single remark? I wish to say that the select committee determined to have nothing to do with any public contractor, and there is a clause in this bill which embraces exactly this whole subject. It provides "that nothing herein contained shall be construed to authorize the cancelment of any contract now or heretofore entered into with any printer under the laws heretofore in force or to abrogate his rights in any way, without his consent."

That is caring for the public contractor, as I understand it. We have left him alone.

Mr. FLORENCE. He has been let alone. If he had been let alone before, I apprehend we would have had less difficulty upon this subject of the public printer. But because he was not let alone, because, before he fairly commenced his work, he was assailed, and suspicion attached itself to him from common rumor, that he could not execute the printing, that I ask that provision may now be made for him, and when the proper time arrives—for it is not the proper time now—as I am occupying the time of the gentleman from North Carolina, [Mr. CLINGMAN,] I will offer what I deem to be a proper proviso in the matter.

Mr. CLINGMAN. I will yield the floor a few moments to the gentleman before me, [Mr. CHANDLER,] who, I know, has had experience upon this matter.

Mr. CHANDLER. Having been called upon, in the absence of the chairman of the Special Committee on Printing, to look carefully into the business, I will say that I consider there are three ways in which the House can accomplish its printing, and I presume that whatever improvement could be made upon the plan, at present we consider that the mode now adopted is exploded, and that we must abandon it. I have considered, with great care, the plan of providing a public printing office, and, though I believe that will be found, hereafter, the best, yet I believe now we are not the best prepared for it. The plan here proposed is that which I believe remains to us alone for adoption; and the details, as presented by the chairman of the committee in the bill before us, have been prepared with much care, and after consultation with practical men.

Reference has been made to the bill presented by the chairman of the Joint Committee on Printing of the two Houses. We paid very little attention to that in our inquiries, perhaps because that gentleman, with a candor which distinguishes him on this floor, avowed himself friendly to a particular person. Though willing, I know, to do justice to all, he did, indeed, profess a kind regard to Mr. Gideon, and a due respect for the right of Mr. Hamilton, (the public printer;) but he avowed, nevertheless, a stronger attachment to Major Donelson, then of the Union newspaper, as if he would have realized the remark—"Amicus Socrates, amicus Plato, sed amicus Major veritas;" that is to say, he was a friend to Gideon, he was a friend to Hamilton, but he was a greater friend to the Major. I make the translation solely for the benefit of the reporters; of course, the House does not need it.

I call the attention of the House to what I said before upon this matter, that is, in taking the difference between the two prices of composition, care must be taken to estimate the value of the paper, and I now repeat what I before said, to illustrate: If we are to give any person \$100 for printing, and reserve from that \$50 for our paper, it then remains for us to say what that paper shall be. But if we allow them the \$100, and authorize them to procure the paper, we shall be con-

stantly annoyed with complaints, whether just or unjust, of the want of conformity in the paper used to the sample upon which the contract was made. There may, Mr. Speaker, be injustice in members of Congress as well as contractors—and that legislation must be regarded as best which, while it allows to the contractor a generous profit upon his labor and outlay, secures to the Government a fulfillment of its wishes without violence to the feelings, or injury to the purse of either party. Not only is this right to purchase the paper reserved to this House, but there is a provision in this bill—and I call the particular attention of this House to it—for the appointment of a superintendent of the public printing, and authorizing that superintendent to contract for the paper, and without his action not one dollar's worth of paper is ever to be purchased by this body.

No large book establishment in the country, I understand, pretends to carry on printing, without having a foreman or superintendent, especially devoted to that part of the work.

It is not necessary that I should go into a detailed plan of the prices here. They have been carefully arranged under the eye of practical men. I have only to say that the plan here proposed is as near right as any we are likely to come to, until we have tested it and found its weakness or error.

It is plain that the prices of the classes of printing are so arranged, that if a separate printer should be elected for each class, the compensation would be equal in proportion to the amount done. The House will recollect that in the contracts hitherto made, inconvenience and disappointment have resulted from a want of such an equality.

I repeat, before leaving the floor, for the use of which I have to thank the honorable gentleman from North Carolina, that the utter dislike which Congress has recently manifested to what it calls the contract system, compelled the select committee to regard that as inadmissible for the present, and hence directed their attention to other modes. A careful investigation led to the belief that whatever may be the claims upon the attention and approval of Congress of a plan to establish a Congressional or National printing office, this House is not yet prepared for the adoption of that plan. Five years hence it will present itself in a more acceptable light. The plan proposed, then, is the only one which seemed to commend itself to the committee by its general utility and its acceptability by Congress. The state of the Congressional printing, and the feeling of the Committee on Printing, suggest the necessity of immediate action; and, let me say, I cannot doubt that, should a change be made, that this Congress will, with its accustomed liberality, see that the contractor does not suffer by the change which may militate greatly against his private interest. I have no strong preference for one plan over another—for this over any on the table. Only having assisted in procuring information upon which the bill is founded, I am willing to try to remedy existing evils, and place the printing of Congress where it will be done creditably and advantageously.

Mr. CLINGMAN. I will not detain the House long. I have risen with a view of making a motion. We have occupied a great deal of valuable time, during the present session, with this subject. It is too late now to justify us in consuming much more time upon it. The public printing is utterly neglected; the Patent Office Report, the President's Message, and all other documents which we ought to have received several months ago, we have not yet had. We have now before us a bill reported by the chairman of the Committee on Printing. We have a substitute, or an amendment in the nature of a substitute, offered by the gentleman from New York, [Mr. JENKINS,] and, in addition to that, we have before us the bill of the Select Committee. Now, in my opinion, we had better pass any one of these three bills rather than leave the matter in its present condition. My objection, at an early period of the session, was, that the action of the Committee on Public Printing looked only to a temporary expedient, instead of such a change in the law as I thought was necessary, and that their action was, in fact, in violation of the existing law, and wrong in principle. Since that, they have brought in a bill. They have given us their scale of prices. It seems that the scale of prices recommended by the Select Committee is not materially different from

theirs. Gentlemen differ a little as to which is highest, but there is no material difference in the rates.

I submit, therefore, to the House, that we had better come to a vote upon this question. I do not care so much which of the three systems is adopted. I will vote for either one rather than let the matter rest where it is. I trust, therefore, that gentlemen will sustain the previous question, and then select one of these three propositions, though neither of them accords with my own preference as heretofore expressed in the debate. Not, however, being able to get what I wish for, I will consent to do what is the best thing now practicable.

Mr. ORR. If the gentleman [Mr. CLINGMAN] proposes to demand the previous question, I should like to make a remark or two before that is done.

Mr. CLINGMAN. I will hear the gentleman.

Mr. ORR. If we refer to the debates in the Congressional Globe, it will be seen that the gentleman from Kentucky, [Mr. MARSHALL,] the chairman of the select Committee on Printing, as well as myself, have for three years been strenuous advocates of the contract system. We have done everything in our power to have it executed. I believed when we commenced at it, that we could succeed. I have become satisfied, from the experience of the present session, that it is impracticable in consequence of the circumstances which surround us here. A contractor comes forward, enters into a contract, and is unable to perform it. When you desire to have recourse upon his sureties, for the purpose of holding them responsible for his failure of performance of his contract, they are found to be insolvent.

The public printing is delayed. We are now in the eighth or ninth month of the session. We have been here since December, and only eight copies of the first and second parts of the President's message have been delivered to the members of this House, and of the third part not a single copy. It is apparent, then, that something must be done, that some change must be made, and when the Committee on Printing made their report the other day, I objected to that report on this ground—and I think the report of the Special Committee obviates the objections I then had—that the joint committee, in fixing the scale of prices, allowed the price of the paper to go into the compensation. The difficulty growing out of that is this: Suppose the paper was worth six dollars a ream, and the work to be put upon it worth six dollars. That would make twelve dollars the Government would have to pay for the ream, the printer getting six dollars for his labor. But if the paper rose to seven dollars a ream to-morrow, the printer would only get five dollars for the same labor, and if the paper should fall to five dollars a ream, the printer for the same work would receive seven dollars. So you perceive, that under that system there would be no regular scale of prices, and that the compensation of the printer would depend upon the contingency of the price of paper. That I regard as a serious objection, for the reason that if the paper costs six dollars to-day, and seven to-morrow, the printer, getting six dollars for his work to-day, and five to-morrow, would come into Congress and say: "The work I put upon the ream of paper which cost seven dollars was as great as that put upon the paper which cost only six dollars, and I want to be compensated."

Now, I want to adopt a system, under which, when the printer makes up his bill, and they are passed by the superintendent, or by the Committee on Printing, that there shall be the end of it.

I do not desire that claims shall be presented, year after year, appealing to our sympathies and generosity for alleged losses in doing the public printing. That difficulty is obviated, it strikes me, by the bill presented by the select committee. I have not been able to look closely into the scale of prices, as it would take a good deal of time to make the estimates. There is this fact, however, which the House should take into consideration: There are not perhaps half a dozen members upon this floor who are competent to judge of the prices. I confess myself incompetent. Whether they are fair or extravagant, you have at last to depend upon the report which your committee submit, and they have to depend upon the testimony of printers submitted to them. Now, I have no doubt it is a difficult matter for them to arrive at precisely the correct prices. Printers have different ways

of estimating their prices. The Select Committee, I learn, had great trouble in fixing definitely prices. Of those who submitted estimates for the various classes of work, one proposed to allow twenty-five cents per page for composition and press-work; another thirty-two cents. The one proposing to do the work for twenty-five cents says, if you go beyond twenty thousand long numbers, you should not deduct more than fifteen per cent.; whereas, the other, proposing to do the work for thirty-two cents, says you may deduct forty per cent. for all above twenty thousand.

I propose, if it is in order, to move one amendment to the bill, and with that amendment incorporated into it, I will be entirely willing to vote for the substitute. It will relieve us, I think, from all difficulty, and give a fair scale of prices to the printer, by which he will be liberally paid for all his labor and responsibility.

The superintendent proposed to be appointed by this bill will have no other duty to perform than to contract for and receive paper, and inspect the printing as it progresses. If there should be any neglect or fraud on the part of the printers, he can make his report to the Joint Committee on Printing at once, and the remedy can be applied. The Government purchases the paper, and the House is relieved from three quarters of all the difficulty growing out of this whole subject by that very thing; for when twenty or thirty thousand copies of a document are ordered to be printed by the House, the printer prints about twelve hundred and fifty copies upon good paper, the contract paper, and then prints the balance of the copies, which we send to our constituents, upon paper costing one or two dollars less per ream, relying upon the generosity of the Printing Committee not to enforce strictly his contract to furnish paper according to the specifications, for the long numbers, which may be printed for general distribution. But when the Government pays for the paper, and buys the whole of it, the printer has nothing to charge for except setting the type, doing the press-work, and the folding and stitching. It is impossible that there can be any great fraud perpetrated upon us in that way. This superintendent, if he discharges his duty, when he receives paper under the contracts which he makes, can weigh every bundle, to ascertain with certainty if it comes up to the weight stipulated in the contract. There is, therefore, no chance for the Government to be defrauded in the purchase of paper, or, if he discharges his duty, in the execution of the work. And it is stipulated further, that the superintendent shall be obliged to enter into bonds of \$20,000, for the faithful performance of his duty. If he fails in the discharge of his duty, that bond is forfeited, and its penalty enforced upon him and his sureties; or if there is any fraud or collusion between the printer with the superintendent, or with any other person, he is liable to indictment, and punishment in the penitentiary of this District. The bill is as well guarded as it can be, and I think it ought to pass.

With the permission of the gentleman from North Carolina, [Mr. CLINGMAN,] I would move an amendment to the bill. My amendment will come in after the one hundred and second line.

The SPEAKER. The Chair will state to the gentleman from South Carolina that an amendment at this time can only be made by unanimous consent.

Mr. ORR. If the amendment is not now in order, I would be glad if the Chair would suggest any way by which it could be introduced before the call for the previous question is sustained. My amendment is to strike out twenty per centum, and to insert in lieu thereof forty per centum.

Mr. HAVEN. I object to all amendments, if the previous question is to be called upon this bill.

Mr. FLORENCE. If the previous question be called, I trust the House will not sustain it. The bill needs to be perfected in a few of its details.

The SPEAKER. On inquiring of the Clerk, the Chair understands the amendment pending is only one in the first degree, and it is therefore open to amendment. The amendment of the gentleman from New York [Mr. JENKINS] is a substitute for the entire bill reported by the Committee on Printing, and the amendment of the gentleman from Kentucky is to amend the original bill by striking out all after the first section, and it is therefore open to amendment.

Mr. ORR. I propose, then, to strike out twenty, and insert forty per centum. There is but one document to which this will apply, and that is the Patent Office report. I think that the largest number of extra copies of any document that has been ordered to be printed since I have had the honor of a seat on this floor was fifteen thousand, except the Patent Office report. I believe that there was one hundred thousand of the agricultural part of that report ordered to be printed the first session of the Thirty-first Congress, and seventy thousand of the mechanical. The number that was ordered to be printed the second session I do not remember.

Mr. HOUSTON. As the gentleman from North Carolina intends calling the previous question, I will, with his permission, call the attention of the chairman of the committee to the fifth section of the bill, where it provides for the delivery of the printing to the two Houses of Congress. It occurs to me there is too much discretion—too much latitude left. There are two or three classes of printing which ought to be delivered sooner than is provided for in the bill. As the bill is now, the public printer is required to execute each job of printing within thirty days from the date of its receipt.

Mr. CLINGMAN. That same difficulty struck me, but I take it for granted the chairman of the Printing Committee will attend to that.

Mr. HOUSTON. The point is this: The fifth section provides that the public printing shall be returned to the House within thirty days after the printer has received it. It may be sent to us sooner. For instance: to-day we ordered the printing of a bill which we may require on Monday morning. In all the old contracts it was provided that if the matter to be printed did not exceed eight pages it should be upon our desks the next morning; and it seems to me important that some such provision should be made in this bill.

Mr. STANTON, of Kentucky. I will suggest the following amendment, which will cover the gentleman's objection, to come in after the word "superintendent," in the fourth line of the fifth section:

Except bills, reports, and joint resolutions, which shall be returned as the Clerk of the House and Secretary of the Senate shall require.

Mr. MARSHALL, of Kentucky. That is right. I will accept the gentleman's amendment.

Mr. FULLER, of Maine. With the gentleman's permission I will say, that there is one thing in connection with this matter to which gentlemen who have occupied the floor have not alluded, but which I think should recommend this bill of the Special Committee to the favorable consideration of the House. It is a fact that may not be known to all, that the Committee on Printing employs a clerk who receives a compensation of some three or four dollars per day. His time is occupied upon this work. At the short session of Congress, when we adjourn on the fourth of March, but very little public printing will be executed, and ever since the law of 1846 went into operation the House and Senate, by joint resolution, have had to appoint a person to supervise this public printing, and to settle and adjust the accounts of the printer during the recess of Congress. The appointment of a superintendent provided for by this bill obviates that difficulty. In that particular the bill is really a matter of economy to Congress, the House, and the country.

Mr. HAVEN. If the gentleman from North Carolina has determined, whilst he has the floor, to demand the previous question, before he demands it, I ask his permission to make a brief statement.

Mr. CLINGMAN. Certainly, sir.

Mr. HAVEN. Mr. Speaker, I think I discover a determination on the part of the majority of this House, to pass the bill reported by the Special Committee, and offered as an amendment here. I do not suppose it will be of service to the public, that I should endeavor to combat that determination. The bill has been favored with the support of its friends, but those who think it impolitic, unwise, and uncalled-for, have already been admonished that the previous question is ready, and the majority have prepared to save them the trouble of endeavoring to show why it should not pass.

As one of the Committee on Printing, I wish it understood by the members here, and by all persons elsewhere taking any interest in this matter, that this bill (reported by the Special Committee)

proposes to create a new office—a superintendent of the public printing, and to pay him \$2,500 per year; and in addition to that, it provides for an actual increase of expenditure, and prices for printing; it proposes to pay the printer a higher price for his labor than the price fixed by the contracts made by the Committee on Printing with Gideon & Co. and with Donaldson & Armstrong, for doing the work that Mr. Hamilton should fail to perform. In some instances it increases those prices one sixth, and in no one case does it go below those prices. I am anxious to have this statement particularly understood, because the gentleman from South Carolina, [Mr. ORR,] who has just addressed the House, and the gentleman from North Carolina, [Mr. CLINGMAN,] by whose courtesy I now occupy the floor, as well as the gentleman from Indiana across the way, [Mr. FIRCH,] at a previous period in the session, charged, or at least very broadly intimated, on this floor, and gave the country to understand, that the members of the Committee on Printing had entered into a combination, to give to their political friends, and for political purposes, the printing, at enormous prices, regardless of what was fair, equitable, and just; and it was also strongly intimated that such combination was to break down Mr. Hamilton, he being, as alleged, an obstacle in the way of accomplishing the desired object.

Hence it is I desire the House shall understand that the proposition in favor of which they are now called upon to vote *increases*, and does not decrease the price and expenditure for printing. It is an increase in price on the committee's contracts.

Mr. STANTON, of Kentucky, made some remark not heard by the Reporter.

Mr. HAVEN. This bill provides for an increase of prices above the prices agreed to be paid by the Committee on Printing, under the contracts with Gideon & Co. and Donelson & Armstrong, and for agreeing to pay which that committee was arraigned by the gentleman from North Carolina, [Mr. CLINGMAN,] somewhat berated by my friend [Mr. ORR] from South Carolina, and very strongly suspected by the gentleman from Indiana, [Mr. FIRCH.]

Again: it is now assumed by gentlemen here that the system of printing by contract with the lowest bidder has failed and should be exploded. I deny the fact. It has never been fairly tried. I insist there is no necessity for such an assumption; the system has not failed, and I desire the House to understand that its own action has tended to discredit it. I am not of much experience in Congress, and I am not well versed in the history of this subject previous to the present session; but I do know, sir, that if there is any reason why the contract system does not in every respect meet the expectations as well as the necessities of Congress, that reason is to be found in the course adopted by the House itself, and not in the contractor, much less in the acts of the Committee on Printing. The Committee on Printing made provision more than three months ago, by which any printing of either House which was neglected or delayed by the public printer, or which he failed to perform, should be executed by responsible men—by Gideon & Co. and by Donelson & Armstrong. These gentlemen gave bond in heavy penalties, and with perfectly responsible sureties, which are now held for the Government for doing the work—for doing it well, too, and on paper weighing not less than fifty pounds to the ream, and at prices in several respects much below those proposed by this bill of the Special Committee.

I say this in justification of myself, as a member of the Committee on Printing. I speak for no one else. There are your contracts, valid and binding, and there is ample provision for remedying any neglect or delay by the public printer, at prices cheaper than you are about voting. Let the House order its printing, and direct the number of copies of each kind it desires, and instead of one establishment to do it, you have three, ready and under bonds to do it. But pass either this bill from the special committee, or that reported by my friend from Indiana, [Mr. GORMAN,] or the substitute of my colleague from New York, [Mr. JENKINS,] in a form to suspend those contracts, and you will not only open the door to claims for damages by the present public printer, but you will make the Government liable for damages to the gentlemen who hold the contracts last

made. It is true there is considerable printing ready for the press, and yet unexecuted, but it is also true that the delay is owing to the House, and not to the Printing Committee. Full three months ago, the House members of that committee made a report in reference to the printing of the mechanical part of the Patent Office report. They reported that in their judgment it was expedient to order the printing of 50,000 copies. I advised the House then, and also in March last, that so far as I was concerned or charged with any duty as one of the committee, I was determined the present system should be executed, and that the committee would be sure to provide means, full and ample, for remedying any neglect and delay by the public printer; and that this would be done at the risk even of being deemed troublesome and pertinacious by the House—that the committee would discharge their duty under the law, and then leave the responsibility with the House.

The House have neglected and refused to act upon our report to order the printing to be done, and prevented the delivery to the printers of such as has been ordered, by questioning the power of the committee to make the contract. Let the House now order its printing, and cease its opposition to the contract made by the committee, at prices below those provided by this bill—contracts perfectly valid and binding, and which, if the committee had not consummated, they would have been derelict in duty.

If these contracts are violated or repudiated by the House, and a printer is elected to take the work from the contractor, the contractor will come here and set up claims for damages, according to the prices of 1819, or some other incomprehensible system of prices that does not afford an approximate means of guessing what the printer would be entitled to. Why, about this whole subject of prices and mode of computation, the chairman of the Special Committee [Mr. MARSHALL] tells us he knows nothing, and he believes the most of that committee know nothing, and the more he looked into it the less he knew about it. [Laughter.]

I admit, now, and I have charged heretofore, that the printing which comes here from the public printer is not done upon paper of the quality called for by his contract. How is this to be remedied? We have deducted ten per cent. from his contract price, as one means of remedying it.

The bill of the special committee proposes to appoint a superintendent of public printing, and that he shall purchase and inspect the paper. If you appoint a superintendent, according to the proposition of my colleague, [Mr. JENKINS,] he will inspect the printing, and the paper together, as they come from the printer. He would then reject bad paper, and bad printing too, as he would reject bad paper under this bill from the paper maker; in either case, it all has to pass under his eye, and stand the test of his judgment. But both the paper and printing may well be inspected by, and subjected to the judgment of a superintendent, and Congress still adheres to this contract system.

It is further said the superintendent is to keep samples of the paper that the maker is to furnish, and he is to reject the paper offered if it does not conform to the sample. Why, sir, the Committee on Printing now have samples according to which the printer is to furnish paper—a superintendent can test the paper as it comes from the printer by these samples, as well as he can test it as it comes from the maker by his new samples.

The truth forces itself upon my mind that this bill from the Special Committee only tends greatly to complicate the matter; and, in my judgment, neither of these measures under consideration ought to pass.

If the House is willing to stand up to this business, as I insist the Committee on Printing have hitherto stood up to it—if it will be content with the contract made by the committee to remedy the neglect and delay—if it will order the printing done and withdraw opposition to the committee's arrangements, the work will be quickly, and well done, and below the prices fixed in this bill. From indications here, if any of these new schemes receive the sanction of Congress, one of these contractors will be chosen printer by Congress, and you will gain no other benefit by

this bill but that of hiring him over again at increased prices, and trusting thereafter to the activity and resources of one man, instead of having the services of the three establishments now provided.

I insist there is no excuse, much less necessity, for abandoning or changing the present system for a new and untried experiment. The contractors engaged are ready, willing, and anxious to do the work. They are men of character and standing, and have given abundant and responsible security.

Mr. JONES, of Tennessee. The gentleman from New York, who is a member of the Committee on Printing, says they have made contracts with Donelson & Armstrong and Gideon & Co. to execute the printing, and that they have their bonds for their proper execution of those contracts?

Mr. HAVEN. Yes, sir.

Mr. JONES. I would inquire whether, under the conditions of these bonds, the committee are bound to give these contractors any part of the public printing, except such as it may determine Hamilton cannot do?

Mr. HAVEN. Why, of course not. As a committee, we are not authorized by the law to take from the public printer any printing, except such as we shall determine he has neglected or delayed, or is unable to perform.

Mr. JONES. Then, Mr. Speaker, I think we cannot keep two establishments waiting to execute printing on the failure of another to do so after a certain time.

Mr. HAVEN. One of the benefits of our contracts is, that we do not keep any establishment waiting, but we pay the contractor for the work he does at contract price. This very bill of the special committee, by its fifth section, allows the public printer to retain every piece of the printing for sixty days before you can take it away from him, even if, during that time, he has not commenced it; and at the end of that time we are authorized to look about us and begin to try and get somebody else to commence it.

Mr. CLINGMAN. I cannot give way further to the gentleman from New York.

Mr. JONES. One question further. I ask the gentleman from New York [Mr. HAVEN] if he does not consider that this House has virtually repudiated the contracts made by that committee with Donelson & Armstrong and with Gideon & Co.?

Mr. HAVEN. I do not—I think the House has not the power to rescind those contracts. That question may be more satisfactorily answered after the House passes upon the amendment which provides that no agreement hereafter made by the committee shall be binding, until after it is reported to and approved by the House. The House seemed particularly to favor that amendment, from which I infer that they desire, *hereafter*, to withhold from the committee a power they clearly now possess under the law, of making a contract that is binding without the sanction of the House.

Mr. Speaker, I regret the gentleman from North Carolina [Mr. CLINGMAN] insists upon his right to the floor now. I would like about ten minutes more to put myself right, as one of the Committee on Printing, and explain the relative demerits of these several schemes. This subject, involving as it does not only the printing of Congress, but of all the Departments, and of the Census, and involving vast amounts, and the abandonment of a system that has never had a fair trial, ought not, in my opinion, to be disposed of in this summary way. Nobody has been heard in opposition to it.

I am of the opinion that neither of these bills or propositions ought to pass, but that the present system should be retained and vigorously executed. If it is to be abandoned, we ought, in preference to anything now before us, to take up the bill of my friend from Wisconsin, [Mr. DORTY,] and perfect that, and pass it.

Mr. CLINGMAN. I have given the gentleman from New York [Mr. HAVEN] as much time as I can afford to give him. It is necessary that I should say a word or two in reply to him. He says that I heretofore arraigned the Committee on Printing. It is true, that I did arraign their action, (I use the term in no offensive sense), but I do not propose at this time to recur to that controversy. Nor shall I enter into the dispute which exists between him and his colleague on the Com-



mittee on Printing, [Mr. STANTON, of Kentucky,] who says that the rates in the bill of the Special Committee are lower than those of the contract which he and the Printing Committee made with the Republic and the Union. He says, on the contrary, that the prices in the bill of the Special Committee are higher than those reported by the Committee on Printing. I leave those two gentlemen, members of the same Printing Committee, to settle that matter between themselves. I take it for granted, as I before said, that there is a little difference between these two rates. Upon what ground did I arraign the committee? Why, we had a law requiring them to let the printing to the lowest bidder; and in plain violation of that law, those gentlemen came up here again and again, and reported to us that when Towers offered to do the printing for certain rates, they had agreed to give other men twenty or thirty per cent. higher, and thereby release the public printer and his sureties, and thus deprive us of any claim upon them arising out of the breach of his bond. I objected to a proceeding by which, in plain violation of the existing law, they were taking upon themselves to give this printing to these two favored establishments at a high rate. The point was not whether the prices were merely high or low. A majority of this House, by repeated votes, sustained the proposition that they had no authority to make a general arrangement for the future printing and contract with Donelson & Armstrong and Gideon & Co., and give them an advance upon the previous prices greatly beyond what responsible men were willing to do the work for. That was the point between us. Whether I am right or wrong, it is not material to inquire at this time; but that question is one which I am ready to meet whenever the resolutions of the gentleman from Indiana [Mr. FITCH] come up.

But I do not want to bedrown into that controversy now. The gentleman from New York, [Mr. HAVEN] says that he wishes time to defend that committee. He has made several speeches during the session on the subject. The gentlemen from Kentucky, [Mr. STANTON,] another member of the committee, has also spoken several times on it. The gentleman from Indiana [Mr. GORMAN] has made, I think, nearly a dozen speeches in defense of the committee, and I suppose that by this time the House will understand what their conduct has been. I do not propose to repeat my charges against them. They may go for what they are worth with their replies, both being fully before the country. I do not concur with the gentleman from New York [Mr. HAVEN] that you can carry out the contract system as they were proposing to do it. I beg leave to call the attention of the House to a statement of fact made to me by Mr. Rives. When we were examining the subject he informed me that the paper for the Patent Office Report would cost \$50,000 if furnished according to the quality required by the contract made, but that if such paper as that upon which he prints the Globe, which looks nearly as well, were used, he said that the paper could be had for \$35,000 only, and that the paper upon which they had printed our documents at the last session would not in fact cost more than \$25,000; so that by this means, without cheating us to a greater extent than we had been accustomed to, the contractor would make one hundred per cent., or \$25,000, on that item alone, viz: the purchase of the paper for one document. Yet, sir, I declare to you, that when I looked at the two documents separately, I scarcely perceived the difference between the two kinds of paper. Mr. Rives thus assured me that in printing the Patent Office document, which cost some \$63,000, \$50,000 would be necessary to buy good paper, and they might substitute such paper as we were furnished with during the last Congress at \$20,000 to \$25,000 only. You must remember that under the old system, as sanctioned by the Committee on Printing, the contractors had the furnishing of the paper, and thus were able to make a large sum out of it, though the rates in other respects were not high; while the public printer under this bill of the select committee can make no profit in that way; and hence, even if the rates are as high as those recommended by the Committee on Printing, when they proposed to contract with the Republic and Union, still in this respect the contract is much worse for the printer. I have said this merely in vindication of my own course upon this question, and in

reply to the suggestion of the gentleman before me, [Mr. HAVEN.]

As I stated before, I take it for granted that the House ought to come to some decision upon this question. I know I have occupied too much of its time upon the question, and yet the members of the committee have heretofore consumed tenfold more time than I have, or any other member of the House. We have, I repeat, three propositions fairly before us—that which the gentleman from New York [Mr. HAVEN] reported in a bill—

Mr. HAVEN. I beg leave to state to the gentleman that I disclaim having any part in that bill, or any other bills.

Mr. CLINGMAN. As he was a member of the committee which reported the bill, I supposed he had been for it, but he now informs me differently, and that he did not sanction it individually. We have also his colleague's [Mr. JENKINS] substitute before us. It may be a good bill, but I give no opinion upon it. And last of all, we have the proposition reported by the Select Committee. Had we not better, under all the circumstances, at once proceed to a vote, and select some one of these three plans? With a view of bringing the House to that line of action, I move the previous question.

Mr. KING, of New York. I hope that the previous question will not be withdrawn.

Mr. CLINGMAN. Several gentlemen have been asking me to withdraw the demand for the previous question. I must insist upon it, and let a majority of the House sustain it or not, as they see fit.

Mr. FLORENCE. I hope and earnestly pray that the previous question will not be sustained, and that we may have a chance to offer such amendments as are proper to the bill.

Mr. POLK demanded tellers on the second; which were ordered; and Messrs. POLK, and FULLER of Maine, were appointed.

The question was then taken, and there were—ayes 64, noes 59.

So there was a second, and the main question ordered to be put.

Mr. CLINGMAN moved to reconsider the vote by which the main question was ordered to be put, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The SPEAKER. The first question is upon the motion made by the gentleman from South Carolina [Mr. ORR] to amend the bill of the special committee by striking out the words "20," and to insert "40," in the clause providing that when the number of copies shall exceed 20,000, there shall be a reduction of twenty per centum.

The question was then taken, and it was decided in the affirmative.

So the amendment was agreed to.

Mr. STANTON, of Ohio. I hope the Chair will state distinctly the various questions before the House.

The SPEAKER. The Chair stated the first question to be upon the amendment offered by the gentleman from South Carolina [Mr. ORR] to the bill reported by the Special Committee. The next question will be upon that bill as an amendment to the original bill; and if that does not prevail, the next question will be upon the substitute offered by the gentleman from New York [Mr. JENKINS] for the original bill. The question is now upon the bill reported from the Special Committee by the gentleman from Kentucky, [Mr. MARSHALL], as amended as an amendment to the original bill. It is as follows:

Strike out all of the original bill after the first section, and insert the following:

Sec. 2. *And be it further enacted*, That there shall be a Superintendent of the Public Printing, who shall hold his office for the term of two years, and who shall receive for his services a salary of \$2,500 per annum; and who shall give bond with two sureties to be approved by the Secretary of the Interior, in a penalty of \$20,000, for the faithful discharge of his duties under this law. The said Superintendent shall be a practical printer, versed in the various branches of the arts of printing and bookbinding, and he shall not be interested directly or indirectly in any contract for printing for Congress or for any department or bureau of the Government of the United States. The first Superintendent under this law shall hold his office until the commencement of the Thirty-third Congress, and the Superintendents thereafter appointed shall hold their offices for two years, commencing with the first day of the session of each Congress.

Sec. 3. *And be it further enacted*, That it shall be the duty of said Superintendent to receive from the Secretary of the Senate and the Clerk of the House of Representatives

all matter ordered by Congress to be printed, and from the several chiefs of departments and heads of bureaus all matter ordered by them, respectively, to be printed at the public expense, and to keep a faithful account of the same, in the order in which the same shall be received, in a book or books to be by him kept for that purpose. He shall deliver said matter to the public printer or printers, in the order in which it shall be received, unless otherwise ordered by the Joint Committee on Printing. He shall inspect the work when executed by the public printer or printers, and shall record in a book or books, to be by him kept for that purpose, the dates at which the returns of said work are made, and whether the same is executed in a neat and workmanlike manner, upon the paper furnished to the public printers by said Superintendent, and the amount allowed by said Superintendent for the said printing. It shall be his duty to supervise the execution of the public printing, to inspect the work when executed, and to see that the same is done with neatness and dispatch; to report every failure or delinquency of duty on the part of the public printer, and from time to time to report the said delinquencies to the Joint Committee of Congress on Printing. He shall issue his certificate for the amount due to the public printer for such work as shall have been faithfully executed, which certificate shall be made payable to the public printer at the Treasury of the United States, and shall not be assignable or transferable by indorsement or delivery to any third party. Said certificate of the Superintendent shall be a sufficient voucher for the Comptroller to pass, and for the Treasurer, upon the order of the Second Comptroller, to pay the same.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said Superintendent of the public printing to advertise annually, in one or more newspapers of general circulation in the cities of Boston, New York, Philadelphia, Baltimore, Washington, New Orleans, Louisville, and Cincinnati, for the space of sixty days prior to the first of December, for sealed proposals to furnish the Government of the United States all paper which may be necessary for the execution of the public printing, of quality and in quantity to be specified in the said advertisements from year to year. He shall open such proposals as may be made in the presence of the President of the Senate and Speaker of the House of Representatives, on the first Tuesday of December annually, provided a Speaker shall have been elected, or as soon thereafter as a Speaker shall be elected, and shall award the contract for furnishing all of said paper, or such class thereof as may be bid for, to the lowest bidder, whose sample, accompanying his bid, shall most nearly approximate to the quality of paper (size, weight, and texture all considered) advertised for by the said Superintendent. The sample offered with the bid accepted shall be preserved by the said Superintendent, and it shall be his duty to compare these with the paper furnished by the public contractor; and he shall not accept any paper from the contractor which does not conform to the sample preserved as aforesaid. It shall be the duty of the Superintendent of the public printing to deliver the paper for the printing of the United States, upon the requisitions of the public printer or printers, and to charge him or them therewith; and as the printing is returned and passed by the said Superintendent, he shall credit the public printer with the quantity used in the public service. It shall be the duty of said Superintendent to have the requisitions of the printer and the returns of paper by the printer balanced at least once in each year, and in default thereof to report the same to Congress for such proceedings as Congress may direct. In default of any contractor under this law to comply with his contract in furnishing the paper in proper time and of proper quality, the Superintendent is authorized to advertise for proposals, as hereinbefore provided, and award the contract to the lowest bidder; and for any increase of cost to the Government in procuring a proper supply of paper for the use of the Government, the contractor, in default and his securities, shall be charged with, and held responsible for the same, and shall be prosecuted upon their bond, by the Superintendent, in the name of the United States, in the circuit court of the United States for the District of Columbia.

Sec. 5. *And be it further enacted*, That the public printer shall be required to execute each job of printing intrusted to him within thirty days from the date of its delivery by the Superintendent, except bills, reports, and joint resolutions, which shall be returned as the Clerk of the House or Secretary of the Senate shall require, unless, for good reasons shown, the Superintendent of printing shall extend the time. And should the printer detain any matter longer than thirty days, a deduction of five per centum shall be made by the Superintendent, from the account of the printer, for such job; and an additional deduction of five per centum for every additional detention of twenty days. If the public printer shall detain such matter for sixty days, the superintendent shall withdraw it entirely, and shall employ another printer to execute the same with promptness, upon the terms provided by law; and in such case the public printer shall not be allowed therefor.

Sec. 6. *And be it further enacted*, That the Superintendent of the public printing shall not be, directly or indirectly, interested in the business of the public printing, or in any material to be used by the public printer, or in any contract for furnishing paper to Congress or to any department or bureau of the Government of the United States. For any violation of this provision, the Superintendent of the public printing shall forfeit his office, and may be indicted before the district court for the District of Columbia, and if found guilty, shall be imprisoned in the penitentiary of the District of Columbia for any term not less than one nor more than five years, and in addition thereto may be fined in any sum from one to ten thousand dollars.

Sec. 7. *And be it further enacted*, That when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same. And whenever the same person or the same firm shall be printer for both Houses of Congress, and both Houses shall order the same document to be printed within three weeks of the same time, composition shall be charged but once for said document; and no sum shall be paid to said printer for altering the headings from the form in which he

printed them first to the form or forms in which such document shall afterwards be printed.

Sec. 8. *And be it further enacted*, That there shall be elected a public printer for each House of Congress, to do the public printing for the Congress for which he or they may be chosen, and such printing for the executive departments and bureaus of the Government of the United States as may be delivered to him or them, to be printed, by the Superintendent of the public printing. The following rates of compensation shall be paid, from time to time, for such printing as may be ordered by Congress:

1. For bills and joint resolutions—

For composition per page, fifty cents.

For press-work, folding, and stitching, for five hundred and eighty copies, thirty-two and a half cents per page; and at the same rate per page for any greater number not exceeding one thousand copies.

2. For reports of committees and the Journals of both House, with indexes, and the executive documents of each House, embracing messages from the President, reports from the executive departments, bureaus, and offices, and documents and statements communicated therewith, with indexes; resolutions and other documents from State Legislatures; memorials, petitions, treaties, and confidential documents for the Senate; for composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and fifty cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, two dollars.

For nonpareil rule, three dollars and seventy-five cents.

For the composition of tables larger than octavo size, per one thousand ems, seventy cents; but the page of octavo size shall contain not less than one thousand six hundred ems when printed in small pica; and the body of all plain matter shall be so printed, except extracts, yeas and nays, and addenda, which shall be printed with brevier type. All rule and figure work shall be printed in royal octavo form, with small pica, each page containing not less than one thousand six hundred ems, if the matter to be printed can be brought into pages of that size with that kind of type, so as to be read with facility and convenience. If it cannot, it shall be printed with brevier type, each page containing not less than two thousand eight hundred ems; and if it cannot be brought into a royal octavo page with brevier type, so as to be understood with facility, it shall be printed with nonpareil type, each page containing not less than four thousand two hundred ems; and when it cannot be brought into a royal octavo page with nonpareil type, so as to be read with facility, it shall be printed with brevier type in a broadside, showing the whole table at one view, and be so filled that it can be bound in a royal octavo volume.

When matter is headed, the composition shall be counted as if the matter were printed solid, and not headed.

For press-work, folding, and stitching of royal octavo size—

For twelve hundred and fifty copies, thirty-two and a half cents per page, and at the same rate for any greater number not exceeding fifteen hundred copies.

For press-work, folding, and stitching of each table larger than royal octavo size—

For twelve hundred and fifty copies one dollar and twenty-five cents per page, and at the same rate for any number not exceeding fifteen hundred copies.

The following deductions on account of folding and stitching copies reserved for binding shall be made:

For royal octavo size, per page, for each hundred copies, one quarter of a cent; for each table larger than octavo, one quarter of a cent; and the following additional charge shall be allowed for trimming, folding, and stitching, and inserting each map, chart, diagram or plat in the copies not reserved for binding: for every hundred copies, ten cents.

There shall be allowed for the press-work on treaties, reports, and other documents, when ordered to be printed in confidence, for the use of the Senate, at the following rates:

For the press-work, folding, and stitching of sixty-five copies, six cents per page when of the royal octavo size, and one dollar per page, for sixty-five copies, when the matter cannot be contained in the royal octavo page in any type hereinbefore specified, and allowance shall be made at the same rates for any greater number of copies than sixty-five, and not exceeding one hundred.

3. For tabular statements of the orders of the day, lists of yeas and nays, circular letters, and miscellaneous printing ordered by Congress, not hereinbefore specified—

For composition for plain work, per thousand ems, fifty cents.

For rule and figure work, fifty cents per thousand ems.

For press-work, folding, and stitching one hundred copies, per page—

For royal octavo, or any smaller size, ten cents.

For quarto post, twenty cents.

For foolscap and any larger size, twenty cents.

But the following deductions shall be made from the press-work, folding, and stitching additional numbers to the number usually ordered by Congress of matter included in the foregoing specifications, to wit:

When the number ordered exceeds five thousand and does not exceed ten thousand, two per centum.

When the number exceeds ten thousand, and does not exceed twenty thousand, five per centum.

When the number exceeds twenty thousand, forty per centum.

Press-work, folding, and stitching of all printing not herein provided for shall be done by the ream; the rate shall be two dollars per one thousand when printed on one side, and four dollars per thousand when printed on both sides; when any quantity less than a ream is ordered it shall be counted and settled for as one ream.

Sec. 9. *And be it further enacted*, That the regular numbers of documents ordered by Congress shall be printed in octavo form, on paper weighing not less than fifty-six pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches; and the extra numbers shall be printed on paper weighing not less than forty-five pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches. The

paper for any other species of printing ordered by Congress may be of such style and quality as the Superintendent of the public printing may deem suitable and proper.

Sec. 10. *And be it further enacted*, That the public printer or printers may be required by the superintendent to work at night as well as through the day upon the public printing, during the session of Congress, when the exigencies of the public service require it.

Sec. 11. *And be it further enacted*, That the same prices shall be paid for printing for the Executive Departments that are paid for printing for Congress, except for printing post bills, which shall be printed on paper not less than sixteen by twenty-six inches, and for printing on parchment; there shall be paid for printing the post bills at the rate of one dollar per thousand sheets, and at the rate of ten dollars per thousand for printing parchments; but nothing shall be allowed for altering post bills when the alteration consists in the mere change of a postmaster's name; and nothing herein contained shall prevent the heads of Executive Departments from employing printers out of the city of Washington to execute such printing for any of said departments as may be required for use out of Washington, when the same can be executed elsewhere as cheap as at the rates herein specified, increased by the cost of transporting the printed matter to the State or States where such matter may be required for use in the public service.

Sec. 12. *And be it further enacted*, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the Superintendent of the public printing and the public printer in any dispute which may arise as to the propriety of the decisions of the Superintendent making deductions on account of work which the Superintendent may refuse to receive, or which, in his opinion, may not be done with proper dispatch, as required by law; and the said committee shall pass upon the accounts of the Superintendent of the public printing. Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, provided that no contract, agreement, or arrangement entered into by this committee shall take effect until the same shall have been approved by that House of Congress to which the printing belongs; and when the printing delayed relates to the business of both Houses, until both Houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing from the House in which the same may be made.

Sec. 13. *And be it further enacted*, That all acts or joint resolutions conflicting with the provisions of this act, are hereby repealed; but nothing herein contained shall be construed to authorize the cancellation of any contract now or heretofore entered into with any printer under the laws heretofore in force, or to abrogate his rights in any way, without his consent. Nothing in this act shall be construed to authorize the printing of the census, but the same shall be done as may be provided by law hereafter.

Mr. CLEVELAND demanded tellers on the adoption of this amendment; which were ordered, and Messrs. CLEVELAND and ORR were appointed.

The question was then taken, and there were—  
yeas 99; noes not counted.

So Mr. MARSHALL's amendment was agreed to.

The question recurred on the adoption of the substitute offered by Mr. JENKINS.

Mr. KING, of New York, demanded the yeas and nays; and they were ordered.

The substitute was read, as follows:

*Be it enacted*, &c., That there shall immediately be chosen, by joint resolution in both Houses of Congress, a superintendent of public printing, who shall be a practical printer, and shall hold his office during the present Congress, or until another be appointed in his place; said superintendent is hereby clothed with all the authority conferred in and by said joint resolution upon the Secretary of the Senate, Clerk of the House of Representatives, the President or Vice President of the Senate, the Speaker of the House of Representatives, and the authority conferred upon the Committee on Printing in and by the second section of said joint resolution, and he is hereby required to perform all the duties conferred by said joint resolution upon said officers, and each and every of them, except the duties of the Committee on Public Printing mentioned in the third section of said joint resolution.

Sec. 2. *And be it further enacted*, That the said Superintendent, when so appointed, shall take the oath of office prescribed in the second section of the act of the 3d of March, 1791, for the clerks and other officers, and shall execute to the United States a bond, with two sufficient sureties, to be approved of by the President of the Senate and the Speaker of the House of Representatives, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office. The said Superintendent shall thereupon procure the printing necessary to be done before the close of the present session of Congress, or which may have been begun but not performed substantially, according to contract, upon such terms as he may deem most advisable, and as shall best promote the public interest; and, for that purpose, the said Superintendent is hereby authorized to purchase the requisite paper for said printing.

Sec. 3. *And be it further enacted*, That the said Superintendent be, and he is hereby, authorized to contract for and purchase all paper for the printing of both Houses of Congress during his continuance in office. That contracts for paper shall, at all times, be separate from contracts for printing, and the same person shall not be allowed to contract both for printing and furnishing the paper. The contracts for printing to be done, and paper to be furnished,

after the close of the present session of Congress, shall be let and entered into in the manner prescribed in the first section of said joint resolution, and shall embrace the paper and printing for the residue of the present Congress only.

Sec. 4. *And be it further enacted*, That said Superintendent be, and he is hereby, authorized to decide upon the performance or non-performance of all of said contracts, and whether the contracts be performed in due time, and to declare the same forfeited for non-performance. The contracts to be entered into for printing shall contain a stipulation that the printing shall be done in a reasonable time, which time may be designated, as occasion shall require, by the said Superintendent, which conditions shall be inserted in each contract. Upon declaring any contract forfeited for non-performance, the Superintendent shall serve a written notice thereof upon the defaulting contractor, specifying the particulars in which such failure of performance consists; and the Superintendent shall thereupon immediately proceed to relet such contract, in the manner provided in the said first section of said joint resolution as herein amended; but he shall not relet such contract to such defaulting contractor. Said Superintendent shall forthwith cause the contractor so failing to perform his contract, and his bail, to be prosecuted, in the name of the United States, for the damages arising from such failure.

Sec. 5. *And be it further enacted*, That the said Superintendent shall personally superintend the business intrusted to his charge; he shall keep the samples of paper and printing upon which the contracts are let; he shall keep an accurate account of the paper furnished and the printing done, with the contract prices thereof, and all expenses pertaining to the said office; he shall make a full report of his doings at the opening of each session of Congress, and as often as Congress or either House shall direct, and shall be entitled to receive a salary of \$2,000 a year for his services.

Sec. 6. *And be it further enacted*, That within thirty days before the adjournment of any Congress, both Houses shall proceed to choose a Superintendent of public printing, who shall possess the powers herein conferred upon the said superintendent, and shall perform the like duties; said Superintendent shall be entitled to the like salary, and shall hold his office for the period of two years and until another be chosen; he shall take the same oath of office, and execute a like bond with sureties; and all the provisions of this act and of said joint resolution shall apply to all Superintendents of public printing, and the paper to be furnished and the printing to be done. So much of the said joint resolution of the 3d of August, 1846, as is inconsistent herewith, is hereby repealed.

The question was then taken, and it was decided in the negative—yeas 49, nays 96; as follows:

YEAS—Messrs. Abernethy, Babcock, Barrere, Bennett, Brenton, Briggs, Burrows, Carter, Chapman, Cleveland, Cobb, Dockery, Doty, Eastman, Evans, Fitch, Floyd, Fowler, Grey, Harper, Hays, Hascall, Haven, Hebard, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ives, John Johnson, George G. King, Preston King, Max, Martin, Miner, Molony, Morehead, Newton, Samuel W. Parker, Penniman, Perkins, Robie, Schoonmaker, Smart, Benjamin Stanton, Townshend, Walbridge, and Welch—49.

NAYS—Messrs. Aiken, Willis Allen, John Appleton, Thomas H. Bayly, Boocock, Bragg, Busby, E. Carrington, Cabell, Thompson Campbell, Caskie, Chandler, Chastain, Churchwell, Clark, Clingman, Colcock, Daniel, Dawson, Dean, Disney, Dumeau, Dunham, Edgerton, Edmundson, Ficklin, Florence, Freeman, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Hamilton, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Ingersoll, Jackson, Andrew Johnson, George W. Jones, Kuhns, Kurtz, Landry, Leitcher, Leckhart, Humphrey Marshall, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Milson, Henry D. Moore, John Moore, Murphy, Murray, Nabers, Olds, Orr, Outlaw, Penn, Phelps, Polk, Richardson, Riddle, Ross, Savage, Schermerhorn, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Stanley, Richard H. Stanton, Abraham F. Stephens, Alexander H. Stephens, St. Martin, Stratton, Stuart, Thurston, Venable, Wallace, Walsh, Ward, Watkins, Alex. White, Wilcox, and Williams—96.

So the substitute was rejected.

The bill was then ordered to be engrossed and read a third time, and being engrossed, was read the third time.

Mr. POLK moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

The question now being, "Shall the bill pass?"

Mr. CLINGMAN moved the previous question, which was seconded, and the main question was ordered to be now put.

Mr. HAVEN demanded the yeas and nays.

Mr. CARTTER called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. HAVEN and GAYLORD were appointed; and a count being had, the tellers reported 37 in the affirmative.

So the yeas and nays were ordered.

The question was then taken upon the passage of the bill, and it was decided in the affirmative; yeas 91, nays 56; as follows:

YEAS—Messrs. Aiken, Willis Allen, John Appleton, William Appleton, Thomas H. Bayly, Boocock, Bragg, Breckinridge, Briggs, Busby, Thompson Campbell, Caskie, Chandler, Chastain, Churchwell, Clark, Clingman, Cobb, Colcock, Daniel, Dawson, Dean, Duncan, Dunham, Eastman, Edmundson, Ficklin, Florence, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Hamilton, Isham G. Harris,

Sampson W. Harris, Hendricks, Henn, Hibbard, Houston, Howard, Ingersoll, Jackson, Andrew Johnson, George W. Jones, Kuhns, Kurtz, Landry, Letcher, Lockhart, Humphrey Marshall, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Henry D. Moore, John Moore, Murphy, Murray, Nabers, Olds, Orr, Penn, Phelps, Polk, Richardson, Riddle, Robie, Ross, Savage, Schermerhorn, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Stratton, Stuart, Thurston, Venable, Wallace, Ward, Watkins, Alexander White, Wilcox, and Williams—91.

**NAYS**—Messrs. Abercrombie, Babcock, Barrere, Bennett, Brenton, Albert G. Brown, Burrows, Carter, Chapman, Cleveland, Disney, Dockery, Doty, Edgerton, Evans, Fitch, Floyd, Fowler, Giddings, Goodenow, Goodrich, Grey, Harper, Haws, Hascall, Haven, Hebard, Holladay, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Hunter, Ives, John Johnson, Preston King, Mann, Martin, Mason, Miner, Molony, Morehead, Newton, Outlaw, Samuel W. Parker, Pennington, Perkins, Schoonmaker, Smart, Stanly, Benj. Stanton, Alexander H. Stephens, Townshend, Walbridge, Welch, and Addison White—56.

So the bill was passed.

Mr. CLINGMAN moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. FOWLER moved to proceed to the business on the Speaker's table.

Mr. CAMPBELL, of Illinois, moved that the House do now adjourn.

The question was taken on Mr. CAMPBELL's motion, and it was agreed to, and

The House adjourned until Monday, at eleven o'clock, a. m.

#### NOTICE OF A BILL.

Mr. HEBARD gave notice that to-morrow, or as soon after as may be convenient, he will ask leave to introduce a bill, entitled "An act for the relief of Patience H. Slingerland, *alias* Patience H. Atherton."

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PRICE: The petition of the citizens of Jersey City, in the State of New Jersey, praying Congress to promote, by some action, the liberation of O'Brien, Mitchell, and other Irish exiles, by the English Government.

By Mr. HARPER: The petition of William Alley and 61 others, citizens of Muskingum county, Ohio, asking that the bill introduced by Mr. STANLY, to aid in colonizing free persons of color in Liberia, may become a law.

By Mr. STANTON, of Kentucky: The memorial of Henry Hoskins, President of the Ohio Falls Marine Railroad Company, asking an appropriation for the construction of a marine railway at the Falls of the Ohio river, for the convenience of commerce.

By Mr. JOHNSON, of Arkansas: A memorial of James Hamilton, for himself and in behalf of Sarah A. Hunt, Ann Barnestadt, William S. Wernmore, assignees of the trustees of the Bank of the United States, the trustees of said Bank, Isaac MacGerry, Henry Blood, F. S. Lyon, trustee of the Bank of Alabama, Charles Macalister, Augustus Isham, Joseph W. Hubbell, Benjamin Riley, William M. Walker, John A. McGaw, and others, asking Congress so to modify the proviso of the boundary act, passed 9th September, 1850, that the creditors of Texas may file their release separately, and receive the amounts respectively due to them by the State of Texas.

By Mr. RANTOUL: A memorial of John Quin, Jr., of Charlestown, Massachusetts, and fifty-four others, praying that prompt and efficient measures may be taken for the protection of thirty thousand American citizens engaged in the fisheries.

By Mr. HEBARD: The petition of Patience H. Atherton, *alias* Patience H. Slingerland, asking to have a tract of land set off on an execution in favor of the United States against Jacob Slingerland, restored to her.

By Mr. ABERCROMBIE: The account of John Shepherd, of Alabama, against the General Government, for depredations committed by the Creek Indians in 1836.

Also, papers in the case of Andy Townsend's application for relief, on account of Indian depredations.

#### IN SENATE.

Monday, August 2, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, dated the 31st ultimo, in reply to a resolution of the Senate of the 29th ultimo, in which the Secretary states: First, that, by a letter of instructions to Mr. James Collier, as collector at San Francisco, dated April 3, 1849, he was appointed the depository of the public moneys at San Francisco, under the provisions of the act of the 6th of August, 1846; but it does not appear that he ever acted as depository, or had any moneys placed in his hands as such; and no special depository has been appointed at any other point on the Pacific coast.

Second, that the fifteenth section of the act of 6th August, 1846, alluded to, authorizes the depositaries to receive to the credit of the Treasury of the

United States, any moneys due and payable to the Treasury of the United States which may be tendered to them; but no returns were ever made by Mr. Collier, as public depository. T. Butler King, the collector of San Francisco, was subsequently, on the 10th of May, 1851, appointed depository at that port, and has had deposited with him in that capacity, agreeably to his official report, the sum of \$870,597 54—the whole of which was deposited by him, as collector, to the credit of the Treasury of the United States, except the sum of \$20 71. These returns included the quarter ending March 30, 1852.

Third, that the returns of money in the hands of the depository at San Francisco, first appeared in the Treasurer's monthly statement for the week ending November 24, 1851, which statement was published on the first of December following; and it was the first publication which announced in that mode, that a public depository had been established at San Francisco.

Fourth, that the amount on deposit could not have been given at any earlier period, because the first return on which the account was opened on the Treasury books, was dated San Francisco, 14th October, 1851, and was only received in time for the above publication.

Fifth, that, on the 3d of April, 1849, James Collier gave a bond as public depository, under the act of August, 1846, in the sum of \$50,000, and that T. Butler King gave a bond, on the 30th of June, 1851, under the same act, in the sum of \$100,000. It is only collectors and receivers who, by the construction of this act, can be made depositaries.

Mr. WELLER. I move that the report be laid on the table, and be printed for the use of the Senate.

The motion was agreed to.

#### PETITIONS, ETC.

Mr. SEWARD presented a resolution adopted at a meeting of the directors of the Sodus Point and Southern Railroad Company, held at Newark, New York, in favor of an appropriation for the further improvement of the harbor at the mouth of Great Sodus Bay; which was referred to the Committee on Commerce.

Mr. HAMLIN presented the memorial of John Gray, interested as owner in the fishing-schooner Mary of Brooksville, praying to be allowed fishing bounty; which was referred to the Committee on Commerce.

Also, the petition of Wyer G. Sargent, owner of the fishing-schooners Two Brothers and Olive Branch, praying to be allowed fishing bounties; which was referred to the Committee on Commerce.

Mr. FELCH presented the petition of Robert Johnston, praying that patents may be issued for certain land warrants in his possession, and procured by him in the names of the parties who were entitled to receive them, but who cannot now be found; which was referred to the Committee on Public Lands.

Also, a memorial of citizens of Philadelphia, praying the construction of a ship-canal around the Falls of the river St. Mary; which was ordered to be laid on the table.

Mr. STOCKTON presented the petition of E. A. Williams and William D. Ligon, praying to be relieved from their liability as sureties on the official bond of Purser William H. Kennon, of the United States Navy; which was referred to the Committee on Naval Affairs.

#### THE MEXICAN BOUNDARY QUESTION.

Mr. WELLER submitted the following resolution; which was agreed to:

*Resolved*, That the Secretary of War be directed to transmit to the Senate a copy of the report made by Lieutenant Colonel Graham, of the Topographical Corps of Engineers, on the subject of the boundary line between the United States and Mexico, together with all the papers in his Department on that subject.

#### SUPPRESSION OF SMALL NOTES.

Mr. ADAMS submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on the District of Columbia be instructed to inquire into the expediency of so amending the act of the 7th of July, 1838, for the suppression of small notes within the District of Columbia, as, in addition to the provisions of said act, to authorize justices of the peace for the county of Washington to hear and decide in cases brought before them, by any informant, of infractions of said law; and in case of its violation by a city corporation, to authorize the fines thereof to be levied and collected of the mayor thereof.

#### INTEREST OF PUBLIC DEBT

Mr. BORLAND submitted the following resolutions for consideration:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate the names of the several agents employed by the Department other than officers of the United States, for the payment of interest on the public debt and pensions since the 4th of March, 1849, together with a statement of the last settled accounts of each of such agents, with date thereof, showing the amount due to or from the United States.

*Resolved further*, That the said Secretary report what length of time unclaimed dividends of interest are allowed to remain in the hands of agents, after the same are due and payable, and how often said agents are required to render their accounts, and what security, if any, is required for the faithful performance of the trusts confided to them.

#### DISTRIBUTION OF THE LAWS AND DEBATES OF CONGRESS.

Mr. BRODHEAD. I rise to what I conceive to be a privileged question. I desire to move a reconsideration of the vote by which the joint resolution from the House of Representatives, entitled "A joint resolution for the distribution of the laws of Congress and the debates thereon," which provides for the transmission of the Congressional Globe and Appendix through the mails, free of postage, was passed. I think, perhaps, that resolution ought to be amended a little. At any rate, I, as well as some other gentlemen, wish to have a little time to examine it. I move to reconsider that vote, and also that that motion lie on the table. I should prefer to have the consideration of the motion to reconsider passed over until I can look into the subject a little further.

Mr. BADGER. I think the Senator from Pennsylvania will find himself rather in a difficulty in pursuing that course. He had better withdraw the motion that the motion to reconsider lie on the table for this reason: Suppose the Senate agree to reconsider the vote by which the joint resolution was passed; then, if it is desired to amend the resolution, the question will have to be taken, on reconsidering the vote by which it was ordered to a third reading. If, then, the motion to reconsider lie on the table, and is taken up at a future day if agreed to, it will be more than two days after the resolution was ordered to a third reading; and then, unless by unanimous consent, the motion to reconsider that vote cannot be made. It will be better to dispose of this motion to reconsider, at once, because, unless the motion to reconsider the vote by which it was ordered to a third reading be agreed to, the resolution cannot be amended.

Mr. BRODHEAD. I withdraw the motion to lay on the table, and hope the vote will be taken on the motion to reconsider.

Mr. WALKER. I should like to hear some reason given by the Senator, why we should reconsider the vote. The matter was spoken of pretty freely on Friday, and it seemed to be a very fair decision of the Senate that they would pass the resolution which would permit the Congressional Globe and Appendix, containing the laws and debates of Congress, to pass through the mails free of postage. Now, here is a motion to reconsider the vote, without any reason, being given except a desire, on the part of the Senator, to defeat it ultimately. This, then, I take to be a test question, and I hope, if the vote is to be taken upon the reconsideration, it will be deemed a test question by the Senate.

Mr. BRODHEAD. Mr. President, if I understand the purport of this resolution correctly, the editor of the Congressional Globe and Appendix can append as many advertisements to it as he pleases. That is one reason for reconsidering the vote. Another is this: we have already the right to transmit the Congressional Globe and Appendix through the mails free of postage. Each member of the Senate receives some twelve or fifteen copies, and we have a right to transmit those copies through the mails free of postage. This is going beyond that, and confers an extraordinary privilege which I think ought not to be granted. I am opposed to it on that ground.

Mr. WALKER. I suppose we knew that the Senator was thus opposed to the resolution at the time we adopted it. One of the objections which he makes is, that the editor, or publisher, of this work can append to it as many advertisements as he pleases, and transmit those advertisements with the Globe and Appendix through the mails free of postage. If I understand the reading of the resolution it is, that the Globe and Appendix, containing the laws and debates, shall be transmitted;



but I apprehend the editor would find himself charged postage upon advertisements if he undertook to insert them. But suppose we, as members of Congress, can send through the mails, free of postage, those numbers which we receive, how is it with the heads of the Departments? How is it with the departments of the States? They have to bear an enormous postage, if the States avail themselves of this work. If others, who are disposed to keep it as a useful work in their libraries through the country, for the information of the public, get it through the mails, they have to pay an enormous sum for postage. This publication does not fall within the class of "newspapers," nor that of "periodicals;" it, therefore, cannot go on the terms of such works, but, as I understand it, it passes through the mails at the charge of so much per ounce. Take, for instance, the *Globe* and Appendix of the last long session, which were four large volumes, I believe the postage on them was some \$23. You can ordinarily buy the work itself for \$6, though I believe those four volumes cost more than that; but, at all events, the postage is some four or five times the cost of the work itself.

I believe that there have been some petitions introduced this session praying Congress to take some efficient steps to disseminate through the country, the laws of Congress and the debates thereon. I know I received a long and very sensible letter from a gentleman in connection with a literary institution in New York, requesting that I should introduce a proposition that there should be sent to the literary institutions of the different States, various copies of this very work, and that it should be sent free of postage. Now, we are proposing to do what there seems to be an interest in the community in favor of our doing. For one, I am in favor of the *Globe* and Appendix going free of postage. I believe it is more in favor of popular rights than any proposition that has come up here. That we have the franking privilege is not a compensation to the people. It is not such a right as they wish to avail themselves of to obtain this work, and the whole series of it, to place in their colleges, academies, schools, and various departments of the State governments. We can furnish no such facilities to the people as this. But they will subscribe for the work when it does not cost four or five times the original cost for postage. I do hope, as I said before, that this question may be deemed a test question, and the vote as a final one; and for the purpose of making it as much so as lies in my power, I ask for the yeas and nays upon the motion to reconsider.

The yeas and nays were ordered.

Mr. HAMLIN. I do not propose to discuss this question, because I believe it underwent a discussion satisfactory to the Senate on Friday. I think at least, the reasons for and against it were very well stated. I now rise only for the purpose of saying that the objection which the Senator from Pennsylvania has urged can, under the very terms of the joint resolution, have no existence here. Advertisements cannot be incorporated in the laws and debates of Congress, and that is the description of publication to go free of postage. The Post Office has decided that this publication is not a newspaper. It is the authenticated and accredited debates of this and the other branch of Congress, made in pursuance of an appropriation of the very money which we pay out for them. Now, shall we circumscribe the limits within which they shall be spread before the country? That is the object, and the whole object of the joint resolution, and if it shall pass as it now is, it will protect it from any such objection as the Senator from Pennsylvania has supposed.

Mr. BORLAND. I regret very much to feel constrained to differ with my honorable friend from Pennsylvania [Mr. BRODHEAD] upon this question, as I very rarely do differ with him on any question. I think, however, that he is mistaken in the view he has taken with regard to this subject. It will be out of the power of the publisher of the Congressional *Globe*, for the reasons stated by the Senator from Maine, [Mr. HAMLIN], and the Senator from Wisconsin, [Mr. WALKER], to put advertisements into that paper, and also for other reasons. That paper has been published many years, and such a thing as the insertion of advertisements has never been attempted, and the proviso to the resolution expressly excludes the *Daily Globe* from being sent through the mails free of postage.

But I would go even further than this resolution goes. I would, if it depended on my vote, strike out the proviso excluding the *Daily Globe* from being sent free of postage, because it would circulate through the country far and wide the proceedings of both Houses of Congress immediately upon their occurrence. The representatives of the people and the States would then, on the very day, or the next after their transactions have been recorded, have the power of communicating them to their constituents. Their intercourse would be direct and immediate, and their responsibility perfect beyond anything that has ever been attained in the administration of this department of the Government. I hope, therefore, that no objection will be urged.

Mr. BRODHEAD. This is a joint resolution providing for the distribution of the laws of Congress, and the debates thereon. Now, who looks into the Congressional *Globe* and Appendix for the laws of Congress? The laws of Congress have never been printed in that publication yet. Why speak about circulating the laws in the Congressional *Globe* and Appendix? The people do not look into them for the laws; they rather look into Little & Brown's edition for that purpose. Besides, the debates in Congress are published in other papers than the Congressional *Globe* and Appendix, and why is it that you propose to give the publisher of the Congressional *Globe* and Appendix the privilege of sending them through the mails free of postage, when you deny the same privilege to the publishers of other papers containing the debates? I can see no reason why this privilege should be extended to the Congressional *Globe* and Appendix, and denied to other papers published in the city of Washington.

I am willing to put this publication on the footing of newspapers. People throughout the country, subscribing for newspapers, are obliged to pay postage on them; and why should not the Congressional *Globe* and Appendix be put on the same footing as newspapers? I am willing to vote for such a proposition, but beyond that I am not willing to go; nor am I willing to vote for this joint resolution extending a special privilege.

Mr. ADAMS. I was not present at the discussion of this subject, and have not, therefore, had the benefit of the opinions expressed by Senators; but it would require very little time for me to make up my mind on the subject.

The joint resolution is intended in reality for the extension of the franking privilege. Before I give my vote in favor of such an extension, I must receive a little more light than I have at present. Instead of extending the franking privilege, if it depended on my vote, I would abolish it, and place members of Congress on the same footing as other citizens of the United States in that respect. I repeat that the joint resolution is intended for the extension of the franking privilege—nothing more and nothing less. Perhaps, as it is said, that extension will be for the benefit of the country; but I shall not argue the question now. It is not my intention to procrastinate the discussion, for I merely rose to say that I would rather vote in favor of curtailing than extending that privilege. I hope to see the day when it will be abolished entirely, and that members of Congress may be compelled, as other citizens are, to pay postage on all documents, excepting those which are addressed to them on public business. The privilege should not go beyond that.

Mr. BAYARD. No one more freely admits the general accuracy of this publication than I do. But I shall vote for the reconsideration of the resolution, as I voted against the resolution on a previous day. This is a private enterprise, for the publication of which the Government of the United States pays. The resolution proposes that Congress shall undertake to permit the circulation of this publication through the mails, without any consideration of any kind. We are asked to send through the mails, free of postage, this publication, on the ground that it disseminates information. I would ask Senators whether, because you purchase Little & Brown's publication of the laws of Congress, you will on that ground send them through the mails free of postage, independently of the numbers which you purchase for distribution or for governmental purposes? I contend that we should not. On what principle can you refuse the same privilege to other papers, of a different character? This may be an important pub-

lication. So may thousands of others. You distribute agricultural books, published by authority of Congress, by franking them. But, suppose an individual chose to reprint your agricultural reports—for you foster certain works by purchasing a number of them—and should come here and ask you to send them through the mails free of postage; surely you would refuse to do it. I cannot conceive why you should give a gratuity to a private individual, without the remotest consideration. I shall therefore vote for the reconsideration.

The Senator from Maine [Mr. HAMLIN] tells you that you cannot incorporate advertisements with this work, and that no evil of that kind can grow out of its being sent free of postage. If this publication is periodical, that is, if it is first published in numbers, there is nothing in the resolution which will prevent the sending of advertisements in sheets, in the form of wrappers upon the papers themselves. Nothing in the resolution could prevent the sending of advertisements in that form; and though the publication might remain the same, the object of advertising might be accomplished, through it, and tend greatly to the profits and emoluments of the proprietor.

Again, we have been told by the Senator from Wisconsin [Mr. WALKER] that the postage on this newspaper is enormous, and that it cannot pass through the post office as a newspaper. My friend from Pennsylvania [Mr. BRODHEAD] gives an answer to that when he says that it may be sent as a newspaper, either in numbers, or bound, if you will, paying the same postage which newspapers pay. You can, therefore, put it on that footing, because I think it should pass as a newspaper if sent in numbers. I do not, however, see on what principle Congress can possibly grant a gratuity to the publishers of this newspaper, excellent though I admit it to be, which tends simply to have the effect of making a payment in advance by them. If you concede this privilege to this publication, you cannot refuse it to others in which the laws of Congress happen to be printed. Other publishers will ask the same privilege on the ground that they are disseminating information among the people; and I do not know but that the laws of Congress will be disseminated in a better form in that mode.

Mr. HAMLIN. I wish to say a word in reply to the remarks of the Senator from Pennsylvania. By the words of the resolution, it is provided that the laws of the United States, and the debates thereon, shall be transmitted through the mails free of postage. The resolution has no reference to what has been done heretofore. It refers exclusively to what is to be done, and under that provision the laws are to be connected and published with the debates to which their consideration gives rise.

Mr. BUTLER. Those gentlemen who have given attention to this subject, can, perhaps, state whether there is any limitation as to the quantity of these books to be transmitted through the mails. It is said this publication does not come within the class of newspapers or periodicals usually circulated as newspapers; and that therefore it ought not to be subject to the present postage laws. If that is so, it must be regarded as a law book, like any other law book; and what would prevent the publishers of this book from sending off large quantities to New York, or Philadelphia, or Charleston, and advertising them for sale as books are advertised in bookstores? While, then, we are disseminating, as we suppose, useful information to the people, I think it is an indirect mode of giving one set of booksellers an advantage over others. In other words, the resolution is a mode of giving this book a preference over all others. The only security that I know of to prevent the Treasury from being taxed for its dissemination is, that the people are not inclined to read newspapers containing these debates. If there is any one thing that I have learned with regard to the habits of the people in this respect, it is that they are very indifferent as to the proceedings of Congress, and, as I think, for a good reason—a reason which I have formerly stated.

Mr. BAYARD. I give to the joint resolution a different construction from that of the Senator from Maine. It provides for the free circulation of a specific publication of known character. It provides that "the Congressional *Globe* and Appendix, which contain the laws and the debates

thereon"—and everybody knows they contain them—"shall pass free through the mails, so long as the same shall be published by order of Congress." I say there is nothing whatever in this resolution preventing the attaching to each number of the Congressional Globe of one or two sheets of advertisements outside. That would not alter the character of the publication; nor would it be excluded under the terms of the resolution. But from the very proviso which excludes the Daily Globe, it would be implied that there was no other exclusion than that expressed in the resolution. I submit to the Senate, beyond all question, that under this resolution, there is nothing in regard to this publication to prevent what is done in England and this country universally as to all magazines. You will find in them some five, six, eight, or ten pages of advertisements attached to the cover of the book; but that does not alter its character, or render it liable to any other or different charge from what would otherwise be imposed upon it.

Mr. BRIGHT. I understand that the honorable Senator from Pennsylvania moved a reconsideration of the vote by which this joint resolution was passed, on the ground, among others, that the publisher of this paper may, at any time he sees proper, append advertisements to what is known as the Congressional Globe—that he may abuse the privilege that we confer upon him by adopting that mode. Now, I undertake to say that if he should adopt that course, Congress will have the power of refusing to publish its debates and proceedings in that paper; and would, as a matter of course, use that power.

We profess to have in view cheap information, and the dissemination of it among the people generally; and I ask how can it be done more effectually and more practically than by the general distribution of the Congressional Globe and Appendix? In no way, to my mind, in as cheap a form.

The Senator from Pennsylvania is mistaken when he says that the Congressional Globe does not contain the laws. It does contain the laws, and in their most interesting form. It contains them as early as they are introduced, with the amendments moved, and the comments of members and Senators upon them. It contains the laws, the debates, and the votes upon the laws, in a shape that enables people to understand them. And if we desire to give the people early information, and to give it to them in a shape in which it can be understood, we can do it in no other way, in my judgment, so readily as is proposed through the medium of this publication.

The postage charged upon this work is more than the price of the work itself, and that necessarily prevents hundreds and thousands of persons from subscribing to it.

Mr. BRODHEAD. At this point of the gentleman's remarks I would like to make an inquiry. I would like to know whether the proprietor of this paper cannot now send it through the mails in numbers to subscribers? Do not subscribers now receive it, paying no more than newspaper postage?

Mr. BRIGHT. I will reply to the gentleman's question by stating what is my understanding of the matter. I understand that the paper on which the work is printed is of a weight requiring the payment of a large amount of extra postage. While the paper costs three dollars a year, I understand that the extra postage is over four dollars a year; that is, the extra postage is greater than the amount charged by the proprietor for the paper. Besides, this is not a political paper. I ask the gentleman to turn to a number of it, containing an advertisement, a political allusion, or anything that is not germane to the proceedings of Congress. He cannot do it. It is a correct, succinct, straightforward statement of the proceedings of each House every day. I voted, on Friday last, to relieve it of this tax, believing that I was benefiting the mass of the people, and not the proprietor. For that reason I shall vote against the reconsideration.

Mr. BADGER. Mr. President, the Senator from Wisconsin [Mr. WALKER] has stated that he has called for the yeas and nays on the motion to reconsider, in order to make the vote on that question a test vote. So far as I am concerned, I shall not vote upon it as a test question. I am strongly inclined to the opinion that some measure of relief is proper with respect to the Congress-

sional Globe and Appendix. Indeed, I think that is very clear. But suggestions have been thrown out, which are entitled to very great weight and consideration, whether this joint resolution proposes the proper measure of relief; and even if the measure of relief is in itself proper, whether some safeguards are not necessary to be appended to the resolution to guard against any abuse. This is, therefore, I think, a very clear and proper case for a reconsideration, in order to bring the subject again within the power of the Senate. In voting for the reconsideration, I express no disposition to vote against some proper measure of relief for the Congressional Globe and Appendix.

The question being taken, by yeas and nays, on the motion to reconsider the vote by which the joint resolution was passed, resulted—yeas 18, nays 28, as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Brodhead, Butler, Chase, Clarke, Davis, Dodge of Iowa, Douglas, Hunter, King, Miller, Soule, Spruance, Toucey, and Underwood—18.

NAYS—Messrs. Borland, Bright, Brooke, Cass, Charlton, Clemons, Dawson, De Saussure, Dodge of Wisconsin, Felch, Foot, Gwin, Hamlin, Houston, Jones of Iowa, Mallory, Meriwether, Morton, Norris, Rusk, Sebastian, Seward, Shields, Sumner, Upham, Wade, Walker, and Welton—28.

#### ORDER OF BUSINESS—RIVER AND HARBOR BILL.

Mr. HUNTER. I move to postpone the prior orders, for the purpose of taking up the bill "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853." I understand that the House have agreed to our amendment to the resolution for adjournment, thus fixing the day for the 31st of this month. That being the case, I think we ought to go on with the appropriation bills.

Mr. HAMLIN. I hope the Senator will withdraw that motion until the river and harbor bill, which lies on the table, can be taken up, read a second time, and referred to the Committee on Commerce. It is a bill which will require some time for that committee to consider it, and I hope it will now be taken up and referred.

Mr. HUNTER. If it could be referred at once, I should make no objection; but I think it will give rise to debate.

Mr. DAVIS. I think there will be no debate now.

Mr. HAMLIN. I think there will be no debate on the simple question of reference.

The PRESIDENT. The question is on the motion of the Senator from Virginia to postpone the prior orders, for the purpose of taking up the Indian appropriation bill.

Mr. HAMLIN. I hope the Senator from Virginia will allow me to submit a motion to take up the river and harbor bill.

Mr. HUNTER. I must insist on the question being taken on my motion.

Mr. HAMLIN. Then I hope the Senate will vote down the motion, for the purpose of taking up the river and harbor bill.

The motion to take up the Indian appropriation bill was not agreed to, there being, on a division—aye 18, noes 20.

Mr. HAMLIN. I move now to postpone the prior orders, for the purpose of taking up the bill of the House of Representatives, "making appropriations for the improvement of certain harbors and rivers."

The motion was agreed to, and the bill was read a second time by its title.

Mr. HAMLIN. I move that it be referred to the Committee on Commerce.

Mr. DOUGLAS. I have an amendment, in the form of an additional section, which I propose to offer when the bill comes up. I ask leave now to lay it on the table informally, in order that it may be printed.

The PRESIDENT. If such is the pleasure of the Senate, it will be received informally, and ordered to be printed.

There was no objection. The motion to refer was agreed to.

#### TEXAN DEBT.

Mr. TOUCEY. I ask that the motion to reconsider the vote referring the memorial of James Hamilton, for himself and others, to a select committee, be now taken up.

The motion was agreed to, and the Senate proceeded to the consideration of the motion to reconsider the said vote.

Mr. TOUCEY. Mr. President, at the request of a Senator—a member of the Committee on Finance—I have submitted a motion for the reconsideration of the vote referring the memorial of James Hamilton to a select committee. I moved to refer the memorial to a select committee, on the ground that it was an isolated proposition. I was aware that there were petitions praying that Congress would assume the debts of Texas, and perhaps one or two of a different character, which have been referred to the Committee on Finance. But this proposition is merely that Congress shall modify the proviso in the boundary act, so that those creditors of the State of Texas who are willing to receive their debts and discharge them, may have an opportunity to do so without being dependent upon one other, or any number of other creditors who may be unwilling to do so. It struck me that this was a proposition by itself, which it was proper should be referred to a select committee. But, at the request of a Senator, I have submitted a motion to reconsider the vote referring it to a select committee.

Mr. BUTLER. Mr. President, I understand the distinct proposition now is to refer this memorial to a select committee. I shall vote for that reference; but it is proper that I should say here that I have learned from sources to be relied on, that the Committee on Finance, or some of the members of that committee, have supposed that General Hamilton, in making this application, either intended some disrespect to that committee as a committee, or violated what they regard as parliamentary decorum. I can assure every member of that committee that General Hamilton had not the most distant idea of violating parliamentary courtesy, or of showing any personal disrespect to the members of that committee.

General Hamilton represents constituents who claim about \$2,000,000; and I believe that, in the course he has taken, he has consulted entirely the dictates of duty. I believe it has been his object to reach, under the dictates of his duty, the justice of the case as far as his constituents are concerned.

Sir, I do not see why the Committee on Finance should claim, as a matter of right, jurisdiction over this subject. If General Hamilton supposed for a moment that they were to decide against him by a foregone conclusion, he would not consult his duty to his constituents if he were not to have his memorial referred to a committee that would give him a hearing. I do not know how that is; but I rose merely to assure the Committee on Finance that it was not his purpose in any way to violate any of the usages of this body, or to show any disrespect to that committee. But he was bound, under the highest obligations of duty, to place this matter in a situation where he could have justice done according to his views.

I am not going now to debate the question whether the creditors of Texas, who ask the favor of receiving their money and being dismissed, are to be controlled by those who say, "You shall not receive your money, and shall not be dismissed." Why, sir, if they are to be placed in that situation, it is high time that General Hamilton should seek another committee. He stands in that way before the community, endeavoring to have justice done to his constituents, according to the judgment of Texas, and their own views in accepting the money, which is provided for them, and which is in the Treasury.

I presume that a select committee would be quite as impartial as the Finance Committee. I have no imputations to make upon any committee; but the question which General Hamilton has raised is altogether a new question. The matters they have before the Committee on Finance, I believe, do not touch the specific question which he puts. All that he can say is in the spirit of that interrogatory—"Doth our law judge any man before it hear him, and know what he doeth?" He wishes to have a committee that will hear him. It seems to me that this is a modest request. I may have occasion to say something hereafter in regard to the matter, but I say now, in the utmost fairness to all concerned, that it is very desirable that this should be disposed of, not as a political question, not as a mere money question; but it

# THE CONGRESSIONAL GLOBE.

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32d CONGRESS, 1st Session.

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NEW SERIES...No. 128.

should be disposed of according to those rules which should regulate a court of justice.

Mr. President, as long as the grant of \$10,000,000 to Texas assumed a political aspect and complexion, you know what were my opinions upon it, and my relations to it. I do not hesitate now to say that I believe it was the fulcrum upon which the lever of the compromise rested. I do not hesitate to say that I opposed it because I believed it was a most efficient means of bringing about that compromise—a compromise that will be violated as soon as there is a temptation to the strong to do it. But that is out of the question now, and therefore it is that I look upon this matter with a view to right and justice as far as regards a distribution of the money which was appropriated for the benefit of the creditors. General Hamilton has asked this favor, and I think it reasonable. I may not understand what are the views of the Committee on Finance, and I ought not to anticipate them; but I wish to hear if any objection can be made to referring the matter to a select committee, or whether it can be asserted that the Finance Committee has any prior right to jurisdiction over the subject.

Mr. BRIGHT. Mr. President, I desire to correct the honorable Senator from South Carolina in one particular, and that is in reference to the question which, among others, has been submitted to the Committee on Finance. There are memorials before that committee directing their attention to the very question presented by the memorial of General Hamilton. Numerous memorials have been presented during the session in regard to this complicated subject, all of which have been referred to the Committee on Finance, one of the regular committees of this body. That committee have been engaged, during the last three or four months, every week, more or less, in examining those memorials. They have decided, by a regular vote, upon the very question presented by the memorial of General Hamilton, and that is as to the propriety of repealing the proviso of the boundary act, which retains \$5,000,000 of the debt of Texas in the Treasury. The committee were, four to one, of the opinion that the prayer ought not to be granted; and the honorable Senator from Maryland [Mr. PEARCE] was directed to prepare a report in accordance with this decision, and to report a bill declaring what the committee were in favor of.

Now, sir, I submit to the Senate whether it is right—whether it is proper to take the business from a regular standing committee of the body, after they have agreed upon a report, and before that report is submitted to the Senate, and refer it to a select committee? After the honorable Senator from Maryland shall have made a report, it would be proper for the Senate, if they disagree to the report, to vote it down and adopt the substitute proposed by the gentleman who petitions us here. But until that is done, I think it would be unparliamentary—it would be doing injustice to the committee who have the matter in charge, and have been months laboring upon it, to take it from them and refer it to a select committee. If it be in order, I move to refer the memorial to the Committee on Finance, where all the other papers relative to the subject now are.

The PRESIDENT. The Chair will state to the honorable Senator that the first question is on reconsidering the vote by which the memorial was referred to a select committee. If that vote should be reconsidered, it will then be in the power of the Senator to make any other motion with regard to it.

Mr. RUSK. I ask the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

Mr. BUTLER called for the reading of the memorial, and it was read.

Mr. RUSK. Mr. President, I know the difficulty under which I shall labor in being heard by the Senate. The impatience with which they listened to the reading of the memorial of General Hamilton admonishes me that, in the few remarks I desire to make, I shall, perhaps, meet with but

very little attention. I cannot blame the Senate, because we are now thrown into the last month of the session with most important business upon our hands.

I do not regard the presentation of the memorial of General Hamilton, and its reference to a special committee of this body as at all reflecting on the Committee on Finance. I think if the members of that committee will themselves review the matter, when all things are considered, they will not regard it as at all reflecting upon them; if I thought it did reflect upon them, as a matter of course I should be the last man in this body who would do anything which I regarded as offering any discourtesy to that committee, or any one of its members. But if I am correctly informed as to what that committee have agreed upon, I shall offer a strenuous opposition to the adoption of the report which I understand they are about to make. I shall be bound to do that; first, because I do not believe that the committee are correct; and in the next place, because, if what I have heard of the report be correct, it will reflect upon the State I represent, and greatly embarrass an already complicated question which I hope to see soon settled fairly.

Sir, that we are thrown into this discussion now is no fault of mine. Upwards of six months ago several memorials were presented upon the subject of the Texas debt, many of them reflecting upon that State; and they were then referred to the Committee on Finance. I knew it was a matter of feeling in the State of Texas; I knew it was a matter of feeling amongst the creditors of the State of Texas; I knew it was a matter very much attended to by the letter-writers; I knew that Texas was commented upon by the newspapers; and I got up here in my place then and begged the committee to furnish us with a report by which the whole question of this debt and this reservation would be brought before us, in order that, while we had time, the matter could be coolly and calmly discussed. We have no such time now. It is a long case, and a complicated one—one which requires a good deal of thinking in order to come to a right conclusion. In the first place, in the boundary act there was inserted a proviso that \$5,000,000 of the \$10,000,000 granted to the State of Texas for a large amount of domain should be reserved in the Treasury till the claimants filed their releases to the United States.

Mr. HUNTER. I rise to a point of order. This is a simple question of reference. Whenever the committee shall report, it will be in the power of the Senator to speak as to the merits of the case.

The PRESIDENT. The question is on the motion to reconsider.

Mr. RUSK. I am offering reasons why the vote should not be reconsidered.

Mr. HUNTER. The motion to reconsider the motion to refer cannot open a wider question of debate than the original motion to refer; and I imagine that this debate would not be in order under the original motion to refer. My object is to save time. We have appropriation bills before us upon which we ought to act. I should be very happy to hear the Senator when the committee reports.

Mr. RUSK. Will the honorable Senator, as a member of the Committee on Finance, tell me when they will report? I have understood that they have been ready to report for three weeks; and they have had the papers in the case for six months; that is long enough, in all conscience, for Texas to remain silent under the imputations cast upon her.

Mr. GWIN. I will make another suggestion to the Senator from Texas. The Committee on Finance have referred that subject to one of its members, and he is not now present. If there is any charge to be brought against the Committee on Finance, it must affect particularly that member. I hope the Senator, therefore will agree to let the subject go over till to-morrow, when that Senator will be in his seat.

Mr. RUSK. I have no objection to that.

Mr. BUTLER. I am perfectly willing to let it go over till to-morrow; but I give notice that when

it comes up, I shall not yield to any other considerations than a sense of justice, but shall discuss it as long as I please.

Mr. GWIN. I move to postpone the further consideration of the subject until to-morrow.

The motion was agreed to.

## PRIVATE LAND CLAIMS IN CALIFORNIA.

On motion by Mr. GWIN, the Senate proceeded, as in Committee of the Whole, to consider the bill supplementary to the act approved March 3, 1851, entitled "An act to ascertain and settle private land claims in California," which was reported from the Committee on Public Lands with a recommendation that it do not pass.

Mr. GWIN said: This bill, Mr. President, is one of a series of measures which I have proposed, to settle land claims in California, bring the agricultural lands in that State into cultivation, and to secure our citizens in the uninterrupted occupancy of the gold mines.

My policy may be classed under three heads:

The 1st contained in the act of the 3d of March, 1851, to examine and settle land claims in California, of which the measure now under consideration may be considered a part.

2d. To grant donations of the public lands to actual settlers and cultivators, with large grants for the use of schools; and

3d. Leave the gold mines undisturbed by Congressional legislation.

With the exception of this bill, my views have been sustained by the Senate with great unanimity. It is true, my donation measure was changed into a preemption bill, for reasons I stated at the time it was under consideration, with the distinct declaration that if the "homestead bill" did not pass, I should introduce a proposition changing the preemptions in California into donations. My object was to give the rights of property to the settlers in California with the least possible delay, and the preemption act which passed the Senate has done that in the most effectual manner.

The measure now under consideration is for the benefit of another class of settlers, and as it has not met with the sanction of the Land Committee of the Senate, and has been subjected to severe animadversion in California, I propose to review my course in this body, show its consistency, and establish its justice to every class of my constituents. The claimants under foreign land titles, the miners, and settlers on the public lands have been cared for, and the class to be protected by this bill, are the only citizens of California who are thus far left without the protecting shield of this Government. Their claims are founded on justice and equity, as I will show, and whether this bill passes or not, they will assert their rights under the preemption act which has passed this body, and will become a law, and their rights will be protected before the Supreme Court of the United States. They may be forced, by the rejection of this measure, into a fierce contest with the claimants under foreign titles, but their ultimate triumph is certain, or we must reverse the policy and action of this Government from its organization to the present time. The actual settler and cultivator of the soil has been the favorite in our legislation ever since the adoption of the Constitution. To them the nation has looked for its power and greatness, and it has not looked in vain. While the policy of Spain, France, and Great Britain permitted the building up great monopolies of the public domain, the policy of the United States is, and has been, to grant small tracts to actual settlers and cultivators, and hence the cause in part of the slow progress of colonization by these Governments as compared to our ours.

I will now proceed to the examination of the question before the Senate.

There is no subject, Mr. President, to which my attention has been directed with more concern since I became a member of the Senate of the United States than the condition of the land titles and claims in California. The necessity for their speedy adjustment upon fair and liberal principles was too obvious to require comment; and the



Senate will bear me witness that I spared no effort, from my entrance into this body, to secure the passage of a law, so general and comprehensive in its provisions that it would do justice to all classes of titles and claims in our State.

Had the United States by the treaty of Guadalupe Hidalgo succeeded a nation in sovereignty, in whose territory, and among whose people the machinery of political and social institutions were in such full operation that all the land titles derived from Spain or Mexico had been consummated, and were "perfect" before the Mexican Government had abdicated, no legislation of Congress would have been necessary to adjust and settle our land claims. No higher sanction or guarantee could be given to any title of that description than the TREATY itself, the supreme law of the land, and consequently no act of Congress nor any judicial affirmance could impart additional strength, vigor, or security to any perfect grant, which, as the highest evidence of title that could exist, would be sufficient to vindicate the owner's right of property in any controversy which might arise before the courts of the country. Had this been the condition of our landed interests when California became an integral part of the American Union, the interposition of Congress would have been as unnecessary as it was in respect to titles in the town of Boston after the Declaration of Independence, or subsequent to the definite treaty of peace in 1783. But how wholly different were the titles in California at the period of its acquisition by this Government! The cause of this is plainly seen in the fact of the distance and isolation of the territory from the seat of the viceroyalty of New Spain, the languid management of political affairs, the entire absence of commerce and revenue, and consequent tardy settlement of the country.

The revolution that terminated the authority of Old Spain, led to but little improvement in this respect. The intercourse between the Supreme Government at the capital of the Republic and its distant department was irregular and unfrequent. The authorities of Old Spain, as shown by the first instructions of the Viceroy Bucareli in 1773, respecting the distribution of lands, and the regulations sanctioned by a royal order in 1781, established a system, the object of which was to promote white settlements, and, through the instrumentality of religious missionaries, to domesticate and civilize the Indians. To accomplish this object, the power was delegated and exercised of granting small lots for cultivation and inhabitation, and this policy, with modifications, was continued and enlarged by the decrees of the Mexican Congress in 1824, and the regulations of 1828 for colonizing the territories of the Republic.

Yet the written histories of California show how slow was the progress of population and settlement, and how limited was the development by actual cultivation of the agricultural capacities of the country; for we find that in the year 1831 the white population of Upper California did not exceed 4,500,\* and that of the Indians in the twenty-one missions 19,000; and the whole grain productions of the country in that year was only 40,200 fanegas, or about 115,500 bushels. It appears, also, that there was no increase of population in 1835, and that in 1842 it had increased to 7,000; and in 1845 to 15,000, with 4,000 domesticated Indians; and that at the close of the year 1847, being about a year and a half after the American flag was hoisted at Monterey, the number of inhabitants, exclusive of the wandering tribes, was 16,000 whites and 4,000 domesticated Indians.

When we consider the sparseness of the population of the country at different periods under the Spanish and Mexican rule, and at the last change of Government, its meager quantity of grain productions in consequence of the very limited extent of actual cultivation, and that the exercise of the granting power for agricultural purposes was of course regulated and restricted to the wants and demands of the people, we may readily conclude

how inconsiderable must have been the area of lands held for cultivation in California under the laws of Spain and Mexico. This class of titles is beyond the reach of difficulty, because there is no interference with them, and their validity will never be disputed. But there is a class of large claims, honest in their inception, generally of more recent origin, which were conceded for pastoral purposes or cattle ranges, and still another class, wholly illegal, false and fraudulent in their inception.

We were admonished of this state of affairs just before and after the ratification of the treaty of Guadalupe Hidalgo, for we find in the testimony taken by the Military Committee of the Senate of the United States, in February, 1848, (Sen. Rep. Com., No. 75, 1st sess. 30th Cong.,) to which I have alluded on a previous occasion, it is stated from "credible report," that "the California authorities were granting and selling the missions and the public domains;" that "in some cases these lands were so conveyed simply as grants, 'in others as rewards for services rendered to the Government, and in others for amounts of money that had been advanced or were paid to the Government;" that "in this way nearly all the missions south of San Luis Obispo, the mission of San Raphael, in Sonoma, and some of the large islands on the coast were granted;" that "many of these were hastily made, without the usual legal forms, and wanted the usual legal formalities," and that these mission grants "ought not to be considered valid," and that there were "in the public archives deeds and titles of some of the lands which were so conveyed away by the government of the Territory." About nine months after the ratification of the treaty was exchanged, we find it stated in the official report, bearing date March 1, 1849, of the Secretary of State for the Territory, that "a large number of land titles in California are very indefinite with respect to boundaries, the grants being for so many 'sitios,' 'criaderos,' &c., lying between certain hills, streams, &c., as shown by rough sketches attached to petitions;" that "these sketches frequently contain double the amount of land included in the grants. And even now very few of these grants have been surveyed or their boundaries definitely fixed," that "some of the land titles given by the Californian government contain conditions respecting their sale, &c., which are not only onerous to the holders, but contrary to the spirit of our laws;" that these "onerous conditions should be removed by act of Congress;" that "a number of the grants of land made by the Governors of California have never been confirmed by the Territorial Legislature;" that "in some cases that body has positively refused its approbation"—in some cases it had "merely declined to act until furnished with certain information respecting the amount asked for, its boundaries, &c.; in others again, the petition, though before the Legislature, was not reached previous to its final adjournment in July, 1846; and it is probable that some of these titles through carelessness were never submitted to that body for approval," and it had "been alleged by very respectable authority, that certain titles to land were given by Governor Pico after the United States had taken possession of the country, and made to bear date prior to the 7th of July, 1846;" that "these grants have, of course, never been confirmed by the Territorial Legislature, for that body adjourned on the 8th of July, the day after our flag was raised at Monterey; nor have they been recorded in any book of records among the government archives, although, it is said, they purport to be so recorded;" that "in settling land titles in this country, a broad distinction should be made between titles of this kind, and those which were given in good faith by the California Governors, previous to our taking possession of this country, but which have failed to receive the requisite confirmation for want of action on the part of the Territorial Legislature," (Ex. Doc. No. 17, 1st sess. 31st Cong., p. 122;) and (page 129) "that the mission lands and other property which have not been sold in accordance with the provisions of law, are still the property of the Government, and may be disposed of accordingly;" that "such was the legal condition of the missions of California, when on the 7th of July, 1846, the American flag was raised in Monterey, and the country taken formal possession of in the name of the United States;" that "soon after General

"Kearny assumed the civil government in California, representations were made to him, from the most respectable sources, that the grants and sales of mission property by Governor Pico, just as he was leaving the country, were without the authority of law, and that, though evidently made after the 7th of July, 1846, they had been antedated in order to give them the semblance of legality;" that "these titles were not recorded in the usual books of records in the Government archives; but purported to be recorded in some other book, which as yet has never been found," and that "speculators had bought up these doubtful titles, and now demanded to be put in possession of their property."

Yet, the "confidential agent" of this Government, sent out by the Government in July, 1849, reported in the face of all these facts, and of the decisions of the Supreme Court of the United States, defining what a "perfect grant" is, that the land claims in California were "mostly perfect titles"—as perfect a piece of imposture and deception as was ever attempted to be practised at the expense of Government, upon an enlightened people, and designed, as subsequent events have shown, for ulterior and sinister purposes, resulting in the establishment of an extensive scheme of land monopoly, sustained by a vigorous and numerous class of speculating adventurers, with whom an issue is now to be made by the National Legislature for the protection of the dearest personal rights of the people of California, and the best interests of the Federal Government.

By the treaty of 1848 with Mexico, the absolute fee in the soil of California passed to the United States, excepting such tracts as had been carved out as private property by specific and well-defined boundaries, and rested upon consummated or perfect titles. In the case of Wiggins, at the January term in 1840 of the Supreme Court of the United States, it is declared, in regard to this class of titles, to be "the established doctrine of this court," that they "are intrinsically valid," and "need no sanction from the legislative or judicial departments of this country." But what is the doctrine of that court in respect to grants unaided by an actual survey to sever them from the public domain, and as to their standing in court in an action of ejectment?

In the case of the United States *vs.* King *et al.*, in 1845, the validity of an instrument of writing in the nature of a grant for certain land from the Spanish Governor-general of Louisiana, came under investigation, and its validity as against the title of this Government to the same land, under the treaty ceding Louisiana to the United States, was discussed and considered. The Supreme Court, referring to the grant from the Governor-general of the province, held that it had not the "aid of any authentic survey to ascertain and fix the limits of the land, and to determine its location;" that "the instruments themselves contain 'no lines or boundaries, whereby any definite and specific parcel of land was severed from the public domain,'" and declared that "it has been settled by repeated decisions in this court, and in cases, too, where the instruments contained clear words of grant, that if the description was vague and indefinite," as in that case, "and there was no official survey to give it a certain location, it could create no right of property in any particular parcel of land, which could be maintained in a court of justice." At the same time the court referred to several decisions in which this doctrine had been advanced, and stated that, "after such repeated decisions upon the subject, all affirming the same doctrine, the question cannot be considered an open one in this court;" that "the land claimed was not severed from the public domain by the Spanish authorities, and set apart as private property, and consequently it passed to the United States by the treaty which ceded to them all the public and unappropriated lands;" that "if these instruments were regarded as grants, and it" appeared that "the original claimant had originally selected this very district as the place where the grant was intended to be located; and emigrants introduced by him had been settled upon it in performance of the conditions of his contract; and if it had been held that he had thereby acquired an equitable right to have the quantity of land mentioned in the paper of 1797, laid off to him at this place, still it would be no defense against the United

\* Forbes's California, page 201.

Forbes's California, page 260.

Statistics in Bryant's California, page 445.

See report of 17th July, 1848, of Mr. Buchanan, Secretary of State, (Ex. Doc. No. 70, 1st sess. 30th Cong.,) in answer to a resolution of the House of Representatives, in which his report as to the population of the country in 1845 is based on the estimates of our late Consuls at Mazatlan and Monterey, and on a statement of Colonel Fremont, as to the population at the close of the year 1847.

"States." The court then referred to the cases of *Chouteau vs. Eckhart*, and *Hicky vs. Stewart*, in regard to imperfect titles, and stated that "these decisions stand upon the ground that such titles are not confirmed by the treaty itself, so as to bring them within judicial cognizance and authority;" that it "rests with the political department of the Government to determine how and by what tribunals justice should be done to persons claiming such rights;" that "if, therefore, this controversy was in a court of equity, and no suspicion of fraud rested upon the claim, yet it could not be supported against a grantee of the United States, because Congress has not confirmed nor authorized any other tribunal to determine upon its validity;" but that the case then under consideration was "in a court of law, the petitory action brought by the United States," being "in the nature of an action of ejectment, in which the decision must depend on the legal title, and that title under the treaty of cession being in the United States, an equitable title, if the defendant in error could show one, would be no defense."

This, and other decisions bearing with equal force upon the same point, establish the doctrine beyond controversy, that in no case in which a claimant has not a complete legal title from the former Government, can he sustain a claim in a court of law to a specific parcel of land against the United States, or against any settler who may hold a title from this Government. What control then does Congress have over the subject, and what, in the opinion of the court, are its obligations and duties?

In the case of *Chouteau vs. Eckhart*, the court held in regard to incomplete titles derived from the Spanish authorities to land in Upper Louisiana, that Congress "acted as the successor of the general intendency, and had the same discretion to confirm, and the sovereign power to perfect the incipient right, or to reject it, that the Intendent General had; each exercising sovereign power in regard to the claim, with full authority to award, or to refuse a perfect title,"—sanctioning and adopting at the same time the doctrine of the Missouri courts, which maintained that such inchoate claims "were not changed in their character by the treaty by which Louisiana was acquired; that the treaty imposed on this Government only a political obligation to perfect them, that this obligation, sacred as it may be, in any instance cannot be enforced by any action of the judicial tribunals, and that the legislation of Congress from 1804 to the present time has proceeded upon this construction of the treaty, as is manifested by the modes adopted to investigate the claims through boards of commissioners, and then acting on them by legislation."

In the case of *Les Bois vs. Bramell*, it is maintained that "the granting power was in a great degree political, and altogether the exercise of royal authority, and of course subject to no supervision but of the same high authority itself," that "by the treaty the United States assumed the same exclusive right to deal with the title in their political and sovereign capacity, nor could the courts of justice be permitted to interfere,"—that, "if they could, and by their decrees complete the title, all power over the subject might have been defeated, not by the courts of the Union only, but by the State courts also,"—and, that "therefore the contemporary construction, and practical understanding of the treaty for forty years has been, that claims like the plaintiff's had no standing in a court of justice until confirmed by Congress or its authority."

But, in coming down to the recent decisions of that high tribunal, where enlightened reason has so clearly and conclusively expounded our obligations and duties respecting foreign and incomplete titles, we find that in the case of *Menard's heirs vs. Massey*, January term, 1850, the court treats of a state of things analogous, and almost identical with that now under consideration. It is assumed by the court, and truly, "that by the third article of the treaty by which Louisiana was acquired," (the same in terms with the ninth article of the treaty of Guadalupe Hidalgo,) "and by the laws of nations, the inhabitants of the ceded territory were entitled to be maintained and protected in the free enjoyment of their property. But in what property? To such an interest in it, if land, as they had when the coun-

try changed owners; and that interest being of a character requiring royal sanction before the Spanish Government would recognize it as divesting the public title, our Government, as the successor of Spain to the public lands, gave the same construction and effect to concessions and orders of survey, holding that the title of the King's domain passed by treaty to the United States, notwithstanding the existence of such concessions. Yet, to the full extent of any equity in the claimants, the Government adopted means to satisfy the claims; and as the sovereign power could not be sued as legal owner, boards of commissioners were created, with liberal powers, to investigate every description of claims, and report on them to Congress, for the sanction of sovereign authority; and by this means many claims were confirmed, the legal title added, and incipient concessions completed into perfect and conclusive titles against the Government. Then, again, Congress provided that special courts should be organized, in which the Government might be sued, in a prescribed form, and decrees be made for or against claimants; but no suit could be maintained in an ordinary action of ejectment, or for title of any kind, on a concession and an order of survey, for want of legal title to sustain it." That "such claimants were not regarded as owners of land until the real title was delivered completed"—in the language of the Spanish regulation No. 18. Had the courts of justice been allowed to hold otherwise, and to interfere in the matter, and to decree titles to claimants in equity, or to enforce their claims at law, and oust the United States indirectly by suing persons found on the land, little or no occasion would have existed for boards or special courts, to adjudge respecting the validity of claims; as the ordinary tribunals could have settled all controversies under State laws, declaring such claims cognizable in the State courts. It was therefore manifest that claims resting on the incipient steps must depend for their sanction and completion upon the sovereign power; and to this course claimants had no just cause to object, as their condition was the same under the Spanish Government." That "no standing, therefore, in an ordinary judicial tribunal has ever been allowed to these claims until Congress has confirmed them and vested the legal title in the claimant. Such, undoubtedly, is the doctrine assumed by our legislation. To go no further, the act of May 26, 1824, allowing claimants a right to present their claims in a court of justice, pronounces on their true character."

Then, in the case of the *United States vs. Reynas*, January term, 1850, we have a clear exposition as to the class of titles which Congress authorized the courts to adjudicate under the acts of 26th May, 1824, and 17th June, 1844, conferring power on the courts in several States of the Union to examine and confirm titles derived from the Governments that preceded the United States in sovereignty. In that case, it was insisted that the petitioner, holding the evidences of a perfect title from the Spanish authorities, was permitted to show that he fell within the class of persons whose rights are protected both by the treaty of 1800, at St. Ildefonso, ceding the province to France, and by the treaty of 1803, ceding it to the United States; and who are specially referred to in the act of 26th May, 1824, delegating power to the judicial tribunals to confirm claims.

To this the Supreme Court responds, that "In answer to this pretension of right under the act of 1824, it might perhaps be sufficient to observe, that if this right be asserted in virtue of a perfect Spanish title, it would seem to be comprised neither within the mischief nor the remedy contemplated by the statute. The mischief intended to be provided for by the act of 1824, was the inchoate or incomplete condition of titles having a fair, just, and legal inception under either the French or Spanish governments of Louisiana; but which, by reason of the abdication or superseding of those governments, and by that cause only, had not been completed. The remedy was the permission to bring such titles before the courts of the United States, and thereto render them complete, and to establish them by proof of the legality and justice of their origin and character. Such, then, being the mischief declared, and such the remedy provided by the statute, it is difficult to perceive the reason or authority for bringing before the courts, merely for supervision, titles alleged to be

'already perfected under the unquestionable and competent authority of either Spain or France. With regard to titles so derived and so consummated, there is no provision made by the statute. None could be requisite; and there could, with reference to such titles, be nothing for the courts to act upon—nothing which it was competent for them to consider." And in the case of the *United States vs. Power's heirs*, (11th Howard's Reports, page 580, December term, 1850,) it is held by the Supreme Court, in reference to the claim to *SUR ISLAND*, that if it "had found this to be a legal and perfect title, then the rule laid down in the case of *Reynas*, at the last term, would apply, and compel it to dismiss the petition for want of jurisdiction, because the act of 1824 did not confer power on the district courts to decide on perfect grants."

We have here a full judicial exposition of the scope and intent of the act of Congress of the 26th of May, 1824, for the adjustment by the courts of claims to lands founded on foreign titles in *Missouri and Arkansas*, as extended to *Florida* by the act of May 23, 1828, having been revived for *Missouri and Arkansas* by the act of June 17, 1844, and extended to embrace similar titles in the States of *Louisiana, Mississippi, and Alabama*. These and other decisions of the same tribunal establish the fact beyond controversy that the laws of Congress for the investigation and confirmation of titles from France, Spain, and Great Britain do not confer jurisdiction on the courts to take cognizance of, or act upon, any "perfect title," because such titles are already adjusted, being perfectly protected by the treaty itself—that their jurisdiction is only extended to inchoate titles or incomplete concessions, and that the Congress of the United States, as the successor of the authorities of the former Governments, have a right to act with these titles as they deem just and proper, either by confirming them in whole or in part, according to the extent of their equity; and carrying that equity into a complete legal title, or where they are destitute of merit rejecting them altogether, and disposing of the land covered by them as portions of the public domain.

These are the principles which have been laid down, recognized, and promulgated by the highest judicial tribunal known to our Constitution and laws, and were before Congress, and the people of California, and the whole American Union, before and at the passage of the act of March 3, 1851, to "ascertain and settle the private land claims in California." That is one of a series of measures which I advocated with whatever zeal and ability I could command, with the great object in view of ascertaining and separating by survey every honest Spanish or Mexican claim in California from the public domain; so that we might deal with the former according to the principles of equity and good conscience; and with the latter by granting donations to meet the wants of our people. Now, what are the rules prescribed by that act for the guidance of the commissioners and the courts in their decisions? It orders them by its 11th section to be governed by the "treaty of Guadalupe Hidalgo; by the law of nations—the laws, usages, and customs of the Government from which the claim is derived; the principles of equity, and the decisions of the Supreme Court of the United States, so far as they are applicable." Let us inquire what the operations under this law must necessarily be upon all and "any town-lot, farm-lot, or pasture-lot, held under a grant from any corporation or town to which lands may have been granted for the establishment of a town by the Spanish or Mexican Government, or the lawful authorities thereof," or "to any city, or town, or village-lot, which city, town, or village existed on the 7th day of July, 1846." We find by the fourteenth section it shields every title of this class, and provides for its confirmation in the simplest and easiest manner possible, by ordering that the mere fact of the existence of said town or village on the 7th July, 1846, "being duly proved, shall be *prima facie* evidence of a grant to such corporation, or to the individual under whom the said lot-holders claim." The production of proof, then, on the single point mentioned, will operate to produce an absolute confirmation of every "town-lot, farm-lot, or pasture-lot" of that class in California; and the decisions of the Land Board in that case, under any right or just administration of the law, will

be treated as *final* by the proper law authorities of our Government, who will have no reason or motive for prosecuting an appeal from them before the courts. This provision of the law will, it is believed, cover and confirm all titles to *solaras* or building-lots, and the *suertes* or agricultural lots, held under the Spanish regulations of 1773, 1781, and 1791. The other provisions of that act will extend equal security to every settled four hundred vara lot, being of about twenty-seven and three quarter acres; and those of less extent, held under the regulations of Governor Figueroa, in 1834, for secularizing the missions, the fifth article of which allowed "to every individual head of a family, and all those above twenty-one years, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hundred varas square," nor less than one hundred out of the common lands of the missions. All equitable claims of greater or less extent, that may have had their origin under the decrees of the Mexican Congress, in 1824, and the regulations of 1828, for colonizing the territories of the Republic, or which may have otherwise lawfully originated under the authority of Spain or Mexico, where the boundaries of the same have been fixed and established, and where they have been reduced into full possession according to those boundaries, and that possession kept up by the claimant, or those lawfully holding under him, will be fully protected and secured under this law in every acre of his claim.

By a right administration, then, of the act of 3d March, 1851, every title or claim of the classes mentioned will be confirmed, surveyed, forever separated from the public lands, and included in a patent, carrying a full legal title from the Government of the United States to whom the fee had passed in virtue of the treaty of cession. Should there be a failure of the board, or of the courts, to recognize or confirm any meritorious or equitable claim, because of the failure of the owners to give reasonable attention, or from causes not controllable, I shall feel bound, so long as I hold a place in the public councils, to seek the interposition of Congress to give efficacy to any such claim by special legislative enactment.

From the report already referred to, dated March 1st, 1849, of the Secretary of State of California, it is shown, from the documents and laws to which he had referred, (Ex. Doc. 17, 1st sess. 31st Cong., House of Reps., page 128,) "that the lands granted to Indians were merely for the use of themselves and their descendants; that they could in no way dispose of them, but, when abandoned, they reverted to Government."

I will again call the attention of the Senate to the fact, which I have already mentioned, that the white population of Upper California, in the year 1831, including the inhabitants in the free towns of Los Angeles, San José, and Branciforte, and in the several missions under the Presidios of San Francisco, Monterey, Santa Barbara, and San Diego, did not exceed 4,500\* white persons, (and it was the same in 1835,) and that the aggregate grain produced for the same year was about 115,500 bushels; and it will appear that, if the Governors of Spain and Mexico, instead of giving only the heads of families an agricultural lot, or a *suerte*, had given to every white inhabitant—man, woman, and child—a lot 400 varas square, or about 27½ acres, the quantity of land thus distributed for agricultural purposes would not exceed 135,000 acres.

Taking the population of 1842 at 7,000† whites, and supposing a like grant to each, the whole area would be less than 200,000 acres; and if we take, exclusive of Indians, the whole population of California at the end of the year 1847, to wit: 12,000 native, white, and mixed bloods, and 4,000 Americans, English, and French, and give each one a lot of that extent, the whole quantity of land conceded would have been about 444,000 acres.

As I have already shown the equitable title to every town-lot, farm-lot, or pasture-lot, every four hundred vara lot, and all other tracts of greater or less area which are fixed in boundaries and held in full possession, and which have originated under the laws, decrees, or regulations of Spain or Mexico, will be fully protected and secured by the act of 3d March, 1851.

But there is another class of titles wholly different from these, being Mexican grants or concessions for tracts of as high as eleven leagues, or 48,708 acres each, and others of less extent. These "*sitios de ganado mayor*," which literally means "a place for large cattle," are used also for designating a square league; and this class of claims I will now consider. They are the same I have already alluded to as being particularly treated of in the official report, dated 1st of March, 1849, of the Secretary of State of California, (Ex. Doc. No. 17, House of Representatives, 1st sess. 31st Congress, page 128,) as "a large number of land titles in California," which "are very indefinite with respect to boundaries, the grants being for so many "*sitios*," "*criaderos*," (place for breeding cattle,) &c., "lying between certain hills, streams, &c., as shown by rough sketches attached to the petitions," these "sketches frequently" containing "double the amount of land included in the grants," of which grants "even now" very few have been surveyed, or their boundaries definitively fixed. These are the tracts ranging in size from 2,200 to upwards of 48,700 acres, even if confined to the precise quantities of land specified in the grants; but where doubled in quantity in the rough sketches, as stated in the official report alluded to, would give the largest of this class something less than 100,000 acres each.

There are one hundred and sixty odd claims of this class, out of a little over two hundred, that have been brought before the Board of Land Commissioners, which, in the aggregate, call for more than three millions of acres, and if the estimate of the law agent be correct, that there are from fifteen hundred to two thousand claims, and the residue should bear anything like the same ratio, we shall have from twenty-five to thirty-five millions of acres of our most valuable agricultural lands covered by these cattle-range concessions, and that too for a white population, at the charge of Government, of sixteen thousand souls, including about four thousand American, English, and French, who came there about the period of the revolutionary movement. So here we have an actual native white population in California at the change of Government of about twelve thousand persons, equal to—say two thousand heads of families—whom we are called upon to regard as the grantees from Mexico of millions upon millions of acres of land, the choicest, finest, richest in the world, both agricultural and mineral—and with the official statements I have read to the Senate impeaching these claims, we are required to regard them as "*perfect*," and exclude from settlement on the lands thus claimed the half million of hardy enterprising settlers, the most energetic, brave, and enterprising people in the world, who have shaken off the political and social lethargy of ages from this land, and are now busily engaged by their industry to make its deserts blossom as the rose, and laying broad and deep the foundations of republican institutions on the shores of the Pacific.

Is there any man now prepared to face the Senate of the United States, and to stand up before the enlightened people of California, and with the record before him of the colonizing policy of both Spain and Mexico, and their practice of limiting the settlement tracts to small quantities—showing the terms and conditions of their pastoral concessions—and maintain that these incomplete cattle-range concessions should be held in absolute right of property, and that a population of but little over a fifth of the inhabitants of the present city of San Francisco, should be the lords in absolute fee of the greater portion of the richest soil in California, capable of maintaining millions of people. Is there any one with the facts spread out before him so blinded by gambling, reckless, dishonest speculation, who is willing to dare public intelligence, confess either his idiocy or corruption and depravity, by maintaining that there is anything in the colonizing policy of the Government that have passed away which would justify such assumptions, or sanction such a state of things as this?

The voice of the country, through its councils, will respond that American valor contended, and American blood was shed for no such bootless prize as this, but for a princely national domain, destined as the future home of millions of our countrymen. The policy of Congress is now fixed and established by general and special legis-

lation, and the duties and obligations of our Government, under treaties by which we acquired the former provinces of Louisiana and Florida, are written out too distinctly upon the statute-books to be mistaken; and those duties, as shown in the enactments of Congress, have been sanctioned, expounded, and enforced by the courts of the Union as the lawful ordinances of the political power. And what do they command our Government to do, as the successor of Spain and Mexico, in relation to claims of this class? They command that such incomplete concessions for immense bodies of land, shall be examined, and that they shall be confirmed if found meritorious, and where the tribunals shall be satisfied that they would have been completed by the Governments that preceded us, but not to the prejudice of the rights of others, for that is the condition and the great principle which pervaded the policy of Spain since the foundation of the Spanish land system in the Americas, and which was continued by Mexico—that is the principle of reason and justice, and has been deliberately recognized in the general acts of Congress, already enumerated, of the 26th May, 1824, (11th section,) for the adjudication of claims by the courts; as extended by the act of 23d May, 1828, and 17th June, 1844, in the second section of the act of 4th July, 1836, the last acting directly upon the reports of commissioners, and confirming claims subject to sales by this Government, and certain locations within their limits. This is the principle recognized in other special legislative acts, and finally in the fifteenth section of the act of 3d March, 1851, for the adjustment of land claims in California, which provides that the decrees, &c., under it "shall not affect the interests of third persons."

Now, what are the "interests of third persons," existing when this law passed, which this Government is bound to protect? Among others, they are those interests which have grown up by reason of the actual settlements of hardy, industrious emigrants, who occupied small lots of land for which the legal title has passed to the United States by virtue of the treaty, but which are now claimed by incomplete concessions for immense quantities of land, with loose and indefinite limits—concessions which Spain or Mexico could have rejected at any time; and which this Government, as their successor, could reject, but which, to the fullest extent of their equity, should be confirmed, yet subject to the superior equity of the settler, whose labor and industry has given a thousand-fold additional value to the unoccupied and uncultivated agricultural lands in California, the most of which is covered by these concessions.

The bill I have already presented, and which is now before the Senate, as a supplement to the act of 3d March, 1851, for the adjustment of California titles, is designed for the protection of the actual settlers in the little spot of earth they have made the home of themselves and families, made valuable by the labor of their hands, and upon which they have earned a subsistence by the sweat of their brow. Yet, desiring to deal with the owners, original or present, of these grants in a spirit of justice and liberality, I propose that provision be made for an equivalent in public land elsewhere in cases where their equities justify a confirmation.

The equivalent which this bill provides is in accordance with the general precedents of legislation, by requiring it to be taken on lands subject to entry at private sale so as to avoid interference or conflict with settlers who may be preëmptors or with selections under laws of Congress in satisfaction of grants for the benefit of the whole State. The large sums that have and will be appropriated for surveys in California will bring immense amounts of land into market, out of which those selections can be made.

Let this measure be adopted, and under an energetic administration of the act of 3d March, 1851, and of the proposed supplement, our land claims will be speedily settled and quieted, and the whole energies of our people will have full play when released from the incubus which now hangs over our titles. The settler will get his home in virtue of a confirmation from the Board, and patent from the Government, instead of being pillaged and driven from it by the remorseless speculator. The land claimant himself will find that this measure will remove difficulties otherwise insuperable to him, because, by dealing in tenderness and justice

\* Forbes's California, pp. 201, 202, 259, 260, and Bryant's California, pp. 445 and 446.

† Bryant's California, page 445.



to the rights of the settler, the latter, instead of resistance and controversy in battling for his homestead, will have no reason to interfere, but will leave the claimant to the liberality of a Government disposed to pursue a generous policy in the recognition and confirmation of foreign titles where the rights of private individuals are not prejudiced. But let the injustice and cupidity of the monopolist speculator, under pretext of law and of right, but in violation of both, attempt to seize upon the fruit of the honest labor of others and appropriate it to himself, let him seek to expel and drive off the settler from his cabin and take away his home, and then he will find the giant awakened in his strength—the giant of enlightened public opinion—which will deal with him according to his deserts. Then he will encounter the resistance, in every form, of those men who, smarting under a sense of the injuries they have sustained, will demand of the tribunals a rigid discharge of duty in the investigation of such titles when in prejudice of their rights, and it will take no prophet to predict their doom in the fate of the enormous grants of Bastrop and others, which, having been suspended over the country for half a century, retarding and repelling settlement, at last have fallen under the decrees of justice, as rightfully administered by the Supreme Court of the United States, and by recent acts of Congress, the lands covered by them in Louisiana and other States are at last laid open to sale and settlement.

One of the resolutions adopted by acclamation by the late Whig Convention in California, denounced this bill as an attempt to rob the citizens of California of their property. The author of that resolution is the nominee of the Whig party for Congress; and thus by adopting the resolution and nominating its author, the party are responsible for his opinions. This cry of "robbery" is raised against an effort on my part to prevent speculators from laying hold, under fraudulent or imperfect titles, with ill-defined, vagrant, or floating limits, of the land made valuable by the industry of the unwary and industrious settlers, to drive them from their homes and despoil them of their property. The "robbery" consists in the recognition of the rights of honest settlers to the small spot of ground inhabited and cultivated by them, and to protect them from mercenary and unscrupulous speculators who are seeking to swell their ill-gotten and bloated fortunes by the sacrifice of honest industry. Such denunciations, like a spent ball, fall harmless at my feet. The authors and instigators of these attacks are known to, and will be appreciated by my constituents. Of them, personally, I have nothing to say. Of their acts and opinions, I speak boldly and fearlessly, and shall not fail, on all proper occasions, to expose their efforts to rob the settlers and extort from them the rewards of their labor. Their personal attacks will not deter me from holding them up to the detestation of the people of California and of this Union, that they may be pointed at with the finger of scorn, and that the public reproach may follow them for their nefarious plots against the rights of the settlers in my State. But I do not hold the great mass of the Whig party responsible for this act of the convention, but fully acquit them of any participation in the denunciation of a measure to protect interests common to and inseparable from the great body of our people. Let us test the doctrine of this Whig candidate for Congress, as to the rights of property of the claimants under incomplete Mexican titles, (and my bill interferes with no other class,) and see its bearing on the future prosperity of the State. Let it be tested by a single example. There is a spot in California known as the Suisun valley, than which nothing in the wide domain of nature is more beautiful. It possesses a climate unsurpassed in salubrity, as genial as any on the shores of the Mediterranean, and almost rivaling the spot in the land of flowers which the ancient cavaliers sought as a region of perpetual youth. Its soil is of boundless fertility, and its scenery as magnificent as the Alps. It is no fancy sketch to say, that its spring and summer succeed each other to the exclusion of the rigors of winter, and that nature here holds out everything in exuberant abundance that can contribute to the comforts of man. In this valley, I learn by late advices from home, that near ten thousand acres are in cultivation, and will likely yield more than half a million of bushels of grain, fourfold the quantity of the annual grain product,

as I have before shown, of the whole of Upper California under the Mexican Government. This is the result of the labor of some three hundred emigrant settlers who traveled there, thousands of miles through forests, over plains, mountains, precipices, and rivers, and here they have settled and located and built cabins, and spread around them the comforts of home and of civilization.

And how is this scene of happiness to be dissolved? The title of this Government to this soil, and theirs under it, is denied, and the power of the United States which they uphold and strengthen on the distant shores of the Pacific, is invoked to crush and destroy them. And this is the doctrine which the Whig candidate for Congress sanctions and sustains. If the title under the Mexican grant to Suisun valley is complete, my bill does not and cannot interfere with it. According to the decisions of the Supreme Court I have just read, it cannot be examined before the board of commissioners which was established to complete titles, not to waste time in perfecting what was already perfect. If the title is perfect, it is fortunate for these industrious settlers that the owner of this claim is a gentleman of liberal views and generous impulses, one able and willing to make them recompense for the value their labor has given to his land.

It is against the doctrine, that incomplete claims convey a perfect title to property, that I contend, and ever will contend. And with such an example before him, who is so lost to every sense of justice as to defend such a policy? Who is there with mercenary rancor enough to pursue such settlers, and denounce and stigmatize them in opprobrium as "squatters?"—a class of men whose triumphs are everywhere written upon the face of this continent—the men, bold and adventurous, who fled from the tyranny of the Old World, and at Jamestown, Virginia, the Plymouth rock of Massachusetts, and St. Mary's, in Maryland, laid the foundations of the settlements which have spread over the broad bosom of this mighty Republic from the Atlantic to the Pacific, from the icy regions of the north to the tropics, before whom forests have disappeared, under whose hands cities have arisen, with whom the arts and sciences are in their highest development, by whom tyranny in every form, political, social, and religious, has been overthrown, the dignity, glory, and independence of man has been asserted and maintained, and the American Republic advanced to the front rank of the nations of the earth! This is the class of men whose interest I am proud to advocate; to whose cause every faculty I possess shall be devoted, and for the protection of a small portion of whom I invoke the sanction of the Senate to the measure I have presented.

MR. WELLER. As my colleague [Mr. GWIN] has given notice that he does not intend to press the consideration of this bill to-day, I will content myself on this occasion by saying that I regret very much that I am not able to bring my mind to the conclusion that this bill is calculated to advance the real interests of the people of California. I cannot get rid of the opinion that the first section of the bill conflicts with the treaty of Guadalupe Hidalgo. I cannot divest my mind, I say, of that impression, because, if these claims which may be presented before the land commissioners are valid, they should be confirmed. In the decision of that question—the question of the validity of the claims—the board must be governed by the rules laid down by the act of Congress passed on the 3d March, 1851. This requires that the board shall be governed by the treaty of Guadalupe Hidalgo, by the law of nations, together with the usages and customs formerly existing under the Spanish and Mexican Governments, and by the principles of justice and equity. I can readily imagine that a claim may be presented to the board of commissioners, which is incomplete, in which the grantee may not have performed all the requirements of the Spanish and Mexican laws; but that person may have a just and equitable title through the occupation, improvement, and enjoyment of that which is covered by the original grant. I believe that after a grant has been made to any person—no matter what may be the extent of that grant—if he has taken possession in good faith, and enjoyed, improved, and occupied it, thus substantially complying with the terms of the grant, he is entitled to have it confirmed. The Govern-

ment of the United States should do what justice and honesty would have required from the Mexican Government. If that Government, under the usages and customs which prevailed, would have been required to secure the land to the grantees, then our Government is bound to respect it. The extent of the grant cannot affect the question.

I need not say that I believe it would be manifestly unwise for the Government of the United States to make large grants of the public domain to individuals. I am entirely opposed to that policy, and the records of the past will show, so far as I have been connected with public affairs, that no one has been more favorable to those measures which would tend to the benefit of the actual settler than I have. My opinions were fully expressed more than eleven years ago, on that subject, in the House of Representatives, of which I was then a member.

The following is an extract from a speech made by me in the House of Representatives, February 3, 1841, (Congressional Appendix, vol. 9, page 145:)

"There is another subject introduced by the gentleman from Tennessee, [Mr. BELT], to which I beg leave to refer. I allude to the 'prospective preemption law,' which I rejoice to learn was passed by the Democratic party in the Senate on yesterday, and is now in this House for its action. It has been denounced here as a 'humbug, designed to catch votes,' and gentlemen have volunteered the assertion that we did not desire its passage. Now, sir, what is this bill? It is simply a proposition to give the settler upon the public lands the right of preemption, and differs only from the law heretofore passed in the fact that it is prospective in its operation. It does not propose to give the public domain to the settler, but to allow him to take that portion on which he has settled and built a log-cabin at the Government price, within a limited period. It is a measure for the benefit of the poor man—for the humble tenants of the log cabins; for those who may be driven by poverty from the older States, and who may go with no bank-bills perhaps in their pockets, but with strong arms and honest hearts to hunt for themselves and their families a home in the far West. Sir, if this was a measure for the advancement of the pecuniary interest of speculators or bankers, it would not meet with the opposition it does from Whig gentlemen. Although loud in their professions of attachment to the poor man when office is to be obtained, in their legislation little regard is paid to their interests. Gentlemen have denounced these settlers as 'lawless squatters,' and 'land pirates,' and told us that the United States marshal ought to be sent with a military force to dispossess them. Sir, if a banker (as is the case every day) swindles the community out of millions, the act goes unwhipped of justice; but if a poor man settles down upon the public land, and endeavors by his industry and frugality to procure a livelihood for his children, you would raise a military force to turn him off and deprive him of the little improvement he had made. This may be Whig policy, and Whig justice; but I venture the assertion, the American people are not prepared for such doctrine. In the estimation of these Whig orators, to cut down a few trees in a dense and almost unbroken forest belonging to the Government, for the purpose of cultivating a few acres of corn, is a most heinous offense; whilst they suffer the bankers to violate the laws, make sport of their legislation, acquire wealth by their violations, and ride in proud triumph over the ruin and desolation of the laboring man. Sir, there is a point beyond which forbearance ceases to be a virtue; and the time will come when this great money power, which is eating out the substance of the people, must be checked by legislation, or the land will be deluged in blood. The day of retribution is at hand, and we be to that legislator who seeks to aggrandize the few by the oppression of the many."

"The preemption bill is a favorite measure with me, and entails all the sympathies of my nature. It affords me the most sincere pleasure to do all in my power to advance the interests of the hardy and enterprising emigrant, who, abandoning the home of his fathers, the worn-out, worm-eaten land of his nativity, has taken up his abode in the rich valleys of the far West. Sir, I would rather be recognized as the champion of such men than hold the highest office within the gift of my country. Let these men have the encouragement of the Government—the promise that within a limited period they shall be permitted, at the present price, to purchase the land on which they reside; and with industry and enterprise, the rude cabin will soon give way to the comfortable dwelling, and the wilderness be made to bloom and blossom as the rose. By the passage of this act, many in the old States of this Union, who now feel from day to day the cutting lash of penury and want, and who have families growing up around them without the ability to supply them with even the necessities of life, would emigrate to the West, settle down on your lands, and soon surround themselves with all the comforts of life. In this way you would not only contribute to their happiness, but in making them the owners of the soil, increase and strengthen their attachment to the Union, and thus lay the foundation for the permanent prosperity of the country broad and deep in the affections of the people. I would much rather, for my own part, make a gift of the public domain to actual bona fide settlers who would improve the country, than to see it falling at the Government price into the hands of speculators."

But that policy which would be unwise and impolitic in the present condition of the affairs of this Government might have been both wise and politic in California when under the dominion of Spain. It was a very difficult thing to settle that

country at that time, as well as when under the Government of Mexico; and it might be necessary to the cultivation of these lands that large grants should be made, for they were almost worthless, and used chiefly for pastoral or grazing purposes. Such a policy, however necessary or proper then, would, beyond all question, be unwise and impolitic now. The wants and necessities of our people demand an entirely different policy, as we are desirous to have as many landholders as possible.

By the terms of the treaty of peace, we agreed to see that the people were protected in the enjoyment of all their just rights. We have undertaken, by the terms of the treaty of Guadalupe Hidalgo, to say that the people in California shall be protected in the free enjoyment of their legal and equitable rights; that the title of their property shall not be disturbed; in other words, that property which they fairly and justly held under Mexico, should be respected by us.

The first provision of the bill which my colleague has submitted, is, that although the title may be confirmed, if there be a defect or any informality in that title, although the board of commissioners may have decided in favor of it, upon the principles of equity, yet if the settler has occupied and improved eighty acres, he shall hold it; and the grantee shall have a floating title given him to eighty acres elsewhere. I think this would violate the spirit, if not the letter of that treaty which we made with Mexico. Now, I think if these grants are confirmed, the grantee is entitled to the possession of the particular land which is covered by that title. There may be reasons why the original grant would be desired; for we all know that we attach oftentimes a fictitious value to property because of its location, its natural position, or simply because it suits us. If these grants have been made in good faith by the proper authority, and have been occupied and enjoyed by the proprietor, although he may not have complied with all the technical provisions of the law, I hold that it is the duty of the Government to protect him in his right to the particular land which is covered by his title.

There is the point in regard to which my colleague and myself differ. There may be, and probably there are, fraudulent grants in that country. There are many grants, I know, in California, the boundaries of which are indefinite, undefined, and uncertain; and wherever a discretion is left to be exercised in adjusting the boundaries, I would have that discretion so exercised as to bring down the grants to the very smallest portion, acting upon the principle that it is against the public policy that land should be held in large tracts.

But if the title be a good one, you are under the highest of all obligations of a political character, the plighted faith of the Government, to confirm it. If it be fraudulent, or tainted with fraud, unjust, or of a doubtful character, it should be rejected. A Government, no more than an individual, can maintain its character for integrity by taking advantage of a mere technical defect in a title.

There are titles which will be found incomplete in some particulars. If there are substantial defects the title must be rejected. In regard to the grant made in the Suisun valley, to which my colleague has referred, I have only a remark to make. There are between two and three hundred settlers there, and I believe the grant contains some twenty-four thousand acres, a considerable portion of which has been settled upon, and they have had the undisturbed enjoyment of all the fruits of that rich and valuable land for two years. But I will not discuss the title to this grant, for the reason that I am in the position of counsel myself for the settlers, and must, as such, resist in the courts the confirmation of it. It is not becoming in me, therefore, to express any opinion as to the legality or validity of that title. But if it be a good title, made by competent authority, and the grantee took possession and improved in good faith, and has complied with all the substantial requisitions of the law, that board must confirm it. But what will be his position under this bill if his title should be confirmed? He will find all the land susceptible of cultivation in the occupancy of other persons, and he must take his certificate for twenty-four thousand acres, (if that be the amount of the grant,) and locate it upon the public domain. Could he find land as rich and

valuable unoccupied elsewhere in that State? I am confident he could not. Would this be a substantial compliance with the terms of the treaty, "to maintain and protect him in the free enjoyment of his property?" I think not. To compel him to locate lands elsewhere than the place covered by his grant would, in my judgment, be a violation of our treaty obligations. It would be a breach of plighted faith.

This is the first time I have been compelled, from a sense of duty, to differ with my colleague, whose time and energies have been devoted to our State. There is much, very much, in the argument of my colleague which receives my cordial assent. I know the difficulties under which we labor in that country, and it is natural that we should sometimes be unable to see alike in respect to the best method of meeting those difficulties. But I do not wish to discuss this subject unless it should be pressed upon the Senate. For the present I only desire to put myself right before our common constituency.

Mr. GWIN. I wish to say a word in reply to my colleague. I do not mean to go into the legal argument of this question again, but I undertake to say, that whenever the time arrives when he gives us his views at length, I shall be able to demonstrate the truth of what I have asserted to-day, that the board of commissioners created by the law of the 3d March, 1851, according to the decisions of the Supreme Court of the United States, have no power to act on a perfect claim under the treaty of Guadalupe Hidalgo. If these are perfect claims, the treaty confirms them. I shall, if I have not, establish beyond controversy, that by the decision of the Supreme Court, such claims as my colleague has referred to never have been adjudicated by a board of commissioners, and never can be. If the commissioners in California decide claims on the principle that they have jurisdiction of perfect titles, their action will be reversed by the Supreme Court. The claims they are to adjudicate are equities, and being so, come within the political power of this Government. This cannot be denied; and in that view I contend that you should regard the equities of those who, by their manual labor, have made the land valuable, as well as the equities of large land claimants. There are equities on both sides; and while I am willing to extend equities to the few large owners of land, I wish also to provide for the hundred thousand citizens who have no lands at all. I have stated here and elsewhere that every perfect claim is confirmed independently of the board of commissioners by the treaty, which is the supreme law of the land; but where there are imperfect claims, I say that Government has the power of controlling these equities so as to see that no injustice is done to the equities of the actual settler and cultivator of the soil.

As to the hardships that will follow the passage of this law, that is an old story. We have heard the same time and again from a distinguished member of this body, now no longer here, [Mr. Benton.] He represented that the act of the 3d of March, 1851, which contains the same principle contended for in this bill, would despoil the people of California of their property and drive them out of the country in hopeless despair. But in answer, I then said, and now repeat, the Mexican inhabitants, with all these conflicts with their land claims, are worth millions more than they were before the country was annexed to the United States; and if they have perfect titles they will retain their lands; if they have incomplete titles, they must rely on the equity in their favor and not oppose similar equities to those who have made the lands valuable by occupation and cultivation.

My colleague says that many of these claims are covered with settlers—that the claimants have no land left. I know of but one such—that in Suisun valley—and I believe it is the only one. But suppose there are such cases; if the title is incomplete, why should not the claimant go elsewhere and get unappropriated agricultural land, more than equal in value to those he claimed before they were made valuable by the labor of American citizens? What did Suisun valley produce until these settlers commenced cultivating it? And what injury has the Mexican claimant sustained if his claim is perfect? He will go to the courts and get his rights. But if he relies on the equity of an inchoate claim, he must respect the

equities of those who have added tenfold to the value of the land by settling on and cultivating it.

I now renew the motion to lay the subject upon the table.

The motion was agreed to.

#### INDIAN APPROPRIATION BILL.

Mr. HUNTER. I move that the prior orders be postponed, for the purpose of taking up the bill "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853."

The motion was agreed to, and the Senate resumed the consideration of the bill as in Committee of the Whole, the pending question being on the amendment of the committee to strike out the following:

"For the payment to the Shawnees of moneys due them under and by virtue of the treaties of the 7th of November, 1825, and 8th of August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury for the sale of their lands in Ohio, \$66,245 93: *Provided, however*, That said tribe of Indians shall first express their assent, that the payment of the above sum shall be made equally to the whole tribe, rather than to either division thereof."

Mr. HUNTER. This claim of the Shawnees is based on the following statement of facts: The Missouri Shawnees, as they were called, who were located at Cape Girardeau, held some sort of a grant from the Spanish Government, covering a territory of twenty-five miles square. In 1825, they desired themselves to remove on account of having troublesome neighbors, and the Government was also in favor of their doing so. At the time there was another band of Shawnees living in Ohio, on reservations which belonged to them. It was stipulated by the treaty of 1825, that a tract of land, fifty miles square, should be set aside for the Shawnees—should be set aside west of the State of Missouri. This tract was dedicated by the treaty of 1825 to the Missouri Shawnees and the Ohio Shawnees together. The Cape Girardeau Shawnees moved to, and occupied, a tract of fifty miles square on the Kansas river; and in 1831, a treaty was made with the Ohio Shawnees, by which it was stipulated that the Government should reserve seventy cents per acre from the sales of their lands, and give them the residue, amounting to something like \$30,000, in which these Ohio Shawnees alone were interested. It was also stipulated that the Government would patent to them one hundred thousand acres of land, which they were to hold as long as they continued to be a tribe, and resided on the reservation formerly given to the Missouri Shawnees. It is to be observed, that by the treaty of 1825, this territory was given, not only to the Missouri, but also to the Ohio Shawnees. The Ohio Shawnees moved to it in 1832, and lived there in common with the Missouri Shawnees, from that time till 1844. It was then that they, for the first time, made a claim for a separate tract of land. Before that time, the agent, Mr. McCoy, had written to the Department that it was more suitable to their tastes and their wishes that they should all live in common than that a separate tract should be designated for the Ohio Shawnees; in other words, that it would be better that they should receive the common benefit of the one million six hundred thousand acres, than to have one hundred thousand acres set apart for them, and thus lose all title to the residue. In pursuance of this advice, in 1844—although I do not discover that we were bound to do so by any treaty—the whole one million six hundred thousand acres were patented to the Shawnees, with this reservation: The reservation in the patent, is this:

"Subject to the right secured to the Ohio band of the Shawnees by the second article of the agreement and convention made and concluded at Wapahkonetta, in the county of Allen, in the State of Ohio, on the 8th day of August, in the year of our Lord 1831."

So that the treaty of 1825 reserved to the United States the right to locate these Ohio Shawnees within the fifty miles square, and when the patent was made in 1844 to the Missouri Shawnees, the same right was reserved in the patent; from which it appears that if it was desirable, the United States has the right, according to the treaty of 1831, to patent this one hundred thousand acres to the Ohio Shawnees. But according to the information given by Mr. McCoy, they preferred—and probably the same thing would be true now, if the alternative

were given them—to hold the whole of the 1,600,000 acres in common, rather than take the 100,000 acres in a separate tract. At any rate, it is in the power of the United States to give this separate tract of 100,000 acres, and it is very probable that the other Shawnees would agree to it, because the Missouri Shawnees would be better off if they held the 1,000,000 acres in their own right than if they held the whole in common with the Ohio Shawnees. But whether that be so or not, it seems to be in our power to patent the 100,000 acres to the Ohio Shawnees. This claim came up for the first time in 1844, under Commissioner Crawford, and he decided against them. He decided that the Ohio Shawnees had no claim to other land than that which had been given them. An attempt was made again, when Mr. Lowrie was the Commissioner, and he refused to grant it, on the ground that it was settled already; and when Mr. Mix was Commissioner, he also refused to grant it. It has now been opened, for what reason I know not, and it has been estimated for and now appears before us.

The only ground on which this claim has been put with any show of right, was that which seems to be taken by the Commissioner, to wit: that the United States had incapacitated itself from fulfilling its treaty stipulations with the Ohio Shawnees, by giving this patent of 100,000 acres. It has not done so. On the contrary, the right was reserved in the treaty of 1825, and in the patent itself.

If any one had a right it would be the Missouri Shawnees, but I believe that in point of fact neither of them is entitled to it. It was a reservation of land made by the United States, for the benefit of the Shawnees. It is to be presumed it was for the benefit of the Missouri Shawnees, for why should they undertake to provide a home for the Ohio Shawnees? A reservation, therefore, must have been made on the part of the United States, as is shown by the consideration of the amount over and above seventy cents per acre retained by the United States when the treaty was made. To show that there is a claim of that sort, there is a petition filed by the Missouri Shawnees—a petition under which they claim that if any compensation is made it should be made to them. It is true, that the petition never was presented to the House, but it was sent to the chairman of the Committee on Indian Affairs, [Mr. JOHNSON, of Arkansas,] by a very responsible man—Colonel Mitchell, of Missouri.

In that it appears that this is the claim which the Shawnees make, probably being induced to do so, by the consideration that the Ohio Shawnees had set them to work on the ground that if this compensation belonged to either it belonged to them; and in point of fact, if it belongs to either, I believe it does belong to them. But it does not belong to either. The patent given to the Missouri Shawnees, gave them four times as much land as they ceded; to wit, a tract fifty miles square, and then there was a reservation that the United States may provide a home for the Ohio Shawnees when they choose to remove.

Not only did the United States do that, but they went further than they were bound to go. They gave them not only the treaty, but the patent also, so that these Indians hold by a higher title than any other Indians.

Under these circumstances, it seemed to us that neither portion of the Shawnees could raise a legitimate claim to this amount, and that if anything was due, it was not proper to pay them now, until it was ascertained to which band of Shawnees it was due. My own opinion is, that neither should be paid.

Mr. ATCHISON. This question is involved in doubt and uncertainty, in my opinion. If it was a question to be settled by the bare face of the treaty, I am rather of the opinion that this claim on the part of the Shawnees of Ohio, for \$66,000, is a good claim. The Senator from Virginia [Mr. HUNTER] has stated substantially the contents of the treaty between the United States and the Missouri Shawnees in 1825, and between the United States and the Ohio Shawnees in 1831. It is true those Shawnees in the State of Missouri held what they called and understood to be a grant from the Governor General of Louisiana, the Baron De Carondelet. But I examined this claim the other day. I do not read French very readily; but, from what I made out, it was the mere right

to occupy a certain territory within the limits of what now composes the States of Missouri and Arkansas. Subsequently the grant was made to one Larimie, for himself, the Shawnees, and Delawares. Subsequently they laid off or located a portion of the territory in the neighborhood of Cape Girardeau, now in Cape Girardeau county, in the State of Missouri, of about twenty-five miles square, and upon that their village was built and improvements made. And I think it was afterwards confirmed to them by a person in command at Cape Girardeau.

But the grant, in the first place, was only a grant to roam over a territory between the Missouri and the Kansas rivers, together with the right to hunt over the plain country, and the right to occupy as long as they remained; when they removed those rights ceased.

I will now state the grounds on which, as I understand, the Ohio Shawnees claim these \$66,000. In 1825, General Clark made a treaty with the so-called Missouri Shawnees. By that treaty they relinquished and ceded to the United States all their claims to the twenty-five miles square of territory then occupied by them; and in part consideration thereof, the United States granted to the Shawnees fifty miles square, to commence five miles north of the southern boundary of the State of Missouri, running with that line due west twenty-five miles; thence due west one hundred miles; thence due south twenty-five miles; thence to the place of beginning on the east; which would make fifty miles square. In one article of the treaty it was provided that if the Shawnees, on an examination of the territory, were not satisfied with it, they might take a quantity of land on the Kansas river; and that was done. They were not satisfied with the land laid out by metes and bounds for them on the Neosho river, and which formed part of a recent purchase from the Osage Indians by the United States, and therefore they chose a locality on the Kansas river. I have a map here which shows the exact position; it is on the southern side of the Kansas river.

The Senator from Virginia [Mr. HUNTER] has stated that it was provided by the treaty of 1825 that this tract of fifty miles square should not be laid out and designated for the occupation of the Missouri Shawnees only, but for the Missouri Shawnees and the Ohio Shawnees in common. Perhaps I shall make the subject more clearly understood by referring to the treaty itself. The first article is nothing more than a cession of all the Indian rights to the lands which the Shawnees occupied in the neighborhood of Cape Girardeau. The second article defines the consideration to be given to the Indians for the twenty-five miles square which they surrendered, and reads thus:

"ART. 2. It is further agreed by the contracting parties, that, in consideration of the cession aforesaid, the United States do hereby agree to give to the Shawnee tribe of Indians within the State of Missouri, for themselves and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi, a tract of land equal to fifty (50) miles square, situated west of the State of Missouri, and within the purchase lately made from the Osages, by treaty bearing date the 2d day of June, 1825, and within the following boundaries: commencing at a point two (2) miles northwest of the southwest corner of the State of Missouri; from thence north twenty-five (25) miles; thence west one hundred (100) miles; thence south twenty-five (25) miles; thence east one hundred (100) miles to the place of beginning. But whereas the said Shawnee tribe had valuable and lasting improvements," &c.

The remainder of the article defines the money consideration to be given by the United States to the Shawnees for the losses and inconveniences occasioned by removal.

There is a third article, which reads as follows:

"ART. 3. It is further stipulated, that a deputation of the said parties of the second part may be sent to explore the lands assigned to them in the preceding article; and if the same be not acceptable to them, upon an examination of the same, which shall be had, and made known to the Superintendent of Indian Affairs at St. Louis on or before April next, who shall, in lieu thereof, assign to them an equal quantity of land, to be selected on the Kansas river, and laid off either south or north of that river, and west of the boundary of Missouri, not reserved or ceded to any other tribe."

Well, sir, the fact was, that a portion of territory equal to fifty miles square was laid off south of the Kansas river, upon which they were to reside. Then the consideration for this fifty miles was met. It was the twenty-five miles within the State of Missouri. Thus the Shawnees argued, and so it appears on the face of the treaty. Well, sir, whose property was that? It was the prop-

erty of these Indians under this Spanish grant. Then the treaty was made in 1831 with the Shawnees of Ohio, under which they claim this \$66,000.

By the first article of the treaty they ceded to the United States certain lands in the State of Ohio. The second article of the treaty sets forth the consideration for the purchase of their land in the State of Ohio. I will ask the Secretary to read this second section.

The section was read, as follows:

"ART. 2. In consideration of the cession stipulated in the foregoing article, the United States agree to cause the said tribe or band of Shawnees, consisting of about four hundred souls, to be removed in a convenient and suitable manner to the western side of the Mississippi river, and will grant by patent in fee-simple to them and their heirs forever, as long as they shall exist as a nation and remain upon the same, under the direction of the President of the United States, within the tract of land equal to fifty miles square, which was granted to the Shawnee Indians of the State of Missouri by the second article of a treaty made at the city of St. Louis, in said State, with the said Shawnees of Missouri, by William Clark, Superintendent of Indian Affairs, on the 7th day of November, in the year 1825; and in which it is provided that the grant aforesaid shall be for the Shawnee tribe of Indians within the State of Missouri, 'and for those of the same nation now residing in Ohio who may hereafter emigrate to the west of the Mississippi;' but if there should not be a sufficiency of good land unoccupied by the Shawnee Indians who have already settled on the tract granted as aforesaid by the said treaty of St. Louis, then the tract of 100,000 acres heretofore granted to the said Shawnees of Ohio, parties to this compact, shall be located under the direction of the President of the United States on lands contiguous to the said Shawnees of Missouri, or on any other unappropriated lands within the districts of country designed for the emigrating Indians of the United States."

Mr. ATCHISON. The claim of the Shawnees of Ohio, under the second article of the treaty of 1831, amounts to this, that in addition to certain sums of money specified in another article of the treaty, to be paid by the United States, the United States, in consideration of the lands ceded by the first article, will agree to lay off for these Shawnees one hundred thousand acres, within the limits of the territory ceded by the treaty of 1825, to the Missouri Shawnees.

The Shawnees, with whom the treaty was made in 1831, removed from Ohio and settled in 1832 with the Missouri Shawnees, upon that land, holding it in common with them. But the Government of the United States did not then, nor have they since assigned to the Shawnees of Ohio, under the treaty of 1831, this hundred thousand acres of land, by metes and bounds, nor have they patented it to them in fee simple; therefore they contend that the United States has not complied with their bargain, that by locating them upon the fifty miles square, they were locating them upon land which did not belong to the United States, but upon land belonging to the Shawnees of Missouri, and that if anybody provided a home for them, it was the Missouri Shawnees. They therefore contend that they must have the value of this hundred thousand acres of land, which is now in the Treasury of the United States, amounting to \$66,246 23, as appropriated in this bill. In other words, they say they have received no consideration for the hundred thousand acres; that the mere right to settle in that territory in common with the Shawnees of Missouri, they acquired not from the United States, but from the Missouri Shawnees. They say the United States has not complied with the contract, that the United States has not set apart the hundred thousand acres within the fifty miles square, even if they had the fee simple. It is true the fee simple is somewhat qualified. It is to be made to them and their heirs as long as they resided on the land.

Mr. UNDERWOOD. Will the gentleman tell what title the Shawnees had to the fifty miles square?

Mr. ATCHISON. I will state it again briefly. They held twenty-five miles square near Cape Girardeau, in the State of Missouri, under a grant from the Spanish Government. When Missouri became a Territory of the United States, and began to be settled, population began to crowd upon them, and it became necessary then to extinguish their claim. The Government of the United States authorized General Clark to make a treaty with them in 1825, which was done at St. Louis; and in consideration, or in part consideration, of these twenty-five miles square at Cape Girardeau, the Government of the United States ceded fifty miles square upon the Kansas. That is the point, stated briefly. They say that this land upon the Kansas was the property of the Missouri Shawnees,



and that the Government of the United States had no right, without making an arrangement with those Shawnees, to take 100,000 acres of their land. This is their argument. The treaty of 1825 mentioned, and it is recited in the treaty of 1831, that this purchase was made of the Shawnees of Missouri, and for the Shawnees of Ohio.

But, Mr. President, the Secretary of the Interior, I think, has misled, for a time at least, the Senator from Virginia. The Secretary, in his communication to the committee of the House of Representatives upon this subject, says that the Shawnees of Missouri have a patent to this land. So they have; but upon what was that patent based? Upon what authority was it issued? There was no authority for it. There is nothing in the treaty of 1825 with the Missouri Shawnees that authorized the Government of the United States to issue a patent for this land; but, sir, here is the mistake: I do not think the Secretary examined this matter even with ordinary care. I do not think, from examining his report, that his opinion is worth a straw.

Mr. BELL. You do not mean that?

Mr. ATCHISON. In relation to this matter I do most certainly say, that his opinion is worth nothing. In the treaty of 1831, there is a provision authorizing, or at least agreeing, that the Shawnee Indians shall have a patent for the one hundred thousand acres of land. I suppose it is from that clause in that treaty, that a patent was made to the Shawnees of Missouri for the whole fifty miles square; including the one hundred thousand acres to which the Shawnees of Ohio were entitled. A patent has been issued to the Shawnees of Missouri, subject to the rights of the Shawnees of Ohio. This is what they call a patent. Sir, a patent must have a law, or a treaty, or something upon which it is based, or it is not worth the paper upon which it is written. The Shawnees of Ohio never have received a patent; they were entitled to one according to the terms of this treaty, for one hundred thousand acres, and therefore they say the United States are bound to pay them \$66,000, as a consideration for the one hundred thousand acres.

Another thing that strengthens, or at least makes plausible their claim, is a clause in this same second article of the treaty, that if one hundred thousand acres of land cannot be found within this fifty miles square, of "good land"—these are the terms used—unoccupied by the Shawnees of Missouri, then the United States agreed to lay off one hundred thousand acres of land adjoining the fifty miles square, for their use, to satisfy the demands of the Shawnees for their land in the State of Ohio.

Now, if I am at all understood, I have presented to the Senate the claim made by the Shawnees. It is somewhat complicated, and perhaps I may not be understood; and therefore I will take the liberty of recapitulating and stating in narrative form what I understand to be their claim.

By the treaty of 1825, it was agreed to give to the Shawnees of Missouri these fifty miles square, say on the Kansas, for themselves and for the Shawnees of Ohio. Who made this stipulation? Who required this stipulation to be put into the treaty? My opinion is, and the fair inference is, that the Shawnees of Missouri required that the Government of the United States should not interpose any difficulty in the way of their brethren in Ohio settling among them, if the Shawnees of Missouri thought proper to permit them. But, it will be contended by the Senator from Virginia, that it was the United States who made this stipulation, and reserved to themselves the right to locate the Ohio Shawnees within these limits. I admit that such an inference is a plausible one, and there lies the difficulty. I regret that I cannot find any instructions to the commissioner who negotiated the treaty of 1825, or the commissioner who negotiated that of 1831, or any report from either of those commissioners upon either treaty, that throws any light upon this subject. I have examined all the documents upon which I could lay my hands, and I can find no light except the petition mentioned by the Senator from Virginia; and if that be the act of the Shawnees of Missouri, then I say there is no foundation for their claim, and I have no reason to say that it is not their act.

But to go on with the treaty of 1831. They sold their lands—about 117,000 acres is an estimate of

their amount—in the State of Ohio, which, I am told, are now and were then very valuable lands; and, in consideration thereof, the United States agreed to give them a patent for 100,000 acres of land lying within this fifty miles square. They say the United States have not done this; that the United States have not complied with their bargain; that they are now living in common with the Shawnees of Missouri under an arrangement between themselves. They say that as the United States have not given them a patent, nor provided them with 100,000 acres of land for themselves, they are certainly entitled to the consideration they paid for it. That is their case; and if that be the ground upon which they base it, and there be nothing to controvert it, then no man can hesitate for a moment about making the appropriation of \$66,000, for they certainly must be entitled to it.

But here lies the difficulty, in my mind. This amendment, it is true, proposes to pay \$66,000 to the Shawnees of Missouri, and the Ohio Shawnees, to whom it shall be disbursed in common. Now, what would be the effect of that? The Missouri Shawnees, by their petition here, claim the \$66,000, and claim it for what? Because they have received their brethren from the State of Ohio, who are now living among them, and upon their lands. They say they are entitled to it. The Ohio Shawnees say they are entitled to it because their land in Ohio was given in payment for the one hundred thousand acres promised to them by the United States. Who is entitled to it, the Missouri Shawnees or the Shawnees of Ohio?—or are either of them entitled to it? That is the question. If the view taken by the Senator from Virginia be correct, neither of them is entitled to it.

There must be documents on file in the Indian Department to throw some light upon the subject. The instructions given to the commissioner must be there. I have seen an extract copied from the report of Colonel Gardiner, who made the treaty, in 1831; but it explains nothing, and throws no light upon the subject. I have been unable to find the instructions given to General Clark, or a report from General Clark, or one from Colonel Gardiner. But these things must be upon the files of that Department; and, when they are discovered and brought to light, they certainly will explain this matter. Now, my opinion is, that the way to arrange this matter, if the Shawnees are right—and they believe, religiously, that they are right, and nothing under the sun will put it out of their heads, until the appropriation is made, that they are cheated by the Government—is by a treaty. If, upon a full investigation, it is ascertained that the Shawnees are entitled to the \$66,000, then let a Government agent make an arrangement between the two bands of Shawnee Indians, who are now united, as I am told. Let the Government of the United States, through its agent, make an arrangement with them, similar, if you please, to the provisions made in this bill—that this money shall be disbursed both to the Missouri and Ohio Shawnees. And they may go further: as they are amalgamated and live together, they may consolidate all their annuities, and all their Government obligations in the same treaty, so as to simplify our transactions with them.

The subject of our Indian affairs is a most complicated one. We can scarcely ever close up any business we have with the tribes, great or small; for how easy a matter it is to go back—perhaps fifty treaties have been made with these very Shawnees since the formation of the Government—and examine the treaties and trump up claims, just or unjust, against the Government of the United States. It is so with almost every Indian tribe on this Continent. I am very reluctant to act even when I come to the conclusion that a tribe has a just claim, because it is so difficult a matter to close it up. It will not do to say that the agents do it—that it is the work of white men; for, if the Indians be justly entitled to these claims, it is an act of charity, as well perhaps as of profit—and more of profit than of charity—to the agents to rake up the claims and bring them before Congress, or before the proper Department. I do not blame them for it. The Indians are not capable of examining their own treaties or understanding their own business. But there is a Shawnee chief here now, within the limits of this city, who happens to be a man of intelligence, who was present when the treaty of 1831 was made, and

he tells me—and I believe him to be a man of truth, for he is so esteemed both by white men and red men at home—I mean Parks, one of the principal chiefs of the Shawnees—that he was at the making of that treaty, and tells me what took place there; and that the construction the Shawnees now give to it was the construction then given, and which has ever since been given by them. But I shall be answered by the Senator from Virginia that the first time the Shawnees preferred their claim, or any difficulty arose about it, was in 1844. Well, sir, suppose it was. That was only twelve years after they had removed to their lands on the Kansas river—not a very long time in the life of a nation. Perhaps Parks is now the only man of any intelligence, or who can speak the English language, who was present at the signing of that treaty.

I do not wish to be understood as condemning this claim, or as fully approving of it, for I do consider that it should remain an open question until it can be further investigated; and if, after full investigation be had, there should remain a solitary doubt as to its justice, that doubt should be given in favor of the Shawnee Indians. Parks tells me that the most of the Shawnees now living have always been friendly to the United States—that they have rendered service to the United States. He himself took one hundred and twenty Shawnee and Delaware Indians to the Florida war. He says that whilst the Shawnees were at war with the United States, they fought them like men—that they disputed every inch of ground until they were completely overwhelmed by the United States; but from the hour that they made peace with the United States they have maintained their friendly relations. They have warred not against but for the United States; and he thinks that they are entitled to this allowance. Other chiefs who are with him are of the same opinion, and he says the whole nation are of the opinion that they are entitled to this amount of money, and that they will remain of this opinion, whether they get the money or not.

Under these circumstances, I would suggest to the Senator from Virginia to make a provision of this sort: Make no appropriation of money, but provide, by an amendment, for the full investigation of the claim. I would not leave it with the Department of the Interior, that Department having expressed an opinion upon it, and a very loose one, as I consider it—one that cannot be maintained. I would appoint commissioners to investigate the matter, or a commissioner—some respectable gentleman—who need not go beyond the Indian Department to examine its records, and to construe this treaty and report at the next session of Congress, what ought to be done by Congress. That is the course I would recommend, and which I think should be pursued. I think there is plausibility in the claim, but I do not think it now stands in such an attitude that it would be expedient for Congress to allow it.

Mr. SEBASTIAN. Mr. President, I wish at a proper time, to submit my views upon this claim. I have, perhaps, opinions more decided in regard to it, than those of the chairman of the Committee on Indian Affairs, [Mr. ATCHISON.] In our earnest attempts to come to a proper understanding about this claim, the Committee on Indian Affairs have not met with such success as they desire, and it is possible that all the members of that committee will desire to present their views singly and separately to the Senate. I rise, however, not for that purpose, but merely to say that it is within my knowledge that the Senator from Michigan, [Mr. CASS,] not now in his seat, wishes to address the Senate on this subject, and as there are but a few minutes intervening between the present time and the time the Senate ordinarily adjourns, and as it will be impossible for us to dispose of the subject to-day, I move to postpone the further consideration of the bill until to-morrow.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was delivered by Mr. HAYES, its Chief Clerk, announcing that it had passed the following bills from the Senate:

An act to amend an act entitled "An act to incorporate the Washington Gaslight Company," approved July 8, 1848; and

An act to erect three additional land districts in the State of Iowa.

#### ADJOURNMENT OF CONGRESS.

A message was also received announcing that the House of Representatives agrees to the amendment of the Senate to the resolution of the House, fixing a time for the adjournment of the present session of Congress, viz: Tuesday the 31st instant.

#### CENTRAL RAILROAD.

A message was also received, announcing that the House of Representatives agrees to the amendment of the Senate to the bill to protect actual settlers upon the land on the line of the Central Railroad and branches, by granting preemption rights thereto.

#### THE PUBLIC PRINTING.

A message was also received, announcing that the House of Representatives has passed a bill to provide for executing the public printing and establishing the prices thereof, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Printing.

#### CORNELIUS COVERT.

The bill from the House of Representatives for the relief of Cornelius Covert, of Michigan, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

An act for the relief of the legal representatives of Joshua Kennedy, deceased; and

An act for the relief of Joseph H. D. Bowmar.

#### WHALING GROUNDS AND ROUTES OF COMMERCE ON THE PACIFIC.

Mr. GWIN. I move to take up the bill "authorizing an exploration and reconnoissance of the courses of navigation used by whaling vessels in the regions of Behring's Straits; and also of such parts of the China Sea, Straits of Gaspar, and Java Sea, as lie directly in the route of vessels proceeding to and from China." The Senator from Virginia [Mr. HUNTER] has prepared a substitute for the whole bill, which I think will pass without any objection.

The motion was agreed to, and the Senate resumed the consideration of the bill as in Committee of the Whole. The question pending was upon the amendment of Mr. SEWARD, to strike out all after the enacting clause, and insert:

That the President of the United States be, and he is hereby, authorized, to cause an exploration and reconnoissance to be made, under the direction of the Secretary of the Navy, of the track of navigation pursued by whaling vessels in the region of Behring's Straits, and also of such parts of the China sea, the Straits of Gaspar, and Java sea, as lie directly in the route of vessels proceeding from Atlantic or Pacific American ports to China and Japan; and that for this purpose the President is authorized and requested to provide one or more suitable vessels, or assign them from vessels now in the Navy, and such officers of the Navy and Army of the United States as shall be necessary; and the sum of \$125,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of carrying this act into execution.

Sec. 2. And he is further enacted, That this act shall continue in force two years.

Mr. BUTLER. I regard this as a question of some importance. Though I have great confidence in my friend from Virginia, I would prefer to have more time to consider the matter. I therefore move that the Senate do now adjourn.

The motion was not agreed to.

Mr. HUNTER. I move to amend the amendment of the Senator from New York, by striking out all after the word "that," and inserting—

The President of the United States be, and he is hereby, authorized and requested to cause an exploration and reconnoissance to be made, under the direction of the Secretary of the Navy, of the seas in the vicinity of Behring's Straits that are frequented by the whaling vessels of the United States, and also of such parts of the China seas and Pacific ocean as lie in the route of vessels trading to and from China; and for this purpose, the President of the United States is authorized and requested to provide, either by building or buying, a screw steamer of suitable dimensions, and two small sailing vessels of two or three hundred tons burden, properly appointed, officered, and manned from the Navy; and the sum of \$125,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act: Provided, That the expense of purchasing, or equipping, and of fitting out these vessels, shall not exceed the sum of money herein appropriated: And provided, further, That

the appropriation shall be confined to a reconnoissance for nautical and commercial purposes.

Mr. BORLAND. Mr. President, I do not rise to make a speech, for I fear that I do not fully understand the object of the proposed expedition. I come from a part of the country where both people and representatives are, necessarily, less informed upon these subjects than gentlemen who reside upon the Atlantic coast, and in those parts of the United States where naval armaments and maritime expeditions are habitually fitted out; but I have been here several years, and have heard such things discussed, and I listened the other day as attentively as I could to the Senator from New York, [Mr. SEWARD,] when he presented his views at considerable length upon this subject. All I have been able to learn, however, during that time, and even what I listened to last week of the very learned and eloquent speech of the honorable Senator from New York, has failed to inform me, satisfactorily, as to the real character and objects of this expedition. We were told that it is to "explore the seas." Why, sir, are our ships not exploring the seas every day? Are not the ships of our commercial marine—are not our ships-of-war—are not our whaling ships, themselves, to which this proposition more particularly relates, constantly and most effectively exploring the very seas in question? But, sir, to fit out an expedition for this exclusive and special business, is a novel proposition to me, and I do not understand precisely what it is, how it is to be accomplished, or what for. I wish some Senator to explain all this to me. When I have been duly enlightened by those who know all about it, I shall be prepared to vote. Possibly, I may be constrained to vote for the proposition; but if I do, it will be after I have been indoctrinated, and taught not only *how*, but "the why and wherefore." Is the purpose of the expedition to search out and explore new bays and harbors, bordering upon unknown seas, or to find and determine the haunts of the whale? If I heard the Senator from New York [Mr. SEWARD] aright the other day, he said we were to engage in some great hunting expedition—"a mighty chase." I think he called it—not a chase of the deer, or the wolf, or the fox, or the 'coon, but it was to be the "chase of the whale!"

If this be so, then I suppose the proposition, in plain terms, is to authorize the President of the United States to build, or buy, or fit out, ships to engage in *whale fishing*. Is that the proposition? If it be, then say so in so many words, and we shall all understand it at once. In this supposition, I may be altogether wide of the mark; but, as the Senator from New York is the only one who has spoken to the bill, and undertaken to explain it, and as he certainly characterizes it as a "chase of the whale," I know not how else to understand it. If this be the proposition, I am opposed to it. If not—what is it? Let some one tell me. I am perfectly willing to afford our fishermen, whether of little fish or big fish, of seals or whales, of cod fish or mackarel, whether they go after whalebone or whale oil, the same facilities and protection we give to persons engaged in any other branch of business. But I am unwilling that this Government itself shall turn fisherman, and fit out vessels to chase the whale. As a branch of business it may be very profitable, and as sport it may be very noble and inspiring; but, at present, I think we have "other fish to fry."

In all seriousness, I need information, and hope some Senator will give it to me.

Mr. HUNTER. Mr. President, I understand that the object of this survey is for the purpose of making charts for the use of our whalers about Behring's Straits, and for vessels on their voyages to the China seas. Both of them are dangerous and difficult routes. It is for the purpose of ascertaining the difficulties in the way and pointing them out on charts. This is especially important, I understand, to the whalers, as a great many losses have occurred owing to the fact that the ships had no charts to guide them. It is also important to the China trade to have some such charts. It might be that this expedition would discover coal on some of the islands in the Pacific ocean, which would be a matter of great importance to vessels engaged in the China trade. The purpose is so limited by the appropriation that it cannot cost much. The whole expense of the expedition is limited to \$125,000. This exploration will be useful for commercial purposes. It

seems to me that for that amount of money we could obtain a great deal of information which would enable the whaler to follow his business in safety, and enable us to give safe charts to vessels engaged in the China trade.

Mr. BORLAND. I rose for the purpose of obtaining information, and I have got it. It is precisely what I expected to get when I made the inquiry. The proposition, then, is to appropriate \$125,000 out of the Treasury of the United States—for what? For the facility and safety of commerce.

The Senator from Virginia, [Mr. HUNTER,] with his usual candor, has answered me promptly, and clearly, and pointedly. "To facilitate commerce!" Ay, that is it, sir. "To facilitate commerce!" To enable the whalers to pursue the business in safety, by finding out and marking for them, the haunts of their fish, and the true channels of their navigation.

Now, sir, I make this point, and I call the attention of the Senate to it, and particularly the attention of the Senator from Virginia. And I ask him how he reconciles the proposition now made by himself with the opposition which he and those whom he usually leads, have ever, and invariably offered, to all the propositions we have made, "to facilitate commerce," and enable the steamers on our western waters to navigate them in safety? When we propose to appropriate some \$50,000 or \$100,000, or it may be only \$25,000, to remove dangerous snags, or impassable bars, from the greatest rivers in the world; and give safety to an annual commerce of \$500,000,000, carried on in more than one thousand steamers, and by one hundred thousand navigators, we are met with the objection that it is "unconstitutional!" that there is no rightful power in the General Government to appropriate a dollar "to facilitate commerce" upon the great Mississippi and all her great tributaries, and made their navigation safe. Now, that very Senator who has been the leader of the opposition to such measures as these, himself comes forward and proposes to appropriate \$125,000 to buy or build ships, to send out in search of new channels of commerce—ay, sir, "to facilitate commerce," and make "navigation safe," from shoals and rocks; to explore far-distant and unknown seas! While to our own great commerce, upon our own "inland seas," he will not vote a dollar! Sir, I asked for information, and I have got it. I commend it to the notice and appreciation of the Senate and the country—especially to that country, "the great West," from which I come. I wish them, now they have heard it, to "make a note of it." For the present, I have not another word to say.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, August 2, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of Saturday was read and approved.

#### CORRECTION OF THE JOURNAL.

Mr. FAULKNER. I rise to a privileged question. I desire to have a correction made in the Journal of this House. Some days ago I submitted, by the unanimous consent of the House, a report from the Committee on Military Affairs, asking to be discharged from the further consideration of the memorial of the State of Virginia asking to have refunded to her money advanced by her to Mexican volunteers, and I moved that the memorial and report be laid upon the table and printed. The only notice taken on the Journal is of my asking to be discharged from the consideration of the memorial. No notice is taken of the motion to lay upon the table and print. I ask the unanimous consent of the House to have the Journal corrected.

The SPEAKER. The correction can only be made, at this time, by unanimous consent. If there be no objection, the report to which the gentleman refers will be ordered to lie upon the table and be printed.

There being no objection, it was so ordered.

#### ACTUAL SETTLERS ON THE LINE OF THE CHICAGO AND MOBILE RAILROAD.

Mr. FICKLIN. I ask the unanimous consent of the House to take up from the Speaker's table

House bill No. 3, granting preemption rights to the settlers on the line of the Chicago and Mobile Railroad, in order that a small amendment, which has been made by the Senate thereto, may be concurred in. It is a matter of great importance that the amendment should be concurred in immediately. It is an amendment restricting the bill as it passed this House, and I presume no gentleman will object to it.

There being no objection, the bill was taken up from the Speaker's table, and the amendment of the Senate was concurred in.

#### WRECK OF THE SLOOP GEORGIANA.

Mr. RICHARDSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to, viz:

*Resolved*, That the Secretary of the Treasury be requested to furnish to this House all the information and correspondence in his possession in relation to the shipwreck of the American sloop Georgiana, on the east coast of Queen Charlotte's Island, and the subsequent fitting out of an expedition for their relief by the collector of customs for the district of Puget's Sound, and what provision, if any, has been made to defray the expenses of said expedition.

#### THE FIVE MINUTES RULE.

Mr. JONES, of Tennessee. I ask the unanimous consent of the House to offer the resolution which I send to the Clerk's desk to be read. I have shown it to nearly all the members of the Committee on Rules, and it meets with their approbation.

The resolution was read, as follows:

*Resolved*, That for the remainder of the present session it shall be in the power of a majority, at any time, to suspend so much of the 34th rule as allows five minutes' debate on amendments after general debate has been closed.

Mr. ORR. I object to the introduction of that resolution.

Mr. JONES. Then I move to suspend the rules.

The SPEAKER. That motion is not in order during the morning hour.

#### ADJOURNMENT OF CONGRESS.

Mr. MEADE. I ask that the joint resolution, fixing a day for the adjournment of the present session of Congress, may be taken up and acted on by the House.

Mr. STUART. I object.

Mr. MEADE. I move to suspend the rules.

The SPEAKER. That motion is not in order during the morning hour.

#### RATES OF POSTAGE.

Mr. HASCALL, by unanimous consent, and in pursuance of previous notice, introduced a bill "to amend an act entitled 'An act to reduce and modify the rates of postage in the United States,' approved March 3, 1851, and for other purposes," which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

#### BOUNTY LANDS TO SOLDIERS.

Mr. PHELPS called for the regular order of business.

The SPEAKER stated that the business before the House was House bill No. 120, "authorizing 'certain soldiers in the last war with Great Britain to surrender the bounty lands drawn by 'them and to locate others in lieu thereof,'" and that the pending question was to commit the bill to the Committee of the Whole on the state of the Union.

Mr. PHELPS. I hope the motion to commit may be withdrawn, as I desire to submit an amendment to the bill in the nature of a substitute, which I believe will obviate all the objections which have been urged to this bill.

The SPEAKER. The question must first be taken on the motion to refer the bill. The gentleman who made that motion is not present to withdraw it.

Mr. St. MARTIN called for tellers; which were ordered; and Messrs. FOWLER, and JOHNSON of Georgia, appointed.

The question was then put, and the tellers reported—ayes 67, noes 59.

Mr. STUART. I demand the yeas and nays. We had this bill up on Saturday, and discussed it until apparently the House understood it, and were prepared to vote upon it.

Mr. CLEVELAND. I call the gentleman to order. I desire to know if it is in order to discuss this question while the House is being divided upon it?

The SPEAKER. The gentleman from Michigan [Mr. STUART] interrupted the House while it was dividing, and called for the yeas and nays. The Chair thinks it is in order to discuss it.

Mr. CLEVELAND. The House were in the act of dividing when the gentleman from Michigan called for the yeas and nays, and commenced to debate the question. Now, I cannot see by what right the gentleman can be allowed to discuss the question in this stage of proceedings.

The SPEAKER. It is for the House to suspend its division upon the call for the yeas and nays, and if they are ordered, it is in order to continue the discussion. They were, however, not ordered, and perhaps it is not exactly regular for the gentleman to discuss the bill at this precise moment; but the Chair thinks it is not out of order.

Mr. STUART. I will endeavor to keep myself in order. I am very glad the gentleman from Connecticut [Mr. CLEVELAND] raised the question on me. I propose to make a statement, to which I ask the attention of the House.

Mr. GOODRICH. I call the gentleman to order.

Mr. STUART. I am very glad to hear gentlemen call me to order, because I shall the more likely have their attention to the statement I desire to make. I was proceeding to say we discussed this question on Saturday morning, until the House apparently understood it, and was prepared to vote upon it. But now, this morning, when the question comes up, and the bill is understood, instead of voting upon it, what do we propose to do? Why, to send it again to the Committee of the Whole on the state of the Union—the same we have been doing for the last eight months. Yet gentlemen will complain, day after day, that we are doing no business. We get up a subject, and discuss it until every gentleman is prepared to give his vote for or against it, and then somebody moves to send it to the Committee of the Whole on the state of the Union, which buries it forever; and we go on to the discussion of something else, which we do not understand. Now, here is a subject legitimately and fairly before the House, and I submit whether our duty will not be better discharged by acting upon this bill now? If a majority of the House is against the bill, let us defeat it by a direct vote; or, if a majority of the House be in favor of the bill, let us pass it. I submit these views with perfect deference. I complain of the course of no gentlemen, either individually or collectively; I state the fact, that months of the present session have been consumed in just such operations as this—first discussing a question until we understand it perfectly, and then sending it to the Committee of the Whole, where it will remain beyond our reach.

Now, sir, the bill can be comprehended in a moment. It simply proposes to give to soldiers who draw their military lands by lot, when they are worthless and unfit for cultivation, the privilege of selecting other Government lands which are fit for cultivation, in their stead. That is all there is in this bill, and any gentleman can determine in one instant. You have given these old soldiers of the war of 1812, lands that are good for nothing, and always were good for nothing. Now, will you give him what you purported to give, and what you intended to give him in the first instance?

Mr. CLEVELAND. Is not the greater portion of these lands in the hands of speculators?

Mr. STUART. They are not, and speculators cannot get hold of the lands which will be affected by this bill. It affects the soldier himself or his legal representative, only. The question is simply whether this Government will carry out in good faith, and do what it intended to do in the first instance, or whether it will refuse to do it. That is the question, and I want a vote upon it. I do not want the subject again sent to the Committee of the Whole on the state of the Union. I want the Congress of the country to say whether they mean to act in good faith, or whether they mean to hold out false hopes to these old soldiers, and then for their convenience, send this bill to the Committee of the Whole on the state of the Union.

Mr. JENKINS. Will the gentleman allow me to ask him a question? Are not the soldiers' lands of the war of 1812, assignable already?

Mr. STUART. I undertake to say that this bill will relieve those only who have drawn lands by lot which are worthless, and the patents for which they hold.

A MEMBER. I desire to ask the gentleman if a large portion of these lands are not in the hands of speculators in other States?

Mr. STUART. I will state again that this bill is designed only to relieve the soldiers themselves, or their legal representatives, and cannot apply to those patents which are in the hands of speculators.

Mr. CAMPBELL, of Illinois. I ask that the bill be read.

It was read through by the Clerk.

Mr. CAMPBELL. There is one matter which I should like to have explained connected with the lands drawn by the soldiers under that law. The great difficulty now which those soldiers have to contend with, is this: Their lands have been sold for taxes. Now, if I understand this bill, it does not provide for cases of that kind. They are to surrender their patents upon proof being made to the Commissioner of the General Land Office, that their lands are not fit for cultivation. But nearly all the soldiers holding these lands—at least those who resided out of the States where they were located—have been divested of their titles, the lands having been sold for taxes, and they are now in the hands of third persons. Now, I desire to know what will be done with these lands where the tax title is held by a third party under the laws of the different States?

Mr. HENDRICKS. I desire to say, in answer to the gentleman from Illinois, [Mr. CAMPBELL,] that this bill was drawn after the law of 1848. That law extended only to the military district of Arkansas. The Land Office requires under that law, that the party shall prove that he has not divested himself of his title.

Mr. CAMPBELL. That is not coming to the point.

Mr. HENDRICKS. I will reach it in a minute. He must prove that there is no incumbrance upon the lands, and that the lands have not been sold for taxes. The instructions of the Department upon this subject require the certificate of the auditor of the State, and the certificates of the recorder and clerk of the county in which the land lies, to prove these facts. The bill now before the House says nothing upon this subject; but it is drawn in the very language of the law of 1848. The Department have made these instructions with regard to that law; but to obviate the objection of some gentlemen to this portion of the bill, I will say that if the House will not refer the bill to the Committee of the Whole on the state of the Union, but will keep it before the House, it may be amended. I am willing to accept any amendment which shall be offered to remove this objection.

Mr. CLEVELAND. I ask the gentleman from Indiana [Mr. HENDRICKS] if he knows of a single, solitary instance in his own State where a soldier has drawn a lot of land under this law which is unfit for cultivation?

Mr. HENDRICKS. I will answer the gentleman with great pleasure. I know a man in my district, who was promised by the Government, under the laws of 1811 and 1812, one hundred and sixty acres of land, fit for cultivation; that was the language of that law. I know that that soldier received his land by lot; that the patent was issued, and he knew nothing of it, in 1819; that the land was located in Missouri; and that when he came to examine it there were but two acres in the whole tract fit for cultivation—one hundred and fifty-eight acres were covered with water.

Mr. CLEVELAND. Has he ever paid taxes upon it?

Mr. HENDRICKS. I will say to the gentleman that he will have to prove to the Department that there are no taxes due upon it. The soldier I speak of never knew there was a patent issued for him until 1849. It was made out at the Land Office, and there remained. He knew nothing of it.

Mr. CLEVELAND. I ask the gentleman if this is the only instance of which he knows, either in Indiana or any of the western States?

Mr. HENDRICKS. That one instance is enough, in my opinion, to demand the action of Congress upon the subject.

Mr. CLEVELAND. But I desire to know if that is the only instance?

Mr. STUART. I cannot yield longer. I will relieve the gentleman by taking the floor.

In reply to the question of the gentleman from Illinois, [Mr. CAMPBELL,] I will state what I said upon Saturday, that this bill was designed to relieve only those who have received lands from the



Government which is unfit for cultivation. Well, now, what does it avail in the way of argument, if this land, unfit for cultivation, has been sold for taxes? I want to know if it makes any difference in the argument, or in the effect we intended, for the soldier? We intended to give him land fit for cultivation; and he is required to prove that his land is unfit for cultivation before he can avail himself of any benefit under this bill. Now, is it any answer to say that this land has been sold for taxes? Why, sir, it was good for nothing in the first place. It was not what we intended to give him; and suppose it has been sold for taxes, is that any reason why we should not give him what we intended to give him in the first place?

But if it is necessary to amend this bill in any particular, is there a better time to do it than now? Is it best to discuss the bill a couple of hours, until we come to understand it well, and then refer it to the Committee of the Whole on the state of the Union? Can you discuss it better there than here? Let us decide it to-day, whether we will give anything to those soldiers or not. Let us decide whether we will do justice to them or not. Shall we pass them by, or shall we not? That is the question I want to see settled. If it is necessary to amend the bill when it comes up before the House for its action, let it be amended. It is under the control of a majority of the House.

Mr. CAMPBELL, of Illinois. I am anxious that the bill now under discussion shall be voted upon by the House; but I am satisfied that the bill has not been understood fully by the House heretofore. It is necessary, we are told, that the party shall prove that his land is unfit for cultivation. Now, that is a matter about which there may be a difference of opinion, and the provisions proposed to be made to prove that fact are exceedingly indefinite. One man might consider land as unfit for cultivation, and another might not consider it as such. And in reference to these lands being sold for taxes, the gentleman from Indiana [Mr. HENDRICKS] speaks of a certain construction which has been given to the law of 1848. Now, I want the law fixed so that the courts shall determine its construction, and not the Department. When the title to land is brought up, I want it to be decided by the courts, and not upon any construction the head of a Department may choose to give it. I want this law to be definite and clear upon this subject. You will find that nearly all these lands, at least in my own State, have been sold because the taxes have not been paid. The patent is held by the original patentee, but the title is in the hands of a third person. I desire to have a provision in the law to provide for this class of titles; and until such a provision is made, I cannot vote for the bill.

Mr. HENDRICKS. I wish to say again, that if there is any objection made to this bill upon the ground that it does not meet the class of cases the gentleman speaks of, I am willing that it should be amended in that particular. There can be no objection to that amendment. But I ask the gentleman from Illinois, [Mr. CAMPBELL,] if the land has been sold for taxes, how can the parties convey it to the Government, in the language of the bill? I am willing to receive the amendment, however, that there may be no objection to the bill.

Mr. STUART. I do not rise for the purpose of preventing an amendment being made to the bill, but I rise for the purpose of entering my protest against this manner of considering bills. Now, I ask the gentleman from Illinois [Mr. CAMPBELL] whether, for the purpose of getting in his amendment, it is best to send the bill to the Committee of the Whole on the state of the Union, a place where it will never again be reached this session? The bill is now before the House, or will be if this motion be refused. Let us consider it. Let us put upon it our amendment, if the gentleman is not satisfied with the construction of the Department and the construction everybody puts upon it. Let the gentleman put upon the bill an amendment of his own. I do not object to it; but I ask, sir, again, that we shall consider the bill now.

Mr. HOUSTON. I ask for the previous question.

Mr. HENDRICKS. I desire to inquire of the Chair if the previous question will extend beyond the motion to commit to the Committee of the Whole?

The SPEAKER. It will bring the House to a

vote, first, upon recommitting the bill, and then, upon the amendments.

Mr. HENDRICKS. I trust there will be a general consent that the amendments, which seem to be required by some gentlemen, may be made to the bill.

Mr. HOUSTON. No one objects.

Mr. HENDRICKS. Then I suggest that the amendment be inserted in the proper place.

Mr. ALLISON. I hope the gentleman from Alabama [Mr. HOUSTON] will withdraw his call for the previous question for a few moments only.

Mr. HOUSTON. This bill has been discussed long enough. I understand that the benefits to be derived from this bill, if we agree to it, will go to the old soldiers, and to them alone.

Mr. ORR. If the previous question is persisted in I shall move that the bill do lie upon the table.

Mr. HOUSTON. I understand that the gentleman from Indiana [Mr. HENDRICKS] proposes, by general consent, the amendment which—

Mr. JENKINS. I rise to a question of order.

The SPEAKER. The Chair understands the gentleman's point of order. Debate is not in order.

Mr. HENDRICKS. I ask that the amendment may be put into the bill, if there is no objection.

Mr. MASON. I object.

The question being upon the motion of Mr. ORR, to lay the bill upon the table—

Mr. CLEVELAND demanded tellers; which were ordered; and Messrs. LANDRY and MASON appointed.

The question was then taken, and the tellers reported—yeas 64, noes 61.

Before the result was announced—

Mr. HENDRICKS demanded the yeas and nays; which were ordered.

Mr. MASON. There seems to be a misunderstanding as to the question.

The SPEAKER. The question is upon laying the bill upon the table.

The question was then taken, and it was decided in the negative—yeas 75, nays 89; as follows:

YEAS—Messrs. Aiken, Allison, John Appleton, Babcock, Beale, Bissell, John H. Boyd, Briggs, Joseph Cable, Caldwell, Thompson Campbell, Carter, Chapman, Chastain, Clark, Cleveland, Clingman, Colcock, Conger, Cullom, Curtis, Dean, Dismick, Dockery, Duncan, Floyd, Gentry, Giddings, Sampson W. Harris, Hascall, Haven, Hebard, Hibbard, Hillyer, Horsford, John W. Howe, Ingersoll, Ives, Jenkins, James Johnson, Daniel T. Jones, Preston King, Kurtz, Mann, Martin, McNair, McQueen, Miner, John Moore, Morehead, Murray, Nabers, Newton, Orr, Outlaw, Perkins, Robie, Ross, Sackett, Schoolcraft, Schoonmaker, Scurry, Origen S. Seymour, Stanley, Thaddeus Stevens, Thurston, Venable, Walbridge, Wallace, Welch, Wells, Wilcox, Wildrick, and Williams—75.

NAYS—Messrs. Willis Allen, William Appleton, Averett, Thomas H. Bayly, Barrero, Bennett, Boocock, Breckinridge, Brenton, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Chandler, Cobb, George T. Davis, John G. Davis, Dawson, Doty, Duham, Eastman, Edmundson, Evans, Ewing, Faulkner, Fitch, Florence, Fowler, Gamble, Gaylord, Gilmore, Goodenow, Green, Grey, Hamilton, Houston, Thomas M. Howe, Thos. F. How, Hunter, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, George W. Jones, Geo. G. King, Kuins, McLanahan, McMullin, Meade, Milson, Molony, Murphy, Samuel W. Parker, Penn, Phelps, Polk, Rantoul, Kiddle, Schermerhorn, David L. Seymour, Skelton, Smart, Smith, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, Alexander H. Stephens, St. Martin, Stratton, Strother, Stuart, Townshend, Walsh, Watkins, Addison White, and Alexander White—89.

So the House refused to lay the bill upon the table.

The SPEAKER. The question is now upon seconding the demand for the previous question.

Mr. HARRIS, of Tennessee. Has the morning hour expired?

The SPEAKER. It has not, by one minute.

Mr. MEADE. I understand the question is upon seconding the demand for the previous question. I ask the gentleman from Alabama [Mr. HOUSTON] to withdraw his call for the previous question for a moment. My object in asking the previous question to be withdrawn—

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] declines to withdraw it, and debate is out of order.

Mr. HOUSTON. I am willing to hear the gentleman, but I do not feel at liberty to withdraw it.

The SPEAKER. If the previous question is not withdrawn, debate is out of order.

Mr. HOUSTON. But I am willing to hear the gentleman.

The SPEAKER. That does not alter the case, if the previous question is not withdrawn.

Mr. CLINGMAN. I ask for tellers upon seconding the previous question.

Tellers were ordered.

Mr. HARRIS, of Tennessee. Has the morning hour expired?

The SPEAKER. It has.

#### DAY OF ADJOURNMENT.

Mr. HARRIS. I ask the unanimous consent of the House to take up the resolution, returned from the Senate with amendments, fixing the day of adjournment.

[Cries of "Good!" "Good!" "Good!"]

The SPEAKER. Is it objected to?

Mr. STANLY. It is. I object to it.

Mr. HARRIS. Then I move that the rules be suspended to allow it to be taken up.

Mr. JONES, of Tennessee. Is not a motion which I made last Monday, to suspend the rules for the purpose of offering a resolution, still pending?

The SPEAKER. The Chair did not recollect the fact, but he is informed by the Clerk that it is so.

Mr. JONES. I now offer the resolution I send to the Clerk's table, in lieu of the one I desired to offer last Monday. It is a modification of the first resolution, and I ask the rules may be suspended for the purpose of offering it.

Mr. ORR. What was the original resolution?

The SPEAKER. Both resolutions will be read.

The original resolution was read as follows:

Resolved, That the five-minutes rule be suspended, so far as relates to the bill of the House No. 182, (river and harbor bill,) from eleven o'clock to-morrow.

The modified resolution was as follows:

Resolved, That for the remainder of the present session, it shall be in the power of the majority, at any time, to suspend so much of the thirty-fourth rule as allows five minutes' debate on amendments; after general debate has closed.

Mr. ORR. Can the gentleman from Tennessee [Mr. JONES] take the floor from the gentleman from Tennessee [Mr. HARRIS] to introduce that general resolution, having no connection with his?

The SPEAKER. The gentleman from Tennessee nearest the Chair, [Mr. HARRIS,] was not entitled to the floor, for the reason that this proposition to suspend the rules was laid over from last Monday.

Mr. MEADE. I rise to a question of order. That resolution was offered on Monday last, I understand, and in reference to a subject which has been disposed of by the House, and the resolution then offered is not now applicable to any subject whatever, and I should say it had died a natural death. The original resolution contemplated a suspension of the rules to limit debate upon the river and harbor bill.

The SPEAKER. It is competent for the gentleman from Tennessee [Mr. JONES] to withdraw his motion to suspend the rules for one purpose, and submit a motion to suspend them for a very different purpose. It is a question about which there can be no doubt at all. It is a question as to an amendment of the original resolution. His right to withdraw his original motion is very clear, and his right of submitting another, being a modification of the first, is equally clear.

Mr. STANTON, of Ohio. Is it in order to alter the standing rules of this House without one day's notice?

The SPEAKER. It is not in order, unless the House chooses to suspend the rules for that purpose.

Mr. JONES, of Tennessee. This resolution is merely to place it in the power of the majority of the House to terminate five minutes' debate.

Mr. FOWLER. I wish to make an inquiry. If this resolution shall be adopted will it not put it in the power of the majority of this House to prevent the offering of amendments to this bill?

Many MEMBERS. Not at all; not at all.

Mr. CARTTER. It only cuts off discussion.

Mr. ORR. I feel constrained to call for the yeas and nays upon this question. I do not like the initiative.

The yeas and nays were ordered.

The question was then taken on the motion to suspend the rules, and the result was—yeas 85, nays 78; as follows:

YEAS—Messrs. Allison, William Appleton, Thomas H. Bayly, Bartlett, Bennett, Breckinridge, Brenton, Briggs,

George H. Brown, Burrows, Busby, Joseph Cable, Caldwell, Thompson Campbell, Carter, Chandler, Chapman, Chastain, Cleveland, Clingman, Cullom, Curtis, George T. Davis, John G. Davis, Dawson, Dean, Dismick, Dockery, Doty, Duncan, Dunham, Eastman, Ficklin, Thomas J. D. Fuller, Gaylord, Gentry, Goodnow, Hamilton, Isham G. Harris, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hendricks, Hubbard, Hillyer, Horsford, Houston, John W. Howe, Thomas M. Howe, Ives, Andrew Johnson, Robert W. Johnson, George W. Jones, George G. King, Kurtz, Letcher, McLanahan, John Moore, Murphy, Murray, Olds, Outlaw, Samuel W. Parker, Perkins, Phelps, Polk, Richardson, Robie, Schermerhorn, David L. Seymour, Skelton, Smart, Smith, Stanley, Thaddeus Stevens, Stone, Stratton, Stuart, Thurston, Wallace, Walsh, Wilcock, and Yates—85.

**YEAS—Messrs.** Abercrombie, Aiken, John Appleton, Averett, Babcock, Barrere, Beale, Bissell, Biscoe, Bowie, John H. Boyd, Albert G. Brown, Lewis D. Campbell, Clark, Cobb, Colcock, Daniel Edmundson, Evans, Ewing, Faulkner, Fitch, Florence, Floyd, Fowler, Gamble, Giddings, Gilmore, Goodrich, Green, Grey, Harper, Henn, Holladay, Howard, Thomas J. How, Ingersoll, Jackson, Jenkins, James Johnson, John Johnson, Kuhns, Landry, Mace, Mann, Martin, Mason, McCorkle, McMullin, McNair, McQueen, Meade, Milson, Molony, Morehead, Nabers, Newton, Orr, Ross, Sackett, Schoolcraft, Schoonmaker, Senry, Origen S. Seymour, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Townshend, Venable, Walbridge, Watkins, Welch, Wells, Addison White, Alex. White, and Williams—78.

So the rules were not suspended.

#### ADJOURNMENT RESOLUTION.

**Mr. HARRIS**, of Tennessee. I move that the rules of the House be suspended for the purpose of taking up the joint resolution fixing a time for the final adjournment of Congress.

[Cries of "Agreed!" "Agreed!"]

**Mr. SACKETT**. I desire to ask the gentleman from Tennessee a question.

**Mr. CARTTER**. I object.

**The SPEAKER**. As discussion has been objected to, it cannot be indulged by the Chair.

**Mr. SACKETT**. I wish to know whether the land distribution bill had been acted upon by the Senate?

[Cries all over the Hall of "I object!" "I object!"]

**The SPEAKER**. The gentleman is not in order.

**Mr. CLINGMAN**. I object to all discussion.

**Mr. STANLY**. Is it in order to inquire whether the river and harbor bill has been passed?

**The SPEAKER**. It is not.

**Mr. CARTTER**. I demand the yeas and nays upon the motion to suspend the rules for the purpose indicated by the gentleman from Tennessee.

The yeas and nays were ordered.

The question was then put upon the motion to suspend the rules, and it was agreed to—yeas 123, nays 45; as follows:

**YEAS—Messrs.** Abercrombie, Aiken, Willis Allen, Allison, John Appleton, Averett, Babcock, Thomas H. Bayly, Bartlett, Bissell, Biscoe, Bowie, Briggs, Breckinridge, Brenton, Briggs, Burrows, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Chastain, Clark, Cleveland, Clingman, Colcock, Curtis, George T. Davis, John G. Davis, Dawson, Dean, Dismick, Dunham, Evans, Ewing, Faulkner, Ficklin, Fitch, Fowler, Thomas J. D. Fuller, Gamble, Gentry, Giddings, Gilmore, Goodnow, Goodrich, Green, Grey, Hamilton, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hendricks, Hubbard, Hillyer, Holladay, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, James Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kurtz, Landry, Letcher, Mann, Martin, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Milson, Molony, Morehead, Murphy, Murray, Nabers, Newton, Olds, Orr, Samuel W. Parker, Perkins, Polk, Richardson, Robie, Ross, Schoolcraft, Schoonmaker, Origen S. Seymour, Skelton, Smart, Smith, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, St. Martin, Stratton, Thurston, Townshend, Venable, Walbridge, Wallace, Watkins, Wells, Wilcox, Wilcock, and Yates—123.

**YEAS—Messrs.** William Appleton, Barrere, Bennett, George H. Brown, E. Carrington Cabell, Cobb, Conger, Cullom, Daniel Disney, Doty, Duncan, Eastman, Florence, Floyd, Harper, Haws, Henn, Thomas J. How, George W. Jones, George G. King, Kuhns, Mace, McCorkle, Miner, John Moore, Outlaw, Pennington, Phelps, Rantoul, Riddle, Sackett, Schermerhorn, Scudder, Scurry, David L. Seymour, Stanley, Strother, Stuart, Sutherland, Walsh, Welch, Addison White, Alex. White, and Williams—45.

So the motion to suspend the rules was agreed to.

**The SPEAKER**. The Senate have made the following amendment to the joint resolution fixing the time for the final adjournment of Congress:

"Resolved, That the Senate concur in the resolution of the House of Representatives with the following amendment, viz: Strike out the words 'Monday the 16th,' and insert 'Tuesday the 31st.'"

So that the final adjournment, if the amendment of the Senate be concurred in by the House, would be Tuesday, 31st of August, instead of Monday, the 16th of August.

**Mr. HARRIS**. I call for the previous question upon the amendment of the Senate.

**Mr. STANLY**. I hope the chairman of the Committee of Ways and Means will be allowed to state whether we can get through by that time or not.

**A MEMBER**. I object.

The call for the previous question was seconded, and the main question was ordered to be put. The question was then put, and the amendment of the Senate was agreed to.

**Mr. HARRIS**. I move that the vote adopting the Senate amendment be reconsidered, and that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

**Mr. BISSELL**. I ask the unanimous consent of the House—and if that be not granted I shall move a suspension of the rules for the purpose—to report back from the Committee on Military Affairs "An act to provide for the protection of the Territories of New Mexico, Utah, and Oregon, and the States of Texas and California."

**Mr. CABLE**, of Ohio. I object.

**Mr. BISSELL**. I move a suspension of the rules to enable me to make the report.

**Mr. STEVENS**, of Pennsylvania. I understand that this matter has never been before a committee of the House at all.

**Mr. CLARK**. I demand the yeas and nays upon the motion for the suspension of the rules.

The yeas and nays were not ordered.

The question was then put, and the motion to suspend the rules was not agreed to.

#### FEES OF MARSHALS, CLERKS, ETC.

**Mr. McLANAHAN**. I ask the unanimous consent of the House to submit the following resolution:

Whereas it is believed, as a measure of retrenchment and reform, House Bill No. 146, entitled "A bill to regulate fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," will promote the administration of justice, equalize the compensation of public officers in the several districts of the United States, and save to the Government about \$200,000 annually; therefore,

Resolved, That the Committee on the Judiciary be authorized to report said bill, with the amendments thereto, to the House of Representatives, to-morrow during the morning hour.

**Mr. HOWARD**. I object.

**Mr. McLANAHAN**. I move a suspension of the rules, for the purpose of enabling me to present it.

The question was put, and the motion to suspend the rules was agreed to.

The resolution was then submitted and adopted.

**Mr. HOUSTON**. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the State of the Union.

**Mr. BAYLY**, of Virginia. I move that the House proceed to the consideration of the unfinished business upon the Speaker's table. My object is to get at the French spoliation bill.

[Cries of "That is right!" "That is right!"]

**Mr. HAMILTON** demanded the yeas and nays upon the motion to go into the Committee of the Whole on the State of the Union; which were not ordered.

**Mr. HOUSTON**. It is my intention, if we shall go into committee, to move to take up one of the appropriation bills.

The question was put upon the motion to go into the Committee of the Whole on the state of the Union, and upon a division there were—ayes 72, noes 55.

**Mr. BAYLY**. I demand tellers.

Tellers were ordered; and Messrs. STEVENS, of Pennsylvania, and HAMILTON, were appointed.

The question was again put, and the motion was agreed to, the tellers having reported—ayes 78, noes 51.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Phelps in the chair.)

#### MILITARY ACADEMY BILL.

**Mr. HOUSTON**. I move to take up the amendments of the Senate to the Military Academy bill.

The question was put, and the motion agreed to.

**The CHAIRMAN**. The first amendment of the Senate is as follows:

"After line 14th, to insert—'For a riding hall, \$12,000.'"

**Mr. EVANS**. I was not aware until now that the provision which has just been read had been put into the bill by the Senate. I am glad that it

has been, and had I been in the House when the bill was under consideration heretofore, I should have submitted it myself. The Committee of Ways and Means report a disagreement to the amendment of the Senate, but I trust its disagreement will not be concurred in. It is absolutely necessary that a riding hall should be kept up there; because for portions of the year it is utterly impossible for the young men of the Military Academy, on account of the weather, to attend to the cavalry exercise. I have visited that Academy within the last five months myself, and have been assured by its officers that a riding hall of the character contemplated is indispensable. There is no reason in the world why they should say so, for exercise in the open air is preferred when the weather is fair. The present riding hall is inefficient for the purposes for which it was intended. Many of the cadets have been seriously injured in exercising in it. I would not only provide for the construction of a suitable riding hall—I would go further—I would provide that there should be established there a gymnasium. I would, looking to the military schools of Europe, see that the young men of the Military Academy were properly instructed in athletic exercises. Athletic exercise is greatly required there.

Perhaps, also, the term of service should be extended for another year. Every one who has perused the charming notes of Sir Francis Head—his "Faggot of French Sticks," knows that gymnastic exercise, in the French service, is required as regularly of the officers and troops as any part of the drill, or infantry tactics. The consequence is, that they acquire physical vigor, and power to endure fatigue beyond other officers and troops.

I would not reject this appropriation for the riding hall, but I would add to it an amendment to appropriate money for building a hall for gymnastic and athletic exercises. There is no reason why gentlemen should make objection to this riding hall.

**Mr. CARTTER**. I wish to make an inquiry of the gentleman. Does the amendment provide that this hall shall be carpeted?

**Mr. EVANS**. Yes, sir, with good tan bark. I do not know what sort of an idea the gentleman has in his mind. I apprehend that he is one of the gentlemen who think that officers and troops ought not to be instructed to ride. The system of riding where the broader the base the firmer the foundation, and where the rider gets his foot up to the heels in the stirrup, may do very well in his country, but will not do in battle. If you wish to make good riders, and good cavalry officers, you must give them thorough instruction. To effect this object, it requires thorough and daily practice, in order to make them perfectly experienced riders. During a great part of the year it is impossible to ride out of doors, and all must know that when the plain is favorable for such purposes, the riding is in the open air. This appropriation is not for the benefit of cadets alone, but for the advantage of the people. It is really required, and the Committee of Ways and Means ought not to have rejected it. Instead of rejecting an amendment which provides for giving experience to men educated at this Academy, we ought to hold out every inducement for their proper instruction. We ought either to make the practice thoroughly efficient, or do away with the system altogether. We ought not to leave the system in an unsettled state, and so far from rejecting an amendment of this kind, providing the proper conveniences for riding, the Committee on Military Affairs ought to go on and add to the capabilities of the institution, and they should require a more thorough and efficient course of study than now exists, especially in those exercises which give vigor to the human frame, and efficiency to our troops and officers. There is not the slightest necessity for rejecting this amendment, and I am clearly of the opinion that an appropriation should be made for this riding hall. I have been frequently at West Point, and I have examined into this matter. I have conversed with the officers there in relation to the necessity for this appropriation, and I find that there was an universal opinion in its favor. I trust that it may also meet with the favor of this House.

**Mr. JONES**, of Tennessee. The Committee of Ways and Means recommended a non-concurrence in this amendment. I do not suppose that the committee have any feeling about this matter, but as one member of the committee, I have yet

to be satisfied that it is right to make an appropriation for a hall at the Military Academy, where the boys can learn to ride. I take it for granted that instructing them to ride in this hall by rule will not teach them to ride upon the mountains and prairies, where they will have to chase down the Indians. If you wish to teach them to ride, let them be engaged in the practical service of the country in the open air; and if you wish to invigorate and develop their systems, it would be much better done in the open air upon horseback than under cover or any place prepared for that purpose.

Mr. FULLER, of Maine. Will the gentleman allow me to ask him a question—whether or not the visiting committees at West Point, who have been there upon the ground year after year, are not supposed to be influenced by proper motives in recommending such an appropriation as necessary and proper?

Mr. JONES. I will answer that question. I presume the visiting committee are gentlemen supposed to be friends and admirers of that institution, who wish to build it up. When they go there they know but little of it. Many of them, when they go there and converse with the professors and teachers of that establishment, become infatuated, and sustain everything which these professors recommend as being useful or ornamental about the establishment. The appropriation for a riding hall has been proposed for years, and I suppose that it will finally pass. I presume that the Senate will have a committee of conference upon this bill, and that this amendment will be inserted.

Mr. EVANS. I wish to remark that we have already a riding hall there, although it is a very bad one. We cannot support horses for every young man there. There are but thirty horses; you cannot, therefore, teach all the young men to ride.

Mr. JONES. I suppose that the committee understands this matter now; and in order to prevent any extended debate, I move that the committee rise for the purpose of closing the general debate upon the amendments.

The question was then taken, and it was decided in the affirmative.

The committee then rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the Senate amendments to House bill No. 87, making appropriations for the support of the Military Academy at West Point, but had come to no conclusion thereon.

Mr. JONES, of Tennessee. I move the usual resolution terminating debate in five minutes after the consideration of this bill shall be again resumed in committee; and also that the bill be laid aside to be reported to the House when the amendments shall have been disposed of.

The question was then taken, and it was decided in the affirmative.

On motion by Mr. JONES, the House again resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the Military Academy bill.

The CHAIRMAN. The question before the committee is on concurring in the amendment appropriating \$12,000 for a riding hall.

Mr. EVANS demanded tellers; which were ordered; and Messrs. CHANDLER and MOLONY were appointed.

The question was then taken, and the tellers reported—ayes 57, noes 61.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the second amendment, "for improvements and additions to officers' quarters, \$3,000."

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in this amendment. Since that I have seen the chairman of the Finance Committee in the Senate, and have had some conversation with him upon the subject, and he is very clearly of opinion that it should be passed, and I think he is probably correct in that opinion.

The question was then taken, and the amendment was concurred in.

The next amendment of the Senate was read by the Clerk, as follows:

"For additional pay to the lithographer and pressmen in the lithographic office, \$50 each—\$100."

Mr. HOUSTON. The Committee of Ways and Means recommends that the House concur in this amendment.

Mr. JONES, of Tennessee. I think those two persons are soldiers, who have been employed upon that lithographic work for some time, and this amendment only proposes to give them each \$50 per annum in addition to their pay as soldiers.

The question was then taken, and the amendment was concurred in.

The next amendment was then read by the Clerk, as follows:

"Page second, line twenty-five, strike out the following proviso:

"Provided, That the Superintendent of the Military Academy at West Point may be selected by the President of the United States from any corps in the Army of the United States."

Mr. HOUSTON. That is the amendment which was adopted by the House at the instance of the gentleman from Kentucky, [Mr. MARSHALL.] The Senate have stricken it out. I understand that the gentleman himself is disposed to concur with the Senate, and the Committee of Ways and Means recommend a concurrence.

The question was then taken, and the amendment was concurred in.

The next amendment of the Senate was read by the Clerk, as follows:

"Add as a new section to the end of the bill, the following:

"Sec. 2. And be it further enacted, That hereafter the Assistant Professor of French and Drawing shall receive the pay and emoluments allowed to other assistant officers."

The CHAIRMAN. The Committee of Ways and Means recommends a concurrence in this amendment of the Senate.

The question was then taken, and the amendment was concurred in.

The next amendment of the Senate was read by the Clerk, as follows:

"Sec. 3. And be it further enacted, That to rectify a mistake which was made in the enrollment of the bill, entitled 'An act to supply deficiencies in the appropriation for the services during the fiscal year ending the 30th of June, 1852,' by omitting a clause appropriating per diem compensation and mileage for Senators, members of the House of Representatives and Delegates, agreed to by the Senate and House of Representatives, the sum of \$50,000 is hereby appropriated for that object out of any money in the Treasury not otherwise appropriated."

Mr. HOUSTON. That is a provision that was passed in the deficiency bill, but through a mistake of a Clerk in this House, it was left out in the enrollment of the bill. This is intended to rectify the mistake of that Clerk.

Mr. CABLE, of Ohio. That was a righteous mistake.

Mr. CLEVELAND. I wish to inquire of the chairman of the Ways and Means Committee what this \$50,000 is for?

Mr. HOUSTON. The amendment expresses what it is for. It is for the purpose of paying the per diem and mileage of the Senators and Representatives of Congress especially.

Mr. CLEVELAND. Is there any per diem in it?

Mr. HOUSTON. The amendment says it is for the payment of per diem and mileage.

Mr. CLEVELAND. Is there any provision for the payment of per diem?

Mr. HOUSTON. The amendment contains the words "mileage and per diem."

Mr. CLEVELAND. I wish to inquire of the chairman of the Ways and Means Committee, whether he does not know the fact, that this \$50,000, or a portion of it, was taken by Senators for constructive mileage for services they never rendered in any form?

Mr. HOUSTON. There is not a member of this committee who does not understand that amendment—not one. It was discussed at some length on two occasions previously, and although the majority of the House agreed to pass it, yet upon the enrollment of the bill, some Clerk of this House left it out. It is the same amendment that was discussed on the deficiency bill, on two occasions, in this House. There is no part of it goes to pay constructive mileage. Not a dime of it; but it goes to pay Senators their per diem and mileage, who are now in the Senate, but who did not get their mileage out of the last appropriation,

because of the fact that the constructive mileage had been paid out of the former appropriation.

Mr. JOHNSON, of Tennessee. I would like to ask the chairman of the Ways and Means Committee one question. He seems to be very diplomatic upon this amendment. He says not a dollar of this goes to pay constructive mileage. I wish to ask him the question directly, whether it does not go to supply a deficiency that was created by the taking of constructive mileage?

Mr. HOUSTON. If my friend had paid any attention to my last answer to the gentleman from Connecticut, [Mr. CLEVELAND,] he would have seen that I answered precisely the question he now asks.

Mr. JOHNSON. What was your answer?

Mr. HOUSTON. I said, in my remark to the gentleman from Connecticut, that this was to pay Senators who are now in their seats discharging their duties; but that last year's appropriation has been diminished by the taking of constructive mileage, and therefore it becomes necessary to pass this amendment. But will the gentleman undertake to say that a Senator who has come in since—because his predecessors took constructive mileage—must be made to serve for nothing? Take, for instance, the two Senators from Mississippi. The Senators from Mississippi had nothing to do with that constructive mileage. They did not take a dime of it. They were not here; but the mileage was taken by others; and are we to punish them by refusing to pay them their mileage and per diem because those who were in the Senate before them had committed error or wrong? I think the House has already settled the matter.

Mr. CLEVELAND. I hold it to be the duty of this House, if there has been an appropriation made by the Senate improperly, contrary to law and justice, and for their own personal benefit, to say that they never shall have the money to replenish the fund improperly exhausted. I hold it to be the duty of the House of Representatives.

Mr. CLINGMAN. I wish to ask a question of the gentleman from Connecticut.

Mr. JONES, of Tennessee. I wish to inquire if this debate is in order?

The CHAIRMAN. There is about a minute or two of the time of the gentleman from Connecticut remaining.

Mr. CLINGMAN. I desire to ask the gentleman from Connecticut, supposing this money was wasted in the last session, whether we can get it at all, or recover it by hunting for it in this way?

Mr. CLEVELAND. We can do this, and this we ought to do,—we owe it to the country to do it: Instead of having the matter hushed up, we can expose the men who thus robbed the Treasury without law and without right. We can expose them to the country, and let the country see their names; and if we are faithful and fearless Representatives, we shall do so, no matter whether they are Senators, or claim agents, or anything else. The higher they are in office the more important it is that we should compel them to set a good example.

Mr. EVANS moved to amend the amendment by increasing the appropriation \$1,000.

Mr. E. said: The only reason why I offer that amendment is, because the gentleman from Connecticut [Mr. CLEVELAND] says that the Senate have acted contrary to law. I do not understand the law so. I understand the law to prohibit constructive mileage in future, and not to those gentlemen who received it.

Mr. STEVENS, of Pennsylvania. What law ever gave it to them?

Mr. EVANS. That is another question. The CHAIRMAN. The Chair will inform the gentleman from Maryland that he must confine his remarks to his amendment.

Mr. EVANS. Constructive mileage has been taken ever since the foundation of the Government. It may be considered an unfair construction of the law. I do not give such a construction. I only state that a different construction has been put upon it for the first time by either House of Congress, now, or rather by the last Congress, when we passed a prospective act, and not a retrospective one. They took constructive mileage under the former law, as I understand it, and not under this law. They took it on the construction that had always been uniform, and had only been disavowed by one officer at the



other end of the Capitol; and to say that they took it dishonestly and unfairly, and that their names ought to be exposed, is going too far. But even if it were so, you cannot recover the money now.

The CHAIRMAN. The Chair is compelled to rule the remarks of the gentleman from Maryland to be out of order. He is not endeavoring to show the necessity of making \$1,000 additional appropriation.

Mr. EVANS. I think I am. So far from diminishing it and cutting it down, I want to show why it is proper to increase it. I am told that some of the Senators did not take it who were entitled to it, and this increase to the appropriation will meet their case. You cannot get the money back. Fifty thousand dollars have been paid under a former and uniform construction, and you cannot recover it in any way. This is a proposition, as the chairman of the Committee of Ways and Means has very properly said, to take money out of the pockets of A and B, because C and D have improperly received it. I wish it understood, however, that I am opposed to constructive mileage.

Mr. STEVENS, of Pennsylvania. It is pretty hard to argue against that amendment; for when you come to the quantum of stealing it is pretty hard to say how much ought to be stolen. But in the first place, I cannot see why any portion of this sum should be granted.

Mr. SACKETT. I wish to ask a question of the chairman of the Committee of Ways and Means. I wish to know whether this appropriation covers a certain sum taken by Senators at the rate of their per diem allowance for sickness during the vacation?

Mr. HOUSTON. Not that I know of. If it does, I do not know it.

Mr. SACKETT. I understand there are some large items of that kind.

Mr. HOUSTON. I presume there are not.

Mr. STEVENS. I go upon the ground that the whole of this is illegal. I can never vote for any such sum of money. It is to supply deficiencies which the Senate themselves have allowed to be taken out of the Treasury contrary to law.

Now, sir, I think the gentleman from Maryland [Mr. EVANS] is mistaken when he says that this has been the uniform construction of the law, which has given mileage from the foundation of the Government. I think it is only about a dozen years since constructive mileage has been taken. A friend near me informs me that it is since about 1841. I can never vote to pay a man traveling from California here and back again \$11,000, while he is sitting in that Chamber, and never moves from it except to his boarding-house.

Mr. HOUSTON. Is this debate in order?

The CHAIRMAN. The proposition submitted by the gentleman from Maryland is to increase the appropriation \$1,000; and in arguing against that increase of \$1,000, the Chair supposes that an argument against the whole amount would be proper.

Mr. STEVENS. If the object is wrong, I may argue against the whole of it. Now, I shall never give my vote for any body to pay either in the shape of a deficiency, which is a cunning way of getting it, or in any other shape, members for traveling to the amount—some of them—of \$11,000, when they have only traveled from here to their boarding-house. It is a fraud upon the Treasury of the United States. I have no hesitation in calling it a fraud. It is a violation of the plain letter of the law. It is a construction put upon it, not by both branches of the Government—for we have constantly rejected it—but put by a single branch of the Legislature, who allow themselves to take out of their contingent fund—

[Here the hammer fell.]

Mr. FITCH moved to add the following proviso to the Senate amendment:

*Provided, That no constructive mileage shall be allowed hereafter.*

Several MEMBERS. That is already the law.

Mr. FITCH. That is not the law. Gentlemen are very much mistaken if they suppose that the law prohibits entirely constructive mileage hereafter. There is a law prohibiting constructive mileage for every four years at the incoming of a new Administration, and at no other time.

Mr. STEVENS. The gentleman probably

misunderstood me. I say the law giving mileage prevents anything but actual mileage.

Mr. FITCH. There is a difference of opinion between us and the Senate as to that matter.

[A message was here received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, informing the House of the passage of certain bills.]

Mr. FITCH, (resuming.) But whatever our opinion of the matter is, the Senate have put that construction upon the law, and the constructive mileage was drawn and allowed by the accounting officer at the last session.

As I before remarked, in speaking of this matter, in an amendment to one of the appropriation bills of the House, we forbade constructive mileage every fourth year—that is, upon the incoming of a new Administration. That law did not apply to the executive session of the last Congress. It will not apply to any executive session at the close of the alternate Congress, Senators being permitted still, under the construction of the old law to draw constructive mileage, if they think proper to do so, at such executive session. The object of this proviso is to exclude it altogether, so that it may at no time be drawn.

Now, as to the \$50,000 amendment of the Senate, we have passed upon it in another bill. If we refuse to pass it now, it will not avail anything, because the constructive mileage has been drawn, and we have no power to compel those to whom it has been paid to restore it. More than that, there is a very great misunderstanding in relation to this constructive mileage. You see the names of Senators published as those who refused to take that constructive mileage, and great credit is claimed to them for that refusal. But do you find that they have filed written releases for that mileage? Far from it. On the contrary, their names are entered up as entitled to it, and they can get it at any time whenever they choose to call for it. It is an investment without interest for all time to come. This proviso, if it be adopted, will prevent any such investments hereafter, and prevent any misconception of the old law. I do trust, in good faith, that it will be adopted.

Mr. STANLY. I favor the views of the gentleman from Indiana, but I hope his amendment will not be adopted. I object to the construction which the Senate have placed upon this constructive mileage, and think it wrong; but I do object, also, to the House of Representatives striking a blow at the Senate in a matter of this kind. I think it is our duty to treat the Senate with respect, and, if need be, with a great deal of forbearance. I deprecate exceedingly that we should quarrel with each other in our legislation here. Now, sir, I am not in an especial good humor with that honorable body, and I had hoped that an opportunity would have been afforded us, when the resolution came up fixing the day of adjournment, to have paid some little respect to them for their recent scolding of us. They deserve it richly. They deserve just such an amendment as is proposed to be put in; but we do not deserve to have to pass that amendment. Now, with all respect to that body, I think they waste five times as much time as the House of Representatives. They have had an election case pending since December last, and they have not decided it yet.

The CHAIRMAN. The gentleman is not in order, in discussing an election case before the Senate.

Mr. STANLY. I want to call public attention to these things, and to save this House from reproach. I want to say, if it is in order, that I look upon the House of Representatives as in every respect equal to the Senate. We have as important measures confided to our hands, and, moreover, we have power to do things that the Senate cannot do. It becomes this House, above all things, to stand up and maintain the respectability of its character, especially when it is assailed by the Senate. There are very honorable gentlemen in the Senate, who have scolded us, who are no way superior, and who, when they were in this House, were in no way superior to a hundred or more of the members who are here now, and I should like to have half an hour to pay my respects to them as they deserve. But I do not want, by voting for this amendment, to begin to legislate on the misconduct of the Senate. I hope the House will leave them to rectify their own errors, and put the seal of reprobation on the indi-

viduals there who have offended against propriety and violated the law of the land.

Mr. SACKETT. I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman must recollect that we are considering an amendment made by the Senate to the original bill. The gentleman from Indiana [Mr. FITCH] has moved an amendment to that amendment, and no further amendment is in order.

Mr. JOHNSON, of Tennessee. Why is not an amendment in order now?

The CHAIRMAN. Because we have an amendment now in the second degree.

Mr. JOHNSON. Not in this House. The amendment of the Senate is the original proposition.

The CHAIRMAN. The Chair decides that no further amendment is in order.

The question was then taken upon Mr. FITCH's amendment to the amendment; and it was decided in the affirmative.

So the amendment to the amendment was agreed to.

The question recurred upon agreeing to the amendment of the Senate as amended.

Mr. SACKETT moved to amend the amendment by adding thereto the following:

*Provided, That nothing shall hereafter be paid to Senators or Representatives, in case of sickness, during the vacation of Congress.*

Mr. S. said: I offer that amendment for the purpose of calling the attention of the Senate and the country, and the House, to the fact, that several very considerable sums of money have been drawn by Senators, during the recess of Congress, under the law, I think, of 1818, that members detained by sickness, during the recess, shall be paid at the rate of their per diem allowance. I do not remember the title of the law.

Mr. JONES, of Tennessee. I would inquire of the gentleman, if the practice has not been applied to members of this House also?

Mr. SACKETT. I presume so. I merely desire to call attention to the fact, that there is such a law. I understand that, in certain cases, the sums have risen up to \$1,000 and \$1,500.

A MEMBER. Name a case.

Mr. SACKETT. I prefer not to do it. They are published. I understand that the sums received in cases of sickness, during the recess of Congress, have in some instances risen up to \$1,000 and \$1,500. I have never examined the details of the law, but I understand that there is such a construction put upon a law, and that such sums of money have been drawn from the Treasury in such cases. If this be so, I wish Congress and the country to take notice of the fact, that we may repeal that law. I offered the proviso merely for the purpose of calling attention to the fact, but it is so clearly right that I believe I shall press it to a vote.

Mr. CLEVELAND. It seems to me that the gentleman from New York has traveled out of his way, for the purpose of assailing some individual, either in this House or at the other end of the Capitol. It seems to me that there can be nothing plainer than the justice of the practice, and of the law, if law exists, that a member in the service of his country, detained in this city by sickness, shall be paid his per diem. I beg to know if there is a man upon this floor, who is desirous of having a brother member, when he is detained here by sickness after the adjournment, remain and expend large sums of money out of his own pocket?

Mr. SACKETT. I desire to say a word by way of explanation. I do not intend this as an attack upon anybody. I do not say that any money has been drawn except fairly, under the law as it exists. I only say that I am opposed to such a law.

Mr. CLEVELAND. I say in reply to the gentleman, that I did not believe there was a man upon this floor, or who had ever occupied a seat here, who would hesitate for one moment, to pay out of the public Treasury the per diem of those members who may be detained here by sickness during the recess. I do not believe there is a man upon this floor who would not put his hand into his own pocket, if there was no such law, and befriend a brother member in that condition, to help to support him in his misfortunes. Sir, there is not, in my judgment, a more meritorious claim

upon the Treasury, than the one which the gentleman now tries to shut out by his proviso.

Mr. SACKETT. I never thought of any particular case.

Mr. CLEVELAND. I do not see why this amendment should be offered, unless it was intended to cast a reflection upon the action of the House or some member of it. We are now administering a very proper, just, and becoming rebuke to the Senate, for taking this constructive mileage, and the gentleman is trying to weaken the force of the exposure we are making, by offering an amendment of this character. I think it ought to be met and opposed. I think that when any member is detained by sickness, and compelled to remain here when others are permitted to go home, he ought to be allowed his per diem. I think the amendment ought to be voted down by every member, except by the gentleman who offered it, and his name ought to stand alone upon the record.

The question was then taken upon Mr. SACKETT's amendment, and it was not agreed to.

Mr. MEADE offered the following amendment, to come in at the end of the Senate amendment as amended:

But nothing in this proviso shall prevent a member of Congress from receiving his mileage for attending any regular session thereof.

Mr. M. said: I wish to call the attention of the committee to the fact that a liberal construction of the proviso opposed by the gentleman from Indiana, and which has just been adopted, a member from Arkansas, or Texas, or California, who might think proper after the adjournment of this session of Congress, to remain here in Washington until next session, without going home, would not be entitled to his mileage. I know it is not the intention of the committee to exclude mileage, except in the case of an extra session: called immediately upon the adjournment of the regular session, and when a member could not possibly get home. But unless my amendment is adopted, that construction will certainly be put upon the proviso of the gentleman from Indiana.

Mr. HOUSTON. By the law as it now stands, if this session should continue until within a short time of, or up to the next session, members of Congress would not be entitled to any mileage at all. The law is that the mileage of members of Congress shall be controlled, to some extent, by the length of time between the two sessions.

Mr. STEPHENS, of Georgia. We have passed that time now.

Mr. HOUSTON. I believe we have. But if Congress should not adjourn until within a month of the next session, the law would give each member of Congress his eight dollars per diem for that month, and deprive him of mileage. That is the express law now. I do not think that the construction which the gentleman from Virginia puts upon the proviso of the gentleman from Indiana is a correct one. I think the proviso against constructive mileage is a proper one, and it does not interfere with the regular mileage of the members of either House of Congress.

The question was then taken upon Mr. MEADE's amendment, and it was not agreed to.

The question recurring upon the amendment of the Senate as amended, it was put, and decided in the affirmative.

So the amendment as amended was concurred in.

Mr. HOUSTON moved to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. HOUSTON. I move to lay aside the bill with the amendments to be reported to the House, and to take up House bill, No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1853.

The question was put, and the motion was agreed to.

#### APPROPRIATION BILL.

The civil and diplomatic bill was taken up by the committee for consideration.

Mr. HOUSTON. The bill is a long one, and there is no necessity for reading it through, preparatory to amendment. I hope the committee will consent to have it read by paragraphs, and that such amendments as may be designed, will be offered as the reading progresses. That will

expedite action a good deal, especially if we confine our debates to the amendments offered.

The CHAIRMAN. The Chair will remark that the bill extends over forty-three pages. The gentleman from Alabama [Mr. HOUSTON] submits the proposition that the preparatory reading of the bill be dispensed with, and that the committee proceed at once to consider the bill by paragraphs. It will be for the committee to determine.

Mr. STUART. I hope the reading of the bill will be dispensed with, because when debate is closed and we enter upon the amendments, the bill will have to be read through again.

Mr. HOUSTON. The gentleman is mistaken in this. I propose to dispense with the first reading of the bill, and to commence with the second reading, that is, to read the bill by paragraphs, if no general debate springs up. Should such be the case, and we have to close debate, then we can go on with the reading of the bill by paragraphs and make amendments.

The question was put, and Mr. HOUSTON's motion agreed to, and the Clerk proceeded to read the first paragraph of the bill.

Mr. STUART. I hope the committee will understand what we are now doing. As I understand it, according to the arrangement entered into by the committee, unless amendments are made as the sections to which they refer are read, they cannot be made at all. We cannot refer back to a section after it has been passed over.

The CHAIRMAN. The Chair announced before the reading of the bill, that it was now open to amendment. In order, however, that there may be no misunderstanding, he will again remark, as the gentleman from Michigan [Mr. STUART] has correctly remarked, that after any section of the bill has been passed over, the committee cannot go back to it again without unanimous consent.

Mr. JONES, of Tennessee. If there is any gentleman here who wishes to make presidential speeches, or speeches in general, the time has arrived when he can be gratified. [Laughter.]

Mr. FITCH. I have an amendment to offer to this bill. I desire to submit the proviso to which I have already alluded, in relation to constructive mileage, and have it inserted in this bill, so that it shall apply to the Executive sessions of the Senate, that there may be no doubt at all with regard to that matter.

Mr. HOUSTON. If the gentleman will allow me, I will suggest that there will be ample time for his amendment, and it will be better to submit it as an independent section to come in at the end of the bill.

Mr. FITCH. Will not that be ruled out of order?

Mr. HOUSTON. Certainly not. I think the gentleman's amendment is a good one, and ought to be adopted by the committee.

The CHAIRMAN. The gentleman's amendment will be in order to come in at the end of the bill, as a separate section, if he desires to offer it there.

Mr. MEADE. So well satisfied am I that the proviso ought to be adopted, excluding members of Congress from receiving their mileage, except for the regular sessions, that I am induced to offer an amendment to the clause in this bill relating to mileage, which will tend to explain it. I offer the following amendment:

*Provided, That no constructive mileage shall be allowed for attending extra sessions of Congress.*

Mr. FITCH. The difficulty against which the gentleman desires to provide by his amendment, I think can better be met by a separate section of the bill. When the proper place arrives I will offer an amendment which will cover the whole ground.

Mr. MEADE. Very well, then; I will withdraw my amendment.

The Clerk having finished the reading of the clause providing for the contingent expenses of the two Houses,

Mr. FAULKNER obtained the floor, and addressed the committee an hour, upon the political issues between the two parties, and particularly upon the subject of the compromise measures. In regard to the maintenance of the latter he argued that it was essential to the peace of the Union. In speaking upon the subject of the Presidency, he said he could not see that the election of General Scott could contribute to the peace of the Union by giving stability and firmness to the compromise

policy of 1850. [His remarks are published in the Appendix.]

Mr. SKELTON obtained the floor.

[The SPEAKER here resumed the chair temporarily,] and

Mr. WILDRICK, from the Committee on Enrolled Bills, reported back as correctly enrolled the following bills, which thereupon received the signature of the Speaker, viz:

An act to amend an act entitled "An act to incorporate the Washington Gaslight Company," approved July 8, 1848;

An act to protect the actual settlers upon the lands on the line of the Illinois Central Railroad and branches, by granting preemption rights there-to; and

An act to create three additional land districts in the State of Iowa.]

Mr. COBB, (Mr. SKELTON yielding the floor.) I thank the gentleman from New Jersey for allowing me the privilege of addressing the committee for a few moments. My object in addressing the committee now, is to notify them that the very earliest day that I can possibly get an opportunity of doing so, either by a suspension of the rules, or through the liberality of the House—and I shall rely more particularly on the liberality of the House—I intend to bring up a widow's claim. It is one that has already been reported upon three times in this House, and a bill has passed the House three times, but it has always been lost in the Senate for want of time to consider it. At the present session of Congress the bill originated in the Senate, passed that body almost unanimously, came down to this House, and was referred to the Committee on Claims. That committee, as is well known to this House, scrutinizes every case that comes before them; and in order to impress the committee with the merit of the claim, I will simply state that the committee have favorably reported upon it unanimously. The bill proposes to authorize the Secretary of the Treasury to adjust the accounts of a deceased person, and to allow to his widow and six orphan children, such an amount as he may find, upon the testimony presented to him, to be absolutely due to them. At the very earliest opportunity, I intend to ask the House to take up that bill and pass it. In doing so, they will be engaged in a pursuit that will contribute more to the comforts of suffering humanity, than perhaps any other measure which they could pass.

A MEMBER. What bill is it?

Mr. COBB. Senate bill No. 152. I will say further that there is a bill upon the Calendar, which I had the honor to report from the Committee on Public Lands, proposing to graduate and reduce the price of the public lands. I am becoming fearful that that bill may not be reached before the adjournment, and as it is important that the country should know my views upon that question, it may become necessary that I should submit them to the House and the country, so that the House may be prepared to vote on that bill, if it should be reached; and that, if it is not reached, the people may be able to tell their Representatives, when they go home, that the bill ought to be passed.

I would remark in conclusion that I have been a constant attendant here since the commencement of the session. I have not lost one single hour here since the assemblage of Congress; not one hour have I lost. But whilst I have been so faithful an attendant upon the public business, I have some four or five little private cases. [Laughter.] If I could get the House to consider them occasionally, I am sure I would not tax them with speeches the remainder of the session more than I have done during the nine months we have been engaged here.

Mr. CLINGMAN. I wish to ask as a particular favor of the gentleman from Alabama, that while he is attending to his private cases, he will also look after one for me.

Mr. COBB. Oh, I cannot promise to do that.

Mr. CLINGMAN. I have succeeded in getting through the House, upon three several occasions, a bill granting a donation to an old soldier of my State whose leg was broken some time ago. It has passed the House, but failed to be acted upon in the Senate. Now I want my friend over the way, in making his appeals to the House in behalf of his own private cases, not to forget my broken-legged soldier.

Mr. COBB. If the case is before the House from a committee, I will consider it certainly.

Mr. SKELTON. Mr. Chairman, the Committee on Agriculture, of which I am a member, have agreed to report a bill to this House for the purpose of establishing an Agricultural Bureau. I have written out the arguments which have convinced me of the necessity of such an establishment; but as the session is far advanced, and as there is a large amount of public business pressing, I propose, for the purpose of expediting business, and, at the same time, laying before the House and the country the reasons which have induced me, and which have induced a majority of the Committee on Agriculture, to recommend the establishment of such a bureau, to ask the privilege of publishing my remarks, and having them placed among the proceedings of the House [Mr. S.'s speech will be found in the Appendix.]

Mr. JOHN W. HOWE obtained the floor.

Mr. JONES, of Tennessee. I understand there is no amendment pending to the bill.

The CHAIRMAN. There is no amendment pending.

Mr. JONES. I wish to offer an amendment to the first clause of the bill, separating the appropriation for mileage in the ninth, tenth, and eleventh lines, which now read as follows:

"For compensation and mileage of Senators, members of the House of Representatives, and Delegates, \$440,128."

It is now made out in one aggregate sum, covering the compensation and mileage of Senators, members of this House, and the Delegates from the Territories. I wish to separate the appropriation, so that we may give the necessary amount for the compensation and mileage of Senators, and then the necessary amount for the compensation and mileage of the members of the House and Delegates from the Territories. I propose no alteration in the amount to be appropriated. When the appropriation is made, as has heretofore been the custom of Congress, the entire amount is subject to the draft of the officers of either House. I wish the amount appropriated to each House specified, so that each House shall be responsible for its fund, and the expenditure thereof. I propose to insert, in place of the ninth, tenth, and eleventh lines, the following:

For compensation and mileage of Senators, \$204,077; for compensation and mileage of Members of this House, and Delegates from the Territories, \$335,352.

The CHAIRMAN. That section of the bill having been passed over, cannot be amended except by the unanimous consent of the committee.

Mr. JONES. I merely wish to insert that in lieu of the joint appropriation as it stands in the bill. The amendment makes precisely the same amount of appropriation, but appropriates to each House a specific sum.

There was no objection, and the amendment was received and adopted by the committee.

Mr. HOWE. If it is the pleasure of the committee, I will proceed with my remarks.

Mr. ALLISON. If my colleague will give way, I will move that the committee do now rise.

Mr. HOWE. I will give way for that purpose.

Mr. ALLISON. I then submit that motion. The question was put, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the chairman [Mr. Phelps] reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration House bill No. 89, making appropriations for the support of the Military Academy at West Point, and for other purposes, with Senate amendments thereto, and had instructed him to report the same to the House, having agreed to some of the amendments and disagreed to others, with an amendment. They also had had under consideration House bill No. 196, and had come to no resolution thereon.

Mr. HOUSTON. I move to recommit the Military Academy bill, with the amendments, to the Committee of Ways and Means, and call the previous question.

Mr. CLINGMAN. Why can we not pass it now?

Mr. HOUSTON. I should be glad to have it done, if it is not too late to pass it now.

Mr. CLINGMAN. It is not too late.

Mr. HOUSTON. Then I will withdraw the

motion to recommit, and move to put the bill upon its passage.

Mr. JONES, of Tennessee. I will state to the House, with the permission of the gentleman from Alabama, [Mr. Houston,] that the gentleman from Indiana, [Mr. Fitch,] who offered the proviso to this bill in relation to the constructive mileage, is satisfied that it will not effect his object. He has proposed an amendment to the civil and diplomatic bill which will cover the case. I have read his amendment, and I perfectly concur with him in relation to it. I will go with him as far as any member of this House to check this practice or stop it, but as the amendment is worded which has been attached to this bill, it cannot effect the object. I think, therefore, that this amendment of the Committee of the Whole on the state of the Union will only be calculated to embarrass the bill and the intercourse between the two Houses, without effecting the object for which it was intended. I ask, therefore, that those who are for restricting that practice will vote down this amendment, and let it be offered in a new form to the civil and diplomatic bill.

Mr. HOUSTON. The gentleman from Indiana [Mr. Fitch] told me he intended to say to the House that he would be willing it should vote down this amendment. He submitted to me the amendment, which he has since prepared, and I think it is much more satisfactory. I ask, therefore, that the vote may be taken upon concurring in the action of the Committee of the Whole on the state of the Union relative to this proviso, and then upon concurring in its other action upon the bill.

The question was then taken, and the House non-concurred with the committee in the adoption of the proviso relative to constructive mileage.

The question was then taken on concurring with the committee in its other action upon the Senate amendments, and the House concurred therein.

Mr. STANTON, of Ohio. I ask the unanimous consent of the House to report from the Committee on Roads and Canals a bill for the construction of a ship canal around the Falls of the Ohio at Louisville. My object is merely that it may be referred, so that it may be printed and be before the House at the commencement of the next session.

Mr. CLEVELAND. I object. We have had rivers and harbors enough for one session.

Mr. JOHNSON, of Arkansas. I ask the unanimous consent of the House to have printed and referred to the Committee on Indian Affairs the papers which I hold in my hand.

Mr. STANTON. I believe I have the floor. I move to suspend the rules for the purpose of enabling me to introduce my resolution.

Mr. CLEVELAND. If the gentleman from Ohio merely desires to introduce his bill for the purpose of reference, I will withdraw my objection.

The SPEAKER. Then the report will be received, if there is no objection.

Mr. STANTON. I will submit this proposition to the House, that it be committed to the Committee of the Whole on the state of the Union, printed, and made the special order of the day for the first Monday in December next.

[Loud cries of "Object!"]

Mr. STANTON. Very well; then I will move simply that it be referred to the Committee of the Whole on the state of the Union, and printed.

The SPEAKER. It will be so ordered.

Mr. JONES, of Tennessee. I object.  
Mr. STANTON: I think the objection came too late.

Mr. JONES. I objected to the bill being introduced in the first place.

Mr. STANTON. But the rules have been suspended, and the report is here.

Mr. JONES. There has been no suspension of the rules for any such purpose.

Mr. JOHNSON, of Arkansas. I ask the unanimous consent of the House to introduce the papers to which I before alluded to, and have them referred to the Committee on Indian Affairs.

Mr. STANTON. I believe I still have the floor. If the report for which I asked the permission of the House to enable me to submit, has not been received, I move to suspend the rules for that purpose.

Mr. FOWLER. I rise to a question of order.

The gentleman from Ohio proposed to submit a report from the Committee on Roads and Canals. The Speaker called upon the House to know if there were any objections, and none were offered. He submitted his report, and stated what disposition he wished made of it. The Chair announced the report to have been received before any objection was made to its reception. I submit, therefore, that the objection came too late.

Mr. JONES. I objected when the gentleman first asked permission to submit his report. The gentleman from Connecticut [Mr. CLEVELAND] objected also, but after explanation withdrew his objection. The Chair then stated that if there was no objection, the report would be received, when I again objected.

The SPEAKER. The Chair understood the objection to have been withdrawn to the gentleman's introducing the report. The gentleman then submitted the motion that it be referred to the Committee of the Whole on the state of the Union, and that it be printed, and the Chair stated that it would be so ordered, unless objected to, and the gentleman from Tennessee [Mr. JONES] objected. The Chair understood his objection to apply to the printing only.

Mr. JONES. I objected to making the report at all.

Mr. SMART. I move that the House do now adjourn. I believe that is in order.

Mr. JOHNSON, of Arkansas. I ask the gentleman from Maine [Mr. SMART] to allow me, before he makes that motion, to make a report, and ask that it may be printed and referred.

Mr. STANTON, of Ohio. That is only what I asked to do.

Mr. JOHNSON. The gentleman's case is a very different one from my own.

Mr. JONES. I objected to receiving the report of the gentleman from Ohio, [Mr. STANTON.]

The SPEAKER. The report was received before the Chair heard any objection from the gentleman from Tennessee, [Mr. JONES.]

Mr. STANTON. I make the motion that the report be committed to the Committee of the Whole on the state of the Union, and that it be printed. That is all I want. Let the motion be entered, and then it can be brought up next Monday.

Mr. JONES. I contend that the report is not before the House.

The SPEAKER. The Chair decides that the report is before the House, and the question is upon having it referred and printed. To that the gentleman from Tennessee [Mr. JONES] objected.

Mr. JONES. I objected, and so did the gentleman from Connecticut, [Mr. CLEVELAND.] He withdrew his objection, but I never did mine.

Mr. SMART. I move that the House do now adjourn.

Mr. JOHNSON, of Arkansas. I call the gentleman to order until I can get a hearing. Gentleman cannot all talk at a time, and not take the floor at all. I will state to the House that a call was made upon the Commissioner of Indian Affairs for information as to the manner in which the money belonging to the Indians east of the Mississippi river had been expended. This was done in order to see whether those moneys had been expended rightly by the individuals who received them, and that the people might look into the accounts to see that they were right. Here is the answer to that call from the Indian Bureau, and from the Second Auditor's department. I ask that it be referred to the Committee on Indian Affairs, and printed.

No objection was made, and an order to that effect was entered.

Mr. STANLEY. I want to make a motion to suspend the rules, and let the motion lie over until next Monday, as the House is thin, and not in a condition to act upon it now. My motion is to suspend the rules in order to appoint a day for the consideration of the bill for the relief of the indigent insane.

Mr. SMART. There is no quorum, and I move the House do now adjourn.

Mr. BRECKINRIDGE. I will ask the gentleman from Maine to withdraw his motion for a moment. The House seems to be in good humor, and has as good an opportunity to do an act of justice as it will have during the session.

The SPEAKER. The gentleman from North Carolina [Mr. STANLEY] made a motion, and pend-



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ing that motion the gentleman from Maine [Mr. SMART] moved that the House adjourn.

Mr. ORR. There was a motion pending which should have been disposed of before the gentleman from North Carolina [Mr. STANLY] could claim the floor. It was the motion of the gentleman from Ohio [Mr. STANTON] upon the question of printing the report he submitted. That motion has not yet been disposed of.

Mr. STANLY. That was passed half an hour ago.

The SPEAKER. There was no objection on the part of the House to printing the report. The gentleman from Tennessee [Mr. JONES] said he objected to receiving the report.

Mr. ORR. There were objections.

The SPEAKER. The question is upon the motion to adjourn.

Mr. BRECKINRIDGE. I ask the gentleman from Maine to withdraw that motion for a moment.

Mr. SMART. I cannot.

The question was taken on the motion, and it was agreed to.

So the House adjourned until to-morrow at eleven o'clock, a. m.

## IN SENATE.

TUESDAY, August 3, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. BRODHEAD presented the memorial of Charles K. Gardner, late postmaster at Washington city, praying the payment of commissions on postage which he alleges to be due him; which was referred to the Committee on the Post Office and Post Roads.

Mr. SOULE presented the memorial of Eleonore Mioton, widow of Auguste Douce, praying indemnity for property destroyed by a mob in the city of Mexico; which was referred to the select committee appointed on the subject of claims against Mexico.

Also, the memorial of Henry Stevens, praying the appointment of a tribunal to review the decisions of the late Board of Commissioners for the settlement of claims of citizens of the United States against Mexico; which was referred to the select committee appointed on the subject.

Mr. SEBASTIAN presented the memorial of David Butler, late military storekeeper in the Army of the United States, praying certain allowances which he claims to have been due him while in charge of Mount Vernon Arsenal and Fort Morgan; which was referred to the Committee on the Judiciary.

Mr. NORRIS presented the petition of Betsey Wheeler and others, heirs-at-law of Artemas Wheeler, praying the renewal and extension of the patent granted to said Wheeler for improvements in fire-arms; which was referred to the Committee on Patents and the Patent Office.

Mr. DAVIS presented a petition of a committee of the Massachusetts Medical Society, praying that a committee may be appointed to classify, embody, and arrange the statistics of the deaths in the several towns of the United States, and the diseases or causes of them, reported in the last census returns; which was ordered to be laid on the table.

Mr. GWIN presented the memorial of P. A. Hargous and the "New Orleans Company," American claimants of the right of way across the Isthmus of Tehuantepec, praying protection in their rights or indemnity for the wrongs done them by Mexico; which was referred to the Committee on Foreign Relations.

Mr. DODGE, of Iowa, presented documents in support of the claim of Aaron H. Hoyt to a pension for services in the war of 1812; which were referred to the Committee on Pensions.

Also, documents in relation to the claim of Catharine Butts, to bounty land for the services of her late husband in the revolutionary war; which were referred to the Committee on Public Lands.

Also, documents in relation to the claim of

Jacob Cole to a pension for services in the war of the Revolution; which were referred to the Committee on Pensions.

## PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GWIN, it was

Ordered, That the memorial of Foxhall A. Parker, on the files of the Senate, be referred to the Committee on Naval Affairs.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the documents relating to the claims of Sarah Shatto, heir of John Walker, and Mary Green, heir of James McKinney, on the files of the Senate, be referred to the Committee on Private Land Claims.

## REPORTS FROM STANDING COMMITTEES.

Mr. WALKER, from the Committee on Revolutionary Claims, to which was referred the petition of Catherine Proctor Hayden, praying payment of balance found due on settlement of her father's account for advances made during the revolutionary war, and also of seven years' half-pay due her as the heir of Colonel John White, of the Fourth Georgia Battalion, submitted a report accompanied by a bill for her relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the memorial of Washington Morehead, praying that Joseph Morehead, late an officer in the Navy, may be allowed his pay from the time of his dismissal from the service, submitted a report, accompanied by a bill for the relief of Joseph Morehead; which was read and passed to the second reading. The report was ordered to be printed.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the bill from the House of Representatives for the relief of Philo Smith, reported it back without amendment.

Mr. SHIELDS, from the Committee on Military Affairs, to which were referred the following petitions, asked to be discharged from the further consideration thereof, which was agreed to:

Petition of Harriet O. Read, executrix of the late Lieutenant Colonel A. C. W. Fanning, of the United States Army, praying compensation for extra services of Colonel Fanning;

Petition of citizens of Springfield, Massachusetts, praying that the armories of the United States may be placed under the superintendence of civil instead of military officers;

Eight petitions of clerks, messengers, and others employed in the War Department and Bureaus, praying an increase of their salaries;

Petition of Juan Fernandez, praying indemnification for cattle destroyed by the Indians in Texas;

Petition of citizens of Ohio, praying that pensions and extra pay may be allowed to private physicians employed for the volunteers during the late war with Mexico;

Petition of officers of volunteer companies in the District of Columbia, praying the construction of an armory in the city of Washington, for the safe keeping and preservation of the arms furnished them by Government;

Petition of Colonel William F. Small, tendering to the Government the services of a regiment of volunteers, for the defense of the eastern frontier of California;

Petition of Isaac Bush, John Price, and Thomas Suarez, praying compensation for themselves and the officers and men under their command during the Seminole war in Florida;

Resolution of the Legislature of Georgia in favor of the establishment of a depot of arms at the Sand Hills, near Augusta;

Petition of the "Green Mountain Rifle Corps," praying that the Secretary of War may be authorized to furnish the corps with arms and accoutrements; and

Petitions of officers of the Army, praying that the quarters of officers at permanent military posts may be furnished.

He also, from the same committee, to which was referred the petition of Thomas S. J. Johnson, praying payment for wagons taken for the use of the United States Army in New Mexico, submitted an adverse report thereon.

Mr. SHIELDS. There was a memorial presented to the Senate of the Board of Visitors appointed to attend the examination of the Military Academy at West Point, recommending an increase in the number of cadets, an extension of the term of education, and an enlarged course of studies. The Secretary of War has made a report on that subject. The committee therefore ask to be discharged from the further consideration of the memorial, and that the communication from the Secretary of War be printed.

It was so ordered.

Mr. BORLAND, from the Committee on Military Affairs, to which was referred the memorial of Charles McCormick, an assistant surgeon in the Army, praying compensation for extra services, asked to be discharged from the further consideration thereof; which was agreed to.

## MILITARY ACADEMY BILL.

A message was received from the House of Representatives, by Mr. P. B. HAYES, its Chief Clerk, announcing that it had agreed to all the amendments of the Senate to the bill of the House "making appropriations for the support of the Military Academy for the year ending June 30, 1853," except the amendment appropriating \$12,000 for the erection of a riding-hall.

On motion by Mr. HUNTER, the Senate receded from its amendment disagreed to by the House.

## NORTH AMERICAN FISHERIES.

A message from the President of the United States was received, by Mr. M. P. FILLMORE, his Secretary, transmitting, in compliance with a resolution of the Senate of the 23d ultimo, requesting information in regard to the fisheries on the coasts of the British Possessions in North America, a report from the Acting Secretary of State, and the documents by which it was accompanied; and stating that Commodore M. C. Perry, with the United States steam frigate Mississippi, under his command, had been dispatched to that quarter for the purpose of protecting the rights of American fishermen under the convention of 1818.

The message was read.

Mr. CASS moved to refer the documents to the Committee on Foreign Relations, and spoke for near an hour, contending that the construction given by the British Ministry was utterly untenable, and urged with much fervor the importance of protecting the fishermen in all their just rights, declaring the movement of England as most extraordinary, to say the least.

Mr. DAVIS spoke at length, maintaining the opinion heretofore expressed by him, that no war would grow out of the existing differences, though he thought there was much in the conduct of the British that might be classed as irritating and vexatious. He did not think Great Britain wanted a war, but if she did she could have it; he would never surrender an iota of our rights to her.

Mr. HAMLIN followed, going into a critical examination of the treaty, decanting on the correspondence in relation to it, insisting that the interpretation put on the treaty by the American Government was right, and should be sustained at all hazards, giving it as his opinion that the conduct of England could never be submitted to without dishonor and disgrace. Mr. H. did not conclude his remarks. [These speeches will be found in the Appendix.]

On motion by Mr. SEWARD, the further consideration of the President's message was postponed until to-morrow.

## EXECUTIVE SESSION.

On motion by Mr. BRIGHT, the Senate proceeded to the consideration of Executive business; and after some time the doors were reopened, and the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, August 3, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is the reception of a report from the Committee on the Judiciary.

Mr. MILLSON. I ask the unanimous consent of the House to take up from the Speaker's table, Senate bill No. 206, granting a pension to Mrs. Elizabeth V. Lomax, a widow lady, merely for the purpose of referring it to the Committee of the Whole.

There being no objection, the bill was taken up, read a first and second time by its title, and referred to a Committee of the Whole House, made the order of the day for to-morrow, and ordered to be printed.

Mr. RIDDLE. I rise to a question of privilege. On the 31st of March, in compliance with a request of the House, the President submitted a report of Captain Cram, of the United States Topographical Engineers, on the best mode of improving the Falls of the Ohio river, at Louisville. That report the House ordered to be printed on the 3d of May. The Committee on Engraving find that the report will be useless unless the maps and plates accompanying it are engraved and printed. The Senate have had copper plates made, and the committee find that the work can be done for a sum not exceeding \$800, possibly less. They have authorized me to submit a resolution.

The resolution was read, as follows:

*Resolved*, That the Committee on Engraving be, and are hereby, authorized to contract for the engraving or lithographing of one thousand five hundred and seventy sets of the maps and plates accompanying the report of Thomas S. Cram, of the Topographical Engineers, "on the best mode" of improving the Ohio river at the Falls at Louisville: *Provided*, The cost thereof shall not exceed \$800. Also, one thousand five hundred and twenty sets of the maps accompanying the report of the Surveyor General of Illinois, Missouri, and Oregon: *Provided*, The cost shall not exceed \$112.

Mr. JOHNSON, of Georgia. Is the resolution which has just been read by the Clerk, before the House for consideration?

The SPEAKER. It is, by the unanimous consent of the House.

Mr. JOHNSON. I object to the adoption of the resolution.

Mr. McLANAHAN. I desire to make an inquiry of the Chair. Will the discussion on the resolution which has just been read, come out of the morning hour, or will the morning hour commence after the resolution shall have been disposed of?

The SPEAKER. It will come out of the morning hour, because there was no reservation made at the time the House gave its consent to the introduction of the resolution.

Mr. JOHNSON, of Georgia. I am opposed to the adoption of this resolution. It is true the amount proposed to be expended is small, but, sir, the ocean is made up of drops and the earth of sands, and it is necessary that we should look to the expenses which we are incurring, although small in amount, in connection with the objects which are to be effected by such expenditure. What is the object of these plates? What good can they effect? How will they illustrate the report, and what is the report? The report is, that it will cost so much to improve the Louisville canal and the commerce of the Ohio river; that it will require an additional expenditure on the Kentucky side; and that if you run it in the middle of the stream it will require such an amount there; if you make a short canal on the Indiana side a certain further amount will be required; if you make a longer canal on the Indiana side a larger amount will be required. These, and such like, are the facts embodied in the report. The locality is known, and it is unnecessary that it should be represented by plates and figures to the members of this House. This expenditure will secure no good—it will effect nothing practical.

I am, sir, opposed to the report. It proposes to build a canal upon the Indiana side of the river. This Government has expended money upon the canal at Louisville, on the Kentucky side; and it has pledged its faith to the property-holders there that this canal shall be made for the use of the community. It is said that this canal will remain. If you open another one on the Indiana side, you will, by the action of this Government, destroy valuable property upon the Kentucky side.

Mr. STANTON, of Ohio, (interrupting.) Is this discussion upon the merits of that canal in order?

Mr. JOHNSON. It is connected with the report.

The SPEAKER. In ascertaining the necessity of the engraving, the value of the work itself, it seems to the Chair, may be considered.

Mr. JONES, of Tennessee. The question of printing opens the whole merits of the question.

The SPEAKER. The Chair has so decided.

Mr. STANTON. This is not a question upon printing the report of the committee, but upon engraving the maps connected with the report.

The SPEAKER. The question is upon the adoption of the resolution which proposes the publishing, with the report, certain engravings, and the gentleman from Georgia [Mr. JOHNSON] is in order in examining the value of the work itself.

Mr. JOHNSON. I am discussing the diagrams connected with the work.

Mr. MASON. With the permission of the gentleman from Georgia, [Mr. JOHNSON,] I should like to make an inquiry. It seems that the report of Captain Cram was sent around to the members, and we supposed it to be an authentic document. It turned out, however, that it was a garbled report, and being garbled, it was a false report. I wish to know of the chairman of the Committee on Engraving, [Mr. RIDDLE,] for which one of these reports he proposes to have these engravings, the true or the false one? I hope the chairman has examined the subject, and is aware of the fact that there is a true and a false report. The false one has been received by many as true. The true one has been garbled by speculators, perhaps for the purpose of obtaining the construction of a canal upon the Indiana side of the river. I wish to know from the committee for which of these reports the engravings are intended?

Mr. RIDDLE. Before I answer the gentleman from Kentucky, [Mr. MASON,] I will state, that when I offered the resolution, I stated that I rose to a privileged question; and it being such, I did not suppose it would come out of the morning hour.

The SPEAKER. It is a privileged question; but it is such a one as would interfere with the morning hour, unless by unanimous consent of the House it was otherwise ordered; and as there was no reservation made in regard to the morning hour, it will certainly come out of the morning hour.

Mr. RIDDLE. I wish merely to state to the House that the committee examined this report, which was submitted by the President, in compliance with the request of the House, and that the report will be useless without the maps. I feel no particular interest in the report, or in the work, but the House had better agree not to print the report unless they print with it the maps and plates. It is a very simple matter. The Senate have the plates, which have been executed at great cost, and the House can get the use of them. I presume that \$600 will do the whole work.

Mr. LOCKHART. Will the gentleman from Delaware [Mr. RIDDLE] state to the House whether the report of the survey of the Falls of the Ohio, made by Mr. W. J. Ball, civil engineer, was before the committee which reported this resolution?

Mr. RIDDLE. It was not before them.

Mr. LOCKHART. It is a very valuable report, and has accompanying it valuable maps of the Falls of the Ohio, and shows the absolute importance of additional improvements there.

Mr. STANTON, of Ohio. In reply to the gentleman from Kentucky, [Mr. MASON,] I will say that I understand there exists a difficulty about the report of Captain Cram. There was a report made by Captain Cram to the Topographical Bureau, relative to the improvement of the Falls at Louisville, and that it contained much irrelevant matter, which the head of that bureau regarded as improper. The Topographical Engineer called upon Captain Cram, and required him to strike out of his report all impertinent matter. The report as printed, is the report as corrected by him.

That is my information, though I do not claim that it is from any authentic source. This is the explanation which I have heard of the difference between the first manuscript report, and the report as published.

Mr. MASON made some remark, totally inaudible to the Reporter.

Mr. STANTON. The pending proposition

now, is to print the maps accompanying the report. I apprehend there is but one set of maps, and I do not think that the gentleman from Kentucky will say that there are garbled maps accompanying the report of Captain Cram. The question is to print the maps, and not the report.

Mr. MASON, (exhibiting a map.) I hold in my hand a map got up by interested parties. Now, I would ask the chairman whether the committee examined the corrected report and corrected maps of Captain Cram, instead of this, to which suspicion has been attached of being garbled by interested parties?

Mr. JOHNSON. I oppose the printing of these diagrams and plates for the reason, and main reason, that the report is favorable to the construction of a new canal around the Falls of the Ohio, on the Indiana side.

Mr. STANTON. The gentleman is mistaken as to Captain Cram's report. It is not relied upon by the committee, but is claimed by the gentleman [Mr. MARSHALL] as his thunder—as being against the report of the committee.

Mr. JOHNSON. I have read the report. I do not know how much has been garbled. My inference from the reading of the report was, that it was decidedly in favor of a new canal around the Falls, on the Indiana side. Such an expenditure of money is entirely and wholly useless. If the canal on the Kentucky side of the river is not sufficient to accommodate commerce on the river, I contend that this Government is under obligation, in its action upon this matter, to recognize the rights of the property holders upon the Kentucky side. Good faith requires, in this expenditure, that the Government shall not enter into any arrangement that will destroy the value of property upon the Kentucky side. Let the canal upon the Kentucky side be opened, and made sufficiently large, if any expenditure is to be made for the accommodation of commerce. Let that be done, that our faith may be kept with the property holders upon the Kentucky side of the Ohio. I believe, Mr. Speaker, that this subject has engaged the attention of the House long enough.

Mr. MARSHALL, of Kentucky. Will the gentleman yield to me for a moment?

Mr. JOHNSON. I will, for explanation.

Mr. MARSHALL. I understand the proposition now before the House to be one submitted by the Committee on Engraving, to grant them the liberty of engraving the maps and charts accompanying the report which was originally communicated by Captain Cram. That report was called for by a resolution submitted by myself, on an ascertainment of the fact that the report which had been published as Captain Cram's report of 1845, was not really all the matter which had been submitted by him to the Department. I had, at the time I presented that resolution, in my possession a complete copy of the real report; and I was cognizant of the fact, that by some art or means the report made by the engineer who had examined the Falls of the Ohio was so altered, so interlined and obliterated, that it did not present the features of the original. I understood that the conclusion respecting the Falls to which the engineer had come, after an examination, was cut out, and that the report was left in such a condition that an opposite conclusion might be drawn; and I thought, not merely in justice to all persons who were interested, but in order that Congress might obtain an intelligent view of the real merits of the subject prior to its decision, that the facts and the report of the engineer, as originally made, should be spread before Congress. A very large volume of manuscript was sent to this Hall from the Executive Department, in response to that call. It was ordered to be printed. I have not undertaken to examine it; but for the information of all who may be concerned in this matter, I here announce the fact, that I have the original report at my control, in the way in which it was written. I have a transcript of the real original; and if I have not, through this call, obtained the facts of the case, they must be elicited by such instrumentality and such proceeding as will hold whoever may be accountable to a proper responsibility.

I do not know about these maps. As I have stated, I have not read the matter now transmitted under my call. I have no objection myself to seeing the maps which accompany what purports now to be Captain Cram's report. I may be per-

mitted, Mr. Speaker, for the benefit of all who are concerned in this matter, to say that I have seen Captain Cram—that I have conversed with him, and understand exactly how this thing came about, and who were concerned in it. I am prepared, whenever the occasion arises, to proceed, so that the country shall understand all about it. I suppose that this is not the proper time—that this is not the proper occasion to discuss the merits of the proposition relative to the Indiana canal, and the plans for the enlargement of the Kentucky canal. Discussion will better take place when all of the propositions have been thrown before the House. This proposition to engrave the maps accompanying the report, which purports to be the original one of Captain Cram, should be adopted. To a proper understanding of that report it is necessary they should be engraved. They ought to be engraved for the proper understanding of the subject, by the one side or the other.

Mr. DUNHAM. With the gentleman's permission, I will make a remark or two. I have heard a great deal expressed upon the point to which the gentleman from Kentucky [Mr. MARSHALL] has alluded, and to which I had intended myself to call attention. It makes no difference whether it shall be determined to enlarge the present, or to build another canal around the Falls of the Ohio at Louisville, the House should have these maps before them for a correct interpretation of the report of Captain Cram. No matter what may be its interpretation, it concerns a matter which ought to attract the attention of the House, for I am sure that it is attracting the attention of the Mississippi valley, from Pittsburg to New Orleans. That whole country is interested, and something must be done for the relief of the commerce upon that river. It has been taxed year after year in the way of tolls levied by that canal. We want that navigation made free. If we cannot do so upon one side, in God's name let it be done upon the other. We want commerce relieved from the heavy burdens now imposed upon it. It ought to be relieved. Unless you have these maps engraved and printed, how can you tell anything about the report? As the gentleman from Kentucky has said, you cannot tell whether the conclusions at which the engineer, who has made the report, arrived, be right or wrong, unless these maps be placed before the House. The gentleman from Kentucky [Mr. MASON] has charged that there have been interlineations in Captain Cram's report—that it has been garbled. I presume, however, that he will not charge that the maps have been garbled. You need them, no matter which of the reports you shall order to be printed.

I wish to say another word with reference to a remark of the gentleman from Georgia, [Mr. JOHNSON.] It does seem to me to be a strange proposition that has been introduced into this House: that this General Government, by its action, has so trammelled itself with private interests—with private individuals—at the Falls of the Ohio, upon the Kentucky side, that its action is not now free for the purpose of controlling the navigation of that river.

It is a monstrous doctrine, that by our arrangements, with reference to that canal, we have so tied up our interests and legislation here with the individual interests of men who own town lots at the Falls of the Ohio, that we are not now permitted to legislate in regard to the interests of one of the most important branches of commerce in the United States. Such a doctrine cannot be tolerated here or elsewhere. I do not propose to take up the time of the House, as it is the intention of the gentleman from Georgia to call the previous question.

Mr. JOHNSON, of Georgia, moved to lay the resolution upon the table.

Mr. DUNHAM demanded the yeas and nays; which were not ordered.

Mr. CAMPBELL, of Ohio, demanded tellers; which were ordered; and Messrs. BAYLY, of Virginia, and HAVEN were appointed.

The question was then taken, and there were—ayes 71, noes 45.

So the House agreed to lay the resolution on the table.

Mr. CAMPBELL. I move to reconsider the vote by which the resolution was laid upon the table. I would inquire whether the motion is debatable?

The SPEAKER. It is not.

Mr. DANIEL. I move to lay that motion upon the table.

Mr. MEADE. Did the gentleman vote with the majority?

Mr. DANIEL. I did.

Mr. CARTTER. I demand the yeas and nays.

Mr. CAMPBELL. I will withdraw the motion to reconsider.

Mr. JENKINS. I renew it.

Mr. McLANAHAN. I will ask the gentleman from New York [Mr. JENKINS] to withdraw that motion, for the purpose of allowing me to make a report, under the resolution which was adopted yesterday, before the expiration of the morning hour.

Mr. JENKINS. It will take but a moment to dispose of it.

Mr. McLANAHAN. The yeas and nays are demanded, and it will take some little time to dispose of it.

Mr. JENKINS. If I should not lose the benefit of my motion I will give way for a moment to allow the gentleman from Pennsylvania [Mr. McLANAHAN] to make his report.

The SPEAKER. If it be the unanimous consent of the House, the question of reconsideration can go over until to-morrow.

Mr. OLDS. I object.

Mr. KING, of New York. As a point of order, I desire to inquire, if the report of the gentleman from Pennsylvania would not be in order this morning, or to-morrow morning, immediately after this question is disposed of?

The SPEAKER. The Chair will decide that question when it comes up.

Mr. McLANAHAN. I object to any motion if I have the right to the floor in the morning hour.

The SPEAKER. The motion proposed by the gentleman from New York [Mr. JENKINS] is in order, as it is a privileged motion.

Mr. McLANAHAN. The gentleman from New York [Mr. JENKINS] has withdrawn it to allow me to make a report.

The SPEAKER. The gentleman declines to withdraw it, and upon the question of reconsideration the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. STANTON, of Ohio. I wish to understand what the question is.

The SPEAKER. The question is upon reconsidering the vote by which the resolution was laid upon the table. It is not debatable.

Mr. KING. I hope that my colleague [Mr. JENKINS] will withdraw his motion, so as to allow the gentleman from Pennsylvania [Mr. McLANAHAN] to make his report.

Mr. OLDS. I call the gentleman to order.

Mr. McLANAHAN. I ask the gentleman again from New York to withdraw his motion.

Mr. JENKINS. Will it be in order for me to enter my motion without pressing its consideration now?

The SPEAKER. Any gentleman may have the question taken upon it. The gentleman may renew it to-morrow.

Mr. JENKINS. I will withdraw my motion.

Mr. HOWARD. I object.

The SPEAKER. The gentleman has a right to withdraw it.

Mr. HOWARD. I renew the motion.

Mr. OLDS. I rise to a question of order. My point of order is, that the resolution passed on yesterday allowing the gentleman from Pennsylvania [Mr. McLANAHAN] to make a report from the Judiciary Committee does not supersede the reports already pending in the morning hour. It was not so understood by the House, and he has no right to make his report until the pending business of the morning hour now before the House is disposed of.

The SPEAKER. The Chair overrules the point of order.

Mr. OLDS. I take an appeal from the decision of the Chair.

The SPEAKER. The House on yesterday passed by a majority of two thirds—indeed it was by almost an unanimous vote, a resolution authorizing the gentleman from Pennsylvania [Mr. McLANAHAN] to make a report from the Committee on the Judiciary. That report he proposes to make now, and the Chair decides that it takes

precedence of all other business connected with the morning hour.

Mr. HARRIS, of Tennessee. I move to lay the appeal upon the table.

Mr. OLDS. I withdraw the appeal.

#### FEES OF MARSHALS, ATTORNEYS, ETC.

Mr. McLANAHAN. In pursuance of the resolution of the House yesterday, under instruction of the Judiciary Committee, I now report back House bill No. 146, regulating the fees and costs to be allowed to the clerks and marshals of the circuit and district courts of the United States, with certain amendments.

The SPEAKER. The Chair understands that this bill has been reported back, and it has been read the first and second time.

Mr. McLANAHAN. I move to recommit it to the Committee on the Judiciary.

Mr. JENKINS. Will the gentleman allow me to make an inquiry? Would it not be well to have the amendments printed?

Mr. McLANAHAN. The amendments are of a verbal character. They are very few, and easily understood. It is of great public importance that this bill should be acted upon now. I ask for the reading of the bill and the amendments.

Mr. BOWIE. Is it in order to move to recommit this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is a pending motion to recommit.

Mr. McLANAHAN. But the gentleman cannot make the motion while I am occupying the floor.

The SPEAKER. That is very true.

Mr. McLANAHAN. Before I proceed to the discussion of the bill, I ask for the reading of the bill and the amendments. Then I will proceed with some explanation.

The bill and amendments were then read.

Mr. ORR. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. ORR. I move that the House proceed to the consideration of the business upon the Speaker's table.

Mr. McLANAHAN. I made a motion some time ago to recommit this bill.

The SPEAKER. That motion is now pending.

Mr. ORR. If it be in order, I propose the resolution which I have sent to the Clerk's desk.

The SPEAKER. The motion of the gentleman to go to the business upon the Speaker's table is in order.

Mr. ORR. Can we pass from the consideration of the present bill without the question being taken upon that motion?

The SPEAKER. The Chair is of opinion that we cannot.

The question was then taken upon Mr. Orr's motion, and it was agreed to.

#### CLOSE OF DEBATE.

Mr. ORR. I now offer the following resolution:

*Resolved*, That all debate in the Committee of the Whole on the state of the Union, on the bill of the House No. 196, (civil and diplomatic,) shall cease in one hour after its consideration shall have been resumed in Committee of the Whole, (if the committee shall not sooner come to a conclusion upon the same;) and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

Mr. O. said: That resolution proposes to close debate in one hour after the committee shall resume its sitting. The gentleman from Pennsylvania [Mr. HOWE] has obtained the floor, and I think he has a vested right to occupy the time of the House for one hour. If there is any other gentleman in the House who will indicate his desire to speak upon the merits of the bill, I am perfectly willing to modify the resolution, but not for him to make a general speech. I think, if gentlemen desire to make general speeches, we had better go through with the appropriation bills, and then if there is any time left they can be made. I therefore demand the previous question upon the adoption of the resolution.

Mr. JOHNSON, of Georgia. I desire to say to the gentleman from South Carolina, that I have not troubled the House with any exposition of my position, in reference to the presidential elec-



tion, and my constituents will expect me to do so. The gentleman from South Carolina has already had an opportunity of doing so, and I hope he will allow me the same privilege.

Mr. HOUSTON. There are five other appropriation bills behind this.

Mr. STEVENS, of Pennsylvania. The chairman of the Committee of Ways and Means promised us, sometime ago, that we should have reasonable time for debate upon this bill. I want to define my position also.

Mr. HOUSTON. The condition upon which I said that has never happened, for gentlemen have spoken upon every one of the other bills.

The SPEAKER. Debate is not in order.

Mr. STEVENS, of Pennsylvania. I move to lay that resolution upon the table.

Mr. ORR. Upon that I ask the yeas and nays in order that the country may see who it is that wishes to waste time and delay the public business.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 44, nays 107; as follows:

YEAS—Messrs. Ashe, Barrere, Bococek, Bowie, Breckinridge, E. Carrington Cabell, Lewis D. Campbell, Thompson Campbell, Clingman, Daniel, Dean, Dockery, Durkee, Eastman, Fitch, Floyd, Giddings, Goodrich, Grey, John W. Howe, Thomas M. Howe, Thomas Y. How, Jenkins, James Johnson, Kuhns, Landry, Mann, McMullin, Morehead, Nabers, Newton, Outlaw, Polk, Sackett, Schoolcraft, Schoolmaker, Scurry, Richard H. Stanton, Alexander H. Stephens, Thaddeus Stevens, Strother, and Ward—44.

NAYS—Messrs. Abercrombie, Aiken, Willis Allen, Allison, William Appleton, Averett, Thomas H. Bayly, Bartlett, Bissell, John H. Boyd, Bragg, Brenton, Briggs, George H. Brown, Burrows, Joseph Cable, Carter, Chandler, Chapman, Chastain, Churchwell, Clark, Cleveland, Cobb, Colcock, Cullom, Curtis, John G. Davis, Dimmick, Duncan, Dunham, Fowler, Thomas J. D. Fuller, Gaylord, Gilmore, Goodenow, Gorman, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hebard, Hendricks, Henn, Hibbard, Hillyer, Holladay, Horsford, Houston, Howard, Ingersoll, Ives, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Kurtz, Letcher, Mace, Martin, Mason, McCorkle, McLanahan, McNair, McQueen, Meade, Millson, Miner, Molony, John Moore, Murray, Olds, Orr, Andrew Parker, Samuel W. Parker, Pennington, Perkins, Phelps, Richardson, Robie, Savage, Schermerhorn, David L. Seymour, Skelton, Smart, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, Stone, St. Martin, Stratton, Sutherland, Thurston, Townshend, Walbridge, Wallace, Walsh, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, and Wildrick—107.

So the House refused to lay the resolution upon the table.

The question recurred upon seconding the demand for the previous question.

Mr. ORR demanded tellers; which were ordered; and Messrs. DUNHAM and HAVEN were appointed.

The question was then put, and the tellers reported—yeas 77, nays not counted.

So the previous question received a second.

Mr. BOWIE. Is the resolution open to amendment?

The SPEAKER. It is not.

The main question was then ordered; and, being put, the resolution was agreed to.

Mr. ORR moved to reconsider the vote by which the resolution was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

[A message was here received from the President of the United States by the hands of MILARD P. FILLMORE, Esq., his Private Secretary.]

Mr. HOUSTON moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHILPS in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1853, and for other purposes, on which Mr. J. W. Howe, of Pennsylvania, was entitled to the floor.

Mr. JOHN W. HOWE remarked that it was his purpose to examine, as briefly and concisely as he could, the platform adopted by the Whig party, of which he was or had been a member. He had looked at that platform with intense interest. He had also examined another platform manufactured at Baltimore, (which had become quite a manufacturing city,) and he must confess that he had been unable to discover any particular difference between the two. The eighth resolution in the Whig platform was a little more

pointed, clear, and perspicuous than the resolution of the Democratic platform on the same subject; but he considered both platforms equally faulty. He was not warring with men; it was the creed adopted by the Whig party with which he was at loggerheads, and he intended to confine his remarks principally to showing of what material it was composed, and it would turn out that it was formed out of a log raft upon which two very eminent men stove up, and had to go to Salt river a short time ago. He repeated he should confine his remarks to the eighth resolution of the Whig platform, and in doing so he purposed to make reference to the fugitive slave law therein referred to, and to dissect and examine its various parts, and see whether or not it was wholesome, and whether it was good to live by—at all events, he should be very sorry to die by it.

Mr. H. then referred at length to the fugitive slave law, condemning it in strong terms, and declaring that he was ready to vote for its repeal or modification. He also reviewed the Whig platform, dissenting from some of its provisions, and particularly opposing the eighth resolution. [Mr. Howe's speech is published in the Appendix.]

The CHAIRMAN. The time has arrived when, by order of the House, general debate upon this bill terminates. The Chair feels it to be his duty to announce to the committee that he will construe the 126th rule, which reads as follows:

"126. Whenever the Committee of the Whole on the state of the Union, or the Committee of the Whole House, finds itself without a quorum, the chairman shall cause the roll of the House to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal."

to mean that so soon as the roll shall be called he shall vacate the chair for the purpose of reporting to the House the names of the absentees. He deems it right to make this decision in advance, the practice of the House, as he understood, having been otherwise.

Mr. STANTON, of Kentucky. I move to strike out of the following—

"For salary of the Capitol police, \$3,560," the sum of "\$3,560," and to insert "\$4,560;" and at the end of that paragraph to add the following:

And that the two watchmen employed to protect the work upon the two wings of the Capitol, be, and they are hereby, added to the regular police of the Capitol, and the laws now in force regulating the powers and duties of the Capitol police shall be enforced and apply to them.

I wish simply to say, in explanation of that amendment, that at the time of commencing the work upon the two wings of the Capitol it was found that the police force about the Capitol grounds was not sufficient for the protection of the main building, and also for the protection of the work as it progressed on the two wings. It became the duty, therefore, of the Architect, who had the control of the work, to appoint two men to take charge each of one of the wings of the Capitol for the protection of the work as it progressed, and to take care of the tools and property belonging to the Government. These two men are now employed there for that purpose. They receive about the same salary out of the fund for the extension of the Capitol that they would be paid out of the fund for the regular police of the Capitol; but there is this difficulty about it: those two men are not clothed with the same power as the other police officers of the Capitol grounds, and hence it becomes necessary they should be incorporated with the regular police, in order that they may have power to arrest offenders who may choose to commit depredations upon the public property. Of course among the six or seven hundred men employed upon the two wings of the Capitol, difficulties occur. These officers have no power to arrest. It certainly would be their duty, if they had the power to arrest, to stop all disturbances of that kind which might occur. If they do it now they commit a trespass, and subject themselves to punishment for a breach of the peace, or action for damages in a civil suit. The Architect desires that they shall have this power conferred upon them. He wants them incorporated with the regular police at the Capitol. I hope the amendment will be agreed to.

Mr. HOUSTON. I did not hear the first portion of the gentleman's remarks. I wish to know by what authority these two additional police have been appointed?

Mr. STANTON. I stated in the outset of my remarks, that at the time the public work was commenced the police force about the Capitol was found not sufficiently strong—I think there are but five of them—to take care of the Capitol and its grounds, and that it was important two men should be appointed whose duty it should be to take charge each of one of the wings of the Capitol, in order to prevent depredations being committed upon the work, the carrying away of tools, or the destruction of material, and to perform various other duties which would come under their cognizance. Two men have been employed for that purpose by the Architect, under the direction of the President of the United States. The object of this amendment is simply to incorporate them with the regular police of the Capitol, and to clothe them with the same power.

Mr. JONES, of Tennessee. There is one chief of the police at a salary of \$1,450 per annum. There are also four assistant police officers, two of whom are upon duty during the night and two during the day at a salary of \$1,100 per annum each. At the last session of Congress there was in the deficiency bill a provision authorizing the appointment of two others to watch the grounds and see that the shrubbery was not destroyed or the trees injured. They were on duty only during the day. Their pay is two dollars per day. These constitute the whole police force of the Capitol grounds. If there have been two others appointed by the Architect of the extension of the Capitol, I think it best to allow them to remain under his direction and control until the wings shall have been completed. He is charged with the execution of the work upon those wings, and we have made an appropriation for that purpose of \$500,000. He can appropriate such a portion of that as may be necessary, as I understand it, for the pay of the superintendents and persons who guard and protect the property when the workmen are not present. I cannot see myself—probably it is all right—any very great necessity for these men, because the police of the Capitol are here until they close the gates, and then they remain inside.

Mr. STANTON, of Kentucky. Upon several occasions when difficulties have occurred at the Capitol among these men, instead of having power to suppress the disturbance themselves, these officers were compelled to run down to the city to find some person clothed with the proper authority.

Mr. JONES. Could two men added to these five men arrest the two or three hundred men you have here? If the workmen themselves will not be sufficient to assist the superintendents upon the work to preserve order and keep down a riot, we had better get clear of all the men. As I before said, it will be best, if they are to guard and protect the property, and see that the tools are not taken off and stolen during the time that the buildings are being constructed, to leave them under the supervision of the Architect and his men.

The question was then taken upon Mr. STANTON's amendment, and it was rejected.

The following section was then read by the Clerk:

"For compensation of librarian, two assistant librarians, and a messenger, \$4,500.

"For contingent expenses of said library, \$800.

"For purchase of books for said library, \$5,000."

Mr. CHANDLER. I move to add \$70,000 in the last line, for the purchase of books. We had funds voted for the library in the early part of the session. I have merely to say, that the sum of \$10,000 which was appropriated shortly after the destruction of the Library has been exhausted in the purchase of books called for every day, and we shall need a larger sum than this certainly. I believe that what I have asked for will be required, and I am sure that there will be no objection to this appropriation.

Mr. HOUSTON. Does the gentleman report this amount from that committee?

Mr. CHANDLER. I do not make it as a report, but as the result of conversation among ourselves.

Mr. HOUSTON. It is a matter we have not looked into, but I believe the addition of a liberal fund is necessary.

Mr. CLINGMAN. I wish merely to say, that I should prefer a larger appropriation than this. All the books that we need can be ordered and

put up by the next session. I am satisfied, as we shall be obliged to spend money for a Library, that we had better provide all the means at once, and make a liberal appropriation for this purpose. I am prepared to vote for a larger appropriation than this, if it is necessary.

Mr. CHANDLER. The chairman suggests \$50,000, but I think he will find that we will have to use \$75,000. We have used our money economically. We have employed no agents to run here and there, and we mean to employ none.

The question was then taken on Mr. CHANDLER's amendment, and it was agreed to.

The following section was then read:

"For publishing the laws in pamphlet form and in the newspapers of the States and Territories and in the city of Washington, \$31,025."

Mr. CLINGMAN. I wish to offer an amendment, to come in at the end of this section. I beg gentlemen to attend to the reading of it. It is of some importance, and I desire to explain it after it has been read by the Clerk; and I hope it may meet with the approval of the committee.

The amendment was then read as follows:

Provided, That the selection of newspapers for the publication of the laws of the United States shall, after the passage of this act, be made by the Secretary of State, as follows: The number selected shall be one in each Congressional district in each State, one in each Territory, and four in the District of Columbia; and the preference shall be given, in all cases, to the papers which, at the time of selection, shall have, in the States or Territories respectively in which they are published, the largest number of subscribers, and to those in the District of Columbia which shall have, at the time of selection, the largest number of subscribers in the United States, the amount of such number of subscribers to be ascertained by the affidavit of the publishers respectively, and by such additional evidence as may be requisite to establish the facts in each case to the satisfaction of the postmaster at whose office such papers respectively commence their circulation.

That when it shall be necessary to publish any public advertisement, except advertisements of lists of letters, in any State, it shall be published in the two papers in said State having the largest number of subscribers, as provided in the preceding section of this act for the publication of the laws; the amount of circulation to be ascertained in the same manner as provided in the preceding section aforesaid.

That said public advertisements shall be published in the newspapers having the publication of the laws, as aforesaid, in the District of Columbia, and in the papers having the publication of said laws in the Territories, when and as often as may be deemed necessary.

That as soon as may be after the passage of this act, and at the beginning of the first session of every succeeding Congress, a copy of the list of newspapers, selected according to the terms of this act, for the publication of the laws of the United States, shall be communicated by the Secretary of State to the heads of the several Executive Departments, and to the Senate and House of Representatives, respectively.

That the President shall cause to be communicated to the Senate and House of Representatives, annually, a list of all newspapers that shall have published, by authority, during the next preceding year, any advertisement as aforesaid, with the names of the publishers, the place of publication, the nature of the work performed, and the amount paid to each publisher.

That all acts and parts of acts inconsistent with this act, are hereby repealed.

Mr. CLINGMAN. I hope that the gentlemen of the committee will give me their attention for the few minutes allotted to me. If they do not like the details of this amendment, it may be altered in any way. I do not care about the number of papers. My object is to remedy an evil; and I can state in the five minutes' time allotted to me, the reasons for making this amendment, and in which reasons I hope that the House will concur with me. As the matter now stands, the Executive of the country, no matter who he may be, has a great influence over the political press of the country. I want to deprive him of it. That influence is obtained in two ways. In the first place, the Secretary of State has a right to choose two newspapers in each State to publish the laws. In the next place, all the heads of Departments can advertise from time to time in papers here or elsewhere, which they may fix upon, and the consequence is, that any Executive may exert a great control over the newspapers of a State. The Whig papers could not hurt the Democratic party, but they might hurt their own members; and if at any time any Administration desired to have particular gentlemen upon this floor denounced in any State, as it used to be charged was the case in old times—I believe in General Jackson's time, I do not say that the charge is true—it could be done by means of this patronage operating upon the papers of the particular State. Everybody will admit that the newspaper press ought to be independent of the President. We hear great talk about the

patronage of the President and his sixty thousand officers; yet he can have more influence through the newspaper press than he can possibly have by means of all the officers of the Government. Now, what I propose is this: That the newspapers selected shall be chosen solely with reference to their circulation. The object is to place laws and advertisements before the people. Why should not the Government do as individuals would—that is, take papers of the largest circulation as the medium of advertisement? This bill proposes that this printing shall be given to one paper in each Congressional district. If you adopt that, you will increase the expense of publishing the laws about \$18,000. The present cost is \$12,000 a year, and you will put it up to nearly \$30,000. I think it is a very small sum to enable us to print the laws in one newspaper in each district, having the largest circulation. Again: it is proposed, when there are advertisements in any State, that they shall be printed in two papers having the largest circulation.

[Here the hammer fell.]

Mr. CHANDLER obtained the floor.

Mr. CLINGMAN. I have more time than this.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor. The gentleman's time has expired.

Mr. CLINGMAN. My time is not out by the clock. It took two minutes and a half to read my amendment. The reading of the amendment should not come out of my time.

The CHAIRMAN. The gentleman's time has been exhausted.

Mr. CHANDLER. The gentleman has been speaking so fluently that I do not wonder that he considers his time has not expired. I know that time always passes rapidly when we are treading upon flowers. Before I make any remarks in reply to my friend, I will ask the chairman whether the amendment be germane?

The CHAIRMAN. Does the gentleman propose to raise a question of order? It may be, perhaps, too late.

Mr. CHANDLER. I should doubt it; but I do not wish to raise a question of order, and will not, if the Chair thinks it is too late. I wish merely to say, that, so far as regards the importance or necessity of advertisements in the paper that has the largest circulation, my friend upon my right [Mr. CLINGMAN] is wrong in that particular, especially for the advertisements of the Government. If you go into a city anywhere, you will find that the paper which has the largest circulation is not, generally, the most sought for by merchants, but each man advertises in a paper which he considers as circulating among those whom he would reach with a notice of what he has to sell or what he wishes to buy. In that respect I think the amendment of the honorable gentleman is out of place. Besides, I do not like this fastidiousness as regards the public press—this continual assailing of the leaders and conductors of the public press, as if they were to be always put aside—as if they had not the common rights of an individual. With the same propriety you might say that Government officers shall not ride in a steamboat, or that the mails shall not go in a steamboat that conveys passengers. I dislike the idea. It is an impeachment and a reflection upon the pursuits of a large and respectable portion of our fellow-citizens; and though, perhaps, my friend, who is so peculiarly situated at the present time, has no feeling for either party—

Mr. CLINGMAN. That is true.

Mr. CHANDLER. Upon the whole, having a strong feeling for the party that is in power, and which means to retain its position, I feel that, though I am no longer attached to the public press, it is a kind of censure upon those who sustain the present Administration, and mean to continue the same kind of policy now. It is no less a reflection upon those who are scrambling to get into power. Let us treat all pursuits alike. Let us suppose that men who are printers of newspapers have rights, and are entitled to the exercise of the rights which belong to them as well as to others. I see no reason why we should select a ladies' newspaper, because it may, as it ought, circulate more, in which to publish advertisements of the Navy; or why we should select any other weekly newspaper devoted to literature, and obtain its extensive circulation on account of its literary

excellence, in which to circulate advertisements of the War Department, or those of the various executive and legislative branches of the Government. It is for these reasons that I do not approve of the amendment. I was too late to make a point of order.

I move to strike out the first section of the amendment, and let my remarks be to that motion.

The CHAIRMAN. The question, then, is, on the motion of the gentleman from Pennsylvania to amend the amendment by striking out the first section thereof.

Mr. JONES, of Tennessee. The gentleman from Pennsylvania has not made a speech in favor of his own amendment, but against the amendment of the gentleman from North Carolina, [Mr. CLINGMAN.]

Mr. CLINGMAN. The gentleman from Pennsylvania moves to strike out the first section of my amendment, and I take it that gives me a right to reply to his speech.

The CHAIRMAN. The gentleman from Pennsylvania has now submitted a motion to strike out the first section of the amendment of the gentleman from North Carolina, and on that the gentleman from Pennsylvania has a right to make a speech.

Mr. JONES. Was it in order to make that motion at the time it was made?

The CHAIRMAN. The Chair is informed that there is but one section to the amendment of the gentleman from North Carolina, and therefore the motion submitted by the gentleman from Pennsylvania is not in order. The Chair was under the impression that there were two sections to the amendment.

Mr. CLINGMAN. Why cannot my amendment be amended?

Mr. JONES. The gentleman from North Carolina cannot move to amend his own amendment.

Mr. CLINGMAN. Did not the gentleman from Pennsylvania move to strike out the first section of my amendment?

The CHAIRMAN. There is but one section to the amendment, and therefore that motion could not be made.

Mr. CLINGMAN. I suppose the gentleman meant the first clause of the amendment.

Mr. JONES, of Tennessee, moved to amend the amendment by striking out all after the word "State" in the third line, so as to make it read:

Provided, That the selection of newspapers for the publication of the laws of the United States, shall, after the passage of this act, be made by the Secretary of State.

Mr. J. said: That amendment will probably leave the law pretty much as it is now, but my object in offering it, is to make a very few remarks upon the body of the amendment, which I propose to strike out. That portion of the amendment of the gentleman from North Carolina which I propose to strike out, will, if adopted, increase the expenditure for the publication of the laws of the United States some \$32,000 or \$33,000. It will be borne in mind that a joint resolution has passed both Houses of Congress, and I suppose has, or will soon receive the signature of the President, authorizing the transmission, free of postage, through the mails, of the Congressional Globe and Appendix, containing the debates of Congress, and the laws which pass that body. This will carry the laws of Congress to all persons throughout the country, who feel sufficient interest in knowing what they are, to be willing to pay for that paper, and through that medium the laws will be more generally circulated than they could be by means of publishing them in the papers, as the gentleman from North Carolina proposes. The gentleman says he wishes to check the patronage of the Executive. Why, this, it seems to me, is but augmenting it. Instead of giving the Executive one paper in each State, the gentleman proposes that he shall have one in every Congressional district throughout the country, and perhaps, if he cannot find a paper in the district in which he has to publish the laws, he may establish one for that purpose, and to advocate his particular creed of politics. The pamphlet edition of the laws as printed, is, I believe, now required to be sent to the clerk of every county court in the United States, and the laws are there subject to the examination and inspection of the entire body of the people at any and at all times that they may wish to consult the laws for their general information, or for any particular and specific object. I think that the law

as it now stands, would be much better than this amendment.

Again, sir, this amendment is out of place in this appropriation bill. It is permanent legislation in a general appropriation bill, and the President, in his last annual message, protests against that being adopted as a practice by Congress. These laws, when executed, become obsolete, and, in many places, they are not kept with those that are intended to be retained as permanent laws. Such a law as this, if passed at all, should be embodied in an act by itself, as proposed by the gentleman from Maine, [Mr. SMART.]

Mr. CLINGMAN. I am perfectly willing to modify my amendment, so as to meet the objection of the gentleman from Tennessee. So far as I am concerned, I do not care about increasing the number of papers in which the laws are to be published, at all. Instead of saying that they shall be published in one paper in each Congressional district, I am willing to say that they shall be published in two papers in each State.

The gentleman from Pennsylvania [Mr. CHANDLER] has alluded to the peculiar position in which I stand politically. For that very reason I have selected this occasion with a view of making this reform, if possible. I do not feel any great interest in the present presidential election, but I will say to the gentleman that it is perfectly uncertain which party is to come in, and therefore, now is the time for us to regulate this matter. I put it to the gentleman, who is a good Whig, if the Democrats should beat him and his party, or us, if he chooses to include me with them, is it right and fair that every newspaper in the United States that is to print the Government advertisements, and publish the laws, shall be a Democratic paper, and that the readers of Whig papers shall be excluded from the benefit of the publication of the laws? If, on the other hand, the Whigs prevail, is it right that the Democracy and their papers shall be entirely excluded? If you adopt my policy, and require the Executive to select the two papers in each State that have the largest number of subscribers, the result will be that some papers upon each side will get the publication of the laws.

Mr. CHANDLER. If that policy was carried out in the State of New York, the religious and literary papers would get it.

Mr. CLINGMAN. My main object is to prevent the President, or the head of any Department, from influencing the newspaper press of the country in any way. I am willing to strike out from my amendment that about the Congressional districts, and leave it as it now stands—two papers in each State. In that way the Executive cannot influence the press at all—the whole matter will be perfectly fair, and the laws and advertisements will go into the newspapers that are read by the largest number of people. I repeat again, that, in order to meet the objection of the gentleman from Tennessee, I am willing to strike out that part of the amendment about the Congressional districts. I do not want to increase the patronage of the Executive. My only object is to deprive the President of the power to control the press of the country.

The question being upon Mr. JONES's amendment to the amendment,

Mr. FOWLER demanded tellers.

Tellers were ordered; and Messrs. CHANDLER and SMART were appointed.

The question was then put, and the tellers reported—ayes 59, noes 39; no quorum voting.

[Loud cries of "Call the roll!"]

The roll was called, and the following gentlemen answered to their names, viz:

Messrs. Abernethy, Aiken, Willis Allen, John Appleton, William Appleton, Babel, Barrere, Bennett, Russell, Bockock, Bowie, Breckinridge, Brenton, Briggs, Burrows, Caldwell, Carter, Chandler, Chapman, Churchwell, Cleveland, Clingman, Cobb, Colcock, Daniel, John G. Davis, Dimmick, Dockery, Duncan, Dunham, Durkee, Eastman, Edmundson, Evans, Faulkner, Ficklin, Fitch, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Gorman, Hamilton, Harper, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Hillyer, Holladay, Horsford, Houston, John W. Howe, Thomas Y. How, Ives, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Lockhart, Mace, Humphrey Marshall, Martin, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Miner, Molony, John Moore, Morehead, Murphy, Murray, Nabers, Newton, Orr, Outlaw, Andrew Parker, Penn, Pennington, Perkins, Phelps, Polk, Riddle, Robie, Sackett, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens,

Alexander H. Stephens, Stratton, Thurston, Townshend, Venable, Walbridge, Walsh, Watkins, Welch, Alexander White, and Wildrick.

The committee then rose, and the Speaker having resumed the chair, the Chairman (Mr. PHELPS) reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 196 making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending June 30, 1853; and having found itself without a quorum, had directed him to report the fact to the House, with the names of the absentees, as follows:

Messrs. Charles Allen, Allison, Ashe, Averett, David J. Bailey, Thomas H. Bayly, Bartlett, Beale, Bell, Bibbhaus, Bowne, John H. Boyd, Bragg, Brooks, Albert G. Brown, George H. Brown, Burt, Busby, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Caskie, Chastain, Clark, Conger, Cottman, Cullom, Curtis, Darby, George T. Davis, Dawson, Dean, Disney, Doty, Edgerton, Ewing, Florence, Freeman, Henry M. Fuller, Gamble, Gentry, Gilmore, Goodrich, Green, Grey, Grow, Hall, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hubbard, Howard, Thomas M. Howe, Hunter, Ingersoll, Jackson, Jenkins, Andrew Johnson, James Johnson, J. Glancy Jones, Letcher, Mann, Edward C. Marshall, McCorkle, McDonald, Meacham, Miller, Henry D. Moore, Morrison, Olds, Samuel W. Parker, Peaslee, Porter, Powell, Price, Rantoul, Reed, Richardson, Robbins, Robinson, Ross, Russell, Savage, Schermerhorn, Schoolcraft, Scudder, Scurry, Snow, Thaddeus Stevens, Stone, St. Martin, Strother, Stuart, Sutherland, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Toombs, Tuck, Wallace, Ward, Washburn, Wells, Addison White, Wilcox, Williams, Woodward, and Yates.

The SPEAKER. A quorum being now present, the committee will again resume its session.

The CHAIRMAN. The question is upon the adoption of Mr. JONES's amendment. The tellers will resume their places.

The question was again put, and the tellers reported—ayes 69, noes 36; still no quorum voting.

Mr. CLINGMAN. With the consent of the committee, I will withdraw my amendment.

[Cries of "Call the roll!"]

The roll was again called, and the following gentlemen answered to their names, viz:

Messrs. Abernethy, Willis Allen, William Appleton, Averett, Babelock, Barrere, Bennett, Bockock, Bowie, Briggs, Breckinridge, Brenton, Briggs, Burrows, Caldwell, Carter, Chandler, Chapman, Chastain, Churchwell, Cleveland, Clingman, Cobb, Daniel, John G. Davis, Dimmick, Dockery, Duncan, Dunham, Durkee, Eastman, Evans, Faulkner, Ficklin, Fitch, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Giddings, Goodenow, Hamilton, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Hillyer, Holladay, Horsford, Houston, John W. Howe, Thomas Y. How, Ingersoll, Ives, Andrew Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Lockhart, Mace, Mann, Humphrey Marshall, Martin, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Miner, Molony, John Moore, Morehead, Murphy, Murray, Nabers, Newton, Orr, Outlaw, Andrew Parker, Penn, Pennington, Perkins, Phelps, Polk, Riddle, Robie, Schermerhorn, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smart, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Alexander H. Stephens, Stone, Stratton, Sutherland, Thurston, Townshend, Venable, Walbridge, Walsh, Watkins, Welch, Wells, Alexander White, and Wildrick.

The committee again rose, and the Speaker having resumed the chair, the Chairman (Mr. PHELPS) reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 196; and having found itself without a quorum, had ordered the roll to be called, and had directed him to report the facts to the House, with the names of the absentees, viz:

Messrs. Aiken, Charles Allen, Allison, John Appleton, Ashe, David J. Bailey, Thomas H. Bayly, Bartlett, Beale, Bell, Bibbhaus, Russell, Bowne, John H. Boyd, Brooks, Albert G. Brown, George H. Brown, Burt, Busby, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Caskie, Clark, Colcock, Conger, Cottman, Cullom, Curtis, Darby, George T. Davis, Dawson, Dean, Disney, Doty, Edgerton, Edmundson, Ewing, Florence, Freeman, Henry M. Fuller, Gamble, Gentry, Gilmore, Goodrich, Gorman, Green, Grey, Grow, Hall, Hammond, Isham G. Harris, Hart, Hubbard, Howard, Thomas M. Howe, Hunter, Jackson, Jenkins, James Johnson, Robert W. Johnson, J. Glancy Jones, Letcher, Edward C. Marshall, McCorkle, McDonald, Meacham, Miller, Henry D. Moore, Morrison, Olds, Samuel W. Parker, Peaslee, Porter, Powell, Price, Rantoul, Reed, Richardson, Robbins, Robinson, Ross, Russell, Sackett, Savage, Schoolcraft, Scudder, Scurry, Snow, Thaddeus Stevens, St. Martin, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Toombs, Tuck, Wallace, Ward, Washburn, Addison White, Wilcox, Williams, Woodward, and Yates.

The SPEAKER. A quorum having appeared, the committee will again resume its session.

The CHAIRMAN. The question is upon Mr. JONES's amendment to the amendment.

Mr. CLINGMAN asked leave to withdraw his amendment.

There was no objection, and the amendment was withdrawn.

Mr. SMART. I give notice that I shall offer the amendment just withdrawn by the gentleman from North Carolina [Mr. CLINGMAN] as soon as I can get the floor.

Mr. MEADE offered the following amendment: Strike out all after the word "form," in the 66th line, and insert the following:

And for distributing the same—one copy to each post office and one to each clerk's office in the several States and Territories, and in the District of Columbia.

So that the section will read:

For publishing the laws in pamphlet form, and for distributing the same—one copy to each post office and clerk's office in the several States, Territories, and the District of Columbia, at \$21,325.

Mr. M. said: I think the committee will concur with me that the journals of the day are of very little service to the country so far as the publication of the laws of Congress are concerned. They are scarcely ever read. They pass away, and the hands of the people cannot be laid upon them when they are wanted. What I propose is to do away with the necessity for the publication of the laws in the newspapers at all, and in place thereof to use the same amount of money, or less—for I think it will require less—in distributing the laws in pamphlet form to each of the post offices in the United States, thereby placing a copy of the laws of the United States within five miles of every man's door. According to the present practice, the pamphlet copies of the laws of the United States are sent to the respective States, there to be distributed amongst the clerks' offices; but it is oftentimes the case that a man living thirty or forty miles from the clerk's office, will have to ride that distance to consult the laws. Now, if each post office in the country were made a depository of the laws, and each postmaster, by rules established in the Department, required to keep a copy of those laws, and to transmit them from one officer to another, then the laws of the United States will be accessible to every citizen of the United States. There are about thirty thousand post offices in the country. I do not think it will cost more than twelve and a half cents, or at most twenty-five cents per copy to distribute the pamphlet laws in the manner of which I speak. The whole cost will not be more than \$5,000. The object will be attained, and it will be economizing the expense. I know that it will be a great convenience to the people to have the laws at all times within their reach. At present they are not within their reach. The papers which contain the laws are thrown away as soon as read, and when they are wanted they cannot be found, and the laws cannot be consulted without great expense and trouble. If we would take the amount of money appropriated in that clause, as it stands in the bill, and apply it in the manner I have indicated by this amendment, by distributing the laws in pamphlet form, we should accomplish more than by publishing the laws in the newspapers. Then we will have preserved, in a tangible and durable form, the laws we have passed, and have placed them within the reach of every man in the community. I propose this amendment, believing that it is one which ought to be adopted by the committee. It is one that would be very conducive to the convenience of the people, and I hope it will be the pleasure of the committee to adopt it.

Mr. SMART. Is it in order to offer an amendment to the amendment?

The CHAIRMAN. It is in order.

Mr. SMART. I then offer the one just offered and withdrawn by the gentleman from North Carolina, [Mr. CLINGMAN.]

The CHAIRMAN. The Chair does not exactly see the connection in which this is offered as an amendment. The gentleman can offer it as a substitute if he chooses.

Mr. SMART. I then offer it as a substitute. Mr. Chairman, I doubt very much whether the amendment offered by the gentleman from North Carolina could have been well understood by the committee. It seems to me, if all the facts in relation to it were well understood, it would be adopted. The gentleman from Tennessee [Mr. JONES] alluded to the expense of this proposition, if it is carried out; but if I am correctly informed,



he estimated the cost much higher than it really would be. I have the Blue-Book before me, showing the expense of publishing the laws for the Thirty-first Congress. It appears by it, that there were paid to each newspaper \$93 for the short session, and \$224 for the long session. This would make an average of about \$150 per year. The whole amount, then, according to the plan I have proposed, would be about \$35,000 per year for publishing the laws, and not \$30,000 more than the present expense, as it has been stated. The expense under the present arrangement is something like \$12,000, and it would be increased by about \$25,000, to obtain the publication of the laws in some one paper in each Congressional district in the United States. So much in relation to expense. The gentleman from Tennessee alluded to the recent law passed in relation to the Congressional Globe. Now, does that gentleman suppose that the Congressional Globe will circulate to anything like a merest fraction of all the readers in the United States? There are nearly 5,000,000 subscribers to newspapers in the country, and yet the gentleman talks about their reading the laws from the Congressional-Globe! I want to send these laws to the people for them to read, and I say the expense is not large for such a purpose. That is what I wish to accomplish. I propose this plan of giving the publication of the laws of the United States to one paper in each Congressional district, being one paper for about every one hundred thousand inhabitants. I ask if that is too extended a circulation? Will gentlemen not give the people light in relation to their legislation? Will not gentlemen of this House let the people see their work? Will not they let the people see what they have done? It seems to me we ought to be willing to distribute these laws among the people of the country.

The circulation mentioned by the gentleman from Virginia [Mr. MEADE] is totally inadequate to the wants of the people. The circulation we have under the present arrangement is absurd. The laws do not circulate amongst any considerable portion of the people. That which I propose is a circulation that will be uniform in all sections of the country, and in proportion to the population. It seems to me this is a subject which addresses itself to the good sense of this committee. It not only proposes to give this information to the people, but it cuts off a very large amount of patronage from the control of the Government. The patronage of the Government is large enough already. I think in this thing I may be regarded as disinterested, for I have not a doubt that my candidate will be elected the next President of the United States. I think that a Democratic administration will have control of Government and control of the publishing of the laws under the present system. I may, therefore, be regarded as disinterested in the matter. I am not seeking to injure Whigs or benefit Democrats. I believe the proposition I have offered is correct in principle, that it ought to be adopted, and I trust it will be by the House.

Mr. JONES, of Tennessee. The gentleman from Maine has talked about expenses. We are now about to appropriate for the year which will include the short session of Congress. The State Department, under whose direction these laws are to be printed in the papers, have estimated for the next session at \$260 per paper. As the law now stands, the laws required to be published under the present arrangement will amount to an expense of about \$18,200, I believe. Now, at the same rate—\$260 for each paper—if they are published in one paper in each Congressional district, the expense will be over \$51,000, making a difference of about \$33,000 between the expense involved as the law now stands and as it will stand if the gentleman's amendment is adopted.

Mr. SMART. I want to say that these estimates are not borne out by the facts existing for the last several years.

Mr. JONES. But such are the facts. Here are the estimates upon which this bill has been reported, and we have allowed in this bill, upon the estimates sent us by the Department, \$260 for each newspaper. At that rate, if the gentleman's amendment is adopted, it will make an increase upon the present appropriation of about \$33,000 for the coming short session of Congress.

The CHAIRMAN. The amendment of the gentleman from Maine being in the nature of a substitute, the question will first be put upon the

amendment offered by the gentleman from Virginia, [Mr. MEADE.]

Mr. SMART. I intended to offer mine as an amendment to the amendment, and I supposed the question would first be put upon mine.

The CHAIRMAN. The Chair inquired of the gentleman from Maine whether he intended to offer his proposition as an amendment to the amendment, or as a substitute for it. The gentleman indicated that he offered it as a substitute, in which case it would be first in order to perfect the original amendment before the question was taken upon the substitute.

Mr. SMART. As I understand it, if the amendment of the gentleman from Virginia be not concurred in, my amendment will fall with it. I desire to have the privilege of voting upon that amendment, and I therefore ask that the vote may be first taken upon it as an amendment to the amendment.

The CHAIRMAN. Then the question will first be put upon the amendment submitted by the gentleman from Maine, [Mr. SMART.]

The amendment of Mr. SMART was again read. The CHAIRMAN. The question is upon the adoption of the amendment offered by the gentleman from Maine, [Mr. SMART.]

Mr. HEBARD. Is this a substitute for the original amendment?

The CHAIRMAN. The Chair so understood at first, but afterwards the gentleman from Maine [Mr. SMART] stated that he intended it otherwise, and as a proviso to the amendment offered by the gentleman from Virginia, [Mr. MEADE.]

Mr. HEBARD. Then it is not subject to amendment?

The CHAIRMAN. It is not, as it is itself an amendment to an amendment.

Mr. EVANS. I move that the committee rise. [Cries of "No!" "No!" "No!"]

The question was taken, and there were upon a division—ayes 47, noes 31.

So the motion was agreed to.

Mr. HOUSTON. Was there a quorum voting?

The CHAIRMAN. There was no quorum voting, but that is not necessary to authorize the committee to rise.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 196, making appropriation for the civil and diplomatic expenses of the Government for the year ending June 30, 1853, and had come to no conclusion thereon.

Mr. HOUSTON. I ask the unanimous consent of the House to report a bill, for the purpose of having it referred and printed.

The bill was read for information, as follows:

A bill making appropriations for certain fortifications of the United States, for the year ending the 30th of June, 1853.

Mr. STEPHENS, of Georgia. I object.

Mr. HOUSTON. Is not the bill received?

The SPEAKER. It is not. It was objected to by the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STANLY. As the gentleman from Georgia objects, after it has had its first reading, what becomes of the bill?

The SPEAKER. It was read merely for information, and has not been received by the House.

On motion the House then adjourned.

#### PETITIONS, &c.

The following memorial and petitions were presented under the rule, and referred to the appropriate committees:

By the SPEAKER: The memorial of the Atlantic Mutual Insurance Company of New York, and of seven other Mutual Insurance companies of that city, for the passage of a bill for the better protection of the lives of passengers in vessels propelled by steam.

By Mr. MOORE, of Louisiana: The petition of John R. Burke, and 92 other citizens of Louisiana and Texas, praying that a post road be established from the mouth of Red river to Burr's ferry, in Louisiana, thence to Huntsville, Texas.

Also, the petition of Edward T. Ellis, Luther Hughes, and 85 other citizens of Louisiana, in relation to the "Baron De Bastrop Grant."

By Mr. HAWS: The memorial of Isaac Macy, Amos Palmer and others, of the city of New York, asking that the Senate bill for the better protection of passengers on board of vessels propelled by steam, be passed without amendment.

#### IN SENATE.

WEDNESDAY, August 4, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. FISH presented a petition of citizens of Wayne county, New York, praying an appropriation for the repair of the piers at the mouth of Great Sodus Bay, on Lake Ontario; which was referred to the Committee on Commerce.

Mr. SEWARD presented a petition of citizens of Williamsburg, New York, praying that the "homestead bill" may become a law; which was referred to the Committee on Public Lands.

#### REPORT FROM A STANDING COMMITTEE.

Mr. ADAMS, from the Committee on Claims, to which was referred the memorial of the heirs of Major Caleb Swann, who was formerly a Paymaster General in the Army of the United States, praying for a settlement of the accounts of the deceased, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

#### PENSION AND BOUNTY LAND LAWS.

On motion by Mr. WALKER, the Senate proceeded to consider the resolution submitted by Mr. GEYER, the 12th of July, as follows:

Resolved, That the Secretary be directed to purchase five hundred copies of the pension and bounty land laws, with the opinions, decisions, and regulations in relation to those laws, recently compiled by Mayo & Moulton, provided the price does not exceed \$3 50 per copy.

The above resolution was read a second time, and considered as in Committee of the Whole. No amendment being offered, it was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

#### CLERK OF CENSUS BUREAU.

Mr. DAVIS. I move that the Senate take up the motion, made by the Senator from North Carolina [Mr. MANGUM] a few days ago, to reconsider the vote by which the joint resolution explanatory of the act providing for the taking of the Seventh Census was ordered to be engrossed, and which is now lying on the table. If there is no objection, I desire to have that question acted upon, as it is necessary that it should be decided promptly.

Mr. SEWARD. The Senator from North Carolina [Mr. MANGUM] takes a good deal of interest in this question, and he is not now present. I understand that he made the motion to reconsider, and I therefore hope the motion to reconsider may not be taken up to-day in his absence.

Mr. DAVIS. I gave notice to the Senator from North Carolina that I should call up this resolution, and he assented to the propriety of taking it up and acting upon it promptly. I forbore, yesterday, to make this motion, because I did not see him in his seat. He has sent no word to me, and therefore I think he feels indifferent in regard to it. There are other gentlemen who feel as much interest in having this question decided as I do.

Mr. BORLAND. If it be in order, I will say one word on the motion of the Senator from Massachusetts, [Mr. DAVIS], to take up the joint resolution, as I perceive that it did not receive particular attention from the Senate.

A few days ago a joint resolution passed the Senate, explanatory of an amendment which had been made to the act of 1850, for taking the census of the United States, and fixing the salary of the Superintendent Clerk, and the amount of compensation to the Secretary of the Census Board. By an amendment to a recent bill, which does not seem to have attracted much attention at the time, a difficulty has been presented to the Treasury Department as to the true interpretation of the act of 1850.

The PRESIDENT. The Senator must be aware that the resolution is on the table, and not under consideration by the Senate.

Mr. BORLAND. I am not discussing the merits of the question; but simply calling the attention of Senators to the nature of the resolution which the Senator from Massachusetts wishes to take up from the table.

I wish to call the attention of the Senate to the fact that that resolution is intended to lead the officers of the Treasury to a true interpretation of the act of 1850, and to decide whether two salaries or one shall be paid for the same service.

Mr. BADGER. Then I hope the resolution will be taken up and passed.

Mr. SEWARD. I suppose that if it is proper

for a Senator to give an explanation of the resolution, it is equally proper that a counter explanation should be given.

I would ask the Senator from Arkansas if there was any pretense made to claim payment of the two salaries?

The PRESIDENT. The Chair must again call the attention of the Senator to the fact that the question is not now open for discussion.

The question was then taken on the motion to take up the motion to reconsider; and it was agreed to.

The PRESIDENT. The question is now on reconsidering the vote by which the resolution was passed:

Mr. DAWSON. I move to postpone the further consideration of this matter. I was not present when the motion to reconsider was made, and therefore know not the reasons why the Senator from North Carolina [Mr. MANGUM] made that motion. He is not now present, and in his absence I hope the postponement will be agreed to. In the mean time, that Senator can be informed of the necessity of having the resolution disposed of, and if, after such notice, he does not appear, then the question can be taken up and disposed of. I move to postpone its further consideration until to-morrow.

Mr. DAVIS. If this measure is to be adopted at all, it is necessary that it should be adopted immediately. The law was passed a few days ago. Whether the President has signed it or not I do not know. He had not done so when I offered this resolution. If the explanatory act is necessary at all, it is necessary that it should be passed at once. It is now drawing towards the close of the session, and I am urged to have this matter sent to the House; that they may act upon it there.

The question being taken to postpone the further consideration of the motion to reconsider, it was not agreed to.

The PRESIDENT. The question is now on the motion to reconsider. Will the Senate agree to the motion?

Mr. BELL. Let me state, before the decision of the Chair is announced, that I understand that if a reconsideration is not ordered by the Senate, the resolution stands as it is now.

The PRESIDENT. Certainly it does.

Mr. BELL. Then I think we ought to pause a moment before we finally decide. I understand the difficulty of the Department was in regard to the proper construction of two acts of Congress—on constituting a Board of Commissioners to superintend the census, in which there was a provision allowing the Secretary of that Board a salary at the rate of \$3,000 a year. There was an act passed subsequently to this appointing a Superintendent of the Census, whose duties it was supposed by Congress would supersede the duties of Secretary of the Board of Commissioners. The latter act did not specifically provide that the salary of the Secretary of that Board should be discontinued. There was no repealing act; and the question arose whether Congress meant to supersede the salary of the Secretary, and his duties also, or what interpretation of those two acts was meant by Congress.

Some difficulty has occurred, but I understand that the Superintendent of the Census has never claimed two salaries. The proposition to declare what the intention of Congress was, goes upon the presumption that he claims both salaries, which together amount to \$5,500. I understand that he has not made any claims to the whole, but he supposed that Congress did not mean that he should perform the arduous and responsible duties of superintending the whole business of arranging the census for a less salary than he received as clerk or secretary of the original Board. The latter act, as I understand, provides that the Superintendent of the Census Bureau shall have a salary of \$2,500 only. As Secretary of the Census Board, he received \$3,000, and he supposed that Congress did not mean to diminish his salary, and that there was some mistake.

Whatever gentlemen may think of the success or ability, or want of either, which has attended the duties of the Superintendent of the Census Bureau, where the responsibilities were certainly very much increased, and whatever gentlemen may think of the value of his compilations, I have never heard any gentleman suggest that he had

not attended to those duties with great industry and vigor, and most unremittingly; and surely if it be true, it is not at all connected with the question as to how much of this compilation should be published.

He is entitled to some consideration at least from the Senate and the House of Representatives, considering his great trust and responsibility, and the perseverance, and activity, and industry, and energy with which he has applied himself to his charge. Whatever be the ultimate value of the work, I put it to the Senate whether he ought not to receive \$3,000 a year, as he did when he was Secretary of the Census Board—the sum which is paid to every other head of a bureau?

Sir, I have had numerous applications from individuals residing in my section of the country in the southwest, who are interested in railroad statistics, for information which they supposed could be obtained at the Census Office, and I must say, that more promptness, and obligingness, and alacrity, I have never found. I have generally found the answers which I received satisfactory; and all the information that could be obtained in the voluminous returns at that office, has been promptly furnished. I bear this testimony with pleasure to the accommodating disposition and the industry, and, so far as I have been able to discern, the energy with which that officer has done his duty. I repeat, that whatever may be the value of the compilation, or the estimation in which it may be held, or whatever may be its lack of value, he certainly is entitled to the credit of industry, and perhaps there will be found much of skill in the arrangement of the crude materials which he had before him. For these reasons, I think this resolution ought to be considered, in justice to him; and as we now have the subject before us—unless we design to discriminate between the allowance which we give to this officer and the other heads of bureaus—unless we think this is not a trust which justifies the giving a salary of \$3,000 a year (although we gave him that salary when he was Secretary of the Census Board)—justice seems to require, in settling the interpretation of the two acts of Congress, that Congress should no longer leave the matter in doubt; and if it proposes the prosecution of this business in the manner it has been heretofore conducted, that officer should have a salary of \$3,000 a year, which he received when he was Secretary of the Census Board. I hope I have given sufficient reason to the Senate for detaining them for a moment before the question is finally voted upon.

Mr. BUTLER. Will the Senate indulge me with a few words of explanation? I was not the chairman of the committee who reported the bill containing the clause of which this joint resolution is explanatory. In my absence, the Senator from Louisiana [Mr. DOWNS] was the chairman of that committee.

I do not object so much to the payment of \$3,000 to this gentleman, (Mr. Kennedy,) as I do object to the mode in which, perhaps, he may obtain it. The old Census Board had a secretary, and this gentleman was the secretary, and he received for his services \$3,000; but in the bill known as the census act of 1850, there was an express clause providing that he should receive \$3,000 for the services that he has rendered. That seems to imply that the intention was to cut him off in future from all compensation for services as secretary. I was on that committee, and think that the Senator from Massachusetts [Mr. DAVIS] will bear me out in that. Well, the bill was sent to the Judiciary Committee, to arrange a dispute between California and South Carolina; California claiming that she should have two Representatives, although the returns of her census were imperfect, and South Carolina claiming that she should have an additional Representative, on the ground of her large fraction above the ratio; and at the bottom of that bill, in nowise connected with it, was the clause by which this gentleman might claim \$5,000 for services which he says he has rendered as secretary of that Board. I am perfectly willing to vote for any bill which may be introduced for the purpose of raising his salary from \$2,500 to \$3,000. If he will come and say that he rendered those services under misconception as to the true interpretation of the act, I should say nothing about it; but when such a clause was introduced into the bill sent to the Committee on the Judiciary, I must declare my

objection to it, because I feel that it would be wrong.

The Senator from Louisiana [Mr. DOWNS] has said, that it was in the power of the Secretary of the Interior to frame such a bill as was necessary, and this bill giving Mr. Kennedy \$3,000 a year, or, as Mr. Whitlesey says, \$5,500; was sent down. It is the mode by which this proposed increase of salary was to be effected, that I object to.

Mr. DAVIS. If it is the desire of my friend from Tennessee, or any other gentleman, to enter into the discussion of this subject, I have no objection to it; but I beg leave to say, inasmuch as the argument of my friend from Tennessee has been urged with a view to show the propriety of reconsidering the vote by which the joint resolution was passed, that he is entirely mistaken in many of the opinions which he has expressed. There is no such thing in existence—as can be proved most abundantly—as the Census Board. It was *functus officio* long ago. There can be no such officer as the Secretary of that Board. Now the effect of the amendment which has been made, is to allow the salary, more or less, to this gentleman, upon the ground, that he is Secretary of that Board. I take leave, in advance, to say that I do not want to go into the argument of the question. I do not desire to discuss it, unless other gentlemen do. If they do, I shall disclose the facts of the case. But I take occasion to say, that this is a matter which has been greatly deliberated upon in the Departments. I have their various decisions in my drawer. I have the order which has been issued upon this topic; and it will turn out, that there is an order from the Secretary of the Interior to do just what my friend says was not done—to make allowance to this individual as Superintending Clerk of the Census, and also as Secretary of the Board.

Mr. BELL. To allow him both salaries?

Mr. DAVIS. As Secretary of the Board to allow him \$2,000 a year. The salary as Superintending Clerk is limited to \$2,500. The amount of \$3,000 could not be obtained, unless the two offices are coupled together. Now, if this joint resolution is not passed; the next step is, that if it opens the way to recover anything as Secretary of the Census Board, it opens it to recover the whole \$3,000 as salary of the Superintending Clerk in addition. That is precisely the case which I wish to shut out. If this gentleman is entitled to additional compensation, let the measure be brought forward openly and fairly; let it be canvassed, and let the Senate pass its judgment upon it—not in this indirect way, by striking out words in the original statute, which limited his service to the past, and when it designed to limit them to the past, make them extend to the future, and give him pay for an office which must necessarily be a sinecure. This is the answer I make to the Senator from Tennessee.

Mr. BRODHEAD. Before the Senator takes his seat, I would like to address to him this inquiry: If this resolution should not pass, I would like to ask whether this gentleman could receive more than \$3,000 a year from the time he entered upon the performance of his duties up to the present time?

Mr. DAVIS. In answer to the Senator I will state, that, in the census bill, as it is called, there is a provision—and that provision was put there at the instance of this very gentleman, put in as an amendment to the bill of the Senate in the House of Representatives—appointing an officer that had never existed before, called the Superintending Clerk of the Census—an officer who, by the act, is to be competent to superintend the census generally, and have assigned to him a salary of \$2,500 a year. He took the oath of office as Superintending Clerk of the Census, I think, on the 27th of May, 1850, and has been discharging the duties of that office ever since. Now, you open this act and give him additional pay without any limitation, and without any explanation; and if it gives anything, does it not give the \$3,000? It gives the \$3,000 in addition to the \$2,500, if it gives anything at all. There is no limitation in the world, nor any discretion, to change, or alter, or modify the sum. That is the precise interpretation which must be put upon it.

Mr. BRODHEAD. The honorable Senators from Massachusetts and Tennessee understand this thing differently. I understand from the Sen-

ator from Tennessee that if this thing stands as it now is, without the passage of the resolution, this gentleman will receive only \$3,000—and that is all he desires to receive—from the time he entered upon the performance of his duties.

Mr. BELL. I do not think that there is any substantial difference between myself and the honorable Senator from Massachusetts, though he stated I was entirely mistaken in my facts. I should like to know one fact which I stated improperly, according to his own statement. I said that there had been no express repeal of the Census Board, or of the allowance of the salary to the Secretary. He admits that there has been no express repeal of the act appointing the Commissioners of the Census Board, and appointing a Secretary to them; and this is the ground upon which I stated there was an embarrassment at the Treasury. The two allowances were outstanding; but it seemed to me proper to presume, that Congress did not mean that the two salaries should be allowed; and there has been no proposition to allow the two. But, as the first act had not been expressly repealed, there was a difficulty at the Treasury, and Mr. Kennedy, the Superintending Clerk of the Census Bureau, so far as he was concerned, only desired that he should be allowed \$3,000 as salary; he thought he ought to have \$3,000. The board had not been expressly discontinued, though it is evident Congress must have supposed it would be; and that there could be no use for it; and they appointed the Superintending Clerk of the Census. Then I am not mistaken about the Department's supposing he is entitled to the two. I was right in both these particulars.

But the honorable Senator stated a fact that I did not know; that the Secretary of the Interior did propose to allow him \$500 for some supposed or actual duties discharged as Secretary of the old Board. I did not know that. I only stated that there was an embarrassment at the Treasury; and that the Superintending Clerk of the Census thought he had been entitled to \$3,000 a year for his services, and upon that ground the difficulty arose. I furthermore stated, that, under the uncertainty which existed in regard to the meaning of Congress—though I think the fair inference is, that they intended by the latter act to supersede the former, by the appointment of the Superintending Clerk of the Census to supersede the secretaryship of the Board, though they did not abolish the Board expressly—it is important that the matter should be explained by a declaratory law. This joint resolution has that object in view, and the purpose for which I rose was, that I thought justice demanded when we proposed to settle this question, that we should provide that this Superintending Clerk of the Census should receive \$3,000 a year in consideration of his arduous duties, and the responsibilities attaching to them, whatever estimate we may place upon the taking of the census for which we provided by law.

I do not see that there is any essential difference between us, except that the Senator from Massachusetts supposes, that if we want to give the additional \$500, it should be brought forward in a separate measure. Now, sir, would it not be more economical, in point of time, as well as of expenditure, if you go into that, when we have this joint resolution before us, passing a declaratory law upon the two statutes, to settle this matter with regard to the claim for salary of the Clerk of the Board, that we should do justice at once in the whole matter? That is my sole object. I cannot see any good reason why this should be made a separate question. We can as readily determine it now, as we shall have but little time for the examination of questions from this to the end of the session. We can decide as well now whether we will allow him the \$3,000 or only \$2,500. I cannot see the force of the argument that it ought to be brought forward as a separate measure, unless it is apparent to this body that he ought not to be allowed the larger sum. I understand the Senator from South Carolina to say that he has no particular objections to this individual being allowed the \$3,000, but he objects to the way in which this thing has been managed. We may all feel some objection, but that does not disturb the question or interfere with the right or justice of a reasonable liberality to this gentleman in fixing his salary now, when we propose to settle the construction under these two

laws. That is all I wished to lay before the Senate. I hope I have made myself intelligible.

Mr. DAWSON. Mr. President, I desire merely to place the facts of the case correctly before the Senate, as I have the documents from the Department showing how these various points arose, and how they have been adjudicated and decided upon. The Board of Census was constituted in March, 1849. That Board was authorized to make the preparations to take the census, which has now been taken; and they were authorized, also, to appoint a secretary. They appointed a secretary, at a salary of \$3,000 per annum. When we passed the law prescribing how and in what manner the census should be taken, we authorized the appointment of a superintendent, by the Secretary of the Interior, and gave him a salary of \$2,500; but in that law we did not repeal or annul the existing Board of Census or their secretary. When the law authorizing the census to be taken went into operation, the Secretary of the Interior appointed the Secretary of the Board of Census the Superintendent. Hence it was that he was the Superintendent under the law, and Secretary to the Census Board. There being no law to prohibit him taking both salaries, as it was thought, he still continued to take the salary of the Secretary of the Census Board. A question then arose in the Department, and it was this: By the act of Congress authorizing the taking of the census, was the Census Board repealed or annulled? That question was submitted to the Board itself, which consisted of Daniel Webster, John J. Crittenden, and some other gentleman; and I find, on the 30th of September, 1851, the Secretary of the Interior (Mr. Stuart) directs the following letter to the Census Board:

DEPARTMENT OF THE INTERIOR, }  
WASHINGTON, September 30, 1851. }

GENTLEMEN: Mr. J. C. G. Kennedy was appointed by you Secretary of the Census Board, with a salary of \$3,000 per annum. He was also appointed by this Department Superintendent of the Census. His salary in the latter capacity is fixed by law at \$2,500. He has discharged the duties of both offices, but has claimed and received as his compensation heretofore \$3,000.

A question has now been made by the accounting officers, as I am informed, as to the amount which he is to receive in future. It is said that your Board has completed its duties, and is to be regarded as dissolved, and therefore that Mr. Kennedy is no longer entitled to receive compensation as Secretary, but only as Superintendent.

I have received no official notice from you of the completion of your duties, or that your Board has dissolved itself. I conceive that you are the proper persons to decide that question, and that the accounting officers have no authority to dissolve the Census Board without its consent; and I therefore ask the favor of you to say whether you regard your labors as ended, and your secretary discharged from his duties; and if so, at what date his services ceased?

If, on the other hand, you regard yourselves as still constituting a Board, and Mr. Kennedy as in your service, you will please say so, and advise me hereafter when you shall conclude to dissolve the Census Board and release the secretary from his duties. Very respectfully, &c.

ALEX. H. H. STUART, Secretary.

To the Hon. DANIEL WEBSTER, J. J. CRITTENDEN, and N. K. HALL, Members of the Census Board.

There is the inquiry as to whether the Board was dissolved and the Secretary discharged. Here is the reply:

WASHINGTON, September 30, 1851.

SIR: We have received your letter of to-day, and have the honor to reply that we do not consider the Census Board, of which we are members, as dissolved, or Mr. J. C. G. Kennedy, the Secretary of that Board, as discharged from office. The duties for which the Board was constituted and the Secretary appointed, have not been finally completed. We regard the Board as still continuing, and the secretary as still in office, and as entitled as such to the salary of \$3,000 per annum, and at that rate.

We are, very respectfully, yours, &c.,

J. J. CRITTENDEN.

DANIEL WEBSTER.

P. S. When the board by its own official acts shall be dissolved, we will not fail to make it known to you.

J. J. C.

D. W.

Hon. A. H. H. STUART, Secretary of the Interior.

Here was the board still in existence. Here was an officer appointed as Secretary, with the salary of \$3,000. That same individual was appointed Superintending Clerk, with a salary of \$2,500. Now, I take occasion here to observe, that Mr. Kennedy has never demanded, nor thought of demanding, both salaries.

Mr. DAVIS. What has he demanded?

Mr. DAWSON. He demanded \$3,000, the largest of the two salaries, and has received it for two years; and now it is proposed to take back \$500 of the amount, to reduce him to the salary of the Superintending Clerk, when he has been discharging both the duties of the Secretary of the

Board and Superintending Clerk. By what principle is it that we undertake, when there are two existing salaries by our own act, and by our own appointment, given to the same individual, to cut him down by a joint resolution to the lowest salary, when he discharges the duties of both offices?

What occurs then? Mr. Stuart, seeing the position in which things are placed—and I beg to call the attention of my honorable friend, the Senator from South Carolina, chairman of the Judiciary Committee, [Mr. BUTLER,] to this—and desiring to avoid all the conflicts growing out of hasty legislation, and to keep the Government correct, and prevent the loss of \$2,500 additional by our own act, confines the Superintending Clerk to one, and then asks us to do—what? To regulate our legislation, so as not to give a legal right to one individual to claim two separate and distinct salaries. That individual disdains to do it; he never did it, and never thought of such a thing; and if he had, it would not have been allowed by the Department. Then Mr. Stuart directs the following letter to the honorable chairman of the Judiciary Committee:

DEPARTMENT OF THE INTERIOR, March 8, 1852.

SIR: An some difficulty has occurred in regard to the salary of Mr. Kennedy, who has acted in the double capacity of Census Superintendent and Secretary of the Census Board, I would respectfully suggest the introduction of a clause into the supplementary bill which you propose to report, fixing his salary at \$3,000. I think he richly merits it, and I can see no reason why he should stand on a different footing from the other heads of bureaus.

Very respectfully, &c.,

A. H. H. STUART.

Hon. A. P. BUTLER, chairman of the Judiciary Committee U. S. Senate.

The Chairman of the Committee, I take occasion to say, was absent at the time this letter was addressed to him, and it necessarily went to the acting chairman. What course could have been better pursued to have justice done, and the facts known to the Senate, than this? The Secretary of the Interior calls upon the Judiciary Committee to regulate this question; and what is the sum total of it? We by our legislation appoint a Secretary, because we authorized the Census Board to do so, at a salary of \$3,000. We authorize a Superintending Clerk to be appointed, with a salary of \$2,500. He does not pretend to claim both salaries; he only asks for the largest, while he discharges the duties of both. Now, so soon as the Census Board shall be closed, and the Commissioners of the Board of Census shall dissolve the Board, and shall announce the fact to the Secretary of the Interior, the Secretary of the Board of Census will have terminated his official duties, and will be entitled only to the salary of \$2,500. Then will come up the question suggested by the Senator from Tennessee: Is not this individual justly, honestly, and fairly entitled to the sum of \$3,000 per annum as the head of the Census Bureau? When we look at the labors performed, and the industry and energy exhibited by him, I can see no reason why we should attempt to depreciate his labor and his intelligence by reducing him below the common ordinary heads of bureaus. There is nothing of impropriety, nothing of injustice, and no attempt made by individuals or heads of Departments to take any advantage of our omission to make our laws correct. He asks for the largest salary, as every man would do. When the Census Board is dissolved, he must necessarily fall back to the \$2,500, unless we pursue the course suggested by the Senator from Tennessee, and have the resolution so amended as to close this whole unpleasant matter, which it seems to be now, by declaring that his salary shall be \$3,000.

Mr. DAVIS. I suppose the whole merits of this matter are open upon the question of reconsideration?

The PRESIDENT. They are.

Mr. DAVIS. Then, Mr. President, if the Senate will lend me their attention, I will show, by the terms of the law itself, that the conclusions which the Senator from Georgia and the Senator from Tennessee draw, are a mistaken apprehension of the clearest terms of the statute itself. For that purpose I must refer to the laws which have been passed upon the subject. It is no personal gratification to me to engage in this controversy, and I have forborne, hitherto, to enter into it any further than was necessary to make known the object of the resolution; but it has now become indispensable that the facts should be made known, though they involve personal conduct.



There have been differences of opinion in the Departments, and I shall refer to them so far as to make the matter understood, and no further. I think I can show, very clearly, that the Secretary of the Census Board, by the terms of the law, had ceased to be an officer of that Board when the census act of 1850 was passed. It is true that, in 1849, there was an act passed on the subject—an act, the title of which is, "An act to make arrangements for taking the census." It was an act, remember, to make arrangements. It provided that the Secretary of State, the Postmaster General, and the Attorney General should be a Board, to be called the Census Board, and that it should be their duty to prepare blank forms for the enumeration of the inhabitants, and blank forms for the other purposes usually embraced within a census, and to print them. I wish to draw the attention of the Senate particularly to the last section of that act. It is not, as the gentlemen say, a section providing a salary of \$3,000 a year for this secretary, but it authorizes the appointment of a secretary. I will read the terms in which it authorizes that appointment:

"That the said board shall have power to appoint a secretary, whose remuneration shall be determined by Congress upon the completion of the duties assigned to the Board."

The remuneration is to be determined by Congress on the completion of the duties assigned to the Board. Then, by the terms of this act, there was nothing to be paid to this officer until the duties were completed. That is very obvious. Then follows the census act of 1850, which contains this provision in the nineteenth section: "And to enable him," (that is, the Secretary of the Interior,) "the better to discharge these duties, he is hereby authorized and required to appoint a suitable and competent person as superintending clerk." Not as the head of a bureau, as gentlemen assume, but as superintending clerk, "who shall, under his direction, have the general management of matters appertaining thereto, with the privilege of franking, and receiving, free of charge, all official documents and letters connected therewith." He was to be a man competent to, and it was to be his duty to superintend, generally, the matters relating to the census, and the whole census. That is the express duty assigned to him.

Here, I would remark, is a departure from the usage; for heretofore, when former censuses were taken, the duty of general supervision was referred to the head of a Department—the Treasury, I believe—and he assigned such force as he saw fit from the ordinary clerks of the Department to discharge the duty of digesting the enumeration and the statistics. This is a new officer—a higher grade of "clerk"—and receiving, I believe, as clerk, a higher salary than any other individual in any of the Departments. Now, let us hear what provision was made in the act for the appointment of this gentleman. The twentieth section of the same act provides as follows:

"And be it further enacted, That for the purpose of carrying into effect this act, and defraying the preliminary expenses, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$150,000; out of which the said Secretary of the Interior may allow to the person employed as Secretary of the Census Board, a compensation after the rate of \$3,000 per annum during the period he has been in their employ."

The Senator from South Carolina [Mr. Butler] is entirely right in the declaration which he made, when he took the floor, that it was the purpose of the committee, and the purpose of the Senate, and of the House of Representatives, to limit the pay of this gentleman to the past, that is, for services rendered anterior to the passage of the act. They considered his duties as completed, and for that reason his pay due according to the act of 1849; but whether completed or not the duties of Secretary of that Board were identical with the duties of Superintending Clerk. The nineteenth section of the act of 1850 contained, as I have shown, a provision for the appointment of a competent and suitable person to be Superintending Clerk, who, under the direction of the Secretary of the Interior, was to superintend all matters relating to the census. If there were any duties remaining for the Secretary of the Census Board, they were transferred to this clerk. That is the clear intention, and clear interpretation of the act. It is clearly susceptible of no other construction than this. Congress limited his pay as Secretary of the Census Board to the past, because they knew that they had provided another officer who was to per-

form all the duties of superintendence. The duties of the Secretary of the Board were therefore to end with the passage of the law, and the settlement with him was to be final, because his service was completed. The fact that a new officer was created to perform his duties made this arrangement not only appropriate, but indispensable. There was no mistake in the use of words, but on the contrary, the language employed carried out the purpose of Congress.

Having now referred to all the parts of the law material to this issue, I now solicit the attention of the Senate to a very brief narrative of what has been done in the Department. I do not propose to follow it through all the stages of its progress, but I think I can show clearly that even Mr. Kennedy himself gave to the clauses of the act to which I have referred, exactly the construction for which I now contend.

The papers before me state, that on the 27th of May, 1850, he was appointed Superintending Clerk, and took the oath of office as such. The census act passed on the 23d of May, 1850. Now, if the Senate will carry these dates along with it, and look into another provision of the act, they will see that the taking of the census was to commence on the first day of June. That was the day assigned for the enumeration, and to which all the facts were referable. Mr. Kennedy went into this office four days before the census act went into operation—before the blanks and instructions, indeed all the preliminary papers, were to come into practical use.

Let us take a glance now, at the duties of the Census Board, and then we shall see how this construction stands with reference to the duties assigned to that Board. The Census Board was appointed to prepare tables, and to print them. That was their whole duty, under the law of 1849. They did prepare tables, but when Congress assembled, they were not reported to the two Houses so early as was anticipated. The Senate, finding no tables here, appointed a select committee to take the whole subject into their hands, and report upon it. That committee assembled—had many sittings—and this Secretary of the Census Board laid before us, informally, certain tables, they not having been officially reported. We took up those tables, examined them, amended them largely, introducing many things and rejecting many things, and finally made a report to the Senate. I need not go through an account of the wearisome discussions which were had here, and the attempts on the part of that Secretary to displace those tables, and insert others. That is a matter which has no particular connection with this question. The passage of the Census bill was however long delayed by that process. The bill went to the House, and there the same scenes were gone through, and these tables were more or less modified and amended there, as I think, not to the advantage of the public service; as they were overloaded with columns which have led to confusion and inaccuracy. The law passed, but its passage was delayed until the 23d of May. By its own terms, it was to go into immediate operation, and the census was to be taken on the 1st of June. But in this same census act of 1850, there was a further provision made, that inasmuch as the Census Board had commenced the printing of the preparatory matter, and carried it, as was alleged, far towards completion, they should superintend its completion, so far as printing was concerned. The latter part of the nineteenth section, relating to that subject, is in these words:

"The blanks and preparatory printing for taking the Census shall be prepared and executed under the direction of the Census Board; the other printing to be executed as Congress shall direct."

Now, what is the "preparatory printing?" It is the blanks and the printing of the circulars; nothing else. That printing should have been completed at the day when the census was to be taken, because all these papers should have been distributed by that day, as the act could not be carried into effect without them. Whether they were distributed, and the business completed on that day or not, the purpose was to transfer the duties of that office of Secretary of the Census Board to the Superintending Clerk. What had the Superintending Clerk to do, if it was not his duty to see to this? I said that the duties of the Superintending Clerk and of the Secretary of the Census Board were identical. They were one

and the same thing. And it is difficult to conceive, if we were to maintain an officer under the name of Secretary of the Census Board, to perform that duty, what would have been left for the Superintending Clerk to do. I speak with some confidence upon this subject, because the terms of the act authorize me so to do; and I think the meaning and intention of the act, as far as I understand it, authorize me so to do.

I will now proceed to show that Mr. Kennedy himself acquiesced in this view of the matter. According to the terms of the act of 1849, he was to be settled with when his duties were completed and ended. Congress was then to assign to him the pay which he was to receive. What did this gentleman do after he was appointed Superintending Clerk? He called upon the Department for a settlement pursuant to the terms of the act. He got his certificate from Mr. Clayton, the then Secretary of State, certifying the time for which he was entitled to pay under the twentieth section of the act of 1850. Here is Mr. Clayton's certificate. I need not trouble the Senate with reading it. It states that Mr. Kennedy was entitled to thirteen months' pay. That carried it up to the 1st day of June, 1850. He received from the accounting officers of the Department, as Secretary of the Census Board, up to the 1st day of June, his pay after the rate of \$3,000 a year.

It will be noted that there is something significant in these dates. The 1st of June did not end a quarter, but it was the point of time when the taking of the census was to commence, and the settlement was up to that date. The 30th of June was the quarter day. On the 30th of June this gentleman received his pay as Superintending Clerk, at the rate of \$2,500 per annum for the month; and nothing more was claimed. At the end of the next quarter, the 30th of September, he received his pay again as Superintending Clerk, and demanded nothing more. And as the Comptroller very significantly expresses it, the idea of double pay, or compensation as Secretary of the Census Board and Superintending Clerk, never flashed through this gentleman's mind until about seven months had elapsed from the 1st day of June. Seven months had elapsed before this thought of so construing the statutes as to secure to himself double pay, had ever entered his mind. That statement is contained in the record which I have before me. Thus matters went along; and on the 26th of December, 1850, there was an order issued by the Secretary of the Interior, to which I wish to invite the attention of the Senate. From the reading of this order my friend from Tennessee, and my friend from Georgia, will see whether they are right or not in the statement that this gentleman never demanded pay for more than one office. Here is the order:

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, December 26, 1850.

SIR: You are hereby directed to pay to Joseph C. G. Kennedy, Esquire, for his services as Superintending of the Seventh Census, and as Secretary of the Census Board, a salary at the rate of \$3,000 per annum, commencing on the 1st of June, 1850; and this shall be your authority for the same. I am, sir, &c.,

ALEXANDER H. H. STUART,  
Secretary.

R. H. WILLIAMSON, *Disbursing Agent,*  
Department of the Interior.

Now, I say this order was issued under some mistake and misapprehension of the law. I need not argue that point, for it is quite out of the question for this gentleman to assign a less sum than the two salaries, if he authorizes anything to be paid to him as Secretary of the Census Board. If he authorizes anything to be paid on this ground, I deny, utterly, his power to limit it to \$500 unless by the voluntary consent of Mr. Kennedy. If there is a foundation broad enough in the construction of this act to authorize the payment of \$500, it is wide enough to cover \$3,000; and if he is entitled to receive pay as Superintending Clerk of the Census, and also as Secretary of the Census Board, he is entitled by law, whether he claims it or not, to \$5,500. The disbursing officer of the Interior Department proceeded to make the payment according to this direction of the Secretary, and he made the payment for some eighteen months, as nearly as I recollect, allowing, in the first place, a salary of \$2,500 as Superintending of the Census, and then \$500 as Secretary of the Census Board.

My friend from Georgia has read papers to show that the Census Board was never dissolved.

I think I have shown clearly that by the terms of the statute, if they had any duties for any person to perform in their behalf, as Secretary, those duties were transferred to the Superintending Clerk of the Census. But let us look a moment at the matter, and see how it stands. These blanks ought to have been distributed—whether they were or not I do not know—before the first day of June. That they were nearly completed at that time, and the business nearly finished, cannot admit of a doubt. What, then, remained? The Census Board had but two offices to perform. One was to prepare the blanks, and the other to see that they were printed; and when they made their report to the Senate and the House of Representatives, they were *functus officio*. There was an end of their duties. That report was made, I believe, in February, 1850. If it had not been for the fact, that by the law of 1850 they were left with the duty of superintending the "preparatory printing," which remained to be done, they would have had no duty of any kind left. How long did that duty last? How long a time was required for the printing of the preparatory papers, that is, the printing of the blanks and circulars?

Sir, is it not a striking fact in regard to this matter, that this order was dated on the 26th of December; and when the payments under it were made, the census had all been completed, and the returns made? What duty had this Board then to perform in printing preparatory papers? I cannot make the argument any stronger or any plainer than the statements of the proposition itself makes it. It is preposterous to say that this Board was in existence, and had a right to employ a secretary, when this secretary had no duties to perform. There were no duties, and could be none, which he then had to perform. It would be allowing him pay for a sinecure office. But the answer to the whole of it is, that those duties, if there were any, were the appropriate duties of the Superintending Clerk.

These payments, nevertheless, went on by the disbursing officer for the period of time I have stated. They finally reached the First Comptroller. The First Comptroller is a man that understands his duties. He knew that no money could be drawn from the Treasury of the United States without warrant of law. He knew that there must be a law to authorize it. He set himself to work, and inquired into the matter. He investigated the acts of Congress in regard to it; and arrived at the only conclusion which the facts can sanction: that there was no authority of law to execute the order of the Secretary of the Interior—none whatever; and he refused to execute it; and gave notice to the disbursing officer of the Department of the Interior, that there was no authority of law under which the allowance could be made, and that any such claim could not pass with his sanction as Comptroller. Well, sir, I take it, that that has been sanctioned by everybody. I have heard of no attempt to appeal from the decision of this officer, and no attempt to draw his decision into question as unjust or wrong in any way. There the matter stood.

What next was done? The disbursing officer of the Department of the Interior found it necessary, as a personal responsibility devolved upon him for paying sums of money which he was not authorized by law to allow; and he deducted those overpayments, amounting to about \$800, from the accruing salary of Mr. Kennedy, as it became due, in order to indemnify the Treasury; so that this officer has derived no benefit from the order of the Secretary of the Interior, or the allowances which were made to him. As the object of getting pay for two offices could not be accomplished through the Department—as that was despaired of, he came to a committee of the Senate, and a proposition was made here to amend the law in the way and manner which has been pointed out by my honorable friend from South Carolina; and rather an extraordinary manner it was; because, by the very terms of the act, words were stricken out of the printed law of 1850, and other words were inserted in their place. I do not mean to say that that is an improper way; but it is an unusual way of proceeding to strike out words from a statute which has been a long time in existence, and printed among the laws, and insert other words in lieu of them.

Mr. President, the position which I assume is in accordance with the law of the land, in regard

to the right of any individual to receive pay for two offices. Let me read now from an act passed in 1850, at a period subsequent to the census act which was passed in May; the provisions of which were carried into effect by Congress at that time. There is a proviso, as follows:

"Provided, however, That hereafter the proper accounting officers of the Treasury, or other pay officers of the United States, shall in no case allow and pay to one individual the salaries of two different offices on account of having performed the duties thereof at the same time; but this prohibition shall not extend to the superintendents of the Executive buildings."

Here is a positive prohibition—a prohibition founded upon the simplest justice that can be imagined. We hire this gentleman as a Superintending Clerk. We are entitled to all his time and services. We are entitled to all that the Government has a right to exact when a man devotes his whole time to it for compensation; and it is preposterous to say that a man whose whole time is engaged for the benefit and service of the country can have time to fulfill the duties of another office with such onerous duties that it is entitled to greater pay than the one in which he is employed. It is injustice to the Government to adopt that principle. The law which I have read is founded in the strongest common sense, and was adopted because of the abuses which have grown up from allowances in such cases.

I have no desire to detain the Senate with these matters. But it is said that this gentleman has never claimed the pay growing out of the two offices. Sir, the Secretary of the Interior does not understand it so. He founds the right of this gentleman to the \$3,000 upon his filing the two stations. The accounting officers have never understood it so. They have always understood that if he claimed \$3,000, he was to get it by claiming it through the two offices, and in no other way. I believe he has never had the assurance to pretend that there were any duties for him to perform as Secretary of the Census Board, which would authorize the payment to him of \$3,000 annually for that service. I should like some of my friends here, who know perhaps more about the subject than I do in regard to these duties, to point out the specific duties which this gentleman had to perform, if he had any, as Secretary of the Census Board. I should be very glad to see a specification of those duties. I should be very glad to see the foundation upon which this claim rests. It would give some satisfaction, at least, to my mind.

I will send to the Chair some papers relating to this subject which have been placed in my hands: First, a letter from Mr. Williamson, who is the disbursing officer of the Department of the Interior. The Senate will learn from that, what kind of claim this gentleman has set up; and whether or not he considers that he is entitled to pay for the two offices. I ask that the letter may be read.

The Secretary accordingly read the following letter:

DEPARTMENT OF THE INTERIOR,  
DISBURSING OFFICE, July 30, 1852.

SIR: I have received your letter of yesterday, and in answer to your first question, have the honor to state that I am the pay agent of the Department of the Interior, and was appointed the 29th of April, 1850. I am also "special disbursing agent of the Census fund" by appointment, dated May 24th, 1850.

Secondly, J. C. G. Kennedy, Esq., came into my office on Monday last, and asked me if I was ready to settle his account. I answered I was, and said "which of them?"—as I have two unsettled accounts with him, one for salary growing out of my refusal to pay him \$3,000 per annum, and the other for his European trip. He then told me he wanted to settle his account as Secretary of the Census Board. I hesitated for a moment, and he then said that Congress had given him the \$3,000 salary as Secretary of the Census Board, as I would see by the last section of the apportionment bill. He handed me the bill, and remarked that he would leave the \$2,500 salary, the one that I had always recognized and been directed to pay as legally his, for future or after consideration; and he continued, "I do not know that I would ever have demanded it if they had settled the higher one with me at first; but I shall now pursue my own course." To this I answered that he would have much less difficulty now in getting the \$2,500 than he had in getting the larger sum. The conversation did not last more than ten minutes, and he left the room. Mr. Robert Wright and Mr. G. A. D. Clarke, both employed on the Census, were present.

I now beg leave to remark that Mr. Kennedy evidently gave me to understand that he considered both salaries were his by law, if he chose to demand them; and I thought it singularly strange that an office should be created or provided without any duties or business attached to it, either real or imaginary, and at the same time that there should be left in full force his regular appointment of Superintending Clerk of the Census as a separate and distinct

office, thereby leaving it discretionary with him [Mr. K.] to draw the salary for it or not, as he should think proper.

I have the honor to be, very respectfully, yours,  
K. H. WILLIAMSON,  
Disbursing Agent.

Hon. ELISHA WHITTLESEY,  
First Comptroller of the Treasury.

I agree with the remarks contained in the above letter ending with the sentence "Robert Wright and G. A. D. Clarke," except that I think Mr. Williamson asked Mr. Kennedy "whether he [Mr. K.] demanded both salaries" alluding to the salary as Clerk of the Census Board and Superintending Clerk.

G. A. D. CLARKE.

I agree with the remarks contained in the above letter ending with the sentence "Robert Wright and G. A. D. Clarke."  
ROBERT WRIGHT.

Mr. DAVIS. That letter needs no comment. It was written in reply to one from the Comptroller, and settles the question as to demanding pay for both offices. Mr. Kennedy reserves for consideration whether he will hereafter claim the \$5,500 or not. I have here a letter which has been addressed to me voluntarily by Mr. Whittlesey on the same subject, and which will fully explain his course. I ask that it may be read.

The Secretary accordingly read the letter, as follows:

TREASURY DEPARTMENT,  
COMPTROLLER'S OFFICE, July 23, 1852.

DEAR SIR: Jos. C. G. Kennedy, Esq., Superintending Clerk of the Seventh Census, having stated in writing, that "I am annoying him" in the matter of his compensation, I have deemed it to be my duty to act as a public officer, in regard to his compensation. You can use the information as you think proper. Mr. Kennedy was appointed Secretary of the Census Board, created by the act of March 3, 1849.

That act having discharged its functions when the act of May 23, 1850, went into operation, he was appointed Superintending Clerk of the Seventh Census, and took his oath of office on the 27th of May, 1850.

The act of March 3, 1849, did not fix the compensation of Secretary of the Census Board, but left it to Congress to do it, after the duties of the Board should be discharged. Accordingly the salary of said Secretary was established at the rate of \$3,000 per annum by the act of May 23d, 1850. The same act fixed the salary of Superintending Clerk at \$2,500 per annum.

A question arose as to the compensation Mr. Kennedy was to receive from the 27th of May, to the 1st of June. It having been submitted to me, I decided he was entitled to his salary as Secretary until the 1st of June.

A copy of that decision I send to you.

From the 1st of June to the 30th of September, both days inclusive, he was paid as Superintending Clerk of the Seventh Census, at the rate of \$2,500, established by the act of May 23d, 1850. This appears by the second and third item of the statement of the Register, dated the 6th of February, 1852.

On the 26th of December, 1850, the Hon. A. H. H. Stuart, Secretary of the Interior, gave a peremptory order to the disbursing agent of the Seventh Census, to pay Mr. Kennedy for his services as Superintendent of the Seventh Census and the Secretary of the Census Board, a salary at the rate of \$3,000 per annum, commencing on the 1st day of June, 1850.

The pay agent paid Mr. Kennedy accordingly, to the 31st of December, 1851. This appears from the fourth, fifth, sixth, seventh, eighth, and ninth items of the statement of the Register.

On settling the accounts of the pay agent, I disallowed the amount overpaid from the 1st of June, 1850, to the 31st of December, 1851, under the order of the honorable Secretary. It amounts to \$791 20. This appears from the tenth, eleventh, and twelfth items of the Register's statement. My reasons for disallowing this overpayment are set forth in my second decision, a copy of which I also sent to you.

I have understood the pay agent withheld further payments to Mr. Kennedy until he was remunerated the amount thus disallowed.

Last Monday, Mr. Williamson, the pay agent, came to my office, and informed me Mr. Kennedy requested or demanded his pay under a late act that Congress had passed, and he handed to me Senate bill No. 251, certified by Mr. Dickens, Secretary. Mr. Williamson said Mr. Kennedy's demand or request was for whatever was due at the rate of \$3,000 per annum; that he asked Mr. Kennedy if he claimed both salaries, and the reply was, that question would be taken into consideration; that he should not have claimed it if he had not been treated so; but now he should do as he thought proper.

I asked Mr. Williamson if he knew the bill had passed, and became a law? He said he knew nothing more about it than what Mr. Kennedy told him, and appeared from the bill. By my advice he went to the State Department, and returned with the information that the act had not been lodged there.

I went immediately to the President, and on being informed the act had not been presented to him for approval, I remarked I was glad of it; for I thought a fraud had been practiced on Congress, in amending the twentieth section of the act of May 23d, 1850, and I stated to him the conversation between Mr. Kennedy and Mr. Williamson, as it had been related to me. I informed him, also, that if Mr. Kennedy was entitled to a salary as Secretary of the Census Board of \$3,000, he was entitled to an annual compensation of \$5,500, as there was no doubt he, as Superintending Clerk of the census, was entitled to his salary of \$2,500 a year, and the Attorney General had decided "the same person could legally hold two offices, and receive the salary of each."

I went immediately to the House of Representatives, and saw Mr. McLanahan, and to the Senate, and saw Mr.

Butler, and explained the effect that might be produced by the late act.

On returning from the office, the night of the same day, I met Mr. Kennedy, and he complained of having been misrepresented to the President, and wished to know what Mr. Williamson said? I repeated it to him, and also what I stated to the President. He understood it had been represented to the President, that he had demanded both salaries; and that he denied; but he did not deny he had the conversation with Mr. Williamson, as Mr. Williamson related it to me. I reminded him he knew the decision of the Attorney General, and that he could, under that decision, claim the compensation of both offices, if he was entitled to the salary of Secretary. He did not deny either of these propositions; but he repeated he had asked for only the salary of the highest office, which he thought he ought to have. I told him I thought the amendment of the act in the manner proposed was intended as a fraud.

Mr. Butler having been called from the Senate, and wishing to return to it, I mentioned, after a brief conversation, I would make a statement to him in writing if he desired it; and having been requested to do so, I addressed Mr. Butler a letter, and sent a copy of it to Mr. McLanahan.

If it shall be the pleasure of Congress to fix Mr. Kennedy's salary at any sum higher than it now is, no one will feel less regret than myself; but I will not, as an officer, see an effort to take money from the Treasury unlawfully without hearing testimony against it.

Most sincerely and respectfully yours,

ELISHA WHITTLESEY.

Hon. JOHN DAVIS, U. S. Senator.

Mr. BUTLER. Mr. President, I should not have meddled with this matter at all, if it had not been that, in my deliberate judgment, something like unfairness has been practiced upon Congress through the agency of the committee of which I am the representative to the public. Mr. Whittlesey, as he said in his letter, did meet me, and he presented the subject to me. He asked me my construction of the bill which had been passed. I told him I was not here at the time it was passed, and that, therefore, I was not responsible for the report of the committee upon it. But, according to my construction of it, it was clearly a recognition of the existence of the office of Secretary of the Census Board; and that, under the terms of that bill, Mr. Kennedy would be entitled to two salaries. I have since read the act carefully, and there can be but one opinion upon that subject. I am sorry to say, that the clause introduced into the "apportionment act," as it is commonly called, was intended, as I fear, to cover this approach to the Legislature for two salaries.

Mr. DAVIS. Certainly; there can be no doubt about it.

Mr. BUTLER. I must answer my honorable friend from Georgia frankly, as he has appealed to me. If a communication was sent from Mr. Stuart—from such a respectable source—and addressed to me as chairman of the Committee on the Judiciary, to insert in that bill a salary of \$3,000 for the Superintending Clerk of the Census, I think it extremely probable that I would have acquiesced in that. But was the proposition sent to the Judiciary Committee to give this gentleman \$3,000 for either one office or the other? Not at all. Here is the clause that was inserted in that bill, which was prepared at the Department of the Interior, and, I presume, by Mr. Kennedy himself. It is a clause no way connected with the general object of the bill, and is in these words:

"And be it further enacted, That the 20th section of the said act be amended by striking out the words 'has been,' in the last line, and inserting the words 'may necessarily be.'"

Now, according to the twentieth section of the act referred to—the Census act of 1850—the Secretary of the Census Board was to receive a compensation at the rate of \$3,000 per annum, "during the period he has been" in the employ of the Census Board.

Under the terms of the bill which we have passed this year, he is to be compensated for constructive services, by the revival of a dead office, for services that he may perform in that office, thus recognized and revived. There is but one construction that can be given to it; and when Mr. Whittlesey wrote this letter to me, I did feel for my friends, that a fraud had been practiced. I am sorry that I have to make this remark; but there stands the act. It does not increase the salary of Mr. Kennedy definitely to \$3,000, but it revives the old office of Secretary of the Census Board; and when Mr. Kennedy went and asked for double pay, he knew, as a lawyer, that he could get it under the warrant of this law. It was the revival of an office, giving him a salary of \$3,000 a year for constructive services, for he did not perform them. All the services necessarily incident to the office had been performed, and the office was defunct.

I say this much, because I should dislike to give Mr. Whittlesey cause to complain of a want of vigilance on the part of the Judiciary Committee. I suppose that when the draft of the bill came from the Secretary of the Interior, the Senator from Louisiana, [Mr. Downs,] who represented the committee at the time, had no doubt but that it was perfectly right. It is apparent now, however, that it was not right. I repeat, that upon the construction of the clause which I have read, Mr. Kennedy can claim two salaries, and there can be but one view on that point; for if he can receive \$500 as Secretary of the Census Board, he can receive the full amount of \$5,500. I have to say that when I am called upon to perform a duty of this kind, and I see what, in my opinion, is an unfairness which has been practiced, I must speak candidly on the subject. Mr. Kennedy knew just as well as I do now, that when he accepted the office of Superintending Clerk of the Census, he was to receive but \$2,500 per annum. His acquiescence in that understanding was for seven months. I believe that for that length of time he received and claimed only that compensation. I should not have spoken with so much temper on this subject, except that there might be left a reflection on one of the committees of this body that it had not exercised sufficient vigilance in regard to this matter. I have no doubt that if I had been here at the time, as chairman of the committee, I should have acquiesced as the other members did, believing that it was all right, but it would not have made me the less resentful when I had the thing disclosed to me.

The Secretary of the Interior wrote a letter, directed to myself as chairman of the Committee on the Judiciary, suggesting that the salary of Mr. Kennedy should be fixed at \$3,000 a year. If that had been the proposition contained in the bill, it would have been perfectly satisfactory to me, and I should probably have been willing to insert it; but I never would have consented to insert the clause which was inserted, knowing the interpretation which Mr. Kennedy was going to give it, which in fact he would have given, and could have given to it, and which he did give to it. When anything touches the maladministration of the money Department of this Government, it is certainly more than an individual who is involved in it. The Department itself is involved in it; a committee of this House is involved in it; and an abuse of this kind ought not to be allowed to pass without open denunciation. I was perfectly willing that this joint resolution should have passed in its present shape. I shall vote against a reconsideration. If this gentleman thinks he deserves a higher salary, let him come here and petition Congress to pass an act increasing his salary. Perhaps I should vote for such an act—it is very probable that I would; but I do not wish to allow the supplementary act which has been passed to go into operation with the provision which is in it reviving a dead office, if I can prevent it; and the joint resolution which is now under consideration is designed to prevent it. It is not worth while to discuss the fact whether the clause inserted was asked for by the Secretary of the Interior in a letter directed to me; but a clause was inserted which will authorize payment, for constructive services in an office which had terminated, of money to which the individual was not entitled.

Mr. DAWSON. Mr. President, this case has assumed a very strange aspect. The word "fraud" was for the first time suggested in the letter said to be voluntarily addressed to the Senator from Massachusetts by Mr. Whittlesey. It was there, for the first time, suggested that a fraud had been committed upon the Government. Then comes my friend from South Carolina, who has taken a very strange course upon this subject, and paid but a poor compliment to the Committee on the Judiciary, when he says that Mr. Kennedy has made them the instrument in his hands of perpetrating a fraud. He admits that the recommendation of the Secretary of the Interior would have been proper and entirely satisfactory to him, and that he would have been willing to appropriate \$3,000 per annum for Mr. Kennedy. Did Mr. Kennedy make the amendment to the law of 1850? Did it not come from the Committee on the Judiciary? Was it not presented by that committee to this branch of Congress and regularly passed into a law? And yet it is here insinu-

ated that Mr. Kennedy, through that instrumentality, has practiced a fraud upon the Government. My friend certainly ought to have measured the extent of the insinuation which his words make against the character of an individual.

But, sir, why is this strange and wonderful excitement gotten up here about \$800 as salary for the services of an individual? The monetary affairs of this Government are brought up, and all the Departments of the Government are to be involved upon this mighty question of a difference of \$500 a year salary for an office. I cannot comprehend why it is. How is all this feeling brought about? Through our friend, the First Comptroller of the Treasury. It is not the first difficulty he has presented to the Senate of the United States. It is not the first time he has overruled the decision of the Presiding Officers of this body, and brought himself into conflict with them. Was that act to which I allude, and which he refused to allow, a "fraud"? It was so stated, and this body was made to bear it, and the decision of a late Vice President of the United States and his successor were disregarded; and yet now, because the same Comptroller uses the word "fraud" in regard to the character of an individual who is as exempt from fraud as any man, he is to receive that imputation here, and it is to go to the country sanctioned by the high name of the Senator who has just spoken. It is unjust to this individual—it is unkind and ungenerous to a man who has not done an act inconsistent with strict honor. Let gentlemen look into this matter. Let my friend from Massachusetts look into it; and I must say that I have never heard him speak with more excitement. I was surprised at it, knowing that he usually keeps his head very cool.

In order to protect the honor of this body, let us go back to the beginning of this matter at once, and see where it originated. In what proposition did it originate? Let us look to it as men, and not seek to embarrass the country and make the world believe that any one here is seeking to perpetrate a fraud upon the Government. The first question I would propound to gentlemen is this: Was the act authorizing the creation of the Census Board repealed? Was it annulled? Answer that, each and every one of you. It was not.

Mr. DAVIS. I will answer the Senator. So far as concerns the Secretary of the Census Board, it is the plain interpretation of the act that the duties of that office were closed and completed.

Mr. DAWSON. Exactly; that is the impression of my friend from Massachusetts. But who was to judge in this case? The Senator from Massachusetts, the Secretary of the Interior, or the Board of Census? There is the question. I ask gentlemen to look at that question, and confine themselves to it; and not seek to wound and destroy a man who has not offended any one here, or any law of the land. The law under which the Census Board was organized was not repealed; and here are Daniel Webster and John J. Crittenden saying that they were members of the Board of Census in September, 1851, and that Mr. Kennedy was then Secretary of their Board. Have Senators forgotten that this very Board of Census, through their Secretary, made a report to the Senate of the United States, accompanying the President's message, at the opening of this session of Congress? And yet gentlemen state to the country that the functions of the Census Board were at an end; when here are the signatures of Daniel Webster and John J. Crittenden that they were members of the Board of Census, and that this gentleman was their Secretary. If there was any fault, where, then, does it rest? It rests in the legislation of Congress.

Mr. DAVIS. I would ask the Senator whether he contends that the law of 1849, under which the Census Board was organized, is a perpetual law; and that this secretaryship is a perpetual secretaryship?

Mr. DAWSON. I answer, No; it is not; but the Board of Census are the individuals who are entitled to terminate it; and I have got their decision to that effect; and can your opinion go against theirs on a question of this kind, involving the character of an individual who has not a right to speak on this floor? Certainly not; and if he can be shielded and protected by the great names of Webster and Crittenden, what need he care for the opinion of those who seek to stab his character?



I have no feeling on this subject. I have no private or social relations with this individual; but I go for the protection of every man from an unkind stab when he has no power to defend or explain himself.

How did this question originate? Let us deny it, if we dare. Senators upon this floor, have you not passed two laws, one giving a salary to the Secretary of the Board of Census, and one giving a salary to the Superintendent of the Census? Do not those laws now exist? Has it ever been repealed by your power, or by your declaration? Never. Then, if the Secretary of the Interior had the right to appoint a Superintendent, what law is there, or what part of the Constitution is there, which prevents the concentration of both offices in the same individual? None. The Secretary of the Census Board then became the Superintendent of the Census—both salaries existing. Then why should gentlemen cast an imputation upon this man, who has these two appointments combined in himself—for an imputation is sought to be cast upon this man who has these two appointments combined in himself.

It is said that he has claimed the salaries of both offices, and therefore that a fraud has been practiced on the Government. There is not, I assert, to be found any substantial proof of the charge even in the "voluntary" contribution of testimony furnished to my friend from Massachusetts, or in the statement of Mr. Williamson. I will show you, on the contrary, that this Superintendent claimed it from the beginning, and made his selection, as every other man would have done, according to the settled practice of the Government, taking the higher salary. How am I to prove this? I can prove it by testimony which will wipe away the dust and clear up the clouds which rest upon this transaction, and show it to have been as honorable and as honest a transaction as could possibly have been. When did this matter commence? I will show you when it originated. Where did the difficulty originate? It originated with the Comptroller of the Treasury, Mr. Whittlesey. I have before me a letter of Mr. Stuart, giving his statement of the whole transaction, and I desire the Senate to understand it. It is addressed to Mr. Kennedy. Mr. Stuart says:

"WASHINGTON, July 29, 1852.

"SIR: I have received your letter of this morning in which you refer to the proceedings of the Senate yesterday, and request me to furnish you a statement of such facts as I am acquainted with, connected with your claim for your official salary. In reply, I have to state that, when I took charge of this Department, in September, 1850, I found you receiving a salary of \$3,000."

It must be remarked here, that the law to take the census was passed in May, 1850; and when Mr. Stuart came into the secretaryship of the Interior, in September, 1850, he states that he found this individual receiving a salary of \$3,000 a year.

Mr. DAVIS. Will the Senator allow me to correct him? I can show from the documents before me, that he did not receive anything more than at the rate of \$2,500 a year, until after the 26th December, 1850; so that he could not have been in the receipt of a salary of \$3,000 in September, 1850.

Mr. DAWSON. Such is the statement of the Secretary of the Interior. I do not know anything of the facts myself, but I give the statement of the Secretary. But he proceeds:

"This you continued to receive, as I believe, without objection, for some months. I then learned that objections were raised to your receiving more than \$2,500, on the ground that your functions as Secretary of the Census Board had ceased, and that from that time you were to be regarded merely as 'Superintending Clerk.' The disbursing agent having made a decision to this effect, the subject was brought before me officially, and on an examination of the law, I was of the opinion that you were justly entitled to \$3,000 so long as the Census Board required your services; and that when your functions as Secretary of that Board ceased, you would draw your salary as Superintending clerk, at the rate of \$2,500 per annum."

Here is the point of the whole question:

"In pursuance of this opinion, I addressed a note to the disbursing agent, instructing him to allow you, in your double capacity of Secretary of the Census Board and Superintending Clerk, a salary of \$3,000. A copy of that note is herewith enclosed, 'No 1.'"

Mr. Stuart saw the condition in which the Congress of the United States had left this question. Here was a man authorized to draw two salaries, and he allows him to draw the higher for both services; thereby excluding the possibility of his,

or anybody representing him, hereafter claiming the unpaid salary. What could have been done more justly, legally, properly, and officially? Nothing.

Mr. Stuart proceeds:

"Thus the matter stood until about January, 1851, when objections were renewed by the First Comptroller."

This is the same Mr. Whittlesey who has said that he will stand watchful and sleepless at the door of the Treasury, and suffer no fraud to be consummated, whether through the Judiciary Committee or by the passage of a law through Congress. He is a sleepless sentinel over the rights of the country, independent of all bodies.

The Secretary proceeds:

"I was of the opinion that the whole matter resolved itself into an issue of fact, viz: when did the functions of the Census Board cease?"

There is the question, as I stated it when I first rose to address the Senate this morning.

Mr. Stuart proceeds:

"I thought it was not competent either for the Comptroller or myself to decide that question; and thereby undertake summarily to dissolve a Board established by law, and composed of gentlemen quite as intelligent and upright as ourselves."

I would ask the Senate, who gave the Secretary of the Interior the power to decide the question whether the functions of the Census Board had ceased or not? Who gave the First Comptroller of the Treasury this power? In conformity with this view of the subject, what did Mr. Stuart do? He says:

"I addressed an official letter to the Census Board, under date of 30th September last, (a copy of which I inclose, marked 2;) in which, after reciting the facts, I requested them to inform me whether their functions as a Board had ceased; and if so, at what time? To this letter I received a reply, signed by Mr. Crittenden and Mr. Webster, (Judge Hall being at the time absent, I believe,) a copy of which is also inclosed, marked No. 3."

That letter is in these words:

WASHINGTON, September 30, 1851.

We have received your letter of to-day, and have the honor to reply, that we do not consider the Census Board (of which we are members) as dissolved, or Mr. J. C. G. Kennedy, the Secretary of that Board, as discharged from office. The duties for which that Board was constituted and the Secretary appointed, have not been finally completed. We regard the Board as still continuing, and the Secretary as still in office, and as entitled as such to the salary of \$3,000 per annum, and at that rate.

We are, very respectfully, yours, &c.,

J. CRITTENDEN.

DANIEL WEBSTER.

Hon. A. H. H. STUART, Secretary of the Interior.

P. S. When the Board by its own official act shall be dissolved, we will not fail to make it known to you.

J. J. C.

D. W.

Here are the persons who announced that he is entitled to that salary; and they are responsible for it, and not the Secretary of the Interior. Yet the insinuation is secretly and covertly attempted to be made that Mr. Kennedy practiced a fraud. Now, sir, is it not unkind that the country should be so impressed, and that a man in his position, incapacitated, from his relations to this body, to give a single explanation, should be driven before the whole country to explain the honesty of his position. It is easy to make insinuations, but it is dreadfully troublesome to check them when they get afloat.

Now, I submit whether this argument today has not thrown an imputation before the people, that there has been fraud practiced on the Senate by this individual? I submit, honestly, fairly, and candidly, whether these imputations are sustained? Where is the ground upon which to base the insinuations? That is the reason why I feel some disposition, if I possibly can, to place the facts before the country. But I will go further. I have read the decision that the Board is in existence, and was in existence on the 30th of September, 1851, and its members claim this individual as their Secretary, and say that he is entitled to pay as such. Yet gentlemen here say that he is not so entitled.

Mr. BUTLER. I wish the gentleman to understand me. I wish to put my propositions in a shape that they may not be misunderstood. That may have been their decision, but I may have a very different opinion as to whether the Board is dissolved or not. I speak of the law as it is. I did not intend to do Mr. Kennedy any injustice. Perhaps the gentleman, while he is speaking, had better explain, if he can, in regard to the letter which was addressed to me by the Secretary of

the Interior. That letter was to put this individual on the footing of \$3,000 a year salary.

Mr. DAWSON. I will read the letter, if the gentleman desires it.

Mr. BUTLER. I wish the gentleman would read it, because I do not wish to do Mr. Kennedy any injustice.

Mr. DAWSON. I know that. The letter is in these words:

DEPARTMENT OF THE INTERIOR, March 8, 1852.

SIR: As some difficulty has occurred in regard to the salary of Mr. Kennedy, who has acted in the double capacity of Census Superintendent and Secretary of the Census Board, I would respectfully suggest the introduction of a clause into the supplementary bill which you propose to report, fixing his salary at \$3,000.

I think he richly merits it, and I can see no reason why he should stand on a different footing from the other heads of bureaus. Very respectfully, &c.,

A. H. H. STUART.

Hon. A. P. BUTLER,

Chairman of the Judiciary Committee, U. S. Senate.

Mr. BUTLER. I wish to put my proposition in distinct language, for I wish it to go out exactly as I make it. The letter which the Senator has read was written to me by the Secretary of the Interior. Its object was to put this individual on the footing of the heads of other bureaus, and a draft of a bill was sent to the committee. The fact must come out as it is. That bill was sent to the committee from the Department of the Interior, and it contained the clause which gives to Mr. Kennedy \$5,500 per annum, by any construction which can possibly be put upon it, because it recognizes the then existence of the old Census Board, and authorizes him to receive the salary of Secretary of that Board. I say that if \$3,000 alone had been claimed, there would have been no fraud; nor do I say now that there would have been any fraud if Mr. Kennedy, in introducing this clause, meant to receive no more than that sum. I will give him the full benefit of that; but I do say, that if this clause were introduced covertly, to give him \$5,500 a year—and it does bear that construction—if he did it with that purpose, and actually claims \$5,500 under it, then I cannot qualify or retract my statement.

Mr. DAWSON. Exactly; that is the very point which I intended to get out of the Senator. In the first place, both salaries were contained in the census act of 1850, in the same law, but in different sections. That would have controlled the matter, and there could have been but one salary paid; and under the act of 1850, the Secretary of the Interior proposed to pay the Superintendent of the Census \$3,000. Now, I beg to read from the letter of the Secretary of the Interior, in order to call to the attention of the Senator from South Carolina the real facts of the case. The Secretary says:

"After receiving this letter [alluding to the letter of Messrs. Webster and Crittenden] I directed the disbursing agent to continue to pay you at the rate of \$3,000."

Then it was that Mr. Stuart wrote the order to the pay agent, directing him to pay that amount of money, based upon the decision of the Secretary of State and the Attorney General:

"This, I believe, was done until about the close of the year 1851. Shortly thereafter you called upon me and stated that the difficulties had been renewed in regard to your salary; and after expressing your regret at the feeling displayed toward you by some of the officers, you stated that, to remove all scruples, you had a thought of asking an amendment of the law, which would make the matter entirely plain."

After the unpleasant difficulty which had occurred between the head of the Bureau and the disbursing agent of that Bureau, he says that he desired to have the matter closed by procuring an amendment that would place the matter beyond controversy, providing that he should receive \$3,000 a year. He came to Congress to apply for it; and does any man presume that he practiced a fraud, or that he could practice a fraud, on the Judiciary Committee of the Senate?

Mr. BUTLER. Perhaps he practiced upon our ignorance?

Mr. DAWSON. He never dreamed of such a thing. The Secretary proceeds:

"I expressed my approbation of that course, and with your concurrence, if not at your request, I addressed an official note, under date of the 8th of February, 1852, to Hon. A. P. Butler, chairman of the Judiciary Committee of the Senate, referring to the difficulties which existed, and requesting of him the introduction of an amendment into the supplementary bill, then before the committee, fixing your salary at \$3,000."

This letter was with the committee. The committee had the power of action. They looked to

the law, which, it was thought, prohibited the taking of \$3,000, and amended that sentence of it; yet it is announced that this was done by Mr. Kennedy! Why, the committee had the matter before them. They regulated it to carry out the intention of this letter, and there was never the most indistinct apprehension that fraud, or the suggestion of fraud, entered into the transaction. But is that all? The Secretary of the Interior adds:

"I deem it proper to add that, in all my interviews with you, you uniformly disclaimed all right to the two salaries, and contented merely that you were entitled to the larger of the two, viz: \$3,000."

Now, what is due to private character?—what is due to the facts of this case? Establish the proposition that there has been no fraud attempted—no imposition anywhere; and that this individual has contended for nothing more than what the laws of the land allowed him, and to which he is entitled. Every act of his has been above-board, fairly, and honestly submitted; and every proceeding which he took was directed by the highest minds of our Government—Daniel Webster, John J. Crittenden, and the Secretary of the Interior. What does it amount to, after all? He received, according to the opinion of these gentlemen, \$3,000; whereas, Mr. Whittlesey believes that he was entitled to \$2,500. When Mr. Whittlesey demands of him the \$500 which he says were overpaid, how does he do it? He retains it out of what he says is Mr. Kennedy's proper salary—\$2,500—until he refunds to the Treasury the amount allowed to this officer by the opinion of Daniel Webster, John J. Crittenden, and the Secretary of the Interior; and then, in the letter which has been read, the Comptroller says that he came to the Senate and to the House of Representatives to prevent the consummation of a fraud.

All this difficulty is raised as to the pitiful sum of \$500! Why, it astonishes me that a question of this magnitude should have led to such a furious debate, and given rise to such tremendous feeling. I therefore say, in the language of the Senator from Tennessee, that the simple question that we have to do with is this: There are two salaries. Is it the desire of the Senate to confine this individual to \$2,500 from the first of June, 1850? If so, let us say so. If we are willing to allow him \$3,000, to which the opinions of the various heads of Departments say he is entitled, and to which he supposes himself to be entitled, why not say it in this resolution, and make the salary \$3,000?

There is another suggestion which I wish to make in this connection. Every other head of a Bureau, even heads of Bureaus which are of less importance, and which do not require so much intelligence, receive a salary of \$3,000 per annum. Why, then, should this distinction be made? Why should not this individual receive the same salary? I regret sincerely that any such discussion should have arisen. It was the most distant thing from my mind that any such discussion would have arisen to-day, or that I should have participated in it. I would not have done so, but from a disposition to see that this individual should be fairly dealt with before the Senate and before the country.

Mr. BUTLER. The letter which Mr. Whittlesey wrote to me would never have seen the light but for remarks which have been made here. I should have made no disclosures in reference to this gentleman, because I might have done him injustice. I have been delicate where the character of a man comes in any manner under my control. I have never, recklessly at least, said anything about it. But if it were Mr. Kennedy's deliberate purpose to claim the two salaries, as Mr. Whittlesey and Mr. Williamson seemed to think it was, then it was evident that he intended to do it under this clause; and I suppose the Senator from Georgia [Mr. Dawson] will not deny that this clause was prepared by him and the Secretary of the Interior. Thus I qualified my remarks, and I wished to be understood thus far as saying, that if it was Mr. Kennedy's intention to claim but one, I would say, I would not impute to him an intention to defraud the Government. But I will leave that to the impression which may be made by the letters themselves. The letter of Mr. Whittlesey certainly made the impression on my mind which I have stated. I am sure that under the clause he could do it. There is no doubt about it. I will say to my honorable friend from Georgia, that, notwithstanding the display of the great names of Messrs.

Crittenden and Webster, I never choose to be very much awed, nor to rely very much on the authority of great names; but I choose rather to be governed by my own convictions. I will ask my friend from Georgia whether, if these great names should say that the office of the Census Board was still in existence, he would agree to it?

Mr. DAWSON. I have not looked into the question.

Mr. BUTLER. He certainly would be obliged to do so if he takes them as authority in this case.

Mr. DAWSON. I have not looked into the matter; but I have too much respect for the high and honored names I mentioned, not to be influenced by them.

Mr. BUTLER. I wish only to relieve myself from the shadow into which I am thrown by this contrast with the great names which the honorable Senator from Georgia has mentioned here, and to say that this is a question which stands on the truth of the proposition. The Census Board is as much in existence now, according to their opinion, as it was at that time. But I must say, however rash the assertion may seem, that I will stand opposed whenever so plain a proposition has to be judged of by a common intellect.

Perhaps I should say, in this connection, that I will not leave Mr. Kennedy under any imputation coming from me rashly; and can only say, that it comes in consequence of an act which would not have passed upon the recommendation of the Committee on the Judiciary, if my attention had been given to it. It is not, however, wholly my fault. It is an act which ought not to have passed in its present shape; an act different from what Mr. Stuart understood, and different from what the committee understood. It is true, we did not exercise due deliberation in connection with this clause, and we must take our share of the blame. I am willing to take my share. But I agree that, if the clause had been merely to give Mr. Kennedy a salary of \$3,000, I would not have objected; but, as it now stands, he may claim both salaries.

Mr. DAWSON. It was the intention of Mr. Kennedy to have it put on the ground that he might receive \$3,000.

Mr. BUTLER. Then let him have the benefit of the disclaimer.

Mr. WALKER. This is rather an interesting question, although it relates to what many Senators may regard as a small matter. As I regard it, however, it appears to me that there has been a most extraordinary course pursued by some members of this Administration, which I cannot characterize by any word so expressive as one which is used by the boys in the West—that of "wiggling"—wiggling to give a high salary to an officer of the Government. There appears to have been a good deal of wiggling done in these Departments—the first of which to which I shall refer, is contained in a letter of the Secretary of the Interior to Mr. Kennedy, on the 29th of July, 1852. I will read a part of it:

"Mr. J. C. G. KENNEDY:

"Sir: I have received your letter of this morning, in which you refer to the proceedings of the Senate yesterday, and request me to furnish you a statement of such facts as I am acquainted with connected with your claim for your official salary. In reply, I have to state, that when I took charge of this Department, in September, 1850, I found you receiving a salary of \$3,000."

Just at this point let me ask the Senator from Massachusetts, [Mr. Davis,] at what time does the communication which he introduced show that Mr. Kennedy was receiving a salary of \$2,500?

Mr. DAVIS. I find the order—and the accounts agree with the order—of the Secretary of the Interior, authorizing the payment of \$3,000 on account of the services of the offices, dated December 26, 1850. That is the order of the Secretary of the Interior.

Mr. WALKER. I have not a copy of the letter before me; but if I remember right, the first letter states that Mr. Kennedy did not claim a higher salary than \$2,500 for a long period.

Mr. DAVIS. For upwards of seven months.

Mr. WALKER. But Mr. Stuart says that when he came into the Department, he found Mr. Kennedy receiving a salary of \$3,000 a year. It appears, therefore, that Mr. Kennedy did not claim this salary of \$3,000 until seven months afterwards.

Mr. DAWSON. That fact is not made to appear. The Senator is making a statement as if to contradict the Secretary of the Interior. If the

Senator has the fact before him, let us have it. Has the Senator the fact? I believe it is well known that whenever Mr. Kennedy has received any money as payment of his salary at a less rate than \$3,000 per annum, it has been received under protest.

Mr. WALKER. As I wish to be perfectly certain in regard to the matter, I desire that that part of the communication of the First Comptroller, showing that Mr. Kennedy acquiesced in receiving \$2,500 for his services, may be read.

Mr. DAVIS. I do not know that I can readily find it. It is a long paper; but I know that to be the fact—that is, that it is so stated.

Mr. WALKER. Then, while I do not mean to charge the Secretary of the Interior with falsehood, I do say that the statement of Mr. Stuart is false in fact; that he did not come into the Department finding Mr. Kennedy receiving a salary of \$3,000 a year.

Mr. DAWSON. When the Senator makes such a charge, I think it certainly becomes him to do so either upon his own knowledge, or upon such a statement of facts as cannot be disputed. It is making a charge against an individual upon false representations, which is calculated to wound and, perhaps, to injure him, while it will not benefit the Senator.

Mr. WALKER. I thank the Senator for his lecture, and I will endeavor to conform to his admonition.

Mr. DAWSON. The remark was not intended as an admonition at all, but merely that a gentleman outside these walls, who has no opportunity of defending himself here, should not be treated with injustice.

Mr. WALKER. I will repeat what I said. I observed that I would be guided by the Senator's admonition. I stated that the Senator from Massachusetts—

Mr. DAVIS. If the Senator from Wisconsin will permit me, I will read to him the information which he asked for a short time ago. The Comptroller says:

"My decision was, that his office as Secretary of the Census Board continued to the 31st of May, because the 1st of June was the day fixed by law for commencing to take the census, and the preparatory measures contemplated and provided for by the act of March 3, 1849, were completed, so far as that act was concerned."

"This was in accordance with the views of Mr. Clayton, and of Mr. Ewing, and of Mr. Kennedy himself, for he obtained pay by my decision to the 31st of May, 1850, which was the extent of his claim, and all he thought he was entitled to under the law. Near seven months elapsed before it flashed upon his mind that he was Secretary of the Census Board, and entitled to the salary of \$3,000 per annum."

Mr. WALKER. Then I repeat what I said before, that if that statement of the Comptroller is true, the statement of the Secretary of the Interior, upon whom I do not mean to charge intentional falsehood, is false in point of fact; for he did not come into office and find the Secretary of the Census Board in receipt of a salary of \$3,000 per annum; therefore that is one point disposed of—one on which the Senator from Georgia [Mr. Dawson] based part of his argument. But there is another point. There seems to be great doubt among these wiggling gentlemen whether this office was in existence. The Comptroller thought that it was not; Mr. Stuart thought it was; Mr. Kennedy thought it was. Mr. Stuart directed that Mr. Kennedy's salary as Secretary of the Census Board should be paid at the rate of \$3,000 per annum—this was on the 26th of December, 1850. Mr. Whittlesey resists, not being quite certain whether the office is in existence. In the meantime a letter is addressed to Mr. Webster and to Mr. Crittenden making inquiries respecting the existence of the Census Board.

Now, the first thing that strikes the mind of any person is, that if an office of that kind was in existence, and if its important duties were discharged by anybody, there should be a moment's doubt about the fact. Is it not a strange thing that none of the officers of the Government seemed to know whether this office of the Secretary of the Census Board, to which was attached a salary of \$3,000 and extra, existed or not? Then the wiggling commenced! A letter was addressed to Messrs. Daniel Webster and J. J. Crittenden, on the 30th September, 1851—a kind of search-warrant was issued in order to ascertain whether this office existed, and, if possible, to find it; and on the same date Messrs. Webster and Crittenden replied in the following words:

WASHINGTON, September 30, 1851.

We have received your letter of to-day, and have the honor to reply, that we do not consider the Census Board (of which we are members) as dissolved, or Mr. J. C. G. Kennedy, the Secretary of that Board, as discharged from office. The duties for which that Board was constituted, and the Secretary appointed, have not been finally completed. We regard the Board as still continuing, and the Secretary as still in office, and as entitled as such to the salary of \$3,000 per annum, and at that rate.

We are very respectfully, yours, &c.,

J. CRITTENDEN.  
DANIEL WEBSTER.

Hon. A. H. H. STUART, Secretary of the Interior.

What was the object of creating the Board? An act was passed on the 3d of March, 1849, making an appropriation of \$10,000 for the purpose of making preliminary arrangements for taking the census, and very strictly defining the duties to be performed by the Board. It enacts—

"That the Secretary of State, the Attorney General, and the Postmaster General, shall constitute and be a Board, to be styled the Census Board; that it shall be the duty of the said Board to prepare and cause to be printed such forms and schedules as may be necessary for the full enumeration of the inhabitants of the United States; and also proper forms and schedules for collecting in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics as will exhibit a full view of the pursuits, industry, education, and resources of the country—it being provided, that the number of said inquiries, exclusive of the enumeration, shall not exceed one hundred; and that the expense incurred in preparing and printing said forms and schedules shall not exceed \$10,000."

Just bear this in mind. This act was passed on the 3d of March, 1849, and makes provision for taking the census; a subsequent act provides that the census shall be taken on the 1st of June, 1850; and yet this letter, dated 30th of September, 1851, shows that the office was then in existence, which is equivalent to a declaration that the Board was yet engaged in preparing and causing to be printed such forms and schedules as may be necessary for the full enumeration of the inhabitants of the United States; and also proper forms and schedules for collecting in statistical tables, under proper heads, such information as to mines, agriculture, commerce, manufactures, education, and other topics, as will exhibit a full view of the pursuits, industry, education, and resources of the country. This disposes of the great names which the Senator from Georgia has spoken of. Is it not astounding that we should find the great names of Webster and Crittenden appended to a letter on the 30th of September, 1851, stating that they were discharging duties which should have been performed on the 1st of June, 1850?

Mr. SEWARD. Will the Senator allow me to ask him, if it has escaped his recollection, that during the interval, a law was passed continuing that Census Board?

Mr. WALKER. No, sir. But all these search-warrants for finding the Census Board show that there could have been no duties for such an office to perform. The only duties prescribed were those which were named under the act of March 3d, 1849, and which must necessarily expire at the time the census was taken. Now, it seems astonishing that, at the end of a year and three months after the census was to have been taken, Messrs. Crittenden and Webster should answer that the Census Board was still in existence, and that Mr. Kennedy had not been discharged from the office of Secretary of that Board. I say, it is most extraordinary; but in that instance it may have been through inadvertence that they answered as they did. They did not advert to the law, it is evident; for they certainly could not have given the answer which they did if they had done so. Not considering or not knowing that the act was abolished, they took it for granted that the Board was still in existence, and that Mr. Kennedy was still in office. They could not have said, after examining the law, under such circumstances, that the Board was in existence. They must have signed the certificate most carelessly, as it seems to me. Under the twentieth section of this act, Mr. Kennedy received, as Secretary of the Census Board, down to the 30th of June, 1850, his salary at the rate of \$3,000 per annum. At that time the duties of the office ceased. At that time he was transferred to a clerkship, the salary of which was \$2,500 per annum. He received that salary for seven months after the duties of the Board had ceased, and made no complaint. Then, it appears, as he could bring so much authority to back him, he thought it would be better to make the claim for the increased salary of \$3,000. If he could get Mr. Crittenden, and

the Secretary of the Interior, and the Secretary of State to assist him by their opinion in his favor, it would be a good ground for making the claim. And I do not attach so much blame to him either. I attach more blame to Messrs. Stuart, and Webster, and Crittenden, than to him. But there has been a great degree of carelessness, and a lack of inspection of the laws, as to what were prescribed duties, which is most unaccountable.

It is impossible that the Census Board could have continued down to the 30th of September, 1850. Why? Because the marshals were required to make their returns by the first of October, 1850. Where, in God's name, is the authority for such a statement as is contained in the letters of the Attorney General and the Secretary of the Interior, and the Secretary of State, that the office was still in existence, and that they were still discharging duties assigned to the Census Board? How is it to be accounted for that such a statement is made, except on the supposition of the most extraordinary carelessness and inattention, especially considering that, on the very day after the certificate was given that the Board was still in existence, the marshals were to make their returns to the Secretary of the Interior, who was then to enter on the business of classifying the matter returned?

Sir, we have been led astray in this matter; and yet I cannot say that this has been so much the result of the conduct of Mr. Kennedy as of other gentlemen. The Secretary of the Interior was mistaken; and his letter is untrue in point of fact, in which he said he found Mr. Kennedy receiving \$3,000 per annum. The Census Board are in error, too, when they assert that that Board was in existence on the 30th of September, 1851; and the whole of them are mistaken in this matter, except Mr. Whittlesey and another gentleman, the disbursing clerk in the office. They, looking to the law, saw that the Census Board had ceased to exist; they saw that there could be no longer a Secretary of that Board; and they refused to pay a salary for a Secretary to a Board which had no existence. They have discharged their duty faithfully; and notwithstanding the objection of the Senator from Georgia, I say that if ever there was a faithful servant of the public, it is this man, Elisha Whittlesey; and I will say here, that if there be a Democratic triumph next fall, of which I have no earthly doubt, one act of mine shall be to beg of the incumbent of the presidential chair, for the sake of honesty and justice, to retain that gentleman in office. I believe he is one of the most faithful of public servants, although in some matters his acts have been counter to my opinions. I will, however, award him the praise which I think he is justly entitled to receive. It seems to me to be cruel, that that man should have to bear one word of censure from the Senator from Georgia, or from any other quarter. I do not believe that, whatever may be the character of the next Administration, whether Whig, or Free-Soil, or Democratic, it would be right to turn a man out of office who has discharged his duty so faithfully as this gentleman has done.

Mr. DAWSON. As to the continuation of the Board, I beg to read an opinion. Here is a gentleman speaking in regard to the passage of this law:

"One word further. I act on the principle that, if it is going to trouble three Heads of Departments much, it must be exceedingly troublesome to one, unless we reverse the old maxim, and say that one head is better than three. The duties devolving upon the Board, under the act by which it was constituted, are nearly completed, it is true; but it is for Congress to determine to what extent they shall continue to act. Now, I propose to set the question at rest, by declaring that the Board shall continue to have the control of the matter until the work is completed."

I will refer to another letter which will put this matter in a light still clearer. It is dated from the Republic Office in August, 1850, and is addressed to Daniel Webster and N. K. Hall, members of the Census Board, and informs them, that their communication had been received, and that, in compliance with their request, they had ordered the printing of more blanks. This letter was signed by Gideon & Co., and was dated in August, 1850, after the act for taking the Census had passed. I find, also, in the Blue-Book, the sum of \$43,479 39, which that Board paid to this firm. That, however, is not before us now. The only object I had in referring to this, was to show that in their opinion this Board was still in existence.

Mr. DAVIS. I have but a word or two to add. In the first place, after the remarks which have fallen from the Senator from Georgia, [Mr. Dawson,] it is proper that I should disclaim the motives which he imputes, if he imputes any of them to me. I have ascribed motives to no man. I have given no character to the transaction. I have aimed at nothing more than to place the Senate in possession of the facts as they exist, and to draw attention to the legal provisions. Beyond that I did not go.

I stated, in my remarks, that by the act of 1850, the supervision of the printing of the preliminary matter which remained, was intrusted to the Census Board. I need not go into the details of that matter; but you will recollect, Mr. President, and others will very well remember, that the reason why that was done was, that it was represented to the Senate, at the time the bill was passed, that the printing was in a state of great forwardness, and nearly completed, and, therefore, that it was proper to leave it in their hands; but, mark! they were limited to printing "the preliminary matter," and nothing else. Now, I say it was the clear intention of that act, that if no duty remained to be performed after that act went into force, the Superintendent Clerk was to assume the charge; but will any Senator undertake to say that any duties remained to be performed after the 30th June, 1850, which would warrant the proceeding that it is now attempted to justify the payment of \$500 per annum—a payment made after the returns of the Census Board were made, and the enumeration and collection of the other facts completed? The Senator from Wisconsin [Mr. Walker] has placed this matter in the clearest light. These certificates were evidently intended, on their face, and no other construction can be put on them, to show that the Census Board continued during the continuance of this office; and every one must see that the duties ceased long and long ago, and that nothing remained to be done after the 30th June, but the payment of some few bills. That is all I wish to say. I should be glad to have the question taken at once.

Mr. BRIGHT. If I had done my duty this morning, I should have insisted on taking up the Indian appropriation bill, which was the order of the day, at one o'clock; but hoping that this debate would terminate, I omitted to do so, until it was too late. I will now move to lay the subject on the table, for the purpose of going into Executive session.

Mr. DAVIS. I hope the Senator will not do that. Nobody wishes to speak any further.

Mr. BRIGHT. I will withdraw the motion if nobody wishes to speak, and the question can be taken.

Mr. BELL. I wish to say a word.

Mr. BRIGHT. I cannot withdraw my motion then.

Mr. BELL. I hope the Senator will allow me an opportunity to say one word.

Mr. BRIGHT. I should be glad to accommodate the Senator from Tennessee, but I am satisfied that the consequence will be that it will lead to still further debate. But I will not resist.

Mr. BELL. I think I may say with perfect truth, that I am guiltless of all this discussion with reference to the communications to and from the different Departments of this Government, and with regard to the question whether a fraud has been attempted to be practiced or not. I simply urged a few words in favor of the reconsideration of the joint resolution, limiting my remarks to the ground that this gentleman was entitled to \$3,000. If the resolution remains as it is, he will receive only \$2,500 per annum. That was the sole question before us; but other gentlemen, having different views, have thought proper to involve the Senate in a discussion of two hours on subjects which do not touch the merits of the case, which should be whether he shall receive \$3,000 or \$2,500 per annum.

One word more. I have said so much to show that I have done nothing towards getting up this storm of opinions from the different Departments giving advice to Mr. Kennedy, as it is said; that I do not mean to make any remarks upon that, except to say that I do not think there is sufficient evidence that any Department has made any statement which, under a fair view of the case, ought to be denounced as setting forth that which is false or should be so stigmatized. Nor do I think that



it has been shown that Mr. Kennedy could have meditated a fraud in the manner stated by the Senator from South Carolina.

Mr. BUTLER. I have endeavored to qualify that statement.

Mr. BELL. I know that the Senator disclaims it, except that the intention was to get two salaries.

Now, one word as to the alteration of the bill reported by the Judiciary Committee, which has received the approval of the President. The latter clause of that bill has been amended by striking out the words "has been," in the concluding line, and by inserting the words "may necessarily be," so that it will read: "Out of which"—referring to the sum specified in the same section—"the said Secretary of the Interior may allow to the person employed as Secretary of the Census Board, a compensation after the rate of \$3,000 per annum during the period he may necessarily be in their employment."

The Senator from South Carolina [Mr. BUTLER] is strongly impressed with the idea that an attempt was made to impose some gross fraud on the Committee on the Judiciary, or on Congress, or on the public. He acquits the gentleman of all attempt at fraud, if it should appear that he did not design to get more than one salary; but that Senator thinks that this gentleman would be entitled to receive two salaries.

Mr. BUTLER. Certainly he would under the operation of the last act. It was a recognition of his right to get two salaries.

Mr. BELL. I will ask that Senator if he did not, in his last remark, express his strong conviction that there was no pretext, or ground, on which to predicate the opinion that the Census Board was in existence? And let me appeal to the Senator from Georgia [Mr. Dawson] to state whether, after hearing the discussion, he would say that the opinions of the Attorney General and the Secretary of State were correct in regard to its existence? The Senator from Massachusetts [Mr. Davis] has remarked, with vehemence and clearness, that there was not the slightest ground to suppose that that act is in force, or that the Board is not *functus officio*, as a Board having any legal existence, or the right to pay a salary to a secretary. The Senator from Massachusetts has repeatedly called on gentlemen to show one single act that has been performed since the 1st of June, 1850. It is as clear to the mind of that gentleman, and of the Senator from South Carolina, that there is no such Board, as the light of heaven. I speak thus strongly, because it is impossible to express the convictions of these gentlemen too strongly.

In my remarks which I first addressed to the Senate, I stated that, according to my convictions, the first act appointing a Census Board was superseded by the second act. This sentiment has been clearly entertained and expressed by two of the most distinguished lawyers of this body—gentlemen who are not only distinguished as lawyers, but who are distinguished as statesmen—statesmen of long standing and experience, and of ripe judgment; and that sentiment being generally acquiesced in all round the Hall—the Senator from Georgia not undertaking to state but that their opinion was right on this point—where is the fraud that Mr. Kennedy could have committed or attempted to practice, by using the words suggested—namely, that "so long as he may necessarily be in their employ" he shall receive a salary of \$3,000 per year? If he was not entitled to receive this amount according to their construction of the two acts together, then that act, as soon as it had passed, would have failed of its effect of perpetrating a fraud, even if Mr. Kennedy had intended it; because, according to their construction, he could not get a salary of \$3,000, inasmuch as he was not, according to their argument, "necessarily" employed one moment.

Now, suppose it should turn out to be a fact, that the Board did not consider themselves discharged from all responsibility, that there were yet some acts to be done, and that Mr. Kennedy was called upon to record these acts, it would be "necessary" that he should be employed for the purpose, and he would receive a compensation at the rate of \$3,000 per annum and no more. If it was done in a day, then his compensation would cease; and if it was done in three, four, or five months, his compensation would cease accordingly. So that giving the fullest latitude and the fairest con-

struction to this whole amendment, and striking out the words "has been," and inserting the words "may necessarily be," no fraud could have been imposed on the Government or the officers of the Board, unless their duties did necessarily require them to employ a secretary until the 1st of July, 1850; so that, take it any way you please, if Mr. Kennedy meant to get two salaries by such a proposition, it seems to me, by every interpretation that you can give these words, he would be defeated by the very terms he had employed; because he was not, according to their statement, necessarily employed at all—at least not according to any suggestion which I have heard. He was only employed for the disbursement of the remaining funds in the hands of the Census Commissioners which they had not disbursed.

Now, sir, I have not another word to say, except that I have had no communication with Mr. Kennedy upon this subject, nor did I suppose that all the points which have been noticed here were connected with that resolution.

Mr. BUTLER. As I am appealed to, to allow the question to be taken, so that we may have an Executive session, I shall make no reply to the Senator. I will merely say that he has made an ingenious speech, but it has not convinced me.

The question was taken, and the motion to reconsider was not agreed to.

The joint resolution was then read a third time and passed.

#### EXECUTIVE SESSION.

On motion by Mr. BRIGHT, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened,

And the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 4, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the further consideration of House bill No. 146, to regulate the fees and costs to be allowed clerks and marshals of the circuit and district courts of the United States.

Mr. JENKINS. I rise to a question of order. On yesterday a resolution, authorizing the publication of certain maps to accompany the report of Captain Cram, was laid upon the table. I then moved to reconsider that vote, but subsequently withdrew it. I now renew the motion to reconsider that vote, and move that the motion to reconsider do lie upon the table.

Mr. STANTON, of Ohio. Before that vote is taken I move that there be a call of the House, and upon that I ask the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 42, nays 86.

So a call of the House was refused.

The question recurring on laying the motion to reconsider upon the table,

Mr. STANTON called for the yeas and nays.

Mr. CARTTER demanded tellers upon the yeas and nays; which were ordered.

The House was then counted, and the tellers reported—yeas 21, noes not counted.

So the yeas and nays were not ordered.

The question again recurring upon the motion to lay the motion to reconsider upon the table,

Mr. STANTON demanded tellers; which were ordered; and Messrs. CARTTER and CHANDLER were appointed.

The question was then taken, and the tellers reported—yeas 62, noes 52; no quorum voting.

[Cries of "Recount!" "Recount!"]

Mr. CARTTER called for the yeas and nays.

The SPEAKER. The yeas and nays have been refused by the House.

Mr. HOUSTON. Let us have a recount.

The SPEAKER. In the absence of a motion to adjourn, or of a motion for a call of the House, the Chair will order a recount. The same gentlemen will act as tellers, and gentlemen will see the necessity of voting upon one side or the other.

The tellers resumed their places, and the question being taken, the tellers reported—yeas 70, noes 59.

So the motion to reconsider was laid upon the table.

#### FEES OF CLERKS, MARSHALS, ETC.

Mr. OLDS. In pursuance of an understanding with the chairman of the Committee on the Judiciary, [Mr. McLANAHAN,] I move to postpone the further consideration of the report, made yesterday by the chairman of that committee, in relation to the fees of clerks and marshals of the circuit and district courts of the United States, until after the Wheeling Bridge case shall have received consideration in the morning hour, and have been disposed of.

Mr. CARTTER. I object.

The SPEAKER. The Chair doubts whether that motion, in that form, is in order. It is in order to postpone to a day certain; but whether it be in order to postpone until after another matter of business is disposed of, the Chair doubts.

Mr. CARTTER. I call for the regular order of business.

The SPEAKER. That is the regular order of business.

Mr. BOWIE. I move to postpone its consideration until Wednesday next.

Mr. STEVENS, of Pennsylvania. I hope not.

It is an important bill, and should be disposed of.

Mr. McLANAHAN. Is the motion debatable?

The SPEAKER. It is not.

Mr. McLANAHAN. It is an important bill, and ought to be passed without delay. I hope it will not be postponed to so remote a day.

The question being upon the motion of Mr. BOWIE—

Mr. CARTTER called for the yeas and nays; which were not ordered.

Mr. CARTTER called for tellers; which were ordered; and Messrs. ROBBINS and FOWLER were appointed.

The question was taken, and the tellers reported—yeas 49, noes not counted.

So the motion was not agreed to.

#### MEMORIAL OF THE CLERKS.

The SPEAKER. The Chair is requested to ask the consent of the House to introduce a memorial from the clerks of the Treasury Department.

There being no objection, the Speaker presented a memorial from the accountants, clerks, messengers, &c., of the Treasury Department, praying an increase of twenty per cent. upon their respective salaries, to enable them to meet the increased expenses of living in Washington, growing out of the great influx of California gold into the United States.

Mr. GENTRY. I move that the petition be laid upon the table, and be ordered to be printed. I do not intend to press that motion to a vote. My object is to put the question in a shape that will authorize me to say a word or two in favor of the object which those petitioners pray for. My own experience, being a housekeeper in the city of Washington, enables me to state that the facts set forth in that memorial are true. I presume there is not a man in the city of Washington, who is keeping house, who will not bear testimony of the truth of the statement upon which they predicate their prayer for some increase of compensation. The price of all the articles necessary to support a family, bought in the market, has advanced twenty per cent. or more within the last two years; and I do not see how a clerk, with a family, receiving \$1,000 a year, can live here at all. If they received a fair compensation of \$1,200 or \$1,500 a year, an increase of twenty per cent. would certainly be just and proper enough. I simply make these remarks, hoping that the thoughts of members will be directed to the subject, and that my honorable friend, the chairman of the Committee of Ways and Means, [Mr. HOUSTON,] and my honorable colleague, [Mr. JONES,] a member of that committee, will give their attention to this proposition for the relief of those meritorious men. I now withdraw my motion to print.

Mr. BRIGGS. I move the reference of the petition to the Committee of Ways and Means.

The question was put and the motion agreed to.

Mr. CLARK. I wish to propound an inquiry to the Chair. Some days ago the Wheeling Bridge case was under consideration as the report of a committee. It was at that time postponed until this day.

# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d CONGRESS, 1st Session.

THURSDAY, AUGUST 5, 1852.

NEW SERIES...No. 130.

Mr. CARTTER. I call the gentleman to order. Mr. CLARK. I rise to a question of order. I wish to ask whether that case could not now assume the same position it occupied on that day?

The SPEAKER. Under the special order making it the duty of the Speaker and the House to receive reports, and to execute all the other business of the morning hour, the Wheeling Bridge case was reported from the Committee on the Post Office and Post Roads, and would be regularly first in order, but for the additional order made on Monday, by a vote of two thirds of this body, that the particular bill now under consideration be reported and take precedence. The two special orders are here in conflict. The Chair thinks that the last order ought to be considered the first. He does not know of any other rule to govern him. The bill reported on yesterday from the Committee on the Judiciary is first in order, and takes precedence of the Wheeling Bridge case.

Mr. McLANAHAN. I call then for the regular order of business.

Mr. STUART. I wish to make an inquiry in reference to this point of order. Do I understand the Chair to decide that because the House suspended the rules to allow this committee to make a report, it made that report a special order? There was nothing in the resolution which made it a special order.

The SPEAKER. The Chair decides that the House, by a two-thirds vote, ordered that that bill should be reported yesterday morning. The Chair decides further, that the authority to report carries with it the right to consider, and therefore gives the report precedence over the other business before the House.

Mr. STUART. I wish to make this point: The Speaker decided upon the railroad reports, that although they came from the same committee, the report first made was first in order, and that notwithstanding it was postponed to a particular day, when that day arrived it took priority according to the time of the report.

The SPEAKER. That has been the decision and practice under it.

Mr. STUART. I submit that this case, as it now stands, falls entirely within that principle. The House did not make a special order by authorizing this committee to report within the morning hour, and the bill comes in as if they had reported in the regular order of their call. When we reach a case which has been previously reported in the regular order, it takes priority in time. This is not a special order.

The SPEAKER. Well, what is it?

Mr. STUART. If the Chair will allow me, it is precisely as if the Judiciary Committee had reported this bill upon a regular call of the committee, and the House had gone on to consider it, and while considering it, a bill, which had been previously reported to the House—

Mr. McLANAHAN. I call the gentleman from Michigan to order.

The SPEAKER. Unless an appeal be taken from the decision of the Chair, further discussion is out of order.

The Chair will again state the case, and remind the House of the condition of things. Some months ago the House passed a special order that the morning hour should be devoted to the call of committees for reports, and to that alone. On last Monday, after a suspension of the rules by a two-thirds vote, it was ordered by the House that the Committee on the Judiciary should report this particular bill. The order having been given thus to report it, the Chair thinks it carries with it the right to consider; and that you cannot separate the right to report and the right to consider when it is reported. There is difficulty about the matter, the Chair admits, but that is his opinion with regard to the point of order.

Mr. STUART. From that decision I feel bound to take an appeal. I wish to state, in a few words, the views I take of this question.

Mr. McLANAHAN. I move to lay the appeal upon the table.

Mr. STUART. You can do that when I get through. If you happen to obtain the floor.

The SPEAKER. The gentleman from Michigan must be reminded of the fact, that this being a question of priority of business it is not debatable; nor is the appeal taken from the decision of the Chair debatable.

Mr. MILLSON. Is it in order to make an inquiry, as a matter of fact, of the Chair?

The SPEAKER. The Chair would be happy to hear the gentleman.

Mr. MILLSON. I desire to ask whether this Committee on the Judiciary were ordered to make the report, or whether they were merely permitted to make it?

The SPEAKER. The committee were not ordered to make the report in terms, but it was especially authorized by a two-thirds vote of the House to report. Thus was precedence given over other committees to report; and if the right to report carries with it the right to have the report considered—as it is the opinion of the Chair it does—precedence was given over the reports under consideration at the time the rules were suspended.

Mr. CARTTER. I rise to a question of order. Is there any question before the House?

The SPEAKER. An appeal has been taken from the decision of the Chair.

Mr. CARTTER. I then call for the question upon the appeal. I believe it is not debatable.

Mr. STUART. I have a right to state the point I make.

Mr. CARTTER. The gentleman has been stating it for half an hour.

The SPEAKER. The gentleman would have the right if he had not already done so, and he has based his appeal upon it.

Mr. CAMPBELL, of Illinois. I rise to a question of order. The gentleman says that he has the right, after he takes an appeal, to state his point. I maintain he must state his point before he takes his appeal.

The SPEAKER. He did so, and obtained the decision of the Chair upon his statement.

Mr. STUART. I have the right to have the Chair state, before the House votes upon this question, what is the ground of the appeal.

The SPEAKER. The Chair has stated it, but he will repeat his statement with pleasure.

Mr. STUART. With all deference to the Chair, I think he has not apprehended me. I wish the Chair to state the precise point I made. I believe I have that right.

The SPEAKER. The Chair holds that the gentleman cannot, if it be objected to, make a statement. The gentleman is aware of the fact that the appeal is not debatable.

Mr. STUART. I ask that the Chair shall state the ground upon which I have taken an appeal.

Mr. JONES, of Tennessee. I ask that the 113th rule may be read.

Mr. CLEVELAND. I wish to make a single inquiry of the Chair. Suppose the House had suspended the rules upon the application of half a dozen committees, to allow them to make reports, which report would be first considered?

The SPEAKER. The one first made.

Mr. CLEVELAND. Then why does the Chair reverse that decision in this case?

The SPEAKER. The Chair understands the force of that point.

The Chair again states that the House made a peculiar special order some two months ago to the effect that the morning hour should be employed in calling committees for reports and to the exclusion of all other business. That was one special order. On last Monday a motion was made to suspend the rules for the purpose of introducing a resolution, which was done by a vote of two thirds. The resolution was then adopted, authorizing the Committee on the Judiciary to report this particular bill yesterday morning. The resolution was specific, that the committee should report on yesterday morning. The Chair has decided simply that between these two special orders he is inclined to the opinion that the right to report this particular bill from the Judiciary Committee carries with

it the right to consider it before other reports from other committees. That is all.

Mr. STUART. That is not the point I made to the Chair at all.

The SPEAKER. Then the gentleman has been unfortunate in stating, or I have been unfortunate in understanding his point.

Mr. STUART. The point I made to the Chair is this: The report from the Judiciary Committee is not a special order, and the House only gave leave to that committee to report at a particular time.

The question was then put on the motion to lay the appeal upon the table, and upon a division there were—ayes 83, noes 44.

Mr. STUART demanded tellers; which were ordered; and Messrs. ROBBINS and CHANDLER were appointed.

The question was again put, and the tellers reported that there were—ayes 84, noes 36.

So the appeal was laid upon the table.

The SPEAKER. The pending question is the motion of the gentleman from Pennsylvania [Mr. McLANAHAN] to recommit House bill No. 146, regulating the fees and costs to be allowed to the clerks and marshals of the circuit and district courts of the United States.

Mr. McLANAHAN. If it is the pleasure of the House, I move that the further reading of the bill be dispensed with.

Mr. BOWIE. I object. I wish to move an amendment to the bill.

The reading of the bill was then continued and concluded.

Mr. SEYMOUR, of New York. This bill having been read, it is apparent to the House that it is full of details. I ask the Speaker, whether it is in order to make a motion to commit it to the Committee of the Whole on the state of the Union?

The SPEAKER. The gentleman from Pennsylvania [Mr. McLANAHAN] is upon the floor. It would be in order but for the fact that the gentleman from Pennsylvania has the floor.

Mr. HOUSTON. I ask the Chair whether the morning hour has expired?

The SPEAKER. It has expired.

Mr. HOUSTON. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CARTTER. What then will be the condition of the bill?

The SPEAKER. There is a motion pending to recommit.

[Mr. WILDRICK, from the Committee on Enrolled Bills, reported that that committee had examined, and found truly enrolled, the act making appropriation for the support of the Military Academy for the year ending the 30th of June, 1853, and for other purposes, and the joint resolution of the House, No. 24, providing for the distribution of the laws of Congress and the debates thereon. They were then severally signed by the Speaker.]

The question was then taken upon the motion of Mr. HOUSTON; and it was decided in the affirmative.

## CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill No. 196, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1853, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday the amendment submitted by the gentleman from Maine, [Mr. SMART,] to the amendment of the gentleman from Virginia, [Mr. MEADE,] both in regard to the publication of the laws and public advertisements in the newspapers, was under consideration. It had been discussed, and the vote was about to be taken upon it when the committee rose. The question is, then, upon the amendment submitted by the gentleman from Maine, [Mr. SMART.]

The question was then taken upon Mr. SMART's amendment to the amendment, and it was rejected.

The question then recurring upon Mr. MEADE's amendment, it was taken, and the amendment was rejected.

The following section was then read:

"For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation, \$10,000."

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment, which comes in at the end of this section:

For the purchase of such works as are immediately required for the library of the Department of State, \$2,000; for the remodeling of the library of the Department of State, arranging and classifying the collection, binding the pamphlets which are contained therein, and preparing a catalogue of the same, \$1,000.

The question was then taken upon the amendment, and it was agreed to.

Mr. BOWIE. I offer the following amendment, to come in after the clause appropriating, under the head of State Department, \$1,000 for miscellaneous items, viz:

Whereas the Congress of the United States, on the 23d of December, 1799, "Resolved unanimously, That a marble monument be erected by the United States, in the capital, at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it, and that the monument be so designed as to commemorate the great events of his military and political life;" which resolution remaining to be executed, to redeem the faith of the United States thus pledged, and commemorate the inestimable services and illustrious virtues of Washington, \$100,000 is hereby directed to be paid out of any unappropriated money in the Treasury to the Washington National Monument Society, to aid in the erection of the monument now being built by that Society on the public grounds in the city of Washington.

Mr. HOUSTON. It appears to me that the amendment is not in order to this bill. I have no doubt in the world that the gentleman from Maryland [Mr. Bowie] could get such a resolution passed in either House at any time, if he would allow it to be examined.

Mr. BOWIE. It proposes simply to appropriate \$100,000 to redeem the faith of the United States, pledged in the year 1799, to erect a monument to Washington, commemorative of the events of his life and character.

Mr. HOUSTON. I submit the question of order.

The CHAIRMAN. The Chair is constrained, under the rules, to decide that, in his opinion, the amendment is not in order.

Mr. BOWIE. A joint resolution in regard to this matter was adopted by Congress as far back as 1799, and this appropriation is merely to carry out in good faith that act of Congress. The amendment is clearly within the rule.

The CHAIRMAN. The Chair is not advised of any existing law authorizing the expenditure proposed by the gentleman.

Mr. BOWIE. It is embodied in the joint resolution of the two Houses. I refer to the action and legislation of Congress to satisfy the Chair of that fact. I appeal from the decision of the Chair, most reluctantly.

The CHAIRMAN. The gentleman from Maryland [Mr. Bowie] has submitted an amendment which has just been reported to the committee. The gentleman from Alabama [Mr. Houston] makes a question of order. The Chair decides that the amendment submitted by the gentleman from Maryland [Mr. Bowie] is not in order under the 181st rule, which reads, "that no appropriation shall be reported in such general appropriation bills or be in order thereto for any expenditure not previously authorized by law." The gentleman from Maryland [Mr. Bowie] appeals from this decision of the Chair, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BOWIE. Will the Chair permit me to state my reasons for the appeal? The rule is, that no amendment or no appropriation shall be moved as an amendment to the civil and diplomatic appropriation bill, except in conformity with some previous law.

The CHAIRMAN. The Chair will also announce as another reason, that the amendment proposed is not germane to the bill, in the opinion of the Chair. For both reasons, now stated, the Chair rules the amendment out of order.

Mr. BOWIE. I beg indulgence of the Chair merely to reply to the first reason assigned. There

is a joint resolution of Congress making it obligatory and requiring that this work shall be done, but it has never been executed. I wish to carry out that law.

The CHAIRMAN. Discussion is not in order. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. STANTON, of Tennessee, demanded tellers; which were ordered.

The question was then taken, Messrs. STANTON, of Tennessee, and FOWLER acting as tellers, and there were—ayes 80, noes 39.

So the decision of the Chair was sustained.

The following clause of the bill was read, viz:

"Northeast Executive Building.—For compensation of the superintendent and four watchmen of the northeast executive building, \$2,250."

Mr. STANTON, of Kentucky, moved to amend the above clause by adding thereto the following:

And that the two watchmen employed on the two wings of the Capitol shall have the same police powers which are imposed by law upon the regular police of the Capitol, and receive a salary of \$730 per annum, being the sum they now receive, and continued no longer than the completion of the building.

Mr. S. said: It will be seen, by that amendment, sir, that the object of it is not to increase the salary of these men. It is not to take one single dollar out of the Treasury more than will be taken out of it anyhow. The simple purpose of the amendment is to clothe these men with police powers to enable them to aid the regular police of the Capitol in suppressing riots, preventing depredations from being committed upon the work, and protecting the materials.

The chairman of the Committee of Ways and Means yesterday, when I presented a similar amendment, and made the same explanation, held up to me a little book, which, he said, contained estimates from the Secretary of the Treasury, and, inasmuch as he could not find any estimate made for this appointment, he therefore could not go for it. The gentleman from Tennessee, [Mr. Jones,] his colleague upon that committee, opposed the amendment without understanding what the object of it was, and led, perhaps, the House to believe that the design was to increase the salaries of these men, to fasten them upon the Treasury at a higher rate of pay than they had before. I explained to him that such was not the object of the amendment, nor is it the object of the amendment. It is simply for the purpose I intimated. I do not know how it is, or why it is, that we should sit here merely for the purpose of doing what the Committee of Ways and Means think proper to dictate to us. There are other committees in this House. This amendment comes from my committee, which is the Committee on Public Buildings. We have investigated it. It has been recommended by the proper officers of the Government, and officers whom the law requires should make recommendations to our committee, and we report them to the House. But we are told, sir, when such a proposition is made from our committee, that it has not been before the Committee of Ways and Means, and that the estimates are not presented in the Secretary of the Treasury's report, and that, therefore, the House should not vote for it. I make these remarks to show that I, for one, am not disposed to sit quietly in my seat here, and do whatever the Committee of Ways and Means may think proper to dictate to me and to the House.

They may say now that this is not provided for by law, and therefore it cannot, under the decision of the Chair, come under the rule. Well now, sir, it is provided for by law. The President has been given power by this House, and the other branch of Congress, to carry on this improvement of the Capitol. He has full power to do it. He has power to appoint an architect, to appoint a superintendent, and to appoint all other officers that are necessary to carry out the objects of the law. These men were said yesterday not to have been appointed according to law. Now, are they not appointed according to law? You have given the President power to do it. You have given him money to do it. You have given him all the requisites to carry out these objects, and this is one of them. The law does provide for it, and I hope the House will adopt the amendment, and let these men have the authority which is necessary to enable them to discharge their duty.

Mr. JONES, of Tennessee. The gentleman

from Kentucky has made a very extraordinary speech in support of his amendment. In the first place, sir, I attempted no such thing as to mislead the House yesterday with regard to his amendment. I merely stated the number of policemen here, and the compensation they received; and, sir, if the gentleman has a committee, and is not disposed to sit silent and permit others to get their bills in, let him report the bills which ought to come from his committee, and ask the House to consider and pass them. Again, sir, the gentleman says that you have invested the present President with power to appoint an architect and all these officers, and that it is in accordance with law. I do not controvert that; but if it is as he says, why the necessity of reenacting that law? Why not let it stand, as I said yesterday—which I believe is the better policy—under the superintendence and supervision of the President and the architect of these two wings, until the building shall be completed; and then, if it is right to have the permanent police of the Capitol increased, it will be time enough to do it. Why is this amendment brought in here at this time? If all this power is vested in the President and the architect, and they have the power to appoint a police, and they have exercised that power legitimately—which I do not pretend to controvert—there is, according to the gentleman's own showing, no necessity for any legislation upon this subject at this time.

Again, I say, that it is wrong for this House, or Congress, to recognize by the amendment a permanent police about this building under an appointment by the architect. If they have to be increased, do it, sir, according to law, and as it should be done. If this temporary police are wanted, as I understand it from the gentleman himself—by the architect—for the purpose of watching and protecting the building, and the tools which the workmen may leave there, then I say this is all legitimate and proper under the law vesting the President with the power of appointing an architect; and there is no necessity, I again say, for its coming into this bill at this time.

Mr. STANTON, of Tennessee. I propose to amend the amendment by striking out \$30, and inserting \$50, so as to make the salaries \$750 per annum.

Mr. S. said: The question upon this amendment lies in a nut-shell. It is whether the police officers appointed by the architect for the purposes which are admitted even by my colleague to be useful and proper, shall be clothed with police powers. I presume there is nobody here who will differ as to the importance of that point; and nobody will refuse to give them that power. Then there is another question involved in that amendment—whether the salaries of these men shall be paid out of the appropriation for the Capitol, or paid out of the common Treasury? It is a matter of no consequence whether it comes out of that appropriation, or whether it comes out of the Treasury by appropriation in this bill. I presume there can be no question about that. The important point is as to police powers.

Mr. STANTON, of Kentucky. Will the gentleman from Tennessee permit me to explain? I will say that the amendment does not propose to pay these police officers out of the Treasury, but to pay them out of the funds from which they have already received their money.

Mr. STANTON, of Tennessee. Then I was mistaken on that point. There is another point upon which I desire to say a word, and I address myself particularly to my friends upon this side of the House.

Now, when they will point out any particular item that is extravagant in the expenditures of this Administration, that is wrong, improper in itself, and illegal, I shall be as ready to condemn it as any man upon this floor, and to hold the Administration responsible for these illegal or extravagant expenditures, or for any conduct of the Administration that may make such expenditure unnecessary. But when my friends upon this side of the House go into the approaching presidential canvass upon the principle that the expenditures of this Administration amount to such an enormous sum—

Mr. HOUSTON. I call the gentleman to order.

The CHAIRMAN. The gentleman must confine his remarks to his amendment.



Mr. STANTON. I propose to increase the expenditure \$20, and therefore my remarks are in order.

The CHAIRMAN. In the opinion of the Chair, the gentleman's remarks are not in order upon his amendment.

Mr. STANTON. I say that the expenditure of the next Administration will be greater, and must be greater—

Mr. HOUSTON. I again call the gentleman to order.

The CHAIRMAN. In the opinion of the Chair, the gentleman from Tennessee is not in order.

Mr. STANTON. Why, I propose to increase the expenditure \$20, and I am discussing the question of expenditure.

Mr. STEVENS, of Pennsylvania. It certainly is in order. The gentleman wishes to increase the expenditure of the Government, and then charges it to the Administration. Certainly that is in order. [Laughter.]

Mr. STANTON. So great is the demand for money for the exercise of the powers of this Government that during the next Administration the expenditure will and must be increased.

Mr. HOUSTON. I again call the gentleman to order.

The CHAIRMAN. The gentleman from Tennessee is not in order.

Mr. STANTON. Then I submit to the decision of the Chair.

Mr. HOUSTON. It is a little extraordinary—

Mr. STANTON. I call the gentleman to order.

Mr. HOUSTON. I am in order. I am speaking against the amendment.

The CHAIRMAN. The gentleman from Alabama rises to oppose the amendment of the gentleman from Tennessee, and to be in order his remarks must be confined to that amendment.

Mr. HOUSTON. I will say that it is a little extraordinary that the gentleman from Tennessee should attempt to introduce into debate here, which we are all endeavoring to confine to the legitimate subject-matter before the Chair, that which is irrelevant.

Mr. STANTON, of Tennessee. I call the gentleman to order.

The CHAIRMAN. The Chair again states that the gentleman from Alabama must confine his remarks in opposition to the amendment.

Mr. HOUSTON. I hope the Chair will enforce the rule upon every member. The gentleman from Kentucky [Mr. STANTON] said that I held up a little book yesterday. I presume it is a book he has never read. It contains the estimates laid before Congress at the commencement of this session, and I presume the gentleman is not acquainted with it. It contains estimates for all appropriations that were submitted to the committee of which I am a member, and upon this particular point we have reported all that was asked for. I do not know what estimates the gentleman may have in his pockets. I am not required to go to him for estimates. The estimates are sent to us from the proper departments of the Government, and we act upon them. That is what we have done now.

Mr. STANTON, of Kentucky. Did you report all the estimates recommended by the Secretary of the Interior for the public grounds and public buildings?

Mr. HOUSTON. The gentleman from Kentucky asks if we reported all the estimates sent to us. Clearly we did not. We cut down the estimates from all the departments and bureaus in many instances, but in this case we gave what was asked from us.

Mr. FICKLIN. I desire to call the attention of the honorable chairman to this point, that the amendment of the gentleman from Kentucky continues those persons in office—not annually—but until the Capitol is completed.

Mr. HOUSTON. Yes; that is another point. The amendment, as I understand it, fastens A and B—the men now in office—upon the Government until this Capitol is finished.

Mr. STANTON, of Tennessee. Not at all. Mr. HOUSTON. But then I ask the chairman and the committee this question—for while there may be nothing particular involved so far as the amendment is concerned, in regard to the amount of money, there is a principle involved in it: we are

called upon to acknowledge and indorse an appointment made by the architect, as I contend, without the authority of law. Now, if there had been any law for it, I reckon the gentleman would have shown it. He takes the ground, that the President is invested with authority to conduct these buildings, and with power to appoint an architect, and that he had power to appoint everybody else who might be necessary. Why, that is certainly a singular doctrine. Has the President the power to appoint forty policemen? Why, if he has the power to appoint one without law, he has the power to appoint one hundred without the authority of law; and it is only the enormity of his conduct, according to the gentleman from Kentucky, that would strike the sense of the country or Congress, and not the principle involved. Now, I have never seen the law by which this police was appointed, and I do not believe any law exists for that purpose. I have no doubt the gentleman from Kentucky is candid and sincere in the construction he gives to the law, but I differ with him entirely. I contend that the President, under the law to which the gentleman has made reference, has no authority, nor has the architect of the building authority, to appoint policemen *ad libitum*, or other officers, without discretion and without the control of law, and put them upon the country, and Congress is to be called upon to indorse them without investigation.

Mr. STANTON, of Tennessee. I withdraw my amendment.

The amendment was accordingly withdrawn.

Mr. STANTON, of Kentucky. I propose to amend my amendment, so as to increase the salaries of these policemen \$10.

Mr. HOUSTON. The gentleman cannot propose to amend his own amendment.

The CHAIRMAN. The Chair will rule that the gentleman has no right to propose to amend his own proposition. He may modify or change it before the vote is taken, but he cannot be permitted to propose an amendment to his own amendment for the purpose of discussion.

Mr. STANTON, of Kentucky. That is not my proposition. It is a proposition from the Committee on Public Buildings, and I, in my representative character, propose to amend their order.

The CHAIRMAN. The gentleman is not in order.

The question was then taken on the amendment, and it was not agreed to.

Mr. STANTON. I now offer the following amendment, which will, in all probability, relieve all objection that gentlemen may have taken on the score of money. It is as follows:

That the two watchmen employed upon the two wings of the Capitol shall have the same police powers as are imposed by law upon the regular police of the Capitol.

Mr. FICKLIN. I submit, sir, that that amendment is not in order. It is conferring police powers upon A and B, by name, and has no connection with this bill.

The CHAIRMAN. If the attention of the Chair had been called to the matter at the time, he would have been constrained to rule that the amendment of the gentleman from Kentucky, [Mr. STANTON,] in the first instance was not in order, as not germane to the proposition upon which he proposed to base it as an amendment. As the attention of the Chair is now called to it, he is compelled to rule this amendment out of order.

Mr. HOUSTON. Under the instructions of the Committee of Ways and Means, I offer the following amendments:

After the word "fifty," in line 103, strike out the words "eight thousand nine," and insert in lieu thereof the words "nine thousand one;" and after the word "dollars," in the 104th line, insert the following:

The salary of one of the clerks created by the act of the 20th of April, 1818, and who is now acting as assistant chief clerk in said office, being hereby increased to \$1,600 per annum.

The clause will then read:

"For compensation of the Third Auditor, and the clerks, messengers, and assistant messengers in his office, \$59,150; the salary of one of the clerks created by the act of the 20th of April, 1818, and who is now acting as assistant chief clerk in said office, being hereby increased to \$1,600."

The amendment was adopted.

Mr. JONES, of Tennessee. I am instructed by the Committee of Ways and Means to offer the amendment which I send to the Clerk's desk.

The clause proposed to be amended is as follows:

"For compensation to temporary clerks employed in the office of the Third Auditor, in making out certificates of service from the muster rolls of 1812, and the several Indian wars, \$35,000: *Provided*, That no clerk shall receive more than at the rate of \$1,000 per annum under this act, except one, whose salary shall be \$1,600."

The amendment is, to add to the above clause the following:

And four others, whose pay shall be \$4 per diem.

Mr. STANTON, of Kentucky. I would inquire whether those officers are provided for by law?

Mr. JONES, of Tennessee. This amendment is to give them exactly what they are entitled to under the law in pursuance of which they were appointed.

Mr. STANTON. Do you not propose to give them additional compensation?

Mr. JONES. This amendment is to make their pay conform to what was provided by the law under which they were appointed.

The question was then taken on Mr. JONES's amendment, and it was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

After the word "thousand" in the 124th line, strike out the word "two," and insert in lieu thereof "four," and add to the clause the following:

The salary of one of the clerks created by the act of the 20th of April, 1818, being hereby increased to \$1,000 per annum.

The clause will then read:

"For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messenger in his office, \$30,400, the salary of one of the clerks created by the act of the 20th of April, 1818, being hereby increased to \$1,000 per annum."

The amendment was adopted.

Mr. HOUSTON. I am instructed by the same committee to offer the following amendment, to come in after the 166th line among the appropriations for the office of the Third Auditor:

For expenses of arranging the document rooms, and preserving files and papers, \$1,000.

The amendment was adopted.

The following clause having been read—

"For compensation to temporary clerks employed in the office of the Commissioner of Pensions, \$100,000: *Provided*, That no clerk shall receive more than at the rate of \$1,000 per annum under the act"

Mr. JONES, of Tennessee, moved to strike out all after the word "provided," and insert in lieu thereof the following:

That no clerk shall receive more than at the rate of three dollars and thirty-three and one third cents per diem, except two, whose compensation shall be \$1,200 per annum. *Provided further*, That the said limitation shall extend to the appropriations for clerks contained in the act "to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1852," approved July 31st, 1852.

Mr. J. said: By the law under which temporary clerks in the Pension Office were originally employed, their compensation was fixed at \$3 33½ per diem, which is some \$40 over \$1,000 per annum. In the deficiency bill, an appropriation for deficiencies in the payment of these temporary clerks passed this House, limiting their compensation to \$1,000 per annum. It went to the Senate, and the Senate struck out that provision, and inserted that their compensation should not exceed \$1,200, intending thereby that it might be graded from \$1,200 down. When it came back to the House, the House added a proviso that the compensation of these clerks should not exceed \$1,000, except two, whose salaries should not exceed \$1,200.

This proviso is to make this bill correspond with what the two Houses did in the deficiency bill, and to correct that part which limited the compensation to \$1,000, instead of to \$3 33½ a day. The paying clerk in that office has gone on and paid at that rate, and it is necessary to adopt this amendment in order to enable him to settle his accounts, and to make the compensation of these clerks what it was under the law originally passed.

The question was then taken on Mr. JONES's amendment, and it was adopted.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment: In line two hundred and eighty-one, after the word "General," strike out the word "two," and insert in lieu thereof the word "three," so as to make the clause read:

"For the compensation of the clerks and messengers in the office of the Surgeon General, \$3,650."

The amendment was adopted.

Mr. HOUSTON. I am also instructed to offer the following: In line three hundred and seventeen, among the appropriations for the office of the Chief Engineer, strike out "\$175," and insert in lieu thereof "\$225," so as to make the clause read:

"For blank-books, binding, stationery, and printing, \$225."

The amendment was adopted.

Mr. HOUSTON. I am instructed by the same committee to move to insert after the words "one hundred," in the three hundred and eighteenth line, the words "and fifty," so as to read:

"For miscellaneous items, \$150."

The amendment was adopted.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment: After the word "office," in line three hundred and fifty-four, strike out the word "eleven," and insert in lieu thereof the word "twelve," so as to make the clause read:

"For compensation of the Chief of the Bureau of Navy-Yards and Docks, and of the civil engineer, draughtsman, clerks, and messengers in his office, \$12,600."

The amendment was adopted.

Mr. SIBLEY moved to amend that portion of the bill relating to the Territory of Minnesota by inserting after the word "twenty," in the four hundred and fifty-fourth line, the word "three," and after the word "thousand," in the same line, the words "four hundred," so as to make the clause read:

"For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, \$23,400."

Mr. S. said: I move to increase that item to \$23,400, in accordance with the recommendation of the Secretary of the Treasury. Mr. Chairman, the estimate upon which the Committee of Ways and Means acted was based upon a communication from the Secretary of the Territory of Minnesota, made immediately after he entered upon the duties of his office. Subsequent examination satisfied him that he had under-estimated the sum necessary to defray the legislative and other expenses of the Territory, and he sent in to the Treasury Department a corrected estimate, amounting to the sum I now ask for. The estimate has not only received the indorsement of Mr. Whittlesey, the Comptroller, but also that of the Secretary of the Treasury, as I have before stated. The sum heretofore appropriated has been \$24,000, and even that has been insufficient to meet the expenditures, and I have been necessitated to ask an additional sum of Congress, during the present session, to make up the deficiency. I do not wish the Delegate from Minnesota to be placed in a position hereafter which will render it necessary for him to urge up on this House the appropriation of money to pay arrearages. It is embarrassing and unpleasant to be obliged to press such a measure. The sum mentioned in my amendment will suffice to pay the expenses of the territorial government; less will, in my judgment, be insufficient. I can conceive of no reason why the appropriation should be diminished. I do not think the honorable chairman of the Ways and Means can bring forward any evidence to convince the committee that the sum can properly be reduced from former appropriations, or that the territorial authorities of Minnesota have expended the annual allowance otherwise than in a proper manner, and in accordance with law.

The document, recommending the increase to the sum specified in my amendment, is now in my hand, together with a letter from the Secretary of the Treasury, directed to myself, which is as follows:

TREASURY DEPARTMENT, May 6, 1852.

SIR: In reply to the joint letter of yourself and Alexander Wilkin, Esq., addressed to the First Comptroller, relative to the insufficiency of the estimates for Minnesota Territory, I have the honor to transmit a copy of a communication from this Department to Hon. Speaker BOND, dated 22d January last, concurring with the recommendation therein inclosed for the increased appropriation, in accordance with the suggestion of Secretary Wilkin.

Very respectfully, your obedient servant,

THO. CORWIN,

Secretary of the Treasury.

Hon. H. H. SIBLEY, House of Representatives.

I trust that the committee will agree to my motion, notwithstanding the opposition of the Committee of Ways and Means, although I confess I have not much hope of succeeding in any measure

which does not receive the favorable consideration of that committee.

Mr. HOUSTON. The Committee of Ways and Means inserted \$20,000 for the legislative expenses of the Territory of Minnesota, which was the amount first estimated for by the Secretary of that Territory. That is the amount estimated for Utah, New Mexico, and Oregon. Only \$19,000 has been asked in some cases. All the other Territories get \$20,000, or under, for the very same items of expenditure. This appropriation is based upon the estimates presented by the Secretary of Minnesota since the meeting of Congress. Here are the corrected estimates to which the gentleman has referred, and I regret to say that almost all the estimates for the Territory of Minnesota seem to be increased. The Delegate from Minnesota succeeded in getting into the deficiency bill several thousand dollars more than was estimated for, and more than the Committee of Ways and Means really thought they ought to have. Knowing that a feeling of indulgence towards the Territories generally prevails in this House, we were disposed not to scrutinize their expenditures too closely. We give them in this bill their first estimate, and we give them as much as is given to all the other Territories, except Oregon, and we give them more than we give Oregon.

Mr. SIBLEY. I would ask the gentleman from Alabama whether the Committee of Ways and Means had any evidence before them that the appropriations previously made for the government of the Territory of Minnesota have not been expended according to law? And further, if there is any evidence that the sum of \$24,000, which has been heretofore appropriated, has been more than sufficient?

Mr. HOUSTON. I will answer the gentleman's questions: I do not know what he calls the codifying of the laws, the employment of extra clerks, and all that class of expenditures, which were directly in the teeth of the law of 1842. But we concluded to give that to them, in the deficiency bill, notwithstanding that it was an expenditure contrary to law. But, then, why should we give \$24,000 to Minnesota, and only \$19,440 to Oregon? Is there any propriety in that? Is there any reason for it?

We may not be able to say that the money has been fraudulently disposed of, and yet there is such a thing as being more extravagant than is necessary. I take it for granted, that the price of everything necessary to enable the Legislative Assembly to proceed with the administration of the government, is quite as high in Oregon as it is in Minnesota.

A VOICE. Double that amount.

Mr. HOUSTON. My friend says double the amount. I have no doubt it is. I know it is very much larger. We gave them all they asked, until the Secretary took a second examination, when he made larger estimates. I think the appropriation in the bill is large enough, and I hope the committee will not adopt the amendment.

Mr. SIBLEY. Will the gentleman allow me to ask him a question?

The CHAIRMAN. No further debate upon the amendment is in order.

The question was then taken, and the amendment was not agreed to.

Mr. HOUSTON, from the Committee of Ways and Means, offered the following amendment to the clause of the bill providing for the territorial expenses of the Territory of New Mexico. After line four hundred and sixty-three insert the following:

For compensation of the Acting Secretary of the Territory of New Mexico, from the 5th of April, 1851, to the 20th of June, 1851, \$425.

Mr. H. said: Mr. Chairman, the Delegate from New Mexico is here, and can probably explain this matter better than I can. I will, however, say this: The papers are before the House going to show that Governor Calhoun, after having arrived in New Mexico, found it necessary, in his opinion, to appoint a Secretary of the Territory, in advance of the ratification of the nomination of Secretary Allen, whose nomination was afterwards ratified. I am aware that he had no authority to appoint a secretary—none at all; but in the deficiency bill Congress made an appropriation for paying an Indian agent, which he had appointed as much without authority by law as in this case.

He states that the appointment of this secretary was necessary, and that he could not have got along without him. It was in advance of the ratification of the appointment of Secretary Allen by the Senate. In view of the action of the House relative to the Indian agent which he appointed, the Committee of Ways and Means saw fit to recommend this amendment.

The amendment was adopted.

Mr. HOUSTON, under instruction of the Committee of Ways and Means, moved to amend the section providing for the salaries of the district judges, by inserting in line four hundred and seventy-six, after the word "seventy," the word "two," so that the section would read—

"For salaries of the district judges, \$72,000."

Mr. H. said: The object of this amendment is to remedy an omission upon the part of the Secretary of the Treasury. He shows that in sending his estimates here, he omitted to provide for the district judge for Louisiana.

The amendment was agreed to.

The following clause of the bill was then read, viz:

"For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia, also for jurors and witnesses in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June 30, 1853, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, \$300,000."

Mr. HOUSTON, under instructions from the Committee of Ways and Means, moved to amend the above clause, by striking out \$300,000, and inserting \$550,000.

Mr. Chairman, the object of this amendment is this: In passing upon this bill, the Committee of Ways and Means put in \$300,000, in view of the action of the Committee on the Judiciary, in reporting a fee bill, because we did not know what amount would be necessary under that bill. Since that time the bill has been reported. I furnished the Secretary of the Treasury with a copy of it, and asked him to predicate estimates upon it, and furnish them to us. This he has done, and the amount of his estimates is what the Committee of Ways and Means now recommend to be inserted in this section. He estimates \$550,000 as the amount which will be necessary for this fiscal year. The \$300,000 which the committee put into the bill is an arbitrary sum. I will remark here, that Mr. Whittlesey informed me—and the chairman of the Committee on the Judiciary [Mr. McLANAHAN] has a knowledge of this subject—that the estimate now presented is a larger one, for the reason that the law is a new one, and if it should pass, he did not want to have a deficiency.

I will state furthermore, that the estimates of the Department, of the same officers, under the existing laws, is \$692,000, so that there will be a saving of \$142,000 if this bill should pass in its present form. The Committee of Ways and Means propose to insert what has been estimated by the Department, predicated upon that bill.

The question was then put, and the amendment agreed to.

Mr. MARSHALL, of Kentucky. I want to offer an amendment to the four hundred and seventy-seventh line.

The CHAIRMAN. The committee have passed that portion of the bill, and it can only be returned to by unanimous consent.

Mr. MARSHALL. I send my amendment to the Chair, and ask to have it read.

It was read, as follows:

Add to the section the following, viz:

Provided, That the district judges of the United States shall receive each an annual salary of not less than \$2,000; so that the whole section would read as follows, viz:

"For salaries of the district judges, \$70,000: Provided, That the district judges of the United States shall receive each an annual salary of not less than \$2,000."

Mr. JOHN W. HOWE. I object to returning to that clause of the bill.

Mr. MARSHALL. I desire to say to the gentleman who objects, that this is an amendment that the Committee on the Judiciary have instructed me to offer to this part of the bill.

Mr. JONES. I ask if the gentleman from Kentucky is in order?

The CHAIRMAN. It is not in order to debate the amendment, if objection is made to its reception.

Mr. MARSHALL. Then I will offer it, to come in at the end of the pending section; which relates to the judiciary establishment.

The CHAIRMAN. The Chair is compelled to decide that it is not in order to come in at the end of the section now under consideration, because it is not germane to the subject of that section.

Mr. MARSHALL. Will the Chair allow me to suggest, that the section under consideration provides for defraying the expenses of the judiciary establishment, and I cannot see why it is not germane.

The CHAIRMAN. A preceding section provided for defraying the salaries of the district judges.

Mr. MARSHALL. I know it would have more properly come in in the section to which the clause alludes, but it seems to me that it is sufficiently germane to the section under consideration to make it in order.

The CHAIRMAN. Debate is not in order. Mr. JONES, of Tennessee. I will suggest to the gentleman from Kentucky, that his amendment is perhaps not in order upon another ground: that amendment reduces the salary of some of these officers while they are in office.

The CHAIRMAN. The Chair must again remind gentlemen that this debate is not in order. The Chair has decided that the amendment is not in order. Does the gentleman appeal?

Mr. MARSHALL. If my amendment is not in order as an amendment to the section under consideration, I will offer it as an independent section, to come in immediately after the one now under consideration.

The CHAIRMAN. In the opinion of the Chair, that will not change the question of order in the least. The Chair will again be compelled to rule it out of order.

Mr. MARSHALL. Have we not the right to offer an independent section connected with the subject of the judiciary?

The CHAIRMAN. A proposition which is submitted as an amendment to another proposition under consideration must be germane to that subject under consideration. Now, we have already passed that clause in the bill which appropriates money to pay the salaries of the district judges of the United States. We have passed that point, and are now providing for defraying the ordinary expenses of the courts. The Chair, therefore, thinks it is not in order to offer as an amendment to the section a proposition relating to the salaries of the judges.

Mr. MARSHALL. I beg respectfully to submit to the Chair—without intending to appeal from his decision—whether, when we are considering the judiciary establishment and the expenses for that establishment, he will decide that we have not the right to add an independent section relating to the salaries of the judicial officers? We have an appropriation of \$70,000 to pay the salaries of the district judges, and I submit whether we cannot add a section providing that the minimum salary shall be \$2,000.

The CHAIRMAN. The Chair will remark that there is another objection to the amendment of the gentleman which might be urged against it. The salaries of some of the judges are more than \$2,000, and we have no right to provide that the salary of a judge shall be diminished during his continuance in office.

Mr. MARSHALL. If the Chair will allow me, my amendment will not be subject to the point which the Chair raises. It does not provide for diminishing the salary of any judge. It only provides that the salary of no judge shall be less than \$2,000.

The CHAIRMAN. Debate is not in order. The Chair decides that the amendment of the gentleman from Kentucky is not in order. Does the gentleman appeal?

Mr. MARSHALL. I do appeal from the decision of the Chair?

Mr. JONES, of Tennessee. I wish to inquire if the committee have not prepared and reported a bill fixing the salaries of the judges at a sum above \$2,000?

Mr. MARSHALL. They have not.

The CHAIRMAN. Discussion is not in order. The gentleman from Kentucky [Mr. MARSHALL] submits an amendment to come in at the end of line five hundred and two—at the end of a section

providing for the ordinary expenses of the supreme and district courts of the United States. The amendment is, "provided that the district judges of the United States shall receive each an annual salary of not less than \$2,000." The Chair decides that the amendment is not in order, because it is not germane to the subject of the section to which it is offered. From this decision the gentleman from Kentucky appeals, and the question therefore is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MARSHALL demanded tellers; which were ordered; and Messrs. LANDRY, and STANTON of Tennessee, were appointed.

The question was then put, and the tellers reported—ayes 53, noes 56; no quorum voting.

The roll was then called, and the following gentlemen answered to their names:

Messrs. Abernethy, Aiken, Allison, John Appleton, William Appleton, Averett, Babcock, Thomas H. Bayly, Bowie, Bragg, Breckinridge, Brenton, Briggs, Brooks, Burrows, Busby, B. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Chandler, Chapman, Churchwell, Clark, Cleveland, Cobb, Cullom, Curtis, Daniel, John G. Davis, Dean, Dimmick, Disney, Dockery, Eastman, Edmundson, Evans, Ficklin, Fitch, Floyd, Fowler, Thos. J. D. Fuller, Gaylord, Giddings, Goodenow, Goodrich, Gorham, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Hall, Hascall, Haven, Hawes, Hebard, Hendricks, Hennen, Holladay, Horsford, Houston, Howard, John W. Howe, T. M. Howe, T. Y. How, Ingersoll, Ives, Jackson, Jenkins, John Johnson, Robert W. Johnson, Daniel T. Jones, Geo. W. Jones, J. Glancy Jones, George G. King, Preston King, Landry, Letcher, Lockhart, Humphrey Marshall, Martin, Mason, McLanahan, McMullin, McNair, Meade, Milson, Miner, Meloy, John Moore, Morehead, Morrison, Murray, Nabers, Newton, Orr, Outlaw, Andrew Parker, Samuel W. Parker, Penniman, Phelps, Riddle, Robbins, Rohie, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Stuart, Smith, Staully, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stratton, Stuart, Sutherland, Thurston, Townshend, Venable, Walbridge, Walsh, Watkins, Wells, Alexander White, Wilcox, Wildrick, and Woodward.

The committee then rose, and the Speaker having resumed the chair, the chairman, (Mr. PHELPS,) reported that the Committee of the Whole on the state of the Union had had, according to order, under consideration the Union generally, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending June 30, 1853, and having found itself without a quorum, had ordered the roll to be called, and instructed him to report the facts to the House, with the names of the absentees, which are as follows:

Messrs. Charles Allen, Willis Allen, Ashe, David J. Bailey, Barrere, Bartlett, Beale, Bell, Bennett, Bibbhausa, Bissell, Biscock, Bowne, John H. Boyd, Albert C. Brown, George H. Brown, Buell, Burt, Lewis D. Campbell, Carter, Caskie, Chastain, Clingman, Colcock, Conger, Cottman, Darby, George T. Davis, Dawson, Doty, Duncan, Dunham, Durkee, Edgerton, Ewing, Faulkner, Florence, Freeman, Henry M. Fuller, Gamble, Gentry, Gilmore, Green, Grey, Grow, Hall, Hammond, Harper, Hibbard, Hillyer, Hunter, Andrew Johnson, James Johnson, Kuhns, Kurtz, Mace, Mann, Edward C. Marshall, McCorkle, McDonald, McQueen, Meacham, Miller, Henry D. Moore, Murphy, Olds, Peaslee, Penn, Perkins, Polk, Porter, Powell, Price, Rantoul, Reed, Richardson, Robinson, Ross, Russell, Sackett, Savage, Scudder, Scurry, Snow, Alexander H. Stephens, Thaddeus Stevens, Stone, St. Martin, Strother, Sweetser, Taylor, Benjamin Thompson, George W. Thompson, Toombs, Tuck, Wallace, Ward, Washburn, Welch, Addison White, Williams, and Yates.

A quorum being now present, the committee again resumed its session.

The CHAIRMAN. The question is upon sustaining the decision of the Chair. The tellers (Messrs. STANTON, of Tennessee, and LANDRY) will resume their places.

The question was again put, and the tellers reported—ayes 62, noes 56.

So the decision of the Chair was sustained.

The following clause of the bill was then read by the Clerk:

"For supplying light-houses containing 3,272 lamps with oil, tube-glasses, wicks, buffskins, whiting, and cotton cloth, transportation and other expenses on the same, and for repairing and keeping in repair the lighting apparatus, §182,330 78."

Mr. EVANS offered the following amendment:

Add at the end of the above clause the following, viz: "And the President is hereby authorized and required to levy the same light duties and charges upon foreign vessels entering the ports and harbors of the United States, or passing the light-houses thereof, as are charged by any corporation, or by any foreign Government, to the citizens or subjects of which such vessels may belong, upon vessels of the United States. The said money, when so collected, to be carried into the Treasury, and the amount thereof to be reported annually to Congress."

Mr. JONES, of Tennessee. I submit whether that amendment is in order or not?

Mr. EVANS. I propose my amendment to come in directly after the first clause of the bill, relating to light-houses, and it relates exclusively to light-house establishments.

The CHAIRMAN. The opinion of the Chair is, that the amendment is not in order.

Mr. EVANS. I propose to raise means for the support of light-houses. And if it is not in order, I am not capable of drafting an amendment that is in order. I hope the Chair will reconsider his decision. I think he will come to the conclusion that the amendment is in order. If there is any doubt about it, I should like to have the benefit of that doubt. It would save us a great deal of money, and it would not interfere with our establishments at all.

The CHAIRMAN. The Chair is still of the opinion, after an examination of the amendment, that it is not in order.

Mr. BAYLY, of Virginia, requested that the amendment be again read; and it was read accordingly.

Mr. JONES. It is clearly out of order. The bill under consideration is for appropriating money, and the proposed amendment is for raising money.

The CHAIRMAN. Such is the decision of the Chair.

Mr. GORMAN. I would like to ask the gentleman from Maryland [Mr. EVANS] if that is not the law now?

[Cries of "Order!" "Order!" and "Hear him!" "Hear him!"]

Mr. EVANS. It is not; but I cannot explain it to any extent now.

The CHAIRMAN. The proposition under consideration is to appropriate money for the purpose of keeping up our light-houses. The proposition submitted by the gentleman from Maryland proposes to levy a tax or duty upon foreign vessels which may enter our ports and pass our light-houses. The Chair decides that the amendment is not germane to the proposition now before the committee.

Mr. EVANS. If I modify the amendment so as to apply this money to the light-house system, will the Chair then decide it in order? I will make that modification, if it will obviate the objection of the chairman.

The CHAIRMAN. That will not alter the opinion of the Chair.

Mr. EVANS. Then I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Maryland has submitted the amendment which has been reported by the Clerk. The clause under consideration provides for the support and repairs of light-houses, and the gentleman's amendment provides for levying a tax or light money upon foreign vessels entering our harbors and passing our light-houses. The Chair decides that the amendment is not germane to the bill, and therefore not in order. From that decision the gentleman from Maryland [Mr. EVANS] takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. McCORKLE demanded tellers; which were ordered; and Messrs. MASON, and FULLER of Maine, were appointed.

The question was taken, and the tellers reported—ayes 53, noes 64.

So the decision of the Chair was not sustained.

Mr. EVANS. I request the attention of the committee to this very important question.

The light-houses of England are under the control of a corporation known as the Trinity Board. The English Government makes no appropriation out of the National Treasury for the support of lights, but permits the corporation to farm them out to individuals, who, under its direction, collect its dues and defray the expenses.

I hold in my hand a copy of a correspondence which took place between our Minister, the Hon. Abbot Lawrence, and Viscount Palmerston upon the subject of these light-house dues. I believe this correspondence has not been yet printed by order of our Government, but it has been in England, and I have thus been enabled to procure it. I will call the attention of members to certain facts to be found in that correspondence, and also to the difference between the English and American system of maintaining lights, in order that they may perceive the unjust discrimination which is



made against American commerce and American shipping.

We, as everybody knows, make appropriations out of the Treasury of something like a million of dollars annually for the erection and maintenance of light-houses, and then throw them open free to all the world. English vessels arrive at and depart from our ports and harbors free and untaxed.

In return, what treatment have our ships in English harbors? Every American mail steamer entering at Liverpool pays for light dues sixty-two pounds for each voyage. If we charged the English steamers at the same rates, we should collect from them annually no less a sum than three thousand two hundred and twenty-four pounds, (£3,224.) The two steamers, the *Washington* and *Hermann*, running from New York to Bremen, touching only at Southampton, have paid in a single year, £800, including the charges for the Heligoland light, which, Mr. Lawrence says he is informed, those steamers have never seen.

This Heligoland light, I have been informed, is the property of two English ladies, of a wealthy family, who reap its revenues.

One commercial house in New York, says Mr. Lawrence, running sixteen ships between that port, Liverpool, and London, paid in a single year £2,498 for light-house charges; about \$12,000. Another American shipping house paid for lights in 1846 £2,252, or about \$11,000. Mr. Lawrence further remarks, that—

"Within ten years past the shipping of the United States has contributed upon 7,872 vessels, the aggregate tonnage of which was over 4,681,925, the immense sum of two hundred and thirty-four thousand pounds sterling, or over \$1,000,000, for the support of the light-house system of the United Kingdom."

He continues—

"During the last year, (1850,) there appears to have been levied upon the shipping of the world for the light dues of the United Kingdom, between £400,000 and £500,000. Of this one fourteenth part was paid by citizens of the United States; while British subjects, with a fleet doubtless equally large in the ports of the United States, have not been taxed at all for the maintenance of lights. The Government of the United States, in view of its liberality, is justified in asking Her Majesty's Government to do away with this great inequality, and remove this restriction on commerce."

Enough of these quotations, for I shall print the whole correspondence between Mr. Lawrence and Lord Palmerston, and I trust that it may be widely read.

These, then, are the unjust differences made between the treatment of American ships in English waters, and of English ships in American waters. It amounts to a discrimination in ten years of \$1,100,000 against our commerce. Moreover, the discrimination is odious; for I have heard, and I believe, that the whole amount thus collected by British corporations, is not necessary for the support of their lights, but that a large portion of it goes to pamper and support particular families, pensioners, and others. It is high time that this pitiful system was changed for the better; and the tone of argument and curtness of final action made use of by Viscount Palmerston, renders this a very necessary way of retaliating, and thus either of compelling an abandonment by the English of their unjust system, or, if that cannot be done, of compelling British ships to pay towards the support of our light-houses the same amount that our ships pay towards the support of their light-houses. That is fair and just, and must be brought about.

Neither is this any time for continuing special favors and immunities to British shipping. We have lately beheld upon our northeastern frontier a British squadron, with little or no notice, seize, capture, and confiscate the vessels of our hardy fishermen. Britain had doubtless forgotten the immunity from light charges and light dues which we, with unexampled generosity, have so long granted to her shipping on our waters; but I, sir, am now disposed to remind her of it, and to convince her, by thus putting her vessels and our own upon the same footing—by this act of just retaliation—that we accord favors only when they are generously returned, and that we can withdraw them when they are abused to our own injury.

Sir, there is no reason that I know of why this amendment should not be adopted. It provides only that a foreign ship shall pay for the support of lights in our waters the same amount that our ships pay for the same purposes in foreign waters. Why a cotton ship from Charleston, or a merchant ship from New York, should be paying hundreds of dollars in England for lights, while

English ships pay nothing at Charleston or New York, is beyond my conjecture. I trust that the adoption of this measure may at least induce the British Government to support its own lights, as we support our lights; or, if that purpose fail, this at least we shall gain—we will put our commerce upon an equality with theirs as respects charges, and shall derive a large revenue from their shipping for the support of our lights. I subjoin the correspondence:

MR. LAWRENCE TO VISCOUNT PALMERSTON.

"UNITED STATES LEGATION,  
"138 Piccadilly, December 31, 1850."

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor, under instructions from his Government, to invite the attention of Viscount Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, to the subject of the light dues exacted of the mercantile marine of the United States entering the ports of the United Kingdom.

"It is nearly two years since Her Majesty's Government determined to respond to the invitation of the United States, made to the world many years ago, and recommend Parliament to repeal the prohibitory navigation laws of the kingdom; and the commerce of the two nations has been conducted for now just one year, on the reciprocal basis established in accordance with such recommendation. The United States ask Great Britain to carry out this principle; to establish reciprocity in fact, as well as in name—to do justice to the commerce of the United States.

"The light-houses, floating-lights, buoys, and beacons on the whole sea and lake coast, and rivers of the United States, were constructed and are maintained by the Federal Government, an annual appropriation being made by Congress for these objects. No light dues of any kind are levied, either on vessels of the United States or on ships of foreign nations. In the year 1792, there were but ten lights in the Union. In the year 1848, there were two hundred and seventy light-houses, thirty floating-lights, one thousand buoys, besides numerous fixed beacons. There are probably at this time, including those under construction on the Pacific coast, more than three hundred light-houses, with a proportionate number of floating-lights, buoys, &c., all of which are given to the use of the world by the United States, without tax or charge.

"The commerce of the United States is not met with a corresponding liberality in the ports of the United Kingdom. The reciprocity intended to be established by the navigation law of last year, and so much to be wished for between the two greatest commercial nations of the globe, will not be realized if American tonnage continues to be subjected to onerous light duties in Great Britain, while British vessels enjoy, without pay, the lights, &c., upon the coast of the United States.

"The undersigned is not unaware that the system of light dues in this country is somewhat complicated; but he believes that as reforms have been made in many other laws and customs adopted in former ages under a different state of society, so changes can be made in these, adapting them more to the present condition of the world, and to the liberal policy of other nations.

"In the illustration of the onerous and unequal operation of the present system of lights in Great Britain upon American commerce, the undersigned has the honor to ask Viscount Palmerston's attention to a few examples.

"The American mail steamers entering at Liverpool pay for light dues the sum of £62 for each voyage. If the British steamers were subjected to the same charge in American ports, it would amount annually to the great sum of £3,224. Two steamers, the *Washington* and *Hermann*, returning from New York to Bremen, and touching on the way at Southampton, paid last year light dues to the amount of £800, including the charges for the Heligoland light; which the undersigned is informed they have never seen. The steamer *Franklin*, running between New York and Havre, and touching at Cowes, but without anchoring, merely to land its mails, has been subjected to light dues; which have been paid by order of the Trinity House, but under protest of the consignees. One commercial house in New York, running sixteen ships between that port, Liverpool, and Lon-

don, paid last year for such dues £2,498 3s. 6d. Another American shipping house paid for lights in 1849 the sum of £2,252.

"The undersigned will not multiply individual examples of the amount of this tax. The number of American ships that entered the ports of the United Kingdom for nine months, ending October 1, 1850, was 602, with a tonnage of 473,900. If one third be added for the last quarter of a year, the total will be 752 ships, and about 600,000 tons, being an average of nearly 800 tons to each ship. Assuming this calculation to be substantially correct, it appears from the trade list that 3,909 American vessels have entered the ports of the United Kingdom in the last four years, with a tonnage of 2,422,492. During the last ten years the number of American vessels entered into the United Kingdom has been 7,872, with an aggregate of 4,681,925 tons.

"The light dues are not the same in all the ports of the United Kingdom. The rate at Liverpool is 10d. or 11d.; whereas in London, the charge is 13d. per ton. If the average is taken at 1s. per ton, a ship of 800 tons would pay £40, and 752 ships, with 600,000 tons register, would pay about £30,000, or \$146,000 annually, and it is not probable that the amount of tonnage will decrease in coming years; 3,909 American ships must have paid, with a tonnage of 2,422,492, the sum of £121,000, or nearly \$600,000. And within ten years last past, the shipping of the United States has contributed upon 7,872 vessels, the aggregate tonnage of which was 4,681,925, the immense sum of £234,000, or over \$1,100,000, for the support of the light-house system of the United Kingdom.

"During the last year, there appears to have been levied upon the shipping of the world, for the light dues of the United Kingdom, between £400,000 and £500,000. Of this, one fourteenth part was paid by citizens of the United States; while British subjects, with a fleet doubtless equally large in the ports of the United States, have not been taxed at all for the maintenance of lights. The Government of the United States, in view of its liberality, is justified in asking Her Majesty's Government to do away with this great inequality, and remove this restriction on commerce.

"The undersigned believes that no other nation levies so heavy a tax upon ships, in the form of light dues, as this. There are in the United States many more light-houses, &c., than in the United Kingdom; yet the annual appropriation for the construction of new, the repair of old light-houses, and the maintenance of both, does not equal one fifth of the annual amount raised for this purpose in the United Kingdom by the tax on the shipping coming into its ports.

"In conclusion, the undersigned, on behalf of his Government, expresses the wish that Her Majesty's Government may take this grave subject into consideration; that it may speedily set free American shipping from so unequal and so onerous a restriction; that it may complete its great measures for commercial freedom, and may thus increase still more the intercommunication which is already producing such happy results.

"The undersigned, &c.,

"ABBOTT LAWRENCE."

VISCOUNT PALMERSTON TO MR. LAWRENCE.

"FOREIGN OFFICE, February 6, 1851.

"The undersigned, &c., has the honor to inform Mr. Lawrence, &c., that her Majesty's Government has had under its consideration the note which Mr. Lawrence addressed to the undersigned on the 31st of December, complaining that heavy light dues are levied on American shipping in the ports of the United Kingdom, whilst no dues of the same kind are charged upon British ships frequenting the ports of the United States; and Mr. Lawrence says that he is instructed by his Government to request that measures may be taken in order that American vessels may enjoy in British ports, in regard to exemption both from light dues and other similar charges, the same advantages which British vessels enjoy in the ports of the United States.

"In reply, the undersigned has the honor to state, that the difference between the treatment of British vessels in American ports, and that of American vessels in British ports, in regard to

light dues, is a consequence of the difference which exists between the system on which coast lights are maintained in the United States, and the system on which such lights are maintained in the United Kingdom.

"In the United States, the coast lights are erected and maintained by the Federal Government, and the expenses connected with those lights form part of the general expenditure of that Government. The Federal Government, therefore, has a right to determine whether it shall reimburse itself for this outlay by levying light duties upon shipping, or whether, on the whole, it may not be more for the advantage of the United States, and more conducive to the commercial prosperity of the nation, that this charge should be borne by the public revenue, and that the commerce of the Union should be freed from any burden in the shape of light dues upon vessels frequenting the ports of the Union. The Government of the United States having power to decide this question, has determined wisely, as Her Majesty's Government think, as well as liberally, to free the commerce of the Union from any burden on this account, and to defray out of the national revenue the actual cost of erecting and maintaining the coast lights.

"If the coast lights of the United Kingdom had been established upon the same principle, and if they had been erected and were maintained at the public expense, and if they were managed and administered by a department of the State, it is possible that Her Majesty's Government might think that it would be best for the general interests of the nation that the system of the United States in regard to these matters should be adopted in this country, and that the commerce of the United Kingdom should be relieved from the burden of light dues.

"But the British Government has not the power to deal with this matter as it pleases; the various lights which are established round the coasts of the United Kingdom have been erected and are maintained by various corporate bodies; and those corporate bodies are entitled, by patents and by acts of Parliament, to levy certain dues upon shipping, in order to raise the necessary income for paying interest on the capital laid out in the construction of the lights, and for providing the means requisite for defraying the expense of maintaining those lights.

"Her Majesty's Government have no right or power to order these corporate bodies to abstain from levying these dues, and these dues could not be made to cease, unless Parliament was to vote such sums as would be necessary to buy up for the public interest which the private parties concerned have in these lights; nor unless Parliament were at the same time to authorize the Government to abolish light dues for the future, and were to charge upon the public revenue the expense of maintaining the lights.

"The expediency of adopting such a course has, indeed, from time to time been suggested, but the question has not hitherto been considered with a view to any practical decision.

"Her Majesty's Government, however, cannot admit that the difference which exists between the system which prevails in the United States, and that which exists in Great Britain, in regard to coast lights, has the effect of infringing upon that principle of commercial reciprocity between Great Britain and the United States, which forms the basis of the treaty of 1815. It is no part of the engagements of that treaty, that the internal system and local arrangements of the two countries, upon commercial matters, shall be the same. But the principle distinctly laid down in the second paragraph of the first article of the treaty of 1815 is, that the vessels of each country shall, in the ports of the other, be treated, in regard to duties and charges, in the same manner and on the same footing as national vessels; and this stipulation is strictly observed in regard to the light dues which are levied upon American vessels in British ports, for no other or higher light dues are levied in those ports upon American vessels than are levied in those ports upon vessels belonging to the United Kingdom.

"But if the British light dues cannot be deemed to be any infringement of the principle of reciprocity which forms the basis of the treaty of 1815, neither can they be considered as in any degree conflicting with the liberal principle upon which

the present navigation law of Great Britain is founded. For that navigation law relates to the admission of foreign ships into British ports with certain goods on board, and coming from certain voyages, which goods and voyages would, before the passing of that law, have involved an exclusion from a British port; but that law has no reference to light dues or harbors dues, nor does it make any mention of such matters, and it cannot, therefore, be appealed to as requiring, for its complete execution, that any change should be made in such matters.

"Her Majesty's Government are quite ready to discuss with the Government of the United States any question which may arise in regard to any supposed incompleteness in the mutual application of that principle of reciprocity in matters of navigation, which is contained in the act 12 and 13 Vict., cap. 29; but willing and desirous as they are to carry out the provisions of that act to the fullest extent, with respect to all countries which are disposed, as the United States have declared themselves to be, to pursue a similar course, yet Her Majesty's Government cannot admit the force of arguments founded upon a constructive application of that law to matters which are wholly beyond the range of its enactments.

"The undersigned, &c., PALMERSTON."

MR. LAWRENCE TO VISCOUNT PALMERSTON.

UNITED STATES LEGATION,  
138 Piccadilly, February, 12, 1851.

"The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note of Viscount Palmerston, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, of the 6th inst., in reply to the former note of the undersigned to Lord Palmerston on the subject of the imposition of light dues on the tonnage of the United States within the ports of the United Kingdom, and will not fail to transmit a copy to his Government by the earliest opportunity.

"The undersigned avails himself of this occasion to correct an error into which Her Majesty's Government seem to have fallen with reference to the request made by the undersigned, on behalf of the Government of the United States, on this subject.

"The Government of the United States is not unaware of the difference between the system on which coast lights are maintained in the United States and the system on which such lights are maintained in the United Kingdom. On the contrary, the undersigned alluded to that difference in the former communication he had the honor to make to Viscount Palmerston, with reference to them. That fact does not, however, diminish the pressure of this tax upon the shipping of the United States. And while the undersigned disclaims all intention of discussing the particular mode by which the lights of the United Kingdom are maintained, he still cherishes the hope that there is nothing in that system to prevent the changes for which his Government has asked.

"The Federal Government does not rest this request on the provisions of the convention of 1815. Lord Palmerston justly says, that 'it is no part of the engagements of that treaty, that the internal system and local arrangements of the two countries upon commercial matters shall be the same.'

"Neither does it seek to view the present navigation law of the United Kingdom as liberating the commerce of the United States from the tax. Were that the case, there would have been no occasion to instruct the undersigned to make the communication of the 31st of December last.

"The Federal Government rests this request solely on the fact that the commerce of Great Britain enjoys, without charge, the lights, beacons, and buoys, maintained by the United States on a coast several thousand miles in extent; while the commerce of the United States is heavily taxed for the support of similar lights, beacons, and buoys, in the United Kingdom. In view of this fact, it asks Her Majesty's Government to meet the liberality of the United States with a reciprocal liberality. And, as an additional reason for granting the request, it points to the present commercial policy of the two nations, founded professedly on the principle of reciprocity; and it invites Her Majesty's Government to extend the

principle still further, and treat the commerce of the United States as liberally as the United States treat the commerce of the United Kingdom.

"The undersigned trusts that no question will arise in regard to any supposed incompleteness in the mutual application of that principle of reciprocity in matters of navigation, contained in the act 12 and 13 Vic., c. 29, to render necessary the discussion for which Viscount Palmerston expresses the readiness of Her Majesty's Government.

"The undersigned has great pleasure in learning that the expediency of adopting such a course as that of the United States has been, from time to time, suggested, and renews the expression of the hope that Her Majesty's Government may devise some way to remove or to lighten this burden, which now falls so heavily on the commerce of the United States. The undersigned, &c.,

"ABBOTT LAWRENCE."

VISCOUNT PALMERSTON TO MR. LAWRENCE.

"FOREIGN OFFICE, February 14, 1851.

"The undersigned, &c., has the honor to inform Mr. Lawrence, &c., that he has received, and has referred to the proper department of Her Majesty's Government, the note which Mr. Lawrence addressed to the undersigned, on the 12th instant, relative to the light dues which are levied on American shipping in the ports of the United Kingdom. The undersigned, &c.,

"PALMERSTON."

MR. BAYLY, of Virginia. I agree with the gentleman from Maryland [MR. EVANS] in some of his views.

THE CHAIRMAN. The Chair must remind the gentleman that by the language of the rule he must oppose the adoption of the amendment.

MR. BAYLY. The Chair will excuse me. I understand that point perfectly well, but it does not follow that, agreeing with much that the gentleman has said, I approve of his amendment; for there may be other reasons which he has not stated that will show the impropriety of his amendment, although all he has stated may be true.

THE CHAIRMAN. The gentleman will proceed.

MR. BAYLY. I therefore say, sir, I agree in most that the gentleman from Maryland has said, but I desire to call his attention to a point, upon which, I confess, I am not prepared to give a definitive opinion to this committee, because the proposition has been sprung upon the House, and without notice to me. It has only struck me at the moment. I desire to know of the gentleman to what extent his amendment will interfere with our treaties with Great Britain, and whether his attention has been directed to that point? My impression is that it will conflict with them.

MR. EVANS. Lord Palmerston, in this correspondence, says expressly that it will not. He says it has no connection with it.

MR. BAYLY. By our treaty relations with Great Britain, she is put upon the footing of the most favored nations, and we have agreed that we will impose no higher or other charges upon her vessels than we impose upon our own. Now, this amendment provides that we are to levy and collect light-house duties from those nations which collect them from us, and none others; and it proposes to impose charges on British vessels which we do not impose upon our own. I doubt whether such a provision as that is precisely in accordance with our treaties. But granting that the object aimed at is proper, and I have long thought that it was a proper mode of supporting the light-house system, yet I do doubt exceedingly whether this committee ought to pass it before we have more time to look into the facts relating to this subject. I approve of the object, but unless the gentleman is informed upon the point I have suggested, I am opposed to its adoption. They ought to be looked into.

MR. EVANS. I will merely state that it only puts her upon the footing of the most favored nation.

THE CHAIRMAN. Further debate is not in order.

MR. STANTON, of Tennessee. I propose an amendment to the effect that the duties shall be the same as those levied in Great Britain.

MR. EVANS. That is there now.

MR. STANTON. It differs from the proposi-

tion of the gentleman in this: he proposes that the vessels of each nation shall be charged the same light-house duties which American vessels are charged upon its coast. The objection stated by the gentleman from Virginia [Mr. BAYLY] has validity. Great Britain might justly complain that she was not placed upon a footing with the most favored nations; but if we pass a general law fixing a light-house duty applicable to all vessels of all nations, there could be no complaint, and the objection of the gentleman from Virginia vanishes. But so long as Great Britain might have that ground of complaint, the gentleman's argument would be correct. I propose this amendment simply as a suggestion to the gentleman from Maryland, [Mr. EVANS.] I agree in all that he has said, except in that particular part of his proposition which makes different charges upon vessels of different nations, of which, according to our treaties with Great Britain, she might justly complain.

Mr. WALSH. I am opposed to the amendment proposed by the gentleman from Tennessee. This is a matter which it seems to me at this time we should not give our attention to at all. The facts alluded to ought to be ascertained by a committee of this House. We ought to see what Governments levy these light duties against us, and the matter should be looked into under the direction of Congress, if it be possible, and the President should not be left to find out all these facts for himself. The true jurisdiction is here, sir. I am against the amendment for another reason. I am opposed to it upon the grounds which have been mentioned by my honorable colleague and friend, [Mr. EVANS.] I am opposed to this system of pouting. I do not want to say to Great Britain that because she has interfered with our fisheries upon the north, we will put at her by levying these duties. I understand that if we say that to them we have received sufficient satisfaction for all she has done in this matter. I trust that at this time this committee will do no such thing.

Mr. STANTON, of Tennessee. I suggest to the gentleman that the motive for this proposition is the duty charged by Great Britain for her light-houses and not the fisheries.

Mr. WALSH. I understand that is the ground, but it will seem otherwise if we adopt the amendment, because her vessels are now upon our coast. I do not mean to say that is the motive, but the honorable gentleman says that she cannot complain of it because she has done this injury to us. I hope she will be called to an account for that injury in another way.

Mr. STANTON. So do I.

Mr. WALSH. I hope we will not pass the amendment at this time, for the world will say that we have done it like a child in a passion. I trust that is not the motive. I hope Great Britain by this time is aware that she has to make satisfaction in a different way; and before any negotiation is entered into, that the Government and Executive may understand the matter.

Mr. STANTON. This subject was under consideration by the Ministers of the respective Governments before this fishing difficulty occurred.

Mr. WALSH. I understand, in addition to that, that my honorable friend complains of the manner in which the British Minister has treated ours as an additional reason. Let us see all of these things. Let us see the correspondence. Let us see how he has been treated. Let us understand what light duties Great Britain levies upon our citizens trading there. Let us ascertain what light duties are levied by France and other Governments upon them. Let us have a system; and let Congress take it under its jurisdiction, instead of leaving it to the President to ascertain all of these facts. Let us not do it now. I am one of those men, Whig as I am, who trust that the Secretary of State is not at this time carrying on any negotiation. If he is carrying on negotiation in the face of the British fleet off our northern coast, he ought not to be kept in his office.

Mr. FULLER, of Maine. I should like, if it be in order, to ask the gentleman a question.

A MEMBER. I object.

The CHAIRMAN. Objection being made the gentleman cannot proceed.

The question was then put upon the amendment of Mr. STANTON, of Tennessee; and it was not agreed to.

Mr. FULLER. For the purpose of making an

inquiry, I move to strike out the word "President" from the amendment of the gentleman from Maryland, so that it will read: "There be and hereby is," &c. I wish to inquire of the gentleman from Maryland, who introduced this resolution, whether the British Government discriminates and levies light-house duties upon our commerce and our navigation which she does not upon her own?

Mr. EVANS. No, sir.

Mr. FULLER. Then I would ask if there would not be a difficulty on the part of our Government discriminating by levying a duty upon their shipping and not upon our own?

Mr. EVANS. No, sir. The duty on our shipping is levied by the general appropriation from the Treasury. They levy a special tax upon our commerce. If the amendment be adopted, their shipping in our port will only be put upon the same footing that ours is in their ports.

Mr. BROOKS. I am in favor of the principle of this amendment, but I agree with the gentleman from Virginia [Mr. BAYLY]—at least it is my present impression—that it is inconsistent with the treaty of commerce we have with Great Britain of 1815.

The CHAIRMAN. The amendment of the gentleman from Maine is the only one now under consideration.

Mr. BROOKS. I propose to speak against the adoption of the amendment for the levying of this light duty. By the treaty of 1815, and reciprocal laws in pursuance of this and other treaties, Great Britain is placed upon the footing of the most favored nations. If, therefore, we attempt to carry the proposition out, discriminating against British vessels, we will not only have to levy a duty upon England, but a like duty upon all other foreign nations, and also a like duty upon our own commerce. In order to carry out the principles of the treaty of 1815, and our reciprocal navigation acts, it strikes me just now that we shall be obliged to levy a like duty not only upon all other European nations, but upon all American vessels, because the duties must be uniform. A British ship now has the right to come into an American port subject exactly to the same duties as an American vessel. Nevertheless, if the principle proposed can, it ought to be carried out. Great Britain deserves that retaliation from us, for the wrong she inflicts upon our people in her light taxes exacted by the Trinity Board, is a great one; but it is a wrong that is inflicted upon herself, and upon all other nations of the earth, as well as the United States of America. We cannot complain of it as unequal, or as discriminating. I shall certainly not resist with any ardor the adoption of this amendment in committee, and I do not know that any harm would arise in sending it to the Senate for their examination. My impression is, nevertheless, that it is inconsistent with the treaty of 1815.

Mr. STANTON, of Tennessee. As the gentleman's time has not expired, I will make a suggestion. Our treaty with Great Britain, which requires that she shall be placed upon the footing of the most favored nations, would not require, in levying light-house duties, that we should levy them upon our own citizens as well as those of other nations.

Mr. BROOKS. Our treaty of commerce and navigation with Great Britain, and our reciprocal laws, provide that British vessels shall enter the ports of the United States upon the same terms and regulations, as to tonnage or other duties, as American vessels. A perfect reciprocity now exists under our treaties and navigation acts, and such a reciprocity has existed since the British navigation act of June, 1850. Collecting light-house taxes, both of American and British vessels in British ports, is no violation of that reciprocity, and my impression is we cannot retaliate, unless we levy the same duties both on British and American vessels in American ports.

Mr. FULLER, with the unanimous consent of the committee, then withdrew his amendment.

Mr. MEADE. I submit the following proviso to the amendment of the gentleman from Maryland:

*Provided, That such duties shall not conflict with existing treaties.*

I think there is a provision in our treaty with Great Britain, to the effect that her vessels shall enter the ports of the United States upon the terms granted to other nations. I believe there are pro-

visions to that effect in nearly all of our treaties. If that be the case, we cannot discriminate so as to levy a tax upon the vessels of England, or of any other nation with whom there is such a treaty, unless that tax be a uniform one. Now, the tax Great Britain levies may be a uniform one. She may levy those duties upon every vessel entering her ports, and if so, there is no discrimination against the United States. But if we pass this amendment, the President of the United States is required to levy these duties upon the vessels of such nations as levy similar duties upon our vessels. Now, sir, if we tax the vessels of Great Britain and France, or any other nation with which we have such a treaty as I have described, it would be a discriminating duty upon the vessels of such a nation, which would not be entering our ports upon terms as favorable as those granted to other nations.

Mr. EVANS. I shall accept the gentleman's amendment.

Mr. MEADE. Then I have only another word to say. It is very evident that this is an important step taken in the commercial regulations of the country, and I am opposed to doing so without having maturely considered the subject. It has been sprung upon this House, and the remarks which have already fallen from gentlemen in committee, show that this is a question we ought to consider maturely before we adopt it.

Mr. SEYMOUR, of New York. When the amendment of the gentleman from Maryland was first read, I must say that I was favorably impressed with it, but the discussion which has ensued has satisfied me that it would be improper to adopt that amendment.

The CHAIRMAN. The amendment now under consideration is the one proposed by the gentleman from Virginia.

Mr. SEYMOUR. I suppose that the amendment, proposed by the gentleman from Virginia, being a proviso to it, will have the effect either to restrain or enlarge it, and that, therefore, the merits of the original proposition are, to a certain degree, under consideration. Now, I understand the gentleman from Maryland to say this matter has been the subject of negotiation, or at least of correspondence between the British Government and our Minister. That correspondence has not been laid before this House that I am aware of. For my part, it has not fallen under my observation, and I am unprepared, at this time, to say whether we ought to adopt that amendment, bearing as it does upon our treaty stipulations with foreign nations—particularly with Great Britain. If the correspondence that has ensued admits the proposition, which I understand the gentleman to hint, that if we pass these provisions we shall not infringe the treaty stipulations between us and Great Britain, then, sir, one impediment will be removed.

Mr. EVANS. With the gentleman's permission, I will call the attention of the committee to one quotation.

Mr. SEYMOUR. I should like to have the whole correspondence read to the committee before it is called to pass upon this proposition. If it cannot be, I hope they will vote against it.

Mr. EVANS. I call attention to the following extract:

"The Federal Government does not rest this request on the provisions of the convention of 1815."

Lord Palmerston justly says, that—

"It is no part of the engagements of that treaty, that the internal system and local arrangements of the two countries upon commercial matters shall be the same."

In order to obviate objection, I am willing to accept the amendment of the gentleman from Virginia, [Mr. MEADE.]

Mr. SEYMOUR. This is a general proposition. It applies to all nations with which we have treaty stipulations, and I think, for one, it will be imprudent at this time to adopt so general a proposition without a thorough investigation by one of the committees of this House. I hope it will not be adopted.

Mr. EVANS. I accept the amendment of the gentleman from Virginia, [Mr. MEADE.]

Mr. DEAN. I move to strike out the word "President." I do this merely for the reason, that the gentleman from Maine [Mr. FULLER] saw fit to withdraw it. I see no way in which you can execute this law, if you authorize the President to levy this light duty. It strikes me that if



this system should be adopted, it should be adopted by a special act. If the gentleman will look at his own amendment, he will see that it can never be executed by the President. It makes a discrimination; and we have to find out what each Government does, and then the President must direct somebody to collect it for him. It seems to me that this amendment can never be carried out. If the system is right, let it be presented in a bill, and then we will adopt it after discussion.

Mr. CAMPBELL, of Illinois. I rise merely to state, that I am opposed to this amendment and the original amendment. This is a very important question, and the more it is discussed the more evidence we have of its importance. Our relations at the present time with Great Britain are very delicate. It is necessary that we should understand this whole matter before we adopt the amendment or the principles of the amendment suggested by the gentleman from Maryland, [Mr. EVANS.] I hope that the whole amendment will be voted down; and if this matter is to be acted upon, I hope that the Committee on Foreign Relations will bring the subject before the House with all the evidence necessary to enlighten us in regard to the principle contained in the amendment.

Mr. EVANS. I should like to say to the gentleman that this bill has to go to the Senate, before the Committee on Foreign Relations, and that committee can consider it.

The question was then taken upon Mr. DEAN'S amendment, and it was rejected.

The question then recurred on Mr. EVANS'S amendment.

Mr. EVANS demanded tellers; which were ordered; and Messrs. EVANS, and CAMPBELL of Illinois, were appointed.

The question was then taken, and the tellers reported—yes 64, noes 52.

So the amendment was agreed to.

The following clause of the bill was then read:

"For supplying light-houses, containing 3,272 lamps, with oil, tube-glasses, wicks, buff skins, whitening, and cotton cloth, transportation, and other expenses on the same, and for repairing and keeping in repair the lighting apparatus, \$182,330 78.

Mr. STANTON, of Ohio. I move to strike this section out. I make this motion for the purpose of calling the attention of the committee to the inequality in the appropriations from the National Treasury for the protection to internal and external commerce.

It will be recollected, that in the river and harbor bill, which passed this House a few days ago, about five sixths of the amount appropriated in that bill were appropriated to the protection of foreign commerce.

This morning the House voted down a resolution from one of the standing committees of the House, authorizing the engraving of maps of a survey for a canal round the Falls of the Ohio, which would have cost some \$600 or \$700.

It is now proposed in the clause which I propose, to strike out to appropriate \$182,330 for keeping up the lights upon the Atlantic coasts. The whole amount appropriated for light-houses is \$429,905. There is also, in a subsequent part of this bill, an appropriation of \$366,000 for the continuation of the coast survey; making an aggregate of \$795,905 appropriated in this bill for the protection of foreign commerce. I presume it is true that the condition of the Treasury will not warrant the appropriation of as large sums as could be profitably expended in the protection of the internal commerce of the country. But I shall always insist that such appropriations as are made shall be distributed with some sort of equality to the different sections of the country, according to the wants and necessities of commerce, whether domestic or foreign. The pressing necessities for appropriations for the western rivers cannot be denied; yet they are steadily and constantly refused. And, while I admit the necessity for these light-house appropriations, yet I would refuse them, until gentlemen should make some reasonable appropriations for western rivers.

Mr. BROOKS. The gentleman is forgetting altogether, in the course of his remarks, that the whole lake coast, from the St. Lawrence border, belonging to us, the coast of Lake Ontario, of Lake Erie, of Lake Michigan, Lake Huron, Lake Superior, all the upper lakes, the Mississippi river,

and the whole lake coast of Ohio, is lighted, as well as the Atlantic coast.

Mr. STANTON, of Ohio. There are no light-houses upon the Mississippi.

Mr. BROOKS. If it be in order, I should like to show the gentleman that, instead of throwing his obstruction in the way of appropriations upon the Atlantic coast, he should direct his remarks to Ohio, Indiana, and Illinois, and convert the people there as to their policy in improvements. Large masses of people there are against him, and he should correct them before he assails us. The difficulty lies in the gentleman's own neighborhood. Hence, these remarks against the Atlantic States are uncalled for and unnecessary; but they are frequently made without any particular purpose or any particular direction.

Mr. CAMPBELL, of Ohio. I move to reduce the sum \$50,000. I agree in the remarks of my colleague as to the propriety of making these appropriations upon some basis that will be equal. A very simple proposition was made this morning in regard to a very important improvement—

Mr. HOUSTON. Is that debate in order?

The CHAIRMAN. The Chair rules that any discussion of a proposition pending in the House this morning is not in order, and the gentleman from Ohio [Mr. CAMPBELL] must confine his remarks to the amendment which he has submitted.

Mr. CAMPBELL. Then I desire to say that I see no reason why this enormous amount of money should be appropriated to the light-houses, when nothing is proposed to be done for the great commercial interests of the Mississippi valley. The gentleman from New York [Mr. Brooks] talks about the light-houses upon the Ohio and Mississippi and the western waters; when, in fact, such a thing as a light-house upon any of those great rivers would be regarded as a great curiosity. When a gentleman as intelligent as the gentleman from New York [Mr. Brooks] is presumed to be, makes an assertion of that kind, it illustrates the character of legislation that we have here in relation to western interests, and the extent of the information of members of the East as to our real condition. We ask as a matter of right, if you will give us nothing there to facilitate the great commercial interests of that region, that you shall reduce the amount of your taxes upon us for the purpose of keeping up your light-house system upon the sea-board and the northern lakes. I said the other day that there is and has been a combination here of the commercial interests of the sea-board and lakes, against the great valley of the Mississippi and the interior rivers of the country.

Mr. MARTIN. Where do you want light-houses?

Mr. CAMPBELL. We do not want light-houses. Take out the snags. But if you do not take out the snags give us lights, that our steam-boats and other craft may steer by them in the dark hours of the night. We demand something to be done there, that human life and property may not be endangered. Until this is done, I will vote to strike out every dollar for light-houses in this and every other bill. I will do all I can to "shut off the gas" from the lights we have so long kept up for your benefit, unless you will give some just and substantial aid to remove impediments to western navigation.

It is the only way left by which we can successfully bring this House to a proper appreciation of the vast interests of the West. I propose to strike out the present sum and insert \$50,000. That is enough under the circumstances, and it is ten times as much as should be given until there is something done for the other interests of the interior, which have been so long and so shamefully neglected.

Mr. BAYLY, of Virginia. I will say in opposition to the amendment of the gentleman from Ohio, that even supposing everything he says is true, this is not the proper place to make the reform that he proposes. Light-houses run through three bills. The light-house bill proper comes from the Committee on Commerce, and they authorize all of the new structures which are to be made. After they have been authorized by law, they then go into the Army appropriation bill, and whilst they are in course of construction they are under the charge of the War Department. But after they are finished, they then go into the civil and diplomatic bill, and the appropriations in this

bill are only for light-houses already established, and already existing. Now, I do not suppose that the gentleman, because he thinks justice is not done to the West, wishes to leave without support, light-houses that have actually been constructed.

A MEMBER. Yes, he does.

Mr. BAYLY. Very well; if he proposes that I have nothing more to say.

Mr. CAMPBELL, of Ohio. We once had snag-boats on the Mississippi which you allowed to go down for want of appropriations.

Mr. SMART. With the permission of the gentleman from Virginia, I will occupy the remainder of his five minutes. The gentleman from Ohio [Mr. CAMPBELL] says that there are no light-houses located in Ohio.

Mr. CAMPBELL. I beg to correct the gentleman. I did not say so at all. I said there were none on the Ohio river.

Mr. SMART. I will read from the Blue-Book a list of light-houses in Ohio, that will show that the gentleman is mistaken if he says there are no light-houses in that State.

Mr. CAMPBELL. The gentleman is misrepresenting me. I said there were no light-houses on the Ohio and other western rivers. I repeat once more, I did not say there were none upon the lake shore.

Mr. SMART. I may have misunderstood the gentleman, but—

[Cries of "Order!"]

The CHAIRMAN. The five minutes of the gentleman from Virginia have expired.

Mr. SMART. Then I move to amend the amendment by striking out "\$50,000," and inserting "\$40,000" in lieu thereof.

I will say, without any reference to the remarks of the gentleman from Ohio, [Mr. CAMPBELL,] that upon examining the Blue-Book, I find a list of light-houses in the State of Ohio.

Mr. CAMPBELL. I must correct the gentleman again. In reply to the gentleman from New York, [Mr. Brooks,] who stated that there were light-houses on the Missouri and Mississippi rivers, I expressly said there were no light-houses on the western rivers.

Mr. SMART. Without reference to the assertion of the gentleman, I suppose it is still competent for me to show how many light-houses there are in the State of Ohio, and that is what I intend to do. If the gentleman will permit me, I will read from the Blue-Book the list of light-houses in that State. It is as follows:

Grand river and beacon; Cleveland and beacon; Conneaut river beacon; Ashtabula beacon; Black river beacon; Turtle Island; Sandusky; Port Clinton; Huron river beacon; Cedar Point beacon; Western Sister Island; Vermillion beacon.

Mr. Chairman, these are all light-houses in Ohio, and I want to ask the gentleman if he wishes any more. If he does, let him make his application to the Committee on Commerce, and the wants of his section will doubtless be considered.

I should like to know if he wishes to put out every light on the coast of the United States? I ask him whether these light-houses are not remotely for the benefit even of his section of the country? I wish to know how the gentleman could get his products to the European market, if all the lights were blown out from one end of the coast to the other? I do not think that is a very statesmanlike proposition, come from what quarter it may. It strikes me that it is not. I find that there are twelve light-houses in the State of Ohio, and I think that under the circumstances, considering that there is very little coast in Ohio, that will do very well. The gentleman need not be quite so squeamish about this appropriation for light-houses. It seems to me, that it would be a very remarkable thing if the American Congress were to blow out the lights on the whole coast, from Maine to Florida—"shut off the gas." That is the proposition of the gentleman, as I understand it. It is suggested to me by the gentleman from Virginia, [Mr. BAYLY,] that they have more light-houses in Ohio in proportion to their extent of coast than we have in Maine. Such, sir, is the fact. The coast of Maine is a very long one. It has a shore line of 1,355 miles.

Mr. GIDDINGS said: I am opposed to the amendment to the amendment. But I rise to enter my protest against the ideas advanced by my colleague, [Mr. CAMPBELL.] Sir, I have sat here

during the discussion on the harbor and river bill, and heard myself and my colleagues of the lake-shore assailed, as having entered into a combination with the gentlemen from the sea-coast in order to procure appropriations for the lakes and sea-board while we neglected the western rivers. Now, sir, I desire to know on what my colleague has based this unfounded assertion.

[Cries of "Order!"]

Mr. CAMPBELL. Will my colleague allow me to explain?

Mr. GIDDINGS. Not now, for I have only five minutes. My colleague may have ten minutes afterwards, if he can get it. [Laughter.] I believe my colleague supports the present Administration—

[Loud cries of "Order!"]

The CHAIRMAN. The gentleman from Ohio must confine his remarks to the amendment which he is opposing.

Mr. GIDDINGS. I intend to do it most strictly. I now say that the proper bureau has all the intelligence upon this subject which can be procured; and the head of that bureau tells us where these appropriations for light-houses on the lakes and sea-board, and for the removal of snags, and so forth, on the rivers are necessary. Now, let me say to the country, that every dollar recommended by the present Executive for the improvement of western rivers has been embraced in the bill which we have passed for that purpose; and the wrath and denunciation of my colleagues have been poured out upon gentlemen here, because we did not go beyond the proper bureau, and take upon ourselves the province of declaring appropriations necessary and important, where the Executive has not done it, and where we had no knowledge that they were necessary. Sir, I feel a little upon this subject. I have confidence in the bureau that has this matter in charge, and when they tell us what is necessary, I believe them, for they have the means of knowing better than my colleague or myself, or other gentlemen.

Now, in regard to light houses. My colleague wants to put out the lights on the lake shore. Sir, will he stand up here and say that he is opposed to this appropriation to light the tempest-tossed mariners on our lakes? Will he say to his constituents, and to the people of Ohio, that those lights should be extinguished, and that the sailors upon our lakes shall wander in the darkness and storms, liable to be cast upon our iron-bound shores for want of lights? No, sir. I understand this matter. I understand these denunciations. I understand this charge of conspiracy. Who have entered into any such combination? I hope my colleague will point them out. I undertake to say that there has been no such thing as the gentleman has imputed to us dreamed of. No man ever thought of it. I have voted for every appropriation for harbors and for rivers that has been recommended by the proper bureau and reported to this House. The Committee on Commerce cut down the appropriations recommended by the Department for harbors on our lakes, but not so with the rivers. My own district has been denied the amount recommended by the Administration, but not so with my colleague's district and the other districts upon the river. There, every cent recommended by the Department was given them. Yet with the full amount proposed by the Topographical Bureau, while the lakes are not allowed the sums recommended, gentlemen on the river turn round and charge us with opposition to their interests. Sir, in every bill that has come before us for fifteen years, I have voted every dollar to the rivers which has been recommended by the Administration, and I advise gentlemen to be more cautious in making charges so utterly unfounded. There can be no grounds for misapprehension. The recommendation of the Department has been before us during the whole session. I merely state this, in order that the country shall understand that there is no foundation for the imputation which my colleague has been making and reiterating during the discussion of the harbor bill, and has repeated here to-day.

Mr. SMART. I will now withdraw my amendment.

The amendment was accordingly withdrawn.

The question recurred upon Mr. CAMPBELL's amendment, and being put, it was decided in the negative.

So the amendment was not agreed to.

Mr. CAMPBELL, of Ohio. I propose to reduce the amount of the appropriation to \$75,000. I desire to say to my honorable colleague from the lake shore, [Mr. GIDDINGS,] that although I may not be able to prove specifically, combinations, I can refer generally to the votes and to the actions of gentlemen representing those sections, for the purpose of showing that there has been strange unanimity of action between the sea-board and the lakes, in voting down all propositions to improve the rivers of the interior.

The CHAIRMAN. The gentleman must confine his remarks to the subject-matter of his amendment.

Mr. CAMPBELL. I only desire the same latitude that was allowed to my colleague. Now, it is a little remarkable that my colleague, (whose feelings and votes are never sectional, we all know,) if he looks to all the great interests of this country, should have voted as he did this morning, against a simple proposition to print, upon the plates already provided, the maps designed to impart to this House and to the country the most reliable information in regard to an improvement of great interest to the entire West, at the Falls of the Ohio; still he is ready always to vote any amount of money for anything upon the lake shore, which he immediately represents. Now, sir, my constituents are interested about as much in the trade of the lakes as they are in the trade of the western rivers. The people of my district trade both with the North and South. I come here to legislate for the whole country—for the lake shore, for the sea-board, and for the great rivers of the West, and I ask—as I have a right to ask—on behalf of my constituents, and of other sections whose people bear their share of these expenditures, and whose interests have long been neglected here, that there shall be something like equality now and in the future.

The question has been propounded to me by my colleague, whether I would shut off the light from the light-houses on the lakes, and let the lives of the sailors on those lakes be endangered for the want of such lights? I say in reply to my honorable colleague, that the lives of the sailors and flat-boatmen on the Ohio, and other inland rivers, are as dear to me as the lives of his constituents on the lakes, and I shall stand here to protect the rights and interests of those who navigate those dangerous waters, as well as the lives and interests of those upon the lakes. And, sir, until gentlemen come here prepared to extend to them the arm of protection against the dangers of those waters, I say you shall not take money out of the Treasury, in which they have a common right with you, for the purpose of protecting other interests. Let all stand upon terms of equality. If you protect the lives of your sailors upon the lakes, and the interests upon your sea-board, I demand of you, as the representatives of the American people, that you shall give equal protection to the lives and property of the people of the great West.

The gentleman from Maine [Mr. SMART] speaks of the number of light-houses upon the lakes. He makes no point on me in that way, because these light-houses are on the lakes, and the ground of my complaint was, that the interests of the lakes and sea-board were alone protected by our legislation here to the great neglect of the interests of the navigable rivers. Sir, I stand here to-day to oppose the continuance of this unequal and oppressive system of taking the money from the pockets of the people of one section, and expending it for the advantage and benefit of other sections of this Union.

Mr. SMART. I ask the gentleman if he claims that any injustice has been done him or his section of country, or the valley of the Mississippi?

Mr. CAMPBELL. I do not represent any district upon this subject, but I speak now the prevailing sentiments of all classes and all portions of the West. I represent, and desire to protect, alike the interests of all classes and all sections of the country; and I therefore denounce this inequality in your appropriations.

Mr. CARTTER. I am ready to acquiesce in any reasonable humbug for the benefit of the West, [laughter,] any plausible humbug; but when you come to talk about light-houses upon the Ohio river I am ready to filibuster. [Laughter.]

Mr. CAMPBELL. I presume the gentleman did not understand me as proposing any such thing.

Mr. CARTTER. I understand my colleague to be opposed to light-houses upon the lakes because there are no light-houses upon the Ohio river.

Mr. CAMPBELL. Not at all; I am opposed to appropriating money for the purpose of building light-houses upon the lakes until a bill has been passed to take the snags out of the Ohio and Mississippi rivers.

Mr. CARTTER. Well, under the most favorable aspect of the question, I understand the attitude of my colleague to be that the frontier and sea-coast of this Republic are to be kept in midnight darkness hereafter, because there are no light-houses upon the Ohio river.

Now, in reference to this conspiracy, which my colleague talks about, between the lakes and the Atlantic, I want to say a word. I am in favor of that conspiracy. It is a conspiracy in necessity—a conspiracy in nature, and that description of conspiracy which is authorized by the defenses of the Republic and her maritime interests; and the idea of checkmating it by talking about light-houses upon the Mississippi and Ohio rivers, is one unworthy the position of a statesman; for anybody who knows anything about these rivers, knows that all this talk about building light-houses upon them is a fiction. They sail upon these rivers within half a mile of each shore, with headlands and land-marks within view of the pilot at all times when you can make a passage in the channel, as anybody who knows anything about these rivers knows. Yet my colleague, in his effervescence for the interest of the rivers, endeavors to elevate them to the position of the high seas. Now, I protest against the whole of this; and if my colleague sees fit to give it the character of a conspiracy, I say that there should be a conspiracy between the lakes and the Atlantic coast; for there is nothing distinguishable between the perils of the navigation of either.

I protested against the connection of the subject of rivers with the lakes and the Atlantic coast, as the chairman of the Committee on Commerce will bear me witness, in the early part of the session. There is no natural alliance between them. Your high seas require national protection for the national defense, and this joining them with the rivers is an adulterous connection, which never ought to have been formed in the Committee on Commerce, and against which I enter my most solemn protest. If you have any national object for improvement upon your rivers, make your improvements, and make them upon their own merits; but do not attempt to harness down the winds and the waves upon your high seas to the narrow channels of your rivers. Do not attempt to involve your national highways for the national defense with the mere question of commercial convenience. It is an adulterous connection which never ought to be maintained.

The question now being upon Mr. CAMPBELL's amendment, it was taken, and the amendment was not agreed to.

Mr. GOODENOW. I move that the committee do now rise.

The motion was not agreed to.

Mr. STANTON, of Ohio, moved, *pro forma*, to strike out the 544th and 545th lines.

Mr. S. said: I offer that amendment merely for the purpose of enabling me to make a remark in reply to my colleague. My colleague from the Ashtabula district [Mr. GIDDINGS] wanted to know what evidence there was of a combination between the lakes and the sea-board?

Mr. HOUSTON. I must insist upon the enforcement of the rule. It seems to me that we are not carrying on a legitimate discussion.

The CHAIRMAN. The gentleman from Ohio must confine his remarks to showing reasons why this amendment should be adopted.

Mr. STANTON. My colleague said he voted for all the improvements estimated for. I wish to correct him in this particular.

[Cries of "Order!" "Order!"]

There is an estimate from the proper Department for a canal around the Falls of the Ohio at Louisville. He voted against that.

[Cries of "Order!"]

The CHAIRMAN. The gentleman from Ohio is not in order.

Mr. STANTON. I am as much so as my colleagues were in the questions which they discussed.

Mr. GIDDINGS. I want to correct my colleague, for I know he would not willingly misrepresent me. I said nothing about estimates; I said recommendations.

Mr. STANTON. Very well; recommendations. There has been a standing recommendation for the enlargement of the canal around these Falls for years past. Here is a resolution offered from a committee this morning for an expenditure of only four or six hundred dollars, and my colleague votes against it, as he votes against every amendment of this kind.

[Cries of "Order!"]  
The CHAIRMAN. The gentleman from Ohio is not in order. The Chair will be compelled to enforce the rule, and confine all debate within its legitimate sphere.

Mr. GIDDINGS. I hope my colleague will be allowed to proceed. I want to see him show this thing out. He says there is a combination. Let him go on and show it.

[Loud cries of "Order!"]  
Mr. STANTON. Well, I will only say that both my colleagues have been allowed to speak upon the question. I have been arraigned by them upon it, and I insist that I ought to have the right to reply.

Mr. HOUSTON. I insist upon the enforcement of the rule.

Mr. STANTON. Why did not the gentleman from Alabama insist upon the enforcement of the rule, in reference to my colleague?

[Cries of "Order!" "Order!"]  
The question was taken upon Mr. STANTON'S amendment, and it was not agreed to.

The following section was then read by the Clerk:

"For salaries of three hundred and twenty-one light-house keepers and twenty-four assistants, (twenty-four of them charged with double lights, and two with triple lights,) and including \$1,200 for salary of an inspector of lights on the upper lakes, \$136,753 33."

Mr. BAYLY, of Virginia. I wish to know what is meant in that appropriation, by an "inspector of lights?" The law makes collectors *ex officio* inspectors of lights.

The CHAIRMAN. The Chair will remark, that the appropriation is for the salary of an inspector of lights upon the upper lakes.

Mr. BAYLY. I am aware of that, but as I understand it, there is no such officer recognized. The collector is *ex officio* inspector of lights.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BAYLY. Yes, sir. I move to strike out the appropriation.

Mr. HOUSTON. If the gentleman will examine, he will find that such appropriations have been made in the bills that have passed the two or three last Congresses, and that it is made in pursuance of law.

Mr. BAYLY. I only wanted the matter explained. I know the collectors have been inspectors of lights, but I am told by a gentleman on my right that there is such an officer where there is no collector. If such is the case, it is satisfactory. I will now, with the consent of the committee, withdraw my amendment.

There was no objection, and the amendment was withdrawn.

Mr. HOUSTON, under instructions of the Committee of Ways and Means, offered the following amendment, to come in at the end of the clause appropriating \$12,000 for the expenses of coloring and numbering all the buoys, under the act of September 28, 1850, viz:

For additional expenses incurred for fog-signals authorized by the act of September 28, 1850, and for the application of horse-power to some of them, \$1,000.

Mr. H. said: That, the Secretary of the Treasury states to the Committee of Ways and Means, is in pursuance of a contract made under the law of the last Congress.

The amendment was adopted.

Mr. LOCKHART. I move that the committee do now rise.

The motion was not agreed to—ayes 37, noes not counted.

The following clause of the bill was read, viz:

"For salaries of the assistant treasurers of the United States, at New York, Boston, Charleston, and St. Louis, \$11,500."

Mr. BROOKS. I move to amend this clause, so as to give the assistant treasurer at New York

\$1,000 in addition to the sum at present provided for. I do this as a matter of duty to the country, without solicitation from that officer. He has often under his care public money to the amount of \$6,000,000; and the salary which he now has is entirely insufficient for the amount of responsibility incurred.

A MEMBER. What is the salary?

Mr. BROOKS. It is \$4,500. It was with the utmost difficulty that the President of the United States could obtain a sub-treasurer when the old officer, Mr. Young, died; and a like difficulty will occur under any party, whenever a change may be made. It is of the highest importance that the large sum of money placed in the sub-treasury at New York should be sufficiently secured. The security of the last sub-treasurer was \$800,000; but the Government were under the necessity of reducing the security from \$800,000 to something like \$400,000; and it was with great difficulty that a sub-treasurer could be obtained even then. I throw out these facts to the country. It is easy enough to get persons who will take the office. I know a good many persons who would give a great deal to have it—some as much as \$100,000. I have no doubt of that; but we want a competent person for the office. We want a man of property and a man of position; a man who, by the force of his character, can secure great guarantees from men of wealth. The security should be \$800,000, and in order to secure such an officer, the salary should be increased \$1,000.

Mr. GIDDINGS. I wish to know if the officer has threatened to resign?

Mr. BROOKS. I know the gentleman did decline after the office was given him. He would not occupy it; and it was from the solicitation of friends and the impossibility of getting another person of the property and character to come forward and give this large security that he was induced to accept the office. In order to obtain this officer, therefore, it was necessary to reduce the amount of the security nearly one half.

The question was then put, and the amendment was not agreed to.

Mr. ORR. I move that the committee rise, and upon that I demand tellers.

Tellers were ordered; and Messrs. MEADE, and FULLER of Maine, were appointed.

The question was then taken, and the tellers reported—ayes 62, noes 25.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30th, 1853, and for other purposes, and had come to no conclusion thereon.

RESIGNATION OF MR. MARSHALL, OF KY.

The SPEAKER. The Chair begs leave to announce the resignation of Mr. MARSHALL, of Kentucky, a member of this House.

The following letter of resignation was then read:

HOUSE OF REPRESENTATIVES, August 4, 1852.  
SIR: I have the honor to inform you that I have this day resigned my seat as a member of the Thirty-second Congress.

In parting with this body I tender to its members my sincere wish for their future prosperity and welfare.

For yourself, sir, believe me truly, &c.,

H. MARSHALL.

Hon. LINN BOYD, Speaker House of Representatives.

Mr. CLARK here obtained the floor.

Mr. JONES, of Tennessee. I rise to a question which I believe to be one of privilege. I suppose it is necessary for this House to request the Speaker to communicate the fact of the resignation of Mr. MARSHALL to the Governor of the State of Kentucky.

Mr. STANLY. Not this session.

Mr. JONES. I think it should be done.

The SPEAKER. I understand the gentleman from Kentucky [Mr. MARSHALL] has already addressed the Governor of Kentucky upon that subject.

Mr. CARTTER. I rise to a privileged motion. I move the House do now adjourn.

The SPEAKER. That is not in order while the gentleman from Iowa [Mr. CLARK] has the floor.

Mr. CLARK. I beg leave to call up a little bill

from the Senate, which contains but one section, and which can be read in less than two minutes. It provides for the relinquishment by the United States of a small strip of land in the town of Bellview, Iowa, on the Mississippi river. That town needs it, and it does not contain over four or five acres. I ask the House to take it up.

Mr. McCORKLE. I object.

On motion by Mr. CARTTER, the House then adjourned until to-morrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ALLEN, of Illinois: The petition of James Dick-ey, and many other citizens of Gallatin county, Illinois, asking Congress to establish a mail route from Shawneetown, along the middle road known as the Cypress road, to David Keaster's, in said county.

By Mr. BROWN, of New Jersey: The petition of sundry citizens of Morristown, New Jersey, for the passage of the bill introduced by Mr. STANLY, in aid of colonization, entitled "An act to authorize the Secretary of the Treasury to deposit with the States the fourth installment of the deposits of the public money directed to be made by act of June 23, 1836."

By Mr. BOWNE: The memorial of Conklin Brush and others, of Brooklyn, New York, for the passage of a law for the better protection of the lives of passengers in vessels and boats propelled by steam.

By Mr. PARKER, of Pennsylvania: The petition of D. Stewart Elliott and 65 others, citizens of Blair county, Pennsylvania, praying Congress to pass the bill introduced into the House of Representatives by the Hon. E. STANLY, entitled "An act to authorize the Secretary of the Treasury to deposit with the several States, the fourth installment of the deposits of the public money directed to be made with such States, by the act approved June 23, 1836."

By Mr. BRIGGS: The memorial of W. H. Franklin and others, for the passage of a law for the better protection of the lives of passengers on vessels propelled by steam.

#### IN SENATE.

THURSDAY, August 5, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. BRIGHT. Mr. President, I move the suspension of the morning order of business, for the purpose of proceeding to the consideration of the President's message, in relation to the North American fisheries.

The motion was agreed to.

Mr. HAMLIN resumed and concluded the speech which he commenced on Tuesday, of which a report will be found in the Appendix.

Mr. BRIGHT. I move to postpone the further consideration of this subject until to-morrow, for the purpose of taking up the Indian appropriation bill.

Mr. SOULE. Allow me to suggest to the Senator the expediency of postponing the consideration of this matter—upon which I shall probably have something to say—till some day next week, in order that in the mean time the communications made to this body by the Department of State may be printed, that we may have possession of them, and look into them and see what are their contents and their bearing. I would therefore suggest the further postponement of the consideration of this matter until Thursday next, as I understand that it will take that much time to have the communications printed.

Mr. BRIGHT. I have no objection to that.

Mr. DAVIS. Whenever those papers are printed, I wish to suggest that there is a bundle of papers here which were communicated some time ago, connected with the subject, as I understand, which should also be printed. They were communicated at a former session, and I understand that they contain a great deal of information on this subject. Perhaps it would be as well to allow the whole subject to go to the Committee on Printing, and let them select such portions of the papers on file as are important, that they may be printed with this communication. The papers to which I allude were never ordered to be printed, and if the gentleman will let the whole question of printing lie over until to-morrow, we might look into them.

Mr. BRIGHT. I have no objection to that. I have no particular interest in this question. My object was to get at the Indian appropriation bill.

Mr. MASON. This matter engages, and properly engages just now, the earnest attention of the American people. It is a matter apparently of some conflict in the present posture of affairs between us and Great Britain, and I do not think a little matter of economy in spending more or less for the printing of the documents should be con-



sidered on such an occasion. I submit, therefore, that it would be better to print all the documents.

Mr. DAVIS. I should be glad to print them all if they are pertinent documents. There was a file of them sent here at a former session, and, I believe, though I have not had time to examine them, that they throw great light on this subject. I certainly wish that all the papers applicable to the subject should be printed. The papers to which I allude were upon the table of the Secretary the other day, and I should be very glad to have them go into the hands of the Committee on Foreign Relations, to be ordered to be printed, or such portions as the committee should see fit to select, in order that they may be printed along with this document.

Mr. MASON. There must be some delay in looking over such a mass of documents by any committee or any Senator; and at the present stage of the business of the Senate I should think that was impracticable. I would suggest to the Senator to withdraw his objection, and let all the documents be printed. There is nothing involved in the printing but a little economy.

Mr. DAVIS. Do I understand the Senator to wish to have these documents printed, together with the former file to which I refer?

Mr. MASON. Certainly.

Mr. DAVIS. I have no objection to that.

Mr. MASON. Then I make that motion.

Mr. BRIGHT. I accept that proposition. I move to postpone the further consideration of the message until Thursday next, and to print all the papers upon the subject.

Mr. WELLER. All that have not been heretofore printed.

Mr. CASS. I coincide with the Senator from Virginia. The cost of a few dollars more or less in printing these papers ought not to be considered as a matter of great importance. We want to see the whole of the documents. If they remain scattered among the documents of the last few years we cannot go and search for them. The whole of the papers ought to be given together to the Senate and to the public.

The motion of Mr. BRIGHT was agreed to.

#### HOOR OF MEETING.

Mr. ADAMS submitted the following resolution for consideration:

*Resolved*, That the daily hour of the meeting of the Senate be eleven o'clock, a. m.

#### INDIAN APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives "making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853," the question pending being upon the fourth amendment of the Committee on Finance, which was to strike out the following clause:

"For the payment to the Shawnees of moneys due them under and by virtue of the treaties of the 7th of November, 1825, and 8th of August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury for sale of their lands in Ohio, \$66,246 23: *Provided, however*, That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe, rather than to either division thereof."

Mr. SEBASTIAN. I move to amend the clause which the Committee on Finance propose to strike out, by striking out all after the word "provided," and inserting:

That the validity of their claim shall be first investigated by the Attorney General of the United States, according to the true intent and meaning of said treaties, and if in his opinion the same be just, then the said sum to be paid to the whole nation of Shawnees residing upon the Kansas, *per capita*, but upon the following conditions: First, that the said Shawnees shall by some valid act of the national authority, to be prescribed by the Secretary of the Interior, agree to receive said money in common. Second, that they will hold in common, as one nation, the lands assigned by the treaty of 1825. Third, that all claim of the Ohio Shawnees to the exclusive grant of 100,000 acres under the treaty of 1831, be forever released.

The object of the amendment which I have offered, is simply to perfect the clause before the question is taken upon the motion to strike it out. The amendment which I have sent to the Chair neither affirms nor denies the justice or propriety, or validity, of the claim; but it proposes—as there is probably a valid claim on the part of the Indians for the amount which is here proposed to

be appropriated—that, as it is a litigated question which we have neither time nor opportunity to investigate, we should refer it to the Attorney General, with full and plenary powers, not only to investigate the whole matter, but to act upon the provisions of the treaty of 1825, and that of 1831, which control the appropriation and govern the right. If, in such case, the Attorney General should be of opinion that their claim is a valid one, then the amendment regulates the disposition of the money in a manner different from that in which the appropriation now stands. It provides, first, that the two wings of the Shawnee tribe, who appear to have intentions somewhat hostile to each other, and interests somewhat conflicting, should agree to receive this amount *per capita*. It provides, also, that they should enjoy their lands upon the Kansas river in common; and it further provides that the 100,000 acres provided by the treaty of 1831, shall be released to the United States, and that no further claim shall be set up by these Indians in consequence. In other words, Mr. President, it provides for all the difficulties which seem to be involved in the present claim; so that if the appropriation should be made subject to the decision of the Attorney General according to the true intent and meaning of the treaties of 1825 and 1831, then the amount of money is to be paid on the conditions the propriety of recognizing which will be made to appear on the very face of the claim which they make.

The explanation of this claim given by the chairman of the Committee on Indian Affairs, [Mr. ARCTURSON,] the other day, was so lucid and so correct, that it will excuse me from the necessity of going into a history of it again. I do not propose to recapitulate the facts on which the claim is based. I have nothing to do with that now. The amendment, as I have said, neither affirms nor denies the validity of the claim. It provides, however, a mode of investigating its justice, which I think is preferable, and better calculated to enable us to arrive at the truth than any mode as yet presented, at this late period of the session, and with our present lights.

The reason why I offer the amendment is, that I think there is extreme plausibility in the claim, and it all depends upon one point, that is: whether the treaty of 1825 conflicts with the treaty of 1831, or whether the hundred thousand acres to be conferred on the Ohio Shawnees was an additional gratuity—something over and above the common right acquired by the treaty of 1825, made with the Missouri Shawnees. If the hundred thousand acres were in lieu of the common right which they acquired by the treaty of 1825, then there is no claim; but if it was an additional right acquired by one treaty, beyond what was acquired under the other, then there is a valid claim for the amount of compensation which they seek to recover from us. It seems to me to depend entirely on that question; and for the purpose of determining that question, I do not believe that we now have the necessary lights; and that we would do well to throw the investigation during the recess, on the Attorney General, who will have access to all the files, and all the papers connected with this case. By this means, that unsolved problem could be elucidated, and it would be clearly comprehended whether the provision in the subsequent treaty was in fact one of the provisions of the first treaty, or whether it was an independent gratuity. That appears to me to be the only question; and the amendment provides for its investigation.

Mr. CASS. I feel some interest in this application, not only because I believe the claim to be a very equitable one, but in consequence of the personal relations that have subsisted between myself and that band of Indians whose case is presented before us as applicants on this occasion. I have received a paper which I will ask the Secretary of the Senate to read.

The paper was read, as follows:

3d August, 1852.

DEAR SIR: We address you as an old friend of our nation upon our business now before the Senate, as we hear it said that the money for our land should not be paid until further investigation, because there is some doubt as to whether the Missouri or Ohio Shawnees are entitled to it.

We are the delegates of our whole nation, and the authority under which we act was granted in general council with the consent of all our people of both parties, and with a perfect understanding that the money received for our lands was to be divided amongst all of us. We have lived a long time together and enjoy our annuities in common. When

the Ohio Shawnees settled on the Kansas river, the Missouri Shawnees received no annuity whatever; but since our amalgamation, the annuity of the Ohio Shawnees has been shared by all of us in common.

The undersigned represent both branches of the tribe, and they have never heard that any other members of either branch of the tribe had authority to do so. They have heard that a paper was signed by a few of their people, claiming that the money due for their land should be paid to the Missouri Shawnees. They have never seen this paper, but understand it was not the act of the tribe in council, and that it was not witnessed by any Government officer. They hope you will ask for it, and see what it is, and whether it is the act of the tribe.

The clause in the Indian bill now pending in the Senate is just as the undersigned and their nation desired it. It proposes to pay the money to all our people, and we hope it will pass. We have all lived peaceably together, and if there is anybody trying to create a strife amongst us about this money, they are more our enemies than our friends.

We have been trying a great many years to close up this business, and to get our money from the Government, that we might improve our farms and educate our children. We have had several deputations here upon this business, and it has cost our nation a great deal of time and money; and all we ask now is, that just what money the United States has received for our land shall be paid us.

Our nation thinks that we should have the money received for our lands, because the Government cannot give us a patent for the one hundred thousand acres they had promised us in the treaty of 1831. When our nation shall have given its receipt for the money now asked for, it will have no further claim on the Government for the land; and we cannot see what more the Government wants. As the Government cannot give us the one hundred thousand acres, we have nothing under the treaty of 1831 to treat further about. This is a simple question, whether the Government, having the money for our lands, shall return it to us.

We hope that you, as the old friend of our tribe whom we have looked up to, will explain this matter and see that justice is done us.

We hear that the protest that we have alluded to above was sent here by our friend Colonel Mitchell, of Missouri. We cannot think this is so, as all our other papers have come through his office as Superintendent of Indian Affairs; and if that paper had come through him, it would have been sent to the Commissioner of Indian Affairs, and we should have been told of it there. We think it must have been sent by somebody who had no authority to act for our nation. If it was handed in by any "Colonel Mitchell," it must have been some other man, and not Colonel D. D. Mitchell, superintendent of Indian Affairs at St. Louis.

We herewith inclose you a copy of the letter from our agent, Major Moseley, dated March 4, 1852, which shows that all we have stated is true, and that when we were sent here, it was agreed by our whole nation that this money shall belong, when paid, to "the entire Shawnee tribe."

Please return the inclosed letter to us, as it belongs to the Commissioner of Indian Affairs.

Very respectfully, your friends,

BLACKHOOF, ✕  
JOSEPH PARKS, ✕  
SAR-KEE-SE-MOE,  
SPY BUCK, ✕

Hon. LEWIS CASS.

Mr. ATCHISON. I wish to state that the Senator from Virginia [Mr. HUNTER] introduced the remonstrance referred to in the communication which has been read, and which purported to be from members of the Missouri Indians. It was presented to the chairman of the Committee on Indian Affairs in the House of Representatives by Colonel Mitchell, of Minnesota. It was reported as being Colonel Mitchell, of Missouri; but I remember hearing the Senator from Virginia say distinctly, Colonel Mitchell, of Minnesota. That was correct. Colonel Mitchell, of Missouri, never presented such a paper. That explanation corrects the mistake.

Mr. CASS. Accompanying this paper, I have a letter from their agent, Major Moseley, but I will not detain the Senate in reading it. Major Moseley states the favorable condition of the Indians, and speaks highly of them.

Sir, I have had a good deal of official intercourse with these Shawnee Indians, and I know them well. The tribe is a very remarkable one among the aborigines in the United States. They are emigrants from the South, a kindred tribe to that of the Cherokees, and came a century and a half ago and established themselves on the Ohio river. They are remarkable for their bravery as well as for their intelligence, and have been so ever since we have had any acquaintance with them. Sir, Logan belonged to that tribe; he who commanded or rather led the Indians at the battle at the mouth of the Kanhawa, and whose celebrated speech has been so much commented upon and admired by the public for its eloquence, and which was given to the world by Mr. Jefferson.

Tecumseh also belonged to that tribe, a name well known to the Senate and to the country. He was a remarkable man; and there have been two men in our Indian history who stand prominently out upon the historic canvas, and have been actuated by the same motives—men who lived a

century apart. At the time the English conquered Canada, the Ottawa chief Pontiac exercised prodigious influence over his countrymen. He was one of nature's great men. He saw that the whites were determined to drive the Indians before them, and that they must finally disappear; he saw that the English were the predominant civilized power; and his object was to unite various tribes into one confederacy, and with the aid of the French, oppose their further progress. It is a matter of history, as we all know, that his plans were deeply laid. He contemplated simultaneous attacks upon all the British posts in the northwest. The day was fixed, and the attack made. Michilimackinac and St. Joseph's were taken, and Detroit escaped by a mere accident. He had to yield to the superior fortunes of the English. Tecumseh followed the same course with the same object. The English was, however, the power to which he looked for aid, for a new party had risen in the United States, equal to the English and the Indians.

Tecumseh followed the same course. He was not at the battle of Tippecanoe in 1811. If he had been there the result might have been different. Perhaps his presence might have turned the fate of the day; such was the extent of his influence. He was at that time in the South, among the Creeks, with the view of bringing them over to his measures. His object, as I have said, was to unite the Indian tribes into a general confederacy, something like the Achaean league in Greece, under the influence and power of England, with the view of stopping further encroachments, as he considered it, on the part of the United States.

His brother, the prophet—a fanatical man, who had the command—exercised great influence over the Indians, who believed not so much in his superior intelligence as in his holding communication with the Great Spirit. In the war that followed, the party of Tecumseh and of his brother, the prophet, went over to the British, while a large portion of the tribe remained attached to the United States. His brother was with the southern Indians, inducing them to cooperate, and to second their efforts in checking our progress, and preventing our further encroachment upon them. Here is a speech made by Tecumseh to Proctor, and a very extraordinary one it is. I am not going to read it to the Senate, however. It is too long for that; but allow me to say that in it he reproaches Proctor for his cowardice, and tells him that he is preparing to flee away—that he is fleeing before the Americans, while his duty is to fight his own battles and those of the Indian, and not to run. He also shows that the efforts to induce the Indians to enter into hostilities against the United States were made by direction of the British authorities. Of the truth of this there is no doubt.

"My brother, the Prophet, is among the Creeks. They are doing what you directed when I visited them. The war is prosperous. Our lives are in the keeping of the Great Spirit. You have plenty of arms and ammunition. Leave them with us if you must go. We are resolved to fight, and leave our bones on the lands that belong to us, if so the Great Spirit will."

Well, the British army retreated; they lost the favorable opportunity which Tecumseh wished they should improve, by attacking us upon the debarkation, and he fell whilst contending for his policy.

If the Senate will pardon me—it is rather out of place, I know, but like a former experienced associate of ours, who is now no longer with us—I want to occupy ten minutes in "vindictating the truth of history." If I am a little garrulous, the Senate will kindly attribute it to my belonging to that category, which has a prescriptive right to tell old tales.

There are two historical points which have been much debated on, about which I wish to say a few words; both are connected with Colonel Johnson and these Shawnees. The question has been often mooted as to who was the author of the movement by which the mounted regiment commenced the attack upon the British at the battle of the Thames.

Probably I know as much upon that subject as any other man now living, and the facts are these: General Harrison had prescribed the order of battle, and promulgated it in the usual manner; that order directed that the army should move, infantry in front, with a portion of the force placed at right angles to the main body, to prevent the enemy from turning the flank. The cavalry were to remain in the rear, to follow up all the move-

ments of the infantry. They were posted with the Thames on one flank and an almost impassable marsh on the other. Just as the arrangement was completed, I was sitting on my horse when General Harrison rode up, and said to me, "I have a great mind to change my order of battle. I feel very strongly inclined to let Colonel Johnson's regiment attack the British line first." I replied: "You have undoubtedly considered the difficulty attending the charge; the mounted men are brave, but undisciplined, and their horses unused to service. If defeated, they may be upon our line, and do us irreparable injury." His answer was; "Colonel Johnson says he can break the British line, and I will let him try." Well, the movement was made, and was successful; and never, from that day to this, have I had a doubt that Colonel Johnson proposed the movement to General Harrison.

One other point, and I am done.

Mr. BUTLER. Did Colonel Johnson's regiment charge the enemy with swords or rifles?

Mr. CASS. The men were all on horseback, armed with rifles; few of them had swords; they rode down the British forces; broke their lines almost without impediment. I talked about it afterwards with some of the British captured officers, and having expressed my surprise at the little opposition the movement met with, asked why they allowed their lines to be broken, and their men to be rode down? They replied that "their men had become alarmed, for they had heard our bugles in the swamp on the left," where they supposed that we had a heavy force of regular cavalry. The bugles, Mr. President, were some old tin horns, and we had no force there at all.

I had some conversation on the subject the other day at Lexington with a very intelligent gentleman, Captain Johnson, a younger brother of Colonel Johnson, who was there, and we compared notes, and agreed in our recollections.

Now, as to the other historic but disputed point: Who killed Tecumseh? [Laughter.] I will tell you what I know. Tecumseh fell in the battle, as we are all aware; but the following year the Prophet, Tecumseh's brother, and his son, young Tecumseh, a very intelligent young man, often came to see me, and we had several conversations respecting the series of events in which his father was engaged. The young man was near his father's side in the battle, but his uncle, the Prophet, was in the Creek country, upon the mission to which I have referred. The young man described the battle very graphically—the persons, the parties present, and the incidents, without hesitation, from the beginning to the end, and I have no more doubt, from his narration, than I have that I am here, that Colonel Johnson was the person who killed his father. There were three of the Johnsons in the battle, and they were as brave men as ever followed the standard of their country to war.

Now, with respect to this Shawnee claim, there is up in the gallery before us, watching our deliberations, a white man, whose name is Parks. I have known him since 1814. When a boy, he was taken prisoner by the Indians, and was brought up among the Wyandots and Shawnees; and a more reliable man, or one more faithful to the country, has not existed since the landing of the Pilgrims upon the Rock of Plymouth. The Government, in 1814, were necessarily driven to change the policy they adopted. They at first determined not to employ the Indians; but had they known them as well as the frontier settlers, they would not have attempted such a policy. The English Government called the Indians together from every portion of their dominions, gave them immense quantities of ammunition, provisions, and clothing, and invited them to take up the tomahawk against the United States, and they did so. An Indian must sometimes go to war, and at all times he has a strong inclination to do so. It is a part of their education; and no young man stands well with his nation who has not imbrued his hands in blood. They hold great periodical assemblages and feasts, where the whole tribe is collected, and a post is erected. Every warrior comes to that post, and strikes it, and sings his war-song, and recounts his feats of arms, and boasts of his prowess. If he has no deed of daring to tell; if he cannot relate his hair-breadth 'scapes, and the number of scalps he has taken, he is no man. He dare not tell a lie before his whole village; for

he would soon be covered with shame. Well, if he cannot take part in this cherished ceremony, this tried ceremony, and say "I killed, or aided in killing such a man, and under such circumstances, and took his scalp," he is no warrior; the very squaws would laugh at him; and my friend from Missouri [Mr. Archison] knows well how disagreeable such female contempt must be.

And therefore it was that during the late contest with England our Government was compelled to change its policy, and consequently, in 1814, General Harrison and myself were appointed commissioners to invite the Indians to join us, as we had found, by dear experience, that if they were not with us, they would be against us. We met them at Greenville, Ohio, where the largest number of Indians was collected together that I have ever seen, before or since. They took up the tomahawk, with their own imposing ceremonies, and they generally remained faithful to us, and many of them rendered very efficient services to our cause. A party of the Shawnees accompanied me from the treaty ground to the northwestern frontier, then in great peril from the incursions of the hostile Indians, and in a defenseless condition, in consequence of our force having been ordered below to aid the operations upon the Niagara. They were ranging in the woods around Detroit, and we had an engagement with them within two miles of the town, and an inhabitant was killed in the town itself. It was under these circumstances, that Parks, then but a lad, and Blackhoof, the principal chief of the tribe, whose son is also in the gallery before me, with a party of their people, came to the rescue, and saved us perhaps from destruction. They crossed into Canada, and were with General McArthur in his expedition there, by which the quiet of the frontier was secured. And there is a third Shawnee, sitting there with his two friends. He is the son of a true and brave chief, called Captain Tommy, a son of an Indian aid-de-camp to General Harrison, who was with him during his operations in the Northwest, and possessed, as well as merited, our confidence; and, for many years, while they occupied that country, I had relations, political and personal, with the Shawnees, which left a deep impression upon my mind; and whenever they are in any difficulty, I will remember them and their bravery and fidelity, and endeavor to be useful to them.

Now, a word in regard to this treaty. In 1825 a treaty was executed in the State of Missouri providing for the removal of that band of Shawnee Indians living at Cape Girardeau, to lands west of the State. Sir, in that very year I was instructed to visit the Shawnees of Ohio, in order to persuade them to join their countrymen west of Missouri, and they peremptorily refused to do so. They would not stir one step, because they liked their position, and did not wish to abandon it. Now, what does this treaty provide? It provides, "that in consideration of the cession aforesaid, 'the United States do hereby agree to give to the Shawnee tribe of Indians within the State of Missouri, for themselves and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi, a tract of land equal to fifty miles square.'"

It is my decided conviction, that when that treaty was made, it was not expected nor intended that the whole of the Ohio Indians would go to take possession of this land. At the very time I was with the Ohio Shawnees, there were delegates from the Missouri Indians asking them to go, and they would not do it. I am satisfied that this clause was inserted to induce as many as chose to go to do so, holding out the inducement that if they would go they would be sure of a residence; but I do not believe it was contemplated at all or expected that the whole band of the Ohio Shawnees would come in under this clause. Why? For an obvious reason. Certain it is, that we have obtained a double consideration for the land. We have a cession of the Cape Girardeau and of the Ohio lands—the two tracts—and we have paid but one consideration, the reservation west of Missouri, which was expressly given for the Cape Girardeau purchase.

The Ohio Indians would not have needed such a provision if they had intended to emigrate in a body. They had lands of their own. They had the same powers as the other Indians to go and secure a country for themselves; but what did the United States do? They sold in 1825, to their rel-

atives and friends in Missouri, a given tract of land, and then in 1831, resold a part of it to these very Indians upon Wapaghkonetta, saying to them, "Go you and occupy 100,000 acres of what you were authorized to occupy seven years ago." I do not see that there can be any doubt upon this question; and certainly, looking to their relations with the United States previously, and to the conduct of these Indians, and their intelligence—for they are the most intelligent Indians upon our borders—looking to the pertinacity with which they adhere to this claim, and to the fact that they are perfectly convinced of the justice of it, having prosecuted it for years, and looking to the equity which ought to characterize our intercourse with all the Indians, and to the faithful conduct of these Indians in dark and doubtful times, I think we ought to allow this claim without hesitation. What is such a claim to this Government? Why, these Indian claims are not to be measured, as I said the other day, as you measure a matter in dispute before a justice of peace. You must look to your relative position with them, and consider that you have superior strength and intelligence; you may spread out before them your designs, and your papers, but they have a very imperfect idea of what is upon your piece of paper. How can the Indians understand with precision what is written? They cannot do it, and you cannot explain it to them. They look upon it, but can acquire but very general conceptions of it. They trust to you. They have a general idea of what you give them and of what they yield; but as to any correct understanding of the minute details of the treaty, their notions are necessarily imperfect. It is, therefore, our duty to look at the claim, and not rigidly insist upon every word, when we are satisfied that they have a fair claim upon us.

Now, I will not oppose this proposition of the Senator from Arkansas, although I would much rather the appropriation stood upon its original ground; but I do beg the honorable Senator from Arkansas, together with the chairman of the Committee on Indian Affairs, [Mr. ARCHISON,] whom I know to be actuated by the best motives, to appropriate a small sum for the expenses of this delegation, that they may not find themselves here without the means of returning.

Mr. ARCHISON. Certainly; I have no objection to that.

Mr. CASS. It will be but a small amount. Let us pay these men who have come here to see to this claim; and then if gentlemen insist upon it, we can between this and the next session investigate the matter, and see what can be done.

Mr. UNDERWOOD. I do not rise to answer the question, who killed Tecumseh? That has been a question which has been mooted considerably in the State of Kentucky, and indeed a great deal discussed many years ago. The claims of Colonel Johnson, and of a private soldier by the name of King, were brought before the people of that State, and made the topic of investigation very generally, but it is a matter of great indifference as to who accomplished that act. They were equally brave men, and either one of them would have performed the feat with as much cheerfulness as the other. I leave that subject undisposed of.

I have a word or two to say with regard to this claim, circumstances having induced me to look a little into it. I am decidedly of opinion that this money, legally and properly belongs exclusively to the Ohio tribe of Shawnees, and that the Missouri tribe of Shawnees have no interest in it, except so far as it may be conceded to them by the Ohio tribe. But I am very happy to see that fraternal spirit which has been manifested and expressed in the paper which the honorable Senator from Michigan has caused to be read, and laid upon the table. I am prepared, and I am willing to vote this appropriation, and to make up the compensation to them, now, provided that the rights of the Government can be sufficiently guarded, and all that I rise for is to express the hope, that my friend from Arkansas [Mr. SEBASTIAN] will modify his amendment in such a manner as to require that a relinquishment shall be made by the Ohio tribe, of their claim to the 100,000 acres and for all future compensation from the Government, sufficiently explicit to justify the payment, immediately, to the whole tribe. If such an amendment can be adopted I will vote for the appropriation immediately.

If the Senate will give me their attention, I will

attempt to show that this is a just appropriation, and I think the grounds upon which the claim rests can be so presented that no one can gainsay them. By the treaty made with the Missouri Shawnees on the 7th of November, 1825, it was stipulated to give to the Missouri Shawnees, in consideration of land which they owned upon the Mississippi river, fifty miles square of territory. That fifty miles square was, by the terms of the treaty, adjoining the southwest angle of the State of Missouri; but the treaty contained a provision, that if the Indians did not wish to select the land there, they might take it elsewhere. In pursuance of that provision, the fifty miles square were, in the end, laid off for them upon the Kansas river. Now the Senate will be pleased to remember that these fifty miles square were to be given by the Government to the Missouri Indians in consideration of the title which they had to the land upon the Mississippi river. In the treaty of 1825 this clause was inserted, which I will now read, and which constitutes the foundation upon which all the difficulty rests:

"It is further agreed by the contracting parties, that, in consideration of the cession aforesaid, the United States do hereby agree to give to the Shawnee tribe of Indians within the State of Missouri, for themselves and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi, a tract of land equal to fifty (50) miles square."

Now, sir, why was this insertion made, that the United States would agree to give fifty miles square, if this is for themselves and for those of the Ohio Shawnees who might choose to emigrate and settle with them. Why was it inserted? These Ohio Shawnees at that time were no parties to this treaty. They at that time held their own land in the State of Ohio, and the United States did not acquire the land of the Ohio Shawnees till 1831, six years afterwards. Suppose these Ohio Shawnees had never sold their lands to the United States, might they not have retained them to this day? Nobody can deny that. Suppose that they had never emigrated and settled with the Missouri Shawnees. Was there any obligation until they were parties to the treaty? No, sir, none whatever. Could anybody have compelled them to do it? No one whatever. Suppose the Ohio Shawnees had never sold their lands and emigrated and amalgamated with the Missouri Shawnees, would not the Missouri Shawnees have held the whole of the fifty miles square, every foot of it? Can anybody doubt it? Is it not a complete contract, by which the Missouri Shawnees would have held every foot of the fifty miles square in consideration of their lands which they surrendered upon the Mississippi river? Nobody, it seems to me, can possibly doubt it, if they will take the trouble to look at the facts.

Well, sir, six years after that the Ohio Shawnees agree to sell their land to the United States; and in the treaty of 1831 with the Ohio Shawnees the United States assume that they will lay off out of the fifty miles square 100,000 acres, to be exclusively appropriated for the use of the Ohio Shawnees. What right had the United States to carve out any special part of these fifty miles square, which they had given before to the Missouri Shawnees, so that the Ohio Shawnees should have it? That was a mere act of courtesy on the part of the Missouri Shawnees to say: we will receive our brethren, if they choose to come. But there was no right in the United States to select one foot of the 100,000 acres, or any part of that territory which had been given to the Missouri Shawnees, and say we will set that apart exclusively for the use of the Ohio Shawnees. Yet the Government did do it, and I say that the Government had no right to do that. The title of the Missouri Shawnees was complete to the whole of the fifty miles square, independent of the title by this treaty, which took place six years after with the Ohio Shawnees. This being the fact, what is the condition of things? You have obtained from the Ohio Shawnees their lands, and you have promised them 100,000 acres within this tract of fifty miles square, which you had already stipulated that the Missouri Shawnees should have; and you said that if good lands could not be obtained within that tract, then you would give them 100,000 acres adjoining somewhere else. You never did give them the 100,000 acres adjoining; you had no right to give it within the tract of fifty miles square. It is as clear as that two and two make four, that you have obtained the lands of

the Ohio Shawnees, and never paid a cent for them. That is the state of the case. These Ohio Shawnees ought to be paid either in money or in land. You promised them 100,000 acres of land, and you did not give it. You cannot, if you are faithful to the Missouri Shawnees, take it out of that tract, which you had given six years before to them; and you have never laid it off in any adjoining tract according to the treaty of 1831, although you have pocketed the money of the Ohio Shawnees.

Now, what has been done? I say that, according to the letter which has been read here, and which is highly creditable to the hearts of the Ohio Shawnees, if they are agreed that the money shall be divided in common among them—and it is said that the Missouri Shawnees have allowed the Ohio Shawnees to participate in their annuities—if they are agreed that the Missouri Indians shall participate, I think it would be right enough to make the appropriation for them all in common. But the Ohio Shawnees ought to make some relinquishment to the United States of their claim to this land, or that country which has been sold to the United States. If my friend from Arkansas [Mr. SEBASTIAN] could so modify his amendment as to embrace that—and I merely make the suggestion to him—I think we might make the appropriation absolute. The proviso as it now stands is—

"Provided, however, That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe rather than to either division thereof."

If the Senator will so alter the proviso as to include that portion of the Missouri Indians who formerly constituted a portion of the Ohio Shawnees, and then add at the end of the section some words providing further that they shall relinquish all claims to which they might be entitled by the treaty of 1831, I could agree to the appropriation being made at once.

Mr. SEBASTIAN. The amendment which I have offered embraces the very suggestions which the Senator from Kentucky has made. It provides that the money shall be received in common between the Missouri and the Ohio Shawnees; that they shall enjoy the grant in common; and it provides further that they shall release their claims on the Government to the exclusive right to the hundred thousand acres of land provided by the treaty.

Mr. UNDERWOOD. Precisely. I will state to my friend the difference between the two propositions to which I wish to call his attention. I approve entirely of the provisions of his amendment. I think they embrace exactly my wishes. But if I comprehend those provisions, the payment of the money cannot take place until all the other things specified take place. My object was to have the amendment made in such a manner that when the relinquishment of the claim is made in full, the money may be paid over without further delay. I am so thoroughly convinced of the propriety and justice of this claim that I would be willing to make the appropriation without further delay. Hence, I make the suggestion to my friend that if he will make the amendment I have intimated, the appropriation might become absolute, and the money could be taken out of the Treasury upon the execution of a relinquishment of the claims of these Indians against the United States. That is the only difference between my proposition and that of my friend from Arkansas. But if that does not meet with his approbation, and some other friend does not propose such an amendment, I shall certainly vote for the amendment which he has offered.

Mr. SEBASTIAN. The Senator can attain his object by moving to strike out that portion of my amendment which prevents the appropriation from being absolute and unconditional. The reason why I cannot myself accede to the suggestion of the Senator from Kentucky is, that this amendment is offered by me, under the direction of the Committee on Indian Affairs. It is not my own individual amendment, but I express the view of the Committee on Indian Affairs in offering it.

Mr. UNDERWOOD. I know there is some little difficulty in a gentleman occupying my position interfering with the business of the Committee on Indian Affairs, or any other committee, when they understand the business so much better than I profess to do. They can immediately



place the amendment in a proper shape; but if any obstacle arises, I can look at the amendment and endeavor to make its phraseology conform to my views. I would be glad if some gentleman would prepare an amendment to meet my views, to provide that the money shall be given forthwith.

One word now with regard to these Shawnee Indians. As my friend from Michigan has talked about them, allow me to say that I have stood side by side with some of them in the battles of the country, in the war of 1812, and I believe they are, of all the Indians upon the continent of America, the most formidable foes when they are your enemies, and the most reliable friends when they stand by your side.

Mr. CASS. Will the honorable Senator allow me to ask him if he cannot state the good conduct of Tecumseh and some of his countrymen; and how serviceable he was?

Mr. UNDERWOOD. I am going to do it. It was with that object I adverted to the subject. I was going to state a fact, which, perhaps, ought to be made historical. I saw Tecumseh with my own eyes; and I saw him under circumstances which made an impression upon my heart which never can be eradicated. He was, personally, one of the finest-looking men that my eyes ever gazed upon. He had all the lineaments of nature's noblemen. He had an eye of fire, and a countenance which showed the keenest enterprise, and the greatest genius, and a capacity for military operations such as I have hardly ever witnessed in the form of a man in my life. And, with it all, he had something like that heavenly benevolence which always goes with the character of an elevated and great man. Upon the occasion of which I speak he interposed to save the lives of those who were being butchered by the Pottawatomies and other tribes of Indians.

Mr. CASS. I hope the honorable Senator will be good enough to state the fact, that he himself was there, and knew all about it. The honorable Senator was wounded there. I want the Senate to understand the condition of those Indians.

Mr. UNDERWOOD. That is the fact; but I do not like to speak of myself. I was there. The facts I speak of in relation to Tecumseh are true, and they ought to be historical. He was then dressed in the Indian costume, riding on a fine horse, having at his side one of the most elegant English swords that I ever saw; and wore the title of brigadier general in the British service.

Mr. CASS. Did he not stop the massacre?

Mr. UNDERWOOD. I have already said that he did interpose, and did stop the massacre.

Mr. BELL. Mr. President, I am very glad to have these historical reminiscences brought to our notice. They interest us not only as matter of general history, but as connected with some of our own honored members. I have no objection to the time which has been spent in alluding to them, as they have been alluded to most feelingly and eloquently; but I do not perceive the connection which they have with this question. Although it may be thought a little presumptuous in me, in the matter of a claim upon the Government, to differ from my honorable friend from Kentucky, [Mr. UNDERWOOD,] especially—because I find him in general so very accurate in his investigations—yet I must say, that I differ with him entirely in regard to his whole view of this subject. Before I proceed, however, to state my own views, as I am disposed to do, not at much length, however, but as briefly as I can, after the manner of reading a lawyer's brief, if possible, I wish to call for the reading of Mr. Moseley's letter, in order that the Senate may have what I consider to be the true view of the facts established in this case, as they are recorded in the history of this Government. And then, if the Senate choose, from generosity to this noble band of Indians, to make this donation to the Shawnees, I shall not obstinately object; or if they need this money, (considering the fidelity which they have exhibited to the United States since they have become its friends,) to aid them in the education of their children, and to make more rapid advances in civilization, I do not know that I should object very obstinately against the payment of the sum of money which they now demand. But before I proceed with my explanation, I wish that the honorable Senator from Michigan would send to the chair, for the purpose of having it read, the letter

of Mr. Moseley, the Indian agent. I want to see what are the facts stated in that letter.

The Secretary according read the following letter:

KANSAS AGENCY, March 4, 1852.

SIR: On the 2d instant I was requested to attend a general council of the chiefs, councillors, and headmen of the Shawnee tribe of Indians, at their usual place of meeting. When assembled, the chiefs made known to me, through the United States interpreter, that it was the wish of the entire tribe to send a delegation to Washington, for the purpose of settling with the Government for whatever balance may be due their tribe, in virtue of a treaty made at Wap-paugh-konnetta, in the State of Ohio, on the 8th day of August, A. D. 1831, and ratified by the Senate of the United States, on the 6th day of April, A. D. 1832.

The chiefs now requested me to draw up an instrument and general power of attorney for them to sign, authorizing their delegates, with the power and authority of the tribe, to make settlement with the United States Government for all balances due said tribe, in virtue of said treaty, and to sign, seal, and deliver to the United States Government, the necessary and proper receipts for whatever received.

Blackhoof, one of the principal chiefs of the tribe, Captain Joseph Parks, Sar-kec-se-moe, another chief, and Spy Buck, a councillor, were duly chosen and appointed as delegates by said general council, to proceed to Washington in discharge of their mission.

That portion of the seventh article of said treaty of August, 1831, which the tribe desire to settle, will be found as follows: "Said fund to be continued during the pleasure of Congress, unless the chiefs of the said tribe or band, by and with the consent of their people in general council assembled, should desire that the fund thus to be created should be dissolved and paid over to them; in which case the President shall cause the same to be paid, if in his discretion, he shall believe the happiness and prosperity of said tribe would be promoted thereby." It is agreed in this general council assembled, that the sum of money found to be due in virtue of said treaty, when received, shall be for the use and benefit of the entire Shawnee tribe.

In giving an opinion, as agent for this tribe of Indians, with regard to the beneficial use to be made by the Shawnees of this fund, I take great pleasure in stating, that the Shawnees are advancing more extensively in the moral and other useful employments and business than any of the tribes of this agency, or any of the adjoining ones. The chiefs stated to me that the object in getting possession of this fund due them is mainly to build for their tribe a good saw and grist-mill—the one heretofore built by the Government for them having long since gone to decay and ruin. They also wish to build for the tribe a comfortable council-house; the balance, if any, will be paid over to the tribes, for the purpose of enabling them to pay their debts, improve their houses, and enlarge their farms.

I cannot do otherwise than give it as my opinion that the money, when received, will be expended by them judiciously, by a very large majority of the tribe, if not the whole of them.

Thus believing, knowing well their wishes and condition, I hope the President may, according to the unanimous wish of the tribe, direct that the funds referred to be paid over to the delegates sent, as provided by said treaty of 1831, believing the Shawnee people will be benefited thereby, as I have great confidence in their general prudence and management of the things pertaining to their melioration as a people.

The delegates sent are personally known to me; they are among the most influential and respectable, moral, and discreet men of the tribe. Blackhoof and Sar-kec-se-moe are chiefs of great influence; Spy Buck is an influential councillor; Captain Joseph Parks is too well known at the Department to require indorsement from me. They all well deserve the kind notice and attention of the Indian Department, and I bespeak for them early action in the business which takes them to the seat of Government.

The chiefs of the Shawnee tribe request me to say to the Commissioner of Indian Affairs, that in the event the delegates should not succeed in receiving from the Government the funds now expected by the treaty of 1831, they wish the Commissioner of Indian Affairs to furnish the delegates a sufficient sum of money, out of the annuity due them for 1852, as they will defray their expenses, incurred by them in going to and returning from Washington, and any receipts given by them, shall be good and valid to the United States, against their tribe for the sum advanced out of the said annuity of 1852. Most respectfully, your obedient servant,

THOMAS MOSELEY, Jr.,  
United States Indian Agent.

Colonel D. D. MITCHELL,  
Superintendent Indian Affairs, St. Louis, Missouri.

Mr. BELL. Mr. President, I called for the reading of the letter, that there might be some distinct ground upon which to base some of the remarks which I propose to make on this subject. I find a general disposition among the members of the Senate to vote this claim. I repeat what I said a moment ago, that if it should be the pleasure of the Senate to be generous to this tribe, I should not be pertinacious in my objection, particularly since the associations which some of our honored members and distinguished friends have brought to our notice, however defective the claim may be as a question of right. I had the letter read for the purpose of showing to the Senate that this delegation came here to prosecute no such claim as that now presented. It is a remarkable fact in the history of its progress, although I will not undertake to say it never existed heretofore, yet the presumption is very fair, that it has been set up since the delegation arrived in this city. At

all events, I have heard it said that until 1844 or 1846, no such claim was ever thought of against the Government. Now, all at once, since this delegation has arrived here, has this new claim ripened into such truth, and discovered to be founded upon such strong reasons of justice, as well as of generosity, that I find honorable Senators—even those who are most watchful upon occasions of this kind—ready to give their assent to an absolute appropriation of this large amount of money.

The proposition of the honorable Senator from Arkansas proposes to refer the question of the liability of this Government for this claim, to the opinion of the Attorney General. I have great confidence in the opinion of the Attorney General, and doubt not that if he were to give the question a thorough investigation, he would arrive at a correct conclusion, and do justice both to the Shawnees and the Government of the United States. But I am at a loss to conceive why, in such a case as the present, it is necessary to refer the decision of such a question to any officer of the Government. I do not see the necessity of making any provisional legislation upon the subject, unless we are first satisfied that there is some ground to suppose that the claim is well-founded.

I should like to know from the honorable Senator from Michigan, [Mr. Cass,] who is more intimately acquainted than I am, from his reading and long experience with the Indians, and has more knowledge of the history of the various tribes that inhabit the western frontier, whether his historical recollection or knowledge have never led him to trace the former connection of these Shawnees living in Missouri, at the time the treaty of 1825 was made, and those that lived in Ohio at the same time. When were they separated? Were they not a part of the same original tribe of Indians? They bear the same name. They are a kindred people. When did they become separated?

Mr. CASS. If the honorable Senator wishes me to answer the question, I would say that I do not know when they were separated. It is a long while back, before I knew anything about them. It is a most common occurrence in Indian history for tribes to separate. I suppose this tribe must have separated sixty or seventy years ago. They have been separated during the last forty years, during which time I have known them.

Mr. BELL. My information is that these Indians of Ohio, of whose sagacity the honorable Senator has spoken so eloquently—when they found that they were to be swept from the country which they occupied on this side of the Mississippi—when they found that the powerful people who had settled the Atlantic slope would never give them rest while they were within any territory which they could lay claim to, particularly after the Revolution, in which the independence of the United States was won—they all went west of the Mississippi together. They petitioned the Spanish Government for the privilege of establishing themselves on the right bank of the Mississippi. The Baron de Carondelet made a grant to them, which has been alluded to in the debate, to hold the tract of territory near Cape Girardeau. But the grant was made to them in the usual way under which the Indians held lands of the Spanish Government, which is the same as our own, providing specifically, that when they thought proper to remove, their lands should revert to the Government, and be public property. This grant of the Baron de Carondelet to the Shawnee Indians, was made in 1793, I believe. All the Shawnees went there, except, perhaps, a few stragglers. I know that there were some on the Tennessee river remaining. That is the narrative which I have had of it. I have understood that they all remained in Missouri till 1805, or until some later period, when this Ohio band returned and established themselves north of the Ohio.

Mr. CASS. Will the Senator allow me to observe, that his information on the subject is not warranted by the historical facts. These Indians were on the Maumee in 1794, and a treaty was made with them in 1795. A portion of these very Indians were then in that same region.

Mr. BELL. I know that in 1794 and 1795, a part of this tribe were with the Creeks and Cherokees on the Tennessee river; and they were some of the most formidable enemies that the settlers on the Tennessee and Cumberland rivers had to

contend with, and a portion of them may still have remained in Ohio. But, at whatever period they settled on the right bank of the Mississippi, under this grant, my information is, that those bands that remained in Ohio, and were treated with in 1831, were a part of the same tribe which resided in Missouri. At what precise period what are called the Ohio Shawnees returned from the west to the east of the Mississippi, I do not know; but it seems to be certain that they did return and settle the Ohio, and then they got possession of the lands which they ceded to us by the treaty of 1831. This explanation is necessary in order to understand the treaty of 1825. I can assure the honorable Senator from Kentucky, that he is mistaken in regard to there being any *separate* right of the Shawnees of Missouri to these fifty miles square. The article of the treaty of 1825, by which we obtained the cession from the Shawnees, is in these words:

"It is further agreed by the contracting parties, that in consideration of the cession aforesaid, the United States do hereby agree to give to the Shawnee tribe of Indians, within the State of Missouri, for themselves, and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi."

Then it was given to the very people who originally constituted part of the band who held the twenty-five miles square in the neighborhood of Cape Girardeau. This tract of fifty miles square west of the State of Missouri, was intended as a provision for the Missouri Indians, and for those who had separated from them many years before and settled in Ohio. Those Ohio Indians were a part of the very tribe to whom the twenty-five miles square of land were ceded by the Spanish Government.

Again, sir, it became the policy of this Government, and it was acted upon in several treaties prior to 1825, to collect all the scattered bands and tribes of Indians residing in any part of the States, or within the organized Territories of the United States, and place them upon territory without the organized boundaries of the States and Territories. That was the policy pursued, I know, in the Creek and Cherokee treaties of 1817 and 1819. We have a right to presume, from our knowledge of the then policy of the Government, that the treaty of 1825 was made with the view of providing a home for the Shawnee Indians who were in Ohio when they should cede their lands in that State. This is an additional argument to show, that the provision in the treaty of 1825, requiring the Missouri Shawnees to admit their brethren of Ohio to share with them a part of the fifty miles square ceded by the Government in that treaty, was made in pursuance of an original right and claim of the Ohio Shawnees in the grant of the Spanish Government, to be admitted to enjoy a part of the fifty miles square. It was further necessary to make this provision, to carry out the policy of the Government, to collect all these bands together, get them out of the States as rapidly as possible, and concentrate them upon some separate Indian territory, where they could be free from the molestations of the whites, and could govern themselves according to their ancient usages. I presume the honorable Senator from Michigan has no knowledge of the history of this tribe that will contradict that statement of mine with regard to their being originally of the same band.

The twenty-five miles square were ceded by the Spanish Government to the entire Shawnee tribe including those that afterwards removed to Ohio. It was with those that removed to Missouri that the treaty of 1825 was made. Under that treaty the Missouri Shawnees ceded the twenty-five miles square, equal to 625,000 acres of land, which had been ceded by the Spanish Government. Honorable Senators have said that there was no consideration given by this Government to the Ohio Shawnees for their Ohio lands, ceded by the treaty of 1831, in which it was provided that the Shawnees of Ohio should have 100,000 acres of land out of the fifty miles square given to the Shawnees of Missouri by the treaty of 1825. They have said that the 100,000 acres of land had already been ceded by the treaty of 1825, and that the Government of the United States had nothing to give—that it was a fraud, on the part of the Government, on the Indians in Ohio. Now, let us see what they did give by the treaty of 1825 to the Indians of Ohio, as well as the Indians of Missouri. The twenty-five miles square which the Shawnees of Missouri then held in the neighborhood of Cape Girardeau,

they gave up for fifty miles square, which was ceded by the Government, on the western border of the State of Missouri. The Government gave them four square miles for one—gave them four acres for one. In the neighborhood of Cape Girardeau they held 625,000; and upon the Kansas, under the treaty of 1825, the Government gave them 1,600,000 acres of land, four times the quantity they formerly held. The Government did not only double the amount which might well be supposed to have been quite sufficient for the bands still remaining in Missouri, but having in view the removal of the Ohio band, the Government gave four acres to one—four square miles to one, a tract of fifty miles square.

As some appeal has been made to the generous feelings of the American people and of the Senate upon this subject, I would like Senators to explain to me the value of the fifty miles square given by the Government to the Shawnees upon the Kansas river. I understand that that land is worth, upon an average, \$5 per acre to-day, and that two thirds of it is worth \$10 an acre. These Shawnees are, at this day, the richest tribe in America, in proportion to their numbers.

I come now to the treaty of 1831. Under the second article of that treaty these Shawnees set up the claim now under consideration for themselves, as the claim was originally understood, and now, it is said, for the whole tribe. That article is in these words:

"In consideration of the cessions stipulated in the foregoing article, the United States agree to cause the said tribe or band of Shawnees, consisting of about four hundred souls, to be removed in a convenient and suitable manner to the western side of the Mississippi river, and will grant by patent in fee-simple to them and their heirs forever, as long as they shall exist as a nation, and remain upon the same, a tract of land to contain 100,000 acres, to be located, under the direction of the President of the United States, within the tract of land equal to fifty miles square, which was granted to the Shawnee Indians of the State of Missouri, by the second article of a treaty made at the city of St. Louis, in said State, with the said Shawnees, of Missouri, by William Clark, superintendent of Indian affairs, on the 7th day of November, in the year 1825; and in which it is provided that the grant aforesaid shall be for the Shawnee tribe of Indians within the State of Missouri, and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi; but if there should not be a sufficiency of good land unoccupied by the Shawnee Indians, who have already settled on the tract granted, as aforesaid, by the said treaty of St. Louis, then the tract of 100,000 acres, hereby granted to the said Shawnees of Ohio, parties to this compact, shall be located, under the direction of the President of the United States, on lands contiguous to the said Shawnees of Missouri, or on any other unappropriated lands within the district of country designed for the emigrating Indians of the United States."

That shows the policy of the Government. Honorable Senators may inquire why the Government designated 100,000 acres for those Indians? I presume the Indians insisted on it. Why does the treaty go on to provide that if 100,000 acres of good land cannot be found within the fifty miles square, these Indians should be located on good lands, to be designated by the President, contiguous to the fifty miles square; and if not there, at any other place that should be agreed upon? I presume—because we have as much right to make inferences on this side of the question as there is upon the other—that it was because, as the Shawnees of Ohio were ceding about 100,000 acres in the State of Ohio, they wanted to make sure of at least 100,000 acres of good land in the country to which they were invited to remove.

Honorable Senators have said, under this head, that the Government of the United States had not the power to carry into execution this part of the treaty of 1831. What has been the fact in relation to it? The Indians agreed to remove under the treaty of 1831. They did remove. They settled with their brethren of Missouri within this tract of fifty miles square. They have lived since as one tribe—as one band of Indians—as a band of brothers, claiming what? Claiming the whole fifty miles square; and, as you have heard announced by honorable Senators who take the other side of this question, they admit that they have been receiving annuities in common, no distinction being made between the Ohio Shawnees and the Missouri Shawnees—claiming no separate rights or privileges—governed by one council—uniting in the selection of the same delegates—controlling their people as one people, without regard to their former separation, which might have been expected when you refer to the fact

that they were originally the same tribe of Indians. We hear of no separation among them—of no division—and they regard themselves as one band.

Honorable Senators say that these Indians have not received the 100,000 acres of land stipulated in the treaty of 1831. I should like to know how that is made out. The 100,000 acres provided to be granted to them under the treaty of 1831, were not held in fee-simple, technically. The Shawnees were not at liberty to hold the land in severalty, as individuals, and sell at their pleasure; but an express provision was made, that they should hold—I may use words which are nearly equivalent, and which mean the same thing—the lands, as Indian lands are generally held under the public law of this country, as long as they continue to occupy them as a nation, or until they agree to sell them to the Government of the United States. The patent proposed to be issued was limited, and was not to extend beyond the Indian tenure,—I mean the tenure by which Indians generally hold land before it is purchased by the United States.

Then honorable Senators say, that the Government has not complied with this contract. Sir, I deny the assertion. The Government has complied with the contract. It has given these Indians not only 100,000 acres of land, but about 900,000 acres, which are held by the same tenure that they held their lands in Ohio, or would have held them if there had been a patent issued to them according to the strict letter of the treaty of 1831.

I very much question, after all that honorable Senators have said in behalf of the Indians who are making this application, that if we should agree to lay off 100,000 acres for them, according to the letter of the treaty of 1831, and explain to their brethren the consequences, the conditions to which they may be bound to comply if we make this grant to them, whether they would not reject it; and why? Because they would get merely 100,000 acres of land, instead of 800,000 or 900,000 acres, which they now hold, for if we are to issue a patent under the terms of the treaty, they will get but 100,000 acres. They will thus have to relinquish about 800,000 or 900,000 acres, which they now hold. Thus, if they separated themselves from the other members of the tribe, and accepted the 100,000 acres, they would be less wealthy than they now are; they would be eight or ninefold less wealthy, when they came to be restricted to a tenancy, by Indian tenure, to 100,000 acres; whereas, they now have at least 800,000 or 900,000 acres.

It will be remembered that a majority of those Indians are composed of the Ohio band; that they hold in common with the others; neither party sets up a separate claim to the fifty miles square, containing 1,600,000 acres; but they hold the land in common. They hold the councils of their government as one band of Indians, without reference to their former temporary separation. They manage their concerns as one government, just as much as the Cherokees, the Creeks, the Chickasaws, or the Choctaws. Hence I say, that if this provision were made, as I understand the grounds on which it is proposed to be made, the Indians belonging to the Ohio band ought to protest against it; for they would be reduced to comparative poverty, relatively to the other portion of the tribe; for I understand that the Missouri Shawnees are only about three or four hundred souls; whereas, the Ohio band has now increased to about five hundred.

Honorable Senators may inquire why seventy cents an acre were reserved in the treaty of 1831. In fact, my honorable friend from Kentucky has undertaken to state that we have never paid the Indians a cent for the lands which they have ceded in the State of Ohio. The honorable Senator cannot have looked into the subject at all, or he would not have made such a statement. Why, I understand that the Government now has, in stocks for these Indians, the amount of \$39,000, being the remainder of the proceeds of the sales of their lands in Ohio by the Government, after deducting the expenses of their removal west, and several items provided for them in the treaty of 1831. They have been regularly paid the interest upon that amount; and it seems that the interest upon these lands has been distributed among the whole band; and they have been paid interest from the time of the sale of their lands under the treaty of 1831. That is certainly something.

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I wish here to make a remark to elucidate the nature of this case, and the history of the claim itself. For the purpose of having these stocks converted and paid to the Shawnees, *in solido*, according to one of the provisions of the treaty of 1831, this delegation has visited this city; and if we are to judge from the letter of the agent, Mr. Moseley, which has been read to the Senate this morning, they come upon no other mission but this. Instead of having it held in stocks for their benefit, and interest paid to them, they wish us to pay them the whole sum *in solido*, as it was provided that Congress and the President should have the discretion to do, by the terms of the treaty of 1831.

The amount of seventy cents per acre on the sale of their lands in Ohio was reserved by the treaty of 1831; and Senators may inquire why did the Government of the United States reserve this amount? I have heard gentlemen, conversing upon this subject outside of the Senate Chamber, call it a very hard and rigorous measure to exact from the Shawnees of Ohio any part of the proceeds of the sales of their lands; and they say that we ought in generosity to them, in the exercise of a liberal policy in regard to the Indian tribes, give them the seventy cents an acre which we have reserved. Why, we do not usually deal with the Indian tribes in that way. We generally think it proper for the maintenance of the power of this Government that we should have something remaining after we pay the Indians all that we stipulated to pay them for the usufruct of their lands. We may be presumed to have made some reservation of the proceeds of the sales of these lands in Ohio for the purpose of getting money into the common Treasury for the common purposes of Government, as we proposed to do, and have done, under nine tenths of the treaties we have heretofore made with the Indian tribes.

Those who made the treaty of 1831 may be presumed to have intended to reserve seventy cents an acre in consideration—of what? In consideration of the 100,000 acres we stipulated to give the Shawnees, which they were to hold upon the same tenure, upon the borders of the State of Missouri, by which they held their land in Ohio. We reserved seventy cents an acre out of the proceeds of the sales of their land, and gave them, in fact, 800,000 acres—not of ordinary prairie land, not land of the quality usually found upon the great prairies west of the Mississippi and the Missouri, but upon lands which, I am told by the Senator from Missouri himself, are worth at this day, upon an average, five dollars an acre, and two thirds of them are worth ten dollars an acre. I have not estimated their value, but I presume the lands which these Indians occupy west of Missouri are worth \$10,000,000, and that upon a free and unrestricted sale at public auction, they would bring that amount of money. I am told that they comprise some of the richest lands to be found on the continent, and they border immediately upon white settlements. It was in consideration of such a gift as that to these Shawnees that the United States, without any illiberality, may be supposed to have retained seventy cents an acre upon the sale of the Shawnee lands in the State of Ohio. At all events, we see no more reason for supposing that it was made for any other purpose, or to say it was done with a view to appropriate it at some future day to the benefit of this tribe, than we have to take up any of the old treaties and say that we have no right to reserve any moneys from the sale of the lands except to pay the expenses of Indian removal, survey, and bringing the lands into market.

It is somewhat curious how so many gentlemen have been led into what I consider a very great error in relation to this question. It has been stated, in the course of the discussion, that the United States actually issued a patent to the Shawnees of Missouri exclusively for the fifty miles square; and therefore it is concluded by honorable Senators that the Government cannot comply with the treaty of 1831 with the Ohio Indians. Let us see whether this is the fact; and if it were a fact,

no officer of this Government had, by law, any authority to issue such a patent; because the treaty of 1825 does not authorize it. Let me advert to the patent which issued, in order to see whether there is not some mistake as to the fact. The patent contains this clause:

"Now, know ye that the United States of America, in consideration of the premises, and in execution of the agreement and stipulations in the aforesaid articles of convention, have given, and by these presents do give, unto the said Shawnee tribe of Indians, who were within the State of Missouri, and who are designated in the aforesaid second article of the convention, 'for themselves, and for those of the same nation who were residing in Ohio, and who are also referred to in said second article of the agreement and convention made and concluded at Wapah-Kanetta, in the county of Allen, and State of Ohio, on the 8th day of August, in the year of our Lord, 1831.'"

This patent, on which some gentlemen rely to show that we ought to pay this money on the ground that the land has been patented to the Shawnees of Missouri, shows on its very face that there was a reservation made for the benefit of the Ohio Shawnees. It is a most singular fact, that no authority ever existed to issue such a patent. I have read a portion of the patent for the purpose of showing that it reserves the rights of the Shawnees of Ohio, and for the purpose of showing that this thing called a patent in the treaty of 1831, and the like of which was issued in 1844 to the Shawnees of Missouri, was only given to content them. It was a sham; it was a pretext. They thought they would be more secure under it than they were under the stipulations of the treaty. But it gave them no other rights and no other privileges than those which they had under the treaty. It was expressly reserved in the patent, that they should only hold the land as long as they continued to reside upon it as a nation, and that they should sell only to the United States. But the treaty of 1825, under which the patent purports to have been issued, never had a stipulation for the issuing of a patent in any form. The patent stipulated in the treaty of 1831, gives no other, or better, or higher title than the treaty provided had no patent been stipulated.

It is a little singular that this claim comes supported by the decision of the Department of the Interior, the head of which is a gentleman of distinguished talent, character, and standing in every way. I attribute the errors into which he has fallen, to the vast amount of business that he is charged with, to which he has to give his attention and examination, connected with the various branches of business in his Department—Indian affairs, public lands, &c. I think we shall find out from this the ground upon which many gentlemen have been misled. This is the opinion of the Secretary of the Interior, transmitted to Congress, with the recommendation that this claim should be allowed. It is right that the claimants should have the benefit of this recommendation; but still it is proper to investigate a little the statements which he makes in that opinion. He states:

"There is no evidence, historical or otherwise, going to show that this tribe was, until this time, associated in any manner with the 'Shawnees of Ohio,' who, as a separate and distinct tribe, were dwelling upon lands of their own in a distant region."

I might as well allude here to what is said by Captain Parks, whom the Senator from Michigan so well knows, and who seems to be a responsible gentleman, one whom I respect. He is a gallant and noble chief. With a portion of his warriors, he was in a campaign in Florida, and acted most gallantly, and I would have no objection to do anything that is proper for him. He says that the Shawnees of Ohio did once form part of the Shawnees settled in Missouri, under a concession of the Spanish Government, but that they became discontented, and separated and settled afterwards in Ohio.

This broad statement of the Secretary of the Interior goes back to the origin of the tribe. The honorable Senator from Michigan did not deny that originally they all belonged to the same tribe. He supposes that the Shawnees of Missouri separated from the body of the tribe in Ohio, whereas the fact appears to be that all went to the west of

the Mississippi for a while, except some straggling individuals. The Secretary continues:

"One of the stipulations of the treaty of 1825, was, that the land in question should be conveyed by patent in fee-simple, to the *Missouri Shawnees*."

Sir, there is no such stipulation, and you can easily see how the Secretary misled himself when he assumed such premise, because it was impossible for him, with such an assumption, not to come to an erroneous conclusion. He goes on:

"This provision was complied with on the 11th May, 1844, when a patent was issued to them, following the conditions of the treaty. It conveyed the fifty miles square of land on the Kansas, to the *Shawnees of Missouri*, for themselves and 'those of the same nation' who were residing in Ohio, subject to the right secured to the Ohio band of Shawnees; which right, as will appear hereafter, was only a right of occupancy, no consideration passing from them. They were at that time living in the State of Ohio, on lands owned by them in their own exclusive right."

What does he mean by that? He assumes that it was only the right of occupancy that was given to the Indians of Ohio. What other right was given to the Shawnees of Missouri by the treaty of 1825? Nothing more. They are to retain possession as long as they reside as a nation, and they can only sell to the United States. But there is another misapprehension here. "They [meaning the Shawnees of Ohio] were at that time living in the State of Ohio on lands owned by them, in their own exclusive right." What does the Secretary mean? Does he mean that they held no fee-simple according to the usual sense of the word? I presume he did not. The fact is, that this Ohio band held their lands in Ohio as other Indians hold their land. They were to occupy and enjoy it until they sold to the United States. But the Secretary continues:

"On the 8th August, 1831, the United States executed a treaty with the '*Shawnees of Ohio*,' by which they agreed to grant to this tribe 'by patent, in fee-simple, to them and their heirs forever, as long as they shall exist as a nation and remain upon the same, a tract of land to contain 100,000 acres within the tract of land, equal to fifty miles square,' which as above-mentioned had been before granted to the *Shawnees of Missouri*, for and in consideration of the cession of 'all the lands owned or claimed' by them in the State of Ohio."

I suppose the honorable Secretary must have supposed that the patent in fee-simple issued in 1844 to the Shawnees of Missouri, was without limitation, and that the grantees might hold in severalty and sell to whom they please; but there is no pretext for it, for he repeats the limitation himself: "As long as they shall exist as a nation and remain upon the same." And if he had looked at the third article of the treaty he would have found that they were prohibited from selling but to the United States, and were to continue under their protection as usual. There is not the slightest difference between holding under such a patent as this and holding under the common and general Indian tenure established by the policy of the Government. Let us go a little further. I will not read the whole of the argument of the Secretary, but only those parts where he seems to have misconceived the case entirely:

"The Shawnees of Ohio now claim that this amount should be returned to them, or invested for their use, or else that the United States should fulfill its solemn stipulation to convey to them, in fee-simple, 100,000 acres of land within the fifty miles square already granted to the Shawnees of Missouri. The latter, it is clear, cannot be done. The United States has already issued a patent for that land, and have thereby parted with their title."

It is singular that such premises could be assumed by an examining officer of his distinction, and talent, and responsibility. It can only be accounted for, as I have stated before, on the ground of the immense business to which his attention must be called every day of his official existence.

Here he assumes that the whole fifty miles square has been patented to the Shawnees of Missouri exclusively, leaving out of view the express provision for the Ohio Shawnees in the treaty of 1825; and therefore it follows that you cannot make this grant to the Shawnees of Ohio. But when you come to look into the patent to which he refers, this very claim in favor of the Ohio Shawnees is recited, and the patent was issued, subject to the claim of the Shawnees of Ohio.



Furthermore, the argument is made more absurd when you come to consider that the patent did not give them any other or better title than that enjoyed under the stipulation of the treaty itself, which was, that as long as they continued to exist as a nation, they should be permitted to hold the land, and no longer; and that they should sell to none but to the Government of the United States; not only the patent, but the stipulations of the treaty of 1831, which provided for the patent, provides that it shall extend no further than that. That was the delusion under which the Secretary labored. Here I may notice the argument of the Secretary of the Interior, in which he states that the patent cannot be granted to the Ohio Indians, because the whole of the land was granted to the Shawnees of Missouri. In that patent, as I said before, the claim of the Shawnees of Ohio was reserved, and the patent was granted to the Shawnees of Missouri, subject to the claim of the Shawnees of Ohio.

The Secretary proceeds:

"The United States have not fulfilled their part of the contract."

I have already referred to this. They have not, in terms; they have not granted them a title, by patent, or otherwise, to a separate 100,000 acres within the limits of the fifty miles square; but they have granted to them 800,000 acres instead of 100,000, and by an equally valuable and valid title; and where their brethren of Missouri have received them as a portion of their own tribe, they pretended to set up no exclusive claim to the fifty miles square. I heard the argument urged by a gentleman the other day, either in the Senate or out of it, upon this subject, that the Shawnees of Missouri could drive the Shawnees of Ohio from this land; that the latter had no property—no home there. Sir, the treaties of 1825 and 1831 give them a home. They have a home in pursuance of the provisions of those treaties. The Shawnees of Missouri received the Ohio Indians into their bosoms, and acknowledged them as part of their own people, entitled to live upon the same lands, and hold the same rights in them. These Ohio Indians are a majority; and if majorities are to rule there, as with us, they govern the country—they are the masters, if they choose to act upon any idea of a separate existence as a nation; and instead of being expelled themselves, they have the physical power, as they are superior in numbers, to expel the Shawnees of Missouri. But in fact, the title to this fifty miles square belongs in common to the whole tribe—those who lived in Ohio at the time of the treaty of 1831, and those who lived in Missouri. That is the way I answer the Secretary's assertion that the United States have not fulfilled their part of the compact. They have given to the Ohio Shawnees 800,000 acres instead of 100,000, to hold by a title equally as good as by a patent.

Let any gentleman, if he thinks proper, propose that the Government shall give them a patent for the 100,000 acres upon the relinquishment of their interest in the fifty miles square. We would make 700,000 acres by the exercise of this, literally, and they would lose it. I would not propose such a thing.

The Secretary proceeds:

"The mere fact that the Shawnees of Missouri permit those of Ohio to occupy their lands, cannot, it seems to me, release this Government."

"Permit them!" How does he feel authorized to use such a word? They had as much right as the Shawnees of Missouri by the very terms of the treaty of 1825; and the country fifty miles square was not given to the Shawnees of Missouri alone; for, in the same sentence it is provided, that when the Shawnees of Ohio think proper to emigrate to their brethren in Missouri, the grant shall be to them, as well as to the Missouri Shawnees. Talk of permission! They have as much right under the treaty stipulation—they have as much right in law, by the treaty and justice, to the occupancy and to the enjoyment of the 1,600,000 acres, as the Shawnees of Missouri have. They have just as high a title. It is to be regarded so literally; for the grant was to both branches of the tribe.

The Secretary proceeds:

"The Missouri Shawnees may at any time cede these lands to the Government. To do this, the assent of the Ohio Shawnees would not be asked, and is not required, and they are liable to be driven from their homes without any legal mode of protecting themselves."

On what principle, or upon what authority, can such an assertion be maintained? We have made the grant to the Ohio Shawnees, as well as to the Missouri Shawnees; and now to maintain that the latter hold the power of ceding the whole of that territory, would be a direct violation of the right of the Ohio Shawnees, secured not only under the treaty of 1831, but under that of 1825 also. The Ohio Shawnees have no right to protect themselves! They have no rights there! They can be driven off by the Missouri Shawnees! Let me repeat again, under what title do the Missouri Shawnees claim? Under the second article of the treaty of 1825, which grants the fifty miles square to them and to the Shawnees of Ohio, when they shall settle among them—one having equally as good a right to enjoy it as the other. The Shawnees of Ohio were a part of the original band. It is said they did not accept that. But under the treaty of 1831 they have agreed to accept it, and have acquiesced in it for twenty years.

As far as I remember now, I do not think this claim has ever been set up until this year—at all events not until 1844. I am amazed that such mistakes as these were made by the examining officer; they, I presume, emanated from the Indian office, but the Secretary of the Interior has given the sanction of his name to them, and of his opinion upon them; but as I have shown, I think upon a totally mistaken view of the real facts in the case.

If I am right in the grounds I have taken, there is not the shadow of a foundation of a claim for this appropriation to the Shawnees of Ohio. They have eight times the amount of land they claim under the treaty of 1831. All that gentlemen can hinge the propriety of this appropriation upon, is, that they have a right to the separate enjoyment of 100,000 acres. I am willing to propose it to them. I am willing to negotiate with them, and propose that the Shawnees of Ohio should have the exclusive use of 100,000 acres, and their brethren of Missouri the remainder. It is all a good country—said to be the finest tract of its size to be found west of the Mississippi. Do you suppose they would accept it? Not at all.

I have thought it necessary to go into this examination of the subject, because other honorable Senators have taken an entirely different view of the question from that which I have, and, as I think, some of them not understanding the true state of the facts in the case.

Mr. ATCHISON. Mr. President, the Senator from Michigan was entirely mistaken as to my being restless under his historical sketch, or what he called vindicating the truth of history. Sir, I listened to him with more than ordinary interest; but he made one remark to which I deem it my duty especially to reply. My intercourse, whether social or political, with the Indian tribes has been very limited, although I have spent more than half of my life in their immediate neighborhood. But, sir, I will say that no squaw ever had occasion to laugh at me. Now, can the honorable Senator from Michigan say as much for himself? [Laughter.] There was a point referred to as relating to the truth of history which I do not think touches this case at all. I do not deem it material to inquire when the Shawnees settled in the State of Missouri.

The original grant, as stated by the Senator from Tennessee, from the Baron de Carondelet, was dated in 1793. I have before me a petition which I wish to read:

"To the President of the United States:

"The petition of Louis Laramie, in the name and behalf of the Shawnee and Delaware Indians, settled within the territory of Louisiana, respectfully sheweth:

"That the said Indians, when they first repaired to this side of the river Mississippi, had obtained from the Baron de Carondelet, the Governor of Louisiana, the permission to occupy any part of the vacant domain between the Missouri and the Arkansas rivers, for them to hunt, plant, sow, raise cattle, and make such improvements as might be necessary or useful for the subsistence of their actual or subsequent population, with the assurance of being maintained and protected in the peaceful and undisturbed possession of the same; that, in consequence, and by virtue of that privilege, they had made choice of that tract of country, then uninhabited and unappropriated, which lay between the river Cape St. Come and Cape Girardeau, bounded on the east by the Mississippi, and westwardly by a small river called White river."

The date of the grant was, I believe, January 4th, 1793. Then I have here a petition from the Shawnee chiefs of the Missouri band signed by

"The White Bird," "The Flute," "The Fire," and "The Speaker," in which they say:

"We, the undersigned chiefs and headmen of the Shawnee and Delaware tribes of Indians, residing on the west side of the Mississippi river, after having held consultation in common council, determined to address you on the subject of our concern, and represent the facts on which they are predicated.

"About the year 1788 the Shawnee and Delaware tribes, whom we represent, were invited by the officers of the Spanish Government in the upper part of their colony of Louisiana, to remove and settle on the west side of the Mississippi. This measure was consented to, and we went to reside at, first, near to St. Louis. The protection which we afforded to the Spanish settlements against the frequent incursions of the Osage nation, was, doubtless, the policy of the Spanish Government in soliciting us to settle in their country. We were offered by them a district of country on the Mississippi, wherever we might think proper to select it, between the mouth of the Missouri and Arkansas rivers. No permanent settlements were, however, made by us until about 1797, when two of our principal men, having obtained a recommendation from the Spanish officers in the upper country, went with it to the Governor and Intendant at New Orleans. In the spring following, they returned with a concession from the Spanish Government to the Shawnee and Delaware Indians for all the tract of country within the following boundaries," &c.

This does not show the exact year this band of the Shawnees settled in the State of Missouri, but it shows us that they were invited to settle there in 1788; that in 1793 they obtained the grant; and that in 1797 they were actually upon the land. I was told the other morning, in the presence of the Senator from Tennessee, by Captain Parks, one of the chiefs of the Shawnees, who is now here, that after General Wayne had defeated the Indians in 1794, the great bulk of the Shawnee nation started to leave their homes in the Northwest to go beyond the Mississippi river, to take protection under another Government; but that a portion of the Shawnees—I suppose this Ohio band—returned and settled upon the Auglaize. I do not recollect whether he said what became of them; but my understanding of the matter was, that after the defeat of the Indians by Wayne—

Mr. BELL. The whole tribe went west.

Mr. ATCHISON. After Wayne defeated the Indians, this portion of the Shawnee nation went and settled west of the Mississippi, under an invitation which they had received from the Spanish Government prior to that, in 1788; but I do not see that this has any bearing upon the question at all.

Mr. BELL. I would state to the Senator that I made use of the argument as to the historical fact for the purpose of answering the position that the Ohio Shawnees had nothing to do with the treaty of 1825, and could have no interest in it. My object was to show that they were originally one and the same tribe.

Mr. ATCHISON. I was coming to that point. The Senate will see from the able argument of the Senator from Tennessee, that there is very great doubt and difficulty in the settlement of this question. But the close of his argument was, I think, decidedly against himself. He says that by the terms of the treaty of 1825 with the Missouri Shawnees, the United States stipulated that the Ohio Shawnees should hold this fifty miles square in common with the Missouri Shawnees. Well, if that be the case, then one undivided moiety of fifty miles square belonged to the Shawnees of Ohio. I differ with him as to that construction of the treaty. But admitting that to be the construction, what consideration did the United States give them for their lands ceded by the treaty of 1831? Why, 100,000 acres of their own land, to be located within this fifty miles square, and instead of giving them one undivided moiety, or an equal interest in the fifty miles square, they are cut down to the 100,000 acres of their own lands, according to the argument made by the honorable Senator from Tennessee, if I understood him aright. This being the case, the Ohio Shawnees have never received any consideration, except the five per cent. upon the \$39,000 which they have received up to this time.

Mr. BELL. Will the honorable Senator allow me to say that I did not make such an argument as that. I did not say that though it belonged to the Ohio tribe of Indians, it was given for the common benefit. The fifty miles square was laid off under the treaty of 1825, by the Shawnees of Missouri, with the stipulation that the Shawnees of Ohio might occupy the land in common with them, when they should think proper to emigrate. The United States then entered into no stipulations with the Ohio Indians to compel them either to

remove or accept or not accept. But the stipulation of the treaty of 1825 was in furtherance of the policy of the Government, that when it did treat with the Ohio Indians for their removal to the western frontier, they might have a home provided for them by the treaty of 1825, to which they might remove.

Mr. ATCHISON. The treaty of 1831 involves this question in further difficulty. The treaty of 1825 is recited in the latter treaty; and the Shawnees then—admitting that they had common sense, and knew what they were about—knew that they were taking their own lands if that was the case. It is not a fair presumption to suppose that they did not understand what they were about. As I stated to the Senate on a former occasion, if this were a transaction between white man and white man I would, without hesitation, say that I should not give them the consideration which they ask. But it was a treaty entered into on behalf of the Government of the United States by men of talent and ability, with a parcel of ignorant Shawnee Indians, for they were so at that time.

Now, a further difficulty presents itself as to who shall have this money; and that is the true difficulty, if we agree to give it. But I think that difficulty is obviated by the amendment proposed by the honorable Senator from Arkansas. He proposes, that if the Senate should agree with the House of Representatives in retaining this appropriation, it shall be qualified; and that this money shall be paid to the Shawnee nation, now residing on the tract of fifty miles square—the Missouri Shawnees and Ohio Shawnees in common; that the Missouri Shawnees shall agree, together with the Ohio Shawnees, that they will accept this in common; and that the Ohio Shawnees shall release all claim against the Government, under the treaty of 1831, for the 100,000 acres. That is fair, and I presume they would accede to it. If you make this appropriation, as it stands at present in the bill, it would be so much money thrown away; and both these bands of Indians would have a right to come upon the Government and claim additional appropriations—the Missouri Shawnees claiming \$33,000, and the Ohio Shawnees claiming \$33,000. Suppose you should now give all this money to the Ohio Shawnees, the Missouri Shawnees would turn round and say to them, "You have no right to settle on this land; you have not paid us a cent for our land; it is our land under the treaty of 1825." They would give it that construction beyond all question; and thus a difficulty would arise between these two bands of Shawnees, and this Government would have to settle that difficulty out of the Treasury of the United States. I am for settling it now, once for all. The amendment proposed by the Senator from Arkansas will do this.

I am perfectly willing to strike out of the amendment of the Senator from Arkansas, the clause proposing the reference to the Attorney General. I am willing to close the business now, upon the terms and conditions proposed in that amendment; or I am willing to refer the matter to the opinion of the Attorney General, as to the right against this Government. I am willing to accept the amendment of the Senator from Arkansas, as a substitute for the section which the Committee on Finance proposed to strike out. I would accept it, provided the Senate would strike out the reference to the Attorney General, and leave the appropriation to be made at once, and absolutely to be disposed of, as provided by his amendment.

Mr. WALKER. Mr. President, as I view this question, it is a very plain one. I concur fully with the honorable Senator from Tennessee, that if this is put upon the score of right, these Indians have no claim whatever. In 1831, the Shawnees of Ohio sold their lands in Ohio. What were they to receive for those lands? I will read from that treaty, and draw some deductions from it. The treaty provides:

"The United States will expose to public sale, to the highest bidder, in the manner of selling the public lands, the tracts of land herein ceded by the said Shawnees. And after deducting from the proceeds of such sales the sum of seventy cents per acre, exclusive of the cost of surveying, the cost of the grist-mill, saw-mill, and blacksmith's shop, and the aforesaid sum of \$13,000, to be advanced in lieu of improvements; and it is agreed that any balance which may remain of the avails of the lands, after sale as aforesaid, shall constitute a fund for the future necessities of said tribe, parties to this compact, on which the United States agree to pay to the chiefs, for the use and general

benefit of their people, annually, five per centum on the amount of said balances as an annuity. Said fund to be continued during the pleasure of Congress, unless the chiefs of said tribe or band, by and with the consent of their people in general council assembled, should desire that the fund thus to be created should be dissolved and paid over to them; in which case, the President shall cause the same to be so paid, if, in his discretion, he shall believe the happiness and prosperity of said tribe would be promoted thereby."

The Government has kept to itself seventy cents per acre from the sale of these lands, and it is out of the balance remaining that the fund here spoken of is to be held by the United States, and paid over to the Indians whenever they require it; and it is that very fund, according to the papers which have been read, that the chiefs have come on here to settle. The claim for which the appropriation is proposed in the bill as it came from the House, is of an entirely different character. The chiefs came here asking the Government to pay them in gross the fund reserved by the article of the treaty which I have read. This proposition is to appropriate to them the seventy cents an acre which the Government reserved from the sales of their lands.

What was the Government to pay these Indians? It will be perceived that the Government was to expose the lands for sale as other public lands, and therefore they were not to be sold for less than \$1 25 an acre. Out of the proceeds of the sales, the Government reserved seventy cents. The balance, fifty-five cents an acre, was to be paid to the Indians in annuities and certain other ways. Now, do they claim that there is one farthing of the fifty-five cents an acre which is unpaid? Not at all. That has all been disposed of. They do not pretend that one farthing of the fifty-five cents has not been paid. What else do they complain of? They were to have 100,000 acres of land in the State of Missouri, which land I was to be embraced within the fifty miles square which was conveyed by the Government under the treaty of 1825 to the Shawnees of Missouri. Do they complain that they have not received those 100,000 acres? The chiefs who are here have not come for any such purpose. They do not make any such complaint. The subject on which they come is of altogether a different character.

What does the tract of fifty miles square granted to the Shawnees amount to? It amounts to 1,600,000 acres. These Ohio Shawnees constitute the majority of the whole tribe of Shawnees, and therefore they get more than half of the 1,600,000 acres of land. They get at least 800,000 acres, if not more, instead of the 100,000 which we agreed to grant them. Now, is it not perfectly clear that they have received the fifty-five cents an acre? They have received not only 100,000 acres west of the Missouri, but 800,000 acres of land.

On what ground, then, is this claim based? Why, sir, it must be upon the score of benevolence and generosity. The fifty-five cents an acre has been paid. There is no complaint on that head. We have given them not only 100,000 acres, but 800,000 acres, and they are in the enjoyment of it. There is nothing left, therefore, which can possibly be complained of, but this one thing: that the fifty-five cents an acre which was reserved in the hands of the Government, is not yet finally settled, for the chiefs have come on to obtain a settlement of that amount. They do not desire that it shall remain a fund in the hands of the Government, for the use of the Indians, but they desire that the fund be paid over to them now in gross. That is the object for which they have come here. But this claim is of an entirely different character.

This claim, if I understand it, is for the amount received from the sale of their lands in Ohio. In other words, it is a proposition to appropriate to these Indians the aggregate of seventy cents an acre, which was reserved by the Government, in lieu of—what? In lieu of the 100,000 acres in Missouri, which, it is said, they never got. Why, this is a most astonishing case! They never got the 100,000 acres! Why, sir, where are they living? They are living on the 1,600,000 acres set apart for the whole tribe, and they, being a majority of the whole tribe, enjoy their full share; and yet complaint is made that we have not given them 100,000 acres! It is said they must have the seventy cents per acre which was reserved by the Government in the treaty. Why, we have paid under this treaty fifty-five cents an acre to the

Indians. Have we ever paid so much before? Why, less than eleven and a half cents an acre was paid for the great Menomonee cession, and about the same amount for the Sioux cession, which was not long since ratified; and that was clamored against as being too high.

I can see no foundation whatever for this claim. If it is for the seventy cents an acre in lieu of the 100,000 acres which they were to have west of the Missouri, why do they not ask us to comply with the treaty, and give them 100,000 acres? Ah, sir, they are not such fools as to do that. They know if they cut off 100,000 acres for themselves what will be the result. It will be that the Missouri Shawnees will have 1,500,000 acres to their 100,000. They are not so inensible to their own interests as to give up the half of 1,600,000 acres, and receive instead of it 100,000 acres, leaving to the Missouri Shawnees 1,500,000. I can see no foundation for the claim whatever on any principle of construction which can be applied to the treaty.

The amendment of the Senator from Arkansas proposes that the appropriation shall be made on condition that the Attorney General, on investigation, shall be satisfied that the claim is just. I have a very high regard for the opinion of the Attorney General when I know that he investigates a subject, and I presume that when a subject was referred to his opinion by Congress, he would investigate it. But I do not see any necessity for any reference. Besides, I am opposed to the policy of making appropriations to depend on the opinion of the Attorney General. If his opinion is necessary, let us have it to guide us before we legislate, and not afterwards.

The recommendation of the Secretary of the Interior in favor of this claim carries to me no weight. He really seems never to investigate a subject. He goes at random; and very frequently, when his recommendations are here, the most superficial examination discloses that they are utterly erroneous. It seems that no dependence whatever can be placed on his recommendation. Then, if these Indians have got their fifty-five cents an acre, as the treaty provided they should have, if they have got not only 100,000 acres, but 800,000, I cannot see for my life what further claim they can have.

Mr. CASS. Mr. President, the honorable Senator from Wisconsin is entirely wrong on this subject. The matter is exceedingly plain, and lies in a nut-shell. The Cape Girardeau Indians owned a tract of land, and sold it to the United States in 1825. In consideration of it, the United States gave them a tract of fifty miles square, west of the Arkansas. In the treaty of 1825, at the request of the Indians, there was this provision made, that the Ohio Indians from time to time, when they chose to emigrate, might go there. Some years afterwards the United States go into Ohio, where there were small tracts reserved and occupied by the Shawnees, the Delawares, and the Wyandots. In process of time these reservations became valuable. In 1831 the United States wanted the Indians to go west. We made arrangements with these Indians in Ohio to go west; and we provided to give them 100,000 acres out of the tract which had been before granted to their brethren in that country. Out of that tract of fifty miles square they were to receive a patent for 100,000 acres of land. Now, I want to know what right had we to change the terms of the original treaty? If they were to go there at all in a body, (which the treaty never contemplated,) they had an equal right to the whole; whereas we say in the treaty that we will give them 100,000 acres. As I said before, they were entitled to the land without our patent; and yet gentlemen talk about their having a part of these fifty miles square. Gentlemen talk about the value of the land on which the Indians have settled. What good is that value to them? They cannot sell it except to the United States, so that it does not make any difference to them whether the land be worth one dollar or a million of dollars. Whatever may be the price, it makes no difference to them, for they hold it just as other Indians hold land, with the right to occupy and not to sell to any one but to the Government of the United States. As I said before, the United States have furnished one tract of land, and they got a consideration for two. That is just the whole point of the case, and that is all there is about it.

Mr. WALKER. I will take it upon the ground of the Senator from Michigan. He says the treaty was made with the Shawnees of Missouri in 1825; and that, in lieu of the twenty-five miles square near Cape Girardeau, they were given fifty miles square in another place. Does not the Senator bear in mind that that was not given to them absolutely, as Missouri Shawnees? Does he not bear in mind that there was an express reservation made in that treaty that the Ohio Shawnees might settle on that fifty miles square?

The next point of the Senator is, that a patent has been issued to the Shawnees of Missouri. Does he lose sight of the fact that the patent reserves the portion of the Ohio Shawnees in pursuance of the stipulations of the treaty? He cannot forget that. But put it upon his own ground; suppose that the treaty with the Shawnees of Missouri had not been observed, and we had treated with each band separately, the Government, having in view the Ohio Indians, would have deducted what was intended for the Ohio Indians, and would have given to the Missouri Indians so much less of course. The Government saw proper to appropriate a gross aggregate amount for the Missouri Indians, including the Ohio Indians; and I cannot see the difference between giving it jointly to them, or giving it to them separately, if they should demand it. But they did not demand it; and all that they ask is what was reserved in the treaty, that the fund which the Government holds for their benefit should be paid over to them in gross.

Again, sir, what would a separate treaty with these two tribes give them upon the principles deduced from this treaty? It is just what I have before stated. It would leave the Shawnee Indians of Missouri with 1,500,000 acres, and there would be 100,000 acres left for the Shawnees of Ohio. In place of doing that, we have given them 1,600,000 acres jointly, the 100,000 acres being included in the 1,600,000 acres ceded by the treaty of 1825.

Mr. UNDERWOOD. Mr. President, the manner in which my friend from Tennessee [Mr. BELL] has supposed that I misunderstand this whole matter, has induced me to rise for the purpose of trespassing on the patience of the Senate a very short time. My attention was directed to the subject by the remarks made the other day by the gentleman from Missouri, [Mr. ARCHISON.] I subsequently had a conversation with him and became enlisted in the subject, and therefore I ventured to make a few remarks; for doing which I have received the castigation of my friend from Tennessee, who supposes that I have totally misunderstood the whole subject. I know, sir, that it is sometimes dangerous to enter into a matter which one has not studied thoroughly, and if I had thought that the conversation which I had with my friend from Missouri would have led me into the collision which has taken place between myself and the gentleman from Tennessee, perhaps I should have used the "better part" of "discretion" and not entered at all into this controversy. But being in it, I wish to maintain the position which I have assumed, and I think correctly assumed, and to show that my friend from Tennessee has brought into this discussion a number of matters which I humbly conceive have nothing in the world to do with it.

He says, for example, that this Ohio band was originally a part of the same tribe that settled upon the Missouri, and that they returned back to Ohio. What of that? Suppose they were originally the same tribe, has not the Government by these treaties made contracts with them, and made bargains with them as a separate tribe and band of Indians? Surely it has.

Here is the treaty with the Missouri band; here is the treaty with the Ohio band. Does it become my friend from Tennessee to say, that because these Indians were once united, the Government could not make these separate treaties with the different bands? That is nothing to the purpose. They must receive the construction which all other treaties and contracts receive, and must have the same force as though they were made entirely with different nations. Surely that cannot be denied. Therefore, granting the position which he assumes, that they originally belonged to the same tribe, I conceive that their separation and their having been treated with by the Government as separate tribes, presents them precisely as though they had never been united.

Again, he says that this land upon the Kansas which they have got is the most valuable land perhaps which any tribe owns—that it is worth \$5 or \$10 per acre. What has the value of the land which they have received to do with the question? How does the value operate upon the contract?

Mr. BELL. I was speaking on the principle of gratuity, upon which ground some who favor the appropriation place it.

Mr. UNDERWOOD. If the gentleman says we ought not to make a donation, I agree with him; but we are treating with contracts now, for a treaty is nothing but a contract between nations, or between quasi nations such as we regard the Indian tribes, and is like a contract between two individuals; and the same principles apply to the one as to the other. The value of the country, therefore, has nothing to do with the case except in this point of view. If the country is worth \$5 or \$10 an acre, and we, by treaty stipulation with these Indians, have promised to give them in fee-simple, as I will show you directly, 100,000 acres of this valuable territory now worth \$500,000, or \$1,000,000, we get off remarkably cheap if we pay only \$66,000. In the construction of the treaty, the value has nothing to do with it. In the fulfillment of the contract on the damages to which the Indians may be entitled for our violation of it, it might have a great deal to do with it. In that point of view, if the gentleman from Tennessee is right in saying that the country is worth \$5 or \$10 an acre, we have got off very well, if we can satisfy their claim to 100,000 acres of this valuable land by paying only \$66,000.

My friend from Tennessee has commented upon the opinions of the Secretary of the Interior. I shall not attempt to vindicate those opinions; nor shall I go further into these irrelevant matters, which, as I conceive, have been brought into this debate without having anything to do with the real matters involved. The gist of this whole controversy lies, as I think, in a nut-shell; and it does seem to me if Senators would only examine the treaty, they would not hesitate a moment about it. What does the first treaty of 1825 say? It says that the Missouri Indians shall have fifty miles square of land, in consideration of their twenty-five miles upon the Missouri river. My friend comments upon the difference of their having got four acres to one. What has that to do with it? If they get one hundred to one, and it is the bargain, it has nothing to do with it. We have disposed now of the question of value. We have disposed of the question of quantity in the same way. If they got four times as much, and have got it by a fair bargain, they are entitled to it, and the difference in quantity has nothing to do with the question. They got these fifty miles square for the twenty-five miles near Cape Girardeau, and they got it with a stipulation. And what is that stipulation? That if their brethren in Ohio should choose to go and live with them they might do so. When the treaty of 1831 was made, what was the condition of these Indians? They had the fifty miles square. They had besides the whole country in Ohio. Can any one deny that? After they remained in that condition for six or seven years, having fifty miles square and the Ohio lands, we made a treaty with them; and what did we say in that treaty? We said this:

"In consideration of the cessions stipulated in the foregoing article, the United States agree to cause the said tribe or band of Shawnees, consisting of about four hundred souls—"

My friend puts stress upon the number of these Indians, to show that they got a great deal of property for such a small tribe. What has that to do with the question?

Mr. BELL. I did not refer to it with any such view. I hope the gentleman does not mean to be offensive?

Mr. UNDERWOOD. Not at all.

Mr. BELL. I referred to their numbers to show that, being four hundred, they were a majority of the whole tribe, and hence enjoyed the right to use over a half of the 1,600,000 acres.

Mr. UNDERWOOD. The number of the Indians, it seems to me, has nothing to do with the construction of the treaty. Whether they be few or many, the principle by which the rights of parties are to be settled should be justice. The stipulation of the treaty to which I refer is in these words:

"The United States agree to cause the said tribe or band

of Shawnees, consisting of about four hundred souls, to be removed, in a convenient and suitable manner, to the western side of the Mississippi river, and will grant by patent, in fee simple, to them and their heirs forever, as long as they shall exist as a nation, and remain upon the same, a tract of land to contain 100,000 acres, to be located, under the direction of the President of the United States, within the tract of land equal to fifty miles square, which was granted to the Shawnee Indians of the State of Missouri."

Let us look at that. Here is a stipulation in express terms that the United States will grant 100,000 acres, in fee-simple, as long as these people remain as a nation, and live upon it, out of the fifty miles square which had been set apart for the other Indians. What is the meaning of granting to those four hundred souls 100,000 acres in fee-simple? Is it not that they shall have the exclusive use of those 100,000 acres? Are other persons to go in and enjoy a portion of them? Why, sir, the thing is preposterous. It is a direct stipulation that they shall have the exclusive use, and nobody else is to have any use of these 100,000 acres. Now, I ask the Senator, had the United States a right to carve, out of these fifty miles square, 100,000 acres, and say to the Ohio Indians: "You shall have the exclusive use of them, and you shall exclude the Missouri Indians who had acquired a right to that fifty miles square seven years before?" The thing is utterly preposterous. In what condition, then, do you present yourselves? You have, by the first treaty with the Missouri Indians, said: "You shall settle anywhere and everywhere, according to your regulations, upon the whole fifty miles square." You have then said, by the second treaty with the Ohio Indians: "We will give you the exclusive use of 100,000 acres of land within the fifty miles square." I say there is an inconsistency which cannot be possibly reconciled; the two treaties cannot stand together; you cannot give the Ohio Indians the exclusive use, in fee-simple, of 100,000 acres of this land which the other tribe have a right to settle upon, and use in common, if you please, with the Ohio tribe. Sir, language, discussion, argument, cannot make the thing plainer than the two treaties, when you compare the one with the other. It is palpable; no man can gainsay it.

This treaty, then, goes on and states, that if there is not good land enough to set apart these 100,000 acres, in fee-simple, for the exclusive use of the Ohio tribe, within the fifty miles square, then it is to be laid off adjoining those fifty miles. Have they ever got it in the fifty miles square for their exclusive use?—or have they got it adjoining for their exclusive use? Why, sir, the paper presented here as the patent upon the Kansas, given by Mr. Tyler, shows that they did not get it within the fifty miles square for their exclusive use. There is no pretense that they got it adjoining. They have never got it at all, then, for their exclusive use, according to the treaty of 1831. They have never received it. What have they received? Just what the Senators from Wisconsin [Mr. WALKER] and Tennessee [Mr. BELL] said they had got—the right in common with the Missouri Shawnees to go and settle upon the fifty miles square. That is all they have received. What did they stipulate for in the treaty of 1831? Did they stipulate for the right in common to settle upon the fifty miles square? That they had under the treaty of 1825. That provision had been made for them by the Missouri band. The treaty of 1825 expressly says, that the Ohio Indians may go and settle and enjoy it, in common with them. Did that satisfy the Ohio tribe? No, sir. They said, when they parted with their lands, "We shall have 100,000 acres, in fee-simple, to ourselves." That is the meaning of the treaty. Have they got it? There is no pretense that they have; and here the Senators from Tennessee and Wisconsin are satisfying this stipulation in the treaty of 1831, which guarantees these Indians 100,000 acres to themselves for their own use, in fee-simple, as long as they occupy it by a privilege to occupy in common, according to the stipulation of the treaty of 1825, with the Missouri Indians.

There is the whole case. Any one who will look at the two treaties will see it. Then the question is, what damages are to be paid? Sir, if you stipulate that I shall have a patent for a thousand acres of land for me and my heirs to live upon as long as any of us are in existence, is not that a much more valuable privilege than to



say that I shall have a thousand or two thousand, or ten thousand acres, in common with my friends from Tennessee and Wisconsin? Everybody can see the difference, if you make it an individual case; and here is that individual case carried out precisely in these treaties. The treaty of 1831 says that the Ohio band shall have 100,000 acres in fee-simple, for their use, and not in common with the other tribe.

Mr. WALKER. Just at this point, will the Senator allow me to ask him this question: Can he show me when the Ohio Shawnees have ever complained to this Government, or to anybody else, that they have not had 100,000 acres set off to them separately? And if he cannot show that, who is it that has got up this argument, and who is it that is urging it? Not the Indians.

Mr. UNDERWOOD. I have already stated how I happened to get into this fight. [Laughter.] I got into it by a conversation with the Senator from Missouri, [Mr. Archison.] I heard him here the other day, belaboring this question. [Laughter.] I paid some attention to it, and happened to ask him a question about the matter, in connection with his speech. He explained it, and I afterwards had a conversation with him. I am now asked by my friend from Wisconsin, who filed the declaration? I have not looked into that matter. The first I heard of it was in the way I tell you.

Mr. WALKER. You are no party to the cause at all.

Mr. UNDERWOOD. I suppose, though, that somebody has been authorized to act; and I suppose, from the letter which my friend from Michigan has had read to-day, that the Indians are making the complaint that they have not received justice under these treaties.

Mr. WALKER. That is not what the Indians are here complaining of. They are here to get the Government to pay over the reserved fund in gross, which is out of the fifty-five cents, and not out of the seventy cents reserved by the Government.

Mr. UNDERWOOD. The Senator ought to ask the Committee on Indian Affairs or the Finance Committee, whichever presented it, why this amendment was proposed.

Mr. WALKER. It came in the bill from the House.

Mr. CASS. The question is whether it is just.

Mr. UNDERWOOD. It comes before this body by the action of the appropriate committee, and because I am discussing the treaties upon which the whole right depends, the Senator wants to evade the question of the right growing out of the treaties, by going off into an inquiry as to how the thing came here; like a judge, instead of settling a case according to the right, when called upon to adjudicate it, wanting to know who brought the suit and how the parties come before him. Now I have nothing to do with that, and I come back to what I was at.

Here are the facts. Here are the stipulations, which I have shown the Government has not complied with. Then, if the country be half as valuable as the Senator from Tennessee says it is, if you get off by paying \$66,000, when you stipulated to give a fee-simple title for 100,000 acres worth \$5 or \$10 an acre, you will do very well and make a remarkably good bargain. These treaties present themselves to my mind in the way I have shown you. Nobody can refuse to see it. It is just so. The Government has not complied with its stipulations. Was it an unmeaning stipulation that the Government made with the Ohio Indians in 1831, when it said:

"We will give you in these fifty miles square, or adjoining them, 100,000 acres of land in fee-simple as long as you or any of you live as a nation?"

Did that mean nothing? According to the construction which the Senators from Tennessee and Wisconsin put upon it it is absolutely without meaning, because they make it say they have got that already. "You have got 800,000 acres instead of 100,000;" that is the answer they give. They have got 800,000 acres, whereas they were promised, specifically, 100,000 exclusively for their own use. Why, sir, their construction makes this stipulation in the treaty of 1831 an unmeaning sentence, without effect, having no operation upon the minds of the Ohio Indians. I am disposed, as it has been inserted in this contract, to say that it means something; that it was intended to mean

something; that it should have some effect. We see that those Indians have had no benefit from it yet; and I see no way of giving them the benefit, except by the provision in this bill.

Mr. BELL. Why not propose to patent 100,000 acres to them in the fifty miles square?

Mr. UNDERWOOD. My friend says why not propose to patent the 100,000 acres to them out of the fifty miles square? For the most obvious reason in the world. What would these Indians say if you sent Government officers there to tell them "We will lay off 100,000 acres for the exclusive use of the Ohio band?" They would rise up, as one man, and say, by the treaty of 1825, "I have the right to settle anywhere on that land; I have a right to use that land, and you are now going to take it away from me, and give it to the exclusive use of these Ohio Indians, and exclude me from the use of it."

Mr. BELL. Could we not, with the consent of the Shawnees of Missouri, give 100,000 acres to the Ohio Shawnees, out of the fifty miles square, upon condition that the latter should release all claim to the 1,500,000 remaining?

Mr. UNDERWOOD. Certainly, these people can make a new contract. Nobody denies that.

Mr. BELL. I want the gentleman to carry out his argument. My argument was, that they have 800,000 acres, holding by the same tenure in common as long as they exist as a nation, instead of the 100,000. But, says the Senator, you stipulated to give the Ohio Indians 100,000 for their separate use and occupation; they do not claim any of the fifty miles square, they claim only the 100,000 acres, and they had a stipulation to enjoy it themselves as long as they continued a separate nation. Now, if the Senator wishes rigidly to carry out our contract, I merely wanted, by asking this question, to show him that he can do it, by proposing in this amendment that the Government be authorized to patent to them, according to the terms of the treaty of 1831, 100,000 acres of these 1,600,000, with the assent of the Shawnees of Missouri, treated with in 1825, the Ohio portion of the tribe agreeing to relinquish all their claim to the 1,500,000 remaining. What objection is there to that?

Mr. UNDERWOOD. None in the world, if the Indians would agree to it; but would they do so?

Mr. BELL. Certainly.

Mr. UNDERWOOD. The Senator says certainly.

Mr. BELL. I mean the Missouri Shawnees; the others would not.

Mr. UNDERWOOD. I can say that if I were stipulating I would not agree to any such thing, if it were my case instead of the Indians. Why, the Ohio Indians could say, "We have everything that you propose to give us in the fifty miles square already; we have the right, by the treaty of 1825, to settle and enjoy that anywhere, and, in addition to that, your obligation that we shall have 100,000 acres more to ourselves."

Mr. BUTLER. I wish to ask the gentleman another question at this point, for I would like to have my mind satisfied about it. I am not a stranger to this subject, for I have heard a great deal said about it by my friend from Missouri. I wish to ask whether it would be to the advantage of the Ohio Indians to take exclusively, and in severalty, the 100,000 acres, or to take their share of the 1,600,000 acres as tenants in common? As a question of law, if they had the power to elect, would they take in severalty the 100,000 acres or not?

Mr. UNDERWOOD. It would be to their advantage to take the right to use in common the whole fifty miles square, and then to have separately and exclusively 100,000 acres to themselves.

Mr. BUTLER. But if they were to take one or the other, which would they take?

Mr. UNDERWOOD. They are entitled by these treaties to both; and the idea that they are to be limited to one or the other is the point upon which my friend from South Carolina is in error.

Mr. BUTLER. It may be so.

Mr. UNDERWOOD. Now, to prove that the stipulation of the treaty of 1825 is, that they shall have the right to use in common the fifty miles square, let us look at the treaty. If my friend will look at it, he will find that they have expressly, by that treaty, the right to settle and to

use in common the fifty miles square. It is a stipulation on the part of the Missouri Indians that they shall have that right; and the Government conceded it. And then, in addition to that, in the treaty of 1831, seven years afterwards, the Government said to these Ohio Indians, "we will secure to you 100,000 acres."

Mr. WALKER. In the same tract.

Mr. UNDERWOOD. In the same tract, certainly; but they were to have the exclusive right to 100,000 acres. They were to have the title to it in fee-simple. Does that exclude them from the right under the treaty of 1825?

Upon what principle can you show that they have no right to occupy the fifty miles square in common with the Missouri Indians, and that they have not also a right to the 100,000 acres? If the 100,000 acres were laid off, they had the same right that they had before, and they have, by this additional treaty, a stipulation on the part of the Government that they shall have 100,000 acres to themselves, and yet you are limiting the proper construction of this treaty—you are depriving an ignorant band of Indians of privileges, immunities, and rights which are granted to them by treaty stipulation; and this you have no right to do. That is the very foundation of the claim.

I will not detain the Senate longer. I have got into this matter in the way I have stated. I have looked into the treaties for the purpose of trying to understand them; and that I have stated the true construction of both treaties in all their bearings, it seems to me cannot be doubted.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The question is on the amendment of the Senator from Arkansas.

Mr. CASS. Did I understand the honorable Senator from Arkansas to withdraw that portion of his amendment requiring the reference of the question to the Attorney General?

Mr. SEBASTIAN. I understand it now to be the sentiment of the members of the Committee on Indian Affairs that they are willing to withdraw that reference. I therefore modify the amendment so as to strike out that provision.

Mr. BELL. That makes the grant absolute. It makes the appropriation of \$66,000 unconditional.

Mr. SEBASTIAN. It leaves the appropriation absolute for payment of \$66,000 on the conditions contained in the proviso.

Mr. BORLAND. I would like to have the amendment read as it now stands.

The amendment was accordingly read, as follows:

Strike out all after the words "\$66,246 23," and insert: "To be paid to the whole nation of Shawnees residing upon the Kansas *per capita*, but upon the following conditions: First, that the Shawnees shall, by some valid act of the national authorities, be prescribed by the Secretary of the Interior, agree to receive said money in common. Second, that they will hold in common, as one nation, the lands assigned by the treaty of 1825. Third, that all claim of the Ohio Shawnees to the exclusive grant of 100,000 acres, under the treaty of 1831, be forever released."

Mr. BORLAND. I understand that the practical effect of this amendment will be to pay to these Indians the whole amount of money for which we have sold the lands which were originally ceded by them in Ohio. We are to pay that amount to them in money, in addition to their right of occupancy and possession of 1,600,000 acres of land west of the State of Missouri. This is a subject with which I am not at all familiar. I do not know the point upon which I am called to vote, and I therefore ask if that is the practical operation of the amendment.

Mr. SEBASTIAN. I will say to my colleague that the first question is upon the amendment which I have offered, and then the main question will arise on the motion of the Committee on Finance to strike out the whole clause, and that will raise the subject of the title. The proposition now is only to amend the appropriation as far as the disposition of the land is concerned. But my amendment provides for the appropriation *per capita* for the whole nation; that they may enjoy the land in common; that the Ohio band of Shawnees shall release their claim to the exclusive right of occupancy of 100,000 acres of land.

Mr. BORLAND. That explains the matter. It answers my question in the affirmative. I wished to understand the effect of the whole provision before I voted upon any amendment to it. It is then, as my colleague has stated, a provision

under which we are to pay the whole amount of money for which we have sold the 100,000 acres of land in Ohio. The proposition is to pay the Shawnees in money that amount, in addition to their right of common tenancy of 1,600,000 acres which they have west of the Mississippi.

Mr. SEBASTIAN. Seventy cents an acre upon the proceeds of the sale of their lands in Ohio were reserved by the Government as a consideration for giving them 100,000 acres west of the State of Missouri. Seventy cents per acre was not the whole amount for which the lands were sold. The residue was reserved, and has been partly paid to them. The rest has been invested for their benefit. Some of it was paid for saw-mills, some for grist-mills, and some for other purposes, and a portion of it was invested in five per cent. annuities, which have been paid annually by the Government of the United States to them. But there were seventy cents per acre reserved in the treaty, as in several other treaties made with the bands in Ohio, as a consideration for the lands ceded to them west of the Mississippi. They say that that consideration has failed, and they therefore ask to have refunded to them seventy cents per acre on the sales of their lands in Ohio—making the amount of \$66,000—that being the consideration for which they agreed to receive the 100,000 acres in the west.

Mr. BORLAND. I must confess, that the more I hear the case explained, the more difficult it is for me to understand it. I understand that we originally obtained from these Indians 100,000 acres of land in Ohio.

Mr. UNDERWOOD. Not so much as that.

Mr. BELL. It was upwards of 90,000 acres—amounting almost to 100,000.

Mr. BORLAND. In consideration of their removal from those lands in Ohio, how much did we pay them? Will my colleague be kind enough to tell me?

Mr. SEBASTIAN. I have some statistics here which I will present to the Senate. At the date of the treaty of 1831, the Wapaghkonetta band was in possession, in the State of Ohio, of 92,800 acres of land. They ceded those lands to the Government of the United States, and took in exchange 100,000 acres west of the State of Missouri. Their lands were to be put up and sold as other lands of the United States—not by private entry, as the Senator from Wisconsin seemed to suppose, but they were to be exposed to public sale as other lands, of course at the minimum price of \$1.25 per acre. We agreed, in the first place, to reserve to ourselves seventy cents an acre as a consideration for the land assigned to them west of the State of Missouri; and then for the overplus, we became the trustee, and were to disburse it for their benefit. Out of this overplus we advanced \$6,000 to enable them to remove; we subsisted them for twelve months; we paid the expense of erecting a saw-mill and grist-mill, and blacksmith-shop on their new land, and, then, after deducting the seventy cents an acre, reserved as a consideration for the lands assigned them west, and after deducting the other expenses incurred for their benefits, it was supposed that there would still be a surplus from the sale of their lands. That surplus was invested, in pursuance of the terms of the treaty, in five per cent. annuities, which the Shawnees have been receiving ever since.

To proceed further with this case: The Government proposed to assign them the 100,000 acres west, and proposed by an article of the treaty to give them a patent for it. They went and occupied the lands on the ground assigned by the treaty of 1825, to the Missouri Shawnees. The Government has never complied with its stipulation to assign to the Ohio Shawnees 100,000 acres exclusively for their own use. They were not able to do it; they are not able to do it to-day; and they never can be able to comply with this stipulation unless they purchase 100,000 acres from the Missouri Shawnees. They occupy the land in common—a privilege reserved to them by the Missouri Shawnees, in the treaty of 1825, which contained a stipulation that such of the Shawnees as resided in Ohio as should emigrate to the country assigned them west, should have the privilege of occupying it in common. They possessed this right under the treaty of 1825; they had this privilege at the time the treaty of 1831 was formed. It was a privilege accorded to them and acquired by them

under the treaty of 1825. They had it at the date of the treaty of 1831, which gave them, in addition to the right in common, the exclusive right to 100,000 acres.

Now, if my colleague will allow me to transgress the privilege of merely answering his question, I will take this occasion to answer one argument of the Senator from Wisconsin. Under the letter of the treaty of 1831, the Shawnees of Ohio have a right to a grant from the United States, by patent, of the 100,000 acres which they stipulated for themselves in the treaty of 1831. The ground upon which the argument against the whole of this claim is based, is, that by the treaty of 1825 we have actually done better for them and have secured them a more liberal provision than was given by the treaty of 1831. Unfortunately for the other side, this argument proves entirely too much. It proves just what the Senator from Kentucky said would be the result. It places the Indians in the attitude of surrendering to the United States by the treaty of 1831, seventy cents an acre in lieu of a provision which was only one eighth as favorable to them as that which they had under the treaty of 1831. It must be presumed that they acted with common sense and intelligence in making the provisions of this treaty. Would they have surrendered that provision to make one less liberal in its character if they understood it, as has been contended for by the gentleman from Tennessee? They had, under the provisions of the treaty of 1825, the right of common occupancy in the cession made by that treaty, and the right of incorporation with the old Shawnees without surrendering their land in Ohio. Now, I would ask the Senator from Wisconsin, what have the Ohio Shawnees ever received for the seventy cents an acre reserved by the Government of the United States from the sales of the lands ceded by the treaty of 1831? Why he says they have received the right to the occupancy of 1,600,000 acres. I tell the Senator they had that before they ceded their lands in Ohio.

Mr. WALKER. They got fifty-five cents an acre.

Mr. SEBASTIAN. The fifty-five cents an acre was from the sale of their own lands, and it was their own money. They had a right to the common occupancy of the 1,600,000 acres, under the treaty of 1825. They had it without the treaty of 1831—by a title independent of that treaty. We must suppose, if the gentleman's argument be true, that they sacrificed that right for which the Missouri Shawnees had paid a consideration, and ceded away, as a mere gratuity, seventy cents an acre on the lands ceded by the treaty of 1831. The lands in Ohio they owned independent of that treaty, and they had this right of incorporating themselves with the western Shawnees independent of the treaty of 1831. They could have gone there and occupied those lands under the treaty of 1825, and occupied and reserved to themselves thereafter the lands ceded by the treaty of 1831.

There is some light thrown upon the treaty of 1831 by the history of other treaties made at the same time; and I wish Senators to bear in mind that the main features of all these treaties were marked out in pursuance of an act of Congress passed in 1830, to authorize the Department to exchange the lands of the Ohio Indians for lands west of the Mississippi.

The whole policy of the law was based upon the idea of "exchange;" and in pursuance of it, a commissioner was sent out who made all these treaties. He found the Shawnees in possession of 92,830 acres, and by treaty he obtained a cession of this quantity, and gave them in exchange 100,000 acres west of the Mississippi. So the Ottawas were found in possession of 28,000 acres, and they received 34,000 acres. The Delawares had 39,800 acres of reservation, and they received in exchange 60,000 acres. The Senecas of Sandusky, another band of the same family of tribes, owned 40,000 acres, and took in exchange 67,000 acres. I need not go through all these Indian treaties. It will be seen, however, from these which I have mentioned, that they went on the idea of "exchange." It was called in the treaties, and called in the law which authorized those treaties to be made, an exchange of lands. The reservation of seventy cents an acre is a feature common to all these treaties; showing that the reservation of that amount to the Treasury of the United States was the consideration which

they paid for the lands given to them in the West.

Three of these treaties give lands immediately outside of this grant; and then you come to this treaty which assigned to the Ohio Shawnees lands inside the grant; a grant which it was solemnly provided by treaty should be given exclusively to the Missouri Shawnees, subject, however, to the right of straggling emigrants incorporating themselves with the nation.

Then for what purpose were these 100,000 acres granted? Gentlemen say, in lieu of the right of common occupancy under the treaty of 1825. If so, then they would have been in a better condition if they had not made the treaty of 1831, for independently of the treaty of 1831, they had a right, under the treaty of 1825, to the common occupancy of the fifty miles square, and they were entitled to a consideration for their cession of 92,800 acres in Ohio. That is a plain statement of the case. I am obliged to my colleague for his courtesy in allowing me to trespass on his patience so long, and I surrender the floor to him.

Mr. BORLAND resumed the floor; but without making any remarks gave way at the solicitation of Senators.

And the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, August 5, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order, is the further consideration of House bill No. 146, to regulate the fees of clerks, marshals, and attorneys of the circuit and district courts of the United States.

Mr. McLANAHAN. At this late period of the session I will not occupy more of the time of the House than I deem necessary to a brief explanation of the provisions of this bill. To devise a plan for the fair and just taxation of costs in the Federal courts of the United States, is a task of no ordinary difficulty. Nor is it pretended that the present bill fully attains this desirable object; but I feel no hesitation in asserting that its adoption will tend to the amelioration of the condition of our judicial expenses, and cannot fail to meet the approbation of every intelligent man. That there is a necessity which demands the action of Congress on this subject, must be abundantly manifest to any one who has given it the least attention. When we consider that the judicial expenses of this Government have increased within the last fifty years at the rate of about one thousand two hundred and fifty per cent., and that within the last ten years of this period, the expense of the judiciary have nearly doubled in amount, as the guardians of the Treasury of the people, it is our duty to inquire into the causes of this immense accumulation in the expenses of our Federal courts, and, if possible, to apply a remedy. And, sir, when, in addition to this, you calculate the amount that is annually expended by suitors in these courts, the sum swells to millions, which is drawn from the pockets of the people for the establishment of a system, which, while it pretends to administer speedily, also pretends to administer cheap justice. Well, indeed, might one now adopt the quaint language of Lord Bacon, when he said "these pollers and exactors of fees do justify the common resemblance of the courts of justice to the bush, whereunto, while the sheep flies for defense in weather, he is seen to lose part of his fleece, before he escapeth therefrom."

Let me call the attention of the House to two of the judicial districts only. In the northern district of New York, in the year ending December, 1830, the money advanced to the marshal by the Government was \$3,500; in the year ending December, 1841, it was \$10,000; in 1845, \$17,298 32; in 1846, \$31,595 36; in 1847, \$36,372 49; and so on, until 1851 it reached the enormous sum of \$43,975, paid to the marshal of the northern district of New York for the expenses of the United States courts—more than twelve times as great as the judicial expenses of the same district twenty years before.

In the district of Massachusetts the Government advanced to the marshal in 1830, \$9,586 13;

in 1842, \$27,000; in 1851, \$92,728. So that the expenses now, in that district, are about ten times as great as they were twenty years ago, and nearly four times as great as ten years ago. Now, notwithstanding the acknowledged increase in the population, the trade, the wealth, and general prosperity of the country, there is no one who will deny that the expenses of our courts of justice are out of all proportion. Rapid as has been our advance in all the elements of national greatness, the increase of judicial expenses has outstripped it. Increase of population is one of the methods by which we are enabled to estimate national prosperity; and yet I tell you that, although in respect to population, reality in this country has far exceeded the wildest estimates of imagination, although our population has increased since the year 1800 at the rate of 333 per cent.; yet in the same period the increase of judicial expenses to be paid by the Government has been at the rate of 1,237 per cent. This is out of all proportion, and demands, at the hands of the representatives of the people, retrenchment and reform.

Mr. Speaker, a fee bill is necessarily a subject of dull and dry detail. It would be idle to attempt to render it more interesting by any efforts of the fancy. As well might one decorate the brow of a skeleton with a diadem as to attempt to grace this subject with tropes or figures of rhetoric. I shall therefore content myself by presenting to the House some of the evils proposed to be remedied, with a brief and explicit statement of the general provisions of the bill now under consideration.

I have alluded to the increase in our judicial expenses, in a very general way. Allow me to turn the attention of the House to a few of the special abuses under the present laws, for the taxation of costs. Fees in the Federal courts are taxed, in most of the States, mainly under the provisions of the act of 28th February, 1799. It regulates to some extent, the fees of marshals—the fees of attorneys in admiralty cases only—with a per diem of \$5 for attending court, and an annual salary of \$200. It allows clerks a per diem of \$5 for attending court, and the same compensation allowed by the statutes of the States respectively to the clerks of their supreme courts, with one third added thereto. And for all services not specially provided for, the attorneys and marshals are allowed the same compensation allowed by the State statutes respectively for such services to attorneys and sheriffs. The compensation of the officers of the United States courts, then, to a great extent, depend upon the fees allowed under the State fee bills. There are no two States in which the fee bills are similar, and it therefore necessarily follows that the compensation for the same services is different in each of the States. And so great is this inequality, that I will have but little difficulty in convincing the House of its palpable injustice. In those States in which no fee bills exist, the only compensation that can be procured, under the decision of the Attorney General of the United States, for services rendered, is the annual salary and the per diem; whilst, as I will presently show, in other States a liberal compensation is allowed by the State fee bills. Whether in civil or criminal proceedings, the compensation of an officer of the court in the State of New York would, under the present system, be more than 200 per cent. above the sum allowed for similar services in most of the Western or Middle States. In Virginia the compensation to an attorney for services in the criminal court under the 5th section of the act of Congress of 1799, is discretionary with the court; whilst in Pennsylvania the only fee is \$6; and in some of the States \$5. In Virginia the charge is \$20 for drawing an indictment, and the trial fee allowed by the court is from \$50 to \$500. There is not another State in the Union, except New York and Louisiana, where the attorney's fee in criminal cases, is anything like as large as in Virginia. In many of the States it is below \$10; and in few, if any, above \$25.

In New York, in the year 1849, in the case of the United States vs. Leonard Dyer, under the provisions of the act of Congress of 1841, and the statute of New York of 1840, the district attorney in a prosecution for perjury, so construed the law, that he charged the Government \$246 12½, and his account was certified by the judge; whilst under the New York statute, by which alone he was authorized to charge, his fee would

not have amounted to the one fortieth part of that sum.

I call attention to the following extract from a letter dated 26th of November, 1851, from the First Comptroller to the Secretary of the Interior, in which he discusses certain malpractices in the State of New York:

"First, as to the State of New York.—At the time of the adoption by Congress of the fee bill of 1799, the State had a fee bill for attorneys in civil causes in the supreme court, one for counsellors, and another for attorneys in criminal business, and other bills for solicitors and counsel in chancery, all allowing item fees. The civil fee bill allowed attorneys and counsel also a retaining fee in each cause, provided counsel was actually employed; but prohibited the same man from receiving fees in two capacities, both as attorney and counsel, in the same cause. The criminal fee bill did not allow any retaining fee, nor any counsel fees. Both bills allowed a folio compensation for drawing all writs, pleadings, and other papers and proceedings in the progress of a cause; also a folio compensation for every copy made, or supposed to have been made, or necessary, and a fee for trial, for each motion, or other service. The civil fee bill, however, gave the highest compensation throughout, in addition to the retaining fee.

"The civil fee bill being the highest, was adopted for criminal as well as civil business, by the district attorneys in the Federal courts. The fee bill of attorneys for both civil and criminal suits remained substantially the same from about the year 1790 until 1840, when a new fee bill was made for civil causes only, the criminal fee bill remaining nearly the same to this day.

"The civil fee bill of 1840 for the first time provides that the same man may take fees in the double capacity of attorney and counsel in the same cause or proceedings; but in civil causes only. It abolished all folio fees for drawing and copies of writs, pleadings, and other papers and proceedings, and substituted a specific fee for each one; for instance, instead of allowing twenty-five cents for one hundred words for drawing pleadings, and twelve and a half cents per folio for each copy, it allowed \$2 50 for drawing a declaration, and \$1 25 for each copy, &c. The charges and abuses in the State courts under the law of 1840, allowing double fees as attorneys and counsel to the same person, were so great that the whole bill and system of charging fees in small items, for attorneys, solicitors, and counsel, was abolished February 12, 1848, and a few general items substituted in their place.

"Under the act of Congress of 1841, and the State law of 1840, the district attorneys have charged for many years past, and still charge in criminal, as well as in civil suits, both attorneys' and counsel's fees; where the bill of 1840 allows the largest compensation for any service as an attorney, the charge is usually made under that bill; but when the old law allowed the largest compensation for an item of service, the charge is usually made under it. For example, in the bill hereafter referred to, of the United States vs. Leonard Dyer, Mr. Hall charged for drawing the indictment, two hundred and forty-five folios, \$61 25 for engrossing, and for copy \$61 25, and for fair copy for the grand jury \$30 62½; in all, \$152 12½, though the State civil bill of 1840 allowed but \$2 50 for drawing, and \$1 25 for each copy, making, in all, \$6 25. And in the prosecution vs. Anthony Faulac, Mr. Shepherd, the late district attorney, charged at February term, 1849, for drawing the indictment, two hundred folios, \$50, for engrossing and copy \$50, and copy for grand jury \$25; making in all \$125, for which the law of 1840 allowed but \$6 25.

"They have entirely disregarded the act of Congress of 1842, which confines them, in criminal causes, to the criminal fee bill of the State, and allows no retaining fees, and no counsel, and no trial or term fees for attending to try a cause, unless it is actually tried; and both Mr. Shepherd and Mr. Hall have charged a retaining fee as attorney and counsel also, and even a warrant of attorney, at each term of the court. In the case against A. Faulac, the papers sent to this office show that Mr. Shepherd charged a retaining fee as attorney, three dollars; as counsel five dollars, and for warrant of attorney thirty-seven and a half cents, at each of three terms; in all, for each term \$8 37½; that Mr. Hall made similar charges for the same amount at each of nine terms; that Mr. Shepherd and Mr. Hall each charged for April term, 1849, making in all charged for retaining fees and warrants of attorney, the sum of \$100 50. The fees for brief, attorney's fees, and counsel fees attending, prepared for trial, was also repeated twelve times, at eleven terms, amounting to \$108. In many other causes, the retaining fees are charged from two to eight times in a cause. In fact, it seems to be a general practice to charge them, and also the nine dollar trial fee, and for many other mere constructive services, at each term of the court. And in the case of N. C. Marsellis, Mr. Shepherd and Mr. Hall charged retaining fees, though the cause had been tried and the defendant was convicted before either of them came into office, and nothing remained to be done except to sentence the prisoner.

"Though the act of Congress of 1842 is prospective in its operation, and plainly requires them to charge their fees under the State fee bill in force when a service is rendered, yet they have paid no attention to the repeal in 1848 of the old fee bill in civil causes, and the substitution of a much lower one in its place, but have continued to charge as heretofore stated. The system of charging is illustrated by the following abstracts of bills of costs."

Here, then, sir, you have \$152 12½ charged against the United States in a cause where the attorney, concerned, under the statute of the State by which he was bound to make out his bill against the United States, was only entitled to \$6 25.

In the prosecution against Anthony Faulac for perjury, Mr. Shepherd, the district attorney of New York, in 1849, as will be seen by the statement which follows, charged the gross sum of

\$237 12½; and Mr. Hall, his successor, charged in the same case for his services \$280 50—making in all \$517 62½ attorneys' fees in this one case. I call the attention of the House to the following items which constitute these bills:

The United States } Indicted for perjury, prior to April  
vs. } term, 1849.  
Anthony Faulac. }  
Mr. Hall charges as follows:—

Date.	Items.	June.	May.	April.
1849.				
	Retaining fee, \$8; warrant of attorney, 37½.	\$8 37½	\$8 37½	\$8 37½
	Motion for trial, \$3; attorney and counsel and motion to postpone, \$3.....	3 00	6 00	6 00
	Brief, attorney and counsel fee, prepared.	9 00	9 00	9 00
	Drawing costs, copying and attorney's taxes.	1 75	1 75	1 75
	One term fee.....	62½	62½	62½
	Attorney and colleague on motion to extend recognizance, (forfeited).....	3 00	3 00	
	Other items.....	6 50	25	
	Total.....	\$32 25	\$29 00	\$25 75
	For May and June terms, as above....	-	-	61 25
	July term, ret'g \$8 37½; for three items above, \$9—total.....	-	-	29 25
	September term, 1st, 2d, and 3d items, same as April term—total.....	-	-	35 00
	October term, 1st, 2d, and 3d items, same as April term—total....	-	-	32 00
	November term, 1st, 2d and 3d items, same as April term—total....	-	-	26 00
	December term, 1st, 2d, and 3d items, same as April term—total....	-	-	36 25
1850.	January term, 1st, 2d, and 3d items, same as April term—total....	-	-	35 00
	Mr. Hall's charges at 9 terms of court.....	-	-	\$280 50

The charges of Lorenzo B. Shepherd, the predecessor of Mr. Hall in the same cause, are as follows:

Date.	Items.	April.
1849.		
	February term, Shepherd's charges, which include 1st and 3d items, \$3 for motion to postpone trial; \$50 for drawing indictment of 200 folios; \$50 for engrossing and copying; and \$25 for copies for the grand jury.....	\$178 25
	March term, 1st, 2d, and 3d items, same as April term above.....	29 87½
	April term, 1st, 2d, and 3d items, same as allowed by Mr. Hall, charged.....	29 00
	Total charge taxed and paid to Shepherd for three terms.....	\$237 12½
	Total attorneys' fees taxed and paid for eleven terms of court.....	\$517 62½

Mr. Shepherd and Mr. Hall both charged for the April term, 1849—the former \$29, and the latter \$25 75.

In the case of the United States against Dyer the whole compensation of the attorney, as I have stated before, was \$246 12½. In the case of the United States vs. Edward Walford, charged with voluntarily seizing upon a vessel engaged in the slave trade, the fees of the attorney were \$267 50, whilst under the State fee bill he would not have been entitled to more than one fourth that sum, if so much as that. In this case there are no less than six retaining fees charged, of \$8 37½ each—one for each term of the court—amounting to \$50 25. There are no less than five fees charged, one at each term, for a brief and preparation for trial—\$9 each—amounting to \$45. A motion for trial and a motion to postpone, at each term, from \$3 to \$6, amounting to \$24. The last item in this bill was a motion to enter a "nolle prosequi," and thus terminated the cause. It cost the United States \$267 50 attorneys' fees to ascertain that there was no cause of action.

Allow me, sir, to allude to another case in New York—the case of the United States vs. Marsellis, indicted for stealing letters from the New York post office, who was tried and convicted prior to October, 1848. At the October term, in 1848, Mr. District Attorney Butler charged the Government \$10 75. After the conviction, Mr. Shepherd charged



\$20, at the January term; 1849, and Mr. District Attorney Hall also charged \$20, at the May term, 1849. Each of them charged retaining fees after the conviction and before sentence. In this case in which a conviction was had before either Mr. Sheperd or Mr. Hall, had anything to do with the prosecution—each of them, I say, charged a retaining fee of \$8 37.

I hold in my hand the charges for services in the State court of the district attorney of Schenectady county, in the State of New York. The amount is for the ordinary services of a term. It includes the drawing of three indictments, five trials, and subpoenas and the preparation for trial in thirteen cases, and yet the aggregate amount for the term is \$62 06; whereas the district attorney of the United States, in the case against Walford, where he made a motion to enter a *nolle prosequi*, charged \$96 12½ at one term, and in all, \$267 50. The clerks are in the habit, in the State of New York, of making searches at each term of the court, and they charge the Government large sums of money, for which no adequate service is rendered. Well, sir, lest this might look like a *sectional* statement, I will turn the attention of the House, for one moment, to the clerk's fees in the district court for the southern district of Mississippi, and endeavor to show that these evils are rather national in their character. Here you have charges made for the attendance of the clerk on three unfinished cases of bankruptcy, amounting to the sum of \$310 10, claimed by the clerk, and certified by the judge of that court, as compensation for his per diem on attending the court. The judge of that district certified to the account as follows:

Accounts of William Burns, clerk, for his per diem from May 19, 1845, to November 18, 1845, for 800 days' sitting in bankruptcy, at \$5 per day.....\$4,450  
Four days on other business.....20

\$4,470

The whole number of days within that period was.....1,280

Number of Sabbaths.....182

Number of days charged for attendance.....894

Number of days other than Sabbaths not charged.....204

1,280

On the 7th of February, 1846, the clerk reported to the Secretary of State of the United States that the number of applicants for relief under the bankrupt act was, cases.....872

Number discharged.....861

Proceedings withdrawn in cases.....6

Abated by death of party.....2

Number of cases then pending.....3

872

Mr. Burns charged from February 7, 1846, (the date of that report,) to November 18, 1845, for his attendance on the court in bankruptcy to dispose of those three cases, 863 days, at \$5 per day.....\$3,310  
S. J. Gholson, judge of that district, certified to the account, and that the attendance upon said clerk sitting in bankruptcy, of William Burns, clerk thereof, as specified in the foregoing abstract, was expressly required by me, and said clerk did actually so attend for the performance of the duties of his office."

Given under my hand and seal, &c.

The idea of this Government paying \$3,310 to the clerk for attending three unfinished cases of bankruptcy is perfectly preposterous. In the middle district of Tennessee you have the judge of that district certifying to an account of a clerk for ninety-two days more than can possibly be counted in the period embraced. The judge certified in this instance for constructive services against the Government an account of \$3,620, after the clerk had stated in no less than six semi-annual emoluments accounts; sworn to by him, that he was "not entitled to any emoluments other than those therein specified," which did not include any portion of the \$3,620. Here the clerk was already paid by his own acknowledgment for all his actual services, and yet some years afterwards the judge certifies an account for constructive services amounting to the extraordinary sum of \$3,620.

Even in the State of Pennsylvania this disposition to make a "per diem" allowance to clerks for attendance in court, when the court was not in session, seems to have prevailed in the western district. It appears by the report of the First Comptroller, in executive document No. 93 of this session, that the judge of the western district of Pennsylvania certified and allowed a compensation to his son for attendance as clerk, in open court, at five dollars a day for a period of nearly six

years, under the provisions of the bankrupt laws, when it is perfectly manifest that the court was not *actually* in session, but only constructively open for the purpose of filing papers, and to allow the clerk to enter common orders under the existing rules. In the State of Kentucky more petitions were filed in bankruptcy than in the western district of Pennsylvania; and yet it would appear that only one hundred and four days are charged for by the clerk at a compensation of \$520. The clerks in the western district of Pennsylvania charged from the year 1842 to 1846 for about eight hundred and twenty-one days, and actually received on their own certificate and the allowance of the judge, some \$3,600.

Well, sir, I will refer next to the case of the United States vs. Wilson & Crafts—a celebrated case in Massachusetts. Without going into detail, I will state that in a prosecution of these men for conspiracy to cast away the ship Franklin, the marshal's costs amounted, as taxed by him, to \$6,147 55. It is but justice in this connection to say, that that account as presented by the marshal has never been certified by the judge. The judge certified only one of the six bills presented by the marshal, amounting to in and about \$1,500. In this case there were six or eight witnesses, who were brought up by a writ of *habeas corpus* issued each day for each of the witnesses, and each witness was returned to jail each day upon a commitment. The marshal's fees of the six witnesses and the two prisoners amounted to the enormous sum of \$6,147 55, more than \$100 a day for bringing up and committing the witnesses and defendants. In the courts of England, and in the State courts, and in nine-tenths of our district courts, the practice is to bring up for trial and commit prisoners upon a parole order. There is scarce a court in the wide limits of the United States in which anything else was ever dreamt of. But in the cities of Philadelphia and Boston each witness and each prisoner has to be brought out on a *habeas corpus* and returned on a commitment. In the State of Virginia there are some slight abuses in the western district. Allow me to call the attention of the House to some of the abuses in the "Old Dominion." An inquiry was made, under a resolution of this House in January last, directed to the Secretary of the Interior, "What is the practice of issuing attachments for non-attendance of witnesses?" In the western district of Virginia you will find this state of things disclosed in the report of the First Comptroller. Proceedings for contempt of court have been unnecessarily multiplied, which is one of the causes of the increase of judicial expense. There were in the district in the year 1849 at one time no less than one hundred and twenty-two prosecutions for contempt of court against seventeen persons for non-attendance as witnesses, being thirteen prosecutions against each of six persons and four prosecutions against each of the others. The whole cost was thrown upon the Treasury of the United States. In the year 1850, the witnesses in Virginia seem to have been contumacious again, and you find eighty-three proceedings against fourteen witnesses in one case, in which the clerk's fees amounted to over \$197, all of which was charged to the United States, besides the marshal's fees for serving process in each of these proceedings. I admit that it is sometimes necessary to issue attachments against witnesses for contempt to the process of the courts, but it cannot fail to strike any one as a most singular feature of the administration of the laws in this district that the Government is so frequently called upon to pay the costs of these proceedings on attachment for contempt.

In the State of Louisiana, they have no law for the taxation of attorneys' fees, and the district attorneys of Louisiana have claims against this Government for their services for some years past. Mr. Baillie Peyton received for his services for three years as district attorney of Louisiana, upwards of \$25,000. Mr. Downs, his successor for about fourteen months, received upwards of \$13,000 for his services. Mr. Durant, who succeeded him, received for two years \$16,321 93, and for three years, including the two I have just named, he has received about \$21,000, and he still has a claim against this Government which he has urged with singular pertinacity, amounting to over \$30,000 more. The balance upon his claim, after receiving some \$21,000 for three years services, is now about \$30,000 against the Govern-

ment. For similar services rendered in any State in this Union, except in the States of New York, Virginia, and California, these services would not have amounted to one tenth part of what has been certified and allowed by the court for his services.

I will here allude to the celebrated cases of Wilson and Crafts, tried with signal ability by a gentleman from Massachusetts, who, I am sorry to see, has this day vacated his seat on account of sickness, [Mr. RANTOUL.] These cases occupied him for forty-three days in the examination of ninety-three witnesses, and in making an argument, which reflected upon him great credit as a lawyer. For his services during these forty-three days he received the paltry consideration of \$79 50 when the marshal claimed for his services in the same cases six thousand and some odd hundred dollars. With more time, I might go on and enumerate many other evils proposed to be remedied by this bill. I will now very briefly, however, direct the attention of the House to the provisions of the bill. First, in regard to the fees of attorneys, solicitors, and proctors—attorneys in courts of law, solicitors in courts of equity, and proctors in admiralty. After having examined the whole ground—after having carefully examined the statutes of each State—after having had the advice of many judges, and letters from some of the most celebrated jurists of this country—after having consulted with the judges of the Supreme Court, and after having before us several bills which had received the attention of the Judiciary Committee of the Senate, and report of the Solicitor of the Treasury in 1848, and the reports of the present Comptroller, it was believed by the committee that the fees allowed to attorneys, under this bill, will be a just and fair compensation, and, upon the whole, present about a fair average for what is now allowed in most of the States. A new provision has been adopted, similar to what is in force in some of the States, increasing, in the event of conviction in a criminal case, the compensation of the attorney. Another provision is introduced into this bill to settle the cases of those attorneys, who are pressing their claims for a further compensation from the Government, from the States in which there is no fee bill for the taxation of costs. The bill provides, that those attorneys shall be paid for all the claims which they may have against the Government in the last six years, unless they may have already received compensation for their services. Another provision extends a principle of the common law and the statutory regulations of the different States for the consolidation of actions to criminal causes. The bill leaves the whole matter discretionary with the courts. The multiplication of indictments, and of process for the purpose of increasing fees, has become an evil so enormous that it seems necessary to introduce this principle of the common law and the statutory regulations of the States into the criminal laws of the United States; and whenever several suits are prosecuted, which should be consolidated, it is provided that the district attorney of the United States shall be paid but one bill of costs for all of them. And whenever vexatious suits or proceedings are instituted, the court is authorized to impose the payment of the costs on the attorney who occasions them.

The next provision of the bill contemplates the correction of another great evil. When a criminal is to be removed from one district to another, as will be seen by reference to Conkling's Treatise, pages 405 and 406, in the State of New York, the practice is to give a warrant to the marshal who is to remove the prisoner, a second warrant to the marshal from whom he is to be received, and a third warrant to be delivered to the marshal or jailor who is to receive him. This accumulation of costs is unnecessary and uselessly expensive. The bill is intended to prevent any such abuse.

In regard to clerk fees, the compensation allowed to clerks is regulated by the provisions of the act of Congress, February 28th, 1799, which adopts the fees allowed to the clerks of the supreme courts of the several States, with one third added thereto. In many of the States the compensation is too small, and the effect of the bill will be, in such instances, to raise them, while in other States it will very materially diminish them. One of the principal causes of the great increase in the judicial expenses of the Government, is the itemizing of fees. Whenever a great number of items are

found in a fee bill, the ingenuity of officers claiming compensation has been taxed to obtain a double compensation for their services. Having in some cases the right to claim compensation under the acts of Congress, and in others under the statutory regulations of the States, they charge some items under one law, and some under another, and thereby obtain a higher compensation than a fair taxation of costs under either statute would give them. In other instances they charge in accordance with some precedent or usage items of costs which are not authorized by any statute. These different modes for the taxation of costs, create so much uncertainty, that the amount of compensation of the officers depends, to a great extent, on their ingenuity in making out their bills. There are necessarily several items of fees allowed to the clerks of the courts; but it has been the object of the committee to allow, as far as practicable, a general compensation, instead of items. The folio compensation allowed for entries and copies is believed to be larger than is given in most of the States. For making an index and other general services upon the trial where issue is joined and testimony is given, there is a round sum of \$3 allowed to the clerk. This covers all the services which the clerk will render in any case except those specified in the items of this bill. For making an index and other general services in cases where issue is joined and no testimony is given, he is allowed \$2.

In every case, for making an index and for taxing costs, and other general services, where there is a discontinuance, or judgment by default, he is allowed \$1. This compensation is given to the clerks to cover the services performed which are not enumerated in the other items of the bill.

These three items, remunerating for general services, afford a larger compensation for such services than the State fee bills with one third added thereto, whilst they effectually preclude the accumulation of costs by any ingenious construction. In equity and admiralty cases the labor of the clerk is greatly diminished by the manner provided for making up the record, and his services are amply paid by the folio compensation. For issuing a subpoena we have allowed twenty-five cents; and for the insertion of each additional name after the first we have allowed fifteen cents—this is equal to what is given in most of the States.

The marshal's fees remain pretty much as they are under the act of 1799, except where the committee have inserted provisions to prevent known abuses. The mileage of marshals, for serving writs and subpoenas, is increased from five to six cents per mile. There are provisions introduced into this bill to prevent the practice, under existing laws, of issuing a separate subpoena for each witness, whereby costs are greatly increased. The marshal, under the act of 1841, receives \$30 as the maximum of all his compensation for summoning all the jurors to any one term of court. It was thought that this was but poor compensation. The bill before the House, however, raises it up to a maximum of \$50. In order that the House may see how readily \$100 are made by very little service, let me instance a case. The marshal makes the service by sending the writs of venire to his deputies, who execute it, and charge mileage from the place of service to the place of holding the court, and the writs are returned, as they were sent, through the post office. The service and mileage amounts generally to more than \$50; but the bill limits the charge to that sum. It is readily perceived that there is but little travel performed, and the mileage made through the United States mail. The circuit and district courts are usually held at the same time, and the jurors for both courts are summoned at the same time, and \$50 charged on the venire to each court. The maximum compensation of \$50 allowed for summoning the jurors to one court—or \$100 for two courts held at the same time—in most instances, the committee deem a full and adequate compensation for the services of any marshal. The other fees of the marshals are substantially the same as have been established since the organization of the judiciary system of this Government. The marshal's fees on executions are regulated by the laws of the States respectively; and this cannot well be otherwise, because the process of execution follows the forms of executions in the several States.

The third section of this act is a copy of the

one hundred and sixty-seventh paragraph of the appropriation act of 1842, under which marshals, district attorneys, and clerks, are required to return annually to the Treasury of the United States a statement of the emolument of their offices. The marshal may receive a compensation not exceeding \$6,000; the district attorney not exceeding \$6,000; and the clerk of the circuit court and the district court, a compensation not exceeding \$3,500 each. Where the fees of either of these ministerial officers amount to a sum greater than that I have indicated, any surplus, after the payment of the necessary expenses, goes into the public Treasury.

I come now to the commissioners' fees. There is no law at present regulating the fees of the commissioners. Indeed, in most of the States these items are charged upon whatever law can be found that gives the largest compensation. If the commissioner finds the State statute does not provide a liberal compensation, he charges either \$5 or \$10 a day as a *quantum meruit*, for his services.

But in regard to commissioners, there are very few State laws that afford any just or true estimate by which their costs may be charged. We give them a moderate compensation in this bill, and the committee have proposed two amendments, which will be read, which indicate the amount of fees to be received by the commissioners under the treaty with Great Britain and France, in regard to the extradition of fugitives from justice.

Witnesses' fees we have raised from \$1 25 to \$1 50, and we have done this, because before this very Congress there are several applications of witnesses brought from a distance to the criminal court in this District, who have under oath testified to the Committee on the Judiciary that \$1 25 was inadequate to pay their boarding and lodging in this city. We have therefore raised the fees of witnesses to \$1 50, and we have given the usual mileage. We have made a provision in the bill by which witnesses subpoenaed to several cases to the same courts shall have but one travel fee, and one per diem compensation allowed for attendance. Why, sir, in the State of New York, and in some other States, a subpoena is issued for each witness, and under the decision of the Attorney General a subpoena was regarded as a writ, and \$2 was charged for the service, and a ticket containing the contents of the subpoena was left with the person notified to attend the court, and fifty cents was charged for it. The sum of \$2 50 was therefore charged for the service of the writ of subpoena, beside mileage.

The committee have introduced into this bill a clause that we think will effectually prevent this abuse hereafter. They have also introduced a very humane and salutary provision into the bill, which is, when a witness is detained in prison, and requires security for his appearance, he shall be entitled to a compensation of one dollar per diem over and above his subsistence. They have also made provision for the payment of such witnesses as may be sent to this country to testify by our foreign ambassadors, charges, and consuls. As to jurors' fees, the committee have raised their compensation from \$1 25 to \$2 a day, and regard this sum as little enough for the services of any man who will attend the United States courts generally held in our cities, where his boarding and lodging will amount to the sum he now receives for his services.

In regard to printers' fees, there is no branch of this subject into which there exists greater inequalities in the amount charged for services. The diversity of compensation allowed to printers for services rendered under orders of the courts of justice is almost as great as it is under the fee bill that regulates the compensation of marshals, clerks, and district attorneys. We have introduced into this bill a section, taken from the revised statutes of the State of New York, page 739. This compensation is not quite so large, but is predicated upon the same principle with the compensation paid by the Post Office Department to those that do its printing. The bill further provides that no other or greater fees than those allowed in this bill shall be received by any clerk, attorney, marshal, or their deputies; and the receipt of any such illegal fees is made a misdemeanor, and punishable by fine and imprisonment. In the State of California and Territory of Oregon the officers of the courts, jurors, and witnesses shall be allowed for the term of two years

double the fees and compensation allowed by this act; and the same fees allowed by this act, with fifty per cent., shall be added thereto for two years next hereafter.

Another provision of the bill is, that before a bill of costs shall be taxed by a judge or other officer, or allowed by any officer, in favor of clerks, marshals, or district attorneys, the party claiming such bill shall prove upon his oath, or by some other person having knowledge of the fact, that the services charged therein have been actually and necessarily performed.

We have made another provision in the bill. It was the custom of witnesses in many districts when served with a subpoena in a cause, after they had testified, to demand their mileage and daily pay, and then to depart the court. This rendered it necessary to serve a separate subpoena in each case in which his testimony was required. This is a palpable defect in the law.

By this means witnesses got their mileage and daily pay in each case in which they were subpoenaed before the court. A provision is made here to guard the interest of the United States in this behalf. Witnesses shall be subpoenaed to attend to testify generally, and not depart the court without the leave of the judge or district attorney, under which it shall be their duty to appear before the grand jury or petit jury, or both, as they shall be required by the court or district attorney.

The fourth section in the bill provides for the taking of false oaths, and the fifth section avoids intermeddling with the fugitive slave law. Another important provision in this bill is this: that all costs in cases where, by law, costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and form a portion of the judgment or decree against the losing party. In cases in which the United States is a party the marshal shall, on the order of the court, pay the jurors and witnesses such fees as, under the provisions of the bill, they may be entitled to, to be allowed on the settlement of his accounts at the Treasury. The certificate of the judge is not necessary for the settlement of the accounts of the marshals, clerks, commissioners, or district attorneys, at the Treasury Department. The party claiming compensation from the Government is required to verify, by oath, his charges, and on a fair settlement of his accounts at the Treasury, shall be paid whatever may be due, under the terms of this law. This plan is calculated to relieve the judges of the courts and their ministerial officers, as well as the officers of the Treasury Department, from much unpleasant embarrassment. I have been spoken to by more than one of the judges of the United States Court, to adopt some mode for the settlement of the accounts of the officers of the courts by which they will be relieved from the onerous and disagreeable duty of taxing costs against the Government, a duty in the performance of which they not unfrequently are brought into unpleasant collision with the accounting officers. The clause in the bill to which I have referred, remedies this evil, and furnishes a better and safer method of adjusting and paying the ministerial officers of our courts, whatever claims they may have against the Government.

These, sir, are the main and prominent features of this bill. The bill is intended to operate as a uniform system throughout the United States.

Now, I beg of the House to understand that it is not the object of this bill merely to reduce the fees of the ministerial officers of the Federal courts; but to equalize their compensation for similar services in every district in the Union. It would be derogatory to the dignity of the Government to pay an inadequate price for services rendered; besides it would be false economy and impolitic to adopt a parsimonious system. Our object, therefore, has been to prepare a bill that will establish a uniform system for the taxation of costs; to devise a law that will be explicit, definite, and clear, so as to prevent all abuses growing out of ingenious interpretations, and to cut off all constructive services, and all unnecessary prolixity and useless forms; and thus, while it proposes to diminish the labor of the officers of the courts, it furnishes a just and liberal compensation for all services necessarily performed by them. The passage of the bill, sir, will even do more than all this. It will save some \$200,000 annually to the public Treasury, and it will prevent "the pollers and exactors of fees" from fleecing those whose

faults or misfortunes have driven them into courts of justice, and subjected them to the tender mercies of the law.

I desire, Mr. Speaker, that the amendments to the bill which are proposed by the Committee on the Judiciary may be now read. They are as follows:

1. Strike out twenty-third and twenty-fourth lines, and insert: For each deposition taken and admitted as evidence in the cause, \$2 50.

2. Strike out in the twenty-fifth line the word "like."

3. After the word "district," in the thirty-ninth line, insert: And to the place of any examination before a judge or commissioner, of a person or persons charged with crime.

4. Strike out in line forty six the word "heretofore," and insert: During the last six years.

5. Insert in line seventy-three, after the word "them:" And if any attorney, proctor, or other person admitted to manage or conduct causes in any court of the United States, or of the territories thereof, shall appear to have multiplied the proceedings in any cause before court so as to increase costs unreasonably and vexatiously, such person may be required by order of the court to satisfy any excess of costs so increased.

6. In line one hundred and three, after the word "report," insert: For each folio fifteen (15) cents—and strike out the word "or" and insert in lieu thereof: And for.

7. After line one hundred and twenty-eight insert: For every search for each mortgage, judgment, or other lien, fifteen cents.

8. In line one hundred and fifty-one strike out the word "five," and insert six in lieu thereof.

9. After the word "excess," in line one hundred and eighty-one, add: For serving an attachment in rem, or a libel in admiralty, \$2; and the necessary expenses of keeping boats, vessels, or other property, attached or libeled in admiralty, not exceeding \$2 50 per day; and in case the debt or claim shall be settled by the parties, without a sale of the property, the marshal shall be entitled to a commission of one per cent. on the first \$500 of the claim or decree, and one half of one per cent. on the excess over \$500: *Provided*, That, in case the value of the property shall be less than the claim, then, and in such case, such commission shall be allowed only on the appraised value thereof.

10. Strike out from line two hundred and twenty-one to two hundred and twenty-seven, inclusive, and insert: The respective courts of the United States shall appoint clerks for their courts, to be allowed the sum of \$2 per day; and the marshals are hereby authorized to appoint such a number of persons, not exceeding five, as the judges of their respective courts shall determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of \$2 per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. The compensation to be given only for actual attendance; and when both courts are in session at the same time, to be paid but for attendance on one court.

11. Judiciary Bill, House of Representatives, No. 146, introduced January 29th, 1852:

Amend section third of the bill as follows: Strike out on page twelve the last three words of the first line, and the whole of lines two to ten, inclusive; and also the words "the Interior," to wit: of line eleven strike out the words "Treasury" in each of the lines seventeen, thirty-seven, sixty-three, seventy-four, and eighty, and insert in the place thereof, in each instance, the word "Interior."

Strike out the words following: "A sum exceeding \$2,500 per year for any such," in lines fifty-three and fifty-four.

Strike out lines one hundred and three, one hundred and four, and one hundred and five, and the last four words of line one hundred and two, and the first seven words in line one hundred and six.

Strike out the word "said," in line one hundred and twelve, and insert in the same, after the word paragraph, the following words, to wit: One hundred and sixty-seven of the civil and diplomatic appropriation act, approved May 18, 1842.

12. Between lines one hundred and twenty-one and one hundred and twenty-two, insert: For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of court, three dollars per day.

13. New paragraph after line one hundred and twenty-eight:

For issuing any warrant under the tenth article of the treaty of the 8th August, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any of the crimes or offenses set forth in said article, two dollars; and the same sum for any warrant issued under the provisions of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington on the 9th of November, 1843; and for hearing and deciding upon the case of any person charged with any offense or crime, and arrested under the provisions of said treaty or convention, five dollars per day for the time necessarily employed.

14. In line two hundred and twenty, after the word "clerk," insert: Or their deputies; and in line two hundred and twenty six, after the word "misdemeanor," insert: And if any officer hereinbefore mentioned, or his deputy, shall by reason or color of his office willfully and corruptly demand and receive any other or greater fee than those allowed in this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall lie.

15. In line two hundred and fifty-two, strike out the word "parol."

Mr. PHELPS. I want to offer an amendment to the bill now under consideration, to come in after lines one hundred and six and one hundred and seven.

Mr. STANTON, of Ohio. I rise to a question of order.

The SPEAKER. The amendments of the Committee on the Judiciary must first be disposed of.

Mr. STANTON. I was going to inquire whether the gentleman from Pennsylvania [Mr. McLANAHAN] can retain the floor, and yield it to the gentleman from Missouri, [Mr. PHELPS.] to offer an amendment?

The SPEAKER. He cannot, if it is objected to.

Mr. McLANAHAN. In justice to myself I wish to say that it is not my intention to call the previous question upon this bill. This bill will bear discussion. I challenge discussion, and I should like to hear the objections of any gentleman to it. I said before, sir, that it did not profess to be perfect, but any general and uniform system, for the taxation of costs, however bad it may be, will be an improvement upon the present one.

Mr. PHELPS. I now offer the following amendment, which I send to the desk, to come in between lines one hundred and six and one hundred and seven:

Mr. JOHNSON, of Arkansas. Before that amendment is received we will have it read, and reserve to ourselves the right to object after it is read.

Mr. PHELPS. Let the amendment be read, and I will then briefly explain it. I suppose there will be no objection to it.

Mr. LETCHER. Is it in order now to offer amendments to any portion of the bill? Will not amendments be in order only when the bill is read paragraph by paragraph, with the view to amendment?

The SPEAKER. The amendments reported by the Committee on the Judiciary must first be acted upon.

Mr. CLARK. Let us first hear this amendment read.

Mr. LETCHER. Are not the amendments proposed to be offered by the Judiciary Committee first in order?

The SPEAKER. They are the first in order. The amendment of the gentleman from Missouri cannot be received until the amendments of the Committee on the Judiciary are disposed of.

Mr. LETCHER. I call for the reading of the committee's amendments.

Mr. PHELPS. I desire to make a few remarks in relation to the amendment I intend to offer, if it is in order to discuss the bill now; and I ask that it may be read as a portion of my remarks.

The Clerk then read the amendment as follows:

Add between lines one hundred and six and one hundred and seven, on page five:

For recording each and every plat of survey when necessary to make a record complete, or for a copy or transcript thereof, made on request, or when necessary, twenty cents.

For taking the acknowledgment of a deed, and certifying the same, which the clerks are hereby authorized to take, or taking and entering the recognizance of a witness or defendant, fifty cents.

Mr. STANTON, of Ohio. I desire to know if the gentleman from Pennsylvania [Mr. McLANAHAN] has surrendered the floor?

The SPEAKER. The Chair understands the gentleman from Pennsylvania to have closed his remarks.

Mr. STANTON. Then, if the gentleman has surrendered the floor, I am satisfied.

The SPEAKER. Has the gentleman from Pennsylvania surrendered the floor?

Mr. McLANAHAN. I have.

Mr. PHELPS. This bill provides that no other fees shall be charged by officers named in the bill than those that are specified therein. By the laws of our State (Missouri) surveys are frequently required to be made by order of the court. These are made a part of the records of the cause which may be on trial. I allude now to the land cases, and the clerks are frequently required to copy these surveys, and the plats which have been made for the purpose of facilitating the cause then pending in court. Now, without the adoption of the amendment which I have offered, the clerk will be entitled to no compensation for those services. I am informed by the clerk of the circuit court for the district of Missouri that frequently the expense of copying these plats is very large; and in one instance the expense for copying the plats which were used upon the trial of an important land question, involving the title to a portion of real estate in the city of St. Louis, the

expense amounted to upwards of fifty dollars; and those copies having to go to the Supreme Court of the United States, he could not obtain any person to copy them for a less sum. My amendment proposes to allow twenty cents for the copying of the plats made by order of courts. There is another amendment in connection with it, which I propose.

By the laws of Missouri the clerks of the court, not only of the State, but also of the United States court, are authorized to take acknowledgments of deeds, which are valid by the laws of that State. The clerks of those courts have been in the habit for years past of receiving fees for that service, and yet in this bill it is provided that they shall receive no other fees than such as are therein specified. My amendment simply provides that a fee of fifty cents should be allowed for taking each of these acknowledgments. Having thus briefly explained my amendment, I shall offer it whenever it is in order.

Mr. BOWIE. I beg leave to offer an amendment of which I gave notice yesterday. It is as follows:

*Provided*, That nothing in this act contained shall extend or apply to the fees, costs, and charges of the district attorneys, clerks, and marshals of the United States, in the circuit and district courts of the United States, in the State of Maryland, or District of Columbia.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. I believe there is a motion pending to recommit this bill.

The SPEAKER. Yes, a motion is pending.

Mr. LETCHER. I think we should hear the amendments of the Committee on the Judiciary read, so that we may know what they are. I ask that they may be read.

The SPEAKER. The gentleman from Maryland [Mr. BOWIE] is entitled to the floor unless arrested by a privileged motion.

Mr. HOUSTON. Unless the gentleman yields the floor.

Mr. BOWIE. I suppose I shall have the floor whenever this bill comes up.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

#### CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill No. 196, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1853, and for other purposes.

Mr. PHELPS here temporarily vacated the chair, (calling Mr. CARTER thereto,) and offered the following amendment, to come in after line six hundred and thirty-seven, viz:

For completing the marine hospital at St. Louis, Missouri, \$21,251.

Mr. P. said: I was under the necessity of asking the indulgence of the committee to permit me to leave the chair and offer this amendment, as it relates to a matter within my own State, although not within my district, and none of my colleagues were present to propose it. I hold in my hand a letter from the Secretary of the Treasury, stating that the sum of \$21,251 is needed for the purpose of completing the marine hospital located at St. Louis. There is a vast amount of commerce at the city of St. Louis, and a great many sailors are left there sick and destitute. The course of trade necessarily makes it so, for the boats which are engaged in navigating the Ohio river go no further than St. Louis, where a reshipment of goods takes place to go up the Missouri, Mississippi, and Illinois rivers, and the boats engaged in running to New Orleans seldom go above the city of St. Louis on the Mississippi river, and the goods are reshipped. In consequence of this, sailors are frequently left at St. Louis sick, and they cannot be provided for unless they are taken into the hospital. A large amount of money has been expended by the citizens of St. Louis for the relief of these sick and disabled boatmen. Persons engaged in western commerce are all required to pay twenty cents per month towards the hospital fund. I have before me a letter from the Secretary of the Treasury, stating the amount of money



collected and disbursed at the various points where marine hospitals are located, and amongst others in Missouri, during the last fiscal year. The amount of hospital money collected in that State was \$2,268 77; the total expenditures for the support of the sick was \$2,524 42. The object of the Secretary of the Treasury, for which he asks this additional appropriation, is to enlarge that hospital, which will now only accommodate one hundred and forty inmates, so as to provide accommodations for two hundred. There are frequently nearly that number of sailors sick in the city of St. Louis, partly supported at the Government hospital and partly at the hospital in the city.

Mr. SEYMOUR, of New York. I wish to inquire whether this hospital is one that is already established, and the erection of which has been already commenced?

Mr. PHELPS. It is.

Mr. SEYMOUR. Then it is not a new work?

Mr. PHELPS. No, sir.

"TREASURY DEPARTMENT, February 6, 1852.

"SIR: Since the preparation of the estimates of appropriations required for the service of the fiscal year ending June 30, 1853, this Department has received reports from the superintendents of the marine hospitals at St. Louis, Cleveland, and Pittsburg, and each requiring additional appropriations for the completion of the hospitals at those places respectively, viz:

"Marine hospital at St. Louis.

"The estimate of the cost of completing this hospital is thus stated by the superintendent:  
For lumber, carpenter's work and hardware.....\$9,976 00  
"lathing, plastering, painting and glazing.....4,025 00  
"plumber's work, cisterns, tanks, baths, kitchen and water pipes.....5,045 00  
"iron railing for porticoes, steps, paving and flagging.....1,800 00  
Total.....21,251 00

"There has been an alteration in the plan of this building. The original plan was for the accommodation of one hundred and forty inmates; under the present arrangement there are accommodations for two hundred inmates."

Mr. HOUSTON. The amount asked for in the gentleman's amendment is \$21,251—the amount of the second estimate from the Department—and I am opposed to it for the reason that the hospital is now in a condition to receive and accommodate sick seamen just as well as it will be after this appropriation is made. The estimate for this appropriation was sent in to the Committee of Ways and Means after the regular estimate had been sent in and acted upon. The same paper contains additional estimates for the marine hospitals at Cleveland and Pittsburg. In my opinion, the proper course for the House to pursue is, to require these estimates to be sent to the committee at the proper time, when the committee and the House will have leisure to consider them. These estimates were sent in after the regular estimates had been examined and acted upon by the Committee of Ways and Means.

By reference to the items making up this amount, it will be seen that it is intended for embellishment. For instance, here is for white-washing fences, planting shade and fruit trees.

Mr. PHELPS. Will the gentleman read all the items, so that the committee may see what they are?

Mr. HOUSTON. Here is \$887 for brick stable, stone foundation—

Mr. PHELPS. That is not at St. Louis.

Mr. HOUSTON. No, sir, that is at Pittsburg. But here are the items for St. Louis: "For lumber, carpenter's work and hardware, lathing, plastering, painting and glazing, plumber's work, cisterns, tanks," and so forth. "For iron railing for porticoes, steps, paving, and flagging." Nearly the whole amount is for items of that character, and which are not essential to the accommodation of sick seamen.

Mr. PHELPS demanded tellers on the amendment; which were ordered; and Messrs. CHANDLER, and HARRIS of Tennessee, were appointed.

The question was then taken, and the tellers reported only thirty-eight in the affirmative.

A further count not being insisted on, the amendment was rejected.

Mr. PHELPS here resumed the chair.

Mr. FULLER, of Maine, offered the following amendment:

For the erection of a marine hospital at Portland, in the State of Maine, for the better protection of sick and disabled seamen, in pursuance of existing law, \$30,000.

Mr. F. said: Mr. Chairman, a bill has passed the Senate making appropriation of the sum

which I now propose for the erection of a marine hospital at Portland. That bill was referred to the Committee on Commerce, and after examination, they have instructed me to report it to the House. In consideration of the pressing importance of the work, I offer this amendment to the general appropriation bill.

Mr. JOHNSON, of Georgia. Is there not a marine hospital in Boston?

Mr. FULLER. There is a hospital at Boston, and I will inform the gentleman from Georgia that it is full. There is no hospital east of that, a distance of coast of between four and five hundred miles. Now, by the report of the Secretary of the Treasury in relation to the expenditures during the fiscal year ending June 30th, 1851, for the support of sick and disabled seamen, I find that there was about \$7,000 expended in the State of Maine, while about the same amount of money was collected. I find, also, that a greater sum was paid out in Maine for medical service for sick and disabled seamen, than in any other State—Massachusetts, New York, or any other. Now, we have thirteen collection districts on our coast, and by the existing law, sick and disabled seamen must be provided for within each of those districts. If a marine hospital was erected at Portland, all our sick and disabled seamen could be relieved there. I hope the amendment will be agreed to.

Mr. HOUSTON. I do not like to attempt to exclude anything from this bill that is really necessary to be passed, but I feel it my duty to submit a point of order in connection with that proposition. Under the 81st rule, I understand that such appropriations as this are not in order.

The CHAIRMAN. The Chair was not advised whether an appropriation had been made for the erection of an hospital at Portland, in Maine, or not. He understood, however, from the remarks of the gentleman from Maine, [Mr. FULLER], that it was in pursuance of an existing law that he now asked an appropriation for the erection of an hospital there.

Mr. FULLER. The point which I make is this: We have a provision by law for providing for sick and disabled seamen. It is therefore competent for Congress to provide for the erection of this hospital as coming legitimately within that provision, as those seamen can be better provided for than in private hospitals.

The CHAIRMAN. When the amendment was offered the Chair understood that it was to provide for the completion of an hospital; but as the point of order is raised by the gentleman from Alabama, and as it is shown by the gentleman from Maine [Mr. FULLER] himself, that the amendment is not for the completion of an hospital, but for the erection of one, the Chair must decide it to be out of order.

Mr. FULLER. I think that is a rather rigid construction of the rules. I take an appeal from the decision of the Chair.

Mr. JOHNSON, of Tennessee. I desire to ask, in connection with this question of order, whether the gentleman did not state that he had reported a bill for the erection of an hospital?

Mr. FULLER. I have not. Such a bill has passed the Senate, and has been referred to the Committee on Commerce. That committee have instructed me to report the bill to the House, but it has not yet been reported.

Mr. JOHNSON. Well, now, I desire to know if it is in order to incorporate another bill in the civil and diplomatic bill?

The CHAIRMAN. Discussion is not in order. The gentleman from Maine [Mr. FULLER] submits an amendment appropriating "\$30,000 for the erection of a marine hospital at Portland, in the State of Maine, for the better protection of sick and disabled seamen, in pursuance of existing laws." The gentleman from Alabama [Mr. HOUSTON] raises the point of order that the amendment is not in order. The Chair decides that the amendment is not in order, as it is not for the purpose of carrying out an appropriation authorized by existing laws. The 81st rule provides that "no appropriation shall be reported 'in such general appropriation bills, or be in order' as an amendment thereto for any expenditure 'not previously authorized by law, unless in continuation of appropriations for such public works' and objects are already in progress, and for contingencies for carrying on the several Depart-

ments of the Government." The amendment is for the erection of an hospital at Portland. There is no existing law establishing a marine hospital at that point, and therefore the Chair decides it to be out of order. From this decision the gentleman from Maine appeals. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken; and the decision of the Chair was sustained by the committee.

Mr. STANTON, of Tennessee, submitted the following amendment:

For the purpose of a site, and for the erection of a marine hospital at Memphis, \$50,000.

The CHAIRMAN. The Chair must announce to the gentleman from Tennessee that there is no law authorizing the erection of a marine hospital at that point; and the amendment is, therefore, not in order.

Mr. STANTON. I hope the Chair will at least wait until some gentleman raises the point.

Mr. HOUSTON. The Chair has the same right to make a point of order as any gentleman upon the floor, if he chooses. But there is an additional point in the case of the gentleman's amendment. As I understand it, the law of 1842 requires that the Government shall not erect any public building unless upon plans previously submitted, and estimates of the cost for executing such plan. In the case of the amendment of the gentleman from Maine, [Mr. FULLER], this requisition has been complied with by the Committee on Commerce, or at least I am bound to presume that it has, because they have decided in its favor. But in this case I suppose there has been no such plan submitted.

Mr. STANTON. I will obviate that objection by modifying this amendment, so as to provide only for the purchase of a site. I have offered the amendment only for the purpose of submitting a remark or two, to show how necessary it is to have an hospital erected at Memphis.

The CHAIRMAN. The Chair will be compelled to rule the amendment of the gentleman from Tennessee, as modified, out of order. It involves the same point precisely as that upon which the amendment of the gentleman from Maine was ruled out of order.

Mr. LOCKHART offered the following amendment:

For the completion of the marine hospital at Evansville, Indiana, \$20,000.

Mr. L. said: I desire to state, in connection with this amendment, that the sum of \$25,000 has heretofore been appropriated by Congress towards the erection of a marine hospital at Evansville, Indiana; \$5,000 of that sum has been expended for the purchase of a site. Before proceeding further, I will avail myself of the courtesy of the chairman of the Committee of Ways and Means, and ask that the following letter from the Treasury Department may be read:

TREASURY DEPARTMENT, July 17, 1852.

SIR: The Department having recently purchased a site for the marine hospital provided for at Evansville, Indiana, is desirous to contract for the erection of the building so as, if possible, to complete it during the present season, and there being now at the disposal of the Department for this object only \$30,000 of appropriations, which being inadequate for the erection of a suitable structure, a contract cannot be made except for portions of the work until further appropriations are made, and this course is regarded as injudicious and productive of additional expense.

Two buildings for the same object having been so far completed at points corresponding to that of Evansville, in the matter of cost, the Department is enabled to furnish the committee from these data with a just estimate of the probable expense of the structure, so that an appropriation may be made at the present session of the residue required to complete it.

The localities referred to are Louisville and Paducah, Kentucky; at the former of which \$42,000 have been expended, and at the latter \$48,625.

The Department is of opinion that a suitable edifice can be erected at Evansville for \$50,000, which will require an additional appropriation of \$20,000; and I have the honor to recommend that the same be done at the present session, for the reasons already stated.

Very respectfully, your obedient servant.

WM. L. HODGE,

Acting Secretary of the Treasury.

Hon. GEORGE S. HOUSTON,  
Chairman Committee Ways and Means, H. R.

From this letter it will be seen that it required about \$50,000 for the erection of a marine hospital at Paducah; \$42,000 has been expended and it is not yet completed. The one at Louisville cost \$48,625, and is not yet entirely finished; so it will be perceived that the sum I ask is less than the amount usually expended in struc-

tures of this character. This is owing to the fact that experience has proven that under the contract system some ten or fifteen per cent. is saved in the cost of such a building; knowing this fact, the Secretary of the Treasury declines letting the contract until a sufficient amount is appropriated to complete it. To commence it and then stop for means, the work becomes more or less injured, and mechanics, from the necessities of the case, must ask higher prices than would be charged if they could progress with their work and draw their pay as they progress. I am informed that heavy losses were sustained by the Government in the erection of the hospitals at Louisville and Paducah, for the reason that sufficient means were not placed at the disposal of the Department in the first instance to complete the buildings. In conclusion, (as I see that my five minutes have nearly expired,) I wish to say that there is no point upon the western waters where a marine hospital is more needed. Evansville is one of the most important shipping points between Louisville and Memphis; indeed, it is said by those who are concerned in the carrying trade upon those waters, that more domestic produce is shipped from Evansville than there is at Louisville. The longest canal on the continent terminates there, and most of the six hundred flat-boatmen, who annually descend the Wabash, land there on their return home, many of them sick and without means. I hope the committee will make this additional appropriation, that the hospital can be completed as cheap as possible, and at the earliest day possible.

Mr. HOUSTON. This is a building which has been ordered to be erected by a previous Congress; and I do not know whether this Congress will feel disposed or not to interfere with what has been heretofore ordered. It is competent for us to do so, but I do not know whether the committee will be so disposed. I feel bound, however, to submit a fact or two connected not only with this, but with all of the hospitals upon the Ohio and Mississippi rivers. We have an hospital now in operation at Pittsburg, another at Louisville, and another at Paducah; and we have on the Mississippi river, probably about three more, which are in operation. The one now proposed to be erected is not more than one hundred and fifteen or one hundred and twenty miles distant from two that are on the Ohio river. It is one hundred and fifteen or one hundred and twenty miles from Paducah, and a little more than that from Louisville. Now, the question presents itself to the Committee, whether it is necessary to erect another at Evansville; and in connection with this fact, I wish to submit an additional one for the consideration of the committee. We are now paying annually some two or three hundred thousand dollars beyond the amount collected for sick and disabled seamen. At the passage of a law by which a tax was to be collected from the sailors for the purpose of creating this fund, it was the intention of Congress that this tax should keep up this fund; to sustain and keep in a comfortable condition the sick seamen of the country. That fund would be large enough now, if we were not wasting it in the construction of unnecessary marine hospitals. Now, sir, if a vessel of any sort—take, if you please, a flat-boat—were leaving Louisville, and a sailor should become sick, so as to require that he should be placed in an hospital, a boat running with the mere current of the river would carry him to an hospital in about twelve hours. So it seems to me that we are really constructing hospitals up and down these streams, where there is no necessity for them. Now, if on a steamer leaving Louisville, the hands should become sick, I understand that the vessel could reach the Paducah hospital in less than twelve hours. If it were to leave Paducah, in going down the river, I understand it would reach Napoleon in about the same time. If a sailor were to be taken sick immediately on leaving one of these hospitals, I understand he would reach another always in the course of a day or two. We have appropriated within the last few years, out of the Treasury for the support of this institution; more than a million dollars—largely over the amount collected from the sailors. I think we are bound to protect these sailors and take care of them when they are sick; but we are wasting the public money by building marine hospitals, at points where hospitals are not needed—as I believe they are not on

some points on the western rivers, where they are being built. But if we waste this money, no matter whether legally or otherwise, it is necessary that we should make it up from the Treasury, that we may protect and make comfortable these seamen when they become sick. I have a letter from the Secretary of the Treasury, in which he states that comfortable quarters can be afforded to sick seamen in private institutions for from one third to one half what it costs to keep them in the marine hospitals. So, if you build an hospital at Evansville, the Secretary of the Treasury tells you that he can take the sick seamen who might go there, and provide for them in private institutions for one half what it will cost there, after you have expended all the money necessary to put it into operation. The expense of keeping one of these hospitals, comprehending the expense of keeping a nurse and physician, and all the incidental expenses for such an establishment, would be more than double what it would cost to board the invalids at a private institution.

[Here the hammer fell.]

Mr. HOUSTON. I am informed by my friend from Indiana [Mr. LOCKHART] that I conveyed the impression that the Secretary of the Treasury had singled out the Evansville hospital. He did not allude to any particular hospital at all, but to the general subject.

Mr. LANE moved to amend the amendment by increasing the sum \$1,000.

Mr. L. If the chairman of the Committee of Ways and Means possessed, as I happen to do, a practical knowledge of the present condition and wants of that portion of the country about which he has been speaking, I am quite sure that he could not be induced to oppose the appropriation thus asked for by the gentleman from Indiana. He is in error when he supposes that invalids may be conveyed from Louisville to Evansville within the space of twelve hours with the mere float of the current. At this, the "low water season," and when sickness and disease rage there with greater violence than at any other period of the year, flat-boats, by which the produce of the country in immense quantities is conveyed to our southern markets, often consume fifteen or twenty days in going from Louisville to Evansville, the point at which it is proposed to establish an hospital. The distance between these two points is about two hundred miles, and at a low stage of water, even small class boats, propelled by steam, owing to bars and other obstructions in the channel of the river, sometimes occupy scarcely less time in running to and from these points. The officers and men employed upon these boats are frequently compelled, in order to pass over these obstructions, to expose themselves to the inclemencies of the weather, and indeed to the worst hardships of the life of a boatman, and it is rare that a number of every crew so detained and subject to hardships and exposure do not seriously suffer from sickness before reaching Evansville; and if they were compelled to continue on their voyage to Paducah, a distance of about one hundred and fifty miles further, before they could receive proper medical attention, who could estimate the amount of suffering and mortality which would occur to this useful class of our people? Many such are poor, and without the means of securing to themselves in sickness, and from their homes, proper medical attention, and they are therefore compelled to depend upon charity for their relief, or linger on for many days until they reach the hospital at Paducah. In the mean time disease is at work, and relief, when it does come, not unfrequently comes too late; and thus numbers every year perish—are sacrificed for the want of an institution for which this appropriation is asked at Evansville.

The estimate upon which the chairman of the Committee of Ways and Means relies for his statement of distances is incorrect. The distance from Louisville to Evansville is, as I before remarked, about two hundred miles, that from Evansville to Paducah about one hundred and fifty, and that from the last-named point to Napoleon, about four hundred and forty-eight miles. I am quite sure these are the accurate distances between these points, since I speak from actual knowledge and observation.

Evansville is the principal landing point for the whole Wabash country. A very large portion of the produce of the Wabash valley is exported to

New Orleans in flat-boats, the crews of which, upon their return, almost invariably land there, often late in the season, sick and in ill health, and in painful want of that relief and medical care and attention an hospital would afford them, and without which many of them suffer and die. Besides this, I hazard nothing in saying that a greater number of people land at that place than at any other point on the Ohio river below Louisville. It is a point, therefore, at which, for these and many other reasons I might enumerate, an hospital ought to be erected. I know it to be necessary, and if the majority of this House had witnessed the inconveniences, distress, and death, arising from the absence of that care which ought to be extended to this unfortunate class of our people by the establishment of an hospital there, I have no hesitation in saying that they would readily make the appropriation asked for by the amendment proposed by my friend from Indiana, [Mr. LOCKHART.]

Mr. HOUSTON. I do not intend to consume any more of the time of the committee than is necessary to enable me to refer to a letter of the Secretary of the Treasury upon this subject—not in reference to this particular item merely, but to the general subject of marine hospitals, about which, I think, we have committed many egregious errors. I called upon the Secretary of the Treasury by letter, to give me the exact distances between the hospitals situated between Pittsburg and New Orleans. There is a difference between my friend from Oregon, and the Secretary, as to these distances. The letter of the Secretary shows that Evansville is one hundred and fifty miles below Louisville, and one hundred and fifteen miles above Paducah. If I have committed an error, it is upon the authority of the letter of the Secretary of the Treasury, who himself has committed the error, if it be such. The letter says:

"There are two hospitals in operation on the Mississippi—one at Natchez, and the other at New Orleans, two hundred and seventy-five miles from each other—and one at Napoleon, Arkansas, and another at St. Louis, in course of erection. These are five hundred and forty miles apart, and Napoleon is two hundred and fifteen miles above Natchez, and three hundred and fifty miles below Paducah."

These things I obtained from the most authentic source I could resort to, and I based my remarks upon this document.

Mr. STANTON, of Tennessee. Does that letter say it is three hundred and fifty miles from Napoleon to Paducah?

Mr. HOUSTON. The letter says:

"There are two hospitals in operation on the Mississippi—one at Natchez, and the other at New Orleans, two hundred and seventy-five miles from each other—and one at Napoleon, Arkansas, and another at St. Louis, Missouri, in course of erection. These are five hundred and forty miles apart, and Napoleon is two hundred and fifteen miles above Natchez, and three hundred and fifty miles below Paducah. Authority has been given to erect a marine hospital at Vicksburg, Mississippi, also."

Mr. STANTON. That is very different from the understanding in my section of the country. It is two hundred miles from Memphis to Napoleon, and two hundred miles from Memphis to the mouth of the Ohio. So the Secretary is wrong in that particular.

Mr. HOUSTON. It is quite as probable that the Secretary of the Treasury, who has the data in his office, and who was called upon by a committee of this House for correct information in relation thereto, should furnish the correct distances, as that the gentleman from Memphis [Mr. STANTON] should do so, who only takes the hearsay of persons who travel up and down the river.

And it is very natural that my friend from Oregon [Mr. LANE] should make a mistake, for a man who wades down a river is apt to suppose it is really longer than it is, and a man who wades up makes it longer still, because he becomes more tired.

Mr. LANE, (interrupting.) I insist that no man shall charge me with mistaking the distance of places between Louisville and New Orleans.

Mr. HOUSTON. I give the distances which I obtained from authentic sources.

Mr. LANE. The information is not reliable.

Mr. HOUSTON. It may not be reliable, but it is authentic. I said I received the information from authentic sources, and I stated that I gave the distances as I obtained them from the Secretary of the Treasury. It may be incorrect, but I rely upon it.

The question then recurred upon the amendment to the amendment.

Mr. LANE, there being no objection, withdrew his amendment.

The question was then taken on the amendment of Mr. LOCKHART, and it was not agreed to.

Mr. THOMAS M. HOWE offered the following amendment, to come in at the end of the six hundred and forty-third line, as one of the clauses in relation to marine hospitals:

For completing the marine hospital at Pittsburg, heating and ventilating same, &c., as per estimate submitted by the Secretary of the Treasury, \$6,667.

Mr. H. said: I have before me the letter of the Secretary of the Treasury, containing estimates of six or eight items, for completing the hospital at Pittsburg, purporting to be the estimates of the surveyor of that port, which have been examined by the Secretary of the Treasury, and recommended by him to the favorable consideration of this House.

The first item is for building a brick stable, \$887. In reference to that item, I would say that the marine hospital at Pittsburg is located upon a lot of ground, comprising, I believe, ten acres. A portion of this ground is devoted to gardens, cultivated by persons at the hospital, and it is necessary to keep horses, carts, and other implements proper for carrying on that kind of business. There are no stables at present upon the grounds, and for that reason this appropriation has been recommended by the surveyor of the port of Pittsburg.

The second item is "for inside stairway opening to garret, lathing, and plastering, \$393," which was doubtless made upon the estimate of a carpenter. The necessity for that item arises from the fact that there is no stairway adequate to approach the garret, and it is very necessary there should be one, as the water tanks used for supplying water for the establishment are placed either in the garret or on the roof, I do not know which, and it is necessary that they should be approachable.

The next item is "for forty feet of water pipe, and placing the same in the river, \$40." This pipe is necessary for supplying the fountain with water.

The next item of \$100 is for whitewashing fences.

The next "for planting shade and fruit trees, \$600."

The next "for heating and ventilating building on modern plan, including cooking range, \$4,540." The necessity for this item I do not propose to enlarge upon. They are thought to be necessary by the surveyor of the port and the superintendent of the hospital. They have been examined by the Treasury Department, the estimate approved of, and an appropriation recommended, and I hope it may receive a favorable consideration by the committee.

The question was then taken on the amendment, and it was not agreed to.

Mr. LANE offered the following amendment, to come in at the end of the six hundred and forty-sixth line, among the appropriations for custom-houses:

For the construction of the custom-house at Astoria, Oregon, in addition to the \$10,000 heretofore appropriated, \$30,000.

Mr. HOUSTON. This custom-house was provided for by law at the last session of Congress, when there was an appropriation of \$10,000, and this is an additional estimate made by the Secretary of the Treasury to complete it.

Mr. LANE. The appropriation asked for by that amendment is based upon a recommendation of the Secretary of the Treasury. As yet there has been no custom-house erected in the Territory of Oregon. The sum of \$30,000, in addition to the \$10,000 already appropriated, the Secretary says will be sufficient to complete a fire-proof building suitable for a custom-house, and other purposes. I will read, with the permission of the committee, the letter from the Secretary of the Treasury.

Mr. HOUSTON. There is no necessity for the reading. The amendment is proper.

Mr. LANE. Very well, then.

The question was taken, and the amendment was agreed to.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to submit the follow-

ing amendment, to come in after the one that has just been adopted:

For continuing the construction of the custom-house at Charleston, South Carolina, \$200,000.

The question was put, and the amendment was agreed to.

Mr. JONES, of Pennsylvania. I move the following amendment, to come in after the six hundred and forty-sixth line:

*Provided, That hereafter, in the assessment of duties, it shall be the duty of the Secretary of the Treasury, with the aid of the appraisers now provided for by law, to ascertain and establish the actual average values, or wholesale prices in the principal markets of the United States, during each fiscal year, commencing with the fiscal year ending the 30th of June, 1852, of pig iron, wrought iron, manufactured by rolling, hammering, or drawing, of wire, rivets, spikes, chain cables, and glass, and upon such ascertained and established values, to levy, or cause to be levied, the ad valorem duties now established by law; any provision, by law or otherwise, to the contrary notwithstanding: *Provided further, That such other goods, wares, and merchandise, now or hereafter, subject to any ad valorem duty, as the Secretary of the Treasury may, from time to time, specify by public circular, to be published at least six months before it shall go into effect, shall be subject to the same mode of annual average valuations as the aforesaid.**

Mr. BAYLY, of Virginia. I rise to a question of order. That amendment has nothing to do with the bill, and it has been so decided for three or four Congresses.

Mr. JONES. I will, then, merely refer to the matter as a question of order. With the Chair's permission, I will refer to the civil and diplomatic appropriation bill, passed July, 1846. A clause of that bill, the very basis of the act of 1846, was ruled to be in order, and that decision was sustained by the House. That clause is as follows:

"Sec. 2. *And be it further enacted, That, in addition to the assistant appraisers authorized by law at the port of New York, there may be appointed, in the mode now prescribed by law, one additional assistant appraiser at said port, at a salary, as heretofore established, of fifteen hundred dollars per annum, to be paid out of any money in the Treasury not otherwise appropriated: *Provided, Said salary shall not commence, or appointment take effect, prior to the 30th of November next, and in appraising all goods, at any port of the United States, heretofore subjected to specific duties, but upon which ad valorem duties are imposed by the act of the 30th of July last, entitled 'An act reducing the duty on imports, and for other purposes,' reference shall be had to values and invoices of similar goods imported during the last fiscal year, under such general and uniform regulations for the prevention of fraud or undervaluation as shall be prescribed by the Secretary of the Treasury.**"

I raise the point that this is not a proposition to increase or diminish the revenue, but only to guard the Treasury against frauds. In 1846, when the law was passed I have alluded to, this very clause was ruled to be in order; and if the Chair now decides that it is not in order, I am—

Mr. BAYLY. Is discussion in order?

The CHAIRMAN. The Chair has indulged the gentleman from Pennsylvania in reference to any precedent he desired, for the purpose of sustaining his position, but discussion upon the question is not in order.

Mr. JONES. I understood that discussion was not in order. It is not my wish to occupy the time of the committee now, although I have not done so heretofore. I wish, however, to have this matter distinctly understood. I ask the indulgence of the committee to state that this is not a question of increasing or diminishing the revenue.

Mr. BAYLY. I hope the gentleman may be permitted to state his point fully.

Mr. CLINGMAN. I beg to say before I consent to the gentleman proceeding, that I want some gentleman—either myself or any other gentleman—to have the privilege of replying to the argument of the gentleman. I do not object to his discussing it.

Mr. HARRIS, of Tennessee. I object to all discussion upon the subject.

The CHAIRMAN. Discussion is not in order. The question submitted for the decision of the Chair is, whether the amendment proposed by the gentleman from Pennsylvania be in order? In the opinion of the Chair, it is not in order. An amendment somewhat similar to this was submitted to the civil and diplomatic appropriation bill of the last session of Congress, upon which a question of order was raised. The then chairman decided that the amendment was not in order. From that decision an appeal was taken, and sustained by the committee. Afterwards, upon three or four different occasions, that decision of the Chair was sustained.

Mr. JONES. I take an appeal from the decision of the Chair. I beg merely to state—

The CHAIRMAN. The appeal is not debatable except by unanimous consent.

Mr. CAMPBELL, of Illinois. I object.

Mr. JONES. I then inquire of the Chair whether I have the right to state the grounds of my appeal?

The CHAIRMAN. No, sir.

Mr. JONES. I will remark in one word, that the appeal was taken that the House might sustain its own precedents.

Mr. BAYLY. I desire to ask a question of the Chair. The gentleman from Pennsylvania says that he desires the House to sustain its own precedents. I beg to know whether the provision of law, which the gentleman has read, was not put in the bill by the Senate, and not by this House, when the rules of order there and here were different?

Mr. CAMPBELL. I object to all further debate on this question.

The Clerk, at the request of several members, again read the amendment.

Mr. STEVENS, of Pennsylvania, demanded tellers; which were ordered; and Messrs. CAMPBELL of Illinois, and FOWLER, were appointed.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was agreed to, the tellers having reported—ayes 67, noes 64.

And the decision of the Chair was sustained.

Mr. DUNHAM. I submit the following amendment, to come in after line six hundred and forty-six:

For purchasing a site and the construction of a suitable building at Wilmington, Delaware, for custom-house, post office, court rooms, and other offices of the United States, and furnishing the same, \$25,000: *Provided, That the said lot and building shall be exempted from city and all other taxes whatever by the act of the Legislature of Delaware: And provided further, That before the Secretary of the Treasury shall erect the said building it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of \$25,000 inclusive of said lot; while said contract or contracts shall be secured by good and sufficient sureties to the said Secretary of the Treasury and President of the United States.*

Mr. SMART. I rise to a question of order. I wish to inquire of the gentleman from Indiana whether there is any law authorizing such an appropriation? If there is not, I object to the amendment.

Mr. DUNHAM. It is based upon a recommendation of the Secretary of the Treasury. Plans have been submitted, and estimates made.

The CHAIRMAN. Upon the amendment submitted by the gentleman from Indiana, the gentleman from Maine raises a question of order.

Mr. DUNHAM. The amendment comes from the Committee of Ways and Means.

The CHAIRMAN. That does not alter the parliamentary law. The Chair rules the amendment out of order under the 81st rule, which provides that no appropriation shall be reported in such general appropriation bills, and be in order as an amendment thereto, for any expenditure not previously authorized by law.

Mr. RIDDLE. From that decision I take an appeal. I do not rise to debate it. I hold the law of 1845 in my hand, which supersedes this one. It authorizes the President to submit plans and estimates before Congress shall make appropriations for the construction of custom-houses, or other public buildings.

The CHAIRMAN. Discussion is out of order. The Chair rules that the amendment is not in order, and from that decision the gentleman from Delaware takes an appeal. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was sustained.

Mr. FLORENCE. I desire to offer an amendment, to come in under the head of custom-houses; which I fear, by the recent decision of the Chair, will not be in order. At all events, I will present it, and let it share its fate with the others:

For the erection of a building in the city of Philadelphia adapted for public store-houses, and the safe-keeping of goods deposited therein under the custom-house laws; the construction of the said building to be of such a character as to afford facilities for holding therein the courts of the United States, and which can also be adapted for the purpose of facilitating the business of the Philadelphia post office, \$500,000.



The CHAIRMAN. The Chair is compelled to decide that the amendment is not in order.

Mr. FLORENCE. I feared it. May I ask a question, if I cannot offer such an amendment, whether I can present a resolution that will be in order making such a provision?

The CHAIRMAN. A bill reported by any committee of this House making such a provision would be in order.

Mr. FLORENCE. It struck me that in the civil and diplomatic bill a provision might be made for erecting such a building.

The following section was then read:

*Intercourse with foreign nations.*

For salaries of ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili, \$72,000.

For salaries of the secretaries of legation to the same places, \$16,000.

Mr. HOUSTON. I offer, under the instruction of the Committee of Ways and Means, the following amendment, to come in at the end of that section:

For outfits of the ministers of the United States to Great Britain, Prussia, and Mexico, \$27,000.

I will send up to the Clerk a letter from the Secretary of State, which I ask may be read.

The following letter was then read:

DEPARTMENT OF STATE, }  
WASHINGTON, 22d July, 1852.

Sir: By direction of the President, I have the honor to inform you, and, through you, the Committee of Ways and Means of the House of Representatives, that the Ministers of the United States at London, Berlin, and Mexico, have asked permission to return to this country, and are expected soon to do so.

It is, therefore, desirable that proper provision should be made for outfits for their successors.

I have the honor to be, sir, very respectfully, your obedient servant,

W. HUNTER, Acting Secretary.

Hon. GEORGE S. HOUSTON,  
Chairman Committee of Ways and Means, H. R.

The question was then taken on Mr. HOUSTON's amendment, and it was agreed to.

Mr. GOODENOW. I move to amend the following clause: "For salary of the Commissioner to the Sandwich Islands, \$3,000;" by striking out "three" and inserting "five."

The amendment which I propose is to increase the salary of the Commissioner at the Sandwich Islands from \$3,000 to \$5,000. In April last, the attention of the Secretary of State was called to the necessity of such an increase. On the 29th of April he addressed a letter to the honorable chairman of the Committee on Foreign Relations on that subject. The honorable chairman informed me—owing to the multiplicity of business, I presume—that he did not bring that subject definitely before that committee. In his letter, the Secretary of State recommends the increase proposed by the amendment which I have offered. The necessity of an increase of the salary of the Commissioner at the Sandwich Islands, I think will be obvious to any gentleman who will examine the facts contained in the letters and papers which I hold in my hand, and the extracts from letters submitted by the honorable Secretary of State to the Committee on Foreign Relations. Since the discovery of gold in California, the expenses of living at Honolulu have increased very much, and they are now, as I am informed, nearly as great as at San Francisco. The salary now given to the Commissioner is not sufficient for the support of his wife and family of four children. The present Commissioner is known to be an economical man, but his hospitality is taxed greatly by the increased number of citizens of this country who call there. It is true that he never fails to afford that hospitality. I may here be permitted to refer to some of the items of expense. Butter is fifty cents a pound, eggs fifty cents a dozen, fire-wood eight dollars a cord. The actual expenses of living at Honolulu are now greater than the expense of living at any city in the United States, with the exception, perhaps, of cities upon the Pacific. They are greater than the expenses of living in London or Paris. There is no outfit or anything allowed to the Commissioner. Out of his salary of \$3,000 he is to pay the expenses of his voyage and that of his family. I am well convinced, if I could have directed the attention of the Committee of Ways and Means to the consideration of this subject, through the Committee on Foreign Relations, that they would have recommended this appropriation. I endeavored to do so, but, unfortunately, for the reason I have before stated, I have been

unsuccessful. I hope the committee will adopt the amendment. I think it is the least which the justice of the case requires. I would be glad if they would go further, and allow the same compensation to be given from the commencement of the commission of the present Commissioner. I have not asked it. I have asked what I deem to be just and right. I believe that the Committee of Ways and Means will sustain me in the statements which I have made.

Mr. BAYLY, of Virginia. I desire to understand from the gentleman from Maine [Mr. GOODENOW] whether this is meant to be retrospective or prospective?

Mr. GOODENOW. Prospective.

Mr. BAYLY. I have no doubt whatever that the salary of a great many of our foreign agents ought to be increased; and this, among others, might be increased with advantage. There have been recommendations in respect to almost all the foreign ministers. With but one single exception, however, and that will be explained when I move in the matter, the committee did not think it expedient to recommend an increase of these salaries. I doubt whether this case stands upon a stronger footing than the other cases with one single exception.

Mr. BROOKS. I propose to amend by adding one dollar. I think this a peculiar case. At the time when this salary of \$3,000 was fixed, everything was lower in the Pacific than in other parts of the world. The prices of provisions were low, transportation was low. Since that time, from the discovery of gold in California, everything has been doubled or trebled in price; but the salary of the Commissioner stands exactly as it was. It is impossible for a gentleman to live adequately upon a salary of \$3,000 at Honolulu. On account of the increase of Americans visiting there, the increase of population going to those islands, and the general importance of the Pacific to us, it is important that we should raise the salary of this Commissioner. I have further to say upon that point—I ask the attention of Democrats upon the other side of the House to the fact, that last year—and the chairman of the Committee on Foreign Relations, who was then the chairman of the Committee of Ways and Means, will bear me out in the fact—the then Committee of Ways and Means increased nearly double the salary of Mr. Eames, now one of the editors of the Union, of which I hold the proof in my hand, upon the ground that it was impossible for him to be adequately supported in that place for double the amount of pay. The Whigs in the Committee of Ways and Means, and the Whigs in the House, agreed in that proposition, and voted for it without any serious opposition, from the evidence of the fact that it was necessary to be done. In the case of some gentleman before him—Mr. Ten Eyck, of Michigan, I believe—a like additional appropriation was made, and the House agreed in voting this additional sum. It seems to me as a matter of political and pecuniary justice that it is our duty to do the like thing in the case of the present Commissioner, not only because we have done it heretofore, but because under the existing circumstances it would be impossible for a gentleman properly to discharge his duties to his country upon that salary alone.

Mr. CLARK. What is the condition of the amendment?

The CHAIRMAN. There is an amendment to the amendment pending. The gentleman from Maine [Mr. GOODENOW] proposes to strike out the word "three," and insert "five."

Mr. BROOKS, there being no objection, withdrew his amendment.

The question was then taken upon Mr. GOODENOW's amendment, and it was agreed to.

The following clause of the bill was then read by the Clerk, viz:

"For salary of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, \$6,000."

Mr. BAYLY, of Virginia. I am instructed by the unanimous vote of the Committee on Foreign Affairs to move to amend the clause which has just been read, by inserting the words "outfit and" before the word "salary," and by striking out "six" and inserting "eighteen" in lieu thereof. In proposing this amendment, we have responded to the recommendation of the President in his last annual message, where he says:

"The office of Commissioner to China remains unfilled; several persons have been appointed, and the place has been offered to others, all of whom have declined its acceptance, on the ground of the inadequacy of the compensation. The annual allowance by law is \$6,000, and there is no provision for any outfit. I earnestly recommend the consideration of this subject to Congress. Our commerce with China is highly important, and is becoming more and more so, in consequence of the increasing intercourse between our ports on the Pacific coast and Eastern Asia. China is understood to be a country in which living is very expensive, and I know of no reason why the American Commissioners sent there should not be placed, in regard to compensation, on an equal footing with ministers who represent this country at the courts of Europe."

Mr. Chairman, in my opinion—and I do not state my opinion hastily or lightly—there is no mission that we have abroad that is more important than our mission to China. With our possessions on the Pacific, and the new career of commerce that is opening in that direction, I know of no place where it is more important to have an enlightened and able man than in China. It seems, from the President's message, that there has been great difficulty in getting such a man to go there, and I am not surprised at it. It is four or five months' sea-voyage to get there, and as many to get back. It is amongst a people where there is nothing interesting to carry a man. It is not like the mission to Rome, or Naples, or England, or France; but it is a pure duty of patriotism for any man to consent to go upon a mission of this sort. I therefore entirely concur in the recommendation of the President, and I am instructed, by the unanimous voice of the committee over which I preside, to offer this amendment.

Mr. HOUSTON. I believe myself that the compensation of the Commissioner to China ought to be increased. I am satisfied, as I presume every member of this committee is satisfied, that it is too small. But I had hoped that the Committee on Foreign Affairs would have presented some other plan for compensating our foreign ministers than the present one. I had hoped they would have brought forward some system or other, by which we could have given them an ample compensation without holding out the inducement of an outfit for gentlemen to come home and go out half a dozen times during an Administration. I do not speak of this in reference to the present Administration, but as an evil that exists in this country, and that ought to be remedied by Congress in some way or other. We have just agreed to an amendment appropriating \$27,000 for outfits for the three ministers to succeed gentlemen who are coming home. One of them proposes, I think, to come home in October, but a few months before the Administration must change in some way or other. Gentlemen on the other side of the House smile. I think it will change to Democratic; but then whether it does or not, the Presidency will pass from its present incumbent, and as a matter of course, there will be a change of Administration but a few months at the outside, after these ministers come home. It seems to me to be a great waste of money, and that there is a defect in the system by which they are paid. I think they ought to have salaries, and I was in hopes that the Committee on Foreign Relations would have proposed to have given an ample salary in this case. I think these ministers ought to be well paid. I propose to pay them well, but I do not want them to start out a month or two before the Administration must pass into the hands of another party, or of another President and get \$9,000 outfit and salary for staying away less than a twelvemonth.

I do not say that this evil has commenced under the present Administration. On the contrary, I know that it existed before, and I know, from evidence upon which I can rely, that the present President of the United States has had some difficulty on this point, in keeping foreign ministers from returning home, and that upon more than one occasion he has refused the necessary permission to come home. For that I give him credit. But then it seems to me that there is some defect in the system, and I was in hopes that the Committee on Foreign Affairs would have remedied it.

Mr. STANTON, of Ohio. I rise to a question of order. I submit that this amendment is not in order, for the reason that this House is bound to know who are the foreign ministers, and that the Constitution prohibits any member of Congress from taking an office, the compensation of which is fixed during the term for which he was elected.

The second clause of the sixth section of the Constitution is as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

The CHAIRMAN. The Chair decides that it is not for the Chair to determine whether a law is constitutional or not; it is for the Judiciary, or for the Executive, or for each member when he is called upon to vote. The Chair, therefore, rules the amendment in order.

The question was then taken upon the amendment, and it was adopted.

Mr. HEBARD. I wish to submit an amendment to a clause which has been passed, to come in after line six hundred and fifty-five.

The CHAIRMAN. That amendment cannot be received except by unanimous consent.

Mr. HAMILTON. I object.

Mr. HEBARD. I am sure no gentleman would object, if he knew the object for which the amendment is intended, and the circumstances under which it is offered.

The CHAIRMAN. Is the objection withdrawn?

Mr. HAMILTON. No, sir, it is not.

Mr. HEBARD. May I be permitted to state the nature of the amendment which I desire to offer?

The CHAIRMAN. It would not be in order, and could only be allowed by unanimous consent.

[Cries of "Object!"]

Mr. BAYLY, of Virginia. I am instructed by the Committee on Foreign Affairs, to offer the following amendment:

To Colin M. Ingersoll, late Secretary of Legation, at Russia, the sum of \$1,041 67, the same being for his services as acting Chargé d'Affaires from the 15th of August, 1848, to the 15th of January, 1849.

I desire to say, in respect to this amendment, that it is pretty much the voluntary action of the committee, and that it is in accordance with the universal practice of the Government. I know nearly a hundred cases of the sort. Where a Secretary of Legation has discharged the duties of Chargé d'Affaires, it has been the invariable custom, I believe, to give him, in the civil and diplomatic appropriation bill, the salary of the office the duties of which he has actually discharged. That is Mr. Ingersoll's case; and, with the exception of one vote, there was no difference of opinion in the Committee on Foreign Affairs in regard to this amendment.

Mr. HOUSTON. I would like the gentleman from Virginia to change the phraseology of this amendment in some way. We have thus far in this appropriation bill, kept out any appropriation to individuals for private claims. If the gentleman will so modify the amendment as to read: "For compensation of the acting Chargé d'Affaires at Russia from the 15th of August, 1848, to the 15th of January, 1849," &c., I have no objection to it.

Mr. BAYLY. I accept that modification.

The question was then taken upon the amendment, as modified, and it was agreed to.

Mr. BAYLY, of Virginia, under instructions of the Committee on Foreign Affairs, offered the following amendment:

To compensate Dabney S. Carr, for expenses incurred while in the diplomatic service of the country, to be allowed in the settlement of his accounts with the Government, \$7,144.

Mr. B. said: Mr. Chairman, in the settlement of the accounts of Mr. Carr at the State Department, he was disallowed some items to which the Committee on Foreign Affairs thought he was equitably entitled.

In the first place, it seems by the records in this case, that it is regarded as a matter of diplomatic etiquette at the court of the Sublime Porte, that presents should be given to his dragoman. He gave a watch, for which he paid \$150. Such a present is a usual and customary one; indeed, it is an incidental expense to his mission. It was, however, disallowed at the State Department. But the most important item is this: Mr. Carr, on his arrival there, found a second dragoman in the regular employment of the Legation, under the instructions of the Secretary of State. It was a

Mr. Porter—I believe a son of Commodore Porter. He had been employed, under the instructions of the Secretary of State, at the rate of \$92 per month. Mr. Carr continued to pay him as such, taking it for granted that he ought not to change the statutes in the case. Well, sir, when he came to settle his accounts the whole of the item was disallowed him by the proper department, amounting to \$4,600.

Besides that, there were great irregularities in the conduct of our consul at Syria, and he was instructed to go there and investigate the matter. While on that mission he incurred, as his vouchers show, an actual expense of \$1,128. His expenses at the same time were going on at Constantinople. All this was an extra duty, and there is no appropriation to cover the expenditure; hence the item was disallowed. By a law of Congress, which made no appropriation, the Minister at Turkey was allowed an extra salary of \$1,000 for judicial services, defined by the act of the 11th of August, 1848. But there being no appropriation that item was also disallowed. In the adjustment, for these causes, they brought Mr. Carr in debt upon his settlement, to the amount of \$3,883, and that balance stands against him upon the books of the Treasury to this day. This was in consequence of these disallowances; and the Committee on Foreign Affairs recommend that he be allowed these four items: \$150 for a watch and snuff-box; the money that he paid to the second dragoman whom he found there in the employment of the legation, under the instructions of the Secretary of State—and if there was any violation of law in it, it was the Secretary's violation and not his; his expenses to Syria to investigate the conduct of our consul there; and the additional salary for judicial services. If gentlemen will examine this amendment, they will find that it is guarded properly. It provides that the sum shall be paid in settlement of his accounts. There is a balance against him of \$3,882; so that but little money will have to be paid out of the Treasury.

Mr. HOUSTON. I shall be compelled to present to the Chair a point of order connected with this amendment. This is evidently, in all aspects, a private claim, and cannot be otherwise. I should have presented the same point with reference to other amendments. It is important, as it seems to me, that the general appropriation bills should be kept free from such amendments as pertain to private legislation. I regard this as much a private claim as if one of the workmen in the employment of the Government should fail to receive a part of his salary. All private claims rest upon the same foundation.

The CHAIRMAN. Although this appropriation may appear in the nature of a private claim, yet the Chair is not prepared to say that it is not an expenditure of money authorized under existing laws; and if there are existing laws authorizing this expenditure, this may be one of the methods to which he may resort to obtain an appropriation for that purpose. The Chair is, however, somewhat in doubt upon this point.

Mr. GENTRY. It seems to me that this is eminently a public claim, and by no means a private one. It is a claim arising out of our diplomatic relations with foreign nations. It is eminently a public claim, and there is no better place to provide for it than in a general appropriation bill.

The CHAIRMAN. Discussion is out of order.

Mr. HOUSTON. I desire to call the attention of the Chair to a fact stated by the gentleman from Virginia [Mr. BAYLY] himself. He states that the law does not allow for the settlement of this account. I think the gentleman's statement itself shows that the amount is not in order to a general appropriation bill.

Mr. BAYLY. I beg my friend's pardon. There is a large item in the amount for which there is an express law; but the difficulty is that there is no appropriation to execute it. Another item is incidental to our diplomatic intercourse, and we have the same right to put it in the civil and diplomatic bill as we have an item of custom-house expense.

The CHAIRMAN. The Chair is in doubt in relation to this matter; but will entertain the amendment, believing that at least a portion of the items in it are authorized by existing laws.

The question was then put upon the adoption

of the amendment, and upon a division, 30 rose in the affirmative.

Mr. BAYLY demanded tellers; which were ordered; and Messrs. LANDRY, and STANTON of Tennessee, were appointed.

The question was again put, and the tellers reported—ayes 64, noes 56.

So the amendment was adopted.

Mr. HEBARD submitted the following amendment:

For salary of the Minister Resident at Turkey, in addition to the salary already allowed, \$3,000.

Mr. H. said: Mr. Chairman, I think there can be no objection to the amendment if it is understood; and I think there will be no difficulty in understanding it.

Mr. HOUSTON. We have passed the section of the bill making appropriation for the salary of the Minister at Turkey. We cannot now recur to it for the purpose of amendment.

Mr. BAYLY. I ask the gentleman from Vermont [Mr. HEBARD] to indulge me a single moment.

Mr. HOUSTON. I object to the amendment, unless the Chair rules it to be in order. We have passed the section of the bill to which it refers, and I object to returning to it.

The CHAIRMAN. The Chair thinks an additional sum may be appropriated.

Mr. BAYLY. I now ask the gentleman from Vermont to yield to me for a moment. I find that in the amendment which has just been adopted upon my motion, there is one item to which there is great objection—that for the purchase of the watch and snuff-box. I think the item is a perfectly proper one; but as gentlemen around me seem to regard it as rather irregular, I ask the unanimous consent of the House to strike that item out of the amendment to reduce it \$150.

Mr. LETCHER. I object.

The CHAIRMAN. Then the reduction cannot be made.

Mr. HEBARD. I have submitted an amendment to which I think there can be no objection upon the part of a single member of the House. I should have offered this as an amendment to the clause to which it properly pertains when that clause was under consideration, if I had not seen a disinclination to adopt amendments to this bill generally; but when the committee came to adopt the amendment of the gentleman from Virginia [Mr. BAYLY] in relation to the Minister to China, increasing his compensation virtually from \$6,000 to \$18,000, I think there can be no objection to increasing the salary of our Minister at Turkey from \$6,000 to \$9,000. He is a person who has been selected for his known and eminent literary and political qualifications. He has discharged his duties there with credit to himself, and a vast deal of importance to the country.

Mr. HAMILTON. I ask whether the gentleman from Vermont is in order?

The CHAIRMAN. The Chair thinks he is proceeding in order.

Mr. HAMILTON. Does the Chair entertain his amendment?

The CHAIRMAN. The Chair does entertain his proposition.

Mr. HOUSTON. I submit to the Chair that we have passed the only clause of the bill to which that can be offered as an amendment.

The CHAIRMAN. The Chair decides that it will be in order to offer at the end of the bill amendments providing for the increase of salary of every officer of the Government, if any gentleman shall think proper to do so.

Mr. HEBARD. I am much surprised the chairman of Ways and Means should raise an objection to this amendment.

Mr. HOUSTON. I appeal from the decision of the Chair.

Mr. CLARK. I rise to a question of order. I submit that it is too late to appeal.

The CHAIRMAN. The Chair thinks the gentleman from Alabama could not have exactly understood his ruling upon this amendment. He will allow the appeal to be made.

The gentleman from Vermont [Mr. HEBARD] submitted an amendment making an appropriation for the salary of the Minister Resident at Turkey, in addition to the salary already allowed, \$3,000.

Mr. LETCHER. I wish to inquire if the Chair did not decide the day before yesterday, when the gentleman from Kentucky [Mr. MAR-

SHALL] desired to offer an amendment in relation to the salaries of the judges, that the section to which it would apply had been passed, and that we could not return to it, nor could it be offered as an amendment to any other section?

The CHAIRMAN. The Chair did so decide. The gentleman will also recollect that the Chair made a like decision yesterday, which the committee reversed. The decision of the Chair is now in accordance with the decision of the committee upon the other point of order.

The gentleman from Alabama raises the question of order that the amendment of the gentleman from Vermont is not in order. The Chair decides that it is in order. From that decision the gentleman from Alabama takes an appeal. The question therefore is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. HOUSTON. I do not want to consume the time of the committee. I will withdraw my appeal.

Mr. HEBARD. I was much surprised that there should be an objection raised to an amendment so reasonable in its character as this. As a matter of form it appears not to be objectionable.

I had proceeded to remark that he had discharged the duties of his office thus far with great credit and benefit to the country; and it has been well ascertained that he is now supporting himself at his own expense; that his salary is altogether inadequate to his support, in the style that we should expect and require of one of our servants in the capacity in which he is acting. I hope, sir, that this country will not expect or require that their foreign ministers—at least when put upon a salary that is far below that of others of the same importance—shall be obliged to sustain themselves out of their own private means. The amount contained in my amendment is the same as that to which the salary of the Minister to China has been just now raised, and which has put him upon an equality with the most favored ministers.

I have left out, entirely, an appropriation for an outfit, and have merely asked that he shall have the usual salary, leaving the outfit of \$9,000 out. I trust that the same kind of justice that has been meted out to the Minister to China, will be here measured out to the Minister to Turkey.

Mr. HOUSTON. This proposition comes from the gentleman from Vermont [Mr. HEBARD] himself without any examination by a committee of this House; and the Committee on Foreign Affairs, if they examined it at all, are opposed to it, because they have not offered any amendment to attain that end. It is proposed to raise the salary of the Resident Minister at Constantinople, without any knowledge upon the part of this House, except what the gentleman [Mr. HEBARD] has stated; and I suppose he has stated what he has upon such information as he has been able to obtain, aside from any official knowledge in the possession of a committee. It is a proposition to increase the salary of a minister without any examination by a committee, and without a recommendation from any of the departments of the Government; and it seems to me that such a mode of doing business is wrong; and I hope it will not be adopted, because we ought to have some more reliable, some official information to guide our judgment.

The question was then taken upon the amendment of Mr. HEBARD, and it was not agreed to.

Mr. APPLETON, of Maine. I am instructed by the Committee on Foreign Affairs to offer an amendment, to come in at the end of the six hundred and eighty-eighth line, amongst the appropriations for foreign ministers:

The amendment was read as follows:

To the Secretary of Legation at the Court of St. James, for services as Chargé d'Affaires at said Court, from the 31st of August, 1849, to the 11th of October, 1849, \$301 32.

Mr. A. said: That amendment sufficiently explains itself. It is an amendment resting upon precisely the same principles that we adopted a few moments ago, in relation to the salary of the legation at Russia.

The facts stated in the amendment have been verified at the Departments, and the principle has been sanctioned heretofore by many preceding Congresses, and has again been just sanctioned by this committee. I suppose the amendment recommends itself, and that I need not take up the time of the committee by further remarks.

Mr. HOUSTON. I wish to ask the gentleman from Maine [Mr. APPLETON] whether the salary

of charge for the time covered by his amendment has been drawn by anybody else, and I desire him to state where the Minister himself was during that time?

Mr. APPLETON. This is one of those cases when there was an *interim* between the departure of the preceding Minister and the arrival of the succeeding one.

The question being upon the adoption of the amendment—

Mr. BAYLY, of Virginia, demanded tellers; which were ordered; and Messrs. HART and CHANDLER were appointed.

Mr. HOUSTON. Rather than consume the time of the committee, I would be willing to give it up as carried.

Mr. BAYLY. The amendment is right, and let us have a count.

The CHAIRMAN. A count must be had, unless by the unanimous consent of the committee.

Mr. KING, of New York. I do not give it up, and demand a count.

The question was then taken, and the tellers reported—ayes 76, noes 41.

So the amendment was agreed to.

Mr. APPLETON offered the following amendment, to come in at the same place as the preceding one:

And that the accounting officers of the Treasury be authorized to allow to Lieutenant D. D. Porter, of the United States Navy, the sum of \$699, being the amount of certain items suspended in his account, which were incurred while he was on duty, by direction of the Navy Department, in ascertaining the political condition of St. Domingo in the year 1846.

Mr. A. said: This subject has been investigated by the Committee on Foreign Affairs, and they have directed me to submit this amendment. The circumstances of the case are these: In 1846, as will be remembered by some gentlemen in this House, there was a division existing among the population of the Island of St. Domingo. The Dominicans, as they were called, had then assumed an important character; and it was believed by the Government that it was advisable to ascertain, more definitely than we could through the public prints—

Mr. LETCHER, (interrupting.) I rise to a question of order. Is that amendment in order? Is it not strictly a private claim?

The CHAIRMAN. The Chair is not advised.

Mr. APPLETON. The duties performed were of a diplomatic character, and they were performed in the public service.

The CHAIRMAN. The Chair does not know of any law which authorized that service to be performed. I believe the gentleman from Maine [Mr. APPLETON] has not stated whether this service was performed in pursuance of any existing law or not.

Mr. APPLETON. They were so performed by virtue of existing laws, although it was in the power of that man, it was worth his commission to disobey the order which carried him there.

Mr. BAYLY. It does not stand at all upon the footing of a private claim. It is the case of a public officer, not asking compensation for private services, but the payment of public expense. The appropriation is to carry on one of the Departments of the Government.

The CHAIRMAN. The amendment submitted by the gentleman from Maine [Mr. APPLETON] proposes to compensate a lieutenant in the Navy of the United States for the performance of some duties of a quasi diplomatic character. In the opinion of the Chair the amendment is not in order.

Mr. APPLETON. I appeal from that decision.

The question, "Shall the decision of the Chair stand as the judgment of the committee?" being put, it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. GENTRY. I desire to offer an amendment, if it is in order.

Mr. BAYLY. Will the gentleman yield to me for a moment?

Mr. GENTRY. I will.

Mr. BAYLY. I desire to offer the following amendment. It is the same as the one offered by the gentleman from Maine, [Mr. APPLETON,] with the exception that it reduces the amount one dollar:

And that the accounting officers of the Treasury be authorized to allow to Lieutenant D. D. Porter, of the United

States Navy, the sum of \$698, being the amount of certain items suspended in his account, which were incurred while he was on duty by direction of the Navy Department, in ascertaining the political condition of St. Domingo, in the year 1846.

Mr. B. said: My object in offering this amendment is to renew the appeal, because the decision of the Chair is against the uniform practice of this House.

[Cries of "Order!" "Order!"]

The CHAIRMAN. The Chair makes the same decision that he did when the amendment was offered by the gentleman from Maine, [Mr. APPLETON,] that the amendment is out of order, on the ground that it is a private claim; and that it is not, in his opinion, to compensate an officer for services required to be performed by an existing law.

Mr. BAYLY. I appeal from the decision, and I desire the rule in relation to the kind of amendments which are in order upon civil and diplomatic bills, to be read. The amendment is to carry out an existing law—

The CHAIRMAN. It is not in order for the gentleman to debate the appeal.

Mr. BAYLY. But I have a right to state my point of order.

The CHAIRMAN. But the gentleman must confine himself strictly to the statement of the point.

Mr. BAYLY. I think we labor under a misunderstanding—

Mr. LETCHER. I call the gentleman to order. Mr. BAYLY. I ask the gentleman to reduce his point of order to writing.

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BAYLY. No, sir. That is not the question. I want the point of order raised by my colleague [Mr. LETCHER] reduced to writing.

The CHAIRMAN. There is a question of order already pending.

Mr. BAYLY. Then I am entitled to the floor to state my point of order. My point of order is—

Mr. LETCHER. I have reduced the point of order to writing. It is for reflections upon the conduct of the Chair. [Laughter.]

Mr. BAYLY. I rise, sir, to a question of fact.

The CHAIRMAN. The gentleman from Virginia will suspend. He is not in order.

Mr. BAYLY. If the fact is as my colleague has stated, I am out of order.

The CHAIRMAN. The Chair cannot now entertain the point of order submitted by the gentleman upon the left of the Chair, [Mr. LETCHER,] because the committee is already acting upon a question of order presented for the decision of the Chair.

Mr. BAYLY. If the Chair will allow me, I will state that under the 81st rule of the House, which I claim may be read, any amendment is in order to a civil and diplomatic bill which is to carry out an existing law, or to carry on one of the Departments of the Government. Now I say, that under the head to carry on one of the Departments, the amendment is in order.

Mr. HOUSTON, (in his seat.) The gentleman is arguing again.

The CHAIRMAN. The gentleman must confine himself to his point.

Mr. JOHNSON, of Arkansas. I rise to a point of order. No gentleman can object unless he rises in his place. [Laughter.]

The CHAIRMAN. The gentleman from Virginia [Mr. BAYLY] submitted the amendment which has been reported by the Clerk. The Chair rules that the amendment is out of order; that it is not in accordance with the 81st rule, which the gentleman desires shall be read. It is this: "No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law," &c. The Chair decides that the expenditure proposed in the amendment is not authorized by law.

Mr. BAYLY. The whole of the rule has not been read. I ask that it be read by the Clerk.

The CHAIRMAN. The Clerk will read the rule.

Mr. AVERETT. I rise, Mr. Chairman, also for the purpose of submitting a point of order. I object to the reading of the rule, and to all debate upon a question which the Chair has decided, and



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which decision the committee have sustained on an appeal taken therefrom. The question is dead by the action of the committee, and the appeal of my colleague [Mr. BAYLY] is another appeal from the decision of the Chair.

The CHAIRMAN. Two questions of order cannot be pending at the same time. The remainder of the 81st rule is as follows:

"Unless in continuation of appropriations for such public works and objects as are already in progress, and for contingencies for carrying on the several Departments of the Government."

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?"—and it was agreed to.

Mr. GENTRY. I am not sure whether it is in order or not, but I offer the following amendment:

*And be it further enacted, That all clerks, messengers, and laborers, employed in the legislative and executive departments of the Government in the city of Washington, whose compensation is less than \$3,000 per annum, shall, in addition thereto, be allowed the following annual increase of compensation, commencing from the first day of the last fiscal year, viz: All whose annual compensation does not exceed \$1,200, twenty per cent.; all whose annual compensation exceeds \$1,200, and does not exceed \$1,600, an addition of fifteen per cent.; and all whose annual compensation exceeds \$1,600, and does not exceed \$2,000, an addition of ten per cent.—the amount of the increased compensation provided for in this section to be paid out of any money in the Treasury not otherwise appropriated.*

The CHAIRMAN. This will come in as an additional section, and the Chair would suggest to the gentleman, that it would be more appropriately submitted after we get through with the first section of the bill.

Mr. GENTRY. I will comply with the suggestion of the Chair. I wish merely the attention of the committee directed to the amendment. I withdraw it.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to strike from the bill the following:

*Provided, That the proviso to the item of appropriation for a like purpose, contained in the act of March 3d, 1851, entitled 'An act making appropriations for the civil and diplomatic expenses of Government for the year ending June 30th, 1852, and for other purposes,' in the following words, viz: 'That no land bounty for military services granted by the act of 28th of September, 1850, entitled 'An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States,' or by virtue of any other act of Congress heretofore passed, granting land bounties for military services, shall be satisfied out of any public land not heretofore brought into market, and now subject to entry at private sale, under existing laws,' be and the same is hereby repealed.*

Mr. AVERETT. Do I understand the chairman of the Committee of Ways and Means as moving to strike out the provision of this bill which repeals the proviso to the civil and diplomatic bill of the last session in regard to land warrants?

Mr. HOUSTON. I propose to strike it out, for the reason that the proviso in the bill of the last was repealed by the bounty land act of this session, and there is, therefore, no necessity for this provision.

The question was put, and the motion to strike out was agreed to.

Mr. BROWN, of Mississippi. I offer the following amendment, to come in after line seven hundred and fifty-three:

For the payment of the balance due for surveying done in the State of Mississippi in the year 1841, \$701 42.

Mr. Chairman, the surveyor general of Mississippi in 1841 employed some deputies to execute the balance of the surveying in that State. The fund was exhausted without their being compensated. From that day to this, they have petitioned the Department for payment. In March last I sent the papers in this case to the Committee of Ways and Means. They were intrusted to the inspection of the gentleman from New Hampshire, [Mr. HIBBARD,] a member of the committee. He is now, unfortunately, absent from the Hall, confined to his room by indisposition. If he had been here, he would have offered this amendment, and made the explanation I make. These parties executed the work, and I have the

following official letter, to which I invite the attention of the committee:

GENERAL LAND OFFICE, March 13, 1852.

Sir: I have the honor to return herewith the petition of J. Monet and Elihu Carver, left by you at this office for examination on the 4th instant, together with Mr. Monet's letter of the 20th ultimo.

The petitioners claim that the Government owes them a balance of \$987 64, for surveying in Mississippi in 1841, which the surveyor general refused to pay, and which they now ask from Congress, the office of the surveyor general of Mississippi having been closed under the operation of the act of 12th of June, 1840. The grounds on which payment was refused are fully set forth in the accompanying statement, to which your attention is respectfully invited. These grounds are not deemed sufficient by this office, after a careful examination of all the facts at hand.

In 1848, the surveyor general approved and certified the plats of the surveys for which they claim payment, and those plats are now of official record for the government of the action of this office and that of the local office in Mississippi, in the sale of the lands surveyed by them.

The real balance due to Carver and Monet is deemed, however, to be less than the amount claimed, by \$286 23, for reasons set forth in the accompanying statement, the amount regarded as due being \$701 42, but which can, under existing circumstances, only be paid through legislative interference, there being no appropriation applicable to the service.

Very respectfully, your obedient servant,  
J. BUTTERFIELD, Commissioner.  
Hon. A. G. Brown, House of Representatives.

I suppose, sir, with this explanation there can be no difficulty about the amendment.

Mr. JOHNSON, of Arkansas. I am opposed to the amendment offered by the gentleman from Mississippi, [Mr. Brown,] for the simple reason that it is not our policy to pay what we owe at all. [Laughter.] It is not the policy of this Government to pay such small debts of this character, because we know that these poor devils of surveyors cannot get the money. Under the circumstances I unite with the Ways and Means and say, that we cannot be compelled to pay it. [Laughter.] I am against the amendment.

Mr. HOUSTON. I will state a fact in this connection. The Committee of Ways and Means did not act upon this case.

Mr. JOHNSON. I have not said it did.

Mr. HOUSTON. I wish to submit a fact, with the permission of the gentleman, as his time has not expired.

Mr. JOHNSON. I yield the floor.

Mr. HOUSTON. These estimates were referred to the gentleman from New Hampshire, [Mr. HIBBARD,] a member of the Committee of Ways and Means, but were not returned to the committee at all. His health became bad. As I understand the facts of the case, the surveys were originally declared to be defective by the Land Office, and that it resisted payment for them for several years. Not long since—I do not remember the exact time—the Land Office adopted those surveys and they are now using them. Under such circumstances, that office would pay for these surveys, had the money been appropriated.

The question was then taken and the amendment was adopted.

Mr. FITCH. I propose after the following: "For compensation to the door-keeper of the President's House, \$500," to add:

And assistant door-keeper, the sum of \$365.

I have been requested to offer that amendment. It is a small matter, but as I understand, just and proper. The paragraph in the bill compensates a door-keeper. There are two door-keepers—a principal and an assistant. Without providing for the pay of the assistant, we do a very great wrong either to these individuals, or to the President. Two door-keepers at the President's are absolutely required. We compel these two to divide the \$500, or the President to pay one out of his own pocket. I do not think any gentleman will, under the circumstances, say the salary was too high.

Mr. HOUSTON. There was an estimate for the assistant door-keeper. The matter was referred to my friend from New York, [Mr. Brooks,] the friend of the President. He reported, that it was not usual to make the appropriation, and that the President did not ask it. In that view of the case, the committee did not make an appropriation for the assistant.

Mr. GENTRY. The President might feel a delicacy in asking for this small appropriation.

Mr. BROOKS. The gentleman from Alabama is substantially correct. The President felt a delicacy in asking for any such appropriation on the part of Congress.

Mr. HOUSTON. I have no objection to it. It was not usual, and for that reason the gentleman reported against it.

The question was taken, and the amendment was adopted.

Mr. STANTON, of Kentucky. I submit the following amendment:

To enable the Secretary of the Interior to purchase a suitable number of iron settees to be placed in the public grounds at the Capitol and the President's House, the sum of \$840.

The question was taken, and the amendment adopted.

The following section was then read:

"For compensation of four draw-keepers, and for fuel and oil for the lamps of the Potomac bridge, \$1,753."

Mr. FITCH. I move to strike out this clause. It is notorious that that bridge is no longer in existence, and hence, where is the necessity of paying this money?

Mr. HOUSTON. I am willing to strike it out if the committee so decide. There is one draw on this side of the river, and it is important that that should be kept up. The channel in which vessels pass up and down, is on this side of the river. One draw has been washed away.

Mr. BOWIE. I offer an appropriation of \$20,000 for the repair of that bridge. It is necessary to keep up the connection between the two shores.

The CHAIRMAN. The amendment offered by the gentleman from Maryland [Mr. Bowie] is not in order.

The question was then taken on Mr. FITCH's motion to strike out, and it was agreed to.

The following section was then read:

"For compensation of two draw-keepers, and for fuel and oil for lamps of the two bridges across the Eastern Branch of the Potomac river, \$900."

Mr. BOWIE. I offer the following amendment to come in at the end of that section:

For the repairs of the two bridges over the Eastern Branch of the Potomac, \$5,000.

We are informed by the report of the Commissioner of Public Buildings, that the bridges across the Eastern Branch are in a precarious and dangerous condition, and that they require the sum of \$5,000 to put them in repair. These bridges, like the Potomac bridge, are public highways, and have become the property of the United States; and it is obviously proper that they should be sustained and kept in order; otherwise human life would be exposed to peril. I hope that this House, inasmuch as the Government has incurred the expense of constructing these bridges, will not permit them to rot down. We are informed by the local superintendent, that they are in a dangerous condition, and will require this sum in order to keep them up.

Mr. JONES, of Tennessee. I wish merely to say, in opposition to that amendment, that it is but two or three years since we paid \$30,000 for those bridges, and we have made appropriations since for their repair.

Mr. BOWIE demanded tellers upon his amendment; which were not ordered.

Mr. JONES, of Tennessee. There was an appropriation at the last Congress of \$4,000 for those bridges.

The question was then taken on the amendment, and it was rejected.

Mr. STANTON, of Kentucky. I submit a similar amendment, with \$500 additional. I do so because the Commissioner of Public Buildings, who has charge of these bridges, and the Secretary of the Interior, who reported to this House the estimates for their repair, both presented to the Committee on Public Buildings an estimate of the expense, amounting to some \$8,000. The same estimates were presented to the Committee of Ways and Means. The Committee of Ways

and Means thought proper to repudiate nearly all the recommendations of the Commissioner of Public Buildings, as well as the Secretary of the Interior, for the improvement of the public grounds and the public buildings of the Government, accepting and reporting to the House only a very inconsiderable portion of them, and such only as they could not possibly reject. The Commissioner of Public Buildings reports that those two bridges which have been bought by the Government of the United States for the accommodation of citizens of Maryland and the District interested, are in such a condition that it is absolutely dangerous to the lives of the market-men and others who come to this city and pass over it with their wagons.

Mr. HEBARD. I wish to inquire of the gentleman, if he knows whether the appropriation made by the last Congress has been expended?

Mr. STANTON. I have no doubt that it has been expended, and the report of the Commissioner of Public Buildings will show that it has been expended, economically and judiciously.

Mr. HEBARD. I wish to inquire further, what are the particular repairs required?

Mr. STANTON. I suppose that the timbers have rotted, and it has become necessary to supply new ones.

Mr. HEBARD. It wants building over.

Mr. STANTON. It wants a thorough repairing. I will make this further remark, that before the late disasters to the Potomac bridge, the Commissioner of Public Buildings sent to the Committee on Public Buildings of the House a statement showing the condition of that bridge. If the Government of the United States, who erected that bridge for the accommodation of the public, had taken the proper means to keep it in good repair, the disaster which resulted in its destruction would not have occurred. I have no doubt that, unless this appropriation be made to keep up these bridges, in a short time they will share the same fate of the one across the Potomac. These bridges originally belonged to private corporations, who were taxing the citizens of this city and those upon the opposite side of the river a large amount for the passage over. They had been in existence a great many years, and were in a bad condition when the Government bought them. Four thousand dollars has since been appropriated for the purpose of repairing them. That sum has not proved sufficient, and the Commissioner of Public Buildings, who visits them daily, says that, unless they are repaired, danger must ensue to those who travel over them. I hope that the House will adopt the amendment, as it is reasonable and just.

Mr. FICKLIN. I trust that this amendment will not be adopted. It is, as was stated by the honorable gentleman from Tennessee, [Mr. Jones,] but two or three years ago since these bridges were purchased; probably by an appropriation at the long session of the last Congress. They were purchased upon the special application and importunity of the owners of these bridges, who wished to dispose of them. At the last session of Congress there was an appropriation of some \$4,000, as I understand it, for the repair of these bridges. How has that money been expended? is a question that has been well asked by the honorable gentleman from Vermont over the way. What has been done with that money?

Mr. BOWIE. I will answer the question by reading a paragraph from the report of the Commissioner of Public Buildings, which shows that the bridge across the Potomac is unsafe for the passage of any wagon.

[Mr. B. here read an extract from the report of the Commissioner of Public Buildings, showing the necessity before the bridge was carried away of making an appropriation for its repair.]

Mr. FICKLIN. The paragraph read is in relation to the Potomac bridge, and not the Eastern Branch.

The point I wish to arrive at is this: that we are asked blindly to appropriate money here, without knowing how this money is to be expended. What good is to be effected by it? What is to be accomplished by the use of that money? If we are to appropriate money here, let us first know what we are to do.

The question was then taken on Mr. STANTON'S amendment; and it was rejected.

Mr. JOHNSON, of Arkansas. I propose the following:

For the repair of the two bridges over the Eastern Branch of the Potomac, \$4,500; and that the Secretary of the Interior be required, in the expenditure of the same, to make a regular report to the next succeeding Congress, or the next session, if in time.

At this very time there is an increase of from ten to thirty-three and a third per cent. in the expenses of living in this city, mainly in consequence of the loss of one bridge; and they would be largely increased in the loss of another bridge, so that the country would be deprived of all facilities for furnishing you supplies. Any man who has kept house in this District must be aware of the extraordinary prices at which everything is sold. The constant complaint of boarding-house keepers pierce our ears with the constant declarations that they are making nothing by boarding; while, at the same time, we are throwing it back upon them, that they are taking every thing we get here.

A VOICE. There is always a ground for grumbling.

Mr. JOHNSON. Yes, sir, there is always a ground to those who want justice done; but there is never a ground for those who never want to do it.

Mr. SMART. The landlords are always complaining.

Mr. JOHNSON. No man would be more ready to do it than my honorable friend who comes, I believe, from somewhere very far off, but I cannot exactly say where.

Mr. SMART. Look in the geography.

Mr. JOHNSON. I do not mean any unkindness to the gentleman. I know him well. He is a very good Free-Soiler. Sir, these bridges are necessary to the citizens of the District, and we shall be compelled to raise the salaries of those who are in the employment of the Government here, to enable them to live, unless we will discharge the duty which we have heretofore undertaken, which will enable them to be connected with the balance of humanity.

Mr. SKELTON. I am opposed to the adoption of this amendment for two reasons. The gentleman from Arkansas says these bridges are falling down, and that the people of the District are suffering in consequence. I would ask the gentleman, and other gentlemen who advocate such a proposition as this, what interest the people of the United States have in it?

Mr. JOHNSON. I will answer the gentleman, if he will allow me.

Mr. SKELTON. No, sir; I cannot yield.

Mr. JOHNSON. The people of the United States would have no interest in it, I acknowledge, if they were to starve three fourths of the members here. [Laughter, and cries of "Order!" ]

Mr. SKELTON. I beg the gentleman not to interrupt me. I say that I am entirely opposed to this principle. The people of this District have been filching money from the United States for the purpose of paving and lighting their streets.

Mr. JOHNSON. I ask the gentleman to state when and how? He cannot do it.

Mr. SKELTON. What interest have the people of the United States in these bridges? What right have you to put your fingers into the pockets of the people of every district in the country for the special and particular benefit of the people of the District of Columbia? I say that the principle is wrong—entirely wrong. If the people of this District are suffering for want of bridges, let them build their own bridges, as the people of other districts do.

Mr. JOHNSON. What State does the gentleman come from?

Mr. SKELTON. I cannot give the gentleman any part of my five minutes. If they complain of the want of bridges, let them do as we do in New Jersey, and as the people of other States do—build their own bridges. What interest have the people of all the States of this Union in the bridges here? And what right have we to tax the people of this whole country for the particular benefit of the people of this District?

Mr. JOHNSON. Will the gentleman allow me to interrupt him for a moment?

Mr. SKELTON. No, sir, I will not yield the floor.

Mr. JOHNSON. The States are all concerned. [Cries of "Order!" "Order!" ]

The CHAIRMAN. The gentleman from Arkansas is not in order.

Mr. SKELTON. Again, sir, the people of this District are complaining that we do not pay enough for our board. Will any member of this House say that we do not pay enough? The gentleman says himself that we pay all we get for our board, and still they are complaining. Why, sir, we are doing a gross wrong to the people of this District, by feeding them and making them paupers on the public Treasury, and thereby paralyzing their energies. Throw them on their own resources—tell them they must keep their own streets and bridges in repair, and supply their markets by their own industry and energy, and they will rise superior to the condition of paupers.

Mr. STANTON, of Kentucky. I move to amend the amendment of the gentleman from Arkansas [Mr. JOHNSON] by striking out the sum of \$4,500, and inserting \$6,000. I do this because, in my judgment, the sum proposed is not sufficient for the purpose. The Secretary of the Interior and the Commissioner of Public Buildings, have both recommended \$8,000.

It is said that \$4,000 was appropriated last year to repair these two bridges, and doubts are stated as to the proper expenditure of this money, as well as to the necessities of the appropriation. Now, I have before me the report of the Commissioner of Public Buildings, and I will read a short paragraph from it to show the disposition made of the appropriation. The Commissioner says:

"The bridges across the Eastern Branch have been repaired so far as the sum appropriated would justify, reserving only enough to pay the keepers to July next. These structures are also very old, and require more than the usual amount for repairs. I have estimated the sum necessary for repairs and pay of keepers at \$8,000. The utmost economy has been used in making repairs, the drawkeepers being required to assist in that work."

Now, sir, this officer, who is intrusted by law with the expenditure of money for such purposes, informs us that the bridges have been repaired as far as the expenditure would justify—that the bridges were old and much out of repair—and the expenditure has been made with the utmost economy. This report was in the hands of the Committee of Ways and Means, and the facts contained in it ought to have been known by the members of that committee.

The gentleman from New Jersey, [Mr. SKELTON,] with some warmth, says the people of this District should make their own bridges, and not call upon Congress for aid. I can tell the gentleman, if he does not know it, that the people of the District did make their own bridges. Certain gentlemen, with their own funds, built both these bridges, and under their corporate authority levied toll upon all who passed over them. Citizens of Maryland and of the District of Columbia petitioned Congress to establish a free bridge or buy out the stockholders. Congress interposed at their request, and passed a law providing for the purchase of the bridges, not at the value of the stock, but at about half price, thus forcing them for an inconsiderable sum, to relinquish corporate rights which they held in perpetuity. This was a serious interference with their rights, and drove them to the alternative of sacrificing half the value of their property, or lose the whole by having a free bridge running parallel to those belonging to them. The stockholders have at this moment pending before the committees of this House, a memorial demanding indemnity for the injury done them by the Government. This is a true history of the matter.

The gentleman from New Jersey talks of the people of the District as a set of paupers, constantly seeking to filch money from the Government. It is a common thing in this House to hear such denunciations, and I am constrained to say they are without reason or justice. This District was laid off, and this city built for the convenience of Government. General Washington, for reasons which he deemed wise, located it at a point where its citizens would be deprived of commercial facilities. His object, no doubt, was to separate the action of Congress as much as possible from the influence of commercial interests, and keep the seat of Government free from the evils of a dense and turbulent population. If, therefore, the people of the District are to some extent dependent upon Congress, it arises from the very necessity of their position, and they ought not to be reproached for what they cannot avoid. They

have no local Legislature to appeal to for favors or a redress of wrongs, but are compelled to rely upon the fickle and grudging disposition of Congress. The resident population of this city will compare favorably in every patriotic and moral quality, with the citizens of any other large city in the Union. They do not merit the harsh and uncalculated reproaches which are so frequently heaped upon them.

I said the city was located and built for the convenience of Government. Here are located the public buildings, and we own within the District from fifteen millions to twenty millions of public property. The archives of Government contained in the public buildings, cannot be estimated in value by any calculation of dollars and cents. Now, upon the value of this public property, you do not pay one single cent of taxes to the city, or the authorities of the District. Tax the public property at the same rate, which the corporation taxes the property of private individuals, and it will amount to a sum fully equal, and perhaps much more, than you appropriate for improvements in the District, not absolutely necessary for the dispatch of the Government business. The citizens of Washington, with a public spirit creditable to them in the highest degree, aid in the protection of your property and public archives. They form themselves into fire companies, are prompt to appear when danger is present, and have at all times done efficient service in case of fire in any of the public buildings. This Capitol itself was saved from destruction by their exertions. You have the benefit of the improvements made by the corporation, the advantage of its police force when emergencies arise to call it into service to protect the public property, and many other advantages which you owe to the city corporation. But, for all this you pay not one cent in the shape of taxes. Now, I will guarantee that if Congress will agree to pay annually upon its property, the same rate of taxes paid by individuals, that you will not be troubled by the citizens asking for appropriations for these improvements. Here then is a reasonable mode of getting rid of this species of legislation; and if gentlemen are disposed to do even simple justice to the District of Columbia, let them adopt it.

I beg the House will give some heed to the statements of the Commissioner. He tells you the bridges were old and out of repair—that the money expended was used economically, but was not sufficient for their thorough repair. They need the repairs proposed, because it is dangerous to pass over them with loaded wagons. When the Government bought them, it certainly incurred an obligation to keep them in good condition. The object was to accommodate the public by providing a free passage across the river, from one part of the District to another. The object will be defeated if the bridges remain in a condition so as to render it dangerous to all who may wish to travel on them.

Mr. SMART. I am opposed to the amendment to the amendment, in the first place, because I do not think it is necessary, and in the next place, because I am opposed to expending any more money in the District of Columbia than is already provided for in the bill. The gentleman from Arkansas, [Mr. JOHNSON], seemed anxious to know how and when this money had been expended upon the people of the District of Columbia. I will state, for the information of the gentleman, that upwards of ten millions of dollars have been expended in the District of Columbia in the erection of public buildings and the improvement of the public grounds. I think the gentleman will find that that accounts for a very considerable item of expense.

Mr. JOHNSON. Oh, that is nothing.

Mr. SMART. The gentleman may think that a small amount, but in my judgment it is a pretty large sum; and I trust that this House will not make any additional expenditure except that contained in this bill.

Now, the gentleman, in his allusion to where I reside, seemed not to understand the geography of my section of the country; still, I think he knows me well enough, and knows my position, not only on the question upon which I am now speaking, but upon other questions.

Mr. JOHNSON, of Arkansas. I did not mean to intimate any such thing as that the gentleman was not of as much importance in the House as

anybody else. I could not upon the instant call to mind the name of the State from which he comes.

The question was then taken on the amendment to the amendment, and it was rejected.

The question recurred on the amendment submitted by Mr. JOHNSON, and being put, it was decided in the negative. So the amendment was not adopted.

Mr. JOHNSON. I now offer that same amendment, only putting the amount at \$4,750.

In regard to the remark made by the gentleman from Maine, [Mr. SMART], a moment since—

The CHAIRMAN, (interrupting.) Before the gentleman proceeds further, the Chair will state that he cannot permit any unparliamentary remarks.

Mr. JOHNSON. It is not my intention so to do; but the gentleman from Maine entirely misconstrued me. That is what I want to say. I know the gentleman well, and have always treated him with uniform courtesy, but I did not at the time recollect what State he came from. But, sir, I pass from that.

The gentleman from New Jersey [Mr. SKELTON] jumps up and makes an attack upon the District. These bridges and other things which form the connection between this city and the balance of the United States are owned mainly by the Government of the United States, and it is for the interest of the Government that they should be safe and easy. And yet the people of the whole District are attacked whenever we come to consider any of these propositions, which will be for the benefit of the Government itself.

It is well known that during the sessions of the American Congress, the population of this city is almost doubled, and that when this Congress is not in session the city is a desert, that it would almost make the heart of any man sad to look upon. The gentleman talks about the amount of money expended in this District for the erection of public buildings for the use of the Government itself. Is that a blessing to this people? Is that the ground for this charge against them? It is too preposterous! Other men of brighter intellects than mine could elucidate how preposterous it is by a single simile, but I will not attempt it.

But, the gentleman from New Jersey [Mr. SKELTON] speaks of the people of this District, and says, that Congress should have more respect for them than to treat them as paupers—that they look to the Government and pension themselves upon it, and cannot live without it. That is a generous accusation indeed, coming from his State. I imagine there is not another member from the State of New Jersey, who would make such an accusation, knowing the keen reply that could be thrown back upon him. How do they support their government?

[Cries of "Order!" "Order!"]

The CHAIRMAN. The gentleman is not in order.

Mr. JOHNSON. I am speaking of the manner in which the State of New Jersey supports her government.

[Loud cries of "Order!"]

The CHAIRMAN. The gentleman will come to order.

Mr. JOHNSON. It is not personal to the gentleman from New Jersey, and the Chair cannot say it is out of order.

The CHAIRMAN. The Chair did not say the gentleman's remarks were personal, but he said they were out of order.

Mr. JOHNSON. Very well. I will not proceed out of order. I say that State levies taxes upon strangers passing through it, for the purpose of supporting its government, as I am informed by a gentleman who sits by me.

[Cries of "Order!" "Order!" all over the Hall.]

Mr. SKELTON. I will only add one word in reply to the gentleman from Arkansas, and then I will confine my remarks to the subject under consideration. The gentleman asks how we support ourselves in New Jersey. We do it by our own hands, sir.

[Shouts of "Order!"]

The CHAIRMAN. The gentleman must proceed in order and confine himself to the subject under consideration.

Mr. SKELTON. I will only make this one remark, and then I will confine myself to the sub-

ject under consideration. I say, we in New Jersey support ourselves by honest labor, with our own hands.

It has been remarked here that these bridges were sustained by the people of this District until the Government took possession of them, and took them under its own control for repair. Now, if the Government of the United States has done wrong; if Congress has done wrong to the people of this District, by assuming the control and repair of these bridges, I want that they should restore them again, as soon as possible, to the possession of the people of the District.

Mr. STANTON, of Kentucky. I ask the gentleman to allow me to say one word?

Mr. SKELTON. I cannot.

Mr. STANTON. I want to produce the facts.

Mr. SKELTON. I want no facts. [Laughter.] I say that, having done this wrong and outrage to the people of this District, according to the gentleman's own statement, I am opposed to committing any further wrongs and outrages upon them by the repair of these bridges. I am for surrendering them into the hands of the people of this District, with the view that they may keep them in repair—rebuild and sustain them. We may have done them wrong by giving them money. We have done wrong, as I assume, by inducing them to depend upon us instead of their own resources.

Again, sir, the gentleman from Arkansas says, one reason why we ought to keep these bridges in repair, is because the public treasure of the Government is to pass over them to the various sections of the country.

Mr. JOHNSON. I made use of no such argument whatever; none such occurred to me.

Mr. SKELTON. Now, I have no fear that the public treasure of the Government will not find its way out of the District fast enough without building these bridges for that purpose. So much for the argument that it is necessary to build these bridges for the use of the Government to enable it to dispose of the public treasure of the country. I say it is fallacious. There is no ground for argument upon it. It is not necessary for any such purpose. Then, sir, where is the necessity and where is the right to appropriate this money? Where is the right and where the claim that these people have upon us to build their bridges? But aside from the amount of money to be expended upon them, a great objection to my mind against this Government keeping in repair and sustaining them is, that it costs the Government a hundred-fold more than it would cost the people themselves; besides that, it is a constant source of trouble. How much have we spent upon these bridges? Four thousand dollars a year.

Mr. STEPHENS, of Georgia. We cannot get through with the bill this evening.

Several MEMBERS. "No!" "No!"

Mr. STEPHENS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman [Mr. PHELPS] reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending June 30th, 1853, and had come to no resolution thereon.

Mr. CABLE, of Ohio. I move that the House do now adjourn.

Mr. JONES, of Tennessee. I ask the gentleman from Ohio to withdraw that motion, to enable me to report back to the House, and have referred to the Committee of the Whole on the state of the Union, a bill to provide compensation for those designated as the depositaries for the public money. It is a Senate bill which was referred to the Committee of Ways and Means; and I now desire the consent of the House to report it back, with amendment, in order to have it referred and printed.

Mr. CABLE. I will withdraw the motion.

There was no objection, and

Mr. JONES, from the Committee of Ways and Means reported back a bill to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public moneys, under the sixteenth section of the "Act of the 6th of August, 1846, and for addi-



tional services required under that act," with an amendment; which was referred to the Committee of the Whole on the state of the Union, and the bill and amendment ordered to be printed.

Mr. CABLE. I now renew my motion to adjourn.

The motion was agreed to; and the House adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule and referred to the appropriate committees:

By Mr. GORMAN: The petition of officers of the second regiment of artillery, asking Congress to appropriate a sum of money for the band, &c., &c.

By Mr. AVERETT: The petition of William Murray, of Halifax county, Virginia, praying for a pension.

By Mr. BRIGGS: The memorial of David T. Valentine and others, of the city of New York, for the passage of a law for the better protection of passengers on board of steamboats.

By Mr. SCHERMERHORN: The memorial of Hubbell & Patten and others, of the city of New York, for the passage of an act for the better protection of the lives of passengers on board of steamboats.

#### IN SENATE.

FRIDAY, August 6, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

On motion by Mr. ADAMS, the execution of the order assigning Friday for the consideration of private bills, was postponed till one o'clock.

#### HOOR OF MEETING.

On motion by Mr. ADAMS, the Senate proceeded to consider the resolution submitted by him yesterday, and in conformity therewith, it was

Ordered, That the daily hour of meeting of the Senate be eleven o'clock, a. m.

#### PETITIONS, ETC.

Mr. JONES, of Tennessee, presented the petition of John H. Scruggs, praying a pension in consideration of his services in the Florida war in the year 1818; which was referred to the Committee on Pensions.

Mr. PRATT presented the memorial of Thomas Crown, praying to be allowed damages occasioned by the breach of a contract on the part of the United States; which was referred to the Committee on Claims.

#### REPORTS FROM STANDING COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the memorial of David Butler, military storekeeper, praying to be allowed extra compensation for services in the Army of the United States, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the memorial of George H. Derby, praying to have refunded to him a sum of money belonging to the United States, which was stolen while under his charge, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which was referred the memorial of C. B. McKnight and others, praying a modification of the bounty land law; and the petition of citizens of Ohio, praying for the sale of the unsold lands purchased of the tribe of Wyandot Indians, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the bill to provide for the sale of certain portions of the public lands to the States within which they lie, for the purpose of constructing railroads and canals, reported it without amendment.

He also, from the same committee, to which were referred the following petitions, asked to be discharged from the further consideration thereof; which was agreed to:

Petition of George Andrews;

Petition of Charles Burris and others;

Petition of the Legislature of Alabama relative to the gradation of the price of the public lands in that State; and

Petition of citizens of Bangor, Maine, in relation to the bill granting lands to the States for railroads, and from all memorials and petitions on the subject of the homestead bill, and granting lands to actual settlers, referred to that committee.

He also, from the same committee, to which was referred the bill from the House of Representatives, making grants of land to aid in the construction of railroads and for other purposes, reported adversely thereto.

Mr. JONES, of Iowa, submitted informally an amendment which he intends to propose to the bill from the House of Representatives, making grants of land to aid in the construction of railroads, and for other purposes; which was ordered to be printed.

#### THE HOMESTEAD BILL.

Mr. FELCH. The Committee on Public Lands, to which was referred the bill from the House of Representatives "to encourage agriculture, commerce, manufactures, and all other branches of industry, by granting to every man who is the head of a family and a citizen of the United States, a homestead of one hundred and sixty acres of land out of the public domain, upon condition of occupancy and cultivation of the same for the period therein specified," commonly known as the homestead bill, have instructed me to report it back, with an expression of the views of the majority adverse to the propriety of passing the bill.

I am also instructed to make the same report upon the Senate bill "to cede the public lands of the United States to the States respectively in which they are situated, on condition that the said States shall severally grant and convey the said lands to actual occupants only, in limited quantities, for cost of survey, and title monuments merely."

Mr. BORLAND. I desire to say, with the permission of the Senate, that two of the members of the committee, composing the minority—I being one of them—differ with the majority in their report as to what is called the homestead bill. The minority are in favor of that bill in substance. The minority agree with the majority of the committee with regard to what is known as Bennett's land distribution bill, and will, in the course of a day or two, offer to the Senate a substitute for it.

#### GALLERY OF THE ARTS.

Mr. BADGER, by unanimous consent, asked and obtained leave to introduce a joint resolution authorizing the President to grant to J. Vanderlyn the use of a site on the public lands in the city of Washington, for a gallery of the arts; which was read a first and second time by its title, and referred to the Committee on the Library.

He also presented the petition of J. Vanderlyn, praying that an institution dedicated to the liberal arts, similar to those he has seen and frequented while a student at some of the celebrated capitals of Europe, may be established at the seat of Government. The petitioner states that the institution he proposes will serve as a school and means of instruction to the students of art, such as are now drawn to France and Italy, and at the same time for a new source of attraction and instruction to the public and visitors to the capital. He also states that he is in possession of some paintings of large dimensions, of a high order of merit, and is also the painter of several others, with which he proposes to open an attractive public exhibition, which could be accomplished by the beginning of the next session, supposing a building could be completed by that time. The petitioner suggests as an appropriate location for such an institution, the corner of Pennsylvania avenue and Third street. He solicits an appropriation of about \$10,000 for the construction of the building; but if the appropriation be objected to, he asks at least the favor of being permitted, for a term of years, the use of the location designated for the purposes above specified.

The petition was also referred to the Committee on the Library.

#### CLERK TO COMMITTEE ON CLAIMS.

Mr. BRODHEAD, from the Committee on Claims, submitted the following resolution for consideration:

Resolved, That the clerk to the Committee on Claims be continued, at the usual rate of compensation, to be employed during the recess of the Senate, in completing and keeping up the Index and Digest of the reports of the committee, authorized by the resolution of March, 1851, and in discharging such other duties as the committee may require.

#### DRY-DOCK IN CALIFORNIA.

Mr. CLARKE submitted the following resolu-

tion; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish the Senate with copies of all contracts entered into by him for the use of the dry dock in California.

#### THE SANDWICH ISLANDS.

Mr. SEWARD. I offer the following resolution:

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interests, whether any propositions have been made by the King of the Sandwich Islands to transfer the sovereignty of those Islands to the United States, and to communicate to the Senate all official information on that subject in his possession.

Mr. WELLER. Is the resolution under consideration?

The PRESIDENT. No, sir.

Mr. WELLER. I hope the resolution will be considered immediately. I would like very much to get that information.

Mr. SEWARD. I should be glad to have the resolution considered now.

There being no objection, the resolution was considered and agreed to.

#### INDIAN COMMISSIONERS IN CALIFORNIA.

Mr. WELLER. I offer the following resolution:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether any reports have been received from the Indian Commissioners in California upon the subject of the debts contracted by them, and if so, that he transmit copies thereof to the Senate.

I hope the Senate will consider the resolution at this time. I received a letter, a short time since, from one of the Indian commissioners, desiring me to call for the report which he had submitted to the Department in relation to the large debts that have been contracted by commissioners in the State of California. As I am exceedingly anxious myself to see what these commissioners have to say in regard to that matter, I trust the Senate will now pass the resolution, in order that we may be put in possession of the information.

There being no objection, the resolution was considered and agreed to.

#### CUSTOMS REVENUE IN SAN FRANCISCO.

Mr. WELLER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the total amount of revenue from customs, collected by Collector Collier, for the district of San Francisco, California; also, the amount paid over to his successor, Thomas Butler King, at what time, and by whose order any such amount was so paid over; also, the amount due by the last settled account of said Collector Collier to the United States, and what steps, if any, have been taken to secure the same.

Resolved further, That the said Secretary report whether any, and what portion, of the aforesaid amount received by Collector King has been placed to the credit of the Treasurer of the United States, in his account with said Treasurer as a designated depository, and at what time.

#### LOUISVILLE AND PORTLAND CANAL.

Mr. MERIWETHER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Roads and Canals be requested to inquire into the propriety of making an appropriation sufficient to purchase the remainder of the stock in the Louisville and Portland Canal owned by individuals, and thereafter reducing the tolls on said canal to a sum sufficient to cover all necessary repairs and the work thereof.

#### ABUSES IN THE PROSECUTION OF CLAIMS.

Mr. HOUSTON. I offer the following resolution, and ask the unanimous consent of the Senate to have it considered at this time:

Resolved, That a committee of five be appointed by the President of the Senate to inquire into abuses, bribery, or fraud, in the prosecution of claims before Congress, commissions, or the Departments, or in passing through Congress bills embracing private, individual, or corporate interests, or in obtaining or granting contracts; and that said committee have power to send for persons and papers, and examine witnesses on oath.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MALLORY. I move that the resolution be so amended as to provide that the committee shall be appointed by the Senate.

The PRESIDENT. The Senator can accomplish his object by striking out the words "by the President of the Senate." If these words be stricken out, it will not be necessary to insert any others, because, according to the rule, the Senate elects its own committees, unless it is unanimously ordered otherwise.

Mr. MALLORY. That is my amendment. The question being taken, the Chair announced that the amendment was not agreed to. Mr. WELLER demanded a division. The PRESIDENT. The Chair would much prefer that the Senate should appoint its own committees.

Mr. WELLER. I have no doubt of that; but it is proper that the question should be decided correctly. Certainly there were only two or three voting in the affirmative, while a great many voted in the negative; and the rule requires that the Chair shall announce the true vote.

The PRESIDENT. The Chair will again take occasion to say to the Senate that it is always imposing upon him a very unpleasant duty to have to appoint very important committees. The rule is positive, that all committees shall be elected by a vote of the Senate, unless by unanimous consent the rule is changed or suspended. The Chair cannot appoint the committees but by unanimous consent.

Mr. SEWARD. Will the Chair state the question?

The PRESIDENT. The question is on the amendment of the Senator from Florida, to strike out the words, "by the President of the Senate," so as to leave the committee, under the rule, to be chosen by a vote of the Senate.

Mr. WELLER. If the Chair desires to be relieved from the responsibility of appointing the committee, I hope the amendment will be adopted.

Mr. BRIGHT. I think that the Chair is correct, so far as regards the appointment of standing committees; but I do not understand the rule to apply to select committees ordered by the Senate. I think it is proper that the Chair should appoint the committee. It would save the time of the Senate, which would otherwise be occupied in going through a ballot.

Mr. BADGER. The Senator who moved the resolution had better accept the modification.

Mr. HOUSTON. I accept it.

The PRESIDENT. The Chair will, in consequence of the suggestion of the Senator from Indiana, read the rule, so that it may be seen that the Chair is correct in the statement that all committees shall be appointed by ballot, unless by general consent. Rule 35 is as follows:

"In the appointment of the standing committees, the Senate will proceed by ballot, severally to appoint the chairman of each committee, and then by one ballot the other members necessary to complete the same, and a majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee. All other committees shall be appointed by ballot, and a plurality of votes shall make a choice."

The resolution as modified was adopted.

Mr. MALLORY. I ask leave to introduce a joint resolution.

The PRESIDENT. The resolution just adopted requires the committee to be appointed by ballot by the Senate, and the Chair will have that order complied with before the Senate proceeds with any other business. Senators will have the goodness to prepare their ballots for the committee of five ordered by the resolution which has been adopted.

Mr. BRIGHT. I move to postpone the balloting for members of the committee until Monday next.

The motion was not agreed to.

Mr. BORLAND. I believe we vote first for chairman of the committee.

The PRESIDENT. That is not necessary. According to the rule, Senators can vote for the whole number composing the committee, and a plurality makes the choice. The highest on the list is generally chairman; or the committee have the power to elect their own chairman.

The ballot being taken, resulted as follows:

For Mr. Houston.....33	For Mr. Geyer.....4
For Mr. Borland.....20	For Mr. Seward.....4
For Mr. Underwood.....13	For Mr. Smith.....4
For Mr. Meriwether.....10	For Mr. Charlton.....3
For Mr. Bayard.....8	For Mr. Clarke.....3
For Mr. Brooke.....8	For Mr. Davis.....3
For Mr. Badger.....7	For Mr. Wade.....3
For Mr. Bright.....7	For Mr. Weller.....3
For Mr. Pratt.....7	For Mr. Butler.....2
For Mr. Toucey.....7	For Mr. Cass.....2
For Mr. Walker.....7	For Mr. Fish.....2
For Mr. Adams.....6	For Mr. Mason.....2
For Mr. Bell.....5	For Mr. Spruance.....2
For Mr. Brodhead.....5	For Mr. Atchison.....1

For Mr. Chase.....1	For Mr. Hunter.....1
For Mr. De Saussure.....1	For Mr. Mallory.....1
For Mr. Dodge of Ia.....1	For Mr. Norris.....1
For Mr. Douglas.....1	For Mr. Soule.....1
For Mr. Felch.....1	For Mr. Sumner.....1

The PRESIDENT. Messrs. HOUSTON, BORLAND, UNDERWOOD, and MERIWETHER, being the highest on the list, will constitute four members of the committee. The Chair will state to the Senate that on looking at the list he finds that Mr. BAYARD and Mr. BROOKE have precisely the same number of votes. If Mr. BROOKE should be considered as the member, the committee would consist of three of one party and two of the other, which is the usual number of the respective parties on the committees of the Senate.

Mr. BAYARD. I should prefer not to serve on the committee, and I hope the Senator from Mississippi will be selected.

The PRESIDENT. Messrs. HOUSTON, BORLAND, UNDERWOOD, MERIWETHER, and BROOKE, will be considered as the members of the committee, if such is the pleasure of the Senate.

"Agreed!" "Agreed!"

No objection was made, and the committee was so constituted.

On motion by Mr. HOUSTON, it was

Ordered, That the select committee appointed to inquire into abuses in the prosecution of claims, be authorized to employ a clerk.

#### JOINT RESOLUTION INTRODUCED.

Mr. MALLORY, by unanimous consent, asked and obtained leave to introduce a joint resolution to authorize the accounting officers of the Treasury to pay to the State of Florida the money actually paid and expended in quelling Indian hostilities, under the act of 27th of February, 1851; which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

#### ORDER OF BUSINESS.

The PRESIDENT. The hour of one o'clock having arrived, the order assigning to-day for the consideration of private bills must be executed.

Mr. BRIGHT. I move to suspend the execution of the order requiring private bills to be taken up to the exclusion of all other business on this day, for the purpose of proceeding to the consideration of the Indian appropriation bill.

Mr. PRATT. I hope the motion will not prevail. It seems to be a settled practice on every Friday, no matter what business may be before the Senate, to make a motion to postpone the consideration of private bills. The day before yesterday the Senate was occupied the whole session in debating the question whether a certain officer should receive \$3,000 or \$2,500 salary; yesterday we had an able speech from the Senator from Maine [Mr. HAMLIN] on the subject of the fisheries, and the balance of the day was consumed with this Indian appropriation bill, and nothing was done with it, but it passed over. To-day being Friday, and private bills being the special order of the day under a resolution of the Senate, as a matter of course, a motion must be made to postpone their consideration. I hope the motion will not prevail. At any rate, I ask the yeas and nays, so that my constituents may see that I am attending to the interests of the claimants on the Government.

The yeas and nays were ordered.

Mr. BRIGHT. I have no disposition to waste time in discussing the motion which I have made; but the honorable Senator from Maryland is a little mistaken as to one fact. The Indian appropriation bill was before the Senate yesterday, and engaged the attention of the Senate almost the entire day.

Mr. PRATT. No vote was had upon it.

Mr. BRIGHT. I have made this motion for the reason that I believe the public interests will be promoted, if the Senate will agree to it. The Indian appropriation bill is an important bill; and following it is the civil and diplomatic bill, which will be sent to us from the House, I understand, either to-day or to-morrow, and I think it important that the Senate should dispose of this bill, that we may take that up as soon as it comes to us. I feel that I am doing my duty in presenting the motion. The Senate can vote it down, if they please.

The question was taken by yeas and nays, and resulted—yeas 25, nays 22; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Bright,

Brodhead, Brooke, Butler, Charlton, Davis, De Saussure, Felch, Foot, Geyer, Gwin, Jones of Iowa, Jones of Tennessee, King, Mason, Norris, Sebastian, Smith, Spruance, Toucey, and Underwood—25.

NAYS—Messrs. Adams, Borland, Chase, Clarke, Clemens, Dawson, Dodge of Wisconsin, Douglas, Fish, Hamlin, Houston, Mallory, Meriwether, Miller, Pratt, Seward, Soule, Stockton, Sumner, Wade, Walker, and Weller—22.

So the motion was agreed to.

#### INDIAN APPROPRIATION BILL.

On motion by Mr. BRIGHT, the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives "making appropriation for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853." The pending amendment of the Committee on Finance was to strike out the following clause:

"For the payment to the Shawnees of moneys due them under and by virtue of the treaties of the 7th of November, 1825, and 8th of August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury for the sale of their lands in Ohio, \$66,246 22: *Provided, however*, That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe, rather than to either division thereof."

Mr. SEBASTIAN moved to amend the clause proposed to be stricken out by striking out the proviso, beginning with the words "*Provided, however*," and inserting in lieu of it the following:

To be paid to the whole nation of Shawnees residing upon the Kansas, *per capita*, but upon the following conditions: First, that the Shawnees shall, by some valid act of the national authorities, to be prescribed by the Secretary of the Interior, agree to receive said money in common. Second, that they will hold in common, as one nation, the lands assigned by the treaty of 1835. Third, that all claim of the Ohio Shawnees to the exclusive grant of 100,000 acres, under the treaty of 1831, be forever released.

The first question was upon the amendment of Mr. SEBASTIAN.

Mr. UNDERWOOD. I rise for the purpose of stating to the Senate that I have just received a letter written by George W. Ewing, for Captain Joseph Parks, of the Shawnee delegation. He states some facts, and refers to some documents growing out of the debate of yesterday; and I will request the Secretary to read the letter, so that the statement of the Indian chiefs, in regard to this matter, may be laid before the Senate.

The Secretary accordingly read the letter, as follows:

WASHINGTON, August 6th, 1852.

DEAR SIR: Captain Joseph Parks, of the Shawnee delegation, now here, desires to state, that the Shawnee nation first made application for their 100,000 acres of land (under the treaty of 1831) in the year 1835, by communication made through their agent, Major R. W. Cummins, to the War Department, and that they continued to urge this claim in this way, through their agent, up to the year 1842. That then a delegation of their people came on to this city to urge this claim, and in the year 1844 they were again here urging it. That in November, 1849, they again sent a delegation here, fully authorized by the nation, and with letters from their agent, Major Luke Lea, to the honorable Commissioner of Indian Affairs, and that from that time to this they have been prosecuting this claim, for their money in the Treasury of the United States, say \$66,246; that their authority from their nation, and their letters from their agent, of November, 1849, on file in the Indian Department, will fully show this; that their authority and letters, which they brought on this last time, dated in March last, do not renew their authority about the 100,000 acres land claim, because they had already full authority on file for that, but it authorizes them more particularly to look after their moneys funded by the United States. The foregoing statement will show that it is not a new thing, nor a recent application on the part of the Shawnee nation, but that in truth and fact they have been asking for the land, or for their money, ever since 1835, now seventeen years past.

Captain Parks was in the Senate yesterday, and heard the debates on their claim, and he thinks it is but right that the truth should be known as to this.

It is no new or after thought with the Shawnee nation, for they ever believed that they were entitled, under the treaty of 1831, to 100,000 acres of land from the United States, and not from themselves nor from their Missouri friends, out of lands which belonged to them six years before they made their treaty in Ohio, and sold the United States their valuable lands in that State. Much of their Ohio lands they sold, would doubtless now sell for \$20 or \$30 per acre.

I remain, with great respect, your most obedient servant,  
GEO. W. EWING.

HON. J. R. UNDERWOOD, United States Senator.

Mr. BRIGHT. That letter, I presume, is intended as a reply to a part of what was said yesterday by the honorable Senator from Tennessee, [Mr. BELL.] I understood that Senator to state this was the first session of Congress at which a claim had been set up for the money proposed to be appropriated in the clause which the Finance Committee moved to strike out of the bill. I un-

derstand that this is the first session of Congress at which the claim was ever set up for this appropriation in money. The result of the inquiries made by the Committee on Finance at the Department go to corroborate the statement made by the honorable Senator from Tennessee, that this is the first time a claim has ever been set up to the amount in money asked for by the clause proposed to be stricken out.

Mr. BORLAND. Mr. President, at the adjournment yesterday I had possession of the floor, more for the purpose of making inquiries and getting information than of presenting any views of my own. I made an inquiry of my colleague, which he answered. I not only listened to his reply attentively at the time, but I have read it with some care this morning, as published in the reports, with a desire to be satisfied in regard to this claim. I am sorry to say that it has failed to satisfy me that the claim is well-founded. I have always found it difficult, when I have undertaken to examine the Indian claims, to arrive at the facts; for they are always so mixed up with opinions expressed by those who advocate them, that it is exceedingly difficult, and sometimes almost impracticable, to separate what are the facts proved from the opinions expressed by Senators as to their value. It has been more so in this case, perhaps, than in any other which it has ever fallen to my lot to examine. Without undertaking to go into a thorough examination now; without undertaking to controvert any of the positions assumed, or any of the opinions expressed by Senators who have advocated the claim, I wish simply to state to the Senate what appear to me, on the best examination I have been able to give the subject, the facts, and state my opinion of those facts, as controlling the vote I shall give.

It seems to me, sir, from this examination, that the facts are these: By treaty stipulation with a portion of the Shawnee tribe of Indians holding land in the State of Ohio—owning between 90,000 and 100,000 acres—we agreed to give them, as a condition of removal, fifty-five cents per acre, to be paid, as I understand it, in the form of annuities, or a certain per centum per annum. If I am wrong in this, I will thank my colleague to correct me. Upon this condition, this branch of the Shawnee tribe of Indians removed from their lands in Ohio; and they have, since that time, been receiving annually the amount of money agreed to be paid to them by treaty stipulation; and so far as the treaty is concerned, they have been paid all which it provided they should be paid.

I understand a further fact to be, that, by another treaty, they were permitted to settle west of the State of Missouri, upon a tract of land of fifty miles square, making 1,600,000 acres, jointly with the other portion of the Indian tribe. They settled there; and they have since that time occupied in common tenancy that tract of land with the other branch of the tribe, and they have now all become amalgamated and united, and are one tribe—holding the land in common, and enjoying the rights of occupancy, use, and possession of the whole 1,600,000 acres. I understand further, that their original claim, when they came here and made application on this subject, was to receive—instead of the annual payment of five per cent. interest on the fifty-five cents per acre—the whole amount in gross, to be used as the tribe might think proper.

I understand that the proposition now is, not only to pay them, in gross, these fifty-five cents per acre, upon which we have heretofore been paying them an annual interest, but to pay them also the seventy cents per acre which were, at the time of the treaty by which they ceded this land in Ohio, reserved by the United States for the purpose of paying the expenses of removal, and the selection of new homes. If I am wrong in this statement, I hope Senators who are better acquainted with the matter will correct me. These I understand to be the facts, and to constitute the state of the case, as it is now before the Senate.

I have no objection, in fact I am willing at any time to comply with their request to be paid in gross the fifty-five cents per acre, so that it may not be held by the Government as a trust fund upon which we are to pay an annual dividend; but let the Indians take the amount in gross, and appropriate it to what purpose they choose. And I understand that these Indians are among the most intelligent and civilized tribes of Indians, and that

they are capable, when put in possession of any amount of money, of managing it as judiciously as any other tribe. I am willing, therefore, to comply with that part of their request, and pay over to them that amount. But as to the further demand, which, as I understand, is now made for the seventy cents per acre, I have been unable to perceive any foundation for it in equity or justice. It has been said that it is proper to give it to them, because we undertook, by a subsequent treaty, to provide them 100,000 acres of land west of the Mississippi river; and that, instead of doing that, we have simply given them the undivided right to occupy and possess these fifty miles square, or 1,600,000 acres, in common with the other portion of the tribe.

I must confess, that when the claim is rested upon that ground, it strikes me as a most extraordinary one. Admit that we did agree to lay off to them, in addition to this annual dividend upon the fifty-five cents per acre, 100,000 acres west of the State of Missouri, as a separate, well-defined tract, which they were to own for themselves, independently of the other portion of the tribe: when we gave them the right to go and unite with the other portion of the tribe, and occupy as tenants in common the 1,600,000 acres, and they elected to do so, it seems to me that, instead of denying them what was due, and restricting them in the amount they were to be allowed, we have been liberal in the extreme, and have conceded to them a grant with which they ought to be more than satisfied. Will any one say that the right to occupy equally with the other portion of the tribe the 1,600,000 acres of land, was not more than an equivalent for the exclusive possession of 100,000 acres? Is it giving them an equivalent of eight for one—the land being equally good. And not only that, but it gives them what is indispensable to Indians—a wide range over which to hunt and pursue their usual avocations, rather than cribbing and confining them down to a little space of 100,000 acres.

I shall not go into any further examination of the subject, or into any argument to controvert what has been said in favor of the claim. I have simply stated what I understand to be the facts, and expressed, as briefly as I could, my opinion as to the value of those facts. The conclusion to which I have come is, that I am compelled to vote against this appropriation.

Mr. BELL. I want to say one word in reply to the letter which was read this morning at the request of the Senator from Kentucky, [Mr. UNDERWOOD,] in which allusion was made directly to some statements made by me yesterday in the course of debate. That is rather an unusual way to meet arguments or statements made on this floor, but I do not object to it. I stated, yesterday, that I had understood that this claim had never been before presented, though I did not state it as a fact. At any rate, I had never heard of it. I had heard, out of the Senate, that it was presented in 1844, but I had no knowledge of that fact, or, if I had, it had escaped my recollection. I had a letter of the agent, Mr. Moseley, read yesterday, in order to show to the Senate what I suspected, but what I did not know. If the letter had turned out differently, I should have been satisfied; but I suspected that if it were read, it would show that the claim was revived since this delegation arrived in the city. I believe I said, yesterday, that I presumed it had originated since they arrived in the city; but I do not mean to impugn Captain Parks, nor Mr. Ewing, nor the delegation; for if it be a well-founded claim, it is no objection to it that this is, for the first time, discovered and brought forward. If justice has been sleeping, and these people are now advised of it for the first time, it is no objection to the claim itself. The question is as to the validity and as to the justice and propriety of it.

Now, what does Captain Parks say in that letter? I know he is an intelligent and honorable man, and is quite a shrewd man, too. He was present at the making of the treaty of 1831, though not as a chief or commissioner on the part of the Indians, so far as I know. And not only is Captain Parks an intelligent man, but the Shawnees here are more intelligent than their nation in proportion to their number, and are nearly as intelligent and as shrewd as Parks. I wish to read to the Senate the second section of the treaty of 1831, and then refer to a positive statement made in the

letter of Captain Parks, that the Indians, neither at the treaty nor since, had agreed that they were to have this 100,000 acres at the West, already belonging to them in Missouri; that they were to be paid in their own lands to that amount; but that they had prosecuted it as a distinct claim ever since the treaty, until 1849, and have now revived it. When they came here from the council, they did not think it necessary to ratify it, because, as they thought, they had the authority of former councils. I use my own language, and not the exact language of the letter, though I believe I have given the substance of it. I will now read this section of the treaty of 1831, to show how this claim stands, though they had a claim for a separate hundred thousand acres, which the Government promised, as he says, in 1831. I also wish gentlemen to bear in mind the argument of the Senator from Kentucky, [Mr. UNDERWOOD,] and the arguments of others yesterday, in which it was said that these Indians have had this view of it and given this construction to the second article, to bear them out in the assertion that justice has not been done, and that the treaty has not been complied with. The second article of the treaty is in these words:

"In consideration of the cession stipulated in the foregoing article, the United States agree to cause the said tribe or band of Shawnees, consisting of about four hundred souls, to be removed, in a convenient and suitable manner, to the western side of the Mississippi river, and will grant by patent in fee simple to them and their heirs forever, as long as they shall exist as a nation, and remain upon the same, a tract of land to contain 100,000 acres, to be located, under the direction of the President of the United States, within the tract of land equal to fifty miles square, which was granted to the Shawnee Indians of the State of Missouri, by the second article of a treaty made at the city of St. Louis, in said State, with the said Shawnees of Missouri, by William Clark, superintendent of Indian affairs, on the 7th day of November, in the year 1825."

So far, that article shows they were to take it out of the fifty miles square, in which these Shawnees seem to have known at the time that they had an interest. But it does not stop there. It goes on, alluding to the treaty of 1825:

"And in which it is provided that the grant aforesaid shall be for the Shawnee tribe of Indians within the State of Missouri, and for those of the same nation now residing in Ohio, who may hereafter emigrate to the west of the Mississippi."

That is a part of the article under which they claim this 100,000 acres; and it is recited in the body of it, so that the intelligent portion of that tribe, the chiefs as well as Captain Parks, could perfectly comprehend it. Others of the tribe, too, were quite as capable of comprehending it as we are. They had all the ability to understand it fully. We have here, then, the recital that it was to come out of these very lands. That is the statement in the treaty. But they protest against taking it now, because they say it was their own before. How can it possibly be said that they had no idea of taking it out of the 100,000 which belonged to them already? If it did belong to them, they knew it, for that clause of the treaty of 1825 was recited in the article which I have just read. I rose simply for the purpose of showing that the Shawnee tribe could not possibly have so understood it.

Mr. WALKER. There was a letter read this morning, which was reported to have come from Captain Parks, of this tribe of Indians, which letter was signed by Mr. Ewing. That letter says, that this claim of these Shawnee Indians has been and is now a claim in addition to that of 100,000 acres of land, which was stipulated for by the treaty of 1831, or for money in lieu of it. That the Government of the United States is bound to set off 100,000 acres of land for this portion of the Shawnee tribe, is not denied; that the Government has reserved the right to do so under the treaty of 1825, as well as under the treaty of 1831, must be admitted. That it has equally reserved the right to locate the Ohio Shawnees under the patent granted to the Missouri Shawnees, is beyond question. I trust, therefore, that this money will not be appropriated until we have the whole facts more clearly understood, or some better reasons assigned for its payment than we have yet had. If the proposition to pay this claim should not succeed, as I hope it will not, then I will offer an amendment, authorizing the President of the United States to set apart for them 100,000 acres of land. I think that with such a provision they would be better off; at all events, we should then see whether we should be better off. I suppose they would be



confined to that 100,000 acres; and, if not, then they would have a joint occupancy with the Missouri Shawnee Indians of the 1,600,000 acres.

Mr. UNDERWOOD. If you set apart a hundred thousand acres out of the fifty miles square to the Ohio Indians, can you prevent the Missouri Shawnees from locating upon that hundred thousand acres under the treaty of 1825?

Mr. WALKER. I think you can prevent that under both of the treaties. The treaty of 1825 reserves the right to locate both these tribes there; and the treaty of 1831 locates the Ohio tribe there, if they have any disposition to go. The patent given to the Missouri Shawnees reserves the right of the Ohio Shawnees to locate there; and it is only a question of division or partition. It is unquestionably the right of the United States to make a partition of 100,000 acres. But, sir, that is not the object which is here sought to be effected. It is not the interest of the Indian which is the motive power in this case. We all know well enough that when we fail to perform, or when it is alleged that we fail to perform, any treaty stipulations with the Indians, the Indians themselves never come forward and ask the Government to enter into a specific performance of the stipulations. Who is it that does so? Why, sir, it is those cormorant agents who surround this Capitol. They know very well that unless these matters are fished up and pressed upon the attention of the Government, they would get nothing. When land or money is asked on behalf of the Indian in such cases, it is those agents who broach the matter; for the recovering of which they are usually to receive a large compensation—sometimes one third, according to the instance we heard of the other day. Now, sir, are we to sit quietly by and see the Government and the poor Indian swindled in such a manner? I hope not. I trust that we will not permit—if there be any means to prevent it—the Indians to be swindled either out of their money or their land. If we do not prevent this swindling, I trust the day will come when the people will speak here, trumpet-tongued, and demand that justice be done.

Mr. BADGER. I ask if the yeas and nays have been ordered on the pending amendment?

The PRESIDENT. They have not been ordered.

Mr. BADGER. I am exceedingly happy to hear it, for in that case I shall not be compelled to assign any reasons for the vote I shall give. [Laughter.]

Mr. BORLAND. Then I ask for the yeas and nays.

Mr. ADAMS. I do not understand that the amendment of the Senator from Arkansas [Mr. SEBASTIAN] is offered with any other view except that of perfecting the clause which it is proposed by the Committee on Finance to strike out.

The PRESIDING OFFICER. The Committee on Finance have offered an amendment to the bill, which is to strike out a certain clause, and the Senator from Arkansas proposes to amend that clause before the question is taken on the motion to strike it out.

Mr. SEBASTIAN. I believe my colleague misunderstands the issue proposed by my amendment. He, I believe, is opposed to the whole claim; and so, indeed, are other Senators. I did not suppose, however, that any one would object to my amendment, because I merely proposed to perfect the clause before the question was taken on the recommendation of the committee to strike it out.

Mr. BORLAND. I will say to my colleague, that I am not particularly opposed to his amendment. I am opposed to the whole appropriation.

The PRESIDING OFFICER. The question will first be upon the amendment of the Senator from Arkansas. Whether that is adopted or rejected, the question will then recur on concurring in the amendment of the committee, which is to strike out the clause.

Mr. BORLAND. Then I withdraw my call for the yeas and nays.

Mr. BRIGHT. The bill came to the Committee on Finance with a proposition to appropriate the sum of \$66,246 23 for the payment to the Shawnees for moneys due them, as is alleged, under and by virtue of the treaty of 1825, and the treaty of 1831, between the United States and the two divisions of the said tribe of Indians. The committee propose to strike out that appropriation. The

Senator from Arkansas [Mr. SEBASTIAN] proposes to amend that clause before the question is taken on the proposition of the committee to strike it out. He has a right, of course, to propose to amend the clause before it is stricken out. It is upon that amendment we are now to vote.

The question was then taken on the amendment; and a division being called for, there were—aye 15, noes 17.

So the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the proposition of the committee to strike out the clause.

Mr. BORLAND. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROOKE. I wish to vote understandingly on this amendment, and I do not know that I have now a correct appreciation of the facts, as the subject has been obscured by much speaking.

The facts, as I understand them, are these: In 1825, the United States granted to the Missouri Shawnees, in common with the Ohio Shawnees, fifty miles square of land, to be enjoyed in present by the Missouri band, and in futuro by the Ohio band. The land, however, belongs equally to the one band as to the other, and the Ohio Shawnees, according to their numbers, have as much interest in it as the others. In 1831, the United States, for the purpose of inducing the Ohio Shawnees to remove west of the Mississippi, agreed to give them in fee-simple 100,000 acres, to be taken out of the tract of fifty miles square.

That I believe is a correct statement of the facts; if not, I would like some Senator to correct me.

That being a correct statement of facts, it follows that this Ohio band of Shawnees had the choice of two modes of action: one arising under the treaty of 1825, by which they were permitted to enjoy this territory in joint tenancy with the Missouri Shawnees; and the other, under the treaty of 1831, which authorized them to hold 100,000 acres in severalty. They made their election by joining and mingling with the rest of the tribe, and have continued ever since to occupy the territory of fifty miles square in common. I conceive that it is now too late to change that election, and therefore that they have no claim to a separate tract of 100,000 acres; but even if they had such a right, and if they were entitled to call for a partition of the territory, that would be very different from asking money from the Government in consequence of their not having made that selection before. If they are entitled, notwithstanding that they made their election, to have this territory set off separately, it does not follow, by any means, that they can come back on the Government for the payment of a sum of money in consequence of their having made that election; and I presume that the Government has power, under the treaty of 1825, if they choose to change their election, to require from the Missouri Shawnees a partition or division of the territory, at least so far as the 100,000 acres are concerned. I go further; I believe that the Government has the right, under the treaty of 1825, to demand a partition of the territory according to numbers, because they all occupy it as tenants in common, and because, under the same treaty, they have also a right to a separate joint tenancy.

I see no foundation for a moneyed claim against this Government. The Ohio Shawnees made their election, and they are bound by it; and have continued so for the last twenty-one years. As they neglected during that time to take any other step, they can only claim now the partition of the territory.

Mr. UNDERWOOD. I wish my friend from Arkansas would withdraw his call for the yeas and nays. I suppose that no Senator will vote for the clause, as the amendment proposed by the other Senator from Arkansas [Mr. SEBASTIAN] has been rejected. All of us require that there should be a full relinquishment on the part of the Indians of all claim to lands before we make such an appropriation, and that relinquishment we have not yet got. I think therefore it is useless to consume time in taking the yeas and nays on a question on which it is almost evident there will be a unanimous vote.

Mr. BADGER. Since the yeas and nays have been ordered, I must insist on their being taken.

Mr. UNDERWOOD. Will the Senator from North Carolina assign a reason?

Mr. BADGER. I desire to record my vote. I suppose that reason will be sufficient.

The question was taken on the motion of the committee to strike out the appropriation, and resulted—yeas 41, nays 1; as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Borland, Bright, Brodhead, Brooke, Butler, Cass, Charlton, Chase, Clarke, Dawson, De Saussure, Douglas, Felch, Fish, Geyer, Gwin, Hamlin, Houston, Jones of Tennessee, King, Mallory, Meriwether, Miller, Norris, Pearce, Pratt, Sebastian, Seward, Soule, Spruance, Sumner, Toucey, Underwood, Wade, Walker, and Weller—41.

NAY—Mr. Clemens.

So the amendment of the committee was agreed to.

The fifth amendment of the Committee on Finance was to insert, after the words "per annum" in the following clause, the words in *italics*:

"For payment to the heirs of Cyrus Choise the balance due for services rendered by him as acting Indian agent in New Mexico, from the 9th of December, 1849, to the 14th of September, 1850, at the rate of \$1,550 per annum," after deducting the sum of fifty dollars heretofore paid to said Cyrus Choise, "\$1,137 76."

The amendment was agreed to.

The sixth amendment of the Committee on Finance was to add at the end of the bill the following clause:

"For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, \$15,000."

The amendment was agreed to.

The seventh amendment of the Committee on Finance was to add the following clause:

"To enable the Secretary of the Interior to cause an investigation to be made into certain claims preferred against the United States, for provisions alleged to have been furnished to the Indians in California, \$10,000."

Mr. WALKER. I would like to hear some explanation of that amendment.

Mr. BRIGHT. Numerous treaties have been made with the Indians of California, and, in consequence, various appropriations have been rendered necessary, as contracts have been made by the agents of the Government, and no appropriations were in existence for the purpose of meeting them. This appropriation was recommended by the Secretary of the Interior; and, on learning the facts of the case, the Committee on Finance resolved on bringing it under the consideration of the Senate, for the purpose of employing an agent to ascertain the extent and the justice of the claims growing out of these treaties.

Mr. WALKER. Then it appears that this appropriation is not for the purpose of paying these claims, but merely to ascertain what they are?

Mr. BRIGHT. Yes, sir.

Mr. WALKER. It seems to me, that if we were to introduce a resolution requesting the Secretary of the Interior to furnish this information, it would be the more appropriate course, if the Department discharged its duty. It is a most singular thing that an appropriation should be asked for to ascertain what is the amount of these claims.

Mr. WELLER. They arose under eighteen different treaties.

Mr. WALKER. Eighteen treaties with the Indians of California were sent to the Senate, containing certain stipulations which the Senate refused to ratify. Besides, there was no authority for making these treaties at all, as I understand. Some persons took it upon themselves to make these treaties, and sent them here in hopes that the Government would adopt them. I do not question their motives; they might have been good; but the Government refused to recognize these treaties, and I look on this appropriation of \$10,000, for the purpose of ascertaining what claims arise out of them, as most extraordinary. Those who have claims against the Government will, no doubt, send them here soon enough, without our sending an agent to look them up; and I hope that we shall be able to ascertain their amount without incurring this expenditure.

Mr. WELLER. The Senator from Wisconsin is entirely mistaken as to the character of the Indian agents. They were responsible persons, sent out by the Government with full authority to negotiate treaties with the Indians. They negotiated eighteen treaties, which were regularly transmitted to the Executive branch of the Government, and by the Government to the Senate, and by the Senate they were rejected. Nearly all these treaties stipulated that the Government should supply the Indians with provisions for two years;

and the agents proceeded, under these informal treaties, to supply the Indians with beef to the amount of nearly a million of dollars. The Senator is mistaken in supposing that none of these claims have been presented to the Government. Claims to the amount of nearly half a million have been presented to the Department, and protested for want of funds.

A general impression has gone abroad, here as well as in California, that there was something improper in the mode of making the contracts for the supply of provisions. Many persons think that there was fraud; and in order to investigate the matter it is necessary to make this appropriation. We propose to send out an agent, who shall be specially charged with the investigation of the manner in which these contracts were made. If they were made in good faith, and if the contractors supposed that they had the authority of Government for supplying the beef, the Government will, ultimately, be bound to pay; but before we can make any drafts on the Treasury for this purpose, we desire to obtain information. That is all we ask. We shall be called on at the next session of Congress to appropriate \$1,000,000 in satisfaction of this debt, and unless we make this appropriation we shall not possess the information necessary for our guidance.

Mr. ATCHISON. I agree with the Senator from Wisconsin that there is no earthly necessity for making this appropriation. We have a Superintendent of Indian Affairs. An office of this kind has lately been created, and a competent man has been appointed to fill it—one who is well qualified to investigate these claims and report upon them. I therefore can see no necessity for a special agent. The Superintendent of Indian Affairs can do it under instructions from the Department of the Interior.

Mr. WALKER. If the Senator from California had not been one of those who have shown a good deal of zeal and a great deal of ability in exposing the conduct of some persons connected with the present Administration—if he was one of those who are friendly to it, and had tried to conceal certain facts, and had inadvertently favored this proposition—I should have pronounced it one of the most astounding things in the world. What is the proposition? Why, our Indian agents make treaties with the Indians in California, and while they are yet inchoate, before they are submitted to the Government here for ratification, the Indian agents go on and purchase beef for these Indians, as it is alleged, to the value of \$1,000,000, and claims for the payment of \$500,000 have already come in. There are then claims to the amount of \$500,000 to come in. Was ever such a thing heard of before? I venture to say, that if such a thing had occurred during the excitement that existed in the Democratic administration of Van Buren, or that of General Jackson, there would have been an effort to impeach the Executive. But now the matter is spoken of by the Senator from California as being the result of a mere inadvertence. It is a most astounding development, that an expense of a million of dollars has been incurred under treaties with the Indians, which had not been submitted to the Senate of the United States. And what is more extraordinary, and the force of which I think the Senator from California must feel, is, that Government must issue a search-warrant to cause debts to be hunted up. I do not see the necessity of expending money to search for them. I do not believe but that they will be here soon enough if you do not appropriate a cent. Claims to the amount of \$500,000 were here before the treaties were acted upon. It is the most extraordinary thing I ever heard of in my life. I am sure the Senator from California cannot be in earnest in making this proposition to issue a search-warrant to hunt up claims against the Government. We all know they will find their way here soon enough without our sending out agents to look them up. We can get any amount of Government debts, not half as good as these, without paying anything for hunting them up. They come here every day. Therefore I am opposed to this proposition.

Mr. WELLER. I assure the Senator from Wisconsin that I am serious. I did not propose to issue a search-warrant for the purpose of ascertaining where these claims are. I know where many of them are. I know that many of them are held by honest men in California, who have

given to the country a good and sufficient consideration for them. I know that there are many persons there who furnished cattle at a fair price, while I am quite willing to admit that there are others who furnished cattle for which they charged a most exorbitant price—prices which I think can be proved to be both unfair and unjust. And now when I am asked indiscriminately to pay claims out of the Treasury, some of which I know are in the hands of honest men, while others are admitted to be unjust and exorbitant, I desire to know all that can be known about the original matter. All that is proposed under the appropriation is simply that some disinterested person shall be authorized and empowered to make that investigation in order that we may be enabled to see when these debts may be presented here, whether the property alleged to have been furnished was actually furnished or not. I agree with the Senator from Missouri that the Superintendent of Indian Affairs is in every way qualified for the discharge of this duty. But he has asked to be relieved from the examination of a portion of these claims, particularly many that arise in the southern part of California.

The contracts made for beef by Colonel Fremont amounted to \$180,000. That amount of beef was furnished at the rate of fifteen cents per pound, at which rate it would make cattle worth from sixty to seventy dollars per head, while I know that they were not worth more than twenty dollars per head. The Superintendent of Indian Affairs recently appointed a particular friend of his. He is well known to him, and has been associated with him in many of his explorations in the Rocky Mountains. He may have been associated with him at the time these cattle were delivered; and he has very properly asked the Department to be relieved from the investigation of that portion of the contracts. It seems to me that some proper and disinterested person should go out and make the investigations.

I think there is no reason why the Senator from Wisconsin should have expressed so much surprise at this proposition. If he had been familiar with the proceedings of the Senate he would have known that the Secretary of the Interior had been applied to for information in regard to this matter, and had informed the Senate that there were claims to the amount of \$800,000 on these contracts. This information was communicated to the Senate long ago. Every Senator, if he had attended to the proceedings of this body, might have known, without the authority of any Department, that these commissioners had contracted debts to the amount of \$800,000. He might have known, also, that drafts, given by these commissioners, for very large amounts, have been protested; and he might have known that only \$25,000 were appropriated to meet the demand. According to the treaty it was provided that the beef should be delivered in 1851 and 1852. All the cattle which had been contracted for to be delivered in 1851 had been delivered before you acted on the treaty at all, and a large portion of those which were to have been delivered in 1852. The debts, then, have been already contracted, and I suppose we are in the predicament in which the Irishman found himself when he declared that when he enlisted he was forced to volunteer. The debts are already in the hands of officers; it will, therefore, prevent a great deal of difficulty hereafter, if an investigation in regard to these claims is made at the present time, if a disinterested person who has had no connection with any of these transactions should be sent to that country in order that he may examine the manner in which these contracts were made, and report to the Government, so that we may be able to act understandingly when the claims shall come in.

I have nothing to say as to the manner in which these debts were contracted; it is not the only transaction in which the agents of the present Administration have been concerned which bears on its face some evidence of dishonesty; not that I would imply any want of moral integrity of those now in power; but it will be necessary to have some information, and the only question is, how that information is to be obtained. My friend from Missouri [Mr. Atchison] says that we can get it from the Superintendent of Indian Affairs, and I have laid before the Senate some reasons why he should be relieved from that responsibility.

Mr. ATCHISON. I think the Senator from California admits that, but for the special reasons which he assigns, I am right, and that if this Superintendent of Indian Affairs was entirely disinterested, and not connected in intimate personal relations with some of the parties who make these claims, or if he could waive his feelings of delicacy in regard to them, he would be the proper person. Let us look at the state of the case.

Three or four Indian agents were sent to California to make treaties with the California Indians, and to discharge other duties connected with the office of the Indian agencies. When there, they made eighteen treaties, as it is said, with those Indians; and upon the supposition that those treaties were ratified by the Executive Department of this Government, by and with the advice and consent of the Senate, it is said they contracted debts in the execution of those treaties to the amount of from \$800,000 to \$1,000,000.

Now, were these officers so ignorant, or was this done because they were so corrupt? One or the other must have been true. They well knew that they had no power to make and execute a treaty. Then what was the obvious and proper course of the Administration? It was to remove them either for their ignorance, or for their corruption, and to appoint men with sufficient capacity and integrity to discharge those duties. I do not believe that this has been done. One of these agents has resigned his office, and another, or perhaps two others, are still in California, in the discharge of their duties, perhaps contracting new debts, and perhaps at this very hour carrying out those treaties. The fault is with the Administration, that these men have not been removed, and men of integrity and capacity appointed in their places, who could and who would investigate this matter, and report upon it. I think that the Superintendent of Indian Affairs has shown a proper delicacy upon this subject, and I agree with the Senator from California, that he should be relieved from the discharge of those duties, so far as the particular contracts mentioned by him are concerned.

I might say also with regard to some other officers there, that the Administration should remove all who, contrary to all reason and common sense, have had any connection with these illegal acts, and should appoint in their places men of capacity and integrity, who can examine into these contracts and report to this Government. If I am right in this, there is no necessity for an appropriation of \$10,000 to pay a special agent to go to California and examine these claims. We have district judges and district attorneys, and other officers in California who might be employed for that purpose.

Mr. PEARCE. This whole matter was discussed in the Senate some months since, and some facts in connection with it, which appear to have escaped the attention of the Senate, were then stated. There were three Indian agents and one sub-agent in California. One of these agents denies that he ever participated in these illegal contracts; one has resigned; the other, who participated in the contracts is now in office, and the sub-agent was removed.

Mr. WELLER. Will the Senator allow me to say that there are two agents there still?

Mr. PEARCE. There are two, but only one of them participated in the contracts. The names of the agents were Barbour, McKee, and Wozencraft; Johnston was the name of the sub-agent. Barbour resigned; McKee denies his participation, and Johnston was removed. These facts are contained in the papers on file in the Department of the Interior, and were read by me some months ago, in my place here. Wozencraft did participate largely in the contracts, but he was suffered to remain in office for the reasons that I then assigned—because it was supposed that he would be able to communicate to the Government that information which it was supposed he would not be so willing or so ready to give if he were removed.

There is no question that the authority of these agents did not extend so far as they went, and that they grossly violated their duty in making these contracts; and, as I stated formerly, they were sternly rebuked for it. But as the Senator from California [Mr. Weller] has very correctly stated, however improper or illegal the contracts may have been, this much is certain: they

have got into the hands of honest persons in many cases. There is a great difference in the character of the contracts themselves. Some have been taken at exorbitant rates—rates nearly double what were given in other cases; and this alone creates suspicion. The Senator from California [Mr. WELLER] states, I believe, that fifteen cents per pound for beef was paid, when it might have been obtained for eight cents. The prices of brood-cows varied from \$60 to \$75; and, if I understand the Senator right, they should not have exceeded thirty.

Mr. WELLER. Twenty.

Mr. PEARCE. What we desire now is not to ascertain the amount. There is no difficulty about that. The Senator from Wisconsin is perfectly right in saying that we shall be made acquainted with that soon enough. What we want is, to ascertain the manner in which the contracts were made—not that they can be wholly excused—but to know whether there is anything connected with them which may go to palliate their being made, so that, if it be so, some sort of compensation may be made for the beef which has been furnished to the Indians. This information cannot be obtained without some trouble. I am told that the Indian agents would have to abandon their proper duties to investigate this matter.

The circumstance which the Senator from California has stated in regard to the Superintendent of Indian Affairs, makes it entirely proper that the duty should not be charged upon him. He has had some connection with the parties there, and has some knowledge of their contracts, and he feels that it would be indelicate for him to sit in judgment upon them. He has given his opinion in one case already, which makes it improper for the Government to impose such a duty upon him.

Whether \$10,000 is too large a sum to be appropriated for the purpose, or not, I am not prepared to say; but I presume that no more of the sum which is appropriated will be expended than is necessary to accomplish the object. It will be necessary to have an agent appointed who is a man of sound discretion, and of intelligence, and of firmness, so that he may impartially and fairly examine all the contracts out of which these claims have arisen. Possibly, when we have the whole information, we may not feel compelled to pay all the claims. If we were called upon to act with no more information than we have at present, I should be opposed to paying any of them. I desire to have proper persons appointed to make the investigation.

Mr. WALKER. The Senator from Maryland says that the object of this appropriation is not to ascertain the amount of those claims which may be due, but to ascertain the circumstances under which these debts were contracted. He admits that these claims will be presented to the Government quite as soon as the Government is ready to discharge them, and that when they are presented, it is for us to judge of the propriety of paying them.

I have listened with great attention to the remarks of the Senator from Maryland, and also those of the Senator from California, in regard to the propriety of excusing the Superintendent of Indian Affairs from investigating one class of these claims. They say that the Superintendent is so intimately connected with one of the parties that it would be improper and indelicate to devote that duty upon him. Sir, I remember an old couplet which appears to me to have a striking applicability to this case:

"While the lamp holds out to burn,  
The vilest sinner may return."

[Laughter.] I am glad to see that, in the last expiring hours of this Administration, it is about to return to a due sense of propriety in view of its acts. There was a time, sir, when not only a connection—an intimate connection, if you will—with the persons having claims against the Government, was not regarded as improper, but even a connection with the debt itself was not regarded as any impediment in the way of the officers of the Administration. There was once one Crawford, who was not only connected with the parties in such a case, but was connected with the debt itself, by which he contrived to put \$100,000 into his pocket. There is another, who now holds office, and who labors under the suspicion of having obtained a large amount of a claim while acting as Secretary of the Treasury; and, sir, it

is truly gratifying to humbler mortals to hear and to see this Administration returning to a proper sense of duty and propriety in view of their relations to persons who have claims against the Government. I am pleased to think that the Superintendent of Indian Affairs is to be relieved from the investigation of this matter. In all probability these claims will be made out and brought here with great promptness and facility; but it appears that, to save the delicate feelings of the Superintendent of Indian Affairs, he is to be relieved from the duty of this investigation, at an expense of \$10,000; that a special agent is to be sent to California in order that he may ascertain our indebtedness, and the circumstances under which that indebtedness was contracted, while, at the same time, it is acknowledged that the agents of the Government, who contracted these debts, had no authority to contract them; while one has resigned, another been removed, and a third retained, in order that he may obligingly furnish information in regard to claims which smell very strongly of fraud, in which he is suspected of being a participant!

Sir, to ask Congress to make an appropriation of \$10,000, under such circumstances, and for such purposes, is the most extraordinary thing that ever was heard of. We have a Superintendent of Indian Affairs here, and we have agents in California where these debts are said to have been contracted, and yet we are to appropriate \$10,000 to send out a special agent to find out and hunt up claims against the Government! I hope, sir, that we shall wait until these claims are brought in by the claimants themselves, when we shall be able to investigate them, and judge of the purity of them, so far as they can be proved to be pure, and when we can pay what it is proper should be paid, and reject what it is proper should be rejected. According to this proposition, however, it is proposed that the Government shall take the initiative, and expend \$10,000 to ascertain whether there are any claims against the Government, and if so, whether they are just. Sir, when these claims are brought forward—as they will be one day or other, and that, too, no doubt, all in good time—we can determine their justice and the propriety of paying them. That seems to me to be the most economical way, and it occurs to me, also, that it is the most just and honest way of transacting this business.

Mr. PEARCE. Mr. President, I do not propose to reply to the insinuations of the Senator from Wisconsin against the purity and honesty of this Administration. When that Senator makes a specific charge, it will be time enough to answer him. I believe that the personal integrity of the members of the Administration has never been questioned by anybody. In regard to this particular matter, I presume they do not care a straw what the Senate may do, or what Congress may do. They will not pay the claims.

Mr. WALKER. That is right.

Mr. PEARCE. They never authorized the contracts; they rebuked the making of them; but they think it proper to submit the matter to Congress. They supposed that the people of California had rather a deep interest in this question; that some of them were not liable to the charge of being concerned in these improper and fraudulent proceedings—if they should turn out to be fraudulent. They suppose, therefore, that it would be perfectly proper that Congress should possess itself of information not *ex parte*. If we rely upon the claimants, we shall get nothing but *ex parte* information, and probably if they are like claimants in other parts of the country, they will prove up their case with the most perfect ability. It has been supposed that it might be judicious, perhaps, to have an investigation on our side—one not intended to facilitate the passage of the claims of these parties, but to guard the Government against any injury. If Congress does not think proper to make this appropriation, be it so. The Administration have not the slightest interest in the business, except so far as they desire to see everything done justly, and to furnish Congress with the information which will enable them to act justly.

Mr. GWIN. The subject of these contracts was discussed very fully in the Senate some time ago, and I then said all about them that I care to say. I wish now, however, to say a few words in regard to this appropriation, which I favored, in committee, as an amendment to this bill.

The Senator from Wisconsin has commented on the desire of the Superintendent of Indian Affairs to be relieved from this investigation. When that gentleman received his appointment, he did not anticipate that any such duty would be imposed upon him. The subject had not come up at that particular time; and long before he anticipated any connection with the Government, directly or indirectly, he had been called upon by a friend of one of the contractors to make a statement, first, in regard to the necessity that existed at that time, considering the situation of the country and the state of Indian affairs, for making the contracts; and, in the second place, in regard to the amount that was to be paid for the beef. My colleague has stated the price of beef in the southern portion of the State. It is very true that an ounce a head was the price there generally; but the cattle had to be driven hundreds of miles, and the expense of driving them was much greater than that of purchasing them. One of my colleagues in the other House has also given a statement to the same purport as that of the Superintendent of Indian Affairs, with regard to the price.

I have been told that this beef could have been furnished at a much less cost. I was told so by an officer of the army in California. But from a subsequent examination I have great doubts whether it could have been furnished at that time in that section of the State at a much less price. The main point now, however, is to know whether it was furnished, and whether it was issued to the Indians. It is an investigation of that matter which we wish.

Mr. President, I have no doubt that this case, as the Senator from Maryland says, will come up. I have no doubt that there have been very serious charges made against the officers who made those treaties; but the Senator from Maryland is entirely mistaken in one respect. Although McKee denies that he had anything to do with the contracts, he is altogether mistaken, for the very documents before us acknowledge that he has overdrawn the appropriation \$32,000 in contracts. He is one of the officers who made the contracts. Although he did not go into the hundred thousands, he went into the thousands. So every one of these officers is implicated.

Mr. BRODHEAD. What amount did Congress appropriate?

Mr. GWIN. The whole appropriation made by Congress was \$50,000; and the expenditures were about \$1,000,000. All these commissioners are implicated. I think it is due to the country, and it is due to those gentlemen, who were men of character when they received their appointments, but against whom the most serious charges are now raised—they are charged with having fraudulently and corruptly made these contracts—that the charges should be investigated. The Superintendent of Indian Affairs has other and important duties to perform, that he should be required to perform at once, looking to the future intercourse of this Government with the Indians. These treaties have greatly embarrassed the Indian affairs in that country. If the Superintendent discharges his duty, he will have enough to do, without turning back to go into the mass of testimony which will necessarily be brought forward in relation to these claims. I want him to go forward.

I hope, for one, that what the Senator from Missouri said should take place, will take place. It ought to have taken place long ago. In justice to the Government, new agents should have been appointed there. I do not pretend that the charges made against these men are true, but they ought to be investigated, and they should be relieved from them if they are not true. The charges are of a most serious character. The commissioners are charged with being parties to the contracts, and with having received benefits from them to a large amount. It is due to the character of the gentlemen themselves, as well as to the Government, that the subject should be investigated. The whole object of the proposed amendment is to get an individual entirely disconnected with the contracts to obtain this information; and I should like very much that one should be obtained who was never in California—one who should have no other connection with the country than his mission to make the investigation. There is a great deal of character as well as money involved in this matter. Many of the drafts are in the hands of



parties who received them for their face, and paid money for them, and very large amounts are suspended, to the ruin of the holders of the drafts, who anticipate that this Government will pay them. I hope the matter will be investigated. I trust the amendment will be adopted.

Mr. CASS. Mr. President, I see nothing wrong in the proper Department submitting this question to Congress. I think that is all right. But this is the most flagrant case which has taken place in my day, connected with our Indian affairs. Here was one Indian commission directed to make a treaty or treaties with the Indians in California, and an appropriation, I understand, of \$50,000 was put at their disposal to defray their expenses. I have not a doubt that in the instructions of the Department they were expressly directed not to exceed that amount. I have no doubt of that. They had probably a standing instruction on that subject. The commissioners have gone on and made contracts to the amount of almost \$1,000,000. They have not only undertaken to make expenditures connected with the collection of the Indians, but they have anticipated the ratification of their own treaty, and carried it into effect.

Now, sir, I hold that upon no correct principle is this Government under the slightest moral obligation to pay a dollar of it. I do not say I would not, under some circumstances, pay some of it; but I say, that there is not the slightest obligation to pay a dollar. I do not agree with gentlemen who say that because these bills are in the hands of innocent purchasers, there arises an obligation to pay them. I hold that no Government is bound by the act of any of its officers, when those officers have no authority to act. If I contract with an officer of the Government for \$100,000, I am bound to look at his papers and see that he has authority to make the contract. And no Government in the world is bound otherwise. Assume the contrary doctrine, and what Government could stand for a year? You appoint an agent for any purpose whatever; you send him to a distance, and he may bind you in a debt to the amount of millions, according to this doctrine.

Is that the right doctrine? No, sir; the correct doctrine is, certainly, that no Government is bound by the acts of its officer, with relation to its fiscal concerns, unless that officer is authorized to act. I repeat, it is the duty of the men making contracts with these officers, to know that they have the proper authority; and these men have no right to come here and insist on any legal or moral obligation on our part to pay these debts, unless they can show that the officers were authorized to make the contracts. Especially when gentlemen of intelligence come forward and claim that they made contracts to the amount of \$180,000 or \$200,000. There is no excuse for such conduct.

For one, Mr. President, I will give no vote in this matter that will, in the slightest degree, compromise the subsequent action of Congress. I will not vote a dollar to appoint a commissioner or an agent. I will not vote a dollar to take any step in the matter until the case is fairly made out by some of the parties, and brought before us. I will not, I repeat, do any act that may seem to give any sanction, in the remotest degree, to such flagrant and outrageous conduct.

Mr. BRIGHT. I did not vote for this amendment in the Committee on Finance; nor shall I vote for it here. The reasons that governed my mind, were, to some extent, those which have been suggested by the Senator from Michigan. I am unwilling to delegate to any agent who may be appointed by a Department, the power to prejudice this case for us. This involves the expenditure of an immense amount of money. If the agent or agents appointed for the purpose of investigating these claims should be operated upon by the influences which seem to have operated upon our agents there in making the contracts, they may report to us in favor of the claims, and virtually commit the Government to the payment of an immense amount of money. I am anxious to see these claimants come here as other claimants come. Let them present their claims to Congress. Let them undergo the changes and mutations that attend Congressional legislation; and if their claims have merit they will be passed. But I am unwilling to see the Government precommitted to the payment of the claims by the finding of any agent or agents who may be selected by the same Administration which selected the very

agents who have imposed upon us to the extent that the facts in this case warrant us in saying they have done. These considerations, in part, governed my vote against the amendment in the committee, and shall also induce me to vote against it now.

Mr. BELL. I desire to make an inquiry of the honorable Senator from Indiana, as he probably can answer it. I have heard it suggested that the law, under the authority of which the Superintendent of Indian affairs for California was appointed, clothes him with the power to examine these claims; and that there is some necessity for making a provision of this kind upon this occasion, in order to get an examining agent free from all suspicion of prepossession or prejudice in the case. If that is so, it might be a reason why we should make the appropriation. There must be an investigation, as I understand the law that exists now.

Mr. WELLER. If the Senator will yield me the floor, I will state that I understand the Executive branch of the Government have decided that it has no discretion under that law; but that it is the imperative duty of the Superintendent of Indian Affairs to make the whole of this investigation; and that, unless the legislative department of the Government shall relieve him, he will be compelled to make that investigation. I understand that the Executive has decided that under the law he has no discretion.

Mr. BELL. Who has no discretion? Must the Superintendent make the investigation?

Mr. WELLER. Yes, sir.

Mr. BELL. That was what I was suggesting and desiring to have understood by the Senate. On that ground I think we ought to make the appointment.

I desire now to say a word in regard to the Superintendent; because, when the proposition was made to establish an Indian Superintendency in California, with such large powers, I was very determined to oppose the passage of any such act, on the ground that I knew, unless the Superintendent was a man of extraordinary firmness and integrity of character, he would have it in his power to involve this Government in millions annually, from which it would be difficult to extricate ourselves without paying the claims. I have inquired with regard to the character of the gentleman who has been appointed Superintendent; and, according to all the information that I could get, from frequent conversations with him, from the experience he has had among the Indians in that country, from his intrepidity and firmness in all his past character, I thought him a very fit and proper man to be appointed. If any reliance can be placed in human testimony, with regard to the character of an individual—any reliance in the personal intercourse which we can have with other persons, he was a suitable man. I find that his former character, among his brother officers of the Navy, was very high. Since he has been appointed, however, I have heard of his friendship and intimacy with some of the claimants, and his association in the discharge of duties, heretofore, with one of the parties deeply interested in this matter; and it occurred to me that, however high he might stand above suspicion in his past character, any prepossession of that kind—any intimate relation of friendship with one of the parties—would necessarily subject him to public suspicion. Hence, I have thought that some mode ought to be adopted to prevent such an examination from being intrusted to him, in justice to himself, and to the public and to the Government, if he had any prepossession upon the subject. Although I had not looked into the provision made by this amendment, I had supposed that it was very proper to throw this investigation into some other hands—into the hands of a man above suspicion arising from any past association or friendship with the individuals concerned.

I have merely thrown out these suggestions to show that, as the law now stands, unless we make some other provision, the Superintendent must investigate these claims and report upon them.

I will remark, in addition, that I agree perfectly with the honorable Senator from Michigan, as I have expressed it heretofore, that the Government is under no obligation whatever to pay claims originating in the contracts of agents who manifestly exceeded their powers, and must have exceeded their instructions. I take that for granted. We are

under no obligation whatever in such a case. No Government could stand it, if any agent, delegated with a limited trust, whom they might send to other quarters on important business, or important negotiations, could involve the Government *ad libitum*, disregarding those powers and instructions. It will not do to say that these are honest men who set up the claims, because thousands of honest men might very readily be led into making such contracts; and if there be anything in the character of the men engaged, no Government could stand if it was bound by such contracts.

But there is a difference between the duty of the Government and the power of the Legislature, after they have fully investigated all the circumstances under which the contracts originated, and found them to be free from fraud, or have been entered into under any very high public necessity, involving the safety of society or the safety of great public interests—circumstances under which most officers would feel at liberty to exceed the bounds of their instructions. If the exigencies of this case have been of such a nature as that, then it would be in the discretion of the legislative department to pay or not to pay them as they think proper. I am willing, myself, to give no vote which will sanction the principle that this Government is bound by those contracts. But I do not think that voting a sum of money to have a thorough investigation of the circumstances under which they were made, does commit the Government to the payment of the claims after the investigation shall have been made, whatever may be the result of that investigation, however honest it may appear to have been. For that reason, I am disposed to vote for the appropriation.

Mr. ADAMS. I rise for the purpose of moving to amend the amendment by striking out "ten" and inserting "five," so as to make the appropriation \$5,000. I do it for this reason: I agree with the honorable Senator from Michigan, that if the agents of the Government transcend the power conferred upon them, those who trust most must lose. The Government is liable only for such contracts as are made by its officers, within the scope of their authority; but, as was correctly suggested by the honorable Senator from Tennessee, the legislative power has the right—if the contracts have been made by accredited agents of the Government, and innocent men have rendered service to those employed in the business of the Government—to make a remuneration. I think that the whole question resolves itself into this: that if it is the determination of Congress to make compensation to those who have parted with their property, under the authority of agents accredited by the Government in California in relation to this transaction, it is a money-saving business to make the appropriation asked for by the amendment. We all know what has been suggested by the Senator from Maryland, as to *ex parte* statements. I do not know but that it would be good policy, whenever an unliquidated claim is presented to the consideration of Congress, for the Government to pay a trusty agent to investigate the other side of the question. All those who have been in the habit of attending courts of justice know the advantage of *ex parte* or one-sided examinations.

The claims presented against the Government in this case amount to \$800,000 or \$1,000,000. Unless the claimants are more honest—or, take it for granted that they are honest, unless they are more reasonable in their appreciation of what is their right, and the rights of the adverse party, it would be an immense saving to the Government to have this investigation made. I understand the proposition is to appoint an agent to investigate the character of the claims. I move to strike out "ten" and insert "five," for this reason: there are plenty of individuals in California—I could point them out myself from my own limited acquaintance there—reliable men, upon whom this Congress could rely to ascertain all the facts, and furnish us with all the information necessary to enable us, if we determine to pay the claims, to know the circumstances under which the contracts were made, and the value of the supplies furnished to the United States. One half of the amount proposed by the amendment of the committee is amply sufficient. I admit, if you establish a regular court there, call for testimony *pro* and *con*, and adjudicate the various claims that may come

there, that it would take \$10,000 or \$20,000, or even \$50,000; but to appoint an agent or agents to investigate, furnishing them with a copy of the claims, one half the amount would be amply sufficient, and more than sufficient, to enable a trusty man to furnish all the information that would enable the Congress of the United States to act advisedly in making the payments of the claims.

I express no opinion as to the circumstances surrounding this transaction; but it is due to the Indian Department—as allusion has been made to it frequently—to say that the Indian commissioners were expressly informed of the amount of the appropriation, and were limited in their instructions in regard to their expenditures to that appropriation. It is due to that Department to say, that this transaction, beyond that, has been contrary to the express direction of the Department. Whether the Government is bound, under the peculiar circumstances surrounding the commissioners, from matters which could not have been known by the Congress or the head of the Indian Bureau, will be a matter for the consideration of Congress, when all the facts shall have been presented.

Then the question arises, under these circumstances, whether, as a matter of economy, and as a matter necessary to enable Congress to do justice to its citizens and to itself—and a Government can never do justice to itself without doing justice to every citizen in the community, whether public or private—such an appropriation should not be made as will enable Congress to have the information upon the side of Government at the time the question shall be adjudicated? I think, under all the circumstances, an appropriation for this purpose should be made—not \$10,000, because that is unnecessary. Five thousand will be sufficient, and more than sufficient, to enable an agent or agents to investigate the character of the claims. For this reason, even if my proposition to amend fails, still that we may have both sides of the question before us once in the legislative history of the country, in the investigation of claims against the Government, I am willing to make the experiment. In my little experience in this and the other branch of Congress, I hardly know of a solitary case that has ever been presented to the Congress of the United States, where both sides of the claim have been presented to their consideration. It has always been *ex parte*. I think it will be worth the experiment in this matter to see what will be saved to the Government by investigating both sides. Therefore, I shall vote for the appropriation, even if my proposition to amend is rejected.

Mr. WELLER. If the Senate conclude to appoint an agent at all, I apprehend that ten thousand dollars will not be too much in order to pay the expenses of that agent. The State of California was divided between these commissioners into three divisions—Mr. McKee taking charge of the northern division, Mr. Wozencraft, of the central, and Mr. Barbour of the southern division.

These agents went into the respective portions of the State and made these contracts. Now, sir, in order to investigate the manner in which they were made; in order to determine the question whether the beef was or was not supplied under them, it will be necessary to visit the points at which the beef was to be delivered. The agent who may be appointed will therefore be compelled to go from the extreme northern part of the State to the extreme southern portion, because there are the points at which the beef was to have been delivered. There the witnesses reside whose testimony will be necessary in order to determine the question whether the beef was furnished for a fair consideration.

Now, whether Mr. McKee, as the particular commissioner for the northern section of the State, made contracts for the delivery of beef or not, I do not undertake to say. My understanding in that country was, that Mr. McKee had entered into contracts with parties for the delivery of beef. It was well known there that there was one case where the contractor, finding that it would be very inconvenient to drive the cattle over the mountains and deliver them at the points at which he had undertaken to deliver them, instead of running the risk of losing his cattle by driving them there, drove the Indians and fed them on the beef at his rancho, on the principle that it was much

easier to drive the Indians down to the rancho than to drive the cattle to where the Indians were.

There have been charges made in the public newspapers of fraud in all these contracts. I do not undertake to express any opinion as to the guilt of these men; but I know this fact, that the Department was advised more than a year ago, that these Indian commissioners were making contracts; that they were giving drafts on the Government to men who had furnished their property for the use of the Government; and, so far as I know, the Department took no steps to arrest the progress of these events.

I can readily imagine a case where any Senator within the sound of my voice would be willing to vote for the payment of a contract. Suppose these Indian commissioners, when they went there, had found a state of things existing which led them to the impression that the whole of the frontier was about to be devastated by the Indians; suppose that, in order to avert that calamity—in order to prevent hostilities with the Indians—the commissioners, in the exercise of their discretion, contracted for the delivery of five hundred head of cattle, in order to appease the Indians: is there a Senator on this floor, under this state of the case, who would not be willing to pay the amount expended?

It is said that there are some cases of this sort. The commissioners allege that they have gone on the principle, that it was better to feed the Indians than to fight them; and perhaps that is oftentimes the cheapest plan. They allege, as their justification, that they have gone upon that principle. If they found a state of things existing there which led them to the impression, and is sufficient to satisfy the Senate, that a war was averted by furnishing these Indians, who were then starving, with beef, any Senator would say, at once, that a contract for such a purpose should be paid.

I do not know now who are the holders of these drafts. I think that whenever the contractors delivered cattle, the commissioners gave them drafts upon the Treasury, with full knowledge, of course, that there was not a single dollar in the Treasury to pay them. I have seen many of these drafts. Some of them, to the amount of \$100,000, were in my hands but a short time ago. They belong to a gentleman who, I know, furnished in good faith his cattle to the commissioners, supposing that they had whatever authority was necessary to carry into effect the treaties which were made. Their impression was, that the treaties would have been ratified; and probably, after they had been formally signed by the Indian agent and the Indians, they were right in taking it for granted that they would be ratified by the Senate; but they have been rejected. The contractors were the holders of the drafts. In one case I know of an individual who had \$130,000 of these drafts, which he has hypothecated as collateral security for a loan of \$40,000, upon which he is to pay three per cent. a month; so that any one can see at once that he must be inevitably ruined. He has relied on the proceeds of the drafts taken from your Indian agents there to discharge his debt, and the consequences are apparent.

If it be the determination of the Senate to put themselves in possession of the facts, the appointment of this agent is indispensable. It is required not only by the interests of the Government, but it is demanded by the people of the State of California. If you are satisfied that any portion of them have, in good faith, supplied your agents with what was necessary to feed these Indians during the time when they were negotiating, it is your duty to put yourselves in possession of these facts by the appointment of an agent. Although some of my constituents are interested in this matter, I should not press it upon the Senate if I did not believe this information would be invaluable.

Mr. BADGER. The true objection, Mr. President, to the appropriation now sought to be made has not, in my judgment, yet been stated. It lies, in my mind, neither in any implied obligation of the Government for liability for these demands; nor in the amount proposed; nor in the supposition that these duties ought to be exercised by the present superintendent. My objection is above, behind, and more important and pressing, than any of these. It is this: You are going, under this amendment, if it be adopted by the Senate and agreed to by the House, to send out an agent

into California for the purpose of investigating these alleged fraudulent transactions. Where are you to go to get him? Where are you to find the agent who can discharge this duty in such a manner as to meet the approbation and satisfy the judgment of the Senate and of the country?

Why, sir, here are four Indian commissioners. We have been told by one of the Senators from California, that before they were sent to that country to discharge these duties, they were men of unimpeached, and, as it was supposed, unimpeachable reputation—men of high character for integrity and firmness. They go there, and directly afterwards they are found engaged—in what? In making contracts in violation of their duty. And more than that: the honorable Senator from California [Mr. WELLER] says that they are strongly suspected, and strongly charged—though he gives no opinion as to whether that charge or suspicion be correct—with having been fraudulently, unlawfully, and culpably engaged in making profit to themselves out of the unlawful transactions attributed to them, and of which they were no doubt guilty.

Mr. WALKER. The papers in California publicly charge it.

Mr. BADGER. Yes, sir. Now, suppose you appoint an agent, and send him there. Unless you can get a Heaven-descended angel, what guarantee have you that as soon as he gets out there he will not be engaged in unlawful transactions, and be immediately charged in all the papers with fraud and corruption by these very claimants? If the moment these commissioners entered on these Indian transactions, they forgot the integrity which their former good conduct was supposed to have implied, lost all recollection of what they owed to themselves, their families, and the reputation they ought to maintain—if all these considerations were insufficient to support them, and maintain their integrity against the temptations which surrounded them, where will you find your agent of any known character and established reputation, who will go out there and investigate the propriety of allowing claims to the amount of \$800,000, surrounded by every species of influence that is to mislead and bias him? He must do one of these things: Either yield himself to corruption, or what is next to it, (and practically as to the influence which his report would have, precisely the same,) be charged by all the newspapers with being corruptly engaged in villainously permitting one class of claims to be allowed at the expense of another. That is the difficulty, sir.

Ten thousand dollars is but a moderate sum. The object is desirable. It is important that the Government should obtain the information. But I ask, where is your guarantee that you can get any man who, if his integrity is proof against temptation, can stand against the universal imputation that he is corrupt and wicked? If the commissioners could not get along, how will the agent be able to stand perpendicular and erect, both in fact and in public estimation, in the discharge of this delicate duty with which it is proposed to clothe him? That is the difficulty.

Mr. ADAMS. In deference to the opinion of my friends from North Carolina and California, I withdraw my motion to amend the amendment.

Mr. PRATT. Mr. President, the argument of the Senator from North Carolina, as has been suggested by a friend near me, is rather against the climate inhabited by my friends from California. It is the supposition that nobody who goes there can be honest. I do not believe that. I wish, however, to assign the reason which shall govern my vote against the proposition, it being entirely different from any reason which has been suggested. It is conceded by every one who has spoken, except the Senators from California, that the contracts which have been made by these agents or commissioners were contrary to the authority vested in them; and, consequently, these contracts impose no obligation, legal or equitable, upon this Government to pay them. I cannot, therefore, for my life, see how those who entertain that opinion—and all of us seem to entertain it, except the two Senators from California—can vote to send an agent to California to examine into these claims, when we prejudice them by the assertion on the part of everybody who has spoken, that the United States are not bound to pay, and will not pay them. Is it not a work of supererogation to send our agent there to make investiga-

tion? I have no doubt the Government can get an honest agent, who will make a just and strict investigation; but when every one admits, that even after the investigation may be made, the Government will not be bound to pay the claims, why should we want to investigate in reference to them? Why should we want an investigation in reference to claims for the payment of which we are not bound, and which we do not intend to pay under any possible circumstances? Entertaining this view, I shall vote against the amendment which has been proposed.

Mr. CASS. I desired to say before, that no alteration of the amount appropriated will change my view of the question. My objection is not to the amount appropriated—it is not to its costing \$10,000 or \$5,000—it is to the thing itself that I object. For one, I am determined not to touch it, and I will have "neither part nor lot" in it.

You will recollect, Mr. President, and the Senate will recollect, that one great ground upon which the Creek claims were sought to be sustained was, that we had sent commissioners to investigate them; and that, therefore, the faith of the Government was committed to pay them. That was one of the strongest arguments presented on that occasion. It was said that we were bound to pay the claims, because the Government, having sent commissioners among the Creeks to investigate them, and having reported upon the claims, it created expectations in the minds of the Indians that we would pay them. Now, I intend to take no such step in this case. I will give no ground for such an assumption. I repeat, I will not touch the matter under any circumstances.

This is one of the most flagrant acts that ever took place in this country. I think no man can doubt that. The honorable Senator from California [Mr. WELLER] says that war may have been averted by it. Why, I concede that there are circumstances of great public danger where, when a man has all the responsibility, he ought to take it. They might carry out measures which, under ordinary circumstances, would be very doubtful, and from which, probably, bad consequences might result. General Macomb, at Plattsburg, was perfectly right in burning the town, and Congress thought so, because it provided for payment for that destruction. Now, if these commissioners did this act with a view to avert an impending and probable war, I would unquestionably look at the circumstances, and see whether they were such as to exonerate them; but I have not the slightest belief in the world in any such thing.

Mr. PRATT. There is no such allegation, as I understand.

Mr. CASS. I understood the honorable Senator from California to say that such may have been the state of things. I have no belief at all that any such state of things existed, and I have no belief that any such motives actuated these commissioners; nor do I believe that if the Indians had not received one pound of beef, there would have been any war any more than there is now. The commissioners made the treaties which have been rejected by the Senate, and then they went on to carry them into effect, and, so far as they could, to pledge the faith of the Government to the amount of a million of dollars. What will be the consequence if we should sanction their act? Why, any Indian commissioner hereafter holding treaties will go on and contract debts equal to those contracted here, and appeal to this case, and say that Congress paid these claims, and that we should pay theirs. It will, in fact, be a motive for the commissioners to contract debts, and for persons to tender their property in order to get paid for it.

I shall not vote for one dollar of these claims that do not come before us in the proper manner. They should not come here by the act of the Government. The Government should take no part in it; but if a claim is presented through the Committee on Claims, and comes here for the action of Congress in that way, I shall take it up, and consider it, and judge for myself what ought to be done; but I repeat, I will take no initiatory steps that shall, by any possibility, lead to the presumption that this Government considers that it is responsible for these debts.

Mr. BADGER. One single word of explanation. I did not intend, as my friend from Maryland [Mr. PRATT] supposed I did, to intimate that there were not men of integrity, who could be secured for the discharge of the duties of this office.

I should be very sorry, sir, to think so poorly of my kind, as to suppose that competent men could not be procured by hundreds. But I say, that in order that this office shall be effectually and profitably discharged, the man who fills it must not only be a man of inflexible integrity, but he must be recognized and admitted to be such. The influence of his decision will depend upon its moral force. His decision does not bind us. What I meant to convey was, that as with regard to these commissioners, they had fallen either under the influence of temptation, or under the unjust imputation of having yielded to it; so with regard to any agent you will send out there. Sir, the spirit of defamation is so rife in the country, that I undertake to say, it is impossible that any man, be he who he may, can be appointed to discharge the duties of an office of this kind, whatever may be the purity, the snow-white purity of his character, who will not be charged, decide as he may, and will not, by a large portion of the community, be believed to have been guilty of some base and corrupt violation of his duty. And in order to the exercise, effectually and valuably to the country, of such a commission as is here proposed, the agent must not only be upright, but his uprightness must be unquestioned; he must not only be pure, but unsuspected.

My difficulty is in knowing where and how you can get such a man. I do not see how. Four gentlemen went into California as commissioners. They went with unsuspected characters; irreproachable men—men of the highest standing. The very moment they got there they are found making contracts in violation of their duty, and are generally charged in the newspapers with the grossest corruption. Now, where can you get an agent that can bring any better guarantees that he will either do right, or will be looked upon by the public as doing right? Therefore I think that, upon the whole, desirable as it would be—for I do not yield to any of the other opinions—to enter into this investigation, we had better, under the circumstances, trust to ourselves to investigate the claims, when they come here, as best we may.

Mr. PEARCE. The allegation was made by these Indian commissioners that there was imminent danger of an Indian outbreak along the whole frontier of California. That was the sole pretense of an excuse for their conduct. And, certainly, if that allegation had not been made, I, for one, should never have been willing to listen, for a moment, to any proposed investigation; for, without that justification, or that palliation of their conduct, it would be a matter of no importance to the Senate whether these contracts were fairly or fraudulently made; whether all the provisions were supplied as they are charged or not; whether they were charged at double prices, or at proper prices. In short, there would be no question for us to consider, except with how much contempt and reprehension we should treat the whole demand. But that allegation does make a difference in the state of affairs. I understand the Senator from Michigan to say that, if it were true that an Indian war could have been, and was, averted by these means, then he might consider the question.

Mr. CASS. I said, and I repeat, that if there was an extreme state of danger in that country, and that could be made manifestly to appear to Congress, it would justify us in meeting the expenditures. I do not think it would justify us in meeting the whole amount of expenditures, but it would justify us in a portion perhaps. But we should require the clearest and the most decisive proof of that fact, and not idle rumors.

Mr. PEARCE. Well, sir, that is the allegation—that is the very thing which I desire to have investigated under this amendment. Other investigations will necessarily follow as to the quantity furnished—whether it was necessary, as to the full amount furnished, and whether it was furnished at proper prices. But it has been said by the Senator from California [Mr. GWIN] himself, that there were actual hostilities waging at the time these men state—that there were a great many Indian massacres and massacres by the Indians at that time. These commissioners pretend to justify themselves upon that ground, and that ground alone. This is the first thing which I desire to investigate, and without which I would not investigate the other questions at all.

Mr. BAYARD. I would ask the honorable

Senator from Maryland, if any such reason was assigned to the President of the United States, or to the Department of the Interior, by these agents at the time they transcended their authority? Was it said at the time, that it was with a view to prevent an Indian war, or because they feared that, if they did not assume that responsibility, such a war would ensue? Or is this merely a foreshadowing of a reason for coming here afterwards? Was it assigned by these agents at the time, as a reason for the exercise of authority not confided to them, that there was danger of Indian hostilities, which justified them in going beyond the appropriations which had been made by Congress?

Mr. PEARCE. I believe that allegation was made, in the letters of the agents accompanying the treaties. I have not the letters before me, however, and cannot refer to them at present. They were printed in the document which was laid upon our tables several months ago. I believe one of the letters bears date in the fall of 1851.

Mr. BORLAND. Mr. President, I think the question as to whether these contracts were necessary to avert a war, relates a little further back than to the return of the treaties here, and the reasons assigned for making them. I have thought that the Government took the initiative. We appropriated money in the first place. If these Indian hostilities were threatened then, the appropriation should have been made on the ground that it was necessary to avert them by treaty; and the question should have been presented to Congress at the time the appropriation of \$50,000 was made. But I have never heard it urged as a reason for making that appropriation. Some Senator would certainly have recollected, if it had been given as a reason for the appropriation, that there were Indian hostilities impending over the people of California, and that it was absolutely necessary to make the appropriation, and to make large concessions to the Indians to avert a war. We should certainly have heard something of it at the time. I did not hear anything of it, and for that reason I cannot suppose that it can be alleged now as a valid reason for recognizing the acts of the Indian commissioners. It could hardly have been, that we appropriated money and appointed an agent to go out and treat with the Indians, and when the Indians came to treat, they became so hostile, and made such formidable demonstrations, that it was necessary to involve the Government to the amount of \$1,000,000 to avert a war. So that, I apprehend, this idea of averting Indian hostilities can hardly be a justification for the acts of the commissioners.

But be that as it may, I think it is the first time in the history of legislation here, that it has been seriously proposed to appropriate money for the payment of an agent to scour the country, and ascertain who has got a claim against the Government, and what is the ground of it; for it seems to me that this proposition amounts to that. If there are claims arising without any very gross or flagrant fraud, as is alleged, it will be time enough to consider them when they come before us in the ordinary way, as ordinary claims. But, if these claims have originated in such fraudulent practices as have been alleged, it seems to me, that, instead of sending an agent there to investigate them, the district attorney of the United States ought to be directed to prosecute the parties. That is my view as to what would be the proper way to dispose of this matter.

If there be no fraud—if the commissioners have, without fraud, exceeded their authority, and contracted debts for which the Government is not bound, it will be time enough to consider them when they are brought forward, and to reject them if we please; or if their authority be found to conform to the law, we can pay them. But if these debts have been contracted under circumstances as grossly fraudulent as have been alleged, to that enormous amount, I think that legal steps ought to be taken by the law officers of the Government to bring it before the courts, and not before Congress.

Mr. ADAMS. I am very reluctant to procrastinate the discussion upon this subject; already too much time, doubtless, has been consumed in the investigation of this and other matters connected with the bill; but I beg the indulgence of the Senate for a moment to correct a slight misapprehension of my friend from Maryland, [Mr. PRATT.]



I understood him to say that it is admitted on all hands that there is no legal or equitable claim upon the Government for the amount of these contracts. The first part of the proposition is true. It is admitted on all hands that there is no legal claim; but I, for one, do not admit that there may not be some equitable claim upon this Government for these \$800,000 which have been presented. There may be some equitable claim, and hence the necessity of the inquiry. This transaction of the commissioners may be surrounded by circumstances which may show that they saw it was necessary, in order to save their brethren, their wives, and their children from slaughter, to make contracts; and if so, and those contracts did answer that purpose, and it was apparent to every reasonable man on the ground, that it was not and could not have been known here, I ask honorable Senators whether there is not an equitable claim to pay the value of the property taken to save the lives of our citizens? May it not be so? No one here is prepared to say that it is not so; and is it not reasonable that we should investigate that matter?

My friend from Arkansas anticipates the record, and speaks of the merits of the question, in relation to which we are not advised. Senators seem anxious to dispose of this, as if it were an ordinary case. The Senator from Arkansas says, let the parties present their claim. Why, sir, claims to the amount of \$800,000 have already been presented. The Senator from Arkansas says, Why institute an inquiry as to who has the claims? We know who hold them already; we know who are the holders of claims to the amount of \$800,000, which have been presented here. We all admit that the claims are not legal ones. The question then is, is it expedient and proper now that we should investigate the side of the Government, and appoint an agent for that purpose? That it would be not only profitable to the Government, but right and just to all concerned, I have not the slightest doubt.

Mr. PRATT. It certainly requires no investigation on the side of the Government. The Government rests upon the instructions which she gave her agents. She could only be bound coextensively with those instructions. I submit, therefore, to my friend from Mississippi, that the side of the Government certainly requires no investigation.

The Senator says that he can imagine a case which will produce an equitable claim for these \$800,000. He says that amount might have been expended to avoid bloodshed, and that in that case there would have been an equitable claim. Now, I think that the facts stated by my colleague in his first speech are conclusive evidence that no such state of things existed. He stated that the President, after an investigation of the illegal exercise of authority upon the part of the commissioners, rebuked them; that one was forced to resign, and that another was turned out. If there did exist a necessity for this expenditure to avoid bloodshed, we all know the President of the United States too well not to know that he would not have turned out these men if there had been any plausibility in their allegation. He has not been apt to turn out either friends or foes. He certainly never turned out any one without investigation; and he would not have condemned the course of these commissioners if there had been any plausibility in their allegation that their acts were produced by the necessity of avoiding an Indian war. Therefore we have irresistibly before us proof that the state of facts upon which some Senators rely did not exist.

Mr. PEARCE. My colleague is mistaken in supposing that I said that the President rebuked these commissioners. I said that they had been rebuked, but by the Commissioner of Indian Affairs. I did not say that the President had rebuked them. I have found the letter to which I adverted a moment ago, from which I wish to read an extract. It is a letter from Mr. Barbour, dated January 5, 1852, in which he says:

"The plan for our future operations was duly communicated to your Department. We found the Indians at open war with the whites in many parts of the State; and with but few exceptions, I believe in the southern portion of the State, (that portion subsequently assigned to me,) they were hostile, and the war between them and the whites characterized by those acts of rapine and murder usual in Indian warfare. The country called for some relief from such a state of affairs; the miners had been driven from the gold mines, and every day almost some outrage or injury was

done to the person or property of the citizens, and in return many of the Indians were killed, and their stores of provisions destroyed."

This letter was dated January 5, 1852, and Mr. Barbour left California, I believe, in the fall of 1851, with a portion of the treaties in his possession. He was delayed some time on the Isthmus, as I understand, by the loss of his baggage. He finally came to New Orleans, from which place he went to Kentucky, the State of his residence. From that State he addressed to the Commissioner of Indian Affairs the letter from which I have read an extract. That is the first official information, so far as I know, that was communicated to the Government that there was any danger of Indian hostilities in California.

Mr. WELLER. I ought, perhaps, in justice to the commissioners, to say that it was claimed by them throughout, not only in the correspondence but in California, in justification of their action, that these contracts were indispensable to avoid hostilities on the part of the Indians. They say that a great deal of bad feeling had been gotten up between the citizens of the State of California and the Indians, and that by making these contracts and supplying the Indians with food they averted hostilities. I know that that is claimed by them, and it is for that reason I am not prepared to say that the Indian commissioners did no good act.

I was opposed to the ratification of the treaties, because they retained a great many reservations for the Indians in the midst of the white population. A great many of these reservations were made in the northern section of the State, on mineral lands; and I knew that it would be utterly impossible to secure to the Indians the undisturbed possession of the reservations proposed to be set off to them. That was one reason, and a very strong one, which influenced me in voting against the ratification of those treaties. But that the Indian commissioners, in many of their operations, acted in good faith, I do not doubt. I have no doubt whatever that they supposed there was imminent danger of an Indian war. It is claimed by them that none of the tribes of Indians, with which they entered into treaties, gave the citizens of California any trouble during the last year. During the latter part of last year, we were constantly involved in difficulties with the Indians, and our State has been subjected to an immense expenditure in meeting those Indian difficulties. It is affirmed by the commissioners that none of the difficulties took place between the citizens of California and those tribes with which negotiations were had. I confess I am not in possession of the necessary information to enable me to decide whether this be true or not, but I am inclined to the opinion that, to a certain extent, it is true; and that very few of the Indians with whom they negotiated, and to whom they delivered food, gave the citizens of California any difficulty during the past year. It may, therefore, be possible that the General Government, if, in the end, it should be compelled to pay the \$800,000, may have saved more than that amount by not being compelled to refund to the State of California money which that State would otherwise have expended in meeting those hostilities.

Now, sir, there is no doubt about this, that although there may have been individuals sent into that country who have transcended their authority, and made contracts against the wishes of the Department, there can still be found some honest man in that country to investigate into the matter. My friend from North Carolina seems to think that because three or four men who have been sent out there have engaged in improper transactions, and transcended their authority, it is therefore impossible to find an honest man there, but that the very moment he breathes the atmosphere of California he becomes a rogue. Why, I could guaranty to my friend from North Carolina that he could go there, spend a whole year, and come back as honest a man as he is now. I undertake to say further that there are just as many honest and intelligent men in the State of California, who have breathed the atmosphere of the Pacific coast for the last two years, as can be found in the State which he represents.

He seems to take it for granted that the whole population of California are interested in these contracts, and that the very moment your agent, sent out under the authority of this law, got there,

such a clamor would be raised by the population of California about his ears that he would fall under its malign influence, and, like some others who have been sent out, turn out to be a rogue. I suppose that there are not more than fifty men in the whole State of California who are interested in these claims. It is well known that the beef was supplied by gentlemen who owned extensive tracts of country, and who owned immense herds of cattle. The beef was furnished by them. The great body of the people of California had no interest in the matter; but a very large majority of them were opposed to these treaties. They were opposed to the transactions of these commissioners; and my word for it, so far from the man who may be sent out having improper influences brought to bear upon him, in order to induce him to report in favor of these contracts, the clamor will be the other way. He will find himself surrounded by men who are denouncing the commissioners and the contracts which they have made. There is no danger to be apprehended on that head. If I were to undertake to designate, I could name many men in California who have sufficient knowledge and intelligence to report upon the facts, as to the manner in which the commissioners transacted the public business.

I agree with my friend from Michigan, that this is a most extraordinary case. It is the first time, in the history of the Government, where an agent who was sent out with limited power to draw to the amount of \$25,000 or \$50,000, has undertaken to make contracts which will exceed \$1,000,000; but, nevertheless, the act has been done. It has been done by the agents of the Government. They have procured the property of the citizens of California, who supposed that they were authorized to make these treaties. Those citizens surrendered their property in good faith, and at some day they will be asking Congress, as a matter of justice and equity, to pay them for their property thus furnished.

I shall not undertake to repeat what I have heard in regard to this question, because there is a great deal said which is not true; and I have, in my own past history, a striking illustration of the fact that you cannot always rely on the newspapers. But there are many charges made against the Indian commissioners, which ought to be investigated before we can decide upon any of these claims. That some claims will appeal so strongly to the justice and equity of Congress, as to impress on the minds of honorable gentlemen the necessity of paying them, I have not the slightest doubt; but, in order to discriminate, you must have some person with power to investigate.

Mr. BELL. Mr. President, I shall not prolong this debate by noticing the points which have been alluded to, further than in one slight respect. I want to make a suggestion to the friends of this proposition, with regard to the form of it. As the amendment now stands, it proposes to appropriate \$10,000, under the direction of the Secretary of the Interior, to make this investigation. Now, I think that if we make the appropriation, we ought to make it as effective as possible. The objection stated by the honorable Senator from North Carolina had occurred to me, and I mentioned it to a Senator near me. If an officer of the Government was to select a particular agent of known character and ability and send him to investigate these claims, no man would undertake it for any compensation that could be given under the appropriation of \$10,000. Very few men of competent character would undertake it voluntarily any how, for any compensation you could give. Very few would be willing to go from this country to California; and in California it would be a very invidious task to select an individual. But still I doubt not that there are competent gentlemen who would undertake it for some reasonable compensation.

I think we ought to extend the sphere of authority which we are communicating to the Government. We ought to change the phraseology of the amendment in such a manner as to make it read, "to enable the President to cause investigation" of the circumstances under which these extraordinary claims against the Government have originated. All admit that it is almost unparalleled in the history of the Government. It is worthy the consideration and attention of the highest Executive officer. The Secretary of the Interior might be altogether competent in that respect; but

I think it ought to be put under the direction of the President.

Again: there may be a military commission existing in California. The officer in command in that country may change it; and it has been suggested here that these supplies have been furnished under military exigencies, on account of war being threatened by the neighboring Indian tribes. It seems to me that the military officer in command—if he is a gentleman of high character, as I believe he is—I do not know who is there now—I refer to the commanding officer of last year—would be a very proper person to judge of that allegation, and investigate the truth of it; and the President would have power, in connection with the allegation made as to the military exigencies of the country at that time, to direct him to make inquiry into those circumstances, and to report. He might have to send for witnesses at a great distance. He might have to visit the different sections of the country.

Again: the President, under such an appropriation as I suggest, would have the power of sending any known, tried, and experienced accounting officer there—a gentleman possessing such a character as the honorable Senator from North Carolina says he ought to possess. I only make this suggestion to the friends of the measure. I think it would be well enough to have the service done by known officers of the Government, of experience and standing, who would inspire confidence in the public generally.

Mr. WELLER. Upon the suggestion of my friend from Tennessee, I move to amend the amendment by striking out "Secretary of the Interior," and inserting "President of the United States." This suggestion has my entire approbation, and, therefore, I offer the amendment to the amendment. I would assign, as one reason for it, that, amongst the various charges that have been made against the commissioners in California, some were in regard to gentlemen connected with the Department of the Interior.

Mr. BELL. I made no allusion to that.

Mr. WELLER. That is an additional reason why the control of this matter should be given to the President of the United States. It would be perfectly satisfactory, I doubt not, to all the parties in California, that the appointment should be made by the President himself directly.

Mr. BELL. I beg leave to say that I made the suggestion in reference to the power of the President to require the military officers to report to him. The Secretary of the Interior could not do that. The President alone can command the services of the military officers.

Mr. WELLER. I prefer that the appointment should be made directly by the President of the United States, and therefore offer the amendment to the amendment.

Mr. GWIN. I hope that amendment will be adopted, for the reasons which have been suggested, and for a further reason which I think I can give. Under the amendment as proposed to be amended, the President of the United States can order—and, in my opinion, he could not do better than order—the officers of the Army to investigate this matter. They are in the country; the commissaries and quartermasters are scattered all over the country, and they could make this examination with impartiality.

I am very glad the suggestion has been made by the Senator from Tennessee. I am not sure that there are officers of the Army there who can investigate the subject, and can report the facts of the case in a proper manner.

Mr. BADGER. Mr. President, the Senator from California does not exactly meet the point of my objection to the amendment. It does not rest upon the ground that there are not men of integrity and capacity to discharge these duties in such a way as ought to give entire satisfaction to the Senate and the country; but it rested upon this: That we had strong reason to believe that any person who might be sent there for the purpose of discharging these duties, would either fall a victim to temptation, or a victim to vilification. What is the case here? Four men of unimpeachable reputation were sent out to California as Indian commissioners, and immediately after they entered upon their duties, they were found engaged in unlawful transactions, and were generally charged by the whole newspaper press of that country with being engaged in participating in fraudulent con-

tracts on the Government. Here, where these four commissioners have fallen, you propose to send out one man, exposed to the same trials, the same difficulties, the same dangers, to make an investigation of the proceedings of his four great and illustrious predecessors. Now, sir, I submit, if there is not good reason to fear that there would be something that would be injurious to the integrity and fatal to the reputation of the man who might be engaged in such an investigation? Then my objection was this: As he was not to decide private claims between individuals; as he was not like a judge, whose sentence has weight of its own force, but one whose opinions were to govern us from their moral influence, how could we hope to derive benefit from such an investigation, when he would come here either contaminated with corruption, or with a general imputation upon him, however unjust, that he was so contaminated? That was the ground of my objection.

Mr. BORLAND. Mr. President, I cannot see any good reason for the proposed amendment to the amendment. I take this Administration to be a unit, and I do not see that it makes much difference whether we leave this matter to the President of the United States or to the Secretary of the Interior. I do not see any necessity for the change proposed by the amendment of the Senator from California. I would have preferred the amendment in its former shape.

The amendment to the amendment was agreed to.

Mr. UNDERWOOD called for the reading of the amendment as amended; and it was accordingly read, as follows:

To enable the President of the United States to cause an investigation to be made of certain claims preferred against the United States for provisions alleged to have been furnished to the Indians of California, §10,000.

Mr. BAYARD. Upon that amendment I ask for the yeas and nays. I think it involves a very important principle, in regard to which I agree entirely with the sentiments of the Senator from Michigan.

The yeas and nays were ordered; and being taken resulted—yeas 9, nays 34; as follows:

YEAS—Messrs. Adams, Bell, Dawson, Foot, Gwin, Mallory, Pearce, Smith, and Weller—9.

NAYS—Messrs. Atchison, Badger, Bayard, Borland, Bright, Brodhead, Brooke, Cass, Charlton, Chase, Clarke, Davis, De Saussure, Dodge of Wisconsin, Douglas, Felch, Fish, Geyer, Houston, Jones of Iowa, King, Mason, Meriwether, Miller, Norris, Pratt, Sebastian, Seward, Spruance, Sumner, Toucey, Underwood, Upham, Wade, and Walker—34.

So the amendment was rejected.

Mr. ATCHISON. I move that the further consideration of the bill be postponed until tomorrow.

Mr. BRIGHT. I hope not.

Mr. ATCHISON. I have a great many amendments to propose to the bill by direction of the Committee on Indian Affairs, and I understand that we have now got through the amendments of the Committee on Finance.

The motion to postpone was agreed to.

On motion by Mr. SEBASTIAN, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned to Monday.

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 6, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the consideration of House bill No. 146, to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes.

Mr. McLANAHAN. I call for the regular order of business.

Mr. INGERSOLL. I ask the unanimous consent of the House to present certain resolutions of the Legislature of Connecticut.

There was no objection, and the resolutions were received by the House.

Mr. VENABLE. I call for the reading of the resolutions.

Mr. McLANAHAN. I ask whether this reading will come out of the morning hour?

The SPEAKER. It will come out of the morning hour.

Mr. McLANAHAN. Then I object to the reading of the resolutions.

The SPEAKER. The resolutions having been received, any gentleman has the right to have them read.

Mr. VENABLE. I call for their reading.

The resolutions were then read by the Clerk, as follows:

STATE OF CONNECTICUT, GENERAL ASSEMBLY, }  
May Session, 1852.

Resolved by this Assembly, That the union of the United States, and the Constitution by authority of which the Federal Government is administered, were results of a spirit of compromise and mutual concession among the conflicting interests and sentiments of the people of different sections of the country; and that it is the duty of every good citizen now to exercise the same spirit of compromise and concession in cases of sectional differences of interest or opinion, for the purpose of preserving for themselves and their posterity the blessings resulting from that union and government, in the perpetuity of which are involved not only the future welfare and prosperity of the people of this country, but also in a great degree the progress of the cause of civil and religious liberty and free government throughout the world.

Resolved, That in a Government like this, in which all political power emanates from the people, by whom all rulers and legislators are appointed, and to whom they are responsible, it is peculiarly the duty of all citizens to yield cheerful obedience to all laws regularly enacted by their representatives, until such laws shall have been legally adjudged by the proper tribunal to be unconstitutional.

Resolved, That the series of measures denominated the compromise measures, adopted by the last Congress, disposing finally and peacefully of a variety of questions which had previously disturbed the country, embarrassed the Government and the National Legislature, and seriously threatened the existence of the Union, were wisely adapted to the fair adjustment of the vexed questions at issue, and constituted a fair and equitable compromise of the whole subject; and that said series of measures, as such compromise, meet the full approbation of this Assembly.

Resolved, That the act, termed the "fugitive slave law," is, in the judgment of this Assembly, in accordance with the provisions of the Constitution, containing merely provisions in detail necessary to carry into effect the provisions of that instrument; and that it is the duty of all good citizens to sustain the execution of said act by all lawful and proper means.

Resolved, That his Excellency the Governor may be requested to transmit a copy of these resolutions to the President of the United States, to the Governor of each of the several States of the Union, and to each of our Senators and Representatives in Congress.

SENATE, June 23, 1852.—Passed.

L. B. BRADLEY, Clerk.

HOUSE OF REPRESENTATIVES, June 28, 1852.—Concurred.

G. W. SAYLES, Assistant Clerk.

Mr. INGERSOLL. I move that the resolutions be laid upon the table and printed.

Mr. CABLE, of Ohio. I object to the printing.

The question was then taken, and the resolutions were ordered to lie upon the table.

The question then recurred upon the motion to print.

Mr. CLEVELAND. I wish to be heard at some suitable time upon the motion to print, and upon the resolutions; but I do not desire to debate them now, as time is precious so near the close of the session. I move that the motion to print be postponed until the second Monday in December next, when we shall have more time to discuss them, which I am desirous of doing.

Mr. STEPHENS, of Georgia. I move the previous question upon the motion to print.

Mr. STEVENS, of Pennsylvania. I desire to know what will be the effect of the adoption of the previous question upon the motion to postpone?

The SPEAKER. It will cut off the motion to postpone.

The previous question was then seconded.

Mr. CABLE demanded the yeas and nays upon ordering the main question; but they were not ordered.

The main question was then ordered to be put.

The question was then taken, and the resolutions were ordered to be printed.

Mr. HOUSTON. I move to reconsider the vote by which the resolutions were ordered to be printed, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

## FEES AND COSTS OF COURTS.

Mr. OLDS. I call for the regular order of business.

The SPEAKER. The regular order of business, is the consideration of the following bill:

"A bill to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the

'circuit and district courts of the United States, and for other purposes.'

Mr. BOWIE. Mr. Speaker, if this were a bill merely to regulate the fees and costs of clerks, marshals, and attorneys of the district and circuit courts of the United States, as it assumes to be, I should not trouble the House with any remarks upon it, notwithstanding I am persuaded it will work great injustice in this respect if passed.

But I am sure, if gentlemen of this House will trouble themselves to read the bill carefully, they will find it involves the most material changes in the criminal law of the country. These features, I think, should arrest the attention of the House before they give their sanction to the bill in its present form. I hope this bill will, at least, be recommitted, in order to have those obnoxious features stricken out. The features to which I now allude, and to which I shall only incidentally refer, may be found on the second and third pages of the bill. On the third page of the bill is the following paragraph, viz:

"Whenever there are, or shall be, several charges against any person or persons for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments shall be found in such cases, the court may order them consolidated."

It is known to every gentleman who has the least experience in criminal practice, that according to the English law, and according to the law as practiced in most of the States in this Union, wherever there are found two or more counts in an indictment charging felonies, the prosecuting attorney is always required by the court to make his election upon which of the counts he will proceed to trial. This bill proposes to adopt an entirely different rule, and by authority of law, to reverse the practice, and place it in the power of any court of the United States to try any person accused of crime, upon any number of counts. The language is "which may be properly joined," not *legally joined*. Thus introducing a discretion dangerous in the extreme, if exercised by the courts, and jeopardizing the liberty of the citizens, by placing them within judicial legislation. Under a practice like this, the accused would not be safe. It would be impossible for any man, laboring under the disadvantages which usually surround those accused of crime in this country to prepare himself for a successful defense against the charge of two or more offenses. If prepared for one, he might be convicted of the other for want of evidence, not knowing for which offense he would be arraigned.

Again, Mr. Speaker, on the fourth page it is said: "When two or more charges are, or shall be made, or two or more indictments shall be found against a person, only one writ or warrant shall be necessary to arrest and commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offense, or to refer to them only in very general terms." This is proposed to be the language of the criminal statute law of the United States in the nineteenth century—that crimes upon the face of the warrant are not to be specially described; that a man accused of crime is not to be informed by the warrant of what he is accused, and that the charges need only be described in very general terms. Our ancestors, three hundred years ago, defied and denounced this principle. It was one of the most odious artifices of despotism. The twelve English judges in the time of Elizabeth, denounced it, and in the time of Charles I. they reiterated their condemnation; and we are now, in this nineteenth century, asked to incorporate this tyrannical and odious principle in the criminal code of the Union.

For the purpose of saving a few dollars to the Treasury, we propose to jeopard the liberty and security of every citizen of these United States. But I hope, nay I know, it is only necessary to call the attention of this House to the dangerous consequences emanating from such a proposition, in order to insure its rejection.

Another section provides: "When an indictment for crime shall be tried before a jury, and a conviction is had, in addition to the attorney's fees allowed by this act, the district attorney may be allowed a counsel fee in proportion to the importance and difficulty of the case, not exceeding thirty dollars."

This clause is said to be taken from the statutes of some of the States. I hope, for the cause of justice, there are not many which have adopted it. A premium of thirty dollars offered for rigorous prosecution! How long ere, under such temptation, prosecuting will degenerate into persecution, is not difficult to foresee.

The sovereignty of the United States, with all the means and appliances of power, arrayed against a poor prisoner, suspected of crime, without friends or fortune to defend him, is a spectacle pitiable enough. When rewards for conviction are thrown into the scale against him, well may the law commend him to Heaven for a safe deliverance.

I shall not consume the time of the House any longer in pointing out the several obnoxious features of this bill, but wish to say that the principle of this bill is antagonistic to, and the reverse of all legislation upon this subject from the commencement of this Government.

Mr. Speaker, all the lawyers of this House know that when the Federal judiciary was being organized, it was the anxious desire of the Congress of those times, to make the Federal Government sit easy upon the several States. It was the great solicitude to interfere as little as possible with the machinery of the several States, and particularly with the laws, the institutions, the customs, and the practices of their courts. In conformity with that desire, the Congress of 1789 required that the process of the Federal courts, in each State should conform to the process of the several States, and that the laws and decisions of the several States should be the rules of decision in the Federal courts, wherever they would apply.

Thus, while a uniform system of laws and jurisprudence was extended over the thirteen United States, the modes of executing and interpreting them were expressly varied to suit the preëxisting institutions and habits of the people. New courts were established, and new officers were created; yet those courts and those officers were expressly enjoined to adopt, as far as possible, the forms of process and proceeding, and principles of decision which the several States had respectively established and used. There was unity of design, with variety of detail. This regard for the rights of the States, proceeded as much from the necessity of the times, as from profound policy. Although all the thirteen States derived their jurisprudence from the common law and such statutes of Great Britain as were applicable to their condition, yet in the century which had elapsed between their colonization and the Revolution, local customs, colonial legislation, and judicial interpretation had established in each, forms of proceeding, and principles of interpretation peculiar to themselves, which it would have been onerous and oppressive to change abruptly. Each would have exclaimed, in the language of the Barons,

"Nolumus legis anglie mutari."

These judicial forms have become a part of the laws, the language, and muniments of the State, and the knowledge and practice of them a science or profession—varying in detail in almost every State in the Union—and in the values attached to them.

Now, for the first time, it is proposed to require all who administer the law, as attorneys, solicitors, clerks, or marshals, throughout the United States, except California, however different the modes of administration, whether simple or complex, easy or difficult; whatever the length or brevity of process; however different the forms may be in different States, or however various the wages of labor in such pursuits in different States, to adopt one horizontal scale of fees, whether adequate or not. The exception in behalf of California exposes the grossness of the proposition. The exception is just—but why? Because a different standard of prices for labor prevails there. So with regard to judicial business in every State of the Union. Maine and Louisiana, Maryland and Mississippi, the East and the West, the North and South, have different forms, different prices, which cannot be made to approximate any common standard. It would be as just to enact that one uniform price of manual labor should be charged, from Texas to Maine, as to put a uniform price on the time and labor of attorneys, clerks, and marshals, throughout the United States, without regard to the different circumstances which surround them.

The original laws regulating the fees of these officers being based on the scale of fees, established in the respective States, adding one third, were founded in equity and justice, having due regard to the variety of place and circumstance under which the services were to be performed. Nobody is so well qualified to judge of the value of such services as the Legislatures of the States, and when provision is made for measuring the compensation of Federal officers, by the prices allowed in the respective States in which they serve, every precaution is taken which ordinary legislation can devise.

Now, an entirely different spirit has come over us. Now, we are not only to have Federal courts, but we must have Federal process, exercised under Federal laws, with a total disregard to the local institutions, to the local laws, and to the local practices of the several States.

There never has been, in my judgment, a bill introduced into Congress, showing the features of consolidation more obviously than this. Here a horizontal scale of fees is introduced. Here general terms are used, wholly inapplicable to many of the States, under which no fee bill can be taxed, which imposes upon private citizens more than a hundred per cent. of legal taxation, in order to protect the Government.

Look at the very first feature of the bill, upon page second. The legal taxable costs in every jury trial is to be \$20. Now, it is only \$10 under the act of 1789. (I omitted to state that the act of 1789 provided that the costs, as taxed in the supreme courts of the several States, with one third added, should be the allowance of attorneys and clerks in the United States courts.) This bill adopts an entirely different standard. Under that standard, in the State of Maryland, the legal cost of an attorney, as taxed, was \$10, but now, in every case in which there is a jury trial, the defendant is to be mulcted with \$20 costs.

What community at all involved in litigation, can bear oppression of this kind? Whence the change, Mr. Chairman? Do you find the citizens of the United States complaining of the judiciary system? So far as I learn, there is no memorial addressed to us upon that subject. It is the United States, the great corporation of the United States, which considers itself aggrieved. If it be aggrieved, let it address its remedy to its own wrongs, and not attempt to impose upon every citizen an addition of one hundred per cent. taxable legal costs in order to protect themselves.

Mr. Chairman, this bill is not necessary to protect the Government. The Government has the means of protection in its own hands. It has already adopted a law requiring every officer, marshal, and State attorney, to return an account of their receipts; all whose salaries exceed \$6,000, are required to pay the surplus into the Treasury. Is not this restraint sufficient? But they tell us the accounting officers of the Treasury say, the marshals and the clerks abuse this right; they make enormous charges, and do not faithfully account. Has not the Government power to remove the marshals—are they not appointed at pleasure, and would not any man justly obnoxious to this charge be a fit subject for instant dismissal?

If the House will take the trouble to examine document No. 2, accompanying the report of the Secretary of the Interior, they will find the grievance proceeds from an entirely different cause. Under the old system, the judges of the courts of the United States were required to examine the accounts of marshals and clerks, and certify them to the Government. By the act of 1842, this duty was transferred to the clerks; and the Acting Comptroller says that the tendency of the transfer has been to induce the judges to neglect their duty, and to rely upon the clerk's certificate, and that since that time the expenses have greatly increased. But the Acting Comptroller does not disclose the whole case. In the document appended to the report of the Secretary of the Interior, will be found a reference to a letter of Judge Dickinson, complaining of the indignities thrown upon the bench by the accounting officers of the Treasury. Judge Dickinson says: "Judge Baldwin, for years before his death, actually refused to examine and certify accounts of the officers of the court, because the officers of the Department (as he thought) improperly interfered with his duties; and Judge Grier made complaint of like conduct."



This is the ground of the complaint. The act of 1798, and the subsequent acts up to 1842, had committed the interests of this Republic and the interests of the Treasury to the supervision of the judges of the district and of the circuit courts. But the accounting officers, not content with relying upon that, undertake to revive and supervise, and to reverse their allowances; and the judges, finding themselves treated with this indignity, have refused to perform that special duty. You will find that the tables returned to this House, while showing an enormous increase in the expenses of the judiciary system, show that that increase commenced about the year 1842, about the time the supervision of the judges was withdrawn—about the time that this responsibility was divided between the clerks and the judges.

We have not had time to probe the whole extent of this business. We have not had time to ascertain where the wrong is, or who committed it. It is evident, from the papers returned with this bill, that the United States Attorney General gave opinions which authorized, to some extent, the revisions of the clerks' accounts by the accounting officers of the Treasury; and the language of the first of these opinions—I refer now to the opinions of Attorney General Wirt—is exceedingly cautious. He expressly declares—"The account, then, is to be first submitted to the Auditor, and he is to examine it—not to control, in the slightest degree, the discretion with which the law has invested the court, but to see that that discretion has been exercised upon the subjects pointed out by the law, or, in other words, to see that the account contains no items but those which are authorized by the law."

Other Attorneys General, Messrs. Butler and Crittenden, following in the wake of Mr. Wirt, have made subsequent decisions, the effect of which is, that the certificates of the judge of the district or of the circuit courts is not conclusive of the law and the facts. And the accounting officers of the Treasury may be authorized to revise their certificates and their construction of the law. Any system which is subject to such a revision must be productive of great injury to this country.

Those of us who have any regard for the profession of the law, those of us who have any veneration for the bench, and who would have the law interpreted by men bred to the law, should see, at least, that a proper respect is paid to the public functionaries of the law. I undertake to say that a bill could be framed, of some ten paragraphs, that would get at the whole of this evil, and not subject the citizens of the United States to an onerous burden of one hundred per cent. of additional legal taxation, or the high judicial officers of the country to unnecessary mortification.

Mr. Speaker, I did not intend to dwell upon these general features. My great object was to show that the fee bill, as at present presented to this House, is not at all conformable to the law, the usages, and institutions of the State of Maryland, or the District of Columbia, and that it will be impossible, under the present language of this bill, if all these laws of the United States are to be changed, for these officers to tax their fees at all.

The District of Columbia is peculiar territory. The circuit court of the District has the powers of a county court under the old judiciary system of Maryland; the powers of a court of chancery; is an appellate court from justices of the peace; is an appellate court from the district court of the United States, of which the chief judge of the circuit court is the sole judge; is an appellate court from the criminal court, and has the general powers of the court of the King's Bench, and the power of issuing a mandamus. Besides this, it has local administrative powers—the power of appointing constables, power to grant licences, roads, &c.

You will readily see, that any one performing and executing these administrative powers, must have recourse to the laws of Maryland in order to execute them. If I understand the bill now before me, the clerks of these courts will have no power to charge any fees except those here enumerated. And this leads me to note one of the prominent distinctions in this bill from all others which have preceded it. The learned chairman of the Committee on the Judiciary remarked that they had discarded the itemizing system. Gentlemen familiar with courts of justice know that fees in most of the States are charged item by item from term to term; but here all this system is discarded,

and the clerk is to charge a round sum for all the services including the taxation of courts in each cause. Now, our fees are collected from term to term. Fees in the District of Columbia, and fees in the district of Maryland go into the hands of the marshal as the suit progresses, and the largest portion of these fees are collected before judgment is rendered; but under this system the large portion, if not the whole of these fees, is postponed until judgment is obtained, and it may be, never will be collected. The tendency is to render a large portion insolvent.

Mr. McLANAHAN. I ask the gentleman from Maryland whether he is aware of the amount of costs that has been paid by the General Government to the administration of justice in the District of Columbia in the year 1850, or in any other year within the last ten years?

Mr. BOWIE. I have not looked particularly to the amount. My principle is this: "Let justice be done though the heavens fall." I shall not inquire into the costs.

Mr. McLANAHAN. I desire to make this further remark, whether the heavens fall or not, that the costs in this District, in the year 1850, for the administration of justice were upwards of \$70,000.

Mr. BOWIE. That may be so, and it may startle the gentleman from Pennsylvania; but I will undertake to say that if the same quantum of justice be administered in any other State of the Union, where liberal compensation is given to its officers, the amount will be the same. Whoever heard before of measuring justice by money? I hope that principle will never be ingrafted upon the statute-book of the United States. Sir, I am an advocate of just and proper economy. Who would ask that a Procrustean bed of justice should be established in this country? Who would have justice administered at the expense of some one hundred and fifty officers of the Government? It is better that a thousand men be overpaid than that one man be denied what is justly due to him. The system now presented is an onerous one; it is an impracticable one. It is one not at all conformable to our laws and institutions, and one which I hope at least this House will not hastily force upon the State of which I am, in part, a Representative. There is no necessity for exceeding haste in this bill. It has just been laid upon our tables. The Representatives of the people have had no time to examine it. It fell under my notice accidentally. I was surprised to see the features it contained, professing, as it did, to be merely a bill to regulate the fees of clerks, attorneys, and marshals.

But, Mr. Speaker, I have been thrown off from the line of argument I designed to address you. I was saying that the committee had departed from the itemizing system, and adopted a general average system, that all causes are to be charged alike with but this distinction: that causes in which there are jury trials \$3 50 are to be paid; and causes in which there are no jury trials perhaps \$2 50. Then follows another most singular clause, that in the records of the court all evidence is not to be recorded. Look, Mr. Speaker, if you please, to page six of this bill:

"In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record; and in case of an appeal, copies of the proofs and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court."

Who is to judge of what is necessary to show the jurisdiction of the court, or the regularity of the proceedings? What more important—what more vexed question is ever presented to the highest courts of this country than questions of jurisdiction? And yet, to save the United States—not a pauper—the paltry costs of a record in the case no testimony is to be recorded, except such as is necessary to show the jurisdiction and the regularity of the proceedings. If an appeal be taken, then the necessary evidence is to be certified up. So that any man who has a fee-simple depending upon the muniments of that court, before he can be entirely secured, must take an appeal. And if ever I should be employed in the district or United States court, I would advise all of my clients, for their protection, to take an appeal in order that all the proceedings might be recorded.

Mr. MEADE. I desire to ask a question for information. I wish to know from the gentleman whether, by the practice of the equity courts of his State, it is usual, or ever the case that the depositions of witnesses are spread upon the record books?

Mr. BOWIE. I am not able to answer. I know that in all appellate cases it is so.

Mr. MEADE. I will tell the gentleman that, according to the equity practice of my State—and I had supposed it was the case in every State, because it would swell the record books to an interminable extent, if it were otherwise—depositions in equity causes are filed with the papers, but only such orders, decrees, and pleadings as are here enumerated in this bill, are spread upon the record. When a record is ordered from an inferior to a superior court, the clerk then takes all depositions, and makes them a part of the record, but they are never spread upon the record book. Testimony always comes up in equity causes as part of the record; but in common law causes the testimony never goes up, except by bill of exceptions it is made a part of the record.

Mr. BOWIE. I am aware of that. In all causes in which real estate is involved, decided upon decree, the whole proceedings are recorded in the county in which they occur; but, according to this bill, the clerk of the district or circuit court would keep no record of these proceedings at all, unless there was an appeal.

Mr. MEADE. I will tell the gentleman from Maryland that I have seen and been engaged in chancery causes where, if everything he enumerates and requires to be of record were spread upon the record book, it would fill a volume of the record books. Sometimes there are five or six hundred pages of manuscript contained in the records, where the cause is carried up to a superior court. If the course suggested by the gentleman be adopted, you will have to multiply the record books of the clerk's office in the course of a few years to such an extent that a new building would be necessary to hold them.

Mr. BOWIE. This has been the practice in many of the States, and I am not aware of any inconvenience having resulted from it in my own State. To say only such parts as are necessary to show the jurisdiction and regularity of the courts are to be made records—and in case of appeal the balance may be certified up—is to invest the clerk with the highest judicial powers known to the law. If that discretion is to be vested anywhere, it should be in the judge, and not in the clerk.

Mr. MEADE. The gentleman, of course, does not wish to do injustice to the committee. The gentleman will perceive by the clause that he has objected to, that all process, all pleadings—of course including bills and answers—every decree, and every order and memorandum that may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. That is, entered upon the record books. All the other papers in the cause, such as testimony that is taken, is not made a part of the record unless the case is carried up. But in cases at law the oral testimony of witnesses is not made a part of the record unless excepted to in some way or the other, and then it is made a part of the record.

Mr. BOWIE. Unquestionably, there is a great looseness of expression in this clause, but the discretion to be exercised is one which should be invested in the judge, and not in the clerk; and, therefore, to that extent, at least, I think the clause is defective.

But, Mr. Speaker, it is complained that there has been an excessive and extraordinary increase of the judicial expense of this Government, not at all corresponding with the progress of population. I would ask the House to refer to table A, which was relied upon for the purpose of establishing that position. In Doc. 2, p. 524, there is an abstract of the annual amounts presented in this form by the Acting Comptroller of the Treasury. He puts down the expenses from 1800 to 1801 at \$42,000; from 1818 to 1821 inclusive, at \$117,000; from 1830 to 1831, at \$204,000; being an average of about \$102,000. He then gives the aggregate from 1842 to 1847, five and a half years, at \$464,623. If these items be correct from 1831 to 1847, there has been no increase in the average expenses of the judiciary, because, if you divide the aggregate

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of \$464,000 by the time given it will give a dividend of a less amount; instead of \$102,000 it will give some \$85,000 per annum; so that the vice is not in the system, the vice is in the administration of the system since 1847.

Now, if the House will take the pains to turn to Mr. Whittlesey's report, it will find that he shows these abuses emanate from particular sections of the country. In this amount of \$564,000 in 1850 and 1851, one account alone of the marshal of Massachusetts amounts to upwards of \$100,000, which account is suspended. There is no explanation. We are not informed what litigation occurred in the years 1847, 1848, 1849, 1850, and 1851, but that there was extraordinary litigation in these years must be apparent from the amounts. Yet, upon the face of this paper an argument is addressed to the discretion of this House, based alone upon the numerical, arithmetical proportion of increase from the year 1801. The expenses of the year 1801 is adopted as the basis of the calculation.

If you take the intermediate years, from 1831 to 1847, I am authorized to say, calculating from the papers laid before us, there is not that increase and extravagance which has been alleged, and there must be some special cause known to the accounting officers, which, if laid before this House, would sufficiently explain it. I am no apologist of extravagance. I admit that in the accounts returned from some districts—from the district of Louisiana, the district of New York, and the district of Massachusetts, there are accounts which unexplained are exorbitant. Some of the gentlemen rendering these are eminent members of the bar, and I am not willing to prejudge them without giving them an opportunity to be heard. I am not willing, in other words, because some four or five district attorneys, or four or five marshals of the United States, seem to be *prima facie* unfaithful and untrue to their duties, to pass a sweeping condemnation upon all the officers in the United States who occupy similar positions. We have already laws reducing their compensation to \$6,000. We have compelled them to conform to that sum, and whatever they make over and above goes into the public Treasury. Before we make these accounts the basis of legislation, let us summon these gentlemen before a committee of this House, and give them an opportunity to explain. It would be nothing more than sheer *American* justice. The former estimates of the old system are shown by the certificates sent us from the accounting bureaus, not to have been extravagant and exorbitant; and it is only within a short time past these abuses have arisen. We should ferret them out, and all who are unfaithful should be visited with the penalties of the law. I implore this committee not to be carried away by its holy horror of extravagance, so far as to be guilty of injustice to individuals.

I have attempted to show the total and entire unsuitableness of this fee bill to the District of Columbia. I understand that no complaint has come up to this House against the officers of this District, or the officers of Maryland. No complaint whatever, in the whole course of their career, has been raised against them. Then, considering this House is the local Legislature of the District, if they desire to stretch this law over the more distant portions of the United States, no harm can be done by their modifying this bill to suit the peculiar circumstances of the State of Maryland and the District of Columbia. The honorable committee have adopted this principle in one instance. They have distinguished between California and the other States of the Union. They have allowed double the amount of fees in the State of California. I submit it to the good sense of this House, whether there is any justice in laying down a horizontal scale of compensation for clerks, marshals, and State's attorneys throughout the United States, and than there would be in laying down a horizontal scale of prices for wheat, hemp, tobacco, or cotton in all the States of this Union? The labor of a clerk and marshal in the State of Maryland and District of Columbia is as much his capital as the

labor of the farmer or the planter in the West and South is his capital. The law should not undertake to lay a horizontal price upon labor or services anywhere unless there is some extreme necessity for it.

I do not mean unnecessarily to consume the time of the House with remarks upon this subject. I am exceedingly indebted to the learned chairman of the Committee on the Judiciary, [Mr. McLANAHAN,] and the House generally, for the opportunity they have given me of presenting my views, and the attention they have given me in listening to them. I had hoped that some motion would be made to commit this bill, but in the absence of an opportunity to do that, I shall move the amendments which I have offered, and hope, under the peculiar circumstances of this District and the State of Maryland, that at least the committee will indulge me with adopting them. Let other gentlemen take care of their own constituents as they please.

Mr. HAVEN. I do not propose to go into a discussion of the merits of this bill, although I apprehend, from the indications in the House for the last few days, that there is a desire to pass this bill in its present or some modified shape. I desire to say to the House, that inasmuch as a great portion of the complaints that have been made by the accounting officers of the Government, and which the House have heard from the Committee on the Judiciary, have come from the State of New York, my attention has been directed to the provisions of this bill, and I think that the bill is not calculated to remedy the evils at which it strikes in the State of New York. I propose, therefore, to offer, before the previous question is moved upon the bill, some amendments relating particularly to that State.

The SPEAKER. The committee propose to amend the first section of the bill, and, regularly, no amendment will be in order until that amendment is disposed of.

Mr. HAVEN. I was about to inquire whether this was the second reading of the section by clauses?

The SPEAKER. The bill is open for amendment by clauses. The committee propose to amend the first section, and therefore it will not be in order to move any amendment until the amendment of the committee is disposed of. It has been sometimes the practice of the House to allow amendments to be proposed, and voted upon in their regular order, before the previous question is called. It can be only done by the unanimous consent of the House; and if the previous question be now called and sustained, it will cut off the gentleman's amendment. The Chair desires the gentleman, and the House, to understand the state of the case, before a call for the previous question.

Mr. HAVEN. It was for that reason that I sought this early opportunity to put my amendments in possession of the House. I think these amendments are very important, in case the bill is to pass, and I am desirous of having them adopted, as I have drawn them at length. They have reference to fees nowhere except in the State of New York.

The SPEAKER. The gentleman from Maryland [Mr. BOWIE] and the gentleman from Missouri, [Mr. PHELPS,] as well as the gentleman from New York, [Mr. HAVEN,] have indicated their purpose to offer amendments to this bill. If it be the unanimous pleasure of the House, those amendments will, in that form, be considered as having been offered, and embraced within the operation of the previous question, if it be ordered.

A VOICE. I object.

Mr. WALSH. I hope they will be read first.

Mr. CLARK. I have an amendment which I wish to offer, when the proper time arrives.

The SPEAKER. Objection having been made, no amendment will be in order until the first amendment proposed by the committee is disposed of.

Mr. STUART. Has the previous question been demanded?

The SPEAKER. It has not.

Mr. STUART. I wish to say that a bill of this character ought not to be passed by this House under the operation of the previous question. Unless the House by unanimous consent will consider the bill by clauses, and leave it open to amendment without the previous question, I think we ought to postpone it to some time when it can be considered, and when gentlemen throughout the House can understand it.

Mr. BOWIE. I move to commit the bill—

The SPEAKER. A motion is pending to recommit the bill, but the motion to commit to the Committee of the Whole on the state of the Union would take precedence.

Mr. BOWIE. I then make that motion.

The SPEAKER. The gentleman from New York [Mr. HAVEN] is upon the floor, and the gentleman cannot therefore submit the motion.

Mr. HAVEN. I propose, before I yield the floor to accommodate the gentleman from Maryland, [Mr. BOWIE,] as that appears to be the general desire of the House—

Mr. HARRIS, of Tennessee. I suggest to the gentleman from New York, [Mr. HAVEN,] as there are a number of gentlemen here who wish to offer amendments to this bill, that he permit the bill to be read by sections; so that we may act upon such amendments as have been reported by the Committee on the Judiciary, and such amendments as other gentlemen see fit to offer. I understand that the Committee on the Judiciary do not desire to call the previous question, but they desire to have immediate action upon the bill. If gentlemen will pursue that course, and permit the bill to be read by sections, every gentleman will have an opportunity to offer such amendments as he may desire to offer. If gentlemen will not take this course, I give notice that I will in a very short time, if I can get the floor, move the previous question upon the bill.

Mr. HAVEN. I will take this opportunity to make a very few remarks, and to call the attention of the committee—because I assume that it is the desire of the entire House that this bill shall be put in a proper shape in all its parts—I desire to call the attention of the committee to one or two provisions in the bill, in which I think that the committee have failed in the language they used to accomplish the object they desire. For instance, take the first section of the bill. It provides that, in lieu of the compensation now allowed to attorneys, solicitors, and proctors in the courts of the United States, certain fees shall be allowed. By your laws in cases of admiralty, in the State of New York at least—I speak only for my own State—there are certain fees given to counsellors and advocates in those cases, and which are given by the act referred to by the chairman of the committee, the act of 1788 or 1789, I do not remember which, in items amounting to quite as much as this sum which is given to proctors. Under this first section of the bill, instead of limiting the amount, they desire to have taxed against the opposite party a sum that is fixed in this section. The counsellors and advocates of the State of New York will tax an equal amount, to insert it in their record, and collect it out of the opposite party. There should be an amendment for the purpose of covering that object, if that was the object of the committee. The object which I had in view in drawing up the amendments I propose to offer was this: I propose, in the State of New York, as these complaints come mostly from that quarter, to confine the compensation of attorneys, solicitors, proctors, counsellors, and advocates in all cases, whether at law, or in equity, or in admiralty, to the same charges precisely that are given in like cases by the State laws for corresponding services in the supreme court of that State. Those members of the legal profession from my own State who are here, may well understand that this is nothing unreasonable or unfair. The amendment I propose will put all the business of the country which is done in my State, whether it is done in the State courts or in the Federal courts, upon an equal footing. Since the act of 1845,

which extended admiralty jurisdiction to the lakes and western rivers, almost half of the important commercial business, at least, of the county I represent, is transacted in the district court, in admiralty.

Mr. McLANAHAN. Mr. Speaker, I am very much gratified at the spirit in which the gentleman from New York [Mr. HAVEN] has come to the examination of this subject; but I think that the objections he has urged against that part of the bill will not, in the language of lawyers, hold water. Attorneys practice in the courts of law, solicitors in the courts of chancery, and proctors in the courts of admiralty. Under the provisions of the act of 1799, in the admiralty courts, there is a compensation allowed to proctors of \$17. The only compensation then allowed in this case to any class of practicing lawyers, in whatever court they may practice, is, in the case of a jury trial, \$20—but \$3 above what is allowed in the admiralty court. When there is no jury trial the item is rendered \$10 in this bill. This is the only compensation that any lawyer can receive in any court in which he may practice under the laws of the United States. The gentleman from New York indicates that he would prefer that the House would adopt in this bill a provision limiting the attorneys of the State of New York to the compensation that is now allowed in the supreme court of that State. Why, sir, the great abuses which have grown up in the State of New York have grown up under that system.

Mr. HAVEN. Not one penny of the sum has ever been applied to the Federal courts.

Mr. McLANAHAN. Now, sir, the law, as it now stands, is, that the taxation of costs in the State of New York shall be made according to the existing fee bill in that State. Under the law of 1848, which was found necessary to reduce the fees of lawyers in that State's courts, the fees are remarkably low, and yet I defy any lawyer from the State of New York to point out a single instance in the Treasury Department, where the accounts have been rendered under the fee bill of 1848.

Mr. HAVEN. That is the very difficulty that I propose to remedy by this amendment. The chairman of the Judiciary Committee, if he will refer to the report of the Comptroller and the first clerk, in the papers he has laid before us, will find that the difficulty complained of there is that the wording of the proviso of 1842 is such that the marshals, clerks, and officers of the courts in the State of New York, have evaded that provision of the law which declares that they shall be governed by the fees that are now, or may be hereafter, provided; and that they shall make out their bills, and the clerks certify them according to the law of 1799, and not according to any subsequent law. That is the very complaint that is made; and I propose, at the proper time, to point out the language used in my amendment for the purpose of remedying that very evil.

Mr. HOUSTON. If the gentleman from New York—the morning hour having expired—will allow me to take the floor, I will move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAVEN. I always with great pleasure follow the lead of the chairman of the Committee of Ways and Means.

Mr. HOUSTON. I then make the motion I have indicated.

Mr. EDGERTON. Will it be in order to move to go into Committee of the Whole on the Private Calendar?

The SPEAKER. It is in order.

Mr. EDGERTON. Then I make that motion.

Mr. HOUSTON. I consulted with my friend from North Carolina [Mr. DANIEL] before I made my motion, and he told me that he would not insist upon devoting this day to private business. He said that he desired to proceed with that class of business to-morrow, but that he would yield to the civil and diplomatic bill to-day.

Mr. EDGERTON. Then I withdraw my motion.

The question was then taken upon Mr. Houston's motion, and it was agreed to.

#### CIVIL AND DIPLOMATIC APPROPRIATIONS.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,)

and resumed the consideration of House bill No. 196, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1853, and for other purposes.

The CHAIRMAN. When the committee last rose, there was pending before the committee an amendment offered by the gentleman from Arkansas [Mr. JOHNSON] to insert after line eight hundred and fifty-four, the following:

For the repair of the two bridges over the Eastern Branch of the Potomac, \$4,750.

Mr. JOHNSON, of Arkansas. At the time that item was under debate yesterday, there was a misapprehension existing here between the gentleman from Maine [Mr. SMART] and myself, in the course of the discussion with regard to it. A total misapprehension existed at the time, and the passage that occurred between us was all wrong—wrong upon my part; and if upon that of any other, it is all right now. I regret it very much, and do not wish that it should ever be remembered. I hope it will not be.

Mr. SMART. I respond with great pleasure to the honorable remarks of the gentleman from Arkansas. I will say that I misapprehended his first remarks to me, which caused me to speak with more than usual warmth, but I am satisfied that there was no unkindness intended; that so far as I am concerned I have always entertained the kindest feeling towards him. Any misapprehension that may have existed at the time has been mutually explained, and I am glad to say there is now nothing to interrupt the good feeling that has hitherto existed between us.

The question was then taken upon Mr. Johnson's amendment, and it was not agreed to.

Mr. JOHNSON, of Arkansas. I move the same amendment, only altering the sum to \$4,850. The original amendment was \$5,000. This was offered, sir, by the gentleman from Kentucky, [Mr. STANTON,] with a full understanding of this case. I do not sincerely believe that the House fully appreciates the state of these bridges, or, if they did, I feel persuaded that they would make the appropriation that is asked for in this amendment.

We, sir, by an act, compelled the owners of these bridges to sell out, or else, in consequence of the position in which we had placed them, their corporate privileges were to fall dead upon their hands. They never received the actual money from this Government which they had expended upon these bridges. They never received their capital even back. This I state merely by way of elucidation, as the case has nothing to do with them; but when we took these bridges from them, and made them free, and cut off the means that would have accrued to preserve them in repair, we took upon ourselves the responsibility, as I regard it, and the duty of maintaining them in at least as good a condition as they were maintained under the corporate privilege that once existed in regard to them.

Now, sir, these bridges are decaying. One of these free bridges has been already swept away; and we are doing nothing to restore it. The whole community are suffering from the destruction of this bridge, and yet gentlemen conceive, if we appropriate any portion of money at all for their preservation—works that we made by our own action public works—that we are giving money illegitimately from the Treasury. This is not a just consideration of this matter. If we will look at the millions of Government property now within this District—and I imagine I am saying nothing extravagant when I say that \$25,000,000 of public property is within this city—which pays not one single cent of revenue to the city, and that the whole taxes that they have, are collected from citizens and private property—I think we ought to feel, when there is no tax whatever paid by this Government, that we are bound to contribute something to a District where the whole of the functions of the Government are concentrated. Every branch of the Government feels, in some measure, the wants that are created, and that result from the inability of the population in the surrounding country to get to the city with their marketing. It raises the price of living to such an extent as to call upon us directly to appropriate from the Treasury an increase of salaries, to enable men to stay here at all, and discharge the most ordinary duties of this Government.

Mr. VENABLE. I am utterly opposed to any

illiberal legislation towards this District. I am willing to do whatever is right and proper, but I think the view of the subject presented by my friend from Arkansas [Mr. JOHNSON] should lead us to a different conclusion to the one at which he has arrived. He says we committed a great outrage upon this District in buying the toll-bridges, and building a free bridge.

Mr. JOHNSON. The gentleman does not state me truly, but never mind.

Mr. VENABLE. I shall certainly not misstate the gentleman. He says we break down the capital of the corporation by purchasing their property at full value, and build a free bridge in the place over which they paid toll. The gentleman certainly goes upon the principle that because we give \$10 to a man, we ought to give him \$50, and that if we failed to do so we committed an outrage upon his rights. I do not see why we are bound to pay for repairing these bridges, because we have relieved them from paying toll. The gentleman used another argument, that, as the Government pays no tax upon the property which it holds here, all taxes raised in the District, are paid upon private property. Whilst this is true, apparently, it is not so in fact. Look, sir, at the vast amounts voted this District in the annual appropriation bills. There are always some large sums to cut down and grade their streets, and to do anything else which the District asks. I have known them to spend the money voted in removing the same earth two different times in the course of a single year. We have given them whatever they ask. Look at the annual appropriations made for the improvement of the city. They amount to twice as much as any tax that could be properly levied upon public property here. In addition to this we assumed a debt of \$1,000,000. We give them money every time they ask it, and yet, like the prodigal son, they come back and say we never settle our accounts with them, and ask for more. If you take the annual appropriations made for this District, and compare them with the taxes paid upon property here, you will find that we pay fully as much as we would in the way of taxation. I am not disposed to pursue an illiberal course towards this District. I have voted for appropriations sometimes against my own judgment, but only when requested to do so by those who were better informed upon the matter than myself. But surely the District has no right to complain of us, that after we have made their toll bridges free, and paid the owners, that they are now asked to keep those bridges in repair. That seems to me to be the plain business-like and practical view of the question, and for that reason I have voted against, and shall continue to vote against these appropriations. I never will vote a cent to build a new bridge in the place of the old one across the Potomac, which has destroyed the channel. It was a nuisance, and it ought never to have been built there. With regard to the other bridges, it is little enough for the people of the District to keep them in repair when we relieve them from the tax of paying toll.

Mr. CLEVELAND. It seems to me that this question is not very well understood. I move to amend the amendment by increasing the amount \$50, so as to make it \$4,900. I wish the House to act understandingly upon this matter, and I ask their attention for a moment to this question. We have these bridges in the condition in which they are represented, and no one denies that they may be passed. I have watched narrowly, and no man has disputed the statement of either the gentleman from Arkansas, [Mr. JOHNSON,] or the chairman of the Committee on Public Buildings and Public Grounds, [Mr. STANTON, of Kentucky,] whose duty it is to take care of the interests of this city, and the whole Republic, in reference to this matter. In the first place, we proposed, as I understand it, to build a new bridge, thereby rendering valueless the bridges upon which toll was collected. Now, suppose we had built a new bridge, I ask whether we should have had to keep that bridge in repair? But the owners of these bridges conclude to sell out, and we take them. In what respect do we stand differently now from what we should have stood if we had gone on and built the bridge which we had agreed to do? There is one other consideration. These bridges are upon our hands, and it is our duty to take care of them. I ask the consideration of the committee to this. If we neglect them now, and injury re-



sults, and loss of property, who will be to blame? Will it be the Commissioner of Public Buildings? Certainly not, for he has warned Congress, through the appropriate committee, and that committee comes in here, and, through its chairman, tells you that this appropriation is necessary. I beg to know if they do not understand this matter better than this House? What trouble have we taken? What man of this committee has taken the trouble to inform himself in regard to the condition of these bridges? And yet, sir, the men appointed for that purpose—the Committee on Public Buildings and Grounds, by their chairman, come here and tell you that it is absolutely necessary that this money should be appropriated, and insist upon it. The gentleman from Arkansas, who, it seems, is familiar with this matter, tells you, in his usual earnest manner, that this appropriation is absolutely necessary. Now, sir, in the name of Heaven, how are we to legislate? Are we to legislate upon our crude notions of economy? Here is an appropriation which, if we can believe the men who were appointed for the purpose of ascertaining the fact—and I trust no man will doubt their sincerity, honesty, or intelligence—is necessary, why should we go behind their opinions upon a matter which they understand, and we confessedly do not? Supposing we do, and when we come together here again, next winter, we find those bridges swept away, I ask whether there is a man in the committee who opposes this appropriation, who will not feel guilty of neglect for which he himself ought to be held in part responsible? In my judgment, this is an appropriation (and I am not very extravagant) which is called for in the only mode in which we ought to vote appropriations—upon the recommendation of the appropriate committee. Is it said that the Committee of Ways and Means have not seen fit to put this item in the bill. I beg to know if they are to override, in the discharge of their duties, the committee whose appropriate duty it is to see to this matter? The Committee of Ways and Means ought not to be expected to go into these details. They know that the committee appointed for the purpose is the one to attend to it. And when the Committee of Ways and Means see fit to leave it out, I beg to know if the Committee on Public Buildings and Public Grounds are not in duty bound to make an appeal from the Committee of Ways and Means to the House?—and what gentleman is there here who will feel disposed to withhold the small amount called for of \$4,900 for an object which every one here must believe is an important and necessary one?

Mr. HEBARD. I am opposed to that amendment to increase the appropriation. I will say here that I have no hostility to the District of Columbia, and I have no stinted notions of economy in relation to making appropriations for any of the purposes for which they are called. As often as I have had occasion to vote upon them, I have voted as liberally, I apprehend, as others. The gentleman from Connecticut [Mr. CLEVELAND] seems to base his notions in relation to the propriety of making this appropriation upon the fact that the chairman of the Committee on Public Buildings and Public Grounds has recommended it, as he says, in a very earnest manner. He says he is prepared to follow the recommendation of that gentleman, because he knows more about it than anybody else. Now, I should like to know what that gentleman does know about it, more than any one of us? Has he examined these bridges? Has he taken any testimony in relation to the wants and necessities in regard to them?

Mr. CLEVELAND. I will answer the gentleman's question. He asks what the chairman of the Committee on Public Buildings and Grounds knows about this matter, more than the rest of us? I answer, that he has this information from the gentleman who was appointed especially to take care of this property—the Commissioner of Public Buildings and Grounds. And I now ask the gentleman from Vermont, in return, whether he has taken the same trouble to inquire of that gentleman, whose especial duty it is to see to this matter?

Mr. HEBARD. I do not know that that information becomes more important to us from having been filtered through the chairman of the Committee on Public Buildings and Grounds. I suppose all the information that comes from the Commissioner comes alike to us all, and that we can act

on it as well from his recommendation as by having it indorsed by the chairman, unless he has some new facts to communicate.

Mr. STANTON, of Kentucky. I will say to the gentleman, if he will permit me, that, by the law of 1840, the Commissioner of Public Buildings and Grounds is directed to make his report to our committee; and the law directs that we shall act upon his report, and report it to the House before it is acted upon by the House.

Mr. HEBARD. I had not said what I meant to say, when the gentleman interrupted me. If I had been allowed to proceed, I should have been through by this time. I meant to say, in reply to the gentleman from Connecticut, that when I yesterday called on the chairman of the Committee on Public Buildings and Grounds, to know whether or not the appropriation made at the last Congress, in reference to the repair of these bridges had been expended, the gentleman did not know, but presumed it had. I inquired of him, also, in relation to the particular amount necessary for these bridges, and he could only give it in general terms, and by using the language of the Commissioner on Public Buildings.

Mr. STANTON. I read you his report.

Mr. HEBARD. I mean this in reply to what has been said by the gentleman from Connecticut. This application does not come to us with any more force, in my opinion, because the Committee on Public Buildings and Grounds have recommended it, so long as they are in possession of no more facts in regard to it than this House is in possession of. Now, I do not know but that this may be all necessary; but the Committee of Ways and Means have not made such an investigation in regard to it as to have been able to recommend it. It does not appear to me that anybody has made such an investigation. If investigation had been made, and the particular wants and necessities pointed out, I certainly should have voted as cheerfully as any gentleman here, for the necessary appropriation. The only hesitation I have, is because we are constantly running into expenditures and extravagances without sufficient investigation. The only question with me is, whether this money is needed.

Mr. CLEVELAND asked for tellers, on the amendment to the amendment; but they were not ordered.

The question was then taken upon the amendment to the amendment, and it was decided in the negative.

So the amendment to the amendment was not adopted.

Mr. JONES, of Tennessee, moved to amend the amendment by striking out the words "eight hundred and fifty," so as to reduce the amount of the appropriation to \$4,000.

Mr. J. said: It has been assumed in the discussion of this subject that the Government has forced the owners of these bridges to sell them. So far from that being the fact, the owner of one of these bridges, who has been employed in the Capitol for many years, session after session of Congress, did all in his power to induce the members of this House to vote an appropriation to buy that bridge. Not only this, but, to my knowledge, a distinguished Senator—a friend of that individual—upon more than one occasion, and at more than one session of Congress, came into this House when the bill was pending, and appealed to the members of this House to vote for the bill making an appropriation to buy that bridge. It is said, I know not with what truth, that that individual—the owner of one of these bridges—paid some two or three thousand dollars for it, and then sold it to the Government at a valuation, under an act passed in 1848, I believe, appropriating \$30,000 for the purchase of these two bridges. That act directed the Secretary of the Treasury to have the bridges valued, and when they were valued, they were purchased and paid for out of that sum of \$30,000. That is, so far as I know, the history of the purchase of these bridges from their owners.

I think myself, that if the Government is to keep up a bridge, one of these bridges is sufficient, for I see that they are not more than a mile apart; one of them is here at the navy-yard, and the other is about one mile above it. If, for instance, the upper bridge was superseded, or should go out of use, I do not suppose it would extend the travel of persons who live above, and who now cross at that bridge, more than half a mile, if they had to come

to the lower bridge; nor would it, I suppose, increase the travel of those who now cross the lower bridge more than one mile, and perhaps not that, if they had to go up to the other bridge. In this corner of the country down here between the Eastern Branch and the Potomac, for whose particular benefit the lower bridge is kept up, I suppose there can be but very few persons. It is a very small extent of country.

Mr. BOWIE. The lower bridge leads to a section of country one hundred miles long, and on the line of the mails from Washington when carried by carriage. There are four counties lying on the peninsula between the Potomac and Chesapeake Bay, with which this is the main artery of connection.

Mr. JONES. I ask the gentleman, how much further the people living one hundred miles down the Potomac, would have to travel to get to Washington if they crossed at the upper bridge, than they would have to travel if they crossed at the lower bridge?

Mr. BOWIE. I am not aware of any connection between the two roads. The upper bridge leads into the central part of Maryland, and the lower bridge into the peninsula.

Mr. JONES. Well, sir. I crossed over there not long since, in the evening, at the upper bridge, rode down some three or four miles on the other side of the Eastern Branch, and returned across the lower bridge at the navy-yard, and it can make very little difference to the people who live four or five miles below the Eastern Branch whether they take that road and come across the navy-yard bridge, or take the other road and come across the upper bridge.

Mr. BRECKINRIDGE. Mr. Chairman, we have a great deal of business to transact, and we are, in my opinion, manifesting a great deal of heat upon a very small matter. I have but a word or two to say upon this subject. I am in favor of the original proposition, and opposed to the amendment of the gentleman from Tennessee. The proposition, as I understand it, refers to the bridges upon the eastern branch of the Potomac, and not to the bridge upon the main branch of the Potomac. I would not vote a dollar of appropriation to repair the bridge upon the main branch, and the only fault I have to find with the flood that we had here last winter is, that it did not sweep the whole structure away. I consider it a disgrace to the country, and an eye-sore to the landscape.

Sir, I have no reply to make to the statement of the gentleman from Tennessee as to the manner in which the Federal Government came into possession of these bridges. It is sufficient for me to know that she has purchased the bridges, and that it is her duty to keep them in repair. Now, sir, it appears to me that the old adage of "a stitch in time saves nine" applies to these bridges, because it is evident, from the information which has been thrown before the committee, that if you do not appropriate money enough now to keep them in repair, you will have to appropriate a still larger sum at some future time. You must repair the decay which is continually going on in these structures.

The House seems to have been seized with one of its periodical economical spasms upon the subject of the bridges across the eastern branch of the Potomac, and I am surprised to find gentlemen upon this floor who, when the matter presents itself in the form of enormous appropriations, do not hesitate to vote any amount of money that may be asked, to any sort of claim that may come before Congress, refusing now to appropriate \$3,000 or \$4,000 to keep in repair works that have been purchased by the United States, and that the United States is obliged, at one time or another, to keep in repair. Nor do I concur with the gentlemen who have thrown out sneers at the inhabitants of this District. I never knew the people that inhabited the capital of any Government, State or Federal, that did not come in for the abuse of the legislators who met at such seat of government. It is the case in my own State. It is the case in every State I have ever been in. The inhabitants who live at the seat of government are always the scape-goats to receive the overflows of bile of the honorable representatives who congregate there. I have seen nothing in the conduct of the inhabitants of this District, or in any application they have ever made to Congress, to warrant the constant sneers thrown upon them by gentle-

men on this floor. Sir, they are under the protection of Congress. We legislate for this District absolutely, and it is our duty, in a just, ay, and in a liberal spirit, to pass laws for their benefit, without seizing every occasion that presents itself to heap insult upon them. I hope that this committee, without entertaining these amendments which are constantly offered, will vote an appropriation corresponding with the amount that is recommended by the Committee on Public Buildings for the repair of these bridges, because it is work that is absolutely necessary to be done.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

Mr. STANTON, of Kentucky, moved to amend the amendment by striking out \$4,850, and inserting \$4,875.

Mr. S. said: The gentleman from Tennessee [Mr. JONES] says that when the bill was pending for the purchase of this bridge, an individual stockholder was very active in getting the bill passed.

Mr. JONES, of Tennessee. I said the owner of one of these bridges.

Mr. STANTON. Well, the owner of one of these bridges may have taken an interest in this matter; but he was the owner of the smaller of the two bridges. I now hold in my hand a memorial which was offered at the time this bill was pending before this House, and the memorial remonstrates against the passage of the law because it would inflict a gross injustice upon the stockholders of the company. The memorial is under consideration by the Committee on the Judiciary, at this moment.

The memorial is from the president and directors of the company, and shows the value of the stock held by them. I read all but the formal parts:

"That it has come to the knowledge of your memorialists that a bill has passed the Senate of the United States, and is now before your honorable body, appropriating the sum of \$30,000 to provide for a free bridge over the Eastern Branch, between the city of Washington and the State of Maryland, either by the purchase of one or both of the bridges already erected, (if they can be purchased for that sum), or by the erection of a free bridge, in case the proprietors of the existing bridges should decline giving them up for the sum proposed.

"Your memorialists have entire confidence in the desire of Congress to do not only that which is liberal to the District, but also just to individuals, and they feel assured, that in order to secure the speedy rejection of the bill alluded to, or else such an increase in the appropriation as will be sufficient to give to individual owners the cost and actual value of their property, it is only necessary to make known to your honorable body the fact, that in the bill above-mentioned, the Congress of the United States presents to the Navy-Yard Bridge Company the unpleasant alternative of the entire destruction, in value, of their property in the erection of a free bridge at the side of their own, or the surrender of their property at a large sacrifice, by an involuntary sale, upon terms as to the fairness of which they have not been consulted, yet into acquiescence in which they are by the bill morally coerced; the poor choice (if choice it can be called) of taking a part of that which they held on the faith of a Congressional charter, or losing the whole.

"Your memorialists do not for a moment suppose that this alternative was presented in the bill for the purpose of coercing a sale at a burdensome loss to individuals, but, on the contrary, that the sum appropriated was supposed to be sufficient to cover the full value of the existing bridges. Your memorialists, therefore, deeming a notice of the fact all that is necessary in such a body to secure them from injury and loss, would simply state, that their capital stock is \$37,500, on which they regularly receive a profit of six per cent. per annum, after defraying expenses for repairs, bridge-keeper, &c., and reserving a handsome sum for extraordinary emergencies; for the correctness of which statement they invite an inspection of their books and papers.

"Whilst, therefore, your memorialists are not anxious to part with property which yields so sure and regular an income, they would nevertheless not wish to stand in the way of the public interest and convenience, if the actual cost and value of their property should be offered them, notwithstanding its value is yearly increasing. Their object is not to drive a bargain, but to shield themselves from loss.

"Your memorialists would therefore respectfully propose that the appropriation should be raised to a sum sufficient for the fair purchase of the two bridges, or else, that an act should be passed authorizing the Secretary of the Treasury to pay such a sum as three disinterested individuals should award after a full examination of bridges, books, and papers, and of such facts as may be brought to their knowledge."

Mr. SKELTON. Mr. Chairman, in the remarks which have just fallen from the honorable Representative from Kentucky, [Mr. BRECKINRIDGE,] he speaks of the overflowing of bile upon the part of gentlemen upon this floor against the inhabitants of this District. Now, sir, I rise for the purpose of setting myself right upon this subject before this House, the District of Columbia, and the country. I have no bile, nor have I over-

flowed any upon the people of this District; nor have I intended to use disrespectful language to the people of the District. The position which I assumed yesterday, and which I assume here today, is this: I stated distinctly on yesterday that I had too much respect for the people of the District of Columbia to encourage them to pursue a policy calculated, in my opinion, to foster in their minds a spirit of pauperism. I was not disposed to encourage them to come here every session of Congress and ask us for bounties, because I believe that where that spirit is encouraged it has a tendency to degrade the people where it is encouraged. Now, I say once for all, that this was not that overflowing of bile which the gentleman from Kentucky has denounced.

But what excites the intemperate zeal of the gentleman who advocates the making of these grants to this people? Cannot he return proper respect and decency to men who entertain different sentiments from himself? Cannot he withhold his slanderous charges? And the gentleman from Arkansas, [Mr. JOHNSON,] who hurled his slanders at me and my State on yesterday, because I took the liberty of an independent freeman in expressing my sentiments fearlessly in the face of the public sentiment of this District—I say to that gentleman, that it is my intention to improve the earliest possible opportunity—and I will do it today if the House will give me permission—to defend my State and its institutions from the foul charges which have been hurled against it and them, upon this floor, contrary to the rules of order which should govern every gentleman upon this floor. I ask the House if they will grant me the privilege of defending my State from these charges, which have, contrary to the rules of this House, been made against her and her institutions?

[Cries of "No!" "No!" and "Agreed!"]

The CHAIRMAN. The gentleman must confine himself strictly to the subject of the amendment under consideration.

Mr. SKELTON. Well, sir, then I will take the earliest opportunity—the first which presents itself—to repel the unjust charges against my State and her Representatives.

[Cries of "Order!" "Order!"]

Mr. SKELTON. A few words now with regard to the argument which is presented by gentlemen upon the other side of the House—an argument upon which I wish to show you that this proposition is based upon injustice, and it is upon this principle alone that I oppose the appropriation. It is this: The gentleman from Connecticut [Mr. CLEVELAND] tells us that because we have made or purchased these bridges, and furnished them to the inhabitants of the District free of cost, we must now keep them in repair. Why, sir, I ask the gentleman what he would think if he were to present me with a valuable house, and then I were to turn round and tell him, "You have given me a house, and now it is your duty to keep it in repair!" Why, sir, the logic is false. There is no principle of justice upon which it can be sustained. If we have been generous and liberal to the people of this District, that is no reason why it should be demanded of us that we should continue that liberality. Sir, I came here to advocate principles of justice, and I demand of the Representatives upon this floor that they shall act upon principles of justice as well as generosity to the people of this District. What reason is there that they should pension themselves upon our generosity?

Mr. JOHNSON, of Arkansas. One word in reply to the gentleman from New Jersey, [Mr. SKELTON.]

The CHAIRMAN. No further debate is in order.

The amendment to the amendment was then rejected.

The motion then recurred upon Mr. JOHNSON's amendment.

Mr. BRECKINRIDGE. I do not propose to make a five minutes speech, but I move to reduce the appropriation one dollar, for the purpose of saying that the gentleman from New Jersey—

The CHAIRMAN. The Chair will be compelled to restrict debate within a very narrow compass.

Mr. BRECKINRIDGE. Very well; I have only a word to say upon this matter. I wish to say, as a preliminary remark, that the gentleman

from New Jersey was altogether mistaken when he supposed that I intended any reflection upon himself, or any other member of the House. I did speak of the members of this House pouring out their superfluous bile upon the people of this District.

Mr. SKELTON. Is that very respectful language to the members of this House?

Mr. BRECKINRIDGE. The gentleman will be kind enough to take his seat. I was about to exempt him—

Mr. CABLE, of Ohio. I call the gentleman from Kentucky to order.

The CHAIRMAN. The gentleman must confine himself to the amendment.

Mr. BRECKINRIDGE. I have only a word more. I was proceeding to say, that according to the statement of the gentleman from New Jersey, the observation I made did not apply to him, for he has exempted himself from the scope of the remark by declaring that he entertained no such feelings. I therefore desire to say, that I meant no reflection upon him or any other member of the House.

Mr. JONES, of Tennessee. I wish merely to say to those who may be interested, that the memorial from which the gentleman from Kentucky [Mr. STANTON] read, remonstrating against the purchase of this upper bridge was by the owners of the lower one. They remonstrated against the injustice which would be done them by purchasing the upper bridge and making it free, without purchasing the other also; and the effect of the memorial was to induce Congress to purchase both bridges instead of one. That is the fact of the case in reference to this memorial.

Mr. JOHNSON, of Arkansas, (Mr. JONES yielding,) said: I am opposed to this amendment. But I desire to state that in debate yesterday upon the subject of these bridges, while speaking of the position in which the people of this District would be placed by the allegations made by the gentleman from New Jersey, [Mr. SKELTON,] that they would be made paupers by appropriations of this sort, I alluded to what I had just been informed of by a gentleman whom I supposed to be a gentleman of truth, that a tax was levied in the State of New Jersey on strangers passing through.

The CHAIRMAN. The gentleman is not in order.

Mr. JOHNSON. I said nothing with any unkind feeling. I indicated no unkindness either in manner or anything else.

Mr. STEVENS, of Pennsylvania. I call the gentleman to order.

Mr. JOHNSON. There was no personality mixed with my remarks, and you must—

Mr. STEVENS. I call the gentleman to order.

The CHAIRMAN. The gentleman from Arkansas is called to order by the gentleman from Pennsylvania. The gentleman will state his point of order.

Mr. STEVENS. I cannot see what the gentleman's remarks have to do with striking out one dollar. [Laughter.]

Mr. JOHNSON. The gentleman's humor is good humor, and he will always carry his point.

The question was then taken, and the amendment to the amendment was not agreed to.

Mr. STEPHENS, of Georgia. I think we have consumed time enough upon this appropriation. I wish, however, to submit an amendment to the amendment of the gentleman from Arkansas. I move to strike out \$4,850, and insert \$4,999. I hope the committee will come to an immediate vote upon the appropriation. I suppose our minds are as much made up now as they ever will be with regard to it.

I will say but a word or two in explanation of my amendment. Five thousand dollars, I think, is the sum estimated by the Commissioner of Public Buildings as necessary to keep up these bridges.

Mr. STANTON, of Kentucky. Eight thousand dollars was the estimate of the Commissioner of Public Buildings. The Committee on Public Buildings recommended but \$5,000.

Mr. STEPHENS. Ah, it was the committee then who recommended the \$5,000. Well, sir, \$5,000 is perhaps, then, too small an amount; but at least it is as small an amount as will be necessary. Now, I concur with the gentleman from Kentucky, [Mr. BRECKINRIDGE,] who replied to the gentleman from Tennessee, [Mr. JONES,] that whether these bridges ought to have been bought

or not in the first place is not the question under consideration. They are now owned by the Government, and we are the public carriers. We have engaged to carry whatever is needed over them. They are the bridges of the Government. They do not belong to the city, as the gentleman from North Carolina [Mr. VENABLE] asserted.

Mr. JONES, of Tennessee. The gentleman alluded to me as opposing the policy of the Government in purchasing these bridges. I did not speak of the policy at all. I merely alluded to the subject for the purpose of correcting an impression in relation to the purchase.

Mr. STEPHENS. Well, sir, as to whether it was right to buy these bridges is not the question now before the committee. I say these bridges now belong to the Government of the United States, and we are bound in law and in morals to keep them up or to abandon them. Suppose an accident should occur upon one of these bridges—

Mr. CABLE, of Ohio. I should like to ask the gentleman a legal question.

Mr. STEPHENS. Well, be quick. [Laughter.] Mr. CABLE. It is, whether the United States have the right to attach the bridge, or whether they have the jurisdiction and ownership of the soil at each end of the bridge?

Mr. STEPHENS. I suppose they have. I presume they have the same franchise that the original corporators had. I take that for granted.

But I was proceeding to say, that if any accident should occur, from your neglect, upon one of those bridges, you would be morally and legally bound as much as the original corporators for it; and, therefore, so long as we are the owners of these bridges, we should either keep them up or abandon them. The gentleman from North Carolina [Mr. VENABLE] said that the people of the District ought to keep them up. Why, sir, we have bought the bridges, and the people of the District have no right to repair them.

Who is it that pays the fees of the officers of these bridges? The Government of the United States. Suppose the corporation of Washington were to raise a subscription, or tax the people to keep up those bridges. Why, sir, they would not be permitted to lay a plank there. Your officers have possession of them, and they are under your jurisdiction and control. And, again, I repeat that so long as we hold them, we ought to keep them in good order. I want a vote upon the question. I think we ought to pass it, and I hope the House will do so.

Mr. HOUSTON. I am opposed to the amendment, and I am equally opposed to any additional consumption of time upon this subject, as I hope we may be able to get through this bill to-day. It is important that we should do so. I believe we all understand the subject, as well as we shall after further discussion, and I therefore hope the House will come to a vote upon the subject immediately, and let us pass on to other items of the bill.

Mr. STEPHENS, of Georgia. I call for tellers upon my amendment.

Mr. HOUSTON. I wish to correct the gentleman from Georgia [Mr. STEPHENS] in regard to the estimates. The estimates of the Commissioner of Public Buildings was \$8,000.

Mr. STEPHENS. So it has been explained to me, but the committee reported \$5,000. I would rather have \$8,000, but as we cannot have that, and as \$5,000 has been voted down, we will take \$4,999.

Tellers were ordered; and Messrs. GOODENOW and STEPHENS appointed.

The question was then taken on the amendment of Mr. STEPHENS; and the tellers reported—ayes 80, noes not counted.

So the amendment was agreed to.

The question then recurring on the adoption of the amendment as above amended—

Mr. VENABLE demanded tellers; which were ordered; and Messrs. HAMILTON, and STANTON of Tennessee appointed.

The question was then taken, and the tellers reported—ayes 75, noes 46.

So the amendment as amended was adopted.

Mr. STROTHER offered the following amendment:

For the repair of the Potomac bridge, \$17,000.

Mr. S. said: Mr. Chairman, the vote of the House just now taken recognizes the duty and propriety, on the part of this Government, of keeping up and preserving the connection between this

District and the adjacent States; and every reason which influenced the House in the vote just given, bears upon this question with increased and accumulating force, since the connection with Virginia is with a larger population and a larger extent of country, and of more extensive use to the Government and to the people of the District. This connection is therefore more important than the others. During the winter this river is occasionally frozen over, and in the absence of this bridge, all mail connection with the southern States is interrupted and sometimes cut off.

Now, the committee will observe that I have placed in my amendment the sum of \$17,000. I have adopted that sum on the report of the Commissioner of Public Buildings and Grounds, who estimated that \$20,000 would be enough to put that bridge in repair, and to pay the expense of the keepers. The expense of the keepers being estimated at twenty-nine hundred and some odd dollars, it leaves the round sum of \$17,000 to be applied to the improvement of the bridge. The facts in relation to this bridge, its purchase by the Government, its ownership by the Government, are the same as in relation to the other bridges. So that the cases being analogous, the committee cannot hesitate to adopt the amendment.

The question being on the adoption of the amendment of Mr. STROTHER—

Mr. MEADE demanded tellers; which were ordered; and Messrs. STROTHER and MOLONY were appointed.

The question was then taken, and the tellers reported—ayes 63, noes 50; no quorum voting.

The roll was then called, with the view of ascertaining the absentees. The following gentlemen answered to their names:

Messrs. Abernethy, Aiken, Allison, John Appleton, William Appleton, Averett, Thomas H. Bayly, Bissell, Bowie, Bragg, Breckinridge, Brenton, Briggs, Brooks, G. H. Brown, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Caskey, Chandler, Chapman, Chastain, Churchwell, Clark, Cleveland, Clingman, Cobb, Cullom, Curtis, Daniel, John G. Davis, Dean, Dinwiddie, Disney, Dockery, Doty, Duncan, Dumian, Durkee, Faulkner, Ficklin, Fitch, Florence, Floyd, Fowler, Thomas J. D. Fuller, Gamble, Gaylord, Giddings, Gilmore, Goodenow, Gorman, Hall, Hamilton, Harper, Isham G. Harris, Hart, Hascall, Haven, Hebard, Hendricks, Henn, Hillyer, Holladay, Horsford, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mann, Mason, McCorkle, McDonald, McLanahan, McMullin, McNair, Meade, Milson, Miner, Molony, Henry D. Moore, John Moore, Morehead, Morrison, Murphy, Murray, Nabers, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Penn, Penniman, Perkins, Phelps, Polk, Price, Riddle, Robbins, Robie, Ross, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Origen S. Seymour, Skelton, Smith, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Alexander H. Stephens, Thaddeus Stevens, St. Martin, Stratton, Strother, Stuart, Sutherland, Thurston, Townsend, Venable, Wallace, Walsh, Ward, Washburn, Watkins, Wells, Alexander White, Wilcox, Wildrick, Woodward, and Yates.

The committee then rose, and the Speaker having resumed the chair, the chairman (Mr. PHELPS) reported that the Committee of the Whole on the state of the Union had had, according to order, under consideration the Union generally, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending June 30, 1853, and having found itself without a quorum, had ordered the roll to be called, and instructed him to report the facts to the House, with the names of the absentees, which are as follows:

Messrs. Charles Allen, Willis Allen, Ashe, Babcock, David J. Bailey, Barrere, Bartlett, Beale, Bell, Bennett, Bibbhauss, Bocoek, Bowne, John H. Boyd, Albert G. Brown, Buell, Burt, Bushy, Colecock, Conger, Cottman, Darby, George T. Davis, Dawson, Eastman, Edgerton, Edmundson, Evans, Ewing, Freeman, Henry M. Fuller, Gentry, Goodrich, Green, Grey, Grow, James Johnson, Mace, W. Harris, Haws, Hibbard, Hunter, James Johnson, Mace, Marshall, Martin, McQueen, Meacham, Miller, Orr, Peaslee, Porter, Powell, Kanton, Reed, Richardson, Robinson, Russell, Scudder, Scurry, Slat, Snow, Stone, Sweetser, Taylor, Benjamin Thompson, G. W. Thompson, Toombs, Tuck, Walbridge, Welch, Addison White, and Williams.

There being now a quorum present, the committee again resumed its session.

The CHAIRMAN. When the committee found itself without a quorum, the committee was dividing upon the amendment offered by the gentleman from Virginia, [Mr. STROTHER.]

The tellers will resume their places, and the House will be again divided.

The question was then taken, and the tellers reported—ayes 60, noes 64.

So the amendment was not agreed to.

Mr. CABLE, of Ohio. Is it in order to offer an amendment, to come in at the end of the paragraph in relation to public buildings?

The CHAIRMAN. It will be.

Mr. CABLE. I move to amend, by adding, that the bridges across the Eastern Branch, with the one across the Potomac, be surrendered to the authorities of this District.

The CHAIRMAN. The Chair doubts about the regularity of that amendment; the gentleman will, however, reduce it to writing.

The amendment was then reduced to writing, and presented, as follows:

That the bridge across the Eastern Branch of the Potomac be surrendered to the municipal authorities of the District of Columbia, and also the one across the Potomac.

Mr. C. said: I do not intend to offer any explanation of that amendment. It explains itself. My particular object is to test the legal decision which gentlemen of the legal profession have given to this question. I want to know whether they will, by their votes, sustain the position they took in order to carry the previous amendment—that the United States would be bound, in case a man should fall through one of these bridges and break his leg, to respond in damages. I think, however, that upon the merits of this question a good deal might be said; but, as a matter of course, members will make up their own minds. I hold that the United States have no right to thrust one end of a bridge upon either Virginia or Maryland, without permission from the particular States.

Mr. STANTON, of Kentucky. I have simply to reply to the gentleman from Ohio, [Mr. CABLE,] that, originally, at the time the bridges were erected, the territory upon the other side of the river, as well as that upon this side, belonged to the District of Columbia. I would like to inquire of the gentleman from Ohio, if he knows whether the authorities of the District would receive those bridges, provided the Government is inclined to surrender them, as is proposed by his amendment?

The question being upon the adoption of the amendment of Mr. CABLE—

Mr. FICKLIN demanded tellers; which were ordered; and Messrs. FULLER, of Maine, and CULLOM appointed.

The question was then taken, and the tellers reported—ayes 73, noes 46.

So the amendment was adopted.

Mr. STANTON, of Kentucky, moved to amend what had already been inserted in the bill in relation to bridges, as follows:

And that, as the Government of the United States is the supreme authority in the District, that said Government now accept them.

Mr. S. said: I understand the effect of the amendment just offered by the gentleman from Ohio, [Mr. CABLE,] and incorporated into the bill by the committee, is to surrender these bridges to the District of Columbia. I do not know that there is any authority in the District to accept the bridge, unless it is the Government of the United States, because we constitute the Legislature, which is the supreme power of the District; and if the gentleman's amendment continues in the bill, it seems to me certainly right that this amendment should follow it. His proposition was to give the bridges to the District, and mine is that we, as the supreme authority in the District, receive them. I am perfectly willing—

Mr. CABLE. I wish to know of the gentleman, whether we are to understand him to hold that the Congress is the municipal of the District?

Mr. STANTON. Certainly; the United States has power over the municipal authority of the District.

Mr. HENDRICKS. I move to reconsider the vote by which the amendment of the gentleman from Ohio [Mr. CABLE] was adopted.

The CHAIRMAN. Such a motion cannot be entertained by the committee.

Mr. FULLER, of Maine. I ask for the reading of the amendment again.

The amendment was again read, as above inserted.

Mr. HOUSTON. I do not think we ought to take up so much time with the subject of these bridges. I hope gentlemen will not offer any more amendments. Let us get on with the bill.



We have spent more time upon the subject than half a dozen such bridges are worth.

Mr. STANTON. If there is no objection, I will withdraw my amendment.

No objection was made, and the amendment was withdrawn.

Mr. STROTHER submitted the following amendment:

For the repair of the Potomac bridge, \$15,000.

Mr. ORR. I rise to a question of order. The amendment in relation to bridges, which was first adopted, surrendered the bridges to the authorities of the District of Columbia, and they are not now under our control. [Laughter.]

The CHAIRMAN. The Chair cannot decide what amendments the committee may or may not adopt. If they make incongruous legislation, it is not for the Chairman to decide, and he therefore overrules the point of order.

Mr. STROTHER. If the bridges are to be surrendered, there is nothing to forbid their being surrendered in good order; and therefore the amendment is in order.

The CHAIRMAN. The Chair has decided the amendment to be in order.

Mr. STROTHER. Of course, I entertain the opinion that the House will not surrender this property to the District when the people of the District are only partially interested in keeping up this connection. Although it is important to the people of the District that this connection should be preserved, it is also important to the Government and to the adjacent States; and the obligations put upon or undertaken by the Government when these bridges were purchased, have accumulated with the increase of the business and population of the country.

It has been objected that this Long Bridge is not at a place where the connection should be. The adoption of the amendment I offer will not conflict with the erection of a permanent bridge at another place. Even if, in the wisdom of Congress, a permanent connection shall be established elsewhere, in a mode that will reflect credit upon the skill and far-seeing wisdom of the country in the magnitude of its structure and its permanence, its construction will occupy a great length of time, during which, unless this bridge be repaired, an important connection with the seat of Government will be cut off. The sum I propose will place this bridge in a condition in which all the uses required can be obtained. If it please Congress to establish another bridge, then this outlay will be more than compensated for by the uses of this bridge during the time occupied in the construction of a permanent one. Those, therefore, who are in favor of the construction of a permanent bridge elsewhere ought not to object to the placing of this structure in that condition in which it can be used during the erection of the permanent structure. I shall not go over the arguments which have been urged heretofore, showing the necessity of this appropriation. I entertain the hope that, in any view the committee may take, it will be its pleasure to adopt the amendment I have offered.

Mr. JONES, of Tennessee. I am opposed to the amendment. I am of the opinion, however, that if it be the pleasure of Congress to construct another bridge over the Potomac river, it should not be constructed on the site of the Long Bridge, which was recently washed away. It should be above the head of navigation, at Georgetown. A large portion of the old Long Bridge, between the two channels of the Potomac, is a close dam, and the river is rapidly filling up above it. It is said by many who live in that part of the city around the President's House, that the health of that locality is seriously affected thereby. Before another bridge is constructed across the Potomac, the matter should be referred to a proper officer of the Government, who should examine and report upon it, that it might be constructed in a proper manner.

Mr. HOUSTON. I will state a fact in this connection. The Commissioner of Public Buildings estimated \$20,000 for the repair of the Long Bridge before it was carried away by the late freshet. If \$20,000 was necessary then, the appropriation now of the amount proposed by the gentleman's amendment would be \$15,000 absolutely thrown away. The estimates of the Commissioner of Public Buildings must have been utterly futile, and worse than that, or else this \$15,000, now proposed to be appropriated, would

do no good, for one of the draws is washed away. As I have already said, before any part of the old bridge was damaged by the late freshet, the Commissioner of Public Buildings estimated for its repair the sum of \$20,000. It will be seen, from that basis, that \$15,000 now will amount to nothing.

Mr. STROTHER. I desire to state a fact or two. First, in reply to the gentleman from Alabama. He states that the sum of \$15,000 is not enough, because the estimate of \$20,000 was prior to the washing away of the bridge. The gentleman must have forgotten that an amendment was offered in the Senate, based upon a report of the superintendent, that he could repair the damages of that freshet with \$10,500.

Mr. HOUSTON. I have the estimate of the gentleman himself, made before that freshet, for \$20,000.

Mr. STROTHER. I am aware of that fact; but there has been an estimate since addressed by him to the Senate for its action of \$10,500.

Mr. HOUSTON. Well, that shows that no confidence can be placed in the officer.

Mr. STROTHER demanded tellers; which were not ordered.

The question was taken, and the amendment was rejected.

The following clause of the bill was read, viz:

"For the completion of the east wing of the Patent Office building, \$30,000."

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move to strike out "\$30,000," and in lieu thereof to insert "\$103,000."

The amendment is in pursuance of a recent minute estimate of the superintendent.

The question was put, and the amendment was agreed to.

Mr. HOUSTON. I am also instructed by the Committee of Ways and Means to offer the following amendment in pursuance of the estimate, to come in after the eight hundred and sixty-second line:

"For finishing the front of the basement of the center building of the Patent Office, and making it conform to the design of the wings, \$3,200."

The question was put, and the amendment was adopted.

Mr. DUNHAM. I am unanimously instructed by the Committee of Ways and Means to offer the following amendment, to come in after line eight hundred and sixty-four:

For purchase and payment of the building at the corner of F street north and Seventeenth street west, in the city of Washington, held by William H. Winder, and now in the occupancy of the United States, \$200,000: *Provided*, Said William H. Winder shall make to the United States a good and sufficient title in fee-simple with general warranty, free from all liens and incumbrances to said building and premises on which the same is situated; such title to be approved and accepted by the Attorney General and the Secretary of the Treasury before payment.

Mr. D. said: The Committee on Public Buildings of the last Congress recommended the purchase of Winder's Building. The Committee on Public Buildings of the present Congress also have recommended its purchase by the Government. I think there are many weighty reasons why the Government should do so, and not continue as it does now to occupy it at a heavy rent. Those who have examined the matter will recollect that Mr. Winder was induced to erect this building for the accommodation of the Government upon certain recommendations—unofficial and unauthorized, it is true—of the then Secretaries of War and the Treasury. He erected the building in 1847, and we have been occupying it as his tenants since that time. We are now paying twenty-one thousand eight hundred and some odd dollars annually as a rent for its use. We have money now lying in the Treasury, for which, at present, there is no use. Any member of this committee will see that the price we offer for the building is inadequate when compared with the rent we now pay for its use. It will be readily perceived that in less than ten years we will have paid in the way of rent the price of the building, and yet not have it in our possession. Our officers now occupy it. I know that some gentlemen argue that the Government ought to erect another structure; but such an edifice as the Government ought to build cannot be erected until we shall have paid for this building in the way of rent. Suppose you were to commence this very year to build a suitable structure for the use of the Government,

and such a building is recommended by the Committee on Public Buildings, it would not be completed until you had paid for Winder's Building in rent. This, then, is a matter for the careful consideration of the committee. Is it not best that we should purchase this building at once, and have it under our absolute control? Is it not better that we should pay for it at once and own it, than to pay in a series of years for it, in the way of rent, and then not own it?

Mr. BOCOCK. What did the building cost?

Mr. DUNHAM. It is impossible, I presume, for the man who erected the building to tell exactly what it cost. The Committee on Public Buildings have investigated that matter minutely, as also have the Committee of Ways and Means. We have the statement of several of the best architects in the city—among the rest of Mr. Walter, an architect of public buildings—and we are satisfied that the price proposed to be paid for it is not anything more than adequate. Indeed, the Committee on Public Buildings thinks that it is an inadequate price. Some of the members of the Committee of Ways and Means think the price is inadequate; but that committee has unanimously come to the conclusion that the Government had better take the building at the proposed price than continue to pay the rent we are now paying. A principal that would yield an interest of the amount equal to the rent we pay, would be much larger than the price we propose to pay for the building.

Mr. STEPHENS, of Georgia. I am opposed to the amendment, but I will not now detain the committee with my reasons for my opposition. I think we will soon have a new building for the War, Navy, and State Departments. This public building must, in a short time in our history, be erected. I am, therefore, utterly opposed at this time, to the expending of so much money upon the purchase of a building so unsuitable both in place and architecture as this one is. I am not now going into a discussion as to whether this building is suitable, whether it is constructed of good material, whether it be lasting, or whether it be safe or not. I know that doubts have been entertained as to its stability. It is not of that character of architecture which the public necessities will soon demand. The gentleman said that the rent of this building, whilst we were erecting a new one, would pay its cost. Mr. Winder put up that building in about one year. We pay \$21,000 per annum. It may be that we pay too much. You had better pay \$40,000 rent if you use the building for two years, than to give \$200,000 for it, as at the expiration of that time you can put up another building. I say that we ought to go on for the next year as we have the past year, and then set about putting up a suitable building. I think that we shall see erected, in the course of four or five years, three or four buildings suitable for the use of different Departments of our Government; let us, therefore, not spend this amount of money at this time, but keep our funds for making such an improvement as will serve the wants of the Government, and also contribute to ornament and adorn the public grounds.

Mr. JONES, of Tennessee. I move to strike out \$200,000 and insert \$100,000. I offer this amendment in order to enable me to make a few remarks in regard to this question at this time. When this building was first proposed to be sold to the United States, I think its owner asked \$280,000. He then reduced the price to \$250,000. One of the standing committees of this House, I believe, at the present session, has reported a bill to purchase it at \$250,000, having had before it the statements from the heads of the Department, the engineers and architect, and the Commissioner of Public Buildings as to the stability of the structure, its cost and value. I have opposed the purchase of it at those prices, and have uniformly stated, and now believe, that it is not such a structure as should be employed by this Government as one of its permanent departments. I consider it entirely and completely inadequate, and I have only been induced to favor this proposition for buying the building at \$200,000, which Mr. Winder says he will take for it, in consideration of the circumstances in which we are placed. We have the building now at an expense of \$21,800, including the warming of it, which is about \$20,000 for the rent. I agree with the gentleman from Georgia [Mr. STEPHENS] that we should erect a

building; but when he says that it is not such a building as the Government should have; and that Mr. Winder built it in twelve months, does he think that this Government can construct a suitable building for its public office, in two years? It will take you one year from this time to get the plans and estimates of a building of the kind, and then, to judge from the work going on under our very eyes, it will take some eight or ten years I think, at the least, to complete it.

Mr. STEPHENS, of Georgia. That is true, but we will save the interest upon the \$200,000; and let us not go into this investment. The gentleman himself admits that it is not such a building as we want; let us, therefore, at once, if the gentleman pleases, provide for the erection of a suitable building.

Mr. JONES. I am willing to do that; but we cannot get that until, in my opinion, you will have paid the amount of this \$200,000 in the rent of the building. It is more, in my opinion, than the building cost; but I believe at that price it will be a measure of economy, and not of extravagance; because, when we shall have put up such a building as we shall need, and this will be no longer wanted, we will have the building and ground upon which it is now situated. It is in view of these circumstances, and the delay necessary and consequent upon the erection of such a building as I think is needed by this Government for public offices, that I have given my assent to this proposition, reluctantly, I will say, even at that price, because as a permanent public building for this Government, I would not take it at any price. I will withdraw my amendment.

There being no objection, the amendment was withdrawn.

Mr. BROWN, of Mississippi, moved *pro forma* to strike out \$200,000, and insert \$175,000. He said: I am utterly opposed to the purchase of this building. It is not such a one as ought to belong to the Government at any price. Why, look at this building. Has it the appearance of a national building? To my mind, it resembles more a great manufacturing establishment than anything else. It cannot possibly be made creditable to the Government. I hold that when this Government owns buildings, whether it erects them or purchases them, they should at least reflect some little credit upon the architectural taste of the nation. I am opposed to the purchase of this building upon that ground, and I am opposed to it upon the further ground, that I do not choose, as a member of the National Legislature, to permit Mr. Winder, or anybody else, to consult his private taste in putting up a building for the nation. This nation has the means, has the taste, and I trust it will have the proper spirit, to put up its own buildings; and in a manner creditable to the nation.

The argument of my friend from Tennessee [Mr. JONES] as to the amount of rent which we are paying for this building amounts to nothing. I would rather pay twenty years' rent for it than have it said that the United States owned such a building at any price. It is a great unseemly building, wholly unlike any other public buildings, with no architectural taste about it. I think that we should go on and pay Mr. Winder his rent so long as we choose to occupy the building, and then go about, as the gentleman from Georgia [Mr. STEPHENS] says, erecting our own buildings suitable for the uses of the Government. Put them in the right place, and not have them stuck up in the corner of some private square. For these, and forty other reasons which may be stated, I have from the beginning opposed the purchase of this building. I understand that in the course of a year or two another distinguished citizen intends to put up buildings for the heads of the Departments. While upon this subject, allow me to say, that I am in favor of the Government putting up residences for each one of the heads of the Departments; but if any private individual presumes to come forward and put them up upon his own architectural plan, and according to his taste, I shall oppose the purchase of them. I desire to see the Government put up buildings which shall reflect credit upon the whole country, and which shall be upon a scale commensurate with the magnitude of the nation. I desire to see erected for the War Department, the Navy Department, and the State Department, such buildings as will reflect credit upon the country; and I wish

also to see private residences for each one of the heads of the Departments which shall also reflect credit upon the country. But I will permit no man, so far as my legislative action is concerned, to consult his tastes about putting up buildings for this Government.

Mr. BAYLY, of Virginia. It may be proper in opposing this amendment that the committee should understand the circumstances connected with the erection of this building. It was erected under the encouragement of the Secretaries.

A VOICE. What Secretary?

Mr. BAYLY. Mr. Marcy. I know the whole circumstance of this case. We were renting at that time, at enormous rents, a large number of frail and combustible houses. They were rented at large prices, because no property holder will rent buildings for the public offices at the rates at which he would rent for individual purposes. These buildings were combustible, and there were valuable documents in all of them. They were rented merely at the discretion of the Department. It was suggested by the Secretaries to Mr. Winder, who had been largely engaged in the erection of buildings, that if he should erect a fire-proof building near the other Departments, and that the Government would rent it of him. Well, he erected the building, and the Government has rented it of him. Although some gentlemen say that it is a bad building, architects say otherwise. He has this house on hand. For reasons to which it is not necessary to advert, I understand that he is under strong obligations to make sale of it. When I was at the head of the Committee of Ways and Means, it was part of my duty to investigate the whole case, as I did very carefully and laboriously; and my opinion of the matter is, that advantage is taken of the necessities of this man to give him less for the building than he ought to take.

The question was then taken on Mr. Brown's amendment, and it was rejected.

Mr. STANTON, of Tennessee. I propose to increase the appropriation \$50. I do this for the purpose of stating, that when the proposition was first made to rent this building, before it was completed, some five or six years ago—I do not remember the precise time—I protested against that mode of proceeding, and at the time stated, that the plans, as presented under the administration of General Jackson, advocated and recommended by him, ought to be carried out; that new buildings should be put up, the Treasury building completed, and corresponding buildings—not corresponding in architectural character, but in general form—upon the opposite side of the square. This is still my opinion; it is the proper course which should be adopted by the Government. I am glad, upon the present occasion, to find that there seems to be a general feeling in favor of this mode of proceeding by the Government. I wish to call the attention of the House to another important fact in reference to this building. My colleague [Mr. JONES] is correct when he states that you will not erect in ten years such a building as this Government ought to erect, and that the expenditures for the rent of this building during that period will amount to more than you now propose to pay for it. I call the attention of the House to this fact, that there is not a fire-proof building now in the possession of the Government affording the same room, the same conveniences, and the same advantages as this building, that did not cost five times as much as it is now proposed to pay for it. Although the gentleman from Mississippi [Mr. BROWN] stated that this building has not the architectural proportions and appearance which a building owned by the Government should have, yet it has one advantage that no other Government building has, and that consists in the fact that it is perfectly and substantially fire-proof. It is an economical building; and, sir, I think that the Government might learn an important lesson from the construction of that building, by which it might profit in future. Here is a building containing a number of rooms, equal, I believe, to the number of rooms in some of the separate departments, and in no single instance is there one that has not cost three or four, or perhaps five times as much as this building costs. It is a substantial building. It is a building which is certainly not without beauty, and certainly not without every convenience that is necessary for a public building. I think that, upon every consideration, the Government will be a gainer to the whole amount of the

\$200,000, or at least, to the value of the building at the period when you may erect one to take its place. But even at that time there will be a necessity for the occupation of this building. I have no doubt that if you build new War, Navy, and State Departments, at the completion of those buildings, crowd them as you may, you will still find a necessity to rent this building, such will be the growth and extent of our country.

Mr. FITCH. I am opposed to this amendment, and likewise to the original proposition. I desire to say a word or two in reply to the argument of the gentleman from Tennessee, [Mr. JONES,] who very reluctantly favors this amendment, and of my colleague, [Mr. DUNHAM.] They say that we have been paying an enormous rent for this building, more than the interest on the money they now propose to give for it, and that, therefore, it would be better to purchase the building, and pay this amount for it than continue the rent. The payment of that rent has been compulsory on our part. I will not say that we have been dealt unfairly with, but our necessities have been imposed upon, and we have been compelled to pay an exorbitant rent, higher than an individual would have paid for the same building. But the gentlemen say that because this extortion in rent has been practiced, we must submit to another still greater, in paying an enormous price for the building. The actual cost of the building could not have exceeded \$120,000. As to the stability of the structure, I presume gentlemen who were here two years since, remember certain evidences of it then afforded. Why, sir, a gust of wind, not very remarkable for severity, carried off the roof of the building. And, again, recently, when there was a young earthquake, which excited no alarm elsewhere, it frightened the clerks out of the building like rats from a sinking ship.

A VOICE. The President left the White-House, too.

Mr. FITCH. He knew he would be compelled to leave it, to make room for a Democrat, on the 4th of March next, and took the slight jar of the earthquake as a gentle hint, to avoid the worse shaking which was to come then, by vacating now. But to return to the Winder Building. Do these facts show remarkable stability in it? By no means; and, as the gentleman from Mississippi well remarked, there is nothing of convenience or architectural beauty to recommend it; and, if nothing of strength, then why should we purchase it? We are told that we ought to purchase this building now, because the price of it is reduced; that the owner originally asked \$280,000, that next year he fell to \$250,000, but that now he offers to sell it for \$200,000. That very argument is a strong one for deferring the purchase, because at this rate we shall get it for \$110,000 in another year, if it shall be necessary to purchase it. But it is far better to build than to buy buildings of this kind. Its purchase would be a bad investment, even as a temporary expedient, for it will be like the bridges over the Eastern Branch—we shall be compelled to appropriate five, ten, or fifteen thousand dollars annually to keep it in repair. And the first severe wind, or a discharge of artillery, or slight vibration of the earth, might tumble it down. If we purchase it, in addition to great expense to keep it in repair, we shall ultimately be compelled to erect buildings for the very purposes for which it is now proposed to purchase this one. It is badly built, badly ventilated, and badly arranged, whatever interested parties, or parties ignorant of what public offices ought to be, may say to the contrary.

There is another edifice which I have in my eye, and in which I am officially slightly interested, that the Government can purchase at a bargain, if they must buy instead of building, though that is a policy I would by no means recommend. At the proper time, I shall move to strike out all in relation to Winder's Building, and insert the one at which I have hinted.

Mr. STANTON, of Tennessee, then withdrew the amendment to the amendment.

Mr. STANTON, of Kentucky, renewed it, and said: At an early part of the present session of Congress a resolution was adopted by the House directing the Committee on Public Buildings to inquire into the amount of rent that was paid by the Government of the United States annually, and the amount which had been paid for the last ten years. In the discharge of the duty imposed upon the committee by this order of the House,

we made the necessary investigation, and we found that this Government has paid during the last ten years more than \$150,000 rent for houses belonging to private individuals in this city, not one single one of which was fire-proof. We are now paying at the rate of \$32,000 per annum for rent of houses belonging to private individuals, and occupied by the Government; this one of Winder's, and a little affair belonging to the Commissioner of Public Buildings, being the only two that are fire-proof. We pay for Winder's Building at the rate of \$21,875 per year, and for Captain Easby's building at the rate of \$300 per year. Those are the only two fire-proof structures belonging to private individuals, occupied by the Government; and for those we pay nearly \$25,000 per year.

Now, sir, a great deal has been said about this structure of Winder's; and I should like to know of those gentlemen who have spoken upon the subject, whether they have examined the building; and whether they are prepared to state, upon their own knowledge, that the cost of this building was \$120,000; that it was erected in an insufficient manner; that it is insecure; that the gust of wind which carried off the roof would not have carried away any roof similarly suspended, and whether it would not have carried off the roof of this Capitol if it had been within the range of that hurricane. Now, I have been to that house; I have examined it from its foundations to the cornice; I have had practical men with me, who knew all about building, to examine it with me; and they all concurred with me in saying that it was substantially and well built. Every room in the house is arched over, and there is not a particle of wood in it that can be burnt or destroyed by fire. It is the only house in the occupation of the Government outside of the public buildings, in which the archives of the Government are safe, except the little caddy over here belonging to Captain Easby.

Now, the gentleman from Indiana [Mr. Fitch] says that the cost of that building could not have exceeded \$120,000. I will convince him, or any other gentleman who will go with me over the calculation, that it has cost fully as much as the amount which the Committee of Ways and Means propose to give for it. Take the number of bricks in the house—and any school-boy can make a calculation as to the amount—and knowing the cost of that kind of work, you can easily ascertain the aggregate. Why, the iron-work in that building cost \$60,000 and more. Mr. Winder has the bills and receipts, which show that it cost \$60,000. Well, in addition to the brick-work and iron-work, there is wood-work about the house—window-frames, and so forth, and there is painting and glazing, and a number of other items, which necessarily increase the expense to a large amount.

But the Committee on Public Buildings did not rely entirely upon their own judgments in regard to the construction of this house. Here is the certificate of the present architect of public buildings, who says that he went and examined the house, and that such a house could not be built by the Government for less than \$240,000, exclusive of the value of the ground, and that is worth \$30,000.

Here is the certificate of Mr. Ward, an old builder of this city, whom I have known from my boyhood to the present moment, and whose word would not be disputed by any one who knew him. He says that such a house as that could not be built for less than \$250,000. And here is the certificate of a gentleman of the name of Coltman, another builder, who has been here for a quarter of a century, and is known to the people of this city—

[Here the hammer fell.]

Mr. McMULLIN. I am opposed to the amendment of the gentleman from Kentucky, and in opposing that amendment, I desire to notice the argument of my colleague, [Mr. BAYLY.] I understood my colleague, who professes to know all about this Winder's building, to say that the then acting Secretary committed this Government in regard to that building.

Mr. BAYLY. Oh, no.

Mr. McMULLIN. That there was an implied understanding—

Mr. BAYLY. I wish to say at once, that my colleague utterly misunderstood what I said. I do not think he was listening to me when I spoke.

Mr. McMULLIN. I may have misunderstood

my colleague, but I certainly was listening to him and trying to understand him. I understood my colleague to assert that the Secretary—and he told me that Mr. Marcy was Secretary at the time—recommended the erection of this building. Did my colleague say that?

Mr. BAYLY. I did not.

Mr. McMULLIN. Then what did you say? There were other gentlemen who understood my colleague to say, as I understood him, that Secretary Marcy recommended the erection of this building. Now, sir, that is one of my objections to the purchase of this building. I deny the right of Secretary Marcy, or Secretary anybody else, acting in his official character—

Mr. HOUSTON. The gentleman from Virginia will allow me to say, that Mr. Marcy did not recommend the erection of the building. It is due to Governor Marcy, that I should say this much.

Mr. McMULLIN. I understood my colleague to say that he did recommend it.

Mr. HOUSTON. Governor Marcy, in his letter, stated to Mr. Winder, that if the building were completed, he would occupy a part of it, but—

Mr. McMULLIN. I cannot allow the gentleman to occupy any more of my time. There seems to be a difference between the statements of my colleague and the present chairman of the Committee of Ways and Means. I understood my colleague to say that Governor Marcy recommended the erection of this building.

But, sir, I desire to say further, that while gentlemen are talking here about saving money to the Government, by purchasing this building, they forget that the Government is now in debt to the amount of \$100,000,000, and must pay six per cent. interest on the money which they have borrowed. If you deduct the six per cent. which you must pay in the form of interest, I ask you if this Government will be saving the twenty-odd thousand dollars now paid in the form of rent?

But, again, I wish to call the attention of the committee to another fact. Notwithstanding what the learned chairman of the Committee on Public Buildings has said, I tell that gentleman, and tell this committee, that I have examined this building myself. I know that the public officers are, at times, really afraid to remain in the building. Go and examine it, and you will find that it is cracked almost from bottom to top; and not only are window frames cracked, but it is cracked between the window frames. It is a rickety concern. I would not like to stay there, if I were one of those officers. But I tell the House, that it is due to ourselves, before we pay this \$200,000 for this building, that one or two more committees should investigate the subject. I concede to the gentleman from Kentucky [Mr. STANTON] a very high degree of architectural skill, but when I see the building with my own eyes, it is very difficult to convince me that I am wrong.

Mr. STANTON then, by unanimous consent, withdrew his amendment.

Mr. BAYLY, of Virginia, moved *pro forma* to increase the appropriation \$40.

I move this amendment, Mr. Chairman, for the purpose of saying a word in reply to my colleague, [Mr. McMULLIN.] My colleague saw fit to criticise my remarks, without having heard correctly what I said, or if he did hear, he did not understand. Now, I never said that Governor Marcy recommended the erection of this building. I generally understand the force of the language I use, and I sometimes take pains to use the proper language. I said that this building was erected under the encouragement of the Secretaries—I used the plural term. He asked me what Secretary. I said Marcy for one. Walker was the other. The building was erected under their encouragement. That is the record.

Mr. McMULLIN. What is the difference between recommendation and encouragement?

Mr. BAYLY. Why, Mr. Chairman, the gentleman's question shows that I am right. He asks me what is the difference between encouragement and recommendation. The gentleman has encouraged me to make this speech, but I do not think he recommended it. [Great laughter.] Does the gentleman understand me now? I used this word, and the gentlemen who sit near me so understood me. I said it was done under the encouragement of the Secretaries. I only used the sin-

gular, when my colleague asked me, what Secretary? I replied Marcy was one; I should have gone on and stated that Walker was another, but for the hurry under the five minutes rule. I might have said under the encouragement of the Executive. That is the proper expression.

Mr. BROOKS. I move to increase the appropriation.

The CHAIRMAN. The proposition already pending is to increase the appropriation \$40. Another amendment is not in order until that is disposed of.

A MEMBER. You can speak in opposition to the pending amendment.

Mr. BROOKS. I have only a word or two to say upon this subject. This is a commercial matter, which any merchant would settle, if it were his own, in five minutes. We are paying for this building a rent upon a principal of \$325,000—that is, at the rate of six per cent. interest. The rent we pay would make the principal about \$325,000. The proposition now is to buy the building for \$200,000, the interest of which, at six per cent., is \$1,200 a year. The plain, simple proposition before the House, therefore, is, whether we will save over \$7,000 per annum; and I say, that is not a question about which a merchant or planter would hesitate a moment.

Mr. SACKETT. Will the gentleman allow me a moment, simply to make a statement in connection with this matter? In ten years the difference between the interest upon \$200,000, which it is now proposed to pay for this building, at the usual rate, and the rent which we pay for the building would amount to \$89,680. In twenty years it would save the entire cost of purchasing the building.

Mr. BROOKS. Now, Mr. Chairman, we have a surplus of between \$7,000,000 and \$8,000,000 in the public Treasury, and the question is, What shall we do with it?

Mr. McMULLIN. Pay the public debt.

Mr. BROOKS. The gentleman from Virginia says, "Pay the public debt." Why, sir, we can do that if we choose to pay \$112 or \$115 for \$100 of that debt, for that is about the amount of premium upon the United States stocks. But how can we pay the debt we owe before it becomes due, unless the creditors choose to take it? We cannot pay the public debt unless we buy United States stocks at from twelve to fifteen per cent. premium. Is it not, then, wise to take this surplus money which we now have in the Treasury, and invest it as it is now proposed, in the purchase of a public building which the public officers of the country have certified is necessary? Which your architects have certified is strong? And which the Committee of Ways and Means have unanimously agreed to recommend? and it is very seldom that anything is reported here, and especially an appropriation, unanimously, by that committee. I believe it was also unanimously recommended by the Committee on Public Buildings, as a measure of public economy, and as a wise investment of the surplus public money which now lies idle in the Treasury.

Now, Mr. Chairman, one word with regard to the safety of that building. There is a contest going on in this city between the builders and Winder's Building. When I first came to this city, living, as I did, in the vicinity of that building, I almost instinctively went upon the other side of the street as I passed it. I always felt shy of it. There was something of ticklishness even when I looked at it, for I was told that it would tumble down about my head. This comes from the struggle that is going on between the builders and architects. To make us build three or four more public buildings in order to give them employment, they tell us these tales. I am willing to build more public buildings, but I am not willing to be deluded by idle tales as to the danger of this one. They are all got up by the builders and architects, who want us to appropriate large sums of money in the erection of other public buildings. This building is as safe as any of the kind in the world, I think, and I am assured so by architects in whose opinions I have great confidence. I have no fear or apprehension in my own mind now. I think it is one of the best buildings of the kind in the world; one of the best fire-proof buildings, and one of the best buildings to be used as a depository of the public records whenever we begin to erect other buildings. If it had been



used alone as a depository of pension certificates, land warrants, and other public documents, which require to be deposited in a safe public building, it would be worth a half a million of money to the country at this moment merely as an idle depository. The public papers are constantly in danger in the War and Navy Departments; and in the Treasury Department large claims have arisen against this Government, because the public records have been destroyed by fire. The Government has paid for these claims ten times over what a suitable fire-proof building would cost; so that if we were to purchase this building only for the depository of these papers, it would be money well invested.

The question was then taken, and the amendment to the amendment was not agreed to.

Mr. FITCH. I move to strike out all that relates to "Winder's Building" and insert in lieu thereof "the Smithsonian Institution."

I expect to have the support of my friend from Mississippi [Mr. Brown] for this amendment, because he cannot make the complaint against the Smithsonian building, that it wants architectural beauty, however much it may want convenience. There is one thing in relation to it which is a particular recommendation. The roof is not in danger whenever the wind changes, and the walls are too substantial to give way to the concussion from a discharge of artillery, or because the earth takes a slight ague fit. [Laughter.]

The gentleman from New York [Mr. Brooks] stated, that the objections to the purchase of Winder's Building came from the builders and architects of the city. There has no objection of mine come from any such source, but from my own observation. I saw its roof prostrate upon the ground, and I have noticed that the walls are unsound, as the gentleman from New York can ascertain if he will take the trouble to examine them. I do not believe there is an inmate of the building who will certify that he believes it to be safe. Its inmates must view with tremor the approach of a cloud from the west or south.

The building I propose as a substitute for it has no such objection. It has architectural beauty, and its walls are durable. The interior of its main part is not finished; and in that fact is another advantage, because the Government officers can arrange it to suit their wants and conveniences. It is true if the present officers of that institution had had the erection of the building, it would probably have been a somewhat different affair, and might not have cost as much. Several gentlemen who happened at that time to be connected with the Institution as officers were men of taste; they looked rather to fancy than utility, and the building was erected in accordance with their plan. The present officers, looking to convenience and utility, are willing to dispose of the building that they may erect a new one having those requirements. I presume Mr. Winder is also very willing to get rid of his, but we are more liberal than he is. We will take two thirds the cost of our building, and that is infinitely a better bargain than to purchase Winder's Building for \$200,000. You can make the former much more useful to the Government. I cannot say, it is true, that the Smithsonian building was erected under the "encouragement" of any Secretary, although I believe quite a number of Secretaries had somewhat to do with it; and the entire Congress, too, more or less, for they are the trustees of the fund out of which it was built. It is therefore already in one respect a public building; and I believe if it is deemed necessary to purchase a building for offices, Government cannot do better than to make it one in all respects by buying it. Purchase it off our hands, and permit us to erect another that will answer a better purpose at a less expense.

Mr. HEBARD. I am opposed to the amendment. I thought the proposition to purchase Winder's Building monstrous enough, considering the monstrosity of its appearance, and its uncouth looks; but when the gentleman proposes to substitute the Smithsonian building for that, the other dwindles away until it quite vanishes. I could not consent at all that this Government should impose on us such a disgrace as to have it said that it has the proprietorship of that Smithsonian building.

But, sir, there have been speeches enough made upon this subject already. I rise not for the purpose of making another speech, but for the pur-

pose of bringing the committee, if possible, to a vote. I think we have had speeches enough upon this subject to satisfy every gentleman who will be satisfied, as to how he shall vote. I think the whole proposition is entirely unsatisfactory. There is no disposition manifested to favor the proposition, and we may as well come to a direct vote upon the main question, and dispose of it.

The question was then taken on the amendment to the amendment; and it was not agreed to.

The question then recurring upon the amendment,

Mr. DUNHAM demanded tellers; which were ordered; and Messrs. FULLER, and STANTON of Tennessee, were appointed.

Mr. GOODENOW. Will the Chair state what the amendment is?

The CHAIRMAN. It is upon the adoption of the amendment offered by the gentleman from Indiana, [Mr. Dunham,] for the purchase of Winder's Building, \$200,000.

The question was then taken, and the tellers reported—ayes 52, noes 86.

So the amendment was not agreed to.

Mr. BOWIE offered the following amendment, to come in after the eight hundred and sixty-ninth line, at the end of the clauses under the head of "public buildings:—"

For erecting a bridge across the Potomac river, at some suitable point between the Long Bridge and the rock called the Three Sisters, to be selected by the Engineer of the United States, under the direction of the President, \$30,000.

Mr. JONES, of Tennessee. I make the question of order, that there is no law authorizing the expenditure of the money proposed in the amendment submitted by the gentleman from Maryland, [Mr. Bowie.]

The CHAIRMAN. The Chair is compelled to sustain the point of order, and decides that the amendment is not admissible.

Mr. STANTON, of Kentucky, offered the following amendment, to come in at the same place as the last amendment offered:

To complete and revise the grades of the city of Washington, and to determine the plans for the drainage and sewerage thereof, \$6,000; the surveys and plans to be made by the engineer now in charge of that duty, under the direction of the President of the United States: *Provided*, That no change shall be made in any established grade in said city without the consent of the corporation of Washington.

Mr. S. said: In the appropriation bill passed the last year, or the year before, the sum of \$4,000 was appropriated for the purpose of carrying out this service. That sum has been expended. I understand that the Government of the United States owns the streets and avenues in the city of Washington, and that they are exclusively under the jurisdiction of the Government; and it is the only power that can regulate the grades thereof. The streets were originally deeded to the Government of the United States, and they are now under its jurisdiction. I have in my hands a letter from the engineer in relation to this matter; and as it gives a better exposition of the facts than I can give, I propose to occupy the five minutes allowed me by permitting the Clerk to read it.

The letter was then read, as follows:

SIR: The instructions communicated to me by the Secretary of the Interior, for my guidance in the discharge of my duties as engineer to complete the grades of Washington, direct that after I shall have taken exact and careful levels of all those streets and avenues within the city of which the grades have not been heretofore determined, and established for them proper grades, I shall, so far as the appropriation will permit, proceed to take levels of the streets and avenues for which grades have been heretofore devised and recorded, with a view to ascertaining and reporting where and to what extent those grades have been departed from, what modifications of them may be required for the public interests, and to what extent such modifications can be carried out consistently with private rights already vested.

This latter branch of duty indicated by my instructions is, in my judgment, that of the greatest and most urgent importance. The original plans of grades, as laid down in the old graduation book, are, as a system, bad, and to some sections of the city almost ruinous. While at many points they have greatly retarded, and at some points have entirely prevented improvement. The public necessities have compelled and are yet compelling much improvement in spite of them. With every dollar expended in improvements, in accordance with these old plans of drainage, the difficulty and expense of the proper remedies is increased, and, therefore, it is of the utmost consequence to determine with the least possible delay what the ultimate plans shall be, in order that the expense of their execution shall be reduced to the lowest possible amount, their adoption encounter the least possible individual opposition, and present impediments to improvement shall be most effectually and speedily removed.

The present appropriation, however, cannot touch this portion of the work. I still believe that I will be able to

make it accomplish its original immediate purposes and complete the grades of the city; that is, devise a system of grades for all that for which nothing at all had been devised before. The aggregate length of all the streets and avenues in the city is two hundred and thirty miles, of which there are one hundred and twenty-seven miles for which I have to devise a system of grades. Of the original appropriation by Congress of \$4,000, I have expended \$2,500. With this amount I have taken careful and exact levels, at points varying as the nature of the ground required, from one hundred feet to twenty feet apart, of the whole one hundred and twenty-seven miles not previously examined, (together with cross sections where the inequality of the ground required them;) have constructed an exact and original skeleton map of the whole city upon a scale of two hundred feet to an inch, (or twenty-six and four tenths inches per mile,) and maps of several localities of especial difficulty on a scale of one hundred feet to an inch, and have now in progress a general map of the whole city on a scale of one inch to seven hundred and fifty feet, (or seven and four one hundredths inches to one mile.) On the large skeleton map it is my purpose to show the contour lines of the original surface, and, in a different color, the contour lines also of the surface after graduation, so that an inspection of the map will show to the nearest foot or half foot the cut or fill necessary to bring the surface at any point to the grade. On the small general map I propose also to draw the contour of the graded surface, showing every five feet of elevation above tide, and, by colors, indicating each particular basin of drainage within the city, in such manner that the map will inform any one who may examine it how much surface and what surface is drained through any particular channel at any particular point. I think it will be conceded that this information (original to the extent of six tenths of the entire city) thus collected and thus arranged will represent \$4,000 judiciously and economically expended. It will be obvious also that both industry and economy will be required to enable the remaining \$1,500 of the appropriation to accomplish its original immediate purposes.

I deem it therefore most important to obtain, as speedily as possible, additional funds for the purpose of enabling me thoroughly to revise all of the old work, and to carry on that revision, as it can best be done, *pari passu* with my present work. To do this effectually and well, additional funds to the amount of \$6,000 will be requisite. With this \$6,000 additional, the necessary party or parties could be put immediately in the field, and the results of their labors could be, day by day, incorporated in the office with the plans now in progress. The field-work in revision could not progress as rapidly as in the unbuild portions of the city, for the reason that the houses already built would render necessary a class of laborious and minute examinations. This will partly account for the disproportion between the amount proposed to be appropriated for the portion of the city to be revised and the amount appropriated for that for which the grades were to be completed. But this disproportion of appropriation sought is due, also, to another cause. I propose to connect with these determinations of the surface drainage, the establishment of at least the leading and governing facts of a system of sewerage for the whole city, and so much of the details of the system as will effectually secure to the Government and the corporation of Washington that every dollar thereafter expended in sewerage shall be rightly expended; in the construction of a component part of a consistent and thoroughly-arranged whole, and judiciously expended in the prevention and removal of nuisances; not as now wasted in works ultimately to be reconstructed, and, in almost every instance, the immediate cause of more nuisance, filth, and disease than they are designed to remedy. The United States and the corporation are annually wasting money in building sewers, which are worse than useless; and individual citizens, impelled by necessity, and undirected by proper information, are constantly evading and violating the law to the same bad and unprofitable end. The amounts thus, often in a single year, worse than wasted, probably exceed the whole amount that I suggest to be appropriated for this object. It is in vain to say that in our climate, and with our stiff soil, a populous city can be drained by surface-drainage alone. The lower front of every populous square in the city demonstrates, on every summer day, that the fact is otherwise. Of course, until a supply of water shall be provided for the city, no general system of sewers can be effectual. It is possible, however, so to arrange and perfect a system, that what must unavoidably be done before water is introduced into the city, shall be well done, and in harmony with the ultimate system, while the levels taken in the execution of this work would give all the necessary facts to determine, when needed for that purpose, the distribution of the water.

Can \$6,000 do more general good, or improve and advance the whole city as much, by any other possible expenditure of so small a sum? Will not the corporation present the facts to Congress, and procure from the authority that gave us this immense street establishment, the means to prevent it from being an immense evil?

Mr. FICKLIN. I desire to ask my friend from Kentucky [Mr. Stanton] a question in relation to this matter.

The CHAIRMAN. Further debate is not in order.

The question was then taken on Mr. Stanton's amendment, and it was not agreed to.

#### PERSONAL EXPLANATION.

Mr. SKELTON. I rise for a personal explanation. Since I made my remarks this morning, in regard to the State of New Jersey, the gentleman from Arkansas has stated to the House that he had no intention to cast reflection upon my State, or of doing it any injustice. I wish to state to the House and to the gentleman from Arkansas, [Mr. Johnson,] that, so far as I was concerned, I had

no intention of charging that gentleman with any course of conduct designedly offensive, nor had I any intention of saying anything personally offensive to him. I know that gentleman's generosity of sentiment too well to suppose that he would designedly say anything offensive.

Mr. JOHNSON. In regard to the matter of which I spoke, I never knew anything personally, and it was humorously said on my part entirely.

Mr. DURKEE. I wish to state that I had intended to address the House on this bill. But as I was prevented by the close of debate, I will publish my remarks.

Mr. STANTON, of Kentucky. I offer the same amendment which I last offered, with the exception that I reduce the amount one dollar.

Mr. HOUSTON. I hope the gentleman will not offer his amendment, but allow us to progress with the bill.

Mr. STANTON. I offer the amendment because the House does not understand the question, and because the matter is itself one of economy. When the gentleman himself [Mr. HOUSTON] understands it, and the House understands it, they will pass the amendment.

Now, the Government of the United States exercises jurisdiction over these streets and avenues. The grades are made one day at great expense, and changed the next day at another expense. The great object Congress had in view when it adopted the original proposition upon this subject, was to devise a general system, by which the grades would be fixed permanently for all time to come. This proposition simply proposes to carry out what Congress has heretofore directed to be done; and, in order that the House may have a full understanding of the subject, I request the Clerk to read the balance of that letter.

[The Clerk then read the balance of the letter, which is inserted above in full, commencing with the words "I deem it, therefore, most important," &c.]

Mr. PICKLIN. I wish to inquire whether these grades are not already made the foundation of application for damages against the Government on account of injuries to property arising therefrom?

Mr. STANTON. I know of but a single case in the city where damages have been asked for by the owners of property, and that is on the street running north from the Capitol, past Captain Wilkes's, and that case is one where there has been a deep cut of some twenty or more feet.

The question was then taken on the amendment of Mr. STANTON, and it was not agreed to.

Mr. STUART offered the following amendment, to come in at the end of the clauses under the head of "public buildings."

For refunding to the State of Michigan the amount of money advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States during the war with Mexico, together with the interest on said sum at six per cent per annum, \$20,000; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State, as presented and now filed in the office of the Third Auditor of the Treasury Department, together with interest as aforesaid on said claim from the time said advances were made by said State, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan.

Mr. S. said: At this late hour I do not wish to detain the committee one moment unnecessarily. It is well known to everybody—

Mr. HEBARD. I rise to a question of order. My point is, that this amendment does not propose appropriation in pursuance of any existing law.

The CHAIRMAN. The question made is, that the proposed appropriation is not to carry out any existing law. The joint resolution of 1846, and the act of Congress in 1847, provide for the payment of the expenses incurred by States, corporations, and individuals in raising and sustaining troops called into the service of the United States during the Mexican war. The Chair is therefore of the opinion that the amendment submitted by the gentleman from Michigan is in order.

Mr. STUART. As I was about stating, when interrupted, this money was advanced some five years ago, by the State of Michigan, when we were called upon to raise a regiment for the Mexican war. It was near the close of the war, and the regiment was raised in great haste, and expedition, and the State promptly advanced the

money. There is no dispute anywhere, as to the advance of the money. The Department does not dispute it; but by the stringency of the regulations in the War Department, the State is unable to furnish such receipts as they insist ought to have been taken, under their regulations, from captains who paid out that money, so as to enable the accounting officer to pass the account. There is not an accounting officer who denies but what the evidence is satisfactory to show that the money has been advanced in the language of the law. But these restrictions have been made by the Department, in order to meet individual claims, and to prevent frauds from being practiced upon them; and they require the same vouchers from a State that they do from an individual, and it is impossible for the State of Michigan to comply with them, because the regiment was raised expeditiously, and these receipts were not taken. Many of the individuals are dead, and it is out of the power of the State to get them. But we promptly responded to our duties under the Constitution, and the laws of the country, and there is no reason in the world, founded in equity and justice, why the claim should not be paid.

Mr. FOWLER. I wish to ask the gentleman what is the amount of the claim?

Mr. STUART. It is \$15,000. The amount provided for in the amendment is \$20,000, or so much of that sum as shall be necessary to adjust and satisfy the claim of Michigan, with six per cent interest from the time the advance was made.

Mr. FOWLER. Another question I wish to ask is this: Is there any dispute that the State has actually advanced and paid this amount of money?

Mr. STUART. Not a particle anywhere; and the law under which this money is to be refunded, expressly provides that six per cent shall be paid from the time the advance was made.

Mr. STANLY. I move to amend the amendment of the gentleman from Michigan, [Mr. STUART,] by inserting the additional sum of \$10,000, to be paid to the State of North Carolina, for money advanced by her for the same purpose. Both claims stand upon the same footing; and if the one is allowed I hope the other will be. There is no doubt about the payment of this money.

I am just informed, Mr. Chairman, that Alabama has a claim of a like character. I will include both States in the same amendment, and make the sum \$20,000, or so much thereof as may be necessary to pay the claims of the States of North Carolina and Alabama, for money expended in paying soldiers engaged in the Mexican war.

The CHAIRMAN. The gentleman had better reduce his amendment to writing.

The amendment was reduced to writing, and presented, as follows:

"And the sum of \$20,000, or so much thereof as may be necessary to pay the claims of the States of North Carolina and Alabama, for expenditures made by said States in paying soldiers engaged in the war with Mexico."

Mr. STEVENS, of Pennsylvania. I raise a question of order. What does the gentleman propose to amend?

The CHAIRMAN. A question of order has already been raised upon the amendment. The amendment is proposed to come in after line eight hundred and seventy-six under the head of miscellaneous.

Mr. STEVENS. Has the Chair decided that it was germane to the section?

The CHAIRMAN. The Chair has decided that it was in order, being an appropriation to carry out existing laws.

Mr. STEVENS. I submit the question of order—that it is not germane to the section in which it is proposed to be inserted.

The CHAIRMAN. The question of order comes too late.

Mr. CLEVELAND. It seems to me that this is a very loose way of transacting business. We have appropriate committees appointed for the express purpose of taking into consideration these various claims, and those committees, I believe, have been in the city of Washington always ready to receive the applications of gentlemen. The gentleman whose amendment I now oppose is a member of the Committee of Ways and Means, and of course cannot say that he was not aware there was a committee whose appropriate duty it was to attend to this matter. I object to this mode of doing justice to the States. I acknowledge my

willingness to pay to the States of Michigan, North Carolina, and Alabama every dollar thus advanced by them; but I am opposed to having these questions sprung upon this committee by any member after they have been considered and rejected by the appropriate standing committee.

Mr. GENTRY. With the gentleman's permission, I desire to state that various claims from individuals and corporations have been presented to the Committee on Military Affairs, and that they have all been rejected upon the ground that the general law authorizing the payment of all claims for advances made in preparing and marching troops into Mexico during the war by States, corporations, or individuals, is ample and broad in its provision. The committee have investigated that subject time and again, and decided against every claim upon that ground.

Mr. CLEVELAND. And of course there is no sort of apology for attempting to get them in by this mode, and I warn the committee against granting these claims in the way they are attempted to be paid by gentlemen who rise in their places and ask to make an amendment providing for such and such a case. The law is ample enough to furnish them with all the remedy they need. If it is not, I think we should wait and receive a report from the committee to which the subject was referred before making the allowance. I am decidedly opposed to individual members getting up and, to a general bill reported by the Committee of Ways and Means, offering such amendments as this. It is dangerous, and it is unjust and unfair to the committee and to the country.

Mr. SACKETT. I ask that the law be read.

A MEMBER. I object.

The CHAIRMAN. Further discussion is not in order.

[Cries of "Question!" "Question!"]

Mr. ORR. I would ask of the gentleman from North Carolina to modify his amendment so as to provide for the payment to South Carolina of \$20,000 for advances made by her.

Mr. STANLY. I have no objection to modify my amendment in that way.

The CHAIRMAN. The gentleman has the right to modify his amendment.

Mr. JOHN W. HOWE. Will not the gentleman enlarge his amendment so as to embrace an appropriation of \$20,000 for the improvement of the Allegheny river?

Mr. STANLY. Yes, sir, of \$30,000. [Laughter.]

Mr. GENTRY. The law is ample. If proof be made under the law, every cent of these claims can be obtained.

Mr. SEYMOUR, of Connecticut. Has not the amendment been considerably enlarged?

The CHAIRMAN. It has.

Mr. SEYMOUR. Is it not, then, in order to discuss the enlarged amendment? No discussion has been had since modifications have been accepted by the gentleman from North Carolina to his amendment.

The CHAIRMAN. That is very true; but the amendment is under the control of the gentleman from North Carolina. Further debate is not in order.

Mr. SEYMOUR. One of these claims has been before the committee, and they are prepared to report against it.

The question was then taken, and the amendment of Mr. STANLY was rejected.

Mr. FAULKNER. I move the following amendment:

For moneys advanced by Virginia during the Mexican war to pay the expenses of volunteers, \$5,000.

I offer that amendment simply for the purpose of stating that the claim of Virginia for advances to her Mexican volunteers has been before the Committee on Military Affairs. The subject was carefully investigated by that committee, and the result of their investigation has been that the Secretary of War is authorized, under the provisions of the act of 2d of June, 1848, to make all payments of that description satisfactorily established by evidence before that Department. In pursuance of the instructions of the committee, I have made such a report, which has been laid upon the table and ordered to be printed.

Mr. SEYMOUR, of New York. I wish to make an inquiry of the gentleman from Virginia. It is simply this: Whether the provision he alludes to does, in his opinion, meet cases where it

is perfectly evident the money has been expended, but where vouchers cannot be shown for it, owing to the absence or death of those who, in the service, had the money and expended it?

Mr. FAULKNER. I presume not. That is a question of fact alone. The law has settled the principle, and the law has given to the Secretary of War all the authority, if the facts can be made out satisfactorily to his mind. I presume in the absence of testimony—in the absence of vouchers the Secretary of War would have no authority to act upon the subject.

Mr. STUART. I am opposed to that amendment, and I wish to call the attention of the committee to a few facts. If the gentleman from Virginia had listened to what I related, he would not object; nor would any gentleman of this committee.

Mr. CARTTER. I rise to a question of order. The gentleman is not addressing himself in opposition to the amendment which he professes to do.

Mr. STUART. I am under special obligations to the gentleman from Ohio. He has discussed this bill out of all sort of order, and nobody has objected.

Mr. CARTTER. I rise to another question of order; the gentleman has no right to comment upon my conduct.

Mr. STUART. The gentleman takes especial pains to call me to order the moment I rise to say anything.

I wish to address myself to the argument of the gentleman from Virginia, [Mr. FAULKNER.] The State of Michigan advanced this money. The regulation under the law to which the gentleman has referred, requires that a certain species of proof shall be made in all cases. The law provides that it shall be proved satisfactorily to the Secretary of War. The Secretary of War sets down and makes a set of regulations, and says that "if you cannot comply with these regulations I will declare it not proved under that law." What are those regulations? Although the State has advanced the money and paid it into the hands of the officers, yet if those officers did not take receipts for every dollar and every cent they paid, and cannot present those receipts here, the Secretary in his regulations cuts it off. He says these regulations are indispensable in order to prevent frauds by individuals. What are the facts? The Government has been plundered by individuals from the day the law was passed till this, notwithstanding his regulations. Frauds have been committed over and over again. Some of the perpetrators have fled the country, and others have been indicted. The effect of these regulations is to prevent payment to the States. While the Department states they have no doubt we have paid the money—that the evidence is clear—they say, Here is our platform of regulations—if you cannot come up to it we will not pay you.

Now, I do not propose to override these regulations. Let them stand there. Let them cut off as many frauds as they can; but I submit it is the duty of Congress, where they believe that the State has advanced the money, that we shall pay it. That is all there is in this case. The law is of no use to us, because here is a set of regulations the State cannot comply with, for the reason that some of the officers are dead, and some in the haste of raising equipping and taking their regiments into action, did not take receipts. There are about two thirds of the claim, therefore, excluded by the regulations. I ask gentlemen what reason there is for keeping us here year after year, under such circumstances? We have had the opinion of the Attorney General, that this debt ought to be paid. The Secretary of War sat down and replied to him that if that opinion prevailed, individuals would come in under his regulations, and the Government would be defrauded. If there is any reason for it, I am willing to be voted down; but is there any reason, founded in equity and justice, that a State which advanced this money, five years ago, should not have it refunded?

The question was then taken on Mr. FAULKNER's amendment to the amendment, and it was rejected.

The question then recurring upon the amendment—

Mr. STUART demanded tellers; which were ordered; and Messrs. STUART and HART were appointed.

The question was then taken, and the tellers reported—ayes 68, noes 52.

So the amendment was agreed to.

Mr. JENKINS moved that the committee rise. Mr. STEPHENS, of Georgia, demanded tellers; which were ordered; and Messrs. STEPHENS, of Georgia, and MOLONY were appointed.

The question was taken, and the tellers reported—ayes 66, noes 43.

So the committee agreed to rise.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30th, 1853, and for other purposes, and had come to no conclusion thereon.

Mr. DUNCAN. With the leave of the House, I will make a report from the Committee on Commerce, in order that it may be printed and referred. It is the bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the direction and establishment of the same, and for other purposes.

Mr. STANTON, of Ohio, objected.

On motion by Mr. MOREHEAD, the House then adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. STEPHENS, of New York: The petition of S. E. Quidor and others, citizens of New York, praying for the extension of Uri Emmons's patent of April 25, 1823, for a planing machine.

By Mr. HOW, of New York: The memorial of Isaac Turner, Seth Turner, and others, for bounty land.

By Mr. FLOYD: The memorial of John D. Jones and others, of New York, for the passage of a law for the better protection of life on vessels and boats propelled by steam.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, August 7, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

Mr. DUNCAN, by the unanimous consent of the House, reported, from the Committee on Commerce, a bill making appropriations for light-houses, lights-boats, buoys, &c., providing for the erection and establishment of the same, and for other purposes; which was read the first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The SPEAKER. The business first in order is the consideration of House bill No. 146, to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States.

Mr. STEPHENS, of New York, said: At this late day of the session, I am aware that I deviate from the general practice in requesting, in open House, the introduction of a petition; but I do so in the case of this one forwarded to me by a number of respectable inhabitants of the State of New York, that the attention of every member of Congress may be called to the subject to which it relates—the frequency of steamboat disasters, and the consequent fearful destruction of human life. It particularly alludes to the burning of the Henry Clay, which occurred on the 28th of July last.

It is not necessary, nor do I intend to depict to you the heart-rending scene of that awful calamity, as day after day the friends of absent ones searched in the dread of finding them among the lost. Nearly all the eighty or more bodies recovered have been claimed by their friends. Among those who untimely met their end, a few were strangers; but at the hands of a Christian community they received the rites of Christian sepulture.

With regard to those who had charge of that boat I have nothing now to say. An outraged people have taken measures to redress the wrong committed upon them.

I move the reference of the petition to the Committee on Commerce, and trust that they will promptly consider and grant the prayer of the petitioners. The petition is in the following words:

To the Honorable the House of Representatives of the Congress of the United States:

The undersigned most respectfully and most feelingly call the attention of your honorable body to the published accounts of two fearful and appalling disasters, on board of two boats propelled by steam, within the last thirty days—one the St. James, of New Orleans, on the 5th of July, and the other the Henry Clay, of New York, on the 28th of the same month; and earnestly ask that the bill for the better protection of the lives of passengers on board of vessels propelled by steam recently passed by the Senate of the United States may be immediately acted upon by your honorable body.

The undersigned also desire to call your particular attention to the fearful record of the loss of human life by the burning of the steamer Griffith on Lake Erie, on the 16th of June, 1850; and to the fact that the bill now before your honorable body has been pending in Congress since that terrible catastrophe, during which time, the precious lives of hundreds of passengers have been sacrificed.

Mr. LETCHER. I object.

Mr. STEPHENS. I will, then, present it under the rules.

Mr. HARRIS, of Tennessee. I call for the regular order of business.

Mr. HAVEN. At the time when I yielded the floor yesterday to the gentleman from Alabama, [Mr. HOUTON], I was remarking upon some of the provisions of this bill, in reference to their bearing upon the State of New York, and the construction resorted to to evade the intention of the framers of the clause in the appropriation bill of 1842, which provides that the district attorney, marshal, clerk of the circuit court, and clerk of the district courts of New York for the northern and southern districts, shall not hereafter receive any greater or other fees and emoluments for services rendered by them, respectively, in the said courts than now are, or hereafter may be, allowed by the laws of the State of New York, to attorneys, solicitors, counsel, sheriff, and clerks, in the highest courts of law and equity, in said State, for like services.

It will be seen by the report of the Comptroller of the Treasury, and the bills of costs thereto annexed, that, inasmuch as this provision was a limit upon the district attorney, and inasmuch as it declared he should have no greater fees and emoluments for services than by the laws of New York are given to attorneys, solicitors, and counsellors; and inasmuch as the laws of New York then authorized a person, who was both attorney and counsellor, to receive fees in the same cause, in both capacities, the district attorney claimed he was entitled not only to district attorneys' fees, but to the fees given to counsellors also, and the clerks and taxing officer, actually taxed and certified his fees and costs on that principle, and in pursuance of such claim. So that, instead of a restriction, the provision of the statute of 1842, which I have referred to, was construed so as to enlarge his fees by adding to them the fees of a counsellor in like cases.

I endeavored to show yesterday, that a like result would flow from the first section of this bill, in cases of admiralty and maritime jurisdiction; for as that section now stands, the solicitors, proctors, and attorneys, of the first few lines of it, who are, what in the civil law are called advocates, can, in addition to the items given by the section to them, make up a further bill as advocates in each case, under the provisions of the law of New York of 1789, regulating fees in admiralty in said State; and by the declaratory rule of taxation, adopted by the court, they would be entitled to collect both bills from the losing party. It is judicially determined in New York, in the northern district at least, and is provided by the ninety-fourth rule of the court, in that district, that this act of 1789, of that State, governs the fees in admiralty, in the district courts of that State; and as the construction referred to is not affected by the bill under consideration, and as the fees given by this bill to solicitors, attorneys, and proctors, are only declared to be in lieu of all fees now allowed to them, the advocates will tax their bills of costs according to the New York fee bill of 1789, and collect them under the rules and laws as I have already explained. But I will leave this branch of the subject, and look at the bill in its general aspect, and in some of its other details, before submitting my amendment to the House.

The general object of the bill—the leading and prominent idea which the Judiciary Committee seem to have entertained, and by which they have been governed in framing the bill, has been to equalize the fees throughout the whole country, or,



as the gentleman from Maryland [Mr. Bowie] has expressed it, to lay down a "horizontal scale of compensation;" that is, to give to solicitors, proctors, and attorneys, as well as to marshals, clerks, and district attorneys, the same compensation in the district in which Vermont, for instance, is included, as is given in New York and in Louisiana. This is not right. In my opinion, such a mode of compensation, whilst it sounds well in the abstract, is not an equal and proper mode, and will be found to operate unjustly. It is a maxim, that "equality is equity." This is true in a general sense, but equality is not always equity. Equality of compensation is not equity; unless it is as between parties that are equal, and upon an equal amount of services. To make equality equity, as between Vermont and Louisiana, you must first put into the hands of the district attorneys, marshals, and clerks of Vermont, an amount of business equal to that which they do in Louisiana, and then you must make the practice and modes of proceedings in both those States agree; one must not involve more labor than the other. A clerk or marshal in Vermont, who cannot by law practice in the court whilst he remains such, and to whom you furnish business enough to employ him only a tenth part of his time, is entitled to more compensation for what he does, than a like officer in New Orleans or New York, for the same amount of services, to whom you furnish business enough to employ his entire time, as well as that of his deputies.

This is one difficulty. I do not say that it is an insuperable one, in my mind, to this bill. I apprehend it will be found to be a difficulty with gentlemen in various parts of the House, and from various parts of the country, when they endeavor to come to a practical conclusion upon the bill.

The main difficulty with me is in reference to the fees of district attorneys, marshals, and clerks in my own State. I am desirous that this bill, in some modified form, or some well-considered bill on this subject, should become a law. I think the public interest requires it. I believe it would be great injustice to leave this matter without further legislation. I know the committee who have reported the bill desire, if it is not now, that it should be made to be equitable and just, and not oppressive upon any part of the country, or upon any interest of the country, or unequal or unjust in favor of the officers of any particular localities.

I have looked carefully into the bill again since yesterday morning, and am willing to say that, whilst I am not entirely satisfied with all the provisions of the bill in reference to district attorneys, yet I will accept it as an improvement upon past legislation and construction on that subject. I think it will answer in that respect, and I am willing to adopt it until experience shall dictate a further change. It is quite a reduction upon the items heretofore charged and allowed. I do not say allowed by law, but allowed by the certifying and taxing officers to the district attorneys in the northern and southern districts of New York.

In reference to clerks' fees as provided in this bill, I think they are much too high for those officers in the State of New York. Whilst I presume as applied to Vermont, New Hampshire, and Virginia, they are not too high. Nay, I doubt whether for those, and many other localities, they are high enough. That is my judgment—my opinion. In fact, I doubt whether the clerk of the district in which Vermont is included, or the clerk of the eastern district of Virginia, can get a living under this bill. I am informed, also, that such is the fact in reference to some of the other States and some of the interior districts.

The fees of clerks in this bill are nearly, if not quite, as high as they have been heretofore taxed and certified under the old bills, particularly in proceedings in admiralty; and I should say, when you take into consideration the *pay per folio* for entering orders, proceedings, decrees, and such like charges, and for copying them, that it would be in no way surprising if, in the aggregate, they were found to be higher than under the present mode, honestly followed. This makes the fees of clerks in my own State enormous, particularly in the district courts—less so, I think, in the circuit. Whilst I would be willing to give this enormous compensation to the clerks if they alone were concerned, I am not willing that the people of the State of New York, and those who live upon the

borders of the great lakes in the northwest, should submit to bear these onerous burdens.

I do not propose to dwell upon this matter in its details, but I wish to call attention to the subject sufficiently to show, briefly, the practical effect of this bill in respect to this rate of clerks' fees in my own district. The gentleman from Pennsylvania, the chairman of the committee reporting this bill, [Mr. McLANAHAN,] has told us that it was intended by the committee not to reduce the present amount of fees, as a general thing, but to correct abuses. I think, as I have said, and the committee intended, that the bill does not reduce clerks' fees, but leaves them about where it found them.

Now, I will take a case in my own district, with all the facts of which I happen to be acquainted. The case was one in admiralty, and was against the propeller *Ogoutz*, which was owned, I believe, in some of the States bordering on Lake Erie, Huron, or Michigan; and it is not unlikely that some gentlemen on this floor, representing some part of that region, are familiar with its history. Stephen Dudley and others filed their libel against the *Ogoutz* in the district court of the northern district of New York, on a claim of \$118 75. On filing the libel, a warrant of attachment or arrest was issued against the boat, and she was seized by the marshal at Buffalo. After her arrest, twenty-eight other persons, mostly mechanics, grocers, sailors upon the boat, butchers who had furnished her with meat, and bakers who had supplied her with bread, presented by petition their various claims to the court, and, to use a technical phrase, *intervened* for their interest against the boat—their claims varying in amount from about \$15 up to about \$500. The aggregate of these claims, as finally adjudged and decreed by the court, was \$3,838 68. Now, sir, the clerks' fees upon those claims against the *Ogoutz*—that one case of arrest, and those twenty-eight cases of intervention—as taxed and certified by the proper officer, were \$495 91; whilst the marshal's fees, also, as taxed and certified, for arresting and seizing that boat under the original warrant, and the fees which he received under the other claims that intervened, amounted to \$659 81, to which add \$214, certified by the taxing officer, for ship keeping and poundage, and you have the very respectable amount of \$873 81.

This, sir, is an isolated case. I speak from the facts accurately collected and published, and have the statement made by one of the proctors before me. I do not wish to press it upon the House; but I submit to my friends here—gentlemen from Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin—all the States whose citizens have shipping interests upon the northwestern lakes—whether they think it is right, equitable, and fair, nay, whether it is endurable, that the vessels of their constituents afloat upon these great freshwater seas, bearing their property and products to a market in New York, shall, after being libeled and arrested there, be subjected to the payment of these enormous fees before they can be released? I can say to them that I think it is a great injustice, and operating very much to the detriment of trade and commerce. I, for one, am unwilling that the property of citizens of my district, or the State of New York, shall be subjected to like fees when it goes West, and is libeled in their ports. In this case I speak from the record, and am not mistaken.

Mr. FICKLIN. I desire to inquire of my friend from New York [Mr. HAVEN] how he proposes to remedy these heavy costs? He admits they are as onerous under the present law as they will be under this bill. How does he propose to diminish these costs?

Mr. HAVEN. I will answer here and now, leaving the subject I was pursuing. I see that it is the opinion of the Comptroller of the Treasury, and of the Secretary of the Interior, that the fees of clerks in criminal cases are not now too high. I propose to remedy it in this way, that the clerks' fees, in all criminal cases in New York, shall be as provided in this bill; and in civil cases in suits at law, in equity, and in admiralty, their fees shall be limited to half the amount fixed by the items in this bill. That will, in my judgment, pay a full and liberal compensation to the clerks, and it will be full as much as the business men of the country, engaged in commercial pursuits, will be willing to submit to. I propose this reduction only for my own State, but its benefits will be felt

by all the northwestern States. These same charges without reduction, when you come to transfer them to Vermont, New Hampshire, or Virginia, will probably not be an adequate compensation to the officers, but they are enormous in New York. That is the remedy I propose, and I will offer an amendment to effect it, at a proper time.

Now, Mr. Speaker, in regard to marshal's fees in the case of the *Ogoutz*, ill-fated as she was, in being captured and detained on a warrant of arrest, yet, let us turn her to advantage, by drawing lessons from her, in our pathway of legislation. There was in her case one warrant of arrest, and twenty-eight interventions. The House will see that *interventions* are expensive, when applied to vessels in admiralty and proceedings *in rem*, as well as when applied to national affairs, and in all cases are to be avoided if possible, and never to be entered upon without duly providing for the costs. The marshal's fees in the one case of arrest, and twenty-eight cases of intervention, as I stated before, amounted to \$873 81, including ship-keeping and poundage.

Mr. FULLER, of Maine. How does the marshal get his fees, in a case of intervention?

Mr. HAVEN. Any person having a claim against the owners of a vessel proceeded against in admiralty, if such claim be a maritime lien upon the vessel, can file his petition containing a statement of his claim, and the facts and circumstances which make it such a lien on the vessel, and praying that it be paid out of the proceeds of the vessel when sold by the marshal, or out of the *remnants* so called, if already sold, and the proceeds in court. On filing this petition, the judge directs a *monition* to be issued by the clerk; it is a notice to all the world that the vessel is seized, and is sent to the marshal for service, and he serves it by sticking it up on the mast of the vessel, and publishing a copy in the newspaper. Now, the marshal for serving the monition, it coming under the designation of a process of the court, in addition to his fees of service, gets travel fees from the place where the court is held, to the place of service, which, in the case of the *Ogoutz*, was over one hundred and fifty miles. The monition was sent him from Auburn to Buffalo, by mail, and returned in the same way, making his fees for service, travel, and return, on a monition at least \$11 31, I believe, to which add the printer's fees, and you get the grand result. This was repeated twenty-eight times in the *Ogoutz* case, on that number of different claims.

I know, sir, it was and is the desire of the Committee on the Judiciary to have this matter righted so far as it is possible to right it, and preserve any of the features of this bill. I know that, as fair men, they would be unwilling to subject the business of our commercial men, not only of the Atlantic, the Pacific, and navigable rivers, but of the great western and northwestern lakes, to these enormous charges and fees, for such comparatively trifling services; and I trust they will yet see the impropriety of sacrificing these interests in commercial communities to any fallacious idea of general uniformity of fees throughout the entire country. We might as well insist upon a uniformity of climate, of products, of business, and of institutions, throughout the Republic, as upon a uniform scale of fees to business, so very unequal in amount and under such very different circumstances.

I do not know which is the very best mode of remedying these evils, and correcting marshals' fees; but it has occurred to me that, if we adhere to any portion of this bill, the interest of my own State—and I am now looking to that—would be best cared for by providing that the marshals of the two districts of New York shall have and receive the same fees and compensation as the sheriffs of counties in that State. Such a provision will reduce the aggregate of their compensation quite considerably, for there is no such thing as charges for several of these kinds of services under our sheriffs' fee bill; and whilst it will reduce them essentially, it will still give a full, fair, and sufficient remuneration to the marshal for all the services he may perform. His fees should be further restricted, so that, in no case, he should have fees for traveling over one hundred and twenty miles; that is, more than sixty miles going and sixty miles returning, for the service of any process. This is particularly necessary in our northern district, where our courts of admiralty are now held more

than one hundred and fifty miles from the places where the great majority of arrests and seizures of vessels are made. Besides, the marshals usually have deputies within one hundred and twenty miles of each other throughout the districts, so that the geographical limits of their circuits would come together in most cases; hence I would restrict pay for travel to (say) sixty miles for going and sixty returning, and for seizing and arresting a vessel, or any property *in rem*, on a warrant of arrest, to the sum fixed by this bill.

Give us such a rate of fees and compensation to marshals in New York, and then if the bill is deemed reasonably unobjectionable by gentlemen from other States who are acquainted with its probable operation there, I shall take great pleasure in aiding in perfecting and passing it. Still, I imagine that neither the convention which framed the Constitution, nor the Congress which enacted the judiciary act, and the process act, so called, ever fancied that any attempt would be made to reduce this whole subject of fees and compensation, to a dead level throughout the Union. So far from foreseeing, or even fancying such a state of things, it seems to have been their great object to preserve perfect harmony and uniformity between the State courts and Federal courts. So that the Federal courts should operate for Federal purposes within each State upon a system hardly distinguishable from the State system. And as early as 1789 Congress enacted, that the forms of writs and executions, except their style, and modes of process, and rates of fees in the circuit courts and district courts, should be the same in each State respectively, as was then used or allowed in the supreme courts of such States. And the forms and modes of proceeding in causes in equity, and of admiralty and maritime jurisdiction, should be according to the course of the civil law, and the rates of fee the same as then were, or were last before then allowed by the States respectively in the courts exercising supreme jurisdiction in such cases.

This was, in my opinion, wise legislation, and no person heard complaints whilst it remained a law. It was the subsequent attempts to change it for a more level rate of compensation, by providing in many instances a fixed rate of fees for some services, all over the Union, that opened the door to abuses and cupidity. I am impressed with the idea that it would be better to return now to the system of 1789.

The Legislatures of the several States know best what it is proper and expedient to pay officers for services performed in their own courts, and why should the business of the country in the same localities be subject to two different rules and modes of compensation, and to the fluctuating and sometimes conflicting dissension of two different law-making powers? State rights, and harmony, and uniformity are much more likely to be preserved under such a system than under conflicting systems proceeding from different sources.

I fear, as I before intimated, that this bill results from a fallacious idea that we can produce equality, by adding equally to subjects that are unequal before such additions are made.

So much in regard to district attorneys, clerks, and marshals' fees. A few words in reference to the fees of attorneys, solicitors, proctors, counselors, and advocates, who practice in the United States courts. In regard to this matter comparatively few persons out of the State of New York have any interest. And within that State it is a matter purely between these professional gentlemen and the parties litigant. I propose to apply the same rule precisely to them, in business performed in the Federal courts in that State, which is, by the laws of that State, applied to them in regard to business performed by them in the supreme court of that State. Under the laws which heretofore were in force in that State, their compensation would be quite as disproportioned to their services as the compensation of clerks and marshals would be under this bill; but the evil was felt by the people as their business and commercial relations and pursuits became more and more extended, and the Legislature has applied an effectual and very proper remedy. The laws of that State, of 1848, as subsequently amended, have abolished all fees to attorneys, solicitors, and counsel, and given to the prevailing party, by way of indemnity for his expenses out, a sum varying not essentially from the amounts given by this bill

in civil cases to attorneys, solicitors, and proctors. I propose to amend this bill so as to give these same sums to the prevailing party, or to their solicitor, attorney, proctor, advocate, or counsellor, as the case may be, in all cases at law, in equity, or in admiralty, in the Federal courts held in New York.

There is an obvious and sufficient reason for this rule. It is applying the same rule and the same compensation in like cases to the entire business of the State, whether commercial or otherwise—the same rule precisely. It saves professional men from great perplexity and confusion, arising out of different and often conflicting rules and modes of compensation. I deem it wise, however, to make one exception to this rule. In cases of admiralty and maritime jurisdiction, I propose that when the party libeling the property, or intervening with a claim, shall procure a judgment or decree for less than \$150, no more than one half the sum given in the supreme court of the State to the prevailing party, by way of indemnity, shall be given in the Federal court to the "solicitor, proctor, or attorney." I propose to do this for this reason: While it will reduce the compensation much below what it is by this bill, and make it only half what it would be in the supreme court of New York, it will, at the same time, discourage the libeling of vessels, and, to some extent, prevent intervention for those small, unimportant, and insignificant sums or claims against men who are engaged in commercial business, and are almost invariably solvent, responsible, and respectable, and who are always ready to pay such debts. And when the property of such man is proceeded against, it is most generally by persons who set up larger claims than are due them, in the hope that their unjust exactions will be paid by the owner rather than have his vessel and property tied up in business season by process from the court of admiralty.

Mr. Speaker, I will not detain the House further with regard to this bill at present. I have made this explanation with a view of bringing to the minds of gentlemen here the bearing of the propositions I have made in reference to amending this bill, by making New York an exception to a general rule that the bill is designed to establish. Whilst I think that this bill, in a modified state, or some other bill on this subject ought to pass—nay, sir, whilst I believe that legislation is imperatively necessary to correct the many and great abuses exposed by the report of the Committee on the Judiciary, and whilst I am willing to go almost any length with that committee, or any other gentlemen here, to perfect this bill or make a better in its stead, still the result of my careful examination and experience tells me that this bill as it is will be highly objectionable, and will very injuriously affect the interests of my own State. In most cases, except that of district attorneys, it increases the fees and compensation of the officer rather than decreases them; and I believe the House is satisfied that it ought to be made to operate directly the other way in that State.

Now, sir, not knowing what disposition the House may make of this matter—what snarl it may get into in the maneuverings of various gentlemen who may undertake to engineer this bill—I propose to offer the amendments which I have prepared, and to accomplish the purposes I have indicated, as an amendment to the last amendment offered by the Judiciary Committee, which I take to be in order;—is it not, sir?

The SPEAKER. The Chair has some doubt whether, strictly speaking, even that will be in order, the first amendment of the Committee being first in order, and that is amendable.

Mr. HOUSTON. Do I understand the Chair to say that that is amendable?

The SPEAKER. The first amendment proposed by the committee to the first section of the bill is the first to be considered by the House; but as the gentleman has indicated his purpose to offer it as an amendment to the last amendment proposed by the committee, the Chair will consider whether or not it is in order. The Chair doubts.

Mr. HAVEN. Under the circumstances, I dare not yield the floor unless I can get in my amendment; and if I cannot do it now, I shall feel it my duty, under the advice of those in whose judgment I have confidence, to move to refer the bill to the Committee of the Whole on the state of the Union. Still, in doing so, I desire to say that

I am as anxious as the chairman of the Judiciary Committee, or any member of this House, that this bill, and the whole subject with which it is connected, should be fully considered, and wisely disposed of by the House at an early day. I now move to refer this bill to the Committee of the Whole on the state of the Union.

Mr. MEADE obtained the floor.

Mr. LETCHER. Will my colleague give way for a moment?

Mr. MEADE. I presume that on the motion made by the gentleman from New York, [Mr. HAVEN,] it will still be in order to discuss the merits of the bill.

The SPEAKER. It is in order.

Mr. MEADE. If my friend desires the floor for the purpose of explanation, for a short time, I will yield it to him.

Mr. LETCHER. I desired, sir, to have said something upon the merits of this bill, but I shall not abuse the indulgence which my colleague has extended to me, by doing so at this time. I will therefore confine myself altogether to a defense of the two officers in my district, who have been very improperly arraigned before this House, and severely censured, by the distinguished chairman of the Judiciary Committee, not only in the report some time since presented, but also in his speech delivered on Thursday last.

In the report of the committee, and on the fourth and fifth pages thereof, six specifications of abuses will be found. The fifth specification is in the following words:

"5th. Proceedings for contempt of court, and for many other things, have been unnecessarily multiplied in some districts. There was in one district, at one time, no less than one hundred and twenty-two prosecutions pending for contempt of court, against seventeen persons, for non-attendance as witnesses; being thirteen prosecutions against each of six persons, and four prosecutions against each of the other eleven persons, and the whole costs thrown on the United States."

When this report was printed, understanding that this specification was intended for the benefit of the clerk and marshal of the western district of Virginia, both of whom are constituents of mine, I wrote to these gentlemen to ascertain what were the facts in the case referred to, and which were complained of in this specification, that I might lay them before the House, in order that their vindication from the assault, which had been made upon them, might have a place upon the records of Congress.

Subsequently, when the bill came up for consideration, the distinguished chairman of the Judiciary Committee, in the course of his elaborate speech, referred to this specification of abuses, in these words:

"Allow me to call the attention of the House to some of the abuses in the 'Old Dominion.' An inquiry was made, under a resolution of this House in January last, directed to the Secretary of the Interior, 'What is the practice of issuing attachments for non-attendance of witnesses?' In the western district of Virginia you will find this state of things disclosed in the report of the First Comptroller: Proceedings for contempt of court have been unnecessarily multiplied, which is one of the causes of the increase of judicial expense. There were in the district, in the year 1849, at one time, no less than one hundred and twenty-two prosecutions for contempt of court against seventeen persons, for non-attendance as witnesses, being thirteen prosecutions against each of six persons, and four prosecutions against each of the others. The whole cost was thrown upon the Treasury of the United States. In the year 1850, the witnesses in Virginia seem to have been contumacious again, and you find eighty-three proceedings against fourteen witnesses in one case, in which the clerk's fees amounted to over \$197, all of which was charged to the United States, besides the marshal's fees for serving process in each of these proceedings. I admit that it is sometimes necessary to issue attachments against witnesses for contempt to the process of the courts, but it cannot fail to strike any one as a most singular feature of the administration of the laws in this district, that the Government is so frequently called upon to pay the costs of these proceedings on attachments for contempt."

Now, sir, the facts of this case, so loudly complained of, are these; and they were known at the Comptroller's office when the information was furnished to the Judiciary Committee which forms the ground-work of this attack upon two of my constituents, both of whom are most estimable gentlemen: John D. Fenton was indicted in the western district of Virginia, for robbing the mail upon thirteen different occasions, and different witnesses were relied upon to establish his guilt in each instance. The offenses being thirteen in number, and committed at different times, as a matter of course thirteen indictments were found against him at the succeeding term of the court, upon the testimony of these witnesses. The

charges were distinct, as if they had been made against thirteen different men. The witnesses were summoned in each case for the United States, and the defendant in his own behalf summoned his witnesses in each of the thirteen cases. A number of the witnesses failing to appear on both sides, the district attorney and the counsel for the defense, without consultation, or connivance with the clerk, or the marshal, but in the just and proper discharge of the duty they owed to the Government of the United States on the one hand, and the prisoner on the other, asked for rules against these absent witnesses to secure their attendance at the next term of the court, to render satisfactory excuses for their absence, or, failing to do this, subject themselves to the fine which might be assessed upon them. These rules were issued by the clerk in exact conformity with the rules of practice that prevail in our State courts, and they were served by the marshal just as the same process in the State courts would have been served by the sheriff of the county. These are the facts, and, when they are understood, I submit to the members of this House, whether any abuse has occurred, which can be justly censured? They have acted in strict accordance with the established rules of practice which prevail in our State courts, as every Virginia lawyer well knows. They have done only what was ordered by the court to be done in these cases, and if this had not been done, the witnesses could not be held to answer for their disregard of the process of the court. The clerk issued these rules, and the marshal executed them, as these officers were bound to do, and claimed their fees, as they had an undoubted right to do. Can it be pretended that they acted improperly? When the marshal sent on his account to the Comptroller's office, the charges for these services were in it, and explanations in regard to the items demanded. The attention of the marshal and clerk was thus directed to the matter, and they were informed that the accounts would not be passed upon until their explanation should be received. Upon this application the explanation was furnished, and that explanation was satisfactory. The accounts were allowed, and after this lapse of time, and under these circumstances, these officers are now held up before the country and grossly libeled. And in order to give point and force to the libel, a portion of those facts are furnished to the committee and to the country, while others material to their vindication are studiously concealed from the Judiciary Committee.

This is all I feel called upon to say. I have placed these gentlemen in a proper position before this House, and I think I have satisfied the members that they have done nothing wrong—nothing deserving of censure. If the Comptroller and his officers had furnished these facts, as they ought to have done, no such imputations would have been found in the report of the Committee, or in the speech of the able chairman, and I would have been relieved from the necessity of saying anything in vindication of these gentlemen on this occasion.

Mr. SEYMOUR, of New York, (Mr. MEADE yielding the floor.) Will the gentleman from Virginia allow me to say a few words? I shall not enter into a minute examination of the provisions of this bill. I propose to confine the few remarks I have to make to a general consideration in reference to the bearings of this bill upon civil suits—upon suits between citizen and citizen, and not where the United States is a party.

I have supposed, sir, that the evil which was to be remedied by the passage of a bill of this character, was confined to the officers of the United States, whose fees in some cases were charged to have been unreasonable, and large bills made out where there was great discretion given not only to the person claiming the fees, but also to the court who should determine what were allowable; and upon recurring to the President's message, in which this subject is brought to the distinct consideration of Congress, I find that the evil which was complained of exists in that quarter, and in that quarter only. If we will refer to it, we shall find that our attention was called to the want of a uniform fee bill, prescribing the compensation to be allowed to district attorneys, clerks, marshals, and commissioners. These are all United States officers, and the evil has been felt and known in its full extent in the administration of the Government through the Treasury Department; and the

report which has come to us from the Secretary of the Interior, under whom these matters are placed for his consideration, shows us that the evil is confined to that quarter. Now, sir, when we look at this bill, we find that it not only assumes to provide for the regulation of fees and compensation for these officers of the Government, but also the fees and everything that appertains to the administration of justice between citizens in civil suits, so far as compensation or fees are concerned.

Now, sir, I object to the bill in this particular. If it was confined to a reform of the evil which has been complained of, and which I conceive is demonstrated by the report of the Secretary of the Treasury, and the officers of our Government who have communicated the facts on this subject, to be a great and crying evil, and one that ought to be reformed, I should have no objection to the general principles on which it is founded. As to the details of the bill, so far as the fees of these public officers are concerned, I am not prepared to say but that they are proper. I have taken some pains, by communication with public men who are conversant with the duties of these officers, and with their compensation, in the State where I reside, to ascertain, by a distribution of the bill, which has been reported by the Judiciary Committee, and by correspondence with them, whether the fees as prescribed for these officers were proper and adequate, or whether they were too large, and I have heard no objection to them in the main. I believe they are satisfactory, so far as these officers are concerned. But there is an inherent difficulty in this matter which has been felt before in the legislation of this country. We find that soon after our Constitution was adopted, and the establishment of a judiciary system came up for the consideration of Congress, this very matter of the regulation of compensation in civil suits was the subject of very serious embarrassment. It was found so impracticable then so to frame a fee bill in reference to civil suits as to meet the wishes of all parts of the country, that it was abandoned; and gentlemen, by referring to the law of 1799 upon that subject, will see that the legislators of that day felt called upon to fall back upon the most rational ground that could be occupied upon this subject, and leave this matter where the people of the different States had left it. They were supposed to know better, from their own local usages, from their customs, from the manner of doing business in their courts, and from the modes which they had adopted for the enforcement of private rights and the repression of private wrongs, what rates of compensation should be given, and how the laws giving that compensation, in the shape of fees, or otherwise, should be carried out.

This arose, undoubtedly, from those institutions of a judicial character that were introduced into each State at its early settlement, peculiar to itself, peculiar to the inhabitants of the State. We know that in all the old States—and I believe it is no less true in regard to the new States that have since been admitted into the Union—each State has its own mode of procedure, from the commencement of a civil suit down to the enforcement of the collection of the amount of judgment, peculiar to itself.

In one State it is a very light matter to conduct a suit according to the rules of court and to the laws of the State prescribing the form of procedure, and but very little in the nature of practice is to be done; in another State the law prescribes a series of steps, a mode of procedure, before you can collect the simplest debt, every one of which must be followed in the progress of the suit. Again, in some States there are courts of equity; in others there are none, and equitable powers are exercised by courts of law. In some of these States there are proceedings peculiar to courts of equity, as, for instance, the examination of witnesses are not in open court, but are held before an officer, at his chambers, and all the various proceedings of the courts differ entirely from the proceedings in other States. Now, what I object to in this bill, is that no notice has been taken of these institutions, of these modes of procedure in judicial matters, institutions, and modes differing entirely in their character, and still in the main coeval with the very settlement of our States. A horizontal fee bill is here attempted to be established to graduate the pay of every man by one general rule.

Mr. MEADE. I must really interrupt the gentleman from New York, for the purpose of resuming the floor.

Mr. SEYMOUR. I owe an apology to the gentleman from Virginia for having occupied so much of his time. I should not have occupied a moment of it if this bill had been in committee, the place where measures of so much importance and detail are usually discussed. But as it is in a situation where the previous question may be sprung upon us at any time, I felt called upon to address a few remarks to the House.

Mr. MEADE. The gentleman will have to owe me two apologies if he goes on any longer. [A laugh.]

Mr. SEYMOUR. I have an amendment, which I wish to offer at the proper time, to this bill.

The SPEAKER. Is it an amendment to the first amendment proposed by the committee?

Mr. SEYMOUR. I believe it is. It is to the first part of the bill.

Mr. MEADE. I cannot yield to the gentleman any longer.

Mr. CAMPBELL, of Illinois. Will the gentleman from Virginia yield me the floor for one moment?

Mr. MEADE. I do not know for what object the gentleman desires it. If it is to make a short speech like that of the gentleman from New York, I cannot yield.

Mr. CAMPBELL. I desire only to make a suggestion.

Mr. MEADE. Well, I will yield for that purpose for a moment.

Mr. CAMPBELL. I rise merely for the purpose of making a suggestion to the gentleman from Virginia and to the House. I am satisfied that this bill is imperfect, and that it is the opinion of the House generally that it should be amended. It is a very important bill, and I would suggest that, by unanimous consent, it be referred to the Committee of the Whole on the state of the Union, and be made the special order for one or two days, for the purpose of perfecting it, and of bringing to bear upon it the experience of all the States of this Union.

Now, with regard to my own State, I consider that portion of the bill which relates to the fees of attorneys, a premium for bringing suits in the United States courts, suing defendants out of their jurisdiction, taking them two or three hundred miles, and then taxing them with twenty dollars of fees, contrary to the whole policy of our State laws. I hope, therefore, that the suggestion I have thrown out will be concurred in, otherwise I for one shall be compelled to vote against this bill if I have no opportunity of offering the amendments which I desire to offer to it.

Mr. MEADE. I presume there is not a practicing attorney in this House who does not feel that a general bill of this kind is a most difficult one to prepare. Every man at all conversant with the practice of the courts must feel that the very best mode for the preparation of this bill would be a committee of three lawyers, well acquainted with the practice of the courts, quietly assembled around a board, and giving their minds exclusively to the various minutiae that come up for consideration. A bill of this sort cannot be wisely framed by a House of Representatives consisting of two hundred and thirty-three members, of all occupations and employments, some acquainted with the business and others entirely ignorant of it. I had rather take a bill, without looking into a single provision of it, framed by three lawyers acquainted with the practice of the courts, than one framed by this House after six months' deliberation; and there is not a lawyer in this House who will not subscribe to the opinion which I now express. It is not pretended by the Committee on the Judiciary that the bill which they have reported here is perfect. It will not be pretended that that committee, or any other committee, could possibly make a bill that would be perfect. The only way in which a proper and fair bill is to be constructed is, by first consulting and being controlled by past experience, and then watch its mode of operation; and as each difficulty may arise, and as each defect in the bill may be discovered, apply a legislative remedy to that particular defect.

The gentleman from Maryland [Mr. BOWIE] seemed to have worked himself into a rage yesterday, because of the sweeping attack upon the courts



and their officers. But while the gentleman made very loud complaints of this sweeping attack, made by the Judiciary Committee, I witnessed not a single effort on his part to contradict or to controvert a single position assumed in that report. If he made such an attempt, it did not arrest my attention. There are some five or six charges made by the committee in relation to the abuses in some instances, and the usages of the courts in others, and yet not a member of the House, who has spoken upon this subject, has, in the slightest degree, attacked the positions assumed by the committee.

Mr. BOWIE. I addressed my remarks to certain features of the bill, quoting them, and having them read to the House. The report accompanying the bill it has not been my good fortune to read. I consider the bill the material part of the report of the committee, and as embodying their views.

Mr. MEADE. Well, Mr. Speaker, the bill attempts to effect that which the whole Judiciary Committee was in favor of—that is, to make the practice of the courts and the fees of their officers uniform, as far as it was practicable; and the objection which was urged to this bill by the gentleman from New York [Mr. SEYMOUR] is, in my opinion, its very best recommendation. I think that if this bill will, in future, have the effect of making more uniform, though to a limited extent, the practice of the various States, we shall, in that respect, have achieved an object worthy of the consideration of this House.

One of the greatest objections which can be urged against the present judiciary system of the United States grows out of the fact that there is such a variety in the practice and in the mode of charging fees in the several States. Now, sir, this bill does at least prescribe a uniform rule of charging. While the laws of the States and the practice under them are in some instances still made the rule, uniformity is only attempted where it is believed to be practicable. This bill does not in general reduce the fees of officers for actual services, but rather increases them, notwithstanding which, I believe its passage will have the effect to reduce the whole amount of the expenses of the judiciary from \$550,000 to about \$300,000; it will not be accomplished by paying any officer of the court less for services really performed, but by preventing the payment for constructive services, or for such as need not be performed. The instances brought to the attention of this committee by the intelligent and learned chairman of the Judiciary Committee, [Mr. McLANAHAN,] and those incorporated in the report from that committee, show to this House that these officers have in many instances taxed their ingenuity, not for the purpose of charging larger fees than the law allows, but for the purpose of devising multitudes of little motions and orders, altogether unnecessary, and conducing only to swell the compensation of officers, at the expense of suitors and the Government. In the prosecution of a single offense, (an attempt to destroy the vessel Franklin,)—in that one prosecution—for though there were two or three parties concerned, and six indictments found, I may call it a prosecution for a single crime—although it lasted for less than two months—only forty-three days, I believe—bills were charged to the amount of six thousand and odd dollars, for the services of a single officer, thus securing to himself in this short time almost an independent fortune. In view of these facts this House cannot fail to see the necessity for legislating speedily upon this subject.

Now, Mr. Speaker, how is it possible for this House to take up and consider this matter, in all of its minute details? How is it possible for those who have never looked into a fee book, and know little of legal proceedings, as is the case with a majority of the members of this House, how is it possible, I say, for them to determine the practicability, or the wisdom of the provisions of this bill? They must necessarily rely upon the opinions of those whose experience teaches them what is needed. They must necessarily trust it to a few, whose occupation in life makes them qualified judges of the whole subject, and who by themselves in committee, shall discuss every clause, and weigh the import of every word in it, taking care to anticipate and provide for every conceivable state of things. This cannot be done in a popular assembly, or a noisy House, like this.

A bill involving so many minute details must be thoroughly examined, and understood; its provisions should not be the sport of chance or caprice.

The report of the committee brings to light cases in which fees of \$40 had been charged by a new district attorney, after the prisoner had been convicted, and nothing remained but to pronounce judgment. It would be a very difficult thing for a lawyer, who had never been a district attorney, to devise a fee bill of \$40 against the Government, after trial and conviction; but such a bill has been produced, and I presume paid. I will state some of the items: Two retaining fees, \$8 each; two motions for sentence, \$3 each; motion to suspend sentence, \$3; motion to extend recognizance, \$3; motion to discharge debt on pardon, \$3; motion to discharge recognizance, \$3, &c. Such practices call loudly for legislative interposition—a remedy should be applied at once. You can do it only by detailing on that service the legal experience of the House.

These abuses existed not in 1800, when the expenses of the judiciary were but \$42,000, nor in 1820, when they were but \$100,000. They are to be credited to the progressiveness of the present age, embracing a period of twenty years, from 1831, when the expenses were only \$200,000, to 1851, when they had swelled up to \$565,000.

Mr. HOUSTON, (interrupting.) Has the morning hour not expired?

The SPEAKER. It has expired.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DANIEL. I rise for the purpose of submitting a motion which I have very often made here without any success. Yesterday, upon the representations of my friend, the chairman of the Committee of Ways and Means, [Mr. HOUSTON,]—that being objection day—I declined to submit the motion to go to the consideration of private business. I generally make it a rule to decline insisting upon that motion whenever I think the public interests imperiously demand the action of the House upon a particular bill. I was in hopes yesterday that the bill now under consideration in Committee of the Whole on the state of the Union, would have been disposed of in the course of the day. It was not disposed of, however, and as the session is drawing to a close, and as there are some printed bills before the Committee of the Whole House, which, if not acted on by the House before the close of the session will involve much private suffering, I feel it my duty to now submit to the House that we proceed for this day to the consideration of private bills. I suppose the loss of this day will not make much difference with the appropriation bills. That kind of business can be transacted upon any day, while these private bills can only be considered upon Fridays and Saturdays. Feeling this to be my duty, therefore, I submit the motion, and the House can dispose of it as they choose.

#### STEAMBOAT DISASTERS.

Mr. KING, of New York. I have been requested to call the attention of the House to the appalling loss of life by the recent destruction of steamboats on the Mississippi and on the Hudson; and to present a petition in favor of the bill for the preservation of the lives of passengers on board steamboats, which has passed the Senate, and is now in committee in this House.

There being no objection, the petition was received, and on motion of Mr. K., referred to the Committee on Commerce.

Mr. HOUSTON. I was going to make some suggestions in relation to the importance of getting through with the civil and diplomatic appropriation bill as soon as possible; but the House understands it as well as I do. I ask that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. This being private bill day, the motion must first be put upon going into Committee of the Whole House on the Private Calendar.

The question was then put, and upon a division 60 rose in the affirmative.

Mr. FOWLER demanded tellers; which were ordered; and Messrs. CHANDLER and McMULLIN were appointed.

The question was again taken, and the tellers reported—ayes 56, noes 71.

So the motion was disagreed to.

The question then recurred upon the motion to go into the Committee of the Whole on the state of the Union; and being put, it was agreed to. So the rules were suspended.

#### CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Phelps in the chair,) and resumed the consideration of House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1853, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday, it had reached the eight hundred and sixth line of the bill.

Mr. STANLY. I offer the following amendment to the bill:

To refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the late war with Mexico, the sum of \$9,382 53, with interest at the rate of six per centum per annum, from the first day of March, in the year 1847, until paid.

Mr. S. said: If the committee understand that amendment, after voting the amount which they did on yesterday to the State of Michigan, I do not think there would be a single member upon this floor who would oppose it. I hold in my hand the Congressional Globe of February 8, 1850. A bill to this amount passed the Senate during that session, but never reached the House. Mr. BORLAND, of Arkansas, from the Committee on Military Affairs in the Senate, reported the bill. I now propose to read from his remarks upon that occasion, which I adopt instead of my own. Mr. BORLAND said:

"I will state in a few words the grounds upon which the committee have reported this bill. This claim of the State of North Carolina arises under the act of Congress making provision for the payment of the expenses of the volunteer troops raised for the war in Mexico. The provisions of the act extended to the appropriations of money made by the States as well as individuals. The Military Committee believe that this claim properly comes under the provision of the act, and that it should have been paid under that construction of the law by the War Department. The Secretary of War, however, under the rules established by that Department, thinks the vouchers furnished by the State of North Carolina are not such as those rules require. Application is therefore made to Congress for a special act making this appropriation. The Secretary admits the charge to be a reasonable one, and only finds a difficulty in the manner in which the vouchers are prepared."

The War Department has not suspended or rejected the claim from any want of evidence that the money had been paid by the State. But the rules of the Department require that the vouchers presented should be the receipts of the soldiers and others, to whom the money was paid. Under the circumstances under which this money was paid, these vouchers were not obtained. The money was paid in North Carolina to the commanding officer of the regiment, and by him to the captains, and afterwards by them to the several companies. This evidence has been furnished to the Governor of the State of North Carolina, and he has made application for refunding the money paid—\$9,000; a little more than \$10 to each individual; which the Secretary of War says is a very moderate allowance."

Now, sir, that is the whole matter. The Secretary of War makes the regulations upon this subject according to the general act of Congress, which the gentleman from Tennessee referred to on yesterday. He decided that this case did not come within the regulations of the War Department. There is no doubt that the money should be paid. I hope the money will be refunded to all the States which have, like Michigan, advanced money for this purpose. I have adopted the language of the amendment offered by the gentleman from Michigan, and applied it to my own State. I hope the committee will see fit to adopt the amendment.

Mr. FAULKNER. Is it in order to offer an amendment to the amendment?

The CHAIRMAN. It is.

Mr. STANLY. I hope the amendment, or rather this case, will be allowed to stand by itself.

Mr. HOUSTON. This matter I think may as well be understood by the committee first as last. I have no doubt—at least I presume that the claims of North Carolina are just as much entitled to go into this bill as the claims of Michigan; and the claims of all the other States, standing upon the same footing, might just as well be put into one amendment and inserted in this bill, as to be inserted upon separate amendments.

If you retain one of these cases in the bill—for instance that of Michigan—all the other States standing in the same condition ought to be inserted.

Mr. STEPHENS, of Georgia. I suggest to the

gentleman from Alabama [Mr. Houston] that this amendment be inserted with a general clause added, to the effect that all other States standing upon the same footing shall come within the purview of that provision.

Mr. HOUSTON. That may as well be done, as it will save time, for all the States are in pretty much the same condition; and indeed the Secretary of War told me, in a conversation recently, that the principle involved here would let in all the States, including the war of 1812, and in every war from that time down to the present. The committee had, therefore, better consider the extent of this question before we act upon it. If we intend to provide for one State, let us provide for all, where the same principle is involved.

Mr. FAULKNER. What does the gentleman desire to have us understand by his remark, that the Secretary of War said that the principle involved here, if established, would let in all the States?

Mr. HOUSTON. I mean this: that if the principle be adopted of overruling the decisions of the War Department, in its exclusion of claims that do not come within the rules and regulations of the Department, all the States will be let in with their claims. That is what I mean. I understand the point to be involved in the claim of my friend from Michigan, [Mr. Stuart,] as well as in the claim of Alabama, Georgia, South Carolina, North Carolina, and almost every one of the States, to be this: The provisions of the law of 1848 require that the money and interest shall be refunded to the States, corporations, and individuals that made advances for raising and equipping troops for the Mexican war. The States have applied under that law to get the money, as also have corporations and individuals. The money has been refunded in all cases where the proof, required by the regulations of the Department, has been presented. The proof required by the Department is, that the evidence shall show not only that the money has gone out of the coffers of the Treasury into the hands of the State agent, but that it shall show that the money was actually applied to the purpose of raising and equipping troops for the Mexican war. The reason why the claims of the State of Michigan, of Alabama, and of all the other States, are not admitted, is, that they cannot show vouchers for the money expended, beyond the agent who received it from the State. In all these cases the States show that they placed money in the hands of A and B for the purpose of raising troops, but they do not trace it, by the proper evidence, under the regulation of the War Department, showing that it ever was applied to the services of the General Government, in raising and equipping troops. That is the difficulty in relation to the payment of all these claims, and the reason why they have not been heretofore paid. If we intend to overrule that action of the War Department, let us do it in regard to all the States standing upon the same footing.

Mr. STEPHENS, of Georgia. The gentleman from Alabama [Mr. Houston] has stated this matter correctly, but I think where a State produces to the War Department a voucher—an honest, *bona fide* voucher—that establishes the fact of the advance of the money, that the War Department ought not to require anything further.

Mr. HOUSTON. Let me say to the gentleman from Georgia, [Mr. Stephens,] that that is the precise point. The War Department takes this ground, that when a State hands over to A or B money to be appropriated in that way, that the State should adduce proof, of some sort at least, showing that A or B, the agent for the State for that purpose, applied it to the purposes for which it was advanced.

Mr. FOWLER. I wish to make one inquiry of the chairman of the Committee of Ways and Means. Did I understand the chairman to say, that he is willing to allow an amendment which shall include those States which have yet unsettled claims for moneys advanced for war purposes in the war of 1812?

Mr. HOUSTON. The gentleman misunderstands me, if he understood any such thing. I stated that the Secretary of War said, that the principle involved here, if established, would be the means of letting in all the States for such and similar claims for the war of 1812, and of every war since; and that to pay such claims would require a great deal of money.

The question was then taken on the amendment offered by Mr. STANLEY, and it was agreed to.

Mr. COBB offered the following amendment:

And for the payment to the State of Alabama, for money advanced for transporting and subsisting troops during the Mexican war, \$4,000, or so much as may be found necessary to pay the principal and interest at the rate of six per cent. per annum from the time of said advance until paid by the Government of the United States: *Provided*, Before payment, the amount claimed shall be certified to have been paid, or that it is still due by the Government to said State, which certificate shall be deemed sufficient testimony in the adjudication of such claim.

Mr. C. said: I shall occupy but a minute in explaining and advocating this amendment. The justice of the proposition is so apparent to every member of this committee, that I certainly would be trespassing upon their judgment, as well as their liberality and disposition to do right, if I were to consume their time in the advocacy of this claim.

It is well understood, that when General Taylor was in extreme peril in Mexico, a requisition was made upon the State of Alabama, as upon other States, for troops to relieve him from his perilous condition. Our citizens in Alabama, as in many other States, responded to the call instantaneously, and they marched from the northern part of the State, and from the extreme points of the State, to the city of Mobile, with the view of proceeding from that place to the seat of war.

Mr. STEPHENS, of Georgia. I suggest to the gentleman from Alabama, [Mr. Cobb,] that he accept this modification to his amendment: "And that all other States under like circumstances, shall be put upon like footing."

Mr. COBB. I should have no particular objection to that; but this is a small matter, and we had better pass it, and let every State stand upon its own merits. I intend to vote for every one of these claims that are founded upon the same principle as that of the State of Alabama.

I was stating that, in the promptness with which the citizens of Alabama responded to that call, too many of them repaired to the place of rendezvous, and some of them were compelled to return home. Our State paid for the transportation of these troops. It is true that the Governor paid out the money rather loosely, without taking the proper vouchers; and by not being able to produce these vouchers, the Government refuses to pay the money advanced. The claim is admitted, and the Government is satisfied that it is just; but, upon the principle they have prescribed for the action of the Department, it cannot be paid through the Department. It is but about \$4,000, and I hope the House will allow it to be paid. I have, in my amendment, required the Governor of Alabama, before this money shall be paid, to certify that it is due and unpaid; and if that does not guard the Government from wrong, I do not know what would.

Mr. MILLSON. I am opposed to the amendment of the gentleman from Alabama, [Mr. Cobb,] as I was opposed to that offered by the gentleman from North Carolina, [Mr. Stanley,] and to that introduced yesterday by the gentleman from Michigan, [Mr. Stuart,] I have no sort of objection to refunding to the States all that they may have properly paid or advanced for the prosecution of the Mexican war; but I do protest against the introduction of these contested cases into the general appropriation bill. A few days ago, this House, by an almost unanimous vote, determined to stop discussion in the Committee of the Whole upon the general appropriation bill, because they saw that the items of that bill were of such a character as to require no further consideration than they had already bestowed; and because—I speak at least for myself—they had no idea that propositions suggesting changes in the existing laws, and involving appropriations for debatable objects, would be entertained, when there could be no further consideration of them than that allowed in the short space of five minutes.

Now, sir, if these claims are just, they can, I presume, be allowed by the Department. If there be anything in the rules of the Department which forbids their allowance, and if there be any equitable considerations which make it proper to allow them, a joint resolution may be introduced authorizing a new mode of decision. But, sir, see the evil resulting from this practice of first terminating debate in the Committee of the Whole upon the bill under consideration, and then allowing the

most important matters to be introduced by way of amendment. And, in this connection, I think it will be in order for me now to refer to what the committee has already done, for the purpose of exemplifying and illustrating the evils of this practice. A day or two ago a subject of much importance was brought forward by the gentleman from Maryland, [Mr. Evans,] proposing additional restrictions upon our foreign trade, and on his motion the committee voted to impose new burdens upon this commerce, and that, too, when no discussion of this grave subject could be allowed, except that which could take place under the five minutes rule. Upon a subsequent day, a proposition was introduced by my colleague, [Mr. Bayly,] which, I humbly conceive, involved a serious reflection upon the Constitution itself, in proposing to sanction, in some sort, a practice which was so odious to the framers of the Constitution as to induce them to insert a clause in the Constitution prohibiting it, as far as they had authority to do so, on the part of any of our public functionaries; and no discussion could take place upon that subject, except that brief and unsatisfactory discussion which five minutes would allow.

Now, sir, I am no way opposed to the payment of the just demands of those States, if properly brought forward. I vote against them here upon principle, as I voted against the amendment proposed yesterday, for paying to Virginia the amount claimed to be due to her. If these States have a just claim upon the Government, and are entitled to demand the interest upon it, they cannot suffer by a little delay; and these delays are necessary to enable the House to consider calmly and maturely the propriety of making the allowance.

For these reasons, among many others that I have not time to state, I trust that not only the proposition now pending, but all amendments, proposing changes in the general laws, and making innovations upon our established course of legislation, will be voted down by the committee.

Mr. HIBBARD. I rise to a question of order which will apply to this and to all similar amendments which shall be hereafter offered, and I understand there are to be several. The amendment is not in order, because it is for an appropriation not heretofore authorized by any law.

The CHAIRMAN. In reply to the gentleman, the Chair will state that that same point was raised yesterday on an amendment offered by the gentleman from Michigan, [Mr. Stuart,] The Chair then decided that the joint resolution of 1846 and the act of 1848, authorized the reimbursement to States, corporations, and individuals, of money advanced and expended in supporting volunteers called into service during the Mexican war. The Chair makes the same decision now, and therefore overrules the question of order raised by the gentleman from New Hampshire.

Mr. HIBBARD. I move *pro forma* the reduction of the appropriation proposed by the amendment, one dollar. It strikes me that this amendment is altogether out of place at this time as an amendment to this bill. I will not proceed to argue the question of order, because I understand now what I did not when the question was raised, that it was settled upon yesterday. The proper business of appropriation bills is to appropriate moneys for the expenses of the Government—to provide for the payment of sums authorized by law. When specific claims of this description are offered as amendments, I understand it is not usual, nor proper, for them to be added to the appropriation bills, unless they have been adjudicated and settled as due by the Department. It is not the province of an appropriation bill to allow a claim where there is question as to its justice. It ought not to be appropriated if such a question be pending. It is then a matter for the consideration of the Committee on Claims, or of some other appropriate committee. This is a claim, not of an individual, but of a State against the Government. Whether or not it be due is a question, and this is not the time nor occasion for the settlement of that question. It may and it may not be due, and the claim should be referred to the Committee on Claims, or some other appropriate tribunal. There has been no adjudication at the Department upon it.

Mr. SEYMOUR, of Connecticut. I wish to say to the gentleman that this subject has been before the Committee on Claims, and they are now prepared to report adversely upon it.

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Mr. HIBBARD. The gentleman says that this claim has been before the Committee on Claims, and that they have agreed to report adversely to it. I thank the gentleman for the suggestion, for it bears at once upon the merits of the case, and illustrates the impropriety of passing it in this form. I understand a class of claims embracing and standing upon the same merits as this—upon the same propriety and same law—

A MEMBER. Not this one.

Mr. HIBBARD. I understand it is not contradicted that this or a similar claim has been rejected by the committee. Sir, it shows the impropriety of this mode of procedure, as a matter of order, and it bears upon the question of the merits of the claim. This is no place to pass upon such questions. I know nothing of the action of the committee on claims, except what the gentleman from Connecticut has said, and I do not understand that to be contradicted. Rejected after examination before the appropriate committee, it is now sought to be tacked on as a rider here. This mode of proceeding is all wrong. Pass this amendment, allow this claim, and by the same rule you will add to this bill every claim of every State, and every individual, now pending before Congress. We will consume the remainder of the session in unfinished action upon this single bill. I invoke the friends of the bill, and the committee generally, if they would ever finish the work in hand, to discourage amendments of this description.

Mr. BAYLY, of Virginia. I rise to oppose the amendment, with a view to reply to my colleague who spoke in favor of the principle contained in it. He took occasion to say, in condemning hasty legislation, that I, on yesterday, had offered an amendment to the bill, which was in conflict with the Constitution of the United States.

Mr. MILLSON. I did not say the gentleman offered an amendment which was in conflict with the Constitution. I said that the principle of that amendment involved a serious reflection upon the Constitution.

Mr. BAYLY. Very well. The gentleman said that it involved a reflection upon the Constitution. What was it? It was a proposition to include in an amendment which was carried, and which I afterwards, when I found it was objected to, offered to strike out, \$150 to the minister for a snuff-box and watch he had given to a dragoman of the Sublime Porte. The only clause of the Constitution bearing upon that is this:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State."

This clause prohibits the taking, and not the giving of a present, &c., from any king, prince, or foreign State. I suppose that my colleague means to insist, that the converse of the proposition was true, and that it prohibits the giving of any present, &c.

The CHAIRMAN. The Chair is under the necessity of reminding the gentleman that he does not see the relevancy of the remarks the gentleman is now submitting, to the proposition of the gentleman from New Hampshire, which proposes to reimburse the States for moneys they have expended in raising volunteers for the Mexican war.

Mr. BAYLY. It was precisely upon that proposition my colleague has indulged in a reflection, as I regard it, upon me, as one of the organs of this House; and I should like to know by what rule the Chair can indulge remarks in favor of the amendment, and will not indulge others in reply.

The CHAIRMAN. The Chair calls the gentleman to order. The Chair has no recollection of the remarks to which the gentleman alludes, as having been made by his colleague. He did not hear them.

Mr. BAYLY. As my colleague has been indulged in making reference to me, by every rule of parliamentary law I have a right to reply to his remarks.

[Cries of "Go on!" "Go on!"]

My colleague says that the proposition was a reflection upon the Constitution. The Constitution says that no public functionary shall receive a present from a foreign potentate without the consent of Congress. It does not say that our Ministers cannot comply with the usages at other courts; and I say here, the usage of this Government has been, from its foundation, to comply with the usages of courts in making presents. Will my colleague say that forbidding to take presents is implicitly a prohibition to give them? Why, sir, the Constitution does not even prohibit the reception of presents. It only prohibits the officer from appropriating them to his own use; and when they are offered, they are always received, and are either deposited in the Patent Office or sold, and the proceeds go into the public Treasury. Now, what becomes of my colleague's point?

Mr. MILLSON. With my colleague's permission, I do not see why, when I made general remarks in reference to a bill before Congress, my colleague should suppose those remarks to intimate a reflection upon him as one of the organs of the House. I was expressing an independent opinion as an independent legislator.

Mr. BAYLY. Did not my colleague state that I had introduced a proposition reflecting upon the Constitution of the United States?

Mr. MILLSON. This practice of giving and receiving presents by diplomatic agents abroad, existed at the time of the formation of our Constitution, as it does now; and because it existed then, and because the framers of the Constitution regarded it as a serious abuse they expressly prohibited any one of our agents from receiving a present from any foreign potentate. In the condemnation of the principle, so far as the reception of these presents is concerned, they unquestionably meant to imply a condemnation of a similar practice by agents of other Governments.

The CHAIRMAN. The Chair will state, before putting the question, that in this peculiar case he has indulged remarks which he deems not in order. Hereafter he would beg gentlemen to confine themselves to the proposition under consideration. Unless they do, he shall feel bound to enforce the rules of order.

Mr. HIBBARD, by unanimous consent, withdrew his amendment.

Mr. SEYMOUR, of Connecticut. I move to reduce the appropriation one dollar.

I do so to say a word to prevent misapprehension of my remark while the gentleman from New Hampshire was on the floor. I noticed at the time that he misunderstood me. This subject was submitted to the Committee on Claims. A much larger amount was then asked for. The committee were prepared to report adversely to the application, on the ground that the law made ample provision for all such cases. The petition was thereupon withdrawn, and on application to the proper Department, a great part of the claim was allowed and paid. As to this residue, I know nothing in particular about it; but I am opposed to this loose mode of bringing in and adjudicating on these claims. If the law already provided is not ample, or if there are defects in its administration, it is easy to apply to Congress by a proper memorial, and let the matter be investigated by the appropriate committee. It seems to me the general appropriation bill is no proper place for their consideration. On this ground I have voted against all the applications of this nature, and shall continue so to vote.

Mr. FAULKNER. I submit the following amendment:

For refunding to the State of Virginia the amount of money advanced by said State, under the act of her General Assembly of the 10th day of August, 1849, in organizing, subsisting, and transporting the Virginia regiment of volunteers for the Mexican war previous to its being mustered into the service of the United States, together with interest on said sum, at six per cent. per annum, \$5,000, or so much thereof as may be necessary to pay the same.

Mr. F. said: The claim of Virginia for advances to her regiment of volunteers yet remaining unpaid by the Federal Government, amounts to \$3,734 85,

with interest. This sum, as appears by the certificates of the Auditor and Treasurer, was paid to the officers and soldiers of that regiment in pursuance of an act of the General Assembly of that State, passed on the 10th of March, 1849. The claim was laid before the Secretary of War by the agent of Virginia, and rejected by him, because he did not think it was embraced within the provisions of the joint resolutions of the 3d of March, 1847, and the 2d of June, 1848. A memorial was then laid before Congress, and referred to the Committee on Military Affairs. As the organ of that committee, I have presented a report to this House, which was laid upon the table and ordered to be printed, differing from the Secretary of War in his construction of these laws, and expressing the opinion that the claim of Virginia is within the provisions of existing laws, and should be settled at the War Department. Here, sir, I should have been content to leave this matter. But the Committee of the Whole having on yesterday recognized as proper to be placed in the general appropriation bill a similar claim for the State of Michigan, and this morning one of like character from the State of North Carolina, I feel justified and required, notwithstanding the protest of my colleague [Mr. MILLSON] against this mode of legislation, to urge upon the committee the claim of Virginia. Our demand is a just one, and amply sustained by evidence. I have before me an authenticated copy of the law of the State authorizing the payment, and the certificates of the Auditor and Treasurer proving the fact of disbursement. Narrow technical objections ought not to be urged against such demands, coming from one of the States of this Union. They are the most competent judges of the expenditures necessary for the full equipment and organization of their volunteer regiments. They are best informed of the difficulties to be overcome, and the means proper to overcome them. It cannot and ought not to be presumed for a moment, that they would push these expenditures beyond the necessities of the case.

The joint resolutions of 1847 and 1848 had their origin in a wise and patriotic policy. Congress meant to refund to all States, corporations, and individuals, the advances in good faith made by them to the volunteers engaged in the Mexican war. The Constitution contemplates the burden of every war to fall upon the General Government, and wherever individuals or States, and particularly States, in the exigency of the moment, step in and make advances which should come from the general fisc, they should be refunded without that rigid examination into the expenditure which some gentlemen now contend for. I had no inconsiderable agency myself in aiding to raise the regiment contributed by Virginia for the Mexican war, and I know something personally of what I am speaking about. It was raised at a most inclement season of the year, and under circumstances of peculiar difficulty and discouragement, and whilst I concede that the State of Virginia has been just and liberal to her volunteers, she was not more so than sound policy and the occasion required. The Secretary of War—

[Here the hammer fell.]

Mr. HAVEN. I am opposed to this amendment. The statute which was read yesterday by my friend from Tennessee, [Mr. GENTRY], provides that all claims of this kind shall be paid upon proof being made, which shall be satisfactory to the Secretary of War. These gentlemen here tell us that they have made proof, as they claim, before the Secretary of War. If they have the proof, they can get their pay. If they have not got it, then I deny that they have any claim. What is a claim good for without proof? And how do we know it is valid without proof? I would like to inquire whether this committee intend to pass these claims without proof? They have made their proof, they say, such as it is, before the Secretary of War, but they have not brought that proof before this committee. Why should this committee allow these claims without proof, when the Secretary of War will not allow them with proof of the



imperfect and inconclusive kind they have furnished? If anything is to be done by this committee on the subject without proof or investigation, we had better at once provide that upon any member saying his State has a claim, of which he knows nothing, and of which no proof can be made, that claim shall be deemed sufficiently established, and shall be paid.

Mr. FAULKNER. Will the gentleman from New York [Mr. HAVEN] permit me to remind him, that the Secretary of War, in reply to a letter addressed to him by a member of the Military Committee, placed his objection to the allowance of this claim, not upon the ground of want of evidence, for that was ample and satisfactory, but upon the ground that the existing law did not, according to his construction of it, justify his making the payment? There is no justice or propriety in recognizing the claim of one State, and rejecting that of another, resting precisely upon the same grounds. I am content to leave the whole subject to the War Department, or to pass an amendatory resolution, if that be deemed advisable. But if one State is provided for in the general appropriation bill, all having like claims should be placed upon an equal footing.

The question was then taken on Mr. FAULKNER's amendment, and rejected.

Mr. SACKETT. I move to amend the amendment by inserting \$2,000 in the place of \$4,000. I do it for the purpose of calling the attention of the House to the law which has been referred to heretofore, and for the purpose of showing that, if we are to pass anything, we should make the sum as low as possible. The law referred to is the law of the 2d of June, 1848, and I wish to refer to a provision of that law. The law upon the subject of proofs is this: "That proof shall be made, to the satisfaction of the Secretary of War, of the amount thus expended, and that the same was necessary and proper for the troops aforesaid."

By this amendment, and by any of this class of amendments, we assume, if we pass them into a law, the payment of all the money paid by the States, though put into the hands of their own agents in form, for the support, subsistence, or transportation of troops, although it may have been all squandered, and none applied in accordance with the provisions of this law, and although not one farthing of the money has ever been made available to the United States, as is required by the original act under which these claims arise. If this be so, it is manifestly improper to pass any such amendment as will, by its own operation, relieve the States from supplying proofs of the due application of the money appropriated by them in accordance with the provision of the law on which the claim is based. Some portion of this money may have been properly applied; other portions of it may not have been properly applied. Some portion of it the United States ought to pay; other portions of it the United States, perhaps, ought not to pay. The provision of the law expressly declares that this money is to be applied to the support of troops, &c. If the State agents have misapplied the funds put into their hands, there is no provision of the law of 1848 making it obligatory upon the United States to pay it, and they ought not to pay it; because the States should be responsible for the action of their own agents. Gentlemen must see the impropriety of passing these amendments without an investigation before a committee, as to what has been paid by the States in pursuance of the regulations of the United States. If the United States ought to pay them, we ought to ascertain first what the amount is, what is properly due, and what not. This House knows nothing about the propriety of the amendment, and if we pass these amendments we assume, as facts and legal, all they state, and that we ought to pay the money, whether due according to law or justice, or not.

Mr. SACKETT. With the consent of the committee I will withdraw my amendment.

There being no objection, the amendment was accordingly withdrawn.

Mr. JONES, of Pennsylvania. I offer the following amendment:

For refunding to the county of Berks, in the State of Pennsylvania, and to the city of Reading, in said county, the amount of money advanced by said county and said city, in organizing, subsisting, equipping, and transporting volunteers, previous to their being mustered into the service of the United States during the war with Mexico, together

with the interest on such sum at six per cent. per annum, \$2,500; which said sum, or so much thereof as may be necessary to pay and cancel the claims of said county and said city, as presented, and now on file in the War Department, with interest as aforesaid, from the time said advance was made, shall be paid by the Secretary of the Treasury to the municipal authorities of said county and said city.

Mr. Chairman, the claim here presented is one from the county of Berks and city of Reading, in the State of Pennsylvania, for money advanced for the subsistence, equipment, and transportation of volunteers for the Mexican war.

In 1847, a joint resolution was passed by Congress upon this subject, which provides for the refunding of money advanced by States, or their agents; but this resolution, which has been referred to by several gentlemen who have addressed the committee, does not extend to counties or cities; under that resolution no relief can be given to Berks county or the city of Reading. Now, the State of Pennsylvania, whose patriotism no one will question, in peace or in war, made no provision for the equipment, subsistence, or transportation of the volunteers from Berks county; and, consequently, has made no claim on the General Government, and never will, for the money expended for that purpose. This matter, at least so far as we were concerned, was left entirely to the counties, or to the friends of the volunteers.

The county of Berks, which has always been famous for her patriotism, and has been fully represented in every war in which the country has been engaged, from the Revolution down to the Mexican war, offered three companies in about ten days' notice of the requisition of the Governor of Pennsylvania. In order, however, to make a fair distribution of the forces required through the State, he was enabled to accept of but one of our companies. A meeting of the citizens of Reading and of the county of Berks was called for the purpose of providing for these volunteers. Among other things, it was ascertained that the United States Government would not muster them into the service except at Pittsburg, a distance of three hundred and eighty miles, and until mustered into said service, no provision of course would be made by the United States Government for their subsistence, &c.

The men who offered themselves were the brave and hardy sons of the county, who were willing to risk their lives for the honor of their country; but they had no money to expend, even for their own subsistence. To supply their necessities, the meeting recommended an advance of \$1,000 from the city of Reading, and \$1,000 from the county treasury. They appointed a committee of five, of which I was one, to disburse the money, and to call upon the General Government for its reimbursement.

This money, sir, was chiefly expended in equipping, subsisting, and transporting these volunteers. A regular account was made out and audited, showing the mode and manner in which the money was expended; and the account has been approved by the municipal authorities of Reading and of Berks, and I have the vouchers here, duly certified, so as to satisfy any gentleman of the truth of the facts here alleged. Now, sir, not one dollar of this money has ever been refunded to this day. The case has been submitted long since to the Secretary of War; but, with the exception of a small sum for traveling expenses, &c., he declines to pass the account, for want of sufficient legal authority. It has been submitted to the Committee on Claims of this House, and the fact of the expenditure for the purposes designated proved beyond a doubt; but there is no earthly hope of that committee being able to make a report on it of any kind for want of time; so that this process amounts to a denial of justice. I wish to say to the gentleman from Virginia, who has just addressed the committee, [Mr. MILLSON,] that his approval of the payment of these claims, but insisting on their passing through the Committee on Claims, and then coming up before the two Houses of Congress on the Private Calendar, is almost tantamount to a refusal. My constituents know they have paid \$2,000 for the use of the volunteers in the Mexican war—a war declared by this Government—and that, after a lapse of six years, this Government has not refunded one dollar of it. They do not inquire into the mode in which Congress does its business; they look to the result.

There can be no dispute about the correctness of the vouchers. The claim cannot be paid under the

joint resolution of 1847, and I know of no other mode than that of a direct appropriation by Congress. It is for this reason that I have moved this amendment to the civil and diplomatic bill, and hope it may prevail. Sir, it is impossible that I should discuss the question of a citizen-soldier in a five minutes speech; but I will merely remark, that, while the patriotism of our citizens is unbounded, and the hardy sons of this glorious country stand ready at her call, it is rather humiliating to see the Government reluctantly doling out of a plethoric Treasury the little pittance required for their subsistence, equipment, and transportation.

Mr. GORMAN. I am opposed to this amendment, and if any gentleman upon this floor can get up here and make out a case, by showing how money can get out of the Treasury of his county without the treasurer or auditor having vouchers as to where it went, he can do something that I never heard of before. Why, sir, the State of Indiana raised nearly six thousand men for that war, and one State has received \$20,000 for raising a single regiment, while all the six regiments from the State of Indiana have not cost the Government to the amount of \$12,000.

Mr. JONES. Will the gentleman from Indiana allow me to say, that we are ready to show vouchers for the distribution of every dollar of this money.

Mr. GORMAN. If the gentleman is ready to show vouchers for the payment of this money, all he has got to do is to go to the Treasury Department, and those vouchers will be allowed. There is a law saying, that wherever money has been appropriated for the payment of troops mustered into service, upon producing vouchers that the money has been paid, and that it was necessary, it shall be refunded. Indeed, they have been very lax on the question of necessity. Claims have been allowed by this Government, even in cases where free, voluntary barbecues have been given to companies as a compliment to the soldiers.

Now, if a dollar has gone out of the treasury of any State of this Union, the auditor or treasurer of that State must know where it went, and if he has not got the vouchers he cannot account for it to his own State. We have passed a law saying, that upon presentation of the vouchers of the treasurer of any State, money which has been paid out on account of this war, shall be refunded, and twenty times over has the question been coming up in the Treasury Department, whether the officers shall give additional latitude in these payments. Our Government, on account of this Mexican war, in regard to forty things I could name, has been leech and bled, and is being leech and bled day after day, by unjust, unholy, and iniquitous claims.

Sir, I have had presented to me for consideration in the Committee on Military Affairs, claims from my own State; I have made inquiries how money could get out of the treasury of the State without a voucher, and I find that it cannot. It could not get out of the treasury of the gentleman's county without vouchers. Your auditor must have vouchers, or he could not settle his accounts. If he has vouchers, and can settle his own accounts, then he can get the claim before this Government. Our law is broad enough and comprehensive enough, and all that is necessary is to produce your vouchers.

The question being upon the amendment to the amendment offered by Mr. JONES, of Pennsylvania,

Mr. JONES called for tellers; but they were not ordered.

And the question being put upon the amendment to the amendment, it was rejected.

Mr. NABERS offered the following as an amendment to the amendment:

For refunding the amount of money expended by the late Governor of Mississippi in calling out volunteers for the Mexican war, under the President's requisition, one thousand dollars, together with six per cent interest on that sum: *Provided*, Sufficient evidence is presented to satisfy the Secretary of War that the money was actually expended in the service of the United States.

Mr. N. said: Mr. Chairman, I shall occupy the five minutes allotted to me under the rule, in explaining the reasons why I have offered that amendment. But I wish, in the first place, to vindicate myself in offering this amendment, from the charge made by the gentleman from Indiana,

[Mr. GORMAN,] that we would bleed the Treasury, and from the charge of the gentleman from Virginia, [Mr. MYLSON,] that we would reflect upon the Constitution. Sir, I would not myself do either the one or the other; and why, let me ask, do not gentlemen, in looking at the Constitution, look at the whole document?

The CHAIRMAN. The gentleman from Mississippi must confine his remarks to the subject-matter of his amendment.

Mr. NABERS. Well, sir, I was just going to say that there is a clause in the Constitution which gives this Congress power to pay the debts of the United States. If gentlemen will look to the beginning of the eighth section of the first article of the Constitution, they will find that power is there given to us to pay the debts of the United States. Well, sir, the United States owes the State of Mississippi \$1,000, or about that sum. I find that some gentlemen around me are disposed to controvert the orthodoxy of my constitutional argument, and I will therefore quote the paragraph of the Constitution on which I rely. It is in these words:

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States."

Well, sir, let me explain that the money expended by the State of Mississippi during the Mexican war was expended during the administration of one of my colleagues, now a member upon this floor. But it may be asked, why has not the entire amount been refunded to us? Simply because the rules and regulations of the Department construed the law to death under which we were entitled to this payment. [Laughter.] They construed the life out of the law, so that we were unable to get it. We simply ask in this amendment that if we can prove—as we can do—that this money was actually expended during the Mexican war, and expended for the benefit of the United States, then they shall pay it back; and sir, as a Representative of Mississippi upon this floor, I should scorn to receive it unless we could demonstrate beyond a shadow of doubt that we had expended the money as we say we have. I will not promise to produce a receipt for every pound of beef, and every blanket, and every article of that sort that was furnished to our volunteers, for it is often the case that conclusive proof upon these subjects is beyond our reach.

I will not detain the committee longer. I ask that a vote may be taken upon my amendment. I know that the money has been expended by the State of Mississippi, and that it has been expended for the benefit of the United States. I assure every member of this committee that such is the fact. It is for them to say whether the money shall be refunded to us.

Mr. HOUSTON. I understand that the gentleman from Mississippi desires to reenact the law precisely as it stands. I understand that he wants the Government of the United States to pay to the State of Mississippi what that State has expended for the benefit of the United States, and six per cent. interest, provided they will prove to the satisfaction of the Secretary of War that it has been expended for that purpose. That is the precise language of the law as it now stands. I will read it:

"Provided, however, That proof shall be made to the satisfaction of the Secretary of War of the amount thus expended, and that the same was necessary and proper for the troops aforesaid."

But I am not opposing the amendment of the gentleman from Mississippi any more than I am the whole principle. While I might be willing to vote for a modification of the law upon this subject, if it were put in a shape in which it could be discussed and examined into, I do protest against putting it into an appropriation bill, where, of all other places in the world, it has the least business, and into which it is with the least propriety attempted to be put. For what have we just appropriated money? Why, to pay to Michigan and North Carolina certain claims, when there is a law already in existence making appropriation for the payment of such claims. The law itself makes a permanent and existing appropriation for every claim of this sort that is allowed by the Department, and the object of this legislation is not to make an appropriation, and therefore it has no business in this appropriation bill. The second section of the law says:

"And that an amount sufficient to refund said expenses so incurred be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Gentlemen are not seeking an appropriation of money at all. They are seeking to get claims passed through the War Department which do not come up to the proof required by law and by the regulations of the Department. The law says that the Secretary of War shall be satisfied that this money was expended for organizing, subsisting, or transporting troops. Gentlemen come forward with claims for money which was not so expended, and ask the Secretary of War to pay them, and because he will not do it, we are applied to to allow the claims without one particle of information, and in opposition to the law and to the regulations of the War Department. By your action here to-day and yesterday you are taking away every restriction that was put upon these settlements by the War Department.

But, sir, there is another thing to which I wish to call the attention of the committee. These amendments all say that interest of six per cent. shall be paid upon these claims. Now, that is more than has been done for other States whose claims have been allowed. The law says that where the State, corporation, or individual, advancing the money, has been receiving interest on that money, and has lost the interest by advancing it, in that case interest shall be paid. But here, irrespective of the principle which has controlled other States, and without regard to whether interest has been lost or not, you say that interest shall be paid at the rate of six per cent., when, in truth, the principle of the law upon which this proceeding is founded, is entirely different from that.

But the great question, Mr. Chairman, is this: has this money been applied properly, or has it been misapplied? The Secretary of War is required to pay the claim if you satisfy him that the money has been expended in organizing, subsisting, or transporting troops; but not, if he is satisfied that it has been expended in parade and show, and has been wasted. Now, by these amendments you are destroying the restrictions which have been thrown around the action of the War Department.

The question was then taken upon the amendment to the amendment, and it was rejected.

The question then recurred upon Mr. COBB's amendment.

Mr. COBB. I hope the committee will let Alabama have this small appropriation.

The question was then taken, and the amendment was not agreed to.

Mr. ORR. I now propose to offer a similar amendment, though I hope it will meet with a better fate. I offer the following:

To refund to the State of South Carolina the amount of money advanced, and transportation furnished, to volunteers from that State during the late war with Mexico, the sum of \$30,000, with interest at the rate of six per centum per annum, from the first day of March, 1847, until paid.

This amendment is in the exact phraseology of the amendment offered a few minutes ago by the gentleman from North Carolina, [Mr. STANLY,] which was adopted by the committee. The money provided for in my amendment was expended by the State of South Carolina in fitting out the Palmetto regiment for the Mexican war. The difficulty, so far as the vouchers for that regiment are concerned, grows out of the fact that the colonel of the regiment, and lieutenant colonel, both fell at the battle of Cherubusco. But, independent of that, after having passed the amendments to refund the money so expended by the States of Michigan and North Carolina, as a matter of justice, I suppose the committee would hardly hesitate to pass the amendment I have offered for the State of South Carolina.

One word in reply to the gentleman from Indiana [Mr. GORMAN] as to the inexpediency and impropriety of these appropriations by the General Government, to pay appropriations made by the States. I beg that gentleman to remember, that these appropriations, asked to be made here, are for the several States of this Union which made advances; and I ask that gentleman, or any other gentleman, if he supposes the constituted authorities of any State of this Union would come to the Treasury of the United States, and perpetrate a fraud upon it, for the purpose of obtaining such a sum as that from its coffers? I suspect not. It is not like an appropriation to a private individual, upon the faith

of a private individual, where fraud may be committed. The claims are from sovereign States of this Union. They are for money expended in fitting out troops, and preparing them for the field, in order to meet promptly the call made by the General Government for those troops. I say it is just and fair; that the money, thus expended, should be refunded by the General Government. Is it right, that you should refuse to refund the money thus appropriated by the several States, in this manner, because, perchance, those States may not have saved the vouchers, which the Secretary of War has required to be produced before the claims shall be paid? Is that just? Is it right? Is it proper?

But some of the States have expended much more money than others. That is to be expected. It is nothing more than would necessarily happen from the circumstances of the case. Some States might raise a regiment for \$5,000, while it would cost another \$10,000. In the hurry of the moment, when the whole country was in a fever of excitement—when it was of the utmost importance that the troops should be at the seat of war at the earliest possible moment—many of the States lavished out money with a liberal hand to their troops; and because they have done so—because they acted with alacrity in the defense of the country, in order that the troops might be sent in time to protect the country effectually—is that to be used as an argument why they should be compelled to pay the money thus expended themselves? Is it to be said to us, "You have thrown away recklessly and profligately this money, and therefore we will not pay it?" I hope the committee will adopt this amendment.

Mr. DUNHAM. It is no doubt true that the money now asked for by the States to be refunded them was paid out by those States; but I desire to know if it was understood by those States, when the money was paid out, that it would ever be refunded to them by the United States Government? Much of this money has been paid out by officers who may have preferred claims against the different States for the money they had expended in raising the troops. They might have urged in defense of their claims, that the money would be repaid by the Government of the United States. But I have no idea that these claims were allowed by the States with the expectation that the money was to come from the General Government. I have no idea that the legislators of those States ever entertained such a belief for a single moment.

Mr. ORR. I wish to say that the objection the gentleman from Indiana makes, that this money was paid out by the officers in raising troops who have come afterwards with claims to the different States, does not apply to my State, or to my amendment. The sum of \$20,000 was appropriated directly by my State for this object, and not to pay the claims of speculators.

Mr. JONES, of Tennessee. Has the State of South Carolina ever asked that this money should be refunded, or did she expect it at the time she appropriated it?

Mr. ORR. I do not know whether the State of South Carolina ever asked that this money should be refunded her or not, but, as a Representative from that State, I ask that it shall be done. If that State has not come here at your doors with petitions, is that a reason why she should not have justice done her? Is that to be the argument of the gentleman why the amendment should not be adopted?

Mr. HOUSTON. I desire, with the consent of the gentleman from Indiana, [Mr. DUNHAM,] who still holds the floor, to ask the gentleman from South Carolina [Mr. ORR] one question. Did not at least a large part of the money which was appropriated at this time by the State of South Carolina go to the troops themselves? Was it not distributed amongst the regiment for the personal comfort of the troops?

Mr. ORR. When that money was voted, it was not, as I understand, to be divided amongst the troops at all. It was for the comfort of the soldiers of the regiment.

Mr. DUNHAM. There was another matter for which this money was expended. We all know that there was a spirit of rivalry through the States for a prompt compliance with the requisitions of the Government. It was a praiseworthy feeling; but at the time when these appropriations

were made by the different State authorities, they were made for the purpose of encouraging this spirit of rivalry, and for the purpose of getting a proper quota of troops into the field as soon as possible; but it was never expected, when the money was advanced by the State authorities, that the General Government would pay it back again. It is very evident that they had no such expectation, from the fact that they never even took vouchers from the individuals to whom the money was advanced. I think the amendment of the gentleman from South Carolina should not be adopted.

The question now being upon Mr. Orr's amendment, the House was divided, and 27 rose in the affirmative.

Mr. ORR demanded tellers; which were ordered; and Messrs. MILLSON and LANDRY were appointed.

The question was then taken, and the tellers reported—ayes 47, noes 78.

So the amendment was not agreed to.

Mr. BRECKINRIDGE offered the following amendment:

To carry into effect the act approved September 28, 1850, for the purchase of a cemetery near the city of Mexico, and the interment therein of the remains of the American officers and soldiers who fell in battle, or otherwise, in or near the city of Mexico, the sum of \$3,000, which, or so much thereof as may be necessary, shall be expended for this purpose, under the direction of the President of the United States. And the interment of citizens of the United States, who have heretofore died, or who may hereafter die in Mexico, may be made in said cemetery, under such regulations as may be prescribed by the President of the United States.

Mr. B. said: I suppose there will be no objection to the passage of that amendment. It will require but a very short explanation. A year or two ago Congress appropriated \$10,000, which was then supposed to be necessary to purchase a cemetery in or near the city of Mexico, for the interment of the officers and soldiers of the American army who fell in battle, or otherwise died in or near that city. That sum, however, was found not to be sufficient by about \$3,000. In the deficiency bill which passed this House some time ago, there was an appropriation of \$1,480 34. In looking over the papers, however, and in accordance with the recommendation of the President of the United States in his message, which I hold in my hand, the Senate passed a bill appropriating \$3,000 for completing the cemetery, and removing the remains of the officers and soldiers to it. The papers which I now hold in my hand show the facts, but I have not time, nor is it necessary, to go into them. This sum is probably about the additional amount which is needed. It is recommended by the President, has passed the Senate in the form of a separate bill, which has been laid upon your tables. I have taken the substance of this bill and put it into the form of the amendment which is now before the committee. I have adopted this course because there would be no hope of reaching that bill during the present session.

The question was then put, and the amendment was agreed to.

Mr. SMART offered the following amendment:

And provided that no person at the head of either of the Departments, or of any of the Executive bureaus of the Government of the United States, no Senator or Representative in Congress, clerk in any of the Departments, or any officer or employee of either House of Congress, shall directly or indirectly, during the time they may hold such office, prosecute any claim against the Government of the United States, before the Executive Departments, Executive bureaus, or Congress, for any fee or reward. And if any person aforesaid shall prosecute any claim as aforesaid, he shall forfeit and pay a fine of \$2,000, and also the amount of the fee charged for his services, one half to the informer and the other half to the Government, to be recovered by action of debt before any court of the United States.

Mr. S. said: Mr. Chairman, I will detain the House but a moment in explaining this amendment. At the first of the session I submitted a proposition embracing the same principle as this amendment. But I will state for the information of the House, that the principle has been sanctioned during the present session by the Judiciary Committee of this House, and that a similar proposition, though not in the same language, has passed the Senate. I will also state that the judges of the Supreme Court, as the committee are aware, are prohibited from practicing as counsellors or attorneys in the courts of the United States; and that there is now also existing upon the statute book, a prohibition upon the members of this House in relation to Congress, providing that no

member shall make a contract, and the provision is enforced by a penalty of \$4,000.

These are the precedents I offer, Mr. Chairman, to justify me in offering this amendment. I think the adoption of this proposition is becoming much more necessary than are the prohibitions I have alluded to, and I trust there will be no opposition to the amendment. I have drawn up the proposition with great care, and I think it will be found to answer the purpose.

Mr. MILLSON. I have no objection to the objects contemplated in that amendment, and I have always controlled my own personal action by the principles involved in it; but I rose simply to raise a point of order as to the amendment.

Mr. SMART. I think it is in order.

Mr. MILLSON. It is not a proposition in order to this appropriation bill.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order, and therefore sustains the point of order.

Mr. KING, of New York, offered the following amendment:

There shall be allowed and paid to each of the following persons: Charles H. Sherman, Lewis E. Jackson, Henry Taylor, Frederick Morris, and John Davis, mariners, sent into the port of New York and detained there as witnesses for the United States, \$1 25 for each and every day necessarily occupied on the voyage and arriving at New York; and the judge of the district of the United States in which such witnesses have been detained to testify, shall allow and cause the same to be paid, the same as other witnesses' fees are paid.

Mr. KING said: I will say briefly, in explanation of this amendment, that it is universally the custom to allow to sailors sent in from foreign ports, to testify in cases of mutiny and difficulties at sea, these fees. The general law does not allow witnesses' fees to be paid until the subpoena has been served. These witnesses were sent in, a portion of them from Rio Janeiro, and some of them from China. Under these circumstances, upon their reaching the port of New York they were subpoenaed, and they would, by law, be entitled to fees only from that time, which would evidently be unjust.

The Committee on the Judiciary unanimously recommended the allowance to be made.

The question was then taken on the amendment of Mr. KING, and it was agreed to.

Mr. HOUSTON, under the instructions of the Committee of Ways and Means, offered the following amendment to the clause in relation to the penitentiary of the District of Columbia:

After the word "hundred" insert "and sixty."

The clause will then read—

"For the support and maintenance of said penitentiary, \$1,560."

The question was taken on the amendment, and it was agreed to.

Mr. BOWIE moved to strike out the word "ten," in line nine hundred and three, and insert in lieu thereof the word "twenty."

The clause will then read as follows:

"For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper, \$20,000."

Mr. B. said: The amount contained in this section, as reported from the Committee, is not sufficient for the purposes for which it is intended, because heretofore the insane paupers of the District of Columbia have been treated at the insane hospital of Maryland, at the city of Baltimore, at an average expenditure of \$200 apiece.

The superintendent of the hospital of Maryland has given information to the health officers of this city, that in consequence of the great increase of that class of patients in the State of Maryland, it is impossible for him any longer to receive and treat the patients from this District. In consequence of this, it becomes necessary for the superintendent of the infirmary of the District to provide accommodations for the insane paupers of the District, within the District. I am informed by him that it will be necessary to have a sum amounting to \$20,000, in consequence of the increased expense, there being now no insane hospital in the District, and there being a great increase of that character of patients. He estimates that there are now at least seventy-five persons of that class within the District, including those now under treatment in the hospital at Baltimore, and who will have to be returned to the District, and therefore he requests that this appropriation shall be granted for that purpose.

Mr. McLANAHAN. I have understood from the marshal of this District, that he had it in contemplation to make some arrangement with the director of the insane hospital of the city of Philadelphia; but I am not informed sufficiently to say whether that arrangement has been entered into or not; but if it has been, there could be no better place for the insane of the District, and it is accessible to Washington by railroad.

Mr. BOWIE. I founded my motion upon information given me by Dr. Miller, of this city.

Mr. HOUSTON. I am satisfied that there is no necessity for this amendment, and I am equally satisfied that it is not expected by citizens of this District, who seem, at least to me, to be interested in the subject. I do not mean to controvert what has been said by the gentleman from Maryland, [Mr. Bowie;] but those citizens who have talked with me upon this subject—and the marshal of the District is one—were satisfied with \$10,000. That is all that was estimated for, and the committee have put that sum in the bill. Now, I am opposed to raising the amount, and especially as no committee of the House has examined the subject, and said that such appropriation ought to be made.

Mr. STANLY. The gentleman from Alabama [Mr. Houston] is altogether mistaken.

Mr. HOUSTON. I am not mistaken in giving the facts I have stated.

The CHAIRMAN. Debate is not in order.

The question was then taken on the adoption of the amendment of Mr. Bowie, and it was not agreed to.

Mr. WALSH. I move to increase the appropriation of the same clause \$5,000.

The facts stated by my colleague [Mr. Bowie] are perfectly correct. It is not a matter in which the people of the District are alone interested. This District is so convenient to Baltimore, that when the authorities are obliged to send these poor creatures away, they send them at once to the Maryland hospital at Baltimore; but they will not and cannot be now received there; and we cannot make an appropriation to erect an insane hospital here, or any other building, because there is no existing law authorizing the erection of such an institution. We must increase the amount of this appropriation, in view of the suggestion of the gentleman from Pennsylvania, [Mr. McLANAHAN,] for the expense of sending these insane persons from the District to Baltimore is comparatively small. Now, they must go to other institutions—they must be sent to Philadelphia, and perhaps some of them beyond, to places where you can find suitable institutions. This will require an increased expenditure. Formerly you had only to make an appropriation to provide for taking care of them in the Maryland hospital, and to provide for the carrying of them thither; but now that state of things is at an end. This description of unfortunate individuals is so largely increased within the limits of Maryland that that State has not accommodations for its own insane; and it will be cruelly on the part of this committee if we leave these poor people without the means of being transported to New York, Philadelphia, or elsewhere, where institutions can be found for their reception.

Mr. HOUSTON. I think the gentleman is mistaken again. The arrangement of which my friend from Pennsylvania [Mr. McLANAHAN] has spoken, will be amply carried out with this appropriation, and the only additional expense—take the gentleman's own statement—if we cannot get them provided for in Baltimore, will be their transportation from that point to Pennsylvania.

This is the usual appropriation. It has heretofore been ample, and there has been no complaint on the subject. It does seem to me that, under the arrangement spoken of by the gentleman from Pennsylvania, this sum will be ample to meet all additional expense.

Mr. WALSH. Does the gentleman know how many insane persons from the District are in the Maryland hospital?

Mr. HOUSTON. I do not know.

Mr. WALSH. I undertake to say there are almost a sufficient number to exhaust this appropriation.

Mr. HOUSTON. Does the gentleman himself know how many there are?

Mr. WALSH. There are fifty; and at \$200 apiece this whole appropriation will be exhausted.

Mr. HOUSTON. I rely upon the incorrect-



ness of the gentleman's position, from the fact that the officers who have this subject in charge disagree with him as to the amount. They have not asked us for any more, and when they made the estimates, and at the time this bill was being prepared, I presume they knew of the number of insane from the District in the Maryland hospital; and if so, why was not this subject of an insufficient appropriation brought to the attention of the Committee of Ways and Means, or to the attention of some other committee, that it might be investigated.

The fact that they only estimated for \$10,000; the fact that they have not called for an additional appropriation from any committee of this House; and the fact that they knew that this subject was before the Committee of Ways and Means, satisfy me conclusively that the gentlemen are mistaken, and that this appropriation is right.

The question was then taken on the motion of Mr. WALSH, and it was not agreed to.

Mr. STANLY. I move to strike out the \$10,000, and in lieu thereof to insert \$19,000. If the committee precisely understood this question, there would not be a single dissenting voice to the appropriation. This bill was reported last February. The estimates were made at that time, and the Committee of Ways and Means acted upon the information then before it. There was published in the *Intelligencer*, a few days ago, a letter dated July 15th, 1852. It came from a very high and respectable source, and with the permission of the committee, I will read the following extract:

"The General Government, with proper liberality, has for some years past allowed between six and seven thousand dollars for the support of these unfortunate persons, and, as above stated, the greater part of them are in Maryland hospital, near Baltimore. This institution is, however, so crowded, and the demand on the part of the insane who more properly belong to Maryland so great for admission, that it has been resolved by the managers of the above-named institution, to exclude for the future all such patients coming from the District of Columbia, notice having been given to the marshal to remove those now under care on or before the 1st of January, 1853.

The number of insane has greatly increased within the last few years, and there are now between sixty and seventy to be provided for. How are they to be provided for? Congress must take care of them, or they will be turned at large upon the community. They must be confined somewhere. I have a variety of facts which I should be very glad to lay before the committee, but which it is impossible to do in my limited time of five minutes. I call attention to the following letter, from a highly respectable physician in this city:

WASHINGTON, D. C., February 14, 1852.

SIR: I find on a perusal of mine of 24th ultimo, I omitted some very urgent and strong reasons upon the particular subject of the note—I mean the establishment of a lunatic asylum to be founded by the Government in the Metropolis of the Union.

The practice and experience of the medical faculty here have demonstrated to them that a very large proportion of the insane in this District and city are either foreigners or non-residents—those, in short, who come to the seat of Government, some to prosecute claims, and others to procure clerical or other employment. Among so many of this class, a large number must of necessity be disappointed; and coming here with high expectations of success, when poverty, vexatious delays, and "hope deferred" overtake them, it unfortunately happens that the reason of some becomes more or less deranged, and humanity requires all the relief which can be afforded.

Very respectfully, your obedient servant,

THO. MILLER.

There are about seventy at the hospital at Baltimore from the District, instead of twenty-five or thirty, and there are about twenty or thirty at large in the community. What is to be done by \$15,000, \$20,000, or \$30,000? We ought to thank God that we are able to relieve the distresses of one human being. I trust there will become suitable provision made until we can establish an insane hospital here. I hope there will be no objection to my proposition.

The question was put, and the amendment of Mr. STANLY was agreed to.

Mr. STANLY. I offer the following amendment. I am afraid it will be ruled out of order, but I desire the subject brought to the attention of the committee:

For the purchase of a site, and for the erection of a suitable building for the proper accommodation of insane persons, \$110,000; the site to be selected, and the money to be expended under the direction of the President of the United States in the execution of such plans as he may adopt.

Mr. HOUSTON. Is that amendment in order? It is for the purchase of a site and the erection of

a building. The universal practice has been that such amendments are not in order in this bill.

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

The Clerk then read as follows:

"For clerk hire, stationery, rent, fuel, and contingencies in the completion of the census of 1850, \$50,000."

Mr. HEBARD. I wish to inquire of the chairman of the Committee of Ways and Means whether, in the estimate for that \$50,000, there is included the expenses of the Superintendent of the Census Board whilst in Europe?

Mr. HOUSTON. The expenses of the European tour of the Superintendent are not included here. That is now a matter of contest before the Department, which I hope will always be decided against him. I have no particular fancy for the keeping in of this \$50,000. The estimate of the Department was for \$150,000, which the Committee of Ways and Means reduced to \$50,000. As I have before said, I should not regret to see this \$50,000 stricken out, and the census matter brought to its proper basis.

Mr. HEBARD. I thank the gentleman for the information, which it was my intention to have placed before the committee.

Mr. FICKLIN. I offer the following amendment to this section:

Provided, That the salaries and emoluments of the Superintendent of the Census Board and the clerks employed in that service, shall cease from and after the first day of September next, and no portion of this fund shall under any pretext be paid to them for services rendered after that day; nor shall any portion of it be used in paying for the publication, or preparing for publication, any history of the United States, or of the several States of the Union, now being prepared by the said Superintendent, or his clerks, or other employees.

Mr. Chairman, in my opinion, the time has arrived in the prosecution of the taking and publication of the census, and the various subjects connected with it, when the Congress of the United States should know what is intended to be done. I am not now prepared to state exactly what the making up of the census tables cost in 1840, but I have been told that it cost \$37,000. I have been informed that the making up of the census for 1850, up to the present time, has cost over \$200,000; and we are now told by the honorable chairman of the Committee of Ways and Means, that \$150,000 additional have been asked for by the Department. That committee have only reported for the appropriation of \$50,000, and they report that, not because they recommend it, but because the Census Board is in existence, and demands some appropriation for the prosecution of its ordinary routine of business.

Mr. HOUSTON. If the gentleman will allow me, I would suggest, if his object be to stop the progress of this thing, that he had better move to strike out the entire appropriation. On the first of this month, there was an available balance for their bureau purposes, of \$70,000 in the Treasury.

Mr. FICKLIN. I do not know which would be the better course. I propose to give them until the first of September to wind up their business, and to restrict all persons connected with this Census Bureau from making any contract with relation to the publication, or preparation for publication, of histories of the several States of the Union. They have shown a specimen of that work to us. I think myself that book-making is not a part of the business of the Census Bureau. I wish to place a quietus upon their book-making. I desire to prevent them making contracts, involving this Government in heavy, and almost countless expenditures.

Mr. GENTRY. I do not know whether the idea suggested by my honorable friend from Illinois be a practicable one or not, unless this Congress and this Government shall dispend with the matter of taking the census altogether; and I believe the Constitution positively enjoins that. If he is determined a book shall not be made, the matter is at an end. How is the world to know anything about the taking of the census, unless you publish the statistics, and facts contemplated by the taking of that census?

Mr. FICKLIN. I do not object to the publication of statistical information of the enumeration of the inhabitants of this country; but I object to the making of histories of the several States of the Union by the \$1,000 clerks.

Mr. GENTRY. That is a change of the issue. It is not that he objects to making the book, but

he insists upon prescribing what shall be the contents of the book. That is always the question when a book is to be made. I do not undertake to say whether the plan of taking the census was a wise one or not; but we all know that it was a perfectly comprehensive and all-embracing one. I am not prepared to give any opinion as to whether this historical branch of the business should be published or not. I do not think this is the right place to deal with the question. I think it is questionable, if we have made a plan of executing this thing originally, whether it would not be the worst economy to turn back now and go through with it again. If large sums have been expended, and if items have been embraced in this report that it would have been better to have left out, now to stop and suppress the publication of the book, involves the absolute waste of all of the money already expended. We are to consider whether it is economy to print it now, notwithstanding there may be some things in it valueless, upon the presumption that there is much in it eminently valuable, which will be looked into by those who shall in future days explore the events of this age, to study the character of people at this epoch of time, and to compare it with the state of things which shall exist when we shall be in eternity longer than Adam has been. [Laughter.]

Looking to this book in every light, I am under the belief that those who shall live when I have been in eternity longer than Adam, would find it a curious and interesting document. [Renewed laughter.] I feel quite unwilling to suppress anything in it. Let us send it down to posterity, and let it be forever, in all future ages of time, one of the curiosities which attach to this particular age. Suppose we do spend a few dollars in publishing this thing, collected at so much trouble and cost, it will not ruin this Government, nor be a heavy burden upon posterity. This will be an interesting document, and I am not sure but what the history of the country is as important as anything else.

The question was taken, and the amendment was disagreed to.

Mr. VENABLE. I move to strike out the amendment entirely, because I am informed by the honorable chairman of the Committee of Ways and Means that they have already in their hands \$70,000 with which to finish the work they were appointed to do. I believed, from the indications in the early part of the session, that a project had been formed to keep this Board for another decade, and have them ready for the next census. [Laughter.] From the specimen which has been laid before us of the history of Maryland, I am satisfied that if all the other histories which were to be arranged for the several States of the Union had no more merit than that specimen, they were a libel upon history, without possessing the interest of romance. I would sooner myself have Robinson Crusoe divided into chapters and annexed to certain portions of the work, because it is really and decidedly better reading. [Laughter.] I voted for the amendment of my friend from Illinois, [Mr. FICKLIN], and that having failed, I am for striking out the \$50,000, because I desire that this Census Board should come to an end. The chairman of the Committee of Ways and Means tells us that they have \$70,000 already in hand to pay all that has been done. According to the project which has been presented to us, the census of the United States will be in some seven or eight volumes, and I do not suppose that one man in fifty thousand would read the statistics which will be contained in them. The necessary statistics—those which the people really want, and which were published by order of this House, at a cost of some ten or twelve cents apiece—contained all the information necessary and valuable to us. The Senate, in looking over this matter, have agreed to reduce them down to a single volume, which will contain all that the people will read; and for this reason I am willing, at the suggestion of the chairman of the Committee of Ways and Means, to see the \$50,000 stricken out; for I wish that this incubus in the shape of a Census Board to cease, and receive nothing further from the public Treasury.

Mr. CARTER. I am opposed to this amendment, and I am opposed to it, among other reasons, for this: that the gentlemen who are making an attack upon this Census Board, and the conduct of

this Census Board, do not know exactly what they themselves are at. If they ask me to vote against continuing the appropriations for the production and publication of the census by ample and proper means, and for the payment of the Board, Superintendent, and all, if they are necessary to that work, I can say to them I shall not do it with my vote. I voted for the taking of that census with the view of collecting the information which was sought by it. I shall vote for the publication of that information; and this talk about publishing books, or our want of authority to do it, will not intimidate me from doing it. I have heard it said throughout the different stages of the discussion upon the subject of the census, that the facts were not reliable. This was the talk at the time the census was ordered. They are the most reliable statistics, in my judgment, that you can procure, and they are procured under higher sanctions of truth than any other class of statistical information that you can obtain. That information has been obtained, and it wants publication; and this talk, coming in just before the expiration of the labors of that board, appears to me totally unwise and wholly out of season. I hope the amendment will not be agreed to.

Mr. FICKLIN. The gentleman says that these shores are about to close. When, in the name of common sense, will they close?

Mr. CARTER. When the work is done. [Laughter.]

The question was then taken on Mr. VENABLE's amendment, and it was not agreed to.

The following clause of the bill was then read:

"For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, \$120,000."

Mr. DUNHAM. I offer the following amendment to that clause:

For arrearages incurred during the fiscal year ending the 30th of June, 1852, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, \$25,000.

I will make a brief explanation of this amendment, and before doing so, I ask that a letter from the Secretary of the Interior may be read.

The letter was read by the Clerk, as follows:

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, August 6, 1852.

SIR: In reply to your letter of the 3d instant, I have the honor to state the amount of claims, charges, or accounts properly chargeable to the appropriation for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, which are now on file in this Department, or of which I have any knowledge at present, is about \$25,000.

I am, sir, with much respect, your obedient servant,  
ALEX. H. STUART, Secretary.

Hon. GEORGE S. HUSTON,  
Chairman Committee Ways and Means, H. R.

In the deficiency bill which passed a few weeks since, an appropriation was made which was thought to be sufficient to cover the expenses of the past year in running that boundary line. It proves to be inadequate. There are claims already filed in the Department equal to the amount which is proposed by this amendment, \$25,000. In this bill we have an appropriation for the current year. The Committee of Ways and Means reduced this amount as much as they thought it was safe to do for the expenses of the current year. It is therefore necessary, in the opinion of the committee, in order to pay these claims which are already due against the Government, that this amendment should be adopted.

The question was then taken on Mr. DUNHAM's amendment, and it was agreed to.

Mr. WOODWARD. I offer the following amendment:

Provided, That the boundary line between the two Republics, westward from the Rio Grande, shall be the one designated by the decree of the Mexican Congress, organizing the State of Chihuahua and the Department of New Mexico, and establishing the coterminous boundary between the same: that is to say, the line shall run due west from the village of Paso del Norte, leaving the said village and its proper jurisdiction to the State of Chihuahua of the Mexican Republic.

Mr. CLEVELAND. Is that amendment in order?

The CHAIRMAN. In the opinion of the Chair the amendment is in order. Propositions similar to this were entertained upon the deficiency bill.

Mr. CHANDLER. When the question of order was made at that time, the amendment was from the Senate.

The CHAIRMAN. The Chair has ruled the

amendment of the gentleman from South Carolina [Mr. WOODWARD] to be in order.

Mr. WOODWARD. Mr. Chairman, I was disinclined to embrace this occasion for introducing the matter contained in my amendment. But no other occasion is likely to present itself, and I think it quite out of the question that so important a matter as the settlement of our boundary with Mexico should be conducted at the discretion of a single branch of the Government, when it is known that the policy of that Department is leading to a result contrary to what has been expected by the whole country, and, as I maintain, directly repugnant to the unequivocal language of our treaty with Mexico. It would be vain, however, in the few moments allowed me, to attempt an argument which it would take hours to do full justice to; and I shall be compelled to limit myself to two or three points which lie at the bottom of the question.

The grand error of the commissioners appointed to "mark" and "designate" the line consists in their supposing that the map of Disturnell, named in the treaty, is the sole object of reference for the determination of the southern boundary of New Mexico. A greater mistake than this could not be committed. The material and ultimate reference is to the "various acts of the Congress" of Mexico, organizing the Department of New Mexico and the State of Chihuahua, and defining their boundaries by means of material marks on the earth's surface. The map of Disturnell is referred to as having been constructed in conformity with the new geographical arrangement under those acts or decrees. These decrees are older than the map of Disturnell. They made no reference to this map, or any map, but the map was constructed with reference to them, and aimed to give the latitude and longitude of points and lines already established by the decrees, and established with no reference to latitude or longitude. Disturnell, contemplating the coterminous boundary of Chihuahua and New Mexico, it being the northern boundary of the former and the southern boundary of the latter, predicates of it that it is of a certain latitude, and the false predicate of the geographer is adopted by your commissioners as a substitute for the line itself. For a period of time anterior to the making of the map, this line, authoritatively described and established; had existed and been conformed to as the jurisdictional boundary between Chihuahua and New Mexico; and it was never imagined in Mexico that the false predicate of a geographer could shift the line. The whole period of the existence of the line as an ascertained and recognized boundary extended from 1824 to the date of the treaty, a period of about twenty-four years. During this whole period it was never supposed that the relative rights of Chihuahua and New Mexico depended upon the correctness of the astronomic demarcations of Disturnell, made after the rights had vested. Disturnell adopted the longitudes and latitudes of Melish's map, always suspected to be inexact, and shown to be so by Fremont five years before the treaty. Errors of longitude were found to be gross.

If at any time previous to our conquest a dispute had arisen between Chihuahua and New Mexico as to the true position of this line, a proposition to settle the dispute by a reference to the astronomic determinations of Disturnell's map would have been scouted and hooted at. And yet what were then the rights of New Mexico relative to Chihuahua are now the rights of the United States relative to the Mexican Republic. I affirm that the elements which would have determined such a dispute between Chihuahua and New Mexico are identically those which should now determine the relative rights of the United States and Mexico.

If gentlemen will but bear in mind that the decrees of the Mexican Congress designating and establishing this boundary are older than the map of Disturnell, and that they make no reference to any maps whatever, or to astronomic indications, but wholly to visible marks on the earth, or to topographical conditions; and if they will remember also, that the map of Disturnell aimed to conform to those decrees, and was, in fact, guided by them, making, however, an erroneous astronomic predicate as to the earth-line prescribed by the decrees, it seems to me that the whole truth of the case must flash upon their minds with resistless force.

I deny that the treaty refers to the map, except by way of referring to the decrees in conformity with which the map was constructed. But it may be asked, why refer to a map at all? I answer, that when one nation transfers a domain to another, it is not unusual to make reference to some map, the best to be had, just as when an individual conveys a parcel of land reference is had to a plat. But all are agreed as to the proper use and effect of a plat in a question of boundary. Material marks, whether natural or artificial, control course and distance. Now, course, by means of a compass, and distance, by means of a chain, can be reduced to mathematical precision; and if natural marks can control two indications, each capable of such mathematical precision, how much more should they be admitted to control the result of astronomic observations for determining the relation between the center of the sun and a spot on the earth's surface, the two points being more than ninety-six millions of miles apart? But in our treaty with Mexico there was a very special reason which made it indispensable to refer to a map, and this I shall proceed to explain.

It is a great mistake to assume that there is any contradiction between the map of Melish and that of Disturnell, and that the different demarcations set down by them indicate uncertainty as to the division of the country. There was uncertainty in some particulars, but the difference between Melish and Disturnell does not illustrate it. Two systems of geography have existed in Mexico. One prevailed while it was subject to the Spanish monarchy, the other was established by the Congress of Mexico after the country had become an independent Republic. The maps of Melish and others were designed to represent one of these systems, that of Disturnell the other. In establishing the new system, the Mexican Congress aimed to divide the country into districts, suitable, in point of form and size, for new States; and the lines and dimensions indicated by Melish were, in a great measure, disregarded. The New Mexico of Humboldt and Melish was a very different thing from the New Mexico of Disturnell. The southern boundary of the New Mexico of Melish set out at the village of Paso del Norte, but so as to throw that village on the side of New Mexico. Running thence, in a southwesterly direction, it took in a large portion of what is now the State of Chihuahua. At a certain point it turned in a northerly direction, pursuing the eastern base of the Annahuac range of mountains, throwing those mountains on the side of California. The southern boundary of the New Mexico of Disturnell also set out at the village of Paso del Norte, but in such manner as to place that village on the side of Chihuahua. Running due west, it crossed the Annahuac range, and terminated at the western base; and thence pursued the western base in a northerly direction, taking in, as part of New Mexico, the Annahuac mountains, which before had been excluded.

Now, it is a fact, and a very remarkable fact, that in regard to the disputed portion of the boundary, the authors of the treaty purposely declined to prescribe an arbitrary, unknown line, and did expressly select and adopt a line already known to history and science. But, as has just been shown, there were more lines than one known to history and science; and all will, therefore, at once perceive how important it was that the treaty should declare which one was contemplated, and so the treaty does, in the following explicit terms:

"The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled 'Map of the United Mexican States,' as organized and defined by various acts of the Congress of said Republic," &c.

Disturnell adopted the latitudes and longitudes of the old map, and errors in these particulars can no more disadjust the Mexican States as organized and defined by the acts of Congress of that Republic, than the discovery of error in the astronomic determination of the United States could change the lines that now separate the several States.

The importance of making reference to the map in the manner done in the treaty, will appear by recurring to the annexation of Texas. Texas, as a division of the Spanish possessions, was a very different thing from Texas, as a department of the Mexican Republic. The Republic of Texas bore the same relation to the old Spanish territory

of that name that the State of Louisiana bears, retrospectively, to the old French province of that name. And, in seceding from the Mexican confederacy, she was clearly entitled to no other limits than those which had been assigned her as a department, adding whatever she had acquired by conquest. When the resolutions of annexation were under discussion in the Senate, Colonel Benton urged the importance of settling, beforehand, "which Texas" we proposed to admit—that of Humboldt or that of Disturnell. But as Texas claimed, by a sort of constructive conquest, to be enlarged to the old Spanish limits, and as it was the well-known policy of our Government, by fair means, to extinguish the Mexican title east of the Rio Grande, Colonel Benton's proposition was not much regarded. It so turned out, however, that we got into a war with Mexico, the disputed boundary being the cause or the pretext; I do not say which.

This simple statement will forcibly suggest why a proper precaution was used in annexing New Mexico, and will also make it apparent that the map of Disturnell was referred to, not to give precision to boundaries, but to identify the New Mexico contemplated by the treaty.

As to the western boundary of New Mexico, if there be no marks by which a definite line can be fixed upon, there are certainly topographical conditions alluded to in the treaty that would enable us to find an approximate line. By reading the treaty, it will appear that its authors expected this boundary to cut the head-waters of the Gila; they considered it, therefore, as lying considerably west of the Annahuac ridge. But suppose there be no marks whatever, then course and distance from the initial point must govern.

I am aware, Mr. Chairman, that my amendment, though in order, is hardly appropriate to the occasion; but I felt bound to embrace the opportunity of expressing my sense of the unwarrantable conduct of your commissioners.

Mr. BROOKS. I rise to oppose the amendment of the gentleman from South Carolina; but before doing so I desire to ask the Chair whether what I now send to the Clerk's desk is in order as an amendment to the amendment?

The Clerk read the proposed amendment to the amendment, as follows:

And that negotiations be entered into with Great Britain for altering the treaty of 1783, as to the boundary lines between the United States, New Brunswick, and the Canadas.

The CHAIRMAN. The Chair does not think that it is in order.

Mr. BROOKS. I did not suppose that it was strictly in order, nor do I suppose that this change of the treaty of Guadalupe Hidalgo, as proposed by the gentleman from South Carolina, is in order. It is now the 7th of August. The civil and diplomatic bill is up and under the five minutes rule, and we are now asked to enter into the establishment of a boundary line between the United States and Mexico—a subject upon which commissioners have been appointed by the United States and Mexico, and which it is impossible for any man in this House to comprehend without a pretty good knowledge of astronomy, a fair study of it, and a pretty full examination of American and Mexican geography, and of the old Spanish history of Mexico. The gentleman from South Carolina asks us now, at this period of the dog-days, to enter into this discussion, and settle what are the boundary lines between the United States and Mexico, when we have appointed commissioners, and by the treaty of Guadalupe Hidalgo, left to them, as the gentleman confesses, the designation of those lines. Now, I say that, in the first place, this is an improper time to settle such a question; in the second place, that if it was the proper time, we could not do it in five minutes' discussion; and in the third place, that we have not the power to do it. The treaty, as I said when this subject was up before, settles that question, and as that treaty is, so this House must follow. I need hardly enlarge upon the argument that I made then. It strikes me, that no more inappropriate time, and no more inappropriate place could be selected for the discussion of this subject; and if it is to go on, there will be no end to the civil and diplomatic bill, for it involves great and serious questions. We who hope to bring the discussions on this bill to a close to-day, shall hardly be able to do it, but shall be under the

necessity of devoting the Sabbath to the profound studies which I have suggested for the consideration of members, in order to be here on Monday morning prepared for a proper investigation of this very complicated subject.

The question was then taken upon Mr. Woodward's amendment, and it was rejected.

Mr. HOWARD offered the following amendment:

*Provided*, That the initial point on the Rio Grande, of the boundary between the United States and Mexico, shall not be fixed north of the point laid down on the map accompanying the treaty of Guadalupe Hidalgo, and made a part thereof, and shall thence run westwardly along the whole southern boundary of New Mexico, as provided by said treaty and map; and from the west end of said line to a branch of the Gila river as prescribed by said treaty.

Mr. H. said: That amendment provides that we shall adhere to the treaty. It is substantially the provision offered by the gentleman from New York [Mr. Brooks] when this subject was before the House some days ago. In my estimation, the position which he then took was true, that wherever the treaty fixed the boundary, there it was, and it was not in the power of the Executive officers of this Government to change that boundary; and it is for the simple and clear reason that to those officers is given only power to mark and to ascertain the boundary, and designate it. That is the language of the treaty. Now, I desire to know if it is the intention of gentlemen upon the other side of the House to give up thirty-four miles of territory there, in the direct face of the treaty? Why are they not willing to say that the treaty shall be adhered to, and that the line of it shall in no place, and in no particular be departed from? It strikes me as extraordinary that there should be any resistance to a proposition of this sort, when it is clear that the Government ought to stand by the treaty, to adhere to the treaty, and to fix the line as the treaty has fixed it, whatever may be the malpractices of the officers who have undertaken to disturb the treaty boundary and to fix it differently.

Mr. STEPHENS, of Georgia. I concur fully with the gentleman from Texas in the general position that he assumes—that we should surrender no portion of the territory embraced in the treaty. The whole difficulty, as I understand it, grows out of the question where the boundary line is. Now, I believe I agree with the gentleman from Texas as to where the true line is. I do not think we disagree at all about that.

Mr. HOWARD. I do not say in this amendment where it is. I only say that they shall adhere to the treaty.

Mr. STEPHENS. Well, I should have no objection to put that in the bill, if it would do any good; but I see no good that it can possibly accomplish.

Mr. CARTTER. I ask the gentleman if we have not declared that once already this session?

Mr. STEPHENS. Yes; we have already done it, and therefore I am opposed to this amendment, and hope the committee will vote it down. We have already affirmed the principle. I do not believe, however, that the House can accomplish anything, either in extending the line to any particular point that I might think right, or in extending it to that which gentlemen who differ with me may think right.

Mr. HOWARD. I will state the difficulty we shall be in, if we vote this appropriation without some such declaration as I propose. This is a new and distinct appropriation of \$25,000 for running and marking the boundary line between the United States and Mexico; and if we do not qualify this appropriation as we did the other, the officers will claim it as a ratification of the line which they have run.

Mr. STEPHENS. The officers have already past that point, as I understand it.

Mr. HOWARD. No, sir; at the last advice the matter was still in dispute. It was not signed by the surveyor, whose signature is necessary.

Mr. STEPHENS. I do not think any expression of opinion on the part of this House can have any influence at all upon these commissioners. They were sent there to ascertain the true line according to the treaty. That is what they were sent there for. That is their commission. They may differ from us as to what is the true line, but any expression of opinion we may utter here upon the subject, will not control them. The treaty itself provides for the manner in which that line

shall be ascertained. A map is appended to the treaty, and made a part of it, and nothing that we can do here will control the action of the commissioners.

Mr. HOUSTON. Will the gentleman allow me to state, in this connection, that this appropriation of \$25,000 is not a new appropriation for the current year, but that it is for a deficiency, and for work already done?

Mr. STEPHENS. I repeat again that I think it is entirely unnecessary to make any such amendment as this to the bill. I will not detain the committee longer. I hope the amendment will be voted down.

The question was then taken upon Mr. Howard's amendment, and it was rejected.

Mr. CARTTER moved to strike out the word "five," in line nine hundred and eleven, and to insert "twelve" in lieu thereof, so as to make the clause read as follows:

For compensation of the librarian of the Patent Office, twelve hundred dollars.

Mr. C. said: At the request of the Commissioner of Patents, and a concurrence of judgment on the part of the Committee on Patents, I have been instructed by that committee to offer an amendment, to change that appropriation from five to twelve hundred dollars. The object of it is to elevate the character of the librarian. It is ascertained that he may be a useful officer, to aid in the examinations that are going on in relation to patents.

Mr. DUNHAM. You propose, then, to make it a separate and distinct office?

Mr. CARTTER. It is already a separate and distinct office.

Mr. DUNHAM. I understand that the duties of librarian are performed by another officer.

Mr. CARTTER. Well, I propose to give the librarian \$1,200 a year. It is an appropriation of the patent fund; it is not taken from the general Treasury. The amendment is offered at the request of the chief of the bureau, and I hope it will be agreed to.

Mr. HOUSTON. The Committee of Ways and Means omitted to say out of what fund this money should be paid. I suppose the chairman of the Committee on Patents will allow me to offer this amendment, to come in at the end of line nine hundred and eleven: "To be paid out of the patent fund."

Mr. CARTTER. I will accept that as a part of my amendment.

Mr. HOUSTON. The Committee on Patents have charge of that particular fund, and the raising of this salary is a matter that the Committee of Ways and Means have not looked into.

Mr. STANTON, of Tennessee. I rise to oppose that amendment, because the sum is not large enough; by which I mean to say, that while I shall vote for the amendment—

Mr. CARTTER. Will the gentleman allow me to state to him that it is the sum suggested by the Commissioner of Patents?

Mr. STANTON. Well, then, I suppose I must submit to it, although I consider the sum too small.

The question was then taken on Mr. CARTTER's amendment as modified, and it was agreed to.

Mr. VENABLE offered the following amendment:

For the purpose of erecting a pedestal on Lafayette Square, for the equestrian statue of Andrew Jackson, on such plan as may be approved by the artist of that work, \$5,000.

Mr. V. said: The equestrian statue of General Jackson, which is being erected in this city, I understand is now completed, and a suitable pedestal ought to be provided for it. I have lately seen it myself, and it is not only creditable to the artist, but it is a magnificent work. I hope there will be no difficulty in making the appropriation necessary for the erection of a pedestal.

The amendment was adopted.

Mr. HOUSTON, under instructions of the Committee of Ways and Means, offered the following amendment:

For freight and transportation of the group of statuary contracted for with Horatio Greenough, from Leighon to Washington, and for placing it upon a pedestal in front of the eastern portico of the Capitol, a sum not exceeding \$7,000.

Mr. H. said: I have here a letter from the Secretary of the Treasury showing that it is now ready.



The amendment was adopted.

Mr. HOUSTON, under instructions of the same committee, offered the following amendment:

To make good the interest on the investment of stocks of the State of Arkansas, held in trust by the Secretary of the Treasury, to be reimbursed out of the interest when collected, \$5,400.

Mr. H. said: The amendment explains itself. I have nothing to say, unless the committee wish explanation.

The amendment was agreed to.

Mr. HOUSTON, under instructions of the same committee, offered the following amendment:

For the construction and equipment of not less than six revenue cutters, the sum of \$90,000, the same sum to be expended under the direction of the Secretary of the Treasury.

Mr. H. said: I do not care about making any explanation of this, unless the committee wish it.

The amendment was adopted.

Mr. HOUSTON, under instructions of the same committee, offered the following amendment:

For the redemption of seventeen loan office certificates, numbered 153, 312, 6895, 6896, 8897, 6898, 6899, 6900, 6901, 6902, 9175, 9257, 9283, 9293, 9294, and 12333, which have been presented at the Treasury, at the specie value, and with interest, as computed by the Register of the Treasury: *Provided*, Satisfactory evidence be produced to the Secretary of the Treasury, that the persons who have presented the same certificate for payment are the *bona fide* holders of the same, \$4,175 42.

The amendment was agreed to.

Mr. JONES, of Tennessee, offered the following amendment:

For purchase and payment of the building at the corner of F street north and Seventeenth street west, in the city of Washington, held by William H. Winder, and now in the occupancy of the United States, \$200,001: *Provided*, Said William H. Winder shall make to the United States a good and sufficient title in fee-simple with general warranty, free from all liens and incumbrances to said building and premises on which the same is situated; such title to be approved and accepted by the Attorney General and the Secretary of the Treasury before payment.

Mr. J. said: This is the same amendment, with the exception of the addition of the sum of one dollar, as that yesterday offered by the gentleman from Indiana, [Mr. DUNHAM,] under the unanimous instructions of the Committee of Ways and Means. I am induced again to offer it, from conversation I have had this morning with some gentleman, who expressed their opinions more favorably to it than they did on yesterday. I hope the amendment may be adopted. It will be economy for the Government to purchase the building and stop the payment of rent.

Mr. STEPHENS, of Georgia. I move to amend the amendment by striking out one dollar. I take this occasion to say that my views have undergone a change upon the propriety of purchasing this building by the Government at this time. I am satisfied that this building will have to go into market. I am told that some private reasons induced gentlemen who were in possession of the facts, from withholding this statement on yesterday. But it is told to me that this building will have to go into market, and I am satisfied that it will at an early day. The man who now owns it cannot continue to hold it. Then the question arises, if this building is to be exposed for sale, you have got to go into market and compete with other bidders, and if some private individual purchases it at a less price, you cannot continue to occupy it without his consent, and you may be turned out.

There are other views connected with this case, of which I was not aware on yesterday, of the inducements which were held out to Mr. Winder to put up this building, by Secretaries who had no power to contract, but who stood in need of such a building. I am satisfied, from an investigation of this matter since yesterday, which I had never given it before, that the building cost Mr. Winder more than \$200,000. For these reasons I hope the committee will reconsider their vote of yesterday in relation to this matter, and pass the amendment.

Mr. GENTRY. I am opposed to the amendment of the gentleman from Georgia. I prefer the original amendment of the gentleman from Tennessee, [Mr. JONES.] My attention has been invited to the fact, by the friends of the individual interested, who say that from circumstances connected with the erection of this building great injustice was likely to be done Mr. Winder, and they believe that if I were disposed to look into

this matter as a just man disposed to do right, I could not fail to come to the conclusion that he was entitled to some consideration by this Congress. I have looked into it, and I believe we ought to purchase his building. The reasons which induced the gentleman, or, at least, some of them who voted against this amendment yesterday—

Mr. McMULLIN. Will the gentleman allow me to ask one question?

Mr. GENTRY. I cannot yield.

Mr. McMULLIN. Then I call the gentleman to order.

The CHAIRMAN. The Chair is not aware that he has departed from the rules of order.

Mr. McMULLIN. I think the gentleman is advocating the amendment of the gentleman from Georgia, [Mr. STEPHENS.]

The CHAIRMAN. The gentleman from Georgia moved to strike out of the amendment of the gentleman from Tennessee, one dollar, so as to make the appropriation \$200,000. The gentleman is opposing that amendment.

Mr. GENTRY. I hope the gentleman does not think that it was from any feeling of discourtesy that I declined to yield the floor.

Mr. McMULLIN. Oh, certainly not.

Mr. GENTRY. The pet idea of gentlemen who opposed this amendment is for the Government to build offices upon a large scale for its own use. Now, I say to those gentlemen that it is palpable to my mind that it will inflict a serious injury, not to say an absolute wrong, upon Mr. Winder, who, as was stated by the gentleman from Virginia, [Mr. BAYLY,] was induced to erect this building for the use of the Government. Now, if the Government were to erect buildings for its own use, so as to supersede the use of this, and thus leave it upon Mr. Winder's hands, he will be unable to rent it. As to the policy of the Government renting this building permanently, no argument will be necessary to convince any gentleman that it is not the true policy of the Government, for in a few years you pay more money in rent than is needed for the Government to build its own offices. But this edifice was built by individual enterprise, with the encouragement upon the part of certain officers of this Government that it should be used by the Government for public offices. It has been so used, and I think it cannot be dispensed with, unless you build some other in lieu of it. Now, every principle of justice, it seems to me, requires that the Government should purchase Mr. Winder's building, and pay him a fair price for it. I hope the House is not prepared to inflict so immense an injury as I am convinced they would inflict upon Mr. Winder by refusing to purchase the building. There is no just man, in my opinion, who will make himself acquainted with the facts, who will not believe that it is right to adopt this amendment.

Mr. McMULLIN. Is it in order to offer an amendment?

The CHAIRMAN. It is not, at this time. The gentleman can speak in opposition to the amendment of the gentleman from Tennessee, [Mr. JONES,] if he desires.

Mr. McMULLIN. Well, sir, I am opposed to the amendment of the gentleman from Tennessee, and I will confine my remarks to that amendment. While I have as much confidence in the judgment of the gentleman from Tennessee [Mr. GENTRY] as I have in the judgment of most men, yet like him my attention has been called to the investigation of this subject. I was there and examined this building myself, and if the gentleman from Tennessee, and those who now advocate the passage of this amendment, will go and examine for themselves, they will find from the time they leave the avenue that very large cracks are distinctly visible in the whole building. If you will enter it and turn to the right, you will find upon examination that the bottom floor has given way in different places. My attention was called to that fact this morning by one of the officers of the Government.

Now, sir, I ask the gentleman from Tennessee, and my colleague, [Mr. BAYLY,] who traveled out of his way, as it seemed to me, on yesterday to attack my views upon this question, by what authority this Government can be compelled to purchase this building because of any understanding which may have been entered into, without authority, upon the part of an officer of this Government with Mr. Winder? I ask what right

Secretary Marcy, or Secretary Walker, or Secretary anybody else have to enter into any such arrangement?

But I want to call the attention of this committee to another fact. It has been stated that this building ought to be purchased upon the ground of economy. I beg gentlemen to remember that when this building was erected, according to the gentleman from Kentucky, [Mr. STANTON,] the iron alone cost \$60,000. Now, I tell that gentleman that the same quantity of iron could be purchased to-day for \$30,000. Mr. Winder himself will admit that the price of iron has fallen one half since the time of the building of this edifice. But leaving this objection out of view, the building is out of place. The Government need a building near the Patent Office, or near the General Post Office, or in some place more convenient.

Go and ask many of the officers who occupy that building, and they will tell you that they have repeatedly, and upon different occasions, left the building for fear it would fall.

Sir, we have the reports of architects in this city—the architect Mills, and somebody else—in relation to this building, but if gentlemen will go and examine that building for themselves before they vote for this appropriation, and if they possess the judgment which I am willing to accord to them, they will be bound to come to the conclusion that the building is not safe.

But why, I ask, press this matter with such hot haste, when the Committee on Public Buildings recommend the purchase of this building for \$280,000, but the economical Committee of Ways and Means have agreed to recommend, and have recommended the purchase for \$200,000? Now, sir, gentlemen need not tell me that there is danger that this building will go into the hands of speculators, and that the Government will have more to pay for it than they do now. There is no danger of that sort. Let the speculator, whoever he may be, purchase it, and he will be quite as ready to rent it to the Government as the Government will be to lease it. I must express my surprise, as well as my regret, that the Committee of Ways and Means, who have been right upon most questions, should have thought proper to recommend the purchase of this building.

The question was then taken upon the adoption of the amendment offered by Mr. STEPHENS to the amendment; and it was not agreed to.

Mr. JOHNSON, of Tennessee, moved to strike out \$50,000, leaving the amount at \$150,000.

Mr. J. said: I know, Mr. Chairman, that when an amendment is proposed to a bill like this—the civil and diplomatic appropriation bill—by the chairman of the Committee of Ways and Means, or by any one of the members of that committee, which amendment is indorsed by the committee, that the character of that committee has considerable influence before this House. But yet I think this committee ought to act and think for itself. It is true the recommendation of that committee should have great weight, and be entitled to consideration from this committee. But notwithstanding that committee makes a recommendation upon this occasion, I beg leave to dissent, and oppose the purchase of that building; and even if it be purchased, I think it ought to be obtained for a less amount than is proposed by the committee. The argument is presented here that if the Government fail to purchase this building at the present time, that it must go under the hammer, and if the Government fails to become the purchaser, it must pass into the hands of an individual, who will exact a high and extravagant rent from the Government for its use.

Now, let me ask this committee, and ask them as practical men, what is that building worth to anybody except the Government? Have they any use for it? Can they appropriate it to any purpose? The Government is the only purchaser they have, and if they cannot sell it to the Government they cannot sell it at all, unless they sell it at rates ruinous to a great extent. The Government is the only purchaser they will find, even if they place it under the hammer to be sold to the highest bidder.

But when we come to examine this matter a little further, we see there is a struggle between a set of brokers—a set of Shylocks—in this city. This individual, they say, has been engaged by Government officers to construct this building, and consequently the Government ought to purchase

it. Now, if we are to sanction and indorse every encouragement a Secretary of the Treasury or of War, may give to an individual, where would be the end of it?

If this individual has been encouraged to build a house, and he fails to realize the profits he expected, are we on that account to pay for it? It is his own fault. If we are to purchase this building because some Government officer has given encouragement to build it, why, here is Corcoran & Riggs's building, occupied by the Secretary of the Interior, which we must purchase, because, as it will be said, some officer of the Government has encouraged Corcoran & Riggs to expend a large amount in that building.

Mr. STANTON, of Tennessee. I would say that the building of Corcoran & Riggs is not fire-proof, and no one would recommend the purchase of such a building.

Mr. JOHNSON. What do they care whether it is fire-proof or not, if the Government will buy it? If the building is safe, and everything secure, they will say it will answer the purpose of the Government as well as any other.

Mr. MEADE. I am opposed to the amendment of the gentleman from Tennessee, [Mr. JOHNSON,] and in advocating the original proposition, I will take occasion to allude to the remarks of my colleague [Mr. McMULLIN] in the course of his speech.

This is a question, sir, addressed to us as the guardians of the interests of the country, and as such, it is purely one of dollars and cents. This building is offered to us at \$200,000, which will yield, at six per cent., \$12,000 per annum. We are now paying for the rent of this building, the interest upon more than \$300,000, if I am correctly informed. We are occupying that building with our offices, and if we did not want it, we should not be occupying it at this time. Therefore it is necessary; and if we do not rent it, it will be necessary to build one like it. And the question is, if we build one sufficient to accommodate the offices now occupying it, can we build one that will reflect credit upon the Government, for as small a sum?

Mr. Chairman, when it is considered that all our public buildings are constructed upon the fire-proof plan, with either marble or granite, and that they are built at the Government contract price, and when we know that the stone, after being carved three feet by two, requires about twelve or fifteen men to draw it upon a barrow some fifty or a hundred yards, at a pace of some ten miles the minute [laughter]—I know I am speaking hyperbolically, [laughter,] but every one who hears me, knows to what I allude—and when we see the process by which our buildings go up, and the way in which the Government is treated in one way or the other, by the contractors, or by those who are under the contractors, I am justified in drawing the inference that a building like that would cost us from \$300,000 to \$400,000. We all know that a private individual, in building for himself a house such as would cost the Government \$400,000, would build it for not much more than one half of that amount.

If that building were put up to the highest bidder, and there were capitalists present who were desirous of investing \$300,000, they would jump at the opportunity of buying this house with the view of renting it at six per cent. upon the purchase.

Now, Mr. Chairman, I contend, as a matter of economy, that it is our policy to give \$200,000 for a building for which we are paying \$18,000 per annum.

A VOICE. Twenty-one thousand dollars.

Mr. MEADE. I choose to say \$18,000, because we will have to pay insurance, &c. I would ask my colleague [Mr. McMULLIN] if he has devoted any portion of his time to architecture?

Mr. McMULLIN. As much as my colleague. [Laughter.]

Mr. MEADE. I have been informed that this House is built as substantially, as safely, and as much fire-proof, as any that the Government has put up in the city. We must buy this building or build another; and I do not believe we can build another of the very same materials and of the same dimensions for less than \$300,000.

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee, [Mr. JOHNSON.]

Mr. STEPHENS, of Georgia. As this is a test question, and I suppose our minds are made up, I call for tellers.

Mr. JONES, of Tennessee. I suggest to my colleague [Mr. JOHNSON] the propriety of modifying his amendment, by moving to strike out the "\$200,000" instead of "\$50,000," and that will bring us to a test vote.

Mr. JOHNSON. I will so modify my amendment.

Tellers were then called for and ordered; and Messrs. LANDRY and HART were appointed.

The question was taken, and the tellers reported—ayes 69, noes 59.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The amendment of the gentleman from Tennessee [Mr. JOHNSON] having prevailed, "\$200,000" is stricken out, and \$1 remains.

Mr. STANTON, of Tennessee. I propose to strike out "\$1," and in lieu thereof to insert \$225,000.

Mr. HEBARD. The question was to appropriate "\$200,001." That was amended by striking out "\$200,000." Now, I submit whether it is in order to amend by inserting another sum?

The CHAIRMAN. The Chair decides, that although the motion to strike out prevailed, it is still in order to amend the pending proposition.

Mr. STANTON. I move to insert, then, \$200,002. It is well understood that the Government is now paying \$21,000 annually as rent for this building. Some gentlemen say that that is too much, but I wish those gentlemen to understand that the proprietor of this building, so far as the rent is concerned, has the Government in his power; or, in other words, there is such a demand for the building that it is worth the rent the Government pays. He has a lease for five years at that rate, and there is no other building which can be rented suitable for the purposes of the Government for that or any larger sum, because there is no other fire-proof building in the city. The Government is obliged to pay that rent for five years—and I maintain for ten years—for this building, because this is the only suitable building that can be rented in the city. Twenty-one thousand dollars is the interest on \$350,000. Then, as has been repeatedly argued, upon the matter of dollars and cents, it is proper economy on the part of the Government to purchase the building at \$200,000. Again, sir, I maintain the proposition, and I appeal to members upon the Committee of Public Buildings, that there is not a public building in this city affording the same amount of room as this, any more convenient, any more secure from fire, any more substantial in all of its parts and proportions, that has not cost three times as much; and I maintain that if ever the Government will put up a building affording the same convenience, and equally secure, that it will cost three times as much as this one. Any building you may put up to supply the place of that will cost at least \$600,000. This is all that it is necessary for me to say. The Government may purchase this, or it may not; but it is obliged to use it, and it will pay \$200,000 over again before it can furnish a building for its own use.

Mr. JOHNSON, of Tennessee. I understand the proposition now to be to insert, in almost its precise terms, the original amendment. It is always the habit in the House, when there is a speculation upon hand—

Mr. STANTON. This is a speculation on the part of the Government.

Mr. JOHNSON. I understand that. The Government always speculates very largely—over the left shoulder. [Laughter.] When it is intended to practice a speculation, not to say a fraud, upon the Government, you can find, on the part of many of this committee, a disposition to get up a panic, that if you do not do so and so, some enormous event is to happen hereafter. If the Government does not now give \$200,000 for this Winder's Building, it will be compelled to erect another at a cost of \$600,000! It will be better for the Government to pay \$20,000 or \$21,000 per annum for this building as long as it stands, than even to purchase it at \$200,000. What will the repairs, the heating, and the taxes upon that building cost? Will it not be more than ten per cent.? Does not everybody know it? And we have the chance of its falling down half a dozen times in

the course of twenty years. How are we to prevent the roof from being blown off? When temporary buildings all around it resisted the elements, and stood firm, this same fire-proof building, which cannot resist the slightest squall, had its roof blown across the street. The Government is to be involved in great danger, unless it pays \$200,000 for that building—is it? You had better pay \$21,000 a year for that structure than for its repairs. Suppose he has a lease upon the Government for five years, at a rent of \$21,000 a year—he is bound to keep the building in repair, and pay taxes upon it. The Government is making money by not owning the building. If it falls down, the loss is the individual's. It is a rickety structure; and when a wind comes up, every clerk and head of a bureau is out in the street, expecting the building to fall in. This we know to be so. And my colleague to talk about economy and retrenchment! I do not think he knows how to make that kind of figures; for I have never known a proposition coming before the House for an increase of expenditures, and encouraging prodigality and wasteful extravagance of the public money, that I have not seen my colleague—with due deference to him—upon that side of the question. [Laughter.] I think the Government would make money even to pay fifteen per cent. upon the cost of this building.

Mr. STANTON. Such a charge as the gentleman has made ought to be substantiated by facts. I pronounce it without foundation in fact.

Mr. JOHNSON. I refer to the history of the country for facts, and I challenge the gentleman to repudiate it.

Tellers were demanded and ordered; and Messrs. APPLETON, of Maine, and BOCKWOLD were appointed.

The question was then taken; and the amendment of Mr. STANTON was rejected—the tellers having reported—ayes 55, noes 74.

Mr. JONES, of Tennessee, then, with the consent of the committee, withdrew his amendment.

Mr. BROOKS. I hold in my hand a very popular amendment, which I am instructed by the Committee of Ways and Means to offer. It is as follows:

To enable the Clerk of the House of Representatives to deliver to each of the members and Delegates of the present Congress, who have not already received them, such books as have been furnished to members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses, which were ordered by resolution of the House July 26th, 1832, \$115,800:

Provided, Such purchases and expenditures shall be made under the direction of the Committee on Accounts of the House of Representatives, and that a report in detail shall be made to Congress, at its next session, of the mode and manner of purchase, and where the books were obtained.

The House voted themselves books without making any appropriation. The Committee of Ways and Means, in pursuance of that vote, have reported this necessary appropriation that the books may be got and paid for.

Mr. RIDDLE. Is it customary to have the proviso with the resolution?

Mr. BROOKS. I believe the proviso sufficiently explains itself. I voted against the books. I am opposed to the whole proposition, but feel bound to vote for the appropriation. The Committee of Ways and Means, by the proviso which is appended to the resolution, intend, if possible, to ascertain whether editions of these books are exhausted, whence they come, and whether any further circulation is obtained of them among the people. They have deemed it their duty to inquire into the manner of the purchase, or, at least, to submit that amendment to the consideration of the committee.

Mr. POLK. I move to strike out the proviso of the amendment, which provides that the books shall be purchased under the control of the Committee of Accounts.

I consider, Mr. Chairman, although this amendment emanates from the Committee of Ways and Means, that it is a direct reflection upon the Clerk of this House. When preceding Congresses ordered these books to be published, and furnished them to new members, it has usually been under the direction of the Clerk. I should like to know, sir, what act of the present Clerk has subjected him to this constructive suspicion upon the part of this committee? I stand here to maintain the character of that Clerk, and defend him against those reflections, let them be direct or indirect; and I believe that the high appreciation in which this House holds that officer will protect him from such un-

generous and illiberal intimations as the proviso to this amendment carries with it.

And I would like to know, Mr. Chairman, where is the propriety of this action? Has this Committee on Accounts more honor, more integrity, more fairness than the Clerk? No, sir! Are they to supervise his conduct as if he was unworthy of the most implicit confidence? I, for one, will not silently permit the infliction of so gross an injury as the proviso to this amendment implies. I cannot believe that such was the intention of the gentleman from New York; but it is liable to such an injurious construction, and should therefore be stricken out. I would ask another question. Where are we to get these books by this process? Can they be obtained this session? No, sir. When will they come? It may be one, or two, or three Congresses hence, before the members of the present Congress will get the books, if the purchase is subjected to the slow process of supervision by the Committee on Accounts. Indeed, sir, there is no necessity for the proviso to the amendment, as the existing law already provides that the Clerk shall make a detailed report of the expenditure of all funds intrusted to his care; and I therefore ask the House to strike out the proviso.

Mr. WALSH. I do not know that I shall oppose the motion of the gentleman from Tennessee, [Mr. POLK.] In voting for maintaining that proviso I do not intend to cast any reflection upon the present Clerk of this House.

Mr. HOUSTON. The committee do not.

Mr. WALSH. Nor did the committee, I suppose; but it is perfectly manifest that the legislation which Congress has passed has not been carried out. Gales & Seaton originally published these books, under the direction of Congress, and justice requires that so long as they have copies of the works upon hand they should be taken from them. A practice has grown up here—not under the cognizance of the present Clerk, for I am as ready to indorse his honor as the gentleman from Tennessee, [Mr. POLK.]—and we cannot shut our eyes to the fact by which these books get into the market, and are sold by some persons,—I will not say by whom—and come back to be distributed again. This is not only a fraud upon the legislation of Congress, but a direct injury to the gentlemen who have printed these books; and I would prefer a proviso that Gales & Seaton should be allowed to supply books as far as it is in their power to do it.

Mr. HOUSTON. This proviso will accomplish the same result.

Mr. WALSH. These gentlemen were invited by the legislation of Congress to expend their labor in this way. They are men who live by their profession. They have gone to the expense of publishing these books, and certainly Congress ought to fulfill the implied pledge of taking these books from them so long as they have them upon hand; and I take it for granted, without any particular examination, that the object of the proviso is to enforce that so far as these printers can supply what Congress intended.

Mr. POLK. I understand it has been the custom of the Clerk to do it, and I presume it will be done in this case.

Mr. WALSH. Of course there can be no reflection intended upon this Clerk, for he has never heretofore been called upon to make any purchase of these books.

Mr. JONES, of Tennessee. I would ask the gentleman from Maryland to allow the 102d rule of the House to be read.

Mr. WALSH. Certainly, sir.

The Clerk read the rule, as follows:

"It shall be the duty of the Committee on Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives; also, to audit and settle all accounts which may be charged thereon; and, also, to audit the accounts of the members for their travel to and from the seat of Government, and their attendance in the House."

Mr. JONES. The appropriation to provide books for the members of the last Congress was made out of the contingent fund, and was thus under the control of the Committee on Accounts, under the provision of that 102d rule. This proviso is to enable the Clerk to buy them without carrying the amount necessary to do it into the contingent fund, consequently the proviso which is there amended was not intended as any reflection upon the Clerk of the House.

The question being upon Mr. POLK's amendment,

Mr. HART demanded tellers; which were ordered; and Messrs. CHANDLER and St. MARTIN were appointed.

The question was then taken, and the tellers reported—ayes 62, noes 56.

So the amendment was agreed to.

Mr. DUNCAN. I move, sir, to amend the amendment by reducing it \$30,000; so that it will read \$85,800.

I make this motion with a view to submit to the House a few remarks upon this subject of the distribution of books, and to define my own position in regard to it, which I fear was misunderstood by the House from the motion I made the other day. I will begin by saying, in order to avoid any questions being put to me by gentlemen, that I received these books when distributed at the last Congress. Whether I voted for the distribution or not I am utterly unable to say; but I believe the vote was carried then, as it was the other day, without a division, and under the previous question; and I say further, sir, that I have these books at home in my office, where I intend to keep them until I see fit to present them to some literary institution.

I do not object to the distribution of books to members; the copies of the laws, and all books that are in the possession of the House. I have always voted to print and distribute books of exploration and reconnaissance, for the development of the geography and resources of the country, and also the works left by the fathers of the Constitution, illustrating our political history. I am in favor of the distribution of such books; but, sir, I do object to the form in which this matter has been presented to the House from year to year. It is constantly accumulating. The resolution here passed, is to distribute the same books as were distributed to the members of several preceding Congresses, and in that way the pile swells every year. It is like a snow-ball, rolled upon fresh-fallen snow. Now the books distributed last year were rated as purchased, by a paper that I have before me, at \$724. Subsequently to that, a variety of works were printed by order of the last Congress, which of course will be included in the distribution this year, swelling the amount up to \$800. Where is this to stop?

It seems to me that it is difficult, upon any principle of economy or right legislation, to justify this continually appropriating and accumulating the distribution of books. So far as books are out of print, I think they ought to be omitted from the distribution, and that is the case with relation to Gales & Seaton's edition of the American State Papers, estimated here to cost \$235. Now, in moving to strike out \$30,000 from the appropriation, I have scarcely come up to the sum which the distribution of this set of American State Papers alone costs, and I venture to say at the same time that they are of comparatively very little value, and will be of comparatively very little value, to the majority of the members of this House. There is another reason: A gentleman stated in his place, in 1850, on this floor, on the authority of a report of the Clerk of the House, that there were but fifteen hundred copies of that edition printed, and that there had been at the time more than fifteen hundred copies distributed by the House of Representatives, to say nothing of those distributed by the Senate. I say, sir, therefore, that you do not add to the number of the copies in the country by continuing to distribute books which are out of print, and that it ought to cease. I say, further, that I believe it to be impossible to supply the members of this House with copies of that work, and that the attempt to do so will involve an evasion of the resolution adopted by the House.

Mr. ALLISON. I will detain the committee but a few moments. When this question was up the other day, I endeavored to obtain the floor to express my views upon this subject. I believe that it may have been proper at the time these books were first ordered to be printed, to print and distribute them, in order that we might, in this way, circulate copies of these valuable works throughout the country. Indeed, this is the only way in which they could be circulated. And I believe that a continuation of the practice may have been called for by the wants of the country up to this present Congress. That, I will not un-

dertake to say, but I wished to say, the other day, that if there were any of these works out of print, we ought not to appropriate money for the purpose of purchasing them. If there are those that are in print, and can be distributed, they might be distributed, but I believe that this thing must stop sometime, and I am willing that it should stop now.

Mr. DEAN. I rise to a question of order. The gentleman, I believe, is not speaking to the amendment. He is not speaking against the amendment.

Mr. ALLISON. The gentleman from New York will see the point I am making, if he will hear me.

Mr. DEAN. It is too late in the day. The gentleman is only defining his position.

The CHAIRMAN. The Chair will not rule the gentleman out of order. The gentleman will proceed.

Mr. ALLISON. I have but one word more to say. While I agree with much that the gentleman from Massachusetts [Mr. DUNCAN] has said upon this subject, I would have taken it better from some member whose conduct upon this subject had always been consistent. A lecture from some one who had heretofore opposed the appropriation would have more effect upon the House; especially if he had voted against the appropriation when he was interested.

Now, sir, the other day I should have voted against the resolution, but my friend from Tennessee [Mr. JOHNSON] thought it necessary to preclude any new member from voting, by reading one of the rules. While I agreed that they should be the judges of their own acts here, I did not see the propriety of thrusting the rule in the faces of new members, and I therefore did not vote at all. Now, I believe that members should be permitted to act as their sense of propriety will dictate to them, and be responsible to their constituents; and if they act wrong, let their constituents hold them to strict accountability. I thought it was not in good taste for my friend from Massachusetts—

[Here the hammer fell.]

Mr. CABELL, of Florida. I move that the committee rise. It is evident we shall not get through this bill to day.

The motion was not agreed to.

The question recurred upon the amendment to the amendment, and being put, it was rejected.

Mr. FITCH. I offer the following proviso, with no intention of debating it, but I think the committee will see at once the propriety of adopting it:

*Provided*, That the accounts for the purchase of said books be audited, as usual, by the Committee on Accounts.

The question was taken on Mr. FITCH's amendment, and it was agreed to.

Mr. BROOKS. I submit the following amendment to the amendment:

*Provided*, That reports shall be made in detail at the commencement of the next session of Congress of the mode and manner of purchase of the books, and whence they are obtained.

Several MEMBERS. There is no objection to that.

Mr. BROOKS. Well, if there is no objection, I have not a word to say. I only wish to disclaim any disposition to attack the Clerk of the House. It never entered into my mind.

The question was put upon the amendment to the amendment, and the Chairman announced that he was unable to determine the vote, owing to the confusion that existed in the Hall.

Mr. BROOKS. I have a right to advocate my amendment.

[Cries of "Too late!" "Too late!"]

Mr. BROOKS. Ah, but there is opposition to it.

The CHAIRMAN. In the opinion of the Chair, after a division is commenced, the gentleman has no right to debate his amendment.

Mr. BROOKS. Have not I a right to my five minutes? If I have not, I shall offer the amendment again in another form. Five minutes I will have, for I am entitled to it under the rule. It never entered into my mind to make a suggestion that could in any way convey an insinuation against the Clerk of this House. I have further to say, that in voting books for members of Congress for their own use, I have no objection when it is done *bona fide*. I think it should be done. The public owe to us that we should be well in-



formed, and that we should have all the means of information which our own history has given us, and transmitted us by our fathers as matter of public record. My objection is not to the books, but the mode and manner of distributing them.

Now, Mr. Chairman, it is a fact known to this country, that members of Congress sell their books, which have cost \$700 or \$800, for \$100 or \$125; and if this House will appoint a committee to make an investigation of my statement, I shall be ready to establish it. Such a fact as that is discreditable to Congress, disgraceful to every member, and calculated to injure this body and degrade it in the eyes of the people, and the House ought to use every means in its power to stop it.

Mr. McNAIR. I will ask the gentleman a question: Whether any new members have sold their books? [Laughter.]

Mr. BROOKS. They have not got any yet. I think that new members ought to be entitled to books which are already in print; but as for spending \$100,000 every two years, to purchase books over and over again, is a thing which the country will not sustain when the facts go before them; and the character of the House of Representatives will be injured by it. I am mortified myself in being brought into this battle of books. I never allow myself to demagogue. I repeat that I will vote books to every new member who is entitled to them; and if the House wishes these members to have these new books in good faith, let them adopt this proposition, and there will be no objection to it on the part of the people. The House itself cannot trifle with the popular feeling of the country. It is not easy for us to hold our places upon this floor, and trifle with that popular feeling. It is not easy to add an additional per diem to our pay, directly or indirectly, in this way. The best thing we can do for ourselves is, to preserve our own character and our own honor, not only of the minority, but the majority.

If what I have said is incorrect, the report in detail furnished to the next Congress by the Clerk of the House will enable the public to judge whether these accusations are true or not.

Mr. HART. I merely wish to ask the gentleman, if it is not customary for the Clerk to furnish a report in detail to the House, from whom he has made his purchases? If it is customary to do that, why pass this proviso?

Mr. POLK. The gentleman from New York [Mr. Brooks] is afraid that the new members might squander their books.

Mr. DEAN. I am opposed to the amendment of my colleague [Mr. Brooks] to the original amendment. I am opposed to it for the simple reason that at any rate, whatever may be his motives, and whatever he may disclaim as to any intention of casting censure upon our Clerk, or putting a spy upon his actions, it may be so interpreted.

Mr. FOWLER. As I presented the resolution for the purchase of these books, it is perhaps due to myself to call the attention of the House to the facts contained in that resolution. I wish it to be understood that I prepared that resolution with care and caution. It provides that the purchase of the books shall be made by the Clerk. It provides, also, that the same books shall be purchased which previous members have received. It provides, moreover, that the purchase shall not be made unless there are books in print sufficient to supply the members. These are facts which it is important in this discussion shall be kept in mind. They seem to be overlooked by several gentlemen, and I think by my friend from New York, [Mr. DEAN.]

Mr. DEAN. I do not propose here to make a Buncombe speech, as I think some gentlemen have done. I wish merely to say that I did not vote for this resolution; but the resolution having been adopted by the House, it is perhaps our duty to make the appropriation; go through with it, vote upon it now, and not censure our Clerk, or any officer of this House, particularly, for any political purpose.

Mr. GENTRY. Saturday evenings, in Tennessee, we always keep as holidays. I move that the committee rise.

The question was then taken, and the committee refused to rise.

The question being upon Mr. Brooks's amendment,

Mr. POLK demanded tellers; which were or-

dered; and Messrs. CHANDLER, and CAMPBELL of Illinois were appointed.

The question was then taken, and the tellers reported—ayes 71, noes not counted.

So the amendment was agreed to.

Mr. JONES, of Tennessee, offered the following amendment:

To enable the Clerk of the House of Representatives to pay Force and Rives for one hundred copies of the eighth volume of American Archives, or Documentary History of the United States, for new members of the Twenty-eighth Congress; one hundred and one copies of the same volume for new members of the Twenty-ninth Congress; one hundred and sixteen copies of the same volume for new members of the House of the Thirtieth Congress; and one hundred and thirty-four copies of the same volume for new members of the House of the Thirty-first Congress—in all, four hundred and fifty-one volumes, at \$13 90.6 per copy—in addition to \$649 36, an unexpended balance of a former appropriation, \$5,631 25.

This amendment is offered under the instruction of the Committee of Ways and Means. The Clerk reports that these books have been delivered by Force and Rives, the persons who publish them, and with whom different Clerks made contracts for their delivery. The amendment explains itself.

Mr. CAMPBELL, of Ohio. I move that the committee rise.

The question was then taken, and it was decided in the negative.

So the committee refused to rise.

The question was then taken upon Mr. JONES's amendment, and it was agreed to.

Mr. JONES, of Tennessee. I have another amendment, embracing several items, from the Committee of Ways and Means. It is the last one I have.

The amendment was then read, as follows:

To enable the Clerk of the House of Representatives to pay for reporting and publishing two thousand eight hundred columns of the proceedings of the present session of the House of Representatives in the Daily Globe, at \$7 50 per column, \$21,000.

To enable the Clerk of the House of Representatives to pay a balance due for reporting and publishing proceedings of the House, second session Thirty-first Congress, at the rate of \$7 50 per column, in the Daily Globe, \$649 50.

To enable the Clerk of the House of Representatives to pay for twenty-four copies of the Congressional Globe and Appendix of the first session Thirty-second Congress, for each member and Delegate of the House, \$34,272, and for binding the same, being twenty-two thousand seven hundred and fifty-two volumes, in strong and substantial half binding, with Russia leather backs and corners, at a rate not exceeding sixty cents per volume, \$13,651 20: *Provided*, The foregoing expenditures to be made by the Clerk of the House of Representatives shall be under the control and superintendence of the Committee on Accounts.

The first item of \$21,000 is to pay for reporting the proceedings of this House, at \$7 50 per column, in the Daily Globe. The next item is for a deficiency in the same for the last session.

The question was then taken upon Mr. JONES's amendment and it was agreed to.

Mr. CARTTER. I am instructed by the Committee on Patents, with the advice, and at the request of the Patent Bureau, to offer an amendment, to come in after lines nine hundred and ten and nine hundred and eleven, which read, "for compensation of the librarian of the Patent Office, \$500."

The amendment is as follows:

For books for the library of the Patent Office, to be paid out of the patent fund, \$1,500. For fitting up the library of the Patent Office, to be paid out of the patent fund, \$2,000.

The question was then taken, and the amendment was agreed to.

Mr. STANTON, of Kentucky. I offer the following amendment:

For the salary of the clerk of the Sergeant-at-Arms of the House of Representatives, \$1,500.

That officer was created at the last session of Congress, under a resolution of the House, and he was allowed four dollars per day for his services. At the close of the session a resolution was passed continuing him in office for the year, and at the regular pay received by the other clerks of the House. That resolution expires, and unless the appropriation is put into this bill, he gets no salary. It is not provided for by the Committee of Ways and Means. I ask that the House will adopt this amendment.

Mr. HOUSTON. The subject was brought up in the Committee of Ways and Means this morning. I understand from gentlemen who have examined the subject, that the clerk is now paid out of the contingent fund of the House.

Mr. STANTON. That is certainly a mistake.

Mr. HOUSTON. As I understand it, he is

now paid out of the contingent fund. There is no necessity of adopting this amendment.

Mr. STANTON. The Journal shows that the office was created under a resolution of the House at the last session.

Mr. HOUSTON. I am informed by a gentleman near me, that this would increase his salary to \$3,000, and make it equal to the Sergeant-at-Arms.

Mr. STANTON. I say that it does not. The resolution of last Congress makes it \$1,500.

Mr. CABELL, of Florida. I move that the committee rise; and upon that motion I ask for tellers.

Tellers were called for and ordered; and Messrs. CHAPMAN and HIBBARD were appointed. The question was then taken, and the tellers reported—ayes 74, noes not counted.

So the committee agreed to rise.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30th, 1853, and for other purposes, and had come to no conclusion thereon.

Mr. HOUSTON. I ask leave to report the following bill, that it may be printed, and referred to the Committee of Ways and Means, viz:

A bill making appropriations for certain fortifications in the United States, for the year ending June, 1853.

Mr. ORR. I object.

Mr. LOCKHART. On the 3d Monday in May the Committee on Territories made a report which was laid upon the table, and understood to be ordered to be printed. The Clerk informs me that the order was not made. I desire to have such order now, and the entry made, so that it may be printed.

The SPEAKER. There being no objection, it will be so ordered.

On motion by Mr. FOWLER, the House then adjourned till Monday next at eleven o'clock, a. m.

## IN SENATE.

MONDAY, August 9, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a report of the acting Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a report of the Register of the Treasury, with a statement showing the amount of trust funds in the Treasury at the close of the last four fiscal years, and a comparative statement of the balances, per the annual printed accounts, of the receipts and expenditures, and those stated in the reports of finance for the years ending 30th June, 1849-'50, and '51; which, on motion by Mr. BRIGHT, was referred to the Committee on Finance, and ordered to be printed.

Also, a report of the Secretary of War, made in compliance with a resolution of the Senate, calling for estimates of the amounts that can be advantageously expended in the construction of certain fortifications during the fiscal year ending 30th June, 1853; which was, on motion by Mr. SHIELDS, referred to the Committee on Military Affairs.

## SUPERINTENDENT OF THE CENSUS.

Mr. BUTLER. Mr. President, I hold in my hand a letter written to me by the Secretary of the Interior, in relation to a debate that took place the other day. In justice to him and to myself, I ask the Senate to allow the letter to be read.

The Secretary accordingly read the following letter:

WASHINGTON, August 6, 1852.

SIR: I have this moment seen the report of the debate in the Senate on the 4th instant, in regard to the compensation of the Superintendent of the Census, in which you are represented as saying that the amendment to the apportionment bill was prepared at the Department of the Interior. In this you are mistaken. I addressed a letter to you, which was read in the Senate, suggesting the propriety of additional legislation to remove all difficulties in regard to his compensation, by fixing it at \$3,000, but I prepared no amendment, nor did I suggest any form of effecting that object. My order to the disbursing agent was to pay Mr. Kennedy \$3,000, in the double capacity of Secretary and Superintending Clerk. My letter to you also excludes the idea of allowing two salaries, as it suggests the propriety of putting

him on the same footing with the other heads of Bureaus. If, therefore, you mean when you say "that the amendment was prepared at the Department of the Interior," that it was prepared by me, or under my authority, or that I am in any way responsible for its form, I beg leave to say most respectfully that you are in error, as I neither prepared, authorized, nor sanctioned the amendment in the form it stands, nor do I know who prepared it.

I have the honor to be, very respectfully, your obedient servant,  
ALEX. H. H. STUART.

Hon. A. P. BUTLER.

Mr. BUTLER. Mr. President, the authority upon which I made the statement in the Senate that that amendment was prepared at the Department of the Interior was derived from the Senator from Louisiana, [Mr. DOWNS.] I suppose he is still under the impression that it was prepared at that Department, though not by Mr. Stuart. Justice to Mr. Stuart requires me to say—not only from the letter which has been read, but from other sources—that this amendment was never brought to his notice, and was prepared without his knowledge. Whether he should be held responsible for it or not is a different question. But justice also requires me to say that it did not originate with the committee, but that it was prepared by somebody else, and adopted by the committee. I am not perhaps at liberty to say who prepared it. I suppose, however, there is no doubt that it was prepared at the Census Bureau, and at the instance of the Senator from Maine, [Mr. BRADBURY,] as well as I can learn. So that the responsibility, if any, should be shared by the head of the Census Bureau and the Senator from Maine. The bill was sent to him, and no doubt he took it as it was prepared, with a view on his part of fixing the salary of the Superintendent of the Census Bureau at \$3,000 a year. That was, no doubt, his impression, and if it was Mr. Kennedy's understanding also, there was nothing wrong in the transaction. But I suppose it was prepared at the Census Bureau, and adopted by Mr. BRADBURY. I believe these are the facts.

#### PETITIONS, ETC.

Mr. STOCKTON presented the memorial of J. P. Pirsson, praying the Government to purchase his patent condenser for supplying the boilers of marine engines with fresh water; which was referred to the Committee on Naval Affairs.

Mr. FISH presented a petition of inhabitants of Wayne county, New York, praying for an appropriation for the improvement of the harbor of Great Sodus Bay; which was referred to the Committee on Commerce.

Also, the memorial of Charles Callaghan, for himself and others, praying the United States to purchase the \$600,000 of United States Treasury Department certificates of Spanish indemnity; which was referred to the Committee on Foreign Relations.

Also, three petitions of citizens of New York, praying the extension of Uri Emmons's patent for a planing machine; which were referred to the Committee on Patents and the Patent Office.

Mr. WALKER. I have a resolution, amounting to a memorial, passed at a meeting of the Mechanics' Mutual Protection Society of New York, asking the passage of the homestead bill. I am requested to present it to the Senate, and do so; but as the bill in reference to which the memorial is sent has been reported upon by the committee, I move that the memorial be ordered to be laid on the table.

The motion was agreed to.

Mr. HUNTER presented a memorial of residents of the counties of Fairfax and Alexandria, Virginia, praying an appropriation for the repair of the Long Bridge; which was referred to the Committee on the District of Columbia.

#### REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee on Claims, to which was referred the petition of Joseph M. Hernandez, praying to be indemnified for damages sustained by his plantation in Florida in consequence of its occupation as a military post, &c., submitted a report, accompanied by a bill for his further relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. HAMLIN, from the Committee on Commerce, to which was referred a resolution of the Senate, directing the committee to inquire whether any legislation is necessary or expedient to exempt vessels driven by stress of weather, and anchoring in any of our ports, from the ordinary

detentions and requisitions of the custom-house, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. SOULE, from the Committee on Commerce, to which was referred the memorial of Auguste Métafé, asking Congress to allow him compensation for services rendered in the custom-house at New Orleans, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred a memorial of importers of wines, brandies, &c., at New Orleans, praying an increase of the number of gaugers of that port, submitted a report, accompanied by a bill authorizing the collector of the port of New Orleans, with the approbation of the Secretary of the Treasury, to appoint three head gaugers; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred a memorial of citizens of Louisiana, residing on the Mississippi river opposite New Orleans, praying that the port of New Orleans be extended to their side of the river bank, submitted a report, accompanied by a bill extending the limits of the port of New Orleans; which was read, and passed to the second reading. The report was ordered to be printed.

#### CLERK TO THE COMMITTEE ON FOREIGN RELATIONS.

Mr. MASON. Mr. President, I offer the following resolution:

*Resolved*, That the Committee on Foreign Relations be authorized to employ a clerk for the residue of this session, whose compensation shall be the same as that of clerks of other committees of the Senate.

There is an accumulation of business just now before that committee which renders it important that it should have a clerk. I therefore ask the unanimous consent of the Senate to have the resolution considered at this time.

There being no objection, the resolution was considered, and agreed to.

#### THE LOBOS ISLANDS.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the President be requested to communicate to the Senate all such correspondence as may have taken place between the United States and Peru regarding the Lobos Islands; and also a copy of such instructions as may have been given to the officer in command of the American squadron, on the subject of vessels loading with guano at those islands—so far as the same, in his judgment, shall be compatible with the public interests.

#### EXPENSES OF THE SEVENTH CENSUS.

Mr. BORLAND. I ask leave to offer the following resolution:

*Resolved*, That the Secretary of the Interior be directed to communicate to the Senate a statement of all the expenditures for, and on account of the Seventh Census, specifying the following items, to wit:

Amount paid to marshals and assistant marshals for taking census, collecting statistics, &c.

Amount paid for clerk hire in Census Office.

Amount paid for stationery for Census Office.

Amount paid for office rent for Census Office, and to whom paid.

Amount paid for fuel and stove rent, and to whom paid.

Amount paid for furniture for Census Office.

Amount paid for repairs or alterations of the house or houses occupied for the Census Office, and to whom paid.

Amount paid for books, pamphlets, papers, and periodicals, for the use of the Census Office.

Amount paid for freight or transportation to Adams & Co., or other persons, for the use of Census Office, and on what account.

Amount paid for contingent expenses of the Census Office.

Amount paid for arranging and translating European statistics, and to whom paid.

Amount paid for the expenses of the visit of the Superintending Clerk of the Census to Europe; and copies, *verbatim*, of the vouchers for said expenses furnished by the said clerk.

*And resolved further*, That said Secretary be directed to state to the Senate the appropriation out of which the expenses of said visit to Europe were paid, and the authority of law for this payment.

As this is a mere resolution of inquiry, as the subject embraced in it is likely to have a bearing upon legislation before the close of the session, and as there is but a short time between this and the close of the session, I ask the Senate to consider the resolution at this time.

The resolution was considered and agreed to.

#### PENSION AGENTS.

On motion by Mr. BORLAND, the Senate proceeded to consider the resolution submitted by him on the 2d instant; and, having been amended, it was agreed to, as follows:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate the names of the several agents employed by the Department other than officers of the United States for the payment of interest on the public debt, and of those appointed by the Secretary of the Interior for the payment of pensions since the 4th of March, 1849, together with a statement of the last settled accounts of each of such agents, with date thereof, showing the amount due to or from the United States.

*Resolved further*, That the said Secretary report what length of time unclaimed dividends of interest are allowed to remain in the hands of agents after the same are due and payable, and how often said agents are required to render their accounts; and what security, if any, is required for the faithful performance of the trusts confided to them.

*Resolved further*, That the Secretary of the Interior be directed to furnish the Secretary of the Treasury with the names of each and every pension agent appointed by the Department of the Interior, since the 4th of March, 1849, to enable the said Secretary of the Treasury to respond fully to the preceding resolution.

#### CLERK TO THE COMMITTEE ON CLAIMS.

On motion by Mr. BRODHEAD, the Senate proceeded to consider the following resolution, reported by him on Friday last from the Committee on Claims:

*Resolved*, That the clerk to the Committee on Claims be continued, at the usual rate of compensation, to be employed during the recesses of the Senate in completing and keeping up the index and digest of the reports of the committee authorized by the resolution of March, 1851; and in discharging such other duties as the committee may require.

At the suggestion of Mr. PRATT, the resolution was modified by the substitution of the word "recess" for the word "recesses;" and it was agreed to.

#### THE TARIFF.

On motion by Mr. STOCKTON, the bill "amendatory of the several acts regulating the appraisal of imported merchandise, and the more effectually to prevent frauds on the revenue, and for other purposes," was read a second time, and referred to the Committee on Finance.

#### DEATH OF HON. ROBERT RANTOUL.

A message was received from the House of Representatives, by Mr. HAYES, its Chief Clerk, communicating to the Senate information of the death of the Hon. ROBERT RANTOUL, jr., a member of the House of Representatives from the State of Massachusetts, and the proceedings of the House thereon.

The resolutions of the House of Representatives were read.

Mr. SUMNER said: Mr. President, by formal message of the House of Representatives, we now learn that one of our associates in the public councils has died. Only a few brief days—I had almost said hours—have passed since he was in his accustomed seat. Now he is gone from us for ever. He was my colleague and friend, and yet, so sudden has been this change, that no tidings of his illness even had reached me, before I learned that he was already beyond the reach of mortal aid or consolation, and that the shadows of the grave had already descended upon him. He died here in Washington, late on Saturday evening, August 7th; and his earthly remains, accompanied by the bereaved companion of his life, with a committee of the other House, are now far on the way to Massachusetts, there to mingle dust to dust with his native soil.

The occasion does not permit me to speak at length of the character or services of Mr. RANTOUL. A few words will suffice; nor will the language of eulogy be required.

He was born August 13th, 1805, at Beverly, in the county of Essex, the home of Nathan Dane, author of the immortal ordinance by which freedom was made a perpetual heirloom in the broad region of the Northwest. Here, under happy auspices of family and neighborhood, he commenced life. Here his excellent father, honored for his public services, venerable also with years and flowing silver locks, yet lives to mourn his last surviving son. The sad fortune of Burke is renewed. He who should have been as posterity, is now to this father in the place of ancestor.

Mr. RANTOUL was early a member of the Legislature of Massachusetts, and there won his first fame. For many years he occupied a place on

the Board of Education in that State. He was also, for a time, Collector of the Port of Boston, and afterwards Attorney of the United States for Massachusetts. During a brief period he held a seat in this body. Finally, in 1851, by the choice of his native district, remarkable for its intelligence and public spirit, he became a Representative in the other branch of the National Legislature. In all these spheres he performed most acceptable service. And the future promised opportunities of a higher character, to which his abilities, industry, and fidelity would have amply responded. Massachusetts has many arrows in her well-stocked quiver; but few could she so ill spare at this moment as the servant we now mourn.

By original fitness, by study, knowledge, and various experience, he was formed for public service. But he was no stranger to other pursuits. Early devoted to the profession of the law, he followed it with assiduity and success. In the antiquities of our jurisprudence, few were more learned. His arguments at the bar were thorough; nor was his intellectual promptness in all emergencies of a trial easily surpassed. Literature, neglected by many, under the pressure of professional life, was always cultivated by him. His taste for books was enduring. He was a constant student. Amidst his manifold labors, professional and public, he cherished the honorable aspiration of adding to the historical productions of his country. A work on the history of France, wherein the annals and character of this great nation should be portrayed by an American pen, had occupied much of his thoughts. I know not if any part was ever matured for publication.

The practice of the law, while it sharpens the intellect, is too apt to cramp the faculties within the narrow limits of form, and to restrain the genial currents of the soul. It had no such influence on him. He was a Reformer. In the warfare with Evil he was enlisted early and openly as a soldier for life. As such, he did not hesitate to encounter opposition, to bear obloquy, and to brave enmity. His conscience, pure as goodness, sustained him in every trial—even that sharpest of all, the desertion of friends. And yet, while earnest in his cause, his zeal was tempered beyond that of the common reformer. He knew well the difference between the *ideal* and the *actual*, and sought, by practical means, in harmony with the existing public sentiment, to promote the interests which he had at heart. He saw clearly that reform could not prevail at once, in an hour, or in a day, but that it would be the slow and certain result of constant labor, testimony, and faith. Determined and tranquil in his own convictions, he had the grace to respect the convictions of others. Recognizing in the social and political system the essential elements of stability and progress, he discerned at once the office of the conservative and the reformer. But he saw also that a blind conservatism was not less destructive than a blind reform. By the mingled caution, moderation, and earnestness of his labors, he seemed often to blend two characters in one, and to be at the same time a *reforming conservative* and a *conservative reformer*.

I might speak of his devotion to public improvements of all kinds, particularly of the system of railroads. But here he was on the popular side. There were other causes where his struggle was keener and more meritorious. At a moment when his services were much needed he was the faithful supporter of common schools, the peculiar glory of New England. By word and example he sustained the cause of temperance. Some of his most devoted labors, commencing in the Legislature of Massachusetts, were for the abolition of capital punishment. Perhaps no person since that consummate jurist, Edward Livingston, has done so much by reports, articles, letters, and speeches to commend this reform to the country. With its final triumph, in the progress of civilization, his name will be indissolubly connected. There is another cause, that commanded his early sympathies and some of his latest best endeavors, to which, had life been spared, he would have given the splendid maturity of his powers. Posterity cannot forget this; but I am forbidden by the occasion to name it here. Sir, in the long line of portraits on the walls of the ducal palace of Venice, commemorating its Doges, a single panel, where a portrait should have been, is shrouded by a dark curtain. But this darkened blank, in that place, attracts the beholder more than any pic-

ture. Let such a curtain fall to-day upon this theme.

In becoming harmony with these noble causes was the purity of his private life. Here he was blameless. In manners he was modest, simple, and retiring. In conversation he was disposed to listen rather than to speak, though all were well pleased when he broke silence, and in apt language declared his glowing thoughts. But in the public assembly, before the people, or in the legislative hall, he was bold and triumphant. As a debater he rarely met his peer. Fluent, earnest, rapid, sharp, incisive, his words at times came forth like a flashing cimeter. Few could stand against him. He always understood his subject; and then, clear, logical, and determined, seeing his point before him, pressed forward with unrelenting power. His speeches on formal occasions were enriched by study, and contain passages of beauty. But he was most truly at home in dealing with practical questions arising from the actual exigencies of life.

Few had studied public affairs more minutely or intelligently. As a constant and effective member of the Democratic party, he had become conspicuous by championship of its doctrines on the currency and free trade. These he often discussed; and from the amplitude of his knowledge, and his overflowing familiarity with facts, statistics and the principles of political economy, poured upon them a luminous flood. But there was no topic within the wide range of our national concerns which did not occupy his thoughts. The resources and needs of the West were all known to him; and Western interests were near his heart. As the pioneer, resting from his daily labors, learns the death of RANTOUL, he will feel a personal grief. The fishermen on the distant eastern coast, many of whom are dwellers in his district, will sympathize with the pioneer. As these hardy children of the sea, returning in their small craft from their late adventures, hear the sad tidings, they too will feel that they have lost a friend. And well they may. During his last fitful hours of life, while reason still struggled against disease, he was anxious for their welfare. The speech which, in their behalf, he had hoped soon to make on the floor of Congress, was then chasing through his mind. Finally, in broken utterances he gave to them some of his latest earthly thoughts.

The death of such a man, so suddenly, in mid-career, is well calculated to arrest attention, and to furnish admonition. From the love of family, the attachment of friends, and the regard of fellow-citizens, he has been removed. Leaving behind the cares of life, the concerns of State, and the wretched strifes of party, he has ascended to those mansions where there is no strife, or concern, or care. At last he stands face to face in His presence whose service is perfect freedom. He has gone before. You and I, sir, and all of us, must follow soon. God grant that we may go with equal consciousness of duty done.

I beg leave to offer the following resolutions:

*Resolved, unanimously, That the Senate mourns the death of Hon. ROBERT RANTOUL, Jr., late a member of the House of Representatives, from Massachusetts, and tenders to his relatives a sincere sympathy in this afflictive bereavement.*

*Resolved, As a mark of respect to the memory of the deceased, that the Senate do now adjourn.*

The resolutions were adopted, and the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, August 9, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of Saturday was read and approved.

Mr. MANN said: Mr. Speaker, I rise to perform the melancholy service of announcing the death of the honorable ROBERT RANTOUL, Jr., late a member of the Massachusetts delegation in this House, who expired at his lodgings, in this city, on Saturday evening last, at half-past ten o'clock.

Mr. RANTOUL's illness was very brief; his death, until a short time before he breathed his last, wholly unexpected. He was in his seat here on Tuesday last, and though the death-mark of his disease was then upon him, yet he walked home as usual, foreboding no ill. No prophetic glimpse was vouchsafed to him that his final hour was so near at hand. When he returned home, and shut

the door of his dwelling, he little thought he had looked upon this fair and beautiful outward world for the last time; when he retired to his chamber he little dreamed that he should never walk forth from it again; but the stern enemy pursued him; and now the narrower door and the closer apartment of the coffin and the tomb have hidden him from us forever.

The disease of which Mr. RANTOUL died was erysipelas—often, as in this case, a terrible form of death, for it disturbs and deranges the operations of the mind before it subdues the body. The malady had not made great advances with him before it attacked his brain, accompanied by the usual consequences of an inflammation and derangement of that organ. Death seems armed with sufficient terrors when we can meet it with unclouded intellect, and with a heart resigned to the will of God; but certainly those terrors are inconceivably magnified when, as one of the concomitants of the disease, the mind loses its erectness and equipoise, and the laws of its action and motion are suspended; when the thoughts and memories and the images of external objects which the senses convey to the brain are mingled in wild confusion together, and the soul has no home but to wander up and down amid this chaos. How different from that state of peace, and joy, and trust, in which every man hopes to meet the final hour; and does not every truly sane man take measures for the realization of his hopes?

Yet Mr. RANTOUL, even amid the agonies of his disease, had lucid intervals. There were convictions in his mind so deep-seated, and affections in his heart so strong, as to stand unmoved by any tempest of delirium. On being telegraphed respecting the illness of her husband, his devoted and excellent lady, then in Massachusetts, hastened to his succor. She arrived here at six o'clock on the morning of the day he died. Instantly her voice wooed back consciousness and reason. He seized her hand in his, and held it till he breathed his last. Even when his mind wandered, this grasp of affection was unclenched. Death only relaxed it.

The swelling of the disease had closed his eyes, and it was beyond the power of muscular contraction to open them. He desired to have them opened by mechanical means, that he might once more behold the features and the face whence, for more than twenty years, the light of love had shone down into his heart. Thank God, sir, that, amid all the alienations and strifes and hostilities which seem sometimes to flow out of the human bosom as though it were their natural fountain, there are also affections, sympathies, tendernesses, and loves which are inseparable from it; allied to it by a more congenial affinity; and which we always may find there, "close as green to the verdant leaf or color to the rose."

Mr. RANTOUL was born in Beverly, Massachusetts, August, 1805. Had he lived until next Friday he would then be forty-seven years old. He entered Harvard University at the age of eighteen, and was graduated in 1826. He studied law at first with Mr. John Pickering, of Salem, who exemplified in his profession the largest meaning of the word *law*. He did not consider the law as an arbitrary or artificial scheme of forms and precedents, but as a great system of justice and truth, of God-ordained principles, on which alone, and by which alone, human society and human welfare can be upheld and advanced; nor as an art or device by which to get a living, but as a science by which to guide all life. After Mr. Pickering's removal to Boston, Mr. RANTOUL was in the office of the Hon. Leverett Saltonstall, who was once a member of this House. He was admitted to the bar in 1829.

Mr. RANTOUL soon became a man of mark. In 1834 he was elected to the Massachusetts House of Representatives, from the town of Gloucester, where he then resided; and from that time till his death he filled many public offices, both of a political and of an honorary nature. In 1843 he was made collector of the port of Boston. In 1845 he was appointed United States district attorney for Massachusetts, the responsible duties of which office he performed in a very able manner for about four years. In 1851 he was elected a Senator of the United States by the Legislature of Massachusetts, to complete an unexpired term; and he was chosen, by a very large majority of the people among whom he had always lived, and who



knew him best, to the seat in this House now so suddenly and so mournfully made vacant.

But Mr. RANTOUL found time, and possessed taste and aptitude, for other services besides those of a strictly political or professional character. His natural instincts and moral culture led him to engage in worthier and nobler occupations. He was, certainly for very many years, and I believe during all the active part of his life, an earnest, devoted temperance man, a temperance advocate and lecturer, leaving home and the emoluments of his profession to visit and even traverse distant parts of the State to preach the gospel of this great reformation. To him, among others, is Massachusetts indebted for her present advanced position in this world-renovating enterprise—an enterprise which, if successful, will enlarge the imprisoned angels of joy whose home is the fireside and the domestic altar, while it will send to penal chains and darkness the demons who have so long usurped their place.

Mr. RANTOUL adhered to this cause steadfastly, "through evil report;" for, in its early, and even its maturer days, it had no "good report." He resisted the solicitations of the abandoned to abandon this great reform, and rejected the unholy honors with which they tempted him to disloyalty. Who would now exchange his consciousness for theirs!

In 1837, Mr. RANTOUL was appointed by Governor Everett and his Council one of the original members of the Massachusetts Board of Education. This office he held for six years, and until it expired by its own limitation. He was an active and most intelligent member of the Board. He was a wise counsellor and a faithful friend of that cause, then impugned and contested, but now so deeply seated in the affections of the people that it would be as difficult to obliterate it from our social polity as to expunge the judiciary itself. While a member of the Board, Mr. RANTOUL wrote a very able article on the subject of education for the number of the North American Review published October, 1838.

Mr. RANTOUL devoted vast attention and research to the still vexed question of capital punishment; and perhaps it may be said that no man is fitted fully to discuss this theme without reading what he has written.

In the course of his life, Mr. RANTOUL has addressed many literary societies, made political speeches almost innumerable, and has been engaged in legal causes of great magnitude and difficulty; and one thing may be affirmed of all his public performances: he never fell below the occasion, never disappointed the expectations of his most sanguine friends. No greater misfortune can befall a man than to be elevated to a post to which his talents or attainments are unequal. The same man who has been respected and honored in a subordinate sphere may become ridiculous and contemptible in a higher one, to which injudicious friends may advance him. Though it may be the same man, yet we judge of his size by the height of the pedestal on which he stands. He may seem of full stature when near the ground, but dwindle to a pigmy on the top of a column. Hence every promotion has its risk. Mr. RANTOUL encountered all such risks, and not only escaped but always triumphed. Each successive increase in the height of his pedestal only showed his large proportions to better advantage.

Though mainly dependent upon his own exertions for a livelihood, yet Mr. RANTOUL had time for study, and means for libraries and other auxiliaries of eminence, because he never had any time-consuming or mind-weakening vices. He kept himself clean and pure from the miserable personal indulgences of the epicure and the *bon vivant*, which eat away time and consume means, and set so many a young man back in the race of life, and though often more attractive than alarming at first, generally develop and mature into full-grown and hideous vices afterwards. In abstinence, in industry, in system, he was a pattern for young men. He lengthened life by beginning to perform its duties early.

Mr. RANTOUL's mind was singularly keen and acute. Yet he did not use his keenness and acumen as they are so often used, to cut and pierce at random, but to strike the joint and trace out the marrow of whatever subject he dissected. The working of his faculties was rather judicial than forensic. Logic predominated over rhetoric.

Words were his counters, not his coin. The spectator was less struck by the glitter of his battle-axe than by the precision of its blow. He was of two kindly a nature to generate much satire; yet against oppression and fraud he could be severe. Either consciously or unconsciously, he recognized the great truth that no moral being can see virtue and vice as they are, and the eternal antagonism between them, and love the former without hating the latter. He who thinks it his duty to look complacently upon wrong mistakes torpidity of conscience for charity.

Mr. RANTOUL's attainments were all in harmony with his original cast of mind—not showy, but solid; not gathered for ostentation, but for use. There was depth enough in his stream of thought to make a score of brawling rivulets. In promiscuous company, while the conversation roamed and floated over the levities of literature or the frivolities of history, I have known him to sit by the hour almost dumb; but when the conversation struck into the depth and heart of things, when it discussed the great events that join and articulate the history and fortunes of mankind, then suddenly it became his turn to shine; and he would set forth his principles, and march up his close battalion of facts and arguments for their support, till the rash disputant who encountered him would require a library of books and months of time to study up to his positions.

So far as my knowledge extends, I am not aware that any imputation of personal dishonor or dishonesty ever rested for an hour upon his name; which, for a man so extensively engaged in business and in politics as he was, is the highest certificate of his being that "noblest work of God," an honest man. For years I knew him well, and saw him frequently; and, though differing from him on many points, yet I have said to his opponents a thousand times, and I now say it to the world, I believed him to be honest and sincere. A political man should not be condemned without some great, irrefragable, luminous proof of his blameworthiness; and surely no such can be alleged against Mr. RANTOUL.

But, sir, I will not pursue these remarks, each sentence of which is a fresh remembrancer of our loss. In the vigor of his manhood; his disciplined faculties all ready and eager for effort; his stores of knowledge wonderfully full; his fame already bright and high, though not yet culminated, he has been suddenly stricken down. I do not say that this proclaims to us the vanity and worthlessness of life; for that is a doctrine I do not believe; but do not its admonitions strike us with a voice "loud on the heart as thunder on the ear," proclaiming that it is only those acts of duty and benevolence which survive the actor, and whose effects go on widening and deepening in an unending progression of beneficence after we have departed, that can give true dignity and beauty and nobleness to our transitory existence upon earth? If, as I believe, death is but an event in life, our Book of Judgment, our rewards and penalties in another world, may at least partly consist in our beholding the consequences, then fated and inexorable, of our former conduct.

While remembering the widow and the orphan sons of the deceased, there is a venerable form in that group of family mourners who must not be forgotten. Mr. Rantoul the senior, is a gentleman of more than three score and ten years, of great worth and excellence of private character; for many years a member of one branch or the other of our State Legislature, and universally respected. Of his eight children, six have now gone before him. Our friend, my colleague, was his only surviving son. In such a case truly it may be said, " 'tis the survivor dies." A lone and solitary parent, bereft of his children, has been compared to an aged tree, stripped of its foliage and its limbs, and casting its shade by its trunk, and not by its branches—

"Trunco, non frondibus efficit umbram."

Oh, may the Spirit of God descend with healing, when this last arrow pierces that aged heart!

Mr. Speaker, I move the adoption of the following resolutions:

*Resolved*, That this House has received with deep sensibility the announcement of the death of Honorable ROBERT RANTOUL, jr., a member of this House from the State of Massachusetts.

*Resolved*, That this House tenders to the family of the deceased the expression of its sympathy on this affecting event; and, as a testimony of respect for his memory, the

members and officers of this House will wear the usual badge of mourning for thirty days.

*Resolved*, That the Clerk of this House be directed to communicate a copy of these proceedings to the family of the deceased, and also to the Senate.

*Resolved*, That, as a further testimony of respect for the deceased, this House do now adjourn.

Mr. FOWLER. Mr. Speaker, in seconding the resolutions just read, as my feelings prompt me, I trust the House will indulge me while I add a few words to what has been so appropriately and eloquently said by my honorable colleague, who has just taken his seat.

Death, always an impressive messenger, has in this instance stricken down the man strong in intellect, high in career, buoyant in hope, noble in purpose. The arm upon which parental love relied for support with a parent's confidence is palsied in death; the heart which the purest conjugal affection hath long shared has ceased to beat; the voice to which filial reverence was accustomed to listen will no more be heard. "This is the last of earth!" The sorrow that springs from such a visitation of Providence is too deep for description.

In the death of such a son and such a Representative as the Hon. ROBERT RANTOUL, jr., the Commonwealth of Massachusetts has suffered a loss which will be long and deeply felt. The home and domestic circle which this sudden and severe affliction has made desolate, share, I am sure, our sincerest sympathies.

The body of our respected associate is given back to dust; his spirit is returned to Him who gave it. Let us who linger behind for a brief season, be admonished and instructed by this impressive dispensation. May the hand of Providence, thus visible in the midst of us, direct us all to a more faithful discharge of the responsible duties imposed upon us; and may His Spirit lead each of us to a firmer and purer faith in Him who ever liveth, who is the resurrection and the life, and who hath said, "he that believeth in me, though he were dead, yet shall he live; and whosoever liveth and believeth in me, shall never die."

I offer the following, in connection with the resolutions already presented:

Whereas the family of Mr. RANTOUL having determined to proceed yesterday to Massachusetts with his remains for interment, and the Speaker of this House having designated a committee to accompany them—

*Resolved*, That the Clerk of this House be directed to pay from the contingent fund of this House, and place at the disposal of said committee for the funeral expenses of the Hon. Mr. RANTOUL, a sum equal to that usually expended in such cases, to be ascertained and drawn for by the committee.

Mr. McLANAHAN. Mr. Speaker, the mournful announcement that has just been made by the honorable member from the State of Massachusetts of the death of Mr. RANTOUL, one of his colleagues, will, I trust, warrant me in making a few remarks on this sad occasion.

How sudden, how unexpected to all of us was this event! But a very few days ago he occupied, as he has done during this session, the seat that is now vacant at my side; but a very few days ago he went forth from this Hall never more to return, for even then the shadow of the wing of the angel of death rested upon him. His active and energetic spirit has taken its departure from earth, and the grave has added to its mouldering trophies the remains of a distinguished man.

Sir, this sudden, sad, startling event is suggestive to all. Its language of warning, admonition, and direction to each one of us is, "Be ye also ready."

I never had any personal acquaintance with Mr. RANTOUL until I met him in this Hall, nearly nine months ago. And although there was a wide difference in some of our political principles and opinions, both in regard to constitutional law and national policy, our personal intercourse has always been most agreeable. The wisdom of the philosopher, the toleration of the Christian, and the politeness of the gentleman ever seemed to dictate and control his conduct towards all who entertained sentiments not in accordance with his own; and it was therefore that his intercourse with the members of this House, generally, was of the most pleasing character.

Mr. RANTOUL is well known to have been all his lifetime a most sedulous student. Possessing a mind naturally prone to investigation, with uncommon power of analysis—a metaphysical subtlety to discriminate, and an iron memory to retain whatever he acquired—it is not to be wondered

at that he possessed, what he so justly deserved, an enviable reputation for his extensive and varied learning. His knowledge of jurisprudence gave him a position at the American bar of which the most ambitious aspirant might well be proud. His intimate and critical acquaintance with history, especially with the history of more modern times; his accurate and minute knowledge of the science of political economy and of statistics, rendered him at once an interesting and instructive companion. Sir, the just fame which Mr. RANTOUL's indefatigable industry achieved for him, both as a scholar and a lawyer, is calculated to open up the well-springs of hope and promise in the hearts of our young men who pant ambitiously for such distinction. I have reason to believe that his life, in the delicate and tender relations of a husband and father, was perfectly irreproachable. Whatever loss others have sustained by his death, there are those surviving in his own family circle to whom that loss is irreparable. When death removes a husband and a father, ruptures those affections, and tears asunder those ties which form the primal bonds of society, his work of desolation seems almost complete. Who is there that would not sympathize with the wail of the widow and the cry of the orphan? And yet how utterly unavailable is all human sympathy! May the blessings of Him who alone can give consolation rest upon their desolate hearts.

Mr. MACE. Mr. Speaker, I request the indulgence of the House for a few moments, to add a brief tribute to the memory of the deceased. Prior to the present session of Congress, I had no acquaintance with Mr. RANTOUL, but from reputation. It was my good fortune to form his favorable acquaintance early in the session, and being seated near him, and associated with him as a member of the Committee on Claims, that acquaintance resulted in a mutual friendship, which continued uninterrupted until his last illness. As a companion, he was rationally social in an eminent degree; modest and retiring, yet, on proper occasions, ready to inform, instruct, and enlighten upon subjects of morals, science, politics, and other useful matters, in all of which his mind was well stored. As a legislator, he took a large and liberal view of all questions affecting the interest and well-being of the nation, and was not tied down to his district or State. The generosity and kindness of his nature were manifest in all his acts; he had a strong leaning in favor of the individual and collective rights of the masses, who are unable to compete with wealth and power. By his death the House has lost one of its most distinguished and honored members, and his companions here have lost one that they will long remember with keen and melancholy sorrow. The event admonishes all of us to be "also ready."

Mr. CLARK. I desire that my voice should be heard upon this occasion; and perhaps the best reason which can be given for it is, that I am a son of Massachusetts. This is a sad occasion, which opens again before us the narrow, cold, and repulsive tenement—and it is appointed for each one of us; and it is all the more sad, as the arrows fly thick around, sparing neither the humble nor the exalted. The Destroyer comes and cuts down one in the noontide of life, ere yet time and circumstances had enabled him to develop his powers and acquire a name. He comes again, and takes from the pinnacle of the temple him of far-reaching fame, made up of a long life of noble aspirations and immortal achievements. Again he comes, and tears away another who had power

"To climb the steep where Fame's proud temple shines afar;"

but He who holds the destiny of men in his hands did not suffer it.

There is a mournful consolation in a long premonition of the approach of that hour on which eternity is hung. So eager, so absorbed are most men in the interests which lie nearest to them, that they defer the consideration of those which belong to a sure but mystic eternity, unless admonished that they are at hand. To our associate and brother Death came with a stealthy step, and aimed his fatal shaft in ambush. It may be that he was not unmindful of such an encounter and such a result. If so, it was well. If it shall be so with us it will be well.

My acquaintance with Mr. RANTOUL was not

extensive or confidential. I can speak of him only as a public man, as a man who has made his mark and established his character by those mental efforts so characterized by great knowledge, acute discrimination, and exalted abilities. I shall say nothing of his party connections or his political opinions; for these he was responsible, not to us, but to those who clothed him with authority and sent him here. His voice in this Hall of legislation was but the voice of nearly one hundred thousand freemen speaking through him under a sense of the inappreciable right of freedom of speech. That his views upon certain great questions of national import did not accord with those entertained by most of us here, is no doubt true. But who shall call in question his sincerity of heart and purpose? The truth of his opinions will be tested by the unerring judgment of public sentiment and future history; the same tribunal which will judge us all.

His views upon some subjects were eminently characterized by expansiveness, liberality, and progress. No man here had more correct, safe, and national views of our commercial relations with other nations than he had; none more extensive and accurate knowledge of the public domain, and the purposes to which it might be legitimately and profitably applied. And, however his opinions upon any subject might have differed from others here, he was always ready to sustain them with reasons worthy the consideration of the strongest and the best. In him the antagonist of skill and power might have found a foeman worthy of his steel.

But it is no part of my purpose to dwell upon any phase of his public character, but rather to improve the moment in a moral point of view. But yesterday the man of vigor, of hope, of virtuous ambition, and cheering prospects, was among us and of us. We heard his voice in the stern debate, contending for the right as he understood it; to-day his vigor is as the withered grass, his hope as the light which has expired; his ambition is chilled, and his prospects are beyond the boundary of mortal vision. "No flattery now can soothe the dull, cold ear of death."

Who shall refuse to stand admonished by the lesson before him? Who will forget that "life is a short uncertain day;" and who will shut his eyes to the accumulated responsibilities which lie beyond it?

It is not wrong to strive for the splendors of honor and reputation; but their elements should be made up of truth, justice, and charity; and all that is acquired in violation of these will be, like the memory of the wicked, "to rot." Day by day we are called to the discharge of arduous duty, which is sometimes mingled with anxiety and strife. Should not our feelings be chastened as we behold the consummation of life in one, while yet the great works which he had projected were but half completed? Should we not remember that our dwelling-place is in the dust?

Life has been compared to an ever-flowing stream, and most fitly. It bears us, in our waking and our sleeping hours, down its current, and out upon that wide expanse from which there is no reflux course. And how rapidly each one of us may be nearing the great bend which shall disclose it in wonder to his vision, none can tell; but to him who has nobly done all his duty it can be matter of but little concern.

"There Faith lifts up her cheerful eye  
To brighter prospects given,  
And views the tempest passing by,  
The evening shadows quickly fly,  
And all's serene in Heaven."

The question was taken upon the several resolutions, and they were unanimously adopted.

The House then adjourned.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BRIGGS: The memorial of Martin Bates & Co., and others, of the city of New York, for the immediate passage of a law by Congress for the better security of lives on board of vessels propelled in whole or in part by steam. Also, the memorial of Barton & Co., for the same. Also, the memorial of Robert C. Wetmore, for the same. Also, the memorial of C. S. Bogardus, for the same. Also, the memorial of Wm. B. Wakeman, for the same. Also, the memorial of Henry N. Beach and others, of the city of New York, for the passage of a law for the better security of lives on board of steamboats. Also, the memorial of Messrs. Brush & Co., and others, for the same.

Also, the memorial of Jonathan Trotter and others, for the same.

Also, the memorial of Hamilton & Heniman and others, for the same.

Also, the memorial of James B. Bartram and others, for the same.

By Mr. MOORE, of Louisiana: The petition of D. Isles & Co., and other citizens along the route, praying for a post road from Washington, in the parish of St. Landry, to Huddleston, in the parish of Rapides, Louisiana.

#### IN SENATE.

TUESDAY, August 10, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

After which the reverend gentleman announced, with the permission of the President, the death of a child of the Hon. W. M. GWIN, Senator from California, and invited the members of the Senate to attend the funeral this afternoon.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate calling for information in relation to the revenue collected by James Collier, late collector of the customs at San Francisco; which was ordered to be laid on the table and printed.

Also, a report of the Secretary of the Interior, made in compliance with a resolution of the Senate calling for information in relation to the public lands in the State of Louisiana; which was ordered to be laid on the table and printed.

#### PETITIONS, ETC.

Mr. JONES, of Iowa, presented a petition of the clerks in the Washington city post office, praying to be allowed extra compensation; which was referred to the Committee on the Post Office and Post Roads.

Mr. CHASE presented three petitions of citizens of Ohio, praying that the bill commonly known as the "homestead bill," may become a law; which were ordered to lie on the table.

Mr. JONES, of Tennessee, presented a petition of ladies of Memphis, Tennessee, praying that the grounds and buildings formerly used as a public arsenal, may be granted to the "Widows and Orphans' Asylum of Memphis;" which was referred to the Committee on Public Lands.

Mr. MALLORY presented the petition of John G. Camp, late marshal of Florida, praying that the accounting officers of the Treasury may be directed to settle his accounts on the principles which now govern marshals' accounts in like cases; which was referred to the Committee on the Judiciary.

Mr. TOUCEY presented resolutions of the Legislature of Connecticut, approving of the acts of the last Congress known as the "compromise measures;" which were read, and ordered to be laid upon the table and printed.

The PRESIDENT *pro tempore* presented the petition of James P. Delacour, only son of James Delacour, praying to be allowed bounty land for the services of his father in the last war with Great Britain; which was referred to the Committee on Public Lands.

#### SHAWNEE INDIANS.

Mr. UNDERWOOD. I have been requested to present to the Senate the memorial of Blackhoof, Joseph Parks, Sar-ke-se-moe, and Spy Buck, delegates from the Shawnee nation of Indians. In this petition, which is lengthy, they set forth their relations to the United States, and refer especially to the prosecution of the claim which has been under the consideration of the Senate. They also show that in consequence of delays in obtaining their claim, upon advice, it was found necessary to employ an agent; that they accordingly employed Mr. Richard W. Thompson to assist them in the prosecution of their claim. They set forth the contract entered into with him, and the manner in which that engagement took place. Having stated all this, they proceed to state that they do not think that they could accept a patent for a hundred thousand acres of land within the bounds of the fifty miles square granted to their brethren, the Missouri Shawnees, without doing them injustice; that they are not willing to do them injustice by excluding them from any portion of the land to which they are entitled by the treaty of 1825. They conclude this long petition by asking Congress to consider the whole circum-

stances of the case, and, if they please, to make them a pecuniary compensation instead of a compensation in land.

They further state, that as they represent the whole nation, and as Mr. Thompson is the attorney of the nation, they will agree to give a receipt in full for all claims they may have against the United States growing out of the treaty of 1831. I move that the petition be referred to the Committee on Indian Affairs, and I trust that that committee will give it their careful consideration before the Indian appropriation bill is finally disposed of, and endeavor to settle the controversy now existing, if possible.

Mr. WALKER. During the debate on a previous day, on the item of appropriation concerning these Indians, I said that if the amendment then under consideration was defeated, I would offer a section proposing to set apart the 100,000 acres of land appropriated to the Ohio Shawnees by the treaty of 1831. I have drawn this section in compliance with my pledge at that time:

Sec. —. And be it further enacted, That the President be, and he is hereby, authorized and required to cause to be partitioned and set apart to those Indians heretofore known as the Ohio Shawnees in severally the 100,000 acres of land stipulated in their favor by the treaty of 1831; the said 100,000 acres of land to be partitioned and set apart within the fifty miles square granted to the Missouri Shawnees by or in virtue of the treaty with them of 1825.

I intended to offer this amendment at the proper time, but as I understand the memorial just read, these Shawnees do not desire to have the land set apart for them.

Mr. UNDERWOOD. I will repeat that they state that if the 100,000 acres is set apart to them in severally, under the treaty of 1831, they conceive that it will be doing injustice to the Missouri Shawnees, whom they regard as having a right to occupy any portion of that fifty miles square, and they are apprehensive that the Missouri Shawnees will regard these Ohio Shawnees—for I believe these persons who are here are of the Ohio tribe—as attempting to provide for their portion of the tribe improperly; and they say, in their petition, that such an act would destroy the peace and harmony existing among them at home. They are not, therefore, willing to do anything which would bring upon them the odium of that charge, and disturb the harmony now happily existing between all portions of the nation, as now amalgamated by the union of the two portions of the tribe. That is as I understand the matter.

Mr. WALKER. It then amounts to an objection on the part of the Ohio Shawnees, to have a partition of 100,000 acres set off to them. The reasons on which that objection is based, may be very good; I am inclined to think they are. But that only strengthens the conviction that rested upon my mind during the debate the other day, that they would not consent to have the 100,000 acres set off to them within the fifty miles square. In other words, they do not want the treaty carried out specifically, but they want money in lieu of it. The reason for that, I said, was very obvious, which was that interested agents might get their share of the money; whereas if land was given, they could not get anything.

Mr. UNDERWOOD. The petition shows that this agent was not employed until their claim was rejected, and they had received advice that an agent was necessary to enable them to succeed in securing the claim.

Mr. WALKER. That is usually the case. The petition was referred to the Committee on Indian Affairs.

#### REPORTS FROM STANDING COMMITTEES.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the petition of Samuel Brenton, praying that a claim allowed to T. A. H. Edwards, and erroneously paid to James McKay, may be investigated, and relief afforded to the lawful owners of said claim, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition and papers; which was agreed to.

Mr. BRODHEAD, from the Committee on Claims, to which was referred the memorial of the executors of Henry Eckford, deceased, submitted an adverse report thereon; which was ordered to be printed.

Mr. FISH, from the Committee on Naval Affairs, to which were referred the several memorials of citizens of Erie county, Pennsylvania, and the

resolutions of the Legislature of that State, in favor of the establishment of a navy-yard and dry-dock on the lake frontier, asked to be discharged from the further consideration thereof; which was agreed to.

He also submitted a report on the subject; which was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the memorial of Otway H. Berryman, praying to be allowed the amount of money paid by him in the adjustment of his accounts as purser, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

Mr. DAWSON, from the Committee on Military Affairs, to which was referred the memorial of R. M. Heath, the agent of the State of Virginia, praying that certain moneys expended by that State in organizing the Virginia regiment of volunteers for the Mexican war be refunded, submitted a report on the subject; which was ordered to be printed.

He also, from the same committee, to which was referred the memorial of the agent of the State of Georgia, praying that the accounting officers of the Treasury Department may be authorized to allow and pay all accounts intended to be provided for by the act of Congress of 11th August, 1842, "providing for the settlement of the claims of Georgia for the services of her militia, &c., when it shall be made to appear that the State has allowed and paid the same," submitted a report on the subject; which was ordered to be printed.

He also submitted an amendment in each case, which he intends to offer to the bill to appropriate money for the support of the Army, when it comes up for consideration.

Mr. HAMLIN, from the Committee on Printing, which was directed to inquire into the expediency of printing an additional number of the papers which accompanied the President's message in relation to the fisheries, submitted a report in favor of printing two thousand additional copies thereof; which was agreed to.

#### THE FALLS OF THE OHIO RIVER.

Mr. BRIGHT. The Committee on Roads and Canals, to which was referred a bill to provide more effectually for overcoming the obstruction to the navigation of the Ohio river at the Falls thereof, have had the subject under consideration, and at the same time have taken into consideration various petitions and memorials from different points of the United States to the same effect, and have directed me to make a report in writing, and ask that the bill which was referred to them be laid upon the table, and to report two bills upon the petitions referred to them. I move that the bill which was referred to the committee be laid upon the table.

The PRESIDENT. The Chair understands that a bill was referred to the committee, and they report it back and move that it lie upon the table. There were petitions of a similar character before the committee in answer to which they report two bills, which bills will have their first reading.

Mr. UNDERWOOD. Is it not unusual to report back a bill, and lay it upon the table immediately?

The PRESIDENT. The object is to get the bill out of the way, in order to take up the bills which are reported in answer to the prayer of the petitioners.

Mr. BRIGHT. I will state that the committee had a bill referred to them, the object of which was to overcome obstructions at the Falls of the Ohio river. They had also referred to them various petitions and memorials from different parts of the United States having the same object in view. The committee, after examining the whole subject, have directed me to prepare a report giving the reasons *pro* and *con* why they arrive at the conclusion that the bill referred to them should be ordered to lie upon the table, and at the same time introduce two new bills, one having for its object the transfer of the Louisville and Portland canal to the State of Kentucky, the other for the purpose of establishing a canal on the Indiana shore. Now, I apprehend it is entirely proper to ask that the bill which was referred to the committee be ordered to lie upon the table, with the view of taking up the bills which are reported by the committee.

The PRESIDENT. The Senator makes two

separate reports. The first is, that the bill which was referred to the committee be laid upon the table. That is the first question. The next is upon the petitions, in answer to which they report two bills. They will be taken up in their order, and read a first time.

Mr. UNDERWOOD. Why not report the bill back, and let it go on the regular orders?

The PRESIDENT. The Chair cannot say; but the report of the committee is to lay the bill which was referred to the committee upon the table.

The bill was ordered to lie upon the table.

The following bills, reported from the committee, were then severally read a first time, and passed to a second reading:

A bill for the construction of a national arsenal, armory, and foundry, at the Falls of the Ohio river, in connection with a public canal for the use of the army and navy, trade and commerce, and for the supply of water power for manufacturing ordinance and arms for the use of the United States; and

A bill for the relinquishment to the State of Kentucky of the stock held by the United States in the Louisville and Portland Canal Company, with a view of making that canal free to navigation and commerce.

The report was ordered to be printed.

#### TRANSFER DRAFTS, ETC.

Mr. WELLER submitted the following resolution for consideration:

*Resolved*, That the Secretary of the Treasury be directed to report to the Senate, a statement of the amount of each and every transfer draft issued since the 1st of January, 1850, on any of the depositaries in favor of other depositaries, or the Treasurer of the United States at Washington; specifying the date of each of such drafts, and the dates at which they were respectively payable and paid, to the depositaries in whose favor they were drawn. Also, the mode by which said transfers were made, stating particularly whether made in charge of officers of the United States, or by private individuals, corporate banks, private bankers, or brokers, with their respective names, or in any other manner, and the expense of making each, together with copies of all correspondence or instructions in relation to each of such drafts. Also, a statement of each and every order issued since January 1, 1850, (other than transfer drafts or treasurer's checks or warrants,) and by whom issued, on collectors or receivers, whether depositaries or not, requiring them, or any of them, to pay over money in their hands to any depositary, or to any other officer of the United States, or to any person or persons or corporations not creditors of the United States, with the date and amount of each of such orders, when payable, to whom and when paid; and by whom such orders were respectively collected, with the expense of collecting each; also, copies of all correspondence or instructions in relation to such orders. Also, a statement showing the amount and date of each of such transfer drafts or orders, if any, which were not paid at maturity, or are now due and unpaid; on whom drawn, in whose favor, with the name or names of the person or persons employed to make such transfers, or collect such orders. And if any such be unpaid, although due, what measures have been adopted to secure the amounts so unpaid. Also, if any security, and what, was given to insure the prompt payment into the Treasury, or to any depositary, of every such transfer draft or order, when made, or collected by others than officers of the United States.

#### CADWALADER WALLACE.

On motion by Mr. UNDERWOOD, the bill for the relief of Cadwalader Wallace was read a second time, and the Senate proceeded to consider it as in Committee of the Whole. It proposes to provide that the President of the United States shall be authorized and required to cause to be ascertained what lands are held and owned by Cadwalader Wallace, in that part of the Virginia military reservation which lies between Ludlow's and Roberts's lines, and south of the Greenville treaty line, in the State of Ohio, upon locations made between those lines, in conformity to the laws of Virginia, since the decision of the Supreme Court of the United States in the case of *Doddridge's lessee* against Thompson and Wright, under and in virtue of Virginia military warrants issued for services in the Virginia line on continental establishment; and that he also cause to be ascertained what amount of money was received into the Treasury from the sale of the same lands by the United States, and that he thereupon shall pay, out of any money in the Treasury not otherwise appropriated, to Cadwalader Wallace, the money so received from the sale of said lands, so as aforesaid held and owned by the said Cadwalader Wallace: *Provided*, That before such payment shall be made, the said Cadwalader Wallace shall relinquish, by deed or deeds of conveyance to the United States, in such manner as the President shall direct, his title to said lands.



# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

WEDNESDAY, AUGUST 11, 1852.

NEW SERIES.....No. 135.

Mr. UNDERWOOD. If the Senate will listen to me one minute, I will explain the whole of this matter. It is known that Virginia reserved a tract of country in the State of Ohio to satisfy her bounties promised the officers and soldiers of the Revolution. A man by the name of Ludlow was sent out at an early period to run the line. He did run it, but run it wrong, as the Supreme Court determined.

After that, a man by the name of Roberts was sent out to run the line. He ran it some miles west of the line which Ludlow had run. Mr. Wallace located his land between the two lines. The Supreme Court determined that the western line is the true one. In the mean time, however, the Government of the United States had sold out these lands to private individuals, and put the money in the Treasury. Now, the proposition is to pay the money which the Government has received to Mr. Wallace, upon his relinquishment of the claim to this land, which the Supreme Court determined was subject to the warrants. There is the whole case.

I think myself that Mr. Wallace is entitled to the interest upon the money; but deferring to the judgment of the Committee on Public Lands, who refused to pay interest, I will not move an amendment to the bill, as I thought I would. He has been applying for this money for a long time—ever since I have been a member of the Senate, and how much longer before that in the other House, I do not remember. The bill simply proposes to ascertain the quantity of land to which he was entitled, and to pay him the money, the Government having sold it pending this contest.

Mr. CASS. I would ask the honorable Senator if Congress did not pass an act some years ago, making provision for the payment of General McArthur, under similar circumstances?

Mr. UNDERWOOD. Under the same circumstances precisely. General McArthur located his warrants between these two lines; and the Government paid him a great deal more than this bill will give Mr. Wallace.

Mr. CASS. That case I think was brought before the Supreme Court, which decided in favor of the applicant, and upon that the act was passed.

Mr. UNDERWOOD. Yes, sir, the gentleman's recollection of the case is correct.

Mr. SHIELDS. If I understand the case, there was a dispute about the lines, as stated by the honorable Senator from Kentucky. Mr. Wallace claimed the right to locate his warrants on that land.

Mr. UNDERWOOD. Between the two lines.

Mr. CASS. I can state the facts in the case. The claim arises from the original Virginia grant, at the cession of the Northwest Territory, which reserved for the satisfaction of warrants granted by Virginia to her officers and soldiers in the revolutionary war, the country between the Scioto and Little Miami rivers. The reservation was made when the topography of the country was not understood. The Little Miami is much the smaller stream. The Scioto runs in a northwesterly direction, and almost encircles the Miami. Israel Ludlow, whom I knew very well, went from what he considered the head spring of the Little Miami, to the head spring of the Scioto, which took an entirely different direction from what Virginia originally contemplated; and in doing that, the claimants under the Virginia grant claimed that he went too far east—that he did not strike the head spring of the Scioto river, and consequently that he took off a considerable tract that belonged to the original grant; and I suppose it was upon that the case turned before the Supreme Court. They decided that this mistake occurred. I suppose it was upon that point that the question turned; but if I recollect aright, General McArthur's claim had been asserted and determined by the courts. I will ask the honorable Senator in what way Mr. Wallace's claim originated?

Mr. SHIELDS. That is the point I wish to inquire into. I have a perfect recollection of having examined this case formerly, when connected with

the General Land Office; and my recollection of the distinction between the two cases was, that General McArthur made his location within the time allowed by law; whereas the other applicant neglected to make his in that time; and after the land had become the property of others, he made a location, or tried to make a location, if my recollection is correct; which was set aside. Now, what I wish to ascertain is, what amount of money, what relief is to be given to this claimant, who, if my recollection be right, notwithstanding the difference of the surveys, neglected to make his location when the law authorized him to do so? What is the amount of money he is to receive?

Mr. UNDERWOOD. I think it is \$40,000, or \$50,000, or \$60,000. I cannot be more specific. It is a pretty considerable claim.

Mr. SHIELDS. My view of the case, when I examined it, was this—I recollect I examined it carefully at the time, though I forget the circumstances now—that the claimant was entitled to that amount of land in some other portion of the country. But I was opposed to allowing him money for it, or to allow the value of the land he claimed when he wanted to make his entry; for the land had improved in value, perhaps a hundred fold. Had he made his location at the proper time, the land was only of ordinary value. But it came into the hands of others, and the country around was improved. He then came forward and claimed the land which had been enhanced in value to an enormous amount. When it was my duty to examine the claim—I am not able now to go into the circumstances—the conclusion to which I came was, that he was entitled to the same quantity of public land anywhere else; but as to giving him the amount of money that is claimed, I cannot agree to it.

Mr. UNDERWOOD. I will simply state, that Mr. McArthur got land elsewhere, according to the value of his land which had been taken between the two lines. This man is very willing and anxious to receive the same measure of justice which was meted out to Mr. McArthur; but the committee refused to give land according to the value of that between the two lines. They said he might have the money which the Government got from the sale of his land. In regard to the location—it has been subject to location up to within the last two years; and a bill is now before the Senate—it has not yet passed—authorizing the time for the locating of the land to be further extended; so that there is no objection on that score. It has been time and again extended, and the time only expired about two years ago—I do not recollect precisely how long ago; but there is a bill now before this body for its further extension. Mr. McArthur got land elsewhere, according to the value of his land which the Government had appropriated; and in that way he got four or five acres for one. This individual was willing to have taken that; but the committee refused to give it. I thought that he ought to have had interest on the money which the Government had pocketed, from the time he claimed it; for the Government was in default from that time, and not till then. But the committee concluded that he was entitled to the money which the Government actually received, and nothing more; and that is what the bill proposes to give him.

Mr. HUNTER. I move to postpone the further consideration of the bill until to-morrow, for the purpose of taking up the Indian appropriation bill.

Mr. UNDERWOOD. I hope there will be no more discussion upon the bill, but that we may vote upon it now.

The motion to postpone was agreed to.

## INDIAN APPROPRIATION BILL.

On motion by Mr. HUNTER, the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, "making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with

various Indian tribes, for the year ending June 30th, 1853."

Mr. ATCHISON. I am instructed by the Committee on Indian Affairs to offer several amendments. The first is to insert the following:

*Sioux of the Mississippi.*

For fulfilling treaties with the Sioux of the Mississippi, to wit:

Payment to the chiefs of the See-see toan and Wah-pay-toan bands of the Dakota or Sioux Indians, to enable them to settle their affairs, comply with their present just engagements, for expenses of removal of said bands from the lands ceded, and for subsistence of themselves for one year thereafter, per first clause of fourth article of treaty of 23d of July, 1851, ratified by the Senate of the United States on the 23d of June, 1852.....\$275,000

or this amount, to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of the same article and treaty.....30,000

For interest, at the rate of five per centum, on the sum of \$1,360,000, per same article and treaty..68,000

For interest, at the rate of five per centum, on the sum of \$112,000, to be added to the trust fund provided for in the fourth article, being the amount allowed in lieu of the reservation set apart in the third article, containing 1,120,000 acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty.....5,600

For payment to the chiefs of the Med-ay-wa-kan-toan and Wah-pay-koo-tah bands of the Dakota or Sioux Indians, to enable them to settle their affairs, and to comply with their present just engagements, for expenses of removal of the said Indians from the lands ceded, and for subsistence for themselves for one year thereafter, per first clause of fourth article of treaty of 5th August, 1851, ratified by the Senate of the United States, on the 23d June, 1852.....220,000

For this amount to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of the same article and treaty.....30,000

For interest, at the rate of five per centum, on the sum of \$1,160,000, per same clause, article, and treaty.....58,000

For interest, at the rate of five per centum, on the sum of \$69,000, to be added to the trust fund provided for in the fourth article, being the amount allowed in lieu of the reservation of land set apart by the third article of the treaty, containing 690,000 acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty.....3,450

Amounting in the aggregate to.....\$590,050  
Provided, That no portion of the money appropriated for the purposes aforesaid shall be applied until said Indians shall express their assent to the treaty as amended by the Senate.

Mr. President, it will be observed that every item contained in the amendment which I have proposed is to fulfill a treaty stipulation. It is for the purpose of carrying out the treaty lately ratified by the Senate between the United States and the Sioux of the Upper Mississippi. The Senate made certain amendments to that treaty which the Sioux Indians have not yet assented to. I have inserted in the amendment a proviso, requiring that they shall give their assent to the amendments of the Senate before the appropriations shall be used.

Mr. HUNTER. I would ask the Senator from Missouri if this constitutes one amendment, and if it is to carry out the treaty with the Sioux which has been recently ratified by the Senate? Are all these provisions to fulfill stipulations in that treaty?

Mr. ATCHISON. I have said that they are.

Mr. HUNTER. What is the total amount?

Mr. ATCHISON. Six hundred and ninety thousand and fifty dollars.

Mr. HUNTER. I have no doubt that the Committee on Indian Affairs have examined this matter, and as I have not examined it, I shall be governed by their action.

Mr. ATCHISON. This is a conditional appropriation. If the Sioux Indians assent to the treaty as made by the Senate, this money is to be used to comply with the provisions of the treaty. These estimates were sent to me from the Department of the Interior. I have examined them, and

compared them with the treaty, and I have inserted, of my own accord, a proviso that not one dollar of the money is to be used until the assent of the Indians shall be obtained to the Senate's amendment, to the treaty.

The amendment was agreed to.

Mr. ATCHISON. The next amendment which I wish to offer, is to insert the following:

For presents to the Camanches and Kiawas, and other Indians on the Arkansas river, and to enable the President to treat with said Indians, \$20,000.

I have a communication from the Department of the Interior on this subject, but I will briefly state the reasons for the amendment, so that it will perhaps be unnecessary to read the communication. The Camanches, in very large numbers, and the Kiawas, are now, and they have been for some time past, on the Arkansas river, and certain presents are expected by them. They say they have been promised presents by Mr. Fitzpatrick, the Indian agent at the head of the Arkansas river. For the purpose of keeping the peace, and permitting trade and travel to go on uninterruptedly on the great route from the United States to New Mexico, it is deemed necessary that this appropriation should be made in order to give these presents to the Indians. I admit that it is a tribute paid for the purpose of keeping the peace; but if we can purchase peace at the expense of presents to the amount of \$20,000 with these tribes of Indians upon this route, we shall do well.

The amendment was agreed to.

Mr. ATCHISON. The next amendment which I wish to offer, is to insert—

For the Omaha Indians, \$25,000—\$5,000 thereof to be expended annually under the direction of the President for the relief and improvement of said Indians.

I have a communication from the Department on this subject, the substance of which I will state. These Omaha Indians own territory above the Council Bluffs, not far from the town called Kaneshville, on the north side of the Platte river. Directly through their country passes all the emigration to California and Oregon, by the northern route. There came on a delegation last winter making complaints to the President; they say they are a small band, perhaps three or four hundred in number, all told; that they are not strong enough to go upon the plains and subsist themselves by buffalo hunting; that they rely upon the small quantity of corn and potatoes, and other vegetables which they raise, and the game in their country for subsistence—principally upon the latter, and that now, since this immense emigration to California and Oregon has set in, passing directly through their country, it has driven the game out of it; that the emigrants destroy their timber and use their grass. They ask some compensation for this. They allege that they have always been upon friendly terms with the United States; that they have scrupulously complied with all the treaties which they have made with the Government; and that the Government has violated those treaties by permitting this emigration to pass through their country. They ask the Government to give them some compensation for five years, until they can open farms and subsist themselves by agriculture. The committee were of opinion that their demand was reasonable, and, therefore recommended the adoption of the amendment.

Mr. HUNTER. Is there a proviso, that the payment of this money shall cease at the end of five years?

Mr. ATCHISON. There is only \$25,000 appropriated—\$5,000 are to be expended annually; so that it must cease at the end of five years.

The amendment was agreed to.

Mr. ATCHISON. The next amendment which I have to propose, is based upon estimates made by the Superintendent of Indian Affairs. It is to insert:

For expenses of the California superintendency, to wit:  
Salary of the Superintendent..... \$4,000  
Salary of clerk to the Superintendent..... 2,500  
Office rent, stationery, fuel, lights, and postage on official letters..... 7,500  
Messengers..... 2,500  
Interpreters..... 3,000  
Contingent expenses, including the traveling expenses of agents in their districts..... 12,500  
Presents and provisions for Indians visiting the Superintendency..... 3,000  
Traveling expenses of the Superintendent and the necessary attendants on visits of inspection, including the purchase of animals and camp equipage..... 5,000

Furniture for Superintendent's office..... 1,000  
One iron safe for Superintendent's office..... 1,000  
Flags for distribution among the tribes..... 500  
\$42,500

Mr. President, there are two items in this amendment for which I think the estimates are very high, and which I shall propose to amend. Let me go over the estimates. The first is \$4,000 for salary of the Superintendent. That is the salary provided by law. The next is \$2,500 for the salary of his clerk. That also is the salary provided by law. The next item is for office-rent, stationery, fuel, lights, and postage on official letters, \$7,500. My impression is, that this item is very extravagant. I cannot see how the sum can possibly be expended. I consulted with the Senator from California, [Mr. WELLER,] in relation to it, and he was of the opinion, if I understood him right, that, although rent was extravagantly high in California, compared with house-rent here, or anywhere on the eastern portion of this continent—yet \$3,500 would be sufficient for this purpose. At all events, that appropriation can now be made, and if it should turn out to be insufficient, a larger appropriation may be made at the next session of Congress. I move to amend the amendment by striking out in this item, "\$7,500," and inserting "\$3,500."

The next item is \$2,500 for messengers. If these messengers be used for the purpose for which the Superintendent proposes to use them, as expresses to send from one portion of the country to the other in his communications with different agents and different tribes of Indians, I think it may be well enough, and that the sum is not unreasonable; but if the messengers are merely to be about the office, I think the amount is very unreasonable; but he has written a letter, in which he explains the matter. The next item is for \$3,000 for interpreters. That, I suppose, is as small a sum as they can possibly get along with in California. The next item is \$12,500 for contingent expenses, including the traveling expenses of the agents in their districts. I do not know what these contingent expenses are, but I have a statement here of what he supposes them to be. Let that pass. The next is for traveling expenses of Superintendent and necessary attendants on visits of inspection, including the purchase of animals and camp equipage, \$5,000. I suppose that will be reasonable. At all events, if the money is not expended, the Superintendent, being an honest man, will carry the balance to the credit of the United States. The next item is \$1,000 for furniture for the Superintendent's office. The Senate had this question before them when the deficiency bill was under consideration, and then, I believe, it was ruled that \$300 would supply the Superintendent's office with furniture; but I propose to amend this item by inserting "\$500" instead of "\$1,000." The next item is \$1,000 for an iron safe. I am not acquainted as to that, but I suppose a good safe would cost that amount by the time it could be got to California. The next item is \$500 for flags for distribution among the Indian tribes. I suppose that is not more than enough. If any Senator requires a further explanation, I will send to the Chair the estimates made by the Superintendent of Indian Affairs, which may be read.

Mr. WELLER. I doubt very much whether \$3,500, which the Senator from Missouri proposes as an amendment to the item for office-rent, stationery, fuel, lights, and postage, will answer the purpose designed. I understood the Senator from Missouri originally to intend merely to reduce the amount of rent, and I informed him in conversation that the rent of a proper office would not cost more than \$3,000; but I understand him now to propose to reduce the whole item, including rent, stationery, fuel, lights, and postage, to \$3,500. I do not know that that will answer the purpose, though I am very confident that an office can be obtained in California, even in San Francisco, at \$200 or \$250 per month; but I shall interpose no objection to the amendments of the Senator from Missouri.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

Mr. BELL. I wish to offer the following amendment:

For supplying a deficiency in the appropriations hereto-

fore made for removing the Choctaw Indians, as estimated by the Commissioner of Indian Affairs, \$37,412.

The PRESIDENT. Is that in conformity with estimates?

Mr. BELL. Precisely in conformity to the estimates furnished. I know that when this subject was up before, a question was made as to the reception of this claim as an amendment to an appropriation bill, upon the allegation that it was a private claim. I present it now in a shape which I think is conformable sufficiently and in substance to the rule, and I hope there will be no objection to it. This amendment provides for the claim of William B. Hart. His name is not mentioned, because he is really not the beneficiary. The interest in the claim is held by a number of persons, assignees of the parties concerned, because I believe, without any exception, all concerned are bankrupted by the transaction. It is a distribution, according to some equitable principles, among the whole of them; and the Department recommends this appropriation as a consideration for the interference of the Government in the removal. This is a question which has been considered during two preceding sessions, and has received the sanction of the Senate. The Committee on Indian Affairs were unanimous upon the subject. The committee prepared a report upon the subject some two years ago. The claim had been pending before the Indian Office for many years, and that Office had recommended it to Congress. The Department of the Interior has made an estimate for the payment of this sum, and it is included in the annual report of the Commissioner of Indian Affairs, under the authority of the Secretary of the Interior, sent in at the present session of Congress, and stands as a part of the annual estimates of the Indian Department for the present year.

The PRESIDENT. The Chair will read the rule, and the Senate can decide whether the amendment is in order. Rule 30 is:

"No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

It is for the Senate to decide whether or not this is a private claim.

Mr. HUNTER. I believe that on a previous occasion the Senate decided that this was a private claim, when it was offered as an amendment to the deficiency bill. It seems to me that it is a private claim. I think it very desirable that we should give some construction to this rule, which would make it efficient for the purpose designed. It seems to me that all appropriations should be considered as for private claims, except those that are in pursuance of some law, or of some treaty, or for the current service of the year. The general appropriation bills should be devoted to those objects—to carry out existing laws and treaties, and to provide for the current service of the year. You have, however, to make allowances to individuals, commissioners, ministers, charges, &c., for whom there is no previous appropriation. It seems to me very desirable that all other matters containing appropriations, should be excluded from general appropriation bills. It is necessary in many points of view. I hold that it will enable the Senate to act more understandingly upon the appropriation bills, if they are confined to provisions for existing laws and treaties, and for the current service of the year. Another reason is, that it seems to be the fairest mode of legislation between the two Houses of Congress. Why is it that gentlemen wish to get private bills upon the general appropriation bill? In order to force those private bills upon the consideration of the other House. Gentlemen say that it is useless to pass private bills here, because they are not considered in the other House. It seems to me that it is not quite fair, as between the two Houses, to use the appropriation bills for the purpose of forcing particular and favored cases on the consideration of one House or the other, and make them either pass those claims or reject the general appropriation bills. It is in some measure making them legislate under duress in relation to these things.

But the great reason, it seems to me, why this rule should be strictly construed, and why it should be absolute, is, that it will enable us, to

ward the close of the session, to understand the appropriation bills, and do no mischief when we pass upon them—that we may know what we are acting upon. But if claims of this sort are brought up, how are we to know? We are dependent entirely upon those gentlemen who present, or it may be upon those committees who present them and who have considered them, to be informed in relation to their merits. There would not be time between now and the day fixed for the adjournment to consider these appropriation bills if we once relax the rule and allow private claims to come in, because we shall then have to consider all these claims.

I defer very much to the judgment of the Senator from Tennessee; I have great respect for his opinions upon these questions, but I have not examined this claim; I do not know its merits. If the Senate determine that it is in order as an amendment to this bill, we shall have to be informed upon the merits of the claim. It will be our duty to look into it. And when shall we end this bill if we once open this door? There are a great many other private claims in relation to our Indian affairs, and if we once open the door I do not know when we shall end the bill. It is now over a fortnight since the bill was reported to the Senate, and if we open it to claims of this sort, we may expect to be engaged upon it for another week.

Mr. BELL. I put this on the ground that it is a public claim, and have shaped my amendment accordingly. I understand that there is an estimate for this amount in the annual report of the Department of the Interior, as expenditures incurred under appropriations formerly made to enable the Government of the United States to remove the Choctaw Indians from the State of Mississippi to the west of the Mississippi river, in accordance with the general policy of the Government. The appropriations made were insufficient by this amount to carry out the intentions of the Government.

I wish Senators to recollect that the main ground on which this claim rests is, that there is an estimate and recommendation by the Department that Congress should make this appropriation; that estimate contains the items of the amount for which an appropriation is demanded. I know that it is said this is a private claim; but how was that cognomen given to it? The Government, instead of employing an agent, and placing funds in his hands to go to the Mississippi and collect the wandering Indians, together with those who were settled in towns, and remove them by his own exertions, thought the most politic course would be to employ a certain number of gentlemen who professed to have much influence among these Indians, some residing in the State of Mississippi, and particularly connected with or engaged in business with the Choctaws, to remove them. A contract was entered into with these gentlemen, subject to pretty stringent provisions. The business was undertaken, and would probably have been completed successfully for the sum appropriated by the Government, but for the interference of the Government itself. The standing laws and policy of the Government thwarted the contractors and rendered the expense double what had been originally contemplated. The contractors were compelled to effect the removal under every disadvantage; they did so, and made a claim on the Government for the excess of expenditure.

The Government recognized the claim as a just one, which had arisen purely in consequence of the interference of the Government itself. It may be asked how the Government interfered? The principal charge under that head is, that they altered the law which had been made for the payment of a large indemnity under the act of 1842; and instead of paying certain land scrip, according to that act, they actually decided that they would not pay it at all, but that it should be funded; and this, after nearly half the Indians had been removed. The contractors appealed to the Government, claiming indemnification for their losses; and the Government said: "We recognize the justice and equity of your claim; we made the contract under certain circumstances, when laws of such and such a character were existing; we interposed obstacles to the execution of your contract, in the first place by not issuing the scrip which should have been paid east of the Missis-

issippi in due time, in consequence of Congress withholding and funding one half of the whole quantity of scrip; we recognize your claim to indemnity on that ground."

The PRESIDENT. The Chair is very unwilling to interfere with the Senator.

Mr. BELL. I protest, Mr. President, that I am in order in showing that this is not a private claim; that it is a public claim; that it is a claim arising out of the execution of the public policy of the Government in relation to the removal of these Indians. The law appropriated a sum for that purpose, which would have been sufficient if the Government had not altered the law. The Government have recognized the justice of this claim, on the ground of the interposition of the Government itself. I fully recognize the propriety of the rule of the Senate to which reference has been made. I do not know that I would propose to alter it, for I admit that it would not do for every Senator to rise and make amendments to a general appropriation bill in the nature of private claims. All must see that the rule is founded in wisdom, and that it would greatly embarrass the business of the Senate—indeed, that we could not progress with business—if every gentleman were permitted to introduce amendments of a private character. This claim, however, has undergone a regular examination by a committee of this body. It has been estimated for by the Department; it has been recommended as a portion of the annual appropriation, and does not, it seems to me, at all come under the head of private claims. At all events, I appeal to the Senator from Virginia if it is not frequently very difficult to discriminate between what may be called a public and what a private claim.

The general rule is a sound one: that these appropriation bills ought not to be incumbered with anything but appropriations made under existing laws and treaties, and for the current expenses of the year. Then the Committee on Finance would have nothing to do but to look over the estimates of the Department and see that the laws are complied with, and that the appropriations do not exceed what is recommended. In such a case nothing can creep into such bills that ought not to be there, and that all which is estimated is provided for. I admit all that. I admit that according to our general theory as well as our practice, we ought to be confined strictly to that. But then this is not at all in the nature of a private claim, but is emphatically a public claim arising out of the action of the Government itself. We had here an amendment which was discussed for several days in relation to the Shawnee tribe of Indians in Ohio. And what kind of claim was that? It is not a claim for the whole tribe of Shawnee Indians, but for the Ohio portion of them only. And what kind of a claim was it? It was for a money indemnity—for what? Why, for the specific violation of the terms of a former treaty. We were not carrying out that treaty, but it was designed that Congress should go into the consideration of this matter as fully and exclusively as if it were a claim in pursuance of both law and treaty. Yet that claim certainly did not come under the rule providing that nothing but appropriations for the current expenses of the year or in pursuance of law or treaty should be included in these bills. The appropriation for the Shawnees was not for the carrying out of a law or a treaty, but it was in the very face of the treaty itself; and yet that matter was discussed for three or four days. I merely mention this as an illustration of the difficulty of discriminating between public and private claims; and I think this which I now present is as public as the other. It is for the fulfillment of the established policy of the Government. We undertook to remove these Indians, and that, too, by a method which it was in the discretion of the Executive to adopt; and hence it has got the character of a private claim, because those who undertook this service were thwarted by the Government, in the first place by the Government not issuing scrip in due time, and in the second place by a change in the law itself.

If the honorable Senator from Virginia will look at all the items of that bill, I think he will find several which, if you construe this rule with strictness, cannot be made to appear to be appropriations under existing laws or under treaties. I hope that, under all the circumstances of the case, the honorable Senator from Virginia will not urge

his objections in this instance. I trust that at least he will consider this as a doubtful case, and one that should be considered as a public one according to the existing laws.

This claim comes specifically and directly under one provision made by the rule—that is, that it has been estimated for by the Department. I stated before that this matter was formerly before Congress; that it is not a new claim. For that reason I thought it would not require any particular discussion or investigation by the Senate, and that we could easily get along with it. I hope that under all the circumstances this case will not be discriminated from others where it is doubtful if the appropriation asked for is one coming under the strict construction of the rule.

Mr. HUNTER. If this amendment had come up as a particular measure on its own merits, I should not have a word to say. The Senate committee and the Senator from Tennessee [Mr. BELL] have examined this subject, and are better acquainted with it than I can be; but it is my duty to guard the appropriation bill, and preserve the rule which we have adopted, if possible. It seems to me—though I very much regret to feel constrained to oppose the proposition of the Senator from Tennessee—that if we admit this as a public claim, we shall have many others which will follow it. The Senator says that it is no more to be regarded as a private claim than that which was discussed for three or four days in relation to the Shawnee Indians. I admit that; but that Senator must remember that that provision was put in by the House of Representatives, and that the committee of the Senate proposed to strike it out. It is true that there are some items in that bill which came from the House of Representatives which would not have been placed in the bill under our rule; but they have not the same rule which we have in regard to claims of this kind, and it is our business not to guard the action of the House of Representatives, but our own action.

The Senator from Tennessee says it does not come under the rule, because there is an estimate made from the Department for it. The Senator knows how such estimates are obtained; that it is the habit to hunt up claims of this kind, and then obtain an estimate for them, and that is one reason why we get along so slowly with appropriation bills. The rule requires that no claim shall be considered in connection with a general appropriation bill which has not been estimated for in pursuance of some existing law or existing treaty, or to provide for the current expenses of the year. Is this an estimate in pursuance of any existing law or treaty? No, sir. Is it to provide for current expense? No, sir. It is a claim founded upon a mere equitable consideration, and one which strikes me as being somewhat doubtful. It is a claim founded upon the allegation that the United States failed to discharge its duty in some respects, and therefore became liable for the losses of these contractors, sustained in removing these Indians. If anything can constitute a private claim, it seems to me that it is this. It is not to carry out any law or treaty. I think if we depart from the rule under these circumstances, we shall be called upon to do the same thing in many other instances. I fear that the chairman of the Committee on Indian Affairs will be guided by the decision of this question. If we exclude this claim, I think he will not move the passage of certain other amendments. If we do away with the rule in this instance, I shall consider the whole opened to all which are meritorious, and which have come to us from a committee. If this is received, I fear that the Senator from Missouri will present all the claims from his committee which he considers meritorious.

The PRESIDENT. The Chair has read the rule. When the deficiency bill was before us, the same question was raised, and it was determined by the Senate that it was a private claim. It is now for the Senate to say whether it is a private claim when offered in connection with the Indian appropriation bill.

Mr. BELL. I wish to state that at a preceding session we decided that it was not a private claim. It was incorporated in a general appropriation bill, so that there have been decisions on both sides.

Mr. WALKER. This question seems to be involved in some doubt; but at the same time, upon reflection, I am pretty clearly satisfied that



this is a private claim. It is acknowledged that it is a proposition to make good a loss sustained in consequence of a bad contract. The Senator from Tennessee says that the bad contract arose in consequence of a failure on the part of the Government to fulfill its duty. That may be so; but have we not had a parallel case precisely, with which we have had something to do for some time? Take, for instance, the late case of the printer who undertook to do the printing of Congress. He found that he had sustained a loss, and he came here and asked to have his loss made up to him, alleging, as in this case, that the loss was in consequence of a change resulting from an act of Congress. That we at once conceded was a private claim, and we should have so conceded forever, however often it might have been estimated for by any Department. This is the same thing in principle; it is the loss of an individual, resulting, if you please, from the action of the Government; yet it is a loss of an individual, and constitutes strictly a private claim.

The PRESIDENT. When such a question has been once decided to be a private claim, the Chair chooses to put the question to the Senate whether, under the rule, this is such a claim as should be received.

Mr. HOUSTON. I have listened to the discussion this morning, I believe, without any bias of feeling, and as the Senate has decided in both ways heretofore, as the justice of the claim appears to be admitted, and as it appears to have been estimated for by the Department, I am unable to draw that distinction which would exclude a just claimant from obtaining his just rights. If there is any technical rule which would exclude him, I am inclined to set it aside. I shall vote for the payment of this claim.

Mr. CASS. I wish merely to say one or two words, for the purpose of observing that a fair construction of the rule would admit this claim, more especially, it seems to me, as, under the circumstances, there is no question about its justice. The claim arises out of a deficiency in the appropriation to remove the Choctaws west of the Mississippi; that deficiency was reported to the Government, and an appropriation for the purpose of covering it is asked for. I do not see why we should not vote for its payment as in any other case of deficiency. It is said that it is a private claim, but the fact that the money goes to A or B does not render it a private claim; on the contrary, I am strongly inclined to believe that it is one of those cases which may fairly be considered as public claims.

Mr. HUNTER. I think the position assumed by me has not been properly understood. The Department does not estimate for this claim as a deficiency in the appropriation bill, but it reports on it as a good claim which should be satisfied, in equity.

Mr. CASS. I thought the Department had regularly estimated for it. I understood the Senator from Tennessee [Mr. BELL.] to say so.

Mr. BELL. I did not understand the remark made by the Senator from Virginia, [Mr. HUNTER.]

Mr. HUNTER. I said that the estimate which has come from the Department does not put the claim in the shape of a deficiency to an appropriation bill, but is intended solely to inform the Congress that it is a good one. The claim is founded on the equity, not on the terms, of the contract.

Mr. BELL. I understand in the report of the Indian Department it will be found in the regular estimates.

Mr. CASS. Will the honorable Senator from Tennessee allow me to ask if the Department has asked for this allowance?

Mr. BELL. They have.

Mr. HUNTER. Here is the report. It begins in this way:

"Mr. BELL made the following report:

"The Committee on Indian Affairs, to which was referred the memorial of William B. Hart, have had the same under consideration, and make the following report."

That report is the one which the Indian Department now reproduces.

Mr. BELL. That is done for the purpose of showing the ground on which they make the estimate. If the Senator will go on, he will see the estimate itself.

Mr. HUNTER. They estimate only in this

way: they say that they think this party is entitled to this claim; and, being entitled to it, it will amount to so much. But it is not an estimate for a deficiency in any appropriation, that I can perceive.

Mr. BELL. The passage from which the honorable Senator read, is in an appendix explanatory of the estimate. I would like the Senate to understand that this is in the estimate. It reads thus:

"For payment to William B. Hart, assignee of contractors for the removal of Choctaw Indians from the States of Mississippi and Alabama, a balance of a claim on account of said removals, heretofore reported to be due by this office, and an appropriation for the payment of which passed the Senate of the United States at the last session of Congress, \$37,422 12."

It is therefore regularly estimated for.

Mr. HUNTER. I would ask the honorable Senator from Tennessee whether this is not a new practice of the Indian Department? Usually they confine themselves to what is necessary in the expenditures of the current year; but in this case they report on the claim as being good, and estimate for it accordingly. I think it does not come within that class of cases to which the Senator from Michigan [Mr. Cass] referred. And it is to that that I desire to call his particular attention.

Mr. BELL. There are many claims of the same kind where there have been omissions heretofore. Whether this is a new policy on the part of the Department I am unable to say; but I am inclined to think it is as old as the Government itself. There are cases, not, perhaps, like this in every particular, but in many of their features. They go back where there were recommendations years ago, and they state the circumstances under which it is done. I do not wish to do anything in violation of the spirit of the rule, but I think this is a case which you cannot discriminate from a public claim. It is true it goes to an individual, as appropriations do in nine tenths of cases. The individuals are known before the appropriations are made. Officers of the Government are individuals in the same sense, and yet you appropriate for them. But I will not further detain the Senate.

The question was then taken as to whether the amendment could be received under the rule, and a division being called for, there were—ayes 20, noes 11; no quorum voting.

Mr. HUNTER. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. MASON. I did not intend to say anything upon this subject, as I seldom interfere with matters of this kind when they are before the Senate. I am always much more willing to listen, that I may have my judgment guided by the information which is presented by others. But as the votes of the Senate are to be recorded, I will give, in a few words, the reasons why I consider this claim as not coming within the rule. I consider this rule to have been adopted with a view to guard against improvident legislation, and that it is wise and safe, as I understand it, because it is intended to prevent appropriations which have not been based upon the public legislation of the country. There are few claims upon the Government which are not private claims; but the private claims intended to be excluded by the rule, are demands upon the Government, the nature and character of which have not passed under the review of actual legislation. An equitable demand under a contract, as the chairman of the Committee on Finance has characterized this, would be a private claim, and, as I apprehend, would be properly excluded under this rule. My attention was called to this subject when an appropriation was before us on the deficiency bill. I have listened to the debate since, and I intended to say nothing upon this subject; but as the vote is to be recorded, I wish to state that this claim arises in this way: The Government passed a law for the removal of the Choctaw Indians, and by that law a contract was provided for, by which the Indians were to be removed at stated prices.

Mr. BELL. There was no law providing that they should be removed by contract, but there was a treaty made, providing for their removal, and then an appropriation followed, for the purpose of carrying out that treaty. There was no contract provided for by law.

Mr. MASON. As I understand the matter, Government made a contract for the removal of the Indians, or whether provided for or not, a contract was made which was afterwards recog-

nized and made legitimate by the action of the Government, and there was an appropriation made for the removal of the Indians. As I understand, from delay or from some other cause, more money was needed to remove the Indians. The contract was made by the Government and sanctioned by law; but the appropriation did not hold out, because of the interference of the Government in such a way as to cause a loss to fall upon the contractors. Now, when we are called upon to recognize that as a claim sanctioned by an existing law, I would ask any gentleman who considers that the claim is excluded by the rule, what the difference would be between reimbursing the contractor for the losses he sustained because the appropriation did not hold out, and providing for carrying out the contract by a new appropriation, if this question were now in progress, and we were making the first provision? As I understand, it was really an appropriation, and though it was to go to a private individual, it is in the same condition as any other public claim.

Mr. HUNTER. I think that my colleague misapprehends the facts of the case entirely. If this claim were to carry out an existing law, I should admit that it would come legitimately into the bill. If it were an appropriation to carry out a contract for which a former appropriation was insufficient, I would admit that it would be appropriate here. The facts, as I understand them, are these: the contract was not made by the claimants with the Government, but with the Indians; and the Indians were to be removed at their own expense. Scrip was to be given to the Indians prior to their removal; but in consequence of a change being made in the mode of paying the Indians, they could not satisfy the demands of the contractors, who thus suffered a loss; and they desire that the Government should make it good. This is therefore a claim on the equitable consideration of Congress, and not an appropriation to carry out any existing law. We are not called on to consider whether it is a just claim; that is not our present business. It seems to me that in the discussion of a general appropriation bill we should not be forced to go into such inquiries. The very circumstance that Senators are differing as to the facts of the case is sufficient to show what will be the consequences if we introduce such items as that now under consideration into the bill.

Mr. COOPER. I wish to say a single word. Here is a claim about the justice of which there is not a particle of doubt in the mind of any one who has examined it; but it seems that there is some doubt whether it comes within the rule which would exclude it from this bill. Where there is any doubt—and the claim is a proper and just one—I think it should be interpreted in favor of the claimant. I merely make this suggestion for the consideration of the Senate. There is no doubt whatever about the justice of this claim. It has been examined and reported on repeatedly. The Committee on Indian Affairs have had it before them two or three times, and decided unanimously that it was just; and if any doubt exists as to the interpretation of a rule, that doubt should be determined in favor of the claimant.

Mr. MASON. My colleague says that I do not understand the facts. Now, if the report of the Committee on Indian Affairs is correct, I apprehend that the misapprehension is on his part, if I comprehend his remarks. I understood the chairman of the Committee on Indian Affairs [Mr. Atchison] to say that the contract for the removal of the Indians was made, not with the Government, but with the Indians, and that the Government was to provide them with scrip to pay the contractors. As Government failed to do so, the Indians were unable to meet their obligations. If that be so, then I have misunderstood the report of the Committee on Indian Affairs in 1851, for it is there stated that "the early removal of the Indians, who still remained east of the Mississippi, was considered necessary for many reasons, and especially because it was earnestly insisted on by the people of the State of Mississippi. Accordingly, on the 3d March, 1843, the Secretary of War made a contract with Alexander Anderson, by which he agreed to remove them by water from Vicksburg to Fort Coffee."

Mr. BELL. That was the first contract.

Mr. MASON. It was a contract made by the Secretary of War. He says, the Indians "re-

“fused to go until the certificates or scrip for their lands were issued. They desired these to pay their debts. The Secretary of War promised that it should be issued in September, 1844; but the promise was not complied with. The contractors were, therefore, placed in a most embarrassing position.”

Mr. BELL. There is another contract.

Mr. MASON. It appears that this report was made in January, 1851, by the Senator from Tennessee, [Mr. BELL.]

Mr. BELL. Allow me to read a paragraph.

Mr. MASON. Certainly.

Mr. BELL. I wish to call the attention of the Senator to the following statement:

“Efforts were made for their removal under this contract, but the Indians refused to go by water, and the contract was canceled on the 4th of September, 1844. On the same day, another contract was made for their removal with Anderson, Cobb, Forrester, and Pickens. These parties were to be paid \$35 71¢ per each Indian removed.

“The Government appointed Colonel H. N. Barstow as agent to superintend the emigration, and see that it was properly conducted; and he repaired to the Indian country to enter upon his duties.

“Efforts were immediately made to remove the Indians within the time fixed in the contract, but they refused to go until the certificates or scrip for their land were issued. They desired these to pay their debts. The Secretary of War promised that it should be issued in September, 1844; but the promise was not complied with. The contractors were, therefore, placed in a most embarrassing position. By the condition of their contract, they were required to remove one thousand Indians within the year 1844, or forfeit their contract. They were, under the circumstances, compelled to furnish the Indians, at their own private expense, those articles which were necessary for their removal, relying upon the promise of the Secretary and the provisions of law, by which the Indians were to be furnished with land scrip, to repay them.”

Mr. MASON. With whom was that contract made?

Mr. BELL. It was made by the Secretary of War with the contractors.

Mr. MASON. Does this claim grow out of the last contract?

Mr. BELL. It does.

Mr. MASON. Then, as I understand, the contract was made by the War Department in the same manner as other contracts are made; and it appears that “the Indians refused to remove, both in 1845 and 1846, without their horses and oxen. The agent of the Government assured the contractors that if they would subsist them, they would be paid by the Government.” “There were, accordingly, five hundred and fifty removed.”

Now, if there is any misapprehension between my colleague and myself, I think the error must be on his part. I do not profess to be so fully acquainted with the subject as he is, and therefore rely on the report of the Committee on Indian Affairs, in a great measure, in forming my opinion. By this report I find that the contract was made with the Secretary of War, and that in consequence of the embarrassing position in which the contractors were placed, the Indians were removed at the expense of the contractors, relying on a future appropriation by Congress to cover the amount.

Mr. ADAMS. My recollection of this transaction is not very distinct, though I think I understand the manner in which the Senator from Virginia [Mr. HUNTER] misapprehends this question, to some extent. The contract was made in the manner stated in the document read by the Senator from Virginia, [Mr. MASON] for the removal of the Choctaw Indians. A law was passed by which scrip might be given them in lieu of the reservations to which they were entitled under the contract, one half to be paid to the Indians directly and the other half to be vested in Government funds, and put to interest. They made contracts with various persons in Mississippi on the faith of the half which was to be paid in scrip, and which they supposed would be paid to them there before they removed. When they were about to remove, under the contract, the Government issued an order, directing the agent not to pay over the scrip until their removal west of the Mississippi, in consequence of which order they refused to remove. After they had been assembled for emigration they refused to remove, and, finally, Government changed the contract, and undertook to pay the Indians for removing themselves; and, in some cases, speculators removed some of the Indians, and Government paid them. But Government fixed the price to be paid for their removal, and it is under the contracts arising out of the law, and

which they had a right to make, that they have sustained a loss.

Mr. HUNTER. Here is a paragraph in a report from a Department, which I will read:

“The contract for the removal of the Choctaws, in the performance of which this claim originated, stipulated, among other things, that the contractors should, in no event, set up any claim for any further allowance than what was specified in the contract; and, on this ground, the Indian office appear to have declined paying any part of the demand now made upon the Government.”

This is a claim for articles furnished to the Indians, not stipulated for by the contract; and they claim that they should be paid, because the Indians could not pay on account of the *laches* of the United States, in not giving them land scrip. That is the foundation of the claim, and it was so stated by the Department. Instead of making a claim for articles stipulated for, they make it for articles furnished to the Indians, which they say the United States is bound to pay, because the Indians could not pay, in consequence of the United States withholding the scrip for their lands.

Mr. BAYARD. I have no objection to this claim on the ground of justice, though I have not made a particular examination of it. The question arises under the rule of the Senate, and that rule, if worth making, is worth maintaining. And that rule expressly prohibits the introduction of a private claim in connection with a general appropriation. This is a general appropriation bill, and the question is not with regard to the justice of the claim against the Government, and whether any appropriation shall be allowed or not, but whether it is a private claim, in the ordinary meaning of that term. Now, if I wanted any evidence of this being a private claim, I would draw my evidence from the fact that it was presented to the Senate of the United States as a private claim, and reported as such, by the Senator from Tennessee, at the session of 1851. And the statement upon the report is, that it is made upon the memorial of William B. Hart, January 29, 1851. In that report the fact is set forth, without going into all the proceedings, in what has been read by the Senator from Virginia, [Mr. HUNTER:]

“The contract for the removal of the Choctaws, in the performance of which this claim originated, stipulated among other things, that the contractors should, in no event, set up any claim for any further allowance than what was specified in the contract; and, on this ground the Indian office appear to have declined paying any part of the demand now made upon the Government. The committee are of opinion that any damages the contractors may have sustained by the default of the Government, should be paid, notwithstanding the provision in the contract above stated.”

I would ask Senators what constitutes a private claim if it is not where the claim is made by a private citizen, in a case where, though according to the terms of a contract he would not be entitled to claim, yet because some action of the Government has tended to disarrange his plans or defeat them, he requires that the Government should compensate him? Is not that a private claim? We have now before the Committee on Private Claims half a dozen which could not possibly be discriminated from this, if this is a public claim. There is a claim before that committee for losses sustained in building the custom-house in New York. The contractor found that the measurements of the architects were not furnished in due season to enable him to carry on his work, and he consequently sustained a serious loss, according to his statement, and, in fact, according to the proof before the committee. If this is not the same in principle, if it is not a private claim, I cannot understand the meaning of words; and if it is a private claim, then the rule, if it be of any utility at all, ought to be sustained; for if you break it in one instance, and consider this a public claim, you cannot draw the distinction. While the rule remains, I cannot vote that this claim shall be received as a public claim.

Mr. BELL. An allusion having been made to a statement of fact in the report of the committee on this matter, it is necessary that I should occupy the attention of the Senate to explain what follows. Now, in substance and in truth that contract was not complied with on the part of the Government at all. It had an excellent and intelligent man, who was not interested in this contract, to see to the removal of the Indians, with due care, paying all attention to their comfort. The foundation of the claim commenced when the Government failed to pay the scrip; and the Indians had no means of paying the debts they had

before contracted with the citizens around them. The agent of the Government went there with full authority not to annul the contract, but as the representative of the Government to see to the execution of the contract; and it was upon his recommendation that these gentlemen went on in fulfilling its specifications. They avowed their inability to go on with the contract unless the Government would comply with its portion of it. Here are the documents. They are voluminous. It will take much time to go over them, but they show what was recommended to these gentlemen. There was under the assurance of this agent of the Government that they proceeded. There is not a single item which is not sanctioned by the agent of the Government. The contract was, that nothing extra should be claimed. They claimed nothing extra in the execution of the contract. The whole question, from the very commencement, may be said to have been thrown open in fact, and that these parties were persuaded to go on and expend their money out of their own pockets, and in many instances to borrow it, in order that they might purchase supplies under the assurance by an officer of the Government of its repayment by the Government. It was the policy of the Government to remove these Indians. As they had them collected together, everything required that they should be removed. It was on that ground that the Committee on Indian Affairs thought that this original clause in the contract, in regard to nothing extra being claimed, should not be enforced, for the very first step of the Government was to violate its own contract. Here are the figures to show that upon a certain day they were assembled, and that it was agreed that the scrip would be on the ground; whereas the scrip was not issued for two or three months afterwards. And so of the other items. I do not remember all of them now, but I think every one of them had the sanction of the agent of the Government. These gentlemen did not go on entirely blindly. They went on under the assurance of Mr. Barstow that it was the policy of the Government, founded on the treaty of 1830, and was confirmed by the act of 1842, and by the appropriation for their removal. The Government thought they could get these Indians removed cheaper by contract. They made contracts with these gentlemen, who were ready to fulfill them; and the Government failed to supply the means according to agreement. I think, therefore, that this case can be clearly discriminated from the kind of cases alluded to by the Senator from Virginia.

Mr. HUNTER. I desire to read an extract from the report of the Senator from Tennessee, which seems to me to place this claim upon its true ground:

“It appears that the contractors did sustain great damage, and were subject to great expense, not necessarily connected with the fulfillment of their contract, by the failure of the Government to furnish the scrip in due time, which was to have been delivered to the Indians before their departure for the country set apart for them west of the Mississippi. Of the whole amount claimed by way of damages against the Government, the sum of \$6,595 is based upon issues and supplies furnished to the Indians by the contractors, on various occasions.”

That is to say, that they make the claim because, by the failure of the Government to furnish the scrip in due time to the Indians, the Indians could not pay their debts and obligations to the contractors. Owing to the failure of the Government to discharge its obligation to the Indians, the contractors say the Indians could not discharge their obligations to them; which is precisely what I stated in the beginning; and if that does not constitute a private claim, and is not founded upon the mere equity of the transaction, I do not know what is.

Mr. BELL. I would ask the Senator whether that is not sufficiently presented there, so as to appear distinctly to his mind that those were supplies that need not have been furnished but for the failure of the Government to issue the scrip? I apprehend that has relation to the item for supplies which were furnished to the Indians when they were in encampment, or assembled together ready to remove, and that while they were waiting for the issue of the scrip which had been promised. The contractors had, necessarily, to furnish supplies which they were not bound by the contract to furnish, in furtherance of the policy of our Government still to hold the Indians together to get them to remove when the scrip should come.

Mr. HUNTER. My impression is that the

foundation of the claim was, that the Indians were bound to the contractors for supplies, and would have paid for them if the Government had issued the scrip; but the Government not issuing it, they could not pay them.

Mr. BELL. No, sir, that is not the foundation of this part of the claim; but another part, for some \$15,000 or \$18,000, is founded upon supplies furnished by these gentlemen to the Indians, for which they were to be repaid out of the scrip. But in the mean time—and they removed some one thousand or eleven hundred of them—the Government changed its policy in relation to it, and said they would not pay them scrip at all; and hence the claim.

Mr. HUNTER. I wish to be properly informed upon the facts of the case, and ask the Senator if a great portion of this claim does not arise upon the ground that the Indians could not pay their debts to the contractors, because the Government did not give the scrip?

Mr. BELL. That is the ground for a claim of about \$18,000, I believe.

Mr. BAYARD. It seems to me that the argument of the honorable Senator from Tennessee goes to the justice of the claim. I can make no objection to its justice. So far as I understand it, I think it is perfectly just; and from the knowledge which I possess, I would not oppose it if it came in a proper shape. But that it is a private claim, I do not doubt. What distinguishes it from the case I hold in my hand, which has been reported upon by the committee at this, and previous sessions—the case of Matthews, Wood & Hall, contractors with the Government for building the custom-house at New York? In the one case, the Government contracted for the erection of a public building; in the other, for the removal of Indians. Matthews, Wood & Hall make a claim, which has always been treated as a private claim, founded on the fact that the Government had not complied with the stipulations of the contract, by furnishing the measurements necessary to enable them to carry on the work. They were thrown over for the season at great expense. They claimed damages for it. It was referred to the Solicitor of the Treasury, who made an award in their favor, but no attempt was made to put it in a general appropriation bill. It came before the Committee on Claims, and they, with some reduction upon the amount estimated, reported in favor of the claimants. It is essentially a private claim, arising out of a contract made in reference to a public matter. And where is the difference here? Is not this a mere private claim for equitable damages arising, as the honorable Senator from Tennessee says, from the non-performance by the Government of a contract entered into by the proper officers? And what is that but a private claim? I submit, if the rule be preserved it is impossible, however just the claim may be—and I believe it is just—that it can be included within the rule, without a precedent for including the claim which I hold in my hand, just as much as that, or any claim of a similar character.

Mr. BADGER. I desire to contribute my mite to the consumption of this day, and to aid in illustrating the excellence of that rule which the honorable Senator from Virginia persuaded the Senate to adopt during the last Congress; a rule which no two men in the Senate understand alike, and which presents this extraordinary spectacle, that every time it is undertaken to be enforced, a day is taken up in deciding whether the amendment falls within it or not. I make that preliminary remark as the basis of the notice which I now give, that I will to-morrow move to take up the resolution which I submitted seven weeks ago, to rid the Senate of this time-consuming, mischievous rule, which occupies the whole time of the Senate upon these bills, in deciding whether we can consider questions, instead of considering and deciding them.

Having said this much, I desire to make this remark: When my friend from Tennessee offered this provision as an amendment to the deficiency bill, I said, and voted accordingly, that I thought it was a private claim within the rule, and excluded by it. I have been satisfied, in the discussion which has taken place to-day, that I was wrong, and I believe, and shall so vote, that it is a public claim, within the meaning of the rule, and ought to be received.

The question was then taken by yeas and nays

on receiving the amendment, and resulted—yeas 30, nays 14; as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bell, Brooke, Cass, Charlton, Clarke, Clemens, Cooper, Fawcett, De Saussure, Dodge of Wisconsin, Douglas, Fish, Foot, Houston, Jones of Iowa, Jones of Tennessee, Mason, Morton, Sebastian, Shields, Smith, Spruance, Sumner, Toucey, Upham, Wade, and Weller—30.

NAYS—Messrs. Bayard, Bright, Brodhead, Butler, Chase, Felch, Geyer, Hunter, King, Meriwether, Norris, Pratt, Stockton, and Walker—14.

So the Senate decided the amendment to be in order.

The amendment was then agreed to.

Mr. ATCHISON. Mr. President, under the direction of the Committee on Indian Affairs, I offer the following amendment:

For defraying expenses incident to the visit of the Pueblo Indians, and their attendants, from New Mexico to Washington, and to defray their expenses to their homes, the sum of \$7,500.

For general objects incident to Indian service in New Mexico, \$20,000.

I am informed by a letter from the Department of the Interior, that these estimates would have been laid before the Committee of Ways and Means in the House, but for the fact that the Department was waiting for the arrival of Governor Calhoun, of New Mexico, from whom they expected to obtain all the information necessary to enlighten them upon this subject. But, unfortunately, Governor Calhoun died before he reached the State of Missouri. I believe he died upon the frontier of that State. Since his death, his secretary has arrived in this city, and it is upon a letter and information furnished by him that the Department of the Interior now ask this appropriation, by way of amendment to this bill.

These Indians are a small delegation, consisting of four Indians, perhaps, and an interpreter and guide. The appropriation is asked to pay their expenses from New Mexico here, and on their return home. The general appropriation of \$20,000 is asked for the purpose of complying with promises made by Governor Calhoun, the Superintendent of Indian Affairs, *ex officio*, in that Territory, to certain tribes of Indians within its limits. The estimate made by the Secretary amounted to some \$89,300; but the Commissioner of Indian Affairs, in view of the next session of Congress being so near at hand, has cut them down to \$27,500, and it is for that sum I ask the appropriation now, by way of amendment to the bill. If any Senator desires it, the letter of the Secretary can be read.

Mr. HUNTER. I desire to ask whether this visit of the Indians was authorized by the Government, or whether they were merely sent here by an agent?

Mr. ATCHISON. I understand that it was authorized and very much desired by this Government. They are the only New Mexican Indians that ever did visit the United States, and I am told that they are somewhat advanced in civilization beyond most Indians in New Mexico. They were sent here by Governor Calhoun, Superintendent of Indian Affairs there, and it was desired by the Government; and the appropriation is now asked for to defray the expenses.

Mr. HUNTER. Did I understand that Governor Calhoun was authorized by the Department to bring them on?

Mr. ATCHISON. I so understand it.

Mr. HUNTER. If that be so, I have no objection to the amendment; but this practice of agents bringing Indians here on their own motion, ought to be stopped.

Mr. ATCHISON. It has been.

Mr. DAWSON. I know these Indians. They are very intelligent, and can read and write the Spanish language with great fluency. They are sensible and honest men. They came here for the purpose of ascertaining the character of our institutions. As the Senator from Missouri says, they are the first New Mexican Indians who have ever come to this country. I have conversed with them. They express great admiration for our people, and deep amazement at the appearance of our country and the power of the Government. They give it as their opinion that it would be vastly advantageous to the Government of the United States to get the representatives of the various tribes in the Territory of New Mexico to come here, to impress them with our kindness toward them, and give them apprehensions, too, of our power to punish them if they violate the laws of the country, or

the rights of our citizens. I have no doubt that the \$20,000 or \$25,000 which it is now proposed to appropriate, will save this Government perhaps \$250,000, or even \$500,000, by the impression we make upon these Indians, and the information they will carry back to their people. It will be recollected that they are near five thousand miles from us, subject to our control. These Indians had never seen or known anything about an engine or steamboat. They came round by Buffalo and New York, here, and are amazed and perfectly astonished at what they have seen; and when they go back home and tell their people with whom they are now associated, their moral influence will be better than the influence of all your mounted men; they feel a moral influence; and it is an act of kindness, charity, and benevolence, and of good treatment on the part of our Government, thus to act towards them. I have a full knowledge of these facts, having had a conversation with them, and the only regret I feel is, that this amount is not larger. The Indians must have some presents made to them before they return; and I was about to propose the sum of \$25,000 instead of \$20,000, but some of my friends say that we had better not change it.

It is a little remarkable that the Indians of this Territory, that has so many Indians within its limits, so many different nations of Indians—should have no attention paid to them, whilst we have appropriated so much money to others on our borders. Why, sir, it is only the skillful management of the government of the Territory of New Mexico—the kindness of that deceased Governor whose carriage can never be forgotten by the people living there—which has kept these Indians within the limits they have; and these Pueblo Indians who are here now, express the kindness which they feel towards that individual, and say that through the arrangement he made, they have been kept in peace and quietness, under the expectation that a treaty would be made by which they would be placed on the same footing as other Indians. I will consume no more time of the Senate, but hope the amendment will be agreed to.

Mr. CASS. I agree with every word that has been said by the honorable Senator from Georgia. It is vastly better to acquire an influence over these Indians by kindness, and exhibiting the power of this Government to them, than it is by going to war with them. I know personally the fact, that, taking the wilder Indians through this country, and letting them see the actual power they would have to contend with, if they went to war, has a very good effect upon them. I shall vote for the appropriation.

The amendment was agreed to.

Mr. SEBASTIAN. Mr. President, I have several amendments which I wish to offer, by the direction of the Committee on Indian Affairs. The first is based upon an estimate from the Commissioner of Indian Affairs, predicated upon an estimate made to him by the Colonel of the Corps of Topographical Engineers. It is to insert the following:

For expenses of running and marking the eastern boundary line of the Creek country, west of Arkansas, \$7,900.

That expense is rendered necessary for the purpose of fulfilling the stipulations of the treaty of 1830 made with the Creek Indians. By that treaty—by which they agreed to emigrate west of Arkansas—their boundaries were prescribed, and the United States entered into the stipulation at their own expense, to mark out, survey, and designate by sufficient monuments the boundaries between the Creek and Cherokee Indians. There are two boundary lines which ought to be run, and which, in the course of time, must be run. The recommendation of the Department, however, is to confine the appropriation at this time entirely to the designation and running and marking with monuments the eastern boundary of the Creek country—that which separates the settled portion of the Creek nation from the most populous part of the country occupied by the Cherokee Indians. It is a boundary, but a very small portion of which is marked by any natural features. The line is to be surveyed, marked, and designated by monuments in order to prevent those aggressions which sometimes willfully and sometimes without intention are continually being made upon the part of one tribe against the other. I understand it to be very much desired by the Creek and Cherokee



Indians that this portion of their boundary should be marked.

The estimate is based upon what appears to be a very correct and nice calculation of the expenses of running and designating the boundary with small cast-iron monuments, located at the distance of one mile apart, and also one at each of the angles of the boundary. I have in my possession the estimate, and I have also a communication from the Colonel of the Corps of Topographical Engineers, in which he estimates every item here mentioned, and which can be read if any Senator desires it.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment which I wish to insert at the end of that portion of the bill making provision for the payment of the Choctaws, is the following:

*Provided, That the Secretary of the Interior be, and he hereby is, authorized to examine the reservation claims of the Choctaws, known as "Bay Indians," and all those Indians in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of 1830, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of the 23d of August, 1842, and the 3d of March, 1845.*

A word of explanation may be necessary in regard to this amendment. It is unanimously recommended by the Committee on Indian Affairs, and embraces succinctly the provisions of a bill which passed the Senate without any question, I believe, some time since. It is general in its character, and embraces a solitary remnant of Choctaws who have never been provided for under the treaty of 1830. A portion of the provisions of that treaty authorized such Choctaws as chose to remain in the country, to take reservations of six hundred and forty acres each. That provision of the treaty was complied with, in respect to a large proportion of those who chose to remain. But there was a portion who did remain in the country who signified their intention of claiming reserves and become citizens of the States, who made application before the Board of Commissioners constituted for the examination of their claims, whose claims were examined, and testimony taken in regard to them; but according to the report of the Commissioners themselves, it is shown that the time for the sitting of the Commission expired before they were able to render up the formal decrees in the case. The entire records of their proceedings are on file in the office of the Commissioner of Indian Affairs.

The amendment which I have offered is intended only to include those Indians who were not provided for, in consequence of an omission over which they themselves had no control, and whose names are embraced in the records of the Commission on file at the Indian Department. It embraces no new case; it provides for the adjudication of no new class of cases; it introduces no new class not provided for in the act of 1844, and the subsequent act of 1845. I believe that no one who has ever looked into the case, has entertained the slightest question as to the justness of this provision. If it be desired by any Senator to have a more accurate knowledge of the circumstances, the Senators from Mississippi, who are personally cognizant of the history of this transaction, from its inception to its termination, will be able to give a most lucid and satisfactory explanation of it. The amendment provides for the payment of no money; but only for the issuing of scrip to these Indians as it was issued to other Indians coming within the same class, under the laws of 1842 and 1845.

The amendment was agreed to.

Mr. SEBASTIAN. I am directed, also, by the Committee on Indian Affairs, to offer the following amendment, to be inserted in that portion of the bill which provides for the payment of the Seminole Indians:

*That the Secretary of War be directed to pay to each of the survivors, or to the heirs of those who have died, of the Seminole warriors who were mustered into the service of the United States, at Fort Brooke, in December, 1835, an amount equal to three months' pay and allowance of a private soldier in the Army of the United States: *Provided, That the amount so paid shall not exceed \$3,870: And provided, also, That such amount paid shall be in full of all claims of said friendly Seminoles, during the Florida war, for compensation and for indemnity on account of losses sustained.**

This amendment is for a small amount, and is intended for the payment of one hundred and

twenty-nine Seminoles, who were mustered into the service of the United States in the Seminole war of 1835-'36. The reason why they were not paid, was that the original muster-roll was lost. The report which the committee have made in regard to the case, states that there were one hundred and twenty-nine Seminoles, who were mustered into the service of the United States on the order of Major General Gaines; and the only difficulty was to ascertain what was the period of service for which they were engaged by the United States.

I believe that the Senator from Tennessee, [Mr. BELL,] now a member of the Committee on Indian Affairs, once had this subject under his charge, and according to a statement made by one of the officers of the Army, it is understood that he reported that there were a less number of Indians engaged for one month. Since then, however, the letters and certificates of the officers, who had these Indians in charge in the Florida war, have been obtained, by which it is found that the precise number mustered into service by Captain Sanders, in December, 1835, was one hundred and twenty-nine; and that they held themselves in the service of the United States, and were actually engaged in the service from that time till the 1st of April, 1836, when they were emigrated by the United States to the western boundary of Arkansas. The only difficulty that ever presented itself was as to the number that served and the length of time they served. The commanding officers certified that the Indians were undoubtedly entitled to pay; and the amendment which I have offered places them upon precisely the same footing with the other soldiers of the United States. It gives them the ordinary pay and emoluments of a private soldier for three months. I believe that there was among the papers a complete roll of the Indians, which was taken from the original muster-roll. That, however, was lost and could not be obtained.

There were in addition some other losses which these Indians suffered in consequence of their fidelity to the United States. These are not embraced in this amendment. But the Indians are required to release those claims before this payment is to be made to them. I believe there is no fact upon which their right is based about which any question can be made. The evidence consists entirely of the certificates of the military officers who had the Indians in charge, which are on file in the Indian Department. The principal certificate is that of Captain Casey, who, on the 23d of January, 1847, certified, that on or about the 31st of December, 1835, the friendly Seminoles were enrolled by him, under the order of Brevet Major F. S. Betton; that the number enrolled was one hundred and twenty-nine; that their services were rendered whenever required until about the period of their emigration in April, 1836. He also states that they were armed on being enrolled; that they furnished details to assist in guarding the fort whenever the hostiles approached; sent out spies and scouting parties regularly, and frequently had several conflicts with the enemy; furnished a guard for cattle, &c. The certificate states the length of service, and its character—that it was a very irregular and dangerous service on which they were engaged. I believe I have now given a short and succinct statement of the claim, which I presume will be satisfactory.

Mr. HUNTER. If the Indians were mustered into service at that time, why were they not paid?

Mr. SEBASTIAN. As I stated, the original muster-roll was lost; and the facts of the case, which the committee have stated, have been derived from a certified transcript of one of the rolls obtained, I believe, from the private possession of one of the officers, Colonel Betton, who was in command. It appears that these Indians were enlisted by order of Major General Gaines. One thing is certain, they have never been paid. Such is the statement from the War Department. The estimate upon which this amendment is based comes from the Paymaster's Department, and I presume there can be no question as to the fact of service having been rendered, and there having been no payment for it.

Mr. CASS. Before I vote for this amendment I should like to be satisfied in regard to one point. This transaction occurred a great many years ago, and I do not understand why the claim was not brought forward before. We ought to look with

suspicion upon these old claims. The certificate read by the honorable Senator from Arkansas is not entirely satisfactory to me. It would seem to me that those Indians were a kind of minute-men who went out occasionally, and yet were not actually engaged in the service. I did not hear the certificate distinctly; but I think it stated that whenever these Indians were wanted they made their appearance, and were sent out; but it was not stated that they were in actual service. I may have misunderstood the certificate, but that is my impression, that they were not regularly on the muster-roll, as men who are mustered into the service and mustered out of it. There should be some such certificate as that to authorize the payment. I think that is a very loose memorandum from which the Senator has read.

Mr. SEBASTIAN. The report in this case is a very short one. It refers to official documents. If Senators will hear it read, I think it will satisfy their scruples. I therefore ask that the report be read.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the petition of Holata Emathla and other Seminoles, for compensation for services rendered during the Florida war, beg leave to report:

That the evidence before the committee shows, that when the Florida war broke out, a party of friendly Seminoles were assembled at Tampa Bay for emigration. That about the time of Dade's massacre, the garrison at Fort Brooke being small, and surrounded by a large Indian force, the officer in command armed and enrolled a number of the friendly warriors, and put them on the defensive as auxiliaries.

In February, 1836, seventy-five or eighty of these warriors, by order of Major General Gaines, proceeded with that officer to the With-la-coo-chee, under the immediate command of Captain W. G. Sanders. After an absence of one month in this service, they returned to Tampa Bay, and in April, 1836, the whole party was removed to the Indian territory west of Arkansas, by an agent of the Government.

These facts are established by the testimony of Colonel Betton, of the Army, and of Captain Sanders, the officer in charge of the detachment under General Gaines, corroborated by the certificate of the latter officer, and of Captain Casey. The officer under whom these Indian volunteers served, all concurred in certifying that they were all entitled to pay. The only question is, how many are to be paid, and for what time?

The original muster rolls appear to have been lost; Colonel Betton, who first engaged their services, says, in a letter to the War Department, dated July 16, 1848, twelve years after the occurrence: "I armed some fifty or sixty of the hands under the above chiefs," (Holata Emathla and Black Dirt.) He adds, "I believe they were regularly mustered, and perhaps Captain Casey, now of the Subsistence Department, who spoke the Seminole language well, may have performed that duty. Such rolls, however, may have been lost," &c.

On the other hand, Captain Casey himself certifies, on the 23d of January, 1847, that on or about the 31st of December, 1835, the friendly Seminole warriors were enrolled by him under the order of Brevet Major F. S. Betton, and that "the number enrolled by me on December 31, 1835, was one hundred and twenty-nine, and that their services were rendered whenever required, until about the period of their emigration in April, 1836." He also states that they were armed on being enrolled; furnished details to assist in guarding the fort whenever the hostiles approached; sent out spies and scouting parties regularly and frequently; had several conflicts with the enemy; captured several of the hostiles; furnished a guard for cattle, &c., &c.

Major General Gaines states, that seventy-five of these Indians were with him for one month, on the expedition to the With-la-coo-chee, under the command of Captain Saunders, and are entitled to pay for that time.

The War Department furnishes a list of eighty warriors, as having served with Captain Sanders during the time specified by General Gaines.

Captain Sanders certifies on a duplicate of the War Department roll, that about the time of General Clinch's first battle, the friendly Seminole warriors, then at Tampa Bay, to the number of one hundred and twenty, were taken into the service of the army by Major F. S. Betton, and assisted in the military defense of that fort and region; that several of them were killed and wounded in that vicinity, and that seventy-six of the hundred and twenty proceeded under his command to the With-la-coo-chee, by order of General Gaines; that he cannot tell which four of the eighty on the roll were not with him, and that "it was of no consequence," well knowing that "all of the hundred and twenty were in service, and that all ought to have been mustered and paid for their services."

The committee are of opinion that the evidence shows that but seventy-six of the friendly Seminoles were in service under General Gaines. But it cannot be doubted that those who were retained at Tampa as auxiliaries by Major Betton, and performed then the services described by Captains Casey and Sanders, are equally entitled to pay.

As to the entire number in service, the precise statement of Captain Casey, who mustered them, confirmed as it is in a great measure by Captain Sanders, is more likely to be correct than the more vague account of Major Betton. Captain Casey says he mustered one hundred and twenty-nine; he also certifies that their services were rendered whenever required, until about the period of their emigration in April, 1836. According to the statement of this officer, who seems to have had the Indians specially in charge, one hundred and twenty-nine warriors are entitled to pay for at least three months' services, from December, 1835, until April 1836.

Reliable information has reached the committee that these Indians rendered themselves, by their adherence to the United States, peculiarly obnoxious to the hostile Seminoles, and that they lost, in consequence, a good deal of property in the shape of cattle and horses. Up to this day they have never received from the Government any indemnity for losses, or pay for their services. The treaty with the Creeks and Seminoles, of January, 1845, unfortunately cut them off from all hope of obtaining indemnity without making any provision in their favor. This fact presents an additional reason for a prompt and liberal adjustment of their claim for pay. The committee, therefore, recommend an allowance of three months' pay to the one hundred and twenty-nine warriors mustered by Captain Casey; and herewith submit a bill for that purpose.

Mr. BRIGHT. By whom is that report made?

The PRESIDENT. By the Senator from Arkansas, [Mr. SEBASTIAN,] from the Committee on Indian Affairs.

Mr. HUNTER. It seems to me that this is a private claim; but I suppose that, from the recent decision of the Senate, they do not mean to regard that rule any longer. It strikes me, however, that if we go into this sort of legislation, we ought to throw some additional guards about it, in order to ascertain that the payments be made to proper persons.

The question being taken on the amendment, there were—ayes 16, noes 16.

So that it was rejected.

Mr. SEBASTIAN. The Senator from Mississippi, [Mr. ADAMS,] voted in favor of the amendment after the eye of the Chair had passed him, and he was not counted.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The decision has been announced; the Chair therefore thinks that it is too late to make any question as to it.

Mr. SEBASTIAN. The next amendment which I wish to offer is to insert the following:

For expense of compiling a map, under the supervision of the Commissioner of Indian Affairs, for the use of the committees of the Senate, showing the present boundary of the Indian territory, and the location of the various Indian tribes within the United States, \$300.

The amendment was agreed to.

Mr. SEBASTIAN. I have one other amendment to offer. It is to insert:

That the Secretary of the Interior be authorized and requested to ascertain the names of those Cherokees residing east of the Mississippi river who were entitled to, but not paid their *per capita* allowance under the treaties of 1835 and 1846, and cause to be paid to them the like amount as was paid to the others entitled: *Provided*, That the number shall not exceed sixty; and the sum necessary for that purpose is hereby appropriated.

A word of explanation as to that amendment. I perceive the chairman of the Committee on Finance is about making an attempt to get the floor. I am not at all astonished at it; for I believe, whenever the name "Cherokee" is mentioned, there is an involuntary shudder which seems to disturb his sensibilities. I have, therefore, some misgivings for the success of the amendment. It, however, embraces a small class; and I shall, after a few words of explanation, leave the amendment to the Senate. I will state the facts briefly.

I believe it is in the recollection of the Senate, that about two years since we appropriated, upon a final settlement with the Cherokees, some million and a half or two millions of dollars, said to be due them under the treaties of 1835 and 1846. In the administration of that law, however,—in the payment and distribution of that money, some of the Indians were omitted. As a matter of course, it was supposed there would be some defect in the execution of the law. In the first place, the sum appropriated to the Cherokees had to be divided between those east and those west of the Mississippi, after the division was made according to the census taken under the authority of the Commissioner of Indian Affairs. The number of those residing east of the Mississippi was ascertained, and an amount of money sufficient to pay them their proportion was dispatched to the pay agent, who distributed it among those who had been placed upon the pay-roll by the agent who had been directed by the Department to take the names of the Indians. There were, I believe, about two hundred who made application to go on the roll as Cherokees, who were decided by the agent not to be entitled, and were rejected. No provision is of course to be made for them. Their appropriation is an adjudicated matter, and it may be their misfortune, but it is certainly one not to be remedied. There were others who, in consequence of circumstances which Senators can easily imagine, were not placed upon the rolls—those who were

living far from the place where the Indians were convened, who escaped the notice that was given by the agent, a small number of whom were induced to believe that by accepting the distribution they waived their right to some extraordinary pretensions which they had set up under the treaty of 1835 to lands within the limits of North Carolina. These constitute only a few, and I understand from the best estimate that can be obtained, that they will not exceed sixty. These persons were evidently entitled under the treaty, but the fund which was appropriated for them has been exhausted, and the question is, whether we will make an additional appropriation for the payment of those persons, or leave them in their present situation?

The Committee on Indian Affairs took this question into consideration, and believed that, inasmuch as there were so few of these Indians, it would be better to pay them (although it should be done out of the Treasury of the United States) the amount to which they were entitled under the treaty, and which they had not been paid by the disbursing agent, rather than to be importuned by a claim which they were certain would never die. Most of these persons have made their application in writing to the Commissioner of Indian Affairs. Of course there could be no response to them, except that there was no money on hand. Statements made out by gentlemen from North Carolina and Georgia and Alabama have rendered it certain that there are not existing sixty of these persons; possibly not over thirty.

The amendment, however, limits the number of Indians to whom payment may be made to sixty. I believe that number will embrace the full amount. It lies entirely within the discretion of the Senate whether they will make a provision for the payment of these sixty additional Indians.

I am of the opinion, that in the execution of the law involving the disbursement of so much money as that of the appropriation under the Cherokee treaties of 1835 and 1846, we have been remarkably successful; and it presents a very rare instance of the perfect execution of a law with so little complaint. If in the disbursement of about \$2,000,000 among fifteen thousand or sixteen thousand Indians we have only overlooked or escaped some fifty or sixty, we have been remarkably fortunate.

As I before said, these Indians are evidently entitled to an allowance under the terms of the treaty. Their interest is *per capita*—an interest which we have always regarded as vested, and which could not be paid to others. There is no fault at all attributable to the pay agent, or the agent who was directed to ascertain the number of the Indians. He undoubtedly performed his duty with as much skill and as much fidelity as could be expected under the circumstances; and, considering all things, he has succeeded remarkably well in the accuracy with which he made out this roll.

I present this case with the considerations for, and those against it, and the Senate can decide whether, under the circumstances, they feel authorized to make an additional appropriation to quiet, probably, the last clamors with which we shall be importuned in reference to the execution of this treaty.

Mr. HUNTER. Mr. President, I should like to know from the Senator from Arkansas whether the adoption of this amendment will not amount to a virtual repeal of the provision made in the last appropriation for the Cherokees that it should be a final settlement? because if we reopen it as to these Indians, how can we refuse to reopen it unto the others? How do we know that there may not be other claims?

Mr. SEBASTIAN. I would say to the Senator, that so far from opening what was certainly intended to be understood on all sides as a final settlement, this amendment acknowledges the finality of that settlement. As I said before, if this amount of money be paid, it is a gratuity over and above the amount due to the Cherokees under the treaty. There was so much money due to the entire Cherokee nation—to be distributed *per capita*. Unavoidably, in the distribution of that money, fifty or sixty persons, according to the best evidence before us, were omitted to be placed upon the pay roll, who were evidently entitled under the treaty. As I said before, the fund is gone. There is no pretense that any more is due them; and I think it is a question of policy on our

part whether we will pay this small additional sum to quiet what I think will be the last demand upon the Government arising under this treaty. I am of opinion that we had better pay this small amount of money as a gratuity, in order to fulfill literally the terms of the treaty, than to be continually importuned with these claims, which we know have an immortality.

Mr. BELL. The only difficulty I see about this matter is, as to the mode of ascertaining who these eastern Cherokees are. It is some fifteen or sixteen years since the treaty was made; and I am satisfied that under the appropriation which was made some time ago to the North Carolina Indians, a great deal of fraud was practiced in the ascertainment of the Indians who were entitled. I forget what those frauds were; but I know that, as a member of the Committee on Indian Affairs, I had occasion at one time to look into it, and I found that every sort of claim had been trumped up from the year 1835 to the time that the examination was made. Claims were set up for alleged heirs of Indians who had been extinct for years—claims depending upon very uncertain proof.

Now, I have no objection at all to make an appropriation to pay the *per capita* allowance under the treaty of 1835 to all who shall be, with reasonable certainty, ascertained to be entitled to it. The difficulty is to ascertain now, after this lapse of time, who are entitled. I do not know whether it is a fact, but I have heard it said that some Cherokees have returned from the west to the east occasionally, and set up some of these claims. That was an allegation under the former examination.

I make these remarks for the purpose of calling the attention of the Senator from Arkansas and of the Senate to the propriety of making some amendment to the amendment, by which this claim shall be ascertained in such a way that we shall think there is some security that we shall not have to pay a large batch of claimants who are not entitled. I know that a great many claims would be set up in that country, founded upon a very little evidence. Cunning, ingenious white men may go among the Indians, and for the purpose of putting something into their own pockets, they can get up almost any number of claims, and get the Indians to allege that they are entitled. And unless provision is made for a very close examination of the claims, I think we are likely to have a fraud practiced upon us.

It is true, as stated by the Senator from Arkansas, that this claim will not lead to the expenditure of a large amount of money; but I would suggest that some provision be made, by some alteration in the amendment, to remedy the evil to which I have alluded. I understood the Senator to state that there were applications from some of these Indians in writing, claiming these sums. Now, if the Secretary of the Interior should take it for granted that all these are valid claims, in regard to which applications have been made in writing, I do not think it would give any assurance of truth. I think if provision was made that the Secretary should send an experienced officer of the Indian Department to make that examination in the country—one who had knowledge of the frauds formerly practiced, we should then have some assurance that all would be right, or at least as much assurance as in the nature of things we could have. There are some officers in the Indian Department who could make such an examination. If Mr. Mix, for example, were sent on such a mission, I should have the greatest confidence that he would eviscerate the facts as far as he could with reasonable scrutiny. But, then, we ought to enlarge the appropriation and pay the agent for his expenses, and if necessary, give him some extra compensation. I believe Mr. Mix is only a clerk, receiving a moderate salary—I do not know what it is. But, if some such officer as he were to go, I should feel some assurance that we should be called upon to pay no more, or not much more than was due, for I know that some frauds will be practiced under any circumstances.

Mr. SEBASTIAN. The suggestions of the Senator from Tennessee are entitled to their weight, and are considerations which legitimately arise out of the nature of this case. It is very true that the amendment ought to be guarded in such a way as to prevent frauds arising in the administration of this small amount of money; for it is undoubtedly true that if temptation is held out, or

any door is left open for the perpetration of frauds, there is nothing in the character of the Indians, and the unscrupulous white men who go among them, to warrant us in believing that a great many frauds will not be perpetrated as long as the Treasury is laid open to their applications.

In speaking of these applications being in writing, I was probably not understood by the Senator. Many of the applications have been in writing—complaining that these Indians were not placed upon the pay roll. I do not say that all of the applications have been in writing; on the contrary, I know that many of them have not been. Many of the Indians are known to be in existence who, from unavoidable circumstances, were omitted in the pay-roll which was made out under the authority of the Commissioner of Indian Affairs. I learned the names of a number of them—some from a Representative from the State of Georgia, in the other House, a portion from a Representative from the northern part of Alabama, and some from the declarations and statements made by the pay agent who went there, and who was satisfied, from the applications made to him, that there were genuine and *bona fide* Cherokees clearly entitled, who were not embraced on his pay-roll, and who would have been paid, but for the fact that their names were omitted from the roll.

I would state further, for the information of the Senator from Tennessee, that there is, I think, one means of identifying every genuine Indian entitled under the treaty of 1835; and that is, the census made out by the terms of that treaty, upon which all who were genuine Indians were required to be enrolled for the very purpose of receiving the benefits of the treaty, and for the very purpose of avoiding any difficulty about the identity of the persons who were to receive payments under the provisions of the treaty. That roll, generally called by the Indians the roll of 1836, is now in the archives of the Indian office.

It may be true, and I have no doubt such is the fact, that some of the western Cherokees have emigrated back to North Carolina. But they have been paid, and the names of those who have been paid are on the pay rolls of the agents who have distributed the money under the treaties of 1835 and 1846. So that I do not apprehend any difficulty on that score. I am perfectly willing to receive any additional amendments to confine this appropriation to the very small class for whose benefit it is intended. I shall receive, as a favor, any suggestion which will end in the incorporation of a proper amendment. An amendment has been sent to me by a friend, which, as far as it goes, meets my approbation, and I therefore move to amend the amendment which has been offered, by adding the following proviso:

*Provided*, That no Indian shall receive any payment under this section who has already received what he was entitled to under the said treaties.

Mr. HUNTER. There is one argument urged by the Senator from Arkansas in relation to this claim, which carried weight with me. He says, we know these claims are immortal, and that they will ultimately pass—that if the claim is made, it is as well to pay it at once. I think experience shows that there is much in this argument. I know of none of these claims which do not ultimately pass. It seems to be almost a waste of time to resist them. We have a full Treasury, and it seems to be the determination to expend what is in it.

I had hoped that this Cherokee matter was closed when the last appropriation was made and pronounced to be a "final" satisfaction of their claims. We are reopening it now as to persons, and it will not be long before we shall reopen it as to claims, for the purpose of letting in other claims than those originally designed to be provided for. These are some of the fruits of the practice that commenced, I think, in relation to these Cherokee treaties—the practice of going behind the treaty itself for the purpose of ascertaining what were the parol declarations of the agents and commissioners at the time the treaty was made, and the attempt to execute, not what the treaty provided, but what might be proved by interested persons—what the agents themselves had declared, and whatever understanding they might set up in relation to it. I have no doubt, sir, that the adoption of this amendment will in the end serve to reopen the matter still further; and I have as little doubt

that what the Senator from Arkansas says is true, that the claim will ultimately be allowed, and I do not know that we gain anything by resisting it.

Mr. WALKER. Mr. President, if I were called upon, I should state deliberately that the Senator from Virginia, chairman of the Committee on Finance, is one of the most amiable and imperturbable men I ever met with in my life. Why, he speaks of this matter in kind terms, as if we never had known of these Indian claims before. We were called upon for a large amount, on a former occasion, in favor of these Indians, and an extended discussion took place upon it, and at last it was concluded that we would go the whole bait, swallow it all; and that we might deem ourselves as finally rid and clear of it, we put in a "final settlement" clause, and said that it was an end of the matter; that it was in final satisfaction of all the demands in favor of these Indians against the Government. But one brief session of Congress passes away, and so far from its being a settlement, up comes individuals presenting their claims and asking that we shall open this "final settlement"—shall go into a reinvestigation of the matter—shall ascertain who have any claims that were not ascertained, and pay them. Why, sir, this is very extraordinary.

The Senator from Virginia is certainly right that this is an outrage upon the generosity of the Senate. But he speaks of it kindly; and he concludes that, as these claims are immortal, and will be paid, we might as well surrender at first as at last—come down and pay the money, and, if possible, get another receipt. Now, for my part, I am disposed to stand by what we have done heretofore, rely upon the receipt we have heretofore taken, and say, on this occasion, to the Committee on Indian Affairs, "We will not deviate from the receipt we have formerly taken—we will not reopen these matters—we will not appropriate any more money for this purpose." If the Senate will do that, it occurs to me that we shall hear nothing more from the Senator from Arkansas in regard to the Cherokees; for he has certainly spoken of them to an extent hardly endurable by any other condition of the nervous system than that of the Senator from Virginia. [Laughter.] The Senator from Virginia seems to bear it patiently; but I wish that he would stand up a little more, and stand firmly, until he finds that he will have to yield.

Mr. HUNTER. The Senator mistakes me very much if he supposes that I intend to vote for the amendment. If he wishes to arrest it, he had better give me a little of his assistance.

Mr. WALKER. I am doing so.

Mr. CHARLTON. I do not know anything in reference to the original consideration; but I do know this: that I have received communications from Georgia—which I know to be correct—from persons who state that this whole difficulty arose in consequence of the want of proper advertisement to the Indians who were entitled to the money. These advertisements were not made in the public press; but they were made at cross roads and divers other places; and persons who were entitled to the money, knew nothing at all about it. Now, surely they should not be prohibited by any terms in that treaty in reference to its finality, from coming in to receive that which is justly due to them, and which has been acknowledged by the Government to be due to them. The difficulty arises exclusively out of the fact that they have not been advised that they were entitled to this claim. I am sure that is the case in one instance, and I dare say it is in others. If that be the case, where is the necessity, where is the justice of refusing this appropriation?

I hope my friend from Virginia will continue to have the amiable disposition which the Senator from Wisconsin has attributed to him, and that he will not resist the claim. It is a small amount, but it is of very large consequence to those interested. Nothing has been said against its justice. The whole difficulty has arisen because the parties entitled were not properly forewarned of the time when, and place where, they should come forward and make their claims known.

Mr. CASS. I do not see why the principle of this amendment, if carried out, should not apply to all payments to Indians of annuities where they are required to be paid *per capita*. Indians might come forward and say that they were not advertised of the payment of an annuity, and therefore

did not receive their *per capita* allowance, and demand it of the Government. I do not see why this principle may not apply to every case, if it can be applied to this case; and if it does apply, almost every Indian will say: "The agent was mistaken; I did not receive my proper annuities; I could not go there and get payment. You undertook to give so much *per capita*, but you did not comply with your contract. I have not got my allowance." Besides, it appears to me that the whole facts of the case are entirely too loose to warrant legislation. If we can make this provision for sixty men, why not extend it to six thousand men, on the same ground? I am opposed to it.

Mr. BADGER. Mr. President, I take this occasion to say that I have listened to this discussion with great satisfaction, because it has brought me to the conclusion that I can, without violation of my conscientious feelings of right, vote for once with the Senator from Virginia against an appropriation. I do it with great pleasure; and as we all have some strong interest in maintaining him in his health and popularity, I call upon the Senate to unite with me and others in voting down this amendment as an encouragement to the vigilance of the chairman of the Committee on Finance.

Mr. CHARLTON. I have only one word more to say. The Senator from North Carolina, I admit, is a very liberal man in reference to claims generally; and I only wonder that he has turned round now at the time when he should hold on strongly in the cause of right and justice. If a bill were passed making an appropriation to the members of Congress—I grant you, as we are keen and astute in reference to our rights, constructive mileage and others—it would be very proper that, after two or three years, if we had not made our application, we should be refused payment. I apprehend, however, that that case, unfortunately, never will arise. But here is a case where you are going to make payment of a certain amount of money, and you are not forewarning the beneficiaries of the time and place at which they should come and receive it. If this claim is just, I ask Senators if there is any reason to call it a stale claim, when you have never notified the individuals of the place where, and the time when they should come forward and receive it?

Why, sir, one of the objections to Caligula was, that he posted his laws so high that nobody could read them. But this is worse still. You pass laws; you put them in your statute-book, and expect the Cherokees and their descendants to read them, and do not give them a chance to do so. But you send your agent there, and, like Caligula, he sticks up his notices upon some of the cross-roads; and when these people, forewarned now for the first time by being refused payment, present their claim, we are told that it is a stale claim.

I hope my friend, the Senator from North Carolina, will go with me in this matter, and not sustain the Senator from Virginia. I know it is the business of the Senator from Virginia—and he does it faithfully and truly—to look closely into all these claims; but why this extraordinary vigilance over this small claim? I ask Senators if they believe this claim to be just? and if nobody can gainsay what I said, (and which I said, I think, on proper authority,) then this claim is just, for the proper notification was not given to these Indians, and they should not be thrown aside from the Treasury of this Government in consequence of the acts of the Government itself.

Mr. CASS. The Senator from Georgia will allow me to say, that I think he misapprehends the condition of these Indians. I do not believe the fact, that there ever was to be a payment of money to any Indian tribe whatever, which was previously made known to the tribe—that they were not all there to receive it. The fact that there is money to be paid operates upon them like the fiery cross did upon the Scotch. They come from one end of the land to the other, and present their claims. It is utterly impossible, I think, from my knowledge of the Indians, to keep from them the fact that money is to be paid. They will all know of such a thing.

Mr. SEBASTIAN. A word in reference to the suggestion of the honorable Senator from Michigan. Every word that falls from that honorable Senator in connection with appropriations for Indians of course receives a consideration here



entitling it to more than ordinary respect. But that honorable Senator will allow me to say to him that here was an investigation spreading over the territory of four States, and embracing hundreds of Indians, many of them thirty or forty miles apart. In the first place, an agent went for the purpose of ascertaining the number of Indians; and afterwards another followed in his wake with the money of the Government for the purpose of paying them. The declaration that that Senator has made, founded upon his knowledge of the Indian character, was true. The Indians were all round the pay table. They were there complaining that their names had not been placed upon the roll by the previous agent, whose duty it was to identify them. The Indians could not be paid unless their names were upon the roll. But true to the instincts of the Indian character—and it illustrates the truth of what the Senator says—they were there.

But there is another feature in this case which astonishes me more than anything else I have ever met with as a member of the Senate. The duties of the Committee on Indian Affairs are at best but a thankless task; and in the investigations which they make, they do it independent of those auspices, considerations, and soft influences which too often pervade the Senate, and which advocate by arguments, too frequently irresistible, the adoption of measures which are enforced by more powerful considerations. But the Indians are a dependent people, without political power or patronage, who come here always as suppliants upon the generosity and justice of the Government; and when we give a patient investigation to one of their claims, and report it as worthy the favorable consideration of this body, there are some who pounce down upon it with that kind of opposition which seems to argue that everything connected with Indian affairs is necessarily rotten in its incipency, and corrupt in its history throughout.

But that is not the circumstance to which I particularly allude. It is, that the distribution of this small appropriation is to be in North Carolina, and the Senator from North Carolina has evinced a stern kind of justice in refusing to vote this little favor. Why, sir, if any gentleman gets up here and moves something to be disbursed in Arkansas, I take it under my most favorable consideration, and it requires arguments of the sternest and strongest character to induce me to abandon it. Here we see the rare instance of a Senator, from the State where the disbursement is to be made, considering the justice of the claim in which it originates. When I see this, I am induced to believe that I myself am not infallible. I am induced to believe that there is something wrong in this case, and that it comes to us, really, in a questionable shape. I am disposed to signalize so rare an occasion as this by something that is almost equally as rare; and that is to withdraw the amendment. Were it not that it is the amendment of the committee, and that I have no voice now in their decision, in order that my course might be signalized by something as rare as that which has distinguished the Senator from North Carolina, I should withdraw it. I will, however, submit this case to the Senate. It is really too simple a matter to engage the attention of this venerable body for so long a time, and I will, without another word, submit it to the decision of the Senate.

Mr. BADGER. Mr. President, I am extremely sorry that my friend from Arkansas has made the remark which has just fallen from him, because it revealed a trait in his character of the existence of which I had no knowledge before, that when an appropriation is proposed to be made, he inquires not primarily into the justice of the demand, but into the section of country in which the money is to be expended. Now, I never trouble myself about where the money is to be expended; my only anxiety is to ascertain whether it is honestly and justly due, and whether, under the circumstances, the Government ought to pay it. I would as cheerfully vote for an appropriation of a sum of money, to be expended among my friend's friends in Arkansas as I would for the same sum to be expended among my friends in North Carolina. But until my friend mentioned that this appropriation was to be expended in North Carolina, I knew not where it was to be spent; and now it is a matter of entire indifference to me.

Perhaps if the idea had struck me at the begin-

ning, that it was to be so spent, I might have contented myself with giving a silent vote against it; but I am very glad that I did not know it, because it gives me an opportunity of committing myself openly against a wrongful application of the public money to any quarter of the country.

My friend says that the Committee on Indian Affairs have a very hard, dry, and thankless office to discharge. They have to examine cases which bring them not under the "soft influences" which he seems to imagine govern the action of other committees, and perhaps extend their authority over the whole Senate. But under whatever influences that committee act, I appeal to him, and to the whole experience of this body, if they have not been in the habit of exercising a most controlling influence over the action of the Senate? I have always been in the habit of going with the Indian Committee. I have always been in the habit of voting for what they recommended as proper to be appropriated. My friend will permit me to remind him that one of the easiest and most effectual means by which the influence and control of that or any other committee, over the opinion and judgment of this body may be ultimately lost, is to press upon our kind and yielding confidence cases like this, which will not bear the test of a moment's examination.

Now, what is this case? I shall be a little jealous of the Committee on Indian Affairs hereafter with propriety. I remember the case well. We appropriated a large sum of money for the purpose of discharging the totality of these Cherokee claims. We put it into the bill that that was the last appropriation Congress would make upon the subject. We declared that it should be in full. We ordered it to be distributed to the persons who were entitled to it. Advertisements were made. Every opportunity of information was afforded to persons who might have just claims, and the money was paid to the applicants. Now, say the Committee on Indian Affairs, here are some people who did not get notice and we must pay them, and then put in the proviso that this shall be the last appropriation. But if your first proviso is worthless, what virtue do you give to it when you reinstate it in the present appropriation? None. Then the whole result in this: that this Government can never, by any process, any notice in an appropriation, any declaration whatever, clear itself of the demands set up on behalf of this Cherokee nation. No, sir, we can never give to this, what we hope we have given to the compromise measures, the character of finality.

Now, I do not wish to adopt any such principle or system for the government of Congress. This Government has made sincere and earnest efforts to discharge its obligation towards these Indians. They have made this as a final appropriation. It was a large and liberal appropriation. It is possible that somebody who was entitled, may have failed in receiving his share; but that possibility will exist always, and the only way by which the Government can be discharged at all, in my judgment, is by holding to the first payment, declaring it to be final and refusing to reopen the investigation. In all human affairs there must be an end sometime, an end to accounts, and open and unliquidated demands. I think that the act of Congress fixed a proper period and made suitable arrangements, and a just appropriation to make it not only final by the direct declaration and order of Congress, but final in right and justice; and, therefore, I think with the Senator from Virginia, we ought not to reopen it. If we do, as the Senator from Michigan has said, why may not six hundred or six thousand people come here, at the next session, and demand another appropriation on precisely the same ground?

The amendment to the amendment was disagreed to; and the amendment of the Committee on Indian Affairs was rejected.

Mr. COOPER. I am directed by the Committee on Indian Affairs to move to amend the bill by striking out the following:

"Eel Rivers, (Miami.)

"For permanent annuity stipulated in the fourth article of the treaty of the 3d of August, 1795, \$500.

"For permanent annuity, stipulated in the third article of the treaty of the 21st of August, 1805, \$250.

"For permanent annuity, stipulated in the third article of the treaty of the 30th of September, 1809, \$350: *Provided*, That the money appropriated by the three preceding clauses, together with the similar appropriations in 1850 and 1851, for the Eel Rivers (Miami) heretofore withheld from payment, shall be paid to said Eel Rivers (Miami) only, and to no other

band, or nation, or individuals; and that all annuities heretofore due, and appropriated to the Eel Rivers, (Miami), and erroneously or otherwise paid to the Miami nation, shall be repaid to the Eel Rivers (Miami) out of the money appropriated in 1851 and 1852, for payment of annuities to said Miami nation; or, if the Commissioner of Indian Affairs deem it more expedient and just to the Indians, shall be paid and is hereby appropriated out of the Treasury of the United States, to be repaid to the United States, by being withheld from the Miami annuities, in such installments as the Commissioner may deem expedient."

And inserting in lieu thereof:

For the redemption and final extinction of the annuities due to the Eel Rivers (Miami) under the provisions of the treaties of August 3, 1795, August 21, 1805, and 30th September, 1809, \$15,000, to be paid *per capita*: *Provided*, That before paying the said sum, or any part thereof, to the said Eel River Miami, they shall relinquish, in such form as the Secretary of the Interior shall direct, all claim and demand on the United States, for any further annuity or payment: *And provided further*, That it shall be the duty of the Secretary of the Interior, before paying the said sum of money, as above directed, to ascertain who are the individuals composing the said band, without regard to the place of their residence, and to pay to the said individuals, so ascertained, *per capita*, the sum of money herein before appropriated.

I will explain the amendment. I suppose there will be no objection to it on the part of the chairman of the Committee on Finance at any rate. In the treaty of 1795, there was an appropriation made for the Eel River Miami, then a tribe numbering some three or four hundred souls. An annuity was provided, of \$500, to be paid to them annually in cattle, and tools, and presents. In 1805, a second treaty was made, by which another annuity of \$250 was provided to be paid to them. In 1809, a third treaty was made, by which \$350 more was to be paid to them annually in perpetuity. These sums, amounting to \$1,100 in all, were paid to that tribe up to 1837, when it became extinct, or nearly extinct. Since that time, these sums have been paid to the Miami proper, resident in Missouri. There has been paid to the Miami some \$13,800 of money, which the Commissioner of Indian Affairs believes to be due to the Eel River Miami; or he has requested the committee to ask for the payment now to the Eel River Miami, of the sum which has been misappropriated, and paid for fifteen years past to the Miami. Last year he directed an investigation to be made into the fact as to whether the tribe, known as the Eel River tribe, continued to exist. A gentleman, now a member of the House of Representatives, [Mr. Fitch,] was appointed for this purpose. He applied himself to the duty, and discovered that there are now living in the State of Indiana, sixteen old squaws and young children—the sole remnant of this tribe. It is to them he recommends that this \$13,800 be paid. The committee do not think it is proper that these sums should continue to be paid to that tribe any longer. The national existence of the tribe has ceased. It is no longer a tribe, exercising tribal authority. The objects for which the annuities were originally given, have ceased to exist; the committee have therefore recommended that the money due to the tribe up to this time, be paid to the whole body of the nation—if I may use the word "nation" in application to sixteen individuals, residing on a single quarter of a section of land, subject to the laws of the United States, and not pretending to exercise the functions of a tribe—and on the payment of it, they are required to relinquish forever the annuities. It will be perceived that the amendment strikes out of the bill the appropriation that is required to be made, and inserts an appropriation of a similar amount, or nearly a similar amount, which is to be paid to the tribe, in consideration of a relinquishment of the annuities for all time to come. With that understanding, I suppose there will be no objection to making the appropriation. It is, in fact, striking out an appropriation, and extinguishing, for all time to come, these annuities.

Mr. HUNTER. Mr. President, the provision as it stands in the bill, arises out of this state of things: It was supposed that the Eel River tribe of Miami was extinct, and the annuity was therefore paid to the Missouri Miami. It was discovered afterwards that a portion of this Eel River tribe remained. Mr. Fitch, a member of the House of Representatives from Indiana, was appointed to investigate the fact, and he ascertained that there were about sixteen of them, I think, still living. It was provided in the appropriation bill of last year, that the Eel River Miami should be paid what had been withheld from them; but that it should be deducted from the annuities given

to the other Miamis. It was suggested, however, that this was too large a deduction to be made at once from the annuities of the other Miamis; and the House of Representatives, in the present bill, amended the former provision, by providing that the amount should be paid to them by degrees.

The difference between the provision of the House, as I understand it, and that now proposed by the Committee on Indian Affairs, is, that the Committee on Indian Affairs propose that this sum which is to be paid to the Eel River Miamis shall be paid out of the Treasury of the United States, and not out of the annuities of the other Miamis; but they propose to compensate the United States for this provision, by the extinguishment of this annuity hereafter.

Mr. COOPER. That is it.

Mr. HUNTER. I do not know that I shall have any objection to it if it can be done. It is true it would cost the Treasury a little more, but it seems to me that, when tribes are so nearly extinguished, it would be well to set the precedent of making provision to terminate their annuities—which they can no longer want. If an arrangement can be made with the Eel Rivers to extinguish their annuities, I should have no objection to paying them out of the Treasury some compensation for it. The doubtful part of the amendment, in my mind is, whether we are not releasing the other Miamis from the obligation of refunding the amount which they have wrongfully received. It is true the amount is not very much, but the question is, whether it may not be an encouragement to frauds to be perpetrated by the Indian tribes, and whether they may not come in and obtain, not only their own share, but what is due to other tribes. If in making this provision we do not require the tribe which has obtained the money to refund it, do we not encourage them to impose upon their neighbors? This is only a question with me. So far as I am concerned, I believe I have no objection to the amendment of the Committee on Indian Affairs.

Mr. COOPER. Mr. President, it seems to me that the difficulty suggested by the Senator from Virginia has no existence in fact. All tribal attributes on the part of these people have ceased. They do not pretend to exercise tribal jurisdiction. They are living under the laws of the United States, without pretending to exercise for themselves any authority. The objects for which the annuities were originally provided, at least the largest annuities, have ceased to exist altogether. There are now but sixteen souls of this band. Three of them are very old squaws. The others are young Indians. Some of them have arrived at the age of maturity, and some have not. The annuity of \$1,100 is due to the Eel Rivers, and not to the Missouri Miamis, and it will cease on the payment of this sum. A provision is made in the amendment that the Eel Rivers shall relinquish all claim to the annuities for the future before this sum of \$15,000 is paid. The committee thought that it was better that some amount—that which would now be due to them if they had continued to exist as a tribe—should be paid to them to stop the annuities; but they did not think it worth while to seek to recover from the Missouri Miamis the amount which they have received through a misapplication of the fund. This amendment will relieve the United States for the future from this annual appropriation without doing injustice to the Indians. It will give them a competence, and that is all that can be asked of us. The amendment provides for the manner in which it shall be done—that the money shall be distributed *per capita* amongst all the individuals of the tribe; those individuals to be ascertained in such manner as the Secretary of the Interior shall point out.

Mr. HUNTER. The amendment seems to be well guarded, but there is another doubt which arises in my mind. The Eel River Miamis were supposed to be extinct; and the annuity due to them was paid to the Missouri Miamis. What I wish to know is, whether it may not be necessary, in order to extinguish this annuity, to obtain not only the assent of the Eel Rivers, but also the assent of the other Miamis; for I do not see why the whole annuity should have been paid to them heretofore, unless they had some title to it. Will the annuity revert to the Missouri Miamis in the event that the other tribe becomes extinct?

Mr. COOPER. I will answer the question. It was through a mistake that the amount was paid

to the Missouri Miamis. The Commissioner of Indian Affairs understands the question perfectly, and this year and last year the amount was not paid to the Missouri Miamis; so that there is no difficulty in that respect.

Mr. BRIGHT. Mr. President, I see no good reason for making the change proposed by the honorable Senator from Pennsylvania. I am unwilling to see the amount appropriated here, appropriated in gross. The Eel River tribe were at one time a part of the Miami—recognized as such but, nevertheless, known as a distinct band, having a distinct organization. It is true, as has been stated, that most of them are females. There are, perhaps, but two warriors, an old and a young man, living. Upon the representations of the Miami tribe, that the Eel River branch of the tribe were extinct, the Miami tribe for several years past have been drawing the annuities due the Eel Rivers. It is only within the last two years that the fact has been known to the Department, that the Eel River band of the Miami tribe, now, I believe, fourteen in number, are in existence.

Mr. COOPER. There are sixteen. I have the names here.

Mr. BRIGHT. Sixteen were reported; but I believe two have since died. At the instance of the Indian Department, one of my colleagues, in the other House, ascertained the residence of these Indians, their ages, &c. I understand that this amendment has been prepared at the instance of the Commissioner of Indian Affairs, who, as I supposed, when he was before the Committee on Finance, approved the provision of the bill as it came from the House. Whether he has, or has not, changed his position since, I do not know; but I understood him to recommend the appropriation of the money as provided for in the bill as it came to us. If he has changed his opinion, and has any good reason for it, I should like to hear it.

Mr. COOPER. He has not changed; but the committee have examined the question, and believe that, as the tribe has ceased to exist as a tribe, and as the objects for which these annuities were paid have ceased also, it was something worse than folly to continue to appropriate.

Mr. BRIGHT. To what committee does the gentleman refer?

Mr. COOPER. The Committee on Indian Affairs; by the authority of which committee I have reported the amendment.

Mr. BRIGHT. For several years past the Miami tribe of Indians, located in Missouri, have drawn the annuity due to this Eel River branch of the tribe. The bill, as it came from the House, simply provides that the amounts to be paid to the Eel River Miamis shall be refunded out of the annuities of the other portion of the Miami tribe. Hereafter, if the Government desires to purchase out and pay a round sum for the amount due under the provisions of the treaty, they will have a right to do so; but now there is justly and fairly due the Eel River tribe of Indians the amount of money provided by the bill.

Mr. COOPER. Will the Senator from Indiana allow me to make a suggestion? We appropriate \$1,200 more than is due to them up to this time. We propose to pay the Eel Rivers the amount that has been misapplied since 1837, and we make it the round sum of \$15,000, which is \$1,200 more than is actually due them, and we provide for the purchase, for that round sum, of the annuities.

Mr. BRIGHT. These Indians ask no more than is due them. All they ask is, that the Government shall execute the treaty made with them. It was stipulated by the treaty, that they should receive so much annually. It would have been paid to them had the Government known where they were; but it appears that, in the breaking up and reorganization of the band, these Indians were left behind, on the Wabash river, where they remained. As is said by the honorable Senator, they are now about sixteen in number. As soon as their whereabouts was ascertained, and their identity was acknowledged, the Indian Department admitted that that amount of money ought to be paid to them; and I am unwilling to accept for them \$1,200 or \$1,500, or any other amount, upon condition that their claim shall be extinguished.

Mr. COOPER. The Senator is entirely mistaken again. We propose to appropriate \$15,000 to purchase out their annuity, which is \$1,200

more than they would be entitled to. We appropriate not only the sum that has been withheld from them for thirteen years past, but \$1,200 more. We now propose to give them \$15,000 to purchase in the annuity, and relieve the United States for the future from the payment of it.

Mr. BRIGHT. I understood the Senator perfectly, and I think it is he that is mistaken, and not myself. I wish to be understood as saying that if the Government had gone on to pay these Eel River Indians the amount of money due them under the treaty, instead of paying it to the Miamis, the Government would have paid them over \$13,000—the amount provided for in the bill as it came from the House of Representatives and the Committee on Finance. That amount is the amount to which the Eel Rivers are entitled; but we do not claim that they are entitled to it out of the National Treasury. We claim that they are entitled to it out of the money paid by the Government to the other branch of the Miami tribe of Indians, and the bill, as it stands, provides that the amount shall be taken out of the annuities due the Miami tribe of Indians. I am unwilling to accept for them the \$1,200 proposed to be given as an additional sum to terminate their claim on the Treasury.

The clause, as it came from the House, and as it was reported from the Committee on Finance, gives to the Indians just what they are entitled to, and they ought to have it now. If, hereafter, the Government should see proper to make them an offer, and give them a round sum to purchase in their annuity, it may be that they will accept it; but it is certainly just, right, and proper that we should now appropriate the \$13,000 to these Indians, to be taken within one, two, or three years, from the amount that is due under the treaty with the Great Miami tribe of Indians.

Mr. BELL. Will the Senator from Indiana inform the Senate whether these Indians are not subject to the laws of Indiana—whether in any respect they are different with regard to the jurisdiction of the State, civil and criminal, from other citizens of the State of Indiana?

Mr. BRIGHT. They are not citizens of Indiana.

Mr. BELL. Are they not subject to the laws of Indiana?

Mr. BRIGHT. Of course they are subject to the civil and criminal laws of the State of Indiana, but they are not citizens. They are residents, it is true; but they do not exercise the functions of citizenship.

Mr. BELL. They are subject to the laws of Indiana, as other non-voting inhabitants. The Indians are not allowed to vote, but they are entitled to any other privilege but that of enjoying office and voting.

Mr. BRIGHT. Yes, sir.

Mr. BELL. Now, the Committee on Indian Affairs very gravely considered this question, but I do not know that the Senate will sanction their decision. This is not the only band of Indians with whom we have treaties, for whom annuities have been provided, sometimes perpetual annuities. It has happened in this case precisely as it is likely to happen in other cases. They will be multiplying upon us now as time progresses. These Indians have not had their annuities paid to them for some twelve or thirteen years, because they were lost sight of. It was not known where they were. It was not known that there was any such band in existence as the Eel River band of Miamis. The Miamis of Missouri, because they had the same generic name, claimed the annuities, and received them to the amount of some \$13,000.

Now, sir, as the honorable Senator from Pennsylvania has stated, the \$500 principal annuity, secured by one of three treaties, was to be paid for that object. That has altogether long since ceased. It was to enable the Eel River band of Indians to accommodate themselves to agricultural industry—to enable them to live by cultivating the earth, instead of living by the chase and hunting, as the other tribes. It was not merely to be an annuity of \$500 in money, but we were to give them certain specific articles adapted to their condition than as a separate tribes of Indians. The Senator from Indiana says, they once belonged to the other tribe, but we treated with them as a distinct tribe or nation of Indians, and provided that these annuities should go to them separately and distinctly as a band. We treated with them in

1805, as a band of Indians, and since that time they have withdrawn to a small reservation. They were to accommodate themselves to agricultural industry. They claim no longer to be a band or tribe of Indians. Just as other Indians they are becoming gradually merged with the population by which they are surrounded, and are subject to the laws of the States, not claiming to live under Indian customs, but liable for all violations of the laws of the States, civil as well as criminal.

The Committee on Indian Affairs thought that, not only as a matter of economy, but in order to do justice to the Indians, we should establish some such principle as this, and they thought this a suitable means of doing it. The principle which they intend to establish is this: When a tribe ceases to possess its tribal character and becomes subject to the laws of the States—consisting of a very small number of individuals, say ten, fifteen, twenty, or thirty—loses all habit and usage of regulating itself by their own laws, we shall regard our treaties as having ceased. Our treaties cease with them, whenever they cease to be a nation or tribe; and according to public law, we are under no obligation to regard them as a nation, the annuities being extinguished by the extinction of the tribe or nation. But we did not want to do injustice to them. We supposed that, by paying the sum of \$15,000, *in solido*, to these Indians—women and children, or their guardians—for I suppose the State of Indiana may appoint guardians for them, as some other States have done under like circumstances—they would be more benefited than they would be by receiving the annuities in kind, as stipulated by the treaty of 1795. It is not only a matter of economy to the Government, it is not only founded upon the principle of public law, but it is calculated also to promote their own true prosperity, and make a provision for them which shall make them comfortable for life. This provision would give them \$1,000 each, old and young, and if they have guardians provided for them, they can be established in a much more comfortable manner than they are now. Whereas, if we give them implements of husbandry and stock farms for them, it will either encourage idleness, or will not benefit them. We are not bound, upon any principle of public law, to regard them as a tribe or nation when they cease to exercise authority as such. It was upon this ground that the committee came to the conclusion at which they have arrived.

Mr. BRIGHT. It is proper, I believe, to perfect the amendment as far as possible before it is voted upon. I move to strike out of the amendment the words, "without regard to the place of their residence." Perhaps, the Senator who proposed the amendment will accept of this modification.

Mr. COOPER. It is the amendment of the committee, and I cannot accept a modification.

Mr. BRIGHT. The reason for my proposition is, that a part of the Eel River Indians emigrated with the main band to Missouri, and with that band have been receiving their annuities annually. If they were to be paid out of the \$13,000 provided for the Eel Rivers, they would be doubly paid. I therefore move to amend the amendment by striking out the words "without regard to the place of their residence."

Mr. ATCHISON. I do not exactly see the force of that amendment, unless it is to deprive that portion of the Eel River Indians, west of the State of Missouri, from having any portion of this consideration; and if that be the case, it is clearly wrong.

Mr. BADGER. It is all wrong.

Mr. ATCHISON. Perhaps it is. If that be the effect of it, we shall have to make another appropriation hereafter to satisfy that portion of the Eel Rivers who, I am told, constitute the immense number of six persons. [Laughter.]

The amendment to the amendment was rejected. The amendment was agreed to.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, August 10, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is a motion to recommit to the Committee on the

Judiciary, House bill No. 146, to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes.

### PERSONAL EXPLANATION.

Mr. AIKEN. Mr. Speaker, I ask the indulgence of the House to make a few remarks. In the Congressional Globe of Saturday last a speech has been published, said to have been delivered by Mr. DURKEE, a member from Wisconsin, upon this floor. In that speech there are several imputations cast upon the city which I have the honor to represent; and I stand here, sir, ready to repel these outrageous and disgraceful insinuations. Before I proceed to do so, I think it well for me to read the paragraph to which I allude, as the House will then be put in possession of this matter much better than I can explain it. In this speech, which was not delivered, but published by the courtesy of the House, is the following language:

"But, Mr. Chairman, the citizens of South Carolina have not only spoken theoretically on this subject, but have given in one case, as I am informed, a practical illustration of this sentiment. I was told a few days since, by a highly respectable gentleman who resided several years in that State, that a negro in the city of Charleston a few years ago was sentenced to be hung for striking his master. The narrator, in speaking of the provocation, said:

"The master was discovered by the prisoner trespassing on the chastity of his wife. Under the excitement of the moment the slave struck his master, for which he was sentenced to be hung! On the day appointed for the execution, the sheriff ascended the scaffold with the prisoner, placed the rope about his neck, but felt so much sympathy for the slave that he could not perform the duties of his office, and offered \$1,000 to any person that would; but not one could be found. All were aware of the circumstances, and presumed that a colored man had nerves to feel on such an occasion as well as a white man. After a time, the rope was taken from his neck, and he was permitted to escape from the State."

I beg leave to state, Mr. Speaker, that I am a native of the city of Charleston, and have lived there all my life, and such a scene as this I pronounce absolutely false. Such a thing never did occur. The narrator of the story says it occurred in the city of Charleston five or six years ago. This is not the case; and I only hope the narrator of this story is within the hearing of my voice. About twenty-six years ago an occurrence took place in Charleston of the following character: At that time Hon. Joseph Johnson was the Intendant of that city. A number of fires had taken place, and several negroes had been arrested supposed to have committed those offenses. Among the number was one negro who was brought to trial. He was legally tried by a court of magistrates and freeholders. After a deliberate and full hearing, he was found guilty of the crime of arson. He was consequently sentenced by the court to be hung; and, after the expiration of two weeks, I believe, he was brought out to be executed. During his term of imprisonment he became very much enfeebled, being greatly alarmed and afraid of death. He had been before a very feeble, and, perhaps, consumptive negro. When he was brought forward to the scaffold and placed thereon, a sympathetic feeling ran through the whole crowd that had assembled, which was natural upon such an occasion. The sheriff, whose duty it was to execute this negro, was a very feeble person himself. He at the moment hesitated, and the Hon. Joseph Johnson, who was then the Intendant of the city, as I before stated, immediately said to the crowd present: "I hereby offer \$100 reward to any one who will present himself for the execution of this negro." No one could be found, and properly so, to volunteer for the execution of this poor feeble creature. He was remanded to prison. Application was made to the Governor to commute his punishment, which he did, and the result was the negro's transportation. These are facts for which I pledge my honor. Sir, at this present moment there is in the city of Washington a distinguished gentleman—my predecessor upon this floor—who at that time was a member of the City Council of Charleston, and one of a committee who investigated this case. He can testify to every syllable of what I have said as being perfectly true.

Now, Mr. Speaker, I will take this occasion to say—and I am sorry the member from Wisconsin [Mr. DURKEE] is not in his seat—that whoever related this story to that gentleman has told a deliberate falsehood; and that the man who would sit upon this floor, as an American legislator, so

unmindful of the dignity of his position, is, I conceive, as base a creature as the person who would relate such a story as he has repeated.

The SPEAKER. The Chair calls the gentleman to order.

### LIKENESS OF WASHINGTON.

Mr. CHANDLER. Mr. Speaker, I ask the consent of the House that I may discharge a pleasant duty devolved upon me by one of my constituents, Mr. G. W. Childs, who has requested me to present to the honorable House a beautifully framed copy of a large engraved likeness of Washington.

The original, sir, was painted by Stuart, and was so highly esteemed by the family of General Washington that great exertions were made by some of its members to procure it from the artist; but so satisfied was he that no effort could equal that that he determined to retain for his own satisfaction and for the future benefit of his family what he considered the *chef-d'œuvre* of his pencil.

After the death of Stuart, that beautiful portrait became the property of a library institution in Boston; and George W. Childs, a publisher in Philadelphia, resolved to present copies of the portrait which, as a specimen of the art of engraving, should be equal to the original as a sample of portrait painting; and Mr. Thomas B. Welsh, of Philadelphia, one of the most skillful artists of the times, accomplished the intentions of the publisher, and the picture which I have now the honor of presenting, in the name of the publisher, is one of the best copies of the engraving.

The picture, I hope, sir, will, under your direction, find a place in some conspicuous portion of the Capitol, where it may be constantly seen and admired by those who are capable of judging of artistic excellence and yielding to patriotic emotions. Amid the warmth of legislative contests it may, it must be, good to look upward towards the gentle features of our country's father, himself one of the givers of the fundamental law of our nation, upon which all other laws must rest, and to which they must conform. And as a motive, an inducement to contemplate the character and follow the example of the great original, it might be beneficial to place at every "coin and vantage" of our legislative Hall these "counterfeit presentments" that serve "to bring remembrance upon the eye," and to awaken our hearts to the instruction which a contemplation of such a portrait naturally suggests.

### FEES OF UNITED STATES MARSHALS, ETC.

The SPEAKER. The question pending is the motion to recommit the fee bill to the Judiciary Committee, and the gentleman from Virginia [Mr. MEADE] is entitled to the floor.

Mr. MEADE. Mr. Speaker, there are several provisions in this bill which have been the subject of commentary, and which I wish to bring particularly to the attention of the House. The bill was attacked by the gentleman from Maryland [Mr. BOWIE] as being oppressive in its nature, and yet the gentleman's particular complaint against it was that it interfered with the present system of charges, which it is the object of the bill to reform so as to reduce the expenditures of the judiciary from its present enormous amount to something like a reasonable sum. The only charge which was cited by the honorable gentleman from Maryland, [Mr. BOWIE,] was the fee of twenty dollars, which is allowed to an attorney.

Mr. BOWIE. Will the honorable gentleman from Virginia [Mr. MEADE] permit me to state briefly my objection? I object to the bill, in the first instance, because it contains very material alterations of the criminal law of the country, and then, in the second instance, because it is contrary to the general tenor of legislation upon the subject in the different States.

Mr. MEADE. I intended to notice all the objections urged by my friend from Maryland, [Mr. BOWIE,] and if I can have the attention of this House, I think I shall be able to convince it that the bill before it at this time is one which will be less onerous in its operations than the present system. The gentleman complains that we have made these changes without any memorials from the people complaining of the present system. There are very few people in the community upon whom laws of this sort operate. Probably not more than one twentieth part of the people of the United States are ever engaged in courts of any



sort; and hence it is, if there be cases of oppression, they are singular and isolated, and do not attract attention generally. Meetings of the people are seldom called, except for general grievances. Mankind, we are told, are prone to suffer while evils are sufferable, but it is not wise on our part to let them remain until they become intolerable before a legislative remedy is applied.

The gentleman complains that there must necessarily be inequality in the charges in various sections of the country, because he says that the prices of labor and the prices of property are different everywhere. The same objections might be alleged against that provision of our Constitution which requires that duties on imports shall be uniform. The same charge might be made in regard to other provisions in the Constitution, and also against the laws passed in pursuance of it—because of uniformity in the operation. It is also the subject of complaint on the part of the gentleman from Maryland, [Mr. BOWIE,] that we have constituted Federal laws and Federal process for State laws and State process. I presume that the cardinal features of all judicial proceedings in this country are the same throughout the whole of it. We must have capiases to apprehend defendants; subpoenas for witnesses; recognizances and bail-bonds. We must have executions and sales; so that, though the words of the writ may vary, yet the precept is substantially the same, for serving which the fees may be uniform. I see no reason why a fee for levying an execution and making a sale in the State of New Jersey should be different from one in the State of Virginia. The gentleman complains, moreover, that there is a premium offered by one of the provisions of the bill to the district attorney for a rigorous prosecution. A fee of \$30 is given to the district attorney in some cases where the prosecution ends in conviction.

The laws of Maryland and Virginia are very much alike, and I apprehend that the gentleman may find a precedent for this provision in his own State. If it be any justification of this provision in the bill, I can state that the Commonwealth's attorneys in the State of Virginia are for the most part entitled to nothing unless they convict. I have never yet known an instance in the State of Virginia where a man had been punished improperly, while I have known hundreds of cases in which the guilty parties had escaped. It is absolutely necessary to make it the interest of the representative of the public to attend strictly to his duties, and to see that the community has strict justice done upon offenders. Unless you couple his interest with that of the public, the community must necessarily suffer. He has attempted to alarm the Democrats of this House by charging upon this bill that it has a consolidating tendency. When the gentleman used the word "consolidation," my ears pricked up, and I listened with very great attention to the gentleman's remarks on that provision of the bill which contains the consolidating feature, but I saw nothing of that character.

There is a clause which provides for the consolidation of a particular class of suits, which could be as well prosecuted under one indictment as under several. I brought to the attention of the House on Saturday the case of six indictments for one crime, in which upwards of \$6,000 were charged as fees by the district attorney. Those six indictments suggested that provision in the bill, and I call the attention of the House to it. It was the case of an attempt to destroy the vessel Franklin, at sea. Three men were engaged in it, and all were equally guilty. These three men could have all been included in one prosecution, without danger to the public or themselves, and the testimony applicable to one would have been applicable to the whole, and consequently there was no necessity of finding more than one indictment against each of these individuals. Six indictments, however, were found against only two. Wilson was indicted for conspiring with others to destroy the ship. There was another indictment, that he had conspired with Crafts, and another with Smith. Crafts was indicted three times also. If Smith had been caught, there would have been three other indictments, so that, instead of one indictment, we should have had nine indictments, and instead of the \$6,000 charged by the district attorney, we should have had fees charged to the tune of \$9,000. Now, this provision in the bill to which my friend from Ma-

ryland [Mr. BOWIE] was so hostile, was intended to cover cases of this sort; and if the House will read the provisions of the bill, it will perceive it provides that this union of prosecutions, or consolidation, as the gentleman will have it, is only to take place in cases where it is thought advisable by the court and by the district attorney.

There is another provision of the bill to which exceptions have been taken. It is that which requires that warrants for arrests may only generally describe the offense. And at this I believe some gentlemen are disposed to hold up their hands in holy horror. I never knew a case where a man was apprehended under a warrant of any sort, whether verbal or written, that he did not pretty well know what he was arrested for. All warrants of arrest are of a general nature, as compared with the indictment. The meaning of this clause in the bill is, that the warrants need not be as descriptive of the offense as the indictment; but, at the same time, sufficiently so as to describe the offense for which the party is arrested. He is furnished with a copy of the indictment, in which the time, place, and circumstances are all particularly described. There should be no fears that this section of the bill will operate injuriously upon any citizen. None whatever.

Mr. BOWIE. I beg leave to inquire of the gentleman from Virginia, [Mr. MEADE,] whether he has ever known, in his practice, where two offenses have been charged in the same warrant in general terms. This bill proposes to authorize that two or more offenses shall be prosecuted, in very general terms, in the same warrant.

Mr. MEADE. If the gentleman will consult the laws passed by Congress, and by his own State, and by every other State in the Union, he will see that there have been important innovations in the laws themselves, as well as in the practice under them. And nothing is so obvious as the vast improvements that have been introduced by the new States of this Union. Having had business in these States, I have been struck with the progress they have made in reforming the systems we derived from England. We have introduced many such reforms in the Eastern States, and it would be well for us to introduce many more. They are practical men in the West. When people from various sections get into a new country, they become essentially utilitarians, and they discard everything which is not necessary; while we, on the contrary, are wedded to old forms and customs—many of them being in fact onerous and troublesome, and retained from the force of habit.

The clause to which the gentleman from Maryland [Mr. BOWIE] alludes, as I have said before, embraces transactions which are closely connected. It does not contemplate a single prosecution against one who has committed several distinct offenses; they must allude as to time, place, and circumstances. It does not authorize a single prosecution for a murder committed at one time and a burglary at another; but if both be committed on the same night, and at the same place, they may be joined. A prosecution for grand larceny and petit larceny may be had under one indictment; also, one for murder and manslaughter. There is larceny of the mail and there is robbery of the mail. There is counterfeiting the coin of the United States, and passing counterfeit coin. If perpetrated at the same time, they may be joined. These things are left to the discretion of the district attorney and the court. We may fairly presume that these men know something, and that they will exercise a sound discretion in the matter. The fears entertained by the gentleman from Maryland are altogether visionary.

Whenever we attempt to introduce a new system, it must necessarily be imperfect at the beginning. We must first put it into operation and see in what the defect consists, and apply the remedy upon some future occasion. It is impossible for anything to spring out of the brain of a man perfect and complete. He must feel his way gradually. The column must be built stone by stone, commencing at the foundation, until the capital is finished. In that way all great works, whether mental or physical, are constructed.

Now, Mr. Speaker, I wish to bring to the attention of the House some of the grievances of which the country has a right to complain, and which are attempted to be remedied in this bill. The largest attorney's fee that is allowed to be

charged is \$20. In extraordinary cases the courts are allowed to increase the fee of the district attorney \$30. But let the gentleman from Maryland [Mr. BOWIE] look to the fact, that in place of \$20, which is so large as to alarm his imagination, there have been charged in many instances, from \$200 to \$500; and it is this evil that we wish to correct. It is to this subject that I wish now to draw the attention of the House. Though the fees of marshals, clerks, and attorneys will be considerably reduced by this bill, yet in point of fact, for no real service rendered by either of these officers, is there a single reduction worthy of notice. In truth there is an increase.

Let me now bring to the notice of the House some of the fee bills. In the prosecution against Dyer for perjury, \$246 was charged by the district attorney. In another case for a like offense, \$280 was charged by one attorney, and \$237 by another, his predecessor, making \$517. In a prosecution against one who served on board a slaver, \$267 was charged by the district attorney. These are only a few of the fee bills for the year 1849, charged by one officer of the court; and I ask this House if it is not time for them to apply a remedy to an evil so crying? Why, sir, if members will take the trouble to look at some of these charges they will be astonished at the ingenuity of counsel in finding names for the various motions made and petty services performed. Here is a fee bill which I will hold up to the view of the House, in which there are some thirty or forty items.

Mr. MANN. Mr. Speaker, the gentleman from Virginia speaks of \$400 or \$500, as an enormous charge. In the course of my practice within a few years I knew a case where three men were indicted for the commission of a single offense, and the district attorney who had charge of the case—though all the offenses could have been embraced in a single indictment, and should have been so embraced—made three hundred and forty-five indictments, and charged \$10 for each, thus making \$3,450 for what should have been a single case.

Mr. MEADE. I am glad the gentleman from Massachusetts has come so effectually to my aid in this matter. I was about to exhibit to this House a list of charges, consisting of some thirty or forty items at one term in a case of a prosecution for perjury. The items range from six dollars down to twenty-five cents, and I should like to read some few of them, because it is a curious specimen of ingenuity on the part of the district attorney. There is scarcely anything that he could do in court that he did not charge for. He could not open his mouth unless it furnished an excuse for making a charge for it. Here is a retaining fee of \$8; warrant of attorney, 37 cents; order to marshal to bring up prisoner, 25 cents; motion for examination, \$3; counsel for perusing and amending indictment, \$2; motion for temporary commitment, \$4; motion for arraignment, \$3; motion for trial, \$3; motion for commitment of witness, \$3; "other items," \$3.

Now, Mr. Speaker, you would be surprised, and so would the House, if I were to state that charges had been made for looking at the prisoner, \$1; for handing the court a book, fifty cents, or for motions to adjourn to dinner, twenty-five cents. Now, I do not mean to say that such charges have been actually made, but I say that charges have been made equally as unimportant, and I should as soon think of charging for one as the other. I would as soon think of charging for some of the acts done, as reported here in these bills of fees, as I should of charging for reading an authority to the court, or handing it a book, or making a motion to adjourn to dinner. Here is a motion for arraignment, \$3, and a motion for trial, \$3. First a motion is made to arraign a man, for which \$3 is charged, and then a motion made to try him, for which \$3 more is charged.

Why, sir, let any practicing attorney take hold of and examine this fee bill, consisting of thirty or forty items, and I will defy him to imagine anything more for which a charge could be made, unless it be for looking at the prisoner, making a motion to go to dinner, or handing up an authority to the court. It is possible that such charges have been made; for, at the foot of this list of some thirty or forty items, I found this item: "other items, \$3 12½." Now, what could constitute "other items" but those I have named, I

cannot imagine, unless they include mending a pen, or sanding a paper. This item reminds me of a settlement between two neighbors who had a long running account for several years against each other. They determined finally to come to a settlement, and one asked the other to send him his account. The account was sent, and upon adding up his own, he found 16s. 6d balance against him; so he put at the foot of his account this item—"to balance your account, 16s. 6d." This charge of "other items" might have been made for the purpose of rounding off the account.

My friend from Maryland the other day committed a most extraordinary error, (I presume he has already detected it, if he has looked over his speech,) in regard to the annual expenses of the courts. The gentleman says:

"But, Mr. Speaker, it is complained that there has been an excessive and extraordinary increase of the judicial expense of this Government, not at all corresponding with the progress of population. I would ask the House to refer to table A, which was relied upon for the purpose of establishing that position. In Doc. 2, p. 524, there is an abstract of the annual amounts presented in this form by the Acting Comptroller of the Treasury. He puts down the expenses from 1800 to 1801 at \$42,000; from 1818 to 1821, inclusive, at \$117,000; from 1830 to 1831, at \$204,000; being an average of about \$102,000. He then gives the aggregate from 1842 to 1847, five and a half years, at \$464,623. If these items be correct from 1831 to 1847, there has been no increase in the average expenses of the judiciary, because, if you divide the aggregate of \$464,000 by the time given it will give a dividend of a less amount; instead of \$102,000 it will give some \$85,000 per annum; so that the vice is not in the system, the vice is in the administration of the system since 1847."

Now, the gentleman has evidently made a mistake in taking the average per year for the whole aggregate. Instead of the aggregate being \$204,000 for 1830-'31, the average of either year was \$204,000, and, instead of \$464,623 being the aggregate for five and a half years, from 1842 to 1847, it was \$2,500,000, and \$464,623 was the average for each year.

Mr. BOWIE. I took it from the table marked A, No. 2.

Mr. MEADE. In the table marked A, the amount from 1842 to 1847, five years and a half, is \$2,555,000, making an annual charge of \$464,623, and in 1849 it was \$469,223, and in 1851, \$554,854.

Mr. BOWIE. I allude to the table returned by the Acting Comptroller, which is found in document No. 2.

Mr. MEADE. This purports to be taken from that report. It is the same table, I believe. The gentleman only cast his eye over one column instead of both.

Mr. BOWIE. I have not minutely examined the calculation. I made it here at the time, deriving it as I supposed from the table printed by the acting Comptroller, which is understood to be the annual return for the costs of those years.

Mr. MEADE. Now, Mr. Speaker, if you will look at the enormous increase of the cost of the judiciary departments in particular States, from 1830 up to the present time, you will find that the increase has been at the rate of about five hundred per cent., and from 1817 about one thousand per cent. We all know that it costs less per head to administer justice for a million of people inhabiting a particular district than for five hundred thousand inhabiting the same district. The increase of the expenses of the judiciary should not be in the same ratio as the increase of the population by one half or three fourths, but instead of increasing at a slower rate the reverse is true. Instead of being only some twenty or thirty per cent. higher from 1815 to the present time, it is five or six hundred per cent. higher.

The expenses of the judiciary will of course increase as the population increases, but it should not in the same ratio. In a given area of territory it matters not much whether it contains 1,000,000 of souls or 500,000 as regards the expenses of its courts.

Now, sir, these abuses should be corrected by Congress, and it must be done by detailing to this service those who are acquainted with the subject—the practicing lawyers of this House—and I would take the gentleman from Maryland as soon as any other; and if he had been sitting with us at our board, day after day discussing the bearing and effect of every clause in this bill, he would have found that it was impossible to report a bill more to his liking than this. He might not have agreed to every clause in that bill, as I do not. There

were many of them to which I objected, but these objections were trivial compared to the great object to be accomplished by the bill.

Mr. BOWIE. I will concur with the gentleman from Virginia, if he will confine his legislation to cases in which the United States is the party interested. I understand that his object is to shield the Treasury. Then, limit the operation of the bill to cases in which the United States is a party, and do not extend it to civil cases between man and man.

Mr. MEADE. Mr. Speaker, under our system individuals in certain States suffer as much as the Government, on account of the multitude of fees for constructive services and immaterial motions. Now, sir, to convince the gentleman from Maryland that we have not reduced those fees to any very considerable extent—I may say, even, we have not reduced them at all for actual services—I will give him the costs of a suit which I have supposed to have been brought upon a bond of \$500, with collateral conditions, in which there are two sureties, each of them living one hundred miles from the seat of justice, and in which suit four witnesses are summoned, living also one hundred miles off. I have taken down each item as provided for in this bill. The clerk's fees, in such a suit as that, supposing that the case was tried upon the first calling, would be \$7 10; marshal's fees, \$41, including commissions; attorney's fee, 20; and fees for witnesses, \$52; making \$120 10. If no witnesses are summoned, the taxed costs in such a suit would be about \$47; if no execution or sale, they would amount to about \$29.

Mr. BOWIE. In my State it would not, probably, amount to \$20.

Mr. MEADE. Well, take off the attorney's fee of \$10—for the attorney's fee is but \$10 where there is no testimony—and that would leave the amount \$19; so that the gentleman will see that, for real services performed, there is no reduction of fees.

Mr. BOWIE. I never complained of any reduction; the fees are too great.

Mr. LETCHER. Mr. Speaker, when I conclude the remarks which I design to submit, I shall present to the House a motion to refer the bill to the Committee of the Whole on the state of the Union, in order that it may be fully considered in that mode, which is the only one, so far as I know, in which adequate justice can be done to it. It is perfectly manifest, I think, to every one on this floor, that in the present state of things, the House is not in a condition, nor has it the time, (considering this bill in the morning hour,) to do justice to it, and to the attorneys, marshals, and other officers who are embraced in its various provisions. That can only be done, in my view, in Committee of the Whole on the state of the Union, where greater latitude is allowed; where an opportunity will be given to amend the bill, clause by clause; and where the numerous imperfections with which it abounds, may be fairly, justly, and considerably corrected.

I have been struck throughout the whole course of the remarks of my colleague, [Mr. MEADE,] and of the distinguished chairman of the Judiciary Committee, [Mr. McLANAHAN,] with the singular mode of argument which has been resorted to by them, for the purpose of endeavoring to force this bill through the House, without giving to us an opportunity to amend it, and thus relieve it of some of its objectionable features. If passed in its present shape, it will pass without my vote.

Both of those gentlemen have confined their arguments and denunciations, in a great measure, to some four or five abuses, alleged to have been committed in the States of Massachusetts and New York. My colleague, in the remarks which he has just concluded, has called particular attention, and has consumed much of his time in an exposure of the New York case, which will be found on reference to the ninth and tenth pages of the report of the committee. I could not help being impressed with the fact, and it must have struck the House with great force, that instead of this radical change—this attempt to overthrow the present judiciary system of the country, which has been in existence for more than half a century, and with the exception complained of has worked well—this consolidation of everything in the hands of the Federal Government, in utter disregard of the rights, interests, and usages of the State governments, a much simpler, and speedier, and surer

mode of reforming the abuses which are now complained of, should never have occurred to the chairman, and to the other members of the Judiciary Committee, in their consultations on this subject. It is Prescott Hall who has been guilty of all these improprieties, and who is now the district attorney in the State of New York. He is the man who has charged for everything. It is his charges which constitute the official misconduct so loudly and so justly condemned by my colleague and the chairman. He it is who has charged, as my colleague says, for the motion to adjourn for dinner, and yet he is still kept in the office of district attorney. Well, now, what is the remedy, as to Mr. Prescott Hall? What would strike any sensible man as the remedy? Would it not be, that the President of the United States should turn him out of office, and put into his place a man who would act fairly, justly, and in accordance with the law? That, it strikes me, is an infinitely better, safer, and more speedy remedy for the evil complained of. When so safe and certain a remedy is at hand, why attempt to upturn the whole judiciary system of the United States? Why attempt to establish new rules of practice for the thirty-one States of the Union?

Well, sir, how is it in regard to the State of Massachusetts? The very same remedy will correct the abuses there. If you will turn out the guilty parties, and select others who are men of character and standing to fill the offices, men who will act fairly and justly toward the United States, men who will faithfully discharge their duties and act up to the requirements of the law, who will charge only for their services what the law, fairly construed, allows to them, and who will be disposed to reform these abuses and reduce the expenses to something like a reasonable amount, we shall have a practical reform without risking the evils which this bill will visit upon the nation.

Mr. MEADE. Will my colleague permit me to say that these charges, to which we have referred, are certified by the judges as correct? So that it is not a single officer who has been guilty of malfeasance, but it is owing to a defect in the system.

My colleague says that I only mentioned one or two cases. Why, I could not mention more than one or two cases in an hour's speech. They are legion. These abuses are not confined to isolated instances; but if you will go and consult the books of the Comptroller, you will find that these abuses are legion, and grow out of the system, and not an abuse of the system by particular individuals, and it is to the system that we wish to apply the remedy.

Mr. LETCHER. Then it is very remarkable, if there are legions of abuses, as my colleague maintains, that he and the chairman of the Judiciary Committee should confine themselves to the four or five instances of abuses embraced in their speeches and the report. Why have not they furnished us with those numerous instances of abuses? Why has not the Comptroller of the Treasury furnished us with those instances which my colleague says are numberless on the files of that Department? Here are a few instances, confined almost exclusively to the States of New York and Massachusetts, and upon those cases the whole argument, from the commencement of this debate to the present time, has been rested by the chairman of the committee and by my colleague.

But there is another part of the explanation just given by my colleague, which is worthy of some little consideration. He undertakes to defend Mr. Prescott Hall, and these other officers who have been charged with these abuses, from the imputations cast upon them by the Comptroller, by saying that it is the judges who are to blame; that they are the men who have violated the law, and that there is no mode of reaching them, except by the operation of the committee's bill. Now, grant, if you please, that in the two instances referred to in this report—in New York and Massachusetts—these judges have acted improperly, does it follow therefore that every other judge in the thirty-one States of this Union is unprincipled and corrupt, and that they are one and all to be assailed and black-balled by the passage of a bill like this? Why, sir, this bill is an assault, from beginning to end, upon the Federal judiciary of the United States. They are not to be allowed even to certify as to matters and things which occur in their

own courts. Their certificates in regard to things that have occurred in their own courts are to be discredited by those in the Comptroller's office, who cannot possibly have a knowledge of the facts, who have no information of the correctness of any one of the items of costs, except as that knowledge and information is derived from the accounts filed and verified by the certificates of the judges.

Now, sir, is it not a most extraordinary fact, worthy the serious consideration of this House, that these gentlemen who are for reforming the judiciary system are disposed to strike out all the checks which at present exist, and which have been devised by those who have preceded us as the best and only means of preventing abuses? If a judge of a United States court is not familiar with the facts which transpire in his own court, and under his immediate personal observation, who, in the name of God, is familiar with them? How can Comptroller Whittlesey, or his clerks, know anything about these facts? It is utterly impossible that they should know them; and yet, sir, these gentlemen gravely propose to remove all the checks now provided, and refer these matters to the Comptroller and his clerks, who can have no sort of knowledge in regard to the justice of the various items which are embraced in the accounts certified by the judge to him for consideration and allowance. This alone is in itself a very important and serious, not to say insuperable objection to the passage of this bill. You not only libel the Federal judges in the United States, but you actually deny to them a knowledge of what occurs in their own courts. You refuse to give credence and respect to their certificates, although they are the only officers of the law, who are cognizant of the facts, and who can furnish certificates that can be relied on to establish the justice of the account.

Mr. MEADE. Do I understand my colleague as justifying these fee bills?

Mr. LETCHER. Let me inform my colleague that I am not young enough to be caught in that way. I have seen some little service, although not perhaps so much as my colleague; but still I am not soft enough to be entrapped by questions of that sort. [Laughter.]

Mr. MEADE. Well, answer my question—yes or no.

Mr. LETCHER. My colleague, throughout this debate, has adopted a regular lawyer-like mode of argument, and his question is not inconsistent with that mode of argument. He has found that the only ground on which he can rely with a hope of success to carry this bill through the House is, to present and keep before the members these two or three cases of abuse, which are strenuously insisted upon in the report of the committee, and which form the staple of all the speeches in favor of this monstrous bill.

But, sir, look at some of its provisions. My colleague undertook to justify all the provisions of the bill, and insists that it is the only remedy for the evils complained of, if I correctly understand his positions. Well, sir, what is one of the first of those provisions?

Mr. MEADE. I voted against some of them in the committee, I will inform my colleague.

Mr. LETCHER. I am glad to hear it, and I hope my colleague will vote against the whole bill here.

Mr. MEADE. Not at all. I shall vote for the whole of it.

Mr. LETCHER. Now, here is one of the provisions of this bill. I ask the House to examine it carefully and considerably, and see whether there is any propriety or necessity for adopting such a provision—a provision likely to work the most mischievous results when reduced to practice. It is as follows:

"Whenever there are or shall be several charges against any person or persons for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class or crimes or offenses which may be properly joined, instead of having several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments shall be found in such cases, the court may order them consolidated."

[Here a message in writing from the President of the United States, was received by the hands of MILLIARD P. FILLMORE, Esq., his Private Secretary.]

Mr. LETCHER, (resuming.) I had supposed,

sir, that the district attorney was selected for the express purpose of attending to all prosecutions and questions which might arise before the court in which the interests of the United States might be involved; and that he was to judge of the offenses, and the best mode of prosecuting the offender; but in this view it seems I have been laboring under a mistake. This bill not only undertakes to regulate the fees which shall be paid to district attorneys, marshals, and clerks, but it undertakes also to prescribe the mode in which a district attorney shall prepare his indictments in regard to offenses which may be brought before the court for consideration. Why, sir, who is so well qualified to judge in regard to matters of this sort? Who is so well qualified to determine whether there shall be several indictments or whether there shall be but one indictment embracing different counts, as the district attorney himself? All the facts and circumstances attending the case are known to him, and he must decide what course is best to be pursued. He knows whether the charges ought or ought not to be separate and distinct. I imagine, sir, that this section is something new and unheard-of in the history of legal practice. There is no parallel for it, so far as I know. The principle is now declared for the first time, that a man may be arrested for two crimes, and that then those two crimes may be joined in the same indictment, and he required to answer both on one trial. Would it not lead to inextricable confusion? For example: A man is arrested, charged with two or three different crimes, and indicted according to the terms of this section. You undertake then to introduce testimony in regard to each of those crimes. Different witnesses are relied upon to prove the several charges against him, and as many witnesses relied upon by the prisoner in his defense. What will be the result? The result inevitably is such confusion as is likely to mislead the jury, and prevent them from arriving at that conclusion which will do justice between the United States and the party who may be accused. Under the old practice justice has been secured. Why, then, should we abandon the old and safe rule, to adopt an experiment that promises nothing but mischief?

But this is not the most extraordinary clause in this remarkable bill. There is another, which my colleague fully indorses, which is more objectionable even than the one upon which I have been commenting, bad as that is. Here it is, and I beg gentlemen who may be favorably inclined towards this bill to examine it with care. It deserves such an examination:

"When two or more charges are, or shall be made, or two or more indictments shall be found against a person, only one writ or warrant shall be necessary to arrest and commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, 'or to refer to them only in VERY GENERAL TERMS.' Only one writ or warrant shall be necessary to remove a prisoner from one district to another, a copy of which may be delivered to the sheriff or jailor from whose custody the prisoner may be taken, and another copy thereof to the sheriff or jailor to whose custody he may be committed; and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he may be removed. Whenever a prisoner is committed to a sheriff or jailor by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to the sheriff or jailor as his authority to hold the prisoner, and the original writ, warrant, or mittimus shall be returned to the proper court or officer, with the officer's return thereon."

I had supposed, sir, that under the Constitution of the United States, whenever a man was arrested and deprived of his liberty, he had a right to demand that the charges on which he was arrested should be made with that clearness that would enable him to make his defense. But my colleague, it seems, takes altogether a different view of this matter. He presumes that the man arrested is *guilty*—that he is therefore perfectly aware of the precise nature of the charges upon which he is arrested, and should be prepared to make his defense. My colleague told us also that no man had ever been arrested, who did not learn the cause of arrest without looking to the warrant to ascertain it. Such doctrine reverses the well-established rule that has ever been recognized in criminal proceedings. The doctrine, as I have always understood, is, that every man is presumed to be innocent until the contrary is made to appear. But this section of the bill, and the explanation of it given by my colleague, establishes another rule, viz: that every man is presumed to be guilty until he establishes his innocence. Sir,

a principle so monstrous ought not to be avowed in this enlightened age.

But, again, suppose a man is arrested upon a general warrant, such as is described in this section, charging him with larceny, perjury, and various other crimes of a high character, (the number here is unlimited,) and the prisoner applies for, and succeeds in procuring, a writ of *habeas corpus*. Well, sir, suppose further, that the judge in hearing the cause ascertains that the party is not guilty, and has not been properly arrested upon four or five charges out of six the warrant mentions in *general terms*, and makes that return to the officer having him in custody. What then is to be done? Is there to be a discharge of the party as to these four or five charges?

Sir, this section, if adopted, will produce confusion, and will lead to inextricable difficulty, and this is one that will spring from it. If warrants are to embrace a half dozen crimes, and those charged "in very general terms," it will be utterly impossible to secure justice—the great end and aim of judicial proceedings. Such a provision ought to be universally scouted. It does seem to me that if there can be a violation of the Constitution of the country or a violation of the rights and liberties of the citizen, it is to be found in this provision which is sought to be inserted in this bill.

There are other provisions in the bill to which I object; but if we can refer it to the Committee of the Whole on the state of the Union, we can then have the opportunity of having it read section by section, and of offering such amendments to its provisions as may make it acceptable to me. I desire to see abuses corrected; but this bill will not correct those complained of. I submit the motion that the bill may be referred to the Committee of the Whole on the state of the Union, and upon that motion I ask the previous question.

Mr. SUTHERLAND. I ask the gentleman from Virginia to withdraw that motion for one moment.

Mr. LETCHER. I will if you will renew it.

Mr. SUTHERLAND. I will renew it.

Mr. McLANAHAN. I renew the call for the previous question.

The previous question was seconded.

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has expired.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SMART. I ask the unanimous consent of the House to take up and have referred and printed the communication from the President of the United States upon the Speaker's table relating to the fishing question.

There was no objection, and the communication was taken up and, without being read, referred to the Committee on Foreign Affairs and ordered to be printed.

The question then recurred upon the motion to go into the Committee of the Whole on the state of the Union; and being put, it was agreed to.

So the rules were suspended.

#### CIVIL AND DIPLOMATIC APPROPRIATIONS.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill No. 196, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1853, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday last, an amendment had been proposed by the gentleman from Kentucky, [Mr. STANTON,] proposing to fix the salary of the clerk of the Sergeant-at-Arms of the House at \$1,500 per annum.

Mr. ORR. Is it in order to offer an amendment to the amendment?

The CHAIRMAN. It is in order.

Mr. ORR. I propose to amend the amendment by adding the following:

And that from the commencement of the present Congress the compensation of the messengers employed in the post office of the House of Representatives be \$1,000 per annum in lieu of their present per diem.

Mr. O. said: The object of this amendment is to provide that those persons employed about the



post office of this House shall receive a salary of \$1,000 per annum, instead of their present pay of \$2 50 per day. They perform more labor than most officers connected with the Government, being constantly employed from fourteen to sixteen hours per day. I think if there is any case where there should be an increase of salary, there should be an increase in those cases.

Mr. HOUSTON. I think the gentleman from South Carolina had better withdraw his amendment for the present. If this additional compensation be given, the appropriation will have to be increased; but to what extent, we do not know. If we are to give the additional compensation, it is important that we should know what amount of appropriation to make to meet it. I do not want a deficiency bill at the next session of Congress for this and other like purposes.

Mr. ORR. In order to obviate the objection of the gentleman from Alabama, I will add to the amendment \$4,000. This will be sufficient to cover the increased compensation.

The question now being on the adoption of Mr. ORR's amendment—

Mr. HENN demanded tellers; which were ordered; and Messrs. MILLSON and MEADE were appointed.

The question was then taken, and the tellers reported—ayes 91, noes 31.

So the amendment was agreed to.

The question recurring upon the adoption of the amendment as amended, it was put; and, upon a division, there were—ayes 65, noes 63; no quorum voting.

Mr. FOWLER demanded tellers; which were ordered; and Messrs. FOWLER, and JOHNSON of Tennessee, were appointed.

Mr. McMULLIN I desire to ask, what is the salary of those officers now?

The CHAIRMAN. Debate is out of order.

The question was then taken; and the tellers reported—ayes 83, noes 41.

So the amendment was adopted.

Mr. DIMMICK, under instruction of the Committee on Patents, offered the following amendment:

For the additional compensation of the disbursing clerk and the draftsman in the Patent Office, \$300 each, to be paid out of the Patent Office fund; and that hereafter the disbursing clerk shall be required to give bond, with proper security, in the sum of \$5,000, conditional for the faithful discharge of the duties of the office. Also, for the compensation of two additional permanent clerks in the Patent Office, to be appointed by the Commissioner of Patents at a salary of \$1,400 each, the sum of \$2,800, to be paid out of the Patent Office fund.

Mr. D. said: I desire to say, Mr. Chairman, that the Commissioner of Patents has recommended a considerable increase in the clerical force of that Department. The Committee on Patents have had under consideration this whole subject; and as the result of their investigation, they have come to the conclusion expressed in that proposition. The Commissioner of Patents recommended the appointment of four additional permanent clerks in that Department; but the Committee on Patents determined to suggest the appointment of two permanent clerks, and to increase the salary of the draughtsman, with that of the disbursing clerk, by the sum of \$300 each. This is all the increase they have thought proper to recommend at this time. I hope it will be the pleasure of the committee to adopt the amendment.

A MEMBER. Where is this compensation to come from?

Mr. DIMMICK. It is to come out of the Patent Office fund. It requires no appropriation from the general Treasury. I therefore hope the amendment will be adopted.

Mr. HOUSTON. I could not hear the amendment well when it was read. I understand, however, that it provides for increasing the compensation of various officers, to be paid out of the Patent Office fund. Now, I should like to have the gentleman from Pennsylvania, [Mr. DIMMICK,] or any other gentleman, tell me what is the amount of that fund?

Mr. CARTER. There are \$20,000 on hand, deducting the appropriation for completing the Patent Office building.

Mr. HOUSTON. The appropriation for completing the Patent Office building, and for sustaining the establishment, have been very large; and now I should like to have the gentleman tell me

what is the real condition of that fund, and whether this appropriation will not have to come out of the general Treasury?

Mr. CARTER. It will not. There are \$20,000 of that fund unexpended, in addition to that expended for completing the building, and for all other purposes, so that this will not come out of the general Treasury; and I am satisfied the service of that Department requires it.

Mr. HOUSTON. The gentleman's statement shows, as I think, that he is in error. He says there are \$20,000 of that fund left, besides the appropriations made for the building. Now, the appropriations, aside from those for the building, would go largely over the \$20,000. There are \$250,000 or \$260,000 in the bill for completing one wing of the Patent Office and the commencement of the other. But leaving that out of the question, there are other appropriations in the bill which will much more than absorb the \$20,000, if I am correct in my recollection.

Mr. CARTER. The permanent services of the Department will not consume that amount, especially if you take into consideration the constantly-accruing fund of the office. I should like to inquire of the gentleman, what appropriation he alludes to? The whole service of the Department amounts to only about \$8,000.

Mr. HOUSTON. The gentleman's recollection is not very good, or mine is defective. There is an appropriation in that bill now, I believe, for upwards of \$5,000; and the gentleman got an appropriation increasing a \$500 clerk to \$1,200, and another appropriation of \$1,000 or \$1,500 for books, and \$2,000 for fixing up the library. These make it over \$8,000, and nearly \$10,000.

Mr. CARTER. The whole services of this Department, as provided by this bill, with this addition to it, does not amount to \$12,000 a year.

The question was then taken on the amendment, and it was agreed to.

Mr. McCORKLE offered the following amendment, to come in after the nine hundred and eleventh line of the bill, at the end of "miscellaneous items:"

For the establishment of a branch of the United States Mint, at San Francisco, California, in accordance with the provisions of the law approved — day of —, the sum of \$300,000: *Provided*, That no contract for materials, or for the purchase, lease, rent, or erection of the building shall be made except to the lowest bidder, after sixty days' advertisement in at least three newspapers, two of which shall be published in the State of California: *And provided further*, That nothing herein contained shall prevent the transfer of machinery and material from the United States Mint or Branches to the Branch Mint at San Francisco at a fair valuation; also, for the current expenses of the year, the sums of—

For salary of Superintendent of the Mint.....	\$4,500
For salary of Treasurer.....	4,500
For salary of Assayer.....	3,000
For salary of Melter and Refiner.....	3,000
For salary of Coiner.....	3,000
For salary of Assistants and Clerks.....	17,500
For labor.....	50,000
For acids.....	100,000
For contingencies.....	15,000

Mr. HIBBARD. I raise the point of order that the amendment of the gentleman from California [Mr. McCORKLE] is not in accordance with the provision of any statute, and is unauthorized by law.

The CHAIRMAN. The Chair must overrule the point of order raised by the gentleman from New Hampshire. At the present session of Congress a bill has passed establishing a Mint in the State of California. This amendment proposes to appropriate the money necessary for the purpose of executing that law.

Mr. HIBBARD. Has the act establishing a Mint in California become a law?

The CHAIRMAN. It has.

Mr. HIBBARD. Has it received the signature of the President?

The CHAIRMAN. The Chair is informed by the Clerk that it has.

Mr. McCORKLE. I will state, that the estimates for the appropriation contained in my amendment have been sent in by the proper Department, and I believe have been handed to the Committee of Ways and Means. They were not, however, sent in time for that committee to report this amendment.

Mr. HOUSTON. No estimate for these appropriations has been before the Committee of Ways and Means.

Mr. McCORKLE. The estimates came to the Speaker of the House, as do all such communi-

cations intended for the Committee of Ways and Means. Those estimates I copied from that communication, with the permission of the Speaker. I supposed that that communication had been referred to the Committee of Ways and Means.

Mr. HIBBARD. I am not aware that these appropriations have been before the Committee of Ways and Means, or before any committee. I understand they have not. The regular appropriation for the establishment of the Mint, as proposed here, amounts to \$300,000, and the other items, I believe, to \$200,000, making the sum of \$500,000.

The CHAIRMAN. The amendment, in addition to \$300,000 for the establishment of the Mint, provides for the salary of the Superintendent of the Mint, and of the other officers, and also for other purposes.

Mr. HIBBARD. The whole amount is about \$500,000, if I understand the amendment aright. Besides the appropriation of \$300,000 for the establishment of the Mint, there is an appropriation for the salaries of its officers. It strikes me that that part of the amendment at least, is premature. If the Mint is established by law—and such is the fact from the statement of the Chair—it may be proper for us to make an appropriation; but we ought to ascertain, through a committee, upon examination, what the appropriation should be. It has not received the examination of any committee, and it can receive no examination except that cursory and imperfect examination which it will have here. The amendment certainly proposes to go further than we should go. It provides now for the salaries of officers who do not exist—who have not been appointed and may not be appointed for six months to come. I would not be understood as being opposed to a proper and rightful appropriation for the building of the Mint; but I am opposed to allowing, at this time, the appropriation as asked for. In the course of the deliberations upon this bill, in this and the other branch of Congress, there will, doubtless, be time for due and proper consideration, and I cannot give my assent to this amount at this time, and I hope this committee will not.

Mr. HOUSTON. I move to strike out of that amendment all that it appropriates beyond the \$300,000 for the erection of the building. I do it for the purpose of saying that if the committee think proper to appropriate that amount now, it can do so; but it is evident that there is no necessity in the world for making an appropriation for the salaries of the various officers of the Mint, and for other purposes. That will not be called for until the Mint is erected and put into operation. The law creating that Mint says that it may be established, provided that the cost shall not exceed \$300,000; and the law was so specific that it went on to provide that the Secretary of the Treasury should make contracts which should be approved by the President of the United States, not only for the building of the Mint, but for the entire machinery. Everything was to be contracted for, and to come within the \$300,000. They cannot make a contract for building a Mint within less than a year, and I do not know but it will take more than that time. It is evident that under no circumstance can they want this appropriation for salaries of officers before the next session of Congress. I therefore move to strike it out.

Mr. ROBBINS. I wish to ask the gentleman if there is not an assay office already established there?

Mr. HOUSTON. There is; but as a Government we have no connection with it. It is in the hands of and conducted, as I understand, by those who have obtained it under contract from the Government; and we are under no obligation to furnish anything at all for it. The next Congress will meet before the contract shall have been made, much less before the building is completed. Why, then, appropriate for the salaries of officers who will not enter upon the discharge of their duties short of twelve months? I did not at first know that such an appropriation was contained in the amendment of my friend from California, [Mr. McCORKLE.] If this House is disposed to appropriate the \$300,000, so as to put it in the power of the Secretary to procure the machinery, &c., if he chooses, I shall have no objection; yet to that I think a proviso ought to be attached, providing that the money shall be applied under the law by which the Mint was created. But there

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can be no necessity for this additional appropriation of \$187,000, which, I understand, is the amount contained in the bill above the \$300,000.

Mr. McCORKLE. These estimates I had supposed the chairman of the Committee of Ways and Means fully understood had been sent in, and were to form a part of this amendment. The first appropriation asked for in this amendment is for the building of the Mint, and the construction of the machinery; and I appeal to the gentleman's intelligence, to his common sense, to know whether it is not necessary that the officers of this Mint—the Superintendent, the Coiner, and the Assayer—should be appointed now to superintend the manufacture, or make a selection of the machinery necessary for that Mint?

Mr. HOUSTON. Does the gentleman propose to have these officers appointed now, and let them commence drawing their salaries from the time of their appointment?

Mr. McCORKLE. That is proposed, and the necessity of the case requires it; as the Secretary of the Treasury is determined to put this Mint under contract at once. That being the case, there is an absolute necessity for the appointment of these officers. Does the gentleman expect them to serve without a salary?

Mr. HOUSTON. There is no necessity for their appointment now.

Mr. McCORKLE. Why not? The machinery must be selected, or manufactured, and these officers must perform duties in connection with that. They are supposed to understand it; and the contractor, who may assume to construct the building of this Mint, and to furnish the machinery, should not have the selection of the machinery.

Mr. HOUSTON. The Secretary of the Treasury makes his contract for that.

Mr. McCORKLE. But it is supposed that the Secretary of the Treasury may erect temporary buildings for the purposes of coinage. If this is done it will be necessary that these officers should be appointed; and, if so, it is necessary they should have a salary. There are coining establishments in California which can be rented cheap, for any length of time, and until the Mint itself goes into operation. They have nearly all the materials necessary for that purpose.

But, rather than defeat the passage of the amendment at all, I am willing to separate it so as to have a vote first upon that part making the appropriation for the erection of the building, and then a vote upon the appropriation for the salaries.

Mr. HAMILTON. The proviso should be stricken out; it conflicts with the law.

Mr. HOUSTON. I do not think the proviso is in conflict with the law. The proviso reads:

"Provided, That no contract for materials, or for the purchase, lease, rent, or erection of the building, shall be made except to the lowest bidder, after sixty days' advertisement in at least three newspapers, two of which shall be published in the State of California."

The law by which the Mint was created did not direct whether contracts should be with the lowest bidder, or otherwise, at the discretion of the Secretary of the Treasury. It only provided for contracts; and I suppose this provision may be consistent with the law. But then there is this fact about it: The second proviso ought to be a restriction, so as to provide that the expenditures shall not exceed the amount authorized by the act for the establishment of the Mint. The Secretary of the Treasury might, by possibility, determine that Congress, by putting in this proviso, directed contracts should go to the lowest responsible bidder. He might determine it was such a change of the law as would authorize him even to exceed the \$300,000. I would desire, therefore, of the gentleman from California, instead of this second proviso—which I do not think properly placed here—to make an additional proviso, that under no circumstances shall the expenditure exceed the sum authorized by the law creating the Mint. I move to amend the amendment by the addition of the following proviso:

Provided, further, That no contract or contracts shall be made for such Branch Mint and machinery, for an amount exceeding \$300,000.

Mr. McCORKLE. I accept the gentleman's proviso, and modify my amendment accordingly. The question was then taken on Mr. McCORKLE's amendment as modified, and it was agreed to.

Mr. McCORKLE. I now submit the following amendment, to come in after what has just been adopted:

That there shall also be appropriated, for current expenses of the year, the sums of—  
For salary of Superintendent of the Mint..... \$4,500  
For salary of Treasurer..... 4,500  
For salary of Assayer..... 3,000  
For salary of Meltor and Refiner..... 3,000  
For salary of Coiner..... 3,000  
For salaries of Assistants and Clerks..... 17,500  
For labor..... 50,000  
For acids..... 100,000  
For contingencies..... 15,000

Mr. Chairman, with regard to that amendment I have simply to say this: that in the amendment which has just been passed, we authorize the Secretary of the Treasury to rent an establishment in San Francisco, if in his discretion he thinks proper to do so, for the purpose of coinage. There is already there what is called the United States Assay office. There are also some two or three other private coining establishments there. They may, in fact, be called mints. If the Secretary of the Treasury deems it proper to rent one of these establishments, it will be absolutely necessary to have these officers; and I believe that I am not going too far to say—but I will not state that he did, although he ought to—that he will rent one of these establishments for the purpose of coining, until the Mint shall go into operation. In that event, as I have already said, these officers will be absolutely necessary. These salaries are fixed by the law already passed and approved. The three last items of my amendment are for materials which will be necessary in order to carry on the establishment, should he rent one. I see no good reason why the amendment should not be passed at once, and let this Mint go into operation immediately. I am not tenacious about the subject, however. It comes from the Department. That is the view they take of it, and I think it is absolutely necessary to the interests of the people of California to supply them immediately with an institution for the coinage of money, which this Congress has failed to do for so long a time.

Mr. HOUSTON. I remain in the same opinion I expressed a few moments ago. These appropriations are all unnecessary. The gentleman, by referring to the law, will see at once that the contracts have to be approved by the President of the United States before anything can be done. The gentleman from California speaks of renting a building and putting the machinery there. Why, sir, the purchasing of the machinery is to be a part of the contract which must come within the \$300,000; and the Secretary of the Treasury cannot take a single step until he completes his contract and the President of the United States has approved it. There is no authority for renting a house for the machinery in the original law, and if the gentleman proposes to authorize such a thing, I shall object to his amendment as being out of order. If I understand him as proposing that we shall purchase machinery, aside from what is provided in the law, I shall raise that point of order. Congress will meet again within three months, and there will be ample time for the consideration of this subject.

The question was taken, and the amendment was not agreed to.

Mr. WEIGHTMAN offered the following amendment:

For payment of losses by Indian depredations in New Mexico since that country was taken possession of by the American troops under General Kearny in the year 1846, the sum of \$1,751,000, or so much thereof as may be necessary to be disbursed under the direction of the Secretary of the Interior.

Mr. HOUSTON. Mr. Chairman, is that amendment in order?

The CHAIRMAN. The Chair is of the opinion that the Indian intercourse act of 1834 provides for compensating persons whose property has

been destroyed by Indians. He does not recollect the exact provision of that statute, but feels, nevertheless, disposed to entertain the amendment.

Mr. WEIGHTMAN. This amendment, Mr. Chairman, is in strict pursuance of not an ordinary, but a supreme law of the United States. The 9th article of the treaty between the United States and Mexico of 1848, provides that—

"The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time, (to be judged of by the Congress of the United States,) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

By this treaty, which is the supreme law of the land, the Government of the United States guaranteed to maintain and protect the people of New Mexico in the enjoyment of their property. Many of the inhabitants of that Territory have been despoiled of their property by the Indians. The amount of their losses as indicated in the amendment is taken from the census returns, which, of course, were prepared by the officers of the United States. It is not the exact amount, but falls short several hundred dollars. The case designed to be provided for here is an aggravated one. The people of New Mexico requested of the authorities of that Territory permission to take their own property away from the Indians, but were met with a refusal. They were refused permission to do so in the time of General Kearny, because we were then at war. Consent to their request was not afterwards given, from the fear that a border warfare would be the consequence. Yet I will undertake to assert that the people of no other portion of our country would have remained quiet whilst their property was being taken in their midst, although there might be a law to the contrary. If the people of Texas had a large portion of their property taken from them by Indians, and the depot of that property was within the limits of their own State, I undertake to say that the Government of the United States might have passed as many laws as it pleased, yet that people would have retaken their lost property. The law-abiding New Mexicans have obeyed orders, and relied upon the justice of the Government. It seems to me that this thing is very clear. The sum in the amendment is taken from the census returns. The whole amount is not absolutely appropriated, but only so much as may be necessary to meet the claims that may be presented.

Mr. CHASTAIN. The amount proposed by the amendment is a large one to be appropriated at one time, and, as for myself, I am not prepared to give my vote for it. I do not think New Mexico is worth that amount of money. [Laughter.] I want to know whether the gentleman will take New Mexico in part payment?

Mr. WEIGHTMAN. I desire to state that this amount was returned by the officers appointed by the United States to take the census, and the return is not in gross. I had the honor once before of bringing this subject to the attention of the House. The return sets forth the number of horses, mules, and sheep carried off from the various counties since 1846.

Mr. JONES, of Tennessee. I wish to ask the gentleman a question. Would he, if he had a vote in this committee, vote for the amendment himself?

Mr. WEIGHTMAN. Most assuredly I would.

Mr. HOUSTON. Here is a large claim that it is proposed to appropriate for in gross. From the reading of the amendment, I judge that the money goes to a great many people. The subject never has been before a committee. My friend from New Mexico is himself almost as uninformed upon the subject as we are, because I presume that he has not had an opportunity of investigating the case according to the proof.

Mr. WEIGHTMAN. I wish to say a word in reply to the gentleman. I have stated the ground upon which my opinion is founded, so far as

the amount is concerned. The whole amount is not appropriated, but only so much thereof as shall be necessary to be disbursed under the direction of the Secretary of the Interior.

The question was taken, and the amendment was disagreed to.

Mr. DUNHAM. I offer the following amendment:

*And be it further enacted,* That the assistant of the Superintendent of the Hall of the Exploring Expedition shall hereafter receive a compensation at the rate of \$700 per annum, to be paid out of the same fund out of which he is now paid.

Mr. Chairman, I will only say, that this raises the salary of a deserving employee from one dollar per day to \$700 per annum.

Mr. STEVENS, of Pennsylvania. Who is he?

Mr. DUNHAM. The assistant of the Superintendent of the Hall of the Exploring Expedition.

Mr. STEVENS. He is the man who sweeps out the hall.

The question was taken, and the amendment was not agreed to.

Mr. FLORENCE. I offer the following amendment:

That the assistant constructor and draughtsman in the Bureau of Construction, Equipment, and Repair, of the Navy Department be paid for his services, \$1,600 per annum, in pursuance of the act of Congress of August 31st, 1842.

I offer this amendment with the view of directing the Navy Department to pay to those gentlemen the amount required by law. The act reorganizing the Navy Department, passed the 31st of August, 1842, provides a certain number of clerks for the Bureau of Construction, Equipment, and Repair, and also provides for the employment of a draughtsman. The practice has been to divide the \$1,600, provided by law for a draughtsman, between the clerk and draughtsman—thus making an additional clerk not authorized by law—and paying but \$800 to the draughtsman and assistant constructor. I desire to direct the Navy Department to pay this gentleman, who is eminently qualified for his situation, the whole amount provided by law, to which he is entitled. I know of no other course to pursue than this—no other way by which to correct the error now existing. Here is what the law says:

"For the Bureau of Construction, Equipment, and Repair, one assistant constructor and draughtsman, who shall receive for his services the sum of \$1,600 per annum, and four clerks, one of whom shall receive for his services \$1,400 per annum, and the others shall receive for their services \$1,000 per annum each."

I read this from the Navy Register, published by the Department. By reference to it I find that the salary of Richard Powell, draughtsman, is \$800 per annum, and that of D. R. Goodloe, an additional clerk, I suppose him to be, \$800. It will be seen that there is no provision for any such clerk, and there is only a provision for an assistant constructor and draughtsman. Independent of that, I may remark here, that all the other draughtsmen in all the other bureaus receive \$1,000. The salary of \$800 is not sufficient to pay the expenses of this gentleman and sustain his family. I do not desire to consume the time of the committee longer. I could read certificates of his ability to perform the duties of his office from the head of the Bureau of Construction, Equipment, and Repair, as well as a letter from the Secretary of the Navy, requesting that the compensation of this gentleman might be fixed at a larger amount than is now paid him.

Mr. HOUSTON. I am opposed to the amendment. I wish to say that the Committee of Ways and Means have reported every cent estimated for by that Department, for the pay not only of the Bureau clerks, but the draughtsmen, per act of the 31st of August, 1842 and 1845, \$9,400. The very case to which the gentleman from Pennsylvania [Mr. FLORENCE] refers is marked down and included in the estimates of the head of the Bureau, by which the amount is made up for the Navy Department. We have appropriated all they asked. They made their estimates under those laws, and we reported to this House the amount they asked; and this committee have agreed to it. The amount which the gentleman now asks to be appropriated must be a sum beyond any knowledge on the part of the Secretary of the Navy. If the Secretary intended to ask additional compensation, why did he not do it in his regular estimates? Why did he not submit a proposition to the committee?

Mr. FLORENCE. I do not ask that any additional sum shall be appropriated. I only ask

that the sum required by law, to be paid to this gentleman, shall be paid him.

Mr. HOUSTON. Then the gentleman does not ask us to give any additional appropriation, but asks that we shall instruct the Secretary of the Navy how to apply the money which we appropriate to him. The law directs him how to apply it.

Mr. FLORENCE. I have submitted the case clearly.

Mr. HOUSTON. We are bound to presume that the Secretary of the Navy and the heads of these Bureaus carry out the law. If this salary of \$1,600 is divided between the draughtsman and the clerk, I take it for granted that it is upon an agreement with the draughtsman, and as such he ought to be bound by it.

The question was then taken upon Mr. FLORENCE's amendment, and it was rejected.

Mr. GORMAN. I desire to offer the following amendment:

For the payment of Caroline M. Fleury, the widow of Louis A. Fleury, deceased, \$280, due said Louis A. Fleury, as clerk connected with the Delaware breakwater from the first of January to the last of April, inclusive, 1834.

Mr. HAMILTON. Is not that a private claim?

Mr. GORMAN. I can explain it in a very few words.

The CHAIRMAN. In the opinion of the Chair the question of order submitted by the gentleman from Maryland [Mr. HAMILTON] must be sustained. The amendment is out of order.

Mr. GORMAN. Do I understand the Chair to decide that the amendment is out of order?

The CHAIRMAN. The Chair rules the amendment to be out of order.

Mr. GORMAN. It is for balance of pay, and would really come in as a deficiency.

Mr. HOUSTON. The debate is out of order.

Mr. GORMAN. I was only about to state the nature of the case. I think the amendment is not out of order, because it is an appropriation for services already performed, and services which were authorized by law. The services have been performed, but the young man being dead, the money cannot be drawn under the present law, unless letters of administration be taken out by the widow. This is the only reason why it is brought here.

The CHAIRMAN. The Chair is of the opinion that it is in the nature of a private claim; and, therefore, sustains the point of order made by the gentleman from Maryland, [Mr. HAMILTON.]

Mr. CHANDLER. I offer the following amendment:

That the Library Committee be authorized to sell any works in the Library which were rendered imperfect by the late fire, and to appropriate the proceeds of said sale to the purchase of other works.

Mr. Chairman, the fire in the Library last winter destroyed a part of a number of sets, leaving us different volumes, which are valuable to the collectors of volumes, but of no use to us. We have not felt ourselves authorized to sell them, without such authority as is proposed by this amendment to give us. We simply ask, therefore, by this amendment, authority to part with them at fair prices, and to purchase other books with the proceeds.

The question was then taken on the amendment, and it was agreed to.

Mr. BISSELL. I offer the following amendment:

And that the Clerk of the House of Representatives be directed to pay to William H. Minnix, the stationery and petition clerk, the same compensation annually, which is paid to the assistant clerks of the Clerk of the House of Representatives, from the commencement of the present Congress.

Mr. Chairman, I think that this amendment contemplates a very evident act of justice, and I hope there will be no opposition to it. I am satisfied myself in regard to it, and I would not have offered it if I were not satisfied that it is reasonable and just.

Mr. HOUSTON. What is the salary of that clerk?

Mr. BISSELL. Two dollars and a half per day.

Mr. HOUSTON. In what department is he employed?

Mr. BISSELL. He has charge of the stationery, and also of petitions. His duties are somewhat miscellaneous.

Mr. SEYMOUR, of New York. A word only in reply to the inquiry of the chairman of the

Committee of Ways and Means, [Mr. HOUSTON.] I am somewhat conversant with the duties of the gentleman who is referred to in this amendment, and I know that they are very responsible and laborious. He has charge of the petitions and memorials which come to this House; and he has the distribution of them to the committees.

Mr. HOUSTON. It is doubtless true; but the statement which the gentleman from New York [Mr. SEYMOUR] makes, in regard to this officer, may be made in regard to all the officers of the Government. They all have responsible stations to fill and duties to perform. If they have not, the offices ought to be dispensed with; they should not exist at all. I do think if we intend to interfere with the salaries of the officers about this Capitol, this city, or elsewhere—salaries which have been established by law, and which have existed for years—we ought to take up that subject separate and apart from all others, and remodel the whole system.

Mr. BISSELL. It was not my intention to say one word upon this subject. The gentleman from Alabama [Mr. HOUSTON] consumes the time of the House, in an argument in opposition to this little amendment. It is a simple proposition of increasing his pay fifty cents a day, and there is not a more laborious man about the House.

Mr. HOUSTON. I do not wish the gentleman to consume my time.

Mr. BISSELL. You are consuming my time. [Laughter.]

The CHAIRMAN. The gentleman from Illinois [Mr. BISSELL] submitted an amendment. Having submitted some remarks in favor of his amendment, he ceased to speak, and the Chair supposing he had finished the remarks which he designed to offer, assigned the floor to the gentleman from Alabama, [Mr. HOUSTON.] When the gentleman from New York [Mr. SEYMOUR] rose and interrogated the gentleman from Alabama, the Chair stated that the gentleman could do so by permission of the gentleman from Alabama.

Mr. HOUSTON. I will detain the committee but a moment longer. I have no special knowledge of this particular case, and therefore I do not intend that my remarks shall apply to it solely. This may be a very just case—and I have no doubt that in all the Departments there are cases where the compensation is not large enough. I am not complaining of this particular case. I am presenting the whole question to the consideration of the committee, whether they will in this very unsatisfactory manner take up this important subject and legislate upon it, or whether it is not our duty to refer it to some committee—if not this session, at the next—to bring forward a plan which will put all the officers of the Government upon a proper and equitable basis. It does seem to me that this plan of taking up isolated cases is a very unsatisfactory mode of legislation. Every member of this body has some favorite whose salary he would be glad to see increased. I have, I know.

Mr. SEYMOUR. I wish to offer an amendment. After "Minnix," insert the words "the messengers of the House of Representatives."

The object of this amendment is this: The messengers of this House, as we all know, are officers who are in the daily performance of important duties demanding labor and attention, and I believe, so far as my own knowledge is concerned, I can certainly say that they have performed and do perform these duties faithfully. The original amendment, I understand, raises the compensation of the individual named to \$3 per day. It is precisely the amount which is given to the messengers of the Senate, and no more. I conceive as our messengers have hitherto received but \$2 50, there is an inequality which should be remedied by the adoption of this provision. I think the original amendment should pass, for I know the duties of that officer, and I know that they are well discharged. I know that his compensation will not be too high if it is put up to the amount asked by the gentleman from Illinois, [Mr. BISSELL.]

I think, with regard to these messengers, that they should be put upon the same footing as the messengers of the Senate, because their duties are certainly equally responsible and equally arduous. I hope that the amendment to the amendment will prevail, and that the whole will be adopted.

Mr. HOUSTON. I know that it is a very unthankful business for me to oppose increase of pay to officers who are around me here all day, or



who are in this city in any of the Departments. But then I have a duty to perform, and I mean to perform it according to the dictates of my own judgment. I do not profess to be under the influence of the Senate quite so much as my friend from New York seems to be. I suppose that if the Senate were to pay \$10 a day, the gentleman could, with just as much propriety, come forward and ask us to do likewise, because the Senate had done it, and that he would be just as willing to do it. It is enough for us to follow the good example of the Senate, but for God's sake let us not follow their bad example. We have been in the habit of paying our messengers the compensation that is provided by law. They knew what it was before they entered upon the discharge of their duties. Who does not remember at the commencement of this very session of Congress the turmoil and confusion and bickering and ill-feeling that sprang up here because officers in this House and about this House were displaced, and others put in their stead? There was a general scramble for the places, and now the very men who sought those places, and knew what compensation they were to get, are coming forward and presenting their claims to us, because their compensation is not enough! The gentlemen who came in, scrambled and contended very hard for the places, knowing what the compensation was, and the gentlemen who went out complained bitterly that they were proscribed from that compensation.

Now, it seems to me, as I said before, that if we mean to legislate according to our own sense of propriety, we must stand to the compensation as the law establishes it, unless we are given a good reason for increasing it, and that reason must not be that the Senate have increased the compensation of their employees, but it must be that a public necessity exists, this compensation is too low, and that therefore we must increase it.

Mr. SEYMOUR, of New York. I wish to call the attention of the chairman of the Committee of Ways and Means to the fact that all the expenses of living in this city have vastly increased within a very short time.

Mr. HOUSTON. I have heard that five hundred times, and I reply to it by saying that the expenses of living in almost every place in the United States have increased. And what reason exists for increasing the salaries here, that does not apply to New York, Boston, Philadelphia, Charleston, New Orleans, and every other place where officers of this Government live?

I take my own State, for example: a year ago we could get the provisions of life at prices one third below what we have to give for them now, and will you not increase the compensation of your officers there, as well as of those here? There is not a reason which has been given for increasing the salaries of officers of the Government here which does not apply with equal force as well to officers of the Government elsewhere.

The question then being upon Mr. SEYMOUR's amendment to the amendment, it was put, and on a division the Chair announced—ayes 40, noes 58; no quorum voting.

Mr. HAMILTON demanded tellers; which were ordered; and Messrs. CAMPBELL, of Illinois, and GOODENOW were appointed.

The question was again put, and the tellers reported—ayes 62, noes 60.

So the amendment to the amendment was agreed to.

The question recurred upon agreeing to the amendment as amended.

Mr. HAMILTON. I move to amend the amendment by adding thereto the following:

To the three public folders, viz: John D. Utt, Henry McLaughlin, and John C. Mulloy, \$2 50 each per day, from the commencement of the present session.

I have generally opposed these increases of compensation, but these men deserve more at the hands of this House than any other men employed about the Capitol. They have been here during the whole session of Congress; one of them has received \$75 for his services, and another only \$12. They are really deserving of this compensation.

Mr. GENTRY. I desire to remark, as a suggestion somewhat in opposition to the amendment of the gentleman from Maryland, that I have a proposition here general in its terms; one embracing all the employees of the Government, in the Executive Departments as well as here, and which pro-

poses an increase of compensation to them upon a uniform principle. I do not know that I am opposed to this proposition, but I think this partial increase of compensation has a tendency to impair the probability of the adoption of the general one which I design to offer, and which I have been waiting for an opportunity to offer. I hope the gentleman will allow me, by common consent, to offer mine now. He will find that it covers all these cases in a satisfactory way.

Mr. HAMILTON. These persons to whom my amendment relates are not salaried officers of the Government.

Mr. GENTRY. My amendment provides for all such characters, whether employed at an annual salary or in temporary positions.

Mr. HAMILTON. Permite me to remark that these gentlemen are employed in folding public documents. They are not salaried officers. One of them has received \$75 for his services, and another only \$12.

Mr. GENTRY. My amendment will give them twenty per cent. on what they now receive.

Mr. HAMILTON. I only propose to give them \$2 50 per day, from the commencement of the session.

The question now being upon Mr. HAMILTON's amendment to the amendment,

Mr. SMART demanded tellers; which were ordered; and Messrs. St. MARTIN, and CABLE of Ohio, were appointed.

The question was taken, and the tellers reported—ayes 74, noes 41; no quorum voting.

[Loud cries of "Call the roll!"]

Mr. GORMAN. I ask that there may be a recount.

The CHAIRMAN. There will be a recount if no objection be made.

There being no objection, the tellers resumed their places, and the question being again taken, the tellers reported—ayes 85, noes 32.

So the amendment to the amendment was adopted.

Mr. ORR. I ask that the amendment as amended may be read, with a view to offer an amendment.

The Clerk read the amendment as amended, as follows:

"And that the Clerk of the House of Representatives be directed to pay to William H. Minnix, the stationery and petition clerk, and the messengers of the House of Representatives, the same compensation, annually, which is paid to the assistant clerks of the Clerk of the House of Representatives, from the commencement of the present Congress; and the three public folders, John D. Utt, Henry McLaughlin, and John C. Mulloy, \$2 50 per day, from the commencement and during the present session."

Mr. BISSELL. I ask the gentleman from South Carolina to yield me the floor for one moment to make an explanation.

Mr. ORR. I yield to the gentleman for that purpose.

Mr. BISSELL. It is necessary, in order to carry out the intention of those who have offered this amendment, to add after the words "messengers of the House of Representatives," the words "three dollars per day."

The CHAIRMAN. That change can only be made by the unanimous consent of the committee.

Mr. HOUSTON. I object to any modification.

Mr. ORR. I move to amend the amendment by striking out the words "the same compensation, annually, which is paid to the assistant clerks of the Clerk of the House of Representatives," and to insert in lieu thereof the words "three dollars per day."

My friend from Illinois, [Mr. BISSELL,] in offering this amendment, stated to the House that the object of it was to give this gentleman the same compensation which is paid to the messengers, which is three dollars per day, but referring to the Blue Book here, it will be seen—

Mr. BISSELL. That is precisely the thing which I wish to get at now. It was an accidental omission of my own. I thought that on raising the compensation of this gentleman up to the salary paid to the assistant clerks of the House, it would be three dollars a day. That was my intention.

Mr. GENTRY. Then I understand it to be a mere verbal correction that the gentleman desires to make, and I hope there will be no objection to it.

Mr. BISSELL. My object is to make it the same as the salary paid to the assistant clerks of the House—that is \$1,500. But with regard to the amendment offered by the gentleman from

New York, in relation to the messengers, it is intended that they shall have \$3 a day.

Mr. ORR. Well, I understood the gentleman from Illinois, in the remarks which he made, to say that the increase to this gentleman, Mr. Minnix, would make his compensation \$3 per day, and I was not very averse to increasing his pay from \$2 50 to \$3 a day. But if the amendment stands as the gentleman framed it originally, instead of this officer's pay being \$3 a day, it will be \$5 a day, for the assistant clerks get instead of \$3 a day, \$1,500 per annum. I therefore offer the amendment which I have indicated.

I am not prepared to say whether the amendment ought to be adopted or not, for I have not examined into the details of the duties performed by this officer. I had examined into the duties of the officers for whose benefit I offered an amendment this morning. I know the extent of their services. I know that they worked from twelve to sixteen hours a day, hot or cold, summer or winter, and I thought their compensation ought to be increased. I have not investigated this case, and therefore I am not prepared to say whether this increase ought to be made or not. But unless the amendment which I have offered be adopted, you will increase the compensation to \$1,500, instead of to \$3 per day.

Mr. SEYMOUR, of New York. I wish merely to say, in explanation of my amendment, that I had the same impression that the gentleman from South Carolina had, and hence I offered the amendment in that form. Unless the words "three dollars per day," are inserted, it will be senseless, or else will give the messengers \$1,500, which I did not intend. I stated that the object of the amendment was to raise the pay from \$2 50 to \$3 per day, and I presume that was the intention of those who voted for it.

Mr. MASON. I rise to oppose the amendment to the amendment. I observe that the gentlemen who are offering and advocating these amendments are very little conversant with the duties of these messengers, and, therefore, are not prepared to make a distinction which ought to be made in their compensation. The Committee on Accounts, owing to the fact that we have had the superintendence and control of the contingent fund, have become acquainted with all these subjects, and have had this matter before us since the beginning of the session; but in consequence of the fact that the Committee on Public Lands consumed some months at the commencement of this session, our committee have never been called on, or we should long since have reported a bill regulating all these salaries.

Now, sir, Mr. Minnix, whose compensation is proposed to be raised, is a messenger, and there are three other messengers, making four to the Clerk's office. Three of these messengers have already, by these various resolutions, raising the salaries of particular incumbents in the various messengers' offices, been provided for—some by the House, and one by the Committee on Accounts. They have been raised to \$1,500 per annum each. The gentleman who was Superintendent at the Library, a very competent and popular man, had his salary raised to \$1,500 per annum. His successors, of course, claim the same compensation. If one man gets \$1,500 for the performance of the duties of an office, the successors will, of course, claim and expect the same.

It was the same way with the reading clerk, Mr. Walker, who was in here the last Congress, and read for Mr. Campbell. He was allowed to receive \$1,500 a year for his services. The present reading clerk, who has performed the same service, expects to receive the same pay. The Committee on Accounts are governed in these matters by the resolutions of the House. They had instructed him, or a majority of the committee had, to report a resolution giving each of these officers what they expect to receive.

Mr. BISSELL. I would inquire of the gentleman from Kentucky if, with reference to Mr. Minnix, he does not, although he only ranks as a messenger, perform more clerical duties than any other messenger?

Mr. MASON. The duties that gentleman performs are those of great importance, and involve a good deal of responsibility.

Mr. BISSELL. But are not his duties, to a great extent, clerical duties?

Mr. MASON. The respective duties of these

messengers are assigned them by the Clerk of the House. But it turns out that they all get their compensation raised to \$1,500, and some of them want messengers to wait upon them. I believe one of the messengers has a boy appointed to wait upon him as his messenger.

The amendment to the amendment was adopted. Mr. MASON. Is it in order to offer an amendment to the amendment?

The CHAIRMAN. It is in order.

Mr. MASON. I move to strike out "\$3" and insert "\$2 50."

The CHAIRMAN. That amendment is not strictly in order, the committee having inserted \$3 by the adoption of the amendment of the gentleman from South Carolina. It is not in order to amend what has been inserted by the committee.

Mr. MASON. Would it not be in order to increase the amendment?

The CHAIRMAN. It is not in order to amend, at all, what has been inserted by a vote of the committee.

Mr. MASON. Then I will move a proviso to the amendment. I move the following:

*Provided, That no extra compensation shall be given at the end of the session to any of the clerks or messengers of the House.*

The CHAIRMAN. That is in order.

Mr. MASON. The Committee on Accounts are expressly prohibited from allowing any extra compensation to any of the officers of the House. But it is not only unpopular but odious to go against this extra compensation; and I expect at the end of the session to see almost every gentleman here come up and vote for it. I will suggest that this whole subject needs revision. You have forty-odd clerks and messengers about the House, and many of the messengers are expecting to receive the pay of clerks. I will not say that Mr. Minnix receives full pay for the services he performs; but it is the duty of the Clerk to apportion these duties among the various messengers, so that no one shall have an extra amount of labor to perform. I do not know that this is done. I do not know but some of them perform a larger amount of service than they are paid for; but one thing is certain: I have no idea that any of them would vacate his office at his present salary; and if he would, there are a plenty more who would be glad of it. But what I wish to say is this: Of the two hundred and thirty-one members of this House, each one has all he can attend to in his own committee and in public, so that he could not possibly learn the duties which are performed by each officer of the House. The law allows eight clerks to be appointed. Speaker Cobb thought that six were enough. But you have now forty-odd messengers and clerks connected with the House. You have four messengers whose salaries are raised to that of clerks; and when a messenger is raised to the dignity of clerk he cannot undertake to do the ordinary duties of a messenger. We have seen that already in the messengers who are employed to take books round to the members at their houses. But having been raised to the dignity of clerk they scatter round the public documents upon the members desks, and the consequence is, that they often do not get them at all. That is the great difficulty in this whole matter. You place an obstacle in the way of a proper discharge of the duties by these messengers, although it is done with the best motives. It may be right that they should have some extra compensation and a little higher salary. I would be glad if every messenger, every clerk, every officer, and every member of Congress, and everybody else could have plenty of salary and plenty of money. I would be glad to see everybody have everything; but in representing our constituents here, who are to pay the salaries of the officers of the Government, we should remember that by the last Census our constituents are worth on an average but about \$250 each. In Massachusetts they are worth but about \$200. In Kentucky about \$700; but the average is about \$250.

Mr. CAMPBELL, of Illinois. I desire to say a word or two in relation to this matter. I suppose one great object is, to pay these clerks and messengers in proportion to the service they are required to perform, and the responsibilities their appointment imposes upon them.

Now, sir, in relation to Mr. Minnix, I suppose there are very few men in this House who are

aware of the responsibilities of his office. He is required, in the first place, to take all the petitions that are presented here and enter them in a book; and he is then required to distribute them amongst the several committees. In addition to that, he is required to receive all the stationery of the House from the contractor, and to see that it is properly taken care of, or disposed of. There is great labor and responsibility attaching to that office. All the stationery of the House is under his control, and at his disposition; and he becomes personally responsible for it. Now, I ask every gentleman here, if there is not great labor and responsibility attaching to the position which he is required to fill by virtue of his appointment?

The CHAIRMAN. The Chair is compelled to remind the gentleman, that the amendment before the committee is the proviso offered by the gentleman from Kentucky, [Mr. MASON,] that no clerks or messengers shall receive any extra compensation at the end of the session. The amendment, on which the gentleman is speaking, is not now before the committee.

Mr. CAMPBELL. Well, sir, am I not showing why the proviso should not be adopted—that in the particular instance of which I am speaking, an extra compensation should be allowed?

The CHAIRMAN. If the gentleman makes that application of his remarks, he is in order.

Mr. CAMPBELL. That is what I am endeavoring to show, that in some instances this extra compensation should be allowed, by giving the case of Mr. Minnix. Now, in the case of the Librarian of Congress, I would not desire to take anything from him, but if we are to give compensation in proportion to the labor and responsibility attaching to the office, I should say Mr. Minnix was entitled to more pay than the Librarian. The Librarian remains in the room, and when gentlemen come there and desire books, they take them out and he makes the entry. There is no great labor or responsibility attaching to that position. I do not suppose he performs an amount of labor sufficient to entitle him to a salary of \$1,500 per annum. So of some of the other clerks. My motto is, to pay men in proportion to the labor they are required to perform, and if Mr. Minnix does not present a case that entitles him to an equal compensation with the other clerks, then there is nothing in labor and responsibility which entitles a man to a reward, for there is no station connected with the House, to which more labor and responsibility attaches.

The amendment to the amendment having been reduced to writing, was read, as follows:

*Provided, That officers, clerks, messengers, or employees in or about the Capitol shall not be allowed any extra compensation at the end of the session.*

The amendment to the amendment was agreed to.

The question then recurred upon the amendment as amended.

Mr. DAWSON. This amendment as now amended will exclude the pages from any extra compensation. I trust it will not be adopted.

The question was put, and the amendment as amended was disagreed to.

Mr. GENTRY proposed an amendment as an additional section.

Mr. HOUSTON. The amendment offered by the gentleman from Tennessee [Mr. GENTRY] is a section by itself, and it is not in order until the balance of the bill has been read. The second section of the bill is now before the committee, and I now call for its reading.

Mr. GENTRY. I submit the question to the Chair if my amendment is not in order.

The CHAIRMAN. The committee read through the first section of the bill at the last sitting of the committee. All the amendments that have been offered since that time have been offered to come in at the end of the first section. The gentleman from Tennessee [Mr. GENTRY] now submits an additional section, which, if adopted, will read section *two*. In the opinion of the Chair, the amendment is in order at this time.

The amendment was read, as follows:

*Sec. — Be it further enacted, That all clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions, in the executive and legislative departments of the Government in the city of Washington, whose compensation does not exceed \$2,000 per annum, shall, in addition thereto, be allowed the following annual increase of compensation, commencing from the first day of the last fiscal year, viz: All whose annual compensation does not exceed \$1,200, twenty per cent.; all*

whose annual compensation exceeds \$1,200, and does not exceed \$1,600, an addition of fifteen per cent.; and all whose annual compensation exceeds \$1,600, and does not exceed \$2,000, an addition of ten per cent.; and that the amount of increased compensation provided for in this section shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. GENTRY. It is not needful for me to say anything scarcely in explanation of that amendment. It proceeds upon the idea, sir, that the facts set forth in the petition of some of the clerks of the Government, here presented a few days ago, are true—namely, that the cost of living in the city of Washington has been very much augmented. They ascribe it to the influx of gold from California. It is not necessary for me to go into a discussion of the causes. The fact is unquestionable. There is not a solitary individual in this House, and there cannot be one, who has given any attention to the subject, who can pretend to controvert that fact. Then, unless it can be successfully established that the compensation of these employees of Government has heretofore been too much, the conclusion inevitably follows that there is an appeal to our justice, which ought not to be repudiated, for increasing their compensation.

There are cases, Mr. Chairman, which have come to my knowledge, and which, were they known to this House, would, I am sure, prevent there being a negative vote. There are clerks in these Departments receiving an annual compensation of not more than \$1,000, as well born, as well bred, as intelligent, as patriotic, as honorable, and as sensitive as any of us upon this floor, and more competent to be members of Congress than most of us. [Laughter.] I know a case of that character, of a man in whose bosom there beat as noble a heart as ever beat in the bosom of man, who had recently been a member of the Legislature of his State—a merchant in affluent circumstances, overtaken by misfortune, and who came here and accepted a little clerkship of \$1,000 per annum, with the assurance that he would be promoted when there was a vacancy—who had a family of children depending upon him; but his proud heart chafed to death under the mortification to which his condition subjected him, and he died without the means of a decent burial, and his family was indebted to the charity of his brother clerks for the means of finding a place in the bosom of his mother earth. This case is but an illustration of things occurring monthly—almost daily—with men of like characters, like accomplishments, and like business qualifications—with men dying here, and having to be buried by the charitable contributions given by men who have nothing to spare.

Now, sir, this is no time for long argument or many illustrations. Allow me to state that in my country, if a gentleman starves his slave, it detracts very much from his respectability among the gentlemen in his neighborhood. I suppose in almost every part of our country, if a master workman should starve his employees and apprentices, he would lose caste among all respectable men.

Is the United States Government so poor that we shall starve the employees of this Government—starve them to death, and allow them to be indebted to the private contributions of the charitable for burial expenses? No man can assume that there is any extravagance or profligacy in my proposition; and if the facts are as I have assumed them to be, it is meanness not to change this state of things. And I repeat there is no extravagance or profligacy involved in it. It is a wise economy to give a fair compensation for the governmental employees. I hope no one will oppose this amendment. If the law has wisely graduated the salaries of the different employees of the Government in the legislative and executive departments whose salaries do not exceed \$2,000, then I think that the proportionate increase which I propose is perhaps just, and wise, and right. If the amendment which I offer is adopted, a clerk who receives \$1,000 per annum, will receive \$1,200; one who receives \$1,200, will receive \$1,440; one who receives \$1,600, will receive \$1,840; and one who receives \$2,000, will receive \$2,400. This is a very small increase of expenditure to the Government, but it will give a vast amount of relief to these employees of the Government.

Surely, there can be no consideration urged against a proposition like this.

Mr. DUNHAM. While I freely admit that there is a necessity, perhaps, for some change in the salaries paid to many of our clerks, yet I must oppose the amendment offered by the gentleman from Tennessee, [Mr. GENTRY,] because I do not think it is equal and just. In the first place, I think there must be a general reform in the present system of clerkships under Government. There is no propriety and no justice in the manner in which our clerks are at present engaged, and in which they are required to labor. Go into the Post Office Department, and I will show you in a dozen rooms, men sitting side by side, at the same desk, performing precisely the same duties, who receive, some \$1,000, some \$1,200, and some \$1,500. And yet the gentleman proposes to increase these salaries at different rates, the highest being twenty per cent. His proposition will make the increase of the clerk performing the same duty at \$1,500 per annum, as much as the increase of the man who receives only \$1,000; for twenty per cent. upon \$1,000 will not be as much of an increase as fifteen per cent. upon \$1,500. Is that just and right? If a man cannot live here at \$1,500 per year, most assuredly a man cannot live for \$1,000; and it seems to me that you ought to bring up the pay of those receiving the most inadequate compensation, before you commence increasing those receiving the higher compensation.

If a man cannot live for \$2,000, or for \$1,800 a year, most assuredly he cannot live for \$1,200, the amount which is now proposed to be given to those who now receive \$1,000. It is sometimes the case that you appropriate a certain amount of money for the services of clerks in a certain Department, with the intention that the clerks therein shall receive \$1,000, or \$1,500 a year; and instead of appointing such a number as will admit of the payment of that salary out of the fund appropriated, they appoint a great many more clerks, and they receive but \$500, \$900, or \$1,000.

The whole thing is wrong from the beginning to the end. By making the salaries too large we bring about another evil. We hold out inducements to those who are mere politicians to come here and ask for clerkships as a reward for political services at home—men who are most unqualified to perform the services which devolve upon them. We ought rather to adopt such a system as will bring men here competent to discharge the duties of a clerk. I think \$1,000 is too little, and it ought to be increased; but there is no sense or propriety in the principle of increase proposed by the gentleman from Tennessee, [Mr. GENTRY.] Let us first bring up the salaries which are most moderate. I know half a dozen clerks, all receiving the same salary of \$1,000. Some of them do not save a single cent, while others of them save something out of the \$1,000. The difference arises in their habits.

Mr. BROWN, of Mississippi. I move to amend the amendment by increasing the salary from twenty to twenty-five per cent. of those clerks receiving less than \$1,500.

I would not, Mr. Chairman, participate in this discussion, out that I feel it a matter of duty to those who have appealed, I was about to say, to the liberality, but I will say, to the justice of the Government. I feel, sir, that these clerks—especially those occupying subordinate positions—are in the present state of affairs very inadequately compensated. I have some experience in the matter of housekeeping in the city of Washington, and I come forward to bear my willing testimony to the fact that no genteel family numbering half a dozen persons can subsist in this city upon \$1,000. In my judgment, it is utterly impossible for them to do it. Why, sir, do gentlemen know what is the cost of marketing in Washington? Those who are not housekeeping do you know that the article of beef is selling in market for from fifteen to eighteen cents per pound; that chickens are selling at forty, and even as high as fifty cents the pair; and that everything else has been, and is now, selling at like proportion? How is it possible that a housekeeper can pay his rent and market for his family upon \$1,000? You may say, it is true, that these clerks can go away. Many of them are so poor that they cannot get away.

I assert again, that many of these clerks cannot get away if they were disposed to leave. And is it the policy of this Government to crowd your public offices with men incompetent to discharge

their duties? Is it the policy of your Government to bring men here and then put them upon the pauper list? A man who lives in the country and who is in the habit of keeping his family at cheap rates of living, knows but little of what the cost of subsistence in a city is until he has once tried it. The man who comes here is entitled to sufficient to enable him to live, not extravagantly, but to live at least respectably. Gentlemen may say that they are not bound to support the extravagance of the family of a clerk. Is it the policy of the Government to crowd your offices with young men who are notoriously more neglectful of their duty than married men? They have the endearments of their family around them. They stay at home when they are not engaged in the public service, and have additional inducements to go to their work. That is my experience in the operations of life, and feeling, as I do, from my observation and knowledge of affairs in Washington, that these clerks ought to have an increase of their compensation, I will vote for this proposition with a great deal of pleasure. I am not willing to make it permanent, because I do not know but that in the course of twelve months things will come back to what they were two or three years ago, and this increased compensation may not be necessary. But I believe there is a necessity for it now, and so believing I am willing to support the amendment.

Mr. FOWLER. Mr. Chairman, I am opposed to this and all amendments upon the subject, and I take the ground in the outset, that these salaries are high enough now. I will take the further ground, that if we raise the salaries of clerks in the city of Washington, we should raise them in the cities of Boston, New York, Philadelphia, Richmond, and New Orleans, and everywhere else. If the cost of living here has increased it has increased in every city and every village in the land. If salaries are not sufficient here, they are not sufficient in all the other places where clerks are employed. If California gold, sir, has increased the cost of living in this city, it has had the same influence elsewhere—everywhere—east, west, north, and south.

Gentlemen have spoken of their experience in housekeeping in Washington. I have a precedent, therefore, for alluding to that subject. During the last Congress, I was a boarder, and boarded in two of the best houses I could find in Washington, and lived well enough. But during this session I have been a housekeeper, and have lived better than I did during the last Congress. And I can say the salary is ample. The salary of a member of Congress, which is about \$700 for the short, and about \$2,000 for the long session—averaging about \$1,500 a year—notwithstanding the many expenses to which he is subject, is ample. As members of Congress, it is our business to serve the country, not to acquire riches. I am aware that the prices of living here are high; but high as they are, if gentlemen will practice frugality, economy, and temperance, and not be extravagant in their outlays, they may live well in Washington, as housekeepers, and lay up \$500 upon a salary of \$1,500; and then do better, vastly better, than nine tenths of our constituents do all over the country. If the clerks, and other employees of the Government, are not satisfied with their present positions, there are thousands upon thousands who would rejoice to take their places, and even to pay a handsome percentage for the privilege.

In regard to this matter of raising salaries, let us come right up and take the bull by the horns, [laughter,] and look at it as a whole. If the salary of the President of the United States, and the secretaries, and the judges, and all the other officers, ought to be raised, let us do it; but let us not begin with these clerks in Washington. Let us take the whole subject up, and if it needs revision, let us make that revision in a bill brought in for the purpose, and embracing a system that will touch every part of the country. Sir, we need economy; we need frugality; we need temperance here in Washington, and elsewhere, and everywhere, and the rulers should set the example. The salaries are high enough in my judgment. I go against all this special legislation for the purpose of accommodating a few gentlemen. I am willing to say that these clerks ought to be well paid. I know that some of them are men of worth—men of laborious habits. They serve the

country well. I do not know but that this is true of most of them.

If their salaries ought to be raised, I say again, let us regulate them in a bill brought in for that purpose, and not in this partial and hasty manner; let us act with due consideration; not under the influence of sympathy raised by the eloquence of my honorable friend, who always speaks with such fascinating power; I allude to the honorable gentleman from Tennessee, [Mr. GENTRY.] I wish I had his strong voice, and his power of illustration and of impression, that I might reach every ear in this Hall. I am sure it would not be in vain, with such power, to plead in this presence the cause of justice and right, and to conjure the representatives of the people, to look well to the rights and interests of the people.

I will maintain the principles of justice and right, in their application to all men—especially to the frugal and the industrious. The men who labor with their hands upon the soil, in the workshops and the factories, ten and twelve hours a day, should first receive the favor of this House, rather than those who are occupied five or six hours in the bureaus of this city.

The question was then put, and the amendment of Mr. Brown was disagreed to.

Mr. DEAN. I move the following proviso, by way of amendment to the amendment:

*Provided, That this section shall not extend to any person receiving a salary for discharging the duties of more than one office at the same time, or to any person who does not actually discharge the duties of the office for which he receives such salary, or to any person engaged in prosecuting any claim before any of the Departments or Congress; and that in case any paying or accounting officer of the Government shall pay said additional percentage to any such person, it shall be a misdemeanor in the person knowingly paying or receiving such additional percentage, rendering him liable to indictment, and punishment by fine and imprisonment.*

Mr. Chairman, I am not disposed strongly to resist the proposition of the gentleman from Tennessee, [Mr. GENTRY,] to add to the remuneration of the clerks who are legitimately engaged in the various departments of the Government. I have no doubt there may be instances where that remuneration should be increased; and if the section can be so guarded that the heads of Departments and of Bureaus cannot further abuse the power now in their hands, I shall vote for it. If I am correctly informed, however, there are individuals now, pets of the heads of Departments, who, in the face of laws which have been passed, commencing in 1842, and reenacted year after year since, are receiving the salaries of at least three offices, the duties of none of which they adequately discharge.

Mr. GENTRY. I know the objection which the gentleman states is an objection with many, and, as a consequence, an argument for voting against this additional compensation; but we cannot correct executive abuses. It is our duty to put it in the power of the Executive Government to do right, and to impeach them if they do wrong.

Mr. DEAN. I want to guard the proposition of the gentleman, so that no head of a Department of this Government, or head of an executive Bureau, can pay to his sons, nephews, cousins, or favorites, salaries to the amount of \$2,000, \$3,000, or \$4,000 each. By the passage of the gentleman's proposition without a provision of the character I have indicated, we shall increase the salaries of these pets to a greater extent. If there be any proper object for the increase of the salaries, it is to enable those men permanently engaged as clerks in the various departments of the Government in this city with families, to support them with respectability; it is not for the purpose of increasing salaries, but to reward labor adequately, and for that only can I support it.

Another abuse will be corrected by that proviso, very prevalent, I am informed, in the Departments—the allowing of persons to take a clerkship at four dollars per day, who hire, for the discharge of its duties, other individuals at one dollar per day, while they spend their time around the hotels, the gambling houses, or the lobbies of Congress to press claims through here or smuggling them through the Departments. My provision is designed to reach cases of that kind. If there be any, it will prevent their continuance and repetition. If there be none, there will be no harm in the adoption of the amendment. It is intended, also, not only to reach those paying, but those receiving two



salaries. There is an express law, passed in 1850, prohibiting any person from receiving two salaries except the Superintendent of Public Buildings. I understand the Attorney General, the law officer of this Administration, has given it as his opinion that there is no objection whatever to the giving of a man two salaries. How he could give such an opinion I cannot understand. The Secretary of State and the Attorney General, within the last year, have given their certificate to a man as entitled to \$3,000 for doing nothing, or discharging the duties of an office which did not exist, while he was at the same time receiving \$2,500 for another office. I desire to have it provided by law that any person who shall receive more than one salary shall be liable to indictment. That is the only way in which the evil can be eradicated. If my amendment be adopted, I am willing, as a temporary expedient, to vote for this or some increase of compensation. I believe the expenses of living have increased here as well as in other places; but still, sir, it will be an unpleasant matter for us to meet our constituents, and to tell them we are voting increased salaries to clerks in Washington, whilst clerks in the various offices of our counties receive only \$500 salary, and yet lay up a portion of that. This amendment should not apply to young men, who have no families, receiving a salary exceeding \$1,000 per annum. If that will not support them, I fear their expenses are not such as we should countenance or encourage.

Mr. GORMAN. I am opposed to this amendment. I have had occasion to look into the opinion of the Attorney General upon the subject of paying the officers of the Government, when they perform the duties of two offices. I had occasion in the last few days to present the question before the Second Comptroller of the Treasury, and give my views, humble as they were, at some length. The Second Comptroller decided, as indeed the former Comptroller has decided, that no person, under the existing law, can receive pay in two capacities. He has decided, if a clerk or other officer of the Government shall perform the duties of any other trade or office, that he cannot thereby get the additional pay. That decision has been made, I say, by the Comptroller, and the Comptroller of the Treasury has overruled, to some extent, the decision of the Attorney General heretofore made. But the Attorney General has not decided the point in the manner in which the gentleman states it. He has decided that an individual cannot draw the pay for two offices; but where a person is in any office, and is detailed to the discharge of other duties not incompatible with the duties of that office, he may receive pay for the duties to which he is detailed. While I am upon the subject of salaries generally, I may be permitted to remark that the salaries of our clerks have not been regulated for the last twenty or twenty-five years in the main. Rents have increased greatly in the city of Washington—property has increased in value greatly—the cost of living has increased greatly, and there is nothing which enters into the constituent elements of the expenses of a person living in Washington city but what in the main has increased. I am not to be told that an individual upon a salary of \$1,000 in the city of Washington can live and save anything for his family. He cannot educate his children, keep his family, and pay his rent upon \$1,000 a year and save one penny. He cannot do it upon \$1,200, with an ordinary sized family. The amendment of the gentleman from Tennessee [Mr. GENTRY] proposes to increase the small salaries to the greatest amount—say twenty per cent. to the large salaries. I think that where they are \$2,000 they ought not to be increased at all, because the expense of living, the cost of house rent, and other expenses of living in the city of Washington, are as much to the \$1,000 clerk as they are to the \$2,000 clerk; and although the spirit of economy may get into this House, and may induce it to do injustice—

Mr. McMULLIN. I understand that the watchmen only receive \$500 per annum. Why not let them live, as well as the clerks?

Mr. GORMAN. The gentleman's question answers itself. In every instance where the watchmen do not get more than \$500, there ought to be a *pro rata* increase. By this amendment they get twenty per cent. increase. I say that in all cases where these salaries have not been touched for twenty years, they ought to be increased, and

the good sense and judgment of the House will bear me out.

Mr. HALL. Why is it, that all these employees of the Government should have their salaries increased, and the members of Congress, whose expenses are much heavier, shall not have their salaries increased? No one proposes to increase their salaries.

Mr. GORMAN. The gentleman's mileage from the State of Missouri would pay for half of the messengers, or half of the clerks almost, in one of these Departments for a year.

The question was then taken upon Mr. DEAN's amendment; and upon a division there were—ayes 83, noes not counted.

So the amendment was agreed to.

Mr. JOHNSON, of Tennessee. I offer the following amendment to the amendment:

That twenty per cent. be added to the per diem or monthly pay now received by all employees of the Government, who are engaged in any branch of mechanics or at common labor.

Mr. Chairman, we have witnessed various amendments which have been offered here with the view of increasing and extending the salary of everybody connected with the Government, save the man who labors and produces. The man who wears the dinge of the shop or of dust of the field upon his garments is never thought of or cared for by this House, except upon occasions when the Government needs taxes. When the Government needs men to fight its battles, then it calls upon this description of persons; but when money is to be voted out of the Treasury, without stint and measure, why this class of individuals is never regarded. I should like to know why the men who work in your navy-yards and forge your anchors—why the men who work in your navy-yards and build your ships—men who wield the broad-axe, chisel, and hammer, not only five hours in the day, but ten hours, at \$1 50 and \$2 a day, should not have twenty per cent. also added to their days' wages? They have not the time, after working ten hours a day, like others who are not employed five, to visit this Hall and besiege members of Congress with importunities, and almost in the attitude of supplicants, to increase their pay. They have to work almost from the rising to the going down of the sun; while others in the employment of the Government get much larger salaries, although their expenses of living are no more than those of the men who work at the anvil or work in your shops. Go, for instance, to your armory. Who says anything about increasing the pay of the men who are engaged in preparing the implements of war to protect your country in its hour of need? There is no twenty per cent. for them. When provisions rise, when meat and bread advance in price, and it is impossible almost for the laborer to support his family, where then is the powerful appeal of my colleague in behalf of this man, his family and little ones?

There is no talk then, in pathetic strains, about the funeral train and the charitable contributions by laborers to secure a decent interment of the remains of the over-worked and illy-paid laborer. Oh, no; the laborer has to toil on, struggle on, and there is no one to plead his cause before this House and the country. I say that it is time, when you commence expending—when the door of the Treasury is to be thrown wide open, and when a general invitation is to be extended to Government employees to come in and participate in this indiscriminate scramble, that the laborer, the man of toil, the producing-man, the man who creates as he consumes, should come up for once and have a chance at the spoils. When I talk about this increase of pay for the laborer, do not understand me as going against an increase of pay for these clerks. It depends entirely upon what you do with the amendment I propose. I say, that they are equally meritorious and worthy. While the sun rises and sets at the usual hour with this class, and while they work from the rising to the setting of the sun, there is another class of employees whose sun rises at nine in the morning, and sets at three in the afternoon; and yet they are worked to death—their burdens are too heavy—their expenses of living are too high. While a complaint from this over-worked class causes this hall to become vocal in pathetic appeals, the producing men, who give potency and character to your institutions, and constitute the physical power of the Government, may toil on, half paid

and half fed, and they are never thought of or cared for.

Mr. GENTRY. In the appeal which my colleague makes to me in his very graphic and forcible description, he claims that a certain class of employees in the Government should be provided for in addition to those provided for by the amendment I have offered. He says, in reference to this case, "Where is the eloquence of my colleague?" I do not claim to possess that high gift of eloquence upon any occasion; but wherever and whenever, at all times and in all places, a case is presented to me that addresses itself to my sense of right, whatever eloquence I possess is at the service of any meritorious man, high or low, humble or poor, in the city of Washington or out of it, in the navy-yards, the army, or wheresoever he may be. Justice and right are all that I look at in reference to any case that comes before me as a member of Congress. I do not care where a man lives, what his employment is, or in what branch of the Government he may be employed, whether he is my friend or foe, to what party he may belong, if he will show me a just case, whatever eloquence I possess is at his command—always, at any time. Yes, sir, such eloquence as I possess, in a question of right, is always at the command of any man who needs it.

Mr. JOHNSON, of Tennessee. I know my colleague will bear me witness that in the remarks I made I intended nothing personal. I knew that the impulses and feelings of his heart run in this channel, and I merely made the inquiry I did by way of reminding him that there were others who were entitled to and needed his sympathy.

Mr. GENTRY. I thank my colleague for his explanation. The amendment offered by my colleague is in the nature of an assault upon my amendment, a death-like attack. It is not intended to perfect my amendment—to amend it so that it will meet the approval of the House. His candor will not say that. Now, as far as individual motives go, I say that I am acting in conformity with the sentiments which I have always expressed. I know that about nine tenths of the persons benefited by this amendment have been denouncing me for six months. They have all been against me. They are Scott Whigs in the main—a good many Democrats, though. [Laughter.] And therefore if there is anybody here that can vote disinterestedly on this question I can. But I hope there is no gentleman who will judge and determine a question of this sort with such motives as that. Do justice—do right. One solitary young man from the county of Williamson, in my own State of Tennessee, constitutes the whole amount of Executive influence and patronage that I have obtained for my constituents, and he is willing to fight any member of Congress that will give him the slightest hint of an insult. [Laughter.] He is as independent as I am, and infinitely more brave. He is getting \$1,000, and he is willing to lose that to-morrow. I have no interested motives in offering this amendment. I believe that nine tenths of those who will be benefited by it have done me gross injustice, time and again, and are habitually doing it; but it is right, and it ought to pass.

Mr. JOHNSON, of Tennessee. I will merely say, in reply to the remark of my colleague about that constituent of his being ready and willing to fight anybody, that I do not assume that attitude. I belong to the peace party.

Mr. GENTRY. So do I.

Mr. JOHNSON. But if the gentleman's constituent is of that independent and high-minded character that he represents him to be, I think he is detracting from his position by holding on to his office, when he has to assume the attitude of a suppliant for an increase of pay. He should act as a high-toned man would—quit the employment of the Government, and seek other employment.

Mr. GENTRY. I only intended to say that he was a young man, and that his office was nothing to him. I intended to convey the idea, that so far as personal friendship went, I could have no motives in offering this amendment. Certainly, I had no intention of presenting the idea that my young constituent would like to fight my colleague. [Laughter.]

The question now being upon Mr. JOHNSON's amendment to the amendment,

Mr. JOHNSON demanded tellers; which were ordered; and Messrs. FOWLER and McMULLIN were appointed.

The question was then taken, and the tellers reported—ayes 61, noes 70.

So the amendment to the amendment was rejected.

Mr. CHANDLER. I move, Mr. Chairman, to make the addition to the highest rate of wages eight per cent. instead of ten per cent., and in doing so I desire to offer a few remarks upon the general question. The remarks which have fallen from my honorable friend from Massachusetts, [Mr. FOWLER,] and of my brother Caius from Tennessee, [Mr. JOHNSON,] who always out-Gracchies me in popularizing a measure, have an application that should not be general. It is enough for us to legislate for the Departments on this matter, and not, by adding to the wages of others who do not thank us for those wages, disturb the balance of business. When, a few days since, some of the hard-handed mechanics from the yard asked me to assist them in procuring an augmentation of their wages, I asked what they needed, and they told me they needed what others got. They wanted no more, (they would scorn to ask for more,) and they were entitled to it, and did receive it. There was no necessity for legislation. But the persons who are employed by the Government here have no means by which their wages can be regulated. The carpenter in the navy-yard knows that he is to receive the highest rate of wages that is paid in the next yard to him. The blacksmith and every other mechanic is paid as much there as the best mechanic can earn elsewhere. But here when a clerk is employed, when his whole life is given to the examination and knowledge of that clerkship, then he finds himself midway in life, cut off from those enjoyments which he has a right to calculate on, and which every other man—the mechanic or the merchant—is sure to attain with economy and with that enlarged enterprise which belong to our country.

My honorable friend from Massachusetts talks of temperance. Temperance can be practiced elsewhere as well as here. It is a very good thing, but it is best not to be too temperate even in our temperance.

My honorable friend from Massachusetts says that he finds himself comfortable with his income of \$8 a day, and that, therefore, a clerk should be comfortable with his \$3 a day. Let me say that this business in which we are now engaged, is not the profession of our lives, but the accident of our position. While a clerk may be content with \$3, and we might be content with that sum, we still should have the great advantage over that clerk, that we have our employments, our pursuits, our incomes elsewhere; and we have, sir, besides, what every man here, I presume, will estimate above the mere price, mere hiring wages, the consideration of being the legislators of the nation, and telling how much the clerk shall have for his services. Why, sir, are we to stand here and measure the incomes of other persons by the *per diem* that we receive? or are we to elevate our position, or to consider it elevated by the pinnacle upon which our constituency has placed us? Sir, the clerk in one of these Departments has to pay enlarged prices for his food from the very fact that we are here eating the market out; those who come to legislate, and those who come to direct legislation, all have to feed, and every pound of mutton that they eat adds to the price of the mutton that the poor clerk eats.

Mr. SKELTON. Mr. Chairman, I am satisfied that I am already branded with being illiberal by my opposition on other occasions to propositions of this sort. But, sir, I hold this doctrine, that I would rather have the credit of being just than liberal. It is for that purpose that I rise here upon this floor to advocate carrying out principles of justice, not of liberality. What are we asked to do here upon this floor? To be liberal with what? To be liberal with the money of the people of the United States. If we wish to show our generosity, let us put our hands into our own pockets, and we will practice generosity that will be our own. Sir, who pays these clerks? Whose money pays them? How is it raised? Is it picked up in the streets like stones? If so, I would vote them the largest sums they could demand. But, sir, whilst I am upon this floor, I cannot forget that I represent the mechanics, and workmen, and farmers of a State where there is not one man in a thousand who can make \$500 a year; and it is their money that you now call

upon me to take out of their pockets to increase the salaries of these men who get \$1,000 a year. I ask honorable Representatives on this floor to represent their constituents at home. We are here to represent our districts, and the whole people. We are here to stand up in the face of an opposition arrayed against us by the inhabitants of this District, that paralyzes the arm of almost the boldest of us. But, sir, I intend, as all the other Representatives of this nation should do, to look to the interests of the whole country. There is not in the whole United States, taking the whole country over, one man in a thousand who can earn \$500 a year. How do they live? The prices of provisions have risen everywhere, all over the country. The gold of California acts on every section of the country. Why, then, are we asked to take money out of the pockets of the people, and to decrease their means of livelihood, for the benefit of these men? Talk about sympathy with the laboring man, and at the same time put your hand in his pocket and increase his taxation, for the benefit of a few individuals, who only work five or six hours a day! Why, sir, these laboring men, who only earn from \$300 to \$500 a year, work ten, twelve, and sixteen hours a day. And is this your generosity? Is this generous? I appeal to the nation if it is generous to tax the whole country for the benefit of a few individuals—favored politicians, who seek for places? They tell us that they cannot live here. Well, let them leave, and live as people do in other portions of the country. We can find plenty of men to fill their places, and do their work for what they now receive, and be glad of the job.

Then, sir, I ask that justice shall be done to the whole country—justice, even-handed justice. If men wish to be generous, let them put their hands in their own pockets and give their own money. Is there any generosity in giving away other people's money? None at all. It is injustice; and it is upon that ground that I oppose it.

Mr. CHANDLER. If there be no objection, I will now withdraw my amendment.

Mr. CARTER. I object.

The question was then taken upon Mr. CHANDLER's amendment to the amendment, and it was rejected.

Mr. CARTER. I move to strike out all of the proposition of the gentleman from Tennessee, except that in relation to the \$1,000 clerks. If I understood the honorable gentleman from Tennessee, [Mr. GENTRY,] this amendment is proposed under the emergency of the increased price of living in this District, that has supervened during the current year, and that may reach into the future. I have offered this amendment for the purpose of making the provision correspond with the intentions of its honorable mover. The amendment, as offered by the gentleman from Tennessee, seems to contemplate a difference between the demands of the different clerks for food. If the reason assigned by him is the correct reason for introducing it, still, there does not appear to be a correct mathematical ratio established in this amendment for the grade of the stomachs of these clerks. [Laughter.] It provides, for the \$1,000 clerks, an increase of twenty per cent., and for the \$1,200 or \$1,600 clerks, an increase of fifteen per cent. Now, has the honorable member from Tennessee ascertained that this is the precise difference between the stomachs of the \$1,000 and the \$1,600 clerks? [Laughter.] For if he has not ascertained that fact, his amendment involves over-justice or under-justice. It is doing justice to the \$1,000 clerks, and over-justice to the balance. Now, sir, when these clerks were appointed, a physiological examination was made. Now, we had no idea that the \$1,600 clerks had larger stomachs than the \$1,000 ones. [Laughter.] We supposed they were all placed upon the same common physiological platform. [Great laughter.]

But, sir, if I am correct in this hypothesis that the same physiological laws are common to them all, then the \$1,600 clerks have obtained their allowance already. If it is true that the \$1,000 clerks require twenty per cent. more to fill their stomachs, then it is equally true that the \$1,600 clerks have got theirs full, and a little more already. [Laughter.] Now, I am willing to take it for granted that the honorable mover of this amendment took his measure of the stomachs of the \$1,000 clerks, and found that it would require twenty per cent. more to fill them. If that is so,

I am willing to vote them this twenty per cent. in addition to what they already receive; but I am not willing to force the \$1,600 clerks to gormandize. [Renewed laughter.] It is all wrong, sir. I think there is a little fund of natural philosophy in the amendment I propose, and I trust the mover will see it in the same light.

Mr. BOWIE. Mr. Chairman, it will be remembered that Congress found it necessary in 1812, 1813, 1814, and 1815, to make an addition to the salaries of the clerks in the Departments. The same addition was again made in the year 1837, under the auspices of the Hon. Cave Johnson, who is known to be a renowned economist. In that year a law was passed adding from ten to twenty per cent. to the salaries of the different clerks, where the salaries were less than \$2,000.

Now, Mr. Chairman, in the present state of things, I have an entire conviction that it is absolutely impossible for a clerk with a family of five or six to live—notwithstanding the calculations and testimony of my honorable friend from Massachusetts [Mr. FOWLER] to the contrary—on less than \$1,200 a year.

I now propose to institute a comparison between a captain of the Army, of the cavalry corps, living here in the city of Washington, and one of the clerks in a Department, having five or six children. A captain in the Army, including his pay of \$50 per month, receives from the Government provision for his rations, his quarters, his fuel, pay for his servant's clothing, and forage for two horses, amounting in all to \$1,965. Now, take a clerk at Washington who is a husband, with a family; allow him \$250 for rent—suppose there are six persons—allow them 20 cents per day each for marketing; for clothing \$30 each—the same as is allowed a servant in the Army—and it will require \$1,194 75 in order to bear his expenses, allowing nothing for riding in omnibuses in rainy weather; allowing nothing for occasionally asking a friend to come and take tea with him; in short allowing him nothing for any personal indulgence. Add to this, there is a law of the United States prohibiting the clerks in many of the Departments from participating in any other business. I do not know whether this regulation extends to all the Departments or not, but it certainly does to the Treasury Department. Now, sir, there are few having the financial experience and tactics of the gentleman from Massachusetts, [Mr. FOWLER,] and until we have all become learned in the same school of economy, until we all have the same degree of wisdom, and until we have all been brought up in the same honorable state with the gentleman from Massachusetts, we are not qualified to live upon the same per centum with him. For one I am prepared to vote for the amendment of the honorable gentleman from Tennessee, [Mr. GENTRY,] to increase the salaries of the employees of the Government who are salaried officers, bound down by their duties to a particular place, and who are not permitted to seek any other employment. They should be preserved from temptation, by affording them a reasonable compensation; for men who have the fears of poverty staring them in the face cannot serve the Government faithfully; men who have these temptations constantly surrounding them, living in want, can scarcely be honest if they have money intrusted to them. If they are fiscal agents they must be raised above want. If they are accountants they must be placed beyond the temptation to make false accounts. I say, therefore, that it is economy as well as justice for us to increase the salaries of all persons having salaries less than \$1,200; and I believe the proposition of my friend from Tennessee to increase the salaries of clerks with salaries up to \$2,000, is a reasonable and proper one, and I shall vote for it.

Mr. RICHARDSON. I move that the committee do now rise.

The motion was not agreed to.

The question then recurred upon Mr. CARTER's amendment to the amendment.

Mr. ALLISON demanded tellers; which were ordered; and Messrs. GOODENOW and HART were appointed.

The question was then taken, and the tellers reported—ayes 64, noes 61.

So the amendment was agreed to.

Mr. BRENTON offered the following amendment to the amendment:

And that from and after the 4th day of March, 1853, it

shall be the duty of each of the heads of the Executive Departments of the Government so to arrange and classify the clerkships in said Departments as to make three several classes, according to the nature of the business in which said clerks are employed, and the qualifications required for the same.

The said clerks to serve in their respective classes for the term of four years, and all vacancies occurring by removal or otherwise, in either of the higher classes, shall be filled from the class next below it, and no clerk shall serve in any one of the Departments for a longer period than twelve years. The compensation of the first or lower class of clerks shall be \$1,200 per annum; of the second class \$1,500 per annum; of the third class, \$1,800 per annum. And no removals shall be made except for incompetency, or cause shown to the satisfaction of the President of the United States.

And in the selection of said clerks, they shall, as far as possible, be taken from the several States and Territories in proportion to the number of Senators, Representatives, and Delegates from each in the Thirty-third Congress.

Mr. GENTRY. I desire to make a suggestion in reference to the amendment just voted on by the committee. The adoption changes the whole phraseology of my amendment. I think the Clerk ought to be required to reduce the amendment to writing; as it now stands, I do not think we can proceed understandingly, unless the phraseology of the amendment is changed, so as to make it conform to the last vote taken. The amendment offered by the gentleman from Ohio [Mr. CARTTER] is rather in the nature of a substitute than of an amendment.

The CHAIRMAN. The Chair will remark that his attention was not called to the form of the amendment at the time it was offered.

Mr. GENTRY. I only suggested it because I think it is necessary that we should understand what we are doing as we go along.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee as amended.

The amendment as amended was read by the Clerk.

Mr. GENTRY. Will the Chair now state the precise condition of the amendment?

The CHAIRMAN. The gentleman from Ohio [Mr. CARTTER] moved to strike out all in the amendment except so much as related to the clerks receiving the salary of \$1,000.

Mr. GENTRY. The word \$1,000 does not occur in the amendment.

The CHAIRMAN. The gentleman is right; but the Chair did not observe it at the time the gentleman from Ohio offered his amendment.

Mr. GENTRY. If the Chair will permit me to make a suggestion, the amendment of the gentleman from Ohio is in the nature of an entire substitute, and must be reduced to writing in order to make it intelligible. We cannot proceed understandingly until this is done.

The CHAIRMAN. The Chair will again say that he did not at the time notice that the words "\$1,000" are not in the amendment of the gentleman from Tennessee. He will now suggest, as the easiest and best remedy, that by unanimous consent the gentleman from Ohio be permitted to reduce his amendment to writing, and allow another vote to be taken upon it.

Mr. HAMILTON and others objected.

Mr. STANTON, of Tennessee. I rise to a question of order. My question is, that the proposition of the gentleman from Ohio was no proposition at all. [Laughter.] It is not recorded, it is not reduced to writing, and it has no pertinency to the amendment of the gentleman from Tennessee. I hold that it cannot be considered as any proposition at all.

The CHAIRMAN. It is not for the Chair to decide whether the amendment makes sense or not; the fact may have its influence with the committee in their votes. But the amendment of the gentleman from Ohio was entertained by the Chair, and propounded to the committee, and a vote was had upon it by the committee.

Mr. CARTTER. I see no difficulty about the matter. The substance of the amendment was, that the amendment of the gentleman from Tennessee should only apply to the employees of the Government who were in the receipt of not more than \$1,000 per annum. It would then provide that those clerks who received a salary of not more than \$1,000 per annum should receive an increase of twenty per cent. upon their present salaries. That was the amendment, or the substance of it.

Mr. STANTON. The Chair did not state my point of order correctly. It was not that the amendment of the gentleman from Ohio did not make

sense, but that there was no amendment in any tangible form at all. There was nothing embodied or applicable to the proposition of the gentleman from Tennessee; and therefore I submit that the whole proceeding in relation to it is a nullity.

Mr. GENTRY. I desire to add a word to what my colleague has said. The state of facts now presented show that we have failed to observe the rules necessary to be observed, in order to give validity to legislative proceedings. Mr. Chairman, you do not know what the amendment is; you cannot state what it is. The Clerk cannot state what it is. The gentleman from Ohio has moved an amendment to my amendment in the nature of a substitute, which we have adopted without its being reduced to writing. Now, it seems to me that the only proper course we can pursue is that suggested by the Chair—to allow the gentleman to reduce his amendment to writing, and take another vote upon it.

Mr. HOUSTON. Is this debate in order?

The CHAIRMAN. It is not strictly in order, but the Chair was willing to hear suggestions in relation to this matter.

Mr. HOUSTON. I dislike very much to interfere with gentlemen, but I am exceedingly anxious to get through with this bill.

Mr. JOHNSON, of Tennessee. Let us vote the whole amendment down.

Mr. CAMPBELL, of Illinois. I move that the committee do now rise.

Tellers were called for upon the motion, and ordered; and Messrs. CHANDLER and MOLONY were appointed.

The question was then taken, and the tellers reported—ayes 67, noes 50.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee (Mr. PHELPS) reported, that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and especially House bill No. 196, making appropriation for the civil and diplomatic expenses of the Government for the fiscal year ending June 30th, 1853, and for other purposes, and had come to no conclusion thereon.

Mr. HOUSTON. We have now only about sixteen working days, and if we should appropriate every day to the appropriation bills, there are only about two days to each bill; I therefore move the resolution that the five minutes debate upon this bill be terminated, in half an hour after we again go into the Committee of the Whole upon the bill.

The SPEAKER. The Chair hears no objection to the reception of the resolution, and it is received.

Mr. STUART. I move that the House adjourn.

Mr. HOUSTON. Will my resolution come up to-morrow morning?

The SPEAKER. Not in the morning hour.

Mr. BROOKS. If the motion of the gentleman from Alabama [Mr. Houston] does not prevail, I want the yeas and nays upon the motion to adjourn.

The SPEAKER. The question before the House is upon the motion to adjourn.

Mr. BROOKS. I call for the yeas and nays upon that motion.

The yeas and nays were refused.

Mr. FITCH. There was objection made in this quarter of the House very distinctly, to the reception of the resolution of the gentleman from Alabama, [Mr. Houston,] and I insist upon the objection being recognized.

The SPEAKER. The Chair did not hear the objection.

Mr. FITCH. That is not our fault. We spoke very loud and distinctly. If there was noise between us and the Speaker, that fact ought not to prevent our objection from being recognized.

Mr. HOUSTON. The resolution was received, and I ask a vote upon it.

The SPEAKER. The Chair must state, in regard to that matter, that it is impossible very often to preserve order in the Hall, such order, at least, as will enable the Chair and gentlemen to hear what is passing. The Chair did not hear any objection, and entertained the motion.

Mr. FITCH. I have no doubt that the Speaker did not hear the objection, but it was made here.

Mr. BROOKS. Do I understand that the resolution of the gentleman from Alabama [Mr. Houston] has prevailed?

The SPEAKER. It has not, but has been entertained.

Mr. BROOKS. Then I call for tellers upon the motion to adjourn.

Mr. ORR. Will the resolution come up to-morrow?

Mr. BROOKS. Will the Chair tell us when it will come up?

The SPEAKER. The Chair will decide questions as they arise.

Mr. ORR. The vote upon the adjournment will depend upon the decision of that question.

The SPEAKER. That is an argument, and is not in order.

Mr. FITCH. Will the Chair tell us the present condition of the resolution of the gentleman from Alabama, [Mr. Houston?]

The SPEAKER. The Chair has decided that the resolution was received by unanimous consent; and the question now before the House is on the motion to adjourn.

Mr. ASHE. I opposed the reception of the resolution.

The SPEAKER. The only question before the House is on the adjournment.

Mr. BROOKS. I withdraw the call for tellers, if I understand that the resolution of the gentleman from Alabama was received.

The SPEAKER. It is entertained, but has not been acted upon.

Mr. BROOKS. I call for the yeas and nays upon the motion to adjourn.

The SPEAKER. The yeas and nays have been refused.

Mr. BROOKS. Then I ask for tellers.

Mr. CARTTER. Is it not in order to move to adjourn at any time?

The SPEAKER. That is the pending question, upon which tellers are demanded, and the Chair is very anxious to ascertain whether gentlemen wish to adjourn or not.

Tellers were ordered, and Messrs. CHANDLER and CARTTER appointed.

The question was then taken, and the tellers reported—ayes 51, noes 44.

So the motion was agreed to, and the House adjourned until to-morrow at 11 o'clock, a. m.

#### PETITIONS, &c.

The following petitions and memorials were presented under the rule, and referred to the appropriate committees:

By Mr. STANTON, of Ohio: The petition of C. S. Hamilton and sundry other citizens of Union county, Ohio, praying the establishment of certain post routes in Union, Franklin, and Hardin counties, in the State of Ohio.

By Mr. PRICE: The petition of James McDonald, for a register for the British brig *Susannah*.

By Mr. HARPER: The petition of Thomas Wallace and 66 others, citizens of Muskingum county, Ohio, asking for the passage of the bill introduced by Mr. STANLEY, in aid of the colonization of free people of color in Liberia.

By Mr. DISNEY: The memorial of sundry citizens of Cincinnati, asking Congress to aid in the colonization of free blacks in Liberia.

By Mr. PARKER, of Pennsylvania: The petition of David McKinney and 34 others, citizens of Blair county, State of Pennsylvania, praying Congress to pass the bill introduced into the House of Representatives by the Hon. EDWARD STANLEY, entitled "A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with the States by an act approved June 23d, 1836."

By Mr. BRIGGS: The memorial of J. A. Whitlock & Co. and others, citizens of the city of New York, asking Congress for the passage of a law for the better protection of lives on board of steamboats.

Also, David Smith and others, for the same;

Also, David Morrison and others, for the same;

Also, Charles Hopkins and others, for the same;

Also, Edwin Braun and others, for the same.

By Mr. THOMAS M. HOWE: The petition of Alexander F. McGill, A. W. Black, Thomas F. Dale, and 102 others, citizens of Allegheny county, Pennsylvania, praying Congress to pass the bill introduced in the House of Representatives by the Hon. EDWARD STANLEY, directing the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with said States by the act approved June 23d, 1836.

#### IN SENATE.

WEDNESDAY, August 11, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. BRADBURY. Mr. President, I find in the report of the proceedings of the Senate on Monday last, some remarks of the honorable Senator from South Carolina, [Mr. BUTLER,]



chairman of the Committee on the Judiciary, which contain statements made inadvertently, I presume, that require correction. The honorable Senator was commenting upon a letter from the Secretary of the Interior relating to the "amendment to the apportionment bill" as it is called, or the supplementary act on that subject, and in speaking of that bill, he says:

"I am not at liberty, perhaps, to say who prepared it; but it was no doubt prepared at the Census Bureau, and adopted at the instance of Mr. BRADBURY; and I suppose the responsibility must be shared between the head of the Bureau, the Secretary of the Interior, and Mr. BRADBURY."

In regard to the responsibility here alluded to, I shall presently have a word to say. It is sufficient to state, in the first place, however, that the bill was not reported by me or at my instance, as the honorable Senator would have known if he had been present. He was necessarily called away during the action of the Senate on that subject, and has been misinformed in regard to it. The bill containing the clause alluded to was reported by the honorable Senator from Louisiana, [Mr. DOWNS], in behalf of the majority of the Committee on the Judiciary, which gave California but one Representative in Congress. I was in the minority of the committee, and presented a counter report to that of the honorable Senator from Louisiana, and moved an amendment to the bill providing for two Representatives for California. After debate, the amendment offered by me was adopted. It only related to the representation from California, and changed the bill in no other respect. Upon examination it was seen that the language of the bill and the amendment was somewhat incongruous, and I thereupon redrew that section of the bill, which related to the California representation, so as to give that State its two Representatives, and left the other sections in the form and words reported by the honorable Senator from Louisiana, so that the provision of the bill which was the subject of the remarks of the Senator from South Carolina on Monday last, was presented by my friend from Louisiana, and not by me.

I think, however, that an unnecessary alarm has arisen in regard to the construction of that bill. My own impression is, that the bill as reported, and the phraseology adopted, which related to the compensation of the Superintendent of the Census Board, is not liable to the construction which has been placed upon it; and that it did not need the supplementary resolution which has been recently passed by the Senate. But inasmuch as there has been supposed to be some responsibility attached to the phraseology of the law, I desire to stand right upon the record. In making these remarks, I desire to say, that I have no doubt but that the honorable Senator from South Carolina made his statement upon information which had been given to him, and upon which he relied.

Mr. BUTLER. I rather suppose, after so many explanations, it will turn out that nobody prepared that clause at all. [Laughter.] It certainly was prepared by somebody; either by Mr. Kennedy, the honorable Senator from Louisiana, [Mr. DOWNS], or the Senator from Maine, [Mr. BRADBURY], for I do not believe Mr. Stuart prepared it. I did not prepare it, for I can prove an *alibi*. Now, the remarks I made to the Senate, were exclusively made upon information derived from the honorable Senator from Louisiana, [Mr. DOWNS], that the bill itself came from the Department. I was advised to let Mr. Whittlesey settle it; but I said, no; if there is any inadvertency from any source, I, as the representative of the committee, must be held responsible to the public, for no one will know who reported the bill, and I feel concerned that some explanation should be given. When the debate took place, in consequence of the joint resolution, very properly proposed by the Senator from Massachusetts, [Mr. DAVIS], I felt bound—no other person being present to make the explanation—to make it; and perhaps, in making it, I may have thrown more blame upon Mr. Kennedy—for I shall mention names now—than should be attached to him.

But as to the way that the amendment came, it seems to be now that the honorable Senator from Louisiana [Mr. DOWNS] is to be held responsible for it. Well, sir, that Senator told me that it came from the Department. I have no doubt that it did not come from Mr. Stuart; and I have no doubt that it did come from the head of the Census Bureau.

That gentleman—I mean Mr. Kennedy—informed me when he came to me to explain—and I was very willing that he should explain, as I had no disposition to do him injustice—that he did not know whether he prepared it, or whether one of the committee prepared it, but he rather thought he had a letter from the Senator from Maine, [Mr. BRADBURY], asking his attention to this subject, and in consequence of it, it was prepared.

Mr. BRADBURY. I hope I am understood by the Senator. I have sent to the document room, and have the bill which contains the censured phraseology, and I trust it will be satisfactory to the Senator to read the caption:

"In the Senate of the United States, March 10, 1852, Mr. DOWNS, from the Committee on the Judiciary, submitted a report, [number 113,] accompanied by the following bill; which was read and passed to a second reading."

I might go on and read the bill which contains the clause that gave rise to the remarks. Now, the Senator has seen fit to say that the amendment was prepared by somebody—either by Mr. Kennedy, by the Senator from Louisiana, [Mr. DOWNS,] or by myself. I thought I had stated, with sufficient distinctness, that I was unfortunately in the minority, and opposed to the bill reported, and moved an amendment to it, which was finally sustained by the Senate. I repeat again, that I do not think the bill itself is liable to the objection which has been raised to it.

Mr. BUTLER. It is a question of fact who did prepare it.

Mr. BRADBURY. The question of fact is settled by the record.

Mr. CASS. As both the Senate and the House of Representatives have passed the bill into a law, I think all are responsible.

[Here the conversation dropped.]

#### PETITIONS, ETC.

Mr. CASS presented the petition of C. B. Clusky, praying compensation for a plan and estimate made by him for the extension of the Capitol, and for the time spent in explaining it, and in giving his views on the subject; which was referred to the Committee on Claims.

Mr. STOCKTON presented the petition of Mary C. Hamilton, widow of the late Captain Fowler Hamilton, of the Army, praying a pension; which was referred to the Committee on Pensions.

Also, the petition of R. Nicholas, executor of Jonathan Nicholas, praying to be allowed his father's pension for the time his name was stricken from the rolls; which was referred to the Committee on Pensions.

Mr. CHASE presented two petitions of citizens of Magnolia, Ohio, praying that the bill now before Congress, commonly known as the homestead bill, may become a law; which were ordered to lie on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. DAVIS, from the Committee on Commerce, to which was referred the bill from the House of Representatives making appropriations for the improvement of certain harbors and rivers, reported it back with sundry amendments.

Mr. HAMLIN, from the Committee on Commerce, to which was referred a memorial of citizens of Paducah, Kentucky, praying that that town may be made a port of delivery, reported a bill to constitute Paducah, in the State of Kentucky, a port of delivery, and for other purposes; which was read, and passed to the second reading.

He also, from the same committee, to which were referred the petitions of John Gray and Wyer G. Sargent, praying to be allowed fishing bounties, submitted a report, accompanied by a bill for their relief; which was read, and passed to the second reading. The report was ordered to be printed.

Mr. BRODHEAD. The Committee on Claims, to which was referred the memorial of Harman Blannerhasset and Joseph Lewis Blannerhasset, praying indemnity for injuries done to property of their father by troops of the United States in 1806, have directed me to submit a report, accompanied by a bill for their relief. When this bill comes up for consideration, I shall ask the Senate, particularly the older members of it, to vindicate the truth of history in one or two particulars.

The bill was read a first time, and passed to a second reading; and the report was ordered to be printed.

Mr. BRODHEAD also, from the same committee, to which was referred the petition of Joseph Smith, sen., praying compensation for services rendered and property furnished the United States in the Black Hawk war, submitted an adverse report thereon.

Mr. FELCH, from the Committee on Public Lands, to which was referred the petition of James P. Delacour, only son of James Delacour, praying to be allowed bounty land for the services of his father during the last war with Great Britain, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the memorial of George Barrell and S. V. S. Wilder, in behalf of themselves and other heirs of the owners of the ship Columbia and sloop Washington, and the petition of the widow of Captain Robert Gray, the first discoverer of the Columbia river, praying the confirmation of their title to certain lands purchased from the Indians in 1791, or to such compensation as Congress shall think proper for their discoveries in those regions, submitted a report, accompanied by a bill granting lands in Oregon to Martha Gray and others; which was read and passed to the second reading. The report was ordered to be printed.

#### NOAH HANSON.

Mr. DODGE, of Iowa. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred a resolution relative to the pay and funeral expenses of Noah Hanson, late a messenger of the Senate, to report the same back with an amendment striking out the part which provides for the payment of the funeral expenses. I ask that the resolution may now be considered.

No objection was made, and the Senate proceeded to consider the resolution. The amendment to the committee is to strike out the following words:

"And also to pay the funeral expenses of said Hanson, as heretofore paid in similar cases."

The resolution, if so amended, will read as follows:

"Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay out of the contingent fund of the Senate, to Mrs. Maria Hanson, administratrix of the estate of Noah Hanson, late a messenger of the Senate, the usual *per diem* compensation for his services from March 27, 1850, to June 1st, 1851, and from October 1st to November 1st, 1851, the time of his decease."

Mr. CASS. Mr. President, do I understand that the proposition is to continue the salary after the death of the man?

Mr. HAMLIN. I will explain the resolution. Mr. Hanson was a messenger of the Senate for the space of eighty or ninety days, or at least for the precise number mentioned in the resolution. He performed the services of a messenger in the document room, in filing and preparing documents. Just before the commencement of this session of Congress he died. I drew the resolution, therefore, to pay him for the time he was employed, for which he had not had his pay. I included in it, also, the clause, which was to pay about \$150 for his funeral expenses—precisely what has been done in three or four other cases. If the Senate see fit to strike that clause out, I do not rise for the purpose of making objection; but still I think that item ought to be paid, as in other cases.

The amendment was agreed to, and the resolution as amended, was read a third time and passed.

#### FALLS OF THE OHIO.

A motion by Mr. BRIGHT, that five thousand additional copies of the report of the Committee on Roads and Canals, in relation to the construction of a canal, and the establishment of an armory and foundry, at the Falls of the Ohio river, and the relinquishment of the stock held by the United States in the Louisville and Portland canal, be printed for the use of the Senate, was referred to the Committee on Printing.

#### AMENDMENT TO THE RULES.

Mr. BADGER. I laid upon the table of the Senate, some seven or eight weeks ago, a resolution proposing to amend one of the rules of the Senate, to which I referred yesterday. Its object is to get rid of the difficulty which perplexes us every time we have an appropriation bill before us to settle what is a private claim. I move that the Senate take up that resolution for consideration.

Mr. CASS. I must express my hope that the Senate will not take it up. We shall enter into a metaphysical discussion of, at least, an hour; no man can foretell the end of it. If the honorable Senator will allow a vote to be taken without any discussion, I will cheerfully acquiesce. But there will be more metaphysics introduced than the world has seen since the days of the Stagirite. I hope it will not be taken up.

Mr. BADGER. I would suggest to my friend from Michigan, as he has given us such a luminous exhibition of my resolution, that it does not propose any explanation of what a private claim is, but its object is to amend the rule so as to get rid of the difficulty altogether, of having to decide whether an amendment is for a private claim or not, when it is presented.

Mr. BADGER's motion was agreed to, and the Senate proceeded to consider the resolution which was submitted by him on the 25th of May. It is as follows:

*Resolved*, That the 30th rule be amended, by striking out therefrom the following words: "And no amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

The 30th rule, which is proposed to be amended, is as follows:

"30th. No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate."

Mr. HUNTER. The Senator from North Carolina moves to amend the rule, for the purpose, as he says, of getting rid of the discussions in relation to what are private claims. I appeal to every old member of the Senate, to say whether we did not have those discussions, and much more frequently, before the adoption of the rule than since; whether it has not been always considered a valid objection to an amendment to an appropriation bill, that it was a private claim. Why, sir, before we had this rule, we had two classes of arguments whenever these amendments were brought forward. In the first place, they were generally opposed by those who had the care of the bill, on the ground that it was improper to put a private claim upon a general appropriation bill, and, as a general rule, I have never heard it doubted. We had, therefore, the argument in relation to it, to ascertain, first, whether it was a private claim; and afterwards, another class of arguments to show, that, admitting it was a private claim, yet there was some special reason, some good ground for excepting the case from the general rule. If, therefore, this provision of the rule shall be expunged, the Senate will not escape a discussion in relation to the character of the amendment. You may rely upon it, when we shall have had a little experience in the practice of the Senate without this rule, it will be found to be necessary to do something in order to prevent us from loading down appropriation bills with private claims. Why, sir, there is a peculiar propriety for such a provision in relation to general appropriation bills. The result of admitting private claims to be offered as amendments to them is, that any committee can pass whatever private claim it chooses. If we take up a private claim as a separate measure, upon a private bill day, when we do not understand it, if it requires investigation, we can ask that it may be postponed until we can investigate it. But if it is offered as an amendment to an appropriation bill, we can make no such request. We cannot lay over an appropriation bill to obtain an opportunity to examine a claim. No, sir, we must take the word of the committee which offers it, and we must vote without any explanation, or without any adequate opportunity to examine the claim. The result would be, that any committee could put any private claim it chooses upon a general appropriation bill.

But this is not the worst of it. The general appropriation bills will become a sort of omnibus—a log-rolling arrangement in relation to private claims. "I will not vote against yours, because I may have one which I want to get up;" and this arrangement will be made like those internal improvement bills, by which claims will be passed as amendments to the appropriation bills that

never would have been passed separately and as independent measures. Now, if the Senator wishes to prevent that evil, he had better aid me in doing something to make the rule more definite, if it is not sufficiently definite for his purpose. The whole objection he raises amounts to this: that you cannot give any definition of a private claim which would be sufficiently distinct to enable the Senate to practice under it without difficulty. I acknowledge it is a subject of some difficulty; but I do not admit that you cannot give a definition to enable the Senate to practice under this rule. If the Senator would give us his assistance in this regard, I think, after a little practice, we should be able to define what are private claims in such a manner as to get rid of all dispute in relation to their nature. Sir, I believe we can do it by referring to what should be a general appropriation bill. A general appropriation bill should make provision for laws and treaties, for obligations incurred by laws and by treaties, and for the current service of the year. If, instead of saying, "No amendment shall be received whose object is to provide for a private claim, although the same may have been previously sanctioned by the Senate," we should say that no additional appropriation should be offered, unless it were to provide for some obligation created by law or by treaty, or for the current service of the year, then the rule would define itself; and I believe we should be able to practice under it without difficulty, and with benefit to the dispatch of business by the Senate.

I know, that if this provision is stricken out of the rule, and we are thrown at sea in relation to it, where it will end. We shall go on adding private claims to general appropriation bills, until the Senate will feel the necessity of doing something to guard the business of the country against this improper admixture. We shall then have the whole subject to go over again, and probably it will end in the enactment of some other rule. It would be better not to amend this as proposed; for the honorable Senator from North Carolina must know that it is improper to put a private claim upon a general appropriation bill; and that, unless we have some rule guarding it, there will be constant efforts to do it. And if we admit one, it will be considered favoritism not to admit all. We shall then have the only portion of the business which is conducted with tolerable certainty and dispatch by Congress, so embarrassed, that that probably, in the end, will fall through.

Why, sir, the House of Representatives might well object, if they send us appropriation bills relating to the general interests of the country, and we should load them down with private claims, send them back, and say: "You shall not appropriate for the general public service of the country without passing this or that private claim." It is a sort of coercion, of which they might and would well complain. If it shall result in this, that we are to do no legislation except upon general appropriation bills, those bills will break down like everything else, and the business of legislation become almost impossible. I say this, because I foresee the consequences of repealing that rule. I know the inconvenience which arose before; and, although the rule which it is proposed to amend has caused some inconvenience, because it required practice to define and settle its meaning, I think we have passed over the worst; and I believe, if we continue a little further, we shall be enabled to make it sufficiently accurate to proceed with definiteness and dispatch to the public interest of the country. I recollect well, that before it was adopted, half the debates on amendments offered to general appropriation bills, were upon the question as to whether they were for private claims; and then, if they were for private claims, whether they were such as ought to constitute an exception. We shall certainly get rid of all that last branch of the discussion, by retaining such a rule as this. It is, however, for the Senate to say. If they prefer to go without it, I have nothing more to say in relation to it.

Mr. BADGER. Mr. President, the rule, a portion of which I seek to strike out, is only two sessions old. The Senator from Virginia says if the amendment I propose prevails, the general appropriation bills will be loaded down by private claims; that there will be a system of log-rolling introduced by virtue of which one Senator will vote for a private claim in consideration of

other Senators voting for a private claim that he favors.

Now, sir, in the first place I say that I cannot conceive such a thing as any member of this body voting knowingly for anything that is wrong. Therefore I consider the allegation as not admissible. In the next place it is refuted by the whole experience of the Senate. This rule, as I say, is but two sessions old. When have the appropriation bills been loaded down, as the Senator supposes they have been by private claims? They have never been, in a half century's experience of the Senate. When the Senator from Virginia offered his amendment to the rules, it was for the purpose of relieving us from this difficulty. I did not oppose it, but we immediately found that we had opened a new source of discussion and consumption of time, which was a great deal worse than any difficulty that could be supposed to arise out of the admission of such amendments; for though the Senator says we always had the question raised as to private claims before, and always shall have hereafter, if this proposition of mine shall be adopted, one question we never did have, and never could have raised, except for this rule, and that is the question of order—a question whether the amendment can be considered. That is the question we have sprung upon us—that is the question upon which we occupied two hours yesterday in determining whether an amendment was in order or not.

Now, I think after striking out the portion which I propose to strike out the rule will be sufficiently guarded. No amendment of any kind can be offered, unless under the circumstances prescribed by the residue of the rule; one of these is the one that might be supposed to apply most generally to private claims, and is, when an amendment is moved by order of a standing committee of this body.

I think if we cannot trust ourselves to pass upon amendments proposed to us by the standing committees of the body—if we are obliged to tie ourselves up so that we cannot look at proposals of that kind, coming from a standing committee, we shall have lost a considerable portion of that respect we ought to have for ourselves, and that consideration which we ought to have for the country. However, I have no personal anxiety about the matter. I served in the Senate three sessions before we ever heard of such a rule, and I never found the difficulties, the log-rolls, and the weighing down of appropriation bills by private claims, which the Senator from Virginia supposes will exist. But since the adoption of the rule I have found, and so has he, a great deal of difficulty and waste of time in determining whether the Senate can consider a proposition or not. That is what I want to get rid of.

Mr. HUNTER. I wish to make one single remark as to a matter of fact. If the Senator from North Carolina [Mr. BADGER] will consult any of the older members of the Senate, or the Committee of Ways and Means in the House, or the Committee on Finance in the Senate, or the Senator from Tennessee, [Mr. BELL], he will learn that the connection of private bills with a general appropriation bill is a serious evil, and much more felt before the adoption of the rule than it has been since.

Mr. BADGER. That must have been before I was in the Senate.

Mr. UNDERWOOD. I wish to make one remark. Each House has before it a variety of petitions upon the subject of private claims. Each House matures its own action upon the petitions presented, and after doing this, presents its action to the other House for consideration. Now, suppose we put upon a general appropriation bill, all private bills which the Senate has matured, and send the bill back in that shape to the other House; or suppose the House should take a similar course, and put all its private bills upon a general appropriation bill, and send them to us, what chance has the Senate to mature all the private bills that may be put upon the general appropriation bills in this way? It will amount to a one-sided legislation. Each House will have to adopt just the same measures which the other has seen fit to pass, and without examination. Are you prepared for that? At this period of the session, it will be impossible for us to examine all the private bills from the House, or for the House to examine all which we might send them—under

such circumstances. They will be taken upon trust and passed, therefore, simply because the one or the other House has passed them. That will not be constitutional legislation, as it seems to me. We are not so organized that each House should consider maturely all the legislation of the other. These remarks do not apply to the general provisions in pursuance of standing laws for carrying out the public measures of the country. Both Houses of Congress may be presumed to understand what the necessities of the country require, and are prepared to act in pursuance of general laws, to meet those necessities; and should be prepared to act whenever those subjects come before them. I therefore think it bad policy to incur a general appropriation bill with individual measures, and I shall vote against the resolution. The question was taken, and the resolution was not agreed to.

#### INDIAN APPROPRIATION BILL.

The hour of twelve m. having arrived, the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives "making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30th, 1853."

Mr. JONES, of Iowa. I offer the following amendment:

For payment to James W. Marsh, to cover the loss of his property destroyed by a band of Sioux Indians in the month of July, 1849, while extending "the second connection line" of the public surveys in the State of Iowa to the Missouri river, under contract with C. H. Booth, Surveyor General of the United States, \$1,200.

In relation to this amendment I have fortified myself with much information which I have sought and obtained from the sources that are accessible to me; but probably I shall husband the time of the Senate by causing to be read a paper from the Indian Department, which is appended to the amendment rather than giving a verbal explanation myself:

"Extract from additional estimate of funds required for the service of the Indian Department within the present fiscal year ending 30th June, 1852:

"This claim is presented under the seventeenth section of the intercourse law of 1834, which promises restitution or reparation by the United States for depredations committed by Indians who are not in the receipt of annuities from our Government. The proof furnished by Mr. Marsh to this office establishes conclusively that the depredation was committed upon his property, and that the offenders were Sioux Indians of the Wahpacoota band, who receive no annuity from the Government of the United States.—See vol. 4, U. S. Statutes at Large, page 729, chap. 161, 'An act to regulate trade and intercourse with the Indian tribes,' &c., section 17."

Mr. HUNTER. Did I understand the Senator from Iowa to say, that he had a communication from the Indian Department explanatory of this amendment?

Mr. JONES. Yes; the explanation has just been read. It shows that the appropriation is asked for under the intercourse law of 1834, which was passed for the purpose of preventing difficulties between citizens of the United States in the Indian country and the Indians themselves, and for property which might be stolen or destroyed by them. This is a case in which the property of a deputy surveyor of the United States was stolen by the Sioux Indians. These Indians have no annuities out of which we can take the amount of which Mr. Marsh was robbed; and the intercourse law of 1834 provides, that where persons are robbed, or have their property stolen, remuneration for such property shall be made by the Government of the United States. I think this is, beyond question, a case which is covered by the law. The matter was submitted last session to the Committee on Indian Affairs, as well as to the Commissioner, and both the committee and the Commissioner were of opinion that it was a proper appropriation to be made in the Indian appropriation bill, it not being a private claim.

Mr. HUNTER. If I understand this claim, it originates under the seventeenth section of the intercourse law, which would have been paid by the Department if there had been any appropriation to meet it. This is clearly a claim originating under the law of 1834; and if that be so, it is not a private claim. I do not know anything of the merits of the claim itself.

Mr. ATCHISON. I know all about it.

Mr. HAMLIN. How much is it.

Mr. ATCHISON. Twelve hundred dollars. It is for property taken by the Indians in the Territory of Iowa. The Committee on Indian Affairs, to which this claim was referred, were of opinion that under the general intercourse law, the party was entitled to receive it, if he had pursued the course pointed out by the law. If he had gone before an Indian agent, or the Superintendent of Indian Affairs, and made proof of his loss of property, he, of course, could enforce the collection of his claim against the Indians if they received annuities. But they received no annuities, and hence the Treasury of the United States, under that law, is responsible. This is the whole case. It is a public claim, if there be any such thing as a public claim.

The amendment was agreed to.

Mr. CLEMENS. I desire to offer the following amendment:

For payment to the citizens of the States of Alabama and Georgia, for depredations committed by the Creek Indians on their property, and for the property taken by the troops of the United States, and the friendly Creeks in the years 1836 and 1837, \$355,797, to be distributed according to the schedule returned by the commissioners appointed under the act of Congress, approved 3d March, 1837.

Mr. HUNTER. I should have raised a question of order as to whether this is a private claim, but after the decision on Mr. Hart's claim yesterday, I do not feel that it is expedient to do so. It seems to me that this claim is no more a private one than that—both are private claims, in my opinion.

This question has been already under the consideration of the Senate, having been moved as an amendment to the deficiency bill, and was argued *pro* and *con*. by the Senator from Michigan, [Mr. CASS,] and the Senator from Tennessee, [Mr. BELL.] I did not think that it was a fair case for an appropriation then, nor do I think so now; but I do not think it is necessary to repeat the arguments used on that occasion, as they must be fresh in the recollection of every member of the Senate.

Mr. CHASE. I would like to have the question raised, and I will raise it for the purpose of taking the sense of the Senate, whether this is a private claim or not?—for I think we are in a fair way to accomplish the object of the Senator from North Carolina by indirection, if we are not prepared directly, to repeal the rule. These claims do not professedly arise under any law of the United States; but they arise, as was stated on a former occasion, upon the application of an equity to these particular claims. There is no law by which any provision for the payment of these claims is made; there is no contract in pursuance of any law, and there is no treaty by which they are recognized or provided for; so that they do not come within the category in which the claim, yesterday decided to be a public claim, stands. That was a claim arising in pursuance of a law or of a treaty, which is the supreme law of the land.

The PRESIDENT. The Chair is very unwilling to decide, where there is the slightest doubt, in a matter of this kind; and has, therefore, on several occasions, submitted to the Senate whether such a proposition, as that now made, came under the rule or would be excluded. Under a decision reversing a decision of the same case, which occurred on the deficiency bill, the Senate determined yesterday that a claim, it had formerly pronounced a private claim, was not a private claim, although the Chair, if called upon to decide the question, would have decided otherwise. The Chair is, therefore, unwilling to exclude any amendment which, by any possibility, may not be strictly a private claim. The question is now raised again upon this amendment, and it is for the Senate to decide whether it is a private claim under the rule.

Mr. CLEMENS. I have certainly no objection to the Senate deciding this matter again, although they have decided it once. The Senate decided, when the deficiency bill was under consideration, that this was not a private claim. I have no wish to discuss the question. I want to vote on the merits of the case. I believe that every Senator understands it. It is a case arising both under treaty and under law. It is a case which is provided for by law; it is one which has been recommended by the Commissioner as well as by the President of the United States; and much the largest portion of the claim is for food and fodder furnished to the troops of the United States. As

I have already stated, it is a case arising not only under treaty but under law—one which was recommended by the Commissioner appointed by Congress to ascertain the amount. The Senate has once decided that it was not a private claim, and I presume it will so decide again.

The PRESIDENT. The question is, whether the amendment can be received under the rule.

Mr. CHASE. This claim arises out of depredations committed by the Creek Indians on property in Alabama, and, I think, in Georgia. The law to which the Senator from Alabama, [Mr. CLEMENS,] refers, directed the appointment of commissioners for the purpose of ascertaining what depredations had been committed before hostilities, during hostilities, and subsequent to hostilities, distinguishing the claims into three classes—those which came within the provisions of the Indian intercourse law, those which came within the provisions of the act of 1816 and its amendments, and those which did not come within the provisions of either of those acts. Now, this amendment provides for the appropriation of \$355,797, for the reimbursement of claims which are all enumerated under the third class, and none of which come either within the intercourse law or the act of 1816; and so far from being provided for by the act to which the Senator from Alabama [Mr. CLEMENS] has referred, they are expressly excluded by its terms. So that my original statement was correct. These claims do not arise under any act of Congress, or in pursuance of an act of Congress, or under any contract, or any treaty; and to test the sense of the Senate on the question whether this amendment can be received, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. I shall vote against this proposition, not because I am convinced, but upon the ground that the Senate has ruled it out. I voted before differently perhaps from what my vote would be now.

Mr. DAWSON. I beg to state, that when this same proposition was presented before in the deficiency bill the same point was made, and the same decision made, by the present presiding officer, and the Senate decided that it was proper to be admitted as an amendment. Are we going to change, or to give a vote over again every time the proposition comes up? I trust we will at least remain consistent upon this point.

The question was taken, and resulted—yeas 16, nays 20; as follows:

YEAS.—Messrs. Atchison, Badger, Bell, Borland, Brooke, Butler, Charlton, Clemens, Dawson, Foot, Geyer, Sebastian, Smith, Stockton, Upham, and Weller—16.  
NAYS.—Messrs. Bradley, Bright, Brodhead, Chase, De Sansure, Dodge of Wisconsin, Dodge of Iowa, Felch, Hamlin, Hunter, Jones of Iowa, Mallory, Mediwether, Miller, Norris, Pearce, Pratt, Spruance, Underwood, and Wade—20.

So the amendment was not admitted under the rule.

Mr. ATCHISON. I have an amendment which I desire to offer, and I am of opinion that it is for a claim that will not come within the prohibition of the rule, as it arises under a treaty. It is to insert:

For satisfaction of the claim of Robert Greenough, arising under a clause of the second article of the treaty made with the Menominee Indians on the 3d day of September, 1836, which clause was rejected by the Senate by way of amendment to the treaty, the sum of \$20,000: *Provided*, That no part of the above sum of money shall be paid without the consent of the Menominee Indians duly obtained.

The PRESIDENT. From the reading of the amendment, the Chair is under the impression that it is to provide for what is strictly a private claim. That article of the treaty having been rejected, there is no ground under the treaty for the claim. If the Senator is not satisfied with the decision of the Chair, he can take an appeal.

Mr. ATCHISON. I dislike very much to appeal from the decision of the Chair, and I shall not do so; but I shall fulfill my duty towards this claim by introducing to-morrow a bill for its satisfaction, and though I am satisfied in my own mind, that it is a public claim, I shall not appeal.

Mr. WELLER. I have an amendment to offer, which is to insert the following:

That the accounting officers of the Treasury shall be authorized and empowered to examine and allow any amounts which may be presented for any depredations committed by Indians in the State of California, with whom the commissioners negotiated treaties: *Provided*, That satisfactory proof shall be adduced of the value of the property de-



stroyed, and that the same was destroyed before the rejection of the treaties by the Senate.

Mr. HUNTER. I would inquire of the Senator from California, whether there are any estimates for that appropriation?

Mr. WELLER. There are not.

The PRESIDENT. The amendment cannot be received, if there is no estimate to base it upon. The rule expressly requires that there shall be an estimate from the head of a Department, or that an amendment shall be reported, by direction of a standing committee. Therefore the amendment cannot be received.

Mr. CASS. There is a proposition which I will make, with the assent of the chairman of the Committee on Indian Affairs, which I indicated the other day, and that is, to provide for the payment of the expenses of the Shawnee delegation who came here to obtain the claim which we have rejected. The equity of making this provision, I believe, every Senator acceded to. At the suggestion of the honorable chairman of the Committee on Indian Affairs, I move to insert \$1,500 to pay the expenses of the Shawnee delegation.

The PRESIDENT. Is that amendment offered by the direction of a standing committee?

Mr. CASS. No, sir; but I propose to appropriate \$1,500, that sum being indicated by the honorable chairman, for the purpose of paying the expenses of the Shawnee delegation to and from the seat of Government.

The PRESIDENT. Is there any estimate for it?

Mr. CASS. There is not.

The PRESIDENT. Then the Chair cannot receive the amendment.

Mr. BRODHEAD. I understand that the Committee on Indian Affairs have agreed to it.

The PRESIDENT. No such report has been made.

Mr. BRIGHT. Perhaps it is proper I should state that, anticipating that this amendment would be offered, on Friday last I asked the acting Commissioner of Indian Affairs, whether, in his judgment, it would be proper that this amendment should be offered? He said, he thought so, and gave me a statement of what he supposed to be the necessary amount. I think he made it \$1,425.

The PRESIDENT. The Chair cannot receive a statement of the acting Commissioner. The rule requires that an estimate shall be received from the head of a Department.

The bill was then reported to the Senate as amended. And after a conversation as to the manner in which the Senate should proceed, the amendments made as in Committee of the Whole were concurred in, with the exception of the clause providing for presents and provisions for Indians visiting the California superintendency, and the provision in relation to the claim for the removal of the Choctaws, on which separate votes were desired.

The first question was on concurring in the following clause, adopted as in Committee of the Whole, in relation to the California superintendency: "For presents and provisions for Indians visiting the superintendency, \$3,000."

Mr. WELLER. Mr. President, I move to strike out that clause, and to insert the following:

For the purpose of purchasing supplies and presents, to be distributed to the Indians in the State of California, under the direction of the President of the United States, the sum of \$100,000.

In my judgment, this appropriation will be absolutely necessary, in order to prevent a large body of Indians in California from starving during the approaching year. They have been brought down from the mountains, from their accustomed homes, and settled upon the reservations that were made by the Indian commissioners, in the eighteen treaties that were negotiated with the different tribes. Those treaties have all been rejected by the Senate, and it is therefore necessary, in my judgment, that some provision should be made for them, in order to avoid hostilities. It will be a very difficult thing to explain to these Indians how it comes that these treaties, which they entered into with persons who represented themselves as agents of the Government, have now been repudiated. They will be compelled, as a matter of course, in consequence of the rejection of the treaties by the Senate, to leave these reservations upon which they have been placed by the Indian commissioners. It is, therefore, proposed

in lieu of a confirmation of those treaties; the object being to appease the Indians by providing them with subsistence. They have been driven, as I said, from that section of the State where it was their habit to live on acorns and the fruits found in the woods, and they must inevitably starve unless some provision be made for them. For that purpose, I hope the Senate will adopt the amendment.

Mr. BRODHEAD. I will inquire how much was the amount of the appropriation originally proposed by the Committee on Indian Affairs?

The PRESIDENT. Three thousand dollars. It is proposed now to insert \$100,000.

Mr. WELLER. Allow me to say that I have offered this amendment in this place, because it was the only place where it could be gotten in. The original provision was simply for supplying the Indians who visited the superintendency. My provision is more comprehensive, and is one which looks to the support, to a limited extent, of these Indians.

Mr. BRODHEAD. I would inquire of the honorable Senator from California, whether I understand this amendment precisely. If I do understand it, I think we ought to adopt it. If it is true that there is no appropriation contained in this bill for the large number of Indians in California, it seems to me that it would be right to adopt this amendment. If I understand the honorable Senator from California correctly this is the case. If this be the case I shall have to vote for the amendment.

Mr. DAWSON. Mr. President, I rise merely for the purpose of ascertaining the principle upon which this amendment is proposed. As I understand it, it is an appropriation of money to subsidize the Indians. It is to be the commencement of a policy by which they may avoid labor, and depend for their support upon this Government. The proposition is to appropriate \$100,000 to buy provisions for Indians in the State of California—Indians, it is said, who may visit the agency for their own purposes, or for the purposes of the Government, which purposes are not designated, nor is it material that they should be designated.

The great question is this: Shall we, by our policy, adopt a course calculated to induce these Indians to avoid the necessity of labor? Shall we lead them to believe that their indolence will be provided for by our appropriations? I believe it to be very bad policy. In my judgment, instead of benefiting the Indians, it will be an injury to them. Instead of preventing the inhabitants of any State or Territory from being troubled by them, it will increase that trouble, for the Indians will leave their hunting grounds and the patches around their huts, and go entirely within the limits of the State; because they will know that the Government will feed them. I think the policy is a bad one, and I think it should be considered fully before we adopt it; for, where we take one step in this way, it would be very difficult to retrace it.

I observed yesterday, when an appropriation of money was proposed for Indians in New Mexico, that it would be economical to the Government if such an appropriation were made for the purpose of bringing the Indians within our country, in order to see the power of our Government. But I never, for a moment, supposed that our kindness, or our benevolence, would impose upon us an obligation to provide means to sustain them. If these Indians are perishing and dependent, the fault is not ours. I do not believe that the Government brought this condition upon them. But I suppose the Indians of the State of California have been induced to believe that they would be fed under a treaty, and that may be the apology for it. But those California treaties were not confirmed by the Senate, and these people, I suppose, have long since returned to their residences, and to their hunting grounds; or, if they have not returned, they ought to be induced to do so, and not be encouraged to remain, waiting for an appropriation of money by the Government to subsidize them. These are my views. But I should like to hear from the honorable Senator from California, and know why we should adopt the provision.

Mr. BADGER. Mr. President, I do not think that my friend from Georgia has put the propriety of this appropriation upon its true ground. If I understand the case, it is this: certain treaties were negotiated with these Indian tribes. Under those

treaties, they entered into the possession of certain reserved lands and certain benefits accrued to them. Now, the treaties have come here to us, and have been rejected. In the mean time it is obvious that, not only these Indians, but our own people (who ought to have known better) in California have gone upon the idea, that the treaties being made by the agent of the Government and agreed to by the Indians, it was proper to put them into execution. Thus, as the Senator from California says, these Indians have been left in this condition for want of food, with starvation staring them in the face, and they can understand it in no other way than as an act of bad faith on the part of this Government. It is the most natural thing in the world that they should so understand it. How can they understand the complex machinery by which,—after the treaty was negotiated after it was put into execution, after large steps were taken to consider it as subsisting,—all of a sudden they are informed that the treaty does not bind us, and that they are to be turned out of their reservations, deprived of all the advantages proposed for them, and left in a starving condition? Their passions and hostilities must be inflamed with a sense of gross injustice and perfidy on the part of this Government; and the natural consequences will be, in all probability, an outbreak in that country. If that should be the result, we all know what the consequences will be to the Government—that it will cost us a great deal more to suppress the outbreak than it would, by a timely application of food, to prevent it from commencing.

Besides, I would suggest to my friend from Georgia, that all this money is not of course to be applied to these Indians. We appropriate that amount, and the President is to use it, as he sees occasion, for the support of the Indians. Of course, the President will use it solely for the purpose of preventing the mischievous consequences to which the Senator from California has alluded. It seems to me that this is a particular and special case, in which the necessity for intervention has arisen in consequence of the acts of our agents, and the act of the Government. It is not entering into any general system of feeding Indians; but it is a small appropriation to avoid an Indian conflict that will involve the Government in a large expense, besides the necessity of taking the lives of some of these poor creatures, and also the probable consequence of the loss of the lives of our own citizens. It seems to me that it is a very wise and just precautionary measure; and that the amount is small enough.

Mr. WELLER. Mr. President, I have only a few words to say in answer to the Senator from Georgia. I am not in the habit of voting for extravagant appropriations, whether the money be expended in California or elsewhere. Nor would I have submitted this amendment had I not been perfectly satisfied that, unless some provision be made for these Indians, they will be driven by starvation into hostilities with the whites. The Senator from Georgia says: "Let them return to their hunting grounds." Their hunting grounds! The white man is there. The white race is scattered all over the State of California. There is not a gulch or a mountain where your miner is not engaged in his toil and labor. How, then, will the Indian go back to that spot where he was accustomed to obtain his food? The miner is there, and it is utterly impossible for the Indian to return. He has come down upon the reservation which was made by the agent of your Government, in conformity with the treaties made with him. The Indians believed that they were to be secured in the undisturbed possession of that portion of territory which had been allotted to them under the treaties. Those treaties required the Government of the United States to feed these Indians—to furnish them with a large amount of beef, and various other articles, which would have involved the Government in a most extraordinary expenditure.

Public policy demanded that those treaties should be rejected; but they have been in part executed by the commissioners upon the one side, and by the Indians upon the other. We have rejected them, and therefore we are under a moral obligation to make some provision for the support of those who have been disappointed by their rejection. The Indians are now on the reservations. They cannot return to their fishing streams where they were in the habit of obtaining some of their

food. They cannot return to the acorn trees from whence they derived a part of their support, because, as I said before, the white man has gone there, and he will not suffer the Indians to remain near him.

We who represent the State of California were compelled, from a sense of duty, to vote for the rejection of the treaties, because we knew that it would be utterly impossible for the General Government to retain these Indians in the undisturbed possession of these reservations. Why, there were as many as six reservations made in a single county in the State of California, and that one of the best mining counties in the State. They knew that those reservations included mineral lands, and that, just so soon as it became more profitable to dig upon the reservations than elsewhere, the white man would go there, and that the whole Army of the United States could not expel the intruders.

It was, therefore, under this stern necessity that we were compelled to reject the treaties; and now, after the Indians have complied with them—after they have done everything in their power to execute them in good faith, by coming down out of their old homes and occupying the reservations, I only ask that an appropriation of \$100,000 should be made for their temporary relief—for their support under the circumstances in which they have been placed by the rejection of the treaties by this branch of the Government. If I did not believe it was an appropriation demanded by absolute necessity, I would not have asked it at the hands of the Senate. It will be hard indeed to explain to these Indians how it came that the formal treaty made with your accredited agents has been violated. They may not understand, as well as you and I, that the President and Senate alone, under our Constitution, have the power to conclude treaties.

Mr. UNDERWOOD. Will the gentleman inform me, if he pleases, whether, by these treaties, any provision or any promise was held out to the Indians, that if they did come down and occupy the reservations on the country set apart for them, they would be provided for?—and what provision was to be made for them?

Mr. WELLER. Every one of those treaties required, amongst other things, that the Indians should be supplied with a certain quantity of food in the year 1851, and in the year 1852. That which was to have been supplied to the Indians in 1851, of course has already been delivered to them, and a considerable portion of that which was required to be delivered in 1852, has also been turned over. But there remained, according to these treaties, a large quantity yet to be delivered; and the rejection of the treaties has stopped the delivery of beef. We did undertake, under those treaties, to supply the Indians with beef to a very large amount during these two years. I believe that four or five of the treaties required us to deliver more than \$100,000 worth of beef during the year 1852; and if we are to look at it as a question of dollars and cents, we shall make money by giving \$100,000 now, instead of furnishing the beef which we had agreed to furnish under the treaties in 1852. In other words, an execution of these treaties would have required a much larger expenditure of the public money than is proposed by this amendment.

Mr. CASS. Mr. President, I think there is a great deal of justice in what the Senator from California has observed, but the amount proposed to be appropriated is greater than I am prepared to vote for. It must be recollected that the Indians have already received food to the value of \$800,000 or \$1,000,000 during the year 1851 and a portion of 1852, without the slightest consideration having been paid to us. The treaties have all to be made over again. I am willing to make some appropriation under the circumstances of the case, but I should think the amount proposed by the honorable Senator from California, considering the expenditure which has already been made, and the amount that the Indians have already received from citizens of the United States, is too much.

Mr. WELLER. The Government only paid \$50,000.

Mr. CASS. I understand that perfectly. I said the Indians were furnished by citizens—not by the Government—to the amount of nearly \$1,000,000.

Mr. WELLER. The amount appropriated by

the Government was \$50,000. But the Indians obtained from citizens of California, beef and other provisions to the amount of nearly \$1,000,000, and my learned friend from Michigan the other day took occasion to inform the Senate that under no circumstances would he vote for paying that amount. If he does not intend to vote it out of the National Treasury he ought not to charge the Indians with having received it from the Government. But I put this proposition upon the plain ground that if you had executed these treaties and gone on and delivered the beef which the treaties stipulated should be delivered to the Indians, it would have cost the Government more than the appropriation now asked.

Mr. BUTLER. Mr. President, I have no doubt that this amendment is moved with more than ordinary intelligence on the part of the mover, because it comes from the honorable Senator from California, who perhaps understands this subject better than any one else here. But an amendment of this kind, which indicates a source of expenditure from the Federal Treasury for an object which is certainly new to me—when it has not had the sanction or investigation of a committee—I must receive with some distrust. I do not say that a committee would examine the subject or bring forward a proposition with more intelligence than the honorable Senator from California; but from his statement I see that this is but the commencement of a system of expenditure for the subsistence of the Indians in California. If we make this appropriation of \$100,000, it will be holding out inducements to these poor, deluded, expelled creatures. The white man will drive them from their lands; and how are we to feed them? Are we to feed them from the Treasury? Shall we commence a system of this kind, and commence it in reference to its operation on the Federal Treasury? I do say that there ought to be some more investigation than the motion of a single member, and I say it with great respect for the honorable gentleman from California.

Mr. UNDERWOOD. Mr. President, I think this is a matter of a good deal of consequence, and that we ought to deliberate on it well before we adopt the amendment. Yet I am not altogether certain but that the amendment ought to be adopted. My friend from California, if I understand him, predicates it upon the ground that by the invasion of the Indian territory by the miners already, and by the prospective invasion of the miners, the game of the Indians has been destroyed, and the usual source of subsistence upon which they rely has been cut off. I have no doubt of the truth of that in a great degree. But, sir, it presents to my mind this consideration, that here, our people, without law, go into the Indian country, destroy the means of the Indians, disperse their game, or kill their game, interrupt their possessions and their means of living, and then Congress is called upon to make provision for that state of things.

I admit that it is wrong to these people to invade their possessions, and cut off their means of subsistence; and if we, as a Government, tolerate it, we ought to make them some allowance; and in that point of view the amendment of my friend from California commends itself to my favorable consideration. But while I look at it in that aspect, I cannot forget that it is based upon a wrong—I cannot forget that it is based upon a thing which we ought to have moral courage, and which I think we have physical courage, to prevent. The territory of the Indians ought not to be thus invaded. We ought not to allow their means of subsistence to be taken away from them, against law and without law; so that the National Treasury is called upon to prevent these poor wretches from starving.

Now, how all these objects are to be obtained, and what it is best for us to do, under the circumstances, is a very grave question, and, as the Senator from South Carolina says, it requires grave consideration. I acknowledge that, for myself, I hardly know what to do. The idea of allowing these poor creatures to starve to death, when we, in a great measure, have brought that condition upon them, is horrible to humanity, and I cannot well tolerate it. But, then, the consequences of engaging in this state of things, that we are to feed all the Indian tribes, and put them upon the Treasury for support, is a consequence equally alarming. I should be very glad if the matter could be weighed further, and if we could have

the report of a committee, and some more deliberation on the subject. I confess that I hardly know what to do.

Mr. ATCHISON. Mr. President, there is some difficulty in my mind in relation to this matter, not as to the amount proposed at all, but because I doubt very much whether it will answer the purpose of feeding forty thousand Indians in California, or such number as it may be necessary to feed.

Mr. WELLER. There are seventy thousand Indians in California.

Mr. ATCHISON. There may be seventy thousand, but my information and my belief on that information is, that they cannot exceed forty thousand. At least, that was the estimate before we acquired California. By those best informed, it was estimated that the whole population of California, red and white, did not exceed sixty thousand, though that is a point about which I am not so well informed as the Senator from California.

It is truly said that but \$50,000 have been appropriated by this Government for Indian services in California. Those \$50,000 are gone, and not one dollar for the benefit of the Indians, as far as I can ascertain. Hence the only objection in my mind to this appropriation is as to the manner in which it is to be disbursed, and as to who is to disburse it, and whether the Indians will derive any more benefit from these \$100,000 than from the \$50,000 already expended. Why, there are claims now before the Committee on Indian Affairs from California—and just claims, which this Government will be compelled to pay—for beef furnished and for services rendered to the commissioners while engaged in making the eighteen treaties which have been rejected by the Senate—claims for the very purpose which those \$50,000 were appropriated to pay, the expenses of negotiation. Claims, I do not know to what amount, but certainly to the amount of several thousand dollars, are now before the Committee on Indian Affairs for transporting the Indians from one place to another, and feeding them while holding the treaties, in addition to the \$50,000 expended, no man can tell for what. But if we could have the least assurance in the world that these \$100,000 would be well appropriated, and justly appropriated, for the purpose of feeding these Indians, and perhaps of clothing them, I would not hesitate for a moment to vote for it, or even for an appropriation of \$200,000.

Some gentlemen wish to cut down this appropriation to \$50,000. Why, according to the lowest estimate I can make, you will have to furnish forty thousand, or, as the Senator from California says, seventy thousand Indians with provisions. If you feed them with beef—and I suppose that this is the cheapest article of food with which you can supply them—how many head of cattle could be furnished to these seventy thousand Indians? Only two thousand head of cattle to feed seventy thousand Indians, or, according to my estimate, forty thousand Indians. I estimate cattle at \$50 a head, and I suppose they cannot be had in California for less. Some gentlemen who negotiated the treaties, I am informed, gave from \$80 to \$100 a head, in some instances, for cattle, and in others, I believe, \$50 a head; but I think the honorable Senator from California will bear me out in the assertion, that beef cannot be furnished to those Indians at less than \$50 a head. But I would not hesitate for a moment in voting \$100,000 or \$200,000, if I had the least assurance that the money would be appropriated for the purposes intended.

Mr. HUNTER. Mr. President, this is a subject of great difficulty. I know, as was said by the Senator from South Carolina, [Mr. BUTLER,] that the Senator from California speaks upon this subject with more intelligence than any of us. I feel the full weight of all that he has said, and yet, at the same time, I cannot but be impressed with the weight of what has fallen from the Senator from Georgia, [Mr. DAWSON.] I am unwilling, on the one hand, to assume for this Government the obligation of supporting these Pueblo Indians, if they should be dispossessed of their lands by intruders from the State of California; and I am unwilling to vote any appropriation which may, by implication, bind this Government to pay debts contracted by the agents who acted not only without orders, but contrary to their instructions. I should not, therefore, be willing—

if I were to come to the conclusion that some temporary provision ought to be made in order to furnish these Indians with supplies—to vote for the proposition, unless it were guarded in such a manner as to exclude the conclusion that the United States were making this their permanent policy, or resorting to it for more than to meet a temporary emergency. But it is a very grave question, and one which is destined hereafter to embarrass us very much in relation to what is to be done with these Indians in California—where are they to go? It seems that they are dispossessed by intruders, driven from their homes, and compelled either to join the roving bands of the mountains, or to become in their turn marauders to visit again upon the whites the injuries which were first inflicted upon them.

I do not see—and I am not sure that that would answer—any way out of the difficulty except this: The Government certainly does own lands in California, and it may own lands in some positions in which a place of refuge might be afforded to these Indians. And if we are to look to any permanent policy—that is to say, to any policy which may serve our turn for fifteen or twenty years to come, for I am aware that nothing can be called a permanent policy in relation to these Indians—it must be by looking to some such provision as that to which I allude to enable them to find a habitation and an abode; and I think that the Indian Department should turn its attention to this matter. I would be willing to vote—perhaps not \$100,000, for it seems to me that, as there is no estimate for it, that may be too much—but I do not know that I should object even to that amount, if the Senator from California will guard the amendment in such terms as to say that it shall be a mere temporary provision to meet the existing emergency, and shall not bind the Government to the future policy of supporting these Indians whenever they may be dispossessed. I am utterly opposed to that; but I think some provision ought to be made upon the public lands to furnish these people with an abode, if it be possible. I know there is one other resource. The State of California has a deep interest in not dispossessing these Indians, and having them wandering about its borders. I do not know but that if we do not take this obligation upon ourselves, they will be forced to make some provision; and it does seem to me that they ought to make some provision by which to prevent these intrusions. California is a State, and has power to prevent these intrusions to some extent. But I am willing to discharge that portion of the obligation which falls upon the United States. I am willing to take a portion of the public lands, (if a portion can be selected which would suit the views of the people of California, and satisfy the Indians as well as the interests of the Government,) on which they may be settled. That is the only plan that I see. As to this idea of feeding them when they may be dispossessed, year after year, it can result, as the Senator from Georgia well says, in no good either to the Indians or to the whites.

Mr. UNDERWOOD. Mr. President, the difficulties seem to increase the more I think about this matter. It does seem to me that we have not all the facts before us which it is necessary to understand in order to have judicious and discreet legislation upon this subject. Since I addressed the Senate before, I have heard it stated that there are seventy thousand of these California Indians.

Mr. WELLER. I say so now.

Mr. UNDERWOOD. My friend says he repeats it. Now, take it for granted that there are seventy thousand, how are they situated? Are they scattered over a large extent of country, or are they concentrated in towns and villages, so that you can reach them directly? If they are scattered over a large extent of country, and you put these \$100,000 into the hands of agents, how are they to reach the seventy thousand Indians scattered over the country? How are they to make provision for the Indians, when they occupy hundreds of square miles? How are they to be concentrated so as to be paid? These are difficulties which have arisen in my mind as the discussion has progressed.

Suppose, however, that you have the seventy thousand Indians congregated together, so that they can be reached by the agents having the \$100,000 to distribute among them in provisions: As soon as you congregate them, you deprive

them of their ordinary and usual mode of subsistence by hunting. If they are now scattered, you withdraw them from their little patches of vegetables and other agricultural products, on which they may, to some extent, look for a subsistence; and if you bring them all together, and deprive them of their ordinary means of supply, your \$100,000 will be nothing. It will be but a drop in the bucket—but a little better than a dollar apiece. If you are to congregate them in that way, and thus deprive them of their hunting pursuits, a million or two millions of dollars would not sustain them for a year at California prices.

Mr. DAWSON. This amendment would not give them a dinner apiece.

Mr. UNDERWOOD. I suppose it would not at California prices. I have now presented the subject to the consideration of the Senate in two aspects—the one presuming these Indians to be scattered, as I suppose they are, all over the country, relying to some extent upon fishing and hunting, and their little patches of vegetables, for subsistence. The other is as congregated and brought together. And I ask the Senate, how are these one hundred thousand dollars to benefit the Indians, situated in either position? It seems to me that the subject deserves a great deal of consideration before we make the appropriation. In one aspect, in the scattered condition of the Indians, it seems to me that it would do no good; and in their aggregate condition, in which I have contemplated them, it will not be anything like an appropriation which will be of value to them.

Under this difficulty, it seems to me that the appropriation can do but little good; and if these Indians, as I presume they are, be scattered, in the way I have contemplated, and you divide the \$100,000, and put it into the hands of half a dozen agents, I am afraid that the agents will get the most of it before it gets into the hands of the Indians. These are the difficulties which I have, and which present themselves to my mind as operating against the amendment.

Mr. BELL. I have listened to the suggestions on both sides of the Chamber in relation to this proposition, and it seems to me that there would be some propriety in enlarging the appropriation contemplated by the amendment adopted by the Senate in *quasi* committee, but I think the amendment proposed by the honorable Senator from California is unnecessarily large, contemplating the object which he does, because Congress will sit again in a very few months, and we shall then, perhaps, be better informed as to the necessities of the Indians in California, and the propriety of enlarging the appropriation, or making an additional appropriation.

This proposition is based, as I understand the Senator from California, for the most part, upon the idea that treaties having been made with these Indians, or the most of them, and they not being able to comprehend why the Government of the United States has not ratified the treaties—being disappointed in their expectations—relying, as they may have done, up to this time, upon the provisions of these treaties for their future subsistence, in part—irritation, mischief, and hostility may grow out of it, unless the Government adopt speedily some course to reconcile them to what has been done by the Senate. Hence, it is proposed to pacify them by distributing presents and provisions among them to keep them quiet until we shall settle upon some policy in regard to them. This is what I understand to be the object of the Senator from California. I think it is a very sensible, and a very wise suggestion.

Now, were we to go into the discussion of what should be our policy with regard to these Indians, none of us would be prepared to say what ought to be done, and what policy ought to be pursued. But, considering that we have rejected these numerous treaties, and that some compensation may be due to the Indians for provisions which will not be furnished according to the treaties made by the commissioners, which have not been ratified, I apprehend that some new treaties will have to be made with the Indians, and that the commissioners, under proper instructions from the Government, will have in view some permanent policy, and that some provision—some just and reasonable, and, if you please, liberal provision—will be made for the subsistence of the Indians, considering the circumstances of their being deprived of their old and accustomed modes of subsisting

themselves. I am, therefore, perfectly willing to enlarge the appropriation as originally presented by the Senator from Missouri, going upon the estimate of the Department. I think it is prudent that we should make some larger provision for presents to these Indians, and for subsistence, to be as judiciously applied as we are able to have them applied, under the circumstances of the case, to prevent irritation and outbreaks, until we can have new treaties made, as I hope, by commissioners of more discretion and more judgment than those whom we have recently trusted with our Indian affairs in California. I think, therefore, if the Senator from California would reduce his proposition to \$30,000 or \$40,000, or even \$50,000, to be expended until Congress shall sit again, for this solitary purpose, I shall not object. Certainly it is idle for us to consider here, with the information we have on the subject, as to any permanent policy. By voting this moderate amount, I think that we would not be committed ourselves, nor would the country, nor the Indians hold us to the policy of undertaking to subsist them hereafter, to discourage industry, and lead them to depend wholly upon the bounty of this Government. If the Senator from California would reduce his proposition to a more moderate amount, I should vote for it with pleasure, and think that would be enough for two or three months to come.

Mr. MALLORY. Mr. President, I agree with the honorable Senator from Tennessee, that we are deficient in the requisite amount of information upon this subject; but at this late day of the session it must be evident to every Senator that it is perfectly impossible that we can obtain any information in time to bring this measure into any tangible shape; and unless it be passed in the form in which it is now presented, it is probable it will not be passed at all. I think we have about two days to devote to each of the general appropriation bills, and that we can properly devote no more than two days to each of them. I suppose, therefore, that this measure cannot be presented and passed as a distinct and separate one; and conceding that we are deficient in information, still I am unwilling to let that stand in the way of this measure, because it seems to me to be so expedient that, from the little knowledge I have had of the Indians, I think it ought to be adopted. The Senator from California, who is, perhaps, as familiar with the matter as any Senator on the floor, can give us all the light which we can derive from the investigation of a committee. He comes here and tells us—that which must be self-evident to every man who has ever had anything to do with the Indians—that the Indians have been dispossessed of their hunting grounds; that they have been driven back; that they are in a starving condition; and more than that, he tells us that they have been led to believe that the United States, through their agents, would in part provide for them in this condition. Now, what is it that has induced the Indians upon our settled frontier, in every section of our country, to make war upon the whites? It is precisely this condition of things. The Indians have been dispossessed of their hunting grounds, and been driven to agricultural pursuits, which they have had to pursue immediately, without preparation, or starvation was inevitable. Whenever the experiment has been tried this has been the result. Yet we are, from day to day, endeavoring to force the Indians upon the cultivation of the soil, upon the spur of the moment, without any previous preparation, and withhold from them the small pittance which might perhaps prepare them for that kind of life.

What is it that is daily driving the Indians on the frontiers of Texas into hostilities? Why, they are gradually driven back by the white settlements. They never take life if they can possibly avoid it. Their first resort is to steal cattle, and when they take life it is for the purpose of concealing the robbery. If the subject were to be investigated, I undertake to say that the Senate would find that when a company of volunteers is called out to quell an Indian insurrection, the pay of that company would feed twelve times as many Indians as there are whites in the neighborhood; and that by feeding them the rupture would have been entirely healed, or would not have taken place.

I hope that the sum proposed by the Senator from California will not be decreased, because the



appropriation of less than \$100,000 cannot be expected to be sufficient to feed seventy thousand Indians; nor would that sum feed them all. I apprehend that the Senator from California contemplates no such thing as that the whole seventy thousand Indians shall derive the benefit of this appropriation. Why, it would not divide among them much more than \$1 40 a piece, and would feed very few of them. One hundred thousand dollars, at the rate of soldiers' pay, would feed about fourteen thousand Indians for one year. Now we will suppose that no more than fourteen thousand Indians are to be paid—fourteen thousand Indians are sufficient to keep the frontiers of California in a state of consternation for an entire year, and they would cause the destruction of thousands of valuable lives. The Senator from California tells us that, unless some provision be made, war is inevitable; that these men, driven to starvation, will make war upon the frontier settlers, unless their reasonable expectations are answered. His assertions are borne out by our experience in other portions of the country. I, for one, in this state of things—when we, by our agents, led the Indians to believe that we would interfere in their behalf—am willing to extend this pittance of \$100,000, and probably it will prevent Indian hostilities; and in that probability it is a mere pittance, and I trust will not be decreased.

Mr. HUNTER. I have prepared a substitute for the amendment of the Senator from California, which I hope may be received.

The PRESIDENT. The proposition of the Senator from California is an amendment to an amendment, and an amendment to that proposition cannot be received.

Mr. HUNTER. If it is read, perhaps the Senator from California will accept it.

The PRESIDENT. It will be read for information.

The amendment was accordingly read, as follows:

For the temporary relief of the Indians in California, until permanent arrangements be made for their future settlement, the sum of \$50,000: *Provided*, That nothing herein contained shall be so construed as to imply an obligation on the part of the United States to feed and support the Indians who have been dispossessed of their land in California.

Mr. HUNTER. I can leave the amount blank if the Senator wishes it.

Mr. WELLER. I have no objection to the proposition of the Senator from Virginia, except as to that provision of it which names the amount to be appropriated; and I would agree to the suggestion of my friend from Tennessee, [Mr. BELL,] were it not for the fact, that I am perfectly satisfied that I have already fixed the amount at the very lowest sum that will produce any practical good. I know that there are other gentlemen who understand fully this question, who have desired an appropriation of \$200,000, and I have been told by gentlemen who know the condition of the Indians now in California, that a sum less than \$200,000 will not prevent the Indians from starving during the present year. But, hoping that the proposition might meet the approbation of the Senate, I fixed it at the very lowest point at which I believed any practical good would result—\$100,000. I desired, of course, that the appropriation should be based upon the idea that, as the treaties have been rejected, it was necessary to make some provision for the support of these Indians, until we should adopt some permanent policy with regard to them. Their temporary interests I am now seeking to advance, whilst I am looking to the maintenance of peace upon the frontier.

I undertake to say that there are seventy thousand Indians within the limits of the State of California, although I should not like to make a question of veracity with my friend from Missouri. In California their number is variously estimated at from 100,000 to 150,000. The Governor of that State two years ago addressed a letter to the President of the United States, which is to be found among the public records, affirming that there were 100,000 warriors within the limits of California. I doubt not that this was an exaggeration. But the whole number of souls I have estimated at 70,000. This opinion is based upon my own observation, as well as the information derived from others, and I think may be relied upon.

You have appointed a Superintendent of Indian Affairs in California, against whose integrity not one syllable has ever been uttered. He is a gen-

tleman of irreproachable character. He has been sent out during the last week for the purpose of exercising supervisory control over Indian affairs upon the Pacific. You have also recently appointed an Indian agent for California, (Major Reading,) a gentleman well known not only there, but here, of irreproachable character, of general intelligence, and excellent habits—a man whose integrity has never been questioned anywhere, and who stands high in the estimation of all who have known him, and who, from a residence of eight years in that country, knows the location of every tribe of Indians; and if the appropriation were placed in his hands, relying, as I would most implicitly, upon his honesty and integrity in its disbursement, I should feel an assurance that every dollar that was appropriated would be expended properly for the support of the Indians. Sir, he would have no difficulty in getting these Indians to the points where it would be necessary to distribute the provisions. His knowledge of localities would prevent him from experiencing any difficulties from this source.

But if this appropriation is not made, what do you propose to do? You have rejected the treaties after they had been partially executed—after the Indians had abandoned their hunting grounds, and come into the valleys, upon their reservations. The white man has gone and taken possession of the grounds which they have themselves abandoned. He is engaged there now, toiling in the mineral section of the State; and what are you to do with these Indians? Do you propose that the State of California shall be compelled to save them from starvation? We have been compelled to fight them since our admission into the Union. You have taken care to send your Federal troops somewhere else; and when these Indians have invaded our frontier, and when they have destroyed the property and the lives of our people, we have been compelled to rely upon our own troops for our defense. The State of California has expended \$1,000,000 already, in repelling the assaults of these Indians; and you now propose that we shall be compelled also to feed them. I say, sir, that your past policy has called upon us to sustain the whole expense of these Indian wars; and if this amendment be rejected, you compel us to feed the Indians besides, or to see them starving; for starvation is inevitable, unless they are fed by you.

My proposition is simply to make a provision for them temporarily, until this Government can adopt some system for the relief of the Indians. Sir, it has been the policy of the Government to drive them to the West; but the white man is now in the West. He stands upon the shores of the Pacific ocean. He has commenced pushing the Indian back upon the Rocky Mountains. The Indian is placed in between the upper and nether millstones, and he must be crushed! The fate of the Indian is irrevocably sealed. He must soon be crushed by the encroaching tide of emigration. The hand of destiny has marked him, and soon he must fade away. The reflection to every humane heart is a melancholy one, but it is unavoidable. In the providence of God they must soon disappear before the onward march of our countrymen. Humanity may forbid, but the interest of the white man demands their extinction.

Now, I do not undertake to say what policy ought to be adopted. I am not in possession of the information necessary to enable me to give any opinion in reference to the future policy to be adopted by the Government in regard to these Indians. I have not, of course had an opportunity of hearing from that country since the rejection of the treaties by the Senate, and I cannot speak of the effect that that rejection will produce; but I am almost certain that that State will be involved in an Indian war just so soon as the Indians are driven from their reservations, if no provision whatever be made for them. If you are involved in a war, who is to pay the expense of that war? Take it, sir, as a question of economy—who is to pay the expense of that war? The General Government is bound to extend its protecting hand over all its people; and if the man who stands upon the shores of the Pacific ocean is as much entitled to the protection of the Government as he who stands in the center of the country, that protecting hand can only be extended there at the expense of the National Treasury; and you will be compelled to expend hundreds of thousands of dollars in repelling the assaults that

will be provoked by a refusal to give them this small pittance.

The condition of affairs in that country is, it is true, singular. The white population is scattered all over the State. The great body of these Indians are found congregated in the northern section of the State. They are easily gotten at. You have already deprived them of the ordinary means of subsistence. The miner is upon the old ground, and he will not suffer the Indian to conflict with what he conceives to be his interest. You are compelled, then, to legislate as you find things, and not as you desire them to be. It may be a very hard thing that the miner has gone into that region and driven the Indians out of it, but it was your population, it was your countrymen, it was the citizens of your State who have gone there. I say to the Senate in all seriousness, that if they are determined that the State of California shall not only feed these Indians, but that she shall be compelled to fight them with her own troops and at her own expense, and in the mean time you are taxing the very necessities of life which they consume, the very bread which they eat, the time will come when there will be a spirit of disaffection upon the shores of the Pacific; when they see their friends and relations butchered by the Indians in cold blood—when they see their coast unlighted, their harbors unimproved, and their commerce unprotected, they will naturally inquire whether this is the same sort of justice extended to the other States of the Union.

Sir, if you desire to maintain the peace and harmony of the Union, you must take care to do justice to all its parts. You must not adopt a policy which will alienate the affections of the people, and make them feel the full force of the fact that they are far, very far away from you. They feel enough of this now. They feel oftentimes that there is a want of sympathy on your part towards them; that they are regarded as a remote cousin, for whom no particular affection is entertained by the parent Government. If a course of policy of this sort be adopted, you will increase that disaffection, until they will be compelled to take care of themselves. If you desire that the people now located upon the shores of the Pacific shall take care of themselves, withdraw your custom-house officers, and my word for it, they will soon do it. However unwilling they may be to withdraw from the Union, they will never agree to sacrifice their honor. Stern necessity may compel them to pursue a course at variance with all their feelings and sympathies.

I am asking no more for the people of California than I am willing to accord to the citizens of any other State. I do not urge this appropriation because the \$100,000 are to be expended in the State which I in part represent; but I have advocated it from a solemn conviction that unless some provision of this sort be made, a large portion of California will be involved in a desolating war with the Indian tribes, and these Indians will in the end be exterminated. Such will be the result. It is like the question of death—it is a mere question of time with them. They must soon be crushed—they will be exterminated before the onward march of the white man; but in the mean time, as a matter of humanity, let us do all we can to soften the blow that strikes them to the earth. If necessity, which is generally the plea of tyrants, requires us to drive them from the graves of their fathers and the homes of their ancestors, let our plans be tempered with mercy. Let us not forget that the time will come when the Creator of the white and the red man will pass upon our conduct. Although they may be the poorest of his creatures, injustice to them may not, will not go unpunished.

The PRESIDENT. The Chair will inquire of the Senator from California whether he accepts the proposition made by the Senator from Virginia in lieu of his own?

Mr. WELLER. If the Senator will strike out the sum named in the amendment, I will accept it.

Mr. HUNTER. I leave the sum in blank.

The PRESIDENT. The question is on the amendment which has been offered by the Senator from Virginia, and accepted by the Senator from California.

Mr. WELLER. I move that the blank in the amendment be filled with \$100,000.

The PRESIDENT. Then the first question will be on filling the blank with \$100,000.

Mr. WALKER. Mr. President, I have listened with a good deal of interest and a good deal of attention to what the honorable Senator from California has just said. That most of what he says ought to impress us cannot be doubted, and will not be disputed by any one. The only thing to which I object, is to the conclusion of his remarks. I dislike all prophecies or threats of what a particular section of this country will do in a given event, before the necessity is forced upon it. I wish that had been unsaid. But, sir, that the time is fast approaching when the great catastrophe of the Indian tribes is to arrive, is to be witnessed, and to be suffered, none of us can doubt. He that has looked into the condition of that people, must have come to the conclusion, that when the white people lapped around them on the west, the *finale* of their fate was not far off.

What strikes me as astonishing is, that the proposition of the Senator from California should be deemed at all adequate to the emergency. Why, upon what ground does he place it? He tells us, what we knew before, that the Indian agents in California made treaties with these Indians; that whilst treating they had supported them, and that in the treaties made with them—and which they had a fair and good right to presume would be ratified—promises were made to them of subsistence to stand in lieu of the resources which they had heretofore had—the acorns of the country, the game of the country, and whatever else there might be to which they had previously resorted for subsistence. He says that these treaties were rejected, and consequently that their terms have not been complied with. What is the remedy? Why, he tells us that from now to the next session of Congress, and as long thereafter as may be required, Congress should make an appropriation of \$100,000 to satisfy the Indians and to feed them.

Now, if we take the number to be what he himself says he has stated it to be—70,000—it would give to them \$1 42.6 apiece, provided the whole \$100,000 go entirely to their benefit, and were received by them in full. If we deduct, what we may rationally suppose to be necessary to be deducted in that country for the expenditure of that sum—twenty per cent.—we have but \$80,000 to be appropriated to their use. That distributed among them, would give them \$1 14.2 per head. I know not what is the price of beef in that country, but from the examples we have had, I apprehend it will not be less than six cents per pound. Put it at the low rate of six cents: what would that give them? It would give to each Indian under the first computation, supposing they get the whole amount, twelve pounds of beef; and deducting the twenty per cent., it would give them nine and three fifths pounds per head. Yet this is to be the grand pacificator for three months, and during, perhaps, most of the next session of Congress, to be applied in California! This is to preserve the peace! This is to allay the excitement of these Indians! This is to prevent a war! Why, sir, it will not do it.

I do not charge any Senator here, much less the Senator from California, with folly; but if we do this, as a body, we shall be committing a folly. It will not pacify them; it will not keep down a war, if they entertain a belligerent spirit.

Then the nine and three fifths pounds or the twelve pounds will be exhausted among these Indians, who look to that alone as the resource for life, in three or four days; and they will begin again to inquire with more asperity than they now inquire, "Is this all?" And the honorable Senator from Virginia proposes that we shall expressly declare to them that it is not to continue to be the policy of this Government. Why, sir, this will but exasperate them. I as sincerely believe that you will exasperate them by this course as I believe anything upon which the convictions of my mind are settled.

I shall regret to see such an appropriation made, because I think it will be disastrous. But there does arise a question, What are we to do with these Indians? It is one that is melancholy in its character. It presents itself with a harsh tone to the human understanding. The all-wise Creator, Provider, and Governor of all things can alone see what it is proper that we should do. But that this would not be sanctioned by his wisdom I am very confident, for one, with the poor wisdom which I have.

Mr. BUTLER. Suppose you give them a homestead.

Mr. WALKER. The Senator intimates something about a homestead. Sir, it is a wise suggestion. All you ever can do with these Indians is to bestow upon them a homestead, and that as quickly as possible. But \$100,000 will not provide for them until you give them a homestead. If they will not use the homestead for the purposes of self-subsistence, they will be but in the condition in which the rest of mankind have found themselves when they failed to subsist themselves from the bosom of the earth; and I venture to say that many of them will pass away before they ever do it.

The imputation of cruelty will long rest upon this country before the remnant of these tribes are brought to subsist themselves. But this imputation will be erroneous; it will not be just—it will not be merited by us. But still we cannot escape it. All that you can do is to give them a homestead; and I thank the honorable Senator from South Carolina for that word. Yes, sir, give them a homestead, and that as quickly as possible. But, until you do it, nine pounds or twelve pounds of beef will not satisfy them—mark my word for it. I do not believe that if we appropriate \$100,000 these Indians will get \$80,000 of it. I do not believe that even \$80,000 will reach them if we make this appropriation. I doubt whether the half of it will reach them. I doubt whether they will derive any material benefit from it. I very much doubt, as has been said, whether it would give each of them a good dinner of beef alone. And this is to pacify them! It will not do it.

It seems to me, that we had better do nothing, than make this appropriation. At all events, it occurs to me, that if we are going to appropriate anything for their subsistence, we must appropriate a sufficiency to subsist them; and, in addition to that, we must do what has been suggested by the Senator from Virginia, appropriate money to institute and carry on an investigation in regard to the future location of these Indians—a location in which they may not be disturbed. But \$100,000 will not do that; and there is no proposition, in addition to it, to appropriate money to locate them.

I do not propose to give any advice in regard to this matter, except that this amendment should not be adopted. It seems to me, that a very few figures will show that it must be utterly futile. But if I were to give any advice, I would say let this appropriation go; but let them see that a prospect of something for the future is held out to them. Let them see that there is an interest felt by the Government for their welfare. Let them see that the Government has instituted an inquiry into their future condition, and for the purpose of bettering that condition. That is the only advice that I can give. How that end can best be accomplished, I leave to others. But I would advise, for one, that this appropriation be not made; but that our energies be directed entirely to their future location, and the support of a delegation in connection with the Government agency, to look out for that location.

Mr. WELLER. I have but a few remarks to make in response to my friend from Wisconsin. He seems to labor under the impression that the \$100,000 proposed to be appropriated, are to be used for the purchase of beef, and that the beef is to be equally distributed amongst 70,000 Indians. No one has ever advocated that, and the gentleman might have saved himself the trouble of a great deal of figuring in regard to that matter. I only propose that that appropriation shall be made for the purpose of preventing a large portion of these Indians from starving, and in order to prevent hostilities. There are a great many Indians in California who are engaged in the mines, and others who are engaged in work of a different character. There are many of them who are located in sections of the State where they can procure their usual and accustomed food; but at the same time there are doubtless a considerable number of them who have been brought down from the northern part of the State, and settled upon reservations, who will absolutely suffer for want of food unless some provision is made for them by the Government. I do not propose that the money shall all be expended in beef, but that there shall be blankets and other presents, such as are usually made to Indian tribes who reside within our limits. If these

things have not had a salutary influence in checking the hostilities of the Indians in past years, I know not why it is that the Government has been persisting in this policy from its foundation to the present time. In this bill, as well as in all other Indian appropriation bills which have been submitted to the consideration of the Senate, there are appropriations for the purchase of presents to be made to the Indians, and wherefore make the appropriations? What is the object? Is it not to gain the good will, to conciliate, if possible, the Indians? Is it not to prevent, as far as may be, the Indians from committing depredations on the white men? If the \$100,000 be expended in that way—a portion in clothing, and a portion in food, as the necessities of the Indians may demand—I apprehend that it will contribute very much, notwithstanding the sneers of my learned friend from Wisconsin, towards preventing the Indians from committing hostilities on the whites.

It is by treating these Indians with kindness and affection—by extending to them the hand of help in the hour of need; by furnishing them with food, when they are suffering starvation; by making little presents, if you choose, to please their fancies, that you oftentimes avoid a war of the most revolting and disastrous character. I supposed that my friend from Wisconsin, who has seen something of Indians on the frontiers, understood this; but so strong was his desire to turn the whole proceeding into ridicule that he could not resist the temptation. It is far easier to ridicule than to reason.

I made no threats. I am not in the habit of indulging in threats. I only spoke of a state of feeling which existed upon the shores of the Pacific. There is a large proportion of foreigners there, and a very large number of those who have but little sympathy with our Government—they feel but little attachment as yet for it. They have known but little of it thus far except as a collector of taxes. Many would be ready and willing at any time to establish an independent government on the shores of the Pacific. There are men (I hope they are not numerous) in that State, and countrymen of yours, Mr. President, who are anxious for an opportunity of making incursions on some of the neighboring provinces—on the Sandwich Islands, or on the State of Sonora. There are men there who desire the establishment of an independent and separate government. It is to prevent these men from finding any excuse for conduct leading to a dismemberment of the Union that I have demanded that justice should be done. I have said, but not in the language of threatening, that the people of California have been neglected—ay, shamefully neglected. It is a very common thing, too, on this floor, whenever any proposition is introduced in regard to California to treat it as a miserable piece of humbuggery. Sir, there are certain Senators here who are in the habit of treating everything that comes from that section of the Union in that way. I was not surprised that my learned friend from Georgia [Mr. Dawson] was opposed to this appropriation. I anticipated that, for I took occasion to say to the Senate not long since, that although that Senator was sometimes liberal in professions, I had not seen any evidence of that liberality in his acts; and it is by acts that men are to be judged.

I trust the day will speedily come when a sense of justice will induce Senators to deal fairly with the people of that remote section of the Republic.

Now, sir, the Senator from Wisconsin would have the Senate and the country believe that I have threatened to dissolve this Union if you do not feed the Indians of California! I have said that that portion of the Union has been neglected in your legislation. I have endeavored to invoke the attention of Congress to the necessity of a spirit of liberality towards those separated from you by oceans and by mountains. I have implored you to do her justice. If you extend to them the same degree of liberality and protection that you extend to the other States of this Confederacy, you will find them the first in the field to maintain, and the last to abandon, the Union. No man desires more than I do to put down that spirit of disunion which pervades, or has pervaded, some portions of the country. No one, I am sure, is more devoted to the preservation of that Union under which we have so long and happily lived. If you establish the principle of justice—if you take care that the people of your frontier settle-

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ments receive the same protection that is afforded to other portions of the Union, you will have laid the foundations of your Government upon an immovable basis, and the winds of fanaticism, whether they come from the North or from the South, shall not prevail against it.

Sir, I have not been asking, because California contributes so largely towards replenishing your Treasury, because she has enriched other portions of the Union, that she shall have any extraordinary legislation for her benefit; but I have claimed, and I shall persist in claiming, that she shall have the same degree of protection, the same degree of respect, and of affection extended to her that is extended to others; that although distant, she shall be remembered in your legislation. This I ask—this I have a right to ask. The State of California has been compelled to make an appropriation for the relief of the starving emigrants, who have gone from the older States of this Union to California—men who have been driven out of the older States by penury and want, and who are wending their way to the shores of the Pacific, there to build up for themselves and their families a home in the mighty West. On their toilsome journey many of them have been stricken by disease, and in crossing the plains driven to starvation, and California has been compelled to appropriate her own money to their relief; and now you desire that she shall go a step further and feed these Indians, who are unfortunately placed amongst us, and then fight them at her own expense! She must relieve the starving emigrants; save the Indians from destruction, and repel them when they become hostile! And this I am told is justice!

Mr. DAWSON. Mr. President—

The PRESIDENT. The Chair will be under the necessity of arresting this discussion, unless it is confined to the subject-matter. The debate has taken entirely too wide a range.

Mr. DAWSON. I trust the demonstration of the Chair was not made to me, for when I addressed the Senate before I confined myself to the subject.

The PRESIDENT. The Chair did not say that the honorable Senator was out of order. He merely adverted to the fact that the debate had taken too wide a range.

Mr. DAWSON. Mr. President, I did not design, when I made objection to this amendment, to have involved this body in a discussion, nor did I think that the privilege I had of making opposition to any amendment which might be offered would have caused me to be charged with a want of liberality. The modesty of the State of California I freely admit. I admit that she is but a babe; and yet has learned to denounce and speak aloud without ever learning to coo. But when the allegation is made that we have acted unjustly towards California, and been guilty of illiberality towards her, I beg leave to say, that I think not. No Territory was ever more regarded by this Government than California, when a Territory; and no State has been better protected. The Army and the Navy, and the appropriations of this Government, have found their way to the shores of the Pacific. California is not yet, I think, more than two years of age, as a State; and when the appropriations which have been made to her shall have been added up, and the legislation that has been extended to her by Congress accounted for—when the unanimity with which the feeling has prevailed here to gratify and to satisfy California shall have been well understood, I think there will be no charge against this Government of a want of protection to the Pacific coast, and especially to California.

Now, Mr. President, can it ever be charged upon us that we have given offense to California even to suggest upon this floor a dissolution of the Union? Why, when she reflects upon the protection she has received, and the revenue she has taken from this country, she ought never to suggest the idea of a dissolution of the Union. She might have spoken of California retiring from the Union, but she can never dissolve it. But I know

that the honorable Senator from California has no feeling of that kind, and did not intend to refer to it. I waive, however, all these things, and come to the point, on account of the admonition of the Chair to gentlemen to confine themselves to the subject.

When I made the first objection to this proposition, it arose out of this fact. Do not the good people of California understand what a treaty is, and when it becomes a treaty of this Government? Did not the commissioners on the part of the United States, who negotiated the treaties with Indians in California, tell them that they were not obligatory until constitutionally confirmed by this Government? Our people understood, and the savages of the State of California were undoubtedly made to understand, that the treaties created no obligation until they were ratified. They have not been ratified, and therefore no obligation exists.

But upon what ground is this appropriation asked? Upon the ground that the General Government, by its treaty-making power, has involved these unfortunate portions of creation—these various Indian tribes in California—in a wretched and unhappy condition. Now, let us examine the matter, and see whether that allegation be true, and whether our humanity and kindness should be called into requisition on this occasion. By the treaties negotiated, as I understand my friend from California, the Indians were to be subsisted for two years, (1851 and 1852,) and they were to be subsisted by being supplied with a certain quantity of beef. Is there a particle of testimony before the Senate that the supply of beef has not been delivered? Is there any complaint through the Indian agencies, or from the Indians, to the Government, as to that point. But in violation of the treaties—in violation of the knowledge which the commissioners and the people of California, and the Indians themselves, had of the obligations of the treaties, they have gone on to involve this country in a charge or claim against it on the part of certain contractors in the State of California to obtain \$800,000 or \$1,000,000 for food supplied, as is alleged, to keep these Indians from starvation. Claims to the amount of \$800,000 for that object have already been presented. That amount has been expended in part execution of the treaties. Now, I ask, can the Constitution and the laws be violated in order to attempt the execution of a treaty before that treaty is ratified by this Government? And shall the confirming or ratifying power of the Government sanction the idea that the treaty-making power, through the commissioners of the Government, with savage tribes, shall incur obligations, and undertake, contrary to our constitutional rights, to execute the treaty, and we be called upon and be charged with illiberality because we do not execute it?

If gentlemen reflect for a moment, they will see that it is proposed that we shall tread upon the Constitution, and violate the law, under the apprehension that the people of the Pacific coast of this country may become dissatisfied with our adherence to the Constitution and the law, and may take it into their heads to go off. What is it that keeps the people of this country together? What is the binding obligation? What is the chain that unites us, but the Constitution of the country? And a faithful execution of that Constitution can alone guaranty to us perpetuity and unity. Yet we are called upon here to violate it, and step out of the line of our duty, for the gratification of those who hold up an apprehension to us that they will desert it.

I do not desire to say anything which may stir up any angry feelings, or insinuate anything unkind, or reflect upon any individual whatever; but, sir, I trust that my course of liberality, my course of conduct, my adherence, so far as I understand it, to the Constitution of the country, and the unity of this Government, is well understood and appreciated. No act of mine will ever blot one star, or even dim the luster of one star, forming the galaxy of the great and glorious constellation composing the Union.

What is the principle asked for by this amendment? Let me suggest that these treaties were made at the close of the year 1850, or the beginning of the year 1851. These treaties, it is said—I do not say it—have been rejected by the Senate. If they have been rejected by the Senate, they are as if they never existed. But it is said that there was an obligation in these treaties, by which the Indians were to be subsisted for two years. Two years from when? Two years from and after the ratification of the treaties. But in anticipation of those two years, they commenced it from the time of the signature of the treaties. These treaties have been carried into effect for nearly one year and eight months, and have been executed by the delivery of the food; and now we are called upon to do—what? First, we are asked to pay the gentlemen who furnished this beef under contract with the commissioners in violation of the obligations of the treaties—in violation of their duty, and with a perfect comprehension of the risks they were running. They have called upon us to pay \$800,000 for the food furnished to the Indians. Can the Indians grumble at that? They have been fed for over a year, and there is evidence of it. But my friend says that these Indians are still lingering and tarrying; that they have come from the northern region, and are now about to starve. Have they been there ever since the treaties were entered into? Certainly not. The Senator says that these Indians have come from the mountains and gone into the valleys. Who brought them from the mountains to the valleys?

Mr. WELLER. Your officers.

Mr. DAWSON. The officers of the Government? Where is the evidence of that fact, officially through any Department or any Indian agency—in any form or shape whatever? Nowhere. Where is the evidence that the Indians have left the mountains, and are in the valleys in a starving condition? It has been said that their game has been run off and destroyed. By whom? By the whites. Why, sir, California comprises about 200,000 square miles. It is larger than all the New England and Middle States together, with a population of not more than 250,000. Have they destroyed all the game? How much can they occupy? Separate them as wide as you please, how many square miles can they occupy? Who, then, has destroyed the game? The men who were toiling in the mines? Not they, because they were engaged in toil, and would be glad to purchase from the wandering Indians the game that they might destroy. The game of the Indians would be a benefit to these men who labor, instead of being an injury to them.

What ground is there, then, for the suggestion that these people are to be driven into a state of warfare from starvation? What act of ours has led to this starvation? If I saw that it was to result from any act of ours, I would not even be restrained by my judgment, but I would reach out at once to save them from starvation—for the redemption of men even beyond our shores.

Now, where are these Indians? Where shall we hunt them? They are in the very country where they have been since we obtained California. Have they changed from the mountains to the valleys for agricultural purposes? No, sir. If they have changed from the mountains to the valleys, can they not return to the mountains in the pursuit of game? Surely they can, and certainly they have.

There are two classes of Indians in that country: some who subsist upon agricultural productions—the Pueblo Indians; and then there are the wild wandering Indians who live by the chase, and upon roots which grow spontaneously. Have they changed from the northern portion of the State to the valleys? Why, the treaties never contemplated putting the wild Indians in among the Pueblos, and making them live in towns. The Pueblos live in towns and villages, and subsist themselves by their flocks, or the products of the little gardens which they cultivate. Have they abandoned their possessions? I think not, sir. They did not live in the mountains. They were



not supported by the chase; but they live upon the productions of their own strength, and of their own hands. Have they been changed? They are too intelligent, and the white people of California are too wise and kind and beneficent, to induce them to make a change before the treaties were ratified.

Then, if a change has taken place, there is no evidence of it here. Here permit me to say to my friend from California, that if I could save the lives of any portion of his fellow-citizens by this appropriation, from the Indian tomahawk, or the scalping-knife, I would vote \$100,000 without a moment's hesitation. But I have no impression upon my mind that this appropriation is intended to relieve us from any such impending or anticipated difficulty. I say with the honorable Senator from Wisconsin, that if you hold out to these people the inducement that you are going to interpose the power of this Government to save them from what you call starvation by feeding them, your liberality must be very expensive, and it will induce the Indians to become indolent. It seems to be with them as with their white neighbors—grant ninety-nine favors, and refuse them the hundredth, and it will create bad feeling. Just so with the wild Indians. If you feed them for one week, and fail to feed them at the beginning of the next week, you will incur their malice and vengeance.

The proper course to pursue is this: Let us ask ourselves, has the Government of the United States, by any act of her own, or even through her Indian commissioners, involved herself in such a position as to call upon us to interfere in this affair? No, sir. Then, what are we bound to do under the treaties? My friend from California says appropriate \$100,000 first to supply food. Why the \$100,000 could not get there before the two years mentioned in the treaty would expire, and the Indians must subsist themselves till that time.

When last up, my friend made a suggestion which would have had a controlling influence with me, if it came here in a proper way; and that is, that it has been a practice of this Government to furnish Indians with presents; to show them acts of kindness, acts of liberality; to give them this, that, or the other thing—blankets, guns, and all facilities necessary to their comfort, and to procure subsistence for them. That is all right. But is that the ground upon which these \$100,000 are asked? This subject belongs to the Indian Department and to the President; and whenever an appropriation is made to make presents, it is coupled with power to treat, and the instructions to treat are executed through commissioners. If this would gain the kindness and friendship of the Indians, I would make the appropriation in a moment. But let it come up as an appropriation for the specific purpose, and let it not be covered up in this way, upon the idea that it is to prevent an Indian war, and protect California from Indian depredations.

I trust my friend from California, notwithstanding his deep conviction of my want of liberality towards California, will not for a moment indulge the idea that any act here, which I could do, to prevent depredations there, would not be done. Surely, I would do it; and his suggestion to the contrary creates no excitement in my heart. But it leads me to appreciate the value of that old rule, that no man should be permitted to be a judge in his own case. For human nature is human nature, and it is rare to divest ourselves of the influence of circumstances around us.

For what are these \$100,000 to be appropriated? To feed the Indians? Are they starving? We have no evidence of it here; and if they are starving, an important question arises as to the power of this Government, and the disposition of this Government, to interfere to save starving people who will not labor for themselves. If the Indians cannot live in California, with 200,000 square miles, and a population of less than 300,000 souls, all told, where in the name of Heaven can they live?

It is said, however, that the white man is taking possession of the Indian hunting and trading ground. Why, that cannot be so to any great extent, as my friend from California must discover, if he reflects upon the subject, because the white man is found toiling in the mines, frequently beneath the surface of the earth, and is never in

the way of him who gains a livelihood either by hunting, or fishing, or shooting, or laboring in the fields. The miner wants the productions of the hunter, the fishing-rod, and the agriculturist, and he would not interfere with the Indian.

I have looked at this matter in every light in which it seems to me that it can be presented, and I cannot see why we should for one moment undertake the adoption of this dangerous precedent. Such was my diffidence when I made the original objection to this proposition, that I did not mean to go into an argument. I merely threw out the suggestion, that if we were to adopt a plan to support the Indians, and let it be known to the various tribes throughout the country, indolence would be the consequence; and we would see tribes from one section of this country to the other, telling the Congress of the United States that they were perishing, when they might have lands, hunting-grounds, and everything. And why? Because it is the nature of the more intelligent races of men, and surely of the most ignorant, to depend upon the labor of others, or to depend upon the spontaneous productions of the earth, whenever they can get a living in one way or the other. And my word for it, as long as these resources last, they will never labor. Our object should be to place these people in a condition by which they may learn the benefits of progress—by which they may be induced to cultivate the soil, and learn the advantages to be derived from domestic life. We must pursue that course; but this is the very backward track of that progress when we undertake to feed the Indians, and to tell them, and to proclaim throughout the country, "Come into our farms—come into our granary—we will supply you with everything necessary, and you may live without work."

Mr. STOCKTON. Mr. President, I approved of the proposition first made by the Senator from California [Mr. WELLER] to amend the amendment now before the Senate, and I regret that he has seen fit to accept any modification of it whatever. It did appear to me, that the principles on which he founded his application, were based on such grounds as we may well suppose would govern the understanding and the heart of a distinguished American Senator or an American statesman.

Sir, I have not been much surprised at the course which the debate on this proposition has taken. Having heard the debates which have been going on in regard to these Indian appropriations, from the first, I was prepared for opposition to any donation to them. But I have been astonished, by the enunciation of some of the principles on which the judgment of Senators, relative to the course best to be pursued as to the Indians, has been predicated. It has been stated here that this Government is under no obligations, no responsibility, to the Indians; that my friend—the friend of the California Indians—seeks to obtain from this Government a donation for them, which the Government is under no sort of obligation to give. Ay, sir, the little which, by the great exertions of their friends, has been extorted from you, has been only yielded with growls and threats that you were under no obligations to grant it. I dissent from all the reasonings founded upon the proposition as amended by the Senator from Virginia. Sir, I go for that proposition which acknowledges in their length and breadth our obligations as American citizens to repair, as far as we may, the wrongs of an injured people. You have obligations which it is not quite so easy to get rid of, either in your national or in your individual character, as Senators or as Christians. Sir, let me tell you that you have responsibilities with regard to the Indians that it would be well for you if all the money in your Treasury could satisfy. Ay, sir, we might well thank God if money could enable us to appease the Great Spirit of retributive justice. The principle contained in the amendment, which negatively pledges us to do no more, is one which I repudiate from the bottom of my soul. Do gentlemen ask if we design by this amendment to establish a principle that shall govern this country in all time to come? I answer, and say Yes! I go further, and say, that so long as there is a dollar in your Treasury, half of it, if necessary, should go to relieve the distress of the aborigines of the country.

Mr. President, while I stand here in this Capitol and remember that it has been erected upon

the soil, the blood, and the bones of the Indians, and on the ashes of their wigwams, am I to be told, here in this Senate, that the laws of the land—of this Christian land—will not permit me to vote money from the public Treasury to ease their distress and relieve the misery of that unfortunate race? Sir, under no obligations to take care of the California Indians! What do Senators mean? You are under most indissoluble bonds to take care of them. Justice—justice—inexorable justice demands it. It is not for me to express in words your obligations. They may be seen in bloody tracks over the mountains and across the plains—they are engraved on every Christian heart. Sir, it may do well, in the general course of legislation, for those who have a clean bill of health, to make such prescriptions for the body politic as may be found in the strict construction of the Constitution. But, sir, when we come here, in this temple of Liberty, our hands reeking with the blood of the savage, does it become us to prate about law, constitutional or divine in defense of violent aggression? No, no; we have nothing to do but to relieve, fully and substantially relieve, the misfortunes we have been the means (innocent, if you please) of creating, and feel consoled if in that way we can alleviate the distresses we have inflicted.

But, sir, with regard to the proposition now immediately before the Senate, I will say that, if I understand the object of the Senator from California, it is to place at the disposal of the President of the United States the sum of \$100,000 for the purpose of preventing starvation among a certain portion of the Indians in that State. Now, sir, considering the responsibility of that gentleman as a Senator from California, and that this money is to be disbursed by the President, I am ready to give my vote for the appropriation of \$100,000, or any other reasonable sum, for such a purpose. But we are told that this donation of \$100,000 to-day, will establish a precedent which will bind this Government ever after to do the same thing. That is just exactly the thing I desire to do—the principle which I desire to establish. It is exactly the principle which I think we should proclaim to the world. Sir, wherever we can, with money, save the life of an Indian, or add to his well-being, we ought to do it. But, after all, the difficulty is not, as it seems to me, so much in any difference of opinion as to what is due the Indians, as how it is to be paid. The real difficulty has not yet been pointed out in regard to the Indians. The fault is not with the Indians, but in the Indian agents; and, sir, if money has been improperly expended, it is the fault of the Government officers or agents, and they should be held accountable, and not let the Indians suffer in consequence of their delinquencies. Will you, then, make the Indian suffer because your Government do not employ agents who are sufficiently just, wise, and honest, properly to expend the money which is appropriated? Certainly not; you cannot do that. You will not commit so great a wrong!

Mr. President, the simple question is, whether, under all the circumstances of this case, the Indians are entitled to our protection; and whether, if you cannot make him work, or keep the peace without, you are bound to protect and feed him? Sir, having taken his lands from him, how can you complain if he will not work and feed himself? Having taken all that you saw fit to take, you ease your conscience for taking what he did not want to give, by offering him some thousands of acres of land which he does not wish to receive. Sir, no one can appreciate the sufferings and sacrifices of the Indians, but those who, like myself and the Senators from California, have witnessed them in joy and in sorrow; who, like us, have seen them in their prosperity, in their freedom, and in the free enjoyment of all their possessions, given to them by God; have seen them in the haughty independence of their nature—and in their servile attitude of petitioners, bowing the knee to their white, despotic, and cruel masters.

Sir, if chance, or accident, or any other thing, had taken you across the Rocky Mountains some few years since, you would have passed through tribes of men—Indians you may call them—aborigines they are of this country; proud, hospitable, high-minded, noble, gallant men; men as free as I was—ay, sir, freer. The Snakes and Sioux were as free as the air they breathed, and

walked with as proud and mighty a step as any of God's created beings. Let Senators not suppose that I am drawing on my fancy for this picture of the Sioux and the Snake Indians. They were at that time as gallant, as noble, as generous, and as hospitable men as any who live, or I know nothing of human life or character. I go further: they were in the full possession and unannoyed enjoyment of their hunting grounds, in the enjoyment of peace, tranquillity, and happiness, under the direction of their own independent and brave chiefs. From St. Joseph, in Missouri, to the Pacific, there was one great community of nature's children, happy and content. But, alas, what is their condition now? Sad, sad! Your armies of emigrants have traversed annually their territory, and drove away their game, and eaten up their pastures, until death and starvation stares them in the face. They have lost their game, and they are sorrowful; they have lost their country, and they are indignant and revengeful. I persuaded them to peace; they agreed, but implored that their great father—a father, indeed! as he had destroyed their hunting grounds, he would, at least, give them lands fit for agriculture, and implements of husbandry, and persons to instruct them in the art of raising bread. But what has the father done?

Sir, these people must all leave their usual hunting grounds, and who is to care for them? After these armies of men have crossed the mountains, and arrived in California, their first business seems to be, to drive off or kill the Indians. There is not a brute that walks on the face of the earth that has been so much contemned and despised and cruelly treated as have been these Indians from the time of the first invasion up to the present. These Indians in California are spread over the whole mountainous part of that State. When we took possession, we found them a kind and docile, but not a warlike people, comparatively contented and happy, and friends. We have driven them from their homes; have despoiled them of their property, and drove them from the mines. What wonder that they are hostile? From this very land of theirs we have taken millions on millions of gold, and now, when we are asked to appropriate \$100,000 to save them from starving, the Constitution of the United States is invoked to prevent it. Yes, sir, that sacred instrument is invoked, and thrust between us and our consciences and our dearest sensibilities. It was invoked yesterday to save the white man, and to-day it is invoked to destroy the Indian. If the Constitution of the United States forbids me from aiding, by an appropriation of money, to save the California Indians from starvation—if it should step, with blasphemous intrusion, between me and those sacred feelings of our nature which God and nature's God has planted in the breast of poor humanity—then I say that my friends will know where to find me in regard to the construction of that instrument.

But, sir, the Constitution of my country tells me no such thing. Its whole spirit breathes a spirit of philanthropy and love to men everywhere. It is universal love, as well as universal freedom, which is taught by the Constitution of the United States. Sir, so far from considering this as a donation—so far from considering this proposition, which asks you to give but \$100,000, as an extravagant donation, I hold that you are bound by all your responsibilities as men and as Christians, by all your responsibilities as Senators and statesmen, to protect them, cost what it may.

That there may be no misapprehension about this amendment, I will repeat what I take to be its object—its essence. It is to save the Indians in California from starvation. We are told that there are seventy thousand Indians in a starving condition in California. I believe it; and these are the Indians of whom I have endeavored to draw a feeble picture, and to whom I feel that we are so much indebted, and for whom we cannot do too much. But it is said that this bill has not come up in a proper shape; that if we pass this appropriation we shall be setting a precedent hereafter to be followed, and therefore that it ought not to be passed. We are further informed that even if it were a thing proper to be done, that \$100,000 would not be enough to answer the purpose, and therefore it should not pass. Some gentlemen would not have it done because it is not entirely in accordance with their parlia-

mentary notions and their technical ideas; others say that it is opposed to their views of proper economy in the administration of this Government. Sir, while we are endeavoring to settle those differences of opinion, let me again remind Senators that the Indians are starving.

In conclusion, Mr. President, I will also say that you have destroyed the homes of these people, devastated their villages; you have taken away their occupation, and you have extracted millions upon millions of gold from their mines; and the least you can do is to give them this \$100,000; ay, sir, and \$500,000 more, if necessary to preserve peaceful relations with them, or to keep them from starvation.

Mr. BUTLER. This amendment has brought to the consideration of the Senate many topics of great importance, as they affect the government of this whole country, and the government of California towards the Indians.

If the Senator from New Jersey supposes that I insist upon the parliamentary usages of this country, because they conflict with his sympathies for the savage race, he is mistaken. So far from doing so, I believe that, to treat the Indians properly, we ought to have an enlightened system for their protection against the robber. I will go as far as that honorable gentleman, or any other Senator, to provide land for the aborigines; for I never imbibed any sentiments of hostility towards them—sentiments which have become too general, owing to the savage warfare on the frontiers. I have had every inducement to indulge the feeling which has been excited by the eloquent remarks of the Senator; but this mode of temporizing with these poor creatures is not the proper way of meeting the difficulty, or relieving their sufferings. It is the worst step that could be devised; it is the way to promote that degree of degeneracy which wastes them away; and no man less commends himself to my mind than a degenerate savage. If you offer to feed him, the moment you do so you hold out a lure to come back to your precincts, and to abandon his own. In my judgment, it is the worst form in which you could propose to bestow a gift.

I would say to the Senator from Wisconsin, [Mr. WALKER,] in connection with his homestead projects, that I should be glad to see a large proportion of those public lands appropriated to the Indians out of the domain which he would partition out to foreigners who are invited here to drive them off. That is my view of the case.

I think that the Executive Department of this Government is bound by the highest obligations to send to Congress, for our legislation, some enlightened system for the protection and support of these poor beings. What is their fate? Heretofore they could take counsel with hope, and were not doomed to bitter despair. We could drive them, and drive them, from the east to the west, and in driving them from us there were still broad lands on which they could rest with some degree of hope. Their fate is identified in some degree with that of the buffalo. We have driven them off, and they have driven off the buffalo. What is their condition now? The last ray of hope is extinguished. They must look to despair in future. Yes, they must starve, and starve by the white man's injustice. What is their position at this time? We have commenced our settlements on the Pacific; where will you now drive them? Will you set apart lands for their own use? Where are the lands? And if we had them, how long would the Indian's rights be respected by the white man? If the Senator from New Jersey [Mr. STOCKTON] will bring forward a plan by which land can be appropriated for the use of these wretched people, and which will set guards against the robber, I will go with him; but this temporizing, I repeat, is delusive.

If it were put to me as an abstract proposition, that these Indians, who have been grossly deceived, were likely to starve; if it were put to me in that shape, and I had bread in my hand, I would give it to them freely, and should make use of the Government funds for the same humane purpose; there is nothing in the Constitution which would forbid it.

I believe there is more wisdom in the instincts of a warm heart than in the devices of a crafty head. I believe there is more wisdom in instinct than in mere abstract reasonings; and, therefore, I fully concur in all the honorable and just senti-

ments of the Senator from New Jersey, [Mr. STOCKTON;] but before I indulge the dictates of that instinct, I must have some surety that they will not be abused. I know that it is from the instinct of that gentleman's heart that he takes counsel, but it must not be abused. What benefit will it confer on the objects of his solicitude if this money is appropriated only to be wasted, like the corn which the herdsman carries to the hogs, but which he scatters abroad on the ground before reaching them? That would be the effect of our donation. I have no confidence whatever that this sum of \$100,000 would be employed for the benefit of the Indians. None at all. If this proposition is stated, the Indians will starve except this appropriation is made, then I say that the sum is insufficient, inadequate, for the end proposed. This amendment does not cover the ground taken by its advocates. The question is not treated in the manner it deserves by the proposal now made. It should have come here with a higher sanction; it should have proceeded from the Executive Department of the Government, after full investigation by the proper Department. If I conceived, however, that it was necessary, I would vote for it as it is; but as I believe it to be delusive in its nature, I cannot.

Mr. WALKER. One word in reply to the remarks of the Senator from South Carolina in reference to my homestead policy. I will battle that with him as long as he pleases.

Mr. BUTLER. I do not mean to battle it; but I would give more to the Indian than I would to the people to whom you would give it.

Mr. WALKER. I will not be drawn from my object by any side-bar remarks. The Senator from South Carolina says that he is in favor of a large area for the Indians, while he would curtail that which I would set apart for the foreigner. The first inference that might be drawn from that remark by those who did not know what I have been doing in the Senate would be, that I had set myself up as the peculiar champion of foreigners, and that I was in favor of voting a part of the public domain to their use. This, Mr. President, would be an unjust inference, and the Senator from South Carolina knows it as well as any Senator. He certainly could not have intended to use language from which such an inference could be drawn. However that may be, he has certainly used such language. I am as willing as he is to treat the Indian as well as I would treat the white man; although from the Senator's remarks he has intimated that he did not think so.

Mr. BUTLER. I certainly would not drive the Indian off with the view of letting any one else enjoy their lands.

Mr. WALKER. I have not proposed to drive the Indian off to allow anybody to come and take his place; but I have contended that in those States where the Indian title was already extinguished, the Government should no longer hold lands at \$1 25 per acre, with a view of making a profit upon them, when they can make a much larger profit by making free grants. Have I ever proposed to go into the Indian territory, and drive away the Indians for the purpose of making settlements for the white man? Never.

I am glad that the Senator from South Carolina is so far a homestead man, that he is willing to provide a permanent home for the Indian. I am willing, this day, if a plan can be devised to carry it into effect, to vote to set apart a Territory to which the Indians may freely go—to which, if necessary, they could be compelled to go; and I am willing to provide further, that it may be made a capital offense if a white man should trespass upon them. Is the Senator from South Carolina willing to go as far as that? If he is, he is as good a homestead man as I could wish. But I am not willing to roll that Indian population back upon the States in which their title has been extinguished, and permit them to drive off the white man. And while I would not do this, I would not act the dog in the manger—without meaning any offense—and permit a white man to do what I would not permit an Indian to do.

I trust that Senator will adhere to his homestead notions in regard to the Indians; and I have some hopes of his coming over to the notion of the homestead in favor of the white man; that his noble generosity will prompt him to treat the white man as well as he would treat the Indian.

So far as the foreign population are concerned,

to which the Senator has referred, I would remark that they are coming here, and we cannot prevent them. Let me ask the Senator from South Carolina if he would prevent them if he could? Would he step back to the alien and sedition laws, and prevent these people from coming here? No; I think not. For what do they come here? For self-subsistence, and to contribute their mite to the support of the Government, and not for the purpose of doing harm, or for any other purpose, in consequence of which they may merit the stigma of being "foreigners." I am willing that they should come here; and when they do come, and have become American citizens, I am willing to do by them as I would by any other American citizens. As to the general policy of the homestead law, I am for giving the public lands to the people, so that they may become men of substance, and may improve the country, and thus contribute, in a much more effectual way, to the support of the Government than can be done by holding the public lands at \$1 25 per acre.

Mr. HUNTER. I fear we are wandering from the discussion of the subject which is before the Senate. I am anxious to get through with this bill to-day. To-morrow is set apart for another topic. If we can get through with this bill to-day, those who have private bills to urge can have an opportunity to do so on Friday. I hope we may finish this bill to-day.

Mr. WELLER. I am very anxious to have the action of the Senate upon the proposition which I have submitted. Under other circumstances, as a matter of course, I should feel under some obligation, and probably would take great pleasure in responding to the terrible lecture which the Senator from Georgia [Mr. Dawson] has given me. I had no idea, when I charged that Senator with a want of liberality towards California, that I should have provoked such a torrent of sarcasm and declamation as he has poured out upon my head and in the presence of the Senate. I did not hear distinctly his opening remarks—which were doubtless intended to be sarcastic—but I think he spoke of my *modesty* in connection with the proposition before us. I do not think that either that Senator or myself should boast about possessing a great deal of modesty. Neither of us has made much reputation in that way, and perhaps never will. The charge has sometimes been made against me; but I never heard the slightest imputation of that sort made against him. I don't think it ever will be. [Laughter.]

If the Senate were not already fully aware of the fact, I would undertake to show that the Senator from Georgia has been speaking about matters of which he is entirely ignorant. And here I may remark, that other things being equal, a man generally speaks better upon a subject about which he knows something! I could demonstrate, if it were necessary, to the Senate, that whenever that Senator undertakes to speak about the Indians in California, their wants, or locations, or the habits and customs of the "Pueblo Indians," he is most grossly ignorant of that with which I supposed every man in the country was familiar. He demands, in a stentorian voice, a voice exhibiting extraordinary lungs, where is the evidence that the Indians have been brought down from the mountains and have been collected in the valleys? I answer, that the evidence is to be found in the eighteen treaties rejected by the Senate; it is to be found in the correspondence of the Indian commissioners which accompanied these treaties. It is to be found in the public documents which have been laid before us. They inform you that it was their policy to bring the Indians down from the mountains to the valleys, where they would be surrounded by white inhabitants, and where they could not, if they committed depredations, escape to the mountains.

The PRESIDENT. The Senator must be aware that there are certain things which take place in Executive session, which are not to be referred to in open session. With regard to these treaties, the Chair is not aware that the injunction of secrecy has been removed.

Mr. WELLER. In answer to the suggestion of the President, I would reply, that I do not claim to be very familiar with the rules of the Senate. A few days ago, in open session, that subject was referred to, and I then asked a Senator of experience, whether it was proper to speak of these treaties after they had been rejected by the Senate;

and I was informed, that after their rejection, there was no impropriety in referring to them.

The PRESIDENT. The Chair will inform the Senator of the extent to which he may be allowed to speak in such a case. He can speak of the treaties having been made and rejected; but he cannot go into the proceedings upon them, unless the injunction of secrecy has been removed.

Mr. WELLER. I supposed that there certainly could not be any great impropriety in speaking of a matter with which everybody is acquainted. I have not, nor do I intend to go beyond the rule laid down by the President. These Indians were brought down from the mountains; and the whole correspondence of the Indian commissioners show that their object was to bring them from their fastnesses, in order that they might be surrounded by white men. That fact is well known, for it is most distinctly set forth in the correspondence. They did bring them down from the mountains. The Senator from Georgia asks why they do not go back to the mountains, if they cannot be secured in their present position? I told the Senator that these mountains are now occupied by miners who were scattered in the mountains, and that these Indians would not be permitted to roam amongst them. He says the miners are not there. Now, sir, the boldness of the Senator may have staggered some gentlemen. This assertion has been made after I have informed the Senate that their old homes are now occupied by our citizens—that they cannot return to their old hunting-grounds and obtain the food necessary to sustain animal life. In other words, that the white man, who never recedes from a position which he has assumed, is now where their rude habitations once stood.

You have the opinion of the Senator upon a subject of which he knows nothing, and you have my opinion of the same thing, of which I ought to know something, having traveled over the whole of that section of the State in which the Indians are found. I should suppose the Senate could rely with more confidence upon information given by a Senator who knows something about the facts, than upon the statements of wild declamation of one who knows nothing about them. Some men have a passion for talking vociferously about questions of which they know nothing.

There are other points in the singular speech of the Senator from Georgia to which I would refer if I had time; but I have no disposition, as I said before, to prolong the discussion. It is with great reluctance I trespass upon this body at any time. I am sure Senators now understand the grounds upon which my proposition is based, and I cannot doubt their disposition to decide this question fairly and justly. I can only regret that a sense of duty to my constituents required that I should occupy so much of the valuable time of the Senate.

Mr. HOUSTON. It is with a great deal of reluctance that I would consume one moment of the precious time of the Senate. I regard the dispatch of business as important to the general interests of the country, as well as to the particular condition of the legislative business. I have therefore abstained, throughout the session, from occupying any portion of the precious time of this body; but I think that a principle is here invoked, to some extent, in consequence of which it will not be amiss for me to advert to some facts which have transpired, and to anticipate some of the probable consequences of this amendment. If it is necessary that the Indians should be supplied with provisions, there is no doubt that they have been reduced to that necessity by the conduct of this Government, or its officers. They are removed from their accustomed means of subsistence; they are taken away from their hunting grounds. They had another resource; they had the mines in the mountains from which they could supply their necessities; but they are withdrawn from these fastnesses of the mountains, and are placed by the action of this Government in a situation which renders it necessary that we should give them subsistence. That is the point which is to determine the justice and propriety of the action of this body as I suppose.

The question for this body to consider is, whether that which we design to appropriate for a generous and beneficent purpose, will be applied to the objects which we contemplate. It does not answer the question to say, that agents of the Government have heretofore applied money which

has been placed in their hands in a manner contrary to the instructions which they have received. The Government has officers, commissioners, men of intelligence and probity, who can be intrusted with this money, and who will apply it to the purposes for which it is intended by the Senate. The sum of \$100,000 is a very small one. Compare that with the consequences which will probably result to the Treasury, if it is not bestowed, and see what will be the amount saved by an economical discretion in its application now. You appropriate \$100,000 for these Indians, and they will remain at peace. They are now withdrawn from the mines, and the condition of rivalry in which they stood, in relation to those who are now engaged in mining, has ceased. They are doing nothing to provoke the animosity of those men whose interests conflicted with theirs heretofore; and it is in conformity with what we know of the human character and of human feelings, to suppose that the miners will now sympathize with these poor Indians, and will desire to see that the means given by the Government for their support are not misapplied, but are employed in a way which will alleviate the necessities of the Indians. The condition of the Indians, then, will be such as to excite the humane feelings and the sympathy of a portion of the people of California, who will exercise a vigilance with regard to the manner in which the bounty of the Government is applied, and thus exert an influence which will be highly beneficial to the Indians.

Sir, I have had some experience with the Indians. It is no egotism in me to say that I, who have spent all my life upon the frontiers, am acquainted with their dispositions and their character—that I know the appliances necessary to peace, and that I know the provocations to war. I have seen Indian wars grow up; I have seen peace negotiated and disregarded; I have seen outrages committed by whites; and I have seen the Indian, in justification of himself, and in defense of his home, his family, and his all, repel the aggression of the white man. But it was always said that it was the Indian who was the aggressor; he had no telegraphs, no newspapers; he had no advocates among the whites; none to vindicate him. The white man had the influence; the Indian had possession of the land. The white man wanted the land; the Indian must relinquish, and give it up; and was always in the wrong whenever his rights were trespassed upon. So it will be.

Look at our condition upon the Texan frontier. I have despaired of receiving, and have forborne asking anything for Texas; but I entertain no doubt that the gallantry and the chivalry of the Texans will protect their own frontier. I cannot look to this Government or to this Hall for aid. It is our right, when we are infringed upon, to vindicate our own soil; and if your banner is torn, and your heroic Marcy is slaughtered, and his banner burned by the savage, look to it yourselves. It is not the banner of Texas; her star shall never fall when it is borne by the hands of her own sons to the field, and no savage shall strike it down. Our Governor has taken a course to protect our frontier against savage aggression.

What has led to this dire catastrophe? Why, sir, the perfidy of the Government and its officers—nothing else in the world. This is no fling at the Administration. It goes beyond all that. Texas, previous to the annexation, for more than eighteen months, had enjoyed perfect peace. No horses had been stolen; no slaughtered citizens were found in their houses; no scalps had been exhibited on Indian poles, around which to dance the war-dance. No conflagrations on the frontiers announced the savage depredations at midnight. We were at peace. After the annexation of Texas, you sent your commissioners there. The Indians confided in the integrity of Texas, because every promise had been maintained, and every pledge fully redeemed. The Indians would not even negotiate with the officers sent by President Polk. Through an influence in Texas they met, they consulted, they treated. At the head of that commission was the gallant and illustrious Butler, who so nobly fell leading on his legions at Cherubusco. He was at the head of the commission, but through indisposition he was rendered unable to attend to the duties of his mission, being prostrated in his tent by chronic disease. Another was associated with him, who cared not for the honor of his col-



league, nor for justice to the Indians, nor for the mission on which he was delegated. He took upon himself, while his colleague was prostrated, to obtain a secret council with the Indians. The talk was held on a show of authority, which he took from Texas, which gave him credit with the Indians. He took this insignia, and exhibited it to them, and they heard him. His promise to them was that they should receive an annuity of \$14,000. They were to keep perpetual peace—no horses were to be stolen, no lives to be taken, no habitations to be burned. The Indians, in perfect good faith, and in entire confidence from the terms which were held out, and the high character of their neighbors, the Texans, came in, and signed their names to a sheet of blank paper. The commissioner returned—his colleague, the gallant Butler, being at the time prostrated and detained by sickness—and attached these signatures to a treaty, which he prepared to suit his own purposes and designs, excluding the annuity entirely, and merely allowing a single appropriation of \$14,000.

The PRESIDENT. The Chair is very unwilling to interrupt the Senator, but must remind him that the proposition now before the Senate relates wholly to the Indians in California.

Mr. HOUSTON. I am aware of it, but I am anxious to show, if possible, that the appropriation of this \$100,000 may avert a war, which would possibly cost as many millions as the Muscogee war, or the war in Florida. It is with that view that I am now speaking.

The Indians came at the appointed time to the place where they were to receive their annuity; the annuity was not paid them; enraged, they were about to plunder the frontier; a Senator from Texas received the intelligence while on his way to this place; and he wrote instantly to induce them to stay their hands for five days; the Indians granted the truce, otherwise the trading-house would have been rifled and the building burned. The express returned in time with instructions to pay them \$5,000, and if that were not sufficient they were to receive \$10,000. It was done, and war was averted for twelve months; the peace was prolonged for two years by means of promises; and thus a war was prevented which might have drenched the frontier in blood.

Then, sir, on the evidence of the vouchers of the merchants, Congress supplied them with \$10,000, so that we yet justly owe to the Camanches \$4,000. This is a fact. To what, then, has it led? No more annuities were given. A new Administration commenced. The agent who had been employed in Texas, and who was continued under the administration of Mr. Polk, remained there. On the advent of the new Administration he was removed, and men incompetent, both physically and mentally, were placed in charge of the Indians. The consequence was, that the Indians had not a friend to travel with them; one who had been associated with them in their hunts, and who had explored the route from Fredericksburg to El Paso, where the engineers had failed to establish a particular route for carrying conveniences of every kind. That individual was removed, and others were put in his place who were soon prostrated by sickness and disease. And what was the consequence? To this condition of things war ensued; and what did it cost us? For eight years you may calculate the expense of our military establishment in Mexico at not less than six millions a year; making a total of forty-eight millions. What would it have cost if you had paid this annuity to the Indians? It would have cost you \$84,000. Compare \$84,000 with forty-eight millions, and you will have an opportunity of judging what the advantage would have been to have given that annuity to the Camanches, so long as they expected it to be given, periodically. Had this been done, you would not have seen a hostile, act because it was their interest to maintain peace, and they being the most powerful tribe, would have constrained other tribes subordinate to them to keep peace also.

But they have been deceived; they have been deluded by promises; they have been defrauded by agents, and have been neglected by the Government itself. Now, go and ask Marcy's command; ask their friends what would reimburse them for their loss. Sir, until we do justice to the Indians—until we are truthful and righteous in our legislation in regard to them, we can expect

nothing but that Heaven will cause retributive justice to fall, if not upon the offenders, upon the nation that spoils the poor Indians. It is time for the nation to arise as one man and vindicate the national honor and keep the escutcheon clean, and maintain our faith with the Indians. Be truthful, be just, and you will have them as friends. They will then neither disgrace your country nor dishonor your flag, but they will defend it. But they have now assimilated us with the Mexicans, whose perfidy, from the time of Cortez, has been traditional with the Indians, and has been revived through successive ages. We have to assume that these poor Indians have been deluded by the officers of the Government, who may not have been proved to be corrupt. Let not the sin lie at our door any longer that they are starving and famishing by the connivance of this Government or its officers; but provide the means, and trust to Heaven, if not to the officers, for their application to the good design.

Mr. WELLER. In order to conform to the opinion of some gentlemen for whom I entertain a regard, I will modify the amendment by substituting for it the following:

For the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent arrangements be made for their future settlement, the sum of \$100,000: *Provided*, That nothing herein contained shall be so construed as to imply the obligation on the part of the United States to feed and support the Indians who have been dispossessed of their lands in California.

The amendment as modified was concurred in.

The next amendment made in Committee of the Whole was as follows:

"For supplying a deficiency in the appropriations heretofore made for removing the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs, \$37,412."

The question was taken, and the President announced that the yeas appeared to have it.

Mr. CASS. Who presents that amendment?

The PRESIDENT. It is an amendment agreed to as in Committee of the Whole, and reported to the Senate, and the question is now on concurring in it. The Chair put the question, and the yeas seemed to have it.

Mr. BELL. I ask for a division. I do not think the Senate understood the proposition.

The question was again taken, and the amendment was concurred in.

Mr. COOPER. By direction of the Committee on Indian Affairs, I move to insert at the end of the bill the following:

That there be and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as may be found due by the Comptroller of the Treasury, for carrying out that portion of the fifth article of the treaty of 1846, for the benefit of the western Cherokees, and that the sum so found to be due, be paid to the parties equitably entitled thereto.

Mr. HUNTER. I hope the Senator will not persist in pressing that amendment. It is a controverted and debatable matter, and I am anxious to get through the bill to-day.

Mr. COOPER. I have no personal wish to press this amendment upon the Senate. But a bill to carry out this provision was agreed to by the Committee on Indian Affairs and reported; and believing that the bill now under consideration was a proper place to provide for the appropriation I was directed to prepare an amendment to that effect, which I now propose. I do not feel at liberty to withdraw it; and I do not think it is a matter that will occupy the Senate in a discussion for any considerable length of time. I would be very willing to gratify my friend from Virginia by withdrawing it, if I were at liberty to do so; but I am not. I will briefly explain the circumstances under which the claim arises, and I do not believe that any one will be found to controvert its justice, if they understand the obligation of the Government as I understand it, and as the Committee on Indian Affairs unanimously understood it.

In 1850, an appropriation was made to carry out the treaty of 1846, made with the Cherokee nation of Indians. A large sum was appropriated for that purpose. There were, besides the Indians, other claimants upon the funds, attorneys whom they had employed. This sum is intended to pay the Messrs. Kendall, who were their attorneys under an agreement entered into in 1843, and ratified repeatedly since.

Mr. HUNTER. If the Senator will allow me, I think I can save time. As I understand it, this

amendment is not in order. He is not instructed by the Committee on Indian Affairs to offer it to this bill. They have reported a separate bill, but have not instructed the Senator to offer it as an amendment to this bill.

Mr. COOPER. I will explain in a moment. In the first place a bill was reported and went upon the Calendar. Afterwards the claimants came to the committee and asked to have it put in this bill. There was no formal vote, but an agreement on the part of a majority of the members of the committee. I believe every one concurring out of committee that it should be offered here. So that it comes, as all other amendments of this kind do, with the approbation of the committee, one member only—who is now absent and sick—being absent. That is the position of it.

I was about stating how the claim arose. It arises from an agreement entered into in 1843 by these gentlemen to prosecute the claim of the western Cherokees upon the Government, and upon the other band of Cherokee Indians. They had a power of attorney; and five per cent. of whatever moneys should be recovered was the compensation which they were to receive. Accompanying that power of attorney there was an assignment of the fund and a direction to the Government to pay to the attorneys the five per cent. so assigned. But to the bill to which I referred, and which you will well remember, the Senator from Wisconsin [Mr. WALKER] offered an amendment, directing that the Secretary of the Department charged with the disbursement of this money, should pay no part of it to agents or others employed in prosecuting the claim, but should pay it to the Indians *per capita*.

That amendment was agreed to, although it was suggested at the time that it would inevitably lead to the involvement of the United States in a claim upon the part of those whose services had been rendered, and for which an assignment of the fund was made, and a direction given to the United States to pay it. The parties prosecuted their claim, supposing that it was a right of which legislation could not deprive them; but the Secretary, obedient to the instructions contained in the bill, refused to pay it. They still prosecuted it; went west to Arkansas, and endeavored to procure it there from the Indians. They failed. They came back, and submitted their claim to the Senate. It went to the Committee on Indian Affairs, and, as I have stated, a bill was reported for their relief. I presume that every honest man will recognize that here was a fund due to these men in consideration of services rendered, which the Government of the United States interfered to prevent them from receiving. It is, then, bound—having interfered to prevent their reception of it in the way pointed out in the agreement—to make good to the party the losses which they sustained by its act. It is a simple principle of law which would compel the payment of this claim by the Government, if the Government were, like an individual, subject to a suit. But it is not so subject. An appeal, therefore, must be made to its equity through Congress, and I trust that Congress will do these men justice. The amendment provides, through abundance of caution, that the claim shall again go to the Comptroller of the Treasury, in order that the amount may be ascertained, and whatever is found to be due be paid. This simple statement, brief as it is, will put the Senate in possession of the facts of the case; and an appeal to their justice, I am sure, is not necessary.

Mr. HUNTER. I rise to a question of order. Is not this a private claim, and, therefore, excluded under the rules? I think it is.

Mr. COOPER. I know that there have been decisions that would seem to warrant the opinion that this amendment falls within the prohibition of the rule; and I presume, from the decisions, or intimations, rather, made by the Chair, that that was the opinion of the Chair previously to yesterday. But you will bear in mind how it arises. It arises under a treaty. The Government paid out the whole fund, and they are now to make it good. It is absolutely to make good the treaty. Although it is a claim on the part of private individuals, it is substantially a proposition to carry into effect the treaty of 1846. It was in that view of it that I presented it. If it had been simply a private claim, and not intended to carry out the fifth article of the treaty to which I referred, after your admonitions, sir, I certainly never should

have proposed it here. I would have done nothing after intimations of that kind, if I had regarded it simply as a private claim; for at this stage of the session, I would be the last Senator to take up any of the time of the Senate uselessly.

Mr. HUNTER. I do not understand that these gentlemen are interested in the treaty at all. The treaty contains no provision or stipulation in regard to the agents. It is an equitable claim they set up on account of the action of the Government in relation to the mode of payment to the Indians. They say that by the provision in the appropriation bill alluded to, which required the money to be paid to the Indians *per capita*, you deprived them of the mode of collecting their fees in which they had expected to collect them. It seems to me that it is a mere equitable claim, and rests upon the same ground as others which have been ruled out of order as amendments to the bill.

Mr. COOPER. A single word—I will not detain the Senate a moment. This is a part of the fund, substantially, that the treaty stipulated should be paid to the Indians.

The PRESIDENT. As a question of order is raised, the Chair must either decide it or refer it to the Senate, as he may think proper. On looking at the amendment, the Chair cannot discover from it that it provides for a private claim. It is in the following words:

"That there be and is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as may be found due by the Comptroller of the Treasury, for carrying out that portion of the fifth article of the treaty of 1846, for the benefit of the western Cherokees; and that the sum so found due be paid to the parties equitably entitled thereto."

From the reading of the amendment as proposed, the Chair is unable to say that it involves a private claim.

Mr. HUNTER. I do not rise to take an appeal. I submit to the decision of the Chair. But I rise to ask the Senate, in consideration of the circumstances of the case, not to put this amendment upon the bill. Certainly, it is one of those measures which ought to be considered separately. We, who desire to examine the claim, cannot ask the appropriation bill to be laid over to give us an opportunity to look into the facts. I do not know enough of the facts to be enabled to decide, with any degree of confidence, upon its justice; and I think I foresee, unless we should vote it down, that it may become the occasion of a long debate in relation to the propriety of the policy of this Government of paying agents or attorneys of this kind. I should be very sorry to see that subject introduced at this stage of the bill, leading to another long debate. I hope the Senator will not press it. He can bring it up as a separate measure. If we get through the bill to-day, Friday will be devoted to private claims, and we then can consider this measure separately. If it is still pressed upon us now, I hope it will be the pleasure of the Senate to vote it down.

Mr. WALKER. As this claim grows out of a matter of which I have a personal knowledge, it may be necessary for me to state the circumstances. I do not rise for the purpose of expressing any views whatever in regard to the justice or injustice of this act, or of the amount proposed to be appropriated. That I leave entirely to the Senate to decide after the circumstances are explained. Some two years ago, I think it was, when the Indian appropriation bill was under consideration, I offered a proviso to the end of the bill—and I shall again offer it to this one—providing that the money appropriated by it should be paid directly to the Indian or Indians entitled thereto, and not to any agent or attorney whatsoever. We had treated previously with the Indians. We had stipulated to pay them money. We had neglected to pay it until it became a matter of complaint on the part of the Indians. They employed agents to prosecute their claims and obtain from the Government what was justly due to them. I knew nothing about this individual case at the time. It never had come to my knowledge that the Messrs. Kendall had any claim upon any Indians. But I felt that when the Government had stipulated to pay the Indians money, we ought not to deduct from it such large sums as I knew were to be taken from them and given to our own people. Feeling that that would be unjust to the Indians, I offered the amendment, which seemed to be thought just and proper by the Senate, and it was adopted. It was an ex-

pression of the sense of the Senate that the money ought to go to the Indians to whom we stipulated to pay it, and not to any of our own people for procuring it for themselves. I believe I was right in offering that amendment. I believe it was based in honesty and justice. I shall offer it again to this bill. We certainly have had developments enough to put us on our guard with relation to the manner of paying money to Indians; and now it is a question to decide whether, having placed that guard upon the bill, and persons having lost their fees in consequence of it, we will now turn round and, after having paid this money to the Indians, pay it over again to the agents who prosecuted the claim. This is the question to be decided; and this is the manner in which this claim arises.

Mr. BADGER. Mr. President, I really cannot see, after having heard my friend from Pennsylvania, [Mr. COOPER,] what foundation there is for this claim. If I understand it right, it is this: There were certain claims due to the Indians. Congress passed an act for their payment. In that act they provided that the money should be paid into the hands of the Indians who were entitled to it. Now, these gentlemen come here and say they made certain contracts with the Indians, which, but for that provision in the act, they would have been able to have enforced at the Treasury Department, and thereby have compelled the Indians to pay the compensation they had contracted to pay them; that they asked it, and that the Indians would not pay them. Then the whole resolves itself into this: That if the United States have a certain sum of money to pay to a number of Indians, they cannot order it to be paid to the Indians directly without incurring themselves with an engagement to pay all the debts connected with that sum of money which the Indians themselves ought to pay. It appears to me that the very proposition is on its face absurd. We certainly had the right to pay the money to the persons to whom we owed it; and if we did so, let the men who made the contracts settle them with the Indians. We have nothing to do with them.

Mr. ATCHISON. The question, it seems to me, is this: Were those Indians capable of making a contract with an agent, or lawyer, if you please, or attorney—I care not by what term you designate him? The Cherokees, through their council, had the power and had the right to employ an agent for the prosecution of their business here, with the Government, or elsewhere.

Mr. BADGER. Certainly.

Mr. ATCHISON. Very well; then these attorneys were employed to obtain this very money. When the appropriation was made, for the avowed purpose of preventing the Indians paying their agents or attorneys, the clause, requiring it to be distributed among the Indians *per capita*, was introduced, to pay four or five thousand different Indians, thereby placing it out of the power of the chiefs, or the council, or the public authorities of the nation, to discharge the debts they owed to their agents. That is the whole case. It was the act of the Government; and it was avowed, at the time the amendment was offered by the Senator from Wisconsin, that it was for the purpose of preventing the Indians paying their agents the debt thus contracted.

Mr. WALKER. Not at all. The Senator is mistaken. The object was not to prevent the Indians paying it; but it was to obviate the difficulty in which we would run in stipulating to pay money to the Indians, and then paying it to our own citizens. It was not to prevent the Indians paying these debts.

Mr. ATCHISON. No, but it did virtually have that effect. It was intended to have that effect. If the money had been paid to the chiefs, or representatives of the nation, then it could have been paid in gross to their attorneys or agents, and all just debts contracted as a nation might have been paid. But for the purpose of defeating it—or if not for the purpose, such was the effect of so paying it—it was directed to be paid to 4,000 or 5,000 Indians, instead of into the hands of a few of them to disburse it, as had been the custom of the Government from time immemorial at the Department here. That is the state of the case. It is precisely so; and no other face can be given to it. Then it is for the Senate to determine whether there is a liability on the part of this Government to refund that amount of money or not.

Mr. BORLAND. The Senator from Missouri is, I think, mistaken upon one point. The proviso which was put in the appropriation bill to which allusion has been made, did not require in terms that the money should be paid to the Indians *per capita*, but provided simply that it should be paid according to the terms of the treaty of 1846. Those who favored it held at the time, and hold now, that such a proviso was not, or should not, have been necessary to require the paying department of the Government to pay the money directly to the Indians *per capita*, because the solemn stipulations of the treaty provided that it should be so paid. But when it was discovered that in making these payments the terms of the treaty had not been complied with, it was deemed by those who considered they were binding upon the Government in doing justice to the Indians, that we should, by an express provision in the appropriation bill, make the disbursing officers of the Government conform to the terms of the treaty. That was the state of the case. It introduced no new matter. It always should have been so, because the treaty required it; and it was simply making an additional provision to enforce what we had, by the solemn stipulations of the treaty, agreed to do, and which had not, to the great injury and prejudice of the Indians, been done.

But, Mr. President, what I shall say now has nothing to do with the contract between these gentlemen and the Indians. It may have been a fair one. I do not question it. But that has nothing to do with the propriety of this appropriation. The question is, whether we shall undertake to pay money for the Indians to individuals with whom they contracted a debt, admitted to have been such. Is that an obligation of this Government? I think not. I can see no foundation in justice for it.

The Senator from Missouri has very properly said, that these Indians were capable of contracting a debt. If you admit that, you must also admit that they are very competent, when they have money in their own hands, to pay it, and that there is no obligation upon the Government, either to pay it out of the Indians' money, or still less out of money which does not belong to the Indians. It is just equivalent to making a treaty with the Indians, by which we undertake to pay them annually so much money *per capita*, and then going off and finding an individual, and paying him so much in addition, to come here and compel the Government to comply with its contract. That is precisely the proposition which is presented.

Again, without questioning the justness and fairness of the contract, I think the Senator from Missouri was mistaken when he said the proviso prevented the council of the nation from paying the agents or attorneys out of the money. Sir, the Indians did hold a council. They did appoint a commission, which sat upon and adjudicated the claims of these persons; and they did pay some and rejected others. A commission appointed for the purpose of examining these claims, did, last summer, positively refuse to pay this one. They did pay some claims. They paid the claim of Mr. Stambaugh, of Pennsylvania, and other similar claims. This claim they refused to pay. These gentlemen went before the commission appointed by the Indians, which positively refused to pay their claim.

Mr. ATCHISON. I was not aware of these facts. They may be so. I do not doubt them, if the Senator states them of his own knowledge. I understand him to say that these things have transpired since the last session of Congress.

Mr. BORLAND. Yes, sir; and I state them of my own knowledge. I happened to be in the country when they took place; and these gentlemen have since told me that what I say is the fact, and that their claim was then rejected. They told me, in the tone of complaint, that by my vote I had put it out of their power to get their money from the Indians. I say all this without any feeling of unkindness to these individuals, without the slightest reflection upon their contract, or denying that it was a fair one. But, we know very well that these Cherokees are as competent to make a bargain as anybody else; and I believe it is generally admitted by all who know them that they are as faithful in the execution of their contracts. They are not my constituents; but they live upon the border of my State, and I know something of their character. I believe they hold

themselves as much bound by their contracts as any other people, whether white or red. They refused this claim, saying that they did not owe it. Under these circumstances, unless I can admit that this Government is bound to pay all who may choose to go and make contracts with the Indians, which the Indians refuse to pay, I am bound to vote against this amendment.

Mr. COOPER. Mr. President, it does seem to me that the ground assumed by the Senator from Arkansas, in regard to this claim, is a very singular one, to say the least of it. If the Indians had not refused to pay the claim; if they had paid it when the Messrs. Kendall went to Arkansas, they would not have been here to ask for it. But they refused to do it; they did, as the Senator says, refuse to pay it. But they had agreed that it should be paid; and they had agreed by the most solemn form of instrument, that it should be received from the hands of the Government itself. I trust I shall never come into the Senate and advocate a proposition that is legally ridiculous or absurd; and I did not come here now to advocate such a proposition. I come here after having studied this case thoroughly; after having examined the authorities as to whether we should be warranted in doing what the amendment proposes to do, or not. Now, sir, if the state of the case was as it is represented by my friend from North Carolina, [Mr. BADGER,] I admit that the claimants could not recover in a court of law, if the parties were both the subjects of a suit. But let us see what was the contract between the parties made in 1843, stipulating in relation to this very fund. They contract in these words:

"In consideration whereof, the undersigned, on behalf of the said Cherokees west, [going on to name a number of them,] covenant and agree to pay, or cause to be paid, the full commission of five per cent. to the said A. and J. E. Kendall, upon any sums of money, or whatever else of value may be allowed or appropriated in full or in part satisfaction of said claim, to be paid from time to time as appropriated or allowed; and the said delegates do hereby authorize and empower the said A. & J. E. Kendall as agents and attorneys in fact, of the said Cherokees west, to demand and receive from the Treasury of the United States, or from the proper officer thereof, one twentieth of all sums to be recovered."

Then there is a further clause authorizing them—  
"To demand and receive from the proper office or officer a full title to the one twentieth part thereof; it being the true intent and meaning of the said delegates that the said A. & John E. Kendall shall receive five per cent. or one twentieth part of any and everything of value which shall be granted and appropriated on account of said claim, to be received directly from the United States without any further act or authority from the said Cherokees."

Now, sir, what does it matter what the treaty between these Indians and the United States covenanted? Can they go behind this covenant with their agents to defeat them? But this is not a new thing. This question, in a case where there was the simple attorney's lien, has been decided by an Attorney General of the United States—a learned one—although he had not, perhaps, as shining talents as some others, yet he was one in whose judgment I would as soon confide as in any other that has been in office in these United States for the last twenty years—I mean Mr. Gilpin—a conscientious man, who never could be brought to give an opinion which law, and justice, and conscience did not warrant. This is his opinion. After going on to state the claim, which was a mere ordinary attorney's lien upon the fund—I will not trouble the Senate with it all—he says:

"For certainly, when an attorney has performed an important service, collected the evidence, and been instrumental in securing a claim which otherwise might have been lost; and, when this is done under the stipulation or with a *bona fide* understanding that he was to receive the amount to which he was entitled, directly from the United States, he has an interest in the fund which the principal himself could not withhold, and which the Department is bound to recognize."

I think I have sustained my position. I have abundance of evidence here to show that it was through the industrious and constant attention given by the Messrs. Kendall to this claim of the Cherokees that justice was eventually done them. Mr. Medill so states; the present Secretary of the Interior so states. We know that Mr. Kendall gave notice to the Department of the Interior that he would hold the Government bound for this sum of money, if they paid it in despite of the authority, a copy of which was filed in the Department. Now, I ask any gentleman here—and above all, I ask my friend from North Carolina, whose legal judgment I have as much confidence in as that of any other gentleman here or elsewhere—if individuals stood in this relation, and a

third party interfered to prevent the receipt of money when the party has an interest in the fund, the third party is not liable in law and equity? If that is so, here is a claim on the part of the Messrs. Kendall that is good. At any rate, Mr. Gilpin, the Attorney General, to whom I have referred, has so decided in an equivalent case—no, sir, not in an equivalent case, where there was an absolute power of attorney irrevocable, as in this case, an assignment of the fund itself, accompanied with a direction to the officers of the Treasury to pay it out directly—still, where there was a simple lien, he has declared his opinion that the Government was bound to recognize and pay it.

Mr. BRODHEAD. There is one view of this case which has not yet been presented. These are meritorious persons, and they have no doubt an equitable claim for the services which they rendered. But the question is whether the claim is upon the Government. I understand the facts of the case to be, that these two gentlemen, with one other by the name of Stambaugh, prosecuted this claim against the Government, under separate contracts, however, upon which they were to receive so much. An amendment was adopted to the Indian appropriation bill, at the last session, I believe, which was offered by the Senator from Wisconsin, and which has been referred to, that the money should be paid to the Indians *per capita*. At the general council—the chiefs being appointed commissioners to receive it—one of these agents, Stambaugh, by some means or other, I do not know whether right or wrong, obtained some forty-odd thousand dollars. They paid forty-odd thousand dollars for the prosecution of this claim. That is a pretty large fee. Now, I propose that Stambaugh divide it with those who rendered the service to the Indians. That is the equitable claim to which I referred.

Mr. BADGER. As my friend from Pennsylvania [Mr. Cooper] has referred to me on this subject, I feel bound, out of respect to him and to the subject, to bring a little more distinctly to the attention of the Senate, the miserable ground upon which this claim against the United States rests. Let us inquire, first, what was the action of Congress upon which the claim is based? It is, that when the appropriation was made, we directed the money to be paid according to the terms of the treaty. The terms of the treaty required that it should be fixed *per capita*, to the members of the tribe. Then, it is alleged, on the part of the claimants, that we had become bound to pay them certain moneys, because, by causing the money to be paid according to the terms of the treaty, which constituted our obligation, we have deprived them of one of the liens or remedies by which they would have forced their principals, the Indians, to pay the compensation which they had contracted for. This is the ground of their claim. Now, I say that the case is exactly similar—as my friend referred to the case of individuals—to this: Suppose you, sir, owe me a sum of money; I appoint my friend from Missouri my agent to collect it; and you come and pay the money to me, and refuse to pay him any compensation for his services; and he sues you upon the ground, that, in consequence of your paying the money to the principal, instead of to the agent, you have deprived him of one of the means of securing the payment of what was due to him. That is this case; and no human ingenuity can give it any other aspect, so far as the claim is upon this Government. We were bound to pay the money according to the terms of the treaty, which required that it should be paid to the principal, and by our act which directed that it should be paid according to those terms, it was paid to the principals; and now we are gravely told, that if we had allowed the money to go into the hands of the agent, the agent would have deducted his compensation, and everything would have been straight; but inasmuch as we paid it to the principal, and the principal refuses to pay the agent, we are bound to make it good. Then the whole question resolves itself into this: If A is an agent to collect a debt due to B, does that disable the debtor from paying the debt to the principal, B? That is the whole affair.

Now, my friend has referred to the treaty, and he says, what does it signify what the treaty contains, for here is the contract? I ask, in return, what does it signify to us what the contract is? The United States were no party to it. It is an agreement between the Indians and their agents,

for the prosecution of a claim. Does that affect the United States? Does it invalidate the treaty? Does it estop the Government? Does it alter our relations to the party to whom we owe the money? Certainly not. The Government cannot be estopped. That is a principle of law; the sovereign is never estopped in any case. But no individual could be estopped here.

But, again, according to the rule adopted in the Department, in paying moneys, such persons could have had no claim under the contract, even if the provision, of which complaint has been made, had not been put into the statute. What is this claim? The Indians covenanted and agreed "to pay, or cause to be paid, the full commission of five per cent." They "authorize them to demand and receive from the proper office, or officer, the full title to one twentieth thereof," &c.; "it being the full intent and meaning of the said delegates that the said A. and John E. Kendall shall receive five per cent., or one twentieth part, of anything and everything which shall be granted and appropriated" by the United States. Now, the rule of the Department is this: They do not undertake to enforce such contracts; they never assume any such jurisdiction. What they have done is this: They sanction, by the usage of the Department, that when there is an actual assignment, in terms, transferring to an agent, in consideration of services rendered, a certain proportion of the claim, they have considered him as the equitable owner of that portion of the claim, and have paid it to him, not in virtue of the contract, for the services, but as an assignee. But the Department never undertakes to enforce the contracts of principals to pay money to their agents. As long as it rests on a contract alone, the Department does not touch it; but when there is an assignment, they consider that assignment as passing the property over to the agent. Then the result is this: Say there is an assignment of ten per cent. to the agent; he being the assignee of one tenth, is considered by the Department as the owner of one tenth, and it is paid to him, and the other nine tenths they pay to the principal. But if the principal, instead of making an assignment, enters into a contract to pay a compensation, the Department never assumes jurisdiction over that, and never allows it.

Then, sir, it seems to me that this case is stripped of every apparent ground for a foundation. If these parties had appeared at the Department, and the Indians had refused their assent or consent to the moneys being deducted, the Department would have exercised no jurisdiction over the question under the terms of that contract, because it is not an actual assignment of the Indians to the agents. Then we have two answers to this complaint. In the first place, the Government had a right to pay the principal, and the agents cannot complain that they did so. In the second place, the agents had no demand upon the principal which could have been enforced at the Department; and therefore the payment to the principal has occasioned no loss and communicated no wrong to him. Therefore it seems to me a perfectly baseless application to pay that which the Government does not owe in law, equity, or morals.

Mr. SEBASTIAN. I think that some Senators are laboring under a misapprehension of the facts of this case; and I think that this remark applies with particular force to the honorable Senator from North Carolina, because I believe he could not have ventured the legal opinions which he has ventured—and we all concede to him abilities of the very highest order in that department—unless he had mistaken some of the facts of the case. I am the more particular in adverting to this, because in 1851, when this claim was first presented, I had the honor—or, I might rather say, that I was caught in the predicament—of reporting on the claim, and affirming precisely the legal proposition which has been advanced by the Senator from Pennsylvania, [Mr. Cooper.] The history of the case, so far as the legal point is concerned, is presented in the facts to which I will now advert.

A long time since, the Old Settler Cherokees, having a claim against the Government, employed two sets of agents. One was Mr. Stambaugh, who eventually succeeded in obtaining a recognition of his claim and the payment of it by the Indians; and the others were Messrs. Kendall. Be-



fore the Messrs. Kendall engaged in the prosecution of the claim, they took from the Indians a contract, by which the Indians assigned one twentieth part of everything, whether land or money, which they might procure from the Government of the United States, and authorized them, as attorneys, to represent them at the Department of the Treasury, to obtain from the United States their claim. Now I ask the honorable Senator from North Carolina if, in a judicial proceeding where the United States could be made a party, their liabilities and rights are not to be decided by precisely the same rules as those of private citizens? Then I propound another question: Whether a power of attorney of this sort, which is known to lawyers as a "power of attorney coupled with an interest," is revocable in its character? I presume he will say that it is not, and that the rights of the Government are to be judged by the same rule as we would apply to an individual whose rights were the same under the same condition of circumstances.

Not only were the Messrs. Kendall constituted agents to receive the money at the Treasury, but an assignment of one twentieth part of whatever might be paid by the United States, in land or money, was to be given to them. You may call it, if you please, a *choses in action*. It was an unrecovered debt. It was uncertain and contingent, but the courts of equity regard it as an equitable assignment of that much money; so that when the treaty of 1846, which ascertained the amount due to the western Cherokees, was made and concluded by the Government, I take it for granted that, according to an equitable view of the case, there was one twentieth part of that money, the real ownership to which had been parted with, and the title to which these Indians had transferred to the Messrs. Kendall, by instruments of the very highest solemnity, and secured by every legal security and safeguard which could be thrown around the transaction. The Messrs. Kendall took not only a power of attorney, to represent the Indians themselves at the Treasury, but they were to receive one twentieth. But the Indians made an assignment and divestiture of their interest in that much money, and this was to be paid by the very parties of the Cherokee nation with whom we made the treaty of 1846.

Now, as to the competency of these parties to make a contract to bind the western Cherokees. If they were competent to enter into the treaty of 1846, and release all their undefined claims against the Government, they were just as competent to provide for these agents, by whose instrumentality they were enabled to bring about the provisions of the treaty. But the agents seem to have anticipated something like a difficulty of this kind, and, after the conclusion of the treaty, they took from the same men who had then concluded it, an instrument which reaffirmed the provisions of the old contract, and in which they again authorized the Government and officers of the United States to pay one twentieth of all that might be allowed to them. This agreement was made by the same parties who concluded the treaty, not only before it was made, but after it was made. The competency of these parties to bind the western, or Old Settler Cherokees, cannot be called in question for a moment.

The question is, therefore, there having been an equitable assignment of one twentieth of the proceeds, and there having been executed a power of attorney, coupled with an interest, which was in its nature irrevocable, the United States should be liable, having in their own wrong, after notice of the fact, paid this amount of money under the general terms of the appropriation. But I think gentlemen are mistaken, who say the appropriation was made by its general terms to be distributed *per capita*. That was not in the body of the amendment which I had the honor to offer on that occasion; but I think that a proviso was offered afterwards, by the Senator from Wisconsin, and attached to the end of it, which provided that no part of the money appropriated in that bill should be paid to any assignee.

The question presented is, how much of that money we had control over? How much of it was ours to appropriate? The Committee on Indian Affairs took all these subjects into consideration, and concluded that nineteen twentieths of it belonged to the Cherokees, and that there was one twentieth the ownership to which they had parted

with and to which we had not any right, in full knowledge of the facts, to apply to other persons.

These assignments were filed in the office of the Commissioner of Indian Affairs, and during the time when the appropriation was being considered, the present claimants, lest they might be concluded, by not making their claim known, took the precaution of filing a solemn protest and remonstrance against the payment of the one twentieth part, or the five per cent., to the Indians. That presents the legal question, whether or not a trustee for the disbursement of a fund, who has received notice that a portion of it has undergone the operation of an equitable assignment, does not pay in his own wrong when he disburses money which is equitably not his own and pays it over to the wrong parties.

It was upon that simple view of the legal question that the committee believed the United States were responsible; and if we are mistaken in the question of law, then there is no foundation for the claim; but we gave to it the best consideration that we were able, and decided as a mere question of law that the United States were liable. I believe that if it could be made a judicial question the Supreme Court would decide that the United States were liable, upon the ground that, as trustees, they had misapplied the trust fund, contrary to the known intention of the party who created the trust. I, myself, would much prefer an amendment that would make this a judicial question, and which would submit the rights of this Government to the test of a judicial decision; for if the question of law is against the claimants here there is no ground whatever for the claim; and if the question of law is in their favor, we are making a political out of what should be a judicial question; and I am not in favor of that in any case where we can avoid it. The amendment, however, has not been presented in that shape, and I submit my view alone upon the legal question.

As to the equity of the claim, we must all admit that it comes in a most graceless form before the Senate, for it is not presumed by any one that the United States received any consideration at all; and we know something of that feeling in which Senators indulge, based upon the abuses of the system of agencies which has grown up. I know that no kind of favor is now extended towards these men. But the Committee on Indian Affairs base this claim upon the ground of the legal liability of the United States, which we believe could be enforced in a court of justice if the amendment had taken a form to make this a judicial instead of a political question.

I have submitted these remarks because I thought that Senators omitted to state, in the opinions which they had given, one important fact—that this was not the simple constituting of a power of attorney, but it is what gentlemen of the law familiarly denote a power of attorney coupled with an interest, which we know always operates as an assignment irrevocable in its character. It is regarded by the courts as part of the security of the claim, and the administration of the rights of parties concerned under it are placed upon the footing of equitable parties in interest.

Mr. BADGER. Although I have not fully recovered from the blushes brought to my cheek by the compliment bestowed by my friend from Arkansas, [Mr. SEBASTIAN,] yet I feel myself bound to answer as well as I can the questions which he has propounded. And first, as to the power of attorney coupled with an interest, which he says is not revocable. That is very true; but it only leaves it as a power of attorney between the persons who made it and their agents. The principal cannot revoke the power, but it is still a power from him; and I undertake to say that if there be a power of attorney irrevocable authorizing A B to collect a debt of C D, C D would nevertheless have the right to pay the principal, and I suppose my friend will not dispute it. That is the whole question here. Having paid the debt to the principal, the question is whether we thereby incur a responsibility to the agent?—whether the right of the agents being constituted by their principal ceases when we pay the principal, or whether we are bound also to pay the agent? That is the amount of the matter.

In this case, so far as I have discovered, there is no assignment. But suppose there were. I do not want to bring any question here unnecessarily; but I aver, in the first place, that the assignment

of a claim against the Government, is a matter which the Government is at liberty to treat as valid, or not valid, at its pleasure. How does a man who has a claim against this Government obtain the right to make the Government indebted to somebody else except himself? No such claim exists under the common law. It is altogether under the commercial law, and by statute, that *choses in action* are assignable.

The principle of the common law is, that open, unliquidated demands are never assignable; and the ground upon which it proceeds is, that no man can be made debtor to another without his own consent. If the Government, therefore, owe this money to these principals, unless we choose to recognize the assignment, it has no obligatory force. We may recognize it and pay to the assignee, and the assignor cannot complain, because he authorized it to be done. We may repudiate it, and pay the whole amount to the assignor, and the assignee cannot complain, because we had no contract with him.

But this case stands on a totally different footing. The treaty upon its face makes this claim unassignable, and requires that the money shall be paid, not to any agent or assignee, but to the persons to whom it is directly due. If, therefore, these persons made assignments, and trafficked in them against the law, they acquired no title. The treaty carefully guarded against the pretense of interposing agents who could receive the money, and retain what portions of it they pleased, leaving their poor, miserable, red principals to take whatever they should think proper to dribble out to them, to relieve them in their necessities and distresses. Here is the provision of the treaty:

"And it is further agreed, that the *per capita* allowance to be paid as aforesaid shall not be assignable, but shall be paid directly to the person entitled to it, or to his heirs or legal representatives by the agent of the United States."

Mr. COOPER. Will the honorable Senator tell me when that treaty was made?

Mr. BADGER. It was in 1846.

Mr. COOPER. The agreement was in 1843.

Mr. BADGER. It might have been in 1823, for all the bearing it has on this case. I care not about the agreement. The treaty was our contract. We were no parties to the agreement. We agreed with the Indians to pay the money to them. The Indians stipulated from us that we should not allow it to be paid to any attorneys or agents. We had, therefore, no right, as honest men, to pay it to an attorney after the stipulations of the treaty.

Mr. WALKER. If we had paid the amount to attorneys, would not the Indians have had a valid claim against us according to the treaty?

Mr. BADGER. Undoubtedly. According to the clause of the treaty which I have read, if we had paid the money to the agents or attorneys, the Indians might well have rendered a claim against us for it.

Mr. BUTLER. Perhaps it is my duty to these Cherokees that I should say one word. I have had some knowledge of their character from the fact that one of my friends has been their agent. I believe, from all I can learn of that people, that they would be the last, deliberately, to repudiate a debt. I have learned that they are remarkably cautious in making their contracts, and they are faithful in the observance of treaty stipulations. The fact that they have thought proper to refuse this debt, which these gentlemen have brought against them, is rather a satisfactory answer to the reasons that have been urged for it. They are a faithful people. I stand here to say for them this much, that I doubt whether, in a court of justice, these claimants would stand very well, even according to the views presented by the Senator from Arkansas, [Mr. SEBASTIAN.] I believe he is entirely correct in saying that a power of attorney, coupled with an interest, is not revocable. Still, the gentleman insists that this Government was bound to take notice of a contract to which it was not a party. Now, when we made this treaty stipulation, and ordered the money to be paid out *per capita*, did I or did any other Senator have absolute notice of this agreement? I take it for granted, that we had no notice when we passed this law; and, therefore, the Government, when it ordered the money to be paid *per capita*, did so without any notice.

I take it, that we cannot be compelled to recognize an obligation or to recognize a contract

made with other persons, of which we ourselves had no notice; and I say, we ought not, as a Government, to be hampered by these collateral agreements. It would be a very strange state of things if we were to be hampered in making treaties with the Indians, by collateral agreements, made by them with their agents. I am not so sure that if we were a court of equity, and had to adjudicate this question as a question affecting an assignee, the consideration would not form a part of the decree of the court. I do not know that the contract was founded on an adequate consideration.

The amendment was rejected.

Mr. BADGER. I have an amendment to offer which is very plain, and which I hope will commend itself to the favorable consideration of the Senate. There is to be found in this bill a provision in these words:

"To pay the claim as adjusted by the accounting officers of the United States Treasury, in favor of David Taylor, under the latter clause of the thirteenth article of the Cherokee treaty, concluded at New Echota, December 29, 1835, and approved by the Senate, \$12,800, and to be paid out of the balance of the appropriations of July 2d, 1836, under the act entitled 'An act making further appropriations for carrying into effect certain Indian treaties.'"

My amendment is to strike out this clause, and to insert in lieu of it, the following:

"To pay the claim of David Taylor, as adjusted and found due by the Second Auditor of the Treasury on the 11th of March, 1852, under the latter clause of the thirteenth article of the treaty with the Cherokees, concluded at New Echota, on the 29th of December, 1835, and approved by the Senate, \$24,853 04, and to be paid out of the balance of the appropriations of July 2d, 1836, under the act entitled 'An act making further appropriations for carrying into effect certain Indian treaties.'"

I will explain in a word the effect of this amendment, and the ground upon which it is founded. Its effect is to give David Taylor interest upon the sum which the bill, as it comes from the House, proposes to give him. The ground upon which it is proposed to give interest is this: Two Attorneys General in succession decided that David Taylor's claim was an adjudicated claim by the commissioner under the treaty, and ought to have been paid. Still, there were difficulties in the way of procuring payment. The Senate have on three several occasions put the appropriation into a bill, for the purpose of paying him; but upon committees of conference, it has been ruled out by the House of Representatives. Finally, as the Senate know, at this session the President sent us a nomination of a commissioner under the treaty, with a view to pass upon the claim. It was referred to the Committee on Indian Affairs. That committee reported unanimously that there was no necessity for the commissioner, for the claim had been already adjudicated by the former commissioner. That report was unanimously concurred in by the Senate. The case stands, then, thus: This was a claim under that treaty, adjudicated by the commissioner, payable by the United States, and for which a warrant ought, years ago, to have been issued; but the difficulty is, that since certain discussions in the House of Representatives, with regard to interest upon a certain large claim, the executive officers have got so scared that they are almost afraid to allow interest on anything. This case was adjudicated against the United States years ago, for this sum of money, by the proper commissioner under the treaty, and the proposition now is whether, it being in the nature of a judgment, the United States ought not to pay it. That is the whole question.

Mr. HUNTER. As the provision stands in the bill, it is according to the estimate of the Treasury Department. They refused there to allow interest. The question seems to be a contest between officers. I am willing to vote for the provision as it stands in the bill. I understand a recent decision in the Department has been against the allowance of interest.

Mr. BADGER. The case is this: The Auditor allowed the interest, and allowed it rightfully; but, as I said, the Secretary of the Treasury was afraid to allow it, because, I suppose, there has been so much fuss and disturbance about the allowance of interest. If the United States are not to pay interest in this case, in what case are they? This is a claim which was adjudicated by the proper officers fourteen years ago, and allowed against the Government.

Mr. BELL. Who is in default?

Mr. BADGER. I will not enter into the ques-

tion of default. The claim should have been paid long ago. I understand that years ago, during Mr. Polk's administration, an order was made out for a warrant directing the payment of this money to be made by Mr. Walker, then the Secretary of the Treasury, when certain gentlemen went to the President and procured from him a direction to the Secretary (for what reasons I know not) to rescind the order. The Senate have three times examined the case, and ordered the money to be paid; and it will be the shortest measure of justice, or rather the grossest injustice, which has ever been committed to any man by this Government, if the claim is not paid with interest.

The amendment was agreed to.

Mr. SEBASTIAN. I renew the amendment which was rejected in Committee of the Whole, to insert the following in the bill:

That the Secretary of War be directed to pay to each of the survivors, or to the heirs of those who have died, of the Seminole warriors who were mustered into the service of the United States, at Fort Brooke, in December, 1835, an amount equal to three months' pay and allowance of a private soldier in the Army of the United States: *Provided*, That the amount so paid shall not exceed \$3,870: *And provided, also*, That such amount paid shall be in full of all claims of said friendly Seminoles, during the Florida war, for compensation and for indemnity on account of losses sustained.

I will not go into a statement of the case. Several Senators who objected to it when in Committee of the Whole have since become satisfied that it is all right. I have reviewed the report which I made under the direction of the Committee on Indian Affairs, and I find the documents sustain me in everything. The evidence is conclusive. Those Indians never were paid. An estimate from the Paymaster's Department in 1850 shows that they had not been paid. Under this state of the case, I will simply submit the amendment again. In point of fact, it was carried before; but the vote was announced as a tie, because a Senator voting in favor of it was overlooked.

Mr. HUNTER. I hope the question will be taken without debate. I am not disposed to renew the discussion, though I shall not vote for the amendment.

The amendment was rejected.

Mr. WALKER. I offer the following amendment as an additional section:

Sec. — *And be it further enacted*, That the several sums of money appropriated by this act to any Indian or Indians, shall be paid directly to the Indian or Indians entitled thereto, in person, and not to any agent or attorney of said Indian or Indians, whether such attorney or agent may have been constituted by a written power of attorney or otherwise; and that no person shall be appointed or continued as an agent of the Government, to make any such payment, who holds, or is interested in, any contract with any Indian or Indians mentioned in this act; and that before any person shall be allowed to make any such payment, or any disbursement of money herein appropriated, he shall take and subscribe an oath before some competent authority, to be filed in the Department of the Interior, that he does not hold, and is not interested, either directly or indirectly, in any contract of any kind, with any Indian or Indians mentioned in this act; and that he will not, during the continuance of his duties, become a holder of, or interested in, any such contract.

The amendment was agreed to.

No further amendments being proposed, the amendments were ordered to be engrossed, and the bill to be read a third time.

SAULT STE. MARIE.

Mr. CASS. I desire to give notice to the chairman of the Committee on Finance, that I shall hold him to his promise, and trust he will aid me to get up the bill providing for the construction of a ship canal around the Falls of the Sault Ste. Marie.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business.

The motion was not agreed to.

On motion the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 11, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The question before the House is the motion to commit House bill No. 146, to regulate the fees of clerks, marshals, and attorneys in the circuit and district courts of the United States to the Committee of the Whole on the state of the Union.

Mr. McLANAHAN. Mr. Speaker, the near approach of the termination of this session of Congress, and the great amount of important business yet remaining for the action of this House, admonish me to be very brief. I promise to occupy but a very few minutes of time this morning. Nor shall I linger for a moment upon the threshold, but will endeavor to enter at once upon the merits of this subject.

The measure proposed is one of retrenchment and reform; and whilst gentlemen upon this floor almost unanimously see the necessity for the action which the Committee on the Judiciary propose to have, although gentlemen all yield their assent to the demands of the country for some such measure, yet we find here, and we find there, objections urged against it; and ultimately every member opposed to the bill is willing to submit a motion that it be committed to the Committee of the Whole on the state of the Union, indicating at the same time that their intention is not to defeat the measure, but that they send it there for the purpose of emendation and improvement.

I hope this motion will not prevail. Measures to draw millions from the public Treasury pass this Congress with but faint and feeble opposition; but, sir, when a measure intended to guard the public treasure, and protect the rights of the people, is introduced, gentlemen professing to approve the scheme with seeming kindness move to refer it to a committee where it rests forever.

It is well known that if this measure goes to the Committee of the Whole on the state of the Union, it goes there once and forever. You commit it to the tomb of the Capulets, "to sleep the last sleep, that knows no waking." Sir, the loving kindness of such gentlemen is death to the proposition, and they know it. I ask this House, then, not to be led away by arguments such as these, because those who oppose the bill, saying that the fees and emoluments are too high, and those who say that they are too low, as well as those who allege that the measure in itself is correct, but think there ought to be some slight and trifling amendments, whatever means they adopt to serve their purposes, they all arrive at the same end, and that is the ultimate defeat of this measure.

It is estimated by the Department that the enactment of this bill into a law, will save to the public Treasury at least \$150,000 per annum; and while this saving is made to the public Treasury, it will save at least double that sum, which is now annually extracted from the pockets of those whose faults or misfortunes carry them into courts of justice.

Let us for a moment examine the reasons why these gentlemen ask for a reference to the Committee of the Whole on the state of the Union. The gentlemen from New York [Messrs. HAVEN and SEYMOUR] tell us that this bill would be all right, provided it allowed the taxation of costs in the Federal courts of the city of New York, according to the existing laws of the State of New York. In other words, they tell us it is all right if we reenact the law as it now stands, reenact the law as it is this day, and allow the officers of the courts of justice in the city and State of New York, to practice the same impositions upon the Government and upon the people that they are practicing now.

The one hundred and sixty-seventh paragraph of the appropriation act of 1842, limits the fees to be received by the marshals, district attorneys, and clerks in the Federal courts of the State of New York, in all cases to the fees allowed by the laws of that State to sheriffs, clerks, and district attorneys of the State. And yet, I undertake to assert, without the fear of successful contradiction, that since the passage of the statute of New York, reducing and regulating costs and fees in the year 1848, there never has been one account certified and allowed against the United States under the provisions of that law. Where is the use of reenacting what is now the law, when we have abundant evidence before us that the law, as it exists, never has been, and never will be executed? Such legislation would be preposterous and idle.

The gentleman from the southern district of New York [Mr. SEYMOUR] has informed the House that there is no complaint upon the part of the people in the State of New York about the system of the taxation of costs. Sir, he has looked at but one side of this question. I have in my possession a letter from one of the most eminent

lawyers in New York, from one who stands amongst the very foremost at the bar of the city of New York—a man no more distinguished for his legal ability than he is for the probity of his character—I mean (and I am authorized to use his name) Daniel Lord. He has sent me a transcript, which I hold in my hand. I desire gentlemen to look at it. It is the case of *Joshua Crosby vs. Moses H. Grinnell & Co.*, in the district court of the city of New York in March last. The record is a short one; there it is, [holding it up.] The decree is for \$36. And the costs are only \$340 88! Here, too, is the attorney's bill in this case, covering eight pages of foolscap, embracing nearly three hundred items of costs, and amounting to \$241 88. Out of the \$340 88 taxed and allowed in this case, the attorney of the successful party receives \$241 88. This is a case between private parties of costs taxed under the fee bill of the State statute of 1848. And this is the system that gentlemen from New York ask us to adhere to. Sir, Mr. Lord thinks this is wrong, and I, with every other member of the Judiciary Committee, fully concur with him in opinion.

Mr. SEYMOUR, of New York. I wish to inquire of the gentleman from Pennsylvania whether the proceeding to which he alludes is a common-law proceeding, or an admiralty proceeding?

Mr. McLANAHAN. It is a proceeding on the admiralty side of the court, and there is the record; any member of this House could copy it in thirty minutes. The recovery was \$36, and the costs were \$340 88!

Mr. SEYMOUR. I wish to say, as the gentleman has alluded to me, although I do not reside in the southern district of New York, that the amendment which I proposed, and which I should have been happy to have discussed at greater length, proposed to leave the costs of suits in admiralty and under maritime jurisdiction, and all suits where the United States are a party, to the operation of the bill introduced by the gentleman from Pennsylvania; for it is such suits, and such only, that the abuses stated by the gentleman from Pennsylvania have been felt under the present law. My amendment proposes only to exempt from the operation of the bill before the House all other civil suits between individual citizens. In such cases the costs are regulated by the laws of the several States, according to the practice prevailing in each, and they should continue to be so regulated.

Mr. McLANAHAN. Why, sir, if you exempt the State of New York in any part or parcel, you destroy the whole influence and operation of the bill. What is it, sir? It is a measure that proposes to equalize the costs in the courts of justice throughout the United States. It is a proposition that would enable the gentleman from Georgia to go to the State of New York to try his cause there, conscious at the moment when he left home that the taxation of costs for services rendered in the State of New York would be no more than he paid in Georgia for the same services in the Federal courts. That will be the operation of this bill, if it becomes a law.

Mr. HAVEN. I want to call the attention of the gentleman from Pennsylvania [Mr. McLANAHAN] to one point. He says this bill establishes a uniform system throughout the United States. If he will look at this bill, on page nine, from the one hundred and eighty-second to the one hundred and ninetyeth lines, he will find that the bill adopts a rule to give to marshals for serving a writ of possession, partition, execution, or final process; for seizing or levying on property; advertising and disposing of the same by sale, set-off, or otherwise, &c., the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the several States respectively in which the service may be made. This abandons the *dead-level* rule contended for, and in some cases, as in Maryland, where there are different rules of compensation to sheriffs in different counties, and will make it rather inconvenient and somewhat perplexing.

Mr. McLANAHAN. I can answer that before the proposition is stated. No man who understands the judiciary system of the United States, and the principles upon which it proceeds, but must know that all the executive processes of the United States courts are executed according to the laws of the several States in which the process issues. There can be no other system adopted in regard to the executory process, and that will be

manifest to my friend from New York, if he gives the subject the least attention. And this brings me to answer another objection from the gentleman from New York, [Mr. SEYMOUR.] He says it is impossible to propose any rational system for the uniform taxation of costs in the United States courts, because the process is different in the different courts of the several States.

This bill proposes item fees for every item that should be taxed for either original or mesne process, and it proposes that where records are made, orders or decrees drawn, or certificates given, a folio compensation of fifteen cents for every hundred words, and of ten cents for every hundred words for a copy.

Here, sir, is a uniform system that will work, that can work, and that must work, if this bill is adopted, throughout the whole United States—a system at once just, equal, equitable, and economical.

Mr. SEYMOUR. Will the gentleman allow me to interrupt him?

Mr. McLANAHAN. I am pressed for want of time. I will endeavor to answer fairly and ingenuously all the arguments which I have heard upon this subject, and do it very briefly.

Well, sir, I pass from the gentleman from New York, with this single observation, that his State is the breeding sore of all these evils, and I am disposed to send the knife into the very bottom of that sore. Take out the State of New York from the operation of the bill, and I would prefer the bill to fall. Let us have a remedy that will be as universal in its character as the evil, or none at all.

Now, sir, the gentleman from the State of Maryland [Mr. BOWIE] objected, in very strong terms, to some of the provisions of this bill. He objects to the introduction of a common-law principle into criminal proceedings, by which there will be a consolidation of different counts in one indictment of all crimes of the same grade or class which, under the direction of the court, may be properly joined. Why, Mr. Speaker, the gentleman from Massachusetts [Mr. MANN] came to our aid on yesterday, and mentioned a most startling case—a case that of itself should put to rest forever this objection. Allow me, sir, to read it:

"Mr. MANN said: 'Mr. Speaker, the gentleman from Virginia speaks of \$400 or \$500, as an enormous charge. In the course of my practice within a few years I know a case where three men were indicted for the commission of a single offense, and the district attorney who had charge of the case—though all the offenses could have been embraced in a single indictment, and should have been so embraced—made three hundred and thirty-five indictments, and charged \$10 for each, thus making \$3,350 for what should have been a single case.'"

The gentleman seems to be alarmed at the sound of the word *consolidation*. The bill proposes to bring into the same indictment, in different counts, offenses of a similar grade and character. That word consolidation, indicates to him that there is to be a consolidation of the Federal Government. The word consolidation has no such terrors for me. But the gentleman who comes from the district where they have robbed the United States mail, the western district of Virginia, objects because only two or three hundred attachments have been issued in that court for the non-attending of witnesses. There were thirteen indictments drawn up in that case, in the western district of Virginia, against a man who robbed the United States mail, when thirteen counts in the same indictment would have covered the whole case, and answered every purpose. The gentleman objects to it, because, to his mind, it is subversive of the whole judiciary system, because it brings to light an abuse in the district he has the honor to represent upon this floor, and because, forsooth, it militates against what might be the spirit and meaning of the resolutions of '98.

Mr. LETCHER. Will the gentleman permit me to correct a misrepresentation he has made?

Mr. McLANAHAN. I yield to the gentleman to make the correction. If I have made a misrepresentation, it has been unconsciously.

Mr. LETCHER. The gentleman says that I oppose this bill because it brings to light an abuse in the western district of Virginia. Such a statement is wholly unfounded. I opposed it for no such reason. I have said nothing which can warrant such a declaration as that just made by the gentleman from Pennsylvania. On the contrary, I have uniformly said, that where abuses existed, they ought to be corrected. I have insisted that

this bill would not correct the evil of which he complains, but in its operation would multiply evils; that it could not result otherwise than most mischievously. Sir, I have never been the advocate of abuses in any department of the Government, nor will I sit still and hear myself thus misrepresented.

Mr. McLANAHAN. That is a wild allegation. It is wide of the mark. What does it mean? He is opposed to a section because other parts of the bill will work injuriously. He tells us that he is not opposed to the bill because in this discussion the abuse of the process of the court in his own district has been made manifest by the report of the Judiciary Committee. Well, sir, be it so. The gentleman does not sanction abuses, but places his opposition on other grounds. I am at a loss to determine what they are.

The gentleman from Virginia knew that all these very witnesses were brought into court, discharged, and no fines inflicted, but the Government of the United States had to pay for their contumacious conduct. And more than this, sir, not only attachments issued against each of the witnesses in one case, but attachments issued against each of the witnesses in every case. How the gentleman can reconcile such proceedings to his own sense of propriety, I cannot understand.

Gentlemen talk about a section of this bill consolidating such suits, and tell us that it is opposed to the spirit of the Constitution, and against the genius of our institutions. Why, sir, the argument—not to be offensive—is preposterous. The good sense of this House will at once brush such flimsy cobwebs away from the subject, and bestow upon it what it deserves—a practical consideration.

My friend from the northern district of New York, [Mr. HAVEN,] tells us that this bill will ruin the navigation and commerce upon the lakes. I have seen letters from the clerk of that district, in which he states that we cannot get men who will fill the office of clerk, because the fees are so much reduced. There is, then, an issue between that gentleman and his constituent.

Mr. HAVEN. I would inquire whether the gentleman does not allude to the clerk who taxed in the case of the *Ogoutz*?

Mr. McLANAHAN. I cannot tell. I suppose the gentleman [Mr. SEYMOUR] who represents another district of New York, and who is opposed to the provisions of this bill, might, with the same degree of propriety, argue that it would injure the commerce and navigation of the Hudson river, for the improvement of which the gentleman's eloquence obtained an appropriation of \$50,000. No, sir; the bill will do no such thing. These objections are far-fetched and so futile that their very statement against this measure should impart to it additional vigor. The commerce and navigation of the State of New York, whether on the lakes or on the river, cannot fail to flourish whether the bill passes or is defeated. Let the gentlemen quiet their fears on that score.

It has been objected that this bill takes away from the judges the power of certifying and allowing bills of costs. It does so in every case in which the United States are concerned, but in regard to the taxation of costs between parties, it leaves their taxation to the court. I had occasion to observe a few days ago, in opening this discussion, that in cases in which the United States was a party, the marshal shall, by virtue of one paragraph in the proposed bill, on the order of the court, pay the jurors and witnesses such fees as they may be entitled to by law, to be allowed to him on his settlement of his accounts at the Treasury. But the certificate of the judge to the accounts of the marshals, clerks, district attorneys, or commissioners, is not necessary when presented at the Treasury Department. The oath of the party claiming will be necessary in all cases. This will relieve the court from an onerous burden, and save the judges from the disagreeable necessity of acting as auditors and accounting officers of the Government. But, sir, I must be frank to say, if the experience of the past—if all that has been made public by the reports of the Comptroller—if all that has been said upon this floor in regard to the practice in the States of Massachusetts, New York, Pennsylvania, Tennessee, Mississippi, Louisiana, and other States—if the conduct of the judiciary in all these is not sufficient to warn this House of the evils of such a system, then let the judges allow and certify.



Mr. Speaker, it would be impossible to say what would now be the judicial expenses of this Government if the certificate of the judge was final. I think I would hazard nothing in placing them at \$1,000,000 per annum. But, sir, it never was intended that the judge's certificate should be conclusive. The decisions of several of our Attorneys General have been given on this point, (Mr. Crittenden was the last;) and they all concur in opinion that the judge's certificate is not final. The judge is not an accounting officer—neither, indeed, should he be. If it were otherwise, why did not Congress order the accounts allowed and certified by the judges to be sent to the Register of the Treasury to be entered, so that he could certify the balance due to the Secretary of the Treasury, and enable him to draw a warrant for the claimant, without the useless formality of sending them to accounting officers? If such was the law, the office of the Comptroller would be a useless sinecure. The lamp of experience should guide us in this matter. And, sir, would our past experience of the manner in which some of the judges, without law and against law, have certified accounts justify us in adhering to the present plan? This would be unwise and impolitic.

The gentleman from Virginia [Mr. LETCHER] says that the Executive officer ought to turn out those who are guilty of these abuses. He knows as well as I do, that it is not competent for the President of the United States to discharge a judge, or to meddle with his clerk. If the attorney and marshal bring an account before the judge, and he certifies it, it has upon its face the impress of the law, and would the gentleman ask for unconstitutional Executive interference against the judicial branch of the Government? It is contrary to the dignity of our courts that the judges should be the accounting and auditing officers of the Government. The law has placed these arduous duties in other hands, and placed it there wisely and discreetly; for it never was intended that the courts should form a constituent part of the Executive Department of the Government. No, sir, checks and balances have been interposed in our system, and accounting officers are made under oath to act upon all subjects referred to them by law. Mr. Whittlesey, the present First Comptroller, deserves much credit for the manner in which he has resisted these innovations upon the Treasury.

Now, sir, gentlemen pretend to say that the system which this bill proposes to introduce, will change the whole judiciary policy of this Government. I deny it. But suppose it does. Such a reason as that is not going to intimidate me. I am one of those who are ready to scale, at any time when the occasion offers, these moss-covered battlements of error, and to plant upon them the standard of right and justice. Abuses in our Federal courts, and frauds upon our public Treasury, are known and admitted to exist, by every member on this floor.

Then, why not attempt a remedy? Sir, to my mind, precedent never did and never can justify abuse, and time never can and never shall sanctify corruption. Let me, then, entreat the representatives of the people now, after a session of nearly nine months in this Hall, to pass this one measure of retrenchment and reform; and when you return to your homes, bear it with you, and present it to your long-suffering and patient constituents as a peace-offering for the past.

The SPEAKER. The question recurs upon the motion to commit the bill to the Committee of the Whole on the state of the Union.

Mr. CABELL, of Florida. I desire to submit a statement of a case within my knowledge, and with the consent of the gentleman.

The SPEAKER. The gentleman can proceed only by unanimous consent, as the gentleman from Pennsylvania has yielded the floor.

Mr. McLANAHAN. I have yielded the floor, but I should be happy to hear the statement of the gentleman from Florida.

The SPEAKER. Is there objection to the gentleman proceeding to make his statement?

Mr. MASON. I object.

Mr. BRIGGS demanded tellers upon the motion to commit the bill; which were ordered; and Messrs. FULLER, of Maine, and BRIGGS were appointed.

The question was then taken, and the tellers reported—ayes 26, noes not counted. So the motion to commit to the Committee of the Whole on the state of the Union was lost.

The SPEAKER. The question now recurs upon the motion to recommit the bill to the Committee on the Judiciary.

Mr. McLANAHAN. I withdraw that motion.

The SPEAKER. The Chair doubts whether the gentleman can withdraw it. The existence of that proposition may have been a reason for the ordering of the previous question, on the part of some gentlemen.

The question was taken, and the motion to recommit was disagreed to.

The SPEAKER. The question now is upon agreeing to the amendments of the Judiciary Committee.

The first amendment of the Judiciary Committee was read and agreed to, as follows:

1. Strike out the twenty-third and twenty-fourth lines, viz: "When a commission with interrogatories is issued to take testimony, the additional sum of \$5," and insert "For each deposition taken and admitted as evidence in the cause, \$2 50."

Mr. HAVEN. I wish to inquire whether there was more than one amendment which was in fact pending? The Chair will remember that I proposed to offer amendments to some of the subsequent amendments, and the Chair ruled that there could be but one amendment pending at a time.

The SPEAKER. The gentleman from New York [Mr. HAVEN] misunderstood the Chair. Only the amendments of the committee were before the body. Several amendments are pending in the shape of a report from the committee.

Mr. HAVEN. My proposition was to amend the last of these amendments, and I understood it to be out of order.

The SPEAKER. Out of order until that part of the bill was reached.

Mr. HAVEN. For the reason then that a prior amendment was pending?

The SPEAKER. Certainly. Let the Chair be understood by the gentleman. Several amendments are proposed by the committee—one to the first clause of the bill. If the committee had proposed no amendment to that first clause, an amendment to that first clause would have been in order if moved by any member upon the floor. The committee proposes to amend the first clause, and that amendment must be first voted upon, and would be amendable except for the reason that the previous question cuts it off, so that it is not in order to receive or entertain an amendment to the second, third, or fourth amendments proposed by the committee.

Mr. HAVEN. My understanding of it runs exactly parallel with that of the Chair, that up to the point of passing the first amendment, but one amendment can be received. Now, if this were to be treated as but one amendment, I then had a right to propose to amend the last proposition in that one amendment.

The SPEAKER. The Chair understands the amendments of the Judiciary Committee to be several distinct amendments.

Mr. HAVEN. That being so, then but one of them could be well received at the time, or if receivable, I had a right to propose to amend it.

The SPEAKER. The Chair differs with the gentleman. As many amendments as may be reported by the committee, are before the House for their action, no one of which can be cut off by the operation of the previous question. That is the universal practice under our law.

Mr. HAVEN. Then it would seem to follow that an amendment to an amendment properly pending might have been made.

The SPEAKER. The effect of the decision of the Chair would be this: if there was no previous question operating, each amendment, in its turn, would be amendable; but by the express law of the House, the amendment is cut off by the operation of the previous question. The Chair could not entertain an amendment proposed to the last amendment of the committee.

Mr. HAVEN. That was the only question. Although it was the last amendment, it was still a pending amendment.

The SPEAKER. The amendments proposed by the committee are to be taken up in the same order as the clauses to which they are applicable are considered. Amendments proposed to the amendments of the committee can only be considered in the order in which the clauses are considered, the same as if these clauses were separate

sections. The gentleman will recollect that the Chair made an effort to have the House, by unanimous consent, consider those amendments as before the body.

Mr. HAVEN. The Chair will understand that I was in no way complaining of the action of the Chair. I was only noticing the operation of the thing, by which I lost the benefit of offering my amendment.

The SPEAKER. The Chair, under the rules, will be compelled to rule out of order any proposition to amend.

Mr. LETCHER. I am not very familiar with the rules of order, and I could not hear distinctly what the Chair said in the conversation with the gentleman from New York, [Mr. HAVEN.] Do I understand the Chair to say that no amendments can be offered to this bill except those reported by the Committee on the Judiciary?

The SPEAKER. Those amendments are all that can be voted upon, for the reason that the previous question has cut off everything else—everything which was not pending before the House when the previous question was moved.

The other amendments of the Judiciary Committee, from two to fifteen, both inclusive, were considered and adopted, as follows, viz:

2. Strike out the word "like," in the following clause, viz: "A like compensation of \$5 shall be allowed for services rendered in cases removed from a district to a circuit court by writ of error or appeal."

3. In the following clause, viz: "For traveling from the place of his abode to the place of holding any court of the United States in his district ten cents per mile for going, and ten cents for returning," insert after the word "district," in the 39th line, "and to the place of any examination before a judge or commissioner of a person or persons charged with crime."

4. In the following paragraph, viz: "In any case where a district attorney has heretofore prosecuted or defended a suit in which the United States was concerned, in a district where the law allows no taxable attorneys' fees, and for which he has received no compensation, except his per diem and annual salary, he shall be paid for his services according to the provisions of this act," strike out the word "heretofore," and insert "during the last six years."

5. Insert at the end of the following clause, viz: "Whenever two or more indictments, suits, or proceedings, are, or shall be, prosecuted, which should be joined, the district attorney prosecuting them shall be paid but one bill of costs for them all," the words "and if any attorney, proctor, or other person admitted to manage or conduct cases in any court of the United States, or of the Territories thereof, shall appear to have multiplied the proceedings in any cause before court, so as to increase costs unreasonably and vexatiously, such person may be required, by order of the court, to satisfy any excess of costs so increased."

6. In the following clause, viz: "For entering any return, rule, order, continuance, judgment, decree, or recognition, drawing any bond, or making any record, certificate, return, or report, or a copy of any such entry or record, or of any paper on file, not exceeding one folio, ten cents, and for each additional folio ten cents," insert after the word "report" the words "for each folio fifteen cents," and strike out the word "or," and insert "after report," in lieu thereof, "and for."

7. After the following clause, viz: "For issuing a writ of subpoena, twenty-five cents," insert—  
"For every search for each mortgage, judgment, or other lien, fifteen cents."

8. In the following clause, viz: "For travel in going only to serve any process, warrant, attachment, or other writ, including writs of subpoena in civil and criminal cases, five cents per mile; to be computed from the place of service to the court or place where the writ or process is returned," &c., strike out "five" and insert "six."

9. At the end of the following clause, viz: "For sales of vessels or other property, under process in admiralty, or under the order of a court of admiralty, and for receiving and paying the money, for any sum under \$500, two and one half per centum; for any larger sum, one and one quarter per centum upon the excess," add the following:

"For serving an attachment *in rem*, or a libel in admiralty, \$2; and the necessary expenses of keeping boats, vessels, or other property, attached or libeled in admiralty, not exceeding \$2 50 per day; and in case the debt or claim shall be settled by the parties, without a sale of the property, the marshal shall be entitled to a commission of one per cent. on the first \$500 of the claim or decree, and one half of one per cent. on the excess over \$500: *Provided*, That in case the value of the property shall be less than the claim, then, and in such case such commission shall be allowed only on the appraised value thereof."

10. Strike out the following clause, viz: "For attendance of each deputy, not to exceed three in number, by order of the court, at any term thereof, \$2 per day for each day's actual attendance; and for traveling from his residence to the place of holding court, ten cents per mile for going only; said deputy performing the duty of clerk while so attending, for which no additional compensation shall be allowed," and insert in lieu the following, viz:

"The respective courts of the United States shall appoint clerks for their courts, to be allowed the sum of \$2 per day; and the marshals are hereby authorized to appoint such a number of persons, not exceeding five, as the judges of their respective courts shall determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of \$2 per day, to be paid by, and included in the accounts of the marshal, out of any money of the United States in his hands. The compensation to be given only for actual attendance; and when

both courts are in session at the same time, to be paid but for attendance on one court."

Amend the first clause of section three so as to make it read as follows:

"SEC. 3. And be it further enacted, That every district attorney, clerk of a district court, clerk of a circuit court, and marshal of the United States, shall, until otherwise directed by law, upon the first day of January and July in each year, commencing with the first day of July next, or within thirty days from and after the days specified, make to the Secretary of the Interior, in such form as he shall prescribe, a return in writing, embracing all the fees and emoluments of their respective offices, of every name and character, distinguishing the fees and emoluments received or payable under the bankrupt act, from those received or payable for any other service; and in the case of a marshal, further distinguishing the fees and emoluments received or payable for services by himself personally rendered, from those received or payable for services rendered by a deputy; and also distinguishing the fees and emoluments received or payable for services rendered by each deputy, by name, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive; and also embracing all the necessary office expenses of such officer, together with the vouchers for the payment of the same for the half year ending on the said first day of January or July, as the case may be, which return shall be, in all cases, verified by the oath of the officer making the same. And no district attorney shall be allowed by the said Secretary of the Interior to retain of the fees and emoluments of his said office, for his own personal compensation, over and above his necessary office expenses, the necessary clerk hire included, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$6,000 per year, and at and after that rate for such time as he shall hold the office; and no clerk of a district court, or clerk of a circuit court, shall be allowed by the said Secretary to retain of the fees and emoluments of his said office, or, in case both of the said clerkships shall be held by the same person, of the said offices, for his own personal compensation, over and above the necessary expenses of his office and necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$3,500 per year for any such district clerk, or circuit clerk, or at and after that rate for such time as he shall hold the office; and no marshal shall be allowed by the said Secretary to retain of the fees and emoluments of his said office, for his own personal compensation, over and above a proper allowance to his deputies, which shall in no case exceed three-fourths of the fees and emoluments received as payable for the services rendered by the deputy to whom the allowance is made, and may be reduced below that rate by the said Secretary of the Interior whenever the return shall show that rate of allowance to be unreasonable, and over and above the necessary office expenses of the said marshal, the necessary clerk hire included, also to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$5,000 per year, or at and after that rate for such time as he shall hold the office; and every such officer shall, with each such return made by him, pay into the Treasury of the United States, or deposit to the credit of the Treasurer thereof, as he may be directed by the Secretary of the Interior, any surplus of the fees and emoluments of his office, which his half-yearly return so made as aforesaid shall show to exist over and above the compensation and allowances hereinbefore authorized to be retained and paid by him. And in every case where the return of any such officer shall show that a surplus may exist, the said Secretary of the Interior shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officers of his department, and an account to be opened with such officer in proper books to be provided for that purpose, and the allowances for personal compensation for each calendar year shall be made from the fees and emoluments of that year, and not otherwise: And provided further, That nothing in any existing law of Congress authorizing the payment of a per diem compensation to a district attorney, clerk of a district court, or clerk of a circuit court, or marshal, or deputy marshal, for attendance upon the district or circuit courts during their sittings, shall be so construed as to authorize any such payment to any one of those officers for attendance upon either of those courts while sitting for the transaction of business under the bankrupt law merely, or for any portion of the time for which either of the said courts may be held open or in session by the authority conferred in that law; and no such charge, in an account of any such officer, shall be certified as payable, or shall be allowed and paid out of the money hereinbefore appropriated for defraying the expenses of the courts of the United States. And no per diem or other allowance shall be made to any such officer for attendance at rule days of the circuit or district courts; and when the circuit and district courts sit at the same time, no greater per diem or other allowance shall be made to any such officer than for an attendance on one court. The two last provisions of paragraph 157 of the civil and diplomatic appropriation bill, approved May 18, 1843, which requires clerks to certify accounts, and confine the marshals, clerks, and district attorneys of the northern and southern districts of New York to the fees allowed by the State law to clerks, attorneys, counsellors, and sheriffs, for similar services in the State courts, are hereby repealed."

12. In the clause relating to commissioners' fees, insert the following as an additional item, viz:

"For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of court, three dollars per day."

13. Add to the same clause, as an additional paragraph, the following, viz:

"For issuing any warrant under the tenth article of the treaty of the 5th August, 1843, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any of the crimes or offences set forth in said article, two dollars; and the same sum for any warrant issued under the provisions of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington on the 9th of November, 1843;

and for hearing and deciding upon the case of any person charged with any offense or crime, and arrested under the provisions of said treaty or convention, five dollars per day for the time necessarily employed."

14. In the following clause, viz:

"No district attorney, marshal, or clerk, shall receive any other or greater compensation for any services rendered by him than is provided in this act; and all acts and parts of acts, allowing to either of them any other or greater fees than is herein provided, are hereby repealed, and to receive any other or greater compensation is hereby declared to be a misdemeanor. But this shall not be construed to prohibit the payment of any salary authorized by statute."

After the word "clerk" insert "or their deputies," and after the word "misdemeanor" insert the following, viz:

"And if any officer hereinbefore mentioned, or his deputy, shall, by reason or color of his office, willfully and corruptly demand and receive any other or greater fees than those allowed in this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall lie."

15. In the following clause, viz:

"No writ shall be necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the parole order of the court or district attorney, for which no fee shall be charged by the clerk or marshal."

Strike out the word "parol."

The SPEAKER. All the amendments of the committee having been disposed of, the question is upon ordering the bill to be engrossed and read a third time.

Mr. LETCHER. I move to lay the bill upon the table, and upon that motion I demand the yeas and nays.

Mr. STANLY. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. JENKINS and FOWLER were appointed; and the House being divided they reported—yeas 36, noes not counted. So the yeas and nays were ordered.

The question was then taken on the motion to lie upon the table, and there were—yeas 40, nays 112, as follows:

YEAS—Messrs. Abercrombie, Barrere, Bowie, Bowne, Breckinridge, Briggs, Brooks, George H. Brown, E. Carrington Cabell, Caskie, Fowler, Gorman, Hammond, Haswell, Haven, Hebard, Horsford, Howard, Thomas Y. How, Jenkins, Landry, Letcher, Martin, McCorkle, McMullin, Minor, Morehead, Schoonmaker, David L. Seymour, Stanley, Benjamin Stanton, Richard H. Stanton, Alexander H. Stephens, Thaddeus Stevens, Taylor, Walbridge, Walsh, Ward, Welch, Wells, and Addison White—40.

NAYS—Messrs. Aiken, Willis Aiken, William Appleton, Averett, Beale, Bennett, Bibbhausa, Bragg, Breton, Albert G. Brown, Buell, Burrows, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chapman, Chastain, Churchwell, Clark, Clingman, Cobb, Coleock, Callom, Curtis, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Edgerton, Edmundson, Faulkner, Picklen, Florence, Floyd, Thomas J. D. Fuller, Gamble, Gaylord, Centre, Gilmore, Goodenow, Hall, Hamilton, Harper, Isham G. Harris, Hart, Hearn, Hibbard, Hillyer, Holladay, Houston, John W. Howe, Thomas M. Howe, Ingersoll, Jackson, Andrew Johnson, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Lockhart, Mace, Mann, Mason, McLanahan, McNair, McQueen, Meade, Millson, Molony, Henry D. Moore, Murray, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Pennington, Perkins, Phelps, Polk, Price, Richardson, Riddle, Robbins, Robie, Savage, Searcy, Origin S. Seymour, Skelton, Smart, Smith, Frederick P. Stanton, Abram P. Stephens, Stone, St. Martin, Stratton, Sweetser, Thurston, Venable, Wallace, Watkins, Wilcox, Wildrick, Woodward, and Yates—112.

So the House refused to lay the bill upon the table.

Several MEMBERS. Let us go through with this bill.

Mr. HOUSTON. I must first ask for action upon the resolution which was offered on yesterday, to close the five minutes debate upon the civil and diplomatic bill.

CLOSE OF THE FIVE MINUTES DEBATE.

The SPEAKER. The morning hour has expired. The gentleman from Alabama [Mr. HOUSTON] asks that the motion made by him on yesterday, by unanimous consent be acted upon. If there be no objection the vote will be taken upon that proposition.

The Clerk read the resolution, as follows:

Resolved, That the five minutes rule, so far as the same relates to the bill of the House No. 196, be suspended within thirty minutes after the Committee of the Whole on the state of the Union shall resume the consideration of said bill.

Mr. McMULLIN. I shall object to that resolution.

The SPEAKER. The objection comes too late.

Mr. McMULLIN. I made my objection to the resolution so soon as I heard it.

The SPEAKER. The Chair will explain for

a single moment. It is not the fault of the Chair if gentlemen do not hear what is going on. At least they will agree that they must divide the responsibility with the Chair. When the gentleman from Alabama [Mr. HOUSTON] rose yesterday and demanded action upon the motion which the House agreed, by unanimous consent, he should introduce, the Chair responded by saying if there was no objection action would be had upon that proposition, and he paused for a reply. There being none, the Chair said that there being no objection the vote will be taken upon the proposition. The resolution, therefore, is fairly before the House.

Mr. McMULLIN. Is it in order to move to lay the resolution upon the table?

The SPEAKER. It is in order.

Mr. McMULLIN. Then I move to lay the resolution upon the table.

The question was taken, and the resolution was not laid upon the table.

Mr. HOUSTON. I call for the previous question upon the adoption of the resolution.

The previous question was seconded, and the main question ordered.

The question was then taken, and the resolution was agreed to.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

Mr. HOUSTON. I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was put, and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. PHELPS in the chair,) and resumed the consideration of House bill No. 196, "making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1853, and for other purposes."

The CHAIRMAN. The Chair will state to the committee, that, through inadvertence yesterday, the gentleman from Ohio, [Mr. CARTER], submitted an amendment to an amendment, which was not exactly in the form in which it could be properly made to the amendment that was then pending before the committee. The gentleman from Tennessee [Mr. GENTRY] had submitted the following amendment, as an additional section:

Be it further enacted, That all clerks, messengers, watchmen, and laborers, employed at an annual salary, or in temporary positions in the Executive and legislative Departments of the Government, in the city of Washington, whose compensation does not exceed \$2,000 per annum, shall, in addition, be allowed the following annual increase of compensation, commencing from the first day of the last fiscal year, viz: all whose annual compensation does not exceed \$1,200, twenty per cent., &c.

I have merely read this part of the amendment to show the application of the amendment offered by the gentleman from Ohio, [Mr. CARTER.] The amendment submitted by the gentleman from Tennessee [Mr. GENTRY] was also amended upon a motion of the gentleman from New York, [Mr. DEAN.] Then the gentleman from Ohio [Mr. CARTER] submitted a motion to strike out all the amendment offered by the gentleman from Tennessee, [Mr. GENTRY], which relates to the salaries of clerks exceeding \$1,000. The Chair was of the opinion that \$1,000 was specified in the amendment. Upon that proposition the committee voted, and the amendment of the gentleman from Ohio [Mr. CARTER] was adopted. It is impossible, in construing the amendment adopted upon the motion of the gentleman from Ohio, to leave anything remaining of the amendment of the gentleman from Tennessee. To obviate the difficulty in which the committee seem to be involved, the Chair rules, that the amendment proposed by the gentleman from Ohio, and adopted, was a substantial rejection or striking out of the amendment proposed by the gentleman from Tennessee, [Mr. GENTRY.]

Mr. GENTRY. I acquiesce in that decision of the Chair very readily. I understand its effect to be, to have stricken out all after the enacting clause in the section which I offered as an amendment. It therefore makes a blank. I propose to fill that blank with a proposition which I have placed in

the hands of the Clerk. It is a modification of the original proposition to this extent. It is applicable only to clerks having a salary not exceeding \$1,500 per annum. It excludes all in the original amendment above that.

Mr. HENN. I would inquire of the Chair if the striking out of the amendment of the gentleman from Tennessee [Mr. GENTRY] carries with it the rejection of the amendment of the gentleman from New York, [Mr. DEAN?]

The CHAIRMAN. It carries the whole of it.

Mr. GENTRY. My proposition, as now submitted, proposes to increase the compensation of the employees of the Government in this city, whose present compensation does not exceed \$1,200 a year, 20 per cent., and over \$1,200, and not more than \$1,500, 15 per cent. I make this modification of my original proposition to meet the views of gentlemen to whom it is more acceptable in this shape than the original shape. I would myself prefer it as it was; but this is so reasonable and so just, that I hope, without further debate, it will be unanimously adopted.

Mr. GENTRY's amendment was then read by the Clerk as follows:

*Be it further enacted*, That the clerks, messengers, watchmen, and laborers, employed at an annual salary, or holding temporary positions in the executive and legislative Departments in the Government in the city of Washington, whose compensation does not exceed \$1,500 per annum, shall, in addition thereto, be allowed the following annual increase of compensation, commencing from the first day of the last fiscal year, viz: All whose annual compensation does not exceed \$1,200, 20 per cent., and all whose annual compensation exceeds \$1,200, and does not exceed \$1,500, an addition of 15 per cent., and that the amount of increased compensation provided for in this section, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. FOWLER. I wish to make an inquiry. I understand this proposition to allow this increase from the beginning of the last fiscal year. I think the fiscal year commences the 1st of July. Is it designed that this shall commence one year ago last July? I wish to understand that.

Mr. GENTRY. Undoubtedly that is the effect of the amendment, and that is the intention. It is to give some relief for the state of things here, which will not be efficiently reached if you do not give it this shape.

Mr. McMULLIN. I wish to offer an amendment to the amendment of the gentleman from Tennessee.

The CHAIRMAN. The Chair hopes the gentleman will suspend, for the purpose of enabling the committee to retrace, to some extent, the steps taken on yesterday. The Chair asks the gentleman to withhold his amendment for a moment, to let the gentleman from New York [Mr. DEAN] propose the amendment that was adopted yesterday as an amendment to the amendment of the gentleman from Tennessee, [Mr. GENTRY.]

Mr. McMULLIN. Very well, sir, if I can retain the floor.

Mr. HOUSTON. Was that amendment of the gentleman from New York cut off by the amendment of the gentleman from Ohio, [Mr. CARTER,] which was to strike out the amendment of the gentleman from Tennessee, [Mr. GENTRY?]

It did not propose to touch the amendment of the gentleman from New York. I think that has already been adopted.

The CHAIRMAN. The amendment of the gentleman from Ohio was to strike out all except that which relates to the \$1,000 clerks, and the amendment of the gentleman from New York had been adopted and incorporated in the amendment submitted by the gentleman from Tennessee, and was therefore stricken out, and the Chair has now awarded the floor to the gentleman from New York, for the purpose of endeavoring to obviate the difficulty.

Mr. DEAN. I now offer the same amendment that I offered yesterday, and which was adopted by the committee, but stricken out, I suppose, by inadvertence, with an addition.

The amendment was read as follows:

*Provided*, That this section shall not extend to any person receiving a salary for discharging the duties of more than one office at the same time, or to any person who does not actually discharge the duties of the office for which he receives such salary, or to any person engaged in prosecuting any claim other than his own before any of the Departments or Congress; and that in case any pay or accounting officer of the Government shall pay such additional percentage to any such person, it shall be a misdemeanor in the person knowingly paying or receiving such additional

percentage, rendering each liable to indictment and punishment by fine or imprisonment.

Mr. DEAN. I offer this amendment; and I ask, in addition, so to amend the amendment of the gentleman from Tennessee, after the word "Washington," as to limit it to men having families for which they have to provide.

Mr. GENTRY. I would suggest to the honorable gentleman, that the best form to give to the last amendment indicated by him, would be a proviso to this effect:

*Provided*, That no bachelors shall receive the benefits of this section. [Laughter.]

Mr. DEAN. At the suggestion of some of my friends here, I will not embarrass this amendment by this addition, because some of my bachelor friends around me do not like to vote for it. I now ask that a vote may be taken upon this amendment, for I do not wish to occupy further the time of the committee.

The question being upon Mr. DEAN's amendment to the amendment, Mr. HEBARD demanded tellers; which were ordered; and Messrs. GOODENOW, and JOHNSON of Arkansas, were appointed.

The question was then taken; and the tellers reported—ayes 74, noes 62.

So the amendment to the amendment was adopted.

Mr. BRENTON. I believe at this stage of the proceedings that the amendment I offered yesterday is in order.

The CHAIRMAN. On yesterday, when a question of order was raised by the gentleman from Tennessee, [Mr. GENTRY,] the gentleman from Indiana [Mr. BRENTON] had sent to the Chair an amendment which he then designed offering, and it was about being read. The Chair asks the gentleman from Virginia [Mr. McMULLIN] to yield the floor that we may have an opportunity of placing things in *statu quo* in which they were yesterday.

Mr. BRENTON. I propose, sir, to strike out from the amendment offered by the gentleman from Tennessee, all after the enacting clause, and to insert the section which I send to the Clerk's desk.

The Clerk read the amendment as follows:

And that from and after the 4th day of March, 1853, it shall be the duty of each the heads of the Executive Departments of the Government so to arrange and classify the clerkships in said Departments as to make three several classes, according to the nature of the business, in which said clerks are employed, and the qualifications required for the same.

The said clerks to serve in their respective classes for the term of four years, and all vacancies occurring, by removal or otherwise, in either of the higher classes, shall be filled from the class next below it, and no clerk shall serve in any one of the Departments for a longer period than twelve years. The compensation of the first or lower class of clerks shall be \$1,300 per annum; of the second class, \$1,500 per annum; of the third class, \$1,800 per annum. And no removals shall be made except for incompetency, or cause shown to the satisfaction of the President of the United States. And in the selection of said clerks, they shall, as far as practicable, be taken from the several States and Territories, in proportion to the number of Senators, Representatives, and Delegates from each in the Thirty-third Congress.

*And be it further enacted*, That from and after the 3d day of March, 1853, all laws now in force, providing for the compensation of members of Congress, and Delegates from Territories, shall be and the same are hereby repealed.

*And be it further enacted*, That from and after said day, there shall be paid to each Senator, Representative, and Delegate in Congress, a salary for his services of \$2,000 per annum, one half thereof to be paid upon his attendance at the first session of Congress, begun in any year, and the other half at the end of the same session; and, in addition, each Senator, Representative, and Delegate shall, for traveling, be paid, at the beginning and end of each session of Congress, twenty cents for each mile of distance between his residence and the Capitol—on a straight line to be ascertained by the Secretary of the Treasury: *Provided*, however, That no payment shall be made to any Senator for attending a called session of the Senate, to act in Executive business, at a time when the House of Representatives is not in session.

*And be it further enacted*, That the Secretary of the Treasury shall deduct from the compensation to be paid as aforesaid, at the end of the session, ten dollars for each day the member or Delegate may have been absent from his seat during the sitting of the House of which he is a member, unless such absence was occasioned by his sickness, or the sickness of his wife or child.

Each Senator, Representative, and Delegate shall state at the end of each session how many days he hath so absented himself, and verify his statement on oath, and if any Senator, Representative, or Delegate shall refuse to furnish such statement, no payment shall then be made to him.

Mr. HALL. I hold in my hand an amendment which I ask the gentleman from Indiana to accept as a modification of his amendment.

Mr. BRENTON. My time is so short that I prefer not to yield.

Mr. HALL. I hope the gentleman will hear the modification, and accept it.

Mr. BRENTON. I cannot, for I have not time. The object of the substitute which I proposed to the amendment of the gentleman from Tennessee is designed to secure what every gentleman upon this floor will acknowledge is needed in connection with the several Departments, and that is permanency; and the only mode by which permanency in the business can be secured will be by a classification of the clerks in the different Departments. It is designed to accomplish not only permanency, but to destroy, in addition to that, all sectionalism in the selection of the clerks who fill offices in the Departments. That much I have only time to say in reference to the first part of my amendment. In reference to the sections which follow, they address themselves to the judgment of every gentleman upon the floor.

The country is satisfied as well as ourselves, that we are fast approximating to the period when Congress will be in session from year to year, and that something must be done in order to curtail the length of the sessions. The dissatisfaction in reference to what is called the mileage question, prevails in every part of the land. As it now stands, a charge of forty cents per mile is made, and it is left to the discretion of the member to fix the number of miles he shall travel from his home to the Capitol. The object of the amendment is to reduce one half the amount of compensation allowed for mileage, and then to leave it to the Secretary of the Treasury to fix the distance in a direct line from the residence of each member to the Capitol. This will give him ample compensation for the purpose of meeting all his traveling expenses.

The last amendment is designed to secure punctuality upon the part of members. What is the fact? During the present session, instead of having here two hundred and thirty-one members as we should have had, the average attendance from the beginning of the session to the present time has been about one hundred and sixty-five. The residue have been absent. How often do we find ourselves without a quorum—not only in the House, but in committee? If, sir, we have nerve enough to come up to the work and adopt this system, we shall not be under the necessity of reporting on the Journals from time to time, so many absentees, either in committee or in the House. I do not design to occupy the attention of the committee, but merely to bring the matter before the House as an outline of the principles that should be established in order to remedy the evil; for we all acknowledge there is a disease, and we should go to work and find out an appropriate remedy.

If I have failed to ascertain the remedy in the proposition I have submitted, I shall most cheerfully acquiesce and unite with any gentleman in a proposition calculated to accomplish the same object.

Mr. HALL. I now ask the gentleman from Indiana to accept the following amendment, which the Clerk will read, as a modification of his own.

The Clerk read the amendment, as follows:

*Provided*, That the Administration should of course look among those who approve its policy for agents to carry it into execution.

Mr. BRENTON. I would accept of that, but my object is to break down party spirit as much as possible.

Mr. HALL. I only wished to remark that I am very sorry the gentleman from Indiana should thus early in the action repudiate the great leader of the Whig party. The proposition which I have sent to the Clerk's table, is in the exact language of General Scott. [Laughter.]

Mr. GENTRY. I desire to suggest whether that amendment is in order? It proposes a radical change in the whole policy of the Government with regard to the payment of its officers.

The CHAIRMAN. The Chair rules the amendment to be in order.

Mr. FOWLER. Before the question is put, I wish the amendment may again be read, so that we may understand it.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. HAMILTON. I object.



The question now being upon Mr. BRENTON's amendment to the amendment—

Mr. BRENTON demanded tellers; but they were not ordered.

The question being taken upon the amendment to the amendment, it was not agreed to.

Mr. McMULLIN offered the following as an amendment to the amendment:

*Provided*, That all clerks residing in the District of Columbia receiving salaries of \$1,000, and less, shall be paid an addition of fifteen per cent. upon their said salaries: *And* *Provided further*, That all clerks receiving over \$1,000, and not more than \$1,200, shall be paid ten per cent. upon their said salaries—said clerks residing in the District of Columbia.

Mr. McM. said: I desire that the gentleman from Tennessee, [Mr. GENTRY,] and those who have acted with him, if they really desire to meet the additional expenses imposed upon the clerks because of the increased prices of provisions, and so forth, shall come forward now and sustain this proposition, which carries upon its face fair terms of compromise. I propose that the lowest class of clerks—those receiving \$1,000 a year—shall receive fifteen per cent. additional, which will amount to \$150 upon their salaries. I ask if that is not enough to meet the additional expenses of living and house rent? Gentlemen will remember that there are a great many clerks who receive only \$1,000. There are a good many, also, who receive \$1,100, and some who receive \$1,150. I propose to give to these men, and to the \$1,200 clerks, an addition of ten per cent., which will be an increase of \$160 upon their salaries. Sir, this proposition addresses itself to the justice of this House. I ask the House and the country if the additions proposed in it are not enough to meet the additional cost?—

The CHAIRMAN. The time fixed by the resolution of the House for closing the five minute's debate has arrived.

Mr. McMULLIN. Yes, but I obtained the floor some time since, and yielded it as an act of courtesy, at the request of the Chair. I think, therefore, that I am entitled to my five minutes.

The CHAIRMAN. It is not in the power of the Chair to permit the gentleman to proceed.

Mr. GENTRY. Did I understand the Chair to say that the time had expired during which debate was allowed?

The CHAIRMAN. It has expired.

Mr. GENTRY. Well, I hope that the friends of the original amendment will reject all amendments to it.

The CHAIRMAN. The Chair desires to know of the gentleman from Virginia where he designs his amendment to come in?

Mr. McMULLIN. I offer it as a substitute for the amendment; and I will accept the amendment of the gentleman from New York, and incorporate it as a part of my amendment.

Mr. GENTRY. I understand the gentleman to offer a series of provisos as a substitute for the section which I have offered.

Mr. MOREHEAD. I wish to suggest to the gentleman from Tennessee that his amendment as it now stands would exclude all those clerks who reside in Georgetown. I believe his amendment is confined to clerks residing in the city of Washington.

Mr. GENTRY. I have no objection to modify my amendment so as to say "in the District of Columbia."

The question was then taken upon Mr. McMULLIN's amendment to the amendment, and it was rejected.

Mr. JOHNSON, of Tennessee. I offer the amendment to the amendment, which I send to the Clerk's desk. But before it is read I wish to make an appeal to my colleague to accept it as a part of his proposition. It will give strength to his proposition; and the class of individuals to whom it relates ought to be provided for.

The CHAIRMAN. Debate is not in order.

The Clerk then read Mr. JOHNSON's amendment to the amendment, as follows:

And that twenty per cent. be added to the *per diem* or monthly pay of all the employees of the Government engaged in any branch of mechanics or at common labor.

The question was then taken upon the amendment to the amendment, and it was rejected.

Mr. JOHNSON. The workingman has a mighty little chance here.

Mr. FLORENCE. I send to the Clerk's table what I desire to offer as an amendment to the

amendment. It will appeal to the warmest sympathies of every man here.

[Loud shouts of "Order!"]

The CHAIRMAN. The gentleman must bear in mind that no debate is in order. Nothing can be said in explanation of the amendment.

Mr. FLORENCE. When gentlemen hear my proposition read, they will regret having called me to order.

[Loud shouts of "Order!"]

The Clerk then read Mr. FLORENCE's amendment, as follows:

That the prices now paid to all sewing women in the employment of the Government of the United States, working upon army clothing, or any other of the supplies usually provided under the direction of the Quartermaster's Department, and produced mainly by female labor, be increased twenty-five per cent.

The question was then put upon Mr. FLORENCE's amendment to the amendment, and on a division, the chairman announced—ayes 71, noes 79.

Mr. ORR demanded tellers; which were ordered; and Messrs. LANDRY and MOLONY were appointed.

The question was again put, and the tellers reported—ayes 55, noes not counted.

So the amendment to the amendment was rejected.

The question recurred upon Mr. GENTRY's amendment as amended.

Mr. McMULLIN. I move to amend the amendment by striking out \$1,500, and all that appertains to it.

Mr. GENTRY. I understand the proposition of the gentleman to be, simply to confine the operation of this section to those clerks whose salaries do not exceed \$1,200. I hope it will not be adopted.

Mr. SWEETSER demanded tellers; which were ordered; and Messrs. HART, and FULLER of Maine, were appointed.

The question was then taken, and the tellers reported—ayes 67, noes 63.

So the amendment to the amendment was agreed to.

Mr. RICHARDSON. I offer the following amendment, to come in at the close of the amendment of the gentleman from Tennessee:

That William H. Minnix shall receive from the present Congress, the same compensation received by the engraving clerks of the House of Representatives, in lieu of his present pay; that the messengers of the House shall receive the same compensation allowed to the messengers of the Senate, in lieu of their present pay; that John D. Ott, Henry McLaughlin, and John C. Mulloy, folders in the document room, shall receive \$2 50 per day each from the commencement of the present session.

The amendment to the amendment was not agreed to.

Mr. MASON. I move to amend the amendment by striking out the word "last," and inserting "present" in lieu thereof, so that this addition to the compensation shall commence at the beginning of the present fiscal year, instead of at the commencement of the last.

The amendment to the amendment was adopted.

Mr. HALL. I now move to amend the amendment, by adding thereto the following:

*Provided*, That no clerk shall receive a salary of more than \$1,400 per annum under this section.

Mr. McMULLIN demanded tellers; which were ordered; and Messrs. GOODENOW and BEALE were appointed.

The question was then taken, and the tellers reported—ayes 59, noes 61.

So the amendment to the amendment was rejected.

Mr. HOUSTON. I offer the following amendment, which is always put in clauses, increasing the salaries of clerks:

*Provided, further*, That the appropriations in this section shall not apply to any person whose compensation has been increased at the present session of Congress.

This proviso has been in all the laws passed by Congress for increasing the salaries of clerks.

The amendment to the amendment was agreed to.

Mr. AVERETT. I move to strike out the first proviso to this section.

Mr. GENTRY. That proviso has been inserted by a vote of the committee, and I presume that it is not in order to strike it out.

The CHAIRMAN. The amendment is not in order.

Mr. MASON. Is it in order to amend the amendment?

The CHAIRMAN. It is in order.

Mr. MASON. I offer the following amendment:

*Provided*, That the increased compensation made to the officers and employees of the Government and the House of Representatives by this bill, shall cease on the 4th of March, 1853.

The amendment was not agreed to.

Mr. HALL. I offer the following amendment to the amendment:

*Provided*, That no person shall receive a salary of more than \$1,200 per annum under this section.

The question was taken, and the amendment was disagreed to.

The question then recurred upon Mr. GENTRY's amendment as amended.

Mr. FULLER, of Maine. I now ask that the amendment shall be reported as it is amended.

It was reported by the Clerk, as follows:

SEC. 7. *Be it further enacted*, That the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions, in the executive and legislative Departments of the Government, in the city of Washington, whose compensation does not exceed \$1,200 per annum, shall, in addition thereto, be allowed the following annual increase of compensation, commencing from the first day of the present fiscal year, viz: All whose annual compensation does not exceed \$1,200 shall, in addition thereto, be allowed an increased compensation of twenty per cent., and that the same shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That this section shall not extend to any person receiving a salary for discharging the duties of more than one office at the same time, or to any person who does not actually discharge the duties of the office for which he receives such salary, or to any person engaged in prosecuting any claim, other than his own, before any of the Departments or Congress; and that in case any pay or accounting officer of the Government shall pay such additional per centage to any such person, it shall be a misdemeanor in the person knowingly paying or receiving such additional per centage, rendering each liable to indictment and punishment by fine or imprisonment: *Provided further*, That the provisions of this section shall not apply to any person whose compensation has been increased at the present session of Congress.

Mr. McMULLIN. I desire to know of the Chair, or of the gentleman from Tennessee, [Mr. GENTRY,] who offered this amendment, whether it will apply to the clerks residing in Alexandria and Georgetown?

The CHAIRMAN. The gentleman must recollect that discussion is not in order.

Mr. GENTRY. I will reply to the gentleman that it does include those clerks.

Mr. GORMAN. I have an amendment that I want to offer to this amendment. I move to insert the words "and pages," so as to provide that this increased compensation shall also extend to the pages of the House.

A MEMBER. They will get theirs at the end of the session. Do not encumber this section with that amendment.

Mr. GORMAN. They will never get it, unless they get it now. Everybody is in but the pages. I want a vote upon my amendment.

The question was put, and the amendment was not agreed to.

The question again recurring upon the adoption of the amendment of Mr. GENTRY as amended,

Mr. FULLER, of Maine, demanded tellers; which were ordered; and Messrs. FOWLER, and ALLEN of Illinois were appointed.

The question was then taken, and the tellers reported—ayes 87, noes not counted.

So the amendment as amended was adopted.

Mr. JONES, of Pennsylvania, submitted the following as an independent section:

SEC. 8. *And be it further enacted*, That hereafter all customs, duties, or imposts, collected at any custom-house, or at any port of entry in the United States, upon goods, wares, merchandise, or other articles upon which customs, duties, or imposts, are collectable by existing laws, shall be collected upon a valuation to be ascertained as follows:

The Secretary of the Treasury, with the aid of the appraisers, shall annually cause to be ascertained the average value of all such goods, wares, merchandise, or other articles subject to duties at the ports of Boston, New York, Philadelphia, Charleston, and New Orleans. And that upon such valuation hereafter all duties, customs, or imposts, upon all such goods, wares, merchandise, or other articles, shall be collected at all the ports of entry, and at all custom-houses in the United States, until otherwise provided by law, and that all provisions of existing laws in relation to the imposition of duties, customs, or imposts, inconsistent herewith, are hereby repealed.

Mr. FULLER, of Maine. I rise to a question of order. I submit that the amendment is not in order, not being germane to any part of the bill.

Mr. JONES, of Pennsylvania. I ask that the point of order shall be stated fully.

Mr. JONES, of Tennessee. I ask that the 131st and 132d rules of the House be read.

They were read by the Clerk, as follows:

"131. No motion or proposition for a tax or charge upon the people, shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House."

"132. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion for such increase shall be first discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance."

Mr. JONES, of Pennsylvania. I now wish to hear the point of order stated distinctly. This amendment does not provide for any tax in any shape or form.

Mr. FULLER. My point is that the amendment is not germane.

The CHAIRMAN. The gentleman from Maine [Mr. FULLER] rises to a point of order that the proposition submitted by the gentleman from Pennsylvania [Mr. JONES] is not in order. The Chair decides, in accordance with a decision made the other day—for he does not consider this proposition materially variant or differing from the proposition brought by the gentleman from Pennsylvania the other day—that this amendment is not in order.

As reference was made the other day to a section contained in the civil and diplomatic bill passed in 1846, the Chair has had occasion to examine that question, and finds that the section to which reference was then made, was not first adopted by the House as an amendment to the civil and diplomatic bill, but was first adopted in the Senate, having been presented by Mr. Evans, then a Senator from Maine, and incorporated in the civil and diplomatic bill. At that time there were rules differing from those now in force in the House. At the last session of Congress amendments proposing a method of valuation of imports were proposed to the civil and diplomatic bill in the House. The point was then made, and sustained by the decision of the Chair, that the amendments were not in order. An appeal was taken from that decision, and upon two propositions similar to this, which were then made, the committee sustained the decision of the Chair. For these reasons, in addition to those assigned the other day, the Chair rules the amendment out of order.

Mr. JONES, of Pennsylvania. I take an appeal from that decision, and call for tellers upon it. Tellers were ordered; and Messrs. FULLER, of Maine, and JONES, of Pennsylvania, were appointed.

The question was taken, and the tellers first announced—ayes 58, noes 72. Several other gentlemen then passed between the tellers, and were announced as they passed through.

The CHAIRMAN then announced the vote—ayes 80, noes 78.

[Cries of "No!" "No!" "Mistake!" and "Recount!"]

The CHAIRMAN. The tellers first announced 58 in the affirmative, then 9 more, afterwards 9 more, and again 4 more in the affirmative, making in all 80.

Mr. JONES. I first reported 58 in the affirmative, and afterwards 9 more. I did not report 9 more in addition to that. I said there were 9 more in the negative.

The CHAIRMAN. That was the understanding of the Chair.

[Cries of "Recount!" "Recount!"]

Mr. BAYLY, of Virginia. I move that there be a recount. I believe I have the right to make the motion.

Mr. PRICE. I object to a recount. The tellers do not disagree.

The CHAIRMAN. The only question is, whether the number 9 should be counted twice in the affirmative.

Mr. JONES. I did not announce them twice in the affirmative.

[Cries of "Recount!" "Recount!"]

The CHAIRMAN. Will the tellers announce the vote?

Mr. FULLER. We did not keep the amount in the aggregate. We only announced the different numbers as they appeared.

Mr. RICHARDSON. I demand a recount.

The CHAIRMAN. If the tellers cannot agree upon the vote, there must be a recount.

Mr. JONES. I can announce the vote.

The question was then again taken, and the tellers reported—ayes 86, noes 81.

So the decision of the Chair was sustained by

the committee, and the amendment was ruled to be out of order.

Mr. SMART submitted the following amendment:

SEC. 1. *And be it further enacted*, That no person at the head of either of the Departments, or of any of the executive Bureaus of the Government of the United States, no Senator or Representative in Congress, clerk in any of the Departments, or any officer or employee of either House of Congress, shall, directly or indirectly, during the time they may hold such office, prosecute any claim against the Government of the United States, before the executive Departments, executive Bureaus, or Congress, for any fee or reward. And if any person aforesaid shall prosecute any claim as aforesaid, he shall forfeit and pay a fine of \$2,000, and also the amount of the fee charged for his services, one half to the informer and the other half to the Government, to be recovered by action of debt before any court of the United States.

Mr. MILLSON. I think that is precisely the same amendment which was ruled out of order yesterday.

Mr. SMART. It is not the same.

Mr. MILLSON. It is certainly the same in substance.

The CHAIRMAN. In the opinion of the Chair the amendment offered by the gentleman from Maine involves precisely the same question as that presented by him the other day. The Chair then decided the amendment to be out of order, and he is of the same opinion now. He therefore sustains the point of order raised by the gentleman from Virginia, [Mr. MILLSON.]

Mr. SMART. Will it be in order to offer it at the end of the section? It makes no appropriation.

The CHAIRMAN. The Chair is aware that it makes no appropriation, but it changes materially the existing laws of the Government.

The Chair on the other day ruled an amendment similar to this out of order, and he is of opinion that it is not in order now.

Mr. SMART. I appeal from the decision of the Chair, and ask for tellers upon the appeal.

Tellers were not ordered.

The question now being "Shall the decision of the Chair stand as the judgment of the committee?" it was put and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. FITCH offered the following amendment:

*And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act for allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to Delegates from the Territories, and repealing all other laws upon that subject,'" shall apply to Senators and members of the House of Representatives, and Delegates from the Territories at all extra sessions of Congress, or of the Senate convened within ten days after the adjournment of a regular session.

Mr. FITCH. I desire that the law to which that amendment relates, be read at the Clerk's desk.

It was read, as follows:

*"And be it further enacted, &c., That from and after the passage of this act, no member of the Senate shall be entitled to receive compensation for his attendance at the Senate in the recess of Congress, during such meeting of the Senate as may be called on the 4th day of March, 1853, or on the 4th day of March in every fourth year thereafter, other than the \$8 per diem for attendance now allowed by law: Provided, This act shall not apply to a Senator not a member of either House of Congress at the expiration of the Congress preceding such called session of the Senate."*

The object of my amendment is to prohibit constructive mileage under any and all circumstances at any session.

The question was taken on the amendment, and it was agreed to.

So the amendment was adopted.

Mr. GORMAN offered the following amendment, to come in after the second section of the bill:

SEC. —. That the Recorder of the General Land Office, under the direction of the Secretary of the Interior, do and perform all the legal duties formerly imposed upon the Solicitor of said office, by the fifth section of the act entitled "An act to reorganize the General Land Office," approved July 4, 1850; and that in addition to the salary now prescribed by law, he shall receive the sum of \$500 per annum, commencing with the beginning of the last fiscal year.

The question was taken on the amendment, and it was not agreed to.

The Clerk then read the third, fourth, fifth, and sixth sections of the bill.

Mr. GORMAN. I offer the same amendment as before, with \$1,000 inserted in the place of \$500.

The question was taken upon the amendment, and it was not agreed to.

Mr. MOORE, of Louisiana, offered the follow-

ing amendment, to come in after the sixth section:

SEC. 8. *Be it further enacted*, That the first and second provisions to the item or clause making an appropriation for continuing the construction of the custom house at New Orleans, of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending 30th June, 1852," approved March 3d, 1851, be and the same are hereby repealed.

The question was taken on the amendment, and it was not agreed to.

Mr. DUNHAM offered the following amendment:

*And be it further enacted*, That the assistant of the Superintendent of the Mail of the Exploring Expedition shall hereafter receive a compensation at the rate of seven hundred and one dollars per annum, to be paid out of the same fund out of which he is now paid.

Mr. STEVENS, of Pennsylvania. That same amendment, providing for the man who sweeps the room was voted down yesterday.

The CHAIRMAN. It yesterday contained \$700. To day it is \$701.

Mr. STANLY. That amendment comes from the committee of Ways and Means, is sanctioned by them, and I think it should be adopted.

The question was then taken on the amendment, and it was not agreed to.

Mr. HOUSTON. I move that the committee rise, and report the bill to the House.

Mr. STANLY. Is it in order to go back in the bill?

The CHAIRMAN. It is not except by unanimous consent?

Mr. STANLY offered the following amendment:

For the completion of the hospital at Cleveland, Ohio, \$8,970.

Mr. HOUSTON. That is a recurrence to former clauses in the bill, and it is not in order. If we allow that, we shall have to go back to every part of the bill.

The CHAIRMAN. The Chair would remark that you cannot go back upon the bill, except by the general consent of the committee. Objection being made the Chair rules the amendment out of order.

Mr. STANLY. Upon what ground?

The CHAIRMAN. Upon the ground of irrelevancy.

Mr. STANLY. I offer it as an additional section to the bill.

The CHAIRMAN. In the opinion of the Chair, that will not change the point of order.

Mr. STANLY. Does the Chair rule it out of order, because it does not carry out a provision of law?

The CHAIRMAN. The Chair decides that we have passed the point in the bill at which it might have been offered. We shall never finish the bill unless some rule of this kind be observed. There is a provision in the bill for the completion of marine hospitals, and after that clause of the bill was passed, the Chair ruled that amendments properly applicable to that clause of the bill at the time it was under consideration, could not be received or entertained by the committee afterwards. The Chair so ruled upon an amendment which was offered, proposing to amend the first clause of this bill, in relation to appropriations for the pay of the legislative department of the Government, but that amendment was received by universal consent.

Mr. PARKER offered the following amendment:

That from and after the passage of this act, the salary of each of the district judges of the United States shall be at least \$2,000 per annum.

Mr. HOUSTON. That amendment has been ruled out of order.

The CHAIRMAN. The Chair has ruled an amendment similar to this out of order; and he is still of the same opinion, and rules this out of order.

Mr. CAMPBELL, of Illinois. The Chair ruled the amendment to which he refers out of order, because it was offered at the wrong place.

The CHAIRMAN. The Chair thinks it is offered at the wrong place now.

Mr. CAMPBELL. I appeal from the decision of the Chair.

The question now being, Shall the decision of the Chair stand as the judgment of the committee? it was put, and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. GORMAN offered the following amendment as an additional section to the bill:

Sec. — That the sum of \$400 be appropriated to the second regiment of artillery, United States Army, for musical instruments lost or destroyed by casualties during the battles of Cerro Gordo and Molino del Rey, the soldiers of the band having been called into the ranks with muskets, and required to abandon their instruments, to be paid under the order of the Secretary of the Treasury, to the adjutant of said regiment for the use of the regimental fund.

Mr. ORR. I raise a question of order upon that amendment.

The CHAIRMAN. The Chair is of the opinion that the amendment does not propose an appropriation to carry out the civil and diplomatic expenses of the Government, and therefore rules it out of order.

Mr. HEBARD. I wish to call the attention of the chairman of the Committee of Ways and Means to a verbal amendment which should be made to the bill, on the sixteenth page, line three hundred and twenty-nine, where the words "south-east" should be substituted for the words "north-west," in the provision for the building at the corner of F and Seventeenth streets.

Mr. ORR. That amendment can be made in the House as well as here.

Mr. HOUSTON. That building has always been described in appropriation bills, as it is here.

Mr. HOUSTON. I move that the committee rise and report the bill to the House.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee (Mr. PHELPS) reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 196, "making appropriation for the civil and diplomatic expenses of the Government for the fiscal year ending June 30, 1853, and for other purposes," and had directed him to report the bill, with sundry amendments, to the House.

Mr. HOUSTON. I call for the previous question upon the bill and amendments.

The call for the previous question was seconded, and the main question was then ordered to be put.

The SPEAKER. Unless there be objection the usual course will be pursued, the amendments made by the Committee of the Whole will be read by the Clerk, and if any member desires a separate vote upon any one of them he will rise in his place and say so. Those to which there shall be no objection will then be voted upon in the gross.

There was no objection, and after the Clerk had read all the amendments, the question was put upon those to which there was no objection, and they were agreed to.

The Clerk then read the following amendment, upon which Mr. HOUSTON had asked a separate vote:

Add at the end of the clause—  
"For supplying light houses containing 3,272 lamps with oil, tube glasses, wicks, bufskins, whiting, and cotton cloth, transportation and other expenses on the same, and for repairing and keeping in repair the lighting apparatus, \$182,230 78."

—the following:  
"And the President is hereby authorized and required to levy the same light duties and charges upon foreign vessels entering the ports and harbors of the United States, or passing the light houses thereof, as are charged by any corporation, or by any foreign Government, to the citizens or subjects of which such vessels may belong, upon vessels of the United States. The said money, when so collected, to be carried into the Treasury, and the amount thereof to be annually reported to Congress: *Provided*, That such duties shall not conflict with existing treaties."

Mr. HART demanded tellers; which were ordered; and Messrs. HAMILTON and CHANDLER were appointed.

Mr. MILLSON demanded the yeas and nays; which were ordered.

The question was then taken, and the amendment was disagreed to—yeas 66, nays 81; as follows:

YEAS—Messrs. Barrere, Bennett, Bibbiana, Brenton, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Dawson, Dimmick, Disney, Dockery, Doty, Ficklin, Florence, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Gorman, Hamilton, Hammond, Harper, Hart, Hebard, Hibbard, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. Howe, Ingersoll, Andrew Johnson, J. Glancy Jones, Kurtz, Landry, Mann, McNair, Miller, Miner, John Moore, Morehead, Murray, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Pennington, Perkins, Porter, Reed, Riddle, Schermerhorn, Schoonmaker, Skelton, Smart, Stanley, Benjamin Stanton, Abraham P. Stephens, Strother, Sweetser, Taylor, Walbridge, Ward, Washburn, Welch, Wells, Addison White, Wildrick, and Yates—66.

NAYS—Messrs. Aiken, Willis Allen, Allison, William Appleton, Beale, Bissell, Bocoek, Breckinridge, Briggs, Brooks, George H. Brown, Buell, Burrows, Joseph Cable, Thompson Campbell, Carter, Caskie, Chandler, Chapman, Cha-stain, Churchill, Clark, Clingman, Cobb, Colcock, Curtis, John G. Davis, Dean, Dunham, Edgerton, Edmundson, Faulkner, Fitch, Floyd, Fowler, Freeman, Henry M. Fuller, Goodenow, Isham G. Harris, Sampson W. Harris, Haven, Henn, Hillyer, Holladay, Houston, Jackson, Robert W. Johnson, George W. Jones, George G. King, Preston King, Letcher, Lockhart, Martin, McCorkle, McMullin, McQueen, Meade, Millson, Molony, Henry D. Moore, Murphy, Orr, Phelps, Polk, Richardson, Robbins, Robie, Ross, David L. Seymour, Origen S. Seymour, Smith, Frederick P. Stanton, St. Martin, Stratton, Thurston, Venable, Wallace, Walsh, Watkins, Wilcox, and Woodward—81.

So the amendment was disagreed to.

Pending the announcement of the above vote, Mr. BAYLY, of Virginia, asked leave to vote, not having been within the bar when his name was called, but objection was made. He would have voted in the negative.

The question next recurred on the following amendment, which was agreed to:

"To carry into effect the act approved September 28, 1850, for the purchase of a cemetery near the city of Mexico, and the interment therein of the remains of the American officers and soldiers who fell in battle or otherwise, in or near the city of Mexico, the sum of \$3,000, which, or so much thereof as may be necessary, shall be expended for this purpose, under the direction of the President of the United States. And the interment of citizens of the United States, who have heretofore died, or who may hereafter die in Mexico, may be made in said cemetery, under such regulations as may be prescribed by the President of the United States."

The next amendment upon which a separate vote was asked by Mr. HOUSTON, was read and agreed to, as follows:

"On page thirty-one, strike from the following clause '\$3,000,' and in lieu thereof insert '\$5,000.'"  
"For salary of the Commissioner to the Sandwich Islands, \$3,000."

The Clerk read the following amendment, upon which a separate vote was asked by Mr. HEBARD:

"In the following clause insert after the word 'salary,' the words 'and outfit,' and strike out '\$6,000,' and insert in its stead '\$18,000:'"

"For salary of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, \$6,000."

Mr. STANTON, of Ohio, demanded the yeas and nays; which were ordered.

The question was then taken, and the amendment was agreed to—yeas 122, nays 27; as follows:

YEAS—Messrs. Aiken, Willis Allen, William Appleton, Ashe, Averett, Bacoek, Thomas H. Bayly, Bennett, Bibbiana, Bissell, Bocoek, Breckinridge, Briggs, Brooks, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Chandler, Chapman, Cha-stain, Churchill, Clark, Clingman, Colcock, Dawson, Disney, Doty, Dunham, Edgerton, Edmundson, Faulkner, Fitch, Florence, Henry M. Fuller, Thomas J. D. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Haven, Henn, Hillyer, Holladay, Horsford, Houston, Howard, Thomas M. Howe, Thomas Y. Howe, Ingersoll, Jackson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, George G. King, Landry, Letcher, Lockhart, Martin, McCorkle, McQueen, Meade, Miller, Millson, Molony, Henry D. Moore, John Moore, Morehead, Murray, Orr, Outlaw, Samuel W. Parker, Phelps, Polk, Price, Richardson, Riddle, Robbins, Robie, Sackett, Schermerhorn, Schoonmaker, Origen S. Seymour, Smart, Smith, Frederick P. Stanton, Abraham P. Stephens, Alexander D. Stephens, Stone, St. Martin, Stratton, Strother, Sweetser, Taylor, Thurston, Venable, Walbridge, Wallace, Walsh, Ward, Washburn, Watkins, Welch, Wells, Wilcox, Woodward, and Yates—122.

NAYS—Messrs. Barrere, Beale, Brenton, Buell, Cobb, Curtis, John G. Davis, Dean, Floyd, Fowler, Harper, Hebard, Hibbard, John W. Howe, Jenkins, Andrew Johnson, George W. Jones, Mace, Mann, McMullin, Andrew Parker, Perkins, Reed, Ross, Skelton, Benjamin Stanton, and Wildrick—27.

So the amendment was agreed to.

The following amendment was read, Mr. BROOKS having asked a separate vote upon it:

After the provision for the salary of the consul general at Alexandria, insert as follows:

"To compensate Dabney S. Carr, for expenses incurred while in the diplomatic service of the country, to be allowed in the settlement of his accounts with the Government, \$7,144."

The question was then taken, and the amendment was agreed to.

The Clerk next read the following amendment, to come in after line eight hundred and thirty-four: "For the repairs of the two bridges over the Eastern Branch of the Potomac, \$4,999."

The question was put: and, upon a division, there were—yeas 60—

Mr. FICKLIN demanded the yeas and nays; which were not ordered.

Mr. ROBBINS demanded tellers; which were ordered; and Messrs. STEPHENS, of Georgia, and HAMILTON were appointed.

The question was again put, and the amendment was agreed to—the tellers having reported—yeas 74, nays 44.

Mr. McMULLIN. I move that the House do now adjourn.

The question was put, and, upon a division, there were—yeas 41—

Mr. ORR demanded tellers; which were not ordered.

The yeas and nays were demanded, but not ordered.

The question was again put, and the House refused to adjourn.

The following amendment, to come in after the one just adopted, was next read by the Clerk:

"That the bridges across the Potomac and Eastern Branch thereof be surrendered to the authorities of the District of Columbia."

The question was taken, and the amendment was agreed to; there being—yeas 64, nays 60.

The Clerk read the following amendment, to come in after line eight hundred and seventy-six; upon which Mr. JONES, of Tennessee, asked a separate vote:

"For refunding to the State of Michigan the amount of money advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States during the late war with Mexico, together with the interest on such sum at six per cent. per annum, \$20,000; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State, as presented, and now on file in the office of the Third Auditor of the Treasury Department, together with interest as aforesaid, on said claim from the time said advances were made by said State, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan."

Mr. STANLY demanded tellers; which were not ordered.

The question was then taken, and the amendment was disagreed to.

Mr. GENTRY. There are very many important amendments yet to be considered, and I move that the House do now adjourn.

The question was put, and the House refused to adjourn.

The following amendment, to come in after line eight hundred and seventy-six, was next read:

"To refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the late war with Mexico, the sum \$5,382 53, with interest at the rate of six per centum per annum, from the first day of March, in the year 1847, until paid."

Mr. STANLY. This passed the Senate last year. I demand tellers.

Tellers were ordered; and Messrs. CLINGMAN and CHANDLER were appointed.

The question was then taken, and the amendment was disagreed to; the tellers having reported—yeas 31, nays not counted.

The question was then put upon the following amendment, and it was agreed to, viz:

"For the construction and equipment of not less than six revenue cutters, the sum of \$50,000, the same to be expended under the direction of the Secretary of the Treasury."

The following amendment was next read by the Clerk:

"To enable the Clerk of the House of Representatives to deliver to each of the members and Delegates of the present Congress, who have not already received them, such books as have been furnished to members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses, which were ordered by resolution of the House, July 26th, 1852, \$115,800: *Provided*, That the account for the purchase of said books be audited, as usual, by the Committee on Accounts: *Provided*, further, That report shall be made in detail at the commencement of the next session of Congress of the mode and manner of purchase of the books, and whence they are obtained."

Mr. CAMPBELL, of Ohio, demanded the yeas and nays upon the amendment; which were not ordered.

Mr. CAMPBELL demanded tellers; which were ordered; and Messrs. CAMPBELL, of Illinois, and FOWLER were appointed.

The question was taken, and the amendment was agreed to; the tellers having reported—yeas 77, nays 47.

The House proceeded next to consider the amendment of Mr. GENTRY, as amended, [inserted in a preceding column,] allowing to clerks, messengers, watchmen, and laborers employed in the executive and legislative Departments of the Government, whose compensation does not exceed



# THE CONGRESSIONAL GLOBE.

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\$1,200, an increase of twenty per cent., and prohibiting the same persons receiving two salaries.

Mr. HOUSTON demanded the yeas and nays; which were not ordered.

Mr. SKELTON demanded tellers; which were also not ordered.

The question was then taken, and the amendment was adopted.

The SPEAKER. The question is upon the engrossment of the bill. Shall the bill be read a third time?

There being no objection, the bill was then ordered to be engrossed and read the third time.

Mr. VENABLE. Is the bill engrossed?

The SPEAKER. The bill is not engrossed. The Chair thinks that the objection to the engrossment of the bill, under our practice, has come too late, for the reason that the Chair inquired of the House whether the bill should be read a third time. It is competent for the House to determine when the bill shall be read. The Chair at that time heard no objection whatever.

Mr. VENABLE. I make no objection.

The bill was read the third time.

Mr. HOUSTON demanded the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. McMULLIN demanded the yeas and nays upon the passage of the bill; but they were refused.

Mr. DEAN demanded tellers; which were not ordered.

The question was then taken, and it was decided in the affirmative.

So the bill was passed.

Mr. HOUSTON moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. STANLY. Before the House adjourns, I desire the Chair to supply the vacancy upon the select committee in regard to the discovery of etherization, occasioned by the death of the gentleman from Massachusetts, [Mr. Rantoul.] I make the motion that the vacancy be supplied by the Chair.

The SPEAKER. The Chair thinks that it has been the universal practice for the Chair to supply a vacancy without a motion. The Chair is obliged to the gentleman from North Carolina [Mr. STANLY] for calling his attention to the subject, and he will supply the place to-morrow.

On motion by Mr. FOWLER, the House then adjourned till to-morrow at eleven o'clock, a. m.

## IN SENATE.

THURSDAY, August 12, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. WALKER presented four petitions of citizens of New York, praying that the public lands may be granted in limited quantities to actual settlers not possessed of other land; which were ordered to lie on the table.

Mr. SEWARD presented a petition of citizens of the United States, residing in New York, praying that the "homestead bill" may become a law; which was ordered to lie on the table.

Mr. SEWARD. I am requested to present to the Senate the memorial of the Scandinavian Society, of the city of New York and its vicinity, in which they state that Mr. Christian Hansen, of the city of Brooklyn, State of New York, proposes to the United States Government to contract for carrying the mails between that city and Gluckstadt, in Holstein, by the way of Rotterdam, and to have the ocean postage on that line reduced to ten cents per single letter. In this memorial they set forth the great importance of the establishment of such a line and of such a reduction of postage. The subject is, I believe, under the consideration of the Committee on the Post Office and Post Roads. I move that the memorial be referred to that committee.

It was so referred.

Mr. HAMLIN presented a memorial of claimants under the convention between the United States and Brazil of 27th of January, 1849, praying an appropriation to pay the awards made by the commissioner appointed for the settlement of their claims; which was referred to the Committee on Foreign Relations.

Mr. HUNTER presented a memorial of the Orange and Alexandria Railroad Company, praying an appropriation by Congress to repair the Long Bridge across the Potomac river; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN presented twenty-one petitions of merchants, ship-masters, and others, citizens of Maine, praying that such beacons, spindles, and buoys, may be placed on the Muscle Ridges as will render the navigation safe and easy; which were referred to the Committee on Commerce.

Mr. SUMNER presented a petition of inhabitants and merchants of the city of Boston; a petition of inhabitants of Swampscot, in Lynn, Massachusetts; a petition of inhabitants of Nahant, in Lynn, Massachusetts; and a petition of the citizens of Lynn, Massachusetts; stating that there is urgent need of a light-house on the coast of Lynn, at the outer entrance of Boston Harbor, for the safety of shipping and the protection of the lives of mariners—that many vessels have been wrecked, and many lives lost near that place within the few past years, and earnestly praying that Congress will grant an appropriation for the purpose of constructing a light-house on Egg Rock, near Nahant; which were referred to the Committee on Commerce.

## FALLS OF THE OHIO.

Mr. HAMLIN, from the Committee on Printing, to which was referred a motion that five thousand additional copies of the report of the Committee on Roads and Canals, in relation to the construction of a canal, and the establishment of an armory and foundry, at the Falls of the Ohio river, and the relinquishment of the stock held by the United States in the Louisville and Portland canal, be printed for the use of the Senate, reported in favor of printing the same; which was agreed to.

## WASHINGTON CITY WATER COMPANY.

Mr. SHIELDS, by unanimous consent, asked and obtained leave to introduce a bill to incorporate the Washington City Water Company; which was read a first and second time by its title, and referred to the Committee on the District of Columbia.

## GENERAL SCOTT AND GENERAL PIERCE.

Mr. MERIWETHER submitted the following resolution for consideration:

*Resolved*, That the President of the United States be requested to inform the Senate what amount of public money has been paid to General Winfield Scott and General Franklin Pierce, respectively, from the time of their first entrance into the public service up to the present date; distinguishing between regular and extra compensation; also, for what said amounts were paid, whether for pay proper, rations, forage, horses, mileage, transportation, servants, quarters, fuel, medical attendance, or commutation for any of the preceding items. Also, that he inform the Senate what amount of extra compensation has been claimed by either, the items of each and every such claim when first presented, and when and by whom allowed, or rejected, and the official reasons given at the time for such allowance or rejection, and whether any item or items, claim or claims, once disallowed, were subsequently presented for payment; and if so, how often, and when, and if subsequently allowed or paid, by whom, and when, and the amounts thereof, and the reasons for such allowance and the amounts thereof. And that he also inform the Senate whether either of the above-named generals has received from the public Treasury pay or emoluments for discharging the duties of more than one office or employment at the same time; and if so, what offices or employments, and the amount of such pay and emoluments, and the time when paid; and whether any claim or claims have been presented for the discharge of the duties of two or more offices or employments at the same time by either of them, and disallowed, and if so, by whom disallowed, when, and for what reasons then given. And that he also inform the Senate whether either of the above-named generals has ever, under color of charging for percentage, or for extra compensation, or for any other reason or reasons, or in any manner or form, applied to his own use, or retained in his hands, any of the public funds, or property, without au-

thority of law, and if so, when, and the amount or value thereof; and whether the amount thus applied or retained, or any part thereof, has ever been repaid to the United States, and if so, what amount, and when so repaid; and whether any amount of public money, or property, which has ever come to the hands or possession of either of them, remains unaccounted for, and if so, in whose hands, and how much.

## MILITARY BALANCES DUE.

Mr. DAVIS submitted the following resolution; which was agreed to:

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the expediency of making an appropriation for the payment of such balance as has been reported by the late Secretary of War, Mr. Poinsett, to be due to Massachusetts and Maine for disbursements made in behalf of the United States during the war of 1812.

## EXCHANGE OF LANDS IN MEMPHIS.

Mr. UNDERWOOD. Mr. President, the United States own some ten or twelve acres of land in the city of Memphis. The corporation of that city own some ten or twelve acres, upon which they have a hospital. Upon the ground owned by the United States an arsenal was built. The citizens of Memphis have petitioned that the United States should convey them the land which the Government owns, and upon which the arsenal was erected. The Committee on Public Lands, taking that petition into consideration, have directed me to make a report, accompanied by a bill, which provides that the title of the Government to its land may be conveyed to the corporate authorities of the city of Memphis, upon condition that the city of Memphis will convey to the United States the land, about equal in quantity, that they own upon which the hospital has been erected. The object of the committee being to convert the hospital now belonging to the city of Memphis into a marine hospital, the property of the United States. I am directed to report a bill upon that subject, and I have made this statement at the request of the Senator from Tennessee, [Mr. JONES,] who has a great anxiety that the Senate should consider the bill now, and pass it if they approve of it.

The bill, which is entitled "A bill to convey certain land to the city of Memphis on certain conditions," was read a first time, and ordered to a second reading.

Mr. JONES, of Tennessee. Mr. President, may I ask the Senate to consider that bill now? It is a very simple one. I do not know that the corporation of Memphis will accept the proposition, but I desire to give them an opportunity of doing so. The circumstances are these: The Government of the United States own about ten acres of land within the city of Memphis upon which an arsenal was built many years ago, but which has long since ceased to be used by the Government at all. The houses that were erected upon it are going into decay and dilapidation, and the property is certainly worthless to the Government for any purpose for which it was originally constructed.

The PRESIDENT. The Senator will suspend his remarks until the bill is read a second time.

No objection was made, and the bill was read a second time, and considered as in Committee of the Whole. It proposes to enact that it shall be lawful for the Secretary of the Treasury, in behalf of the United States, to convey to the corporation of the city of Memphis, in the State of Tennessee, all the ground, with its appurtenances, owned by the United States in the corporate limits of the said city, upon which heretofore an arsenal has been erected, whenever the corporate authorities of said city shall convey to the United States, with the assent of the Legislature of the State of Tennessee, a good and valid title to twelve acres of ground, more or less, upon which the said city now has an hospital with its appurtenances, situated adjoining the corporate limits of said city; and also that the grounds and buildings to be thus conveyed to the United States shall be held and used for the purposes of a marine hospital, under the same rules and regulations as are applicable to other marine hospitals on the waters of the Mississippi.

Mr. JONES, of Tennessee. I was going on to explain, as briefly as I can, the circumstances connected with this proposition. The Government owns ten acres of ground within the limits of Memphis. The corporation of that city own about an equal quantity of ground in the vicinity of that owned by the Government. Upon the ground owned by the corporation they have erected a large hospital. The Government, as you are aware, has no hospital there. Our people are very much taxed for the support of that hospital, both by the State government and the corporate authorities of the city. The property owned by the Government within the limits of the city we feel to be an improper location for an hospital, being somewhat in the heart of the city. It is estimated by persons who were directed by the Government to investigate the value of it, that the property owned by the Government is worth from \$10,000 to \$15,000. My own opinion is, that \$10,000 is the utmost to which it can be carried. The property owned by the corporation—the buildings included—must be worth \$30,000 or \$40,000, or perhaps \$50,000. The proposition here is, that the Government will transfer to the corporation its property within the corporate limits, upon condition that the corporation will cede to the Government, for the purpose of a marine hospital, the grounds upon which their hospital is already erected. I do not know that the corporation can accept it; but I desire to give them the opportunity of doing so, believing that in doing it we shall promote the public, national interest, and protect the corporation; because the citizens are very heavily taxed for the purpose of sustaining the sick which are thrown upon our hands. The Government has no marine hospital, as you know, within two hundred miles of us, and our taxes are enormous. We ask the Government to take that hospital, if the corporation will cede it to them, and convert it into a marine hospital. That is the simple statement of the facts.

Mr. SHIELDS. As I understand it, an arsenal is located on the land owned by the United States, and, consequently, it is under the direction and control of the War Department. There is a general law authorizing the War Department, in all cases of this kind, to dispose of property of that character when it becomes useless for the public service. That law is now in force. I have introduced an amendment at this session of Congress extending its provisions. This bill has been reported by the Committee on Public Lands, but it is always usual, in cases of this kind, to consult with the proper Department, and ascertain whether that is essential to the interests of the public service before the land is ceded away in this manner.

Mr. JONES, of Tennessee. If the gentleman will permit me, I will explain that that very thing has been done. Some months ago the Secretary of War ordered a sale of this ground as being useless to the Government. The property was advertised for sale. Before the time of sale arrived, however, this proposition had been submitted to the Committee on Public Lands. He then withdrew the order to sell, and he has been written to by the Committee on Public Lands. His response is now before that committee, in which he says that the property is useless to the Government for the purpose for which it was originally intended. I know the fact that it has not been used by the Government for any public purposes for the last ten, twelve, or fifteen years.

Mr. SHIELDS. That may all be true, but this has taken a most extraordinary course. Every other proposition of this kind has gone before the Committee on Military Affairs. It is true, I do not want the trouble of this investigation; but we consult with the proper Department; we ascertain whether an arsenal is needed before we act on such a case as this. I do not know the condition of the arsenals along the Mississippi river, but this I do know, that an arsenal is essentially necessary in that portion of the country; and, sir, we are going to purchase lands in various parts of the country, in order to have arsenals at the assailable points; one to control the Mississippi river; another the Gulf; another the southern Atlantic coast; another the northern Atlantic coast; another the Pacific, and so on. I wish, as chairman of that committee, to submit the matter to the committee, and to consult with the Department on the subject, and ascertain whether there is any other point on the Mississippi river that we can now

appropriate for an arsenal. If there be a better one, and if we can do so, I am willing, but not otherwise. I have no opposition on earth to the bill as it stands, except that I know nothing of the facts. But I know, and every man knows, that an arsenal is necessary in that portion of the country somewhere. I move the reference of the bill to the Committee on Military Affairs.

Mr. BORLAND. I will not disagree with my honorable friend from Illinois, as to what should have been the proper reference of this subject in the first instance. I think with him that a reference to the Military Committee would have been the most proper. But, Mr. President, under the circumstances, I do not see the propriety or necessity of making that reference now. A different direction was given to it, perhaps inadvertently, in the first instance, and the Committee on Public Lands, it seems to me, were, under the circumstances, competent to make a proper report on the subject; particularly from the fact that this arsenal, so called, at Memphis, cannot be and has not been considered a military establishment for many years. If it was, it was not used as an arsenal. Many years ago, perhaps twelve years ago, it was rented out for other purposes, and has been so used ever since, and has never been used by the Government from the time of its construction for a military establishment. I remember, being a citizen of Memphis at the time,—for I drew up an application,—that the establishment was used by a private individual for a school. It was so used for many years; and such was the conviction of the War Department that it was not necessary as an arsenal, that, in the exercise of the power to which the Senator has referred, it was offered for sale; but upon the supposition that an arrangement equally beneficial to the Government, and at the same time more beneficial perhaps to the city of Memphis might be made, the order was withdrawn, and the matter has been suffered to rest until it can be ascertained whether this matter can be consummated. I think that for these reasons, as the bill has been reported from the Committee on Public Lands, where all these matters are understood, it will be better to let it be disposed of now, as otherwise it may lead to a considerable consumption of the time of the Senate.

Mr. SHIELDS. I therefore withdraw my motion; but I request the friends of this bill to suffer it to lie over till to-morrow. I wish, for my own satisfaction, to consult, not the heads of Departments only, but gentlemen specially employed in this business; and it occurs to me that that may be the most advantageous point for an arsenal. Of that, however, I know very little.

Mr. UNDERWOOD. I will make that motion.

The bill was accordingly laid over, and ordered to be printed.

#### THE HOMESTEAD BILL.

Mr. WALKER. I move to postpone all the prior orders, for the purpose of taking up the bill usually designated "the homestead bill."

The PRESIDENT. The Chair has called for reports.

Mr. WALKER. That may be; but I merely exercise the right which is exercised here almost every day—to move to postpone the prior orders for the purpose of taking up a particular bill.

The PRESIDENT. The Chair will put the question.

Mr. SHIELDS. I shall vote against the motion to take up the bill, unless the Senator will wait until we shall finish the morning business. That being got through, I shall be ready to take it up at any time.

Mr. WALKER. I shall ask for the yeas and nays upon the motion to take up the bill.

The yeas and nays were ordered, and taken, with the following result:

YEAS—Messrs. Borland, Bright, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Foot, Sebastian, Seward, Stockton, Sumner, Wade, Walker, and Weller—14.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Bradbury, Broadhead, Brooke, Butler, Charlton, Clarke, Clemens, Davis, Dawson, De Saussure, Felch, Fish, Geyer, Hamlin, Hunter, Jones of Tennessee, King, Meriwether, Miller, Norris, Pearce, Pratt, Shields, Spruance, Toucey, Underwood, and Upham—31.

#### ROBERT GRIGNON.

Mr. ATCHISON. I am instructed by the Committee on Indian Affairs to report a bill for the relief of Robert Grignon. I ask that it be

now considered; but if it should give rise to any debate, I will at once move to postpone it.

The bill was read a first and second time, and considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to pay to Robert Grignon the sum of \$20,000, in full satisfaction of his claim against the United States, arising out of a clause of the second article of a treaty made between the United States and the Menomonee Indians the 30th September, 1836; which clause was stricken out of the treaty by the Senate by way of amendment to the treaty. No part of this money, however, is to be paid without the consent of the Menomonee Indians being first obtained, and without a full relinquishment of that amount on the part of the tribe to the United States.

Mr. UNDERWOOD. I must ask the gentleman from Missouri [Mr. ATCHISON] to give us a short explanation of this matter.

Mr. ATCHISON. I will do so. Under a treaty made in 1836, the Menomonee Indians had a school fund to the amount of \$1,000 a year for twenty years. When the treaty was made in 1836—which was negotiated by my friend from Wisconsin, [Mr. DODGE]—they said that they wanted no school funds, but that the money appropriated should go to their friend Robert Grignon, who, when they were starving, had fed them, and when they were naked had clothed them. A clause was put into the treaty for that purpose, and when it came up for consideration before the Senate, in pursuance of the policy which the Senate had pursued, they struck out the clause, and since that time the Indians have unanimously refused to touch a single dollar of the money, although they might have had it under the treaty. They said it belonged to their friend, and they insisted, and still insist, that he should have it.

Mr. BORLAND. I do not understand this subject. It is the first I have heard of it. It may be all right; but I would like to know in what form and manner the Menomonee Indians come before Congress and ask that this money shall be so paid. Was this money to be paid to them in their collective capacity as a tribe? or was it to be appropriated in a particular way according to the stipulations of a treaty?

Again, have they come forward as a tribe, in their tribal character and capacity, duly represented here, and asked that this money should be paid in this manner? or is it some agent, professing to act for them, who asks for this large interest which belongs to these Indians? I merely ask for information. I wish to know by what authority he acts for them, if he has any authority at all.

Mr. ATCHISON. I will ask that a letter from the Department of the Interior be read, which will explain the matter.

The letter was read:

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS, February 21, 1851.  
SIR: The resolution of the Senate, adopted in Executive session on the 19th instant, in the words following, viz: "Resolved, That the Secretary of the Interior be requested to communicate to the Senate a copy of the treaty between the United States and the Menomonee tribe of Indians, bearing date the 3d day of September, 1836, and to inform the Senate whether said treaty has ever been submitted to those Indians; and the amendments of the Senate agreed to by them," having been referred by you to this office, I have the honor to report, that the records and files of the office afford no evidence that the treaty referred to in said resolution was ever submitted to said Indians, and the amendments of the Senate agreed to by them. They have, however, implicitly assented to or acquiesced in all of said amendments, with the exception of one striking out of the clause providing for the annuity of \$1,000 for twenty years to Robert Grignon. To this amendment they have ever been opposed, and in various ways have insisted that the original stipulations for Grignon's benefit should be fulfilled.

A printed copy of the treaty is inclosed—the original being on file in the office of the Secretary of State.

Very respectfully, your obedient servant,

L. LEA, Commissioner.

Hon. A. H. H. STUART, Secretary of the Interior.

Mr. ATCHISON. That letter shows very clearly that the Indians have acquiesced in all the amendments, except this one which was made by the Senate, and that they have uniformly refused to acquiesce in this amendment, and have insisted, and still insist, that the money shall be paid to Grignon. It is the money of the Indians—the money of the whole tribe. They have made this disposition of it by the treaty; but the Senate did not consent to it, and struck it out. The Indians

have never agreed to it. The Senator from Wisconsin [Mr. Dodge] can state what took place at the time the treaty was made.

Mr. DODGE, of Wisconsin. I will state the facts connected with this subject. The treaty was made in good faith, and the Indians, at the time, urged the payment of this money to their friend and relative, Robert Grignon. Since the treaty was made on the 30th September, 1836, I have had frequent conferences with the chiefs of the Menomonees, and they have uniformly stated to me that they would never receive from the Government that money, which belonged to their friend and relative, Robert Grignon. When Superintendent of Indian Affairs, they called my attention to the subject on three or four different occasions, when holding councils with them. The treaty, as I have said, was made in good faith, and was ratified by the Senate, with the exception of this section, which was stricken out, although the chiefs and warriors were desirous that it should be passed. The recipient, Mr. Grignon, is an estimable, but very poor man, who has fought in defense of the country, and who now receives a pension for the services which he rendered to the country. I know him to be honest, and believe him to be brave. He has merited the kindness of the Indians, and the rejection of this bill would do him a great injustice. The Senator from Michigan, [Mr. Cass,] under whom several of those treaties were made, knows the character of the Grignon family, and I will call on him to state whether the family is not honorable and respected among the Indians.

Mr. CASS. I know the family very well. I know they have been a faithful and honest family, and are considered at home very respectable. I know nothing about the merits of this case. I will observe, now that I am up, that when this subject was introduced by the Senator from Missouri, he proposed to withdraw it if it should lead to debate. It seems to me likely to lead to discussion, and I trust that it may be laid aside, for the purpose of proceeding, according to an arrangement as it was understood, to the consideration of the bill providing for the construction of a canal around the Falls of the Sault Ste. Marie.

Mr. BORLAND. I do not wish to make a speech, but I desire to say a word. The honorable Senator from Wisconsin [Mr. Dodge] mistook me, if he supposed that I was opposing the claim.

Mr. DODGE, of Wisconsin. I did not understand that the Senator opposed the claim, but simply wished to have the matter explained.

Mr. BORLAND. My object, as I stated in the beginning, was to get some information upon this matter, which had not come under my observation before. It seemed a little extraordinary I thought; but the explanation is very satisfactory, except in one respect. I think it would be a better mode of accomplishing the object, and that it would be more certainly done, by paying the money to the Indians, and then let them pay it to Grignon, if they wish, in good faith, to do so.

Mr. ATCHISON. That is provided for in the bill, or the same thing.

Mr. WALKER. It expresses that it is to be with their assent.

Mr. BORLAND. Then I have no objection to it.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, a letter from the Commissioner of Indian Affairs, with copies of communications received from the agents of the Department in California, in relation to debts contracted by them; which was ordered to be laid upon the table, and printed.

#### BILL INTRODUCED.

Mr. SEWARD, by unanimous consent, asked and obtained leave to introduce a bill to extend the provisions of the fourth section of "An act to grant the right of way to all rail and plank roads and macadamized turnpikes passing through the public land belonging to the United States," approved August 4, 1852, for the purpose therein named; which was read a first and second time by its title, and referred to the Committee on Public Lands.

#### TONNAGE DUTIES.

On motion by Mr. SEWARD, it was

Ordered, That five hundred additional copies be printed of the report of the Committee on Commerce, respecting the repeal of tonnage duties on Spanish vessels from Cuba and Porto Rico.

#### INDIAN APPROPRIATION BILL.

The bill making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1853, was read a third time as amended, and passed.

#### CIVIL AND DIPLOMATIC APPROPRIATIONS.

A message was received from the House of Representatives, by Mr. HAYES, its Chief Clerk, announcing that it had passed a bill making appropriations for the civil and diplomatic expenses of the Government, for the year ending June 30, 1853.

The bill was read a first and second time by its title, and referred to the Committee on Finance.

#### JUDICIAL FEES AND COSTS.

The message from the House of Representatives also announced that it had passed a bill to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States. The bill was read a first and second time by its title, and referred to the Committee on the Judiciary.

#### THE NORTH AMERICAN FISHERIES.

The Senate then resumed the consideration of the motion made by Mr. Cass, on the 3d instant, that the message of the President of the United States communicating information in relation to the fisheries, be referred to the Committee on Foreign Relations; when

Mr. SOULE rose, and addressed the Senate at length, and was followed by Messrs. CASS, BUTLER, and SEWARD, the latter of whom gave way for a motion to postpone the further consideration of the subject until Saturday next; which, after considerable discussion, was agreed to, and Mr. SEWARD will occupy the floor on Saturday.

[See Appendix for this debate.]

#### EXECUTIVE BUSINESS.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after being engaged therein for some time, the doors were reopened,

And the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, August 12, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The question before the House is upon ordering House bill No. 146, to regulate the fees of clerks, marshals, and attorneys of the district and circuit courts of the United States, to be engrossed and read the third time.

Mr. SMART. Before proceeding to the execution of the order, I ask the unanimous consent of the House to present a report merely for the purpose of reference, and of having it put upon record.

The SPEAKER. If there is no objection, the bill will be read.

The title of the bill was then read, as follows:

"A bill to authorize the payment of the claim of the State of Massachusetts for certain services of her militia during the late war."

Mr. JONES, of Tennessee. I object to that.

Mr. SMART. I will ask the gentleman to withdraw the objection. I will state to him that I have taken a great deal of pains to examine the question. I wish merely to present the bill and report that they may be put upon record.

Mr. JONES. Is it for services in the late war with Great Britain?

Mr. SMART. It is.

Mr. JONES. I do not withdraw my objection.

Mr. McCORKLE. I ask the unanimous consent of the House to take from the table Senate bill No. 7, providing "for the survey of public lands in the State of California," for the purpose of reference.

Mr. AVERETT. I object to that, and call for the regular order of business.

#### FEES OF UNITED STATES MARSHALS, ETC.

House bill No. 146, "regulating the fees and costs to be allowed to clerks, marshals, and attorneys of the circuit and district courts of the United States," being the business in order, was ordered to be engrossed, and being engrossed, was read the third time.

Mr. HARRIS, of Tennessee. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. LETCHER. I ask the yeas and nays upon the passage of the bill.

The yeas and nays were refused, but nine members seconding the call—

Mr. LETCHER. I demand a count upon the other side.

The SPEAKER. The Chair doubts whether such a demand as that can be made—the number rising to second the call is less than one fifth of a quorum. The only object in counting the other side would be, to see if there is a quorum. That will be shown on a division upon the bill.

Mr. LETCHER. I ask for tellers upon the yeas and nays.

The SPEAKER. In response to the gentleman from Virginia, [Mr. LETCHER,] he will recollect that it is too late to call for tellers upon the yeas and nays so long after it was announced that they were not ordered. It is competent to have tellers upon the passage of the bill.

Mr. LETCHER. Is it in order to move a call of the House?

The SPEAKER. It is not, the previous question having been ordered.

Mr. LETCHER. I move that the House adjourn, and upon that motion I demand the yeas and nays.

Mr. JOHNSON, of Arkansas. Is it in order to move to lay the bill upon the table?

The SPEAKER. It is in order.

Mr. JOHNSON. Then I make that motion.

The question being first upon the motion that the House adjourn—

Mr. LETCHER demanded the yeas and nays; which were ordered, and being taken, were—yeas 2, nays 127.

So the House refused to adjourn.

The question recurring upon the motion to lay the bill upon the table, it was put, and the motion was disagreed to.

The question recurring on the passage of the bill—

Mr. SEYMOUR demanded the yeas and nays; which were not ordered.

The question was then taken, and it was decided in the affirmative.

So the bill was passed.

Mr. HARRIS, of Tennessee, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### BOUNTY LAND WARRANTS.

The SPEAKER. The next business in order, is House bill No. 120, authorizing certain soldiers in the late war with Great Britain, to surrender the bounty lands drawn by them, and locate others in lieu thereof.

Mr. DAVIS, of Indiana. This bill was introduced by my colleague, [Mr. HENDRICKS.] He is necessarily absent from the city, and I move that the consideration of the bill be postponed until Wednesday next.

The SPEAKER. There is no objection, and it is so ordered.

#### THE WHEELING BRIDGE CASE.

The SPEAKER. The next business in order, is House bill No. 297, "declaring the Wheeling bridge a lawful structure, and for other purposes."

Mr. WOODWARD being entitled to the floor, occupied it until the expiration of the morning hour (without concluding) in discussing the rights of navigation, and the right to construct the bridge across the Ohio. He tested those rival rights by an application of the principles of the laws of nations thereto, and by an application of the principles of the Constitution of the United States, from which is derived the power to determine the rights of the parties in this contest, since the formation of the Federal Union. He argued that,



for the purposes of commerce and of intercourse between the different States of the Union, the right to navigate the river was no greater than the right to cross the river by bridges. He maintained that the intercourse which was designed to be established by the Constitution between the States by land, was as sacred as the intercourse by water; and he viewed it as a question as to what sacrifices each should make to the other, with the view to an adjustment of the case. He insisted that the ultimate right was in Congress, under its power to regulate commerce and to preserve the intercourse between the States, to determine the question involved, as to the preservation or destruction of this bridge. [Mr. W.'s speech will be found in the Appendix.]

Mr. STANTON, of Kentucky, (interrupting.) I am sorry to interrupt the gentleman from South Carolina, but I believe the morning hour has expired.

The SPEAKER. It has.  
Mr. STANTON. I ask, then, that the House proceed to the consideration of the report from the Committee on Printing, in relation to the claim of Thomas Ritchie.

Mr. HOUSTON. When that bill was reported from the Committee on Printing, it was understood by me, and I think by the gentleman from Kentucky, [Mr. STANTON,] that its consideration would not be pressed until the appropriation bills had passed the House; and if I am entitled to the floor, I would like to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Kentucky having made the report, was recognized by the Chair, and is entitled to the floor.

Mr. HOUSTON. Then I ask the gentleman from Kentucky to yield me the floor for the purpose of submitting the motion that I have indicated.

Mr. STANTON, of Kentucky. I cannot yield to the gentleman for that purpose.

Mr. HOUSTON. I make this appeal to the gentleman, for I do not think that he and I can disagree about the fact. It was certainly distinctly understood by me, and I hardly think it could have been understood otherwise by him, that he would not press this bill until after the appropriation bills were passed. When the bill was introduced, objection was made that this day was too early for its consideration, and the gentleman stated in his remarks, that if the appropriation bills were not passed, he would postpone the bill still further. That was my understanding about the matter.

Mr. STANTON, of Kentucky. I have to say, in answer to my friend from Alabama, that when I reported this bill, I desired that it should be postponed until an earlier day, and a large number of the friends of the measure insisted upon it that it should be postponed to an earlier day. I put it off for a full week, for the especial purpose of accommodating the chairman of the Committee of Ways and Means, with the expectation that by that time the principal appropriation bill would have been passed. I had no desire or intention to postpone it for any other purpose than to enable him to get that bill out of the way. That bill is now out of the way, and if this measure is now taken up and acted upon, I believe that it can be disposed of in an hour.

Mr. HOUSTON. Several of the principal appropriation bills are yet undisposed of, and are now in the Committee of the Whole on the state of the Union, and I think that the gentleman ought at least to allow me to get the Army and Navy bills through before he presses his bill. It does seem to me that public bills—the appropriation bills—ought not to be postponed to the consideration of private claims. We have now very little time left. There is no hope of getting the gentleman's bill through in an hour, nor in a day, and in my opinion it will not get through in less than a week, if it gets through at all.

Mr. STANTON. This bill was lost at the last session for want of time. It passed this House by a large majority, went to the Senate, and was lost there. It is important that it should be taken up now and considered, and I insist upon it.

Mr. HOUSTON. Do I understand, then, that the gentleman declines to yield me the floor?

The SPEAKER. He does.

Mr. McLANAHAN. I appeal to the gentleman from Kentucky to yield me the floor for one moment.

Mr. STANTON. Certainly, sir.

Mr. McLANAHAN. At the early part of this session the subject of the Wheeling Bridge was referred to the Committee on the Judiciary. I have had in my possession a report from the minority of that committee for some two months past; but it is well known to the House that we have never been called upon for reports. The subject of the Wheeling Bridge being now under consideration, I ask the unanimous consent of the House to make a report from the minority of the Judiciary Committee upon that subject.

Mr. MEADE. I object. Will the gentleman from Kentucky yield to me for a single word?

Mr. STANTON. I will.

Mr. MEADE. I should have no objection whatever to the report of the minority of the Judiciary Committee succeeding the report of the majority; and I have only to state to the House that I was requested by the majority of the committee to say to this House, without a formal or written report, that that committee, by a very large majority—I believe the gentleman from Pennsylvania was alone in the minority—

Mr. McLANAHAN. I beg the gentleman's pardon. There were two others of the committee with me.

Mr. MEADE. I was merely about to say that the majority of the Judiciary Committee, without making a formal report, have authorized me to state to the House that they adopt the report of the Committee on the Post Office and Post Roads, and recommend that the same bill be passed which is recommended by that able report. Now, I have no objection to the reception of the report of the minority.

Mr. McLANAHAN. I ask, then, that the minority report be received, and that it be laid upon the table and printed.

There being no objection, it was so ordered.

THOMAS RITCHIE.

Mr. STANTON, of Kentucky. The report which the Committee on Printing have directed me to make, and which is now the business before the House, embodies the report made at the last session of Congress by Colonel McWillie, then chairman of the committee. I hope the members of the House have given it an attentive perusal. The report concludes with a resolution, proposing to settle the accounts of Mr. Ritchie, for the printing ordered by the last Congress, at prices fifty per cent. less than those fixed by the resolution of 1819. I have devoted some attention to the subject, and am well satisfied, that if Congress will pass the resolution I have reported, it will not give Mr. Ritchie more than he reasonably deserves to have under all the circumstances. No man can give attention to this subject, even for a moment, and fail to be satisfied that Mr. Ritchie, in his efforts faithfully to execute the duties imposed upon him by Congress, has sustained an immense loss—a loss which, if not made up to him by Congress, must reduce him in his old age to beggary. Colonel McWillie, in whom this House and all who know him, must have confidence, and who examined the subject with very great care, ascertained by close calculation, that the actual loss of Mr. Ritchie, upon work done for the first session of the last Congress, was \$65,436. It is fair to presume, that the same rate of loss was sustained upon the work executed for the subsequent session—or in the same proportion. Mr. McWillie, under instructions from the committee, reported a resolution, giving Mr. Ritchie the same prices fixed by the resolution now under consideration. That resolution passed the House by a large vote, and was defeated in the Senate for want of time to consider it.

The prices fixed by the resolution are fifty per cent. below those established by the resolution of 1819. If members of the House will examine the testimony taken before the committee, of which the Hon. Mr. Wentworth was chairman, at the last session of Congress, they will see that these prices are not considered as extravagant, by printers of high standing as practical and intelligent men in their profession.

[Here a message was received from the Senate, by the hands of ASBURY DICKINS, its Secretary, announcing the passage by that body of the Indian

appropriation bill; which bill, by unanimous consent, was taken up and referred to the Committee of Ways and Means.]

Mr. STANTON continued: Mr. John C. Rives was one of the witnesses examined before that committee. He will be recognized on all hands as a gentleman of great practical experience, and as well informed upon the subject upon which he testified, as any person in the city of Washington. He says:

"Taking the amount of work at this session as a standard, and adopting the style of the work done by the printers at this session, the public printer could afford to do the printing of both Houses, at the price of one third less than the prices fixed by the joint resolution of 1819. He would lose on the composition, but would more than make it up on the press-work."

Here Mr. Rives refers to the character of the work done and the quantity, and gives it as his opinion, that one third less, or thirty-three and a third per cent. off the prices of 1819, would be a fair price to pay the public printer. The same testimony of Mr. Rives discloses the fact that Congress has never paid its public printers, when elected by the House, less than twenty per cent. off the prices of 1819. Blair & Rives did the printing for the Twenty-fourth Congress at fifteen per cent. off the prices of 1819. For the Twenty-fifth Congress, Thomas Allen received the full prices of 1819. Blair & Rives had the printing of the Twenty-sixth Congress at fifteen per cent. off the prices of 1819. For the Twenty-seventh Congress, Gales & Seaton took it at twenty per cent. off, but the last night of the session, the twenty per cent. deduction, amounting to \$40,000, was restored to them, in consequence of a belief by Congress, that they would lose money at the prices at which they had undertaken to do the work.

Gales & Seaton offered to do the work for the last Congress at twenty per cent. off the prices of 1819, as proved by the Hon. Mr. HAMLIN, of the Senate, before the same committee.

Thus it appears, that at no time when the price of printing was regulated by the standard of 1819, has Congress paid so low a price as that fixed by the resolution now under consideration. All the testimony before the committee I have before referred to, goes to prove that the wages of journeymen are now higher than then, and that the cost of composition is greater. But these are particulars into which I do not propose now to inquire. I desire, in view of the short time between this and the day fixed for adjournment, to make my remarks as brief as possible.

If I can have the attention of the House, I will endeavor very briefly to notice some of the causes which have contributed to produce the losses sustained by Mr. Ritchie in the execution of the public printing. It will be seen that they have arisen mainly from the action of Congress, and not from any fault of his own. The manner in which Mr. Ritchie became connected with the printing is well understood by the House, and it is unnecessary for me to refer to it. It will be recollected that, at the beginning of the last Congress, this body did not organize until eighteen days after the time fixed by law. During this period the public printer was compelled to be ready at all times to commence the execution of his work. It was necessary, and he was prepared with a full complement of hands, at any moment to execute any work ordered. These hands were under pay, and could not be dispensed with.

Mr. ORR. How many hands?

Mr. STANTON. I cannot say what number of hands were then employed in the office, but I suppose a sufficient number for a prompt and speedy execution of any work ordered by Congress. The gentleman from South Carolina [Mr. ORR] must be aware, that it was both the interest and duty of a business man, having upon his hands an undertaking of such magnitude as the printing of Congress, to be prepared at the first day of its session with a sufficient force to commence the work which may be ordered. The first job was the President's message and accompanying documents, constituting a large item of the work. Well, sir, half a month expired before this or any other document came to the hands of the printer, although he was prepared at any moment to commence the printing. Here, then, was a loss resulting to Mr. Ritchie, not from any fault of his own, but from the failure of Congress to organize.

Sir, another source of loss to Mr. Ritchie, and

which is not properly considered by the House, was the delay in receiving the money due him for work executed. By the terms of his contract, he was entitled to pay upon the delivery of his work. In this particular, Congress has not complied with its obligation with Mr. Ritchie, and he has been driven to make sacrifices to procure money to carry on the public work, when he had a right to expect it from Congress. Every practical business man knows what sacrifices are necessary to raise money on a sudden emergency, no matter how solvent the borrower, or how sufficient the securities. Mr. Ritchie, before the end of the fiscal year, found the contingent fund of the House exhausted, his resources cut off, and himself driven into the hands of brokers and others to procure money, which it was the solemn duty of Congress to have provided. Nor is this an unusual thing. The present contractor for the public printing has this very session of Congress been subject to the same wrong, and required from the necessity of the case to make the same sacrifices. He, too, has been deprived of his pay for want of funds, and been compelled to borrow at high rates of interest, when it was our duty to make provision so as to secure him against such a loss.

But it is not only in these particulars that Mr. Ritchie has suffered at the hands of Congress, and for want of a just and liberal spirit upon the part of this body. Let me direct the attention of the House for a few moments to its own illiberal action in regard to him. In the contract of Mr. Ritchie there was one provision exceedingly favorable to him, as it allowed him very high prices for any work which might be ordered under it. The other provisions of the contract were against him, because the prices were exceedingly low, even below the cost of the work. It was not Mr. Ritchie's fault that this favorable clause was in the contract. His assignee made the bid, and it was accepted by the officers of Congress. We cannot now, if we have a single sentiment of honor in our hearts, repudiate the provisions of the contract favorable to him, and hold him to a rigorous compliance with those which are oppressive. I hope there is not a man on this floor who would do him so great injustice. It will be done unless we reverse the action of the House, and adopt the resolution now before us.

Sir, we ordered, during the last Congress, thirty thousand copies of the proceedings of Congress upon the death of President Taylor. We forced, by our action, and against his remonstrances, the public printer to execute them. This work, under the favorable clause of his contract, which pays him two dollars per page for such work, for every hundred copies, amounts to about \$60,000. No lawyer who examines the contract can doubt this. No business man who gives the subject his attention can, for a single moment, hesitate as to this construction of the instrument. The officers of the House, who have charge of the subject, as well as the high accounting and law officers of the Government, all concur in this opinion. Mr. Ritchie knew that if he did the work his contract would entitle him to more pay than the work was worth, and with the frankness which belongs to, and is part of his nature, he came to this House, apprised of the fact, and generously offered not to take advantage of this feature of his contract if the House would relieve him of the more oppressive portions of it. In a moment of madness—at a period of high prejudice upon the part of Mr. Ritchie's enemies—the House was induced to pay no attention to this magnanimous and liberal offer upon the part of Mr. Ritchie, but forced the job upon him, and compelled him to execute it. I have here in my hand the letter of Mr. Ritchie, addressed to Colonel McWillie, and by him read to the House. I will read it, that all may see what was the proposition of Mr. Ritchie.

WASHINGTON, Tuesday morning.

DEAR SIR: My attention has been called to a resolution from the Senate, and referred by the House of Representatives to the Committee on Printing, of which you are the chairman. It relates to the printing of thirty thousand copies of the *Enlogies* in both Houses, with other transactions connected with the funeral honors paid to the deceased President of the United States.

Although it is extremely clear to me that the printing of this pamphlet falls within the contract for the public printing, with which I am connected; and although I am satisfied, from the advice of counsel, that this job would be more under the only profitable part of the contract, yet so great is my confidence in the justice and magnanimity of Congress that they will grant a liberal relief from the other very oppressive parts of the contract, and so great my desire

that this pamphlet should be executed in the best style of which the American press is susceptible, that I cheerfully yield any interest I may have in its execution.

We could do the work very handsomely in the Union office, but there are some appliances in the printing art to be obtained in Philadelphia or other cities in the North, which would enable their press to execute the work in a more elegant style than we could display.

Therefore, to rid you of any embarrassment which your general printing contract would impose upon you, I hereby beg leave to be understood, that all the obligations of the contract are dispensed with on my part; and I hope that you will take all the necessary means to have the work executed in the most elegant style which suits this dignified occasion.

Very respectfully,

THOMAS RITCHIE.

To Colonel McWILLIE,

Chairman of the Printing Committee.

What more honorable than this? How could the venerable Mr. Ritchie in a more effectual manner have evinced his indisposition to take advantage of the House than by this prompt and manly proposition, at a time when the subject of printing this pamphlet was up for consideration? Yet it seems the House, laboring under some unaccountable prejudice against him, did not appreciate his frank and generous conduct, but compelled him to proceed in the execution of the work. He did so, and the pamphlet was printed in a style creditable to him and to Congress. He expended of his own means, in cash, from \$8,000 to \$10,000 in procuring it to be done, and has not to this day received from Congress one cent of pay for it! And why? Because, as I said before, in a moment of madness and injustice to Mr. Ritchie, the House, just before its adjournment at the long session of the last Congress, passed a resolution directing the Clerk of the House and Secretary of the Senate to audit and settle all the accounts of the public printer, except for the printing of the pamphlet containing the proceedings of Congress in regard to the death of President Taylor! That pamphlet yet remains to be paid for, and in consequence of this interposition of the House, not one cent of what is rightly due Mr. Ritchie for this job has ever been paid to him. I appeal to the sense of justice of every honorable member of this House, if this proceeding has not been an act of gross injustice to the public printer. Under the provisions of Mr. Ritchie's contract, I have no doubt, if he could obtain redress in a court of justice, he would be awarded for this job not less than \$60,000. This is not all. A similar job, embraced under the same clause of the contract, was executed by Mr. Ritchie under the order of the Senate, and the amount he was legally entitled to was \$37,500. All but \$10,000 of this sum has been withheld from him, and, I think, unjustly and wrongfully withheld from him, while Congress insists upon the enforcement of these provisions of the contract which are unfavorable and oppressive to the contractor.

The facts which I have thus adverted to are indisputable. The contract and the Journals of this body, prove them conclusively. They show that great wrong and injustice has been done Mr. Ritchie, not only in the delay in the organization of the House, in the failure to pay him as the work was delivered, but in the positive prohibition of the House against his receiving anything for work due under the only profitable clause of his contract. The terms of that contract are plain, and not to be misunderstood by any one who examines them with a view to arrive at the truth. There is no pretense that the contract was unfairly made, or was not understood. I presume at the time it was not apprehended that any considerable amount of work would be ordered under this clause. Who could foresee the lamentable event which made this work necessary? Congress thought proper to order the work, and is bound by the obligations of the contract. How unjust to resist his claim under the only item of his prices which afford a profit, while all others are enforced with the severest rigor.

The \$60,000 to which I have shown he is justly entitled for the Taylor pamphlet, and which has been withheld from him by the resolution of the House, added to the contract price of the job done for the Senate under the same clause in the contract, amounts to \$97,500, to which Mr. Ritchie has a just and legal claim, subject only to a deduction of \$10,000 for the amount paid by the Senate. All this he agrees in his memorial to surrender, if you will fix his rate of pay at fifty per cent. off the prices of 1819. The effect will be to reduce his compensation under the profitable clause of his

contract, and increase it under those which are oppressive and unfavorable.

Some gentlemen manifest great alarm at the terms of this resolution, and seem to imagine that its effect will be to give Mr. Ritchie an immense sum—far beyond what is reasonable and just. I do not for a moment believe that it will give him more than sufficient to indemnify him for his actual losses, aggravated as they were by the illiberal action of Congress. I feel satisfied that if you will carry out the terms of the contract, and allow Mr. Ritchie what he is legally entitled to under it for the two jobs to which I have referred, he will receive but little less than he would obtain under the resolution. Congress never paid so low a rate for its printing as fifty per cent. under the prices of 1819. I believe the lowest rate ever agreed to be paid was twenty per cent. off. Mr. Rives, in the testimony to which I have before referred, fixes, thirty-three and one third per cent. off as reasonable. Mr. Ritchie's prices will be sixteen and one third per cent. less than what Mr. Rives under oath thinks right.

No one will contend that Mr. Ritchie did not faithfully devote himself and all his energies to a compliance with his undertaking; and it will not be pretended that the work was not done well and in proper time. The old gentleman, punctilious to excess in all that relates to a faithful execution of his public duties, carried out a ruinously oppressive contract, even to the sacrifice of his private fortune, accumulated by years of arduous toil, rather than be reproached for failure. He was not only compelled, in consequence of the want of appropriations, and the withholding from him by the resolution of the House of the pay rightfully due for work done, to pay a high rate of interest for money borrowed to carry on the printing, but actually sacrificed much of valuable property to pay for the work. He actually paid for a large portion of the work, done at other offices, the full prices which will be allowed by the resolution, and upon which he cannot derive a cent of profit.

Mr. CARTTER. I wish to inquire of the gentleman from Kentucky whether the Committee on Printing have yet ascertained the amount of Mr. Ritchie's great sacrifice, so that the House may know anything about it?

Mr. STANTON. I will cheerfully answer the gentleman, although I have before referred to this part of the subject. Colonel McWillie, who was formerly at the head of the Printing Committee, made as close a calculation as he could under all the circumstances, and ascertained that the actual loss of Mr. Ritchie, upon work done at the first session of the last Congress, was \$65,436. He lost in the same proportion upon work done at the subsequent session. Gentlemen must perceive that it would be impossible, from the nature of circumstances, to ascertain with mathematical accuracy, the exact amount of loss. The printing was done in an office from which was issued a political newspaper, and which was constantly engaged in the execution of other work than that ordered by Congress. To some extent these several branches of the business were blended, the same hands occasionally working upon each, and paid for by the proprietors by the week or day. If the gentleman wishes to arrive at what the work was really worth to do it, that can easily be ascertained by taking the rate of prices current with the printers of the city, and make his own calculation.

Mr. FOWLER. Will the gentleman allow me to make an inquiry, for I wish to understand this case? I understand the gentleman to say, that the amount Mr. Ritchie claims is less than what he would have received, if Congress had complied with the contract. Am I correct?

Mr. STANTON. Not exactly. I say this: If the contract were literally carried out—if Mr. Ritchie were allowed what the contract authorized him to receive—it would be very little less than what he will get under this resolution.

Mr. FOWLER. Then I will make this inquiry: If it amounts to the same thing, what lies in the way of carrying out that contract?

Mr. STANTON. The action of Congress which forbids his receiving for work already done the price he is authorized to have by the terms of his contract. The gentleman heard me refer to the resolution of the House, passed at the close of the long session of the last Congress, restraining the proper officers from auditing and settling Mr.

Ritchie's account for the publication of the Taylor obituaries and proceedings of Congress. That resolution stands upon your Journals in full force and unrepented.

Mr. FOWLER. I was not aware of that fact. Mr. STANTON. And I presume there are many others who oppose the relief to Mr. Ritchie who are not aware of the facts which make his claim a just and meritorious demand upon Congress.

Mr. HEBARD. I wish to inquire of the gentleman from Kentucky, for the purpose of getting information upon this subject, what amount of compensation Mr. Ritchie will receive by the passage of this resolution beyond what the law gives him?

Mr. STANTON. I believe if the law were executed, and the contract carried out according to its legal terms, he would get but very little more under the resolution than he would under the law. I have repeatedly said that the law could not be carried out, as the House had passed a resolution forbidding its officers to execute it, and requiring them to withhold from Mr. Ritchie the money he has earned under the law.

Mr. HEBARD. That is not my question. I desire to know, as the contract is construed by the House, how much this resolution will give him beyond what the House has already agreed to give him under the contract?

Mr. STANTON. The sum of money Mr. Ritchie considers himself entitled to under the contract, for work done according to its terms, and not settled for, is about \$97,500. If this resolution passes, and the whole work is settled for according to its provision, Mr. Ritchie will not get much more than this sum in my judgment.

Mr. HEBARD. That is not the inquiry. I do not know that I can make myself understood.

Mr. STANTON. I regret that you cannot. I repeat again, that I do not believe Mr. Ritchie will get by the resolution much more than the \$97,500.

Mr. HEBARD. Do you mean \$97,000 beyond what he has already received?

Mr. STANTON. Beyond what he has actually received.

Mr. JOHNSON. What has he received?

Mr. STANTON. One hundred and thirty-five thousand dollars in all.

Mr. HEBARD. I desire to ask if you have made any investigation to ascertain what the amount of his loss was, and whether what he will receive under the provision of this bill will make up or exceed the loss?

Mr. STANTON. I thought I had told that gentleman and this House all I knew upon that subject. I told them that my predecessor upon the Committee on Printing, Colonel McWillie, had made as accurate a calculation as he knew how to make in reference to this long session of Congress, and that \$65,436 was calculated to be his actual loss upon that printing. At the short session, the loss is in the same proportion. Now, if the gentleman can tell me what proportion the printing of the short session of the last Congress bears to the printing of the long session, I will tell him exactly what amount of losses Mr. Ritchie has actually sustained.

Mr. HEBARD. I wish to ask the additional question: Why it was not just as convenient to report a specific sum for the purpose of making up the losses, as to report in this indirect way, by which every member of the committee has to go into an investigation of losses for himself, or know nothing about it?

Mr. STANTON. If this is an indirect way of paying the public printer, this House for the last thirty years has been pursuing precisely the same roundabout and indirect way of compensating that officer. The committee have followed only the policy of Congress. The public printers, except for a short period, have been paid in no other way since 1819, than by the prices then fixed, or with a per centage off. I have said Gales & Seaton undertook the printing of one Congress, at twenty per cent. off these prices. It was manifest to Congress, even at this high rate, that they lost money in the execution of the work. Congress very liberally, and perhaps justly, relieved them, by paying the full prices of 1819. The prices Mr. Ritchie will receive by this law, if it passes, are only one half of what Gales & Seaton received, and the sum he will receive will be no more difficult to calculate.

If the full prices were not too much to give Gales & Seaton, at that period, when journeymen's wages were twenty per cent. lower than now, surely no man should hesitate to give Mr. Ritchie his moderate demand of one half of these prices. The testimony of Mr. Rives, to which I have before alluded, shows that thirty-three and a third per cent. off would not be unreasonable. Mr. Rives himself, when associated with Mr. Blair, executed the work and received pay at as high a rate as fifteen per cent. below the prices of 1819.

I appeal to the House not to deny to Mr. Ritchie what he has asked for. It is not unreasonable or extravagant. He finds himself at the close of a long, laborious, and useful life, brought to the very brink of ruin from faithful efforts to execute a burdensome contract. The sum provided will save him from hopeless ruin, enable him to pay the debts created in the public service, and reinstate him in the possession of the property he must sacrifice unless relieved. Who can have the heart to turn away this venerable old man, and deny to him what is so clearly his, by every consideration of justice and humanity?

But, I have no desire to prolong this debate, and consume time at this late period of the session when so much of the public business is still pressing upon us. I only intended when I obtained the floor, to make a few remarks by way of explanation, and then demand the previous question; but if there is any gentleman who desires to debate the subject, I will give him what remains of my time.

Mr. STANLY. I desire to say something upon this subject.

Mr. STANTON. Have you an amendment to offer?

Mr. STANLY. I have.

Mr. STANTON. I cannot give way for that purpose.

Mr. STANLY. I want to make some remarks and offer an amendment likewise.

Mr. STEVENS, of Pennsylvania. When this bill was reported, I understood the gentleman [Mr. STANTON] to say that this bill would not give more than \$60,000 to Mr. Ritchie. I understand him now to say that it will give \$95,000.

Mr. STANTON. The gentleman from North Carolina; [Mr. STANLY] at that time, made an assertion to the effect that if this bill was passed, it would give Mr. Ritchie \$200,000.

Mr. STANLY. Yes, sir, and I can demonstrate it.

Mr. STANTON. I said at the time I did not believe it. My judgment was that it would be \$60,000 or \$80,000.

Mr. STEVENS. The gentleman said \$60,000. Mr. STANTON. I said \$60,000 or \$80,000, according to my recollection.

Mr. STEVENS. I did not hear the word eighty.

Mr. STANTON. If the gentleman did not, it is not my fault.

Mr. STEVENS. Will the gentleman so modify his amendment as to fix some specific sum, so that it will not be half a million?

Mr. STANTON. I have not the power to modify it. I told the gentleman from North Carolina [Mr. STANLY] I would yield him a part of my time to make such remarks as he desired, but if he intends to offer an amendment to the proposition, I cannot consent to it.

Mr. STANLY. I wish to offer an amendment to limit the amount to \$60,000. This is a matter of importance, and suggestions on this subject should be heard.

Mr. STANTON. I have no objection to hear your explanation.

Mr. STANLY. I am going to demonstrate, and I can do it so plainly that no man will deny it, that if this bill is passed it will give Mr. Ritchie more than \$200,000.

Mr. STANTON. I insist upon the previous question.

Mr. ORR. I appeal to the House to vote it down.

Mr. STANTON. As there seems to be a general desire that I should withdraw the call for the previous question, I will do so.

Mr. HOUSTON. Is it in order for me now to move to go into the Committee of the Whole on the state of the Union, or will I have first to move to postpone this subject?

The SPEAKER. The Chair thinks it is in

order to move to go into the Committee of the Whole, the gentleman having obtained the floor. Mr. HOUSTON. Will this subject come up in the morning again?

The SPEAKER. It will.

Mr. HOUSTON. Then I move to postpone this subject to this day two weeks.

Mr. JOHNSON, of Tennessee. For the sake of a little information, I would inquire if I am to understand by the motion that it makes this subject a special order, or does it only postpone it to a day certain?

The SPEAKER. It is a motion to postpone to a day certain.

Mr. HOUSTON. I understood, from the Speaker, that if I moved to go into the Committee of the Whole, this subject will be the business in order to-morrow.

The SPEAKER. It is in order to move a postponement, and that is the question before the House.

Mr. STEPHENS, of Georgia, asked for tellers upon the motion; which were ordered; and Messrs. STEPHENS and HAMILTON were appointed.

The question was taken, and the tellers reported—ayes 51, noes 66.

So the House refused to postpone the subject, and it goes over until to-morrow.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANLY. Is that motion in order?

The SPEAKER. It is.

Mr. STANLY. When this question comes up again, who has the floor?

The SPEAKER. No one has been recognized.

Mr. STANLY. Can I be recognized upon it now? Somebody must have it.

Mr. ORR. I might contest that point with the gentleman.

Mr. STANLY. I have no objection to the gentleman taking the floor.

#### VIRGINIA MILITARY LAND WARRANTS.

Mr. MILLSON. I rise to a privileged question. Some weeks ago, a bill to appropriate land scrip in final satisfaction of the Virginia military bounty land warrants, passed the Senate and was sent to this House. That bill has since been lost or mislaid. I move that the Clerk be directed to inform the Senate of the loss of the bill, and request them to furnish the House with a duplicate or duly certified copy of it.

The question was taken, and the motion was agreed to.

The question was then taken on the motion of Mr. HOUSTON, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOGGS in the chair.)

#### ARMY APPROPRIATION BILL.

Mr. HOUSTON. I move to take up House bill No. 220, making appropriations for the support of the Army for the present fiscal year.

The question was taken, and the motion was agreed to.

Mr. HOUSTON. In consequence of the very backward condition of business, and the great amount of legislation essential to be done, I do not propose to occupy the time I might otherwise be entitled to upon this bill. I wish the committee, however, to dispense with the first reading of the bill, and let it be taken up and read through by paragraphs, as we did the civil and diplomatic bill; at which reading it will then be open to amendment. If any gentlemen propose to make political speeches upon this bill, or to enter into a general debate upon it, I hope the committee will meet this evening, and take up the reference of the President's message, where those speeches can be made without delaying the public business.

Mr. MEADE. I wish, Mr. Chairman, to offer an amendment to this bill, and when I do offer it, I desire a few moments to explain it, and therefore I take this opportunity to read the amendment, and to address myself to this committee upon the subject of it.

There was a memorial presented here at the beginning of the session by a few survivors of the Petersburg volunteers, who served their term of twelve months on the Canada frontiers in the last war, and who were in several engagements. They



conducted themselves most gallantly, as was testified to by the Commander-in-Chief. After having received their discharge on the 17th day of October, 1813, they returned home to the town of Petersburg, where most of them lived, and from that time to this they have made many unsuccessful efforts to obtain from the Government the pay which they so richly earned in that campaign. When they were discharged on the frontier, there was put into the hands of the paymaster a sum sufficient to pay their arrearages and their expenses home. Unfortunately for that band of gallant volunteers, that paymaster proved unworthy of his trust and neglected to discharge the duties committed to him. He retained the money placed in his hands for that purpose, and a few years afterwards died insolvent. Those volunteers received for their services but two months' pay. The officers received about six months' pay.

Many applications have been made to the Department here for the payment of those arrearages. When the applications were made, the men were put off with the excuse that the Department had not received from the paymaster the pay rolls by which it could be determined how much each officer and private had received.

Those pay rolls have never been returned, and for a very important reason: No payments were made, and hence no list of payments could be returned. From this cause, there appears upon the records of the Department no evidence of any payments to this company, other than for the first two months of their service, for six months of the service of the officers. Applications have been made time after time by the survivors of this company; but the accounting officers of the Department, for the first few years after the war, having refused to pay until the pay rolls could be recovered, or were returned by the paymaster, their successors in office also refused to make the payments for a like reason. They have been forced to come before the Congress of the United States, to receive this tardy justice, and I have prepared this amendment to the Army bill, which I intend to offer in its proper place. To pay them the arrearages now due, according to an estimate of the Third Auditor, will amount to about \$10,099. That estimate is made upon the supposition that every member of this company, who returned from Canada, will apply for his arrearages; but I can state to the committee, that many of these men have long since died, and a great many of them having previously removed from the place of their nativity to the western country, and other places, their heirs are now, I may say, scattered to the four winds. I do not believe, if this bill were passed, more than one half of that company would make application for the arrearages due them. But it is immaterial whether they do or not. I appeal to the justice of this committee, to their sense of right, that these gallant soldiers be now paid what is due to them. We have passed many laws making voluntary donations of land to the soldiers in our various wars, as a testimony of our gratitude. These donations were merely gratuities; but whilst we have evinced such an unmistakable sense of our gratitude towards those who have served their country in the capacity of soldiers, we have utterly forgotten the debt which is due of right.

Mr. PHELPS. With the permission of the gentleman, I will make a brief statement. I learn that money was placed in the hands of a paymaster for the purpose of paying these volunteers. I also learn that that paymaster was faithless, and did not pay them. The Third Auditor's office is now settling the claims of the soldiers of the war of 1812, and paying to them whatever arrearage the muster or pay roll shows to be due them out of the regular appropriation for the aid and support of the Army. This course, I learn, is being pursued, and that it was a reason given for the increase of clerks in the Third Auditor's office. Hence, then, if the pay roll shows anything due to these men, it can be paid, in my opinion, without further legislation. I should like to have some explanation from the gentleman with regard to that point.

Mr. MEADE. Unfortunately, Mr. Chairman, the opinion just expressed by the gentleman from Missouri, in which opinion I most cordially concur, is not the opinion entertained by the Third Auditor and those to whom application has been made.

Mr. PHELPS. During this session of Congress an application sent to me by one of my constituents for arrearage of pay due to a soldier who died some time during the war of 1812, has been settled in the Third Auditor's office, and a warrant upon the Treasury has been issued in favor of the widow or administrator of that deceased soldier.

Mr. COBB. I think I understood the gentleman from Virginia to state that no pay roll has been returned in consequence of the default of the paymaster.

Mr. MEADE. Yes, sir; I will explain this whole matter to the satisfaction of my friend from Missouri, before I am done. I will let the committee know exactly how the matter stands. The reason why these men are refused to be paid is because there has been no pay roll returned.

Mr. PHELPS. Then one can be made out from the muster roll.

Mr. MEADE. The gentleman does not apprehend the state of the case at all. There is a pay roll of the first payment returned which exhibits the fact that these men have received two months' pay and about half pay for their clothing; but there has been no pay roll returned since the first payment was made two months after these soldiers were mustered into the service. And the position assumed by the accounting officers of the Treasury is, that until there is a return of a pay roll they will not pay these arrearages. The present Auditor says that he would pay them if the position had not been assumed by his predecessors that they would not pay without a return of the pay roll. He does not feel disposed to revoke their decision without a special act of Congress. That is the position which he assumes at this time. Now, whether it is a just one or not, is not for me to determine. It presents, however, a barrier to the payment of these men which they cannot overcome, and application is now made to Congress to authorize the Auditor, who feels these scruples, to do what he himself says he would voluntarily do but for the impediment presented by the previous policy adopted by his predecessors. The ground taken by his predecessors was that without these pay rolls, the Department could not ascertain what arrearages were due. But the committee will perceive at once that it is a position which could not be sustained in any court of justice. Here are services performed. There is no doubt about that. There is no question made but that these men served out their time. Evidence of that is on record; but there is no evidence of payment for these services, except for the first two months for which returns have been made. Will any man say that it is incumbent upon these soldiers not only to show by the rolls of the Department they have served their term of twelve months, but also prove the negative that the Government has never paid for those services? Why, sir, it appears to me to be sufficient for them to establish the fact that they have performed the services, and it is for the Department to prove the fact that they have paid them.

Mr. PHELPS. I desire to make the inquiry of the gentleman from Virginia whether there are any muster rolls in the Department, showing the length of time these volunteers served?

Mr. MEADE. Yes, sir.

Mr. PHELPS. Very well. Then the very basis upon which a pay roll is made out is in the office, and a pay roll for the residue of their term can be made out and perfected.

Mr. MEADE. Mr. Chairman, why should the gentleman from Missouri—and I beg his especial attention, because I see he is not disposed to refuse these soldiers payment—insist we should continue to go before the Auditor, when he says that he cannot pay, unless he is authorized by law? It is like holding out a stone to these men, and telling them it is bread.

The following is the letter the Auditor wrote me upon the subject:

TREASURY DEPARTMENT, }

THIRD AUDITOR'S OFFICE, June 14, 1852. }

SIR: In compliance with your request, I have the honor to inclose to you herewith, a copy of the rolls on which Captain Richard McRae's company of Petersburg volunteers were paid two months' pay in advance in 1812, by Paymaster Samuel Turner; say from the 16th October to the 16th December, 1812. In addition to the above-mentioned payment, Major Turner paid each member of the company, \$16 in lieu of six months' clothing. The company entered the service under the acts of the 6th February and 6th July, 1812, on the 16th October, 1812, to serve twelve months. The muster rolls, showing that the company served twelve

months, are on file in this office; but there are pay rolls or receipt rolls to correspond. As before stated to you, James G. Chalmers was appointed paymaster to the volunteers, on their march to Fort Meigs, and received from Paymasters Hunt and Huntington, funds sufficient to pay the company, from the 16th December, 1812, to which time it had been paid by Major Turner, to the termination of its service, in October, 1813; but he has failed to return any rolls of Captain McRae's company; consequently it cannot be ascertained to what extent—or if at all—he paid the company. Within the last twenty years several applications have been made by different members of the company for their pay; but payment has, in all cases, been resisted, on the ground that, in the absence of the rolls, showing what had been received, and what remained due, it would be unsafe to make allowance.

With great respect, your obedient servant,

JOHN S. GALLAHER, Auditor.

Hon. R. K. MEADE, House of Representatives.

Here is another letter from the same gentleman:

THIRD AUDITOR'S OFFICE, July 23, 1852.

DEAR SIR: I annex on the opposite sheet the form of an amendment to authorize this office to pay the balance which I am now satisfied is due to the Petersburg volunteers, whose pay for nine months was withheld by Paymaster Chalmers.

If it were an original application, with the statement of Captain McRae, now presented, and the appropriation for arrearages were sufficient, I should feel it my duty to pay the claimants, but as my predecessor declined action without the authority of Congress, I would prefer a direct instruction to pay the amount.

The delinquency of an agent of the Government has kept these worthy volunteers out of their just dues, and this wrong ought now to be repaired in the best manner possible.

With great respect, yours,

JNO. S. GALLAHER, Auditor.

Hon. R. K. MEADE, House of Representatives.

To the honorable the Congress of the United States:

We, whose names are herewith subscribed, being a few of the remaining survivors of the Petersburg Volunteers, respectfully represent to your honorable body, that the company of which we were a part in the war of 1812 with Great Britain, and which went from Petersburg, Virginia, to the Canada frontiers, and were mustered into service on the 21st of October, 1812, and discharged at Detroit on the 17th of October, 1813, received pay for only three months of the term of our service, except the officers of the company, who received pay for six months; that we were entitled to the price of our arms, which were returned to the War Department; and also to rations and mileage from Detroit to Petersburg, a distance of about seven hundred and fifty miles.

We trust that by a special act for our relief you will render to us and to the company the simple justice which we are confident our country will approve.

JOHN H. SAUNDERS,  
REUBEN CLEMENTS,  
THO. B. BIGLER.

State of Virginia, city of Petersburg, to wit:

This is to certify, that I, Richard McRae, was the captain of the Petersburg Volunteers, and that the facts stated in the foregoing memorial are true. I further certify that the paymaster, James G. Chalmers, when he returned to Petersburg, twelve months after the company was discharged, was insolvent.

Given under my hand at Petersburg this 25th day of May, 1852.

RICHARD McRAE,  
Late Captain Petersburg Volunteers.

City of Petersburg, State of Virginia, to wit:

This day, Richard McRae, late captain of the Petersburg Volunteers, (who is personally known to me,) personally appeared before me, Jno. W. Nash, of the circuit court for the city aforesaid, and subscribed in my presence, and made oath to the truth of the foregoing certificate.

Given under my hand this 25th day of May, 1852.  
JNO. W. NASH.

Mr. STEVENS, of Pennsylvania. Is this the same claim that was referred to the Military Committee?

Mr. MEADE. The claim was referred to the Committee on Military Affairs.

Mr. STEVENS. That committee reported against it.

Mr. MEADE. No, sir; I understand from the gentleman who had charge of the papers that he reported favorably to the committee, and they, regarding it as a private claim, directed it to be reported back to the House, with the request that it should be referred to the Committee on Private Claims.

Mr. STEVENS. I may be mistaken, but my recollection is, that that committee directed the gentleman from Virginia to report against it, upon the ground that it was a question of defective proof, and that the law was amply sufficient, provided there was proof. I may be mistaken, but that is my recollection.

Mr. MEADE. The papers I am now reading have been procured since that petition was referred, and they contain ample proof. I presume, sir, the papers then before the committee was a bare petition, without the proof necessary to establish the claim. But now, I presume, the gentleman from Pennsylvania, with the proofs I have, would not hesitate to admit the claim.

Mr. Chairman, I received a few months ago the

resolutions of the Virginia Legislature upon this subject, in which her Representatives in Congress were requested to present the claims of these patriotic volunteers to the consideration of Congress, and press the payment of them. And with these resolutions was a copy of their discharge by the Commanding General; and I venture to assert there is not upon the records of the War Department a more complimentary notice than the one voluntarily given to them upon that occasion. I wish I had the paper by me, for the purpose of reading it to the committee.

Mr. CASKIE. If the gentleman thinks it, as I know he will, of sufficient importance in speaking of the service of this company, I would ask him to say whether his own city did not get the name by which it goes throughout Virginia—the Cockade City—because of the services of these men she sent to Canada?

Mr. MEADE. I believe the gentleman states a historical fact; but I did not wish to indulge the egotism of boasting it myself. I will state that I have received within the last few days, from the gallant old captain of that company, a letter, in which he urges the passage of this bill. That old man, after buffeting with the world for twenty years, was but a few years ago summoned home by his friends. He returned, bent and worn down with old age and service. He is now living upon their bounty, not being able, from physical weakness, to labor for a livelihood. He enjoyed a small office a few years ago, whose light duties he was able to perform, and did perform. From this office he has been removed. This is the condition not only of the captain of that company, but it is that of several others. Many of them were killed in that service. A portion of them returned home wounded. I was well acquainted with a member of that company, a gallant Scotchman, who miraculously recovered from a bullet hole through his body. I beg leave to present to the committee a statement of facts, under oath, from an old citizen of the town of Petersburg. It was not before the committee that had charge of this petition. It is the affidavit of Captain John Pollard, whose name, wherever it is known, is a guarantee for the truth of any statement he may make:

*City of Petersburg, to wit:*

This day John Pollard personally appeared before me, a justice of the peace for the said city, and made oath that he is now in the sixty-seventh year of his age, and is a native of the city of Petersburg, where he has always resided; that he well remembers the volunteer company commanded by Captain Richard McKee, which marched from Petersburg, in 1812, to join the western army, under General Harrison, and known as "The Petersburg Volunteers;" that he was well acquainted with a great many of the members of that company, both before and after their return from the army, and was well acquainted with James G. Chalmers, who was the paymaster, as he was informed and believes, of the battalion or regiment to which said company was attached; that after the return of the said company to Petersburg, he always heard and understood from all of those with whom he conversed upon the subject, that the members of said company only received three or four months of their pay, owing to the failure and insolvency of the said Chalmers; that the said Chalmers returned to Petersburg in a state of insolvency, and remained in Petersburg for three or four years after his return, and died in Petersburg in a state of insolvency; that one of the members of the company, Joseph C. Noble, lived with this affiant, as a journeyman, both before and after his return; that the above statement of facts, as it regards the failure of the said paymaster to make payment to the members of the company, was confirmed by the said Noble, who also informed this affiant on his return home, that he had been compelled, for the want of funds, to stop in the city of Pittsburg and work as a journeyman saddler, by which he raised funds, not only for his own expenses, but to enable him to aid his brother soldiers of the same company to reach their homes; that the failure of the company to receive their pay was often a subject of conversation among the members of the company, after their return, in the presence of this affiant, and was a statement made by all of them, and was of general notoriety in Petersburg at that time. In testimony whereof, the said Pollard has subscribed his name to the foregoing statement, and made oath to the same.

JOHN POLLARD.

Sworn to before me, W. E. Hinton, a justice of the peace for the city of Petersburg, this 26th day of May, 1853.

W. E. HINTON, J. P.

These soldiers have always believed that the accounting officers of the Treasury would ultimately pay them, and hence it is that they have never before made application to Congress. There is another reason for the delay. A great many of them were not in need of the money which was due to them. They were young and athletic at that time, and found it more profitable to work, than to stand at the door of the Treasury. They are now old and infirm, and some of them in want. They now

ask you for the payment of a debt to them, while you are bestowing bounties on others.

There are fifty-three privates provided for in this estimate of the Auditor—five sergeants, six corporals, and two musicians, besides the officers. In justice to these gallant soldiers, I shall ask that this debt be paid to them, with interest from the time at which it should have been paid. It ought to have been paid to them at the time they were discharged. For twenty years some of them have been making fruitless efforts to obtain their hard-earned wages, and now I hope that complete justice will be done them. The families of most of them are living in my district; many of them are in very needy circumstances, and it is therefore I appeal to the generosity, as well as the justice of this House, that in ordering payment to these men, they will direct that interest be paid from the 17th of October, 1813.

Mr. Chairman, I have made a plain statement of the facts of the case; a statement which is corroborated by record proof. This thing should be provided for in one of the appropriation bills—the Army bill. The amendment provides for the payment of arrearages to soldiers, who have performed their duties gallantly, and have received the testimony of their commanding officers as to their gallantry and good conduct. I hope that my friend from Missouri [Mr. Phelps] is satisfied, that if these men were to be sent again to the Third Auditor they would receive the same reply as heretofore: that his predecessors had refused, on account of the absence of the pay roll, and that he could not, without the authority of law, reverse their decision. The question now is, whether these men are to suffer for the fault of the Government agent? The paymaster was the agent of the Government, not of the company. If he has not furnished the evidence by which the amount of money due to these men can be ascertained to the satisfaction of the Government, it is the misfortune of the Government. The soldiers cannot be charged with any delinquency, except for not sooner preferring their petition to Congress for the passage of a special bill in their favor. I trust that the remembrance of their patriotic services will insure a proper attention to the petition of these men. They have earned a distinction not for themselves alone, but for their home, which is often the boast of the people of that State. Strangers and visitors who wish to compliment the city of Petersburg, never fail to speak of the ever memorable services of her volunteers.

I regret that I have not by me the discharge of their General. At the termination of their service, he speaks of them as men who have been nursed in the lap of ease; they thought not then of the pay they were to receive; a more ennobling feeling drew them to the frontier. They were then young, bold, and aspiring; they are now old and in want; they demand only a compliance with their engagement. That Government will not be so heartless as to tell them they must be content as heretofore with the glory of their achievements.

Mr. SCUDDER next took the floor, and addressed the committee an hour upon the subject of the fisheries, and in showing that the claim now set up by England is in violation of the rights of the United States, under the treaty with that Power. [This speech will be found in the Appendix.]

Mr. HOUSTON. I propose to the committee that we go into the House and pass a resolution, closing debate upon the Army appropriation bill to-morrow at twelve o'clock. We can have an evening session, and gentlemen then will be afforded an opportunity to make hour speeches.

Mr. POLK. I object; for the reason that we have passed many bills without any discussion at all.

Mr. HOUSTON. I move that the committee do now rise.

A MEMBER. I demand a division upon that motion.

Mr. HOUSTON. I will then withdraw my motion, as I am satisfied there is no quorum present. I shall move, when we get into the House, to close the debate upon this bill at twelve o'clock to-morrow.

Mr. CAMPBELL, of Ohio. I have something to say in reply to the remarks of my colleague, [Mr. Olds.] He is not now in his seat, and I should prefer that the committee would take a

recess. There are other gentlemen who desire to speak, as I understand, upon political matters generally, and I will, therefore, submit the motion that the committee take a recess until six o'clock this evening.

Objection was made.

Mr. CAMPBELL then addressed the committee an hour in defending Mr. Corwin against a charge made against him by his colleague, [Mr. Olds.] that he had assisted in perpetrating a fraud upon the Treasury, by prosecution of the Gardiner claim. He denied that Mr. Corwin had any connection with the prosecution of that claim; but asserted that, on the contrary, he had abandoned any connection with it before he took charge of the Treasury Department. He then, by way of contrast, entered into an examination of the defalcations of public officers under Democratic Administrations. He also spoke of the position of General Scott upon all the great questions which have been in issue between the two principal parties of the country, maintaining that he was a true Whig in regard to protection, river and harbor improvements, the veto power, and the distribution of the proceeds of the public lands.

[His remarks will be found in the Appendix.]

Mr. SKELTON next obtained the floor, but yielded it to

Mr. HENN, on whose motion the committee took a recess until seven o'clock, p. m.

#### EVENING SESSION.

The Committee of the Whole on the state of the Union resumed its session at 7 o'clock, p. m.

The CHAIRMAN. The gentleman from New Jersey [Mr. SKELTON] is entitled to the floor.

Mr. FREEMAN. With the consent of the gentleman from New Jersey, I will state that I have desired for some time to address the committee upon the subject of the public land policy of the United States. It is known that a couple of railroads of my State have been, and are still, before the Committee of the Whole. The session is far advanced, and the probability is, they will not come up for discussion; and as there is a great deal of pressing business before us, I will ask leave of the committee to publish a printed argument upon the subject. [This speech is published in the Appendix.]

Leave was granted.

Mr. SKELTON said that he rose for the purpose of redeeming a pledge made to the House a few days since. It would be recollected that in a discussion which then took place, a charge was brought against his State by the honorable member from Arkansas, [Mr. JOHNSON]—a charge which was derogatory to the fair fame of that State, and which appeared to demand a reply and an explanation. He would state that whatever remarks he might now make, were not intended to have a personal bearing, for the gentleman from Arkansas, who brought this charge against his State, afterwards made such an explanation as to satisfy him that he had no intention of misrepresenting the State of New Jersey or her Representatives.

The remark made by the gentleman was, that "the State of New Jersey levied a tax upon passengers passing through it, for the purpose of supporting its Government." It was this point to which he wished to reply. At the time the charge was made he pronounced it unfounded, and asserted that there was no truth in it; and he would now reiterate that there was no tax levied upon any stranger passing through the State of New Jersey. All citizens of the States of this Union, whether from the East, West, North, or South, had the privilege, without restraint or taxation, to pass through the State of New Jersey. There is, he said, a tax levied on the Camden and Amboy Railroad Company of ten cents a passenger; but if this was taken off to-morrow the fare would not be reduced. Therefore, it was not a tax on the passengers. The corporation was required to contribute to the support of the State as well as individual citizens, to which there can be no objection. This State has ever shown a solicitude to guard the interests of the citizens of every State, and to guard persons passing through its limits from imposition by chartered associations. He then referred to the past history of the State to show that its character was beyond reproach.

Mr. NEWTON next obtained the floor. He gave the outlines of a speech which he intended to prepare for publication, the leading features of

which would be in opposition to the fugitive slave law. He contended that the fugitive slave law was unconstitutional, and that it was entirely and essentially severe in all its important provisions: that there was no cause for its severity, and there were palpable reasons why a change should be made in its essential features. He also contended that every attempt to enforce it was attended with decidedly more evil than beneficial effects, and that no law of this character could be enforced which did not meet the confidence of an enlightened community; for whenever it became necessary to execute a law, confidence was important to give it validity. [See Appendix.]

Mr. ROSS gave at length the reasons which would influence him against any modification of the tariff of 1846, particularly any modification which would render its duties more protective than they now are. He was opposed to what was called the home valuation, and in favor of *ad valorem* duties, looking forward with pleasurable emotions to the period when commerce shall be less shackled than it is now. [See Appendix.]

Mr. STEVENS, of Pennsylvania, obtained the floor.

Mr. FAULKNER. Will the gentleman from Pennsylvania yield me the floor for a few minutes?

Mr. STEVENS. I will allow the gentleman from Virginia a few minutes, to be taken out of my time, if I shall not lose the floor thereby.

The CHAIRMAN. If it is no proposition which the gentleman from Virginia wishes to submit, but merely an explanation. It is usual to yield the floor for explanation. But the gentleman from Virginia [Mr. FAULKNER] cannot submit any proposition to the committee without taking the floor altogether, in which case, if anybody else gets it, the gentleman from Pennsylvania [Mr. STEVENS] would lose the floor. The gentleman can yield the floor by unanimous consent.

Mr. STEVENS. I hope the House will allow it by unanimous consent. I am quite willing that it should come out of my time.

Mr. FAULKNER. I rise, sir, to give notice that I will, at the proper time, and during the progress of this bill before the committee, offer the following amendment to the sixth page, one hundred and thirty-first line of the bill, and to add after the clause making an appropriation of \$250,000 for the manufacture of arms, the following provision:

*Provided*, That from and after the 1st day of October next, so much of the act of Congress, approved August 23d, 1852, as places the national armories under the superintendence of an officer of the Ordnance Corps be, and the same is hereby, repealed; and from that day the said armories shall be under that system of superintendence which existed prior to the passage of said act.

Mr. FAULKNER said that he represented a district in which one of the national armories was located; that great dissatisfaction existed with the system now established there, and that he came here instructed by that portion of his people interested in these establishments to procure, if practicable, a change from the military to the system of civil superintendence. The question was one involving higher principles and deeper consequences than seemed at first sight. He had brought the subject before the Committee on Military Affairs, and that committee had, several months ago, ordered a report and bill, but no opportunity had occurred, under the rules of the House, to lay it before that body. The report and bill had not yet been presented, which he and his constituents regarded as a great hardship. He determined to avail himself of the occasion which he now enjoyed under the usages of the committee, to present his views in full upon the respective merits of the two systems. So that if his amendment should be ruled to be out of order when it came up, in the progress of the present bill—still, it would give the House full possession of the grounds upon which he rested his views of the proper system of Government for the armories; and if the bill from the Military Committee should yet come up before the end of the session, the argument made now would better prepare their minds for action on the bill when it did come up. [The remarks of Mr. F. will be found in the Appendix.]

Mr. STEVENS, of Pennsylvania, addressed the committee an hour, in examination of the Presidential platform, and the principles involved therein. He repudiated all such platforms. After discussing the present condition of the slavery question, and warning the South against the effects upon

themselves, of the ultra policy they were attempting to enforce upon the country, he spoke of the Presidential candidates, and eulogized the military and civil capacities of General Scott, and advocated his fitness for the Presidency. [See Appendix.]

Mr. ORR moved that the committee rise.

The question was put and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the Chair, the chairman of the committee (Mr. BOCOCK) reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 220, making appropriation for the Army, for the present fiscal year, and had come to no conclusion thereon.

Mr. HOUSTON. I ask leave of the House to report the fortification bill.

Mr. KING of New York. There is no quorum present, and I object.

On motion by Mr. FOWLER, the House then adjourned until to-morrow at eleven o'clock, a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. McNAIR: The petition of Daniel S. Shultz and 49 others, for a mail route from Pottsville to Allentown in Pennsylvania.

By Mr. JONES, of New York: The petition of David Montgomery, of Onondaga county, in the State of New York, an invalid pensioner, for further relief.

By Mr. SCUDDER: The petitions of Amos Oatis and Anthony Kelley and others, of Massachusetts, asking that an armed force of the United States Navy may be dispatched to the Gulf of St. Lawrence and adjacent waters, to give countenance and protection to the fishermen.

By Mr. BRIGGS: The memorial of Ralph Davenport and others, asking Congress for the passage of a law for the better security of lives on board of vessels propelled by steam.

Also, E. T. Kelley and others, for the same.

Also, William H. Woodman and others, for the same.

Also, T. Negus & Son, and others, for the same.

Also, Hunt, Brother & Co., and others, for the same.

Also, P. H. Diamond and others, for the same.

Also, Edward Seymour and others, for the same.

By Mr. MOORE, of Louisiana: The petition of J. D. Onorpe and 94 other citizens along the route, praying for a post road from Sparta to Querson, in the parish of Bienville, Louisiana.

By Mr. ALLISON: Three petitions, signed by Rev. D. Robinson, William McCallister, and 233 others, citizens of Beaver county, Pennsylvania, praying for the passage of a bill introduced by the Hon. Edward STANLEY, appropriating certain moneys in aid of the American Colonization Society.

Also, a similar petition, signed by Professor R. H. Lee, and 35 others, citizens of Washington county, Pennsylvania.

By Mr. BRIGGS: The memorial of G. T. Cobb & Co., and others, citizens of New York, asking Congress for the passage of a law for the better protection of lives on board of steamboats.

Also, R. P. Thurston and others, for the same.

Also, H. F. Judson and others, for the same.

Also, S. C. Brittan and others, for the same.

By Mr. ROBBINS: The petition of John McManus, Esq., Hon. William Strong, and 132 other citizens of Pennsylvania, amongst whom are inventors, patentees, manufacturers, and other citizens, asking Congress to pass an act that will restore them the practical benefits of an appeal from the Patent Office to a court of law, and also to raise the salary of the Commissioner of Patents to \$5,000.

#### IN SENATE.

FRIDAY, August 13, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. CASS. Mr. President, if it is the pleasure of the Senate to go on with private business to-day, according to our rule, I shall not interpose any objection, though I consider it useless to do so. I do not believe that a private bill, which may pass at this period of the session, will have the slightest chance in the world of being taken up in the House of Representatives, and therefore perhaps we may as well go on with the public business. But I repeat, if the Senate choose to go on with private bills, I shall interpose no objection. If they do not, it is my desire to move to take up the bill for the construction of a ship-canal around the Falls of the Sault Ste. Marie. The friends of that bill have frequently given way for the pressure of other business. I will not, however, submit the motion to suspend the execution of the order if it is the pleasure of the Senate to go on with it.

Mr. ADAMS. I desire to ask the favor of the Senate, before the motion is submitted, to state, that on last objection day I inadvertently objected to the consideration of a bill for the relief of Isaac

Adams. I was the only one who objected to that bill, and I ask the Senate to consider it at this time.

The PRESIDENT. The Senator cannot make the motion to take it up unless the regular order requiring the Calendar to be taken up be first suspended.

Mr. ADAMS. I know that, and I therefore ask the postponement of the regular orders for the purpose of considering that bill.

The PRESIDENT. The question will be first on postponing the order, and then on taking up whatever may be submitted afterwards.

Mr. MILLER. This is the last day upon which private bills will have any chance at all; and I trust they will have the full benefit of the day. I hope the rule will not be suspended, but that we will go on with the consideration of the private bills which are on the Calendar. There are some very hard cases there. Two Fridays in succession have been taken from their consideration, and therefore I trust the Senate will give them this, the last day assigned to such as are unobjectionable.

Mr. BRIGHT. I would inquire whether the morning business is suspended by the order that has been made?

The PRESIDENT. It is; for the order is, that private business shall be considered to the exclusion of all other business.

Mr. BRIGHT. I move to suspend the execution of the order until twelve o'clock. I wish to give notice of a bill which I intend to ask leave to introduce.

Mr. CHASE. I hope the Senator from Indiana will not insist on that motion. Certainly, we ought to give this, the last day which can be appropriated to private bills, to the relief of those individuals who have claims before us.

Mr. BRIGHT. I withdraw the motion, for I see that all the time which I desire to apply to business will be wasted in discussion.

#### CONTUMACY OF A WITNESS.

Mr. HOUSTON. Mr. President, I rise to a question of privilege. I am instructed by the special committee, raised on the 6th instant, to make a report to the Senate.

The PRESIDENT. Without knowing the nature of the report—whether it can be taken up in violation of the order of the Senate—the Chair is unable to receive it. If the Chair knew precisely what was the question of privilege, it might supersede the order made by the Senate.

Mr. HOUSTON. The report which I desire to make, is from the Special Committee raised by the Senate on the 6th instant, and relates to the contumacy of a witness summoned before that committee to give testimony in a case of which the committee have taken cognizance. Yesterday he was summoned, and appeared before the committee, but refused to take the oath prescribed by the committee. It was postponed until this morning, when he reappeared, and after assigning his reasons, declined, the second time, to take the oath. The committee deemed it their duty, through their chairman, to make a report of the fact to the Senate, that the committee might have the opportunity of getting the action of the Senate thereon. With that view, the report is submitted to the Senate, and a resolution for its adoption. I move that the report be read.

The PRESIDENT. The rule setting apart Fridays for the consideration of private bills, as adopted, is imperative. Whether a report on the contumacy of a witness will enable the Chair to depart from the rule, he is not prepared to say. The Chair will, however, state to the Senate, that by unanimous consent, the report from the committee on this particular subject will be received.

Mr. CASS. It ought to be received.

Mr. BUTLER. It ought to be received as a question of privilege. If desired, it can then be laid over till Monday.

The report was read, as follows:

"The Select Committee of the Senate appointed on the 6th of August, 1852, report, that on the morning of the 13th of August, 1852, John McGinnis appeared before the committee, having been duly summoned as a witness. The committee, by one of its members, read the resolution of the Senate under which they were organized, to Mr. McGinnis, and also the form of the oath which he was required to take, which is in these words: 'You do swear that the testimony which you may give on the present occasion, touching the matters embraced in the resolution of the United States Senate, of the 6th of August, 1852, which



'you have just heard read, shall be the truth, the whole, truth, and nothing but the truth, so help you God.' Mr. McGinnis was then requested to take said oath, which he declined doing. The committee therefore recommend the adoption of the following resolution:

*Resolved*, That John McGinnis, in refusing to take the oath propounded to him by the Select Committee of the Senate, raised on the 6th of August, 1852, has committed a contempt against the authority of this body, and that the Sergeant-at-Arms take into custody, and imprison him in the jail of the District of Columbia until he shall consent to take said oath, or until the further order of the Senate."

Mr. HOUSTON. I hope the resolution will now be considered and adopted. It is not necessary to consume the time of the Senate with remarks upon it. The facts are all given in the report.

Mr. BUTLER. It had better go over until tomorrow.

The PRESIDENT. It can be considered at this time only by unanimous consent.

It accordingly went over.

#### PRIVATE CALENDAR.

The PRESIDENT. This is the day upon which, if any bill is objected to or leads to debate, it must go over till next Friday.

#### JOHN WHITE'S HEIRS.

Mr. CHARLTON. I move to suspend the order, to enable me to take up Senate bill for the relief of Catharine Proctor Hayden, only child and heir of John White, deceased, late Lieutenant Colonel in the fourth Georgia battalion of the revolutionary army. It will cause no discussion. I will undertake, in a few minutes, to explain it satisfactorily to the Senate. It is the case of a widow lady who has been a long time in need of the bounty which is proposed to be given, and it will give rise to extraordinary statements—statements that will be true and extraordinary at the same time. I am sure it will not take up five minutes of the time of the Senate. I move to suspend all private bills on the Calendar preceding that, for the purpose of taking it up.

Mr. MILLER. I hope we shall go on in order. I have two or three cases which I think are entitled to as much sympathy as the one mentioned by the Senator from Georgia.

Mr. BRIGHT. I do not wish to disturb the order of the Calendar, but if this privilege is granted to my friend from Georgia, I must ask a like privilege. I have a case which is far towards the end of the Calendar, and I am afraid it will not be reached to-day; but if the privilege is granted to the Senator from Georgia, of course the Senate will grant me the same privilege.

The motion was not agreed to.

#### THOMAS H. LEGGETT.

The PRESIDENT. The first bill upon the Private Calendar is that for the relief of Thomas H. Leggett.

Mr. DODGE, of Iowa. I move to postpone its consideration until Friday next. The Senator from New York, [Mr. SEWARD,] who reported it, is not in his seat.

The motion was agreed to.

#### MARK BEAN AND RICHARD H. BEAN.

The PRESIDENT. The next bill upon the Calendar is that for the relief of Mark Bean and Richard H. Bean, of Arkansas.

Mr. DAVIS. That bill was under discussion the other day, and perhaps the Senate are ready to vote upon it.

Mr. UNDERWOOD. I was one of those who discussed the matter. I have no objection to a test vote being taken in some way or other without any further discussion; and, for the purpose of trying the Senate on the subject, I move that the bill be indefinitely postponed, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHASE. I was not present when that bill was discussed before, and I should like to hear from the Senator from Arkansas, who reported it, some statement of its object and character.

Mr. BORLAND. I had a conversation with the Senator from Kentucky this morning, who presented objections to the bill when it was last under consideration, and we concluded not to discuss it any more, thinking that it had been sufficiently discussed already; but if other Senators wish to discuss it, it had better be laid over, so that the vote may not be taken in ignorance of its merits. I am perfectly willing, so far as I am

concerned, that the question shall be taken without discussion, believing that I have discussed its merits sufficiently before, and that the Senator from Kentucky has said all in opposition to it which could be well urged.

Mr. UNDERWOOD. I am perfectly willing to meet the proposition of the Senator from Arkansas. We have had a very elaborate discussion on this subject; but if the Senate wish us to go into it again, in order to understand it, of course it must be passed over; and when it comes up we can again briefly state our views.

The PRESIDENT. The bill will be passed over.

#### HENRY KING.

The Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of the representative of Henry King. It proposes to direct the Secretary of the Treasury to pay to the legal representative of Henry King, the sum of \$3,140, it being for the service of Henry King in the third Maryland regiment, and in the Commissary Department, during the revolutionary war.

Mr. BAYARD. Heretofore I moved an amendment to that bill, to which I think its friends will accede. It is to reduce the sum appropriated. As the bill stands, it pays principal and interest. I am not opposed to paying the principal, but I am opposed to the allowance of interest for a period of forty years. It is not mentioned in the bill how much is principal, and how much is interest; but it is shown by the report.

Mr. FOOT. I will state to the Senator from Delaware that the principal is \$1,817 36.

Mr. BAYARD. The interest allowed is four times the amount of the principal. I move therefore to strike out \$8,140, and insert \$1,817 36.

Mr. FOOT. I will consent to that rather than that the bill should be passed over.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill ordered to be engrossed for a third reading.

#### HIRAM MOORE AND JOHN HASCALL.

The Senate next proceeded, as in Committee of the Whole, to consider the bill from the House of Representatives for the relief of Hiram Moore and John Hascall.

It proposes to grant unto Hiram Moore and John Hascall, citizens of the United States, their heirs, assigns, and legal representatives, for the term of fourteen years, from the 27th day of June, 1850, the full and exclusive right and liberty of making, constructing, using, and vending to others, to be made or used, the improvements for cutting, thrashing, and cleaning grain, which were invented by said Moore or Hascall, or either of them, and embraced in the drawing or specification granted to them the 28th of June, 1836, for the machine commonly known as "Moore & Hascall's harvesting machine," together with the improvements invented by them, or either of them, in perfecting said machine, or any part thereof, from the date of the original patent to the date from which the same is hereby renewed and extended; and the Commissioner of Patents is directed and required to grant a certificate of such renewal and extension.

Mr. CASS. The honorable Senator from Rhode Island [Mr. JAMES] has an amendment to make to that bill, which will lead to a discussion. If the Senate will permit me, I will remark that it is a very important case. The applicants have been here during the whole session. The bill passed the House of Representatives in the commencement of the session; and I shall, at some leisure moment—if I can find one, and if I cannot find one, I will endeavor to make one—try to persuade the Senate, during some portion of the session, to take it up and pass it as it came from the House. It will now have to be passed over, as it will lead to debate.

The bill was accordingly passed over.

#### FREDERICK VINCENT.

The next bill upon the Calendar was that for the relief of Frederick Vincent, administrator of James Le Caze, surviving partner of Le Caze & Mallet.

It proposes to require the Secretary of the Treasury to examine the claim of the legal representative of James Le Caze, surviving partner (now deceased) of Le Caze & Mallet, for the balance appearing to be due them on the books of the

Treasury Department of the United States; and that, if it shall appear, to the satisfaction of the Secretary, that the said balance is yet outstanding and unpaid, the proper accounting officers of the Treasury shall be required to adjust and settle the same upon the principles and practice which would have been adopted if the parties entitled thereto had subscribed the said debt to the loan authorized by the act approved March 3, 1797, entitled "An act extending the time for receiving on loan the domestic debt of the United States;" and upon ascertaining the amount due, the Secretary of the Treasury shall be required to cause the same to be paid to the legal representative of said James Le Caze.

Mr. BAYARD. I have looked into that bill since it was last called up, and I confess I am not satisfied with the explanations given me as to the propriety of passing it at all; and with my present opinions, I should desire to present my objections to it. I may change them; but, however, as now advised, I should certainly discuss the bill.

The PRESIDENT. As the Senator proposes to debate the bill, it will go over until next Friday.

#### ORANGE AND ALEXANDRIA RAILROAD.

The next bill upon the Calendar was for the relief of the Orange and Alexandria Railroad Company, to which an amendment had been proposed by Mr. BRODHEAD.

Mr. ATCHISON. It is useless to take up that bill to-day. The amendment will certainly be objected to. Whatever may have been the vote upon the original bill, the amendment will certainly be rejected.

Mr. BRODHEAD. I think the amendment is as meritorious as the original bill.

Mr. ATCHISON. Very well.

Mr. MASON. If any objection is made, of course the bill will have to go over; but I had supposed that the amendment proposed by the Senator from Pennsylvania would have been withdrawn. The amendment proposes, among other things, to appropriate a sum of money to pay for the use of public buildings in Philadelphia while Congress had them; and I understand that there is evidence that they never did sit in them.

Mr. BRODHEAD. I want to make some inquiries on the subject.

Mr. MASON. Does the Senator object to considering the bill?

Mr. BRODHEAD. No, sir; I have no objection to considering it.

Mr. BAYARD. If nobody else wishes to discuss the bill, I do. The Committee on Claims reported against it, and I cannot see that it is tenable on any grounds.

The bill was accordingly passed over.

#### CORNELIUS MCCAULEY.

The next bill upon the Calendar was that for the relief of Cornelius McCauley.

It proposes to require the Secretary of the Treasury to pay to Cornelius McCauley, of Philadelphia, the sum of \$750 13, in full, for morocco and other materials furnished by him in 1834 to the then Secretary of the Senate, for the use of the Senate Chamber, and for which he has received no compensation.

Mr. BAYARD. I expressed my determination when that bill was last up to oppose it. I shall still oppose it.

It was accordingly passed over.

#### MARIA TAYLOR.

The Senate next proceeded, as in Committee of the Whole, to consider the bill for the relief of Maria Taylor.

It proposes to confirm the title of Maria Taylor to two certain tracts of land situated in the parish of Ascension, State of Louisiana, on the left bank of the river Mississippi, near the upper limits of the parish—provided that the act shall only be considered as a relinquishment to the Government of all claim to these tracts; and provided also, that it shall not operate against the claim of any other person to them.

Mr. WALKER. That bill was reported by the Senator from Louisiana, [Mr. DOWNS,] who is not in his place. I have no desire to discuss it, still I should like to hear it explained.

Mr. BRODHEAD. The report of the Committee on Private Land Claims is not long, and I ask for its reading.

The report was read, from which it appears that Maria Taylor claims that she is the owner of two tracts of land—one containing eleven and a half arpents front, and forty in depth, and the other containing twelve arpents front, and forty in depth—situated on the left bank of the Mississippi river, in the parish of Ascension, in the State of Louisiana, embracing an area of five hundred acres; that she derived her title to them from the original proprietor, but a confirmation of her title thereto could not be obtained in consequence of its being included within the limits of the survey of the Huma grant, made by one of the claimants under that grant; that, in order to remove this objection, Cornelius de Armas, under whom she claimed, on the 26th of December, 1816, purchased from General Wade Hampton, who had acquired the Huma grant by purchase, all his right and title to those tracts.

The committee being satisfied that the facts, as stated by the petitioner, were true, reported the bill for her relief.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### SANTIAGO E. ARGUELLO.

The Senate next proceeded, as in Committee of the Whole, to consider the bill for the relief of Santiago E. Arguello. It proposes to direct the Secretary of the Treasury to pay to Santiago E. Arguello, late a captain in the California battalion, the sum of \$11,548, for losses of property sustained by him during the period of such services, and in consequence thereof.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### BILLS PASSED OVER.

As intimations were given that the following bills would be debated, they were passed over:

The bill for the relief of Robert T. Norris;  
The bill for the relief of Lewis H. Bates and William Lacon;  
The bill for the relief of Richard Mackall;  
The bill for the relief of Bancroft Woodcock;  
The bill for the relief of Cyrus H. McCormick;  
The bill for the relief of the captors of the frigate Philadelphia; and  
The bill for the relief of Colonel William Grayson.

#### MILLER, THOMPSON, AND TURLEY.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley. It proposes to require the Superintendent of Indian Affairs at St. Louis to inquire into the quantity and value of oxen and other property taken from Miller, Thompson, & Turley by the Osages or other Indians in June, 1847, while traveling from the State of Missouri to Santa Fé, and that if the property was taken by Osages or other Indians receiving annuities from the United States, to retain its value from their annuities; and if the depredations were committed by Indians not receiving annuities, the Superintendent of Indian Affairs shall report his proceedings, together with all the evidence in the case, to the Commissioner of Indian Affairs, together with his opinion of the value of the property lost, in order that it may be paid out of the Treasury of the United States; and that in the examination of these matters the Superintendent shall proceed according to the provisions of the act "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30th, 1834.

Mr. WALKER. I move the following amendment, as a proviso to the first section:

*Provided, That before any hearing of said proofs, due notice shall be given to the chiefs of the said Indians of the time, place, and object of such proceedings.*

Mr. ATCHISON. That is right. The intercourse law provides for it; but I have no objection to inserting it in the bill.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

#### ADAMS'S PRINTING PRESS.

The bill for the relief of Isaac Adams was read a second time, and considered as in Committee of the Whole. It provides that the letters-patent

granted to him on the 14th of October, 1830, for new and useful improvements in the printing machine called the "Power Printing-Press," and the letters-patent granted to him on March 2d, 1836, for additional improvements in the power printing-press be renewed, revived, and extended for a term commencing from the date of the passage of the act, and ending March 2d, 1860. It proceeds to make other provisions in conformity with this object, and provides that the persons at present enjoying the lawful use of the patent, and all purchasers of any machine lawfully used or constructed may continue to use the same as if the act had not been passed.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### GEORGE DENNETT.

The bill for the relief of George Dennett, of Portsmouth, New Hampshire, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay him the sum of \$75 in full for services performed in bringing up arrears of business in the naval office at Portsmouth for a time when there was no naval officer.

Mr. BAYARD. I object to the principle of that bill. It would take up very little time to discuss it, but I suppose under the rule, as I wish to discuss it, it must be passed over.

The PRESIDENT. It will be passed over.

#### HEIRS OF JAMES BELL.

The Senate resumed the consideration of the bill for the relief of the heirs of James Bell, deceased, which provides that the proviso of the act approved June 30, 1834, "for the relief of the heirs of James Bell," so far as it prevents the payment to the heirs or legal representatives of the full amount found due, be repealed.

Mr. BAYARD. This bill will necessarily lead to discussion. It involves the allowance of interest from 1776 to 1834; and whenever the case comes up, I intend to discuss the general principle.

The PRESIDENT. The bill will be passed over.

#### JOHN MOORE WHITE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of John Moore White. It proposes to direct the Secretary of the Treasury to pay to him, as the son and sole heir of Major John White, a major in the war of the Revolution, who was slain at the battle of Germantown, the seven years' half pay to which Major White would have been entitled by the resolve of Congress of the 24th of August, 1780, if he had not died and no payment had been made thereon.

Mr. BAYARD. I ask for the reading of the report. My impression is that the bill involves the question of interest.

The report of the Committee on Revolutionary Claims was accordingly read, from which it appears that John Moore White is the only surviving child of Major John White, who was slain on the 4th of October, 1777, when acting as one of the aids of Major General Sullivan, at the battle of Germantown, while attempting to set fire to Chew's house, with a view of dislodging the British. The committee refer to a letter of General Washington, to be found in Sparks's edition of his letters, to General Wilkinson's Memoirs, to Watson's Annals of Philadelphia, to the testimony of Judges Ephraim Miller, and W. B. Ewing, of New Jersey, to prove that John Moore White was generally known and reputed to be the only surviving son of Major John White of the Revolutionary Army.

Mr. MILLER. The only objection to this bill, as I understand, is with regard to the granting of interest. To relieve the Senate of that difficulty, I move to amend it so as to give interest merely from the time of the application, on the 28th of July, 1846.

Mr. BAYARD. I shall not discuss the bill if the interest be stricken out. I am not sufficiently acquainted with the merits of the case to say that some relief ought not to be granted. I am willing to take it, so far as that goes, on the recommendation of the committee; but with my views of the question of interest, it does not make any difference whether it shall run from the date of the application or not. I move to strike out the allowance of interest altogether.

The PRESIDENT. The proposition of the Senator from New Jersey is first in order.

Mr. MILLER. This applicant is an old man, eighty-five years of age, and is blind. So anxious am I to have his bill passed that I waive the question of interest, and withdraw my proposition to amend.

Mr. BAYARD. Then I move to amend the bill by striking out the following words:

"Together with such interest as would now be due if a certificate for said seven years' half pay had been issued according to the principles of the funding act, and no payment made on it."

Mr. WALKER. I merely wish to say, that I accede to this amendment now, because the Senator from New Jersey, who is the representative of the party interested, consents to it; but I think that both he and the Senator from Delaware are mistaken about this case. This is one of those cases that does not involve such questions as the Senator from Delaware has raised. I merely say this to inform the Senator from New Jersey that he is conceding a principle.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

#### WILLIAM JONES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of the legal representatives of William Jones. It proposes to direct the Secretary of the Treasury to cause to be paid to the legal representatives of William Jones, late of Massachusetts, the amount which he would have been entitled to receive under the pension act of 1818, if his name had been continued upon the pension-roll till the 27th of June, 1829, the day of his death.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### THE AMISTAD CASE.

The PRESIDENT announced that the next bill on the Calendar was one to indemnify the master and owners of the Spanish schooner Amistad.

Mr. SUMNER intimating a desire to discuss the bill, it was passed over.

#### THE FRIGATE MISSOURI.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of the petty officers and seamen of the late United States frigate Missouri. It proposes to direct the proper accounting officers to pay to each of the petty officers, seamen, marines, and others composing the crew of the frigate Missouri at the time it was burnt in the harbor of Gibraltar in 1843, the sum of \$75, in consideration of the loss of clothing, and other personal effects, sustained by them in consequence of their exertions in endeavoring to save the property of the United States.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### BENJAMIN MOOERS.

The next bill upon the Calendar was one for the relief of the heirs of Benjamin Mooers, deceased, providing for the payment to him, as a lieutenant in the revolutionary war, of \$1,400, with interest thereon, at the rate of six per cent. per annum, from March 1st, 1784, to March 1st, 1852.

Mr. UPHAM. The principle involved in that bill is of very great importance, and I think it ought to be looked into and discussed.

The bill was passed over.

#### MATTHEWS, WOOD, AND HALL.

The next bill in order was that from the House of Representatives, for the relief of Charles S. Matthews, Charles Wood, and James Hall, which proposes to direct the Secretary of the Treasury to pay to them, or to any other person or persons by them authorized to receive the same, the sum of \$12,119 47, in full satisfaction of all claims upon the United States for damages sustained, growing out of their contract to furnish marble for the basement of the custom-house in New York.

The Committee on Claims reported an amendment to the bill, to strike out the words "or to any other person or persons duly authorized by them to receive the same."

Mr. BRODHEAD. I feel it to be my duty to discuss that bill.

The PRESIDENT. It will be passed over.

## ANTHONY W. WHITE.

The bill for the relief of the representatives of Anthony W. White, deceased, was read a second time, and considered as in Committee of the Whole.

It provides for the payment to the legal representatives of Anthony W. White, late a colonel in the first regiment of Virginia light dragoons of the Continental line of the revolutionary Army, \$13,051 87; being the interest, at six per cent., of \$3,750, from the 4th of July, 1780, to the 7th of July, 1838, during which time the last-named sum had been advanced to and kept by the United States.

Mr. BAYARD. That bill involves the naked question of interest on a claim which Congress allowed without interest.

Mr. WALKER. That is the fact; and this is a bill on which I designed to bring up the question of interest fully before the Senate. This is the case of an advance of money; and when the Senate consider it, I hope they will make it a test question as to the allowance of interest.

Mr. BAYARD. The question of interest involved in this bill is one which I propose to discuss.

The PRESIDENT. It will be passed over.

## H. L. KENDRICK.

The bill for the relief of Brevet Major H. L. Kendrick was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers to allow Brevet Major Kendrick, of the second artillery, \$1,294 66, in the settlement of his accounts, for sales made by him by order of General Worth, of certain ordnance, property belonging to the United States, at Puebla, Mexico, in June, 1848, this sum being so much of the proceeds of the sale as was stolen from him at Jalapa while transporting the same to Vera Cruz.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

## JOHN TUCKER.

The bill for the relief of John Tucker was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of War to pay to John Tucker, of Florida, the amount to which he would have been entitled, under the act of March 3d, 1845, providing for the payment of certain military services in Florida, if his name had appeared upon the roll as a private in Major Isaac Garrison's command.

Mr. FELCH called for the reading of the report of the Committee on Claims; and it was accordingly read.

It appears that John Tucker, in the year 1838, was mustered into the military service of the United States, in Captain Henley's company, Major Garrison's battalion of Florida volunteers, and served in the campaign against the Indians as a private, and, in addition, performed the duties of chaplain, but received no compensation in either capacity. When it was ascertained that the company would be mustered out of service, Mr. Tucker was appointed by Major Garrison a chaplain, and, as such, was mustered out of the service, and his name taken from the roll of Captain Henley's company. Had it not been for this, he would have received pay as a private, under the act of March 3d, 1845; but as he received no pay in either capacity, and as it is difficult to ascertain the length of time for which he served as chaplain, the committee think he ought to be allowed the pay of a private for the time he was in the service.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

## JOHN BOYD.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill for the relief of John Boyd, of Louisiana, which proposes to authorize the Secretary of the Interior to pay to said Boyd the sum of \$275, being the amount due him as compensation for extra expenses while engaged in taking the census in the parish of Iberville, in the State of Louisiana.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

## MARY E. D. BLANEY.

The bill for the relief of Mary E. D. Blaney, widow of the late Major George Blaney, was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the proper officer to pay to her \$1,156 68, interest on money belonging to her, and withheld by an erroneous decision of officers of the Government.

Mr. PRATT. I move to amend the bill by inserting, after the word "pay," the following:

Out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. BRADBURY. I ask for the reading of the report.

It was read accordingly, and shows that Major Blaney was an officer of the corps of United States Topographical Engineers, and for several years previous to his death, in 1835, was employed in superintending the erection of the fortifications at Oak Island and Cape Fear river, in North Carolina, and was required to act as disbursing officer and as assistant commissary of subsistence at those points, for which he claimed commissions and compensation to the amount of \$6,401 48, which was disallowed by the accounting officers of the Treasury. It appears that, at the time of his death, he had on deposit in the bank at Fayetteville, North Carolina, to his credit, \$3,182 55, of which amount \$2,438 12 was claimed as his private fund, and for which he gave a check to the petitioner. On presentation of the check, payment was declined until the Department had been consulted. The Acting Secretary of War directed that the money in the bank, standing to the credit of Major Blaney, should be carried to the credit of the Treasurer of the United States, which was accordingly done.

After the decision of the parallel case of Major Delafield, in 1844, where the legality of similar charges was brought before the circuit court for the district of New York, and sustained by Judge Betts, (which decision was confirmed by an equal division of the Bench of the Supreme Court,) the charges of Major Blaney were allowed by the accounting officers, so as to leave a balance to his credit of \$1,606 50, which sum was paid to the petitioner on the 15th March, 1847. On this sum, so withheld for a period of nearly twelve years, interest, amounting to \$1,156 68, is claimed; and the committee recommend its payment.

The bill was reported to the Senate as amended; the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

## MARY F. B. LEVELY.

The Senate, as in Committee of the Whole, considered the bill for the relief of Mary F. B. Levely. It proposes to authorize the Secretary of the Interior to pay to her the amount which her deceased husband, Captain Henry Levely, would have received, if his pension had been continued from the first day of July, 1837, to the time when all pensions which were paid from the appropriations made by Congress, in consequence of the exhaustion of the privateer pension fund, ceased.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

## T. P. McBLAIR.

The Senate, as in Committee of the Whole, considered the bill for the relief of Purser T. P. McBlair, which proposes to authorize the accounting officers of the Treasury in adjusting the accounts of Purser Thomas P. McBlair, to allow him the several sums paid by him, as purser of the United States steamer Princeton, to William Taylor, acting boatswain; to John H. Carley, acting carpenter; and to Armstrong Flanerfelt, acting sailmaker; who were employed on that steamer by her commanding officer, which sums were disallowed by the accounting officers of the Treasury, for the reason that the persons to whom the payments were made were not included in the number permitted by law, of officers of the grades to which they were respectively appointed.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

## LEONARD SKINNER.

The Senate considered, as in Committee of the Whole, House bill for the relief of Sergeant Leonard Skinner, which proposes to authorize the

Secretary of the Interior to cause to be issued to Leonard Skinner, late sergeant in Captain Newton's company of the United States regiment of mounted riflemen, a military bounty land warrant for one hundred and sixty acres of land; and that the proper accounting officers of the Treasury be required to adjust his accounts and pay the same, in the same manner as if he had been of age and regularly discharged.

Mr. SHIELDS. The only question in this case, is in regard to the person being a minor.

The bill was reported to the Senate, read a third time, and passed.

## SAMUEL PRIOLEAU.

The Senate, as in Committee of the Whole, considered a bill for the relief of the legal representatives of Samuel Prioleau, deceased. It proposes to authorize the proper accounting officers of the Treasury to pay to the legal representatives of Samuel Prioleau, late of Charleston, South Carolina, the sum of \$6,928 60, being in full compensation for property taken from him at Charleston, for the use of the United States, during the revolutionary war.

Mr. DE SAUSSURE. I wish to submit an amendment, to insert after the word "cents" the words, "together with interest thereon from the 28th of January, 1795."

Mr. BAYARD. I shall have to discuss that amendment if it is proposed. I do not object to the bill itself.

Mr. BRODHEAD. I will suggest to the Senator from South Carolina, that if he presses his amendment the bill will probably have to go over, and I submit to him whether it will not be better to allow it to pass as it came from the committee, rather than to have it postponed?

The PRESIDING OFFICER. (Mr. NORRIS in the chair.) Does the Chair understand the Senator from Delaware to object to the bill?

Mr. BAYARD. I do not object to the bill, but to the amendment, which allows interest. I must discuss that question.

Mr. BRODHEAD. I will suggest to the Senator from South Carolina to withdraw his proposition for interest, and let the bill pass.

Mr. BAYARD. I would suggest, that if the bill passes in its present shape, it will not preclude the payment of interest upon a subsequent application, if the Senate shall determine to allow interest in any case.

Mr. DE SAUSSURE. I withdraw the amendment.

The bill was reported to the Senate and ordered to be engrossed for a third reading.

## PRISCILLA C. SIMONDS.

The Senate, as in Committee of the Whole, considered the bill for the relief of Priscilla C. Simonds, which proposes to authorize the accounting officers of the Treasury to pay to Priscilla C. Simonds the sum of \$418, the value of the property of the late Captain Moses H. Simonds, which was taken possession of by authority of the United States.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

## C. E. GRENEAUX.

The Senate, as in Committee of the Whole, considered "the bill for the relief of C. E. Greneaux," which proposes to authorize the Secretary of the Treasury to examine the claim of the United States against C. E. Greneaux, one of the sureties of Benoist Laurents, late a receiver of public moneys at the land office at Natchitoches, in Louisiana, and the circumstances of Greneaux, and to settle and discharge the claim upon such terms as he shall judge most for the interest of the United States.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

## SALLY J. MATHEWS.

The Senate, as in Committee of the Whole, considered the bill for the relief of Sally J. Mathews; which proposes to authorize the Secretary of the Treasury to cause to be paid to her the sum of \$351, in full compensation for the services of her late husband, William P. Mathews, as an extra clerk in that Department, between the first of September, 1842, and the fourteenth day of May, 1843.



The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### WIDOW AND CHILDREN OF JOHN BALSTER.

The bill for the relief of the widow and children of John Balster was read a second time, and considered as in Committee of the Whole. It provides that the widow of John Balster, deceased, late armorer, who was killed by an accidental explosion of the laboratory at the Charleston arsenal while in the performance of his duty, shall be entitled to receive half the monthly pay to which he was entitled at the time of his death, for and during five years, commencing on the 4th of March, 1852; but that in case of the death or marriage of the widow before the expiration of the five years, the half pay for the remainder of the time shall be paid to the children of the decedent.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### EMELIE HOOE.

The bill for the relief of Emelie Hooe was read a second time, and considered, as in Committee of the Whole. It enacts that the Secretary of the Interior shall place upon the pension list the name of Emelie Hooe, widow of Brevet Major Alexander S. Hooe, late of the United States Army, whose death was occasioned by a wound received in the battle of Resaca de la Palma, on the 9th of May, 1846, and allow her, per month, the half-pay of a captain in the Army of the United States for five years, commencing on the 1st of January, 1851.

Mr. SHIELDS. I am inclined to think that that case is included in the general bill. I should like to hear the report read.

From the reading of the report it appears that Alexander S. Hooe lost his right arm in the battle of Resaca de la Palma, at which time he was captain.

The committee were fully satisfied, from the facts made known to them, that Major Hooe's death was caused by the wound, by producing a gradual depression of spirits, which terminated in complete alienation of mind; in which state, while alone in his quarters at Baton Rouge barracks, where he was then in command, he burnt his body in several places, and in so shocking a manner that he died on the 9th of December, 1847, ten days after the occurrence, leaving his widow and three young children in destitute circumstances.

Mr. SHIELDS. I was in error, Mr. President. I withdraw my objection.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

#### SEMOICE.

The Senate considered, as in Committee of the Whole, House bill for the relief of the heirs of Semoice, a friendly Creek Indian.

The bill proposes that the children and heirs of Semoice shall be vested with a title in fee-simple to a certain quantity of land selected and entered by Semoice, provided that the act shall not be construed to defeat or prejudice the legal claim to it, if there be any, of other persons.

The bill was reported to the Senate, read a third time, and passed.

#### BILLS PASSED OVER.

A bill for the relief of Hodges & Lansdale, and the legal representatives of Rinaldo Johnson, deceased. Objected to by Mr. BAYARD.

A bill for the relief of Hiram Paulding. Objected to by Mr. BRIGHT.

A bill for the relief of Calvin B. Seymour and Willard Boynton, surviving partner of W. & H. Boynton. Mr. CHASE asked for the reading of the report; which was read, and the bill was passed over.

Joint resolution for the relief of Jonathan Lewis. Objected to by Mr. BAYARD.

Bill for the relief of Amos Kendall and John E. Kendall. Objected to by Mr. BORLAND.

Bill for the relief of James Harrington. Objected to by Mr. FELCH.

A bill for the relief of the Pine Grove Academy. Objected to by Mr. WALKER.

An act for the relief of the heirs of Jeremiah Wingate. Objected to by Mr. FELCH.

A bill for the relief of Jacob Gideon. Objected to by Mr. BORLAND.

A bill for the relief of Samuel F. Butterworth. Objected to by Mr. ADAMS.

An act for the relief of Maurice K. Simons.

#### BENJAMIN F. HART.

The Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives for the relief of Monmouth B. Hart, Joel Kelley, and William Close, securities for the late Benjamin F. Hart, a purser in the United States Navy. It proposes to authorize the proper accounting officers, in the adjustment of the accounts of the late purser, Benjamin F. Hart, to credit him with the amount of the loss of his private stores, occasioned by the wreck of the United States ship Concord, to which he was attached, as nearly as it can be ascertained; and also with the difference between the amount of public stores received by him as purser and the correct amount of those issued, and those which came to the hand of his successor; and to make such allowance as they may deem equitable under the circumstances; provided that the credits and allowances shall not exceed the balance found due to the United States upon the last settlement of the account.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### CATHERINE PROCTOR HAYDEN.

On motion by Mr. CHARLTON, the Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of Catherine Proctor Hayden, only child and heir of John White, deceased, late a lieutenant colonel in the fourth Georgia battalion of the revolutionary Army. It provides for the payment to Catherine Proctor Hayden of the sum of \$6,703 57, together with interest thereon, at the rate of six per cent. from January 12, 1793, to January 1, 1832, the above-named principal sum being the amount found due to John White by the proper accounting officers for his seven years' half-pay, and for advances made by him to the Government during the revolutionary war, for which Treasury certificates were improperly issued to Susannah Richardson and John Richardson, in 1793.

Mr. BAYARD. The bill in its present shape allows interest from 1793 to 1832. From consultation with the Senator from Georgia, I learn that case is a very meritorious one, and if the provision for the allowance of interest be stricken out, I shall not object to the bill. I move to amend the bill by striking out the following words:

"Together with interest thereon, at the rate of six per centum per annum from the 12th day of January, 1793, to the 1st day of January, 1832."

Mr. CHARLTON. I shall not resist the amendment of the Senator from Delaware, because the lady for whose relief this bill is intended is very old, and I am afraid that if the bill is not passed now, in some shape, justice will come after the shades of death have closed upon her. If this were a time when I could appeal to the sympathies of the Senate, I am sure I could draw tears from some gentlemen here; but as I am not allowed to do that on this day, I merely ask Senators to allow this amount to come out of the Treasury without interest.

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading.

#### MARY A. DAVIS.

On motion by Mr. BRODHEAD, the Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis. It proposes to direct the Secretary of the Treasury to pay to her \$254, being the amount paid by her to employ a substitute for her late husband, during his illness, while he was a clerk in the Paymaster's Department.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### ELIZABETH ARMISTEAD.

On motion by Mr. BADGER, the Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Elizabeth Armistead. It proposes to direct the Secretary of the Interior to place the name of Elizabeth Armistead, widow of

the late General Walter K. Armistead, upon the list of pensioners, and pay her a pension, at the rate of one half the pay per month to which her husband was entitled, from the 1st of November, 1845, to continue during her natural life, or widowhood.

Mr. BRIGHT called for the reading of the report of the Committee on Pensions: which was read.

From the report, it appears that Elizabeth Armistead is the widow of the late General Walter K. Armistead, who, after having faithfully served his country, died at Upperville, Virginia, in October, 1845, from the effects of disease contracted during two years of arduous duty in Florida; that he left nine children, and several grandchildren, in destitute circumstances. The committee think that the widow is clearly entitled to a pension, and therefore report a bill for her relief.

Mr. SHIELDS. The only objection that I see to this bill is the fact, that the pension is to commence from 1845; and I believe we have heretofore uniformly refused to sanction this species of retroactive legislation.

Mr. BORLAND. I beg leave to correct my friend from Illinois on that point. We have passed a number of bills at this session involving precisely the same principle. Objection was made to them on that ground at the time, but the Senate overruled the objection.

Mr. SHIELDS. Very well; I withdraw my objection.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### ABIGAIL STAFFORD.

On motion by Mr. WALKER, the Senate proceeded to consider, as in Committee of the Whole, the bill for the relief of Abigail Stafford. It proposes to direct the Secretary of the Treasury to pay to Mrs. Abigail Stafford, her heirs or legal representatives, \$2,000, for supplies furnished the Army during the revolutionary war, and services rendered by her father, Henry Smith, of Massachusetts, to be paid on the principles of justice and equity.

Mr. CASS called for the reading of the report of the Committee on Revolutionary Claims; which was read.

It appears, from that report, that Abigail Stafford was the daughter of Henry Smith, of Massachusetts, who enlisted on the 19th of April, 1775, and served in the ever-memorable battle of Lexington, in which he was wounded; that he afterwards served four years and eleven months during the war. That on the 26th of December, 1775, at Dorchester, he received a certificate from the Secretary of State of Massachusetts, as a soldier, and that he was at the battle of White Plains, where he was stationed at an outpost. Thomas Bacon, the uncle of the petitioner, served in the Army, and was deprived of the use of his feet. The father of the petitioner died from wounds received in the service of the country, leaving her an orphan, her patrimony consisting of \$1,800 of Continental money, which, from its depreciation, became wholly useless. On the 18th of April, 1777, her grandfather guided the troops to the battle of Lexington, and had five sons and five sons-in-law in that battle. The report also states that there is testimony to prove that she furnished supplies to the army by carding, spinning, knitting, and making clothes for the soldiers.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### GEORGE STEALEY.

On motion by Mr. WELLER, the Senate proceeded, as in Committee of the Whole, to consider the bill for the relief of George Stealey. It proposes to enact, that the account furnished by George Stealey for services rendered and expenses incurred by him as agent, appointed by the Indian commissioners of the United States for the State of California, to visit the northern tribes of Indians of that State, be referred to the Third Auditor of the Treasury, with authority to cause it to be settled and paid upon principles of equity and justice; the settlement to be made upon satisfactory vouchers, showing that the expenses were actually incurred, and that the prices paid were just and proper, under the peculiar circumstances of the case.

The report of the Committee on Indian Affairs was read; from which it appears that Mr. Stealey was employed in the years 1850 and 1851, by the United States Indian commissioners in California, to visit the tribes in the northern portion of the State, with a view to arrest their aggressions on the miners in that portion of the State, and to establish pacific relations between the Indians and the white inhabitants; in which he was successful. But when he returned from his mission, in consequence of the separation of the Board of Commissioners and the exhausted state of the funds, he was not compensated for his services, nor reimbursed the money expended by him. The committee think that he should be compensated for any services which he rendered under the direction of the United States Commissioner, and should be reimbursed any expenditures actually incurred in the performance of the duties assigned to him, on the production of satisfactory vouchers.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### DAVID MURPHY.

On motion by Mr. CHASE, the bill from the House of Representatives for the relief of David Murphy, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place the name of David Murphy on the invalid pension-roll for life, at the rate of \$5 33 $\frac{1}{3}$  per month—the pension to commence on February 27th, 1846, and to continue during life.

Mr. CLEMENS. I should like to know why we are called upon to pass this bill? What services has the party rendered? And if he has rendered any service, why is he not already upon the pension-roll?

Mr. CHASE. It will save time, perhaps, to have the report read. That states the facts of the case.

The report was accordingly read; from which it appears that David Murphy was a regular soldier in the service of the United States during the last war with Great Britain, and that he was wounded at the battle of the river Raisin, from the effects of which he has been seriously disabled. The committee, therefore, report a bill for his relief.

Mr. CHASE. I think after hearing the report no one can object to the bill.

Mr. CLEMENS. I do object to it. I do not like to encourage the system of granting pensions by special acts of Congress. By the rules of the Department, certain proofs are required before a person can obtain a pension. It is for the purpose of seeking to avoid those proofs that persons come here to get acts of Congress passed granting them pensions. I therefore give notice that I shall discuss this bill.

The bill was accordingly passed over.

#### BILL PASSED.

The following engrossed bills were severally read a third time and passed:

- A bill for the relief of Robert Grignon;
- A bill for the relief of Abigail Stafford;
- A bill for the relief of Henry C. Miller, Philip Thompson, and Jesse B. Turley;
- A bill for the relief of the representative of Henry King;
- A bill for the relief of the legal representatives of William Jones;
- A bill for the relief of Maria Taylor;
- A bill for the relief of Santiago E. Arguello; and
- A bill for the relief of Isaac Adams.

#### DRY DOCK IN CALIFORNIA.

The PRESIDENT. With the permission of the Senate, the Chair will present a communication from the Navy Department in answer to a resolution of the Senate of the 6th instant, calling for copies of contracts entered into by the Secretary of the Navy for the use of the dry-dock in California.

The communication was read. It states that but one contract has been contemplated by the Department for the lease of the dock referred to, and that one is incomplete. The Secretary, however, incloses a copy of it, and states that the contract has not received his signature in consequence of the delay of the party in furnishing a satisfactory certificate of his competency to respond to the full amount of the forfeiture.

Mr. CLARKE. I move that the communica-

tion lie on the table. I suppose there is no necessity for having it printed, as we shall want it to use in a discussion which will take place in a few days.

Mr. WELLER. I prefer that the communication should be printed. I am very anxious to see the contract. Although it is an incomplete one, I understand that the persons who made it are now engaged in transporting a portion of the material to California.

Mr. CLARKE. The honorable Senator is not advised as to the facts. The contract to which he refers was for building a sectional dock and transporting that to California. This communication is in regard to the leasing of that dock.

Mr. WELLER. Then the fact that I am so profoundly ignorant in regard to the matter shows that it is necessary to have the communication printed, in order that I may get the necessary information. I therefore move that the communication be printed.

Mr. CLARKE. I shall make no objection.

The motion was agreed to.

#### EXECUTIVE SESSION.

On motion by Mr. BRIGHT, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened,

And the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, August 13, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the consideration of House bill No. 297, "declaring the Wheeling Bridge a lawful structure, and for other purposes."

Mr. SMART. I ask the unanimous consent of the House to allow me to report from the Committee on Military Affairs "A bill to authorize the payment of the claim of the State of Massachusetts for certain services of her militia during the late war." I do not intend to ask action upon it. My simple object is, as I am going to leave the city, to have the bill and accompanying report referred to the Committee of the Whole on the state of the Union, and printed.

There being no objection, the bill was reported, read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### POST ROUTES BILL.

Mr. OLDS. I ask the unanimous consent of the House to report from the Committee on the Post Office and Post Roads "A bill establishing certain post routes." We are now within two weeks of the close of the session, and it is important that it should go into the hands of the Post Office Committee of the Senate that they may have an opportunity to examine it.

Mr. BROOKS. Does the bill contain anything else besides post routes?

Mr. OLDS. No, sir.

The bill was read a first and second time by its title, ordered to be engrossed and read a third time, and, having been engrossed, was read the third time and passed.

Mr. GORMAN. I ask the unanimous consent of the House to report from the Committee on Military Affairs "A bill to restore the civil superintendency of the national armories at Harper's Ferry and Springfield," which I have had in my desk for a long time. Great interest is felt in regard to it. I will not ask that the bill shall be put upon its passage, but that it be referred to the Committee of the Whole on the state of the Union. There will be no time occupied in the consideration of the motion of reference.

There was no objection, and the bill was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CLARK. I hope I may be successful in calling up a little bill for the State of Iowa, which I have, two or three times, endeavored to get action upon. It is a bill containing but one short section, and provides for the relinquishment of a

small tract of land in the town of Bellevue. The people there need it for commercial purposes.

Mr. LETCHER. Does this come out of the morning hour?

The SPEAKER. It does, and the morning hour has been running on since the commencement of the proceedings.

Mr. LETCHER. I regret that I shall have to object to the gentleman's proposition. The Wheeling Bridge case, which comes up as the business in order in the morning hour, is a very important matter, and should be acted upon at an early day.

#### THE WHEELING BRIDGE.

The House proceeded to consider the bill declaring the Wheeling Bridge a lawful structure.

Mr. WOODWARD, who was entitled to the floor from yesterday, finished his argument, showing that the power resided in Congress, under the Constitution, to determine whether this bridge was a nuisance, and such an one as should be removed. [See Appendix.]

Mr. THOMAS M. HOWE then obtained the floor, and proceeded to address the House in opposition to the passage of the bill. Before concluding, he was interrupted by

Mr. STANTON, of Kentucky. Has the morning hour expired?

The SPEAKER. It has.

#### THOMAS RITCHIE.

Mr. STANTON. I call, then, for the regular order of business—the report of the Committee on Printing.

Mr. STANLY. Is that printing business now before the House?

The SPEAKER. It is.

Mr. HOUSTON. I am anxious to get through with the Army appropriation bill to-day if possible, so that we may devote to-morrow to private bills; and if the gentleman from North Carolina [Mr. STANLY] will allow me to do so—as he will retain the floor—I will move to close debate upon that bill, and then to go into the Committee of the Whole on the state of the Union, and try to finish it.

The SPEAKER. Does the gentleman from North Carolina yield the floor for that purpose?

Mr. STANLY. When will this printing matter come up again, if I do?

The SPEAKER. It will come up regularly in the House as the first business in order, unless it be interfered with by some other privileged motion or question that may arise.

Mr. STANLY. I should be glad if the House would consent to postpone the bill in relation to Mr. Ritchie's claim until some day certain, so that I may know when it will come up. I move to postpone it until next Tuesday week.

Mr. JONES, of Tennessee. I suggest to the gentleman from North Carolina, to say next Tuesday.

Mr. HOUSTON. Oh, no; next Tuesday is too soon.

Mr. BAYLY, of Virginia. If it is to be postponed until next Tuesday week, it would be better to postpone it indefinitely and make an end of it at once, for that will be the effect of it.

Mr. LETCHER. I ask for the yeas and nays upon the motion of the gentleman from North Carolina.

Mr. HOUSTON. I hope the gentleman from North Carolina will not press his motion to-day, but will let us go into the Committee of the Whole on the state of the Union, and dispose of the Army appropriation bill.

Mr. STANLY. My motion is not debatable.

Mr. HOUSTON. I appeal to the gentleman to yield me the floor to allow me to move to close the debate on the Army appropriation bill.

The SPEAKER. No gentleman can have the floor on the motion to postpone, for it is not debatable.

#### CLOSE OF DEBATE.

Mr. HOUSTON. Then I offer the usual resolution to close the debate on the Army appropriation bill in one hour after the Committee of the Whole on the state of the Union shall resume the consideration of the same.

Mr. LETCHER. I ask for the yeas and nays on that resolution.

Mr. BAYLY, of Virginia. When the report of the Committee on Printing was postponed, it was with the understanding that it should be acted upon yesterday.

Mr. HOUSTON. I know that when it was

postponed, it was expressly understood upon my part, and I believe upon the part of the gentleman from Kentucky, [Mr. STANTON], that it was not to be acted upon yesterday.

Mr. STANTON, of Kentucky. I had no such understanding.

Mr. HOUSTON. Well, that was my understanding.

The question now being upon the resolution submitted by Mr. HOUSTON—

Mr. LETCHER. I withdraw the call for the yeas and nays.

Mr. MOORE, of Pennsylvania. I move to amend the resolution so as to close the debate in two hours instead of one.

The question was taken on the amendment, and it was not agreed to.

The resolution was then adopted.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

#### ARMY APPROPRIATION BILL.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANLY. If that motion is agreed to, what will become of my motion to postpone the printing matter?

The SPEAKER. That will be the first question put when the matter again comes up.

Mr. STANTON, of Kentucky. Will it not come up to-morrow after the expiration of the morning hour?

The SPEAKER. It will be the first business in the House, unless superseded by some privileged motion. Indeed, if the House should now refuse to go into the Committee of the Whole on the state of the Union, it will come up at once.

Mr. BAYLY demanded tellers; which were ordered, and Messrs. FULLER, of Maine, and FOWLER, were appointed.

The question was then taken, and the tellers reported—ayes 79, noes 49.

So the motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOGOCCK in the chair.)

The CHAIRMAN stated that the business before the committee was the Army appropriation bill, and that the gentleman from Indiana [Mr. MACE] was entitled to the floor.

Mr. MACE addressed the committee an hour in reply to the remarks of Mr. STREVEN, of Pennsylvania, of yesterday, upon the subject of the presidential platforms. He defended the Democratic platform, and maintained that it was eminently proper for a party professing to be governed by principles to avow these principles in a tangible form. He alluded to the evils that might arise to the country should General Scott be elected to the Presidency (of which result, however, he had no fears) under the influences which have brought him forward, and are sustaining him for that office. [See Appendix.]

Mr. MOORE, of Pennsylvania, addressed the House a short time in favor of a reorganization of the light-house system of the United States. [See Appendix.]

The CHAIRMAN. The hour has arrived when, under the resolution of the House, the debate upon this bill must close. The chairman of the Committee of Ways and Means is entitled to the floor for one hour to close the debate.

Mr. HOUSTON. I have no desire to occupy any of the time of the committee. I wish, if possible, to get through the bill this evening.

The bill was then read by sections for amendments.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment:

After the word "million" in the eighth line, strike out "\$703,714," and insert in lieu thereof "\$353,206," so as to make the clause read, "For pay of the Army, \$1,353,206."

The amendment was adopted.

Mr. HOUSTON. I am instructed by the same committee to offer the following amendment:

After the word "recruiting," in the seventeenth line, strike out "\$43,300," and insert in lieu thereof "\$32,848 32," so as to make the clause read, "For expenses of recruiting, \$32,848 32."

The amendment was adopted.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move to strike out the word "twenty," in line one hundred and fifteenth, and to insert the word "forty" in lieu thereof, so as to make the clause read:

"For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, \$140,000."

The amendment was adopted.

When the following clause was read, viz:

"For the manufacture of arms at the National Armory, \$250,000."

Mr. FAULKNER said: I now offer the amendment of which I gave notice yesterday, to come in at the end of the clause which has just been read.

The Clerk read the amendment as follows:

"Provided, That from and after the first day of October next, so much of the act of Congress approved August 23d, 1842, as places the national armories under the superintendence of an officer of the ordinance corps, be and the same is hereby repealed; and from that day, the said armories shall be under that system of superintendence which existed prior to the passage of the said act of Congress."

Mr. HOUSTON. I raise a question of order in relation to that amendment. A bill has been reported from the Committee on Military Affairs for precisely the same purpose; and besides that, it is a proposition to change the whole law, in an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Alabama, and rules the amendment out of order, on the ground that it includes in effect a bill now before the House. It is positively forbidden by one of the rules of the House that any amendment shall be offered to an appropriation bill, which is similar to a bill at that time on the Calendar or before the House. The Chair also rules it out of order on the ground that it is not germane to the subject-matter of the bill.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following as an additional section to the bill, viz:

SEC. 3. And be it further enacted, That so much of the act making appropriations for the support of the Army for the year ending 30th June, 1851, approved 28th September, 1850, as provides extra pay to the commissioned officers and enlisted men serving in Oregon and California, be and the same is hereby continued in force for one year from the 1st day of March, 1852.

I do not know that it is necessary for me to say one word. The amendment explains itself. It merely proposes to continue in force the law of 1850, giving increased compensation to the officers and men serving in California and Oregon, for twelve months from last March. The law which passed at the last session of Congress expired last March, and this amendment is in pursuance of the recommendation of the War Department.

Mr. EVANS. What the gentleman says is perfectly correct, and the amendment ought to be adopted; but it should also embrace New Mexico. The expenses of living there are very great, and all the reasons for increasing the pay in Oregon and California apply with equal force to New Mexico.

Mr. HOUSTON. I am individually opposed to the amendment which I am instructed to offer; but I think I can give reasons why it should not apply to New Mexico, especially in its present terms. The troops in New Mexico, California, and Oregon, get their rations, so that the expense of living has nothing to do with the increased pay. The argument used at the last Congress in favor of this increase of pay was, that anywhere within each of the gold mines in California, the temptation to the soldiers to abandon the service, to desert and go into a better business, was so great that it was impossible to keep the ranks in the condition in which they were sent out. That feeling induced the enactment of the law of 1850, and that feeling exists there at present to a very great extent. But so far as New Mexico is concerned, the same argument does not apply at all, and the greater portion of Oregon, I presume, comes within the principle that I would apply to New Mexico. The officers, I learn, are under the influence of the high price of living. They do not draw their rations in kind, but draw commutation, with which they provide rations. Where the living is very dear, therefore, it might be argued that their pay ought to be somewhat increased. These are the arguments which induced the committee to instruct me to propose this amendment to the House.

Mr. WEIGHTMAN. I move to amend the amendment so as to extend the operation of the law to New Mexico. The reasons that the gentleman from Alabama has given for increasing the pay of the troops in Oregon and California apply with equal force to New Mexico. The gentleman says that in New Mexico the soldiers get their rations and clothes, and that therefore it cannot make any difference to them what may be the prices of living. Well, sir, so do they get their rations and clothing in California and Oregon.

Mr. HOUSTON. I said so.

Mr. WEIGHTMAN. They stand on precisely the same footing as the troops in New Mexico.

Mr. HOUSTON. I do not think the gentleman understood me. I said that so far as the expense of living was concerned, I did not think that should affect the pay of the soldiers either in California or New Mexico; but that in California, within the region of the gold districts, where such exorbitant wages were given, and such inducements held out for persons to go and labor in the mines, large numbers of men deserted, often leaving the ranks only one third full; and with a view of keeping them in their positions, the Government was compelled to recommend that which was adopted in 1850, and which the Secretary of War proposes shall be continued now.

The Secretary of War has sent me a copy of a communication which he addressed to the Military Committee of the Senate yesterday. I received it but a moment ago, and have not had time to read it through. He says:

"You will perceive that I have left the amount in the draft of the amendment blank. The amount required for the officers on the basis proposed in the draft will be \$276,665, and for the soldiers in full pay, \$31,892."

Mr. HAVEN. Does that cover the item on the eighth and ninth lines?

Mr. HOUSTON. No, sir; that item is for the pay proper, as it is called, of the Army, and it was reduced by the Committee of Ways and Means on our first action, about \$200,000. Since that time, the Secretary of War has revised his estimates, and recommends a reduction of \$500,000 upon his original estimates, which we had reduced about \$200,000; so that the estimates are, in truth, reduced to half a million of dollars, in pursuance of the revised estimates of the War Department.

Mr. WEIGHTMAN. I take occasion to assert, that the prices of living in New Mexico are as high, or nearly so, as they are in California.

Mr. BISSELL. They are higher than they are in California, for the very obvious reason, that the supplies are taken by water to California and Oregon, and by land, by very expensive transportation, to New Mexico.

Mr. WEIGHTMAN. As I understand the argument of the gentleman from Alabama, it is this: that the troops in California are to have the benefit of this provision, because desertions take place there; and the troops in New Mexico are not to have the benefit of it, because the soldiers there do not desert. In other words, the troops in California are to be rewarded for deserting the colors of the country.

Mr. HOUSTON. We must take things as they are, and meet circumstances as we find them. I presented my objections to the Secretary of War, in conversation with him here last evening; and he replied to me by saying that these facts existed; that it cost from \$150 to \$200 to take a man out there, and that for him to desert immediately he got there, would be a very expensive process to the Government. We thought it best to give them this in addition, in order to induce them to remain in the line. But these reasons do not apply to New Mexico at all. I hope the amendment will not prevail. I am willing that it should be made for Oregon and California.

Mr. EVANS. I desire to offer an amendment to the amendment.

The CHAIRMAN. No further amendment is in order until the amendment to the amendment is disposed of.

Mr. BISSELL. I have bestowed a great deal of attention to this subject, and to my mind the conviction is irresistible, that this provision ought to be extended to New Mexico, and for the very best of reasons. The cost of living is higher in New Mexico than it is in Oregon or California.



Mr. HOUSTON. But that reason is not applied to support the original amendment.

Mr. BISSELL. But I do apply it, and for this reason: Everybody knows that the soldier does not live exclusively upon his rations. He wants vegetables and very many things which are really necessary, and which, as rations, are not supplied to him. These he has to purchase, and does purchase out of his private means. Now, in New Mexico, as well as in Oregon and California, for many obvious reasons, those necessary articles are two, three, or four hundred per cent. higher than they are here with us. If there is any reason at all, then, for extending these provisions to the soldiers and officers in California and Oregon, there is a stronger, though similar reason, for extending it to those in New Mexico. There can be no question in relation to it, and I believe there will be none with this committee.

Mr. HOUSTON. Well, sir, I am not perfectly well informed upon this subject. I have just received communications from the War Department, which I will have read if it is the pleasure of the committee. I have not had time since their receipt to read them myself. I wish, however, to say this: The estimates now incorporated in the provision now under consideration, reported from the Committee of Ways and Means, were in accordance with the recommendations of the Department, \$394,116. These may be proper. I do not think, however, they ought to apply to New Mexico. The Secretary of War's communication to me says:

"You will perceive that the estimate is for full pay for the enlisted men, but I think a less addition to their pay, (say not to exceed one half,) would suffice."

Mr. SEYMOUR, of Connecticut. I would suggest that the amendment pending should be verbally amended, in order to accomplish the object for which it was designed. It now provides that "so much of this act," &c. Now, the act here alluded to does not apply to New Mexico. I would suggest, therefore, a verbal amendment to obviate that difficulty. That is, to add after 1852, the words, "and that the provisions of the last-mentioned act be, and are hereby extended to New Mexico, during the current year provided for by this section."

The question was then taken, and the amendment to the amendment was agreed to.

Mr. HOUSTON. I now propose, in pursuance of the recommendation of the Secretary of War, to offer an amendment. I will read the letter. It is the following:

WAR DEPARTMENT, WASHINGTON, August 6, 1852.  
SIR: In compliance with your request I have the honor to transmit you a draft of an amendment to the bill for the support of the Army; making provision for extra pay to the officers and enlisted men of the Army serving at distant and expensive posts.

You will perceive that the estimate is for full pay for the enlisted men, but I think a less addition to their pay—say not exceeding one half—would suffice.

Very respectfully, your obedient servant,  
C. M. CONRAD, Secretary of War.  
Hon. JAMES SHIELDS, Chairman Committee on Military Affairs, United States Senate.

The following is the letter upon which the Committee of Ways and Means based the original amendment which I offered this morning, under their instructions:

WAR DEPARTMENT, WASHINGTON, April 26, 1852.  
SIR: I have the honor to refer you to the recommendation, in my last annual report, for the re-enactment of so much of the act of 28th September, 1850, as allows a small additional pay to the officers and soldiers in California, which expired by its own limitation on the 1st ultimo. The necessity for a continuance of the allowance will be seen from an extract of a letter from General Hitchcock, hereto appended, and for which I ask the favorable consideration of the Committee of Ways and Means.

Very respectfully, your obedient servant,  
C. M. CONRAD, Secretary of War.  
Hon. GEORGE S. HORTON, Chairman Committee of Ways and Means.

Extract of a letter from General Hitchcock, commanding Pacific Division, dated Benicia, California, March 13, 1852:

"From the detachment of recruits which arrived here the 27th ultimo, I regret to say thirty-five have deserted up to this date. This was to have been expected, and the more so since the extra pay heretofore authorized by Congress ceased the first of this month. Unless authority for this allowance be re-enacted, I fear the returns will, for some time, exhibit great reductions from month to month, until the most efficient, if not conscientious men, shall have gone to the mines so inviting to their imaginations."

Mr. H. I now move to amend the amendment so as to provide that they shall be allowed one half the amount provided under the law of 1850.

Mr. BISSELL. I rise to a question of order. The amendment now proposed to be offered by the gentleman from Alabama purports to be an amendment to an amendment already offered by the gentleman himself. The original amendment was reported by him from the Committee of Ways and Means. The question I make is, that the gentleman having reported the original amendment cannot amend it himself.

Mr. HOUSTON. I then offered it from the committee, and now as an individual.

The CHAIRMAN. The Chair overrules the point of order, upon the ground that any member of the House is, by the rules, entitled to offer an amendment. The rules do not discriminate one member from another. Any other gentleman would be entitled to offer an amendment. The Chair, therefore, rules that the gentleman from Alabama may offer the amendment, and that it is in order.

Mr. HOUSTON. If there is any difficulty about the matter, or if any one objects, I will get the gentleman from New York [Mr. HAVEN] to offer the amendment.

The CHAIRMAN. The Chair has decided that the gentleman from Alabama has the right to offer the amendment, and the amendment was received by the Chair. Does the gentleman now propose to withdraw it?

Mr. HOUSTON. I will withdraw it.

Mr. HAVEN. I now send to the Clerk's desk an amendment intended to effect the object of the chairman of the Committee of Ways and Means. The object of the amendment is simply this: The law of 1850 provides for giving the officers and soldiers in California and Oregon double pay. This amendment proposes to give to the officers and soldiers in California, Oregon, and New Mexico their regular pay, and one half the regular pay in addition, making one half the regular pay less than provided for by the law of 1850.

Mr. WEIGHTMAN. I wish to say a word in opposition to the amendment of the gentleman from New York. That amendment proposes to reduce this extra pay to one half the regular pay. That is directly in opposition to the amendment and recommendation of the Committee of Ways and Means. The original amendment was reported by the Committee of Ways and Means, under instructions from the committee, and I understand the Committee on Military Affairs are also in favor of it. I hope the original amount reported will be voted, and that this amendment will not be adopted. The former is the recommendation of the two committees, the latter the motion of an individual member of this House.

Mr. BISSELL. I wish to say a single word more upon this subject. While there are reasons such as those urged by the chairman of the Committee of Ways and Means for not continuing the full amount of this increase of payment to the officers and men in California and Oregon, those reasons do not exist in New Mexico. The same necessity does not exist in the State of California and Territory of Oregon, because of the immense amount of supplies which have been taken in there in consequence of the great increase of the commerce between the Atlantic and Pacific, and which has nearly brought the Pacific coast upon something like an equality with the Atlantic. But that does not apply to New Mexico, where the transportation is carried on now, as heretofore, upon wheels or upon the backs of mules. There is no particular increase of transportation, nor is there any cheapening in the cost of transportation; and the consequence is, that while the Secretary of War may very properly say that less compensation may answer in California and Oregon, the same reasons do not apply with regard to New Mexico.

Mr. HAMILTON. I wish to inquire if the amendment of the gentleman from New York does not provide for raising the pay of the soldiers in New Mexico one half?

Mr. HAVEN. It does.

Mr. PRICE. I wish merely to inquire of the chairman of the Committee of Ways and Means, if the letter of the Secretary of War which he has read makes any discrimination between California and New Mexico?

Mr. HOUSTON. It says nothing about New Mexico.

Mr. PRICE. Does he recommend that a reduction shall take place in California and Oregon?

Mr. BISSELL. Does it make a general recom-

mendation? Let the communication be read. I suppose it refers to California and Oregon.

Mr. HOUSTON. It is a general communication; and is as follows:

"In compliance with your request, I have the honor to transmit you a draft of an amendment to the bill for the support of the Army, making provision for extra pay to the officers and enlisted men of the Army serving at distant and expensive posts."

"You will perceive that the estimate is for full pay for the enlisted men, but I think a less addition to their pay (say not to exceed one half) would suffice."

The committee will see that it applies to all, and the amendment is right. The communication was dated August 6, 1852.

The original amendment and the amendment to the amendment were again read.

The question was then taken on the amendment to the amendment offered by Mr. HAVEN, and it was agreed to.

The question next being on the original amendment as amended, it was taken and decided in the affirmative.

So the amendment as amended was agreed to. Mr. BISSELL offered the following amendment:

For the purpose of testing the practicability of employing camels on the plains, as a substitute in part for horses, \$20,000.

Mr. B. said: Mr. Chairman, that amendment proposes an appropriation of \$20,000 for the purpose of enabling the War Department to test the practicability of introducing camels upon the western plains as a substitute in part for horses. The subject of introducing camels upon the western plains has engrossed the attention of thinking men—those connected with the administration of the Government, as well as others, for many years, and during the last one or two years the Department itself had paid especial attention to it.

The Secretary of War informs me that he has had as minute and thorough an investigation into all the prospects and probabilities of the success of the enterprise as his means enabled him to obtain, and he has arrived at the conclusion that camels may with very great propriety and great advantage be introduced into the public service, to be used upon these extensive plains in the west, in the place of horses; and he asks that an appropriation of \$20,000 be made for the purpose of enabling him to make that experiment.

The Military Committee, who have reflected much upon the subject, request the introduction of this amendment, and hope that it may be adopted.

Mr. EVANS. In addition to what has been said by the gentleman from Illinois, I would state that this matter was proposed by the Hon. Jefferson Davis, a year or two ago. It is an amendment which ought to be adopted for this single reason, that there are many broad arid plains in western Texas, New Mexico, and elsewhere, where, for want of water, it is impossible to pursue the Indians, and they easily escape. The introduction of camels there, which, as every one knows, can go without water many days, will afford greater facilities to overtake and conquer these Indians. They are uniformly more fleet than horses upon long journeys, and the Secretary of War, from the investigation which he has been able to give to the subject, is satisfied that he can introduce and keep camels there, and can introduce persons to take care of them. The sum of money asked for is small, and the enterprise may be a successful one, and probably will be.

Gentlemen of the committee will recollect that, in some parts of Texas, as we observe from reports of officers who come from that quarter, there has not been rain for a year. Now, it is indispensably necessary to have some animal there suited to the transportation of burdens, and having the proper rapidity of enabling our troops to overtake these Indians. You must have some animal that can go without water for a long time. If any man has read the account of the exploration of Captain French in western Texas, he will there have discovered the fact that his company suffered great torments, and sometimes went seventy miles without water.

Mr. HOUSTON. I confess that I know less about this amendment and of its merits than any of the amendments which have yet been offered to any appropriation bill. I have not examined into the matter, and I will yield the floor to the gentleman from Indiana, [Mr. GORMAN,] who knows more of the matter than I do.

# THE CONGRESSIONAL GLOBE.

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Mr. GORMAN. I am the only one, perhaps, of the Military Committee but what agrees to this amendment, as I learn. I did not happen to be present when it was under consideration formally before the committee. I have an objection to it which I think is a good one. The objection to the present mode of transportation is the want of water. It is universally known, that upon the plains of Mexico, just such plains as we have to cross in getting to our extreme western borders and territories, the Government of Mexico adopted quite a different plan, and which has been found to be, in several instances, not only the salvation of their people, but the salvation of their armies, and but for that, Santa Anna never would have been able to return to San Luis Potosi. They adopted the mode of constructing water tanks, and filling them from the large rocky mountains by spouts, and of having the tanks arranged along the routes, and keeping them perpetually filled with water. I have seen them at different times, and but for them—which is a matter of history—Santa Anna never would have been able to have reached the city of Mexico.

Mr. BISSELL. I have seen them, after a hard day's march, without water. After a hard day's march of perhaps forty miles, without water, after arriving at them, we have found them as dry as a powder flask.

Mr. GORMAN. No doubt some of them are as dry as a powder flask; and if they are dry where is the water to be had? After all the experiments of engineers, and of that Government, in that climate where it rains six months and is dry for six months, that is the only plan ever successfully carried out, and made available for the supply of water. To be sure I have seen them dry. I have also seen them stale and stagnant; and I have been compelled to drink out of them, and so has the gentleman from Illinois, [Mr. BISSELL.] And I have been compelled to make coffee and tea out of the water; and that, too, after cattle had passed through them. But, notwithstanding, that was better than none at all.

That is almost the only mode of obtaining water between Buena Vista and San Luis Potosi, a distance of some three or four hundred miles. There is only one stream in that distance that furnishes any water of consequence; and I have heard that there are some two Artesian wells. But this I doubt. There are tanks constructed about every fifteen miles—large places dug out of the earth, walled in, and then cemented with a species of water lime. On the route from San Antonio to New Mexico you find the same kind of soil; and on the route to Oregon and California the same rocky mountains in every direction would furnish facilities for supplying these tanks. And the only mode by which you can obtain water is by this means in a very dry season. I am by no means satisfied that the introduction of camels would facilitate our transportation to these distant Territories.

Mr. VENABLE. I move to amend by increasing the amount to \$22,000.

I have had my attention called to this subject, chiefly by the researches of my friend, Colonel Davis, of Mississippi, during the last session of Congress. I am satisfied that there is no experiments in which the War Department can engage which is likely to be more valuable, and promises to save us much money. My friend from Indiana [Mr. GORMAN] says the Mexicans have substituted tanks upon their lines of march. But, Sir, we are informed by the gentleman from Illinois, [Mr. BISSELL,] that they have been a failure. But whether they have been successful, or have proved a failure, would be a small circumstance in settling this question.

The history of the world, for thousands of years, has proved that the only animal that can be safely and profitably employed in crossing deserts, is the camel. They are the ships of the desert. The history of the earliest days presents us with the fact that the camel has been used in traversing deserts. Whatever improvements have taken place in the modes of transportation

throughout the world, no alteration has been made for thousands of years in the modes of transportation and travel over dry and desert countries. The camel is still the ship of the desert, and it is an object very well worthy of the enterprise of the War Department to introduce into our country that valuable animal, that can live in a cold as well as a warm climate; that can live readily upon the rich prairie, and more barren plains of our country; that can live upon good herbage, and in case of necessity can live upon the coarsest; that can travel from fifty to seventy miles a day, with a burden of five hundred pounds upon his back. We will introduce an animal that will be most important to us hereafter in our military operations, in the transportation of our troops and munitions of war; and at the same time that we do this at the expense of the Government, we will aid all agricultural enterprises, and the means of communication between distant and remote parts of our country—we shall enable them to attain to that sort of civilization which can only be maintained by pressing continual intercommunication.

We have never seen an enterprise presented by the War Department, or by any other Department of this Government, which so much deserves the respect and confidence of this House. If it fails, the expense ends. It is a small amount, and it will lead to the introduction of an animal which constitutes the wealth of every eastern country, and that is more valued by the Arab than his own fine Arabian horse, because when the horse fails, the camel will endure.

I trust the committee will have no difficulty upon the subject. It is a moral question connected with the advance of civilization upon our frontiers. It will give to those settlements animals which will bring them the wealth always brought by the camel, in the countries where there are no other means of transportation than by that animal. He can bear fatigue; he can bear coarse food; he can bear abstinences; and above all, he can bear abstinence from water, whilst he can transport water for those who ride him.

Mr. McCORKLE. This strikes me as a very novel amendment, not to say ridiculous one. Travelers to the Pacific coast need not be without water for a single day upon the best roads. The time has been when these roads were new and unexplored, and there may have been cases when the emigrant was caught in the desert without water. But upon the northern route to California, through the South Pass, there is no necessity of ever being without water for a single hour. Upon the southern route to California, by the Colorado river, there are two or three sand deserts, each of thirty or forty miles in length, to be crossed, where there is no water; but the emigrant takes water in his wagon, and gets along without any difficulty, except the suffering his cattle are obliged to endure for the want of water. We have most of us been over the plains in early time to see what we called "the elephant," but we never expected to see the camel. [Laughter.] It will be a new and extraordinary animal in our menagerie.

Mr. VENABLE. Both the cow and horse were introduced into this country by the Spaniards. I never apprehended the man would not be thirsty because the camel drank so much water—never in the world; but the camel can carry water upon his back for the purpose of sustaining the traveler, as is done in the East.

Mr. McCORKLE. I do not know anything of the natural history of the camel. I yield to the gentleman all he claims; but I do not wish this appropriation to be made here upon the ground that that animal is of any use whatever upon the plains. If the gentleman wishes simply to introduce the camel into the United States, let him put his argument upon that ground, and not introduce it upon the ground that it is necessary for traversing the plains between here and California. I do not believe a man who has spent but a year on the plains or in the mountains, instead of one that has been living there for twenty years, would have

anything to do with it. He would regard them as a nuisance.

Mr. BISSELL. Are there not sandy deserts of thirty or forty miles in length, to be crossed by the traveler, where there is no water?

Mr. McCORKLE. There is one called the Humboldt.

Mr. BISSELL. I do not place this appropriation upon the ground that there is a want of water, simply, upon the plains. Admit there is water every twenty-five miles between this and California, and I will still vote for this appropriation, and then do a very proper thing. Independent of there not being any water, it is well worthy the experiment to see if that animal is not a useful one upon the plains, and whether it will not propagate there as well as elsewhere.

The question was taken upon the amendment of Mr. VENABLE, and it was disagreed to.

The question recurred upon the adoption of the amendment of Mr. BISSELL; it was put, and the amendment was agreed to.

Mr. HOUSTON. I omitted, in preparing the amendment I submitted a moment ago, the amount of money which should be appropriated. The estimates of the Department were for \$394,000 for California and Oregon for full pay. We have added New Mexico, which will make, I suppose, \$600,000. We then put it upon half pay, which will be \$300,000. I hope the committee will, by unanimous consent, allow the insertion into that amendment of \$300,000 for that object.

There was no objection, and the proposition was agreed to.

Mr. WILCOX. I submit the following amendment:

*Provided, That the proper accounting officers of the Treasury be authorized to adjust and pay out of any money in the Treasury not otherwise appropriated, with interest from the 17th of October, 1813, the balance due to the Petersburg, Virginia, volunteers, who served in Canada during the war of 1812 with Great Britain, said balance for pay, rations, arms, and traveling allowance, having been withheld from them by Paymaster Joseph G. Chalmers, who became insolvent.*

I am satisfied that any man who heard the statement of the gentleman from Virginia [Mr. MEADE] on yesterday in regard to that claim, would not hesitate one moment to vote for this amendment. It is necessary that I should say something concerning it, being the member of the Committee on Military Affairs to which the claim was referred. It was referred upon the petition of two of the privates of that company and the captain, who say, upon their several oaths, that this money is due to them. I instituted a correspondence with the proper Department of the Government, and found that this claim had been sleeping for something like forty years, and that the Department had heretofore refused to pay that amount to these volunteers from the simple fact that no pay rolls had been returned by the paymaster. But were all governed by the history of this case, I am satisfied in my own mind that every gentleman upon this floor would unhesitatingly vote for it.

This company performed valuable service in the late war with Great Britain. They were mustered out of service in the State of Ohio; and it was understood at the time of their discharge, that the paymaster would pay what was due them, being ten months' pay, and transportation and subsistence home to Petersburg. They were mustered out of service, but waited several days in the constant expectation of meeting with the paymaster. He never came.

Mr. GOODENOW. I submit the point that this amendment is not in order, it being in the nature of a private claim.

Mr. WILCOX. It is not a private claim. It is the payment of certain amounts due to a whole company for public service.

Mr. HOUSTON. I had intended to make the point of order which has been raised by the gentleman from Maine when the gentleman had concluded his remarks. The Committee on Military Affairs decided that it was a private claim.

The CHAIRMAN. That statement arrested the attention of the Chair upon yesterday, and he

took it that it went to produce the impression that the amendment was not in order. If it is a private claim the amendment is not in order. The Chair subsequently considered the subject and determined to rule the amendment in order, upon the ground that it is not a private claim, but an appropriation to pay a large number of men for services rendered the country according to law.

Mr. HOUSTON. I make another point of order, as the Chair rules it is not a private claim in the face of the decision of the Military Committee, which I did not suppose he would. I make the point that there is no law now authorizing the appropriation of this money. Under the 81st rule, no appropriation can be made in any appropriation bill, except in pursuance of law, or to carry on some object already appropriated for. The payment of this claim is not authorized by any law now in existence.

The CHAIRMAN. The Chair would suggest to the gentleman from Alabama that, at the time these services were rendered, a law existed, in pursuance of which they were recognized.

Mr. HOUSTON. That law expired by its own limitation. There is no law now. I make the point that there is no law now, and not that there was no law then, to pay this claim; and is, therefore, not in order here. If this private claim be admitted into this appropriation bill, the whole Private Calendar may be introduced.

Mr. STEPHENS, of Georgia. It is perfectly in order to move an amendment to sustain any of the Departments of the Government. There is a law for the support of the War Department, and I think it necessary for the support of that Department that these soldiers should be paid.

Mr. HOUSTON. A Department of Government does not mean that. It means the Department here at Washington.

Mr. STEPHENS. I think the Army is one of the most important Departments of the Government.

Mr. HOUSTON. The gentleman's construction would cause to be introduced here the whole private docket. Every single one grows out of something done for the Government.

Mr. MEADE. The Third Auditor, in the letter I read yesterday to the committee, considers there is authority for him to pay, and he would pay these claims, but for the decision made by his predecessors. Surely this cannot be considered a private claim. It is for the payment of an entire company, recognized by law as being mustered into the service of the United States, and who have not received their arrearages.

Mr. HOUSTON. I will raise another point. The last section directs that the money appropriated in this bill shall be applied to the current service of the Government, and that no part of it shall go to pay any old debts.

Mr. GAYLORD. We will strike that out. [Laughter.]

The CHAIRMAN. The section to which the gentleman alludes, is as follows:

Sec. 2. *And be it further enacted*, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of War, repealed; and no portion of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, 1852.

The Chair is inclined to the belief that the amendment would be inconsistent with this provision of the bill, which has been passed over, and cannot now be amended. The other points raised by the gentleman, the Chair overrules.

Mr. MEADE. Do I understand the Chair as deciding the amendment to be out of order?

The CHAIRMAN. The Chair would be glad to hear any suggestions in relation to the matter. Upon the points of order previously raised by the gentleman from Alabama, the Chair decides the amendment to be in order. The Chair is inclined to the belief that it would be inconsistent with the provision of the bill just read, and which has already been acted upon.

Mr. FOWLER. If it be in order to insert this amendment to pay that company, would it not be in order to insert an amendment to pay the claim of Massachusetts for services in the same war? That claim is pending before the House. I desire to know that fact of the Chair.

The CHAIRMAN. The Chair decides the amendment to be out of order, upon the last point raised by the gentleman from Alabama, [Mr. HOUSTON.]

Mr. MEADE. Has the bill been read through?

The CHAIRMAN. The bill has been read through.

Mr. MEADE. Then I move that amendment in the shape of a proviso, after the last line.

Mr. HOUSTON. The gentleman cannot do it. Other amendments have been added since. We have passed one or two sections.

The CHAIRMAN. The Chair must rule that it is not in order.

Mr. POLK. I wish to submit an amendment.

Mr. MEADE. I must take an appeal from the decision of the Chair.

Mr. STEPHENS, of Georgia. Has the Chair decided this amendment to be out of order, upon the last point raised by the gentleman from Alabama, [Mr. HOUSTON?]

The CHAIRMAN. Yes, sir. It is inconsistent with the part of the bill already acted upon, and it cannot be amended.

Mr. STEPHENS. I take an appeal.

Mr. HOUSTON. It is too late to take an appeal.

Mr. POLK. I will withdraw the amendment.

Mr. DUNHAM. I object to the withdrawal.

Mr. POLK. As the amendment has not been reported, I have a right to withdraw it.

Mr. HOUSTON. That will not benefit my friend from Georgia, [Mr. STEPHENS,] for we have passed from this question. It has been decided, and amendments have been received. We are acting upon other matter, and it is therefore too late to appeal from the decision which the Chair made.

Mr. DUNHAM. I wish it understood, that I object to the withdrawal of the amendment of the gentleman from Tennessee, [Mr. POLK.]

Mr. POLK. The amendment I offered was not reported by the Clerk, and I have a right to withdraw it.

The CHAIRMAN. The Chair believes the rule is, that after an amendment has been submitted, read at the Clerk's desk, and reported to the House, it is too late to withdraw it if any objection be made; but the amendment submitted by the gentleman from Tennessee [Mr. POLK] has not been reported to the House.

Mr. DUNHAM. Then he cannot withdraw it, because it is not before the House.

Mr. STEPHENS, of Georgia. I wish to say a few, very few words upon the point of order.

Mr. HOUSTON. I object to any debate upon the point of order. It is not debatable.

Mr. STEPHENS. Why not?

Mr. HOUSTON. Because debate has been closed.

The CHAIRMAN. The gentleman from Alabama [Mr. HOUSTON] can state his point of order. It is not, however, debatable.

Mr. HOUSTON. I stated my point of order, and the Chair sustained the point I made. The gentleman from Georgia [Mr. STEPHENS] appeals, but he cannot make any statement about it. No debate upon it is in order.

Mr. STEPHENS. I insist that I have a right to state the grounds upon which I take an appeal.

The CHAIRMAN. The gentleman from Georgia can state his appeal.

Mr. STEPHENS. We have in committee after debate is stopped, the same limitation to debate an appeal which we have to debate an amendment.

Mr. HOUSTON. Not at all.

Mr. STEPHENS. There is no rule of the House declaring debate on an appeal in committee out of order; and after debate has been closed in committee by resolution of the House, we have the right to debate an appeal the same as the right to debate an amendment—we have the right for a five minutes' debate. This is my understanding of the proper construction of the rules of the House.

Mr. HOUSTON. The universal practice of the House is—and my friend from Georgia [Mr. STEPHENS] will not doubt it—that there is no debate upon appeals from the decision of the Chair. Debate has been stopped.

The CHAIRMAN. So far as every other question is concerned, debate is cut off except in

cases excepted by the rule, and that is to explain and oppose an amendment. Under a specific rule debate is now cut off.

Mr. STEPHENS. My object was to show the Chair, and the gentleman from Alabama, [Mr. HOUSTON,] that the decision was wrong. If I cannot have an opportunity to make that statement, I withdraw the appeal.

Mr. WILCOX. I submit the following amendment:

*And be it further enacted*, That the proper accounting officers of the Treasury be authorized to adjust and pay, with interest from the 17th October, 1813, out of any money in the Treasury not otherwise appropriated, the balance due to the Petersburg, Virginia, volunteers who served in Canada during the war of 1812 with Great Britain; said balance for pay, rations, and arms, and traveling allowance having been withheld from them by Paymaster Joseph G. Chalmers, who became insolvent; and nothing in any preceding part of this act shall prevent the payment hereby provided for said volunteers.

Mr. DUNHAM. I rise to a point of order. That amendment is out of order, according to the rule adopted in all the appropriation bills. An amendment precisely of the same character as this, offered by my colleague, [Mr. GORMAN,] to pay the clerks of the Delaware breakwater for services rendered in accordance with law, was ruled out in the civil and diplomatic bill. This is clearly a private claim.

Mr. MEADE. The gentleman from Indiana [Mr. DUNHAM] has made a point of order, that this is a private claim, which the Chair has previously overruled. There are three lines added to the original amendment, which obviates the point of order made by the gentleman from Alabama, [Mr. HOUSTON,] and which the Chair sustained. This clause made an exception.

The CHAIRMAN. The rule of the committee, as the Chair understands it, is, that when a bill is read over by sections, and acted upon, no section or paragraph so acted upon can afterwards be altered by a proposition to amend with anything inconsistent with it. The last clause of the bill has been read and passed, and it is a part of the bill, and the Chair rules that there can be nothing added to the bill inconsistent with that clause, and therefore rules the amendment of the gentleman from Mississippi [Mr. WILCOX] to be out of order.

Mr. MEADE. I take an appeal from the decision of the Chair.

The question was then taken upon the appeal, and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. POLK. I offer the following amendment:

*Provided*, That the first proviso of the thirteenth section of the act approved March 3d, 1847, entitled an "An act making provision for an additional number of general officers, and for other purposes," be and the same is hereby repealed, so as to place the officers of the Disbursing Departments upon the same footing with respect to rank.

The amendment explains itself. It is merely to place officers of the Disbursing Department upon the same footing with those of the Quartermaster's Department. It does not increase their pay, but merely gives the right of position in the Army which is held by the commissaries and quartermasters. I hope the amendment will be adopted.

Mr. GORMAN. I am sorry that the gentleman offered that amendment, because it cannot be debated in a five minutes' speech. I cannot see myself, how it is possible that a paymaster does not occupy equivalent rank with the quartermaster or commissary. The mere question of rank in a Paymaster's Department gives no additional pay. That is true. The question of rank is, as I understand it, the same with the paymaster as it is with the quartermaster, except upon courts-martial. Why it is they desire this, unless by some construction given by the War Department it will give additional pay, I am at loss to know. They are now upon the same footing, except perhaps upon courts-martial.

Mr. WEIGHTMAN. I can explain that fact to the gentleman, if he will allow me.

Mr. GORMAN. They have no lieutenant colonels—they have no colonels. If they have—

Mr. POLK. In the organization of that department by the act of 1849, they have one paymaster general, with the rank of colonel, and two assistant paymasters, with the rank of lieutenant-colonel, and twenty-five majors.

Mr. HOUSTON. I wish to raise a point of order upon the amendment. This amendment does not make an appropriation, but it is a change of the law



in regard to military rank in the Army, and it is, therefore, not germane to the bill now before the committee.

The CHAIRMAN. It purports to be a proviso, but certainly is not germane to anything in this bill. The Chair sustains the point of order raised by the gentleman from Alabama, [Mr. Houston.]

Mr. HOUSTON. There is nothing to which it can be a proviso.

Mr. POLK. Will it be in order to make it an additional section?

The CHAIRMAN. The Chair will be compelled to rule the amendment out of order. It is changing the rank and condition of the Army, and it is not germane to the subject of the bill.

Mr. POLK. Will the chairman of the Committee of Ways and Means [Mr. Houston] tell me where it can be introduced to be in order?

Mr. JONES, of Tennessee. With the permission of the committee, I will read the section which my colleague [Mr. Polk] wishes to perfect, to show that—

Mr. BISSELL. If the amendment is ruled out of order, I object to any further discussion upon the subject.

Mr. HOUSTON. I move that the committee rise, and report the bill.

Mr. POLK. I take an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Tennessee [Mr. Polk] submitted an amendment, which has been reported to the House, and which has been ruled out of order by the Chair. From that decision the gentleman takes an appeal. The question now is, Shall the decision of the Chair stand as the judgment of the committee?

The question was then taken, and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. McCORKLE. I offer the following amendment:

*And be it further enacted, That the sum of \$71,000, or so much thereof as may be necessary, is hereby appropriated to pay the soldiers and officers who served in the war with Mexico as volunteers under Colonel Frémont, for their services as such, according to the terms on which they entered such service.*

Mr. JONES. I submit that that is another private claim, and cannot be offered as an amendment to this bill. I ask the gentleman from California if there is any law authorizing the payment of it?

Mr. McCORKLE. There was a general law passed for the payment of claims of this sort.

The CHAIRMAN. This amendment stands pretty much in the same position as the amendment of the gentleman from Mississippi, [Mr. Wilcox,] and the Chair rules it out of order.

Mr. BISSELL. I offer the following amendment:

*That paymasters' clerks shall be entitled to receive one ration per day when on duty at their stations, to be commuted at the price now authorized when traveling on duty.*

Mr. JONES, of Tennessee. I raise the question of order upon that amendment, that it does not relate to any part of this bill, and that there is no general law authorizing the clerks of paymasters to receive rations.

Mr. HOUSTON. They are not paid in this bill at all, but in the civil and diplomatic bill.

Mr. BISSELL. If this bill does not provide for the payment of military officers and of persons employed in the military department of the Government, I do not know what it does. This amendment proposes simply to increase the pay of one class of the employees in that department.

The CHAIRMAN. The Chair understands the gentleman from Alabama to say, that the pay of paymasters and the officers provided for in this amendment is included in the civil and diplomatic appropriation bill, and constitutes no part of the subject-matter of this bill.

Mr. BISSELL. It might be very properly a part of this bill. I apprehend that a paymaster is a military officer.

Mr. HOUSTON. These officers were provided for in the civil and diplomatic bill, which passed a few days ago.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. HOWARD. I offer the following amendment:

*That the President of the United States is hereby authorized to accept the services of as many companies of mounted*

*Texas rangers as he may deem necessary for the protection of the frontier: Provided, That the whole force thus raised and employed in Texas shall not exceed five companies, of one hundred men to each company. Each of said companies of rangers shall consist of one captain, one first, one second, and one third lieutenant, five sergeants, five corporals, and one hundred privates, who shall engage to serve twelve months from the time they are mustered into service. That said rangers shall provide their own horses, clothes, and equipments, with the exception of arms and ammunition, which shall be supplied by the Government. That the commissioned officers shall receive the same pay and emoluments as officers of the same grade in the United States Army, and shall receive the same forage and rations as those of the same grade in the Army of the United States; and the non-commissioned officers shall receive the same pay, forage, and rations as were allowed to volunteers during the late war with Mexico, but shall in no case be entitled to pay for the loss of horses or private property. That when the President shall deem it necessary to employ any portion of said force, he shall cause the Governor of Texas to be notified thereof, designating the number of companies and place of muster, and the Governor shall select said companies, who, when mustered into service, shall be subject to the rules and articles of war.*

Mr. JONES, of Tennessee. That amendment is clearly not in order. It is not germane to the bill.

The CHAIRMAN. The Chair sustains the point of order. The amendment proposes to change the constitution of the forces for the protection of the frontier. It is also inconsistent with a provision of the bill which has been already acted upon and passed over. The gentleman from Texas will remember that the Chair distinctly stated, a little while ago, that the practice of the committee was to read over the bill by sections, that when a section had been acted upon and passed over it was no longer liable to amendment, and that nothing could be adopted afterwards inconsistent with what had been thus passed over.

Mr. HOWARD. I do not know what portion of the bill my amendment is inconsistent with.

The CHAIRMAN. There is a section of the bill with which the Chair thinks it is inconsistent.

Mr. HOWARD. I should like the Chair to point out what provision of the bill my amendment is inconsistent with.

The CHAIRMAN. The amendment of the gentleman from Texas, at any rate, makes an appropriation in pursuance of no law now existing. It proposes to raise a new force.

Mr. HOWARD. My amendment proposes no appropriation, and the Chair will recollect that under a general law, the President—

[Cries of "Order!" "Order!"]

The CHAIRMAN. Does the gentleman from Texas appeal from the decision of the Chair?

Mr. HOWARD. No, sir; I do not understand what the decision of the Chair is.

The CHAIRMAN. The Chair decides that the amendment is out of order.

Mr. HENN. I offer the following as an additional section to the bill.

*SEC. — And be it further enacted, That hereafter the Secretary of War be, and he is hereby, authorized to distribute arms to the several States and Territories, upon the basis of the number of free white male inhabitants of the respective States and Territories, over the age of eighteen years and under the age of forty-five years, as shown by the latest census taken by authority of Congress.*

Mr. JONES, of Tennessee. That amendment is not in order. It is not in pursuance of any law now existing, and it has no connection with this bill. The arming of the militia is a separate and distinct subject from the pay of the regular Army.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. BISSELL. I move that the committee do now rise.

The question was put, and decided in the negative.

So the committee refused to rise.

Mr. GORMAN. I offer the following amendment:

*That the sum of \$400 be paid to the adjutant of the second regiment of artillery, for the use of the regimental fund, for instruments belonging to the band of said regiment, which were lost or destroyed, by casualties, during the battles of Cerro Gordo and Molino del Rey, the musicians having been ordered into the ranks.*

I presume that is in order. It is an appropriation of money.

Mr. HOUSTON. I understand, from the reading of the amendment, that this is a private claim.

Mr. GORMAN. It is a proposition to pay for munitions of war, recognized as such by the articles of war.

Mr. HOUSTON. I make the point of order that this is a private claim. I understand that it

has not been examined by any committee of this House.

The CHAIRMAN. The Chair is disposed to regard it as a private claim.

Mr. GORMAN. I hope the Chair will hear a suggestion in relation to that amendment. I shall be compelled to appeal from the decision of the Chair. Here is a claim—for what? For a part of the munitions of war, just as much as the life and drum are. Would it not be in order to make an appropriation in this bill to purchase drums and fifes for the Army? I insist that this amendment is as legitimate as anything can be to this bill, and I can show the Chair, in the last Army appropriation bill, items of a similar character, *ad infinitum*.

Mr. FOWLER. I raise a question of order upon another consideration, and that is, that the amendment is inconsistent with a section of the bill already passed.

The CHAIRMAN. The Chair understands this to be a proposition to indemnify a particular individual for losses incurred at Cerro Gordo and Molino del Rey, that instruments belonging to the regiment were there lost, that the loss fell upon a particular individual or individuals, and that this amendment proposes to indemnify them for that loss. On that ground, the Chair holds it to be a private claim, and rules the amendment out of order.

Mr. GORMAN. From that decision I appeal.

The question was put—"Shall the decision of the Chair stand as the judgment of the committee?"—and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. STANTON, of Ohio. I offer the following as an additional section to the bill:

*SEC. — It shall be the duty of the President of the United States to cause all the troops now in the public service, except such as are necessary for the protection of the frontiers from Indian depredations, and to protect the public property at the forts and arsenals of the United States, to be disbanded and discharged from service during the present fiscal year.*

Mr. SWEETSER. I would inquire of my colleague if he wishes to discharge General Scott?

Mr. JONES, of Tennessee. I rise to a question of order. I submit that that amendment is not in order, because it proposes to abolish the Army, for which this bill is to make appropriation.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. MEADE. I will again offer my amendment, in order to give the Chair an opportunity of reconsidering the point of order. It seems to me that, by a strict construction of that clause to which exception is taken on the point of order—

[Shouts of "Order!" "Order!"]

The CHAIRMAN. Debate is not in order.

Mr. MEADE. I wish to call the attention of the Chair to the fact—

[Shouts of "Order!" "Order!"]

Mr. MEADE. I offer the following as an additional section to the bill:

*SEC. 4. And be it further enacted, That the proper accounting officers of the Treasury be authorized to adjust and pay, with interest from the 17th October, 1813, out of any money in the Treasury not otherwise appropriated, the balance due to the Petersburg Virginia volunteers who served in Canada during the war of 1812, with Great Britain; said balance for pay, rations, arms, and traveling allowance, having been withheld from them by Paymaster Joseph G. Chalmers, who became insolvent.*

Mr. GOODENOW. I rise to a point of order. I submit that this same amendment has been proposed before, and ruled out of order by the Chair.

Mr. MEADE. I ask the indulgence of the committee to read the last four lines of the section, to show that this amendment is in order. I wish to show that it does not appropriate any money at all.

Mr. GOODENOW. But my point of order is based upon different grounds entirely.

Mr. MEADE. I wish to present this point to the Chair—

The CHAIRMAN. No further debate is in order, except by unanimous consent.

Mr. GOODENOW. I object.

Mr. MEADE. I wish to direct the attention of the Chair to the last four lines of the bill, and I ask the indulgence of the committee for that purpose. It provides—

*"That no portion of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, 1852."*

Now, that amendment does not propose to appropriate any portion of the money appropriated in this section. It directs the money to be paid out of any money in the Treasury not otherwise appropriated. Now, this money is otherwise appropriated.

The CHAIRMAN. The Chair rules the amendment to be out of order.

Mr. HOUSTON. I now insist upon the motion of my friend from Ohio [Mr. TAYLOR] that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. BOGOCCK) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 220, making appropriations for the support of the Army for the year ending June 30th, 1853, and had instructed him to report the same to the House with sundry amendments thereto.

Mr. HOUSTON. I now ask the previous question upon the bill and amendments.

Mr. MEADE. I wish to appeal to the gentleman from Alabama to withdraw the demand for the previous question, and allow me to offer my amendment in the proper place, so as to avoid the question of order. I will renew the call if the gentleman will extend to me that privilege.

[Cries of "No!" "No!"]

Mr. HOUSTON. I would very gladly accommodate the gentleman, but I am appealed to on all sides not to withdraw it.

The previous question was then seconded, and the main question ordered to be put.

The SPEAKER. The usual course will now be pursued. The amendments will be read over by the Clerk, and such as there is no objection to will be adopted by a single vote.

The amendments were then reported by the Clerk.

Mr. WALSH called for a separate vote upon the fourth amendment, and

Mr. JONES, of Tennessee, called for a separate vote upon the fifth amendment.

The question was then put, and the other amendments were concurred in by the House.

The question then recurred upon the adoption of the fourth amendment, which is as follows:

"And be it further enacted, That so much of the act making appropriations for the Army for the year ending the 30th of June, 1851, approved 20th of September, 1850, as provides extra pay to the commissioned officers and enlisted men of the United States Army in Oregon and California, be, and the same is hereby, continued for one year from the 1st day of March, 1852; and that the provisions of the last-mentioned act be, and are hereby, extended to New Mexico during the current year provided for by this section; and that \$300,000 be, and hereby is, appropriated for that purpose: *Provided*, That said officers and men shall receive only one half of the increased amount over the regular pay allowed by law."

The question was taken, and the amendment was agreed to.

The fifth amendment was then reported, as follows:

"For the purpose of testing the practicability of employing camels upon the plains as a substitute for horses, \$20,000."

Mr. FOWLER. Upon that amendment I demand the yeas and nays, and tells upon the yeas and nays.

Tellers were ordered; and Messrs. BOGOCCK, and STEPHENS of Georgia, were appointed.

Mr. SWEETSER. It is very evident that there is no quorum present. I move that the House do now adjourn.

The motion was agreed to—ayes 68, noes not counted—and the House adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. PARKER, of Pennsylvania: The petition of R. C. Hale and 20 others, citizens of Mifflin county, Pennsylvania, praying Congress to pass the bill introduced into the House of Representatives by the Hon. Edward Stanly, entitled "A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with said States by the act approved 23d June, 1836."

By Mr. BROWN, of Mississippi: The petition of George Wood and 41 others, citizens of Lauderdale county;

Also, the petition of Robert Phelps and 17 others, of same county;

Also, the petition of Isham Moody and 60 others, of Wayne county;

Also, the petition of Dougald McLaughlin and 35 others, of same county;

Also, the petition of J. G. Blackwell and 92 others, of Smith county;

Also, the petition of A. McDonald and 51 others, of Newton county;

Also, the petition of D. R. Pool and 130 other citizens of Clarke county, (in all 416,) praying for the removal of the land office from Augusta, Mississippi, to Paulding, in the same State.

By Mr. HART: The petition of G. E. Douglass and others, residing in the city of New York, praying for the passage of a law for the better protection of the lives of passengers on board of vessels propelled by steam.

#### IN SENATE.

SATURDAY, August 14, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in regard to the controversies between the United States consul at Acapulco and the Mexican authorities; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a report of the Postmaster General, made in compliance with a resolution of the Senate, respecting the printing, binding, and advertising executed for or by order of that Department; which was read.

A motion by Mr. HAMLIN, that the report be printed, was referred to the Committee on Printing.

#### CONTUMACY OF A WITNESS.

Mr. BORLAND. The Senate will recollect that yesterday morning the chairman of the Special Committee, raised by the Senate on the 6th of this month, reported that a witness, summoned by that committee, had proved contumacious. A resolution was submitted by the direction of the committee, to deal with that contumacious individual. This morning, the witness reappeared before the committee, and took the oath, and his examination as a witness was commenced. By the direction of the committee, I therefore announce this fact to the Senate, and desire that the resolution submitted yesterday may be taken up for the purpose of being laid on the table.

The resolution was taken up, and the motion to lay on the table was agreed to.

#### EXECUTIVE SESSION.

On the motion of Mr. ATCHISON, the Senate proceeded to the consideration of Executive business; and, after a short time spent therein, the doors were reopened.

#### PETITIONS, ETC.

Mr. DAVIS presented the petition of John L. Sullivan, praying that certain amendments may be made to the bill for the protection of lives of passengers on board vessels propelled in whole or in part by steam; which was ordered to be laid on the table.

Also, a petition of the Humane Society of Massachusetts, praying the enactment of such additional laws as will more effectually protect the lives of passengers on board vessels propelled in whole or in part by steam; which was ordered to be laid on the table.

Mr. FISH presented a petition of the New York and Havre Mail Steamship Company, asking the regular appropriation for the service performed by them under their contract with the Post Office Department; which was referred to the Committee on Finance.

Mr. SUMNER presented the petition of the heirs of Abraham Hunt, praying some allowance in consideration of the services of their ancestor during the war of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. SMITH presented a petition of citizens of Willamantic, Connecticut, praying that the homestead bill may become a law; which was ordered to be laid on the table.

#### REPORT FROM A STANDING COMMITTEE.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the petition of Evariste Blanc, asked to be discharged from the further consideration thereof, and that the petitioner have leave to withdraw his petition and papers; which was agreed to.

#### BILLS PASSED.

The following engrossed bills were severally read a third time, and passed:

Bill for the relief of Mary F. B. Levely;  
Bill for the relief of the petty officers and seamen of the United States frigate Missouri;  
Bill for the relief of Purser T. P. McBlair;  
Bill for the relief of Emelie Hooe;  
Bill for the relief of Brevet Major H. L. Kendrick;

Bill for the relief of John Tucker;  
Bill for the relief of C. E. Greneaux;  
Bill to grant a pension to the widow and children of John Balster;

Bill for the relief of Sally J. Mathews;  
Bill for the relief of John Moore White;  
Bill to confer on John W. Quinney, a member of the Stockbridge tribe of Indians, the rights of citizenship of the United States, and for other purposes;

Bill for the relief of George Stealey;  
Bill for the relief of Elizabeth Armistead;  
Bill for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis;

Bill for the relief of Priscilla C. Simonds;  
Bill for the relief of the legal representatives of Samuel Prioleau, deceased;

Bill for the relief of Catharine Proctor Hayden, only heir of John White, late lieutenant colonel in the fourth Georgia battalion of the revolutionary army; and

Bill for the relief of J. Boyd, of Louisiana.

#### MARY E. D. BLANEY.

The bill for the relief of Mary E. D. Blaney, widow of the late Major George Blaney, was read a third time.

Mr. WALKER. That, I believe, is a bill in which allowance is made for interest. When it was ordered to a third reading, the Senator from Delaware [Mr. BAYARD] was unfortunately out of his seat. I will now content myself simply with asking the yeas and nays on its passage, intending myself to vote in favor of it. There are several cases behind that, involving the same principle, and I ask for the yeas and nays, that we may have a precedent falling within the knowledge of the Senator when we come to act on subsequent bills. I am in favor of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 17, as follows:

YEAS—Messrs. Badger, Brooke, Charlton, De Saussure, Dodge of Wisconsin, Foot, Hamlin, Mallory, Seward, Soule, Spruance, Sumner, Underwood, Upham, Wade, and Walker—16.

NAYS—Messrs. Adams, Atchison, Bayard, Bell, Bradbury, Bright, Cass, Chase, Clemens, Dodge of Iowa, Douglas, Downs, Felch, Fish, King, Meriwether, and Weller—17.

So the bill was rejected.

#### BILL INTRODUCED.

Mr. BRIGHT, by unanimous consent, asked and obtained leave to introduce a bill granting the right of way and making a grant of land to the States of Indiana and Illinois, in aid of the construction of a railroad from Terre Haute to Springfield; which was read a first and second time by its title, and referred to the Committee on Public Lands.

#### MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed a bill to establish certain post roads; which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

The message also contained a request that the Senate would furnish the House with a certified copy of the bill of the Senate appropriating land scrip in full and final satisfaction of Virginia military bounty land warrants; the engrossed bill having been mislaid since it was received from the Senate.

The Senate proceeded to the consideration of the message, and in conformity therewith, it was so ordered.

#### EMOLUMENTS OF GENERALS SCOTT AND PIERCE.

Mr. MERIWETHER. I ask the Senate to take up the resolution which I submitted on Thursday. I apprehend it will take but a few moments to adopt it.

The motion was agreed to, and the resolution was read, as follows:

*Resolved*, That the President of the United States be requested to inform the Senate what amount of public money

has been paid to General Winfield Scott and General Franklin Pierce, respectively, from the time of their first entrance into the public service up to the present date, distinguishing between regular and extra compensation; also, for what said amounts were paid, whether for pay proper, rations, forage, horses, mileage, transportation, servants, quarters, fuel, medical attendance, or commutation for any of the preceding items; also, that he inform the Senate what amount of extra compensation has been claimed by either, the items of each and every such claim when first presented, and when and by whom allowed or rejected, and the official reasons given at the time for such allowance or rejection, and whether any item or items, claim or claims, once disallowed, were subsequently presented for payment, and if so, how often, and when, and if subsequently allowed or paid, by whom and when, and the amounts thereof, and the reasons for such allowance, and the amounts thereof; and that he also inform the Senate whether either of the above-named generals has received from the public Treasury pay or emoluments for discharging the duties of more than one office or employment at the same time, and if so, what offices or employments, and the amount of such pay and emoluments, and the time when paid, and whether any claim or claims have been presented for the discharge of the duties of two or more offices or employments at the same time by either of them, and disallowed, and if so, by whom disallowed, when, and for what reasons then given; and that he also inform the Senate whether either of the above-named generals has ever, under color of charging for percentage, or for extra compensation, or for any other reason or reasons, or in any manner or form, applied to his own use, or retained in his hands, any of the public funds or property without authority of law, and if so, when, and the amount or value thereof, and whether the amount thus applied or retained, or any part thereof, has ever been repaid to the United States, and if so, what amount and when so repaid, and whether any amount of public money or property, which has ever come to the hands or possession of either of them, remains unaccounted for, and if so, in whose hands, and how much.

Mr. JONES, of Tennessee. I shall not oppose the adoption of that resolution. I desire, however, to amend it, if possible. The Senator from New Jersey, [Mr. MILLER,] not now in his seat, also desires to offer an amendment. I therefore move to postpone the consideration of the resolution until Monday next, and also that the special order of the day may now be taken up.

Mr. MERIWETHER. I hope the consideration of the resolution will not be postponed. We want a response to the resolution before the adjournment of Congress, and I fear we shall not receive one if the consideration of the resolution be postponed.

The question was taken on the motion to postpone, and, on a division, there were—ayes 17, noes 20.

So the motion was not agreed to.

Mr. JONES, of Tennessee. I have an amendment which I wish to offer. I ask that it may be read.

It was read, as follows:

Insert after the word "date," the words

"Stating, particularly, the exact date of their entrance into the public service, and how appointed; whether as a graduate of the Military Academy or otherwise, and the cost of a course of study at that institution, and the sum paid to either or both while there."

After the words "medical attendance," insert the words "for what diseases, so far as can be ascertained, such attendance was required; whether for wounds received in battle, or for ordinary sickness; and if for wounds, when, and in what service, such wounds were received, and how often such attendance was required by each."

Add the following resolution:

Resolved, That the President be also requested to inform the Senate, whether General Scott or General Pierce has rendered service to the country in any capacity other than military; and if so, the length of time each was so employed, and the gross amount paid out of the Treasury for such service, distinguishing between the regular pay and fees, or mileage, or traveling expenses, allowed and paid to each, and the amount so paid.

Mr. JONES. On that amendment I ask that the yeas and nays may be taken.

The yeas and nays were ordered.

Mr. MERIWETHER. I will simply suggest, that if that amendment be adopted we cannot hope to get a response to the resolution during the present session.

Mr. BRIGHT. If the honorable Senator from Tennessee will offer his amendment as a distinct proposition, in the form of a resolution, I apprehend it will meet with no opposition from this side of the Chamber; but we are unwilling to embarrass the object of the resolution, as it came from the hands of the Senator from Kentucky.

Mr. JONES. I certainly have no such purpose as that indicated by the Senator from Indiana. It is not my purpose to embarrass the resolution offered by the Senator from Kentucky. The object of that resolution, as I understand, is to publish to the country at large the amount of money received by each of the individuals named, in compensation for their public services; and the in-

formation for which I have asked will not add much to the labor necessary to answer the queries proposed by it. It cannot delay the investigation when they are making up their account current. If I thought it would lead to delay I should not have offered it. I have offered it in no captious spirit, but simply for the purpose of obtaining possession of all the facts; and I conceive that it is perfectly germane to the original resolution.

Mr. DOUGLAS. Inasmuch as the amendment is germane and pertinent to the original resolution, I think it should be adopted. If it were offered for the purpose of embarrassing the resolution or to make the call so broad as to render it impossible for the Departments to return an answer during the present session, I should vote against it. In this case, I do not believe that more than two or three days will be necessary to return an answer, and therefore my view is that we should adopt the amendment of the Senator from Tennessee, and then see whether the answer will be returned in due time. I repeat, that we ought to adopt the amendment, and obtain all the information which the Department can give us.

Mr. PEARCE. Whether the resolution is answered promptly or not, appears to me to be entirely unimportant to the Senate or to the country. No gentleman has undertaken to say to what useful purpose the information called for can be applied. No one has said that he supposes any particular facility to legislation will be derived from it; and no specific charge requiring investigation has been made against either of the parties named. I apprehend that the only purpose to which it will be applied will be to crowd the columns of newspapers, already teeming with articles relating to these gentlemen, who have been nominated for the office of President of the United States. If the amendment is to interfere with any useful legislation, the result of which it can be said will be of importance to the country, I shall not sustain it. Nor will I sustain it if it be only to enlarge a useless inquiry. I shall be as little likely as any one else to sustain a resolution calculated to bring individual character into discussion before the people, the only effect of which will be to produce aspersions on an individual. I should not think of adding anything to this resolution by which it should be inquired how much public money yourself, sir, has received in the course of your long public service, being perfectly well satisfied that whatever you have received you are richly entitled to, both by law and by your meritorious services; and I have not the slightest doubt that General Scott was lawfully entitled to receive whatever he has received, and I apprehend the same remark is true of General Pierce.

Now, the answer to the resolution will disclose what we all know very well—that General Scott has received a much larger amount of the public money than General Pierce, having been much longer in the public service; and it will be no disparagement to General Pierce, a gentleman of whom I always speak with respect, to say, that if the duration of time and character of service be considered, the proportion of pay which General Scott has received will be found by no means in excess of proportion to his long, faithful, and glorious service.

But I desire to wash my hands of any investigation of this sort. I believe that they are both honorable men—both entitled to anything they have received; and I am not willing—not that I charge it as the design of the Senator from Kentucky, [Mr. MERIWETHER]—to do that which will only overurge a vitiated public appetite already fed to satiety upon political detraction. Our public men on both sides are slandered enough already; and this investigation can benefit the character of neither of these gentlemen; while it may, and probably will, diminish that respect for the dignity of the Senate, which has not usually been thought to lend itself to mere partisan purposes.

Mr. DOUGLAS. I will answer the inquiry of the Senator from Maryland as to what useful purpose is to be accomplished by the adoption of this resolution. I apprehend that the same useful purpose will be accomplished that his political friends in 1848 accomplished by the adoption of a similar resolution in reference to my distinguished friend from Michigan, [Mr. CASS,] when he was a candidate for the Presidency.

Mr. PEARCE. I desire to say for my own consistency's sake, that never, on any occasion, did

I utter one word in relation to that gentleman, on account of the public money he has received. It is an inquiry entirely unworthy of any gentleman holding his position.

Mr. DOUGLAS. I presume that the Senator from Maryland never said a word in disparagement of the Senator from Michigan, and that he did not speak in favor of the resolution of 1848; but I have yet to learn that he then saw the slightest objection to this mode of inquiry. Now, sir, I do not know what facts will be disclosed by this resolution, but I think that we ought to teach our friends upon the other side of the Chamber, that, if they bring forward resolutions of this kind upon us, when we have a candidate for the Presidency who has been long in the public service, we may bring forward the same inquiry upon them, and let them see what the result of this mode of proceeding is. I do not know that anything will be disclosed by the answer to this resolution that is not defensible. If there be anything, let it fall where it should fall. This resolution is broader, more fair, and impartial, than the resolution adopted in 1848; for this resolution includes both the candidates. That resolution was confined to only one, and thus it was made to aim directly against the Democratic candidate. But, why do our friends on the other side of the Chamber assume, in advance, that the effect of the resolution will be against General Scott? Why may it not operate against General Pierce as well as against General Scott? Why do they confess, in advance, that their man is more vulnerable than ours? It may be so. I do not know how the fact is; but I think we had better not judge of the case until we get the information.

Mr. BUTLER. I am perhaps less involved in the presidential canvass than any gentleman upon this floor, and therefore I shall not speak as a partisan in relation to this resolution. I can only regret that such a resolution should ever have been introduced into this Senate for the purpose referred to by the Senator from Illinois, [Mr. DOUGLAS.] Such a course of proceeding is well calculated to impair the dignity, and I may say respectability, of this Senate. Now, if it were left to these high-minded and chivalrous gentlemen, General Scott and General Pierce, it is the last mode of warfare they would select which has been prepared for them in the public mind. Do I suppose that General Pierce could make any aspersion upon his honorable rival at this time, and comrade at another? Sir, it would be the last thing, in my estimation, that that distinguished gentleman, Winfield Scott, would resort to to assail his former comrade and present rival. Whilst comrades in arms their personal relations were cordial, and I presume, are so yet. Let not politicians tear these relations asunder. Let the two gentlemen be the exponents of their political principles, as they are the exponents of all that belongs to the honor, glory, and renown of their country.

I, sir, deeply regret that this resolution is introduced. I say so not as a partisan, for I stand in a position of comparative indifference, as a Democrat, to the presidential contest, but am opposed to the election of General Scott; yet I think that General Scott might well reply when called upon to answer for the public money he has received, and which has been appropriated from the Treasury for his services, as Scipio did when called upon for an audit of his account: "This, if not the day, is the month in which I won the battle of Zama."

The poverty of the gallant hero and illustrious general would of itself be a vindication against any culpable imputation upon him; and it will be found that he has rather spent money for the honor of his country than saved it for himself.

As to General Pierce, no one can presume for a moment but that his high character as a soldier, and his eminent qualities as a statesman will enable him to pass any ordeal that may be prepared for him by political adversaries.

At least let not the Senate be the arena for a species of warfare which belongs rather to the hustings than to a grave deliberative body.

Mr. UNDERWOOD. I feel very much like the Senator who has just taken his seat in regard to this subject, as if I had some regrets that any movement of this sort had been made; but as our political opponents on the other side of the Chamber have pressed this matter, I am willing to gratify them. The information asked for will be of service in a political point of view; and as a part-



san, if I had any feelings of that sort, I would vote for giving it; because when you show the greater amount of money which General Scott has received over General Pierce for his services, you will show at the same time the magnitude of those services for which the money has been paid, and you will lead the people to inquire, from which no evil can result. And if any money has been paid improperly, there will be another deduction which the people will make from the inquiry. They will ask which political party in this country paid the money; who was in authority when the money was improperly paid, if any has been so paid; and my word for it, it will fall upon the skirts of the party to which the gentleman belongs who introduced the resolution. If there be any fault—which I do not charge—it will show that the party which does such things is not fit to be intrusted with power.

Mr. WELLER. Then let us all go for the resolution.

Mr. UNDERWOOD. I have said that I intend to go for it, because it came from the opposite party, while I regret that we should make our contest at the polls now turn upon the question, which of the candidates has received most money from the Treasury of the United States.

Sir, there is some tendency in the public mind, and I regret it very much, to speak of distinguished gentlemen who have been long in the public service, as "old fogies," and to say to them, "you have had money enough, and it is time for you to give way, and let younger men come in and participate in the spoils." In this way, our contests are to be determined by the amount of money received, as though intelligence and capacity to serve the country was of less consequence. Sir, I repudiate everything of that sort. I regret it deeply that the resolution has been offered, but since it comes from the quarter from which it does come, I am willing to gratify my friends upon the other side.

Mr. ADAMS. As I shall vote differently from any of my political friends, I wish to state the reasons for my vote. I condemned in 1848 the course pursued by the opposite party in relation to a similar resolution. If I was right in condemning it then, I will not turn round and commit the same wrong now. If it was wrong in that party, as I then believed and still believe, to place a political election on a purely personal feeling, I do not intend to take a contrary course of action now. Again, I do not think that the Democratic cause requires any extraneous influence of this kind, apart from the intrinsic purity and value of its principles; therefore, relying on the intelligence of the people to carry out those principles, which I believe to be best adapted to the interests of the country, I will not be concerned in the introduction of any mere personal feeling into the contest. I never did, and I trust I never shall do anything of the kind. When the party selects an organ, it is immaterial to me whether that organ is worthy or unworthy. It is not by any question of that kind that I am guided. I look solely to the principles of the party with which I act, and if I ceased to have confidence in the principles of the Democracy, I should cease to act with them. For these reasons, I feel constrained to vote against the resolution.

Mr. WELLER. It is somewhat surprising that the argument used by the Senator from Kentucky, [Mr. UNDERWOOD,] relative to the resolution of 1848, did not suggest itself to his mind then. I should like to know if that Senator was here in 1848, and if he voted for the resolution calling for information as to the amount of public money received by the Senator from Michigan, [Mr. CASS.]

Mr. PEARCE. With the permission of the Senator from California, [Mr. WELLER,] I will state that the resolution which constitutes the precedent that Senators now propose to follow, was not passed by the Senate. It emanated from the House of Representatives. I hope we will not set the example of offering such a resolution in this body now.

Mr. WELLER. I believe that a resolution of this character was passed in 1832, and I am sure that such a resolution was passed in 1828, calling for the amount of money received by J. Q. Adams, who was then the candidate for the presidential chair.

Now, this information may be useful to the people. Both these gentlemen are candidates for

the highest office within their gift. The people are called on to decide the contest between them, and it may be of some importance for them to know the amount of public money which they received during a long series of years. The people are entitled to the information. It can produce no harm. We are not responsible for the use made of it. If it is used for the purpose of ascertaining the character of the respective candidates, you and I are not responsible. It is a sort of information which the people are entitled to if they desire it. It is their money which has been expended, and they have a right to know the amount that has been paid. I shall therefore vote for the resolution.

Mr. UNDERWOOD. I wish to say that I had no recollection of the resolution of 1848; and as the Senator from Maryland [Mr. PEARCE] says the resolution was passed in the House of Representatives, of course I had nothing to do with it.

Mr. BRADBURY. The amendment, as it will be seen, is not only unnecessary, but its adoption may render an answer to the resolution impossible during the present session. It requires that the President shall state the exact date of the entrance of the two distinguished individuals referred to, into the public service. That request is unnecessary because the information is already in the possession of every one. Again, it asks for information whether they entered the public service as graduates of the Military Academy at West Point, and the cost of a course of instruction in that institution. Now, I understand that neither of these distinguished individuals graduated there; certainly General Pierce did not.

Mr. CASS. Neither did General Scott do so.

Mr. BRADBURY. Neither did General Scott, as the distinguished Senator from Michigan remarks.

But this clause of the amendment asks not merely whether they graduated at West Point, but also what is the cost of a course of instruction there, not as applicable to them, but generally.

As neither ever entered or graduated there, the query is not only not pertinent, but would render much delay necessary in an attempt to obtain this general information.

The amendment also calls upon the President to inform the Senate for what diseases medical attendance may have been required, and how often. It is perfectly obvious that the only effect—I will not say purpose—of this portion of the amendment could be to embarrass and delay an answer to the resolution.

The President is also called upon to state whether General Scott or General Pierce has rendered any service to the country in any other than a military capacity. I would like to know how the President can be in possession of any information on that subject which may not be equally in the possession of every member of the Senate and the public generally? It is obvious that the effect of the amendment would not be that which was supposed by the Senator from Illinois, [Mr. DOUGLAS,] when he made the remark which fell from him, and I think that its adoption would possibly prevent a seasonable answer to the resolution. If the Senator from Tennessee desires to have a resolution adopted of the character which he proposes, by the amendment, let him present it by itself, and I will not vote against it. If he wants the inquiries made which he proposes, let him take the responsibility of proposing it, and not attempt to fix the responsibility upon another quarter, by making an amendment to the resolution of the Senator from Kentucky.

Mr. President, we have not only a precedent for this resolution, but there was something in the remarks of the Senator from Kentucky [Mr. UNDERWOOD] which makes it imperiously necessary that it should be adopted. The honorable Senator would seem to be possessed of some information which warranted him in predicting that "if any money had been improperly received," the responsibility would fall upon a Democratic Administration. I do not know what information that distinguished Senator has, upon which he bases the prediction, that if money has been improperly received, the responsibility of passing it must fall upon a Democratic Administration. I venture to say that the people of this country possess too much candor and fairness to condemn any one for the receipt of money in a proper manner. If money has been received for long and distin-

guished services, it will be no matter of reproach against any individual to have so received it. If, however, there has been a looseness in regard to its receipt, if there has been any conduct which goes to show that money has been, in the language of the Senator from Kentucky, "improperly received," there might be some degree of responsibility attached to it. I think, that after the remarks of the Senator from Kentucky, it becomes important that the truth of history should be vindicated, and that if any money has been improperly received, the responsibility should be fastened where it belongs.

Mr. UNDERWOOD. I did not admit that I had any knowledge of an improper payment. Far from it. I made no assumption that I had any such knowledge. I did not intend to communicate any such idea. I said conditionally, if such a thing existed, then, from the length of time the Senator's party has been in power, the probability is that it would fall on his side of the Administration, to show the payment. That is what I said; not assuming that any such thing existed. I hope no such thing does exist; and if, as I hope and trust, it does not, then it will follow, as I said, that all the money which has been paid to General Scott has been properly paid, and it will only show the magnitude and importance of his services, and make the contrast the wider.

Mr. BRADBURY. Mr. President, I used the same language which was employed by the Senator from Kentucky, [Mr. UNDERWOOD.] He ventured to predict that "if any money had been improperly paid," the responsibility would fall upon a particular Administration. Now, all we desire is to let the facts come out precisely as they are; for we know that, at the present time, we need at the head of affairs a man who will stand firm, and repress the tendency to extravagance and profligacy which is now found to exist. If, then, there is no objection to the resolution, and all desire to have the facts come out, I trust the honorable Senator who has offered the amendment will withdraw it, and allow us to pass the resolution at once. He can then offer his amendment as an independent resolution—as he may without notice; for, I venture to say, no one will object to it as such—and himself take the responsibility of his own call.

Mr. JONES, of Tennessee. I should certainly be very much inclined to conform to the wishes of the Senator from Maine, if I could see any propriety in doing so.

Now, one word of reply to my honorable friend from Illinois. If he meant, by any insinuation, that I was opposed to the introduction of this resolution, or that I am disposed to evade it, he misapprehends me. I shall vote for it, if it is amended as I propose; and I shall not evade any investigation. I had no part or lot, however, in the resolution to which he referred as having been passed in 1848; for I was not here. If I had been here it is probable I should have voted for it, as I shall vote for this. I do not think I shall ever hesitate to vote for any investigation that may be desired in regard to any public servant in this Government, I do not care who he is, whether Whig or Democrat. If any man desires to investigate the character and conduct of any public servant, I shall vote for it at all times. I shall vote for this resolution, if it is put in a fair form.

But the Senator from Maine says he cannot see why I should present this as an amendment to the original resolution; but, that if I will offer it as a separate proposition, he will vote for it. He says there is nothing in the first inquiry, about the education at West Point. Well, if there is nothing in it, it will take no time to answer it, and will not delay the answer to the resolution itself. And when he comes to the second proposition, he says that will simply delay the answer. Now, Mr. President, I presume that our friends on the other side of this Chamber mean to act fairly about this matter. I have never made a presidential speech here, and hope I never shall. I have not a word to say about these things here. Here is a proposition by which the Senators on the other side propose to inquire into the amount of public money paid to General Scott and General Pierce. That is fair and legitimate; and is it not equally fair and legitimate, and does not common justice demand that the services for which that money was paid should go to the country with it? Who knows,

do you, sir, with all your public services here, what orders were issued to General Scott or to General Pierce, and what particular services were required at their hands? And when we find an amount of money paid to General Scott, is it not fair and honest that we should know for what purpose it was paid? It is astonishing that my friend from Maine can hesitate for a single moment. If he desires a full investigation of all the facts, which I presume he does, and which I presume all do, there is nothing incompatible in my amendment with the original proposition. It simply requires the President, while furnishing this account current of money received by Winfield Scott, to furnish, at the same time, the services and the objects for which the money was appropriated. That is all; and if the amendment is adopted, I shall vote for the resolution cheerfully, whether it has a precedent or not.

Mr. BRADBURY. If the honorable Senator will limit his amendment to the terms employed in his closing remarks, I will not object to it. He says the only object of the amendment is to call for the services that have been rendered, and the objects for which the money has been paid. If he so modifies the amendment, I shall not object to it.

Mr. JONES. I intend to be as accommodating to my Democratic friends as I can. I will therefore strike out the first proposition in the amendment. I think it is pertinent, and I should like to have the information; but in order that there may be no caviling, I will strike that out with the permission of the Senate, and then let the vote be taken on the amendment.

Mr. HAMLIN. I suppose the Senator from Tennessee meant to strike out all of the first proposition in his amendment, leaving only the additional resolution. I would be willing to go for that.

Mr. JONES. I simply mean to strike out that portion of the amendment which relates to West Point.

Mr. HAMLIN. Then I shall vote against the amendment.

Mr. CLEMENS. I shall vote against the amendment, the first and every part of it. I shall vote against it, particularly the medical clause, because it will be absolutely impossible to ascertain the information for which it calls. A surgeon of the United States Army is not paid for particular cases. He receives his pay like an officer of the Army. His compensation is absolute, and it does not depend at all on the amount of service rendered. There is no means of ascertaining what is the value of the medical service rendered to a general officer or to a private. It is absolutely impossible. The amendment amounts to nothing. It is immaterial. I shall vote against the whole of it. I think the matter very unimportant any way. I do not care one straw what amount of money General Scott may have received from the General Government. I am very sure he has never received anything but what he was entitled to, and I believe that he has never received half as much as he deserved.

Mr. JONES, of Tennessee. For the benefit of my friend from Alabama, I will tell him why I put the clause in relation to medical service in the amendment. It is in the original resolution in part. Medical attendance is specified. They propose to investigate that. The mover of the resolution inserted it himself; and it being so, it is fair and legitimate to know for what particular medical service the payment was made. I have no disguise in this matter. I mean, if General Scott is to be arraigned—I do not know that that is the purpose—but if he is to be arraigned for having money expended for him in the medical department of the Army, I want to know what it was expended for—I want it known that he had been wounded, and had suffered a long time, and that that medical bill was for that particular service. That is what I mean, frankly and honestly, for I have no concealment about the matter.

Mr. MERIWETHER. I will strike out the portion of the original resolution relating to medical attendance, to meet the wishes of the Senator.

Mr. JONES. I would rather have it in.

The PRESIDENT. If such is the pleasure of the Senate, the Senator from Kentucky can modify his resolution.

Mr. UNDERWOOD. I object.

The PRESIDENT. Then it cannot be modified. The only way to reach it will be by moving

to amend the resolution, by striking out that portion of it, after the amendment which is now pending has been voted upon.

Mr. SOULE. I regret, Mr. President, what has taken place here this morning, though I hope it may teach a lesson, not only to this high and august body, but to the country at large. We have before us an instance of the danger of establishing precedents on light and transitory considerations. In the ardor and excitement which a feverish canvass is but too apt to produce, we suffer ourselves, at times, to be carried away by that frenzy of party spirit which so little behooves serious, deliberative bodies, as should be the two branches of the National Legislature. We look solely to the immediate advantages which we expect to derive from those measures which we advocate and press, on the spur of such ardor and excitement, unmindful of those contingencies of the future, which, soon or late, force us to rue the hour when they entered our minds, and prompted to action our wills.

At a period not far remote from us—at least not far enough remote to be forgotten—a most distinguished colleague of ours, high then, as he is now, and will ever be, in the estimation of this body, and high in the respect, confidence, and affections of the people who know him through that long race of service which he has so gloriously run, was made the subject of a searching inquiry, elicited by a resolution passed in the other House. I am yet to learn that the great Whig party, with the high-souled men that then belonged to it, and who are still now its main champions, ever entered a protest against this tardily-discovered abuse of the legislative franchise. No, sir; that party, and the men of that party, suffered the search to take its course, and to bring forth its results; and comments most ungenerous and unjust were made upon those results, and spread like wild-fire throughout the whole country, without a hand being then extended by those who seem most opposed to the movement made this day in the Senate, to stop its progress and mitigate the poison which it was insinuating into the public breast.

Who, amongst the promoters of that measure, then suspected that it might ever breed the consequences which it now bears? There it stands, however, a dismal precedent recoiling upon its progenitors! And it is in the power of no one to blot it out, either from our memories or from that inexorable recipient of past events, history. There it is, sticking to the recollections of the whole nation, and prompting everywhere a wish that it may be visited back upon those with whom it originated. And, sir, we could hardly now refuse our sanction to its being reproduced, without seeming to be recreant to what we owe to the people. I am not of those who would willingly bow before their whims and caprices; and had the resolution, before us, been introduced with the name of the highly distinguished individual who now heads the Whig ticket alone, I should unhesitatingly have voted against it. Coming as it does, coupling that name with the name of that other distinguished individual who heads the Democratic ticket, I might still hesitate and doubt as to the course it suits me to pursue. But from the moment that it is being provided with the escort of the amendment proposed by the honorable Senator from Tennessee, all scruples desert me, and I no longer hesitate to give my vote in favor both of the resolution and the amendment. From the turn which the presidential canvass seems inclined to take, a negative vote would infallibly be construed as implying an apprehension which I am far, very far, indeed, from entertaining. For if I know anything of the human heart, and of the motives and influences that prompt it to action; if I can read out a man's mind and character from the manifestations through which he communes with the outer world; if there is any virtue in the warrants of past life, any truth in the unguarded outpourings of the soul, that man of ours, whose name adorns our banner, can bear the most rigid scrutiny, and bear it well too.

Mr. STOCKTON. This is not the first occasion, Mr. President, that I have had the misfortune to differ from views expressed by my political friends. It has always been a source of some regret to do so—it is especially grievous to me to-day. I find myself compelled to dissent from the course which my distinguished friend from Lou-

isiana [Mr. SOULE] has indicated, that his duty constrains him to take. I have some relief, however, from this embarrassment, in the persuasion that his own sentiments of personal honor and patriotism, as far as they are connected with this subject, do not differ materially from mine. If they did, I should certainly distrust my own instincts and judgment—so far at least as to remain silent. But supposing that my honorable friend in following the example of others, has mistaken his true position, and placed the defense of his vote on political and party grounds alone—and believing likewise that others of my honorable friends here have taken the same erroneous view of this subject, and have looked upon it only in one aspect—I shall venture, even though I have already heard from them a general expression of opinion in favor of the resolution, to make an appeal to both sides of this Chamber, to uphold the dignity of the Senate, and to lay both the resolution and the amendment upon the table.

Sir, gentlemen have discoursed upon this subject as if they had no other obligations in the world except those which are due as party men to General Scott and Mr. Pierce, or to their respective political parties.

Now, sir, permit me to say, that I stand here this morning as a Senator of the United States, and not merely as a politician, and that while I bear in remembrance the long line of grave, dignified, and distinguished men and patriots, who have served their country in this Senate before me, I cannot consent to act or vote upon any measure arising in this body solely on party grounds, or upon any such principles as those assumed by some of my distinguished friends upon this occasion. I have, as a Senator, nothing to do with the party interests or affinities of General Scott or General Pierce in the discussion of this question. I care but little about either one or the other in comparison with my duty to the Senate and the country. In this matter I care nothing about party politics. Mr. President, upon another occasion, and in another place, I said that my party robes hung loosely upon my shoulders whenever the honor, the interest, and the welfare of my country were at stake; and now, sir, here before this Senate and before the people, I say that my party robes will hang loosely upon my shoulders whenever the honor, the dignity, and the usefulness of this august body, in my judgment, may depend upon any vote of mine.

Sir, is this the arena to discourse on the subject of party politics, or to indulge in personal commendation, or vindictive aspersion? I say no. Party politics is a business that our constituents never expected or desired us to waste their time upon here. It is a small business which the Democratic party do not expect or wish us to meddle with; and if I have not wrongly estimated their virtue and wisdom and patriotism, they would prefer that we should lay the resolution and the amendment upon the table rather than that we should do anything to impair public confidence in the exalted reputation and dignity of this body. But it is said that there is a Whig precedent for this resolution. Then let us put the brand of Democratic disapprobation upon it. I move that the whole subject be laid on the table.

Mr. UNDERWOOD. Will the honorable Senator allow me to say a word? It will be very short, and I will renew the motion.

Mr. STOCKTON. No, sir; I cannot withdraw the motion.

Mr. BRADBURY and Mr. MERIWETHER asked for the yeas and nays on the motion; and they were ordered, and being taken, resulted—yeas 20, nays 23; as follow:

YEAS—Messrs. Adams, Bayard, Bell, Brooke, Butler, Chase, Davis, De Saussure, Foot, Geyer, Hunter, James, Mallory, Pearce, Smith, Stockton, Sumner, Underwood, Upham, and Wade—20.

NAYS—Messrs. Atchison, Borland, Bradbury, Bright, Cass, Charlton, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Hamlin, Jones of Tennessee, Meriwether, Norris, Sebastian, Seward, Soule, Spruance, Toucey, Walker, and Weller—23.

So the motion was not agreed to.

Mr. UNDERWOOD. I rise to say, that the vote which I gave in favor of laying the resolution upon the table was to meet what I consider a noble avowal on the other side of the Chamber. I stated in the outset that I deprecated this course very much; but the Senators on the opposite side who favor this proposition leave me no alterna-

tive. If I vote against it, it is as much as to say I am afraid something would be disclosed against that candidate for the Presidency whom I intend to sustain, which would be degrading and disgraceful to him. I believe nothing of the sort can be disclosed; and therefore when you put the question on adopting the resolution, I am compelled to vote in the affirmative.

I rise to make these remarks to show the consistency, as I think, of the attitude which I occupy in having voted to lay the resolution on the table, while I shall now vote for the resolution itself; and if the Senator from New Jersey had given me the floor when I requested it, it would have been for the purpose of complimenting him for the noble sentiments which he avowed, and in endeavoring by that mode to get clear of a subject, the introduction of which into the Senate of the United States I deprecate. But it being here, and coming from political adversaries, I feel bound to open every channel of investigation to them which they may think proper to demand.

Mr. BORLAND. I would have no objection to the amendment of the Senator from Tennessee, if it were introduced as a separate proposition. I believe, however, that if it be attached to the original resolution, the delay in answering it will be so great, that the information desired will not be obtained in time. I shall, therefore, vote against it as an amendment; but, if the Senator will bring it forward as a separate proposition, I will most cheerfully vote for it.

The question being taken by yeas and nays on the amendment, resulted—yeas 18, nays 19; as follows:

YEAS.—Messrs. Adams, Bell, Brooke, Butler, Charlton, Davis, De Saussure, Douglas, Foot, Geyer, Jones of Tennessee, Seward, Smith, Soule, Spruance, Underwood, Upman, and Wade—18.

NAYS.—Messrs. Atchison, Bayard, Borland, Bradbury, Bright, Cass, Clemens, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Hamlin, Meriwether, Norris, Sebastian, Stockton, Toucey, Walker, and Weller—19.

So the amendment was rejected, and the question recurred on the resolution.

Mr. STOCKTON asked for the yeas and nays; and they were ordered; and, being taken, resulted—yeas 26, nays 11; as follows:

YEAS.—Messrs. Atchison, Badger, Borland, Bradbury, Bright, Cass, Charlton, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Hamlin, Jones of Tennessee, Meriwether, Norris, Sebastian, Seward, Soule, Spruance, Toucey, Underwood, Wade, Walker, and Weller—26.

NAYS.—Messrs. Adams, Bayard, Brooke, Davis, De Saussure, Foot, Geyer, Smith, Stockton, Sumner, and Upham—11.

So the resolution was adopted.

#### THE FISHERIES QUESTION.

On motion by Mr. CASS, the Senate resumed the consideration of the President's message, concerning the North American fisheries, the pending question being on the motion to refer it to the Committee on Foreign Relations.

Mr. SEWARD rose and addressed the Senate at great length. [For speech see Appendix.]

Mr. SOULE rose to reply, but gave way to Mr. BRADBURY. If the Senator will allow me, I will move that the Senate adjourn.

Mr. CASS. I trust not. I hope we shall finish this question to-day. It will interfere very much with the business of the Senate if we take up the subject again on Monday morning. I hope we shall get through with it to-day.

Mr. SMITH. We have only about fourteen or fifteen days to finish all the business of the session, and I think we ought to dispose of this subject now.

Mr. CASS. The mere question of reference has been pending for two weeks.

Mr. WELLER. That is true, but the Senator himself has spoken on it.

Mr. CASS. I know I have spoken, and I would not take the right to speak from any single man who wished to exercise it, but the whole question will come up again on the report of the committee.

Mr. BRADBURY. If I was sure we could get through with the preliminary question to-day, and that we should have a report from the committee in two or three days, I would withdraw the motion to adjourn; but my fear is that we shall get no report.

Mr. CASS. The honorable Chairman of the Committee on Foreign Relations is exceedingly

anxious to make a report; I believe he said so the other day.

Mr. BRADBURY. Then I withdraw my motion.

Mr. SOULE. If the wish of the Senate be to take a vote immediately on the question of reference, I cannot be willing to detain them at this late hour of the day; because, if I should go into the merits of the question, it would take me at least an hour. It is impossible that I should run over the argument which has been presented by the honorable Senator from New-York in less than that time. Therefore, if the wish and sense of the Senate be, that we should at once pass upon the motion to refer, I will consider it my duty, in courtesy to the Senate, and out of a proper regard for myself, not to insist upon addressing the Senate now; but I leave it entirely to the Senate.

THE PRESIDING OFFICER. (Mr. Foot in the chair.) The question is on the motion to refer the message to the Committee on Foreign Relations.

Mr. WELLER. I move to postpone the further consideration of that question until Tuesday next.

The question being taken, it was found that there were 10 in the affirmative and 10 in the negative; no quorum voting.

Mr. DAVIS. I suggested the day before yesterday, when this subject was up, that I should be very glad to have an opportunity to address the Senate. If I have that indulgence, my remarks will be brief. I am not quite willing that this subject should be committed without taking notice of some observations which have been made in the course of this discussion. This is not, by any means, a Massachusetts interest; but, at the same time, my State has a large interest in it. The country has an interest in it. And, although I have on one or two occasions made very brief observations to the Senate on this subject, still I purposely forbore to touch upon the points which have been drawn up by the communication of these papers from the President. I wish a little more time to look into them, if I can, in order to show the posture of this question, and the precise position in which it is now placed, to enable the Senate to understand it, so that we may know how to deal with it. I want an opportunity to do that, either to-day or at some other time, just as the pleasure of the Senate may be.

THE PRESIDING OFFICER. The question was taken a moment ago on the motion to postpone the further consideration of the subject until Tuesday, and on the vote on that question no quorum was found to be present.

Mr. WELLER. I move that the Senate adjourn.

Mr. CASS. I hope the honorable Senator will withdraw the motion for a moment.

Mr. WELLER. Certainly.

Mr. CASS. I wish to give notice to the Senate that I shall on Monday ask it to take up the bill for the construction of a canal around the Falls of the river St. Mary. I pledged myself some time ago to the Senator from Tennessee, [Mr. BELL,] that if I could not put that measure on the ground of defense, and show that it was not connected with a general system of internal improvements, I would not ask the Senate to pass the bill. But the subject has been pending for three or four weeks, and my colleague and myself have allowed it to go over, day after day, not wishing to interfere with the other business of the Senate. We ask, as a favor, that we shall be allowed to take up the question on Monday and have it disposed of.

Mr. DAVIS. I would say to the honorable Senator, that I propose on Monday to take up the river and harbor bill.

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SAUNDERS, August 14, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

THE SPEAKER. The business first in order is the motion to commit to the Committee of the Whole House bill No. 297, declaring the Wheeling Bridge a lawful structure and post road, and for other purposes.

Mr. SMART, by unanimous consent, from the

Committee on Military Affairs, to which was referred the bill of the House (No. 105) for the settlement and payment of the claims of the State of New Hampshire for the services of her militia, and for disbursements for military purposes during the last war with Great Britain, reported the same without amendment.

Ordered, That the said bill be referred to the Committee of the Whole on the state of the Union, and printed.

Mr. HARRIS, of Tennessee. Before proceeding to the execution of the business of the morning hour I desire the unanimous consent of the House to make a report from the Committee on Invalid Pensions.

Mr. FICKLIN. I hope the gentleman from Tennessee will permit me to report a bill to prevent the circulation of small notes in the District of Columbia, merely for the purpose of having it printed.

Mr. PENN. I object.

Mr. FICKLIN. I appeal to the gentleman from Louisiana to withdraw his objection.

Mr. PENN. I cannot. I have bills in my desk which I have been anxious to introduce for months.

Mr. FICKLIN. Then I give notice that I shall move to suspend the rules on Monday for that purpose.

Mr. HARRIS. I am instructed by the Committee on Invalid Pensions to ask the unanimous consent of the House to take up from the Speaker's table Senate bill No. 421, giving to a poor fellow the sum of \$3 50 per month. I will state to the House that it is a case of great necessity. I hope the House will consent to take up the bill and pass it.

Mr. LETCHER. I object, and call for the regular order of business.

#### WHEELING BRIDGE.

Mr. THOMAS M. HOWE then resumed and concluded his speech in opposition to the bill declaring the Wheeling Bridge a lawful structure. [For speech see Appendix.]

Mr. MILLSON next obtained the floor, and addressed the House until the expiration of the morning hour in reply to Mr. WOODWARD, on the abstract rights of navigation as applied to the Ohio river. He was interrupted by

Mr. HOUSTON, who inquired if the morning hour had expired.

THE SPEAKER. It has. Does the gentleman from Virginia yield the floor to the gentleman from Alabama?

Mr. MILLSON. I do, sir.

Mr. HOUSTON. I then call for action upon the bill reported from the Committee of the Whole on the state of the Union yesterday.

#### ARMY APPROPRIATION BILL.

THE SPEAKER. That bill is the first business in order under the operation of the previous question. It is House Bill No. 220, "making appropriations for the support of the Army for the year ending the 30th June, 1853," and the question is upon agreeing to the fifth amendment.

The Clerk reported the amendment, which is as follows:

"For the purpose of testing the practicability of employing camels on the plains as a substitute, in part, for horses, \$20,000."

Mr. STEVENS, of Pennsylvania. I ask for the yeas and nays upon that camel question. [Laughter.]

THE SPEAKER. The yeas and nays have been already ordered.

The question was then taken upon agreeing to the amendment, and it was decided in the negative—yeas 38, nays 106; as follows:

YEAS.—Messrs. William Appleton, Bissell, Bowne, Clingman, Conger, Doty, Faulkner, Florence, Henry M. Fuller, Gentry, Gilmore, Goodenow, Harper, Haws, Haven, Holladay, Horsford, Howard, Thomas Y. How, Miller, Henry D. Moore, John Moore, Outlaw, Samuel W. Parker, Porter, Sackett, Schoonmaker, Skelton, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Strother, Sutherland, Taylor, Benjamin Thompson, Venable, Walsh, and Wells—38.

NAYS.—Messrs. Allison, Averett, Thomas H. Bayly, Beale, Bennett, Boccock, Bragg, Brenton, Briggs, Albert G. Brown, Buell, Burrows, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Caskie, Chandler, Chauman, Chastain, Clark, Cobb, Colecock, Curtis, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Durham, Edgerton, Edmundson, Floyd, Fowler, Thomas J. D. Fuller, Gaylord, Goodrich, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hebard, Hearn, Hibbard, Hillyer, Houston, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Jackson, Jenkins, Andrew



Johnson, John Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Kuhns, Kurtz, Letcher, Lockhart, Marlin, Mason, McCorkle, McMullin, McQueen, Meade, Millson, Molony, Murphy, Murray, Newton, Olds, Orr, Andrew Parker, Peaslee, Penn, Perkins, Polk, Price, Reed, Richardson, Robie, Scudder, David L. Seymour, Origen S. Seymour, Smart, Smith, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, Stratton, Stuart, Sweetser, Thurston, Wallace, Washburn, Watkins, Welch, Addison White, and Wildrick—106.

So the amendment was rejected.

The bill was then ordered to be engrossed and read a third time; and, being engrossed, was subsequently read the third time and passed.

Mr. HOUSTON moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. SEYMOUR, of Connecticut, moved that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. STANTON, of Kentucky. If that motion does not prevail, will not the first business in order be the report from the Committee on Printing?

The SPEAKER. This being Saturday, the motion to go into Committee of the Whole on the Private Calendar would take precedence of the motion to take up the report from the Committee on Printing. If, however, the House refuse to go into Committee, the Chair responds to the interrogatory of the gentleman, that the report from the Committee on Printing would be the first business in order.

Mr. WALSH. Is it in order to move to proceed to the business upon the Speaker's table merely with a view of getting at the private bills, that they may be referred to a Committee of the whole House?

The SPEAKER. That motion would be in order, and, in the opinion of the Chair, would take precedence.

Mr. WALSH. There is a number of private bills upon the Speaker's table, and if we can get them referred to the Committee of the Whole on the Private Calendar, we can then easily dispose of them.

Mr. HOUSTON. Allow me to ask the gentleman a question. I am for appropriating the balance of this day to private bills. Will the private bills upon the Speaker's table take precedence of the public bills?

The SPEAKER. Certainly. The motion is to go to the private business upon the Speaker's table.

Mr. WALSH. I will withdraw my motion. The question was then taken upon Mr. Seymour's motion, and it was agreed to.

So the House resolved itself into a Committee of the Whole on the Private Calendar, (Mr. HUBBARD in the chair.)

#### DAVID MYERLE.

The CHAIRMAN. The first business in order before the committee is the consideration of House bill No. 168, for the relief of David Myerle.

Mr. FLORENCE. Mr. Chairman, I do not desire to occupy the attention of the committee very long, but as the case immediately under consideration is one which, in my humble judgment, appeals to the warmest sympathies of every member of this House, I desire very briefly to review it from its commencement until this period. I think I can satisfy the committee that it is a just claim—that it is one which ought to receive the consideration and support of a majority of this House.

A number of years ago—perhaps ten—the subject of water-rotting hemp attracted the attention of the head of the Navy Department, and received some consideration from that gentleman. The Committee on Naval Affairs, who have reported this bill, were satisfied that the agreement entered into between the then Secretary of the Navy and Mr. Myerle justified the conclusion that they arrived at; and my object, sir, will be to prove from the record that they were correct in their conclusion.

In the first place, I will call the attention of this committee to the agreement made between the Secretary of the Navy and Mr. Myerle, where he urges Mr. Myerle to undertake this work—to establish the water-rotting of American hemp—and by that means to accomplish a great national

enterprise. Mr. Paulding says, in a letter to Mr. Myerle:

"You sought no contract; the proposal came from me. One of your leading motives in acceding to my proposition was from a wish to confer a benefit on your country. You succeeded, and were ruined. Your hemp was improperly rejected. All previous efforts by the Navy Department to induce persons to come forward with a supply of that article had failed, until you were induced by me to undertake it. The Navy is now supplied with a superior article. You never pretended to be the inventor of the process of water-rotting, but you were the first person to prove its practicability to the United States. After you were established, there were not wanting a sufficient number of applicants to the Department for contracts—among the number was a Mr. Hart, of Kentucky."

This is the declaration of Mr. Paulding, the then Secretary of the Navy: that he made the suggestion to Mr. Myerle; that Mr. Myerle did not seek the contract; but, imbued with characteristic American spirit, he entered into it and became a ruined man, and is now very poor. After the practicability of the experiment had been established, although Mr. Myerle had ruined himself in consummating it, there were not wanting a sufficient number of applicants to the Department for contracts, and among that number was Mr. Hart, of Kentucky. Mr. Paulding says: "That there had been many experiments made for years previously to Mr. Myerle embarking in the enterprise, and that it was considered an unhealthy operation, and impracticable."

Mr. Myerle had to contend with the general prejudice that then existed in the State in which he introduced the system of water-rotting hemp, and had to overcome it by personal exertion and the influence that he could exercise. The result of the test proved that it was not unhealthy.

The report of the Board of Navy Commissioners, dated December 31st, 1839, to the Navy Department, stated that the operation was unhealthy, and that the farmers would not water-rot their hemp. I will read an extract from that report, made by Commodore Morris, which alleges:

"That the Board have at all times been anxious to obtain hemp of the growth of the United States, if it could be furnished, of such quality as would justify its use for the Navy. There is no doubt, that if the hemp of this country were to be properly prepared by water-rotting, and the other necessary processes, it might be delivered at our navy-yards, of equal, if not of greater strength and better quality than any other which had been subject to the chances for injury, to which all imported hemp is exposed. The reason which has been assigned for adhering to the dew-rotting practice, is the injury to the health of those engaged in the water-rotting."

I need not urge another reason, I apprehend, to sustain the position I have assumed, that there was a strong and general prejudice existing against water-rotting hemp. And that it has been entirely and effectually overcome, no one, with the facts to the contrary staring him in the face, is prepared to deny. I will merely state it here, and will prove it conclusively, after a while, that Mr. Myerle abandoned a large and lucrative manufacturing interest to accomplish this national enterprise, by which that and a large amount of property became a total loss to him. The hemp that Mr. Myerle contracted to furnish the Navy Department—and I wish to impress this upon the committee particularly, because upon that I think the basis of the fairness and justice of this claim rests—was not to be rejected. The hemp, I repeat, was not to be rejected, and Mr. Paulding, in his letter of the 8th of March, 1843, says:

"Had I been at the head of the Navy Department at the time your hemp was rejected, I would most assuredly have taken upon myself the responsibility of directing it to be received, notwithstanding it was reported somewhat inferior, not in quality, I believe, but in cleanliness, or something of that sort."

"Satisfied of the great importance of the object aimed to be accomplished, had I not been prevented by a political revolution, I would have fulfilled every pledge I made to you to the very letter, and at least saved you from any loss after all the labor and risk you incurred. You were the very man I wanted for such an undertaking; you were neither too prudent nor too rash. You were willing to risk the labor of an experiment, at that time considered almost hopeless, and you had the best of all support, a reliance on Providence. I saw at once that you would succeed, if any man could, and you did succeed, where I vainly believe not another man in the United States would have done so."

This is the testimony of the then Secretary of the Navy, the gentleman who entered into this contract, who acknowledges that the rejection of the hemp was improper, and that if he had continued at the head of the Department, he would have prevented Mr. Myerle from loss and ruin. It is unnecessary for me to mention why he did not remain at the head of the Department. It was

because a political revolution occurred, and another gentleman was appointed to fill his place.

To give assurance, sir, of the intention of the Secretary of the Navy to continue this contract, and to receive the hemp after the contract had been made for two hundred tons, he increased it to three hundred more, entering into a contract with Mr. Myerle to supply five hundred tons of water-rotted hemp; and in a letter to him of the 16th February, 1849, he says:

"I am sorry to hear your bill has been again postponed. I hope this is not a total defeat. Perhaps it may be all for the best in the end by enabling your friends to procure a more adequate remuneration for your exertions and sacrifices. The disappointments of this world are often blessings in disguise."

And in his letter dated February 28, 1849, and addressed to Mr. Myerle, where he refers to the advantages likely to be gained by the Government and the country from the successful introduction of American water-rotted hemp, he says:

"I had been for some time very desirous to procure a supply of American water-rotted hemp for the Navy, in order to render the United States independent of foreign nations for this indispensable article, especially in time of war; and when you first called on me at the Department on business connected with your machinery for manufacturing hemp, I suggested the matter to you. You thought the thing practicable, but stated many objections, and declined the undertaking until I offered such encouragement as overcame your objections. You sought no contract. The proposition came from me, and I have always believed that one of your leading motives was that by which I was myself governed, viz: a wish to confer a benefit on your country; you succeeded and was ruined. A change of Administration had occurred, and I left the Department before I could redeem the engagement I had entered into with you, and which, as I said before, induced you in some measure to enter on this laborious and hazardous undertaking. Though the object I had in view has been completely attained through your energy, perseverance, and sacrifices, and the country is now thoroughly supplied with water-rotted hemp of domestic production, I cannot but regret that it has been by the sacrifices of your own property, aggravated by repeated disappointments in seeking some little recompense for your labors, losses, and mortification, as it was in a great degree through my encouragement and solicitations you were induced to enter on this hazardous enterprise. I have been, am, and always shall be willing to lend my aid, so far as truth will sustain me, in placing your claim on the justice of your country on the footing it merits."

That declaration or letter of the Secretary of the Navy is so full, so clear, and so explicit, that there can be no doubt at all that Mr. Myerle was invited to this experiment; that it was never intended that the hemp which he submitted in the fulfillment of his contract—I was going to say for the inspection of the board of Navy Commissioners, but I do not feel inclined to admit that—that the hemp that was sent to Boston in compliance with his contract was improperly refused, and improperly rejected; and the declaration of Mr. Paulding that I have just read, sustains me in that position.

It is needless, it strikes me, to go one step further than the declaration made in Mr. Paulding's letter of February 28th, 1849, to make this case appear a plain one, and give Mr. Myerle a claim upon this Government.

The benefits that have resulted from the introduction of American water-rotted hemp, may be briefly adverted to. The imports of Russian hemp up to 1836, were from four to six thousand tons per annum. Since then it has been decreased to the small amount of twelve hundred tons. I think this proves conclusively that the introduction of American water-rotted hemp has been advantageous to the agricultural labor of the country. We paid tribute to Russia of about \$3,000,000 a year. There is but a very small amount now imported, for the reason that the production of American water-rotted hemp has taken the place of hemp imported from Russia.

I have referred to the fact that an impression prevailed in Kentucky, and also in Missouri, I suppose, that the process of water-rotting hemp was injurious to the health of the surrounding inhabitants. It required a good deal of personal exertion and influence to persuade the people to the contrary. That prejudice has, however, been overcome, and hence the large production of American water-rotted hemp. To Mr. Myerle are we mainly indebted for removing that prejudice, and for successfully carrying on this great national enterprise. Mr. Myerle has up to this hour, received no compensation for this great public work. The receipts for his hemp at the amount agreed upon, were to compensate him for entering into this enterprise with the zeal and perseverance that he manifested.

It was to have been received and paid for by the Government, and was not to be rejected for any trifling reason, or indeed at all.

The gentleman from Kentucky [Mr. BRECKINRIDGE] has offered an amendment, which is now pending before the committee, directing that the amount to be paid to Mr. Myerle shall be held back until the claim of Messrs. Montmullen & Cornwall has been adjudicated in a legal manner. Now, sir, I said the other day, and I am prepared to reiterate the declaration, that Montmullen & Cornwall have no legal or just claim upon the amount that may be voted to Mr. Myerle. He entered into an agreement with them that they were to advance him money, with which he might procure the means of water-rotting hemp. It was understood that they were to have a lien upon the hemp until the amount of the advances made to Mr. Myerle were paid. Thirty tons of hemp—of the two hundred tons under the first contract—were shipped to Boston, where the hemp had to undergo inspection by the Board of Navy Commissioners. That board, as is known, rejected the hemp. Montmullen & Cornwall obtained possession of that hemp, and its future history is only known from the general commercial knowledge which business men obtain from circumstances around them, which informs them that an article like that is sent from one market to another. Montmullen & Cornwall obtained possession of those thirty tons of hemp, had it made into bale-rope, and sent it to some other point for sale. Mr. Myerle never received a farthing from the proceeds of that sale, nor has he had an account rendered to him by Montmullen & Cornwall up to this hour of the amount advanced to him, of which he is profoundly ignorant. The contract with Montmullen & Cornwall, perhaps, ought not to be the subject of comment, certainly not of reflection, here; but it was a pretty hard bargain, in my estimation.

The first contract was for two hundred tons of hemp, for which \$60,000 was to be paid by the Government. Taking the contract for two hundred tons of hemp, and placing the cost of the hemp at \$250 per ton, that would make a business transaction of \$50,000. The average time to close the transactions between Montmullen & Cornwall and Myerle was six months, and the amount of interest paid to that firm was one per cent. per month, which, upon that sum, would have yielded them \$3,000. They had from Mr. Myerle two and a half per cent. for guarantying the payment of his drafts, which, taking the \$50,000 as a basis, would yield \$2,500. They were then paid the difference of exchange between Lexington and Boston, which at that period was seven and a half per cent., yielding upon \$50,000, \$3,750. For packing and shipping the two hundred tons, they were to receive \$8 per ton, which would have yielded \$1,600. The acceptances that they gave to the farmers who were engaged in producing this hemp, which were drawn at ninety days, were cashed at one and a half per cent. per month, which would yield \$1,115 by the same process of reasoning and calculation. If, therefore, the two hundred tons had been received by the Government, as they ought to have been, \$10,000 would have been the profit upon the advances made by Montmullen & Cornwall. They were and, I suppose, still are rich men. Their business was dealing in money, and making advances by which they were likely to be advantaged. It was, perhaps, perfectly proper and consistent with such transactions that they should make the best bargain they could, and I have not submitted this statement to the consideration of the committee with a view to find fault with any business arrangement made between Mr. Myerle and Montmullen & Cornwall; but I have submitted it to show that there was a very strong inducement to enter into this operation, in a commercial point of view, because the profits were likely to be large.

Well, sir, the hemp was rejected, contrary to the agreement and understanding between the Secretary of the Navy and Mr. Myerle. It was immediately taken possession of by Montmullen & Cornwall, as well as about fifty tons still remaining in Kentucky. The eighty tons thus in their possession, if legitimately disposed of, would have been sufficient to have paid all their claim, and, perhaps, have left sufficient to remunerate Mr. Myerle for the great sacrifices that he made

in this enterprise. As it happened, he got none of it, and Montmullen & Cornwall reaped the results of all his labor. Mr. Myerle desired to have an opportunity of coming to Washington with the purpose of having an interview with the Secretary of the Navy, to endeavor to persuade that gentleman to relieve him from the conclusions arrived at by the Board of Naval Commissioners. He desired Montmullen & Cornwall to permit the hemp to remain in the possession of the agent of the Government, which they refused to do. As I said, they took possession of the whole of it. Now, if the eighty tons had been sold at \$250 per ton, it certainly would have been sufficient to pay all the advances made by Montmullen & Cornwall, at all events. Mr. Myerle had no account of the amount they advanced, or the amount of indebtedness from those advances. Now, I contend that the very knowledge of the fact that these gentlemen had possession of all the hemp, should be sufficient to persuade this committee to vote down the proposition of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] even if it were in order, because if the hemp had been received by the Government, as it ought to have been, he would have received enough to pay the advances made by Montmullen & Cornwall, as I before said, and probably enough to have paid Mr. Myerle for the influence he exerted in establishing and in perfecting this enterprise.

Mr. Myerle, after having petitioned Congress in 1844 for relief, pleading that he had a just claim, solicited Montmullen & Cornwall to submit a statement of their losses, if any, on the advances they made to him, and desired their cooperation in pressing this claim upon the justice of Congress. Montmullen & Cornwall, however, refused to cooperate with him in pressing his claim. They also refused to submit a statement of the amount of money advanced by them.

Mr. Chairman, I have but one other point to which I wish to refer, and I will conclude my remarks. I desire to submit to the consideration of this committee, the result of the investigation which was made upon the qualities of this hemp, as compared with the best Russian water-rotted hemp. It is the first official report ever made upon American water-rotted hemp. It was made in compliance with an order issued by a board of naval commissioners in Boston. I submit this report for another reason. I submit it, to prove that great injustice was done Mr. Myerle, and to Montmullen & Cornwall, if they suffered by it, by the rejection of this hemp; and that there was no good reason for its rejection, so far as its quality was concerned, except, perhaps, in a want of cleanliness, which was incidental in trying a new experiment.

Mr. HALL. Will the gentleman permit me to ask him one question?

Mr. FLORENCE. Certainly.

Mr. HALL. I desire to ask the gentleman what Montmullen & Cornwall got for this rejected hemp?

Mr. FLORENCE. That is the question?

Mr. HALL. That is the question I put to the gentleman.

Mr. FLORENCE. Very well, I will tell the gentleman what they did with it; but what they got for it precisely, I cannot tell. After this hemp was rejected by the Board of Naval Commissioners, Montmullen & Cornwall took possession of all of it, and sent it to New Orleans, where it was kept for three years, and made up into bale rope. If they had sold it at the time, they would have realized a large sum of money from it. But, sir, the market fell—to use a commercial term; the price of the article was reduced, and they lost on it in consequence. Now, I want to know, if the fact that Montmullen & Cornwall took the hemp, and kept it in their possession until the price of the article was reduced, is to be urged as a reason to show that this hemp was not a good article? Was it Mr. Myerle's fault that it remained there?

Mr. HALL. I desire to ask the gentleman one other question, for I expect after all, I know more about this matter than the gentleman from Pennsylvania. Was not this hemp found to be such a miserable and worthless article that it had to be sold as dew-rotted hemp for about \$100 a ton, while Russia water-rotted hemp was selling at the same time for \$230 a ton?

Mr. FLORENCE. I do not admit any such

thing. But even admitting it, that makes no difference. This was a new experiment.

Mr. HALL. But I understand this claim is based upon the ground that this hemp should not have been rejected.

Mr. FLORENCE. Very well; then I will satisfy the gentleman upon this point by reading the report made by Mr. Whitmore, of the investigation made under the direction of the Naval Board of Commissioners, affording as it does an additional evidence of the importance of the enterprise in which Mr. Myerle was engaged, and the immediate advantageous consequences to the naval resources of the Republic. The report to which I refer, and to the reading of which I desire the especial attention of the gentleman from Missouri, [Mr. HALL,] and to which I crave also the attentive consideration of the House, adduces incontrovertible facts, showing the strength and quality of the first water-rotted hemp forwarded from Kentucky in 1840. It will appear from this report, that the water-rotted hemp of Mr. Myerle was actually proven to be superior to the best Russia hemp. I will add here that this official report was made by Stephen Whitmore, junior, foreman of the naval rope-walk at Charlestown, in the State of Massachusetts. I may also, before I read the report, be permitted to state that in all, about two hundred tons of water-rotted hemp furnished by Mr. Myerle under this contract, was rejected by the agents of the Navy Department, and being thrown upon his hands was sold at a great loss in Europe and in the United States, by which serious and irretrievable embarrassments were brought upon him. But I will hasten to read the report:

"NAVY-YARD, CHARLESTOWN, November 22, 1840.

"SIR: In compliance with your order of November 2, I have examined and experimented upon the different samples of American hemp received from the Board of Navy Commissioners, and have compared them with the best Riga, Rhine, and St. Petersburg hemp. I would respectfully submit the following results of the experiments:

"THE AVERAGE STRENGTH OF THREE TRIALS.—Sample No. 1, tow extracted 14 per cent., sustained a weight compared with a rope of 1½ inches, untarred, 5,040 pounds; tarred, 5,502 pounds.

"Sample No. 2, tow extracted 25 per cent., sustained a weight compared with a rope 1½ inches, untarred, 4,284 pounds; tarred, 4,431 pounds.

"Sample No. 3, tow extracted 22 per cent., sustained a weight compared with a rope 1½ inches, untarred, 5,922 pounds; tarred, 5,481 pounds.

"Riga, Rhine, tow extracted 19 per cent., sustained a weight compared as above, untarred, 4,746 pounds; tarred, 4,893 pounds.

"St. Petersburg, clean tow extracted 22 per cent., sustained a weight as above, untarred, 4,011 pounds; tarred, 3,948 pounds."

Mr. HALL. By whom was this report made?

Mr. FLORENCE. It was made in compliance with an order issued by the Board of Naval Commissioners, on the 22d of November, 1840, by Stephen Whitmore, jr., rope-maker.

Mr. HALL. With reference to what hemp was this report made?

Mr. FLORENCE. It is in reference to Mr. Myerle's hemp. It is a comparison between that and Russian hemp.

Mr. HALL. That report was not in reference to the hemp of Mr. Myerle, which was rejected by the Board.

Mr. FLORENCE. Well, I will read the statement, and the gentleman will see what it was. It was an investigation made by order of the Board of Naval Commissioners, for the purpose of ascertaining the difference between American water-rotted hemp and Russian hemp.

Mr. HALL. The gentleman says this hemp of Mr. Myerle was taken possession of by Montmullen & Cornwall, carried to New Orleans and manufactured into bale rope. Now, I want to know if it was upon this bale rope that these experiments were made?

Mr. FLORENCE. No, certainly not.

Mr. HALL. How, then, were these experiments made upon this hemp, if it was all made into bale rope?

Mr. FLORENCE. It was upon that furnished by Mr. Myerle.

Mr. HALL. Then Mr. Myerle had charge of this hemp?

Mr. FLORENCE. No, sir, Montmullen & Cornwall had charge of the hemp which was rejected.

Mr. HALL. How could the experiment have been made upon this hemp, then, if Montmullen & Cornwall had it in their possession?

Mr. FLORENCE. I said they took possession

of it and refused to give it up. But if the gentleman will allow me to read, I think the report itself will make the matter plain:

"I will remark that the samples No. 1 and No. 3 of the American hemp were of extra quality and great strength, and much better cleaned than any I ever seen before. Sample No. 2 was of good quality, but not equal to the others. I should judge it to be a fair sample of American hemp generally. American hemp is brought into the market packed in bales, a part of which is good, and a part of inferior quality, no attention having been paid to selecting the good from the bad. The Russia hemp is inspected and separated by a regular inspector into three qualities—the first quality is called the clean hemp, the second out shot, the third half clean. These same qualities are found in the American, which should be inspected and separated in a similar manner."

Now, sir, I desire particular attention to the next paragraphs:

"Subject the hemp of Mr. Myerle to inspection, I have no doubt, judging from the samples he has furnished, that a large proportion of it will be found of very superior quality, stronger than any imported hemp, and nearly as well cleaned."

"The objections to rope made of American hemp are, that it decays sooner than Russia hemp rope; there is a decayed glutinous substance attached to the fibre, which prevents the tar from penetrating it properly, and also has a tendency to rot the rope. These samples I found to be very free from this substance. The process of water-rotting, I should think, would work this substance off, and remove the evil in a great measure. I am informed that American hemp is generally dew-rotted."

"I am, respectfully, your obedient servant.  
STEPHEN WHITMORE, JR., Rope-Maker.  
To Com. JOHN DOWNS,  
"Commandant Boston Navy-Yard."

That is the report of Mr. Whitmore. It is the declaration of a man competent to the task imposed upon him, or I presume he would not have been consulted; and the letter needs no further comment from me, however much I may desire to do so, by contrasting the relative difference between American water-rotted hemp and Russian water-rotted hemp. I have no time to do so. I will now read a statement showing the opinion of the manufacturer of a portion of this rejected hemp:

The following certificate from the manufacturer who purchased a large portion of the rejected hemp, will show its character:

"The quantity of hemp which I purchased from Messrs. Lombard & Whitmore, water-rotted, I found a very perfect article, very clean, free from tow and strong fibre. This hemp, I understood from them, was a parcel they received from you for Government, but they declined receiving it, and was therefore obliged to offer and sell to others."  
"B. SEWALL, Boston."

Mr. HALL. The gentleman from Pennsylvania desires the House to understand this case. Now, I will state that in this investigation upon which this report is founded, the hemp of Mr. Myerle was not touched at all. It was made for the purpose of testing certain specimens of American water-rotted hemp, but it was not that hemp which was rejected by the Board. But what I want to know is, what became of this hemp after it was rejected? How much of it remained in market? and what was the character of it?

Mr. FLORENCE. I have said to the gentleman before that this hemp was made into bale rope; and it was sold as bale rope. It was not sold as hemp at all.

Mr. HALL. It was manufactured as dew-rotted hemp, because it would not sell as water-rotted hemp. For this reason it was manufactured into bale rope.

Mr. FLORENCE. I have evidence to the contrary, if I had time to refer to it. I hope the gentleman who reported this bill, [Mr. Boscok], will satisfy the gentleman upon that subject. I have evidence that a portion of the hemp raised in the gentleman's own State—raised in Missouri—was sent to Liverpool and sold; and I have read the statement of the manufacturer, that it was as good as the best Russia hemp. I will submit here but two paragraphs, extracted from Mr. Myerle's statement:

"I also made a shipment to Liverpool, which sold for £1 10 per ton higher than Russia hemp in that market. (See P. J. Francis's letter, filed with my papers.) A manufacturer who purchased a portion of the same hemp in this country, stated that it was too good for ordinary purposes, and that he was reserving it for some finer qualities of cordage."

"Such has been the advances made in the western country since that period in the water-rotting of hemp, that the Navy can now procure any amount of the article, of a better quality than the imported, and at a lower price."

Mr. HALL. Does the gentleman mean to assert that Mr. Myerle ever manufactured any water-rotted hemp in Missouri?

Mr. FLORENCE. Yes, sir. I will read a

letter from a gentleman from Missouri, which I hope will satisfy my friend from Missouri [Mr. HALL] upon that point.

Mr. HALL. Before the gentleman goes on, I will say that David Myerle never was engaged in manufacturing hemp in Missouri.

Mr. FLORENCE. My time is short, and I must say to the gentleman, that I cannot yield another moment. If the gentleman desires to oppose this claim, which I consider just and proper, let him submit his remarks to the committee, who will give them whatever weight and consideration they are entitled to.

I think I have submitted a very clear case, based upon facts and testimony which cannot be controverted, and I ask this committee and House to do justice to a gentleman who has entered into a great national enterprise, by which the Government has been largely benefited, but by which he has been ruined.

Now, for the benefit of my friend from Missouri, [Mr. HALL], I will read a letter from a gentleman from Lafayette county, Missouri:

WASHINGTON CITY, August 26th, 1850.

DEAR SIR: In regard to your inquiries as to my knowledge of your efforts in the State of Missouri, to the promotion of the growth and preparation of hemp, I can state knowingly, from being a hemp grower myself, in Lafayette county, that your efforts have been of incalculable advantage, both to the State and the West generally.

The impetus given by you in the growth and preparation of that article has commanded the highest admiration on the part of the hemp growers and the farmers, generally producing them an unlimited market, not only in the east, but also a foreign one for all they can produce, at such prices as will give them a profitable return for their labor.

Previous to the commencement of your operations in our State in 1839, the growth of hemp was very limited, and was barely considered as an object of attention, arising from the want of a proper mode of preparing it, and a market. But since that period, the instruction as to its culture, encouragement given and held out by you, has increased the growth most rapidly to that extent, as being now the great staple of the State, and the principal reliance which the farmers have for means to purchase land and the necessities in domestic purposes, which has been the means also of changing the appearance of the State from being newly settled to that of wealth and refinement. As an illustration of the facts here presented of the prosperous results attending your exertions for several years in our State, I will state the town of Lexington, located on the Missouri river, in the county in which I reside, was, previous to your efforts, a dull, monotonous village; since that period it has become a prominent (depôt) for receiving hemp and other produce, (hemp being the principal article,) which is forwarded to St. Louis, thence to eastern ports and Europe. The result attending this business gave an impulse to rapid improvements. It is now a flourishing town of several thousand inhabitants. It has been a source of great regret that, as Government had engaged you in this great national enterprise, they had not continued to give you that reasonable encouragement that the importance of the subject required. In that event the result would have been at this time to the country, an abundant supply of a superior article of water-rotted hemp for the Navy—a large surplus for exportation of that article to foreign countries.

But the improper rejection of your hemp by the Government agents was not only calculated to paralyze the enterprise of water-rotting, but also discourage the farmers from pursuing that process, in the preparation of the article for market. In my opinion, the country owes you the price of a great benefit for your patriotic efforts and sacrifices; and I shall be much pleased to learn that Congress has done you justice, by amply remunerating you for your losses, sacrifices, labor, and time, sustained in the prosecution of this laudable enterprise; and I feel confident to say, that were the question of justice by Congress left to the people of Missouri, it would receive a unanimous response to your credit.

I refer you to the Hon. Judge Atchison, of the United States Senate, Hon. John S. Phelps, and the Hon. James S. Green, for further evidence of my citizenship in Missouri.

I am, very respectfully, your obedient servant,  
A. D. BENNING,  
Lafayette county, Missouri.

DAVID MYERLE, Esq.

Mr. HALL. I wish to ask the gentleman, if Mr. Benning states that the introduction of hemp in large quantities into Missouri has a tendency to civilize our people?

Mr. FLORENCE. Did not you hear what I read? He says it will open a new country there, induce a large settlement, and be of great advantage by making it the staple of your State.

Now, Mr. Chairman, I have one other point to refer to, and then I will conclude. It was said by my friend [Mr. BRECKINRIDGE] that Mr. Myerle, at the time he entered into this contract with the Government, was insolvent. I want to satisfy the committee, and through them the House, that such was not the case; but, on the contrary, that this gentleman made large pecuniary sacrifices, and comes here with a just claim; and that it is due to him that Congress should vote him the amount reported by the Committee on Naval Affairs. I will read letters and an affidavit from Mr. Stewart, a

gentleman of Louisville, which, I do not doubt, will be conclusive upon the minds of the committee, and satisfy them of the fact that serious losses were sustained by Mr. Myerle, and that he was not insolvent at the time he entered into the contract to which I have so frequently referred:

LOUISVILLE, July 4, 1839.

DEAR SIR: Our manufacturing operations are going on as usual. I have received highly flattering advices from our agents at New Orleans as to the quality of the cordage. The ship chandlery who have examined it there, pronounced it to be of the very first quality, and say if they can obtain their supplies of us, that they were done ordering from the North. Our agents say they can sell five hundred tons per year. If so, we have only to push the business to insure a fortune. Our payments are all made up to the 25th day of August.  
WILLIS STEWART.

DAVID MYERLE, Esq.

LOUISVILLE, February 15, 1845.

DEAR SIR: Annexed you will find a statement of what I suppose an approach pretty nearly to your positive losses by engaging in the hemp operations. I can give the statement only in general terms, for I cannot tell what we might have made by the business had you continued in the management. You understood the business; neither Bland or myself did. That you have done the country, and the hemp growers of Kentucky and Missouri more particularly, a great service by your great exertions, overturning the prejudices which existed in the minds of the farmers themselves against water-rotting, on account of the supposed unhealthiness, is most certainly true. I fear, however, Congress will do nothing for you. The benefactors of our age are not generally those who derive any of the advantages resulting from their sacrifices and labor. With but a faint hope of them doing you justice,

I am, sir, very respectfully, your obedient servant,  
WILLIS STEWART.

DAVID MYERLE, Esq.

In the fall of 1838, John B. Bland and the undersigned purchased of David Myerle one third each of the Washington Patent Cordage Manufactory, situated about four miles below the city of Louisville, on the Ohio river, at the rate of \$20,000, and formed a partnership with said Myerle, under the name and style of Myerle, Stewart & Bland. In addition to the purchase above named, the firm expended almost \$4,000 in putting up other necessary buildings, and also purchased sixteen negroes, at a cost of \$14,400. The establishment commenced operations, perhaps, in December, 1848; and soon after its commencement, Mr. Myerle left the management of the concern, and went on to Washington to attend to some arrangement that he was about entering into with the Government to supply water-rotted hemp to the Navy. He returned some time during the winter of 1838 and 1839, and thenceforth almost exclusively devoted his time to inducing the farmers of this State to commence the water-rotting of their crops of hemp; and did, in a great degree, succeed in breaking down a prejudice that did exist against the process of water-rotting, which, on account of its supposed unhealthiness, had hitherto prevented the hemp growers from undertaking it, and thereby added, as I conceive, immensely to the value of the hemp growers in the State, and in producing an article suitable to the uses of the Navy quite equal to the Russian. The consequence of this withdrawal from the superintendence of the manufacturing operations of the extensive concern above named, was the total loss to him of his interest in the Washington Patent Cordage Factory, and the additional buildings put up by the firm above referred to, of almost \$8,000; and I think I shall not be out of the way to say that his portion of loss on the negroes, and loss by manufacturing operations, would amount, at a fair calculation, to \$4,000 more, to say nothing of his time devoted to enlightening the hemp growers on the subject of water-rotting, and what he might reasonably have lost, and to have made by attending to the manufacturing operations of the Patent Cordage Factory.

Having been a partner in the concern, and having the books of the concern in my office, I have a pretty good knowledge of the disastrous effects of Mr. Myerle's withdrawal from the management of the manufacturing operations.

Given under my hand, at Louisville, Kentucky, the 15th day of February, 1845.  
WILLIS STEWART.

Subscribed and sworn before me, this 15th day of February, 1845.  
J. W. CORMICK, J. P.,  
In Louisville, Kentucky.

That must satisfy the gentleman, it seems to me, as to the quality of American water-rotted hemp, and the sacrifices Mr. Myerle made, and the position he occupied before he entered into this contract.

I wish to say a word or two in relation to another letter in my possession, proving the serious losses resulting to Mr. Myerle by this experiment under a contract with the Government. But I suppose I have not time. How much time have I, Mr. Chairman?

The CHAIRMAN. About one minute more.

Mr. FLORENCE. Well, then, I have just time enough to earnestly urge the payment of this claim, which I conceive to be just, and in the sincerity of a sympathizing heart, to ask this House to

"Pity the sorrows of a poor old man  
Whose trembling limbs have borne him to your door,  
Whose days are dwindled to the shortest span;  
Oh, give relief, and Heaven will bless your store."

Mr. HARRIS, of Tennessee. The consideration of this bill has already consumed the time of



this House two or three days, and how much more of the time of the last Congress it is impossible for me to say, but enough, sir, for the facts involved in it to have become historical. Believing, as I do, that the committee is as well prepared to act upon this case at the present time as they would be at any future period, I move that the committee rise, in order to offer the usual resolution to close debate upon this bill.

Mr. BRECKINRIDGE. I will ask my friend [Mr. HARRIS] to withdraw that motion, and I will renew it in fifteen minutes. I ask it for this reason: The question is upon the amendment which I offered, and I have had no opportunity to make an explanation of it.

Mr. HARRIS. I will give the gentleman fifteen minutes in the resolution I propose to offer, if the committee shall rise.

The question was taken on the motion to rise, and it was agreed to; there being, upon a division, ayes 50, noes 27.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. HUBBARD) reported that the Committee of the Whole House had had, according to order, the Private Calendar under consideration, and particularly House bill No. 168, to indemnify David Myerle for expenses and sacrifice incurred in testing the practicability of procuring water-rotted hemp for the use of the Navy.

Mr. HARRIS, of Tennessee. I move the usual resolution to terminate debate in Committee of the Whole on House bill No. 168, in fifteen minutes after its consideration shall be again resumed.

The question was put upon the adoption of the resolution, and, upon a division, there were—ayes 74, noes 18; no quorum.

Mr. ORR. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn; there being, upon a division—ayes 26, noes 61.

Mr. HARRIS. I move that there be a call of the House, and upon that motion demand tellers.

Tellers were ordered; and Messrs. CHANDLER and MOLONY were appointed.

The question was taken, and the motion that there be a call of the House was disagreed to—the tellers having reported—ayes 18, noes 101.

The question recurred on the adoption of the resolution.

Mr. JONES, of Tennessee. I move to strike out fifteen minutes, and in its stead to insert one hour.

The question was taken, and the amendment was disagreed to.

Mr. HARRIS. I call for the previous question upon the passage of the resolution.

The call for the previous question was sustained, and the main question was ordered to be put.

The question was then put, and the resolution was adopted.

The House again resolved itself into a Committee of the Whole.

Mr. BRECKINRIDGE. Mr. Chairman, the bill before the committee proposes to pay David Myerle \$30,000 to indemnify him for the expense and sacrifice incurred in testing the practicability of procuring American water-rotted hemp for the use of the Navy. The amendment which I propose requires the sum to be retained by the Secretary of the Treasury until it shall be decided before a court of justice whether Montmullen & Cornwall have a lien on the whole or any portion of this sum; providing at the same time, for the benefit of Myerle, that the suit shall be commenced within ninety days after the passage of this bill. That is the present posture of the question before the committee. I shall content myself, sir, with a summary statement, leaving to the gentleman who reported the bill the general argument in favor of the claim of Myerle. My object is to show that my amendment ought to be adopted. I shall confine myself to that, without arguing the general merits of the bill. Now, sir, it may be said, and said truly, that in ordinary contracts between the Government and an individual, the Government will not allow a third party to come in and interfere, but will settle its own contract with the individual, and leave the third party to his ordinary remedies after the money is paid over. That is generally true, but the present case is an exception

to that general principle. This was not an ordinary contract between Myerle and the Government, as I shall proceed to show by the report of the committee itself. It is stated in that report—

"That the great and leading national object was, by the patronage of the Government, and the success of the experiment to be made by the memorialist under that patronage, to establish the practicability and safety of the water-rotting process in our own country, and thus provide for the supply of our own Navy and merchant shipping with an American article equal to the foreign."

They go on to say that—

"This extension of the contract by Mr. Paulding, before any part of the two hundred tons had been delivered, (though the period of the delivery of the whole had passed,) shows, as the committee believe, that the contract entered into with the memorialist was not considered by the Secretary as an ordinary one, nor the relations existing between the memorialist and the Government those existing between it and ordinary contractors."

Again:

"In conclusion, the committee believe, therefore, that whatever doubts may be entertained as to the strict legal right of the memorialist to the relief which he prays, founded upon the breach of his contract by the rejection of his hemp, in violation of the promises and inducements held out to him by the Secretary of the Navy, he has a well-founded claim, both in justice and equity, for his losses and sacrifices in behalf of the Government and country; and that, independent of this, he has strong claims upon that country as a public benefactor, which ought not to be disregarded, and which entitle him to relief out of the common Treasury of the nation, whose commerce, agriculture, and manufactures have been equally benefited by his exertions and individual sacrifices—sacrifices which ought to be borne by all those benefited thereby, rather than by the individual who made and has been ruined by them. The committee, therefore, believe that this is a case in which a full and even liberal measure of relief is required, both by public justice and sound public policy. They therefore report a bill."

That puts it upon the true ground. They consider there is an equity on the part of Myerle for compensation for his losses incurred in experimenting with reference to the practicability of getting American water-rotted hemp. It is a case in equity to be administered by this House or by some authority to which it shall delegate it. Now, sir, if the United States want to pay for any money expended and any sacrifices in experimenting upon the practicability of obtaining water-rotted hemp, those who really incurred the loss and really paid the money in equity, are entitled to be reimbursed by the Government. That is the question. In other words, the basis upon which this report is founded is, that Mr. Myerle has not only given his personal attention, but has expended his funds in making an experiment to the advantage of the Government; and that upon principles of general justice and equity he ought to be reimbursed his losses. That being the basis of the report, I say that the money having been expended, and the losses incurred in the main by the gentlemen who are provided for by my amendment, the equity which Mr. Myerle claims against the Government is their equity, and the extent of their losses, and ought to be provided for by this committee, and by this House. Otherwise, they get nothing at any time under any circumstances, because it is admitted that now Mr. Myerle is insolvent, whatever may have been his condition heretofore. He himself, after first admitting his obligations to Montmullen & Cornwall, I regret to say, in his recent publication addressed to members of the House, repudiates altogether his pecuniary obligations to them. My friend from Virginia expressed his surprise, some time ago, when this matter was up, when I told him Myerle had given Montmullen & Cornwall a lien upon this hemp; but by a publication of Mr. Myerle, which came into my hands lately, I discover the contract, which, I presume, is set forth correctly, in which a lien is given to them upon the hemp. Mr. Myerle, when he made the arrangement with the Government, went out to the Commonwealth of Kentucky and came into my district, the largest hemp-growing district in the United States, and made an arrangement with Montmullen & Cornwall, who advanced him money for the purchase of hemp with which these experiments were to be made; the hemp, as soon as ready and broken out, was to be shipped and held by them in their names until their claims or liabilities for indorsement should be satisfied, &c., &c. They accordingly furnished the money. The hemp was rotted, broken out, and prepared for the use of the Government, the expenditures being incurred by the gentleman named in that amendment.

I have not time—I am so limited—to say anything about the character of the contract alluded

to by the gentleman from Pennsylvania, [Mr. FLORENCE.] He says that they charged Mr. Myerle usurious interest, and that the profits which they were to make out of the arrangement would have been great if the hemp had been accepted. I know nothing about that—I care nothing about that. That was the arrangement between the parties, and as it was but an experiment, I presume that both parties expected, if successful, to make large profits. The hemp was taken to Boston and rejected—some thirty or forty tons of it, I believe—the exact amount I do not know. The hemp being rejected, and Myerle being insolvent, Montmullen & Cornwall took the hemp to New Orleans, (but not in violation of their contract with Myerle,) converted it into bale ropes, and I have been informed that the color of the hemp being different from the dew-rotted hemp, and new to the merchants, they took alarm, and it could not be sold for its true value—though the color was a proof of its excellence. The result was, that a heavy loss was sustained all around. Mr. Myerle determined to apply to Congress for relief; and it is said that his agent called upon Montmullen & Cornwall for a statement of their loss, but they refused to furnish it to him unless they could get an equal settlement. Every business man knows that they should not have furnished Mr. Myerle with their statement to enable him to take it as the basis of action, and then make out his own account against them. They declined to do it. Now, it may be said, if Mr. Myerle obtains this money, that he will settle upon equitable terms with these gentlemen. I regret to say that there is no hope of it, because, though Mr. Myerle admits that they furnished the money to buy the hemp, he asserts, in a recent publication which he has laid upon the tables of members, that he is under no pecuniary obligation to them whatever, although by his own admission, in another part of the same paper, he offered them terms of compromise. Then, in the same paper, towards the conclusion, he declares that he does not owe them a dollar, because they had charged him a large exchange and usurious interest. But whatever they may have charged, they got neither principal, interest, nor exchange from him, and the small sum realized for the hemp did not pay a tithe of the losses. In a more recent publication laid upon the tables of members, he says:

"If in truth any loss was sustained by them, it was but the result of their own wrongful act, and therefore I should not be held responsible for it."

He has thus given distinct notice that he does not intend to pay them a cent, and you will therefore appropriate, if you pass the bill without my amendment, \$30,000 for the purpose of paying losses which were incurred by them, which will go into the pocket of Mr. Myerle. The facts and details cannot be tried by this House, and the committee will see in a moment the propriety, if there be any color of equity in the amendment I have offered, of allowing a court to adjudicate between these men and Mr. Myerle, and settle the case upon the principles of law and equity. If they have a lien upon equitable principles under their contract, let them have it. If not, they will have to go out of the court. As my time has so nearly expired I will not elaborate the argument. I believe I have stated the substance of the claim. As to the claim of Mr. Myerle for compensation at all, or of anybody for compensation, I will say this: I have looked into the papers, and I believe that Mr. Myerle was induced by the Secretary of the Navy to undertake experiments for the benefit of the Government, in which great losses have been suffered. I have no doubt that those experiments conducted, in a great degree, to give an impulse to the preparation of water-rotted American hemp, and now, in point of fact, the American Navy is supplied for the most part at home instead of from abroad. I consider that the experiments made under Mr. Myerle's direction have given an impulse to the preparation of that kind of hemp which has provided our Navy with all that it requires at home, instead of going abroad for it. I will yield the floor upon this statement, with the expression of the hope that whatever the committee may do with the original bill they will at least adopt my amendment.

Mr. STANTON, of Ohio. I wish to ask the gentleman from Kentucky a question. Where is the necessity for the amendment you propose? I do not understand why the agent of those who

claim this money cannot take this case from the department and file their bill in chancery.

Mr. BRECKINRIDGE. They cannot do it. It requires a positive law. The necessity for it is this: without the action of this House they cannot file a bill in chancery and retain the money in the Department until the case is tried. If they cannot do it, it will be paid over to Mr. Myerle, who is not only insolvent, but announces his purpose not to pay them a dollar.

Mr. BOCOCK. I believe that, though the time limited for the expiration of the debate has arrived, I am entitled, as the person reporting this bill, to an hour to explain and defend it. I will say, however, to the gentlemen who may feel an interest in this matter, or who may be anxious that the debate upon this case may be speedily concluded, that I have no expectation whatever that I shall engage the attention of this committee for anything like one hour. I hope to get through in some twenty or twenty-five minutes. I find myself in a very peculiar and embarrassing condition in relation to this matter. I, who have taken so little part in the discussions of this House, and have consumed so little of its time, even when questions of great public importance have been under consideration, now feel myself called upon to come forward and advocate a claim brought here by a man of whom I know nothing apart from this case, and whose face I never saw until I saw him here prosecuting this claim. I feel uncomfortable about it in another point of view. It is needless for me to say anything in relation to my course in this body. The records will show, and those who have felt any interest in the matter, will remember that I have ranked myself upon the side of the most rigid economists in our expenditures of public money, and have stood by the side of those who have gone furthest to make this Government pure, simple, and frugal. But notwithstanding all that, I find myself here advocating a bill opposed by certain gentlemen with whom I have been in the habit of acting, and with whom, when I differ, I always distrust myself, and always feel regret. However much I may be disposed to act with those gentlemen, and however solicitous I may be to have their names recorded along by the side of mine upon the records of this Congress, I feel a higher interest in recording my name in favor of justice and right, and in favor of honesty and fair dealing between the Government and those who contract with the Government.

It is because, and simply because I believe this man Myerle, of whom I say I know nothing apart from this case, is justly entitled to the sum allowed him by this bill, and because, as a member of the Committee on Naval Affairs, it became my duty to report it, that I come forward to sustain in argument the bill under consideration. What is this case? The gentleman from Pennsylvania [Mr. FLORENCE] has gone much into particulars and details. I will confine myself to a general statement of the principles upon which this case rests. In 1839, (I think it was,) this man Myerle, then engaged in the manufacture of cordage at Louisville and St. Louis, came in connection with his business to the seat of Government. The gentleman who then occupied the post of Secretary of the Navy, the Hon. James K. Paulding, of New York, a man whose private reputation is entirely unspotted, and to whose integrity, honor, and character, as a public man, many here and thousands elsewhere will testify, came to the conclusion, from their interviews, that Myerle was particularly qualified to conduct an enterprise in which he felt much interest. He thereupon represented to him that he would make himself a great public benefactor if he would establish the practicability of water-rotting hemp in the United States. As a matter of course, Myerle informed him that he was engaged in extensive private transactions, and he could not relinquish them without incurring probable and almost necessary sacrifice. Upon the appeal made by Mr. Paulding, he however agreed to enter into this arrangement. The Secretary of the Navy, under the laws of the land existing at that time, was authorized to contract for materials and supplies for the Navy. Clothed with such authority Mr. Paulding, as Secretary, said to him, if you will enter into this matter and exert yourself faithfully and resolutely to prove to the country that hemp can be water-rotted in America, I will do—what? Now listen to the terms Paulding made with him. I

will do what? I will see that you are secured against all loss; and if the Government be such a Government as I believe it is, you shall have a handsome remuneration if your efforts prove successful.

Mr. SWEETSER. He did not succeed.  
Mr. BOCOCK. He did, as the facts will show. But for the present it is unnecessary to insist on that fact. If his exertions were faithful, he was to be indemnified against loss; and, if successful, he was to receive handsome remuneration from the hands of the Government. Now, Mr. Myerle does not come here asking that remuneration, although he has been successful. Others have come here representing that they have been or are engaged in great American enterprises, and therefore ask aid from the Government. Some wish large assistance to enable them to outstrip the ships of the British upon the seas, and they get it. Others, perhaps, may be found, who want great compensation for the discovery of the happy effect of ether, in relief of pain in operations of a surgical character. They, too, may realize their exorbitant demand. Mr. Myerle, though successful in an important enterprise for the nation at large, asks no such bounty. He only asks that you will stand up to the arrangement of the Secretary of the Navy, and remunerate him against his losses. I would refer gentlemen to the letter from Mr. Paulding in relation to this matter.

Mr. Paulding says, in his letter of March 18th, 1848:

"I had not been prevented by a political revolution, I would have fulfilled every pledge I made you to the very letter, and at least saved you from any loss after all the labor and risk you incurred."

In the same letter, he says:

"I had been at the head of the Navy Department at the time your hemp was rejected, I would most assuredly have taken upon myself the responsibility of directing it to be received, notwithstanding it was reported as inferior, *not in quality*, I believe, but in cleanliness, or something of that sort."

Here is the declaration of Mr. Paulding that he had pledged the Government to remunerate Mr. Myerle. The question arises here, will gentlemen say that Mr. Paulding had no right to make such a proposition? Perhaps he had not a strict legal right to make it. I am not here to contend for that. But Mr. Paulding was authorized to enter into contracts to furnish supplies for the Navy. He felt that he was doing good to the country, and not exceeding the reasonable intent of his authority when he entered into this arrangement. Will you, now, when you have been benefited by it, tell this old man, Myerle, that he has been misled by a patriotic but careless officer of the Government, and shall not be paid, according to his contract with him, for his losses and labor? Then, sir, if this bargain was made, and is to be regarded, the next question that arises is, was Myerle faithful in his endeavors in relation to this matter? Why, sir, the proof of it is ample. At the time when the Secretary of the Navy entered into this arrangement with Myerle, there were not a hundred tons of water-rotted hemp prepared in this country. A general belief prevailed that it was unwholesome; and wherever the enterprise was commenced, men fled from it as from a plague or a pestilence. Myerle took it up, and proved that it was not unwholesome; and from that time to this the quantity of American water-rotted hemp has steadily increased, until from less than a hundred tons per year then manufactured, twelve hundred tons per annum and more are now made.

Mr. HALL here made a remark which was wholly inaudible to the Reporters.

Mr. BOCOCK. There are numerous letters here which show that in various neighborhoods of the West water-rotting hemp was considered an unwholesome enterprise, until Myerle demonstrated otherwise.

Mr. HALL. I ask the gentleman from Virginia to yield me the floor for a few minutes. I wish to make a very few remarks about this bill.

Mr. BOCOCK. I will yield to the gentleman presently. I should have preferred it if the gentleman had made his remarks before I commenced. Indeed, I offered him the privilege of doing so.

Mr. STANTON, of Tennessee. I hope the gentleman will allow me to say a few words some time or other during the course of his hour.

Mr. BOCOCK. Certainly, sir; I will do so.

Sir, I had said that, at the time this arrangement was made with Myerle, there was not one

hundred tons of water-rotted hemp manufactured per year in this country. Now, there are twelve thousand tons—enough to supply the whole American Navy. But there is one particular embraced in this case which it is necessary to explain and apply. Mr. Paulding entered into a further contract with David Myerle, that he should prepare and deliver two hundred tons of this water-rotted hemp some time in the year 1841; and for it he should be paid \$300 per ton, I think.

In the fall of 1840, the political revolution to which Mr. Paulding alludes in one of his letters, took place in this country, and he saw that he had to leave the Navy Department in March, 1841. Then, sir, before the expiration of his term, some time in the year 1841, he enlarged the contract, and agreed with Myerle that he should deliver five hundred tons of this American water-rotted hemp some time in the year 1842, thus showing his confidence that Myerle was going on honestly and faithfully in the enterprise. In pursuance of that contract, some time, I think, in the latter part of 1842, or very early in the year 1843, David Myerle sent two hundred tons of this hemp to Charleston, in the State of Massachusetts, to undergo an examination. It was examined and rejected. He had on hand a further supply, which would have been delivered if that had not been rejected. But it was rejected, and the balance, therefore, was not delivered. Myerle's creditors then came down upon him, and he was crushed at once; for it was out of the proceeds of that hemp that he expected to meet his engagements, which were numerous, and to sustain his credit, which was largely at stake. Two of the commissioners who examined the hemp condemned it, and one of them said that it was excellent hemp—as good hemp as any foreign hemp. After it was condemned, it was sold to various persons engaged in private shipping interests; and we have the testimony of some of those men saying that it was as strong hemp as they have ever had occasion to use under any circumstances. The hemp was rejected because, as was stated by the gentleman from Kentucky [Mr. BRECKINRIDGE] a little while ago, it was of a darker color than that which had been used in this country; but it was as strong and useful in every practical point of view as the best Russian hemp. Not only was there a great sacrifice upon the two hundred tons sent to Boston, but these very men—the constituents of the gentleman from Kentucky—seized the balance of it against the will of Myerle, hurried it into the market, and sold it at an enormous sacrifice.

Mr. STANTON, of Tennessee, (interrupting.) If the gentleman from Virginia will allow me, I think this is just the point at which I should like to make the remarks which I propose to make, by way of explanation as to the rejection of this hemp by the commissioners at Boston. I desire merely to say that I have no doubt of the fact that that rejection was unjust, and that the hemp was all that it was required to be by the contract with Mr. Myerle. I am informed by a citizen of Memphis, whose character and credibility are unquestionable, that a short time since, in walking through the navy-yard at Boston, one of the gentlemen there said to him: "You do not expect to make rope at Memphis, do you?" "Yes, we do," said the gentleman, "we will give you better hemp than has ever been brought from Russia." "Well," said the other, "you may think so, but we do not intend to let you do it. We have a monopoly in the hemp business here, and we intend to supply all the hemp that is wanted for the Navy. In five years from this time, we will lock up your rope-walks in Memphis, and you shall not supply a pound of it."

Now, this may have been all mere vaporings, or "gassing," as we say in the West; but I have no doubt that that is the feeling which controls the public officers at Boston, and all who are interested in the proceedings there; and it is that feeling which has made them very nearly destroy the public works at Memphis, and produced that state of things which exists, and which is altogether different from what the gentleman from Kentucky [Mr. BRECKINRIDGE] has stated here to-day. He stated that American hemp is now altogether used in the Navy. That is not so. American hemp raised in the valleys of the Mississippi and Ohio can be purchased at the same price as foreign hemp, and is as strong—ay, stronger, bearing a heavier test than Russian hemp

has ever borne; and yet within a short time past no less than five hundred tons of Russian hemp have been purchased.

Now, sir, I have no doubt from the proofs in the case, that this hemp was rejected at Boston by a system of juggling, in order to maintain Boston interests. I have no doubt that it was wrongfully rejected, and that Mr. Myerle was made to suffer immense injustice and loss from the fact that his enterprise conflicted with Boston interests, and must fall before Boston interests. That is a true statement of the case. Mr. Myerle ought to be compensated because he has been unjustly dealt with; because it is unquestionable that he has suffered loss, and that he has suffered it wrongfully.

As to the subordinate question, the rights of these individuals advocated by the gentleman from Kentucky, [Mr. BRECKENRIDGE,] I do not pretend to decide it. It seems to me, that that is a question which cannot be decided here. It is a disputed question, and I do not think that in justice to Mr. Myerle, the amendment ought to be adopted. This is all I desire to say about the matter.

Mr. BOCKOCK, (resuming.) The remarks just made by the gentleman from Tennessee, come in aid of the position that I am taking, that this hemp was improperly rejected. I had not said anything that would implicate any in malicious feeling towards Mr. Myerle or his section of country, or the commissioners who examined this matter. I did not know that that was an argument that would have much weight with this House, especially when it was the color of the hemp and not its strength that served those gentlemen as an excuse for rejecting it, and when I can show by evidence, that the hemp was strong and good. I will say this, however, in connection with the remarks of the gentleman from Tennessee, that Secretary Mason, in a late report, says:

"Finding by short experience that to insist on the inspection at Charlestown, as heretofore practiced, would be injurious to the western planter; he proposes that the annual purchases of that article, when not provided otherwise by contracts already made, shall be delivered and finally inspected at Louisville and St. Louis."

From some consideration it appears that the Department became satisfied that it was unjust to those gentlemen making western hemp to require it to be inspected at Charlestown; and since that time inspection offices have been established at Louisville and St. Louis.

I have shown that the Secretary of the Navy entered into an arrangement with this man, that he should engage in this business, and promised to indemnify him certainly against all loss, and if successful, to give him a handsome remuneration. I have endeavored to show that this man was faithful and energetic in his efforts to accomplish the purpose in which he was engaged. To do so, I have stated the facts connected with the other and more restricted contract. If the contract for the delivery of the five hundred tons of hemp was violated by the improper rejection of the hemp, as seems to be established by the testimony already adduced, as well as by the emphatic declaration of Mr. Paulding, contained in one of his letters on file here, the right to damages under that breach is clear. If, however, it was properly rejected, which I do not admit, and the defect was an immaterial or unavoidable one, then Myerle is entitled to compensation under the broader agreement first set forth, that he should be protected against loss, if faithful.

A gentleman near me asks whether it was in consequence of this undertaking on the part of Myerle that bankruptcy fell upon him as it has fallen upon him? I cannot say that it did, and I desire to be frank. The proof is, that after entering into this arrangement, he withdrew his personal attention from his extensive and complicated private business, and devoted it exclusively to this public undertaking. Whether from the withdrawal of that attention, or from other causes, those private operations did prove unsuccessful, my friend from Michigan, [Mr. STUART,] who asks the question, is as well qualified as any other person, to judge how much depends on a man's personal attention to such business, and how great the danger of withdrawing it.

There is no claim, as stated in the report, for anything connected with his private losses. The only claim is for remuneration for his actual losses incurred in consequence of the rejection of this hemp.

Mr. STUART. I propounded the question to the gentleman from Virginia, whether Mr. Myerle was insolvent, and whether he became so in consequence of his contract with the General Government? If he became so in consequence of this contract, it is not only legitimate, but a very strong argument. If, however, his insolvency results from his private enterprise, the argument from that source falls; but I regard it as particularly applicable to the amendment proposed by the gentleman from Kentucky, [Mr. BRECKENRIDGE,] If his private enterprises were likely to prove unsuccessful, and these gentlemen advanced him this money, probably with that knowledge, upon terms commensurate with the risk they took, then that is a strong reason why this amendment should not be adopted. But I will only add a single word, for I cannot consent to take the gentleman's time. I submit to the committee whether they have ever known a case where a legislative body undertook to interfere between a debtor and creditor that they did not work mischief? I confess I never did.

Mr. BOCKOCK. I wish, in this connection, to read a letter which has already been read from the Clerk's desk, but which perhaps the committee did not hear. It is written by James K. Paulding.

HYDE PARK, DUCHESSE COUNTY, April 12, 1852.

DEAR SIR: I write this to acknowledge the receipt of the two letters of yours during the last winter, and one a few days past, accompanied by an abstract of the last census, printed in the Congressional Globe, from which I learn, among other things, that twelve thousand tons of water-rotted hemp are now annually produced in the United States.

For this I do not hesitate to say, on my own personal knowledge, the country is indebted to your exertions, enterprise, and perseverance, amid every species of discouragement and to the ruin of your fortune. It is to you the United States are under the vast obligation of being made entirely independent of foreign nations for the supply of an article indispensable to their navy and mercantile marine. The recompense you ask of Congress is no equivalent for your own labors and sacrifices, much less for the benefit derived from them; and it seems strange that while that body is appropriating millions of public property for railroads through deserts, and displaying its liberality in behalf of future as well as uncertain benefits it should thus long have hesitated to discharge a debt of gratitude for one already received of such magnitude. For the opposition of Colonel Benton I could easily account; but I confess I am at a loss to find any rational motive for that of the member from North Carolina. If it be from a principle of economy, I would respectfully advise him to turn his attention to the general wasteful extravagance of Government, and stand sentinel over the millions, instead of exhausting his vigilance in defeating a just and equitable claim for a few thousands. I am as much in favor of public economy as he can be; but at the same time I conceive the obligation of justice superior to those of mere penny-saving.

I live in hope of yet seeing something done for you, and cannot but respect your firm reliance on Providence. It is the sheet anchor, and though it may sometimes drag a little, never fails to bring the ship up at last.

With the best wishes for your success, I remain your friend and servant,  
J. K. PAULDING.

To DAVID MYERLE, Esq., Washington.

Now, Mr. Chairman, it strikes me that it is difficult to add to the facts and arguments which are here developed. I have stated, I believe, that Mr. Paulding, in another letter, says that if he had remained in the Navy Department, he would not have permitted the hemp to have been rejected, being satisfied it was done improperly, and that he would have secured to Mr. Myerle what was promised him. This matter is set forth in the report at some length.

I will now yield to the gentleman from Missouri, [Mr. HALL,] though I desire to say a few words after he has done. He may have ten minutes of my time.

Mr. HALL. I wish to say a very few words in reference to this bill; and in order to give the gentleman from Virginia [Mr. BOCKOCK] abundant time to reply to my remarks, I shall endeavor to confine what I have to say within the space of ten minutes.

This claim, as I understand it, rests upon two grounds. The first is, that David Myerle introduced the process of water-rotting hemp into the United States, and thereby rendered an important service to the country, for which he has never received any remuneration. That is the first ground. The second is, that he made a contract with the Secretary of the Navy to supply the Navy with water-rotted hemp; but that through the misconduct of the agents of the Government, his hemp was rejected, and thereby he has sustained a loss. These, as I understand it, are the whole grounds upon which this claim rests. Now, sir, as to the first claim, the gentleman from Kentucky, [Mr.

BRECKENRIDGE,] who represents one of the most extensive hemp-growing districts in the United States, has told you, and every gentleman connected with this matter will tell you, that the process of water-rotting hemp was not introduced into the country by Mr. Myerle at all; that it was a process which has been tried long before that, in Kentucky and in other portions of the United States; that it is about as old as that of water-rotting flax; that it had been often tried in Europe and America, and that Mr. Myerle had only done the same thing when he made this contract with the Navy Department that hundreds of individuals had done before him. It is true the practice of water-rotting hemp had not become very general in the country before Mr. Myerle entered into it, but it is equally true that the same process is not very general to this day.

I represent one of the largest hemp-growing districts in the country, and I do not know a single man in my district who manufactures water-rotted hemp. And why? Because the prejudice still exists to some extent that it is unhealthy, in the first place, and in the next place, because it is a disagreeable and unprofitable business. Our hemp growers in upper Missouri can better afford to raise dew-rotted hemp at \$90 per ton, than to raise the water-rotted for \$200 per ton. That is the reason why they do not water-rot hemp; but whenever you can make it profitable for them to do so, they will water-rot it—not because David Myerle has done it before, but because they are willing to do whatever anybody else can do with hemp. It is a business they thoroughly understand, and are willing to do it, provided they can get paid for it. But the gentleman tells you that the business of water-rotting hemp has been extended since the commencement of Mr. Myerle's enterprise. That is true, but it is also true that the business of dew-rotting hemp has also been extended since that time. Upper Missouri raised no hemp at all but a few years ago. And why? Because the hemp-growing district of Missouri is a new country. It has not been settled very many years. A little while ago there was nobody in upper Missouri to raise hemp; but since the Kentuckians have gone there and cultivated the country, they have raised hemp—not because Mr. Myerle contracted to water-rot it, and broke at it. It is no such thing. They raise it there because it is a hemp-growing country, and because they can make more by raising it than anything else. They did not raise it many years ago, because there was no one in the hemp-growing country to raise it. You must understand that it requires a great deal of force to raise hemp. A man must have slaves, or negroes, and very few such persons were in the hemp-growing country fifteen years ago. There are many such there now.

But the gentleman says Mr. Myerle encouraged the introduction of water-rotted hemp. Where is the proof? Why, Mr. Myerle made a contract with the Government to furnish the Navy with water-rotted hemp at \$300 a ton, when the foreign article could be bought for \$230—for \$70 more than we should have paid Russia. He made the contract, but broke at it, and thereby encouraged others to engage in it. That is the argument.

Mr. STANTON, of Tennessee. Will the gentleman allow me to make a remark? I place this claim chiefly upon the ground that Mr. Myerle's hemp was as good as Russian hemp, but was rejected, notwithstanding that fact.

Mr. FLORENCE. Mr. Myerle broke because his hemp was rejected.

Mr. HALL. Well, sir, has not every gentleman who has advocated this claim made the same argument? that he made a contract with the Government to furnish the Navy with water-rotted hemp—that he broke at it, and that he therefore encouraged the practice of water-rotting hemp? Why, sir, is that the way to encourage a thing—to enter into it and then break? It seems to me it is the way to discourage it; and if any discouragement of this process has been inflicted upon the people of this country, it has been Mr. Myerle's mismanagement. He had a contract for \$300 a ton, and failed to make money at it; although the Russian hemp could be bought for \$230. If this had any effect at all, it was to discourage other people from entering into it, and not to induce them to adopt the process. I will, however, admit that Mr. Myerle did induce the people of Missouri to water-rot hemp in one way. I will tell



you how he did it. He came up into my district in the year 1842, and represented that he was a Navy agent, and was authorized by the Government to purchase hemp to supply the Navy. I believe, however, that he denies that he came there himself, but that somebody else came there in his name, and told the people in certain publications that he was a Navy agent, and that if they would water-rot their hemp, he would give them seven or eight dollars per hundred. Upon that inducement and encouragement—for let it be remembered that they had never before adopted that mode of rotting hemp in Missouri, nor had Mr. Myerle ever had a hemp-rotting establishment in that State, if my information is correct—upon that sort of inducement, my constituents went into the business of water-rotting hemp; not because David Myerle had commenced it, but because he told them they would get eight dollars a hundred for that article. They prepared it for Myerle, and lo and behold! there was no David Myerle to come there for it and to pay for it. It turned out a misrepresentation. It turned out that my constituents were induced to spend their money upon a false representation, and they were obliged to throw their hemp into market at three or four dollars a hundred. That is the way he introduced water-rotted hemp into my country; and if the committee think that that sort of process is entitled to a remuneration of thirty or forty thousand dollars, in God's name pass the bill.

But it appears to me, that if the introduction of water-rotted hemp into the United States is to be remunerated, the proper people to remunerate are the farmers of Upper Missouri who, upon the misrepresentation of Myerle, went into it, believing they could get eight dollars a hundred for their hemp.

Now, in regard to the other point—that this hemp was improperly rejected by the commissioners of Boston. What evidence have you of that fact? You have Myerle's statement; you have the opinion of my friend from Virginia, [Mr. BOCOCK;] you have the opinion of my friend from Tennessee, [Mr. STANTON;] You have the opinion of those three gentlemen that the commissioners of Boston were dishonest, and this, too, without a particle of evidence, so far as I can see. And upon that supposition of theirs, induced by friendship for Myerle, you are asked to appropriate \$40,000.

Mr. BOCOCK. I know nothing of Mr. Myerle.

Mr. HALL. The gentleman says he knows nothing of Mr. Myerle; but he seems to think Myerle is an injured man.

Mr. BOCOCK. Did I ever say anything about Mr. Myerle personally?

Mr. HALL. Well, sir, I have only this to say, that all the facts of this case taken together, appear to me to show, that this hemp was not good water-rotted hemp. Now, what does the value of hemp depend upon? Not merely upon strength. Gentlemen who know anything about hemp, know that hemp not rotted at all, is stronger than rotted hemp; but it will not sell for anything in the market, because it is in such a condition that it will not last, when exposed to weather. It is not the strength of hemp alone that makes hemp good. It depends upon the color; it depends upon the cleanliness; upon the amount of tow in it; and upon its strength; upon the character of the staple, and many other things. All these taken together make good hemp.

Now, sir, this hemp of Myerle's was presented to these commissioners, who so far as I can ascertain were honest and capable and faithful men. It was presented to them, and they rejected it. And what was done with it? Water-rotted hemp was selling at that time for \$200 a ton or more in the market, and the contract with Myerle was for \$300 per ton. Did the persons who had charge of Myerle's hemp after its rejection, sell this hemp for water-rotted hemp? Did they throw it into the market at high figures? No, sir, they treated it as dew-rotted hemp, and tried to sell it at the price that such hemp was bringing. Do you suppose that Montmullen & Cornwall, (for they had charge of the hemp,) admitted to be business men, if this hemp had been valuable, and water-rotted hemp, would have sold it for \$80 or \$90 a ton, when they could have got \$240 in the market? Does not the fact that they treated it as dew-rotted hemp after its rejection, prove that it

was not of the quality to sell for water-rotted hemp?

Mr. BOCOCK. Now, Mr. Chairman, I wish to call the attention of the committee to the arguments made against this claim. What has this gentleman said in answer to my remarks? I will first revert to the last position he has taken here, and it is that the only proof we adduced that this hemp was improperly rejected by the commissioners, was the testimony of Myerle himself, the opinion of the gentleman from Tennessee, [Mr. STANTON;] and my own opinion, and he intimated that such opinion sprung from some personal friendship for Myerle. I distinctly stated that Mr. Paulding, the then Secretary of the Navy, said that it was improperly rejected; I distinctly stated that one of the commissioners believed, as is proved here, that it was improperly rejected, and I distinctly stated that the men who used it came forward and testified that it was as good hemp as was ever used in the service. And, sir, he meets such testimony as that, by saying that my opinion springs from personal friendship for David Myerle.

And what testimony does he bring forward when he comes to tell us about Myerle's operations in Missouri? Is there anything in these papers to sustain the facts which he brings forward? Not one single letter of testimony. It is all the declarations of the Hon. Mr. HALL, of Missouri.

Sir, here is the testimony in the case, upon which I ask the committee to rely. I do not ask them to rely upon my declaration, and above all, I do not ask the committee to rely upon his declaration. Somehow there has been a prejudice against this man Myerle, from the State of Missouri, but confined, I believe, to the great ex-Senator [Mr. BENTON] lately elected to this House from the city of St. Louis, and the gentleman himself, [Mr. HALL;] I should like to know when Mr. Myerle went there as the gentleman says, by some agent, to deceive his constituents, whether he was one of the deceived? Did he lose a little from his pocket? Do all his tears flow from thence?

Here is the testimony in the case, and among the letters we find one from Hon. James H. Relfe and John Jameson, of Missouri, both recently Representatives upon this floor from the State of Missouri. I will read them.

Honorable James H. Relfe and John Jameson, of Missouri, says:

"It is an important matter to the Missouri farmers, and would become one of the staple articles of the State; but that until Mr. Myerle came among them they had done but little in its cultivation, and it was owing to his exertions that the farmers were turning their attention to it; that through him many who had never thought of cultivating and preparing hemp for market, had been induced to do it."

Another letter from William C. Anderson, of St. Louis, Missouri, to the Hon. James Farran, M. C., Cincinnati, Ohio, says:

"Mr. Myerle has been largely concerned, at the instigation of the Government, in the cultivation of hemp in the West, in which he has expended a large amount of money, time, and labor, and for which he has received no remuneration. He is a highly honorable gentleman, and a warm friend and patriot."

There are many other letters of a similar character going to show, as the whole history of the case shows, that David Myerle was the man who first proved to the farmers of the country that water-rotting hemp was practicable, and could be profitably engaged in.

But the gentleman very ingeniously distorts our position in a manner somewhat calculated to impose upon those who have not attended very particularly. He represents us as saying, that because David Myerle broke, therefore others were induced to engage in the same business. Why, sir, a friend here suggests that Robert Fulton himself, the man who discovered the applicability of steam to locomotion upon water—a man, too, to whose heirs this Government, in a spirit of gratitude and magnanimity, paid, after his death, \$76,000, as a token of their appreciation of him as a public benefactor, and upon no contract whatever—Robert Fulton himself actually died insolvent, and was not completely successful in his world-renowned and world-gladdening enterprise; but he developed the idea, he gave the glorious design into the hands of others, and, profiting by his thought and his labor, we see with what brilliant success they have accomplished it. But, sir, how was Mr. Myerle unsuccessful? He showed that

hemp could be water-rotted; and he went about and engaged men to enter upon the business. They, at least, induced thereto by him, pursued it successfully. He delivered two hundred tons, and could have delivered five hundred. It was rejected; and the proof is, by those who used it, that it was good hemp. It was not because he failed in it that they engaged in it, but it was because the experiments he tried upon it were, to an extent successful, and showed the practicability of the enterprise.

Mr. Chairman, I want to say a few words in relation to the history of this case. This case has been before Congress on some one or two other occasions. It has always received favorable reports at the hands of committees to which it has been referred, and it has never been rejected by the House, I believe. I have heard that it has never been. Once when it had passed this House and went to the Senate it was attacked, I think, by Colonel Benton alone, who, by some means or other, delayed it until the session of Congress expired, and it did not pass.

Now, I wish to say a word or two in relation to the amendment of the gentleman from Kentucky, [Mr. BRECKINRIDGE;] The gentleman does not ask that the House shall decide between the claims of this man Myerle and his constituents, Montmullen & Cornwall. The gentleman is too good a lawyer to ask this House to erect itself into a court of justice, to determine between the rights of David Myerle and his constituents. He contends that David Myerle is indebted to his constituents, and Myerle contends that he is not.

Mr. BRECKINRIDGE. I contend in substance that the Government is indebted to my constituents, if at all; and if this \$30,000 is intended to supply pecuniary losses in making these experiments, the losses ought to go where the losses fall. At all events we ought to be allowed to try the question.

Mr. BOCOCK. If the Government is indebted to his constituents, why did not his constituents come here and prosecute their claims against the Government? Why did his constituents wait, doing nothing and saying nothing, and put upon Myerle the expense and the trouble of prosecuting their claim? He ought to contend that this money should be paid directly to his constituents, if it be theirs. But the gentleman hardly contends for that. He admits by his amendment that a court of justice is the proper tribunal to decide between his constituents and David Myerle. David Myerle may owe these gentlemen. He may also owe other gentlemen on the same account. These gentlemen may have a mortgage; others may have previous mortgages. If this debt be due there may be others of equal dignity. But Myerle says that this debt is not due.

It would be entirely improper for this Congress in this state of things, with an affirmation upon one side and a denial upon the other, to undertake to settle the affairs of David Myerle, or the gentleman's constituents. Therefore, it is simply an appeal to this committee, to allow his constituents an opportunity to assert their rights in a court of justice. Have they not had that opportunity? If this matter had come up suddenly, Mr. Chairman, and the money was to be delivered over to David Myerle without the gentleman's constituents knowing anything about it, he might come with more show of reason and plausibility to ask us to allow time for his constituents to litigate their claim. But, sir, this thing has been pending before the House for long years past, and they have been lying idle. They have left Mr. Myerle, by his own exertions, and his own untiring energy, to prosecute this claim. When it is up, and likely to be acted on, they come and ask us to hold Myerle off a little longer than we have, in order to give them days, and weeks, and years to do what they ought to have done long ago. The gentleman from Michigan [Mr. STUART] suggests to me, very properly, to inquire while this matter is suspended, what contest do we have between these parties before the court? David Myerle, a poor, broken down pauper, David Myerle, who has spent all his strength and health in this cause for the service of the country, David Myerle, this feeble man, pecuniarily and physically, against his wealthy, and powerful, and influential constituents! They can come into court with able lawyers and strong purses, and either conquer him at once by these advantages, or fatigue him at length into submis-

sion. It is to be in chancery, too! How long would this case be hung up in chancery? Some of his remote descendants might prove that these men had no claim upon Myerle, and perhaps get something from the hands of the Government for the services of their ancestor. But Myerle himself would be long dead and at rest.

My colleague [Mr. MILLSON] suggests that if the Government recognizes its obligation to Myerle for \$30,000, would it not have to pay interest for the time the case was held in court? When the Government passes a law acknowledging its obligation to Myerle for \$30,000, what right has it, without paying interest, to hold that money back? Now, sir, with these views I submit it to the candor and justice of the committee, whether this amount ought not to be paid to him? I do not wish it to be thought by any that I have been rashly drawn into the advocacy of any claim here that stands upon a loose and tumbling basis, and is sustained by insufficient proof. I have some pride of consistency in a course of rigid economy. That is the only feeling I have about it, except that justice shall be done. Mr. Paulding well calls the attention of the country to the liberality of Congress towards railroad companies, one of which, in the State of Missouri, represented in part by that honorable and efficient member, [Mr. HALL,] has obtained this session 3,000,000 acres of the public land as a gratuity. Fattened and bloated with that enormous bait, he comes now in pride of power to browbeat and drive away old David Myerle, as he stands at the door of justice and asks for the little pittance to which his services and losses entitle him.

Mr. HALL. I move to strike out all after the enacting clause.

The CHAIRMAN. The Chair is of the opinion that before that motion can be made the question must be taken upon the pending amendment.

Mr. HALL. I then move to insert into the amendment of the gentleman from Kentucky, [Mr. BRECKINRIDGE,] after the word "Cornwall" the words "and citizens of Missouri." I must confess my great astonishment that the gentleman from Virginia should manifest so much excitement because I modestly endeavored to express my dissent to this bill. I shall, notwithstanding, give utterance to the opinion I entertain with regard to bills which come before me for my official action. It is my desire at all times to have the good opinion of that gentleman, but I shall discharge my duty even at the risk of incurring his displeasure. He intimates that I have been moved to a hostility for this bill for the reason that I have suffered from Myerle's misconduct. I tell the gentleman most distinctly that he is mistaken. I was not affected by Myerle's misrepresentations, not being at the time a farmer. I was young and just commencing the practice of the law, and had as much as I could do to attend to my profession; but I did see old needy farmers, induced by the misrepresentations of Myerle, incur great expense for the purpose of water-rotting their hemp. I have heard these men complain of the injustice inflicted upon them by his misrepresentations. I should indeed be a faithless Representative of those men and of justice, were I to permit this man to receive the \$30,000 provided for by this bill, for swindling my constituents. The gentleman says my testimony is only the testimony of myself. Well, sir, the testimony the gentleman introduces here to bolster up this claim is the unsworn testimony of ex-members of Congress. I presume my word is at least as good as that of persons not known within this Hall, or of gentlemen who were here once and who discharged their duty with no more credit than myself. If the gentleman wishes proof, why, as chairman of the committee controlling this bill, has he not hunted for it? Why has he looked only for proof upon one side? Why has he presented himself before the committee like a feed attorney denouncing those opposing the bill?

Mr. BOCKOCK. Does the gentleman mean to insinuate that I am a feed attorney in this case?

Mr. HALL. No, sir; I mean to say that the gentleman has manifested the spirit of a feed attorney. I do not believe that the gentleman has any pecuniary interest in the bill. I ask the gentleman why he did not endeavor to obtain all the evidence in the case? While hunting for evidence upon one side, why did he not upon the other?

Why was it he did not seek to ascertain at what time the process of water-rotting hemp was first introduced into America? He could have easily possessed himself of that fact. He should have made himself acquainted with the operations of Myerle in Missouri. I suppose he was influenced by the consideration that duty did not impose upon him such troublesome labor. He should, however, be willing to receive evidence when voluntarily tendered him, and not turn from it as from a pestilence. The evidence I offer is but the evidence of myself, because—

[Here the hammer fell.]

Mr. CHANDLER. I wish this business may be brought to a termination. I believe, upon the whole, that it would be cheaper for the Government to pay this man what seems justly due to him, than for us to waste the public money by these debates, especially when thereby we delay public business necessary to be accomplished before we can leave this city. I have listened to the exposition of this case—to the explanation made by my colleague, [Mr. FLORENCE,] and to the discussions from day to day upon it, and I have been strengthened in the conclusion at which I arrived a long time ago, that this man, David Myerle, has a valid claim upon the Government for the money which the bill proposes to pay him. He was evidently employed by the Secretary of the Navy, in the belief that that functionary had the right to engage his services and pay for them. He proceeded in his work, but met with the destruction of his property, to which allusion has been made. This mode of dealing with the public servants has become not only injurious to our character, but, if it were not contrary to dignity and what is due to this body, I should say it has become almost disgraceful to ourselves. Congress too often undertakes to throw itself upon its sovereignty to deny the rights of individuals, and places itself in a position which, if any merchant of this country would venture to do, he would find his place vacated in any respectable exchange in any commercial community.

Mr. JOHN W. HOWE. I rise to a question of order. My colleague is not speaking to the pending amendment.

The CHAIRMAN. The Chair would remind the gentleman from Pennsylvania that the question is upon the amendment offered by the gentleman from Missouri [Mr. HALL] to the amendment of the gentleman from Kentucky, [Mr. BRECKINRIDGE.]

Mr. CHANDLER. Did not the gentleman move to strike out the entire bill after the enacting clause?

The CHAIRMAN. The gentleman afterwards modified his motion, and moved to insert certain words into the amendment of the gentleman from Kentucky.

Mr. CHANDLER. Certain words that vitiated the bill, whilst I desire to strengthen it. We are bound in honor as well as in law to meet the case before us. I do not wish, however, to proceed out of order. I do not wish to waste the time of this body. If the committee will proceed to a vote, I will take my seat. This evidently has come and appealed to us day after day.

The CHAIRMAN. The Chair is called upon to enforce the rule, and the gentleman must, therefore, confine his remarks to the amendment of the gentleman from Missouri; which is to insert after the word "Cornwall," in the amendment of the gentleman from Kentucky, the words "and citizens of Missouri."

Mr. CHANDLER. I will only say further, that all amendments, and all amendments to amendments that stand in the way of the passage of this bill—that are lets and hindrances, are inconsistent with my views of the rights of the petitioner, whose claims I would advocate. I therefore oppose the amendment of the gentleman from Missouri, [Mr. HALL,] because if the bill should pass with that amendment, the sufferer, by the non-fulfillment of the nation's contract, would not be benefited, and instead of legislating to redress those whom the officers of Government have injured, and whom our delay has made to suffer, we only do that which of right the courts of law are competent to perform.

Gentlemen are impatient, and I am regarded as out of order, and therefore I will forbear.

Mr. LETCHER moved that the committee rise.

The question was taken, and, upon a division, there were—ayes 42; noes not counted.

Mr. CABLE demanded tellers; which were ordered; and Messrs. LETCHER, and HARRIS of Tennessee, were appointed.

The question was then taken, and the tellers reported that there were ayes 56, noes 60.

So the committee refused to rise.

Mr. HALL. I move to diminish the amount of money to be paid one half. I only wish to notice the change made in the inspection of hemp, which was alluded to by the gentleman from Virginia. It is true that such a change has been made with regard to the inspection of hemp as was stated; but I apprehend if the gentleman from Virginia will extend his researches a little further, he will find that change was not made because it was presumed that the Boston people were dishonest and knavish, or that they were unable or unwilling to do justice to the hemp growers of the West.

Mr. ORR. I rise to a question of order. It is not in order for the gentleman from Missouri, [Mr. HALL,] in discussing the amendment he has offered, to do anything more than explain the amendment.

The CHAIRMAN. That is the opinion of the Chair. The gentleman must confine himself to the amendment.

Mr. HALL. I wish to show why a part of the money should go to Cornwall and a part to David Myerle; and in order to do this, I must say something about the inspection at Boston. That is the ground upon which it rests. This inspection was changed from Boston to different points in the West, not because it was supposed that the people of Boston were knavish—

Mr. ORR. The gentleman cannot make the application in five minutes. [Laughter.]

Mr. HALL. I will make it in a minute. The change was made on the ground that if the people of the West were to raise hemp, they could not go to the expense of sending it to Boston to be inspected, where it might possibly be rejected, and in consequence the hemp growers of the West might be subjected to great loss. It was considered of great importance, if western farmers should grow hemp for the Navy of the United States, that it should be inspected at their doors, or at least at western cities, where, if it was rejected, they might not sustain loss, but convert it to other purposes in the West. That was the ground upon which the change in the inspection was made, and it was made from no apprehension of unfairness or injustice on the part of Boston people. That is the only point which I wish to notice in the argument of the gentleman. There are many points made by him to which I would like to allude, but I have not the time.

Mr. BOCKOCK. I do not intend to occupy five minutes time. I merely rise for the purpose of saying that perhaps the remarks of the gentleman from Missouri [Mr. HALL] might lead to the impression that I had brought an accusation against the citizens of Boston of being knavish and prejudiced against the hemp-growing interest of the West. The gentleman will do me the justice to say that I did not make any such argument as that. I might have intimated, and I think that intimation was made by the gentleman from Tennessee, [Mr. STANTON,] the chairman of the Naval Committee, that full and exact justice was not done by its commissioners to this hemp-growing interest; but I did not mean to make a sweeping charge against the people of Boston, or its commissioners, of being knavish and hostile to the hemp-growing interest of the West.

Mr. HALL. There is another statement which the gentleman did make, that this bill had never been rejected by the House. Now, by reference to the Congressional Globe of the second session of the Thirtieth Congress, I find that it was rejected by the following vote—yeas 71, nays 95. It was laid upon the table by that vote.

Mr. BOCKOCK. When the gentleman from Missouri [Mr. HALL] asked me if I made that statement, I told him that I made it to the best of my knowledge.

Mr. HALL. Certainly.

Mr. BOCKOCK. I had examined the proceedings of the House. I found that it had passed the committee, and from the statement of others, I had been led to judge that it was lost in the Senate. I remember distinctly to have known that

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NEW SERIES...No. 140.

Colonel Benton made a furious attack upon it in the Senate. I think at that time that it went to the Senate from this House. Perhaps the gentleman is correct in saying that it was defeated.

Mr. CARTTER. I move that the committee rise.

Mr. CABELL, of Florida, demanded tellers; which were ordered; and Messrs. KING, of New York, and STANTON, of Tennessee, were appointed.

The question was taken, and the tellers reported—ayes 53, noes 41.

So the committee agreed to rise.

The committee then rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole House on the Private Calendar had had under consideration House bill No. 168, for the relief of David Myerle, but had come to no conclusion thereon.

Mr. BRIGGS. I ask the unanimous consent of the House to correct a clerical error made in the engrossment of bill No. 166; that is, to change the word Cilley to that of Kelley.

The SPEAKER. There being no objection, it will be so ordered.

Mr. HOUSTON. As the gentlemen who have objected to the fortification bill will not press their objections now, I ask leave to report it for the purpose of reference.

Mr. CARTTER. I object to any such bill.

Mr. BROWN, of Mississippi. I ask the consent of the House to withdraw from the Committee on Commerce some papers in reference to the custom-house at Biloxi, Mississippi, for the purpose of reference to the proper Department.

The SPEAKER. There being no objection, it will be so ordered.

On motion by Mr. LETCHER, the House then adjourned until Monday next at eleven o'clock, a. m.

## PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BRIGGS: The memorial of Nelson Johnson and others, citizens of New York, praying Congress for the passage of a law for the better protection of lives on board of steamboats.

Also, the memorial of Dingwell and others, for the same.

Also, the memorial of D. E. Bailie and others, for the same.

Also, the memorial of Thomas Carter and others, for the same.

Also, the memorial of H. M. Lockwood and others, for the same.

Also, the memorial of E. M. Baldwin and others, for the same.

By Mr. BURROWS: The petition of Eleanor Conlan, praying for pension and bounty land.

By Mr. HART: The memorial of Cyrus Peck, James Crepey, Albert Perkins, Ira Smith, and others, praying the passage of a bill for the protection of the lives of passengers in steamboats.

## IN SENATE.

MONDAY, August 16, 1852.

The PRESIDENT. The Chair has received a memorial from the laborers on the extension of the Capitol, in which they set forth that the compensation allowed them, taking into consideration the immense increase in the price of provisions in this city, is barely sufficient to support them, even when they receive full compensation; but that deductions are made whenever the weather prevents them working.

The memorial was referred to the Committee on Finance.

Mr. HAMLIN presented the memorial of the agent of the State of Maine, praying that the accounting officers of the Treasury may be authorized to allow and pay all claims intended to be provided for by the act of 13th June, 1842, that have been actually allowed and paid by said State; which was referred to the Committee on Military Affairs.

Mr. FISH presented the petition of the widow of C. L. Williamson, late a commander in the Navy, praying to be allowed the pension her husband received during his life; which was referred to the Committee on Pensions.

Also, a petition of residents of Green Point, New York, praying that the homestead bill may become a law; which was ordered to be laid on the table.

Mr. SOULE presented the petition of R. B. Sumner and other citizens of New Orleans, proposing to sell the United States a site for a naval depot in that city; which was referred to the Committee on Naval Affairs.

Mr. RUSK presented the memorial of the widow of Ira Birdsall, United States mail agent, who died while in the discharge of his duty, praying an appropriation for the relief of herself and family; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented resolutions passed at a meeting of the Chamber of Commerce of the city of New York, in favor of an appropriation for the improvement of navigation through Hell Gate, and over Diamond Reef; which was ordered to be laid on the table.

Mr. BADGER presented the memorial of J. M. Miller, of Louisiana, proposing to place at the disposal of the Government, for a fair consideration, his steam condenser, for the use of their steam navy; which was referred to the Committee on Naval Affairs.

Mr. BORLAND presented the petition of mechanics and laborers employed in the navy-yard at Washington, praying an increase of their pay; which was referred to the Committee on Finance.

Also, a letter, in the form of a memorial, from the men employed on the public works in Washington, praying an increase of pay; which was referred to the Committee on Finance.

Mr. JONES, of Iowa, presented a petition of the citizens of Iowa, praying the passage of the homestead bill; which was ordered to be laid on the table.

## REPORTS FROM STANDING COMMITTEES.

Mr. STOCKTON, from the Committee on Pensions, to which was referred the memorial of Thomas Ap C. Jones, asking to be restored to the list of invalid pensions, and to be allowed arrears of pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of James Wormsley, praying a pension, submitted a report, accompanied by a bill for his relief; which was read, and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the petition of John Mitchell, praying that the increase of pension allowed him may be made to extend back to date of the injury for which the pension was granted, asked to be discharged from the further consideration thereof.

He also, from the same committee, to which was referred the petition of Thomas W. Phelps, praying a pension in consequence of the loss of sight caused by disease contracted in the naval service, asked to be discharged from the further consideration thereof.

He also, from the same committee, to which was referred the petition of Frederick Rikow, praying an increase of pension, and to be allowed the amount of money of which he was robbed while in Mexico, submitted an adverse report thereon.

He also, from the same committee, to which was referred the petition of Lucy Tate, widow of an officer in the revolutionary war, praying a pension, asked to be discharged from the further consideration thereof.

Mr. UNDERWOOD, from the Committee on Public Lands, to which was referred the petition of Joseph Mitchell, submitted an adverse report thereon; which was ordered to be printed.

## REMITTANCE OF DUTIES.

Mr. FISH, by unanimous consent, submitted informally the substitute which he intends to offer to the bill to remit or refund duties on goods,

wares and merchandise destroyed by fire, which was ordered to be printed.

## ARMY APPROPRIATION BILL.

A message from the House of Representatives was presented by Mr. FORNEY, its Clerk, announcing that it had passed a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1853.

On motion by Mr. HUNTER, it was read a first and second time by its title, and referred to the Committee on Finance.

The message also announced that the House of Representatives concurred in the amendment made by the Senate to the act for the relief of Monmouth B. Hart, Joel Kelley, and William Close, sureties for the late Benjamin F. Hart, a purser in the United States Navy.

## MARY E. BLANEY.

Mr. BRIGHT. On Saturday last, the bill for the relief of Mrs. Mary E. Blaney, widow of the late Major George Blaney, came up on its passage and was rejected. On conversing with the Senator from Maryland, [Mr. PRATT,] I am satisfied that injustice has been done in that case. Therefore, as I voted with the majority, I move to reconsider the vote by which the bill was rejected.

Mr. PRATT. I wish to ask the attention of the Senate to that bill. It was ordered to be engrossed on Friday. I supposed that Saturday was to be devoted to the Senator from New York, [Mr. SEWARD,] and that it was not to be considered a legislative day, and I therefore went home. But I find by looking at the newspapers this morning that the bill was rejected on that day. As my friend from Indiana has moved a reconsideration of that vote, I desire a test vote of the Senate, for it presents a case, if any has ever been presented, in which the Government ought to pay interest.

The facts of the case are these: The husband of this good lady was an officer of the Army. He died in the public service. He had placed to his individual credit in bank some \$2,000 or \$3,000. The Treasurer of the United States directed the cashier of the bank, under the supposition that the officer was indebted to the Government, to place that fund, which was to the individual credit of the officer, to the credit of the Government. The cashier did so, and the effect was to place this money in the Treasury of the United States. After some ten or twelve years of litigation, the Supreme Court of the United States decided that this man was not indebted to the Government. The result thus has been that money to the credit of an individual at the time he died was taken possession of by the Government. It was used by the Government for a great length of time, and at the expiration of the period, the Supreme Court decided that the money belonged to the individual. If that does not present a case in which the Government ought to pay interest, then there is no case in which it should, because here, by force, it took the money belonging to this individual and used it. I hope the Senate will consent to the reconsideration, and that we shall pass the bill immediately. But a few days ago, an amendment was made to a bill by the Senate, at the instance of the Senator from North Carolina, [Mr. BADGER,] in which interest was paid under circumstances not half so strong as the present case.

Mr. BRADBURY. I do not rise to interpose any objection to the reconsideration of this matter, further than that the whole of the facts may be clearly understood. I understand—and if I am wrong I will thank the honorable Senator from Maryland to correct me—that the difference between the Government and this officer arose from a claim on the part of the officer for the payment of commissions. I understand this was one of that class of claims that had not, up to that time, been recognized as legitimate. Subsequently, he was able to obtain a decision in its favor. When it was presented, it was regarded as among the class of doubtful claims, but I believe the ultimate de-



cision was in favor of the officer. Subsequent legislation deprived officers of that class of claims.

Now, I would inquire whether that is not the true question presented—whether the money was not detained during litigation in regard to a doubtful claim, and whether it could be properly said that the officer was not indebted to the Government until that doubtful question was settled; as it finally was by the determination of the court?

Again, there would seem to be some doubt in regard to the authority of the cashier of the bank to refuse the payment to the legal representative of money that belonged to that representative. If this be the true view of the case, the representative of the estate has an adequate claim against the bank for the detention of the money. I present these considerations in order that a full view of the case may be had.

Mr. WALKER. On Saturday last I called for the yeas and nays on the passage of this bill. I announced at the time that I felt a desire that it should be passed, and I voted for it. I still desire its passage, and a very simple observation in reply to the Senator from Maine, it occurs to me, ought to satisfy the Senate. Whatever may have been the difficulty between the officer and the Government in regard to certain commissions which he had charged, it has no bearing whatever on this case; for here was the individual money of the officer on deposit in bank, and on a mere presumption of the officers of the Government that it was the Government's money, they directed it to be changed from the credit of the individual to the credit of the Government. So it remained as long as the litigation continued. That litigation resulted not only in favor of the individual's charge for the commission, but in demonstrating the fact that the Government had, during the whole time, the use of the money of the officer. In the mean time he died. His widow was deprived of the use of the money for twelve or thirteen years, and now it is said that the Government ought to pay nothing to his widow for the use of the money, after having kept her out of it such a length of time. This, it seems to me, is one of those cases where we ought to allow interest. The object for which I called for the yeas and nays was that the attention of the Senate might be directed to the subject, with the view of letting the Senate know that they were voting for an allowance of interest. I wish this to be understood, so that when some of my reports from the Committee on Claims come up, it may not be said that the Senate have always inveterately opposed the payment of interest.

The motion to reconsider was agreed to, and the bill was passed.

#### PERSONAL EXPLANATION.

Mr. DOWNS. I rise to make a personal explanation. I find that in my absence from the Senate, explanations have been frequently made by other members of the Senate, respecting an amendment to the Census bill which was reported by me from the Committee on the Judiciary, which has passed both Houses of Congress. A great many explanations have been made, to show on whom rests the responsibility of the amendment. I attach no importance to it myself. I reported the amendment, and am responsible for it. When the question was first mentioned, before I went away, I thought it of so little consequence as not to require an explanation; but I find, on looking into the debates which have taken place since I have been gone, that the matter has been referred to so often, and so many different explanations have been made, there seemed to be such an anxiety to fix the responsibility upon me, and so much was said—very unnecessarily, it seems to me—about the responsibility of it, that, although really there is no importance whatever attached to it by me, yet these debates have given an importance to it which requires me briefly to explain it. The matter is a very simple one. There is no necessity for misunderstanding, and no responsibility connected with it of which anybody need be afraid.

The circumstances of the case are these: When the Committee on the Judiciary had this matter before them, a communication was sent by the Secretary of the Interior to the committee, addressed to the chairman, but which came into my hands as acting chairman, in the absence of the chairman, [Mr. BUTLER,] stating that some difficulty having arisen as to the amount of pay which

the person acting as Superintendent of the Census or Secretary of the Census Board should receive, he wished some provision made in the law to settle the question; that up to a certain time he had been paid \$3,000, and he thought he ought to be paid that yet; but to remove all doubt and difficulty, he suggested that some provision should be made in the bill to settle it. I have before me the letter of the Secretary of the Interior to that effect. But to show clearly the whole state of the case, I have another statement from that gentleman of the whole subject, addressed to Mr. Kennedy, which explains it more fully than I can do:

WASHINGTON, July 29, 1852.

Sir: I have received your letter of this morning in which you refer to the proceedings of the Senate yesterday, and request me to furnish you a statement of such facts as I am acquainted with, connected with your claim for your official salary. In reply, I have to state that, when I took charge of this Department, in September, 1850, I found you receiving a salary of \$3,000.

This you continued to receive, as I believe, without objection, for some months. I then learned that objections were raised to your receiving more than \$2,500, on the ground that your functions as Secretary of the Census Board had ceased, and that from that time you were to be regarded merely, as "Superintending Clerk." The disbursing agent having made a decision to this effect, the subject was brought before me officially, and on an examination of the law, I was of the opinion that you were justly entitled to \$3,000 so long as the Census Board required your services; and that when your functions as Secretary of that Board ceased you would draw your salary, as Superintending Clerk, at the rate of \$2,500 per annum.

In pursuance of this opinion, I addressed a note to the disbursing agent, instructing him to allow you, in your double capacity of Secretary of the Census Board and Superintending Clerk, a salary of \$3,000. A copy of that note is herewith inclosed, No. 1.

Thus the matter stood until about January, 1851, when objections were renewed by the First Comptroller.

I was of the opinion that the whole matter resolved itself into an issue of fact, viz: when did the functions of the Census Board cease?

I thought it was not competent either for the Comptroller or myself to decide that question; and thereby undertake summarily to dissolve a Board established by law, and composed of gentlemen quite as intelligent and upright as ourselves. In conformity to this view of the subject, I addressed an official letter to the Census Board, under date of 30th of September last, (a copy of which I inclose, marked 2;) in which, after reciting the facts, I requested them to inform me whether their functions as a Board had ceased? and if so, at what time? To this letter I received a reply, signed by Mr. Crittenden and Mr. Webster, (Judge Hall being at the time absent, I believe,) a copy of which is also inclosed, marked No. 3.

This, I believe, was done until about the close of the year 1851. Shortly thereafter you called upon me and stated that the difficulties had been renewed in regard to your salary; and after expressing your regret at the feeling displayed toward you by some of the officers, you stated that, to remove all scruples, you had a thought of asking an amendment of the law, which would make the matter entirely plain. I expressed my approbation of that course, and with your concurrence, if not at your request, I addressed an official note, under date of the 8th of February, 1852, to Hon. A. P. Butler, chairman of the Judiciary Committee of the Senate, referring to the difficulties which existed, and requesting of him the introduction of an amendment into the supplementary bill, then before the committee, fixing your salary at \$3,000. A copy of this note is inclosed, marked No. 4.

I deem it proper to add that, in all my interviews with you, you uniformly disclaimed all right to the two salaries, and contended merely that you were entitled to the larger of the two, viz: \$3,000.

Very respectfully, your obedient servant,

ALEX. H. H. STUART.

Here is the brief note addressed by the Secretary of the Interior to the chairman of the Committee on the Judiciary:

DEPARTMENT OF THE INTERIOR, March 8, 1852.

Sir: As some difficulty has occurred in regard to the salary of Mr. Kennedy, who has acted in the double capacity of Census Superintendent and Secretary of the Census Board, I would respectfully suggest the introduction of a clause into the supplementary bill which you propose to report, fixing his salary at \$3,000.

I think he richly merits it, and I can see no reason why he should stand on a different footing from the other heads of bureaus. Very respectfully, &c.,

A. H. H. STUART.

Hon. A. P. BUTLER,

Chairman of the Judiciary Committee, U. S. Senate.

In accordance with this request of the Secretary of the Interior, a clause was inserted in the bill, the object of which was to give the Superintendent of the Census, acting also as Secretary of the Census Board, the salary of \$3,000 a year, and nothing more. Nothing more has ever been contended for; nothing more was contended for at the time. As to the form in which the amendment was made, after the committee agreed on the changes in the bill in other respects, the matter was referred to Mr. Kennedy, or the Secretary of the Interior, I do not recollect which, but to one of them, to draw the bill in form; and as they pre-

sented it with this clause, so it was reported. Instead of expressing directly that the salary should be \$3,000, it repealed a clause in the act of 1850, about which there was some ambiguity. Now, the only doubt which rests on this subject as to the propriety of the law, is whether the functions of the Census Board did exist after the act of 1850 was passed. I apprehend that all the difficulty in this case has arisen from a misinterpretation of the law in that respect. The Senator from Massachusetts seems to adopt the idea, that the functions of the Census Board ceased after the passage of the act of 1850. But that clearly is not the case. In the act of 1850, there is an express provision that the functions of the Board, for certain purposes, shall be continued. In the nineteenth section of that act, is this provision:

"The blanks and preparatory printing for taking the census shall be executed under the direction of the Census Board; the other printing hereafter to be executed as Congress shall direct."

That clearly continued the Census Board; but this is not the only proof of the matter of fact, which is the main point in this controversy; for we find that immediately on the passage of the law, the proper officers of the Government gave that construction to it. We find in July, 1850, the Census Board, under General Taylor's administration, gave this statement and opinion:

OFFICE CENSUS BOARD, WASHINGTON, July 1, 1850.

Mr. Kennedy, appointed Secretary of the Census Board in accordance with the act of the 4th of March, 1849, continues to perform his duties as such, and will continue to perform the same until the requirements of the twentieth section of the act of the 23d of May, 1850, have been complied with, and the accounts settled.

J. M. CLAYTON,  
REV. Y. JOHNSON,  
J. COLLAMER.

So that, after the passage of the law of 1850, he continued in his functions, and we find that on the 30th of September, 1851, when the question was raised again as to whether those functions were continued, an application was made by the Secretary of the Interior to the Census Board, then consisting of different individuals—the present Attorney General, Secretary of State, and Postmaster General—for their opinion. The following letter was received in answer:

WASHINGTON, September 30, 1851.

We have received your letter of to-day, and have the honor to reply, that we do not consider the Census Board (of which we are members) as dissolved, or Mr. J. C. G. Kennedy, the Secretary of that Board, as discharged from office. The duties for which that Board was constituted, and the Secretary appointed, have not been finally completed. We regard the Board as still continuing, and the Secretary as still in office, and we unite as such to the salary of \$3,000 per annum, and at that rate.

We are, very respectfully, yours, &c.,

J. J. CRITTENDEN.

DANIEL WEBSTER.

Hon. A. H. H. STUART, Secretary of the Interior.

P. S. When the Board, by its own official act, shall be dissolved, we will not fail to make it known to you.

J. J. C.

D. W.

So, Mr. President, it is very clear, both from the construction of the law, and the construction which has been given to it by the law officers of the Government, (for the Attorney General, and two other distinguished officers of the Government, constitute the Census Board,) that the functions did so continue. I apprehend that the reason why the Senator from Massachusetts fell into the difficulty on this subject is, that, as the Census bill of 1850 was reported and first adopted in the Senate, it did not contain this provision continuing the Census Board, but afterwards the twentieth section was adopted, which has been modified to the act which has given rise to this discussion. It contained the following:

"That, for the purpose of carrying into effect this act, and defraying the preliminary expenditures, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$150,000, out of which the said Secretary of the Interior may allow the person employed as Secretary of the Census Board a compensation after the rate of \$3,000 per annum, from the period he has been in their employ."

Now, that was evidently based on the idea that these functions should not continue; but, afterwards, by an amendment made in the House, the proviso was inserted which contained that provision of the bill; but it was not adverted to at the time. It was necessary to change in some respects the phraseology of the twentieth section; and therefore it was adopted. There was some ambiguity in it, and in consequence, it was necessary to make the amendment to the law suggested by the

Secretary of the Interior and adopted by the committee.

Now, where is the great responsibility for the impropriety of this amendment? Is it not evident that if the functions of the Secretary of the Census Board so continued, that individual was entitled to some compensation for performing them? Evidently, I think, he was. He had received that compensation up to a certain time. All the proper law officers of the Government decided, and clearly the act itself contemplated, that he should receive it; but a difficulty was raised by the Comptroller of the Treasury, and therefore some amendment to the law was necessary. Now, I understand that it was said this law ought to be modified, or some explanatory act should be passed in regard to it, because it authorizes the receipt of both salaries—\$3,000 as Secretary of the Census Board, and \$2,500 as Superintendent of the Census. It is a sufficient answer to that, that no such claim has ever been put in. That was not the object of the application made to the committee. The manner in which the committee understood it; the manner in which the Secretary of the Interior understood it; the manner in which the Senate and House understood it, and passed upon it, was that it never contemplated any such idea as that. Neither has such a claim been set up since the passage of the act. After its passage Mr. Kennedy applied for the payment of \$3,000 a year, but for nothing more. Where, then, was the necessity of further legislation on the subject for the purpose of explaining the law?

Before the resolution of the honorable Senator from Massachusetts was brought forward, having reported the bill of which it was explanatory, the first question I asked was, if Mr. Kennedy had asked for the double salary. I understood he had not. I then said, that there was no necessity for providing for evils that might never occur. If Mr. Kennedy applies for the double salary, and it is likely to be paid him, let us make some provision to prevent it; but if he disclaims any such idea, there is no necessity for it. He never made any such claim. The House committee so understood it. So the Senate and the House understood it, so that there was no necessity for providing against a difficulty which might never arise. However, not being influenced by this suggestion, the honorable Senator from Massachusetts brought forward his resolution. I thought so clearly that no necessity existed for it, that although I was present when it was presented, I thought proper not to interfere. Perhaps I ought to have done so, because I reported the bill, but I saw no necessity for it. The honorable Senator from Massachusetts had a right to consult his own judgment on the matter. He had a right to introduce the resolution; but I did not think it necessary to interfere or make any explanation. I make this explanation now, because so many remarks have been made, and the subject has been referred to as a matter of so much importance, and my responsibility referred to, that I was apprehensive that some culpability might be attached to the proceeding which did not exist.

It is then a clear and ordinary transaction. At the request of the Department itself, the clause was put in the bill, and it underwent the ordinary discussion. It was reported by the committees of the two Houses, and nobody then gave it an improper construction; but it seems after the law has gone through all the forms, somebody wiser than Congress, or the committees, or the Department, or anybody else, who seems to have a wish to control and direct matters very unnecessarily, it seems to me, in some cases at least, has made suggestions of difficulties that may occur, and therefore the circumstance is brought before Congress again. There is no reason for it, and there is no reason that so much feeling should have been expressed, and so many explanations made. No difficulty would arise out of it. It is evident, under the circumstances—it having been contemplated that payment should be made to the person as Secretary of the Census Board as long as it existed—he is claiming nothing more than the salary of \$3,000, to which he is entitled. He was entitled to it; and even if that were not the fact, still it was a proper matter for the consideration of Congress in making a new law, whether the duties imposed upon him as Superintendent do not entitle him to the salary of \$3,000, and whether it was not right for Congress to give it to him in that

capacity alone? And if there was any doubt about it, it was still perfectly proper for Congress, if they thought he ought to receive \$3,000, to give it to him; and I do not think there would have been anything wrong, or any great responsibility incurred. I am sorry that I have been compelled to make these explanations. I should not have done so but for the very earnest manner in which explanations have been made, and the way in which my name has been involved in the matter.

#### SAULT STE. MARIE.

On the motion of Mr. CASS, the Senate, as in Committee of the Whole, resumed the consideration of the bill granting to the State of Michigan the right of way, and a donation of public lands, for the construction of a ship-canal around the Falls of St. Mary's river, in said State.

A long debate ensued, in which Messrs. CASS, UNDERWOOD, BUTLER, BELL, TOUCEY, DOUGLAS, ATCHISON, PRATT, and BORLAND, participated, which will be published in the Appendix. Without disposing of the bill, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, AUGUST 16, 1852.

The House met at eleven o'clock, a. m. Prayer by Rev. LITTLETON F. MORGAN.

The Journal of Saturday was read and approved.

The SPEAKER. The business first in order is the further consideration of House bill No. 297, declaring the Wheeling Bridge a "lawful structure, and for other purposes."

Mr. FULLER, of Maine. I ask the unanimous consent of the House to allow me to report a bill from the Committee on Commerce, for better securing the lives of passengers on board steamboats. [Cries of "Agreed!" "Agreed!"]

I ask this merely for the purpose of having certain matters printed which the Committee on Commerce have recommended; and I ask also that the consideration of this bill may be postponed until Thursday next.

The question was then taken, and it was agreed to.

Mr. DURKEE. I rise to a privileged question. I have been absent from the city for a few days, and on my return find that a serious charge was made against me, during my absence, by a member of this House. I am charged with nothing less than an act base in its character.

Mr. MILLSON. I desire to know whether this case comes out of the time allowed to me?

The SPEAKER. Unless there be a reservation made.

Mr. MILLSON. I must object.

The SPEAKER. Is it the pleasure of the House that the time proposed to be occupied by the gentleman from Wisconsin [Mr. DURKEE] shall not come out of the morning hour?

[Cries of "Agreed!" "Agreed!"]

The SPEAKER. There being no objection, the time occupied by the gentleman from Wisconsin shall not come out of the morning hour.

Mr. DURKEE. The most friendly relations have hitherto existed between myself and the member from South Carolina, [Mr. AIKEN,] and since I have occupied a seat in this House am not conscious of having indulged in the least unkind feelings towards any member of it; and I am satisfied that the gentleman who made this accusation will, when I explain the remarks to which he objected, say that he believes no wrong was intended, and withdraw his charge. The issue between us is in relation to an occurrence in the city of Charleston; and perhaps, for the information of the House, it would be proper here to read the remarks to which the gentleman takes exception.

In the speech which I submitted to the House a few days ago on the fugitive slave law, I quoted from able writers on public law, to show that cruel and oppressive enactments are not binding when their observance requires the commission of crime; and among others an extract from the words of a distinguished South Carolinian, which I will now read in connection with my own remarks, which were obnoxious to the gentleman:

"In another case in South Carolina, an act of the Assembly passed in 1712, was, in 1792, held to be void, because it took away the freehold of one man and gave it to another. The court said it was against common right, as well as against *magna charta*, to take away the freehold of one man and vest it in another, and that, too, to the

'prejudice of third persons, without any compensation or even a trial by the jury of the country; and the act was, therefore, *in fact*, void; that no length of time could give validity, being originally founded on erroneous principles.'—*Bowman v. Middleton*, 1 Bay, 252.

"But, Mr. Chairman, the citizens of South Carolina have not only spoken theoretically on this subject, but have given in one case, as I am informed, a practical illustration of this sentiment. I was told a few days since, by a highly respectable gentleman who resided several years in that State, that a negro in the city of Charleston a few years ago was sentenced to be hung for striking his master. The narrator, in speaking of the provocation, said:

"The master was discovered by the prisoner trespassing on the chastity of his wife. Under the excitement of the moment the slave struck his master, for which he was sentenced to be hung! On the day appointed for the execution, the sheriff ascended the scaffold with the prisoner, placed the rope about his neck, but felt so much sympathy for the slave that he could not perform the duties of his office, and offered \$1,000 to any person that would; but not one could be found. All were aware of the circumstances, and presumed that a colored man had nerves to feel on such an occasion as well as a white man. After a time, the rope was taken from his neck, and he was permitted to escape from the State."

"Thus we see the triumph of the 'higher law,' even in South Carolina, and another proof that man is stamped with a divine principle by his Creator, that cannot be entirely effaced by barbarous legislation. Sir, this humane and righteous act of the citizens of Charleston is worthy of all praise, and how much more to the honor of human nature than the infamous conduct of the citizens of Boston in kidnapping poor Slips—a crime which will leave an indelible stain upon the inhabitants of that city and upon the Republic in all coming time. How strangely it contrasts with the battle of Bunker Hill, and the conduct of the Boston Tea-Party! I do not wonder at the animated versions of the Rev. Theodore Parker on the shameful conduct of that city, whose 'prejudices' had been conquered by its distinguished leader."

My object in citing this incident was for the two-fold purpose of adducing proof to sustain my views on the "fugitive slave law," and to show the great contrast in the conduct of the cities of Boston and Charleston in two given cases, in which I commended the course of the latter city in its disregard of a State enactment, the observance of which would have involved the commission of a great wrong.

Mr. LETCHER. I rise to a question of order. I do not understand this to be a personal explanation, but an argument to sustain the position which the gentleman took in his speech on the subject of slavery.

The SPEAKER. It is difficult for the Chair to determine for what purpose the House, by unanimous consent, allowed the gentleman from Wisconsin to take the floor.

Mr. LETCHER. It was for personal explanation, as I understood it, and not for the purpose of enabling the gentleman to go into an argument here to define the position which he took in his speech three or four days ago.

Mr. DURKEE. I am endeavoring to show that nothing offensive was intended, and that the remarks to which the gentleman objects admit no such construction. They are simply a narration; and if they contain any inaccuracies, shall most cheerfully be corrected. Sir, what is the difference in our statements? The gentleman, in his own remarks, admits substantially my statement of the case, except in one particular; and that is, that the negro that the people of Charleston refused to execute was guilty of arson instead of a personal assault. He himself commends the people of South Carolina for the course they pursued in relation to the acts to which I alluded. The only difference between us is in regard to the crime of which the negro was found guilty. The statutes of South Carolina, in reference to such persons, put the crime of arson and of assault with intent to kill on the same level. The penalty is the same. That is the main difference between us. He agrees with me as to the *modus operandi*, the course of procedure by the court, the refusal of the people and of the sheriff, very properly, as he says, to carry out that law. The circumstances were such that the law could not be enforced. The sheriff even offered a reward to any one who would act as executioner, and no man would accept. That was the very principle for which I was contending in my speech. Sir, it was a noble act; and I say again that I will never be deprived of the privilege of bearing testimony in favor of such humane and just principles.

Mr. MASON. I hope the gentleman from Wisconsin will not abuse the privilege which has been extended to him of making a personal explanation by delivering a regular speech, because on some other day some gentleman may really wish to make a personal explanation.

Mr. DURKEE. Mr. Speaker, I have not troubled the House much with speeches, and trust that no gentleman will object to my occupying twenty or thirty minutes in repelling the unprovoked assault on my character.

Mr. MASON. Under the pretext of a personal explanation, it very often happens that a gentleman makes an hour speech.

Mr. DURKEE. I hope the House, out of respect to itself, will permit me to prove my innocence of the wrong imputed to me. If I am as base as represented, it is a duty the House owes to itself to expel me. The maintenance of its honor and dignity demands it.

Sir, I wish to allude to the circumstances which led to my knowledge of this incident.

Not long since I was conversing with a southern gentleman—an educated, talented, and respectable man, who has resided many years in the South, and is well known to many of the citizens of South Carolina.

Mr. AIKEN. Is he here?

Mr. DURKEE. He was in the city a few days ago. I called to see him this morning, and found that he had left. In conversing with this gentleman upon various topics, the slavery question came up. I said to him that the North was greatly in the majority, and still allowed the minority to wield the General Government for the maintenance of the coastwise slave trade and slavery in the District of Columbia. I remarked, too, that I knew southern gentlemen in the Thirty-first Congress willing to support the Wilmot proviso, who declared themselves in favor of circumscribing the institution of slavery—of shutting it out from the vast territory recently acquired, and of letting it die out.

Mr. HARRIS, of Tennessee. The gentleman says that he knew southern men in the Thirty-first Congress who were in favor of the Wilmot proviso. I ask him to name one.

Mr. DURKEE. I will do so as soon as I close my remarks. Their names can be found on the record.

Mr. HARRIS. I should be obliged to the gentleman if he will name them. I want to know who they are.

Mr. DURKEE. I recollect one gentleman who voted for it and afterwards changed his vote, for the reason, as he said, that northern men would not stand up in Congress in support of principles which they professed on this subject at home. I said to this gentleman, that I believed southern members were more independent in the maintenance of their peculiar institution, than many northern members were to carry out the principles of their constituents. He assented, and added, that the southern people were naturally kind-hearted, and when really convinced they were right in a good cause, would allow nothing to defeat them. He then related this case in Charleston, just as I have stated it; that the law was rigid; that the man was tried and condemned, but public sentiment was against enforcing the law in this instance. The fact was, public sentiment had outgrown the law passed a long time previous. We have a law in this District, that where a man is found guilty of the crime of arson, he shall be hanged and drawn in quarters; but we have risen above this relic of barbarism in our judicial proceedings. It has become inoperative, and so with the case in South Carolina. Was there anything inflammatory or disrespectful in my alluding to the progress and reform of popular sentiment in South Carolina, in regard to laws of that character? I think not.

Mr. LETCHER. I rise again to a point of order, and I insist that the Chair shall decide it. It seems to me that enough has been said to indicate that the gentleman from Wisconsin is not in order in the course of argument which he is pursuing here. The gentleman's remarks have been as far from being in the nature of personal explanation as anything I recollect to have heard. The object of the gentleman seems to me to be to make an argument here for the peculiar benefit of his free-soil constituents at home, and of an offensive character towards those northern men here, who do not concur with him in opinion.

Mr. DURKEE. The northern men do not complain.

Mr. HART. Yes, they do.

The SPEAKER. The Chair is of opinion that it must have been the intention of the House,

although not expressed in so many words, to enable the gentleman to make a personal explanation, and the gentleman is requested to confine himself strictly to a personal explanation.

Mr. DURKEE. I will say, Mr. Speaker, that the remarks with which the gentleman is displeased, were not intended to injure his feelings or the feelings of his constituents. If, in combating the great evil in which the perpetuity and welfare of the Republic is involved, I find it necessary to advert to the records and public history of our country, I hope never to shrink from my duty. I certainly shall not be deterred by any denunciations uttered on this floor, or by Congressional or Baltimore resolutions. Sir, the freedom of debate, the maintenance of individual opinion and individual independence, gave birth to our constitutional freedom. If we mean to maintain it, we should ever seek to preserve these invaluable blessings which are so dear to every patriot, and to every American citizen. I say, in the words of another, "give me liberty of thought and speech, or give me death." If the gentleman is satisfied there was no wrong intended, I trust he will withdraw his accusation.

Mr. AIKEN. When I came into this Hall at the commencement of this Congress, it was not my disposition or intention to be offensive to any gentleman. Far be it from me to be so. All that fell from me the other day, in relation to the gentleman's speech, was exceedingly repugnant to my feelings, but it was a duty which I owed to my constituents, and which I performed willingly and cheerfully. And not only did I do it on that occasion, but I say that I will do it again whenever the same thing presents itself.

The gentleman from Wisconsin has made a direct appeal to me; and if he is perfectly willing to withdraw the offensive language which he made use of in his speech, I have not the slightest objection to meet him upon that ground. My intercourse with that gentleman has been familiar and social; as I desire it to be with all the members of this House. I do not wish to say anything offensive to that gentleman, or to any other gentleman. If the gentleman will publicly, upon this floor, withdraw the offensive language he has given utterance to, I am willing to meet him in that spirit.

Mr. DURKEE. What is the language that is offensive?

Mr. AIKEN. The gentleman is in error in his statement of the case. He says in his printed speech, that this negro was condemned because he struck a white man for having interfered with his wife. That is offensive language. Such a thing did not occur. The gentleman who gave you the information was either mistaken, or else he wished to deceive you.

Mr. DURKEE. I accept, of course, the correction of any error that may have occurred in describing this case, but will here announce, in vindication of the person who related the circumstance to me, and in my own justification, that on Saturday evening I received a letter from a person now in the city of Philadelphia, in which he states that he was a resident of Charleston at the time, and that there did such a case occur as related in my speech, in addition to the one already admitted by the gentleman from South Carolina, and that the only mistake in the statement is, that the man was finally executed instead of being released. I have the letter before me, and will have it read, if the gentleman desires.

Mr. AIKEN. I understand that case perfectly, and will explain it, if the House will give me leave.

Mr. DURKEE. Would you like to have the letter read?

Mr. AIKEN. No, sir; I do not desire it. I know all the circumstances connected with the case, and can give them if the House desires.

I can explain this case in a few words. It is a matter which I dislike very much to bring before the House; but I will state the facts connected with it for the satisfaction of the gentleman. There was a case of this nature which occurred in Charleston in 1830, but it had nothing to do with slaves. There was a free negro man married a free negro woman, whose character was not of the best description before her marriage. She had been in the habit of cohabiting with other persons; and in a short time after her marriage, I presume she returned to her first love, and did the same thing again. It so happened that this free negro

man met a white who was with her at the time. He was a gambler, and a most disreputable person—a man who did not belong to Charleston, but was there for a short time. This free negro did strike him, and was tried, condemned, and hung. The laws were positive upon the subject. An appeal was made to the lamented General Hayne, who was Governor of the State at the time, by a number of citizens, to pardon him. I am sorry to make this allusion, for I do not desire to allude to the subject in this House; but it is true that one of the strongest reasons for allowing that man to be hung, was that this Abolition party had become so powerful in the free States that it became necessary to make an example of this man, to let these free negroes know their duty. Now, sir, I repeat that I do not like to allude to a matter of this kind. If the gentleman had only consulted me before he made his speech, I would have explained it; and these personal explanations before the House would never have occurred.

Mr. DURKEE. I have concluded what I intended to say.

Mr. CAMPBELL, of Illinois, obtained the floor.

Mr. FICKLIN. Is it in order now to move to suspend the rules to introduce my small note bill?

The SPEAKER. Not during the morning hour. The business first in order is the bill declaring the Wheeling Bridge a lawful structure; upon which the gentleman from Virginia [Mr. MILLSON] is entitled to the floor.

Mr. CAMPBELL. Was I not recognized by the Chair?

The SPEAKER. The Chair asks pardon of the gentleman. He was recognized by the Chair, and is entitled to the floor.

Mr. CAMPBELL. I rose in the first place to ask a little favor of the House, but I have no idea they will grant it, and I will not, therefore, press it upon them at this time. [Laughter.]

The SPEAKER. The gentleman from Virginia [Mr. MILLSON] is entitled to the floor.

Mr. MILLSON resumed and concluded his argument in favor of the bill.

[A message was here received from the Senate through ASBURY DICKINS, Esq., its Secretary, notifying the House of the passage by that body of certain bills.]

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled the following acts; which received the signature of the Speaker:

H. R. No. 166. An act for the relief of Monmouth B. Hart, Joel Kelly, and William Close, sureties of the late Benjamin F. Hart, a purser in the United States Navy;

H. R. No. 158. An act for the relief of Sergeant Leonard Skinner; and

H. R. No. 153. An act for the relief of the heirs of Semioce, a friendly Creek Indian.

Mr. DISNEY then obtained the floor, and proceeded to argue in favor of the power of Congress to erect a bridge over the Ohio, and maintaining that although such a bridge when erected by Virginia alone, might be properly declared by the Supreme Court a nuisance, yet the bridge having been erected, the Congress of the United States, in which lies the jurisdiction, could adopt this bridge as a post route. [This speech will be found in the Appendix.]

#### THE INDIGENT INSANE.

The SPEAKER. The morning hour having expired, the Chair thinks it his duty to call up the privileged motion made by the gentleman from North Carolina [Mr. STANLY] on Monday last. It is a motion to suspend the rules for the purpose of taking up and acting upon the following bill, viz: A bill "making a grant of public lands to the several States of the Union for the benefit of indigent insane persons."

Mr. STANLY. I hope the bill will be taken up without the necessity of calling for the yeas and nays.

The question was put, and upon a division there were 47 in the affirmative.

Mr. STANLY demanded tellers; which were ordered; and Messrs. HARRIS, of Tennessee, and FOWLER were appointed.

The question was then taken, and the tellers reported—ayes 77, noes 40; not being two thirds in the affirmative—



Mr. STANLY demanded the yeas and nays; which were ordered.

Mr. MILLSON. Is it in order for me to make an inquiry of the Chair?

The SPEAKER. Not without the unanimous consent of the House.

Mr. MILLSON. I desire to know if this bill will interfere with the Wheeling Bridge case?

The SPEAKER. It cannot interfere with the morning hour.

The question was then taken, and there were—yeas 92, nays 41; as follows:

YEAS—Messrs. Allison, William Appleton, Beale, Bennett, Bibbhaas, Bissell, Bowie, Bowne, Brenton, Briggs, Albert G. Brown, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Clingman, Cobb, Conger, Curtis, Doty, Duncan, Evans, Florence, Fowler, Henry M. Fuller, Gamble, Gaylord, Gilmore, Goodenow, Goodrich, Hall, Harper, Hart, Haws, Hascall, Haven, Hebard, Horsford, John W. Howe, Hunter, Ingersoll, Jenkins, George G. King, Kuhns, Kurtz, Landry, Mann, Martin, McCorkle, Miller, Miner, Henry D. Moore, John Moore, Newton, Andrew Parker, Samuel W. Parker, Peaslee, Pennington, Polk, Porter, Price, Reed, Sackett, Schoonmaker, Scudder, Origen S. Seymour, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, St. Martin, Stratton, Stuart, Sutherland, Sweetser, Taylor, Benj. Thompson, Thurston, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, and Yates—92.

NAYS—Messrs. Averett, Thomas H. Bayly, Bocoek, Busby, Colcock, Dean, Durkee, Edgerton, Edmundson, Faulkner, Ficklin, Floyd, Thomas J. D. Fuller, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Hibbard, Holladay, Houston, Jackson, Andrew Johnson, John Johnson, George W. Jones, Letcher, Lockhart, Mason, McMullin, McQueen, Meade, Millson, Murphy, Murray, Orr, Robie, Stone, Wallace, Wildrick, and Woodward—41.

So (two thirds voting in the affirmative) the rules were suspended.

Mr. STANLY. Is the amendment offered by the gentleman from Minnesota [Mr. SIBLEY] before the House?

The SPEAKER. I understand from the Clerk that it is not before the House.

Mr. STANLY. I have no objection to the amendment being offered, and then I wish to move the previous question. This bill has been discussed at two different sessions of Congress, and I desire the House to dispose of it in some way or other.

The SPEAKER. The amendment of the gentleman from Minnesota can come up in order by the unanimous consent of the House.

Mr. HALL. I object to it.

The SPEAKER. There are a number of amendments proposed by the committee, which must be acted upon before other amendments can be offered. If the previous question be sustained, it will cut off all amendments except those proposed by the committee.

Mr. SIBLEY. I believe the gentleman from North Carolina does not intend to cut off my amendment by moving the previous question. I wish to ask whether that amendment of mine cannot be received by the unanimous consent of the House?

The SPEAKER. The gentleman from Missouri [Mr. HALL] objects.

Mr. SIBLEY. I hope the gentleman from Missouri will withdraw his objection.

Mr. STEVENS, of Pennsylvania. I hope the gentleman from North Carolina will not call for the previous question. I hope he will withdraw it; for the bill as it now stands will prohibit the settlement of Minnesota indefinitely.

Mr. TAYLOR. Will it be in order to have the amendment of the gentleman from Minnesota read for information?

The SPEAKER. It can only be done by unanimous consent.

No objection being made, the amendment was read, as follows:

In section 1. "And Territories," interlined after the word "States" in third line.

In section 2. Strike out the words "and the quantity apportioned to any State in which there are no such lands, shall be located in the territory belonging to the United States, to which the Indian title shall be extinguished, and it shall be the duty of the States to offer the said lands for sale immediately, and to complete the same at the earliest practicable delay," in lines eight to fourteen, and also all the provisions contained in said section, and insert in lieu thereof the following words:

And the Secretary of the Interior is hereby directed to issue to those States in which there are no public lands of the value of \$1 25 per acre, land scrip to the amount of their distributive shares in acres, under the provisions of this act, said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be is-

sued, be allowed to locate the same within the limits of any other State, or of any organized Territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to private entry.

In section 5. After the words "are appropriated" in third line insert, "and from the sales of land scrip hereinbefore provided for."

In section 6. After the word "land" in second line, insert "and land scrip."

Mr. STANLY. I now demand the previous question.

Mr. STEVENS, of Pennsylvania. I hope the gentleman will withdraw the demand for the previous question. The bill, as it now stands, gives to the old States not a dollar.

Mr. AVERETT. I appeal to the gentleman who moved the previous question to withdraw it, and to allow me to address the House, for the committee have heard nothing about this bill. The friends of this bill have had several occasions to address the committee, and there has been no opportunity to speak against it.

Mr. STANLY. I have had many applications of that kind, and I cannot withdraw the call.

Mr. AVERETT. I hope then that the previous question will be voted down.

Mr. SIBLEY. I wish to ask, whether before the previous question is moved and seconded, it is not in order for me to offer my amendment?

The SPEAKER. The Chair has already stated that it is not in order except by the unanimous consent of the House.

The previous question was then seconded.

The question then being, "Shall the main question be now put?"

Mr. BAYLY, of Virginia, demanded the yeas and nays; which were ordered; and the question being taken there were—yeas 76, nays 58; as follows:

YEAS—Messrs. William Appleton, Beale, Bennett, Bibbhaas, Bissell, Bowie, John H. Boyd, Brenton, Briggs, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Caldwell, Thompson Campbell, Carter, Chandler, Chapman, Cobb, Conger, Dean, Dockery, Doty, Duncan, Evans, Florence, Fowler, Henry M. Fuller, Gilmore, Goodenow, Goodrich, Hall, Harper, Haws, Haven, Hebard, Horsford, Houston, John W. Howe, John Johnson, George G. King, Kuhns, Landry, Mann, Martin, McCorkle, Miller, Miner, Henry D. Moore, John Moore, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Pennington, Perkins, Price, Reed, Scudder, Origen S. Seymour, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Stratton, Stuart, Taylor, Benjamin Thompson, Thurston, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Addison White, Alexander White, and Yates—76.

NAYS—Messrs. Aiken, Allison, Ashe, Averett, Babcock, Thomas H. Bayly, Bocoek, Breckinridge, Buell, Joseph Cable, Chastain, Colcock, Dimmick, Disney, Durkee, Edgerton, Edmundson, Faulkner, Ficklin, Floyd, Thomas J. D. Fuller, Gamble, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Howard, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Kurtz, Letcher, Mason, McMullin, McQueen, Meade, Millson, Murphy, Murray, Orr, Andrew Parker, Robie, Schoonmaker, Skelton, Snow, Thaddeus Stevens, Sweetser, Wallace, Wilcox, Wildrick, and Woodward—58.

So the main question was ordered to be put.

The following amendment reported by the Committee on Public Lands was then disagreed to, as follows:

1. In section 1, strike out the following: "Ten millions of acres of land, to be apportioned under the direction of the President of the United States, in the compound ratio of the geographical area and representation of said States in the House of Representatives, according to the census of 1850: *Provided*, That the area of no State shall be computed at more than fifty thousand square miles," and insert in lieu thereof the following: "Public lands at the rate of fifty thousand acres to each Representative in the House of Representatives, according to the census of 1850," so as to make the section read as follows, viz: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted to the several States for the purpose hereinafter mentioned, public lands at the rate of fifty thousand acres to each Representative in the House of Representatives, according to the census of 1850."

The following amendments of the Committee on Public Lands were then agreed to, viz:

2. In section 2, after the word "lands," in the fourth line, strike out the words "of suitable quality," and insert after the word "State," in the fifth line, the words "worth \$1 25 per acre, the value of said lands to be determined by the Governor of said State," so as to make it read:

"Sec. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections; and whenever there are public lands in a State worth \$1 25 per acre, the value of said lands to be determined by the Governor of said State, the quantity to which said State shall be entitled shall be selected from such lands," &c.

3. Add to section 2, the following proviso, viz: "Provided further, That if said land be not sold within twenty years from and after the passage of this act, the

lands remaining unsold at the end of that time, shall revert to the United States."

"4. Strike out the 3d section, as follows, viz:

"Sec. 3. *And be it further enacted*, That whenever the apportionment of said lands shall be completed, patents shall be issued to the several States for the portions which shall be allotted to them respectively; and thereupon the said State shall assume the management and sale of the lands thus apportioned to them."

5. In section 5, after the word "States," in fourth line, insert the words "or some other safe stocks, yielding not less than five per cent. upon the par value of said stocks," so as to make it read:

"Sec. 5. *And be it further enacted*, That all moneys derived from the sale of the lands aforesaid, by the States to which the lands were apportioned, shall be invested in stocks of the United States, or of the States or some other safe stocks, yielding not less than five per centum upon the par value of said stocks, and that the moneys so invested, shall constitute a perpetual fund, the capital of which shall be forever undiminished, and the interest of which shall be inviolably appropriated to the comfortable maintenance and support of the curable and incurable indigent insane."

6. In section 7, after the word "idiots," in line three, insert the words "the deaf and dumb or blind," so as to make it read, as follows, viz:

"Sec. 7. *And be it further enacted*, That if any State shall establish a public State institution for the maintenance and education of idiots, the deaf and dumb or blind, they may, at the discretion of each State, be permitted to participate in the benefits of this act, under the restrictions hereinbefore specified, and in the ratio of their numbers, relatively to the insane for whose maintenance and support the interest of the fund belonging to such State shall be applied, anything in this act to the contrary notwithstanding."

The question was then taken upon the amendment offered by Mr. SIBLEY, [inserted previously,] and it was agreed to.

Mr. CHASTAIN moved to lay the bill upon the table; and on that motion he asked for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 52, nays 90; as follows:

YEAS—Messrs. Ashe, Averett, Babcock, Thomas H. Bayly, Bocoek, Breckinridge, Buell, Busby, Joseph Cable, Chastain, Colcock, Dean, Durkee, Edmundson, Faulkner, Floyd, Thomas J. D. Fuller, Hall, Hamilton, Hammond, Isham G. Harris, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Jackson, Jenkins, A. Johnson, J. Johnson, Daniel T. Jones, George W. Jones, Kurtz, Letcher, Mason, McMullin, McQueen, Meade, Millson, Murphy, Murray, Orr, Robie, Ross, Snow, Sutherland, Wallace, Wilcox, Wildrick, and Woodward—52.

NAYS—Messrs. Allison, William Appleton, Beale, Bennett, Bibbhaas, Bissell, Bowie, Bowne, J. H. Boyd, Brenton, Briggs, Albert G. Brown, Geo. H. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Cobb, Conger, Dimmick, Dockery, Doty, Duncan, Edgerton, Evans, Florence, Fowler, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Goodrich, Harper, Sampson W. Harris, Hart, Haws, Hascall, Haven, Horsford, George G. King, Kuhns, Landry, Mann, Martin, McCorkle, Miller, Miner, Henry D. Moore, John Moore, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Pennington, Perkins, Porter, Price, Reed, Sackett, Schoonmaker, Scudder, Origen S. Seymour, Skelton, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Thaddeus Stevens, St. Martin, Stratton, Stuart, Sweetser, Taylor, Benjamin Thompson, Thurston, Walbridge, Walsh, Washburn, Watkins, Welch, and Yates—90.

So the House refused to lay the bill upon the table.

The bill was then ordered to be engrossed, and read a third time.

The SPEAKER. When shall the bill have its third reading?

Several Voices. "Now!" "Now!"

Mr. JOHNSON, of Tennessee. Has the bill been engrossed?

The SPEAKER. It has not.

Mr. JOHNSON. Then I object to the third reading.

Mr. STANLY. I move to recommit the bill to the Committee on Public Lands. I hope the gentleman from Tennessee will withdraw his objection, and allow the bill to have its third reading.

Mr. JOHNSON, of Tennessee. I must decline to withdraw it.

Mr. STANLY. Then I move to suspend the rules, so as to enable the bill to be read the third time now.

Mr. LETCHER. On that motion, I ask for the yeas and nays.

Mr. BOCOCK. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CHANDLER, and STANTON of Tennessee were appointed.

The House was then divided upon ordering the yeas and nays, and the tellers reported 31 in the affirmative.

So the yeas and nays were ordered.

The question was then taken upon Mr. STANLY's motion, and there were—yeas 90, nays 48; as follows:

**YEAS**—Messrs. Allison, William Appleton, Bennett, Bingham, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, Albert G. Brown, George H. Brown, Burrows, Caldwell, Lewis D. Campbell, Thomas Campbell, Carter, Chandler, Chapman, Cobb, Conger, Dimmick, Dockery, Doty, Duncan, Durkee, Edgerton, Evans, Florence, Fowler, H. M. Fuller, Gamble, Gilmore, Goodenow, Goodrich, Harper, Hart, Hawes, Hascall, Haven, Hebard, Horsford, J. W. Howe, Ingersoll, G. G. King, Kuhns, Kurtz, Landry, Mann, Martin, McCorkle, Miller, Miner, John Moore, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penniman, Perkins, Polk, Porter, Price, Reed, Sackett, Schoonmaker, Scudder, Origen S. Seymour, Skelton, Smith, Stanley, Benjamin Stanton, Thaddeus Stevens, St. Martin, Stratton, Stuart, Sweetser, Taylor, B. Thompson, Thurston, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Alexander White, and Yates—90.

**NAYS**—Messrs. Ashe, Averett, Babcock, Thomas H. Bayly, Bocoek, Buell, Busby, Joseph Cable, Chastain, Colcock, Dean, Disney, Edmundson, Thomas J. D. Fuller, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Preston King, Letcher, Lockhart, Mason, McMullin, McQueen, Meade, Milton, Henry D. Moore, Murphy, Murray, Orr, Robie, Ross, Wallace, Wilcox, Wildrick, and Woodward—48.

So (two thirds not voting in the affirmative) the rules were not suspended.

MARY B. RENNER.

Mr. COBB. I now make the appeal to the House, of which I gave notice several days ago, in behalf of a suffering widow and six orphan children. I hope the House will allow the bill to pass. It has passed both branches of Congress several times, has been reported on by many committees of both Houses, and has never been reported against. I ask the unanimous consent of the House to offer the following resolution:

*Resolved, That the Committee of the Whole House be discharged from the further consideration of Senate bill No. 152, providing for the settlement by the Secretary of the Treasury of the United States of the claim of Daniel Renner, deceased, upon such terms as are provided for in said bill, not to exceed the amount therein stated.*

Mr. CARTTER. Is it in order to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. Not while the gentleman from Alabama is upon the floor. Is there objection to the resolution of the gentleman from Alabama?

Several MEMBERS objected.

Mr. COBB. Then I move to suspend the rules.

Mr. STANLY. Was my motion to recommit the bill for the benefit of the indigent insane entertained?

The SPEAKER. That motion has been entertained.

The question was then taken on Mr. COBB's motion, and (two thirds voting in the affirmative) it was agreed to.

The question was then taken upon the resolution, and it was agreed to.

The Clerk read the title of the bill as follows, viz: "An act for the relief of John F. Callan, administrator of Daniel Renner, deceased."

Mr. STUART. I rise to a privileged question. I desire to move to reconsider the vote by which the bill for the benefit of the indigent insane was ordered to be engrossed and read a third time. I do not wish to press the motion now, but I ask that it may be entered.

The motion was accordingly entered.

Mr. COBB. The Committee on Claims unanimously directed the bill now before us to be reported to the House. The committee adopted the report of the Senate committee that investigated this subject.

Mr. HAMILTON. Let us hear the bill read.

The Clerk read the bill through. It authorizes the Secretary of the Treasury to pay some \$6,000 for the destruction of a rope-walk by the enemy in 1814.

Mr. COBB. I have no desire to consume the time of the House about this matter. There is one amendment, however, which must be made in the bill, and that is, to change the name of the administrator. John F. Callan has resigned the administration, and the widow herself has been appointed administratrix. I desire that that amendment shall be made.

Mr. CARTTER. I wish to inquire if there is a report accompanying the bill.

Mr. COBB. There is a report from the Senate committee, and if the gentleman wishes it, it can be read for the information of the House.

Mr. KING, of New York. I desire to hear the report read. This is one of those old war claims.

Mr. CARTTER. I desire to ask a single question. I want to know whether a bill was not once reported in this case and lost?

Mr. COBB. This bill has always been reported on favorably.

Mr. CARTTER. Has this claim ever been provided for by bill?

Mr. COBB. A part of it has.

Mr. CARTTER. How old are the "orphans?" I see that the injury for which indemnity is claimed was sustained in 1814.

Mr. COBB. They are old enough to be sufferers.

Mr. STEVENS, of Pennsylvania. And this is to pay the claim a second time?

Mr. COBB. It never has been paid yet.

The report accompanying the bill was then read.

Mr. COBB. I move to amend the bill by striking out the words "John F. Callan, administrator," and inserting in lieu thereof the words "Mary B. Renner, administratrix."

Mr. CARTTER. I move to lay the bill and amendment upon the table.

Mr. BROWN, of Mississippi. I ask the gentleman from Ohio to withdraw that motion for a moment, in order that I may say a few words of explanation.

Mr. CARTTER. These claimants have received nearly \$20,000 already.

Mr. BROWN. I will explain all that if the gentleman will allow me. I will not consume more than four or five minutes.

Mr. CARTTER. I ask for tellers on my motion.

Tellers were ordered; and Messrs. CLINGMAN and HENDRICKS were appointed.

Mr. BROWN. I again appeal to the gentleman from Ohio to withdraw his motion, and let me say a word of explanation. I promise to renew his motion.

Mr. CARTTER. No, sir; I cannot withdraw it.

Mr. BROWN. Then I hope the bill will not be disposed of in this summary way without one word of explanation.

The question was then taken on Mr. CARTTER's motion, and the tellers reported—yeas 62, nays 59. So the bill was laid upon the table.

Mr. HOUSTON obtained the floor.

Mr. FICKLIN. I appeal to the honorable member from Alabama to allow me to report a bill from the Committee on the District of Columbia.

Mr. COBB. I rise to a privileged question. The bill, I understand, was laid upon the table. I voted in the affirmative, with a view of moving to reconsider, but if the House chooses, I will not press that motion now.

Mr. CARTTER. I call the gentleman to order.

The SPEAKER. The gentleman from Alabama moves to reconsider the vote by which Senate bill No. 152 was laid upon the table.

Mr. HOUSTON. I have the floor. I suppose he cannot, therefore, have the motion to reconsider now.

Mr. COBB. I shall not insist upon its consideration at this time. My object is, that the House shall examine into the matter, and at the proper time, I will call up the motion.

Mr. SWEETSER. I move to lay the motion to reconsider upon the table.

Mr. COBB. I have the floor.

The SPEAKER. In the opinion of the Chair, the gentleman from Alabama [Mr. COBB] had a right to move to reconsider, and there being no other business under consideration, he has a right to the floor, if he chooses to insist upon action on his motion to reconsider.

Mr. JONES, of Tennessee. I would suggest to the Chair this question of order: Whether the motion to reconsider the vote laying the bill upon the table is debatable?

The SPEAKER. It is not.

Mr. JONES. Then how is the gentleman from Alabama [Mr. COBB] entitled to the floor?

Mr. HOUSTON. The Chair recognized me.

The SPEAKER. He is entitled to the floor to insist upon the consideration of his motion.

Mr. HOUSTON. My colleague took the floor from me, to make a privileged motion.

The SPEAKER. He has done it.

Mr. HOUSTON. I propose to go into the Committee of the Whole on the state of the Union, with a view of taking up the naval appropriation bill.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Alabama is in order.

Mr. HOUSTON. Then I make that motion.

Mr. STANTON, of Tennessee. I appeal to the gentleman from Alabama, to allow me to move to take up a bill now upon the Speaker's table.

Mr. JONES, of Tennessee. I rise to a question of order. The gentleman from Alabama [Mr. COBB] had been assigned the floor by the Speaker, to move to reconsider the vote by which his bill was laid upon the table. I submit that he is the gentleman now entitled to the floor.

The SPEAKER. The gentleman from Alabama [Mr. COBB] did rise to a privileged question and was recognized by the Chair. He had the right to submit the motion and have it entered upon the Journal, but not to debate it, in the opinion of the Chair.

Mr. HOUSTON. The gentleman from Tennessee [Mr. JONES] misunderstands the facts. I rose and was recognized by the Chair before my colleague [Mr. COBB] rose. I submit, therefore, that my motion is the only one now in order.

Mr. KING, of New York. I would suggest that the privileged motion of the gentleman from Alabama [Mr. COBB] be disposed of now. It will take but a minute, and that will save all difficulty as to which motion is first in order.

The SPEAKER. They are both privileged questions, and the House can determine them both in a minute. The question will be first taken upon the motion of the gentleman from Alabama, [Mr. HOUSTON,] that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, of Tennessee. I appeal to the gentleman from Alabama to allow me to make a motion to take up Senate resolution No. 26. It is a joint resolution authorizing the completion of a war steamer for harbor defense.

Mr. VENABLE. I object.

Mr. HOUSTON. There are but twelve days of the session remaining, all told, to consider the business now before the House. I am not willing to give way for that bill at all. I hope the House will go into the Committee of the Whole on the state of the Union and take up the Navy bill, so that we may progress with the public business as fast as possible.

The question was put, and decided in the negative by the sound.

Mr. HOUSTON. As gentlemen near me desire to dispose of the question of reconsideration, which now stands in the way of my motion, I am willing they should first dispose of that motion. I withdraw my motion.

The question now being upon Mr. COBB's motion to reconsider the motion by which the bill for the relief of the administrator of Daniel Renner was ordered to lie upon the table—

Mr. SWEETSER moved to lay the motion to reconsider upon the table.

Mr. BROWN, of Mississippi, moved that the House do now adjourn.

The motion was not agreed to.

The question then recurring upon the motion to lay the motion to reconsider upon the table—

Mr. COBB demanded tellers; but they were not ordered.

The question was then put, and the motion to reconsider was ordered to lie upon the table.

MR. LE ROY.

Mr. HOWARD. There is a bill now lying upon the Speaker's table for the relief of Mr. Le Roy, who lost an arm in a very gallant action in the late Mexican war. I do not propose to make any statement to the House in relation to it; but if the House will hear the report read, which is not more than twenty lines, I think they will consent to take the bill up. John Le Roy is here, and must go into the work-house unless the bill is passed.

Mr. McMULLIN. I object.

Mr. HOWARD. I move to suspend the rules.  
Mr. HAMILTON. I call for the reading of the bill.

The bill was read through. It provides for an invalid pension of \$20 per month.

Mr. HOWARD. I now ask that the report may be read. There are not more than twenty lines of it.

Mr. CARTER. There is objection made to its consideration. I do not see any good in having the report read.

Mr. HOWARD. But I move to suspend the rules.

The report was then read.

The question now being upon suspending the rules, it was put, and, upon a division, rose in the affirmative.

Mr. HOWARD demanded tellers; which were ordered; and Messrs. STRATTON and CLINGMAN were appointed.

Mr. OUTLAW. I move that the House adjourn.

Mr. POLK demanded tellers; which were ordered; and Messrs. STRATTON and CLINGMAN were appointed.

The question was then taken; and the tellers reported—ayes 52, noes 60; no quorum voting.

Mr. BAYLY, of Virginia, demanded the yeas and nays; but they were not ordered.

So the House refused to adjourn.

Mr. AVERETT. I appeal to the gentleman from North Carolina [Mr. OUTLAW] to withdraw his motion to adjourn, and allow us to settle this question now before the House.

Mr. STUART. I move that there be a call of the House, and upon that motion I demand tellers.

Tellers were not ordered.

Mr. HOWARD. I move that the House do now adjourn.

The motion was agreed to; and the House adjourned till to-morrow at eleven o'clock, a. m.

#### NOTICE OF A BILL.

Mr. STANTON, of Ohio, gave notice that on to-morrow, or some subsequent day, he would ask leave to introduce a bill, entitled "A bill to authorize the Commissioner of the General Land Office to make records of patents for Virginia military lands, in certain cases."

#### PETITIONS, &c.

The following petitions and memorials were presented under the rule, and referred to the appropriate committees:

By Mr. SWEETSER: The memorial of Levi Johnson, of Cleveland, Ohio.

By Mr. BROWN, of Mississippi: The petition of George Phillips and 25 other citizens of Mississippi, praying the removal of the land office from Augusta, to Paulding, Mississippi.

Also, the petition of W. B. Terrell and 54 other citizens of Jasper county, for the same.

Also, the petition of Henry M. Round and 18 others, for the same.

Also, the petition of J. E. Watts and 78 others, for the same.

Also, the petition of T. E. Lightsey and 31 others, for the same.

Also, the petition of James Holden and 41 others, for the same.

Also, the petition of William Kellen and 84 others, for the same.

Also, the petition of J. W. Smith and 14 others, for the same.

Also, the petition of J. J. Husbands and 61 others, for the same.

Also, the petition of F. M. Beard and 4 others, for the same.

Also, the petition of W. B. Dozier and 52 others, for the same.

Also, the petition of J. C. Hirdleberg and 9 others, for the same.

#### IN SENATE.

TUESDAY, August 17, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasury Department, in answer to a resolution of the Senate respecting the practicability and expense of a survey of certain islands in the vicinity of Santa Barbara channel, on the coast of California; which was referred to the Committee on Public Lands.

#### PETITIONS, ETC.

Mr. PEARCE presented the petition of Philip C. Friese, praying an appropriation to test his invention of a safety-jacket for steam-boilers; which was referred to the Committee on Commerce.

Mr. PRATT. I have been requested to present to the Senate a memorial signed by a com-

mittee of working men employed by the Government in the District of Columbia, in which they represent that they have labored under great disadvantages from the very low rate of wages they are now receiving from the United States. They suggest that the arguments which have been adduced in favor of an increase in the compensation of certain grades of clerks employed in the various Departments of the Government, will apply with greater force to their situation. They represent the high price of marketing in the District of Columbia as rendering an increase of wages essential to their comfort. They represent that owing to the loss of time on account of rain, &c., a great many of them are unable to average over \$1 25 per day, whilst the majority seldom, if ever, average seventy-five cents per day. They ask that this application may be referred to the Committee on Finance, so that a suitable increase of wages may be put in the civil and diplomatic appropriation bill. I ask that reference be made to the memorial.

It was so referred.

Mr. WALKER presented the petition of James Blackhurst and others, praying that the "homestead bill" may become a law; which was ordered to be laid on the table.

Also, a petition of mechanics and laborers employed in the United States Arsenal, in the city of Washington, praying an increase of their pay; which was referred to the Committee on Finance.

Mr. CASS presented the petition of William Thwaites and others, praying that the "homestead bill" may become a law; which was ordered to be laid on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to which was referred a report of the Secretary of War in answer to a resolution of the Senate calling for a list of the Creek Indian warriors who were killed, wounded, or died in the service of the United States during the late war in Florida, with a statement of the arrears of pay due them, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BORLAND, from the Committee on Pensions, to which were referred the following bills from the House of Representatives, reported the same back without amendment:

An act for the relief of Jacob Shade, jr.;

An act for the relief of Cornelius Hughes, of Tennessee; and

An act for the relief of John Kerbaugh.

He also, from the same committee, to which was referred the bill from the House of Representatives to increase the pension of Henry Click, of Cocke county, Tennessee, reported the same back with a verbal amendment.

He also, from the same committee, to which was referred the bill from the House of Representatives, for the relief of James Wright, jr., asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which were referred the following petitions, asked to be discharged from the further consideration thereof; which was agreed to:

The petition of Anna Norton and Lois Faskit, heirs of Zephaniah Ross, praying to be allowed a pension for the services of their father during the war of the Revolution;

The petition of Anna Murphy, praying to be allowed a pension for the services of her late husband during the revolutionary war;

The petition of Richard Eaton, praying a pension in consideration of injuries received in the military service during the Florida war; and

The petition of Roda W. Inge, praying the continuation of the pension allowed her for the services of her late husband, Lieutenant Z. M. P. Inge.

Mr. BORLAND said, that with regard to the petition of Roda W. Inge, he wished to say that it was provided for in a general bill which the committee had reported.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of Thomas B. Parsons, for arrears of pension, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of McKean Buchanan, a pursuer in the Navy, praying reparation for loss sustained by him in consequence of an order of his commanding officer, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the memorial of Harlow Spaulding, asking compensation for services as acting naval storekeeper at Spezzia, from 1847 to 1851, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which were referred the following memorials, asked to be discharged from the further consideration thereof; which was agreed to:

The memorial of L. L. Chapman, praying an appropriation to aid him in the investigation of his discovery of physical laws;

The memorial of John West and others, praying compensation for the time lost, and sufferings endured in their imprisonment during the war of 1812;

The memorial of Evelina Porter, widow of Commodore David Porter, praying Congress to grant such reasonable sum as may prove their proper appreciation of the services, sufferings, and sacrifices of her late husband;

The memorial of Gottlieb A. Krieger, praying to be allowed the difference between the pay of a marine and that of surgeon's steward, during the time he acted in the latter capacity;

The memorial of the working men at the Washington Navy-Yard, praying that a pension may be allowed for long and faithful services; and also for disability incurred in the performance of their duty; and

The memorial of the present and late watchmen of the Navy Department, praying extra compensation.

Mr. SHIELDS, from the Committee on Military Affairs, to which was referred the memorial of David Butler, praying to be allowed compensation for duties performed and expenses incurred while in charge of Mount Vernon Arsenal, Alabama, from June, 1840, to December, 1841, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. SHIELDS also submitted a report on the subject; which was ordered to be printed.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred the petition of George P. Welsh and Clark H. Wells, passed midshipmen in the Navy, praying to be allowed additional compensation during the time they performed the duties of a higher grade, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. PEARCE, from the Committee on Finance, to which was referred sundry memorials of the creditors of the late Republic of Texas, submitted a report, accompanied by a bill to provide for the payment of such of the creditors of Texas as are comprehended in the act of Congress of September 9, 1850; which was read and passed to the second reading. The report was ordered to be printed.

Mr. HUNTER said that he dissented from the views of the majority of the committee, but had no time to write a minority report.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which was referred the bill from the House of Representatives for the relief of Cornelius Covert, of Michigan, reported it back without amendment.

Mr. BADGER, from the Committee on Naval Affairs, to which was referred the memorial of Foxhall A. Parker, praying to be allowed compensation for the expenses incurred while in command of the East India squadron, reported a bill for his relief; which was read and passed to the second reading.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill from the House of Representatives making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th June, 1853, and for other purposes, reported it back with sundry amendments; which were ordered to be printed.



He also, from the same committee, to which was referred a communication from the heads of Departments in relation to a classification of the clerks, submitted the following resolution:

*Resolved*, That the Secretary of the Treasury, of War, of the Navy, of the Interior, and the Postmaster General be directed to report to the Senate, at the commencement of its next session, the number and classes of clerks which will be required in each bureau or division of his Department, upon the supposition that they are to be organized as follows: that is to say, into four classes, viz: No. 1, into which no new appointment is to be made of any person over eighteen years of age, and with a salary of \$800 per annum. No. 2, with a salary each of \$1,200. No. 3, with a salary each of \$1,500, and No. 4, with a salary each of \$2,000. The new appointments in each Department in classes 2, 3, and 4, to be made from the class immediately below it in that Department, and the members of class No. 1 to receive five per cent. additional salaries, to commence at the end of each year of additional service; and the other classes to receive three per cent. of like additional salaries for a similar additional service; but none to receive, by virtue of these allowances, a salary higher than the grade above him; and no additional salary to be given to any member of class No. 4 after his salary reaches \$2,400. But the clerks in each Department to be subject to removal by its head.

Mr. DOWNS, from the Committee on Private Land Claims, to which was referred the bill for the settlement of a certain class of private land claims within the limits of the D'Auvertive claim, and for allowing preemption to certain purchasers and actual settlers in the event of a final adjudication of the title of the said D'Auvertive in favor of the United States, and for other purposes, reported back the same without amendment.

On motion by Mr. DOWNS, the Senate proceeded, as in Committee of the Whole, to the consideration of the above-named bill; and no amendment being made, it was reported to the Senate, and ordered to be engrossed for a third reading.

#### THE SANDWICH ISLANDS.

A message was received from the President of the United States, by Mr. M. P. FILLMORE, his Secretary; which was read, as follows:

To the Senate of the United States:

I have received a resolution of your honorable body of the 6th instant, appearing to have been adopted in open legislative session, requesting me to inform the Senate, if not incompatible with the public interests, whether any propositions have been made by the King of the Sandwich Islands to transfer the sovereignty of these Islands to the United States; and to communicate to the Senate all the official information on that subject in my possession. In reply to which I have to state, that on or about the 12th day of June last I received a similar resolution from the Senate, adopted in Executive or secret session, to which I returned an answer, stating that in my opinion a communication of the information requested at that juncture would not comport with the public interest. Nothing has since transpired to change my views on that subject, and I therefore feel constrained again to decline giving the information asked.

MILLARD FILLMORE.

WASHINGTON, August 14, 1852.

Mr. SEWARD. Mr. President, that message is in reply to a resolution which I introduced to the Senate, and I am desirous that it should be referred to the Committee on Foreign Relations. At the same time I desire to offer the following resolution, which I should like to have the same reference:

*Resolved*, That the President of the United States be requested to send a Commissioner to the Sandwich Islands, who shall be instructed to inquire into the expediency of instituting negotiations for the acquisition of those Islands by the United States.

I move that the message be referred to the Committee on Foreign Relations.

The PRESIDENT. The Senator can offer his resolution when resolutions are called for. The question is now upon the reference of the message.

Mr. WELLER. I do not know, Mr. President, but that I may desire to discuss the question of the reference of this message to the Committee on Foreign Relations. The original resolution to which the President of the United States makes reference in his message, was offered in Executive session, and was introduced by me. I had given notice of my intention to offer that resolution in open session, in consequence of some proceedings which had taken place in Executive session, to which I am not at liberty now to refer. I confess I was a little surprised, after this notice thus given by me, that the Senator from New York [Mr. SEWARD] should, on the next day, have taken and offered it in his own name in the precise words in which I introduced it; but of this I have no complaint to make, although I want the fact known. My only object is to bring this subject

to the attention of the Senate, and to the attention of the country. I hope, therefore, that the motion to refer this message will go over a few days, as I desire to say something upon it.

Mr. SEWARD. I have no objection to the postponement of the reference.

The PRESIDENT. The message will, in that case, lie on the table.

Mr. BADGER. I hope that course will be adopted, for I have something to say upon that subject myself.

The motion to refer the message to the Committee on Foreign Relations was not agreed to, and it was accordingly laid on the table.

Mr. SEWARD subsequently submitted his resolution.

Mr. FELCH. It will lie over.

The resolution was laid over accordingly.

#### BRIG GENERAL ARMSTRONG.

On motion by Mr. JONES, of Iowa, the Senate proceeded to the consideration of the resolution submitted by him on the 27th of July, and it was adopted, as follows:

*Resolved*, That the President of the United States be requested to communicate to the Senate (if not incompatible with the public interest) copies of all the correspondence which has taken place, and documents that may have been collected, since the message of the President of the 15th of December, 1845, (printed with the Senate documents, 1st session Twenty-ninth Congress, in volume 3, No. 14,) in relation to the claim of the owners of the brig General Armstrong against the Government of Portugal, including all letters and papers in the possession of the Government material to a full understanding of the subject, and not heretofore communicated to the Senate.

#### COAST SURVEY OF CALIFORNIA.

Mr. GWIN submitted the following resolution for consideration; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be requested to inform the Senate whether, without interfering with the regular progress of the coast survey, the reconnaissance of the coast of California may be extended south to Cape St. Lucas.

#### SUPERINTENDENT OF THE CENSUS.

Mr. BORLAND. I offer the following resolution:

*Resolved*, That the Secretary of the Interior be authorized to communicate a statement of the account of the expenses of the visit to Europe of the Superintendent Clerk of the Census, to be made out from the vouchers in the case, in lieu of the *verbatim* copies of the vouchers which were called for in a former resolution of the Senate.

I ask for the consideration of the resolution at this time. I will state to the Senate that it is a mere explanation of a former resolution. A resolution formerly adopted by the Senate required *verbatim* copies of these vouchers. I am informed by a letter from the Department that it is very difficult, if not impracticable, just now to comply with that request, as many of the vouchers are in foreign languages, and there is no clerk in the Department competent to make out a proper copy of them. It is, therefore, necessary to authorize the Department to substitute a statement of the accounts.

The resolution was considered and agreed to.

#### COMPENSATION OF CLERKS.

Mr. BRIGHT. I offer the following resolution, which I ask may now be considered:

*Resolved*, That the Secretaries of State, Treasury, War, Navy, and of the Interior, the Postmaster General, and the Attorney General, be directed to communicate to the Senate the names and compensation per annum of each of the clerks employed in each of the several offices and bureaus under their direction, including any additional compensation allowed to either for any purpose; and also, the names and compensation of each person employed as an extra clerk, or employed in copying or other business, for each of the said offices and bureaus.

Mr. HAMLIN. I desire to suggest to the Senator from Indiana to include in his resolution a provision requiring a statement of the service performed by each clerk. That is necessary for the purpose of showing the services performed by the different grades of clerks. By which, I apprehend, it will be found that those who do the most service receive the least pay.

Mr. BRIGHT. The resolution comes from the Committee on Finance, who recommend its adoption for the reason that we are receiving various applications to raise the salaries of these officers; and in order to act understandingly upon that subject, it is necessary to obtain this information. I shall not object to an amendment such as that suggested by the honorable Senator from Maine; though I cannot accept it because the resolution is offered at the instance of the committee.

Mr. HAMLIN. Then I move to amend the resolution by inserting, "together with a description of the services performed by such clerks respectively."

The amendment was agreed to; and the resolution as amended was adopted.

#### MEXICAN BOUNDARY COMMISSION.

Mr. WELLER. I ask the Senate now to take up the resolution which I submitted some time ago to appoint a committee to investigate the charges preferred by Colonel McClellan against the Boundary Commissioner. I will state that it is very important that the resolution should be adopted immediately, because some of the witnesses who are now in the city are about to leave for New Mexico. I intended myself to make some reply to the remarks of the Senator from Rhode Island, [Mr. CLARKE,] but I waive all right to do so, in order that the committee may be organized at once.

The motion was agreed to, and the Senate accordingly proceeded to the consideration of the resolution, which is as follows:

*Resolved*, That the charges preferred by Colonel J. McClellan, of the Topographical Corps, and others, against J. R. Bartlett, appointed Commissioner to run and mark the boundary line between the United States and the Republic of Mexico, be referred to a select committee of five for investigation, with power, if necessary, to send for persons and papers.

The resolution was agreed to.

On motion by Mr. WELLER, and by unanimous consent, it was ordered that the committee be appointed by the President *pro tempore*.

Subsequently, on motion by Mr. BADGER, that the vote on agreeing to the resolution last mentioned be reconsidered, it was ordered to lie on the table.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the following bills:

An act making a grant of public lands to the several States and Territories of the Union, for the benefit of insane persons; and

An act to regulate and fix the annual salary of the American consul at the city of Amsterdam.

#### SAULT STE. MARIE CANAL.

On motion by Mr. FELCH, the Senate proceeded to consider the bill granting to the State of Michigan the right of way and a donation of public land for the construction of a ship-canal around the Falls of St. Mary's, in that State.

A long debate ensued, in which Messrs. SMITH, BORLAND, FELCH, WALKER, BADGER, DOUGLAS, JONES of Tennessee, and others participated. [See Appendix for this debate.]

The question was taken on Mr. ATCHISON's amendment to increase the grant to 700,000 acres; which was agreed to.

Mr. HALE moved to amend by inserting the homestead bill; but, after debate, withdrew it.

Mr. UNDERWOOD moved to amend by adding Bennett's land distribution bill; which, after debate, was rejected by the following vote:

YEAS—Messrs. Butler, Clarke, Davis, Dawson, De Saussure, Downs, Fish, Foot, Morton, Pratt, Seward, Underwood, and Upham—14.

NAYS—Messrs. Adams, Atchison, Borland, Bell, Borland, Bradbury, Bright, Brooke, Cass, Charlton, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Geyer, Gwin, Hamlin, Houston, Hunter, James, Jones of Iowa, Jones of Tennessee, King, Mallory, Mason, Meriwether, Norris, Sebastian, Shields, Smith, Soule, Sumner, Toucey, Wade, and Walker—28.

The bill was then reported to the Senate, and on the question of concurring in the amendment of Mr. ATCHISON, it was concurred in—yeas 28, nays 21, as follows:

YEAS—Messrs. Adams, Atchison, Borland, Bright, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fish, Gwin, Houston, James, Jones of Iowa, King, Mallory, Morton, Sebastian, Seward, Shields, Smith, Soule, Sumner, Toucey, Wade, and Walker—28.

NAYS—Messrs. Badger, Bayard, Bell, Brooke, Butler, Charlton, Clarke, Davis, Dawson, De Saussure, Foot, Geyer, Hale, Hamlin, Hunter, Jones of Tennessee, Mason, Meriwether, Pratt, Spruance, and Upham—21.

The bill was then ordered to be engrossed.

#### RIVER AND HARBOR BILL.

Mr. HALE. Mr. President—

The PRESIDENT. There are a few bills from the House of Representatives on the table, which, if such is the pleasure of the Senate, will be taken up in order that they may be referred.

Mr. CASS. Will the Senator indulge me in one word? I wish to say that the honorable Senator from Louisiana, [Mr. SOULE,] whose remarks were commented upon by the Senator from New York [Mr. SEWARD] the other day, is desirous of answering some portion of the remarks of the latter Senator. He thinks it is necessary in his behalf that he should answer some of the remarks of the Senator from New York. I therefore give notice to the Senate, that on the day after to-morrow, soon after the Senate meets, I shall move that the Senator from Louisiana be heard upon the subject of the fisheries.

Mr. HUNTER. Mr. President, I rise to move that the Senate take up the bill "making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1853, and for other purposes," in order that we may adjourn on it to-day, so as to have it the special order for to-morrow. I make that motion.

Mr. DODGE, of Iowa. I trust the Senate will not agree to the motion which has been made by my worthy and distinguished friend from Virginia. I want to make an issue with him now between the civil and diplomatic bill and the river and harbor bill; and I want a test of strength on the subject this evening by a fair vote. If the Senate decide to take up now, in view of the adjournment, and to give preference to the civil and diplomatic bill, thus putting the river and harbor bill behind it, it will, in my opinion, jeopard the fate of the latter bill. The civil and diplomatic bill will certainly go through; there is no mistake about it; but there is some little doubt about the river and harbor bill, judging from some indications here on that subject. If there is a majority in this body in favor of the river and harbor bill, I trust they will vote down the motion which has been made by the Senator from Virginia, and take up the river and harbor bill, and adjourn upon it, so as to have it the special order for to-morrow.

Mr. HALE. I believe I had obtained the floor, and addressed the Chair; and I think I was recognized as entitled to the floor; but the Chair suggested to me that there were one or two bills on the table from the House which might be referred, and I yielded. Instead of proceeding with those bills, however, the floor was yielded to others. When I obtained the floor, I obtained it for the purpose of moving that the Senate proceed to the consideration of the homestead bill, upon which motion I intended to ask for the yeas and nays.

The PRESIDENT. The motion of the Senator from Virginia to take up the civil and diplomatic bill, is the question pending.

Mr. HUNTER. There are other appropriation bills to be acted upon, besides the civil and diplomatic bill. There is the Army bill, the Navy bill, and the Post Office bill; and I think it would promote the dispatch of business, if we were to take up the civil and diplomatic bill first. If the Senate determine to act upon the river and harbor bill, it can be done after the civil and diplomatic bill is disposed of, because there will be a certain portion of time consumed between the two Houses, in relation to amendments to the latter bill. If all of these subjects are to be acted upon, I believe we should get through more certainly and rapidly by taking them up in that order. I am against the river and harbor bill. I shall vote against it; but it is not my purpose to defeat it by indirection. All I ask is, that the appropriation bills shall have a fair chance. It seems to me, that if we put off the civil and diplomatic bill, there will not be time to consider it. It embraces a great many subjects. It appropriates a large sum of money, and there are a great many amendments to be offered to it. I think, that in order to do justice to the business of the country, that bill should be taken up to-morrow.

Mr. DAVIS. Mr. President, we have been admonished that the river and harbor bill is to be contested at all points, and to be delayed as long as the constitutional rules of this body will enable members to do it. I think that that enunciation was made when the bill was first taken up for the purpose of reference. If that course is to be pursued, I suppose the friends of the bill would think it worth while to take it up at an early day. I gave notice that I should move to take it up yesterday; but the Senator from Michigan had precedence with his bill, and it has occupied us for the last two days, not very profitably I must say; but I hope the friends of the river and harbor bill, if

they mean that it shall pass, will feel disposed to take it up at the earliest moment, and consider it, say to-morrow. That seems to be the feeling of gentlemen: I have no disposition to interfere at all with the dispatch of business. On the contrary, I wish to promote it; but there is a strong feeling, and a strong wish, by a great number of members, to take up this bill and dispose of it. Whether it will occupy much time, or little time, will depend on the opposition which it receives. I hope it will be taken up to-morrow morning, and proceeded with until it is finished. I make this suggestion at the request of many gentlemen who feel an interest, a greater interest than I do personally, in this bill; and I wish now that the Senate may take the subject into consideration, whether it is not expedient for them to take it up as the next measure upon which we shall act.

The PRESIDENT. The proposition is to postpone the previous orders, in order to take up the civil and diplomatic appropriation bill.

Mr. GWIN. Mr. President, I hope that motion will be agreed to. If there is to be a contest at this session, as there was at the last session, between the appropriation bills and the river and harbor bill, I think the sooner we know it, the better. If the appropriation bills are to give place to the river and harbor bill, as at the last session, and the river and harbor bill is to be forced through or we are to run the risk of losing the appropriation bills, the sooner we know it, and are prepared for it, the better.

I am entirely opposed to this illegitimate mode of legislation. I presume that never in the history of this Government, till the last session of Congress, was there such a state of things as existed in regard to the river and harbor bill. The appropriation bills were put behind that bill for the purpose of forcing it through the Senate. We all know the consequence. Within four or five hours of the close of the session we passed appropriation bills to the amount of \$40,000,000; and some of them without even being read; and some were in such a mutilated state as to be totally inefficient. Some of the most important measures for the State which I have the honor in part to represent, were rendered entirely nugatory by the manner in which the bills were passed. I hope, therefore, that the forcing that bill before the appropriation bill will not, at this period of the session, be attempted. I believe there is time enough to consider it. I believe there is force enough in the Senate to pass a river and harbor bill; and, perhaps, to displace the civil and diplomatic bill in the manner proposed.

So far as I am concerned, I am in favor of pressing the appropriation bills through rapidly. I am willing to commence early and sit late, but it seems to me to be due to the interests of the country that we should not put the appropriation bills aside and take up the river and harbor bill, as at the last session.

Mr. BORLAND. I think the Senator from California is rather reversing the thing. I think the proposition is not to put aside the civil and diplomatic bill for the purpose of taking up something out of its order, but it seems to me that the proposition of the Senator from Virginia is to reverse the order of things. It is to take up the civil and diplomatic bill in an order which it is not entitled to. The river and harbor bill has been here for some time, long before the civil and diplomatic bill. Now, if the Senator is so anxious that the order of business shall be preserved, I think he ought to go against the proposition of the Senator from Virginia to take up the civil and diplomatic bill out of its order. But to express my view, and to take the sense of the Senate upon it, I move to amend the motion of the Senator from Virginia by substituting the river and harbor bill for the civil and diplomatic bill. That will bring up the question, I suppose.

The PRESIDENT. The motion of the Senator from Virginia is with regard to the order of business, and it is not subject to amendment.

Mr. BORLAND. Then I ask for the yeas and nays upon the motion to take up the civil and diplomatic bill.

The yeas and nays were ordered.

Mr. DAVIS. Then let this be a test question. Those who are in favor of taking up the river and harbor bill will vote against the proposition of the Senator from Virginia.

Mr. BORLAND. That is my object.

Mr. BRIGHT. I should be glad to concur with my honorable friends, the Senators from Virginia and California—being with them on the Committee on Finance—but I cannot conscientiously vote for giving the civil and diplomatic bill precedence over the river and harbor bill, believing that if it be done we shall not be able to pass the river and harbor bill at this session; and I arrive at that conclusion somewhat from reference to the past history of legislation. I have seen efforts made here, directly and indirectly, to defeat bills having for their object appropriations for the improvement of rivers and harbors. I think that my honorable friend from Iowa [Mr. DODGE] is wise in pressing his proposition to have the river and harbor bill taken up to-day, and I hope that this vote will be regarded as a test question, believing as I do, that if we get the river and harbor bill before the Senate, we can pass it; and believing also, that if it be put behind the appropriation bills, we shall not be able to pass it at this session.

Mr. BUTLER. The civil and diplomatic bill is absolutely necessary to carry on the Government, and it is said that it is perfectly safe—that it will pass any way; in other words, that we shall be compelled to pass a bill, which is the only kind of bill by which we can control the operations of this Government at last, without discussion, because it is indispensable to carry on the operations of the Government. Now, with regard to the river and harbor bill, who will pretend to say that that bill is indispensable? Cannot the river and harbor bill wait for two months?

Mr. BORLAND. It has already waited four years.

Mr. BUTLER. The river and harbor bill is not indispensable; and I would say to my friend from Arkansas, that the river and harbor bill is not much over four years old. Such a proposition, if brought forward twenty years ago, would have been regarded as a new doctrine in this Government. One of these bills is indispensable, the other is not; and I wish to make that remark, and gentlemen can vote for taking up either of them, as they please.

Mr. HOUSTON. Mr. President, we have but eleven days of the session now to work in, and with all the discretion and power we possess, can we do more than properly complete the civil and diplomatic appropriation bill in that time? Can we give it that investigation to which it is entitled in less time? If we take up the river and harbor bill, shall we have an opportunity of investigating that, and its various provisions? If it is to be forced upon the Senate without investigation, I shall only have to record my vote against it. There are provisions in it which I presume I should be very glad to support; but there are others for which I cannot vote. If we are to run the risk of postponing the civil and diplomatic bill for the purpose of taking up the river and harbor bill, which has not been investigated and looked into by the members of this House—no discussion having taken place in the Senate upon it—and it is to be forced down our throats, the sooner we submit to dictation the better. I will yield, if the majority of the Senate decide against me. All that I can do is, to record my vote against the passage of any important measure, involving not merely millions, but principle, which is above millions, unless I am allowed to investigate it. I never can vote for the bill until it is investigated by the Senate, and until I have heard reasons adduced in favor of its adoption.

Mr. MALLORY. In consequence of the remarks of the honorable Senator from Indiana, I deem it necessary to say a word in relation to this matter, to explain the vote I shall give. I have not examined the river and harbor bill, and the vote which I shall now cast will be no indication of how I shall vote upon that bill when it comes properly before us. Other Senators seem to regard this as a test question as to that bill, but I cannot so regard it. There are certain improvements of that character for which I shall be very happy to vote on a proper occasion, but I do not consider this as a test vote.

Mr. BRIGHT. I did not mean by what I said to be understood as declaring in favor of the river and harbor bill, as it came from the House, just as it reads, without alteration and amendment. I know it needs amendment, and I shall vote for amendments to it. I mean to improve it as far as

possible; and if it be so far improved as to bring it within the landmarks that guide me upon such subjects, I shall vote for it. Otherwise I shall not.

Mr. BADGER. There is no disposition to force the river and harbor bill upon the Senate any more than to force any other bill. It properly has priority over the civil and diplomatic bill from the time which it has been before us, and from its position; and the question for consideration is, whether we shall put that bill aside, and take up the civil and diplomatic bill?

Mr. HUNTER. The Senator will allow me to correct him in a matter of fact. I understand the civil and diplomatic bill has priority over the harbor and river bill.

The PRESIDENT. The Chair will state that some forty or fifty bills are on the Calendar which have priority over the river and harbor bill. It stands the very last bill but one on the Calendar; but the civil and diplomatic bill having just been reported, and having been sent to the printer, has not yet been put on the Calendar.

Mr. BADGER. Then the river and harbor bill has priority over the civil and diplomatic bill. Now, it is proposed by those in favor of it to take it up for consideration. Gentlemen say they cannot vote for that bill without examination and discussion. There is ample time, without consuming a week, for any full and fair discussion on that measure. I admit that if gentlemen who are, or who suppose themselves to be, in a minority here on that bill—for I do not know how the majority may be—resolve to occupy the time of the Senate by reading old reports and old speeches, which nobody listens to, and which have in fact a very faint, if any, connection with the subject before the Senate, and which are not read for the purpose of enlightening Senators; if they are to continue discussion against time, and to compel the supposed majority of the Senate to yield to this prolix discussion and give up the measure, why, then, a month, three months, six months may be consumed just as well as two days. But as to any discussion necessary to understand the merits of the measure, unless gentlemen are resolved that Senators shall not vote upon it, I see no difficulty in our having sufficient time.

Mr. MASON. Mr. President, I take it for granted that nothing that may be said here now with regard to taking up the civil and diplomatic bill is to affect the vote of any Senator upon the bill for the improvement of rivers and harbors. But whatever is said here now goes out to the country; and what I am to say I want to go to the country, or to that part of the country from which I come. I think it will be of service there at some future day, when the practical working of this Government is brought before them in this shape amongst others.

Here is the civil and diplomatic bill, which is to provide for the general expenditures of this Government for the current year. It is a bill upon which necessarily new points of policy are instituted by the Government. It is a bill to carry on the Government; upon which, according to the usage of all popular Governments, the measures and the policy of the Administration are necessarily involved and discussed. It is a bill the debates upon which enlighten and inform the public mind. We have but eleven days of the session remaining in which to act upon that bill, together with the Army and the Navy appropriation bills. Yet now Senators say that a bill which is purely local in its character—a bill which is for the improvement of rivers and harbors in the different States and Territories—is to take precedence of this great bill—the great bill of the session. And that is to be done, as I understand, because, if we do not pass the river and harbor bill now, time will be necessarily consumed upon the appropriation bills, which will preclude the passage of it at all. Then, as I understand the purpose, it is this: We are to forego and give up every opportunity of debating before the country the points involved in the expenditures of the public money to carry on the administration of the Government, in order that we may insure the expenditure of money for these local improvements.

Gentlemen, I suppose, have made up their minds in regard to this matter. There are those—and I apprehend they are a majority of the Senate—who are prepared to vote for a bill for the improvement of rivers and harbors. I do not

question their opinions, or their judgments, or their right to form them; but I differ with them *toto cælo*, both as to the constitutionality and the policy of such a measure. But they have a right to their own opinions. Yet I submit to them, whether, at this stage of the session, when, treat the bill in relation to rivers and harbors as we will, there must necessarily be a long debate upon it—as well upon the particular measures of improvement projected, as upon the general policy—they will place the business of the country in such a condition as to drive us to the necessity of passing the appropriation bills, as at the last session, not only without consideration, but even without reading them.

I say to gentlemen, in all candor and frankness, that if the river and harbor bill does take the precedence which they propose to give it, it will place us in that condition as to the civil and diplomatic bill, and the other bills, which are properly called the appropriation bills. I mean to make no factious opposition to the river and harbor bill. I am against it, as will be shown at the proper time; but I submit to the Senate whether they will place us in the position of having the appropriations for the general administration of the Government—for the support of the Army and the Navy—passed without debate, without deliberation, and without reading; as I apprehend will be the condition in which we shall be placed if we give precedence to the river and harbor bill.

Mr. BORLAND. Mr. President, the Senator from Virginia seems to think that the friends of the river and harbor bill, by giving precedence to that, desire to place those who wish to give precedence to the appropriation bills, at a disadvantage. He speaks of their being forced to consider this bill at the close of the session, when there is no time for consideration. I apprehend that the Senator does not wish to be understood, and that no Senator would wish to be understood, as saying that the merits of this bill are considered and decided by the discussions in the Senate. Does not every Senator take the bill and read it for himself, and determine in his own mind whether he will vote for or against certain appropriations, and what amendments and modifications he intends to propose, or is willing to accept? Do Senators sit here to make up their minds by the discussion on bills before the Senate? I apprehend not. I do not think I have ever seen a bill here decided upon, in consequence of, or as the result of, discussions before this body.

Mr. BUTLER. Why, then, discuss measures?

Mr. BORLAND. I suppose Senators discuss bills to place their views before their constituents. But the Senator from Virginia [Mr. Mason] fails to notice this difference between the two bills: One, as he knows, will pass, and must pass of necessity; and he knows, at the same time, that if we give precedence now to the civil and diplomatic bill, it certainly insures the defeat of the river and harbor bill. We have already received notifications from some of the Senators who are opposed to the river and harbor bill that they intend to resort to every parliamentary means in their power to defeat it—alluding to the very steps that were taken at the last session, when it was defeated by parliamentary means, and not by arguments or by votes; for it was never permitted to come to a vote.

Sir, it is useless to undertake to disguise from ourselves or to throw any mystery or veil over this whole proceeding. The question before us now is neither more nor less than the question of the fate of the river and harbor bill. That is the practical question before the Senate; and Senators might as well confess it, and act upon it. That is the issue. If the river and harbor bill has not friends enough in the Senate to sustain it, it will go down. Let us take the vote and decide it now. It is useless to be occupying the attention of the Senate, and consuming time here, when we might bestow it upon practical measures; and might in five minutes practically say whether we will or will not consider the river and harbor bill at this session.

Mr. GWIN. I wish it to be borne in mind that there is not only the civil and diplomatic appropriation bill, but there are other equally important bills to be acted upon, and that the river and harbor bill can be acted upon after we get through with some of them. If there should be a majority of the Senate in favor of bringing up

the river and harbor bill, it can be done. After the civil and diplomatic bill is disposed of there are the appropriation bills for the Army and the Navy, and the Post Office, which are just as indispensable to carry on the Government as the civil and diplomatic bill. All I ask is, that we may dispose of the civil and diplomatic appropriation bill. Then if the majority of the Senate so determine, they can take up the river and harbor bill. I shall not vote for the river and harbor bill as it now is, and I shall avail myself of the liberty of discussing it whenever it comes up, regardless of consequences. I may be induced to vote for the bill if it shall be brought into what I conceive to be a proper shape. But after the civil and diplomatic appropriation bill shall be acted upon, we shall have time to take up this bill before the Army and Navy bills. It is not defeating the river and harbor bill to put it behind the civil and diplomatic bill, for there are other equally important measures that it should not precede. All I am contending for now is, that we should dispose of the civil and diplomatic appropriation bill.

Mr. CASS. I do not suppose there is a Senator on this floor who has not made up his mind. It is a subject upon which I do not want any argument to convince me.

Mr. BUTLER. It is said that every one has made up his mind upon this bill, and that there is no use of discussing it. I presume that it is a bill depending on a combination of different interests, and upon that I have made up my mind. As the Senator from Arkansas has said that remarks in the Senate are not intended for the Senate, but for the public, if we are to have discussion, the question resolves itself into this: which of these two bills shall be postponed for the consideration of the other?

The honorable Senator from North Carolina says that he does not want to have discussion. He says that every man of common sense ought to understand the subject without discussion.

Mr. BADGER. I said no such thing.

Mr. BUTLER. I understood the honorable Senator to say that there was no use of making old speeches that no one listened to. I wish to discuss the subject, and if nobody in the Senate will hear me, I must discuss it—which I have never done before—for Buncombe. I am not to be suppressed by the impatient motions of gentlemen on the subject.

Mr. CASS. I have not the least idea of restraining the gentleman, but I would say to him that this is not a question on the river and harbor bill. It is a question of what bill we shall take up. If it is taken up, it will be in order to discuss it to the day of judgment. The proper time to discuss it will be when it is taken up. I do not know exactly whether the honorable gentleman referred to me when he spoke of combinations either for or against the bill. I know of no combination; but as I said before, it is a very simple and plain question, and I suppose every Senator has made up his mind.

Mr. BADGER. The Senator from South Carolina puts into my mouth words which I have not used—words, the sense of which I have not used, and the substance and meaning of which I have not used. He says that I said that I did not want any argument about the river and harbor bill. I have said no such thing. I have said there is ample time for a full and fair discussion of everything involved in that bill, in my opinion. But I have said that there is not time enough at this session, and there will not be time enough next session, if gentlemen think proper to occupy the time of the Senate—not with a discussion of the river and harbor bill, but with reading old speeches or reports, or President's messages, or anything of that kind. I have not said that I want no argument about the bill; quite the contrary, I have no objection to the discussion of the bill.

Mr. BUTLER. Then I will qualify my remark. I understand the Senator to mean that he does not want such arguments as other gentlemen might think proper to indulge in. He only wants such arguments as seem sensible in his own estimation. He means that if others confine themselves to such sensible arguments as he suggests, then he is willing that they should go on; but if they go back to old subjects, old reports, and old speeches, there will not be time to hear them—they must confine their discussion to such sensible things as would meet the gentleman's approbation.



tion. That is the Senator's position, I understand.

Mr. PRATT. I do not think that the remarks of my honorable friend from South Carolina are exactly in place. I do not know that he meant them in the sense which they imply. He says there are combinations in reference to this bill, but that he is certain the majority are sufficient to cram it down the throats of the minority. I know nothing of the provisions of the bill. I have not read one word of it. I do not know a single appropriation it contains. With regard to the constitutional power, I believe we have the power to make these improvements. But, sir, if the majority of this body believe the bill to be right, if they believe they have the constitutional power to pass it, it cannot be said to be discourteous or unparliamentary that their will should be carried out. I do not, therefore, think it is exactly proper to say that it is wrong on the part of this majority to carry out the measure which they desire to carry out. It is very clear that this bill is to be discussed. Whether I am to vote for it I do not know, because I do not know its provisions. But it is to be discussed; it is supposed to be a very important measure. I believe the Government have the power to make the appropriations, if they think proper. I shall, therefore, vote for taking it up, that it may have that discussion, and be passed, if that majority exists which my friend from South Carolina supposes to exist.

Mr. BUTLER. I desire to explain, for I do not wish to leave an impression on the minds of gentlemen unfavorable to the true position I take. I say, the river and harbor bill is one essentially depending upon a combination of interests in different parts of the United States; and if they do combine, they can carry it. I do not say that they may not do it from a sense of public policy. I am very far from saying there is any impure combination; but a bill of this kind, depending on "you vote for this, and I will vote for that," as it must necessarily be, is stronger by combining many interests together than by acting on them separately. I do not mean anything else.

Mr. HUNTER. I hope we shall have the question. I think it desirable that we should decide this evening what we will take up to-morrow, that every one may come prepared.

The PRESIDENT. The question is on taking up, not the river and harbor bill, but the civil and diplomatic bill, and on the postponement of all previous orders with the view to take it up, and it is that to which Senators should turn their attention.

Mr. DOWNS. I merely rise to remark that I shall vote in favor of taking up the civil and diplomatic bill; but I do not wish by that to indicate whether I shall vote for or against the river and harbor bill. I have not examined it. I do not know what it is. I made a very decided opposition to the river and harbor bill which was under consideration at the last session of Congress, but I understand this is a very different bill. I have not examined it; but I can see no necessity of putting aside the appropriation bills to take it up now. We are not in the same situation as at the end of a short session, having a long recess before us. By the joint rules of the two Houses, any bill that remains unpassed at this session, will come up again, within one week of the commencement of the next session, in the same situation in which it was left, as if no adjournment had taken place. Therefore, this bill can come up at the next session without any necessity for its going back to the House.

I have a great aversion, as the Senator from Virginia so well expressed it, that we should be forced to a hasty consideration of this bill. It should have a fair and full consideration. If we had time to take it up and act upon it at this session, I would do it most cheerfully. But I have not examined the bill, and I think we ought to give ample time to consider the appropriation bills.

The question being taken, by yeas and nays, on the motion to take up the civil and diplomatic bill, resulted—yeas 19, nays 28; as follows:

YEAS.—Messrs. Adams, Bayard, Brooke, Butler, Chastain, Dawson, De Saussure, Downs, Gwin, Houston, Hunter, King, Mallory, Mason, Meriwether, Morton, Norris, Soule, and Tougey—19.

NAYS.—Messrs. Badger, Bell, Borland, Bright, Cass, Chase, Clarke, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Fish, Geyer, Hale, James, Jones of Iowa, Jones of Tennessee, Pratt, Sebastian, Seward, Shields, Smith, Spruance, Sumner, Underwood, Wade, and Walker—28.

So the motion was not agreed to.

Mr. DAVIS. I move to postpone all previous orders for the purpose of taking up the bill of the House of Representatives "making appropriations for the improvement of certain harbors and rivers," so that it may be the order of the day for to-morrow.

The motion was agreed to.

On motion, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

TUESDAY, August 17, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the consideration of House bill No. 297, declaring the Wheeling Bridge a lawful structure, and for other purposes.

Mr. McCORKLE. I ask the unanimous consent of the House to take up from the Speaker's table Senate bill No. 8. It is a bill providing for a Board of Claims, to be composed of Army officers, to investigate claims growing out of the conquest of California. I ask that it may be taken up and referred to the Committee on Military Affairs, so that they may report the next session.

Mr. LETCHER. Will that come out of the morning hour?

The SPEAKER. It will.

Mr. LETCHER. Then I object.

On motion by Mr. HAMILTON, it was

Ordered, That leave be granted to withdraw the papers in the case of Eliza King from the files of the House, for the purpose of having them referred to the Pension Bureau.

Mr. JONES, of Tennessee. I will inquire if this comes out of the morning hour? I have no objection to this business being done, but I insist that it shall come out of the morning hour.

Mr. McCORKLE. I understand the gentleman from Virginia [Mr. LETCHER] withdraws his objection to taking up the bill I indicated a minute ago.

Mr. LETCHER. I will not object to it, if it is not to interfere with the morning hour.

Mr. JONES. I do object, if it is not to come out of the morning hour. I insist that the morning hour shall go on.

The SPEAKER. Then the business in order, is the consideration of the Wheeling Bridge case, upon which the gentleman from Ohio [Mr. DISNEY] is entitled to the floor.

## BOARD OF CLAIMS.

Mr. McCORKLE. I again appeal to the House to allow the bill, to which I have alluded, to be taken up from the Speaker's table and referred to the Committee on Military Affairs.

There was no objection, and Senate bill No. 8, to create a Board of Commissioners for the examination and payment of claims against the United States, growing out of the conquest of California, was taken up from the Speaker's table, read a first and second time by its title, and referred to the Committee on Military Affairs.

Mr. McCORKLE. I ask that the bill also be printed.

Mr. JONES, of Tennessee. I would suggest to the gentleman that it will be better to wait till the committee report the bill, as they may change it entirely.

Mr. McCORKLE. Very well. I will withdraw the motion to print.

## SURVEY OF PUBLIC LANDS IN CALIFORNIA.

Mr. McCORKLE. I now ask that Senate bill No. 7 may be taken up and referred.

There was no objection, and Senate bill No. 7, providing for the survey of public lands in California, granting donation privileges therein, and for other purposes, was, by unanimous consent, taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Public Lands.

## THE WHEELING BRIDGE.

The House then resumed the consideration of House bill No. 197, declaring the Wheeling Bridge a lawful structure.

Mr. DISNEY concluded his argument in favor of the power of Congress to declare the bridge a lawful structure, and a post road. [See Appendix.]

Mr. CURTIS next obtained the floor, and addressed the House in support of the decision of the Supreme Court, declaring the bridge a nuisance. He was arrested by

Mr. HOUSTON. If the gentleman from Pennsylvania [Mr. CURTIS] will yield the floor, I desire to report back from the Committee of Ways and Means the Indian appropriation bill, with certain amendments, for the purpose of having it referred to the Committee of the Whole on the state of the Union.

There being no objection, it was so ordered.

Mr. HOUSTON. I ask permission of the House to report from the Committee of Ways and Means a bill which I have been a long time endeavoring to get reported—the fortification bill.

Mr. STUART. I object. I wish to call up a privileged question.

The SPEAKER. The gentleman from Alabama is on the floor.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STUART. I contend that the gentleman has not the floor.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] has the floor, addressing the Chair.

Mr. STUART. The gentleman from Alabama [Mr. HOUSTON] made a proposition, when I rose and objected to it, and announced that I wished to call up a privileged question.

Mr. HOUSTON. That may be, but I moved that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STUART. I rise to a question of order.

The SPEAKER. The Chair announces as the business first in order the report from the Committee on Printing.

Mr. STUART. I wish the question of order determined first.

Mr. STANLEY. Will the gentleman from Kentucky [Mr. STANTON] allow the bill for the relief of the indigent insane to be disposed of? It is upon its third reading. I hope that the question will be taken upon that bill. It will take but very little time.

Mr. STANTON, of Kentucky. If the report of the Committee on Printing does not lose its precedence, I shall take pleasure in allowing it to lie over until that bill is disposed of. If it interferes at all with the report, I shall insist upon the report being taken up now.

The SPEAKER. It is in order for the gentleman from Alabama [Mr. HOUSTON] to submit the motion which he has done.

Mr. STUART. I desire the Chair to determine the question of order. I wish to learn whether the gentleman from Alabama [Mr. HOUSTON] or myself is entitled to the floor.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] was recognized by the Chair.

Mr. STUART. These are the facts: The gentleman from Alabama [Mr. HOUSTON] made a report, which was referred to the Committee of the Whole on the state of the Union. He then asked—

Mr. LETCHER. Is there any appeal taken from the decision of the Chair?

The SPEAKER. There is no appeal.

Mr. LETCHER. Then I call the gentleman from Michigan [Mr. STUART] to order.

The SPEAKER. It is a question for the House to determine. The Chair assigned the floor to the gentleman from Alabama [Mr. HOUSTON] to make the motion he did. The gentleman from Michigan [Mr. STUART] questions the propriety of the Chair in thus recognizing the gentleman from Alabama, and it will be a question for the House to determine.

Mr. STUART. I suppose that I can explain the question of order.

The SPEAKER. The Chair understands the gentleman from Michigan said he wished to make a motion or call up a privileged question.

Mr. STUART. I was about to state the point I intended to make. The gentleman from Alabama moved to refer a bill which he had reported from the Committee of Ways and Means to the Committee of the Whole on the state of the Union. The reference was made. He then asked leave to

report another bill. I rose, and objected to that report, and immediately said that I wished to call up a privileged question.

The SPEAKER. The gentleman from Alabama [Mr. Houston] having been recognized by the Chair, stated that he wished to submit a privileged motion also, which he did.

Mr. HOUSTON. The gentleman from Michigan [Mr. Stuart] will consume more time in his point of order—

The SPEAKER. The gentleman from Alabama had a right to submit his privileged motion. It is true that the gentleman from Michigan, [Mr. Stuart,] as he states, and correctly states, objected to the proposition of that gentleman; and he stated that it was his purpose to call up a privileged question. The gentleman from Alabama, without, however, yielding the floor, very promptly, and following the remarks or the proposition of the gentleman from Michigan, proposed to submit a motion to go into the Committee of the Whole on the state of the Union, which is also a privileged question. The Chair recognizes the gentleman from Alabama, [Mr. Houston.]

Mr. HOUSTON. As there are many gentlemen around me who object to my withdrawing the motion I made, I refuse to do so.

Mr. STANLY. There was another question which the Chair recognized as having priority—the printing matter.

The SPEAKER. That is true; but it is not called up, or insisted upon.

Mr. STANLY. This printing question has priority over the motion of the gentleman from Alabama, [Mr. Houston.]

The SPEAKER. The Chair announces that the first business in order before the House, in the opinion of the Chair, is the report from the Committee on Printing.

Mr. STANTON, of Kentucky. Very well.

Mr. STANLY. I ask the gentleman from Kentucky [Mr. Stanton] to give way, and let us proceed with the consideration of the bill for the benefit of the indigent insane, now pending before the House on its third reading.

The SPEAKER. The Chair understood the gentleman from Kentucky [Mr. Stanton] as yielding to the suggestion of the gentleman from North Carolina, [Mr. Stanly.] In the mean time, the gentleman from Alabama [Mr. Houston] submitted a motion to go into the Committee of the Whole on the state of the Union.

Mr. STANLY. He could not have done that. I claimed the floor, and made the suggestion I did.

The SPEAKER. What disposition is proposed to be made with the printing report?

Mr. STANTON, of Kentucky. I stated that I was willing to yield the floor, at the suggestion of the gentleman from North Carolina, [Mr. Stanly,] upon condition that the printing matter should come up after the disposition of the bill in reference to the insane.

Mr. JOHNSON, of Tennessee. I call for the regular order of business.

Mr. BAYLY, of Virginia. Let us go on with the regular order of business.

Mr. HOUSTON. Does the Chair decide that he overrules the motion to go into the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair does so decide.

Mr. STANLY. Am I entitled to the floor upon the printing question?

The SPEAKER. The Chair recognizes the gentleman from North Carolina, [Mr. Stanly.]

Mr. STANLY. With the consent of the House, I move to postpone this printing question until we shall have disposed of the bill for the relief of the indigent insane, ordered to its third reading upon yesterday.

The SPEAKER. It is in order to move to postpone it to a day certain.

Mr. STANLY. I move to postpone it, then, until to-morrow morning.

The SPEAKER. The Chair is reminded of the fact that there is a motion now pending to postpone this matter until the 24th of this month, submitted by the gentleman from North Carolina.

Mr. STANLY. I withdraw that motion.

Mr. BAYLY. I move to add, "and that it may be made the order of the day."

Mr. JONES, of Tennessee. I object to that.

The SPEAKER. It cannot be made a special order, if objected to.

Mr. STANLY. It is a privileged question now.

The question was then taken upon the motion to postpone the bill until to-morrow, and it was agreed to.

Mr. STANLY. I call up the bill for the relief of the indigent insane, which is engrossed, and I ask the previous question upon its third reading.

Mr. STUART. The question will be upon the motion to reconsider first.

The SPEAKER. The question is upon reconsidering the vote by which House bill No. 76, for the relief of the indigent insane, was ordered to be engrossed upon yesterday.

Mr. STUART. I will withdraw that motion.

Mr. JOHNSON, of Tennessee. Can this question come up properly to-day? Being brought before the House on a motion to suspend the rules, can it come up before next Monday?

The SPEAKER. The Chair thinks that it is not necessarily confined to Monday.

Mr. JONES. I wish to submit this question of order: This bill was brought up on yesterday before the House upon a suspension of the rules, and could only have got before the House in that way on Monday. When a vote was had upon the engrossment, a motion was made to reconsider that vote, and by that means it is brought before the House again this morning. The motion to reconsider is now withdrawn, and the question I submit is, does not this bill go over until Monday next, as legitimately belonging to the business of Monday?

The SPEAKER. The Chair thinks that the practice has been established, such as he suggests, by some of the preceding officers of this body. With others, the practice has been different. The present occupant of the chair thinks that the motion to suspend the rules, was simply to submit a motion to consider the bill. The rules were suspended, and the bill was introduced. The Chair cannot see the reason of confining this matter to Monday, simply because that was the day upon which the rules were set aside. The question is on recommitting the bill.

Mr. STANLY. I withdraw that motion.

The bill was then read a third time; and the question recurred upon its passage.

Mr. STANLY. I ask the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. JONES, of Tennessee. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

The question was then taken, and there were—yeas 98, nays 54; as follows:

YEAS—Messrs. Abercrombie, Allison, William Appleton, Beale, Bennett, Bibbhausa, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Cobb, Conger, Cullom, Curtis, Dimmick, Doty, Duncan, Edgerton, Florence, Fowler, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodnow, Goodrich, Harper, Sampson W. Harris, Haws, Hascall, Haven, Horsford, John W. Howe, Hunter, Ingersoll, James Johnson, George G. King, Kuhns, Kurtz, Mace, Mann, Martin, Miller, Molony, Henry D. Moore, John Moore, Morehead, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Pennington, Perkins, Polk, Porter, Price, Reed, Richardson, Riddle, Schoonmaker, Origen S. Seymour, Skelton, Smith, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stratton, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, Thurston, Tuck, Walsh, Ward, Washburn, Watkins, Welch, Wells, and Yates—98.

NAYS—Messrs. Aiken, Willis Allen, Averett, Babcock, Thomas H. Bayly, Bacoek, Breckinridge, Buell, Bushy, Joseph Cable, Chastain, Clark, Colcock, John G. Davis, Dawson, Dean, Disney, Durkee, Edmundson, Faulkner, Ficklin, Floyd, Thomas J. D. Fuller, Hamilton, Isham G. Harris, Hart, Hendricks, Henn, Holladay, Houston, Howard, Jackson, Jenkins, Andrew Johnson, George W. Jones, Preston King, Letcher, Lockhart, Mason, McMullin, McQueen, Meade, Millson, Murphy, Murray, Orr, Robbins, Robie, Ross, Sutherland, Wallace, Wilcox, Wildrick, and Woodward—54.

So the bill was passed.

Mr. STANLY. There are some slight verbal amendments, which I desire to have made in this bill. The word "Territories" has been omitted in several places, and at the request of the Delegate from Minnesota, I ask that it may be inserted.

The SPEAKER. That can only be done by unanimous consent.

Mr. JONES, of Tennessee. I object. It is too late to amend the bill.

Mr. POLK. Do the proposed amendments alter the character of the bill at all?

Mr. STANLY. Not in the least. They are mere verbal corrections.

Mr. JONES. I withdraw my objection.

The amendments were then ordered to be made. Mr. STANLY moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

SALARY OF CONSUL AT AMSTERDAM.

Mr. STEPHENS, of Georgia. I hope the gentleman from Alabama will allow me, before his motion is put, to call up a privileged motion now, as I expect to leave the city this evening. A bill was reported from the Committee on Commerce some time ago, which was referred to the Committee of the Whole on the state of the Union, and a motion was made by me to reconsider the vote by which it was so referred. The bill is an important one, and as I find that the House will probably not reach it in committee, I desire to call up my motion to reconsider the reference, so that a vote may be taken on the passage of the measure. The bill proposes to provide a fixed salary for the American consul at the city of Amsterdam. We have to pay our consuls at all the important interior European cities. Our consuls at London and Paris receive \$2,000 per annum, besides the fees and perquisites of their offices. Heretofore, our consul at Amsterdam has received nothing but the fees of the office, which are wholly inadequate for the proper support of a commercial agent there. Amsterdam is becoming a city of very great importance to us. This arises from the course of emigration from that country to this, and also from the fact that this city is the central point of an immense continental trade between this country and the central States of Europe. This trade at an early day, I have no doubt, will be greatly increased and enlarged by a direct communication. I do not intend to delay the House by going into the subject. I have a letter from the representative of that country at this Government, but I will not detain the House by reading it.

The SPEAKER. Does the gentleman from Alabama withdraw the motion?

Mr. HOUSTON. As the gentleman is going to leave the city this evening, I will withdraw the motion, provided that bill will not lead to a discussion.

Mr. STEPHENS. I shall not go into an argument about it.

Mr. HOUSTON. I withdraw the motion.

Mr. FOWLER. I wish to know why this bill is to be brought up now?

Mr. STEPHENS. Because I am going to leave the city.

Mr. FOWLER. Ought not we who are going to stay, to have the liberty to bring up our bills also? I want to bring up bills because I am going to stay. Is not that as good a reason as the gentleman's?

Mr. STEPHENS. I now call up the motion to reconsider the vote by which bill No. 143, "to regulate and fix the annual salary of the American consul at the city of Amsterdam," was committed to the Committee of the Whole House on the state of the Union.

The bill was read. It provides that the salary of the American consul at Amsterdam shall not exceed \$2,500 per annum, including the fees and perquisites of his office.

The question was put, and the motion to reconsider was agreed to.

The question recurred on the motion to commit the bill, and being put, it was negatived.

The bill was then ordered to be engrossed and read a third time, and being engrossed, was subsequently read the third time and passed.

Mr. STEPHENS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GAYLORD. I ask leave to withdraw from the files of the House the petition and papers of the heirs of Lieutenant Frederick Von Wiesenfels, that they may be returned to the petitioners.

Mr. JONES, of Tennessee. I object.

The question was then taken upon Mr. STREPHENS's motion, and it was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FICKLIN in the chair.)

#### NAVAL APPROPRIATION BILL.

Mr. HOUSTON. I move to take up House bill No. 240, "making appropriation for the naval service for the year ending June 30, 1853."

The motion was agreed to.

On motion by Mr. HOUSTON, the reading of the bill was dispensed with.

Mr. STANTON, of Tennessee, addressed the House an hour upon the necessity of reorganizing and improving the Navy, and in favor of building a war steamer with a screw propeller, and of white oak instead of live oak, by way of experiment, with the view to an improvement in the structure of American vessels of war. [Mr. S.'s speech is published in the Appendix.]

Mr. BOWIE. Mr. Chairman, coming from a State which has a large commerce, and an exposed coast—a State which has suffered from maritime invasion, and presents now more tempting inducements to the invader—I feel a deep interest in the appropriations for the Navy. This interest led me to examine the annual report of the Secretary, the estimates of the Department for the current year, and to compare them with the amounts proposed to be appropriated by the Committee of Ways and Means in the present bill for this great arm of national defense. I remarked, as the honorable chairman of the Committee on Naval Affairs [Mr. STANTON] has observed, that the Committee of Ways and Means have reduced the estimates in the increase, repairs, &c., of the Navy, \$300,000, and was curious to know the cause of this reduction.

The aggregate amount of the estimates for the Navy proper is \$5,518,000. The estimates for other objects under the control of the Navy Department, including the carrying of the mail by steamers, construction of dry-docks in California, the improvement and repairs of navy-yards, hospitals, magazines, &c., \$2,684,000. When we compare these appropriations with those for the British Navy, we find a most alarming disparity on our side, considering the relations of this Government towards that, and the relative strength of other naval Powers in Europe. From a newspaper account of the statistics of the Navy of Great Britain, which has lately fallen under my notice, I find the estimated expense for the current year stated at £5,622,488 sterling, nearly equal to \$25,000,000. This disparity is not only in the annual expense, more than the same ratio of disproportion exists in the number and character of their ships of war, and the force of their armaments.

A writer in the National Intelligencer, alluding to a recent debate in Congress, says:

"We all know the gallant Commodore in the Senate to be a brave man, but he seems to take for granted that our navy can 'whip' all the navies of the world in case we become involved in war. Now, I think that the present state of our service, particularly as regards the insubordination, if not mutiny, which I am sorry to say exists, we could hardly begin to try to fight them, much less to whip them. I wonder, too, if the Commodore is posted up as to the strength of other nations on the ocean? or does he speak from guess? or does he think the San Jacinto more than a match for La Hogue, or Ajax, fifty-six guns each, and all of the heaviest calibre? The English have ten or twelve just such vessels, and are now preparing for sea the Nonpareil, 81; Agamemnon, of 90 guns and 3,100 tons; the Royal Albert, 120; thirty-four sixty-eight pounders on her lower deck; the James Watt, 90; and Windsor Castle, of 120 guns. These terrible steamers are, in addition to some one hundred and twenty others, more than one half which are quite equal, if not greatly superior to the San Jacinto."

I am not a nautical man. I profess to have no information with regard to naval affairs. But I desire to ask of some gentleman in this House, who is familiar with these matters, whether it can be true, that there are steamers of this immense armament?—whether it can be true that the British Government are building steamers carrying ninety, and one hundred and twenty guns, as represented by the correspondent of the National Intelligencer? If it be true, how much greater the necessity for placing ourselves in a proper posture of defense! I understand from the learned chairman of the Committee on Naval Affairs, that our largest steamers carry only ten guns, and it appears from the above extract, that Great Britain and France are building steamers carrying 100 and 120 guns.

Mr. STANTON, of Tennessee. I presume that the steamers to which the gentleman alludes, are those which they are building with the auxiliary steam power. The British Government have adopted the plan, in some instances, of putting auxiliary steam power into their old frigates; and perhaps, into their line-of-battle ships, which carry nearly the same amount of guns as formerly, and yet have this auxiliary steam power below the water line.

Mr. BOWIE. Then I understand, from the explanation made by the chairman of the Naval Committee, that although they may not be regular steamers, having all the velocity and power of that class of vessels, yet they approximate to them in a great measure; they have acquired an increased velocity and power, and will be, comparatively, as dangerous and irresistible. Now, let every man who has the protection and defense of his country at heart—let every one who is not totally indifferent to our competition for equality on the seas, not to say superiority—let every man who is not reckless of the consequences which may ensue, if, unfortunately, war should grow up with Great Britain or any other European nation, consider these facts.

Our ships will sail wherever duty shall require them. They will meet the enemy, however numerous their fleets, or superior their armaments. In a contest against such odds, valor, skill, and discipline will strive in vain; the stars and stripes must sink at last, with the brave hearts which defended them; death and defeat will be theirs; the shame will be on our heads; their blood on our hands.

We are delegated by our constituents, to provide in peace for war, and to take proper steps for the protection of our Atlantic and Pacific frontier; and if, with information like this before us, we can hesitate to vote the supplies which the Executive asks at our hands, we must have some other reason than any which occurs to me, to justify it. No man, who is not wholly indifferent to the consequences which must result from this unequal warfare, can hesitate to vote the necessary supplies. The inequality upon our part, consists not only in the armament of the vessels, but it is equally great and startling in the number of them. The Secretary of the Navy shows us that we have only forty-six vessels in commission, including sloops, and brigs, and steamers—only ten of those being steamers. We have forty-six more in ordinary, and being repaired. Can the Committee of Ways and Means, after regarding the relative strength of the powers of Europe and ourselves, withhold the supplies necessary to keep up the Navy, even in its ordinary condition? This is no party question. It is no party policy emanating from the Whig or Democratic party. It is but a continuation of the policy, sanctioned by all Administrations, and particularly by the late Democratic Administration.

Mr. Chairman, you know that in 1847, the then President of the United States, who was justly high in the regard of his party, recommended an appropriation for the gradual increase of the Navy; and in consequence of that appropriation, four steamers have been, or are now being built. That appropriation has now been exhausted, but surely we will not neglect so good and so patriotic an example? Surely, a Democratic majority in this House, having it in their power, will not repudiate what one of their sages has so lately advised them to do, under circumstances not at all more emergent than the present. The Secretary of the Navy, in his late annual report, states he does not mean to recommend the placing ourselves upon an equality with foreign Powers, but that due caution and ordinary circumspection suggest that we should continue the gradual increase of our Navy. Sir, if he had not suggested it at all, our own observation of the growth of our commerce, the extent of our coast, the increase of our power, the exposure of the new States upon the Pacific, would have suggested the necessity of this increase. If we have a Pacific coast and Pacific States to protect, we must have a Navy riding in those seas. If the State of California, and the cities of that State, should acquire the population and wealth which their friends anticipate, they will be the "optima spolia" of naval warfare; and the power that possesses superiority upon that ocean, will be enabled to grasp them when it pleases.

Mr. Chairman, we should not forget the great

debt and obligation which the country is under to the Navy. I am sorry to see the apologetic tone adopted by the Departments in speaking of the estimates for appropriations. It is an arm of the service of which we should be proud—one whose achievements we should glory in and endeavor to reward. From the time of the Tripolitan and Algerine war, to the late war with Mexico, the Navy has rendered us most distinguished services. No branch of the service has been more conspicuous, more devoted, more self-sacrificing. The only mode of placing them in the position they are entitled to occupy, is to give them rank and emolument equivalent to their perils and privations. I do not now suggest an increase of pay, but I say cherish the corps which has already been prolific of such glorious acquisitions, and is so essential to our safety. Much as I respect the Army, highly as I prize their achievements, I believe we would never have been the victors of Vera Cruz or the conquerors of California, if it had not been for the prowess and gallantry of the Navy. That branch of the service has never had a traitor in it from the time of its organization. It has never had an officer who resigned in the face of a war or a difficulty. It has not only always met the foe and conquered them when equal or inferior, but it has often conquered its superiors—both in single ships and fleets.

More than that, Mr. Chairman, we are indebted to the Navy almost exclusively for the monopoly which we now enjoy of the whale fisheries. Anterior to the war of 1812 the British had almost a monopoly of that branch of the fisheries. Our Navy swept the British whalers from the ocean; and, notwithstanding British bounties and the attempts of the British Government to foster that branch of their commerce, from that time to this Americans have reaped all its benefits. We have now not less than nine millions invested in that branch of commerce, and the annual profits derived from it, I am credibly informed, amount to nine millions more. Certainly a commerce so rich and valuable as that must be protected; and as we expand our commerce we must increase our Navy. Will any gentleman be so economical as to insist that we should deny appropriations based upon estimates coming from the Department, and which appropriations, according to the statement of the chairman of the Naval Committee, (whose duty it is to know what is necessary,) will only be sufficient to enable the Government to build one vessel? That gentleman has already pointed out the mortifying spectacle which was presented to the country of having but one ship to send in an hour of great emergency to assert our rights on the coast of Newfoundland. What American in an English or European port would not feel ashamed of the admission that the United States of North America, claiming to be equal with "the mistress of the seas," had but one armed ship to protect their rights. And, sir, if a war—a contingency I cannot contemplate without horror—should result from any unhappy collision on that coast, who can not foresee the devastation and wreck and prostration of our commerce and of our commercial emporiums in consequence of our fatal and lethargic security? I wish some gentleman, possessing the power of rousing this House to a sense of what is due to the dignity of the nation and to our own defense, would become the advocates of the Navy—some gentlemen belonging to that powerful party who now hold the legislation of this House within their hands. Let them do it. They cannot wreath a chaplet of more glorious luster around their brows. We owe it to the country; we owe it to ourselves; we owe it to our posterity; we owe it to those who have gone before us not to suffer the laurels which have been gathered in so many conflicts to wither under presumptive self-esteem and invincibility, or the blight of penurious legislation.

Mr. SCHOONMAKER obtained the floor, and addressed the House an hour in defining the position of the Whig party of New York on the compromise questions, maintaining that that party there, although greatly opposed to the passage of the fugitive slave law, was disposed to acquiesce in the compromise measures, irrespective of any platform. [See Appendix.]

Mr. MANN obtained the floor, and yielded it to

Mr. POLK. As the gentleman has been giving the history of the Whig party in New York, I



would ask him whether or not, in supporting General Scott, that party adopts the platform of the Whig Baltimore Convention?

Mr. SCHOONMAKER. It has adopted the nominees of the National Convention.

Mr. POLK. Does the Whig party of New York adopt the platform as certified from the Baltimore Convention?

Mr. SCHOONMAKER. I can answer for myself, and those with whom I act, that, of course, by supporting the nominees, we support the platform.

Mr. POLK. I then understand that the Whig party of New York supports General Scott upon the platform?

Mr. SCHOONMAKER. I answer for myself and those with whom I act.

Mr. POLK. Who does the gentleman act with? As the gentleman from Massachusetts has allowed me the privilege, I will go into the question in another way. Does Mr. SEWARD support General Scott upon that platform?

Mr. SCHOONMAKER. Will the gentleman answer me a question? [Laughter.]

Mr. MANN. I insist now upon my right to the floor.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor, and refuses to yield further.

Mr. MANN took the floor, and addressed the committee upon the subject of the institution of slavery, the moral and physical condition of the African race, both in the United States and in their native country, and the position of parties on the slave question. [See Appendix.]

Mr. SKELTON here obtained the floor.

Mr. HOUSTON. With the permission of the gentleman from New Jersey, [Mr. SKELTON,] I will move that the committee take a recess until seven o'clock.

Mr. SKELTON. I cannot yield to that motion. The remarks which I propose to make in reference to an amendment which I shall offer to this bill, are very brief; but I will yield to a motion that the committee rise.

Mr. JONES, of Tennessee. I make that motion.

The question was then put, and the motion was not agreed to.

Mr. SKELTON. Mr. Chairman, I have obtained the floor at this time for the purpose of notifying the House that at the proper time I shall offer an amendment, which I will send to the table to be read.

The amendment was read, as follows:

That the Secretary of the Navy be, and he is hereby, authorized and required to have completed, without unnecessary delay, the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress passed April 14, 1848.

Mr. S. said: In the year 1842, Congress passed an act authorizing Robert L. Stevens, of New Jersey, to construct a steam-vessel for the purpose of coast-defense, which was to be ball and bough proof. From some cause unknown to me, sir, after that contract had been entered into by the Secretary of the Navy, and the work somewhat advanced, the enterprise was abandoned.

The object, sir, in proposing this amendment, is, that this enterprise may be recommenced and carried into effect. Sir, this question of the construction of war-steamers for coast defense is rather a new proposition. Its expediency has never been tested. It was for the purpose of testing that expediency that the Congress of the United States authorized the construction of this vessel. The object of constructing the vessel was not for the purpose of navigating the ocean, not for the purpose of being engaged in wars of conquest, but for the purpose of protecting our country from invasion by a foreign foe.

I believe this enterprise is worthy of the sanction and support of this House. As has already been said this afternoon, the United States has not in existence a navy that can compete with the navies of Europe. Several of the commercial nations of Europe have larger war navies than we have. Indeed, sir, any attempt to establish a naval force equal to that of Great Britain, it is very evident, would not meet the approbation of this Congress. Notwithstanding, sir, we are unwilling to engage in this expensive enterprise for the purpose of protecting our country, and although we do not expect to compete with Great Britain upon the

ocean, it is very evident that we must have some means by which to defend ourselves from the invasion of a foreign foe; and the question presents itself, how shall this object be accomplished? Shall we defend our sea-coast by permanent fortifications, or shall we construct forts and fortifications upon the water? Now, sir, this proposition meets my views in this particular, that it is not only perfectly available as a means of defense to the country, but it is much cheaper than local and stationary fortifications upon our shores.

Mr. ROBBINS. With the consent of the gentleman from New Jersey, I will move that the committee take a recess until seven o'clock this evening.

Mr. JONES, of Tennessee. I object. I will move that the committee do now rise.

Mr. ROBBINS. Then I will withdraw my motion.

Mr. SKELTON. It was at the desire of the gentleman from Pennsylvania that I yielded for the submission of the motion for a recess.

Mr. FLORENCE. I will merely state that the Committee on Naval Affairs of the House, of which I am a member, have considered this subject. It is a matter of very great moment, so far as the defense of the country is concerned, and the gentleman ought to have an opportunity to address a considerably greater number of members than are now present. I do not think there is anything which can claim the attention of the committee of more importance than the subject being discussed by the gentleman.

Mr. POLK. With the gentleman's permission, I move that the committee do now rise. He can then submit what he has to say to-morrow.

The question was taken, and the motion to rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 240, making appropriations for the support of the Navy, and had come to no resolution thereon.

Mr. HOUSTON then, by unanimous consent, reported from the Committee of Ways and Means the fortification bill; which was read a first and second time, and referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HOUSTON. I move the usual resolution to close debate in the Committee of the Whole on the naval appropriation bill half an hour after its consideration shall be resumed. I am willing it shall lay over till to-morrow.

Mr. FOWLER. I object to that.

The SPEAKER. (Mr. JONES in the chair.) That is a question which cannot be objected to. Under the rules, it is the right of any person to present a resolution at any time to terminate debate. The action of the House upon it when introduced is another question.

Mr. POLK moved that the House adjourn; which was agreed to.

And the House adjourned till eleven o'clock to-morrow.

#### MEMORIALS.

The following memorials were presented under the rule and referred to the appropriate committee:

By Mr. MOORE, of Pennsylvania: Two memorials of citizens of Philadelphia, asking the passage of the bill introduced by Mr. SPRAY, to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with the said States, by act of June 23d, 1836.

Mr. JOHNSON, of Tennessee: A memorial of sundry citizens of Washington county, Tennessee, praying Congress to pass a bill introduced by Hon. E. STANLY, of North Carolina, which is entitled "A bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the public money directed to be made with said States by the act approved June 23d, 1836."

#### IN SENATE.

WEDNESDAY, August 18, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. DAVIS. I have been requested to present a petition signed by several persons in the city of Boston. They state that they are the inventors of a machine for knitting; that they made application at the Patent Office for a patent, and it was granted by the Commissioner of Patents. From that grant

an appeal was taken to the Chief Justice of this District. That appeal they say has been suspended because of the inability of the Chief Justice to try it. His infirmities are such that he cannot attend to the case. It has long been suspended in this way; and they pray Congress to make some provision to relieve them from that condition, by authorizing some other person to hear the case. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAVIS. I am also requested to present the petition of Samuel S. Lewis, of Boston, who represents himself to be the agent of the Cunard line of steamers. He represents in this petition that when the line commenced operations, running between Boston and Liverpool, there was an understanding with the collector of the customs that the duties upon coal which was consumed on the outward voyage should come upon the basis of drawback for exports, upon the condition that a bond should be entered into for the payment of those duties in case the coal was not exported in that manner and used. He gave those bonds, coming under personal liability, and on the production of the certificates from time to time that the coal had been exported and used in that manner, the bonds were canceled. Of late, from some cause or other, which does not very distinctly appear, upon the production of the certificates, the Department declined to cancel the bonds. These bonds are outstanding, and are claimed against him. What he desires is, that if the law is inadequate; power should be given to cancel these bonds as heretofore, upon the production of the certificates that the coal has been exported and consumed upon the voyage. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

#### REPORTS FROM STANDING COMMITTEES.

Mr. GEYER, from the Committee on the Judiciary, to which were referred the following memorials, asked to be discharged from the further consideration thereof; which was agreed to:

Memorial of the Legislature of Wisconsin relative to the jurisdiction of the United States district court for that State;

Memorials of citizens of Lee county, Iowa, and of Isaac Galland, praying the appointment of a commissioner to examine and settle all claims to land in the Sac and Fox half-breed reservation; and a

Memorial of James M. Crane, praying additional compensation for publishing the Laws of Congress of 1849-'50, in the California Courier.

He also, from the same committee, to which was referred the bill supplemental to an act entitled "An act extending the jurisdiction of the district courts to certain cases, upon the lakes and navigable waters connecting the same," approved February 26, 1845, reported it back with a recommendation that it do not pass, the committee thinking that legislation on the subject is unnecessary.

Mr. FELCH, from the Committee on Public Lands, to which were referred the following memorials, asked to be discharged from the further consideration thereof; which was agreed to:

Memorial of F. A. Chenoweth and others, praying the title to certain land settled and improved by them in the Territory of Oregon; and a

Memorial of Robert Johnson, praying that patents may issue in his name on certain bounty land warrants held by him and issued in the names of discharged soldiers whose certificates he had purchased.

He also, from the same committee, to which was referred the bill from the House of Representatives, to amend an act entitled "An act to create the office of surveyor general of the public lands in Oregon, and to provide for the survey, and to make donations to the settlers of the said public land," approved September 27, 1850, reported it back with an amendment.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the memorial of Robert Mills, proposing a plan for a railroad and telegraphic communication to the Pacific ocean, submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to which were referred the following bills, memorials, and joint resolution, asked to be discharged from the

further consideration thereof; which was agreed to.

Bill to amend the act approved March 2, 1831, entitled "An act to provide for the punishment of offenses committed in cutting, destroying, or removing live-oak and other timber or trees reserved for naval purposes."

Bill to grant the hot springs in Arkansas to that State, and to secure the interests of *bona fide* settlers within the limits of the hot-spring reservation;

Memorial of the Legislature of Alabama, praying a modification of the act to enable the State of Arkansas and other States to reclaim the "swamp lands" within their limits; and

Joint resolution giving the assent of Congress to an act of the Legislature of the State of Mississippi appropriating a portion of the swamp and overflowed lands granted to said State by the act approved September 28, 1820.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill to extend the warehousing system by the establishment of private bonded warehouses, and for other purposes, reported back the same without amendment.

#### ADDITIONAL LAND DISTRICT.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands, to which was referred a resolution of the Senate requesting that committee to inquire into the expediency of establishing an additional land office in the Territory of Minnesota, to report a bill to create an additional land office in that Territory. I hope the Senate will take up and pass the bill at this time. There is but one land office in Minnesota, which is a very large Territory. This bill will give to that Territory but two land offices. The people there are subject to very great inconvenience in entering their lands, and I hope the Senate will pass the bill now.

The bill was read a first and second time, and the Senate proceeded to consider it as in Committee of the Whole.

It provides for the creation of a new land district, to be called the "Sac. River District"—the land office to be located at such point within the district as the President may direct, and to be removed from time to time, as may, in his opinion, be expedient; it also authorizes the President, by and with the advice and consent of the Senate, to appoint the necessary officers.

No amendment being proposed, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

#### DAVID MURPHY.

Mr. CHASE. I ask the indulgence of the Senate to take up a bill upon which action was prevented last Friday by a single objection. It is a bill from the House for the relief of David Murphy. I will simply state that it proposes to give a pension of \$5 33 $\frac{1}{3}$  a month to a soldier who was wounded in the last war with Great Britain. It has twice passed the House, and failed on the last private bill day by the interposition of a single objection. It has three times been reported favorably upon by the House. It has undergone a scrutiny by a committee of the Senate, and been favorably reported upon by them. I trust the Senate will take it up and pass it.

The motion was agreed to, and the Senate resumed the consideration of the bill as in Committee of the Whole. No amendment being proposed, it was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### CANAL IN CALIFORNIA.

Mr. GWIN asked and obtained leave to introduce a bill granting to the State of California the right of way and a donation of public lands for the purpose of constructing a canal across the Sierra Nevada valley; which was read a first and second time by its title, and referred to the Committee on Public Lands.

#### LAND DISTRIBUTION BILL.

Mr. FISH. I desire to give notice, that, on the day after to-morrow, during the morning hour, I shall ask the Senate to take up the bill from the House of Representatives, commonly known as "Bennett's land distribution bill." For my own part, I desire to state that I have no disposition to discuss it, and I believe that disposition is common

with all the friends of the bill. I think it will lead to no debate, so far as its friends are concerned. I give this notice, in order that Senators may be aware of what is to come up on that day. Many were not satisfied with the vote that was given yesterday, when that bill was offered as an amendment to the Sault Ste. Marie canal bill. Many of the friends of the distribution bill were then compelled to give a vote which might seem to place them in opposition to the principles of the bill which they support. Therefore, as I understand that the morning hour to-morrow is to be occupied on another question, I shall, on the day after to-morrow, during the morning hour, ask the Senate to take up the bill to which I refer.

#### THE LOBOS ISLANDS.

Mr. HALE submitted the following resolution for consideration:

*Resolved*, That the Committee on Foreign Relations be instructed to inquire into the expediency of reannexing the Lobos Islands.

#### COMPENSATION OF A PAGE.

Mr. JONES, of Iowa, submitted the following resolution; which was read, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be directed to pay to F. B. Gilbert, a page in the Senate, the same compensation as was allowed the other pages for the second session of the Thirtieth Congress.

#### BILLS PASSED.

The following engrossed bills were severally read a third time and passed:

Bill granting to the State of Michigan the right of way and a donation of public land, for the construction of a ship canal around the Falls of St. Mary's, in said State; and a

Bill for the settlement of a certain class of private land claims within the limits of the D'Auvere claim, and for allowing preemption to certain purchasers and actual settlers, in the event of the final adjudication of the title of said D'Auvere in favor of the United States, and for other purposes.

#### CAYUSE WAR.

Mr. DOUGLAS. Mr. President, there is a bill upon the table from the House of Representatives, providing for the mode in which the expenses of the Cayuse war in Oregon shall be paid. It is a bill to amend an act entitled "An act to settle and adjust the expenses of the people of Oregon, in defending themselves from attacks and hostilities of Cayuse Indians, in the years 1847 and 1848," approved February 14, 1851. Congress, at the last session, appropriated the money to pay these expenses; but the Treasury Department find it necessary to have a verbal amendment to that law made, in order to enable them to pay the money. This bill appropriates no money. It is merely to direct the payment of money formerly appropriated. I move that the Senate take up that bill. I have been urged by the Treasury Department, for the last two or three months, to have it passed.

The motion was agreed to; and the Senate proceeded, as in Committee of the Whole, to consider the bill. It proposes to authorize the Secretary of the Treasury to pay, out of the money appropriated by the act to which this is an amendment, approved February 14, 1851, the amount found due to the persons named in the report of the commissioner to ascertain the necessary expenses incurred by these inhabitants, as that report was communicated to Congress by the Legislature of Oregon, at the second session of the Thirty-first Congress. It also provides, that where a person to whom an amount was found due shall have died, the amount shall be paid to his legal representatives; provided, that if the deceased person shall not have been a permanent resident of Oregon at the time of his death; and shall have left a widow in any one of the States of the Union, the amount due shall be paid to the widow, and if there be no widow surviving, but infant children, the amount shall be paid to the guardian of the infant children; and if no infant children, then to the legal representatives of the decedent.

Mr. DOUGLAS. The only change that this bill makes, is this: The act of 1851 required the Secretary of the Treasury to ascertain how much was due to each individual. On examination, it has been found that the Territorial Legislature of Oregon did ascertain the amount, and found it to

be below the sum appropriated by Congress, and that all the parties, so far as we can learn, are satisfied with that adjudication. It will take a great deal of time to send to Oregon, hunt up the vouchers again; and go through the same distribution of money. Therefore it is thought best, for all the parties, simply to adopt that report of the Legislature of Oregon, without the expense and trouble of having a new statement made out again. The bill does not appropriate a dollar; it simply authorizes a settlement of the accounts.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### CONSUL AT AMSTERDAM.

The bill from the House of Representatives to regulate and fix the annual salary of the American Consul at the city of Amsterdam, was read a first and second time by its title, and referred to the Committee on Commerce.

#### INDIGENT INSANE BILL.

The bill from the House of Representatives making a grant of public lands to the several States and Territories of the Union for the benefit of indigent insane persons, was read a first and second time.

Mr. SHIELDS. There was a select committee at the early part of the session to which the subject was referred, and I move the reference of this bill to that committee.

The PRESIDENT. Has that committee reported?

Mr. SHIELDS. The committee have reported on the subject.

The PRESIDENT. The moment a select committee reports on the subject for which it was raised, it is no longer in existence.

Mr. SHIELDS. Then I move that the bill be referred to a select committee of five.

Mr. HUNTER. It seems to me that this bill should be referred to the Committee on Public Lands. I do not think there is any necessity for raising a select committee to examine it. It is only in extreme and extraordinary cases that we make use of select committees.

Mr. SHIELDS. I would state to the Senate that I believe the usual course has been to refer this bill to a select committee, and I believe there is a parliamentary reason for it. It is understood that the Committee on Public Lands are opposed to the measure.

Mr. BORLAND. I am not aware that that is the fact.

Mr. SHIELDS. I understand that it has always been the practice with this bill, which is commonly known as Miss Dix's bill, to refer it to a select committee; and I move to refer it to a select committee.

The motion was agreed to.

The PRESIDENT. Senators will prepare their ballots for a select committee.

Mr. SHIELDS. I would suggest that the Chair appoint the committee.

The PRESIDENT. The rule requires all committees to be balloted for, unless by unanimous consent. If there be no objection, the Chair will appoint the committee.

There being no objection, it was so ordered.

And Mr. SHIELDS, Mr. PEARCE, Mr. BEIL, Mr. HAMLIN, and Mr. DAVIS, were appointed the committee.

Mr. BORLAND. In connection with this matter, I wish to submit, informally, a substitute for that bill, which I intend to offer when it comes up for consideration in the Senate. I have prepared my substitute, and I wish it to be printed, so that when the bill comes before the Senate, the substitute will be also before Senators, that they may understand its contents.

The substitute was received, informally, and ordered to be printed.

#### LANGDON C. EASTON.

Mr. DAVIS. I call for the order of the day.

Mr. SHIELDS. I will take the liberty of requesting my honorable friend from Massachusetts to withdraw his call for the present, in order to permit me to take up a bill for the relief of Captain Easton, of the United States Army. It is a bill to which, I presume, there will be no objection. The reason why I wish to have it taken up now is, that the Department is anxious to send this officer to his post in New Mexico. He

wishes this bill to be passed, in order that it may go to the Military Committee of the House of Representatives, so that he may have an opportunity of explaining it there before he leaves the City. As his services at his post are very essential, as I am told by the Department, I wish the action of the Senate upon this bill now.

Mr. DAVIS. I will give way to the honorable Senator if his bill does not give rise to debate.

Mr. SHIELDS. If it gives rise to debate I will consent to postpone it.

Mr. DAVIS. Very well; I withdraw my call.

Mr. SHIELDS. I move to take up for consideration the bill for the relief of Captain Langdon C. Easton, Assistant Quartermaster of the United States Army.

The motion was agreed to, and the bill was read a second time and considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the War Department to credit Captain Langdon C. Easton, on the settlement of his accounts, with the sum of \$17,651, the amount of which he was defrauded by his late clerk, Gustavus McHarcourt, while stationed at Santa Fe, New Mexico.

Mr. PRATT. I should like to hear the report in this case read.

The report of the Committee on Military Affairs was accordingly read; from which it appears that in April, 1850, Captain Easton was assigned to duty as assistant quartermaster at Santa Fe, New Mexico, having under his direction eleven posts to supply with funds and stores, in addition to which he had charge of the clothing department of the ninth Military Department. The duties of assistant quartermaster were such as to require the services of a clerk. Captain Easton employed as clerk, Gustavus McHarcourt, who had been for several years previously, confidential clerk in the pay department of the Army, and he was recommended by that department as an able and accomplished clerk, and one of trustworthy and irreproachable character. For twelve months before the commencement of his peculations, McHarcourt discharged his clerical duties with honesty and ability, so as to merit the confidence of all who knew him; but during the continuance of Captain Easton in Santa Fe, from July, 1850, to July, 1851, at different intervals, he was defrauded of \$17,651 by Gustavus McHarcourt, his chief clerk. The committee, in the report, go into the history of the various abstractions, showing the means whereby McHarcourt made the books appear correctly balanced. The committee conclude with the expression of the opinion, that where a meritorious public officer is defrauded without any fault of his own, by a clerk in whom, from his previous character, there was every reason to repose unlimited confidence, it is a case presenting peculiar claims to favorable consideration.

Mr. PRATT. Mr. President, I have no doubt in the world of the entire integrity of Captain Easton, the quartermaster, in this case; but this bill certainly involves a principle which I think ought not to be sanctioned by the Senate without discussion. I do not say that I shall be opposed to the bill when I become acquainted with all the facts of the case. But, here is a public officer—a quartermaster; his clerk, his own private agent, defrauds him of certain sums of money, as shown by the report; and the effect of the bill, and the object of it is, that the Government shall reimburse the officer for the frauds committed by his chief clerk.

Mr. SHIELDS. I have promised that if the bill leads to discussion, I shall not insist upon its passage now.

The PRESIDENT. Does the Senator make any motion?

Mr. SHIELDS. I understand that the Senator from Maryland wishes to discuss the subject.

Mr. PRATT. I am perfectly prepared to vote upon the bill now, but, as at present advised, I shall vote against it.

Mr. SHIELDS. If there is no desire to discuss the bill, I hope we shall take a vote.

Mr. HALE. I think the bill ought not to pass without discussion, and I therefore hope it will lie over.

Mr. SHIELDS. I have done my duty in calling the attention of the Senate to the matter; and as it is to give rise to discussion, I move to post-

pone the further consideration of the bill till Friday next.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. HUNTER. I wish to give notice that I shall ask the Senate to-morrow, during the morning hour, to take up and consider the civil and diplomatic appropriation bill, for I find that the only chance for the appropriation bills will be to take them up in that way.

Mr. HALE. I give notice that I intend, if I can get the floor, to-morrow, during the morning hour, to ask the Senate to take up the homestead bill, and let the civil and diplomatic bill take its course.

Mr. DODGE, of Iowa. And I give notice that to-morrow morning I shall insist on proceeding with the river and harbor bill.

#### RIVER AND HARBOR BILL.

Mr. DAVIS. I renew the call for the order of the day.

The PRESIDENT. The first bill on the orders is a bill to revive a portion of an act for the relief of widows of deceased soldiers.

Mr. DAVIS. I thought the river and harbor bill was the regular order, being the unfinished business.

The PRESIDENT. The unfinished business of the preceding day is the first special order; but according to the rules of the Senate, the special orders do not come up until one o'clock.

Mr. BORLAND. I hope the bill which has been announced by the Chair as the regular order will be taken up now. It has been on the Calendar for a very long while, and it is a very meritorious bill.

Mr. DAVIS. I supposed that the first hour of the morning was devoted to general business, and that then the special orders of the day come up.

The PRESIDENT. The special orders do not come up till one o'clock.

Mr. DAVIS. Then I move to postpone the regular orders in order to take up the bill from the House of Representatives "making appropriations for the improvement of certain harbors and rivers," which is the first special order.

Mr. BORLAND. I am as desirous as any one can be that the river and harbor bill shall be taken up and disposed of; but the small bill just now announced by the Chair as the first regular order, I think will not give rise to much discussion. It has been here for a long while, and I would be glad to see it disposed of. It is to do justice to a very meritorious and limited class of widows.

Mr. BELL. Before we take up that bill, permit me to say that there are a great many others who wish to take up particular bills.

The motion of Mr. DAVIS was agreed to, and the Senate accordingly resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives "making appropriations for the improvement of certain harbors and rivers."

A long debate ensued, in which Messrs. DAWSON, HAMLIN, BORLAND, SOULE, BRIGHT, PRATT, ARCHISON, CHASE, BUTLER, MASON, BELL, HALE, MALLORY, CASE, DAVIS, DAWSON, and others, participated, for which see Appendix.

When, at half-past four, p. m., on motion of Mr. JAMES, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 18, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

#### THE WHEELING BRIDGE.

The SPEAKER. The business first in order is the consideration of House bill No. 297, "declaring the Wheeling Bridge a lawful structure, and for other purposes," upon which the gentleman from Pennsylvania [Mr. CURTIS] is entitled to the floor.

Mr. STUART. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 30, confirming to the State of Michigan certain salt-spring lands which have remained suspended in market since 1836, in consequence of an error committed by a clerk of the Commissioner of the General Land Office. Its

consideration will not occupy five minutes. The bill contains but one section.

Mr. LETCHER. I object, if the time occupied in the consideration of the bill is to be taken out of the morning hour.

Mr. STUART. I trust the gentleman will not insist upon his objection.

Mr. LETCHER. I should like very much to accommodate the gentleman from Michigan, but should I withdraw my objections now, others will ask the same favor. I do not like to make an invidious distinction between the gentleman from Michigan and other gentlemen of the House. If this matter can be disposed of without an interference with the morning hour, I should not object.

Mr. STUART. The bill might have been passed in the time occupied by the gentleman and myself. It has passed the Senate, and been examined and favorably reported upon by the Committee on Public Lands of the House. It simply corrects an error, in consequence of which these saline lands have been suspended in market since 1836.

The SPEAKER. Objection is made, and further discussion is out of order.

Mr. CAMPBELL, of Illinois. I would ask the unanimous consent of the House to allow me to take up a small matter—a bill for the relief of Margaret Farrar. I have been endeavoring to get the floor for some time past to call it up. I did get the floor a few days ago, but was interfered with in consequence of a personal explanation of the gentleman from Wisconsin, [Mr. DURKEE,] and was compelled, under the circumstances of the case, not to press it at that time.

Mr. LETCHER. I object, and call for the regular order of business.

Mr. CURTIS concluded the argument which he commenced yesterday in opposition to the Wheeling bridges. He apprehended that the proposition involved in this case was simply this: Should Congress sit as a court of errors and appeals over the decision and adjudication of the Supreme Court of the United States, and consider matters which, without a doubt, properly belonged to that tribunal; and review them in a manner entirely unknown to law? He contended that in this case they were not qualified to act as judges; they were not impartial, and could not be in the consideration of this question. He also argued that the bridges should be elevated, so as not to be the least obstruction to navigation, declaring that this was the only issue. [See Appendix.]

Mr. NEWTON contended that the bridges were not a nuisance, and that the Supreme Court had no power over the question. [See Appendix.]

Mr. STUART. I think, sir, this is a very important subject, but there are numerous other important matters that have to be disposed of, or ought to be disposed of, by this Congress, in the morning hour; and with a view to test the sense of the House upon this subject, and believing that we are as well advised upon it as we shall be by any further discussion, I move the previous question.

Mr. WALSH. Will the gentleman withdraw his motion for a moment? I am very anxious to publish my remarks upon this question, and if I can do so, I have no objection to the previous question. [See Appendix.]

The SPEAKER. This can be done, as there is no objection.

Mr. JOHNSON, of Georgia. I hope the gentleman from Michigan will withdraw his demand for the previous question for a moment. I desire five or ten minutes' time to give certain reasons which will influence my vote upon this question.

Mr. STUART. I would do as much as any man upon this floor in the way of courtesy; but it is obvious that we all wish to bring this discussion to a close; at least I desire to test the sense of the House upon this subject.

Mr. STEVENS, of Pennsylvania. Will the gentleman from Michigan withdraw his call for the previous question, to allow me to present an amendment to the bill?

Mr. STUART. I cannot do so, for many gentlemen have asked me the same thing.

Mr. STEVENS. I desire merely to get in an amendment which I shall have no opportunity of doing if the previous question is seconded.

The previous question was then seconded, and the main question ordered to be put.



# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32d CONGRESS, 1st Session.

FRIDAY, AUGUST 20, 1852.

NEW SERIES.....No 141.

The SPEAKER announced that the gentleman from Ohio, [Mr. OLDS,] as chairman of the committee who had reported the bill, was entitled to one hour to close the discussion.

Mr. FOWLER. Will my colleague, the chairman of the committee, allow me one third of his time to defend the minority report?

Mr. OLDS. How much of the morning hour is left, Mr. Speaker?

The SPEAKER. Twenty-one minutes.

Mr. FOWLER. Will you allow me fifteen minutes?

Mr. OLDS. If the House assents to the proposition, I will do so with pleasure.

Mr. FOWLER. I understood the gentleman gave way.

Mr. OLDS. I find there are many gentlemen near me who object to that course.

Mr. HOUSTON. The gentleman from Ohio is not ready to proceed this morning, and if he will yield the floor, will it be in order now to proceed to other business?

The SPEAKER. By unanimous consent that can be done.

[Loud cries of "Object!"]

Mr. OLDS. I prefer yielding the balance of the morning hour, and closing discussion to-morrow morning.

Mr. FOWLER. Will the gentleman allow me ten minutes of his time?

[Cries of "Object!"]

Mr. HOUSTON. The gentleman from Ohio says he is not ready to proceed in the discussion of the matter.

Mr. CARTTER. The minority of the committee have not yet been heard at all.

Mr. FOWLER. I am sure the chairman of the committee will allow me fifteen minutes. The minority have not been heard at all.

Mr. BRECKINRIDGE. That is right. Let him be heard in the balance of the morning hour.

Mr. OLDS. I am not prepared to go on with my remarks this morning. I am desirous to place this case before the House, but still I will proceed this morning, if it is the pleasure of the House, with the few remarks I have to make.

Mr. FOWLER. Do I understand the chairman to give me a few minutes?

Mr. OLDS. The gentleman from Pennsylvania, [Mr. STEVENS,] as well as my colleague upon the committee, [Mr. FOWLER,] are both anxious to occupy a portion of the time. I will give each of them fifteen minutes, if the House will agree to it.

The SPEAKER. That arrangement can be made by unanimous consent.

Mr. JOHNSON, of Georgia. I object.

Mr. FOWLER. Then, as a last resort, will the chairman allow me to ask the privilege of presenting my remarks?

Mr. OLDS. Certainly.

Mr. FOWLER. I will then present my remarks. [See Appendix.]

Mr. STEVENS, of Pennsylvania. Is it in order to move to reconsider the vote upon seconding the demand for the previous question?

The SPEAKER. It would be in order if the gentleman could obtain the floor for that purpose, but the gentleman from Ohio is now upon the floor.

Mr. STEVENS. I am very anxious to occupy ten minutes. I hope the gentleman will allow the previous question to be reconsidered. I will call it when I have done.

Mr. OLDS. I will leave the matter entirely in the hands of the House. I am anxious to close the debate, but the question is not with me at all, it is with the House.

Mr. ALLISON. I hope the gentleman from Ohio will yield to my colleague who wishes to address the House for a few moments upon this subject. It will be remembered that there have been but two speeches upon the other side of the question, and I think the House should extend that courtesy to my colleague which has never been denied before. This is a matter of very great importance to the people of Pennsylvania, and I

hope the courtesy will be extended to my colleague.

Mr. OLDS. Well, sir, I have offered to divide the loaf with my friends upon the other side of the House. The objection comes not from me, but from other members of the House.

Mr. POLK. I insist that the gentleman from Ohio shall proceed to speak or let some one else do so.

Mr. OLDS commenced his speech in favor of the bill, maintaining that in its passage there was no conflict between Congress and the decision of the Supreme Court, declaring this bridge a nuisance.

Mr. HENN. Has the morning hour expired?

The SPEAKER. It has.

Mr. HENN. Then I move to proceed to the business on the Speaker's table.

The motion was agreed to.

## CLOSE OF DEBATE.

Mr. HOUSTON. Will it be in order for me now to call up the resolution which I offered yesterday, to close debate on the naval appropriation bill, and which was pending when the House adjourned?

The SPEAKER. In the opinion of the Chair, it is in order.

Mr. HOUSTON. Then I call up that resolution, and modify it so as to close the debate in thirty minutes after the committee shall resume the consideration of the bill. I move the previous question on the adoption of the resolution.

The previous question was seconded, and the main question ordered to be put.

The question was then taken; and the resolution was adopted.

Mr. HOUSTON moved that the vote by which the resolution was adopted be reconsidered, and that the motion to reconsider do lie upon the table; which latter motion was agreed to.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky. The effect of that motion, if adopted, will be to postpone the consideration of the report of the Committee on Printing, which is the business regularly before the House. I call for the yeas and nays upon it.

The yeas and nays were not ordered.

Mr. STANTON demanded tellers upon the yeas and nays; but they were not ordered.

Mr. HOUSTON's motion was then agreed to.

## NAVY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. FICKLIN in the chair,) and resumed the consideration of House bill No. 240, making appropriations for the Naval service for the year ending the 30th June, 1853; and the gentleman from New Jersey [Mr. SKELTON] is entitled to the floor.

[A message was here received from the Senate, by the hands of ASBURY DICKINS, its Secretary, informing the House of the passage, by that body, of the following bills, viz:

House bill No. 257, to amend an act entitled "An act to settle and adjust the expenses of the people of Oregon, in defending themselves from attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848," approved February 14th, 1851;

House bill No. 176, for the relief of David Murphy;

Senate bill No. 508, for the settlement of a certain class of private land claims within the limits of the D'Auvergne claim, and for allowing preemption to certain purchasers and actual settlers, in the event of the final adjudication of the title of the said D'Auvergne in favor of the United States, and for other purposes; and

Senate bill No. 28, granting to the State of Michigan the right of way and a donation of public land, for the construction of a ship canal around the Falls of St. Mary's, in said State.]

Mr. SKELTON. Mr. Chairman, I request the indulgence of the House for a few moments to allow me to make some remarks upon the

amendment placed in the hands of the Clerk last evening. The great importance of this amendment is my only apology for occupying the time of this committee at this late period of the session and under the present pressure of business.

The amendment which I have proposed to offer to this bill is in the precise language of a resolution passed by the Senate a few weeks since, and which is now on the Speaker's table. The resolution received the unanimous recommendation of the Committee on Naval Affairs in the Senate, and passed that body without opposition. I understand the Naval Committee of the House agreed upon reporting favorably upon the resolution. Certainly the majority, if not the whole committee, were favorable to the object of this amendment, as I am informed by the chairman of that committee, [Mr. STANTON.]

The amendment proposes the construction of a steamship, which shall be ball and bomb proof, for harbor defense. It is not necessary that I should speak to you, upon this occasion, of the consummate ability of Robert Stevens for the purpose of engaging in such an enterprise as this. This gentleman, sir, is well known to most of the people of the United States. He is, at least, well known to the mechanics and engineers as one of the ablest mechanics and engineers and naval constructors in the country. I say his name is too well known to need any eulogy from me. I presume he has the entire confidence not only of both Houses of Congress, but of the people of this entire country, and that there is no one who disputes his ability to carry out this purpose if he becomes a contractor with the Government. Mr. Stevens is no speculator in Government funds. He is a man who has wealth as well as ability, and his only object in proposing the construction of a vessel of this kind is that he may identify his name with the history of his country and with the improvements and progress of the age in which he lives. This appears to be his only motive. For the good of his country he is willing to sacrifice his ability, his time, and his energy; and to refuse to pass the amendment or resolution before the committee, would be an act of the grossest injustice to one of our ablest, most enterprising, and most liberal citizens.

The method has already been entered into by Mr. Stevens for the construction of this vessel. Much labor, and time, and money has already been expended by him. He has gone to considerable expense to procure materials. He visited Europe for the purpose of obtaining the materials and information necessary to carry out the enterprise. The only thing which has been at all in the way is the fact that there has been some delay. But it will be very apparent to every gentleman, upon a moment's consideration, that delay is necessary, in carrying out an enterprise of this kind, to insure success. These experiments necessarily required time and expense.

The only reason urged against carrying out the contract entered into by this gentleman, by authority of Congress, is, that he did not submit his proposition to the Naval Board of Constructors. Now, sir, it appears from documents before this House, before the Senate, and before the country, that his contract specified and gave the plans upon which the vessel was to be constructed. What the motives of the Secretary of the Navy might have been, in arresting the progress of this work, it is unnecessary here to discuss, nor do I pretend to know. It is enough for us to know that the execution of his contract has been arrested by the action of the Secretary of the Navy.

Mr. MASON. I understand the gentleman from New Jersey to say that Mr. Stevens is a wealthy individual, and only desires to carry out this enterprise in order to connect his name with the history of his country and with the progress of the age. If this is true, I suppose he only requires the sanction of the Government, and not an appropriation of money.

Mr. SKELTON. He only wants the Government to pay the actual cost of construction. He asks no compensation for his own time and labor.

Mr. MASON. I thought he was a wealthy man, and only wanted to be recognized by the Government.

Mr. SKELTON. He is wealthy, but not sufficiently so to construct a large naval vessel at his own expense to be presented to the Government; nor do I suppose a single man upon this floor would ask a man of enterprise, if he gives his time and his great ability to the country without remuneration, to do more. That is, certainly, all that could be asked.

There is no necessity for a doubt of Mr. Stevens's ability to construct a vessel of this kind. Experiments have already been tried sufficient to show the feasibility of his plan. His project is one which can be carried out successfully, though with great labor. The probable cost would not exceed \$500,000. A large amount of money has already been expended. This gentleman has not only expended all the money placed in his hands by the Government, but he has expended a large amount of his own private funds in order to obtain the necessary information to enable him to carry out, successfully, his enterprise.

Sir, this proposition is an important one to the interests of our country. We ask not only that it shall be carried out in order to prevent doing the greatest injustice to one of the citizens of this country, but we ask it upon a broader ground. We ask it for the benefit of the country. We ask it that our coast may be placed in a situation of defense that will guaranty our citizens from invasion, and guaranty a vast amount of property in case the country should be invaded by a foreign foe.

The true policy of the country is always to engage on the defensive. We cannot attempt to compete with the navies of England and France upon distant shores. The expense would be too great; nor do the wants of the country demand that we should engage in such an enterprise. But it is due to ourselves and to our own country that we should place our own shores in defensive positions, capable of resisting the most powerful forces that could be sent to invade our borders. This vessel would have many advantages over the permanent fortifications of our country, and at the same time it would have many advantages, in a defensive point of view, over any of the lighter constructions of naval vessels now in existence in our Navy.

It is proposed that this vessel shall be made entirely indestructible, that no gunnery now in the possession of any foreign Power should be able to make any impression upon. She is to be indestructible to ball, shot, and bombs.

A vessel of this kind would be exceedingly valuable in the harbor of New York, where there is a large amount of property exposed, and where the fortifications on the shore would not be sufficient to protect the city. In the city of New York alone, there is property, shipping, and real estate, to the amount of a \$1,000,000,000; and I ask you, Mr. Chairman, what there is to prevent a powerful naval force of steamers from approaching the shores, and throwing their bombshells into the city, and destroying the whole town by conflagration? Steamships can approach these shores, and pass, in a few minutes of time, the stationary batteries; but suppose we had a vessel of this kind, it would not only defend the harbor, but it could be brought to defend our shores in any location. It would not only save our cities from destruction, but our shores from invasion. Its power would be sufficient to break up the most powerful fleet which could be thrown upon our coast. Imagine this vessel sailing out of the port of New York, when that port was blockaded by a powerful naval force, lying off the Straits. Every vessel she ran into would be immediately sunk. In addition to her great defensive power, she would have strength sufficient to sink any vessel with which she came in contact. Her power would be sufficient to sink the most powerful navy that could be cast upon our coast. By her powers of locomotion, she could defend the seaboard where wanted, and could defend our harbors where such an immense amount of property is located. I ask gentlemen to consider the large extent of sea-coast, and the number of harbors in which an enemy could land at any time. There is not a single fortification upon our shores that would prevent it, and it is not likely that this Government will ever attempt to protect them by permanent fortifications.

Sir, the true policy of our country is peace; and in order that we may be able to maintain peace and promote the interests of our growing country, it is necessary that we should be fortified in such a way as to destroy the possibility of our shores being invaded. While it is our true policy to remain at peace with all the world, and foster the arts of industry, and extend our commerce, it is in vain to close our eyes to the fact that the monarchs of Europe look upon this country with a jealous eye. Our example of unparalleled prosperity, our example of self-government and independence, has awakened a spirit of liberty throughout the world, and the monarchs of Europe look with a jealous eye upon our prosperity because it sows the seeds of republicanism upon their own shores, and endangers the permanency of their own political institutions; and if the opportunity should ever present itself to overthrow our liberties, the monarchs of Europe would combine against our institutions, and our country; and the only way, sir, that we can maintain peace and our independence, and preserve our living example of prosperity and happiness, is to be placed in a permanently defensive state.

I see in this morning's paper, that France, whether true or not I cannot say, is already inviting a conference of the combined powers of Europe to resist the aggressions of the United States upon Mexico. What, sir, does this mean? Does not it show to us plainly and distinctly that there is a jealousy burning upon the continent of Europe that will, whenever a suitable opportunity presents, attempt to involve us in a war for the purpose of destroying our prosperity?

The improvements in steam navigation during the present age have gone forward with such rapidity, and multiplied to such an extent, that the warfare of the world has almost entirely changed. The implements of war have been made every day more destructive, and the increased rapidity of navigating the ocean by the application of steam, has brought our continent within a very close distance to the shores of Europe; and as these improvements go forward, and our contact is brought closer and closer with the continent of Europe, so, sir, will be the increased facilities to invade our shores in a moment when we are found unprepared and in a defenseless condition.

So early as 1805 you will find, by looking over the messages of President Jefferson, that the mind of that sagacious statesman was directed to the necessity of some auxiliary defensive power, to the permanent fortifications upon our coast; and in reference to this subject it will be remembered that his proposition was to build gun-boats, a proposition which was not carried successfully into practice; but it established this fact, that there appeared at that time, to the mind of that sagacious statesman, to be a necessity for some further defensive power beyond that of permanent batteries upon our sea-board.

Notwithstanding this proposition of gun-boats has failed, the proposition now presented by this gentleman from New Jersey appears to be one calculated to answer the purposes contemplated at that early day. No individual at all acquainted with the naval affairs of the world, or to the means resorted to in hostile combat, can for a moment doubt the absolute necessity of better fortifications for our sea-board.

In addition to this fact, it contains other elements which recommend it to the attention and support of this House. It is not only the most effective method of defending our shores, but is the cheapest method. A floating battery of itself can cost but very little more than a stationary battery upon any particular point, and it has this advantage, that it can be changed from post to post, and can supply the place of a large number of expensive batteries upon land. I say it not only combines cheapness, but it combines cheapness and efficiency together, which is what the people of this country desire in carrying forward her system of defenses.

The great danger to this country is from sudden invasion of our soil. There is no risk of an enemy's ever gaining a permanent footing upon our shore, if time is allowed for defensive measures for expelling them. The rapid increase of railroads throughout our country afford facilities for throwing upon any particular point of the country a strong force for defensive purposes, in a very short space of time. What we want is something

that can be brought to act immediately in case of sudden invasion. We want to prevent a sudden incursion upon our soil, to the destruction of vast amounts of property. We have an illustration of the necessity of this in the burning of our Capitol in the war of 1812, when the British forces came suddenly upon the Capitol of our country; and before the freemen of the nation had time to rally for defensive purposes, our public buildings and our public records were consumed. It is to prevent the recurrence of such a catastrophe that this proposition is proposed to be carried out. It is to defend our shores from sudden invasion, and to prevent the destruction of vast amounts of property, as well as of human life.

I will not occupy the attention of the committee at this late period of the session by any lengthy discussion of this subject. I felt that it was due to myself, and to the State I represent, that it was due to the great importance of this proposition that some remarks should be made upon the subject.

I will close by simply remarking, that this presents a proposition which appears to be the peculiar want of the country at the present time. It proposes to change the method of defense upon our sea-coast, in a manner most effectual and the cheapest of any that has ever been presented to the country. And in the well-known character of the individual engaged in this enterprise, we have a guarantee that this contract will not only be carried out faithfully to the letter, but the country will be put into a state of defense by the best means that can be obtained from any source.

With these remarks I close, by merely asking the attention of the House to this subject, and that they will give it that consideration which its importance demands at their hands.

Mr. HOUSTON. I should like, if the time would allow me to do so, to reply especially to that part of the remarks of my friend from Tennessee, [Mr. STANTON,] delivered yesterday, relating to navy-yards and marine hospitals. I think that the injustice which he did to the Committee of Ways and Means—unintentionally I have no doubt—was in regard to some facts connected with their action in relation to those yards and hospitals. The Committee of Ways and Means, in every solitary case where they made a reduction upon the estimates, reduced the items, and took off a corresponding amount from the aggregate estimate of the Department in regard to the hospitals.

Mr. STANTON, of Tennessee. The gentleman will do me the justice to admit that I conceded that fact in reference to the navy-yards; and if I was mistaken in regard to the hospitals, it was an oversight upon my part.

Mr. HOUSTON. I was going to say that in some instances we reduced the amount, but it was where we thought it could fairly and properly be done. The gentleman speaks of the item of \$1,333,333 33 $\frac{1}{3}$  for increase and repair in the Navy. I addressed a communication to the Secretary of the Navy on that subject, requesting to know whether under it he in truth proposed to increase the Navy. His reply is as follows:

NAVY DEPARTMENT,  
BUREAU OF CONSTRUCTION, ETC., March 3, 1852.  
Sir: Your letter of the 27th ultimo, requesting information in relation to the estimates from this Bureau for the fiscal year ending June 30, 1853, has been received. The estimate was directed to be made the same in amount as that prepared and granted for the year 1852. When it was contemplated that to keep the squadron afloat there would be required for repairs, including equipment and stores, an amount of..... \$770,000  
The contracts for the year for supplies amounted to..... 250,000  
For coal..... 220,000  
For hemp..... 125,000

\$1,365,000  
Being \$388,000 less than for the year previous. There was no estimate for the increase; and the amount for repairs is variable, depending upon the particular ships it became necessary to repair. "Armament" is not included in the estimate for this Bureau.

Respectfully, your obedient servant,  
W. B. SHUBRICK, Chief of Bureau.  
Hon. G. S. HOUSTON,  
Chairman of Committee of Ways and Means.

He shows that the whole item was intended for other things than the building of vessels.

Mr. STANTON, of Tennessee. I have been instructed by the Committee on Naval Affairs to move after the following:

"For pay of superintendents, naval constructors, and all

the civil establishments at the several navy-yards and stations, \$90,000—

The addition of the following amendment :

"And the Navy agent at Memphis, for the time during which he has performed or may perform the duties of purser, in addition to his own, shall be allowed and paid the annual salary of a purser on duty at navy-yards of the second class, which shall not be in addition to his commission, but in lieu thereof."

Mr. CHAIRMAN, the reason for offering that amendment, is, that for several years past, for want of pursers in the navy, it has been necessary to impose the duties of that office upon the Navy agent at Memphis, and a regular appropriation has been made for the pay of the purser at that yard. It is well known to the committee that the commission of the Navy agent upon his disbursements is one per cent. The appropriations for the navy-yard at Memphis have been small, and the commissions, under the peculiar circumstances of the case, have amounted to a very small sum. I have a statement from the Department in reference to that fact. The Navy agent at Memphis gives a bond to the amount of \$50,000, and he not only performs the duties of Navy agent, but those of a purser. We ask for him not the salaries of both of the offices, but the salary of the best office for discharging the duties of both. I think that is reasonable. I have in my possession a letter from the Secretary of the Navy, distinctly recommending this amendment.

Mr. HOUSTON. I do not exactly understand the amendment submitted by the gentleman from Tennessee. The amendment proposes, as I understand, to give the Navy agent at Memphis the two salaries.

Mr. STANTON. No, sir, it is to give him one salary for performing the duties of the two offices. That is all. Even of the small amounts appropriated for this yard, large sums within a few years past have been paid out at Boston. I believe not less than \$140,000 have been thus expended, taking from the Navy agent commissions which ought to have accrued to him to the amount of \$1,400. But at the same time his duties have not been lessened. He has still had all the contracts to make, and all the business to perform, with the single exception of paying out the money. There is not another Navy agent in the United States who does not receive his \$2,000, with various other advantages not enjoyed by the officer at Memphis.

Mr. HOUSTON. That amendment is, at least, objectionable in its present form. The pay of purser is \$2,000.

Mr. PRICE. The pay of a purser is graduated by the class of vessel on board of which he serves, and the pay of a Navy agent according to the class of navy-yards of which he is agent.

Mr. JOHNSON, of Tennessee. What is the pay of agent?

Mr. HOUSTON. One per cent. upon his disbursements. I have no showing of the amount he receives. This amendment proposes to make the compensation of the Navy agent equal to that of a purser. By the same process of reasoning, it may be made necessary for us to change the compensation of Navy agents at all our navy-yards.

Mr. STANTON. There is not another Navy agent in the United States that does not get the full amount allowed him by law—\$2,000—except the Navy agent at Memphis. He gives a bond of \$50,000. I have the statement of the Department in my possession. The amount he receives is now about \$1,000 per annum. He is performing the duties of both officers—Navy agent and purser—but we do not ask that he shall have the salaries of both officers, but only the salary of one.

Mr. HOUSTON. This proposition is to give this Navy agent the salary of a purser. Upon what ground is it based? That his receipts under one office, which are always regulated by his duties, do not give him the ultimatum of compensation allowed to Navy agents. I understand Navy agents get one per cent., until their compensation reaches \$2,000. They get no more than that upon their disbursements. If the disbursements are small here, as a matter of course, it shows that the office is unimportant, and not very responsible. The compensation of Navy agents, above all other officers of this Government, is regulated by the duties discharged. They are compensated according to the amount of disbursements. Then, I am told, there is the additional

duties of purser. Why is it that there is no purser at the navy-yard at Memphis?

Mr. STANTON. Because there are not enough in the Navy.

Mr. HOUSTON. Not enough to put one at that yard? If the law authorized a purser there, I take it for granted that one would be placed there.

Mr. STANTON. The number is limited by law.

Mr. HOUSTON. Then the number is limited by law. The lawful number are in commission, and if none has been placed at Memphis, it shows that that navy-yard is the least important of all. My friend says that it is of importance, and cannot be dispensed with. Then you have the duties of two unimportant offices discharged by one man, and we are asked to give additional compensation to the officer for the performance of a little over his ordinary duty.

Mr. GENTRY. I move to put the Navy agent at Memphis on the same footing as the purser at the Brooklyn navy-yard. I offer the amendment for the purpose of stating the facts of this case, and the merits of the proposition submitted by the chairman of the Committee on Naval Affairs. The duties of a purser must, to some extent, be performed at the Memphis navy-yard. The duties of a Navy agent must be performed there; and though the disbursements in either of these official characters may not be very large, yet they are sufficiently large to make it indispensable to have some responsible officer of business qualifications there, to attend when such duties have to be performed. The officer must be there, and occasionally his services cannot be dispensed with. Owing to the deficiency in the number of pursers, there is none at the Memphis navy-yard. Consequently the duties of purser have devolved, by order of the Department, upon the Navy agent. The sums disbursed by him are not sufficient in magnitude to make the one per cent. commission constitute even a fair compensation for the performance of the duties of either one of these officials. It is proposed he shall permanently perform the duties of both, and receive the compensation which the purser at the navy-yard at Pensacola receives, which is \$2,000 annually. That is the compensation, I believe, contemplated for the pursers at all of our navy-yards. He is to receive the salary of a purser so long as he performs the duties appertaining to the office. If there be an increase in the number of pursers, he falls back upon the character of Navy agent. The amendment of my colleague is reasonable, and I trust the chairman of the Committee of Ways and Means will not object to it. I withdraw the amendment I have submitted.

The question was put upon the amendment of Mr. STANTON; and, on a division, there were—ayes 37—

Mr. JOHNSON, of Arkansas, demanded tellers; which were ordered; and Messrs. HOWARD and TAYLOR were appointed.

The question was again taken, and the amendment was agreed to; the tellers having reported—ayes 77, noes not counted.

Mr. PRICE. I submit the following amendment, to come in at the end of the twenty-fifth line:

And that the Secretary of the Navy be, and he is hereby, authorized and required to have completed, without unnecessary delay, the war-steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress passed April 14th, 1842.

I offer this amendment with great confidence that it will meet with almost unanimous approval.

Mr. JONES, of Tennessee. I rise to a question of order. I submit to the Chair, whether a proposition in this appropriation bill to build war vessels is in order. The 81st rule will exclude it.

Mr. PRICE. This is already authorized by law; and I believe that there can be no question of order raised on that point.

Mr. HOUSTON. There is a bill reported from the Senate for this same thing, which shows that they do not propose to put it in the appropriation bill; and my recollection is, that we never have in any case, certainly in very few, if any, authorized the building of any vessels by provision in a regular appropriation bill.

Mr. PRICE. This is authorized by a joint resolution of both Houses of Congress.

Mr. HOUSTON. That joint resolution has expired, or been rescinded.

Mr. PRICE. No, sir; I beg your pardon. The joint resolution is now in force. The only question at issue between Mr. Stevens and the Secretary of the Navy is, who has stopped the progress of the work? This amendment is only to direct the Secretary of the Navy to prosecute the work to its fulfillment. That is all.

The CHAIRMAN. The Chair would remark to the gentleman from New Jersey, [Mr. PRICE,] that the question of order having been raised, the decision of the Chair will depend somewhat on the law referred to.

Mr. PRICE. The resolution to which I referred passed in 1842.

Mr. HOUSTON. The joint resolution of 1842 authorized a contract here. As I understand the facts—and some of them are derived from the proposition itself—the Secretary of the Navy Department determined that the contract had not been complied with, and was by him rescinded or refused to be carried out, because of the failure of Mr. Stevens to comply with it. It has remained so for some ten years, without being brought up, or seriously pressed upon either branch of Congress. It has expired. It was decided to have been a failure on the part of the contractor, and as such the work has been stopped.

Mr. JONES, of Tennessee. I will suggest another point.

Mr. STANTON, of Tennessee. I was about to say, that the facts stated by the gentleman from Alabama [Mr. HOUSTON] are disputed, and differ from what has been stated.

Mr. HOUSTON. The gentleman will not dispute that the facts which I have stated are true—that the Secretary of the Navy so reported them, as I have stated?

Mr. STANTON. I admit that. I rise for the purpose of suggesting to my friend from New Jersey, [Mr. PRICE,] that he will withdraw his amendment for the present, and I will submit the amendment which I proposed yesterday. I intended to present it at this place. It will present the question of order in a more favorable shape, if he will postpone it until the question is decided upon the amendment which I hold in my hands. It is possible, that it may be brought up under more favorable circumstances.

Mr. PRICE. At the suggestion of my friend, I will withdraw it.

Mr. STANTON, of Tennessee. I send to the Clerk's desk, the amendment I proposed upon yesterday. I think that, upon the question of order, there can be no doubt:

*Provided, That hereafter, whenever a vessel in ordinary shall be so much decayed that the expenditures required to repair and equip her, shall be estimated to exceed two thirds of her original cost, it shall not be lawful to repair such vessel; but she shall be sold, and the proceeds applied to the construction of a new vessel in her stead. And the Secretary of the Navy shall cause to be built a vessel-of-war whose frame shall be of white-oak, and of the best and most approved model for sailing, to be fitted with auxiliary steam power, and to be armed exclusively with the heaviest and most destructive ordnance, which, according to recent improvements, it is possible to carry with safety and serve with efficiency at sea. And to this object shall be applied, in addition to such sum as may be conveniently spared from the foregoing appropriation, any unexpended balance remaining in the Treasury to the credit of similar appropriations for former years.*

Mr. JONES, of Tennessee. I rise to a question of order. The amendment is not in order, as I think, because it proposes to change the general law by a provision in an appropriation bill, by providing that no ship in ordinary shall hereafter be repaired.

Mr. STANTON. When the expenditures cost more than two thirds of the original construction.

Mr. JONES. Under those conditions they are not to be repaired. I think the amendment changes the whole general law. It is out of order upon that ground. Again, it provides for the building of new ships not authorized by any existing law, and therefore it is out of order upon that ground; and because it proposes permanent legislation in an item of an appropriation bill. Either one of these points will rule it out of order.

Mr. CLINGMAN. I beg leave to remind the gentleman over the way, that we have never had a single session of Congress that we have not made important changes of law in the appropriation bills. I am sure his recollection will bear me out. I refer him to the bounty land law, and various other laws that we have passed in similar appropriation bills. Then, in relation to the other point, I take it that we are not to introduce a bill, and pass a



law for the building of every ship. I take it, that the common appropriation bill—the Navy appropriation bill—is the proper bill in which to incorporate provisions for the increase of the Navy, either for repairing or building ships.

Mr. STANTON. This appropriation is for repairs, and this is a proviso which directs in what manner the sum of money provided in this clause of the bill shall be appropriated, and in what manner it shall be expended. If anything is to be obtained in this Congress, or any other Congress, this is the only way in which it can be done.

Mr. HAMILTON. I call the gentleman to order. This question is not debatable.

The CHAIRMAN. The question of order is not debatable, but the Chair was anxious to hear suggestions as well from those in favor as those opposed to the point of order. The Chair has no hesitation in deciding the amendment to be out of order.

Mr. STANTON. I appeal from the decision of the Chair. Is the appeal debatable?

The CHAIRMAN. It is not.

Mr. STANTON. I would like to make a single remark, and it is this, that I am sorry gentlemen have taken upon themselves the responsibility—

Several MEMBERS. "I object!" "I object!"

Mr. JOHNSON, of Arkansas. Gentlemen must rise when they object.

Mr. EDGERTON, (rising in his seat.) I object. The CHAIRMAN. The rule bearing upon the question will be read.

The 81st rule was then read, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

Mr. CLINGMAN. Have we any law for maintaining a Navy?

The CHAIRMAN. The Chair would refer the gentleman from North Carolina [Mr. CLINGMAN] to the books upon the subject. This amendment is decided to be out of order. [Laughter.]

Mr. STANTON. I propose to modify that amendment so as to make reference to the act approved June 30th, 1834, for building a frigate to be called Paul Jones. That frigate has never been built. I will add to this amendment the proposition to carry out the provisions of the act of June 30th, 1834, for building that frigate.

The CHAIRMAN. That amendment is not in order. There is an appeal pending.

The CHAIRMAN. The gentleman from Tennessee [Mr. STANTON] has proposed an amendment to the bill under consideration, which amendment is decided by the Chair not to be in order, from which an appeal has been taken. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SACKETT. I ask to have the amendment again read, so that we may understand it.

The amendment was again read.

Mr. SACKETT. I ask that the provision of the bill with which it is connected may be read.

Several MEMBERS. "I object!" "I object!"

Mr. CABLE, of Ohio, demanded tellers; which were ordered; and Messrs. CHANDLER and ASHE were appointed.

The question was then taken, and there were—ayes 49, noes 73; so the decision of the Chair was not sustained.

Mr. STANTON, of Tennessee. I wish to say a single word in reference to that amendment, and that is, to inform the House that it is the proposition of which I spoke yesterday. I consider it a proposition of much more importance than the building of a single vessel.

The CHAIRMAN. Does the Chair understand the gentleman from Tennessee as offering another amendment?

Mr. STANTON. No, sir, I am speaking in favor of the amendment I offered just now, and upon which a question of order was raised.

Several MEMBERS. "We'll pass it!"

Mr. STANTON. Gentlemen around me tell me that the committee will sustain the amendment, and if that be so, I have nothing more to say.

Mr. SWEETSER. Is the amendment divisible?

The CHAIRMAN. In what way does the gentleman propose to divide it?

Mr. SWEETSER. Is it not divisible? The first branch of it provides for the selling of old vessels, and the second branch provides for the construction of new ones.

The CHAIRMAN. Will the gentleman from Ohio state what division he proposes?

Mr. SWEETSER. I propose to split it about the middle, leaving two distinct propositions.

The CHAIRMAN. The Chair decides that it is not divisible in that way.

The question was then put upon Mr. STANTON's amendment; and, on a division of the committee, the chairman announced—ayes 68, noes 37; no quorum voting.

Mr. CLINGMAN. I ask for tellers.

Mr. JONES, of Tennessee. Call the roll.

The CHAIRMAN. Tellers were called for before the demand was made to call the roll.

Mr. JONES. There is no quorum present. The Chair has so announced.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that tellers were called for before his demand to call the roll.

Mr. JONES. Can less than a quorum order tellers?

Mr. FITCH. There is evidently a quorum present.

Tellers were then ordered; and Messrs. SKELTON and DEAN were appointed.

The question was again put; and the tellers reported—ayes 78, noes 48.

So the amendment was adopted.

Mr. STANTON, of Tennessee. In order to complete the amendment just adopted, and to carry out the recommendation of the Department, I now move to insert after the word "million," in the twenty-fifth line, the words "three hundred," so as to make the clause read—

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, \$1,365,000.

Mr. HOUSTON. I do not intend to occupy more than a moment or two. I made the best opposition I could to the amendment of the gentleman from Tennessee, but the committee have seen fit to put it in the bill, and of course they have a right to put in anything else they please. This proposition, it does seem to me, comes with a very singular grace from my friends upon all sides of this House, who urged upon Congress and the country that the Collins line of steamers would supersede the Navy. Gentlemen urged that if we would grant that large appropriation to the Collins line, it would, to a great extent, supersede and ultimately change the whole character of the Navy, furnishing it with war steamers that could render service in time of peace, by carrying the mails. And now we find that the very men who aided in giving that exorbitant appropriation to that line, are proposing to increase the Navy, when their argument has been effectual with the House that that line ought to be sustained, because it would be adding so many vessels to the Navy, and therefore would, to a large extent, ultimately supersede the Navy. Now, if the House is disposed to go on in this way, let it be done. I only want the record to show who is responsible for it.

Mr. STANTON, of Tennessee. Have not I a right to speak in favor of my amendment now?

The CHAIRMAN. The gentleman's right to do so has passed from him.

Mr. CHANDLER moved to amend the amendment by increasing the amount \$100,000.

Mr. C. said: I am not apprised of the fact, if it be a fact, that the ground was taken here by those who advocated the passage of the Collins line appropriation, that it would dispense with any appropriations for the Navy. It is a long time since there has been any addition of sailing vessels to our Navy. I believe that, with the exception of one frigate, there has been none of that class for nearly thirty years. We cannot suppose that we can defend a coast like ours with our present naval force. I am certain that it was never contemplated by those who advocated the measure which the chairman of the Ways and Means has referred to, that we should dispense with appropriations for the Navy entirely. With the whole continent of Europe providing additional naval forces, offensive and defensive, we must provide ourselves with similar means. We need it, and we shall require such steamers as the Collins line to convey

our sailors and provide for the defense of our harbors. We shall need, and do need, to carry on our defense in every part of the world, sailing vessels and propellers added to our existing Navy in considerable numbers. We must not suppose that we are always to enjoy those halcyon days of peace, when we can pocket our dollars, and not provide for our defense against the encroachments of foreign nations. Though I may not desire so large an addition to the appropriation as I have been compelled to move, I certainly think that the addition provided for by the chairman of the Naval Committee will be necessary to carry out the objects which we have voted as necessary. While our commerce is exposed on the neighboring seas, and while difficulties are arising on the Pacific and on the Atlantic sufficient to excite our apprehensions, if not our fears, it becomes us to be careful of all these things, to see that we are provided, not against what is happening now, but against what may happen. It is the business of Government to look out for time to come, as well as for existing emergencies.

Mr. STANTON, of Tennessee. I oppose the amendment of the gentleman from Pennsylvania, because the amount which I propose to increase this appropriation to, is that which was estimated for by the Navy Department, without any reference to the proposition which has already been adopted by the committee. You will see that the proposition to build that new ship is one that is not to cost anything to the Government beyond the original estimates of the Navy Department; and I here beg leave to say, that I believe in no single instance has the Committee on Naval Affairs instructed me to introduce an appropriation higher than that estimated for by the Secretary of the Navy, and in many instances, they have reported less than that amount. We do not even go up to the amounts estimated for by the Secretary of the Navy, especially for the various navy-yards. Now, with reference to what the gentleman from Alabama [Mr. HOUSTON] has said, as to the Collins line of steamers, suppose those four steamers belonged to the Government of the United States at the present time, as a part of our Navy, what would our whole Navy amount to in comparison with the six hundred vessels of Great Britain; with the three hundred and twenty-eight, or thereabouts, owned by the Government of France; with that fleet of nearly two hundred owned by Russia, or with the more than one hundred owned even by the Dutch Government? If those four steamers of the Collins line were purchased to-day, and added to our Navy, I maintain that we would not then be prepared to go into a war. I think the gentleman from Alabama is altogether mistaken when he supposes that anybody said, at anytime, that the adoption of the proposition in aid of the Collins line would dispense with the use of the Navy.

Mr. HOUSTON. I struggled to get the floor just now, in order to state more specifically the fact I alluded to. Any gentleman who heard the speech of the gentleman from Ohio [Mr. CARTER] in favor of the appropriation to the Collins line, and who paid attention to it, must remember that he spoke of the Navy in most disparaging terms, and spoke of the Collins line as a means of getting clear of it. He based his whole argument upon that, and repeated it once or twice in the course of his speech.

Mr. FLORENCE. I would ask the chairman of the Committee of Ways and Means whether the amount of the naval appropriations has been reduced just exactly the sum appropriated for the Collins line?

Mr. HOUSTON. I do not know. I have before me the amount of the reduction, if the gentleman wants to get at that. But the gentleman is certainly a long way behind the music, because the naval bill was reported months before the Collins amendment was acted upon. We have made no reduction in the Navy bill with reference to what was said or done in regard to the Collins line.

Mr. FLORENCE. I ask the gentleman if it has been reduced just that sum? Perhaps the Committee of Ways and Means, knowing the popularity of the Collins line, anticipated its success, and reduced the appropriations accordingly. [Cries of "Order!"]

Mr. FLORENCE. I know I am out of order. I am always out of order when I am speaking common sense. [Laughter.] It must be recol-

lected that there is some revenue, in the shape of postage, derived from the Collins line—

Mr. CHANDLER. So satisfied am I of the correctness of the remarks of the chairman of the Committee of Ways and Means, that I ask the unanimous consent of the committee to withdraw my amendment to the amendment.

Mr. JOHNSON, of Tennessee. I object.

The question was then taken upon the amendment to the amendment, and it was not agreed to.

Mr. SWEETSER. I move to strike out "\$300,000," and insert in lieu thereof "\$500."

Mr. S. said: Mr. Chairman, I am opposed to the original amendment now pending, for reasons which I will briefly state. It is well known to this House that I opposed the appropriation which recently passed this Congress for the Collins line of steam-ships. I then understood the argument in favor of this appropriation to be that the said steamers could be converted into war steamers of the first class in a short time, and with little expense, and if Congress adopted the system of encouraging that class of steamers, it would obviate the necessity of building new war steamers. I agree with the gentleman from Alabama [Mr. HOUSTON] in relation to the argument used on that occasion. I cannot be mistaken in my understanding of the main reason given the House and the country for that appropriation to the Collins steamers. The House listened, and the appropriation prevailed. But now we find, in the same Congress which passed that appropriation, the honorable chairman of the Committee on Naval Affairs [Mr. STANTON] coming forward with a proposition to build a new steamer, and to increase the Navy. Sir, I desire to state that the Navy has already become one of the most expensive branches of our Government. While we are expending upon the legislative, and executive, and judicial branches of the Government, a little rising of \$4,000,000, we are expending upon our Navy, and have been ever since I have been in Congress, nearly \$10,000,000 per annum, and about the same amount upon the Army. We now find that, while we are attempting to change entirely our naval system, and adopt a new one that shall entirely do away with this large naval armament, the very advocates of the change come forward and propose to increase it.

Now, sir, I come from a section of the country that desires to see the abuses and extravagance of the Navy reformed, and demand at the hands of their Representatives prompt action in relation to the Navy and Army, instead of an increase of the expenses of these branches of the service. The comparison, by way of argument, of our Navy with the English, French, or Dutch navies, has no force to my mind. The navies of England and France are needed for the protection of their distant colonial possessions. We have no distant colonies, and need no increase of our Navy for any purpose. The Navy needs reform, and must be curtailed in its expenditures.

If the honorable chairman of the Naval Committee of the House, who proposed the original proposition, which I propose to amend, in order to state my views upon the general question, will digest a system, predicated upon the view which the House approved in relation to the ocean steamers; if that plan meets the approbation of the Naval Committee, and is intended to be urged for the adoption of the country, as a change of the old system, I will most cheerfully acquiesce in any well-digested system that shall, in the main, curtail the expenses of that branch of the service, and secure efficiency, as was claimed to be the case when the House listened favorably to the proposed change. If, however, the House misapprehended the views of the Naval Committee, and are now to understand the honorable chairman and the advocates of appropriations to mail steamers, as admitting the non-adaptation of mail steamers for war purposes, let us retrace our steps as best we may, and adopt some other method that will produce favorable results. At all events, it is unwise in us to continue to make extravagant appropriations without introducing radical changes in the whole system, which I have no time to point out.

Mr. TAYLOR. Mr. Chairman, it is not my desire to delay the action of the committee by occupying even five minutes' time upon it; but I rise in opposition to the amendment of my colleague from Ohio, [Mr. SWEETSER,] who proposes to reduce the amount of the appropriation

from \$300,000 to \$500, because these estimates have been submitted by the Secretary of the Navy, and have undergone the revision of the Committee on Naval Affairs in the House. These estimates and revision, in my judgment, are the best proofs of the propriety of this appropriation.

But my principal object in obtaining the floor at this time is, to say a word in opposition to the intimation of the honorable chairman of the Committee of Ways and Means, [Mr. HOUSTON,] in reference to the Navy itself. He intimated that gentlemen who voted for the appropriation which passed this House, in aid of the Collins line of steamers, were actuated by a desire that those ships should supersede the Navy. Sir, I was actuated by no such motive. I voted for the additional appropriations for the Collins line upon high national grounds. As a friend of the American Navy, now, I am one of those who would like to see great reforms in our naval establishment. I think they are loudly called for. This bill, as I understand it, appropriates about \$6,000,000 for the Navy of the United States. I understand the estimates of the Department call for about \$7,000,000; but they were cut down. Now, sir, if we could have had the business of the House conducted as it ought to be conducted—if we could have had our committees called four months ago—if our intelligent Naval Committee, and Military Committee, and Commerce Committee, and other committees of the House, could have reported, these reforms might have been perfected and adopted by the House, and that would have saved the Government millions of expenditure in one year. But the delays incident to the proceedings in this House, in acting upon the pressing business before us, under our rules, are such as to prevent legislation; to prevent reform; to prevent members from doing what they desire for their constituents; to prevent the chairmen of committees—of the most intelligent and important committees in the House—from reporting at all. Then, how are we to legislate? I should like to see reforms introduced. During the last Congress, it was my privilege to make a speech upon the river and harbor bill, in which I took occasion to refer to the enormous expenditure of the Government upon this branch of the public service. I was then charged by some of my personal friends as being hostile to the Navy. But I desire now to say, that I am not hostile to that branch of the public service. I wish to proclaim it that I am in favor of reform, that our naval establishment may be improved. I would adopt a retired list, and place the superannuated and incompetent officers of the Navy upon that list, at half pay, instead of giving them whole pay, as we do now. There are many captains of the Navy receiving full pay who are incapable of performing their duty; and they receive full pay to the prejudice of the younger, more efficient, and enterprising officers of the Navy. These I would promote. I would modify and increase their rank.

Mr. HOUSTON. I do not suppose the Committee of Ways and Means are to correct these abuses. That belongs to the honorable gentleman from Tennessee, [Mr. STANTON,] and the Committee on Naval Affairs, into whose hands these matters are committed. It is not a duty of the Committee of Ways and Means.

Mr. TAYLOR. Certainly not. It was far from my intention to cast censure upon the conduct of the chairman of the Committee of Ways and Means. I think that gentleman deserves commendation for his efforts to reduce the expenditures of the Government in its various Departments; but I do say that the members of this House owe it to the country to speak as little as possible, except to the point, and to improve the Navy, and reform abuses whenever they can. Let the various committees of the House report methods to reform these abuses, every one of them. Let the House adopt the suggestions of our intelligent Naval Committee and Military Committee, and, so far as we can, correct the abuses now existing in the various branches of the public service, which exist to such an extent as to call down the denunciations of the people of the country, all over the country. They call loudly, Mr. Chairman, upon you and all of us for reform. Look at this branch of the public service! Heed, sir, the intelligent recommendations of the Secretary of the Navy and your committee. I speak with no hostility to the Navy. I am proud

of the American Navy. I am proud of its services during the last war with Great Britain, and whenever the country has demanded them; but the inequalities of rank and pay, the injustice to meritorious officers, the unnecessary expenditures, and the great abuses in that Department, require reform at our hands, and we ought to attempt it, at least. In the great State which I have the honor in part to represent, out of sixty captains in the American Navy, we have not one. We have not even a purser. We should equalize the appointments, increase the rank of those who deserve it, as recommended by the Secretary of the Navy, and, by wise legislation, strengthen our Navy, and encourage those who perform their duty—

[Here the hammer fell.]

The question was then taken upon Mr. SWEETSER's amendment to the amendment, and it was not agreed to.

Mr. SACKETT. I propose now to amend the amendment by increasing the amount \$1,000. I do it for the purpose of saying that I regard the proposition making this appropriation as a proposition for reform, as one for an essential improvement in the Navy. What is its object? It is to build a vessel calculated and intended to defend important points, important harbors, and the important commercial points in the country. We have been in the habit, until the last year, of expending \$1,000,000 annually for fortifications and for some other like purposes. Now, if this great reform is carried forward, I doubt not it will result not only in a reform, but will result in a diminution of the combined expenses of our fortifications and Navy, because this reform in our naval system will obviate the necessity for so large an annual appropriation for fortifications, except at the great commercial points of the country. It will produce a reform which I regard as essential, as important, and as producing beneficial results upon the country generally. The particular amount recommended by the Department to commence this operation is comparatively unimportant. I suppose that amount is recommended, and I hope it will be adopted by the committee.

Mr. DEAN. I am opposed to the amendment of my colleague, [Mr. SACKETT.]

Mr. SACKETT. With the consent of the committee, I will withdraw my amendment.

Mr. DEAN. I object. I embrace this opportunity of saying that I am opposed to this whole proposition, if for no other reason, because we are now within less than a fortnight of the close of the session and have no time to consider such propositions. I suppose the Committee of Ways and Means have reported enough to keep the Navy afloat till the 1st of December, when we are to have another session of Congress, and shall have new estimates, and will be prepared to make these appropriations more understandingly than at this time. It seems to me it would be better to adopt the appropriations recommended by the Committee of Ways and Means for the present, and make these new appropriations, if necessary, when we have new estimates.

Mr. FLORENCE. I will suggest to the gentleman from New York, that these estimates were made by the Navy Department, and the estimates at another session of Congress must be made by the same Department. We will get no more information about the wants of the Navy then than now.

Mr. DEAN. I am sorry to see my friend from Pennsylvania always coming up to the help of those men who are making these recommendations for extravagant appropriations. He seems willing to back the Secretary of the Navy and the Secretary of War in all their profligate expenditures. I am not. I believe our Navy under its present management, or under the management of the late Secretary, has been one of the greatest sources of abuse in the Government. They have expended annually \$10,000,000 for a service which ought to have been performed for \$6,000,000. If gentlemen will look at the data upon which these calculations have been founded, and these recommendations made, they will find that nearly \$5,000,000 is appropriated for the salary of officers waiting orders, and many of them staying at the city of Washington doing nothing. We cannot reach these cases and reform this abuse in this bill, but we may do it hereafter; and I hope this committee will not spend time upon these various amendments, the object of which is to increase these appropriations.

We have adopted the amendment of the gentleman from Tennessee, [Mr. STANTON.] I have no objection to that, but I submit that it is not wise to go on making appropriations for the Navy when we are within three months of another session of Congress; when there is a new Secretary of the Navy just installed, and a new Administration before us, which will make their own recommendations upon the subject.

Mr. POLK. I will ask the gentleman whether the present amendment proposes to increase the appropriation to the Navy?

Mr. DEAN. The amendment proposes to increase the appropriation \$301,000.

Mr. STANTON. It is only to make it equal to what was appropriated last year, for the same item, and also the year before.

Mr. POLK. I would ask the gentleman whether he, as a Representative upon this floor, is ready to cut down that arm of our defense?

Mr. DEAN. Not at all. I am not in favor of cutting down this arm of our defense, but I am for economy; and when we find as we do now, that under the administration of the late Secretary of the Navy, the expenditures increased three millions in a single year, that is from \$7,000,000 to \$10,000,000, it is time for Congress to come forward and show that they are in favor of retrenchment.

The question was then taken, and the amendment to the amendment was rejected.

Mr. GOODENOW. I move to amend the amendment of the gentleman from Tennessee, [Mr. STANTON,] by adding \$25,000. I do this that I may have the opportunity of saying to the committee and to the country, that our Navy is not, at the present moment, as efficient as it ought to be, in view of the questions agitated recently in regard to our relations with Great Britain upon the subject of the fisheries. It is a fact, which should be known to the country, that although we have been called to send to the Bay of Fundy a naval armament sufficient to protect our citizens in their rights there, there was but one vessel which could be found in a situation to be sent there—the Mississippi—a vessel which had been prepared for another destination.

Now, Mr. Chairman, we have recently heard much said, upon the one side and the other, about our rights of fishing, and the infringement of those rights by Great Britain. The President of the United States has been called upon to send a naval force sufficient to protect our rights, and the fact that we have not a sufficient number of vessels prepared for that service, these gentlemen who appear to be so ready to maintain them by arms ought to consider. If we would maintain a navy at all, we should maintain an efficient navy, and we should have our naval establishment in such a condition that we could meet any emergency which may happen, where the interests or honor of our country are at all jeopardized. But such is not the fact now. We are not prepared for a war with Great Britain, upon this or any other question. I wish gentlemen to understand that if we were to come into collision with England upon any question, we are not in a situation to meet her as we might, if we only had our Navy as efficient as it might be; but I hope there is no gentleman who is disposed to encourage a feeling of hostility towards Great Britain, unless he is willing to come up and vote for an appropriation of money which will enable us to meet her, or any other nation upon earth, as we will be able to do, if we will only use the means in our hands.

I am in favor of having an efficient Navy, and I am not in favor of extravagant appropriations; but every amendment which has been, or which may be offered by the honorable chairman of the Committee on Naval Affairs, [Mr. STANTON, of Tennessee,] has received the sanction of that committee, after a full and careful investigation, and no appropriations have been recommended by that committee greater than were recommended by the Navy Department.

Reforms in the Navy undoubtedly are needed, but I hope this committee will not withhold the necessary appropriations for giving efficiency to that arm of our national defense. Several bills intended to remedy existing defects in our naval establishment, and to render it more efficient, have been matured and prepared by the Committee on Naval Affairs, but no opportunity has yet been had of reporting them to the House.

Mr. JOHNSON, of Tennessee. I am opposed, Mr. Chairman, to the amendment of the gentleman from Maine, [Mr. GOODENOW,] as well as to the original amendment.

I was much gratified to hear the remarks which I have, and from the quarter from which they came,—from the gentleman from Ohio, [Mr. TAYLOR.] In the course of his remarks, he talked something about retrenchment and reform, and stated at the same time, that there were abuses, enormous in their character. I would have been much more gratified had the gentleman, while speaking of these abuses, pointed them out, and directed the attention of the House and of the country to them. If the abuses to which he refers exist in the Navy Department, I was in hopes that he would have called the attention of the country, especially to those of a glaring and gross character, which the country is convinced do exist in many of the Departments of the Government. We talk about retrenchment, Mr. Chairman; but somehow or other, we never hit the precise item upon which retrenchment should begin. We never get at the precise time when it should begin. Some how or other, we never find the House or the country in a position or in a condition to commence this great work of retrenchment and reform, by which to lessen the burden of taxes upon the people. If we talk about retrenchment in time of war, then that is not the time. If we talk about it in time of peace, then the particular object is not the one upon which to begin. If in time of war or of peace, it be not the proper time to commence, when in the name of high Heaven, and of common sense, is the proper time to arrive when this work of retrenchment is to be begun?

I want the gentleman who alluded to these abuses, and who spoke in such strong and forcible terms of the necessity of retrenchment and reform, to point out the items, and we will try to begin the work.

I was much gratified, as I said, with the remarks coming from the quarter that they did; and when we come to look at the expenditures of the Government from its origin, and trace them down to the present time, we find that there has been an enormous increase. Look to the Army, look to the Navy, where it is conceded upon all hands that the grossest abuses exist, and there you find the greatest amount of expenditure.

Look at the expenditure of this Government from its origin to the present time, exclusive of its public debt, and we find that we have expended nearly \$1,000,000,000. And where has it gone? More than \$600,000,000 have been expended upon the Army and Navy Departments of the Government, where it is conceded that those great abuses exist, and where retrenchment should begin. These are facts. Over \$600,000,000 have been expended upon the Army and the Navy of this Union; and yet we cannot find a place, or fix upon the time when this work of retrenchment shall be begun.

The Army and the Navy of this Government, as has been the case in the Governments of the Old World, are the great arteries, out of which the Government is bled to exhaustion, and through which the Government oppress the people, even to resistance in many instances. It is time to stop. Let us commence the work of retrenchment, and tie up the bleeding arteries that will ultimately exhaust the whole system.

The question was then taken on the amendment offered by Mr. GOODENOW, and it was not agreed to.

Mr. POLK. I move to strike out the whole appropriation.

I understand, sir, that the Committee on Naval Affairs have had under consideration the questions pertaining to that branch of the public service, and that by a rule of this House, all estimates of that committee have to be submitted to the Committee of Ways and Means.

I remember that a motion was made at an early day of this session, that the report of each committee should be final as to the propriety or impropriety of a matter falling within the jurisdiction of such committee. The vote was taken in this House; and why was that done?

The peculiar organization of the Committee of Ways and Means, as made by the Speaker of this House, should influence the common sense of this Congress to withhold from that committee any decision upon matters connected with the nation-

ality of this Republic. There is no national feeling there. I do not desire to be personal to anybody, but it is highly injurious to the country to find the Committee of Ways and Means—having the control over everything connected with the prosperity of the country—refusing to strengthen that arm upon which we must rely for our national defense. We can whip any army that may venture upon our shores. We can encounter with success any military force upon our coast. We cannot fight them successfully, however, upon the high seas unless you give us sails and armaments with which to do it. We require it as a nation. We require it as a Republic. But when we see men whose eyes shine like moon-eyed horses at every dollar [laughter] that is appropriated to build up the national defenses, I think the nation is in mighty poor keeping. [Laughter.] This, sir, I consider it due to say, and say it because the whole history of that committee will sustain it. Their very conduct and acts show it. The rules of this House should be altered, for why should the Committee of Ways and Means know, how could they know, what is essential to that arm of our service, the Navy, better than a committee appointed by this House to take it into consideration. They cannot do it. They give to it a few hours' consideration, and then report here that it ought not to be approved of.

Our country requires the condemnation of any action that involves a neglect of great national interests; and so far as my voice goes, I condemn it here.

The question then recurred on the amendment of Mr. STANTON, of Tennessee.

Mr. WALSH demanded tellers; which were ordered; and Messrs. STANTON, of Tennessee, and JOHNSON, of Arkansas, were appointed.

The question was then taken, and the amendment was agreed to; the tellers having reported—ayes 70, noes 50.

Mr. COBB. I move the following amendment as an addition to the one just adopted:

*Provided*, That the building of more than one vessel shall not be commenced in each year.

Mr. FLORENCE. No matter what the necessity may be?

Mr. HOUSTON. Is that proviso in order?

The CHAIRMAN. It is clearly in order if the original proposition of the gentleman from Tennessee was.

Mr. HOUSTON. Is it in order as a distinct amendment?

The CHAIRMAN. The Chair thinks that it is in order as a distinct amendment, because it directs the mode of appropriation.

The question was taken on the amendment, and it was disagreed to.

Mr. STANTON, of Tennessee. I submit the following amendment, to come in immediately after what has just been adopted:

And the Secretary of the Navy is also authorized and directed to cause to be applied, as soon as practicable, to all steam vessels belonging to the United States, the best form of condenser for supplying fresh water to marine boilers at sea; and to pay to the owner or owners thereof, such price for the right to use such condenser, as a board to consist of the Engineer-in-Chief and two or more chief engineers of the Navy, may designate to be the value thereof: *Provided, however*, That no condenser shall be so applied, unless the same shall have been practically tested at sea, and found capable of being used as a surface, as well as jet condenser.

With reference to this amendment, I desire to say a single word. It will be remembered that two years ago I offered an amendment of the same kind, for the purpose of applying this fresh-water apparatus to marine boilers of our sea steamers. It is an object, sir, of very great importance, and one which will, I believe, contribute in a very great degree to the economy of the service. It is not possible for me to enter into an argument, at this time, to show these facts; but every gentleman who knows anything of the subject, must have come to this conclusion long since. Instead of adopting the amendment I proposed two years ago, this House appropriated \$5,000, and directed the Secretary of the Navy to appoint a board of commissioners. He appointed two or three learned gentlemen of Philadelphia, who made a long report, which was referred to the Naval Committee, but which I have never had an opportunity to report back to the House. It enters learnedly into the theory of the question—the effect of salt water upon steam boilers, but ending in nothing practical. This proposition simply refers the



question to the Secretary of the Navy, and directs him to adopt the best possible invention for the purpose of accomplishing this object—the furnishing of boilers at sea with fresh water, and preventing the accumulation of scale and the destruction of boilers, which is consequent upon their being scaled by the use of salt water. There will be a saving of an immense amount of fuel by restoring hot fresh water to the boilers, instead of salt water at the temperature of the sea. I think there can be no objection to the proposition, and I hope it will be adopted:

The question was taken, and the amendment was adopted.

Mr. PRICE. I offer the following amendment, to come in after the one just adopted:

And that the Secretary of the Navy be, and he hereby is, authorized and required to have completed without unnecessary delay, the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress passed April 14th, 1842.

Mr. JONES, of Tennessee. I raised a point of order upon that amendment when it was proposed before, and was sustained by the Chair.

Mr. PRICE. It was under different circumstances. Under the ruling of the Chair it is now in order as a part of the amendment declared by the committee to be in order.

The CHAIRMAN. The decision of the Chair in regard to the amendment of the gentleman from Tennessee was not sustained, but he does not understand this as having any connection with the amendment proposed by the gentleman from Tennessee, and adopted by the committee. The Chair adheres to his former decision, and decides this amendment to be out of order.

Mr. STANTON, of Tennessee. I will suggest that the building of the vessel to which the gentleman refers, was commenced some years ago. It is a work actually in progress.

Mr. PRICE. I appeal from the decision of the Chair, upon the ground that this is only a declaratory resolution for carrying out an existing law of Congress.

The CHAIRMAN. The Chair decides the amendment proposed by the gentleman from New Jersey out of order. From that decision an appeal is taken, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. POLK. Will the Chair please explain the grounds upon which he objects to the amendment, so that the committee may be enabled to vote understandingly?

The CHAIRMAN. The Chair decides the amendment to be out of order, under the 81st rule. [Published in a preceding column.]

Mr. CHANDLER. Is this work not in progress?

Mr. PRICE. It is.

Mr. STEVENS, of Pennsylvania. There exists a law in regard to this, and the work is in progress.

The CHAIRMAN. No contract has been adduced showing that this work is in progress. It is an old work commenced in 1842, and nothing has been shown of its continuance since.

Mr. STANTON. I will state a simple fact to the committee. This work was authorized by law, I believe, in 1842, and money was appropriated and paid out upon it until it was stopped by the Secretary of the Navy.

Mr. JONES, of Tennessee. In 1842 there was a joint resolution passed, authorizing the construction of this vessel, and an appropriation of \$250,000 was made for that purpose. That was ten years ago. Under the general law that amount has been, if this law has not been executed, carried to the surplus fund, and there is now really no appropriation for that object. Unless there is passed a new law, directing the Secretary of the Treasury to enter into this contract, the law of 1842 never will be executed—it is obsolete.

Mr. POLK. I acknowledge the premises of my colleague, provided he will allow the amendment to be read, and see what connection it has with the law by which the Chair decides it to be out of order.

The amendment was again read.

Mr. STUART. Do I understand that the Chair rules the amendment out of order, because it provides for an appropriation in an appropriation bill contrary to law?

The CHAIRMAN. The Chair decides that it is equivalent to a new proposition.

Mr. STUART. I say that it is in order.

Mr. POLK. Does the Chair decide that this House has not the power to make an appropriation to carry out the law passed in 1842?

The CHAIRMAN. The House has the power to do it.

Mr. POLK. If the House has not, it has not the power to carry out its own purposes. I appeal from the decision of the Chair.

Mr. BROWN, of New Jersey. I think that the Chair is mistaken in point of fact. Not only is this joint resolution, that has been referred to, the existing law, but there is an existing contract under it. That contract has not been rescinded. It is obligatory upon the Government; but the Secretary of the Navy refuses to make payments under that contract as the work proceeds.

Mr. JENKINS. Why?

Mr. BROWN. Upon reasons in which the Secretary of the Navy is mistaken in point of fact.

Mr. CABLE, of Ohio. I call the gentleman to order.

The CHAIRMAN. Debate is not in order. The Chair decides that it is equivalent to a new proposition, nothing more or less. If there was any appropriation made in 1842, it has been carried into the Treasury, and is lost sight of, so far as this measure is concerned.

Mr. PRICE. It has never been carried to any other fund. It is now standing to the credit of this work.

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. POLK demanded tellers; which were ordered; and Messrs. VENABLE and CHASTAIN were appointed.

The question was then taken; and the tellers reported—ayes 62, noes 59.

So the decision of the Chair was sustained.

The following section was then read, viz:

"For continuing the publication of the Wind and Current Charts, and for defraying all the expenses connected therewith, \$10,000."

Mr. STANTON, of Tennessee. Before the committee proceed to consider another clause, I offer the following amendment to this section:

And the Secretary of the Navy is hereby authorized, if he shall deem it expedient, to send a steamer of light draft up the Rio de la Plata and its tributaries, to examine and report as to their navigability, and as to the commercial resources and capacities of the country drained by them: *Provided*, Such steamer can be spared from the naval service without inconvenience or additional cost.

This proposition is not to add anything to the expense of the Navy, but simply to authorize the Secretary of the Navy to send a vessel, if one can be spared, and if it will not add anything to the cost of the service.

Mr. ORR. I rise to a question of order, that the amendment is not in order. There is no law in existence which it is intended to execute.

Mr. STANTON. It is only directing the service in which the Navy shall be employed.

Mr. ORR. It is a kind of a new exploring expedition without the authority of law.

The CHAIRMAN. The Chair thinks that the amendment is not in order.

The next section was then read, as follows:

"For the repairs and erection of buildings at the United States Naval Academy at Annapolis, Maryland, \$28,000."

Mr. WILDRICK. I offer the following amendment:

To complete quarters for the students and professors at the Naval Academy at Annapolis, the sum of \$75,000.

I ask that the following letters from the Department be read:

NAVY DEPARTMENT, July 30, 1852.

SIR: I have the honor to inclose herewith a copy of a letter from the Chief of the Bureau of Ordnance and Hydrography of this Department, asking that the sum of \$75,000 may be added to the appropriation already reported by the chairman of the Committee of Ways and Means of the House of Representatives, which sum was stricken out of the deficiency bill.

This sum of \$75,000 is the balance of the estimate made for the fiscal year ending June 30, 1852, and is required to complete the quarters for the students and professors at the Naval Academy in Annapolis, which have been commenced but must remain in an incomplete condition, hazarding the health and comfort of the inmates of that institution, unless the means are provided to complete them. I therefore urgently request that there may be added to the appropriation act for the naval service, for the year ending June 30, 1853, the sum of \$75,000 "for the repair and erection

of buildings at the United States Naval Academy at Annapolis," thereby substituting \$103,000, instead of \$28,000, for that purpose.

I have the honor to be, with high respect, your obedient servant,

JOHN P. KENNEDY.

Hon. F. P. STANTON,

Chairman Committee Naval Affairs,  
House of Representatives.

BUREAU OF ORDNANCE AND HYDROGRAPHY,  
July 30, 1852.

SIR: The estimates which were presented to Congress "for the repair and erection of buildings at the United States Naval Academy at Annapolis, Maryland," for the fiscal year ending June 30, 1852, amounted to the sum of \$127,500; to which a note was appended, that of that sum, \$75,000 would, in all probability, be expended in the fiscal year. Congress only appropriated \$52,500 of the sum asked.

When the estimates of 1852-'53 were prepared, the sum of \$75,000, which was required to complete the original estimate, was, by direction of the Secretary of the Navy, presented as a "deficiency." The Committee of Ways and Means did not so consider it, and it was not included in the bill.

An appropriation to that amount, in addition to the sums embraced in the estimates for the present year, will be indispensable to erect the buildings necessary for the proper accommodation and instruction of the number of midshipmen which, by the existing arrangements, will be soon collected, and afterwards be generally attached to the Academy to receive instruction.

I therefore respectfully suggest the expediency of calling the attention of the Naval Committees to the propriety of asking for it, at the proper time, as an amendment to the naval appropriation bill, as it has been reported.

With much respect, I am, sir, your obedient servant,  
C. MORRIS, Chief of Bureau.

Hon. SECRETARY OF THE NAVY.

Mr. BOWIE. I move to increase the appropriation \$1,000. In the estimates for the year ending the 30th of June, 1852, the cost of improvements at Annapolis for the necessary accommodations of the midshipmen, professors, and instructors, was estimated at \$127,500. Accompanying which was a note, stating that \$75,000 would be probably expended that year. Congress appropriated only \$52,000, leaving a balance of \$75,000 yet to be appropriated for the completion of works then contemplated. When the estimates for the fiscal year ending June, 1853, were prepared, this sum of \$75,000 was presented to the Committee of Ways and Means, as a deficit; but that committee not regarding it as such, excluded it from the bill now under consideration. The Committee of Ways and Means have made no appropriation for this deficit. We are informed by the proper Department, that this sum is absolutely essential to complete the structures already commenced, and to protect the health of those who are engaged in the naval school. It may not be generally known that there will be one hundred and forty midshipmen constantly instructed at the Naval Academy at Annapolis, and there are now one hundred and seventy-five persons in the employment of the United States, engaged in the Naval Academy. The whole routine of study has been changed. It requires four years to complete the naval education of the midshipmen. They are engaged annually in experimental cruising for three months. The Government are determined to make this branch of the service equal in science and efficiency to the other great arm of national defense. I make these explanations that the House may know the object for which the appropriation is made, and that it is recommended by the Committee on Naval Affairs.

Mr. HOUSTON. This sum of \$75,000 was estimated for as a deficiency, as stated by the gentleman from Maryland, [Mr. Bowie,] and submitted to the Committee of Ways and Means. The committee very properly decided that it was no deficiency, for the Department had recommended the \$75,000 merely because Congress struck it out at the last session. It was recommended at the second session of the last Congress, and the committee saw fit to strike it out. They reduced the estimates \$75,000 then. Simply because it was stricken out by Congress, and not because there was not money enough to go on with the work the last fiscal year, the head of that bureau recommended it as a deficiency. The Committee of Ways and Means very properly decided that it was no deficiency, and that it ought to go in the regular bill of estimates. The head of the bureau saw fit not to present it any further to that committee. As far as I am concerned, I have no objection to the amendment.

Mr. BOWIE. With the consent of the committee I will withdraw my amendment.

Mr. STANTON, of Ohio. Mr. Chairman, I am

opposed to this amendment, as well as the clause proposed to be amended, which makes an appropriation for the Naval Academy at Annapolis. I am satisfied that this institution is used as an engine of favoritism, where the sons of a favored few are educated at the public expense, and therefore it ought to be abolished. The law provides that midshipmen in the Navy shall be apportioned among the several States according to the representation in Congress, and that no midshipman shall be appointed from, or for any Congressional district, who is not an actual resident of the district for which he is appointed at the time of his appointment.

There is no doubt but it was the intention of Congress that the appointments should be made upon the recommendation of the member representing the district, in the same manner that appointments are made for the Military Academy at West Point. But this is not done.

Appointments are made without consulting the member from the district, upon the recommendation of persons who are in no way responsible for the appointment. Some time in March, 1851, as near as I can recollect, I addressed a note to the Secretary of the Navy, asking when there would be a vacancy from my district; and was informed, in reply, that it was uncertain, but probably an appointment would be made in June of last year.

Some time in the course of the summer, I repeated the inquiry, and was told, in reply, that there was no vacancy.

Some time during the past winter, I repeated the inquiry. I was told, in reply, that, "owing to circumstances over which the Department had no control," it could not be known when there would be a vacancy.

Being still pressed with applications for the appointment, I returned to the charge again; and in July last, I inquired what the circumstances were which prevented the Department from knowing when there would be a vacancy. I was told, in reply, that it was uncertain when the midshipman from the district would graduate.

I had now become satisfied that I was trifled with, and that there was a disposition to conceal the true state of the matter from me. I thereupon immediately inquired who the present incumbent was, and when he was appointed, and whether the Department considered the member from the district entitled to any control over the appointment.

I was told, in reply, that there were three midshipmen in the service from my district, one of whom was appointed September 9, 1847, and the other two on the 1st of October, 1851; that the Department did not consider the member from the district entitled to any control over the appointment, but that my recommendation would be treated with great respect. When I considered that two midshipmen had been appointed from the district since my term commenced, and whilst I was seeking information as to the time when a vacancy would happen, and an appointment be made, I did not feel much flattered by the intelligence that "my recommendation would be treated with great respect."

I do not wish to be understood as finding any fault with the appointments. I should probably have recommended one of them myself, if the applicant had not been so fortunate as to procure recommendations from more influential sources. I should not have recommended both, for the reason that they both reside in the same town, as there are five counties in my district. But what I do complain of is, that the law evidently contemplates that the appointment shall be made upon the recommendation of the member from the district; and the propriety of it is so manifest, that to make an appointment without consulting the member, cannot but be regarded as a personal indignity that I do not choose tamely to submit to it. And I feel myself bound scrupulously and jealously to guard all the rights, privileges, and prerogatives of my office from invasion, and to hand them over unimpaired to my successor. Believing, therefore, that this institution is used as an instrument of favoritism, and is a source of corruption, I shall vote against all appropriations for its support.

Mr. DEAN. Does the gentleman accuse the Whig candidate for the Vice Presidency of violating the law?

Mr. STANTON, of Ohio. I did not say anything in regard to the Whig candidate for the Vice Presidency.

Mr. WALSH. It is not a charge peculiar to the Secretary of the Navy, who has just retired from office, and is the candidate for the Vice Presidency of this nation, on the Whig ticket. This system of favoritism has been prevailing in this country half a century, in spite of all your precaution.

Mr. HOUSTON. I object to debate about presidential candidates. I desire to get through this bill.

Mr. WALSH. I said that it was not a charge peculiar to the Secretary of the Navy. I am speaking of the system. Despite of all ordinary legislation you may attempt, the system of favoritism will prevail, unless you establish something like a criminal code, and visit men with penalties for violation of the law. The law ought to be explicit, that these appointments shall be made under the application of members of Congress, or rather by their designation, so that all sections of the country shall come in for a share of the benefits of this national institution. If favoritism goes on in this way, I do not hesitate to say that the Navy, instead of properly representing the people, and receiving its strength from that portion of them who can best sustain the national interests and national defenses, will be only a type of a particular class. I mean no personal assault upon any gentleman who may be appointed. I do not know any of them. I only speak of the gross violation of right frequently practiced, and the system of favoritism which has long prevailed. Now that the attention of the House has been called to the subject of naval reform, I hope that this matter will receive special attention. There is no Department of your Government in which the American people take more pride than in your Navy, and it is associated with all the glorious memories which cluster around the homes of American freemen; but if its management is to be nothing but a system of bounties, you at once sap the foundations of its usefulness. Let a law be passed similar to that which governs the appointments to the Military Academy. Let each Representative in Congress have a right to name a midshipman for his district. What he does will be done in the face of day, and subject always to a just responsibility.

The question now being upon the amendment to the amendment—

Mr. BOWIE, by unanimous consent, withdrew it.

The question recurred on the amendment proposed by the gentleman from New Jersey, [Mr. WILDRICK.]

Mr. GOODENOW demanded tellers; which were ordered; and Messrs. PRICE, and HOW of New York, were appointed.

The question was then taken, and the tellers reported—ayes 85, noes 34.

So the amendment was adopted.

Mr. STUART. I offer the following amendment, to come in after the amendment just adopted, viz:

And hereafter no appointment of midshipmen in the Navy shall be made unless recommended by the member of Congress representing the district in which the applicant resides.

Mr. ORR. I raise a question of order upon that amendment. It does not appertain to any portion of this bill. It is not an appropriation, nor has it reference to any existing law. It proposes to change the existing law.

Mr. STUART. The clause under consideration is an appropriation to pay the expenses of this school, and the amendment is to provide how these midshipmen shall hereafter be appointed. It is as clearly germane to this bill as anything can be. The idea that nothing can be introduced into an appropriation bill, except appropriations estimated for by the Department, is an idea which never found anybody to advocate it until within the last ten days.

The CHAIRMAN. The Chair decides the amendment of the gentleman from Michigan to be out of order.

Mr. STUART. From that decision I appeal.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the negative.

So the decision of the Chair was overruled, and the amendment held to be in order.

Mr. STUART. The amendment being in order, I suppose I have the floor.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Michigan if his amendment will not virtually vest the appointments in members of Congress?

Mr. STUART. That is precisely what it will do.

Mr. JONES. The Constitution gives them to the President.

Mr. STUART. I have had some little experience in this matter. I was here in the Thirtieth Congress, and I applied for the appointment of a midshipman from the State of Michigan. I was told that there was no vacancy in that State; that there was a fraction in Michigan and a fraction in Missouri, and that perhaps, by an agreement between the members from those States, there might be an appointment got out of the two. Well, the first thing that I knew after that was, that an officer of the Army had procured a midshipman an appointment, and charged to my district; and that midshipman, if he resides anywhere, resides in Virginia. Now, the object of my amendment is to confine the nominations to the members of Congress, just as is done in the case of the Military Academy. Let each member of Congress take the responsibility of the appointment from his district, and see that the applicant really resides in his district, and is not imported there from some other part of the country.

Mr. HOUSTON. I feel it my duty to state a fact in connection with this amendment. A friend of mine applied through me for the appointment of his son to that school, but at the time he made the application there was no opportunity of getting his son in. Since that time he has removed out of my district. Learning that there was a vacancy, I renewed the application. The question was put to me whether he was a resident in my district, and I stated that at that time he was not. They excluded him on that ground, afterwards appointing another on my recommendation, who lived in my district. So far, therefore, as my experience goes, the law has been very rigidly enforced.

Mr. STUART. I desire to modify my amendment, by adding to the words:

"In the same manner that cadets at West Point are now appointed."

Mr. VENABLE. I desire to make a remark or two upon this subject; and if the gentleman from Michigan will allow me, I will offer that modification as an amendment to the amendment.

Mr. STUART. Certainly, sir.

Mr. VENABLE. Then I move to amend the amount by adding thereto the words indicated by the gentleman from Michigan.

Mr. Chairman, I have but a remark or two to make upon this subject. I have been in Congress six years, and I never yet have had a vacancy in my district. The whole business has been conducted on a principle of favoritism. Whenever I have claimed appointments from my district, I have been told that there were difficulties in the way. I was told so during General Taylor's administration. I suggested an appointment to the Secretary of the Navy, and was told in reply that I had assumed the right to appoint, which belonged to him.

Mr. CLINGMAN. If my colleague will permit me, I should like to say something on that point. Whilst I was a member of the last Congress I sent in recommendations for a young man in my district which came to me from the most respectable sources. I was informed, however, that there was no vacancy. After I went home, and during the period of my last canvass, I ascertained that the Secretary of the Navy (Mr. Graham) had written a letter to the gentleman who was my opponent for Congress, and had requested him to nominate two midshipmen from the district, upon the ground that there were two vacancies. I mention this to show that whatever may be the law, the practice has been arbitrary, and conducted on mere principles of favoritism. Even if it be true, as stated all around, that, by law, the Secretary ought to take the same course that is followed with reference to the appointment of cadets at West Point, yet it is necessary that we should reiterate that provision of the law to cause Secretaries to respect it. I therefore favor the amendment.

Mr. STANTON, of Tennessee. Let me say that I have been treated just as badly as that.

Mr. FOWLER. Will the gentleman from North Carolina let me say one word?

Mr. VENABLE. I cannot. I have not time. I presume that the gentleman from Massachusetts, and the gentleman from Tennessee, were treated in the same way that I was.

Mr. TAYLOR. I desire to interrupt the gentleman for the purpose of calling his attention to the law now in existence that regulates this whole matter.

Mr. VENABLE. I care nothing at all about the law.

Mr. TAYLOR. I merely wish to have it read.

Mr. VENABLE. The gentleman can oppose my amendment, and have the law read in his own five minutes. Sir, the whole Navy Department has been employed for the purpose of sustaining the favorites of the Secretary. Gentlemen here have had their recommendations treated with contempt, and the individuals recommended by them have not been appointed. They have been told there were no vacancies in their districts, and then individuals from those districts have been put into the Naval School without regard to their recommendations. Sir, this power ought to be taken from the Secretary of the Navy. If we have the power to nominate cadets for the Academy at West Point, we ought to have precisely the same power to control these appointments.

Mr. FLORENCE. I hope the gentleman will let me tell my experiences. I have had eleven applications from my district.

Mr. VENABLE. The injustice of this system is obvious.

Mr. STEVENS, of Pennsylvania. I am obliged to oppose this amendment, and say a word in justification of the Secretary of the Navy. I believe it is an amendment which is in direct conflict with the resolutions of 1798. I believe that the Secretary of the Navy and all the other Secretaries, are bound by the resolutions of 1798-'99, together with Madison's commentaries, to appoint nearly all the officers of this Government from Virginia, [laughter.] and, if this amendment passes, it takes away that privilege which has heretofore been so faithfully exercised, [renewed laughter.] Being a violation of those sacred resolutions, I hold it to be even worse than violating both the Baltimore platforms put together, because it is violating fundamental principles superior to the Constitution itself, [laughter.] How does any gentleman who holds to those resolutions, dare to rise here and censure the officers of this Government for following them out? Why, I know that the Secretary of the Interior has taken so many Whigs from certain Whig districts—for instance, from the Wheeling district—and put them into offices here, that he left none at home to vote for the Whig candidates, and they were defeated. [Great laughter.]

Now, sir, for these reasons, I trust that this amendment or this resolution will be voted down, and that those resolutions, old and venerable, will prevail.

Mr. FLORENCE. I want to ask the gentleman a question.

Mr. STEVENS. I have done.

Mr. FLORENCE. I want to know whether the Baltimore platform contained this principle?

[Cries of "Order!"]

The CHAIRMAN. No further debate is in order.

Mr. FLORENCE. I think it is clearly in order to ask my colleague from Pennsylvania a question of that kind.

[Renewed cries of "Order!"]

The question was then taken on the amendment to the amendment, and it was adopted.

Mr. FLORENCE. I offer the following amendment to the amendment:

*Provided*, That the President be, and he is hereby, authorized and required, in addition to the number of midshipmen now directed to be appointed, to select ten additional midshipmen who shall be appointed at large, without being confined to Congressional districts.

Mr. F. said: I will state, that a similar provision is embodied in the law appointing cadets to the West Point Academy, and it is no more than right and proper, that the same privilege should be extended to the Naval School at Annapolis.

Mr. BRECKINRIDGE. I trust the committee will not adopt this provision, because it is well known that we have now a great many more midshipmen than the wants of the country require;

and a great many more passed midshipmen and lieutenants than the wants of the service require; and what is the use of creating officers for which we have no duty?

Mr. FLORENCE. We want them for the future marine service of the country.

[Cries of "Order!"]

The CHAIRMAN. No further debate is in order.

Mr. FLORENCE. I had not got through with my five minutes—I only yielded to the gentleman from Kentucky.

Mr. BRECKINRIDGE. Then I beg the gentleman's pardon. I thought he had finished.

Mr. FLORENCE. I will merely state that these midshipmen are just the men we want to enter into the civil marine service. I apprehend there is not a man in this House—for I heard it in the discussion upon the bill to provide for punishment in the Navy—who will not agree that there is great need for reform in the great commercial marine of the country.

Mr. STANTON, of Tennessee. I merely wish to say that—

The CHAIRMAN. No further debate is in order.

Mr. STANTON. I wish to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] spoke in opposition to the amendment.

Mr. STANTON. Then the gentleman from Pennsylvania had no right to reply.

Mr. BRECKINRIDGE. If anybody is entitled to the floor to speak in opposition to the amendment, I am.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. FLORENCE] first took the floor, made his speech, and, as the Chair thought, yielded altogether. The floor was then taken by the gentleman from Kentucky, [Mr. BRECKINRIDGE], in opposition to the amendment. Afterwards, the gentleman from Pennsylvania claimed the floor, upon the ground that he had only yielded to the gentleman from Kentucky and had not consumed his five minutes.

Mr. FLORENCE. I rise to a point of order. While I was addressing the committee, the gentleman from Kentucky rose and was recognized by the Chair, and occupied a portion of my time. I intended to say further as a reason why my amendment should be adopted, that there are eleven already appointed in my district, and I want these ten added to be selected from the country at large, so that I may get the President to appoint another.

The CHAIRMAN. The gentleman is not stating a point of order.

Mr. JOHNSON, of Arkansas. I rise to a point of order. I understand the Chair decides that the gentleman from Pennsylvania first took the floor, and addressed the committee. The gentleman from Kentucky then took the floor, and spoke in opposition to the amendment, and had the five minutes considerably extended to him, and then the gentleman from Pennsylvania was again allowed to speak in reply. Now I say, the Chair had no right to allow him to both open and close debate upon an amendment under the five minutes rule.

The CHAIRMAN. The Chair thinks the gentleman's point is well taken. The proceeding was irregular.

Mr. JOHNSON. If the Chair decides that the gentleman was in order, then I appeal from that decision, for the Chair cannot control the action of the House.

The CHAIRMAN. The question is upon the amendment to the amendment.

Mr. JOHNSON. I demand to be heard in opposition to that amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] has already spoken in opposition to it, and no further debate is in order.

Mr. JOHNSON. Then how did it happen that the gentleman from Pennsylvania spoke in the affirmative afterwards?

The CHAIRMAN. The Chair has already said that it was irregular.

Mr. JOHNSON. Well, the Chair allowed it, and I appeal from the decision of the Chair in allowing it. [Laughter.]

[Renewed cries of "Order!"]

Mr. JOHNSON. I want this fact shown in re-

lation to this whole matter—and this is but another instance of the same kind—that when anything was to be done in relation to this Annapolis school, this Government has acted upon principles of the grossest favoritism and injustice. I have never had an appointment to that school from my district at all. [Cries of "Order!" "Order!"] I have been in Congress for six years, and I say six years is a long enough time for a vacancy to have occurred in that district. ["Order!" "Order!"] I want to call the attention of the House to the fact of the injustice and inequality which has been shown in the management of this school.

Mr. KING, of New York. I rise to a point of order. I want to know whether the gentleman from Arkansas has the right to speak upon this amendment, after two speeches have already been made?

The CHAIRMAN. The gentleman from Arkansas is not in order.

Mr. JOHNSON. Well, I object utterly to the amendment; it is but ten more who will be subject to the same favoritism.

[Loud cries of "Order!" "Order!"]

The question was taken, and the amendment to the amendment was not agreed to.

Mr. BAYLY, of Virginia. Is it now in order to speak against the amendment?

The CHAIRMAN. It is not.

Mr. BAYLY. Then I move to strike out from the amendment the word "recommend." I do it for the purpose of saying that, in my opinion, that provision is in conflict with the Constitution of the United States, and not in conflict with the resolutions of 1798, as the gentleman from Pennsylvania [Mr. STEVENS] seemed to suppose that a similar amendment was. [Great laughter.] But what I desire to say is in reply to the things which have been made at Virginia and Maryland, in respect to the number of officers which those two States have in the Navy. Now, sir, the history of that matter is this: In the late war with Great Britain, the States of Virginia and Maryland, and other Atlantic States, so far from coming before this Government to ask an undue patronage, the President appealed to the patriotism of the young men of the country to enter into the naval service, which was then in its infancy. That call was promptly responded to by Maryland, by Virginia, and by New Jersey, and the other Atlantic States; and it is in consequence, or mainly in consequence of that, that there are so many officers of the higher grade in the Navy from those States, and subsequently it was natural that those living on the sea-coast should have been most anxious to enter that service. Well, sir, a number of years ago, upon the motion of a gentleman from Massachusetts, (Mr. Parmenter,) at that time the chairman of the Committee on Naval Affairs, a provision was inserted in the naval bill, that no new appointments should be made into the Navy from those States which had received more than their share, according to the ratio of representation, until equality between the States should be established. And what has been the result? I beg leave to call the attention of the gentleman from Pennsylvania [Mr. STEVENS] to that point: What has been the result? There has not been a midshipman appointed from Virginia from the time of the passage of that law to this day, and there probably cannot be another for the next eight or ten years. In other words, so far as this patronage or appointment to office is concerned, by the action of the Congress of the United States, the States of Maryland, Virginia, and New Jersey, and those other States to which this proscription applies, have actually been punished for their patriotism.

Mr. STUART. It may be true that there have not been appointments made which have been charged to Virginia since that time, but there have been appointments made of individuals who resided in that State. I know of one instance where a boy was sent from the State of Virginia to Ohio to reside just long enough to gain a residence in that State, in order to get an appointment in the Navy from the State of Ohio.

Now, sir, the evil I mean to strike at is clearly indicated in my amendment. I mean the thing shall be called by its right name. If an appointment is made and charged to my district, I want the appointee shall reside there, and not be a resident of Virginia or any other portion of the country. It now perpetrates great injustice upon most



of the districts of this country, and as the gentleman from Ohio [Mr. STANTON] says, upon the public service also.

Mr. ORR. I move that the committee do now rise.

The question was taken on the motion, and it was not agreed to.

The question was next taken upon the amendment offered by Mr. BAYLY, and it was not agreed to.

Mr. HENN. I move that the committee take a recess until seven o'clock this evening.

The question was put, and the motion was not agreed to.

Mr. JOHNSON, of Arkansas. I offer the following amendment to the amendment, and I shall make a remark or two in regard to it:

And hereafter in the appointment of midshipmen, the nomination of members of Congress as to applications from their respective districts shall be respected and observed in the same manner, and to the same extent, as is now the practice in reference to cadets at West Point.

Now, sir, I wish to state that I have been here for nearly six years, and I will say to the Chair, in the presence of this House, that I have never been able to get the first solitary appointment from my district, which is large enough to have had two Representatives upon this floor—I have never been able to get a solitary appointment to the Annapolis Academy.

To those who are friends to that Academy, I will say this: that when they exclude one half of the nation, they must expect to have to fight it, on the very existence of the institution.

All parts of the Union should be permitted to share alike, and to be educated alike, to sustain the flag of this country upon the ocean. They ought to look for children from every section of the Union, and then they may look for something that is grand in its effect, in a national point of view, in concentrating the affections and patriotism of the whole people upon the whole country.

But when they act upon that poor, pitiful, wretched, I might say shameful, principle of favoritism which has marked the conduct of this Department, they can expect, and will receive, nothing but war and condemnation upon the institution itself, and the Annapolis Academy will go where it shall be heard of no more.

The amendment I have proposed would put that institution upon the same footing with West Point, and upon no other footing, and would allow every section the high privilege of defending the flag of our country upon the ocean; and that in order to do so one cadet shall be appointed from each district. Then every section and every district feeling itself interested will feel bound to uphold the institution; and favoritism, instead of throwing that interest all to the North or to the South, will distribute it among us all equally, North, South, East, and West. That is what will put it upon the ground upon which the West Point Academy stands, so that the same principle which satisfies us now, and enables us to sustain the institution of West Point, in spite of strong opposition against it for years together, will enable us to sustain the Annapolis institution.

Put that institution upon that footing in regard to appointments, and you will do a good to the country, and satisfy the wishes of all; but if you draw a distinction between them, and in favor of the Annapolis institution, so help me God, I shall, and every man in the world ought to take pride in endeavoring to tear down this, or any other institution of like character, which does or would deny to the whole Union the right to share equally its privileges.

That is the position in which it now stands, and I ask that my amendment may be adopted; for I say there is nothing now but favoritism, and this debate has elicited already evidence of it sufficient, when it becomes plain that a district can be cut off from the public school, not for four or six, but for ten years at a time.

Mr. CARTTER. I am opposed to the amendment, but agree with its sentiment. We have just adopted an amendment which covers the whole ground.

Mr. JOHNSON, of Arkansas. My amendment was designed as a substitute for the amendment.

Mr. JOHNSON, of Tennessee. If it was offered as a substitute for the amendment, is not the substitute amendable?

The CHAIRMAN. It is amendable.

Mr. JOHNSON, of Tennessee. Then I move to amend the substitute, as follows:

*Provided*, That members of Congress making a nomination, shall not nominate his own son, or the son of any other member.

I am in hopes this House will adopt all these amendments, and I concur most fully in the sentiments expressed by the member from Arkansas, [Mr. JOHNSON.] I am satisfied that a system of favoritism has been practiced in these two Departments, both so far as West Point and Annapolis are concerned; but while we are striking at one branch of favoritism, I think we ought to strike at the other. I have been informed that members sometimes make their way into the Congress of the United States decidedly opposed to this Naval School, and West Point Academy, but some how or other, after being members of Congress, their sons find their way into the Naval School, or into West Point, and by the time the bills come up making appropriations for the support of these institutions, these members of Congress, with almost the suddenness of a flash of lightning, as quick and as sudden as that which poured upon Saul of Tarsus, all at once conceive these institutions to be indispensable to promote the interests of the country.

Mr. JOHNSON, of Arkansas. The gentleman does not mean to insinuate that I have a son there? I have no son.

Mr. JOHNSON, of Tennessee. If the gentleman has no son, I suppose that is his misfortune, and not his fault. [Laughter.]

But, Mr. Chairman, this amendment ought to be adopted with the other, and I am glad to see the proposition to correct this matter come from the quarter that it does. But the argument made by the gentleman from Virginia, [Mr. BAYLY,] seems to me to have but little in it. He makes a constitutional question. I know there are some gentlemen who take the Constitution under their peculiar guardianship, and always stand ready to defend it whenever there is a real or seeming encroachment upon it. I think there is no violation of the Constitution, or of the resolutions of '98 and '99.

I remember that the gentleman voted for a bill we had before Congress for raising ten regiments of troops; and in that bill we provided that the Executive should make his appointments from the captains, so far as the highest officers were concerned; and we have now, by law, required the members of Congress to make certain nominations, and the President makes the appointments. Why cannot the same principle be applied in nominating applicants for places in the Naval School, which has been applied in all those other cases? We have precedents over and over again upon this subject, and there is no infraction or violation of the Constitution in that particular. It only directs the President to make his appointments from the Congressional districts, and this principle has been practiced over and over again. But so far as the Old Dominion is concerned, I will speak of her with the greatest respect; for I know she is entitled to credit, and is sometimes called the mother of statesmen; but I think the gentleman from Arkansas [Mr. JOHNSON] has little to apprehend from that quarter; for there is no danger hereafter of appointments being made from Virginia, for it is said there is no room left there, everybody having received appointments.

But in this connection, I may say, I am decidedly opposed to this School, and to the West Point Academy. This Government ought to cut these institutions up by their roots. Not that I am opposed to science in military affairs—not that I am opposed to science being introduced into the Navy—but let the States establish military and naval schools. Let the States qualify young men and bring them forward, and in a very short time this Government will have a supply far more substantial, and better qualified to meet all demands, than it now has from these schools. I think those two schools ought to be abolished, and that the different States should train up their own young men for the Navy and the Army, and thereby diminish the centralizing influence which is growing up, and becoming so strong that it cannot be resisted by the States.

Mr. BAYLY, of Virginia. I am opposed to this amendment of the gentleman from Tennessee, [Mr. JOHNSON.]

That gentleman seems to have a disposition always to bring himself into collision with me in argument. I have not sought it, nor have I avoided it; but I beg leave to say that his amendment is perfectly unnecessary, because the abuse he complains of, in respect to West Point, not only has not occurred, but it is impossible for it to occur, without a violation of existing regulations.

Mr. JOHNSON, of Tennessee. With the permission of the gentleman, I will ask him if there are not members of Congress here now who have sons there?

Mr. BAYLY. If there is a member of Congress who has his son there appointed from any other district than the district in which he resides, it is in violation of law.

Mr. JOHNSON. That is not the point. We are talking about members of Congress having sons appointed.

Mr. BAYLY. I take the gentleman upon the point he made. He complains that members of Congress have had appointments of their sons made for other districts than those in which they reside. I say if they have, it is in violation of law, and being in violation of existing law, no new law is necessary to remedy the mischief.

The regulations require that the appointee shall be appointed from the district in which he actually resides. That is the law, and if such an appointment, as the gentleman speaks of, has been made it was in violation of the law, and his amendment will not correct the mischief, because it will add nothing to an existing law.

Mr. JOHNSON, of Arkansas. I will say that the declaration of the gentleman from Virginia is satisfactory upon the point to which he has addressed his remarks, that where an appointment is made for a district outside of it, it is in violation of law. I will ask the gentleman from Tennessee if he knows of any member upon this floor whose son was appointed under unlawful circumstances, that he will name him, and let the matter be brought home. Those who have children of ten or twelve years of age should be charged with their education.

Mr. JOHNSON, of Tennessee. The gentleman from Virginia, has made a wholly false issue. That amendment does not provide with regard to the appointment of sons of members of Congress out of the district. He has missed the issue entirely. It provides that a member of Congress shall not nominate his own son, or the son of another member of Congress.

Mr. BAYLY. When the gentleman brings forward an amendment of that sort, and in support of it complains of a practice in violation of existing law, he ought to specify to whom his remarks apply. They do not apply to me, as it is well known I have no son. When he makes such a charge as he has made before the American Congress, he ought to point to the individual who has been accessory to this violation of the law. The law, I say, is, that the appointee shall come from the district in which he lives. The domicile of the child is the domicile of the father, and I say, such being the law, it is impossible that one member of Congress upon this floor has appointed the son of another member of Congress. The fact is that every member of this Congress resides in his own district, and his domicile is the domicile of his son, and the son of no member of Congress could possibly be appointed to West Point from another district without a violation of law. I am free to say I do not believe such a thing has occurred either of a member appointing his own son, or of having him appointed from the district of another member.

Mr. BUEL. I move that the committee do now rise.

The question was then taken, and the motion was agreed to, there being, upon a division—ayes 73, noes 15.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 240, making appropriations for the Navy for the year ending June 30, 1853, and had come to no resolution thereon.

Mr. PRICE asked that the Clerk be directed to furnish him with a copy of the petition and papers of James R. Howison; which was so ordered.

Mr. WALSH, from the Committee on Com-

merce, reported a bill for the relief of Amos Proctor; which was read a first and second time, laid upon the table, and ordered to be printed.

Mr. JOHNSON, of Arkansas, moved that the House adjourn; which motion was agreed to.

And the House then adjourned till to-morrow at eleven o'clock, a. m.

## IN SENATE.

THURSDAY, August 19, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, information in relation to an extension of the reconnaissance of the coast of California by the Coast Survey, south to Cape St. Lucas; which was read, and ordered to lie on the table and be printed.

Also, a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, information in relation to the clerks in that Department; which was read, and referred to the Committee on Finance.

## PETITIONS, ETC.

Mr. HAMLIN presented the petition of David K. Arey, praying that a register may be granted to the bark Queen; which was referred to the Committee on Commerce.

Mr. SEWARD presented a memorial of claimants against Brazil, to whom awards were made by the commission appointed to adjudicate those claims, praying that an appropriation may be made to pay the balance of the amounts awarded them; which was referred to the Committee on Foreign Relations.

## CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the "bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1853, and for other purposes," during the morning hour. I believe that it is the only chance we shall obtain to get up and consider that bill.

Mr. RUSK. I hope the Senator from Virginia will withdraw the motion for a moment, so as to enable me to report a bill on which I am desirous that action should be taken by the Senate. I refer to the bill reducing the postage on newspapers. I am satisfied it will not occupy more than five or ten minutes.

Mr. HUNTER. I would cheerfully give way to the Senator if he were the only one who would occupy the time, but I know that others would follow. I therefore feel it to be my duty to persist in the motion. I do not know that the Senate will agree to take up the bill; still I must persist in pressing the motion.

Mr. HALE. I hope the motion will not be agreed to, and for this reason: I want one day, before the Senate adjourns, to have a vote, which may be considered a fair vote, on the question whether the Senate is disposed to take up the homestead bill. I want to try that question this morning, and if it is voted down, I will be silent on the subject during the rest of the session. I want one fair vote, so that we may see how the feeling is; and if the bill is voted down, I assure the Senate that I will not say another word about it, but let it go.

The PRESIDENT. The question is on the proposition to take up the civil and diplomatic appropriation bill; and not on taking up the homestead bill.

Mr. ATCHISON. I have one word to say to the Senator from New Hampshire. If he will agree to keep silent for the residue of the session, I will do all I can to forward his proposition for taking up the homestead bill. [Laughter.]

Mr. HALE. I cannot agree to that; because I think it would be unjust to the Senate and the country. It would be unjust to the country were I to keep still, because the general interest might thereby suffer; and it would be unjust to the Senator from Missouri; because, were I to keep still, he would, in consequence, be kept far too busy. [Laughter.]

Mr. DAVIS. I desire to know from the Senator from Virginia, whether it is his purpose to displace the river and harbor bill by this motion?

Mr. HUNTER. My proposition is to take up the civil and diplomatic appropriation bill during

the morning hour. I did not suppose that I could do more than that.

Mr. DAVIS. But will the Senator say that he will be ready to lay the bill down at one o'clock, to take up the special order?

Mr. HUNTER. If a majority of the Senate should say so, I will not be obstinate. I will not attempt to resist the proposition, although I think we ought to be making some progress with this bill.

Mr. DAVIS. Then the Senator will continue to occupy the whole day with this bill if the Senate will permit him. I cannot vote to take up the bill under such circumstances.

Mr. HUNTER. I will say to the Senator from Massachusetts that I did not expect to displace the regular order of business after the expiration of the morning hour. I did not suppose that the Senate, having taken up the river and harbor bill, would lay it down to continue the consideration of the civil and diplomatic appropriation bill. Whatever may be the decision of a majority of the Senate I will acquiesce in it. I shall not be pertinacious in regard to the question.

Mr. DAVIS. That the gentleman from Virginia cannot avoid doing, I suppose. He must of necessity conform to the decision of the Senate on the subject. I cannot, therefore, consent to take up this bill under such circumstances. If it is not to supersede the regular order of business, I am willing that the bill should come up.

Mr. BRIGHT. I have said to the Senator from Virginia that I would go with him to take up the civil and diplomatic bill, provided it is understood that we shall proceed to the consideration of the special order when the hour of one arrives. But if this bill is to displace the river and harbor bill, I cannot consent to take it up.

Mr. HUNTER. I shall not resist any proposition to proceed to the consideration of the special order when the hour arrives.

Mr. BRIGHT. With that understanding I will go with the Senator from Virginia to take up the civil and diplomatic bill.

Mr. MANGUM. I hope the Senator from Virginia will allow reports to be made. I have not been able to be in my seat for two or three weeks, and I wish to make a report. I hope that by unanimous consent the Senate will indulge me.

Mr. HUNTER. As the Senator from North Carolina has been sick and unable to be present for some time, I hope he may have the unanimous consent of the Senate to present his report. I shall consent, but I must, after that, persist in my motion.

Mr. DOUGLAS. I shall consent to allow the Senator from North Carolina to present his report; but before I give that consent I wish to say that I have struggled for five months to obtain one day for the consideration of the territorial bill, and have not yet been able to get it up. I cannot therefore consent to take up the civil and diplomatic appropriation bill or any other bill which will deprive us of an opportunity of acting upon these local bills, and I hope we shall be permitted to make our reports during the morning hour. I now give my consent to the honorable Senator from North Carolina to make his report.

Mr. MANGUM. I am authorized by the Committee on Foreign Relations, to which was referred the petition of Mary Martin, administratrix of Robert Lindsay, deceased, praying compensation for the loss of a slave captured during the last war with Great Britain, to report a bill for her relief.

The bill was read a first time by its title, and ordered to a second reading.

The PRESIDENT. The motion now is to take up the bill making appropriations for the civil and diplomatic expenses of Government for the current fiscal year.

Mr. SHIELDS. I hope we shall be allowed to hand in the bills and reports which we have on our tables.

Mr. HUNTER. I think it is of more importance at this stage of the session, that we should take up the civil and diplomatic bill during the morning hour, rather than to devote it to reports and other new business. If we are only to have the morning hour, we shall have little enough time for the consideration of those amendments which the committee have prepared. If Senators are prepared to say that they will adopt these appropriation bills as they come from the House of Repre-

sentatives, without any amendment, they will be justified in the course they propose to pursue; but if they wish to make any amendments to the bills, they ought to have sufficient time to devote to their consideration. It would be well for the Committee on Finance to know what course the Senate really mean to take; for it is useless for us to expend our time in examining the appropriation bills, and in preparing amendments to them, if the Senate proposes to take them just as they come up from the House of Representatives. These bills have been laid aside for any and every purpose. The Indian appropriation bill was here a fortnight after it was reported before it was disposed of; and it was laid aside for the purpose of taking up almost every other bill.

Now, the civil and diplomatic appropriation bill, which is the greatest and most important appropriation bill of the session, has been laid aside for a mere local bill—the river and harbor bill. I have not opposed this with any pertinacity, and the Senate have determined to devote the greater part of the day to it. All that I now ask is, that the business in which the whole country is most deeply concerned may have devoted to it the morning hour. I wish that point to be tested. I desire to see whether the Senate will lay aside this bill for a merely local bill. If the Senate say that they will not devote the morning hour to this bill, I shall understand that decision and acquiesce in it; but I wish to know what is their determination in regard to this matter, so that the responsibility may not rest with me, or with the Committee on Finance, but with the Senate. When the general subject of these appropriation bills was under consideration some time ago in this Chamber, we were lavish in expression of complaints against the House of Representatives for the manner in which they transacted their business in relation to the appropriation bills. And how are we now proceeding? I wish the Senate to take the responsibility of passing over this appropriation bill, and that being done, I will acquiesce without a murmur.

Mr. SHIELDS. I am afraid that the honorable Senator will not do justice to his motion if he presses it in the midst of the morning business. There are several bills which ought to be presented for the purpose of being printed and laid on the tables of Senators; and, although some of us may be favorable to his motion, we will oppose it if it is presented in this way. I opposed the motion of the honorable Senator from Wisconsin the other day to take up the homestead bill, because he introduced it at an untimely period—in the midst of the morning business.

Mr. BORLAND asked for the yeas and nays on the motion to postpone all other business, for the purpose of taking up the civil and diplomatic appropriation bill, and they were ordered; and, being taken, resulted—yeas 31, nays 17; as follows:

YEAS—Messrs. Adams, Atchison, Bell, Bradbury, Brodhead, Brooke, Butler, Charlton, Chase, Clarke, Davis, Dawson, De Saussure, Fish, Foot, Gwin, Hunter, Jones of Tennessee, King, Mallory, Mangum, Mason, Meriwether, Morton, Pearce, Pratt, Smith, Spruance, Sumner, Underwood, and Upham—31.

NAYS—Messrs. Borland, Bright, Cass, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Geyer, Hale, Hamlin, James, Jones of Iowa, Rusk, Sebastian, Shields, Wade, and Walker—17.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance, with various amendments; the first of which was to increase the appropriation "for compensation and mileage of Senators" from \$104,776 to \$110,776.

The amendment was agreed to.

The next amendment of the committee was to strike out the following:

For the contingent expenses of the Senate, viz:  
 For printing.....\$35,000  
 For binding.....15,000  
 For lithographing.....13,500  
 For books.....12,000  
 For stationery.....5,000  
 For newspapers.....2,500  
 For Congressional Globe.....6,000  
 For reporting proceedings, &c.....22,000  
 For messengers, pages, laborers, police, horses and carriages.....20,000  
 For miscellaneous items.....19,000

And insert in lieu thereof:

For printing, binding, lithographing, stationery, books,

newspapers, Congressional Globe, reporting proceedings, messengers, pages, laborers, police, horses and carriages, and miscellaneous items, \$150,000.

Mr. ADAMS. I prefer this clause of the bill as it comes from the House of Representatives, specifying each of the items. The committee propose to put \$20,000 more for contingencies. That ought to be enough to be added, and let each item stand by itself. I hope the amendment will be voted down.

Mr. HUNTER. I have no feeling in relation to that matter; but it was thought by the Committee on Finance that it would be more convenient to keep the accounts consolidated than to appropriate for each item specifically, as the bill, as it comes from the House, proposes. It may be found that there was not enough appropriated under one head and too much under another. In this way difficulties might arise from the specific appropriations, which would not arise if the appropriation were made in gross, as proposed by the committee. I, however, have no feeling about the matter. These are the reasons which induced the committee to report the amendment.

Mr. WALKER. If I understand this matter, it is this: For the expenses of the Senate, the House of Representatives have appropriated specifically for each object. The Committee on Finance propose to put the whole together, and appropriate, as heretofore, an aggregate amount. I am in favor of the proposition of the committee. We know that occasions do arise when we are obliged to have funds under the immediate control of the Senate for contingent purposes. If the specific items are put down in this way, and one item should turn out to be too small—no matter how much too large the others might be—you could not control the fund at all. It will have the effect, in my opinion, if the clause passes as it came from the House, of greatly embarrassing the Senate. It is going contrary to any precedent, and I cannot see the use of it. I believe the Committee on Finance is right, and therefore I shall vote for the amendment.

The amendment was agreed to.

The next amendment of the committee was, under the heading "Library of Congress," to strike out—

"For contingent expenses of said Library, \$800;  
"For purchase of books for said Library, \$75,000,"

—and inserting, in lieu thereof, the following:

To defray freight and other expenses incurred under the act to regulate the exchange of certain documents and other publications, approved June 26th, 1846, the sum of \$1,000; and that the said act is hereby repealed.

For purchase of books for said Library, and contingent expenses thereof, and for the purchase of furniture for the same, \$40,000.

For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the green house, and for the settlement of arrears due on the creation of said green-house, \$25,000.

Mr. BRADBURY. I call for a division of the question.

Mr. HUNTER. These amendments are at the suggestion of the Committee on the Library. The chairman of that committee can explain them.

Mr. PEARCE. The Committee on Finance were under the impression that an appropriation of \$40,000 would be sufficient for books for the Library. But that reduction was so strongly objected to by the members of the Library Committee on the part of the House, that we finally agreed to recommend to the Senate to reinstate the amount proposed by the House. I therefore move to amend the amendment, by increasing the appropriation for books for the Library from \$40,000 to \$75,000.

Mr. BORLAND. If I understood the amendment of the committee, it contains an appropriation for continuing the publication of the works of the Exploring Expedition. That has been in progress almost ever since I was born. I think the appropriations for its publication were about the first of which I ever read. I do not know where it is to end. I would like to have some explanation to know whether there is to be any limit to it.

Mr. PEARCE. I will endeavor to give the Senator an explanation. In the year 1842, when the Exploring Expedition returned from the South Seas, Congress passed an act directing the results of that expedition to be prepared for publication, and to be printed. They went so far as to specify the particular style in which the works should be got up, and that the example of the work should

be the great French voyage of the Astrolabe and Zeelee. The Committee on the Library, thus authorized and required, proceeded to make contracts for the publication, not only of the Narrative of the Expedition—which has been done—but various scientific reports which were to be made by scientific men employed in the expedition, or by others competent to describe these collections.

These scientific reports relate to almost every branch of natural science—to all the branches of natural history—to hydrography and meteorology, and the physical characteristics of races. We have published one work upon corals and zoophytes—a work which is of the very highest authority with men of science in this country. It was a great desideratum in that line of knowledge; and it has been pronounced by the most celebrated geologists as being one of the most admirable books ever published in that department of science. Then we have published a work on ethnology, and philology, which has been supplied by Mr. Hale. Another work has been published on the physical races of men—a work somewhat similar in its character to the great work of Pritchard. It is estimated of so much value, that in England it has been republished in a cheap edition, by Bohn. The first edition has already been exhausted, and another has been called for, and is now in the course of execution. Then we have provided another work upon the ornithology and mammalogy of the expedition. We have another upon the geology of the cruise; and a volume on meteorology has been published.

We have made contracts for the publication of other scientific reports; for example, we have a contract pending with Dr. Gray, the first botanist of the United States. Mr. Breckinridge has been employed, and has nearly completed, a work on the Ferns. Professor Bailey, of West Point, has been employed on the mathematical department. Dr. Gould and Mr. Drayton have been employed upon a volume of conchology, which has been printed. So, sir, from time to time, we have been publishing these works, and preparing others for the press.

Several of them are nearly completed. Contracts are outstanding for the publication of most of them. I believe in two years they can be entirely completed, but certainly, as the committee were instructed by law to cause them to be prepared and to be printed, they had no discretion but to do so after the style of the French work, which the law made the standard. They have, in order to save expense, made contracts by which they think the burden upon the Treasury will be lessened. Instead of employing some scientific gentlemen at annual salaries, they thought it better to make contracts for specific sums. Those contracts have been made and must be fulfilled. The Government cannot creditably stop the payment for that which has been executed in whole or in part. If gentlemen think there is any abuse in this thing—that the work has continued a greater length of time than is proper, let them compare it with those published in other countries, and see whether this publication is not more extensive, more valuable than any similar one which has ever been executed under the auspices of any other Government. But if the result should be unfavorable—which I apprehend will not be the case—then let Congress, by law, repeal the act of 1842, and make a provision for the satisfaction of the contracts which are existing under the law.

Mr. BORLAND. I did not rise for the purpose of objecting to what had been done in this matter, or for the purpose of calling in question the legality and propriety of what the Joint Committee on the Library had done. Nor did I rise for the purpose of casting any imputation upon the character of the work, to deny that it was valuable, or anything of the sort. But I did rise for the purpose of getting such information as the Senator from Maryland has very kindly furnished. I have no doubt that the work is a valuable one. I have no doubt that the Committee on the Library have faithfully and judiciously performed the duties required of them by law in that regard. But this is the fact in regard to myself, and I do not know how many other Senators may be in the same situation. I have only just seen this work; and I do not know what use is to be made of it after it is published. The usual custom, I believe, has been, when a work has been published under order of Congress, that it shall, by some means or

other, come into the possession of those by whom, and for whose use it was supposed to be published. I do not know where this work is. I do not know how much it costs a year. It is certainly a fair question to be submitted to either House of Congress, whether it is regarded as sufficiently valuable to be continued—whether it is worth the money which has already been paid for it. I take a great interest in all objects of science. I am as desirous to see them prosecuted judiciously, ably, and successfully as any one; but I cannot say I am prepared to go quite as far as this system seems to have gone already. I do not know that I am prepared, as a member of Congress, to engage the Government in the work of collecting materials and publishing books in every branch of science—geology, ornithology, ethnology, conchology, and a great many others, the names of which I do not recall just at this moment. I desired, however, when I rose, to get information as to what had been done with this matter, so that Congress and the country might know what was the character of the work that had been done in regard to it—and be able to form an opinion as to whether we should have any more of it. If there have been contracts made under the law, of course we are bound to meet them.

Mr. BRODHEAD. Mr. President, I have looked a little into this subject, and with a number of other gentlemen, I have come to the conclusion that this publication ought certainly shortly to come to an end. This Exploring Expedition was out four years collecting information, and it has been about nine years publishing the results. We are told that this is to be continued two years longer. That will be eleven years to publish what it took these gentlemen four years to collect. That looks somewhat unreasonable.

When we come to look at the amounts which have been heretofore appropriated for this purpose, we must also come to the conclusion that the sums which have been received are unreasonable, and that this is a book-making job. I do not design to cast any imputation whatever on the committee which has had it in charge. The law gave them their directions. I think the project was improperly originated, and that many of those connected with it have taken a great while to make the publication.

On the 3d of March, 1843, \$20,000 were appropriated for this object. On the 3d of March, 1845, \$10,000 were appropriated "for completing the publication of the work on the Exploring Expedition, including the printing of an extra number of charts." So that in 1845, in the appropriation bill, we made an appropriation of \$10,000 for completing this publication. And now, in 1852, we have an item proposed to be inserted in the appropriation bill of \$25,000 for doing the same thing. I am a little like the Senator from Arkansas. I want to know where this thing is to be ended? And in order to get some information upon this subject, and to draw the attention of the Senate and of the country to it, I ask them to look at the appropriations which have heretofore been made. In 1846, \$30,000 were appropriated; in 1847, \$15,000; in 1848, \$30,753. In the appropriation bill of the 3d of March, 1849, I find two items of \$15,000 each for this object, making \$30,000 for that year. In 1850, \$29,000 were appropriated. In 1851, \$25,000 more were appropriated for continuing the preparation and publication of the works of the Exploring Expedition, including the pay of the scientific corps, &c., and for printing, paper, and other contracts under the law of 1842 authorizing the preparation and publication of the works. Why, sir, it seems to enlarge every year. These sums, in the whole, amount to \$185,753 for the publication of this work.

The Exploring Expedition was out four years, and it has taken nine years, at a cost to the country of over \$185,000, to publish the results of their explorations in those four years. Yet, now, \$25,000 more are asked for the continuation of the publication. With the Senator from Arkansas, I want to know how long this is to be continued? I have given the Senate the total amount of appropriations for this object. That amount, I believe, does not include the expenses of sending out the expedition. I have thought it proper to bring these facts thus briefly to the notice of the Senate.

Mr. HALE. Mr. President, I am exceedingly glad to find that at least somebody else besides



myself has given attention to this subject. Ever since I have had the honor of holding a seat on the floor of the Senate, I have steadily and uniformly voted against all these appropriations, and, in my feeble way, have endeavored to expose them. But I have been gratified, as we all have been this morning, by the very able, learned, and accomplished chairman of the Committee on the Library, [Mr. PEARCE,] who has given us a dissertation upon the usefulness and value of these scientific works. Now, I am going to hazard an opinion. It may be rash, and perhaps—I had almost said—I may hazard but little in making it. But I venture the assertion, that of all the humbugs that have ever been imposed upon the world in the shape of scientific matter, the Exploring Expedition of the United States of America will stand out a gigantic pyramid, so far as it has done anything pertinent to the purposes of an exploring expedition.

That the committee, under the law, or under their construction of it, have engaged on a great many of these scientific works men who never saw the country to which this expedition was sent, and never went near enough to the sea-shore to dig a clam, I do not doubt. Such men have been employed to write scientific works on ethnology and conchology, and all other kinds of *ologies* in the world; and they may have got up beautiful books, illustrated with splendid prints. I do not doubt it. But it might just as well have come in under any other department as under the Exploring Expedition. They may have brought home specimens of mineralogy, and conchology, and botany, and ethnology, and so on, to the end of the chapter; and they may have enlisted a corps of scientific men in this country to write essays and illustrations upon them. But I do not understand that to be the pertinent and proper work of an exploring expedition. Nor do I suppose it was such a work as the men who framed the original law had in view. I suppose they had some idea of exploring expeditions from what they had read of the voyages and travels of men in other times who made exploring expeditions—such men as Captain Cook and Christopher Columbus. How many ethnologists, conchologists, and mammalogists, and mineralogists did they take with them? Did they have such a corps employed for ten or twelve years after them at an expense of \$20,000 or \$30,000 a year—not to bring forth the results of the investigation, but to publish essays and treatises upon them?

The honorable Senator from Arkansas says, that so little was the work known, that it was only by accident that he came across it. Now, if so scientific and learned a man as the Senator from Arkansas had his attention directed to this subject by the merest accident, how do you suppose these publications have reached the eye of the great mass of the people who do not move in his sphere—men most likely to be benefited by things really practical?

I beg the honorable Senator from Maryland not to understand me as saying anything disrespectful or discourteous to him. I believe he did once consider that some remarks made by me, on a certain occasion, bore that character. I would rather never open my mouth, from now to the day I go to my grave, than be guilty of saying or doing anything which might be disrespectful or discourteous to him. But I believe this thing is entirely and totally wrong, and that the best way—I wish the honorable Senator from Pennsylvania would give his attention to it—will be to draw up some amendment which will stop the thing, and stop it now. There is no other way to do it. Let the honorable Senator from Maryland, who is at the head of the Committee on the Library, tell us how much is necessary to redeem the public faith, so far as any contracts have been made under the law, and pay that amount. I shall be glad to do it. I would pay to stop the publication rather than pay to have it continued; because I do not believe that it is in pursuance of the intention of the law that authorized this expedition.

Now, sir, I have a single word to say about the other part of the amendment as to the cutting down of the appropriation for books for the Library from \$75,000 to \$40,000. There are \$35,000 proposed to be cut off from that source, and \$25,000 of that amount are to go towards continuing the publication of the works of the Exploring Expedition.

The PRESIDENT. The Chair will state to the Senator that there is a motion pending, made by the Senator from Maryland, to amend that section by striking out \$40,000 and inserting \$75,000, so as to leave the amount as it originally stood—\$75,000.

Mr. HALE. I am glad of it; but as I am upon the subject I will ask a question. If you take the money you have expended upon the works of the Exploring Expedition, I think I am not at a loss to say that you can purchase the largest and most valuable library that there is upon this continent. There is not a library on the continent of North America that may not be bought—or one equal to it in the value of the works, and the number of the works—with the sums that have been squandered upon this Exploring Expedition. I ask, then, if it is politic or proper to limit the one to enlarge the other?

Having stated these objections, I leave the matter to the Senator from Pennsylvania, and hope he will make some proposition by which we can have an end put to the Exploring Expedition.

The PRESIDENT. The Chair will state again that the present proposition is to amend the amendment by striking out \$40,000 and inserting \$75,000 for the Library of Congress, which does not relate to the question which is being discussed with regard to the Exploring Expedition.

Mr. PEARCE. I am aware, sir, that the remarks of the Senator from New Hampshire were not applicable particularly to the proposition before the Senate; but as he has indulged in them I may be allowed a few words of reply.

I beg leave to say that this Exploring Expedition was sent out for two objects; first, to make surveys of islands and coasts, some of which were altogether, and others almost unknown, for the benefit of our whale fisheries and the commerce on the Pacific ocean. Combined with this purpose was another, which was to advantage and benefit science. It was supposed that the United States Government, as well as all other nations, owed a debt to the advancement of science, and that it would redeem, or partly redeem, that obligation by connecting with this Exploring Expedition a scientific corps, whose duty it should be to make collections in all branches of natural history.

The Senator from New Hampshire seems to suppose that we collected in four years materials which, strangely enough, require some ten or twelve years to be reduced into proper form for publication. He seems to suppose, also, that those engaged in the preparation of these publications were not engaged in the collection of the materials. Therein he is entirely mistaken. Mr. Dana, for example, the geologist, who has written two of the most valuable works, which I have already named, was with the expedition all the time. Mr. Drayton, who was concerned in the preparation of the conchology of the expedition, was with it all the time. So was Mr. Hale, the philologist, who wrote a work on ethnography. So was Mr. Pickering, who has written a work on the races of men; and so were several others of the employees.

Mr. HALE. Messrs. Bailey and Gould were not with the expedition.

Mr. PEARCE. Messrs. Bailey and Gould were not; but then it must be recollected that there were many persons employed who were good field naturalists, who were competent to make collections in different branches of science, but who might not be competent to describe those collections. It requires a very high and rare degree of skill to describe new objects in these *recherche* sciences, for so they are. We are obliged, when we obtain the materials, to employ competent persons to prepare them for publication. The Senator, I presume, would not have had incompetent persons employed. We employed the only men in the country whom we could get, who were competent to make proper descriptions of those new objects of science, and to discriminate them from those which were known before. The purpose was not to write essays or treatises. There has been nothing in the shape of a treatise connected with the expedition, unless it may be the work of Mr. Pickering on the races of men. Everything else published, connected with the expedition, was but a description of new objects of natural history; and, in order to do that, the minutest knowledge of the different branches of those sciences was absolutely requisite.

Now, as to the time employed. I stated before, that similar expeditions in other countries have required greater time, even, than that consumed in spreading the results of this expedition before the public; and this expedition has accomplished more than any foreign expedition which has been sent out.

The amount of money expended has been large to be sure, but no such work can be executed without the expenditure of a large amount of money. The mere engraving of the plates necessary to illustrate these objects, is the largest part of the expense, and without them everything else is valueless. I presume Congress knew—if they did not they ought to have known—when they devised this law, that a very large sum of money would be required, because the experience of all countries was open to them, and they might have known, if they had chosen to examine, that the expense would be great; and if they did not examine, their own negligence—I will not say their own ignorance—is to blame.

Now, as to the value of these publications, I am very sure that no member of the Senate—and I make no odious discrimination—is entirely competent to venture an opinion as to their true value. Those only are competent to form an opinion of their value, who are acquainted with the sciences of which they treat. I believe that they are worth everything which they have cost us, if we value these matters according to the standard which the experience of other nations has set up.

The Committee on the Library had no desire to prolong the execution of the works. They had every desire to hasten their completion. They have taken a vast deal of trouble—for which I believe they have not had due credit—in order to have the work completed within a reasonable time, and reduce the expenses as much as possible.

Mr. BRADBURY. Mr. President, when the amendment of the Committee on Finance was read, I called for a division of the question, in order that we might have the sense of the Senate separately upon that portion of it which relates to the publication of the works of the Exploring Expedition. I hope that we may have a division of the question. But I understand that the motion now pending, is to amend the amendment of the Finance Committee, by striking out the proposed sum of \$40,000 for the purchase of books for the Library, and to substitute \$75,000.

The PRESIDENT. That is the proposition.

Mr. BRADBURY. I hope that proposition will not be adopted. It appears that the Senate Committee on the Library were of opinion that \$40,000 were all that would be required at the present time. I conversed some weeks since with a very well-informed gentleman on the subject, who told me that \$30,000, in addition to the amount already appropriated, would be sufficient, in his judgment, to purchase a better library than that which we had before, and that that amount would be a liberal appropriation at the present time. Undoubtedly we shall have to make another appropriation next year, or the year after; and it appears to me that \$30,000 is quite as much as we shall need for the present at least. We shall want something to fit up the Library. How many thousand dollars will be required for that purpose? I do not know, but I believe, if the amount of \$40,000 is retained, it will be enough to fit up the Library, and to purchase all the books that will be needed to be purchased between this and the next session of Congress. If not, I am willing to increase the amount for fitting up the Library room. I hope the amount of \$40,000, as proposed by the Committee on Finance, will remain.

A few words now as to the other portion of the amendment. I desire to say, that ever since I have been in the Senate, whenever the appropriation for continuing the works of the Exploring Expedition has been before us, we have been led to suppose that we were nearly through—that we were approaching the end. It is obvious that so long as we make these appropriations, we shall never reach the end, because it is perfectly competent to employ scientific authors who know nothing practically, except what they may have derived from books. I hope, therefore, that an end will be put to this matter, and that we will strike out the appropriation for continuing the preparation and publication of the works of the Exploring Expedition, and that we shall incorporate into this bill a provision declaring that all

laws authorizing the preparation of the works of the Exploring Expedition be repealed. I shall propose such an amendment if we are able to strike out the appropriation now proposed to be inserted. I understand—and if I am wrong, the honorable chairman of the Committee on the Library can correct me—that Commodore Wilkes has a copyright of these works; that while we publish them, he has a copy-right for their sale.

Mr. PEARCE. Does the gentleman desire an answer now?

Mr. BRADBURY. Yes, sir.

Mr. PEARCE. I would reply, that this work was first put under contract by the Committee on the Library when I was not a member of it. The agreement was then made by the Hon. Mr. Tappan, then chairman of the Committee on the Library, with Captain Wilkes, by which Captain Wilkes was to write a Narrative of the Expedition, without receiving any pay for it; and was to write it out of office hours. He was required to devote his time during office hours to the preparation of the charts of the expedition, of which some two hundred or three hundred have already been published, with great advantage to all the custom-houses of the country where they have been sold. Mr. Wilkes, I believe, did write the narrative out of office hours. In consideration of that he was allowed, after the Government had got the quantity and number of the work which they were to receive, to have a copyright for the Narrative. But there is not a copyright for any of the other works. No one has any copyright to them. They are as free to all the publishers in this country as anything else. It is the Narrative only which has been copyrighted, and that was done under an agreement made by Mr. Tappan with Captain Wilkes, under the circumstances which I have stated.

Mr. BRADBURY. It would seem that in regard to the publication of the Narrative, a copyright was secured, while Congress made the publication; and the other officers who accompanied the expedition were, I believe, required to turn over their journals to enable the commander to prepare the work for which he had the copy-right. It would seem, then, that there could be no particular claim for damages, and that we might as well terminate the publication of the work now as at any other time.

Mr. PEARCE. The Narrative has been completed.

Mr. BRADBURY. It is obvious that so long ago as 1845, Congress was led to believe that the whole subject had terminated; and I supposed that the legitimate objects of the law of 1842 were accomplished at that time, and that no further legislation was necessary. It is time that we should stop this abuse, for it really has the appearance, to use the language of the honorable Senator from Pennsylvania, of being a book-making job. I hope, therefore, that we will retain the amendment as it has been reported by the Committee on Finance, with the exception of the item as to the Exploring Expedition.

The PRESIDENT. The Chair will put the question on each proposition separately. The first question will be on the proposition of the committee to strike out these two items:

"For contingent expenses of said Library, \$800.

"For purchase of books for said Library, \$75,000."

The motion to strike out was agreed to.

The PRESIDENT. The next question will be on inserting the following item, reported by the committee:

"To defray freight, and other expenses incurred under the act to regulate the exchange of certain documents, and other publications, approved June 26, 1848, the sum of \$1,000; and that the said act is hereby repealed."

The amendment was agreed to.

The PRESIDENT. The next item reported by the committee is to insert the following:

"For purchase of books for said Library, and for contingent expenses thereof; and for the purchase of furniture for the same, \$40,000."

The Senator from Maryland proposes to amend this amendment by striking out "40," and inserting "75."

The amendment to the amendment was agreed to; and the amendment as amended was agreed to.

The PRESIDENT. The question will now be on inserting the following:

"For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the green-house, and for the settlement of arrears due on the erection of said green-house, \$25,000."

Mr. SHIELDS. Mr. President, as I understand the honorable Senator from Maryland, this appropriation is to execute a contract which was entered into in pursuance of law. I cannot, for my life, see in what way we can rid ourselves of that obligation. I mention this matter for the benefit of my honorable friends from Pennsylvania, Maine, and Arkansas. As I understand it, these contracts have been entered into in pursuance of law, and it requires this amount to execute them. If I am mistaken, I wish to be corrected.

Mr. PEARCE. I would say this: that a number of contracts have been entered into in pursuance of law; but there are one or two of the works which we are now publishing, for which the persons employed receive a salary. I do not know that these can properly be called contracts. The major part of the works, however, are under contract.

Mr. SHIELDS. It amounts pretty much to the same thing. The view I take of the matter is this—and it goes to some propositions which have been made here within a few days—that in entering into a great enterprise of this kind we ought to calculate in some measure the expense that will attend it. We had a proposition before us the other day for the survey and reconnaissance of the Northern ocean. We seem never to calculate the vast expense that must attend such an enterprise. I am unable and incapable of estimating the value to the country of this enterprise; but I can say this, that there has come to me from scientific journals in this country, and in other countries, an account of this expedition, which has rated it above any expedition of the kind that has ever gone forth from any country. I understand it has brought forward an amount of natural science, has elicited information on natural history such as no expedition of the kind has ever heretofore done. Such is my understanding of the matter—such is the manner in which the scientific men of other countries regard this expedition.

Why, it is a most extraordinary idea to suppose that nine or ten years is a long while to be employed in preparing works of this kind; because we know that it takes a long life for such men as Humboldt and Audubon to attain perfection in such sciences. It takes men a long lifetime in other countries to work out one branch of science of this character. Therefore, the time employed should not be deemed extraordinary.

I do not want to go into this matter further. I have been astonished when I have heard the accounts of the immense sums which are expended by other Governments in the pursuit of works of this kind, compared with what is expended by our own. I hold, now, that having gone into this work, the idea that we are to abandon it at this stage, is certainly a very singular one. I cannot understand it. When the books are almost prepared, and ready for publication, why should we abandon the matter?

Mr. BORLAND. Mr. President, a great deal has been said about the value of the materials collected, and the information which has been collected and distributed, as the result of this expedition. But, after all, it is a mere expression of opinion. The Senator from Illinois admits that he is in the same situation, to some extent, at least, as myself in this respect; that he is not altogether competent to form an opinion of it, even if he were to take time to sit down and examine it. I confess that would be my condition; and, as the Senator from Maryland has suggested, there are very few, if any of us, who would be competent to give an opinion as to its merits. But that argument of his, it seems to me, is one addressed to our ignorance, to induce us to go by faith in this matter.

Here is an object of appropriation presented to us; one which requires us to go very largely into the Treasury, to expend a great deal of public money. For what? For what we can conscientiously say is a proper object?—one conferring vast benefits upon the country? No, sir. It is this: we are to expend large amounts of money for the publication of matter of which we know nothing, and of the value of which we have no information on which we can rely.

As to the results of this expedition, we know

very well where the objects of natural history collected and brought home by it are to be found. We know that they are here in the Patent Office. I have been told, that when the whole collection was offered as a contribution to the Smithsonian Institution in this city, that institution positively refused to take it. They would not give the collection house-room. Now, if we are to rely upon the opinions of scientific gentlemen as to the value of these things, I certainly consider the Smithsonian Institution as competent to give an opinion, as other scientific bodies or persons. They must have considered it of little value, or they certainly would have been willing to take it. Here is the result; here is the product of the expedition collected, arranged, and spread out before us in the most attractive form, I suppose, by scientific men. It is the result of four years' exploration of objects in natural history, and a description of those objects, for which we have expended many thousands of dollars. This collection was offered to a literary and scientific institution in this city, established here for the purpose of taking charge of such matters for the Government; and they positively refused it house-room, when offered as a free gift. They thought it was not worth the money it would take to put up shelves, and fit up a room for its accommodation. I do not state this as conclusive evidence of the value of this collection. But I think I have a right to mention it, as a set-off to the statements made by the Senators from Maryland and Illinois, that scientific men were of the opinion that this collection was very valuable.

This item of \$25,000 embraces not only the publication of the works of the Exploring Expedition, but it is for the expenses of a green-house. That green-house, I believe, is to accommodate a portion of the collection made by this Exploring Expedition. So we have here brought upon us, by this expedition, not only an almost interminable system of book-making, but we have gone into the green-house system. We have gone into the cultivation of all sorts of plants. We have a commissioner, I believe, to take charge of the green-house. We have grounds appropriated for it; glass houses erected for it; and every year we are called upon for an appropriation to pay its expenses.

Mr. President, this may all be very well; it may all be right; it may all be constitutional; it may all be useful, and our labors in carrying on such a system may be very patriotic; it may benefit the people of some portions of this country; but it does strike me as in very remarkable contrast with the course of Senators, when a proposition is made here for money to be appropriated to clear out our great western rivers, to make safe our navigation, to save the lives and property of our citizens engaged in pursuits which the Constitution and the laws recognize, and upon which the welfare of this country depends. The cold shoulder is turned to us. Money is refused year after year, while our rivers are filling up; our men, women, and children, engaged in their lawful business, are destroyed, and their property lost, to the amount of millions of dollars annually. Not a dollar can be given for that object. Not a dollar has been given since I have had the honor of occupying a seat on this floor—now more than four years—and yet we have thousands of dollars appropriated, without scruple and without hesitation for the employment of men to draw pictures of bugs and grasshoppers, and take care of pines, and matters of various vegetable growth that have been brought from foreign countries to gratify the taste of gentlemen of leisure.

I know these remarks may be considered as very coarse and very demagogical. I am willing to bear the imputation. They may not indicate, on my part, a very high order of science, or a very highly-cultivated taste. But they do indicate, on my part, what I sincerely feel in my heart, that we owe duties to the practical business interests of this country, certainly in a higher degree than we do to such ornamental branches as this appropriation is proposed to benefit. One hundred and eighty-five thousand dollars have been expended upon this single object; and \$50,000 have been refused to clear out the raft in the great Red river; and only \$260,000 are proposed to be appropriated for the great Mississippi, the Ohio, the Missouri, the Arkansas, and all the great rivers of the West, where hundreds of millions of

commerce float, and millions of citizens are yearly traveling. Such an appropriation as that is opposed here on this floor, and its passage rendered doubtful; and those who oppose it, very complacently come forward and propose to go on with this system of expending thousands upon thousands without hesitation, upon the mere ornamental branches of the business of life.

The Senator from Maryland tells us—what I have no doubt is true—that these works have a very high character among scientific men; and that in some cases several editions of them have been published and republished, and that there is a great demand for them. If that be the case, where is the necessity of our publishing them in order to spread them before the public? The Senator from Illinois has told us that the great works of Audubon and of Humboldt have required an expenditure of a great deal of money. I would like to know from him if any Government ever appropriated money for their publication?

Mr. SHIELDS. Other Governments have appropriated a great deal for such objects of science.

Mr. BORLAND. Our Government never appropriated money for Audubon's great work. If we are to follow the example of other Governments in our expenditures, we shall be in a rapid road to—I will not say what. Other Governments may, according to the principles of their systems, make such appropriations, but ours has not the power.

If these works are so valuable—if they can command admiration everywhere, and are so much in demand—why do we not let the commander of this expedition carry out the object for which he obtained a copyright, and on which, if this statement be true, he would realize money? Why should we give him preference over any other publisher who has a valuable work to publish? I am for pursuing the same course in regard to these works which we pursued in regard to the Indian book of Mr. Schoolcraft, which, I apprehend, is as valuable in every respect as this. In the last appropriation for that work we prescribed a limit to it—that it should be finished within a certain time, and should be limited to so many volumes. If that can be done in this case, I am willing to go for it.

Mr. SHIELDS. Perhaps I would agree with the honorable Senator, if it were a new question. My objection is that our economical fits always come on too late. Now, here we have been for fourteen years expending money on this enterprise; and I believe this is the last appropriation which will be demanded for it. Yet, at the expiration of fourteen years, when the result of the enterprise is to be given to the world, the Senate, in one of its economical fits, is to denounce the whole affair. I say that from this we ought to learn a lesson, and not go into these enterprises until we are prepared to carry them out to completion. We ought either not to go into them at all, or to carry them out when we do go into them. That is the view I take of it.

Mr. BRODHEAD. As I always endeavor to make myself useful as a working man, rather than conspicuous in the way of speech making, I will offer a proviso to this item, which will, I think, test the sense of the Senate upon this subject. Unless we do adopt a proviso of the nature which I propose very shortly, this thing will go on for years. We know how these matters are worked up in the public newspapers. Whenever there is a project before Congress for the purpose of taking money out of the Treasury, Mr. A helps Mr. B. If A writes a scientific work on any subject, and B writes a work on another subject, they write puffing articles for each other. This Exploring Expedition came home. These men desired a job. They came before Congress, and got an act passed pretty much to suit themselves at the close of a session, I believe, about 1842. I propose to bring it to an end; and to accomplish that object, I move to amend the amendment of the Committee on Finance by adding to it the following proviso:

*Provided, That the aforesaid sum of \$25,000 shall complete the preparation and publication of said work.*

Mr. PEARCE. I have only to say that that would be insufficient. I believe that with this appropriation, and another appropriation in another year, we can complete it.

Mr. BRADBURY. I would like to know whether, if we do not prescribe some limits, we

may not be met another year with the same argument which has now been presented by the honorable Senator from Illinois, who desires to keep the public faith? When the publishers of this work shall have gone on and made a contract with some other scientific gentleman to write another work, we may be told that under the existing law a contract has been made with a scientific gentleman in some portion of the Union, to make a new volume, and the public faith requires that we shall pay for that volume thus contracted for. I insist that this amendment, or some such provision, is absolutely essential, otherwise we shall never find any limit. I hope the amendment will be adopted, and if any case should arise in which any man may have any claim for a breach of contract, we can meet it when it comes up.

Mr. PEARCE. I do not wish to occupy a moment of the time of the Senate unnecessarily. I would merely say, that the plan of the publication was chalked out long ago. All the works are designated. There can be no such thing as getting up in succession works not originally designed. The whole plan of publication was indicated years and years ago, and we have been engaged upon all of them, more or less. Some of the works are very near completion; others are not so far advanced. I do not believe that the present appropriation will complete the work; but I believe another appropriation at another year will. I think, therefore, that we ought not to put in that proviso.

Mr. BRADBURY called for the yeas and nays upon the amendment to the amendment; and they were ordered.

Mr. CHASE. Mr. President, I agree with the Senator from Illinois, that we should observe the public faith in regard to these contracts. If this appropriation now proposed to be made is not sufficient—as the Senator from Maryland says it is not—to complete the works according to the contracts, it seems to me that we ought not to adopt the amendment to the amendment. I think, however, that we ought to adopt some amendment which will provide that the contracts already made being fulfilled, there shall be no further expenditure of money, and that no new contract shall be entered into. I give notice that, if the amendment of the Senator from Pennsylvania be voted down, I shall offer a provision to this effect:

*Provided, That no part of said sum shall be expended except in pursuance of existing contracts, and no further contracts for such publication shall be made.*

Mr. PEARCE. There are incidental expenses that will be cut off under the amendment, and they are as absolutely necessary as anything else. The Senator proposes that none of the money shall be applied to anything but existing contracts. There are a great many incidental expenses which will arise, and which will have to be provided for.

Mr. BRODHEAD. There is no necessity for any amendment such as that suggested by the Senator from Ohio. I take it, that now, money cannot be used for this object except in pursuance of law and contracts made. I take it, that if the amendment of the Senator from Ohio is adopted, it will do nothing, but leave the law as it now stands.

Mr. CHASE. The amendment which I have suggested, is not of course in order at this time. I read it merely at the suggestion of a friend before me, for the purpose of showing how far I was willing to go. I would say to the Senator from Pennsylvania, that it is not the law now that no future contract shall be made. But if the amendment of the Senator from Pennsylvania prevails, the consequence will be, that we shall say to the contractors, who are relying upon the good faith of the Government—"We cannot comply with these contracts." Surely, that cannot be right.

The PRESIDENT. The question is on the amendment of the Senator from Pennsylvania to the amendment; and on that question the yeas and nays have been ordered.

Mr. BORLAND. I know that the object of the Senator from Pennsylvania is to do what is right. I would suggest to him, that probably the Senator from Maryland could propose a modification of this amendment which would meet his views. I presume it is not the particular amount of the appropriation to which the Senator from Pennsylvania objects. The Senator from Maryland says that \$25,000 will not be sufficient to complete the work. Will he suggest the amount

that will be sufficient? I presume the Senator from Pennsylvania will accept it, if it is not unreasonable.

Mr. PEARCE. I have supposed that \$50,000 more would complete all the works of this expedition according to the plans originally adopted by the Committee on the Library. I may be mistaken in it, but such is my belief. So many engravings have already been executed; so many charts have been made, and so many of the works are now nearly prepared for publication, that I suppose all the other engravings and works may be completed, for \$50,000. We do not ask for that appropriation in this bill, because it would be more than we can expend in the current year, and \$25,000 is about as much as can be properly expended in one year.

Mr. BRODHEAD. I would ask the Senator from Maryland whether he means that \$50,000, in addition to the \$25,000 here proposed to be appropriated, will be required to complete these works?

Mr. PEARCE. No, sir; \$25,000 in addition to the amount here provided for.

Mr. CASS. I wish to ask one question of the honorable Senator from Maryland. Did I understand that this appropriation is for contracts actually and *bona fide* made? Do I understand him that \$50,000 will be required for that purpose, or will that amount be required merely to carry out the plan that was devised, and for which contracts have not been executed? In other words, how far is the faith of the Government actually pledged? To that extent I am willing to go.

Mr. PEARCE. I cannot say at this time exactly how much will be required for the purpose of fulfilling existing contracts. We have, as I stated before, a contract with Dr. Gray, another with Mr. Cassin, another with Professor Bailey, and, I believe, the Rev. Mr. Curtis, of South Carolina, who is engaged upon a small branch, but still a very important branch, of botany. He is a very eminent man in that line. We have, also, a contract with Professor Agassiz, for the ichthyology of the expedition. There are some other persons employed in some subordinate branches of these classes, with whom we have made no specific contract, but who do the work for so much, with an agreement that their services shall be paid at the rate of \$1,440 a year. I cannot, just at this moment, say how much of the amount of \$50,000, which I suggested, will be strictly required for carrying out the contracts, or how much may be required for those engagements which are not in the nature of contracts. I believe that \$50,000 will defray the whole expense of completing the work according to the original plan.

Mr. CASS. I am willing to vote whatever amount may be necessary to carry out the faith of the Government. I have no doubt that the Committee on the Library, and especially its honorable chairman, for whose character and services I have the greatest respect, have done all they could do, to guard the public interest in regard to this work. But I think it is a monstrous long time—ten years—to take for the publication of such a work. We do not know whether the surface of the earth may not have undergone an entire change within that time. What! ten or twelve years to make a publication of a work of this kind! I think it is too long a time. I wish to stop the work as soon as we can. I do not wish to have it go on interminably. I am willing to vote for whatever time may be necessary to redeem the faith of the Government; but I would stop there—I would not go further.

Mr. BRODHEAD. That is one object I had in view. I want to serve a notice on the people connected with these publications, that they are to quit before long.

Mr. SHIELDS. The honorable Senator will permit me to make this suggestion. In the midst of a subject, would he stop and leave it unfinished? Are we to have three volumes of a particular series of scientific works, and the fourth volume never to appear? That is the effect of the proposition.

Mr. CASS. It is entirely too long a time to take ten or twelve years to write the history of a single voyage!

Mr. SHIELDS. If we stop in the middle, without completing it, we might as well burn the whole of it.

Mr. BRODHEAD. The world would not lose much, if the whole work were burned



Mr. HUNTER. I would suggest to the Senator from Pennsylvania, that, perhaps, he might accomplish his object by having a limitation of time—by providing expressly that the whole work shall be completed within two years. He will perceive at once that we are unable to ascertain the precise amount that may be required; but if he would make the limitation apply to time instead of money, he would probably accomplish the object. Let us provide that the work shall be completed within two years.

Mr. BRODHEAD. It seems to me that the best way to stop this publication is to stop the supplies.

Mr. FISH. I would propose to the honorable Senator from Pennsylvania to amend his amendment, so as to make it read:

*Provided, That the work be completed as speedily as possible, and that no contracts be made, and that no new expenditures be incurred, except for the completion of the work in accordance with the plan heretofore adopted by the Library Committee.*

I think that will bring it to a close in a proper manner.

Mr. BRODHEAD. That is the law now.

The PRESIDENT. The proposition of the honorable gentleman from Pennsylvania is an amendment to an amendment, and therefore a further amendment cannot be offered to it; besides, the yeas and nays have been ordered upon it, and it cannot be modified except by unanimous consent.

Mr. PEARCE. With regard to the suggestion of the Senator from Michigan, I wish to make a single remark. Some of the gentlemen now employed upon this work have been recently employed. I may as well state a fact which I desired not to state, if I could avoid it—that in one of these branches of natural history, a gentleman was employed whose work, when submitted to the Library Committee, was found by that committee to be such that it would not be creditable to the country to publish it. We were compelled, therefore, to employ another and more competent person, and a contract has been entered into recently for that object. The same remark is true of two or three subordinate branches. They have only recently been ordered to be prepared on that account; and we do not wish to crowd the matter too much at once.

The question being taken by yeas and nays upon Mr. BRODHEAD's amendment to the amendment of the committee, resulted—yeas 16, nays 31; as follows:

YEAS—Messrs. Adams, Atchison, Borland, Bradbury, Brodhead, Cass, Dodge of Wisconsin, Dodge of Iowa, Douglas, Hunter, Meriwether, Norris, Rusk, Sebastian, Soule, and Walker—16.

NAYS—Messrs. Badger, Bayard, Bell, Brooke, Butler, Chase, Clarke, Davis, Dawson, De Saussure, Downs, Fish, Foot, Geyer, James, Jones of Iowa, Jones of Tennessee, Mallory, Mangum, Mason, Morton, Pearce, Pratt, Seward, Shields, Smith, Spruance, Sumner, Toucey, Upham, and Wade—31.

So the amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The next amendment of the committee was in the clause "For publishing the Laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, \$21,325," to strike out "21" and insert "22," so as to make the appropriation \$22,325.

Mr. HUNTER. That is raising the appropriation to the estimate.

The amendment was agreed to.

The next amendment of the committee was in the following clause, to insert after the word "accounts" the words "carrying the Department mail," and strike out "\$550" and insert "800," making the appropriation \$10,800:

"In the office of the Secretary of the Treasury:  
"For labor, blank books, sealing ships' registers, translating foreign languages, printing, advertising, printing the public accounts, and extra clerk-hire, for preparing and collecting information to be laid before Congress, said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session, to be answered at another—and no such extra clerk shall receive more than \$3 33 per day for the time actually and necessarily employed, \$10,550."

Mr. HUNTER. The estimates from the Treasury Department contained an item giving \$250 additional compensation, as a salary to the messenger for carrying the Department mails.

The House committee struck that out; but the Committee on Finance propose to restore it.

The amendment was agreed to.

The next amendment of the committee was to strike out of the following clause in the appropriations for the southeast Executive Building, "\$10,000" and insert "\$14,500:"

"For labor, fuel, and lights, \$14,500."

Mr. HUNTER. That is restoring the appropriation to the estimate.

The amendment was agreed to.

Mr. DAVIS. The hour at which the special order—the river and harbor bill—comes up has arrived. I call for its consideration.

The PRESIDENT. It will be necessary to make a motion to postpone the bill under consideration.

Mr. DAVIS. As this was taken up in the morning hour, does not the special order come up regularly as a matter of course at one o'clock?

The PRESIDENT. No, sir.

Mr. DAVIS. Then I move to postpone the bill under consideration until to-morrow, for the purpose of taking up the river and harbor bill.

Mr. HUNTER. Will this bill come up in the morning hour to-morrow without a motion?

The PRESIDENT. It will be necessary to make a motion to take it up.

Mr. MANGUM. I move to postpone the bill until to-morrow at half past eleven o'clock, and make it the special order for that hour. It is a very important bill, and should be acted upon speedily.

Mr. HUNTER. I am very willing to do that.

The PRESIDENT. To-morrow is private bill day, and the order requiring private bills to be considered, to the exclusion of all other business, will have to be suspended to allow this bill to be taken up.

Mr. RUSK. I hope the bill will not be made the special order for half past eleven o'clock. I have several important reports which should be made. We might have passed three or four bills this morning while we were discussing whether to take up this bill or not.

The motion to postpone the bill until to-morrow at half past eleven o'clock, and make it the special order, was agreed to.

#### BILL PASSED.

The engrossed bill to create an additional land office in the Territory of Minnesota was read a third time and passed.

#### WHEELING BRIDGE.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it had passed a bill declaring the Wheeling Bridge a lawful structure, and for other purposes; which was read a first and second time by its title, and referred to the Committee on the Judiciary.

#### RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill from the House "making appropriations for the improvement of certain harbors and rivers;" the pending question being on the first amendment of the Committee on Commerce, which was to modify the following clause:

"For opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, \$75,000. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract; and at an early day in the next session of Congress to report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open,"

by striking out the words "to report said contract, and an estimate of the annual cost of keeping said channel open;" and insert in lieu thereof the following:

To report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open; and any contract made shall be limited to the amount hereby appropriated.

The question was taken on the amendment by yeas and nays, and resulted—yeas 37, nays 13; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Bradbury, Brodhead, Butler, Chase, Clarke, Davis, Dawson, De Saussure, Dodge of Wisconsin, Douglas, Fish, Foot, Gwin, Hunter, Jones of Tennessee, King, Mallory, Mangum, Mason, Meriwether, Morton, Norris, Rusk, Seward,

Shields, Smith, Soule, Spruance, Sumner, Toucey, Underwood, Upham, and Wade—37.

NAYS—Messrs. Badger, Borland, Bright, Cass, Dodge of Iowa, Downs, Felch, Geyer, James, Jones of Iowa, Pratt, Sebastian, and Walker—13.

So the amendment was agreed to.

Mr. CASS moved to strike out all the appropriations for specific surveys, and to insert an appropriation of \$30,000 for surveys to be made under the direction of the Topographical Bureau.

This led to a debate that lasted till near five p. m., (and which will be found in the Appendix,) when the question was taken and decided in the negative, as follows:

YEAS—Messrs. Bayard, Borland, Bradbury, Brodhead, Cass, Chase, Dawson, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Gwin, James, Jones of Iowa, Pratt, Sebastian, Shields, Sumner, and Walker—21.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Brooke, Butler, Charlton, Clarke, Davis, De Saussure, Dodge of Wisconsin, Foot, Hale, Hunter, King, Mallory, Mason, Meriwether, Morton, Rusk, Seward, Smith, Soule, Spruance, Toucey, Underwood, Upham, and Wade—28.

The Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, August 19, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. L. F. MORGAN.

The Journal of yesterday was read and approved.

#### WHEELING BRIDGE.

The SPEAKER. The business first in order is the consideration of House bill No. 297, "declaring the Wheeling Bridge a lawful structure, and for other purposes," upon which the gentleman from Ohio is entitled to the floor.

Mr. OLDS resumed, and concluded his argument in favor of the bill. [His speech will be found in the Appendix.]

Mr. MASON. The gentleman from Ohio, [Mr. OLDS,] in the course of his speech, has alluded to the draft in the chimneys of the steamboats, and I desire merely to state that two improvements have been introduced, which render high chimneys unnecessary. One improvement is now in practical operation in England, by which the chimney discharges its smoke in front of the paddle-wheel, thus superseding the necessity for any chimney above the boat, and by this process a much greater draft is given than by the tallest chimney. Another invention has been discovered in this city, by Mr. Mills, who is at present engaged in manufacturing the equestrian statue of General Jackson, by which the necessity for any draft has been done away with altogether. By this method Mr. Mills can melt fifteen tons of iron or bronze with one cord of wood.

Mr. ALLISON. Objection was made yesterday to my colleague [Mr. STEVENS] occupying a part of the time of the gentleman from Ohio, [Mr. OLDS,] the chairman of the committee, and I object to the gentleman from Kentucky proceeding now.

The SPEAKER. The gentleman from Ohio has a right to allow any member to take the floor for the purpose of explanation.

Mr. ALLISON. He was not permitted to yield the floor to my colleague yesterday.

The SPEAKER. That was his fault, and not the fault of the Chair.

Mr. MASON. The gentleman need not oppose me; for I have no doubt that these improvements will be of greater benefit to his city, in the iron-making country, than the removal of any obstruction across the Ohio river.

Mr. ALLISON. I merely wish to say that I raise the question of order not because I have any objection to what the gentleman was likely to say, but because I thought it was not fair that the gentleman from Kentucky should be treated differently from the manner in which my colleague was treated yesterday.

Mr. FOWLER. I rise to a question of order. The chairman of the committee expressed his willingness yesterday to give me a third of the hour to which he was entitled, to afford me an opportunity to sustain the minority report. It was objected to, and the House acquiesced in the objection. Now, I have no objection to what the gentleman from Kentucky wishes to say, but I think that equality and reciprocity should be observed; and if I cannot have an opportunity afforded me to address the House, I must object to his doing so.

# THE CONGRESSIONAL GLOBE.

PUBLISHED AT WASHINGTON, BY JOHN C. RIVES.—TERMS \$3 FOR THIS SESSION.

32D CONGRESS, 1ST SESSION.

SATURDAY, AUGUST 21, 1852.

NEW SERIES....No. 142.

The SPEAKER. The Chair has decided on several occasions before, that it is the uniform practice of the House for a gentleman occupying the floor to yield it to another gentleman for the purpose of explanation. It is a question with the gentleman from Ohio whether he will yield it alike to the gentleman from Kentucky and the gentleman from Massachusetts; but there can be no bargain or contract by which two gentlemen shall speak half each without the unanimous consent of the House. The Chair therefore overrules the question of order raised by the gentleman from Massachusetts.

Mr. FOWLER. In that case I am only surprised that the minority of the committee cannot be heard under the same circumstances.

The SPEAKER. That is an argument addressed to the chairman of the Committee of the Whole on the state of the Union, and does not affect the rules or practice of the House.

Mr. OLDS. My time will be exhausted in three or four minutes, and in order to get rid of this difficulty I decline further to yield the floor, and am anxious to close this debate.

Mr. DEAN. I move to lay the whole subject on the table.

Mr. STEVENS, of Pennsylvania. And upon that proposition I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 35; nays 119; as follows:

YEAS—Messrs. Allison, Bibbhaus, Busby, Carter, Chapman, Dean, Dimmick, Duncan, Florence, Floyd, Fowler, Gilmore, Goodrich, Haven, John W. Howe, Thomas M. Howe, Ingersoll, James Johnson, George G. King, Kurtz, McLannahan, Henry D. Moore, Andrew Parker, Penn, Reed, Robbins, Ross, David L. Seymour, Origin S. Seymour, Skelton, Thaddeus Stevens, Tuck, Ward, Washburn, and Addison White—35.

NAYS—Messrs. Aiken, Willis Allen, William Appleton, Ashe, Averett, Thomas H. Bayly, Barre, Beale, Bissell, Bocoock, Bowie, Bowne, John H. Boyd, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Buell, Joseph Cable, Caldwell, Thompson Campbell, Caskie, Chastain, Clark, Clingman, Cobb, Colcock, Cullom, John G. Davis, Dawson, Disney, Doty, Dunham, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Ficklin, Fitch, Thomas J. D. Fuller, Gaylord, Gentry, Goodenow, Hall, Hamilton, Hammond, Harper, Sampson W. Harris, Hascall, Hebard, Hendricks, Henn, Hibbard, Holladay, Houston, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, Kubus, Lockhart, Mace, Mann, Martin, Mason, McCorkle, McQueen, Miller, Millson, Miner, Molony, John Moore, Murray, Newton, Olds, Orr, Outlaw, Samuel W. Parker, Penniman, Perkins, Phelps, Polk, Porter, Powell, Price, Robie, Scudder, Smith, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Sutherland, Sweetser, Taylor, Benjamin Thompson, Thurston, Townsend, Venable, Walsh, Watkins, Welch, Wells, Alexander White, Wilcox, and Woodward—119.

So the House refused to lay the bill upon the table.

Pending the call of the roll, the following gentlemen stated that they had paired off:

Mr. STANTON, of Ohio, with Mr. RICHARDSON;  
Mr. CAMPBELL, of Ohio, with Mr. LETCHER;  
And Mr. SCURRY, against the bill, with Mr. MEADE, in favor of it.

The question recurred upon committing the bill to the Committee of the Whole on the state of the Union; and being put, the motion was disagreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, was subsequently read the third time.

The question recurring, "Shall the bill pass?" Mr. OLDS called for the previous question; which received a second; and the main question was ordered to be put.

Mr. CARTTER. I demand the yeas and nays. The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 115, nays 42; as follows:

YEAS—Messrs. Aiken, Allen, Ashe, Averett, Thomas H. Bayly, Beale, Bissell, Bocoock, Bowie, Bowne, John H. Boyd, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, George H. Brown, Buell, E. Carrington Cable, Joseph Cable, Caldwell, Thompson Campbell, Caskie, Chastain, Clark, Clingman, Cobb, Colcock, Conger, Cullom, John G. Davis, Dawson, Disney, Doty, Durkee, Eastman, Edgerton, Edmundson, Evans, Faulkner, Ficklin, Fitch, Thomas J. D. Fuller, Gaylord, Gentry, Goodenow,

Hall, Hamilton, Hammond, Harper, Sampson W. Harris, Hascall, Hendricks, Henn, Hibbard, Holladay, Horsford, Houston, Thomas Y. How, Hunter, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Kubus, Lockhart, Mace, Mann, Martin, Mason, McCorkle, McMullin, McQueen, Miller, Millson, Miner, Molony, John Moore, Murray, Newton, Olds, Orr, Outlaw, Samuel W. Parker, Penniman, Perkins, Phelps, Polk, Porter, Powell, Price, Robie, Smith, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, Venable, Walsh, Watkins, Welch, Alexander White, Wilcox, and Woodward—115.

NAYS—Messrs. Allison, William Appleton, Bibbhaus, Busby, Carter, Chandler, Chapman, Curtis, Dean, Dimmick, Dockery, Duncan, Florence, Floyd, Fowler, Henry M. Fuller, Gilmore, Goodrich, Haven, Howard, John W. Howe, Thomas M. Howe, Ingersoll, James Johnson, Geo. G. King, Kurtz, McLannahan, Andrew Parker, Reed, Robbins, Ross, Scudder, David L. Seymour, Origin S. Seymour, Thaddeus Stevens, Stratton, Sutherland, Townsend, Ward, Washburn, A. White, and Wildrick—42.

So the bill was passed.

Mr. OLDS moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

## RELIEF OF THOMAS RITCHIE.

Mr. STANTON, of Kentucky. I move to take up the report of the Committee on Printing.

The SPEAKER. That is the first business in order without any motion. The gentleman from North Carolina, [Mr. STANLY,] by courtesy at least, is entitled to the floor on that bill.

Mr. HOUSTON. The gentleman from North Carolina is entitled to the floor, and I appeal to him to let the House say whether they will go on with the appropriation bill, or take up the report from the Committee on Printing. It is very important to get the appropriation bill through this week. I hope, therefore, the House will indulge me in it.

Mr. STANLY. I am ready, individually, to finish what I have to say upon this printing business; but I do not wish to go against the sense of the House, or oppose the chairman of the Committee of Ways and Means, upon whom is the responsibility of the public business. I will therefore submit to whatever be the wish of the House.

Mr. HOUSTON. Then, in order to put it in the power of the House to test what business it will take up, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

## FRENCH SPOILIATION BILL.

Mr. BAYLY, of Virginia. I rise to a question of order connected with the priority of business.

Some time since a bill from the Senate, known as the "French Spoliation Bill," was before this House. After it was read a second time, a motion was made to refer it to the Committee of the Whole on the state of the Union, and a motion was made by myself to refer it to the Committee on Foreign Affairs. This is a subject in which the country feel a vast amount of interest.

Mr. HOUSTON. The gentleman is not in order. He is debating the question.

Mr. BAYLY. I am not going to debate it. I desire to know precisely where that bill is. When the motion was made to commit, my impression was, under what I understand to be the practice of this House, that that motion kept the bill before the House. I think that has been the practice of the House. I desire to know of the Speaker where, among the business of the House, that bill is?

Mr. JOHNSON, of Tennessee. I merely wish to inquire what is before the House? And if it is a question of priority of business, whether it is debatable or not?

The SPEAKER. It is not debatable.

Mr. BAYLY. I am aware that it is not debatable, but I cannot make my point without stating the facts of the case.

Mr. HOUSTON. I do not see that the gentleman from Virginia has raised any point of order. He has simply made an inquiry of the Chair.

The SPEAKER. The question before the House is on the motion made by the gentleman from Alabama, to suspend the rules to go into

the Committee of the Whole on the state of the Union.

Mr. STANTON, of Kentucky. I have a point of order to make. I rose and was recognized by the Speaker, but before I submitted the motion I designed to make, the gentleman from Alabama [Mr. HOUSTON] rose and reminded the House that the gentleman from North Carolina [Mr. STANLY] was entitled to the floor. I do not know how he could be, entitled to the floor to make that statement when I was upon the floor; but it afforded the gentleman from Alabama an opportunity to make his motion to go into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair announced that the report from the Committee on Printing was the first business in order before the House, and that the motion of the gentleman from Kentucky was not necessary.

Mr. STANTON. Well, but I still occupied the floor.

The SPEAKER. The Chair understood the gentleman from Kentucky to have resumed his seat, and the Chair remarked that, by courtesy at least, the gentleman from North Carolina was entitled to the floor upon the report from the Committee on Printing. The Chair insists that he is entitled to it for another reason, if he claims, and that is, that the gentleman from Kentucky has already been heard upon the bill, and cannot speak twice until others who may desire to be heard have spoken. So that, at any rate, the gentleman from North Carolina was regularly upon the floor upon the report from the Committee on Printing. The gentleman from North Carolina yields the floor to the gentleman from Alabama, to submit the motion to go into the Committee of the Whole on the state of the Union.

Mr. STANTON. I did not resign my right to the floor at all, because I occupied the position I am now occupying.

The SPEAKER. The gentleman could not occupy the floor, because he was not entitled to speak.

Mr. STANTON. I might have called the previous question if I had had an opportunity of doing so.

The SPEAKER. That is true; and if the gentleman insists that he was occupying the floor, and had such purpose to accomplish, he is entitled to it.

Mr. STANTON. I merely desire to say, that I hope the House will not agree to the motion of the gentleman from Alabama to go into committee.

Mr. HOUSTON. I do not want to consume any more time on this point of order; but I wish to state what the gentleman from North Carolina will certainly bear me out in—

The SPEAKER. The Chair understands that the gentleman from Kentucky simply wishes that the House will not go into Committee of the Whole on the state of the Union.

Mr. BISSELL. Under the impression that I shall take an appeal from the decision of the Chair, I wish to know distinctly the point of order made by the gentleman from Virginia, and overruled by the Chair.

The SPEAKER. The gentleman from Virginia rose and inquired of the Chair the precise condition of the French spoliation bill.

Mr. JOHNSON, of Tennessee. He made no point of order at all.

The SPEAKER. He inquired the position of the French spoliation bill, and the Chair stated in response that the business now in order before the House was the motion of the gentleman from Alabama to go into Committee of the Whole on the state of the Union. The Chair is very willing to respond to the gentleman from Virginia, by stating that the French spoliation bill, in the opinion of the Chair, is in the fourth class; and the first business in order in the fourth class upon the Speaker's table—that is, when you reach that description of business.

Mr. BAYLY. If the Speaker will indulge me a single moment—

Mr. HOUSTON. I must insist upon going on with the business of the House.

Mr. BAYLY. The gentleman from Tennessee [Mr. JOHNSON] said I made no point of order. I want to show that I did make a point of order. The Speaker decided that the motion of the gentleman from Alabama was the question before the House.

The SPEAKER. That was the decision of the Chair.

Mr. BAYLY. That is, the Chair decided that the French spoliation bill had not been kept alive by the motion to commit.

The SPEAKER. The Chair made no such decision. It is kept before the House thus far, that it is the first business in order in its class of business, and is not in order until you reach that class of business.

Mr. BAYLY. Will the Chair be good enough to state what that fourth class of business is?

Mr. HOUSTON. That is not before the House, unless a motion is made to take that bill up.

The SPEAKER. The Chair will further state, that even though his decision might be wrong in regard to the particular position of that bill, it nevertheless follows it could not be in order until you go to the business upon the Speaker's table. At any rate, there can be no question about the decision of the Chair, so far as it has a bearing upon this particular question.

Mr. WALSH. If a motion be made now and carried, to proceed to the business upon the Speaker's table, will not the French spoliation bill be the first business in order?

The SPEAKER. It will not. It will be the first business in order in its class.

Mr. WALSH. For the purpose of testing the correctness of the decision of the Chair, I move to proceed to the business upon the Speaker's table, and upon that motion I call for the yeas and nays. It has been universally understood all over this House, that the French spoliation bill would be the first business in order when we should get to the business upon the Speaker's table.

The SPEAKER. The Chair is of opinion that the motion to go to the business on the Speaker's table, and the motion made by the gentleman from Alabama, are both privileged motions, and that the motion made by the gentleman from Maryland [Mr. WALSH] must be first put to the House.

Mr. HOUSTON. Let me ask the Chair a question. Must not the motion first made be first put?

The SPEAKER. The Chair had in his mind the following rule:

"After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day—which, being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:—"

Another rule is: "That it shall be in order at any time to go into the Committee of the Whole on the state of the Union." The rule first read, in the opinion of the Chair, refers only to a case where a gentleman is occupying the floor, that it may be taken from him by a motion to go to the business upon the Speaker's table. In the opinion of the Chair, the motion of the gentleman from Alabama, to go into the Committee of the Whole on the state of the Union, having been first made, must be first put.

Mr. STANTON, of Kentucky. Upon that motion I call for the yeas and nays.

Mr. FOWLER. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. FOWLER, and FULLER of Maine, were appointed.

The House was divided, and the tellers reported 36 in the affirmative; which, being a sufficient number, the yeas and nays were ordered.

Mr. HALL. I believe the vote about to be taken involves the question whether we shall reach the French spoliation bill or not. I desire, therefore, to say, that upon that question I have paired off with Mr. McDONALD.

The question was then taken upon Mr. HOUSTON's motion, and it was decided in the negative—yeas 73, nays 91; as follows:

YEAS—Messrs. Abercrombie, Beale, Bibb, Briggs, Albert G. Brown, Buell, Burrows, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter,

Chastain, Churchwell, Clingman, Cobb, Colcock, Cullom, John G. Davis, Dawson, Dimmick, Dockery, Dunham, Eastman, Faulkner, Fitch, Floyd, Gaylord, Gentry, Hamilton, Haven, Hendricks, Hibbard, Horsford, Houston, Howard, Thomas Y. How, Ives, Jenkins, Andrew Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kurtz, Martin, Mason, McCorkle, McLanahan, McQueen, Molony, John Moore, Morehead, Murray, Orr, Andrew Parker, Penningman, Phelps, Price, Robie, Ross, Scurry, David L. Seymour, Skelton, Smith, Thaddeus Stevens, Stratton, Stuart, Sweetser, Thurston, Watkins, Alexander White, Wilcox, and Wildrick—73.

NAYS—Messrs. Charles Allen, Willis Allen, Allison, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bennett, Bissell, Bocoock, Bowie, Bowne, John H. Boyd, Breckinridge, Brenton, Briggs, Brooks, George H. Brown, E. Carrington Cabell, Caskie, Chandler, Chapman, Clark, Conger, Curtis, Dean, Disney, Doty, Edgerton, Edmundson, Florence, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gilmore, Goodenow, Goodrich, Hammond, Harper, Sampson W. Harris, Haws, Hascall, Hebard, Henn, Holladay, John W. Howe, Thomas M. Howe, Ingersoll, Jackson, James Johnson, John Johnson, George G. King, Kuhns, Lockhart, Mace, Mann, McMullin, Miller, Millson, Miner, Henry D. Moore, Newton, Oids, Outlaw, Samuel W. Parker, Polk, Porter, Powell, Reed, Riddle, Robbins, Scudder, Origen S. Seymour, Stanley, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Strother, Sutherland, Taylor, Benjamin Thompson, Tuck, Walbridge, Ward, Washburn, Welch, Wells, Addison White, and Yates—91.

So the motion was not agreed to.

Pending the call of the roll—

Mr. DUNCAN stated, that as the decision of the question now before the House had some bearing upon the French spoliation bill, he had paired off with an honorable gentleman.

The SPEAKER. The gentleman from North Carolina [Mr. STANLY] is now entitled to the floor, upon the report of the Committee on Printing.

Mr. STANTON, of Kentucky. I hope the gentleman will proceed with his remarks.

Mr. STANLY. I move that it be postponed until to-morrow.

Mr. STANTON. Upon that motion I call for the yeas and nays.

Mr. HOLLADAY. I demand tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CHANDLER, and JOHNSON of Arkansas, were appointed.

The House was then divided; and tellers reported only 20 in the affirmative.

So the yeas and nays were not ordered.

The question was then taken upon Mr. STANLY's motion, and it was decided in the affirmative—yeas 92, nays 52.

So the motion was agreed to.

Mr. WALSH moved to proceed to the business on the Speaker's table.

Mr. HOUSTON. Is it in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It will be in order if the House refuse to go to the business on the Speaker's table.

The question was then put upon Mr. WALSH's motion to proceed to the business on the Speaker's table, and on a division there were—yeas 78, nays 66.

Mr. BAYLY, of Virginia. I demand tellers.

Mr. HAMILTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMILTON. I withdraw the call for the yeas and nays.

[Loud shouts of "No!" "No!"]

Mr. HIBBARD. I renew it.

The yeas and nays were again ordered.

The question was then taken, and there were—yeas 91, nays 69; as follows:

YEAS—Messrs. Abercrombie, Charles Allen, Willis Allen, Allison, Win. Appleton, Babcock, Thomas H. Bayly, Barrere, Bennett, Bibb, Bissell, Bowie, Bowne, J. H. Boyd, Brenton, Briggs, Brooks, G. H. Brown, Burrows, Caldwell, Chandler, Chapman, Clark, Cutman, Disney, Doty, Edgerton, Faulkner, Florence, Fowler, Henry M. Fuller, Thomas J. D. Fuller, Gilmore, Goodenow, Goodrich, Hammond, Harper, Haws, Hascall, Hebard, Henn, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Jackson, John Johnson, George G. King, Kuhns, Mace, Mann, Martin, McCorkle, Miller, Miner, Henry D. Moore, Morehead, Newton, Oids, Outlaw, Samuel W. Parker, Peaslee, Perkins, Porter, Price, Riddle, Robbins, Robie, Sackett, Scudder, David L. Seymour, Origen S. Seymour, Stanley, Benjamin Stanton, Abr'm P. Stephens, Thaddeus Stevens, Stone, Strother, Stuart, Sutherland, Taylor, Benjamin Thompson, Tuck, Walbridge, Walsh, Ward, Washburn, Welch, Wells, Addison White, and Alexander White—91.

NAYS—Messrs. Ashe, Averett, Beale, Bocoock, Bragg, Albert G. Brown, Buell, Joseph Cable, Thompson Campbell, Carter, Caskie, Chastain, Cobb, Colcock, Curtis, John G. Davis, Dawson, Dean, Dimmick, Dunham, Ed-

mundson, Fitch, Floyd, Gaylord, Gentry, Hamilton, Sampson, W. Harris, Haven, Hendricks, Hibbard, Holladay, Houston, Howard, Ingersoll, Ives, Andrew Johnson, Robert W. Johnson, George W. Jones, Preston King, Kurtz, Lockhart, Mason, McLanahan, McQueen, Millson, Molony, John Moore, Murray, Orr, Andrew Parker, Penn, Penningman, Phelps, Polk, Ross, Scurry, Skelton, Smith, Frederick P. Stanton, Richard H. Stanton, St. Martin, Stratton, Sweetser, Venable, Watkins, Wilcox, Wildrick, and Woodward—69.

So the motion was agreed to.

Mr. BOCOOCK. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. POLK. On that motion I call for the yeas and nays; and I do it because I understand that the object of refusing to go into committee is, to take up the French spoliation bill.

[Loud cries of "Withdraw the call!"]

Mr. POLK. Well, sir, I withdraw it for the present.

The question was then put upon Mr. BOCOOCK's motion, and, on a division of the House, there were—yeas 76, nays 69.

Mr. CHANDLER called for tellers; which were ordered; and Messrs. CHANDLER, and STANTON of Tennessee, were appointed.

The question was put, and the tellers reported—yeas 80, nays 72.

Mr. BAYLY, of Virginia. I demand the yeas and nays.

The yeas and nays were ordered.

[A message was received from the Senate of the United States, by the hands of ASBURY DICKINS, Esq., its Secretary.]

The question was then again put upon Mr. BOCOOCK's motion, and it was decided in the affirmative—yeas 83, nays 80; as follows:

YEAS—Messrs. Aiken, Willis Allen, Ashe, Averett, Beale, Bocoock, Bragg, Breckinridge, Albert G. Brown, Buell, E. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Carter, Caskie, Chastain, Churchwell, Clark, Clingman, Colcock, Conger, Cullom, John G. Davis, Dawson, Dean, Dimmick, Dunham, Durkee, Eastman, Edmundson, Fitch, Floyd, Gamble, Gaylord, Green, Hamilton, Sampson W. Harris, Haven, Hendricks, Hibbard, Holladay, Houston, Howard, Ives, Andrew Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, Preston King, Kurtz, Landry, Lockhart, Mason, McCorkle, Millson, Molony, John Moore, Murphy, Murray, Orr, Andrew Parker, Penningman, Phelps, Polk, Powell, Robie, Ross, Scurry, Smith, Frederick P. Stanton, Richard H. Stanton, St. Martin, Stratton, Stuart, Sweetser, Thurston, Venable, Wallace, Watkins, Wilcox, Wildrick, and Woodward—83.

NAYS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Thomas H. Bayly, Barrere, Bennett, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, Brooks, George H. Brown, Burrows, Lewis D. Campbell, Chandler, Chapman, Disney, Doty, Edgerton, Florence, Fowler, Henry M. Fuller, Gilmore, Goodenow, Goodrich, Hammond, Harper, Isham G. Harris, Haws, Hascall, Hebard, Henn, Horsford, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Jackson, John Johnson, George G. King, Kuhns, Mann, Martin, Miller, Miner, Henry D. Moore, Morehead, Newton, S. W. Parker, Peaslee, Perkins, Porter, Price, Reed, Riddle, Robbins, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Stanley, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, Strother, Sutherland, Taylor, Benjamin Thompson, Tuck, Walbridge, Ward, Washburn, Welch, Wells, Addison White, Alexander White, and Yates—80.

So the motion was agreed to.

#### NAVAL APPROPRIATION BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FICKLIN in the chair,) and resumed the consideration of the naval appropriation bill.

The CHAIRMAN. When the committee last rose, the gentleman from Michigan [Mr. STUART] had offered the following amendment:

And hereafter no appointment of midshipmen in the Navy shall be made, unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed.

The gentleman from Arkansas [Mr. JOHNSON] had offered the following as a substitute for that amendment, viz:

And hereafter in the appointment of midshipmen the recommendations of members of Congress as to applications from their respective districts shall be respected and observed, in the same manner and to the same extent as is now the practice in reference to cadets for West Point.

The gentleman from Tennessee [Mr. JOHNSON] offered the following as an amendment, to come in at the end of the substitute, viz:

Provided, That the member of Congress making the nomination, shall not nominate his own son or the son of any other member.

The pending question is upon the amendment



of the gentleman from Tennessee, and upon that question debate is exhausted.

Mr. JOHNSON, of Arkansas. I think the gentleman from Michigan has probably changed his amendment a little, since I offered my substitute for it, for it does not strike me now in the same light that it did yesterday. I will therefore withdraw my substitute, and hope the amendment of the gentleman from Michigan will be adopted.

Mr. STUART. At the suggestion of a gentleman near me, I will modify my amendment by inserting after the word "midshipman," the words "or pupils at any Naval School."

Mr. JOHNSON, of Tennessee. I suggest to the gentleman from Michigan, that he should accept the proviso which I offered to the substitute of the gentleman from Arkansas, as a modification of his amendment.

Mr. STUART. I cannot accept it, but the gentleman can move it as an amendment to my amendment.

Mr. JOHNSON. Then I move to amend the amendment by adding thereto the proviso which I offered yesterday to the substitute of the gentleman from Arkansas, which has just been read.

Mr. Chairman, I desire to say a few words in relation to that amendment, although I have no desire to consume the time of the House. I understand that this amendment is brought forward for the purpose of putting down favoritism, and it seems to me that favoritism should be put down as far as members of Congress are concerned, as well as in other quarters. I do not wish to be pressed upon this point, but it is a fact that there were members in the last Congress who had sons in this Naval School, and that there are members in this Congress who have sons there. Not long since, we saw in the newspapers a controversy about a member of Congress who had already a son at West Point getting another son into the school at Annapolis. Ought not this system of favoritism to be put down too? If I understand the original design of the law in relation to these appointments, it was that members of Congress should nominate young men residing in their districts who by nature were blessed with talents and with good physical development, but who had not the means of education; it was intended to confer education upon that description of persons, and at the same time promote the interests of the Army and Navy and of the Government generally. I think that members of Congress ought to be precluded from exercising this species of favoritism as well as other persons. We see that lads who are blessed by nature with talents and with every requisite that would make them competent and efficient in the service are excluded, and that the sons of members of Congress, many of them almost imbecile, are crowded into these institutions. When we get to the Departments, what is going on there? Why, you cannot appoint a head of a bureau without his instantly crowding his cousins, nephews, and all that description of persons, into his Department. The whole thing ought to be stopped. Let us begin with ourselves and carry the reform into every Department of the Government. Here is a perfect system of nepotism carried on in those Departments. Let us carry out the original design in good faith, if it is to be carried out at all. I am myself in favor, as I said yesterday, of cutting these institutions up by the roots, and confining them exclusively to the States. That is what I think ought to be done.

I know that some say we should not exclude members of Congress. Why, how does this thing work? Take, for instance, my neighbor there from North Carolina, [Mr. CLINGMAN;] we live upon the borders of our States; I can just send my son over to his district, and he has him appointed to West Point, as a resident in that district, and, in the same way, he can send his son over into my district. This thing may be done, and the probability is it will be done hereafter. I say it ought to be put a stop to, and now is the time to do it.

Mr. CARTTER. I am opposed to the amendment of the gentleman from Tennessee, for the reason that I do not think there is any occasion for it. I think that my friend from Tennessee, although he strikes as low and as close as any man that I ever was acquainted with, has made a blow a little below what should be the standard of self-respect, which gentlemen upon this floor should maintain for themselves. I do not believe,

in the first place, that the abuse which the honorable gentleman alludes to, exists to any extent. I do not believe it is possible for any gentleman, having credit enough in a respectable constituency, to obtain a place upon this floor, to be capable of transferring his offspring into a district in a neighboring State, for the purpose of getting him into a public institution; and if there was one such gentleman to be found, I do not believe a second could be found to receive that offspring.

Mr. JOHNSON, of Tennessee. I desire to know what the gentleman means by striking low?

Mr. CARTTER. Striking below that standard of self-respect which should prohibit any member of Congress from being guilty of such an act, without the interference of law.

Mr. JOHNSON. If the gentleman wishes to know where that standard is below self-respect, let him look to his own State. He will find that a member of Congress from that State has put his son into the school at Annapolis.

Mr. SWEETSER. Name him.

Mr. JOHNSON. Mr. Sawyer, of Ohio, put his son into that school.

Mr. SWEETSER. He is not in this Congress.

Mr. JOHNSON. He was a member of Congress when he got his son into the school, and that is what I said.

Mr. CARTTER. Well, he has got paid for it.

Mr. JOHNSON. If the gentleman desires it, I can give him the names of others.

Mr. CARTTER. The honorable member from Tennessee urges a general impeachment upon the integrity and character of the members of this House, by supposing that they need a higher law for their restraint, than the law of self-respect. If that law will not operate to restrain members of Congress within the limits of decorum, in the discharge of their discretionary powers, there is no law that will do it. I am opposed to the amendment.

The question was then taken on the amendment to the amendment, and it was rejected.

Mr. JOHNSON, of Arkansas. With a view to carry out what I believe to be the almost unanimous intention of the committee, I offer the amendment to the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

And that the Secretary of the Navy is hereby required to report to this House at its second session, the number and names of appointments to the Naval School, which have up to this time been made, and the district, and from whence each one comes; and the number of vacancies now existing at said school, with the Congressional districts which may be entitled to supply them; and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances.

Mr. J. said: Mr. Chairman, I have offered this amendment to avoid a difficulty which now exists. The Secretary of the Navy states that there are a large number of districts which are entitled to appointments, but that there are no places for them to fill. At least this was the statement a short time ago. A large number of districts have not enjoyed the privileges of this Naval School for years. Now, sir, you may make what rules you please, for equalizing the enjoyment of the privileges of this Naval School among all the districts in the United States. You may pass what acts you please, but so long as the Secretary of the Navy can say there are a large number of districts which have not had any appointments for years, and is still left to select for himself, without responsibility—while we are left without reference to the law, and in ignorance of what is the judgment or construction put upon that law—how is it possible for us to prevent favoritism? Who is to make the Secretary declare, under the given circumstances, and under the existing law, exactly how that law will apply to these cases as they shall come up for his adjudication? Now, I propose by my amendment that the Secretary shall be called upon to report to the next session of Congress, whether there are any vacancies, and if so, what districts are entitled to fill them according to the existing laws, and under the circumstances which may exist. For instance, if one district has no appointee in the Naval School, but has one in the Navy, and another has no appointee in either, the latter would in equity be entitled to the appointment. The object is to have the production of a statement showing what district was first entitled to an appoint-

ment, the number of vacancies which may now exist, and also the order in which the several districts shall hereafter be entitled to appointments; so that hereafter there shall be no favoritism on the part of our Secretaries, by depriving any district, or any portion of the people, of the right to their own appointment.

Mr. STUART. I would suggest to the gentleman from Arkansas, that he change the words "now existing," to "then existing," in his amendment.

Mr. HOUSTON. I think, if the gentleman from Arkansas will listen to me for a moment, it will change his opinion with regard to the propriety of the amendment to the amendment. The indications are, that we will adopt the proposition of my friend from Michigan, [Mr. STUART,] which requires that the appointment shall be made from the districts. Then, if that becomes a law, it makes no difference where the vacancy is, as a matter of course the district where the vacancy occurs will be entitled to fill it.

Mr. JOHNSON, of Arkansas. I ask the gentleman whether or not it is a fact that when the school is full—when the number allowed by law is there—every district in the United States will not have a representative there? If so, each district will have to take its turn.

Mr. HOUSTON. I am not able to tell just at this moment how many are allowed to make the number full. Perhaps the chairman of the Committee on Naval Affairs could inform the gentleman.

Mr. STANTON, of Tennessee. There are not quite enough allowed under the law to give two boys to each Congressional district.

Mr. HOUSTON. My friend from Tennessee says there are not quite enough to give two to each Congressional district. If gentlemen will examine the law of 1845, they will find that it provides that the students or midshipmen shall be appointed from all the States. At the time of the passage of that law there had been a very great inequality between the States in regard to these appointments. There was not only confusion, but great complaints were made as to the regulation of these appointments. The result was, that in the passage of that law a provision was inserted which required the Secretary of the Navy to apportion the appointments among the States, so as to bring up the deficient States to something like an equality, before any other regulation should be adopted. That law yet exists; and while the Department may have adopted rules to apportion these appointments among particular districts, yet there is no law which requires it. So that if we pass the amendment offered by the gentleman from Michigan, [Mr. STUART,] as I presume we shall, providing that the Representative from each district shall be entitled to make the appointment when a vacancy occurs in his district, then why should we ask the Secretary of the Navy to make a report of the vacancies, when the member is to make the appointment himself when a vacancy occurs in his district? The law of 1845 says it shall be made in the State; but the provision which we now propose to pass says the appointment shall only be made by the Representative himself, or upon his recommendation. I see no necessity, therefore, for requiring the Secretary of the Navy to report when the vacancies occur.

Mr. POLK. How are we to know when vacancies do occur?

Mr. HOUSTON. We may know by reference to the Department. But I have no objection to this portion of the amendment. Let them report that this or that or the other midshipman's place is vacant. I will change my reply to the gentleman from Tennessee. He asks how we are to know when these vacancies occur? Why, sir, as soon as this law is passed, it will become the duty of the Secretary of the Navy, as soon as a vacancy occurs, to consult the member from the district for which such vacancy occurs. That is made his duty by the very language of the section proposed by the gentleman from Michigan. He cannot make the appointment without consulting the member of Congress in whose district the vacancy occurs. I think the amendment is unnecessary.

Mr. JOHNSON demanded tellers upon the amendment; which were ordered; and Messrs. CLINGMAN, and STANTON of Tennessee, were appointed.

The question was then taken, and the tellers reported—ayes 75, noes 66.

So the amendment was agreed to.

Mr. TAYLOR offered the following amendment:

After the word "resides," insert "at the time of the application," so that the amendment would read:

"And hereafter, no appointment of midshipman in the Navy, or pupil at any Naval School, shall be made unless recommended by the member of Congress representing the district in which the applicant resides at the time of the application, in the same manner that cadets at West Point are now appointed," &c.

Mr. T. said: My principal object in offering this amendment is to bring to the notice of the committee a very important provision in the law of 1850, introduced by the distinguished gentleman from New Hampshire, [Mr. PEASLEE,] who I do not now see in his seat, and which I now send to the Clerk. I ask that it may be read, because it ought to be known to this committee and to the country, and I therefore take this method of calling their attention to it.

The provision of law referred to, was read, as follows:

"And that no midshipman in the Navy shall be appointed from any Congressional district, having at the time of appointment more than two officers of that grade in the Navy from such district; and whenever an appointment shall be made from any State, the person so appointed shall be an actual resident of the Congressional district from which the appointment purports to be made: And provided further, That such Congressional district of any State, as may not have any midshipman in the Navy at the time an appointment may be made from said State, shall be entitled to at least one appointment before any other shall be made from any district of the State having one or more officers of that grade in the Navy."

Mr. T. That is a very important provision in the law now existing. I desired to submit it yesterday, when my friend from North Carolina was speaking. He refused, however, to give way. I have no doubt he would have given way, had he known my object. It is a provision of law to which I think the country is greatly indebted to the gentleman from New Hampshire, [Mr. PEASLEE,] Why? Because it equalizes in some degree this great patronage of the General Government. Sir, I regard it as a great privilege to have a young man sent to the West Point Academy, or to the Naval School at Annapolis, to be educated at the public expense; and placed in the Army or Navy for life in a most respectable position. But I say to you, and I say to the committee, it is highly desirable that this great boon of the Government shall be equally distributed, because we all pay equally to keep up these institutions.

Now, sir, what is the fact? Why, many of the States of this Union have had little or no share at all in these privileges of the Government. The great State of Ohio, which I in part represent, with a population of 2,000,000, a few years ago had not any midshipmen in the Navy, and now has very few officers in that branch of the public service. I will say to you, Mr. Chairman, and to this committee, that at this very moment five or six districts represented by gentlemen upon this floor from that State, have no midshipmen at Annapolis. My friend from Arkansas, in his zeal and industry to represent the State which he does so admirably upon this floor, manifests a great anxiety that Arkansas should have her representative at Annapolis, though if I mistake not she has two midshipmen already, although that State forms but one Congressional district. But, as I said before, there are five of the Congressional districts in the State of Ohio, not one of which has a midshipman. My object, and the effect of this amendment, as I understand it, is to equalize this favor of the Government among all the Congressional districts in the United States.

When I had the honor to address the committee yesterday, I fear I was not understood in regard to some of the remarks which I submitted in relation to the Navy, and I now wish to make one or two observations in relation to that subject. These reforms which I desire to see introduced into the Navy are not with a view of breaking down that branch of the public service. I do not wish to be understood as desiring to break down the Navy; on the contrary, I wish to strengthen it by proper reforms, and every good improvement.

Mr. JOHNSON, of Arkansas. I understand the gentleman to say there are midshipmen from Arkansas in the Naval School.

Mr. TAYLOR. I am not positive of the fact, but I have been so informed.

Mr. JOHNSON. Will the gentleman be kind enough to inform me who they are?

Mr. TAYLOR. I do not know who they are, nor do I know whether there are any there, but I will state to the gentleman how I got my information. With a view to serve my own district, which had not a midshipman for many years, I called on the Department this morning, and in the course of conversation with the Chief Clerk, I remarked that I believed Arkansas had no midshipman. I was responded to, that she had two midshipmen.

Mr. JOHNSON. They know she has none, though there were some one or two put in under her name, and that is the very complaint we make.

Mr. TAYLOR. The district represented by my colleague [Mr. OLDS] has no midshipman, and there are four others similarly situated in my State. But apart from this, I desire to say, in relation to the Navy, that I wish we had time at this session to hear the report from the distinguished gentleman from Tennessee, [Mr. STANTON,] whose familiarity with the naval affairs of the country, by his industry and attention to them, does him credit. I desire, also, if we had the time, to hear in relation to the Army and the other branches of the public service. I desire to see the recommendations of the late Secretary of the Navy, Mr. Graham, adopted; and I believe a just regard to the good of the service demands that we should at once authorize a retired list, modify the rank, by authorizing the title of admiral of the Navy, as in other countries, and provide for the gradual but certain improvements in service and discipline; which our most experienced and capable naval officers, can show to be necessary to promote the efficiency of the Navy.

Mr. STANTON, of Tennessee. Mr. Chairman, I will say that one of the reforms I desire to make in the Navy, is to reduce the number of midshipmen one half, so as to give to each member the appointment of a single midshipman; and I think that is just about as much as the service requires to fill out the vacancies occurring annually. As it is now, the lower ranks in the Navy are so crowded that a young man who enters that service at this time, cannot expect to be a captain in less than one hundred years.

Mr. TAYLOR. I desire to ask the gentleman from Tennessee, [Mr. STANTON,] if it is in contemplation of the Committee on Naval Affairs to report a plan for a retired list, and establishing the rank of admirals in the Navy? I desire to see it done.

Mr. STANTON. We have a bill to report, to accomplish that object.

Mr. SWEETSER. My object in rising is to make an explanation for a friend who is absent. Allusion has been made by the honorable gentleman from Tennessee, [Mr. JOHNSON,] to Mr. Sawyer, who was a member of the Twenty-ninth and Thirtieth Congresses; and I must say to my friend, [Mr. JOHNSON,] that he is entirely mistaken in charging that gentleman with being guilty of a violation of the law, and that he made the appointment of his own son to West Point.

Mr. JOHNSON, of Tennessee. I do not want the gentleman to make a position for me, and then put words into my mouth in connection with that position. I do not assume that Mr. Sawyer violated any law, nor did I assume that he directly procured the appointment of his son. I stated that there were members of Congress, whose sons were appointed to these institutions, and we all know how these things can be done.

Mr. SWEETSER. The gentleman made a charge to the gentleman from Arkansas, [Mr. JOHNSON,] that a gentleman from Ohio had been guilty of this indiscretion, to say the least of it. I asked him to name the gentleman. He named Mr. Sawyer. Now, his whole argument and his whole position was that there might be—and I inferred he intended to say there had been—a transfer from one district to another, of the appointment, by one member, of the son of another. Now, sir, Mr. Sawyer, if he appointed his own son—and whether it is so or not, I do not know—his son was a resident of the district, and he had a right by law to appoint him.

Mr. JOHNSON. Was not Mr. Sawyer a member of Congress?

Mr. SWEETSER. He was, certainly.

Mr. JOHNSON. And while he was a member of Congress, was not his son appointed to the school at Annapolis?

Mr. SWEETSER. I do not know; I am told that it is so. That fact, however, does not bring the case within the purview of the gentleman's argument in relation to the transfer of sons of members of Congress, because his son was a resident of the district for which he was appointed.

Mr. JOHN W. HOWE. I call the gentleman to order.

Mr. SWEETSER. I have been just informed that the appointment was made by General Cass, and without the knowledge of Mr. Sawyer.

The question was then taken on the amendment to the amendment; and it was not agreed to.

Mr. HAVEN. I move to amend the amendment of the gentleman from Michigan, [Mr. STUART,] by striking out the words "midshipman or" before the word "pupil."

I know the House is desirous of getting along with this business, but there is a view of this original amendment to which I desire to call attention, and which I think forbids its adoption.

If a midshipman is an officer, then I submit that Congress has no constitutional right to control the appointment of such officer, except by vesting it "in the President, in the head of a Department, or in the courts of law." If he is not an officer, then I agree that this original amendment proposes proper and constitutional legislation, and such as I am much in favor of myself.

Section second of the second article of the Constitution provides—

"That the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

Now, sir, is the appointment of midshipmen, in the language I have read from the Constitution, "otherwise provided for" in that Constitution? I cannot find that it is. Again, is the office of midshipmen "established by law?" It was an office known in the British Navy whilst these States were colonies, and is recognized in various ways, and regulated by acts of Congress; and midshipmen are in various acts of Congress recognized as such, called officers, and in some instances are, by statute, now entitled to the pay, as such officers, of lieutenants and captains. I do not know whether they hold regular commissions, or only warrants; but I think it clear the office is recognized and "established by law."

There is a still further provision in this section of the Constitution, and which, with what I have before read, includes all the provisions of the Constitution on this subject. I read it:

"But Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Now, sir, I submit, that if midshipmen are officers, their appointment belongs to the President and Senate, under the provisions of the Constitution I first read; and if not to them, then Congress has no power to vest it anywhere except in the "President alone, in the courts of law, or in the heads of Departments." I suppose Congress has vested it in the head of the Navy Department, as it was within its competency to do; but it certainly is not within its competency to vest it in members of Congress. It can only vest it in one of the three places the Constitution names. And the original amendment, so far as it proposes to vest such a power of appointment in members of Congress, or to allow members to restrict the discretion of the proper appointing power, is, in my judgment, in derogation of the Constitution.

Mr. VENABLE. The very statement which the gentleman has just read from the Constitution relieves us at once from the difficulty which he seems to have discovered; for, if Congress can direct the appointment to be made by the President, or by courts of law, or by the heads of Departments, it can direct the manner in which that appointment shall be made, and in the very same way can designate the preliminaries which shall take place before those appointments are made.

Now, sir, the reason why I have desired all along that Congress should take some steps, so as to indicate how these appointments should be made, and prevent complaint and procure impartiality in their distribution, was, that we should

have the power of preventing the heads of Departments from concentrating in any one portion of the Republic, or in any one State, all the patronage of the Government;—of giving to Philadelphia, for instance, some ten or fifteen midshipmen more than they were entitled to. But I have never believed that there was anything like corruption in it. I never believed that the last, or any former gentleman at the head of the Navy Department, would be guilty of any corruption. It is true, that I complained that I could not get a midshipman appointed for my district, either under Mr. Graham or his predecessors; still I believe those gentlemen utterly incapable of corruption. To correct this evil, I am for prescribing the manner in which the appointments should be made, by directing that they shall be made precisely as the appointments are made of cadets at West Point. They have heretofore been considered exclusively the patronage of the head of the Navy Department, and have been made in accordance with that opinion. The Secretary appointed his favorites because law and usage seemed to recognize his right to do so. My object is to change the law, and abrogate the usage, to remove the patronage from the Secretary, and give equality by conferring it on the Representatives of the people.

Mr. HAVEN. I have no desire other than to bring this question to the consideration of the House. Let me suggest, by way of illustration, to my friend from North Carolina, [Mr. VENABLE,] whether he would contend that Congress has the right to declare that the President should not nominate, and, with the advice and consent of the Senate, appoint a foreign minister, unless he was taken from a given district, or recommended by a particular man in Congress? Would he hold that Congress has a right to control or restrict the appointing power in such a case?

Mr. VENABLE. Not at all. There is an express exception in the Constitution that Congress may vest the appointment of such inferior officers as it may think proper, in the President, or in courts of law, or in the heads of Departments.

Mr. HAVEN. That is very true. I have read that express provision from the Constitution to the House, and that provision gives Congress the right to vest the appointment in the President alone, or in the head of a Department, or in the courts; but Congress cannot vest it in either of the three, and still control it, nor can it vest it in its own members. Nor can it give to its own members either the whole or any portion of the discretion belonging to the exercise of the power. That discretion necessarily belongs to the officer in whom the power to appoint is vested.

Mr. VENABLE. I beg my friend's pardon. The appointment of these inferior officers may be, by Congress, conferred upon courts of law, or upon the heads of the Departments. That is the difference.

Mr. HAVEN. Yes; but not upon members of Congress. This original amendment proposes to confer it upon members of Congress, and the precise point I make is, that that cannot be done under the Constitution.

Mr. STUART. We can relieve this argument in a moment. This individual is not an officer of the Army of the United States. He is simply a pupil in that school, and until he receives and completes his education, he does not have a warrant which makes him an officer; and to show that this is so, these individuals are constantly rejected by a board of examiners; and that rejection could not take place if they were officers of the United States. They are treated and regarded as pupils.

Mr. HAVEN. Then my amendment had better be adopted; for if they are pupils merely, and not officers, they should be appointed upon the recommendation of members of Congress. But I think the gentleman is wrong in reference to the fact; they are appointed midshipmen before they are admitted to the school; and the examination he speaks of, is to see whether they shall be promoted to passed midshipmen or not. He will find, in the Official Register, long lists of midshipmen put down as attending the *Naval Academy*.

The question was then taken upon the amendment of Mr. HAVEN, and it was not agreed to.

Mr. WOODWARD. I move the following proviso:

*Provided, That in case the President shall decline to appoint the person nominated by a Representative, and the*

*Representative shall renominate the same individual, or neglect to nominate another, the President shall proceed to appoint at his discretion.*

I differ with the gentleman from New York, [Mr. HAVEN,] I regard them as officers, and surely you cannot take this power of appointment from the President and confer it upon a member of the House, if they are officers. I think that is very clear. Requiring the President to restrict the appointment to a Congressional district and limiting him to a State, is a very different thing from interposing another officer between him and the object of his appointment.

Now, if the President is to appoint whom the member of Congress shall nominate or recommend, why not let the member appoint? What is the use of the intervention of the Chief Magistrate of the United States, subordinate to the influence or wishes of an individual member of Congress in so small a matter? Now, give the power of appointment to a member of Congress, or to the President, or enforce the law on the heads of Departments.

If they are pupils simply, and not officers, I concede it is perfectly competent to investigate it. If they are commissioned officers, then it is palpably evident that you cannot interpose any other officer between.

Mr. STUART. I have great confidence in the opinions of the gentleman from South Carolina, [Mr. WOODWARD,] upon all questions, and especially so upon questions in reference to the construction of the Constitution of the United States; and, sir, I should not hesitate to concede that the construction contended for by that gentleman is correct, if the premises were as he supposes them. But, as I before remarked, these individuals are not officers of the United States. The difference between us is one of fact, and not of constitutional law.

Mr. JOHNSON, of Arkansas. I rise to a question of order; not to consume the gentleman's time, but merely to suggest that he is debating a matter which has been voted down when offered to this particular amendment. An amendment was offered relating to the power of the President to reject the appointment of a member, and giving him power, if the member refuses to nominate again, to proceed himself to appoint, which amendment was rejected, and this discussion tends to restore all the original difficulty.

Mr. STUART. I am opposing the amendment upon its merits, and the Chair will decide if I am in order or not.

The CHAIRMAN. The Chair thinks the remarks of the gentleman are in order.

Mr. JOHNSON. I withdraw the objection.

Mr. STUART. I was about to say that these persons were merely pupils of the school. Now, sir, it is a settled construction of the Constitution—settled by the Supreme Court—that an officer who is a permanent one, and for a given time, under that Constitution, is not removable at the pleasure of the President. If the appointment is for an indefinite time, he is. These individuals are not officers within the meaning of the Constitution. The amendment employs words in their common acceptance, and therefore we use the words midshipmen or pupils at the Naval School; and, as I said before, upon an examination, either the first, second, or any other, the examiners may reject the pupils, which they could not do were they officers under the Constitution. They do not get the warrant which makes them officers of the United States until they pass through their education there, and then they become for the first time officers of the United States.

The simple object of this amendment is to leave to the individual representing the district, the selection of the person who shall be appointed a pupil at that school; and I submit that it does not conflict with the provisions of the Constitution of the United States at all.

Mr. STANTON, of Tennessee. I wish to say, in reply to the gentleman from South Carolina, [Mr. WOODWARD,] that, if these persons are officers—and I suppose, after they get their warrants, they are, and must be appointed by the Secretaries or by the President—it is just as unconstitutional to control the appointment of those from whom these officers are to be selected, as to control the selection of the officers themselves; and it will be as much a violation of the Constitution for members

of Congress to appoint the pupils as the midshipmen themselves.

The question was then taken, and the amendment to the amendment was disagreed to.

Mr. HAMMOND. I move to strike from the amendment the words "or pupils."

Whilst we have commenced, we may as well legislate properly upon this subject. I am in favor of the object indicated by the gentleman from Michigan, [Mr. STUART,] but that object will not be reached by the amendment he has proposed, from the manner in which it is worded. The intention, I presume, is to prevent the head of the Navy Department from appointing acting midshipmen without the concurrence of the members of Congress from whose districts the appointments are made. If the language employed by the gentleman be embodied into the law, that intention will not necessarily be carried out; it may by construction, but cannot properly carry out the object sought to be accomplished. After the young man has passed his examination, and been made acting midshipman, he is not at once appointed to the Naval School. He may be appointed to a national vessel, and go out upon a cruise of two or three years' time before he is appointed to the Naval School. During all that time, according to the amendment of the gentleman, the President may have power to appoint without the concurrence of the member of Congress. I propose, in place of the words "pupils at the Naval School," to substitute "acting midshipmen;" and, if adopted, the amendment of the gentleman will then read "midshipmen or acting midshipmen in the Navy." The midshipman may be dismissed before he has entered the Naval School at all.

Mr. STUART. I would suggest that additional words might be employed, so that it would read "acting midshipmen or pupils at the Naval School."

Mr. HAMMOND. Very well.

Mr. CARTTER. I desire only to make a word of reply. There has been a good deal of delicate learning introduced into the discussion here in regard to the appointment of these officers, and I confess that my learning does not comprehend the force of the reasoning or conclusion. What is the history of this school? Why the Annapolis Naval School was created by a law of Congress; it is filled by a law of Congress. We now propose to modify that law by determining in what manner it is to be filled. The school, whether it results in commissioned officers or not, is filled by legislative authority. A grave query is now raised whether we have the power to determine the manner in which officers shall be created upon which the Executive can lay his hands. Now, whether they are midshipmen, or passed midshipmen, or lieutenants, I hold that the law-making power has the supreme control of the subject until they become officers.

Mr. HAVEN. I am most decidedly of the opinion of the gentleman from Ohio; but the amendment proposed by the gentleman from Michigan reaches beyond supplying the school for the purpose of supplying midshipmen to the Navy.

Mr. CARTTER. One word there. The President does not dispose of these officers until he has them provided for.

Mr. HAVEN. Most clearly; but the objection is that, under the Constitution, you cannot restrict him. He has the right to go among 23,000,000 of persons for selection; but the gentleman proposes to reduce that number to one individual from each district, recommended by its member of Congress.

Mr. CARTTER. You cannot restrict the President, eh? You cannot reach the Executive? This is a potent body if that be the case! Why, sir, you can degrade them in their official stations to-morrow!

Mr. HAVEN. I do not object to that position.

Mr. CARTTER. The whole theory is a reversal of the order of the Government. You give the President the law-making power of the Government, instead of placing him as an Executive to carry out the laws. I apprehend, however much difficulty we find in doing a little legislative act, that this school and its personnel is within the control of this body, and that it would be an outrageous invasion on the power of this body for the President to assume to say that he would create the material to fill it.

The question was taken, and the amendment to the amendment was rejected.



The question then recurring on the amendment of Mr. STUART, as amended, and being put, it was adopted.

Mr. STANLY. I move, *pro forma*, to insert after the amendment just adopted—

That no cadet shall be appointed under fifteen years of age.

Mr. Chairman, some remarks were made here on yesterday, which I desired to get the floor at the time to reply to, but was unable to do so. The gentleman from New York [Mr. DEAN] is reported in the *Intelligencer* as saying that there was no more corrupt officer in the Government than the late Secretary of the Navy. The gentleman specifies nothing, but the charge is general. I understand this morning that he made use of no such words as have been imputed to him. I do not now see him in his seat. They have gone out now to the country, and it is due to himself to say in what manner to correct such a gross charge.

The gentleman from Ohio [Mr. STANTON] also indulged in remarks of censure of the Secretary of the Navy, on account of his appointments. If the gentleman has any correction to make, I should be happy to hear him.

Mr. STANTON, of Ohio. With the permission of the gentleman from North Carolina, I will explain.

My complaint was against the action of the Navy Department, in a matter which I suppose was managed by the subordinates of the Secretary. It was not that the appointments from my district were improper; but that they were made without my knowledge, at a time when I was seeking information as to whether there was a vacancy.

The correspondence, I have no doubt, was prepared and carried on by a clerk or head of a bureau. And I think it very probable the Secretary may not have known by whom the applicants were recommended. With the Secretary of the Navy I have no personal acquaintance, and have no complaint to make against him personally. I did, and do complain, that what I regarded as an invasion of my privileges as a member of this House, had been invaded by the Department; but that it was in a matter which I presume was managed by the subordinates of the Secretary.

Mr. STANLY. The appointments the gentleman refers to, were made before the Secretary of the Navy had the honor of seeing or knowing the gentleman. He is mistaken. They were made in the month of September, 1851, before he came here, and there is no cause or shadow of complaint against the Secretary of the Navy upon that ground.

Mr. STANTON. As I have said, I do not know the Secretary of the Navy personally. The files, however, of his Department bear evidence that I sought to know if there were vacancies existing in my district.

Mr. STANLY. And the first letter from the Department in reply was that there were two.

Mr. STANTON. In that the gentleman is mistaken.

Mr. STANLY. I am in earnest; and I challenge the gentleman to call for the correspondence between the Secretary and himself upon that subject. If it is not as I state it, I shall never say turkey upon this floor again. [Laughter.]

Mr. STANLY, by unanimous consent, then withdrew his amendment.

Mr. SWEETSER. I move to insert the following, after line one hundred and eighty-six:

For the use of the Navy of the United States of Espy's "Conical Ventilator," and in bar of all claim for the same, \$10,000, the same having been thoroughly tested by consent of the inventor, for the last ten years; to be paid out of any money in the Treasury not otherwise appropriated.

Mr. HOUSTON. That is a private claim, and I raise the question that it is not in order.

Mr. SWEETSER. The gentleman is mistaken; this is not a private claim.

The CHAIRMAN. The Chair thinks that the amendment is not in order.

Mr. SWEETSER. I desire to call the attention of the Chair to the fact that this bill proposes to sustain the Navy, and to make the necessary appropriation for that purpose. The amendment I have offered is for the accomplishment of that very object.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. SWEETSER. Inasmuch as I am seriously pressing this amendment, and desire to have

the committee give it a fair hearing, I take an appeal from that decision.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was agreed to.

So the decision of the Chair was sustained.

Mr. STANTON, of Tennessee. I am instructed by the Committee on Naval Affairs to move to insert, after the word "building," in the following:

"Portsmouth, New Hampshire. For building timber shed No. 29, foundation for shores at railway, drains, gutters, and paving, and repairs of all kinds, \$35,041 23"—

—these words—

Cooper's shop and watchman's quarters, quay-wall south of basin—

—and to increase the appropriation to \$58,093 95.

I have been instructed to move to restore the original appropriation for the various navy-yards; and I will state here now generally, as I do not wish to trouble the committee particularly upon these various amendments as they come up, except on the one for the navy-yard at Memphis, that the amount of reduction of the estimates of the Secretary of the Navy for hospitals and navy-yards is something about \$500,000.

The chairman of the Committee of Ways and Means addressed a letter to the Secretary of the Navy, inquiring whether some of these appropriations could not be postponed. The Secretary of the Navy replies that they are in his judgment absolutely necessary; but that about \$175,000 of them could be postponed without injury to the public service. I myself do not see why these works, if they are absolutely necessary, should be thrown over for a succeeding year, with the overflowing treasury that we have. The Committee on Naval Affairs have instructed me to restore only such of these works as the Secretary of the Navy, and the officers under him, believe to be absolutely and indispensably necessary to be completed at the present time. This amendment is in accordance with the recommendation of the Secretary of the Navy, and the decision of the Committee on Naval Affairs. The proposition is to reduce the original estimates of the Secretary of the Navy by \$175,000 for improvements, which he says can be postponed without injury to the public service. That restores all except the particular works which the Secretary of the Navy says can be postponed without injury to the public service until the next fiscal year. It is for the committee to determine whether the estimates of the Department shall be sustained in all their usefulness or not. In offering this amendment, I only discharge the duty which the Committee on Naval Affairs imposed upon me.

Mr. PHELPS. I am opposed to the amendment submitted by the gentleman from Tennessee [Mr. STANTON] under the instructions of the Committee on Naval Affairs. The Committee of Ways and Means, at the time these estimates were before them, had occasion to examine them with a great deal of particularity. It is true, as stated by the gentleman from Tennessee, [Mr. STANTON], that a letter was addressed to the Secretary of the Navy, inquiring what estimates might be dispensed with. Certain estimates were indicated by him which could be postponed until some subsequent time. The Committee of Ways and Means were not satisfied with the answer given by the bureau having charge of these matters, and a sub-committee of the Committee of Ways and Means called upon the officer having charge of these propositions, and interrogated him in relation to the items of appropriations for the support and maintenance of the navy-yard. The result of the inquiry made by this sub-committee is contained in the appropriations as specified in this bill. The Secretary of the Navy estimated \$81,120 as being necessary for making the proper repairs at the navy-yard at Portsmouth; but upon a reinvestigation of his estimates, he was induced to reduce that sum \$23,000. The sub-committee, in their inquiries, were of the opinion that the very items which the gentleman from Tennessee [Mr. STANTON] now proposes to restore, might be dispensed with at the present time. The items he intends to insert in the bill are for erecting the cooper's shop and watchmen's quarters; and for the erection of a quay-wall south of the basin. Commodore Smith, upon whom we called in relation to these estimates, stated, that so far as the appropriation for the watchmen's quarters and cooper's shop was concerned, it might be

deferred another year. There is an extensive cooper's shop at the navy-yard, only fifty-six miles from the one now under construction. There is an old one at the navy-yard at Portsmouth; and the committee were of the opinion, from all the information they received upon the subject, that it would answer the purpose very well for the time, and for two or three years to come.

Mr. STANTON. I desire to correct the gentleman. Here is the letter of the Secretary.

Mr. PHELPS. I did not obtain the information from the Secretary, because he knew nothing in relation to the matter; but I went to the commodore, who had charge of these matters, and there I obtained information, much better than from the Secretary—from the man who made up, in a great degree, the estimates.

Mr. STANTON. This is a statement from that same bureau.

Mr. PHELPS. Have you the estimates and answers given to the interrogatories propounded by the Committee of Ways and Means to that commodore, when these matters were under examination? I have that information, and I say that the appropriations which the Committee of Ways and Means have stricken out for the navy-yard at Portsmouth, are not needed at the present time. The other appropriation was for the construction of a quay-wall, connecting with the stone work contiguous with the dock, which would be necessary if the dock should prove fit to answer the purposes for which it was intended. The gentleman from Tennessee [Mr. STANTON] is of the opinion that the new dock erected at Portsmouth will answer the purposes for which it is intended, and if it does, the appropriation for that quay-wall, at the present time, is not necessary. This was the result to which the Committee of Ways and Means arrived, and they, therefore, diminished those estimates by these amounts. Now, then, refer again to the unexpended balances which may be expended in improvements at the Portsmouth navy-yard, and you have some \$8,814 of unexpended appropriations upon the first day of July last, as reported to us from the Treasury Department. I believe the gentleman from Tennessee proposes to increase this by something like \$22,000. Then the only matter in dispute between the gentleman and myself is \$14,000. As I remarked before, upon the examination of Commodore Smith, at the time that three members of the committee were present, and upon the explanations given to us of the manner in which he proposed to expend the money, the Committee of Ways and Means arrived at the conclusion that the appropriation was not needed and might be safely dispensed with. For these reasons, I oppose the amendment of the gentleman from Tennessee, [Mr. STANTON.]

Mr. STANTON. I hope I may be allowed to say that the Secretary of the Navy called our attention particularly to those reductions.

The CHAIRMAN. Debate is not in order.

The question was then taken upon Mr. STANTON's amendment, and it was rejected.

The following section was then read:

"Boston, Massachusetts: For rain-water cistern, pitch-house and oakum loft, muster-office, and repairs of all kinds, \$28,100."

Mr. STANTON, of Tennessee. I am instructed to offer an amendment to that section restoring the appropriations, except those which the Secretary of the Navy says can be postponed for another year. After the word "for," I move to insert "grading and paving timber shed No. 31; coal-house near rope-walk;" and to increase the appropriation to \$48,743.

I beg leave to say, in reply to what the gentleman from Missouri [Mr. PHELPS] has stated in the last speech he made upon this subject, that the Secretary of the Navy considered these matters so important and indispensable that before he went out of office he addressed a letter to our committee requesting us to investigate them. I have his letter before me now, in which he states that he considered these works as indispensable. The head of the Bureau, to which the gentleman has referred, made the same statement to me no longer than three days ago, and I have the statement of that Bureau, to which the Committee on Naval Affairs have precisely conformed. Although I am not personally acquainted with all the different navy-yards, and the precise necessity for these different

works, I believe that the estimates of the officers in this respect ought to be trusted, and that the appropriations for these purposes ought to be restored.

Mr. BAYLY, of Virginia. I am opposed to the amendment of the gentleman from Tennessee, [Mr. STANTON.] I do not think that there is any occasion to raise this appropriation, because there will be enough in the appropriation as the bill is to carry this Administration through its term to the 4th of March next. With \$24,000 unexpended balance there will be nobody embarrassed; and if we fail to pass the amendment, the incoming Democratic Administration can stand a great deal of embarrassment, and I think that the amendment ought to be voted down.

Mr. MILLSON. I propose to increase the amendment \$100. I do so for the purpose of having an opportunity of stating that if the reductions made by the Committee of Ways and Means have been as injudicious and as injurious in this case as I know them to have been in the case of the navy-yard at Gosport, I may fairly infer that the original estimates were not too large. Now, in relation to what the gentleman from Missouri [Mr. PHELPS] says as to his conversation with the Secretary of the Navy, I can only say that both the Secretary of the Navy and Commodore Smith have expressed to me much dissatisfaction at the reductions made by the Committee of Ways and Means, and have told me that they had brought the estimates down to the lowest possible sum consistent with the public service. I know that the estimates made for the navy-yard at Gosport were cut down by the Department. They were cut down from \$290,000, estimated for by one of the most judicious officers that ever commanded at that navy-yard, to about \$170,000, and the Committee of Ways and Means struck down this estimate to about \$80,000, being little more than one fourth of the amount estimated to be necessary by this commandant. I will not now go into an examination of the amendments proposed to be offered by the gentleman from Tennessee, [Mr. STANTON,] by the direction of the Committee on Naval Affairs, in reference to the appropriation for the Gosport navy-yard. When I do come to consider that matter, I hold myself ready to demonstrate to the House, both from the testimony of valuable officers of the Government and from my own personal knowledge, that the appropriations asked for by the Department were not one dollar too large; and inferring that the estimates were made with as much discretion for the yard now under consideration, I trust that if the amendment which I have offered, and which I only propose for the purpose of enabling me to express my general views upon this subject, may not pass, that at least the amendment of the Committee on Naval Affairs may prevail.

Mr. PHELPS. I am opposed to the amendment to the amendment of the gentleman from Virginia, [Mr. MILLSON.] It proposes to increase the amount specified in the amendment of the gentleman from Tennessee, [Mr. STANTON,] and in opposing it, I shall take occasion to explain my views in regard to the amendment of the gentleman from Tennessee. The estimates submitted to this House for the improvement of the navy-yard at Boston involve the expenditure of something like \$74,000 during the present fiscal year. Commodore Smith, who has charge of this department, stated in a letter to the Committee of Ways and Means, written in answer to one addressed to him by that committee, that \$17,500 for the rebuilding of a smithery, might be omitted from the appropriation. The gentleman from Tennessee proposes to increase the sum \$3,900, in one instance; and for erecting a coal-house and rope-walk, \$6,742—making an increase of something upwards of \$10,000. Now, there is, as I remarked before, an unexpended balance of more than \$24,000 for the purpose of completing the improvements in the navy-yard at Boston, which exceeds the amount which the gentleman from Tennessee proposes to increase this appropriation.

Mr. STANTON, of Tennessee. I ask the gentleman if he is not aware of the fact that that unexpended balance will be required for the completion of other works that are in progress?

Mr. PHELPS. The Committee of Ways and Means were not informed that such will be the case, when they called for balances of appropri-

ations standing on the books of the Treasury Department. It was the duty of the Secretary to inform us that this balance of appropriation would be needed for the purpose of completing improvements already in process of being constructed. In some instances that course was pursued by the Department, but such was not the case in this instance.

But the gentleman from Virginia [Mr. BAYLY] seems to think that the Committee of Ways and Means are desirous of embarrassing the incoming Administration, from his remark, that the amounts specified in the bill will be sufficient to carry through this Administration, and let the incoming Democratic Administration take all its embarrassments upon it. The Committee of Ways and Means have pursued no such course, and when the gentleman from Virginia makes an imputation of that kind, he makes one that is not supported by the facts.

Mr. BAYLY, of Virginia. I believe no further amendment is in order.

Mr. MILLSON. With the consent of the committee, I will withdraw my amendment.

There being no objection, the amendment was withdrawn.

Mr. BAYLY. I move to amend the amendment by increasing the appropriation \$200. The gentleman from Missouri is rather swift in undertaking to charge me with having assailed the Committee of Ways and Means in this respect. I have abstained from doing it, and nobody ought to know that better than the gentleman himself.

Mr. PHELPS. I understood the gentleman from Virginia, when he was addressing the committee, to say that the amount specified in the bill was sufficient to enable this Administration to get along, but that that amount, without any increase to it, would leave the incoming Administration, which he believed would be a Democratic Administration, embarrassed and incumbered for want of means.

Mr. BAYLY. That is precisely what I did say.

Mr. PHELPS. Very well; was not that an imputation on the committee?

Mr. POLK. Will the gentleman from Virginia allow me to propound an inquiry to the gentleman from Missouri? I will occupy but a moment.

Mr. BAYLY. My time is short, but I cannot refuse my friend from Tennessee.

Mr. POLK. The gentleman from Missouri has assumed the privilege of defending the Committee of Ways and Means for their reductions of the estimates of the Committee on Naval Affairs, and of the Department. I want to know of him, to what extent that committee has exercised this economy in the reduction of the recommendations of the Secretary of the Navy and of the Committee on Naval Affairs?

Mr. PHELPS. As to the recommendations of the Committee on Naval Affairs, I am not advised of them.

Mr. POLK. I wish to know if the gentleman understands my question? He surely has mind enough to comprehend a plain question. If he has not, he must be a little inefficient as a member of that committee.

Mr. PHELPS. Perhaps as inefficient as some other members of this House.

Mr. POLK. I want to know to what extent the Committee of Ways and Means have gone in their reductions?

Mr. PHELPS. I understand the gentleman to inquire how much the Committee of Ways and Means have cut down the estimates reported by the Committee on Naval Affairs—

Mr. POLK. And the Secretary of the Navy.

Mr. PHELPS. I answer that inquiry by saying that I did not know what the recommendations of the Committee on Naval Affairs were.

Mr. POLK. Then I understand that the Committee of Ways and Means are ignorant of what they are doing.

Mr. PHELPS. The Committee on Naval Affairs do not submit estimates to the Committee of Ways and Means.

Mr. POLK. What I want to know is, if the gentleman from Missouri, as a member of the Committee of Ways and Means, understands what he is doing in recommending a reduction in the appropriations for this arm of the service. If he does not understand it, he has no right to talk about it.

Mr. BAYLY. I cannot yield the floor any longer. The only point that I have to make with the gentleman from Missouri is, that he seemed to imply that I had cast an imputation upon the Committee of Ways and Means. It will be for the House to judge whether it was an imputation upon their motives and purposes or their wisdom. If it was the latter, I cannot help myself; it certainly was not the former. But if I had desired to make a point upon that member of the committee—and certainly I shall never make one upon the committee itself—I could not have had a better point than the member himself has supplied me with.

Mr. SKELTON. I call the gentleman to order; he is making personal remarks instead of speaking to his amendment.

Mr. BAYLY. I want to show the gentleman from Missouri that his sources of information were irregular.

[Here the hammer fell.]

Mr. STANTON, of Tennessee. I am opposed to the amendment of the gentleman from Virginia because I am in favor of the original amount, and I rise for the purpose of reading a single sentence from the letter of the Secretary of the Navy. Now, the gentleman from Missouri [Mr. PHELPS] would have this committee to understand that when the Secretary of the Navy makes his estimate, and declares this amount to be necessary for the service of the current year, he has not taken into consideration the unexpended balance of the appropriation for the former year. Sir, this is a grave imputation upon the Secretary of the Navy, upon the Committee on Naval Affairs, and upon everybody who has had anything to do with these estimates. The Secretary of the Navy, in his letter, says:

"I have only to superadd that the estimates were carefully prepared, and that only so much was asked under each head of appropriation as was deemed necessary for the service of the year."

Something has been said about embarrassing the incoming Administration. I should rather be disposed, if I could entertain the opinion of any gentleman in this House, that the charge would more properly be made against the gentlemen upon the other side of the House, because they do not seem to be very much disposed to sustain the estimates of the present Administration. Sir, I advocate these appropriations not because this Administration has recommended them; or because the next Administration will have to expend the money, but because they are necessary for the public service.

Mr. STEVENS, of Pennsylvania. I hope the gentleman does not mean to charge us with attempting to embarrass the incoming Administration. It would be very unkind of us to hurt our own friends. [Laughter.]

Mr. BAYLY. I now withdraw that amendment, and move to amend the amendment so as to increase the amount \$300.

Mr. Chairman, to preclude a point of order, I desire to state in the beginning that the remarks which I am going to make in favor of this amendment are to show that the source of information upon which the gentleman from Missouri relies for his reductions is a source of information to which he had no right to address himself, and one to which this House ought not to refer. I should not have gone into this matter if the gentleman had not gratuitously gone out of his way to say that I had cast imputations upon the Committee of Ways and Means. But as he has done that, I mean to show that in his conduct in this matter he has not acted according to the proper understanding of the relations between the legislative and executive departments of the Government, and of official etiquette. Now, sir, he has no right to know Commodore Smith—none at all. He has no right, in reference to this matter, to know anybody but the Secretary of the Navy or the President of the United States. At a former day, this practice was carried so far—I know the fact—that orders were issued to each of the executive departments requiring that before letters or inquiries from members of Congress, or elsewhere, should be answered, they should go through the hands of the head of the Department; and there is nobody who will reflect upon this matter—

Mr. HOUSTON. Will the gentleman let me interrupt him for one moment?

Mr. BAYLY. I beg the gentleman to let me

answer his colleague on the committee. I do not assail him. I shall not do it.

Mr. HOUSTON. The gentleman is assailing the action of the Committee of Ways and Means. Mr. BAYLY. Yes, sir, it was irregular. No member of this House who understands the relations between the Executive and Congress, or who understands proper official etiquette, will ever go mousing about the bureaux and clerks' offices to get his information. It is his duty to go to headquarters. And, sir, if I was the Secretary of the Navy and the head of one of my bureaux was to undertake to answer inquiries in relation to the duties of my Department, I would rebuke him for it severely.

Mr. STANTON, of Tennessee. Will the gentleman allow me to state the fact, that the written statement of the head of the bureau asks for the appropriations as I have stated, and that the gentleman from Missouri relies upon verbal statements made in conversation.

Mr. BAYLY. I have no doubt of it, and that shows the impropriety of this House listening to a mere private conversation with the head of a bureau in place of responsible and official communications from the head of the Department. If you depart from responsible official statements for which public officers can be held responsible, and go to acting upon such information as the gentleman from Missouri, who undertakes to rebuke me, comes here upon, you are sure to be deceived and misled.

Mr. PHELPS. Now, sir, when that gentleman undertakes to say that a member of the National Legislature can go nowhere but to a Secretary to obtain information upon those matters on which he is to legislate, he has misrepresented the American people and the character of an American legislator.

Mr. FITCH. I call the gentleman to order. I think we have had enough of this.

Mr. PHELPS. The Committee will bear with me for one word further. I regret that anything of an unfriendly nature has occurred in this committee. But I am only defending myself and my own action, and if I have cast an arrow, it has been because an arrow has been first hurled at me.

Mr. BAYLY. You began it yourself.

Mr. STEVENS, of Pennsylvania. I call both the gentlemen to order. I think it is a fair set-off now.

Mr. PHELPS. I will now confine my remarks to the subject-matter before the committee, and I trust, without indulging in any personality. There has been enough of it. It is contrary to my nature. I desire nothing of the kind. The gentleman from Virginia took occasion to refer to the manner in which the Committee of Ways and Means had cut down these estimates. Now, I find that when he was chairman of the committee he struck out one of the very items of appropriation which the committee has now stricken out. Does the gentleman recollect that?

Mr. BAYLY. The rejection of that item by the Committee of Ways and Means was after a communication from the Secretary of the Navy, in which the points were indicated where these reductions could be made.

Mr. PHELPS. Very well. I hold in my hands the estimates submitted at the last session of Congress. It was brought directly before the House, the same item being stricken out. Why did not the Committee of Ways and Means embrace it then, instead of throwing it over to this session? You could dispense with it then, and we can dispense with it now. That is one of the items which we have stricken out. The information in relation to the estimates submitted by the Secretaries, is collected from each bureau under their control. Under their authority, each bureau is required to submit all the estimates which it believes are necessary for all purposes in carrying on the affairs of the Government; and if it is thought necessary to strike down any of these estimates, the matter is submitted to the Secretary, and finally sent back to the chief of the bureau, under whose control it comes for reduction.

Mr. POLK. Has not the Committee of Ways and Means, in the estimates they have submitted to this House, reduced the estimates as furnished by the Secretary of the Navy, more than thirty per cent.?

Mr. PHELPS. They have not reduced them more than thirty per cent.; however, I cannot re-

fer to the exact amount at this moment. I have it here on my desk, but it takes some time to refer to it, and as a matter of course, too much to be accomplished in a five minutes' speech. Why does the Committee on Naval Affairs come here, and ask to have them restored?

Mr. POLK. As one of the members of that committee, I will tell the gentleman the grounds on which their action has been founded.

Mr. PHELPS. I cannot yield to the gentleman now.

Mr. BAYLY. With the consent of the committee, I will withdraw my amendment.

There being no objection, the amendment was withdrawn.

Mr. DUNHAM moved to amend the amendment, by reducing the amount \$300.

Mr. D. said: Mr. Chairman, I am a member of the Committee of Ways and Means, as is well known to this House. I have yet to learn what is the duty of a committee of this House, if the estimates of the Secretary and the estimates of your bureaux are to be sent to this House, and we have nothing to do but to ratify the decrees that come to us from the Departments. If this is to be our duty, we had better go home to our constituents, than to be sitting here carrying out this useless expenditure. I believe I was not sent here for that purpose. My constituents sent me here to look after the affairs of Government, and in doing so, to exercise my judgment in my legislative capacity in looking after the estimates sent to this House, and the appropriations which we are asked to sanction, which my constituents help to pay into the Treasury. And I ask, Mr. Chairman, if this is not just what we are doing? What is the Committee of Ways and Means appointed for? Why do you send your bills to your committees, if you do not expect them to examine those bills, and to have recourse to all proper sources for information, and then upon that information to form their judgment, and report that judgment to the House. And I have yet to learn that it is improper, when we come here with all the means of information, to resort to any means which are not discourteous or illegal, in order to see what is right and what is wrong.

Mr. GOODENOW. I rise to a question of order. I submit that the gentleman is out of order. He is defending the Committee of Ways and Means, and not advocating the amendment he has offered. I for one am satisfied that the Committee of Ways and Means have discharged their duty, but I wish to interpose an objection to this kind of debate. We are called upon at this late period in the session to attend to important business, and I shall interpose objections to any unnecessary discussion.

Mr. DUNHAM. If members of this House would be as anxious to examine into these matters as are the Committee of Ways and Means, they would have the information necessary to act upon.

Mr. STANTON, of Tennessee. I wish to say that I am not disposed to censure the Committee of Ways and Means, in exercising their judgment in reference to this appropriation.

Mr. DUNHAM. Mr. Chairman, I desire to know who is entitled to the floor.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The gentleman from Tennessee [Mr. STANTON] is entitled to the floor.

Mr. McMULLIN. I move that the committee do now rise.

Mr. STANTON, of Tennessee. I believe I am entitled to the floor. I was proceeding to say, that I do not censure the Committee of Ways and Means for exercising their judgment in reference to appropriations, nor for varying the estimates of the Navy Department; but I hold them responsible for a correct exercise of that judgment. That is the only difficulty—that is the only question of difference between the Committee of Ways and Means and the Committee on Naval Affairs. The judgment of the Committee of Ways and Means is one way, and the judgment of the Committee on Naval Affairs is another.

Mr. STEVENS, of Pennsylvania. I call the gentleman to order. He is not speaking to the amendment at all.

Mr. McMULLIN. I move that the committee do now rise.

The motion was not agreed to.

Mr. DUNHAM. With the consent of the committee I withdraw my amendment.

There being no objection, the amendment was withdrawn.

The question was then taken on Mr. STANTON's amendment, and it was not agreed to—ayes 36, noes not counted.

Mr. STANTON, of Tennessee, under the instructions of the Committee on Naval Affairs, offered the following amendment:

In line ninety-eight, after word "saw-mill," insert: Commander's house; house for officers; lime, pitch, and coal-house; paving gutters, and flagging; filling in timber pond—

and increase the amount to \$162,000; so that the section would read:

New York, New York: To complete saw-mill, commander's house, house of officers, lime, pitch, and coal-house, paving gutters and flagging, filling in timber pond, quay wall, dredging channels, water tank, and lighter gas pipes and fixtures, lighting conductors, continuation of sewer, machinery, &c., for engine house, and repairs of all kinds, \$162,000.

Mr. S. said: The same explanation applies to this as to the amendment just voted down.

Mr. PHELPS. The Committee of Ways and Means, upon examination of the estimates for this item, reduced them to the amount specified in the bill. I will only remark further, that in the deficiency bill the sum of \$95,000 was appropriated to be expended at the Brooklyn navy-yard.

Mr. BOWNE. I wish to call the attention of the committee to one fact.

The CHAIRMAN. Further debate is not in order upon the amendment.

Mr. BOWNE. Then I move to increase the appropriation \$300. I do it for the purpose of calling the attention of the committee to this fact. I find in cutting down the estimates for the navy-yard at Memphis, here at Washington, and in the most important points in the country, they reduced about twenty-five or thirty per cent., but when we come to the navy-yard at Brooklyn, these estimates are cut down some fifty per cent. Now, it is well known that there is not a ship fitted out in the United States that does not have to come to Brooklyn to be completed.

Mr. DUNHAM. I did not know that officers' houses were very necessary in fitting out ships for sea. [Laughter.] But, as my colleague [Mr. PHELPS] has already stated, one reason why the appropriations or estimates were cut down more for Brooklyn than for the points to which the gentleman has alluded, was that there was a very large appropriation for that point even now.

The question was taken, and the amendment was not agreed to.

Mr. FLORENCE, under instructions of the Committee on Naval Affairs, offered the following amendment:

In line one hundred and six, after the word "kettles," insert:

Extension of pier wharf No. 4; filling up and grading—and increase appropriation to \$59,248 20; so that the section would read as follows:

"Philadelphia, Pennsylvania: For shed to cover north railway, covering to south railway, steam-box and pitch-kettles, extension of pier wharf No. 4, filling up and grading, mooring anchors for dry-dock, dredging channel, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf No. 3 to ship-house, paving between ways of dock, paving between timber sheds, completing gutters and drains, completing shed No. 5, extending gas pipes, &c., extending water pipes one thousand feet, and repairs of all kinds, \$59,248 20."

Mr. FLORENCE said: I have but little doubt it is almost unnecessary for me to occupy time, or to say much in favor of or upon the subject of the amendment which I have offered. Indeed, when I shall have briefly explained the necessity, the absolute necessity, sir, there is for the appropriation, I anticipate it will be sustained, rather than opposed, by the Committee of Ways and Means. I desire to say, because it is my duty to do so, that the Philadelphia navy-yard is in my district, and I have some knowledge of its situation and of the protection necessary to secure the public property deposited there. The appropriation for the building of pier wharf No. 4 was asked in the estimate submitted from the Navy Department. By the instruction of the Committee on Naval Affairs—whose attention was called to the fact that the appropriation was stricken out by the Committee of Ways and Means, as well as the amount for the paving and grading necessary to put the navy-yard in a condition to ren-



der it available for the purposes for which it is used—I have offered this amendment. The building of pier wharf No. 4 is required for protection to the dry-dock, which cost the Government nearly or quite \$850,000 to construct, besides being necessary for the ordinary naval purposes of the yard in safely mooring vessels of war, and providing them a safe harbor during the prevalence of storms, and to secure them from injury by ice during the winter. But \$11,000 is asked for the purpose of building the pier, which certainly is not much when the advantages to result from it are so great. At least \$1,000,000 worth of Government property will be protected from injury if it is built.

The port warden's line having been extended some three or four hundred feet further east, by which the navy-yard property has been materially enlarged, has rendered a considerable amount of paving and grading absolutely necessary, and this may be urged as an additional reason for building the wharf pier. By extending the depth of the navy-yard, the Government of the United States have had their property largely added to in extent of territory, and increased in value perhaps \$100,000.

During the time the dredging was going on, by which a sufficient depth of water was obtained to successfully test the sectional dry-dock, by docking the steamship City of Pittsburg, and the United States steamship Saranac, the soil at the bottom of the river was found to be an excellent kind of gravel, which was used for filling up and leveling the navy-yard. The use of this gravel saved an expenditure of a large sum of money. The improvements, however, are all in an unfinished state, and the amount I have asked for, and which I hope may be added to the appropriation, is necessary to finish them. It is, I assure the committee, economical to do so. There is much valuable property deposited in our navy-yard, consisting of ship timber and valuable materials for building vessels of war.

The buildings in which this material is deposited are valuable. The improvements projected will protect all the property of the Government, whether it is store-houses, ship-houses, shops, or the great structure which, I regret to say, has been so little used to test the skill and handicraft of our intelligent mechanics, since it has been made capable of use. I refer, of course, to the sectional dry-dock. Indeed, it seems to me we have to contend against fearful odds. Whenever anything is asked for Philadelphia, a sturdy opposition is manifested, which is, to me, most surprising. I indulge a hope it will soon be otherwise.

I submit this amendment, then, sir, with great confidence to this committee, not only because I have had an opportunity of judging by personal observation of the necessity of its passage, which the Committee of Ways and Means have not had, but because I apprehend I have given good reason why it should be adopted. I do not wish to impugn their motives in having refused to put it in their estimates. I would not do so for the world; not I. I do not wish to accuse them of ignorance; no, no. I have too much respect for them to do that. But they have not had the opportunity of observation at Philadelphia individually which I have had. Yet they have taken upon themselves to cut down this appropriation, and I am sure without knowing the disadvantage and loss which may result from it. Hence my remarks, which I am sure will exercise the influence I desire they should. And as I believe they are now convinced that \$11,000 for the building of pier wharf No. 4 will protect property which cost the Government \$850,000; and when the amount asked for that purpose, and for grading, paving, &c., will save three, four, or five times the amount of property, which may be washed away by high tides, the overflow of the wharves, or from the effect of heavy rains, I feel sure that the Committee of Ways and Means will not oppose this amendment, but will sustain it. I only ask, sir, that sheer justice may be done us. My constituents, I may here say, are not an exacting people; yet they ask that a share of the patronage of the Government may be distributed amongst them; and they feel an equal interest in the protection of the property of the Government immediately under their eye. I hope the amendment may be passed, and not share the fate of others which have preceded it.

Mr. CARTTER. I am opposed to the amendment and in favor of the economy which guided the Committee of Ways and Means in their retrenchment of these appropriations for the navy-yards. Having no war abroad, the efforts of local districts have been turned to the protection of the Navy at home, and the last that we heard of this Navy in this House was a proposition to clean up after them in the Straits of Gibraltar, [laughter,] where they had not skill and power enough to do it themselves.

Mr. FLORENCE. I call the gentleman to order; and I submit that the Straits of Gibraltar have nothing to do with the building of pier No. 4, in the city of Philadelphia, and the agreeing to the paving of the navy-yard at that place.

Mr. CARTTER. That is the last we heard of the Navy abroad. Now we find the Committee of Ways and Means, through the representatives of these various navy-yards at home, assailed for doing—what? For retrenching expenditures in protecting the Navy at home, which is unfit for sea; and this Representative of Philadelphia here, [Mr. FLORENCE,] for Buncombe, or other purpose, gets up here and talks about making land for the United States, and making new area for the navy-yard, and all this gammon and gas that has nothing to do with the expenses of the country. Everybody here understands that it is a little dung-hill effort to get a few votes in that district. [Laughter.]

Mr. FLORENCE. I cannot notice a remark of that kind. [Laughter.] My constituents sent me here for another purpose, but I desire—

Mr. CARTTER. I desire to occupy the floor.

Mr. FLORENCE. I desire to explain—

Mr. CARTTER. You cannot do it.

Mr. STEVENS, of Pennsylvania. I call the gentleman from Ohio [Mr. CARTTER] to order for calling my colleague, [Mr. FLORENCE,] who has proved himself game, a dung-hill cock. [Great laughter.]

Mr. ORR. I move that the committee rise.

[Cries of "No!" "No!" and "Let us take a recess!"]

Mr. BRECKINRIDGE. I call for a division of the House upon that motion.

The House was then divided on the question, and there were upon a division—ayes 64, noes 61.

Before the result was announced—

Mr. VENABLE called for tellers; which were ordered; and Messrs. CHANDLER and VENABLE appointed.

The question was then taken, and the tellers reported—ayes 58, noes 63.

So the committee refused to rise.

Mr. JOHNSON, of Arkansas. I move that the committee take a recess until seven o'clock this evening.

The question was then taken upon the motion, and it was not agreed to.

The question then recurring upon the amendment of Mr. FLORENCE, it was put, and the amendment was not agreed to.

The next clause that came up for consideration was as follows:

"Washington, District of Columbia: For completing ordnance building number eleven, fitting up timber dock, completing saw-mill, completing copper rolling mill, completing railway, completing side lathes in machine-shop, and repairs of all kinds, \$123,778."

Mr. STANTON, of Tennessee. By the direction of the Committee on Naval Affairs, I move to amend the clause by inserting after the word "railway," the words "commander's house, stone wharf, on south front of yard," and to strike out the words "\$123,778," and insert "\$153,433."

The question was taken on the amendment, and it was not agreed to.

The next clause was then read, as follows:

"Norfolk, Virginia: For store-house number fourteen, wharf north side of timber-dock, culvert, dredging machine, and repairs of all kinds, \$80,732 20."

Mr. STANTON, of Tennessee. By the direction of the Committee on Naval Affairs, I move to amend that clause by inserting after the word "Virginia," the words "for extending wharves, quay-wharves, completing timber-dock, paving from gate to ship-house, cart-shed," and to strike out "\$80,732 20," and insert "\$146,985 35."

The question was then taken on the amendment, and it was not agreed to.

Mr. MILLSON. I propose to amend the

clause last read by adding the following at the end of the clause:

And for extending quay-wharves, completing timber-dock, paving from gate to ship-house, buildings for officers, cart-shed, and grading and filling, \$89,610 03.

Mr. M. said: I hope I may have the attention of the committee while I explain the object of this amendment. I say, sir, from my own knowledge of the condition of that yard, that the objects disallowed by the Committee of Ways and Means are even more important than those actually allowed by them. The amount proposed in my amendment is made up of \$25,000 for extending the quay-wharves, \$27,000 for building timber-dock, and the balance for the other items specified in the amendment. These two works to which I have alluded are in progress of construction, and the appropriations now asked are necessary for their completion. The quay-wharves are absolutely necessary to protect the earth, which is composed of what is called *made-land*, and which is daily washing into the river.

The timber-dock was commenced some years ago, and I need not remind the committee that the object of it is to protect the valuable timber there deposited against the depredation of the sea worm. It is absolutely necessary that a quantity of fresh water should be collected there, and secured by stone walls which surround the area. They have been built up to some extent, and the object of this appropriation is to complete the work.

I will state that the original estimate, made by the commandant of the yard, was \$290,000, which was reduced by the Navy Department to \$170,000, and that still further reduced by the Committee of Ways and Means to \$80,000.

An inquiry was just now made of the gentleman from Missouri, [Mr. PHELPS,] if the reductions made by the Committee of Ways and Means did not exceed thirty per cent.; and he answered no. I will state that the reduction at most of the navy-yards was more than fifty per cent. The original estimate for Boston was \$74,525, and it was reduced to \$28,100. That of New York was \$240,550, and it was reduced \$126,800; and that of Norfolk was \$170,342 23, and it was reduced to \$80,732 40.

Now, sir, I have myself inspected these works. They are not new works, but are now in progress, and must be, and are designed to be completed some time or other; and the simple inquiry is, ought they to be completed without delay? I tell the House that these works cannot remain in their present condition without injury to the public service.

Mr. CARTTER. I am opposed to this amendment. We have had the object of it fully stated by the gentleman from Virginia, [Mr. MILLSON,] and still I am opposed to it, because I do not believe that it is best to erect monuments of reverence to the old and the useless. If I recollect right, we were called upon during the last Congress to give \$72,000 to protect ship-timber against the sea-worm. Now, the sea-worm is the worst worm that we have had to contend with. It is a worm that eats out of the Treasury annually about nine million of dollars, and brings into it nothing.

The "Independence" was sent forth upon a three years' cruise as a product of this "sea-worm;" and out of twenty-six months she sailed three and a half, at a cost of \$500 a day to the General Government; and this is the kind of offspring that the navy-yards of this description is sending forth for the defense of this Republic—a ship that sailed under the pretense of exercising her crew in cannon evolutions and of exercising her marine engine, out of twenty-five months that she was gone, was three months under sail, and two out of that three were spent in making her lazy return from the Mediterranean to the port of New York.

Now, sir, instead of barricading timber for the navy-yard at Norfolk from year to year and setting up protection against this navy-worm, I would burn it up, and with it burn up the miserable structures that they produce when put into ships.

Another appropriation in the amendment of my noble and honorable friend is to build officers' houses.

Mr. MILLSON. Not for building officers' houses; but for buildings for officers.

Mr. CARTTER. Buildings for officers. Well, what is the difference? They are accommodations for officers. Now, I look upon these houses pre-

cisely as I do upon the ship-houses which I have seen in these navy-yards. There is the old hulk, the skeleton of a ship, now resting upon its bearings in one of these offices in the city of New York, and which has cost this Government more than \$300,000 to renew the rot of years; and the same proposition is now made to guard ship-timber against the rot of years. You had better eat out the heart of the whole system, and build your ships by contract; and when they are built, set them afloat upon the business of the nation, and let those who man them understand how to manage them.

The question was taken, and the amendment was disagreed to.

Mr. POLK. I move to strike out the whole clause. The most remarkable instance of folly, to my mind, is the remarks submitted by the gentleman from Ohio, [Mr. CARTTER.] They show a degree of folly—

Mr. BRECKINRIDGE. I feel obliged to call my friend to order. His remarks are out of order.

Mr. POLK. I will be in order by saying that the gentleman from Ohio is a man of sense. Ours is a great nation. What is the amount of its tonnage? What is the necessary protection to be provided for it? Are we to protect it or not? Will the gentleman say that we shall not have a Navy efficient enough to protect the country? Will he vote as he did to-day for the passage of the Fench spoliation bill?

Mr. CARTTER. In that my friend is mistaken.

Mr. POLK. Did you not vote to go to its consideration?

Mr. CARTTER. No, sir.

Mr. DUNCAN. I feel bound to raise a question of order. I hope the Chair will confine gentlemen to the amendment before the committee. At this stage of the session, every gentleman ought to see the propriety of abstaining from this desultory discussion.

Mr. POLK. If I were to confine my remarks to those of the gentleman from Ohio, I would be in order in anything I might say whatever. [Laughter.] I hold that we, as a nation, ought to make the necessary and proper appropriations to protect our commerce. How can we do it, unless we make such armaments in the country as will defend it? Will the gentleman from Ohio, or any other gentleman of those who support the worthy members of the Committee of Ways and Means, tell me what sort of protection can be offered, unless the Government will give ships that sail upon the waves a proper armament?

Mr. McMULLIN. I move the committee do now rise.

The question was taken, and the motion was agreed to; there being, upon a division—ayes 65, noes 55.

The committee accordingly rose, and the Speaker having resumed the Chair, the chairman [Mr. FICKLIN] reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 244, making appropriations for the naval establishment for the year ending June 30, 1853, and had come to no conclusion thereon.

Mr. HOUSTON. There are three or four appropriation bills which have not yet been touched. The Indian appropriation bill has been returned to us from the Senate with very many important amendments upon it. Important amendments will be made to the civil and diplomatic and the Army bill, and the naval bill, which is now before the committee; and all these bills and amendments are to be considered and acted upon in nine days. I move a resolution closing the five minutes debate upon the naval appropriation bill now before the Committee of the Whole.

Mr. POLK. I object.

Mr. HOUSTON. Is it not in order for me, Mr. Speaker, to move a suspension of the rules to enable me to introduce the resolution?

The SPEAKER. It is not, in the opinion of the Chair. It has been the practice to count Sunday amongst the last ten days.

Mr. KING, of New York. The resolution, then, can be introduced to-morrow.

Mr. ORR. Is it in order to move that the House adjourn till ten o'clock to-morrow?

The SPEAKER. It is not competent for the

House to change the hour of meeting without previous notice.

Mr. ORR. This is a special and not general change.

The SPEAKER. It is competent to change the day within three days, but not the hour of meeting, unless on notice in the proper manner.

Mr. STUART. I moved the House adjourn; which motion was agreed to.

And the House accordingly adjourned till eleven o'clock to-morrow.

## IN SENATE.

FRIDAY, August 20, 1852.

Prayer by the Rev. LITTLETON F. MORGAN.

Mr. HALE. I move to dispense with the execution of the order which devotes this day to private bills, for the purpose of taking up the homestead bill.

The PRESIDENT. The Senator's motion, at present, can only extend to suspending the rule. It will require a separate motion to take up the bill alluded to.

Mr. HUNTER. I shall vote to suspend the order, but when suspended, I shall propose to give until twelve o'clock to morning business; from twelve to one, to the civil and diplomatic bill; and the river and harbor bill for the remainder of the day.

Mr. FISH. The day before yesterday I gave notice that I should this morning ask the Senate, during the morning hour, to take up House bill No. 280, known as Bennett's land bill. In consequence, however, of the civil and diplomatic bill having been made the special order of the day, at half past eleven, I am not disposed to interfere with it. I shall, therefore, defer my motion till to-morrow, when I shall ask the indulgence of the Senate to allow me to call up that bill.

The motion to suspend the order was agreed to.

## EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury; a report of the Secretary of War; a report of the Secretary of the Navy; and a report of the Attorney General, communicating, in compliance with a resolution of the Senate, information in relation to the clerks in their Departments and their bureaus, and in the office of the Attorney General, which were referred to the Committee on Finance, and ordered to be printed.

Also, a report of the Secretary of the Treasury, in answer to a resolution of the Senate, relative to the employment of agents to pay the interest on the public debt; which was ordered to lie on the table and be printed.

Also, a letter from the Secretary of the Smithsonian Institution, communicating the annual report of the Board of Regents of that Institution; which was ordered to lie on the table and be printed.

On motion by Mr. PEARCE, that five thousand additional copies of the report be printed, it was referred to the Committee on Printing.

## COAST SURVEY IN CALIFORNIA.

On motion by Mr. GWIN, it was

Ordered, That the report of the Secretary of the Treasury, relative to the extension of the operations of the Coast Survey on the coast of California to Cape St. Lucas, on the Pacific coast, be referred to the Committee on Finance.

## HOMESTEAD BILL.

Mr. HALE. I move to postpone all the prior orders, for the purpose of taking up the bill commonly known as "the homestead bill;" and upon that question I ask for the yeas and nays.

Mr. SHIELDS. I have been waiting several days to make reports. There are bills which ought to be printed and laid upon the tables of Senators. I am in favor of the homestead bill, but I have voted against taking it up twice, because of the untimely period at which the motion was made. The friends of the bill who are thus pressing it, are doing it more injury than its opponents; and why? Because they bring it in at such an untimely season, interfering with legitimate business. I will vote against any measure which is brought forward in that way. We want to have our bills from the committees handed in and printed.

Mr. DOUGLAS. Like my colleague, I am in favor of the homestead bill, and will vote to take

it up at the first proper time we can get, without interfering with our imperative duty as committee men; and in order to bring this thing to a point, I will specify what I conceive to be an appropriate time. We now devote a good portion of the morning hour, up to one o'clock, to the civil and diplomatic bill. From one, during the balance of the session, each day, we devote to the river and harbor bill. Now, I propose that at four o'clock we take a recess, and meet at six o'clock, and at six each evening proceed to the consideration of the homestead bill, and the other land bills, until we get through with them. I am prepared to stand by that until the end of the session, if necessary, to dispose of these land bills; and if the friends of the homestead bill, or the Bennett bill, wish to give these measures a fair chance, and a fair hearing this session, let us come here at six o'clock and sit each evening, and dispose of them.

Mr. GWIN. I am very anxious to have the opportunity of voting on the homestead bill, but I am not willing to allow any other bill to take precedence of the appropriation bills. I shall vote against placing any measure—I do not care how much I am in favor of it—in advance of the appropriation bills.

Mr. DAWSON. I desire to make one observation in order that the country may understand the condition of affairs here. There are hundreds of private claimants to whom the Government is indebted, and they are suffering for the want of what is due to them; and we are now called upon to suspend the investigation of the rights due to those citizens, merely to take up a bill giving land to men who have done nothing in the service of the country more than the rest of the people.

Mr. HALE. Gentlemen have said a good deal about putting themselves right before the country. Certainly, sir, I have no disposition to put anybody wrong; but the plea of "a more convenient season"—and I have no doubt of its sincerity so far as the Senator from Illinois [Mr. DOUGLAS] is concerned—will not do. I sympathize with his colleague who has special charge of the bill for the relief of the unfortunate insane. He cannot be more earnest for that bill than I am. Sir, I expect to be voted down upon this question. I expect to be beaten upon it. I expect it will not be taken up either now or at any time this session. The "convenient season" will not arrive until after the first Monday in November at least; but I simply want a vote, and I will take it at any time. With all deference to the Senator from Illinois, [Mr. DOUGLAS], I do not think that an evening session is practicable; but if the Senate will just take it up, I will go with him for postponing it to any hour he names when it may be considered. I do not desire to occupy the time of the Senate. I will vote for the consideration of the bill at any hour, if it is midnight, if the Senate will only take it up.

Mr. DOUGLAS. The Senator has said precisely what I expected when he moved to take up this bill in this irregular manner, in opposition to measures that are pending, and have a precedence over it.

Mr. BRODHEAD. We all know his motives. Mr. HALE. I call the Senator to order. I appeal to the Chair if it is in order for a Senator to say that he knows my motives?

Mr. DOUGLAS. We all know that you are governed by patriotic motives.

The PRESIDENT. If a Senator assigns improper motives, it is out of order.

Mr. HALE. The remark implied that my motive was improper. I ask the judgment of the Chair if it is proper for a Senator to make such an assertion?

The PRESIDENT. It is certainly in order for a Senator to say what he supposes to be the motive.

Mr. HALE. I did not speak of the Senator who has the floor; but I ask if it is in order for a Senator to call out from his seat that he knows what are my motives?

The PRESIDENT. The Chair heard nothing of the kind.

Mr. HALE. I did; and it is against that I appeal.

Mr. DOUGLAS. On the statement of the honorable Senator from New Hampshire, I will vote to take up the bill, and then postpone it to an hour I will indicate. I will indicate six o'clock this evening—taking a recess from four to six—

so that we may keep at it each night until we get through it.

Mr. RUSK. I do not rise to protract this debate. A debate of a similar kind was protracted yesterday, to the defeat of the morning business. But I rise for the purpose of saying that business, in my opinion, is not advanced in this manner. I have had two bills to report, which are important to the whole country. I have been ready for some time to report them. One is in relation to postage on printed matter, and the other is the post route bill, in which every State is concerned. If we had not gone on yesterday morning and consumed the time with patriotic speeches, for about an hour, we could have passed them both. They would have raised no question in the Senate; and, in ten minutes, we could have passed them and sent them over to the House. It will be necessary to send them to the House, because some amendments must be made to them; therefore it is important to get them up as soon as possible. If this debate goes on in this way to-day, they will be crowded out again. I hope we shall not consume the morning hour by this debate, but that these reports may be made, and that we may be allowed to act upon necessary bills.

Mr. PRATT. The Senator from New Hampshire seemed surprised, because it was said by a Senator on this side of the Chamber that we all knew his motives. I do not know what motive was intended to be attributed to him by the honorable Senator who made the observation; but I suspect that his own good sound sense will convince him, upon a mere statement of the facts, that the country will be convinced that his motive is to defeat the bill. Let me appeal to his own judgment. He says that he knows the bill will be defeated. Now, sir, we all know it will be defeated, if it is taken up at this period of the session. We all know that almost every Senator desires to discuss the bill. It is known, therefore, to every Senator, that it is utterly impossible that it can be discussed and passed at the present session. What is the result, if you do not take it up now? It has already passed the House of Representatives. It will come up as a part of the unfinished business of this session, at the commencement of the next session, without any action of the other branch of the National Legislature; and we shall then have time to act upon the subject, and the honorable Senator will have an opportunity of presenting the bill in its fairest aspects. And then, Mr. President, as the honorable Senator has referred to an event which he intimates will have some effect here, the November election will have passed, and then we can act upon the bill. Not only shall we have time to discuss it, but we can act upon it without its having the bearing to which the honorable Senator has alluded. Then, it is palpable that whatever may have been the motive—and I am sure that it could not be—everybody will be convinced that that is the necessary effect of what the Senator desires.

The yeas and nays were ordered.

Mr. DODGE, of Iowa. I trust the Senator from New Hampshire, if he is sincerely desirous of advancing the interests of this bill, will accede to the proposition of the Senator from Illinois. I wish to say of that bill, that I am its friend in its length, breadth, and depth. I was prepared to report it back favorably, and to vote for and urge its passage the very day it was referred to the Committee on Public Lands. But in consequence of the absence of some of the members of the Senate, who accompanied the remains of Mr. Clay to Kentucky, that committee was unable to do so. If I had dreamed that there was any the slightest particle of hope of obtaining the favorable action of the Senate upon it heretofore, without prejudice to, and almost without ruining the bill—sir, if everything around us had not foreshadowed inevitable defeat—defeat, not upon the merits of the bill, but for the want of time to consider it, I should have moved to take it up long ago. The State and people I represent are deeply interested in the passage of this bill, and ardently attached, as I am, to the principle upon which it is based, I trust we will be able to pass upon it before Congress adjourns; but I hope it will not be thrust upon the Senate in such a manner, and at such a time, as to cause it to be voted down, time after time, for the purpose of making political capital in the presidential election.

Mr. CHASE. I desire that the precise state of

the question should be understood. Nothing is more common in this body than to take up bills for the purpose of making them the special order for a particular day or hour. It consumes no time, leads to no discussion. The Senator from New Hampshire moves simply to take up this bill, and the Senator from Illinois proposes that it shall be made the special order for some future hour. He has named six o'clock this evening. I am indifferent as to what hour is named, if it is understood that it will be taken up. The Senator from New Hampshire has already proposed to accede to the proposition of the Senator from Illinois. If taken up, it will lead to no debate at present. If, then, the Senate is disposed at any time during this session to take up this bill, now is the time, and there can be no other time so appropriate as the present. It is simply desired to put the bill within the control of the Senate, and enable them to fix some time at which it may be considered. I am certain my friend from Iowa did not understand that the Senator from New Hampshire had acceded to the proposition of the Senator from Illinois, for if he had he would have made no objection. No consumption of time is necessary for it. All we have to do is to vote to take it up, and then postpone it until some hour that may be agreed upon.

Mr. MASON. I am opposed to taking up this bill at all, because I am opposed to the policy of it; but that opposition will be very much strengthened when I consider the quarter from which the motion to take it up comes. Sir, it has become a part of the history of the day, that the Senator who makes this proposition has been nominated for the Presidency of the country by a party called the Abolition party, the Liberty party, the Free-Soil party, or in whatever other name they may happen to rejoice.

The PRESIDENT. The Chair is under the necessity of requesting the Senator to confine himself to the proposition before the Senate, which is the motion to postpone the prior orders, with the view of taking up the homestead bill.

Mr. MASON. I do not question the motives of the Senator from New Hampshire. I have no doubt that they are patriotic according to that Senator's measure of patriotism; but if I am not mistaken, this bill for giving away the public lands is made a plank in the platform of the convention which recently nominated that gentleman. Now, "I fear the Greeks even when they bring presents;" and if I had no other reason for opposing this bill, I should not want to arm that party with the means of giving a largess to the people to invite their votes. Sir, the proposition comes from a suspicious quarter—a very suspicious quarter. If there were no other reason for passing it over until after the November election, that would be conclusive with me. I cannot consent to any measure which will contribute to the support of that party, a party which, if it ever attain its ends, can only attain them by destroying this Government. That party, it seems, has adopted this bill as a means of buying up popular votes at the presidential election. We have evidence of that fact, for the convention which recently assembled at Pittsburg, and nominated him as a candidate for the Presidency, made this bill one of its leading features to recommend the nomination to the American people.

Mr. HALE. I am very sorry, Mr. President—no I am not either; I thought I was sorry, but on reflection I am rather glad; but I must say that I am much astonished at the aspect in which the Senator from Virginia looks at this measure. That Senator says in plain terms what he thinks of this bill. Does he know who is the author of the bill? I suppose that we have a right to speak of the history of the country as we read it in the newspapers? Was it the offspring of somebody who does not measure patriotism by the same standard as the honorable Senator from Virginia? He says he does not measure his patriotism as I do. I can assure the Senator, that if there is one thing in my political position for which I thank God, it is that we have different standards. Yes, sir, I am thankful, heartily thankful, for that. Does the Senator know where this measure originated? Is it the offspring of some fanatical Abolitionist or Free-Soiler? Did it come from Pittsburg, or from Cleveland? Sir, if the public journals speak the truth, this bill has its origin in a section of country which measures patriotism by the same stand-

ard as the Senator from Virginia. I think it comes a little south of the State of Virginia; and let me tell the honorable Senator, that, as much as he is disposed to oppose measures because they come from certain quarters—and I am glad to hear the avowal—I have seen the fact ever since I have been a member of the Senate.

The PRESIDENT. The Senator from New Hampshire really must confine himself to the question before the Senate, which is to postpone the prior orders, with a view to take up the homestead bill.

Mr. HALE. I suppose, Mr. President, that the Senator from Virginia was as much out of order as I am?

The PRESIDENT. The Chair arrested the Senator from Virginia, and desired him to confine himself to the question.

Mr. HALE. I certainly was not aware of it; but if the Chair did arrest the Senator from Virginia, it delivered him from arrest very soon. [Laughter.]

Mr. RUSK. I rise to a question of order.

The PRESIDENT. The Senator will state his point of order.

Mr. RUSK. The Senator from New Hampshire has already spoken twice on the subject.

The PRESIDENT. The proposition is to postpone the prior orders to take up the bill indicated by the Senator from New Hampshire.

Mr. PRATT. There is a question of order.

The PRESIDENT. The Senator from New Hampshire is entitled to the floor.

Mr. HALE. Yes, sir; but a question of order was raised, which I wish to have settled.

The PRESIDENT. The question of order is, that the Senator from New Hampshire must confine himself to the consideration of the motion before the Senate.

Mr. HALE. I will endeavor to do so.

Mr. PRATT. The point of order raised by the Senator from Texas does not appear to have been thoroughly comprehended by the Chair. The point raised by that Senator was, that, under the rules, no member of this body has a right to speak more than twice on the same question, except by the unanimous consent of the Senate.

Mr. HALE. There is no such rule.

Mr. RUSK. I ask for the reading of the 4th rule.

The PRESIDENT. The Chair will read the rule. It is as follows:

"No member shall speak more than twice, in any one debate, on the same day, without leave of the Senate."

Mr. HALE. Well, sir, the rule does not apply to me. I have spoken but once, but have been repeatedly interrupted by other Senators. [Laughter.]

Mr. CASS. I should like to see the rule enforced.

The PRESIDENT. The Senator from New Hampshire will proceed.

Mr. HALE. I was about to say that the Senator from Virginia has taken a position in reference to this bill which he will regret in his cooler moments. He is doing more for this fanatical Free-Soil party, by identifying them with the advocacy of the free-farm movement, than they could do for themselves by obtaining the best talents in the country and sending them abroad to make Free-Soil and Abolition lectures.

The PRESIDENT. The Senator from New Hampshire must confine himself to the motion immediately before the Senate.

Mr. HALE. Well, sir, I have alleged that as one reason why the bill should be disposed of now, so as not to allow the fanatics to make political capital out of it hereafter. [Laughter.]

The question was taken on the motion to postpone; and there were—yeas 16, nays 38; as follows:

YEAS—Messrs. Bright, Cass, Chase, Clarke, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Hale, James, Jones of Iowa, Seward, Sumner, Wade, and Walker—16.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Borland, Bradbury, Brodhead, Brooke, Butler, Charlton, Davis, Dawson, De Saussure, Felch, Fish, Geyer, Hamlin, Hunter, Jones of Tennessee, King, Mallory, Mangum, Mason, Meriwether, Morton, Norris, Pearce, Pratt, Rusk, Sebastian, Shields, Smith, Soule, Spruance, Toucey, Underwood, and Upham—38.

So the motion to postpone was not agreed to.

PETITIONS, ETC.

Mr. BRADBURY presented additional docu-



ments relating to the claims of Maine and Massachusetts against the United States under the fifth article of the treaty of Washington; which was referred to the Committee on the Judiciary.

Mr. SOULE presented the memorial of John M. Forno; praying that his memorial and papers that were before the late Board of Commissioners for the settlement of claims of American citizens against Mexico, may be referred to the Select Committee on the subject; which was referred to the Select Committee appointed on the subject.

Mr. COOPER presented a petition of citizens of York county, Pennsylvania, praying that the bill introduced into the House of Representatives requiring the Secretary of the Treasury to deposit the fourth installment of the deposits of the public moneys directed to be made with the States by the act of 23d June, 1836, may become a law; which was referred to the Committee on Finance.

#### REPORTS FROM STANDING COMMITTEES.

Mr. SOULE, from the Committee on Commerce, to which was referred the memorial of officers, clerks, and others in the civil and military departments of the United States Government in New Mexico, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. ATCHISON, from the Committee on Indian Affairs, to which was referred the petition of James Pool, reported a joint resolution authorizing the settlement of the accounts of James Pool; which was read and passed to the second reading.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred a resolution of the Legislature of Texas, praying that the officers of the Texas navy may be incorporated into the Navy of the United States, submitted a report, accompanied by a joint resolution, relative to the officers of the late Texan navy; which was read and passed to the second reading. The report was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to which were referred various bills and memorials relative to the subject of the establishment of new mail lines of steamers, asked to be discharged from the further consideration thereof; which was agreed to.

He also, from the same committee, to which was referred the petition of James Jeffries and Jeremiah M. Smith, reported a bill for their relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the petition of Rebecca J. Birdsall, reported a bill for her relief; which was read and passed to the second reading.

He also, from the same committee, to which was referred the bill from the House of Representatives "to establish certain post roads," reported it back with sundry amendments.

Mr. HAMLIN, from the Committee on Commerce, to which was referred the petition of David K. Arey, praying a new register for the barque Queen, reported a bill authorizing the Secretary of the Treasury to issue a new register for the barque Queen, of Dundee; which was read and passed to the second reading.

On motion by Mr. HAMLIN, the above-named bill was read a second time, and considered as in Committee of the Whole. No amendment being offered, it was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

He also, from the same committee, to which was referred the memorial of the owners of the brig Marthaeette Morse, reported a bill authorizing the Secretary of the Treasury to issue a new register for the brig Marthaeette Morse, late the Belgian brig Enterprise; which was read and passed to the second reading.

Mr. SHIELDS, from the Select Committee, to which was referred the bill from the House of Representatives making a grant of public lands to the several States and Territories of the Union, for the benefit of indigent insane persons, reported back the same without amendment.

Mr. JAMES, from the Committee on Revolutionary Claims, to which was referred the memorial of the heir of William Hazard Wigg, deceased, praying compensation for losses incurred by the said Wigg in the war of the Revolution, submitted a report, accompanied by a bill for his

relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. DAWSON, from the Committee on Military Affairs, to which was referred documents in relation to the claim of R. L. Blair, asked to be discharged from the further consideration thereof; and that the petitioner have leave to withdraw the same; which was agreed to.

He also, from the same committee, to which was referred the memorial of the agent of the State of Maine, praying that the accounting officers of the Treasury may be authorized to allow and pay all claims intended to be provided for by the act of the 13th of June, 1842, that have been allowed and paid by the said State, submitted a report; which was ordered to be printed.

#### MODIFICATION OF POSTAGE RATES.

Mr. RUSK. The Committee on the Post Office and Post Roads, to which was referred the bill from the House of Representatives to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed 3d of March, 1851, have instructed me to report it, with two amendments. I ask the unanimous consent of the Senate to consider the bill at this time. The amendments are short, and I do not think there can be any objection to them. It will be necessary to send the bill back to the House of Representatives, on account of the amendments; and that will require some time. The state of my health is such that I can scarcely remain in my seat. I therefore ask the Senate to consider the bill at this time. I do not think that it will occupy ten minutes.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

The first amendment of the committee was to strike out, in the first section of the bill, the following rates:

"Each newspaper, pamphlet, periodical, magazine, book, bound or unbound, circular, catalogue, and every other description of printed matter unconnected with any manuscript or writing, and of no greater weight than two ounces, shall be charged with one cent postage, and one cent for each additional ounce or fraction of an ounce, for any distance under three thousand miles; and for any distance over three thousand miles, double those rates. All newspapers and periodicals not weighing over one ounce, and published regularly as often as once in three months, and sent from the office of publication to actual subscribers, shall be chargeable with only one half the foregoing rates. *Provided*, That all newspapers and periodicals not weighing over two ounces, when sent to actual subscribers within the State where such papers and periodicals are published, shall be entitled to the reduction provided for in this section. The postage on all printed matter shall be prepaid at the office where it is mailed, or paid quarterly, in advance, at the office of delivery; otherwise double the foregoing rates shall be charged thereon;"

—and to insert in lieu of them the following:

Newspapers, periodicals, and all other printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent; and for every additional ounce or fraction of an ounce, one cent; and when the postage is paid quarterly or yearly, in advance, either at the office where the said newspaper or periodical is mailed or delivered, one half of said rates only shall be charged. Newspapers not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half of the rates before named: *Provided*, That small newspapers published monthly or oftener, when sent in packages to one address, and prepaid by affixing stamps thereto, shall be chargeable at half of a cent for each ounce or fraction of an ounce. Postage on transient matter shall be prepaid, or shall be charged double the foregoing rates.

The amendment was agreed to.

The next amendment of the committee was to insert after the word "matter," in the second section, the words "and shall be chargeable with 'postage at one cent an ounce for all distances 'under three thousand miles, and two cents an ounce for all distances over three thousand miles,' to which fifty per cent. shall be added in all cases 'where the same shall be sent without being prepaid,'" so that the section shall read:

"Books bound or unbound, not weighing over four pounds, shall be deemed mailable matter, and shall be chargeable with postage at one cent an ounce for all distances," &c.

The amendment was agreed to; the bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CHASE. I move to amend the bill by adding to the second section the following proviso:

*Provided further*, That the Postmaster General may prescribe, by general regulation, what matter other than such as is specified in this act, shall be regarded as mailable matter, which shall be sent at the same rates of postage as books.

The object is to allow horticulturists and others

to send small packages of seeds to distant parts of the country, which can be accomplished in no other way.

Mr. HAMLIN. I desire to say that it was the intention of the Committee on the Post Office and Post Roads to offer such an amendment; but the amendment of the Senator from Ohio meets the approbation of the committee.

Mr. BORLAND. I am disposed to relieve everything that may be proper to go through the mails of unnecessary burden; but really it seems to me that this proposition will open the mail as a common carrier to any one who may have articles of merchandise to send. How will it be possible to discriminate in the administration of such a provision as this? It allows horticulturists to send—what? It does not specifically define the articles which are to be sent through the mail. Any man, therefore, who has a garden may gather up its products and send them through the mails, as it seems to me, under this provision, unless I have greatly mistaken it. I ask for the yeas and nays upon the amendment of the Senator from Ohio.

The yeas and nays were ordered.

Mr. HAMLIN. The bill now provides that publishers of books may send them, at a prescribed rate of postage, through the mails. This amendment provides that other matter, such as may be designated by the Postmaster General, shall be mailable matter, and shall be sent at the same rate of postage as books. Now, this matter will pay \$200 a ton for transportation, and perhaps more than that. It will be a source of revenue to the Department. It will allow merchants in our large cities to transmit samples of goods without incurring the mails in any way that is objectionable. I know no reason why facilities should not be extended to our merchants, who really pay the great bulk of our postage, when these facilities will cost them \$200 or \$300 a ton on their merchandise, and when the revenues of the Department will be increased thereby. The object is to merely extend the provision to others than those who publish books.

Mr. BORLAND. Since I have heard the amendment read, I find that it is not quite as objectionable as I at first thought it was. But I can well understand how Senators from the region of country from which the Senator from Maine comes, may see an advantage to their portions of the country from this proposition. It may be very burdensome, however, to other sections of the country. If you open the mails to carry merchandise in this way, what is to become of the region of country in which I live, and other sparsely-settled portions of the Union, where the mails are carried on horse-back? Why, you will soon load down the mails. At this time, owing to the want of facilities in sparsely-settled regions, we have our mails left over from week to week, because the means of transportation are not sufficient to carry what is now sent. When we apply to the Post Office Department for an increase of the service, we are told that it cannot be allowed because the revenue is not sufficient to meet the additional expense.

If you will extend the operations of the post office system; and allow—in addition to letters, papers, and books—merchandise to be carried in the mails, they will become the common carriers of the country; and in those regions where we have only horse-back transportation, or small two-horse wagons to carry the mail, they will be loaded down so that we shall not get our mail matter at all. Mail matter will be laid over at the offices for months. Now, we experience great difficulties of this kind; but these difficulties will increase, and I fear will cut us off almost altogether from all mail facilities, provided we adopt this principle. Where the mails are carried on steamboats and railroad cars, there may be no difficulty in carrying out this plan; but I repeat, in sparsely-settled regions, where we have but limited means of transportation, we shall suffer inconveniences that will become intolerable.

Mr. CHASE. I ask the unanimous consent of the Senate to allow me to modify my amendment by inserting after the word "act" the words "or the act amended hereby." So that it shall read:

*Provided further*, That the Postmaster General may prescribe by general regulation what matter, other than such as is specified in this act, or the act amended hereby, shall be regarded as mailable matter, which shall be sent at the same rates as books.

There being no objection, the modification was made.

Mr. SHIELDS. I think that the amendment is opening a very wide door. I am afraid of adopting such a provision. Matter which is of a character to enlighten the country may properly be sent through the mails, but I think that the power proposed to be conferred by the amendment is a very dangerous one. There would seem to be no limitation to it, and it may be abused. I shall therefore vote against the amendment.

Mr. CHASE. All that I desire to say is this: The bill already prescribes that newspapers weighing not more than three ounces, may be sent through the mails to any part of the country under three thousand miles for one cent. I agree to that, because I am in favor of the greatest possible diffusion of information; but I will venture to say that all the mailable matter, including all the samples sent by merchants, and all the seeds sent by horticulturists, will not be equal in bulk and in weight to the issues of one great newspaper establishment; and I have no doubt the matter brought into the mails, if my amendment be adopted, will produce ten times the revenue to the Government than newspapers will.

Mr. BRADBURY. I would suggest an amendment that might, perhaps, relieve the amendment of the Senator from Ohio from the objections of the Senator from Arkansas. It is to insert in the amendment of the Senator from Ohio, after the words "mailable matter," the words, "not exceeding one pound in weight." That will cover all that will be necessary to enable horticulturists to send their seeds, and merchants their samples, through the mails.

Mr. CHASE. If there be no objection, I will accept the amendment of the Senator from Maine.

Mr. BORLAND. I would say that that does not mend the matter at all. I object to the amendment to the amendment.

The PRESIDENT. Then, the question must be taken on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. TOUCEY. I hope the Senate will vote down this amendment. It is a transfer of the legislative power from the Congress of the United States to the head of a Department; and to that I entirely object.

Mr. BORLAND. I think that the amendment of the Senator from Maine, which has been ingrafted on the amendment of the Senator from Ohio, does not improve it. It limits these parcels to one pound in weight. The effect will be that, instead of putting up fifty pounds of matter in one package, they will be put up in fifty different bundles, of one pound each; so that I can see no sort of difference between the two. I desire to call the attention of the Senate to the power of Congress over the subject.

Mr. HUNTER. It is obvious that this subject will give rise to debate, and, if the Senator will allow me, I will move to postpone the further consideration of the subject.

Mr. RUSK. I hope we shall come to a vote.

Mr. HUNTER. Very well. I withdraw my motion.

Mr. BORLAND. The Constitution confers upon Congress power to establish post offices and post roads, and necessarily limits that power to the necessities of the country, and the purposes for which the power was established. It is the proper business of the Post Office Department to transmit letters, papers, and communications containing information of various kinds. Whenever we go beyond that, we depart from the purposes for which the power was conferred. We make the Government of the United States a common carrier, to enter into competition with every man engaged throughout the country in carrying goods for freight. This would defeat the very object for which the power conferred by the Constitution was granted. The object was to facilitate rapid and easy communication between the different parts of the country, for purposes of information.

The question being taken by yeas and nays upon the amendment of Mr. CHASE as amended, resulted—yeas 22, nays 32; as follows:

YEAS—Messrs. Badger, Bell, Bradbury, Brooke, Chase, Davis, Dodge of Wisconsin, Fish, Gwin, Hale, Hamlin, James, Jones of Iowa, Mangum, Rusk, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—22.

NAYS—Messrs. Adams, Atchison, Bayard, Borland, Bright, Brodhead, Butler, Cass, Charlton, Clarke, Cooper,

Dawson, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Geyer, Hunter, Jones of Tennessee, King, Mallory, Mason, Meriwether, Morton, Pearce, Pratt, Sebastian, Shields, Soule, Toucey, and Walker—32.

So the amendment was rejected.

No further amendment being proposed, the amendments were ordered to be engrossed, and the bill to be read a third time.

#### THE PUBLIC PRINTING.

Mr. HAMLIN. The Committee on Printing, to which was referred a bill from the House, entitled "An act to provide for executing the public printing, and regulating the prices thereof, and for other purposes," have directed me to report—that, having met and conferred upon the matter, they have been unable to agree; and therefore report the bill back without any recommendation in relation to it.

Mr. GWIN. I hope that bill will be taken up and acted upon now. It is important to know whether we are to have a printer to Congress or not.

Mr. HUNTER. I rise to say, that I shall not move to take up the civil and diplomatic bill this morning, for I find that if I do so, I shall only have half an hour for its consideration, and I shall have to contest for that time with the gentlemen who wish other business to be proceeded with.

Mr. GWIN. I move to postpone the prior orders for the purpose of proceeding to the consideration of the bill which has just been reported from the Committee on Printing.

Mr. DAVIS. I will inquire of the honorable Senator from California if he expects that bill to displace the orders of the day?

Mr. GWIN. I do not intend to interfere with the regular order; but I think we might take up the bill, and perhaps make some progress in it. It is important to know whether we are to have a public printer, or not. I ask for the yeas and nays upon my motion.

The yeas and nays were ordered.

Mr. BORLAND. I shall vote against taking up this bill; not that I am opposed to it, but because if it comes up for consideration now, it will necessarily consume the day, and we shall not have an opportunity to attend to the practical business that is so urgently pressing upon us. That is the only reason that I object to the motion to take up the bill now.

Mr. CASS. Every Senator knows the condition of the public printing. We have been here for over eight months, and the most important portion of that printing is yet to be done. It is now proposed, after this length of time, to remedy this crying evil. I take it that among the sixty-two members of the Senate there is not one who does not practically understand the question. Nor do I believe that if Solomon were here, he could make us understand it better than we do. I would, therefore, entreat gentlemen to allow the bill to be taken up and a vote to be taken on it.

Mr. BUTLER. I do not know what the bill is.

Mr. BORLAND. Before the vote is taken, I have this to say: that no one has, at any time, been more anxious to dispose practically of this question of the public printing than I have been. For more than three years I served as chairman of the Committee on Printing; and the Senate will bear me witness that, from the beginning of my service in that position down to the time when I left it, some three months ago, I lost no opportunity of urging upon the Senate not only the necessity, but the propriety of making some provision on this subject. What did Senators, who are now so anxious, at the close of the session, to take prompt action to provide for the public printing, do then? Did they join me in urging the matter upon the Senate at a time when something practical could be done? I could get no support then. The subject was put off from time to time. It was refused to be acted upon when the public interests were suffering for the want of it. When action in regard to the public printing was required at our hands for the transaction of our business here, there was no anxiety manifested in regard to it. But now, at the close of the session, when the necessity of having the public printing done promptly is not half so urgent as it has been during the session, it is proposed to displace all the business and bring that subject up and urge it for action upon the plea of necessity. Almost nine months have elapsed since the beginning of

the session, and the subject has been lying before us; yet gentlemen seem; until now, not to have seen the necessity of urgent action. When we could not use the public documents; when we were deprived of the means of legislating understandingly for want of them, action was refused. But now, at the close of the session, when we do not need the printing so much for any practical purpose, we are told that this is indispensably necessary. I cannot see the consistency of this position; and for this reason, I cannot vote for taking up the bill. Not that I object to the bill itself, for I believe that I shall vote for it, or, at least, for something substantially the same.

Mr. DAVIS. I hope the honorable Senator from California will let us go on with the river and harbor bill, and see if we cannot complete it to-day.

Mr. GWIN. I should be perfectly willing to make that disposition of the matter, if I had any hope or expectation that that bill would be got through with to-day. I did not intend that the bill which I have proposed to take up should interfere with the regular order of business.

I do not pretend to disguise the fact; but I say here that I think it is the duty of the political majority in this body to act on the bill which I have moved to take up, and to act promptly. I acknowledge that. If members of the Democratic party are disposed to destroy the bill, let them do it. I want the vote upon taking up the bill to be a test vote, in order to see if we are to make any provision for the printing of Congress at this session.

Mr. BUTLER. Mr. President, I shall make no apology to the Senate for taking up its time on any question that may come before it; because I see distinctly that those measures which ought to be passed, and ought to be discussed, and considered well, cannot be considered. But measures and questions of a purely political character, having a presidential complexion, are to be brought forward, and to supersede everything else. There is a report to be made from a committee, which I wish to have made, and in which I feel some interest. My friend who has it in charge has not had an opportunity, for the last three mornings, to present that report, because of this competition among politicians to get up their measures and to override everything else now at the end of the session. Why, sir, I have not read the bill proposed to be taken up.

I would say here that I do not care much whether any of the proceedings of this body—if they are such as I have seen this morning, and other mornings for some time past—are distributed and sent forth to the country. Sir, the Senate is not the Senate that it was when I was acquainted with it upon my first introduction to it. Everything seems to be discussed here that pertains to politics, and I think we are far from coming up to the standard of Senatorial dignity.

The PRESIDENT. The Senator's remarks are not strictly in order, for they do not relate to the question before the Senate. The question is upon postponing the orders, with a view of taking up the bill named by the Senator from California.

Mr. BUTLER. I am opposed to taking up that bill, unless I can have an opportunity of examining it. I have not examined it, and therefore object to considering it now. I object to this proposition further, because I think this bill is proposed to be taken up to the prejudice of other business which I believe is of more importance.

Mr. HUNTER. I have a word or two to say in relation to taking up this bill. The Senate overruled me on the civil and diplomatic bill, and laid that bill aside for the purpose of taking up the river and harbor bill. That having been the decision of the Senate, I have acquiesced, so far as that bill is concerned, to let it go on and be disposed of; but I will not, by my vote, give preference to any other bill over the civil and diplomatic bill, until it is finished. If the Senator from California will give us the assurance that he will lay this bill by in the event that it gives rise to debate, I shall interpose no objection to his motion; but I will not do anything in the way of taking up the civil and diplomatic bill to-morrow in the morning hour; for it is obvious that a majority of the Senate will not give consideration to any other bill than the river and harbor bill after one o'clock.

Mr. GWIN. I do not think the Senator from Virginia has shown more eagerness to press the

civil and diplomatic appropriation bill than I have shown. He indicated that he would not call it up this morning, and hence it was that I urged the motion which I have made. I have already said that I did not intend to interfere with the regular orders. All I wanted was to get a vote that might indicate what the Senate would do with the subject of the printing.

Allow me to remark, that I hope I have as much appreciation of Senatorial dignity as other gentlemen, and I think that I understand the duties of a member of this body as well as any one. I want some indication of whether the Senate intend to act upon this question at all; for if they do not intend to act on the bill which has come from the House to provide for the execution of the public printing, I am perfectly willing to lay it aside, and let those who put it aside assume the responsibility of doing so.

Mr. BUTLER. I did not intend to direct my cannon against the honorable Senator from California at all. I merely stated that I did not care to have such debates and proceedings as I have seen for some time past in this body, printed and distributed among the people. In that connection I said that they were not good specimens of Senatorial dignity. I did not question the right of the Senator to move to take up this bill; but I said that bills of this character have precedence over everything else. All the wants of the country are postponed for political measures.

Mr. GWIN. I do not intend that the bill in regard to the public printing, which I propose to take up, shall interfere with the civil and diplomatic appropriation bill during the morning hour to-morrow. I want it brought up now for the purpose of seeing whether we are to act upon it or not.

Mr. BRIGHT. Mr. President, at an early day of the present session—I believe during the first month, perhaps during the first week—I had the honor to introduce a joint resolution to provide for the printing of the returns of the Seventh Census. I considered it was important that that work should be done. The resolution was referred to the Committee on Printing. It was reported back by that committee, and was discussed for some time, and it now lies upon the table, I believe. I have felt, throughout the session, that it was important that the question of the public printing should be disposed of. It is one in which we all feel more or less interest.

Disguise it as we may, the public printing is an important matter. It is important, so far as regards the dissemination of information among the people; and important to that class of persons who expect to perform the work. They have been kept in constant suspense here for months. The public business has been retarded on account of the condition in which our public documents are. I do not know that the question can be settled at this session. I admit that I have my doubts about it; but I think it is important that we should decide whether we are to pass any law upon that subject.

I apprehend that the motion made by my friend from California, will be weakened somewhat by the consideration suggested by the Senator from Virginia, if it is intended to consider this bill to-day.

Mr. HUNTER. I would suggest to the Senator from Indiana, that, with the assurance of the Senator from California that he will not interpose the bill to-morrow, in the morning hour, in the way of the civil and diplomatic bill, I have no objection to taking it up.

Mr. BRIGHT. I was going to suggest, if the Senator from Virginia had not changed his position, that we should move to make the printing bill the special order for some day next week; but I will not make that motion, if the honorable Senator from Virginia is disposed to give to it the residue of this day. I hope we may take up the bill; and that the vote upon taking it up may be regarded as a test vote.

Mr. HUNTER. I did not understand the Senator from California to propose to devote the whole day to this bill. I understood that he only wanted the residue of the morning hour appropriated to it. I shall not consent to devote the rest of the day to this bill; for that would give it precedence over the civil and diplomatic bill, and prevent the friends of the river and harbor bill going on with that bill.

Mr. BRIGHT. Then I will ask the honorable Senator from California to change his motion so

as to move to take up this bill and make it the special order for to-morrow at twelve o'clock.

Mr. JONES, of Iowa. Say eleven o'clock.

Mr. BRIGHT. Very well. I believe that will bring up the question fairly, and will test really the sense of the Senate upon the bill.

Mr. HUNTER. I shall vote to take up this bill, after the civil and diplomatic bill is disposed of; but I cannot consent to give this bill precedence over that. I think that I should not be discharging my duty to the country to do so. I will vote for taking up the bill, with the understanding that it shall consume only the residue of the morning hour.

Mr. BRIGHT. I withdraw the proposition which I made; and then I suppose the question will be on taking up the bill now.

The PRESIDENT. That is the question.

Mr. BORLAND. Mr. President, the position in which the Senator from California has placed this question, imposes it upon me as a duty to myself, to say a word or two. I am sorry that he has given the measure such a complexion before the Senate, and before the country. He has suggested that the vote upon taking up this bill, is to be considered as a test vote upon a political question; which, if it means anything, means that those who vote against the proposition are to be read out of the party to which the Senator and myself belong—that it is to draw a line, and mark the political character of all the Senators on this floor.

Mr. GWIN. I never intended anything of the sort. I said that those gentlemen of the Democratic party, whose sense of duty induced them to act early on this bill, would vote for taking it up; and that those who felt bound to oppose it, would do it on their own responsibility, as every Senator does here. I said no such thing as reading any one out of the party. It is a mere matter of conscience between those who discharge their duties here. I will say this, however, that if this bill is not acted upon now, it may be considered as lost; because, it not only has to be passed by this body, but it has to go to the President of the United States for his signature, and after that the House and Senate have to elect a public printer. We have only from now to the end of the session to accomplish all that. Is that time enough, if we are going to make this a practical measure? That is the only point. I bring no man's political consistency into question.

Mr. BORLAND. I am glad that such is the meaning of the Senator. But, I apprehend, his remarks, as made, would, before the country, have the bearing which I have attributed to them. He said that it was not an ordinary question, but an important political question, which he submitted to the Senate; and he said that he wished it decided by a test vote. What could that mean? If the Senator says that the meaning which I attributed to it, is not his meaning, I take his explanation. But, I ask, what would have been the meaning of that before the public, if unexplained? Why, it was to mark the political position of Senators on this floor.

Sir, in regard to the question of the public printing, this is not the first time that I have been attempted to be read out of the Democratic party on account of it. I do not mean to attribute to the Senator from California any such meaning. But I have been read out, or attempted to be read out, of the party several times in my life, because I could not square my actions exactly to the peculiar notions of other gentlemen, belonging to the same party with myself. But, having my politics in my own keeping, and being conscious of the sincerity and the rectitude of the motives which actuated me, I have never had any fear of being "read out" of the party. I have maintained my political consistency, I apprehend, as well as most men; certainly I have, to the satisfaction of my own conscience.

But, sir, I cannot conceive how this is to be considered a political question. I look upon it as a business question, as one affecting the practical business of this body. And I say, what I have said from the beginning, that if it ever was a question pressing urgently upon the attention of the Senate, the time for that urgency has passed months ago. The practical value of the measure, so far as the business of this body, or the business of the country is concerned, has passed long ago, and the little aid we should get from it within the next week, which is to close this session, is

so small, that I must confess I am unable to appreciate it.

Mr. BADGER. So little has been said on this subject, and so much time is left before the hour for the special order arrives, that I would like to detain the Senate for a moment. I am very sorry to see this difficulty and warmth which has sprung up among the members of the Democratic party, as to the bill proposed to be taken up. I did not know, until the honorable Senator from California announced it this morning, that this was a Democratic measure. That really raises some little suspicion in my mind, that I have been influenced by some mistake in regard to the subject. I wish, nevertheless, to say that I shall vote with the Senator from Arkansas against taking up this bill. But perhaps it would be more proper, as this seems to be regarded as a question between my Democratic friends, for me to say nothing at all about it. Perhaps—because it is a family matter among the Democracy—I ought not to interfere, and should not vote on the question. But if I vote at all, I shall vote against taking up the bill now. I have heretofore gone upon the supposition that this was a matter which concerned the general interests of the country, and was not a Democratic measure. I am in favor of the principle of the bill which the Senator from California proposes to take up; and I do not know that I am at all dissatisfied with any of its details. I am against the "lowest bidder" system of contracting for the public printing. I am entirely in favor of restoring us to something like respectability in conducting that branch of the public service. I mention this, in order that my vote upon this question may not be misunderstood. I beg to say to the honorable gentleman from Arkansas, as he and I will vote on the same side, that he need not feel the least uneasiness about his Democracy being called in question by that vote. [Laughter.]

The question being taken by yeas and nays upon the motion of Mr. GWIN to take up the bill, resulted—yeas 25, nays 25; as follows:

YEAS—Messrs. Adams, Atchison, Bradbury, Bright, Brodhead, Cass, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Hunter, James, Jones of Iowa, King, Mallory, Mason, Meriwether, Rusk, Sebastian, Shields, Foucey, and Walker—25.

NAYS—Messrs. Badger, Bayard, Borland, Brooke, Butler, Charlton, Chase, Cooper, Davis, Dawson, Geyer, Hale, Hamlin, Jones of Tennessee, Morton, Pearce, Pratt, Seward, Smith, Soule, Spruance, Sumner, Underwood, Upham, and Wade—25.

So the motion was not agreed to.

Mr. CHARLTON subsequently rose and said: Mr. President, I labored under a misapprehension entirely when I gave my vote upon the motion of the Senator from California. I voted against his proposition under a misapprehension of the question. I therefore move to reconsider the vote by which the Senate refused to take up the bill in regard to the public printing.

Mr. HUNTER. I wish only to say that I voted to take up the bill with the express understanding that it should be laid aside at one o'clock. One o'clock has now arrived, and I shall not therefore vote for the motion to reconsider.

Mr. DAVIS. I move to lay the motion to reconsider on the table.

The PRESIDENT. Perhaps the Senator from Massachusetts is not aware that the original motion was to take up a bill; that was refused by a vote of the Senate; the Senator from Georgia, who voted with the majority, moves to reconsider that vote; that brings up the question whether the bill shall be taken up or not. If the motion is laid on the table, of course it defeats the object of the Senator from Georgia.

Mr. BADGER. That, I presume, is the object of the Senator from Massachusetts.

Mr. HALE. I rise to a question of order; and it is this: that the vote upon a motion refusing to take up a bill is one which in its nature cannot be reconsidered, because the time at which it was proposed to be taken up has passed. A motion to take up a bill is like a motion to adjourn. A motion to adjourn is to adjourn at the time the motion is made. That motion cannot be reconsidered. But the rejection of that motion does not prevent its being renewed. Now, I take it that a motion to proceed to the consideration of a bill is of the same nature.

Mr. DAVIS. It seems to me that the Senator from New Hampshire has made a good point. A simple motion to take up a bill, if rejected, cannot



be reconsidered, because the motion may be renewed at any time. The Senator from Georgia can now, if he sees fit, move to take up the bill.

Mr. DOUGLAS. I rise to ask of the Chair whether it would not be in order for the Senator from Georgia now to move to take up the bill, or to move to take it up to-morrow morning, or at any other time, without a reconsideration of the vote?

The PRESIDENT. Certainly.

Mr. DOUGLAS. Then I appeal to the honorable Senator from Georgia to withdraw his motion.

Mr. CHARLTON. As I can make the motion to take up the bill, without moving to reconsider, I withdraw the motion to reconsider.

#### DUTIES ON RAILROAD IRON.

Mr. GWIN, from the Committee on Finance, to which was referred the bill for the relief of the Wilmington and Manchester Railroad Company, reported it back without amendment, and asked for its immediate consideration.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Secretary of the Treasury to extend the time for the payment of the duties on iron rails, spikes, bolts, fastenings, and other iron necessary for the construction of the Wilmington and Manchester Railroad, for the term of four years. It further provides that the Postmaster General shall contract with the Wilmington and Manchester Railroad Company for carrying the mails on the line of their road, at the usual rates charged by railroad companies; and that he shall reserve from the amount due to the Company for the carriage of the mail, a sum sufficient to reimburse the Government for the duties thus suspended, with interest at the rate of six per cent.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### BOUNDARY BETWEEN THE UNITED STATES AND MEXICO.

Mr. MASON. The Committee on Foreign Relations, to which was referred a message from the President of the United States, communicating a report from the Secretary of the Interior in relation to the fixing of the initial point in the boundary line between the United States and the Republic of Mexico, have instructed me to offer to the Senate three resolutions upon the subject, and a report embodying the views of the committee. I ask that the report and the resolutions may be printed. As they relate to a subject of very great national interest and importance, I ask that the resolutions be made the order of the day for Tuesday next.

The resolutions were read, as follows:

*Resolved*, 1st. That by the treaty between the United States and Mexico, concluded at Guadalupe Hidalgo on the second day of February, in the year 1848, no other power or authority is given to the commissioners and surveyors, whose appointment is therein provided for, than to determine and, by suitable land-marks, establish the boundaries between the two countries, as they are prescribed by said treaty; and that nothing in said treaty contained can be construed to authorize these officers, in any manner, to alter, vary, or modify the boundaries so provided.

2d. That such power and authority is conferred by the treaty on the commissioner and surveyor of each Government, jointly, and that no separate power is conferred on either.

3d. That the act of John R. Bartlet, Esq., the commissioner on the part of the United States, in disregarding the boundary laid down on the map which is made a part of the treaty, and in establishing, in lieu of one of said boundaries, a parallel of latitude as determined by astronomical observations, is a departure from the treaty.

The report and resolutions were ordered to be printed.

The PRESIDENT. The question is on the motion of the Senator from Virginia, to postpone the further consideration of the resolutions till Tuesday next, and make them the special order for that day.

Mr. HALE. I ask a division of the question.

The PRESIDENT. The question will then first be on postponing the further consideration of the resolutions till Tuesday next.

The motion to postpone was agreed to.

The PRESIDENT. The question now is on making the resolutions the special order of the day for Tuesday at one o'clock.

Mr. HALE. I ask for the yeas and nays upon that proposition. The Senate a while ago

refused to make matters of much more importance special orders.

The yeas and nays were not ordered.

Mr. HALE. We have been told, Mr. President, that various matters of practical and pressing necessity in the country cannot be taken up and acted upon, because there is not sufficient time to devote to the consideration of the appropriation bills which are necessary to carry on the Government. If these great practical questions cannot be taken up, why is it that one day, of the very few days which we have left, shall be specially assigned for the discussion of this matter, which, in my humble judgment, should be more properly considered in Executive, than in open session. Are all the territorial bills, and the appropriation bills, and the other great measures that have been spoken of, to have the go-by for this? I shall vote against making the resolutions the special order, and I was in hopes that the Senate would have given me the yeas and nays upon the question.

Mr. RUSK. This is a most important matter. It is a question with regard to the giving away of territory which properly belongs to the United States, to an amount nearly as large as the State which the Senator from New Hampshire has the honor of representing on this floor. That, it seems to me, is a question of very considerable importance. It is not a question involving the giving away of territory to the citizens of the United States, but the surrender of our territory to Mexico. The honorable Senator from New Hampshire could not certainly have looked into this matter, or he would not regard it as one of such slight importance.

The motion to make the resolutions the special order of the day for Tuesday next, was agreed to—there being, on a division—yeas 21, noes 16.

#### EVENING SESSIONS.

Mr. JONES, of Iowa, submitted the following resolution for consideration:

*Resolved*, That during the residue of the session the Senate will take a recess from four, p. m. till seven, p. m.

#### RIVER AND HARBOR BILL.

The Senate then took up the river and harbor bill, and after a protracted discussion, which lasted till near five o'clock, p. m., all the amendments reported by the Committee on Commerce were agreed to, with the exception of that appropriating \$15,000 for repair of the piers at Ashtabula, Ohio, which was rejected. [For the particulars of the proceedings on this bill see Appendix.]

#### POSTAGE BILL.

The bill to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, was read a third time and passed.

#### MILITARY RESERVE IN MINNESOTA.

Mr. DOUGLAS. I have a little territorial bill which I ask the Senate to consider at this time. If it leads to debate I will consent to lay it aside. I have waited for an opportunity for three months to get it up, and have not succeeded. It is House bill No. 238, "An act to reduce and define the boundaries of the military survey of St. Peters river, Territory of Minnesota." I will state that it curtails the boundaries in the exact words of a recommendation from the Department, and has no other provision in it.

Mr. GEYER. Has it no provision in regard to preemption rights?

Mr. DOUGLAS. No, sir; nothing of the kind. I move to take up the bill for consideration.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to consider the bill.

No amendment being offered, it was reported to the Senate, ordered to be read a third time, read a third time, and passed.

On motion by Mr. BRADBURY, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, August 20, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the consideration of House bill No. 120, "author-

izing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them and to locate others in lieu thereof."

Mr. STUART. Before proceeding to the consideration of that bill, I ask the unanimous consent of the House to take up and pass Senate bill No. 30, which I called the attention of the House to the other day. It confirms to the State of Michigan certain salt-spring lands, and corrects an error of a clerk in the General Land Office. It is of vast interest to that State.

Mr. PENN. I object.

Mr. STUART. I believe it is now in order for me to move a suspension of the rules to enable me to have that bill taken up?

The SPEAKER. It is not; we have not yet reached the last ten days of the session. The Chair on yesterday was mistaken as to the number of days yet remaining.

Mr. WASHBURN. Is it not in order for me now to move that the House proceed to the consideration of the private bills upon the Speaker's table?

The SPEAKER. Not in the morning hour, because that has been assigned to the reception of reports from committees, under a special order, by a two-thirds vote of the House.

Mr. WASHBURN. It will be in order, then, for me to submit the motion I have indicated at the expiration of the morning hour?

The SPEAKER. It will at that time.

Mr. WASHBURN. Private bills sent to us from the Senate, considered and reported favorably upon by a Committee of the Whole House, and to which there is no objection, have lain upon the Speaker's table some six months unacted upon. I hope, at the termination of the morning hour, they may be taken up, considered, and passed. Such action is demanded at our hands.

Mr. DUNCAN. I ask the unanimous consent of the House to report from the Committee on Commerce, "A bill granting a registry to the vessel Boundary."

Mr. HENDRICKS. I call for the regular order of business.

#### SURRENDER OF BOUNTY LAND WARRANTS.

The SPEAKER. The regular order of business has been called for, which is equivalent to an objection. The business in order is the consideration of House bill No. 120, "authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof." The previous question has been demanded by the gentleman from Alabama, [Mr. Houston.]

Mr. ORR. I hope the gentleman from Alabama will withdraw his call for the previous question, and let the gentleman from Indiana [Mr. Hendricks] submit the amendment which has been suggested by him.

The SPEAKER. The gentleman from Alabama is not present.

Mr. STUART. I think, by unanimous consent, the amendment might be introduced.

The SPEAKER. If there be no objection, the call for the previous question will be considered as having been withdrawn.

There was no objection.

Mr. HENDRICKS. I move to insert after the word "individual," in the first section, the words "or sold for taxes," so that it will read as follows:

"Sec. 1. *Be it enacted, &c.*, That it shall and may be lawful for any soldier in the late war with Great Britain, to whom bounty land has been allotted and patented in any State of the Union, by virtue of the laws of the United States passed prior to the year 1850, which was and is unit for cultivation, to surrender such patent and receive in lieu thereof the same quantity of any of the public lands subject to private entry at the minimum price, as he may select: *Provided*, That before receiving such new land, it shall be proved to the satisfaction of the Commissioner of the General Land Office the land so allotted and patented to said soldier is unfit for cultivation, and that the soldier has never disposed of his interest in said land by any sale of his own, or that the same has not been taken or disposed of for his debts due to any individual, or sold for taxes; and that he shall release all interest in the same to the United States in such way as said Commissioner shall prescribe; and such surrender and location shall be made within five years from the passage of this act."

At the request of Mr. MASON, the section as it would read, if amended, was read by the Clerk.

The SPEAKER. The Chair would inquire whether or not he is mistaken in supposing that the unanimous consent has been granted for the introduction of the amendment?

Mr. MASON. I asked for the reading of the amendment to see whether or not I would object.

Mr. CAMPBELL, of Illinois. It was submitted without objection, and then the gentleman from Kentucky called for its reading.

The SPEAKER. It was by the unanimous consent of the House that the demand for the previous question was withdrawn, the mover not being present, and at the moment the Chair forgot that there was pending a motion to recommit, which excludes, except by unanimous consent, the amendment.

Mr. HALL. Is not the amendment in order, and before the House?

The SPEAKER. It is not in order; and the gentleman will recollect that the amendment cannot be in order so long as there is pending a motion to commit, unless by unanimous consent that motion be withdrawn.

Mr. HALL. I made the motion to commit the bill, and if it be in order, I now withdraw it.

The SPEAKER. It is in order.

Mr. BOWIE. I give notice that at the proper time I shall move that the rules be suspended for the introduction of the resolution I send to the Clerk's desk, to be read for information.

Mr. CAMPBELL, of Illinois. I object to the reading.

The resolution is as follows:

*Resolved*, That the several standing committees of this House have leave to report on the matters referred to them, by filing their reports, with the accompanying bills, (if any,) with the Clerk of the House; and that said reports and bills be printed and referred, and, as may be, recommended by said committees, in the same manner as if made in the House, upon the call of the committees by the Speaker.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported that the Committee had examined bills of the following titles, viz:

H. R. No. 176. An act for the relief of Daniel Murphy; and

H. R. No. 257. An act to amend an act entitled "An act to settle and adjust the expenses of the people of Oregon, in defending themselves from the attacks and hostilities of the Cayuse Indians, in the years 1847 and 1848," approved February 14, 1851;

And found the same truly enrolled. The Speaker signed the said bills.

Mr. HALL. I only wish to say a word or two before moving the previous question.

Mr. HENDRICKS. There are a good many gentlemen who desire the amendment to this bill which I have proposed. I ask the gentleman from Missouri [Mr. HALL] to yield me the floor to propose the amendment. The gentleman can then make his objections to the amendment.

Mr. HALL. I will yield the floor to the gentleman for that purpose.

Mr. HENDRICKS. I now offer the amendment which has been reported already in regard to the tax sales.

Mr. HALL. I move to strike out all after the sale or forfeiture of land for taxes, in the amendment.

Mr. CAMPBELL, of Illinois. You strike out then, the whole amendment.

The SPEAKER. The amendment, strictly speaking, is not in order. It would be tantamount to striking out the enacting clause.

Mr. HALL. I do not wish to debate the question, but to call the attention of the House to the effect of that amendment. The bill permits the soldiers who enlisted in the war of 1812, and who received for their services land that was utterly worthless, to relinquish those lands and receive other lands of equal quantity in lieu thereof, which are now subject to private entry. The amendment of the gentleman from Indiana [Mr. HENDRICKS] proposes, after these lands have been sold and forfeited for taxes, that the soldier shall receive no other land. What is the effect of it? Where the land is utterly worthless, nobody would think of paying taxes upon it; and land in swamps, that is frequently covered with water, would not be worth the taxes. An individual would not think of paying taxes upon land which had been forfeited to the State. The question for this House to decide is this: whether the soldier who served five years during the war of 1812 shall get bounty land, while we are, under recent laws, giving bounty land to those who have served thirty days. I hold that the amendment of the gentleman from Indiana, [Mr. HENDRICKS,] if adopted, defeats

the law entirely; for, I repeat, that where land is utterly worthless, taxes will not be paid upon it.

Mr. CAMPBELL. This bill provides for land being sold, and not for land being forfeited.

Mr. ORR. It was stated, when this bill was under discussion before, that it was an exact copy of a bill passed some years ago confined exclusively to the State of Arkansas. It was further stated that the construction given to the subject by the General Land Office was precisely the construction which this amendment proposes to provide for in the bill now before the House.

Mr. HALL. The gentleman is partly right and partly wrong. So far as I am concerned, I did state that the bill was a precise copy of a law passed a few years ago in regard to the military land warrants in the State of Arkansas. Upon that question the gentleman is right. He is wrong, however, in supposing that I said that the construction of the Department was the same as is contemplated by that amendment. On the contrary, I expressly stated—

Mr. ORR. The gentleman from Indiana [Mr. HENDRICKS] made that statement.

Mr. HALL. Then the gentleman from Indiana [Mr. HENDRICKS] was wrong, or at least it was not the understanding of the Committee on Public Lands. When this amendment was before the Committee on Public Lands, the question was made whether we ought not to make an exception in regard to the lands sold for taxes. The answer of the committee was this: that the land was utterly worthless, and the individual would not pay taxes upon it at all, and to put in a provision to pay the taxes would be equivalent almost to denying all relief under the law. As to what the Department decided, I do not know, but if they have made such a construction as that, I think it is clearly wrong.

Mr. HENDRICKS. I desire to correct the impression under which the gentleman seems to be laboring. The law in regard to the State of Arkansas requires the soldier, before he can locate other lands, to surrender to the Government the title of that which has been patented to him. The Department has given this construction to that; and if he does not still hold the title, it cannot be conveyed to the Government; and besides that, he must prove to the Department, by certificate of the auditor of the State, that the land has never been sold for taxes. That is the decision of the Department; and I so stated it to the House upon another occasion, and presented the printed instructions of the Land Office upon that subject.

Mr. MASON. I will briefly state the reasons why I am opposed to the gentleman's amendment. I know of but one solitary case where the land of an individual has been forfeited, and that is one of my constituents. The land was located in a swamp in the State of Arkansas. He received his patent for it, ascertained that it was in a swamp, and paid no attention to it. The land was neither sold for taxes nor forfeited. There are soldiers who are placed in the same situation, who swear, in their declarations, that they have never received any land from the Government. This man is so conscientious that he will not swear to this effect; although he got no benefit from it, yet he received a patent for it. He is a meritorious citizen and soldier, and was wounded in the war of 1812.

Mr. CARTER. Did he get a pension?

Mr. MASON. He got no pension. He was wounded in the fleshy part of the thigh, but asked no pension, although he is justly and as much entitled to one hundred and sixty acres of land as any man who served in the war. This amendment will exclude him, and therefore I object to it.

Mr. CAMPBELL, of Illinois. I opposed this bill in the first place, because it did not contain this provision; and I shall oppose it again if this provision, as contained in the amendment, shall be excluded. Now, I disagree with the gentleman from Missouri, [Mr. HALL,] and I am unable to see the distinction which he seems to make, or the reason for it. If this land was worthless, as he says, it never could be sold for taxes, because no person would buy it. This amendment, as I understand, does not provide for land which has been forfeited to the State, but land which has been sold for taxes. If that should be the construction of it, I would ask how would the other provisions of the law be complied with in the absence of the principle contained in this amend-

ment? If the individual is to reinvest the United States with the title which he receives from it before he can receive the benefits of this law, how can he reinvest that title where the property has been sold for taxes; or if the title has parted from him, either by operation of the law or his own free act, look at the consequences. Take the case of the military tract in the State of Illinois. Ejectments are brought in every court there growing out of tax titles which have accrued in the very same way in which they would continue to accrue if this provision is not inserted into this bill. They have permitted their lands to be sold for taxes. Where the settlers have got upon those patent lands, the speculators go and purchase the patents from them, bringing their suits against the owners of the tax titles, who, unless they have complied with every provision of the law, are ousted by the action of ejectment. If this law is permitted to pass, all they have to do is to bring up some kind of evidence that the land was not fit for cultivation; and then, instead of the Government giving one hundred and sixty acres to these soldiers, it gives three hundred and twenty acres to the owner of the patent, who, is the speculator. I ask if you are to give three hundred and twenty acres of land to men who, by their own acts, have neglected to pay the taxes upon this land, or are you to give them one hundred and sixty acres when they have received land that is worthless? I am willing that they shall have it; but when the title has gone into other hands and is held by the owners of tax titles, I will never record my vote that the Government shall give three hundred and twenty acres instead of one hundred and sixty.

Mr. STUART. It will be a little difficult to present this case more unfairly than it has been presented by the gentleman from Illinois, [Mr. CAMPBELL.] It requires but two minutes' consideration to show the fallacy of that argument. This bill provides that the soldier must prove satisfactorily to the Commissioner of the General Land Office that the land is unfit for cultivation.

Mr. ORR. What time does that refer to—at the time he goes into possession, or at the present time?

Mr. STUART. Always.

Mr. ORR. At the present time?

Mr. STUART. Yes, sir. Now, it is said that the land is unfit for cultivation, and that no one will buy it for taxes. Look at that argument. The bill does not provide for any other case except where proof is made that the land is unfit for cultivation. That must be proved, and proved conclusively, before any benefit can be derived to the soldier under this law. Within my own personal knowledge, thousands of acres of land have been bought and sold for taxes which are totally worthless. Men attend the tax sales, and buy the land at auction without having ever seen it, and they do it for the purposes of speculation. Here are one hundred and sixty acres of land sold for two dollars. They say that they will give two dollars for one hundred and sixty acres of land, and run their chances. The idea that people inspect land put up for taxes before they purchase it, is not true in point of fact. They buy it as in the bush, without looking at it. How does this matter stand? Here you take a soldier who has served in the war of 1812, and you propose to give him a bounty of one hundred and sixty acres of land. It turns out that the land he receives is good for nothing. A bill is now introduced compelling him to prove that fact; and not only that, but also to prove that he has not parted with the title; not that alone either, but to reconvey the title to the Government of the United States; and having done these three things, then you allow him to take land worth \$1 25 to an equal amount. After having kept him since 1812 without anything, you now propose to give him what he ought to have had in 1812 or 1816—whenever the law was passed—and it is objected if his land has been sold for taxes, although utterly valueless, he shall not have what is proposed to be given. Now, I say that no construction, such as intimated by the gentleman from South Carolina, [Mr. ORR,] can prevail. This land must be shown to be valueless and unfit for cultivation at the time application is made; and if the bill be amended in that way I have no objection to it. I apprehend that nobody would dream of placing any other construction upon it. It would never do for a man to show that the land was unfit for

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cultivation in 1816 or 1818, but is good now. That is no argument at all.

Mr. ALLISON, (interrupting). There is another class of soldiers that I think ought to be provided for, if it is the intention to provide for those who have permitted their lands to be sold for taxes. There are no doubt a large class who have paid taxes upon land of inferior quality, and have continued to pay taxes from the time they received the patents up to this time, and probably have paid more in the shape of taxes than the land is worth. What would you do in such a case? If it is intended by this bill to place them upon an equality, then I think you must do something for such cases as I have alluded to. You cannot equalize by a bill of this kind. There are cases of individual hardship, and if we intend to equalize, I think that there should be an amendment offered to this bill by which persons who have received patents for lands that are of comparatively little value, shall be permitted to surrender their patents, and have the privilege of relocating their warrants. This is the only way that we can place them upon an equality, and do justice to the soldiers.

Mr. CHASTAIN. If I understand the provisions of this bill, Mr. Speaker, it provides that all warrants that have been issued, even if they have passed out of the hands of the individual to whom they were surrendered, and are now in the hands of speculators, shall have the benefit of this act.

Mr. HALL. No, sir; this bill proposes to confine the benefits of the act to the soldiers themselves.

Mr. CHASTAIN. For the purpose of setting myself right, I desire to have the original bill read.

My recollection of it is, and I know it was urged on a former occasion, that speculators will be benefited exclusively. So far as my knowledge extends in the region of country in which I reside, I know that all the lands have passed out of the hands of the old soldiers into the hands of speculators.

Mr. HALL. Then they will get nothing.

Mr. CHASTAIN. I desire that the bill may be read for the purpose of satisfying myself upon that subject; and I wish to say further, that if the speculators are inhibited by this bill, from receiving the benefits of it, I will go for the bill. I think it right that the soldier should enjoy the benefits of this act, and get a lot of land, but I am unwilling to give it to speculators.

The Clerk here read the bill.

Mr. HALL. My object was merely to call the attention of the House to the provisions of this bill. I do not think it necessary to discuss it in order that gentlemen may understand it; and their attention being called to it, is all I desire to accomplish.

Mr. WHITE, of Alabama. This bill provides that soldiers shall have new lands in case their lands were unfit for cultivation; but the lands may be valuable, although unfit for cultivation. For instance, it may be covered with timber or contain minerals.

Mr. HALL. The answer to that is this: If the land, in consequence of containing minerals, is more valuable than land for cultivation, its owner will not surrender it up, but keep it. I move the previous question.

Mr. CARTTER demanded tellers on the second; which were ordered; and Messrs. LOCKHART and CHANDLER were appointed.

The question was then taken, and the tellers reported—ayes 74; noes not counted.

So the previous question received a second; and the main question was then ordered to be put.

The question now being upon agreeing to the amendment to insert after the word "individual," the following, "or sold for taxes,"

Mr. ORR demanded tellers; which were ordered; and Messrs. STANTON, of Tennessee, and CHANDLER were appointed.

The question was then put, and the tellers reported—30 in the affirmative; and a further count

not being demanded, the amendment was declared to be rejected.

Mr. JENKINS moved to lay the bill upon the table, and upon that motion demanded tellers.

Tellers were ordered; and Messrs. STANTON, of Tennessee, and MOLONY, were appointed.

The question was then put, and tellers reported—ayes 47.

Mr. JENKINS demanded the yeas and nays. Mr. BUELL asked for tellers on the yeas and nays; which were ordered; and Messrs. STANTON, of Tennessee, and HOWARD were appointed.

The House was then divided, and the tellers reported—21 in the affirmative.

So the yeas and nays were not ordered.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. HALL demanded tellers; which were ordered; and Messrs. MOLONY and PENNIMAN were appointed.

The question was then put, and tellers reported—ayes 62, noes 58.

So the bill was ordered to be engrossed and read a third time; and, having been engrossed, was read a third time.

The question recurring, "Shall the bill pass?"

Mr. HALL moved the previous question.

Mr. STUART demanded tellers on the second, which were ordered; and Messrs. McMULLIN and FOWLER were appointed.

The House was then divided upon the demand for the previous question, and tellers reported—ayes 62, noes 65.

So the previous question was not seconded.

Mr. CARTTER. Is it in order to move to refer this bill to the Committee of the Whole?

The SPEAKER. It is in order to move to recommit the bill to the Committee on Public Lands.

Mr. CARTTER. I do not make that motion. Mr. CAMPBELL, of Illinois. Has the morning hour expired?

The SPEAKER. It has not expired?

Mr. STUART. I move to recommit the bill to the Committee on Public Lands.

Mr. HALL. Upon that motion I call the previous question.

The SPEAKER. A motion is made to recommit the bill to the Committee on Public Lands, which is in order.

Mr. CARTTER. Do I understand the Speaker to say that my motion to refer the bill to the Committee of the Whole is not in order?

The SPEAKER. It is not in order, for the reason that the committee was discharged from its consideration.

Mr. STEVENS, of Pennsylvania. Is it in order to move to lay the bill upon the table?

The SPEAKER. It is.

Mr. STEVENS. Then I make that motion.

Mr. HALL. Upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. STUART. Has the morning hour expired?

The SPEAKER. It has not.

The question was then taken, and it was decided in the negative—yeas 62, nays 94; as follows:

YEAS—Messrs. Aiken, Allison, Beale, Bibbhaus, Bowne, John H. Boyd, Bragg, George H. Brown, Buell, Burrows, Busby, Thompson Campbell, Carter, Chandler, Chapman, Chastain, Dean, Dockery, Duncan, Eastman, Floyd, Fowler, Gentry, Goodenow, Hammond, Haws, Haven, Hebard, Horsford, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Ives, Jenkins, Daniel T. Jones, Preston King, Martin, McLanahan, Miner, John Moore, Morehead, Murray, Newton, Orr, Outlaw, Perkins, Reed, Robie, Ross, Schoonmaker, Scurry, Thad. Stevens, Sutherland, Benjamin Thompson, Tuck, Wallace, Walsh, Welch, Wells, Wilcox, and Wildrick—62.

NAVS—Messrs. William Appleton, Ashe, Averett, Thomas H. Bayly, Bennett, Bocock, Bowie, Brenton, Briggs, Albert G. Brown, E. Carrington Cabell, Joseph Cable, Caldwell, Caskie, Churchwell, Clark, Cobb, Colcock, Conger, George T. Davis, John G. Davis, Dawson, Dimmick, Dunham, Edgerton, Edmundson, Evans, Faulkner, Fitch, Florence, Henry M. Fuller, Gamble, Gayford, Gilmore, Green, Grey, Hall, Hamilton, Harper, Isham G. Harris, Sampson W. Harris, Hendricks, Henn, Holladay, Houston, Ingersoll, Jackson, A. Johnson, J. Johnson, Robert W. Johnson, George W. Jones, George G. King, Kuhns,

Landry, Lockhart, Mason, McCorkle, McMullin, Miller, Molony, Henry D. Moore, Murphy, Olds, Andrew Parker, Samuel W. Parker, Penn, Phelps, Porter, Powell, Price, Robbins, Scudder, David L. Seymour, Skelton, Smith, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Strother, Stuart, Sweetser, Taylor, Thurston, Townshend, Venable, Ward, Watkins, Addison White, Alexander White, and Yates—94.

So the House refused to lay the bill upon the table.

Mr. EDGERTON. I move that the House proceed to the business on the Speaker's table.

Mr. HAMILTON demanded tellers; which were ordered; and Messrs. HALL, and STANTON of Tennessee, were appointed.

The question being put, there were—ayes 63, noes 38; no quorum voting.

Mr. HOUSTON. Is it in order for me to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. Not at this moment. In other words, the Chair thinks that the motion to go to the business on the Speaker's table takes precedence, inasmuch as it would carry the House to the consideration of the private bills upon the Speaker's table. This being private bill day, the Chair thinks it proper to state the effect of the vote now to be taken.

The question was then taken on Mr. Edgerton's motion; and it was agreed to—ayes 82; noes not counted.

So the motion was agreed to.

The SPEAKER stated the question to be upon the passage of Senate bill No. 185, for the relief of the Raleigh and Gaston Railroad Company.

Mr. HOUSTON. Is it in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair thinks it is in order.

Mr. HOUSTON. Then I make that motion.

Mr. FOWLER. I hope the gentleman will wait for a moment, until we dispose of those bills which have been reported from the Committee of the Whole House, now lying on the Speaker's table.

Mr. HOUSTON. How many bills are there?

Mr. FOWLER. There are four.

The SPEAKER. There are seventeen bills.

Mr. CARTTER. I ask the unanimous consent of the House, at the instance of parties advised upon the merits of Senate bill No. 152, for the relief of John F. Callan, administrator of Daniel Renner, deceased, to restore that bill to its original order on the Calendar, that we may have an opportunity of deliberately investigating its merits. I do this at the instance of those who assure me they have investigated the merits of the whole subject, and that injustice has been done by laying it upon the table.

Mr. DUNCAN. Will the gentleman state the purport of the bill?

Mr. COBB. It is a bill that was laid on the table late on Monday evening.

Mr. CARTTER. It is for the relief of a widow and six orphans. I do not know what its merits are, but I do not wish to do injustice to any one.

There being no objection, it was ordered accordingly.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. DUNCAN. I would ask the gentleman from Alabama to withhold that motion until the private bills upon the Speaker's table, which will not lead to debate, are disposed of.

The SPEAKER. If the House refuse to go into committee, that will be in order.

The question was put upon Mr. Houston's motion, and it was not agreed to.

RALEIGH AND GASTON RAILROAD.

The SPEAKER stated the question before the House to be upon the passage of the Senate bill No. 185, being an act for the relief of the Raleigh



and Gaston Railway Company; upon which bill the demand for the previous question was pending.

Mr. STUART. I move to lay that bill upon the table.

Mr. COBB. I would suggest to the gentleman from Michigan, that Judge Daniel, who is deeply interested in this matter, has lately lost his son, which detains him at home, and it would be a matter of courtesy to pass this matter over until he returns.

Mr. STUART. By the unanimous consent of the House, I will withdraw my motion, and ask that the bill be passed over informally.

Mr. MOREHEAD. No, sir; I object.

Mr. ORR moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair doubts whether that motion is in order. There has been no action in the House since a similar motion has been disposed of.

Mr. STUART. There has been no question taken.

Mr. ORR. There has been a motion made to lay the bill upon the table.

The question was then taken on Mr. Orr's motion, and on a division there were—ayes 60, noes 66.

So the House refused to go into the Committee of the Whole on the state of the Union.

The question now being on the motion to lay the bill upon the table,

Mr. ROBBINS demanded the yeas and nays.

Mr. DAWSON called for tellers upon the yeas and nays; which were ordered; and Messrs. Stevens, of Pennsylvania, and King, of New York, were appointed.

The House was divided, and the tellers reported 37 in the affirmative.

So the yeas and nays were ordered.

Mr. BUELL. I call for the reading of the bill. The bill was read by the Clerk.

The question was then taken on Mr. STUART's motion, and there were—yeas 81, nays 80; as follows:

YEAS—Messrs. Charles Allen, Allison, Bennett, Bibb, Haus, J. H. Boyd, Breckinridge, Buell, Burrows, Busby, Joseph Cable, Thompson Campbell, Carter, Chandler, Chapman, Clark, Conger, John G. Davis, Dawson, Denn, Dismick, Dory, Dunham, Eastman, Edgerton, Ficklin, Florence, Floyd, Fowler, Henry M. Fuller, Gamble, Gaylord, Gilmore, Goodenow, Goodrich, Green, Hamilton, Hammond, Haven, Henn, Horsford, John W. Howe, R. M. Howe, Ingersoll, Ives, Jenkins, Andrew Johnson, R. W. Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Kurtz, Lockhart, Martin, McLanahan, Miner, Henry D. Moore, Murray, Newton, Andrew Parker, Pennington, Perkins, Price, Reed, Robbins, Robie, Schoonmaker, Scudder, David L. Seymour, Skelton, Benjamin Stanton, T. Stevens, Strepton, Stuart, Sweetser, Thurston, Townshend, Tuck, Washburn, Wells, and Wildrick—81.

NAYS—Messrs. Aiken, William Appleton, Averett, T. H. Bayly, Beale, Bocoock, Bowie, Bowne, Bragg, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, B. Carrington Cabell, Caldwell, Caskie, Chastain, Clingman, Cobb, Colcock, George T. Davis, Disney, Dockery, Duncan, Edmundson, Evans, Faulkner, Fitch, Gentry, Grey, Hall, Harper, Isham G. Harris, Sampson W. Harris, Haws, Hubbard, Hendricks, Holladay, Houston, Howard, Thomas Y. How, Jackson, Landry, Mace, McCorkle, McMullin, McQueen, Miller, Milken, Molony, John Moore, Morehead, Murphy, Olds, Orr, Outlaw, Samuel W. Parker, Penn, Polk, Porter, Powell, Ross, Scurry, Smith, Stanley, Frederick P. Stanton, Abraham P. Stephens, St. Martin, Strother, Taylor, Venable, Wallace, Walsh, Watkins, Welch, Addison White, Alexander White, Wilcox, and Yates—80.

So the bill was laid upon the table.

The SPEAKER. The next bill in order is Senate bill No. 67, "for the relief of John A. McGraw, of New York."

Mr. VENABLE. I move to reconsider the vote by which the bill "for the relief of the Raleigh and Gaston Railroad" was laid on the table.

The SPEAKER. The gentleman from North Carolina cannot make that motion, as he did not vote with the majority.

Mr. CARTER. For the accommodation of the gentleman from North Carolina, I make the motion to reconsider.

Mr. BUELL. I move to lay the motion to reconsider upon the table.

Mr. VENABLE. I ask for the yeas and nays on that motion.

The SPEAKER. The motion to reconsider will be entered, but it must go over, as there is another bill now before the House.

Mr. POLK. Is it in order to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. In the opinion of the Chair, it is in order.

Mr. POLK. Then I submit that motion.

Mr. WASHBURN. I call for tellers.

Tellers were not ordered.

The question was then taken upon Mr. Polk's motion, and it was agreed to.

#### NAVAL APPROPRIATION BILL.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FICKLIN in the chair), and resumed the consideration of House bill No. 240, "making appropriations for the naval service for the year ending June 30, 1853."

The CHAIRMAN stated that the pending question before the committee was the motion of the gentleman from Tennessee [Mr. Polk] to strike out the following clause:

"Norfolk, Virginia: For storehouse No. 14, wharf north side of timber dock, culvert, dredging-machine, and repairs of all kinds, \$80,732 20."

Mr. MILLSON. Has any speech been made in opposition to that amendment?

The CHAIRMAN. The Chair believes that there has not.

Mr. MILLSON. My friend from Ohio [Mr. CARTER] intimated yesterday that, instead of an attempt to protect the timber, one ought rather to be made to protect the Treasury from the depredations of the marine-worm. Sir, the figure was very striking and original, and perhaps the hit was a very happy one. I only wonder that it should have occurred to any gentleman who voted for the Collins line appropriation, as the gentleman from Ohio did; or perhaps that is the very reason that it did occur to the honorable gentleman from Ohio. But will my friend deny the necessity for protecting the public property at navy-yards from the depredations of the marine-worm? Does he know nothing of its ravages? Does he not know that there is deposited at these navy-yards, and particularly at the navy-yard at Gosport, a large quantity of timber, and other very valuable property of all descriptions, worth between \$2,000,000 and \$3,000,000? Does he not see the wisdom and necessity of protecting those valuable deposits by the expenditure of a small sum of money? Why, then, does the gentleman manifest so much zeal in opposition to this appropriation? Why do the members of the Committee of Ways and Means resist with so much pertinacity the attempt to restore at least a portion of these estimates? The gentleman from Missouri [Mr. PHELPS] said on yesterday that all the reductions made by the Committee of Ways and Means had been well considered by them. I ask that gentleman, or any other member of the Committee of Ways and Means, to tell this House the reason why they struck out the estimates for appropriations for completing the timber-dock and quay-wharves at Gosport? I should like to know, sir, what that reason was, and I will allow them now to state it. No reason has been given, and none can be given. Unless these gentlemen can give the House some reason for striking out these estimates, I ask with what grace can they urge the House to confine the appropriations to the amounts recommended by them? I find that it would be a hopeless task to attempt to restore the whole of the appropriations estimated for by the Secretary of the Navy, but stricken out by the Committee of Ways and Means. I shall not again urge it, but I shall presently offer two amendments, having in view the restoration of what I consider the most important of them.

The question was then taken on the amendment, and it was not agreed to.

Mr. MILLSON. I move to add at the end of line one hundred and twenty-five these words:

And for extending quay-wharves, \$25,000.

Mr. Chairman, I shall call for tellers upon that amendment, and I ask the attention of the House to the reasons which constrain me to offer it here. Now, sir, the gentleman from Ohio, [Mr. CARTER,] in commenting yesterday upon these amendments, seemed to speak with an air of injured innocence, as if he supposed that some wrong was attempted to be done to the country, by asking

the Representatives of the people to protect their own property against loss. Sir, I have no interest in this matter. My constituents have no particular or exclusive interest in it; and it is only because I happen to represent the district in which this navy-yard is situated, and that it is therefore made my especial duty to be somewhat acquainted with its condition, that I trouble the House at all about it. It is a matter of as much interest to other gentlemen as it is to me. If there is any gentleman here who supposes that I would propose or vote for appropriations for the particular benefit of my own constituents, and not demanded by the public welfare—though I do not believe there is any such gentleman here—he does me much injustice. I would not do it. My constituents would not ask me to do it; and I do them but justice when I say that if I were to attempt it, I should not long represent them on this floor. I would vote as readily as any other man against any proposition, the object of which was to expend money unnecessarily in my district. But the object for which this amendment provides, is to continue an existing work of great necessity. I ask the Clerk to read an extract from the letter of the former commandant of the yard, showing the necessity for the work.

The Clerk read the extract, as follows:

"The entire line of quay-wharves cannot, in my opinion, be completed too soon for the public interests. To keep up the temporary water front at this yard, which is entirely of made ground, and to prevent its sliding into the river, frequent piling has to be resorted to. These piles last but a short time, as the marine-worm, which is perhaps more destructive at this, than at any other station, often cuts through them in one season. In point of economy, therefore, it is desirable to finish the permanent stone wharves as early as practicable."

Now, Mr. Chairman, if any member of the Committee of Ways and Means can assign to the House any reason for not continuing that work and completing it as soon as possible, I will yield the floor to him in order that he may do so. The work must be done, and the only conceivable reason which should prevent an appropriation now would be, that at this time there was not money in the Treasury sufficient to accomplish the work. But we have abundant means in the Treasury. The work must be done, and the sooner it is done the better. It has been commenced; it is now unfinished, and your property is subject to daily injury and loss. If it is to be completed at any time, I ask why not now, at once, unless it be that there is some particular reason why all the available funds of the Government are required for other public uses, at this particular moment. We all know this is not the case.

Mr. CARTER. I am opposed to this amendment, and for some of the reasons that I assigned hastily on yesterday. I believe, as the honorable member from the Norfolk district has stated, that he would not designedly ask a profligate expenditure in his district. But it strikes me, that he holds these navy-yards, and the lumber inside of them, animate and inanimate, in too high estimation. We have expended on this Navy, if I recollect aright, upwards of \$146,000,000, and that principally since the war of 1812. What is the product of it? Why, the product is, that you have got in this Navy officers enough to man every vessel belonging to this Government, from the yard-arm down, and only about forty of them in employment. You have got a mass of crafts constructed under the genius of this Navy—a genius worked out by idleness and profligacy, in many instances, to correspond with the intellectual character that governs this department—a mass of crafts utterly unavailable for protective purposes; crafts without speed and without value. You have just been informed by the honorable member from the Norfolk district that there is \$4,000,000 worth of timber—

Mr. MILLSON. I said between two and three millions.

Mr. CARTER. Well, then, you are told that you have got between two and three millions of property in this one yard. What is the result? Why, that there shall be an annual request made to this Congress, not to put that property into a shape of practical utility to the Government, but that you shall fence it in, and keep it in that unproductive condition. Now, as I remarked on yesterday, it would be far better to burn it up; and if you could extinguish with it the old foggy uselessness of the human materials of the Navy,

as it now exists, it would be the greatest God-send that could come upon this Republic.

The gentleman says, I voted for the Collins line. I did vote for that line, and will do it again, and will keep doing it, until the rivalry of that civil and war marine shall extinguish, in the contrast it is furnishing to the world, that cancer upon the public trade.

Mr. BOCKOCK. I have an amendment to offer. I move to decrease the amount in the amendment of my colleague [Mr. MILLSON] \$5,000. I submit the amendment, and leave it to the committee, without troubling it with any remarks at this time.

Mr. MILLSON. I am opposed to that amendment. The gentleman from Ohio [Mr. CARTER] has said not one word which has the slightest applicability to the amendment which I introduced. If you were acting upon a bill proposing to disband the Navy, the remarks from the gentleman from Ohio would be altogether pertinent; but we are engaged in the consideration of a bill for the maintenance of the Navy, and the simple inquiry is, whether the appropriation I have asked or suggested is necessary to maintain the existing establishment. But the gentleman did say one word in opposition to a view which I presented. He says, I declared that there is about three millions worth of property at the Gosport navy-yard, in an unprotected state. Sir, I said the whole amount of property at the Gosport navy-yard, embracing the articles under the supervision of the Bureau of Yards and Docks, the Bureau of Ordnance and Hydrography, and the Bureau of Construction, Equipment, and Repairs, is between two and three million dollars, exactly \$2,372,000—a larger amount than there is in any other navy-yard in the country, and as large as can be found in five other navy-yards. Everybody knows it is the most extensive and important navy-yard we have. It is designed not merely for the present wants of our swelling population and growing Navy. It is not to be supposed that fifty or a hundred years hence we will only have demand for the same number of vessels as now. Our policy should be to improve these naval establishments in such a manner as to provide for the prospective as well as the present wants of the service.

Now, sir, the Government have commenced a line of quay-walls, constructed of stone, which they have partially completed. At the upper end the ground is what is called made-ground, and of such a character as to require to be secured. Wooden piles are now used, which soon decay and require constant repairs. And the question is, whether you will not diminish this expense and save the Government from loss, by the erection of this wall. I say again, that this appropriation is demanded for the protection of that navy-yard. It was sanctioned by Congress when they first ordered the construction of the wall. You will have the depth of water in the river diminished by the washing away of this loose material, and you will be compelled to go to considerable expense for clearing out the channel with dredging-machines, so as to remove the impediments in the way of navigation, if this work is not completed. It is recommended by the Secretary of the Navy, by the Commandant of the Yard, and by the Chief of the Bureau. I know myself that it is of the utmost importance that the work should be completed. Can any member of the Committee of Ways and Means assign any reason why it should not be continued? If so, I will yield the floor to him for that purpose. Both the Secretary of the Navy and the Chief of the Bureau have expressed to me their regret that the reduction was made by the Committee of Ways and Means. I say again, that neither I nor my constituents have any peculiar interest in this matter. I know what the wants of the Government require, and therefore I think it my duty to inform the House, and then let the responsibility be upon it.

The question now being upon the amendment to the amendment,

Mr. BOCKOCK, by unanimous consent, withdrew his amendment.

Mr. DEAN. I move to reduce the amendment of the gentleman from Virginia [Mr. MILLSON] to \$24,000. I do it for the purpose of saying that I see no reason for quarreling with the Committee of Ways and Means for their action in reducing the estimates upon this naval appropriation bill;

but I rise now more particularly for the purpose of doing what I should have done on yesterday, had I been in my seat, when the gentleman from North Carolina [Mr. STANLY] alluded to a report of some remarks made by me, in the *Intelligencer* of yesterday morning. I did not hear of this matter until last evening, when I called at the *Globe* Office, and examined the report of what he said.

I can only say the gentleman was entirely mistaken in relation to what I said the day before, if he supposed I made any such charge, or any such allusion to the late Secretary of the Navy as he indicated. What I did say was, that under his management, there were abuses existing in the Navy. I alluded to the fact of there being nearly \$500,000 paid this year to officers waiting orders. I further said, which is true, that during the first year of his administration, the expenses of the Navy increased \$3,000,000.

Now, I must say, for that reason, I am in favor of retrenchment. The *National Intelligencer* has not reported me as the gentleman says. It has reported, essentially, what I said. I will read the paragraph alluded to:

"He believed that our Navy, under its present management—especially under the management of the late Secretary—had been one of the corruptest sources of abuse in the Government."

Now, the reports in the *National Intelligencer*, so far as I have seen them, are ordinarily more correct than any I have seen of abbreviated reports; but in this instance they have made a mistake, by inserting a word I did not use, and which I did not intend at all. I intended to say what I repeat now, that under the management of the late Secretary of the Navy, the expenditures of that Department increased enormously; and being in a time of peace, I can see no reason whatever for it.

Mr. MILLSON. I am opposed to the amendment of the gentleman from New York, [Mr. DEAN.] I have nothing to say in reply to his general remarks, which do not relate to this subject. I wish, however, to say a word in reply to an observation which fell from the gentleman from New York, lest it might be supposed that I was quarreling with the Committee of Ways and Means. I beg to say to that gentleman and to this committee, that I designed no such thing. I did not quarrel with the Committee of Ways and Means. I believe the reductions they have made have been from what they believed a just spirit of economy; and I heartily sympathize with them in that spirit. I entirely approve of their efforts to reduce the expenditures of the Government within economical limits. But these reductions must be wisely made, and I do not believe the Committee of Ways and Means themselves would have reduced the estimates now under consideration, if this bill had been prepared at a later period of the session. I know, when they had these matters under consideration, it was a matter of some doubt what amount would be left in the Treasury. I went before the committee on two occasions. I will not state the conversation which occurred there, but I will say, that from what was said to me, I inferred that several of these appropriations were struck out because the committee had not then the assurance that there would be a large sum of money in the Treasury at the expiration of the fiscal year.

Mr. PHELPS. If the gentleman will allow me, I will explain what governed me in relation to the item he is now advocating. I will inquire if it is not in relation to the quay-walls in Gosport navy-yard?

Mr. MILLSON. It is.

Mr. PHELPS. I do not recollect exactly the extent of the quay-wall which is there now; but the amendment of the gentleman from Virginia proposes a further extension of that wall. Now, the Committee of Ways and Means were of the opinion that such an extension was not necessary for the purposes of shipping, or anything else, except to beautify and adorn that navy-yard. It is said that the wall should be further extended so far as to prevent the river from injuring the property at that point. The committee were fully advised with regard to that matter. There is now a wharf where it is proposed this quay-wall shall be extended. It is composed of wooden piles, which are driven down, and which, as we are aware, very soon decay. But the committee were of opinion that another structure than a quay-wall might be constructed much cheaper, and which

would answer the purpose much better at this time. That was the reason which operated upon my mind in inducing me to come to the conclusion which I did in relation to this quay-wall.

Mr. MILLSON. I am glad to hear the gentleman's explanation; and I will leave the committee to judge of the sufficiency of the reasons. It seems that some members of that committee supposed that instead of this masonry work, timber would answer just as well to secure this property from injury by being washed away into the river.

Mr. PHELPS. Not at all.

Mr. MILLSON. What then?

Mr. PHELPS. I will state that, from the opinion I had received, I thought a further extension of this quay-wall was unnecessary; that for all purposes of mooring vessels, and for the purpose of receiving supplies, and for every purpose for which such a wall was needed by the Navy, they had a sufficient extension of wharf already at Gosport.

Mr. MILLSON. This is still worse. I never heard before that the water-line of a navy-yard should not be protected from crumbling or washing away. It seems, from the remarks of the gentleman from Missouri, that there is to be no security at all furnished for this artificially-made land. That is not to be protected from the washing of the river, because there is no necessity of having a greater line of wharves than now exists.

Mr. DEAN, by consent, withdrew the amendment.

Mr. STUART. I move to reduce the appropriation one dollar. I do it for the purpose of submitting a few remarks upon this question.

It must be obvious to every gentleman who has given even a casual observation to the Navy, that one of two results must take place. Either some of its friends—its real friends—must undertake a revision of the whole affair, so as to produce the necessary amount of retrenchment, or the whole of that arm of the service must be abandoned; for if it goes on in the same ratio of increase as it has done for several years past, and the same means are used to produce that increase which have been used, the Treasury of this country must and will come to a point when it cannot supply its demands. Now, look at this case. It is said the commandant of the yard makes a recommendation. Who is he, sir? An officer of the Navy, who, however honest he may be, desires to beautify and adorn this particular yard—not only to the extent necessary for its protection, but to extend it in the most expensive and permanent style; such as would vie with any portion of the Old Country, under the direction and with the purse of its most expensive proprietors. Now, sir, this country cannot carry out such a system. An officer of the Navy makes a recommendation, the Secretary of the Navy sanctions the recommendation, and Congress is called upon to make the appropriation, for the reason that the naval officers recommended it. This is no reason at all. Sir, we must rely upon some committee. We must rely upon the Committee of Ways and Means, whose duty it certainly is to examine this question, and to omit such appropriations as they may deem unnecessary.

Mr. PHELPS. If the gentleman from Michigan will permit me, I desire to say one word. The gentleman from Virginia [Mr. MILLSON] has urged the necessity of constructing this quay-wharf. If I understand it, that necessity has existed for several years past, and this is the first time for two years past that an estimate has been submitted from the Navy Department, for the further extension of this quay-wharf now in process of construction.

Mr. MILLSON. Will the gentleman allow me to explain that matter?

Mr. PHELPS. I have in my hand the printed estimates, which I will have read if the gentleman desires.

Mr. MILLSON. I know that much of this made ground has been deposited along the side of the river within the last twelve months, and it ought to be protected without delay.

Mr. STUART. Five minutes is a short time to speak on any subject, and I desire to resume my time and go on. I was saying that the Committee of Ways and Means, whose duty it is to examine this question, has omitted the appropriation for which the gentleman contends. Now,

I am disposed to sanction the action of that committee, and leave the responsibility there. It must rest somewhere; and it is very much better to rest it with a regularly-organized committee of the House, than undertake to override its action here, in the Committee of the Whole on the state of the Union. What I desire is, the lowest amount of expenditure possible for the Navy, until such a revision of its whole affairs shall take place as to restore it to what it once was, and now ought to be—the pride and glory of the country. But, at this time, instead of occupying that position, it is in a position so different that it would not require much for me, as much as I desire it, to vote to abolish the whole concern, unless it can be better managed than it has been lately.

Mr. HEBARD. I rise simply to say that I am opposed to this amendment, and desire that the committee shall come to a vote upon the remaining proposition. I think we have expended time enough upon this subject. I am exceedingly anxious to know what the next proposition will be—for I suppose there will be another—and I hope we shall now take a vote upon this. We want a little variety.

Mr. HOUSTON. That is right.

The question being upon the adoption of the amendment to the amendment,

Mr. MILLSON demanded tellers; which were ordered; and Messrs. STEVENS, of Pennsylvania, and DUNHAM were appointed.

The question was then taken, and the tellers reported—ayes 42, noes not counted.

So the amendment to the amendment was not agreed to.

The question now recurring upon the adoption of the original amendment,

Mr. MILLSON demanded tellers; which were ordered; and Messrs. HAMILTON and BUELL were appointed.

The question was then taken, and the tellers reported—ayes 28, noes not counted.

So the amendment was not agreed to.

Mr. BOCOCK offered the following amendment, to come in at the end of the clause in relation to the Norfolk navy-yard:

For the purchase of lands, amounting in quantity to about six acres, according to a survey recently made under the direction of the Commandant of the Gosport Navy-Yard, which land is now the property of C. P. Edwards; \$9,000: *Provided*, That no part of said money shall be paid until a valid title to said land shall first have been obtained, and the assent of the Legislature of Virginia shall have been given to the said conveyance.

Mr. BOCOCK. I wish to say, Mr. Chairman, that this is not a matter which comes in conflict with any recommendation of the Committee of Ways and Means, because I believe it never was before them. It is a matter which has been brought up in consequence of peculiar circumstances, since the action of the Committee of Ways and Means upon this bill.

The amendment relates to a quantity of about six acres of land, contiguous to land now owned by the United States Government, and which the Government has been attempting, as I understand, for about twenty years to buy, because it is necessary for the protection of property there, and which it has only lately been able to purchase upon fair terms.

Now, I can state, that by a map which has been delivered to me, made under the direction of the superintendent or commandant of the yard there, this land is necessary. But I am met here with the declaration, by my friend from Michigan, [Mr. STUART,] that the recommendation of the commandants of the yards, and officers of the Navy, are not worth a picayune. I was exceedingly surprised to hear such a remark from so sensible a gentleman as the member from Michigan. The advices of men who are familiar with these matters, who are upon the ground and know all about them, not worth a picayune! Who understands matters about your navy-yards? Is there any one here who comes from those navy-yards? Is there any one familiar with all their wants? You must rely upon these persons. They are appointed for the purpose of examining into these matters, and to give us their recommendations. The gentleman from Michigan comes forward and says that their recommendation is not worth one cent. The gentleman had better have gone one step further, and, with the gentleman from Ohio [Mr. CARTER] say: Let the Navy perish. That is the only question. Take care of your Navy—take care of your

property—or let your Navy perish. That is the issue now presented to the committee.

I understand that the Congress of the United States, at its last session, made an appropriation to purchase a quantity of land contiguous to the navy-yard at New York, for which \$285,000 was paid. We propose to buy six acres of land, which are very necessary, and which we are able now to get for \$9,000. Let me state one or two reasons why this should be done. There are contiguous to this land several public buildings, and there have been built upon these six acres shanties of combustible materials, exceedingly liable to take fire, and which, by taking fire, might consume \$60,000 or \$70,000 worth of public property. These six acres also extend very near to those timber sheds, in which all this property has been stored, and of which my colleague from the Norfolk district [Mr. MILLSON] has just spoken. I wish gentlemen to understand that Norfolk is not in my district. As I have before said, this land extends nearly to these timber sheds, and if it is not bought by the Government, it will be built up entirely down to them with combustible shanties; and instead of appropriating \$9,000 for this purchase, the Government may shortly lose \$100,000 by the destruction of property by fire. Its purchase is recommended by the Secretary of the Navy, and by the commandant of the yard.

Mr. STUART. I did not make use of any such term as the gentleman says I did. I did not use the term picayune. Not being a southern man, it is a name for coin I know nothing about.

I said that these recommendations come to us from officers in the Navy, and were not, from the very nature of things, and from the nature of men, for that reason, entitled to much weight. Let a man be a commandant of a navy-yard, and let him recommend to Congress what amount of money ought to be there expended, and in what way, and I submit to this committee, without fear of contradiction, that if you will adopt that as the principle, your whole Treasury will not supply his wants and his recommendations.

Now, take this very case. They want six more acres of land, at a cost of \$9,000, and then they want, at least, one side of that land walled in with this same sea-wall, because it is necessary in order to carry out the plan of these officers of the Navy. What great good grows out of it? Any? Sir, I see none; but I do not profess to be so advised upon this subject as to be able to instruct this committee. It is for that reason that I, for one, feel much more secure in relying upon the action of the Committee of Ways and Means, and if that committee is disposed to urge retrenchment in our Navy expenditures, I am disposed to stand by it. It is the principle against which I contend—that principle which allows an officer of the Navy to make a recommendation for the expenditure of money, and that to be reason enough why Congress should vote it. I deny the correctness of the logic, and deny that that is safe action.

Mr. EVANS. I move to increase the amount to \$10,000. I have examined this subject a little, in connection with the maps and plans. I do not propose to take any part in this general naval debate. The Secretary of the Navy has examined this matter, and the commandant says that the Government has been endeavoring to purchase this land for some years, but that it has been held heretofore by an individual who would not part with it at all. They have at length prevailed upon him, if Congress will buy it; and it is stated, and I believe truly, that if it is purchased, it will be valuable property to the United States. If that be the case, and I have no doubt of it, this amendment ought to be regarded in a different light from that in which the Committee of Ways and Means view it. The purchase of this small piece of land at a cheap rate—and it is cheap considering everything—may possibly, and, indeed, probably will save us from a great deal of expense hereafter. Sudden conflagrations are not unusual at all in our towns, particularly in our southern towns, and the large ship-sheds, and timber-sheds of the Government may be consumed; and we will lose an amount of property much greater in value than the amount contained in this appropriation. I trust, therefore, the committee will adopt it.

Mr. MILLSON. I am opposed to the amendment, and in favor of the original amendment offered by my colleague [Mr. BOCOCK] from the Committee on Naval Affairs.

I have risen for the purpose of saying a word or two, to give the House some information in regard to the facts. I never heard of this appropriation until within a few days past. The suggestion is made by the Secretary of the Navy and by the Committee on Naval Affairs. I will state that the extent of the Norfolk navy-yard is now less than that of other navy-yards of less importance. The New York navy-yard contains about one hundred and eighteen acres. The navy-yard at Norfolk, much more important, much more useful, as I conceive, contains only about seventy-nine acres.

I am informed by my colleague, [Mr. BOCOCK,] and from other sources, that this land is desired, and I believe it would be advantageous to extend the yard in that direction.

I am in favor of the original amendment, and as I am informed that the land can be purchased for \$9,000—that being the amount asked by the present proprietor—and as the amendment is to increase it to \$10,000, which amount is not required, I am opposed to it.

The question was then taken on the amendment of Mr. EVANS, and it was not agreed to.

The question now being on the adoption of the amendment of Mr. BOCOCK,

Mr. BOCOCK asked for tellers; which were ordered; and Messrs. SUTHERLAND, and STANTON of Kentucky, were appointed.

The question was then taken, and the tellers reported—ayes 34, noes not counted.

So the amendment was not agreed to.

Mr. CABELL, of Florida. I am instructed by the Committee on Naval Affairs, in the following section, viz:—

“Pensacola, Florida: Towards completing permanent wharf, to complete guard-house and kitchen, to complete yard railway and repair old track; to complete extension of central wharf, to rebuild east wall of cistern No. 26, for ice-house, repairs of cisterns Nos. 14 and 25, and repairs of all kinds, \$88,044.”

after the word “wharf,” to insert the following:

“For extension of smithery and machine shop, for wharf on east side of yard, four new forges and chimneys.”

and to increase the appropriation to \$162,782.

As I have stated, I am instructed by the committee to submit that amendment, but I have very little expectation that it will pass. It seems to me that the Committee of Ways and Means have monopolized to themselves all the business of this Congress. The recommendations of the Committee on Military Affairs, of the Committee on Naval Affairs, and of all the various committees of the House, are treated with contempt, at the instance of the chairman of the Ways and Means, who assumes that his committee are alone to say what is essential and what is proper, and that the House must vote for, and adopt without alteration or amendment, all of their recommendations, and against all others.

Mr. HOUSTON. My friend is too intelligent a gentleman to indulge in such remarks as those towards the Committee of Ways and Means. I assure him, and he must have known it, that we have acted upon nothing which was not committed to us by the House.

Mr. CABELL. I am not speaking of that. My point is that the Committee of Ways and Means come to us, and say that we must act according to their recommendation, and that unless we do adhere to it, improper legislation will be the result; or some argument of that kind. We see the honorable chairman passing the word around the House, that unless you pass his bills *exactly as they are*, the appropriations necessary to carry on the Government may be lost. Everything must, therefore, be opposed, except what comes from that committee. The House seems to have acquiesced in this, and is saved the trouble of thinking for itself; and I have not much expectation of the passage of the amendment I propose, but introduce it because it is recommended by the Committee on Naval Affairs, and because I deem it proper and essential, and because its adoption is urged by the Secretary of the Navy, and head of the Bureau of Yards and Docks.

The geographical position of Florida is unfortunate for the interests of the whole country. She has a sea-coast of twelve hundred miles in extent, and is therefore brought very much in communication with the General Government. Unfortunately she has but one Representative upon this floor, and consequently an influence only in pro-



portion. The importance of this navy-yard at Pensacola is admitted upon all hands; and the completion of the works there is recommended by the proper officers of the Government. The Secretary says that it is essential to the commercial interest of the whole valley of the Mississippi.

I beg to read a short extract from the report of Commodore Smith, indorsed by the Secretary:

"It is due to the great western portion of our country, that a navy-yard of the most efficient character be maintained on the waters of the Gulf of Mexico. That sea necessarily, from natural causes, has become a most important channel of navigation and commerce; and when the three passage-ways across the continent that are contemplated—connecting the Atlantic and Pacific oceans—shall be available, it will become yet more so; and should collision or war with foreign Powers take place, these waters will become the prominent theater of action, and the stronger naval power engaged will command the termini of these passage-ways, as well as the mouth of the Mississippi. The importance, therefore—indeed I would say the necessity—of fostering the navy-yard in that quarter, is fully apparent."

The whole country, especially the great West—the constituents of my friend from Ohio, and others who oppose this appropriation—are much more interested in this navy-yard than are the people of Florida. I had a right to expect their coöperation instead of their opposition.

I have a word more to say in reply to the gentleman from Ohio, [Mr. CARTER,] all of whose arguments strike at the existence of a Navy. I, like him, am in favor of the reforms in that service which have been proposed. I advocated the Collins line of steamers. I advocated the contract system for the construction of steamers. I desire to see the effect of that competition of which he spoke. But I will say to that gentleman, and I know that his intelligence must convince him of the truth of the statement, that these navy-yards are as absolutely necessary for the preservation of the class of vessels he wishes to see substituted for the present system, as they are to our existing naval establishment.

In regard to the improvements asked for in this yard, I will state further to him and the gentleman from Michigan, [Mr. STUART,] that not one of the appropriations I propose, and which were stricken out by the Committee of Ways and Means, is for "the embellishment of the yard." The improvement is not for "the officers or offices," but for the workmen. One portion of the amendment provides for machine-shops and forges, which are deemed absolutely necessary to the secure and economical completion of the works, and the increased appropriation is essential, and if not made now will be asked for next year. The work has to be done some time or other; the money is in the Treasury, and it is deemed a matter of economy that it should be done now. For the reasons I have stated, I hope the amendment will be adopted. The Committee of Ways and Means cut down the estimates of the Department from \$162,782 to \$88,044. My motion is to restore the original appropriation.

Mr. CARTER. I am opposed to the amendment, for the reason that I fully concur with the Committee of Ways and Means in their effort to restrict the expenditures at these navy-yards, and for the reason lying back of that: if the improvement of these navy-yards is to result in the product they have heretofore produced, then I go for destroying them. When my friend from Florida, and the friends of these navy-yards, will bring forth craft and put them into daily service in carrying your mails and your ministers, instead of sending them on three years' cruises to lay dismantled and idle in the Bay of Naples, with the officers on shore idling, I will extend as liberal appropriations as he will for the Navy. But until you curtail the proportions of the Navy, until it is whipped by a rival marine that does partake of civil qualities, you may spend and expend upon it from now till eternity without producing any reform. I became satisfied three years ago, that the only way to regenerate this Navy was to starve it out, and to patronize a rival militia upon the seas. Why, sir, how was it in your Mexican war with these old hulks floating around your docks at New Orleans? You had to hire merchant craft to transport your soldiers. They had raised themselves above that practical employment.

Much has been said by gentlemen on this floor of the great value of the Navy to the country. They are careful to deal in general terms, and are cautious to avoid any detailed statement from

which its aggregate value can be estimated. Now, sir, I have taken the trouble to ascertain, from a reliable source, the history of a three years' cruise, from which one of the finest ships of the Navy has recently arrived, from which a pretty correct estimate may be formed of the whole concern. The *razees Independence*, the flag-ship of the squadron in the Mediterranean sea, under the command of Commodore Charles W. Morgan, arrived at Naples from the United States, on the 14th of September, 1849, and sailed thence for home on the 29th day of March, 1852, having been upon that station over two and a half years.

Now, sir, will it be credited, that, of these thirty months and over, SEVENTEEN MONTHS (five hundred and ten days) were passed in idleness—at anchor in the beautiful bay of Naples, a locality of less commercial interest to the United States than almost any other capital in the Mediterranean—and that more than FIVE MONTHS were passed at anchor in the bay of Spezzia, making nearly TWENTY-THREE MONTHS, out of thirty months, squandered between Naples and Spezzia, both of the smallest commercial consideration?

During all this time, or very nearly all of it, Commodore Morgan lived on shore with his family, visiting the *Independence* only at rare intervals. His continued absence from duty does not appear from the log-book of the ship, but was known to all. He rarely, if ever, as I am informed, visited any of the ships of the squadron for exercise or inspection, and never practiced his squadron of five ships in fleet-sailing, naval evolutions, or gun practice. Once only, in a service of three years, the crew of his flag-ship were exercised in target-firing! It is presumed that the Secretary of the Navy did not neglect to give directions, in regard to these important matters, in his letter of instructions to Commodore Morgan. And yet, Mr. Preston and Mr. Graham, in their official annual reports, speak in terms of praise and commendation of the activity of the Mediterranean squadron! Now, sir, Commodore Morgan will have credit, in the Navy Register, for more than three years' "sea service," for this cruise—let us see with what justice or propriety. In all the year 1850, he was at sea in the *Independence* not over forty-eight days, ten days of which the ship was towed about by the steamer *Mississippi*! In 1851 he was at sea in his flag-ship but seventeen days, and twelve days in the *Mississippi*, the residue of that year, about eleven months, having been passed with his family at Naples, or at the baths of Lucca in the interior of Tuscany. Thus for seventy-seven days afloat, or at sea in these two years, this commodore is allowed his full sea pay and credited for sea service.

I understand it to be required by the naval regulations, that the broad pennant of a commodore shall be constantly displayed from the main-top of his flag-ship. And yet, in the face of this regulation, during the summer of 1851, which Commodore Morgan passed at Lucca, he sent the *Independence* on a cruise, with instructions to hoist his broad pennant on a given day, and the pennant, the insignia of his presence, was worn on that ship, when he was a thousand miles distant from her; but subsequently, for some reason known to himself, the captain of the ship hauled it down, and there ceased to be any evidence of the presence of a commodore on the station for a considerable time, although he was receiving his \$4,000 per annum for his arduous services.

Now, it is an interesting inquiry, what was the expense to the Government of this memorable cruise?

From the best information which I have been able to obtain, the cost of a ship of the class of the *Independence*, properly officered and manned, is at least \$500 per day. In a recent number of the "Sailors' Magazine," the cost of a *razees* is put down \$200,000, or a little over \$500 per day. Will any one suppose, while at this immense outlay, that the commodore, while his ship was lying idle in the Bay of Naples, would hire a merchant vessel to bring supplies of provisions from the depot at Spezzia to Naples? This was actually done in the winter of 1852, and the cost of the charter of the vessel charged to the Government. Whether that charge has been allowed at the Department, I have not learned. It will be a subject of future inquiry.

Such, sir, has been the cruise of one of your best ships, and such the honor which has been

conferred upon the nation by one of the squadrons of your gallant Navy.

In the early part of December, 1851, orders were sent from the Navy Department to Commodore Morgan to return to the United States without delay; and yet he disregarded that order, to prolong his winter's residence at Naples until the 29th of the following March. His excuse for this disobedience was, that the state of affairs in France required his presence. What protection was or could be afforded by an idle frigate in the Bay of Naples, to the general interests of the country in France, it would puzzle a wise man to tell. The truth is, the commodore did not relish a winter passage to the United States, and preferred his ease at Naples.

This disobedience of orders cost Uncle Sam a round sum. The delay of five months may be set down at \$60,000 at least.

But this was not all. The period of service for which most of the men had shipped, had expired, and the Government were subjected to the payment of twenty-five per cent. advance upon the wages of about four hundred men, who were unjustly and cruelly kept from their families and their homes, after their term of enlistment had expired, until he could find the weather sufficiently mild to enable him to cross the Atlantic with safety.

It is not a little singular, that for a similar disobedience of orders, this same commodore was dismissed from the only command at sea which he had ever before had. I find that the late Secretary of the Navy, Mr. Upshur, recalled him from his command in Brazil, with this severe remark:

"An officer who questions the orders of the Department instead of obeying them, is no longer fit to be intrusted with command. Your successor having been appointed, you are at liberty to return."

The passage of the *Independence* from the Rock of Gibraltar to the United States, was an extraordinary one—being forty-two days to New York—while the merchant vessel *Arbellino*, which left Gibraltar simultaneously with the *Independence*, arrived in New York in twenty-four days.

When the frigate arrived, she had but six barrels of pork, and no beef, for her officers and crew.

With the valuable wind charts of Lieutenant Maury on board, in utter disregard of their directions, the ship was navigated to latitude 21° 30' north, on her passage from Gibraltar to New York, and thus secured the gentle breezes and tranquil seas of a southern passage, which were, no doubt, quite agreeable to the lady passengers.

If, Mr. Chairman, I have done injustice to this officer or the naval service, by this exposition, my justification must be found in the truth of every part of the statements which I have made.

It is no wonder, sir, that the service is at a low ebb, when such is a sample of duties performed by our squadrons.

Now, how idle it is to build up and extend navy-yards with this unproductive and disgraceful result to the nation. When the gentleman shall propose that every ship fitted out at your navy-yards shall enter your mail service, and that your midshipmen upon their decks shall feel the sea-breeze and encounter the storms; that those ships shall be equipped for the service and the defense of the Republic, I will vote as liberally as any other man; but until I see that reformation take its beginning, I will not vote one cent.

Mr. HIBBARD. I move to reduce the appropriation to one dollar.

The amendment of the gentleman from Florida is to strike out \$88,044, the amount now in the bill, and in lieu thereof to insert \$162,782; so that the appropriation, if the amendment be adopted, will be—

For the Pensacola navy-yard, \$162,782.

Now, without proposing to discuss particularly the merits of this amendment, I will say that the Committee of Ways and Means, in considering this bill, examined as carefully as they could this item, and agreed to appropriate for the Pensacola navy-yard all they believed necessary, under the circumstances, and no more. I think now, as I thought then, that the allowance made by the committee was unreasonably liberal, in proportion to what was allowed in other cases; but as it was agreed to and put in the bill, I was not disposed to disturb it here. I am opposed to the amendment, and hope the committee will not adopt it.

We have heard much complaint in regard to the action of the Committee of Ways and Means. I

do not propose seriously to answer it, nor attempt to justify the conduct of that committee, because I do not believe that it is necessary to do so before the committee or the country. What is it the Committee of Ways and Means have tried to do? What is the great crime of which they are guilty? Everybody complained of the great, the enormous expenditures of the Government, and nowhere more than in this naval department, and this committee have sought where they could retrench these outrageous expenditures. In my judgment, they have not done enough. They have not cut sufficiently deep. They have not used the knife enough; but this is not what is complained of by gentlemen. These allegations are not particular, but are put before the country in the gross. They will go out with our action here, and then let the country judge. I am not afraid of the verdict—not all, sir. My friend from Florida makes a new allegation—he takes a new tack. It is not, as I understand, that the Committee of Ways and Means have allowed too much, though he offers an amendment to increase the amount we report here, but he complains that that committee are attempting to grasp all jurisdiction—to take the control of everything. Had we done any such thing it would have been a good cause of complaint. It is because we have not reported enough; because we have not covered as large an amount as he thinks we should have; because we have not recommended appropriations we thought unnecessary, that he gets up, offers his amendment, and asks the committee to override our action. But in the same breath, we are told that we grasp too much, and take the whole influence of Congress within our jurisdiction. I know it has been the practice to put on appropriation bills every description of measures, and particularly every kind of claim, public and private, which can come before Congress. It is a wrong practice, one deeply to be lamented, and I hope that the committee will sustain the Ways and Means in their endeavor to reform it.

Mr. STANTON, of Tennessee. I am opposed to the amendment, and hope the debate upon this matter may cease. I think the question is well understood. The Committee of Ways and Means think that certain objects for expenditure at the various navy-yards are unnecessary, which the officers at those yards, the heads of bureaus, the Secretary of the Navy, the Committee on Naval Affairs, and gentlemen acquainted with those various matters, think are necessary. The committee have determined that the Ways and Means did right, and that the head of the executive department, heads of bureaus, officers, and the Committee on Naval Affairs, were all wrong. The Whigs on this side of the committee refuse to sustain their Administration, and the Democrats refuse to appropriate money to sustain the public works until the Administration they expect comes in. The sentiment seems to be against the navy-yards and for stopping improvements in them. If that be the case there is no necessity for further discussion. The question has been decided over and over again, and I am not disposed to say anything more.

Mr. HIBBARD. I concur entirely with the gentleman, and trust the question will be taken on the amendment.

The question was then taken on the amendment of Mr. HIBBARD, and it was rejected.

The question was then taken upon Mr. CABELL's amendment, and it was rejected.

The following section was read:

"Memphis, Tennessee: For pavements, drains, and ditches, cisterns, for rope-walk, hemp-house, store-house, (one wing) complete, railing for vertical wall, and repairs of all kinds, \$47,043 34."

Mr. STANTON, of Tennessee. I am under the necessity of offering the amendment which I send to the Chair, and upon which I will say a single word:

After the word "for," in that section, insert "excavation and embankment," and increase the appropriation to \$67,000.

I desire to say to my friend from Ohio [Mr. CARTER] that this is not for an improvement in a navy-yard—and it is not for an improvement to adorn a navy-yard, but it is for the purpose of doing justice—a small measure of justice to the only establishment of the kind we have in the West to spin the American hemp, which is made in the valley of the Mississippi; and which, I believe, by the recent disposition manifested by the

Navy Department, is to be cut down to a rope-walk. There are a good many fearful holes upon the ground owned by the Government, contiguous to the various buildings; which, for all the purposes of convenience and for sanitary purposes, and to preserve the health of those employed there, ought to be filled up. This amendment is to restore the appropriation of \$20,000 estimated for by the Department. If this property is to be sold, or whatever is to be done with it, this work ought to be finished. I do not know upon what principle gentlemen have proposed to strike out that particular part of the appropriation, whether the property is to be sold or retained. If it were private property—if it were my property to-day—if it were the property of any prudent man having the money, he would have the work done himself upon his own premises. It is absolutely indispensable. That is all I have to say.

The question was then taken upon Mr. STANTON's amendment, and it was rejected.

The following section was then read:

"San Francisco, California: For completing the floating dry-dock, \$360,000."

Mr. PHELPS. I am instructed by the Committee of Ways and Means to strike out that section. The \$360,000 embraced in this item was included in the deficiency bill. There is no necessity for this appropriation being here.

The question was then taken upon Mr. PHELPS's amendment, and it was agreed to.

Mr. PRICE. I offer the following amendment to come in after that clause, viz:

For completing the war steamer authorized by the act of Congress, approved April 14, 1842; and the Secretary of the Navy is hereby required to have the same completed with the least possible delay, and the money appropriated by said act shall be applied to the purpose.

Mr. JONES, of Tennessee. I rise to a question of order. This same proposition was ruled out by the committee some days ago.

Mr. PRICE. It is presented in an entirely different form.

Mr. VENABLE. The substance is the same.

The CHAIRMAN. The Chair will remark to the gentleman from New Jersey, [Mr. PRICE], that the substance of the amendment is the same as that offered a few days ago; and the Chair would give as an additional reason upon which to rule it out of order, that there is a bill for the same object—for the building of this vessel—pending before the Committee on Naval Affairs.

Mr. PRICE. I will call the attention of the Chair, and the committee, to the law making an appropriation for that object. I ask the Clerk to read it.

The CHAIRMAN. If there is no objection the law will be read.

The law was then read, as follows:

"An act authorizing the construction of a war steamer for harbor defense.

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to enter into contract with Robert L. Stevens for the construction of a war steamer, shot and shell proof, to be built principally of iron, upon the plan of the said Stevens: *Provided*, The whole cost, including the hull, armament, engines, boilers, and equipment, in all respects complete for service, shall not exceed the average cost of the steamers *Missouri* and *Mississippi*.

"Sec. 2. And be it further enacted, That the sum of \$250,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, towards carrying this law into effect.

"Approved April 14th, 1842."

Mr. PRICE. I will call your attention to the 81st rule, to show the committee most distinctly that this amendment is proper and pertinent. The work is now under construction.

The CHAIRMAN. The Chair will remark that he has read the 81st rule, and regards it as cutting off this amendment.

Mr. PRICE. I ask the Clerk to read the rule.

The 81st rule was then read, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

The CHAIRMAN. The 55th rule will now also be read.

The 55th rule was then read, as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution, shall at any time be amended

by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

Mr. PRICE. I take an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New Jersey [Mr. PRICE] submitted an amendment, which the Chair has decided to be out of order. The question now is, "Should the decision of the Chair stand as the judgment of the committee?"

Mr. SKELTON demanded tellers; which were ordered; and Messrs. STRATTON and STUART were appointed.

The question was then taken, and the tellers reported that there were—ayes 65, noes 57.

So the decision of the Chair was sustained.

Mr. FLORENCE. I will submit the following amendment:

For paving, grading, building pier of wharf No. 4, and prosecuting other improvements in the Philadelphia navy-yard necessary for the preservation of the property therein, \$29,000.

Mr. HOUSTON. We have passed the point where that should come in.

The CHAIRMAN. The Chair will remark a question of order is made, that we have passed the proper point.

Mr. FLORENCE. There is a necessity that these repairs should be made.

The CHAIRMAN. The Chair will state again that a point of order is made, and the amendment is not in order at this time.

The following section was then read:

"For hospital at New York; for fence round garden, repairs of buildings, painting, white-washing, clearing up grounds, &c., at hospital, and for completing fence and wall around the burial ground, \$8,993."

Mr. STANTON, of Tennessee. I am instructed by the Committee on Naval Affairs, at the suggestion of the Secretary of the Navy—I have a letter from him upon the subject—to move to restore the amount estimated for repairs at this hospital, \$18,151, instead of the amount in this appropriation. I will simply say that the items of appropriation provided for by the Committee of Ways and Means are precisely the same, with the exception of a wharf-tax, which is a small item. I do not know how it is that the Committee of Ways and Means can arrive at the conclusion that the work which the Secretary of the Navy, and those who have control of these measures, have estimated as costing \$18,151, can be done for less than half that amount. If the Committee of Ways and Means can show that this work can be done, and done well, for half that amount, why our amendment ought to be rejected. But if not, and if this work cannot be done for less than the Department have estimated, and carefully estimated, then the amount ought to be restored. I have been instructed by the Committee on Naval Affairs to offer the same amendment with regard to the other hospitals; but if the House is not disposed to adopt this amendment, I shall not offer the others.

Mr. PHELPS. I am opposed to this amendment. The Committee of Ways and Means saw fit to leave \$5,000 for the purpose of completing this fence. At that time the committee were not advised of the amount of unexpended appropriation, for the support and maintenance of the hospital in New York. On the 1st of July, there was \$39,409 of unexpended appropriation for the maintenance of the hospital in the city of New York.

Mr. STANTON, of Tennessee. That is for maintaining the hospital.

Mr. PHELPS. Any further appropriation is therefore unnecessary.

Mr. STANTON. That is for medical expenses.

Mr. PHELPS. Not entirely for medical expenses. The item embraces medical expenses and others.

Mr. STANTON. Not repairs.

Mr. PHELPS. But, lest any difficulty might arise, I shall not try to modify the bill, but shall content myself with opposing the amendment of the gentleman from Tennessee.

Mr. WALSH. I move to amend the amendment by increasing the amount \$100.

It does seem to me, that the answer given by the gentleman from Missouri, a member of the Committee of Ways and Means, is no answer at all. That unexpended appropriation is for medical attendance; this appropriation is for improvements connected with the building.

Mr. STANTON. Will the gentleman allow me to say that that unexpended appropriation is

not only for medical attendance, but for the support of the patients in the hospital.

Mr. WALSH. The balance of the unexpended appropriation is for medical attendance. This appropriation proposed by the Naval Committee is for improvements of the establishment.

Mr. PHELPS. The gentleman from Maryland is mistaken in relation to this matter.

Mr. HOUSTON. It has nothing to do with medicine at all.

Mr. PHELPS. This unexpended balance for the support of the hospital does not embrace any portion of the expense incurred in the supply of medicines—not a particle of it, as the gentleman will see by referring to the naval appropriation bill of the last session of Congress.

Mr. WALSH. For what purposes is it, then?

Mr. PHELPS. For plastering, painting, flagging, wall and fence round grave-yard—

Mr. WALSH. Does it include any one of the items recommended by the Committee on Naval Affairs?

Mr. PHELPS. Yes; certainly.

Mr. WALSH. I understand the chairman of the Committee on Naval Affairs to say that it does not embrace the same items.

Mr. PHELPS. Oh, yes, it does.

Mr. WALSH. But apart from that, whether it is proper for this House to sustain the Naval Committee, and the Committee on Military Affairs, against the assumed jurisdiction of the Committee of Ways and Means, as a general rule, I will not pretend to say but unquestionably this House, particularly in the present position of our affairs, should not allow that committee to overrule them by striking in the dark, to use a phrase not new in this House. I was surprised at the remark made by the gentleman from New Hampshire, [Mr. HIBBARD,] a little while ago, in the case where the Navy Department had estimated for the navy-yard at Pensacola the sum of \$150,000, and the Committee of Ways and Means rejected their estimate because it did not accord with what was given to other places. Now, here are estimates coming from the Navy Department, through the Naval Committee, upon information supplied by the bureaus connected—

Mr. HIBBARD. The gentleman has misunderstood my reason. The reason I gave was that we considered the appropriation not necessary.

Mr. WALSH. They considered it not necessary. On what evidence?

Mr. HIBBARD. On sufficient evidence.

Mr. WALSH. Why, here is an appellate court undertaking to overrule the court below, which has all the evidence—the estimates furnished by the bureaus whose business it is to attend to it, furnished by the naval commanders from the proper sources upon which that information should be supplied. The committee, without any evidence, undertake to decide that the appropriations are not necessary.

Mr. HIBBARD. If the gentleman's position is right, that the estimates of the Department ought to be conclusive, of what use is the Committee of Ways and Means, and the after action of this House?

Mr. WALSH. How can the committee determine unless they have the officers before them to give evidence? How shall they undertake to say that the \$150,000 estimated for by the Department as necessary for Pensacola, is not necessary? Shall they, uncontrolled and uninformed, reduce the amount, and yet keep the item in the bill?

Now, a word as to how this record is to be made up. Here, when it is complained that in our present difficulty, we have but one vessel of war to send to our northern frontier, and when the Committee on Naval Affairs tell you that these appropriations are necessary for the protection of our Navy—in this state of things we find this House reducing the estimates coming from the proper Department—the Navy Department—and refusing to pass the measures essential to our protection.

I saw a few days since, in the newspapers, that the British fleet sent out here on the northeastern coast, had already cleared the Bay of Fundy. I suppose that gentlemen by their votes in reference to the reductions made by the Committee of Ways and Means, intend that they shall also clear the Bay of New York, and the Bay of Pensacola. They have already cleared the Bay of Fundy, where they had no more jurisdiction than over the

Gulf of Mexico; and in the face of facts like these, you are to let it go out now to the country, that this body of intelligent men, the special conservators of the interests of the country, are voting against giving proper appropriations to our Navy, and upon the ground which is here insisted upon as a reasonable and proper one, that our officers engaged in the public service, occasionally when they go—

[Here the hammer fell.]

Mr. PHELPS. I am opposed to the amendment to the amendment. The gentleman from Maryland has paid a compliment to the intelligence of this committee, but permit me to tell him that I differ with him in relation to the facts about this unexpended balance. If the gentleman had referred to the appropriations made at the last Congress, he would have found that among the items for the hospital at New York, there was an appropriation made at each session for the purpose of inclosing this burying-ground, and building fences, and that on the first of July last, there was an unexpended balance of appropriations for the hospital at New York of \$30,409.

Mr. BROOKS. The hospital is not in the city of New York.

Mr. PHELPS. I speak of the hospital in the neighborhood of New York.

Mr. VENABLE. It is the same thing.

Mr. PHELPS. I know the hospital is not in the city. At the first session of the last Congress, the following appropriation was made for that hospital at New York:

"For paving, grading, completing sewers, wall and fence round burying-ground, and current repairs, \$16,000."

Mr. TAYLOR. I wish the gentleman would inform the committee for what purpose the \$30,000 remaining unexpended was appropriated.

Mr. PHELPS. That is what I am now showing. At the second session of the last Congress, \$15,000 was appropriated for plastering, painting, repairs of furniture, wall round grave-yard, and so forth. The Committee of Ways and Means reduced the estimate at this session to \$5,000 for the purpose of erecting a fence around that burying-ground; and if they had been in possession of the fact at that time, that there was an unexpended balance of \$30,000, it is probable that no further appropriation would have been recommended. I think that the gentleman is mistaken when he says that this balance of appropriation to which I refer, is for the purpose of supplying medicines. It is for repairs and improvements about the hospital and grounds.

Mr. STANTON, of Tennessee. Do I understand the gentleman to say that \$16,000 was appropriated the year before last, and \$15,000 last year?

Mr. PHELPS. Sixteen thousand dollars were appropriated at the first session of the last Congress, and \$15,000 at the second session. How much there had been appropriated at preceding Congresses, I am not prepared to say.

Mr. STANTON. That makes \$31,000 for the two fiscal years, and the gentleman says there is an unexpended balance of \$30,000. There could, then, have been nothing spent.

Mr. PHELPS. There have been previous appropriations and previous balances brought along from year to year. I am not now prepared to turn to the documents which show the amounts appropriated at former Congresses, but \$31,000 was appropriated for the hospital at New York during the last Congress, and there is now an unexpended balance of \$30,000. I hope, therefore, that the amendment of the gentleman from Tennessee will not be adopted.

Mr. WALSH. I withdraw my amendment to the amendment.

The question was then taken on Mr. STANTON's amendment; and it was not agreed to.

Mr. BROOKS. I offer the following amendment, to come in at the end of the clause relating to the hospital at New York:

And to secure some proper place for the burial of seamen who die in the New York hospital, \$5,000.

Mr. B. I propose that amendment for the benefit of the whole country, and if gentlemen will give me their attention for a moment—

Mr. CABLE, of Ohio. Is that amendment in order?

Mr. BROOKS. There is no doubt of it.

Mr. CHASTAIN. I make a question of order upon it.

Mr. CABLE. It is not in pursuance of any law.

Mr. BROOKS. Oh, yes, it is. It is as much in order as any appropriation in the bill. If the Chair has any doubt about it, I call his attention to the 148th line, where almost precisely the same words are used. It is in pursuance of the marine hospital fund laws.

The CHAIRMAN. The Chair thinks that being upon the same general subject, it is in order.

Mr. BROOKS. I call the attention of the House to the fact that this amendment is not for the benefit of my own constituents particularly, but for the seamen of the country generally, who die in the city of New York. There are three hospitals, in, or in the vicinity of, New York. One belongs to the United States, and is in Brooklyn. That is the hospital about which we have been debating, and belongs to the United States Government. Another, on Staten Island, is supported by the State of New York—liberally and cheerfully supported. And the other is the New York city hospital, supported by the liberality of the people of that city.

Now, the sailors who are in the hospital of the city of New York, though in a good degree maintained by the charity of the people of that city while they are sick, are nevertheless, if they die there, buried in the Potter's field. So that, when they die away from their friends, it is impossible to distinguish forty-eight hours after, in the confused mass of dead who are buried in that field, one grave from another. The greatest pang the sailor feels when he is about to die, is not so much the fear of death, as the utter impossibility of his friends being able to distinguish him from the confused mass of dead around him, even if they arrive within three or four days of the time of his death. It is therefore for the benefit of the seamen from distant places, who may die in the hospital at the city of New York, that I ask the adoption of this amendment. It is for the seamen from Louisiana, from New England, from the upper lakes, and for all those who may come to the city of New York, and there die amidst the million of people who are in and about the city of New York. I could portray a mournful picture, if I had the time, or if it were necessary, of the sufferings of those seamen who come to that city unknown, and who, from sickness, are thrown into this hospital, to die there, and then to be buried in Potter's field among criminals and paupers.

The object of this amendment is to purchase a burying-ground for those seamen who die in this hospital. The hospital itself is supported, as I said, by the liberality of the people of New York; but owing to the great value of grounds in that vicinity, when sailors die there unknown, it is necessary that they should be buried with criminals and paupers in the Potter's field. I ask the adoption of this amendment, not so much, then, for the benefit of my own constituents, as for the benefit of all parts of the country, and I am quite sure that no man who has any regard for this great body of serviceable men, or who has any heart for the sufferings of humanity, can possibly refuse so small an appropriation.

The question was taken, and Mr. Brooks's amendment was agreed to.

Mr. FLORENCE offered the following amendment to the section which provides for repairs, &c., of the Philadelphia Naval Asylum:

For curbing front on Shippen street, and paving street and sidewalk, \$4,328.

Mr. F. said: I submit this amendment because I seriously believe it to be an appropriation which ought to be made. There has been, or soon will be, a street opened upon the south side of the Naval Asylum. It has been the practice in the city of Philadelphia, and I suppose it is a question for the municipal corporation, in which this property is located, to decide—of taxing the property on both sides of the street for paving, and setting curb-stones for such street. If this street is opened it will be necessary that the United States should pave and curb it upon the south side—for the Naval Asylum is upon the south side of the street. There is an act of the Legislature which requires that all persons owning property shall conform to this municipal law. It is, therefore, necessary, in my estimation, that this appropriation should be made.

Mr. VENABLE. Has this street been opened?

Mr. FLORENCE. I apprehend it has, or at



least it will be opened. It is necessary that the United States should conform to this law, unless the authorities pass a law exempting that property from taxation; for there is no reason why the people of the district of Moyamensing, in which this Naval Asylum is located, should be taxed for the benefit of the United States Government. We ask that there may be an appropriation to protect the property of the United States, and we ask that the United States shall make such appropriation.

Mr. STUART. Do I understand the gentleman from Pennsylvania to be advocating an appropriation for opening a street through the lands of the United States, and for paving it afterwards?

Mr. FLORENCE. No, sir, it is not.

Mr. STUART. Is this street laid out?

Mr. FLORENCE. I cannot answer whether it is or not.

Mr. STUART. Is there any authority of law which authorizes the appropriation?

Mr. FLORENCE. I think there is; but I am not prepared to answer at this time whether the street is already laid out or not. If it is not, it is the intention that it soon shall be.

Mr. HIBBARD. I understand the gentleman from Pennsylvania to say that the United States Government are now obliged to open and pave this street.

Mr. FLORENCE. I did not say any such thing.

Mr. HIBBARD. Then I misunderstood the gentleman.

Mr. FLORENCE. I said no such thing. I said when streets were opened by the side of any property—the south side of property—its owners must provide for curbing and paving the street; and I submit this amendment, because such a provision will be necessary. I submit this proposition seriously to the consideration of the committee, and I would be unfaithful to the trust reposed in me if I did not, in my humble manner, protect, as far as I could, the interests of my constituents. I really am a conscientious man. I come here to perform my duty, I ask that justice shall be done us by this House, and by every member upon this floor. I assure this committee that the appropriation I ask is a necessary and proper one. I am responsible personally for any declaration whatever I may make here.

Mr. WALSH. If the gentleman will allow me, I will state that in all such cases as the one to which he alludes, I think the Supreme Court has decided that the legal authorities shall have power to levy taxes. They have decided that property over which the United States have jurisdiction shall not be exempt from taxation. It is only by a special agreement entered into with the new States that the public lands in those States should be exempt from taxation. All the property of the United States, except that specially guarded by constitutional provisions, is liable to the operation of State laws in reference to taxation. I think the case to which my friend from Pennsylvania refers, is one which does not come under such provision, and the United States property, therefore, at that point may be taxed according to the provisions of the State laws.

The amendment was then disagreed to.

Mr. CABELL, of Florida. I have an amendment which I desire to offer to the one hundred and sixty-first line.

Mr. HOUSTON. We have passed that section of the bill.

Mr. CABELL. I know it. I got up as soon as I could, but the Clerk was reading so rapidly that he had passed before I could get the ear of the Chair.

The CHAIRMAN. The Committee having passed that section of the bill, the gentleman cannot offer his amendment except by unanimous consent.

Mr. EDGERTON. I object.

The CHAIRMAN. Then the Chair decides that the gentleman cannot offer his amendment.

Mr. CABELL. I appeal from the decision. I think under the circumstances I am entitled to offer it.

Mr. ASHIE. I hope the gentleman will be allowed to offer it.

The CHAIRMAN. The committee having passed that portion of the bill which the gentleman desires to amend, it is not in order, according

to the rules of the House, to return to it except by unanimous consent. The Chair, however, hopes, under the circumstances, that no gentleman will object, and that the gentleman from Florida will be allowed to offer his amendment.

There was no objection, and Mr. CABELL accordingly offered the following amendment:

Strike out the words "\$2,000" in line one hundred and sixty one, and insert "\$24,427," so that the section will read as follows:

At Pensacola, for draining and filling up ponds, and so forth, \$24,427.

Mr. C. said: Mr. Chairman, the Committee of Ways and Means, of which I have already spoken, has undertaken to reduce this estimate of \$24,427 down to \$2,000. This hospital at Pensacola happens to be in the State of Florida, and as I stated before, is situated in a portion of the State where there are not more than about 10,000 people in that State living within sixty or one hundred miles. The State of Florida, therefore, has but little interest in it. It being situated at the extreme western point of the State, it is nearer the city of New Orleans than the city of Tallahassee. So it will be seen that I am not interested in this case to any very great extent, although, because this hospital happens to be in a portion of my district, I am liable to certain remarks which have been made with reference to some of the other public works.

But I rise now for the purpose of asking this Committee of Ways and Means, inasmuch as I see the House have determined that they, and they alone, are to estimate for the House, that they will review their decision in reference to this item. The Committee on Naval Affairs, whose especial duty it is to have cognizance of this particular subject, it seems, is not competent to recommend to the House what ought to be done; but this Committee of Ways and Means, who have charge of the Army, the Navy, the civil and diplomatic expenses of the Government, and of every other branch of the public service, know better what should be done for the good of the Navy than the Committee on Naval Affairs, whose especial duty it is to look to that branch of the service.

Now, I ask any member of the Committee of Ways and Means to say to the House why it is that this appropriation of twenty-four thousand and odd dollars was stricken out, and \$2,000 inserted in its place? If no sufficient reason can be given, I shall ask that this estimate be restored.

Mr. PHELPS. The gentleman from Florida desires to know why the Committee of Ways and Means have reduced the estimate sent in by the naval Department, to \$2,000. I will explain to him by stating the detailed and specific estimates of the Department.

At Pensacola there is an estimate for a wall, which includes the hospital building and grounds, and also including naval materials, of \$22,487. The other estimate is for draining and filling up ponds, \$2,000. The latter estimate the committee retained in the bill; but the other, which the committee believed wholly unnecessary at the present time, was stricken out. If it would tend to provide for the comfort of the sick, or tend at all to provide for the health of those so unfortunate to be confined in the naval hospital, I am sure every member of this committee would vote to restore it; and if the Committee of Ways and Means had believed it would so provide, they would have embraced it in their recommendation.

Mr. DUNHAM. The gentleman from Florida, and some other gentlemen, have alluded to these recommendations made by the Naval Committee. Now, I should like to have some gentlemen show what authority they have for making these recommendations. The rule under which they are authorized to act, provides that they shall take into consideration such matters relative to the naval establishment as are referred to them by the House. Now, the estimates of the Department for maintaining and carrying on the Navy have never been referred to the Naval Committee by the House at all.

Mr. CABELL, of Florida. I will state to the gentleman from Indiana, that that portion of the President's message which relates to the Navy, is always referred to the Committee on Naval Affairs by the House.

The question was then taken on the amendment

offered by Mr. CABELL, of Florida, and it was not agreed to.

Mr. STANTON, of Tennessee, proposed the following amendment as a separate section:

*Be it further enacted, &c.* That it shall be lawful to appoint and commission eight surgeons and ten assistant surgeons in the Navy, in addition to the numbers now authorized by law in those grades; and also, to enlist and employ in the naval service, in addition to the marines now authorized by law, forty sergeants, forty corporals, twenty drummers, twenty fliers, and five hundred privates: *Provided*, That a number of ordinary seamen and landsmen, equal to this addition, shall be dispensed with, if the same can be done without injury to the service.

Mr. HOUSTON. I feel bound to raise a question of order for the consideration of the Chair. That amendment, if I understand it, proposes to change the laws entirely in regard to the class of seamen referred to in the amendment. It proposes to dispense with some, and to create others, under a law not now in existence.

Mr. STANTON. I will remark that my attention was called to this subject by a letter from the Secretary of the Navy, urging the necessity of these changes. I have not had an opportunity to present it to the Committee on Naval Affairs, but I deemed it a matter of respect to the Secretary of the Navy to present the amendment. I have no doubt of the necessity of the amendment.

I should like to have the letters read, if it is the pleasure of gentlemen; but if it is not, I am not disposed to trespass upon the time of the committee.

The CHAIRMAN. The Chair regards this amendment as falling within the rule of order laid down, and therefore decides it out of order.

Mr. STANTON. Its object is the carrying on the naval service.

The CHAIRMAN. The Chair regards it as a proposition for increasing the naval force.

Mr. STANTON, of Kentucky, offered the following amendment:

*SEC. — And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, a sum not exceeding \$10,000, for the purchase of one thousand copies of the work on the "Naval Dry-docks of the United States," (by the Engineer in Chief of the Navy) for the use of the members of the present Congress, the libraries of the different States and Territories, the libraries of the departments, bureaus, and navy-yards of the United States Government, and for international exchange.

Mr. HIBBARD. I rise to a point of order. That amendment is not to carry out any existing law, and it is not in order.

The CHAIRMAN. The Chair considers it out of order.

Mr. STANTON. This publication is a very valuable one, and necessary to the useful and enlightened discharge of the duties of the offices of some of the departments of the Government. I appeal from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the committee?" it was put, and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. McCORKLE offered the following amendment:

*And be it further enacted*, That the accounting officers of the Treasury Department are hereby authorized to pay to the Navy commissioners, for expenses incurred while actually on duty in Oregon and California, to wit: from the first day of April, 1849, to the twenty-seventh day of November, 1850, double the pay of a commander in the Navy of the United States.

Mr. DUNHAM. I submit that the amendment is not in order.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. STANTON, of Tennessee, offered the following amendment:

*Be it further enacted*, That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to allow to the officers, petty officers, seamen, and marines of the United States Navy, who served in the Pacific ocean, on the coast of California and of Mexico, during the late war with Mexico and since that time, such additional compensation as shall be proportional to the extra compensation which has been paid or allowed to the officers and soldiers of the Army, who served on the same coast during the same period.

Mr. DUNHAM. I raise the same point of order as to this amendment that I did to the preceding one.

Mr. STANTON. I desire simply to say, that precisely such a provision as this was in the Army bill; and it is only making the appropriation for the Navy conform to that of the Army; and certainly this ought not to be ruled out of order. Upon

what principle is it that the Committee of Ways and Means can report a provision in the Army bill of that sort in order, and when we propose to make the Navy bill conform precisely with it, it is not in order?

The CHAIRMAN. The Chair is not to decide upon the consistency of the course of the committee. I understand that an amendment of that sort was offered by the Committee of Ways and Means to the Army bill. The Chair supposes that no objection was made to it. The Chair thinks several amendments were proposed by that committee to the Army bill, which were not objected to.

Mr. STANTON. Then there ought to be no objection to this. I take an appeal from the decision of the Chair.

The question now being, "Shall the decision of the Chair stand as the judgment of the committee?" It was put, and there were, upon a division—ayes 69, noes not counted.

So the decision of the Chair was sustained.

Mr. GAYLORD offered the following amendment:

That the sum of \$18,000 be, and the same is hereby, appropriated for the purpose of enabling the President of the United States to send a Commissioner to the Sandwich Islands, to inquire into the expediency of instituting negotiations for the acquisition of those Islands by the United States.

Mr. BAYLY, of Virginia. I raise a question of order upon that amendment.

Mr. GAYLORD. It is perfectly in order.

The CHAIRMAN. The Chair thinks the amendment out of order.

Mr. GAYLORD. I appeal from the decision of the Chair.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. SUTHERLAND offered the following amendment:

Sec. —. And be it further enacted, That the officers and men who served in the "Arctic Expedition in search of Sir John Franklin," shall have the same extra compensation paid to them, as was by law paid to the officers and men who served in the "Exploring Expedition."

Mr. CARTTER. I object to the amendment. It is out of order.

The CHAIRMAN. The Chair is of opinion that it is not in order.

Mr. SUTHERLAND. I appeal from the decision.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. RIDDLE offered the following amendment:

Sec. 3. And be it further enacted, That the officers of the medical and pay departments of the Navy shall hereafter enjoy the same rank as officers of similar grades in the Army have had assigned them by law.

Mr. HIBBARD. I raise a question of order upon the amendment.

The CHAIRMAN. The Chair rules that the amendment is not in order.

Mr. BOWNE offered the following amendment:

And be it further enacted, That it shall be lawful for the President of the United States to appoint commanders in the Navy, as well as captains, for chiefs of bureaus, of navy-yards, and docks, and of ordnance and hydrography, and of construction, equipment, and repairs.

Mr. HIBBARD. I object to the amendment that it is not in order.

Mr. BOWNE. I merely wish to say that it proposes a reform measure, about which we talk a great deal.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. BOWNE. I appeal from the decision of the Chair.

Mr. STUART. I hope the amendment may be read before the question is taken on the appeal.

The amendment was then again read, as above inserted.

The CHAIRMAN. The Chair is of opinion that the amendment conflicts with the 81st rule.

Mr. STUART. I call for the reading of that rule.

Several Voices. I object! I object!

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and it was disagreed to, there being upon a division—ayes 50, noes 63.

Mr. BOWNE. I desire, Mr. Chairman, to

say to the committee, that there are about fifty captains in the Navy from whom these heads of bureaus can be selected. There are about one hundred and fifty commanders. I will not pretend to a close accuracy of figures; but I have been informed the number of commanders is one hundred and fifty. My amendment will increase the number from which the heads of bureaus are selected. These commanders are the most active and efficient officers of the Navy. If my friend from Ohio [Mr. CARTTER] really wants to see the Navy always ready for service—good service—let him take these commanders, who will have to live to the age of Methuselah before becoming captains, and give them the management of these bureaus. If that be done, a different aspect of affairs will be presented.

Mr. TAYLOR. If the gentleman will introduce the word "civilian" before the word "commanders," I believe that he will do much to strengthen his amendment.

Mr. BOWNE declined modifying his amendment.

The question was then taken, and the amendment of Mr. BOWNE was agreed to.

Mr. STANLY. I submit the following amendment, to come in at the end of the bill, as an additional section:

That the Secretary of the Navy is hereby authorized to cause a survey to be made of the coasts of navigation in and from Behring's Straits, and such parts of the China and Java seas, and Straits of Gaspar, as vessels employed in the whale fishery and China trade usually navigate; and to provide a screw-steamer and two small vessels, suitable for the purpose, to be officered and manned, and equipped from the Navy. And the sum of \$120,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of fitting out these vessels: *Provided*, That the whole expense of fitting out these vessels shall not exceed the sum herein appropriated, and that the expedition shall be confined to a survey for nautical and commercial purposes.

Mr. HOUSTON. I think, Mr. Chairman, an amendment resting upon the same principle, if not covering the same substance, was ruled out of order, a day or two ago, to this bill.

The CHAIRMAN. That is the fact; a similar amendment was ruled out of order.

Mr. STANLY. All amendments cover the same substance, because they cover the ocean.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. GOODENOW. I move that the committee do now rise, and report the bill.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman (Mr. FICKLIN) reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 244, making appropriations for the naval service for the year ending 30th of June, 1853, and had directed him to report the same back to the House with sundry amendments.

Mr. HOUSTON. I call for the previous question on the bill and amendments.

The call for the previous question was seconded, and the main question was ordered to be put.

The SPEAKER. The amendments will be voted upon in mass, excepting those upon which a separate vote may be desired by any gentleman.

The amendments of the Committee of the Whole were then read by the Clerk.

Those to which there was no objection were agreed to. The question was then taken on the following amendment, upon which Mr. VENABLE demanded a separate vote, and it was adopted:

After the following:

"For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, \$90,960"—

add the following:

"And the Navy agent at Memphis, for the time during which he has performed or may perform the duties of purser, in addition to his own, shall be allowed and paid the annual salary of a purser on duty at navy-yards of the second class, which shall not be in addition to his commission, but in lieu thereof."

The question was next taken on the following amendment, upon which a separate vote was demanded by Mr. HOUSTON:

"*Provided*, That hereafter, whenever a vessel in ordinary shall be so much decayed that the expenditures required to repair and equip her shall be estimated to exceed two thirds of her original cost, it shall not be lawful to repair such vessel; but she shall be sold, and the proceeds applied to the construction of a new vessel in her stead. And the Secre-

tary of the Navy shall cause to be built a vessel of war, whose frame shall be of white-oak, and of the best and most approved model for sailing, to be fitted with auxiliary steam power, and to be armed exclusively with the heaviest and most destructive ordnance which, according to recent improvement, it is possible to carry with safety and serve with efficiency at sea. And to this object shall be applied, in addition to such sum as may be conveniently spared from the foregoing appropriation, any unexpended balance remaining in the Treasury to the credit of similar appropriations in former years."

Mr. DUNHAM. Is that amendment, Mr. Speaker, susceptible of division?

The SPEAKER. It is a report from a Committee, and is indivisible. The amendment must be voted upon as a whole.

Mr. PHELPS. Perhaps there may be no objection to a division.

Mr. TAYLOR. I object to a division.

Mr. JONES, of Tennessee, demanded the yeas and nays; which were ordered.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House—as I think this very important amendment is in danger, and as there seems to be objection to only one clause—that it be divided.

Mr. TAYLOR. I withdraw my objection to the division.

Mr. DUNHAM. I renew it.

The question was then taken upon the amendment, and it was disagreed to—yeas 43, nays 85; as follows:

YEAS—Messrs. Bowne, Breckinridge, Briggs, Brooks, Burrows, E. Carrington Cabell, Caldwell, Chandler, Chapman, Clingman, Colcock, Edmundson, Florence, Gilmore, Goodnow, Hammond, Harper, Haven, Hebard, Howard, Thomas Y. How, Jackson, George G. King, McKorkle, Miner, Outlaw, Samuel W. Parker, Penniman, Polk, Price, Robbins, Sackett, Schoonmaker, Scurry, Frederick F. Stanton, Richard H. Stanton, Sutherland, Taylor, Thurston, Ward, Washburn, and Wildrick—43.

NAYS—Messrs. Aiken, Charles Allen, Allison, William Appleton, Averett, Thomas H. Bayly, Barrere, Bibbhausa, Bragg, Brenton, Buell, Busby, Cartter, Caskie, Chastain, Churchill, Clark, Curtis, George T. Davis, John G. Davis, Dean, Dimmick, Duncan, Dunham, Edgerton, Evans, Floyd, Fowler, Gamble, Gaylord, Green, Hall, Hamilton, Isham G. Harris, Hendricks, Henn, Hibbard, Holladay, Horsford, Houston, John W. Howe, Thomas M. Howe, Ingersoll, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, George W. Jones, Preston King, Landry, Mann, McLanahan, McMullin, McQueen, Miller, Millson, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Orr, Andrew Parker, Peaselee, Penn, Perkins, Phelps, Reed, Robie, Scudder, David L. Seymour, Skelton, Stanly, Benjamin Stanton, Stratton, Stuart, Sweetser, Benjamin Thompson, Townshend, Venable, Walbridge, Wallace, Walsh, and Watkins—85.

So the amendment was rejected.

Mr. POLK. I move that the House do now adjourn.

Mr. JOHNSON, of Arkansas. There are several gentlemen who desire to speak. If we take a recess till this evening, they will be afforded an opportunity upon the next bill. I move, therefore, that the House take a recess till eight o'clock this evening.

Mr. HOUSTON. Finish this bill first, and I am satisfied.

Mr. JOHNSON. Very well.

The motions to adjourn, and to take a recess, were then withdrawn.

The question recurred upon the adoption of the following amendment, upon which Mr. VENABLE had demanded a separate vote:

"And the Secretary of the Navy is also authorized and directed to cause to be applied, as soon as practicable, to all steam vessels belonging to the United States, the best form of condenser for supplying fresh water to marine boilers at sea; and to pay to the owner or owners thereof, such price for the right to use such condenser, as a board of the Engineer-in-Chief, and two or more chief engineers of the Navy, may designate to be the value thereof: *Provided*, however, That no condenser shall be so applied, unless the same shall have been practically tested at sea, and found capable of being used as a surface, as well as jet condenser."

The question was then put, and upon a division, there were—ayes 52, noes 64.

Mr. POLK demanded tellers; which were not ordered.

The SPEAKER. There were—ayes 52, noes 64; so the amendment is disagreed to.

Mr. POLK. I move that the bill be laid upon the table.

The question was taken, and the motion was disagreed to.

Mr. CABELL, of Florida. I call for the yeas and nays upon the amendment.

The SPEAKER. The call comes too late. The Chair has announced that the amendment was disagreed to.

Mr. JOHNSON, of Arkansas. Have I not the right to move to reconsider the vote by which the amendment was disagreed to?

Mr. KING, of New York. If you voted with the majority.

Mr. JOHNSON. There were no yeas and nays, and I can vote just as I please, and afterwards move a reconsideration. I am not in favor of the Navy or Department, and never have been; but if we are to do anything for that branch of the service, we could do no better than adopt this amendment. I move a reconsideration of the vote by which the amendment was disagreed to.

Mr. JENKINS. I move to lay that motion upon the table.

Mr. KING. I understand the gentleman from Arkansas voted in the minority.

The SPEAKER. There were no yeas and nays called, and that is the only form in which the fact can be fixed.

Mr. AVERETT. I move the House do now adjourn.

The question was taken, and the House refused to adjourn.

Mr. JOHNSON. I withdraw my motion to reconsider.

Mr. POLK. I renew it.

The question then recurred upon the motion to lay the motion to reconsider upon the table.

Mr. CABELL. I demand tellers.

Tellers were ordered; and Messrs. HENDRICKS and ROBBINS were appointed.

The question was then taken, and the motion to lay upon the table was agreed to; the tellers having reported—ayes 79, noes 44.

The question was next taken upon the following amendment, upon which a separate vote was demanded by Mr. STANTON, of Ohio, and it was agreed to, viz:

"At the end of the provision for the Annapolis Naval School, add: 'To complete quarters for the students and professors at the Naval Academy at Annapolis, the sum of \$75,000.'"

The question recurred upon the following amendment, upon which a separate vote was demanded by Mr. SWEETSER:

After line one hundred and forty-nine insert:

"To secure some proper place for the burial of seamen who die in the New York hospital, \$5,000."

Mr. SWEETSER. I withdraw my objection.

The question was taken, and the amendment agreed to.

The bill was then ordered to be engrossed and read a third time, and being engrossed it was read the third time.

Mr. HOUSTON. I call for the previous question upon the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was taken, and the bill was passed.

Mr. JONES, of Tennessee, moved that the vote by which the bill was passed be reconsidered, and that the motion to reconsider be laid upon the table; which latter motion was agreed to.

Mr. HARRIS, of Tennessee. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That from and after this day the House will hold an evening session, commencing at seven o'clock, to be devoted to the receiving of reports from committees: Provided, All bills and joint resolutions reported with a recommendation that they pass, be referred when reported.

Mr. CARTTER. I object.

Mr. HARRIS. Is it in order for me to move to suspend the rules?

The SPEAKER. According to former practice it is not in order. Within the last ten days—the Chair will state the rule—it is in order to move to suspend the rules. The Chair understands that Sundays, as well as other days, have been considered as embraced within the last ten days. As an original proposition, the Chair would decide differently, and that the Sabbath not being a legislative day, ought not to be considered as embraced within the rules. He decides, however, according to practice, Sundays are included within the last ten days.

Mr. JOHNSON, of Arkansas. I move we take a recess until seven o'clock.

Mr. ALLISON. I move we adjourn.

The question was taken, and the motion was agreed to.

The House accordingly adjourned till to-morrow at eleven o'clock, a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, August 21, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the motion pending to recommit House bill No. 120, "authorizing certain soldiers in the late war with Great Britain to surrender the bounty lands drawn by them, and to locate others in lieu thereof."

Mr. CAMPBELL, of Illinois. I ask the unanimous consent of the House to take up one of the first bills upon the Speaker's table—a Senate bill for the relief of Margaret Farrar, whose father and mother are both dead. It is a bill which I have been endeavoring to take up for a long while. It will not occupy five minutes' time to consider it. If I can have the unanimous consent of the House to take it up, I shall be very glad.

Mr. PENN. I must object. I have several bills which have been pending for some time.

The SPEAKER. The pending question is to recommit House bill No. 120, the title of which has been read, and upon which the previous question has been demanded.

Mr. MASON. There is a little matter in which members are interested in relation to getting their books early, and during this session, and which I wish to bring up. I ask the unanimous consent of the House to offer a resolution requiring the Clerk to get the books of members ready before they go home. It will take but a minute or two.

Mr. HENDRICKS. I object to anything that interferes with the business of the morning hour. I call for the regular order of business.

Mr. EDGERTON. This being private bill day, I move that the House proceed to the consideration of business upon the Speaker's table, if that motion be in order.

The SPEAKER. It would not be in order during the business of the morning hour, which is the special order.

Mr. ROBBINS. I call for the regular order.

The SPEAKER. The bill "authorizing certain soldiers in the late war with Great Britain to surrender their bounty lands, and to locate others 'in lieu thereof,'" was ordered to be read a third time yesterday, and a motion was made to recommit the bill, which is the question now pending; and upon that motion the previous question is demanded.

The previous question was seconded, and the main question ordered.

Mr. STUART. If there is no objection, I will withdraw the motion to recommit.

The SPEAKER. It can be done only by unanimous consent.

Mr. ORR. I object.

The question was then taken upon the motion to recommit the bill; and, upon a division, there were—ayes 28, noes not counted.

So the House refused to recommit the bill.

The bill was then read the third time.

The question being, "Shall the bill pass?" it was taken, and decided in the affirmative.

So the bill was passed.

Mr. HALL moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

## WASHINGTON CARLETON.

The SPEAKER. The next business in order is a bill reported from the Committee on the Post Office and Post Roads, being an act for the benefit of Washington Carleton, late Postmaster at Hawesville, Kentucky.

Mr. ROBBINS. I wish to make an inquiry of the Chair. Is not the bill reported by the Committee on Commerce in relation to the protection of the lives of passengers on board of steamboats first in order?

The SPEAKER. The bill now reported being precisely in the same condition, except that it was introduced a long time before the other, takes precedence. The question is upon ordering the bill to be engrossed and read a third time.

Mr. GREY. This bill is for the benefit of the late postmaster at Hawesville, Kentucky. I will briefly state the facts to the House. The postmaster at Hawesville, being indebted to the Post

Office Department for postages received there, the Postmaster General sent to the postmaster at Louisville (one hundred miles from Hawesville) an order to collect the money due to the Department from the postmaster at Hawesville.

Mr. STUART. I would suggest to the gentleman from Kentucky [Mr. GREY] to allow the bill to be read again before he proceeds with his remarks.

The bill was then read, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to pay to Washington Carleton, late postmaster at Hawesville, Kentucky, out of any money appropriated, or that may hereafter be appropriated, for the use and benefit of the Post Office Department, the sum of \$110 31."

The SPEAKER. The Chair is reminded of the fact, that there was a motion pending to recommit the bill, which is first in order.

Mr. GREY. As I was about to state, the money was in the hands of this postmaster at Hawesville, and the draft was drawn upon him to pay the postmaster at Louisville. The draft was never presented to the postmaster at Hawesville. The postmaster at Louisville merely informed him by letter that he had a draft upon him, and was authorized to make immediate demand for payment of the money due from him to the Post Office Department. The postmaster at Hawesville was not bound by law, nor by precedent or common usage, to go to Louisville to pay this money, nor would the postmaster at Louisville have been allowed the expense of sending an agent down to Hawesville to collect the money from the postmaster, it being one hundred miles distant from Louisville. The postmaster at Hawesville being anxious to do his duty, and understanding that he was to send the money to Louisville by mail, which accords with the universal custom all over the country—practiced every day by postmasters of the interior offices, who receive small amounts—as soon as he received intelligence of the demand for payment, he remitted the amount to the postmaster at Louisville. The postmaster at Louisville states that he received that mail-bag sent from Hawesville, and that a package mailed at that place had been broken open; for the post-bill found in the bag showed that six letters had been mailed at Hawesville, only two of which came to hand, which two, together with the post-bill, were lying loose in the bottom of the bag. The postmaster at Hawesville then informed the Auditor of the Post Office Department of the facts, and asked that the sum which had been thus lost should be credited to his account. I refer to one of my colleagues upon this floor, who was for years the postmaster at Maysville, Kentucky, and who knows that it is a fact that money is usually sent by mail in this way by the postmasters, to pay such drafts. The Auditor replied to him that the loss was of such a character they could not allow him a credit for the \$110; but he had no doubt that if he would appeal to Congress, and make a statement of the facts, he would get relief, and be authorized to have a credit upon the books of that Department to that amount. These are the facts. This man bears as high a character for honor, honesty, and unimpeachable integrity, as any man in the State of Kentucky. He is a poor man, and is not able to pay this money. The profits from his office only amount to about \$105 a year, and he could not incur the expense of going up to Louisville for the purpose of depositing his money there, at the expiration of every quarter. There was no bank near him, in which he could deposit the money, and he adopted the usual course of sending the money by mail. He put the money in a letter, and he put the letter in the mail-bag, and gave the bag to the Government mail agent, and that Government mail agent swears he put that bag upon the boat. The postmaster at Louisville vouches for the robbery of that mail. The question, then, for this House to decide is, shall this honest old man, who was so anxious to do his duty, and who, in the honest discharge of that duty, sent this money in the usual mode adopted in all similar cases, lose this money, or shall the loss fall upon this mighty Government? He, Mr. Speaker, is not able to lose the money, and I hope that the House will not agree to recommit the bill, but permit it to pass.

Mr. ORR. I am surprised that the bill which the gentleman from Kentucky [Mr. GREY] has



been advocating was reported from the Committee on the Post Office and Post Roads.

Mr. GREY. It was, I believe, reported by the unanimous consent of the committee. I heard no objection.

Mr. ORR. My surprise is still greater. The proposition contained in the bill is simply this, that the Government shall become the insurer of every dollar's worth of value sent through the public mail.

Mr. OLDS. I believe my colleague upon the committee [Mr. GREY] is mistaken, when he says that it was unanimously reported. There are three or four bills reported from the committee, all embracing a similar principle with this one, and making the Government liable for losses of postmasters. One was where an office was robbed, and another one where an office was burned. I have opposed the whole of them upon principle. I believe the facts are just as stated by my colleague on the committee, that there has been a loss, but I am opposed to the principle.

Mr. ORR. I am glad to hear the correction made. Of course the error was unintentional on the part of the gentleman upon my right, [Mr. GREY.] Admitting the facts to be true, and I do not, of course, question them, as they have been stated by the gentleman from Kentucky, it presents such a case as may be presented from every county in every State in the Union. Is the Government to become the insurer of all the letters deposited in the post office? If this bill should pass—and I have no idea that it will—it will be the first instance where losses of this sort have been made up by Congress. I move, therefore, to lay the bill upon the table.

Mr. ROBBINS, upon that motion, demanded tellers; which were ordered; and Messrs. VENABLE and BRECKINRIDGE were appointed.

The question was then taken, and the tellers reported—ayes 68, noes 40; no quorum voting.

Mr. ROBBINS. I call the yeas and nays upon the question.

The SPEAKER. The yeas and nays cannot be ordered upon a bill, when there is no quorum voting.

Mr. ORR. I hope there will be a recount.

The SPEAKER. The Chair hopes that by unanimous consent there may be a recount.

There being no objection, the tellers resumed their places, and a recount being had, there were—ayes 70, noes 42; still no quorum voting.

Mr. ORR. I move that there be a call of the House, and I hope it will be carried through and let us see who are absent.

The question was then taken; and it was not agreed to.

The SPEAKER. The question now recurs upon laying the bill upon the table.

Mr. GREY. I hope that the gentleman from South Carolina [Mr. ORR] will withdraw his motion to allow me to make further explanation.

Mr. ORR. As the gentleman has appealed to me, I will withdraw my motion.

Mr. GREY. I return my acknowledgments to the gentleman for his courtesy, and, Mr. Speaker, I will say I am convinced, if the facts in relation to this matter were fairly understood by the House, that there is not a man upon the floor who would not say that this was a claim deserving the favorable action of the House. Now, here is an order sent to the postmaster at Louisville to collect the money from the postmaster at Hawesville. The postmaster at Louisville writes that he has the draft, but he does not present it. If the postmaster at Hawesville had waited until the draft had been presented at his office, he would have sustained no loss. But if he had not paid by letter, the postmaster at Louisville would not have been authorized to have sent to him for it, by paying the expenses of an agent to go in person and collect the money; nor would the postmaster at Hawesville have been authorized to pay an agent to carry the money to Louisville to the postmaster there. What should he have done? Should the expense of sending the money to Louisville fall upon that postmaster there, or should he add the expense of sending it to the account of the postmaster at Hawesville and ask him to pay it out of his pocket? The draft was never presented, but when the postmaster at Hawesville received intelligence that the draft was in the hands of the postmaster at Louisville, he sent the money by mail according to the common usage in such cases. I appeal to my col-

league from Maysville, [Mr. STANTON,] who has been postmaster, to know what has been the custom with postmasters similarly situated?

Mr. STANTON, of Kentucky. My colleague is right in saying that I have had some experience in this matter. Some four years ago I was postmaster at Maysville. The postmaster at Cincinnati was one of the local depositaries, and he was required to collect from the postmasters in the neighborhood the balances due upon their accounts current, at the expiration of each quarter. I recollect very well at that period—I do not know what the regulations of the Department are now—that I was instructed to pay my balances over to the postmaster at Cincinnati, and I was instructed also not to incur any expenses in making a deposit at Cincinnati. If I could not send it by private hand, it must be sent through the mail, and it was my invariable custom to send the balance at the end of each quarter through the mail.

Mr. GREY. Then that was the instruction of the Postmaster General.

Mr. STANTON. That was accompanying the instructions directing me to deposit my balance at Cincinnati.

Mr. GREY. It was with a full understanding of these facts, in reply to the request of the postmaster at Hawesville, that the Auditor of the Post Office Department referred him to Congress in relation to this case. With a full knowledge of all the facts, he says to him, Apply to Congress, and if you have been guilty of no negligence, I have no doubt that Congress will give you relief.

Mr. PHELPS. I wish to make an inquiry of the gentleman, to see if I understood the facts correctly. As I understand, the postmaster at Hawesville sent through the mail, bank notes for the balance for which he was indebted to the Post Office Department. Am I right in that?

Mr. GREY. The postmaster at Hawesville, when he got the letter, changed his silver for two fifty and one ten dollar note.

Mr. PHELPS. I wish to ask the gentleman further, that the fifteenth section of the Independent Treasury law may be read, by which it will appear that this exchange of the funds of the Government by the postmaster at Hawesville for bank paper is a felony, for which he might be prosecuted, indicted, and convicted.

Mr. GREY. Then, Mr. Speaker, two thirds of the postmasters throughout the United States occupy the same criminal and felonious position. [Laughter.]

Mr. PHELPS. I hope this Congress are not going to disobey the law.

Mr. GREY. I will say this: if we had a law passed by which relief could be afforded, the claimant here would seek relief in the courts of the country. But this is a case which we are called upon to decide by a regard to the peculiar circumstances attending it, sitting here as a court of equity, as we now are. I stand here ready to declare a precedent and to make a law that shall do justice to all honest and worthy men, when the strict and rigid construction of the general laws cannot afford merited and just relief. I know this claimant personally. I know he is poor and with a large family, and that he has done his duty faithfully, and acted honestly, and from the purest motives.

Mr. FOWLER. Will my colleague upon the committee allow me for a moment? I wish merely to say, in addition to what my colleague upon the committee has said, that in examining and testing this case we took into account the fact that the mail is the carrier of the Government, and that the money was lost while in the hands of the Government. I hope that my colleague will bring out that fact fully.

Mr. STEVENS, of Pennsylvania. Allow me to ask whether you mean to establish the principle that all losses by the mail are at the charge of the Government?

Mr. FOWLER. That is for Congress to decide.

Mr. GREY. I wish this case to stand upon the particular circumstances attending it.

Mr. FOWLER. If the gentleman will allow me, I will say to the gentleman from Pennsylvania, that in this case the Government was carrying the money for itself.

Mr. GREY. I do not understand the committee—I do not understand myself as intending to claim that the General Government should be liable for all the losses sustained in the mail. It

is shown that this man put the money in the letter; that he put the letter in the mail bag, and gave the mail bag to the Government agent to take it on board the boat. The postmaster at Louisville testifies to the fact that the mail bag had been broken open before it came to him.

Mr. OLDS. The gentleman having given me the floor for a moment, I wish to make a statement in relation to this matter. I am opposed to the passage of this bill, not but what I believe that the postmaster has honestly lost the money—and I am satisfied that there has been sufficient proof adduced before the committee to leave no doubt upon the mind of any man that the postmaster had lost the money—but I can see no difference at all between the case of a postmaster and any other individual who sends his money through the mail. Now, it is a mistake, and there is no proof in this case, that this man was required to send the money by mail.

Mr. GREY. The proof is, that the postmaster at Louisville said in his letter that he was authorized to request immediate payment.

Mr. OLDS. That is true; he was notified that the postmaster at Louisville had a draft upon him for \$110, and that he was required to make "immediate payment." So far all is correct. But under your independent Treasury law, he had no right to convert his money into bank notes; and if the postmaster at Louisville had this draft for collection, the Government, as a matter of course, were bound to pay his expenses in collecting this draft, if he had to make a journey after it.

Mr. GREY. I will ask the honorable chairman of the Committee on the Post Office and Post Roads if such claims were ever allowed?

Mr. OLDS. The principle of law is just the same in this case as in any other. The notifying this postmaster that he had a draft upon him was not a demand for that draft. The draft must be presented to him for payment, and he could not pay it unless it was presented to him at his office.

Mr. GREY. I will ask the gentleman one question. Does he not know that it is a universal fact, when the Postmaster General sends to any postmaster in any State of this Union a draft to collect money from postmasters which has been received by them, that the postmaster to whom the draft was sent sends it back to the Post Office Department unless the payee sends or pays it at the office of the postmaster who holds the draft?

Mr. OLDS. I have no such knowledge at all. I do not suppose that the postmaster at Louisville had any right to report this matter, until he had a legal demand made upon him for the money at his place of business; and if he was an agent of the Government for the collection of this money, the Government is bound to pay the money. If the postmaster undertook to send the money by mail, he must take his chance, as any business man in the community would have to do. There is no difference in this case. There are other cases before our committee, which are somewhat analogous. We have one case where the committee have been ordered to report a bill—and I believe that I was the only dissenting member on that committee—in which the postmaster had kept the money in his office until it had accumulated to \$800. A robbery was committed upon his office. There was positive proof that he had been robbed and had lost the money, and the committee ordered the bill to be reported, to make the Government underwrite for the postmaster, who had left his money in his office and lost it.

Now, there is a principle involved in this case. Shall the Government underwrite for the faithful discharge of the duties of a public officer? Shall they become security for him? It is an inducement held out to postmasters all over the country, to suffer frauds to be committed, and to connive at frauds, and then to come before Congress and demand restitution.

I move to lay the bill upon the table.

Mr. CHANDLER. I do not want to make a speech. I want to inquire of the gentleman from Kentucky, who has propounded this matter to us, whether he is satisfied with the proof that the money was deposited in the mail by the postmaster who asks compensation?

Mr. GREY. The chairman of the committee admitted that there was positive proof that the money had been actually deposited in the mail by the postmaster now asking for justice from this Congress.

Mr. OLDS. I move to lay the bill upon the table.

Mr. CHANDLER. I merely wish to say, whatever may be the law—

Mr. STUART. (in his seat.) There is a motion pending to lay the bill upon the table. It was made by the gentleman from Ohio, [Mr. OLDS;] but the Chair was occupied, and did not hear it.

The SPEAKER. Was the motion made before the gentleman took his seat?

Mr. OLDS. Yes, sir.

The SPEAKER. The Chair did not hear it, and therefore it is not a motion.

Mr. OLDS. I made the motion again afterwards.

The SPEAKER. The gentleman from Michigan when he addresses the Chair will rise.

Mr. STUART. I merely stated that the Chair was occupied at the time, and did not hear the motion made by the gentleman from Ohio.

The SPEAKER. The Chair receives the rebuke in all kindness, but would rather receive it from the gentleman standing than sitting.

Mr. STUART. Will the Chair allow me to state that I made the suggestion with the most perfect respect to the Chair?

Mr. CHANDLER. I merely wish to remark, that if this were a case clearly sustained by the existing law, it would not come here to ask our legislation upon it; but it is one that appeals to our sense of right.

Mr. OLDS. (interrupting.) Does the Chair entertain my motion to lay the bill upon the table?

The SPEAKER. The Chair does not, because he did not hear it.

Mr. OLDS. I made it twice.

The SPEAKER. The Chair decides that the gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor.

Mr. CHANDLER. I was saying, sir, that this is a case that clearly appeals to our sense of right and justice; not legally, perhaps. If this person had deposited his money in Adams & Co.'s express office below here, and Adams & Co. had lost the money, as the mail lost the money, they would have been responsible to the person who deposited it, or the person who was to receive it, for the full amount. Now I know that the Government, although it takes upon itself to be a common carrier, does not regulate its conduct by the common laws which it prescribes for common carriers, and if I send money to you through the mail and it is lost, even though I can show that it was deposited, I cannot compel the Department to repay it. But if, in the case of common carriers like Adams & Co., they are compelled to do it, then, *a fortiori*, if Adams & Co., besides being carriers, are themselves to be the receivers of money or carriers of their own, it appears to me that not only they would be doubly bound, but that we would be singly bound in right to pay that which we undertook to carry for another person on deposit, but really for ourselves. It is a case that appeals, I think, to our sense of right.

Mr. JOHNSON, of Tennessee. With the permission of the gentleman from Pennsylvania, I wish to ask a question. I want to act understandingly in this matter; and I do not wish to set a bad precedent, if I know it. Let me suppose a case. Suppose here is a contractor with the Government; and after the contractor has carried the mail, say, for a quarter at Washington, they make out a draft, or remit money at some point to the contractor in payment of his contract. Suppose while the draft or money is in transitu from the Government making payment of the money to the contractor, the money or draft is lost: who will bear the loss of the draft or money in that instance—the contractor or the Government? The Government remits the money at its own risk; and if the contractor does not receive it, of course the Government is bound to pay it. Well, then, *vice versa*, suppose the contractor or postmaster falls in debt to the Government, and remits the money, must not he take the risk of the mail on the one hand, as the Government does upon the other? If we pass a bill of this sort, it will establish a principle that we become responsible for all the money lost in the mail, and there will be no end to this thing. The postmasters all over the country will have remitted their money, and will apply to Congress for payment; and there is no telling to what extent frauds will be the result.

Individuals should be placed upon the same footing in making payments to the Government as the government is in making payments to individuals.

Mr. CHANDLER. I will simply reply to the question of the gentleman, that in this case he overlooks the fact, which he stated himself, that the Government in both cases undertakes to be carriers, and is paid for carrying. It is different if I should send the money to you. If the Government sends the money to me, and undertakes to carry it to me, it must take the risk of it. That is the case presented here. I do not wish to argue a case, of course, not sustained by any existing law, but one that demands our legislation.

I renew the motion to lay the bill upon the table.

The motion was agreed to, and the bill was laid upon the table.

Mr. ORR moved to reconsider the vote by which the bill was laid upon the table, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. EDGERTON. I rise for the purpose of moving that the House proceed to the consideration of the business upon the Speaker's table.

Mr. HOUSTON. I would ask the gentleman, and the House, to discharge the Committee of the Whole on the state of the Union from a bill making appropriations for the service of the Post Office Department during this fiscal year, and bring it into the House and pass it. It will not take half an hour to dispose of it.

Mr. SEYMOUR, of New York. Has the morning hour expired?

The SPEAKER. It has.

Mr. WASHBURN. I wish to inquire, if the House proceed to the business on the Speaker's table, will they go to the consideration of private bills?

The SPEAKER. Private bills alone, this being private bill day.

Mr. WASHBURN. Then I hope that the House will agree to the motion of the gentleman from Ohio, [Mr. EDGERTON.]

The question was then taken upon Mr. Edgerton's motion, and it was agreed to.

#### GASTON AND RALEIGH RAILROAD.

The SPEAKER. There is a pending question to reconsider the vote by which the bill for the relief of the Raleigh and Gaston Railroad was laid upon the table yesterday. It can be considered now or hereafter.

Mr. STUART. I propose to have it at once disposed of, and I move to lay the motion to reconsider upon the table.

Mr. VENABLE demanded the yeas and nays; which were ordered.

Mr. STANLY. What is the question we are about to vote upon?

The SPEAKER. On yesterday the House, by a vote, laid the Raleigh and Gaston Railroad bill upon the table. A motion was made to reconsider that vote, and a motion is now made to lay the motion to reconsider upon the table, which is the pending question, and upon that motion the yeas and nays have been ordered.

Mr. HOUSTON. I understand that the gentleman who represents the district through which this line runs, and in which he is much interested, is not in the House; and that being the case, I hope the House will agree to go into the Committee of the Whole on the state of the Union on the Post Office appropriation bill. It will not occupy half an hour.

Mr. STUART. I rise to a question of order. I submit that the motion to lay upon the table is equally a privileged motion as the motion to go into the Committee of the Whole on the state of the Union, and being first made, it must be first acted upon.

The SPEAKER. The Chair concurs in the opinion expressed by the gentleman from Michigan, that the motion to lay upon the table is a privileged motion, and being first put, must be first acted upon by the House. The gentleman from Alabama proposes, inasmuch as some gentleman who is much interested in this bill is not in the city or in the Hall, that the consideration of the motion to lay upon the table the motion to reconsider, be postponed, which can only be done by unanimous consent.

Mr. CABLE, of Ohio. I object.

The question was then taken upon Mr. STUART's

motion; and it was decided in the affirmative—yeas 73, nays 72—as follows:

YEAS—Messrs. Allison, Bennett, Bibbhaus, John H. Boyd, Burrows, Busby, Joseph Cable, Thompson Campbell, Carter, Chapman, Clark, Curtis, John G. Davis, Dawson, Dean, Dimmick, Doty, Duncan, Dunham, Edgerton, Florence, Fowler, Henry M. Fuller, Gilmore, Goodenow, Green, Hamilton, Hammond, Hart, Hascall, Haven, Henn, Hibbard, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Knritz, Mann, Martin, McLanahan, McNair, Miner, Henry D. Moore, Murray, Newton, Andrew Parker, Perkins, Robbins, Robie, Schoonmaker, David L. Seymour, Benjamin Stanton, Thaddeus Stevens, Stratton, Stuart, Sutherland, Sweetser, Thurston, Townsend, Tuck, Walbridge, Washburn, Wells, and Wildrick—73.

NAYS—Messrs. Aiken, William Appleton, Ashe, Averett, Babcock, Barrere, Beale, Bocoek, Bowne, Bragg, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, Caldwell, Caskie, Clingman, Cobb, Colcock, Dockery, Edmundson, Evans, Faulkner, Fitch, Gentry, Goodrich, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hebard, Hendricks, Holladay, Houston, Howard, Thomas Y. How, Jackson, John Johnson, Robert W. Johnson, Landry, Mace, McQueen, Miller, Millson, Molony, John Moore, Morehead, Murphy, Olds, Orr, Outlaw, Samuel W. Parker, Penn, Porter, Powell, Smith, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham F. Stephens, St. Martin, Strother, Taylor, Benjamin Thompson, Venable, Wallace, Ward, Watkins, Welch, Addison White, and Alexander White—72.

So the motion to reconsider was laid upon the table.

Mr. HOUSTON. I wish to test the sense of the House, whether they will go into the Committee of the Whole on the state of the Union, and take up one of the appropriation bills, or not. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JOHNSON, of Tennessee. How many appropriation bills are there behind?

Mr. HOUSTON. Only three—the Post Office bill, the steam-mail service bill, and the fortification bill. I wish to take up the Post Office appropriation bill. It will not take long to dispose of it.

Mr. HAMILTON demanded tellers; which were ordered; and Messrs. HAMILTON and MOLONY were appointed.

The question was then put upon Mr. Houston's motion, and the tellers reported 74 in the affirmative. A further count not being insisted on, the motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair.)

#### POST OFFICE APPROPRIATION BILL.

Mr. HOUSTON. I move to take up House bill No. 241, "making appropriations for the service of the Post Office Department during the fiscal year ending June 30th, 1853."

The motion was agreed to; and the bill was accordingly taken up for consideration.

Mr. HOUSTON. This is a very short bill, and I am anxious that a portion of to-day shall be devoted to the Private Calendar. If the committee will consent to act upon the bill without any general debate, I am satisfied; but if any general debate is to spring up, I shall move that the committee rise, and ask the House to close the debate upon it. I now ask that the bill may be read.

The bill was read through.

Mr. CLINGMAN. I desire to make an appeal to the gentleman from Alabama, [Mr. Houston.] I have taken up very little of the time of the House this session, but I want to make a few remarks with reference to a bill which may come up, and upon which I may be unable to get an opportunity to say anything. I do not wish to occupy much time, but I wish to make a few observations to the committee, of a general nature.

Mr. HOUSTON. If the gentleman wants only fifteen or twenty minutes, I am willing to close the debate in that time.

Mr. SWEETSER. I object to any such arrangement.

Mr. CLINGMAN. I believe I am entitled to the floor.

The CHAIRMAN. The gentleman from Alabama is entitled to the floor. Does he yield it.

Mr. CLINGMAN. I understand the gentleman as yielding it to me.

Mr. HOUSTON. I shall propose to go into the House, and close the debate, letting the House

exercise its discretion as to the time that shall be allowed.

Mr. CARTER. I suppose the House will exercise its discretion any way.

Mr. CLINGMAN. I hope the gentleman from Alabama will yield me the floor. I merely want to make a few random observations to the committee.

Mr. HOUSTON. I will yield the gentleman the floor for a portion of my time.

Mr. CLINGMAN referred to the defeat of the bill for the relief of the Raleigh and Gaston Railroad Company, and remarked that when that bill was first under consideration he thought it was likely to pass easily, and it would have done so at that time; but since then there had been adverse influences operating against that and all similar measures. There was a certain iron interest in the country which had its representatives here every session, and whose delegates came on here about that time, and remained here for weeks. These delegates succeeded in creating such a prejudice in the minds of many members—he would say prejudice, because, if gentlemen were as well informed in relation to the purposes and designs of these persons as he was, they would have produced no effect upon their minds—that they induced them to vote against the measure to which he had alluded.

Mr. STEVENS, of Pennsylvania. All I have to say is, that, so far from operating against this railroad, unfortunately the delegation of which the gentleman speaks, by what I deem an unwise contract, succeeded in getting passed through this House, a bill giving 3,000,000 of acres of the public lands to the Missouri railroad. Without these outsiders, that bill stood no chance.

Mr. ORR. The gentleman has made a reflection upon certain members of the House, and I desire to know who they are. He says a contract was made.

Mr. CLINGMAN insisted on his right to the floor, and refused to yield to any more interruptions.

He thought it was very likely that the delegation to which he had alluded did succeed in passing the Missouri bill. Their object was to obtain the votes of western men to impose high taxes upon the country for the benefit of the iron interest, and they very probably pushed through the Missouri bill, expecting a return for it. They did not, however, get that return, and he was glad of it. Now, they were not satisfied with having the community taxed for their benefit; they were not satisfied with the tax of thirty per cent. upon farmers and other individuals for their own benefit, but they had grown so insolent that they were not willing to extend the time of payment of duties upon iron rails imported for railroad use three or four years. Pennsylvania insisted that this tax should be paid without delay.

He hoped that they might yet be able to get up the bill exempting railroad iron from duty. And in this connection he wished to remind western gentlemen of the fact, that prior to 1842 not one cent of duty was charged upon railroad iron. It was during this time that the old States began their system of railroads; but many of the new States did not begin their system until after the act of 1842 was passed, which imposed a heavy duty of \$25 per ton upon railroad iron, which fell very oppressively upon the new States in the west and southwest. It oppressed them and kept them down. The eastern and northeastern States had their railroads made when iron was free of duty, and he now proposed to put the new States upon the same footing with the old States, about which a great hue and cry was made.

He then gave his views at length upon this question, arguing earnestly in favor of a repeal of duties imposed upon railroad iron, and showing from authentic statistics that whilst labor in manufactures in his State, and in several other southern States, was paid at a rate ranging from 40 to 55 cents per day, labor in the manufactures of iron in Pennsylvania received \$1 06 per day. He was opposed to labor in his country being taxed to give a bonus to the manufacturers of iron.

Mr. EVANS. Will the gentleman from Alabama yield me the floor for a short time?

Mr. HOUSTON. I cannot. I move that the committee do now rise.

Mr. EVANS. I am opposed to that motion unless a reply will be allowed to the speech of the gentleman from North Carolina.

Mr. HENN. I demand tellers.

Tellers were ordered; and Messrs. CHANDLER and CARTER were appointed.

The question was taken, and the motion to rise was agreed to, the tellers having reported—ayes 63, noes 58.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. STUART) reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly Housebill No. 241, making appropriations for the Post Office service for the fiscal year ending 30th June, 1852, and had come to no conclusion thereon.

Mr. HOUSTON. I move the usual resolution that debate in the Committee of the Whole shall be terminated on the Post Office appropriation bill at two o'clock this day.

Mr. STANLY. I trust the gentleman will say three o'clock.

Mr. HOUSTON. I will modify my amendment, so that it will provide debate shall close at half past two o'clock, and call for the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was then taken, and the resolution was adopted.

Mr. HOUSTON. I move that the vote by which the resolution was just passed be reconsidered, and that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

On motion by Mr. STANTON, of Tennessee, leave was granted for the withdrawal of the petition and papers of Eliza Reeves, that they be referred to the Senate.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair.)

The CHAIRMAN. The business before the committee is the consideration of House bill No. 211, making appropriations for expenditures in the Post Office Department.

#### POST OFFICE APPROPRIATIONS.

Mr. EVANS then took the floor, and addressed the committee in reply to the gentleman from North Carolina, [Mr. CLINGMAN,] upon the subject of the tariff; and pointing out the reasons why the labor employed in the manufacture of iron is paid higher than that employed in the manufacture of cotton. [His remarks will be found in the Appendix.]

The CHAIRMAN. The bill will now be read through by paragraphs, and each paragraph will be open for amendment as it is read.

Mr. FOWLER, under instruction of the Committee on the Post Office and Post Roads, offered the following amendment, viz:

In the fortieth line, after the words "dollars and cents," insert "also \$2,500, out of which the Postmaster General is directed to pay \$1,666 66 to the late Assistant Postmaster General, for his services performed under the direction of the Postmaster General, subsequent to the 1st of April, 1851, when his resignation took effect, in the organization of a mail service in California, approved by the joint resolution to legalize certain contracts for the transportation of the mails in Oregon and California, approved January 13, 1852, and the residue, or so much thereof as may be necessary, to be applied to settle and pay his expenses."

Mr. JONES, of Tennessee. I wish to submit a question of order. At the time this person was sent out upon that business, there was no law authorizing such a mission. Such authority was asked for, and Congress positively refused to give it. The Postmaster General, therefore, sent him without authority of law.

Mr. FOWLER. I will say in connection with what the gentleman from Tennessee has said, that Congress has since legalized this mission.

The CHAIRMAN. The Chair overrules the point of order made by the gentleman from Tennessee. He thinks the appropriation is now authorized by law, and will receive the amendment.

Mr. JONES. It was without any authority of law whatever.

The CHAIRMAN. The service has, however, the Chair understands, been recognized by Congress.

Mr. FOWLER. Allow me to state, that after the resignation of the Assistant Postmaster General, he was deputed to go to California, to organize a mail service there. This was done according to directions, and he returned. After his return, Congress, by the joint action of the two Houses, sanctioned the contracts he had made. This amount is merely designed to pay for his services and his expenses during his mission. It is only \$2,500. I will merely add, that the Postmaster General has presented a letter upon this subject, which I have before me, and which will be read, if necessary; but I do not suppose it is necessary. I will add, further, that I think the subsequent action of Congress has furnished sufficient authority for the appropriation; and as this gentleman has performed the service, and organized the mail service in California, is it not reasonable that we should pay him for his services, and pay his expenses? I think, if gentlemen will look at the facts, they will not hesitate for a moment.

Mr. HOUSTON. Will the gentleman state how long Mr. Hobbie was gone?

Mr. FOWLER. About four months.

Mr. HOUSTON. He was out on that mission four months; and he was for a month or two of that time drawing his salary.

Mr. FOWLER. He was first, I think, sent to Havana, and then to Panama; and while he was acting upon the business of the Department at those two places, he was under his salary. His resignation did not take place until he reached, or very nearly reached, Panama—at the time stated in the amendment. From that time forward he claims this double salary, which, considering the nature of the services rendered, the exposures to which he was subjected, and the responsibilities of the transactions in which he was engaged, the committee were of opinion is just.

Mr. HOUSTON. How long was Mr. Hobbie out upon the whole service? It was only one trip.

Mr. FOWLER. I am not able to state precisely when he left this city, but it was before the time had expired in which he was acting under his appointment as First Assistant Postmaster General.

Mr. HOUSTON. This amendment in its present form is incorrect. The very essential facts are not before the committee.

Mr. FOWLER. Well, I will ask that the letter of the Postmaster General may be read.

Mr. HOUSTON. I know the general facts. Mr. Hobbie left the Department partly because of bad health; and he did not resign until a good portion of the time during which he was absent had elapsed. During a part of the time that he was absent, he was drawing his salary here—for how much of that time I do not know.

Mr. FOWLER. I ask the gentleman to allow the letter of the Postmaster General to be read.

Mr. HOUSTON. Is this \$1,600 precisely double the sum he was receiving as Assistant Postmaster General?

Mr. FOWLER. Precisely double. His salary was \$2,500 a year, and he was in that service one third of a year.

Mr. HOUSTON. Is this recommendation from the Post Office Committee?

Mr. FOWLER. Certainly.

Mr. HOUSTON. Was there evidence before the committee showing precisely what his expenses were?

Mr. FOWLER. Certainly.

Mr. HOUSTON. Why is the matter left indefinite as to his expenses?

Mr. FOWLER. The amendment proposes \$2,500. His salary consumes some sixteen or seventeen hundred of that. His expenses were between \$600 and \$700, which will consume the whole sum.

Mr. HOUSTON. The sum is not much. The principle involved is much more important than the money; and, in my opinion, if the expenses in this instance were footed up on the scale of liberality usual with the Government, his salary while here ought to be enough.

Mr. DUNHAM. Another fact. Those who were here during the last Congress will recollect that a resolution was offered in this House to authorize this very thing to be done, and it was voted down; and then, in spite of the express opinions of the House, this man was sent out upon this mission.



Mr. FOWLER. Will the gentleman allow me to call his attention to the fact, that if the last Congress voted this proposition down, this Congress has voted it up? They have sanctioned the services.

Mr. DUNHAM. They have simply done this: He went out there, and entered into certain contracts connected with his mission. Then he came back here. For the purpose of saving the services in California, we ratified those contracts, made in violation of law. We did it not as sanctioning the course of the Department, but in order to save the services in California; and I say this thing was done in the face of the action of this House, which refused to grant the authority which was then asked.

The question was then taken on the adoption of the amendment offered by Mr. FOWLER; and it was agreed to.

The next clause was read, as follows:

"For miscellaneous items, \$95,000."

Mr. CLARK. I move to strike out that clause. There is a looseness and uncertainty about that which, it seems to me, is worthy of scrutiny. It is a pretty large appropriation. What are the items? Are they things too numerous or too small to mention? In this bill there are appropriations for wrapping-paper, for office-furniture, for blanks, for mail-bags, for locks and keys, &c. It seems to me that these are miscellaneous items, which are small by themselves. What other items are miscellaneous? Are they things which cannot be named? I should like to know what is intended to be included under this head of miscellaneous items. I am unwilling to vote for so large an appropriation as that without having some information upon the subject, and knowing what is included in it. It seems to me that it was as easy to have named these miscellaneous items, as to have named certain small items preceding them. Unless we can have some information, I hope this item will be stricken out. What is it for? That is the question. Are we to vote \$90,000 without knowing anything about what it is for? For one, I am unwilling to do it.

Mr. HOUSTON. I do not know that it is necessary to consume any time in replying to these questions. This is one of the items in all appropriation bills, and it will always necessarily be so. There are a great many contingencies attending the services of the Post Office Department in all parts of the Union, which require things to be done, which cannot be anticipated, and which cannot be specified, especially since the extension of the services of that Department in California, New Mexico, and the distant Territories, all of which are to be paid out of that item of appropriation. It is necessary that a miscellaneous item of that kind should be allowed. We examined those items, as we did every contingent item in every appropriation bill. They passed under our scrutiny, and we cut them down to as small an amount as we thought would meet those contingent services.

Mr. CARTTER. I wish to inquire of the chairman of the Committee of Ways and Means, what item they examined under this head?

Mr. HOUSTON. We examined the receipts and expenditures of the last year, and thus obtained the character of the expenditures under this head. Those receipts and expenditures, necessarily show, under the law, what every item is.

Mr. CLARK. Have they not a name, and could they not be designated?

Mr. HOUSTON. They had at least five hundred names—as many as they were objects of expenditure, and they have never been brought into this bill separately.

This item has always been included in this bill, since the first one was passed.

The question was then taken on the amendment of Mr. CLARK, and it was not agreed to.

Mr. CLARK. I offer another amendment. I propose to reduce the sum to \$20,000.

The gentleman from Alabama says that there were at least five hundred items, to which an appropriation of this kind is applicable, and that they had names. Now, it seems to me that we might have had some intimation given to us as to what this appropriation is for, and if there are really five hundred of them, could not we have had five of them specified. My Lord Coke says there is something in an "&c.," as in this, that, and the

other, "&c." But there is not even an "&c." to this, not even a starting point for the "&c." We know nothing of what it is. I hope the amount will be reduced to \$20,000.

The question was then taken on the amendment, and it was not agreed to.

Mr. CHANDLER offered the following amendment:

*Provided*, That all locks, keys, stamps, and paper purchased for the Post Office Department, be of the manufacture of this country.

Mr. C. said: I wish, Mr. Chairman, to make a remark upon the principle involved in that amendment. I wish to extend those remarks, but I see how impatient—and justly, in my opinion—is the honorable gentleman who has this bill particularly in charge. I should like to reply to some of the errors of the honorable gentleman from North Carolina, [Mr. CLINGMAN;] and if I do not now, I shall be compelled, upon some other appropriation bill, to spend an hour or two upon it. If the committee will allow me to present and publish in another form—through the press—I will not now occupy their time, nor trespass upon their patience.

[Several Voices. "Very well!" "Very well!" and "Go on!" "Go on!"]

Mr. CAMPBELL, of Illinois. I object to publishing speeches not delivered here, unless it appears that the speech has not been delivered. The reason is this: there are a great many things said in these speeches, which no one has an opportunity of answering, and hence they appear in our published debates as unanswered.

Mr. CHANDLER. If there is no objection, I will withdraw my amendment.

No objection was made, and the amendment was withdrawn.

Mr. HOUSTON. I move that the committee rise and report the bill to the House.

Mr. DUNCAN. I move that the bill be laid aside, with instructions that it be reported to the House, in order that we may take up House bill No. 212—the light-house bill.

Mr. HOUSTON. The resolution closing debate upon this bill requires us to report it to the House.

Mr. PHELPS. I ask for the reading of the resolution.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts, [Mr. DUNCAN,] that under the order made by the House, it will be necessary for the committee to rise and report this bill to the House, unless the committee unanimously consent to a different course. The Chair somewhat doubts whether it could be done even by unanimous consent, but he would entertain the motion.

Mr. BROWN, of Mississippi. I object. The question was then taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. STUART) reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly House bill No. 241, making appropriation for the Post Office Department for the fiscal year ending June 30, 1853, and had instructed him to report the same to the House with an amendment, and to ask the concurrence of the House therein.

Mr. HOUSTON. I call for the previous question upon the bill and amendments.

The previous question was seconded, and the main question ordered to be put.

The question was then taken on the amendment of Mr. FOWLER, (which will be found in another column,) and it was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed according to order, was read the third time and passed.

Mr. FOWLER. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

#### MICHIGAN SALT SPRING LANDS.

Mr. STUART. I now ask the unanimous consent of the House to allow me to take from the Speaker's table Senate bill No. 30, entitled "An act to confirm to the State of Michigan certain lands selected for saline purposes," to which I have called attention several times before. It is

for the correction of an error which occurred in the General Land Office of the United States, from which we have suffered since 1836. The bill consists of only one section.

There was no objection, and the bill was taken up.

The Clerk read it through.

Mr. STUART. I desire simply to state, that this does not propose to change the land originally selected by the State of Michigan. That original selection underwent an error in the General Land Office, in consequence of an act of the clerk in carrying down the towns and ranges. It merely proposes to confirm to the State the land originally selected; nothing more. I call for the previous question.

Mr. HENN. I have examined this subject, and it is all right.

Mr. EDGERTON. I will ask the gentleman to allow me to attach an amendment to the bill for a similar case in the State of Ohio?

Mr. STUART. If the gentleman's amendment be attached, it would be necessary to send the bill back to the Senate, and then the bill would probably be lost.

The call for the previous question was seconded, and the main question was ordered to be put.

The bill was then ordered to a third reading; and according to order, was read the third time and passed.

Mr. STUART. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. MCQUEEN. I ask the unanimous consent of the House to take from the Speaker's table "the bill for the relief of the Wilmington and Manchester Railroad Company," and refer it to the Committee on the Post Office and Post Roads.

There was no objection; and the bill was accordingly referred.

Mr. ALLISON. There is upon the Speaker's table a bill which has passed the Senate for the relief of two children of an officer of the Army who died recently. I trust that there will be no objection to its being taken up and acted upon.

Mr. EDGERTON. I object. I have got half a dozen such cases. The Committee on Claims have got fifty of them, and I will guaranty every one of them. I move that the House now proceed to the consideration of the business upon the Speaker's table.

The motion was agreed to.

The SPEAKER. The first business in order is Senate bill No. 67, for the relief J. A. McGaw, of New York, which was reported from the Committee of the Whole House with the recommendation that it do pass.

The bill was ordered to a third reading; and according to order read the third time and passed.

Mr. WASHBURN. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The next bill which came up for consideration was Senate bill No. 66, entitled "An act for the relief of William P. Greene," which was also reported from the Committee of the Whole House, with a recommendation that it do pass.

The bill was ordered to a third reading; and, according to order was read the third time and passed.

Mr. KING, of Rhode Island. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The next bill which came up was House bill No. 152, for the relief of Patrick Gass, granting three hundred and twenty acres of land.

Mr. COBB. That bill should not pass. I ask the reading of the report accompanying it, as my speech why it should be rejected:

"The petitioner asks an appropriation of three hundred and twenty acres of land, to be located by him anywhere on the public domain of the United States, where the same could be located by any one entitled to bounty land. This is the amount of land granted by Government to the actual settlers in Oregon, and the petitioner predicates the equity of his claim to this bounty on the just and reasonable ground that he was one of the original explorers of that distant country; that his bravery, zeal, and devotion aided materially in the discovery of the Oregon river and its principal tributaries, under Lewis and Clark.

"The petitioner entered the service of his country in 1799, remained in its military service till 1803, when he volunteered in the service of Lewis and Clark, and served faithfully throughout their long and perilous journey.

"In 1812 he enlisted in the Army of the United States, under General Bissell, and served with fidelity to the end of the war, losing an eye at the battle of Lundy's Lane.

"The Government is now giving to the actual settlers in Oregon three hundred and twenty acres of land. The donation of this quantity of land to actual settlers is a ready means to induce population, and convert the wilderness into blooming and cultivated States; and while the committee, under the circumstances and position of the Oregon Territory, readily recognize the propriety and justness of such an application of the lands in that distant and unprotected quarter, they also think that something may be due for the remnant of that small band who accompanied Lewis and Clark in their long, perilous, and laborious expedition. This expedition was undertaken under the direction of Government; the officers and the men were under its command; their toilsome services were for the benefit of the country at large, and their discoveries constitute, perhaps, the true and legitimate basis, next to proximity, of our title to that country. The petitioner not only fought in defense of his country, but his labors contributed to the extension of its borders and the possession of the magnificent and important valleys on the Pacific slope.

"He was appointed sergeant by Lewis and Clark, and kept a daily journal of the transactions of the corps of exploration, and a full and homely, yet graphic description of the country through which they passed. This journal spoke with its native and forcible simplicity to the people of the West, long before the voluminous and expensive work of Lewis and Clark was published, and it contributed much to the feeling and the fact that made Oregon a part of the whole country.

"Mr. Gass, it is believed, is the only survivor of that expedition who returned with it; he has otherwise faithfully served his country; he is too old and helpless, and with a numerous family of small children, to go to Oregon for the land that his boldness discovered and his valor defended; and he thinks, and the committee concur with him, that the Government should compensate him out of its public lands for the service he rendered it in discovering and settling the title to that immense country which is now bestowed without price on the actual settler, and that the original explorer encountered more hardship, danger, and privation in serving his country than the settler does in serving himself. The committee report the accompanying bill for his relief."

Mr. SACKETT. I perceive, Mr. Speaker, that this bill has not the usual words of limitation to enter upon lands at the minimum price. Nor is he required to locate in Oregon, the very foundation for his claim. I suggest that the gentleman move to lay the bill upon the table.

Mr. COBB. I have no objection, if that be the pleasure of the House.

[Cries of "Agreed!" "Agreed!"]

Mr. COBB. I then move that the bill be laid upon the table.

The question was put, and, upon a division, there were—ayes 45—

Mr. HART demanded tellers; which were ordered; and Messrs. CURTIS and HENDRICKS were appointed.

The question was again put, and the tellers reported—ayes 74, noes 39; no quorum.

Mr. ORR. We have been without a quorum all day. I move the House adjourn.

The motion was agreed to, and the House adjourned till Monday at 11 o'clock a. m.

#### PETITIONS, &c.

The following petitions, memorials, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BROWN, of Mississippi: The petition of James W. Turner and 18 others, praying the removal of the land office from Augusta to Paulding, Mississippi.

Also, the petition of S. M. Howse and 124 others, making the same prayer.

By Mr. CHANDLER: Several memorials, signed by J. Rundle Smith, J. R. Ingersoll, and many other citizens of Philadelphia, asking Congress to pass the bill recently reported by the Hon. E. STANLEY, relative to the fourth installment of the deposits of the public money.

By Mr. MOORE, of Pennsylvania: Memorial of citizens of Philadelphia, asking the passage of a bill introduced by Mr. STANLEY, to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money directed to be made with said States by act approved June 23d, 1836.

By Mr. FULLER, of Maine: The memorial of Isaac T. Cole and other citizens of Machiasport, in the county of Washington, Maine, praying Congress to take prompt and efficient measures for the protection of the right to the American fisheries.

#### IN SENATE.

SATURDAY, August 21, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. HUNTER. I must ask the Senate this morning to postpone the prior orders for the purpose of taking up the civil and diplomatic bill in the morning hour. I submit that motion.

Mr. FISH. I would appeal to the honorable Senator from Virginia to withdraw the motion, or to allow it to be modified so as to enable me to submit a motion to take up the bill from the House of Representatives, commonly known as Ben-

nett's land distribution bill. I gave notice of my intention to call it up yesterday morning, but I abstained from an unwillingness to interfere with the civil and diplomatic bill. I ask the Senator to allow me to submit that motion, for the purpose of taking the sense of the Senate on the bill.

Mr. HUNTER. I have had a great many applications of that kind, and I would be very glad to yield to them all if I could, but I cannot do it. A sense of duty constrains me to insist upon my motion.

#### THE FLORIDA CONTESTED ELECTION.

Mr. BRIGHT. I rise to what I believe is a question of privilege. The select committee appointed to consider the petition of the Hon. David L. Yulee, claiming to have been elected a Senator from the State of Florida, to which the subject was referred some months ago, have directed me to make a report. The report ought to have been made earlier, but the committee have been so engaged, that they were not able to report before this morning. I am prepared to present the report, in order that it may be printed, and laid before Senators, so as to be acted upon during the next week.

The PRESIDENT. The Chair will receive it. Mr. UNDERWOOD. Is it a question of privilege?

The PRESIDENT. It involves the right of a Senator to his seat, and therefore the Chair considers it a question of privilege which authorizes him to receive the report.

Mr. BRIGHT. Then I will present the report of the committee, which concludes with the following resolution:

"Resolved, That the Hon. STEPHEN R. MALLORY was duly elected a member of the Senate of the United States from the 3d day of March, 1851."

I move that the report be printed.

The motion was agreed to.

Mr. BRIGHT. There are various documents in the case—the petition, the argument of counsel on the one side, and the argument of one of the gentlemen himself on the other side, and various other documents that have been referred to the committee. I move to print them, and to refer the motion to the Committee on Printing. They will make a book of three or four hundred pages. Of course they could not be printed within the next week. I therefore move that the motion to print them be referred to the Committee on Printing.

Mr. BORLAND. I would suggest that the order for printing these papers might as well be made without reference to the committee.

The PRESIDENT. The Senator who made the motion himself asks that it should be referred to the Committee on Printing.

The motion to refer was agreed to.

#### CIVIL AND DIPLOMATIC BILL.

The PRESIDENT. The question is on the motion of the Senator from Virginia.

The motion of Mr. HUNTER was agreed to, and the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, "making appropriations for the civil and diplomatic expenses of the Government for the year ending on the 30th day of June, 1853, and for other purposes," the pending question being upon the amendment of the Committee on Finance to increase the appropriation "for stationery, printing, binding, furniture, and repairs, subscription to newspapers, introducing gas into Patent Office, fuel, and other contingencies," in the office of the Secretary of the Interior, from \$5,000 to \$9,485.

Mr. HUNTER. That amendment is in accordance with the estimates.

The amendment was agreed to.

The next amendment of the committee was to insert among the appropriations for contingencies "in the office of the Secretary of the Interior" the following:

"For Library books and maps, \$1,000."

The amendment was agreed to.

The next amendment of the committee was to insert:

"For compensation of one additional clerk in the office of the Commissary General of Subsistence, \$1,000."

Mr. HUNTER. This item is in accordance with estimate.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation "for blank books, binding, stationery, and labor," for the Bureau of Topographical Engineers, from \$750 to \$1,250.

Mr. HUNTER. This is in accordance with estimate.

The amendment was agreed to.

The next amendment of the committee was to insert:

"For compensation for one additional clerk in the office of the Postmaster General, \$1,000."

Mr. HUNTER. That is according to estimate.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation for contingent expenses of the Post Office Department, from \$10,500 to \$12,500.

Mr. HUNTER. That is to raise the amount to the estimates.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation for "repair of the General Post Office building, for office furniture, glazing, white-washing, and for keeping the fire-places and furnaces in order," from \$1,500 to \$2,500.

Mr. HUNTER. That is in pursuance of estimate.

The amendment was agreed to.

The next amendment of the committee was to add to the clause for the payment of the salaries of United States district judges the following:

"And the district judge of the northern district of California, until otherwise provided by law, shall be judge of the southern district in that State, with an additional annual compensation of \$2,800, so long as he discharges the duties of both districts."

Mr. HUNTER. The explanation of this amendment is, that the salary proves insufficient. There are two judicial districts in California. One of the judges has died, and it is proposed to let one judge discharge the duties of both judgeships with this additional salary.

Mr. UNDERWOOD. What is the present salary?

Mr. GWIN. The present salary of the judge of the northern district is \$3,500. The salary of the judge of the southern district is \$2,800. This proposition is to give the judge of the northern district the salary and the duty of both judgeships. It does not increase the expense to the United States.

The amendment was agreed to.

The next amendment of the committee was to add to the clause, "for salary of the Reporter of the decisions of the Supreme Court, \$1,300," the following words:

"For each volume published by direction of the Supreme Court."

Mr. HUNTER. It has been customary, since two volumes a year of the decisions of the Supreme Court have been published, to allow the Reporter \$1,300 for each volume. The House cut down the amount to \$1,300. The reporter has been directed by the Chief Justice to publish two volumes, and he has furnished, at his own expense, one hundred and fifty copies to the United States. The committee propose to continue the practice which has heretofore existed of giving him \$1,300 for each volume.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation "for compensation of the district attorneys" from \$8,800 to \$9,000.

Mr. HUNTER. That is in pursuance of estimate.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation "for expenses of weighing and mooring, cleansing and repairing, and supplying losses of buoys, beacons, chains, and anchors," from \$45,000 to \$59,057 32.

Mr. HUNTER. The original estimate was for \$59,057 32; but the House cut it down. The Auditor says the amount named in the estimates is indispensable; and the Committee on Finance propose to restore the amount to the estimates.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation "for contingent expenses under the Independent-Treasury act of August 6th, 1846," from \$15,000 to \$16,500.

Mr. HUNTER. That item is in pursuance of estimate.

The amendment was agreed to.

The next amendment of the committee was to insert—

"For completing the construction of the marine hospital at San Francisco, California, and for arranging the grounds, fencing, furnishing warming apparatus, and superintendence thereof, \$130,000."

Mr. HUNTER. That is in pursuance of an estimate from the Department. They say that, owing to the great expense of maintaining sick and disabled seamen, it is important that this hospital should be finished at once. The Committee on Finance were of the same opinion, and agree to the estimate of the Department.

The amendment was agreed to.

The next amendment of the committee was to insert the following:

"For purchasing a site, and the construction of a suitable building at Wilmington, Delaware, for custom-house, post office, court-rooms, and other offices of the United States, and furnishing the same, \$25,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Delaware: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site, or lot of ground, and to make a contract, or contracts, for the erection of said building and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of \$25,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

Mr. HUNTER. This is in pursuance of an estimate sent to us for the erection of a building for a custom-house, post-office, and court-room, at Wilmington, Delaware.

The amendment was agreed to.

The next amendment of the committee was to increase the appropriation "for incidental expenses of the several land offices," from \$30,000 to \$34,240.

Mr. HUNTER. The object is to restore the amount to the original estimate.

The amendment was agreed to.

The next amendment of the committee was to amend the clause appropriating \$22,500 "for surveying private claims in California," so as to make it read:

"For surveying private claims in California, which may have been presented in good faith to the Board of Land Commissioners, \$22,500: *Provided*, That the authority hereby conferred on the surveyor general shall apply only to such unconfirmed cases as, in the gradual extension of the lines of the public surveys, he shall find within the immediate sphere of his operations, and which he is satisfied ought to be respected and actually surveyed in advance of confirmation."

Mr. HUNTER. This is a limitation upon the clause as it came from the House. It provides that the surveyor general shall survey these private land claims which may be presented in good faith to the Board of Commissioners. The proviso is taken from a bill which was reported by the Committee on Public Lands.

Mr. FELCH. I wish to inquire whether that is all the limitation which the bill alluded to contains?

Mr. HUNTER. My impression is that it is. The amendment was agreed to.

The next amendment of the committee was to insert:

"For completing the geological survey of the iron region of that portion of Michigan which borders on Lake Superior, \$1,500."

Mr. HUNTER. That is in pursuance of an estimate. The estimate was not made originally, but it was afterwards found necessary, in order to complete this geological survey.

The amendment was agreed to.

The next amendment of the committee was to insert:

"For the compensation of a clerk in the office of the Commissioner of Public Buildings, \$1,200."

Mr. HUNTER. That is an item which the Senate, for some time past, have inserted annually, and the House have usually stricken it out. My own opinion is, that the Commissioner ought to have a clerk, for he has a great many duties to discharge.

Mr. CLARKE. I move to amend the amendment, by striking out "\$1,200," and inserting "\$1,000." The Committee on the District of Columbia had intended to propose an amendment, giving the Commissioner a clerk at a salary of

\$1,000; but they have been anticipated by the Committee on Finance.

Mr. HUNTER. I have no objection to the amendment of the Senator from Rhode Island.

The amendment to the amendment was agreed to; and the amendment as amended was agreed to.

The next amendment of the committee was to increase the appropriation "for the purchase of manure for the public grounds" from \$600 to \$1,000.

The amendment was agreed to.

The next amendment of the committee was to insert:

"To complete and revise the grades in the city of Washington, and to determine the plans for the draining and sewerage thereof, \$6,000; the surveys and plans to be made by the engineer now in charge of that duty, under the direction of the President of the United States."

Mr. HUNTER. A former appropriation was made for this object, which has proved to be one of the most useful appropriations ever made in the District. This is designed to continue it.

The amendment was agreed to.

The next amendment of the committee was to insert:

"To enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the city of Washington an unfailling and abundant supply of good and wholesome water; report thereof to be made to Congress at its next session, the sum of \$5,900."

Mr. HUNTER. This is according to estimate. It was thought best, as the object was one in relation to which some differences of plan existed, that it should be sent to one of the Engineer Departments for estimates and plans and surveys. This appropriation is according to the estimate from the Department for that purpose.

Mr. BRADBURY. This subject has been before the Committee on the District of Columbia; and after some examination, in consideration of the great amount of expenditure now going on in this District, the committee did not see fit to recommend any estimate of the kind. How the subject has been brought before the Committee on Finance, the chairman of that committee has already indicated. It appears to me that it would be unwise, at this time, to incur this expense. We are already expending many hundred thousand dollars here, and it is believed that whenever a survey of the kind is undertaken, it might as well be undertaken under the direction of some committee of Congress, who should have something to say in designating the various surveys that may be made. I hope the amendment may not be agreed to. I see but one other member of the Committee on the District of Columbia present—the Senator from Rhode Island, [Mr. CLARKE]—and I think his recollection will correspond with mine.

Mr. CLARKE. The fact is as the honorable Senator from Maine has stated. This proposition is to appropriate \$5,000 for a survey, and for a report upon the best means of supplying the city of Washington with water. Now, it is well known that an abundant supply of water for the city of Washington may be obtained within three or four miles of this place. The proposition to appropriate \$5,000 for a survey, appears to me to be of no use. The Committee on the District of Columbia had this subject under consideration, and they did not propose, at the present time, to recommend any appropriation for the purpose. It would be very expensive, and the appropriations that are already contained in this bill for the city of Washington, exclusively of the public buildings, amount to \$120,514; and there are certain amendments to the bill which are to be proposed by the chairman of the Committee on the District of Columbia, [Mr. SHIELDS,] which will swell this amount to about \$200,000. It appears to me that that is enough, in fact too much, to be expended at one time. Besides, this appropriation is for a mere exploration of the ground—a mere survey—to ascertain in what manner the city of Washington can be supplied with water. It seems to me to be unnecessary at the present time. If you make the survey, it implies an intention to go on and carry out the object of supplying the city with water, no matter at what expense. The Committee on the District of Columbia have not recommended this appropriation; and, for myself, I think it is not necessary to insert it now in the bill.

Mr. HALE. Mr. President, it strikes me that if there is one single appropriation, which there

is an imperative obligation upon Congress to make, it is this. Since I have been in the city at the present session, there have been several occurrences which have suggested its necessity to my mind. I remember that, very early in the session, I was called out in the evening by an alarm of fire at the corner of Four-and-a-half and C streets, I think. I stood there, and saw building after building burn down, without a pail-full of water to put out the fire. The fire was exhausted and stopped, merely because there was no other building within its reach which could be consumed. Subsequently to that, I was called up at midnight by a fire very near the house where I was boarding; which exhausted itself in the same way, for there was no water on hand there.

I would be perfectly willing to amend the amendment of the committee by inserting after the word "dollars" the words "or so much thereof as may be necessary," so that the Department need not feel themselves under obligation to spend the whole \$5,000. If there be a place in the world where there should be some facilities afforded for obtaining water—and especially when they can be obtained as easily as they can be obtained here—it seems to me that it is at the capital of the nation. Ask, sir, any of the citizens of Boston, New York, or Philadelphia, if they would abandon their facilities for water in case of fire—which they have procured at great expense—and they would tell you that, great as has been the expenditures for that purpose, they would rather double and treble them than give up the facilities they have for putting out fire.

This city, the capital of the nation, over which we have exclusive legislation, is, I think, the worst provided with water, in case of fire, of any place that I ever saw in my life. At the same time we have, within a very short distance, at the Falls of the Potomac, the facilities of bringing in a supply of pure and wholesome water, perhaps at less expense and with greater ease than any other city of similar size in the whole United States. It never will be done until there has been an exploration and a survey made that may be laid before Congress, so that we may be enabled to determine whether the object is practicable and feasible, and for what it may be accomplished. I think that, as a matter of safety for our public buildings and our public records, we owe it to ourselves that we should inquire, at least, at what expense this may be done. The cities of Boston, New York, and Philadelphia, have taxed themselves to the amount of millions in order to get good supplies of water; and they would double the expense rather than forego the advantages they have secured.

I move to amend the amendment of the committee by inserting after "\$5,000" the words "or so much thereof as may be necessary;" and with that I am willing to take it. With that qualification I hope we may make this exploration; so that at another session we may, at least, have light before us to know whether the object is practicable; and if it be practicable, at what expense it can be accomplished.

Mr. HUNTER. I have no objection to the amendment of the Senator from New Hampshire, but I do not see any particular necessity for it. There was some difficulty in the Department in making an estimate of the precise amount with exactness; and of course I presume they will expend no more than may be necessary for the object. I do not know that I should disagree, if the Senator from Rhode Island were to desire to reduce the appropriation, if that would satisfy him. All that I desire is, to have some appropriation made to enable us to get surveys, plans, and estimates, that the Committee on the District of Columbia, at the next session, may have the means of selecting the best plan, in order to recommend it to Congress for adoption.

Various estimates were sent to us for accomplishing the object. Such is the want of water in the public Departments, that the Commissioner of Public Buildings sent in an estimate for collecting more water at the spring on the hill, from which a supply of water is furnished to the Capitol and the Departments. But, instead of expending some \$40,000 or \$50,000 in this way, it seemed to us better to obtain some plan which would accomplish the whole object at once.

Water is not only very necessary here for the purposes indicated by the Senator from New Hampshire, when fire occurs, but there is an actual



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scarcity of water now for the use of the Departments; and we know that it is becoming scarcer. Such is the demand for water in this city, that it is almost impossible—and, unless we have some more stringent laws, I may say that it is impossible—to prevent persons from tapping the pipes which conduct the water along the streets to the Departments. In case of fire, there is now on this account, a very dangerous scarcity of water. I look upon a sufficient supply of water as the very first want of this city. The best mode of obtaining it, and the most economical mode, it seemed to us, was to get a plan and surveys from the Engineer Department; upon which the Committee on the District of Columbia could pass, and from which they could select some suitable plan, and present it for our consideration at the next session.

Mr. UNDERWOOD. I hope that the amendment of the Committee on Finance will be adopted. There are some three or four projects which have been entertained upon this subject. One is to bring water from the Great Falls of the Potomac. My opinion upon that subject is, that if it be brought from those falls, by the natural law of water finding its own level, you may get a supply that will reach higher than the dome of the Capitol. Another project is to have a dam at the Little Falls, some two or three miles above Georgetown, and then, by means of force-pumps upon the plan of the Schuylkill water-works at Philadelphia, furnishing water from that point. A third plan is to obtain a supply from Rock Creek.

Now, it seems to me to be absolutely necessary that a competent engineer should go upon the ground, examine the practicability of the various plans which have been suggested, make his estimates, and give us the results of his examinations, so that Congress may act hereafter understandingly on the subject.

This city, as every gentleman must have perceived, is growing with a rapidity unparalleled in its past history. This is visible to all of us. We see new structures going up everywhere. Your census tables show a vast increase in the population of the city within the last ten years. If this goes on, as I believe it will, the present supply of water will not be sufficient for the demands, or anything like the demands for private uses, independent entirely of the public uses. Indeed, I believe there is now a deficiency in the supply of water for private uses, in which this city, and all the persons connected with the Government, its legislative and executive branches, are interested. The Government is intimately concerned in having a good supply of water here. The object of the amendment is to obtain preliminary information, and I hope that engineers may be sent out to report upon all the various plans, so that we may have some data upon which we can act discreetly and properly hereafter.

Mr. CLARKE. Mr. President, I do not intend to oppose this appropriation. Perhaps no gentleman here cares less than I do whether \$5,000 are appropriated, or more or less. But here you have a corps of engineers. There are probably plenty of them in the city doing nothing, and you propose to appropriate \$5,000 to send one of them out to make a reconnaissance and see, by proper levels, from what point the city of Washington can be best supplied with good and wholesome water. That such a supply is necessary, I admit; and I agree with the honorable Senator from New Hampshire, that it will be of great service to the city of Washington. That Senator speaks of the supply of water at Boston, New York, and Philadelphia. Have either of those cities been supplied with water by the Congress of the United States? No, sir, they have supplied themselves with water, and they force those who use it to pay a tax for the use and benefit of it. It is a regulation of their own, which I have no doubt has been a benefit to them.

Sir, I should like to have this amendment amended so as to include the city of Georgetown within its provisions. I have referred to the appropriations contained in this bill for Washington;

I have a list of them here, and they amount to something like \$200,000. Yet there is not a single solitary appropriation for the city of Georgetown. Georgetown is as much within the legislative control and care of Congress, and is entitled as much to the paternal regard of this Government as the city of Washington, although the Capitol and public buildings are located here. The citizens of Georgetown have to look to the Government as much as the citizens of Washington. We have the right of exclusive legislation over both. It appears to me as if the city of Georgetown has been treated, and is about to be treated, as we sometimes hear of poor cousins and poor relations, as if they came in left-handedly from the wrong side of the blanket. I think that Georgetown is entitled to some consideration. If it be important that the city of Washington should be supplied with water in order to extinguish fires, and in order to supply the inhabitants, it is equally important to the city of Georgetown.

I do not oppose particularly this appropriation. I care nothing about it; but in my short experience here, I have noticed that whenever you make an appropriation, the whole of it will be expended and probably more will be asked for to supply deficiencies. If you now appropriate \$5,000 for this object—which I can get done in the poor country from which I come from for \$500—it will certainly be all expended, and the probability is that we shall be called upon for \$5,000 more, and that, too, by a corps of engineers who belong to the United States, who are paid by the United States, plenty of whom have nothing to do, and might employ themselves, their time, and their instruments, in making all the surveys necessary.

If the amendment is to pass, I shall move to insert, after the word "Washington," the words "and the city of Georgetown," so as to give this remote and poor relative a little share of the advantages that may be conferred by this appropriation. If there is any reason why the houses and the homes of the citizens of Washington should be preserved from conflagration, the same reason applies with exactly the same force to the citizens of Georgetown. I make no opposition to the amendment, although I think the appropriation is too large, and perhaps in that view the amendment of the Senator from New Hampshire may do very well.

Mr. MANGUM. I am not prepared to express, or to form any opinion as to the amount which should be appropriated. I understand, however, from the honorable chairman of the Committee on Finance that the amount proposed in the amendment will be sufficient for the object of obtaining the preliminary surveys and estimates. As to the importance of procuring a supply of water for this city, there is not a gentleman present who does not feel and know it. Where that supply is to be obtained—whether from Rock Creek, or from the Potomac—should be subjected to a proper scientific determination. It is necessary to understand whether a sufficient supply can be got at either of these points. It is also important to know what amount of expenditure will be required. When we have this information, we shall be prepared to legislate understandingly on the subject; and I feel a perfect conviction, that if we had all the necessary preliminary information to enable us to act in an intelligent manner, the Congress of the United States would, in some proper way, endeavor to procure a supply of water for this city. I shall vote for the proposition with a great deal of pleasure, and I have no objection to including Georgetown in it.

The PRESIDENT. The proposition is not to include Georgetown. That amendment was suggested by the Senator from Rhode Island; but it cannot now be offered, as the question pending is on the amendment of the Senator from New Hampshire to the amendment of the committee.

Mr. BORLAND. I have no particular objection to the amendment of the Senator from New Hampshire, but I cannot see any necessity for it. We know very well that whenever we make an appropriation, it is very sure to be expended. I

am not aware of an instance in which we have undertaken to make an appropriation, that the whole amount has not been expended, and in very many cases we have been afterwards asked to supply deficiencies. I therefore think that it is almost useless to make any provision to limit the expenditure, unless we reduce the amount of the appropriation. Any other provision will be ineffectual for the purpose.

Sir, I shall vote against this appropriation, not because I am prepared to say that it is too much to accomplish the object—for I do not know that it is too much, I do not know that it is even enough—but I shall vote against it upon the general ground that I do not consider it the duty of Congress to establish water-works for this or any other city. We expend an immense amount of money here every year for the purpose of improving this city. We are told that it is increasing and growing more rapidly than any other city perhaps in the Union. What improves it? What increases it? The trade of the place? The business of the city? Such business as builds up other cities? No, sir; it is the money expended by Congress in the District, and nothing else, which increases it. Remove the seat of Government, leave Washington city to depend on itself as a city, and upon the advantages of its position for commerce, trade, or business of any kind, and I apprehend six months would not elapse before grass would grow in the streets; and if a steamboat or vessel of any kind ever reached its wharf, it would be merely on a trip of curiosity or exploration, to look at what once had been the seat of Government. Immense influence is brought to bear to induce us to expend money for this city. Complaints are made that we do not take care of the city, when everybody knows that its whole prosperity, in fact its very existence, is drawn from the public Treasury.

I think it is time that some limit should be put to this. The Senator from Rhode Island has already mentioned what is about the amount proposed to be expended in other ways for this city. I do not think he has quite gone up to the real amount. I have not estimated it very precisely, but I think he has fallen much below, rather than exceeded, the amount proposed to be expended here.

Why should we undertake to make all these works for Washington more than for any other city? Other cities have made their water-works, and not called upon Congress to pay for them. Other cities have made them by taxing the property of their citizens, whose property was increased in value thereby. We are told that real estate in Washington city has increased most rapidly very lately. I have heard it said that in many portions of the city, where we have expended public money, real estate has increased two hundred per cent. within the last three years.

Mr. CLARKE. Three hundred per cent.

Mr. BORLAND. Now, will persons owning property that is paying them, in addition to rents, an increased value of two hundred or three hundred per cent. per annum come before Congress and say that it is necessary that we should go on and improve that property for them? Sir, I would ask the Senator from Illinois how much it will cost the city of Chicago to put up the water-works there? Will it not cost \$200,000?

Mr. DOUGLAS. If the inquiry is directed to me, I can only state that we are now constructing water-works in Chicago, and my impression is that the contemplated cost of them for the present and the prospective wants of the city will be about \$250,000.

Mr. BORLAND. What is the population of Chicago?

Mr. DOUGLAS. Forty thousand.

Mr. HUNTER. The Senator from Arkansas, if he examines the amendment, will see that it does not bind the United States to bring water here at such an immense cost, but it is to obtain a survey and estimate of the cost of some plan. Of course it will be decided by Congress hereafter whether they will undertake the work or not upon the plan proposed. But according to any plan the United

States would have to pay largely, because they will consume a very large amount of water for the public offices.

Mr. BORLAND. Then we have the city of Chicago, with a population of about 40,000, taxing themselves \$250,000 to establish their water-works. I would ask the Senator from Michigan if the city of Detroit, with a population of between 25,000 and 30,000, has not expended some \$200,000 or \$300,000 for the erection of water-works?

Mr. CASS. That is the case.

Mr. BORLAND. The Senator says that that is so. It is estimated that there is a population in the city of Washington of about 40,000. Why should they not tax themselves to make water-works for this city? I would ask the Senators from Illinois and Michigan if real estate in the cities of Chicago and Detroit has increased as much as from one hundred to three hundred per cent. per annum within the last three or four years? I apprehend not.

Mr. DOUGLAS. I must say that, with regard to increase in real estate, Chicago is far in advance of Washington or any city in this country this side of San Francisco. I have known land to be purchased at \$100 an acre adjoining the city of Chicago, and to be sold at \$1,500 an acre very recently.

Mr. BORLAND. Within the last three years?

Mr. DOUGLAS. Yes, sir.

Mr. BORLAND. I confess I was not aware that any place had increased with such rapidity; but that does not affect the argument. If the fact had been otherwise it would have strengthened my argument.

But I put the question to the American Senate, and the American people who have to pay this money, if, when we by our appropriations already have increased the value of the property of the inhabitants of this city from one hundred to three hundred per cent. per annum, there is any propriety or any duty resting upon us to appropriate still more to increase this rapid enhancement of the value of that property? for that is the effect of it.

I know very well that opposition to anything of this sort will go for nothing. I have no idea that it can defeat any such proposition. I have no idea that a proposition to expend money in the District of Columbia will be defeated. It overrides everything. I am only surprised that the amount is so small in this case. If it had been \$50,000 I should have thought that it was about in accordance with the other demands made upon us. This is the smallest appropriation, I think, that I have ever known to be proposed for the District. If it fails, it will be, in my opinion, only because it is so small.

Mr. SHIELDS. I do not rise to discuss this amendment, but simply to state what may, perhaps, relieve the mind of the Senator from Arkansas from some of the objections which he appears to have to this proposition. The Committee on the District of Columbia has been engaged, as the Senator knows, with all kinds of duties; but I must say, that there is not a single item in the bill, so far as I have seen it, in regard to which that committee has been consulted. How these things have got into this bill, by what influence or authority, or on whose advice, or by whose recommendation, and on what estimates, I am at a loss to find out.

Mr. BORLAND. If my friend from Illinois will allow me, I will state that I was objecting to the general practice.

Mr. SHIELDS. I know that. I am not replying to the Senator from Arkansas alone. I only mentioned this circumstance as a sample of the way in which things go on. I should recommend that the Committee on the District of Columbia be dispensed with; and I certainly shall ask to be relieved from further service on it after this session. I have had more trouble, more labor, and more annoyance on that committee than I ever had before, in the same given time, in my life. The committee has taken great trouble to obtain information in regard to the condition of the bridges across the Potomac, and to the consideration of the various wants of the District which require immediate attention; and here we now find amendments in relation to the District coming into this bill at hap-hazard, without any consultation with them. I do not blame the Committee on Finance on that account, because I know

that the amendments have been recommended to them; but it is a singular mode of legislation, and is certainly in keeping with a great deal of the legislation which is at present going on. It is not our extravagance which causes these fresh demands on the Treasury, but the want of a proper system, and a proper mode of procedure. I have been honored with the position of chairman of the Committee on the District of Columbia, but I shall undoubtedly ask, as a great favor, to be relieved from performing the duties of that position next session.

Now, what is the point under the consideration of the Senate? It is one which the Committee on the District of Columbia have investigated; they have given it all the attention in their power, and the conclusion to which they came was not to recommend the Government to undertake the execution of this work, but to effect a survey or a reconnaissance.

Mr. DAVIS. That is the sole object of the amendment.

Mr. SHIELDS. The proposition contained in the amendment is correct. I do not take any exception to it. The Committee on the District of Columbia would have recommended it. We were desirous of having a correct survey or reconnaissance effected, because, if that were done, it would be easy to obtain able and competent persons to bring the water into the city; not in the usual mode of managing such matters by companies, for, as I understand, all such companies have failed in this District. It was contemplated to offer the execution of the work to a company, and compel them to carry it out under the superintendence of an officer appointed by the Government, in accordance with a plan prepared by the Government; and when any deviation from that plan was made, that the work should be stopped immediately. It was also proposed that monthly or quarterly returns should be made to the Secretary of the Interior, showing the condition of the work, and the manner of laying out the money expended. It was to be left discretionary with the Government, at any time after the work was completed, to take the work into its own hands, if necessary. We would thus insure the completion of the work on the plan laid down by the Government, at the expense of the company; and if the management by the company was not satisfactory, then it would be in the power of the Government at any time to take possession of the work, and manage it according to its own views. That appeared to us to be the most economical plan of accomplishing this great enterprise, which is exceedingly necessary. My friend, the honorable Senator from Arkansas, will perceive that it would not incur the heavy expense he fears; the only expense would be caused by the survey or reconnaissance for the purpose of drawing up a plan. All the expense subsequently would be borne by the company, and if their management proved inefficient, the Government would be enabled to take it out of their hands.

Mr. PRATT. I have only one or two words to say. I should not say a single word, but for the regret I feel at the remarks which have fallen from my friend from Illinois. I can assure that Senator that the District of Columbia fully appreciates the labors he has performed, and the ability he has manifested in the discharge of his duties as chairman of the Committee on the District of Columbia; and I deeply regret to hear him say, that because this recommendation comes from another source, he will cease to be a member of that committee, or to act as its chairman. As I understand it, application for an appropriation for the object contemplated by the amendment, was originally made to that committee, and a majority of the committee, as stated by two of its members, were opposed to it. Now I can see no impropriety, when individuals wish water to be brought into the city, and the application is refused by one committee, in their applying to another committee. It is natural to do so; and I think my friend from Illinois should not take exception to the fact that the citizens of the District of Columbia, wishing to have this thing done, should have applied to another source when they found that the Committee on the District were unfavorable to their wishes.

As I understand this application, it is simply for an appropriation sufficient to make a survey and estimate of the cost of bringing water into the

city. It is not desired by the people of the District that the Government should appropriate one cent towards the completion of this work. It will not be necessary, as the chairman of the committee correctly says, a company can be easily formed for making the work, charging the Government for the use of the water only at the same rates at which they charge individuals. This application, therefore, is merely for a survey by the Board of Topographical Engineers, in order that we may have a correct estimate of the cost.

My friend from Arkansas says that property in the District has lately been increasing in value at the rate of three hundred per cent. per annum. He says that this increase of value is brought about not by commerce, but because the seat of Government is here, and because much public money is here expended. Why, sir, the people are here because the Government is here. You bring your Government here, and your people here to accommodate the Government, and then the argument of my friend from Arkansas is, that as you have no commerce to support them, you ought to let them perish for want of water. I hope that this appropriation for a survey will pass. Not one cent will be required from the Government for the purpose of completing the work.

Mr. HUNTER. There has been manifested a feeling on the part of the Senator from Illinois in regard to this matter, which I am truly sorry to perceive. If he will allow me, I will explain, and I doubt not to his entire satisfaction, the action of the Committee on Finance. That committee intended no discourtesy whatever to any other committee of this body in recommending any of these amendments. They have acted just as they have always been accustomed to act ever since I have been a member of this body. When I was a member of the House of Representatives, I was chairman of the Committee on the District of Columbia, and yet the Committee of Ways and Means invariably put into the civil and diplomatic bill any amendment in relation to the District, because in that way they could be acted upon with more certainty and dispatch. I had some conversation with the Senator from Illinois in relation to these bridges, and I supposed that we agreed about them. I think I got his idea in relation to them. I certainly understood from him that he would prefer that the amendments in regard to the District to be put into the civil and diplomatic bill should be recommended by the Committee on Finance. That has been always done heretofore; but if I had had the least idea that the Senator from Illinois desired to see the estimate—although we are not bound to present them to the Committee on the District—it would have given me great pleasure to have had his views in relation to these matters.

In regard to this particular item, perhaps neither the Secretary of the Interior nor the people of the District are so much the cause of it as the Senator seems to imagine. An estimate was sent to me, as the acting chairman of the Committee on Public Buildings was absent, in regard to bringing water from the hill from which the Capitol is supplied; and some \$40,000 or \$50,000 were asked for that purpose. It, however, seemed to me better to have an estimate for the whole job, in order that we might know what it would cost; and I believe out of that arose the fact that I received a letter in relation to this item.

Now, a word or two as to the plan for the manner in which the water is to be furnished. The Committee on Finance did not propose to say a single word in regard to that. It was to be left entirely to the Committee on the District of Columbia, or to the Bureau of Topographical Engineers, to say what that plan should be. Had we known that the Committee on the District of Columbia had designed to offer any amendments in regard to this matter, we should not have taken the trouble to offer this. The chairman of the Committee on the District knows that there were some amendments to be offered in relation to the streets of the capital, and he asked me to bring them in in this bill. I suggested that it would be better to bring them in from the Committee on the District, as that committee knew more about them than the Committee on Finance. It was the furthest thing from my thoughts to offer any discourtesy to any committee; but in the appropriations for the Army and Navy the Finance Committee never think of consulting with the Committee on Military and

on Naval Affairs. It is usual for the Committee on Finance to consider all matters of this kind. The items in those bills generally make appropriations to carry into effect existing laws, or for the current service of the year, and the Committee on Finance is the proper committee to consider them.

Mr. SHIELDS. I must have been exceedingly unfortunate in the manner of expressing myself, as I have been misunderstood by both the Senators who have just spoken. I had not the slightest intention of saying anything that would bear the appearance of jealousy to the committee presided over by the Senator from Virginia; for, if I were to select a Senator who would devote himself heartily to the performance of his duties, I should certainly take that gentleman. There is not a gentleman in this whole body for whom, and for whose talents, assiduity, and fidelity, I have a higher respect. I would not think of drawing any comparison between that Senator and myself on these points. I will also say that I have a very high respect for his committee. Senators have misunderstood me, if they imagined that I uttered any complaint against the Committee on Finance. But here is what I complain of: Gentlemen residing in the District, who are interested in the improvement of the city, are in the habit of making application to the Committee on the District of Columbia for the purpose of carrying out some particular plan; and when they find that that committee is unwilling to advance their objects, they go to another committee, and make application, very frequently with success. I will give a case in point. We are coming to an appropriation of \$18,000 for the repair of the bridge across the Potomac. Some time since, I reported a proposition from my committee for the appropriation of \$12,000 for a similar purpose, as the Senator from North Carolina [Mr. BADGER] no doubt recollects; and that Senator's invincible logic demolished it in about fifteen minutes. Yet here we have the proposition renewed by the Committee on Finance, the difference being that they recommend \$18,000, whilst we only proposed to appropriate \$12,000. It is very probable, that if I had not called the attention of my friend from North Carolina to it, it would have been passed without being noticed by him.

Mr. BADGER. We will demolish that, also, I hope.

Mr. SHIELDS. I have mentioned this not for the purpose of throwing any reflection on the Committee on Finance, but solely for the purpose of putting the Senate in possession of the mode in which the business of these appropriations are managed.

Mr. BRIGHT. I share whatever blame attaches, in consequence of the Committee on Finance having recommended this amount, though I disclaim having had any knowledge whatever that the Committee on Public Buildings had been appealed to by persons interested in the matter. I have not myself heard this amendment recommended by any person in the city. I was in favor of it on general grounds, believing that the convenience of the public would be promoted by making some provision for water in the city. I believe it is the duty of the General Government to make provision for water in the city. I am unwilling to give to any company the right to furnish such an important item of the necessities of life, and hence I am in favor of the appropriation of a reasonable amount, for the purpose of ascertaining what it will cost to furnish water to the city out of the National Treasury; and, if it can be done for a convenient sum, then, at some subsequent period, to make an appropriation and commence the work.

Mr. BRADBURY. It will be perceived that this discussion has proceeded on the ground that it is the duty of Congress to provide the inhabitants of this city with water. It is to this point that I wish to direct attention; because the discussion has proceeded on the ground, not that we are merely to supply the Departments with water, but that the citizens must be supplied by money furnished by the Government.

Mr. PRATT. Will the honorable Senator permit me to make one observation? He is entirely mistaken in supposing that the advocacy of this appropriation rests upon the supposed obligations of the Government to supply water to the city. The only object is to make a survey and estimate of what it will cost to bring water here.

Mr. BRADBURY. It is obvious, from the course which the discussion has taken, that the survey will be regarded as a pledge that the Government is to go forward and construct the work necessary to bring water to this city. Now, sir, I am willing, at a proper time, to do whatever is necessary to supply a sufficient quantity of water to meet the wants of the Departments; but it is a want felt by the citizens that we are called upon to meet. We are told that the city is increasing most rapidly, and that real estate has been enhanced in value to a most unparalleled extent. The reason for that has been alluded to by the honorable Senator from Arkansas, [Mr. BORLAND.] Congress paves the streets and principal avenues of the city. It lights the city, it ornaments the city, and now it is proposed that we shall bring water into it; for I regard the proposition as identical with supplying the water. One result from the rise of real estate is an increased expense in living here. I am willing to do whatever the Government ought to do in an enterprise of this kind; but it does seem to me that the public buildings are already supplied to a reasonable extent. If the citizens desire additional facilities for water, it is incumbent upon them to show to Congress by proper surveys and estimates what may be the cost of the desired works; and further, for them to come forward and say what they propose to do; for this great work must be not only expensive, but of joint benefit. The citizens have a deep interest in it, and whenever they come forward, and are prepared to do what they ought to do, I am ready to cooperate with them. I am willing to aid them.

But the amendment proposes an appropriation of money for the survey. Now, it will be borne in mind that we have a large corps of engineers here. They are Government officers, already under pay, and receiving salaries, that we are to employ to do this work. I do not know but that the appropriation of \$5,000 may be necessary, but it appears to me that it is not. I must refer to the remarks which have fallen from the chairman of the Committee on the District of Columbia. I find that many objects are embraced in this bill which have been very attentively considered by that committee. In regard to bridges, and to the repairs of the bridges, we spent many days in examining the subject, and employed men of science to collect information, and we were prepared to make such estimates as they thought ought to be recommended. Numerous facts were brought before us in regard to the subject embraced in this amendment; and yet, without information, without any notice to the committee, the work is transferred from out of their hands to another committee, before whom I believe no single memorial on the subject was laid.

Mr. HALE's amendment to the amendment was agreed to.

Mr. CLARKE. I move to amend the amendment by substituting "cities" for "city," and adding the words "Georgetown" after "Washington," so as to give both cities the benefit of the appropriation.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

Mr. HUNTER. I find that an amendment has been omitted, which either did not go to the printers, or they have lost it, in relation to the expenses of the judiciary. The bill as it comes from the House of Representatives, provides for defraying the expenses of the supreme, circuit, and district courts of the United States, &c., \$550,000. This was reduced from the original estimate by the Committee of Ways and Means upon the letter of Mr. Whittlesey, informing them that if the fee bill which has passed the House should become a law, \$550,000 would be sufficient; but he says if it does not become a law, we shall require \$630,000, unless we decide in favor of some payments that are claimed to the amount of \$50,000, upon estimates made by the judges, which he has rejected. We thought it safest, therefore, to increase the appropriation to \$630,000; because, if we put it at \$680,000, it might be considered a decision against the Comptroller, and in favor of the claims; whereas it was best to leave the question open for future decision. Under the instruction of the committee, therefore, I move to strike out \$550,000, and insert \$630,000.

The amendment was agreed to.

The next amendment of the committee was to insert:

"For finishing the grading, manuring, planting, finishing the roads and walks, graveling and laying gutters along the margin of the same, and repairing the fence of the Smithsonian square, \$13,300."

Mr. UNDERWOOD. Early in the session I submitted a resolution which was referred to the Committee on the District of Columbia, proposing to have some investigation made into the propriety of establishing a line of lights along Pennsylvania avenue, west of the President's house, and making some improvements upon that avenue. I acted upon the principle, that it was the duty of the Government to make the District answer all the purposes of the seat of empire, and furnish facilities in light and traveling; for I have myself experienced inconvenience resulting from want of light and necessary convenience for traveling, by several years residence in the city of Georgetown.

The PRESIDENT. The Senator will notice that the amendment under consideration does not relate to that subject.

Mr. UNDERWOOD. I am perfectly aware of that; but I mention this for the purpose of asking the chairman of the committee whether any attention had been given to, or any amendment is to be proposed for this improvement in regard to necessities, for I am somewhat of Eugene Sue's opinion, that it is not a very good policy to be granting superfluities to anybody, while we deny the necessities of an indispensable character to the great mass. This amendment proposes an appropriation of \$13,200 for improvements of various kinds—for shrubbery, for flowers, for ornamental decorations, and everything of that sort. And, then, there is another amendment upon the same subject in regard to the triangular piece of ground on the north side of Pennsylvania avenue, as you go to the President's house. That proposes a similar appropriation—one for mere decoration. My object in rising was to ask if the Committee on the District of Columbia have determined to make any appropriation at all for lights according to the resolution which was submitted to them, or for pavements, while all this money is to be voted for mere decorations?

Mr. HUNTER. I understand from the Senator from Maryland, that there is some other information to come in relation to this amendment. I will propose, therefore, by general consent, that this, and the next amendment in regard to the triangular space on Pennsylvania avenue, be passed over for the present.

The PRESIDENT. If such be the pleasure of the Senate, they will be passed over.

The next amendment of the committee was to insert:

"For repairs of the Potomac Bridge, \$18,000."

Mr. CLARKE. I do not rise to oppose this appropriation of \$18,000, if it is founded upon an estimate; and whether it is or not, the honorable chairman of the Committee on Finance will be able to inform the Senate; but there was an estimate made about two months ago, and whoever made it, condescended to exhibit it to the Committee on the District of Columbia, and upon that, the chairman of the committee [Mr. SHIELDS] made a proposition to appropriate \$12,000 for the temporary repairs of the bridge across the Potomac. At that time, it was my opinion that the bridge should be temporarily repaired, and the \$12,000 would be well expended for keeping a line of communication or travel between the city of Washington and the adjacent parts of Virginia. I think, now, that that bridge should be repaired, but I desire to suggest that the word "temporary" be placed before "repairs." And while upon this subject, I will state that the Committee on the District of Columbia, I believe, have not been able to agree upon any plan for a permanent connection of the District with the Virginia shore. My own impression is, that this bridge has a deleterious effect on the city of Washington. Its abutments have undoubtedly served to produce the deposits above it, creating, I suppose, a malaria injurious to the health of the city; and I have come to the conclusion, that instead of permanently rebuilding it at great cost, it will be better to have a steam-ferry there, similar to that between Brooklyn and New York, and Jersey City and New York. It may be known, also, that there was a bridge some three miles above Georgetown, which was carried away by the same freshet that injured this bridge. The city of Georgetown has no means to build a bridge. They had a bridge



across; it has been carried away, and they desire to have another. I have no particular feeling on the subject, for I never was there more than half a dozen times in my life, and never expect to be again; but it seems to me that the city of Georgetown is equally entitled with Washington to the fostering care of this Government. We hold jurisdiction over both equally, and there is no reason, in my mind, why all legislative appropriations should be made for the one, and none for the other.

I took some pains, Mr. President, as one of the Committee on the District of Columbia, to look at what I thought would be the best method of connecting the District with the Virginia shore, and came to the conclusion that it would be better to build a bridge across the Potomac river, at the city of Georgetown, a little way above the aqueduct, where there are some rocks in the river, and connect the city of Georgetown with the Virginia shore; and then, in my opinion, it would be better to connect the city of Washington with the Virginia shore by a steam ferry-boat than by the present bridge. I was in favor of an appropriation for temporary repairs to this bridge. They should be made—they should have been made, with due deference to my friend from North Carolina, [Mr. BADGER,] months ago. But in regard to this appropriation, whether \$12,000, or \$18,000 to furnish and complete it for the purpose of temporary passage, until something shall be decided of permanent character, I am in favor of it. If \$12,000 is sufficient, it is not necessary to appropriate \$18,000; but the appropriation I am in favor of, whichever it be; but I am in favor of inserting "temporary" before "repairs," so that it shall be considered as a temporary, and not as a permanent affair. Then I shall propose to offer an amendment for the construction of a bridge across the Potomac, at the point I have already indicated, a little above the aqueduct, in the city of Georgetown. But I will do this when this provision is disposed of. I move to amend the amendment by inserting the word "temporary," before "repairs."

Mr. HUNTER. I am willing to agree to that. I will say, that I stated this was according to estimate; but it is \$750 more than the estimate. There was an estimate of January 28, 1852, of \$20,000 for this item, and the next amendment to be proposed by the committee, in the distribution of sums, it seems we added \$750 to it.

Mr. BADGER. I ask my friend from Rhode Island to withdraw his amendment, to allow me to submit one to ascertain whether the Senate are disposed to make any appropriation to carry on the bridge or not.

Mr. CLARKE. I withdraw it.

Mr. BADGER. Then I propose to amend the amendment by striking out the word "repairs," and inserting "the removal of the remains," so that the appropriation will read:

For the removal of the remains of the Potomac Bridge, \$18,000.

I desire to say a word or two on this subject, because I have some reason to believe that the importance of the removal of this structure is not fully appreciated by the members of the Senate. The accumulations that have been making by that bridge, which have been steadily increasing every year, have now got to such a pass that at low-water every day a large surface, which is covered at high-water, is exposed to the influence of this August sun. Mud, decaying vegetables, and all such materials, are brought and deposited there by the water of the river, which are most noxious when exposed, in a half wet, sloppy state, to the action of the summer's sun. This has been going on for many years. As far back as 1841, when I was residing temporarily in this city, my attention was called to the effect of the bridge by one of the most intelligent men who has ever been here from a foreign country—Baron Mareschal, then the representative of Austria here. He had no small experience on the subject, and he told me that if that thing was allowed to go on, yellow fever at Washington would be the necessary consequence. During the last winter a providential circumstance happened, as if to aid us in setting about the accomplishment of what ought long since to have been done. A flood has swept away a portion of the bridge. It can no longer be used. It is now proposed, by the amendment of the committee, to apply \$18,000 in patching it up. My

friend from Rhode Island proposes to make that patch upon the face of it a temporary affair. Now, sir, this word "temporary" is of very uncertain and indefinite signification. It would be temporary if it should last for ten, fifteen, or twenty years, or if it should last for the present generation. I call the attention of the Senate to this, and appeal to every gentleman if it is not so—and that so long as that bridge can be patched and kept in a condition to be crossed and maintained as a communication between the two shores, Congress will make no provision for building a suitable bridge, or any provision for the maintenance of a steam communication. We may be sure of that, I think.

Then the question comes down to this: Shall we spend \$18,000 in perpetuating what undoubtedly is, in its present condition, a nuisance, threatening, at no distant day, to make a large and important part of this city uninhabitable, except at a great hazard to life, in the summer and fall seasons of the year? I entertain the opinion, which I formerly expressed to the Senate, that the best and most judicious course for us to pursue is to seize the favorable moment, and as nobody will be made the worse—for they cannot cross the bridge now—sweep away the remains of it; and, if we shall find it necessary hereafter, contrive some means by which the force given to the current may wash away the accumulation which we have by our structure put there. The health of the city is first in importance. All the members of Congress are obliged to spend a portion of every year here; and when we regard either our own health and comfort, or the health and comfort of the people of this city, it is a matter of high consideration to maintain no establishment here that may even probably result in endangering either.

Again, I am opposed to maintaining the bridge, because it has been, and is, a serious obstruction to the commerce of that venerable city—Georgetown. Its citizens feel it to be so. Senators have lately had laid upon their table a most earnest and respectful remonstrance of the entire population of that city, begging that the nuisance to them—if the nuisance to us be put out of the way—may be removed. I do not wish the bridge to be temporarily repaired. Temporarily will make it last three, or four, or five years, and in that time the nuisance may have increased so much as to have rendered consequences disastrous, and perhaps incurable. I sincerely hope that the Senate will concur in this view of the amendment, and that the appropriation will be for the removal of the nuisance instead of perpetuating it there forever, or for any time.

Mr. DAVIS. I move to postpone the further consideration of the subject, for the purpose of taking up the river and harbor bill.

Mr. HUNTER. I shall make no objection on that point, for I hope we shall dispose of the river and harbor bill to-day, so that we may go on with the appropriation bills on Monday.

Mr. DAVIS. I hope so. I will do all I can to bring about that result.

The motion to postpone was agreed to.

#### EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after a short time spent therein, the doors were reopened.

#### NAVAL APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. HAYES, its Chief Clerk, announcing that it had passed a bill making appropriations for the naval service for the year ending the 30th of June, 1853. The bill was read a first and second time by its title, and referred to the Committee on Finance.

#### SURRENDER OF BOUNTY LANDS.

The message also announced that the House of Representatives had passed a bill authorizing certain soldiers of the late war with Great Britain to surrender the bounty lands drawn by them, and locate others in lieu thereof. The bill was read a first and second time by its title, and referred to the Committee on Public Lands.

#### PERSONAL EXPLANATIONS.

The PRESIDENT. The hour has arrived for the consideration of the special order, which is the river and harbor bill.

Mr. DOUGLAS. I rise to ask the unanimous consent of the Senate for a purpose of which I have never asked indulgence since I have been a member of this body. It is to make a personal explanation that will not last more than one minute.

Several SENATORS. "Agreed!" "Agreed!"

The PRESIDENT. If such is the pleasure of the Senate, the Senator will proceed.

Mr. DOUGLAS. I have received a note from Mr. STANLY, of the House of Representatives, in relation to the very interesting question that was the subject of debate the other day, concerning a certain circular put forth with the names of certain gentlemen, and which constituted a topic of discussion between the Senator from Wisconsin [Mr. WALKER] and the Senator from Connecticut, [Mr. SMITH.] I desire to have the letter read, in justice to the gentleman who writes it; and then to make a word of comment upon it.

The Secretary read the letter, as follows:

HOUSE OF REPRESENTATIVES, August 20, 1852.

SIR: In the Daily Globe of Thursday morning, August 19th, there is reported a debate in the Senate, in which remarks are made of a harsh character, in reference to a paper, purporting to have been signed by several members of the House of Representatives, and one gentleman not a member.

I have paid no attention to references made in newspapers, for if this were done we should attend to little else. But when the conduct of gentlemen is reflected on in the Senate, it becomes a matter of self-respect to notice it. I wish to trespass on your time a few moments, by giving you the facts in relation to the publication alluded to.

More than a week ago I received, by mail, one of these publications, and in looking over it hurriedly, I saw it was a parody, intended to ridicule those who had issued a paper of a like character, giving their reasons for opposing General Scott. I saw it was a hoax, and handed it to a friend. I did not read it through, being in a hurry. I have never franked one of them, did not know by whom it was written, and had no participation in its preparation. I had no more to do with it than either of the Senators who referred to it in debate.

I have asked each one of the gentlemen whose names are appended to the paper, and they inform me it was not prepared by their consent or procurement, and that, like myself, they had nothing to do with it. Only one gentleman, from the North, franked two of them, one to a Democratic editor, and another to an intelligent gentleman who could understand the hoax.

As far as I know, but two of them have been franked. It was the work of some idle wag, I know not who; and I did not believe there was a boy or a man in the United States who could be deceived by it. If you will examine the publication of gentlemen giving their reasons for refusing to support General Scott, you will see it was intended as a parody. I do not intend to speak of the contents of the paper, but to place the truth concerning myself before you.

I submit this statement to you, in the hope that Mr. WALKER and yourself will do that justice to myself and others, that you would expect under like circumstances.

Do me the favor to show this letter to Mr. WALKER.

Very respectfully, &c., EDWARD STANLY.

Hon. Mr. DOUGLAS, United States Senate.

Mr. DOUGLAS. Mr. President, I deemed it due to the gentleman who wrote this letter, that its contents should be made known to the public in the same place in which my comments on the circular were made. So far as Mr. STANLY is concerned, the letter which has been read is conclusive. If it is so as to the others, I am only utterly amazed that the Senator from Connecticut did not do that justice to his friends and to his own character that the truth would seem to require, if Mr. STANLY is well advised as to the facts of this case.

So far as the franking was concerned, I will only state, that instead of the frank of the member of the House of Representatives to which I referred being on the envelope, as I stated the other day, I find that it was on the circular itself. I make no issue with any gentleman in regard to it. I commented upon the subject when it was brought before the Senate the other day. I now put the letter of Mr. STANLY before the country, and let it go with the original paper and the comments which have been made upon it, leaving the public to ascertain who was the person that got up that paper called a "hoax," but which has been used throughout the country as an electioneering document. Of course it was not my purpose to make an issue with any of the gentlemen whose names are attached to it, but merely to give the Senator from Connecticut an opportunity to put to rest the rumors which are afloat, attacking the authorship of it, or at least the publication of it to him.

Mr. MANGUM. Mr. President, I received, some fortnight ago, when confined to my bed by sickness, the circular referred to, to which a person, wholly unwarranted and unauthorized, had taken the liberty to attach my name. It contained

the declaration that I should withhold my vote from Pierce and King. When I looked at it, it struck me as being rather a singular thing, and I read it a second time. It occurred to me then that some person, who supposed himself quite smart, had endeavored to play off a parody on a publication of which we all have a distinct recollection, on the opposite side of the question, and in doing so, had most unwarrantably used the names of gentlemen who knew nothing about it. I knew no more about it than you, sir, or any gentleman in this Chamber, and I am well assured that the other gentlemen whose names are attached to it knew nothing about it.

I think it a very poor joke at best; and really I was surprised, before I was able to resume my seat in the Senate, to find that this very poor joke was made the subject-matter of Senatorial comment in this body. The whole thing is beneath contempt. It is unworthy of consideration. Whoever may be the author of the circular, his smartness will not be much illustrated by it; and in taking the liberty he has taken, of using the names of gentlemen who knew nothing about it, he has acted in a very unworthy manner. I know not who the author is.

I did not deem this matter of sufficient importance to make any denial here or in the newspapers. I have no ambition to see my name in print. I suppose there is hardly one of my associates, on either side of the Chamber, who deems it necessary for me to make a public declaration to the effect that I have stated now. I know nothing about the circular. I feel, as far as I am concerned, that the matter is beneath contempt.

**THE PRESIDENT.** The Chair will take occasion to state, that when the discussion sprung up originally, he happened accidentally to be out of the Senate Chamber. As soon as he returned and saw the course of the discussion, he resumed the chair, and stopped the discussion by calling the Senator from Tennessee [Mr. Jones] to order.

**MR. SMITH.** Mr. President, I feel no disposition to complain of the honorable Senator from Illinois for bringing the subject up at this time under the circumstances of the case; but I certainly did feel a very great degree of surprise that a subject of this character should have been introduced into the Senate Chamber—though, perhaps, it was hardly worth while for me to manifest the degree of irritation which I did on the occasion to which I refer. I desire to cherish very kind and respectful relations with the Senators to whom I now allude, and I do not intend to have any controversy with them on this or any other subject, if I can avoid it.

I feel even now some degree of surprise that the Senator from Illinois should say that he believed a document of this character had really been circulated over the country as an electioneering document. The idea of the gentleman would seem to be, that that portion of Congress who are friendly to the election of General Scott are really trying to use a paper of this character to promote his election. That is paying a very poor compliment, in my judgment, to the intelligence of the American people.

The circular alluded to was obviously a mere parody on a certain publication which was issued by members of the House of Representatives, some of whom are among the number of my very intimate and immediate friends; and it never was intended as a blow at the Democratic candidate for the Presidency. I will now say what I did not feel disposed to say the other day. That parody, as it is, and miserable as it may be, I have reason to apprehend—indeed, I know in fact, if I may rely on the statement of gentlemen with whom I have conversed on that subject—was not signed by the gentlemen whose names are appended to it, and that not one of those gentlemen had anything to do with it in any form whatever. The honorable Senator from Illinois says somebody has franked that paper. Will he have the goodness to say whose name appears on that frank?

**MR. DOUGLAS.** I will.

**MR. SMITH.** I wish the gentleman to state it, because I do not like to have it said in this blind and general manner.

**MR. DOUGLAS.** A member of Congress from the State of Connecticut, showed to me one of these circulars, printed upon half a sheet of paper, which had been returned to him by one of his

constituents, bearing the frank of the Hon. Mr. WARD, of Kentucky. He stated to me that he took that to Mr. WARD, and understood Mr. WARD to say, distinctly, that it was his frank, and that he had franked it. The frank and the handwriting were both on the document itself, and not on the envelope. Another member of the House of Representatives told me, that he understood Mr. WARD to state that he did frank it; and a Delegate from one of the Territories also made the same statement, as to what he had understood Mr. WARD to say. From this fact—seeing the frank, and hearing the rumor—I took it for granted that the circular was being franked by those whose names were attached to it—that gentlemen being one of them. I make no issue as to whether it is his frank, or not. I do not know the gentleman personally; and I do not know his handwriting. And the reason why I stated it the other day was, to see if I could get a denial from the Senator from Connecticut.

I wish to add, in reply to the honorable Senator's surprise that I should have expressed a belief that I had reason to suppose it was true, that on that statement of fact I could not doubt it; and I was only then amazed, and am now amazed, that the Senator should have allowed himself to rest under such an imputation, when by one word he could have put an end to it at once. His denial would have been conclusive upon me, as would have been the denial of any gentleman whose name was attached to that paper.

**MR. SMITH.** I have simply to say that I do not apprehend danger from imputations arising out of such a matter as this. If I have not character enough to sustain me in the world, and place me above injury from imputations of this nature, let them come from what quarter they may, it will be useless for me to undertake to repel them.

I will simply add a word in justice to myself and my most excellent friend, Mr. WARD, of Kentucky. He tells me that some of his Democratic friends asked him whether his name, or what purported to be his name, upon the circular was really his frank. He took it for granted that it was; but in fact he knew but little about it. He spoke jocularly, however, when he said to the gentlemen who addressed him, "Yes, gentlemen, it's all right," or something to that effect, not supposing that those who addressed him were in earnest, for he was not. But he says that he did not, in point of fact, frank the circular—certainly not knowingly. Indeed, I understood him to say, that what purported to be his frank on that circular was not his genuine signature. With this explanation I leave the subject; for I really think it ought not to occupy the time of the Senate.

**MR. WALKER.** Mr. President, the letter which has been read, and which was addressed to the Senator from Illinois, imposes upon me, as the Senate will perhaps perceive, the duty of saying a word, and I shall be very brief.

The letter to the Senator from Illinois is entirely satisfactory to me, so far as Mr. STANLY is concerned. What has been said by the Senator from North Carolina [Mr. MANGUM] is entirely satisfactory to me, so far as that Senator is concerned. I do not believe that either of those gentlemen had anything to do with the paper. I do not believe they knew that it was got up. I believe their names were used entirely without their authority. I might say something more plainly of others, if they had addressed me; but they have not. They have addressed the Senator from Illinois. Sir, if the debate upon the subject on the part of one Senator here—the Senator from Connecticut—had been reported as it actually occurred, I might have had something to say in regard to him and his connection with the matter; but it was not reported correctly. What he said in that debate was, that he was here to transact legislative business, and not to answer the blackguardism that was brought up in the Senate. As reported, he was made to say that he was here to transact legislative business, and if Senators saw proper to bring up the blackguardism of the newspapers, he should treat them with silent contempt.

Sir, dignity is a very good thing. It may be unfortunate for me, however, that I am not capable of practicing it to such an extent as some others; but, when an occasion arises where there is no other resort than dignity, I think that is a very poor one. I think that the resort to individual dignity is a very poor one, on the part of those

who have about as much of it as an organ-grinder's monkey. I do not apply the remark to any one here. Then, while I excuse Mr. STANLY, and the Senator from North Carolina, who has spoken, yet, as long as that debate stands where it is, I have nothing to say to the Senator who is thus reported; and until he does correct it, and until he does deny it, it is my belief that he signed that circular.

**THE PRESIDENT.** The river and harbor bill is properly under consideration.

**MR. SMITH.** I want the privilege of replying to the Senator from Wisconsin.

Several SENATORS. Certainly.

**THE PRESIDENT.** If such is the pleasure of the Senate, the Senator from Connecticut will be permitted to proceed. [Agreed! Agreed!] But the Chair will say, that this debate is contrary to all rules of proceeding; and, although it is the unanimous consent of the Senate that the Senator may proceed, the Chair will feel bound to arrest personalities.

**MR. SMITH.** Mr. President, I had no idea of indulging in any personalities whatever. I understood the Senator from Wisconsin to say, that the remarks which I made the other day—I admit, under some little irritation—were not truly reported. I believe they are exactly reported, as I made them, word for word. I thought I was justified in those remarks. I thought that the Senator had brought into the Senate Chamber a matter that had nothing whatever to do with the business that was before the Senate. I thought he had introduced it for the purpose of trifling with my feelings. I thought that he intended something more than the introduction of playful amusement into the Chamber. If I had supposed that the intention of the honorable Senator was not to trifle with my feelings, I might not, and should not have indulged in severity of remark.

But what, sir, has this subject to do with the Senate? What had it to do with the business then before the Senate? We had before us a question in relation to the Sault Ste. Marie canal bill; and I had made some remarks upon that bill. How pertinent they were, or how worthy of consideration, I do not undertake to say. And what was it that the Senator did? He had recourse to newspapers, and brought into the Chamber matter which I stigmatized as wretched blackguardism.

The same matter had been published in the Union, and in that paper I had been stigmatized in connection with it. An effort was made to create an impression against me and other honorable gentlemen whose names were appended to that paper, that we had attempted to practice an enormous fraud upon the country. Now, what had that to do with the Sault Ste. Marie canal? I said then, and I say now, that it was mere matter of newspaper blackguardism, and never should have been brought into the Senate Chamber. But if the honorable Senator says, or is prepared to say, that he did not mean to trifle with my feelings on that occasion, I stand ready to make the *amende honorable*. The Senator can have his relations with me just as he pleases. It is to me a matter of the most entire and perfect indifference. Our relations have hitherto been friendly and cordial, to some extent. I would much rather be concerned in rendering acts of courtesy and kindness to the honorable members of this body than to be engaged in controversies with them; but if I understand my rights here, as a member of this body, it becomes me to maintain the dignity of my character, and the dignity of my position; and I will do it, whatever may be the consequences.

[Here the conversation dropped.]

#### RIVER AND HARBOR BILL.

The Senate then took up the river and harbor bill, and debated various amendments to a late hour, many of which were adopted and several rejected, when, a few moments before five p. m.—

The Senate adjourned.

[See Appendix for the proceedings.]

#### IN SENATE.

MONDAY, August 23, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate, a report from the Secretary

of State, and the documents accompanying it, touching the Lobos Islands; which were ordered to lie on the table and be printed.

Also, a report of the Secretary of State, communicating, in compliance with a resolution of the Senate, information in relation to the clerks in that Department; which was read and referred to the Committee on Finance.

#### CIVIL AND DIPLOMATIC BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill of the House of Representatives "making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th of June, 1853, and for other purposes," the question pending being on the motion of Mr. BADGER, to amend the amendment of the Committee on Finance proposing to appropriate \$18,000 "for repairs of the Potomac bridge," by striking out the word "repairs" and inserting "the removal of the remains," so as to make the clause read:

"For the removal of the remains of the Potomac bridge, \$18,000."

Mr. SHIELDS. Mr. President, as the honorable Senator from North Carolina [Mr. BADGER] the other day made some remarks in relation to this question that might affect the vote on the amendment, I feel it my duty to say a few words. I do not intend, at this stage of the session to consume time on this subject; but I regret very much that I cannot go into it more fully. When the subject comes fairly and fully before the Senate, I shall be prepared to go into it in a manner as I think may materially modify or change the opinion of my honorable friend from North Carolina.

In 1833 this subject was thoroughly investigated. The best engineers in America were employed in the examination of it; and a plan was then approved by General Jackson, at that time President of the United States, for a bridge across the Potomac. But that plan was defeated, and the present structure was erected. Although the bridge has not answered the purpose, because it was not such a one as any engineer ever recommended—it was not recommended by the Government, by the President, nor by any engineer—still, I think my friend from North Carolina charges the poor bridge with a great deal more than it is properly chargeable with. He charges it with being the cause of fever and ague, yellow fever, and cholera; as diverting the channel of the river, and also as ruining the trade of Georgetown. I dare say all these things have occurred at the same time; and the bridge may be said to be the cause of them, on the same ground that a committee in England decided that the Tenterden steeple was the cause of the accumulation of the Godwin Sands; because the sands commenced accumulating there when the steeple was built, and had continued accumulating ever since; so that the accumulation was chargeable to the building of the steeple. [Laughter.] Now I am satisfied that the ruining of the trade of Georgetown, the prevalence of the fever and ague, and so on, are concurrent phenomena; but I do not know that they can properly be made chargeable to the bridge.

The subject was thoroughly investigated, as I said, in 1833. The Committee on the District of Columbia have been engaged lately in investigating it. Colonel Kearney, one of our best engineers, and Colonel Trumbull, who superintended the construction of the aqueduct at Georgetown—an engineer perhaps equal to any not only in this country, but (if that work be any evidence of his capability) one of the best engineers in the world—have been before us. We have had the advice and the aid of these gentlemen in our investigations of this subject, and, as I said before, when the proper time arrives I myself, who have had this assistance, will be prepared to go into the subject. The question arises now, where are we to have a new communication across the Potomac? Every one agrees that there ought to be some communication, whether at the old locality, or at a new locality at Georgetown or elsewhere, we cannot yet precisely determine. It is too large a subject to go into at this time.

These engineers all agree, that whether we reconstruct the bridge on the old site, or construct a bridge at Mason's Island, at the Three Sisters, or over the aqueduct, the repair of this bridge is one of the first steps to the accomplishment of that object. So much was that the case heretofore,

that when the bridge was about to be built formerly, in 1832 or 1833, the Government purchased the old bridge then existing, in order to make use of it as a service bridge, until the bridge then proposed was completed. I hope that will remove the objection of my honorable friend from North Carolina.

I will not go into the question whether we ought to reconstruct a bridge at the present locality, or should build one at Mason's Island, or at the Three Sisters, or beyond Georgetown; but when the time comes for the investigation of that subject, I shall be ready to go into it, and give all the information that I have collected on the subject. But what we now want, as my colleague on the Committee on the District of Columbia stated the other day, is a mere temporary repair of the present bridge. For that purpose, I would suggest to the Senator from Virginia, that the amount proposed in the amendment of the committee is too large. The engineers to whom I refer gave us all the necessary information, and, from everything which we could learn, we thought that \$12,000 would be sufficient.

Mr. HUNTER. I am willing to agree to that.

Mr. SHIELDS. Since we came to that conclusion, we have ascertained that there are some other repairs to be made, which will make the whole amount necessary to be appropriated about \$15,000.

Mr. HUNTER. It will be necessary for the Senator to move that amendment, as the amendment for the repair of the bridge is reported from the Committee on Finance, and cannot be modified without a vote of the Senate. I shall vote, however, for an amendment like that suggested by the Senator from Illinois.

The PRESIDENT. The amendment cannot be offered until the amendment of the Senator from North Carolina is disposed of.

Mr. MASON. Mr. President, the necessity of having a way to communicate between the District and the Virginia shore, not for the convenience of the people of the neighborhood alone, but for the convenience of the whole country, is manifest. Congress has undertaken, by purchasing the bridge many years ago, to make that way and keep it up. It would seem to me to devolve, as a matter of duty, on Congress, whatever ultimate designs it may have to furnish the repairs necessary to keep the bridge across the Potomac. Whether the appropriation should be \$18,000 or \$12,000, I do not know.

What the Senator from North Carolina has in view, strikes me as an object that must be attained one of these days by Congress. I presume there can be no question, that, from the manner in which the present bridge has been constructed, it has done serious injury to the town of Georgetown. It is not only by causing the flats in the river, resulting from the deposits from above, that it has impaired the health of the opposite part of the city of Washington, but it has obstructed the channel so as to do very serious injury to the commercial interests of Georgetown. As will be manifest to the eye of the observer, the portion of the bridge which does obstruct the channel, is what is called the causeway—a brick structure which has not been injured by the late freshet. That portion of the bridge remains. The proposition to repair the bridge, is one that does not interfere with any ultimate question as to the mode of reconstructing it or, whether there should be a change in the site. It seems to me, that the repair is indispensably necessary for the convenience of the people of the country; and that Congress is committed to do it, because, by purchasing the bridge originally, it incurred an obligation to keep it up.

Mr. BRODHEAD. It seems to me that there is one question appertaining to this subject which has not yet been suggested. In 1833, when the site was first surveyed, and when the bridge was erected, both shores of the Potomac were within the District of Columbia. Since that time, the territory on the other side of the Potomac has been retroceded to the State of Virginia. Now, what right has Congress, without the consent of Virginia, to erect or repair any bridge across the Potomac? The western shore of that river is within the jurisdiction of Virginia. If so, the Congress of the United States has no jurisdiction over the subject, and we ought to have the consent of Virginia before we can touch it. I entertain views on this subject similar to those which were expressed the other day by the Senator from North

Carolina. I think if we do anything we ought to remove the present nuisance.

Mr. BRIGHT. Mr. President, the honorable Senator from Pennsylvania has anticipated me on a point I intended to make, and it is a point which I think worthy of the consideration of the Senate. He has stated correctly, that, at the time the appropriation was originally made for building this bridge, the jurisdiction of each end of it was within the District of Columbia. By a late act of Congress, one side of the river has lately been retroceded to the State of Virginia, and I think she has no claim upon Congress to continue this bridge, nor have we anything before us to show that, as a State, she desires it. But, aside from that, I think the appropriation proposed by the honorable gentleman who is chairman of the Committee on the District of Columbia [Mr. SHIELDS] would be so much money wasted. I do not believe that the Long Bridge, so called, can ever be made a permanent and safe crossing point. But even admitting that in this I am incorrect, which I do not believe, there is one point in this District—one city in this District—one portion of the population of this District, which has been seriously injured by the erection and maintenance of this bridge. They have no representative here to speak for them; hence it is proper that those who understand the facts connected with this matter should present them to the Senate; and I was greatly in hopes that the honorable Senator from Virginia, [Mr. MASON,] when he was up, would have gone on and stated the grievances that Georgetown, which lies entirely within the limits of the District, has suffered, and is suffering. The people of Georgetown have, from time to time, complained of that structure as an interference with their commerce, and as interfering with the health of their city; and they have asked Congress repeatedly, in the most respectful manner, to afford them some relief from these grievances—in short, to remove this nuisance. But Congress, thus far, has been deaf to their appeals. Latterly, by the act of God, a portion of the Long Bridge has been swept away; and it is to be regretted that the whole was not taken.

Mr. BADGER. I agree with you.

Mr. BRIGHT. I think the amendment offered by the honorable Senator from North Carolina is right. I would rather vote to appropriate \$16,000 to remove what is left of the old structure than to appropriate \$16,000 to repair it; for the reason, in the first place, that it is not now the sole property of the United States—it is the property in part of Virginia; and in the next place, if it were the property of the United States, and its improvement practicable, it would be an injury instead of a benefit in a public point of view.

I have no wish to consume the time of the Senate in discussing the question; and I know the necessity for passing on and disposing of the amendments; but I must ask the Senate to hear read the proceedings of a public meeting held lately in Georgetown on this subject. I think they will explain the whole matter better than any speech I can make.

The Secretary accordingly read the following:

"PUBLIC MEETING AT GEORGETOWN.—At a general meeting of the citizens of Georgetown, called by the Mayor, by direction of the corporation, at Forrest Hall, on Thursday evening, the 8th of June, 1852, the Mayor was called to the chair, and John Dickson, Esq., appointed secretary."

"The Mayor then explained the object of the meeting; whereupon Recorder Ould moved that a committee of three persons be appointed by the chair to report resolutions for the consideration of the meeting."

"The chair appointed Robert Ould, David English, and Judson Mitchell, Esqrs., said committee, who soon after reported the following preamble and resolutions, viz:

"Whereas, the people of Georgetown have been grievously injured, for the long period of forty-five years, by the erection of the Potomac Bridge below the harbor of the town, and against which we originally, and have ever since, protested, and do now protest; and as its continuance must ever have a disastrous effect upon our fortunes, therefore, be it

"Resolved by the people of Georgetown in general meeting assembled, That it becomes our duty to, and we accordingly do, make a united and earnest appeal to the justice of Congress, under whose exclusive jurisdiction we have been placed by the Constitution of the United States, to protect us from the oppression and annoyance of this enormous injury."

"Resolved, That we are persuaded that such an obstruction to the commerce of this town, as is occasioned by said bridge, would not be tolerated in one of the States of this Union, or permitted to embarrass one of the seats of its commerce; and feeling that we are entitled to such rights as belong in common to the American people, we protest against the longer continuance of this unnecessary struc-



ture and palpable nuisance, and implore of Congress its abatement.

"Resolved, That experience elsewhere has long since demonstrated the sufficiency of steam ferry-boats to furnish the necessary facilities, under the same circumstances which exist at Washington; and we feel assured that the steamboats which now ply between that city and Alexandria afford a safe and more expeditious means of travel than is furnished by the said bridge, and that the bridge, for such purpose, has already been measurably superseded by said boats.

"Resolved, That we entertain no unkind or unneighborly feelings towards Washington, but, on the contrary, would be happy to see Congress continue to nurture it, and to make the most liberal appropriations to promote its trade, and give it such embellishments as are worthy the capital of a great and prosperous people.

"Resolved, That, in protesting against said bridge, we only ask of Congress simple justice—a permission to enjoy, without molestation or hindrance, the advantages which nature has given us.

"Resolved, That we respectfully and earnestly call the attention of Congress to some point on the Potomac above our town, as the proper situation for the location of a bridge; which, while it would inflict no injury upon the rights of any individual or community, would afford facility for crossing the river, not only to the District and its neighborhood, but also to the great traveling public of the United States, in connection with the lines of our northern and southern railroads.

"After debate upon a number of propositions to make verbal and unessential amendments to the resolutions, none of which were carried, the question was taken upon the preamble and resolutions as originally reported, and they were adopted with two dissenting voices.

"Colonel Willet moved that a copy of the resolutions be, as soon as practicable, presented to both Houses of Congress; which motion was unanimously adopted.

"And then the meeting adjourned.

"HENRY ADDISON, Chairman.  
"JOHN DICKSON, Secretary."

Mr. SHIELDS. It is urged as an objection to the repair of this bridge, that it is now partly in Virginia. In regard to that I would say, that the Government purchased out the old bridge company, known, I believe, as the "Washington Bridge Company," and the Government erected a bridge, and have continued, as it were, the charter that was given to the bridge company. I do not know but that that fact may remove the objection. A perpetual charter, I believe, was given to the company while both shores were within the District of Columbia. The Government purchased it out, and erected a bridge, continuing the conditions.

The contest between Washington and Georgetown has nothing to do with this matter. I prefer that a bridge should be erected at Georgetown, and I hope that we shall be able to determine that one great bridge can be erected there, above navigation, that will answer all the purposes. But I have said, and say again, that all engineers concur, that until we erect another bridge, it will be advantageous to keep open this means of communication; and that if the people of Georgetown consult their own interests, they will prefer to have this bridge temporarily repaired until a new one be erected. If gentlemen wish to sweep away all communication between the District and Virginia, let them do it. For me, I do not care particularly about it.

Mr. BRADBURY. I regard the amendment of the Senator from North Carolina as one of very considerable importance. It proposes, instead of repairing the present bridge, to make an appropriation to remove the large portion of it which remains. Now, in the first place, it has been well stated that there is a necessity to keep open the communication across the river, and that this can be done at a moderate expense, by repairing, temporarily, the old bridge. It is no little affair to undertake the removal of the long causeway, constituting some two thousand feet of solid work; and \$20,000, or \$40,000, will not be sufficient for that purpose.

It is worthy of being recollected, that before the site for this bridge was determined in 1832, under the administration of General Jackson, the most careful examination was made of all the various sites to ascertain the best location, and after this examination, the site of the present bridge was selected as, on the whole, the best. I believe that if to-day a re-examination were to be had, the same site would be very likely to be again determined upon.

Many effects have been attributed to the causeway which have not resulted from it. It has been charged as the cause of the diminution of the commerce of Georgetown; but other causes have co-operated to diminish that commerce, as will be seen by referring to the diminution of the commerce of the neighboring city of Alexandria, that

is not within the influence of the bridge. It has also been charged as causing a portion of this city to be unhealthy. The Committee on the District of Columbia bestowed some time upon the investigation of that subject; and there was no considerable testimony submitted to them, tending to show that such was not the fact. The committee were engaged for several days in an investigation connected with the subject of this bridge, and the other sites proposed for a new one. They visited and examined the old bridge, and all the proposed sites for the new bridge, going up the river four or five miles above Georgetown. They found that there were difficulties to be overcome in erecting a bridge at any of the other points; and my own judgment was, that there was no spot where a bridge could be erected that could be found convenient, and meet the wants of the public, excepting at the old site, or at Mason's Island, below Georgetown.

Now, sir, I will ask if the Senate, after the appropriate committee have investigated the subject, will undertake, without any examination of this important and difficult matter, to determine the whole question in the dark, against the opinion of the committee, and commence the renewal of a structure that was placed in the river under the sanction of law. It appears to me that it is a question which ought to be carefully investigated, and that we should not start off upon mere impressions and suggestions. It is worthy of remark, that the authorities of the city of Washington have passed resolutions unanimously asking the repair of the present bridge, insisting that they need the communication which it enables them even now, by a short ferry, to keep up.

Gentlemen seem to suppose that if this structure were to be removed, all difficulties would be overcome, and that there would then be deep water across the whole river at that point. This is a great mistake. If the structure be removed, it will not remove that difficulty. In 1818, as General Jones informed us, who was present at the time that examination was made, there was shoal water at that spot. The flats in the center of the river were then coming out of the water, the river being about a mile wide. The difficulty is, that there is not water enough to cover the whole surface, and hence there must be shoals either in the center or near the shore on each side. The natural and necessary effect of the causeway in operation, is to cause deposits to be made in the center of the river, and they will ultimately bring that center out of water, and thus form an island; and an examination will show, as I believe, that such will be the ultimate result, whether the causeway shall be removed or not.

If you remove the structure, those causes will still operate, though, probably, not so rapidly, and the deposits will ultimately make an island there. If the present structure be removed, you still have the shoal water. You cannot get deep water by removing this causeway, which is some two thousand feet of solid stone and earth embankment. We are also assured that if this causeway is removed it will be difficult, if not impossible, to run a steam-ferry across the river at that point, because the water will be too shoal for a portion of the way.

These considerations lead me to hope the amendment of the Senator from North Carolina to the amendment will be rejected, and that we shall make an appropriation for the repairs of the old bridge; and when the project for removing the structure and erecting a new bridge shall be again under consideration, there will be time to consider fully the subject. We need not undertake that, until we have all the information before us that experienced engineers can give. The Committee on the District of Columbia were several days investigating the subject. They were at first impressed with the same ideas that several gentlemen have suggested here; but they found that there were other facts which modified those ideas.

Mr. UNDERWOOD. I shall vote against any appropriation to rebuild or repair this bridge, and I shall do it upon this ground: The people of Georgetown have, to my knowledge, for fifteen or twenty years last past been complaining of this obstruction, and as long as that bridge has been in passable condition, no movement has ever been made in this body, or in the other House, to relieve their difficulties; and if you put that bridge in passable order again, will it not remain fifteen or

twenty, or perhaps fifty, years without being touched?

Mr. BADGER. It will remain without alteration until another flood breaks it away.

Mr. UNDERWOOD. I think my friend from North Carolina has given the proper answer. If we put this bridge in passable order it will continue without any alteration until another flood breaks it away. Heaven has sent a flood which has removed a portion of the bridge, and you have been forced to act. Now it is proposed to put it again in the condition in which it has been for the last fifteen or twenty years, of which the people of Georgetown have always been complaining. If it is put in passable order, I fear the subject will not be touched again: For this reason I shall vote against the amendment of the Committee on Finance, and for the amendment of the Senator from North Carolina. I am willing that my friend from North Carolina should limit the appropriation, and instead of removing the brick and dirt embankment in the center of the structure, confine it for the present to the wood piling on each side, and allow us to think about the subject until the next session. But I am indifferent about that, and shall vote for his amendment, whether he limits it in that way or not.

Since this subject has been under consideration, I have conversed with Mr. Ellet, the great bridge builder in this country, upon the wire-suspension plan. He made an estimate some years ago in regard to the money necessary to be expended to construct a wire-suspension bridge over the foundation of the bridge as it now stands, and he thought it would take upwards of \$300,000 to build a bridge there upon that principle. According to his estimates it would take \$60,000 to build the same kind of bridge across the aqueduct at Georgetown. My own opinion is that if you build a wire-suspension bridge the proper site for it will be across Mason's Island; because immediately west of the Observatory there is a very high embankment, and Mason's Island is considerably elevated, and you can build a wire-suspension bridge there so as to allow space enough underneath for the masts of vessels going to Georgetown. Such a bridge will not interfere with the navigation of the river. But all that is a matter for future investigation and inquiry. If you refuse temporarily to repair the present structure, you should send your engineers out for the purpose of looking at the sites, making estimates, and determining what should be done. But my word for it, just so soon as you commence to repair the old structure, there will be no engineers sent out to look for a new site, and no estimate will be made for that purpose, and the matter will remain just as it has been for so many years.

Mr. HUNTER. I rise to suggest that in regard to this matter, it would perhaps be better to follow the suggestions of the Committee on the District of Columbia, who have examined the subject more than any other, and who are better acquainted with it. Even if the Senator from North Carolina be right in his amendment, I think it would be premature to adopt it until we have some more information about it. I should be very reluctant to destroy the present means of communication, imperfect as they are, between the District and the Virginia shore. I am certain that it will be felt as a serious loss, if we were to do it before some other bridge has been erected. If the Senate should refuse to make an appropriation for temporary repairs, I think we had better leave the structure as it now is. That would be better than making an appropriation to remove it, because what now exists is useful. If we should refuse to give the amount of appropriation recommended by the chairman of the Committee on the District of Columbia, [Mr. SHIELDS,] I hope the Senate will not go the length of destroying the means of communication that now exist.

Mr. PRATT. I do not concur with the Senator from Kentucky, [Mr. UNDERWOOD,] in believing that Providence sent a flood for the express purpose of carrying away the bridge; but, inasmuch as the bridge has been providentially carried away, I am indisposed to put it up again.

One or two considerations have been advanced, about which I wish to say a word. The first proposition is, that the erection of the bridge has destroyed the trade of Georgetown, in consequence of the obstructions it has caused in the river. Now, I believe no one can deny the fact, that it

is so. Many years ago, I went to school in Georgetown, and, at that time, vessels of almost the largest class were enabled to ascend the river to that point, and load with cargoes for every part of the world. At the present day, it is impossible for vessels of that class to get up there. Georgetown was then a place of considerable trade, but from some cause or other, that trade has been destroyed, and its inhabitants allege the erection of the bridge, and the consequent obstructions to the navigation, to be the cause. I have no doubt that that is the fact.

In the next place, it is said that the erection of the bridge, with a permanent causeway of something like two thousand yards, has had a tendency to produce disease. I am satisfied that that argument is correct. If a committee of the most learned and scientific men in the District were to assemble and make a report to me that the exposure of some sixty or seventy acres of marsh mud to the atmosphere would not produce disease, I would not believe them. Every one knows that it will produce disease in such a climate as this; and every one who knows anything of the locality, knows that some sixty or seventy acres are exposed, day after day, to the summer sun, and that disease must be the inevitable consequence. These are some of the reasons why I will vote with the Senator from North Carolina [Mr. BADGER] for the removal of this structure. The mere refusal to repair the bridge will not remove either of these evils; there is a permanent structure there which prevents the water from flowing freely, and it is desirable that that obstruction should be removed; but the mere refusal to repair it would leave that evil untouched, and at the same time deprive us of the advantage which the use of the bridge affords. Therefore, unless the obstruction is to be removed altogether, there can be no difficulty in determining whether we shall assent to the proposition to repair; because that repair will but increase the evils complained of, and the only way in which any good can be effected will be to agree to its entire removal. The Senator from North Carolina [Mr. BADGER] is manifestly right in desiring that that removal should take place. My friend from Indiana [Mr. BRIGHT] is wrong in supposing that Virginia has any rights relative to this bridge. The State of Maryland—when this District was ceded to the General Government—owned the Potomac river to low-water mark on the Virginia shore; and Virginia, in consequence, has no legitimate jurisdiction over the river, or any part of it. The river, to low-water mark upon the Virginia shore, was under the jurisdiction of the State of Maryland, and therefore, when that State ceded to the United States that part of her territory included in the District, it ceded with it the Potomac river to the Virginia shore.

Mr. PEARCE. I will only add to what has been said by my colleague, that, in 1839, Congress by law extended the boundaries of the city of Washington to the furthest extremity of the bridge, and gave the corporation of Washington jurisdiction over it; and the act of retrocession reserved all the rights of the corporation.

Mr. BRIGHT. I desire to make one remark in reply to the honorable Senator from Maryland, [Mr. PRATT.] Admit that Maryland is the owner of the Potomac river, and has jurisdiction to the Virginia shore, I apprehend that the bridge, when extended, will reach the soil of Virginia. One end of this bridge must of necessity rest upon the soil of Virginia; and I apprehend that if it were an original proposition to locate a bridge, it could not be so located without the assent of Virginia, she being the owner of the fee. While, therefore, the State of Maryland may be the owner of the river, and have jurisdiction over it, I apprehend that for all judicial purposes, both the States of Virginia and Maryland exercise jurisdiction, and when one has so exercised it, it could be pleaded in bar to any action which might be brought by the other upon common-law principles. So that I am not mistaken in saying that the State of Virginia is the owner of the soil on which one end of the bridge stands, or on which any new structure may be erected.

I admit that my objection to the repair of this bridge is based mainly upon the consideration that it will be calculated to procrastinate the period when another and more suitable bridge shall be built at the right point. I think, Mr. President,

the time has come now when here, at the capital of the nation, the two great thoroughfares of the country—the North and the South—should be united by railroad communication. We now have a space of about sixty miles between the termini of the eastern and southern line of road. I have in my hand a correspondence between the Mayor and Common Council of Georgetown, and Mr. Ellet, an engineer of much reputation, showing that for \$70,000 an iron bridge suitable for all the ordinary travel of the country, can be constructed across the Potomac at a point called the "Three Rocks, or Sisters;" and that for \$150,000 a bridge can be constructed sufficient to cross railroad cars on one side, and the ordinary travel of the country on the other.

Mr. SHIELDS. Will the Senator from Indiana allow me to say a single word?

Mr. BRIGHT. Certainly.

Mr. SHIELDS. Has Mr. Ellet said that he has examined these sites, and that that is his estimate? If that is so, I should like to know it. I am told that if a bridge of either kind named by the Senator from Indiana is to be erected, the granite foundations will cost \$300,000.

A SENATOR. At what point?

Mr. SHIELDS. At the point known as the "Three Sisters." The estimate for the foundation alone will be \$300,000. I would like to know if the amount named by the Senator from Indiana is the estimate made by that engineer?

Mr. BRIGHT. I will send the correspondence to the Secretary. It can be read, and will answer fully the inquiry of the Senator from Illinois, and in a manner not to be misunderstood.

Several SENATORS. Oh, no; state the contents.

Mr. BRIGHT. I do not wish to occupy the time of the Senate in reading these papers, if Senators do not wish to hear them; but I will say to my friend from Illinois, [Mr. SHIELDS,] that Mr. Ellet does say that for the sum of \$150,000 a bridge can be erected of sufficient capacity for the purposes I have named.

Mr. PRATT. I have no doubt of it.

Mr. BRIGHT. The Senator from Maryland, who is conversant with the facts, (having been at one time a resident in this vicinity,) says he has no doubt of it, nor have I heard any one doubt it who knows the locality and all the facts. I do not know that I have a very mathematical eye; I have looked over the ground, and, comparing this with other similar structures, I believe \$150,000 will put up a work that will answer the wants of the public, and be an honor to the District.

Mr. GEYER. It is admitted on all hands that this bridge is a nuisance, and dangerous and prejudicial to the health of the people in both the cities in the District.

Mr. BRADBURY. Not at all.

Mr. GEYER. It is so, in consequence of the obstruction to the flow of water and the exposure of a large deposit of mud, at low stages of the water in the river. There is also another objection, which has not been adverted to by gentlemen who have addressed the Senate. When floods occur, the passage for the water at either end of the causeway is too narrow, and the consequence is, that a very considerable rise takes place above the bridge. I believe it has been several feet higher above the bridge than it has been below.

Mr. BADGER. The difference was four feet during the last flood.

Mr. GEYER. The Senator from North Carolina [Mr. BADGER] informs me that the difference in the height of the water above and below the bridge last spring was four feet. The result is, that the water thus banked up enters the canal, and floods the whole of the little valley on the south side of the avenue. This is a very serious evil, and may be of frequent occurrence. But it was not so much with a view to mention these facts that I rose to address the Senate. My principal object is to call the attention of the Senate to the fact, that we are legislating here for people placed under disabilities by their position; and in that legislation we should take care that we do not injure them further than is necessary to subserve the public interests. We have erected a nuisance which has proved injurious to the health of the inhabitants of both cities—the old and the new. Part of that nuisance has been swept away by a flood; and the question now before the Senate is not whether that nuisance should be continued permanently—for it is admitted by gentlemen

who advocate this appropriation that, at no very distant day, it must be removed—but whether it shall be continued for some time longer?

Then I submit to the Senate, that if this bridge is a nuisance; if it is a breach of our duty to continue it there permanently, it is also a breach of duty to permit it to remain for one hour. It should be removed for that reason. It ought also to be removed on the principle by which we provide for the removal of obstructions from the harbor of Savannah, those obstructions having been placed there, it is said, by the Government of the United States. Exactly as those obstructions may have answered the purposes of the Government in case of war, and for the purpose of preventing the approach of an enemy, we may look forward to the probability that this nuisance may at some day promote the same object of the Government; but would such an argument be sufficient to induce Senators to maintain it there, when it is palpable that it is dangerous to the health of the present generation? If it is maintained at all, it will be maintained for fifteen or twenty years, or until such time as the next flood comes, and carries away a portion of it; and the same arguments will be presented then as are presented now, for the purpose of retaining it temporarily. I ask, have we a right to inflict an injury on the present generation? Have we a right to expose those who are our wards, and who have no power themselves to act on the subject, to the evils which that bridge causes? I place this matter on the ground of justice, and affirm that there is an obligation on the part of the Government of the United States to remove that structure, as they have placed it there. I shall support, then—as the utility of the bridge is by no means correspondent to its evils—the proposition of the Senator from North Carolina for the immediate removal of the remains of the bridge, as I am firmly convinced that its retention will prove most injurious to the health of the present generation.

Mr. HUNTER. I have no wish or design to protract this discussion, but I do not admit that this is a nuisance. I am not satisfied that it is; if I were, I would vote for removing it; but I think that we ought to take more time to consider this question. I rise, not for the purpose of making any remarks on the subject, but simply to ask that we may have a vote. The hour that we have expended in debating this question, is worth more to the country than the \$12,000 which it is proposed to appropriate.

Mr. PRATT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWARD. Before the question is taken, I wish to say one word for the purpose of justifying any apparent inconsistency in my votes. I do not know whether this question was taken by yeas and nays when a similar proposition was made in the deficiency bill; but if it was I voted against the proposition which I shall now sustain. In doing so I must say that I change my vote because I am satisfied with the arguments which I have heard, that this bridge is a serious injury to the health and prosperity of the city of Georgetown, and unnecessary, in its present condition, to the interests of the people here.

Mr. MANGUM. I have listened with a good deal of attention to gentlemen who evince a vast amount of laudable sensibility in regard to the health of the people of the District; but so far as I am informed, the people of Washington almost with perfect unanimity desire the repair of this bridge.

Another argument which is adduced by gentlemen is, that Congress will not do its duty in regard to the future, if this bridge is not temporarily repaired. Perhaps gentlemen understand Congress better than I do. If that is so, perhaps they had better go to work and demolish all the bridges, in order that we may get new ones. Mr. President, I am in favor of creating a new structure in place of the old bridge. I will vote for an appropriation any day for that purpose. But at the same time, the temporary convenience not only of the people of Virginia, but also of the people of the city, requires, in my judgment, that the bridge should be repaired. The amount of cost is very small; and if it is intended to erect a new bridge, the temporary repair of the old one will facilitate operations. But if Congress is only to be thus driven by the extremest necessity in this mode, I must imagine that gentlemen understand Congress

much better than I do. I shall vote for the appropriation.

Mr. BADGER. One word in reply to the observations of my colleague. He says my proposition is supported on the idea that Congress will not do its duty, and intimates that perhaps we may understand Congress better than he does. I appeal to my colleague if this very case does not prove that Congress will not do its duty while that bridge stands? For the last ten years it has been as apparent as it is now, that it is a nuisance. It is not only apparent that it is an obstruction to the navigation of the river, but that it is creating a permanent nuisance both to the city of Washington and that of Georgetown; and yet no movement has been made to take it down, and erect a new one. We have never heard of any disposition, on the part of Congress, to get rid of this old bridge, and put up a new one, until the disaster to it by the late flood.

One word, now, with regard to the people who are interested in this bridge. The people on the Virginia shore, below Alexandria, usually come up the river by the boats. They do not drive up from Alexandria to the other end of the Long Bridge, for the purpose of passing over it; and the people above Georgetown cross there. If I understand the matter correctly, therefore, there are only some two or three farms lying between Georgetown and Alexandria who are interested in this matter.

Mr. HUNTER. Will the Senator from North Carolina allow me to correct him as to a matter of fact?

Mr. BADGER. Certainly. I shall be very glad to do so.

Mr. HUNTER. I understand there is a ferry now at the breach made in the bridge, and that it is very convenient to people passing, and the loss of it would be greatly felt.

Mr. BADGER. I am glad to hear it. Nothing will be more easy when the causeway is removed than to extend the ferry across the river.

Mr. BRADBURY. That cannot be done, because there is shoal water there.

Mr. BADGER. And it will be still more so if you keep the bridge there.

Mr. MANGUM. I will answer the inquiry of my colleague. I am of the opinion that Congress does a vast deal more than its duty in the way of talking. Sir, by way of evincing my sincerity upon this occasion, if any gentleman will take the trouble of preparing an amendment, I will vote for an appropriation of \$100,000 in this bill, to be put under the direction of the President, with the assistance of the best engineers, for the purpose of constructing a bridge that will be respectable, durable, and every way appropriate for this place; but at the same time I also desire to vote for temporary repairs to the present bridge. Every gentleman who has gone to market must have become acquainted with the enhancement of the price of provisions, occasioned by the want of a proper communication with the Virginia shore. As far as I am informed, I think the entire population of the city desire the temporary reconstruction of this bridge. As to Georgetown, I have a very great respect for her rights; but I have no respect for these little collisions, arising out of the desire to have a bridge, one end of which is to be in Georgetown instead of in Washington. I would be regulated upon that matter by the intelligence and reports of able engineers under the President, considering all the interests of the District. I say again, if any gentleman will make the proposition, I will vote for \$100,000 for the construction of a new bridge, but at the same time I desire to see the present one temporarily repaired.

Mr. BRIGHT. The considerations that are to govern the vote of Senators appear to be narrowed down to the single point that the price of marketing will be cheapened in this city, with a population of about 40,000, by the repair of this bridge.

Mr. MANGUM. Not at all. There are other objections which are not mentioned.

Mr. BRIGHT. Mr. President, Senators seem to forget that Georgetown is as much within the limits of this District as Washington city, and that Congress is the only legislative tribunal her citizens can appeal to for the protection of their political rights. Georgetown, with her population of eight or ten thousand inhabitants, represents, in the most imposing form, (as appears

from the proceedings of a public meeting, read at your desk this morning,) that for years she has suffered great inconvenience and injury from the erection and maintenance of this bridge; that her commerce has been cut off, the health of the city injured—two facts admitted by all who are informed on this subject—and asks you to abate this nuisance, instead of appropriating money to continue it.

This petition is met with an opposition on the part of honorable Senators, based on the ground that a bridge at this point is necessary for the convenience of the traveling public; and particularly is it desirable on account of the increased price charged for marketing in Washington when this bridge is not passable—thus setting up the paltry consideration of low prices to a population of forty thousand in Washington, against the commerce, trade, and health of a city containing eight or ten thousand inhabitants. This is, in my judgment, an unjust and an illiberal view of this question, and one that will do no credit to Congress. The public convenience does not require the repair of this structure. Every necessary facility for travel from this to the Virginia shore, in the direction of Alexandria, is afforded by the steam-packets that ply between this city and that point. Perhaps a few persons, who live between here and Alexandria, would be subjected to some inconvenience by the removal of this bridge; but they are few compared to the entire population of old Georgetown. She has a kind of proscriptive right to be regarded and treated as a part of the city of Washington, and not to be treated and legislated for as an alien and stranger. I hope the Long Bridge may be left to the mercy of the storms, and that Congress will make provision for an iron bridge higher up the stream, and not waste more money on this old dilapidated structure.

Mr. SHIELDS. I desire to state a fact—not to make a speech. I do not care how the vote goes, but I wish to do justice to myself and to the District. If you remove this bridge, you cannot run a ferry-boat. When gentlemen are speaking of this thing, they ought to know a little about the facts, for I find that they are at a great discount. I will merely mention—not that there will be any respect paid to it, of course—that if you will remove the bridge, you will not be able to cross the river, except at high water, with a ferry-boat, and thus you will cut off all communication with the Virginia shore.

Mr. BRADBURY. I will state another fact. The bridge was placed in its present location because the flats were there before it was located. Gentlemen seem to suppose that there is water enough to spread over the whole surface of the river, a mile wide, and that by removing the bridge they will have deep water over the whole surface. They should understand that the removal of the bridge will not remove the flats. They were there before, and are only brought out a little more prominently, and will ultimately make an island there. In 1818, General Jones, who was with the committee in the examination of the various sites for a bridge, stated that there were flats there on which grass was growing.

Now, the bridge may operate in some slight degree to increase the deposit there, but if you remove the causeway, the accumulation will still go on, because there is not water enough to spread over the whole surface, and being shoal will still be slack in that part of the river. Originally, the flats might have varied somewhat in location, but the removal of the structure will not remove the difficulty. The only remedy is to bring those flats out of the water high enough to make dry land of them, leaving the two channels near the shores of the river as they now are. An estimate of the cost of doing this could enable us to determine whether it would cost more than the removal of the causeway.

The honorable Senator from Indiana seems to suppose that the health of the people of Georgetown is greatly affected by this bridge. That is certainly something new. If he will look at the petitions presented, he will find that that consideration was not very much relied upon before the committee as a cause of complaint. The great complaint is the obstruction to the commerce of the port, arising from the inconvenience of passing the draws of the bridge, and the filling up of the river. They attribute the decline of their commerce to these causes alone. But it is only necessary to look at the commerce of

Alexandria, as an illustration that other causes must have produced a part of it. Now, shall we undertake to remove this structure without any estimate of the cost?

Mr. BRIGHT. If the statement I made be not true, the resolutions of the city of Georgetown are false.

Mr. BRADBURY. I can only say that such facts were not prominently urged before the Committee on the District of Columbia when they had the subject under consideration. But will we, upon an appropriation bill almost at the last hour of the session, undertake to decide such a question as is now presented? It appears to me, that before we make the decision to appropriate large sums for such an object, or for new structures elsewhere, we ought to have more evidence—we ought to consider it with all the facts before us, rather than in the haste with which we must decide at this time.

The question on Mr. BADGER's amendment to the amendment was taken by yeas and nays, and resulted—yeas 23, nays 27; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Borland, Bright, Brodhead, Brooke, Dawson, Fish, Foot, Geyer, Hale, Jones of Tennessee, Meriwether, Morton, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—23.

NAYS—Messrs. Adams, Bayard, Bradbury, Cass, Charlton, Chase, Clarke, Cooper, Davis, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Gwin, Hamlin, Houston, Hunter, King, Mangum, Mason, Pearce, Rusk, Shields, Soule, Walker, and Weller—27.

So the amendment to the amendment was rejected.

Mr. SHIELDS. I move to amend the amendment by striking out "18," and inserting "12," and inserting the word "temporary" before "repairs," so as to make the appropriation for the temporary repairs of the Potomac bridge, \$12,000.

The amendment to the amendment was agreed to.

Mr. BADGER. I hope, if the Senate will not vote for removing the obstruction, because they are not yet prepared to determine whether it is a nuisance, they will at least appropriate no money to patch it up. I ask for the yeas and nays upon the amendment of the committee.

The yeas and nays were ordered, and being taken, resulted—yeas 19, nays 28; as follows:

YEAS—Messrs. Bradbury, Chase, Clarke, Cooper, Davis, De Saussure, Dodge of Iowa, Downs, Gwin, Hunter, King, Mangum, Mason, Pearce, Rusk, Shields, Soule, Sumner, and Weller—19.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Borland, Bright, Brodhead, Brooke, Cass, Charlton, Dawson, Dodge of Wisconsin, Felch, Fish, Foot, Geyer, Hale, James, Jones of Tennessee, Meriwether, Morton, Pratt, Seward, Smith, Spruance, Underwood, Wade, and Walker—28.

So the amendment was rejected.

The next amendment of the committee was to insert:

"For compensation of four draw-keepers, and for fuel and oil for the lamps of the Potomac bridge, \$2,752."

Mr. SHIELDS. I suppose that may as well go with the previous amendments. There is no use of keeping the draw-keepers, as the bridge is not to be repaired.

The amendment was not agreed to.

After the decision of the Chair that the amendment was rejected,

Mr. BROOKE said: I have been informed that the draw-keepers are as necessary now as before a part of the bridge was washed away, and that it is necessary to keep the lights there.

The PRESIDENT. The question will come up again when the bill shall have been reported to the Senate.

The next amendment of the committee was to strike out of the clause providing for the repairs of the two bridges over the Eastern Branch of the Potomac, the words:

"And that the bridges across the Potomac and the Eastern Branch thereof, be surrendered to the authorities of the District of Columbia."

Mr. SHIELDS. I would suggest to the chairman of the Committee on Finance, that the object of this provision is to give the jurisdiction over the bridges to the authorities, for the purpose of their better protection. I believe there are no corporate authorities of the District.

Mr. HUNTER. I give it up to the Senator, who has examined the subject.

Mr. SHIELDS. I therefore move to insert "Washington" instead of "the District of Columbia." The object, I understand, was to give the bridges some protection and prevent them being injured by idle and malicious persons.



Mr. PRATT. I hope the amendment of the committee will be agreed to. It will be recollected by the Senate, that the bridges across the Eastern Branch of the Potomac, which connect the State of Maryland with the District of Columbia—or rather the two parts of the District together, because the other side is in the District of Columbia too—and which afford the people of Maryland the only opportunity they have of crossing for the purpose of marketing in the District, and the only access, indeed, to the District—were bought by the Government of the United States, and made free bridges. Now, if the jurisdiction over them should be transferred to the corporate authorities of Washington city, they might propose to raise a revenue from them. They might propose to reestablish tolls upon them. They would have the power to do so, and therefore, the great object which the Federal Government had in view by connecting the two parts of the District together so that the people of one part would not be charged for going to the other part, would be annulled entirely. The advantages derived from large expenditures of money would be lost if the jurisdiction were transferred to the corporate authority of Washington city; for they might make them a source of revenue by reestablishing the tolls. The bridges are kept in a very good condition, they are in excellent repair, and the people in the one part of the District are able to go from one side to the other without any cost to themselves.

Mr. MANGUM. I will suggest to the Senator from Illinois to add to his amendment, "and still to continue and remain free bridges."

Mr. SHIELDS. I will withdraw my amendment.

The amendment of the committee was agreed to.

The next amendment of the committee was in the following clause:

"For salaries and incidental expenses of the Commission appointed under the act of March 3, 1851, for settling land claims in California, \$50,000: *Provided*, That said Board be authorized to appoint and employ one secretary and two clerks, in lieu of the number provided for in the above recited act;"

—to strike out "two," and insert "three," and add to the clause the following:

Whose annual compensation shall be \$2,500.

Mr. HUNTER. There were formerly five clerks, who were allowed each \$1,500 as a compensation, which was not sufficient. It is proposed to reduce the number of clerks, and have three at a compensation of \$2,500 each.

The PRESIDENT. The amendment increases the number.

Mr. HUNTER. I mean the existing law provides for five. The House of Representatives struck it down to two. The Committee on Finance propose to have three, whose salaries shall be \$2,500.

The PRESIDENT. Is the proposition to give each clerk \$2,500?

Mr. HUNTER. Yes, sir.

The PRESIDENT. Then it will be necessary to add "each" after "\$2,500," otherwise the gross amount will be divided among the three.

Mr. HUNTER. I move to amend the amendment by inserting "each" after "\$2,500."

The amendment to the amendment was agreed to; and the amendment as amended was agreed to.

The next amendment of the committee was in the clause—

"To supply the deficiency in the fund for the relief of sick and disabled seamen, \$100,000;"

—to insert "two," instead of "one," so as to make the appropriation \$200,000.

Mr. HUNTER. This was the sum estimated for, and usually appropriated. The Department stated that it was necessary.

The amendment was agreed to.

The next amendment of the committee was to strike out of the clause making an appropriation to enable the Clerk of the House of Representatives to deliver to each member such books as he was entitled to under a resolution of the House, the following:

"*Provided*, That report shall be made in detail at the commencement of the next session of Congress, of the mode and manner of purchase of these books, and whence they were obtained."

Mr. ADAMS. I hope the Senate will not agree to that amendment. It proposes to strike out a provision adopted by the House of Representatives to regulate their own officers, which only

requires that the Clerk, who purchases the books, shall render an account of how he came by them, and what he gave for them. If any man has an objection to that, I do not see what it can be.

Mr. BRIGHT. The committee recommend the striking out of the proviso, for the reason that it is the first time, in the history of the Government, that ever such an imputation has been thrown upon an officer of the other House, and upon being advised that it had been inadvertently placed there. I hope the amendment will be agreed to.

Mr. HALE. I do not think that this proviso was put in inadvertently. It is a restriction that the House have imposed, themselves, upon their own officers, for furnishing their own members with books. To show that it was not inadvertent, I think, if the public papers may be relied upon, there was a provision mooted at one time in the House, not very long ago, to prevent the very thing aimed at in this proviso, by which the Clerk, where he furnished a member with the books provided for by the clause which contains this proviso, should be obliged to stamp his name in some enduring and inefaceable manner upon each book, so that it might be known that it was one that had been furnished by the House, under the law, and might not be brought into the market again to be the subject of speculation, without the House knowing it. Now, the House know themselves and their officers a great deal better than we do, and if they have thought that this sort of self-denying ordinance was necessary for the proper administration of the book fund, I do not think it becomes us to tell them that they do not need it, and I therefore hope we will let it remain in the bill.

Mr. UNDERWOOD. There is another reason why the proviso ought to be retained. Since we have been in the habit of distributing books among ourselves, and paying for them out of the public Treasury, there has been a charge of this sort made against Senators and Representatives too—

A SENATOR. Senators?

Mr. UNDERWOOD. Yes, sir; Senators and Representatives too—that they have received the books sometimes, and sold them, and pocketed the money, and thus indirectly obtained money of the Treasury to swell their emoluments—selling those books instead of using them or giving them to libraries. I want the source whence they are obtained accounted for, to show that no disgraceful transaction of that sort falls either upon members of the Senate, or of the House. If you require a statement as to the manner in which the books are obtained, it will show that we are not guilty of the things that have been imputed. I hope, therefore, that the proviso will be retained.

Mr. BADGER. I hope the amendment of the committee will obtain the sanction of the Senate, and that the proviso will be stricken out, not because I am opposed to its object, but because it is perfectly competent for the House of Representatives to accomplish it by a rule or order of their own. It is now introducing into the joint legislation of Congress a subject in regard to which the House has power to regulate its own rules and officers. The next thing will be a proposition from the House that our officers shall make reports under law, and not under a rule of the Senate, which if we could well resist, after having given our consent to this joint resolution in regard to them, I am at a loss to know upon what ground it would be done. I think we had better stop the business at the beginning.

Mr. BRIGHT. I take the same view of the subject as the Senator from North Carolina. It is attaching too much consequence to a thing of this kind to give it the forms of solemn legislation, when the House can by a simple rule regulate the evil at any time without the aid and cooperation of the Senate. For that reason the Committee on Finance unanimously, I believe, recommended the striking out of the proviso.

Mr. BORLAND. I desire to state why I shall vote against the amendment proposed by the Committee on Finance. The House of Representatives have sent us a bill in which, for reasons sufficient for themselves, they have prescribed a check for the government of their own officers, and they simply ask us to permit them, by the terms of the law, to control the action of those officers. If the Senate were to adopt such a provision in a bill with regard to their officers and send it to the House, I apprehend we should think it

strange if the House were to interfere with it and undertake to prevent our placing this check upon them. I do not know anything about the object which the House had in view, or the motives which actuated them. I simply find that they have deliberately put in this appropriation bill a check upon the action of their administrative officers, and I do not feel at liberty to thwart them in their purpose, whatever may be the object desired. It is competent for them to do it, and I shall sustain their action.

The amendment was not agreed to.

Mr. UNDERWOOD. I now move to strike out the whole clause making an allowance for the purchase of the books, to test the sense of the Senate upon the subject.

The PRESIDENT. That will not be in order until all the amendments of the committee have been gone through with. It will then be in order to move to amend any portion of the bill.

The next amendment of the committee was to insert the words in *italics* in the following clause, which had been left blank by the House of Representatives:

"For establishing the branch of the United States Mint at San Francisco, California, in accordance with the provisions of the law approved the third day of July, one thousand eight hundred and fifty-two, the sum of \$300,000."

The amendment was agreed to.

The next amendment of the committee was in the second section of the bill, which relates to the compensation of the clerks and others, to add after the words "all whose annual compensation does not exceed \$1,200, shall, in addition thereto, be allowed an increased compensation of twenty per cent.," the words:

"All whose annual compensation exceeds \$1,200, and is less than \$2,000, shall receive an increased compensation of ten per cent., and those whose salaries exceed \$2,000 shall receive an additional compensation of five per cent."

Mr. SHIELDS. The same necessity that exists for an increase of salary in the Departments exists in relation to the arsenals and navy-yards. I will ask whether it is competent to extend the provision to them?

The PRESIDENT. Certainly; the Senator can move to amend the amendment.

Mr. SHIELDS. Then I move to insert in the beginning of the section after the words "executive and legislative departments of the Government"—

The PRESIDENT. That will not be in order now, because the amendment of the committee is in another part of the section.

Mr. HUNTER. There was an inadvertency in drawing up this amendment. It provides that "those whose salaries exceed \$2,000 shall receive an additional compensation of five per cent.," but there is no provision for those whose salaries are \$2,000. I move to amend the amendment by inserting "amount to or," between "salaries" and "exceed."

The amendment was agreed to; and the amendment as amended was agreed to.

The next amendment of the committee was to insert the words in *italics* in the following clause of the same section:

"*Provided*, That this section shall not extend to more than one salary of any person receiving a salary for discharging the duties of more than one office at the same time."

Mr. HUNTER. There are some persons who receive salaries as clerks and have additional salaries as superintendents of public buildings.

It was thought by the committee that they were as much entitled to the increase on one salary as any of the others, but not on both. The proposition is to give the increase on one salary, and not on the other.

The amendment was agreed to.

Mr. DAVIS. I move to postpone the further consideration of the bill until to-morrow, for the purpose of taking up the river and harbor bill.

The motion was agreed to.

#### EVENING SESSIONS.

Mr. JONES, of Iowa. I move to take up for consideration the resolution which I submitted the other day, providing for a recess from four to seven o'clock each day. I perceived very clearly that unless we pass this resolution to give gentlemen an opportunity to discuss the various subjects which are to be submitted for our consideration, in relation, *even*, to the civil and diplomatic

appropriation bill, not to speak of the other appropriation bills, that we shall not be able to get the river and harbor bill through this body in time to receive the favorable action of the House of Representatives, where it must go if the amendments which have been adopted in committee be not stricken out in the Senate.

Now, Mr. President, I am anxious for the adoption of the resolution, in order that we may have some time left us for the consideration and passage of the homestead bill, in which my constituents and myself take a great interest, because of the innumerable blessings which the enactment of such a law will bring to the hearth-stones of the thousands of the landless, but honest, citizens of my State, and to the hundreds of thousands who, in consequence of its passage, will emigrate to Iowa and other western States. I desire to see this homestead bill taken up and passed into a law, not only because I have been instructed by the Legislature of my State to vote for and support it, but because, being myself a native of the Northwest, and one who has reaped the benefits of the preemption and settlers' laws, I can sympathize with, and feel for, the deprivations and toils of those who have already settled, or may become settlers, upon the public domain which God has intended for the benefit of his creatures, for habitation and cultivation, and not for the benefit of the landlord and heartless speculator.

Another consideration which prompts me to propose longer sittings of the Senate, at this late day, is the hope which I still entertain that we may be enabled to do something to secure grants of lands for the numerous railroads which have been projected in our western States, and in some of which my constituents feel intense anxiety, and for which they and I, and my colleagues, and others, have labored constantly for the last four years. This act of simple justice to Iowa, Arkansas, and other western and southern States, may yet be done—if not in the passage of railroad bills, by such amendments to Bennett's bill, or the lunatic asylum bill, which have passed the House of Representatives, and which now lie upon the table here, containing, in my opinion, very objectionable and defective provisions, but which their friends feel the utmost confidence in seeing passed into laws, even in the crude and objectionable shape in which they now are framed. I have upon the table an amendment, which I propose to offer when the Bennett bill comes up, making provision for the grant of lands for the construction of railroads in the West, Southwest, and South, and which I also intend to amend, if I can, so as to provide that none but actual settlers shall have the privilege of purchasing lands with the land scrip which it is proposed to issue to the old States, among whom our western lands are to be distributed in the way of scrip only—another mode of distributing the proceeds of the sales of the public lands. I hope my resolution will be adopted, or that it may be amended so as to require us to come here at nine o'clock in the morning, instead of eleven.

Mr. BORLAND. I presume the question of taking up the resolution will be considered a test upon the resolution itself. I therefore shall vote against taking it up, for the reason that I am opposed to evening sessions. I am perfectly willing to come here at nine o'clock in the morning; but after we leave here at four or five, I know that I myself would not be in a situation to attend to business at seven. I should be worn down, as I think a majority of the Senate would be. My little experience here has been, that evening sessions have not put forward the public business, but that they have added greatly to the fatigue and discomfort of Senators. I shall therefore vote against taking up the resolution, as I shall be opposed to its adoption if it is taken up.

Mr. JONES, of Iowa. If the Senator will move to amend my resolution, so as to make our hour of meeting at nine o'clock, or at ten o'clock, I will agree to it.

Mr. HALE. Mr. President—

The PRESIDENT. The merits of the resolution will not be under consideration until it is taken up.

Mr. HALE. I had a word to say upon its merits; but if it is not in order, I will postpone the making of them until it is taken up.

The motion to take up the resolution was not

agreed to, there being, on a division—ayes 18, noes 24.

#### FLORIDA CONTESTED ELECTION.

Mr. BRIGHT. Before the special order is taken up, I desire to make a motion, which, I suppose, will be regarded as a privileged one. The special committee on the Florida contested election case made a report on Saturday, which has been printed, and I see is laid upon our tables. It is desirable that the matter should be disposed of during the week, and I hope, with unanimous consent, some hour may be appointed on Thursday next for the purpose of considering it. I move to take up the report of the committee for the purpose of postponing its consideration until twelve o'clock on Thursday next.

Mr. DOUGLAS. I would ask whether the printing has been done so that we shall be ready to discuss it?

Mr. ADAMS. The report is printed, and laid on our tables.

Mr. DOUGLAS. With the testimony?

Mr. BRIGHT. The report only has been printed. I presume the evidence and accompanying arguments cannot be prepared during the session. They will embrace some two or three hundred pages.

The motion to take up the report was agreed to, and its further consideration was postponed until Thursday next, at twelve o'clock, and made the special order for that hour.

#### PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That T. S. J. Johnson have leave to withdraw his petition and papers.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it had passed the following bills from the Senate:

An act to confirm to the State of Michigan certain lands selected for saline purposes;

An act for the relief of William P. Greene;

An act for the relief of John A. McGaw, of New York; and

An act granting a pension to John Le Roy.

Also, that it had passed a bill entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending the 30th of June, 1853."

#### RIVER AND HARBOR BILL.

At one o'clock the Senate resumed the consideration of the bill making appropriations for the improvement of certain harbors and rivers, and continued engaged in its consideration until half-past nine o'clock, p. m., when it was reported to the Senate as amended. [For the debate see Appendix.]

On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

MONDAY, August 23, 1852.

The House met at eleven o'clock, a. m. Prayer by Rev. C. M. BUTLER.

The Journal of Saturday was read and approved.

The SPEAKER. The business first in order is the consideration of Senate bill No. 223, "to amend an act entitled 'An act to provide for the better security of passengers on board of vessels propelled in whole or in part by steam, and for other purposes.'"

On motion by Mr. CABELL, by unanimous consent, it was

Ordered, That leave be granted for the withdrawal of the petition and papers of A. D. Lawrence from the Committee on Claims, for the purpose of reference to one of the executive departments.

Ordered, That leave be granted for the withdrawal from the Committee on Naval Affairs, for the purpose of reference to the Senate, of the papers in behalf of the claimant, for an appropriation to complete payments for surveys on the coast of the Gulf of Mexico.

Mr. COBB. I ask the unanimous consent of the House to allow me to introduce a resolution to keep alive the business which may remain in the hands of the committees.

Mr. PENN. I object.

Mr. McCORKLE. I ask the unanimous consent of the House to report and put upon its passage the bill to organize the Surveyor General's office in California, and to extend the preemption laws to that State.

Mr. SEYMOUR, of New York. I call for the regular order of business.

#### SECURITY OF PASSENGERS ON STEAMBOATS.

The SPEAKER. The business first in order, as the Chair has already stated, is the consideration of Senate bill No. 223. The question first recurs upon the adoption of the amendments of the committee.

Mr. ST. MARTIN. I would ask the unanimous consent of the House to allow me to make a report from the Committee on the Post Office and Post Roads. It will not occupy more than five minutes.

Mr. SEYMOUR. I must, under the circumstances, object.

I send to the Chair certain corrections of the report of the committee. Most of them are typographical mistakes. Others change propositions, already considered, for the purpose of reconciling the conflict of interests involved in this bill.

The SPEAKER. Are the corrections from the committee, or the gentleman himself?

Mr. SEYMOUR. They are from the committee. As I have said, the object of the paper which I have sent up, is to correct certain typographical errors in the bill and amendments, as printed and now before the House, and also to alter certain propositions contained in that bill as it was reported. It comes from the committee. They recommended the alterations, which I hope may be made.

Mr. EDGERTON. I would inquire whether any amendments to the bill, other than those proposed by the committee, will be in order?

The SPEAKER. They will be in order when those of the committee are disposed of, unless the previous question be called.

Mr. EDGERTON. I made the inquiry, as I have several amendments to submit.

The SPEAKER. No amendment to any section to which the committee has proposed an amendment, will be in order until this amendment is disposed of, unless it be an amendment to the amendment of the committee.

Mr. EDGERTON. My amendments are to the original bill.

Mr. FOWLER. I wish to inquire whether it is now in order to propose an amendment, to be considered at the proper time?

The SPEAKER. It is not in order without the unanimous consent of the House. Amendments should be offered at the time when they are to be acted upon, and they cannot be acted upon so long as the amendments of the committee are pending.

Mr. FOWLER. I wish to inquire further, whether an amendment can be offered to any one of the committee, when it comes up?

The SPEAKER. The amendments proposed by the committee are amendable. Is it the pleasure of the House to have the bill read first entirely through, or by sections?

Mr. STUART. I would suggest, that inasmuch as this is a very long bill, that we had better have it read in the first place by sections.

The SPEAKER. If there be no objection, then, the bill will be read and amended by sections.

There was no objection.

The first section of the bill was read, as below. It is proposed by the Committee on Commerce to strike out the parts in brackets, and to insert the parts in *italics*:

"Be it enacted, &c., That no license, register, or enrollment, under the provision of this or the act to which this is an amendment, shall be granted, or other papers issued by any collector, to any vessel propelled in whole or in part by steam, and carrying passengers, until he shall have satisfactory evidence that all the provisions of this act have been fully complied with; and if any such vessel shall be navigated with passengers on board, without complying with the terms of this act, the owners thereof and the vessel itself shall be subject to the penalties contained in the second section of the act to which this is an amendment."

The amendments of the committee to the section were severally agreed to.

The second section of the bill was then read; and the amendments of the committee, striking out the parts in brackets, and inserting the parts in *italics*, were severally agreed to:

"Sec. 2. And be it further enacted, That it shall be the duty of the inspectors of the hulls of steamers, and the inspectors of boilers and engines, appointed under the provisions of this act, to examine and see that suitable and safe provisions are made throughout such vessels to guard against loss or danger from fire; and no license or other papers on any application shall be granted if the [directions of the in-

spectors] provisions of this act for preventing fires are not complied with, or if any combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes, or machinery, shall be placed at less than eighteen inches distant from such heated metal or other substance likely to cause ignition, unless a column of air or water intervenes between such heated surface and any wood or other combustible material so exposed, sufficient at all times, and under all circumstances, to prevent ignition; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material in such manner as to leave the air to circulate freely between such material and the wood. *Provided, however, [if] that when the structure of such steamers [navigating rivers only be] is such, or the arrangement of the boilers or machinery [be] is such that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, inspectors may vary therefrom if, in their judgment, it can be done with safety.*

Mr. BOWNE offered a substitute for the bill.

The SPEAKER. The substitute will be entertained, but cannot be acted upon until the original bill has been perfected.

Mr. STANTON, of Kentucky. I move to strike out the whole of the second section. I do so, not because I am prepared to say that I will oppose the bill, but I received by mail last night a remonstrance against its passage, signed by a large number of pilots navigating the western rivers. I desire that it shall be read as a part of my speech. They have a right to be heard, and this is the only means by which I can secure to them that privilege:

*To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:*

The undersigned, pilots upon the western rivers, respectfully represent unto your honorable body, that, in their opinion, the provision of the bill now before you requiring pilots to obtain a license before they can exercise their profession, will not meet the objects of the Legislature, whilst it will operate sorely upon such as are well qualified to discharge the duties of their said profession. As things now are, the owners of boats only seek to employ such pilots as can be relied upon for their skill and prudence, in order to save their responsibility in case of accident; but should the bill now before your honorable body become a law, all that will be required of them will be to obtain a *licensed pilot*—and all experience goes to show that it is not the skillful and the trustworthy only who obtain license.

Wherefore, respectfully suggesting that the public interests will be seriously injured by any such law, they beg leave to remonstrate against the passage of the same.

John Sebastian.	J. Bryson.
Robert G. Baldwin.	D. J. Pearce.
Charles Sebastian.	Coleman W. Stewart.
Isaac Gaugh.	John Dean.
Captain Linas Logan.	Edwin W. Larue.
John Fall.	Alexander Frazier.
John Jacobs.	Jas. Oliver Camidd.
Thomas Addison.	James H. Madison.
J. J. Warman.	M. Mires.
A. Fleming.	William Logan.
Chas. R. M. Fall.	R. Whitney.

CINCINNATI, OHIO, August 14, 1852.

My object in moving to strike out this proviso was simply to allow these pilots an opportunity to be heard. They are respectable citizens, living upon the Ohio river, in my district, and they are engaged in the navigation of the western waters. I received the memorial late last night, and of course have had no opportunity of presenting it until now. Their remonstrance is entitled to consideration and respect.

The question was then taken on Mr. STANTON's motion, and it was not agreed to.

Mr. HENN. I move to strike out the whole proviso to the second section. I have only to say in regard to it, that it seems to put the whole power in the hands of the inspectors. I think that ought not to be done.

Mr. SEYMOUR, of New York. I wish to say only one word in reply to the suggestion of the gentleman from Iowa, [Mr. HENN.] What I say in reply to the first proposition will relate, to a considerable extent, to various other provisions of this bill. There is a power of extended character delegated, or proposed to be delegated, to inspectors, and it results from the fact that we and no other Legislature here can provide with certainty all the details which may be necessary to secure safety on board the great variety of steamers which they may be called upon to inspect; and it is necessary in this instance in regard to the position and proximity of heated iron. It is due that there should be some discretionary power left with the inspectors in this as in many other instances. The details will be observed by the House as we proceed with the bill. I presume it will not be the intention of this House, without having before them the dimensions and peculiar construction of different steamers upon our western waters, upon our northern lakes, and our At-

lantic rivers, to prescribe the particulars of distances, and all the minutiae that inspectors can and ought to provide; and if they are proper men, and such men as we intend shall be appointed to those stations, such they will provide.

Mr. HENN. I wish to say to the gentleman that if he is willing to apply this power to inspectors, so far as boats hereafter to be built are concerned, I have no objection to the proviso.

Mr. SEYMOUR. It is difficult, such are the various kinds of boats already constructed and to be constructed, varying continually, according to the service to which they are applied, for us here, by a general sweep of legislation, to prescribe all this minutiae. I say in this respect, both as it regards boats to be built and as it regards those which have been built, it is proper, it is just, and it has met with the almost unanimous approbation of the committee who have investigated this matter, that some discretionary power of this character should be suffered to remain with the inspector. If they are proper men—if they seek to do their duty—the very important duty which is imposed upon them, as the House will see, by the provisions of this act—all will be right. If they do not do their duty, there may be a necessity in making more stringent provisions. We must rely upon the faithfulness of men in these respects as in any other. I hope that the proviso will not be stricken out.

Mr. HAVEN. I think we had better retain the proviso as it is. The provision by which no combustible material was to be placed within eighteen inches of the boiler or heated iron, gives rather larger space than I think is necessary. In my judgment, we had better trust to the discretion of the inspectors upon this point.

Mr. EDGERTON. I am opposed to this proviso, and for this simple reason: It is incorporated solely into this bill for the benefit of steamboat owners, and not out of regard to the lives of passengers. The proviso is, that every provision of the bill in relation to the construction of steamboats shall be varied when there shall be an inconvenience to the owners or builders of boats. That is the whole sum and substance of the proviso, and it is applied not only to boats now constructed, but those hereafter to be constructed. Where, therefore, is the necessity of providing that boats shall be constructed in the manner specified in this bill, when you leave the whole question as regards the safety of the construction to the opinion of the inspectors? And whenever they can be satisfied that the provisions of this bill are a serious inconvenience, or that a sacrifice will result to the builders and owners of steamboats unless a modification of this bill, according to their own opinions, shall be made, they can build the boats precisely as they please. Every provision of the bill here has no regard whatever for the safety of passengers. It is all left entirely with the judgment of the inspector, and there is, therefore, no necessity for making these specific provisions. Let this proviso be stricken out.

Mr. CLINGMAN. I find, on looking into this bill, that it is a very long one—there being some fifty pages of printed matter in it. I do not believe that we can consider and act understandingly upon a bill of this character in the morning hour during this session. We have only one week from today, and we might occupy the whole of every morning hour and not get through with the bill. I will therefore, with the view of ascertaining what the feeling of the House is upon this matter, move to postpone the consideration of this bill until the second Monday in December next.

Mr. ROBBINS. I call for the yeas and nays.

Mr. STANTON, of Tennessee. I would suggest to the gentleman from North Carolina [Mr. CLINGMAN] to move to refer this to the Committee of the Whole on the state of the Union. I am of the same opinion with the gentleman. It is too important a matter to be acted upon hastily.

Mr. CLINGMAN. I have no objection to that, if the gentleman would prefer it. I am satisfied that, in the short time allowed us, we cannot examine and perfect this bill. I therefore, if the gentleman prefers it, substitute the motion made by him to refer this bill to the Committee of the Whole on the state of the Union.

Mr. DISNEY. We will never reach it.

Mr. CLINGMAN. If we do not reach it, it will be because we cannot pass the appropriation bills, and other bills upon which the majority of

the House prefer to act. If a majority of the House think that it is more important than other measures in committee, they can take it up and act upon it.

Mr. SEYMOUR, of New York. I wish to call the attention of the gentleman from North Carolina [Mr. CLINGMAN] to the last section of the bill which provides that so far as the western waters are concerned—I make use of that term generally, though there is a particular designation for certain districts—this bill shall not go into effect until the 1st of January, and that as to all the rest of the country, it shall not go into effect until the 1st day of March next. The object of that provision is, that the people of the western country, who desire very much that this bill should be passed now, may have an opportunity of adapting their boats and machinery to meet the requirements of the bill. They think that they can do it by that time, and as it does not go into effect in all other parts of the Union till near the close of the next session of Congress, ample time is given for future legislation if there is anything in it improper at the present time. I hope that the House will not postpone action upon this bill.

Mr. CLINGMAN. The remarks of the gentleman from New York [Mr. SEYMOUR] satisfy me of the importance of a new examination of the system. It is obvious that the committee have some doubt of its working, and they do not desire it to take effect immediately. It is not to go into operation until the middle of January. I think that we had better take time to consider and perfect it.

Mr. CARTTER. I wish to make an inquiry of the gentleman from North Carolina, [Mr. CLINGMAN,] and that is, whether it is not just as convenient to consider the merits and demerits of this bill to-day, as to postpone it; whether there is any special reason why we should pass it over?

Mr. CLINGMAN. I do not believe that we can get through this bill, in the morning hour, this week; and there is other business which ought to come up from the committees. You cannot go through and perfect it, even if there be no debate, during the morning hour, for this whole week. I therefore move to commit it to the Committee of the Whole on the state of the Union.

Mr. HALL. I think it is important that we should act upon this bill. It is evident that we cannot act if the debate is to continue; and I therefore move the previous question.

Mr. CARTTER. Not yet, I hope.

Mr. SEYMOUR. If the previous question is sustained, what effect will it have upon the amendments of the committee?

The SPEAKER. It will bring the House to vote upon the amendments of the committee.

Mr. STANTON, of Tennessee. I ask for tellers upon the second to the previous question.

Mr. EDGERTON. I wish to make an inquiry. If the previous question be sustained, will it cut off all amendments other than those proposed by the committee?

The SPEAKER. All amendments except those of the committee and the substitute.

Mr. EDGERTON. I stated to the Chair, that I had some amendments to propose to the bill, and I understood the Chair to state that they might be proposed when one section was read.

The SPEAKER. That is certainly true, if the previous question does not cut them off.

Mr. CARTTER. I rise to a question of order.

Mr. EDGERTON. I should like to have my amendments offered before the previous question is sustained, as they are important in their character, and ought to be considered by the House.

Mr. CARTTER. Is it in order to demand the previous question after the House has ordered the bill to be read by sections for amendments, until you have closed the reading of the bill?

The SPEAKER. There is no doubt about the call for the previous question being in order.

Mr. CARTTER. That takes away the right to have the bill read.

Mr. EDGERTON. I ask that an amendment which I propose to offer to the fourth section be read.

It was read, as follows:

Section four, line nine, after the word "persons," add the following: "having a float and fender around the gunwale inflated with air, and made of vulcanized India rubber, or some other material equally elastic and durable, and as capable of containing air, of not less than six inches in



'diameter.' In the same section, tenth line, strike out the words "and gunwale," and insert "thereto." In the same section, line thirty-seven, after the word "apparatus," insert the following: "so as to make each boat on either side of the vessel, when full of water, capable of sustaining at least fifty persons."

Mr. HENN. Will the previous question cut off my amendment?

The SPEAKER. Not at all; because that amendment was legitimately made.

Mr. HENN. With the consent of the House, I wish to modify my amendment. Instead of striking out the whole proviso, strike out the words "such steamers," and insert "any steamers heretofore built."

The SPEAKER. The gentleman has a right to modify his amendment in that respect.

Insert after the word "good," in the third line of the fifth section, the words "nautilus or self-inflated;" and after the word "of," in the same line, the words "vulcanized India rubber, or of some other equally"—so as to make the section read:

"Sec. 5. And be it further enacted, That every such vessel carrying passengers, shall also be provided with a good nautilus or self-inflated life-preserver, made of vulcanized India rubber, or of some other equally suitable material, and float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such vessels." &c.

Mr. SEYMOUR, of New York. I was not able to hear distinctly the amendments proposed by the gentleman from Ohio, [Mr. EDGERTON.] I therefore wish to inquire of him whether the articles embraced in those amendments are not patented articles?

Mr. EDGERTON. I will state that the articles are patented articles, and the best life-saving apparatuses known to the American people.

Mr. SEYMOUR. I will say that the Committee on Commerce have carefully excluded all patents. We do not wish to elevate them into either importance or profit.

Mr. EDGERTON. I will say that the committee have not carefully excluded all patented articles.

The SPEAKER. Gentlemen must recollect that discussion is not in order. Is it the pleasure of the House that, in case the previous question is seconded, the amendment of the gentleman from Ohio shall be received and considered?

Mr. ORR. I must object.

The SPEAKER. Then the amendment will be cut off by the previous question.

Mr. FOWLER. I desire to present the amendment of which I gave notice a little while ago.

The SPEAKER. By unanimous consent, the resolution will be received.

Mr. HENDRICKS. I object.

Mr. FOWLER. Will the previous question cut off my amendment?

The SPEAKER. Certainly it will.

Mr. FOWLER. Then I hope it will be voted down.

Tellers were ordered upon seconding the demand for the previous question; and Messrs. DISNEY, and STANTON of Tennessee, were appointed.

The question was then put, and the tellers reported—ayes 76, noes 46.

So the previous question received a second.

The question then being, "Shall the main question be now put?"

Mr. FOWLER demanded the yeas and nays, and called for tellers on the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The main question was ordered to be put.

The question now being upon referring the bill to the Committee of the Whole on the state of the Union,

Mr. CARTTER demanded the yeas and nays; and they were ordered.

The question was then taken, and it was decided in the negative—yeas 55, nays 121; as follows:

YEAS—Messrs. Aiken, Averett, Bowie, Bowne, John H. Boyd, Brooks, Burrows, Busby, E. Carrington Cabell, Joseph Cable, Carter, Caskie, Chapman, Chastain, Clingman, Cobb, Colcock, Doty, Edgerton, Evans, Floyd, Fowler, Henry M. Fuller, Gilmore, Green, Hamilton, Hammond, Haws, Howard, Thomas Y. How, Ingersoll, Andrew Johnson, John Johnson, George G. King, Preston King, Martin, McQueen, Meade, Murphy, Newton, Orr, Outlaw, Pennington, Schoonmaker, Scurry, Smith, Thaddeus Stevens, Sutherland, Thurston, Wallace, Walsh, Wells, Alexander White, and Woodward—55.

NAYS—Messrs. Charles Allen, Willis Allen, Allison, William Appleton, Ashe, Babcock, Thomas H. Bayly,

Barrere, Beale, Bibbighaus, Bissell, Bocock, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, Buell, Caldwell, Lewis D. Campbell, Thompson Campbell, Chandler, Churchwell, Clark, Conger, Cullom, Curtis, George T. Davis, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Duncan, Dunham, Eastman, Edmundson, Faulkner, Ficklin, Fitch, Florence, Gaylord, Gentry, Goodenow, Goodrich, Gray, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hascall, Haven, Hendricks, Henn, Hibbard, Holladay, Houston, John W. Howe, Thomas M. Howe, Ives, Jackson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Kuhns, Kurtz, Landry, Lockhart, Mann, Mason, McCorkle, McLanahan, McMullin, McNair, Miller, Millson, Molony, Henry D. Moore, John Moore, Morehead, Murray, Olds, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Powell, Price, Reed, Richardson, Riddle, Robbins, Robie, Ross, Scudder, David L. Seymour, Skelton, Stanley, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, St. Martin, Stratton, Strother, Stuart, Sweetser, Taylor, Benjamin Thompson, Townshend, Tuck, Venable, Walbridge, Washburn, Watkins, Welch, Wilcox, Wildrick, and Yates—121.

So the motion was not agreed to.

Mr. SEYMOUR. Has the morning hour expired?

JOHN LE ROY.

The SPEAKER. It has expired, and the business first in order is on a motion to suspend the rules, made upon Monday last by the gentleman from Texas, [Mr. HOWARD,] for the purpose of taking up Senate bill No. 272, "granting a pension to John Le Roy."

Mr. HOWARD. I ask that the report accompanying the bill may be read.

There being no objection, the report was read.

The question was then put upon Mr. HOWARD's motion, and (two thirds voting in the affirmative) it was agreed to.

So the rules were suspended.

The bill then received its three several readings, and was passed.

Mr. HOWARD moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

MR. CORWIN AND THE GARDINER CLAIM—  
COMMITTEE OF INVESTIGATION.

Mr. OLDS moved to suspend the rules for the purpose of introducing the following resolution:

Whereas it is believed that spurious and fraudulent claims have been passed upon and allowed by the Mexican Claims Commission; and whereas, among the claims said to have been fraudulent was the one belonging to Dr. John A. Gardiner, amounting to a large sum, said to be nearly half a million of dollars; and whereas, a grand-jury for the District of Columbia, upon their oaths, have presented the said Dr. Gardiner for the crime of perjury, committed in his testimony substantiating his said claim before said Mexican Claims Commission; and whereas public rumor charges that the Secretary of the Treasury was the agent or counsel of the said Dr. Gardiner in the prosecution of the said alleged fraudulent claim, and that the said Secretary had a fee interest in said claim, amounting to a large sum, said to be one hundred thousand dollars; and whereas common rumor still further charges that the said Secretary of the Treasury, for a sum said not to exceed fifteen thousand dollars, purchased and held the one fourth interest of said alleged fraudulent claim; and whereas the said claim, amounting to four hundred and twenty-eight thousand seven hundred and fifty dollars, has, upon the warrant of the said Secretary of the Treasury, been paid; and whereas Mr. Corwin, disregarding the pledge of his immediate representative, has failed to call for an investigation of said allegations: Therefore—

Resolved, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connection of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee he purchased and held, either directly or indirectly, in said claim, and the amount paid or stipulated to be paid therefor, and conditions of said purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest, to whom and for what consideration he disposed of his one fourth interest in said claim.

Resolved further, That the said committee have power to send for persons and papers.

Mr. POLK. I ask for the yeas and nays. I wish to know who will vote against an investigation in these charges of fraud.

The SPEAKER. Discussion is not in order. Mr. CABELL, of Florida. I ask that the first sentence of the preamble to that resolution may be read.

The Clerk read the sentence, as follows:

"Whereas it is believed that spurious and fraudulent claims have been passed."

Mr. CABELL. I shall vote against the resolution merely because nobody seems to take the responsibility of it. The resolution says "it is believed," without stating who believes it.

The yeas and nays were ordered.

The question was then taken; and there were—yeas 142, nays 28; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Averett, Babcock, Thomas H. Bayly, Barrere, Beale, Bibbighaus, Bissell, Bocock, Bowie, Bowne, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, Buell, Busby, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Caskie, Chastain, Churchwell, Clark, Clingman, Cobb, Colcock, Conger, Cullom, Curtis, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Dunham, Edgerton, Edmundson, Faulkner, Fitch, Florence, Floyd, Fowler, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodrich, Green, Hall, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haws, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, Preston King, Kuhns, Kurtz, Letcher, Lockhart, Mann, Martin, Mason, McCorkle, McLanahan, McNair, McQueen, Meade, Miller, Millson, Molony, Morehead, Murphy, Murray, Olds, Orr, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Pennington, Perkins, Phelps, Polk, Powell, Price, Richardson, Riddle, Robbins, Robie, Ross, Savage, Scurry, David L. Seymour, Skelton, Smith, Benjamin Stanton, Fred. P. Stanton, Richard H. Stanton, A. P. Stephens, St. Martin, Stratton, Stuart, Sutherland, Sweetser, Benjamin Thompson, Thurston, Townshend, Venable, Wallace, Walsh, Watkins, Welch, Alexander White, Wilcox, Wildrick, Woodward, and Yates—142.

NAYS—Messrs. William Appleton, Bennett, Brooks, George H. Brown, E. Carrington Cabell, Caldwell, Chandler, Chapman, Duncan, Evans, Goodenow, Hascall, Haven, George G. King, Landry, Henry D. Moore, John Moore, Outlaw, Reed, Schoonmaker, Scudder, Stanley, Thaddeus Stevens, Taylor, Tuck, Walbridge, and Wells—28.

So (two thirds voting in the affirmative) the rules were suspended.

The question recurred on the adoption of the resolution.

Mr. OLDS. Mr. Speaker, I hold in my hand the Louisville Journal. In its columns I find the following editorial article:

"Mr. OLDS, of Ohio, an apostate from the Whig party, made a scurrilous speech the other day in the House of Representatives, in which he assailed Mr. Corwin in connection with the 'Gardiner claim.' We see, by the following paragraph from the Congressional proceedings, that Mr. CAMPBELL, of Ohio, replied to Mr. OLDS:

"'Mr. CAMPBELL, of Ohio, defended Secretary Corwin from the attacks of Mr. OLDS, and denounced the allegation of dishonesty by Corwin in connection with the 'Gardiner claim' as a willful and deliberate lie. He would not have risen on this occasion to make a speech, had he not understood the Democratic party in this city have printed one hundred thousand copies of OLDS's speech, to scatter broadcast over the land. He wished to counteract its influence. He exposed Galphinisms under the 'Democratic Administrations,' spoke of Democratic inconsistencies, and defended General Scott.'"

"Mr. Corwin's whole connection with the 'Gardiner claim' has been repeatedly explained, and it is perfectly understood by all who are willing to understand it. Any man who charges Mr. Corwin with fraud, dishonesty, or impropriety in that transaction, is unquestionably a slanderer and a villain."

This article, sir, founded upon the speech of my colleague, [Mr. CAMPBELL,] as published in the Congressional Globe, compels me, even at this late day of the session, to trespass upon the time of the House for a few moments, in my own vindication; and by the passage of this resolution to give Mr. Corwin, if he really be an injured man, an opportunity to vindicate himself from the charges which public rumor has fastened upon him.

Upon the article of the Louisville Journal, I have no comment to make; but I must be permitted to notice briefly the speech of my colleague, upon which this and other scurrilous attacks are founded.

My colleague seems to have been in a rhapsody, because, when an attack was made upon Mr. Stuart, the Secretary of the Interior, the whole Virginia delegation were ready to defend him. The inference is, that when an attack is made upon Mr. Corwin, the whole Ohio delegation should be ready to come to his rescue; and that, least of all, should the attack come from one of the Representatives of Ohio. My colleague says:

"The magnanimous spectacle presented in the early part of the session, by the Representatives from the State of Virginia, challenged my admiration. It will be remembered that a charge was preferred against the Secretary of the Interior—not one that in any way involved his integrity as a public functionary, or the purity of his character as a citizen—but simply the propriety of the manner in which his estimates for his Department had been presented to this House. At the first dawning of an assault, every Virginian in this Hall, discarding mere party feeling, sprang to the floor, ready and eager to defend a son of the 'Old Dominion,' though a political opponent. Their conduct on that occasion was generous and just—a creditable display of Virginia State pride, gallantry, and magnanimity. In bearing testimony of this honorable course on the part of Representatives from a sister State, it is with feelings of the deepest humiliation and regret, that I am forced by a sense of duty to contrast with it the continued efforts of a Representative from that

State which gave me birth, and which in part I represent, to blacken the fair fame of one of Ohio's purest and noblest sons, for the paltry purpose of mere party gain. For the credit of my State—for the honor of her citizens of all parties—I had hoped, that if, in the heat of party conflict, it became necessary to have any person to do the work of dishonorable warfare, there would be no one amongst my colleagues, on either side of the Hall, willing to accept the place. I acknowledge my disappointment with deep, deep mortification."

What was this charge against Mr. Stuart, which brought all the Representatives of the "Old Dominion" to his rescue? Why, sir, that he had been disrespectful to the Congress of the United States, by sending his reports direct to the House of Representatives, instead of sending them through the President of the United States. Now, sir, I do not really think, that if Mr. Corwin's charge had consisted in a small discourtesy, like Mr. Stuart's, that I should have assailed him. And upon the other hand, neither do I think that I should be entitled to be called a faithful Representative of the State of Ohio, if, because Mr. Corwin is a citizen of that State, I should sit silent, and not endeavor to expose him when I had reason to believe that he had been peculating upon the Treasury of my country. I think I know the Virginia Representatives too well to believe that they would consider themselves complimented by a declaration that should imply that they would connive at and defend a fraud because committed by a citizen of the "Old Dominion." This course may suit my colleague's notions of the duties and responsibilities of a Representative, but it does not suit me.

My colleague remarks, that "for the credit of my State—for the honor of her citizens of all parties—I had hoped, that if in the heat of party conflict it became necessary to have any person to do the work of dishonorable warfare, there would be no one among my colleagues, on either side of the Hall, willing to accept the place."

Dishonorable warfare! I hurl the epithet back to my colleague. Dishonorable to do what? Has it come to this, sir, that it is dishonorable in an American Representative to expose the fraud and Galphism of a high public functionary? And for the reason, too, that he happens to be a citizen of your own State? If such are my colleague's notions of honor, he must have drawn his teaching from the last days of the Roman Empire, and not from the early fathers of our Republic. A blessing, sir, that the captors of Benedict Arnold were not citizens of his own State, and disciples of my colleague's school of honor, or we should have been most effectually sold to the British.

Sir, let me test my colleague's notions of honorable warfare, not by his declamation, but by his practice. In speaking of the Independent Treasury, my colleague remarks:

"The terrors of all the penalties did not prevent your Wetmore's, your COLLINGS, and your other sub-treasurers from proving defaulters to the amount of nearly a million of dollars."

Mr. Speaker, this Patrick Collins in his lifetime was a citizen of Ohio. He was as near a neighbor of my colleague as is Mr. Corwin. My colleague should have known, if he did not, that Mr. Collins was no defaulter; that upon a settlement of his accounts with the Treasury of the United States, he was found to have faithfully paid the Government every farthing that he owed. True, sir, at the time he was charged by such honorable Whigs as my colleague with being a defaulter; but upon a settlement of his accounts since his death, he was found to have been no defaulter. The Treasury Department have honorably wiped from his memory the disgrace that was sought to be heaped upon him in his lifetime. But my colleague, this would-be teacher of "honorable warfare," "HYENA-LIKE," digs open his grave, and brings up his dead body, that over it he may blacken his memory in an "honorable warfare!" I shall have occasion before I conclude my remarks to edify this House with a few more illustrations of my colleague's notions of "honorable warfare," and Representative dignity. But I must first discharge my duty to the honorable Secretary of the Treasury.

Speaking of the Gardiner claim, my colleague charges that I am "seeking to manufacture votes out of it, to secure my reelection to Congress."

If my colleague means by this, that by a faithful and fearless discharge of my Congressional duties, I am anxious to secure the approbation of my constituents, I plead guilty to the charge. If,

upon the other hand, he means to charge that I seek to gain votes by assaults upon Mr. Corwin, he pays a poor compliment to Mr. Corwin's popularity in Ohio. Sir, I will read his own language, and then you may judge whether or not my assaults upon Mr. Corwin can be so popular in Ohio as to secure me additional votes. He says:

"Mr. Chairman, assaults have been made—not once, but often—not in this Hall alone, but elsewhere—by my colleague, [Mr. OLDS,] upon the character of Thomas Corwin, the present Secretary of the Treasury—a man who has been recognized throughout Ohio, by all parties, through all the embittered political controversies in which he has been a prominent actor, as distinguished for his high moral virtues, and for an integrity not only unquestioned, but unquestionable."

My colleague continues:

"And here let me say that if the calumny was to circulate only where my colleague is personally known, or where Mr. Corwin is personally known, I should not consume a moment of the time of this House. In such case it would fall perfectly harmless."

Now, Mr. Speaker, if my colleague correctly represents the standing of Mr. Corwin and myself in Ohio, how in the name of Heaven can he suppose, that I expect to manufacture votes by assailing him? If his suppositions are true, one would suppose it would be a very unpopular act with the voters of Ohio, to take this political bull by the horns; especially when I had reason to suppose that the whole kennel, "Tray, Blanche, Sweetheart, and Prentiss," would all be turned loose upon me. These boasts of my colleague, depend upon it, are only the imitations of smaller boys "who always whistle loud, while passing through a grave-yard."

Does not my colleague know that once upon a time, and that time not far distant either, being during the prosecution of the Mexican war, and upon that gush of indignation that burst forth spontaneously from the good people of Ohio of all political parties, upon the reception of the "bloody hand and hospitable grave" speech of Mr. Corwin, that a petition, numerously signed, both by Whigs and Democrats, was presented to the Legislature of Ohio, asking his recall from the Senate of the United States, and his incarceration within the walls of the penitentiary? Ay, sir, perhaps it may be even popular in Ohio to expose fraud and corruption, even in the person of Thomas Corwin.

Mr. Speaker, my colleague charges upon me, not only that I have been actuated with improper motives, but that I have sought to take advantage of Mr. Corwin's ill health and absence from Washington to assail him.

"Two or three months ago," says my colleague, speaking of the fact that I had connected Corwin with the Gardiner claim, "he alluded to it in a speech, when I demanded to know whether he meant to insinuate that the connection of Mr. Corwin with that claim was in any way dishonest or disreputable. His reply was, that he did not so insinuate—leaving upon my mind a satisfactory impression; but upon the minds of other members, as I since learn, the idea that, instead of insinuating, he made the direct charge."

Again my colleague remarks:

"Time passed on, and I was loth to drag the matter again before the House. A few weeks since ill health drove the Secretary to a visit to his home in Ohio. He had been absent but a few hours from the city before my colleague, pursuing him as it were with the spirit of the hyena, presented a resolution asking a committee of investigation, prefaced with a string of preambles setting forth what rumor (which, I presume, he had himself created in part) said upon the subject."

Now, sir, let us see how the facts comport with my colleague's historical account of this transaction. On the 5th of March last, while addressing the Committee of the Whole on the state of the Union, I used the following language:

"Sir, let me divert the attention of this committee for a single moment to charges that common rumor fasten upon the present Secretary of the Treasury, and which the country demand to have investigated by this Congress. I refer, sir, to his connection with the Gardiner claim. Public rumor charges, sir, that Mr. Corwin received \$79,000 as the agent of this Gardiner claim. Now, sir, the inquiry naturally arises, Why did Mr. Gardiner stipulate to pay Mr. Corwin this enormous fee? Was Mr. Gardiner so dumb that he could not act as the agent of his own claim? Not so, sir; he is a man belonging to one of the liberal professions, and cannot be supposed to be devoid of common sense; and, sir, if his claim was a just one, he could himself present it before the proper tribunal and ask a decision upon its merits. But if his claim was bad, he would naturally desire to bring the stronger influence to its support. He could not have selected Mr. Corwin because of his great eloquence; for, sir, a plain, simple statement of facts was all that was

allowed before the tribunal. He could not have selected him on account of his legal acumen in taking and arranging testimony; for, sir, this case was prepared and the testimony taken in Mexico; and every one knows that Mr. Corwin, though a great favorite in Mexico in consequence of his 'bloody hand and hospitable grave' sentiments, was never in Mexico. Nay, more, sir; a grand inquest of the country, upon their oaths, have said that this whole case is a forgery. Why, then, sir, was Mr. Corwin selected? The answer is obvious: Mr. Corwin is a great man with his party. He has been made so, sir, by the Whigs of Ohio. They made him their Representative first in this House; then, sir, they made him their standard-bearer of the party in Ohio, by selecting him as their candidate for Governor; then, sir, they sent him to the Senate of the United States. But this is not all; he was at one time the favorite of his party in Ohio, as a candidate for the Presidency. His name, in connection with that office, was at the mast-head of his party press. Sir, Mr. Gardiner, as a shrewd man, knew all this. He knew that this man must be possessed of great influence with a Whig Administration; and for the exercise of this influence, for the power of this position, Mr. Gardiner could afford to give Mr. Corwin \$100,000, if thereby he could get allowed his claim of \$340,000. But, sir, in what light does it present Mr. Corwin before the country? The people had sent him here to guard their interests; they were paying him eight dollars per day to watch the National Treasury; they supposed, sir, that with the vigilant and ever-watchful eye of Mr. Corwin upon the Treasury, all would be safe. But, sir, rumor says that they were mistaken in their man; for whilst receiving pay from the people to watch and guard their Treasury, this Mr. Gardiner, knowing his man, fed him upon the other side—he outbid the people. Gardiner's \$100,000 was as omnipotent over your National Treasury as was the 'Open sesame' of Ali Baba over the cavern of the 'Forty Thieves.'

"Mr. CAMPBELL, of Ohio, (interrupting.) If the gentleman will allow me to correct him, I understand that my honorable colleague has charged upon the Secretary of the Treasury dishonorable and dishonest connection with the Gardiner claim. Do I so understand him?"

"Mr. OLDS. I have made my statement clearly and explicitly. If my colleague does not understand it, I will repeat it again, if he desires."

"Mr. CAMPBELL. I undertake to say that if he does charge upon the Secretary of the Treasury any dishonorable or dishonest connection with that claim, it is wholly gratuitous and unfounded. Now, I happened to have been placed—"

"Mr. OLDS. I ask my colleague to be brief, as I want all my time."

"Mr. CAMPBELL. I will; and I will not stand here and hear insinuations and insinuations of dishonesty against an honorable man. I happened to be placed, at the death of General Taylor, in such a situation as to have enabled me to understand fully and completely all the connections of that distinguished man with the claim then before the Mexican Board; and I say this, that so long as Mr. Corwin had any interest, direct or remote, in any claim which could in any possible contingency have to be paid out of the Treasury, he refused positively and peremptorily to take a seat in the Cabinet."

"Mr. OLDS. I hope my colleague will not understand me as making any insinuations against Mr. Corwin. [Laughter.] I hope I am not so understood by the House. I charged upon Mr. Corwin that he was elected by the Legislature of Ohio, and given eight dollars a day to watch over the National Treasury; and I charge that while receiving that pay from the people of the United States, he received \$79,000 from the holder of a claim, said to be forged and fraudulent, to open that Treasury and take the money from it. I hope this is no insinuation. [Laughter.] I am sorry that my colleague should so understand it."

"My colleague says, that before Mr. Corwin took a seat in the Cabinet, he sold out his interest in this claim. Does that change the fraud perpetrated upon the Treasury? Would my colleague insinuate that Mr. Corwin would protect the Treasury by swindling the man to whom he sold his interest in this fraudulent claim? Nay, sir, it is not far more likely that Mr. Corwin had given positive assurances that this claim should be paid? Will any man, in the right exercise of his reason, suppose for a single moment that so shrewd a speculator as George Law would have given \$79,000 for a contingent fee of \$100,000 without a positive assurance from Mr. Corwin that the claim should be allowed? Such an excuse as that offered by my colleague, only tends to sink Mr. Corwin deeper in infamy and corruption than the original charge."

"Mr. CAMPBELL, (interrupting.) I wish to say one word."

"Mr. OLDS. I cannot yield."

"Mr. CAMPBELL. I wish to say that Mr. Corwin will challenge investigation."

This, sir, is the history of what occurred at that time, as taken from the Congressional Globe. My colleague says, "it left a satisfactory impression upon my (his) mind." Yet his last words were, "I wish to say Mr. Corwin will challenge investigation." My colleague, sir, is Mr. Corwin's immediate representative. I understood, sir, and I think the House understood, my colleague as speaking by authority, when he pledged Mr. Corwin to "challenge investigation." It was with reference to this pledge, that in the preamble of the resolution calling for investigation, I said, "Whereas, Mr. Corwin, disregarding the pledge of his immediate representative, has failed to call for investigation," &c.

Now, sir, is there any lack of courtesy in this? Is there anything disrespectful towards my colleague in it? Yet my colleague says:

"That preamble betrays a desire on the part of my colleague to involve me in a controversy with him; for he sets out that I, the 'immediate representative' of Mr. Corwin,

have failed to call for investigation. If it is controversy with me that my colleague has been seeking, I can say to him that he can have it to his heart's content."

"Oh! ye gods and little fishes!"

Am I to understand that this is an open declaration of war? Or is it, rather, an illustration of the old saw—

"That little dogs that dare not bite,  
Sometimes bark to vent their spite?"

But to pass on with the Gardiner investigation. I waited more than two months for Mr. Corwin and his immediate representative to "challenge," or, rather, to call for an investigation. But I waited in vain. I then asked the unanimous consent of the House to introduce a resolution calling upon the President of the United States for information, to know why the Gardiner suit was not prosecuted, and for such information as might be in his possession touching Corwin's connection with the claim. Objection was made by the gentleman from New York, [Mr. Brooks,] one of the leading Whigs of this Congress. I acquiesced, supposing that Mr. Corwin, or his friends, were not yet prepared for the investigation. Time passed on. Months again elapsed. Rumors became more and more rife relative to the Gardiner fraud. When I asked the unanimous consent of the House to introduce the preamble and resolution now under consideration, objection was made by the gentleman from Georgia, [Mr. Toombs,] I asked leave to introduce the resolution at a few minutes past twelve o'clock, noon. My colleague immediately disappeared from his seat. I supposed that he had gone to consult Mr. Corwin. At four o'clock that afternoon Mr. Corwin left Washington city in the cars for Ohio.

So far, Mr. Speaker, from my seeking the absence of Mr. Corwin for an occasion to introduce the resolutions, precisely the contrary is the fact. You can bear me witness, Mr. Speaker, that I urged you to give me an opportunity to introduce the resolutions, as I had been told that in a few days Mr. Corwin would leave the city, and that I desired him, before leaving, to have notice that an investigation would certainly be demanded. I think, instead of being charged with taking advantage of his absence, that with more plausibility I may charge, that when my colleague informed him of what was going on in the House, he embraced the first train of cars to flee from the city.

But my colleague complains because my resolutions were "prefaced with a string of preambles setting forth what rumor,"—which, says my colleague, I had myself created in part,—"said upon the subject."

It is true, sir, that in Ohio last fall, I was invited, and did actually address Democratic meetings in nearly half the counties in the State. It is also true, that in each and all these meetings, at the one in the county in which my colleague resides, as well as the one in the very town in which for many years Mr. Corwin has resided, I charged upon Mr. Corwin, in language as strong as that used in my resolutions and preamble, his connection with the Gardiner fraud. And what, sir, was the result? Why, sir, in Ohio, where Mr. Corwin and myself are personally known to almost every citizen, where, according to the showing of my colleague, this assault "should fall perfectly harmless," the Whig party, in defending Mr. Corwin, were beaten more than twenty-five thousand votes. Another election is approaching in Ohio; my colleague is himself a candidate for reelection. No wonder, sir, that he speaks feelingly, and feels sensibly upon this subject.

But, sir, my colleague, in his attempted defense of Mr. Corwin, admits enough to warrant this House in prosecuting an investigation. After alluding to the Galphin controversy in this Hall, and the death of General Taylor, and the offer of a seat in Mr. Fillmore's Cabinet to Mr. Corwin, my colleague says:

"Mr. Corwin, having then fresh upon his mind the scenes of this House a few days previous upon the Galphin matter, declared to his friends that his contingent fees on Mexican claims were an insuperable barrier to his acceptance; that under no circumstances would he subject himself to any such suspicions as had given rise to that controversy. He was importuned and pressed, by day and by night, by distinguished statesmen from all quarters of the Union, to accept the post. His resolution was fixed, and in reply to the argument, that as these claims were settled, and determined by a tribunal independent of the Cabinet in all its action, his delicacy was too fastidious, he sternly said, that he would never act as the Secretary of the Treasury out of which any claim, in which he had either a direct or remote interest, should be paid. On this point he was

immovable. His friends then suggested that he should first dispose of all his interests in those claims. To this he consented. A house in New York proposed to buy his interest. The terms were arranged; the money was paid."

In this my colleague; the confidential friend of Mr. Corwin, fully admits two of the charges which I made against Mr. Corwin:

1st. That Mr. Corwin, whilst acting as Senator from the State of Ohio, and receiving eight dollars per day for watching over, and guarding the National Treasury, took a large contingent fee for the prosecution of a claim against the United States—the amount of his fee depending upon the amount of money he could get out of the United States Treasury.

2d. That when he was appointed the head of the Treasury Department, and received the custody of the National Treasury, and when this claim, if paid, must be paid upon his warrant, he sold his contingent claim to a gentleman in New York, for a large sum of money.

Now, sir, a few words with regard to the fraudulent character of this claim. In speaking of Mr. Corwin's connection with it, my colleague says:

"The proofs were furnished by Gardiner and his agents, and I have the authority of the members of the Board of Commissioners, composed, as it was, of distinguished men and able jurists, for saying that there was no clearer case presented to that Board than that of Gardiner. The papers were most perfect, both in matter of form and substance, and contained internal evidence, by a combination of corroborative circumstances, to force the conclusion that the claim was just. It was allowed."

In this short statement, my colleague makes himself a witness for the Gardiner claim. Let us see, then, how this statement agrees with my colleague's previous statements. He says:

"General Thompson, of South Carolina, was employed as his counsel. General Thompson being the warm personal friend of Mr. Corwin, and acquainted with his high legal attainments, and desirous to avail himself of his assistance, employed him to aid in the argument to the Board of Commissioners. The fee agreed on to be paid Mr. Corwin by General Thompson was five per cent. upon the amount allowed. Gardiner had nothing to do with Mr. Corwin in this contract. Mr. Corwin spent, to my knowledge, the greater part of one vacation between two sessions of the Senate in the preparation of arguments in this cause."

In this sentence my colleague tells us that General Thompson himself, a distinguished advocate and jurist, acquainted with his (Corwin's) high legal attainments, employed him to aid in the argument to the Board of Commissioners, and that to his personal knowledge Mr. Corwin spent the greater part of one vacation, between two sessions of the Senate, being the greater part of nine months, in the preparation of arguments in this cause. First, my colleague had the authority of the commissioners for saying "that there was no clearer case presented to that board than that of Gardiner;" that "the papers were most perfect, both in matter of form and substance, and contained internal evidence, by a combination of corroborative circumstances, to force the conclusion that the claim was just." Yet General Thompson, himself an eminent lawyer, knowing Mr. Corwin's high legal attainments, found it necessary to give him \$100,000 for his services in the prosecution of the claim, and that Mr. Corwin actually spent the greater part of nine months in the preparation of the case.

What, sir, is to be the interpretation of these contradictory statements? I fear me, sir, that my colleague himself will convict Mr. Corwin of being a party to the fraud. I fear me, sir, that this case is likely to be far more serious upon Mr. Corwin than even his worst enemies had apprehended. This case, when presented to the commissioners, was "most perfect." "No case presented was more perfect," both in matter of form and substance." Mr. Corwin spent the best part of nine months in the preparation of the case; and yet the facts are, that the whole case is a fraud, from beginning to end. No such silver mine as that claimed by Gardiner ever even existed. Every signature affixed to his evidence, with the exception of the signature of the consul at Vera Cruz, is said to be a forgery. Under these circumstances, the district attorney caused Mr. Gardiner to be again arrested and thrown into prison. No wonder, sir, that when Mr. Corwin heard that a committee of investigation was about to be raised in this House, he fled in dismay from the city. No wonder, sir, that my colleague was willing to withdraw his pledge that Mr. Corwin should "challenge investigation."

Mr. Speaker, "for the credit of my State," to use the language of my colleague, "for the honor of her citizens, of all parties," I hope the statement of my colleague is untrue. Yet my colleague seems to rely implicitly upon it, for he says:

"Now, Mr. Chairman, for the truth, substantially, of this statement, I pledge my veracity as a man, and my honor as a Representative in the American Congress."

Mr. Speaker, in the remarks which I had the honor to submit to this House on the 20th of the last month, speaking of the Galphinism of this Administration, I then said that—

"Through the investigation of Congress, their Galphinism has been exposed; and Crawford, loaded with the execrations of the American people, has received his passport to perpetual infamy. But Corwin still remains unwhipped of justice. True, sir, his catspaw and accomplice in the fraud, is loaded with irons, and is branded by public sentiment as a perjurer and forger; but the master-mov'ing spirit, the head and brains, in the fraud, through the negligence of this House, is still permitted to control the Treasury of the United States. Though this House may not visit upon him retributive justice, yet the American people, remembering, in connection with this fraud, 'his bloody hand and hospitable grave' sentiments, and the aid and comfort he gave our enemies in time of war, will sink him so deep in infamy, 'that the hand of resurrection will never reach him.'"

After making this quotation from my speech, my colleague remarks:

"Here, Mr. Chairman, are two clear, positive, and distinct charges. First, that Mr. Corwin has been guilty of the high crime of subornation of perjury. Secondly, that he is participes criminis to a most villainous fraud upon the public Treasury, over which he was appointed the people's sentinel. If my colleague were present, I would extend to him now the opportunity of withdrawing, unconditionally, the base calumny; or I should, on behalf of my constituents, demand a statement of his proofs. But, presuming that he ventures to base his charge upon public rumor, and avails himself of the aid of her foul and irresponsible tongue, to slander my friend and constituent, that his party may gain something, I have but to say that public rumor is notoriously a 'common liar,' and that the charge of these crimes upon Mr. Corwin is a wilful, a malicious, and a deliberate lie."

Now, Mr. Speaker, I am very much obliged to my colleague, both for his honorable courtesy, and unparalleled generosity as manifested in this extract. He generously affords me the opportunity of withdrawing, unconditionally, the base calumny which his own statement fastens upon Mr. Corwin, or otherwise "he demands the proofs." Now, sir, I affirm: 1st. That Mr. Corwin, while acting as Senator, and receiving eight dollars per day for watching and guarding the National Treasury, took a contingent fee, said to amount to \$100,000, for the prosecution of a claim against that Treasury. I affirm, 2d. That when about to become the head of the Treasury Department, he sold his contingent fee to a citizen of New York for a large amount, said to be \$79,000, and that said claim, amounting to nearly half a million of dollars, was paid upon the warrant or draft of Mr. Corwin. For the proof of these allegations, I refer not only to public rumor, but to the statement of my colleague, which, he says, upon the honor of a man, and an American Representative, are true.

I affirm, in the third place, that public rumor charges that Thomas Corwin and Robert Corwin, his nephew, through Mr. Corcoran, purchased the one fourth interest of this claim for the sum of \$15,000, and that with this \$15,000, Dr. Gardiner twice visited Mexico in the preparation of his papers and evidence to be presented to the Board of Commissioners. I charge, in the fourth place, upon public rumor, that Dr. Gardiner's claim was founded upon his right to a silver mine in Mexico, from which, he alleges, he was expelled by the Mexicans. I charge, in the fifth place, upon public rumor, that no such silver mine, as the one claimed by Dr. Gardiner, ever existed.

And I charge, in the last place, upon the finding of the Grand Inquest of this District, and upon the criminal prosecution now existing against Dr. Gardiner, that the evidence upon which the Mexican Claims Commissioners awarded nearly a half a million of dollars to Gardiner, Corwin & Co., was a forgery from beginning to end. And I have the authority of my colleague, Mr. Corwin's bosom friend and immediate representative, for saying that Mr. Corwin, in consequence of his high legal attainment, was employed, and actually spent the greater portion of nine months in the preparation of this case for presentation to the Board of Commissioners; and I will save my colleague the painful duty of demanding the proof, by asking the House for a committee of investigation, and an opportunity of furnishing the proof.

Now, Mr. Speaker, it is a notorious fact, that both my colleague and Mr. Corwin are ardent supporters of General Scott. That it is charged upon



Mr. Corwin, that his mission to Ohio was, in part, to negotiate and purchase the support of the leading Free-Soil paper of that State for General Scott. That Mr. Corwin is himself a "GALPHIN;" and that the gentleman from New York, [Mr. Brooks,] one of the editors of a leading Whig paper in the city of New York, charges that the election of General Scott will be a restoration of the "tail of the Galphin."

Now, sir, it is said that some of the evidence upon which these Mexican claims have been allowed, has most mysteriously disappeared from the files of the Department. Under these circumstances I can wait no longer for Mr. Corwin, or his friend and representative, to call for an investigation.

I demand, sir, of this House, in the name of the American people; I demand for the "credit of my State," and "for the honor of her citizens of all political parties," that these charges be investigated. Public policy and the interests of the people, demand that this investigation shall be had before any more of the evidences shall disappear from the files of the Department.

I may perhaps be told, that there is no occasion for haste, inasmuch as the President of the United States, knowing the importance of this testimony, has himself taken custody of this evidence, and placed it under lock and key, that no more may disappear from the files of the Department. But, sir, the sooner this whole transaction receives a thorough investigation, the better for the country.

Mr. Speaker, there are a few precious sentences in my colleague's remarks, which characterize his notions of what constitutes an "honorable warfare." For illustration, my colleague, in speaking of my humble self, says:

"My colleague who, when a candidate two years ago, ran home to electioneer the best part of a month before the adjournment, thereby dodging or evading a vote upon that test question of the day—the fugitive slave law; who 'Galphinized' upon the public Treasury (in a small way) to the amount of about \$150 per diem up to the close of the session."

If this, sir, is "honorable warfare," I might show from the record that my colleague, during this very session, has been absent a month from this House attending to his professional business in Ohio, and drawing his per diem compensation. I might show from the record, that, while we live only eighty miles apart, and that in returning from the last Congress I had to pass within a few miles of his residence; and that, while for the two sessions of the last Congress I Galphinized in the way of mileage the sum of \$860, my colleague Galphinized \$1,350 40. But this does not comport with my notions of "honorable warfare," and I will, therefore, spare my colleague.

Again, Mr. Speaker, my colleague's notions of "honorable warfare" would seal my lips, and not suffer me to charge upon General Scott his own declaration made in 1841, and still unrevoked, that he was in favor of a Bank of the United States, and that had he been in the extra session of Congress in 1841 he would have voted for such an institution, because, says my colleague, speaking of myself—

"He admits that he is a renegade Whig, and was about those days in favor of a United States Bank. He has had some experience in the shin-plaster business, having once been a subscriber to stock to the amount of \$250,000 in a manufactory of that kind in Ohio."

Why is it, Mr. Speaker, that, in the language of my colleague, I am to be pursued "HYENALIKE" for once having been a Whig? I have a thousand times confessed the fault, and done "works meet for repentance." As to the charge of having once been a bank man, I can exclaim, as did General Harrison in his Dayton speech in 1840, "I am no bank man now; I once was, and then they cheated me out of every dollar I put in them." But, sir, if I was once a Whig, General Scott claims to have once been a Democrat. He avowed himself to his Rochester friends, in 1839, as a Jackson Democrat. General Scott and myself both changed sides, then, it seems, in 1840. I do not think anything the worse of General Scott for having been once a Democrat; and I trust I may some day be forgiven for having been so foolish as to have been born a Whig.

Again, Mr. Speaker, my colleague, in his "honorable warfare," charges that I dodged the vote upon the fugitive slave law, and upon the Hillyer resolution. I have never hesitated to avow, that

had I been in the city when the fugitive slave law was passed, I should have voted against it. As an independent measure, I was opposed to it. I do not now like it. But, as a part of the compromise, I am willing to acquiesce in it, until it shall have received the test of time and experience. My colleague will find that upon the Hillyer resolution, I voted to lay it upon the table, a vote which my colleague well knows was a test vote upon the resolution.

My colleague, Mr. Speaker, is a Scott man; he was one of the wire-workers in the Senate Chamber caucus, and in General Scott's nomination. He boasts of his consistency, and would not vote for General Taylor, because he was not pledged upon the question of slavery. I have in my hand a letter written by my colleague in 1850, to this effect:

HAMILTON, October 14, 1850.

DEAR SIR: I have just received yours of the 11th. I have an important suit to attend to in the United States court at Columbus, and I have been written to that I must be there to try it the latter part of next week. It would give me the greatest pleasure to attend the meeting at Wilmington, but I cannot for this reason. As to the fugitive law, I condemn and denounce it on all occasions. I am against its iniquitous and unjust provisions, and all men who sustain it! It is the greatest outrage ever perpetrated upon liberty. I would trample it under foot. I have no right to dictate to others, but, for myself, I say I will utterly disregard its obligations, and will never cease my opposition until it is wiped from our statute-books. This is the position I took in the few speeches I made before the election, and in maintaining it hereafter, I shall not stop to inquire what effect my course will have upon my success as a politician. Political success has no charms for me, when purchased at the sacrifice of justice and right.

Very truly yours,

L. D. CAMPBELL.

A. BROOK.

Horace Greeley says that he loathes the Whig platform, and would spit upon it. He, too, is a leading Scott man. Senator Wade says, "that Gen. Scott told him that he would let his right arm fall from its socket before he would be instrumental in protecting slavery." I am aware, sir, that Senator Wade now says that he never wrote such a letter; yet, sir, the letter was read to a Whig Free-Soil meeting in Ohio, by an honorable ex-member of this House.

Mr. STANTON, of Ohio. Does the gentleman insist Mr. Wade wrote the letter?

Mr. OLDS. I insist that Tilden read the letter at a meeting of Free-Soilers and Whigs in Ohio.

Mr. STANTON. That rests upon the word of a newspaper correspondent.

Mr. OLDS. Yes, sir, upon a Whig correspondent of a Whig newspaper. I admit the witnesses to be suspicious, yet it is Whig authority.

Mr. POLK. Does the gentleman say that Mr. Wade did not write such a letter?

Mr. STANTON. Mr. Tilden said that he did not read any letter whatever, and the charge does not rest upon the authority of a Whig correspondent of a Whig newspaper, but upon the authority of an anonymous letter published in the Cleveland Plaindealer, a Democratic paper that has Pierce and King flying at its masthead.

Mr. OLDS. Yet Whig correspondents and Whig newspapers say, that he not only received such a letter from Senator Wade, but that he actually read it to a Free-Soil Whig meeting.

The truth is, sir, that both Wade and Tilden found it to be a "hasty plate of soup," and that they had better upset the bowl. Consequently, Wade telegraphed Tilden to destroy the letter. Tilden called two witnesses, in whose presence he read the letter, and then burned it. He now suffers Wade to make the denial, and consents himself to be branded a liar, until after the election, when the responsibility, depend upon it, will be shifted upon Senator Wade.

Such are the Scott men, and such is General Scott at the North. Upon the other hand, a Mr. Addams, one of the Whig delegates to the Scott convention, corroborated by the testimony of John M. Botts, Senator Jones, and others, represents General Scott as being "dead for the fugitive slave law."

Mr. Addams says, that General Scott held the following language to the Mississippi delegation:

"I am well pleased, too, gentlemen, with the platform you have adopted—it meets my hearty and cordial approval; and let me assure you, gentlemen, that this is no new-born faith with me. Years ago I entertained the sentiments expressed in that platform on the subject of southern rights. I can assure you that I was one of the first to give in my hearty and cordial approval and indorsement of those measures, when they were before Congress. There were but two others ahead of me in point of time in their advocacy and approval of those measures. I mean Mr. Clay, and

Senator Foote, of your State. As early as 1850, when first brought before Congress, I openly avowed myself the friend of those measures, and then, and since, as many I think as an average of five times a day, have I openly and publicly declared my sentiments to man, woman, and child, who has approached me on the subject."

"My name has been coupled with that of Mr. William H. Seward, and I have been charged with entertaining sentiments in common with him in reference to southern institutions. Nothing can be more unjust and false. It is true, I am personally acquainted with Mr. Seward, and that he is personally my friend; but I am not responsible for his peculiar sentiments, nor those of any other man who may see proper to support me; and no man living knows better than he what my opinions are and always have been. I made his acquaintance some time in the year '36 or '37. I had not met with him, or corresponded with, or interchanged communications with him, however, during the interval from the year '42 to '50. In the latter year, during the pending of the compromise measures before Congress, I met with him in traveling through New Jersey. He approached me upon the subject of those measures, and asked my opinion in relation thereto. I replied to him in these words: 'Sir, I am dead for the Constitution—dead for the Union—dead for the compromise—and dead against any man who is opposed to them or either of them.' The language used by myself on that occasion was so positive and emphatic that, in alluding to it since—for he well remembers the conversation—he has even charged me with rudeness."

My colleague says:

"As to the FUGITIVE LAW, I condemn and denounce it on all occasions. I am against its iniquitous, cruel, unjust provisions, and ALL MEN WHO SUSTAIN IT."

Yet, my colleague is one of the "chief cooks and bottle-washers" in the Scott organization at the North. General Scott says:

"I am dead for the Constitution—dead for the Union—DEAD FOR THE COMPROMISE, AND DEAD AGAINST ANY MAN WHO IS OPPOSED TO IT."

Somebody is imposed upon. Either the North or the South is cheated—dreadfully, shamefully cheated. A greater fraud upon the elective franchise is being perpetrated by General Scott and his friends than that of Gardiner, Corwin & Co., upon the National Treasury. And, sir, although I do not include this in my investigation resolution, I warn my colleague, when he accuses me of deception and dodging, "Men who live in glass houses should not throw stones."

Mr. CAMPBELL, of Ohio. I ask my colleague to withdraw his call for the previous question for ten minutes; I will renew it.

Mr. MEADE. I wish to offer an amendment to the preamble, unless it is accepted as a modification of the resolution by the gentleman from Ohio.

Mr. OLDS. I wish to say to my colleague and the House, that he had opportunity to make his attack upon me during a whole hour. I have replied only to the allegations that he has made against me.

The SPEAKER. Discussion is out of order.

Mr. SWEETSER. I hope my colleague will be allowed ten minutes of reply.

The amendment of Mr. MEADE was read by the Clerk, as follows:

Whereas, a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claims Commissioners, with one of which it is suspected Thomas Corwin, Secretary of the Treasury, has been improperly connected: therefore, &c.

The SPEAKER. It is not competent for the gentleman from Ohio to modify his resolution, in the opinion of the Chair.

Mr. OLDS. Permit me to say I am willing that my colleague should have the floor ten minutes, or half an hour. My anxiety is this: I fear there may be a disposition to carry this resolution to the table, by proceeding to other business, and I may not be able to reach it again. All I ask is, that an investigation may be had. I have pledged myself to the country that this investigation shall be had, and my colleague has pledged himself that Mr. Corwin would challenge investigation. I withdraw my call, on the condition that it shall be renewed by my colleague.

Mr. STEVENS, of Pennsylvania. I wish to ask the gentleman, as I expect to vote for his resolution, whether, under the circumstances, he intends to serve upon the committee?

Mr. OLDS. I will not serve upon the committee. I shall ask the Speaker to excuse me.

Mr. STEVENS. I supposed not, as you have already condemned him.

Mr. CAMPBELL, of Ohio. I do not rise, Mr. Speaker, for the purpose of following my colleague through the remarks he has just submitted. I consider the time of the House, at this late period, too precious to be consumed in exposing my colleague, further than I have already been compelled

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by a sense of duty to do. The old issue between us is not changed by anything he has said, and I address myself simply to the new points he has raised.

He has again inquired why I did not demand, in behalf of Secretary Corwin, an investigation into his connection with the Gardiner claim. I have already stated the very satisfactory reason that no responsible person had been found to assert a charge of improper or corrupt conduct. Some months ago, when my colleague had the floor, understanding him to insinuate such a charge, I did promptly rise in my place, and put to him the question directly, as to whether he made such a charge. And I then said that Mr. Corwin would challenge investigation whenever any responsible man was found to assert the charge on this floor. Whether I was so reported, I do not know, as there was much confusion in the Hall at the time, and I have never looked at the published report. I have always asserted, that whenever there was found a responsible father for this calumny, investigation should come. But no such person has ever been found. Even my colleague has prefaced his resolution by saddling the charge upon public rumor. I should indeed be treacherous to my duty, were I to demand here an investigation of any man's conduct, involving large expenditures of the public money, upon any idle and libelous rumor that may have been originated by hired demagogues to blacken the fame of honest men. Sir, I come here for no such purpose.

A word, sir, as to the creation of this slanderous rumor as to Secretary Corwin and the Gardiner claim. I charge that my colleague has manufactured it. More than a year ago, I remember he came to the town in which I reside, to address a Democratic meeting. He there made pretty much the same speech on general politics that he refreshed us with here the other day, except as to the allusion to the Secretary of the Treasury. He then, in an insinuating manner, sought to cast a stigma upon his character for integrity. Determined to bring the matter to a point, I was unwilling that even in a Democratic meeting, where I had no rights, the character of that man who had been personally known to most of the audience as honorable and upright from his boyhood, should be blackened by insinuations. I interrupted my colleague, and inquired whether he made the charge that, as Secretary of the Treasury, he had acted improperly in regard to this claim. He then, sir, before that Democratic meeting, disavowed that charge, and confined it to the fact that he was attorney for the claimant whilst he was a Senator. Yet, sir, I have heard that he passed on through the State of Ohio, from Hamilton, from stump to stump, with the base insinuation upon his tongue that the Secretary was corrupt.

Mr. OLDS. (Mr. CAMPBELL yielding to him for explanation.) When I was proceeding with my remarks at Hamilton, and was speaking of the fact, that Mr. Corwin, while acting as Senator, and receiving eight dollars a day of the people's money, had taken a fee from the other side as a claim agent against the Treasury, my colleague arose, and in putting his question to me, made a disclaimer that Mr. Corwin, before he went into the office of the Secretary of the Treasury, sold out his interest in that claim. He made an admission of the very thing I charged. In reply to him I said this: How does that change the condition of Mr. Corwin? If this was a fraudulent claim, and he sold it for a valuable consideration, does he wish his friends to understand that he cheated the man to whom he sold the claim in New York? or did he have an understanding with the gentleman in New York that on being Secretary of the Treasury that claim would be paid? I told him to take which horn of the dilemma he chose.

Mr. CAMPBELL. The House will perceive, Mr. Speaker, that my colleague now admits substantially, what I have said, that there, in that Democratic meeting, his charge was simply that Governor Corwin, whilst Senator at eight dollars per day, had no right to employ his leisure time, not

taken up by duties in the Senate, in pursuing his profession, and acting as an attorney for claimants. Yet his charge in his speech on this floor to which I replied, was one of high crime, viz: Subornation of perjury and willful frauds upon the Treasury over which he has control. On the subject of Senators and members of Congress, acting as attorneys in the prosecution of their profession before our courts, commissioners, and departments, without going into details or discussing the propriety of it, I have but to say, for my present purpose, that such has always been the practice of men of all parties here, from time immemorial. As a party charge, then, my colleague makes nothing by that.

But, Mr. Speaker, as if driven to the wall by his former charges against my distinguished constituent, my colleague now makes others. He says that Mr. Corwin, learning that this searching resolution had been offered, left the city for Ohio. Sir, I cannot now stigmatize this charge as it should be marked. I have only to say, as is well known to many members here, that Mr. Corwin had left for Ohio, more than twenty-four hours before my colleague proposed to offer his resolution, and was, perhaps, half way to his journey's end before my colleague drew it from his pocket. In fact, sir, I believe it was the knowledge of his absence that induced its presentation at that particular time. Besides, sir, the Secretary's acquaintances all know that his health imperatively required his absence, and the idea that my colleague's self-importance has conjured up, that he left to avoid his puny assaults, will be regarded as the veriest absurdity where either of the parties are known.

But my colleague says that Mr. Corwin went to Ohio to purchase up some Free-Soil paper. It would be well for my colleague if he makes this new charge to amend his resolution and have that investigated also. It will save the expense upon the public Treasury, over which he has constituted himself a guardian, to do so, and to have all his charges examined at once, and all his slanders silenced by one report. As to this new charge, I have but to stigmatize it, as I did others of a similar character, a few days since, as wholly destitute of any foundation in truth.

Mr. OLDS. I did not make the charge. I only said that public rumor said so.

Mr. CAMPBELL. My colleague always deals in public rumors. It is my colleague who goes from stump to stump, in Ohio, from day to day, week to week, and month to month, casting aspersions upon the characters of honest men, and when brought to account for it, conceals his beautiful person beneath the ample and filthy folds of the under garments of that old hag, "Rumor." It is he who goes around the country, worming his poisonous slanders into the ears of the unsophisticated and credulous yeomanry of the land, against honorable men; and when summoned for his proofs, gives the whippers of her foul tongue. Of all character of persons, Mr. Speaker, in my judgment, those who seek to destroy or impair the reputations of their fellow-men, by retailing the malicious whisperings of public rumor, thus evading the responsibilities which honorable men are ever ready to assume, are most deserving of public scorn and public contempt. My colleague has just given us his own evidence to show that he is entitled to the credit of being a leader amongst this class of men.

So far, then, as the Secretary of the Treasury is concerned, I only desire to say, that my colleague has long been engaged in this work of poison—this system of creating opinion upon idle rumors. If the House deem it due, either to the public interest, or to the character of Secretary Corwin, which has had aspersions cast upon it by my colleague in this manner, that there should be an investigation, I not only ask it, but demand it. All that I would ask, as his friend and representative, and all, I know, that he would ask, is a fair and impartial committee, who, ridding themselves of all party prejudices, will investigate his connection with this claim, and if they choose, the

whole history of his life. I feel confident, sir, and I repeat it, that the calumnious charge of corruption against him, will vanish before the light of fair investigation, as dust does before a tornado.

Now, Mr. Speaker, a few words as to my colleague's assault upon me. His personalities I cannot notice without a violation of the principles of honor, or without stooping from the dignity which my position here requires me to maintain. Upon the point of personal veracity, I have but to say, that in my remarks the other day, I moved the "previous question" on my colleague on this point, which certainly cuts off all debate on this floor. I have nothing further to say upon that question; but I have to say to him, in reply to his sneering allusion to my physical size, that although I only weigh about one hundred and twenty-five pounds avoirdupois, I will waive that difference readily and cheerfully, if he has any wrongs to avenge, by an effort at personal chastisement. Though I do not profess to be either good-looking or physically strong, I am ready to compare the personal appearance which God has given me with his, and that may be found large enough, and strong enough, and able enough to defend myself or a friend on this floor, or any other proper place, intellectually or physically, from the effect of his puny assaults.

Mr. OLDS. I do not wish to take any advantage of my friend in consequence of the smallness of his size. It reminds me of the two men who went out to fight a duel. One was a large and the other a small man; and it was agreed that the large man should mark out the size of the little man upon his person, and that if he were shot outside of that mark it should not go for anything. I will make the same arrangement with my colleague.

Mr. CAMPBELL. Mr. Speaker, my colleague's effort at wit is quite as feeble as his attempts to destroy men's reputations. If he can satisfy himself with it, I have nothing more to say.

Mr. Speaker, my colleague has charged that I was absent from the House for some three weeks during this session. That is true, sir. Let him have credit for having uttered a truth here! After a long absence from friends and business, and after many months of laborious attention to every interest of my constituents here, I did, in the spring, go home. But, sir, I availed myself of a period in our business when it was scarcely possible that any question would be voted upon in which my constituents had either a direct or remote interest. Not so with my colleague's absence, to which I incidentally alluded to show that he was not the proper person to charge that Mr. Corwin, as Senator, had neglected his duties. He was absent for several weeks at the close of the session, into which, we all know, the important business of Congress is crowded. He was not at his post at the time when your Treasury is plundered, if plundered at all—at the close, when everything is passed in hot haste—when the "Galphinzers" look for a harvest. My colleague was not a sentinel then, at the close of the ever-to-be-remembered first session of the Thirty-first Congress. He was not here when the fugitive slave law was passed. Where was he? Echo answers: "At home electioneering, and proving his fidelity to Free-Soil principles." Sir, I was here. The record shows it. I have been here whenever every great question of public interest during my service has been voted upon, and especially during the memorable session of 1849-'50.

But my colleague complains that he has not received enough mileage, or that I have received too much. On this point I desire only to say, that the Committee on Mileage, which is a Democratic committee, settled the matter for me without my interposition. I had nothing to do in the matter, except to answer their interrogatories, that I lived in Hamilton, Ohio, twenty miles north of Cincinnati. Upon this, they allowed me for twenty miles more travel than they gave my Democratic colleague, [Mr. DISNEY,] who resides in the city of Cincinnati. In fact, sir, I have never looked into

it particularly. My rule is to tell the truth when interrogated by the Committee on Mileage, and then take whatever money the Sergeant-at-Arms, under their direction, offers me. That is all I do. It may be that my colleague would fare better by pursuing the same course.

My colleague has found in a newspaper, a private letter which some two years ago I wrote in regard to the fugitive slave law, and which found its way into the public prints. He is welcome to all he can make out of it. It has, at least, the redeeming trait of boldness, and direct opposition to the details of that law. In regard to it, I have only to say here, that my position is well understood. Acknowledging, as I do, the constitutional obligation to deliver up fugitives from labor, I am, nevertheless, opposed—uncompromisingly opposed—to the details of any law, under which a free man, of any complexion, may be made a slave. My opinions are well known here. They have been freely and fearlessly avowed on all proper occasions. Honorable gentlemen, on all sides of this Hall, of every party, will bear me witness, that I have never pursued an evasive course on this point. Can my colleague say as much? Can anybody say as much for him? Let his constituents answer. Sir, when I am to retain this seat only by duplicity—by holding one set of opinions here, and another among my constituents, I shall leave it in disgust. That I claim a modification of the fugitive slave law I confess, and that, in due season, even our southern friends, when cool and patriotic counsels prevail, will see the justice of that claim, I do not cherish a doubt.

Mr. Speaker, the time of the House is valuable, I know, and I dismiss this matter, leaving the House to exercise its pleasure as to the passage of this resolution. In pursuance of my promise, I move the previous question.

Mr. OLDS. Can I accept the amendment to the preamble proposed by the gentleman from Virginia, [Mr. MEADE?]

The SPEAKER. It can only be done by unanimous consent.

Mr. RICHARDSON. It can be done by withdrawing the call for the previous question.

The SPEAKER. The Chair so understands it.

Mr. OLDS. Will my colleague withdraw the call for the previous question?

Mr. CAMPBELL. Certainly; I do withdraw it.

Mr. OLDS. Then the gentleman from Virginia can propose his amendment to the preamble, and then move the previous question.

Mr. MEADE. I then offer that amendment, and renew the motion for the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was then taken upon the resolution, and it was agreed to.

The question was then put upon the amendment to the preamble, and it was agreed to; and the preamble as amended was then adopted.

Mr. OLDS moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

#### BUSINESS BEFORE THE COMMITTEES.

Mr. COBB. I ask my colleague to withdraw that motion, so that I may introduce a resolution in which every member of this House is interested, with the exception of the Committee on Public Lands.

Mr. HOUSTON. Let the resolution be read for information.

The Clerk read the resolution, as follows:

*Resolved*, That all bills, resolutions, and other matters referred to the standing committees of this House, upon which no report shall have been made at this session, shall be returned informally to the Clerk, and shall, by virtue of this resolution, stand recommitted at the commencement of next session to said committees, into whose possession the Clerk is hereby directed to restore them.

Mr. EVANS. I object.

Mr. GREY. I ask the gentleman from Alabama to allow me to introduce a resolution, to which, I am sure, no gentleman in the House will have an objection. It is a resolution of inquiry.

Mr. KING, of New York. I object. It is not in order.

Mr. GREY. I ask that the resolution may be read. I am convinced that no gentleman upon the floor will object.

Mr. KING. I object; and I call for a vote upon the motion of the gentleman from Alabama, [Mr. HOUSTON.]

The question was then taken upon Mr. Houston's motion, and it was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HARRIS, of Tennessee, in the chair.)

#### OCEAN MAIL SERVICE.

Mr. HOUSTON. I move to take up House bill No. 242, making appropriations for the transportation of the United States mail by the ocean steamers, and otherwise, during the fiscal year ending 30th June, 1853.

The motion was agreed to.

The bill was then taken up for consideration, and was read through by the Clerk.

Mr. HOUSTON. I do not intend to occupy any of the time of the committee in explaining this bill further than to say that the bill, as reported by the Committee of Ways and Means, is simply for appropriating money to carry out the existing contracts for the ocean steam service, made in pursuance of law. There is no contract in the bill. There is no proposition to make an additional contract in the bill, but it is confined alone and entirely to carrying out the existing contracts which have been made under existing laws.

I am instructed, sir, by the Committee of Ways and Means to propose an amendment at the end of the ninth line in the first paragraph, of which I give notice to the House, so that they may know what is coming. The amendment is to strike out \$385,000, which was the amount of compensation heretofore paid to the Collins line, and to insert in lieu of that sum \$858,000—the compensation allowed to that line in accordance with the recent vote and legislation of Congress. That is the only amendment the Committee of Ways and Means propose to this bill. In saying this, I believe I have brought all the facts connected with this bill before the House, so far as the bill itself is concerned; and if it is the pleasure of the House, I am exceedingly anxious that we should close this debate to-morrow at twelve o'clock. If gentlemen wish it, we might have an evening session to discuss this bill.

[Cries of "Close the debate!"]

Mr. HOUSTON. Mr. Chairman, if the committee will agree to it, I will propose now to go into the House and pass a resolution closing debate upon this bill to-morrow at twelve o'clock, and then there will be no misunderstanding about it. I move that the committee rise.

The question was then taken, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman stated that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and especially House bill No. 242, and had come to no conclusion thereon.

#### CLOSE OF DEBATE UPON THE MAIL SERVICE APPROPRIATION BILL.

Mr. HOUSTON. I propose the resolution to close debate upon House bill No. 242 at twelve o'clock to-morrow.

Mr. TAYLOR. I move an amendment to that resolution, by striking out twelve o'clock to-morrow, and inserting in lieu thereof, in five minutes after the committee shall again resume the consideration of the same.

Mr. JOHNSON, of Arkansas. I move to amend the amendment of the gentleman from Ohio, by striking out "five minutes," and inserting "fifteen."

Mr. HARRIS, of Tennessee. I call for the previous question.

Mr. ORR. I should like, sir, to offer another amendment.

The SPEAKER. A second amendment is not in order. An amendment to an amendment is moved, and another amendment is not in order.

Mr. ORR. I desire to offer an amendment that the debate be closed at four o'clock to-morrow.

This is an important bill, and ought to be discussed.

The SPEAKER. No further amendment is in order, the previous question having been moved.

The previous question was then seconded, and the main question ordered to be put.

The question was then taken upon the amendment to the amendment, and it was agreed to.

The question recurred upon agreeing to the amendment as amended, and being put, it was agreed to.

Mr. ORR moved to lay the resolution upon the table.

The motion was not agreed to.

The question was then taken upon the adoption of the resolution as amended, and it was agreed to.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HARRIS, of Tennessee, in the chair,) and resumed the consideration of House bill No. 242.

Mr. DEAN obtained the floor, and addressed the committee in regard to the issues involved in the presidential question, and in regard to the extravagance of the present Administration. Upon his responsibility, he asserted that the corruptions which existed in the Departments at Washington are greater than they ever have been; and that the investigating committee which had been appointed by the Senate would make developments astounding to every one.

The bill was then read by sections, for amendment.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment, viz: After the word "back," in the ninth line, strike out the words "three hundred and eighty-five," and insert in lieu thereof the words "eight hundred and fifty-eight," so as to make the clause read as follows:

"For transportation of the mails from New York to Liverpool and back, \$858,000."

That is to provide for the Collins line. I desire to say now, that this bill was reported by the Committee of Ways and Means some time before the House acted upon the Collins line, when the deficiency bill was under consideration. At the time this bill was reported, it provided an appropriation for the Collins line, in accordance with the then-existing laws. Congress, however, have since that time increased it to \$858,000, and I am now instructed by the Committee of Ways and Means to move to amend the bill, to meet that increase.

The question was taken, and the amendment was agreed to.

Mr. HOUSTON. I move that the committee do now rise, and report the bill to the House.

The motion was agreed to.

The committee accordingly rose, and the chairman (Mr. HARRIS, of Tennessee) reported that the committee had, according to order, had the Union generally under consideration, and especially House bill No. 242, for the support of the United States mail service by ocean steamers, during the fiscal year ending June 30th, 1853, and had come to no conclusion thereon.

Mr. HOUSTON. I move the previous question upon the bill.

The previous question was seconded, and the main question was ordered to be put.

The bill was then ordered to be engrossed and read a third time; and having been engrossed, it was read the third time.

Mr. JOHNSON, of Arkansas. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then passed.

Mr. HOUSTON. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider on the table.

The question was put, and the latter motion was agreed to.



## MARGARET L. WORTH.

Mr. POLK. Mr. Speaker, I have sought the floor for a long time, for the purpose of bringing before the House for consideration a bill, important in its character. I will not appeal to the sympathy of the House, nor do I desire to do so. I believe that the mere mention of the case will operate upon the judgment of members of this House, to induce them to take it up, and pass it. I move to take up the bill now upon the Speaker's table, for the relief of the widow of Major General Worth. I ask the unanimous consent of the House to take up this bill, and I hope no member will object.

Mr. ALLISON. I know my friend from Tennessee will include two orphans, of whose case I have charge. Their case is a very meritorious one, and one of great necessity.

Mr. POLK. If there are circumstances connected with that case which inspire the same patriotism as the case I have presented, I will most certainly include the gentleman's case. I however decline to include it in my proposition.

The SPEAKER. Debate is out of order until the gentleman's resolution is before the House for consideration.

Objection was made.

Mr. POLK. I move to suspend the rules.

Mr. HARRIS. I will remark that this bill is not on the Speaker's table. It is before the Committee of the Whole on the Private Calendar.

Mr. POLK. Then I move to discharge the Committee of the Whole from the further consideration of this bill, with a view of taking it up and passing it.

Mr. HARRIS, of Tennessee. I object.

Mr. POLK. I move to suspend the rules.

The question now being upon the suspension of the rules,

Mr. BRIGGS demanded tellers; which were ordered; and Messrs. CHANDLER, and HARRIS of Alabama, were appointed.

The question was then taken, and the tellers reported—ayes 96, noes 30.

So (two thirds having voted in the affirmative) the rules were suspended and the motion received.

The question was then taken, and the House agreed to discharge the Committee of the Whole from the further consideration of the bill indicated.

Mr. POLK. I move the previous question on the passage of the bill.

Mr. HARRIS, of Tennessee. I rise to a question of order. I understand the motion of the gentleman from Tennessee [Mr. Polk] to have been to discharge the Committee of the Whole from the further consideration of this bill. Now, I do not understand that that brings the bill before the House for its action. It goes to the Speaker's table, and must be taken from there before it can come before the House for its action.

The SPEAKER. The gentleman from Tennessee [Mr. Polk] moved to discharge the Committee of the Whole from the further consideration of the bill, with a view of putting it on its passage. The Chair thinks both propositions were contained in his motion, and decides that the bill is before the House.

Mr. SEYMOUR, of New York. I ask that the bill may be read.

It was read through by the Clerk.

It provides that the Secretary of the Interior shall place the name of Margaret L. Worth upon the pension roll at the rate of \$50 per month, from the 7th day of May, to continue during her natural life.

Mr. HEBARD. Is there any report accompanying the bill?

The SPEAKER. There is none in the possession of the Clerk. It is a Senate bill.

Mr. HEBARD. Then I should be very glad to hear some statement made as to the facts upon which the bill is founded.

Mr. POLK. It is a sufficient statement to say that she is the widow of the late gallant and lamented General Worth.

Mr. HARRIS, of Tennessee. Is there not an amendment pending to the bill.

The SPEAKER. There is an amendment which will be reported.

The Clerk then read several amendments.

Mr. HARRIS. Will my colleague allow me to say a word?

Mr. POLK. I cannot allow my colleague.

Mr. HARRIS. Then I rise to a point of order.

The amendments reported have never been offered to the bill. The bill was reported from the Committee on Invalid Pensions, and has never been considered in Committee of the Whole. An amendment was reported from that committee, but not the one which has been read.

Mr. POLK. Then I make the issue before the House with my colleague, and I ask the House to decide whether any construction shall be put upon this matter by which to prevent the widow of a man who fell fighting with his face to his country's enemies, from having this little pittance upon a mere question of order.

The SPEAKER. The question of order is merely one of fact.

Mr. HARRIS. It is known to every member of the Committee on Invalid Pensions that another amendment was offered by that committee.

The SPEAKER. The Chair is informed that a mistake has been made by reading the wrong amendment. That reported by the Committee on Invalid Pensions is the following:

Strike out all after the enacting clause of the bill, and insert the following:

"That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Margaret L. Worth, widow of the late General Worth, on the pension roll, at the rate of \$30 per month, to commence on the — day of —, to continue for five years: *Provided*, That in case of her death, or the marriage of the said Margaret L. Worth, before the expiration of the said five years, the pension for the remainder of the time shall be paid to the children of the said Worth."

Mr. POLK. I insist upon the previous question.

The SPEAKER. The only amendment before the House is the one reported by the Committee on Invalid Pensions. The gentleman from Tennessee, [Mr. Polk,] I understand, moves the previous question. If so, all debate on the bill or amendment is out of order.

Mr. JOHNSON, of Tennessee. I would suggest to my colleague, [Mr. Polk,] that he withdraw his demand for the previous question and admit one little amendment. His feelings seem to be all alive for the widows of officers who had served their country and have fallen in battle. I was in hopes my colleague would permit an amendment to be offered, which would embrace the widows of all those old soldiers who had fallen in battle while in their country's service. Many of them have been allowed a pension of five years' half pay, which pay has long since expired, and I can see no good reason why the widow of the soldier who has fallen in battle should not be placed upon an equal footing with the widows of officers who have died at home.

Mr. POLK. There is no gentleman whom I would accommodate sooner than my friend and colleague, but he has not evinced any generosity himself in regard to such matters.

Mr. JOHNSON. I was in hopes my colleague's sympathies would extend to the widows of soldiers, as well as to those of officers.

The question being upon seconding the demand for the previous question,

Mr. STANTON, of Tennessee, demanded tellers; which were ordered; and Messrs. ROBBINS and MOLEY appointed.

A count was then had, and the tellers reported—ayes 84, noes 44.

So the previous question was seconded.

The SPEAKER. Before the motion upon ordering the main question is put, the Chair would remark to the gentleman from Tennessee, [Mr. HARRIS,] who reported the amendment from the Committee on Invalid Pensions, that there is a blank in the amendment as to the date when the pension shall commence.

Mr. HARRIS. Fill the blank with the same date as that contained in the bill.

The amendment was then again read.

The main question was then ordered to be put.

The question next recurring upon agreeing to the amendment reported by the Committee on Invalid Pensions,

Mr. POLK called for tellers; which were ordered; and Messrs. GOODENOW and WILDRICK were appointed.

The question was then taken, and the tellers reported—ayes 72, noes 51.

Before the result was announced,

Mr. CARTER called for the yeas and nays; which were not ordered.

So the amendment was adopted.

The amendment was then ordered to be en-

grossed, and the bill to be read a third time; and, having been engrossed, it was read a third time and passed.

Mr. HARRIS, of Tennessee, moved to reconsider the vote last taken and to lay the motion to reconsider upon the table; which latter motion was agreed to.

## HEIRS OF CAPTAIN PLUMMER.

Mr. ALLISON. I move to take up Senate bill No. 454, for the relief of Joseph Morton Plummer and Mary Reynolds Plummer, heirs and minor children of Captain Plummer of the United States Army.

A VOICE. I object.

Mr. ALLISON. I move that the rules be suspended to allow me to make the motion.

The question was then taken and decided in the affirmative.

The bill was then taken up and read.

It provides that the Secretary of the Navy be directed to place the names of Joseph Morton Plummer and Mary Reynolds Plummer upon the pension roll at a pay per month amounting to one half the sum their father was entitled to, to continue for a period of five years, commencing on the 9th day of March, 1852.

Mr. ALLISON. I have but a word or two to say in relation to this bill.

Several MEMBERS. There is no occasion for it.

Mr. ALLISON. As there seems to be a disposition to put the bill upon its passage, I will make that motion, and call the previous question.

Mr. ORR. I hope the gentleman will say something in explanation of it.

Mr. ALLISON. I withdraw my motion, then, for the purpose of making a statement. Captain Plummer was an officer in the Army of the United States, and served with gallantry and bravery in the Florida war, and also in the Mexican war, in which latter service he contracted a disease which terminated his life a few years ago. An application was afterwards made to the present Congress for a pension for his widow, and while that application was pending in the Senate, the widow died, leaving two children, in poverty and destitution. One of them is an infant, as I am told by my friend from Maryland, [Mr. EVANS,] who understands this case much better than I do. After the widow's death, a change was made in the bill, and the names of the surviving children substituted in the place of that of the original applicant, the mother, and that is the bill which is now before you for consideration.

Several VOICES. Let us pass it. That is enough.

Mr. ALLISON. Then I move the previous question upon its passage.

The previous question received a second, and the main question was ordered to be put.

The bill was then read a third time and passed.

Mr. ALLISON moved to reconsider the vote last taken, and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

## OBITUARY NOTICES OF HENRY CLAY.

Mr. STANTON, of Kentucky. I rise to a privileged question. The Committee on Printing have instructed me to report the resolution which I send to the Clerk's table.

The resolution was as follows:

*Resolved*, That the Committee of the House on Printing be directed to cause to be published ten thousand additional copies of the proceedings of the Senate and House, and obituary notices upon the death of Henry Clay.

Mr. STANTON. I have but very little to say upon that resolution.

Several VOICES. There is no necessity of saying anything.

The question was then taken on the adoption of the resolution, and it was agreed to.

## LIGHT-HOUSE BILL.

Mr. DUNCAN. I move that the House resolve itself into the Committee of the Whole on the state of the Union, in order to take up House bill No. 312, making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes. The claims of humanity demand that it should be passed.

Mr. STANTON, of Ohio. Is that motion debatable?

The SPEAKER. It is not.

The question was then taken, and the motion was agreed to; there being, on a division—ayes 90, noes not counted.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. VENABLE in the chair.)

Mr. HOUSTON. Mr. Chairman, there is one more appropriation bill reported from the Committee of Ways and Means, which I hope the House will take up and dispose of at this time.

Mr. STUART. I rise to a question of order. By the courtesy of this House, I submit that the gentleman from Massachusetts [Mr. DUNCAN] is entitled to the floor, he having made the motion to go into committee, for the purpose of taking up the light-house bill.

Mr. HOUSTON. It is very clear that the gentleman's point is not a point of order; but, if the gentleman desires the floor upon the ground of courtesy, I yield it to him.

Mr. DUNCAN. I move that the committee take up House bill No. 312, making appropriation for light-houses, &c.

The question was taken, and the motion was agreed to, there being, on a division—ayes 96, noes not counted.

Mr. DUNCAN. I will not occupy the attention of the committee, at this period of the session, by any extended remarks; but will simply state, that the appropriations in this bill have received the careful attention of the Committee on Commerce; that the bill is moderate in amount, as compared with some bills of this character which have been passed within a few years.

The CHAIRMAN. Will the gentleman give way until the bill shall have been read?

Mr. STANTON, of Tennessee. I move that the House dispense with the first reading of the bill.

The question was taken on the motion, and it was agreed to.

The Clerk then read the first section of the bill, upon its second reading.

Mr. DUNCAN. I simply propose to say, that these appropriations are made upon petitions and recommendations from the proper authorities, and upon the suggestions of the Light-house Board, and of the Commissioner on Light-houses, and from information obtained from the Coast Survey. The result is, the bill which the committee have now presented to the consideration of the committee.

Mr. HOUSTON. With the permission of the gentleman from Massachusetts, [Mr. DUNCAN,] I would inquire if this is the last reading of the bill?

The CHAIRMAN. It is the last reading by sections.

Mr. HOUSTON. It occurs to me that the first clause of the bill, if I understand it right, is intended not to let the appropriation that has been made for the light-houses fall into the surplus fund at any time.

Mr. EVANS. We will have the clause read again.

Mr. HOUSTON. My object is to call the attention of the committee to that point. It occurs to me if there is any defect in the law now, it exists in regard to this very item. The practice of the Government has been, in my opinion, very improper for a number of years, because it has not rigidly and strictly administered the law, in regard to the surplus fund. They have not required the surplus moneys to be carried into the surplus fund, where Congress can get a knowledge of them; and it seems to me that this clause makes the matter infinitely worse, for it proposes that the moneys appropriated for these purposes, shall not go back to the surplus fund in conformity to the law, which says that after money has been lying two years idle and unused under an appropriation, it shall come back into the Treasury.

Mr. DUNCAN. I believe that clause of the bill is not liable to the construction which the gentleman gives to it. The provision is, that if a good title to the land shall not be acquired by cession, that the appropriation shall not fall into the surplus fund, until two years, after the first meeting of the Legislature of any State in which such lands may be situated, subsequent to the passage of this act.

Mr. HOUSTON. I read the clause rather hastily, but the objection holds nevertheless. The law now is, that if an appropriation of money is

made for any object, and is not used for two years after being appropriated, it then goes back into the Treasury. Now, this bill proposes that all appropriations made for purchasing sites for light-houses, shall not be subject to the law creating the surplus fund; and that the money shall remain out not only a year, but two years after the Legislature of a State meets, in which the lands proposed to be purchased shall lie. It seems to me that section of the bill is wrong in this respect.

Mr. DUNCAN. I think the gentleman somewhat misapprehends the meaning of the section. As the law now stands, moneys appropriated and not applied within two years go into the surplus fund. If a title to land cannot be obtained, the provision of this section is, as I understand, that the money shall not fall into the surplus fund until two years after the first meeting of the Legislature of the State in which the land may be situated. At any rate, it is a copy of the identical provision of acts which have passed Congress for successive years.

Mr. HOUSTON. That is the objection. It keeps the money out of the Treasury four years at the shortest, instead of two.

Mr. DUNCAN. The money is never drawn from the Treasury.

Mr. HOUSTON. It is appropriated. The mistake is in their saying they do not take it out of the Treasury. The appropriation act takes the money out of the Treasury. It puts it where the law considers it out of the Treasury. The law in regard to the surplus fund requires that if an appropriation remains in that condition two years, it shall go back into the Treasury.

Mr. EVANS made some remarks in favor of a reform of the light-house system, (which will be found in the Appendix,) and gave notice of an amendment which he intended to offer with the view to that object.

Mr. TAYLOR. I move the committee take a recess till seven o'clock.

Mr. POLK. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. VENABLE) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially House bill No. 312, making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes, and had come to no conclusion thereon.

Mr. CHURCHWELL. I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That there be paid out of the contingent fund of the House to the widow of its late Clerk, Thomas J. Campbell, a sum equal to the salary of the said Clerk, reckoned from the time of his death to the close of the session of Congress during which he died.

Mr. EDGERTON. I object.

Mr. HAMILTON. I move that the House do now adjourn.

Mr. WILDRICK. I ask the gentleman to give way to enable me to make a report from the Committee on Enrolled Bills.

Mr. HAMILTON. I will withdraw the motion for that purpose.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills:

A bill for the relief of John A. McGaw, of New York;

A bill for the relief of William P. Green;

A bill confirming to the State of Michigan certain lands granted for saline purposes; and

A bill granting a pension to John LeRoy; which several bills received the signature of the Speaker.

The House then adjourned till to-morrow at eleven o'clock, a. m.

#### PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. McNAIR: The petition of C. W. Werand and 63 others, citizens of Lehigh county, in the State of Pennsylvania, praying for a mail route from Allentown to Pottstown, in said State.

By Mr. JONES, of Pennsylvania: The petition of Samuel Freichter and others, citizens of Berks county, Pennsylvania, praying for a mail route from Allentown to Pottstown, in said State.

#### IN SENATE.

TUESDAY, August 24, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

Mr. HALE. I understand there is a Journal this morning of twenty pages, consisting mostly of yeas and nays. I move to dispense with the reading of it.

The PRESIDENT. If such is the pleasure of the Senate, the reading will be dispensed with.

Mr. MASON. Although the Journal may be long, I think it should be read. I object to dispensing with the reading.

The Journal was then read.

Mr. HUNTER. I wish merely to say that after half an hour has been given to the morning business and reports, I shall move to take up the civil and diplomatic bill.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, a report relative to the Tulare Valley, made by Lieutenant Derby; which was, on the motion of Mr. WELLER, ordered to lie on the table, and be printed.

#### FLORIDA CONTESTED-ELECTION CASE.

Mr. MORTON. I desire to present a communication from the Hon. David L. Yulee, addressed to the Senate of the United States, which I ask may be read.

The Secretary commenced the reading of the communication, but was interrupted by

Mr. BADGER, who said: As the gentleman who writes that letter is entering into a discussion of the subject-matter of the report of the committee, and as that subject is not now before the Senate, I think it is very unnecessary that our time should be consumed by reading it. The letter commences with an application to the Senate to be allowed to be heard in person when we shall proceed to the consideration of the subject. Then immediately follows an argument for the purpose of showing that the report of the committee is wrong in point of fact, and in point of the construction of the law. Now, if we choose, we might say with great propriety that the Senate are perfectly willing either to hear the gentleman speak his argument, or to hear him read it. Yet I do not think, at this late period of the session, that we ought to do more. I therefore move that the further reading of the communication be dispensed with, and that it be ordered to lie on the table, and be printed.

Mr. MORTON. I hope the motion will not prevail. I think it is due to the courtesy which should be extended to my late colleague, that the communication should be read. It is not very long. It is addressed to the Senate, and should be read, at least. His object is that it should go upon the Journal, and be published with the proceedings of the Senate. Whilst we are discussing the propriety of it, the reading of it might be concluded.

The PRESIDENT. It will not go upon the Journal, as the Senator supposes, if it is read.

Mr. MORTON. It will be reported and go into the papers. I hope the reading will be proceeded with.

Several SENATORS. "Let it be read."

Mr. BADGER's motion was not pressed, and the Secretary concluded the reading of the communication.

Mr. BADGER. As the paper has been read, and has been heard by nobody in the Senate, which I expected to be the case, I renew the motion that it lie on the table and be printed.

Mr. ADAMS. I ask a division of the question. I am willing to vote to lay it on the table, but not to print it.

The PRESIDENT. It lies on the table, as a matter of course. The question of printing goes to the Committee on Printing.

Mr. BADGER. I hope there will be no objection to the printing of it.

The PRESIDENT. If there be no objection, it will be ordered to be printed without reference to the Committee on Printing.

There was no objection.

Mr. MORTON. I beg leave, in this connection, to submit the following resolution, which I ask may be considered at this time:

*Resolved*, That the Hon. D. L. YULEE, who contests the

seat of the Hon. S. R. MALLORY, have leave to be heard in person at the bar of the Senate.

Mr. BADGER. I move that the resolution lie on the table.

Mr. MORTON. That motion, I presume, is not debatable; but I ask the Senator, as a courtesy to me, standing here in the advocacy of the rights of one of my constituents, not to press the motion. The object which the resolution proposes has never been withheld from any contestant for a seat in the Congress of the United States.

Mr. BADGER. Mr. President, nobody has proposed to refuse the privilege; not at all. We have not yet determined the time when and how, or where we will take up the report of the committee on the subject.

The PRESIDENT. It has been postponed, and made the special order for twelve o'clock on Thursday next.

Mr. MORTON. I have no objection to laying the resolution on the table, with the understanding that the Senator from North Carolina will call it up at the proper time.

Mr. BADGER. Certainly I will.

The motion was then agreed to.

#### PETITIONS, ETC.

Mr. SUMNER presented a petition of citizens of the city and county of Philadelphia, praying that the bill requiring the Secretary of the Treasury to deposit with the State the fourth installment of the deposits of the public moneys, directed to be made by the act of 23d June, 1836, may become a law; which was referred to the Committee on Finance.

Mr. CASS presented a memorial of citizens of Frederick county, Maryland, praying that the homestead bill may become a law; which was ordered to lie on the table.

Mr. FISH submitted additional documents in relation to the claim of C. L. Williamson to a pension; which were referred to the Committee on Pensions.

Also, resolutions passed at a meeting of the veteran corps of 1812, held in the city of New York, remonstrating against the passage of the homestead bill; which were ordered to lie on the table.

Mr. MASON presented a petition of armorers and artisans employed in the armory at Harper's Ferry, praying that the appropriations for the manufacture of arms may not be reduced; which was referred to the Committee on Military Affairs.

#### REPORTS FROM STANDING COMMITTEES.

Mr. BORLAND, from the Committee on Public Lands, to which was referred the bill granting bounty land to certain officers, seamen, and others who have been engaged in the naval service of the United States, reported it without amendment, and submitted an adverse report thereon; which was ordered to be printed.

Mr. BADGER, from the Committee on Naval Affairs, to which was referred a bill for the relief of the sureties of Robert S. Moore, deceased, late a purser in the United States Navy, submitted a report, accompanied by a bill for their relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. MASON, from the Committee on Foreign Relations, to which was referred the memorial of Roger Pinckney and Susannah Hayne Pinckney, asked to be discharged from the further consideration thereof, and that it be referred to the Committee on Pensions; which was agreed to.

#### APPRAISEMENT OF MERCHANDISE.

Mr. HUNTER. The Committee on Finance, to which were referred a bill amendatory of the several acts regulating the appraisement of imported merchandise, and the more effectually to prevent frauds against the revenue, and for other purposes; and a bill amendatory of the several acts regulating the appraisement of imported merchandise, and the more effectually to prevent frauds against the revenue, and for other purposes; one introduced by the Senator from New Jersey, [Mr. STOCKTON,] and the other by the Senator from Rhode Island, [Mr. JAMES,] have instructed me to report back the same, with a recommendation that the consideration of the subject be postponed until the next session of Congress, as they have not had time to bestow that attention to the subject which it deserves. They have determined that there was no time to examine it

properly; therefore, that its consideration should be postponed till next session.

The PRESIDENT. That question will come up when the bills are taken up.

#### FLORIDA CONTESTED ELECTION.

Mr. HAMLIN. The Committee on Printing, to which were referred the additional papers relating to the contested election of Senator from the State of Florida, have directed me to report back the same, and ask to be discharged from their further consideration. It is a question which does not belong to the Printing Committee. They are not raised for the purpose of supervising the concerns of other committees. The Select Committee on the Contested Election have had the papers under consideration, and recommended their printing. By discharging the Printing Committee, that question will come before the Senate.

Mr. BRIGHT. I hope that will be considered now. There will be no objection whatever to the printing of the papers.

The motion to discharge the Committee on Printing from the further consideration of the papers was agreed to.

On motion by Mr. BRIGHT, it was

Ordered, That the papers be printed for the use of the Senate.

Mr. BRIGHT. I move that one thousand additional copies of the same be printed.

The PRESIDENT. That motion will be referred to the Committee on Printing.

#### THE SMITHSONIAN INSTITUTION.

Mr. PEARCE submitted the following resolution for consideration; which was agreed to:

Resolved, That the vacancy in the Board of Regents of the Smithsonian Institution, occasioned by the resignation of the Hon. Jefferson Davis, be filled by the President of the Senate.

#### POST OFFICE APPROPRIATION BILL.

The bill from the House of Representatives, received yesterday, making appropriations for the service of the Post Office Department, during the fiscal year ending the 30th of June, 1853, was read a first and second time by its title, and referred to the Committee on Finance.

#### THE MEXICAN BOUNDARY COMMISSION.

Mr. WELLER. I rise to a privileged question. Upon Tuesday last the resolution which I had offered in the month of June, appointing a select committee to investigate the charges preferred by Colonel McClellan against the United States Boundary Commissioner, was adopted. Immediately after its adoption I was compelled to leave the city. On my return I learned that upon that day, after I had left, the Senator from North Carolina [Mr. BADGER] moved to reconsider that motion. This question is still before the Senate. I said then that I was exceedingly anxious to have the Committee appointed, and because of that anxiety, I was unwilling to enter into a discussion by way of reply to the voluminous, and I might add, unfair speech of the Senator from Rhode Island, [Mr. CLARKE.] Sir, that Senator, in the course of his speech, made charges against Colonel McClellan of various crimes, amongst others, subornation of perjury. That officer occupies a high rank not only in the Army of the United States, but in the social circle with which he is connected. It is due to him that he should have an opportunity of showing to the world not only that the charges against him are unfounded, but that those which he has preferred against the Commissioner are true, and can be sustained by legal testimony. I undertake to say that if the committee had been thus appointed, and an opportunity given to take the testimony of witnesses who were about to leave the country, and whose testimony they may not now be able to obtain, Colonel McClellan would have been able to show that the Commissioner has been guilty of some of the offenses charged against him, and that the aspersions cast upon his character by the Senator from Rhode Island are wholly unfounded. Now, I desire that the Senate shall act distinctly upon that question. An officer ranking high in his corps is charged with infamous crimes, and justice demands that a full investigation should be had. More than five months ago I offered a resolution in this Senate calling upon the Secretary of the Interior to inform the Senate what had been done with the \$325,000 which Congress appropriated to prosecute the Mexican Boundary Commission. To this day he refuses to let this Senate know what

has been done with a dollar of that money! Can this most extraordinary conduct, in refusing to let the public know how their money has been expended, be justified?

The PRESIDENT. The Chair will be under the necessity of informing the Senator that this discussion is not in order upon the motion to take up the motion to reconsider the vote by which the resolution was adopted.

Mr. WELLER. I will then for the present content myself with asking the Senate to take up that motion. If it prevails, I do not intend, nor do I desire to go into a discussion unless the Senator from Rhode Island desires it, and in that event I have no objection to meeting him.

I move therefore to take from the table the motion to reconsider by which the resolution was adopted.

Mr. HUNTER. It is obvious that if we enter into these inquiries and investigations, we shall have no time in which to consider the appropriation bills. I am sorry to resist the motion, but I cannot agree to anything but morning business being considered now. I merely agreed to waive my motion to take up the civil and diplomatic bill until twelve o'clock, for the purpose of receiving reports.

The PRESIDENT. The proposition is to take up the motion to reconsider the vote by which the resolution was adopted. Until that question be taken up, the subject is not open to discussion.

Mr. CLARKE. The honorable Senator from California, in calling up that motion, has entered somewhat into the subject.

The PRESIDENT. That is very true.

Mr. CLARKE. I do not, at this stage of the session, intend to go into the merits of this controversy. I thought they had been fully gone into once before. In the discussion which took place at that time, the Senator from California took occasion to correct me in regard to his own position. He disavowed that he was a public prosecutor, and he did not intend to be placed by me in that position. In all courtesy, I withdraw anything which could imply that the Senator from California was himself personally interested. He disavowed having anything to do with the question except so far as to the charges which had been made against Mr. Bartlett by Colonel McClellan had been produced before the Senate upon a resolution introduced by him. He confined himself to these charges. I confined myself in reply to them, and to charges made against Colonel McClellan.

It is due to my honorable friend from North Carolina [Mr. BADGER] that I should state to the Senate that on the day upon which this resolution was called up by the Senator from California, I was within the walls of the Capitol in an antechamber, attending to my duties as a member of the Committee on the District of Columbia. When I came into the Senate I found that the resolution had been called up in my absence, and the committee ordered to be appointed by the Chair. I said to the honorable Senator from California that I regretted it had been taken up during my absence; I regretted that it had been adopted; and I then gave notice, as he will remember, no doubt, that I should procure some friend who was in the Chamber, to move a reconsideration of the question. The honorable Senator told me that he was to leave in the afternoon on a political mission at the North. I told him then again that I should be compelled to get some friend to move the reconsideration. It was not done without courtesy to the honorable Senator, and it has laid on the table waiting for his return. There has been no want of courtesy on my part towards the honorable Senator, nor shall there be. In regard to the charges which have been made, until the resolution is taken up for consideration, it would be improper for me to go into them. I hold here the charges and the evidence, and if there is any investigation to take place which the Senate should deem necessary—

The PRESIDENT. The Chair will state to the Senator that it will not be in order to go into the subject.

Mr. CLARKE. I have made this explanation simply for the purpose of showing why my honorable friend from North Carolina made the motion to reconsider.

The PRESIDENT. Remarks upon the subject-matter of the resolution are out of order at this



time. The Senator from California makes a proposition to take up the motion to reconsider. If that should be agreed to, it will then be in order to discuss the merits of the question.

Mr. CLARKE. I submit to the Chair.

Mr. WELLER. I ask the yeas and nays on my motion.

Mr. MASON. I trust the Senate will agree to the motion, and refuse to reconsider the resolution, so that the committee may be appointed. It is one of the most important matters that can be brought before us.

Mr. ADAMS. Is the question debatable?

The PRESIDENT. The question cannot be debated until the resolution is taken up.

Mr. SHIELDS. I ask whether the object is to debate the resolution and occupy the time of the Senate?

Mr. WELLER. Not at all. I declined to debate it the other day.

The yeas and nays were ordered; and being taken resulted—yeas 31, nays 18; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Borland, Bradbury, Bright, Brodhead, Brooke, Butler, Cass, Charlton, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Geyer, Gwin, Hamlin, Houston, King, Mason, Meriwether, Rusk, Seward, Shields, Stockton, Toucey, Walker, and Weller—31.

NAYS—Messrs. Bell, Clarke, Davis, Dawson, Fish, Hale, Hunter, James, Jones of Iowa, Jones of Tennessee, Miller, Pratt, Smith, Spruance, Sumner, Underwood, Upham, and Wade—18.

So the motion to take up the motion to reconsider was agreed to.

The motion to reconsider was then rejected.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the following bills from the Senate:

A bill for the relief of Emily H. Plummer and Mary Reynolds Plummer.

Also, that it had passed a bill making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, during the fiscal year ending the 30th of June, 1853.

#### WHEELING BRIDGE.

Mr. BADGER. I am directed by the Committee on the Judiciary to report to the Senate the bill from the House of Representatives, entitled "An act declaring the Wheeling Bridge a lawful structure, and for other purposes," without amendment, and with a recommendation that the bill do pass. In reporting this bill to the Senate, I desire, as it is impossible that the committee can make a written report on the subject at this time, to make a very brief statement for the purpose of correcting a mistake with regard to the nature of the measure.

It has been supposed that the intention and purport of the bill, and of those who have moved or reported it, is to exercise, or draw to Congress, some revising power over the adjudications of the Supreme Court, and that the purpose of the bill is in some way or other to overrule, or modify, or control the judgment of that tribunal. I wish to say that this is a total mistake. The bill proceeds, and the action of the committee in this body proceeds, upon the supposition that the judgment is altogether right. We propose to exercise our legislative functions, as the court discharged its judicial functions; and the provisions of the bill are intended to accomplish this object: That if there be anything in any law, or laws, passed by Congress, which makes this Wheeling Bridge a nuisance, and as such, liable to be abated; or, if there be any privilege induced under an act of Congress, in consequence of which it becomes a nuisance, and liable to be abated, the bill proposes to put the effect of such laws out of the way by legislative enactment.

Then the bill, in the second place, proposes to make the bridge a public highway, and to require vessels that are navigating the stream to conform the elevation of their chimneys to the height of the bridge, in the exercise of our undoubted right to regulate and control the commerce of the river.

It is proper, also, and I do it at the instance of every member of the committee, to take notice of another thing. Some of the memorials which have been presented upon this subject, and some of the papers which we have seen elsewhere, in reference to this subject—arguments and discussions upon it—have indulged in expressions towards the high tribunal by which this case was

decided, calculated to be disrespectful either to the learning, or intelligence, or impartiality of that court. I desire to say, on behalf of myself and every other member of the committee, that we sympathize not with any such expressions. We concur in no shape or sense with them. We look upon them as highly improper and indecorous, and we deem them as unjust, invidious, and impolitic. The action which the Senate committee have taken on the bill, is founded upon the principle which I have stated. In the exercise of our legislative power, we think it right to put out of the way any legislation of Congress in virtue of which it becomes necessary to put down this structure, which is not only most useful to the country, but an honor to the age and the land in which we live.

Mr. President, this bill has been read twice, and referred to the committee. The session is drawing to a close. If it is to be acted upon at all, we have very little time now to dispose of it. I look upon it, and so do the committee, as a measure of the very highest importance to the country; and I move, therefore, that the bill be taken up and considered now.

Mr. BRODHEAD. I ask the indulgence of the Senate to make one remark on this subject, as the Senator from North Carolina has been permitted to make a verbal report. I do not concur in the views expressed by that Senator. He says he does not desire, and the committee do not desire, by this report, to call in question the correctness of the decision of the Supreme Court; but the design of that bill is to prevent the execution and carrying into effect of that judgment.

The PRESIDENT. The Senator will suspend his remarks until the Senate declare whether they will consider the bill at this time. It being a House bill, and having been read twice, it is within the power of a majority of the Senate to take it up at this time.

Mr. MASON. I presume the Senate are aware that if the bill is not passed this session, it will be too late to pass it at all. Unless it is passed, it will bring the States of Ohio and Virginia in collision with the Supreme Court, or else the bridge will be abated. It is, therefore, essentially necessary that the bill should be considered this session.

Mr. BRODHEAD. I call for the yeas and nays on the motion to take the bill up.

Mr. DAVIS. I wish the Senator would postpone his motion to take up the bill until some more convenient time. I want to go on with the river and harbor bill.

The yeas and nays were ordered.

Mr. GWIN. I certainly cannot vote to take up any bill to supersede the civil and diplomatic appropriation bill. I hope we will take that up first, and go on with it. I am perfectly willing to let this other bill have an opportunity of being considered this session, if we can.

Mr. BRODHEAD. I would say that my colleague, [Mr. COOPER,] who feels a deep interest in this question, is absent from the Senate. I therefore would prefer that it should go over until he returns, which will be to-morrow morning.

Mr. BORLAND. Mr. President—

The PRESIDENT. The question is not debatable.

Mr. BORLAND. The question is on taking up the bill for consideration. Heretofore that has been considered debatable.

The PRESIDENT. It is not in order to go into the discussion of the merits of the case.

Mr. BORLAND. I do not desire to do that; but simply to state the reasons for my vote. I am in favor of this bill, and shall vote for it; but I shall vote against taking it up for the reasons stated by the Senator from Pennsylvania, which I think are entirely satisfactory.

Mr. SHIELDS. I hope my friend from North Carolina will withdraw his motion.

Mr. BADGER. I never wish to have the appearance of being obstinate. I shall withdraw the motion, but at the same time I wish to say that the gentleman at whose instance I have withdrawn it, may take the responsibility of losing this great work to the country.

Mr. MASON. I presume the motion cannot be withdrawn by the Senator, the yeas and nays having been ordered.

The PRESIDENT. A single objection cannot prevent it being withdrawn, even after the yeas

and nays have been ordered. A majority of the Senate can authorize it to be withdrawn.

Mr. MASON. I object to its being withdrawn, and, if it is necessary, let the vote be taken upon authorizing it to be withdrawn.

The PRESIDENT. The question will then be whether the Senate will authorize the Senator from North Carolina to withdraw his motion.

Mr. BADGER. We can decide the question as well upon the motion itself, as upon the question to withdraw. I therefore persist in my motion, and desire to have the vote taken upon it.

Mr. HALE. I shall vote to take up this bill. I shall not occupy more than a minute of the time of the Senate; but I shall say a great deal in that time. I am going to vote to take it up, because I have a private bill which passed the Senate this session and the last, and I can possibly see no other way of getting it passed through both Houses, than by putting it as an amendment to this bill, which I shall move to do when it is taken up.

The question was taken by yeas and nays, and resulted—yeas 21, nays 33; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Brooke, Dawson, De Saussure, Downs, Hale, Houston, Hunter, Jones of Tennessee, Mangum, Mason, Meriwether, Morton, Pearce, Pratt, Rusk, Shields, and Weller—21.

NAYS—Messrs. Adams, Borland, Bradbury, Bright, Brodhead, Butler, Cass, Charlton, Chase, Clark, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Fish, Foot, Geyer, Gwin, Hamlin, Jones of Iowa, King, Miller, Seward, Smith, Soule, Spruance, Stockton, Sumner, Toucey, Underwood, Upham, and Wade—33.

So the Senate refused to take up the bill for consideration.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the civil and diplomatic bill.

Mr. DAVIS. I would suggest to my friend from Virginia, that we can make but little advance upon that bill this morning, if it is taken up, as it is nearly one o'clock. If he will permit us to take up the river and harbor bill at this time, we will do our best to finish it this day.

Mr. HUNTER. I believe we shall save time, if we will go on with the civil and diplomatic bill. We can dispose of many amendments which will give rise to no debate. If the Senator will allow us to go on with it till one o'clock, when it will give way, he will have less speaking on his bill.

Mr. CLARKE. I would say that the residue of the amendments from the committee to the civil and diplomatic bill—one of them at least—will consume time in discussion. I appeal to my friend from Virginia whether he had not better let it go over till to-morrow morning, when we will probably be able to give it the whole day.

Mr. HUNTER. I have other amendments to report to the Senate, which I propose to take up, and which will give rise to no debate. I think we will be able to dispose of several.

The motion was agreed to, and the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes."

The next amendment of the committee was to strike out of the clause relating to the increase in the compensation of clerks, the following:

*Resolved further,* That the provisions of this section shall not apply to any person whose salary has been increased at the present session of Congress.

Mr. HUNTER. The committee recommend the striking out of that proviso, because it was found that it would lead to embarrassment. A good many clerks have had their salaries raised just a little above \$1,200, and who would not have the benefit of the increase with it in.

The amendment was agreed to.

The next amendment of the committee was to insert, in place of the foregoing proviso, the following:

*Provided further,* That the increase of salary given by this section shall not extend beyond the present fiscal year without further legislation.

Mr. GEYER. I would suggest to the chairman of the Committee on Finance that under that the increase of the salary will expire when Congress will not be in session, and the clerks will be without the increase until Congress provides for them.

Mr. HUNTER. We will be in session again before it expires. The proviso is, that the increase shall not extend beyond the present fiscal year without further legislation. We will be in session next year, when we expect to have a scheme before us for a reorganization of the clerks. The amendment was agreed to.

Mr. HUNTER. The Committee on Finance have, in pursuance of estimates, directed me to propose various other amendments, which I will submit before we go on with some which were previously reported, and which will lead to debate.

The PRESIDENT. That can only be done by unanimous consent, as the amendments which were reported with the bill have not been gone through.

Mr. HUNTER. I hope unanimous consent will be given.

There was no objection.

Mr. BORLAND. I desire to call the attention of the Senate to a part of the bill upon which we have just acted. I wish to make a suggestion for the purpose of perfecting the amendment with regard to the compensation of clerks. The clause provides that the increased compensation shall commence "from the first day of the present fiscal year." I would ask the Senator from Virginia if he would not be willing to change that, for reasons which I will suggest to him presently, and make it for the last year?

The PRESIDENT. The Senator's proposition will not be in order at the present time. It will be in order when the amendments of the committee shall have been disposed of.

Mr. BORLAND. I thought I would make the suggestion while the subject was before the Senate, and before they passed to anything else.

Mr. HUNTER. The first amendment which I propose is to insert in the proper place in the bill the following:

For compensation of Senators, members of the House of Representatives, and Delegates, \$50,000.

That is in pursuance of estimate sent up from the House of Representatives. The session is prolonged beyond the period for which the estimate was first made. They want about \$45,000, which leaves \$5,000 for the Senate. That sum will probably accomplish the purposes of both Houses.

The amendment was agreed to.

Mr. HUNTER. The next is to insert at the end of the appropriations, for the legislative department, the following:

For the publication of the Jefferson Papers, under the direction of the Library Committee, in addition to the balance of an unexpended appropriation, \$3,000.

The amendment was agreed to.

Mr. HUNTER. The next is in the following clause, relating to the office of the Solicitor of the Treasury:

"For fuel, watching, and miscellaneous items for the same, \$2,500."

—to strike out "\$2,500," and insert "\$4,000."

The amendment was agreed to.

Mr. HUNTER. The next is to add to the following clause, under the head of the Navy Department—

"For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, \$7,300"

—the following:

Provided, That no provision in the fourth section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending 30th June, 1852," shall be so construed as to prevent the payment of salaries of the clerks in accordance with the estimate for said bureau of 5th October, 1850.

This change was made according to that estimate originally for the purpose of increasing the salaries in the office a little. A provision was introduced into the deficiency bill of this session which makes it doubtful whether they can receive them. This is merely to declare that it was not designed by that act not to give them.

The amendment was agreed to.

Mr. HUNTER. The next amendment is in the following clause:

"For additional salaries of the treasurer of the Mint at Philadelphia, of \$1,000, and of the treasurer of the branch Mint at New Orleans, of \$500, \$1,500,"

—to insert after "for" the words:

The compensation of the treasurer of the branch Mint at San Francisco, California, \$4,500,

—and strike out "\$1,500" and insert "6,000."

The amendment was agreed to.

Mr. HUNTER. The next is in the following clause:

"For salaries of ten additional clerks, authorized by the acts of August 6, 1846, and August 12, 1848, \$9,600,"

—to strike out "\$9,600" and add to the clause, the following:

And a clerk for the treasurer of the branch Mint at San Francisco, California, at a salary of \$2,500, \$12,100.

The amendment was agreed to.

Mr. HUNTER. The next is to insert the following in the bill:

For contingent expenses in California, under the act, for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of 6th August, 1846, \$10,000.

The amendment was agreed to.

Mr. HUNTER. The next is to strike out "\$5,000" and insert "\$7,000" in the following clause:

"For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August 6th, 1846, \$5,000."

The amendment of the committee was agreed to.

Mr. HUNTER. The next is to add to the clause making an appropriation to continue the survey of the western coast of the United States, the following:

And the Superintendent of the Coast Survey is hereby authorized to extend the reconnaissance of the coast of California south to Cape St. Lucas, provided that no special appropriation will be required for such extension.

The amendment was agreed to.

Mr. HUNTER. The next is to insert the following in the bill:

For purchasing a site, and constructing a custom-house at Richmond, Virginia, \$100,000: Provided, That the whole cost of the building and site shall not exceed \$150,000.

That is in pursuance of an estimate from the Secretary of the Treasury, who estimates that the building could be erected for \$100,000.

The amendment was agreed to.

Mr. HUNTER. The next is to insert the following in the bill:

To enable the Secretary of the Treasury to purchase an addition to the custom-house at Baltimore, and to repair and alter the edifice, \$100,000; said sum to cover all expenses of purchase, repair, and improvement.

That is in pursuance of estimate. An opportunity is afforded now to purchase a portion of the building adjoining the present custom-house which might not be offered again. The estimate is thought to be a reasonable one, and the Secretary recommends it.

The amendment was agreed to.

Mr. HUNTER. The next is in the clause "for outfit of ministers of the United States to Great Britain, Prussia, and Mexico, \$27,000," to strike out "\$27,000," and insert:

Chili, China, and Turkey, \$90,000; it being provided that hereafter there shall be an envoy extraordinary and minister plenipotentiary to conduct diplomatic relations with China and the Ottoman Porte, instead of the commissioners now authorized by law; and the said ministers to China and the Ottoman Porte shall be vested with all the judicial powers now legally exercised by the commissioner to China and the minister resident at the Ottoman Porte respectively, and for the performance of the duties resulting therefrom, shall receive no other compensation than their salaries as ministers plenipotentiary.

Mr. CLARKE. I had supposed that the question as to the appropriation for the mission at the Ottoman Porte, would have been brought up in the form in which it passed the House of Representatives. But the amendment introduces another provision. I have an objection to the provision that is now proposed to be made for a full mission to China.

It will be recollected by the Senate, that when the treaty was negotiated between this country and China, General Cushing went out as Minister Plenipotentiary and Envoy Extraordinary to negotiate a treaty. It was then deemed sufficient to allow the Commissioner \$6,000 a year, without any outfit, which was adjudged to be sufficient as a compensation. If my memory serves me right, the first commissioner was Mr. Alexander Everett, of Massachusetts; a man confessedly of a very high mind and character. After some considerable delay, he arrived at China, where he died soon after his arrival. Dr. Parker was appointed secretary to the commissioner, at a salary of \$2,500 a year. Mr. Everett himself was wholly unacquainted with the Chinese language, and knew nothing of the

customs and manners of the Chinese, and Dr. Parker, who had resided there for a number of years, I believe, first in the capacity of a missionary, and who obtained great celebrity, and made himself acquainted with the Chinese language, was appointed secretary, and the duties of the commission devolved upon him. I believe after the death of Mr. Everett, that an honorable gentleman from Indiana, Mr. John W. Davis, whom I do not know personally, but for whom I have a very high respect, was appointed commissioner, and he deemed it sufficient for him to go to China with the allowance of \$6,000 a year. He went there, confessedly on his own part, unacquainted with the interests and relations between this country and China—unacquainted with the manners, language, and customs of the country; and not perfectly acquainted with the trade between the two countries. He remained there some time and returned. The duties of the commission to China have been performed by Dr. Parker, secretary to the commission, at a salary of \$2,500 a year. Except the time that Mr. Davis was there, I believe he performed the duties of the whole commission.

It is proposed now to raise that commission to an equality with the highest minister from this country. The bill contains an appropriation of \$5,000 a year for certain consuls at Kwang Cho, Amoy, Fucho, Ning-po, and Shang Hai, and an appropriation of \$18,000 for the salary and outfit for the commissioner to China. It is well known that recently a commissioner to that country has been nominated by the President, and, as the newspapers inform me, confirmed by the Senate. I believe the Constitution of the United States, if I recollect it aright, prohibits the increasing of the salary and compensation of any officer who shall be appointed to office during the time of his election to the Congress which makes the increased compensation. The clause in the Constitution is as follows:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office."

I speak from public report when I say that there has been recently a gentleman nominated to the commission for China who was elected to the present Congress of the United States, whose term of service would not, if he had not resigned, have expired until the 4th of March next. I speak from public report, when I say that that nomination has been confirmed by the Senate. I also speak from public report when I say that that individual has resigned his seat in the House of Representatives. An appropriation is now put into this bill for increasing the compensation of the office to which he has been appointed, from \$6,000 a year to \$9,000 a year, with an outfit of \$9,000. I hold this increase of compensation to be totally, directly, and positively in violation of the provision of the Constitution which I have read. I have, therefore, an objection to this appropriation upon constitutional ground, and I have an objection to it upon the ground that the mission to China is rather, than otherwise, a nominal mission, and that there are no duties to perform.

I, therefore, am opposed to the provision, upon the ground that it is against the provision of the Constitution which I have read. In the second place, I am opposed to it, because the mission to China, although it may be considered a diplomatic mission, is not a mission which embraces any very great diplomatic intercourse with the Chinese Government. The principal function of the commission, if I understand it aright, is to exercise, in cases of emergencies, certain judicial powers, conferred upon it by treaty. These powers never have been exercised; there has never been any requirement for them; and those gentlemen who have been there heretofore, have been perfectly satisfied with the emolument prescribed by law, because the duties of the office have been so light. The intercourse between this country and China is different from that between this country and any other on the globe. The Chinese, we all know, are a people who keep themselves retired within what they consider to be their own special and Celestial jurisdiction. No foreign minister is any further recognized than is necessary, according to the existing treaties, to give him permission

to remain there and exercise the duties of his commission, according to the treaties made with China. Never, before the execution of the treaty, had any officer resided there with any other power than that of a consul; and during the whole course of my own experience and knowledge of the Chinese trade, I believe there never has been, to this day, any difficulty experienced with the Chinese Empire in consequence of having no higher officer than a consul at Hong Kong. But there are consuls provided for in this bill for five places, which I have already named. An appropriation of \$5,000 is made for them. The consuls are provided for, to be paid out of the Treasury of the United States; and the commissioner is to reside, I suppose, in China. But the duties of the office are very light, indeed. There are no diplomatic relations, no intercourse whatever, except that of commerce, which is taken care of by the *chargés* in other countries, unless where very considerable and important diplomatic relations exist.

Upon the ground, therefore, that such a minister as is at the Court of St. James—such a minister as is at the Court of St. Cloud—such a minister as is at Brazil—such a minister as is in a full mission to any important Empire or Government with whom we have diplomatic relations, requires totally distinct talents from that of the minister to China—upon this ground, I say, and upon that of the unconstitutionality of the provision increasing the salary, I object to it.

Mr. PEARCE. I do not know that the office of commissioner to China was ever created by act of Congress. I think that in 1842, Congress voted the sum of \$40,000, which was placed at the disposal of the President of the United States, to enable him to open diplomatic relations with China. Under the general authority thus given, the President sent out to that country, Mr. Cushing as Minister Plenipotentiary and Commissioner, whose salary was, by the terms of the law, not to exceed \$9,000, besides outfit. Subsequently, by our appropriation acts, we appropriated \$5,000 for the salary of a commissioner to China, and so far only can the office of commissioner to China be said to have been created by law.

The committee supposed that the provision of the House of Representatives in this bill, for an outfit of \$9,000 for the commissioner to China, might conflict with the provision of the Constitution mentioned by the Senator from Rhode Island. That provision is, "that no Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time." And that, therefore, the gentleman nominated and confirmed as Commissioner to China, could not avail himself of the provision for an increase of salary and outfit, as it came from the House of Representatives. The committee were disposed to avoid this difficulty, if possible, and it was suggested that it could be done by authorizing the salary and outfit of a minister and plenipotentiary, because that office is not created by act of Congress. It exists under the law of nations, which defines its duties and privileges, our own statutes only fixing the salary attached to it. Congress does not create the office, but regulates the salaries and provides for the expenditure. It was supposed that this appropriation might be amended in the way the committee propose, and with that view there would be no constitutional difficulty in the way of the acceptance of the office by the gentleman nominated as commissioner, if the President would nominate him as minister plenipotentiary.

Some objection has been raised to this on the ground that China is not in the same situation as the nations of Christendom, among whom these ministers are so well known. The Emperor of China holds no direct intercourse, it is said, with foreign Courts, although we know that ambassadors from Christian countries have been received, as in the case of Lord McCartney, Ambassador from England, who had interviews with the Emperor, as well as Lord Amherst. I will add that President Tyler, in his message of January, 1845, stated that England had a plenipotentiary in China, and Mr. Cushing, in the treaty which he negotiated, described himself as minister plenipotentiary. Whether the minister we might send out would be received in that country with the honors customarily bestowed on such officers in a Chris-

tian country, I do not know. The functions he would have to perform would be, whether minister or commissioner, precisely the same. The only difference would be in an outfit and salary, and the ceremonial etiquette. I think that in this case the Constitution would not be violated by the appointment of the present commissioner. The President, in his message at the commencement of the present session, recommends an increased allowance for this functionary, and states that he had not been able to procure the service of a suitable person in this office, because of the inadequacy of the usual compensation.

Mr. UNDERWOOD. Mr. President, I have but a word to say. I see my friend from Massachusetts [Mr. Davis] is anxious to proceed to the special order. I will not interpose, provided it is understood that I have the floor when this matter again comes up.

Mr. DAVIS. Will the Senator from Kentucky give way for a moment?

Mr. UNDERWOOD. I will give way, if it is understood that I am entitled to the floor when this subject again comes up.

Mr. DAVIS. The hour of one o'clock has arrived, and I should like the Senate to proceed to the consideration of the special order. So far as I am concerned, the Senator from Kentucky shall have the floor when this subject again comes up. There is no doubt that it will be discussed, for I wish to offer an amendment to that portion of the bill—an amendment of some importance, as I regard it, not touching the question immediately under consideration, but touching other matters connected with that commission. I move now to postpone the further consideration of this subject till tomorrow, in order that we may proceed to the special order of the day.

The motion to postpone was agreed to.

#### RIVER AND HARBOR BILL.

The Senate then resumed the consideration of the bill from the House of Representatives, making appropriations for certain rivers and harbors, and its consideration was continued until past six o'clock, when the amendments were ordered to be engrossed, and the bill to be read a third time.

The Senate then adjourned.

[For the full report of the proceedings on the bill, see Appendix.]

#### HOUSE OF REPRESENTATIVES.

TUESDAY, August 24, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

[The SPEAKER has appointed the following gentlemen to constitute the committee "to investigate all the facts touching the connection of Thomas Corwin, the present Secretary of the Treasury, with the Gardiner claim." Mr. JOHNSON of Tennessee, Mr. DUNCAN of Massachusetts, Mr. HOWARD of Texas, Mr. CHAPMAN of Connecticut, and Mr. PRESTON KING of New York.]

The SPEAKER. The first business in order is the further consideration of Senate bill No. 223, to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes." The pending amendment is the one offered by the gentleman from Iowa, [Mr. HENN.]

Mr. SIBLEY here obtained the floor.

Mr. HART. I call for the regular order of business.

Mr. SIBLEY. I hope the gentleman will withdraw his motion for a moment, as I want to ask the unanimous consent of the House to take up and pass Senate bill No. 540, providing for the establishment of an additional land office in the Territory of Minnesota. It is a bill of very great importance to that Territory.

The SPEAKER. The gentleman from New York, [Mr. HART,] and one or two other members, insist upon the regular order of business.

Mr. BOWIE. Is it in order to move to suspend the regular order of business?

The SPEAKER. It is not during the morning hour.

Mr. DUNCAN. I rise to a question of privilege. I find myself placed, by the Chair, upon the Special Committee, under the resolution introduced by the gentleman from Ohio [Mr. OLDS]

yesterday. I ask to be excused from serving upon that committee, as I am already a member of two other committees, whose labors will be very arduous during the remainder of the session.

The SPEAKER. The gentleman is, by the rules, excused from serving upon that committee, if he desires.

#### SECURITY OF PASSENGERS ON STEAMERS.

The SPEAKER. The regular order of business is called for, and the Clerk will report the amendment.

The clause under consideration was as follows:

"Provided, however, That when the structure of such steamers is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, inspectors may vary therefrom, if, in their judgment, it can be done with safety."

The pending amendment, proposed by Mr. HENN, was to strike out the word "such," before the word "steamers," and to insert the word "any" in lieu thereof, and to insert after the word "steamers" the words "heretofore built."

Mr. SEYMOUR, of New York. I think that amendment is not pertinent, as I understand it, from the reading of the Clerk. I desire to have the Clerk read it again.

The amendment was again read.

The question being upon the adoption of the amendment—

Mr. HENN called for tellers; which were not ordered.

Mr. EDGERTON. I move a call of the House. There is evidently not a quorum present.

The SPEAKER. That motion is not in order at this time. The House is now acting under the operation of the previous question, and after the previous question has been ordered, a call of the House is not in order.

The question was then taken on the amendment, and it was not agreed to.

The third section of the bill was read.

The several amendments of the Committee on Commerce, striking out the parts in brackets and inserting the parts in *italics*, were agreed to:

"Sec. 3. *And be it further enacted*, That every vessel so propelled by steam, and carrying passengers, shall have not less than three double acting forcing pumps, [of at least six-inch,] *with chamber at least four inches in diameter*, two to be worked by hand and one by steam, if steam can be employed, otherwise by hand; one whereof shall be placed near the stern, one near the stem, and one amidship; each having a suitable, well-fitted hose, of at least two thirds the length of the vessel, kept at all times in perfect order, and ready for immediate use; each of which pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when she is afloat, [and shall also have suitable provision for turning, at any time, a current of steam into the hold:] *Provided*, That [in steamers navigating rivers only, one of the pumps aforesaid may be dispensed with, if the other provisions for extinguishing fire are, in the opinion of the inspectors, sufficient to secure safety] *in steamers not exceeding two hundred tons measurement, two of said pumps may be dispensed with, and in steamers of over two hundred tons, and not exceeding five hundred tons measurement, one of said pumps may be dispensed with.*"

The fourth section of the bill was read, as follows, viz:

"Sec. 4. *And be it further enacted*, That every such vessel carrying passengers, shall have at least two boats supplied with oars, in good condition at all times for service, one of which boats shall be a [metallic] life-boat fire-proof, [of approved model, not less than twenty-five feet long, six feet six inches wide, and two feet deep,] and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons, with life-lines attached [to the gunwale] at suitable distances. [And every such vessel carrying more than fifty passengers shall also have a similar boat for every additional fifty passengers, or, instead thereof, for every such number a good, substantial, safe, wooden life-boat of suitable model, fitted with life-lines in manner aforesaid, and capable of sustaining, inside and outside, that number of persons:] *Provided, however*, That ferry and tow-boats shall be exempt from the obligation to carry the life-boats herein provided for; and the inspectors are hereby authorized to grant a like dispensation to small steamers of light draught, navigating small or shallow rivers, and also to allow any other steamers navigating rivers only to carry but one life-boat, the same being of suitable model and dimensions, and made of metal: *Provided*, They shall be fully satisfied that such steamers have other provisions for the preservation of life in case of fire, which are amply sufficient for that purpose: *And provided further*, That this section shall not be so construed as to compel the purchase or use of any patented life-boat."

The amendments of the Committee on Commerce were agreed to, as follow:

Strike out all of the above section inclosed in brackets, and insert "good and suitable" before the word "boats," where it first occurs; insert after "life-boat," where it first occurs, the words "made of metal."

The next amendment of the committee to this



section was to insert, after the words "suitable distances," the following, viz:

"And every such vessel of more than five hundred tons, and not exceeding eight hundred tons measurement, shall have three life-boats; and every such vessel of more than eight hundred tons, and not exceeding fifteen hundred tons measurement, shall have four life-boats; and every such vessel of more than fifteen hundred tons measurement, shall have six life-boats—all of which boats shall be well furnished with oars and other necessary apparatus: *Provided*, however, The inspectors are hereby authorized to exempt steamers navigating rivers only from the obligation to carrying of the life-boat herein provided for, more than one—the same being of suitable dimensions, made of metal, and furnished with all necessary apparatus for use and safety, such steamers having other suitable provisions for the preservation of life in case of fire or other disaster."

Mr. EDGERTON. This is an important amendment in its character. It exempts some of the boats from the provisions of the bill.

Mr. HAVEN. Is it competent to divide this amendment at the word "*provided*," and take a separate vote upon each part?

The SPEAKER. It is not competent to do so.

Mr. HAVEN. The case of the steamer Henry Clay is an example, showing the proviso had better be left out.

Mr. SEYMOUR, of New York. I should like to say a word upon this amendment.

The SPEAKER. The gentleman can only do so by unanimous consent.

Several Voices. "Agreed!" "Agreed!"

Mr. SEYMOUR, of New York. The House will observe that the bill, as it came to us from the Senate, provided that the number of life-boats with which a steamer should be provided was regulated by the number of passengers she might chance to carry. The committee looked into that matter, and consulted with gentlemen of great experience both upon the western and the eastern waters, and they came to the conclusion that it would be difficult to regulate the number of boats by the number of passengers the steamer should have on board, because that number was very fluctuating. It was then presented to the consideration of the committee, that as regards river boats there was not the same necessity of having a large number of life-boats as there is upon the Atlantic coast or upon our inland seas, because steamers navigating rivers have narrow channels to pursue, and they can more readily be brought to the shore, and one good metallic life-boat is enough in ordinary cases upon all those rivers, and the decision of the question as to whether they should have more is left to the discretion of the inspectors. Some of these rivers are so very narrow that it would hardly be deemed necessary that there should be any life-boats; but the committee were not willing to dispense with one at least; and they require that where there is but one upon the steamer, that shall be a metallic one, and they left it to the discretion of the inspectors, as is provided in the section, to relieve some of the smaller boats, running upon smaller rivers, from the necessity of carrying more than one, provided that life-boat is made of metal.

The House will perceive further, that for the preservation of life, they are also required to have life-preservers and floats, and that there is to be as many of these on board as there are passengers. Those are smaller articles, which can be provided in greater numbers, and there is no hardship in requiring that every steamer, whether navigating a river or an inland sea, should be provided with them, and with all that kind of apparatus of small size which can easily be bestowed away upon a boat in sufficient numbers to meet any exigency whatever.

As this bill was graduated when it came from the Senate, it required that there should be an immense number of the life-boats, for the larger steamers, capable of carrying eight hundred or one thousand passengers—so many that there would be no way of carrying these boats, and they would be an incumbrance. Hence it was evidently necessary that some discretion should be left with the inspectors, in reference to the business which the boat was doing, to the place to which she is running, and such like matters, as to the means she might have for securing the safety of passengers in cases of emergency. We have therefore provided that the number of life-boats shall be graduated by the tonnage of the vessel, so as to require vessels of the largest tonnage to have six life-boats, and a dispensing power is given to the inspectors to dispense with all these life-boats, but

one, provided they shall consider it safe for the vessel to run with that, upon the rivers, and only upon rivers.

Now, one word in regard to the kind of life-boats. It has been found by experience that you cannot rely at all times upon wooden life-boats. A wooden boat, made as a life-boat, may be in many cases as good as an iron one; but when that wooden boat has been long exposed to the sun and to the weather, it is often found to fail when it is most needed, and passengers have been left without any reliance of this kind. Everybody knows, who has looked at this matter for the last few years, that among navigators there has been a great call for metallic life-boats.

Mr. HOUSTON, (interrupting.) I understand the previous question has been called upon this bill, and discussion is not in order.

The SPEAKER. The House gave its unanimous consent to the gentleman to make his remarks.

Mr. HAVEN. Of course if the gentleman does not consent to have a separate vote taken upon the different parts of the amendment, then, under the ruling of the Chair, that ends the matter. I should like to have the proviso stricken out. I think in the case of the Henry Clay, if they had been provided with life-boats, it would have saved some number more of lives, but yet if the gentleman does not consent to my proposition, we had better pass it.

Mr. SEYMOUR. I say, in reply to my colleague, that on the Henry Clay there were boats; but what could boats have done with such management as they had on board the Henry Clay, when the pilot ran it stern foremost upon the shore, and the pilots and the hands escaped, leaving the passengers upon the stern? Under such circumstances, boats would have done no good. It was the mismanagement of the officers of the boat that caused the great destruction of life.

But there are some cases upon our rivers to which it will not do to apply that rule, because you will only lumber up the vessels which do not need this large number of boats. One life-boat, in such cases, is amply sufficient, if it be a good one. I was going to the question of a metallic boat, and I will say that the experience of the last few years has convinced all navigators that it is absolutely necessary to rely upon a metallic boat, and that at least one such should be upon every vessel. Now, it has been said that this bill requires a patented life-boat, and that is an objection, as I understand, urged by some gentlemen. I do not know how many patented life-boats there may be. I suppose there is no more than there are patented life-preservers. We all know there are life-preservers. We know there is one life-boat patented which is made of metal. How many more there may be, I do not know; but all we have done here is to prescribe that one of these life-boats shall be of metal. Now, I have examined the patent of a gentleman who claims to have a patented life-boat made of metal. He does not patent the fact of making it of metal, nor could he do it. Any gentleman acquainted with the patent laws, knows that he could not patent the right of making a boat of metal, and exclude every other person from making another boat of metal. He has not done it. He has three patents, of which I have had copies from the Patent Office, for the purpose of examining this question and meeting this objection. All these patents apply exclusively to the air-chest, which gives buoyancy to the boat, and to the particular mode of making the sides by a corrugation of iron, and to nothing else. There is no such thing obtainable as a patent for making a boat of metal. There is no such thing in existence, and, therefore, this bill accomplishes what the House, I think, desires to have done. They do not wish to exclude patentees from making things which should be made most serviceable. If a man has made the best life-preserver, and has a patent for it, he may enjoy it, and if it is a proper one, it will command the approbation and the patronage of the community. So it is with life-boats; and do not let us interfere here for the purpose of legislating for any man's life-boat, or any man's life-preserver, or any man's any other notion that he may deem expedient for the preservation of human life. That is what we have endeavored studiously to avoid, and the bill does not now recognize any such right. Give every man a fair chance to present his inven-

tion before the public; because if we had legislated for it after having given the man a patent, we should give him the very worst kind of monopoly. We should provide that every man, by this law, should have the thing, and yet, by the patent laws, exclude any other person from furnishing it, except the patentee. It is a monopoly, such as no man in this House would ever think of granting. I hope the amendment of the committee will be adopted as proposed.

Mr. EDGERTON. I trust I may be allowed, by the House, to say a few words in reply to the chairman of the committee who has just taken his seat.

Mr. HART. I object.

Mr. EDGERTON. I think it is unfair that the gentleman should object. The chairman has made an attack upon the proposition I submitted, and I am not permitted to answer him.

Mr. HENN. I trust that the gentleman from Ohio will be allowed to proceed.

Mr. EDGERTON. Discussion is allowed only on one side.

Mr. HART. If the object of the previous question was to cut off all debate, I do object.

Mr. EDGERTON. I should have objected to the chairman's making his attack upon my amendments, when they were shut out by the previous question and not before the House, had I supposed an opportunity to answer him would have been denied me. There is one word I will say, as to this proviso, which I am sure the gentleman from New York [Mr. HART] will permit. I think the chairman himself is in error. He provides for a certain kind of iron life-boat in the first part of the fourth section of the bill. He stated in his remarks he had provided that steamboats upon the rivers should carry one of the same kind of iron life-boats described in the first part of section fourth. Such is not the fact. Steamers navigating rivers are not required to carry the life-boat which those navigating other waters must carry. The bill in this section, and in fact throughout, makes exceptions in favor of river steamers, which the admitted lesser danger do not justify. The boat is described in the bill as an iron life-boat, capable of sustaining fifty persons outside and inside. There being, as the chairman says, no particular boat described or provided for, and it being intended to exclude positively the only really valuable life-boats now known to the public, simply because they are patents, it will be left to the discretion of the inspector to determine the kind of boat; and whether it will contain fifty persons, outside and inside, in a sea or the surf, so as to save their lives, is left to men one half of whom never saw, and perhaps never will see, a life-boat. The boat described in the proviso is a life-boat of suitable dimensions, made of metal. It may carry fifty, or it may only carry ten. It is not required to carry fifty persons outside and in, and is intended to be a boat of less capacity and inferior usefulness to the other boat. Now, sir, if a man has to swim for his life, and he knows not how, it is a matter of perfect indifference whether he is in the river or in the lake. He wants a boat or some life-saving apparatus, proved and tested to be efficient, to get him ashore or keep him afloat; and these river steamers, if they are exempted from carrying but one life-boat, should carry the best one provided for.

Mr. SEYMOUR. I wish to call the gentleman's attention for a moment to a former provision of this section. I will say to the gentleman from Ohio, that by referring to the eighth and ninth lines of this section, to which the proviso is attached, he will find it is required that the life-boat shall be in all respects a good, substantial, safe sea-boat, capable of sustaining inside and outside fifty persons. Then the proviso says that "the inspectors are hereby authorized to exempt steamers navigating rivers only from the obligation to carry more than one of the life-boats 'herein provided for.'" And those provided for are such as will carry fifty inside and out.

Mr. EDGERTON. There is a qualification in that "herein provided for." All that the proviso requires is that the boat shall be of "suitable dimensions, and made of metal." That is all, and so the inspector will consider it.

Mr. SEYMOUR. Not at all.

Mr. EDGERTON. A life-boat that will carry fifty persons, outside and in, is the one all steamers should be required to carry; but this is left, as

many other provisions of the act are, to the discretion of the inspector.

The question was then taken on the amendment, and upon a division there were—ayes 69, noes not counted.

Mr. ROBBINS. I demand tellers.

Tellers were ordered; and Messrs. Cobb and Mason were appointed.

The question was again put, and the amendment was disagreed to, the tellers having reported—ayes 83, noes not counted.

The next amendment of the committee was to strike out the fifth section, which reads as follows:

"Sec. 5. *And be it further enacted*, That every such vessel, carrying passengers, except ferry boats, shall also be provided with a good life preserver, made of cork, double tin, copper, or other equally suitable material, or in the place of such life-preserver, floats, if as well adapted to the purpose, for each and every person on board, which life-preservers shall always be distributed and kept in readiness in the berths and state rooms for the benefit of passengers occupying the same, and also in the most conspicuous and suitable place for all others; and shall also keep after the rate of eight fire buckets and three axes for every hundred tons measurement of the vessel, which shall always be kept distributed in a suitable manner and in good order, ready to be used in case of fire."

And to insert in lieu of the above the following, viz:

"Sec. 5. *And be it further enacted*, That every such vessel, carrying passengers, shall also be provided with a good life preserver, made of suitable material, or float, well adapted to the purpose, for each and every passenger, which life preservers and floats shall always be kept in convenient and accessible places in such vessel, and in readiness for the use of the passengers; and every such vessel shall also keep twenty fire buckets and five axes; and there shall be kept on board every such vessel exceeding five hundred tons measurement, five buckets and one axe for each one hundred tons measurement, decreasing this proportion as the tonnage of the vessel increases, so that any such vessel of thirty five hundred tons, and all such vessels exceeding the same shall not be required to keep but three buckets for each one hundred tons of measurement, and but one axe for every five buckets.

Mr. EDGERTON. I should like to ask the chairman of the committee what he means by "floats"—whether he means sticks, a chair, or a door?

Mr. SEYMOUR. I will state that gentlemen who have navigated the western waters, and who are conversant with these matters, have been frequently before the committee, and have informed us that a float is an article prepared on purpose, with a chamber filled with air, which is kept on board—one for each person—for the purpose of being seized by him when he shall be thrown into the water, to buoy him up. A life-preserver is different, being filled with air, and fastened around the person.

Mr. EDGERTON. I must say that I have traveled upon steamboats, and have failed to discover anything like a float, as described by the gentleman, anywhere. In the opinion of steamboat captains the gentleman refers to, this float means a chair, a stick of wood, a door, or anything that will float. It is altogether too indefinite, and, in fact, means nothing at all.

Mr. SEYMOUR. I will say, further, that the air chambers, to which I have alluded, are fastened to the bottoms of stools and chairs used for ordinary purposes on boats. They answer the same purpose, because the air chamber fastened to them gives the relative buoyancy, and they may be used in cases of emergency.

Mr. EDGERTON. One word in regard to that matter. These very so-called life-preservers and floats, being air chambers attached to stools and chairs, were condemned by those who were saved from the wreck of the Atlantic, on Lake Erie, as utterly worthless. They are no life-preservers, and the law in this respect is worse than no law at all; for passengers will trust to boat owners, instead of supplying themselves with really valuable life-saving apparatus, which they would do without the law.

Mr. SEYMOUR. In reference to the case the gentleman has cited, I have no information. The facts I have detailed to the House are derived from an intelligent committee of gentlemen, who have been here the most of this winter, who have given their practical experience to the committees of this House and the Senate, in the preparation of the bill. Some of them have been twenty or thirty years connected with steamers upon the western waters.

Mr. CARTTER. I should like to know where

this committee are from, and whether they have ever sailed upon a lake?

Mr. SEYMOUR. I will say, in reply to the gentleman, that one of these gentlemen I know to have been, by reputation, some thirty or forty years connected with one of the best and largest class of steamers upon the western waters.

Mr. CARTTER. What do you mean by western waters?

Mr. SEYMOUR. Western rivers.

Mr. CARTTER. I would inquire whether they come from the Ohio river, where the water half the time is not knee deep? [Laughter.]

Mr. SEYMOUR. I do not know what particular river they navigate; but they navigate these large rivers of which we have heard so much this session.

Mr. ROBBINS. I rise to a question of order. Discussion is not in order whilst we are acting under the operation of the previous question.

The SPEAKER. Discussion is not in order.

Mr. MILLSON. With the unanimous consent, I would ask the gentleman why the committee struck out the words "each and every person," and inserted "each passenger?"

Mr. SEYMOUR. I will say, in reply to the gentleman from Virginia, that the object of the committee of this House was to apply this bill solely to the safety of passengers. With regard to the crew, we know they are in possession and command of the boat. We did not suppose the object of the bill should be regulated by their preservation so much as that of the passengers. We impose certain obligations also that can be enforced at law; and we preferred to say, that they should be in consistency with the relationship between the captain and the persons under his command, and those they are bound to carry as passengers safely.

The SPEAKER. The gentleman will recollect that discussion is not in order.

Mr. ALLISON. I object to further discussion. Let us get through with the bill.

Mr. HENN. Would it be in order to move a reconsideration of the vote by which the call for the previous question was seconded?

The SPEAKER. It would be in order after reconsidering the work that has been done under it.

The question was then taken, and the amendment of the committee was agreed to.

The next amendment of the Committee on Commerce was considered and agreed to, viz:

Strike out from the seventh section, the words inclosed in brackets:

"Sec. 7. *And be it further enacted*, That [no curtains made of cotton, or of any material alike combustible, shall be suspended or used in any such vessel carrying passengers, except in state-rooms or apartments where no fire or burning light is allowed to be used; no loose hemp shall be carried on board any such vessel; nor shall baled hemp be carried on the deck or guards thereof, unless the bales are compactly pressed and well covered with bagging or a similar fabric; nor shall gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids or materials which ignite by friction, be carried on board any such vessel as freight, except in cases of special license for that purpose as hereinafter provided; and all such articles kept on board as stores shall be secured in metallic vessels; and every person who shall knowingly violate any of the provisions of this section, shall pay a penalty of \$100 for each offense, to be recovered by action of debt in any court of competent jurisdiction."

The following sections and part of sections of the bill were read. The amendments of the Committee on Commerce, striking out the parts inclosed in brackets, and inserting the words in italics, were severally considered and agreed to:

"Sec. 8. *And be it further enacted*, That hereafter all gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, and materials which ignite by friction, when packed or put up for shipment, [for sale,] on board of any such vessel, shall be securely packed or put up separately from each other and from all other articles, and the package, box, cask, or vessel containing the same, shall be distinctly marked on the outside with the name or description of the articles contained therein; and every person who shall pack or put up, or cause to be packed or put up [for sale or shipment on board of any such vessel, any gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, or materials which ignite by friction, otherwise than as aforesaid,] or shall deliver to any person any package, box, cask, or vessel containing either of the articles aforesaid, not marked as aforesaid, or shall ship or offer to ship the same,] or shall ship the same, unless packed and marked as aforesaid, on board of any steam-vessel carrying passengers, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding \$1,000, or imprisonment not exceeding eighteen months, or both.

"Sec. 9. *And be it further enacted*, That instead of the existing provisions of law for the inspection of steamers

carrying passengers and their equipment, and instead of the present system of pilotage of such vessels, and the present mode of employing engineers on board the same, the following regulations shall be observed, to wit: The collector or other chief officer of the customs, together with the supervising inspector for the district, [and the president of the Chamber of Commerce, if there be one, otherwise the president of the Board of Trade, if there be one, otherwise the collector or other chief officer of the customs and the supervising inspector,] and the judge of the district court of the United States for the district in each of the following collection districts, namely: New Orleans and St. Louis, on the Mississippi river; Louisville, Cincinnati, Wheeling, and Pittsburg, on the Ohio river; Buffalo and Cleveland, on Lake Erie; Detroit, upon Detroit river; Nashville, upon the Cumberland river; Chicago, on Lake Michigan; Oswego, on Lake Ontario; Burlington, in Vermont; Galveston, in Texas; and Mobile, in Alabama; Savannah, in Georgia; Charleston, in South Carolina; Norfolk, in Virginia; Baltimore, in Maryland; Philadelphia, in Pennsylvania; New York, in New York; New London, in Connecticut; Providence, in Rhode Island; Boston, in Massachusetts; Portland, in Maine; and San Francisco, in California—shall designate two inspectors of good character and suitable qualifications to perform the services required of them by this act within [their] the respective districts for which they shall be appointed; one of whom, from his practical knowledge of ship-building, and the uses of steam in navigation, shall be fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steamers and their equipment, deemed essential to safety of life [and property,] when such vessels are employed in [navigation,] the carriage of passengers, to be called the inspector of hulls; the other of whom, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also in the construction and use of boilers, and the machinery and appurtenances therewith connected, shall be able to form a reliable opinion of the quality of the material, the strength, form, workmanship, and suitability of such boilers and machinery to be employed in [navigation] the carriage of passengers without hazard to life [or property] from imperfections in the material, workmanship, or arrangement of any part of such apparatus for steaming, to be called the inspector of boilers; and these two persons thus designated, if approved by the Secretary of the Treasury, shall be from the time of such designation, inspectors, empowered and required to perform the duties herein specified, to wit:

"First. Upon application in writing by the master or owner, they shall, once in every [six months] year at least, carefully inspect the hull of each steamer belonging to their respective districts, and employed in [navigation] the carriage of passengers, and shall satisfy themselves that [each] every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for her crew and passengers, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life [and property,] and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency, and that of her equipment."

The next amendment of the Committee on Commerce was read. It was to strike out the second clause of section nine, as follows:

"Second. They shall also, once in every six months, inspect the boilers of all steamers, subjecting them to a hydrostatic pressure, the limit to which, not exceeding two hundred pounds to the square inch, may be prescribed by the owner or master, and shall satisfy themselves, by examination and experimental trials, that the boilers are well made, in an approved form, of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat are of proper dimensions, and free from obstruction; that the spaces between the flues are sufficient, and that the fire-line of the furnace is below the prescribed water-line of the boilers; and that such boiler and the machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life or property; and shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, all but one of which may, if necessary, in the opinion of the inspectors, to secure safety, be taken wholly from the control of all persons engaged in navigating the vessel; that there is a suitable number of gauge cocks inserted in the most approved manner; also, a water-gauge, and a steam-gauge, of approved construction, indicating the height of the water and the pressure of the steam; that upon the upper outside flue of each outside high-pressure boiler there is placed, in a satisfactory manner, alloyed metals, fusible by the heat of the boiler when raised to the highest working pressure allowed, and in or upon the top of the flues of all other boilers in the steamer, such alloyed metals be placed as aforesaid, fusing at ten pounds greater pressure, thereby in each case letting steam escape; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether the vessel is in motion or not, so that in high-pressure boilers it shall not be less than four inches above the flue: *Provided, however*, in steamers hereafter built and supplied with new boilers and machinery, or in cases of machinery hereafter made, if the alloy fuses on the outer boilers a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act."

And to insert in lieu thereof the following, viz:

Second. They shall also inspect the boilers of such steamers before the same shall be used, and once in every year thereafter, subjecting them to a hydrostatic pressure, the limit to which not exceeding one hundred and sixty-five pounds to the square inch for high pressure boilers, may be prescribed by the owner or the master, and shall satisfy them-

selves by examination and experimental trials, that the boilers are well made of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat are of proper dimensions, and free from obstruction; that the spaces between the flues are sufficient, and that the fire line of the furnace is below the prescribed water-line of the boilers; and that such boilers and the machinery and the appurtenances may be safely employed in the service proposed in the written application, without peril to life; and shall also satisfy themselves that the safety valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, (one of which may, if necessary in the opinion of the inspectors to secure safety, be taken wholly from the control of all persons engaged in navigating such vessel;) that there is a suitable number of gauge-cocks properly inserted, and a suitable water-gauge and steam-gauge, indicating the height of the water and the pressure of the steam; that in or upon the outside flue of each outside high-pressure boiler, there is placed, in a suitable manner alloyed metals, fusible by the heat of the boiler, when raised to the highest working pressure allowed, and that in or upon the top of the flues of all other high-pressure boilers in the steamer, such alloyed metals are placed as aforesaid, fusing at ten pounds greater pressure than said metals on the outside boilers, thereby, in each case, letting steam escape; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not; so that in high-pressure boilers the water shall not be less than four inches above the flue: *Provided, however*, in steamers hereafter supplied with new high-pressure boilers, if the alloy fuses on the outer boilers at a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act.

The question was put, and the amendment was agreed to.

The next amendment of the Committee on Commerce was read. It was to strike out the third clause of section nine, as follows:

*Third.* That in subjecting to the hydrostatic test aforesaid boilers called and usually known under the designation of high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of inspected iron plates at least one fourth of an inch thick, in the best manner, and of the quality herein required, and shall rate the working power of all high-pressure boilers, whether of greater or less diameter, old or new, according to their strength compared with this standard; and in subjecting to the test aforesaid, that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall assume fifty pounds pressure to the square inch as the maximum working power upon a new boiler of medium size, made of the material and in the manner aforesaid, and shall rate all low pressure boilers, whether greater or less, old or new, according to their strength compared with this standard: *Provided*, That no such boilers of either description hereafter made shall be rated over the said standard prescribed; and in all cases the working power allowed shall be to the test applied as one hundred and ten to two hundred: *And provided further*, That the same rule shall be observed in regard to boilers previously made, unless the proportion between any such boilers and the cylinder, or some other cause, renders it manifest that its application would be unjust, in which cases the inspectors may depart from it if it can be done with safety. And no valve, under any circumstances, shall be loaded or so managed, in any way, as to subject the boiler to a greater pressure than the amount allowed by the inspectors; nor shall any boiler or pipe be approved which is made of bad material, or is unsafe from its form, or dangerous from defective workmanship, age, use, or any other cause."

And to insert in lieu thereof the following, viz:

*Third.* That in subjecting to the hydrostatic test aforesaid boilers called and usually known under the designation of high-pressure boilers, the inspector shall assume one hundred and ten pounds to the square inch, as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of iron plates as herein required, at least one fourth of an inch thick, in the best manner and of the quality herein required, and shall rate the working power of all high pressure boilers, whether of greater or less diameter, old or new, according to their strength compared with this standard, and in all cases the test applied shall exceed the working power allowed, in the ratio of one hundred and sixty five to one hundred and ten, and no high-pressure boilers hereafter made shall be rated above this standard: and in subjecting to the test aforesaid, that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall allow as a working power of each new boiler a pressure of only two thirds the number of pounds to the square inch to which it shall have been subjected to the hydrostatic test and found to be sufficient therefor, using the water in such tests at a temperature not exceeding sixty degrees Fahrenheit; but should such inspectors be of the opinion, that said boiler, by reason of its construction or material will not safely allow so high a working pressure, they may, for reasons to be stated specifically in their certificate, fix the working pressure of said boiler at less than two thirds of said test pressure, and no low-pressure boiler hereafter made shall be rated in its working pressure above the aforesaid standard: *And provided*, That the same rules shall be observed in regard to the boilers heretofore made, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that its application would be unjust, in which cases the inspectors may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the hydrostatic test, and no valve, under any circumstances, shall be loaded or so managed in any way as to subject a boiler to a greater pressure than the amount allowed by the inspectors, nor shall any boiler or pipe be approved which is made in whole or in part of bad material,

or is unsafe in its form, or dangerous from defective workmanship, age, use, or any other cause.

The question was put, and the amendment was agreed to.

The SPEAKER. The morning hour has expired.

Mr. POLK. I move to go into the Committee of the Whole on the state of the Union.

#### WIDOW OF THOMAS J. CAMPBELL.

The SPEAKER. The morning hour having expired, the business before the House is the motion made by the gentleman from Tennessee [Mr. CHURCHWELL] yesterday, to suspend the rules for the purpose of introducing the following resolution, which will be read by the Clerk.

The resolution was then read, as follows:

*Resolved*, That there be paid out of the contingent fund of this House, to the widow of its late Clerk, Thomas J. Campbell, a sum equal to the salary of said Clerk, reckoned from the time of his death to the close of the session of Congress during which he died.

Mr. ORR. Would it not be in order for the House to proceed with, and finally dispose of, the bill which we have been just acting upon, if a majority desires to do so?

The SPEAKER. The Chair thinks that the gentleman from Tennessee [Mr. CHURCHWELL] has a right to call up the business which he introduced on yesterday.

Mr. BISSELL. If it be in order, I move that the House proceed to the business upon the Speaker's table.

The SPEAKER. The Chair thinks that the motion made by the gentleman from Tennessee [Mr. CHURCHWELL] on yesterday, to suspend the rules, is the first business in order. It is of a privileged character, and must be put to the House.

The question was then taken, and the rules of the House were not suspended.

#### ADDITIONAL LAND OFFICE IN MINNESOTA.

Mr. SIBLEY. I have a bill of considerable importance, which has just passed the Senate, which I desire to have action upon. I do not intend to trespass upon the time of the House more than is necessary. I ask that it may be taken up and passed. It is Senate bill No. 540, to create an additional land office in the Territory of Minnesota.

There being no objection, the bill was taken up, read the first and second time by its title, and ordered to a third reading; and, according to order, was read a third time and passed.

#### CLOSE OF DEBATE.

Mr. DUNCAN. I move the usual resolution to close debate in Committee of the Whole on the state of the Union, upon House bill No. 212, in two hours after the consideration of the bill shall be resumed in committee.

Mr. WALSH. Was not the motion to proceed to the business upon the Speaker's table in order? I submit that motion.

The SPEAKER. Some gentleman did propose to proceed to the business upon the Speaker's table, when it was not in order to submit any motion whatever, there being a privileged question pending. That privileged question having been disposed of, the gentleman from Massachusetts [Mr. DUNCAN] was recognized, and his is a legitimate, original proposition.

Mr. DUNCAN. I will modify my resolution, and say one hour.

Mr. HENN. If it is in order to amend the resolution, I move to insert five minutes instead of one hour.

The resolution was then read, as follows:

*Resolved*, That all debate in the Committee of the Whole House on the state of the Union, on the bill of the House No. 312, "making appropriations for light houses, light boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," shall cease in one hour after the Committee shall resume its consideration, (if the committee shall not sooner come to a conclusion upon the same,) and the committee shall then proceed to vote on such amendments as may be pending or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

Mr. TAYLOR. I move to amend the amendment by inserting two hours. The bill is a very important one.

Mr. HAMILTON. I move the previous question.

Mr. POLK. I would ask as a matter of kindness of the gentleman who moved to amend the

resolution by making it five minutes, to allow me the privilege of one hour at least. I have endeavored to get the Speaker's ear all the morning, for the purpose of making the motion to go into committee, but I have been unfortunate.

Mr. HENN. I do not wish to deprive the gentleman from Tennessee of his hour. I will therefore withdraw my amendment.

The previous question was then seconded, and the main question was ordered to be put.

The SPEAKER. The question will be first taken upon the motion of the gentleman from Ohio [Mr. TAYLOR] to strike out "one hour" in the resolution, and insert "two hours."

The question was then taken, and it was not agreed to.

The question then recurring upon the adoption of the resolution, it was put, and decided in the affirmative.

So the resolution was agreed to.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. DUNCAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. COBB. Will the gentleman yield for a moment? The Committee on Revisal and Unfinished Business desire to offer a resolution which I hope will meet with the unanimous consent of the House. It is a resolution to keep alive until the next session of Congress the business which cannot be reported upon by the committees of this House the present session. It is the usual resolution, and if any gentleman objects to it, I will move to suspend the rules.

The resolution was then read, as follows:

*Resolved*, That all the bills, resolutions, and other matter referred to the standing committees of this House, upon which no report shall have been made at this session, shall be returned informally to the Clerk, and shall by virtue of this resolution stand recommitted at the commencement of the next session to said committees, into whose possession the Clerk is hereby directed to restore them.

The SPEAKER. The Chair hears no objection, and the resolution will be considered as before the House.

Mr. BOWIE. I offer the following, as a substitute:

And that the standing committees of this House have leave to report on the several matters referred to them respectively, by filing their reports and bills (if any) with the Clerk of this House, and that the said reports and bills be printed and entered on the Calendar as if made in the House upon a call of the Speaker.

Mr. HARRIS, of Tennessee. The amendment of the gentleman from Maryland [Mr. BOWIE] is offered as a substitute for the resolution of the gentleman from Alabama, [Mr. HOUSTON.] I offer the following, as an addition to the resolution of the gentleman from Alabama:

*Resolved further*, That from and after this day the House will hold an evening session at seven o'clock, to be devoted to receiving reports of committees, provided that all bills and joint resolutions reported with a recommendation that they pass be referred when reported.

Mr. BOWIE. I originally intended what I offered as an amendment to the resolution of the gentleman from Alabama, but my friends induced me to offer it as a substitute. I desire to modify it, and offer it as an addition to the resolution of the gentleman from Alabama.

Mr. HARRIS, of Tennessee. I offer the resolution I send to the Chair as a substitute for the amendment of the gentleman from Maryland, [Mr. BOWIE.] The resolution of the gentleman from Maryland is inconsistent with the resolution of the gentleman from Alabama. I therefore offer my proposition as a substitute for it.

Mr. STUART. As I understand the proposition, it is this: The gentleman from Maryland [Mr. BOWIE] offers his amendment as an amendment to the resolution offered by the gentleman from Alabama.

The SPEAKER. The gentleman from Tennessee [Mr. HARRIS] moves to amend the amendment.

Mr. STUART. So I understand it. I wish to make an observation in reference to the amendment of the gentleman from Maryland. As I heard it read, it seems to propose that the committees of this House shall be at liberty to report, and to have these reports printed and placed upon the Calendar, without any action or knowledge of this House. Now, it seems to me, that much



mischievous result by the adoption of such a resolution as that. I think, sir, that reports from committees on business in their hands, should not be made except when the House is in session; so that should there be objection, or a motion to refer, or any other motion that the merits of the case might require, it could be made. Now, sir, if I understand the reading of this resolution correctly, it would give to the members of a committee the right to report, and have the reports printed and placed upon the Calendar, so as to take precedence of other business that might come up in the next session, subjects which, perhaps, a majority of the House would not tolerate an instant. Now, it appears to me, that the proposition of the gentleman from Alabama [Mr. Cobb] is vastly better, as it authorizes all this business to stand as recommended to these committees. At the next session, the committees will be called regularly in the morning hour for their reports, when they will come in a legitimate manner before the House. Members will be present and understand them, and can make any objections or motions which the subject may require. I hope, sir, that the amendment will not be adopted.

Mr. ORR. I demand the previous question.

Mr. BOWIE. I hope the gentleman will withdraw his demand for the previous question, to allow me to explain.

Mr. ORR. I will withdraw it, if the gentleman will renew it.

Mr. BOWIE. I will renew it.

Mr. ORR. Then I withdraw it.

Mr. BOWIE. The object of my amendment is, to enable the committees of the House, and particularly the Committee on Claims, of which I am a member, to expedite the business of legislation, by filing their reports with the Clerk of the House, and placing them on the Calendar, ready for the action of the House at its ensuing session. There are many reports and bills in the hands of members, ready to be reported, and only waiting an opportunity, which has not been had by many committees for several months. These would, under the amendment offered by me, be placed in the possession of the House, printed, and entered on the Calendar, as if made in the House, upon the call of the Speaker.

When reports are made in the House, they are, in ninety-nine cases out of a hundred, referred as recommended by the committee from which they come, or the member by whom they are reported.

No interest can be prejudiced by such reference. The adoption or rejection of the report or bill is still subject to the will of the majority.

There are but two references which can be made of such reports, to "the Committee of the Whole House on the state of the Union," or "the Committee of the Whole House," in either of which the subject-matter of the reports will be entirely safe.

As I promised, I now move the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. STANLY. If there be no objection, I would suggest that it would be better to insert after the words "standing committees," the words, "select committees." They have some reports to make to the House.

The SPEAKER. By unanimous consent, that modification can be made.

Mr. STUART. Does the gentleman propose to insert it in the original resolution?

Mr. STANLY. Yes, sir.

Mr. HARRIS, of Tennessee. In my resolution, all committees are included.

Mr. STANLY. Your resolution is not adopted.

Mr. HARRIS. But it is pending, and it can be adopted.

There being no objection, the resolution was so modified.

The question was then taken upon Mr. HARRIS's amendment to the amendment; and, upon a division, there were—ayes 38, noes 99.

So the amendment to the amendment was rejected.

The question recurred upon the amendment of Mr. BOWIE, and being put, the amendment was rejected; there being on a division—ayes 58, noes 93.

The original resolution was then agreed to.

Mr. POLK moved that the rules be suspended,

and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

#### LIGHT-HOUSE BILL.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. VENABLE in the chair,) and resumed the consideration of House bill No. 312, making appropriations for light-houses, light-boats, buoys, &c., and for the providing for the erection and establishment of the same, and for other purposes; upon which Mr. POLK was entitled to the floor.

Mr. POLK, who was entitled to the floor, addressed the House in regard to the position of the two great parties towards the Compromise measures, maintaining that whilst General Pierce was fully committed in favor of the finality of those measures, General Scott was not. He then went into an examination of the relative fitness of the candidates of the two parties for the Presidency, and of their conduct in Mexico. In doing which, he reflected with much severity upon Mr. CULLOM, for his alleged charge, in a speech made at the City Hall, in Washington, that General Pierce had acted cowardly in Mexico. A personal altercation then took place between these gentlemen, in which Mr. WHITE, of Kentucky, was finally involved. [The remarks of Mr. P. will be found in the Appendix.]

Mr. STANTON, of Kentucky, said he understood the Whig Executive Committee, appointed by the National Whig Convention for the purpose of superintending and managing the canvass, had taken from the National Era an article originally published in that paper, entitled "A Brief Chapter in the Life of General Franklin Pierce," in which are paraded the votes of General Pierce in Congress on the subject of slavery, showing to the North that he is an ardent, strong, and ultra pro-slavery man. At the same time, in Kentucky and other States a misrepresentation of the remarks of General Pierce at New Boston are heralded to show that he is an Abolitionist. The Whig Executive Committee had caused a large number of these to be printed, and placed them in the hands of members to be franked. He then read a list, which he obtained from the folding-room, showing the names of the various gentlemen who had ordered copies of the documents, amounting, in all, to forty-eight thousand one hundred copies. [See Appendix for speech.]

The CHAIRMAN. Further discussion is out of order.

Mr. CAMPBELL, of Ohio. Mr. Chairman, it is necessary that I should make one word of reply.

Mr. STANTON, of Tennessee. I would like to know what has become of General Pierce and his Abolition Allies?

The CHAIRMAN. The Chair will hear no proposition until order is restored.

Mr. CULLOM. I ask permission of the committee to say one word—but a word by way of personal explanation. I am involved in this discussion.

The CHAIRMAN. The gentleman can proceed by unanimous consent.

Mr. STUART. I submit that the gentleman cannot proceed by unanimous consent. We are acting under an express rule of the House.

Mr. CULLOM. Any rule, I presume, may be suspended by the unanimous consent of the committee.

The CHAIRMAN. Does the Chair hear objection?

[Cries all over the Hall of "No!" "No!"]

Mr. STUART. I object, and insist upon the execution of the order of the House.

Mr. CULLOM. I move a suspension of the rules.

The CHAIRMAN. That cannot be done.

Mr. CULLOM. I would appeal to the gentleman to allow me five or ten minutes.

Mr. STUART. In the House I will not object to any explanation the gentleman may choose to make, but we are now acting under an express order of the House, which the committee cannot vary by unanimous consent at all.

Mr. DAWSON. I move that the committee do now rise.

Mr. SEYMOUR, of New York. I hope not. I trust we will proceed with this bill.

Mr. DAWSON. I move that the committee

rise, with the view of giving the gentleman from Tennessee an opportunity to make an explanation in the House, which was denied to him by the objection of the gentleman from Michigan in the committee.

The question was taken, and the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly House bill No. 312, "making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," and had come to no conclusion thereon.

Mr. CULLOM. I ask the permission of the House to make a personal explanation.

The SPEAKER. Is it the pleasure of the House that the gentleman shall be heard?

Mr. STUART. I do not rise to object, but only to make one word of explanation. I am pleased to hear the gentleman from Tennessee.

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. CULLOM. Most assuredly I do; but I hope the gentleman will not object to my proceeding.

Mr. STUART. I wish to put myself right. I will listen to the gentleman with as much pleasure as any one in the House. The reason I made objection in the committee was, that the committee was acting under an express rule which they had no power by unanimous consent to waive, and not because I wished to deny the honorable gentleman a hearing.

Mr. CULLOM. I am much obliged to the honorable gentleman from Michigan for his courtesy, as well as to the House for this privilege of meeting, and in terms parliamentary and respectful to the House, hurling back the Billingsgate abuse, calumny, and slander, poured out at me by my colleague, [Mr. Polk.] I am reluctant, Mr. Speaker, to obtrude myself upon the House in the consumption of its precious time, which should be devoted to the legitimate business of dignified, statesman-like legislation, maintaining towards one another, to the country, and the world, that dignity of deportment, urbanity of bearing in harmony with our high character as a people, as a nation, and as a free republican Government. It pains me that it is made my duty, as a gentleman of some humble sense of honor, to occupy a brief moment of your fleeting and precious time, upon the very eve of the adjournment of your arduous and protracted session, in a vindication of my poor self and of my humble reputation. That I have not contributed by word or deed, either to prolong the session of Congress, or provoke this unlooked-for onslaught upon myself, my honorable colleague in the Senate, or the lofty patriot and irreproachable hero, General Scott, I appeal to all good men upon this floor, whether Whigs or Democrats.

I have studiously endeavored to conduct myself upon all occasions, in and out of Congress, in such a manner as to elevate my own honor, in the estimation of good men, to the high standard of my country, and the enlightened constituency which I have the honor to represent. That such has been my whole course here, I appeal to all to bear me witness; with what success it does not become me to say; but I feel one proud consolation, and to me it is peculiarly grateful, that my relations with my brother members are of the kindest character, without distinction of party. Yes, sir, I have but few brothers upon this floor that I would not open my dearest veins for, if their sacred honor or personal safety demanded it. This before my God I say of a truth. I do not say it through fear or alarm of any living man, for I am fully capable of saying and doing, here or elsewhere, with perfect self-possession, whatever I think, or my personal honor demands. Mr. Speaker, my heart sickens within me to think that at the very heels of our arduous session, which has, through my intercourse with members, entwined about my ardent heart, so many kindly recollections—of members from whom in a day or two more, I am to take perhaps a last long leave, to be thus reluctantly thrust before you and the country by the ruthless assaults of my colleague.

I am a Whig, to be sure, upon principle, from the honest convictions of my deliberate judgment. Unflinching in my exertions to maintain those cherished principles; ardent in my support and advocacy of my faith and the men who impersonate it; still I am tolerant in my feelings, conceding to those who honestly differ with me, the same right which I claim for myself. I have insulted no Democrat for opinion's sake—I never will. Mr. Speaker, I appeal to you and to the House, and to a refined, enlightened public, to whose arbitrament we must all yield, what necessity there was for my colleague, in the grave discussion in this, a nation's forum, or in the advocacy of his favorite candidate for the Presidency, if he chose to take the latitude, not only to malign, slander, and traduce my humble name and fame, and that of my distinguished colleague in the Senate, but also the fair fame—and dearly-bought fame—of a country's greatest living benefactor?

Mr. POLK. The gentleman states that he cannot be, and has not been, guilty, under any circumstances, of offending any one personally or politically. I alluded, in my remarks, to what my colleague stated in part at the City Hall, in Washington, where he charged General Pierce with cowardice. I said that the gentleman must stamp shame upon his own brow when he charges this.

Mr. CULLOM. Exactly. The gentleman either knows nothing of the facts of which he speaks, or states them falsely. In my ratification speech in the City of Washington, of which the gentleman speaks, I used no such language, nor made any such charge against General Pierce as he alleges. I never, upon that, or any other occasion, charged General Pierce with being a coward; and the gentleman states falsely when he asserts that I did. That speech was reported and published without my knowledge or consent, or without correction by me; and though it contains inaccuracies, it as published and delivered refutes the untruthful charge of my competitor in that speech.

Upon the point to which the gentleman alludes, if he had been willing to quote me truthfully, he would have found this language: "But, gentlemen, it is certain General Pierce was unfortunate. I will not say that he lacked in courage, but he was unfortunate on the day of battle—some say he fainted. [So says the official report—so says his life.] I will not, however, repeat that, for it may be a slander. I understand that statement is entirely a mistake—that General Pierce did not faint, but that his horse fainted"—humorously alluding to the strange combination of untoward circumstances which always kept the brave General out of battle, or by which either he or his horse was disabled, at some unpropitious moment.

Now, Mr. Speaker, not only has shame settled upon my brow, but the deep blush has lit upon my cheek; and here, to-day, before this House and the whole country, in the presence of my colleague, I say that my Tennessee pride, my American feelings, have been deeply wounded, on account of the obliquity and grossly ill-behavior of my colleague, more than once upon this floor. In my heart of hearts I have commiserated his misfortune—for the kindness I have always felt for him—for the reputation of his virtuous constituents, our common State and nation.

The SPEAKER. It will be the duty of the Chair, as the gentleman from Tennessee, [Mr. CULLOM,] is aware, to arrest any personalities.

Mr. CULLOM. I will not knowingly violate one rule of the House, or of public decorum; for, as I value my own character, and that of my constituents, I would guard this high legislative forum from the use of low vulgarities and Billingsgate scurrilities. They shall not be perpetrated by me; but when thus assailed myself, and my personal and political friend who sits in the other Chamber, but who has no voice in this Hall; and when he is assailed who has defended me, my country, her Constitution and laws, I would be base to myself, and my own nature—to my own darling offspring—to the high obligations of friendship, and to patriotism itself, if I did not, as I distinctly do, hurl back these false aspersions upon the already-devoted head of their author. This I would do, though the heavens and this old earth were to come together. Now, my honorable colleague, and every man on this floor, knows the fact to be—for it has been a painfully notorious fact to all who have witnessed the proceedings of

Congress—that he has sought a kind of notoriety that no decent man would envy; a common meddler in other men's business, of ringing himself inside, or edge in almost every debate that has taken place when he chanced to be present, to cause himself to figure in the speeches of both Whigs and Democrats, putting what he may imagine shrewd questions, but which receives the universal reprobation of all lovers of parliamentary decorum, not to say common decency.

Now, my honorable colleague, so capable of being so very amiable at times, has unfortunately for himself become a sort of Ishmaelite—his hand against every man, and but for the commiseration of all good sane men, their hands would all be lifted against him in self-defense. With all my compassion and commiseration for the misfortunes and foibles of my competitor, I am even surprised at the forbearance he has received. It will soon cease to be a virtue. But there is a point at which even my latitudinarian colleague from the Maury district has got to stop. This point he has reached. I will not assail him unwarrantably here, but it is perhaps my duty to myself, and even my colleague, to let him know, in the most distinct and unequivocal manner, that I hold him and all his braggadocio, bullying, and denunciation, in utter, supreme, and sovereign contempt. It brings no terror to me. It does not accelerate a pulse. It passes as the ravings of a maniac, whose misfortunes I would sooner alleviate than augment. It produces more of shame than fear. His charge of desertion against me and my distinguished colleague in the Senate—I suppose, of course, the allusion is to Governor Jones; of cowardice and want of patriotism upon the part of General Scott, in the whole and in the concrete, in mass and in detail, I pronounce, as when the charge first fell from the lips of my colleague, that the charges are a libel, a vile infamous calumny and falsehood. I have betrayed no interest either North or South, East or West. I have endeavored to represent truly and faithfully every interest of my constituents, with what fidelity and zeal I leave for you, with whom I have served, and my constituents, to decide, to whom I hope under God's providence soon to return, before whom, and to whom I am ready and willing to render a full account of my stewardship; to them I am accountable, and not to my colleague. But he strikes an assassin's blow at my humble reputation. It may wither as a sprig of grass, but I feel no alarm. I feel perfectly secure in the consciousness of the entire rectitude of my course.

But the gentleman comes here as the greater Magnus Apollo of the Democracy—I hope not the entire Democracy; for though the gentleman seems to be prompted by some of them, yet from the blush of shame which I see resting upon many Democratic faces, I feel that they do not approve it; for, however desirous gentlemen may be to defeat the election, what honorable man, Whig or Democrat, here to-day, can approve the means, foul, I must say, which my colleague has resorted to? Mr. Speaker, can it be possible that Democracy has put forward my colleague as an instrument thus to assail General Scott, and denounce him here, in language coarse and vulgar, as a coward, as void of patriotism, void of honor and love of country?—the man that fought the battles of the country, a man whom the nation acknowledges as her greatest benefactor now holding a place amongst the living, who has poured out his blood that our liberties should be secure, amongst which is the liberty of speech. But what a sad and lamentable abuse of that high privilege, for which Scott bled, we have witnessed this day! I feel no apprehension that the foul, tainted breath of any man can injure or impair the high appreciation in which the war-worn veteran of so many sanguinary wars, and of so many brilliant victories, is justly held by a grateful and patriotic country; that there is patriotism enough in this free country to shield and vindicate General Scott from these calumnies. It will astound the country when they learn that these charges are gravely put forth in high places by my colleague. Let it go to the country; let every mail bear it; let the lightning bear it to the ends of the earth, that the man whom Christendom acknowledges as unequalled, not only in skill but in valor, for party sake and party advancement was thus denounced. Is there no higher argument? Is there no merit in your principles or in your candidate which you

would commend? It would be far more honorable to leave a soldier's laurels, dearly earned in fields of danger and death, through almost a half century of toil and privation, than thus to rob him and a nation whose jewel it is. Oh shame! where is thy blush!

Mr. POLK. Mr. Speaker—

Mr. CULLOM. My colleague must sit down and keep his choler buttoned; I cannot be troubled with him any more; he must learn to behave like a gentleman, if possible; he has such a propensity to be upon the floor, speaking and running around. Let me advise my colleague to get a little glue and place it carefully on his chair, and sit himself down on it, and thereby hold himself to his seat, and try for once to conduct himself with dignity, if he has to resort to these artificial means. [Laughter.]

My colleague said much about the Mexican war, in which Scott and Taylor fought so gallantly. I think it was quite unfortunate and highly indelicate in the gentleman, sustaining, as he does, certain relations to the then Administration. He speaks of Scott and Santa Anna, in league to betray, and did actually cause the massacre of a large number of American soldiers. Now, I propose to discuss that war, the treatment of the Administration to Generals Scott and Taylor, and how Santa Anna got into Mexico, and show who gave him his passports.

Mr. BRECKINRIDGE. I rise to a point of order. I am extremely reluctant to do so.

Mr. CULLOM. As I am speaking by courtesy, as there is obligation, I will give way; returning you, Mr. Speaker, my thanks, and through you, my colleagues, for thus kindly permitting me, in this hasty manner, to state my defense. I will not trespass longer.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was then taken; and it was agreed to.

So the House resolved itself into the Committee of the Whole, (Mr. VENABLE in the chair,) and again resumed the consideration of the light-house bill.

The following section was then read by the Clerk:

"Maine: For a light-house on the Nubble Cape, Neddich, York, \$5,000."

Mr. CAMPBELL, of Ohio. I move to strike out \$5,000. I do it for the purpose of making an explanation, my name having been introduced by the gentleman from Kentucky [Mr. STANTON] in connection with the circulation of "A few Chapters in the Life of General Pierce." The gentleman from Kentucky read a list. I wish to state that it is true. I did send a very considerable number of that publication into all parts of the country. I subscribed to the fund, and I learn, upon inquiry—

Mr. JOHN W. HOWE. I must make a question of order on the gentleman. I understand that we are acting upon an amendment, and it is out of order for a member to speak to anything but the amendment.

Mr. CAMPBELL. I ask to make a statement as a personal explanation. The gentleman is exceedingly fastidious.

Mr. JOHN W. HOWE. That same privilege was denied the gentleman from Tennessee, [Mr. CULLOM,] because we were in the Committee of the Whole, and we went into the House to allow it. If the rule would apply to my friend from Tennessee, [Mr. CULLOM,] it must apply to my friend from Ohio, [Mr. CAMPBELL.]

Mr. CAMPBELL. I ask the unanimous consent of the committee to make my statement.

Mr. JOHN W. HOWE. I insist upon my point of order.

The CHAIRMAN. The Chair is compelled to rule the gentleman from Ohio [Mr. CAMPBELL] out of order.

Mr. CAMPBELL. I ask to make this explanation, my name being dragged unceremoniously into this matter.

Mr. STEVENS, of Pennsylvania. I desire to say that I must object to all this, for the reason that when impertinent questions and impertinent topics are introduced into this House, it is just as indiscreet and impertinent to answer them. [Laughter.] I therefore object.

Mr. CAMPBELL. It is susceptible of proper explanation, if the gentleman will hear it. I subscribed for an equal number of documents to be published for the South.

The question was then taken on Mr. CAMPBELL's amendment; and it was disagreed to.

When the following clauses were read, viz:

"For a buoy-boat on Bibb Rock, near Wellfleet harbor,

\$75;  
"For a buoy boat on Sand Shoal, near north end of Bass Rip, \$500. The above buoys to be placed under the direction of the Superintendent of Coast Survey;"

Mr. HOUSTON said, I wish to know of the chairman of the committee who reported this bill, why it is that those two lights are taken from under the ordinary control and put under the control and direction of the Superintendent of the Coast Survey? I do not understand it.

Mr. DUNCAN. I will state that the appropriations were inserted on the recommendation of the Light-House Board; and in recommending them, they proposed that they should be located under the direction of the Coast Survey. It is a matter of complaint that these buoys are placed by pilots, who are accidentally employed for the purpose, and are often injudiciously placed, and that no proper record is kept of the bearing and distances of the locations. The committee, therefore, thought fit to adopt the recommendation of the Light-house Board.

Mr. HOUSTON. Of course, this is a subject which I have not very thoroughly looked into; but it appears to me to be objectionable for this reason: we have now a Bureau of the Government which has entire control of this whole system; and it occurs to me that it would be injudicious to divide the responsibility.

Mr. SEYMOUR, of New York. I would suggest to my colleague on the committee, who reported the bill, that perhaps the word "placed" is not the proper word to be used in this clause. I suppose it is the erection of the buoy-boats of which the Superintendent of the Coast Survey is to have charge and direction, and not that they are to be continued in his charge hereafter. If the language of the clause is not proper, I am sure my colleague will agree to an amendment. Perhaps the word "erected" would express the idea better.

Mr. HOUSTON. I receive the explanation of the gentleman from New York; but still my own opinion is—and I think that those who have given this subject any consideration will agree with me—that this is but the beginning of the end. If the Fifth Auditor does not possess the necessary information, give the control of this subject to the Superintendent of the Coast Survey, but—

The CHAIRMAN. Does the gentleman from Alabama submit any amendment?

Mr. HOUSTON. I am not prepared to do so, but I make the suggestion that I think this provision is objectionable.

Mr. DUNCAN. I move to amend the second of the clauses now more immediately under consideration, by striking out the word "placed" in the last line, and inserting the word "located" in lieu thereof. The word "placed" was inserted by mistake. While I am up, I wish to say in addition to what I before said, that those buoys were recommended by the Light-House Board, under the authority given them by the act of the last session, by which they were directed to examine and report upon these subjects; and their recommendation is that they be located by the Coast Survey. They, being employed upon the coast, can locate these buoys with very little expense, and with more accuracy than it can be done in any other way, in the ordinary course of their duty. They have the means in their hands, the charts, soundings, documents, and all before them; and they are more competent to place these important buoys than any other body of men can be.

Mr. SEYMOUR, of New York. I wish the indulgence of the committee for one moment, to state, in connection with what has fallen from my colleague upon the Committee on Commerce, that we have recently provided by law, that the Coast Survey shall, whilst they are surveying our coast, for the purpose of making proper charts, turn their attention to suitable locations for light-houses, light-ships, and buoys.

It is a saving of time and expense to the Government, to derive this information from that

corps, which is primarily employed upon another subject. They can, without increasing their expenses, or extending the time they are thus employed, give us this useful information.

Mr. HOUSTON. The gentleman is certainly in one error, if in no more. He says that this does not increase the expenses. Now, it does increase the expenses, and the Coast Survey have charged for the examination of these points for light-houses and so forth. But I object to dividing the responsibility of this Department. The Superintendent of the Coast Survey is now getting, not only pay for the duties of the head of that department of the public service, but he is also getting a large salary for his control over the subject of weights and measures, and now it is proposed to give him the light-houses also.

Mr. SEYMOUR. I wish to say one word upon this subject, in reply to the chairman of the Committee of Ways and Means. I will say, in justification of myself, that I assented to the placing of these buoys, which are thus to be erected, under the charge of the Superintendent of the Coast Survey, for the very reason that I supposed that, if he was employed in surveying the coast, and was paid a salary for that, he would not charge any more for performing this service.

Mr. BAYLY. I move to strike out the last two clauses of the bill which have been read by the Clerk, and I do it for the purpose of making a few remarks upon this point. I have no opinion to express upon this point of the superintendence of lights. On the contrary, even after listening to the very able argument of my friend from Maryland [Mr. EVANS] on that subject, I am not prepared yet to express any opinion upon it, except to this extent: that I do not think so radical a change ought to be made without a more thorough investigation of the subject than it has been in the power of any of us to make. The report upon this subject came in at a very late period, and I am not prepared to change the whole system of the management of our light-house establishment until we have looked more into the matter than we have now.

But, sir, I do undertake to say—and I do it from personal information—that so far as our inlets and the entrances to our creeks and rivers are concerned, this Coast Survey has thrown very great light on the subject. I have found that their surveys have led to the correction of mistakes, and to valuable suggestions which I really think this House ought not to disregard.

I have not given to this bill that thorough investigation which it was alone the province of the Committee on Commerce to give it; but I am entirely satisfied, not only from the character of the chairman of that committee, but quite as much from that of the gentleman from Massachusetts, [Mr. DUNCAN], who has especial charge of this branch of the business of that committee, that they have looked into this matter with a great deal of impartiality and justice, and I am not therefore prepared—though I am free to say that this is not a subject which I have investigated probably as minutely as I ought to have done—to go counter to the recommendation of the chairman of the committee, and of the gentleman from Massachusetts.

I do not understand this provision as my friend from Alabama does, that it changes the control under which these light-houses are to be placed. They are now under the control of the Fifth Auditor, to a great extent, and I do not understand that it is designed to change that control at all. Am I right about that?

Mr. SEYMOUR. Yes, sir.

Mr. BAYLY. If it were otherwise, I should not agree to support a proposition to change that control, because at this session of Congress I do not think that we have looked into the matter sufficiently to justify any radical change. I am quite willing to pass this bill with a few amendments.

Mr. SEYMOUR, of New York. I avail myself of the privilege of speaking in opposition to the amendment of the gentleman from Virginia, to call the attention of the committee to the law to which I referred when I was last up. It was suggested by the chairman of the Committee of Ways and Means, that the Coast Survey had received additional compensation for the surveys which they had made in reference to the location of light-houses. From the character of the gentlemen on that board, I cannot believe that they have done

so, and I think the gentleman must be mistaken. I find, by reference to the act approved March 3, 1851, which gives them this authority, that in the eighth section of that act it is expressly provided, "that no additional compensation shall be allowed to any person serving on said corps."

Mr. HOUSTON. Here is the report of the Coast Survey, the last clause of which I will read for the information of the gentleman, who will then see whether I am mistaken or not. It is as follows:

"The information embodied in this report has been obtained by the facilities furnished by the distribution of parties of the Coast Survey on all sections of the coast, at a merely nominal expense, not exceeding \$1,000, while the information obtained of a reliable sort," &c.

So that the gentleman must see that there has been a charge of some sort made by the Coast Survey.

Mr. SEYMOUR. That is substantially as I supposed. I did not know that it increased the expenses at all, but I suppose the increase can only arise from the necessary delay while on this service, for the purpose of looking to the light-house establishment. The result, I am satisfied, has been a vast saving in the expenditures of the country. We are now guided, in making up the light-house appropriation bill, by the report of this scientific board, which was laid before the committee at an early period of this session, whereas the committee has heretofore been guided, in a great measure, by conjecture. I hope that the amendment of the gentleman from Massachusetts, to substitute the word "located" for the word "placed," will be adopted, and that the amendment of the gentleman from Virginia will not prevail.

Mr. BAYLY. If there be no objection, I will now withdraw my amendment.

There being no objection, the amendment was withdrawn.

The question recurred upon Mr. DUNCAN's amendment, and being put the amendment was adopted.

Mr. BROOKS. I move to add at the end of the clause, the following:

But no charge shall be made by the Coast Survey out of the light-house fund therefor.

My object in offering that amendment is to meet a case of this sort: it has come to my knowledge as a member of the Committee of Ways and Means, that there have been charges, and pretty heavy charges, on the light-house fund by the Coast Survey, for services performed. In one case, I am told there was a sum of \$4,000 charged for some maps or sketches furnished to the Light-House Board. Now the Coast Survey has a very large fund, and is well equipped, and I desire to guard against this thing. When the light-house establishment is to be absorbed by the Coast Survey, I wish to have it done regularly. The principle of their locating or placing these buoys is not to be objected to, nor do I object to it, but it should be a part of their general duty, and should add no additional expense, or if it does, it should come out of their own fund.

Mr. EVANS. I do not know that I have any objection to the amendment of the gentleman from New York, but it must strike every member of the committee that the Coast Survey ought to be allowed to expend as much as the Fifth Auditor would himself expend upon this same service. Now, if the Fifth Auditor would have to pay something out of the light-house fund for the location of these buoys, I do not see why, when the same buoys are placed by the Coast Survey, they should not go to the same extent of expense, and it is an expense which clearly belongs to the light-house establishment. Now, if there is one single thing in the world which has been conducted without any sort of system or any sort of knowledge, it is the location of these buoys. It is even worse than the light-houses. They have been in many instances improperly located, and it is often impossible for the ships of this country to tell upon which side of them to go. Such has been the difficulty and abuse of the whole system heretofore. Now, this Coast Survey has ascertained new channels, and has placed the buoys in better positions in the old channels. They are far better acquainted with the coast of the United States, than any gentleman who sits down here in the city of Washington to arrange these matters can be. Those who have been employed in this business know far better, in relation to the coast sur-



vey, and can ascertain the proper points at which to place lights, than one who merely ascertains the facts from charts. A former report recommended a distinct plan for marking buoys, but it was never carried out. I think it will be seen that all reform upon the subject, which has been effected, has been forced into Congress, and has been resisted in the extreme by those who were ignorant of what they were doing, and who have listened to misrepresentation.

Sir, I trust the amendment of the gentleman from New York may be so far amended as to allow the precise expense, and no more, that would be expended by the Fifth Auditor. As the gentleman from Massachusetts [Mr. DUNCAN] says, it only comes out of the contingent expenses for that department. They will not expend more than would be expended by the Fifth Auditor himself; and I can see no reason why it should not be expended by the Coast Survey. There will be expended precisely the same amount of money which the Fifth Auditor himself would expend, as I said, and I see no reason why the plan should not be adopted.

Mr. DUNCAN. If the gentleman's time is not out, I will say a word. I see no reason for the passage of this amendment. There is no reason why the cost of employing a laborer to fix a buoy should not come out of the light-house fund, for the same expense would have to be incurred no matter out of what fund the expense is to be paid. I think, therefore, that amendment is unnecessary.

The question was then taken, and the amendment was not agreed to.

Mr. DUNCAN. I move an amendment to come in in the ninety-ninth line.

Strike out the words "granite light-house," and insert "light-house of granite, iron, or a combination of both," so that the section would read as follows, viz :

"Towards the erection of a light-house of granite, iron, or a combination of both, on the outer Minot ledge, at the entrance of Boston harbor, upon a plan to be approved by the Topographical Bureau; a contract for the building thereof to be made with the lowest responsible bidder who shall give sufficient security for the faithful performance of the same, and the work to be executed in strict conformity with the plan or plans approved by the Topographical Bureau, under the supervision of such person as the Secretary of the Treasury may designate, \$80,000."

I will say a word in explanation of this amendment. This is a very important point for the erection of a light-house—exceedingly so, to the navigation of the country. A light-house was carried away from there, some years ago. The committee had before them various plans for its erection. It is a point at which it is very difficult to construct a light-house which shall insure a resistance against the storms upon the Atlantic ocean. They had several plans before them for a structure of granite, and they were inclined to adopt some of them. However, since the bill has been reported to the House, they have had a plan submitted to them for a combination of granite and iron, which impressed them favorably; and they thought it best to leave the Topographical Bureau at liberty to select any of these plans which they might think best adapted for permanency and strength.

The amendment was agreed to.

Mr. DUNCAN, under instructions of the Committee on Commerce, offered the following amendment:

Insert after line one hundred and seventeen:  
For the preservation of the light-house and dike-wall at Goat Island, in the harbor of Newport, \$3,500.

The amendment was agreed to.

Mr. INGERSOLL offered the following amendment:

In line one hundred and twenty strike out "\$500," and insert "\$1,500," so that the clause will read:  
"For a light on the Long Wharf, in the harbor of New Haven, \$1,500."

Mr. I. said: Mr. Chairman, the necessity of a light at that point, indicated by this section of the bill, is, I believe, admitted by the committee who had this subject under consideration. It is proposed to place it upon the end of what is called Long Wharf, in the New Haven harbor. The wharf is, of itself, about three fourths of a mile in length, and the point at which it is proposed to place the light is a very exposed situation. The collector of the port of New Haven was here in this city when this subject was before the committee, and I believe he informed the committee that

a suitable light at this point could not be erected for less than \$1,500. I have seen him within a few days in this city, and he says it is utterly useless to put a light there for the amount signified by the Committee on Commerce in this bill. As I before remarked, it is in a very exposed situation, and it appears to me that \$1,500 is barely sufficient to raise a light there, and to build a shelter for the person who will have it in charge. I do not wish to detain the committee upon this subject; but it seems to me that if anything is to be done at this point, \$500 is too little to accomplish the object.

Mr. DUNCAN. I will merely state, in the vindication of the course of the committee in relation to this matter, that the petitions for this light were submitted to the Fifth Auditor, upon whose advice and judgment they relied. They propose to put a mere beacon-light upon the end of the pier, to guide vessels into the harbor of New Haven. He recommended, and the committee inserted, \$500. If a further sum is necessary, I have no objection to its being increased. I only state the facts which influenced the committee in their action. The Fifth Auditor thought \$500 was a sum sufficient to erect such a light as was necessary at this point.

Mr. INGERSOLL. The Fifth Auditor knows nothing about the erection of a light at New Haven. The collector of that port knows much better what is necessary to construct a proper light.

The CHAIRMAN. The gentleman from Connecticut is not in order. Debate has exhausted itself upon the amendment.

The amendment was not agreed to.

Mr. CHANDLER offered the following amendment:

After line two hundred and fifteen insert:  
For marking Joe Flogger Shoals, in the Delaware Bay, with first class nun-buoys and can-buoys, to be constructed and placed in their position under the direction of the Superintendent of the Coast Survey, \$3,000.

Mr. C. said: Mr. Chairman, there is scarcely a point upon our whole coast, or upon any of our bays or rivers, that can be said to be more dangerous, or that more imperatively demands the attention of the Government, than Joe Flogger Shoals. But a year or two ago a foreign vessel, of large burden, was cast away there, and, I think, every member of the crew, from captain to cook, were lost. I have now a letter before me, which says there is a vessel now upon that shoal. It is one very easily marked, and, if marked, it may be very easily avoided by any vessel ascending or descending the bay. It is now so dangerous that vessels do not think of ascending the bay in the night, unless it is a very quiet, clear, moonlight night. I ask, therefore, that this appropriation may be made, and I appeal to gentlemen of the Committee on Commerce to assist me in getting this item added to the appropriation bill. I have several amendments before me which I intended to offer, but if the committee will pass this I will forbear and take my chance for getting them in, one at a time, when another appropriation bill comes up.

Mr. DUNCAN. This is the first time this subject has been brought to the knowledge of the Committee on Commerce, and therefore we have had no evidence, one way or another, about it, except the statement now made by the gentleman from Pennsylvania, [Mr. CHANDLER.]

Mr. CHANDLER. I hold in my hand a letter I have just received from the person in command of a United States steamer. He speaks of it as one of the most dangerous shoals upon any coast to navigators, and alludes to the fact that there is now a brig upon it. I hope it will be the pleasure of the committee to adopt this amendment.

The amendment was agreed to.

Mr. BAYLY, of Virginia, offered the following amendment, to come in at the end of the items providing for the State of Virginia:

For two spar-buoys, to be placed to buoy out Occapanock creek, \$160.

Mr. B. said: I desire to state that the papers connected with that case were presented before the Committee on Commerce too late to be acted on. It is only an appropriation of \$160, and is to place two spar-buoys at the mouth of Occapanock creek. I know personally, irrespective of the memorials which have been presented, of the necessity there is for this appropriation. It is at

a point in which my constituents are less interested than anybody else, because they know the way to get into this harbor, while coasting vessels for the Chesapeake Bay, which do not belong there, find much difficulty. I mentioned this subject to the member of the Committee on Commerce from Massachusetts, [Mr. DUNCAN,] and he agreed with me in the propriety of the amendment. As I said, it is only for \$160, and in which my constituents are less interested than anybody else. I hope the committee will adopt it.

The question was then taken on the amendment, and it was agreed to.

Mr. STANLY offered the following amendment:

For two buoys, to be placed at the mouth of Alligator river, in Albermarle Sound, \$200.

Mr. S. said: I believe the Committee on Commerce had presented to them the petition of ship-owners and sailors in that part of the country, asking that buoys should be placed there; but they received them at a late period, and after they had reported this bill to the House. Some sixty or seventy vessels are constantly in the habit of passing in and out of that river, and two buoys will enable them to find their way in and out with safety. Two hundred dollars appropriated for that purpose will be of vast service to that section of the country, and I hope there will be no objection to putting that amendment in.

The question was then taken on the amendment, and it was agreed to.

Mr. DUNCAN offered the following amendment, to come in at line two hundred and sixty-two, at the end of appropriations for North Carolina:

For four large buoys to mark the two channels over the Frying-Pan Shoal, to be constructed and located under the direction of the Superintendent of the Coast Survey, \$1,600.

For four second class buoys to mark the Main and Oak Island channels, leading into the Cape Fear river, in addition to the buoys now authorized, to be constructed and located under the direction of the Superintendent of the Coast Survey, \$1,000.

Mr. DUNCAN. The Coast Survey, in a recent survey on that coast, have discovered a channel through the Frying-Pan Shoals, and I have letters from the secretary of the Light-House Board suggesting the necessity of placing buoys there.

The question was then taken on the adoption of the amendment, and it was agreed to.

Mr. BROWN, of Mississippi, offered the following amendment, to come in at the end of the first clause under the head of appropriations for "Mississippi":

To be expended, without delay, under the direction of the Secretary of the Treasury.

The clause will then read:

For the erection of a light house at, or near the entrance of East Pascagoula river, instead of a former appropriation, \$5,000; to be expended, without delay, under the direction of the Secretary of the Treasury.

Mr. BROWN said: I will say but one word in explanation of the amendment. This appropriation has been made every Congress for the last five or six Congresses, and I can never make the Auditor of the Treasury, who has charge of the appropriations, understand that Congress is in earnest about it. Whenever I inquire of him, he seems to have forgotten about it. I simply want this amendment inserted, that he may understand that we want the appropriation expended.

Mr. HOUSTON. Those works, I think, ought not to be in the appropriation bill, and I hope the gentleman who has charge of it will resist their insertion.

The question was then taken upon the adoption of the amendment, and it was not agreed to.

Mr. DUNCAN offered the following amendment, to come in after the last clause of the appropriation under the head of "Mississippi":

For Louisiana: For the examination and survey of the Ship Shoal and Raccoon Point, on the coast of Louisiana, with reference to the location and erection of a light house, and the procuring a plan for the same, \$3,000.

The question was taken on the adoption of the amendment, and it was agreed to.

Mr. MOORE, of Louisiana, offered the following amendment, to come in at the same place:

For the construction of a light house on said Ship Island Shoal, or the west end of Last Island, commonly called Raccoon Point, as may on examination be deemed most expedient, \$20,000.

Mr. MOORE said: I will state the reason why

I offer this amendment. Those shoals are very dangerous, lying on the outside of the island. There is no light-house on that coast between the Southwest Pass and Galveston, that can be seen by any vessel on the route from the Southwest Pass to Texas, or to Mexico. We have two light-houses upon our coast, but both of them are situated within bays, a long distance within those shoals, which are so dangerous. There has been a memorial sent to Congress by the captains of steamers, and by a considerable number of the owners, and by merchants, asking that this light-house be built. A number of vessels were lost upon that coast some years ago—one of them a British ship. Immediately west of that place, a French ship was lost some years ago. They are very dangerous shoals, and there ought to be some provision made either for a light-house on the west end of Last Island, which is a few miles north of these shoals, or upon the shoals themselves. I am told by a gentleman who is connected with the Coast Survey, that they believe that a light-house can be erected upon those shoals.

Mr. DUNCAN. I am sorry to rise in opposition to the motion of the gentleman from Louisiana, [Mr. Moore,] but I feel obliged to do it by the facts of the case. I have no doubt that a light-house is necessary somewhere in that vicinity. When petitions in relation to a light-house on Ship Shoal were referred to the Committee on Commerce, we referred them to the Fifth Auditor for such information as he could afford. He had in his office no chart showing the situation of these shoals. They are understood to be covered with water at high tide, and are some miles distant from the main land. The Fifth Auditor referred the petitions to the chief engineer of construction of light-houses for an estimate of cost. And in his communication, presuming, from the character of the bottom in that region, that the foundation was sand, he estimated that it would cost at least \$52,000 to build a light-house on Ship Shoal. The Auditor objected on another ground: that this light-house, if erected on Ship Shoal, would be so distant from land, as to involve the necessity of keeping a vessel employed to convey wood and water and provisions for the three keepers necessary to keep that light-house. He suggested whether a light-house might not be erected on Racoon Point, the nearest land to the shoals, which would give the needed aid to navigation. We sought information of the officers of the Coast Survey, but they had no accurate charts of the soundings and depth of water, or of the situation of the shoals, and their distance from the land; but they stated that parties of the Coast Survey were serving there—one going down from New Orleans, and the other coming from Galveston; and that before the next meeting of Congress, they should be able to furnish to Congress all the necessary information upon the subject. The committee, therefore, did not feel at liberty, with the limited information before them, and with the uncertainty which hung over the matter, to recommend an appropriation for a light-house, but they preferred to wait until they should receive the result of the examination of the Coast Survey. But to insure the certainty that this point should be properly attended to, they saw fit to direct me to offer the amendment which I did, a few moments ago, providing for a survey. And before the next meeting of Congress we shall have all the information necessary to enable us properly to locate the light-house upon the shoal, or upon Last Island. I did not believe that by making the appropriation now, the construction of the light-house would be accelerated at all.

The question was then taken on the adoption of the amendment, and it was not agreed to.

Mr. MOORE, of Louisiana, offered the following amendment, to come in at the same place:

For three spar-buoys, to mark the channel of the harbor of refuge at Horn Island Pass, Mississippi, to be placed by the Coast Survey, \$210.

Mr. M. said: I hope the amendment will be adopted. It is for a harbor of refuge for vessels coming in, when they do not happen to strike the pass.

The question was then taken on the adoption of the amendment, and it was agreed to.

Mr. DUNCAN offered the following amendment, to come in at the end of the appropriations under the head of "Florida:"

For securing the light-house at the mouth of St. John's river, Florida, \$10,000.

The question was taken, and the amendment was agreed to.

Mr. HOWARD offered the following amendment:

Strike out all between the word "Pass" and the word "fifty one," and insert: "or a light-house, as may be deemed most expedient upon further examination," in the following clause, under the head of "Texas:"

"For a light-boat, to be moored at Aransas Pass, instead of a light-house proposed by the act of March 3d, 1851, and for channel-buoys in said channel, and a buoy at Dollar Point, \$15,000."

So that the clause would read:

"Texas: For a light-boat to be moored at Aransas pass, or a light-house, as may be deemed most expedient upon further examination, and for channel-buoys in said channel, and a buoy at Dollar Point, \$15,000."

Mr. H. said: I would state that at the last Congress an appropriation was made for a light-house at Aransas Pass of \$12,500. There has since been a survey, and the officers of the Coast Survey recommend that, instead of a light-house, a light-boat should be moored there; and there is reported the same appropriation for the light-boat as was made for the light-house.

I will state that it seems to me that this survey was not very well conducted. It is so esteemed by the pilots and the navigators who use that entrance. All I propose is, that the appropriation shall not be limited to the construction of a light-boat, but that the Department shall have power to construct a light-house, if, upon further examination, they shall find that a light-house is more expedient than a light-boat. I learn from the Fifth Auditor, that a light-house will cost less than a light-boat, and it costs less to keep it up, for the one is permanent, and the other is liable to be driven from its place, and to decay. I hope the discretion will be left with the Department to build a light-house, if, upon further examination, they deem it the better structure of the two.

Mr. SEYMOUR, of New York. I wish to inquire of the gentleman from Texas, whether the light placed either upon the light-house or upon the light-boat will subserve the interests of commerce at the same place?

Mr. HOWARD. Precisely at the same place.

Mr. HOUSTON. This seems to propose the substitution of one structure for another at that point.

Mr. HOWARD. No, not at all.

Mr. HOUSTON. I understand it to be so.

Mr. HOWARD. I will state to the gentleman that this amendment is for a light-house, or for a light-boat, as the Department shall deem proper.

Mr. HOUSTON. I am speaking of the original paragraph of the bill. This paragraph, as I understand it, purports to substitute a light-boat for a light-ship, and appropriates \$15,000. A light-house, as I understand, was authorized by the act of the 3d of March, 1851, and, as a matter of course, made this appropriation. I would like to know of the gentleman, [Mr. DUNCAN,] who has charge of the bill, what has become of that appropriation made on the 3d of March, for building a light-house at Aransas Pass?

Mr. DUNCAN. The appropriation has not been expended, and is still liable to be drawn for.

Mr. HOUSTON. That shows that this paragraph is unnecessary. If the Committee on Commerce had proposed to change the character of the improvement, and instead of a light-boat, to substitute a light-house, they should have introduced a provision to make available the money already appropriated. Why do they want to appropriate \$15,000 for this house, when there stands now an appropriation of several thousand dollars, which is more than enough for it, if it was only made applicable to that object? It has not gone back to the surplus fund. These moneys are not carried back to the surplus funds, as they ought to be. But this money has not been appropriated long enough to go back to that fund. It was appropriated in 1851, and is still applicable to this improvement, for which they now propose to appropriate this \$15,000. I move to strike out the \$15,000, unless my friend [Mr. DUNCAN] will so alter it as to make it applicable to this improvement. There is no use in making a double appropriation.

Mr. DUNCAN. By the act of 1851, an appropriation was made for the location of a light-house at Aransas Pass. Before proceeding to the loca-

tion of the light-house, it was thought necessary, by the Secretary of the Treasury, to have an examination. He intrusted that examination to the proper officers, and they reported that a light-boat was preferable, and a more suitable aid to navigation, than a light-house at that point. They also recommended that a channel buoy should be placed in the channel at that pass, and also at Dollar Point. The appropriation was therefore changed in conformity with their recommendation, and a small addition made to the amount appropriated, in order to enable them to fix those buoys in the channel, and at Dollar Point.

Mr. HOUSTON. The gentleman does not seem to understand my point, and perhaps I am not understood by the committee. The law of 1851 made an appropriation of \$12,500 for a light-house at Aransas Pass. Now, why not make that \$12,500 applicable to the erection of that light-boat, instead of making another appropriation of \$15,000? By doing that, you would make the appropriation for Aransas Pass \$27,500, and I presume gentlemen do not want that.

Mr. DUNCAN. I will suggest whether it would not be necessary, in the alteration of the phraseology, to insert the words, "instead of the appropriation proposed by the act of March 1837?"

Mr. HOWARD. I will adopt that.

Mr. HOUSTON. I do not remember where the amendment of the gentleman from Texas comes in, but I would suggest that the section be modified, so that it would read as follows:

"For a light-boat to be moored at Aransas Pass, instead of a light-house proposed by the act of March 3d, 1851, and for channel-buoys in said channel, and a buoy at Dollar Point, in addition to the appropriation of March, 1851, \$2,500."

Mr. HOWARD. The amendment of the gentleman from Massachusetts is the same thing.

Mr. HOUSTON. It is not the same thing. This appropriation leaves the other outstanding. It does not go back into the Treasury. The committee ought to know exactly what it appropriates.

Mr. SEYMOUR. Does the gentleman from Texas accept the modification that has been proposed—that in addition to the appropriation of March 3d, 1851, there be appropriated \$2,500?

Mr. HOWARD. I have accepted it. Let the Clerk read the amendment as it now is.

The Clerk read the modified amendment, as follows:

"For a light-boat to be moored at Aransas Pass, or a light-house, as may be most expedient upon further examination, and for channel-buoys in said channel, and a buoy at Dollar Point, in addition to the sum appropriated for a light-house at said point, \$2,500."

The question was taken, and the amendment was adopted.

Mr. EASTMAN. I move at the end of the first section of the bill, the addition of the following:

For a light-house at the harbor of La Pointe, on Lake Superior, \$5,000.

I will state, for the information of the committee, that the harbor of La Pointe is the only one at the west end of Lake Superior. There is no harbor nearer it than about two hundred miles. It is very important as a place of refuge for vessels in a storm. At night, as there is no light-house there, vessels cannot tell where the harbor lies, and consequently have to stand off all night. The object sought to be accomplished by my amendment is a very important one to the navigation of that lake.

Mr. DUNCAN. I can only say that the committee have not sufficient evidence of the necessity of it to recommend the appropriation.

Mr. EASTMAN. There has been no survey. I was never called upon to furnish any evidence. I had the assurance of the chairman of the committee that it would be put in. I could furnish testimony of the necessity and importance of it.

The question was taken, and the amendment was adopted.

Mr. DUNCAN. For the perfection of the fourth section I move, after the words "March 3d," to insert the words "for the erection of a light-house on Flynn's Knoll," so that it will read as follows:

"Sec. 4. And be it further enacted, That the sum of \$30,000, appropriated by the act approved March 3d, 1851, for the erection of a light-house on Flynn's Knoll, be, and the same is hereby, authorized to be applied to the erection of two-range beacon lights, for Gedney's Channel, to be placed near Point Comfort, in the State of New Jersey; and

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two-range beacon lights for the Swash channel of the harbor of New York, to be placed on Staten Island, near the Elm Tree beacon, and to be constructed under the direction of the Topographical Bureau, and according to the recommendation of the Light-House Board and the Superintendent of the Coast Survey; and for a large iron floating bell-beacon, to be moored off Flynn's Knoll, under the direction of the Superintendent of the Coast Survey."

The question was taken, and the amendment was adopted.

The Clerk having read the following section:

"Sec. 7. *And be it further enacted*, That all such reports shall, as speedily as may be, be laid before the Secretary of the Treasury, and if such as to authorize the work without further legislation, he shall forthwith proceed with it, otherwise such reports shall be laid before Congress at the next ensuing session; but in all cases where the person designated by the Secretary of the Treasury, under the fifth section of this act, does not report such preliminary examination as expedient, the provisions of this act shall, without delay, be carried into execution."

Mr. HOUSTON said: I should like to know of the gentleman from Massachusetts [Mr. DUNCAN] the application intended to be made by the seventh section? It seems to be conferring a very important power upon the Secretary of the Treasury.

Mr. DUNCAN. I will say, in reply to the gentleman, that the section is identical with the one passed in the light-house bills for the last two or three years. The object is, I presume, as appropriations may sometimes be made without sufficient knowledge of the subject, that the Secretary of the Treasury being, by law, at the head of the light-house establishment, if he questions the propriety of an appropriation, he may, before proceeding with the work, have the site examined and surveyed. If it be deemed a proper one, it is proceeded with; and if it is required, he shall report to Congress at their next session.

Mr. HOUSTON. It applies to the appropriations generally in the bill.

Mr. DUNCAN. To all the appropriations, I presume.

Mr. EVANS. I offer the following amendment as an additional section. It is to carry out the act of March 3, 1851:

*And be it further enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he is hereby, authorized and required to appoint, immediately after the passage of this act, two officers of the Navy, of high rank, one officer of the corps of Engineers of the Army, one officer of the corps of Topographical Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, and an officer of the Navy and an officer of Engineers of the Army, as Secretaries, who shall constitute the Light-House Board of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all the administrative duties of said office relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies and materials of all kinds for building and for rebuilding when necessary, and keeping in good repair, the light-houses, light-vessels, beacons, and buoys of the United States.

Sec. 9. *And be it further enacted*, That the Secretary of the Treasury shall be *ex officio* President of the Light-House Board of the United States; and the said Board, at their first meeting, shall proceed to ballot for one of their members as chairman, and the member who shall receive the majority of ballots of the whole board shall be declared by the president to be chairman of the Light-House Board, who shall, in the absence of the president of the board, preside over their meetings, and do and perform such acts as may be required by the rules of the board.

Sec. 10. *And be it further enacted*, That the Light-House Board shall meet four times in each year for the transaction of general and special business, each meeting to commence on the first Monday in March, June, September, and December; and that the Secretary of the Treasury is hereby authorized to convene the Light-House Board whenever, in his judgment, the exigencies of the service may require it.

Sec. 11. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, required to cause such clerks as are now employed on light-house duties in the Treasury Department, to be transferred to the Light-House Board without any change of salaries, and to provide the necessary accommodations for the secretaries and clerks, for the preservation of the archives, models, drawings, &c., &c., and for holding the meetings of the board; and that he cause to be transferred to the proper officers of the Light-House Board, all the archives, books, documents, drawings, models, returns, apparatus, &c., &c., belonging to the light-house establishment of the United States.

Sec. 12. *And be it further enacted*, That it shall be the duty of the Light-House Board, immediately after being organized, to arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number; and the President is hereby authorized and required to direct that an officer of the Army or Navy be assigned to each district, as a light-house inspector, subject to and under the orders of the Light-house Board, who shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile when traveling under orders connected with his duties.

Sec. 13. *And be it further enacted*, That the said Light-House Board, by and with the consent and approbation of the Secretary of the Treasury, be authorized and required to cause to be prepared and distributed among the light-keepers, inspectors, and others, employed in the light-house establishment, such rules, regulations, and instructions, as shall be necessary for securing an efficient, uniform, and economical system of administering the light-house establishment of the United States, and to secure responsibility from them; which rules, regulations, and instructions, when approved, shall be respected and obeyed until altered and annulled by the same authority.

Sec. 14. *And be it further enacted*, That it shall be the duty of the Light-House Board to cause to be prepared by the engineer, secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the light-house establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board at a regular or special meeting, and through their properly-authorized officer.

Sec. 15. *And be it further enacted*, That hereafter all materials for the construction and repair of light-houses, light-vessels, beacons, buoys, &c., &c., shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury, and all works of construction, renovation, and repair, shall be made by the orders of the board, under the immediate superintendence of their engineer, secretary, or of such engineer of the Army as may be detailed for that purpose.

Sec. 16. *And be it further enacted*, That it shall be the duty of the Light-House Board to furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session.

Sec. 17. *And be it further enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed, and all acts, and parts of acts, relating to the light-house establishment of the United States, not inconsistent with the provisions of this act, and necessary to enable the Light-House Board, under the superintendence of the Secretary of the Treasury, to perform all duties relating to the management, construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their accessories, including the procuring and testing of apparatus, supplies, and materials of all kinds for illuminating, building, and rebuilding, when necessary, maintaining and keeping in good repair the light-houses, light-vessels, beacons, buoys, and sea-marks of the United States; and the second and third sections of the act, making appropriations for light-houses, light-vessels, buoys, &c., approved March 3d, 1851, are hereby declared to be in full force, and shall have the same effect as though this act had not passed: *Provided*, That no additional salary shall be allowed to any civil, military, or naval officer, who shall be employed on the Light-House Board, or who may be in any manner attached to the light-house service of the United States under this act: *And provided further*, That it shall not be lawful for any member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, to be engaged, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, nor to possess, either as principal or agent, any pecuniary interests in any patents, plan, or mode of construction, or illumination, or in any article of supply for the light-house service of the United States.

Mr. SEYMOUR, of New York. I rise to a question of order upon this amendment. We are upon a general appropriation bill for the service of the light-house establishment. The amendment offered by the gentleman from Maryland is for the organization of a light-house board going into all the details. It is foreign to the subject of the appropriation upon which we are now engaged.

Mr. EVANS. I will merely remark that that board was appointed by a clause in a similar act last year. This is to prescribe the duties of that board.

The CHAIRMAN. The Chair overrules the question of order. He considers the amendment germane.

Mr. EVANS. Mr. Chairman, there has been no subject so long before Congress, and so much written upon as this one. The documents connected with it are more voluminous than almost

any others in our archives. In 1846, Mr. Walker, then Secretary of the Treasury, lent all his power to bring about the very reform in the light-house system which I now desire to effect, and was only prevented from the accomplishment of his purpose by the Mexican war, as is well known to many gentlemen within hearing. By the amendment, not one dollar of appropriation is needed. Additional salary is proposed to be given to no one. It only provides for a proper superintendence of our lights, and the remarks of gentlemen to-day demonstrate the necessity for the provision. The Committee on Commerce has heretofore acted without sufficient knowledge as to the proper location of lights. Congress cannot legislate without this necessary information. My proposition gives no power to this board to expend money without the authority of Congress, and then only under the direction of the Secretary of the Treasury. It does not prescribe any system of lights. Yesterday I spoke in regard to what ought to be the system of lights to be up to the requirements of the age; but the amendment adopts no plan. I knew, when I addressed the committee on yesterday, what lights men of science, practical mathematicians and opticians, on becoming connected with this establishment, would adopt. I knew they would adopt lights which would cost little, and be efficient, instead of inefficient and expensive ones. It was my desire on yesterday to spare the feelings of those connected with the bureau here, and who have the control of our light-house system; but I shall be justified in being less particular now. Opposition from bureaus comes up here to every proper act of reform.

I have only connected myself with this measure out of humane and philanthropic motives, and with the intention of carrying out the express design of the laws before me, for the benefit of the whole commercial and navigating interest of the country. I want extravagant expenditures reduced, the corruption which has so long existed here rooted out, and an end put to that set of contractors in the northern cities who plunder the Treasury out of hundreds of thousands of dollars. I want this system placed, as it is in other countries of the world, under the superintendence of scientific gentlemen without salaries. For my disinterested efforts, I have been accused of being under the influence of certain persons. Those who make the charge are, unfortunately, destitute of all mathematical, chemical, and optical knowledge, as their own public reports evidence. They have made very unfortunate public mistakes in figures, such as arithmeticians do not make.

It behooves, then, those anxious for economy and improvement to adopt this great measure of proper reform. It still leaves with the Fifth Auditor the auditing of the accounts of the system. He now audits his own accounts, and I only want that our system shall be reduced to uniformity in that respect. I attack no one. I have no interest in the matter. I propose no plan to extend governmental patronage, but only ask a board of scientific men who are acquainted with the requirements of the age, serving without pay. Officers of the Navy can be sent to inspect our lights with half the money now paid to collectors of your ports. You pay the collectors two and a half per cent. for that service, but they do not visit more than one or two lights, and there are hundreds that are not visited at all. They never thoroughly inspect the lights—whether they illuminate the whole or only part of the horizon, whether the oil be of proper quality, and a thousand and one other things that should be strictly attended to for the proper superintendence of that great interest, which has for the last twenty years attracted the attention of the world. Every maritime country has adopted the system as recommended in my proposition. It should be adopted here. This light-house report has been printed for the last six months, and there is no excuse for any gentleman not having read it. Documents treating of the same subject have been before us for the last ten years. Mr. Secretary Walker's report—a model of intelligence—has been before us for the last six years.



Mr. SEYMOUR, of New York. I regret that I cannot concur with the gentleman from Maryland in the views he has expressed, both yesterday and to-day, on this very important subject; but I do not mean now to be understood by the committee as being in the end opposed to some reform in the direction to which he has called our attention. It must be apparent to the committee, however, that we are not now in a situation to institute the very searching reform which his amendment proposes. What is it? Why, we have a light-house system that has been growing up under the auspices of a particular department of this Government—the Treasury Department—and superintended by the Fifth Auditor for now more than half a century.

Mr. EVANS. Thirty years.

Mr. SEYMOUR. It has been for a long time, I cannot say whether quite half a century, under the particular supervision of the Fifth Auditor of the Treasury. I do not now stand here to justify any errors which will always exist in the administration of an extensive and complicated system. I have no doubt that there are improvements which may be made in the administration of this system as it is now organized; but I wish to call the attention of the committee to the fact, that we have been advancing for a year or two back in the very direction which the gentleman from Maryland has indicated. As our system has increased, as the extent of this service has magnified and spread over this widely-extended country, it has been found necessary, for the purpose of procuring that information which the Treasury Department and its subordinate, the Fifth Auditor, as well as the Committee on Commerce and members of this House, should have to refer to other boards, and obtain it through their action. And it was for that very reason that, at the last Congress, a law was passed—to which I referred in some remarks I made at the opening of the discussion upon this bill—by which the Superintendent of the Coast Survey was directed to make those examinations necessary to determine where improvements in our light-house system should be established. That information is valuable. By that process, without incurring a great deal of additional expense, we are profiting. I prefer to have it go on as at present, for by so doing, we may draw all the information required in regard to the expediency of these constructions from that very able board.

The gentleman alluded, yesterday, to some extensive improvements of a scientific character, which, he said, had been made in Europe, and which had been introduced extensively under the French Government, in the shape of lenses, used instead of reflectors, for the lights of these light-houses. Well, our predecessors had their attention called to that subject, and they provided, in a clause of the last bill which was passed by Congress upon this matter, of the 3d of March, 1851, that the Secretary of the Treasury should exercise a proper discretion upon this subject, and wherever he judged it would be for the benefit of the commerce of the country, and subserve the interest of the light-house system, he was authorized to substitute the Fresnel lenses instead of the reflectors; and that power he possesses now. It is a permanent law, a permanent provision, enacting the very thing which the gentleman desires. The law confers upon the Secretary of the Treasury the power to adopt these lenses, provided, upon inspection and upon trial, it shall be found that this French improvement is one suitable to our occasion, and conforms to the principles of economy, which we wish always to subserve.

Mr. EVANS. But the Fifth Auditor has always thwarted its introduction.

Mr. DUNCAN. I move to strike out one and insert two in the fifth section.

The CHAIRMAN. It is not in order to go back.

Mr. SKELTON. I understand that the chairman of the Committee on Commerce raised the question of order, that this is not in order.

The CHAIRMAN. The Chair overruled that question of order.

Mr. CARTTER. Is it in order to move that the committee rise and report the bill?

The CHAIRMAN. There is an amendment pending which must be acted upon before the committee rise.

Mr. DUNCAN. I move to amend the amendment of the gentleman from Maryland, [Mr.

EVANS,] by inserting in the sixth line "two" instead of "one."

My object in doing so, is to make a few remarks upon the proposition submitted by the gentleman from Maryland, [Mr. EVANS.] The attention which I have been compelled to pay to this subject of light-houses during almost this entire Congress, has convinced me of the necessity of changing our system, and the propriety of constituting a board such as is recommended in the amendment introduced by the gentleman from Maryland, [Mr. EVANS.] There is a want of system in our present light-house establishment. While I am not disposed to subscribe to all the charges which are preferred by the Light-House Board against the present system, and I am willing to render all due honor to that venerable man who may be considered the father of the light-house establishment of the United States, I yet believe that the time has arrived to reorganize that department of the public service. The circumstances of the country have greatly changed in this respect, and the light-house system has become greatly extended from the river St. Croix to the Pacific ocean, and over the vast chain of lakes. We are compelled, from the necessity of the case, and from the necessity of light-houses in parts of the country which are yet sparsely settled, to rely upon the officers of the Coast Survey, and of our Navy, for the information we have of the necessity of light-houses, and are compelled to place in their hands the location and construction of them. There is a great defect in the present system of appropriations for light-houses. Petitions come up to Congress perhaps from interested individuals, perhaps from individuals who have no higher motive than to wish a job for building a light-house, or to place some friend in care of it. They are submitted to a committee of Congress, who are not likely to be very well informed upon this subject, and who are, therefore, liable to make improper appropriations, and to provide for light-houses at points where they are not necessary, and to authorize too many in one district, and too few in another. They have been located without reference to any system on the southern portion of the sea-coast, which, from the fact that it was sparsely settled, and without interested parties to petition Congress, has to this day been very inadequately provided with the facilities which light-houses give to the commerce of the country. I have endeavored in this bill to remedy some of these defects. The first thing in order to a proper location of light-houses is, that some responsible board should be established who will be enabled to look over the whole country, and see at what points coast-lights are necessary, and at what points only harbor-lights, and present that information to Congress. I believe it to be impossible that any individual, sitting in his office at Washington, is competent at this day properly to direct the greatly-extended light-house establishment of this country—on the sea-coast and the lakes.

Mr. SEYMOUR, of New York. When my five minutes had expired, I had referred to a part of the considerations which I wished to present at this time. I wish to say further, after having shown that we have now, under the provisions of the existing law, what will give us, if they are really valuable, all the improvements of the Fresnel lenses, that I think the establishment of this Light-House Board will be attended with great expense in the administration of this whole light-house system. I know the provision which the gentleman from Maryland [Mr. EVANS] has introduced in his amendment says, "that there shall be no additional compensation given to these officers." Without meaning to call in question the honor, integrity, or ability of this board, constituted as it will be, of a majority of officers of the Army and Navy, I submit to this committee whether the estimates sent to us may not be expected to be vastly larger than they are at the present time? I think we may infer this from every thing we see in regard to the execution of service by military and naval men. It is not a part of their duty to calculate the cost. I wish to retain the superintendence of this matter where it has been, under the supervision of civilians, and if we have not enough of them, or if they are not of the proper character, let us have more, or let them be changed. I am opposed to constituting a board, a majority of whom shall be composed of naval

officers and military men, for the purpose of giving us estimates upon this subject.

Mr. CARTTER. I do not understand the gentleman from New York [Mr. SEYMOUR] as replying to the amendment of the gentleman from Massachusetts, [Mr. DUNCAN,] but to the gentleman from Maryland, [Mr. EVANS.]

The CHAIRMAN. The gentleman from New York is in order, and will proceed with his remarks.

Mr. MOORE, of Pennsylvania. I wish to ask the gentleman from New York [Mr. SEYMOUR] a question. I think he is in error when he states that this board is to be composed entirely of officers of the Army and Navy.

Mr. SEYMOUR. I said a majority of the Army and Navy.

Mr. MOORE. There are to be civilians also.

Mr. SEYMOUR. I wish to say further upon this subject, that it is now a disputed question—and the Committee on Commerce have files of matter before them upon this subject—to determine whether these Fresnel lenses are, after all, the best invention for lighting up the coast. The present Auditor contends that our reflectors show as good light as the Fresnel light does. Others contend that the Fresnel is the best. It is for this reason we have left this matter at the discretion of the Secretary of the Treasury. Besides, it is well known that the expense of the Fresnel light will vastly increase the expenses of the establishment. It is expensive, and I am told, upon good authority, that the very proposition to exchange reflectors for these Fresnel lights, will cost us half a million of dollars.

Mr. EVANS. The gentleman from New York [Mr. SEYMOUR] has mistaken the language. There is not a word about Fresnel lenses in the amendment, and so far from their costing more, they will cost less.

Mr. SEYMOUR. I am replying to the argument of the gentleman on yesterday. Whether he has got the Fresnel light in his amendment or not, I do not know.

Mr. DUNCAN. I withdraw my amendment.

Mr. HOWARD. I move to strike out the first paragraph of the amendment of the gentleman from Maryland, [Mr. EVANS.]

I offer this amendment for the purpose of enabling me to make a few remarks on the proposition of the gentleman from Maryland. I can see no good reason why we should not adopt it. It creates no additional salaries, and does not add anything to the expenses of the light-house fund, inasmuch as the board which it constitutes is to be appointed from the officers of the Navy and Army who cannot be more profitably employed for the Government.

The time has arrived when it is necessary to make some different disposition of this subject. Our light-house appropriations have grown into a vast system. I have no idea that any intelligent board of scientific men, appointed as is proposed by this amendment, would have made the appropriations half as large as those contained in the bill under consideration. These appropriations are made, in most cases, in advance of surveys. They are generally gotten up by local influences, and oftentimes without much reference to the wants of commerce. If an intelligent board had control of the subject this abuse would be corrected.

There is another reason why this board should be created. If the Fifth Auditor, against whom I have nothing to say, were a young man who kept pace with the science and improvements of the day, still it would be impossible for him to supervise the present system so as to correct its abuses. It is impossible for him to leave his office in Washington for that purpose, and he has no men of science under his order whom he can detail for that service. Some new arrangement is loudly called for by the public interests. It has been demonstrated by the report of the Light House Board, that our whole system of light is badly managed. It needs more supervision than the Fifth Auditor can give to it. The report to which I have alluded, shows that in our system, the towers and buildings are not generally well constructed, so much so, that large sums for repairs are annually required, that they are deficient in accommodations for necessary supplies, that the lanterns are badly constructed, and that there

is a great waste of oil and a want of care of the public property.

It further appears from the same report, that the lighting apparatus is badly constructed and has frequently to be renewed at great expense. The report states, "that the floating lights of the United States are comparatively useless, for want of efficient lamps and parabolic reflectors." The report also shows that many of these light-houses and light-ships are so improperly located and constructed, that they mislead instead of guiding the mariner. It shows that our system of beaconage and buoyage is inefficient, and not legally nor properly managed.

The imperfect state of our light-house system attracted the attention of Mr. Walker, while Secretary of the Treasury, and he sent an agent to Europe, to examine into the lights of other countries; and the result was, that he recommended, in a report to Congress, the adoption of the French, or lenticular system, instead of the reflectors now in use. The Light-House Board, in their late report, say:

"That if all our present lights were fitted with lens apparatus of equal power to the reflectors now in use, the annual expense for supplies of oil and cleaning materials would cost little more than one fourth as much as is now expended for these articles of supply annually; that is, that the supplies now costing upwards of \$152,000, would not exceed \$38,000 to \$42,000, making an annual saving of \$110,000 to \$115,000. That in addition to the greater superiority in brilliancy, power, and economy of the lenses, compared to the reflectors, they possess the great advantage of durability, to the extent of never requiring to be renewed."

Not only is the lenticular system the cheapest, but it furnishes far the most brilliant light, which can be seen at the greatest distance. I find that the advantage of the new system is thus summed up on page 602 of the report:

"That if we take into account the first cost of construction, and the expense of their maintenance, we shall find, in respect to the effect produced, the new system (dioptric) is still from one and a half to twice as advantageous as the old."

Our present system is far behind that of England and France, both in science and economy.

Mr. BAYLY, of Virginia. My friend from Alabama [Mr. HARRIS] asked me to throw some light upon the subject. [Laughter.] I will not do it, as it might be reflecting upon the committee, if he will excuse me. I spoke upon this point a short time ago; and I say here, frankly, that I am not prepared to take issue with the gentleman from Texas, [Mr. HOWARD,] nor with other gentlemen who have spoken upon the same side of the question. Not at all. The point I make is this: that this amendment proposes a radical change in the light-house system, and we have not sufficiently considered it. I have turned my attention somewhat to this matter, and I am free to say that I am not prepared to vote for a radical change in our system of light-houses, until the matter has been investigated more fully than it has been. I am not one of those members of the House, I hope, who come in here and object to every improvement proposed, upon the ground that I have not had time to look at it. I am one of those who are of the opinion that a radical change in a system of long standing ought not to be made, without a pretty thorough investigation of its necessity and propriety.

Now, sir, if I know anything about Congress, I do know that the session preceding the presidential election is precisely, of all others, that session when questions of practical utility are least attended to; and I am, therefore, at this session of Congress, opposed to this House making any radical change in respect to our light-house system, which is so much connected with the whole of our navigation, without a thorough investigation of that subject.

Well, they tell us that the report of this Light-House Board has been communicated to us; but when?

Mr. MOORE, of Pennsylvania. Five or six months ago.

Mr. EVANS. The substance of it has been here for ten years.

Mr. BAYLY. I know when it was communicated; but when was it put into the hands of any of us?

Mr. EVANS. I have had it in my possession for several months.

Mr. BAYLY. I know I had one of the earliest copies, and that it was placed in my hands a long

time before it was communicated to the House. I had one of the proof-sheets.

Mr. SEYMOUR, of New York. With the permission of the gentleman from Virginia, I wish to say that this matter, which was properly before the Committee on Commerce, was not laid before us in its present shape, printed, until the middle of June.

Mr. BAYLY. Yes, that was about the time.

Mr. EVANS. I wish merely to state to the gentleman, that the same matter was here in 1846, and in every one of Mr. Walker's reports, and although not in this shape, all the drawings and letters were here in February; the report was not.

Mr. BAYLY. Well, it is not a very enviable thing for a man to have to confess his ignorance, but I do say that this report has come in at such a late period of the session that I have not had time to master it, and I believe that I have as much diligence as most lazy men. [Laughter.] I have not mastered it, and I say that I stand by the chairman of the Committee on Commerce—

[Here the hammer fell.]

Mr. HOWARD. If there be no objection, I will now withdraw my amendment.

There being no objection, the amendment was withdrawn.

Mr. CARTTER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 312, "making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," and had come to no resolution thereon.

Mr. STRATTON obtained the floor.

#### SPECIAL COMMITTEE.

Mr. HOWARD. I rise to a question of privilege. I was on yesterday or to-day appointed a member of the committee raised to investigate certain charges against the Secretary of the Treasury. I ask to be excused from serving on that committee. My engagements are such as to make it impossible for me to attend it.

Mr. JOHNSON, of Tennessee. Before that question is put, I would beg the privilege of saying to the House that I am appointed on that committee, also. I wish merely to say, that at this late period of the session, and with the mass of business of a public and private character pressing upon me, it is physically impossible for me to undertake the discharge of the duties of that committee, and I must therefore ask to be excused.

Mr. HOUSTON. Is that a question which can take the floor from the gentleman from New Jersey, [Mr. STRATTON?]

I do not so understand it. The SPEAKER. It may become a question of privilege, provided the gentleman from Texas is already on two committees.

Mr. RICHARDSON. It may become necessary that this committee should sit during the recess, and I hope that the gentleman from Texas will not be excused, if the House will give the committee that power. Until that fact is ascertained, I hope the gentleman will withdraw his request to be excused. If the business is to be done during the session, I shall vote to excuse the gentleman; but if it is to be done during the recess, I shall insist on his serving.

The question was then taken on excusing Mr. HOWARD from serving on the committee, and it was decided in the negative.

#### JOHN MOORE WHITE.

Mr. STRATTON. I am anxious to leave Washington to-morrow morning; but there is a bill from the Senate upon the Speaker's table for the relief of an old gentleman, in my district, now in his eighty-third year, whose claim has been before Congress for four or five years, and I am very desirous that the House shall pass it before I leave. I therefore ask the unanimous consent of the House that it may be taken up. It is Senate bill No. 318, "for the relief of John Moore White."

[Cries of "Agreed!"]

Mr. MEADE. There have been cases of hardship pending here for thirty years, to my certain knowledge.

The SPEAKER. Is there any objection to the proposition of the gentleman from New Jersey?

Mr. MILLSON. I feel constrained to object.

Mr. STRATTON. Then I move that the rules be suspended, for the purpose of taking up that bill.

Mr. STRATTON. I desire, in a single remark, to state to the House what the character of the bill is. It is for the relief of the son of a revolutionary officer—

[Loud cries of "Order!"]

The SPEAKER. Discussion is not in order. Mr. STRATTON. I ask the indulgence of the House to make a single remark.

Mr. LETCHER. I object.

Mr. STRATTON. I hope the House will permit me to make a brief statement of this case. I have not occupied five minutes of the time of this House this session—

[Cries of "I object!"]

Mr. CABLE, of Ohio. I ask for tellers on the motion to suspend the rules.

Tellers were ordered; and Messrs. CHANDLER, and JONES of Pennsylvania, were appointed.

The question was then put; and the tellers reported—ayes 58, noes 14; no quorum voting.

Mr. HENN. I move to reconsider the vote taken on yesterday, by which the House refused to refer the steamboat bill to the Committee of the Whole on the state of the Union.

The SPEAKER. The motion will be entered.

Mr. BRECKINRIDGE. I ask for a recount on the motion of the gentleman from New York. I think there is a quorum present.

The SPEAKER. If there is no objection, a recount will be had.

Mr. DUNHAM. I object.

Mr. SACKETT. I have been trying for several days to get the floor upon some bill with a view of addressing the House upon a subject on which I desire to publish my views. The session is so far advanced, and the probability that I may be able to get the floor is so small, that I desire the leave of the House to publish my speech.

Mr. RICHARDSON. I rise to a question of order. Is the gentleman from New York in order? The House is dividing.

The SPEAKER. Debate is not in order.

Mr. MEADE. I move that the House do now adjourn.

Mr. HOUSTON. I desire to make a suggestion to the gentleman from New York.

The SPEAKER. Remarks are not in order while the motion to adjourn is pending.

Mr. RICHARDSON. I was upon the floor, making a point of order. How, then, could the motion to adjourn be made?

The SPEAKER. The gentleman from Virginia, however, was recognized by the Chair.

Mr. RICHARDSON. I rose when the gentleman from New York was on the floor, and made a point of order on him, that he was not in order in proceeding with remarks whilst the House was dividing.

The SPEAKER. The Chair responded to that, that it was not in order for the gentleman from New York to make a speech.

Mr. RICHARDSON. I object to any gentleman publishing a speech that has not been delivered in the House. I want to hear what they have to say.

The SPEAKER. Objection is made to the remarks of the gentleman from New York.

Mr. AVERETT. I would respectfully inquire of the Chair, whether there is a quorum present?

The SPEAKER. There is not, and a motion is made by the gentleman from Virginia [Mr. MEADE] that the House do now adjourn.

#### WIDOW OF THE LATE COLONEL MCKEE.

Mr. BRECKINRIDGE. I ask the gentleman from Virginia to withdraw that motion for one moment, as a personal favor to myself. I have a small favor to ask of the House, and now is a good time to do it. The House can grant an act of justice in two minutes, before they adjourn.

Mr. AVERETT. I must insist—

Mr. BRECKINRIDGE. I hope the quorum question will not be raised.

The SPEAKER. Nothing in the way of business can be done, except by the unanimous consent of the House, a quorum being present, until the motion of the gentleman from New Jersey [Mr. STRATTON] is disposed of.

Mr. BAYLY, of Virginia. It can be done by unanimous consent.

The SPEAKER. Is the motion to adjourn withdrawn?

Mr. MEADE. I will withdraw it to hear what the gentleman from Kentucky has to say.

Mr. BRECKINRIDGE. My friend from Virginia having kindly withdrawn his motion, my object is to ask the unanimous consent of the House to take up and pass a private bill which has been reported from the Committee on Claims, and which appeals both to the justice and to the sympathies of this House. It is a bill for the relief of the widow and orphan children of the late Colonel William R. McKee, who commanded the second Kentucky regiment, and fell at the battle of Buena Vista. His horse, accoutrements, and some money upon his person, were taken from him by the Mexican forces, and the Committee on Claims have reported a bill for the relief of his widow and children, covering a sum supposed to be equal to the amount of money upon his person, and the value of his horse and accoutrements. I need not say to this House, that he spent thrice as much money in raising the regiment as the sum now asked as an act of justice, for his widow and children, who are suffering.

If the House only saw a letter which I have received on the subject, they would not hesitate a moment to comply with my request. The bill has passed the Committee on Claims, and I hope the House will take it up.

Mr. CARTTER. There are one hundred cases just as meritorious as this, and I will not consent that one should be taken up now, unless all of them can be acted on.

Mr. BRECKINRIDGE. I will vote for them all if they are as meritorious as this.

Mr. AVERETT. I rise to a question of order. It has been shown that there is no quorum present, and I submit that we have no right to transact business without—

Mr. BRECKINRIDGE. I hope the gentleman will allow this bill to be acted on.

Mr. CARTTER. If we had time to act upon them all, I should be willing this should be acted on with the rest, but as we have not, I object.

#### ETHERIZATION.

Mr. STANLY. I rise to what ought to be a question of privilege—abuse in the Capitol. I am quite sure the Speaker will have it corrected when it comes to his knowledge. I understand a committee-room of this House is used as a sort of restaurant, where liquor is used by persons having claims before Congress. I know the Speaker will have it corrected when it comes to his knowledge. It is an abuse from which we suffer every day.

Mr. BRECKINRIDGE. If it be in order, as the gentleman from Ohio [Mr. CARTTER] has objected to taking up the bill indicated by me a moment ago, and, therefore, unanimous consent cannot be had, I will move to suspend the rules.

The SPEAKER. It is not in order to move to suspend the rules. There is already such a motion pending when it was ascertained that there was no quorum present.

Mr. CARTTER. I will say to my friend from Kentucky, that if he will bring forward the case of Mrs. Hertz, which stands upon fully as high merits as is presented by his case, I will forego my objection.

Mr. AVERETT. I rise to a question of order. Debate is not in order.

The SPEAKER. Not except by unanimous consent.

Mr. AVERETT. I move that the House do now adjourn.

Mr. BROWN, of Mississippi. I call for tellers in order to see whether there is a quorum present.

Tellers were ordered.

Mr. HENN. Is it in order to move that the House take a recess?

The SPEAKER. Not except by unanimous consent.

Objection was made.

The question was then taken upon Mr. AVERETT's motion, and it was agreed to; and

The House adjourned till to-morrow at eleven o'clock.

#### PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. BROWN, of Mississippi: The petition of Joseph S. Houston and 51 others, of Mississippi, praying for the removal of the land office from Augusta to Paulding, in that State.

Also, the petition of J. Downes and 7 others, for the same.

Also, the petition of James Campbell and 18 others, for the same.

Also, the petition of E. Bradshaw and 43 others, for the same.

Also, the petition of John C. Terrell and 133 others, for the same.

Also, the petition of Wm. A. Stone and 17 others, Senators, and Stephen D. Johnson and 71 others, members, of the Mississippi Legislature, making the same prayer, and also praying for change of the boundaries of the Augusta and Washington land districts.

By Mr. SIBLEY: Papers relating to the claim of William Dahl, for services as assistant marshal in taking the census of 1850.

#### IN SENATE.

WEDNESDAY, August 25, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Department of the Interior, communicating, in answer to a resolution of the 9th instant, a report from the Superintendent of the Census, with various documents connected therewith; which was ordered to lie on the table and be printed.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I give notice that I shall, in half an hour, move to take up the civil and diplomatic bill.

#### JAMES POOL.

Mr. ATCHISON. I move to postpone the previous orders, in order that the Senate may proceed to the consideration of a joint resolution to authorize the settlement of the accounts of James Pool. I make this appeal to the Senate as a matter of charity. This man is a poor blacksmith who has been here during the last eight or nine months, and has a small claim against the Government. He has been prosecuting it himself at his own expense, and he has appealed to me to ask the Senate to take it up.

The motion was agreed to. The joint resolution was accordingly read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury to adjust and settle, upon principles of equity and justice, the claim of James Pool, arising out of the service of himself and his striker, in the blacksmith shops of the Seneca, the Delaware, and the Shawnee tribes of Indians, and pay him any balance that may be found due, provided that the amount shall not exceed \$3,521 67.

The resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

#### THE PUBLIC PRINTING.

Mr. BRODHEAD. Mr. President, I move to postpone all prior orders, for the purpose of taking up the bill from the House, to "provide for executing the public printing and establishing the prices thereof, and for other purposes." I think, if we design to pass the bill at all this session, it ought to be passed to-day. We are obliged to have the public printing; and I hope we shall immediately proceed to the consideration of the bill.

Mr. HAMLIN. I hope that motion will not be urged. It will necessarily lead to debate.

Mr. BRODHEAD. Suppose it should lead to debate; if we do not act upon it to-day, then there will be no use taking it up to-morrow. It will lead to no more debate to-day than to-morrow. It is a public measure that ought to be acted upon, and I want to have the final action of the Senate upon it.

Mr. BORLAND. I shall be compelled to vote against the motion of the honorable Senator from Pennsylvania, though I always vote with great reluctance against any motion made by him. This is a question that has been a long time before us, and I think it ought to have been disposed of long since, when we could have had time to consider it. But now, if it is passed at all, it must be passed without consideration; because, within the limited time which we can now devote to it, I deem it impossible that Senators who have not looked thoroughly into it, can act understandingly upon it. I shall be compelled to vote against taking up

the bill, because, if it is taken up, it will postpone, and perhaps defeat measures which are of indispensable necessity.

Mr. SMITH. Mr. President, it is known to the Senate that I am a member of the Committee on Printing. My honorable friend from Arkansas [Mr. BORLAND] was chairman of that committee for the whole of the last Congress, and during a great part of the present session; and I certainly regret very much that he has retired from the committee. This subject has been before the Committee on Printing, consisting, at present, so far as the Senate is concerned, of the honorable Senator from Maine, [Mr. HAMLIN], who is chairman, my friend from Texas, [Mr. Rusk], and myself. If this bill should be taken up, my friend from Maine, with my concurrence, is prepared to submit an entire substitute for it, which will be seriously urged upon the attention of the Senate. Whether a majority of the body would be prepared to concur in that substitute, I do not know. But if it should be rejected, I have to say to the Senate, that I shall propose, and I presume that my friend from Maine may also propose, several important amendments to the bill.

I have become convinced that it is absolutely necessary that we should change the existing system for the execution of the public printing, and I am prepared to go with the honorable Senator from Pennsylvania in an effort to make a suitable and proper change in that system. But, sir, the subject ought to be fully and carefully examined by the Senate. My own belief is that it will take several days to examine it, and to bring the Senate to a judgment upon the subject. It is utterly vain to think of passing this bill at the present session of Congress, and if it be taken up it will be to the sacrifice of business that is now nearly completed, and to the prejudice of the public interests in a very high degree.

There is no necessity of passing this bill at the present session of Congress. I will concur with the honorable Senator from Pennsylvania, to make this bill, if it be in order to do so, the special order for the first day of the next session of Congress. We can then take it up when we may have leisure; we can give it a full and careful consideration, and can act upon it certainly before the middle of December; and thus consummate the joint action of the two Houses before it becomes necessary to let out the printing for the next Congress under the existing system. I as much desire the consummation of legislation with a view to prevent the letting out of the printing for the next Congress under the existing system as any member of the Senate; but unless a majority of the Senate are prepared to say that they are now willing to devote a considerable time to the consideration of this subject, I trust the bill will not be taken up.

Mr. ADAMS. I hope the Senate will take up this bill, and act upon it. I differ with many honorable Senators in relation to the idea which seems to be very prevalent in this body, that the speeches enter into acts passed by Congress. One would infer from what is said here every day, that no bill would have any virtue in it unless it were discussed. Now, I think the intrinsic merits of a measure depends upon its provisions. For a novelty—as the people of this country are fond of novelty—I would respectfully propose to the Senate, as we have talked for nine months without voting, that for the remainder of the session, during the little time we have, we vote without talking, take it for granted that Senators understand the subjects that come before them, and that our constituents will understand our votes on the record. I do not see the necessity of consuming the remainder of the session in discussing every little proposition that comes forward. All the Senators agree that this is a proposition which ought to have been acted upon long ago, and that it is necessary that it should be acted upon now. I venture to say that every Senator on this floor has made up his mind upon this subject, and that discussion will have no beneficial effect. I hope the Senate will take the vote at once, and act immediately upon the subject.

Mr. SMITH. I fully concur in the opinion which the honorable Senator from Mississippi has expressed, in regard to speaking generally. I agree, that we have on many questions which come before the Senate, more discussion than is necessary or useful. I am not, however, prepared to say that a subject of this importance should



receive any disposition at the hands of the Senate without an examination. The honorable Senator says that he believes that every member of the Senate understands all about this bill, and that every Senator is perfectly familiar with its provisions. I do not know but that it is so. It so happens, however, that there are several Senators about me who have not seen the bill, and who have not given the subject any consideration. I do not believe that one Senator out of ten has read the bill, or knows its contents. If, however, it is the pleasure of the majority to take up the bill, I shall acquiesce; but I am confident that there is not time at this session to dispose properly of the subject.

Mr. CASS. We have been here now about nine months, and during that time the public printing has been badly executed and very much delayed—certainly to the injury of the public service. There is not a Senator here who does not know it, and will not say so. Now, a simple proposition for the appointment of a printer, with security enough to satisfy every one, has passed the House of Representatives after due deliberation, and it comes before the Senate for consideration. There is not a member of this body who cannot make up his mind about it in fifteen minutes. It appears to me that every consideration of public duty requires the passage of this measure, and we should act upon it immediately. The returns of the census have not yet been ordered to be printed, on account of the condition of the public printing. Let us go on and make this experiment. We have found that the other plan which we have tried has been unsuccessful; and what we want now is, to have the public printing promptly executed. I hope the bill will be taken up and passed.

Mr. HALE. Mr. President, I am opposed to taking up this bill. I disagree entirely with the honorable Senator from Michigan with regard to the contract system. I say the experiment has not failed, but we have failed. There is the same law, I understand, providing for the printing of the Departments, as for the printing of Congress. That printing is let out to the lowest bidder, but there is no failure there. And why? Because the bidders understand that when the contracts are made, there is no power to release them. But the bidding for the printing of Congress has not been based upon considerations relating to the economy with which the printing can be done. It has been based upon the facility with which Congress would relax the provisions of the law in behalf of favorites, who may have done the public printing. That is the reason why the experiment has failed. I say that we have got a good law now—the best that we could possibly have—one that will practically answer all the purposes designed, if we only adhere to it, and execute it; but as long as we do not adhere to it—as long as we put one thing upon the statute-book, and then allow men to come in and take contracts at prices for which they know they cannot execute the work, and we, good, easy souls, sit here and tell them to go on, and we will help them out of the public crib, to make up their losses—the system will fail; but it is not the fault of the system, it is not the fault of the printers; it is the fault of Congress. For these reasons I am opposed to taking up the bill. I wish to let this system have a fair operation; and then, if it fails, it will be time enough to try something else.

Mr. BRIGHT. Mr. President, the distinguished Senator from Michigan says that we have been nine months in session, and done nothing practical on the subject of the public printing. The honorable Senator might have gone further, and said that not a week has passed, during that time, that some Senator has not endeavored to bring this subject before the body, with a view to action on this, or some bill embracing substantially the same provisions. I am of the opinion that there is a majority here ready to consider, and act upon this subject now. At the opening of this session, the Committee on Printing were unable to agree upon any plan, and so reported to us. Since that report the committee has been reorganized in part, the Senator from Texas taking the place of the Senator from Arkansas; and within a few days past we have a second report, showing still, that the committee are unable to agree. I understand that two of the three gentlemen composing the committee are opposed to the proposition before us. I am in favor of it. The bill before us may be defective in some re-

spects; but it is better than no bill at all, and, therefore, I am willing to take it up, and I am anxious to vote upon it, not to debate it. And now, Mr. President, to avoid a further waste of time, I hope a vote will be taken on taking up the bill, and that this may be regarded as a test question, if it be taken up that we proceed to dispose of it before adjourn, and if the motion fails, that no further effort will be made during this session to urge it upon the consideration of the Senate.

I ask for the yeas and nays upon the motion of the Senator from Pennsylvania respecting that. I hope it will be regarded as a test question.

The yeas and nays were ordered.

Mr. BORLAND. I am not a member of the Committee on Printing at present, but I was a member of that committee; and during the time that I was upon it, I examined this subject thoroughly. I will say, in justification of myself, that I prepared a *projet* of a bill substantially the same in its provisions as this, which I was desirous of bringing before the Senate for action, but I never could get sufficient support and encouragement to induce or authorize me to do so. I labored at it from the beginning of the session up to the time when I left the Committee on Printing, but I could get no one who felt anxiety enough to aid me in the matter. The bill which I proposed, though in its general provisions like this, was, I think, free from the objections which this bill presents upon its face.

The PRESIDENT. The Senator cannot go into the consideration of the merits of this bill at this time.

Mr. BORLAND. I am not going into the merits of the bill.

The PRESIDENT. The question simply is on taking up the bill.

Mr. BORLAND. I am going on to state reasons why I think the bill ought not to be taken up. I think the bill ought not to be taken up, because it contains a great many defects which we have not time to remedy, and because a thorough examination of it, so as to see its merits on the one side, and its demerits on the other, so as to make them intelligible to the Senate, would occupy the whole week, unless Senators have taken up the bill, and examined the subject themselves previous to this time. So far as my acquaintance extends, this has not been the case with Senators, for many of them have told me so.

I do not think there is a pressing necessity upon us at this time, which should induce us to postpone all the other practical business of the session for the purpose of occupying time with this. I cannot see such a pressing urgency for the public printing now as existed at the beginning, and during the session. Will any Senator say that the public printing proposed to be done now, is necessary to enable him to discharge his duties intelligently and usefully here? Why, none of it will have been done under it at the close of this session. We shall have adjourned and gone home, before any work will be done under it. The work that will be done, will not bear upon the legislation of the next session of Congress particularly.

The Senator from Michigan said that the census had not been printed. Will it be printed even if we pass this bill, until at a subsequent session we order it to be printed, or provide for its printing in some way? A committee of this body was raised to examine the census returns, according to the plan sent from the Department, and they have reported that four fifths of the returns ought not to be printed. Suppose we pass this bill. Why, according to its terms, the census printing is expressly excepted from its operation. Then the argument of the Senator from Michigan has no force whatever, because it does not apply.

Why should we pass this bill now? Is it of such pressing necessity that we should print the Patent Office report? When should we get it? Certainly not until the next year, even if we were to pass the bill now. The printing of the Patent Office report has no practical bearing upon the legislation of Congress, and it never has had. I have a good deal to say with regard to the bill when it comes up, but I cannot discuss its merits now, because it would be out of order to do so.

Mr. CASS. I am perfectly aware that the census printing is excepted from the operation of this bill. But I am also aware, and so must every gentleman here be aware, that the very reason why that printing has been delayed is on account

of the fact that we have not gone on to make arrangements about the public printing. The census printing has not been ordered to be executed on account of the doubt in which the subject was enveloped. If this arrangement be made to-day, I think there will be no hesitation with regard to our going on and making arrangements about the census printing. In my opinion, we ought to make some arrangement for the printing. The census, taken more than two years ago, remains locked up, and no human being, unless he goes to examine the records, knows what it is. Another decade will have gone by before we get any information about it, unless we provide for its printing.

Mr. DOUGLAS. I hope that this bill will be taken up and disposed of now. We have been here nine months without any printing, or with what amounts to none. If the subject be postponed until the next session, we shall waste that session in discussing it. The recent attempts that have been made have proved to be utter failures, and I think it is time that we had our public printing, and went on with the printing. I do not wish to discuss the matter. I will not occupy the time of the Senate in that way; but, I hope we may take up the bill and vote on it without one word of discussion, because no discussion is necessary. We all understand the subject, and it is necessary that we should now do whatever we are to do; because if we pass the bill now, it may require until the next session for the printer to make his arrangements to execute the work. The public printing will be a heavy job, and if we elect a printer now, we may expect to have our printing done regularly from the first day of the next session, and after that. It is useless to order the printing of documents, unless we can have them executed. We are ordering every day, every hour, in fact, extra numbers of documents that are important to our legislation, and still we cannot get the work done, and legislation is therefore postponed on account of it. I will not argue the question, but I hope the Senate will take up the bill.

The question was taken on the motion to take up the bill, and resulted—yeas 30, nays 26; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bradbury, Bright, Brodhead, Cass, Charlton, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Hamilton, Houston, James, Jones of Iowa, King, Mallory, Mason, Meriwether, Norris, Rusk, Shields, Stockton, Toucey, Walker, and Weller—30.

NAYS—Messrs. Badger, Borland, Brooke, Butler, Chase, Clarke, Cooper, Davis, Dawson, De Saussure, Fish, Geyer, Hale, Jones of Tennessee, Mangum, Miller, Morton, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, and Wade—26.

So the motion to take up the bill was agreed to.

Mr. HAMLIN. This bill should undergo a most careful examination by the Senate, but it is brought up at a time when that examination, I apprehend, cannot be made. I wish to state in a few words, the reasons which control my decision, and which will compel me to vote against the bill.

In the first place, it proposes to unite all the public printing, both that of the Departments and of Congress. That, in my opinion, is an objection to the bill, and I shall move to separate the two classes of printing. I believe that all the printing of the Departments is now done, and has been done satisfactorily for years, under contract.

In the next place, the bill provides for the appointment of a Superintendent by the President of the United States, and thus the Superintendent of the Congressional printing is to be completely free from our control. I think that the Superintendent should be elected by Congress; and I think that the Congressional printing should be done by itself, and that the Department printing should be done by itself. I think that the two classes of printing should be kept separate; and there are good reasons why it should be so. The two kinds of printing are different; the terms and prices are different. The printing of the Departments is of such a kind that it is not necessary to execute it at night time, and therefore the scale of prices, which would be reasonable for Congressional printing, would be exorbitant for the printing of the Departments. These are my reasons for thinking that the two should not be put together.

Another reason I desire to urge is, that the project for placing the whole of the printing under the management of one man is likely to result in no good. The printing of the Post Office, which

now exceeds \$50,000 per annum, requires the superintendence of two persons, one to prepare the blanks, and the other to circulate them throughout the country; and it is impossible that the superintendence of the Congressional and departmental printing could both be performed by one man.

These are my objections to the bill. I think the whole system is wrong. I think it is wrong in principle; and for the purpose of testing the question in the Senate, I will move to insert the following, after the word "printing," in the second section:

To be elected by a concurrent vote of the Senate and House of Representatives.

It will then read:

"And be it further enacted, That there shall be a Superintendent of the public printing, to be elected by a concurrent vote of the Senate and House of Representatives, who shall hold his office for the term of two years, who shall receive for his services a salary of \$2,500 per annum," &c.

In that way the Superintendent will be within the control of Congress, and will not be appointed by the sole authority of the President. I hope that a vote will be taken on the question without discussion.

Mr. UNDERWOOD. I would like to know whether it is in order to make speeches before we know what we are acting upon?

The PRESIDENT. The bill has been read twice and is now under consideration as in Committee of the Whole.

Mr. UNDERWOOD. I have never heard the bill read. I wish to have it read through.

The bill was accordingly read.

Mr. RUSK. It seems to me that the amendment would introduce a new rule which it would be difficult to carry out. If by a concurrent vote he means a vote of both Houses in convention, that could not be done; or if it is a vote of each House separately, there would be a difficulty in getting at the object. One House might vote for one man, and the other for another.

The question being taken, the amendment was rejected.

Mr. BAYARD. I cannot vote for this bill as it stands, because I am opposed to its principle as a permanent measure; but inasmuch as we must necessarily make some provision for the printing of Congress at the commencement of the next session, I am willing to take the bill if the proviso which I now offer to the twelfth section be adopted. The effect of the proviso will be to limit the duration of the law till the 4th day of March, 1853, and will necessarily compel Congress, after discussion, at their next session, either to reenact this law with alterations or amendments, or to permit it to stand as it is, or to adopt some other measure. What I mean to express is, that my own opinions are decidedly in favor of a national printing press, after a good deal of thought which I have given to the subject. I am willing to hear the views of others on the subject, and I desire to express my own when a suitable occasion may arise. It is too late to do so now, and I am willing to accept this measure as a temporary measure, until Congress shall again meet. I shall, however, vote against the bill as a permanent measure, because I am well satisfied that if it should pass, whatever may be its merits or its demerits, the bill will be continued for at least four or five years. I therefore move to amend the bill by adding at the end of the twelfth section, the following proviso:

Provided, That the preceding provisions of this act shall continue in force till the 4th day of March, 1853, and no longer.

Mr. DOUGLAS. I rise to express the hope that the amendment will not be adopted. If the bill be tried as it is, we can, in the mean time, secure a well-digested system of public printing. Of course, this measure will only last until that time. The amendment will render it necessary to send this bill back to the House of Representatives, and if there were no other difficulties in the way, that would be enough. Inasmuch, therefore, as this amendment would appear to have no beneficial effect, it seems to me to be unnecessary to pass it.

Mr. BAYARD. The amendment has its effect. It is not merely to have a printer elected, but the law will remain a permanent law; and it requires the election of a printer, if you pass it in the shape in which it stands. I am opposed to the principle of the law. There is no time to discuss it now,

but I am willing to take it with this proviso, in consequence of the exigency of the public service. That exigency, however, does not require that we should swallow what is wrong in its principle; and I believe that Congress, during the next session, will be able, after discussion, to say whether they will modify, or alter, or abandon, the system altogether. I therefore must persist in my amendment.

Mr. SMITH. I ask for the yeas and nays on the amendment. It is a very important amendment.

The yeas and nays were ordered, and taken, with the following result:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Borland, Brooke, Butler, Chase, Clarke, Cooper, Davis, Dawson, De Sausure, Fish, Foot, Geyer, Hale, Hunter, Jones of Tennessee, Mangum, Miller, Morton, Pearce, Pratt, Seward, Smith, Soule, Spruance, Stockton, Sumner, Underwood, Upham, and Wade—33.

NAYS—Messrs. Adams, Bradbury, Bright, Brodhead, Cass, Charlton, Clemens, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, James, Jones of Iowa, King, Mallory, Meriwether, Norris, Rusk, Shields, Toucey, Walker, and Weller—25.

So the amendment was agreed to.

Mr. HAMLIN. I desire to move an amendment in the second section, simply for the purpose of testing the question whether the Senate will connect the printing of the Departments with the printing of Congress, or whether they are willing to separate these two kinds of printing. If that amendment is adopted, I shall propose another one for the purpose of separating these two kinds of printing. I propose to strike out of the twelfth and thirteenth lines the words, "or of any Department or Bureau of the Government of the United States." And upon that I ask the yeas and nays.

Mr. BORLAND. I have to differ with my friend from Maine on this proposition. I think, if we elect a public printer, we ought to include all the printing, bring it all into one system. The effect of that would be, to make fortunes very rapidly for somebody; and I desire to make the fortune of one at a time, and let him retire for some one else to take his place.

Mr. SMITH. The amendment proposed by the Senator from Maine is one of very great importance. I desire to call the attention of the Senate to the subject, though I shall endeavor to be as brief as possible. There is no member of the Senate who is more familiar with this subject than is my friend from Maine, and I regret very much that he did not lay before the Senate the facts and considerations which I am certain would ensure the adoption of his amendment by a very large majority of the Senate. He did not think it proper, however, to go into the merits of the subject, probably relying on the assurance that we have heard from several quarters, that every member of the Senate is perfectly familiar with the legislation of Congress, and with all the facts that pertain to the question. If I were sure that they were so, I certainly would not trouble the Senate with any remarks.

But, Mr. President, we have one system, or rather one principle, which rules and governs the printing of the two Houses of Congress, and another in each and every department of the Government; and that is, that Congress, or rather the officers of Congress, in one case, and the several heads of the Departments in the other case, shall let out the public printing to the lowest bidder. So far as the Congressional printing is concerned, I will admit that this system has not operated well, and for the reason that was adverted to by my honorable friend from New Hampshire, [Mr. HALE,]—not that there is any real defect in the system itself, but because Congress has not, and probably will not, carry into effect the provisions of the law. But I have to say to the Senate, that as far as the departmental printing is concerned, this business of letting it out to the lowest bidder has operated well, and proved satisfactory to the heads of the Departments, and highly profitable to the Government, as is suggested by a friend near me. The printers under it get fair profits, although they do not get those suggested by my friend from Arkansas. They do not make enormous fortunes in two years, as the public printers did when the printing was dealt out upon political considerations and principles of favoritism. But Congress got tired, several years ago, of dealing out departmental printing and Congressional printing to party favorites, to enable them to make

large fortunes; and, therefore, they went into this system of letting it out to the lowest bidder. And I say, that so far as the departmental printing is concerned, it has operated very well. I have at my room letters from each and every one of the heads of the Departments, which I should have brought into the Chamber, if I had supposed that the subject was coming up for consideration to-day, in which they bear testimony to the admirable operation of the system of letting out the departmental printing to the lowest bidder. The honorable Postmaster General is particularly emphatic on this subject.

It will be borne in mind that the large portion of the public service pertaining to the post office of the United States is let out to the lowest bidder; and the Postmaster General tells me in his letter, which I have not at hand, that he knows no reason why the printing of the Post Office Department should not be let out to the lowest bidder, as much as the transportation of the mails is let out to the lowest bidder; and he is decidedly in favor of maintaining the system. That also is the testimony of the Secretaries of the Treasury, of the Interior, of War, and of the late Secretary of the Navy, (Mr. Graham.) They all bear testimony to the economical operation of the system. These gentlemen say they not only obtain the printing of the various Departments well executed, on good paper, and commensurate to the wants of the public service—at what rates I will not undertake to say, but at rates a great deal lower than they otherwise would—and unless Congress, as the House of Representatives seems to be, are prepared to return to the old system of giving it out upon political considerations—to the old, wasteful, prodigal, and extravagant system—I am entirely sure that a majority of this honorable body will concur in the amendment proposed by my honorable friend from Maine.

But here, Mr. President, is a most extraordinary state of things. I have no doubt that the two Houses of Congress have the right to appoint an officer, under the name of a public printer, to execute the printing that is required for the two Houses; but has Congress the right, or, if it has the right, is it expedient for Congress to seize hold of the printing of the various Departments of the Government? Upon what principle is it that we elect the public printer to do the printing of the two Houses of Congress? It is exactly upon the principle that we appoint a Secretary of the Senate—it is exactly upon the principle that we appoint a Sergeant-at-Arms—it is exactly upon the principle upon which we appoint all other officers of the two Houses of Congress—to do what? To exercise certain functions—discharge certain duties which are absolutely necessary to enable us to perform our duties under the Constitution. The public printer, therefore, is an officer of Congress, and has ever been recognized as such; but if we do usurp (for I think it is of the nature of usurpation) the power of executing the printing for the Departments, I want to know what sort of function that is? Is the Superintendent to exercise his functions and perform services necessary to enable us to discharge our legislative duties here?

I desire to know of honorable Senators whether we are to elect a public printer not to serve Congress but to serve the Departments? But to what extent is it to be carried? I say it is highly improper for the two Houses of Congress to undertake to lay their hands on printing that has nothing to do with our duties here as members of Congress; and how is this to be done? At what expense? At a very great sacrifice to the Treasury; and to what end? My honorable friend from Arkansas [Mr. BORLAND] has announced the end, or rather the result—I will not say the end contemplated by honorable Senators, because that would involve possibly an imputation on their motives—but I say the result of the system proposed has been announced to us by the Senator from Arkansas. He says he wants to put into the hands of the printer to be elected by the two Houses of Congress all the Congressional printing. If that is done in conformity with the provisions of the bill, I have no manner of doubt that its effect will be to accumulate a considerable fortune during one Congressional term. But the honorable Senator says he wants to have them accumulate a fortune rapidly. He wants these men to grow rich at the expense of the laboring industrious people of the country. He wants to have them succeed each

other in the accession of these fortunes in rapid succession; and I believe they will do it if the bill passes.

Now, I am totally opposed to drawing within the vortex of the Congressional printing, the printing of the Departments. We have a system now that operates well; it is an economical system, satisfactory to the Departments, and not oppressive to the Government. Nobody complains of it. Why, then, is it proposed to lay violent hands on that branch of the public printing, and draw it under our jurisdiction, and undertake to execute it by our authority?

I have other views to express in connection with this entire subject, but I mean to limit myself precisely to the question before us. I will not travel into the question of the merits of the bill. I intend, in addressing myself to the Senate—and I fear I shall be compelled to do it more than once—to confine myself strictly and rigidly to the point before it. I do, therefore, most strenuously resist in *limine* the idea of breaking down the system of letting out departmental printing to the lowest bidder, when it operates well and nobody complains of it; when it is satisfactory to the heads of the Departments; when nobody calls for the change; and when it is, apparently, to draw it within our jurisdiction, upon an idea such as has been suggested by the honorable Senator from Arkansas. As it is an important question, I ask for the yeas and nays on the amendment.

Mr. WALKER. I think there has been an amendment adopted which destroys the utility of this bill. It is that which limits its operation to the 4th of March next. Considering that that amendment destroys the efficiency of the bill, and that there is no longer any use in considering it, I move that it lie upon the table.

Several SENATORS. "Oh, no!" "Oh, no!"

Mr. DOUGLAS. I must ask the yeas and nays upon the motion.

Mr. WALKER. If the friends of the bill, upon this side of the Chamber particularly, do not want to lay it down, I withdraw the motion; but I think there is not much use in considering the bill any longer after the adoption of that amendment.

The PRESIDENT. The motion to lay on the table having been withdrawn, the question is upon the amendment of the Senator from Maine.

Mr. BAYARD. I shall vote against this, or any other amendment, because it seems to me, that in accordance with the amendment which I had the honor to propose, and which the Senate sanctioned, a principle has been adopted that this measure is one of a temporary character. I understood my amendment to be adopted upon the ground that there was no time now to discuss the principles of a bill of this kind, to settle a permanent system. I had objections to the bill on one ground, the honorable Senator from Maine on other grounds. We could not have an opportunity now to discuss them, and I thought it was right that a permanent system should not be adopted without discussion. But I also thought it would relieve Senators from their objections to the bill as it stood, if it were made temporary in its character. The provision making it temporary having been adopted, it certainly removes my objection. Though I am decidedly opposed to the bill as a permanent system, yet as the Senate acceded, with the statement of those views, to the amendment which I proposed, I presumed that the object was to let the bill pass as a temporary measure, which the exigencies of the public service demanded, with regard to the printing of the next session.

Mr. BRADBURY. Mr. President, the sweeping, and I had almost said suicidal amendment offered by the honorable Senator from Delaware, which has been adopted by the Senate, renders the present amendment inoperative and unnecessary. By the amendment already adopted, the provisions of the act are to terminate on the 3d of March next; and now it is proposed to exempt the printing of the Departments from its operation. I presume that contracts have already been entered into for all the printing of the Departments up to that time; and as I think the amendment already adopted practically makes this exclusion, this amendment would seem to be unnecessary.

Mr. PRATT. The Senate will observe that the second section of the bill provides that "there shall be a Superintendent of the Public Printing, who shall hold his office for the term of two

years." Now, the section does not provide, *quo modo*, how the Superintendent is to be appointed. On looking to the Constitution, I find that it provides that the President, by and with the advice and consent of the Senate, shall appoint the officers designated, "and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments." The Superintendent then here provided for by this bill, is to be appointed by the President, by and with the advice and consent of the Senate, inasmuch as the bill does not provide for the appointment by the President, without that supervisory consent on the part of the Senate.

Now, I want to suggest to my friend from Maine, that the amendment which he proposes should not be made a test question, as to whether we are in favor of taking from the bill that part which gives the printing of the Departments to the printer to be elected by the two Houses of Congress; for the provision which he proposes to strike out only requires that the Department printing should be supervised by the Superintendent to be appointed by the President, by and with the advice and consent of the Senate. I can see no earthly difficulty; on the contrary, I can see a much greater propriety in the printing of the public offices being supervised by the appointee of the President than that the printing of Congress should be so supervised. I can see no reason for the amendment now proposed by the Senator from Maine; and therefore I hope that it will not be made a test question with regard to the sense of the Senate as to separating the Department printing from the Congressional printing.

In my judgment, there is every propriety that the Superintendent so to be appointed should supervise the departmental printing; and I have certainly heard no objection to that. But when it comes to the other question of separating the departmental from the Congressional printing, I shall vote with great pleasure with the honorable Senator from Maine. The suggestion which he has made to me in conversation is conclusive that the provision uniting the two ought to be stricken out; for you are to have under this bill two public printers—one appointed by the Senate, and one appointed by the House; and the bill does not provide which of these printers is to do the Department printing. I shall, therefore, vote with the Senator from Maine, when he comes to the amendment to strike out the departmental printing; but I shall vote for keeping in the bill the supervision of the Department printing by the Superintendent.

Mr. HAMLIN. In order to meet the suggestion of the Senator from Maryland, I withdraw my amendment and offer another; to strike out of the third section the words:

"And from the several chiefs of Departments and heads of bureaus, all matters ordered by them, respectively, to be printed at the public expense."

That presents precisely the question of disconnecting the Congressional from the departmental printing.

Mr. SMITH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 28; as follows:

YEAS—Messrs. Badger, Bell, Chase, Clarke, Cooper, Davis, Dawson, Fish, Foot, Geyer, Hamlin, Hunter, Jones of Tennessee, Mangum, Miller, Morton, Pearce, Pratt, Seward, Smith, Spruance, Stockton, Sumner, Underwood, Upham, and Wade—26.

NAYS—Messrs. Adams, Bayard, Rorland, Bradbury, Bright, Brodhead, Butler, Cass, Charlton, Clemens, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, James, Jones of Iowa, King, Mallory, Meriwether, Norris, Rusk, Shields, Soule, and Weller—28.

So the amendment was rejected.

Mr. SMITH. It must be manifest, I think, to the members of the body that the details of this bill cannot be considered without encroaching on other business that is pending before the Senate. The bill is now here to the interruption of the consideration of the river and harbor bill.

Several SENATORS. That has been passed.

Mr. SMITH. I think not.

Mr. DAVIS. The river and harbor bill has been ordered to a third reading. It has not yet been finally passed.

Mr. SMITH. That was my understanding.

I therefore move to lay this bill on the table, and I ask the yeas and nays on that motion.

Mr. DAVIS. I was about to ask for the order of the day, but the Senator from Connecticut has made a motion to lay the bill upon the table.

Mr. SMITH. I withdraw that motion.

Mr. DAVIS. Then I move to postpone the further consideration of the bill until to-morrow.

Mr. BRIGHT. Will the Senator withdraw the motion for a moment?

Mr. DAVIS. Certainly, sir.

Mr. BRIGHT. The honorable Senator from Connecticut manifests great indignation at what he regards as an effort to reward a partisan press. He insists that the effect of passing this bill will be to reward a partisan editor, and that the contract is the only system that ought to be adopted by Congress. He further argues, that unless the contract system be adopted, the public interests will be jeopardized, and money will be appropriated out of the National Treasury without a fair consideration. Now, that honorable Senator must excuse me for saying that I am unwilling to be taught by him upon this subject, for the reason that he is grossly inconsistent. He advocates one policy in reference to the public printing to-day, and another to-morrow. He has boxed every point of the compass in discussing this question, since taking his seat as a Senator, as I will show from that honorable Senator's speeches. Some two years ago, when I introduced a proposition here disposing of the printing of the Seventh Census to the lowest bidder, that honorable Senator took decided ground against it, and alleged that it was a vicious system, fraught with mischief, and would again, as it had in times past, prove a fraud on the Treasury, and an entire failure. I desire to read a few extracts from a speech that the honorable Senator made on the occasion I have referred to. In the Congressional Globe of the first session of the Thirty-first Congress, page 687, I find that the following remarks were made by that Senator on the 10th of April, 1850:

"In addition to this, even if there was time to carry any measure, such as is contemplated by the honorable member from Indiana, I do not believe that any contract you could make upon the principle of giving it to the lowest bidder, would be executed in such a manner as the public service requires. I care not what may be the stipulation of the contract; I care not what guarantees you may demand of the public printer—of any man who may give the lowest bid for the public printing—you never can get the contract executed in such a manner as the public interests require."

To-day, according to the theory of this same Senator, the contract system is the only method known to him whereby the public Treasury can be protected and the public printing done in a proper manner. But the honorable Senator went further, and said:

"You would get an inferior quality of paper. The paper, which is now in the hands of the contractors with the Census Board, is very nearly of the strength and quality of bank paper. It is a very superior kind of paper. I believe specimens of it have been laid on the tables of honorable Senators. Now, you may stipulate in the contract that the printers shall furnish paper that has all the strength of bank paper; but I deny that you could have any guarantee that the contract would be fulfilled. The paper will be of an inferior quality, and, by the time the blanks reach Washington from the hands of the marshals and their deputies, the documents will be in such a state as to be illegible, and of no use for the purpose of making up the abstract that is ultimately to constitute the census."

On another occasion, when there was a proposition before the Senate to let the contracts for the public printing to the lowest bidder, the Senator used the following language:

"The truth is, Mr. President, that the real difficulty is with the system that we have adopted of public printing. It is a vicious system."

In another place he says:

"I am fully satisfied that the honorable Senator from Mississippi purposes to act with all due courtesy; and I beg pardon of the Senate for having trespassed upon their attention on this subject. I was about to explain what was the real cause of the delay. It is this vicious system of printing; and I contend that it is utterly impossible, under this system, that we should have public documents ready in time."

That is, under the "contract system." I leave such inconsistencies as appear between the speech made to-day, and those made by the honorable Senator on former occasions, to be reconciled by him. I do not wish to be considered as arraigning the honorable gentleman for his course, but have felt it to be my duty to hold up his former course as a reason against giving any influence whatever to his opinions to-day. He had a right to entertain these opinions, and to publish them at the time he did; and I do not question his right



to change these opinions, and to announce that change to the Senate. But I do deny his right, after these tergiversations, to teach myself and other Senators on this subject. Without the least unkindness, then, toward that Senator, he will permit me to say that it does not become him to get up here, denounce this measure, and censure those who are its advocates. Such inconsistencies ought to be, and shall be commented upon.

Mr. HUNTER. I would suggest to the friends of the bill that it should be laid aside, in order to take up the civil and diplomatic bill, and then it could be taken up to-morrow during the morning hour.

Several SENATORS. Let us take the vote.

Mr. HUNTER. If we can take the vote, I will not press the proposition.

Mr. SMITH. It seems that we are not only to have this printing bill thrust upon us, but the honorable Senator from Indiana—after the bill has been forced upon us, to the postponement of the river and harbor bill, and the civil and diplomatic bill—has put me on trial on a question of consistency. The honorable Senator has preferred an indictment; I do not know how many counts he has put in it; but I hope I may be permitted to stand up here and put in a plea of "not guilty;" and before I get through I venture to say that I shall satisfy every member of the Senate, except, perhaps, that gentleman, that I am not guilty.

This is not the first time that the gentleman has stood up here and preferred against me a charge of inconsistency in relation to the subject of the public printing. When the charge was made before, I brought in the record and I proved from it that the charge was utterly false; and I now say it is unfounded. The gentleman seems to take pleasure in reading from some remarks that I had the honor to address to the Senate at the last Congress. I wish I had them before me. If I had them here I should not ask another human being in the Chamber except the Senator from Indiana to listen to me; and I think I could give him some little light on the subject.

I admit that, when the question in regard to the preparatory printing for the taking of the census was before the Senate, I did claim that it could not be let out to the lowest bidder with safety and propriety; and I assigned a special reason for it. I said that it required paper of a very excellent character—very nearly of the quality of bank bills; that these sheets were to be transmitted through the mails; that they were to undergo a great deal of manipulation or handling; and that if the paper were not of the best quality, the sheets would be broken up and returned here to the Department in such a manner as to render them wholly illegible and unintelligible. I did maintain that it would not do to let out printing of that character to the lowest bidder. But if the honorable gentleman will take up the record of my speeches in regard to the printing of the census returns, he will find it written down there that I contended that the printing of those returns should be let out to the lowest bidder. I avowed it over and over again. When I spoke upon the subject, I brought in the record and read it in the ears of the gentleman; but it seems that the reading had very little effect on his memory. I contended in the strongest terms that I never would consent to let out the departmental printing, or the printing of the census returns to any other man than the lowest bidder. He will find it so written in my speech. There it stands, and there it will stand to the end of time. I contended that the printing of the census was departmental printing, and that it ought to go to the lowest bidder—that letting it out to the lowest bidder would save a very large sum of money to the Government.

But it would really seem that I cannot rise to address the Senate on any subject but that I have some honorable Senator on the other side bringing against me an accusation of inconsistency. The honorable Senator from Arkansas, [Mr. BORLAND,] when I spoke on the Sault Ste. Marie canal bill, arraigned me on the charge of inconsistency. The honorable gentleman from Indiana, when I addressed the Senate on the subject of printing, early in the session, arraigned me on the same charge. I showed then that it was utterly unfounded, and if I had the record here now I would show that this charge is equally unfounded.

I have insisted from the beginning that the printing of the census returns should be let out to the

lowest bidder. And here, sir, we have a revelation, and I will speak it out. The object of this measure—I do not say it is an improper object, I call in question no man's motive, I impeach the conduct of no one—and the object of pressing it now is to enable the honorable gentleman and those who act with him politically, to lay their hands on this business of printing the census returns, and hand it over to the man who may be elected public printer by the Democratic majority in the two Houses of Congress.

In relation to the system of Congressional printing, I have always said that the contract system had failed. I said that it ought to be changed. But how changed? Not by electing some partisan to do the printing of the two Houses of Congress, but I have contended that some modification was necessary, and I believe I suggested that we ought to purchase the paper and then let out the mere press-work and composition to the lowest bidder.

Mr. UNDERWOOD. Certainly. I well recollect that that was your argument.

Mr. SMITH. My honorable friend from Kentucky informs me that he well recollects that I took that ground. All that the honorable Senator from Indiana, then, has to stand upon in preferring against me the accusation of inconsistency, is that I insisted, in regard to the printing preliminary to the taking of the census, that it would not do to let it out to the lowest bidder. I have always insisted that the contract system, as it now stands, according to law, should prevail in regard to the departmental printing; but in regard to the Congressional printing, I have at all times admitted that there should be some amendment. I now stand ready to vote for a proper amendment; but I am not pledged to vote for all sorts of amendments.

A majority have decided here that they will lay their hands on the departmental printing. It is not enough that the partisan to be elected by the two Houses shall have all the printing of the two Houses. It is not enough that he shall have the printing of the census, which I suppose will be conferred on him. But it is proposed to make this bill a sort of broom to go through all the Departments and gather up all the patronage to be found, and give it to some favorite of the party.

I have gone far enough in vindicating the position which I have assumed hitherto. I say that my course has been consistent. I have maintained most strenuously that we never should depart from the system of letting out the printing to the lowest bidder. I have always admitted, however, that it was necessary that there should be some modification of the law in regard to the Congressional printing. Having done this, I move to lay the bill upon the table.

Mr. BRIGHT. I hope the honorable Senator will withdraw the motion for a moment.

Mr. SMITH. Certainly, sir.

Mr. BRIGHT. I have not arraigned the honorable Senator, or made any charge against him, which is not supported by the record which I have read. I merely charged that he had hitherto been the advocate of the contract system, whenever the contract system was likely to benefit the peculiar interest that he seems to represent on this floor; and whenever it did not suit that interest, he was against it. He has been for and against it, as circumstances and interest seemed to require.

Sir, I might, when last up, have read further, and proved that the honorable gentleman on one occasion pledged himself to bring in a bill to repeal this odious contract system; and if the Senate will indulge me, I will do so now. At page 495 of the Congressional Globe for the first session of the Thirty-first Congress, on the question of printing the Seventh Census, the honorable Senator remarked:

"I was about to explain what was the real cause of the delay. It is this vicious system of printing; and I contend that it is utterly impossible, under this system, that we should have public documents ready in time. It is necessary that it should be abrogated, and I will now intimate that, at a very early day, I intend to bring the subject under the consideration of the Senate. I say then, simply that, admitting, as I do, to the fullest extent, that neither the Committee on Printing nor the majority in the two Houses of Congress are in fault. The Administration is not responsible for what may be said by the editor of the Republic, in any degree; and that the whole difficulty results from this unfortunate system, which can only be characterized by the old proverb, as being 'penny wise, and pound foolish.'"

These were the remarks of the Senator on that occasion in which he pledged himself to bring in

a bill to repeal the whole system, which I believe he has not done. There is one point to which I must allude, and I am done; and that is the fact, that the Senator objects to the bill on the ground that the prices proposed to be paid are extravagantly high—there is a great fortune in them—that we are about to pay enormous prices to sustain a partisan press, &c. Why, sir, the prices proposed to be paid by this bill are not so high as those recommended to be paid by that honorable Senator as a member of the Committee on Printing, and under which that committee proposed to let out the printing of Congress. I appeal to the honorable Senator from Arkansas, who was a member of the committee at that time, to state whether or not the statement I make is not true—whether the prices provided to be paid by the terms of this bill are not as low, if not lower, than those recommended by the Senator from Connecticut, as a member of the Committee on Printing.

Mr. BORLAND. As I am appealed to by my friend from Indiana, I will state, that from an examination which I made as chairman of the Committee on Printing, and an examination which I have since made of the rates of compensation proposed to be given for printing under the contract made by the committee with Messrs. Donelson & Armstrong, and the publishers of the Republic; and from an examination which I have made, as carefully as I could, of the prices to be paid by this bill, I have come to the conclusion that the prices proposed to be given to the Republic and Union offices were higher than these. I do not think there is a great deal of difference between them; but I am perfectly satisfied that these prices were higher—I think from ten to twenty per cent. higher—than those proposed in this bill. This is my opinion. I may be mistaken; but from the best examination I have been able to make, such is the conclusion to which I have arrived.

Mr. BRIGHT. That is the statement of the prices which the Senator was willing then to have given.

Mr. SMITH. I shall be heard upon that point. I will attend to this last indictment directly.

Mr. DAVIS. I move to postpone the further consideration of this bill until to-morrow for the purpose of taking up the river and harbor bill.

Mr. BRIGHT. If there is no other Senator who desires to discuss it, we may as well vote upon it.

Mr. SMITH. I am going to be heard on this indictment, and probably shall take up half a day.

Mr. DOUGLAS. I hope it will not be postponed. If the policy is to speak out to the end of the session on every little remark that is made here, under the plea of an indictment, to prevent the action of Congress upon the bill, I am in favor of letting the Senator go on and speak now, and speak all night. I understand this policy. He avows the object is now to take half a day in answering a single remark. Sir, he may speak until doomsday, and yet the record proves that the statement of the Senator from Indiana is true. The object then is to occupy time; and if this bill is to be evaded by occupying the time until the end of the session, I am in favor of sitting here at once until he shall weary himself out, and then vote on the bill.

Mr. SMITH. Here is a third indictment, Mr. President. [Laughter.] Indictment number three. I cannot try two indictments at the same time. I am going to take indictor the honorable Senator from Indiana, and then I will take indictor the honorable Senator from Illinois, who will see how he will come out. That I will stand by. I do not care when these indictments come on. I am willing to try them now, or next week.

Mr. DAVIS. I wish to complete the river and harbor bill, which we had under consideration yesterday and ordered to be read a third time. I suppose debate upon it is exhausted, and that it will occupy no time, but that it will be necessary only to read it a third time and pass it. I therefore move to postpone the further consideration of this bill until half past two o'clock. When we have passed the river and harbor bill, we can take this up again.

Mr. MANGUM. This bill is a matter of very great importance. The civil and diplomatic bill, and the river and harbor bill, are comparatively of but little moment. This is a great political machine—a party machine—as the honorable Sen-

ator from Connecticut thinks. It is vastly important that it should be considered. Sir, I do not like to interpose a word here in defense of the honorable Senator from Connecticut, because he is like the man in the Almanac. There is hardly a Democrat in this Senatorial Chamber but must cast his darts at him. He is the head of the Whig Senatorial Committee, and he throws many an arrow at the opposite party, which perhaps inflict some wounds. But, as to his consistency, it is a matter of great moment that it should be defended—a matter of vast importance—representing, as he does, the august and powerful, and, as I hope to be, triumphant Whig party. That consistency is of more consequence than the passage of the civil and diplomatic bill, or of the river and harbor bill. [Laughter.] It is the very life and soul of the great and struggling Whig party, which is to be the victorious one. Let gentlemen assail that consistency if they will. Has there ever been a Whig nominee that he has not supported? Has the Senator ever been found deserting his party? Has he ever been found scismatic in regard to the principles of his own party? Has there ever been a Democratic move, by which the Democratic party were going to pluck money out of the Treasury for party purposes, which he has not resisted? [Laughter.] If they move in one direction one day, he must take the opposite; if they change their policy the next day, he also must again take the opposite—always consistent in opposing the tricks and schemes of those who wish to pocket money for party purposes. Sir, I will defend that consistency to any extent that I would defend myself. There never has been a Whig nominee that he has not been the supporter of. [Laughter.] He never has been called upon to take part in the labor, as the head of the central committee, but he has entered into the harness, and has worked like a dray-horse.

I am not at all surprised at the threefold accusation which has been brought against him. I know he will be able to bear it—he will be able to resist it. This is a matter of great consequence. I hope the consistency of the honorable Senator will be defended successfully, and acknowledged. I appeal to the magnanimity of the Democratic party, if they have ever seen him conniving at any practice of theirs which he supposed to be aimed at the great and triumphant Whig party? Never, sir; never. [Laughter.] He has shown a consistency which is honorable to him, as a Whig, and as a Whig statesman—not only to the party, but to the country.

Well, sir, as to putting off this matter I do not know but that the money which will be expended under it may come into use. There is some little necessity to pass the civil and diplomatic bill. However, that is comparatively unimportant. I am utterly opposed to this whole scheme in its present shape. I do not desire to speak against time. The honorable Senator from Illinois says he understands that. I have never practiced it in my life. I think it is pretty well understood by some gentlemen. We saw at the close of the last session of Congress that it was pretty well understood by a certain party, upon the river and harbor bill that does not appear upon the records of the last session, except its being unsuccessfully before us. I have no disposition to speak against time, but I am utterly unwilling that, at one fell swoop, a party that is temporarily in the majority here, should seize upon the immense patronage which gentlemen are aiming at, of the entire public printing of the entire Federal Government. Sir, is there any gentleman here who will rise in his place, and upon his responsibility as a Senator, undertake to say that there is the slightest ground of imputation against the success of the present system, as practiced under the Departments of the Government?

Mr. DOUGLAS. Certainly it has been controverted.

Mr. WELLER. Most assuredly it has.

Mr. MANGUM. Has its proper acting been controverted?

Mr. DOUGLAS. It has not only been controverted, but successfully shown that the contract system under the Departments is a mere mockery, covering up contracts to their own partisans, and paying not the slightest regard whatever to the lowest bid that may be put in.

Mr. MANGUM. I know nothing of that—

Mr. DOUGLAS. It is so.

Mr. MANGUM. I hope I shall not be interrupted.

Mr. DOUGLAS. I should not have interrupted the Senator if he had not put the question. My silence might have been deemed acquiescence.

Mr. MANGUM. I desire this thing to appear upon proof; not mere assertion. I desire the proofs to be made, and not that it shall go upon a mere naked, bald assertion. If, as the Senator calculates, the entire success of the Democratic party be certain, the Government, I suppose, will be in the hands of honest men. I am willing to trust the contract system to them. We have no fears or apprehensions that they will cover up from us their contracts, like this corrupt Whig party does. But I have heard, for the first time, this morning, that there is any ground of imputation whatever against the present system of printing as it is practiced in the Departments. In those Departments, I know, there are little petty, paltry things frequently done. Very recently, a very paltry and contemptible thing has been done by a great man in the Whig party—the Secretary of State—unworthy of him, unworthy of his position, and disgraceful to the party, so far as he can affect it. It will be but a little longer that he can affect it to any extent. I speak the truth of men in power; and out of power, when I speak at all, if I know it. I am opposed to a system which embraces the entire printing of the Federal Government. It is a privilege that ought to be devolved upon no party. It is a matter that ought to be conducted upon principles that steer clear of mere party interest and power.

Sir, I have seen parties here. I know something about them. I suppose there is about as much integrity in one party, in the mass, as in the other. As to this thing of cheating, though, I must do my sagacious friends of the opposite party the justice of saying that I think they understand the game a vast deal better than the raw militia of the Whig party. That party has been long in power; they understand all the tricks of the trade; and our militia could never come near enough to the outposts to compete with them in the practice. But at all events I make no imputation.

The PRESIDING OFFICER. (Mr. NORRIS.) The Chair will state that the question is on postponing the further consideration of the subject until half-past two o'clock.

Mr. MANGUM. I know that; and I am endeavoring to show that this is a vastly important matter—vastly important to the Democratic party, and, consequently, important to the country, that we should have a speedy action on it, though I desire to have all the information upon it that I can get. I am sorry to detain the Senate a moment—it is against my habit; but this question being so important, I trust it will be properly considered.

Mr. SMITH. I ask the yeas and nays on the motion to postpone.

The yeas and nays were ordered.

Mr. WALKER. I shall vote for the motion, because I believe it is necessary to the passage of the river and harbor bill, and for no other reason.

Mr. BORLAND. Such will be the consideration which will induce me to vote for the postponement. I desire to see the river and harbor bill sent to the House.

Mr. BRIGHT. I shall vote against the motion to postpone, for the reason that if we pass this bill over now we shall not get it up again this session.

The question being taken by yeas and nays, resulted—yeas 28, nays 27—as follows:

YEAS—Messrs. Badger, Bayard, Bell, Borland, Cass, Chase, Clarke, Cooper, Davis, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Fish, Foot, Geyer, Hale, James, Jones of Iowa, Jones of Tennessee, Mangum, Miller, Morton, Pearce, Pratt, Seward, Smith, Spruance, Sumner, Underwood, Upham, Wade, and Walker—28.

NAYS—Messrs. Adams, Atchison, Bayard, Bradbury, Bright, Brodhead, Butler, Cass, Charlton, Clemens, Douglas, Downs, Felch, Gwin, Hamlin, Houston, Hunter, King, Mallory, Meriwether, Norris, Rusk, Shields, Soule, Stockton, Toucey, and Weller—27.

So the further consideration of the bill was postponed until half-past two o'clock.

#### RIVER AND HARBOR BILL.

The bill making appropriations for the improvement of certain harbors and rivers was read a third time.

Mr. DE SAUSSURE. Upon the passage of the bill I desire the yeas and nays. Several Sen-

ators were absent yesterday when it was ordered to a third reading. I paired off on that question, and therefore desire to have the yeas and nays upon the question of its passage.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 23—as follows:

YEAS—Messrs. Badger, Bayard, Bell, Borland, Cass, Chase, Clarke, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Felch, Fish, Foot, Geyer, Hale, James, Jones of Iowa, Jones of Tennessee, Mangum, Miller, Morton, Pearce, Pratt, Rusk, Seward, Shields, Smith, Spruance, Stockton, Sumner, Underwood, Upham, Wade, and Walker—35.

NAYS—Messrs. Adams, Atchison, Bradbury, Bright, Brodhead, Brooke, Butler, Charlton, Clemens, Dawson, De Saussure, Downs, Gwin, Hamlin, Houston, Hunter, Mallory, Mason, Meriwether, Norris, Soule, Toucey, and Weller—23.

#### EMPLOYEES ABOUT THE CAPITOL.

On motion by Mr. BADGER, the Senate proceeded to consider, by unanimous consent, a resolution relative to the compensation of the employees in and about the Capitol; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### OPINIONS OF ATTORNEYS GENERAL.

Mr. CASS submitted the following resolution for consideration:

*Resolved*, That the Committee on the Judiciary be directed to inquire into the expediency of purchasing, for the use of the Senate, five hundred copies of the Digest and Index of the Opinions of the Attorneys General of the United States, as printed by the House of Representatives, in Executive document No. 55, second session Thirty-first Congress, and to ascertain at what price the same can be procured.

#### POST ROUTE BILL.

On motion by Mr. RUSK, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives to establish certain post routes.

The amendments reported from the Committee on the Post Office and Post Roads, and various others proposed by Senators, establishing new routes, were agreed to.

Mr. BORLAND. I offer the following amendment, to come in as an additional section, after the routes:

*Sec. — And be it further enacted*, That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order, from time to time, on suitable and safe steamboats.

I have but a word to say in explanation of that, which I trust will be satisfactory to the Senate. Some time ago, I introduced a bill into the Senate to provide for this mail service. It was referred to the Committee on the Post Office and Post Roads. What I now submit as an amendment to this bill, is the substance of the report of that committee. They did not report back the bill I introduced in its terms, but reported an amendment to it, and this which I propose is the substance of their amendment.

Mr. HAMLIN. I think that amendment ought not to be adopted. It will be compulsory upon the Department to establish one certain mail route. I think you cannot find any such provision existing anywhere. In the laws in relation to post routes you leave a discretion with the Postmaster General, and if you depart from that system and make it compulsory upon him in one instance, you will be obliged to do so in others. I think the rule would be a wrong one.

Mr. BORLAND. I think the Senator will be satisfied with the explanation which I will give him. As I stated some time ago to the Senate, in my opinion the law already authorizes the Postmaster General to do precisely what the amendment proposes; but the Post Office Department, heretofore, have not exercised the authority which the law gave them. They have declined to do it, and the consequence has been such an irregularity and confusion in all the mail service upon the Ohio and Mississippi rivers, that the business men of that region of country consider that they are almost entirely deprived of mail facilities. Estimates upon this subject have been made by persons connected with the Post Office Department—business men who have looked into the matter, and whose business interests are thrown into confusion and greatly disturbed, and rendered almost inextricable by the present system. They have entered into estimates, and say that not more than one tenth, and probably not more than one twen-

tieth, of what would go through the mail by a regular system, now goes through it. It is carried by private conveyance along the route. The consequence is, that the revenue derived by the Department from the route, is very small; and as the Department considered it to be its duty to regulate the amount paid for transportation by the amount raised as revenue, it has considered that the amount raised in this case was so small, under the present system, as not to justify their entering into the new system; and it has declined to contract for the service. The amendment proposes to give the Post Office Department the authority of law, and to require the exercise of that authority, in overcoming the difficulty under which we all labor so much in the West; for the Mississippi river, and that portion of the Ohio below Louisville, being the great trunks from which we draw the mails to our interior, let us have as good a system as you may in the interior, let the mails there be carried as regularly as you please, yet if the service upon the great trunks is irregular, the interior supplies must necessarily be so.

There can be no question—for it is, I believe, the unanimous opinion of practical men in all that region of the country—that if the system was changed, in accordance with my proposed amendment, the revenues of the Department would not only become doubled in less than a year, but quadrupled, and perhaps increased tenfold. As I stated some time ago, we have no mail line upon this route at all, but merely agents at different points on the river.

Mr. SEWARD. I desire to ask the honorable Senator if there is any mail carried on the river at all, and to what extent?

Mr. BORLAND. The mail is carried upon the rivers upon a system which makes it exceedingly irregular, and confuses the correspondence and business transactions of that region of the country in this way: Instead of putting out the mail service, as is usual upon all other routes, to contracts, mail agents are appointed who reside at particular points on the river, and they contract with boats as they pass along for the transportation from point to point. Irregularity results in the following manner: The boats on the Mississippi run irregularly; that is, some run fast and some slow. Some are engaged in the coasting trade, and some rapidly pass from point to point. The mail agent, therefore, puts the mail to-day upon a slow boat which coasts along. Two or three days a fast boat passes directly from one point to another, and he puts the mail on it containing letters written some three or four days subsequently to the former, and they reach their destination first.

Mr. SEWARD. I take an interest in the subject, and desire to know what remedy the Senator proposes?

Mr. BORLAND. The remedy is to require the Postmaster General to put the mail on this route on the same footing as that on other routes.

Mr. BELL. I ask the attention of the Senate for a moment or two upon this subject. I observe that the amendment proposes to include a daily route between Nashville and Cairo. I suggest to the honorable Senator from Arkansas to strike that out, because, in speaking upon this subject, I want to seem to stand totally disinterested. I suppose he will have no objection to doing that.

Mr. BORLAND. I have no objection to it. That more directly affects the State which the Senator represents, and he is better acquainted with the necessities of that portion of the country than I am.

Mr. BELL. I undertake to be responsible for striking out that part of the proposition; but I hope to win the favorable attention of honorable Senators here to the amendment.

Mr. BORLAND. Then I will modify my amendment by striking out the words "from Nashville to Cairo."

Mr. BELL. I desire to say a few words in relation to this subject. I desire that clause to be stricken out, not because we have no interest in such a line, for we have a considerable interest in having it; but there is a considerable trade between middle Tennessee and New Orleans, the great depot and metropolis of the southwestern States, and a pretty large trade between Nashville and that section of the country. That is a trade in which we have a direct interest, and hence we have a very considerable interest in having some

regular line of communication between the country on the waters of the Cumberland, or in Middle Tennessee, and the city of New Orleans, for the purpose of carrying on our trade with safety and dispatch, and to have our communication regular. But, sir, the whole country on the Mississippi river, from St. Louis to New Orleans, has a deep interest in this measure; and we in Tennessee are not so much interested in having a daily mail from Nashville to Cairo, as in having a semi or tri-weekly mail to Cairo, if we can have an assurance that it will get from Cairo to New Orleans regularly, and that our communication from New Orleans will be received at Nashville in any reasonable time, or any time to be calculated upon by our business men—the planters and farmers, &c. Our communications now between that whole country and New Orleans by mail, are at some seasons liable to be delayed three weeks, and even a month, before we can have any communication.

Our overland mails are obstructed by deep waters, not only in Tennessee, but in the State of Mississippi; and if you happen to reach Memphis, you have no regular communication between that place and New Orleans, or any intermediate port below. Here is this great inland sea, I may properly call it, where it is perfectly practicable to have a daily communication from Louisville to Cairo, and from St. Louis to Cairo, and then to New Orleans. Leave out the country I am immediately interested in, and I repeat, although we should have only a mail to Cairo twice a week, it would be a great boon to know that when the mail reached Cairo, it would connect with a daily line to New Orleans, and that the mail from New Orleans to Cairo would regularly arrive there daily. We could then well wait two or three days, whereas, as the thing now stands, we have to wait sometimes three or four weeks.

I call upon honorable Senators to say, whether there is any other portion of the country, where such an extensive commerce is carried, which is similarly situated with regard to the mails, or is there anything like it? No, sir; it is unparalleled in the condition of the country and postal arrangements. It is eminently unjust, if it be in the power of the Government, by a reasonable expenditure, to supply greater mail facilities to the commerce of that portion of the country.

It is said that the Postmaster General is opposed to this proposition. I should like to have the authority of any gentleman to say that he is opposed to it. I have heard it said that it is known to honorable members of the Senate that the Postmaster General is opposed to it. I undertake to deny that he is opposed to any such establishment of any such a line. I undertake to deny it, not that I have had any communication with that officer recently upon the subject; but a year or two ago, I know I urged upon him, in the strongest manner, the facts which I have alluded to to-day, and my recollection is, that he admitted the truth of all I said, from the information which he had. He admitted that the mode which was adopted, of putting the mails upon any transient boat that came along, did not afford regular and daily communication, or even a communication every two days upon the Mississippi. It depended upon whether the boat got along at the proper time, and whether it made the trip without accident or delay. But the Postmaster General said it is too large a discretion; that it will require too large an allowance of funds; that he had estimated a fair proportion for the mail facilities already given to the West and Southwest; that it would be going beyond his limit to enter into this plan; and he thought proper to exercise his discretion in favor of all sections of the country, but he must have a warrant of law for this. What he wants is to be authorized by law to make the expenditure that may be necessary to establish such a line.

Suppose it should cost \$5,000, or \$100,000, or \$150,000 a year—I do not know what it would cost; I did at that time have some estimates furnished me by practical men—would not the object to be accomplished be worth more than that? I repeat, that all the Postmaster General wants, is the warrant of law to establish the daily line, and then he will do it as an act of justice to the West. I propose to strike out the route from Nashville to Cairo, not because it does not contain what we would like to have, but I want to show that the great thing we want is a daily line upon the Mississippi, even if we have none upon the Ohio.

You may leave out Louisville. If we only get the daily line upon the Mississippi we shall feel secure. Our letters then would be received from New Orleans in something like an approximation to the true time in which they could be brought. I appeal to every gentleman from this section of the Union, whether the mails are not often delayed three and four weeks in getting from New Orleans to some of the principal towns upon the interior waters—I mean the tributaries of the Mississippi—where there is no regularity, no certain reliance upon getting your communication regularly at all? We have overland mails, but they are liable to the interruptions which I have stated.

I trust, in view of the enormous amounts allowed from time to time in the establishment of lines upon the sea, upon the Atlantic ocean, between ports upon the Atlantic ocean—we do not scruple, we do not stint our appropriations and limit them to \$50,000, or \$150,000, or \$250,000 there, but we go the length of millions—that we will procure better facilities for the Mississippi. But I do not put it upon that ground. I appeal to the common justice of the members of the Senate to say whether, upon such a great line of communication as the Mississippi, where it is perfectly practicable to have a daily conveyance of the mail, we ought not to have a daily mail? I make this appeal from my personal knowledge and deep interest in this matter—I do not mean personal as regards individuals, but I allude to my personal knowledge of the country. The interests of the States on the Mississippi, Ohio, and Cumberland, and Tennessee, from St. Louis downwards, require that we should have the daily communication proposed by the amendment; and I suppose even beyond St. Louis it would be a great desideratum in the facilities to the trade and commerce of the country. I care not what may be the cost of establishing it, providing it be within a reasonable sum. I think \$100,000 or \$200,000 a year ought to be granted for the purpose.

Mr. BRADBURY. I understand the law authorizes the Postmaster General to make the contract for the transportation of the mail over the route proposed. If it is wrong for him to make the contract, he ought not to do it. If he ought to make it, and refuses to do it, it would seem that it was maladministration; and I would suggest to the honorable Senator from Arkansas, that we expect, when the new Democratic Administration comes into power on the 4th of March next, that actual evils will be removed. If this is one of those evils, a remedy will be found.

But the amendment will introduce somewhat a new principle on the subject of post routes. At any rate, I think there would be danger in passing a law compelling the Postmaster General to make a particular contract. It would then place the Department in the power of steamboat owners, who would fix their own terms; for no limit is prescribed in the amendment. Now, I submit whether we are prepared, in the haste of passing a bill of this kind, to ingraft a principle by which we place the Department at the feet of steamboat owners. Again: if we commence the introduction of a compulsory obligation of this kind into the bill, every Senator, and every member of the House, who has a road where he has been denied what he regards as a privilege which ought to be granted, will insist upon a like provision, and we shall thus load down the bill. I think the proposition had better be considered at a time when we shall have a better opportunity to consider it.

Mr. BORLAND. I dislike to consume the time of the Senate, but I do think that two or three words will satisfy the honorable Senator from Maine on this point. I expressed the opinion that the general law, as it exists, does confer this power upon the Postmaster General. There is this objection which is made at the Department to his exercising the authority: That the amount of revenue derived from the mails upon these routes has not heretofore justified the Department in paying the amount of money which would be required to have the service performed in the manner proposed. I thought the Department was mistaken, and I have undertaken, from time to time, through three Administrations, to get them to take a different view of it; but, under what the Department considered to be its duty when the revenue is so small, they have felt unwilling and unauthorized to change the system. But, as I stated, the small amount of revenue has been the



result of the system which is in operation, in consequence of the communication being so irregular and so confused that the business men will not send their correspondence through the mails, but seek private hands for its conveyance; and, as I am informed by persons connected with the service upon the river, men whose interests are at stake, at this time and for years past, not more than one tenth or even one twentieth of proper mail matter has gone through the mail. They seek the communication by private hands; and, in that manner, a large amount of revenue is lost which would be derived, if the mails were carried regularly, in which case everybody would seek the mails as the most proper means of communication. But the Senator from Maine says that there is no limitation in the amendment. There is a limitation. The Postmaster General is required to issue proposals, as he does in all other cases.

Mr. BRADBURY. There is no limitation in regard to the amount of money he is to pay for the service.

Mr. BORLAND. It is impossible to tell what the price will be; but this I will say, proposals were made long ago, and have been repeated from time to time, to do the service for \$100,000. In one instance, I know the proposition was made to carry the mail daily from Louisville to New Orleans for \$40,000. It was refused, because, as the Postmaster General said, the revenues from the route were not sufficient to justify the payment of that amount, though there is no doubt upon the minds of business men on the routes, that if the system was changed, and the proposition which I submit adopted, the revenues would be increased tenfold within a year. The limitation is sufficient that the service is to be put out under contract. A competition will necessarily spring up at once, and the service will be obtained for the lowest price.

The consideration which I have stated as weighing with the Department deprives us of the advantages which every other route in the United States has. The Postmaster General does advertise in other cases; this stands as an exception; and as the Senator from Tennessee well said, if it should cost \$100,000, why object to it when you are paying millions for the transportation of mails elsewhere? The Postmaster General did not put the service along the coast and upon other navigable streams under a general law. You had to pass a special law requiring and authorizing the service. We now simply ask that the Mississippi river and the Ohio river may be placed upon the same footing with all other streams and land routes in the country, and nothing more. It proposes to put it out at contract, not by a private arrangement, but in a manner that will bring about a competition, and secure the service at a reasonable rate.

Mr. BORLAND's amendment was agreed to.

The bill was reported to the Senate as amended, the amendments were concurred in and ordered to be engrossed, and the bill was ordered to be read a third time.

#### REMAINS OF WILLIAM T. BARRY.

Mr. UNDERWOOD. I desire to ask the unanimous consent of the Senate to introduce a joint resolution authorizing the President of the United States to bring the remains of William T. Barry, in a public vessel or otherwise, from England to his late residence at Lexington, Kentucky. Barry died very poor. He went out as Minister to Spain, but when he got to England he died very poor. Although he and I differed as wide as the poles in politics, he was my personal friend and my patron when I entered life. I always admired and esteemed him as a man. In consequence of a letter which I have received stating the facts, I conferred with the President on this subject. He says a resolution will be necessary to authorize him to bring the remains to this country and transport them to Lexington. I therefore ask the unanimous consent of the Senate to introduce the following joint resolution:

*Resolved, &c., That the President of the United States be, and he is hereby, authorized to have the remains of William T. Barry, late Minister to Spain, brought to the United States in a national ship, or otherwise, and to have them transported to Lexington, in Kentucky.*

*Resolved, That the President be authorized to pay the necessary expenses of executing the present resolution out of any money in the Treasury not otherwise appropriated.*

No objection was made to the introduction of the resolution, and it was read a first and second time, and considered as in Committee of the

Whole. No amendment being proposed, it was reported to the Senate, and ordered to be engrossed for a third reading.

#### THE RAZEE INDEPENDENCE.

Mr. HALE. I desire to offer the following resolution for consideration:

*Resolved, That the Secretary of the Navy be directed to inform the Senate the number of days the United States razez Independence, the flag-ship of the Mediterranean squadron, commanded by Charles W. Morgan, was at sea, after her arrival at Naples on the 14th of September, 1849, until she sailed thence for the United States on the 29th of March, 1852; how many days said ship was at anchor in the bay or harbor of Naples, and how long at Spezzia or other ports during that period; what portion of the aforesaid two and a half years was passed on shore, and how much of it on board ship, by said Morgan; what is the estimated expense of a ship of the class of the Independence, properly officered and manned, per day or per year; whether said Morgan, without authority from the Department, while his ship was lying at anchor in the Bay of Naples, chartered or employed a merchant vessel to transport supplies for his squadron from Spezzia to Naples, and whether the cost of such transportation has been charged to the Government by the order or approval of said Morgan; whether instructions were given to said Morgan by the Department, or by any bureau thereof, to practice his squadron in naval evolutions or fleet-sailing, and if so, whether said instructions were obeyed; whether he was directed to exercise his men in target-firing, and if so, whether he complied with such directions, and to what extent; whether there is any rule or regulation of the Department against naval officers transporting females, members of their families or others, on board ships-of-war of the United States, and if so, whether Commodore Morgan, or any officer under his command, was guilty of a violation of such regulation; whether the broad pennant of Commodore Morgan was kept flying during the period of his command in the Mediterranean, or was at any time taken down, and if so, for what length of time; whether Commodore Morgan has been held to answer for disobedience of orders, violations of regulations, or neglect of duty, while in command of the naval forces of the United States in the Mediterranean, during the past three years.*

Mr. WELLER. The Senator seeks that information either for the purpose of sustaining a speech made in the other House a few days since, or for the purpose of defending Commodore Morgan against it. In either event, I object to its consideration at this time, as I desire the printing bill to be taken up.

#### MESSAGES FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the bill from the Senate entitled "An act to create an additional land office in the Territory of Minnesota."

A subsequent message announced that the House of Representatives had passed the following bills from the Senate:

An act granting to the State of Michigan the right of way and a donation of public land, for the construction of a ship-canal around the falls of St. Mary, in said State; and

An act for the relief of John Moore White.

#### SECURITY ON BOARD STEAMERS.

A message was also received from the House of Representatives, announcing that it had passed the bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," with various amendments.

On motion by Mr. DAVIS, the bill, with the amendments, were referred to the Committee on Commerce.

Mr. PRATT presented a memorial of citizens of Baltimore, interested in vessels propelled by steam, protesting against the passage of the bill; which was also referred to the Committee on Commerce.

#### PUBLIC PRINTING.

The hour of half-past two having arrived, the Senate, as in Committee of the Whole, resumed the consideration of the bill to provide for executing the public printing, and establishing the prices thereof, and for other purposes.

Mr. SMITH. Three separate and distinct accusations—I call them indictments—were preferred against me in the debate of this morning; and I ask now, Mr. President, that I may be heard in reply.

In that debate, I rose for the purpose of addressing the Senate on the merits of this bill; and I meant to confine myself strictly to the consideration of its merits. I did not travel out of the record. I did not occupy the time of the Senate by bringing charges of inconsistency against any member of this body. But the Senator from Indiana [Mr. BRIGHT] chose to pursue a different course. That Senator was in a great hurry to get

this bill through; he wanted to hush it up; and, by way of expediting its passage, he undertook to arraign me before the Senate, and before the country, with having been guilty of gross inconsistency of conduct with respect to this bill. The first inconsistency with which he charges me, is an old acquaintance of mine. This is not the first time that the Senator from Indiana has stood up in his place, and made the same accusation against me on that very point.

The first accusation is, that I, in the first session of the last Congress, took the ground, in the broadest terms, that the whole system of letting out the printing of Congress and of the Departments, by contract, to the lowest bidder, was a vicious system, and that it ought to be entirely repudiated. I think it was no longer ago than January, 1852, that the Senator made this very charge against me; and I believe that he then read the same extracts which he has read this morning from the Congressional Globe, for the purpose of supporting it. I replied to the charge then, and I believe that my reply was satisfactory to every one, except the Senator from Indiana. I conclude it was not satisfactory to him, as the Senator repeats that accusation now, and exactly upon the same grounds as upon the previous occasion. This is what I call indictment number one. Then, not satisfied with this accusation, the Senator, by way of expediting the passage of the bill still further, brings forward another charge of inconsistency. He says that, as a member of the Committee on Printing, I was willing to contract, and did contract to let out the printing of the House of Representatives and of the Senate, for the residue of this Congress, on just about the same terms which are mentioned in this bill, and that I now turn round and state that those prices are exorbitant. This is indictment number two. To support this charge, he calls on my friend, the Senator from Arkansas, [Mr. BORLAND], to give his testimony; and the Senator from Arkansas stands up and delivers his testimony in presence of the Senate. When I intimated, as I did, that I intended to ask for a hearing on this second indictment, as well as on the first, I thought it would take a considerable time to go into the whole question; and I believe I said that it might occupy half a day, as there is very little doubt that it would, if I went into all the facts. And then we have thrust on the country and on the Senate another charge—that I am making speeches here, not for legitimate discussion, not for the purpose of referring to the merits of the bill, not for the purpose of vindicating myself from unfounded accusations, but that I am addressing the Senate merely for the purpose of preventing action on this particular bill. This is indictment number three. Well, if I am compelled, by the circumstances of the case, to occupy some little time—and I shall not occupy an unreasonable portion of the time of the Senate in showing that all these three charges are utterly unfounded;—and if action on this bill is delayed, I ask, who is to be held responsible for it? I shall ask whether that Senator is to be held responsible who charges me with misconduct as a member of this body; or whether the responsibility rests on me, because I stand up here to answer in my own defense?

I will now take up indictment number one. The indictor is the Senator from Indiana, [Mr. BRIGHT], and the party accused has pleaded "not guilty" to the charge. We have heard it made by the Senator from Indiana; we have heard the proof that he adduced, and let us now hear the proof on the other side. I have said that this accusation is an old acquaintance of mine, and to show that such is the case, I will read an extract from the report of the Senate debates on the 13th of January last. I addressed myself to the Senate, on the question of the disposition that we should make of the printing of the returns of the last census, and I insisted that it should be put into the departmental printing, and let out to the lowest bidder. My remarks were not very protracted; but, after they were completed, up rose the Senator from Indiana, and he told the Senate, and the country, that the Senator from Connecticut was inconsistent in his mode of treating this subject, and read, as he has done to-day, a portion of the record of the debates in the first session of the last Congress. Let us see what he said on that occasion:

"The honorable Senator [Mr. SMITH] certainly forgets that at the last session of Congress he himself proposed to the Committee on Printing to give this very work to the Re-

public. Hot haste! It was not too early at the last session of Congress to agitate the question."

Here the accusation made by the honorable Senator is, that I, in the Committee on Printing, in the last session of the last Congress, proposed that Congress should give the printing of the census returns to the Republic. To this I replied as follows:

"As the honorable Senator has never attended any of the meetings of the Committee on Printing, I presume he makes the statement that I was in favor of giving the printing of the census returns to the Republic on the authority of others. All I have to say is, that the gentleman is entirely misinformed."

"Mr. BRIGHT. If I am not correct, I hope the chairman of the Committee on Printing will correct me."

"Mr. BORLAND. I presume the statement of the Senator from Indiana was made on information received from me. He is mistaken, however, in supposing that I said the Senator from Connecticut proposed to give this printing to the Republic. I did say that the Senator from Connecticut was in favor of the proposition made by the Superintendent of the Census to leave the printing to him, and have it executed at that time. Whether he would have had it done at the Republic office or elsewhere, I do not know. But the Superintendent of the Census did express a wish—and that subject came before the committee—to be permitted to have the printing executed as he might think proper at that time. The committee decided that an arrangement of that sort could not be entered into, because the census bill itself, after providing for the execution of the preliminary printing, required that the report of a plan for publishing the census should be made to Congress at the present session, and that the printing of the census returns should be done as this Congress should direct. Therefore they did not feel authorized to enter into any arrangement, or give their assent to anything of that kind. I then understood the Senator from Connecticut, and I now understand him, to have been in favor of the arrangement proposed by the Superintendent of the Census."

"Mr. SMITH. I wish to say a word on this subject. It is very unusual, I believe, to bring into the Senate conversations in the rooms of the committees of this body."

Mr. BRIGHT. I refer for my information to a debate that came up on a collateral question at the last session. I have not the debates before me, but I think that I can turn to them, and show that the honorable Senator from Connecticut expressed a preference at that time for giving to the gentleman who has charge of the Census Bureau the privilege of making a contract for this printing. The inference follows as a matter of course that it would have taken the direction which I indicated."

"Mr. SMITH. I do not know what the gentleman may find recorded in the debates of the Senate, as having been said by me, but I know that I never entertained any such view as that. I must also say, in very broad terms, that my friend from Arkansas [Mr. BORLAND] is entirely mistaken. I do not know but that I may have used language from which he properly inferred what he seems to have inferred, but I have never entertained any such views, but I have been from the beginning totally opposed to breaking up the contract system."

I was taken quite by surprise then, as I am now. I had not the debates to refer to, but I went and searched the records; and on the succeeding day I came to the Senate Chamber, and made the following remarks:

"Mr. President, I wish to make a very few remarks in reply to my honorable friend from Indiana, and I am prompted to do so on account of the personal issue which my honorable friend made with me last evening. That honorable Senator saw fit to remark, that at the last session of Congress he understood me to take ground in the Senate in favor of giving the printing of the census returns to a political press in this city—I think he named the Republic. I then suggested that he was under an entire misapprehension upon that subject. I do not suppose that my honorable friend intended to misrepresent my position in that regard. The truth is, that from the very outset of this business, I have been utterly opposed to the reintroduction into Congress of the old practice of dispensing the public printing on the principle of political favoritism; and it so happens that I find myself on record, in a train of remarks submitted to the Senate, in relation to this very subject of printing the census returns, in which views are expressed such as I had the honor to lay before the Senate yesterday; and I hope the Senate will indulge me in reading from these remarks a few extracts, showing what I said. In the first extract which I will read, I remarked as follows:

"I fully accord in the opinion which has been expressed by my friends on the other side of the Chamber, that the time has gone by for investing the head of any Department with an arbitrary discretion upon this subject of printing."

This is an extract from some remarks made by me during the first session of the last Congress, to which the honorable Senator from Indiana referred.

And then again:

"Now, then, this committee has reported this bill, as I have before remarked, containing the provision of the old law, and conferring on the head of the Department of the Interior the arbitrary power of making a contract with any individual that he pleases, and upon any terms that he may see fit, without advertising, without competition. To any such provision in this bill, I am utterly opposed—not that I believe the honorable gentleman at the head of that Department would abuse the trust thus confided in him; I am convinced he will execute it with as much fidelity as any other of the distinguished citizens of the country."

"Now, sir, in order to realize, or rather to carry out what has been the policy of the Government for several years past, to wit: to have all the printing let out at contract, and

given to the lowest bidder, all that is required is the addition of a few words to the clause of the twentieth section."

The last clause reads thus:

"And further, as the returns are made, to cause the same to be classified and arranged in the best and most convenient manner for use; and ——— thousand copies thereof to be printed for distribution."

That was the proposition of the Committee on the Census for giving arbitrary power to the Secretary of the Interior to cause the census returns to be printed.

The extract further proceeds:

"Now, sir, if the amendment of my honorable friend shall fail, I shall propose to add to that clause these words: 'On contract, as now provided by law.' That is to say, to the lowest bidder."

That is, to let it out by contract as now provided by law, by advertising in the newspapers, and subjecting the matter to fair competition. Here was a bill that would have given an absolute discretion to the Secretary of the Interior, and I came forward and said I would agree to no such thing. I could not offer the amendment just at that time, because there was an amendment pending to an amendment; but I said that when that obstacle was cleared out of the way, I would propose an amendment requiring the printing of the census to be let out by contract in conformity with law. But furthermore I remarked—

"I would say that I am not for subsidizing the press of the city, either the Whig or the Democratic press—either the one or the other."

And again:

"As to the scheme of giving the printing, at this late day, to the political press of this city, it is a proposition that I shall resist to the uttermost, and at all times."

And finally, I remarked:

"I intend, sir, to resist now, and at all times hereafter, the connection of the public printing with the political press of this city, whether upon the one side or the other. I therefore insist that the 21st section is exactly right; and with respect to the preceding section, all that is required is simply the addition of four or five words such as I have already suggested to the Senate."

Now, what was this twenty-first section? It was the section which related to the preparatory printing, and it did give discretionary power to the Secretary of the Interior. And I said that was all right, for a special reason. But with regard to the other section, regarding the printing of the returns, I said that it was not right, and that it ought to be so framed as to compel the Secretary of the Interior to let it out to the lowest bidder, and upon full competition.

The Senator from Indiana [Mr. BRIGHT] merely reads what I said in regard to this twenty-first section, relating to the preparatory printing, while he leaves entirely out of sight what I said on the question now before us. There were special reasons, as I then stated, why the preparatory printing should not be let out to the lowest bidder; and there were other reasons which I will not now repeat.

Now, after I had brought before the Senate and the country, and the Senator himself, the facts and considerations to which I now refer, the honorable Senator rises up and renews the accusation, and all, I suppose, by way of expediting this bill through the Senate. He is in a great hurry to get it through. All I have to say is, that it is rather a novel way of managing a matter of this sort. But not content with this display of diligence in coming over the record, by way of hunting up inconsistencies, of which I may have been guilty at some time or other, the honorable Senator introduces to the Senate a new indictment. He says that I insisted upon it that the prices named in this bill are extravagant; and he further says, that as a member of the Committee on Printing, I have quietly acceded to a contract to have the printing of the Senate and House of Representatives done at the same prices, if not higher prices, which the chairman of the Committee on Printing [Mr. HAMLIN] says are extravagant. I have been a long time associated with that gentleman on the Committee on Printing, and I must say that I never knew him to swerve one hair's-breadth from the strict line of his duty as chairman of that committee, neither for party purposes, nor personal favoritism. He has been much more rigid in dealing with these contracts than I would be disposed to be, and I am rather inclined to think that he was right and that I was wrong.

I have no occasion, Mr. President, to controvert the statement made by the Senator from Arkansas [Mr. BORLAND.] I have said nothing about the

prices named in this bill. I recollect that I did say something to the Senate on the impropriety of our laying our hands on the departmental printing. I objected to it most decidedly, although I was overruled by a majority of the Senate. I will not enter into the details of the prices we have here. I do not know what they are, or whether they are just or unjust, extravagant or otherwise; but if they somewhat correspond with the prices which the committee agreed to pay to Donelson & Armstrong for the printing of the House, and to Gideon & Co., for the printing of the Senate, I have no doubt that the prices will yield a pretty large profit. I desire, however, to ask the Senator from Indiana whether he supposes that the Committee on Printing could make a contract for a mere fragment of the printing upon the same terms, and as at low a rate as they could make for the whole of the printing for a whole Congress? Sir, we never agreed that Gideon & Co. should have the whole of this printing. We entered into no such stipulation—

Mr. BRIGHT. Does the Senator from Connecticut desire an answer to his question now?

Mr. SMITH. The Senator can answer now, if he chooses?

Mr. BRIGHT. I understand that the contract which has been made requires the party undertaking the work, to do just such printing as may be referred to them to execute by either branch of Congress during the present session. It may be all, or a portion only, as Congress may decide.

Mr. SMITH. The Senator from Indiana does not state the matter accurately, though, doubtless, he intended to do so. The contract amounts simply to this: Messrs. Gideon & Co., and Messrs. Donelson & Armstrong, shall have so much of the printing of this Congress as it is impossible for Mr. Hamilton to execute. That is all. Now, I desire to know from the Senator whether he supposes that as favorable a contract can be made with any printer on the face of God's earth for a mere fragment of the session of Congress, as if the contract were for the whole time? Remember that the contract was not made for the entire printing of the House of Representatives, or for the entire printing of the Senate, but merely for such part of the printing as Mr. Hamilton could not execute during the residue of the session, in conformity with his contract. I will ask the Senator if he, as a business man, supposes that any printer can come forward, and get his presses, his paper, his hands, his letter, for the execution of the printing during a small portion of one session, and then make a contract on as low terms as he would be willing to take, provided that he was going to do the printing of the two Houses of Congress for two entire sessions? Here I will say, that the prices we agreed to give Donelson & Armstrong and Gideon & Co. would be exorbitant in such a case. I should, certainly, not agree to pay such prices for the whole printing. The chairman of the Committee on Printing [Mr. HAMLIN] was of opinion, that the prices were too high, even for the limited time for which the contract was made, and refused his assent to it. The decision was carried by my vote, added to the three votes of the members of the House of Representatives, who were on the committee. I did not think that the prices were too high, as Messrs. Gideon, and Donelson & Armstrong, were only to have a remnant of the printing for a fragment of the session.

I am going somewhat at length into this statement, because it appears to me to be necessary to do so, in reply to the charges of the Senator from Indiana, but I do not wish to occupy the time of the Senate unreasonably, as another honorable Senator [Mr. DONELSON] would wish to make it appear. I never had such a purpose for a moment.

What are the facts connected with this transaction? Although the contracts were made at these rates which the chairman of the Committee on Printing [Mr. HAMLIN] thought to be altogether too high, the contractors have not as yet received a single cent. They got their paper and other necessary materials, and made their arrangements for doing the printing of the two Houses of Congress, but, up to the present day, not a single Congressional document has been put into their hands. I repeat that, from the day the contract was entered into up to the present time, neither Donelson & Armstrong nor Gideon & Co. have derived the slightest benefit from it. I think that these two estab-

ishments have been treated badly. I will not say shabbily, because I do not wish to introduce such an expression into the proceedings of this body. I will use a still stronger expression; I will say that these gentlemen have been treated with the most cruel injustice; and I will do Messrs. Donelson & Armstrong the justice to say that they have been persecuted for no other reason than that they have conducted a Union organ in this city. No other reason can be assigned.

I do not wish to make any reference to the proceedings of the House of Representatives. I do not wish to violate the rules of order in our proceedings; but I am desirous of explaining fully what I understand to be the state of facts. I say, therefore, that Donelson & Armstrong, not being able to get any of the printing of the House of Representatives, for certain reasons which I need not explain, the majority here have refused to give any of the printing of the Senate to Messrs. Gideon & Co. I do not complain of that. I do not bring any accusation of inconsistency against the majority here. I suppose it is all right. But how has this occurred? We have refused to give them the printing of a single document. We have here a report recommending the printing of an extra number of the Patent Office reports, and it has never been acted on up to this day, because the majority was unwilling to give Gideon & Co. any printing until Donelson & Armstrong obtained some from the House of Representatives. Well, I would ask if this is not an instance of great injustice having been done to these gentlemen? I do not hesitate to say that it is.

Now, I think I have effectually exploded indictment number two. If the honorable Senator from Indiana wishes to prosecute this indictment any further, by way of expediting this bill, I am willing to enter into the contest with him just as long as he pleases.

But, Mr. President, I now come down to indictment number three. I am sorry the prosecutor is not present. I do not see him anywhere in this Chamber. Indictment number three is, that I have been addressing the Senate by way of delaying action upon this bill. All I have to say is, that I rose to address the Senate on the merits of the bill. I made two short speeches, and I do not believe that in either instance I occupied more than five minutes. Here is my friend from California on my right; and I should like to hear either him, or any other consistent Democrat, tell me whether my remarks were not to the point—whether I did not speak to the merits of the bill? Everything, Mr. President, was going on smoothly; and I daresay that but for this attack upon me, the bill would have passed by this time. But the honorable Senator from Indiana was not satisfied with passing the bill: he must, in addition to that, demolish the Senator from Connecticut. All I have to say on that point is, that when the enormous powers of Indiana, and the more enormous powers of Illinois, undertake to demolish old Connecticut, whether she is speaking through my honorable colleague or through myself, we are on hand. We are "Green Mountain Boys," Mr. President, and you [Mr. Foor, of Vermont, in the chair] well know what that means. I do not feel quite demolished yet, notwithstanding the accusations of inconsistency, and the still more serious charge of interposing to prevent the consideration of the bill and wasting the time of the Senate. That is the charge. And how came it about? I replied to the accusation of inconsistency, and I have shown that it was unfounded. How, then, am I wasting the time of the Senate? You would have passed the bill before this time, if you had followed the ordinary course; but if you undertake to try me, instead of trying the bill, I mean to be heard in my defense. I believe that I am as consistent as either the Senator from Indiana or any one else.

Now, I believe that I have very briefly gone over the three accusations—the two charges of inconsistency, and the charge of factious conduct here in attempting to defeat the bill by occupying the time of the Senate at this late stage of the session. I did witness something of that sort at the close of the last session, in respect to the river and harbor bill. I thought it was very unreasonable—I will not say outrageous—because I have no right to characterize the conduct of any member of this body. But I did think that it was an unreasonable course to pursue. It is a course which I do

not mean to pursue with reference to this bill; but if you are not content with trying the bill on its merits, but choose also to arraign me here on charges of inconsistency, then I am on hand for a hearing. How much you will gain by it, either for the good of the country or yourselves, I am perfectly willing to leave the future to demonstrate. I assail no man. I impeach the motives of no man. I have not done it in the past; I shall not do it in the future. I mean to discuss questions here upon their merits; but I wish Senators to understand that when I am attacked here, either by large giants or little giants, I shall be heard in my defense; and then gentlemen may proceed with their bill.

Mr. BRIGHT. I feel that I am somewhat to blame for the speech which has been inflicted upon the Senate by the honorable Senator from Connecticut. I had no idea of drawing out a regular speech, and delaying business at this late hour. I certainly meant nothing unkind toward the honorable Senator, by calling his attention to his former course, and contrasting it with his present position. There was some propriety in my doing so, for the Senator has boasted of the Herculean power which he wields in this body, and was throwing all his strength against this bill. Under these circumstances I felt it to be my duty to show that twelve months ago the Senator would have been the advocate of this bill on the principle laid down to-day, instead of being against it. The honorable Senator says I have arraigned and put him on trial here. Not at all. I have not arraigned the honorable Senator. I preferred no charges against him. I stated on a former occasion that he had taken an opposite view of this question of disposing of the public printing, to that which he has taken to-day; and I did not leave that statement unsupported. It was no mere naked assertion of mine; I read from the record—from a former speech of the honorable Senator—and I proved conclusively that he had heretofore been in favor of the principle laid down in the bill, instead of against it. I further showed, from his own speech, that he stood pledged to bring in a bill asking for a repeal of the contract system, which he has not done. If I had made any charge against the Senator, unsupported by facts, then the honorable Senator might, with some semblance of truth, have said that I had arraigned him, and put him upon his trial. I further stated, that the honorable Senator, as a member of the Committee on Printing, had given to the present printer of this body, under a contract, about the same, if not higher prices than is proposed to be given by the bill under consideration. In that I am supported by the testimony of the honorable Senator from Arkansas, [Mr. BORLAND,] who was at one time a member of the Committee on Printing; and if the chairman of that committee was present, I would appeal to him, and he would corroborate the statement, that the bill under consideration does not propose to pay higher prices than those paid under the contract of the honorable Senator from Connecticut. But I will not further waste the time of the Senate. I have said enough to sustain my declaration, and I have no doubt the bill will be passed, and I do hope without further debate.

Mr. MILLER. I wish to call the attention of the Senate to the twelfth section of the bill. It provides that a committee, to be called a Committee on Printing, shall consist of three members of this body, and of three members of the House of Representatives, and that the Senators who are appointed on that committee, shall be appointed by the Presiding Officer of the Senate. This provision is in conflict with a long-established rule of this body, that its committees shall always be appointed by the Senate, unless the Senate itself consent to the appointments by the Presiding Officer. If this bill should pass into a law, one of the most important committees will not be under the control of this body, but will be absolutely appointed by the Presiding Officer. For instance, we all know that when the Vice President of the United States presides over the Senate, he is not under its control, and yet to him the appointment of this committee would be confided, thereby removing it, completely, from the control of the Senate.

It appears to me to have been an oversight on the part of the committee which drafted the bill. I shall, therefore, move to amend the section, by

striking out the words "the President of." The section will then read:

*And he it further enacted,* That a committee of three members of the Senate and three members of the House of Representatives shall be appointed by the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, &c.

The question was taken on the amendment, and, on a division, it was rejected.

Mr. MILLER. I will again call the attention of the Senate to the latter part of the same section. It provides that "all motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing, from the House in which the same may be made."

If this should become law, then the Senate will have no control whatever over these documents. Every motion for printing extra copies of any bill or report must, of necessity, go to the Committee on Printing. Heretofore, the Senate have always had the control of that matter. As a general rule, it is, perhaps, correct that all such motions should go to the committee, but it may happen, and frequently does happen, that we desire to act on the documents brought before us, immediately, and require that they should be printed immediately. I wish, therefore, that the Senate would observe that the operation of this section of the bill is to take away from the Senate that power which it has always retained, of ordering the printing of extra copies of bills or reports, and to hand it over to a committee which is not under the control of the Senate. As this change appears to me to be inexpedient, I move to strike out that part of the section which I have read.

Mr. BAYARD. I barely want to state that in introducing the amendment which I offered, and which the Senate adopted, I was willing, inasmuch as there was no time to debate the provisions of the bill, and as I objected to its general provisions, if it were to be a permanent system, to agree to it as a temporary measure. My object was to stop debate; but it seems that there is an inclination, which seems to be pretty general, to defeat the bill by offering amendments. Under these circumstances, and judging of this from the course which has been taken, I shall avail myself of the privilege of voting against my own amendment, when it comes up in the Senate, trusting that the bill may be suitably altered next session.

The question was taken on the amendment, and it was rejected.

Mr. PRATT. The Senate will notice in the eighth section of the bill a provision, that "the following rates of compensation shall be paid from time to time, for such printing as may be ordered by Congress;" and then, in the eleventh section, the bill provides "that the same prices shall be paid for printing for the Executive Departments that are paid for printing for Congress." Now, the honorable Senator from Maine [Mr. HAMLIN] said that, although the prices stipulated in the bill for the Congressional printing might be right, yet it would be manifestly wrong to give the same prices for the printing of the Departments; that they could afford to execute the Department printing for less than half the amount which is here allowed for the Congressional printing. If that be so, the matter certainly ought to be corrected. I move, therefore, in the eleventh section to strike out the following words:

"Shall be paid for printing for the Executive Departments that are paid for printing for Congress."

The effect of this amendment is simply to withdraw the prices which are allowed by this bill for Congressional printing, from being applied to the printing of the Departments. The section can afterwards be amended in such manner as to make it read right.

Mr. DOUGLAS. As the Department printing has been referred to again, I will make a remark in explanation of a remark which I made to the Senator from North Carolina, [Mr. MANGUM.] I made my statement in regard to the Department printing not being in accordance with the contract on such statements, as I have heard, and on general rumor. I may have been mistaken; but I do not know it. I do not wish to be understood as affirming it to be correct. I stated what I believed to be true, although it has since been contradicted. I leave the statement to go under the general rumor, without any indorsement from me.

The motion to strike out was not agreed to.



Mr. DAWSON. I was about to call for the yeas and nays on that last question. As I am up, I will make an inquiry for my own information. It was stated by the Senator from Maine, [Mr. HAMLIN,] that the printing of the Departments could be done for one half the cost of the printing for Congress. That declaration having been made by a friend of the bill—

Several SENATORS. Oh, no, no. He is no friend of the bill.

Mr. DAWSON. Well, he is by no means desirous of preventing the object of the bill from being carried into execution. The matter will create an impression on the public mind that we are intending to impose on the country. It is now announced publicly to the country, by a Senator who is fully informed upon the subject, who is chairman of the Committee on Printing, that we are to pay double the amount which we would otherwise have to pay, and double the amount for this printing which Government has usually paid. I do not know that this is actually so. My attention has been called to it; the impression has been made upon my mind, and it will be made upon the mind of the country. The interrogatory will be propounded, "Why is this done?" Is it to make an appropriation of the public money to a printer who is to be elected without any consideration for such money? If that be so—and it has been so announced, and has not been controverted or denied—will it not be a strange fact to present to our constituents?

Several SENATORS. No, no!

Mr. DAWSON. Gentlemen may say "No;" but I say, "Yes;" and I have come to that conclusion, not from any disposition to embarrass the bill, for in that respect I have not opened my mouth. I wanted to know whether the fact is as I have stated, or if any friend of the measure will deny the assertion. If there be any such, let him rise, and give his reasons for stating that it is not true. I desire to vote understandingly upon the subject, for I am not going voluntarily to give a vote which may take money out of the Treasury, without any adequate consideration for the same. I do not say that this is so; but the declaration was made by the Senator from Maine, and it has not been controverted.

Mr. RUSK. I know that every question which comes up at this time—near as we are to the month of November—will be something like the Indian's barrel of whisky. I was present on one occasion at an Indian "talk," when a man drove up with a barrel of whisky; an old Indian who was sitting by, fixed his eye on the barrel, and after looking earnestly for some time, asked me if I knew what was in that barrel. I said it was whisky, I presumed. No, said he; there are about a thousand songs and fifty fights in that barrel. I do not believe that any proposition can be brought here about this time, which will not contain a vast number of political speeches, and a large amount of party and presidential capital.

I know very little about printing. I was placed on the Committee on Printing by the Senate, and what little knowledge I have has been acquired amidst many other pressing duties. When I went upon the committee, I was anxious that a tariff of prices should be fixed. I wished that that point should be settled, so that there might be no mistake, and that every one might have an opportunity of seeing what was done, and what was paid for it. I did not care how many stump speeches were made, or how much political capital was manufactured on the subject. I desired the printing should be promptly done, and I was willing that a fair, liberal, and remunerative price should be paid for it. I knew that it was all-important that the printing should be done well, and should be done promptly; and I knew that the public printer frequently stands by, and has nothing to do for weeks, and that, suddenly, a large quantity of work is forced upon his hands, to be executed before the next morning. I knew, also, that public printing was no ordinary system of printing, and that the person who took the contract was exposed to much trouble, and heavy expense—he must have hands whether he had work or not.

My object, then, was to ascertain what would be a reasonable and remunerative price, and to pay that price. I had no wish that the Government of the United States should employ men to do its work at a ruinous loss, for I have always

been of opinion that the "laborer is worthy of his hire." A few days after I went on the committee we fixed on the tariff of prices that was to be paid on the contract entered into with Gideon & Co., and Donelson & Armstrong, and about which so much has been said. We sent for several persons, disinterested printers—for, as I have said, I knew nothing about printing myself—and we made an attempt to fix fair and remunerative prices. We did so. Subsequently, the whole matter was brought up in the House of Representatives. I had nothing to do with that; but a special committee was appointed by the House of Representatives, and at the head of that committee was an honorable gentleman from Kentucky, a man of great intelligence, above the suspicion of being influenced by party considerations. Being a member of the Senate Committee, I was invited to be present when they attempted to frame a bill. I accepted the invitation, and went, and listened to the discussions. I found several highly-intelligent gentlemen there, Whigs and Democrats, men of high character and great intelligence. I think the majority were Whigs. There were also several Whig and Democratic printers present, perhaps half a dozen in all. Every item was taken up and discussed, and, after a good deal of consultation, rates were fixed upon, which were regarded as being perfectly fair and reasonable.

It is now said that this bill is introduced for the purpose of making the fortune of some especial favorite. I am not a participator in any such project. I never intend to give votes with such an object in view, and never shall give such votes. I belong to the Democratic party, and shall always give to the members of that party such patronage as I have in my power fairly and justly to give, but will never give anything which I may regard as unjust. I have described the manner in which the tariff of prices was formed; and, from what I saw, I was induced to believe that it was reasonable. It was framed in accordance with the best information that could be obtained; and in supporting it now, I do not conceive that I am open to the charge of voting a fortune into any man's hand. At the time those prices were agreed on, no one supposed that it would produce a fortune to any one; all Whigs and Democrats viewed it as a fair and reasonable compensation for the work to be done. But I am aware that the exact amount to be paid is immaterial to the views of some persons, and I am aware that if that amount was increased twenty-five or fifty per cent. there would be no more political capital made out of it than there will be now. All this outcry, I think, will die off after November next.

Mr. PRATT. I do not think that the anecdote of the barrel of whisky, told by the Senator from Texas, is entirely applicable to my amendment.

Mr. RUSK. I was speaking to the bill, not to the amendment offered by the honorable Senator, [Mr. PRATT,] which had been acted upon by the Senate.

The PRESIDENT. That amendment has been decided in the negative.

Mr. PRATT. Then I do not understand what we are discussing. I thought the question on the amendment offered by me was still pending.

The PRESIDENT. The question is on the general provisions of the bill.

Mr. RUSK. Allow me to say that I spoke in reply to the Senator from Georgia [Mr. DAWSON.] I made no reference to the amendment offered by the Senator from Maryland, [Mr. PRATT,] for that was decided.

Mr. PRATT. I understood that the yeas and nays were called for on that question.

The PRESIDENT. Not until after the Chair had announced the decision.

Mr. DAWSON. I rose to call for the yeas and nays.

The PRESIDENT. Yes; but not until after the vote was declared.

Mr. DOUGLAS. I merely wish to mention one fact, in addition to what has been said by the Senator from Texas: After the tariff was framed by the committee, composed of Whigs and Democrats, and sanctioned by the House of Representatives, on the motion of a Democratic member of the House of Representatives, twenty-five per cent. was deducted from the prices agreed upon by the committee for the greater part of the work. So that the bill has actually come to us with a

reduction of twenty-five per cent. on the prices agreed on by the committee of the two Houses. In view of this fact, I think it will appear that we have ample security that the prices proposed in the bill are not too much for the work.

Mr. SMITH. I wish to inquire from my friend from Texas, whose fairness in regard to this matter I never doubted in the least, whether he understood that, when the committee had gentlemen before them for the purpose of making an inquiry into the prices of composition, press-work, and so forth, the committee had this specific bill under consideration?

Mr. RUSK. By no means. I said that we had fixed on a tariff to apply to the temporary contract which was made with Messrs. Gideon & Co., and with Messrs. Donelson & Armstrong; and I said that we had some practical printers there, who agreed about the prices that should be paid on that contract. I think that the Committee on Printing had nothing to do with this bill, except that two of the members were present at the meeting of the special committee, to which I have referred.

Mr. SMITH. I wish to inquire whether the Senator from Texas has compared all the items of the contract that was made with Gideon & Co. and Donelson & Armstrong?

Mr. RUSK. No, I have not.

Mr. SMITH. Nor have I. I have not had the opportunity to do so; and thus, it appears to me, that we are legislating entirely in the dark. Nobody knows what the prices of this bill are; and if it passes, I am perfectly certain—admitting that it is not the intention of the honorable Senator to confer exorbitant profits on any one—that it will put an enormous fortune into the hands of the printer, the very first Congress that it goes into effect. I deeply regret that the chairman of the Committee on Printing [Mr. HAMLIN] is not present; he is more conversant with these details than I am, and would be much more able to point out to the Senate the probable results of the measure. He totally objected to give to Donelson & Armstrong and Gideon & Co. the prices which the committee agreed to give. He considered that it was exorbitant—altogether too much. Why, sir, during the first Congress that such prices were given for the whole work, it would realize to any man a fortune of \$100,000, and the system would break itself down by the weight of its own corruption.

I do not wish to obtrude myself unreasonably upon the Senate on this subject. I had a series of amendments which I contemplated to propose to this bill, with the view of changing its character in several essential particulars; but I see clearly that a majority of the Senate are determined to take the bill anyhow, and therefore I will not unnecessarily consume the public time by proposing amendments here which I know will be unavailing. Still I desire to say, in all candor, that I regard this as an improvement upon the old system—I mean the system which existed prior to the contract system. The separation of the supply of paper from the composition and press-work is a very great improvement, and I am inclined to think that the appointment of a Superintendent is a great improvement. There is much in the bill that I really approve; and if we only had time for its consideration, which we might have taken since last December, we might have had a well-matured system of printing now in operation. But, sir, I see no necessity for passing this bill during the present session; and if the honorable Senator will consent to let it lie over until the next session, I will undertake to satisfy him that it is wrong in many essential particulars.

There are features in the bill, which I admit, are a decided improvement. I admit that, as we manage the contract system now, it has proved a failure; and, I will admit further, that the existing state of things is absolutely intolerable. But there are some features in this bill which I regard as downright enormities. When I use that word I do not impeach the motives of any honorable Senator. But here is the departmental printing let out to the lowest bidder, and is done satisfactorily to the head of every Department; and I give notice that I will insert in my published remarks the letters which I have from all the heads of Departments, or I will have them brought in here and read. Here is a system in operation, which is an admirable system, a system free from every impu-

tation of corruption, a system in the highest degree economical, a system which is satisfactory to the Government—and why is not that system permitted to remain as it is? I shall take the sense of the Senate on this point. If I had a favorable opportunity, and there were time, as there is not, I would endeavor to shape the bill in conformity with what I think it should be, entertaining as I do opinions in substantial coincidence with the chairman of the Committee on Printing, [Mr. HAMLIN.] I say that if I were encouraged to make the effort, I would propose a series of amendments, and I would explain precisely the grounds on which I would put the subject.

But, as I have already said to the Senate, it is not my practice to make efforts which I know beforehand will be useless. I will therefore content myself with asking the yeas and nays on the question, whether the majority will really insist on breaking up the contract system, when it is not desired by the Departments, when it is economical and satisfactory to everybody who has anything to do with the subject. I will content myself with the yeas and nays, and if the Senate choose to lay hands on the whole, why then, with the whole, they will take the responsibility.

Mr. BRIGHT. I regret that I am compelled to consume a moment of the time of the Senate; but the remarks of the Senator from Connecticut call for a reply from me. They would convey the impression abroad, that some of the members of this body are prepared to vote for the bill blindly, and without any consideration as to the amount that it would be necessary to pay out of the public Treasury for the work. Now, I give notice to that Senator that I do not give my votes here in that manner, and I will tell him that before I determined whether I should vote for this bill, I made inquiries relative to the scale of prices contained in it, of a gentleman who may be considered an authority on such subjects, and whose name I will give to the honorable Senator—it is Mr. J. C. Rives. He informed me that the bill, taking it as a whole, was a fair bill, and that the prices were not too high.

Mr. HALE. I have here an amendment which I offer as a substitute to the bill, striking out all after the enacting clause. I ask that it may be read by the Secretary.

It was accordingly read, as follows:

That there shall be appointed by the President, by and with the advice and consent of the Senate, a Superintendent of the Public Printing, who shall be a practical printer, of education and experience in the business of printing, the term of whose office shall be four years, unless sooner removed by the President, or by joint resolution of the Senate and House of Representatives; who shall receive an annual compensation for his services, of \$2,500, and give bond to the United States in the sum of \$10,000, with sufficient sureties, to be approved by the Secretary of the Interior, for the faithful performance of the duties of his office.

Sec. 2. *And be it further enacted*, That the said Superintendent shall take charge of and be responsible for all original or other matter directed by the proper authority to be printed, and cause the same to be promptly executed, as required, and shall return it in good order to the officer from whom it was received, as may be required by such officer; and purchase for the United States, as the same may be required, at the usual and at reasonable prices, such presses, type, and other printing materials as may be necessary for the execution of all the printing required at the seat of Government, by, or for the use of, either of the Executive Departments of the Government, or by either or both Houses of Congress; to employ, at the usual and proper wages, such foremen, compositors, pressmen, proof-readers, and other persons, as he shall deem indispensably necessary for the accurate, speedy, economical, and faithful execution of the public printing, and to discharge either of them for incompetency or other sufficient cause, to be stated by him on the records of the office; to purchase by contract, after due notice for sealed proposals, of the lowest and best bidder, and according to the quality of the samples to be exhibited by him, all such paper as may be necessary for said printing; and to render an account annually to each House of Congress, (or oftener if required by either House,) of all of his expenditures for the purposes aforesaid.

Sec. 3. *And be it further enacted*, That it shall also be the duty of the said Superintendent to pay, on the first day of every month, all bills for the purchase of materials for the use of the said office; and all wages due to the persons employed in and about said establishment, for their labor during the preceding week; and for that purpose he shall be authorized to draw, monthly, from the Treasury of the United States, all such sums of money as may be required therefor, to be ascertained by a statement thereof to be made by him, and presented to and approved by the Secretary of the Interior; and on such approval he shall be authorized to receive the said sums from the Treasury.

Sec. 4. *And be it further enacted*, That the said Superintendent shall appoint a practical bookbinder, possessing a thorough knowledge of the business, who shall receive \$1,000 a year for his services. And the said bookbinder may, with the approbation of the Superintendent, employ such bookbinders and other persons as may be indispensably necessary to a neat, prompt, and economical execution

of the folding, stitching, and binding, that may be directed by law, or by the order of either House of Congress, or be necessary to secure together the several sheets of which a document may consist; the wages of such bookbinders and other persons to be regulated by those paid for similar services in other binderies in the United States, and be paid by the said Superintendent; and the said Superintendent shall have the power to discharge the said binders and other persons whenever the public interest shall require, and he shall purchase all the materials required for said binding in the same manner as is hereinbefore directed for the purchase of paper.

Sec. 5. *And be it further enacted*, That all printing directed by law, or by either of the executive departments of the General Government in pursuance of law, or such as may be necessary to the execution of law, and all other printing directed by the Senate or House of Representatives, or both, and all folding, stitching, and binding required for the same or directed by law, shall be executed at the said public printing office, and in the manner required; but no private printing or binding of any description whatsoever, or for any person or persons whomsoever, shall be received at or executed in said office; and any infraction of this prohibition, by any person belonging to either of said offices, shall be deemed and acted upon as a good cause for the removal of such person, so offending, from public employment.

Sec. 6. *And be it further enacted*, That for the regulation and government of the persons, business, expenditures, and every other object or matter connected with the said public printing office, rules shall be prepared by the said Superintendent, the Secretary of the Senate, and Clerk of the House of Representatives, which, when confirmed and approved by the Committees on Printing of both Houses of Congress, shall be binding, and shall be observed and enforced by the said Superintendent.

Sec. 7. *And be it further enacted*, That the resolution entitled "Joint resolution directing the manner of procuring the printing for the two Houses of Congress," approved August 3d, 1846, shall be, and the same is hereby rescinded.

Mr. HALE. This amendment, it will be perceived by those who have taken the trouble to listen to it, proposes the establishment of a Government printing office. In all essential improvements it goes as far as the other bill does; only it does not provide for two or three middle men between the Superintendent and the printers who are to receive the profits. It authorizes the Superintendent to employ printers to do the work; it makes the printing to be done under a bureau of the Government. In other words, it is to have the printing done in such a way that nobody loses on it. The wages are to be paid to those who do the work. I submit the proposition to the Senate, and ask the yeas and nays upon it.

Now permit me to say a single word in regard to the provisions of the other bill, for which this is a substitute. I suppose it is not worth while for us to affect to be a great deal purer than we are, and we might as well look at the matter as it exists, as to pretend to mystify it. What, then, is the fact? There are published in this city a certain number of daily papers, and I believe that of all the papers published in the city there is but one that has brains enough to live upon its own resources.

A SENATOR. Which is that?

Mr. HALE. It is one that is not knocking at the door of Congress for Treasury pay. But, sir, there has been one paper which was made the special organ of the great interests of a great portion of the country, and yet it could not live. It died; and the others are suffering under the same complaint—a sort of collapse of the stomach; and unless something be done for their relief, they must follow the fate of their illustrious predecessor. It had no brains, and therefore it could not think; it had no heart, and therefore it could not feel; it had no cash, and therefore it could not live. [Laughter.] With this complication of disorders it has gone the way of all the earth, and has left a mournful valedictory behind it. Well, Mr. President, there is danger that this complaint is contagious, and unless something is done for the relief of the other papers they will be apt to go the same way. This bill is intended to subvert great public interests—no doubt that is the object, the highest motives of patriotism which impels them to pursue the course they are taking—but we cannot help looking a little at the incidental consequences which follow their patriotic action.

I take it, sir, that without any impeachment of the patriotism of those gentlemen who urge the adoption of this bill, we may take a glance at some of the incidental consequences that may result from it. I believe that is unquestionably intended for the relief of some of those newspaper establishments in this city, which cannot live without aid. They cannot do it, Mr. President. The experiment has been repeatedly tried here both by Whigs and Democrats, and it has always failed. There is something unhealthy in the air

of this District for these party organs. They cannot live without such aid as this bill is intended to confer. And when that is the fact, when we all know it, what is the use of pretending ignorance of what is obvious to all? For my part, I think that newspapers should live here as they do everywhere else. If they can commend themselves by their own resources, their talents, and their ingenuity and enterprise, to the community, so as to be supported, it is an evidence that they are worthy of support, and do not need our assistance. It is only those sickly, rickety things which are not worth raising that come and ask for aid, simply because they are unable to support themselves. For this reason I propose that we do our own printing, and that we appoint a Superintendent, who will know when the printing is done well, and who will be able to act without the intervention of two or three contractors. What necessity is there for these contractors? Suppose you pass this bill, and it becomes law, a Superintendent will be appointed; if my amendment passes a Superintendent will also be appointed. If this bill passes, you will pay him a salary of \$2,500 a year; my amendment proposes exactly the same thing. What, then, is the difference? Simply this: My amendment will cause every cent that is paid out of the public Treasury to go directly into the hands of those who do the work; but pass the bill for which this is a substitute, and you will have a person elected for Superintendent. You will have printers elected who probably know as much about printing as of anything else which they do not understand, and they will stand between the Superintendent and the workmen, for the purpose of receiving the profits. What necessity is there for these contractors? If profits are to be made, let them go to those who have the labor to perform. But it seems to be very much the habit of thinking with some gentlemen who are in favor of this bill, to suppose that it is impossible to execute any labor without the intervention of an overseer. I do not see the necessity of it myself. Suppose that the printers who do this work are competent, and that the Superintendent is competent, and able to take charge of the establishment, what use is there for these gentlemen contractors to come and stand between him and the men who do the work? There may be some object to gain, some purpose to serve, but I am very much afraid that it does not now meet the public eye. If we are merely desirous of getting the public printing done properly, let us adopt this amendment, and then we can appoint our own officers; and if they do not perform their work properly, we can grumble to our heart's content, and replace them by those who will.

We have tried the contract system, and it failed—that is conceded. We have tried the plan of electing a public printer, and it failed—that is conceded. Let us now, then, take the thing into our own hands altogether; appoint our own Superintendent; hire our own workmen; buy our own paper and presses; and in that way we can do the work to our own satisfaction, and as cheaply as by any other mode. The only real and substantial difference between the plan proposed by the bill, and the plan proposed by my amendment, will be that, by the latter, there will be no middle man, no daysman, to come in between the Government and the laboring men. For these reasons, I think the amendment is preferable.

I beg pardon for having occupied so much of the time of the Senate; but I have not spoken before on this subject; I have listened in silence to the admonitions which Senators have given each other. I will not follow the example set me, by inflicting an admonition on any one, but shall content myself by asking the yeas and nays on my motion.

Mr. WELLER. There are many of us here who are satisfied that the contract system, after an experiment, has most signally failed. We are desirous, therefore, of resorting to the old plan of electing a public printer, who shall be responsible to Congress for the manner in which he discharges his official duties. Being satisfied of that, the first question which naturally presents itself is, what compensation shall be allowed to this public printer? Now, Senators who have no knowledge whatever upon the subject of printing, would very naturally inquire with regard to it of those whose

vocation it was to understand that business. I say that it was very natural that those who are intrusted with the examination of this question should have called to their aid the information which had been acquired and could be furnished by practical printers. It has been disclosed to the Senate that the joint committee, which was selected upon this subject, have brought before them practical printers, and from the statement of these printers they have fixed upon a certain tariff of prices to be paid for the public printing. Now I ask, is there anything unjust or unfair in this? Was there any other way by which the committee could put themselves in possession of the information necessary to enable them to decide this question? We have the statement of these Senators that this course has been adopted.

I profess to be actuated by no other consideration than a desire to have the public printing faithfully and fairly executed. I say, therefore, that the Senator from New Hampshire had no right to impugn the motives of Senators here, in advocating this bill. He had no right to say, or to insinuate that we, upon this side of the Chamber, were desirous of bolstering up a party press in the city of Washington. Senators who act from pure motives themselves, are not apt to impute improper motives to others. Whether the Abolition organ monopolizes all the brains of the editorial fraternity in Washington, is not, perhaps, material in the adjustment of this question. But I desire to say that the Senator from New Hampshire has no right to intimate that we, on this side of the Chamber, have a desire to bolster up a party press in the city of Washington. We claim to be actuated by high and honorable motives. We claim to be satisfied that the contract system has utterly failed, and that some other course must be adopted in order to secure the proper execution of the public printing. We claim to be willing to give to that public printer, whoever he may be, a just and fair compensation for that duty. Therefore, I say, it did not become the Senator from New Hampshire to impute improper motives to gentlemen upon this side, to intimate that, because one of the political organs in this city has been extinguished, therefore it was possible another party press might be in the same position, and that it was our desire to do—what? To seize upon the public treasure to build up a party press. Does the Senator from New Hampshire believe it? Does he believe that there are Senators on this side of the Chamber who are so strongly actuated by party considerations that they would seize upon the public treasure to prevent a political paper from going out of existence? If he does believe it, he ought to have the manliness to avow it and not to insinuate. Sir, I am for fair play, and for fair dealing; and if I attempt to assail the motives of a man, I will say so to his face, openly. I will not insinuate that he is trying to steal the public money for improper purposes.

I have felt myself called upon to say this much in reply to the insinuations that have been made by the Senator from New Hampshire. I believe he has been the first one who has intimated that we were actuated by improper motives, or by a desire to sustain a party press at the expense of the public Treasury. I have nothing further to say.

Mr. HALE. Mr. President, I believe that in the little time I have been in the Senate, I have not been accused of concealing what I had to say; and I can tell the honorable Senator from California, that I shall not begin at this late day. I did not say what he put into my mouth, nor anything like it.

The PRESIDENT. If the Senator had, he would have been called to order.

Mr. HALE. Then you and I agree, Mr. President, however it may be with the Senator from California. I did not say it, nor did I insinuate it; and I can only say, that if the Senator got any such idea, he got it from a place inside his own waistcoat, and not from anything I said. Sir, I am a little surprised at the manner of the Senator from California. I was not surprised at the extreme intonations—I do not know their names—of his musical tones, the high and the low; but I can tell the honorable Senator that the views which I advanced, I entertain. If I am obnoxious to anything which he has said, it may be found in the fact that I do not bring out, in quite so bold relief as I might have done, the plain, naked truth,

which everybody else admits except the Senator from California. Would the Senator from California, or anybody else upon this floor, deem it an impeachment of his integrity to have it said that he was desirous of building up the party press with which he was associated? Why, sir, the honorable Senator from Texas openly avowed, but a few minutes before the honorable Senator from California spoke, that whilst he was here as a member of the Senate, he would give to the press he was associated with any patronage that fairly came within his disposition.

Mr. WELLER. So would I.

Mr. HALE. Well, that is going a great way further than I intimated gentlemen might go. And when the honorable Senator from Texas had avowed it so plainly, surely there was no necessity for me to insinuate as a fact that which had been boldly proclaimed as a principle of action. I simply said this, and I want to repeat it, because I am astonished at the exhibition the Senator from California has made, that the motives of those Senators were honorable and patriotic. Does the Senator take that as ironical? Does he think that it is an insinuation to say that gentlemen's motives are honorable and patriotic? That was just exactly what I did say. And then I said, their motives being honorable and patriotic, it was well enough not to pretend to shut our eyes to the incidents which follow in the train of patriotism. Was there anything wrong in that? Sir, we have the declaration of inspiration that "Godliness is profitable unto all things, having promise of the life that now is, and of that which is to come;" and it was never supposed to be an impeachment of the Apostle's piety that he made the discovery. No, sir, I have had my own motives impeached, too often, and too long, and too openly, and too boldly—I have felt it in my own experience too much and too keenly—to retort upon anybody else. I have sat here for five years past and breasted the storm of vituperation and impeachment of my motives almost every time that I opened my mouth; and if it has had no other effect, it has impressed upon my heart a lesson which I shall never forget, and from which I shall never depart, and that is, not to impeach the motives of others. I have never done so, sir. In fact, my fault has been that I have gone so far the other way in attributing honorable motives to Senators that they have thought the exuberance of my compliments was an impeachment of my sincerity. [Laughter.] That has been my fault, if anything.

Now, sir, I say, once for all, that I think the Senator from California must have misunderstood me. He misunderstood me when he undertook to impeach my motives. If he did not misunderstand me then, he will find that he misunderstands me now, if he thinks that I am to be, by any consideration, deterred from the expression of my honest convictions.

Mr. UNDERWOOD. I wish to inquire why has the contract system failed, if it be a failure? Why are we to monopolize this business of printing, and give it to whom we please, excluding all competition? If you trace it, I apprehend it will be found it is just because we ourselves have not had the firmness to rein people up, and make them abide by the contracts into which they have entered. Now, sir, while the contract system upon advertisement has been carried out with regard to all the other business of the country, is it not derogatory to ourselves to proclaim that we cannot have that system succeed here which succeeds everywhere else? If it is to be abandoned, I am for the plan suggested by the Senator from New Hampshire.

Allow me here to say that I have been sufficiently long in this and the other branch of Congress, to see the operation of this system in all its various phases, and I wish to call the attention of the Senate to a few considerations. Suppose you adopt this change, and go back to the old plan, which was in vogue when I came here, of electing your public printer, will it follow that the favorite of a party will always succeed? Not unless by party drill and caucus machinery you can concentrate the votes beforehand upon that favorite; for there will be division; there will be cliques; there will be counter interests; and by dividing, you will have these things in party machinery, which will be inimical to the best interests of the party. It will be made on a ground by which

you will endeavor to keep up party, and party interests. My word for it, the desire for the spoils and the accumulation of wealth, are sufficient motives to appeal to everything of that sort. Is it prudent—is it proper, to lay a foundation by which such struggles can be introduced into party, or among the members of Congress? I am opposed to it. I am opposed to it, because these are principles which often operate upon the human heart, and I could give you instances where I believe they have operated, but I will not do it, because it might excite feelings unpleasant to myself and others; but everybody can see, from the mere statement of facts, how this thing will operate. Is there any party advantage in it? I do not believe there is. I look at some of the publications in the party press of the day, both in regard to General Scott and General Pierce, with the utmost abhorrence.

The PRESIDENT. That is not the subject under consideration.

Mr. UNDERWOOD. I do not intend to make a party question of it; but the view I am presenting has a direct bearing upon this case. An argument has been suggested here, that this is a party maneuver for the purpose of getting party advantage. I wanted to state my candid conviction that no party advantage can be obtained in this way, by patronizing a party press at the expense of other presses, and thereby to show that an argument based upon considerations of that sort ought not to prevail, to influence Senators to vote for this bill.

A suggestion has been made that the minds of gentlemen will be influenced to vote for this bill by party considerations and party advantages. My argument against that is, that there can be no such party advantage obtained; and in support of that argument, I say that there is no right-minded man—there is no sensible man who will look at the slanders against the nominees of both the Democratic and Whig parties, but must feel the disgust which I have already expressed. Instead of its doing any good, if the party press is to be maintained for the purpose of propagating slander of that sort, it will do harm to the party that employs such machinery. That is my candid conviction. It seems to me sometimes that I can almost fancy that I see the very motives of the heart, when it has been penning a sentiment, to put in print for party purposes, which shall steer as near the truth as possible in words, while the collocation of those words is such as to convey a lie, and thereby to deceive. I hope and believe the public sentiment of the country is becoming awakened to this species of party tactics, and is becoming disgusted with it. The party that resorts to anything of that sort will fail before an intelligent community.

I mention these things to show that these party considerations cannot, and ought not to operate here as a motive for passing any such bill; and that we ought, if we can, to resort to the system of contract—an open field, and fair competition. If we cannot resort to that, then you ought to establish a Government press, if for no other reason, for the purpose of getting clear of these political influences, and for the purpose of getting clear of these imputations upon the motives of Senators and Representatives, and of escaping those involvements in contests such as I have seen prevail before.

The yeas and nays were ordered on Mr. HALE's amendment; and, being taken, resulted—yeas 16, nays 28; as follows:

YEAS—Messrs. Chase, Cooper, Davis, Dawson, Fish, Foot, Hale, Jones of Tennessee, Morton, Pearce, Seward, Smith, Spruance, Underwood, Upham, and Wade—16.

NAYS—Messrs. Adams, Bayard, Borland, Bradbury, Bright, Brodhead, Brooke, Cass, Charlton, De Sausure, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, Jones of Iowa, King, Mallory, Mason, Meriwether, Rusk, Shields, Sumner, Toucey, Walker, and Weller—28.

So the amendment was not agreed to.

Mr. CLARKE, when his name was called, rose and said: Upon this question, and upon this bill, I have paired off with the honorable Senator from New Hampshire, [Mr. NORRIS,] and do not feel at liberty to vote.

Mr. BORLAND. I shall not tire the Senate with a speech; but the position in which I feel myself placed on this occasion, requires me to say a few words to put myself, as I consider, right upon the record. I regret exceedingly to appear in seeming opposition to the political party to which I belong, to the service of which I have



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devoted my life, and in the success of which I feel as deep an interest, I apprehend, as any Senator on this floor.

I would vote for this bill if, in my own conscience, I could do so. I am very sorry that I cannot vote for it. I believe the principle of the bill is right. It is what I have advocated ever since I have been in the Senate. I believe I should not object to the individuals who will probably—if the bill passes; and I suppose it will pass—be made public printers. I apprehend I should go with the majority of my party in that choice. But, sir, I object to the bill, and shall be compelled to vote against it, for one or two reasons, which I will briefly state.

In the first place, although I think the principle of the bill is right, yet I think its details are impracticable. I think its working will be mischievous instead of beneficial. I agree with those Senators who have said that the contract system has failed. I have considered it a failure from the beginning. That has ever been my conviction. I think it ought to be abandoned; it ought to be substituted by a system resting upon the principle of this bill; but this bill contains within itself provisions which are, in my opinion, contradictory to each other and impracticable in operation. It lays down foundations of disputes which we shall never get over, if we once get into them. It provides for two printers, one to do the printing of the House, and the other to do the printing of the Senate. Now, if we elect two separate individuals, it will raise up a dispute with which we shall be troubled during the rest of the time that it is in operation. We shall have disputes between these two printers as to who shall do the bulk of the printing, and who shall get the profits. For instance, if we order the printing of a large number of the Patent Office report, what will be the effect of it?

The bill provides that the printer to the House where the first order is made shall do the printing. It forbids payment for double composition. It will then be a contest between the two Houses who shall order first, and who shall order most for the purpose of sustaining its own printer. If we should order fifty thousand copies of the Patent Office report first, the work would be done by our printer. Then suppose the House should order one hundred thousand copies. Double composition cannot be paid for; the bill forbids it; and there will be the House printer ordered by the House to print one hundred thousand copies of this work which our printer will have already printed.

Mr. DOWNS. I would ask the honorable Senator if there is not a provision in the bill that such a question shall be submitted to the Joint Committee on Printing?

Mr. BORLAND. I know that some such provision is made, but it leads to the very difficulty which I suggested. It gives rise to disputes which we will find it exceedingly troublesome to settle.

Mr. WELLER. How did we get along when each House had its own printer?

Mr. BORLAND. I would say to the Senator from California, that we had a printer who undertook the whole work by contract, and when a particular document was ordered to be printed by the Senate, it was printed under that contract, and when additional numbers were ordered by the House, they were printed by the same individual as additional numbers for the reduced compensation which the contract provided. But in this case, each printer will have an equal right to do the work. Each will be acting under the orders of the respective Houses. If the printer of the House should be required to print one hundred thousand copies of the Patent Office report—as the order of the House I apprehend will be—he will not be allowed to charge for double composition, or for the first execution of the work; and he will be required, under the terms of this bill, to do it at a reduced price, for which he will tell you he cannot do it. Yet, having been elected printer, and required to do the work, he will have a legal obligation upon him to execute it without the abil-

ity to do it. He will thus be deprived of profits, in consideration and anticipation of which he was required to have a printing establishment competent to do the work. There is a practical difficulty in the way.

Then the bill fixes the prices for Executive printing at the same rates as Congressional printing. Any one who has a practical knowledge of the printing which is done for the Houses of Congress, and that which is done for the Executive Departments, knows very well how the printers regard it. He knows very well that the printing for Congress cannot be done for the same rates as those paid for departmental printing; and here you will be paying a high rate for printing which can be done at a lower rate. If the rate you have agreed upon were a reduced rate, or if it were one no more than fair, and what you could command the work for in the market, then this would not be an objection; but the rates fixed are, in my opinion—and it has been formed after a somewhat careful examination—from twenty to twenty-five per cent. higher than you can go into the market and get the work done for. I may be wrong in this. I do not state it as a rule to govern the opinions and views of other Senators. I am simply giving the reasons which will control me in casting my vote. You are providing in this bill to put all printing on the same footing as to compensation. You can go into the market and get a portion of it done for a much smaller price than you are giving, at the lowest rate of compensation, and more than—if you go into the market—you can get the highest-priced printing done for.

These are practical objections to the bill, which, to my mind, are insuperable. Then, there is another practical difficulty. You provide that a Superintendent of Printing shall be appointed—a single individual—at a salary of \$2,500 a year. You require him to do more work than any ten men in the city of Washington can do, and you have made no provision for any assistants for him. You require the Superintendent to do work which I venture the assertion, that no ten practical men, or to speak within bounds, no five men here, however intelligent, active, and skillful, can do. You provide a single man to do that much work. That objection could be remedied by authorizing the Superintendent to employ assistants, and give him the means of paying them; but there is no such provision in the bill.

I stated before that I was in favor of the principle of the bill; but I say this bill is so defective in its provisions that you cannot execute it. It requires impossible things. The amount of compensation which it provides is put where it is not needed, and it is omitted where it is absolutely necessary to carry out the provisions of the bill. High prices are put on that portion of the work which can be done for from twenty to twenty-five per cent. less than you provide.

There is another objection in my mind, though I admit it is a minor one. You give the control of all this Congressional printing—printing which we now keep within our own authority and control—to the Executive, without any voice on the part of the Senate to say aye or no. You provide for the appointment of a Superintendent of Printing, who shall have charge of this whole work, involving, as I believe, under the principles proposed in this bill, an expenditure of from a million to a million and a half of dollars a year. The Superintendent, who is to expend it, is to be wholly irresponsible to us, and to be appointed by the Executive, without any voice on the part of the Senate. Now, the Constitution gives to the President the power to fill by appointment the offices which we may establish by law. We may require that the nomination of an individual to an office may be sent to us for confirmation; but here it is left entirely to the Executive, wholly irresponsible to us. Yet the expenditure, as I believe, of more than \$1,000,000 a year is to be intrusted to the hands of an Executive appointee, who is to be wholly irresponsible to us, and beyond our control. To this I am opposed.

There are many other minor objections to the

bill which I could point out; but, having stated those which are controlling so far as my own vote is concerned, I shall not trouble the Senate with going any further into the subject. I make no factious opposition to the bill, but I venture to predict now that if it be passed in its present form, those who vote for it will hereafter, in bitterness, regret it, not only because it will be disastrous in its effects upon the public work, but it will be disastrous upon the political party who stamp it with their sanction and approbation.

The bill was reported to the Senate as amended, and the question was on concurring in the amendment made as in Committee of the Whole, to insert at the end of the twelfth section:

"Provided, That the preceding sections of this act shall continue in force until the fourth day of March, 1853, and no longer."

Mr. WELLER called for the yeas and nays; and they were ordered.

Mr. BORLAND. If this amendment of the Senator from Delaware, which was adopted by the Senate as in Committee of the Whole, and proposed by him for considerations which were controlling at the time, be adopted now, I admit that much of what I considered as disasters to result from this bill will be avoided, and we shall guard against many mischiefs which I think will result from the bill in its present form. If this amendment, however, should be rejected, I think all the evils which I have pointed out will result.

Mr. WELLER. I only wish to say, that if the amendment be adopted, the whole bill will, in my judgment, be rendered worthless, and of no consequence.

The question being taken, by yeas and nays, upon concurring in the amendment, resulted—yeas 17, nays 22; as follows:

YEAS—Messrs. Borland, Brooke, Chase, Cooper, Davis, Dawson, De Saussure, Fish, Foot, Hale, Mason, Pearce, Seward, Smith, Spruance, Underwood, and Wade—17.

NAYS—Messrs. Adams, Bradbury, Brodhead, Cass, Charlton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, James, Jones of Iowa, King, Mallory, Meriwether, Rusk, Shields, Toucey, Walker, and Weller—22.

So it was not concurred in.

Mr. DAWSON. I desire to ask whether this bill interferes with the contracts made for the present Congress?

Several SENATORS. It does not.

Mr. SMITH. There is an express provision in the thirteenth section that it shall not interfere with existing contracts.

Mr. BORLAND. As I wish this matter to be understood, I will say to the Senator from Georgia that the bill, as I understand it, provides for the preservation and continuance of all contracts with the Departments; but I do think it in effect substitutes another mode of executing the public printing for Congress from this time, on the ground that the contract already made for the public printing has failed.

Mr. DAWSON. What I want to understand is, whether we, by this act, declare null and void the existing contract for the printing of this Congress.

Mr. CASS. We do not say a word about it.

Mr. SMITH. I do not understand this matter as the Senator from Arkansas does. The thirteenth section provides:

"That all acts or joint resolutions conflicting with the provisions of this act are hereby repealed; but nothing herein contained shall be construed to authorize the cancellation of any contract now or heretofore entered into with any printer, under the laws heretofore in force, or to abrogate his rights in any way without his consent."

I understand this clause to preserve whatever rights Mr. Hamilton may have under his contract—and, I must confess, I do not think he has many—and to preserve, also, the rights of Donelson & Armstrong, and Gideon & Co. I say that contracts have been made with these gentlemen, under outstanding laws, but those contracts have not been carried into effect.

Mr. ADAMS. If the Senator will allow me, I will state to him that I heard the consent of both these parties read in a public meeting, by which they assented to abandon their contracts.

Mr. SMITH. I do not know but that it is so. I do not know but that Gideon & Co. have assented to give up their contract. If they have said that they will give up their contract, and are to come in under the provisions of this bill, it is pretty conclusive evidence to my mind, that they expect to get a great deal better terms under the bill than under the contract the committee made with them. This reveals to the Senate and to the country, the fact that there is an underhanded agreement between the Union and Republic offices, because, if this be true, the business is to be given to the Union, and the Republic is to be let in to participate in the profits.

Mr. CASS. We have to elect the printer. This bill does not make a printer.

Mr. SMITH. This bill does not make a printer, but we know very well who is to be elected printer. Gentlemen tell us that the Republic office and the Union office are both willing to give up their contracts. We know very well what that means. I did not suppose that the Republic office would consent to give up its contract. I did not rise to dwell upon the subject. I rose simply that it might be understood that I differed from the honorable Senator from Arkansas in regard to the construction of the provision in the bill.

Mr. BORLAND. I proceeded upon the supposition that no such bill as this would have been introduced and passed, if such was not to be its effect. I apprehend that a majority of the two Houses of Congress would not pass a bill that was to be wholly inoperative, and that could not, by possibility, be carried into effect.

Mr. SMITH. I would inquire if this bill cannot operate upon the next Congress? I will not dwell upon the subject; I did not rise to occupy the time of the Senate, but simply to say that I shall insist, if it becomes necessary to insist, that if Donelson & Armstrong, and Gideon & Co., abandon their contracts, the rights of the present contractor, Mr. Hamilton, shall be respected.

Mr. SEWARD. I have no information which seems to me to be entirely authentic with regard to the fact that Donelson & Armstrong, and Gideon & Co., have consented to the abrogation of their contracts. If they have consented, or shall consent, no harm will be done by securing their rights until they do consent. If they have not consented, it may be well to attempt to save their rights. I therefore move to amend the bill in the thirteenth section, by inserting after the word "consent," the words "nor to abrogate the existing contracts with Donelson & Armstrong, and Gideon & Co., without their consent."

Mr. WELLER. There is no sort of doubt about these gentlemen having utterly abandoned their contracts. I understand that they have given them up, and that in writing.

Mr. CASS. I do not suppose there is any existing contract at all with them. I wish the honorable Senator from Arkansas would state the facts, for I believe there has been nothing done under those contracts.

Mr. BORLAND. I will state my understanding of the matter. When the contractor for the public printing, Mr. Hamilton, failed—in the estimation of the committee—to fulfill his contract, they proceeded under what they understood to be their authority, under the joint resolution of 1846, to make a contract with Donelson & Armstrong, and Gideon & Co., to execute so much of the printing as the committee might give them. They executed contracts on these terms, but the committee up to this time, as I understand, have never given them any of the public printing. Those contracts have never been carried into effect. The passage of this bill repeals the joint resolution of 1846, and takes away the committee. It leaves them without any functions to perform. They cannot, after the passage of this bill, give out any printing, and for that reason the contracts with Donelson & Armstrong, and Gideon & Co., fail of necessity, by operation of law. According to their own terms, they depend upon the will of the committee; and the committee itself being abolished by the passage of this law, and provision being made for another committee, no power exists to fulfill those contracts.

Mr. RUSK. It will be impossible to amend this bill so as to guard it better in that respect than it already is. The thirteenth section provides that—

"All acts or joint resolutions conflicting with the provisions of this act, are hereby repealed; but nothing herein contained shall be construed to authorize the cancellation of any contract now, or heretofore, entered into with any printer, under the laws heretofore in force, or to abrogate his rights in any way without his consent."

ions of this act, are hereby repealed; but nothing herein contained shall be construed to authorize the cancellation of any contract now, or heretofore, entered into with any printer, under the laws heretofore in force, or to abrogate his rights in any way without his consent."

Mr. DOUGLAS. I would state in addition, that the chairman of the Committee on Printing of the House of Representatives holds, I know, the written release of the parties to these contracts, surrendering them up entirely.

Mr. CASS. What right has any member of the Senate to question it, when one of our worthy associates here in the Senate says that he himself has seen the release? I think that should put an end to the dispute.

Mr. SEWARD. I do not know how much reflection there is upon me, in the question put by the honorable Senator from Michigan.

Mr. CASS. None at all.

Mr. SEWARD. I did not understand the Senator from Mississippi to say that he had seen a release of the contract. At the distance I am from him, perhaps I heard him imperfectly; but what I heard him say was, as I understood it, that in a public meeting he had heard read the consent of the parties. What kind of a public meeting it was, where it was, and who were present, he has not stated.

Mr. ADAMS. The statement of the Senator from New York is correct. I did not say that I saw the release, but I heard it read, and I presumed it to be correct. I did not examine personally to see that it was genuine.

Mr. DOUGLAS. I know that the release is in the hands of a member of the Committee on Printing of the House.

Mr. SEWARD. Then I withdraw my amendment.

Mr. COOPER asked for the yeas and nays on the question of ordering the bill to a third reading, and they were ordered; and, being taken, resulted—yeas 25, nays 13; as follows:

YEAS—Messrs. Adams, Bradbury, Brodhead, Cass, Charlton, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, James, Jones of Iowa, King, Mallory, Mason, Meriwether, Rusk, Shields, Sumner, Toney, Walker, and Weller—25.

NAYS—Messrs. Borland, Cooper, Davis, Dawson, De Saussure, Fish, Foot, Pearce, Seward, Smith, Spruance, Underwood, and Wade—13.

So the bill was ordered to a third reading.

Mr. MILLER, when his name was called, stated that he had paired off with the Senator from Alabama, [Mr. CLEMENS.]

Mr. BROOKE, when his name was called, stated that he had paired off with the Senator from Florida, [Mr. MORTON.]

The bill was then read a third time, and passed.

#### THE FISHERIES QUESTION.

Mr. CASS. I give notice that I intend to ask the Senate on Friday, to take up the President's Message with regard to the fisheries, in order to give an opportunity to the Senator from Massachusetts [Mr. DAVIS] to express his views upon the question.

#### CIVIL AND DIPLOMATIC BILL.

On motion by Mr. HUNTER, the Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes;" the pending question being upon the amendment of the Committee on Finance, so to amend the clause, "for salaries of Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili, \$72,000," as to make it read:

"For salaries of Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, Chili, China, and Turkey, \$50,000: *It being provided, That hereafter there shall be Envoys Extraordinary and Ministers Plenipotentiary, to conduct diplomatic relations with China and the Ottoman Porte, instead of the Commissioners now authorized by law; and the said Ministers to China and the Ottoman Porte, shall be vested with all the judicial powers now legally exercised by the Commissioners to China and the Minister Resident at the Ottoman Porte respectively; and for the performance of the duties resulting therefrom, they shall receive no other compensation than their salaries as Ministers Plenipotentiary.*"

Mr. MERIWETHER. Mr. President, the Senator from Rhode Island [Mr. CLARKE] made a constitutional argument yesterday against the proposed increase of compensation to the Commissioner to China. I am no constitutional lawyer, but I beg leave to give my view upon the subject.

The clause of the Constitution to which the gentleman alluded, reads thus:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office."

Now, sir, Colonel Marshall has not been appointed to an office which has been created during the term for which he was elected; for the office of Commissioner to China has existed for many years. Nor has he been appointed to an office, the emoluments of which have been increased; the increase has not yet taken place, and he has been appointed several weeks. It appears to me that question, if properly stated, would stand thus: A member of Congress is appointed to an office which has not been created, nor have the emoluments of such office been increased before his appointment. Then can Congress increase the emoluments of this office? Now, I apprehend that the restriction in the Constitution is one placed upon the Executive, the appointing power, and says to the Executive, you shall not appoint a member of Congress to any office, provided such office has been created, or its emoluments increased.

But the Constitution does not say to Congress, that you shall not increase the pay of a member of Congress who has been appointed to an office during the time for which he was elected. I repeat it, the restriction is upon the appointing power, and not upon Congress. However, if it be unconstitutional, the unconstitutionality will prevent his reception of the pay, and cannot turn the incumbent out of office.

Mr. PRATT. I wish to say a word in addition to what has been said by the Senator from Kentucky. It is manifest that that must be the construction of the Constitution, or the result would be that the Executive power, when properly exercised, would be limited and controlled by the legislative power; for, if the opposite construction be the true one, then the Legislature would have the power, at any time after the Executive had made an appointment of a member of Congress, to vacate that appointment by making an increase of the salary. Therefore, it seems to me, that the construction placed upon this clause of the Constitution by the Senator from Kentucky, must inevitably be the true one. The conclusion would otherwise necessarily be, if that were not the construction, that the legislative department of the Government could annul, at any time, the appointment of a member of Congress to an office, by increasing the salary of that office, after he had been constitutionally appointed.

Mr. CLARKE. Mr. President, it is refreshing in these days, when we have so little to interest us, to hear these elucidations and to receive those lights upon the construction of a distinct, direct, and positive provision of the Constitution. What says the Constitution? Why, that "no Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

Is not that a prohibition? Does it not prevent a Senator or Representative from being appointed to such an office, during the time for which he was elected? Or is it only a restriction upon the Executive, that he shall not appoint any such officer?

The object of the Constitution is, I think, very plain. It was to prevent any member of either House of Congress, with a view either to an increase of his emoluments or his appointment to an office, from being instrumental in the creation of that office, or in the enlargement of its emoluments. Those who framed the Constitution, guarded this with so much precaution that they absolutely prohibited any member of either House of Congress from being appointed to an office created during the term "for which he was elected"—not during the term for which he held his seat. Suppose I should resign my position here, and possibly get appointed to some miserable office; which is not within the range of probabilities: the time for which I was elected was six years from the 4th of March, 1847, and the period does not expire until the 4th of March, 1853. I am,

therefore, ineligible to any office that may have been created during the time for which I was elected, or the emoluments whereof shall have been increased during that time.

Now, what are the facts in this case? I have no personal feeling about the matter at all; but what is the case here? The Congress of the United States have created an office, denominated the Commissioner to the Empire of China, for which that Commissioner has received a compensation of \$6,000 a year. The facts of the case, as I understand them from the public papers, are, that this office was vacant; that the President of the United States nominated to the Senate an individual, and that individual has been confirmed, as Commissioner to China. He was a member of the House of Representatives at the moment of his confirmation. So much I know. Since his confirmation—and whether it be one week, or one day, or one hour, I do not know, and I suspect the latter time—he resigned his position as a member of the House of Representatives. The civil and diplomatic appropriation bill now comes here from the House, appropriating \$18,000 for this object—\$9,000 for the outfit, and \$9,000 for the salary of a Commissioner to China. The Committee on Finance of this body knew too much to sanction that appropriation; but that committee have offered an amendment, creating, instead of a Commissioner to China, an officer to be an Envoy Extraordinary and Minister Plenipotentiary, which officer is to have a salary of \$9,000, and an outfit of \$9,000; and in that same amendment they propose to legislate, that the judicial powers which have been conferred by law upon the Commissioner to China, shall be transferred to this new Envoy Extraordinary and Minister Plenipotentiary to the Celestial Empire.

There is a common expression in my section of the country, and according to that, this is "whipping the devil round the stump." This amendment aims to get at a thing which constitutionally cannot be got at by the provision as it came to us.

Mr. President, as it regards the mission to China, I have not much to say. But I shall have no objection to the mission to the Ottoman Porte if it is to be connected with a mission to Greece. If the Government of the United States chooses to extend the mission to Constantinople and embrace Greece within it, I have no sort of objection. I did endeavor to state very briefly yesterday, and I will state again now, that the country with which the United States have the least diplomatic relations is the Empire of China, if we except that of Japan; and it is understood that an expedition has been fitted out to force diplomatic relations with that empire. Now, as to the Empire of China—

Mr. HUNTER. I would ask the Senator from Rhode Island if he would be willing to leave the bill as it originally came from the House? Is the point of his objection to the change proposed to be made? Will he be content to have the amendment of the Committee on Finance voted down, and the proposition left as it came from the House?

Mr. CLARKE. If you vote this down, then I will attend to the other proposition.

Mr. HUNTER. Then the voting down of this provision would not remove the Senator's difficulty?

Mr. CLARKE. You cannot remove in this way the objection which I have, under the terms of the Constitution, which I have sworn to support. I am not to be bought off in that way; what little integrity I have I should like to save.

What is to be the use of this mission to China? If I understand it aright, there is provision made in this bill for consuls at Kwang-Chow, Amoy, Fu-Chow, Ning-Po, and Shanghai, and I believe those consuls receive annual salaries of \$5,000. Now, at the time that the late treaty with China was formed, there never was any compensation whatever paid to the consul of the United States who resided at Canton. No compensation, I believe, was asked from the Government of the United States. It was rather a commercial consulate, and it might have been supposed to be what we call a commercial agency. It was thought best, however—after the English had forced China to consent to open her ports to receive English opium—that the United States should form commercial relations by treaty with the Celestial Empire. A commissioner was sent out, and a treaty was formed. Since that time to this, except during the period when the Hon. John W. Davis,

of Indiana, was Commissioner to China, we have had no commissioner there; but the whole of the duties of the office have been performed by Dr. Parker. He understands the Chinese language. He has been the medium of communication between this Government and the Chinese Government during the period of ten years. He was the medium of communication when the treaty was formed by General Cushing. He was made Secretary of the Commission, and he exercised all the duties of the commission during the time that elapsed between the appointment of Mr. Everett and the appointment of Mr. Davis, of Indiana. While Mr. Davis was there, I believe I am safe in saying, he had not one single solitary function to perform. To be sure, according to the terms of the treaty, the commissioner had high judicial functions to exercise; but they were not exercised while Mr. Davis was there. It was a position without employment to him; and he got tired of it and came away. Since that time the Government has not found it necessary to send a commissioner, much less an envoy extraordinary and minister plenipotentiary, to the Celestial Empire. It has not been found necessary to send any body there until the present moment.

Now, the President of the United States—I speak of this from newspaper report, for I am not certain that the injunction of secrecy has yet been removed—has seen fit to nominate a gentleman of high character and talent as Commissioner to China. That is very well. But the very moment that is done, and it is hastened through the Senate, before the civil and diplomatic bill can pass the House, a proposition is made there to increase the salary of the officer from \$6,000 to \$18,000 for one year.

Nobody expects that any gentleman of his high talents and character would go to reside in China for a great while. Why, he would go to Canton, and the whole extent of country for him to travel through there would not be much more than the Capitol grounds. He would be confined to the limits of Canton, or within three or four miles of there. That would be all the opportunity any gentleman would have to have anything like the ordinary comforts of life.

There are no communications to be made with the Emperor of China, as to whether he will receive our produce, and we shall receive his in exchange. There is nothing to be negotiated relating to the fisheries, or any other subject which excites the attention of the public, at this time. In fact, there is nothing between us and the Chinese Empire except that we shall carry ginseng, cotton goods, and a few articles of that sort from this country to China, and bring away their silks and teas.

Why is it, I ask, that the emoluments of this position, at this time, should be increased two hundred per cent? I consider that the United States have been well represented in that empire by Dr. Parker, who is now Secretary of the Commission. He has done all the work. He understands the Chinese language; and the whole of the negotiations that have passed between the American Commissioner and the Chinese Government, have been through him. No commissioner that has been sent from this country has ever seen His Holiness, the Emperor of the Celestial Empire, or anybody, except some one with a crooked name, who is Governor of the town of Canton.

I insist upon it, that there is no reason why the relations between this country and China have become so intimate and important that we should now pay \$18,000 for a year's mission to that country, instead of \$6,000, which we have heretofore paid.

I am perfectly satisfied to agree to the full mission to the Ottoman Porte, if you will include in it the mission to Greece. Recent events in that country would seem to require that somebody should be there to attend to our interests, somebody more than Mr. King, who has been recently in difficulty. If that provision be made, I have no objection to the mission for Turkey. I think that might very well be made a full mission, because our relations with the Turkish Empire and Greece are much more important than those with the Chinese Empire, not merely in a commercial point of view, but in any point that connects itself with the diplomatic relations of our country.

I say that this mission to China is of no importance whatever; that it has not attracted attention

within the last five years, and why it should be increased in this way, I do not know. I do not say this because I object to the individual appointed, but I place myself upon the Constitution, and I say that this is a direct violation of the spirit, letter, and words of the Constitution, which prohibit the appointment of any member of Congress to an office created during the time for which he was elected. Here is the office of Minister Plenipotentiary created. Is not that an appointment? It may not be an "office;" gentlemen may cavil upon the word; but the real truth is, it is an appointment, and the position will have been created between the time of this gentleman's election to Congress and the 4th of March next, when his term expires.

Then take it that it does not create a new office, but that it continues the commissioner. If that be so, the emoluments of the commissioner are increased, and increased during the time for which he was elected a member of Congress, and this is equally forbidden by the Constitution. So that, upon both points, the Constitution is directly against it. It is either an office created during the time for which the gentleman who holds the place was elected to Congress, or it is an increase of emolument, which is also forbidden by the Constitution.

Mr. PEARCE. I propose to state very briefly what took place in the Committee on Finance in regard to this matter. The Committee on Finance had the subject under consideration this morning, and if it had been competent with them to withdraw the amendment, they would do so, not because they see any impropriety in the recommendation which they have made, but from the very obvious consideration, that by withdrawing the amendment they would simplify the business of the Senate, and shorten the debate. It is their desire, therefore, that the amendment should be voted down.

Mr. SEWARD. I will concur with the committee in voting down this amendment, and then, as I understand it, it will leave the matter in this way, that the compensation is increased, while the rank and office are undisturbed.

Now, Mr. President, there are two questions which arise on this subject; and I should not venture to speak upon it at all were it not that I consider this a question of precedence with regard to the future action of Congress, and that it is important to have a just view of it on that ground, rather than in relation to its present bearing. For myself, I can see no kind of difficulty about the whole case. The Constitution declares that "no Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time." Now, sir, this involves the question of the power of the President to appoint a Commissioner to China, the power of the person nominated to accept the appointment, or to be appointed—or, in other words—his eligibility; and thirdly, the power of Congress to increase his compensation.

Had the President power to appoint this distinguished citizen Commissioner to China? The President had power to appoint him, because, although he was a member of Congress, the office existed, and the compensation had not been, at the time of the appointment, increased. Then the appointment was valid.

Was this person eligible? Could he take the office? It is perfectly clear that he could take the office. It was not a new office. It was not an office which had been created, or the emoluments of which had been increased during the time he was a member of Congress.

These two things, then, are settled. A further question arises: Have Congress the right to increase the compensation of the office after a member of Congress has been appointed to hold it? Clearly they have. There is no limitation upon Congress. They may increase the compensation of anybody in the public service. There is no stipulation that they shall not do so. There is no restriction upon their power. They may do it before the person is appointed, or afterwards. They may do it at any time, and whenever they do it the act is valid. The only consequence that can arise is, that a person claiming the office, or desiring to get the office, might not be eligible after



the act had been passed; but from the first day of Congress until this time, there has been no day when they could not increase the compensation of the Commissioner to China. The power of Congress to increase that compensation is exercised generally. It does not relate to this particular individual, but it relates to the office, and it exists forever afterwards until repealed.

Mr. HUNTER. Will the Senator allow me to suggest to him that the Committee on Finance have instructed me to say that they are willing that the amendment shall be voted down, and the provision should be left as it came from the House? We have a great many amendments to offer, and but very little time to act upon them.

Mr. SEWARD. It leaves it, then, without any kind of question. What I was going on to say was, that the most that could be claimed was, that there was an abuse or perversion of the Constitution—a circuitous mode of getting round it. But the Constitution is express, and we are to be guided by its terms, and the Constitution is satisfied. We are to presume that the President of the United States performed his duty in appointing Mr. Marshall to be Commissioner to China, because the compensation had not then been increased. We cannot know that it was at that time in the contemplation of the President or the Senate, that that compensation should be increased. And acting now, the constitutional question cannot be affected at all by our increasing the salary. It brings about the question whether it is expedient for us to increase this compensation. So the question is reduced to one, simply, of expediency.

Mr. COOPER. Mr. President, it seems to me there is no constitutional difficulty in the way of the appointment in question, or of the legislation which is now proposed. The appointment was made while Mr. Marshall was eligible; the appointment was, therefore, constitutional. As to the legislation now proposed, there is no constitutional prohibition in relation to that.

The object of the constitutional provision was to prevent the appointment of persons in office, who might be induced, if not prohibited by such a provision, to abuse their position by legislating for their own benefit. In this case no legislation had taken place during the period of the appointee's service in Congress. He does not, therefore, it seems to me, fall within the true meaning of the prohibition. The office was not created during the period either of the appointee's service, or during the period for which he was elected. Nor were the emoluments of the office previously increased. I repeat, therefore, that there was nothing to prevent his appointment by the President; and I also repeat, that there is no provision, anywhere in the Constitution, to prevent legislation to increase the emoluments of an office filled by appointment previously. For these reasons, I see no ground for the constitutional objection which has been urged against the passage of the amendment in question.

Mr. DAVIS. I do not think the gentlemen have got so easily around the provision of the Constitution. The Senator from Pennsylvania suggests that this does not fall within the spirit of the Constitution, because the member had resigned before the salary was increased. Now, if the Constitution meant that, another phrase might have been used, and it might have been said, "during the time he is a member;" but the Constitution has cautiously avoided the use of that language, and said, "during the time for which he was elected." Why, there is no mistaking the effect of that. The evil meant to be avoided was, that a man while he was a member of Congress, or during the time he might have influence there, should bring about a scheme of this sort, and then resign and escape in a technical way the consequences which the Constitution put upon it.

Mr. TOUCEY. I think there is no foundation for the constitutional objection that has been made. It is neither within the letter of the Constitution nor its spirit. The constitutional impediment, I insist, must exist at the time of the appointment, and that is the letter of the article referred to. It is obvious, from the very nature of the case, that the impediment must exist then, or it does not exist at all. The letter of the Constitution points to that construction, and you must go against its letter to raise any objection. It says: "No Senator or Representative shall, during

the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time." Not, "which shall be increased," but "which shall have been increased." Now, the question is, whether the President had power to appoint this incumbent referred to. Why, at the time when he appointed him, by and with the consent of the Senate, there was no objection; there was no constitutional impediment in the way. He was eligible, and the President had the power to appoint him. When the language is "shall have been created during such time," it means from the commencement of the term of the time when he was appointed; not to a period that accrued after the appointment.

Every word and every letter of this article of the Constitution excludes the idea that the subsequent act of increasing the emoluments would create an impediment to an appointment that already existed. There is no foundation for the belief.

Besides that, the objection interposed by the honorable Senator from Maryland [Mr. PRATT] is of itself conclusive. It would be a transfer to the legislative power of the Government of the power of removing from office persons constitutionally in office. That is unavoidable, because it would follow that if two thirds of both branches of Congress should persist in increasing the emoluments of an office, when the President refused to remove an incumbent, by that very act they would displace an officer who had been previously constitutionally appointed.

I think myself that there is no ground, either in the letter of the Constitution or in its spirit, for the objection made by the Senator from Rhode Island. I agree that there may be a question of expediency, if there has been any undue management—if there is any ground to believe that we ought not to increase the emolument. On such a reason, then, it might be proper to allege it. Otherwise, we have nothing to do with it.

The amendment was rejected.

Mr. HUNTER. There is a provision in the bill "for outfit of Ministers of the United States to Great Britain, Prussia, and Mexico, \$27,000." Upon consultation with the Department, the Committee on Finance have found that it was not desired to have an outfit for a Minister to Prussia. I therefore move to amend the amendment, by striking out "Prussia," and also by striking out "\$27,000," and inserting "\$18,000."

The amendment was agreed to.

Mr. HUNTER. I am also instructed, by the Committee on Finance, to move to insert, "For outfit of a Chargé d'Affaires for Austria, the present incumbent having expressed an earnest desire to be permitted to return home, \$4,500."

The amendment was rejected.

Mr. HUNTER. I give notice that I shall offer the amendment again after the bill shall have been reported to the Senate.

In the provision providing "for the survey of 10,625 miles of meridian, base, and standard lines," &c., I move to strike out "ten," and insert "two." It has been a mistake of the printer that 10,625 was inserted.

The amendment was agreed to.

Mr. HUNTER. I am also instructed by the Committee on Finance to move to amend the bill by inserting:

"To enable the President of the United States to make compensation to the Spanish consul and other subjects of Spain residing at New Orleans, and subjects of Spain at Key West, for losses occasioned by violence by a mob, in the year 1851, arising from intelligence then recently received at those places of the execution of certain persons at Havana, who had recently invaded the Island of Cuba, \$25,000: *Provided*, That before payment be made under this appropriation, the President of the United States shall cause an investigation to be made of such alleged losses, and that the same, together with the reasonable costs of the investigation, shall be paid on the certificate of the Secretary of State that the same are proven to the satisfaction of the President."

Mr. CLARKE. I do not like the expression "mob" in the amendment. It appears to me that it does not look well to apply it to the South; it might do very well for the North.

Mr. WELLER. Say public meeting.

Mr. CLARKE. Public meeting, mass meeting, or filibustering—anything of that kind.

Mr. HAMLIN. It seems to me that this is a very curious amendment. I do not know that we are bound to use strangers better than our own

citizens; but really it seems to me that we are under no obligations to the citizens of a foreign Government which are superior to those that we owe to American citizens. I presume that when we have mobs at the North, the Government does not pay for the destruction thereby occasioned.

Mr. MASON. Compensation for these losses was made the subject of a special message of the President of the United States to the Senate. It was considered by the Senate, and a bill was passed by this body in the same terms almost as this amendment. It was considered, and I agreed in that view, a matter of some moment in the present condition of our relations with Spain, that these losses should be compensated. There is no other mode of doing it than by putting this provision in the bill.

Mr. CLARKE. I should like to ask my honorable friend from Virginia whether the President ever recommended that there should be an appropriation made for any destruction of property occasioned by a mob?

Mr. MASON. I will strike out that word.

Mr. CLARKE. I do not like the word. It conflicts with my ideas of propriety.

Mr. WELLER. You had better call it as they do in my country—a Vigilance Committee.

Mr. CLARKE. I do not like the phrase "mob." Besides, I would suggest, that if that had been the communication made by the President of the United States, it was one reason why he was not nominated, because he dared to call a public excitement a mob. [Laughter.]

Mr. RUSK. I move to amend the amendment by striking out the words "by a mob," so that it shall read, "for losses occasioned by violence in the year 1851."

The amendment to the amendment was agreed to.

Mr. CLEMENS. I want the amendment read again. I want to hear something more about the facts of the case. My recollection of them, I think, is pretty accurate, but I want to see whether there is anything that will justify the Congress of the United States in paying for those losses. I recollect that some time ago a church was burned near Boston, and I think that the Catholics would have about as much right to compensation for that as these men for compensation for these losses. I recollect a still later case: There was property destroyed in the city of Baltimore, within forty miles of us; but we never thought of paying for that. I recollect again, that in Philadelphia a great deal of the same sort of destruction was carried on; but it was never thought that the Government should pay for it. I think we are about as much entitled to pay for one as the other. I want to hear the amendment read, and to hear any special reasons to be assigned for it, and then I want the privilege of recording my vote against it.

The amendment was read.

Mr. UNDERWOOD. I am sorry to hear the Senator from Alabama say that he wants to record his vote against the amendment. I wish to say to him that it is based upon this principle, which the Committee on Foreign Relations thought it proper to apply to international courtesy and intercommunication. We are under obligations to protect the citizens of foreign countries visiting us for purposes of commerce, just as those foreign countries are under obligation to protect our citizens when they go there for purposes of that sort. Therefore, in relation to foreign countries, there is, as I conceive, a different principle to be applied from that which applies to our own citizens, subject to our own municipal laws. If there had been a treaty guarantying this protection between the two countries, there could have been no doubt about it at all. In the absence of a treaty, I conceive that these international courtesies and intercommunications fall within the scope of protection which one Government owes to the citizens of another, which justifies the appropriation proposed to be made on this occasion. This takes the appropriation out of the operation of principles which apply to the case of mobs which burn churches, and all other mobs, by our own citizens destroying the property of citizens. If you would claim from other Governments indemnities for trespasses which may be committed within their jurisdiction, you ought to set the example that you are willing, in reference to their citizens, to make provision for them.

Mr. CLEMENS. Mr. President, it may be that I am mistaken in my memory with regard to this matter; but it does not seem to me to be possible that I can be so. These men were cigar-dealers, grocery-dealers, oyster-house keepers—men who had been in the city of New Orleans for ten or fifteen years, but who claimed, it is true, to be subjects of Spain, because they had never been naturalized. They had been for years residents of the city of New Orleans. They had enjoyed the protection of the laws of the State of Louisiana; and this destruction of their property originated from what was supposed, at the time, by the people to be an undue amount of exultation manifested by them at the destruction of our citizens in the Island of Cuba. Fifty citizens of the United States were murdered in Cuba; and it was the impression among the populace of New Orleans, that these men had manifested an undue amount of exultation over that fact. The consequence was, that the people destroyed their property. Where is the obligation on the part of the Government to pay for it? They had the same remedy which citizens of the United States would have had under similar circumstances. And if citizens of the United States had behaved as they did, they would have been subjected to the same penalties, no matter where they were. I am glad that it is so. I am glad to say that there is not a State in this Union, from Maine to Louisiana, where such manifestations over such events can be made without exciting public indignation. The destruction of property was the result of these manifestations.

These men were bad men any way. They kept bad houses. They were disreputable men—men who had no claim at any time upon the sympathies of the community.

These I understand to be the facts of the case. They are the facts, certainly, as they were promulgated in the newspapers at the time; and I have not seen them contradicted. I want to know what right these men have to come here now, and demand that we shall pay for their losses under such circumstances? Why, did any foreign Government ever ask for redress from us under similar circumstances? It is a case unprecedented in our annals, and it is a case against which I want to record my vote; although I regret to hear the Senator from Kentucky say that he intends to record his vote for the proposition. Sir, he has been led astray in regard to the matter. He does not know as much about this case as I do, or else I have been totally misinformed in relation to the facts. These men saw proper to excite a popular mob, and they felt the results of it. The laws are open to them; let them seek redress where an American citizen would have to seek it.

Mr. MASON. Mr. President, there is certainly no obligation on the part of the Government of the United States to compensate for losses sustained by popular violence in any of the States; but it is not upon that ground that this amendment is based. It is known, as a part of the history of the day, that as soon as intelligence arrived at New Orleans of the murder—as the gentleman calls it—of the putting to death of those citizens of the United States who had invaded Cuba, it produced intense excitement at New Orleans, whence the expedition had sailed. Immediately there was a great degree of popular violence manifested there, which resulted first in depredation to a very great extent upon the property and person of the Spanish consul at New Orleans. Now, the Spanish consul was under the protection of the Government of the United States, and whatever losses resulted to him anywhere within the limits of the United States from popular violence, it was certainly the duty of the Government to make good.

We know, also, that by the interposition of the Minister of the United States at Spain—unofficially, for he could not demand it as a right—under instructions from his Government, the Queen of Spain was induced to grant a free pardon of those of the invaders of Cuba, who had been sent to Spain, and they were allowed to return home.

Under these circumstances, the President of the United States thought it to be his duty to ask of Congress, by law—upon the application of the Spanish Minister here, most urgently and repeatedly instigated to him by his own Government—to provide for compensating any actual losses sustained by the Spanish consul, which we were

bound to do; and also the losses of Spanish subjects at these places.

Now, the ground upon which the committee proceeded, and upon a bill for this purpose passed in the Senate without any opposition, was this: that, in fact, this injury had been committed to Spanish subjects, not for any offense which they had committed, but for an imaginary offense committed by their sovereign, through the authorities of that sovereign at Cuba, against citizens of the United States. It was because of the act of the Queen of Spain, in granting this free pardon to citizens of the United States who had been sent to Spain, and because it was at the request of Spain that it should be done, that the President made the recommendation, and the Senate concurred in it.

Mr. UNDERWOOD. I do not intend to enter into any discussion, particularly with the chairman of the Committee on Foreign Relations, as to the question of obligation. I would remark to him, however, that there are cases of positive and direct obligation. Suppose the diplomatic agent to a foreign nation should not receive from the country to which he was sent the protection to which he was entitled under the laws of nations, could it be said in that case (if it had occurred here) that there would have been no obligation upon the Government to indemnify that diplomatic agent, to whom we owe protection in every instance for losses which violence committed upon him may occasion? There is an instance which illustrates the principle. It is discretionary whether you extend it to citizens or not.

I hold that it is the obligation of every civilized country, whether it be State or Federal, as in our case, to extend protection to that class of citizens or subjects of foreign countries who happen to fall within its peculiar jurisdiction. But I will not press this view.

The ground upon which the question was put before the Committee on Foreign Relations, in a great degree, was the magnanimity of the Queen of Spain in liberating those individuals after they had been sent across the ocean, and permitting them to return home. We wished to show a mark of courtesy and respect for that magnanimity, in conceding a boon, if you so regard it, in making this concession to the subjects of Spain. The very fact that I have not known the subjects of this violence, as my friend from Alabama says he has, shows that I had no opinions to warp my judgment, as I am afraid has been the case with him. I know nothing about them; and I have presented the case in a perfectly disinterested attitude, where I could decide purely upon the principles and considerations I have suggested.

Mr. CLEMENS. It has been suggested to me that perhaps it would be desirable to have a fuller Senate in order to vote upon this proposition. I am willing to vote upon it now; but, as the chairman of the Committee on Finance has suggested to me the propriety of laying it over, and taking up other amendments, I ask the unanimous consent of the Senate to pass this amendment by, until the others shall have been acted upon.

There being no objection that course was pursued.

Mr. HUNTER. I move to amend the clause "for contingent expenses of foreign intercourse, \$30,000," by striking out "30," and inserting "40," so as to make the amount \$40,000. This is the secret service fund. The original estimate was for \$40,000. The House cut it down to \$30,000; but since that time the Secretary of State addressed us a communication saying that the sum asked for in the original estimate would be necessary.

The amendment was agreed to.

Mr. HUNTER. I move to insert the following: For compensation for two additional day watchmen, to be employed in preserving the public grounds about the Capitol, authorized by the act of 15th May, 1850, to supply deficiencies, and also the act of the 30th of September, 1850, making appropriations for the civil and diplomatic expenses of Government, at \$500 each, \$1,000.

The amendment was agreed to.

Mr. HUNTER. I move to insert:

To enable the Secretary of the Interior, under the direction of the President of the United States, to purchase a site, containing not less than ten, nor more than fifteen acres of land, in the neighborhood of Washington, for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, \$100,000: *Provided*, That the whole expense

of purchasing the site, the erecting and furnishing and fitting up of the building shall not exceed the sum herein appropriated.

That is in pursuance of estimate. There was an annual appropriation formerly made for supporting the insane of the District of Columbia in the Maryland hospital. That hospital will not now hold them. An effort was made to obtain a place for them in Virginia and Pennsylvania; but the hospitals in both places are full. The only chance, then, for them is to build a hospital here, and it was thought that it might have an unhappy effect upon the lunatics to confine them in a place not suitable for them. Hence the necessity for the appropriation. It ought to be made at once.

The amendment was agreed to.

Mr. HUNTER. The next amendment is to insert after the appropriation inclosing Lafayette Square, the following:

"For defraying the expenses incurred in the improvement of Lafayette Square, 3,938."

The amendment was agreed to.

Mr. HUNTER. The next is to insert in the clause, "for the erection of the west wing of the Patent Office Building, \$150,000," after the word "Building," the words "and completing the drains for said building, and for the Post Office Building."

The amendment was agreed to.

Mr. HUNTER. The next amendment is to add to the clause making an appropriation for the branch Mint in California, the following:

"And the Secretary of the Treasury is hereby directed to contract for a term of not more than one year, and upon the most reasonable terms, not exceeding one per cent., with the proprietors of one, and, if practicable, with those of more than one, assaying establishment in California, upon satisfactory security, to be adjudged by him, who shall discharge the duties prescribed, and in the manner designated by the act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1851; and no gold or silver, other than coin of the standard fineness of the United States, or foreign coin, in the manner prescribed by existing laws, shall be receivable in payment of dues to the United States; and hereafter no greater compensation than one per cent. shall be required by the proprietors of any assaying establishment in California for services prescribed in the act herein recited."

That has the assent of the Treasury Department, and of the California delegation.

The amendment was agreed to.

Mr. HUNTER. The next amendment is to insert at the end of the first section, the following:

"To enable the Secretary of State to purchase one hundred copies of the Synoptical Index, to complete the series of the Statutes at Large, heretofore authorized by law, at \$3 50 per volume, \$350."

In the deficiency bill we made an appropriation for the Statutes, but the estimate for the Synoptical Index was omitted.

Mr. BORLAND. I do not know how many will agree with me, but I wish to express the opinion that I entertained at the time we first undertook to get the Synoptical Index—that it is not worth the paper upon which it is printed. It affords no facility for consulting the Statutes. It is no better, in any respect, than the indexes we have attached to each volume of the laws; and it gives rise to trouble rather than facilitates the search for the particular acts which it is desired to consult. For this reason I shall not vote for the amendment.

Mr. CASS. I have had occasion to look over the indexes, and more miserable things were never presented to us. They are not worth one straw.

Mr. PEARCE. I have had frequent occasions to use the Synoptical Index, which supplies deficiencies in the other indexes, and I have found it exceedingly useful. I think it is a good index. It is not perfect, I admit. It would be very difficult to get a perfect one.

Mr. CASS. Under whose direction were the indexes got up?

Mr. PEARCE. The indexes of the laws are made by the publishers. I suppose the Senator refers to that edition.

Mr. CASS. I refer to any edition that I have seen.

Mr. PEARCE. The Synoptical Index is a great help, as any gentleman who has occasion to use it as often as I have had, will find.

The amendment was agreed to.

Mr. HUNTER. The next amendment is to strike out of the following clause the words in italics:

"That the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions in the executive or legislative departments of the Government, in the city of Washington, whose compensation does not exceed \$1,200 per annum, shall, in addition thereto, be allowed the following annual increase of compensation, commencing from the first day of the present fiscal year, viz: all whose annual compensation does not exceed \$1,200," &c.

It is proposed to strike it out, because the idea is expressed again.

The amendment was agreed to.

Mr. HUNTER. The next amendment is to add the following after the eighth section:

"And be it further enacted, That when any moneys shall have remained unexpended upon any appropriations by law other than for the payment of interest on the funded debt, or payment of interest or reimbursement, according to contract, of any loan or loans made on account of the United States, as likewise moneys appropriated for a purpose in respect to which a large portion is specially assigned by law, for more than two years after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined, and the moneys so unexpended shall be immediately thereafter carried, under the direction of the Secretary of the Treasury, to the account on the books of the Treasury denominated the 'surplus fund,' to remain, like other unappropriated moneys, in the Treasury; and it shall not be lawful, for any cause or pretense whatsoever, to withdraw, transfer, apply, or use for any purpose whatever, any moneys carried as aforesaid to the surplus fund, without a specific appropriation by law."

The amendment was agreed to.

Mr. HUNTER. The following amendment is one which I passed over. To insert in the bill:

"For an additional watchman of the southwest executive building."

The amendment was agreed to.

Mr. HUNTER. I have now gone through all the manuscript amendments except two, in relation to the District, which have been mislaid, but which I will bring in in the morning. The next one we come to is the ninth section, which will be controverted: and the Senator from Texas desires to offer one before that.

Mr. RUSK. I am instructed by the Committee on the Post Office and Post Roads to offer the following amendment:

"Sec. —. And be it further enacted, That one additional Assistant Postmaster General shall be appointed in the manner provided by law, who shall be assigned to duty as Chief of the Inspection Office of the Post Office Department, with the powers, duties, privileges, and compensation as an Assistant Postmaster General, as the same are now, or may hereafter be, prescribed by law."

SEC. —. And be it further enacted, That the Postmaster General be, and he is hereby, authorized to appoint and employ seven additional clerks in the Post Office Department, to wit: one at an annual salary of \$1,800, one at an annual salary of \$1,600, one at an annual salary of \$1,400, and four at an annual salary of \$1,200.

Mr. CASS. I do not know the law to which that refers, but I would rather have the additional Assistant Postmaster General nominated and appointed by the President, by and with the advice and consent of the Senate.

Mr. RUSK. The honorable Senator from Indiana [Mr. BRIGHT] intends to offer such an amendment to the bill.

Mr. CASS. This amendment can be very easily modified to effect the object. The appointment ought to be sent to the Senate.

Mr. RUSK. The amendment provides that the additional Assistant Postmaster General shall be appointed according to law, and with such a salary as the law prescribes. The honorable Senator from Indiana intends to offer an amendment to the bill—and no doubt it will pass—requiring the appointment of the Assistant Postmaster General to be confirmed by the Senate, and increasing the salary from \$2,500 to \$3,000.

Mr. CASS. If it were certain that would pass, it would do very well; but I object to that mode of legislation giving to the Postmaster General the right to appoint the Assistant Postmaster Generals—officers of such high duties and salaries. It is all wrong.

The amendment was agreed to.

Mr. HUNTER. The amendment which the Committee on Finance propose as section nine, will be controverted. It is one upon which the Senator from Massachusetts wishes to speak. I hope, therefore, that the Senate will, by unanimous consent, pass over it until to-morrow, and take up the next amendment, which is the tenth section.

No objection was made; and the next amendment reported from the committee was as follows:

"Sec. 10. And be it further enacted, That the President of the United States appoint an associate law agent, learned

in the law, and skilled in the Spanish and English language, whose duties and compensation shall be the same as those of the law agent: *Provided*, That the compensation of the agent and assistant shall not exceed \$5,000 each. And in every case in which the Board of Commissioners shall render a final decision, it shall be their duty to have two certified transcripts prepared of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the proper district court, and the other shall be transmitted to the Attorney General of the United States, and the filing of such transcript with the clerk aforesaid, shall, *ipso facto*, operate as an appeal for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid; within six months thereafter, of his intention to prosecute the appeal and if the decision shall be against the United States, it shall be the duty of the Attorney General within a like period, to cause a notice to be filed with the clerk aforesaid, that the appeal will be prosecuted by the United States; and on a failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed."

Mr. HUNTER. This amendment consists of two parts. The first relates to the appointment of an assistant law agent. This has been applied for, I believe, by all the bar in California, and is estimated for by the Secretary of the Interior. It is said to be one of the causes of the delay in the decision of these claims, that they have not more than one law agent. The residue of the amendment is for the purpose of protecting the interests of the United States, and extends the time in which appeals may be taken.

Mr. PRATT. I think the Senator will perceive one omission in the amendment. It provides that, after the commissioners shall have decided any case, they shall cause two transcripts of their decisions, together with the testimony, to be made. One of these is to be filed in the district court of California within which the decision shall have been made, and the other is to be sent to the Attorney General. There is no time specified within which these transcripts are to be made out. There is no time limited within which the copy is to be sent to the Attorney General. But the limitation is, that the Attorney General, within six months after the filing of the one transcript in California, is to file there his direction for an appeal, or the United States are precluded from ever prosecuting an appeal. It may be, and frequently will occur in the remote districts of California, when the transcript is filed, there being no limitation when the other shall be sent here, that the Attorney General will not have time to examine and determine whether the interest of the United States would require an appeal or not, before the six months have expired. The amendment can be very easily modified so as to make the limitation for the appeal within six months from the period when the Attorney General shall receive the transcript.

Mr. HUNTER. I have no objection to that.

Mr. PRATT. The Attorney General is to determine whether the United States shall appeal or not. He must receive the transcript, must have time to examine it amidst the multifarious business in which he is engaged, and then have time to send back to California and file an appeal there. Under the amendment as it stands, the United States are not protected. My object is to protect them.

Mr. BAYARD. I would suggest to the Senator from Maryland, that his object will be accomplished by amending the amendment in the following clause:

"And if the decision shall be against the United States, it shall be the duty of the Attorney General within a like period, to cause a notice to be filed with the clerk aforesaid, that the appeal will be prosecuted by the United States,"

by striking out "a like period," and inserting in lieu thereof the words "six months after receiving said transcript."

Mr. PRATT. That will do. I move to amend the amendment in that manner.

The amendment to the amendment was agreed to; and the amendment as amended was agreed to.

Mr. HAMLIN. I am directed by the Committee on Commerce to move to amend the bill by inserting under the head of marine hospitals the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable site in Portland, State of Maine, or in such a place in the immediate vicinity thereof, as he shall deem proper, and cause to be erected thereon, under his direction, a marine hospital for the relief of sick and disabled seamen; and for that purpose the sum of \$30,000 be, and the same is hereby, ap-

propriated out of any money in the Treasury not otherwise appropriated.

I only desire to say that a bill providing for that object received the unanimous vote of the Senate, but has not passed the House.

The amendment was agreed to.

On motion by Mr. MASON, the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 25, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved. The SPEAKER. The business first in order is the motion to reconsider the vote by which the House refused to commit to the Committee of the Whole on the state of the Union House bill No. 223, to provide for the better protection of passengers on board of steam and other vessels.

Mr. INGERSOLL. I ask the unanimous consent of the House to make a personal explanation.

Mr. ROBBINS. If it does not come out of the morning hour, I have no objection.

The SPEAKER. It will depend upon the order of the House whether the gentleman may proceed.

Mr. DUNCAN. I object. I think at this stage of the session we have no time for personal explanations. The public press is open to gentlemen for such purposes.

Mr. INGERSOLL. If I cannot get unanimous consent, I move to suspend the rules.

The SPEAKER. It is not in order to move to suspend the rules during the pendency of the morning hour.

Mr. INGERSOLL. Then I appeal to the gentleman from Massachusetts [Mr. DUNCAN] to withdraw his objection.

Mr. DUNCAN. I cannot. I have opposed from the beginning of the session all political speeches, and all personal explanations.

The SPEAKER. Then the gentleman from Connecticut cannot proceed.

## SECURITY OF PASSENGERS ON STEAMERS.

The House then resumed the consideration of House bill No. 223, to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes."

Mr. HALL. I move to lay on the table the motion to reconsider the vote by which the House refused to commit this bill to the Committee of the Whole on the state of the Union.

The question was put, and the latter motion was agreed to.

Mr. MEADE. I ask the unanimous consent of the House to introduce the following amendment: After the following paragraph in the bill, viz:

"And shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, (one of which may, if necessary in the opinion of the inspectors, to secure safety, be taken wholly from the control of all persons engaged in navigating such vessel,)"

insert—

And in such case they shall cause a steam gauge, exhibiting the test pressure of the boiler, the working pressure allowed by the inspectors, and the actual pressure used while the boat is running, to be placed in a conspicuous place, so that it can easily be seen and examined; said gauge to be heated by the inspector and kept out of the control of those having the management of the boat, and near a good and sufficient light, to be kept burning at all times between sunset and sunrise.

This amendment, I believe, is one of the most important provisions in the bill, if the safety of passengers is the primary object with the House. I have conferred with the chairman of the Committee on Commerce, and he agrees with me that the House ought unanimously to receive the amendment, as the best means of protecting the lives of passengers.

Mr. EDGERTON. I object to the reception of the amendment.

Mr. MEADE. I think if the gentleman from Ohio will examine the amendment, he will not object.

Mr. EDGERTON. I have amendments which I believe, and others believe, it is important should be adopted. They were cut off by the previous question, and I had not the opportunity of saying a word in support of them. I therefore mean to



object to every amendment which may be offered, unless I can have an equal chance with others.

Mr. MEADE. The amendments to which the gentleman alludes were before the Committee on Commerce. I think if the gentleman will examine this amendment he will not object to it.

Mr. EDGERTON. I insist upon my objection.

The House then considered the amendments of the Committee on Commerce, the fourth, fifth, sixth, seventh, and eighth clauses of section nine. The amendments of the committee, striking out the parts in brackets, thus [ ], and inserting the parts in *italics*, were agreed to, viz:

"Fourth. That when the inspection in detail is completed, and the inspectors approve of the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector of the district, substantially as follows:

State of \_\_\_\_\_, District of \_\_\_\_\_  
Application having been made in writing by \_\_\_\_\_  
to the subscribers, inspectors for said district, to examine the steamer \_\_\_\_\_ of \_\_\_\_\_, whereof \_\_\_\_\_ are owners, and \_\_\_\_\_ is master; we having performed that service, now, on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, do certify, that she was built in the year \_\_\_\_\_, is in all respects staunch, seaworthy, and in good condition for navigation, having suitable means of escape in case of accident from the main to the upper deck; that she is provided with (here insert the number of state-rooms, the number of berths therein, the number of other permanent berths for cabin passengers, the number of berths for deck or other classes of passengers, the number of passengers of each class for whom she has suitable accommodations, and in case of steamers sailing to or from any European port or to or from any port on the Atlantic or the Pacific, a distance of one thousand miles or upwards, the number of each whom she is permitted to carry, and in case of a steamer sailing to any other port, a distance of five hundred miles or upwards, the number of deck passengers she is permitted to carry; also, the number of boilers, and the form, dimensions, and material of which each boiler is made, the thickness of the metal and when made—after this act takes effect, and of iron, whether they are such in all respects as the act requires, whether each boiler has been tried by hydrostatic test, the amount of pressure to the square inch in pounds applied to it, whether the amount allowed as the maximum working power was determined by the rule prescribed by this act, if not, the reason for a departure from it; also, the number of safety-valves required, their capacity, the load prescribed for each valve, how many are left in the control of the persons navigating the vessel, [how many, if any, are] whether one is withdrawn and the manner of securing [them] it against interference—also, the number and dimensions of supply pipes, and whether they and the other means provided are sufficient at all times and all circumstances when in good order to keep the water up four inches at least above the top of the flue; also the number and dimensions of the steam-pipes; the number and kind of engines, the dimensions of their cylinders; the number and capacity of the forcing-pumps, and how worked; the number and kind of gauge-cocks, water and steam gauges, where situate and how secured; also the manner of using alloyed metals and the pressure at which they are known by the inspectors to fuse; the equipments for the extinguishment of fires, including hose, fire-buckets, and axes; the provisions for saving life in case of accident, including boats, life-preservers, and substitutes therefor, where kept, and all other provisions made on board for the security of the lives of passengers.) And we further certify, that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the points aforesaid, hose, boats, life-preservers, and other things, is in conformity to the provisions of law; and that we declare it to be our deliberate conviction, founded upon the inspection which we have made, that the vessel may be employed as a steamer upon the waters named in the application, without peril to life [or property] from any imperfection of form, materials, workmanship, or arrangement of the several parts, or from age or use. And we further certify, that said vessel is to run within the following limits, to wit: from \_\_\_\_\_ to \_\_\_\_\_ and back, touching at intermediate places.

"Fifth. Upon the application of the master or owner of any steamer employed [only in the navigation of rivers] in the carriage of passengers, for a license to carry gunpowder, oil of turpentine, oil of vitriol, camphine, or other explosive burning fluids and materials which ignite by friction, or either of them, the inspectors shall examine such vessel; and if they find that she is provided with chests or safes composed of metal, or entirely lined therewith, or one or more apartments thoroughly lined with metal at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight any of the articles aforesaid, those of each description to be secured in such chest, safe, or apartment containing no other article, and carried at a distance from any fire to be specified in the certificate: *Provided*, That any such certificate may be revoked or annulled at any time by the inspectors, upon proof that either of the said articles have been carried on board said vessel, at a place or in a manner not authorized by such certificate, or that any of the provisions of this act in relation thereto have been violated.

"Sixth. The said inspectors shall keep a regular record of certificates of inspections of vessels, their boilers, engines, and machinery, whether of approval or disapproval, and when recorded, the original shall be delivered to the collector of the district; they shall keep a like record of certificates, authorizing gunpowder, oil of turpentine, oil of vitriol, camphine, or other explosive burning fluids and materials which ignite by friction, or either of them, to be carried as freight, by any such vessel, and when recorded deliver the originals to said collector; they shall keep a like record of all licenses to pilots and engineers, and all revocations thereof, and shall, from time to time, report to the

superioring inspector of their respective districts, in writing, their decisions on all applications for such licenses, or proceedings for the revocation thereof, and all testimony received by them in such proceedings.

"Seventh. The inspectors shall appoint and classify all engineers and pilots, and determine how many are necessary for each steamer, except ferry-boats, and of what classes."

"Eighth. The inspectors shall license and classify all engineers and pilots of steamers carrying passengers."

"Eighth. Whenever any person, claiming to be qualified to perform the duty of engineer upon steamers carrying passengers, shall apply for a certificate, the Board of Inspectors shall examine the applicant, and the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer, are all such as to authorize the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall give him a certificate to that effect for one year, signed by them, in which certificate they shall state the time of the examination, and shall assign the appointee to the appropriate class of engineers."

The next amendment of the committee was read—strike out from section nine as follows, viz:

"Ninth. Whenever any person, claiming to be a skillful pilot, shall offer himself for an appointment, the said board shall make diligent inquiry as to his character and merits; and if satisfied that he possesses the requisite skill, and is trustworthy and faithful, they shall give him a certificate to that effect, authorizing him to be a pilot within the limits prescribed in the certificate; but any such engineer or pilot may be removed upon proof of negligence, unskillfulness, inattention to the duties of the station, or any misconduct, which, in the judgment of the board, tends to disqualify him; and, moreover, all appointments and removals shall be submitted to the Secretary of the Treasury, by the collector, for his approbation or disapprobation: *Provided*, however, If, in cases of refusal to license engineers or pilots, and in cases of removal by the local board of inspectors, any engineer or pilot deeming himself wronged by such refusal or such removal, may, on application within thirty days to a supervising inspector, have his case examined anew by such a supervising inspector, upon producing a certified copy of the reasons assigned by the local board for their doings in the premises, and such supervising inspector may, if he sees good reasons therefor, overrule the decision of such local board of inspectors; and like proceedings upon the same conditions may be had by the master or owner of any vessel, for which the said local board refuses, upon inspection, to give a certificate of approval"—and insert as follows, viz:

"Ninth. Whenever any person, claiming to be a skillful pilot for any such vessel shall offer himself for a license, the said board shall make diligent inquiry as to his character and merits; and if satisfied that he possesses the requisite skill, and is trustworthy and faithful, they shall give him a certificate to that effect, licensing him for one year to be a pilot of any such vessel within the limits prescribed in the certificate; but the license of any such engineer or pilot may be revoked upon proof of negligence, unskillfulness, or inattention to the duties of the station: *Provided*, however, If, in cases of refusal to license engineers or pilots, and in cases of the revocation of any license by the local board of inspectors, any engineer or pilot deeming himself wronged by such refusal or revocation, may, within thirty days after notice thereof, on application to a supervising inspector, have his case examined anew by such supervising inspector, upon producing a certified copy of the reasons assigned by the local board for their doings in the premises; and such supervising inspector may revoke the decision of such local board of inspectors, and license such pilot or engineer; and like proceedings, upon the same conditions, may be had by the master or owner of any such vessel, or of any steamboat boiler, for which the said local board shall have refused, upon inspection, to give a certificate of approval, or shall have notified such master or owner of any repairs necessary after such certificate has been granted."

The question was put, and the amendment was agreed to.

The next amendments of the Committee on Commerce, striking from clauses eleven, thirteen, fourteen, and fifteen of section nine, the words inclosed in brackets, thus [ ], and inserting the words in *italics*, were read and agreed to, viz:

"Eleventh. In addition to the [semi] annual inspection it shall be the duty of said board to examine seasonably, steamers arriving and departing, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessel unsafe, which service may be performed by one of the board; and if he shall discover an omission to comply with the law, or that repairs have become necessary to make the vessel safe, he shall at once notify the master, stating in the notice what is required; and if the master deems the requirement unreasonable or unnecessary, he may take the opinion of the board thereon, [which shall be final]; and if dissatisfied with the decision of such board, may apply for a re-examination of the case to the supervising inspector as is hereinbefore provided; and if he shall refuse or neglect to comply with [their] requirement of the local board, and shall, contrary thereto, and while the same remains uncorrected by the supervising inspector, employ the vessel by navigating her; [she shall be liable to the same penalties as if she had been run without a license] the master and owner shall be liable for any damage to the passengers and their baggage which shall occur from any defects so as aforesaid stated in said notice, which shall be in writing, and all inspections and orders shall be promptly made by the inspectors; and where it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do [it] them; and

no inspectors of one district shall modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things demanding more repairs than were thought necessary when the order was made; nor shall the inspectors of one district appoint a person coming from another, if such person has been rejected for unfitness or want of qualifications.

"Thirteenth. The said board of inspectors shall have power to summon before them witnesses, [and to examine them,] and to compel their attendance by the same process as in courts of law; and after reasonable time given to the alleged delinquent of the time and place of investigation to examine said witnesses under oath, touching the performance of their duties, by engineers and pilots of any such vessel; and if it shall appear satisfactorily that any such engineer or pilot is incompetent, or that life [or property] has been placed in peril by reason of such incompetency, or by negligence or misconduct on the part of any such person, the board shall immediately suspend [him] or revoke his license, and report their doings to the chief officer of the customs; and the said chief officer of the customs shall pay out of the revenues herein provided such sums to any witness so summoned under the provisions of this act, for his actual travel and attendance, as shall be officially certified by an inspector hearing the case, upon the back of the summons, not exceeding the rates allowed to a witness for travel and attendance in the circuit and district courts of the United States.

"Fourteenth. That the said board shall report promptly all their doings to the chief officer of the customs, as well as all omissions or refusals to comply with the provisions of law, on the part of any owner or master of [a] any such vessel propelled in whole or in part by steam, carrying passengers."

"Fifteenth. That it shall at all times be the duty of all engineers and pilots [appointed] licensed under this act, and all mates, to assist the inspectors in the examination of [the] any such vessels to which any such engineer, mate, or pilot belongs, and to point out all defects and imperfections in the hull or apparatus for steaming, and also to make known to them, at the earliest opportunity, all accidents occasioning serious injury to the vessel or her equipment, whereby life [or property] may be in danger, and in default thereof, the license of any such engineer or pilot shall be [dismissed from the service] revoked."

The next amendments of the Committee on Commerce, striking out the following sections and parts of sections inclosed in brackets, thus [ ], and inserting the words in *italics*, were severally considered and agreed to, viz:

"[Sec. 10. And be it further enacted, That in each of the districts of Savannah in Georgia, Charleston in South Carolina, Norfolk in Virginia, Baltimore in Maryland, Philadelphia in Pennsylvania, New York in New York, New London in Connecticut, Boston in Massachusetts, Portland in Maine, and San Francisco in California, there shall be two inspectors, one possessing the requisite qualifications, as herein provided, in ship building and the uses of steam in navigation, the other in engineering, and in the construction and utilities of the apparatus for steaming, who shall exercise all the powers herein conferred, except that of appointing pilots for said districts.]

"Sec. [11.] 10. And be it further enacted, That in those cases where the number of passengers is limited by the inspector's certificate it shall not be lawful to take on board of any steamer a greater number of passengers than is certified by the inspectors in the certificate; and the master and owners, or either of them, shall be liable to any person suing for the same, to forfeit the amount of passage money and ten dollars for each passenger beyond the number allowed. And moreover, in all cases of an express, or implied undertaking to transport passengers, or to supply them with food and lodging from place to place, and suitable provision is not made of a full and adequate supply of good and wholesome food and water, and of suitable lodging for all such passengers, or where barges or other craft impeding the progress are taken in tow, for a distance [not] exceeding five hundred miles, without previous and reasonable notice to such passengers, in all such cases the owners and the vessel shall be liable to refund all the money paid for the passage, and to pay also the damage sustained by such default or delay: *Provided*, however, That if in any such case a satisfactory bond is given to the marshal for the benefit of the plaintiff, to secure the satisfaction of such judgment as he may recover, the vessel shall be released.

"Sec. [14.] 13. And be it further enacted, That hereafter all boilers of steamboats made of iron shall be constructed of plates which have been [inspected, approved, and marked] stamped according to the provisions of this act.

"[Sec. 15. And be it further enacted, That the inspectors of boilers within the several collection districts herein named shall also be the inspectors of boiler iron within their respective districts, and perform the duties required by this act, and shall also be the inspectors for that purpose in districts where there are no such inspectors provided for by this act.]

The next amendment of the Committee on Commerce was to strike out the following section, viz:

"Sec. 16. And be it further enacted, That it shall be the duty of such inspectors to ascertain the quality of the material of which boiler plates are made, and to satisfy themselves, by any suitable means, whether the mode of manufacturing has been such as to produce iron equal to the best and most reliable quality made with charcoal, such as in their judgment may be used for generating steam power without hazard to life or property; and no plate of iron shall be approved which is made of unsuitable material, or of which the manufacture is imperfect, or is not such as to give confidence in its strength, or which is less than one fourth of an inch in thickness, for a boiler of forty-two inches in diameter, and in that proportion for boilers of greater or less diameters, or which is made of any but wrought iron, of a quality equal to the best quality made with charcoal."

and to insert in lieu thereof the following:

*And be it further enacted*, That it shall be the duty of such inspectors to ascertain the quality of the material of which the boiler plates of any such boiler so submitted to their inspection are made; and to satisfy themselves, by any suitable means, whether the mode of manufacturing has been such as to produce iron equal to good iron made with charcoal, such as, in their judgment, may be used for generating steam power without hazard to life; and no such boiler shall be approved which is made of unsuitable material, or of which the manufacture is imperfect, or is not, in their opinion, of suitable strength, or whose plates are less than one fourth of an inch in thickness, for a high-pressure boiler of forty two inches in diameter, and in that proportion of strength according to the maximum of working pressure allowed for high-pressure boilers of greater or less diameter, or which is made of any but wrought iron of a quality equal to good iron made with charcoal.

The question was put, and the amendment was agreed to.

The next amendment of the Committee on Commerce was to strike out the following section:

"Sec. 17. *And be it further enacted*, That all plates approved shall be distinctly and permanently marked in such manner as the Secretary of the Treasury shall prescribe, and, if practicable, in such place or places that the marks shall be left visible after the plates are worked into boilers; and all plates rejected shall have a permanent mark put upon them showing their condemnation, and the manufacturer shall also stamp his name upon each plate made by him; and for the inspection aforesaid, there shall be paid to the inspector aforesaid, five cents for each plate inspected, to be accounted for and paid over to the collector or other chief officer of the customs as revenue belonging to the United States."

and insert in lieu thereof the following:

"Sec. 17. *And be it further enacted*, That all plates of boiler iron shall be distinctly and permanently stamped in such manner as the Secretary of the Treasury shall prescribe, and, if practicable, in such place or places that the mark shall be left visible after the plates are worked into boilers; with the name of the manufacturer, the quality of the iron, and whether or not hammered, and the place where the same is manufactured."

The question was put, and the amendment was agreed to.

The amendments of the Committee on Commerce, striking out from the following sections the words in brackets, thus [ ], and inserting the words in *italics*, were severally considered, and agreed to, viz:

"Sec. [18] 16. *And be it further enacted*, That it shall be unlawful to use in such vessel for generating steam for power, a boiler or steam-pipe connecting the boilers made after the passage of this act, of any iron unless it has been [inspected] stamped by the manufacturer as herein provided; and if any person shall make for use in any such vessel a boiler of iron not so [inspected] stamped intended to generate steam for power, he shall, for any such offense, forfeit \$500, to be recovered in an action of debt by any person suing for the same; and any person using, or causing to be used, in any such vessel, such a boiler to generate steam for power, shall forfeit a like sum for each offense.

"Sec. [19] 17. *And be it further enacted*, That if any person shall counterfeit the marks [prescribed by the Secretary of the Treasury for inspected] and stamps required by this act or shall falsely stamp any boiler iron, and be convicted thereof, he shall be fined not exceeding \$500, and imprisoned not exceeding two years; and if any person, or persons, shall stamp or mark plates with the name or marks of another, with intent to mislead, deceive, or defraud; such person, or persons, shall be liable to any one injured thereby for all damage occasioned by such fraud or deception.

"Sec. [20] 18. *And be it further enacted*, That in order to carry this act fully into execution, the President of the United States shall, with the advice of the Senate, appoint nine supervising inspectors, who shall be selected for their knowledge, skill, and experience, in the use of steam for navigation, and who are competent judges not only of the character of vessels, but of all parts of the machinery employed in steaming, who shall assemble together at such places as they may agree upon once in each year, at least, for joint consultation and the establishment of rules and regulations for their own conduct and that of the several boards of inspectors within the districts, and also to assign to each of the said nine inspectors the limits of territory within which he shall perform his duties; and the said supervising inspectors shall each be paid for his services after the rate of \$1,500 a year, and in addition thereto his actual reasonable traveling expenses incurred in the necessary performance of his duty when away from the principal port in his district, and certified and sworn to by him under such instructions as shall be given by the Secretary of the Treasury, who is hereby authorized to pay such salaries, and also such traveling expenses, and the actual reasonable expenses both to them and other inspectors of transporting from place to place the instruments used in inspections, [when satisfied therewith, out of the revenues arising from this act; and also to pay to the inspectors of boiler iron, for the inspection, in addition to their salary, after the rate of two dollars for each entire day's service in that employment; and moreover each inspector shall keep a true account of the number of plates inspected by him, designating how many are approved, how many disapproved, by whom manufactured, and shall make a full return thereof, under oath, to the chief officer of the customs for the district, on the 1st days of January, April, July, and October, in each year, to be by such chief officer forwarded to the Secretary of the Treasury,] which expenses shall be proved to his satisfaction.

"Sec. [21] 19. *And be it further enacted*, That the super-

vising inspectors shall watch over all parts of the territory assigned them, shall visit, confer with, and examine into the doings of the several boards of inspectors, and shall, whenever they think it expedient, visit such vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this act have been observed and complied with, both by the board of inspectors and the master and owners; and it shall be the duty of all masters, engineers, and pilots of such vessels, to answer all reasonable inquiries; and to give all the information in their power, in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

"Sec. [22] 20. *And be it further enacted*, That whenever a supervising inspector ascertains to his satisfaction that the master, engineer, pilot, or owners of any such vessel fail to perform their duties according to the provisions of this act, he shall report the facts in writing to the board in the district where the vessel belongs, and, if need be, cause the negligent or offending parties to be prosecuted; and if he has good reason to believe there has been, through negligence, or from any other cause, a failure of the board who inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury, who shall cause immediate investigation into the truth of the complaint, and if he deems the cause sufficient shall remove the delinquent.

"Sec. [23] 21. *And be it further enacted*, That it shall be the duty of such supervising inspectors to see that the said several boards within their respective collection districts execute their duties faithfully, promptly, and, as far as possible, uniformly, in all places, by following out the provisions of this act, according to the true intent and meaning thereof; and they shall, as far as practicable, by their established rules, harmonize differences of opinion when they exist in different boards, [and promote, as far as possible, the observance, in the construction of boats and of the machinery for steaming, of a just proportion between all the parts.]

"Sec. [24] 22. *And be it further enacted*, That the said supervising inspectors shall also visit collection districts in which there are no boards of inspectors, if there be any, where steamers are owned or employed, and each one shall have full power to inspect any such steamer or boiler of each steamer in any such district, or in any other district where, from distance or other cause, it is inconvenient to resort to the local board, and to grant certificates of approval, according to the provisions of this act, and to do and perform in such districts [destitute of local inspectors] all the duties imposed upon boards in the districts where they exist, [including the inspection of boiler iron:] *Provided*, That no supervising or other inspector shall be deemed competent to inspect in any case where he is directly or indirectly personally interested, or is associated in business with any person who is so interested, but in all such cases the duty shall be performed by disinterested inspectors, and inspection made in violation of this rule shall be void and of no effect.

"Sec. 25. *And be it further enacted*, That the boards of inspectors within the collection districts, if the press of business be so urgent that the inspector of boiler iron cannot perform them, or if, from sickness or other cause, it is out of his power to devote his personal service to the business, may, upon such emergencies, appoint a deputy to discharge the duty temporarily, until the inspector is able to resume his personal inspection; and the supervising inspector may do the like, in districts where there is no board, upon the happening of a like necessity. But before any such supervisor or temporary inspector enters upon his duties, he shall be sworn to the faithful discharge thereof."

"Sec. [26] 23. *And be it further enacted*, That it shall be the duty of each of the collectors or other chief officers of the customs for the districts aforesaid, except San Francisco, to make known, without delay, to the collectors of all the said districts, except San Francisco, the names of all persons [appointed] licensed as engineers or pilots for such vessels, and the names of all persons from whom, upon application, [appointments] licenses have been withheld, and the names of all [who have been removed] whose licenses have been revoked or suspended, and also the names of all such vessels which neglect or refuse to make such repairs as may be ordered under the provisions of this act, and the names of all for which license has been, on application, refused.

"Sec. [30] 27. *And be it further enacted*, That if any such vessel carrying passengers, having a license and certificate, as required by this act, shall be navigated without having her hull, accommodations, boilers, engines, machinery, and their appurtenances, and all equipments, in all things conformable to such certificate, the master or commander by whom she shall be so navigated, having knowledge of such defect, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding two months, or both: *Provided*, That such master or commander shall not be liable for loss or deficiency occasioned by the dangers of navigation, if such loss or deficiency shall be supplied as soon as practicable."

The next amendment of the Committee on Commerce proposed to strike out the following section, viz:

"Sec. 31. *And be it further enacted*, That when from darkness, fog, or other cause, the pilot on watch shall be of opinion that the navigation is unsafe, or if from accident to, or derangement of the machinery of the boat, the engineer on watch shall be of opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor or moored as soon as it prudently can be done; and no person in command shall be justified in pursuing a voyage after being admonished by either of the officers named that it would be unsafe from the causes assigned, but shall be answerable for any damage which may arise from so pursuing the voyage."

and to insert in lieu thereof the following, viz:

"Sec. 28. *And be it further enacted*, That on any such steamers navigating rivers only, when from darkness, fog, or other cause, the pilot on watch shall be of opinion that the navigation is unsafe, or from accident to, or derangement of the machinery of the boat, the engineer on watch shall be of opinion that the further navigation of the ves-

sel is unsafe, the vessel shall be brought to anchor, or moored, as soon as it prudently can be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger and his baggage from said causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command or said owners."

The question was put, and the amendment was agreed to.

The following amendments of the Committee on Commerce, proposing to strike out the parts of sections in [ ], and to insert the parts in *italics*, were severally considered and agreed to, viz:

"[Sec. 32. *And be it further enacted*, That when steamers are about to meet each other in the night, in narrow channels, or in fog, it shall be the duty of the pilot of the descending boat to keep the channel and stop his engine, and suffer the boat to float with only steam sufficient to give her steerage, until the following signals are given and answered, and a space properly cleared:

"It shall be the duty of the pilot of the ascending boat, as soon as the other shall be in sight and hearing, to sound his bell once, if he shall wish to pass to his right; and it shall be the duty of the pilot of the descending boat to answer the same by one stroke of the bell; if not answered, the pilot of the ascending boat shall strike his bell again and again at short intervals, until heard by the pilot of the other boat. But if the pilot of the ascending boat should wish to pass to the left-hand side, he shall strike his bell twice; and it shall be the duty of the pilot of the descending boat to answer the same by two strokes of his bell, and both boats shall be steered accordingly. The first call may be made by the pilot of either boat, and it shall be the duty of the pilot of the other to answer as aforesaid; but if the first call cannot be complied with with safety, a negative answer shall be given, by ringing the bell five or six times in quick succession, after which the call shall be reversed.

"When boats shall be near meeting in a channel or place too narrow to pass each other with safety, the one that may first be in the channel shall have a right to it, except in the rapids of the Mississippi, and the other shall give way. If, however, two boats are about to enter such channel or place at the same time, and in all cases in the rapids aforesaid, the ascending boat shall give way.

"Should the pilot of either boat fail to make or to answer the signals required, or should a signal be answered wrongfully, both boats shall be immediately stopped, and, if requisite, backed so as to prevent collision.

"It shall not be lawful for an ascending boat to cross a channel (unless in compliance with the foregoing signals clearly made and answered) within possible striking distance by a descending boat. These]

"Sec. 29. *And be it further enacted*, That it shall be the duty of the supervising inspectors to establish such rules and regulations to be observed by all such vessels in passing each other, as they shall from time to time deem necessary for safety, two printed copies of which rules and regulations, signed by said inspectors, shall be furnished to each of such vessels, and shall at all times be kept up in conspicuous places on such vessels. Which rules shall be observed both night and day. Should any pilot, engineer, or master of any such vessel, neglect or willfully refuse to observe the foregoing regulations, any delinquent so neglecting or refusing, shall be liable to a penalty of \$30, and to all damage done to any [person or persons] passenger in his person or baggage by such neglect or refusal; and no such vessel shall be justified in coming into collision with another, if it can be avoided.

"Sec. [33] 30. *And be it further enacted*, That whenever damage is sustained by any [person, in his property or person,] passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owners of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happens through any neglect to comply with the provisions of law herein prescribed, or through known defects or imperfections of the steaming apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of an engineer or pilot, or their neglect or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such engineer or pilot for and recover damages for any such injury caused as aforesaid by any such engineer or pilot.

"Sec. [34] 31. *And be it further enacted*, That before issuing the annual license to [a] any such steamer [employed in the coasting trade,] the collector or other chief officer of the customs for the port or district, shall demand and receive from the owner or owners of the steamer, as a compensation for the inspections and examinations made for the year, the following sums, in addition to the fees for issuing enrollment and licenses, now allowed by law, according to the tonnage of the vessel, to wit: for each vessel of a thousand tons and over, \$35; for each of five hundred tons and over, but not less than one thousand tons, \$30; and for each under five hundred tons and over one hundred and twenty-five tons, \$25; and for each under one hundred and twenty-five tons, \$20, at the time of obtaining registry, and once in each year thereafter, pay according to the rate of tonnage before mentioned, the sum of money herein fixed. And each engineer and pilot licensed as herein provided, shall pay for [each] the first certificate granted by any inspector or inspectors to such inspector or inspectors [to] the sum of five dollars, and for each subsequent certificate one dollar, to be accounted for and paid over to the collector or other chief officer of the customs, [five dollars; and] the sums derived from all the sources above specified shall be quarterly accounted for and paid over to the United States in the same manner as other revenue.

"[Sec. 39. *And be it further enacted*, That every master or commander of a steamer shall provide himself with at least ten copies of this act, and keep the same on board his vessel; and if he neglects or refuses so to do, or shall refuse to exhibit a copy of the same to any passenger who shall ask it, he shall forfeit twenty dollars.]

"Sec. 36. And be it further enacted, That every master or commander of any such steamer, shall keep on board of such steamer, at least two copies of this act to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses so to do, or shall unreasonably refuse to exhibit a copy of the same to any passenger who shall ask it, he shall forfeit twenty dollars.

"Sec. [41] 38. And be it further enacted, That all engineers and pilots of any such vessel shall, before entering upon their duties, make solemn oath before one of the inspectors herein provided for, to be recorded with the certificate; that he will faithfully and honestly, according to his best skill and judgment, perform all the duties required of him by this act, without concealment or reservation; and if any such engineer, pilot, or any witness summoned under this act as a witness, shall, when under examination on oath, knowingly and intentionally falsify the truth, such person shall be deemed guilty of perjury, and, if convicted, be punished accordingly.

"Sec. [45] 42. And be it further enacted, That this act shall not apply to public vessels of the United States, or vessels of other countries, nor to steamers used as ferry-boats, tug boats, or towing-boats, nor to steamers not exceeding one hundred and fifty tons burden, and used in whole or part for navigating canals. The inspection and certificate required by this act, shall in all cases of ocean steamers constructed under contract with the United States, for the purpose, if desired, of being converted into war-steamers, be made by a chief engineer of the Navy to be detailed for that service by the Secretary of the Navy, and he shall report both to said Secretary and the supervising inspector of the district, when he shall make every inspection."

The last amendment of the Committee on Commerce was read. It proposes to strike out the following, viz:

"Sec. 46. And be it further enacted, That all parts of this act shall be in force on the first day of November next, except the requirements to have pumps and hose to extinguish fires, and life-boats, which shall take effect on the first day of January next;"

and insert in lieu thereof the following:

"Sec. 43. And be it further enacted, That all such parts of this act as authorizes the appointment and qualification of inspectors, and the licensing of engineers and pilots, upon the passage thereof, and that all other parts of this act shall go into effect at the times and places as follows: in the districts of New Orleans, St. Louis, Louisville, Cincinnati, Wheeling, Pittsburgh, Nashville, Mobile, and Galveston, on the first day of January next, and in all other districts on the first day of March next."

The question was put, and the amendment was agreed to.

The SPEAKER. The question now is upon the amendments that have been read by the Clerk.

The question was taken, and the amendments were agreed to.

Mr. WALSH. I would ask the unanimous consent of the House to offer an amendment as an additional section to the bill.

Objection was made.

The SPEAKER. The following is proposed by the gentleman from New York, [Mr. BOWNE], as a substitute for the bill:

Strike out all after the enacting clause, and insert—

Sec. 1. That whenever, by the total or partial destruction by fire, or by the explosion of steam of any vessel propelled in whole or in part by steam, or by collision, or any other cause, human life or lives are lost, for each life so lost, the owner or owners of such vessel shall be liable to pay the sum of \$1,000, which shall be sued for and collected in the name of the United States by the district attorney of the district in which such destruction of life shall occur, or from which district (the case of a river steamer or vessel, propelled in whole or in part by steam, and running on a river or rivers, or parts of either, whenever the State nearest adjoining the place where such loss of life shall occur, shall fall to prove jurisdiction over such place; and also, in the case of a sea or lake-going vessel, propelled in whole or in part by steam,) the said vessel shall have started on the trip during which such loss of life shall occur, and when collected shall be paid into the treasury of the State in whose waters such destruction of life shall take place; or, in event of any State failing to prove jurisdiction over such water, shall be paid into the treasury of the State from which said vessel shall have started on the trip during which such loss of life shall occur—said moneys to be appropriated in such manner and to such uses and purposes as said State shall direct. And in default of payment or collection of the liability herein imposed, said owner or owners shall each be liable to imprisonment for a term not less than one year, nor more than ten years, to be imposed by the court in which judgment shall have been rendered, upon the return of an execution or executions against said owner or owners unsatisfied in whole or in part.

Sec. 2. Whenever human life or lives are lost in the manner described, or from the causes stated in the above section, the captain, pilot, and engineer of the vessel, by the partial or total destruction of which such life or lives are lost, shall each be liable to a fine of \$1,000, which fine shall be sued for, collected, and appropriated in the same manner as is provided in section one, for the collection and disposition of the liabilities therein imposed; and in default of payment of said fine, said captain, pilot, and engineer, shall each be liable to imprisonment for a term of not less than one year, nor more than ten years, to be imposed as provided in section one.

Sec. 3. Whenever human life or lives shall be lost in the manner described, or from the causes stated in section one, the finding of a verdict to that effect by a coroner's jury, legally empaneled, in any one case of life so lost, shall be

good and sufficient evidence to authorize and require the commencement of suits for the liabilities and fines imposed by this act.

Sec. 4. Whenever human life or lives are lost by the breaking of any ferry-dock, or any part of such dock, the owner or owners of such dock shall be liable to a fine of \$1,000 for each life so lost—said fine shall be sued for, collected, and appropriated in the same manner as is provided in section one for the collection of the liability therein imposed, and in default of payment of such fine, the owner or owners of such ferry-dock shall each be liable to imprisonment for the term and in the manner specified in section one of this act.

Mr. BOWNE. I ask the indulgence of the House to make a short explanation of that amendment.

Mr. ST. MARTIN. I object.

Mr. BOWNE. I trust objection will not be made to my explanation, as gentlemen were allowed on yesterday the same privilege.

The objection was insisted upon.

The question was taken upon the substitute; and it was rejected.

The amendments were then ordered to be engrossed and the bill to be read a third time; and, having been engrossed, the bill was read the third time.

The question recurred, Shall the bill pass?

Mr. SEYMOUR, of New York. I desire at the present juncture to say, in justification of the Committee on Commerce, which has labored upon this bill very zealously for months past, that they do not consider it to be a perfect one.

Mr. EDGERTON. I would inquire of the Speaker whether this discussion is in order?

The SPEAKER. Under the rules the chairman of the committee has an hour to speak upon the bill.

Mr. SEYMOUR. I will not detain the House more than five minutes. It is due to the committee and the country, that something should be said in reference to the precise condition of the bill which we are about to pass. I was stating, when interrupted, that the committee, after full and free consultation with gentlemen of great scientific and practical skill in matters pertaining to steamboat navigation, both on the eastern and the western waters, and a thorough investigation of the provisions of the bill, and proposing, as will be perceived, over one hundred and fifty amendments, after it has gone through the examination and full discussion it had in the Senate, do not pretend to say now, that the bill is perfect. They think, however, that it is improved by the amendments which they have put upon it, and they confidently recommend its passage as the commencement of a more perfect and efficient system than we have at present, for the preservation of the lives of passengers on steamboats. I will only say further—as I am informed that the time for the consideration of the bill this morning has nearly elapsed—that the strongest argument I can offer for this bill, is the fact, that whilst, by the various processes of legislation it has been working its way through Congress, seven hundred human beings have been sent into eternity by the very collisions and accidents which we guard against, and hope to prevent by the passage of this bill. I move the previous question on the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. BOWNE demanded the yeas and nays upon the passage of the bill; but they were not ordered.

Mr. ORR. For the purpose of putting myself right, as we cannot get the yeas and nays upon the passage of the bill, I move to lay it upon the table.

Mr. CABLE, of Ohio. I demand the yeas and nays upon that motion.

Mr. ORR. If I can get the yeas and nays upon the passage of the bill, I will withdraw my motion.

[Cries of "Consent!" "Consent!"]

The SPEAKER. Is it the unanimous consent of the House that the yeas and nays be ordered on the passage of the bill?

There was no objection, and they were ordered.

The question was then put upon the passage of the bill, and there were—yeas 147, nays 27; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Allison, William Appleton, Babcock, Thomas H. Bayly, Barrere, Bennett, Bigglehaus, Bissell, Bowie, John B. Boyd, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, George H. Brown, Buell, Busby, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chan-

dlar, Chapman, Clark, Conger, Cullom, Curtis, George G. Davis, John G. Davis, Dawson, Dean, Dimmick, Disney, Dockery, Doty, Duncan, Dunham, Eastman, Edmundson, Evans, Faulkner, Picklin, Florence, Floyd, Fowler, Freeman, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Goodrich, Gorman, Green, Grey, Hall, Harper, Sampson W. Harris, Hart, Haws, Hascall, Hendricks, Hibbard, Holladay, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Jackson, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, Preston King, Kuhns, Kurtz, Landry, Letcher, Lockhart, Mann, Martin, McCorkle, McLanahan, McMullin, McNair, Miller, Millson, Miner, Molony, Henry D. Moore, John Moore, Morehead, Murphy, Murray, Newton, Olds, Outlaw, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Porter, Powell, Price, Reed, Richardson, Riddle, Robbins, Robie, Savage, Schermerhorn, Scudder, David L. Seymour, Skelton, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, St. Martin, Stratton, Strother, Stuart, Sweetser, Taylor, Thompson, Townshend, Venable, Walbridge, Ward, Washburn, Watkins, Welch, Wells, Addison White, Alexander White, Wilcox, and Wildrick—147.

NAYS—Messrs. Aiken, Ashe, Averett, Bowne, Joseph Cable, Caskie, Chastain, Cobb, Colcock, Edgerton, Hamilton, Hammond, Isham G. Harris, Thomas Y. How, Mason, McQueen, Meade, Orr, Penniman, Schoonmaker, Scurry, Smith, Snow, Sutherland, Wallace, Walsh, and Woodward—27.

So the bill was passed.

Mr. SEYMOUR, of New York, moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills; which severally received the signature of the Speaker:

S. No. 454. An act for the relief of Joseph Morton Plummer and Mary Reynolds Plummer;

H. R. No. 258. An act to reduce and define the boundary of the military reserve at St. Peter's river, in the Territory of Minnesota; and

S. No. 540. An act to establish an additional land office in the Territory of Minnesota.

MAJOR JOHN MOORE WHITE.

The SPEAKER. The question now pending is upon the motion of the gentleman from New Jersey, [Mr. STRATTON], to suspend the rules for the purpose of taking up Senate bill for the relief of John Moore White.

Mr. JOHNSON, of Arkansas. Has the morning hour expired?

The SPEAKER. It has.

PERSONAL EXPLANATION.

Mr. JOHNSON. I ask the floor for a personal explanation. The unpleasant difficulty, occurring on yesterday, in debate in this House, between Messrs. WHITE, of Kentucky, and POLK, of Tennessee, was referred to Mr. GREY, of Kentucky, and myself. It is my pleasant duty to state that the difference between those gentlemen arose and existed in misapprehension, and that it has been honorably and satisfactorily adjusted.

Mr. GREY. Mr. Speaker, having been associated with my friend from Arkansas [Mr. JOHNSON] in negotiating an amicable adjustment between my colleague [Mr. WHITE] and the gentleman from Tennessee, [Mr. POLK.] I take great pleasure in expressing my concurrence in the statement just made by that gentleman, that all those unpleasant differences have been settled in a manner alike honorable and satisfactory to both those honorable gentlemen, and which, I am sure, will meet the entire approbation of every friend of each of them.

Mr. DUNCAN. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. There is a motion pending, of a privileged character, which must be put to the House. It is a motion made by the gentleman from New Jersey [Mr. STRATTON] to suspend the rules for the purpose of taking up Senate bill for the relief of John Moore White.

Mr. STRATTON. I hope the House will allow the rules to be suspended.

Mr. MILLSON. I wish to make a suggestion to the gentleman. If the gentleman from New Jersey [Mr. STRATTON] will allow this bill to be referred to a Committee of the Whole House I will withdraw my objection. The bill was referred to me for examination at the last Congress, and I know something about it; and I think that the House ought to know something about it before it is passed.

Mr. STRATTON. I will say that this bill has



been reported upon favorably by the Senate. I have shown the report to every member of the Committee on Revolutionary Claims, and they have authorized me to say that they are willing to support the bill.

The question being on Mr. STRATTON's motion to suspend the rules,

Mr. COBB demanded tellers; which were ordered; and Messrs. MOLONY, and STANTON of Tennessee, were appointed.

The question was then taken, and the tellers reported—ayes 91, noes 29.

So the rules were suspended.

The bill was then read the first and second time by its title.

Mr. MILLSON. I move to refer the bill to a Committee of the Whole House. I have but a few words to say upon this subject, and merely to show the House why I felt it my duty to object to taking up the bill at this time. There is, perhaps, no one now here but myself who knows anything about this bill. It was referred, at the first session of the last Congress, to the Committee on Revolutionary Claims, of which I was then a member. The bill was examined, and reported upon by me to the committee. The venerable gentleman (Judge White) who is the beneficiary of this bill, soon afterwards visited Washington, and I had one or two conversations with him. I have not the least hesitation in saying, that his destitution, and his bland and gentlemanly manners made an impression upon me, and my sympathies were warmly enlisted in his behalf. In the conversations I had with him, I thought he was satisfied himself that his application was founded in mistake. He asked permission to withdraw his papers. I, myself, urged that this permission should be given, that he might, if possible, strengthen his case, though the House will presently see that the case, from its very nature, was not susceptible of being supported by any testimony he could procure. However, the papers were withdrawn, and, somewhat to my surprise, I observed that they were this year presented in the Senate, and a report made upon them from the Committee on Revolutionary Claims.

I will briefly state the character of this petition. The statements in the bill and report are altogether erroneous. Major White, the father of the petitioner, never was a major in the revolutionary Army, and the respectable petitioner does not allege that he was ever a major in the American Army. On the contrary, he states, in his petition, that his father was connected with the revolutionary Army, but in what capacity he does not exactly know. I examined the question with very great care, for I would not have made an adverse report upon such a case unless I had been perfectly well assured of the grounds upon which I ought to act. Major White, the father of the petitioner, was an Irishman by birth—a gallant officer, or rather a gallant man—for he was a merchant, and not an officer. He was a man of great popularity in his day, and from his handsome person, and pleasing manners, won the sobriquet of Beau White. He was the volunteer aid of General Sullivan at the battle of Germantown, and was killed in that battle.

Mr. PRICE. I ask the gentleman whether he asserts that he was the aid of General Sullivan at the battle of Germantown?

Mr. MILLSON. Yes, sir.

Mr. PRICE. Does not that entitle him to the distinction of a major?

Mr. MILLSON. He was, of course, only acting as a staff officer. We have never gone so far as to provide, by any general law, pensions to the children of those who died or served in the revolutionary war. Congress has granted pensions to the widows of revolutionary officers and soldiers—

Mr. SKELTON. Are not the children of those who died in the revolutionary war entitled to all the pay which their parents would have received?

Mr. MILLSON. The children would be entitled to draw the pay to which their parent was entitled, and which he had not drawn up to the time of his death. I will now refer to the legislation of Congress for the relief of those who were connected with revolutionary officers and soldiers. I say that we have never gone further than to grant pensions to the widows, but the children of those who served in the revolutionary war have never been entitled to anything at all. Most of

us are descended from those who served in the revolutionary war; and if a claim were allowed on behalf of children for the services of their ancestors, our Treasury would soon be depleted. We have never gone further than to grant pensions to the widows of revolutionary officers and soldiers, and only to those who were married before the year 1800. Those widows of revolutionary officers and soldiers who were married since the year 1800, are now entitled to no bounty or relief from the Government of the United States. The resolution of Congress under which this appropriation is attempted to be made or justified, applies only to "military officers commissioned by Congress." It never applied to staff officers—it never applied to surgeons—it never applied to chaplains—it never applied to any description of officers but to commissioned military officers. But again, Major White, as he is called—and we all know that an officer of the staff receives the honorary title of major—was killed in the year 1777, at the battle of Germantown. If he had been a military officer, and commissioned by Congress, his heirs would have been entitled to nothing. There is as great an error of law as there is a mistake of fact in the bill of the Senate. On the 15th of May, 1778, the Continental Congress adopted a resolution granting seven years' half pay to "all military officers commissioned by Congress, who now are or hereafter may be in the service of the United States, and shall continue therein during the war to the end of the war." Sometime in August, 1780, this resolution was extended to the widows and orphan children of "those officers who have died, or shall hereafter die in the service;" and the Legislatures of the States were recommended to make provision for paying the same on account of the United States.

As early as the year 1792, just sixty years ago, the heirs of Captain Shubrick, a gallant officer from South Carolina, who died, or was killed before the 15th of May, 1778, petitioned Congress, with many others similarly situated, for the seven years' half pay. The question was then deliberately and carefully considered by Congress. It was referred to General Knox, then Secretary of War, for his report. He made a report to the Senate, and that body struck out of the bill, which had impropiously passed the House of Representatives, the name of every officer who had died before the 15th of May, 1778, upon the ground that the benefits of the resolution of 1780 were only to be extended to those widows and orphan children whose husbands or fathers had been promised relief under the resolution of 1778. Undoubtedly, this was the correct construction. It can hardly admit of any other.

About ten or twelve years ago, the attempt was repeated to extend the benefits of this resolution to the heirs of that class of officers who died before the 15th of May, 1778. The petition was presented to the House of Representatives, and it was deemed sufficiently important to invoke the consideration of the Judiciary Committee. The question referred by the resolution of the House, was whether the widows and children of those officers who died prior to the 15th of May, 1778, were entitled to the benefits of that provision. A report was made by Mr. Barnard, of New York, then the chairman of the Judiciary Committee in this House, expressing the confident and unwavering opinion of the committee that the resolution was never intended to apply to any such class of officers, and that it had no further retrospective operation than to embrace such as had died between the 15th of May, 1778, and August, 1780. I have, in the discharge of my duties upon the committee, made similar reports. I have made reports of that character at the present session of Congress; and at the last session, I made a report in the case of the heirs of James Conway, presented by my colleague, [Mr. AVERETT,] denying the relief claimed there upon precisely similar grounds.

The House will therefore perceive, for I will not detain them further, that there is a glaring mistake, both of fact and law. Major White was never a military officer commissioned by Congress, and was never a major in the revolutionary army. His respectable son, who was at one time, I think, chief justice of the State of New Jersey, does not allege in his petition that his father was a major in the revolutionary Army, but only says that he was connected with the revolutionary Army; and

if he had been a major in the revolutionary Army, the law, as I have stated and shown to the House, does not justify the allowance of seven years' half pay to the widow and children of that class of officers who died before the 15th of May, 1778.

In conclusion, I will say, that it is, at all times, exceedingly repugnant to my feelings to interpose objections to the relief asked by those who are, doubtless, anxiously expecting the bounties they solicit from Congress; and nothing but the consideration that the House might be misled, and perhaps be induced to vote as they would not if they correctly understood the facts of the case, constrained me on yesterday to object to the motion of the gentleman from New Jersey, to take this bill from the table. I should be individually very well satisfied if the House should grant this relief to the petitioner; and if, after this explanation, they shall determine to do so, as a mere matter of gratuity and bounty, while it is not consistent with my views of public duty to give such a vote, yet, I assure the House that no gentleman here—not even the honorable gentleman who is the immediate representative of Judge White—could be personally more gratified at the relief extended to him in his old age and necessity, than I should be. But that we shall be establishing a dangerous principle, and one entirely at variance with our system, I cannot doubt. In this country, there is no hereditary title, either to honors, or the rewards of merit and service. Under our republican Constitution, the service rendered by one man is not transmissible to his descendants, so as to entitle them to bounties and rewards, when they have themselves rendered no public service.

Mr. STRATTON. My honorable friend from Virginia has stated to the House his knowledge of the claim when it was before the committee. I hold in my hand the report of D. Newell, formerly known as a member of the preceding Congress, presented on the 8th February, 1848, which I will send to the Clerk's desk to be read.

The Clerk then read the report, as follows:

"The committee to whom was referred the petition of J. M. White beg leave respectfully to report—

"That John Moore White, the petitioner, is the only surviving son and heir of Major John White, who was an officer in the American Army during the revolutionary war; that Major White was an Irish gentleman who, prior to the war, settled in the United States, and was a merchant in the city of Philadelphia; that about the year 1765 or 1766 he married a Miss Moore, of the county of Cumberland, in the State of New Jersey, who died in 1770, leaving three sons, of whom the petitioner is the youngest. After the death of his wife he returned to Europe, and was there at the time of the declaration of our independence. Very soon after that event, he returned to this country and joined the American Army; that Major John White was on the 4th day of October, 1777, acting as one of the aids of Major General John Sullivan at the battle of Germantown, and there received a mortal wound by a shot from Chew's house, whilst he was attempting to set fire to the house, with a view to dislodge the British troops who had taken shelter therein; that he survived but a few days, and died in the neighborhood of the battle-field. There is before the committee the certificate of an old lady—whose character for veracity is vouched for by some of the most respectable gentlemen of the State of New Jersey—who states that she saw Major White after the battle of Germantown, wounded, and that he died a few days after in consequence of his wound. This is also substantiated by the testimony of a soldier who was in that battle, and deposes to this fact. Additional testimony to this end may be found in the letter of Major General Sullivan, published in Washington's Letters, by Sparks, page 466; Thatcher's Military Journal, pages 149 and 143; in General Wilkinson's Annals of Philadelphia, volume 2; also, in several affidavits now in the possession of the committee.

"That the petitioner is the son of Major White is clearly shown by an abundance of the most respectable testimony, the authors of which are well known by reputation to the writer of this report; also, by the evidence of the daughter of a chaplain in the revolutionary Army, who had frequently heard her father converse with the petitioner about his father's untimely end at the battle of Germantown. A transcript from the family book, now in the possession of the petitioner, proves him to be the son of Major White; in which book is also recorded, as follows: 'John White, merchant, of Philadelphia, was killed by the British, at the battle of Germantown, October 4, 1777, while fighting for the liberties of America. He was aged about forty-six years.'

"That the petitioner is the only surviving heir of Major White, is shown by abundant testimony. That neither he, nor any of the other heirs of Major White, whilst living, received any compensation, is apparent from the fact that Major White died in the early stage of the war, and that application has never been made, until this time, for the payment of the claim. This is further proved by a letter from the Third Auditor of the Treasury, (Mr. Hagner,) stating that no payment has ever been made to his heirs.

"The writer of this report begs leave further to state, that the petitioner was attorney general to the State of New Jersey, and subsequently, for many years, an associate justice of the supreme court of that State; that he is a gentleman of great moral and intellectual worth; that in consequence of a disease of his eyes he was obliged to relin-

quish his professional business. The disease has gradually increased until he has now become entirely blind. He did not, until driven to do so by necessity, petition Congress for his rights, feeling a strong and natural disinclination to be the recipient of a bounty so long as he was able to sustain himself by his own exertions. This will account for the unusual delay in presenting his just and unquestionable claim. He is now seventy eight years of age, and if relief come to him at all, it must come soon, or he will be beyond the reach of oftentimes but tardy justice."

Mr. BROWN, of New Jersey. With the permission of the gentleman I will say a few words. I have given some examination to this case, and have not arrived at the same conclusion as the gentleman from Virginia, [Mr. MILLSON.] I feel obliged to him, however, for the courteous terms in which he has spoken of the petitioner, Judge White, of New Jersey. I feel that the spotless character he has sustained during a long life, and his present necessity and misfortune, (a state of total blindness,) justify gentlemen in extending to him not only words of courtesy, but those of sympathy. The objections taken by the gentleman from Virginia are two. The first is, that Major White, the father of the petitioner, was not commissioned by Congress; and I admit, sir, that there is no evidence that he was so commissioned. But the very reason why this case is presented here is, that it does not come precisely within the resolution of the 15th May, 1778. Petitioners come here for relief because their cases substantially are within the general laws passed by Congress on this subject, but are not technically and literally within such laws. Now, sir, Major White may not have been commissioned by Congress as a major in the Revolutionary Army. He was commissioned, if at all, by one of the agents of the Congress—by one of the generals of the Army, and the probability is that he received his commission from General Sullivan, upon whose staff he was serving when killed. There is no doubt at all from the evidence, that he was in the service from the commencement of the war up to the time of his death at the battle of Germantown. There is evidence here that he stated on one occasion, that he preferred sleeping on a hard floor to a bed, because he was accustomed to camp life. There is evidence also here, as remarked by the gentleman from Virginia, that from his elegant and officer-like appearance, he had acquired in the army the sobriquet of Beau White. That he was gallant and distinguished in the service, is stated by General Sullivan in a letter which he wrote immediately after the battle of Germantown. In that letter the General states that in that conflict he had lost General Nash, of South Carolina, and his aids Major Sherbourne and Major White, whose acts of distinguished bravery, he said, would entitle them to the gratitude of their country. Now, sir, whether Major White was commissioned or not by Congress, I submit to this House whether, having been a gallant officer and served in the manner specified, and having met the approbation of his brother officers in the Army and his General, he does not come substantially within the meaning of the resolution of Congress which was intended to give to all of these officers seven years' half pay.

Mr. MILLSON. Will my friend allow me to say a word here? It is only this, that attempts to extend the provisions of the resolution of 1778 and 1780 were made even before the adoption of the present Constitution; and it was deliberately resolved by the Congress in these words: "That half-pay cannot be allowed to any officer, or to any class or denomination of officers to whom it has not been expressly promised."

Mr. BROWN. I believe, sir, we are now in the Congress of the United States, one branch of which has already acted upon this very question; and I am now speaking to the question whether this branch of the Congress ought not to unite in extending relief to those who have performed all the service required by those resolutions, although not commissioned by Congress—in this case, to a man who fell after performing acts of distinguished bravery in the service of his country. I contend, sir, that these resolutions ought to be so extended. Upon that point I trust that the House will have no difficulty.

But, sir, I understand the gentleman from Virginia to contend that if Major White had been commissioned by Congress, he was still not entitled to relief under these resolutions, and that it has been so decided by Congress heretofore. If that be so, I trust it will never prove to be so in

future. Why, by the very terms of these resolutions, if he had been commissioned by Congress a major in the Army of the United States, he would have been entitled to receive at the Pension Office, without applying here, these seven years' half pay. It is true that he was not embraced in the resolution of the 15th May, 1778, because that applies only to those officers who served during the war. But the second resolution, passed on the 24th August, 1780, was intended to meet the very case, and to extend the resolution of 1778 to other cases; and by that resolution the provisions of the resolution of 1778 were expressly extended to all officers who might thereafter die, or who had theretofore died. Now, it is said by the gentleman from Virginia that a different construction has been given to these two resolutions; that they have been held not to apply to any person who died before the passage of the first resolution, because no promise had been made to such person. Well, sir, I say that is an arbitrary construction—it is contrary to the literal meaning of the words contained in the second resolution. The widows and children of all those officers who shall have died, or who may hereafter die, are to be entitled, under these resolutions, to this bounty. These are the express terms of the second resolution.

Mr. MILLSON. My friend has not quoted correctly the terms of the laws. The terms are, that the benefits of the act of the 15th May shall be extended to those who have heretofore died.

Mr. BROWN. Here is the resolution:

"Resolved, That the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the Army who should continue in the service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die in the service; to commence from the time of such officer's death, and to continue for the term of seven years; or, if there be no widow, or in case of her death or intermarriage, the said half pay be given to the orphan children of the officer aforesaid, if he shall have left any, and that it be recommended to the respective States to which such officer belong, to make provision for paying the same on account of the United States, that the restricting clauses in the resolution of May 15th, 1778, granting half pay to the officers for seven years, expressed in these words, viz: 'And not hold any office of profit under these States, or any of them,' be, and is hereby repealed."

The benefits of the act of 1778 are extended by this second resolution to the widows and children of those who had died. Now, Major White had died before the passage of the first resolution, and it would seem that he had died too early; that he had entered the service too promptly; and that he was at the battle of Germantown, and fell there too soon in an act of distinguished bravery, and, therefore, his children are to be excluded from the benefits of these resolutions by this technical construction. I say it is a construction not only to the dishonor of the Congress of the United States, but contrary to what would be the construction of any enlightened court.

I submit to this House, that this is a meritorious case, and that an act ought to be passed granting relief to this venerable old man, distinguished in his prime, but now driven by misfortune to be a petitioner. I move to suspend the rule which requires all bills making appropriations to be considered in Committee of the Whole.

Mr. HARRIS, of Tennessee. Has not that rule been suspended already?

The SPEAKER. It has not. The rule was suspended for the purpose of taking up the bill only.

The question now being upon Mr. Brown's motion to suspend the rules,

Mr. COBB demanded tellers; which were ordered; and Messrs. MOLONY and CURTIS were appointed.

The question was then taken; and the tellers reported—ayes 87, noes 32.

So (two thirds voting in the affirmative) the rule was suspended.

The question recurred upon the motion to refer the bill to a Committee of the Whole House.

Mr. AVERETT. Is it in order to move an amendment to that bill?

The SPEAKER. Not pending the motion to commit. The motion to commit is immediately before the House.

Mr. AVERETT. It was remarked by my friend and colleague, [Mr. MILLSON,] a short time ago, that a petition coming from my district stood upon the same grounds, and depended upon the same principles, as the bill now before the House. I have not the papers in relation to that case now before me, and I do not mean to detain the House

with any attempt to give an account of my recollection of the case. My recollection, in short, is, that it is a petition of an officer of the Revolution, whose petition has been favorably reported upon once and again, but which has failed between the two Houses; and as well as I can recollect—and if I am wrong my colleague will correct me—there never has been an adverse report upon it until the one to which the gentleman from Virginia refers, and which was made by himself. My purpose in rising at this time is, to ask the House, if this bill is to be taken into consideration, that the amendment which I have sent to the Clerk's table shall be added to it; and if it be decided favorably upon, or acted upon at all, that the representatives of Lieutenant Conway, whose claim stands upon the same ground as this bill, shall be participants in the benefits of it.

Mr. MILLSON. Will the gentleman allow me to have read the concluding remarks of the Committee on the Judiciary, in 1842, upon this legal question?

Mr. AVERETT. Certainly, sir.

Mr. STUART. What report is that?

Mr. MILLSON. It is the report of the Committee on the Judiciary.

Mr. STUART. On this bill?

Mr. MILLSON. No; but on the principles involved in the bill.

The Clerk then read the extract, as follows:

"In conclusion, the committee, in answer to the resolution of the House, by which the House has directed them to report their opinion on the legal question in this case, express a decided, unwavering, and clear conviction, on their part, after due consideration, on the grounds stated in this report, that it was not the intention of Congress, by the resolution of the 24th of August, 1780, to extend the grant of half pay for seven years to the widows or orphan children of officers who died in the service before the 15th of May, 1778; and that the language of that resolution, when taken in connection with the resolution of the 15th of May, 1778, does not fairly warrant such a construction."

Mr. AVERETT. Do I understand the Chair to decide that no amendment is in order?

The SPEAKER. The pending question is on the motion to commit the bill. An amendment is therefore not in order at this time.

Mr. AVERETT. My particular purpose in addressing the Chair was to call the attention of the House to the remark which fell from my colleague, [Mr. MILLSON,] who stated that the petition of the representatives of James Conway stood upon the same ground as this petition, and to ask the House if they mean to act on this case, to act at the same time upon that.

Mr. STUART. I think that for the last hour we have understood this question at least as well as we shall understand it to-day; and I therefore move the previous question.

The previous question was seconded, and the main question ordered.

The question was then taken on the motion to refer the bill to a Committee of the Whole House, and it was not agreed to.

Mr. AVERETT. Is an amendment to the bill now in order?

The SPEAKER. The previous question is pending, which cuts off all amendments. By unanimous consent the amendment can be received.

Mr. STRATTON. I object.

The bill was then ordered to a third reading, and was subsequently read the third time.

Mr. STUART moved the previous question on the passage of the bill. The previous question was seconded, and the main question ordered.

Mr. LETCHER called for the yeas and nays; but they were not ordered.

Mr. McMULLIN moved to lay the bill upon the table.

The motion was not agreed to.

The bill was then passed.

CANAL AROUND THE FALLS OF ST. MARY.

Mr. STUART. I move to suspend the rules for the purpose of taking from the Speaker's table Senate bill No. 28, "granting to the State of Michigan the right of way and a donation of public lands for the construction of a ship canal around the Falls of St. Mary."

Mr. BISSELL. I ask the gentleman to withdraw that motion for a moment, that I may ask the permission of the House to report a bill from the Committee on Military Affairs, that it may be referred to a Committee of the Whole House.

The SPEAKER. If there be no objection, the bill can be received and referred.

Mr. STEVENS, of Pennsylvania. What bill is it?

Mr. BISSELL. It is a bill for the relief of Mrs. Margaret Hetzel. I simply wish to report it from the Committee on Military Affairs, that it may be referred to a Committee of the Whole House.

There being no objection, the bill was received and referred to a Committee of the Whole House.

Mr. KING, of New York. I move to reconsider the vote by which that bill was referred. I do not wish to press the motion now, but I desire that it shall be entered.

The question then recurred upon the motion made by Mr. STUART to suspend the rules to take up Senate bill No. 28.

Mr. STUART demanded tellers; which were ordered; and Messrs. VENABLE and PARKER of Pennsylvania, were appointed.

The question was then taken, and the tellers reported—ayes 94, noes 49.

Mr. STUART demanded the yeas and nays; and they were ordered.

The question was again taken, and there were—yeas 123, nays 44; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Allison, William Appleton, Babcock, Barrere, Bissell, Bowie, Bowne, John H. Boyd, Breckinridge, Brenton, Briggs, George H. Brown, Buell, Burrows, Busby, Joseph Cable, Thompson Campbell, Carter, Chandler, Chapman, Clark, Conger, Cottman, Collum, Curtis, George T. Davis, Dawson, Dean, Dimmick, Duncan, Edgerton, Evans, Fitch, Florence, Fowler, Freeman, Gamble, Gaylord, Gilmore, Goodenow, Goodrich, Gorman, Green, Hall, Harper, Hart, Haws, Hascall, Haven, Hebard, Hendricks, Henn, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, J. Johnson, Robert W. Johnson, Daniel T. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Lockhart, Martin, McKie, McLanahan, McNair, Miller, Molony, Henry D. Moore, John Moore, Murray, Newton, Olds, Andrew Parker, Samuel W. Parker, Penniman, Perkins, Phelps, Polk, Porter, Price, Reed, Richardson, Robbins, Robie, Sackett, Schermernhorn, Schoolcraft, Schoonmaker, Scudder, Scurry, David L. Seymour, Skelton, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, Stratton, Stuart, Sutherland, Sweetser, Taylor, Thompson, Thurston, Townshend, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, Wilcox, and Wildrick—123.

NAYS—Messrs. Aiken, Averett, Thomas H. Bayly, Beale, Bennett, Bragg, Brooks, Caldwell, Chastain, Cobb, Colcock, John G. Davis, Dockery, Dunham, Edmundson, Faulkner, Floyd, Grey, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hibbard, Holladay, Houston, A. Johnson, Letcher, Mason, McMullin, McQueen, Millson, Morehead, Murphy, Orr, Outlaw, Powell, Ross, Savage, Smith, Thaddeus Stevens, Venable, Wallace, Alexander White, and Woodward—44.

So the rules were suspended, and the bill was taken up.

Mr. STUART. I can explain the bill in a very few moments. I ask that it may be read.

The bill was read through by the Clerk.

Mr. STUART. I do not propose to detain the House five minutes in reference to the bill. The subject itself is one of such magnitude that it has attracted the attention of every member of this House, and of the whole country. It is a great work, and one entirely national in its character. It steers perfectly clear of all constitutional questions and objections, because the Government of the United States owns the ground, and has entire jurisdiction over the whole tract of country through which the canal will pass. There is, therefore, no constitutional question involved. The delegation from Michigan would have been pleased, if we could have obtained a money appropriation with which to construct this canal. That question was, however, thoroughly tested in the Senate, and was voted down. I say the delegation from Michigan, not because we are more interested in the construction of this work than any other portion of the country. We are not as much interested as Ohio, Pennsylvania, New York, or any of the Western States.

Mr. STANTON, of Ohio. Will the gentleman from Michigan allow me for a moment—

Mr. STUART. For a moment.

Mr. STANTON. I merely wish to state, that I have had in my possession, for the last six months, a variety of memorials and petitions from Chambers of Commerce, and from the State Legislatures of Pennsylvania, New York, and Ohio, in favor of the construction of this canal. I have also a report from the Committee on Roads and Canals in favor of the bill; all of which I have been endeavoring to report back to the House for a long time, but have not had any opportunity of doing so.

Mr. HOUSTON. I wish to state one fact in

this connection. It is this: I have now in my possession, I suppose, as many as forty petitions from various sources, in favor of the Government depositing with the States the fourth installment under the act of 1837.

Mr. STUART. I cannot yield to the gentleman from Alabama.

Mr. STANTON. The Committee on Roads and Canals have long since reported to this House a bill for accomplishing this very object.

The SPEAKER. The Chair will inquire whether it is the object of the gentleman to present the papers to which he refers?

Mr. STANTON. It is not. I merely desire to state that I have them in my possession. The Committee on Roads and Canals reported a bill for an appropriation of \$400,000, for the construction of this canal. I have no doubt the money ought to be appropriated.

Mr. STUART. I do not yield longer to the gentleman from Ohio. I cannot consent to detain the House at all upon this subject. I should have finished my remarks in a few minutes. I will merely say, that Ohio, New York, and Pennsylvania have given a legislative expression in favor of the construction of this canal.

[A message was here received from the Senate announcing the passage, by that body, of the river and harbor bill with sundry amendments.]

Mr. STUART, (continuing.) I should like to give my views to the House and the country, upon this subject; but, at this period of the session, I am not willing to occupy the time of the House for that purpose. I call for the previous question.

Mr. ORR. I ask the gentleman to withdraw the demand for the previous question, in order to allow me to ask him two or three questions.

Mr. STUART. I will hear the gentleman's questions.

Mr. ORR. I wish to inquire of the gentleman, in the first place, what is the length of the canal; and, in the next place, whether there has been any estimate, that the cost of its construction would be more than \$400,000?

Mr. STUART. The length of this canal is about three quarters of a mile. The excavation, as I understand it, is mostly through a rock. The estimate of the engineers is about \$450,000.

Mr. ORR. I should like to ask the gentleman from Michigan another question. I understood him that the estimate for the construction of this canal is about \$450,000. I think that is the amount. It was before the Committee on Public Lands, and that is my recollection. But this bill proposes to give 750,000 acres of the public land, which, at \$1 25 an acre, would amount to near a million of dollars. Now, I desire to ask the gentleman from Michigan, if he has any further information going to show that the cost of this canal is likely to go up from \$450,000 to \$1,000,000? and, if not, why this increase is made?

Mr. STUART. I will answer the gentleman in a word. I do not believe the canal will cost more than the amount of the estimate. This question, as I stated, was presented in the Senate in a form of a grant of money for the construction of the canal. That proposition, however, after full discussion, was refused by a very decided vote, and the Senate agreed to put in the amount of land which is indicated in the bill; so that in any contingency the land should bring the money necessary to insure the construction of the canal. There is no danger of the land being wasted; for, in case there is more than enough to construct the work, it reverts back to the United States. I demand the previous question.

Mr. CONGER. I ask my colleague to withdraw the demand for the previous question, to allow me to submit a few remarks.

Mr. STUART. I will withdraw in favor of my colleague, if he will renew it.

Mr. CONGER. I will renew it. I do not rise for the purpose of detaining the House with a speech at this time, upon this subject. I am happy to perceive this subject is as well understood by the other members of the House as it is by us who are more immediately interested. It will be recollected that at an early part of the session, I, myself, by leave, introduced a bill for the construction of this same work. That bill provided for an appropriation of money; and it was reported upon favorably by the Committee on Roads and Canals, to which it was referred. It went to the Committee of the Whole on the state of the

Union, and has never been reached. But as there is a very decided indication in the other branch of the National Legislature that an appropriation of money can never be obtained for that purpose, perhaps a grant of land would be better than nothing.

I have devoted some time to the investigation of this question, and have even taken the pains to prepare a speech upon the subject, in which the statistics necessary for the full information of the House were embraced. With the leave of the House, hereafter I may publish the speech I have prepared. I will not detain the House further at present.

Mr. STUART. I now demand the previous question.

Mr. LETCHER. I move that the bill do lie upon the table; and upon that motion I demand the yeas and nays.

Mr. MEADE. Do I understand that the gentleman from Michigan [Mr. CONGER] demanded the previous question?

The SPEAKER. The gentleman from Michigan [Mr. STUART] demanded it.

Mr. MEADE. I appeal to the gentleman to withdraw his demand.

Mr. STUART. I cannot.

Mr. MEADE. Then I hope it will be voted down. I know nothing about the bill.

The yeas and nays were not ordered upon the motion to lay upon the table.

The question was then taken, and the House refused to lay the bill on the table.

Mr. ORR. I ask the gentleman from Michigan to withdraw the demand for the previous question in order to allow me to offer an amendment to reduce the amount to 500,000.

[Cries of "No!" "No!"]

Mr. STUART. I cannot withdraw the demand.

The previous question was then seconded, and the main question ordered to be put.

The bill was then ordered to be read a third time; and, according to order, it was read the third time.

Mr. MEADE. Is it in order to move to commit the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not, the bill having been ordered to a third reading.

Mr. STUART. I demand the previous question upon the passage of the bill.

Mr. MEADE. Is the question upon the passage of the bill?

The SPEAKER. That is the question before the House.

Mr. MEADE. I understand the question to be upon a third reading of the bill.

The SPEAKER. The bill has already been read a third time.

Mr. MEADE. Then I submit that the gentleman from Michigan [Mr. STUART] had not the floor to call the previous question.

The SPEAKER. The gentleman from Michigan was regularly upon the floor.

Mr. MEADE. I rose and was recognized by the Chair. While I was upon the floor the gentleman from Michigan rose and demanded the previous question. I submit that the gentleman had no right to the floor.

The SPEAKER. The Chair thinks that under the circumstances the gentleman from Michigan was regularly entitled to the floor, and had the right to call for the previous question.

Mr. MEADE. Then the question is upon the passage of the bill. I now ask the Chair if it is in order to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair stated to the gentleman from Virginia once, and he now states again, that no motion is in order now, and has not been at any time since the bill was ordered to be engrossed and read a third time.

Mr. MEADE. I call for the yeas and nays upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The yeas and nays were then ordered upon the passage of the bill.

The question was then taken, and decided in the affirmative—yeas 115, nays 48; as follows:

YEAS—Messrs. Willis Allen, Allison, William Appleton, Babcock, Barrere, Bennett, Bibbians, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, Brooks, Burrows,



Busby, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Clark, Conger, Curtis, George T. Davis, Dawson, Dean, Dimmick, Disney, Duncan, Eastman, Edgerton, Evans, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Gamble, Gentry, Gilmore, Goodenow, Goodrich, Green, Hall, Harper, Hart, Hascall, Haven, Hendricks, Henn, John W. Howe, Thomas M. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, John Johnson, Robert W. Johnson, J. Glancy Jones, George G. King, Kuhns, Kurtz, Landry, Lockhart, Martin, McLanahan, McNair, Miller, Miner, Molony, Henry D. Moore, John Moore, Murray, Newton, Olds, Andrew Parker, Samuel W. Parker, Penn, Penniman, Perkins, Phelps, Polk, Porter, Price, Reed, Richardson, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Souder, David L. Seymour, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Abraham P. Stephens, St. Martin, Stratton, Stuart, Sweetser, Taylor, Thompson, Thurston, Townsend, Walbridge, Walsh, Ward, Washburn, Welch, Wells, and Wilcox—115.

**NAVS**—Messrs. Aiken, Ashe, Averett, Thomas H. Bayly, Beale, Bocock, Bragg, Caldwell, Chapman, Chastain, Clingan, Cobb, John G. Davis, Dockery, Dunham, Edmundson, Faulkner, Floyd, Grey, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hebard, Hibbard, Holladay, Houston, Jackson, Andrew Johnson, Letcher, McMullin, McQueen, Meade, Milson, Morehead, Murphy, Orr, Outlaw, Peaslee, Powell, Ross, Savage, Sutherland, Venable, Wallace, Watkins, Alexander White, and Woodward—48.

So the bill passed.

**MR. STUART.** I rise to a privileged question. I move that the vote by which the bill passed be reconsidered, and that the motion to reconsider do lie upon the table.

The question was taken, and the latter motion was agreed to.

#### LIGHT-HOUSE BILL.

**MR. DUNCAN.** I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and disposing of the light-house bill. I presume it will take but a few moments to dispose of it.

The question was put, and the motion was agreed to.

So the rules were suspended.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. VENABLE in the chair.)

The **CHAIRMAN.** The bill before the committee for its consideration is House bill No. 312, making appropriation for light-houses, &c., and the pending question is upon the amendment offered on yesterday by the gentleman from Maryland, [Mr. EVANS.] The Clerk will read the amendment, if it is desired by the House.

**MR. HENN.** It is not necessary to read the amendment to-day. It is very long, and is understood by the House.

**MR. HAVEN.** I desire to inquire if the first vote is upon the amendment of the gentleman from Maryland, [Mr. EVANS?]

The **CHAIRMAN.** There was an amendment proposed by the gentleman from Texas, [Mr. HOWARD,] in which he proposed to strike out the first paragraph; but after discussion he withdrew it. The question now is upon the additional sections offered by the gentleman from Maryland, [Mr. EVANS.]

**MR. BROOKS.** I am opposed to the adoption of the amendment, and I move to strike out the first section.

I am quite sure, notwithstanding the remarks of the gentleman from Maryland, [Mr. EVANS,] that the establishment of a Light-House Board, or a Light-House Bureau, is an establishment of a new branch of the Government, laying the foundation for, and involving in the end large expenditures. The gentleman, I have no doubt, has introduced his proposition without any additional salaries, or any appropriation, leaving the persons who now hold positions, to the discharge of their duties really impressed with the idea that such a new department of the Government involves no additional expenditures. But it is quite obvious, Mr. Chairman, that we never have established a bureau or a board in this Government without also increasing largely, at the same time, the expenditures of the Government. I need not instance the Census Board. I need not instance other boards, which, with however small beginnings they are made, soon require increased expenditures for room-rent, for clerk hire, for stationery, and not least, but last of all, they send annually to the two Houses of Congress large estimates upon which Congress is bound to act, and which Congress does act with a full hand.

However small, therefore, may be the beginning

of expenditures for this Light-House Board, I see nothing but the beginning of like large expenditures which exist in France, in similar institutions there, like large expenditures to those which exist in many other parts of Europe, where, under salaried officers, such an organization exists. A bureau once created, must be maintained, for it cannot exist on air; and experience shows us that Army and Navy gentlemen, or gentlemen of high scientific attainments, are not over-fond of any such impalpable food.

Now, sir, we have gone on for forty or fifty years under the existing system, and gone on pretty well; and while I admit, that from the growth of our country, and the march of science, it is necessary to add some new vigor to that system, yet it is not at all necessary, in my estimation, to revolutionize the system, to lay the axe at the root of the tree, to withdraw the custody of this branch of our expenditures from the Auditor's department, where it has been so long, and in the main, so well placed, and submit it to the operation of the Topographical Bureau, the Engineer Board, the Navy Commissioners, or to the Coast Survey, but rather let us rest content improving a system which has worked sufficiently well as it is.

Now, while I am upon this topic, Mr. Chairman, I will say that we have begun something like an experiment, which the gentleman from Maryland has proposed, upon the coast of the Pacific. The whole light-house concern upon the Pacific is withdrawn from the Auditor in the State Department, under the control of the Treasurer, and is to be transferred to scientific gentlemen, who will make their examinations, their surveys, and their expenditures, and who now have, by the agency of the Treasury, a lieutenant of the Navy, in France examining French lights and French light-houses. When this system is worked out, on the Pacific, and we know what the expenditures are, we shall be able to compare the operations of the new plan upon the Pacific, with the old plan upon the Atlantic, and be the better able to judge of expenditures.

It may be surprising to some gentlemen, that I, a representative of a large commercial interest in this country, should be opposed to this increased expenditure. My object is this, and this only—not to awaken and arouse the agricultural and planting interest of the country, by overlarge expenditures of the light-house system, and bring down that interest upon the commercial interest of this country in a loud demand for tonnage duties for lights, such as exists throughout Europe, I believe, and are in Russia and France. I see the germ of a mighty and magnificent expenditure in the proposition before us, and I wish now to nip it in the bud, to save my constituents from the costly and aggravating light-house dues of our father land.

**MR. EVANS.** All approaches to reform have been distasteful to persons who wish to remain upon the old plan. Such is the case, I fear, with my friend from New York, [Mr. BROOKS.] He is like too many other persons in the country who adhere to error because they dislike to apply the knife. Why all this talk about increasing expenditures? Where is the proposition to make an expenditure of even one single cent? Where is the proposition to withdraw from the Treasury Department this matter? Nowhere. On the contrary, the whole control of the light-house system, by my amendment, is still left with the Secretary of the Treasury, and is in no manner withdrawn from him.

Why, sir, the gentleman adverts to the Census Bureau as a source of large expenditure. Was there any provision in the law creating the Census Board, that it should be carried on without expense, or that there should be no salaries for clerks, &c.? There is such a provision here. Then, sir, he talks about increased room-rent, and salaries for clerks. Is there not an express provision here that there shall be no additional salaries, and no additional room? Now, sir, we have been too long going on with a wasteful expenditure, and it is time that when we have officers in employ, and receiving salaries, we should assign duties to them for which they are peculiarly fitted.

Sir, it is in vain to withstand this question. I have examined it too long and too well not to know that it has its foundation based upon truth, and it must prevail in this country. Sooner or later the time will come I trust, and it has now

come, when this House will pass a law like that, providing against expenditures, and leading to efficiency as well as economy.

Well, sir, the gentleman has been pleased to remark upon the very great expense of the light-house system of France. I do not think the gentleman has paid such attention to that matter as he usually does to questions in this House, because if he had, he would not have said what he has. I have examined it with great care, and I assert upon my responsibility as a Representative—and I defy anybody in the country, in this House or out of it, in debate here, or in controversy carried on elsewhere, to disprove what I assert—that is, that foreign improvements have made a system of lighting much less expensive and vastly more efficient than that which we have employed. My amendment does not prescribe any particular method, or that any particular manner of lighting shall be used, but that is left to the Secretary of the Treasury, and I know that practical men, opticians, chemists, and those acquainted with the subject, will no longer adhere to antiquated ways, but will betake themselves to the path of reform and economy. I am confident of it, but I ask for the purchase of no particular article, and prescribe no particular method of illumination.

Sir, this great reform was commenced long ago; it was advocated by Mr. Walker in 1846, and to which he applied all the vigor of an investigating and active mind, but unfortunately his attention was withdrawn from it by the Mexican war, which sprung up at the time.

**MR. BROOKS.** I withdraw my amendment, and move to strike out the second section of the amendment.

I have great respect for the scientific information and studies of the gentleman from Maryland, [Mr. EVANS.] The speeches which he has made this session upon various questions, from the knowledge he then displayed, entitle his remarks to the highest consideration in this House; but he cannot expect all of us, with our various occupations, to be as well versed in these matters as he assures us he is. Upon his own information, and his own study, without any coordinate action here or elsewhere, save the Light-House Board, and against the remonstrance of the Committee on Commerce here, and Committee on Commerce elsewhere, who have had this light-house report before them, for their consideration, he asks us, at this late period of the session, to enter into a discussion of the difficult science of optics, and to make ourselves acquainted with those hard words he uses, of "dioptric" and "catoptric" lights, or, if these were not hard enough, the harder adjectives yet of "diacatoptric" and "catadeptric," as applied to lights. [Laughter.] Sir, these are hard words which it is difficult for us to mouth, or master at any time, impossible now, in the pressing exigencies of the public service about us. To use the language of the science he has led us into, this is not the hour propitious for any "photometric" experiment. If the gentleman had been able to convince the Committee on Commerce, or any other committee of this House, of the utility of his experiment, he would have brought his proposition before us for our consideration and attention, with a weight of authority which would have deserved our attention, at this period of the session. But he has done nothing of the sort, but upon his own motion he comes here to renew a contest which existed in this Hall ten years ago, led on by a then member of Congress from Indiana, [Mr. PROFFIT,] making like charges and like declarations against the existing system, and against the Fifth Auditor, Mr. Pleasonton, with no more reason now, I apprehend, than did that gentleman then. Congress did not support him or the movement at that time, and the country has not responded to it since, but has gone on ten years more under that administration with no great danger or peril that I am aware of, from any information I can get.

Now, I will say to the gentleman that there is danger in advancing too fast, as well as in advancing too slow. The wisest course is in the silent improving of the existing system, in enlarging and invigorating it, but not in revolutionizing it, as he proposes.

There is no reason either, in my opinion, for the personal remarks—perhaps I use too strong an expression in using the word *personal*—but I do not believe there is any good reason for the remarks which the gentleman has made against

the administration of the Fifth Auditor, Mr. Pleasanton. He is an old man—seventy years of age—a man undoubtedly not possessing all the vigor and energy of youth, but nevertheless, all the advantages of practice and experience. He has been educated in the duties of his office by a training of thirty-two years, and such an experience from the infancy of the system up to the present time is often worth much more than the presumption of youth or the crude experiments of affected science.

Mr. EVANS. I do not want to prolong this debate. I will not longer than is necessary to answer the objection the gentleman makes. He states that I have not the coöperation of the Committee on Commerce, when a majority of it is in favor of my amendment.

Mr. BROOKS. I appeal to the gentlemen of the committee.

Mr. SEYMOUR, of New York. Do I understand the gentleman from Maryland to state that the majority of the Committee on Commerce are for the change in the light-house establishment proposed in his amendment?

Mr. EVANS. So I understand.

Mr. SEYMOUR. The gentleman, I think, is very much mistaken.

Mr. EVANS. I do not think I am.

Mr. WALSH. I do not think there is a gentleman on the committee in favor of it except the gentleman from Massachusetts, [Mr. DUNCAN.]

Mr. EVANS. I do not know anything about that. Let the gentleman answer for himself. I have been informed that a majority of the committee were in its favor.

Mr. DUNCAN. I do not think the gentleman from Maryland [Mr. EVANS] is authorized to say that the majority of the Committee on Commerce is in favor of his proposition. Owing to the great press of the ordinary business of the House they have not been afforded time to fully consider it. I did say to the gentleman, however, that, in my opinion, if the committee had had time to thoroughly consider it, and did so, that it would meet with the approval of a majority of them.

Mr. EVANS. Very well. I will take that statement, that if the committee had considered the subject a majority of them would have been in favor of the amendment I have submitted. The committee is too intelligent to do otherwise. Well, sir, the gentleman comes in here with an elaborate string of terms, dioptrics, catoptrics, and a great many more which I did not use, though I might have done so. There is not one of these terms in the bill; nor is there any advice about the dioptric or reflector systems. I will leave it to the common sense of the committee whether it is now quite fair, after a subject has been for ten years before Congress, from time to time, for a gentleman to get up and ask us to delay a little longer—to put it off another session. The documents published upon this subject are more voluminous than those published upon any other single subject, and gentlemen might have informed themselves with regard to this proposition upon which the scientific world have not a doubt. I defy those upon the opposite side to name a single scientific or practical man in the world who is opposed to it. Why, sir, all of the maritime countries of Europe have adopted the dioptric system, though I do not say anything about that system in my amendment. The gentleman quotes the maxim *festina lente*, which is a very good one; but when there is an ulcer on the body-politic the sooner it is cut away the better. I do not know that that maxim is always to prevail. When the Collins line of steamers was before the House I advocated the proposition appropriating to it \$858,000. I did not then hear anything about *festina lente*. In that case money was to be taken from the Treasury to a large amount; but when I come forward to save money—to introduce a real reform—men suddenly become alarmed, and refer to the Committee on Commerce, who acknowledge that they have not examined the subject.

In regard to the gentleman from Indiana, who a few years ago enlisted himself in support of this system, and spoke, and ably spoke, upon it, I have to say that it has been lately the part of the bureau to assail him personally. The bureau gets down from its seat, and walks into the Halls of Congress to denounce the motives of men. I hope the committee will frown upon anything like that. The gentleman from New York got his in-

formation from the very document in which the gentleman from Indiana is assailed. The time for reform has arrived, and the gentleman does not represent his constituents if he resists it. I do not mean it in any offensive sense. They have come up here by the hundreds and thousands, and demanded it. I do not ask that the system shall be taken from the Secretary of the Treasury, but only an efficient superintendence of it. The traveling expenses to the officers proposed to be sent to inspect the various lights, will not be half the amount you now pay to your collectors. I hope the debate may end here.

Mr. BROOKS. I withdraw my amendment, and move to strike out the second section. I rise only to say that I have been a member of Congress for three years now, representing what I believe to be the largest commercial constituency upon the continent of America; and such as have an interest in these lights far beyond any other people, and yet I have not had the first letter from any of my constituents complaining against the administration of the Fifth Auditor.

Mr. EVANS. The only good Fresnel light owned by this Government, is placed right at the mouth of the New York harbor.

Mr. BROOKS. My constituents' interests, sir, are not limited by any narrow view of New York harbor. They are afloat in Texas, in Louisiana, all along our southern coast, and in every one of its harbors. They are the world over—upon the Atlantic, upon the Pacific, in California, and in Oregon. There is not a light-house anywhere in which my constituents are not deeply interested. There burns not a luminary that does not shine upon a New York ship some time or another.

Mr. DUNCAN. I rise simply to state that I will not consume the time allotted to me by the rules. I ask that the question may be taken on the gentleman's amendment.

Mr. WALSH. My colleague stated that the Committee on Commerce had not examined this question at all. Now, sir, we had not any particular information from scientific men, because we thought this was a practical question. With regard to the American system of lights, I have a certificate dated May, 1843, long after the Fresnel system had been adopted. It reads as follows:

*Statement of ship-masters and mariners in relation to the lights in New York district, &c.*

NEW YORK, May, 1843.

The undersigned, ship-masters and mariners, sailing out of the port of New York, or from time to time entering and departing from the port of New York, take pleasure in certifying that, at the present time, and for two years past, the lights in the light-houses and light-ships on the coast, and in the approaches to the harbor of New York, have exhibited an appearance of steadiness, uniformity, and brilliancy, very satisfactory to the interests of navigation, and superior to the experience of former years.

We consider the efficiency of the lights and the management of the light-houses in the district of New York, for two years past, and at the present time, to be worthy of the commendation of the shipping interest.

I suppose it is a practical settlement of the question, if navigators are satisfied. Those engaged in commerce are to judge of the efficiency or inefficiency of the lights. I do not care what scientific men say, if the system be satisfactory to the great navigating interests of the country, and carried on as economically as it is now. I am for bringing matters of science to bear upon other questions. We have ample opportunity to employ all of our scientific men in other departments of the Government. Why, as was well said by the gentleman from New York, if officers of the Army and Navy are to be employed upon business of this description, what is to become of either department in time of war? Are these men, at that juncture, to be withdrawn from this particular service, and placed on board of your vessels-of-war, or in their position in the Army? And if so, what becomes of the light-house system? I, as an humble member of the Committee on Commerce, have examined this subject; and if I had time, I could show, by a reference to the papers before me, that we have no means of ascertaining at present the expense of this Fresnel system. In France there are different orders and descriptions of lenses, varying greatly in the degree of light, as well as cost. The committee will find, by adopting the proposition, as was well said by my colleague on the committee, that they are building up a system which, probably, may cost millions. The expenditures upon the little coast of France we know are very heavy, although we have no full information as to the

precise amount. And we are called upon, at this late day of the session, to take up this system, and set aside all now existing. I hope it will not be done. Let the matter be examined; let us know the expense.

Mr. EVANS. I am sincerely sorry for two things. First, that my colleague is opposed to reform, and in the next place, that he evidently has not read the report of the Light-House Board. For the certificate he has read, I have hundreds drawn in the strongest possible language against the whole affair. I pledge my veracity upon the statement. The statement he read was dated in 1843, and the Fresnel refractor was placed at New York harbor in 1841. The gentleman's statement in regard to the expense of the light-house system in France is erroneous from the beginning to the end. He has read the report of the Fifth Auditor. If I had time to analyze that report, I could show to the satisfaction of everybody very great errors in it. The Fifth Auditor is mistaken with regard to the expense of the Fresnel lights. He has compared sixty-six of the first order of lights of England with all our lights, large and small, as to their expense. I am somewhat surprised that so intelligent a gentleman as my colleague, representing a commercial community who desire these improvements, should have received these false impressions. There is not a word about lenses in my amendment. That matter is left with the Secretary of the Treasury. He can say whether he shall adopt the dioptric or reflector lights. I know that the Fresnel is the best system; but I do not introduce a provision for their adoption, for fear of exciting distrust in the minds of gentlemen. It is the cheapest system. A third order lens will give more light than nine or ten of our reflectors. A reflector requires renewal, whilst a lens never wears out.

Mr. WALSH. Does not the gentleman know that the officers he wants appointed have adopted it?

Mr. EVANS. I do not want any particular officers appointed. I am satisfied intelligent gentlemen all over the world, when they know that a lens does not wear out and that a reflector does, and requires renewal; that a lens burns only one lamp, whilst a reflector burns from one to thirty, and that a refractor only illumines what is in front of it, whilst a refractor illuminates the whole horizon, will advocate the adoption of the Fresnel system. I do not know or care anything about who is to be appointed on this board. All I ask is, an efficient superintendency of the light-houses in the country. If the committee reject the proposition now, it will come up and be adopted some other time. You cannot prevent it. Our present lights are inefficient.

Mr. SEYMOUR. I do not propose to detain the committee but for a moment. I expressed my opinion against the reform contemplated by the gentleman at the present time, on yesterday. I gave my reasons then with regard to the character of that reform. Now, I wish to say to this committee, that although the present Committee on Commerce have not been able to report upon this difficult and complex question, involving grave matters in science and in practice, yet a former committee of this House investigated the subject in full, and reported upon it. Their report I hold in my hand. It is an able one. It was made in 1842, and went over the very ground which was traveled over by the gentleman from Maryland in his argument on yesterday. It gives the name of all of our works, and specified the amounts of expenditures made upon them. I have not time to read them, but I will say, that so far as construction is concerned, the American light-houses are more cheaply constructed than either the French or English, and are as good in the average as those are.

Mr. EVANS. Why do you ask \$110,000 to repair them?

Mr. SEYMOUR, of New York. A particular case may be cited, but that does not establish a general rule. I have a report here made to this House in 1842, from the Committee on Commerce, and that is the result which they come to with regard to light-houses. In respect to the great expenditure talked of by the gentleman from Maryland [Mr. EVANS] in carrying on the light-houses, they examined that subject, and they examined it, also, in reference to these Fresnel lights, to see whether there could be any saving made by adopt-

ing them; and they say that there would be no economy in adopting those lights. They show that the average expenditure in sustaining the light-house system, as compared between this country, France, and England, is in every instance in our favor. They even take a stronger case—the case of light-houses owned by private corporations or individuals in Great Britain, of which there are many, and which would be managed, if any could be, to make money out of at the cheapest expenditure; and they show that our public light-houses, managed extravagantly, as the gentleman says they are, are cheaper than the foreign. Now, when we take this fact, in connection with the facts stated by hundreds of practical navigators, that they are supplied with good lights upon our coast, I submit to the committee that there is no necessity for this radical change. There is no report made in favor of this measure, coming from practical men, but only an effort spasmodically made on the part of certain parties to create another bureau, to overshadow the Government here, and to be a tax upon the public Treasury. I trust that this committee will rely upon practical experience, demonstrated and confirmed, as it has been, by a respectable committee of this House, rather than sustain any visionary proposition at this late period of the session.

Mr. DUNCAN. I did not intend to make another remark upon this subject; and I should not, but for the very strong ground taken by my respected colleague upon the committee, [Mr. SEYMOUR.] The report to which he alludes was made at a period before we had that experience, light, and knowledge upon the subject which we now have. I think that the statements he makes in relation to the cost of English light-houses, as compared with the cost of our light-houses, are erroneous in this, that there are many charges, such as pensions to persons employed, and the charge of reconstruction, which are included in the cost of English light-houses which are not included in the cost of our light-houses. I repent the assertion, if the subject is fairly examined, the positions which I took the other day upon this subject are correct. The great mass of evidence of men competent to decide upon this subject is, that our lights are not what they might be, and not what they ought to be; that they are susceptible of improvement, and that their management is not so systematic as it might be under a board constituted in the manner now proposed. I have no wish to protract this debate. The subject is before the House.

Mr. EVANS. The gentleman from New York [Mr. SEYMOUR] has introduced an old report here, and unfortunately he has skipped over a later report made in the Senate, in which all the facts were brought out, and in which they recommend precisely what I have recommended here. It was made in the year 1838, and there were several reports afterwards.

Mr. SEYMOUR. If the gentleman will permit me, I say that I alluded to a report made by the Committee on Commerce to this House in 1842.

Mr. EVANS. But the gentleman skipped an elaborate report made here, in which there is not one single thing incorrect. I will tell you how this thing stands. Upon the one side is Mr. Pleasonton and the gentleman, and upon the other side is the rest of the world. That is the way the matter stands precisely.

Mr. SEYMOUR. I withdraw my amendment.

Mr. MEADE. It seems to me that there is one amendment which ought to be made to the amendment of the gentleman from Maryland, [Mr. EVANS,] whether it be adopted or not. I perceive that, in the first or second clause, it provides for the appointment of two civilians to constitute a portion of the Light-House Board. Now, as this is a mere experiment, offered by the gentleman from Maryland, [Mr. EVANS,] the policy of which probably no five men in the House can decide upon with reference to his own knowledge upon the subject—

Mr. CARTTER. Does the gentleman from Virginia [Mr. MEADE] offer an amendment?

Mr. MEADE. Yes, sir.

Mr. CARTTER. I should like to hear it. [Laughter.]

Mr. MEADE. I move to strike out the word "civilian" where it occurs. I was about to state that I have attended very strictly to the discussion, professing to understand nothing about the sub-

ject, with a view of being enlightened. It is utterly impossible for me, or any other man in my situation—and I say that there are nineteen twentieths in my situation—to judge of the policy of this amendment, except by reference to the confidence which I may have in the statement of the gentleman from Maryland, [Mr. EVANS,] and that of the gentleman from New York, [Mr. SEYMOUR,] and of those who sustain the gentleman from New York. Well, that being the case, without saying that the amendment of the gentleman from Maryland [Mr. EVANS] ought not to be adopted, without saying that the gentleman from New York [Mr. SEYMOUR] is right, yet ignorant of the facts myself, it seems to me to be wise policy, before any important change is made in the old system, which has worked well, that the proposed change should be referred to some competent jurisdiction like a committee in this House, either a standing or select committee, which shall gather all the facts upon the subject, and report to this House after a thorough investigation. I have the utmost confidence in the gentleman from Maryland, [Mr. EVANS,] and in his learning upon the subject; but while I see gentlemen, entitled to equal confidence, differing in opinion from me upon this subject, I cannot, under any circumstances, vote for an amendment infringing an entire new system upon the old one, and effecting an entire change.

Mr. EVANS. I wish to say in reply to the gentleman that he is mistaken. These boards exist in all the maritime countries of Europe—England, France, Ireland, Belgium, Scotland, Sardinia, Denmark, Prussia, &c. They are formed in the same way, and have civilians in the board. The word "civilians" ought not to be stricken out, because I desire the best scientific men of the country to be placed upon such a board for their talents, and as a check upon the other officers. In England they are found to be placed upon it without pay, and seek for the appointment, and the most able and scientific men consider it an honor to be appointed as the civilians upon the board. We have the opinions of hundreds of shipmasters, speaking in the strongest terms of the system of Europe, as better than our system, not the men of 1842, but the men of 1852, sailing out of all the harbors. One captain, who has made two hundred and eight voyages across the Atlantic, and who is acquainted with all the systems of Europe, says the same thing. The civilians upon these boards serve without pay. I cannot believe that our men are less patriotic than they are in Europe. The civilians appointed upon this board ought to be the best scientific men we have.

Mr. WALSH. I thought my colleague said that the light-houses in Europe were in the hands of corporations.

Mr. EVANS. So they are in England.

Mr. WALSH. Have they these men of science?

Mr. EVANS. Unquestionably.

The question was then taken on Mr. MEADE's amendment, and it was rejected.

The question then recurring on Mr. EVANS's amendment to the original bill,

Mr. SEYMOUR, of New York, demanded tellers; which were ordered; and MESSRS. CHANDLER and ASHLE were appointed.

The question was then taken, and the tellers reported—ayes 81, noes 45.

So the amendment of Mr. EVANS was agreed to.

Mr. DUNCAN. After lines one hundred and nine and one hundred and ten, which read as follows: "For four spar-buoys in the harbor of New Bedford, \$300," I offer the following:

For a light-vessel to be moored off Minot's Ledge until the proposed light-house upon said ledge be completed, \$1,600.

I ask leave to offer this out of order. If the House will just hear me for a moment—

Mr. HOUSTON. We have other business, and if we are to go back, I want Jones's fog-bells stricken out. I object to going back upon the bill.

The CHAIRMAN. The Chair is compelled to entertain the point of order.

Mr. DUNCAN. Can I not offer it as a separate section?

Mr. HOUSTON. The gentleman can offer it in the House as an amendment when we get into the House, before he calls the previous question, as he will have the floor.

Mr. DUNCAN. I move that the committee rise and report the bill to the House.

Mr. BROOKS. I offer the following amendment as an additional section:

*Provided, The expenses incurred by the Topographical Bureau and Coast Survey for the location of these beacons, buoys, and lights, shall not be paid out of the light house fund for actual labor and material.*

The whole object of the bill as it now stands amended throughout is, to change and transfer the administration of your light-house system from the Fifth Auditor of the Treasury, who has administered it for thirty-two years, to the Coast Survey, Topographical Corps, and a new board to be called the Light-House Board. I must confess, I was surprised to see so large a majority sanction such an innovation, solely upon the recommendation—

Mr. CARTTER. I rise to a question of order. The gentleman is not speaking to his amendment, but is reviewing the action of the House upon another amendment.

The CHAIRMAN. It is impossible for the Chair to determine as yet what line of argument the gentleman is to take.

Mr. BROOKS. There has been a great deal of prejudice created against the Fifth Auditor of the Treasury. Now, I do not see any reason why a man who received his office from Jefferson, who was transferred here with this Government from Philadelphia, and who has held his office for some fifty years through all Administrations, should, in his old age, have taken from him the administration of his department, and have it transferred in this way to a new-formed Topographical Bureau, or to the Coast Survey, or to some yet unknown board, to be called the Light-House Board or Bureau. His administration of this light-house department, with occasional errors, to which all men have been subject, has been as fair, as upright, as creditable, as successful as was ever the administration of a like department. I venture to predict here, in the face of my commercial constituents, and in the face of the whole commerce of the country, that if this system which has been projected and planned here, is carried out, the great body of the people of the country, when they see the expenditures of the light-house system swollen to \$1,000,000, as the expenditure of the Coast Survey are now being swollen—half a million is the expenditure now—I predict that the agricultural and interior interests will rise up and demand that a tax shall be laid upon tonnage, that every ship which comes within the range of a light shall pay a tax to that light.

[Here the hammer fell.]

Mr. EVANS. I supposed that this thing was at the end. I was in hopes that we had done with it, and certainly I have no desire to weary the committee by any further discussion on the subject. But the gentleman from New York says that the expenses of this light-house department will amount up to \$1,000,000 a year. Does he not know that last year the expenses were \$1,000,000 and that they are three quarters of a million this year?

Sir, the Fifth Auditor is always being brought in here. I did not bring in his name. I wish to cast no reflection whatever upon him; and I say now, that if the most efficient man in the world was put down in a bureau here, he could not manage our light-houses. It is impossible he can do it. I wish to make no reflections whatever upon Mr. Pleasonton. I do not know under whose Administration he was appointed; but I do know that he was not appointed to take charge of this subject. The law imposes this duty upon the Secretary of the Treasury, and it is principally by rules and regulations, made by the Department, that it gets to the Fifth Auditor. He is, I believe, made to audit the accounts of the State Department, and the Census, and perhaps has other duties; and by a policy foreign to the policy of our country, he not only audits the accounts of the State Department, but he also, I am informed, audits his own accounts. I do not say that they are not fairly audited, for they are. But, sir, Mr. Pleasonton cannot live forever.

A MEMBER. He does not audit his own accounts.

Mr. EVANS. I understand, that by a courtesy, they are sent over to another Bureau; but I have heard that, by another courtesy, they are not examined there as other accounts are. [Laughter.] I repeat, that I do not mean to cast any reflection upon Mr. Pleasonton; but I do not think he is the proper man to manage our light-house system.



The question was then taken on Mr. Brooks's amendment, and it was not agreed to.

Mr. DUNCAN. I find that I cannot well offer the amendment, to which I alluded a few minutes since, in the House, and I am sure I shall be permitted to offer it now, when the committee hear me explain what it is.

Mr. HOUSTON. I withdraw my objection, as there may be some difficulty about offering it in the House.

Mr. DUNCAN. I offer the following amendment, to come in after line one hundred and ten.

For a light-vessel to be moored off Minot's Ledge, until the proposed light-house on said ledge be completed, \$1,600.

Mr. STANTON, of Ohio. Is that amendment in order at this point?

The CHAIRMAN. Does the Chair understand the gentleman from Ohio as objecting to it?

Mr. STANTON. Yes, sir, I do object to it.

Mr. EVANS. It is too late to object now. The amendment has been received and read.

The CHAIRMAN. The Chair decides that the objection comes too late.

Mr. DUNCAN. I would state, in vindication of the course of the committee, that the first intimation of this application was handed to me since I took my seat here this morning; and that it is based upon a very large memorial from merchants and underwriters of Boston, and the collector of that port. I will state further, that when the light-house at this point was carried away, the merchants, at their own expense, employed a steam vessel, with lights upon it, at an expense of \$300 a day. The light placed there now is wholly inefficient.

The question was then taken upon the amendment, and it was agreed to.

Mr. DUNCAN. I move that the committee do now rise and report the bill.

Mr. HOUSTON. If we go into the House now, we are not likely to come back into committee to-night; and I would therefore like for the committee to lay aside this bill to be reported to the House, and take up the fortification bill.

Mr. CARTTER. I object now, and move that the committee rise and report the bill.

Mr. HOUSTON. Then I ask the committee, if they will not do that, as there is considerable opposition—

Mr. CARTTER. Is discussion in order?

The CHAIRMAN. It is not strictly in order.

Mr. HOUSTON. I was appealing to the gentleman from Ohio, to see if he would not agree to what I propose. The fortification bill contains but a small amount, and if there is a majority against it, I am willing to take it into the House and let it be disposed of there.

Mr. CARTTER. I hope that bill never will be taken up, and I insist upon my motion.

Mr. STROTHER. I desire, if it is in order, to move to take up, not the fortification bill, but a bill which stands at the head of the Calendar, for the relief of the Orange and Alexandria Railroad Company. Its consideration will consume but a very short time. The question involved in it is one of infinite importance, not only to the section of country which I immediately represent, but to a large extent of country lying behind it, and it is entitled to consideration. If the bill is to be passed at all, it must be passed now, or the works upon that road will have to be stopped.

Mr. SACKETT. I desire to know whether this is the bill that involves the question of a loan or advance by the State of Virginia to the Federal Government, at a very early period?

Mr. STROTHER. It is the same bill.

Mr. CARTTER. I rise to a question of order, and my question of order is this, that discussion is not in order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CARTTER. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Virginia [Mr. STROTHER] was upon the floor moving to take up bill No. 49. He gave way to a question from the gentleman from New York, [Mr. SACKETT.]

Mr. CARTTER. Had not I previously moved that the committee rise and report the light-house bill?

The CHAIRMAN. The Chair understood that motion to be withdrawn. The gentleman

from Ohio entered into conversation with the gentleman from Alabama, [Mr. HOUSTON,] who appealed to him to withdraw his motion. His reply was: "I hope the fortification bill never will be taken up." The Chair understood the gentleman to withdraw his motion.

Mr. DUNCAN. I had not resigned my right to the floor.

The CHAIRMAN. The Chair decides that discussion was in order, and that the request was properly made by the gentleman from Virginia, [Mr. STROTHER.]

Mr. CARTTER demanded tellers on the appeal; which were ordered; and Messrs. CARTTER and ALLISON were appointed.

Mr. STUART. If the Chair will allow me to say a few words, I think I can set this matter right.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STUART. By the order of the House, the committee must rise and report the bill. They cannot take up any other bill. We can go into committee again, and the gentleman from Virginia can submit his motion. But now we must, by the express order of the House, rise and report the bill.

The CHAIRMAN. The Chair will not reconsider its decision. If the committee choose to reverse it, let them do it.

Mr. WASHBURN. What has become of the motion of the gentleman from Massachusetts [Mr. DUNCAN] that the committee rise and report the bill? It has never been withdrawn or disposed of.

The CHAIRMAN. Discussion is not in order.

Mr. WASHBURN. I want to know how this matter came in.

The CHAIRMAN. The Chair will make no reply to any question until the appeal is disposed of.

The question was then put, "Shall the decision of the Chair stand as the judgment of the committee?" and the tellers reported—ayes 47, noes 65; no quorum voting.

[Loud shouts of "Call the roll!"]

Mr. STANLY. I hope there will be no objection to a recount. There is evidently a quorum present.

[Loud cries of "Object!" and "Call the roll!"]

Mr. CARTTER. If the gentleman from Virginia does not intend to continue his speech out of order, I will withdraw the appeal.

[Cries of "Object!"]

The CHAIRMAN. The appeal cannot be withdrawn. The roll must be called.

The roll was then called, and one hundred and forty-five members having answered to their names the committee rose and reported the names of the absentees.

A quorum being now present, the committee resumed its session.

The CHAIRMAN. The question is upon the appeal from the decision of the Chair.

Mr. CARTTER. With a view of facilitating business, I withdraw the appeal, and move that the committee rise and report the light-house bill to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. VENABLE) reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly House bill No. 312, "making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," and had instructed him to report back the same with sundry amendments.

Mr. DUNCAN. I move the previous question upon the bill.

The previous question was seconded, and the main question ordered.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported back as correctly enrolled the following bill, which thereupon received the signature of the Speaker, viz: An act to create an additional land office in the Territory of Minnesota.

The question now being upon concurring in the amendments of the Committee of the Whole on the state of the Union to the light-house bill,

Mr. STANTON, of Ohio. I move that the bill be laid upon the table, and upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then taken on Mr. STANTON's motion; and it was decided in the negative.

So the House refused to lay the bill upon the table.

Mr. McMULLIN. I move that the House do now adjourn, and upon that motion I ask for tellers.

Tellers were not ordered.

The question was then taken on Mr. McMULLIN's motion; and it was decided in the negative.

So the House refused to adjourn.

The SPEAKER. The amendments to the light-house bill will be read by the Clerk, and all disposed of by one vote, as usual, if it is the wish of the House.

Mr. BROOKS. I want the yeas and nays upon the last amendment—that offered by the gentleman from Maryland, [Mr. EVANS]—and if it be determined to press the vote to-night upon so important a proposition, I shall demand a separate vote upon each amendment.

The amendments of the Committee of the Whole on the state of the Union, except the last one, were severally concurred in.

The question recurred on the adoption of the amendment of the gentleman from Maryland, [Mr. EVANS,] inserted in a previous part of this day's proceedings.

Mr. BAYLY, of Virginia. Have the yeas and nays been called for upon that amendment?

The SPEAKER. They have not.

Mr. SEYMOUR, of New York. I demand the yeas and nays.

Mr. BROOKS. I move that the House do now adjourn, in order that we may have a vote upon this amendment in the morning upon a full House. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. BROOKS then demanded tellers; which were ordered; and Messrs. HARRIS of Alabama, and HARRIS of Tennessee, were appointed.

The question was then taken, and the tellers reported—ayes 43, noes 78.

So the House refused to adjourn.

The yeas and nays were then ordered upon the amendment.

Mr. BROOKS. Is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. BROOKS. In order that we may have a full vote upon the amendment, I move that the House do now adjourn.

The question was put, and upon a division 51 rose in the affirmative.

Mr. BROOKS demanded the yeas and nays; but they were not ordered.

Mr. BROOKS then demanded tellers on the yeas and nays; but they were refused.

[Cries of "Question!" "Question!"]

Mr. BROOKS. I do not think there is a quorum present. Is it in order to move a call of the House?

The SPEAKER. It is not in order, the previous question having been ordered.

Tellers were demanded on the motion to adjourn, and they were ordered; and Messrs. BRECKINRIDGE and GAYLORD were appointed.

The question was then taken, and the tellers reported—ayes 29, noes 74.

So the House refused to adjourn.

Mr. BROOKS. Did a quorum vote?

Mr. EVANS. Did the gentleman himself vote?

The SPEAKER. There was not a quorum voting.

Mr. BAYLY, of Virginia. Without a quorum we can do nothing, except a call of the House.

Mr. PHELPS. I move to lay the bill upon the table.

Mr. BAYLY. Without a quorum, can we entertain that motion?

The SPEAKER. The Chair would state to the House that as the previous question has been ordered, a motion for a call of the House is not in order under an express rule. The House has refused to adjourn. Upon a division of the House, no quorum voted; hence, under the rules, strictly speaking, no motion is in order. The Chair, under the circumstances, has a right to ascertain whether a quorum be present, and for that purpose he will count the House.

# THE CONGRESSIONAL GLOBE.

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The Speaker then counted the House, and reported that there were 140 members present, and consequently a quorum.

Mr. LETCHER. Is it in order to move to adjourn?

The SPEAKER. It is not. The question is upon the adoption of the amendment.

Mr. PHELPS. I rise to a question of order. I submitted a motion to lay the bill upon the table, and the Speaker now states that the question is upon the amendment.

The SPEAKER. If the gentleman insists upon that motion, it is in order.

Mr. BROOKS. I ask for the yeas and nays upon that motion.

The yeas and nays were not ordered.

Mr. MASON. Is it in order to move that the House adjourn?

The SPEAKER. It is.

Mr. BROOKS. Then I make that motion.

Mr. TAYLOR. I wish to know if it is in order for a gentleman to submit two motions to adjourn successively, and then embarrass the House by factious proceedings?

Mr. GOODENOW. I hope it will be voted down.

Mr. ORR. The gentleman from New York [Mr. Brooks] has delayed the House for half an hour.

The SPEAKER. The gentleman from Ohio [Mr. TAYLOR] will recollect that the gentleman from Missouri [Mr. PHELPS] made a motion to lay the bill upon the table, and the yeas and nays were called upon it, and upon that a division of the House has been had.

If the House would only preserve better order, we should be able to understand what is going on, but that is impossible amid the present confusion.

The question was then taken on the motion to adjourn, and it was not agreed to.

Mr. BROOKS. I ask the Chair if I have not a right to call for a division?

The SPEAKER. The Chair decides that the gentleman has not, unless he demands it at the proper time. The Chair has announced the result, but he hopes the gentleman will be indulged to call for a division.

[Cries of "Too late!" "Too late!"]

Mr. BROOKS. I appeal from the decision of the Chair.

Mr. EDGERTON. I move to lay the appeal upon the table.

Mr. BROOKS. I want to state my point of order.

Mr. CARTTER. I call the gentleman to order.

The SPEAKER. The gentleman has a right to state his point of order, but he must confine himself strictly to it.

Mr. BROOKS. I called loudly for a division upon the motion to adjourn.

The SPEAKER. The Chair may have announced the vote unusually quick, but the gentleman did not call for a division until after the announcement was made.

Mr. BROOKS. Several gentlemen around me heard me call for a division. I do not wish to be factious, but I desire a full House upon so important a vote.

[Cries of "Order!" "Order!"]

Mr. BROOKS. The point of order—

[Cries of "Order!" "Order!" "Order!"]

Mr. STUART. I call the gentleman to order.

The SPEAKER. The Chair will endeavor to confine the gentleman to the statement of the point of order, under the rule.

Mr. BROOKS. The point of order is, that I called in time, both for a division and for tellers, upon the question of adjournment. The Chair has decided against me, and from that decision I appeal.

The SPEAKER. That is a fair statement of the question.

Mr. HENN. I would inquire if the gentleman rose in his seat and made the call?

Mr. CARTTER. No, he did not.

The SPEAKER. Debate is not in order.

Mr. STUART. I move to lay the appeal upon the table.

Mr. BROOKS demanded tellers upon the motion; which were not ordered.

Mr. BROOKS. I now move that the House adjourn, and upon that I call for a division first.

The SPEAKER. The gentleman moves that the House adjourn while an appeal is pending, on which, if the Chair was decided against, the House would be compelled to adjourn. The Chair will entertain the motion to adjourn.

The question was then taken on the motion to adjourn, and there were, upon a division—ayes 39, noes 86. Before the result was announced,

Mr. BROOKS called for the yeas and nays; which were ordered.

The question was then taken by yeas and nays; and there were—yeas 44, noes 81, as follows:

YEAS—Messrs. Charles Allen, Ashe, Averett, Babcock, Thomas H. Bayly, Bocock, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, Colcock, John G. Davis, Dimmick, Ficklin, Floyd, Gaylord, Hall, Hamilton, Isham G. Harris, Sampson W. Harris, Hart, Holladay, Jackson, Jno. Johnson, Letcher, Mason, McMullin, McQueen, Meade, Millson, Miner, Morehead, Murphy, Penn, Powell, Robbins, Ross, David L. Seymour, Skelton, Benjamin Stanton, Strother, Walsh, and Wildrick—44.

NAYS—Messrs. Allison, Barrere, Bennett, Bibbhaus, Bowie, Bowne, John H. Boyd, George H. Brown, E. Carington Cabell, Caldwell, Thompson Campbell, Carter, Caskie, Chandler, Chastain, Clark, Cobb, Conger, Curtis, Geo. T. Davis, Dean, Duncan, Eastman, Edgerton, Evans, Faulkner, Florence, Fowler, Henry M. Fuller, Goodenow, Goodrich, Green, Hammond, Harper, Haws, Hascall, Haven, Hebard, Henn, Houston, Howard, J. W. Howe, Thomas M. Howe, Thomas Y. How, Jenkins, Andrew Johnson, R. W. Johnson, J. G. Jones, Geo. G. King, Preston King, Landry, Mann, McNair, H. D. Moore, Murray, Orr, Outlaw, Andrew Parker, Penningman, Perkins, Porter, Price, Reed, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Stanley, Stuart, Sutherland, Sweetser, Taylor, Thompson, Townshend, Venable, Walbridge, Washburn, Watkins, Wells, and Woodward—81.

So the House refused to adjourn.

The SPEAKER. The pending question is on the appeal from the decision of the Chair.

Mr. BROOKS. I withdraw the appeal.

Mr. JOHNSON, of Arkansas. It is apparent that we can do nothing now. There are twenty-five amendments to be acted upon, and it is in the power of the House to call the yeas and nays upon every one of them. I move this House adjourn.

Mr. DUNCAN. There is only one amendment.

Mr. JOHNSON. Is there, Mr. Speaker, but one amendment?

The SPEAKER. Only one.

Mr. JOHNSON. Then I have been egregiously misinformed. I withdraw the motion. [Laughter.]

The question was then taken on the motion to lay the bill upon the table; and it was not agreed to.

The question was then taken upon the adoption of the amendment; and there were—yeas 70, nays 50; as follows:

YEAS—Messrs. Allison, Barrere, Bennett, Bibbhaus, Bowie, Bowne, John H. Boyd, George H. Brown, E. Carington Cabell, Joseph Cable, Caldwell, Carter, Chandler, Chastain, Conger, George T. Davis, Dimmick, Duncan, Eastman, Edgerton, Evans, Faulkner, Ficklin, Florence, Fowler, Henry M. Fuller, Gaylord, Goodenow, Goodrich, Green, Haws, Hascall, Haven, Hebard, Henn, Howard, John W. Howe, Thomas M. Howe, Thomas Y. How, Andrew Johnson, Robert W. Johnson, Landry, Miner, Molony, Henry D. Moore, Morehead, Murray, Perkins, Porter, Price, Robbins, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Stanley, Benjamin Stanton, Sutherland, Sweetser, Taylor, Thompson, Thurston, Townshend, Venable, Walbridge, Washburn, and Watkins—70.

NAYS—Messrs. Charles Allen, Ashe, Averett, Babcock, Thomas H. Bayly, Bocock, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, Brown, Caskie, Clark, Cobb, Colcock, J. G. Davis, Floyd, Hall, Harper, I. G. Harris, Holladay, Houston, Jenkins, J. Glancy Jones, George G. King, Preston King, Letcher, Mace, Mann, Mason, McMullin, McNair, McQueen, Meade, Millson, Orr, Andrew Parker, Penningman, Powell, Reed, Ross, David L. Seymour, Skelton, St. Martin, Strother, Stuart, Walsh, Wells, and Wildrick—50.

So the amendment was agreed to. Pending the call,

Mr. PHELPS said: I have paired off upon this question with my colleague, Mr. MILLER. He is in favor of the amendment, and I am opposed to it.

Mr. DUNCAN. I move to reconsider the vote

just taken, and to lay the motion to reconsider upon the table.

Mr. BRECKINRIDGE. I move the House adjourn.

The question was taken, and there were, upon a division—ayes 36, noes 75.

Mr. STUART asked for tellers upon the motion to adjourn; which were ordered; and Messrs. BRECKINRIDGE and ROBBINS were appointed.

Mr. BAYLY, of Virginia. If we now adjourn, what becomes of the bill?

The SPEAKER. It will be before the House after the expiration of the morning hour, to-morrow.

The question was then taken on the motion to adjourn; and the tellers reported—ayes 57, noes 18.

So the House adjourned until to-morrow at eleven o'clock.

## HOUSE OF REPRESENTATIVES.

THURSDAY, August 26, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

A message was received from the Senate at the hands of ASBURY DICKINS, its Secretary, informing the House that the Senate had passed a bill of the House entitled "An act to provide for the execution of the public printing, and establishing the prices thereof, and for other purposes."

The SPEAKER. The first business in order is the receiving of reports from the Committee on the Post Office and Post Roads.

On motion by Mr. CARTTER, by unanimous consent, it was

Ordered, That the Committee on Patents be discharged from the further consideration of the petition of John G. Ramsey, and that the same be referred to the Committee on Military Affairs.

MAIL FROM NEW ORLEANS TO VERA CRUZ.

Mr. PENN, from the Committee on the Post Office and Post Roads, reported back to the House, without amendment, Senate bill No. 191, entitled "An act to provide for a tri-monthly mail from New Orleans to Vera Cruz, via Tampico, and back in steam vessels."

Mr. ST. MARTIN. Mr. Speaker, I rise for the purpose of expressing the hope that the House will so far indulge me as to take up this bill now, and put it upon its passage. It is not likely to meet with any opposition, and its consideration, therefore, will not consume more than five minutes of the time of this House.

Sir, I trust I shall be pardoned for pressing the passage of this bill. It is a measure of deep and vital importance not only to the State which I have the honor in part to represent, and to the whole Mississippi valley, but to the commerce of the whole country; for it is as much the interest of the North and the East to throw open the best market in the world for their manufactures as it is that of the South and the West to seek in return for their agricultural products the bullion extracted from the wealthy mines of Mexico. It is a strange fact, sir, that we have now less intercourse with Mexico—a Republic in our immediate vicinity—than we have with the Empire of China. And what has been the consequence of this carelessness on our part? Why, sir, our commerce with Mexico, which, in 1835, amounted, according to the returns of the Secretary of the Treasury, to nearly \$20,000,000, in exports and imports, is now reduced to less than \$3,000,000. The immense trade of that country has been diverted from its natural channel, and is now completely monopolized by Great Britain. Besides, sir, looking at this question in a moral point of view, is it not our wish as well as it is our interest to cultivate and strengthen, by frequent intercourse, those kind and friendly relations which ought always to exist between the two Republics? Is it not a moral obligation on our part to spread over the whole American continent republican ideas and republican institutions, and to teach our neighbors by the force of our example how to enjoy the blessings of a free and republican Government?

Sir, this measure is one of so deep importance to the whole country; it is one so national in its character, that I trust it will meet with no opposition upon this floor. It was urgently recommended by the President, in his last annual message; it has the sanction of the Postmaster General; it was unanimously recommended by the committee which reported the bill to the Senate, and passed that body without a dissenting voice. I hope, sir, that it will be received with the same favor by this House. Moreover, Mr. Speaker, you will perceive that by this bill not a dollar is to be appropriated out of the Treasury to build those steamers. The bill simply authorizes the Postmaster General to contract, for a sum not exceeding \$100,000, for the transportation of the mails, tri-monthly, between New Orleans and Vera Cruz. The construction of the steamers in which the mails will be carried will remain entirely in the charge of the contractors, who are only required to furnish vessels of eight hundred tons burden. The mail matter to be transported in these steamers will, I dare say, more than repay the amount to be expended by the Government, especially when we take into consideration that this is to be the first link of that great and rapid chain of communication between our Atlantic and Pacific possessions. Sir, it is not my purpose on this occasion to appeal to sectional feelings in behalf of a measure which, I confess, is of vital importance to the whole West, and especially to the State which I have the honor in part to represent; were I to do so, I would not only do violence to my own feelings, but I would misrepresent the wishes and disregard the instructions of those who have honored me with a seat upon this floor. Louisiana is a Union-loving State; and whenever the word nationality is pronounced upon this floor, it finds an echo in the heart of every one of her citizens. Her Representatives have never stopped to inquire whether this or that particular locality was to be benefited, whenever an appropriation has been asked for a work of a national character. But candor will compel me to say, that while millions of dollars have been appropriated, and that, too, with the unanimous vote of our delegation, for the exclusive benefit of ports on the Atlantic coast, not a solitary dollar has ever been spent in appropriations of this character for New Orleans, the great emporium of the Southwest—a port which furnishes nearly one half of the exports of this country, and distributes yearly over that vast area between the Allegheny and Rocky Mountains, over \$60,000,000 of imports.

Mr. PENN. Mr. Speaker, this Senate bill, which is of importance to Louisiana and the whole Union, is simple and economical in its provisions, and free from the objections made by some members of this body, because it does not require the Government to advance the money for the construction of these steamers. It only authorizes the Postmaster General to make a contract with the lowest bidder for carrying the mails three times a month from New Orleans to Vera Cruz. It limits the term of the contract to five, instead of ten years, which is only one half the usual term allowed for steam service on the Atlantic. It also insures the employment of steam vessels of a good class, both for the accommodation of passengers and the wants of commerce. To make the House aware of the great importance the Government attaches to the establishment of a mail service between the ports to which I have alluded, allow me to read the following report from the Committee on the Post Office and Post Roads of the Senate, in which are contained extracts from the annual message of the President and the report of the Secretary of the Navy:

"That the act of March 3, 1845, providing for the transportation of the United States mails between the United States and foreign countries, had clearly in contemplation, that a line would be established between the points embraced in the proposals submitted by the memorialist. The eighth section of that act specially directs 'the making of contracts for the transportation of the mail from place to place, in the United States, in steamboats, by sea, and on the Gulf of Mexico, and on the Mississippi river up to the city of New Orleans.' This part of the act, being deemed obscure, has to this day remained a dead letter, and the consequence has been an almost entire suspension of all regular intercourse with our sister Republic. The subject, however, has at different times been pressed on the consideration of Congress. The Secretary of the Navy, in his report of 1848, remarks as follows:

"As a more interesting part of the system, [alluding to the system created by the act just quoted,] I recommend that authority be given to contract for the transportation of the mail between New Orleans and Vera Cruz, in steam-

ships convertible into war steamers. It will tend, by promoting social and commercial intercourse, to consolidate friendship between the United States and Mexico, and invite her rich products of specie to our cities. It will add, too, to the mails on all the connecting lines, increase the postal profits, and make available for public defense an additional number of war steamers."

"Referring to the same subject, the President of the United States, in his annual message of that year, said:

"I recommend to your favorable consideration the establishment of the proposed line of steamers between New Orleans and Vera Cruz. It promises the most happy results, in cementing friendship between the two Republics, and extending reciprocal benefits to the trade and manufactures of both."

"Our commercial relations with Mexico have, within these few years past, so decreased that our exports to that country, which in 1835 were \$9,029,221, had fallen in 1850 to \$2,412,827; and our imports, which in 1835 amounted to \$8,343,181, were reduced in 1850 to \$1,560,166."

"Such is the deplorable state of our trade at this day with Mexico. It is mainly attributable to a want of speedy and reliable means of communication between the two countries, and must, if permitted to prevail much longer, so alienate them from each other that they will soon become more strangers than if they were separated by boundless seas and impassable continents. Yet one cannot but be struck with the many and important advantages which the establishment of a line of communication, placing the two countries in closer contact, would confer on both. While the intercourse thereby created might awaken our neighbors to a consciousness of the inexhaustible resources by which they are surrounded, and of their ability, by proper application and industry, to turn them to the improvement of their physical, social, and political condition, it would tend also to foster and strengthen those kind and friendly relations which it should be our wish, which it is certainly our interest, to cultivate and extend. It would divert from England to our shores a great proportion of the millions of silver which we are at present so much in need of, secure to us an ample supply of dye-stuffs and other commodities, enlarge our commercial marine, and increase our freights and tonnage."

"Prompted by these considerations, and being of opinion that the proposals made by the memorialist are liberal and would secure, if attempted, a speedy realization of the object sought to be attained, the committee recommend to the favorable action of the Senate the accompanying bill."

The following is the opinion expressed by the Postmaster General in his last annual message to Congress:

"The attention of this Department having been directed to the subject of postal communication between the United States and Mexico, it has ascertained that satisfactory propositions can probably be obtained for a line of mail steamers from New Orleans, by way of Tampico, to Vera Cruz."

"The establishment of such a line would no doubt greatly facilitate and increase the postal intercourse between the two countries, and in that regard alone is worthy of the consideration of Congress. But it would also, it is believed, be productive of great political and commercial advantages; would abate national antipathies and prejudices; promote and increase friendly views and relations between the people of the two countries, and unite more closely by mutual benefits the two great Republics of the western hemisphere. For the reasons thus briefly adverted to, I respectfully advise that the establishment of a line of mail steamers to Vera Cruz be recommended to Congress. An examination of the Treasury tables of exports and imports to and from Mexico for the last ten years will, it is believed, show the importance of such a line to the interests of the whole country—especially to that large portion of it situated on the Mississippi and its tributaries—and justify defraying from the Treasury the expense of its establishment."

It will be perceived that the Secretary of the Navy deems the matter of so much importance that he recommends war steamers on the plan of the contracts with those on the Atlantic and Pacific oceans; but the friends of this bill, to insure its speedy passage, have framed its provisions with a view to economy, and with such safeguards as were deemed proper to be thrown around it. In conclusion, I will ask that the bill be read through.

The Clerk then read the bill through.

Mr. PENN. I now move that the bill be put upon its passage, and upon that motion call the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

The bill was then ordered to a third reading.

Mr. AVERETT. Is a motion to lay the bill upon the table in order?

THE SPEAKER. It is, in the opinion of the Chair.

Mr. AVERETT. I then submit that motion, and demand the yeas and nays upon it.

The yeas and nays were refused.

The question was then taken on the motion to lay upon the table, and it was disagreed to.

The bill was then read a third time, and, under the operation of the previous question, passed.

Mr. St. MARTIN. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### WILMINGTON AND MANCHESTER RAILROAD.

Mr. PENN. I am instructed by the Committee on the Post Office and Post Roads to report back, without amendment, and with the recommendation that it do pass, Senate bill No. 447, entitled "An act for the relief of the Wilmington and Manchester Railroad Company." The bill simply gives to this company the indulgence to withhold the payment of duty upon their imported iron, for four years, from the Government, for which time legal interest is to be paid. I move the previous question on the passage of the bill.

Mr. McQUEEN. I trust my friend will allow me to make a few remarks.

Mr. PENN. As my friend comes from the district through which the road is to pass, I withdraw the call for the previous question, on the condition that he will renew it.

Mr. McQUEEN. I promise the gentleman to renew it.

Mr. COBB. I would ask the consent of the gentleman to allow me to submit an amendment to the bill.

Consent was not given.

Mr. McQUEEN. Mr. Speaker, I do not propose, at this late period of the session, to detain the House with a discussion at length upon the merits of this bill. I shall, however, as the greater portion of the road to which the bill applies runs through my district, explain its object; and I proceed to do so with the confident belief that when it shall be well understood, there will not be found ten members in this House in opposition to it. The indulgence asked is for a company who are constructing a link of railroad as a continuation of that which now extends as far as Wilmington in North Carolina, over which the great southern mail from the North to New Orleans is now carried, which link avoids one of the most difficult and dangerous lines of navigation upon this continent. Two years ago, an act was passed by Congress, at the instigation of my friend from the Wilmington district of North Carolina, [Mr. ASHE,] granting an indulgence similar to the one proposed by this bill for the road extending as far as Wilmington. Between that bill and the present there is the distinguishing difference that that bill provided for the payment of no interest by the company, who were to give bonds for the faithful payment of the duty, whilst this one provides for the payment of every dollar of interest, to be, together with the duty upon the iron, secured by bonds, which are to be approved by the judges of the district courts of North and South Carolina, and made satisfactory to the Secretary of the Treasury. There is also a condition in this act that the money arising from the carriage of the great mail from the South to the East over this road shall be retained in the Treasury, and as it accrues, be discounted with the Post Office Department for the satisfaction of the bonds. This link runs through the level pine forests in North and South Carolina, and is being constructed by the planters of that country, who have mainly worked out their stock in the grading of the road. Gentlemen ask why the company constructing this road come here and ask this small matter? Every one acquainted with the planting interests knows very well the great importance of this indulgence in the payment of the duty upon iron, so that planters who can realize upon their crops but once a year, can measure their payments to suit the season of the year at which they can sell and realize the proceeds of their crops. I assert, indeed, without fear of contradiction, that there is no road in the United States of more importance to every portion of the Confederacy than this one.

The mail is now carried with great facility from New Orleans to Maine upon steamboats and railroads, with the exception of this gap, and about thirty miles in the State of Georgia. The navigation from Wilmington to Charleston is so difficult that there is no part of the route from this to New Orleans where so many disappointments unavoidably occur as on this particular portion. The company now get \$75,000 a year for the transportation of the mail from Weldon to Charleston. The act which was passed for the benefit of the Wilmington road two years ago, made a similar provision to this in regard to discounting moneys with the Department; and I have been authorized to say that every dollar which has been suspended for the benefit of the Wilmington road, has been



paid by the transportation of the mail as it has fallen due. When we look a little into the history of the law in regard to railroad iron, I flatter myself that gentlemen will not be disposed here to oppose this bill; because I assert the fact that there has never been the first dollar granted in the way of favors by the legislation of this Government to the planters of South or North Carolina, unless it be by the little indulgence given to the Wilmington Railroad Company two years ago, while the main arteries of northern communication were all constructed during the existence of laws which entirely repealed duty upon railroad iron. In 1832, the duties upon railroad iron were repealed. In 1836, the duties which had been paid to Kentucky and Ohio railroads were refunded to them, upon the ground that they were to be made equal with those having the benefits of the law passed in April, 1832.

Mr. STEVENS, of Pennsylvania. Does not the gentleman know that the railroad companies who made their roads while that law was in existence, paid nearly double the price which railroad iron now costs?

Mr. McQUEEN. I am not able to answer the question as to the precise amount of the prices of iron, but I tell the gentleman this, that although iron may have cost more than now, it will always diminish in price as a greater number of men engage in its manufacture; but that does not justify, in my opinion, an act imposing a duty of thirty per cent. upon the cotton-planters of the South, for the benefit of the iron manufacturers of the North, when they have been obliged, often, to sell their cotton for less than half the price they formerly got for it. The duty was refunded, in 1838, to the New York and Harlem Railroad Company—actually paid out of the Treasury, by special act of Congress. In the same year, the duty was refunded to the Baltimore and Susquehanna Railroad Company, and by the same act the duty on fastenings and spikes, even, was repealed, and the duty on them formerly paid by the Georgia Railroad Company refunded. In 1839 the duty was refunded to the Philadelphia, Wilmington, and Baltimore Railroad Company. In 1842 all iron for railroads was allowed to be imported free of duty, until March, 1843, and then a duty imposed upon it, and in this interval, all the roads which were built, as I maintain, (except one which was built in South Carolina, for which the company never asked a refunding of the duty,) were allowed to have their iron free of duty. In 1838, an act was passed allowing C. Day & Co. to import steamships, even, free of duty. These are facts, comprising the history of the legislation of the country upon railroad iron, as will appear upon the statute-books of Congress. We do not ask, in this instance, one dollar out of the Treasury; we do not propose here to procure legislation by which we shall put one farthing in our pockets. I presume not a man of the planters, who are interested in this railroad, have had, directly or indirectly, a dollar out of the Treasury. I will go further, and express the opinion that not a man in my Congressional district has ever had a dollar of money in his pocket out of the Treasury, as a bonus. We know this Government for its taxes. We have not asked for its bounties, nor do I ask for its moneys or its lands. I am asked, what is the length of the road? It is one hundred and sixty miles long, and about sixty miles of it are already built and the cars running upon it, and it is rapidly progressing towards completion, at both ends. I have been asked this summer, by gentlemen connected with the Post Office Department, how soon we will fill up the gap, so that they can put the great southern mail upon this route, in order to avoid the dangerous and uncertain sea navigation, by which it is subject to constant failures.

I am told by the honorable gentleman [Mr. PENN] who reported this bill from the committee, that, for several years, while he was connected with the post office at New Orleans, he was well satisfied that nine failures out of ten, which occurred in the great southern mail, resulted on account of the uncertainty of the sea, to be remedied by this road. There is no part of the Confederacy which I do not believe to be somewhat interested in this bill. It is the direct route for the southern people who go East and North in the summer. It is the direct route upon which the northern and southern mail will be carried.

It is a road as indispensable for northern com-

mercial interests as it is for southern—and it is a road which will be as much used by the traveler from the North, as from the South. It is to supply a link in a chain of travel now so difficult and hazardous, that I have had more inquiries made of me by travelers as to the prospect of its completion, than of any other road within my knowledge. I can assert that the stock in this road has been largely taken by planters, who have worked out already the greater part of their subscriptions, and there is consequently no speculation in it; for every dollar of the stock is *bona fide* taken. So soon as the mail shall have been put upon it, the payment of the duty will commence by this act, and as the Wilmington Company now get \$75,000 a year for its transportation to Charleston, I have no doubt myself, by the time the indulgence has passed, every dollar of the duty will have been paid by mail services. I will say to my Democratic friends of Pennsylvania, that they need not vote against this bill on account of any injury their iron manufacturers will sustain from its passage, because after an effort to purchase the iron from them, it has been bought in Belgium, and is now bonded at the ports of Wilmington and Charleston, and no deleterious effects can result to their constituents. The bill has passed the Senate without opposition, and is reported with the unanimous approbation of the Committee on the Post Office and Post Roads. I have asked no other favor at the hands of this Congress. I feel a proper interest in this bill for the planters whom I represent, and who, as I have said, have never had and never asked, a dollar from the Treasury; nor do they in this request, in view of former legislation of Congress, but a simple act of justice. It can result in no detriment to the Government, because, we are told daily, there are fifteen or sixteen millions of dollars surplus in the Treasury.

I am asked what will be the aggregate amount of the duty on this road. As nearly as I can inform the House, I presume it will not exceed \$100,000; had I been able to have gotten this bill before the House at the first of the session, it might have amounted to \$150,000.

From information derived from the president of the road, I believe, and he confidently hopes, the mail may be put on it during the ensuing winter, such is the rapidity with which it is being built.

Mr. MOREHEAD. I will ask my friend at what point the Wilmington and Manchester road will intersect the Columbia and Charleston road?

Mr. McQUEEN. It will intersect at a point (Manchester) on the Camden road, about forty miles above Branchville, which is on the Charleston and Hamburg railroad, and about half way between the two latter places.

Mr. MOREHEAD. Then it will connect directly with Charleston?

Mr. McQUEEN. Yes, sir; and without the difficulty encountered by those who navigate that coast at the mouth of Cape Fear river, at which they often have to wait for tide water in order to get over the bar; and it is believed will forward the great southern mail some seven hours earlier than it can be done by steamboat.

Mr. MOREHEAD. I should like to ask my friend from the Petersburg district a question, Where the Southside road intersects the main southern line?

Mr. MEADE. It is a communication directly from Norfolk to Weldon. By this, communication, if I understand it, will be directly from Weldon to Charleston.

Mr. MOREHEAD. If I understand you correctly, there is a direct communication by railroad from Norfolk, Virginia, to Weldon, in North Carolina. When the route proposed by the gentleman from South Carolina, [Mr. McQUEEN,] and under consideration, is completed, that connection will continue directly on to Charleston.

Mr. McQUEEN. To New Orleans; making an unbroken chain of railroad to Montgomery, Alabama, except thirty miles in Georgia yet to be completed. I move the previous question.

Mr. COBB. I ask the gentleman from South Carolina to withdraw the demand for the previous question, to enable me to offer the following amendment, to come in at the end of the bill.

*Provided, further,* That the provisions of this bill be, and are hereby extended to the Memphis and Charleston, and the Selma and Gunter's Landing Railroad companies, running through the States of Alabama and Mississippi and Tennessee.

Mr. McQUEEN. I cannot withdraw it. My objection to the amendment is, that if it is adopted the bill will have to go back to the Senate, and may thus be defeated.

Mr. DANIEL. As I happened to be absent the other day when the action of the House was had upon the Raleigh and Gaston Railroad bill, I ask my friend from South Carolina to withdraw the demand for the previous question, that I may offer it as an amendment to this bill.

Mr. McQUEEN. It is very unpleasant to me to have to refuse my friend from North Carolina, for whom I have the utmost respect; but as the morning hour has nearly expired, I must decline to withdraw the demand for the previous question.

[Mr. WILDRICK, from the Committee on Enrolled Bills, reported back, as correctly enrolled, the following bills, which, thereupon, severally received the signature of the Speaker, viz:

An act granting to the State of Michigan the right of way and a donation of public lands, for the construction of a ship canal around the Falls of St. Mary, in said State;

An act for the relief of John Moore White; and

An act to provide for executing the public printing and establishing the prices thereof, and for other purposes.]

The question now being upon seconding the demand for the previous question,

Mr. JOHN W. HOWE moved that the bill be laid upon the table.

Mr. STEVENS, of Pennsylvania. I call for the yeas and nays, and I ask for tellers upon the yeas and nays.

Mr. McQUEEN. Will it be competent for me, at this period, to withdraw the demand for the previous question, and make a motion to commit the bill?

The SPEAKER. The motion to lay the bill upon the table takes precedence of such a motion.

Tellers were ordered on the yeas and nays; and Messrs. STEVENS, of Pennsylvania, and MOLONY were appointed.

The House was then divided, and the tellers reported only 25 in the affirmative.

So the yeas and nays were not ordered.

The question was then put upon Mr. Howe's motion; and it was decided in the negative.

So the House refused to lay the bill upon the table.

The question recurring upon the demand for the previous question, it was put, and the previous question received a second.

The main question was ordered to be put.

The bill was then ordered to a third reading, and was subsequently read the third time.

Mr. McQUEEN demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. VENABLE called for the yeas and nays on the passage of the bill; and they were ordered.

[Here a message was received from the Senate of the United States by the hands of ASBURY DICKINS, Esq., its Secretary, announcing that the Senate had passed sundry bills and joint resolutions.]

The question was then taken upon the passage of the bill, and there were—yeas 102, nays 65; as follows:

YEAS—Messrs. Aiken, Willis Allen, Ashe, Averett, Babcock, Thomas H. Bayly, Barrere, Beale, Bissell, Bock, Bowie, Bowne, Bragg, Breckinridge, Briggs, Brooks, Albert G. Brown, George H. Brown, E. Carrington Cabell, Joseph Cable, Caldwell, Thompson Campbell, Caskie, Churchwell, Clark, Clingman, Cobb, Colcock, Conger, Daniel, George T. Davis, John G. Davis, Dean, Dockery, Eastman, Evans, Faulkner, Ficklin, Fitch, Florence, Freeman, Gentry, Gorman, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haws, Hendricks, Henn, Holladay, Houston, Thomas Y. How, Jackson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, Mare, McCorkle, McMullin, McQueen, Miller, Milson, Molony, John Moore, Morehead, Olds, Orr, Outlaw, Andrew Parker, Penn, Folk, Porter, Powell, Riddle, Robie, Schermehorn, Schoolcraft, Scurry, Smith, Stanly, Frederick P. Stanton, Abraham P. Stephens, St. Martin, Strotter, Stuart, Sweetser, Taylor, Thompson, Venable, Wallace, Ward, Watkins, Welch, Addison White, Alexander White, Wilcox, Woodward, and Yates—102.

NAYS—Messrs. Charles Allen, Allison, William Appleton, Bibbings, John H. Boyd, Brenton, Buell, Burrows, Bushy, Lewis D. Campbell, Chandler, Chapman, Dawson, Dimmick, Disney, Duncan, Dunham, Edgerton, Fowler, Henry M. Fuller, Gamble, Gilmore, Goodenow, Hamilton, Hammond, Hassall, Haven, Hebard, Hibbard, Horsford, John W. Howe, Thomas M. Howe, Ingersoll, Ives, Daniel T. Jones, J. Clancy Jones, George G. King, Preston King, Kurtz, Letcher, Mann, Martin, McLanahan, Miner, Henry

D. Moore, Murray, Newton, Samuel W. Parker, Penniman, Perkins, Price, Reed, Robbins, Schoonmaker, Scudder, David L. Seymour, Skelton, Benjamin Stanton, Thaddeus Stevens, Thurston, Townshend, Walbridge, Washburn, Wells, and Wildrick—65.

So the bill was passed.

Mr. McQUEEN moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### LIGHT-HOUSE APPROPRIATION BILL.

The SPEAKER. The morning hour having expired, the light-house appropriation bill is the business first before the House. A motion was made yesterday to reconsider the vote by which the fourteenth amendment of the Committee of the Whole on the state of the Union was agreed to, and to lay the motion to reconsider upon the table. That is the question now before the House.

Mr. FOWLER. What is the purport of that amendment?

The SPEAKER. It is the amendment introduced by the gentleman from Maryland, [Mr. EVANS,] establishing a board of light-house commissioners.

Mr. WALSH. I ask for the yeas and nays. The yeas and nays were not ordered.

Mr. BUELL. I ask for the reading of the amendment.

A MEMBER. Oh, no. It was read twice yesterday.

Mr. BUELL. I have not heard it yet.

The SPEAKER. If there be no objection, the amendment will be again read.

Mr. CABLE, of Ohio. I object.

The SPEAKER. It is competent for the gentleman from New York to move that the amendment be read.

Mr. BUELL. I understand that it is lengthy, and therefore I will not insist on the reading, although I have not heard the amendment.

The question was then put, and it was decided in the affirmative; so the motion to reconsider was laid upon the table. The bill was then ordered to be engrossed and read a third time; and, being engrossed, was subsequently read the third time.

The question now being, Shall the bill pass?

Mr. DUNCAN moved the previous question. The previous question was seconded, and the main question ordered.

Mr. SEYMOUR, of New York, called for the yeas and nays; but they were not ordered.

The question was then put, and it was decided in the affirmative; so the bill was passed.

Mr. DUNCAN moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON. I desire the House to go into committee this morning, and dispose of the amendments of the Senate to the Indian appropriation bill. Those amendments have been discussed here once, and if there is no objection, I wish to offer the usual resolution to close the debate in one hour after we go into committee.

Mr. FREEMAN. I object.

Mr. HOUSTON. Then I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, of Tennessee. I ask the honorable gentleman from Alabama to withdraw that motion, to allow me to report back a bill for the relief of the widows and orphan children of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane. It is a Senate bill. I have been ordered to report it by the Committee on Naval Affairs, and it has been in my hands for a long time. It will not take ten minutes to dispose of it.

Mr. HOUSTON. I cannot give way, for I am very anxious to get through with the appropriation bills.

Mr. DUNCAN. I wish to inquire what has become of the motion of the gentleman from Alabama, to close the debate on the Senate's amendments to the Indian appropriation bill?

Mr. HOUSTON. Objection is made to closing the debate until we go into committee and consider the amendments. I shall move very shortly that the committee rise, with a view of limiting debate.

The question was then taken upon Mr. Houston's motion, and it was agreed to.

The rules were accordingly suspended, and the

House resolved itself into the Committee of the Whole on the state of the Union, [Mr. DISNEY, in the chair.]

#### INDIAN APPROPRIATION BILL.

Mr. HOUSTON moved to take up the Senate amendments to the Indian appropriation bill.

The motion was agreed to.

Mr. H. said: Mr. Chairman, I am too unwell to occupy much time this morning, but even if I were not I would not do so. There are some three or four important amendments made by the Senate to this bill, to which I would direct a few moments attention.

The first amendment made to this bill by the Senate is to insert a provision on page five of the original bill, which I will read:

"At the end of line twelve insert:

"Provided, That the Secretary of the Interior be, and he is hereby, authorized to examine the reservation claims of the Choctaws, known as the Bay Indians, and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of 1830, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of the 23d August, 1842, and of the 3d March, 1845.

"For supplying a deficiency in the appropriations heretofore made for removing the Choctaw Indians from Mississippi as estimated by the Commissioner of Indian Affairs, \$37,412."

There are two classes embraced in this amendment—one of them contains about sixty-five or seventy cases, and the other probably a little under forty. About one hundred cases are embraced in the amendment. In 1830, a treaty was made with the Choctaw Indians of Mississippi, and in that treaty the Indians have signified their disposition, or intention rather, to remain in the country; and were entitled, under the provisions of that treaty, to certain portions of land upon which they lived. That treaty has been fulfilled, it is said, with the exception of these cases, embracing about one hundred. The Committee of Ways and Means, in its examination of this amendment, learned from the Department—the papers I have with me in my drawer—that one branch of these cases consists of sixty or seventy claims of persons whose cases were not in the second application acted upon by the commissioners. The commissioners who were appointed by the Government to go out to Mississippi and award to each of the reservees, who had signified their intention under the provisions of the treaty to remain there, their reservations, in the first instance decided against these sixty-seven cases. But, at the expiration of the time of existence of the Board of Commissioners, the applicants in these cases, some if not all of them, renewed their testimony. That renewed testimony was submitted to the Board of Commissioners, and, I believe, in this instance, but two days before the expiration of the board; and the commissioners report that, under the press of business at that time, they could not act upon the claims. The Committee of Ways and Means were of opinion, and so instructed me to recommend to the House, that the provisions of this treaty having been kept open so long, and having been opened so much, and these things having been adjudicated adversely to the claimants once, and their additional testimony only filed two days before the expiration of the existence of the board, that it was inexpedient to reopen the provisions of that treaty again. I believe I have stated fully the points bearing upon this branch of the case, and in a very short and succinct manner.

Mr. FREEMAN. I desire to read to the committee what the report of that commission was.

Mr. HOUSTON. I have myself the report of the commissioners, and I have stated precisely what was contained in it. The Indians embraced in the class to which I have directed a moment's attention, were decided against upon point of fact. It was said, and indeed the Indians admitted it, that they had left Mississippi; but they alleged that they had left under a compulsion on the part of their agents, and others, who had influence over them. The case was submitted to the commissioners, therefore, upon a point of fact, and the commissioners, in the first instance, decided the fact against the applicants. The applicants then renewed their testimony, and it has never been decided upon.

I am satisfied that the gentleman from Missis-

siippi will agree with me that these are the facts of the case.

Mr. FREEMAN. They left their own ground—the ceded territory—but not the State of Mississippi, under a misapprehension of their rights, and under compulsion.

Mr. HOUSTON. That is what I have said.

Mr. FREEMAN. You said that they left the State of Mississippi.

Mr. HOUSTON. I understand that they left the State.

Mr. FREEMAN. Well, sir, that is not an important point, I suppose; but I hope the committee will listen to me for one moment, because I am certain that this House has no desire to do injustice to any part of the Indians heretofore existing in the State of Mississippi. The treaty with those Indians has certainly been of great benefit to the nation, and it is no part of the policy of this Government to do injustice to the small remnant now seeking their rights at the hands of this House. The Indian commission, which went out to Mississippi—it may not be remembered by all, but it will be by some—had great difficulties among themselves, and some of these commissioners were finally removed, and others appointed in their places. For a long period of time, while that commission was in session, it was wholly impossible, for the quarrels existing between the commissioners, for anybody to do business before them. Finally, when the time to which they were limited in the examination of these cases expired, there was still this class of cases pending before them. The testimony had all been taken. The Indians themselves had gone to the expense of proving their claim.

That testimony was all before the commissioners. But for want of time, in consequence of the statute limiting those commissioners to a particular period, they were unable to adjudicate upon all the evidence which was before them. That evidence is now on file in the Department of the Secretary of the Interior; and all that we ask is, that the Indians shall have that hearing before the Secretary of the Interior, which they were entitled to have before the commissioners. That is all we ask of this House. The Senate has inserted an amendment for that purpose in this bill, and I put it to every man here whether he will vote against the amendment for the purpose of doing justice to this small class of Indians. What is the argument which the Committee of Ways and Means bring forward against this amendment? Why, they say the commission was in existence so long that we have concluded not to reopen the matter again. Is not that an argumentative and christian answer to the appeal of the poor Indian for his homestead! I hope this House will turn a deaf ear to an argument of that character, and I trust they will now listen to the words of the commissioners themselves, which I propose to read.

Extract from the final report of the commissioners, of the 16th of June, 1845, to the President of the United States:

"Sixty-seven (67) cases of other Choctaws, claimants from the Bay of St. Louis, in Hancock and Harrison counties, in the State of Mississippi, and known as the 'Bay Indian claimants,' are also herewith transmitted to the War Department, unadjudicated by the commissioners. These claims received a special notice by the undersigned in their report to the President of the 18th of last December, already referred to, the substance of which special notice was, that these 'Bay Indians' had, by their admission, left the ceded country within five years from the date of the treaty; that they alleged and endeavored to prove this departure was compulsory on their part; that their agents agreed to file special evidence in these cases, with an understanding on their part, as well as on the part of the commissioners, and so expressed in their report aforesaid; that no judgment could, under the circumstances, be rendered; and that they should be reported to the President for such action as he should deem best for the assuring of ultimate justice to them, and this recommendation was so expressed in their report.

"Since then, and within the last few days, additional testimony has been filed with this board in relation to these claims; and one of the agents, E. B. W. Kirksey, Esq., of Mississippi, here representing them, applied through their counsel, A. B. Meek, Esq., of Alabama, and Henry J. Martin, Esq., of Mississippi, for the definite and final adjudication of the board upon them. From the late period at which the application was made and argued, (there remaining of the time but two days of the legal existence of the board for the investigation of the regularity of these claims,) and the decision of the important question of fact, as to the compulsory or voluntary abandonment of their country by the claimants, the commissioners decided, that in the pressure of other business, equally claiming their regard, there was not sufficient time for a rightful and just final determination of these claims, and as, in their former

report, they are again respectfully referred to the President for such remedial action as he may deem expedient and just towards them."

The additional testimony above referred to was taken under a commission from the board, on interrogatories filed by the attorney of these claimants and cross-interrogatories filed by the Board, and the motion demanding definite action was made as soon as that testimony was returned.

Now, Mr. Chairman, here is the official evidence. Here is the confession of the Government. The only question on which these claims are to be repudiated and rejected is, whether or not these Indians left the ceded territory before the time prescribed by the treaty, by compulsion or voluntarily. The evidence is, that they left by compulsion. Now, I ask every humane man in this House, does it make any difference in honor or justice at what time they left? I ask any gentleman whether, because these Indians, ignorant as we know them to be, have left the grounds which they were entitled to, according to the admission of this Government, before the time prescribed, it follows that we ought to swindle them out of the small tracts of land which are justly due to them? Is that the persuasive argument that is to be put up here by the Committee of Ways and Means? Are those the ways and means by which this Government is to do justice to a race of friendly Indians, whose misfortunes are their only faults? I hope to hear no argument of that nature addressed to the conscience of this House; and, sir, what is the question of the administration of justice to the Indians, but one of conscience? We have wrested from them all the power which they ever possessed. They are but orphans in our charge; and here, when they have been at the expense of taking all the evidence necessary to sustain their claim—when they simply come before you, and ask that the Secretary of the Interior shall pass upon their claim the same judgment which would be willingly granted to any white citizen of the United States—when the American Senate, considering these things, have put this amendment in the bill—the Committee of Ways and Means have graciously taken the matter into consideration, and concluded that they could not allow the investigation to go on, for fear a little more land would be allowed to the poor Indians.

Sir, this is a policy which I trust this House will not consent to. Let the Indian be heard. Who will condemn him without reading his testimony?

Mr. HOUSTON. I cannot yield to my friend from Mississippi any longer, as I do not desire to consume much of the time of the committee. The gentleman has read an extract from the report of the commissioners, and I flatter myself that the committee has seen that it establishes precisely the state of facts that I presented. It is acknowledged that the Indians left the ceded country before the five years had expired, and for that reason have forfeited any right that they might otherwise have been entitled to. They have attempted to establish the fact, by proof, that their departure was not voluntary. Well, if they had established that fact, if they had satisfied the Board of Commissioners that such was the fact, as a matter of course that board would have decided in their favor; but, on account of the fact that the proof did not make out that case, their claim was decided against.

Mr. FREEMAN. The commissioners do not say that. They say that they had not time to decide upon the testimony.

Mr. HOUSTON. If the gentleman will just hold still, I will come to that part directly. I said before, that the commissioners say they had not time, but upon the first investigation of this case, I state that the commissioners did not report in favor of these claims. I understand, from reading the report of these commissioners themselves, that such is the case. If not, why did they not report in favor of the Indians? If the proof was made out by the parties, why did not the commissioners report in favor of the claim? The conclusion is, that the proof did not make out the case, and the gentleman cannot escape that conclusion. The commissioners decided in the first instance against this claim.

Mr. FREEMAN. The commissioners state themselves, in their report, that they made a point against the Indians that they had left their grounds too early. What was the policy of that treaty?

It was to drive them away from the State of Mississippi. I state the fact that that technical point was made against them, and the Indians had no right to anticipate that it would be made when it was made.

Mr. HOUSTON. Where do the commissioners state that?

Mr. FREEMAN. They state in their own report, that they made that point by which the Indians were taken by surprise, and the moment they had an opportunity to rebut that presumption they offered testimony, and all they now ask is, a judgment upon that testimony.

Mr. HOUSTON. I did not know that the commissioners had stated that they had made a technical point which had taken the Indians by surprise.

Mr. FREEMAN. I have stated what the point made was, and any lawyer can see that it was a technical one.

Mr. HOUSTON. I would not, if I could, present an improper view of this to the House. I would not do it if I could. I am not here to advocate or defeat the claim of the Indians. I am here to present the facts of the case, as I understand them, for the consideration of the House, and if I present them improperly, or if the inferences I make from the facts be improper, the House can correct them. I have no feeling in defeating the Indians at all. None whatever. I repeat, as I stated before, that as I understand the reading of that report, the question of fact presented to the Board of Commissioners was, whether the Indians had failed to bring themselves within the provisions of the treaty by remaining on the ceded territory for a longer time than was required by the articles of the treaty. Because that fact was not established and proved, the Board of Commissioners decided the case against them. Well, they go on then to say, that an argument of counsel was made before the Board of Commissioners two days before the expiration of its existence in favor of this claim, and then it was that they decided, that from the press of other business they could not decide upon this claim at that time. So that the renewed testimony, the additional proof, has never been decided upon by the Board of Commissioners.

Now, Mr. Chairman, if it is policy, or desirable for this House or Congress to reopen all these cases, why, then, let them do so; but it occurs to me that there ought to be an end to these investigations somewhere. If, however, it is the pleasure of Congress to reopen these cases, let another board be created to pass upon them, and not take the Commissioner of Indian Affairs, or the Secretary of the Interior, who, as a matter of course, I presume, would be controlled by the head of the Indian Bureau, who has already decided in favor of most of them.

Mr. FREEMAN. Do I understand the gentleman to say that the Commissioner of Indian Affairs has already decided in favor of these claims?

Mr. HOUSTON. I understand that he has recommended some of them.

Mr. FREEMAN. I hope the House will hear that remark, that the proper Departments of the Government have decided in favor of these claims.

Mr. HOUSTON. I am not here to conceal any part of the case, and I have no desire to do so. I am here to present the facts of the matter without concealment.

The other branch of the amendment is this: There were thirty-seven cases, which were adjudicated by the Board of Commissioners, and adjudicated favorably. The Board of Commissioners passed upon the testimony in pursuance of law, and reported the whole case, with the testimony, to the head of the Indian Office here. The reason why the land scrip is not issued in pursuance with this award—for the award was favorable in all these thirty-seven cases—is, that, in pursuance of the revisory power which existed in the head of the Indian Office in this city, the Commissioner of Indian Affairs overruled the decision of the Board of Commissioners upon the ground that the cases were not made out.

Now, there is the whole case presented to this committee. I have not a particle of feeling in relation to the matter. If I have any feeling at all, it is in favor of the Indians. If I knew that this or any other appropriation claimed by the Indians went into the pockets of the Indians alone, I would never resist a claim which was even doubtful. I

would not resist a claim, although I thought there was a doubt if that claim was likely to be applied for the benefit of the Indians themselves. My whole sympathies and feelings are for these Indians.

Mr. JOHNSON, of Arkansas. I ask my friend from Alabama if he does not know that there is a law now in existence, which was passed as a section of the deficiency bill, providing that all moneys which are due to the Indians shall not go to anybody else than the Indians to whom they may be due? Does he not know that that is the case?

Mr. HOUSTON. That provision was passed in the deficiency bill.

Mr. JOHNSON. That is the law, then. Now, I ask the gentleman from Alabama if it is just, fair, or right to throw out the imputation that the Indians alone do not get the money, but that the agents get it—and we thus justify ourselves for refusing to allow a just claim of these Indians? I say it is unkind to throw out such an imputation.

Mr. HOUSTON. The gentleman did not understand the effect of my remarks, or he would not have intimated that I had thrown out any imputation to prevent these Indians from getting their just dues. I said—as every gentleman who heard me will bear witness—that my feelings were with these Indians, and that if I were satisfied the money would go for the benefit of the Indians, I would not resist any appropriation they were seeking for, if there was a doubt about the justice of that appropriation. I was not endeavoring to prejudice this case, or any other case.

Mr. BROWN, of Mississippi. I want to discuss this question presently. I desire now, however, to say to the gentleman from Alabama, [Mr. HOUSTON,] that from the colloquy between him and my friend from Arkansas, [Mr. JOHNSON,] the impression was doubtless produced upon the minds of those who were listening, that these Indians were seeking a compensation in money and not in land.

Mr. HOUSTON. Oh, nobody believes that.

Mr. BROWN. Well, it sounded very much like it over here.

Mr. HOUSTON. I had read the amendment in which it is proposed to authorize the Secretary of the Interior to pass upon the testimony now on file, and if he believes the cases are fairly made out, within the law, he shall issue scrip in cases where it has not already been awarded. That is what they ask for. I will have the amendment again read, if it is necessary; but I apprehend it is not. I take it for granted that my friend from Mississippi is mistaken.

Mr. BROWN here made a remark, which was not heard by the Reporter.

Mr. HOUSTON continued. The proposition is to give them land scrip according to the provisions of the law of 1842 and 1845.

The second branch of this amendment embraces a claim which has been examined by the other members of the committee more particularly than by myself, and being rather indispensed, I prefer to pass over it, with the hope that it will be explained by the other members of the committee.

The fourth amendment is one in which the gentleman from Indiana [Mr. Fitch] is concerned. It is one which has been substituted for one adopted by the House, at the instance of the gentleman from Indiana. As it is a long one, I will not ask to have it read, but will merely state the substance of it. Under three treaties between the Eel River Indians and the Government of the United States, they were entitled to about \$1,100 a year; but for twelve or fourteen years, or thereabouts, they have not drawn the money, for the reason, as I understand it, that the Government of the United States had lost sight of this tribe. After examination, it was ascertained that the moneys due to the Eel River Indians had been paid over to the Miami nation. It was ascertained that it had been paid to the wrong tribe. Within the last two or three years, my friend from Indiana was appointed to investigate into that matter, and he reports that there are some sixteen Eel River Indians still in existence, and therefore it becomes the duty of the Government not only to pay to these Indians the annuities to which they are now entitled, but one amendment or provision to the bill, inserted at the instance of the gentleman from Indiana, that the money which had been erroneously paid to the Miami Indians, should be taken out of the annuities of that tribe and refunded to the Eel



River Indians, who were really entitled to it. The Senate have stricken out this provision, and have inserted an amendment of this sort: That the Government of the United States shall pay to the Eel River Indians, \$15,000—which is about \$1,200 more than they are entitled to—out of the Treasury of the United States, and to allow the Miami Indians what has been erroneously paid to them; and that the Eel River Indians shall, in consideration of these \$15,000, relinquish to the Government of the United States all claim for further annuities.

There were two points presented in this provision of the bill as it went from the House. The Indian Office was really to take from the annuities of the Miami Indians an amount sufficient to reimburse the Eel River Indians for the annuities which have been erroneously paid to the Miamies. That is one point. In the Senate's amendment, they propose to let the Miamies keep what they have got, and that the Government of the United States shall pay to the Eel River Indians what has been wrongfully paid to the Miamies. The other point is this: In this provision in the original bill there was nothing to provide for stopping the annuities of the Eel River Indians. But the Senate proposed in their amendment that in consideration of \$15,000 no more annuities should be given to that tribe hereafter. Now, in examining the question, the Committee of Ways and Means came to the conclusion to recommend a concurrence in that amendment. They have two or three reasons for coming to that conclusion, which I will briefly give. They were these: The tribe of Eel River Indians have dwindled down till there are but sixteen left. Indeed, one Senator stated in debate that two of these have since died, which would reduce the number to fourteen.

Mr. FITCH. There are still sixteen left.

Mr. HOUSTON. Very well. The gentleman from Indiana says there are sixteen still in existence. The Senate have taken the ground, and the Committee of Ways and Means recommend a concurrence, that when a tribe of Indians have become reduced by death or otherwise so as to leave a mere handful—so as to leave so small a number that if the Government were acting with them originally, they would not treat with them as a nation, but as Indians, generally and distinctly—then it is competent for the Government to refuse to treat with them further as a nation, and to stop all further annuities, or to stipulate for further annuities with them as individuals. I presume it will hardly be denied by any one that the Government of the United States ought not to continue to pay annuities to tribes of Indians as tribes when they have been cut down to half a dozen, or to fifteen or twenty. It seems to me that is a point where these annuities should cease. But they should not be made to cease until the Indian shall have had some sort of notice of the intention of the Government.

If terms could be made, I believe myself that the proposition of the gentleman from Indiana [Mr. Fitch] had better be retained in the bill; but I fear there will be a difficulty upon the part of these Miami Indians in carrying out this provision. It may be difficult to make them understand why we take annually from their annuities, a sum sufficient to refund to the Eel River Indians the amount which has erroneously been paid to them.

Mr. FITCH. The Miami Indians knew they were getting other people's money.

Mr. HOUSTON. My friend from Indiana says they knew well enough that they were getting other people's money. If they did, they ought to be made to pay it back. These are the facts of the case. I submit them to the committee, and they can take such action upon them as they may think proper.

Another amendment which the Senate have made to this bill, is to strike out a provision inserted by the House of \$221,000, for the Menomonee Indians, and to insert a provision appropriating \$25,000 for their removal to some point the Government may select. The Committee of Ways and Means, upon an examination of the whole question, have instructed me to report to the House a recommendation that they concur in the action of the Senate, and for various reasons, one or two of which I will now allude to. In the first place, the claim of the Menomonee Indians was substantially, as I understand, founded upon two grounds; first, that the commissioners who treated with

them, defrauded them; and second, that there was a mistake in the treaty, as to the amount of land; and because of that mistake, the treaty ought to be reopened, and they compensated for the amount of land they had transferred.

Mr. WHITE, of Alabama. I desire to ask my colleague whether it is proposed to remove these Indians to a portion of the country almost entirely destitute of game? I think this a matter which should be considered before the House act upon the question. I am credibly informed by officers who have lately come from that portion of country, that we propose to put these Indians upon land, where they have not even the last recourse of the poor Indian—the taking of game for their support—and I think our whole legislation is wrong upon this subject.

Mr. HOUSTON. My colleague, if he will notice my remarks, will discover, that I have not yet reached the amendment to which he alludes, and to which he directed his remarks.

This case, as I before remarked, depends, so far as I understand it, upon two grounds. The one is, that the commissioners who treated with them had practiced a fraud upon them. That ground is not, I think, sustainable from the proof. I have looked into the case pretty extensively, and I am satisfied that while that allegation is made, and to a very limited extent, sustained by some proof, yet the preponderance of proper testimony, in my view of the case, is decidedly in favor of the hypothesis that the commissioners who treated acted fairly with them, and committed no fraud.

And even, Mr. Chairman, supposing the commissioners did commit a fraud, is this the proper way, the proper time to investigate that subject, while we have under consideration an appropriation bill? Ought not that subject to be brought up in a manner in which it can be investigated, and when those who are disposed to establish the fact that the commissioners did, or, on the contrary, those who are disposed to prove that the commissioners did not commit a fraud, may each have the opportunity of fully investigating the subject, and presenting it to Congress and to the country? But I presume that ground will be abandoned.

Then the only ground is, that more land was obtained by the Government than the Indians supposed they were transferring. I think, Mr. Chairman, that very probably is the case. But admit for a moment, if you please, that the Government of the United States did get more land than was in the eye of the Indians, or in the eye of the Government, at the time of the transaction, the treaty itself conveys all the lands which the Indians owned there. The proposition is now made that we shall reopen that treaty, for the reason that they were not advised of the number of acres of land they had, and because the Government of the United States got more land for the same consideration than they supposed they were getting, and that, therefore, it becomes necessary to go over the matter again.

Now, I lay down this position for the consideration of the committee, and to which I desire their attention—that if we establish that as a good ground for opening our Indian treaties, we have probably not one treaty that would hold against the same sort of argument. The most of our Indian treaties are made in an irregular, and, to some extent, a loose manner. The country is not usually surveyed, and it is not the case that we ascertain the precise number of acres, as is the case where individuals are treating with each other. We do not so treat with them.

There is another objection which has been urged with great force in the Senate of the United States against this appropriation; and it is, that the Indians are not now in a condition to receive this money, and that if it were put into their hands while they are now upon lands to which they are not entitled, and upon which they have no right to remain except as tenants at will, it would all be taken from them by the white persons who trade amongst them, in one way or another.

Mr. WHITE, of Alabama, (interrupting.) My colleague has not yet answered the question which I wish this House to consider—that is, what is the kind of land which is given to these Indians? That is the question I want considered, as a matter of justice. We have the power over these Indians, and we know we have the power, and we ought to give them land upon which they can get a subsistence.

Mr. HOUSTON. The proposition, as I was going on to remark, that the Senate has submitted, is, that we shall appropriate \$25,000 for the purpose of removing these Indians to some point they may select as agreeable to themselves, as their homes upon the public lands of the United States, where they may be subsisted until they can commence drawing their annuity. And then the whole tenor of the argument of the Senators was, that while they were willing to make a donation under the circumstances, and at this period of the existence of the tribe, if it was thought advisable, yet that it ought not to be upon the ground of mistake in the treaty.

The next amendment, and the only remaining one that I shall address myself to now, is one striking out from the bill as it went from this House, a provision appropriating some \$60,000 to the Shawnee Indians.

That appropriation is claimed by the Indians upon the ground, that under the treaty of 1831 the Government of the United States had bound itself to give them 100,000 acres of land. They allege that the land has not been set apart to them. The facts, as I understand them, are these: I believe it is admitted that the Shawnee Indians of Missouri, and the Shawnees of Ohio, are parts of the same tribe. The policy of the Government of the United States was, as I understand it, that these two branches of the same tribe should be again consolidated and amalgamated, that they might be reunited and live in harmony together.

In 1825, the Government of the United States treated with the Missouri Shawnees, by which the Government obtained from them their tract of land in Missouri, which was twenty-five miles square, and in lieu of that land the Government stipulated with that part of the tribe, as follows:

"It is hereby agreed by the contracting parties that, in consideration of the cession aforesaid, the United States do hereby agree to give to the Shawnee tribe of Indians, within the State of Missouri, for themselves, and for those of the same nation now residing in Ohio, who hereafter may emigrate to the west of the Mississippi, a tract of land equal to fifty miles square, situated in the State of Missouri," &c.

In 1831, the Government held a treaty with the Ohio Shawnees, in which it stipulated, in consideration of the cessions made by that treaty, to lay off one hundred thousand acres of land, and give to the Ohio Shawnees a patent in fee-simple for it, within the fifty miles square that had been agreed to be given to the Missouri Shawnees, in connection with the Ohio Shawnees, for them to have so long as they remained a nation and thought fit to live upon it; provided so much good land could be had within the fifty miles square to make one hundred thousand acres. If they could not get it within the fifty miles square, they were to get it from lands contiguous to it, or from any other unappropriated and unoccupied Indian lands belonging to the United States.

The question here presented is this: the Ohio Shawnees claim that, by the treaty of 1825, the Government of the United States parted with their title to the fifty miles square, upon which it located the Missouri Shawnees. They contend that the Government conveyed to the Missouri Shawnees and to the Ohio Shawnees jointly the fifty miles square, and therefore that this stipulation in the treaty of 1831, by which we agreed to give them one hundred thousand acres of the fifty miles square was not a consideration for the cession they made, as the Government of the United States had parted with the whole title to the fifty miles square.

I disagree, Mr. Chairman, with gentlemen who take that view of the case. I construe the treaty of 1825 in this way: The Government of the United States, in pursuance of this admitted policy of reuniting the entire tribe of Shawnee Indians, and in pursuance of the request of the Indians themselves, determined to put them upon the fifty miles square, which it had agreed to lay off, and did lay off, for the Indians.

Mr. WHITE, of Alabama, (interrupting.) I desire to ask my colleague a question. This is an important matter to men who are disposed to do justice. I wish to ask my colleague what kind of land to which he wishes to send these Indians? I wish that question answered and considered by this House, because we are now doing great injustice to these poor miserable remnants of humanity.

Mr. HOUSTON. I regret that I am interrupted in this improper manner in these disconnected re-

marks I am submitting to the committee. I was going on to state what I regarded to be the true construction of the treaty of 1825. It was this: that in pursuance of the policy of the Government, which the Indians themselves had requested to be pursued, the Government of the United States determined to locate both branches of the Shawnee tribe of Indians in the same region of country, and thus reunite them. Hence, we find in the treaty of 1825 that the United States agreed to give fifty miles square of land to the Missouri Shawnees, and to those of Ohio who might afterwards emigrate to it. The Government did not part with the entire fifty miles square, but it was in the nature of a reservation on the part of the Government to locate within that particular country both bands of the Shawnee tribe. I construed then that treaty as not parting with the right absolutely on the part of the Government, but as in pursuance of its policy. It is admitted that the intention was to locate both branches of the tribe there, and that in the treaty of 1825 the right was reserved to locate the Ohio Shawnees there, in the event they were willing to emigrate. I will not say that it reserved the right to any particular character of country, or any particular 100,000 acres of country. That is a matter left to be decided by the committee. The Missouri Indians were removed in 1826-'28, and in 1832 the Ohio Shawnees were removed to the same place. There was no application, or at least there are contradictory statements upon that subject. I understand recently that a statement has been made in a petition or paper of some sort, before the Senate, that the Ohio Shawnees applied to the Government to lay off 100,000 acres of land, previous to 1844. The gentleman who has the management of this case—and I speak of him with all proper respect as a gentleman of intelligence, and who understands this matter thoroughly—in his presentation of the case says, that in 1844 application was made for a title, and that the then Indian Department decided they were not entitled to a patent, or would not give them a separate patent. That was issued, and the Indians are now living upon it. They have been there some twenty years, and if in 1844 the first application was made, it was some twelve years before they ever applied to have 100,000 acres set apart for themselves. Now, as I said before, if these Indians desire to have their 100,000 acres set apart, I believe the Government has the right to comply with their wish under these treaties and give a patent for the land. If it has not, the treaties provide that they shall have it contiguous, and there are vacant Indian lands contiguous. If, however, the contiguous Indian lands are not fit to locate these Indians upon, the treaty provides that they shall be located upon any of the Indian lands of the United States. I have no conclusive proof before me satisfactory as to the character of the land that is contiguous to the fifty miles square. If I were satisfied that the land was unsuitable, I should be unwilling to locate them upon it. I would be opposed to forcing the Indians to take land that would not afford them a subsistence. Under these circumstances the Committee of Ways and Means of this House have also recommended a concurrence in that amendment of the Senate. This is all I have to say at present.

Mr. FITCH. Mr. Chairman, I intend to briefly discuss a few of the amendments of the Senate to the bill now under consideration. As I do not trouble the committee often, and then usually on business before them, I ask their attention on the present occasion, because it is rather embarrassing to speak to inattentive ears. I desire to convince them of the correctness of my views upon these amendments, or, at least, if they be not correct, I cannot ask, nor do I desire their support. If they be correct, I am certain the committee will thank me for convincing them of that fact, so that they may not do injustice by voting without a proper understanding of the whole facts of the case. I shall first address myself to the Eel River amendment. It will be recollected by members of the last Congress, and I will briefly repeat, for the benefit of those who were not then members, that when the appropriation in the regular Indian bill for the payment of the annuities of the Eel River Indians came up, I questioned the existence of such a tribe, and expressed my reasons for believing in their non-existence. A few years previous to that I had known nearly all of them in my pro-

fessional capacity, but they had disappeared from my eye. I supposed that they had amalgamated with some other band, or that a feud which existed between them and another band, had resulted in the death of the Eel Rivers, as I knew it had in the death of their chief. I then moved, and it was adopted, the insertion of a proviso into the Eel River appropriation, that the money should not be paid unless the existence of that band was previously ascertained, and then to that band, and that band only; for I was convinced that the money was paid somewhere, and wrongfully, as I found the appropriation made regularly year after year. In accordance with that proviso, the Department took steps to ascertain whether such a band was in existence. The result of that investigation was, that that band, although diminished in number—there only surviving sixteen individuals—was yet in existence as a distinct and independent band of Indians upon their own land, recognizing among themselves their own social laws, and having no intercourse with any other band, and very little with the surrounding whites. Their number, though so small, was considerable compared with their strength when we last treated with them. The band within the knowledge of the whites was always small.

In the first treaty—that of 1795—by which we obligated ourselves to pay them forever a portion of this annuity, they were represented by only one man, who was their chief; and they then numbered not far from one hundred individuals. In the second treaty of 1805, by which we obligated ourselves to pay them another portion of this annuity, they were represented by only three individuals, and they then mustered less than one hundred in all—scarcely fifty. In 1809, when at the last treaty we promised to pay them the last portion of this annuity, and forever without any restriction as to their number, they were represented by three individuals; and then they only numbered about fifty persons. Of that fifty we purchased a territory as valuable as any other portion of my State—a territory from which the records of the Land Office will show we have derived more than these annuities will probably ever amount to. In consequence of the provision I have alluded to, the annuity for two years past, has been retained in the Treasury; but after the Department became convinced of the fact that the band was still in existence, I moved the amendment to this bill which was stricken out by the Senate. The amendment, as will be recollected, provided that the moneys previously paid to the Miamies proper by mistake—and it had been thus paid for ten or twelve years instead of to the Eel Rivers—should be refunded to the Eel Rivers. The Eel Rivers remonstrated, as the files of the Department will show, against the payment of their money to the Miamies; but that remonstrance was not attended to. The money was thus diverted with the knowledge of the Miamies. They are mostly intelligent men, and knew they were receiving the money of others. It was in accordance with the views of the present Commissioner of Indian Affairs that the amendment, which the Senate have stricken out, was inserted, providing that the moneys heretofore erroneously paid to the Miamies should be refunded out of their annuities. What just ground of objection is there against taking it from those to whom it was erroneously paid to pay those who were entitled to it? The Miami nation number but few. There are some four or five hundred, or less, in the tribe, and they received \$37,000 annually, some \$10,000 or \$11,000 belonging to the Eel Rivers having been paid them besides.

The Senate amendment proposes to pay the Eel Rivers what is due to them, but only upon the condition that they will first bind themselves to release the United States from any further obligation to pay these annuities. The Senate propose to hire these Indians, with their own money, to relinquish the rights they hold under treaty stipulations, and which we have solemnly guaranteed them forever. Is this a proper specimen of United States magnanimity—of Senatorial justice? They propose to pay the Indians \$15,000, acknowledged to be due without any condition, but only on the condition that the latter release us from the payment of further sums equally as justly due by treaty. Doubtless this committee wish to see justice done. If the House of Representatives shall insert a provision in their own amendment that at a certain time the payment of this

annuity shall cease because this band of Indians is reduced in number, I will urge no strenuous objection; but my hand shall pen no such amendment, nor would a sense of justice permit me to give it my support. If the committee wish to do it, they can; but let them not say to the Indians that they shall receive nothing of what is due them unless they obligate themselves to relieve this Government from any further claim. Rather let there be inserted a provision that within three or four years the payment of their annuities shall cease. These Indians will then have fair warning of the injustice intended them, and their necessities not made available to compel their consent to our violation of treaties.

Another exceptionable part of the Senate amendment is this: By the investigation which ascertained the existence of this tribe, it was found that two women of the Eel River band had intermarried with Miamies, and moved west of the Missouri, and were the mothers of children—three in all.

They have thus by intermarriage and by adoption become Miamies, and draw their annuity as such. By the Senate amendment they would become the recipients of a portion of the Eel River annuities, thus giving double pay to them—once as Miamies, and once as Eel Rivers. I do not propose to consume the time of the committee in reading the treaties by which we obligated ourselves to pay these annuities. It is sufficient to say that the treaties are in the usual form, and obligate the United States for a valuable consideration; the receipt of which is acknowledged to pay the Eel River Indians a certain amount of money, the aggregate by the three treaties, amounting to \$11,000 per annum, and that this money has been illegally paid to the Miamies. We propose to refund for benefit of the Eel Rivers the money thus wrongfully paid, from the Miami annuities, in such manner as shall not distress the latter, and in sums at the discretion of the Department. I know no good reason why the money should be paid out of the United States Treasury without reimbursement from the Miamies. If there is such reason, the Department knows, and will act upon it under the discretion permitted by the amendment. I was very glad to hear the chairman of the Committee of Ways and Means [Mr. Houston] say that he believed my amendment was a just one so far as the Government was concerned, and his sole objection for coinciding with the amendment of the Senate was that the payment of the money out of the Miami annuities might create dissatisfaction on their part. I have already remarked that the men of the latter nation were intelligent. They must have known they were receiving money which did not belong to them, and they cannot expect otherwise than that they will be asked to repay it. At all events, any hardship which may result to them, or any dissatisfaction which may be entertained by them, can be obviated under the discretion left the Department by the amendment. I trust, therefore, that the committee and House will insist upon our amendment. It is more just to the United States, and it is the only shape in which an amendment can be adopted to do justice to the Eel Rivers, and the other Indians concerned.

I pass next to another amendment, which was introduced by myself, from the Indian Committee, and adopted at my suggestion, but which the Senate committee have stricken out, and to which the gentleman from Alabama [Mr. Houston] alluded during his remarks. I mean the amendment appropriating \$221,000 to the Menomonees, for additional compensation for land purchased of them. I do not propose to go back and repeat the discussion previously had upon this subject. I take it for granted that those who listened then know precisely the facts and circumstances attending upon the treaty. It is sufficient to repeat the fact known to the House, and admitted in the Senate by almost every individual who spoke upon the subject, that we purchased of the Menomonees 5,000,000 acres of valuable land, and paid them for but 3,000,000 acres. It is sufficient to repeat, that they were wronged out of several hundred thousand acres of land. Whether it was done through error or purposely is immaterial to the issue. The fact is still the same, that they were paid for only a certain number of acres, and induced to part with at least 2,000,000 acres for which they were not paid. The main facts, I say, are admitted in the Senate debate. Nearly every Senator who

spoke upon the amendment admitted that a wrong was perpetrated upon the Indians, and that they ought to be compensated for it. Although they struck out the House amendment, they admitted the justice of the claim by inserting in lieu of it a provision appropriating \$25,000 for the temporary removal of the Indians from the country they now occupy. This was not a gratuity, but a part of what the Senate thought to be due them as the difference between the price paid and the price due for their land. We are under no obligation, by treaty or otherwise, except as humanity may dictate, to give them one cent to defray the expenses of their removal; but, on the contrary, they are, by treaty, to remove themselves at their own expense. Yet the Senate inserted that provision of \$25,000 for that purpose, and thereby they recognized the justice of this claim.

Let me call the attention of the committee to the arguments adduced against this House amendment. I shall not be deterred from urging what I believe and ascertain to be true, because of any clamor which may be created against it by side-issues. A clamor was raised against this claim, and several reasons urged against it in the Senate, most of which have been refuted by the action of the body to which they were presented. One reason was, that a portion of the money might be paid to an attorney, who had been prosecuting the claim before the Department. Even if so, it does not invalidate the claim. The chairman of the Committee on Finance of the Senate [Mr. Huxten] said frankly—and he is a frank and open-hearted man upon all occasions—that there was no attempt to conceal the attorney's interest; that the papers were all fair and honorable, and no undue influence used with the Indians. The papers were all made out with the knowledge of the Department and sanctioned by it. They were made out to enable the attorney to prosecute the claim before the Department. He did not bring the claim here; he has nothing to do with its presentation here. It was sent here by the Department, and that fact alone, if a further provision in this bill did not do it, if a provision in the deficiency bill did not do it, would have estopped him from receiving his fees, unless after the money came into the hands of the Indians they chose to pay him. I candidly acknowledge that I believe they would pay him a reasonable fee, for they are an honest people,—I am sorry to say, more honest than some of those who are thought to be, and ought to be, their guardians. Now, grant that the attorney was to receive a part of this money, what of that? We must all admit—the Senate has admitted by its \$25,000 amendment—we have admitted by our votes, that unless it had been for the presentation of this claim, a wrong would have been perpetrated upon the Indians by the Government. We may thank the attorney, then, for bringing the subject to the notice of the Government, for if it had not been for his charge of the matter, the Department would have permitted the matter to rest where it was, and we should have remained ignorant or careless of the wrong we had perpetrated. We will not listen to the Indians in person, no matter how strong their appeals, or how just their claim, and thus compel them to employ an attorney; then make his employment the ground for refusing them justice.

But this objection of the attorney's interest is done away with, as I have already said, by a provision in the deficiency bill. And further, the provisions of this bill, the provisions in the very amendment as it was adopted by the House, would prevent payment to the attorney, as to any man or men other than to whom the President thought was just and proper. Yet certain representatives, I will not say at which end of the Capitol, assume that they are better guardians of the Indians, better know their wants and understand their interests than that officer who, by our laws, is made their chief guardian, and who can readily command all the information desirable in our intercourse with them. The amendment, as it was adopted in the House, expressly provides that the money shall be paid under the direction of the President only in such sums and at such times as he thinks the interests and wants of the Indians might require. Here, then, was sufficient protection for the Indians, all that can be asked or desired for them. He supervises the report of very bureau. Finding that a provision of law was left to be executed specially by himself, he

would of course see that it was justly executed, and would not permit wrong to be done the Indians. He would be far less liable to do them injustice than we are, because having access to all the information in relation to them, he would take care to inform himself of their wants and interests. That we do not know.

I wish to call the attention of the committee to one source of clamor against this amendment. It was gravely announced to the Senate—and I desire the attention of the whole committee to this matter, as the character of one of its members is involved—that a certain member of the legislative department of the Government, who had once held a high office in Wisconsin, was interested in this claim. If this was true, it would have invalidated the claim, and doomed to political infamy the member thus accused. The Senate—and I speak in no ill feeling toward that body, for I have a high respect for its members individually, and for most of its action—have permitted what I am confident this House would never permit, if any Representative chose to rise in his seat and arraign the integrity of a member of the Senate. Every man would at once spring to his feet and demand the name of the individual. Every member would say that stigma should not rest upon the character of the Senators from his State. The Senate did not do this. The integrity and honor of a member of the House was permitted to be questioned, and no one man arose and asked, who is he?—leaving the imputation to go abroad resting upon the character of every and any one who has happened to hold office in Wisconsin or Iowa, for these two States were once one Territory. It is true that Senators understood the allusion. They understood that one of the Representatives from Wisconsin was meant. Well, grant that. Who knew it out of the Senate? Let that go forth, and the next question is, which one of these members was meant? It was the duty of the individual making the charge to designate the member. It was not done. We are left, then, to ascertain from previous circumstances at whom the charge was pointed. These circumstances happen to be easily ascertainable. It is known that the Hon. Mr. Doty, of this House, was the member alluded to.

Mr. HOUSTON. I know my friend will appreciate my motives, when I call the attention of the Chair to the rule which prevents members of either House from commenting upon the speeches made in the other House.

Mr. FITCH. When the honor and integrity of a member of this House are commented upon and questioned at the other end of the Capitol, no point of order shall prevent my answering it, at least so far as it is connected with any legislative measure, coming from a committee of which I am a member, and which measure such comments have prejudiced. I speak of it, not only in justice to the House and the members from Wisconsin, but in defense of the House amendment under discussion. Now, with the permission of the gentleman from Alabama, [Mr. Houston,] I ask the Clerk to read certain letters upon this subject, one from the gentleman from Wisconsin, [Mr. Doty,] who I perceive is not in his seat—and who if he were would repeat upon the floor the substance of his letter.

The CHAIRMAN. The Chair would remark, in reply to the suggestion of the gentleman from Alabama, that it is a well-settled principle of parliamentary law, that it is not to be permitted to the members of one branch of a Legislature to allude even to the doings of the other branch of the Legislature, until officially communicated to it. The reason why the law was established, was that it should be observed for the better promotion of harmony between the two branches of the Legislature. But, at the same time, the Chair knows of no rule which would interdict or prohibit a member of one branch from replying to remarks made in the other branch, having special reference to the conduct and action of members of the body to which he belongs. On the contrary, every principle of natural law and justice accords such a right; and, in the opinion of the Chair, the remarks of the gentleman from Indiana are therefore in order.

Mr. FITCH. I must again repeat that I make these remarks with no ill feeling towards any member, and with no wish or intention to interfere in any difficulty with any of its members

which does not relate to myself personally, or to express any opinion relative to such. I do it simply to obviate an injurious effect which the charge or assertion has, and otherwise might continue to exercise upon a legislative measure recommended by the Indian Bureau, and coming from the Indian Committee, of which I am a member. The Clerk will read the letters.

WASHINGTON, July 29, 1852.

DEAR SIR: While the item in the Indian appropriation bill proposing the allowance of a sum of money to the Menominee Indians was under consideration in the Senate, to-day, it was stated in debate, by Mr. WALKER, of Wisconsin, that in addition to what was to be paid me, as their attorney, a member of the legislative department of the Government was also to receive the sum of \$30,000 of the amount allowed them. He stated, also, that the member to whom he referred had once held a responsible office in Wisconsin, and that his object in securing this payment to these Indians was not only to obtain the sum referred to, but to gratify his hatred of Colonel Medill, because that gentleman had charged him, in a speech made some years ago in the House of Representatives, with high crimes and misdemeanors, and to which he had yet made no reply.

I was employed by these Indians in the summer of 1850. The power of attorney under which I have since acted was executed in the office and in the presence of the Commissioner of Indian Affairs, and his acknowledgment bears his attestation. I was then, have been ever since, and yet am, their sole attorney. Nobody else has ever had authority, since then, to act for them in the prosecution of this business; and nobody else has undertaken to exercise such authority. They came to me without any solicitation whatsoever upon my part, to seek protection against the sub-Indian agent who resided amongst them, and in whom they had no confidence, and spoke to me so fully and freely in reference to their business, that I am satisfied they would not have concealed the fact from me if they had employed any other person, or had wished to do so. I have not, since then, heard of any such employment, nor do I believe that any such was ever made, or that it could have been made without my knowledge.

I was a member of the House of Representatives at the time the speech referred to was made by Colonel Medill, and recollect that it had direct reference to yourself, you being then Governor of Wisconsin Territory. I presume, therefore, that Mr. WALKER referred to you. As I have never heard before of your having any such personal interest in the money to be paid these Indians, as was charged by him, I will be obliged to you to state whether or no you have, either directly or indirectly, any agreement or understanding with them to that effect? I need not inquire of you, whether you are to receive any portion of what they have agreed to allow me, for you very well know that not a single word in reference to any such thing ever passed between us.

I have the honor to be, very respectfully, your obedient servant,

R. W. THOMPSON.

Hon. J. DUANE DOTY, House of Representatives.

WASHINGTON, July 29, 1852.

DEAR SIR: This evening I have received your note in relation to remarks made to-day in the Senate by ISAAC P. WALKER, and which you suppose were intended by him to apply to myself. I have no doubt they were so intended; and therefore, after thanking you for your statement, beg leave to say in reply that his assertion that I am to receive \$30,000 of the sum allowed by the amendment to the Menominee Indians, is grossly and unqualifiedly false, whether made by the Senator or by anybody else.

I should indeed be very sorry if this or any other fabulous statement by him, influenced the Senate in its decision upon the merits of this demand by the Indians for justice. I cannot believe it had, or the name of the "member of the legislative department" would have been demanded by some Senator present.

Mr. WALKER is equally unfortunate in his reference to the attack—also equally unfounded with his own—made upon me in 1841 or '42, by Mr. Medill. I replied fully and distinctly to his statements by a letter, a copy of which was sent to the Speaker of the House, and also published in the newspapers in Wisconsin. I have since then supposed he was satisfied he was mistaken; but with the reference lately made to him in the House I had nothing to do, nor do I think Mr. W. has anything to do with my former difference with Mr. Medill.

The charge made by Mr. WALKER would be unworthy of notice but for the place where it was uttered, and the effect it may possibly have upon the claim of a helpless people, now suing for justice. You are authorized, therefore, in any manner you may think best, to save them from the effects of this false and malignant charge, to use this letter or to make my denial public. It is very certain that no man worthy to be a Senator could have fabricated such a charge, or employed it for so base a purpose.

I remain, very respectfully and truly, yours,

JAMES DUANE DOTY.

R. W. THOMPSON, Esq.

Mr. FITCH. The letters would have been sent to the Senate to be read, but it was too late to remedy the wrong to the Menomonees inflicted by the charge to which they relate. The amendment of the House was defeated in the Senate mainly upon this side issue. For one, I am not disposed to see this done. If the Senate will meet it openly, and defeat it on the ground of want of merits, I am content. But if an unsustained side issue is got up, and on that issue, any action of the House in which I have aided is subverted here, or at the other end of the Capitol, I certainly shall not rest quietly under the decision.

The attorneyship I have already alluded to, and I hope I have answered that objection. No white



man, call himself what he may, unless with the consent of the President, could obtain a dollar of this money. It is to be paid under the supervision of the President. The \$25,000 proposed by the Senate for the removal of the Indians, is an acknowledgment of the debt, but a mockery of its payment. That amount would scarcely remove them to their new homes, much less feed them for any length of time after they reached there; for they number not hundreds, but thousands. It is somewhat singular that, notwithstanding their objection to the attorneyship, many of the Senators who voted against this amendment, and, perhaps, on that ground, themselves supported a provision proposed to be inserted in the bill, appropriating \$60,000 to an attorney in another case, for services rendered to other Indians, thus recognizing and voting for the very principle which that body objected to in this case.

Again, they objected that perhaps the Indians would not receive the money, and that it is our duty to pay to them and to them only, all the money which is due them, under any and all circumstances. And yet, sir, they have inserted in this very bill, an appropriation of some \$20,000 to Grignon, for services not proved, and to be paid out of a fund belonging to the Menomonees—an appropriation which the Senate had themselves stricken out of a treaty some years since, and which the House Committee on Indian Affairs have recently refused. But now they come forward, immediately after refusing to adopt the amendment of the House, on the ground that whites will receive part of the money, and appropriate \$20,000 from the money of the same Indians as a bonus to a white man.

There is another amendment of the Senate, for the payment of a certain claim known as the Hart claim—a claim which has been submitted to the Committee on Indian Affairs of this House, and rejected—a claim which we did not believe to be just, and which, I trust, will not be allowed.

Another case to which I shall devote a little attention, is a claim that was originally introduced, in the shape of an amendment to this bill, by the gentleman on my right, [Mr. CONGER,] a member of the Committee on Indian Affairs, but I am not aware that it was ever acted upon by that committee. It is an old claim for the payment to David Taylor of \$12,000. It went to the Senate and was there amended by the addition of interest, and comes back providing for the payment of \$24,000. The grounds upon which this claim stands, I will state as I understand it, with no disposition whatever to do injustice to the claimant. The papers in the case certainly ought to have been in a different shape from what they are now, before they were presented here, or the claim allowed upon them. It is a claim arising under a clause of the thirteenth article of the treaty of the 29th December, 1835, with the Cherokees. By that treaty, certain individuals, half-breeds, whites, and others, who were recognized as Cherokees, were permitted, if they possessed claims to land, to retain that land; their right to it was recognized. Taylor had such a claim. He was the husband of a Cherokee woman and the father of Cherokee children. But the State of Tennessee claimed the fee-simple in the land as soon as the Indian title was extinguished, and compelled Taylor to pay \$800, the price of the land at the rate of \$1 25 an acre. He did pay it, and presented to the commission appointed under that same treaty of 1835, his claim for this \$800. As the Government had recognized his right to the land, that commission very properly allowed the claim of \$800, and interest, the whole amounting to \$1,500. That money was paid to him.

Subsequently, however, he presented a claim for compensation in full for the land and improvements, alleging that the State of Tennessee had dispossessed him. How could the State of Tennessee deprive him of land in which he had the fee-simple from the State itself, and for which he had once paid the State? I have seen no proof that he ever was dispossessed of his land, or at least that he did not sell it for his own benefit. A commission adjudicated that claim. Taylor came before them with his claim, and they passed upon it, and rejected it. An opinion of the Attorney General, Mr. Mason, is among the papers, stating that a certificate of valuation which Taylor had must be considered as final, and entitling him to the amount claimed. Throughout the opinion of

Mr. Mason there is an error—not a legal error, (for I profess to be no judge of such,) but an error of fact. The treaty under which the claim is presented, provided that when a man presented a claim for land, or land and improvements, the value of the land should be ascertained, and a certificate of value given him. This certificate of value was not proof of the justice of the claim, but formed a part of its basis. The certificate of valuation given by the agent or agents appointed to appraise the value, was proof of nothing but the value. The treaty nowhere contemplates that such certificate shall be final. The only final certificate was to be that of the Board of Commissioners to investigate the claim. This board rejected the claim. Mr. Mason reasons upon the presumption that the certificate of valuation could not have been issued, unless the commissioners had previously adjudicated the claim, and allowed it. Here is the error. The certificate of valuation is dated September, 1843, and the adjudication at which the claim was rejected is dated December, 1844, showing the error into which Mr. Mason had fallen, and showing clearly that the certificate of valuation was obtained as a preliminary step to the adjudication. The claim was presented to the commission, and upon all the evidence before them, they declined allowing it; they declined issuing that which the treaty itself says shall be final—the certificate of adjudication. The claim may admit of explanation warranting its payment, but no such explanation have I seen—none at all satisfactory, and until such is produced, I trust the claim will not be allowed.

Mr. JOHNSON, of Arkansas. I will not detain the committee long, nor do I think I will attempt to debate any one of the cases to which I shall allude. The Shawnee case is one concerning which I wish to state a fact or too, to which I ask the attention of the committee.

We adopted an amendment in this House to the Indian bill originally reported by the Committee of Ways and Means, for the relief of the Shawnee Indians. The bill then went to the Senate, and the Shawnee amendment was stricken out by them. Now, sir, a very singular and remarkable circumstance occurred there—one that will satisfy the entire House that we ought never to concur in their amendment striking out that provision. It is a singular fact, that throughout the whole debate in the Senate, almost every Senator admitted that the specific amount claimed was due to these Indians, and that there was no doubt about that. The only question was, not whether we owed it to them, but as to the manner in which we should pay it—one portion of the Senate seeking to pay it on one set of conditions, and another portion of the Senate seeking to pay it on another set of conditions. Each different proposition failed—there being a small portion of the Senate opposed to both of them—and thus it was that the whole of the amendment put in by the House was defeated. But all parties were in favor of paying the claim. In this state of the case I shall not go into any argument to show the justice of the claim, more especially as I argued the matter somewhat at length when it was originally before the House. At the proper time I shall ask the House to refuse to concur in the amendment of the Senate striking out the Shawnee sections. I believe the Committee of Ways and Means have recommended that we should concur in the Senate's amendment. The Senate themselves, I imagine, could not have had any desire that we should concur, and our proper course would be to refuse to concur, and then a committee of conference can arrange the method in which the whole matter can be settled, and the Indians can get what is their due. I shall therefore ask the House to adhere to its original proposition, and refuse to concur in the motion of the Senate striking it out. That is all I have to say in regard to that case.

The Menomonee case I shall say nothing at all about. With regard to the Biloxi Bay Indian case, I shall attempt to make no argument on the subject. I am entirely and fully satisfied of the justice of the provision inserted by the Senate, and I hope that this House will concur in that amendment. I believe that the Committee of Ways and Means recommend the rejection of that amendment also. But I am, nevertheless, satisfied of the justice of the claim, and that no argument can be adduced against allowing it, unless it be, that, having failed to do justice for some twenty or thirty years, we ought therefore to refuse to do

it for ever. That is the only argument which I can find for rejecting the case. But I will pass by this amendment without further remark.

I come now to another provision, inserted by the Senate, and in which the Committee of Ways and Means, I believe, have concurred. It is for the appropriation of a very small sum of money for the purpose of procuring, or for the purpose of making, a map of the Indian lands of the country, showing the various boundaries and localities of the different tribes of Indians. Now, there is not a map of that character in the possession of either the Committee on Indian Affairs in the Senate, nor in the possession of the Committee on Indian Affairs in this House, or in the possession of any member of either committee; nor do I believe there is a member of either committee who could tell you, if you were to put him to the test, where our various tribes of Indians are located, or give you their boundaries, their connections, or the position in which they stand upon this continent, if they were to be hung for it on failure; and here we are legislating in the dark upon this subject. What they propose is, a small appropriation for the purpose of constructing a map showing the location of these Indians, so that we may legislate knowingly in relation to this subject so far as the locality of these Indians is concerned.

Mr. HOUSTON. I think the gentleman is mistaken.

Mr. JOHNSON. No, sir. I say the Committee on Indian Affairs have no such maps; and I hope the House will concur in it, to increase the appropriation in the Senate amendment—it is only some two or three hundred dollars as it now stands—so as to embrace a like provision for maps for the Committee on Indian Affairs in the House as well as the Senate. I believe the committee in the House, as well as that in the Senate, should understand this subject, so that we may speak knowingly when we come before the House to advocate any particular policy. The chairman of the Committee of Ways and Means is not averse to this amendment, nor are the Committee of Ways and Means, as I understand, seriously averse to it. It is a thing so palpably necessary to any intelligent action upon our part in relation to these measures, that I cannot for a moment believe this House will hesitate to adopt our amendment, and to concur in that of the Senate.

The next amendment to which I shall refer, is a new section which the Senate has added to the bill—section three. I ask that the House shall non-concur in this Senate amendment. I will read the section, so that the House may understand it fully, and then I will give them such information in relation to the matter as I am in the possession of. The object of the section is, without doubt, good, but is an object which has long since been accomplished as far as it can be in accordance with the best interests and prosperity of these Indians. It reads as follows:

"Sec. 3. And be it further enacted, That the several sums of money appropriated by this act to any Indian or Indians, shall be paid directly to the Indian or Indians entitled thereto, and not to any agent or attorney of said Indian or Indians, whether said attorney or agent may have been constituted by power of attorney, or otherwise; and that no person shall be appointed or continued as the agent of the Government to make any such payment who holds, or is interested in any contract with any Indian or Indians mentioned in this act; and that before any person shall be allowed to make any such payment, or any disbursement of money herein appropriated, he shall take and subscribe to an oath before some competent authority, to be filed in the Department of the Interior, that he does not hold, and is not interested, either directly or indirectly, in any contract of any kind, with any Indian or Indians mentioned in this act, and that he will not, during the continuance of his duty, become the holder of, or interested in, any such contract."

Mr. HOUSTON. With the permission of the gentleman from Arkansas, I will say, in regard to this section of the bill, that when the Committee of Ways and Means had it before them, they examined what papers they had which were before the Senate. Since that time, however, I have read a letter addressed to the chairman of the Committee of Indian Affairs, [Mr. JOHNSON.] It is a lengthy communication, which I suppose it is not intended should be read here now, in which there are cases set forth which are in conflict with that law, and which make the law in conflict with some of the provisions of treaties. I am, so far as I am concerned as one of the members of the Committee of Ways and Means, willing not to insist upon that amendment.

Mr. JOHNSON. I will allude, as I proceed,

to the points where that law improperly conflicts. I do not know that it is necessary to read the letter just alluded to by the chairman of the Committee of Ways and Means, but I will state that I have the letter before me, and that it may be examined by any member who desires. It is addressed to the chairman of the Committee on Indian Affairs, in answer to a call made by myself in behalf of our Committee on the Indian Bureau, in relation to the effect of that section upon the Indian policy of the country. The letter is a most complete refutation of the wisdom and policy of adopting that section. I shall therefore protest against any such thing as retaining that section; and I hope that when this amendment comes regularly before the committee, the recommendation of the Committee of Ways and Means will not have so much force as to induce the House to adopt it, inasmuch as they themselves were not in possession of the facts which I now have, and which, at the time they were compelled to act, I did not have myself to lay before them. That information is satisfactory, and, with these remarks, I submit the question.

Mr. ORR. We are likely to be pretty hard pressed for time. We have heard the chairman of the Committee of Ways and Means, and the chairman of the Committee on Indian Affairs on the subject of the amendments to this bill. I will therefore move that the committee rise, and that we go into the House with a view of terminating debate upon these amendments. Debate can then be continued under the five minutes rule, as usual in committee, sufficient to enable gentlemen to understand the several amendments. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman (Mr. DISNEY) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Senate amendments to House bill No. 43, making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th, 1853, and had come to no conclusion thereon.

Mr. HOUSTON offered the following resolution:

*Resolved*, That all debate in the Committee of the Whole on the state of the Union upon House bill No. 43 shall cease in five minutes after the committee shall next have resumed its consideration, and if the committee shall not sooner come to a conclusion thereon, it shall proceed to vote upon such amendments as may be pending, or may be offered to the bill, and shall report the same to the House with such amendments as shall have been agreed to by the committee.

Mr. MOLONY. I have two bills which have been on my hands for the last six months. I ask the unanimous consent of the House to report them back from the Committee on Pensions, merely for the purpose of having them referred to the Committee of the Whole, to take their places on the Private Calendar.

There was no objection; and

Mr. MOLONY, from the Committee on Pensions, reported back the following bills, which were referred to a Committee of the Whole, made the order of the day for to-morrow, and ordered to be printed, viz:

House bill No. 317, for the relief of Nathan H. Darling; and

House bill No. 318, for the relief of Gilman Smith, of Sycamore, in the State of Illinois.

Mr. ORR. I move the previous question upon the passage of the resolution closing debate upon the Indian appropriation bill.

The previous question was seconded, and the main question was ordered to be put.

The question was then put, and the resolution was adopted.

Mr. HOUSTON. I move to reconsider the vote just taken by which the resolution was adopted, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion agreed to.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The rules were suspended and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union,

(Mr. KING, of New York, in the chair,) and resumed the consideration of the Senate amendments to the Indian appropriation bill.

The first Senate amendment was then reported by the Clerk, as follows:

"At the end of the clause providing for the interest on the amounts awarded the Choctaw claimants under the treaty of Dancing Rabbit Creek, insert the following:

"Provided, That the Secretary of the Interior be, and he hereby is, authorized to examine the reservation claims of the Choctaws, known as 'Bay Indians;' and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued, and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of 1830, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of the 23d of August, 1842, and the 3d of March, 1845."

"For supplying a deficiency in the appropriation heretofore made for removing the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs, \$37,412."

Mr. DUNHAM addressed the committee in explanation and in favor of the amendment.

Mr. BROWN. I ask for the reading of the whole amendment.

The Clerk again read the amendment.

Mr. HOUSTON. The first branch of the amendment only is now under consideration.

The CHAIRMAN. It is all one amendment, and unless a division is asked, a vote will be taken upon the whole amendment as it has been read.

Mr. BROWN, of Mississippi. I ask for a separate vote upon each branch of the amendment, the first division to end with the words "3d of March, 1845."

I concur, Mr. Chairman, with the honorable chairman of the Committee of Ways and Means [Mr. HOUSTON] substantially as to the facts in regard to this case. These Indians were a portion of the Choctaw tribe, all of whom had the right to remain upon their homestead, provided they chose to do so, and signified their intention to do so within the time specified in the treaty. This tribe of Indians are known as the "Bay Indians."

The sixty-seven provided for in this bill were as much entitled to their lands as others, but they had no opportunity of making their rights known to the commission appointed by the Government until that commission had adjourned. They now come forward and simply ask this Congress to do that which would have been done for them, provided they had made their claims known before the commissioners appointed to adjudicate them. The amendment of the Senate asks that this matter may be adjudicated by the Secretary of the Interior. The chairman of the Committee of Ways and Means said, this morning, that if this thing was to be done at all, it was better to have another commission. I am opposed to another commission for two or three reasons. First, that it is not at all necessary for the purpose of adjudicating some sixty or seventy claims. Second, it would involve the necessity of appointing three or four officers, involve an expenditure entirely unnecessary, and involve a large amount of litigation, and probably the bringing of these parties together, at great cost to them, all of which is wholly unnecessary. The testimony has all been taken, and is now in the Department of the Interior; and these claimants are perfectly willing to risk their claims before the present Secretary of that Department. That they are entitled to the lands under the treaty there is no sort of question. The Committee of Ways and Means of the House of Representatives, I understand, have reported against these claims, and for the reasons pointed out by the honorable chairman this morning—that they ought to have made their claim known at an earlier day.

Why, Mr. Chairman, need I tell gentlemen who know anything of the Indian character how little they can appreciate your manner of legislation? They came forward at an early day, and filed their claims.

They were passed against by the Government commission upon a technical objection. They went to obtain testimony to destroy the force of that objection, but could not get it before the commission until within two days of its dissolution; and then the commissioners reported to the President that they had not time to adjudicate these claims, and in this condition they were left.

They now appeal to Congress—to do what? To allow the Secretary of the Interior to adjudicate their claims in the same manner that the commis-

sioners would have done, if they had set a few days longer. That is all they ask. Now, can there be any sort of objection to that in any quarter? If they were not entitled to this land under the treaty, the Secretary of the Interior will decide against them. If they have a title to it, you will not upon a mere technicality take it from them.

Recollect, sir, that these claimants had nothing to do with the passage of your law appointing a commission to examine their claims. You passed it without consulting these parties, and affixed to it your own limitation.

I trust that the recommendation of the committee will not be agreed to, but that the amendment of the Senate will be concurred in. You cannot in honor take advantage of your own legislation to deprive a handful of miserable savages of their rights, under a treaty made and executed in good faith on their part.

The question was then taken upon concurring with the first branch of the Senate amendment, and it was decided in the affirmative.

The second branch of the amendment was then read, as follows:

"For supplying a deficiency in the appropriations heretofore made for removing the Choctaw Indians, as estimated by the Commissioner of Indian Affairs, \$37,412."

Mr. McLANAHAN. I move to strike out \$37,412, and insert \$1.

During the last session of Congress, Mr. Chairman, I was a member of the Committee on Indian Affairs. This subject was before that committee at that time, and I bestowed upon it some investigation. I have been unable here to procure the papers that were then submitted to that committee; and I may not speak with perfect accuracy as to dates and amounts, but I think I remember sufficiently well the details, to satisfy this committee that the claim of \$37,412 is an unjust one, and ought not to be paid by the Government. In the year 1844, a contract was entered into, between the Secretary of War upon the one part, and Messrs. Anderson & Forrester and others upon the other part, by which the parties of the second part contracted to remove the Choctaw Indians, at this sum of \$26 71½ per head. In this contract, which is one drawn with great care and circumspection by the then Commissioner of Indian Affairs, the Hon. Thomas Hartley Crawford, provision is made by which this Government is clearly and fairly indemnified from any loss which may be sustained, by parties who entered into contract with it. In view of the difficulties which surrounded the removal of the Choctaw Indians, these parties entered into certain stipulations with the Government; allow me to read one of them to the committee:

"And the said parties upon the second part engage and covenant, to act with the greatest energy and industry, and to use all proper persuasion and means to induce the said Indians to remove within the shortest practicable period."

But I call the attention of the committee particularly to the next clause:

"And that in no event shall the United States hereafter be subject to any claim for damages, or compensation for loss or injury that may arise, or be alleged to arise, out of this contract, under any circumstances whatever, either from the delay or refusal, in whole or in part, of the said Choctaw Indians to remove west, or from any other cause or reason whatever."

Mr. DIMMICK. Does my colleague mean to convey the idea that, by the clause in the contracts just read, the Government is discharged from all claims to damages occasioned by her own fault, or the neglect to perform her duty?

With the gentleman's permission, I will state my understanding of the case to be this: that these Indians were to receive one half of the scrip before they started west, and the other half upon their arrival there, and that the United States Government failed to furnish the scrip it was bound to by the act of 1842.

Mr. McLANAHAN. I will respond to my colleague with pleasure. I have no doubt that one of the most cogent reasons to induce these parties to enter into the contract with the Government was the prospect of procuring from the Indians their certificates of land scrip. The Government subsequently to the date of the contract, enacted a law to protect the Indians from the frauds which were constantly being practiced upon them; but, sir, notwithstanding these parties failed to get all of the certificates from the Indians which might have been obtained, yet it is perfectly manifest

from the papers, if they be examined, that a large portion of this scrip had been issued.

[Here the hammer fell.]

Mr. HIBBARD. The remarks of the gentleman from Pennsylvania having been confined to his amendment, I apprehend it is still in order for me to discuss the amendment of the Senate.

Mr. VENABLE. I rise to a question of order. I desire to oppose the amendment offered by the gentleman from Pennsylvania, [Mr. McLANAHAN.]

The CHAIRMAN. The gentleman from New Hampshire has not thus far proceeded in any discussion out of order. The amendment of the gentleman from Pennsylvania is to reduce the appropriation from \$37,412 to \$1, and in fact involves the whole question.

Mr. HIBBARD. Is it in order for me to oppose the Senate's amendment, which has not yet been done?

The CHAIRMAN. The gentleman from Pennsylvania opposes the amendment, by striking out the entire sum excepting a dollar.

Mr. HIBBARD. But he speaks to the amendment which he offers. I wish to speak to the amendment of the Senate; and I apprehend that it is still open for me to do so.

The CHAIRMAN. The gentleman will recollect that the rule is, he must oppose an amendment pending.

Mr. HIBBARD. I will obviate the difficulty. I will speak in opposition to the amendment of the gentleman from Pennsylvania. I am opposed to his amendment because I am against allowing anything. I am against the whole claim that the Senate propose to add to this bill. The Committee of Ways and Means, who considered this matter upon several occasions—first when the estimates were originally sent to it, and secondly when this amendment was referred to it—voted unanimously, if I remember rightly, against it. The grounds upon which it was done were these: That it is purely a private claim; that it was not to execute any existing law, or treaty; and that it has not only never been allowed by any Department, but upon two occasions it has been rejected. Upon all these grounds the committee were opposed to it, apart from the question of its merits or demerits when it shall be properly presented.

Mr. McLANAHAN. Have not \$7,000 been paid since last Congress?

Mr. HIBBARD. An item of \$7,137 has been allowed and paid since the last Congress. If it were necessary to examine the merits of the claim, I might refer to what is stated by the gentleman from Pennsylvania, that at the last session the Committee on Indian Affairs examined and rejected it. At this session, the gentleman from Indiana has just informed us, the Committee on Indian Affairs have had this matter before them and disallowed it. It was the province of these committees upon those occasions to examine this matter upon its merits. Every man knows that they are competent to do it. No man doubts their disposition to allow every fair claim. They have disallowed it. It is not competent, apart from the question of its merits, to go upon an appropriation bill because it is a private claim. The history of it is this: it was originally presented to the Department of Indian Affairs on the 19th of August, 1850, and was disallowed by the then Acting Commissioner of Indian Affairs, Mr. Lea, and I have here his report, giving his reasons; and one of his reasons is the fact alluded to by the gentleman from Pennsylvania, that it is not only not competent to be allowed under the treaty, but is expressly cut off by the terms of the treaty, which say that no claim shall be set up for damages under the treaty. Here is the portion of his report containing his decision:

"Having given the subject a careful consideration, I find that the entire claim is predicated on the ground of damage, loss, or injury sustained by the contractors, in consequence of delinquency or improper conduct on the part of certain officers of the Government. But I find also, that the contract contains the following provision: 'And the said parties of the second part (Andrews, viz: Forrester, Cobb & Pickens) engage and covenant to act with the greatest energy and industry, and to use all proper persuasion and means to induce the said Indians to remove within the shortest practicable period, and that in no event shall the United States hereafter be subject to any claim for damages, or compensation for any loss or injury that may arise, or be alleged to arise out of this contract under any circumstances whatever, either from the delay or the refusal, in whole or in part, of the Choctaw Indians to remove west, or from any other cause or reason whatever.'

"It is thus evident, that however meritorious the claim may be, it is not provided for in the contract; on the contrary, it is precisely such as the contract expressly guards against and precludes. The Department, therefore, has no authority to allow the claim."

It was disallowed; and without passing upon the merits or demerits of the claim, the Commissioner referred these claimants to Congress, because it stands upon the footing of countless other claims before us, which require examination before the appropriate committees, and to be allowed by acts of Congress before they can be paid by the Department or included in appropriation bills. It is no part of the duty of the Committee of Ways and Means, nor of the Committee of the Whole, nor of the House itself, while considering general appropriation bills, to examine the merits of private claims, nor to add them as riders to these bills. It is sometimes done, but it is a most objectionable practice, and is in violation of an express rule of the House.

Mr. DIMMICK. Is it not in order now, Mr. Chairman, for some gentleman to speak in opposition to the amendment of the gentleman from Pennsylvania? Both of the gentlemen who have spoken upon it have opposed the Senate amendment. I desire some one shall be allowed to speak in support of the claim.

The CHAIRMAN. Discussion has ended upon the amendment.

The question was taken on Mr. McLANAHAN's amendment; and it was disagreed to; there being, upon a division—ayes 19, noes not counted.

Mr. DIMMICK. I move to increase the appropriation one dollar, for the purpose of saying a few words in support of this claim. I have not had an opportunity of having access to the testimony which is relied upon, and on file in the office of Indian Affairs, but some time last Congress, if I recollect rightly, I had access to the papers connected with this claim, and gave them, as I think, a fair and candid examination. I then came to the conclusion that it was a just and honest claim upon the Government, and ought to be paid. The gentleman from New Hampshire, who last addressed the committee, set off with the allegation that this was a private claim, and is not, therefore, germane in an appropriation bill. In the first place, I desire to say, that I differ with the gentleman upon that point. This appropriation has been estimated for by the Department—by Mr. Secretary Stuart—and his estimates I hold in my hand. They are dated January 11th, 1852, and read as follows:

"For payment for the removal of Choctaw Indians from the States of Mississippi and Alabama, a balance of a claim on account of said removal, heretofore reported to be due by this office, and an appropriation for the payment of which passed the Senate of the United States at the last session of Congress, \$37,422 12."

Very well, sir; my friend from New Hampshire referred to the fact that Mr. Lea had refused the allowance of this claim. It is true that he refused to make payment of this claim; but in the very communication making the refusal he expressed an opinion favorable to the merits of the claim, and recommended the claimants to seek redress at the hands of Congress.

A MEMBER. What was the claim for?

Mr. DIMMICK. For supplies furnished in the removal of the Choctaw Indians.

Mr. McLANAHAN. The gentleman answers, that it was for the removal of the Choctaw Indians. My recollection is that some \$80,000 were paid for the fulfillment of the contract, and that this is a claim for damages, they allege, arising out of the contract after they have entered into that legal agreement.

Mr. DIMMICK. I desire to say one word upon the merits of the claim. Mr. Loughery has always expressed a favorable opinion of this claim. I desire also to state that the Secretary of the Interior has requested Congress to make a special appropriation for the purpose of meeting its payment. The facts of the case are simply these: The Government of the United States entered into a contract with Mr. Forrester and others for the removal of these Choctaw Indians. It is true, as the gentleman from Pennsylvania has stated, that he agreed to make no further claim upon the Government of the United States for any injury or loss arising under that contract. That provision was inserted in the contract, but it was the understanding that the Government of the United States should deliver to the Choctaws prior to their re-

moval, under the treaty of Dancing Rabbit Creek, one half of the land scrip they were entitled to.

The Secretary of War, some time in 1844, promised to deliver, and to have in readiness, one half of the scrip to which the Indians were entitled. An agent of the United States was sent down there for the purpose of seeing that these Indians were removed comfortably, and in a proper manner. The contractor, who was there ready, had assembled a great portion of the Indians; but they refused to go before the scrip was delivered. The Secretary of War failed to deliver the scrip; and the consequence was that the Indians refused to go. It became necessary, then, for the contractors to make an effort to effect the removal of the Indians. The one half of the scrip, with which they expected to pay their debts, and provide themselves with necessities for their comfortable removal, had been withheld by the Government; and, as I understand the evidence, at the suggestion of the Government agent, these supplies and advances were furnished the Indians, who were to have paid the contractors for them with the scrip which the Government never delivered them, but subsequently funded this claim by act of Congress in 1845; whereby this scrip or fund, out of which these contractors were to have been paid, was diverted. Thus, the only means the Indians had to reimburse these outlays by the contractors for their supplies, were taken away, and the contractors left without redress, except to rely on the justice of the Government, and the promises of her agent for their indemnification in furnishing these supplies to the Indians; and without which their removal could not have been effected.

Mr. VENABLE. We have had nothing but a one-sided discussion. My friend from New Hampshire [Mr. HIBBARD] was opposed to this amendment, because he thought that one dollar was perhaps too much. I am opposed because it is not enough. The Government makes a treaty and plights its faith for removing a part of the Choctaw Indians, and a part of that agreement is, that they shall furnish them with the land scrip before they move. Somebody who undertakes to be guardian of the Indians discovers here that they are likely to be cheated out of their land scrip, and that the Government ought to decline to fulfill its part of the treaty by refusing to deliver the land scrip according to their own agreement. The Government having so refused, the Indians became dissatisfied and are unwilling to go.

Mr. McLANAHAN. How much land scrip was delivered?

Mr. VENABLE. It matters not for the issue. The Government violated their contract. If the Government makes a contract and covenants with the Indians to remove them at a certain time and upon certain conditions, and if they violate their own agreement with the Indians, it does not look well now to say that they will not pay the contractors for the removal, because of the wrong inflicted upon these Indians. If we had covenanted with a contractor to remove the Indians, and the Indians were secured by treaty with a certain portion of land scrip before they removed, and if the Government assumes the right of refuse to deliver the scrip and the Indians refuse to remove, it certainly does not lie in the power of the Government to place obstructions in the way of the contractor, and say that they made a bargain with the contractor and they will not pay damages.

Mr. RICHARDSON. Will the gentleman give way for a moment?

Mr. VENABLE. I cannot give up my time. The gentleman can follow me.

Mr. RICHARDSON. I desire information, and I wish to ask the gentleman a question.

Mr. VENABLE. I can give you the information, and it is this: The Government required the Indians to be removed. They made a contract with these parties to remove them, and placed them under certain obligations and certain conditions to relieve themselves from any liability for damages to the contractors. They bind themselves by treaty with the Indians, before they remove, to deliver a certain portion of land scrip. They take alarm—refuse to give the land scrip—make the contractors responsible because they were thus obstructed in removing the Indians, and hold them to the contract.

Mr. McLANAHAN. I ask the gentleman if that forms any portion of the contract for the removal of the Indians?



Mr. VENABLE. No, sir; but it is undignified on the part of the Government, having made a bargain with them to remove these Indians, to obstruct them in the execution of their contract. They plead their own wrong in excuse for a greater wrong inflicted by themselves. They render it impossible that the contract shall be complied with.

Mr. RICHARDSON. The Indians failed to remove. How did damages accrue?

Mr. VENABLE. The Indians were removed, and responsibilities were incurred by the contractor in removing them. They were delayed and had to furnish supplies for a considerable time. The Senate have passed this bill unanimously. Estimates in regard to this matter have been made by the Department.

Mr. HOUSTON. I wish to say to my friend that he misunderstands the action of the Senate.

Mr. VENABLE. The gentleman can reply to me when I get through.

The question was then taken upon Mr. DIMMICK's amendment, and it was not agreed to.

Mr. HIBBARD. I move to cut down the appropriation to \$2. I will state in the commencement of my remarks, that the gentleman from North Carolina, [Mr. VENABLE,] in what he has said to the committee, no doubt stated the facts as he supposes them to be. He is setting forth the allegations of the claimant here, that there was a failure on the part of the Government to comply with this contract. This same matter, with all the evidence and all the facts, has been upon two several occasions considered by the proper committee, that of Indian Affairs—the whole claim has been examined upon its merits, it and has been disallowed. I understand this, that there has been no default, in point of fact, upon the part of the Government. The allegations of the gentleman from North Carolina are not admitted. They are not proved. On the contrary, the action of the Committee on Indian Affairs indicates that they were disproved. There was the time and place to make an examination upon the merits of the case, and the proper committee, after making an examination, have found against this claim. I wish to finish the history of the action of the Department, which I began in my first remarks. The whole sum stipulated to be paid to these claimants for removing the Indians, has been paid to them. When they submitted their claim to the Department, the sum of \$7,139 was allowed and paid, while the remainder was disallowed. I spoke of the action of the Commissioner of Indian Affairs disallowing this matter upon its first presentation at the Department.

This claim has been sent down here at the instance of the Secretary of War, the gentleman says—and this is urged as an argument in favor of its allowance. What are the facts? The claim being disallowed at the Department, Mr. Hart applied to Congress for relief as a private claimant. This action on the part of Hart in presenting his claim as a private one, is an admission on his part that it is a private claim, unsettled and unadjudicated. It shows that it is not a fixed and settled liability on the part of the Government, such as is proper to be embraced in an appropriation bill.

It is no part of the business of the Committee of Ways and Means to pass upon the merits or demerits of private claims. Nor should they add them as riders to appropriation bills. By one of the rules of the House, no appropriation is to be reported in a general appropriation bill, nor is in order as an amendment thereto "for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works as are already in progress, and for the contingencies for carrying on the several departments of the Government." Neither can the House, nor the Committee of the Whole, consistently with their own rule, add such items to appropriation bills. This claim is clearly cut off by the rule referred to. It is presented and urged here by its friends, as a purely private claim for damages, because, as they allege, the Government did not perform its part of the stipulations of the contract. It is not authorized by the contract, but is cut off by its express terms, and has been disallowed at the Department. After the close of the last Congress, this claimant again applied to the Department of the Interior, and got a report in his favor from the Commissioner of Indian Affairs. How much evidence this is, other gentlemen may

judge better, or as well as I can. With me it would be no evidence at all, judging from facts that have come to my knowledge in this and in other cases. How was it with the Department itself, from the report of the Commissioner of Indian Affairs to the Secretary of the Interior, whose adjudication is final? What did he do? If he allowed the claim as due, it was an adjudication by which the Government might have been bound. The Secretary, whose decision was the judgment of the Department, overruled the report of the Commissioner and disallowed the claim.

I will read the letter of the Secretary containing this decision:

DEPARTMENT OF THE INTERIOR, October 9, 1851.

SIR: With respect to the claim of William B. Hart, assignee of Anderson, Forrester, Cobb, and Pickens, reported upon by you on the 16th of August last, I do not feel authorized to give the direction requested by Mr. Hart. The items of his account, designated by your officer as proper to be paid, do not seem to me of such a character as to allow me to take them from the jurisdiction of Congress, to which body the claimant has already applied for relief.

I am, very respectfully, your obedient servant,  
ALEX. H. STUART, Secretary.  
LUKE LEA, Esq., Commissioner of Indian Affairs.

Now, if this claim had been adjudicated and allowed by the proper officers, it might have been our duty, under the law, to put it into an appropriation bill; but it was not so passed upon and adjudicated. How it was, after overruling the report of the Commissioner and disallowing this item, the Secretary of the Interior came to send to the House an estimate for the same item, to be provided for in an appropriation bill, is what I do not understand. He is made to ask Congress to appropriate money to pay a claim which he had just rejected.

These Indian estimates, as is well known, are prepared by the Commissioner on Indian Affairs, reported by him to the Secretary of the Interior, who reports them to the Secretary of the Treasury, and he to Congress. The supposition most favorable to the Secretary of the Interior, and perhaps the most probable, is, that he was not aware of the nature of this item of the estimates. If so, he is chargeable with negligence. If he knew it was the item he had just disallowed and then recommended it for an appropriation, that rejection standing wholly unreversed, his conduct cannot be too severely censured.

Mr. VENABLE. During the five minutes which I occupied a short time since I did not give a plain history of this case, and in such a way, perhaps, as to make the House understand me. How does this matter stand? The Government made a contract with Forrester and others to remove a number of Indians, and they made a treaty with the Indians in which they consented to remove. Now, no one would justify the employment of force in compelling the Indians to remove, unless the Government complies with its contract with them. If I understand the position of the claim it is this: The Government covenanted with the Indians to give them certain land scrip before they removed. When the agents go there to remove them, they find that the land scrip is withheld, and that the Indians are destitute and dissatisfied. They made all their preparations to remove them, and incurred great expense in consequence of the delay, and yet I hear gentlemen say it is in the power of the Government, after they have bargained with those agents to remove the Indians and have themselves put obstructions in the way of their removal, that they shall not pay damages for the wrong inflicted upon this agent. Estimates have been made in regard to this matter by the Department and sent down this year. When this claim was presented in the Senate it was objected to on the ground that it was a private claim. It was discussed, and the Senate decided that it was not a private claim by a vote of thirty to fourteen, and upon its being decided that it was not a private claim they unanimously annexed it to the bill. That is the fact as recorded upon the Journal of the Senate, and gentlemen can find it by recurring to it. It does not look well in the Government, after having made a contract with persons to remove Indians, to throw obstructions in their way, and then plead like a miserable special pleader before a magistrate's warrant trying or some county court, to a mere matter of form against the justice of a claim. They are bound to pay the damages incurred by this contractor, and they are bound to keep their hands clean and maintain the dignified position of a great Government, that will not

bear down upon a contractor in whose way they have placed obstructions, prevent him from complying with his contract, and then seek to avoid the responsibility which they themselves have honestly and honorably incurred. This claim is for expenses incurred because the Government prevented the execution—these contractors from the discharge of their duty. To avoid responsibility it is urged that it is a private claim, unconnected with the agreement. The Government then pleads in bar a provision of the agreement by which the Government seeks to protect itself against damages. The obvious reply is, that themselves have created the difficulty by which the damages were incurred. I trust that the Government will never adopt that principle, and that it will never be brought to bear down upon a contractor who suffered a great loss in consequence of the Government failing to do what they had promised. The difficulty has arisen from the want of good faith on the part of the Government, who avail themselves of a contract by which they seek to avoid a claim for damages incurred, because they placed a stumbling-block in the way of the performance of the duty imposed upon the contractors.

Mr. SCURRY. I move to reduce the sum three dollars. I do this for the purpose of saying a very few words in regard to this matter. The House seems to be but a register of the opinions of the Committee of Ways and Means. I think that the worst misfortune which has ever befallen my friend from Alabama, [Mr. HOUSTON,] was his appointment as chairman of that committee. He thinks that nothing but what passes through that committee should pass the House. My friend from New Hampshire [Mr. HIBBARD] is in the same situation. I say this in all kindness; but it looks to me as if they wanted to usurp the whole business of the House by cooperating to put down the judgment of every member in the House, and place a brand upon those who differ with the committee.

The CHAIRMAN. The gentleman must confine his remarks to the amendment.

Mr. SCURRY. I will do it, sir. I say it in all kindness, but it does seem to me as if the whole business of the House was a usurpation—a perfect usurpation, and as if the only reason why the amendment of the Senate is not to be adopted is that the Committee of Ways and Means do not recommend it.

The CHAIRMAN. The Chair feels constrained to say that the gentleman from Texas is departing from the discussion of his amendment.

Mr. SCURRY. Well, sir, I have done.

Mr. DIMMICK. I desire to say a few words with regard to the merits of this claim. It has been well observed by the gentleman from North Carolina, [Mr. VENABLE,] that the Government of the United States failed to comply with the contract on its part. The Government of the United States agreed, upon the assembling of the Indians—as I understand it, and as I read the testimony some two years ago—to deliver to them the land scrip to which they were entitled; one half before their departure and the remainder on their arrival at their western destination. Well, the Indians being assembled, the scrip did not come according to the engagement and promise of the then Secretary of War. Mr. Barstow was then the agent of the United States, sent there especially to superintend the emigration of the Indians to their destination west. Finding themselves in that situation, the Indians refused to go. It was then in the winter season, a period of the year when the Indians were in need of clothing. They wanted blankets and a great variety of other things, necessary for their comfort in their removal to their destination west. The agent of the United States, therefore, suggested to the contractors that they should go to New Orleans and lay in a supply of goods. Upon his suggestion, and with his promise and assurance that they should be reimbursed for all the expenditures and all the outlay they made in carrying out the policy of the Government, which was the removal of these Indians to their destination in the west, these supplies were furnished to the Indians by the contractors.

Of the item of \$37,000, I think there is something like \$18,000 or \$20,000 for blankets, clothing, shoes, stockings, and all such other articles as were necessary for the comfortable removal of these Indians to their western home. All these

supplies which were furnished, were furnished upon the guarantee of the agent of the United States, that the contractors should be reimbursed. He told them that they need not refuse or hesitate to make these advances, for that the Government of the United States would reimburse them. Upon these assurances, thus given, these supplies were furnished. The contractors also removed the mules, and a variety of other articles which the Indians had, and without which they refused to go. I say, then, that these charges against the Government of the United States are for supplies furnished, and for advances made by the contractors, with the promise of the agent that they should be reimbursed by the Government. Unfortunately, the agent, Mr. Barstow, was drowned in crossing some stream on his way with a portion of these Indians to their destination west. But for that circumstance, the probability is, that there never would have been any doubt or difficulty as to the justice and propriety of this claim. When the claim was presented to the Indian Bureau, it was examined by three or four intelligent men, each and every one of whom expressed a favorable opinion with regard to its merits. Now, the Government of the United States have, by its agent, given assurance to the contractors that they should be indemnified for their advances thus made, and the Department having sanctioned it, ratified it, and approved of it, I say that if the Government, or if the Department could be sued, an action of debt could be sustained against it, and a recovery had; for they have recognized, admitted, and allowed the justice and merit of this claim; and although the agent may have transcended his authority in the first instance by giving these assurances to the contractors, yet, if the Department subsequently recognized the acts of her agents, she is as effectually bound as though the agent had a precedent authority to make these promises and give these assurances.

I do hope, therefore, that this committee, when they come to vote upon this question, will vote in favor of its allowance. I think that justice, right, and equity require that we shall not withhold it. I think, as the gentleman from North Carolina has said, it would be quibbling and placing the defense of the Government upon a question of technicality. The Government rests its defense upon the ground that there is a clause in this contract wherein the contractors agree that in no event and under no circumstances will they call upon the Government for any losses or injuries which may arise under it. Now, the Government itself, as is clearly shown and fully proven, was in default from the beginning to the end, and the Government should not seek to take advantage of her own wrong. Again, if I recollect right, it was stipulated in the contract, that one thousand of these Indians should be removed within three months from the making of the contract under a penalty of a forfeiture of the same; and this removal was to be effected in the winter season. When I read the contract I was impressed with the belief that there was a design on the part of the person who drew the contract for the Government to throw difficulties in the way of the contractors, and if possible to defeat or embarrass the execution and performance of the contract on their part, and I believe the history of this case will fairly justify the conclusion to which I came in reference to it.

The question was then taken on Mr. SCURRY's amendment, and it was not agreed to.

Mr. McLANAHAN. I move to amend the amendment by striking out \$37,412, and inserting "\$4." The case, as stated by my colleague from Pennsylvania, [Mr. DIMMICK,] is one which, if the facts sustained the statement, would be very clear, and the positions which he has taken would be fully correct. But, sir, I answer his whole argument by the assertion that Mr. Barstow, the Government agent, had no warrant of law, and no authority from the Government, to go with these contractors to New Orleans and incur a debt, or authorize a debt to be incurred on the part of the United States, of some forty-odd thousand dollars. Sir, the contract for the removal of these Indians was one which enabled the contractors to draw (according to my recollection) from the coffers of the United States some \$80,000. Under the terms and by virtue of that contract, they were paid every dollar that was due to them. But my colleague says that an agent of this Government went with

these contractors to New Orleans for the purpose of purchasing goods, and furnishing the Indians with shoes and stockings, and that he guaranteed the faith of the Government that this payment should be made. If he did so, his conduct was reprehensible, and instead of receiving the sanction of this committee, deserves its prompt condemnation. What authority had a mere agent, who was specially sent with these Indians to see that the contractors fulfilled the stipulations of their agreement with the Government, and come up to their contract, to remove and supply the Indians on their western journey? What authority had he to incur a debt on the part of this Government, of some forty-odd thousand dollars? And, sir, after this debt was incurred, the strongest evidence that is adduced against the United States to support the claim, is the evidence of the self-constituted agent of the Government. Sir, I do not know anything, nor do I allege anything against the characters of the parties in this transaction, but this circumstance raises a strong presumption that that evidence is not the most reliable in the world.

The gentleman from North Carolina [Mr. VENABLE] alleges that the certificates of land scrip were not issued, and that this was the fault of the Government of the United States. Under the "Dancing Rabbit Creek" treaty of 1831, which the Government entered into with this tribe of Indians, the Government became bound to issue certain land scrip to the emigrating members of the tribe. One half of this scrip was to be delivered to the Indians before they started for their new home in the west; and by reference to the documentary evidence in this case, it will be found that a large quantity of this scrip was actually delivered to them before they set out. Now, the calculation doubtless was, for the contractors, under those circumstances, to purchase a supply of goods at New Orleans to sell to the Indians, and have their affairs in such a position that they could get hold of the Indian land scrip for the goods thus purchased. That was the inducement to go to New Orleans. The naked feet and unclad bodies of these wild savages excited sympathies which under other circumstances never would have been awakened. They went to New Orleans and purchased, on the strength of this agent's unauthorized statement, some \$40,000 worth of goods, supposing that they would receive therefor the land scrip that the Government was to give to the Indians. I say that is a fair statement of the case. They were defeated in the speculation, and hence arises this claim for damages.

Mr. BISSELL. From the general idea which I have been able to gather of the main facts in this case, I am inclined to think that there is some justice in this claim. But the details of it I profess not to understand. As far as I do understand the claim, I am not satisfied with the defense set up against it. Now, I suppose, from what I have been able to gather, that these are the main facts of the case; that the Government entered into an arrangement with the Choctaws, or with a portion of them, to induce them to emigrate westward, and upon certain conditions the Choctaws agreed to do so. That being the state of the case, the Government entered into a contract with these claimants to go and effect the removal of the Indians. The claimants made their necessary, varied, and extensive arrangements for carrying out their contract, and in doing it, of course, incurred very great expense. The Government failed to comply with the stipulations it had entered into with the Indians, and, in consequence, the Indians refused to emigrate.

Mr. McLANAHAN. I ask the gentleman where is the evidence of that fact, except as proved by those who were interested parties in the purchase of these goods?

Mr. DIMMICK. The agent himself testifies it.

Mr. HAVEN. As I understand it, they did not refuse to go out. They did go out, and these persons superintended their removal.

Mr. CONGER. Will the gentleman from Illinois permit me to say a word?

Mr. BISSELL. With pleasure. I am more anxious to obtain information than to impart it.

Mr. CONGER. The first item of the claim seems to be founded on what I will now read from a report made in the Senate in January, 1851:

"Efforts were immediately made to remove the Indians within the time fixed in the contract; but they refused to

go until the certificates or scrip for their lands were issued.

"They desired these to pay their debts. The Secretary of War promised that it should be issued in September, 1844, but the promise was not complied with. The contractors were therefore placed in a most embarrassing position. By the condition of their contract, they were required to remove one thousand Indians within the year 1844, and to furnish the Indians, at their own expense, those articles which were necessary for their removal, relying upon the promise of the Secretary, and the provisions of law by which the Indians were to be furnished with land scrip, to repay them."

Mr. BISSELL. I think that makes the case a little stronger upon the claimants than I had supposed it was. I think the defense set up savors rather of special pleading. I do not think it a fair and manly way to meet the claim in this case. If it is, I do not understand the case. If the facts are such as I have stated them to be, there can be no doubt as to the justice of the claim. Of the amount, I have no means of knowing; but I take it for granted that when the Commissioner of Indian Affairs has estimated the amount, and when the Committee on Indian Affairs in the Senate have unanimously reported in favor of allowing this amount, and the Senate, when they had settled the propriety of putting it into this bill at all, and agreed in allowing the claim, it is the proper amount.

Mr. HIBBARD. I understand the item referred to by the gentleman last up, [Mr. BISSELL,] for removing five hundred and forty-nine horses, has all been paid.

Mr. CONGER. No, sir; that is not the item referred to at all.

Mr. HIBBARD. Then I was mistaken.

[Cries of "Question!" "Question!"]

The question was then taken on the proposition to reduce the appropriation to \$4; and it was not agreed to.

The question then recurring upon the original amendment of the Senate,

Mr. DAWSON demanded tellers; which were ordered; and Messrs. VENABLE and BARRERE appointed.

The question was then taken, and the tellers reported—ayes 80, noes 40.

So the amendment was agreed to.

The committee then passed to the second amendment of the Senate, which is as follows:

"Page 12, strike out the following clause of the bill, viz: 'To pay the claim, as adjusted by the accounting officers of the United States Treasury, in favor of David Taylor, under the latter clause of the thirteenth article of the Cherokee treaty, concluded at New Echota, December 29, 1835, and approved by the Senate, \$12,800; and to be paid out of the balance of the appropriations of July 2d, 1836, under the act entitled 'An act making further appropriations for carrying into effect certain Indian treaties,'"

"and insert—

"To pay the claim of David Taylor, as adjusted and found due by the Second Auditor of the Treasury on the 11th of March, 1852, under the latter clause of the thirteenth article of the treaty with the Cherokees, concluded at New Echota, on the 29th of December, 1835, and approved by the Senate, \$24,373 04."

Mr. CLINGMAN. I move to increase the appropriation \$100.

As the Committee of Ways and Means recommended a concurrence in this amendment, I would not say anything in relation to it, but for the fact that the gentleman from Indiana [Mr. FRENCH] expressed some doubt as to its propriety. I beg leave to read a short statement of the Comptroller of the Treasury. Mr. Whittlesey, after stating that the claim could not be paid without an appropriation, there being no money in the Treasury, says:

TREASURY DEPARTMENT,  
 COMPTROLLER'S OFFICE, July 5, 1852. }

WILLIAM L. HODGE, Esq.,  
*Acting Secretary of the Treasury:*

SIR: On the 25th of June the Secretary of the Interior sent to the Secretary of the Treasury a requisition, properly countersigned by the Acting Second Comptroller, and Second Auditor, requesting the Secretary of the Treasury to issue a warrant for \$10,240, in favor of David Taylor, as per report No. 12,960 of Second Comptroller, on decision of Secretary of the Treasury, to be charged to the appropriations in the act of 2d of July, 1836, carrying into effect Cherokee treaty of 1835-36.

On the same day the warrant was issued as required, and sent to this office to be countersigned by the First Comptroller. By the act of September 2d, 1789, it is made the duty of the Comptroller to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law. (Vol. 1, St. at L., p. 66.) The same provision is contained in the act of March 3d, 1817. (Sec. 8, vol. 3, p. 367.) The first article and ninth section of the Constitution of the United States provides, that "No money shall be drawn from the Treasury but in consequence of appropriations made by law." (Vol. 1, page 15.)

It is important to know whether there is "an appropriation made by law," for the payment of this claim. It need not be a specific appropriation for the payment of this identical claim; but is there an appropriation on which this claim is properly chargeable?

The Comptroller is equally responsible with the Secretary of the Treasury in deciding this question legally. By law, they are checks on each other for the security of the Treasury.

I shall differ with the Secretary of the Treasury with great reluctance in any case, and I shall not do so until the question presented shall be carefully examined, and the correctness of my opinion shall be fully established after full deliberation. The papers were referred to me by the Secretary of the Treasury, in the early part of May, and my opinion was asked, whether an appropriation existed, out of which this claim could be paid?

That opinion was given in the negative, in two letters addressed to the Secretary of the Treasury, one dated May the 8th, and the other May the 10th, to which I refer you. The opinion then given was informal and advisory; but I am now called upon to act officially, and the opinion I give is a decision of the matter so far as this office is concerned.

The payment of this claim has been so long delayed, the necessities of Mr. Taylor are so urgent, that it would have greatly gratified me if I could have arrived at the conclusion, that Congress had made an appropriation out of which the amount found due by the accounting officers could be paid; but, after a laborious search, believing that no such appropriation exists, I proceed to state the grounds for that conclusion:

A treaty was made with the Cherokees on the 29th day of December, 1835, containing nineteen articles. The thirteenth article embraces four classes of claims.

1st. Reservations under former treaties, if sold by the United States, to be paid for by the United States.

2d. When such reservations have not been sold by the United States, but the reserves have been performed, as required by the treaty, then they are to be confirmed in their title.

3d. All persons who were entitled to reservations under the treaty of 1817, and who, as far as practicable, in the opinion of the commissioners, have complied with the stipulations of said treaty, although, by the treaty of 1819, such reservations were included in the unceded lands belonging to the nation, were confirmed to them, and they were entitled to receive a grant for the same.

4th. Reservations which Cherokees were compelled to abandon under State laws, the reserves were entitled to receive pay from the United States.

The claim of David Taylor, amounting to \$12,800, without interest, was found due to him under the fourth head of the thirteenth article, as specified above. Supplementary articles to this treaty of 29th of December, 1835, were executed on the first day of March, 1836. By this last treaty the rights to preemptions and reservations, provided for by the twelfth and thirteenth articles of the treaty of December 29th, 1835, were relinquished and declared void.

The reason for said relinquishment is set forth in the preamble, as follows: "And whereas, the President of the United States has expressed his determination not to allow any preemptions or reservations, his desire being that the whole Cherokee people should remove together, to establish themselves in the country provided for them west of the Mississippi river."

We have seen that, under the second and third heads of the thirteenth article, reservations in certain cases were to be confirmed; and it was, as to these reservations, the President had determined the Cherokees should not have any right to claim, because the confirmation of such reservations would, necessarily, permit the Cherokees to remain in the State where the reservations were situated, whereas, it was the policy of the President to compel all the Cherokees to remove.

The first and fourth heads of the thirteenth article of the treaty of December 29th, 1835, relate solely to the payment of money in two classes of cases—the one where the reservations had been sold by the United States, and the other where the reserves had been compelled by the laws of the States to abandon their reservations.

At the close of the thirteenth article of the treaty of 29th of December, 1835, is the following stipulation:

"It is expressly understood by the parties to this treaty that the amount to be allowed for reservations under this article, shall not be deducted out of the consideration money allowed to the Cherokees for their claims for spoiliations and the cessions of their lands; but the same is to be paid for, independently, by the United States, as it is only a just fulfillment of former treaty stipulations."

The second article of the supplementary treaty is as follows:

"Whereas, the Cherokee people have supposed that the sum of \$5,000,000, fixed by the Senate in their resolution of — day of March, 1835, as the value of the Cherokee lands and possessions east of the Mississippi river, was not intended to include the amount which may be required to remove them, nor the value of certain claims which many of their people had against citizens of the United States, which suggestion has been confirmed by the opinion expressed to the War Department by some of the Senators who voted upon the question. And whereas, the President is willing that this subject should be referred to the Senate for their consideration, and if it was not intended by the Senate that the above-mentioned sum of \$5,000,000 should include the objects herein specified, that in that case such further provision should be made therefor as might appear to the Senate to be just."

The third article that follows stipulates, that \$600,000 shall be allowed in lieu of reservations and preemptions, and of the sum of \$300,000 for spoiliations, described in the first article of the treaty of December 29th, 1835.

I will now briefly copy the appropriations contained in the act of July 2d, 1836, to carry into effect these treaties with the Cherokees of 1835-36:

For lands ceded in the first article of the treaty of 1835, deducting the price of land to be ceded under to them west

of the Mississippi, under the second article.....	\$4,500,000
For extinguishing title of certain half-breeds..	15,000
For payment of improvements on missionary reservations.....	25,000
For commutation of certain permanent annuities.....	214,000
For compensation of two commissioners.....	11,689
For compensation to a secretary.....	3,650
For compensation to an interpreter.....	1,825
For advance of annuities.....	75,000
For removal of the Cherokees, and for spoiliations according to the third article of the supplementary treaty of March 1st, 1836.....	600,000
For expenses attending the negotiation.....	37,212
For surveying certain lands.....	7,000
	<u>\$5,490,367</u>

Neither appropriation is for paying a Cherokee who was compelled to abandon his reservation or preemption under State laws.

That is the claim of David Taylor, and from the very character of the claim, its payment would not be provided for in a specific appropriation before the amount of the claim was ascertained. The commissioners to ascertain the amount due to these claimants were not then appointed. Large sums of money having been drawn from the aggregate amount of these several appropriations to pay claims for reservations, ascertained to be due, under the thirteenth article of the treaty of 1835, and the Cherokee people being dissatisfied therewith, it was agreed by the United States, in the third article of the treaty of August 6th, 1846, that they would repay the money so improperly charged upon the Cherokee fund.

If any claim has been charged upon the balance of these appropriations, since the 6th of August, 1846, of the character of the claim of David Taylor, it has been from inadvertence.

My attention has been invited to the payments made to John Shoemaker, and wife, and heirs, and to the case of John McNany, and wife, and heirs, from the appropriations of July 2, 1836. A memorandum to that effect was handed to me by Mr. Mix, chief clerk in the Bureau of Indian Affairs.

The commissioners, in their first decrees, found due to John Shoemaker, wife, and heirs, \$7,680, that being the amount, &c., for the value of a reservation under the thirteenth article of the treaty of 1835-36, and the third supplemental article. This decree was afterwards amended by inserting: "Said reservations being those for which a grant would have issued, had not the said reservations been abrogated by the preamble and first supplemental article." The decree in the case of John McNany, and wife's heirs for \$3,400, was amended in the same manner.

By so amending the decrees, they were brought within the second or third heads of the thirteenth article of the treaty of 1835, and the third supplemental article of the treaty of 1836, and properly chargeable upon the appropriation.

Although doubts seem to have existed as to whether the commissioners virtually found a sum of money due to Mr. Taylor, it seems now to be admitted that they legally awarded to him \$12,800, and that he applied for payment on the 28th of February, 1846, of this award.

He has been importuning the Government to pay him this award from that time to this. I exceedingly regret there is no appropriation on which it is properly chargeable. It is a case of so much hardship that I cannot doubt Congress will readily and promptly act in the matter on the presentation of the facts by the Acting Secretary of the Treasury.

There is a balance left of the appropriations of July 2d, 1836, and of June 12th, 1838, for the Cherokee people, which will not be used for the purposes mentioned in the acts, because other provisions have been made for the Cherokees under the treaty of August 6th, 1846.

If it should be the pleasure of Congress to pay this claim from that balance, I presume it might be done by a simple joint resolution, authorizing the Secretary of the Treasury to pay the award from it. I cannot refrain from expressing the hope he may obtain speedy relief.

Most sincerely, and respectfully, yours,  
ELISHA WHITTLESEY.

The following is a letter from the Second Comptroller:

"SIR: In reply to a verbal inquiry made here this morning, in relation to the allowance of interest upon the claim of David Taylor, as provided by the amendment of the Senate to the appropriation bill, I have to say that interest has not been allowed at the Treasury, so far as I can learn, upon any similar claim under the same treaty. I am not aware that any other claim has been presented, the circumstances of which would render the payment of interest proper. But however this may be, it is regarded as a settled principle that the accounting officers have no authority to allow interest upon any claim against Government, except where interest has been paid by the claimant in such a manner as to become part of the principal of his demand. And it was upon this ground that the allowance of interest made by the Second Auditor in Taylor's case, was rejected in this office, and a final allowance made of the principal only, at the sum originally mentioned in the appropriation bill.

"From a thorough investigation of this claim, however—the circumstances of which are extraordinary—I have no hesitation in strongly recommending to Congress the allowance of the interest. The justice of the original demand is undoubted, and the delay in its settlement unexampled and ruinous. The claim for such compensation as would be afforded by the interest is therefore, in my judgment, most equitable.

"Very respectfully your obedient servant,  
"E. J. PHELPS, Comptroller.

"Hon. Mr. JONES, House of Representatives."

I will say that this claim has been pending since 1836. Mr. Taylor has been pressing it for nine or ten years, but has never been able to get the

money. During Mr. Polk's administration, the Attorney General gave an opinion in his favor, and Mr. Walker, the then Secretary of the Treasury, ordered it to be paid; but before it was paid, an individual who was then a Senator, but now no longer here, as Mr. Taylor informs me, demanded \$1,500 as his fee, and upon Mr. Taylor's refusing to give it, he went to the Treasury and prevented its payment. During the next Congress, another individual, a member of General Jackson's Cabinet, claimed a large fee, and upon Mr. Taylor refusing to give it, he prevented its payment. During the present session of Congress, the claim was likely to be adjusted at the Treasury, when an individual, a member of a Cabinet two years since, claimed twenty per cent. as a fee. There was also a banking-house that claimed twenty per cent. more as assignee for another attorney, and another person still who claimed ten per cent. I then told Mr. Taylor, who had been here nine or ten years, and was likely to starve to death, to say that if there was any money in the Treasury which was not claimed by any of these people, to take it and go home. He made his application, therefore, in that way, and prepared a warrant for half the sum which would have been paid; but Mr. Whittlesey, on its presentation, was of the opinion that there was no money in the Treasury out of which it could be paid, and the matter remains in that situation. Mr. Taylor is an illiterate man, and can neither read nor write. I have no doubt his case would be adjudicated at the Department but for these parties and litigants who claim the money. They might, by filing a bill in equity, force him to give security, or otherwise give satisfaction for any just demand. I think if gentlemen will examine the case, they will be satisfied it is right.

Mr. CLINGMAN then, by unanimous consent, withdrew his amendment.

Mr. HOUSTON. I wish to appeal to gentlemen to dispense with debate as much as possible, or we shall not be able to get through with all the appropriation bills.

The question was then taken, and the committee agreed to concur in the original Senate amendment.

The third amendment of the Senate was as follows:

"Strike out in page nineteen, line two, the word 'ten,' and insert in lieu thereof the word 'two,' so that the section will read:

"For permanent provision for the purchase of one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of 23d of October, 1836, \$770."

The question was taken, and the amendment was agreed to.

The fourth amendment of the Senate was read, viz:

"Page 17. Strike out after line fifteen to line twenty-seven, as follows:

"For permanent annuity, stipulated in the third article of the treaty of the 30th of September, 1809, \$350: *Provided*, That the money appropriated by the three preceding clauses, together with the similar appropriations in 1850, and 1851, for the Eel Rivers, (Miamies,) heretofore withheld from payment, shall be paid to said Eel Rivers (Miamies) only, and to no other band, or nation, or individuals; and that all annuities heretofore due, and appropriated to the Eel Rivers, (Miamies,) and erroneously or otherwise paid to the Miami nation, shall be repaid to the Eel Rivers, (Miamies,) out of the money appropriated in 1851 and 1852 for payment of annuities to said Miami nation, or, if the Commissioner of Indian Affairs deem it more expedient and just to the Indians, shall be paid and is hereby appropriated out of the Treasury of the United States, to be repaid to the United States by being withheld from the Miami annuities, in such installments as the Commissioner may deem expedient"—

"and insert in lieu thereof—

"For the redemption and final extinction of the annuities due to the Eel River Miamies, under the provisions of the treaties of August 3, 1795, August 21, 1805, and 30th September, 1809, \$15,000, to be paid *per capita*: *Provided*, That before paying the said sum, or any part thereof, to the said Eel River Miamies, they shall relinquish, in such form as the Secretary of the Interior shall direct, all claim and demand on the United States for any further annuity or payment: *And provided further*, That it shall be the duty of the Secretary of the Interior, before paying the said sum of money, as above directed, to ascertain who are the individuals composing the said band, without regard to the place of their residence, and to pay to the said individuals, so ascertained, *per capita*, the sum of money herein before appropriated."

Mr. FITCH. I move to amend by striking out the latter proviso of the Senate's amendment.

That is a proviso declaring that two Eel River women who have married Miamies, and have since moved to Missouri, and become incorporated with that nation, and draw annuities as Miamies, shall



likewise draw as Eel Rivers, and thus receive two annuities. It is unjust.

But I moved to strike out this proviso more particularly for the purpose of calling the attention of the committee to the whole Senate amendment. I hope the whole of it will be non-concurred in by the House. Such is the recommendation of the Committee on Indian Affairs, and such is the course which the plain dictates of justice would point out. The money has been paid out of the National Treasury year after year, but has been paid to the wrong nation; and the Committee on Indian Affairs propose that that nation shall reimburse the Treasury, and that it shall be paid to the right band. We do not propose to look solely to the Treasury to reimburse the Eel River Indians for the annuities which they have not received, but to look to the Miami nation, to whom those annuities have erroneously been paid. We propose that it should be paid back to the Government out of their annuities.

And further, this amendment of the Senate provides that the Eel River Indians shall not have their money until they will consent, as a condition, to release the United States from all further claim upon them—claims based upon treaties by which we have solemnly obligated ourselves to pay to them forever a certain annuity amounting to \$1,100; but it is now proposed in this summary manner to wipe these treaties out of existence—to repudiate our plighted faith, to deny to these parties what, if they were private individuals, they could recover in a court of justice. We acknowledge their existence. The Department acknowledges it; and the treaties cannot be denied; yet we propose to withhold from them the money we have agreed to pay them, in utter violation of our treaty obligations. I sincerely hope the whole Senate amendment will be non-concurred in. The original section of the bill was a just one, and covered the entire ground. I think the chairman of the Committee of Ways and Means will interpose no serious objection to this course; indeed, I believe, he coincides with me.

The amendment to the amendment was not agreed to.

The question then recurred upon agreeing to the Senate amendment; and, being taken, the committee refused to concur—ayes 30, noes not counted.

The fifth amendment of the Senate was read, as follows:

"Strike out the following section of the bill:

"For additional compensation for the sale of their lands in the State of Wisconsin, by the treaty of October 18th, 1848, \$221,840; the same to be paid in such sums and at such times, with the approbation of said nation, as the President may think most conducive to their prosperity and happiness."

"and insert in lieu thereof—

"For expenses of their temporary removal, and provisions for their present location to the district of country on the Wolf and Oconto rivers, designated in the report of Superintendent Murray to the Commissioner of Indian Affairs, dated September 30, 1851, \$25,000."

Mr. FITCH. I move to increase the appropriation to \$50,000. The Senate have substituted this amendment for an amendment adopted by the House to pay the Menomonee Indians \$221,000 for the difference between the land we paid them and the land we obtained of them. We obtained of them by treaty 5,000,000 acres; but they were induced, under coercion and fear, to accept pay for only 3,000,000 acres, leaving unpaid for 2,000,000 acres, for which we now justly owe them. The commissioner who treated with them was instructed to allow them a certain price for all he purchased. He did not do it. We propose to ratify his wrong or error; but the Senate have stricken out this provision, and have inserted one for paying \$25,000 for their removal to the Wolf and Oconto rivers. That amount will scarcely remove them—leaving them nothing to subsist upon subsequently. I hope the Senate amendment will not be concurred in. The original provision was well guarded. It is made not only with the concurrence of the Bureau of Indian Affairs, but with the concurrence of the Secretary of the Interior and of the President. The matter has been well investigated, and I think the money ought to be paid.

Then why the necessity of substituting anything else for it? I wish to add, in speaking of this Senate amendment, that the objections urged to the House amendment is perfectly futile. Their objection to the interest of a member of Congress

in this claim, is utterly without foundation; and yet upon this false issue was this amendment rejected, and upon no such issue am I disposed to have it rejected; and I hope the entire amendment of the Senate will be non-concurred in by the House.

Mr. HOUSTON. The gentleman is mistaken in saying that the Senate rejected the amendment because of the fact that an agent was to get one third of the amount.

Mr. FITCH. I cannot be mistaken when told so by an individual Senator.

Mr. HOUSTON. I do not know what an individual Senator may have told him. I speak from the debates of the Senate as I read them; and I know the gentleman will agree with me that the main and substantial points of objection to this amendment were entirely different from that. These were matters which came in the course of debate, and they have nothing to do with the proposition here; but as Senate objections have been urged to-day upon other matters, I think I am justified in saying that upon this proposition, at least, the Senate were unanimous, as I understand, in striking it out, after a very full and thorough investigation and examination. I understand that the Indian committee of that body, as well as the body itself, determined against this amendment, with but one solitary exception I believe, and he did not choose to ask a vote upon it. I hope, therefore, that the House will concur with the Senate, and lay this large and important amendment over for discussion at a time when we shall have more leisure.

The question was then taken on the amendment, and it was not agreed to.

The question then being upon concurring with the Senate amendment, it was put and decided in the affirmative.

The sixth amendment of the Senate was then read, as follows:

"For the Omaha Indians, \$25,000—\$5,000 thereof to be expended annually under the direction of the President for the relief and improvement of said Indians."

The question was taken, and the amendment was concurred in.

The seventh amendment of the Senate was read, as follows:

"Sioux of the Mississippi.

"For fulfilling treaties with the Sioux of the Mississippi, to wit:

"For payment to the chiefs of the See-see-tona and Wah-pay-toan bands of the Dakota or Sioux Indians, to enable them to settle their affairs, and comply with their present just engagements, for expenses of the removal of the said bands from the lands ceded, and for subsistence of themselves for one year thereafter, per first clause of the fourth article of treaty of 23d of July, 1851, ratified by the Senate of the United States on the 23d of June, 1852, \$275,000.

"For this amount, to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of the same article and treaty, \$30,000.

"For interest, at the rate of five per centum, on the sum of \$1,360,000, per same article and treaty, \$68,000.

"For interest, at the rate of five per centum, on the sum of \$112,000, to be added to the trust fund provided for in the fourth article, being the amount allowed in lieu of the reservation set apart in the third article, containing 1,120,000 acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty, \$5,600.

"For payment to the chiefs of the Med-av-wa-kan-toan and Wah-pay-koo-tah bands of the Dakota or Sioux Indians, to enable them to settle their affairs, and to comply with their present just engagements, for expenses of removal of the said Indians from the lands ceded, and for subsistence for themselves for one year thereafter, per first clause of fourth article of treaty of 5th August, 1851, ratified by the Senate of the United States, on the 23d June, 1852, \$220,000.

"For this amount to be laid out under the direction of the President, for the establishment of manual labor schools, the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of the same article and treaty, \$30,000.

"For interest, at the rate of five per centum, on the sum of \$1,160,000, per same clause, article, and treaty, \$58,000.

"For interest, at the rate of five per centum, on the sum of \$69,000, to be added to the trust fund provided for in the fourth article, being the amount allowed in lieu of the reservation of land set apart by the third article of the treaty, containing 690,000 acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty, \$3,450.

"Provided, That no portion of the money appropriated for the purposes aforesaid shall be applied until said Indians shall express their assent to the treaty as amended by the Senate."

The question was taken, and the amendment was concurred in.

The eighth amendment of the Senate was to strike out the following clause:

"For the payment to the Shawnees of moneys due them under and by virtue of the treaties of the 7th of November, 1825, and 8th of August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury for the sale of their lands in Ohio, \$66,246 23: *Provided, however, That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe, rather than to either division thereof.*"

Mr. JOHNSON, of Arkansas. I will say to the House, as I have said before, that the Senate are almost unanimous in concurring in the fact that the money is due; and the only question is as to how it shall be paid. I ask that the House will not concur in the action of the Senate, for they fell into a complete trap themselves.

Mr. HALL. Do they acknowledge the corn?

Mr. JOHNSON. They acknowledge the corn, and I hope we shall non-concur in their action, and leave it to a committee of conference, when the matter can be settled as it ought to be.

The question was then taken upon concurring with the action of the Senate in striking out the clause, and it was decided in the negative.

The next amendment of the Senate was to insert after the words "per annum" in the following clause, the words in *italics*:

"For payment to the heirs of Cyrus Choice the balance due for services rendered by him as acting Indian agent in New Mexico, from the 9th of December, 1849, to the 14th of September, 1850, at the rate of \$1,550 per annum," after deducting the sum of fifty dollars heretofore paid to said Cyrus Choice, "1,137 76."

Mr. HOUSTON. That amendment is to reduce the sum in our appropriation to Cyrus Choice \$50. We appropriated a certain amount of money to the Superintendent of Indian Affairs in New Mexico, without deducting the amount which had been paid to him.

Mr. JOHNSON, of Arkansas. That Senate amendment is all right.

The question was taken, and the amendment was concurred in.

The next amendment of the Senate comprehended the insertion of the following clauses:

"For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, \$15,000.

"For presents to the Camanches and Kiawas, and other Indians on the Arkansas river, and to enable the President to treat with said Indians, \$20,000.

"For defraying expenses incident to the visit of the Pueblo Indians, and their attendants, from New Mexico to Washington, and to defray their expenses to their homes, the sum of \$7,500.

"For general objects incident to Indian service in New Mexico, \$20,000.

"For expenses of running and marking the eastern boundary line of the Creek country, west of Arkansas, \$7,990.

"For payment to James W. Marsh, to cover the loss of his property destroyed by a band of Sioux Indians in the month of July, 1849, while extending 'the second connection line' of the public surveys in the State of Iowa to the Missouri river, under contract with C. H. Booth, Surveyor General of the United States, \$1,200.

"For expenses of the California Superintendency, to wit: Salary of the Superintendent.....\$4,000  
Salary of clerk to the Superintendent.....2,500  
Office-rent, stationery, fuel, lights, and postage on official letters.....3,500  
Messengers.....2,500  
Interpreters.....3,000  
Contingent expenses, including the traveling expenses of agents in their districts.....12,500

"For the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent arrangements be made for their future settlement, the sum of \$100,000: *Provided, That nothing herein contained shall be so construed as to imply obligation on the part of the United States to feed and support the Indians who have been dispossessed of their lands in California.*"

The question was then taken on concurring in the several clauses above inserted, and they were concurred in, with exception of the following, which was non-concurred in, viz:

"Contingent expenses, including the traveling expenses of agents in their districts, \$12,500."

The Clerk next read the following clause under the head of expenses of California Superintendency:

"Traveling expenses of the Superintendent and the necessary attendants on visits of inspection, including the purchase of animals and camp equipage, \$5,000."

Mr. HOUSTON. In that amendment the Committee of Ways and Means non-concur. It provides for the expenses of a cavalcade of the Superintendent there, and should not be adopted.

The question was taken, and the amendment was non-concurred in.

The following amendments under head of Cali-

fornia Superintendency, were next considered and concurred in:

"Furniture for Superintendent's office, \$500."

"Flags for distribution among the tribes, \$500."

The following amendment, also under head of California Superintendency, was next read:

"One iron safe for Superintendent's office, \$1,000."

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. McCORKLE. Unless such a provision be made, all your money there will be lost.

The question was then taken and the amendment was non-concurred in.

The eleventh amendment of the Senate was:

"Add as a new section:

"Sec. 2. *And be it further enacted, &c.*, That for expenses of compiling a map under the supervision of the Commissioner of Indian Affairs, for the use of the committees of the Senate, showing the present boundary of the Indian territory, and the location of the various Indian tribes within the United States, \$300."

Mr. JOHNSON, of Arkansas. I move to insert after the word "Senate" in that amendment, the words "House of Representatives, and Indian Bureau," and to increase the appropriation to \$500. The necessity of the amendment is obvious.

The question was taken, and the amendment was agreed to; and the amendment of the Senate as amended was then concurred in.

The next amendment of the Senate was read, as follows:

"Add as a new section:

"Sec. 3. *And be it further enacted*, That the several sums of money appropriated by this act to any Indian or Indians, shall be paid directly to the Indian or Indians entitled thereto, in person, and not to any agent or attorney of said Indian or Indians, whether such attorney or agent may have been constituted by a written power of attorney or otherwise; and that no person shall be appointed or continued as the agent of the Government, to make any such payment, who holds, or is interested in, any contract with any Indian or Indians mentioned in this act; and that before any person shall be allowed to make any such payment, or any disbursement of money herein appropriated, he shall take and subscribe an oath before some competent authority, to be filed in the Department of the Interior, that he does not hold, and is not interested, either directly or indirectly, in any contract of any kind, with any Indian or Indians mentioned in this act; and that he will not, during the continuance of his duties, become the holder of, or interested in, any such contract."

Mr. HOUSTON. Opposition is made to this amendment by various gentlemen. I have examined, as I stated this morning, the letter from the head of the Indian Bureau. He puts a case or two where this provision would conflict with the treaty; and as it has to go back to the Senate, I am willing that the section shall be disagreed to.

Mr. ORR. Would it not be better for the gentleman to make exception, than to strike out the provision entirely? It is intended to protect the Indians. Almost everything we appropriate for them is filched by agents and attorneys. If there be anything in conflict with it, let exception be made.

Mr. HOUSTON. In reply to the gentleman, I will state that I supposed, when this went back to the Senate, we should have a committee of conference, who would draw out the provision, so that there would be no conflict with existing treaties at all.

Mr. ORR. I have no objection to that course being pursued, if the committee of conference appointed by the House will represent the wishes and opinions of this House, that some such provision should be passed.

Mr. JOHNSON, of Arkansas. I object to such understanding. No such law ought to pass.

Mr. VENABLE. I think the provision ought to pass.

Mr. ORR. I move after the words "and not to any agent or attorney of said Indian, or Indians," to insert the following: "excepting where the same may conflict with existing treaties." I suppose this amendment of the Senate is to provide against the continuance of the abuse which has been practiced by agents upon the Indians. I think it behooves Congress to look to their interests. They are incompetent to manage for themselves, and nearly all the appropriations made for their benefit go into the pockets of agents. It happens very frequently that these Indian claims are rejected from year to year, because they do not employ an agent. They finally employ one, and he appropriates fifty per cent. of what Congress donates. It is time a stop should be

put to it, and the proviso I have moved to the amendment will remove all the difficulty suggested by the gentleman from Alabama.

Mr. JOHNSON, of Arkansas. The objection sought to be accomplished by the gentleman from South Carolina is a good one. The necessity for this provision is, however, obviated by the fact that at this session of Congress a provision was attached to the deficiency bill, on the motion of the gentleman from South Carolina, [Mr. WOODWARD,] with my approval, affecting the purpose of the gentleman. This section is superfluous; but were tautology the only objection I had to urge against it, I should not resist its passage. It goes beyond that and conflicts with the treaty stipulations. The provision of my friend to the section does not obviate the difficulty. An attentive perusal of the following letter, which was addressed to the Committee on Indian Affairs in reply to inquiries with regard to this subject, will satisfy the committee that it will not:

DEPARTMENT OF THE INTERIOR,  
OFFICE INDIAN AFFAIRS, August 24, 1852. }

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, calling the attention of this office to the last section of the Indian appropriation bill as it passed the Senate, and desiring to be informed what would probably be the effect thereof in its present shape upon the operations of the Indian Department; whether any modification of it is desirable; and if so, what, and for what reasons.

I have only seen the section as reported in the proceedings of the Senate in the Daily Globe of the 13th instant. As it there reads, my impression is, that it would require every dollar appropriated in the bill for the fulfillment of treaty stipulations, to be paid over to the Indians in person, or *per capita*, including not only annuities, but also the various amounts for goods, provisions, agricultural implements, employment of farmers and mechanics, schools, and other beneficial objects. This would be not only in direct contravention of treaty stipulations, but exceedingly detrimental to the welfare and best interests of the Indians, as you, sir, who have so extensive and accurate a knowledge of Indian affairs, and the Indian character, can readily conceive. With respect to annuities, and, in one or more cases, to other moneys appropriated in the bill, the treaties with some of the tribes define and specify the manner in which they shall be paid—in some cases to the chiefs, in some in such manner as the proper authorities of the tribe shall direct, and in others as the tribe shall direct. Hence the regulations of this office of August 30, 1847, issued pursuant to the act of March 3d of that year, providing for the *per capita* payment and distribution of money and goods to Indians, contained this provision: "The President therefore directs, that hereafter all annuities and other money and goods due to the Indians be paid and distributed to heads of families, and to individuals without families, entitled to participate therein, *unless a different mode of payment or distribution is expressly required by treaty stipulation.*" In all such cases as the latter the Indians have uniformly been averse to any other mode of payment than that so prescribed or provided for. It is unnecessary for me to undertake to show the evil results that must flow from the Government setting the Indians the example of disregarding plain and direct stipulations and requirements of our treaties with them. If not observed by us, we cannot expect them to be by those people.

The regulations to which I have referred made another important exception, as follows: "It is not intended by the directions herein contained to debar the Indians from setting apart such portions of their annuities as they may see proper for purely charitable purposes or for such national objects as may be calculated to improve their condition and to advance their general welfare, such as schools, and the encouragement of agriculture and the mechanic arts," &c. Such appropriations, in some instances of considerable amounts, have been made by a number of the tribes of portions of their annuities, which the section referred to would prevent by requiring all to be paid over to the Indians in person or *per capita*.

In regard to some of the amounts annually appropriated under treaty stipulations, the President is invested with a discretion either to cause them to be paid over in money or to be applied to beneficial objects tending to improve the condition of the Indians and to advance them in civilization. In most, if not all such cases, the amounts have been so applied, and with the best results. To change this course of policy and pay the money to the Indians, as would be required by the section in question, would be exceedingly unfortunate, if not in the highest degree pernicious. Paradoxical as the statement may seem, the less an Indian receives in money, as a general rule, the better he is off.

The seventeenth section of the trade and intercourse act of June 30th, 1834, provides, that depredations committed by Indians upon our citizens shall be paid for out of their annuities. This provision, which operates as a strong preventive of such depredations, would be overturned by the section under consideration, requiring as it would, the payment of every dollar of annuity to the Indians. The result would be, not only that such depredations would doubtless become more numerous, but an obligation would be imposed upon the Government to pay them out of the national Treasury, as in cases of depredations committed by Indians who have no annuities.

With respect to that part of the section which has reference to agents being interested in contracts, and requiring them to make oath that they do not hold, nor are interested in any such contracts, I am confident I do nothing more than justice to the gentlemen at the head of the Department and this office in saying, that they would instantly dismiss, or report to the President for dismissal, any agent holding, or interested in any such contract, on that fact becoming known to them. And any agent who would be so far cor-

rupt and reckless as to disregard his oath of office and the penalties of his bond as to enter into, or be concerned in any such contract, would be but little, if at all, restrained or influenced by an oath without any penalty, such as that required by the section in question.

Another objection to the section is the delay it would occasion in the transmission of the funds required for early payment and expenditure. None can be remitted till the required oath shall have been taken and filed in the Department of the Interior, which, with respect to more remote agents, will require a period of at least from four to six months. Such delay must inevitably give rise to the most serious inconvenience and embarrassment to the public service and the Indians.

With respect to any modification of the system, I would respectfully remark, that I have none to recommend or suggest. The existing laws and regulations being, in my judgment, amply sufficient to protect both the Indians and the Government.

Very respectfully, your obedient servant,  
CHARLES E. MIX,  
Acting Commissioner ad interim.

HON. R. W. JOHNSON,  
Chairman Committee Indian Affairs,  
House of Representatives.

Mr. ORR. My amendment meets every objection and difficulty suggested in the letter.

Mr. JOHNSON, of Arkansas. The Committees of Ways and Means and Indian Affairs are satisfied that this thing should be stricken out.

The question was then taken on Mr. ORR's amendment, and it was agreed to.

Mr. SWEETSER. I call for tellers upon the amendment as amended.

Mr. JOHNSON. The amendment which is placed there does not reach but one class of cases. There are at least five. I hope the committee will vote the section down.

The CHAIRMAN. The gentleman must be aware that debate is out of order. By unanimous consent, the various amendments were read, upon which the question was to be taken without debate. The question is now upon concurring with those amendments as they have been amended.

Mr. FITCH. To show the inconvenience, not to say absurdity of this thing, I will offer the following amendment.

And the Secretary of the Interior shall take a similar oath, to be filed with the President, and the President shall take a similar one, to be laid before Congress, before he approves any appropriations for Indians, and each and every member of Congress shall take a similar one before voting on any such appropriation.

Mr. ORR. I rise to a question of order.

The CHAIRMAN. In the opinion of the Chair, the amendment is not in order, as it is not consistent with the question. The gentleman can make an amendment which would be in order.

Mr. FITCH. I do not see how it is inconsistent.

The CHAIRMAN. The Chair decides the amendment out of order.

Mr. BISSELL. I would like to inquire of those gentlemen who have especial charge of this bill if it is intended to get through with it and pass it in committee? If so, I am content to sit here; but if not, I think the committee should rise.

The CHAIRMAN. The question now before the committee is upon agreeing with the amendments of the Senate, which have been read.

Mr. HALL. I ask a separate vote upon this amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. HALL] asks a separate vote upon the last amendment of the Senate as amended. The Chair, then, upon the previous understanding of the committee, will put the question upon all the other amendments as they have been reported. The question now is upon the last amendment of the Senate as amended by the amendment of the gentleman from South Carolina, [Mr. ORR.]

The question was taken; and, upon a division there were—ayes 65, noes 36; no quorum voting.

Mr. HART demanded tellers; and they were ordered.

Mr. FITCH. If it is in order now, I desire to make an amendment, which will make this thing less obnoxious. I presume that no member of the committee desires to embarrass the bureau in the honest discharge of duty. As this question now stands, it will have that effect. I propose to insert in the amendment of the gentleman from South Carolina, [Mr. ORR,] which reads, "except where they may conflict with existing treaties," the following: "or the instructions of the Department heretofore acted upon in the payment of this money." If you desire to get clear of the present manner of payment to the Indians, you must do it in some other than the sweeping manner proposed in this section, or do injustice to the Indians.

# THE CONGRESSIONAL GLOBE.

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They have repeatedly set aside funds for educational and other special purposes, and in their councils their chiefs and headmen have requested the agents to lay aside a certain amount for such purposes. Unless we insert a provision of this kind, we compel the payment of this money in small sums to each individual, notwithstanding their wish to the contrary. If there is no treaty obligation to lay it aside, the agents will be compelled to pay it *per capita*, and defeat the laudable design of the Indians in creating the fund.

Mr. SWEETSER. Is it in order to move an amendment to an amendment which has been adopted?

The CHAIRMAN. It is an amendment to the section as amended, and the Chair thinks it is in order.

Mr. FITCH. There are other questions to which I wish to call the attention of the committee. For instance, the Choctaws are in the receipt of annuities, one of \$3,000, and another of \$600. They number some 12,000 people. Do you desire the agents to go through the farce of portioning out this money in sums of a fraction of a cent per head? You compel them to do it by this amendment. The whole section, though laudable in its object, will be evil in its effect. We should be cautious in legislating upon matters of importance in ignorance of the effect of our action. Gentlemen who move and support amendments of such character, should understand all their bearings before they attempt to force them to become the legal acts of the country. I trust that gentlemen will shape this matter in a form different from that it now possesses, or not adopt it. We should not desire payments *per capita*, of sums which the Indians have requested to be set aside, in council, for special purposes. They do not wish such sums to be thus diverted. Why not permit their wishes to prevail?

Mr. JOHNSON, of Arkansas. I wish to make a single statement to the House.

Mr. ORR. Does the gentleman oppose the amendment?

Mr. JOHNSON. I do. I wish to make a calm statement to the House. If I am wrong, I hope I shall not prevail. If I make it clear that I am right, and every one can see it, then I think gentlemen will not accept that provision placed there by the Senate. We will take, for instance, the effect of that upon a long-established policy of this Government in regard to the Indians, which is this: that when they have committed depredations—I am opposed to amending this in any way at all for the purpose of bringing it to a direct vote—that their annuities shall be made liable to pay the damages.

What will be the effect of this section? To repeal that act so far as it makes the Indian annuities liable for the depredations that the Indians commit, and the wrongs that they do, and to compel the Government of the United States to pay for any depredations that may be committed. The Cherokees are highly civilized. They punish crime and enforce contracts as well as any white nation. They have their appropriations fixed on the arrival of their annuities, on which they are now issuing scrip, the value of which depends upon the regularity of our appropriations.

Mr. FITCH. I desire to modify my amendment, by inserting in lieu of the words "usages of the Department," the words "rules and regulations of the Department."

The question was then taken on Mr. Fitch's amendment, and it was not agreed to.

Mr. HALL. I move to amend the amendment, by adding to it the words "except when in the opinion of the President of the United States it may be proper to pay the money in some other way."

Mr. Chairman, I am a little surprised at the remarks made by the gentleman from Indiana, [Mr. Fitch,] with reference to the friends of the amendment of the Senate. That gentleman must know that only a few years ago all the Indian annuities were paid according to the directions of the chiefs, and that the Congress of the United States found

that under that mode of payment the Indians were so imposed upon that we passed an act, the general effect of which was to require these moneys to be paid to the Indians *per capita*. Since then the beneficial effects of that act have been admitted by everybody. Now, almost every Indian agent, and the Superintendent of Indian Affairs, in my own State, protest against the Government of the United States paying these moneys even to claim agents. They insist that these moneys, when appropriated, shall go, as far as the treaty stipulations will admit, and the Indian intercourse law, directly to the Indians *per capita*.

But, say the gentlemen from Arkansas and Indiana, and the Commissioner of Indian Affairs, if these provisions are passed, the Indian intercourse law will be repealed. Now, with all due deference, I say that such is not the fact. This amendment only relates to the particular moneys appropriated in this bill, and I am not aware of a single claim against these Indians for depredations; not one. If depredations be committed by these Indians, the Indian intercourse law will still be enforced, and those depredations may be saved out of the annuities due to the Indians. The Indian intercourse law will not be affected at all by the passage of this amendment, for the very reason which I have stated, that I have no knowledge of any claim for depredations against these Indians. That argument, then, of the gentleman is a mere bugbear, set up, it appears to me, without any good foundation; the only effect it can have will be to frighten us out of doing what I believe our duty to the Indians requires us to do.

But, say the gentlemen, if it is passed, what becomes of the appropriations for educational or agricultural purposes? Why, still the appropriation for educational and agricultural purposes may be taken, as at present, from the annuities. The small amounts provided for in this bill, which were, in general, extraordinary appropriations, may properly be paid to the Indians *per capita*. The annuities may be paid to the Indians *per capita*, except where the President of the United States may otherwise direct.

Mr. ORR. I am opposed to the amendment of the gentleman from Missouri, although I was very much gratified to hear the opinion that he expressed with reference to the Senate's amendment, and the one which I had the honor to introduce. My purpose now, however, is to notice very briefly, the very extraordinary speech of the gentleman from Indiana, [Mr. Fitch.] The gentleman spoke of his regret at seeing those who are ignorant upon these subjects attempting—

The CHAIRMAN. The gentleman from South Carolina is aware of the rules of debate, and must confine his remarks to the amendment of the gentleman from Missouri.

Mr. FITCH. I hope the gentleman will be allowed to proceed.

Mr. ORR. I expect to apply my remarks to that amendment. The gentleman from Indiana regretted very much to see such an exhibition. Well, sir, living east of the Blue Ridge, I do not profess to have any great knowledge of the Indian character or of Indian intercourse; but since I have been a member of this House, I have seen enough of the impositions practiced by agents upon that class in this country, to induce me, from considerations of humanity and philanthropy, to raise whatever barriers I can between the Indians and the attorneys, who are fleecing them and enriching themselves.

But the gentleman makes pretensions to great intelligence. Now, I have heard that honorable gentleman on more occasions than one, discoursing very learnedly and eloquently upon Indian affairs; and whilst I would not choose to reflect upon him any more than he has upon me, I desire to say that I have never yet received from that gentleman a single clearly-defined idea upon the subject of our Indian relations. It is a grave charge which the gentleman makes—ignorance. Where does it apply, and to whom? The Senate of the United States have adopted the amendment. Their Committee on Indian Affairs in the first place rec-

ommended it, the Senate adopted it, and from indications here, a majority of the House are in favor of it; and yet, we are to be arraigned by the intelligent gentleman from Indiana, for our ignorance. Well, sir, it may be so, but I must confess that if taking care of those who are unable to take care of themselves is an evidence of softness or greenness, I acknowledge to the charge, and I trust that the charge may always be made against me. When people who are unable to take care of themselves come within my charge as a legislator, I shall never fail to render to them whatever assistance lies within my power. Why, there is scarcely a claim that passes here but what the agent receives a large proportion—one third, in many instances, or one half of the whole sum appropriated.

The gentleman himself has referred to a charge made on the floor of the Senate, that one of the members of this House was to receive a large sum out of one of the appropriations that we ourselves passed in this bill. Now, when such charges as that are made, not only against agents, but against members of the House of Representatives, I am willing to go even further than the amendment which the Senate have adopted; I would be willing to say that members of Congress shall not be allowed to have an interest in such claims.

Mr. HALL. I withdraw my amendment.

Mr. VENABLE. I renew the amendment of the gentleman from Missouri, and desire to say a few words. I shall not occupy my five minutes. I think the amendment of the gentleman from Missouri a very sensible one. I believe that the amendment of the Senate with the amendment of the gentleman from South Carolina, [Mr. Orr,] and the amendment which was suggested by the gentleman from Missouri, will completely protect the Indians from the grossest outrages that ever have been committed upon a poor, oppressed, and downtrodden people.

In the five years that I have been a member of this Congress, claim agents have stood around like buzzards around the carcass of a dead horse. Whenever a poor Indian gets a claim allowed him they pounce down upon him, and one fourth, one half, or two thirds of the money falls into the hands of these men, who profess to be his friends and agents. They have even filed caveats.

I heard of a case the other day in which a claim agent in this city filed his caveat with the Department, and a portion of the claim was withheld for his fee. The poor Indian comes here with a just claim against the Government. He falls into the hands of a set of borsers and claim agents, and when at last tardy justice is done him, and his claim is allowed, these claim agents pounce down upon him, fix their talons in him, and carry off two thirds of the money, leaving him the skin and bones, teeth and toe-nails.

Sir, we ought to protect the poor Indian. We know he is a savage. We know he is improvident. We profess to be a Christian people and his guardians, and yet we place him in a position that when we pay him that which he is entitled to under our treaty, it all falls into the hands of those who hang around him, and rob him of all the Government has given him.

Mr. FITCH. I am opposed to the amendment of the gentleman from North Carolina. The gentleman from South Carolina need not have been so sensitive. There was no necessity of his confessing to veridancy—we have a record. But my charge of ignorance to which he excepts, was not specially designed for him by any means, nor for the House, nor yet for the Senate. If for individual members of both, neither propriety nor the rules will permit me to locate it.

An amendment of such a sweeping character as this may be, and in this instance we know it will be, productive of seriously injurious effects—effects which will be charged to carelessness or ignorance; and neither should be permitted to control legislation. With all due respect to my friend from South Carolina, [Mr. Orr,] a concentration of the mind upon one idea or subject, is often productive of injury in other matters by rendering us



blind or inattentive to them. The idea in the instance of this amendment, was to protect the Indians against attorneys. So far, it was all right and laudable; but the Senate have made it so sweeping, that instead of protecting them solely against attorneys, it seeks to protect them against themselves, and compels them to receive money in a different manner from what they desire; in a different manner from what the Government has heretofore, at request of the Indians, paid it to them; in a different manner from that contemplated by our intercourse laws; and in a different manner from that prescribed by the rules and regulations of the Department, which rules and regulations have been framed according to law; in a different manner from what the wants and interests of the Indians dictate. My friend from Missouri stated that the effect of this provision was temporary. I understood him to say that it only applied to this bill.

Mr. HALL. I understood that to be its effect.

Mr. FITCH. If such is the case, the amendment is less exceptionable; but if found to be designed as a part of the permanent statutes of the country, it ought not to be adopted. If it is applicable only to this bill, its evils will be limited to this year. It conflicts with our treaties; it conflicts with our Indian intercourse laws; and it conflicts with the expressed and well-understood wishes of the Indians themselves. The gentleman from South Carolina [Mr. ORR] says, he has never been much enlightened by me upon the subject of our Indian relations. If so, it may be my misfortune—it may be his fault. There are eyes which will not see the right, and ears which are impervious to reason.

Mr. CARTTER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 43, being the Indian appropriation bill, and had come to no conclusion thereon.

Mr. STANTON, of Ohio. I rise to a privileged question.

Mr. HOUSTON. I hope I shall be allowed to say that we are bound to lose some of the appropriation bills, unless we progress with business more rapidly than we are now doing.

Mr. CARTTER. I rise to a privileged question. I move that the House do now adjourn.

The SPEAKER. The gentleman cannot make that motion while the gentleman from Alabama is upon the floor.

Mr. HOUSTON. I was going to appeal to the House.

Mr. CARTTER. I call the gentleman to order. He is appealing to the House. [Laughter.]

The SPEAKER. The Chair will suggest to the gentleman from Alabama, that discussion is not in order, unless he makes some proposition to the House.

Mr. HOUSTON. That is what I was trying to do. I want to propose that the House meet to-night. We cannot get through with the necessary business of the session unless we progress more rapidly. I move that the House take a recess till seven o'clock this evening.

The SPEAKER. That motion is not in order, except by unanimous consent.

Mr. CARTTER. I object.

Mr. HOUSTON. I move to suspend the rules.

Mr. CARTTER. Is it in order to move that the House do now adjourn?

The SPEAKER. That motion is now in order.

Mr. CARTTER. Well, sir, I submit it.

Mr. STANTON. I insist that I am entitled to the floor. I rose to a privileged question.

The SPEAKER. The gentleman's privileged question cannot take precedence of a motion to adjourn.

Mr. HARRIS, of Tennessee. I demand the yeas and nays upon the motion to adjourn.

The yeas and nays were not ordered.

The question was then taken, and the motion was agreed to—yeas 50, noes 29.

And the House adjourned till to-morrow at eleven o'clock, a. m.

## IN SENATE.

THURSDAY, August 26, 1852.

Prayer by the Rev. C. M. BUTLER.

On the motion of Mr. MANGUM the reading of the Journal was dispensed with.

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, relative to the trade of the British North American Colonies with the United States and other parts of the world; which was ordered to be laid on the table and printed.

A motion to print five thousand additional copies was referred to the Committee on Printing.

### PETITION.

Mr. SHIELDS presented a memorial of a committee of the corporation of the City of Washington, praying an appropriation to repair the present bridge across the Potomac, or to rebuild one on or near its present site.

A motion by Mr. SHIELDS to print the above-named memorial was referred to the Committee on Printing.

### PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. FISH, it was

Ordered, That Lydia Ann Mills have leave to withdraw her petition and papers.

### REPORTS FROM STANDING COMMITTEES.

Mr. BUTLER, from the Committee on the Judiciary, to which was referred the memorial of John G. Camp, late marshal for the middle district of Florida, submitted a report, accompanied by a bill for his relief; which was read and passed to the second reading. The report was ordered to be printed.

Mr. FELCH, from the Committee on Public Lands, to which were referred the statement of the Commissioner of the General Land Office, and the opinion of the Attorney General of the United States, relating to the several conflicting claims of Randolph Coyle, John Delafield, and the city of Cincinnati, to certain lands, submitted a report, accompanied by a bill to settle the title to certain lands in the city of Cincinnati, Ohio; which was read and passed to the second reading. The report was ordered to be printed.

He also, from the same committee, to which was referred the bill to regulate the surveying and sale of islands belonging to the United States in certain cases, reported it back without amendment, with a recommendation that the bill do not pass, the committee deeming that there has been sufficient legislation thereon already.

Mr. HAMLIN, from the Committee on Printing, to which was referred the motion of Mr. BRIGHT, for the printing of one thousand additional copies of certain documents relating to the memorial of the Hon. DAVID L. YULEE, reported that the same be not printed; which was agreed to.

He also, from the same committee, to which was referred the motion to print five thousand additional copies of the annual report of the Regents of the Smithsonian Institution, reported in favor of printing the same, and that two thousand copies thereof be for the use of the Institution; which was agreed to.

### NAVY-YARD AT NEW ORLEANS.

Mr. GWIN, from the Committee on Naval Affairs, to which was referred the memorial of certain citizens of New Orleans, offering to sell a site for a navy-yard, asked to be discharged from its further consideration, and submitted the following resolution; which was agreed to:

Resolved, That the Secretary of the Navy be requested to ascertain, through an examination to be made by the senior naval officer at New Orleans, with such other naval officers of not less than the grade of a lieutenant, as may then be in New Orleans, in connection with the commanding officer of the navy-yard at Pensacola, whether, in case a navy-yard shall hereafter be established at or near the said city of New Orleans, the property offered by R. B. Sumner, and others, as a site for said navy-yard and depot, is peculiarly adapted to the purpose, and to ascertain what are the best terms on which it can be obtained from the present owners, with all other details, for a purchase, subject to the consideration and action that may be taken thereon at the next session of Congress; the Secretary being further requested to report to Congress, in accordance with this resolution, by the 1st Monday in December next.

### PRINTING OF CONGRESS DURING RECESS.

Mr. HAMLIN. The Committee on Printing have directed me to report a joint resolution, rela-

ting to the printing of Congress during the recess, which I ask may be considered at this time.

The joint resolution was read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes that the Secretary of the Senate, Clerk of the House, and Clerk of the Committee on Printing, shall be empowered to examine, audit, and pass upon all accounts for printing and binding during the recess of the present Congress, in the same manner as is done by the Committee on Printing during the session of Congress.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

### COMPENDIUM OF PUBLIC DOCUMENTS.

Mr. HAMLIN. The same committee, to which was referred a resolution in relation to the printing of a compendium of the President's message and the accompanying documents, have directed me to report back the same with an amendment. My colleague is very desirous that it should be put upon its passage at this time.

Mr. BRADBURY. I ask that it may be considered at this time. The amendment that is reported by the committee obviates the objections which were urged to the original resolution. It simply provides that the reports of the heads of Departments shall be printed with the usual reports of the heads of Bureaus, and also a compendium of reports of the heads of Bureaus, in order to enable us, at the commencement of the session, to print the usual number of documents, and instead of an extra number, to have the means of printing a compendium. It will save hundreds of thousands of dollars in a few years.

The Senate proceeded, as in Committee of the Whole, to consider the joint resolution.

The amendment reported is as follows:

Resolved, That the President be requested to cause to be laid before the Senate, at the commencement of the next session, with the annual reports of the heads of the Departments, and the accompanying reports of the chiefs of bureaus, an abstract or compendium also of said last-named reports; and a like abstract or compendium of the reports of the Secretary of the Treasury on the finances, and on commerce and navigation, together with the full report thereon, to facilitate the preparation of a compendium of the annual public documents.

Mr. BORLAND. I would inquire if this contemplates the printing of the compendium?

Mr. BRADBURY. No, sir.

Mr. BORLAND. I would suggest, to make the work valuable at the beginning of the next session of Congress, which will be short, that it ought to be printed.

Mr. BRADBURY. I am aware of that, but it would lead to an objection, and we can do that hereafter.

Mr. BADGER. That amendment proposes to direct the President to have prepared a compendium or abstract of the report on commerce and navigation. That report does not come to us from the President. It is not sent by him at all, but is made by the Secretary of the Treasury under the law.

Mr. BRADBURY. It only directs him to have that prepared, with the full report.

Mr. HALE. Is this a joint resolution which the committee has reported?

The PRESIDENT. A joint resolution was reported, was referred to the committee, and has been reported with an amendment.

Mr. BRADBURY. It was intended to make it simply a Senate resolution, so that the Senate might try the experiment. I therefore propose to amend the title by striking out "joint."

The PRESIDENT. Then the report of the committee is to strike out the whole resolution, and insert the amendment.

Mr. BRADBURY. Yes, sir.

Mr. HALE. I desire to remind the Chair that he once decided in my case that that could not be done.

The PRESIDENT. The Chair is still under the impression that the joint resolution will have to be laid on the table, to enable the Senate to proceed to consider the simple resolution which is reported. The Chair has not changed his opinion.

Mr. BRADBURY. By unanimous consent, this resolution may be adopted as reported from the committee. I ask that that may be done.

The PRESIDENT. If such is the pleasure of the Senate, the joint resolution will be laid on the

table, and the question be on adopting the resolution reported by the committee.

The joint resolution was then ordered to lie on the table, and the resolution reported by the committee was adopted.

#### BANKING IN THE DISTRICT OF COLUMBIA.

Mr. FISH, by unanimous consent, asked and obtained leave to introduce a bill to authorize the business of banking in the District of Columbia, and to regulate the issuing and circulation of notes as money; which was read and passed to the second reading.

On motion by Mr. FISH, the bill was ordered to be printed.

#### CAPTAIN STANSBURY'S REPORT.

Mr. BRODHEAD submitted the following resolution for consideration; which was agreed to:

*Resolved*, That, instead of the distribution of Captain Stansbury's report, heretofore ordered by the Senate, there be furnished to the Topographical Bureau three hundred copies; to the Smithsonian Institution one hundred copies; and to Captain Stansbury two hundred copies.

#### BILL AND JOINT RESOLUTIONS PASSED.

The following engrossed bill and joint resolutions were severally read a third time, and passed:

An act to establish certain post routes;  
Joint resolution authorizing the settlement of the accounts of James Pool; and a

Resolution for bringing to this country the remains of William T. Barry, late Minister to Spain from the United States.

#### OCEAN MAIL TRANSPORTATION.

The bill from the House of Representatives making appropriations for the transportation of the United States mail by ocean steamers during the fiscal year ending the 30th June, 1853, was read a first and second time by its title, and referred to the Committee on Finance.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it had passed the following bills from the Senate:

An act to provide for a tri-monthly mail from New Orleans to Vera Cruz, via Tampico and back, in steam vessels;

An act for the relief of the Wilmington and Manchester Railroad Company.

Also, that it had passed a bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Commerce.

#### MARGARET L. WORTH.

The Senate proceeded to consider the amendment of the House of Representatives to the bill for the relief of Margaret L. Worth.

The amendment of the House is to strike out all after the enacting clause, and insert the following:

"That the Secretary of the Interior be and he is hereby directed to place the name of Mrs. Margaret L. Worth, widow of the late General Worth, upon the pension roll, at the rate of thirty dollars per month, to commence on the 7th day of May, 1849, and to continue for five years: *Provided*, That in case of the death or marriage of said Margaret L. Worth before the expiration of said five years, the pension for the remainder of the time shall be paid to the children of the said General Worth, if there be any under the age of sixteen years, and if there be no children under the age of sixteen, the said pension shall cease."

Mr. BORLAND. I would be glad to have a vote upon that, if it could be done at this time. I hope that we will refuse to concur in the amendment of the House. The bill, in the form in which it passed the Senate, passed here twice almost unanimously. The last time there were five votes against it.

Mr. HUNTER. I hope the Senate will consent to lay it over until to-morrow. Senators can then have time to examine it.

Mr. SHIELDS. I am informed that the bill will be lost, if it is sent back to the House. Although the pension is not so much as it ought to be, if we send it back it will be lost. It is better to have half a loaf than no bread. I would suggest, therefore, that we agree to the amendment, and hereafter we can endeavor to make it better.

Mr. JONES, of Iowa. I think that my friend from Illinois is mistaken. I think the bill will pass in the House, if we disagree with the amendment. After that amendment was passed by the House, it was agreed by those who had opposed

it to reconsider the vote. But it was too late, and they regretted it. I believe they will pass the bill to give her \$50 a month, if we send it back.

Mr. HUNTER. I want to proceed to the consideration of the civil and diplomatic bill. I therefore move to lay this bill on the table.

The motion was not agreed to.

The Senate then refused to concur in the amendment of the House.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move to take up the civil and diplomatic bill.

Mr. BUTLER. I desire to ask a question. When I submit a motion to go into Executive session with a probability that it will be agreed to? I do not wish to interfere with this bill, but it is really necessary that I should do justice to the President, and to certain nominations that have to be acted on.

Mr. HUNTER. It is important that we should get through with the civil and diplomatic bill to-day. If we get through with it early enough, we can go into Executive session afterwards. If not, we can do it to-morrow. I presume that will be time enough.

Mr. BUTLER. Let it be so understood then.

Mr. WELLER. I desire to know what effect this motion will have upon the Florida contested-election case, which was made the special order for one o'clock to-day? That matter ought to have been settled, in my judgment, long since. It was a very great impropriety in the Senate to have suffered it to remain so long undecided. I shall be compelled to vote against taking up the civil and diplomatic bill, if it interferes with that, because I hold that it is the duty of the Senate at this session to decide the case.

Mr. MALLORY. I do not wish to say a single word upon the subject, and certainly did not expect to do so; but I appeal to my friend from Virginia to abstain from his motion, if the discussion upon the bill is to continue after the hour of one o'clock, when I hope the election case will be taken up and decided. Nine months have elapsed since the case came before the Senate. Throughout every moment of these nine months, I have been anxious for a decision of the matter. Every Senator knows that as long as it remains suspended, the usefulness of one of the Representatives on this floor for Florida must be impaired; and if not justice to myself, justice to the State of Florida, which I represent, demands that the question should be settled. The select committee which was appointed from this body upon the contested election have unanimously reported, and I apprehend that not five minutes will be taken up in the discussion of it.

Mr. BRODHEAD. It is due to the contestant also to say, that he has also been here the whole time waiting very anxiously.

Mr. BRIGHT. It was on my motion that this case was made the special order for to-day at one o'clock, and I have no doubt that we can at that hour proceed to its consideration, even if we should take up the civil and diplomatic bill now. If we take up that bill now I hope there will be no objection to taking up the resolution reported from the committee on the election case at one o'clock, and to dispose of it to-day if possible. I hope, therefore, the Senator from California will waive his objection to taking up the civil and diplomatic bill now.

Mr. BADGER. I wish to say, that if the resolution reported by the select committee is to come up to-day, I must ask the Senate to allow me to call up the resolution to allow the contestant in the election case, offered by my friend from Florida, [Mr. MORRIS,] and laid upon the table at my instance, as I did not then understand that this day had been appointed for the consideration of the subject, in order that the sense of the Senate may be expressed upon it.

Mr. HUNTER's motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to consider the bill making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th of June, 1853.

Mr. RUSK. Last evening, under the direction of the Committee on the Post Office and Post Roads, I offered an amendment to the bill providing for an additional Assistant Postmaster General. The Senator from Indiana desires to offer an amendment on the subject.

Mr. BRIGHT. I move to add the following at the end of the bill:

*Sec. — And be it further enacted*, That the Assistant Postmaster General shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall receive, each, a salary of \$3,000 per annum.

The amendment was agreed to.

The following amendment of the Committee on Finance, which was passed over informally, next came up for consideration. To insert in the bill:

"To enable the President of the United States to make compensation to the Spanish Consul, and other subjects of Spain, residing at New Orleans, and subjects of Spain at Key West, for losses sustained by violence in the year 1851, arising from intelligence then recently received at those places of the execution of certain persons at Havana who had recently invaded the Island of Cuba, \$25,000: *Provided*, That before the payments are made under this appropriation, the President of the United States shall cause an investigation to be made of such alleged losses, and that the sum, together with the reasonable costs of the investigation, shall be paid on the certificate of the Secretary of State that the same are proven to the satisfaction of the President."

The amendment was agreed to.

The next amendment of the committee, which had been passed over, was to insert the following:

"For finishing the grading, manuring, planting, finishing the roads and walks, graveling, and laying gutters along the margin of the same, and repairing the fence of the Smithsonian Square, \$13,200."

Mr. HUNTER. I move to amend the amendment, by striking out "\$13,200," and inserting "\$16,760."

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

The next amendment of the committee was to insert the following:

"For defraying the expenses incurred in the improvement, and for embellishing the triangular space on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets, \$5,150."

Mr. HUNTER. I move to amend that by striking out "\$5,150," and inserting "\$5,805," to make it correspond with the estimate.

The amendment to the amendment was not agreed to.

The amendment was agreed to.

The next amendment of the committee was to strike out of the bill the following words—

"*Sec. 9. And be it further enacted*, That no person hereafter, who holds or shall hold any office under the Government of the United States, whose salary or annual compensation shall amount to the sum of \$2,500, shall receive compensation for discharging the duties of any other office."

and insert in lieu thereof—

"*Sec. 9. And be it further enacted*, That where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered—to be paid from the appropriation for defraying the expenses of the judiciary."

Mr. SUMNER. I move to amend the amendment, by adding to it the following:

*Provided*, That no such allowance shall be authorized for expenses incurred in executing the act of September 18, 1850, for the surrender of fugitives from service or labor, which said act is hereby repealed.

Mr. SUMNER addressed the Senate in support of his amendment for three hours and three-quarters, and a debate ensued thereon, in which Messrs. CLEMENS, BADGER, DODGE of Iowa, HALE, DOUGLAS, WELLER, CHASE, RUSK, TOUCEY, BRADBURY, HUNTER, JAMES, BRIGHT, COOPER, BUTLER, BRODHEAD, PRATT, MASON, and CASS took part, and which will be found in the Appendix.

The amendment to the amendment was rejected by the following vote:

YEAS—Messrs. Chase, Hale, Sumner, and Wade—4.  
NAYS—Messrs. Adams, Badger, Bayard, Bell, Borland, Bradbury, Bright, Brodhead, Brooke, Butler, Cass, Charlton, Clarke, Clemens, Cooper, Dawson, De Saussure, Dodge of Iowa, Douglas, Felch, Fish, Geyer, Gwin, Hamlin, Houston, Hunter, James, Jones of Iowa, King, Mallory, Mangum, Mason, Meriwether, Miller, Morton, Pearce, Pratt, Rusk, Shields, Smith, Soule, Spangler, Toucey, Underwood, Upham, Walker, and Weller—47.

The amendment of the committee was then adopted.

Mr. HUNTER. I am instructed by the Committee on Finance to offer the following amendment as an additional section:

"*Sec. — And be it further enacted*, That the provisions contained in the fourth section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1853,' be and the same are hereby repealed."

That section is rendered necessary by a communication which I have just received from the First Comptroller. In the deficiency bill the following provision was made:

"Sec. 4. And be it further enacted, That no estimate or appropriation of money in any bill making appropriations shall authorize the payment of any increased pay, allowance, or compensation in any form whatever beyond the amount prescribed by law in any case, unless there shall first be a specific direction for such extra payment, designating the officers to whom such extra payment shall be made."

It appears that the operation of that provision reaches much further than was intended by the mover of it originally. I am informed by the First Comptroller that it cuts off salaries which a great many clerks have been receiving for a long time past. For instance, there is a chief clerk, receiving a salary of \$1,500 by law, but year after year he has been given a larger salary by the appropriation bills. The committee have had no time to look into particular cases, and make them square with this section of the deficiency bill, and therefore we propose to repeal it; and at the next session of Congress we can look into the subject, and make what provision may be necessary.

Mr. HALE. As the provision of the deficiency bill which has been alluded to was introduced on my motion, I wish to make a statement. When I introduced it, I did not suppose it would have that extensive application which I understand the Comptroller feels himself bound to give to it. It was aimed at a case which the Senate will well remember, where an individual had received a salary greater than was provided by law upon a construction given to it by the Second Comptroller, by virtue of which he paid the individual a salary basing his right to receive it upon the estimates; and inasmuch as the appropriation was as much as the estimate, the Comptroller said that Congress must be presumed to have meant to give him that sum. It was that abuse which I wished to reach. As the honorable chairman of the Committee on Finance is in favor of carrying out the provision as far as I intended it, and as it seems that the Comptroller has given it a much wider application than it was supposed to be capable of, I am perfectly willing, so far as I had any agency in introducing it, that it should now be repealed, hoping that we may, by next session, devise some remedy for the evil aimed at.

The amendment was agreed to.

Mr. PEARCE. The Committee on Finance have instructed me to offer an amendment, which is the last one they intend to offer, to insert after the provision providing for paying the annual rent of the building known as Winder's Building, at the corner of 17th and F streets, the following:

"Provided, That the renting of said building shall cease as soon as the Secretary of the Treasury can purchase for the United States, and obtain a clear title to the said building, for a sum not exceeding \$200,000; and for enabling him to do so the sum of \$200,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated."

Mr. CLARKE. I have a very decided objection to the amendment which has been offered by my honorable friend from Maryland. It will be recollected that some two years since, in one of the appropriation bills, there was a provision made for hiring this building at a rent of about \$21,000 a year. It was then said that it was necessary in order to accommodate the public offices at that time; but it was distinctly understood that, whenever Congress should indicate its intention to make the necessary appropriation for building additional wings to the Patent Office, this building would be of no further use to the Government, and that consequently, at the end of five years, its rental would cease.

The building called Winder's Building, in my opinion, is not such a one as the Government of the United States should own. It is not one that the Government of the United States should hold, as a permanent building for its public offices. This Government should have its own public offices, built under its own direction, and devoted to its own uses. You hold now the office of the Secretary of the Interior in a building rented from an individual, because Congress made no appropriation for erecting a public building for that Department of the Government. A portion of the offices—a very large portion of those attached to that Department, are now in the building which it is proposed that the Government of the United States shall purchase. In the bill before the Senate there

is an appropriation of \$150,000 to commence the building of the west wing of the Patent Office. Since I have been here, appropriations have repeatedly been made for building the east wing of the Patent Office. Objections were made to it, on the ground that it was not wanted for the purposes of the Patent Office; but, on the other hand, it was said that it would be wanted for some of the public offices. I have urged that the western wing should be put up, because it would be required for the Department of the Interior. From my conversations at that time with the then Secretary of the Interior, and from my conversations with the present Secretary of the Interior, I know their desire to be that these Patent Office wings should be built, in order that all the various offices connected with the Department of the Interior should be concentrated in one place.

Now, you have the Department of the Interior proper, in one building. The Pension Office, and some other portions of that Department, are, I believe, in the building now proposed to be purchased; and a portion of the Land Office is somewhere else. In this bill provision is made for erecting the western wing of the Patent Office; yet we are now asked to appropriate \$200,000 for the purchase of this building. The lease of the Government already extends for it three years longer; and if, at the expiration of these three years, the Government should want it, the lease could be renewed.

I object to this purchase, also, because this building is not such a one as the Government of the United States requires. It is built according to somebody's taste, and whose, Heaven only knows; but it is one of the last buildings that ever should have been put up with the design that it should be a public building. As to its efficiency and strength I know nothing. I have never examined it, but report speaks unfavorably of it. There is around it no public ground. It is an isolated building from the public grounds. It has no connection whatever with any of the public departments. If the Government of the United States had no place to erect buildings such as are suitable for our uses, it might, perhaps, be necessary to purchase this building; but while the Government has plenty of ground, and is making appropriations from year to year, for the purpose of erecting the wings of the Patent Office, this is not necessary.

Let me say to gentlemen here, that according to the original plan of the Patent Office—which was, I believe, adopted by General Jackson, or at least designed under his special instructions—there were to be not only two wings to the Patent Office, but also a northern front, comparing with the present southern front. Whenever these buildings shall have been completed, and whenever a portion of the deposits in the Patent Office which have been brought by the Exploring Expedition shall have been placed in the Smithsonian Institution, where they are intended to be placed, there will be room in the Patent Office for all the models of inventions which are required to be deposited there, and you will have plenty of space for all the various offices of the Department of the Interior.

Why should this building be purchased? Let me tell you that it will not be more than three years from this day, when the western wing of the Patent Office is built, that you will abandon this building, even if you purchase it at the price now offered. You will abandon it as being a building totally unworthy for the Government of the United States to own, possess, and occupy. I have not examined the building as to its strength and efficiency, but I say it is built in such a style of architecture, and is such a building as the United States should not own. The Government has only taken it as a matter of necessity, it being tendered to it because it removed its archives there from their places of deposit, and placed them in one position there as a sort of partial concentration of the various offices connected with those archives.

The present lease of this building, I believe, has three years to run. When it expires, you have nothing to do but to renew it, if, by that time, you should not have your own buildings constructed with some regard to permanency and character, to which you could remove your Departments. But I do not look upon this proposition as being the direct and proper method of legislation. A proposition is made in the bill as it comes from the House, to pay the rent of this building for

the ensuing year, and to that is appended an amendment to appropriate \$200,000 for purchasing it. What do we know about the cost of it, and its value? Do any of us know anything of the value of the land? Do we know anything of the cost of the structure? Do we know anything about its architectural proportions? Do we know whether it is such a building as the Government of the United States should purchase as one of the permanent public offices for the execution of any branch or portion of the executive duties? I think not. But if a proposition be made to purchase the building, I should like to see it come up directly, and that a committee be appointed to examine it. Let its locality, its construction, its convenience, the method by which the public offices are to be accommodated, be examined. Let a committee see whether it is such a building as this Government should purchase. I think it is not. I think that when in this bill you are making an appropriation of \$150,000 for continuing the western wing of the Patent Office, which, when built, will supersede the necessity of this building, there is no reason why we should purchase it. For these reasons, I am opposed to the amendment.

Mr. PEARCE. Mr. President, the opinion which I have in regard to this building I derive from a very unanimous report made by the Committee on Public Buildings of the other House.

There are three considerations which apply to the subject. The first is an economical one. We are now paying for this building a yearly rent of \$19,500, and it is indispensably necessary for the service of the Government. The Government is paying other rents besides this. All the rents of the Government in this city amount to about \$32,000, of which about \$19,500 are for this building; and, I believe, at that rate, it is rather cheaper than any other building which the Government rents in Washington. It is manifest, therefore, that if the Government is to use the building for any length of time, it would save money by purchasing it at once for \$200,000 rather than paying rent every year. I suppose that the necessity to continue the renting of the building is likely to last not less than eight years longer; for, although it is proposed to finish the wings of the Patent Office, we know very well that we have been told that the entire wing on the east side, and a portion of that on the west side, of the Patent Office Building will be required for the use of the Patent Office. We have been told so over and over again in the reports of the Commissioner of Patents.

If the Government erects buildings near the present site of the War and Navy Departments, those Departments will require them for their purposes. They require greater facilities to transact the business of the country now than in past years, because there has been a great multiplication of population and business. The demands upon Government therefore are much greater now than formerly.

In addition to that, if the Government had buildings of its own for the accommodation of all the clerical force required in the different Departments, I hold that we should still want this building. We should want it as a depository of our public archives. Those archives are now for the most part kept in cellars, which are damp, dangerous, and destructive to them; or else in garrets, where they are liable to be destroyed by fire at a moment's warning. We shall want a depository of the public archives. They increase in quantity vastly. I have been told that forty cart-loads of them have been burned up to get them out of the way; and I see that the Secretary of the Treasury, in his report, says that the archives of that Department, which are of great importance, and should be preserved to the remotest period, are now kept in the basement of the building, where some of them have been destroyed by mildew and moisture. I hold, therefore, that the Government will do well to secure this building as a depository of the public archives, even if it had a building sufficient to accommodate all its requisite clerical force.

Then as to the character of this building: it was erected for the use of the Government—erected on an understanding with the Secretary of one of the Departments, who knew the wants of the Government; who knew its interests; who knew that a fire-proof building was necessary for its use. It was known that a great loss had been sustained by the Government in consequence of the want of



such a building. This building is composed of materials which make it almost entirely fire-proof. The doors are of iron, and the stair-cases are of cast-iron. In regard to the solidity of the structure, I would say that I see attached to the report of the Committee on Public Buildings of the House, a certificate from Mr. Walter, the architect, from Mr. Ward, the builder, and from Mr. Mills, the architect, certifying to its stability. It is a building, I believe, of two hundred and nine feet front on the one side, and one hundred and one feet front on the other, and is fifty-three feet deep. There are in it one hundred and thirty rooms, the same number as in the Treasury Building. There is about twice as much land as the building stands upon, and the land alone would be worth \$30,000 now. There are 26,000 feet of land. The building is opposite to the War and Navy Departments, and will be for all time very convenient for them. Colonel Graham, of the Engineer Corps, in a letter appended to the House report, says:

"The walls of the building in question are massive; and they appear to be well and securely laid.

"My rooms have always been in the fourth or uppermost story of the building; and I will here add, that all my assistants and I much preferred this story to any other part of the building.

"The stair ways, of cast iron, are of easy slope, causing but little fatigue in ascending; and here we are free from noise, bustle, and dust of the streets, while in summer we enjoy the coolest breezes that pass over the city.

"The draughtsmen engaged in my office, in the most delicate drawings, have never perceived the slightest tremor.\* The building has always appeared to us firm and as steady here as upon the ground floor, which is certainly a strong proof of the permanency of its construction, and the solidity of its walls."

This is the best proof of the solidity of the structure. These architects and builders testify that such a building, exclusive of the ground, would cost the Government to build it over \$240,000. One of them says it would exceed \$250,000. I believe it has been economically erected; that is, I believe as little money has been expended on it as such a building required. I do not believe the owner will make any money by selling it out to the Government at the price he will receive by the amendment, while I believe that the Government would economically do a very good thing, and at the same time secure a suitable building for a depository of the public archives, even if they had sufficient buildings for the accommodation of the clerical force.

Mr. CLARKE. I shall certainly not undertake to controvert the certificate which the honorable Senator from Maryland has produced, but I have only to say, that there is not a man at forty years old, or a boy of fifteen, who cannot get certificates if he chooses that anything is right and proper. If I were to obtain rays of moonshine, and concentrate them, I could get a certificate in four hours that they were indestructible. [Laughter.]

Now, sir, as to this building, how long is it since the roof went off, and went into the yard of the Navy Department, destroying a number of trees there? I think only two or three years since. I inquired, when that occurred, what was the matter? and it was said that the cross-timbers above, on which the rafters were laid, were placed directly on the top of the wall, and that the sheet-iron, or sheet-lead, upon the roof, having been lifted a little, the wind got under it and took the whole thing right off. Not long since, it was said there was an earthquake here, and that some of the walls of this building were shaken. I know not whether that was true, but I have not much doubt of it. I come back, however, to the very ground which I took in the first place, and that is, that unless this is a structure wanted as a charnel-house, in which to put your archives, so that they may be out of the way, you do not want it at all.

Allow me to say that there is already a proposition for extending the Treasury Building. My honorable friend from Virginia, [Mr. HUNTER]—and there is no gentleman with whom I converse and associate in whom I have more confidence—proposed to me, as one of the Committee on Public Buildings, to recommend the addition of a southern wing to the Treasury Building, in order to give to that Department all the room that it requires. It is well known that I dislike calling names; but I must say that the Department of the Interior occupies a building hired of Mr. Corcoran. I know

nothing about the rent paid for it, but I do not believe it is rented for less than it could be got for elsewhere. The Department of the Interior is in that building. The Pension Office is in Winder's Building, as it is called; and some portion of the Land Office is also there. Now, I candidly believe it is time that this Government should construct its own edifices for the use of its own Departments. I recollect that not more than two years since, an honorable gentleman, who was then a member of this body, (Mr. Dickinson,) opposed an appropriation for putting an additional wing to the Patent Office—and why? Because it was not necessary. He and I had some contention upon the subject then, and he produced evidence to show that the Commissioner of Patents did not require any more room, and that there was room enough in the present building for all the purposes of the Patent Office. It was then said that a portion of the curiosities that have been brought home by the Exploring Expedition were to be taken to the Smithsonian Institution. But we concluded to go on with the Patent Office Building. It has been gone on with, and one wing has been built; and to look upon it from the outside, it is a very beautiful structure.

There is an appropriation in this bill for the construction of the western wing of the Patent Office. For what is it wanted? The present Secretary of the Interior has told me over and over again, that it would be a great advantage for him to concentrate the Bureaus of his Department, and the clerks and all the branches of it, in one building, and he desires that the western wing of the Patent Office should be appropriated to the Department of the Interior. It strikes me that it is a very proper place for him. I think it is wrong to have him in one building, the Pension Office in another, and some other of the offices of his Department in another. I do not like this. I candidly say I do not like—when the Government of the United States has its \$15,000,000 in the Treasury, and its three per cent. bonds worth eighty per cent.—allowing individuals, under any circumstances, to build shells of buildings for it to hire, and then with an indirect appropriation come in and pay for them. The Government does not want this building. It has got its own lands on which to erect its buildings. There is an appropriation in this bill of \$30,000 for inclosing some land in the city belonging to the United States, and there is another provision making an appropriation of \$5,150 for fencing in that little triangle opposite the Union office. I choose to designate it in that way, because you, sir, [Mr. BACCHER in the chair,] have more occasion to go there than I have, and perhaps you will know it better by that designation than in any other way.

Mr. WELLER. Let me correct the Senator. That was the amount originally proposed, but the chairman of the Committee on Finance proposed to make it \$5,900, and when the question was taken on that amendment, nobody voted in the affirmative, and I voted in the negative, and it was declared to be lost. If it had not been for my single vote, being the only vote on either side, the appropriation would have been \$5,900.

Mr. CLARKE. I am glad to hear that. When the Senator does a good thing, I am willing to give him credit for it. But there was an appropriation made eighteen months ago, at the end of the last session of Congress, for inclosing and improving the public grounds. We know that a great deal has been done. There is an appropriation in this bill, if it has been agreed to—and I know nothing that has not, except the amendment of the Senator from Massachusetts—for \$13,000 or \$14,000 for the Smithsonian Institution grounds. I have no objection to that. I want them improved. But I want the thing done in some sort of a decent, economical manner. There was an appropriation made last year, if my memory serves me right, of \$10,000 for improving the grounds on the south side of the President's grounds, between the President's and the Monument. What has been done? There is in that ground at this time a little pond about as large as this room; and inside of it, by way of architectural taste and perspective, I suppose, are two little mounds. I suppose they are for the frogs to come out on to breathe the fresh air. In a little place, like mine at home, if I had no water, it is possible that I might want to see that there was water on the face of the earth, as well as soil, and might make such a pond; but here you stand

right in view of the beautiful Potomac, opening itself broad, free, and fresh before you, and there, in that ground, you have a pond, with two little mounds in it, in order to give it a beautiful perspective. If the \$10,000 has been expended upon that, I cannot see what good has been done. An appropriation has also been made for Lafayette Square. For that I have a great regard. It is to be the place where General Jackson's equestrian statue is to be erected. I have a great regard for that, too. There is a provision in this bill appropriating \$5,000 for the foundation of that work. That has been well done. But that square has a miserable fence about it. I want a good one put there; and yet, at the rate of expense which the fence on the triangular square between Thirteenth and Fourteenth streets has cost, it will cost you more than \$50,000 to fence in Lafayette Square.

Mr. DAVIS. It will cost four dollars a foot.

Mr. CLARKE. Let me tell you that the mere iron itself for that triangular square cost four dollars a foot, and then you had the foundation of granite to put there.

Mr. HUNTER. What is the question before the Senate?

The PRESIDING OFFICER. The amendment of the Senator from Maryland.

Mr. CLARKE. I am coming to that presently. I generally speak to my point as closely as the Senator from Virginia. [Laughter.] If the fence around that triangular space be, as I understand it, about six hundred feet, and if we are to appropriate \$5,900 for it, how far does it come from ten dollars a foot? Such a thing would break any man. If you pay at that rate for Lafayette Square, you had better look out for a raising or a lowering of the tariff, in order to get some more revenue. [Laughter.]

In regard to this building, I think it is not expedient for the Government of the United States to purchase it. They have got a lease of it for three years; and if the Government, with fifteen millions in the Treasury, and a credit unbought, is not able to supply its own offices, ask some State in the Union to do it. My own little State could do it. [Laughter.] I am opposed to it for the reasons stated, and I am sorry to stand alone in opposition to the amendment.

Mr. WELLER. I am with you.

Mr. CLARKE. I am glad to hear that I am gaining strength. I am opposed to the appropriation. I think the building ought not to be purchased. If it is required as a place of deposit, as a charnel-house, where things are to be put, and it is absolutely a safe place, let it be bought for that; but let our public buildings be such as comport with the dignity, wealth, and character of the Government. That is what I say. I prefer going on and doubling the appropriation for the Patent Office, rather than purchase a building which would be of no use hereafter, and no credit to the Government.

Mr. BROADHEAD. I desire to amend the amendment. I think we are proposing to give a little too much for the building. I think \$150,000, or, at all events, \$175,000, would be enough for it. If we are to purchase it, I am not willing to give more than \$175,000. No doubt the gentleman who came here to put up this building, put it up for the purpose of selling it to the Government. I do not know that he was invited to put it up; but, sir, it is not to be a permanent building for the use of the Government. The fact that we pay some \$19,000 rent for it is no evidence of the actual value of the property. I move to amend the amendment by striking out \$200,000 and inserting \$175,000.

Mr. BADGER. I have heretofore voted against an appropriation for the purchase of this building, upon the general opposition which I have to the Government's purchasing buildings which have been erected by private individuals; and I was in hopes, when I gave my former votes, that before this time some steps would have been taken by Congress to have suitable buildings erected on a large scale for the benefit of the Government. I am now satisfied that we cannot look forward to any such thing being accomplished in less than ten or a dozen years. Now, if this building is to be used by us at a rent of \$20,000 a year for the next ten years, we shall expend as much money as it will cost at the end of the time, and then the building will not be ours. I think, therefore, as a

\* When the house was unroofed by the hurricane, those in this story were unconscious of its being done.

mere measure of economy, it is better, as we have the money, to purchase the building now, either at \$200,000, or \$175,000, rather than continue the payment of rent for it. If, at the end of that time, we should have buildings sufficient to accommodate us, and this is of no use, we shall be no worse off, but better. But upon looking into the report made by the committee of the House of Representatives at this session, and the statement of the executive officers in connection with it, I am inclined to believe that, erect what buildings we may for the accommodation of offices, this will not be ultimately useless, but will furnish a valuable place at which to keep the public archives of the Government, which are now mouldering away in vaults, basements, and cellars.

Mr. MILLER. Hitherto the Government has erected its own buildings. The public buildings already in this city are highly creditable to the Government. They have been erected with great care, and until five or six years ago, there was no necessity for using any other buildings than those erected by the Government. But, at the time this building was rented, the Patent Office had not been extended. One reason assigned at that time for its being rented was, that the public buildings had not been completed. Since that time a large wing has been added to the Patent Office, and it was stated at the time, that when that was finished there would be no necessity for continuing the renting of this building. However, it may be, and I have no doubt it is as stated by the honorable Senators from Maryland and North Carolina, the public business has so increased as to require the rent of the building; but my objection is to the principle of commencing the purchase of buildings erected by individuals. If you commence it, you will have, from time to time, builders, speculators, coming here and erecting buildings and then getting the Government to purchase them. And then, instead of having your regular system of public buildings erected under the control of the Government itself, we shall have all kinds of buildings put up here by individuals and purchased by Congress. I do not pretend to have any eye with regard to the durability or convenience of buildings, but—I am satisfied in regard to this building, that it will not answer the purposes of the Government, and that, if we purchase it now, as soon as we have prepared proper buildings—and I trust we shall in the course of another year; we have funds enough to erect proper buildings for the accommodation of the Government, for the War and Navy Offices and the extension of the Treasury Building—this building will be abandoned as useless. That is my impression.

Mr. DAVIS. I have a very satisfactory reason in my own mind, for voting against any proposition of this sort. In the first place, there is the Treasury Building which is designed to have two additional wings put to it, which will afford very great accommodation. It is needed by the Government. The original plan of the building requires those wings. It now stands in an unfinished state, and there are two wings to be put up to complete it. I take it that the Government mean to complete it. Then the Patent Office remains unfinished. It has no northern front, and no western front; and if now we have \$200,000 to expend, why not go on and complete those buildings? It would be better to do that than to buy new ones. It would be in better taste. It would make that finished which is begun, and which will be suspended if you are going to seek other accommodations. These reasons are enough to induce me to vote against the amendment.

Mr. PEARCE. I did not hear the remarks of the Senator from Rhode Island, but I am told that he said that the walls of this building are cracked. I have in my possession a letter from the Superintendent of Public Buildings. He says that the stucco on the walls is of a character to show any crack of a destructible nature, and that, if there was the slightest possible crack it would be seen through the stucco. He says further, that there is one crack which is so inconsiderable, that if it were not for the stucco it would not be seen. He has had occasion to look into the walls and they are built of the best hard brick. It is manifest to any one who will look at the building, that it was constructed in a most substantial manner. That is what he says. I have heard no evidence of any crack indicated in the building, which would do any injury. I believe the building is suitable for

the purposes of the Government. Indeed, we have the evidence of the officers of the Government upon that point. I mentioned the fact that persons employed in the Topographical Department, executing the finest species of drawing, never found in the most violent winds the least tremble of the walls.

As to the amendment proposed by the Senator from Pennsylvania, it is hardly worth while to consent to it. If we do not give the \$200,000 we had better not make the appropriation at all.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The question is on the amendment to the amendment to strike out \$200,000 and insert \$175,000.

Mr. SHIELDS. I will vote to strike out because I think the building will not answer the purpose; but I will not vote to put anything in.

The amendment to the amendment was rejected.

Mr. RUSK asked for the yeas and nays on the amendment; and they were ordered.

Mr. UNDERWOOD. I will ask if any gentleman can state what the building cost and what the ground is worth?

Mr. PEARCE. I stated that the ground contained about twenty-six thousand feet, and at the lowest is supposed to be worth over \$30,000. The building contains four million bricks. The laying of these is expensive. It has a vast deal of work upon it. It has iron girders, and is covered by a metallic roof. The exact cost I cannot tell. Several architects and builders have said though, that such a building could not be put up for less than \$240,000.

Mr. BRADBURY. I will ask whether it proves to be perfectly dry, and whether the basement story of the Treasury Building, containing a large portion of the public papers, is not damp?

Mr. PEARCE. I believe it is perfectly dry. I know it is in the upper rooms. The basement is above ground. There is, therefore, not the same reason for dampness in it as in the Treasury building.

The yeas and nays being taken on the amendment, resulted—yeas 17, nays 27; as follows:

YEAS—Messrs. Badger, Bayard, Bell, Bradbury, Cooper, Dawson, Dodge of Iowa, Hamlin, James, Jones of Iowa, Mangum, Meriwether, Pearce, Soule, Sumner, Upham, and Walker—17.

NAYS—Messrs. Adams, Borland, Bright, Brodhead, Brooke, Butler, Chase, Clarke, Clemens, Davis, De Sausure, Felch, Fish, Geyer, Houston, Hunter, Mason, Miller, Morton, Norris, Rusk, Shields, Smith, Spruance, Underwood, Wade, and Weller—27.

So the amendment was rejected.

Mr. PEARCE. I am instructed by the Committee on Finance to offer the following amendment:

For the payment of the arrears of salary due to the late rural architect, A. J. Downing, deceased, from the first of May, 1852, to the date of his death, and a further allowance to his widow, equal to the salary for one year, \$2,500: *Provided*, That the said sum shall be in full of all claim for the services of the said deceased, and for all models, specifications, and drawings, designed for the benefit of the United States, which are not in his possession.

That amendment would have been offered by yourself, sir, (Mr. BRIGHT in the chair,) if you had not been in the chair. The reason for it is, that a balance of \$675 is due to Mr. Downing, as a portion of his annual salary. The reason for giving the additional compensation is, that his employment was contemplated for a series of years, and that he had furnished a number of drawings and specifications of improvements to be made upon the public grounds here. For that reason the amendment has been offered.

Mr. CLEMENS. While Mr. Downing was superintending the public grounds, I understand he was the editor of a paper in New York, and that his time here was about three or four days in the month. I want to know if those are the facts in the case?

Mr. PEARCE. I believe he was the editor of a paper.

Mr. CLEMENS. And was in New York attending to his duties as editor. I do not understand why we should make this payment.

Mr. PEARCE. This gentleman was employed by the President of the United States at a salary of \$2,500 a year, under authority given by an act of Congress. Whether it was a proper salary or not is not the question now. Two thousand five hundred dollars was his salary. It was contem-

plated that the work would cover a series of years. He has furnished plans and specifications. He is undoubtedly entitled to the appropriation of \$675 on account of his salary, and it is supposed that the drawings and plans which he furnished ought to be paid for, although the carrying out of them, under his superintendence, was cut short by his melancholy death.

Mr. CLEMENS. He was employed by the Government at a salary to attend to duties here, and he went to New York, and attended to his business there. Those I understand to be the facts. I do not understand them to be controverted. In addition, we are now called upon to put his widow upon what is equivalent to the civil pension list. I understand the amendment embraces the payment of a twelve months' salary for services never rendered at all.

Mr. BRIGHT. If the Senator will permit me, I will say a few words. I understand that the gentleman, for the benefit of whose widow the amendment is presented, was lost, lately, upon the steamer Henry Clay; that he was at that time on his way to this city for the purpose of transacting the business for which he was employed by the Government; that he was in the habit, as the Senator states, of spending perhaps a week in each month here; and that, at the time he was employed it was understood that he should not give more than a part of his time out of each month here. He had due to him at the time of his death, between \$600 and \$700 of his salary. He has, as I am informed by Mr. William D. Breckenridge, agent for the improvement of the public grounds, and I believe the successor of Mr. Downing, furnished valuable drawings and documents as preparatory steps for important improvements in the various public grounds of the city. Mr. Breckenridge addressed me a letter, from which I read the following:

"WASHINGTON, August 23, 1852.  
"The subscriber, the successor of the late A. J. Downing, agent for the improvement of the public grounds, having been associated with him for the past eighteen months, in charge of the improvement of the grounds adjoining and surrounding the Smithsonian Institution, and Lafayette Square, honestly believe that the services of the late Mr. Downing in the conception and design of future improvements—the execution of which will now readily and easily be carried out by the subscriber, from his knowledge of the different designs and plans of Mr. Downing—are fairly worth, over and above his salary, \$5,000, inasmuch as it would cost at least that amount to obtain new designs, and to revise what was done to correspond with them." &c.

I think it apparent from the statement of this gentleman, who is now an officer of the Government, that the plans which we have in possession and have permission to use are worth more than we propose to appropriate for the benefit of his widow. Under these circumstances the Committee on Finance decided to recommend it to the Senate.

Mr. SHIELDS. I know that my honorable friend from Alabama, if he understood the facts of this case, would not object to the amendment. Mr. Downing devoted his whole life to this department of the arts. Perhaps no man in this nation, certainly no man in the present day, had a larger experience in business of this kind. The paper which he edited was a paper connected with his business. He traveled all over the world, and came here and brought the information to us which he had gathered; and if his life had been spared, my impression is that he would have improved the taste of this capital. I consider his death as a national loss. I have derived a great deal of information from the reading of his papers, and my impression is that his models and plans will be of much more value, if carried out faithfully, than the money we propose to give.

Mr. DAVIS. When I came here last fall I found Mr. Downing going on with the operations committed to him. I had known him before through his periodical, but not personally. He was a man of uncommon taste as a horticulturist, and in everything which related to trees. His taste was happily adapted to embellish and ornament such grounds as he undertook to improve. He was here constantly during a certain season of the year. I saw him every day until the frost became so severe that he could no longer set trees. When the ground was closed up so that he could not set trees he went away until the ground opened again. Then he returned, and was here constantly superintending the transplanting of trees, many of them large, and requiring his own attention.

He was thus here far into the spring. Then he was away, and returned occasionally as his services were required. My own belief is, that he gave all the attention to the business which it required, and with great assiduity. The Government has had the benefit of his taste, and I think we ought not now refuse to make compensation for it.

Mr. CLEMENS. It occurs to me that I heard not long ago a speech from the honorable Senator from Massachusetts against putting citizens upon the civil pension list. Now, sir, without any sort of reference to the qualifications of Mr. Downing, I beg leave to say that we paid him \$2,500 a year for three or four days service in the course of a month. That ought to be sufficient. He was here for three or four days in the month. His friends only claim that he was here a week in each month. Put it at a week. For that we paid him \$2,500 a year. It now seems that he has been unfortunate, and has lost his life. Is that any reason why we should put his widow upon the civil pension list, and pay her for services which he never rendered? Has it ever been done before? Is there a solitary precedent for anything of the sort? Did not the honorable Senator from Massachusetts himself make a speech against precisely such a case? And why are we now not only asked to pay for services which Mr. Downing never rendered, but to pay for eighteen months' service after he was dead?

A SENATOR. Not so much.

Mr. CLEMENS. How much?

A SENATOR. Eight or nine months.

Mr. CLEMENS. Well, the principle is the same if it were but one month or one week. Why pay his widow for services which he could not render, and did not render? He was here upon a competent salary—a salary which gratified him—which he was glad to accept—and now we are required not only to pay that, although it is admitted he did not render the service, but we are required to pay him for eight or nine months' service after he was dead. Such a case was never heard of before. We have never had such a case, and I am bound to ask for the yeas and nays on the amendment.

Mr. SUMNER. "The laborer is worthy of his hire;" and I believe at this moment there is no question of charity to the widow of the late Mr. Downing. The simple proposition submitted by the amendment is, to make compensation to Mr. Downing for services rendered to the United States, and those services, as I understand them, are the preparation of plans, and the giving to the country the benefit of his incomparable genius in a peculiar department of labor, which we now enjoy, though he has been removed. These plans, it appears, on evidence which has been submitted to the Senate this evening, are valued at \$5,000. In pursuance of these, his successor will be able to proceed in ornamenting the grounds, and in other ways contributing to the improvement of Washington in a manner which he would not be able to do without the plans, or without the appropriation of a large sum of money to secure others instead. As I said at the beginning, it is not a question of charity, but of compensation; and on that ground I submit that the estate of the departed artist does deserve the small pittance which it is proposed to supply. For myself, I should be much happier to vote for a larger appropriation, believing that these plans are amply worth it, and that we shall all hereafter feel better for such a recognition of our debt. There are few men in the country whom we have employed of late who deserved more at its hands than Mr. Downing. At the age of thirty-seven, he has passed away, leaving behind a reputation superior to that of any other citizen in the walk of life to which he had devoted himself. I know of no man who at that early age had rendered services of such true beneficence to his country as he had done by his various works in his profession, and by his active superintendence of rural improvements wherever in the country his services could be brought into requisition. By the exercise of his genius generally, he is entitled to our regard. And now, sir, by actual services here in Washington, rendered at the call of his country, he has entitled himself, it seems to me, to this small appropriation, not as charity to his widow, but as compensation for labor done. I hope the amendment will be agreed to.

Mr. CLEMENS. I am glad that Mr. Down-

ing has found an advocate in the Senator from Massachusetts, [Mr. SUMNER,] because that satisfies me that I am entirely right in opposing this appropriation. What has he said? He has told us that evidence has been submitted to the Senate of the extraordinary capacity of Mr. Downing. What evidence have we had?

Mr. SUMNER. Evidence of his services and plans.

Mr. CLEMENS. Of his services and plans! What evidence have we had? A private letter here from a private man; and who is there in this country so low that cannot get it? And it is by his successor in office at that, too! What evidence, then, have we had submitted of his extraordinary capacity? None. But suppose we had the most conclusive evidence of his capacity—is that any reason why we should go beyond the limits of duty, and put his widow on a civil pension list, for it amounts to that? If we intend to establish a civil pension list, let us establish it openly. If we go beyond the bounds of the amount which we agreed to pay him, and pay his widow for civil services, who is there in the land that may not apply for that? Who is there that may not ask that his widow also may be provided for by the Congress of the United States? And where are these appropriations to end? Who is to pay for them finally? They must come from the pockets of the people; they must come from your constituents, sir, and mine; not from those of the Senator from Massachusetts, because his are a manufacturing constituency, and we pay them a bounty. They get the benefits of all taxes levied by the Government. I am not at all surprised that he wants taxes levied by the Government. His constituents get them. You and I, sir, have to pay them, and it is a very material difference between us. Sir, I insist there shall be an economical administration of the Government. That Senator told us to-day, in one of the most infamous speeches that was ever made anywhere, that he was a Democrat. I deny it. He never had a particle of Democracy in him. None of that breed ever was a Democrat, and you cannot make Democrats out of them. But he said he was a Democrat. If he is, he is opposed to this extraordinary expenditure of the public money. We are all opposed to it, because we who live in the country and have to buy our clothes, and only send occasionally a pound of meat, or a barrel of corn, to market, have to pay all these duties. They get them. I insist that this is one of the most extraordinary propositions that has ever been made to Congress. I insist that it is a great deal more extraordinary than that proposition which was opposed by the Senator from Massachusetts on my right hand, [Mr. DAVIS,] who has the fortune to be a gentleman, which his colleague has not—"Order!" "Order!"

The PRESIDING OFFICER. The Senator must not indulge in such language.

Mr. CLEMENS. I insist that we have not had before us a proposition so extraordinary as that one which is now made. We are called upon to do what? To pay the widow of a public officer who got more money than he was entitled to any how; who got \$2,500 a year for a few days' service in a month, to pay for nine months' service after he was dead. Such a thing was never heard of before. It is worse than that civil pension list upon which the Senator from Massachusetts [Mr. DAVIS] discoursed so eloquently the other day. I am willing to pay the full amount of salary up to the day of Mr. Downing's death, although it was an extravagant and outrageous contract. He never ought to have had it. It was more than he was entitled to. Still it was a contract, and I am willing to pay all that we are bound to pay. Beyond that I do not intend to go.

Mr. DOUGLAS. I had formed a high estimate of Mr. Downing; that he was unequaled in the line of his profession, and an ornament to his country. His death really was a public loss. Still, in consequence of this fact, I cannot set this example—this precedent of continuing the salaries of public officers after death. It commenced with a President of the United States. This, I believe, is the second instance of it. If it once be ingrafted on the country, there will be no stopping point for it; and consequently I feel bound to resist such an appropriation.

Mr. WELLER. This is a new office which I never heard of before. I desire information of

some Senators as to the time it was created. "Rural Architect!" I never found such an officer in the Blue-Book. I desire to know who appointed the officer? When was the office created? The President of the United States has no power to create offices, certainly; and if there be no law of Congress authorizing that office, I cannot tell the authority which the President had for making the contract; therefore I shall be compelled to vote against the appropriation.

Mr. BELL. I understand that Mr. Downing was appointed under some authority of law.

Mr. PEARCE. I will state that an appropriation, of I forget how many thousand dollars, for the purpose of improving the public grounds, was placed at the disposition of the President. He had the sole and full authority to apply that sum under such agency as he thought proper. He could not be expected to superintend it himself; therefore he appointed this gentleman under that authority; and I will state, I believe it was universally understood that the appropriation would not have been passed if it had not been known that Mr. Downing would be employed.

Mr. BELL. I have so understood it.

Mr. CLEMENS. I never so understood it.

Mr. BELL. I had but a brief acquaintance with the gentleman. Though I do not profess to have much experience in the line of the profession to which he dedicated himself; he impressed me most favorably as an accomplished and skillful gentleman in everything he professed to do. I have heard—but I am not able to speak with great confidence upon the subject—that he did not seek any employment at Washington; that he, having sufficient employment at home, accepted the offer of the President on the ground of the strong desire that was manifested by gentlemen, who gave the information of his rare talents and accomplishments in this department of the arts. He accepted the appointment not from any mercenary motive whatever, but to contribute his skill and talent so far as it might be approved by the President, to improve the public grounds in this city in a manner answerable to the public expectation and desire.

I must say that I differ widely from some of the sentiments expressed upon this subject by Senators. I do not remember that I have ever heard of any very decided objection being made to very liberal appropriations for the enlargement and improvement of the parks and grounds that are reserved for the public use—the grounds east and west of the Capitol; the grounds in front of the President's House, and Lafayette Square. Considerable appropriations have been made for them, and for the grounds connected with the Smithsonian Institution. These are public grounds, forever to stand as monuments of the taste of this country. We have made, again and again, improvements such as gentlemen of taste have thought ought not to stand as permanent works under the authority of the Government; and we have had to change them.

Mr. Downing lost his life in returning from his home to his duties in this place. He was in the prime of life; and I concur entirely, from what I have heard of him, in the sentiments expressed by the Senator from Illinois in regard to his rare qualifications as a rural architect and horticulturist. I understand he had no equal in this country in that line. I do not pretend to be any judge of such subjects myself; but I regard his loss as a public calamity, as has been said by honorable Senators. Such things as rural architecture; the improvement of grounds around your cottages, if you please—because the laying off of the small grounds around the cottage, is a part of the wealth even of the poor cottage of the country—are important. Upon every ground, I differ with some of the sentiments expressed on this floor; and it appears to me that there is something exceedingly illiberal in the amendment, even as it came from the Committee on Finance.

We have the statement of Mr. Breckenridge, a gentleman who is said to stand next to Mr. Downing in his qualifications for this situation, certifying that he thinks the designs and drawings left by Mr. Downing, which are original, and such as all gentlemen of taste who have examined them approve, are worth \$5,000. The amendment proposes to give him the remnant of his salary, and a small sum in addition, for these designs, upon the proviso that his estate shall relinquish all further claims for these valuable drawings. The question



does not stand upon the principle stated by the honorable Senator from Illinois, [Mr. DOUGLAS.] It is not an extension of a salary beyond the death of the incumbent. The money is proposed to be given in consideration of the value of these drawings; and I put it to legal gentlemen to say whether, in truth or in fact, these drawings, which have never been given to the public, are not private property? I take it that they are.

Mr. CLEMENS. I would ask the Senator if he has examined these drawings, and if he is a competent judge of them?

Mr. BELL. I do not pretend to any taste or skill in this subject. I have not examined the drawings.

Mr. CLEMENS. Then there is no evidence in regard to them.

Mr. BELL. It will be recollected that the honorable Senator from Indiana read the certificate of Mr. Breckenridge, who is a most competent rural architect, it is said, in regard to these drawings. But I will not detain the Senate. So far as I am concerned, I would vote for striking out the proviso in the amendment.

Mr. BORLAND asked for the yeas and nays on the amendment; and they were ordered.

Mr. UNDERWOOD. I cannot vote for the amendment as it stands, because it proposes to give the money to the widow, by way of purchasing drawings and designs which belong to the administration. The amendment is worded wrong. I cannot vote for it in that point of view. It seems to be the object to pay the widow, and not the administrator, what of right belongs to the administrator.

Mr. SHIELDS. I understand that the widow is the administrator in this case; so that it will be all right.

Mr. UNDERWOOD. That does not alter the case at all. If you give it to the administrator, if it belongs to his property, it constitutes a part of the administrator's fund to pay the debts, or to go to the children. If you intend to make a donation to the widow, I am opposed to it.

Mr. HUNTER. I would suggest, as there is some difficulty about this subject, that we confine the amendment, at present, to the arrears of salary. We can ascertain hereafter the value of the plans. I move to strike out all that portion of the amendment relating to the designs and drawings.

Mr. BORLAND. I have no objection to that. I am willing to vote for that. I therefore withdraw the call for the yeas and nays.

Mr. PEARCE. If the amendment to the amendment be adopted, it will be imperfect; for the ratable proportion of the salary is not stated, and I do not know that we can calculate it exactly now. I would propose that by general consent the amendment be passed over till to-morrow morning, when, having calculated the proper amount, it can be considered again.

No objection was made, and the amendment was passed over.

Mr. HAMLIN. The Committee on Commerce have instructed me to offer the following amendment to the bill:

For the erection of a custom-house at Waldoboro', Maine, \$12,000; to be expended under the direction of the Secretary of the Treasury, including the site, whose completion shall not exceed the sum of said appropriation; and said custom-house shall be exempt from all taxes assessed by the State of Maine.

The district for which this custom-house is proposed, is the eighth in the United States; it is the fifth in its enrolled tonnage, and the first in its vessels. The appropriation is recommended by the Department, and is limited to \$12,000. It was unanimously adopted by the committee.

Mr. BADGER. Do I understand the Senator to say that this is the eighth custom-house proposed to be erected in Maine? [Laughter.]

Mr. HAMLIN. No, sir: the district is the eighth in the United States.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is also recommended by the Secretary of the Treasury, and unanimously approved by the committee. It is to add an additional section, as follows:

Sec. — And be it further enacted, That the provisions of the 5th section of the act of March 3, 1851, so far as they relate to the rate of compensation of the deputy collectors of certain ports, be, and the same are hereby, extended to the acting deputy, naval officers, and acting deputy surveyors

of said ports: *Provided*, That no additional appropriation shall be required for the collection of the revenue.

One or two years ago the Senate increased the salary of the deputy collectors at Boston, New York, Philadelphia, Baltimore, and New Orleans.

The amendment proposes to increase the pay of the deputy naval officers and deputy surveyors at those ports, and put them upon an equality with the deputy collectors. It is recommended by the Department, and I think it is just. It has met with the full approval of the Committee on Commerce.

The amendment was agreed to.

Mr. HAMLIN. I move to amend the bill by inserting the following:

For the purpose of sending a commercial agent to explore and examine the country on the Paraguay, South America, \$5,000; and the Secretary of the Navy be authorized to detail one of the small vessels-of-war on the station of Brazil, to convey said agent on said expedition.

I had a conference with the Secretary of the Treasury in relation to this. He has sent me a letter. There is no time now to go into the discussion of the subject, but I think I can call the attention of the Senate in a single word to the broad field in South America where the commercial interests of the country may be extended.

The appropriation is simply to detail one of our naval vessels, that are doing little or nothing at Brazil, and send some intelligent merchant into that region, who shall make to us a report, to enable us to send what is wanted into that country, the staple products of the southern States. I hope it will be adopted.

Mr. HUNTER. That amendment is for the appointment of an agent to make explorations. I believe this will be the first time we have made an appropriation for that purpose. I doubt the propriety of commencing the policy at this time.

Mr. CLARKE. I hope this amendment will not prevail. What do you propose to do? We have not got one tenth part of Mexico. Here is the whole of Central America, in regard to which we are negotiating in conjunction with England; and she, as usual, will take the lion's share. Here is Brazil, an empire; and now my honorable friend proposes to take Paraguay. Is he going to come in upon us in the rear?

A SENATOR. A "fire in the rear!"

Mr. CLARKE. Yes, sir, a "fire in the rear," and he will not take a "hasty plate of soup" to it. What are you going to do? Send one of the vessels from the Brazil station to explore Paraguay! Why, sir, it is as much as a man's life is worth, and more than a vessel is worth, to undertake to go there. It is a *terra incognita*. There is nobody there, except a few scattered miscreants, who have run away from the rest of South America. It is the last thing that ever should have been proposed, to go to explore that place. Go to the Cape of Good Hope, to the Bushmen, those little fellows who are not more than three and half feet high—go and open a communication there, if you please, and get a reannexation on that side; but talk about reannexing Paraguay! [Laughter.] It is at the very extremity of the earth, where all the elements are united together for the destruction of human life. Why, sir, I would prefer going over the railroad which is across Panama, and which kills about half those who cross it—and still the stock is worth four hundred and forty per cent.—with the prospect of almost certain death, than round Cape Horn. My honorable friend from Maine, who owns the Aroostook—which we got from Great Britain with the aid of General Scott—and for that I think the Senator ought to vote for him, [laughter]—wants to go down and take the other end of the continent. It is the most extraordinary proposition I ever heard of. If it was for anything within the range of mortal man's conception or knowledge, I would vote for it. [Laughter.] But when you come to go out of the land of the living, I do think it is going too far.

Mr. HAMLIN. I desire to read an extract from a letter from the Secretary of the Treasury:

"Great Britain has long since taken measures on the subject, and has now a very extended and valuable commerce in that quarter, a large portion of which should legitimately belong to the United States. The Department is not prepared to recommend that a special expedition should be fitted out for the purpose, but would suggest that authority should be granted by Congress to send a suitable mercantile agent to make such necessary inquiries, and such arrangements as he might deem advisable, or have power to make. This agent might either go out in a private capacity, or, if Congress thought advisable to clothe him with official character, then as *chargé d'affaires*, or commercial

agent. This Department suggests that one of the small vessels-of-war on the Brazil station should be detailed for the purpose of conveying him to the different points which it might be desirous for him to visit. An appropriation of \$5,000 or \$6,000 would be necessary."

I only desire to say that the English Government are and have been taking very efficient steps towards securing the commerce of South America. They have established a line of steamers, which has but recently gone into effect, from Liverpool to Brazil. We are nearer to Brazil, by steam, some ten or twelve days, and we are almost as near to it by sailing vessels as they are by steam. Brazil, now, is our fifth commercial market. A large quantity of the products of the southern States are taken there. In this view, as a commercial question—one in which the southern States are interested—it is one which I think commends itself to the Senate.

Mr. BADGER. I am willing to vote for the amendment; but I would suggest to the honorable Senator from Maine that the latter part of it, about detailing a vessel-of-war, ought to be stricken out. That is the business of the President, and the Secretary wants no authority for it. If we make the appropriation it will have to be done.

Mr. HAMLIN. I have no objection to the change; but I thought as this was somewhat of a commercial character, it might be proper to put it in.

Mr. BADGER. I merely suggest that, as it is the proper function of the President, as Commander-in-Chief of the Navy, we cannot authorize the Secretary to detail a vessel.

Mr. HAMLIN. I have no objection to striking out all after the appropriation.

Mr. WELLER. I take it for granted that the appointment of the agent to be sent out should not be made exclusively by the President; but that the nomination ought to have the confirmation of the Senate. It is of sufficient importance to send an agent there for any purpose, I think it equally important that the Senate should concur in the selection of the person. I do not know that I have any objection to interpose to the adoption of this proposition. I think it is very well that this Government should send an agent there, especially for the purpose of watching the operations of the British Government. Now, every one who looks at the condition of things on this continent must see that the British Government, despite of all remonstrances, is intermeddling with affairs here.

We have contented ourselves with the reassertion of the Monroe doctrine, that no European Government shall interfere with affairs on this continent. While we are standing upon that abstract declaration, the British Government is practically interfering with them; and I regret very much that the policy of this Administration has been to invite the interference of foreign Governments in the affairs of this continent. So far from carrying out the doctrine avowed by Mr. Monroe, you have found, in 1850, that the Administration now in power invited the English Government to enter into a convention in regard to Costa Rica; and recently the Government of the United States and Great Britain have entered into a convention in order to determine the rights of Costa Rica and Nicaragua, to define the boundaries of those independent governments on this continent. What I object to is this policy of inviting the British Government to enter into treaties with us; for I think the Government of the United States has assumed a position now where she has a right to claim to be the arbiter of all questions which may arise on this continent. I think that the Government of the United States is competent to adjust all those questions, without calling for the intervention of the British Government. But you have had this state of things existing, that, while the Republic of Nicaragua have had a full minister here, properly accredited to the Government, this Government has entered into a convention with the British Government to pass upon the rights of the State of Nicaragua, precluding that minister from any agency in the affair. This, in my judgment, is all wrong. I desire therefore to present this distinct question to the Senate, that, while we are avowedly standing upon the Monroe doctrine, the whole policy of the Government for the last four or five years has been to invite the interference of foreign Governments in questions which belong exclusively to the continent, and which ought to be decided by the United States.

Mr. HAMLIN. I will modify my amendment so that it will read as follows:

For the purpose of sending a commercial agent, to be appointed by the President, by and with the advice and consent of the Senate, to explore and examine the country on the Paraguay, South America, \$5,000.

I hope the Senate will allow the question to be taken.

Mr. CLARKE. I see no necessity for inserting the clause "by and with the advice and consent of the Senate." I have no objection to it myself, but I do not think it necessary to put it in.

Mr. ADAMS. I rise to a question of order. Is there any provision in the rules of the Senate by which we can get to a vote upon this question?

The PRESIDING OFFICER. No, sir.

Mr. ADAMS. I give it up, then.

Mr. CLARKE. My honorable friend from California has talked about the connection between this country and Great Britain, in regard to Costa Rica. He talks about the Monroe declaration, that no foreign Government should be permitted to establish any new colonies here. Does my honorable friend recollect that that very proposition against foreign Governments colonizing any portion of this continent came from Great Britain? When the Continental Congress was sitting at Vienna, if my memory serves me right, there was a proposition made by Spain, and other Governments—

The PRESIDING OFFICER. The Senator will confine himself to the amendment under consideration.

Mr. CLARKE. If the President will allow me to take the same latitude which has been taken by others, I should get to Paraguay shortly, but if not, I must stop either at the equator or here. My own point is 32 20. That is the initial point from whence I start. [Laughter.]

I was going on to say that at the time the Congress of Vienna sat, a proposition was made by the Spanish and Portuguese Governments, that the Holy Alliance should combine to restore to them their colonies upon the American continent. To that principle Great Britain objected; and it was by the proposition of Great Britain herself to the American Government, when Mr. Adams was Secretary of State, and Mr. Monroe President, that that declaration was made by Mr. Monroe. It has been established as the American doctrine, and is now proclaimed as the Monroe declaration. It was Great Britain herself which suggested to the United States the impropriety of allowing the Holy Alliance to interfere in any regulations on this continent, or to allow any other arbiter upon it.

Such is the Monroe declaration, and upon such has the Government of the United States continued its policy until the present day. But, it seems that this Administration has entered into some correspondence with Great Britain, (so say the public papers,) in which the boundaries of certain States in Central America have been regulated by a joint convention between this Government and Great Britain. I ask, if such is the understanding, whether it will be proper for the United States, at this time, to proceed beyond the boundaries of civilization, send an agent to look after a place for habitable men, and take possession of it, and introduce commercial relations with a people of whom we know nothing, without any understanding with Great Britain? [Laughter.] Sir, this is worse than the fisheries. I object to bringing in these extreme measures. This is extreme, for it goes to Cape Horn. I am opposed to it. It is not worth \$5,000. Not that I am unwilling that some gentleman, a friend of the Administration, should have it as an outfit for this commercial agency. There would be just as much necessity for an outfit here, as in the case of the Commissioner to China. Under these circumstances, I am opposed to it upon every principle of policy. I cannot see that we have anything to do with Paraguay. There is nothing there that you want; and you have nothing that they are able to pay for. Why, then, open this intercommunication with the extremities of the earth? If you want an exploring expedition, send it out. If you want anybody to go there with an army, I know who will command it, and take possession of the country, and then come up and take possession of Brazil. [Laughter.] But, it is not worth while to do it. I am really opposed to the amendment, and hope the Senate will not agree to it.

The amendment was rejected.

Mr. HAMLIN. I move to amend the bill by inserting the following:

For the salary of the Commissioner to the Sandwich Islands, \$5,000 per annum, from the time when he assumed the duties of his office at said Islands.

The amendment is designed to make the salary, which is fixed by this bill, apply to all the time that the Commissioner has held his office. It is based on the recommendation of the Secretary of State. The papers were forwarded to the chairman of the Committee on Foreign Relations, but by some inadvertence they have been lost. Having examined them, however, I believe the chairman will say he concurs in my suggestion. There is also another proposition before the committee, to make an additional payment to the officer who preceded the one who now holds the office. The reason for this may be stated in a few words. The present Commissioner is Mr. Severance, of the State of Maine. He went there soon after the discovery of gold in California; and I think my honorable friend from California will tell the Senate, what I could tell them if I would take the trouble to read a letter which I have received here, that nearly the same prices were paid for provisions in the Sandwich Islands that were paid in California. The extraordinary price of living is so much increased there, that the amount of the salary has not supported the man's family during the time he has been there. These are the reasons why I offer the amendment.

Mr. HUNTER. I raise a question of order. This relates to a salary for past services. We have decided, in relation to all claims of that sort, that they come under the rule which prevents the receiving of private claims as amendments to general appropriation bills. If we adopt this, and open the door for that class of amendments, I do not know when we shall get through with the bill. I hope the Senate will adhere to the rules for the purpose of protecting the bill from the multitude of amendments which may be offered. If this is received, there will be a large class of amendments coming in, I have no sort of doubt, in relation to other diplomatic agents. The rule which has governed us has been, that the appropriations in this bill are to provide only for carrying out the provisions of some existing law, or treaty, or the current services of the year. The claim for past services comes under the character of a private claim, and ought to be introduced as a separate measure. Unless we adhere to this rule, I do not know when we will get through with the bill. I hope the amendment will be ruled out.

Mr. WELLER. I do not see the ground upon which it can be ruled out. The Secretary of State has recommended the increase of the salary of the Commissioner to the Sandwich Islands. Whether that recommendation has been sent to the committee, I do not undertake to say. I may say, however, that the Department has recommended the increase, and every one who knows anything about the matter, knows that it is absolutely necessary that the compensation should be increased. It is impossible for the Commissioner to subsist in the most common way upon the allowance that is now made to him from the National Treasury.

Mr. HUNTER. I do not object to the amendment, so far as it proposes to increase the salary for the present year. But when we attempt to compensate for past services, it comes within the rule, and is prohibited from being offered as an amendment, whether recommended by a committee or not.

Mr. WELLER. The question is, whether it is to be regarded as a private claim, and whether the fact that it proposes to make allowances for services already rendered, constitutes a private claim within the rule. I think not. I do not see that it affects the principle, whether it be for past services, or for services to be rendered in future. The Chair, however, can decide the question.

Mr. UNDERWOOD. I desire to ask the chairman of the Committee on Finance whether his objection extends to a case of this sort: The Committee on Foreign Relations had the claims of a good many persons before them, who acted in the capacity of *chargés* at different points. They were consuls. The *chargés* at those points, perhaps, were removed, and these consuls performed their duties. They now ask such compensation as is allowed to *chargés*. As the committee have intended to present an amendment to that effect, I ask, does the objection of the chairman of the Committee on

Finance extend to all such cases? Will it rule them out, so that no allowance can be made for the compensation which they have actually earned by performing the duties of the office?

Mr. HUNTER. If the services were rendered within the current year it would not make them out of order. But if they are for past allowances, say four or five years ago, I think they would be ruled out. They would be claims not arising under any law or treaty, but from an equitable consideration. There is a distinction between claims for past services and for services for the current year; because the bill is to make appropriations for the present year.

Mr. MASON. I would suggest to the Senator from Kentucky that it would be better not to try the question whether the appropriations which the Committee on Foreign Relations intend to ask for do or do not come within the rule until they are presented. I shall present them presently, and shall endeavor to show that they do not come within the rule.

Mr. BADGER. I desire to say one word upon the question of order, not upon the merits of the case itself. It is of a little importance that we should have some understanding on this subject. I do not understand that any exposition which has been given to the rule by the Senate has excluded the consideration of the amount of compensation due to public officers now holding office, whether that compensation is to be simply prospective, or to go back previous to the bill. If this gentleman were out of office—if he were a private man coming and asking us for additional compensation for services rendered while he was in the employment of the Government, it would be the case of a private claim. But I cannot understand that the legislative enactment of this body respecting the compensation of a public officer of the Government, whether it relates to past or to future compensation, can be considered of the nature of a private claim. I think we had better vote upon the amendment upon its merits.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The amendment is clearly retrospective in its operation. It is for past services. In the opinion of the Chair it comes within the rule, and therefore is out of order.

Mr. RUSK. I appeal from the decision of the Chair. I take it to be demonstrable beyond question that this man is in office, and we propose to raise his salary. If any gentleman will read the bill he will find that there are half a dozen such cases in it, as it came from the House.

Mr. HUNTER. No doubt of that.

Mr. RUSK. There are appropriations in it for past services. This amendment is in effect to raise the salary of a public officer. That we have a right to do. We have a right certainly to make the increase of the salary retrospective. The amendment also proposes to pay for arrearages of salary to the officer. It seems to me most clearly that it is not within the rule.

The PRESIDING OFFICER. The question can be decided by submitting to the Senate whether they will receive the amendment.

The Senate decided to receive the amendment, and it was agreed to.

Mr. BELL. I move to amend the bill by inserting at the end of the appropriations for carrying on the public service, the following:

And the Commissioner of the General Land Office is hereby authorized to cause such surveys and resurveys to be made within the space of fifteen miles in width on each side of the Mobile and Ohio railroad, in the States of Alabama and Mississippi, and in all other districts, where the office of surveyor general has been abolished; and that for the length of the line of said railroad through the Chickasaw reservation, in said State of Mississippi, in lieu of alternate sections, for six miles in width through said reservation, an equal quantity may be selected within fifteen miles of the line of said road in the States of Mississippi and Alabama: *Provided*, That no land shall be granted to one State within the limits of the other, and that said land shall be received on the condition specified in the act of Congress approved September 23, 1850.

Mr. HUNTER. Is there any law or estimate for that? This I understand is an additional appropriation of land for a railroad.

Mr. BELL. The Senator is mistaken. It is not for an additional appropriation. It is not the amendment which I submitted to the Committee on Finance. I wanted that, because I found it would meet with opposition. The act of 1852, appropriating a portion of the public lands for the railroad from Cairo to Mobile, which is a contin-

uation of the Chicago and Mobile railroad, provided that an equal quantity of land in proportion to the length of the road, should be granted to the States of Mississippi and Alabama that had been granted by the same bill to the road between Chicago and Cairo. The object of the amendment is, to provide for a deficiency which happens on the line of that road running through the late Chickasaw nation. It does not appropriate an additional acre of land; but that portion of the road which runs through the Chickasaw nation has no public land on either side. The object of the amendment is to remedy that. The act of 1850 gives in express terms an equal quantity for the whole length of that road. I had intended to propose an amendment to extend it to Cairo; but on consulting with the chairman of the Committee on Finance, he thought it would give rise to great discussion, and I therefore thought it better not to present it. This is not to appropriate an additional quantity of land, but it is to take on the line of the road, which lies through Alabama and Mississippi, within the Chickasaw boundaries, a quantity equivalent to that which was granted, but which could not be taken on the ground that the United States owned no land in the Chickasaw nation. By the treaty by which that country was ceded to the United States, the proceeds of the lands belonging to the Chickasaw nation—and there is now but a remnant remaining—is to be applied to their use, and we have no right to touch an acre of them. Then the surveyor general's office is abolished, and one part of the provision in the amendment refers to that as the necessity for the surveys. I hope there will be no objection to it, as it does not appropriate an additional acre of land.

Mr. FELCH. I desire to make an inquiry in order to get accurate information on this point. This road, if I understand it, is already provided for by a grant of alternate sections of land?

Mr. BELL. Yes, sir.

Mr. FELCH. It passes over a portion of the land known as the Chickasaw reservation. Of course the United States have no control over, or title in that land, to apply it to our use.

Mr. BELL. They have not.

Mr. FELCH. Does the amendment propose to take a quantity of land elsewhere in the State, equivalent to what would have been given if there had been public lands on the railroad line, through that portion of the country?

Mr. BELL. It proposes to lay off other lands of Mississippi and Alabama.

Mr. FELCH. That subject was one to which the attention of the Committee on Public Lands was called, and they investigated it on some bills which have been referred to them, particularly one for a road in California. It will be found in several instances that the line of the proposed road—and this is one which was passed in 1850—will run across many portions of the country which for some reasons are not Government land. Therefore, we cannot give the land within the space of six miles on each side of the road. This, then, involves the general question, when we pass over lands of that description, which are Indian reservations, or which on account of grants from former Governments having jurisdiction over them, or for any other reason, the title to them is not in the United States, whether the bills ought to give land elsewhere. The understanding of the committee was that the bills which have been passed upon that subject, do not give such lands. The principle was urged in one case before the committee, but they thought it advisable for the present, at least, not to adopt it. I think the honorable Senator will find that the bill of 1850, instead of granting the quantity of land through the Chickasaw reservation, gives no land through that portion of the country. If I am correct, then, the grant now proposed to be made is a new grant, and, consequently, if the State is allowed to take land elsewhere for the quantity specified, it will not be as an equivalent for the other land, because it is not granted by the bill. I think I am correct.

Mr. BELL. I desire to correct the Senator. The act of 1850, in express terms, provides that the States shall take a quantity of land in proportion to the length of the road; and that they shall have the same quantity that was given to the State of Illinois. I at first proposed to extend the operation of the amendment to the mouth of the Ohio river, but I have waived that for the present.

The grant is given for the whole length of the road. The Senator from Michigan will observe that there was no reservation of that tract of country. The Chickasaw country through which the road runs was not excepted by the bill; nor was it pretended that any public lands were held by the Government, but the provisions of the act were that they should have a quantity in proportion to the whole length, equal to the quantity granted to the State of Illinois. I consider the proposition to be in exact conformity with the provisions of the act as to the quantity of land provided under the bill of 1852 appropriating public lands for the construction of this road. I think the Senator from Michigan is mistaken in supposing that it did not mean to grant an equal quantity of land for the whole length of the road.

Mr. GWIN. I think the honorable Senator from Tennessee did not state his case as strongly as it deserves to be stated. These Chickasaw lands are lands of the United States, but the proceeds, when sold, go, by the treaty, to the Chickasaws. The United States never gave up the ownership. The Choctaw lands also were sold, and a large portion reserved; and the only difference is, that by the treaty the proceeds of the Chickasaw lands are to be given to the Chickasaws. A portion of these lands have been ceded to the United States at a very recent period. In addition to that, the right to the route of this road through Alabama and Mississippi is a poor country, and I am perfectly confident that the donation of land asked by the amendment would add very little to the capital that has already been granted. I think there is great merit in the amendment, and that it ought to pass.

Mr. BORLAND. I would inquire of the Senator from Tennessee if it is competent for us to do anything of this sort? Are not all these lands specially reserved by the act?

Mr. BELL. There is no reservation, unless in the first part of the bill appropriating lands to the State of Illinois. I do not think, if this amendment were understood by the Senate, that there would be a moment's hesitation in passing it. The only interest I have in it is, that the road is expected, in time, to pass through the western part of Tennessee. There was expressly given, by the act of 1850, a quantity of land, from Mobile to Cairo, equivalent to the quantity of land given in the State of Illinois, in proportion to the whole length of the road. Now, a portion of this road, from Mobile to the southern boundary of the State of Tennessee, runs through the Chickasaw nation; and the honorable Senator from California is right in saying that we own the public land of that nation, but we have no right to appropriate it, because it is bound by treaty to be sold at public auction, and the proceeds to go to the Indians. Of course, we cannot appropriate it; and it is to supply that deficiency in the fund which was actually intended to be appropriated by the act of 1850, that we propose to authorize the Commissioner of the General Land Office to have a quantity laid off in Alabama and Mississippi, south of the Chickasaw boundary, equivalent to that to which they would have been entitled according to the terms of the act for the road passing through the Chickasaw nation. As we find that we cannot appropriate the Chickasaw land to this purpose, we ask its equivalent in Alabama and Mississippi. It is only widening the limits within which the survey shall take place.

Mr. FELCH. I have not before me the act to which reference is made, but as I understand the matter, it is this: The bills all grant the right of way through the public domain, and then grant alternate sections of the public domain on each side of the road. Then there is an express provision in all bills of this kind, that any and all land reserved to the United States, by any act of Congress, for the purpose of aiding in any object of internal improvement, or any purpose whatsoever, be reserved to the United States beyond the operation of the act, except so far as is necessary to give the right of way.

Mr. BELL. We do not propose to take anything from any reservation. Not at all.

Mr. FELCH. If I understand it, the proposition is founded upon this assumption: that the land has been granted, in the first place, by an act of Congress, and inasmuch as that land cannot be taken by law on account of its being reserved, the State is entitled to the same quantity of land else-

where as an equivalent. I have no particular hostility to this amendment, but I deem it my duty to call the attention of the Senate to the fact. My idea is, that there is nothing granted by the first bill for which an equivalent can be given; that the law, instead of giving land where it passes through a reservation, or through lands which have been disposed of—a township of land, for instance, which has been disposed of—does not apply, and the land cannot be taken; therefore, of course, if it is sold, there can be no equivalent given for it.

Mr. SHIELDS. In my opinion, my honorable friend from Tennessee is correct. The honorable chairman of the Committee on Public Lands forgets the language of the bill. I was a member of the committee at the time it was drawn up. There was no exception in regard to a reservation as far as I can recollect, except that which related to the canal lands in Illinois. All the other Government reservations were left open in the bill. If so, the principle stated by the Senator from Tennessee is correct; and for the lands which they have lost in consequence of the reservation, they should receive an equivalent.

Mr. DOUGLAS. The provision of the bill is, that a quantity of land equal to alternate sections for six miles on either side shall be granted. If there be a reservation, and they cannot get the land in alternate sections, still it does not diminish the quantity granted anywhere along the line. In that part of the road in Illinois, the quantity granted was about 27,000,000 acres. That is a quantity equal to alternate sections six miles on either side; but there were some parts of the road where the lands had been granted for other purposes, or had been disposed of. Still, when they could not get the lands there, they went lower down or higher up, and selected lands equal to the amount. The lands have thus been selected in that State; and now, when you come to Mississippi, the provisions of the bill are simply these: that for the extension of said road from the mouth of the Ohio to Mobile, a like quantity is granted, on the same terms, limitations, and restrictions as in Illinois. So when you find out what were the terms in Illinois, the same terms apply to Alabama; and as the Department have given the construction to that part of the road in Illinois which the Senator from Tennessee contends for, it is obligatory upon us to give the same construction in Alabama and Mississippi to carry out the spirit and intention of the act.

Mr. ADAMS. I will only add to what has been said by the Senator from Illinois, that there are certain obligations imposed upon the proprietors of the road for the benefit of the Government. They are compelled to transport munitions of war, and perform various other services for the Government, in consideration of the grant of public lands, and as that portion which passes through the Chickasaw nation is situated, as has been stated by the Senator from Tennessee, this is merely a proposition to appropriate the land elsewhere.

Mr. BRADBURY. If I understand this proposition, it is simply to make an addition to a certain appropriation of land made for railroad purposes. We have before us the civil and diplomatic bill, and if upon an appropriation bill of this kind we are to go into the consideration of all grants that have been made for railroads to supply deficiencies, it is perfectly obvious that we cannot get through with the bill this session. If there is any deficiency there is no pressing necessity to make it up now. The company can wait until another session of Congress; but it is important that we should act upon the appropriation bills. There is little or no time left this session for other bills. We have a question of privilege to be presented to-morrow, and we have been sitting from morning until nine o'clock to-day, to endeavor to get a vote upon this bill. If the amendment be adopted it is obvious that it must lead to others just as germane as it is. I think, therefore, we had better stop at once. I suggest to the Chair whether the amendment is in order.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The Senator from Maine raises a question of order as to whether the amendment is in order. The amendment proposes to appropriate lands. The Chair is under the impression that it is not in order, but will submit to the Senate to say whether they will receive it.

Mr. BELL. The amendment does not appro-



priate one acre of land. I will not make a question with the Chair, but I will state that in the bill as reported, there are appropriations for miscellaneous surveys to make up for irregularities in the surveys of land, and this is nothing more.

The Senate refused to receive the amendment.

Mr. SHIELDS. I am instructed by the Committee on the District of Columbia to offer several amendments to the bill, which I shall not debate. The first is to insert in the bill the following:

For grading and graveling Delaware avenue north of the Capitol, from B to D streets, at such grade as the corporation of Washington may adopt, and the President of the United States approve, setting the curb-stones at a distance of thirty-five feet from the building line, paving the foot-ways to the width of five feet next the curb-stones, and paving the gutters with stone, and laying flag-ways wherever necessary, \$5,000: *Provided*, That the owners of property lying along said avenue shall have the privilege, under such restrictions as the corporation of Washington may impose, of occupying and using as court-ways, a space not exceeding twenty feet from the building line of the avenue.

The amendment was agreed to.

Mr. SHIELDS. The next amendment is to insert the following:

For grading and graveling North Capitol street from B to E streets, at such grade as may be adopted by the corporation of Washington, and approved by the President, setting the curb-stone at a distance of thirty feet from the building line, paving with brick five feet next the curb-stone, and laying flag foot-ways wherever necessary, \$5,000.

The amendment was agreed to.

Mr. SHIELDS. The next amendment is to insert the following:

For grading and paving with round stones the carriage-way of Pennsylvania avenue from Seventeenth street west, to Rock Creek, setting the curb-stones on each side thereof at a distance of twenty-five feet from the building line, paving with brick five feet in width next the curb-stones and relaying flag-ways at the intersection of the cross streets, \$30,000.

The amendment was rejected.

Mr. SHIELDS. That was one of the most important amendments proposed. It is to improve Pennsylvania avenue, from the Departments to Rock Creek, near Georgetown. The Committee on the District of Columbia have recommended it, but I do not want to debate it. The next amendment is to insert the following:

For the survey under the direction of the Topographical Bureau, necessary to a correct estimate of the cost of constructing a canal basin at the terminus of the Chesapeake and Ohio canal, at Rock Creek, near Georgetown, District of Columbia, and of the estimate of said bureau, \$1,200.

The amendment was agreed to.

Mr. SHIELDS. I have another amendment to offer. It is to add—

Sec. —. *And be it further enacted*, That the sum of \$10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the necessary graduation and repair of the road leading from Maryland avenue, at the boundary of Washington city, to the boundary line of the District of Columbia, in the direction of Baltimore, in the State of Maryland, according to its original design: *Provided*, That all right, title, and interest which remain in the president, directors, and company of the Columbia turnpike road, under and by virtue of an act entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia," approved April 20, 1810, shall be extinguished so far as they affect said road, by legal proceedings or otherwise, to the satisfaction of the President of the United States, before any portion of such appropriation shall be expended for the purpose aforesaid.

Sec. —. *And be it further enacted*, That the sum of \$10,000 be, and the same is hereby, appropriated for the proper grading, graveling, and planting with trees, of the Maryland avenue, from Capitol square to the boundary of Washington city, where the said avenue connects with the turnpike road: *Provided*, That the graduation, regulation, construction, and repair of said avenue and road, the allowance for the same, and the economy and accountability for all expenditures under this act, be placed under the direction of an officer of the Corps of Topographical Engineers, to be designated by the Secretary of War.

The amendment was rejected.

Mr. JONES, of Iowa. I ask leave to offer the following amendment:

For defraying the expenses of surveying and marking the boundary line between the States of Missouri and Iowa, under the recent decision and order of the Supreme Court, \$11,042 68.

The amendment was not agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer sundry amendments to this bill, the first of which is to insert—

For outfit and salary of a Minister Resident at Frankfort-on-the-Main, \$12,000.

The Committee on Foreign Relations have instructed me to offer this amendment from a letter addressed to the chairman of the committee by the Secretary of State, on the 16th of August, 1852, in which he says:

"By direction of the President, I have the honor to state, that in consequence of the appointments of diplomatic agents now in contemplation, and deemed important to the public service, an appropriation will be needed for the following objects:

"For outfit and salary of a Minister Resident at Frankfort-on-the-Main, \$12,000."

I have taken some pains, since the receipt of this letter, to inform myself of the propriety, so far as I could judge, of opening diplomatic intercourse with the German Diet, which meets at Frankfort, as is known to Senators, and I have thought it a matter of public interest that it should be done. At Frankfort, where the Diet meets, all the principal courts of Europe, and most of the smaller courts, are now represented, and matters of great commercial interest are there determined and arranged, in which, I think, we should participate.

Mr. GWIN. I hope the amendment will not be adopted. We have appropriated for a large number of outfits. There is a new mission to be created just at the outgoing of an Administration, when in three months we meet again, and can act on this matter then if it should be found to be proper. I think we have already appropriated enough for outfits and for missions at the close of an Administration. This subject was before the Committee on Finance, and I do not believe a member of that Committee was in favor of it. I hope the proposition will not prevail.

Mr. CLARKE. I agree with the honorable Senator from California, in the wish that this appropriation may not be made. Why, the Government of the United States have tried this once. They had a Minister at Berlin, and he was commissioned to go down to Frankfort and undertake to find some German Government there. He went, and when he got there, he found that the whole substratum dropped away from under him. He was there as an Envoy Extraordinary and Minister Plenipotentiary of the United States, and no Government could be found near him. He lost his mission to Berlin thereby; and I do not know but that the last printing bill we passed provided for him.

Now, you have got a Minister to Berlin, you have got a *Chargé* in Austria; and I suppose a *Chargé* at Denmark, or will have one in a few weeks. Why, therefore, I ask, should a mission to Frankfort-on-the-Maine be created? What is there to call for it? If there is a German Diet to assemble there, the Minister at Berlin, who has very little to do, and who is a man of high talent and acquirement, can go, as Mr. Donelson went, to Frankfort, and he might as well go there as stay at Berlin. The object is simply to provide an outfit and salary for some favorite of this Administration, for the very purpose of drawing so much from the Treasury of the United States.

What great relations have we that can be effected by this mission to the German Diet? There is no Zoll-Verein to be discussed there. There are no other relations of Germany which affect us. I think we have had enough of them within the past few years. I do not believe such a mission is necessary. I do not believe it is proper that the United States, at this time, should make the appointment. If any great international question arose—if there were to be a Congress of Nations there, it might be well enough that the United States should be represented there. But a minister is to go to Frankfort-on-the-Maine and meet with certain delegates from certain German Principalities, who will be allowed to stay there until the Emperor of Austria, or the Emperor of Russia, or the King of Prussia, tells them to disperse, and then the whole substratum of this mission will have sunk to the ground at once. I think it is rather derogatory to the United States to be engaged in such a business. Under these circumstances, I hope the amendment will not be adopted.

Mr. PRATT. I consider Frankfort-on-the-Maine as a very important commercial point, and I think, perhaps, it would be as important as any point at which we could have a minister. I know it is a point in which the constituency which I represent are most deeply interested. The people of that region consume tobacco, which is made in my country, and our present commercial relations with them are very detrimental to our interests. We want a minister sent there that we may have some commercial treaty entered into with the Germanic Confederation, by which our products may be taken without the exorbitant tax which is now laid upon them. I do think that Frankfort-

on-the-Maine is as important a point for a mission as any which the bill embraces or may embrace.

The amendment was rejected.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer the following amendment:

"For compensation to Peter Parker, as acting *Chargé d'Affaires* at Canton, China, for two years from the 24th of May, 1850, to the 24th of May, 1852, which shall be in full for all demands for such services for the period named, \$4,000."

Mr. HUNTER. Is there any estimate for this?

Mr. MASON. I have here a letter from the Secretary of State in regard to the subject, which I will read, if desired.

Several Senators. It is not necessary.

The amendment was agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer another amendment, to come in after the one just adopted. It is to insert:

"For compensation to Theodore S. Fay, Secretary of Legation at Berlin, as acting *Chargé d'Affaires* at that place, at various times whilst the mission was vacant, between the 18th day of July, 1848, and the 10th day of December, 1851, by direction of the Department of State, the same being the difference in the salary of a Secretary of Legation, and a *Chargé d'Affaires*, and which, with the sum of \$685 54, appropriated by the act approved March 3d, 1851, shall be in full for all services to said 10th day of December, 1851, \$3,153 74."

Mr. HUNTER. Is not that a private claim?

Mr. MASON. He is now in office as Secretary of Legation to Berlin.

The amendment was agreed to.

Mr. MASON. I am further instructed by the Committee on Foreign Relations to offer another amendment, to come in after the one just adopted. It is to insert:

"For compensation to Buckingham Smith, late Secretary of Legation to Mexico, as acting *Chargé d'Affaires* in Mexico, during the absence of the minister of the United States from that country, from the 20th of January, 1851, to the 8th of October in the same year, being eight months and thirteen days, \$1,700 93, which shall be in full of all demands for such service for the period named."

It is proper that I should say, as the chairman of the Committee on Finance has made the inquiry in reference to other amendments, that Mr. Buckingham Smith is not now in office, but I do not consider that the amendment is prohibited by the rule. It is to extend to this gentleman the same pay which has always been extended to a Secretary of Legation who has been placed as *Chargé d'Affaires*, *ad interim*, by the Department, and who has incurred the expenses of the station.

The amendment was agreed to.

Mr. MASON. I am instructed by the same committee to offer an additional amendment, to come in after the one last adopted. It is to insert:

"For compensation to Charles D. Arfardson, Consul of the United States at Stockholm, Sweden, for diplomatic services, rendered as *Chargé d'Affaires* at that place, by instruction of the Secretary of State, from the recall of Mr. Ellsworth to the arrival of Mr. Schröder, appointed *Chargé*, from 24th July, 1849, to the 24th day of April, 1850, a period of eight months and twenty-nine days, being one half of the salary of a *Chargé d'Affaires*, and in full for all such services for the period named, \$1,681 25."

I wish merely to say to the Senate that this is a different class of cases from those which have just been adopted. Here is a case of a consul who, by instruction of the Department, took charge of the legation, in the absence of the *Chargé d'Affaires*, and to whom the committee has allowed, not the full pay, but one half the pay of a *Chargé*. The reason for adopting that principle by the committee, was this: We pay a Secretary of Legation the salary of a *Chargé d'Affaires* when he performs these duties *ad interim*; and it is done always by deducting from it his salary as Secretary of the Legation. But it is different in the case of a Consul who has no salary; and we have thought that it would be right to consider that his emoluments as Consul, whatever they were, should be set off against the salary of a Secretary of Legation, and we propose, therefore, to pay him one half of the salary of a *Chargé*.

The amendment was agreed to.

Mr. MASON. I am also instructed by the same committee to offer another amendment, to come in after the one last adopted:

"That the Secretary of the Treasury cause the accounts of Joseph Balestier, late special agent of the United States in Asia, to be settled in such manner as to allow to him his traveling and other necessary expenses incurred in returning

to the United States, after receipt of notice of the termination of his mission; and that his salary as special agent be also allowed, from the time when it was discontinued, until a reasonable time after his return, not exceeding six months—to be paid out of any money in the Treasury not otherwise appropriated.”

The Committee on Foreign Relations made a report, accompanied by a bill to pay this money to Mr. Balestier, who was a special agent sent abroad by a former Secretary of State; and in their report, they stated the reasons for the favorable consideration of the demand. I will read it to the Senate. The committee report:

“That the petitioner, having resided for many years at Singapore, in the East Indies, as consul of the United States, returned home in the year 1849, and tendered a resignation of his office, on the ground that its emoluments were not adequate to the expenses it involved.

“Whilst thus in communication with the Department of State, it was determined by the President to send a special agent to the East Indies, and to various parts of southern Asia, for purposes fully set forth in a letter from the Secretary of State to Mr. Balestier, dated August 16, 1849, accompanying the petition, and the latter gentleman was selected for that service.

“The peculiar qualifications of Mr. Balestier for these duties, resulting from an intimate acquaintance with the countries he was to visit, and the fidelity and ability with which he had served the Government whilst consul at Singapore, are fully admitted in the correspondence of the Department; and it would appear that Mr. Balestier was induced to accept this new service upon a representation that it would be recommended to Congress to place the consulate at Singapore on such footing, in regard to salary, as would enable him to remain there as consul when his special mission should be ended.

“By his letter of appointment, above referred to, Mr. Balestier was to be paid at the rate of \$4,500 per annum whilst so employed, and in addition his ‘travelling and other necessary expenses’ were to be allowed him.

“Whilst on this special mission the agent was to be conveyed to the various points indicated in his letter of instructions in some of the public vessels in those seas.

“It appears further from the correspondence of the Department that, after concluding a convention of ‘friendship and trade’ with the Sultan of Borneo, Mr. Balestier was landed in China from the Plymouth, under an arrangement with Commodore Voorhees that after replenishing his supplies he would again put to sea with him, with a view to the completion of his mission. But before being ready to do so, that ship was unexpectedly recalled home.

“By letter of May 16, 1850, Mr. Balestier was informed by the Department of State, (the Plymouth having returned home,) that the steamer Jamestown would be ordered to receive him on board, and to proceed with him to the completion of his mission; and whilst waiting at Batavia her arrival, he received a letter from the Department terminating his mission, and informing him that his salary would cease after a reasonable time (fixed by the letter at little more than sixty days) allowed for the dispatch to reach him.

“Thus his salary was made to cease on the 20th April, 1851, and he claims that it should be paid him from that date until his arrival in the United States, together with his travelling expenses home.

“It appears to the committee that, although at the time of Mr. Balestier’s departure on this special mission, it was intended that at its close he should remain at Singapore and resume his duties as consul, yet that such intention was based upon the expectation, on both sides, that the consulate would in the mean time be made a salaried office. Such not being done, he returned home as specially as circumstances would admit.

“The committee are satisfied that all the duties required of the agent were discharged by him with zeal and fidelity, and entirely to the satisfaction of the Government; and they recommend, therefore, that he be allowed the continuance of his salary as claimed, and his travelling expenses back to the United States, and report a bill accordingly.”

The amendment was agreed to.

Mr. MASON. I have gone through with the amendments which I had to offer by the direction of the Committee on Foreign Relations, and I now, of myself, offer the following amendment to the bill:

Sec. —. And be it further enacted, That it shall be lawful for the Secretary of the Treasury, at any time after the 1st day of January next, to issue to the State of Texas such portion of the stock mentioned in the first proviso of the fifth article of the third section of the act entitled “An act ‘proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico,’ approved September 9th, 1850, as shall be equivalent in amount to the releases of the claims of the creditors of Texas against the United States which shall be then filed at the Treasury as in said article is provided; and in like manner from month to month to issue the said stock equivalent to such like releases as may be thereafter filed, until the whole amount of the five millions of dollars reserved by said article is exhausted.

Mr. GWIN. I wish to make an appeal to the Senator from Virginia not to press that amendment. It will lead to hours of discussion. It is one of the most complicated questions that can be presented to Congress. It is well known that the Senator from Maryland [Mr. PEARCE] has reported from the Finance Committee a bill, accompanied by an elaborate report, which bill is entirely different in its provisions from this proposition;

and it will lead necessarily to a very prolonged discussion. I hope, therefore, that the Senator will not press the proposition at this late period of the session.

Mr. MASON. I have no disposition in the world to get up a discussion; but I can state in three minutes what will be the effect of the amendment, and the Senate can then determine upon the propriety of adopting it. By the law of 1850, adjusting the boundaries of Texas, the United States agreed to pay to that State the sum of \$10,000,000, by an issue of five per cent. stock, redeemable in fourteen years; \$5,000,000 of that stock were to be paid to Texas on her accepting the terms of the law; the remaining \$5,000,000 were to be reserved at the Treasury under the following proviso:

“Provided, That no more than five millions of said stock shall be issued until the creditors of the State holding bonds and other certificates of the stock of Texas, for which duties on imports were specially pledged, shall first file at the Treasury of the United States releases of all claim against the United States for and on account of said bonds and certificates in such form as shall be prescribed by the Secretary of the Treasury, and approved by the President of the United States.”

Some two or three months since I presented a petition on behalf of two ladies, one of them a constituent, which was referred to the Committee on Finance, setting forth that as this law was construed at the Treasury, the Secretary of the Treasury considered himself prohibited from issuing any portion of that stock until every creditor of Texas of the class described in the proviso had released the United States; and thus it was stated in the petition, that the petitioners, holding an amount of that stock which made it a matter of moment to them to receive the money, never could be paid out of those five millions until every creditor of Texas of that class should file releases.

In considering the subject, I did not see any reason, so far as the United States was concerned, why they should not authorize the Secretary of the Treasury to issue that stock as fast as the releases came in. I am perfectly aware that the State of Texas, since the passage of the law of 1850, has passed an act determining how she will pay her debt.

Mr. RUSK. It was before the passage of the law.

Mr. MASON. I am told, and I have no doubt correctly, that the State of Texas, before the passage of the act, passed a law determining in what proportion she would pay that debt; in other words, that it should be scaled at prescribed rates. I have not felt myself at liberty to enter into the consideration of the subject how Texas proposes to pay the debt. Whatever my opinions may be, they are not to be expressed here. She is to determine for herself, upon her own ideas of propriety, what to do with her creditors. I have nothing to do with that subject. My object alone is to say, that I do not believe the interests of the United States, which I am here to represent, will be affected by authorizing the stock to be issued as fast as the releases come in; and that is the whole object of the amendment.

Mr. GWIN. I do not intend to go into the merits of this question at all. I merely wish to call the attention of the Senate to this fact, that the proposition now made by the Senator from Virginia has been rejected by the Finance Committee. The memorial to which he alludes was referred to that committee, and they have reported against it. The Committee on Finance have brought forward another proposition—one of great importance, and it will lead to a great deal of discussion. I do not pretend to go into the merits of the question; all I ask is that we should go on with this bill. Many of us have amendments to propose which will not lead to discussion; and it is the interest of almost every Senator that we should not introduce into the bill any question of so great importance as this, and one which will consume so much time.

Mr. BRIGHT. If it be the pleasure of the Senator to consider this subject upon the civil and diplomatic bill, I think I hazard nothing in saying that we shall not get through to-night. It involves the expenditure of an immense amount of money, it is vastly interesting to a great number of persons.

Several SENATORS. Let us take the vote.

Mr. BRIGHT. If it is the pleasure of the Senate not to entertain the proposition, I will not consume time. I am prepared to go on.

Mr. CLEMENS. I beg to suggest that we had better pass over this amendment informally. If it be pressed to a vote to-night, it must be discussed. So far as I am concerned, I am interested in this matter, on account of my own State. My State is one of the creditors of Texas. We are willing to trust Texas. We believe that Texas will pay us; at all events, we are willing to trust her. But if this subject is to be gone into now, I know it must be discussed, and we cannot get through with the bill; and if it is intended to insist upon the consideration of this amendment, I shall move an adjournment.

Mr. BRIGHT. The Committee on Finance had before them the petition referred to by the honorable Senator from Virginia—the petition of Mrs. Bonnycastle, who asks the repeal of this proviso. It was considered at length; and the prayer of the petitioner was overruled; and the committee, I believe, were unanimous, with the exception of the honorable Senator from Virginia, [Mr. HUNTER,] in favor of the bill reported by the honorable Senator from Maryland, which proposes an entirely different plan from that suggested by the honorable Senator from Virginia, [Mr. MASON.] It was well understood this morning, by the Committee on Finance, that if either the proposition now submitted by the Senator from Virginia, or the bill reported by the Senator from Maryland, was offered as an amendment to the civil and diplomatic bill, it would exhaust the residue of the session; and the committee came to the conclusion to resist any proposition to place either one of them on the bill.

Several SENATORS. That is right.

Mr. BRIGHT. If that be the pleasure of the Senate, we need not waste time in discussing the subject. And for the purpose of testing that question, I submit to the Chair to decide whether the amendment is in order under our rules.

Mr. MASON. There is an existing appropriation of \$5,000,000, but the money, according to the original law, was not to be expended until certain conditions as to the filing of releases were complied with. The purpose of my amendment is to repeal that proviso, and direct the mode in which an existing appropriation shall be expended. I submit, therefore, to the Chair that it is perfectly in order.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) A question is raised whether or not the amendment is in order. The 30th rule of the Senate is the only one which relates to questions of order on general appropriation bills; and it excludes amendments which propose “additional appropriations” out of the public Treasury, except in certain cases. This amendment, the Chair understands, proposes to make no appropriation; it is, therefore, in his opinion, without going into any further reasoning, clearly an amendment that is not excluded by the rule, and which it is competent for the Senate to entertain.

Mr. HOUSTON. Mr. President, so far as the State of Texas is concerned, and so far as I represent it, I have, on this occasion, to express my sincere regret that the subject has not met with the earlier attention of the Committee on Finance, and that it has not been earlier submitted to the Senate for its action. For some reason it has not been presented in any shape, until the present moment. If the Senate were to act upon it, and to adopt the measure now proposed, I believe it would not only benefit the creditors of Texas, but it would obtain all the ends of justice that they can ever expect or that Texas can ever accord to them, which will, I think, be complete. I have only risen to express the sincere desire that the amendment may meet with the favorable consideration of the Senate, and be at once adopted. If it leads to discussion, we have no time further to consider it without interfering with important business; and I shall submit to the decision of the Senate. Whether they will act upon it or not, Texas will take care of herself, and her creditors, too, if she can.

Mr. PEARCE. Mr. President, if the State of Texas and her creditors were the only parties concerned, I should not be inclined to offer the least opposition to the amendment of the Senator from Virginia. But the Senate must all know that the United States are concerned—directly concerned; that it was the supposed liability of the United States, which induced us to make that provision in the bill of 1850, by which five of the ten millions of stock, which the bill proposed to

grant to Texas, were reserved and retained in the Treasury, until releases should be filed by the creditors of Texas of a certain class. That class of creditors, as the Senate will remember, were those who held bonds for which the revenues of Texas, arising from imports, had been pledged. It had been alleged here, that the United States were liable for the bonds for which these revenues were so pledged. Even during the discussion of the annexation of Texas, I well recollect that the honorable Senator from Massachusetts [Mr. Davis,] in the course of a speech which he made on that occasion, produced one of the revenue bonds of Texas, held it up, showed it to the Senate of the United States, and urged it as an argument against annexation, that we should be inevitably obliged, at some future day, to pay that class of debts, at all events. That was one of the considerations which induced the Congress of the United States to agree to give to Texas, by the bill of 1850, the large sum of \$10,000,000. It was held that the United States were liable—at all events such was the opinion of a great many persons, and probably of a majority of Congress—because, if the United States upon the annexation of Texas took possession of the funds which were pledged by that Republic to one class of her creditors, they must take those funds *cum onere*; they could not be diverted from the purpose to which they had been pledged by the Government of Texas; and when they were received into the Treasury of the United States, the United States having so diverted them became liable, at least in some degree, to the parties to whom those bonds were pledged.

Well, sir, that being the case, the United States, having that view, reserved the five millions, and declared that they should not be paid over to Texas until the creditors filed their releases. It is manifest, when we come to consider this proposition, that we are considering that which does not concern Texas and her creditors alone, but which concerns the Treasury of the United States. Texas has passed a law proposing the liquidation of her debt, and has classed her creditors variously.

I have not yet ascertained the exact amount of those claims for which her revenues from customs were specially pledged by that name, or generally as revenues, or as being made receivable in payment of public dues. The Secretary of the Treasury, in the opinion which he has filed on this case, has stated that he supposes that the class of claims which came under that description, are not to be confined to those claims for which the revenues from customs were pledged on the face of the bonds, but that other classes, also, are equally pledged, though in a different form. For example, some of these obligations of Texas are made receivable for all public dues. If they are receivable for all public dues, they are receivable in payment of *duties on imports*; and if so, duties on imports, be may considered as pledged for their payment. Texas, by the act of their Congress, though it does not appear on the face of many of her obligations, pledged all her revenues for the payment of those obligations prior to January, 1840. Of course, a pledge of revenue from all sources, included a pledge of revenue from customs, just as effectually as if that source of revenue was specially named; since otherwise a general pledge of the revenues would be a pledge of no particular item of revenue at all. These are classes of which we were not aware at the time we passed the act of 1850. These classes amount to a much larger sum than the five millions reserved, and hence it is that the United States become interested; for these different classes of claimants amounting to more than the five millions, it follows, that if we allow these claims to be admitted by payment to one portion of the creditors, still we would remain liable to another portion, and so we should not escape that which it was our purpose to avoid when we made the reservation.

Texas has scaled her debts—that is, she proposes to liquidate them by paying some creditors the par value, as we call it, or the ostensible value, as they call it, at the treasury of Texas; others she proposes to pay at the rate of seventy cents on the dollar; another class at fifty cents, and another, I think, at twenty cents on the dollar. With regard to some of these claims, Texas alleges that she received only so much as she is now willing to pay—that those who took her obligations bought them under par, or advanced less than their nominal amount. Then again, in regard to some

classes, it is impossible to ascertain what the different creditors have advanced on those bonds—some having given more, and others less. These Texas has averaged. This proceeding is not satisfactory to those who have been scaled at the low rate; and they, naturally enough, are disposed to hold, not Texas only, but the United States liable for the whole amount of what is due upon the face of the bonds. They say—and it is very difficult to deny it—that, at the period when they took those obligations, the affairs of Texas were in a very critical, if not almost desperate, state; that the reduced rates at which they paid for their bonds was but fair, when you consider the risk they run; and they say that they are entitled to all, now that Texas has got out of her difficulties, and especially as the United States have in some measure acknowledged their liability for them. And then, as it has not been the practice of the Government of the United States to scale her debts—to refuse to pay her liabilities in full—it is difficult for us to say that we will sanction any proceeding by which payment for one portion of these debts at one rate should be paid at the Treasury, at a rate which will leave a remainder of the five millions insufficient to pay the other creditors at the same rate.

I wish to say that I trust these remarks will not be considered offensive to Texas. It is impossible to avoid speaking of the effect of the scaling act; but neither in the report of the Committee on Finance, nor in any remarks which I may make, is there any desire to cast any reproach upon that State. On the contrary, I have endeavored to avoid any expression which might justly cause irritation.

I suppose that if you adopt this proposition of the Senator from Virginia, the consequence would be, that something like \$1,800,000 would be paid out of the Treasury of the United States in favor of the claimants, scaled at the high rate, and they most probably would be satisfied; but those scaled at the low rates would be utterly dissatisfied; and they would hereafter be calling on the Treasury, and calling, until at last, I have no doubt, we should yield to their demands, and exhaust not only the whole amount of the \$5,000,000 left, after the \$1,800,000 were paid, but even \$6,000,000 or \$7,000,000—to which, with the accumulated interest, in the course of a few years, the remainder of the debt would amount. If we adopt this amendment, the amount remaining of the \$5,000,000 will not more than one half satisfy these demands.

Now, will the United States, under these circumstances, give their sanction to a proposition by which one class of creditors, having quite an equal claim upon them as the other class, shall be paid at the Treasury out of this reserved fund, at the larger rate at which their claims were scaled, and leave the others to receive the reduced rate at which they were scaled, or wait an indefinite series of years, besieging us all the time for the full rate which they say they have the right to demand, and which, according to our usage, we have not a right to deny? If we are not prepared to say that we will discriminate between the classes who have equal claims against the United States, we must reject this amendment.

The Committee on Finance have, through me, submitted a proposition which we believe will be satisfactory to all the creditors of Texas. That proposition is to appropriate eight millions three hundred and thirty-three thousand dollars (\$8,333,000) in bonds bearing an interest of three per cent., to be divided equally among all the claimants according to their claims. I do not propose now to vindicate that bill, but I shall be prepared to do so whenever it comes up properly. We hope that it will prove satisfactory to Texas, as we are sure it will be to the creditors. But while that is pending, it seems to me that we can scarcely, without entering into its consideration, undertake to dispose favorably of this proposition of the Senator from Virginia. I will not pursue the debate further. I have stated these considerations in order to show the difficulties in the way of the adoption of the proposition of the Senator from Virginia.

Mr. HUNTER. I do not propose to discuss this amendment at all. I should be in favor of it, if it could be voted on without debate; but I am not disposed to risk the appropriation bills by a long debate on this subject; and how I shall vote

on the amendment will depend on circumstances. I reserve my vote for the occasion. If the vote could be taken without debate, I should certainly go for the amendment of my colleague; for I think it a better proposition than the one which has been reported from the Finance Committee. I should not have risen now, but I might seem to have been committed by the remarks of the Senator from Indiana, in relation to that matter. It was my desire that this bill should not be encumbered with either proposition. If there were time to consider it, I believe it would be the duty of the Senate to take up the proposition of my colleague, and contrast that with the one reported by the Committee on Finance, and calmly and carefully to consider them both. I prefer that of my colleague.

Mr. HOUSTON. Mr. President, without the reservation having been made in the law of 1850, I should never have supposed for one moment that the Government of the United States were liable for any portion of the debt of Texas. Nor do I believe that by any but an open declaration of theirs can they ever assume the responsibility of her debts. It would have been proper to have ascertained from Texas what was the actual amount of debt for which the revenue arising from imports was pledged. That revenue was especially pledged by Texas for the redemption of loans and for nothing else. It was not pledged as to any issues. Texas has not repudiated any of her liabilities. She has arranged that by her municipal regulations. She had a right to do that. She made several pledges of her revenue for different issues. But she made no special grant or pledge of the revenue arising from imports except for the redemption of her loans. She might appropriate that especially, and she might receive in consideration of the duties what she pleased; and it would not affect the character of the pledges given. She is competent to regulate her own matters, and she will reserve that power let the United States take what action they please.

All that I have to say on this question is, that I regret extremely, that after a session of eight months, this is brought in as a subject of discussion before the Senate within the last nights of the session. Texas would have been prepared, and her representatives in the Senate would have been prepared, to have taken the part which behooved them. We do not want to interfere with the United States. We wish only to maintain the fair construction of the laws of Texas, and her liabilities to her creditors.

Mr. BAYARD. Mr. President, I shall certainly vote against this amendment as now proposed; and I shall vote against it, because I think there is no time for a discussion of the principles involved in it, and the relative importance of the two propositions—this and the one reported by the Finance Committee. Now, you have two distinct propositions involving a variety of questions. I have not had time to examine the subject, because the report of the committee was only laid on our desks within the last four or five days. But there is enough known to me to satisfy me, that there is a serious question to be determined. Is this the proper time to do it? Ought this bill to be interfered with? Further; ought you to treat the opinion of the majority of the committee, to whom you referred this matter, and who have made a report adverse to the proposition now under consideration, with so much disrespect as to pass it without full discussion and debate? In my opinion, as this amendment now comes before the Senate, and without reflecting upon its merits, I shall vote against it, because I have no time to consider it; nor do I think the bill ought to be embarrassed by bringing the question now before the Senate.

Mr. BUTLER. Mr. President, I have not now time to say what I would wish to say upon this subject, but I will say one thing pretty decidedly, that I think Texas ought to be the administrator of her own affairs; and when the United States undertook to supervise and correct her and assume for Texas a responsibility which she is not disposed to assume for herself, it is the climax of Federal assumption.

Sir, some gentlemen say there is not time to consider this subject; others say if there were time, it ought not to be considered one way or the other; but I choose to say that there is time enough to consider this in any point of view in which I believe the subject ought to be considered,



and that is, to allow those who may be willing to receive their money according to the scale of Texas, to come in, file their releases, and receive their money. What objection is there to that? That is the object of the amendment of my honorable friend from Virginia.

There is now an injunction upon that; and upon what ground? That by delaying this subject, and managing, perhaps, upon a very high consideration of political morality—no speculation, of course; I suppose speculation has nothing to do with this subject—the Federal Government is to rebuke Texas by saying to her, "You have not scaled your debt correctly, and we will assume to honor a draft which you do not choose to pay, on the ground that you have disgraced yourselves." That is the amount of it. We have said to Texas, "Say what you owe, and we will pay it; and to save ourselves from any further liability hereafter, we will give you \$5,000,000 positively, and \$5,000,000 on certain conditions, that your creditors file releases." Well, all do not come in. Here are women and children absolutely perishing because they have not liberty to come in and take their money; and then, from a high morality—political morality, of course—the United States tells Texas, "You have disgraced yourselves by the manner in which you have scaled your debts; we will save you from disgrace by assuming the debt; we will accept the draft which you have dishonored." I do not stand here to be the guardian of Texas; not at all. But one thing is very certain; and I leave the proposition to the public to say whether there is more political morality or speculation in it.

Mr. PRATT. Mr. President, if I admitted the obligation supposed to exist by the Senator from South Carolina, I should, of course, agree with him in opinion; but I do not think the obligations of Texas have anything to do with the question presented by this amendment. The simple question for us to consider is, whether the Government of the United States is bound for all these debts. The Senator makes light of the proposition. I know him to be a good lawyer, and I venture to say now that he cannot answer the argument which so humble an individual as myself may make on the subject.

Mr. President, I do not propose to say anything as to the honor of Texas. The question here is, whether the United States are liable for these debts or not? If the United States be answerable for them, then it is the honor of the United States, not the honor of Texas, that we are to consider. Now, I assume, as a legal proposition, which my honorable friend from South Carolina cannot deny, that whenever any State becomes, by compact, amalgamated with another, the State into which the sovereignty is merged is liable for all the obligations of the government thus united with it.

My constituents are deeply interested in this question. I do not intend to say aught against Texas. I am speaking of the obligation of the United States to pay my constituents the debt which I believe is now due from this Government to them.

Texas was a sovereign State; the United States cannot deny that proposition; it must be conceded by us, at least, that Texas was a sovereign State. She has yielded that sovereignty to the United States. What, permit me to ask, was pledged for the payment of her debts? I differ here somewhat from my honorable colleague. I say that the national faith of Texas, her faith as an independent nation, was pledged. She has ceased to exist as a nation. The United States now possess that former sovereignty, which was originally pledged by Texas for the payment of these debts. Now, I say that it is a proposition of national law; running down from the first elementary works to the latest writer on the subject, that where that case exists, where the sovereignty of one State has been merged in that of another, that the State into which it is merged is liable for all the obligations of the other. I hold before me Rutherford's Institutes, who, speaking of the effect of the union by compact of two States into one, says:

"Since both States thus continue in this united body, and neither of them ceases to exist, the rights and the obligations of both will remain, and will become the rights and obligations of the united body; that is, whatever rights belonged to each State separately before they were united, will afterwards be the rights of the collective State; and the same obligations that each State was under separately before, the collective State will be under afterwards."

You will find in all the elementary works, this proposition broadly laid down, and it is, I submit, a proposition right in itself. Texas was entitled to enter into these obligations. She was a nation, existing in the eyes of the civilized world as a nation, when she entered into these obligations.

Mr. BAYARD. Allow me to ask the honorable Senator from Maryland whether he argues that the entire nationality of Texas was all amalgamated into the United States? Did her entire sovereignty pass to the United States? I say the entire nationality of the nation amalgamated with another, must be destroyed, before the nation into which it is amalgamated is liable for the debts of the other.

Mr. PRATT. The Senator says that the entire nationality must be destroyed. Now, I say the entire nationality of Texas was destroyed. I do not mean to say that she is not a State equal to any in this Union. I am proud to consider her as a sister State, equal to any other State in the Union. But I say that Texas has surrendered the entire nationality which was pledged for the payment of these debts.

The proposition of my honorable colleague is, that the United States are bound for that class of debts for which she had pledged her revenue from imposts, and which were, of course, expressly ceded to this Union by her becoming a member of it. No one can doubt that proposition. My honorable friend from South Carolina says there is nothing in it, but he adduced no argument to show it.

Mr. BUTLER. I had not time to do so.

Mr. PRATT. Nor could you, if you had time; nor can any man living refute the proposition, that so far as the obligations of Texas were secured by her revenues from imposts which have been surrendered to this Union, our Government having taken those revenues, took them *cum onere*, and are bound for the debts for which Texas pledged them. But I go further, and I say that, in reference to all the debts of Texas for which the national faith was pledged, we, having assumed the nationality which was pledged for their payment, assumed the debt.

My honorable friend from Delaware has asked me whether Texas surrendered her nationality, her entire revenue, and ability to pay, which as a nation she possessed antecedently to her annexation to this Union? Well, I say that she has ceased to exist as a nation.

Mr. BAYARD. She possesses a *quasi* sovereignty.

Mr. PRATT. We have peculiar institutions. The sovereignty which she possesses is a *quasi* sovereignty; but the sovereignty which she had pledged for the payment of these debts was an absolute sovereignty, and has been surrendered. She entered into these debts as a nation. As a nation she has ceased to exist; and she is now a member of this Union, possessing, as my friend says, a *quasi* sovereignty; but not possessing the sovereignty which was pledged for the payment of those debts. It is sufficient, however, for the purpose of this argument, to show, what cannot be successfully denied by any one, that the class of debts embraced by the amendment were secured by an express pledge of revenues of Texas which have been surrendered to the United States. In regard, therefore, to the class of debts affected by the amendment under consideration, Texas has surrendered to the United States the revenues which she had pledged for their payment; and in regard to them the Senators from South Carolina and Delaware must admit that Texas has ceased to be sovereign; and by the admission necessarily inferred from their argument, we (the United States) are answerable for them, the thing, the revenue, pledged by Texas for their payment, now belonging to the United States, and she receiving the money arising from it. This proposition, therefore, with due submission to the judgment of others, I say cannot be successfully denied with reference to that class of debts intended to be embraced by this amendment, because, by assuming the means which Texas pledged for their payment, the United States with them necessarily assumed the payment of the debt for which those means were pledged.

I certainly, sir, did not expect to be called upon to enter into an argument on this subject. I agree with those who think we have not time to consider it; and I am informed by my honorable friend from

Indiana, that, if this subject is to be considered, he intends to offer, as an amendment to the amendment, the bill proposed by my colleague. Now, sir, for the purpose of testing whether the Senate will consider the amendment or not, I move to lay the amendment on the table.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) The honorable Senator perhaps is not aware that that motion carries the bill with it.

Mr. PRATT. Then I withdraw the motion.

Mr. WALKER. I move that the Senate do now adjourn.

Mr. BORLAND called for the yeas and nays, and they were ordered, and being taken, resulted—yeas 22, nays 18; as follows:

YEAS—Messrs. Bright, Brooke, Butler, Chase, Clarke, Clemens, Davis, De Saussure, Hamlin, Meriwether, Miller, Morton, Pearce, Pratt, Shields, Smith, Soule, Spruance, Stockton, Underwood, Wade, and Walker—22.

NAYS—Messrs. Atchison, Badger, Bayard, Borland, Bradbury, Brodhead, Charlton, Dodge of Iowa, Douglas, Fish, Houston, Hunter, James, Jones of Iowa, Mallory, Mason, Rusk, and Weller—18.

So the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 27, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is reports from the Committee on the Post Office and Post Roads.

Mr. MILLSON. Mr. Speaker, I rise to a privileged question.

Mr. OLDS. I ask the consent of the House to report a bill. I will not occupy five minutes' time.

Mr. MILLSON. That can be done after the morning hour. I rise to a privileged question. I wish to call up the motion to reconsider the vote by which the House some time ago referred to the Committee of the Whole on the state of the Union House bill No. 273, making further appropriation for the satisfaction of Virginia military land warrants.

Mr. PENN. I insist upon my right to the floor for the purpose of reporting from the Committee on the Post Office and Post Roads.

JUDGE JOHN C. WATROUS.

The SPEAKER. Before the gentleman proceeds, the Chair would like to have the indulgence of the House to present a memorial from Judge John C. Watrous. That gentleman has addressed a letter to the House, which he asks may be read and referred to the Committee on the Judiciary. The letter is very short.

There was no objection, and the letter was read as follows:

WASHINGTON, August 27, 1852.

To the Honorable LINN BOYD, Speaker of the House of Representatives of the United States—

SIR: About the commencement of the present session of Congress, a memorial was presented, signed by a certain William Alexander, of Galveston, Texas, praying for an investigation into my conduct as Federal judge of the district court of that State. It was referred to the Committee on the Judiciary of the House, and a thorough examination of the charges has been prosecuted by the committee. I understand that committee is prepared to report on the subject, and I feel the deepest interest in the earliest practicable report. Cases of much importance, both civil and criminal, are depending in the Federal district court of Texas for trial; but in the present state of the investigation of my conduct, I do not feel justified in acting in these cases. If I am guilty of any of the charges preferred against me, I ought not to sit on the bench, and would feel it incumbent on me to decline to serve. I feel persuaded that the House of Representatives will afford the committee an opportunity to report, both in justice to the people of Texas as well as to myself. Assailed and calumniated as I have been, I respectfully appeal to the House of Representatives for that justice, which I look for to no other source.

Respectfully, your obedient servant,

JOHN C. WATROUS.

The question now being upon the motion to refer to the Committee on the Judiciary,

Mr. SCURRY said: I wish to say a word in relation to this matter. During this controversy I have abstained, as far as a man could well do, from taking any part in the investigation into the conduct of this man before the Committee on the Judiciary. I know the fact well, that in my own district, nineteen out of every twenty of my constituents are opposed to him, and knowing that fact, it places me in a situation which is very embarrassing. Now, sir, for my seat upon this floor, or for any considerations whatever, I would

not do injustice to a man whom popular opinion was pressing to the ground. I therefore, in accordance with his request, and that justice may be done him, move that the Committee on the Judiciary have leave to report at any time upon this case.

Mr. VENABLE. As a member of the Committee on the Judiciary, to whom this case was referred, I ask permission to make a single remark.

The memorial, which was presented and referred to this House early in the present session of Congress in relation to Judge Watrous, has been considered by that committee. A number of witnesses from the State of Texas have been examined, and the mass of evidence is very voluminous. The examination has been very recently closed. The Committee on the Judiciary referred the papers to me for the purpose of making a report, but I have not had the time or opportunity to make out such a report as I am willing or the committee would be willing to present to this House; nor would it be possible in the few remaining days of the session to analyze the testimony, and investigate the subject, if the committee were to report. While the committee are desirous to do justice to all parties, they are equally desirous that injustice should be done to none; and if the House should agree to the motion permitting us to report at any time, I will say to the parties concerned—and I believe I express the opinion of the members of the committee with whom I am associated—that it will not be possible to make a report upon this subject before the next session.

The question was taken, and the motion that the Committee on the Judiciary have leave to report upon this subject, at their option, was agreed to.

Mr. MILLSON. I now call up my privileged motion.

Mr. STANTON, of Ohio. I rise to a privileged question. I desire to make a personal explanation. I will not occupy one minute.

The SPEAKER. The gentleman from Virginia [Mr. MILLSON] being upon the floor, the gentleman from Ohio cannot proceed except by unanimous consent.

Mr. MILLSON. I must decline to yield to any one. This is the only day upon which I can accomplish my object.

Mr. STANTON. I had supposed a member had the right to make such explanation at any time.

The SPEAKER. By unanimous consent alone are such explanations allowed. It is generally accorded, but cannot be regarded as a matter of privilege.

#### VIRGINIA MILITARY LAND WARRANTS.

Mr. MILLSON. The House will recollect that some time in the month of June, the Committee on Public Lands reported the bill which I now ask the House to take up. My friend from Missouri, [Mr. HALL,] the chairman of the committee, would then have moved to put it on its passage, had I desired it; but I deemed it best to let it be referred to the Committee of the Whole on the state of the Union, in order that it might be printed, and examined by such as wished to have an opportunity to do so, intending, however, to keep it within the control of a majority of the House, by entering a motion to reconsider this reference.

[Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill; which received the signature of the Speaker, viz:

A bill for the relief of the Wilmington and Manchester Railroad.]

Mr. MILLSON continued: I stated at the time the motion was made to reconsider the vote by which this bill was referred, that I intended to call it up before the adjournment of the present session of Congress, and I should have done so earlier, but for the privileged questions which have had precedence during the morning hour for some weeks past.

This bill provides for the satisfaction of those claims of the soldiers of the Virginia Continental and State lines, which have been adjudicated since the passage of the last act making appropriations to satisfy them. A small portion, however, of those previously allowed, remains unpaid, and is also provided for. Since this bill was referred to the Committee of the Whole, the Senate have acted

upon the same subject. The Committee on Public Lands reported to that body a substitute for the bill which had been referred to them, and which was similar to the bill now pending here. The Senate bill thus reported as a substitute, provides for the revision, at the Department of the Interior, of the cases allowed by the Executive of Virginia, and provides that no claims shall be satisfied which, upon such reexamination, shall appear to have been incorrectly adjudicated. I confess, sir, I was exceedingly reluctant to accept this modification. I regarded it as in some degree an injurious imputation upon the authorities of Virginia. In 1782—a year or two before the cession by Virginia to the United States of the Northwestern Territory—her Legislature passed a law establishing a tribunal for the adjudication of these claims. That tribunal was the Governor, her highest executive officer. When the cession of this Territory was accepted by the United States upon the conditions imposed by Virginia, by which they expressly agreed to assume the liabilities which she had incurred to her revolutionary officers and soldiers, they knew that the Governor of the State was the tribunal appointed to determine upon those claims, and that they were to be bound, as Virginia would have been, by his decisions. I deemed it, therefore, an injurious reflection upon the Executive of Virginia, that their decision should be revised at any of the Departments in Washington; and so, I believe, did my colleagues, both in the Senate and in this House; but, for the sake of a final settlement of these claims, it was thought best to acquiesce. The bill, in the form in which it was reported to the Senate, passed that body unanimously.

Mr. STANTON, of Ohio. I wish to inquire whether the gentleman from Virginia proposes to adopt the Senate or the House bill?

Mr. MILLSON. I propose to amend the House bill by substituting the Senate bill in its place.

Mr. STANTON. With the permission of the gentleman from Virginia, I will make one remark. Upon a former occasion I examined with some degree of care this subject of Virginia military land warrants. It will be recollected that in the early part of the session, my colleague [Mr. TAYLOR] and myself had a discussion upon the subject. In that discussion I insisted that a large amount of fraudulent warrants had been issued. But it is claimed, whether that be true or not, that there are honest, valid warrants still outstanding. That I do not intend to controvert. The bill of the Senate, which has been passed, as I understand it, requires a reexamination of the proofs upon which the warrants issued under the authority of the State of Virginia. I myself can see no objection to it, and I can entertain no reasonable doubt that the General Government is under the strongest moral obligation to satisfy valid outstanding warrants for military services in the war of the Revolution. I believe, myself, that this bill ought to pass. It cedes to the Government lands which lie in Ohio, and will relieve us from any difficulty thrown about the location.

Mr. MILLSON. I am glad to hear that the bill is acceptable to my friend from Ohio, [Mr. STANTON.]

Mr. HALL. I believe the proposition now is upon the motion to reconsider the vote. If the motion to reconsider shall prevail, then the motion will be upon recommitting the bill; and I will withdraw that motion. The Committee on Public Lands, who had charge of this bill, gave it some examination; and they believe that it is proper to make an appropriation of 750,000 acres of land, to satisfy the outstanding Virginia military land warrants, without any reexamination of the proofs upon which they were granted by the Government of the United States. The Senate, however, have thought proper to require that, before they are satisfied, proof shall be reexamined by the proper Department here at Washington. The ground upon which this appropriation is asked is simply this: When Virginia ceded to the United States the Northwest Territory, she stipulated that if the land on Green river, in Kentucky, known as the Green River Country, should not be sufficient to satisfy the claims of the soldiers for their military services during the revolutionary war, then that they should be satisfied out of the lands between the Little Miami and the Scioto rivers.

Mr. HENN. I wish to ask the gentleman, if the Senate have not already passed a bill upon this subject?

Mr. HALL. Yes, sir.

Mr. HENN. Why not then take that bill up and pass it?

Mr. HOUSTON. By universal consent, let us take up that bill and pass it.

Mr. MILLSON. I have examined this subject, and this is the shortest way to get at our object.

Mr. HALL. If the gentleman from Virginia [Mr. MILLSON] will allow this motion to reconsider to lie over a few minutes, I will ask the unanimous consent of the House to take up the Senate bill making an appropriation for satisfying the outstanding Virginia land warrants.

Mr. HENN. I object. I am opposed to allowing one bill to take precedence over any other in this House.

[Cries, "Question!" "Question!"]

Mr. HENN. On the solicitation of gentlemen, I withdraw my objection.

Mr. JENKINS. I renew the objection.

Mr. MILLSON. I did not intend to detain the House ten minutes upon this question, and I will not now detain them five minutes further. I only wish to say, that the case, as stated by my friend from Missouri, [Mr. HALL,] is certainly very strong, and it might have been stated even more strongly; for the State of Virginia, in 1792, by an act of her Legislature, pledged all her western lands to satisfy the bounties promised to her officers and soldiers, thus creating a lien on her whole northwestern territory. The object of reserving that portion of this territory lying between the Miami and Scioto rivers, and that lying in Kentucky, was not so much to restrict the soldiers to these districts, as to preserve and secure to them good lands for their exclusive use against those holding Treasury warrants, who might otherwise have taken up most of the good lands, while our soldiers were in the field fighting our battles. The Government of the United States have already received more than \$76,000,000 into the Treasury from the sales of these lands bestowed by Virginia; and yet, while millions of acres have been given away by the United States, for various objects, the claims of the revolutionary officers and soldiers of Virginia, who hold an equitable lien upon these very lands, have been heretofore scrutinized, disparaged, and refused. It has been seventeen years since any bill was passed for their relief. The amount required to satisfy the outstanding claims will not, it is supposed, exceed eight hundred thousand acres. I earnestly hope that justice to these claimants will be no longer delayed, and that the House will agree to my motion and pass the bill.

Mr. TAYLOR. If the gentleman will allow me a few moments, I will make a few remarks about this bill. The provisions of the bill are of great interest to my section of Ohio, and to my district.

The Commissioner of the General Land Office has reported to Congress, that of the 4,000,000 acres of land, reserved by Virginia at the time of the cession of the Northwestern Territory to the United States, there now remains about 85,000 acres of refuse or unsurveyed land, of little value, being the residue of the land lying between the Scioto and Little Miami rivers, and being all that remains, except that which is surveyed, occupied, and well-improved. The lands so reserved, are known by the name of the Virginia Military District, in the State of Ohio; and the 85,000 acres of unsurveyed lands alluded to by the Land Commissioner, all lie in my district. They are estimated at an average of from twenty to fifty cents per acre, and being very hilly, are not sought for except for the timber, though these refuse lands border upon the Scioto valley, one of the most fertile and beautiful portions of our country. The Land Commissioner further reports, that there are about 80,000 or 100,000 acres of Virginia military land warrants on file at the General Land Office, besides a considerable amount in private hands. These were issued for services in the Continental line. There are besides a considerable amount of land warrants issued by Virginia for services in the Revolution, in what was called the State line. And this bill, which has passed the Senate, proposes to appropriate about 800,000 acres of the public land, subject to private entry, to pay in full these land warrants, issued by the State of Virginia to those who served in the Continental and State lines during the revolutionary war. The bill also

contains a provision that Virginia shall release to the United States all claim to the lands remaining unsurveyed in that district.

Now, sir, I think this bill ought to pass. It has passed the Senate at the present session; and I believe the Senators from Ohio, as well as those from Virginia, concur in a favorable opinion as to this bill. I again say that I think this bill ought to pass without further delay, that justice may be done to the holders of those warrants, and that Virginia may release all further claim to lands within the State of Ohio. I therefore move the previous question.

The previous question then received a second.

Mr. JENKINS. I ask for the yeas and nays upon ordering the main question to be put.

The yeas and nays were not ordered.

The main question was then ordered to be put.

The question then recurring upon the motion to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union, it was put, and agreed to.

So the motion to reconsider prevailed.

Mr. EDGERTON. I wish to propose an amendment to the bill.

The CHAIRMAN. No proposition to amend is in order until the motion to commit is disposed of—that being the question now before the House.

Mr. HALL. I withdraw the motion to commit.

Mr. EDGERTON. I propose the amendment which I send to the desk.

Mr. HALL. I am entitled to the floor. I am willing to yield to the gentleman from Ohio [Mr. EDGERTON] to offer his amendment, I still holding the floor.

The amendment was then read, as follows:

Add at the end of the bill the following:

"That in settling the claims of the State of Ohio, under the acts of March 2, 1827, and May 24, 1828, granting lands to said State for canal purposes, the same principles shall be acted upon as have been applied under the provisions of the act of May 9, 1848, entitled 'An act in addition to the act therein mentioned for the settlement of the claims of the State of Indiana, accruing under the said act of March 2, 1827.'"

Mr. HALL. I wish to make this suggestion to the gentleman from Ohio, [Mr. EDGERTON:] I design to offer a substitute, which I hold in my hand, for this bill, and I presume it will be adopted. I suggest that he shall propose his amendment as an amendment to the substitute I intend to offer.

Mr. EDGERTON. My object in offering that amendment was to have it attached to this bill, in whatever form it should pass, and I can explain it to the House in five minutes.

The SPEAKER. It is competent for the gentleman from Missouri [Mr. HALL] to modify his amendment by adopting that proposed by the gentleman from Ohio, [Mr. EDGERTON.]

Mr. HALL. I am willing to accept the amendment of the gentleman.

The SPEAKER. Then the proposition is made, by way of amendment, by the gentleman from Missouri, [Mr. HALL.]

Mr. EDGERTON. Mr. Speaker, I will take up as little of the time of the House as possible in explaining the necessity of agreeing to the amendment I have offered.

By the act of 2d March, 1827, a quantity of land was granted to the State of Indiana for the purpose of aiding that State in opening a canal to unite the navigable waters of the Wabash river with those of Lake Erie, a portion of which lands so granted were in the State of Ohio, and were afterwards, by virtue of an act of Congress passed May 24, 1828, granted by the State of Indiana to the State of Ohio, to be held by that State on the same conditions upon which they were granted to the State of Indiana. There was, also, by the said act of May 24, 1828, granted to the State of Ohio, for the purpose of aiding said State in extending the Miami canal from Dayton to Lake Erie, by the Maumee route, a quantity of land equal to one half of five sections in width on each side of the canal, from Dayton to the Maumee river, at the mouth of the Auglaize; and also 500,000 acres of land within the State for the purpose of aiding the State in the payment of the debt or the interest thereon, which had been or which might be contracted by the State in the construction of canals within the same, undertaken by the authority of the laws of the State then in force, or which might thereafter be enacted.

In the grant to Indiana, the lands were to be

selected by the Commissioner of the General Land Office, under the direction of the President of the United States. After the selections were made the State had power to sell and to give a title in fee-simple, and Congress guaranteed that the title to the purchasers under the State should be valid. These provisions were, of course, extended to Ohio under the grant from Indiana.

The act of May 24, 1828, contained similar provisions as regards selections and sales, and it required that the Miami canal should be commenced within five and completed within twenty years, and that the canals commenced and to be benefited by the 500,000 acre grant should be completed in seven years from the approval of the act, otherwise the State should stand bound to pay to the United States the amount which any lands sold by her within that time had brought; but the validity of the titles derived from the State was not to be affected by the failure of the State to comply with the provisions of the act, thus clearly showing it to have been the intention of Congress that the purchaser of the lands from the State should have a good title in fee-simple which was not to be disturbed by any errors or failures on the part of the State. By the act of the 2d April, 1830, that part of the act of May 24, 1828, which required the completion of the Miami canal within twenty years, or that the State should be bound to pay to the United States the amount of any lands previously sold, was repealed, and the State was authorized to build a railroad instead of a canal; and it was also provided by that act that if the canal should pass over any lands previously sold by the United States, the State should locate other lands in lieu of those sold; but the locations should not exceed the number of acres necessary to complete an aggregate quantity of land equal to one half of five sections in width on each side of the canal.

Under these several grants selections of lands were made by the United States and State authorities; and the State went on and sold such as had been selected and supposed would be confirmed to her and completed her canals.

It has been for several years a matter in dispute between the General Government and the State authorities, whether the State had obtained all the lands to which she was entitled by a fair construction of the grants, and whether some of the selections had not been informal or illegal, and whether the State had not selected more under some of the grants and less under others than she was entitled to. It is not at all surprising that errors should have been committed and conflicts of title arisen in selecting so large an amount of lands, frequently in less quantities than a section; and often to make up the quantity to which the State was entitled, selections had to be made outside the five miles.

Nearly all of the entire grants having been sold by the State, and in the occupancy of and highly improved by actual settlers, her authorities were anxious for a final settlement and confirmation of the title to all she had selected and sold, or still retained. Several ineffectual attempts have been made to procure a settlement, but none has as yet been fully effected. Within the past two years an agent was appointed by the State to make this settlement and final adjustment, and the title to all the lands selected by the State, under all the grants, was confirmed except to about sixty thousand acres, which could not be confirmed without further action on the part of Congress. To protect the rights of the purchasers from the State and actual settlers upon the lands, the Secretary of the Interior has directed the sixty thousand acres unconfirmed to the State to be withheld from sale until after the adjournment of this session of Congress. The absolute necessity, therefore, of some action of Congress, either granting the lands directly or enabling the Secretary of the Interior to confirm these selections made under former grants, is perfectly apparent.

In the expectation that the entire quantity of unsold United States lands in the State would be granted to her during this session of Congress, I have delayed pressing this matter upon the House until it is now certain that some action must be had to quiet the title of the purchasers and occupants. I should, of course, much prefer the grant of all the lands of the United States within the limits of the State, and a bill for that purpose did pass the Senate at this session, but was defeated in the House. At this late day of

the session, I could have no hope of securing my object by reviving that proposition, and must, therefore, rely entirely upon this amendment. I am advised that the Secretary of the Interior is of the opinion, that this amendment will cover the case, and enable him to confirm the title of these lands to the State. It is simply applying to the grants to Ohio the provisions of the act of May 9, 1848, for the settlement of the claims of the State of Indiana, accruing under the act of March 2, 1827, and I hope no member of the House will object or vote against it.

Mr. HALL. I call for the previous question.

Mr. HENN. I rise to a point of order.

The SPEAKER. After the Chair has heard the amendment, as modified, read, he will be able to determine the point of order.

The Clerk then read the substitute of Mr. HALL for the bill, as follows:

That all unsatisfied outstanding military land warrants, or parts of warrants, issued or allowed prior to the 1st day of March, 1852, by the proper authorities of the Commonwealth of Virginia, for military services performed by the officers and soldiers, seamen or marines of the Virginia State or Continental lines in the Army or Navy of the Revolution, may be surrendered to the Secretary of the Interior, who, upon being satisfied, by a revision of the proofs, or by additional testimony, that any warrant thus surrendered was fairly and justly issued, in pursuance of the laws of said Commonwealth, for military services so rendered, shall issue land scrip in favor of the present proprietors of any warrant thus surrendered, for the whole or any portion thereof yet unsatisfied, at the rate of \$1.35 for each acre mentioned in the warrant thus surrendered, and which remains unsatisfied, which scrip shall be receivable in payment for any lands owned by the United States subject to sale at private entry; and said scrip shall, moreover, be assignable by indorsement, attested by two witnesses. In issuing such scrip the said Secretary is authorized, where there are more persons than one interested in the same warrant, to issue to each person scrip for his or her portion of the warrant; and where infants or feme covert may be entitled to any scrip, the guardian of the infant and the husband of the feme covert may receive, and sell, or locate the same: *Provided*, That no less than a legal subdivision shall be entered and paid for by the scrip issued in virtue of this act.

Sec. 2. *And he it further enacted*, That this act shall be taken as a full and final adjustment of all bounty land claims to the officers and soldiers, seamen and marines, of the State of Virginia, for services in the war of the Revolution: *Provided*, That the State of Virginia shall, by a proper act of the Legislature thereof, relinquish all claim to the lands in the Virginia military land district in the State of Ohio.

Sec. 3. *And he it further enacted*, That in settling the claims of the State of Ohio under the acts of March 2d, 1827, and May 24th, 1828, granting lands to said State for canal purposes, the same principles shall be acted upon as have been applied under the provisions of the act of May 9th, 1848, entitled "An act in addition to an act therein mentioned, for the settlement of the claims of the State of Indiana, accruing under the said act of March 2d, 1827."

Mr. HENN. I now press my point of order upon the substitute, and ask that the 55th rule be read.

The rule was accordingly read, as follows:

"55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

I would now ask the Speaker whether this substitute is not the same as a Senate bill pending before the House?

The SPEAKER. The Chair overrules the question of order, upon the ground that the substitute materially differs from the bill passed by the Senate. One entire section has been added, and it is therefore not the Senate bill. The Chair is clear in his decision.

Mr. HENN. Is not the Senate bill now pending before the House?

The SPEAKER. There is a Senate bill pending upon the same subject, many provisions of which are embraced in the amendment of the gentleman from Missouri.

The call for the previous question was then seconded, and the main question was ordered to be put.

The question was then taken, and the substitute was adopted.

The question then recurred upon ordering the bill as amended to be engrossed and read a third time.

Mr. JOHN W. HOWE. Is it in order for me to move that the bill be laid upon the table?

The SPEAKER. It is.

Mr. JOHN W. HOWE. I then submit that motion, and demand the yeas and nays.

The yeas and nays were refused.

The question was then taken, and the House refused to lay the bill upon the table.



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The bill was then ordered to be engrossed and read a third time.

Mr. BAYLY, of Virginia. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay the motion to reconsider upon the table.

The latter motion was agreed to:  
The bill was then read the third time.

Mr. HALL. I demand the previous question upon the passage of the bill.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. JOHN W. HOWE. I demand the yeas and nays upon the passage of the bill.

Mr. HENN. Has the bill been engrossed?

The SPEAKER. It has been ordered to be engrossed and read a third time and has been read the third time, and the gentleman's objection comes too late.

The yeas and nays were not ordered.

The bill was then passed.

Mr. HALL. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The SPEAKER. The business in order is reports from the Committee on the Post Office and Post Roads.

## POSTAGE BILL.

Mr. OLDS. I ask the unanimous consent of the House to take from the Speaker's table the postage bill, which has been returned from the Senate with several amendments.

There was no objection, and the bill was taken up for consideration.

The Clerk read the first amendment of the Senate, as follows:

Strike from the first section of the bill the following rates:  
"Each newspaper, pamphlet, periodical, magazine, book, bound or unbound, circular, catalogue, and every other description of printed matter unconnected with any manuscript or writing, and of no greater weight than two ounces, shall be charged with one cent postage, and one cent for each additional ounce or fraction of an ounce, for any distance under three thousand miles; and for any distance over three thousand miles, double those rates. All newspapers and periodicals not weighing over one ounce, and published regularly as often as once in three months, and sent from the office of publication to actual subscribers, shall be chargeable with only one half the foregoing rates: *Provided*, That all newspapers and periodicals not weighing over two ounces, when sent to actual subscribers within the State where such papers and periodicals are published, shall be entitled to the reduction provided for in this section. The postage on all printed matter shall be prepaid at the office where it is mailed, or paid quarterly, in advance, at the office of delivery; otherwise, double the foregoing rates shall be charged thereon."

—and insert in lieu of them the following:

"Newspapers, periodicals, and all other printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent; and for every additional ounce or fraction of an ounce, one cent; and when the postage is paid quarterly, or yearly, in advance, either at the office where the said newspaper or periodical is mailed or delivered, one half of said rates only shall be charged. Newspapers not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half of the rates before named: *Provided*, That small newspapers, published monthly, or oftener, when sent in packages to one address, and prepaid by affixing stamps thereto, shall be chargeable at half of a cent for each ounce or fraction of an ounce. Postage on transient matter shall be prepaid, or shall be charged double the foregoing rates."

Mr. OLDS. I am instructed by the Committee on the Post Office and Post Roads to move to strike out that Senate amendment, and to insert in lieu thereof the following:

Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent, and for every additional ounce, or fraction of an ounce, one cent additional shall be charged; and when the postage upon any newspaper or periodical is paid quarterly, or yearly, in advance, at the office where the said periodical or newspaper is delivered, or is paid yearly, or quarterly, in advance, at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall by general regulations prescribe, one half of said rates only shall be charged. Newspapers and periodicals not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half of the rates before mentioned: *Provided*, That small newspapers and periodicals published monthly, or oftener, and pamphlets not containing more than sixteen octavo pages each, when sent in

single packages, weighing at least eight ounces, to one address, and prepaid by affixing postage stamps thereto, shall be charged only half of a cent for each ounce or fraction of an ounce, notwithstanding the postage calculated on each separate article of such package would exceed that amount. The postage on all transient matter shall be prepaid by stamps or otherwise, or shall be charged double the rates first above mentioned.

That merely changes the phraseology of the amendment of the Senate, which the Postmaster General says would leave a doubtful construction. The words are left precisely as the Senate sent them to us, only periodicals are put upon the same footing with newspapers. I call for the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

The question was taken, and the amendment was agreed to.

The Clerk then read the second amendment of the Senate, as follows:

"Insert after the word 'matter,' in the second section, the words 'and shall be chargeable with postage at one cent an ounce for all distances under three thousand miles, and two cents an ounce for all distances over three thousand miles, to which fifty per cent. shall be added in all cases where the same shall be sent without being prepaid; so that the section shall read:

"Books bound or unbound, not weighing over four pounds shall be deemed mailable matter, and shall be chargeable with postage at one cent an ounce for all distances," &c.

Mr. OLDS. The Committee on the Post Office and Post Roads recommend a concurrence in that amendment.

The amendment was concurred in.

Mr. OLDS. I will now ask that the post route bill be taken up for consideration.

Mr. BROOKS. I will state to the House, that the Senate have put upon this bill from fifty-four to sixty pages of new matter without any debate. I desire time to read it.

Mr. OLDS. When the bill was passed before the question was asked me, whether the bill contained other matter than post routes, and I replied that it did not; but since it went to the Senate, they have put upon it three or four bills, reported from the Post Office Committee of this House. I deem it proper to state such is the fact; because, when they have been read by members, I shall move the bill be taken up, and call for the previous question. The amendment can then be rejected or agreed to.

Mr. BROOKS. I object to taking up the bill.

## SURVEY OF LANDS IN CALIFORNIA.

Mr. HALL. There is a bill upon the Speaker's table relating to the public lands in the State of California. It provides for the sale of lands and for granting preemption rights. I ask the unanimous consent of the House to take up that bill. If there is any objection, I will move to suspend the rules.

Mr. PENN. I object.

Mr. HALL. I move to suspend the rules if it be in order.

The SPEAKER. It is not in order during the morning hour.

Mr. OLDS, from the Committee on the Post Office and Post Roads, to which was referred the petition of Thompson Barnett, made a report thereon, accompanied by a joint resolution for his relief; which was read a first and second time, committed to a committee of the Whole House, made the order of the day for to-morrow, and the resolution and report ordered to be printed.

Mr. PENN, from the same committee, reported bills and joint resolutions of the following titles, viz:

A bill for the relief of Samuel F. Butterworth;

A bill for the relief of James H. Jenkins;

A bill for the relief of John Think;

Joint resolution for the relief of the legal representatives of Wade Allen, deceased; and a

Joint resolution granting the petition of William and Matthew Moss;

—which bills and joint resolutions were severally read a first and second time, and committed to a committee of the Whole House, and made the

order of the day for to-morrow; and ordered, with the reports accompanying, to be printed.

Mr. PENN, from the same committee, made an adverse report upon the petition of Joseph C. Stoll; which was laid on the table, and ordered to be printed.

Mr. DIMMICK asked the unanimous consent of the House to take up Senate bill No. 389, for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis, deceased.

Leave being granted, the bill was then read the first and second time, and ordered to a third reading.

[The bill refunds \$250 paid by Mrs. Davis for a substitute in the Post Office Department, during the sickness of her husband.]

The bill was then read the third time, and passed.

BENJAMIN S. ROBERTS.

Mr. EDGERTON. I would ask the unanimous consent of the House to take up Senate bill No. 429, for the relief of Benjamin S. Roberts. I think there can be no debate upon this bill, as it is a clear case, and appeals to the justice of the House. I have the report of the Senate upon the subject, from which it appears that it passed there unanimously, and I think that there can be no question about it.

The SPEAKER. The gentleman from Ohio [Mr. Edgerton] asks the unanimous consent of the House to take up bill No. 429.

Mr. JOHN W. HOWE. I object, and call for the regular order of business, whatever it is.

Mr. EDGERTON. If the gentleman insists upon his objection, so satisfied am I that this House will pass the bill, if they will hear it read, or understand it for a moment, that I feel myself called upon, as an act of duty, to move a suspension of the rules.

The SPEAKER. That motion is not in order during the morning hour. Reports are in order from the Committee on the Post Office and Post Roads.

## BONDED GOODS—TRADE TO MEXICO.

Mr. SEYMOUR. I wish to ask the consent of the House to take up a bill which permits our citizens to take bonded goods through Texas into Mexico. It has already passed the Senate unanimously, and has been approved by the Committees on Commerce in both the House and Senate. It has been recommended by the Department, and drawn up in pursuance of their recommendation. It is necessary to pass it now, or our citizens who are trading to Mexico will lose the whole benefit of the fall trade.

The bill was then read as follows:

"An act authorizing goods, wares, and merchandise, entered and bonded for warehousing in pursuance of law, to be exported by certain routes to ports or places in Mexico."

Mr. CABLE, of Ohio. I object.

Mr. SEYMOUR. Is it in order to move a suspension of the rules?

The SPEAKER. Not during the morning hour.

Mr. SEYMOUR. I hope the gentleman will withdraw his objection. This year they lost the whole benefit of the spring trade, because I could not get the floor to report a bill from the committees in the early part of the session, and unless the House pass this bill, they will lose the benefit of the fall trade there. The goods are purchased, and all they ask is the same privilege to take their goods into Mexico that we enjoy at the North to take them into the British Provinces.

Mr. CABLE. I withdraw my objection pending the reading of the bill.

Mr. HOUSTON inquired—has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of finishing the Indian appropriation bill. It will take but a few moments.

The SPEAKER. Does the gentleman submit that motion before this bill is disposed of?

Mr. SEYMOUR. I hope that the gentleman

from Alabama [Mr. Houston] will not insist upon his motion. Let the bill be read through. Mr. HOUSTON. I do not want to lose the floor.

Mr. MOLONY. This is private bill day, and objection day. But little time, as is well known to the House, has been given to that class of business this session. We can go to the Private Calendar, dispose of that business to which there may be no objection, and in a half hour we can return to the House again. I therefore move that we go into a Committee of the Whole House upon the Private Calendar.

Mr. STANTON, of Tennessee. The table is full of private bills which ought to be passed.

Mr. MOLONY. I submit my motion.

Mr. SEYMOUR, of New York. Has the morning hour expired? I hope the gentleman from Illinois [Mr. Molony] will withdraw his motion that this bill may be passed. I move to recommit this bill.

Mr. STUART. I rise to a question of order.

Mr. MOLONY. I withdraw my motion for the present.

Mr. SEYMOUR. There is no objection to the bill. I hope gentlemen will let the bill pass.

The SPEAKER. The gentleman from Michigan [Mr. Stuart] rises to a question of order.

Mr. STUART. I understand that both the motions of the gentleman from Illinois [Mr. Molony] and the gentleman from Alabama [Mr. Houston] are withdrawn, and if they are, I am not disposed to make the question of order.

Mr. HOUSTON. I withdraw my motion.

The bill was then read by the Clerk.

Mr. SEYMOUR. I wish to say, in regard to this bill, that its object is to put the trade passing through Texas into Mexico upon precisely the same footing as that which passes into the British Provinces, allowing goods to be taken in there under bond upon the same restrictions. I ask the previous question on the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then read the third time, and passed.

Mr. HOUSTON. The gentlemen who were contesting the last amendment in the Indian bill yesterday evening have agreed upon a substitute. It will not take five minutes to consider it in committee. I move, therefore, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MOLONY. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House upon the Private Calendar.

The SPEAKER. It being private bill day, a motion to go into a Committee of the Whole House will be first put.

Mr. HOUSTON. There is no disagreement to the amendments remaining on the Indian bill.

Mr. EDGERTON. This is private bill day, and I have a private bill of great importance to the person interested at least, and as an act of justice on the part of the Government it should be passed. The gentleman who made objection to its coming up withdraws it, and there will be no objection, I hope, on the part of the House to this case.

The SPEAKER. Do the gentlemen from Alabama [Mr. Houston] and Illinois [Mr. Molony] withdraw their motions?

Mr. HOUSTON. I will not withdraw my motion.

Mr. STANLY. I rise to a privileged question. The report of the Printing Committee was up sometime ago, and was postponed until some day this week. I wish to give notice that I intend to offer some amendments, and I am ready to proceed with that bill whenever the House will determine to do so.

The SPEAKER. In the absence of the motion to go into a Committee of the Whole House, or the motion to go into the Committee of the Whole on the state of the Union, that would be the first business in order in the House, but it is competent for the House at any time to leave other business and go into the Committee of the Whole on the state of the Union.

Mr. STANLY. I only wish to say, that I am ready to proceed with this business whenever the House are disposed to do so, and I wish only to offer some amendments.

The question was then taken upon Mr. Molony's motion, and it was decided in the negative.

So the House refused to go into a Committee of the Whole House upon the Private Calendar.

The question was then taken upon Mr. Houston's motion, and it was decided in the affirmative.

So the rules were suspended, and the House resolved into the Committee of the Whole on the state of the Union, (Mr. King, of New York, in the chair,) and resumed the consideration of the Indian appropriation bill.

Mr. ORR. I have prepared an amendment as a substitute for the amendment which the committee were considering last evening, when it rose.

The CHAIRMAN. The Chair will suggest to the gentleman from South Carolina, [Mr. Orr,] that an amendment was pending when the committee rose, which had been spoken to upon both sides.

Mr. ORR. The amendment may be considered as withdrawn, if there is no objection.

The CHAIRMAN. The Chair hears no objection.

Mr. ORR. I offer the following amendment:

SEC. 3. And be it further enacted, That no part of the appropriations herein made, or that may hereafter be made, for the benefit of any Indian, or tribe, or part of a tribe of Indians, shall be paid to any attorney or agent of such Indian, or tribe, or part of a tribe; but shall in every case be paid directly to the Indian or Indians themselves, to whom it shall be due, or to the tribe, or part of a tribe *per capita*; unless the imperious interests of the Indian or Indians, or some treaty stipulation, shall require payment to be made otherwise under the direction of the President; nor shall the executive branch of the Government, now or hereafter recognize any contract between any Indian, or tribe, or part of a tribe, and any attorney or agent for the prosecution of any claim against the Government, under this act.

Mr. ORR. I offer this amendment, sir, as a substitute for the second section. I believe that it meets the conflicting views and opinions of all those who were debating this question yesterday evening. It is the substance of a proposition that was introduced by my colleague, [Mr. Woodward,] and passed the House as an amendment to the deficiency bill. Upon an examination of the deficiency bill, there are very strong reasons to believe that the clause will be construed to apply to no appropriations, except those contained within the deficiency bill. The amendment which I offer, by way of a substitute, makes it apply to the appropriations contained within the present bill, and all future appropriations, and carries out the sense of the House to make it a permanent law. I will add that the amendment meets the approbation of the chairman of the Committee on Indian Affairs and the chairman of the Committee of Ways and Means, and I hope it will be adopted.

Mr. CAMPBELL, of Illinois. I want to ask whether the provision in that amendment, which says that unless the interests of the Indian may demand that it shall be paid otherwise, would not place it within the discretion of the President to supersede and obviate all the other provisions, if, in his judgment, the interests of the Indians required it?

Mr. ORR. There is a provision to that effect giving the President a discretion, and throwing the responsibility upon him if that discretion is not judiciously exercised. That was the only way by which the difficulty suggested yesterday evening by the chairman of the Committee on Indian Affairs and the gentleman from Indiana [Mr. Fitch] could be obviated. By adopting this amendment all objections are obviated, and the Indian has protection.

Mr. CAMPBELL. In any event, can the money be paid to agents?

Mr. ORR. It cannot be paid to them in any event.

Mr. JOHNSON, of Arkansas. This amendment has been considered generally by the gentlemen who engaged in discussion yesterday, and there is no objection to it. It is a repetition, but better guarded, to carry out the objects then in view, supposed to be effected by the amendment adopted to the deficiency bill.

Mr. MOLONY. I desire to ask one question. I desire to know whether, in any event, this money could be paid to agents, and at the discretion of the President?

Mr. JOHNSON. In no event can it be paid to anybody but to the Indians themselves, and in no event can any officer of this Government recognize or enforce a contract with an Indian, but it

leaves it for the Indian to do it for himself as he chooses.

The question was then taken upon the amendment of Mr. Orr as a substitute for the amendment of the Senate, and it was agreed to.

The question recurred upon agreeing to the amendment of the Senate as amended; and being put was decided in the affirmative.

So the amendment as amended was agreed to.

#### FORTIFICATION BILL.

Mr. HOUSTON. A considerable saving of time will be effected if the committee would take a test vote upon taking up the fortification bill, and if they decline doing so, I will agree not to ask them to take it up any more. I do not want to annoy the House.

Mr. HALL. I rise to a question of order. I understand, Mr. Chairman, that the debate upon the Indian appropriation bill was closed by order of the House. Now, the committee have no right under that resolution to take up any other bill before this bill is reported to the House.

The CHAIRMAN. The Chair is disposed to sustain that point of order, unless the motion of the gentleman from Alabama can be maintained by unanimous consent.

Mr. HALL. I object to it.

Mr. HOUSTON. I move that the committee rise, and report the amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration House bill No. 42, and sundry amendments from the Senate made thereto, some of which they had agreed to, and others they had not agreed to.

Mr. JOHNSON, of Arkansas. I move the previous question upon the amendments to the Indian appropriation bill.

The previous question was seconded, and the main question ordered to be put.

Mr. JOHNSON. I propose now, for the purpose of facilitating business, that the amendments be agreed to, excepting in the instances where a separate vote is called for.

The SPEAKER. If there be no objection, that course will be pursued.

There being no objection, the amendments were then read over, and separate votes were called for upon the following amendments, viz:

On the second clause of the first amendment by Mr. McMULLIN; on the fourth amendment by Mr. Fitch; and on the eighth amendment by Mr. Houston.

Mr. McMULLIN. I intend to call for a separate vote upon the appropriation made for payment of the claim of David Taylor, and I ask now for a separate vote upon that.

Mr. JOHNSON, of Arkansas. If we can go back at all, we can go back indefinitely, and therefore I object.

The SPEAKER. It cannot be done except by unanimous consent, the House having by unanimous consent agreed that the amendments shall be read over, and separate votes asked for as the amendments were reported.

Mr. JOHNSON. Well, sir, I object.

The question was then put upon agreeing to all those amendments upon which a separate vote had been asked for, and they were concurred in.

The question now being upon agreeing to the second clause of the first amendment of the Senate, viz:

"For supplying a deficiency in the appropriation heretofore made for removing the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs, \$37,412."

Mr. McMULLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon agreeing to the amendment, and it was decided in the affirmative—yeas 92, nays 69; as follows:

YEAS.—Messrs. William Appleton, Thomas H. Bayly, Barrere, Bissell, Bockoe, Bowie, John H. Boyd, Brackinridge, Briggs, Burrows, Busby, Caldwell, Carter, Chandler, Chapman, Clark, Clingan, Colcock, Conger, Dean, Dinmick, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Florence, Freeman, Henry M. Fuller, Gilmore, Goodnow, Goodrich, Green, Grey, Harper, Hawes, Hebard, Henn, Howard, Ingersoll, Geo. G. King, Kuhns, Kurtz, Landry, Letcher, Mann, Martin, McNair, Mende, Henry D. Moore, Murray, Olds, Andrew Parker, Samuel W. Parker, Penn, Phelps, Polk, Price,

Reed, Richardson, Riddle, Robie, Sackett, Savage, Schermerhorn, Schoicraft, Scudder, Scurry, David L. Seymour, Origen S. Seymour, Smith, Stanley, Benjamin Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, Sutherland, Sweetser, Taylor, Thompson, Thurston, Townsend, Venable, Walsh, Washburn, Welch, Wells, Addison White, Wilcox, Wildrick, and Woodward—92.

**YEAS**—Messrs. Charles Allen, Willis Allen, Allison, Averett, Babcock, Bibbighaus, Bragg, Brenton, Buell, Joseph Cable, Thompson Campbell, Chastain, Cobb, John G. Davis, Dawson, Disney, Dunham, Fitch, Floyd, Fowler, Gamble, Gaylord, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hascall, Haven, Hendricks, Hibbard, Holladay, Horsford, Houston, John W. Howe, Thomas Y. How, Ives, Jackson, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, Lockhart, Mace, Mason, McCorkle, McLanahan, McMullin, McQueen, Molony, John Moore, Morehead, Newton, Orr, Outlaw, Peaslee, Penniman, Perkins, Powell, Robbins, Ross, Schoonmaker, Frederick P. Stanton, Stuart, Wallace, and Watkins—69.

So the amendment was agreed to.

The question recurred upon agreeing to the fourth amendment, as follows:

"At page 17 strike out all after line fifteen, to the end of line twenty-seven, on page 17½, and insert in lieu thereof the following:

"For the redemption and final extinction of the annuities to the Eel River Indians, under the provisions of treaties of August 3, 1795, August 21, 1805, and the 30th September, 1809, \$15,000; to be paid *per capita*: *Provided*, That before paying such sum, or any part thereof, to the said Eel River Indians, they shall relinquish, in such form as the Secretary of the Interior shall direct, all claim and demand on the United States, for all further annuities and payments: *And provided further*, That it shall be the duty of the Secretary of the Interior, before the payment of said sum of money, as before directed, to ascertain who are the individuals composing the said band, without regard to the places of their residence, and to pay to said individuals so ascertained *per capita* the sum of money hereinbefore appropriated."

**THE SPEAKER.** To simplify the action of the body, the Chair will put the question upon agreeing to the Senate amendment. The Committee of the Whole on the state of the Union recommended the rejection of this amendment, but the question will be put upon agreeing to the amendment.

**MR. FITCH.** What will be the effect of the vote?

**THE SPEAKER.** To disagree to the amendment of the Senate.

The question was then taken and it was decided in the negative.

So the amendment of the Senate was not agreed to.

The question now being upon agreeing to the eighth amendment of the Senate, to strike out the following, viz:

"For payment to the Shawnees the moneys due to them, under and by virtue of the treaty of the 7th November, 1852, and 8th August, 1831, between the United States and the two divisions of said tribe of Indians, the same being the net balance received into the Treasury from the sale of their lands in Ohio, \$63,246 21: *Provided, however*, That said tribe of Indians shall first express their assent that the payment of the above sum shall be made equally to the whole tribe, rather than to either division thereof."

**MR. HOUSTON** demanded the yeas and nays; which were ordered.

**MR. JOHNSON**, of Arkansas. Will those voting "no" send this question to a committee of conference? Will they not be disagreeing to the Senate amendment, which strikes out the House amendment?

**THE SPEAKER.** It is not for the Chair to say what will be the result of the vote. A negative vote will non-concur in the action of the Senate.

**MR. STANTON**, of Tennessee. I desire to ask a question, if it is in order, and it is this: Can we expect to get through with these appropriations if the gentleman from Alabama, the chairman of the Committee of Ways and Means, calls for the yeas and nays upon every proposition?

**MR. HOUSTON.** I call for the yeas and nays upon this one vote, because it is an important one. I have attended to business quite as regularly as the gentleman from Tennessee.

[Cries of "Order!" "Order!"]

The question was then taken upon agreeing to the eighth amendment of the Senate; and it was decided in the affirmative—yeas 91, nays 53; as follows:

**YEAS**—Messrs. Charles Allen, Allison, William Appleton, Averett, Babcock, Thomas H. Bayly, Babcock, Briggs, George H. Brown, Busby, Joseph Cable, Caldwell, Thompson Campbell, Caskie, Chastain, Clingman, Cobb, Colecock, Curtis, Dawson, Dean, Dimmick, Dockery, Edgerton, Ficklin, Floyd, Fowler, Gentry, Gilmore, Goodenow, Goodrich, Hall, Hamilton, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hascall, Hebard, Hibbard, Holladay, Houston, Howard, Thomas Y. How, Ingersoll, Ives,

Jackson, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kuhns, Lockhart, Mann, Martin, McLanahan, McMullin, McNair, McQueen, Millson, Molony, Henry D. Moore, John Moore, Morehead, Murray, Andrew Parker, Peaslee, Penniman, Price, Reed, Robbins, Robie, Ross, Schoonmaker, Scurry, David L. Seymour, Origen S. Seymour, Skelton, Smith, Abraham P. Stephens, Thompson, Thurston, Townsend, Venable, Wallace, Watkins, Wilcox, Wildrick, and Woodward—91.

**YEAS**—Messrs. Willis Allen, Barrere, Bibbighaus, Bowie, Brenton, Albert G. Brown, Buell, Burrows, Chandler, Chapman, Clark, George T. Davis, John G. Davis, Disney, Ewing, Fitch, Florence, Henry M. Fuller, Gaylord, Gorman, Green, Grey, Haws, Hendricks, Henn, Horsford, John W. Howe, Jenkins, Robert W. Johnson, Landry, Letcher, McCorkle, Newton, Olds, Orr, Outlaw, Samuel W. Parker, Schermerhorn, Scudder, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Stuart, Sutherland, Sweetser, Taylor, Walsh, Ward, Welch, and Addison White—53.

So the amendment of the Senate was agreed to.

**MR. HOUSTON** moved to reconsider the vote just taken, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

[A message was here received from the President of the United States, by the hands of MILLARD P. FILLMORE, Esq., his Private Secretary, informing the House that the President had approved and signed the following bills, viz:

House bill No. 299. An act to provide for executing the public printing, and establishing the prices thereof, and for other purposes; and

House bill No. 258. An act to reduce and define the boundary of the military reserve at the Saint Peter river, in the Territory of Minnesota.]

**MR. JOHNSON**, of Arkansas. I move to reconsider the votes upon agreeing to these amendments collectively, and to lay them all upon the table.

**THE SPEAKER.** The reconsideration must be had in detail.

**MR. JOHNSON.** Then I will not make that motion.

#### GRANTS TO ARKANSAS AND MISSOURI.

**MR. JOHNSON**, of Arkansas. I move to suspend the rules of the House, and take up Senate bill No. 233, granting alternate sections of the public land to the States of Arkansas and Missouri, for railroad purposes.

**MR. JOHNSON**, of Tennessee. I ask the gentleman from Arkansas to yield me the floor for a moment.

**MR. JOHNSON**, of Arkansas. I cannot possibly do so.

**MR. JOHNSON**, of Tennessee. I wish to say that it is a matter in which parties are deeply interested. The select committee appointed by the House with reference to the Gardiner claim desire to make a brief report.

**MR. JOHNSON**, of Arkansas. I cannot yield. I ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of Senate bill No. 233.

The Clerk then read the bill as follows:

"An act granting the right of way and making a grant of land to the States of Arkansas and Missouri to aid in the construction of a railroad from a point on the Mississippi opposite the mouth of the Ohio river, via Lake Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith."

**MR. ALLISON.** I object.

**MR. JOHNSON.** I move to suspend the rules.

**MR. ALLISON.** Upon that motion I ask the yeas and nays.

The yeas and nays were not ordered.

**MR. WASHBURN** demanded tellers; which were ordered; and Messrs. BRECKINRIDGE, and STANTON of Tennessee, were appointed.

The question was then put, and the tellers reported—yeas 97, noes 29.

So (two thirds voting in the affirmative) the rules were suspended.

The question recurred upon the motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill.

**MR. JOHNSON** demanded the previous question; which was seconded, and the main question ordered to be put.

The question was then put, and it was decided in the affirmative.

The question recurred upon ordering the bill to be engrossed and read a third time.

**MR. JOHNSON**, of Arkansas, demanded the previous question.

The previous question was seconded, and the main question ordered to be put.

**MR. JENKINS** moved to lay the bill upon the table, and upon that motion demanded the yeas and nays.

**MR. JOHNSON** moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time, and to lay the motion to reconsider upon the table.

**THE SPEAKER.** That being a privileged question, is first in order.

The question was then taken upon **MR. JOHNSON**'s motion to lay the motion to reconsider upon the table, and it was agreed to.

**MR. AVERETT.** Is it in order now to move to lay the bill upon the table?

**THE SPEAKER.** It is not. The House has made an order that the bill be read the third time, which has not yet been done.

The bill was then read the third time.

**MR. JOHNSON**, of Arkansas. I demand the previous question on the passage of the bill.

**MR. JENKINS.** I now move that the bill be laid upon the table, and upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon **MR. JENKINS**'s motion, and it was decided in the negative—yeas 62, nays 83; as follows:

**YEAS**—Messrs. Aiken, Allison, Averett, Thomas H. Bayly, Bennett, Bibbighaus, Babcock, John H. Boyd, Bragg, Brenton, Buell, Burrows, Busby, Joseph Cable, Caldwell, Caskie, Chastain, Colecock, Curtis, Dawson, Dean, Dimmick, Duncan, Floyd, Fowler, Goodenow, Goodrich, Hamilton, Hammond, Hebard, Hibbard, Horsford, John W. Howe, Ives, Jenkins, Daniel T. Jones, George W. Jones, George G. King, Preston King, Letcher, Martin, McLanahan, Millson, Morehead, Murray, Newton, Andrew Parker, Powell, Price, Robbins, Ross, Schoonmaker, Scudder, Origen S. Seymour, Skelton, Thompson, Walbridge, Wallace, Washburn, Wells, Wildrick, and Woodward—62.

**YEAS**—Messrs. Charles Allen, Willis Allen, William Appleton, Barrere, Bissell, Bowie, Bowne, Breckinridge, Briggs, Albert G. Brown, George H. Brown, E. Carrington Cabell, Thompson Campbell, Churchill, Clark, Clingman, Cobb, Conger, John G. Davis, Disney, Edgerton, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Gaylord, Gentry, Gilmore, Gorman, Grey, Hall, Harper, Sampson W. Harris, Hart, Haws, Hendricks, Henn, Houston, Howard, Jackson, John Johnson, Robert W. Johnson, Kuhns, Kurtz, Landry, Lockhart, McCorkle, Molony, Henry D. Moore, John Moore, Morrison, Olds, Orr, Samuel W. Parker, Penn, Penniman, Phelps, Polk, Porter, Richardson, Riddle, Sackett, Schermerhorn, Scurry, David L. Seymour, Smith, Stanley, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Strother, Stuart, Sweetser, Taylor, Walsh, Watkins, Welch, Wilcox, and Yates—83.

So the House refused to lay the bill upon the table.

The previous question was seconded and the main question ordered.

The question now being, "Shall the bill pass?"

**MR. VENABLE** demanded the yeas and nays, and they were ordered.

The question was then put, and it was decided in the affirmative—yeas 79, nays 71; as follows:

**YEAS**—Messrs. Willis Allen, William Appleton, Barrere, Bissell, Bowie, Bowne, Brenton, Briggs, Brooks, Albert G. Brown, George H. Brown, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Chandler, Churchill, Clark, Clingman, Cobb, Conger, John G. Davis, Eastman, Ficklin, Fitch, Florence, Freeman, Henry M. Fuller, Gentry, Gilmore, Goodrich, Gorman, Grey, Hall, Harper, Sampson W. Harris, Hart, Hendricks, Henn, Howard, Jackson, John Johnson, Robert W. Johnson, Kuhns, Landry, Lockhart, McCorkle, Molony, Henry D. Moore, John Moore, Olds, Orr, Samuel W. Parker, Penn, Penniman, Phelps, Polk, Porter, Richardson, Riddle, Sackett, Scurry, Smith, Snow, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, A. P. Stephens, Stone, St. Martin, Stratton, Strother, Stuart, Taylor, Walsh, Watkins, Welch, Addison White, Wilcox, and Yates—79.

**YEAS**—Messrs. Aiken, Allison, Ashe, Averett, Babcock, Thos. H. Bayly, Beale, Bennett, Bibbighaus, John H. Boyd, Bragg, Buell, Burrows, Busby, Caldwell, Caskie, Chapman, Chastain, Colecock, Curtis, Dawson, Dimmick, Dockery, Duncan, Duham, Floyd, Fowler, Goodenow, Hamilton, Hammond, Haws, Hebard, Hibbard, Horsford, John W. Howe, Ingersoll, Ives, Jenkins, Daniel T. Jones, Geo. W. Jones, J. Glancy Jones, George G. King, Preston King, Letcher, Martin, Mason, McLanahan, Millson, Morehead, Murray, Newton, Outlaw, Andrew Parker, Perkins, Powell, Price, Robbins, Ross, Savage, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Thompson, Venable, Walbridge, Wallace, Washburn, Wildrick, and Woodward—71.

So the bill was passed.

**MR. JOHNSON**, of Arkansas. I move to reconsider the vote by which the bill was passed, and also move to lay the motion to reconsider upon the table.

The question was put upon the latter motion, and it was agreed to.

**MR. STANTON**, of Kentucky, obtained the floor.



## MRS. MARGARET HETZEL.

Mr. KING, of New York. I ask the gentleman from Kentucky to give way, so as to allow me to call up a motion to reconsider, which I entered the other day, at a time when I had no opportunity to have it considered.

Mr. STANTON. I will give way to the gentleman, if I do not lose my right to the floor.

Mr. KING. Then I call up the motion to reconsider the vote by which Senate bill No. 83, "for the relief of Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States," was reported to the Committee of the Whole House.

The question was put upon the motion to reconsider, and it was agreed to.

The question recurred upon the motion to commit the bill, and being put, the motion was disagreed to.

Mr. KING, of New York, demanded the previous question.

The previous question was seconded, and the main question ordered.

The question recurred upon ordering the bill to be read a third time.

Mr. HOUSTON. Is there a report with that bill?

Mr. BISSELL. I will state to the gentleman from Alabama, that this is a Senate bill. The Committee on Military Affairs of this House have given to it a careful consideration, and have reported unanimously in favor of its passage. This is the third session at which it has been passed by one House or the other, but heretofore it has always failed for want of time. About the justice of the claim, there can be no question.

Mr. HOUSTON. I understand—and if I am wrong, I desire to be corrected—that this bill proposes to give to an officer, or to the widow of an officer, which is the same thing, a percentage upon the money which he disbursed at the time when he was an officer of the Government, and drawing his pay and compensation as such. If that principle is involved in the bill, it is a new one, and one which will lead to the expenditure of \$40,000,000. I ask for the reading of the report.

The SPEAKER. If not objected to, it will be read.

Mr. STUART. I object to the reading of the report.

Mr. HOUSTON. Can objection be made? Have I not a right to the reading of the report? I am entitled to the floor.

The SPEAKER. The Chair thinks the gentleman has no such right.

Mr. HOUSTON. Am I not entitled to the floor?

The SPEAKER. Not for any legitimate purpose, under the rules, unless it be to move that the bill be laid upon the table, the previous question having been ordered.

Mr. HART. Then I call the gentleman from Alabama to order.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Illinois [Mr. BISSELL] a question. I understand that Mr. Hetzel was a captain in the Army of the United States, and as quartermaster, in the receipt of all the pay and emoluments of a quartermaster; that he disbursed some money, perhaps in Florida, prior to his death; that this bill is to pay his widow a percentage or commission upon the money which he thus disbursed, while he was in the receipt of his pay as a captain in the Quartermaster's Department; and that the amount is some \$10,000 or \$12,000. Am I correct?

Mr. BISSELL. I will answer the gentleman's inquiry with a great deal of pleasure. The deceased, Captain Hetzel, was a captain in the Quartermaster's Department, discharging the duties of quartermaster, and receiving his pay as such. In addition to that, he performed duties so responsible and important as, in the opinion of General Scott and General Wool, under whom he was serving, and in the opinion of the War Department here, entitled him to the amount now claimed by his widow, and they only regretted that the law, as it stood, did not authorize the Department to allow it. Upon the files here, are letters from General Scott and General Wool, both certifying in the strongest manner to the justice of this claim, and requesting that Congress shall make the allowance.

Mr. MOORE, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. CAMPBELL, of Illinois. I object to further debate.

The SPEAKER. Discussion is not in order, the previous question having been sustained.

Mr. POLK. I desire, if it is in order, to ask a question, that I may be able to vote with a knowledge of the facts of the case.

The SPEAKER. It is not in order, except by unanimous consent.

Mr. POLK. Then I hope the House will allow me to propound it.

Mr. KING, of New York. I object.

The bill was then ordered to a third reading, and was subsequently read the third time.

Mr. BISSELL. I move the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

The question now being, "Shall the bill pass?" it was put, and decided in the affirmative.

So the bill was passed.

Mr. BISSELL. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

The question was put upon the latter motion, and it was agreed to.

Mr. CLARK obtained the floor.

## PROPOSITION TO ELECT A PRINTER.

Mr. STANTON, of Kentucky. I rise to a question of privilege.

Mr. COBB. I rise to a privileged question.

The SPEAKER. The gentleman from Kentucky rises to a question of privilege, which is a question of a still higher order.

Mr. STANTON. The question which I desire to present relates to the organization of the House.

A bill providing for the election of a public printer passed this House, and afterwards the Senate. It has been approved by the President, and his approval communicated to the House. The resolution I now desire to offer relates to the election of that officer.

APPEALS FROM THE PATENT OFFICE.

Mr. CARTTER. I desire to make an appeal to my friend from Kentucky. I want to ask the permission of the House to introduce a bill merely formal in its legislation, but of great importance in connection with the Patent Office. The whole business of that office is brought to a stand by the infirmity of the Chief Justice of this District, to whom appeals are made under the existing provisions of law, and it is of the highest importance that some authority of an appellate character should be substituted in his place. I have drawn up a bill, and have assurances from the Senate that it can be passed there, providing facilities for these appeals by simply charging the duty upon he associates of the Chief Justice of the District; and I hope the House will unanimously consent that it may pass.

Mr. STANTON, of Kentucky. If the bill is not to give rise to any debate or to consume much time, I have no objection to it.

Mr. CARTTER. I will withdraw it, if it gives rise to any debate. But there is no gentleman upon the floor who will not see the necessity of passing the bill.

Mr. STANTON. Then I will give way to the gentleman.

Mr. CARTTER. I ask the unanimous consent of the House to allow me to introduce the bill.

There being no objection, the bill was received, and read a first and second time by its title, viz:

"An act in addition to 'An act to promote the progress of useful arts.'"

Several MEMBERS. "Read the bill."

The bill was read through by the Clerk.

The bill was then ordered to be engrossed and read a third time; and, having been engrossed, it was read the third time and passed.

Mr. STANTON. I now call up my privileged question.

Mr. DANIEL. I rise to submit a question of order. I submit that the motion of the gentleman from Kentucky is not a privileged question.

The SPEAKER. The gentleman from Iowa [Mr. CLARK] rose and was recognized by the Chair. The gentleman from Kentucky [Mr. STANTON] then rose to a question of privilege, to proceed to the election of a public printer. The Chair thinks that is a question of privilege which,

as it relates to the organization of the House, must take precedence of all others.

Mr. DANIEL. I understand it is in order for the Committee on Printing to make a report at any time, but that the House is not necessarily obliged to take up that report to act upon it. I think it is in order to make a motion to take up the report and have the sense of the House taken upon it.

The SPEAKER. The gentleman from North Carolina has been led into an error as to the nature of the proposition submitted by the gentleman from Kentucky. It is not to make a report from the Committee on Printing at all. It is not upon that ground that the Chair decides that his proposition must be considered now. Congress has passed a law authorizing this House to elect a public printer and make him an officer of this House. The gentleman from Kentucky now submits a proposition that the House proceed to the election of a public printer, and the Chair decides that it is a question of privilege which overrides all privileged questions.

Mr. DANIEL. Is it not in order to move to suspend the rules and go into a Committee of the Whole on the Private Calendar?

The SPEAKER. Not if the gentleman from Kentucky presses his proposition.

## ELECTION OF PRINTER.

Mr. STANTON, of Kentucky. I now submit the following resolution, which I ask may be read.

The resolution was read by the Clerk, as follows:

Resolved, That this House will now proceed to the election of a public printer for the House of Representatives to serve during the remainder of the present Congress.

Mr. STANTON. Upon the adoption of the resolution I move the previous question.

The previous question was seconded, and the main question was ordered to be put.

The resolution was then adopted.

Mr. GOODENOW. Is it in order to move that the resolution do lie upon the table?

The SPEAKER. It is in order.

Mr. GOODENOW. I make that motion. I ask that the resolution may again be read.

It was again read by the Clerk.

Mr. BARRERE. I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then put, and the House refused to lay the resolution on the table.

The resolution was then adopted.

Mr. STANTON. I move to reconsider the vote by which the resolution was adopted, and move to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

The House then proceeded, in the execution of its order, to the election of a public printer.

Mr. STANTON, of Kentucky, nominated General Robert Armstrong.

Mr. STANTON, of Tennessee. As there seems to be no further nomination, I move that General Robert Armstrong be declared elected the public printer of the House of Representatives.

The SPEAKER. The motion can only be entertained by unanimous consent.

Objection was made.

Mr. SCURRY. It is but seldom that I have ever troubled the House with a single remark, but I ask permission to say one word. Since I began to know anything of the relations between man and man, the name of General Robert Armstrong has come down to me as one of the purest patriots the world has ever produced.

The following gentlemen were then nominated as candidates:

By Mr. CLINGMAN—John T. Towers.

By Mr. PENNIMAN—John C. Rives.

By Mr. CONGER—Gales & Seaton.

By Mr. MOORE, of Pennsylvania—George S. Gideon.

By Mr. MARTIN—Horace Greeley, of New York.

By Mr. GENTRY—Rev. William G. Brownlow, of Tennessee.

By Mr. FLOYD—William C. Bryant, of New York.

By Mr. DURKEE—Dr. G. Bailey.

By Mr. SACKETT—Henry D. Raymond, of New York.

By Mr. WEIGHTMAN—Patrick Kephart, of Santa Fe.

Mr. McMULLIN. I desire to know by what authority the name of John C. Rives is presented here? I understand that he did not wish the appointment.

Mr. JONES, of Tennessee. I desire to be informed by the gentleman who nominated Mr. Rives, whether he did it by Mr. Rives's authority?

Mr. PENNIMAN. I claim the right to nominate him without asking any man's consent.

Mr. FLORENCE. I am informed by Mr. Rives's friends that he does not wish the nomination. I think it is important that the House should understand that fact.

The SPEAKER then appointed Messrs. FOWLER, STANTON of Kentucky, JOHNSON of Arkansas, and CHANDLER, as tellers.

The roll was then called, with the following result: Whole number of votes, 187; necessary to a choice, 94. Of which—

Robert Armstrong received.....	107
John T. Towers.....	28
Gales & Seaton.....	20
George S. Gideon.....	9
G. Bailey.....	6
W. C. Bryant.....	4
John C. Rives.....	3
Horace Greeley.....	3
J. M. Daniel.....	2
W. P. Brownlow.....	2
H. J. Raymond.....	2
John Forsyth.....	1

The following is the vote in detail, viz:

For Robert Armstrong.—Messrs. Willis Allen, Ashe, Averett, Babcock, Thomas H. Bayly, Beale, Bissell, Linn Boyd, Bucoc, Bragg, Breckinridge, Albert G. Brown, Busby, Thompson Campbell, Cartter, Caskie, Chastain, Churchill, Clark, Cobb, Curtis, Daniel, John G. Davis, Dawson, Dean, Dinmick, Doty, Dunham, Eastman, Edgerton, Edmundson, Ficklin, Fitch, Florence, Freeman, Gamble, Gaylord, Gilmore, Gorman, Green, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Hibbard, Holladay, Houston, Howard, Ingersoll, Jackson, Jenkins, Andrew Johnson, Robert W. Johnson, Geo. W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, Mace, Mason, McCorkle, McLanahan, McMullin, McNair, Meade, Millson, Molony, Morrison, Murray, Olds, Orr, Andrew Parker, Peaslee, Penn, Phelps, Polk, Powell, Price, Richardson, Riddle, Robbins, Robie, Ross, Savage, Scurry, Origen S. Seymour, David L. Seymour, Skelton, Smith, Snow, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stone, St. Martin, Stuart, Sutherland, Sweetser, Thurston, Venable, Wilcox, and Wildrick—107.

For John T. Towers.—Messrs. Barrere, Bennett, Bibb, John H. Boyd, Brenton, Brooks, Burrows, E. Carlington Cabell, Lewis D. Campbell, Chapman, Chingman, Faulkner, Fowler, Hays, Haven, Horstford, Outlaw, Perkins, Schoolcraft, Staully, Benjamin Stanton, Thaddeus Stevens, Strother, Thompson, Walbridge, Walsh, Welch, and Wells—28.

For Gales & Seaton.—Messrs. Bowie, George H. Brown, Caldwell, Chandler, Conger, George T. Davis, Dockery, Duncan, Goodrich, Harper, Hebard, George G. King, Martin, John Moore, Morehead, Samuel W. Parker, Schermerhorn, Scudder, Taylor, and Addison White—20.

For George S. Gideon.—Messrs. Wm. Appleton, Briggs, Evans, Ewing, Grey, Kuhns, Landry, Henry D. Moore, and Yates—9.

For G. Bailey.—Messrs. Charles Allen, Durkee, John W. Howe, Mann, Newton, and Townsend—6.

For W. C. Bryant.—Messrs. Buell, Joseph Cable, Floyd, and Thomas Y. How—4.

For John C. Rives.—Messrs. John Johnson, Penniman, and Woodward—3.

For Horace Greeley.—Messrs. Allison, Washburn, and Reed—3.

For J. M. Daniel.—Messrs. Colcock and Wallace—2.

For W. P. Brownlow.—Messrs. Gentry and Watkins—2.

For H. J. Raymond.—Messrs. Sackett and Schoonmaker—2.

For John Forsyth.—Mr. McQueen—1.

The SPEAKER then declared General Robert Armstrong to be duly elected the public printer for the House of Representatives.

Mr. CLARK obtained the floor.

#### IOWA RAILROAD.

Mr. SEYMOUR, of New York. I ask the gentleman from Iowa to yield to me for one moment. I desire to appeal to the House to go into Committee of the Whole and take up the river and harbor bill.

#### GARDINER CLAIM.

Mr. JOHNSON, of Tennessee. I rise for the purpose of making an appeal both to the gentleman from Iowa and to the gentleman from New York. The Select Committee appointed by the House to investigate the Gardiner claim, and the connection the Secretary of the Treasury had with that claim, have performed their duty and they

wish to make a report to the House. The report is not long, and the House can dispose of it in a very few minutes. It is a very important question, in which Congress and the country feel a very deep interest. I ask the unanimous consent of the House to allow us to make that report, that it may be disposed of.

[Cries of "Agreed!" "Agreed!"]

Mr. CLARK. I am appealed to on all sides to give way, and I think it would not be right to make a distinction. I therefore decline.

Whatever may be the result of the application I now make to the House, I have at least the gratification to know that I have an opportunity to present a certain measure of importance to the House. I ask the unanimous consent of the House—and if it be not granted, which I hope it will be, I shall move to suspend the rules—for the purpose of taking up Senate bill No. 155, which provides for granting the right of way from Wabash river to the Missouri river, for a grant of land to aid in the construction of a railroad between the points designated in the bill.

Mr. HAMILTON. I object.

Mr. HOUSTON. I wish to present this suggestion to the gentleman from Iowa. A great many members desire to have an evening session. The gentleman from Iowa is entitled to the floor, and I suggest to him if we are going to have an evening session, we had better adjourn now for that purpose, and he can still hold the floor. If the gentleman will give way I will move that the House take a recess until seven o'clock.

Mr. CLARK. I would not set myself in opposition to the sense of the House. If the House desire I will give way.

[Cries of "No!" "No!"]

Mr. CLARK. Then I decline to give way for that purpose. I move to suspend the rules for the purpose of taking up the bill I have indicated, and I presume I may now be allowed to make a few remarks by way of explanation of that bill.

The SPEAKER. The gentleman can only proceed by unanimous consent.

[Cries of "Object!"]

Mr. HOUSTON. I hope that the gentleman will allow me to make the motion that the House take a recess. It is the wish of many members that we should hold an evening session, and if we are to do so, I think we had better adjourn and adjourn at dinner time.

Mr. CLARK. If that is the wish of the House I will give way.

The SPEAKER. The proposition of the gentleman from Alabama can only be entertained by unanimous consent.

Mr. HAMILTON. I object.

Mr. AVERETT. I demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

Mr. CABELL, of Florida. I ask the gentleman from Iowa if in case the rules are suspended he will accept as an amendment to his bill that proposition which he will recollect was discussed somewhat at length a short time ago to aid in the construction of a railroad to Pensacola.

Mr. McMULLIN. I move that the House do now adjourn.

Mr. STANTON, of Ohio, demanded the yeas and nays upon the motion to adjourn; but they were not ordered.

The question was then taken, and there were, on a division—ayes 63; when

Mr. HAVEN demanded tellers; which were ordered; and Messrs. VENABLE and DAWSON appointed.

The question was taken, and the tellers reported—ayes 72, noes 70.

So the House adjourned until to-morrow at eleven o'clock, a. m.

#### IN SENATE.

FRIDAY, August 27, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

On motion by Mr. GWIN, the reading of the Journal was dispensed with.

On motion by Mr. HUNTER, the order requiring to-day to be set apart for private business, was dispensed with.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing

that it had passed the following bills from the Senate:

An act for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis; and

An act authorizing imported goods, wares, and merchandise, entered and bonded for warehousing, in pursuance of law, to be exported by certain routes, to ports and places in Mexico.

Also, that the House of Representatives concur in the amendments of the Senate to the bill to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, with an amendment, in which they request the concurrence of the Senate.

Also, that the House of Representatives had passed a bill entitled "An act making further provision for the satisfaction of Virginia military land warrants."

A subsequent message was received from the House of Representatives, announcing that it had passed the following bill from the Senate:

An act for the relief of Mrs. Margaret Hetzel, widow and administratrix of A. R. Hetzel, late Assistant Quartermaster in the United States Army.

Also, that it had passed a bill entitled "An act granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river."

#### INDIAN APPROPRIATION BILL.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it agreed to the first, second, third, fifth, sixth, seventh, eighth, and ninth amendments of the Senate to the bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30th, 1853; that they agree to the tenth and eleventh amendments with amendments, and disagree to the fourth amendment of the Senate to the said bill.

#### PATENT APPEALS.

Also, that it had passed a bill entitled "An act in addition to an Act to promote the progress of the useful arts."

#### REPORTS FROM A STANDING COMMITTEE.

Mr. HUNTER, from the Committee on Finance, to which were referred the following bills from the House of Representatives, reported back the same with sundry amendments:

An act making appropriations for the support of the Army for the year ending the 30th June, 1853; and

An act making appropriations for the service of the Post Office Department during the fiscal year ending 30th June, 1853.

He also, from the same committee, to which was referred the bill from the House of Representatives making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, during the fiscal year ending 30th June, 1853, reported back the same without amendment.

#### RANDOLPH COYLE.

Mr. PRATT submitted the views of the minority of the Committee on Public Lands, to which had been referred the report of the Secretary of the Interior on the conflicting claims of Randolph Coyle, John Delafield, and the corporation of Cincinnati, to certain lands in that city; which was ordered to be printed in connection with the report of the committee on the subject.

#### ISLAND OF ST. DOMINGO.

A message was received from the President of the United States, by Mr. M. P. FILLMORE, his Secretary, in answer to a resolution of the Senate of the 14th ultimo, requesting a copy of the correspondence of Mr. R. M. Walsh, while he was employed as a special agent of this Government in the Island of St. Domingo, transmitting a report from the Secretary of State and the documents by which it was accompanied.

On motion by Mr. HUNTER, it was ordered to lie on the table and be printed.

## ORDER OF BUSINESS.

Mr. HUNTER. I move to postpone the prior orders, for the purpose of taking up the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30th, 1853.

Mr. DAVIS. I hope the Senator will allow me to make a report.

Mr. HUNTER. I would give way but for the fact that the report will give rise to debate, and I think we had better go on and dispose of the important and pressing business before us.

Mr. DAVIS. I do not think my report will occupy more than three minutes. It is the steamboat safety bill.

Mr. HUNTER. Other gentlemen also wish to make reports. My aim is to have the civil and diplomatic bill disposed of immediately, and therefore I must insist on my motion.

Mr. RUSK. I hope the Senator from Virginia will yield to the Senator from Massachusetts. I regard the bill which he desires to report as more important than the civil and diplomatic bill.

Mr. HUNTER. The bill which the Senator from Massachusetts desires to report is one that will give rise to opposition, and we cannot act on it this morning. I have received a remonstrance against it, and I must look a little more into it before I consent to have it pass. I must insist on my motion to postpone the prior orders for the purpose of taking up the civil and diplomatic bill.

Mr. GWIN. I call for the yeas and nays. I want to know whether or not we are to go on with the business of the country. I want to see upon the record the names of those who are opposed, to going on with the civil and diplomatic bill.

Mr. JONES, of Iowa. I am opposed to taking up the civil and diplomatic bill, because the bill which the Senator from Massachusetts desires to report is of great importance to every one who may be engaged in traveling on water. It is the bill in relation to the security of the lives of passengers.

The yeas and nays were ordered.

Mr. BRIGHT. I am as anxious to take up the civil and diplomatic bill as any gentleman here; but I think it is more important than to dispose even of that now that we should take up the Florida election case. I think that question should be decided at this session, or be postponed until the next session, and I shall vote against taking up the civil and diplomatic bill with a view of getting up that case.

Mr. GWIN. It is well known that the Senator from Virginia is willing to take up that case as soon as we get through with the civil and diplomatic bill. All that we want is to get one of the appropriation bills put through to-day.

Mr. BRIGHT. If I believed that the civil and diplomatic bill could be put through within the next six hours, I would not object to taking it up; but there was an amendment pending when the adjournment took place last night, which will, in all probability, lead to a long debate.

Mr. RUSK. I know that the bill proposed to be reported by the Senator from Massachusetts is more important than all the appropriation bills before Congress; at least, that is my judgment from the most deliberate examination of the matter. There is no danger of the passage of those bills. I have seen just such a squabble as we are in now on the last nights of the session, and I never yet saw an appropriation bill fail. I have been alarmed heretofore with regard to their fate, but I have got over all that, and intend never to be alarmed again about the danger of getting appropriation bills through. The bill proposed to be reported by the Senator from Massachusetts—and which cannot occupy ten minutes, because every Senator must be well acquainted with it—is for the protection of human life. It has come back from the House of Representatives with amendments which I think will be concurred in immediately by the Senate. If it falls now, it is gone, and gone forever; and upon the petition of persons who are interested and making money, that bill is to get its *quies*. Sir, we have sacrificed human life enough. It is time that some guards should be thrown around it.

Mr. HUNTER. Is it in order to go into the merits of the bill?

The PRESIDENT. It is not in order to go into the merits of the bill. The question now

pending is on postponing the previous orders to take up the civil and diplomatic bill.

Mr. GWIN. I want to call the attention of the Senate to the combination which exists here against the civil and diplomatic bill. The Senator from Indiana gets up and wants the Florida election case taken up, and the Senator from Texas wants the steamboat bill taken up. Here are combinations against the appropriation bills on the presumption that we are forced to pass them anyhow. I tell you, sir, we shall soon have an experiment here. These bills will be defeated if more time is not given for their consideration.

Mr. RUSK. I am in no combination anywhere. I am here as a Senator of the United States to do my duty; and I will do it. I have said I shall discharge that duty, and I would do it at the last moment of the session. We have three or four days yet, and I have had just such apprehensions as these on the last night of the session, and yet the appropriation bills got through, and reached the President, and were signed.

Mr. GWIN. I charge what I saw on the face of the Senate. The fact is evident that those who want the Florida election case taken up oppose this motion, and those who are in favor of the steamboat bill oppose it.

The PRESIDENT. The proposition is to postpone the previous orders with a view to take up the civil and diplomatic bill. Senators must confine their remarks to that motion.

The question being taken by yeas and nays on the motion, resulted—yeas 18, nays 23; as follows:

YEAS—Messrs. Adams, Atchison, Brooke, Charlton, Clemens, Douglas, Gwin, Hunter, James, King, Mangum, Mason, Miller, Morton, Pearce, Upham, Wade, and Walker—18.

NAYS—Messrs. Badger, Bell, Borland, Bradbury, Bright, Clarke, Davis, Dawson, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fish, Hale, Hamilton, Jones of Iowa, Mallory, Rusk, Seward, Shields, Smith, Spruance, and Weller—23.

So the motion was not agreed to.

## FLORIDA ELECTION CASE.

Mr. WELLER. I now move to dispense with the prior orders for the purpose of taking up the report of the committee on the contested election of Senator from Florida.

Mr. DAVIS. I should like to make a report.

Mr. WELLER. I am very anxious to have this matter disposed of. It has been pending for nine months. I think it ought to have been settled long ago.

Mr. BROADHEAD. I would like to inquire of the Senator from California, whether he proposes to dispose of the Florida election case without giving the contestant an opportunity of answering the report of the committee?

Mr. WELLER. It will be time enough to decide that question when the consideration of the report comes up. I am not certain that the contestant desires to be heard; but I will say to the Senator from Pennsylvania, that the only arguments I have heard on the subject, are those in favor of the contestant, and I think I understand the question as well as I would after hearing him. I must ask the yeas and nays on the motion. I wish the Journal to show who is in favor of postponing this case until next session.

The yeas and nays were ordered.

Mr. RUSK. I will vote for taking it up as soon as the report of the Senator from Massachusetts is made.

Mr. WELLER. If I understand the Senator from Massachusetts, he simply desires to report that bill. If that is all, I will suspend the motion until he makes his report.

Mr. DAVIS. I mean to report the bill, and to ask the Senate to act upon it at once.

Mr. WELLER. Then I cannot withdraw.

Mr. DAVIS. I would say to the honorable Senator, at the same time, that I do not expect it will occupy three minutes.

Mr. HUNTER. I apprehend the Senator from Massachusetts is mistaken. There are now committees here remonstrating against that bill, and he will find opposition to it.

Mr. JAMES. I have no objection to the honorable chairman of the Committee on Commerce reporting the bill. I have had no opportunity of examining it since it came from the House of Representatives. I would like at least from now till to-morrow to look into the bill before it is acted upon.

Mr. BRADBURY. If we could have an understanding that at twelve o'clock the Senate would proceed to the consideration of the Florida election case, I would, for one, consent to the time being occupied in making reports, and if that can be the understanding, I would ask my friend from California not to press his motion till twelve o'clock, in order that reports may be made, with the common understanding that at that hour we will proceed to decide the case which concerns the right of a member, who has occupied a seat which has been contested, thus placing him in an unpleasant condition for eight or nine months.

Mr. GWIN. If gentlemen are making their arrangements for the balance of the session, I would like to know when they intend to take up the appropriation bills.

The question being taken, by yeas and nays, on the motion of Mr. WELLER, to postpone the prior orders to proceed to the consideration of the report of the committee on the Florida contested-election case, resulted—yeas 23, nays 21; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bradbury, Bright, Brooke, Charlton, Clemens, Dawson, Felch, Gwin, Hale, Houston, Hunter, James, Jones of Iowa, King, Seward, Stockton, Sumner, Wade, Walker, and Weller—23.

NAYS—Messrs. Badger, Bell, Borland, Broadhead, Clarke, Davis, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Fish, Hamlin, Mangum, Miller, Morton, Pearce, Rusk, Smith, Spruance, Underwood, and Upham—21.

The Senate accordingly proceeded to the consideration of the report of the committee on the case of the contested election from Florida.

Mr. BADGER moved that the Senate proceed to the consideration of the resolution submitted by Mr. MORTON, to allow the contestant, Mr. Yulee, to be heard in support of his petition; and after being amended on the motion of Mr. PEARCE, so as to limit the contestant to two hours, it was agreed to.

Mr. YULEE addressed the Senate for two hours; and, on motion by Mr. BADGER, the time was extended one hour longer.

Mr. BADGER also addressed the Senate on the merits of the case, the pending question being on the following resolution, which was reported by the select committee:

Resolved, That the Hon. STEPHEN R. MALLORY was duly elected a member of the Senate of the United States from the third day of March, 1851.

Mr. HUNTER. I must appeal to the Senate to take a vote upon this matter, in order that we may proceed to the consideration of the civil and diplomatic appropriation bill.

[Cries of "Question!" "Question!"]

Mr. MORTON. I rise for the purpose of asking the Senate to excuse me from voting on this question. It is unnecessary for me to state the reasons why I make this request. The Senate will readily comprehend the delicacy of my position.

Mr. PRATT. I ask for the yeas and nays on this question.

The yeas and nays were ordered and taken, and resulted—yeas 41, nays 0; as follows:

YEAS—Messrs. Badger, Bayard, Bell, Bradbury, Bright, Brooke, Butler, Cass, Charlton, Clemens, Cooper, Davis, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Fish, Foot, Geyer, Gwin, Houston, Hunter, James, Jones of Iowa, King, Mason, Menwether, Miller, Norris, Pratt, Rusk, Seward, Smith, Soule, Spruance, Sumner, Toucey, Underwood, and Weller—41.

NAYS—None.

So the resolution reported by the committee was adopted.

[The debate upon the above case will be found in the Appendix.]

## SEIZURE AND FORFEITURE OF GOODS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Acting Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of the 22d of January last, a statement of the seizure and forfeiture of goods under the tariff act of 1846, on the ground of undervaluation or fraud in the invoices; which was laid upon the table, and ordered to be printed.

## MEXICAN BOUNDARY LINE.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 2d instant, a copy of the report made by Lieutenant Colonel Graham, of the Topographical Engineers, in relation to the boundary line between Mexico and the United States, stating that at the date of the resolution, no report, such



as is described in the resolution, was on the files of the Department; that on the 19th instant such a report was filed in the Topographical Bureau, and that on the following day a copy was sent to the War Department, of which the Secretary of War was not aware until some days afterwards.

Mr. WELLER. At the time that that resolution was offered, I understood the report was filed in the War Department. It seems that it has been filed there subsequently. I move the reference of the communication, with the accompanying papers, to the select committee to whom the other documents have been referred which relate to this matter.

Mr. RUSK. That is a very important document. I move that it be printed.

Mr. CLARKE. I would suggest to the Senator from Texas that it is impossible to have that document printed in time for use during the present session. It may be important to gentlemen who wish to discuss the matter to which it relates, and I hope it will not now be sent to the printer.

Mr. MASON. That report will doubtless contain information of great interest to the American people. It refers to the question of the boundary of the United States and Mexico, and to questions that have been passed upon by this Administration in reference to that boundary. I trust that every word of it, without abating a line or a letter, may be printed, so that the American people may know its whole contents.

Mr. CLARKE. I perfectly agree with the Senator from Virginia that every line of that document should go before the American people. I agree with him that everything therein contained should be known; but if it is put into the hands of the printer, is it possible that we can see it for the next two or three days? We may want to look at it in the mean time.

Mr. RUSK. I am in no hurry to send it off to the printer. I am quite willing that it should remain here for a week, if it is desirable. All I wished was to make the motion that it should be printed, so that we might all have an ample opportunity of reading it.

Mr. CLARKE. I make no objection to its being printed—none in the least. I am perfectly willing—yea, anxious to have it printed. I have not the slightest wish that so valuable a document should for a moment be screened from the public eye; but if we order it to be printed to-day, and to-morrow we should happen to want it, it will be in the hands of the printer, and we shall not be able to obtain it. If gentlemen will allow it to be referred to the Select Committee, we can look at it in the mean time, and it can be printed afterwards.

Mr. RUSK. Very well. In order to save time, I will withdraw the motion.

Mr. WELLER. I have moved to refer this communication and the accompanying papers to the Select Committee, and I give notice that to-morrow I shall ask the chairman of that committee to report upon it and the other communications which have been referred to that committee in relation to this subject.

The communication was accordingly so referred.

#### CIVIL AND DIPLOMATIC BILL.

On motion by Mr. HUNTER, the Senate proceeded, as in Committee of the Whole, to consider "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes."

The PRESIDENT. The amendment pending is that offered by the Senator from Virginia, [Mr. MASON,] as follows:

SEC. 1. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury at any time after the 1st day of January next, to issue to the State of Texas, such portion of the stock mentioned in the first proviso of the fifth article of the third section of the act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," approved September 9, 1850, as shall be equivalent in amount to the releases of the claims of the creditors of Texas against the United States, which shall be then filed at the Treasury, as in said article is provided; and in like manner from month to month to issue the said stock equivalent to such like releases as may be thereafter filed until the whole amount of the five millions of dollars reserved by said article is exhausted.

Mr. RUSK. I do not rise for the purpose of protracting this debate. I know that any length-

ened discussion would hazard, if not defeat the passage of the appropriation bills.

At an early period of this session, the question raised by that amendment was brought to the notice of this body by various petitions from the creditors of the State of Texas on that occasion. I expressed a hope that we should have a report from the committee in a few days, for I was anxious to discuss the question, and, in connection with that subject, I stated that the United States were in equity bound for more than half the original debt due by the State of Texas, in consequence of the failure of this Government to comply with the stipulations of its solemn treaties.

The question comes upon us now, at a time when it is utterly impossible to discuss it. I feel anxious that it should be discussed, for I am convinced that the question is not understood. Although much has been said and written, it has nearly all been on one side, and my State has not had an opportunity of being heard. For this reason I have felt great anxiety to obtain an opportunity to lay the facts before the Senate and the country, but, pressed for time as we are now, I shall not attempt to do so. No one, I apprehend, is more desirous than I am that this business should be settled in such a manner as to do justice to the creditors of Texas, and to do justice to her reputation and standing as a State of this Union. When the question does come up for discussion I will redeem the pledge that I have made on two or three occasions, that I will show conclusively that through the neglect of the United States to fulfill her treaty stipulations, and to prevent the Indians from depredating on the territory of Texas, more than half of her present debt has been incurred; and that the United States would in equity be held liable for it by any court of equity or disinterested arbitrator in the world.

I have thought that it was right I should make these remarks, but I will not protract them on the present occasion. I could well ask those who are so urgent on this subject, what country under the sun has ever paid her revolutionary debt in twenty years? But, sir, pressed as we are for time, I shall pursue the subject no further now.

Mr. MASON. I offered the amendment, now under consideration, last evening, at an hour when I thought it would be acted on. In justice to the United States, it is only right that I should not now persist in it. I now withdraw it, not through any want of confidence in the justice of the amendment, but merely in consequence of the want of time to consider it.

The amendment was accordingly withdrawn.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer an amendment, to come in at the end of the amendment I offered last night:

For additional compensation as late Commissioner to the Sandwich Islands, being the same amount allowed by the act of September 30, 1850, to Charles Eames's successor, \$3,000.

The amendment was agreed to.

Mr. BRODHEAD. I desire to offer the following amendment:

To enable the Architect to pay the workmen engaged on the extension of the Capitol thirty days' pay during the suspension of the work, the sum of \$19,000; to be paid out of the appropriation authorized by the joint resolution approved April 14, 1852: *Provided*, That no workman shall be paid who was not employed at the time of the suspension of the said work, or who was discharged for incapacity or irregularity of conduct.

That part of the bill which I wish to amend increases the pay of the clerks in the several departments. We have classified these clerks, and determined to advance their salaries according to a certain ratio, giving some an advance of twenty per cent. on their salaries, others ten per cent., and others five per cent., giving the largest increase to those who receive the smallest salaries. These are all employees of the Government. The workmen for whom I wish to provide by this amendment were four months out of employment. The amendment which I offer has been well considered, and is well guarded. It is founded upon an estimate made by the Architect, and is to be paid out of the \$500,000 which we appropriated last winter for the extension of the Capitol. It only proposes to pay them for thirty days, when, in point of fact, they were out of employment for four months. The objection to this proposition, in the early part of the session, was that we provided for them during the suspension of the work. I do not see

that there can be any reasonable objection to this amendment, because it only provides for the payment of a fraction of the time which they lost; and they were all employed under the Government. It was an inclement season. These are poor men, and I think the provision I propose is both an act of justice and an act of charity. I think that those gentlemen who go for an increase of pay to the clerks employed under the Government, cannot object to give these poor men some little compensation for the time they then lost.

Mr. CLARKE. The amendment proposed by the Senator from Pennsylvania may be perfectly correct in principle; but, at this hour, I conceive that it is impossible for the Senate to give it due consideration. There are one or two reasons why I consider that this motion should not be adopted by the Senate without some deliberation. It will be remembered that in a discussion which took place, some time since, in this body, it was stated that the workmen who are engaged on the extension of the Capitol were informed, by advertisement, previous to the commencement of the work, that they would be employed until the month of December; and it was also stated that they were employed during the month of December, until the weather became so severe that it was necessary to discontinue operations. It was found that there was a deficiency in the appropriation for the erection of these wings; and, in consequence of the delay that took place before the necessary funds were placed at the disposal of the Executive by Congress, the work was not resumed in the spring until much later than had been anticipated. These men were, undoubtedly, engaged to work on the extension of the Capitol, and the work during the spring months was somewhat delayed, for the reason I have assigned, and they may by that means have incurred some loss of time; but, sir, although it is a matter of little importance to the United States, in a pecuniary point of view, whether they receive a little more or a little less, I am of opinion that there was no sort of obligation incurred to remunerate these men during the time they were unemployed. The advertisement in the public prints, through which they were invited to come here, stated that they would be employed until the month of December, and again in the spring of this year; but I know of no contract entered into with them, by the Superintendent or the Architect, which would authorize a demand on the Government of the United States for employment at an earlier date than it was possible to pass the appropriation; nor do I know of any contract which would authorize them to demand compensation for the time that they remained unemployed. That is one reason why I shall object to the motion of the Senator from Pennsylvania at this moment; but, in addition to that, I have another. I understand that there is something else connected with this transaction, which should entitle it to the serious consideration of the Senate. I understand that a system of black-mailing has been carried on towards the employees, which will enable certain persons, in some manner or shape, to avail themselves of the influence or advantage which may be gained from the support of other men. I understand that contracts are existing at this moment which will redound immensely to the advantage of those who are the contractors. And I understand that there is a singular proposition afoot now, relative to certain portions of this work, which would have been much better left undone. For instance, look at the arches recently erected—

Mr. BRODHEAD. I rise to a question of order. The amendment which I offer is to pay these men each for thirty days' lost time during a suspension of nearly four months' work. The honorable Senator from Rhode Island is not discussing the amendment, but the question whether the walls of the Capitol are substantially made. I apprehend that is not the question, and that the Senator is not in order.

Mr. CLARKE. I beg pardon of the Senator from Pennsylvania; but I think he is as wide of the mark as the two poles. I am speaking to the question.

The PRESIDING OFFICER, (Mr. Foor.) The gentleman from Pennsylvania will state his point of order.

Mr. BRODHEAD. My question of order is, that the gentleman from Rhode Island is not confining himself to the question.

Mr. BRADBURY. I rise to another question of order, and that is, whether this, being strictly a private claim—supposing that there is any claim at all—can be attached, under the rule, to a general appropriation bill.

The PRESIDING OFFICER. The Chair decides that the amendment is not in order. It is not permitted under the rule.

Mr. BRODHEAD. The amendment was ruled in order last evening, because it does not propose a new appropriation, but merely a partial disposition of an appropriation already made. It is to come out of the \$500,000 appropriated for building the wings of the Capitol.

The PRESIDING OFFICER. There can be no discussion on the question, unless the Senator from Pennsylvania appeals from the decision of the Chair.

Mr. BRODHEAD. I think my amendment is in order, but I will not appeal from the decision of the Chair.

Mr. RUSK. I desire to offer an amendment. In page fifty-five, line eleven, after the words "per cent." insert the following:

And the same per cent. or additional compensation shall be paid to the clerks and employees in the Washington city post office.

This amendment gives twenty per cent. additional pay to these employees. The amendment was agreed to.

Mr. RUSK. I have another amendment:

For the temporary employment of additional clerks in the Auditor's Office of the Treasury, for the Post Office Department to complete the postmasters' commissions, rendered necessary by the act of Congress reducing the rates of postage, \$2,000.

The amendment was agreed to.

Mr. RUSK. I desire to offer another amendment:

And that the Second Auditor of the Treasury Department shall be allowed a salary equal to that of the head of any other bureau, to commence from and after his appointment to office.

So that the whole clause will read:

"For compensation of the Second Auditor, and the clerks, messengers, and assistant messenger in his office, \$34,800; and that the Second Auditor of the Treasury Department shall be allowed a salary equal to that of the head of any other bureau, to commence from and after his appointment to office."

Mr. HUNTER. I think that we have not time now to go into this question of the deficiency of salaries. The scale now in existence contains many inequalities, and is a subject of much complaint; but we have not time to take it up now. We propose to take it up next session, and endeavor to form some general system.

Mr. RUSK. I do not wish to detain the Senate, but I think that if I make a very short statement there will scarcely be a dissenting voice to the amendment. I have had a long personal acquaintance with the Second Auditor, who is the object of this amendment, and I can speak of my own knowledge of his skill and usefulness as a public officer. When he commenced his duties, there was a large amount of business growing out of the Mexican war in an unsettled state in that office; forty-five clerks were employed then, and for some time past; the annual appropriation for the pay of clerks was then \$51,057; now the business has been all brought up, the number of clerks has been reduced to twenty-five, making a saving of some \$40,000 or \$50,000 to the Government, and this year the appropriation will probably be only \$34,800. I believe it is the only instance within my knowledge, in the history of this Government, of a diminution, instead of an increase, in the expenses of the office and the number of clerks employed; but although this is the case, the business of the office is promptly and well done, as I believe every one who has business connected with it can testify. I do hope that there will be no objection on the part of the Senate to this amendment.

Mr. HUNTER. I understand that the business of that Department is diminishing, and that the large amount of business which accumulated there, grew out of the Mexican war. However, I shall not say anything to disparage the abilities of the Second Auditor. I will merely say that the Senate should remember that there are other public officers who ask for an increase of pay; and that it is scarcely right to take any step which would bear the appearance of inequality of treatment.

Mr. BORLAND. I do not suppose that it is necessary to say a single word in advocacy of this

proposition. My experience of the skill, promptness, and extraordinary capability and fidelity of the officer referred to, prompts me to express a hope that it will be passed without a dissenting voice.

The amendment was agreed to.

Mr. RUSK. I move further to amend the bill, by striking out the following words:

"For the completion of the light-house of the third class at Red Fish Bar, Galveston Bay, Texas, \$500,"

—and insert:

For the construction of three light-houses in Galveston Bay, to wit: one at the head of Red Fish Bar, one at Half Moon Shoal, and one at Clopper's Bar, to be respectively of the fourth, fifth, and sixth order, in lieu of three light-houses provided for in the appropriation bill of March 3, 1851, \$5,000.

Mr. PRATT. I hope the Senator will withdraw that amendment. I understand that the House of Representatives has adopted a new policy in reference to light-houses, and that there will be a general bill before the Senate on the subject; and when that bill comes up, the amendment of the Senator from Texas can be put into that bill.

Mr. WELLER. I understand that the Senate Committee on Commerce have unanimously recommended the rejection of this light-house bill, and it will therefore be necessary to act upon the amendment of the Senator from Texas.

Mr. PRATT. But it may be that the Senate will not concur in the report of the committee, and the bill may be passed.

Mr. HAMLIN. I wish to say, that whatever may be the action of the Senate in regard to the adoption of that system, it will not preclude appropriations from being made for light-houses. This, however, is the first time I ever heard of a civil and diplomatic appropriation bill being made into a light-house bill.

Mr. RUSK. I did not make the civil and diplomatic appropriation bill a light-house bill. The appropriation was in the bill as it came from the House of Representatives, and I desired to amend it. I withdraw the amendment, however, for the present.

Mr. MANGUM. I move to amend the item making an appropriation for clerk hire, &c., for the completion of the census, \$50,000, by adding:

Out of which the Superintendent of the Census shall receive \$3,000 per annum.

It will be remembered that this matter was fully discussed some time ago. The Senate at that time obviously acted under a misapprehension that the Superintendent claimed two salaries. He never did claim them. He has received that sum hitherto, and I only ask that it may be continued.

Mr. BORLAND. I have no particular objection to that amendment, but it was my purpose to strike out the whole appropriation, on the ground that no necessity exists for it now. I dislike to occupy the time of the Senate by entering into a discussion; but I will say that there are circumstances connected with this matter which should be known to the Senate and the country. I repeat that I have no particular objection to this amendment *per se*, nor to the receipt of this increase of salary by the person for whose benefit it is proposed; but I am opposed to the whole appropriation, and I may as well make my remarks on it now as at any other time. I intend, sir, to move to strike out the whole of this appropriation of \$50,000 from the bill; and if it be in order—though I presume it will not, be—I will make that motion now.

The PRESIDING OFFICER. It is not in order to discuss or make any motion affecting the original proposition. The consideration of the Senate must now be given to the amendment of the Senator from North Carolina, [Mr. MANGUM.]

Mr. BORLAND. Then I will wait for another opportunity.

Mr. DAVIS. What is to become of the census bill already passed, which was designed and intended to give a salary of \$3,000 to this individual? If this amendment should pass, it will be an additional appropriation for the same object.

Mr. MANGUM. Not at all. The bill to which the Senator from Massachusetts refers is now pending in the House of Representatives, and there is no probability that it will be acted upon.

The question was then taken on the amendment, and it was rejected.

Mr. CLARKE. I desire to offer an amendment to the second section, which provides for an increase of the salaries of certain clerks, by inserting the words—

And also the clerks in the city post office.

It will be seen that in this section provision is made for an increase of pay to the clerks in the various Departments of the Government. It is hardly necessary to say a single word in support of this amendment, for it is well known that there are no persons in the employment of the General Government that are so constantly in the exercise of duty as those persons who are engaged in the city post office.

The PRESIDING OFFICER. The Chair would remind the Senator from Rhode Island that these persons have been provided for by an amendment offered by the Senator from Texas.

Mr. CLARKE. Then I withdraw the amendment.

Mr. SHIELDS. I made an effort on a former occasion to include in the provision providing for extra pay to the clerks and others employed under the Government in this city, those who are employed in the arsenal and navy-yard. I propose to insert in the second section the words "and the arsenal and navy-yard." That part of the section will then read:

"That the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions in the executive and legislative departments of the Government, and the arsenal and navy-yard in the city of Washington," &c.

The section, if thus amended, will include the clerks, messengers, watchmen, and laborers in these two branches also with the others. It is not necessary for me to say that the same causes which rendered this increase of pay necessary in the one case are equally operative in the other.

Mr. BRODHEAD. When I proposed a similar amendment in regard to the laborers employed on the wings of the Capitol it was ruled out of order. I think this is precisely a similar case to mine, and I ask that we may have a similar decision in regard to it.

Mr. GWIN. It is only to give a fair compensation to these men. I hope the amendment will be adopted.

Mr. SHIELDS. All I ask is, that men performing similar duties in the same city may be put upon the same footing. I think we ought not to have special and partial legislation. I do not know that I would have undertaken the responsibility of recommending any such increase of pay generally; but as it has been determined upon in some cases I think we should deal equally and fairly with all.

Mr. PRATT. I propose to add to that amendment these words:

And the workmen employed on the public buildings.

Mr. CLARKE. I hope that the Senate will not agree to the amendment of the Senator from Maryland, [Mr. PRATT.] I object to these sweeping propositions for additional compensation to "all creation and the rest of mankind." The effect will be to suck the last dollar out of the Treasury.

Mr. PRATT. It was precisely my object to bring in "the rest of mankind." "All creation" was already provided for.

If the clerks in the Departments, and the people employed in the arsenal and navy-yard are to be taken care of, I see no reason why the working men on the public buildings should be neglected. I am in favor of that sound Democratic doctrine which entitles all to equal favor from Congress.

Mr. JONES, of Iowa. That is right. That is right.

Mr. PRATT. I repeat that all classes in the employment of the Government should be put on the same footing; and for that reason, I hope my amendment will be carried.

Mr. CLARKE. I am a democrat by birth, a democrat by education, a democrat by practice, a democrat in principle; I have lived a democrat, and I will die a democrat, so that no man can filibuster beyond me in that sort of regard for "the rights of the people" for which he does not care a snap of his finger. I have as much regard for the working man as any one. I was one of that class. I was a laborer myself.

Mr. JONES, of Iowa. On the Capitol.

Mr. CLARKE. No, sir; on a capital infinitely more interesting to me. On my own capital, and

if I had no more than my own, I should have failed long since and gone into liquidation.

We have made provision by law for building two monstrous structures, the very outside of which is an enormity, the inside of which will be an abortion, and the totality of which will be a fatal blow to anything like public decency and public taste in this country. [Laughter.] You have appointed an architect, somebody has appointed a superintendent, and somebody else has appointed another officer who figures as a sub-superintendent; and these officers have invited a number of mechanics and laboring men to come here, and have given them employment on the extension of the Capitol. There is no provision by law to regulate the wages of these men. The superintendent pays them just as much as he chooses, after making a deduction, which is reserved for some especial object; and now you propose to make an addition to the wages of these men without ascertaining what rates are now paid, and not even excepting those who came at the eleventh hour, and who have not borne the heat and toil of the day! Why, sir, if you pass this proposition, and grant an additional remuneration to that man who stipulated that he should receive a dollar per day for his work, he will remain lost in astonishment at a degree of beneficence on the part of the Government, which utterly passes his comprehension! I think that there is no necessity shown by the Senator from Maryland, and I do not think that it is a fair amendment. Those persons working at the arsenal and the navy-yard, to whom it is proposed, by the Senator from Illinois, [Mr. SHIELDS,] to grant an increase of compensation, must bring to the execution of their task a large amount of mechanical skill, and no inconsiderable degree of knowledge and science; and if it should be apparent that an increase of pay is essential for their maintenance and comfort, what reason is there that we should go abroad into the streets and call on all men to come to us, as we are ready to grant them a bonus in addition to what they conceive to be the true value of their labor? The cost of these buildings will be sufficiently large without adopting any such extraordinary means to drain the Treasury; for I will mention to gentlemen a fact with which they may not be acquainted—that although the estimates make the probable expense appear something like \$3,000,000, the Architect himself says that it will not be less than \$6,000,000.

Mr. ADAMS. I desire to know whether these laborers are not engaged under a contract made by the superintendent?

Mr. PRATT. I would state to the Senator from Mississippi, that I have offered this amendment in accordance with a petition signed by these laborers. A committee of their number, deputed by them, waited on my colleague and myself, and presented their memorial, asking for extra compensation. This amendment is offered in accordance with that memorial.

Mr. ADAMS. I have not had an answer to my question. I asked whether the superintendent does not make his contract with these laborers, and whether he has not power to increase their compensation, if he should think proper?

Several SENATORS. Certainly.

Mr. DOUGLAS. I do not know why the laborer is not entitled to increase of pay as much as the clerks and other employees of the Government. The unusual price of provisions in this city, certainly renders it as necessary in their case as in that of the clerks that they should have larger pay. The argument urged for this increase in regard to clerks and messengers, applies with much greater force to the laborer and mechanic, for we all know that a much greater proportion of their earnings has to go for the necessities of life than that of the clerks, who receive higher pay. If this is not a sound argument in favor of increased pay to the laborer, it certainly shows that the whole thing is wrong. I hope that amendment will be adopted.

Mr. WELLER. A very short answer to all this argument in favor of the laborer is, that the contractors who employ these laborers have the power to increase their pay whenever they choose; but the head of a Department who employs clerks has no such power. The salary of each clerk is fixed; and let his merits be what they may, the head of a Department has no power to reward them. He is in no better position than the most

idle or inefficient, and in this respect has no inducement to put forth his energies. It is not so with the laborer. To him competition is open, and he can at all times find the value of his labor.

Mr. SHIELDS. The object of my amendment is to increase the pay of those whose salaries are regulated by law. I take it for granted that the superintendent has the power, whether you legislate in regard to this matter or not, to increase the pay of these men, according to their merits and the necessity of the case. I shall vote for the amendment of the Senator from Maryland, although I scarcely think it is necessary.

Mr. DAWSON. Do I understand that this amendment is to increase the compensation in all the workshops and arsenals and navy-yards in the United States, or is it only to apply to the city of Washington?

Mr. SHIELDS. Only to those in the city of Washington.

Mr. DAWSON. And what is the difference between those engaged in the arsenal and navy-yards here, and those engaged in similar establishments elsewhere? Again, Mr. President, I suppose we are now about to carry out the principle which has been adopted by the present Congress—I mean the abandonment of the contract system, and to pay every man according to the imagined value of the services he has rendered; that hereafter no man can enter into a contract with the Government, unless he reserves the right of having his pay increased. As I understand it, these laborers are paid by the day. If they do not receive sufficient compensation, the agent who employs them ought to be instructed to pay what is reasonable and just. How can we here undertake to pay an individual who hires himself by the day? If he agrees to work for \$2 per day, it is supposed that that is the full market value of his labor; and how can we undertake to increase his remuneration twenty per cent. above that? There seems to me to be an incongruity about this, and in my judgment it will be the means of introducing much confusion. I go for full pay to all the laborers who are employed on any of the Government works. But this is a bad way to attempt to establish it; and if this rule is to be applied to the arsenal and navy-yard in the city of Washington, I think it should extend to every similar establishment in the United States.

Mr. DAVIS. I merely wish to ask whether it is right that the Government of the United States shall give more for labor than individuals are able to pay? and whether the whole tendency of this system is not to disturb the arrangements of the laboring community, and induce working men to come here because this is a privileged place in which labor is paid at a higher rate by the Government than it is possible for individuals to pay? The whole operation of this amendment, in my opinion, is to disturb the condition of the laboring men, and to press them into the service of the Government. This is a species of rivalry with private employers that I am not disposed to encourage.

The question was taken on the amendment to the amendment, and it was rejected; the question then recurred on the amendment, and on a division there were—yeas 18, nays 20.

So the amendment was not agreed to.

Mr. BRIGHT. I offer the following amendment:

For grading and paving with round stones the carriage-way of Pennsylvania Avenue from Seventeenth street west to Rock Creek, setting curb stones on each side thereof at a distance of twenty-five feet, and placing foot-ways wherever necessary, \$20,000.

That amendment proposes to improve the avenue from the War Department to the western limits of the city, which now, you may say, is nothing but continuous mud-holes.

Mr. BRODHEAD. I believe that this amendment was rejected last evening. I wish to inquire whether it can be in order now?

Mr. BRIGHT. That is not the same amendment at all. This proposes to improve the main avenue by paving and curbing it.

The amendment was agreed to.

Mr. DOUGLAS. I offer the following amendment, as an addition to the item of \$125,000 for printing and binding:

Provided, That in settling the accounts for the printing of the Thirty-first Congress, one half of the prices given by the joint resolution of 1819 be allowed, not exceeding the

amount that would be paid under the respective contracts if settled by the prices named in the bill of the House of Representatives, which passed on the 31st of July last, in regard to the public printing, estimating the paper at the actual cost thereof, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. HAMLIN. I want to know under what authority that amendment gets in here?

Mr. DOUGLAS. Under the rule. I offer it to the appropriation in the bill for the contingent expenses of the two Houses—part of these contingent expenses is for printing—for work now being done for the current year. The work is still going on.

Mr. HAMLIN. I rise to a question of order. I am under the impression that this amendment is not admissible, as it relates to a private claim.

The PRESIDING OFFICER. (Mr. Foor in the chair.) The Chair is of opinion that the amendment is in order.

Mr. HAMLIN. Then I desire to say that, if the amendment passes, it will give the contractor of last year an increase of more than \$200,000 beyond the contract prices. I know what I say. I have the papers in my possession to prove every word of it. And I say, further, that the contractor has never presented an account of his debit and credit, or an exhibit of the cost of the work, either to Congress or to the committee; and from my own knowledge of printing, I can state that, although he may have lost a small sum of money, a careful printer would not have lost a single dollar under his contract, in my judgment. If the Senate, however, at this late hour of the session, persists in paying over this sum of \$200,000, I desire to wash my hands of the whole affair.

Mr. CLEMENS. The Senator from Maine says he has the proofs in his pocket.

Mr. HAMLIN. No, sir.

Mr. CLEMENS. I want to see them. Let the Senator produce them in the Senate. I want to see them.

Mr. HAMLIN. I did not say I had them in my pocket. I said I had them. They are in the committee-room.

Mr. CLEMENS. Then I say, let the Senator go to his committee-room, and get them. We want them all. If there is such proof here, I want to see it. I do not believe it can be produced.

Mr. PEARCE. I desire to appeal from the decision of the Chair. The Senator from Maine rose directly after this amendment was offered, and when the Chair decided it to be in order, I supposed he was going to take an appeal from that decision. I found that he did not make an appeal, and I endeavored to get the floor; but the Senator from Alabama [Mr. CLEMENS] got it before me, and he was not inclined to give way for that purpose. As soon as I could obtain the floor, I rose to take an appeal from the decision of the Chair. I did so, and now I ask whether I cannot take an appeal under such circumstances?

The PRESIDING OFFICER. Certainly. The gentleman can take an appeal.

Mr. PEARCE. Then I will take an appeal. The amendment introduced by the Senator from Illinois [Mr. DOUGLAS] is an indirect method of evading a rule of the Senate. We have had a petition pending here, asking the Senate to make an allowance to the contractor for the printing of the last Congress beyond the amount for which he stipulated to do the printing. That is strictly a private claim, if it be a claim at all. And now, instead of inquiring into that private claim as all other private claims are inquired into and disposed of, we allow, if we allow the decision of the Chair to stand—and I must say that I think the Chair did not perceive the object of the amendment when he made the decision—that to be done in an indirect manner which could not be done directly. We allow, under a peculiar phraseology, the introduction of a private claim of a very doubtful, and certainly of a disputed, character. I will not detain the Senate further than to state that I think this is strictly a private claim, and that it ought not to be brought into this bill.

The PRESIDING OFFICER. The Chair has decided that the amendment offered by the Senator from Illinois [Mr. DOUGLAS] was admissible under the rules of the Senate, and from that decision the Senator from Maryland [Mr. PEARCE] has appealed. The question is now whether the decision of the Chair shall stand as the judgment of the Senate.



The question was taken on the appeal, and, on a division, the decision of the Chair appeared to be sustained.

Mr. CASS. The Chair must have been in error in the count.

Mr. DOUGLAS. I call for the yeas and nays.

Mr. WELLER. I ask for a recount, for several reasons. One is, that I believe the question was not understood by the Senate; and another is, that the Chair must have been in error in the count. I, at least, was of opinion that the decision of the Chair was not sustained.

Mr. SMITH. I object, decidedly, to a recount.

The PRESIDING OFFICER. The Chair thinks it due to itself, and to the Senate, that a division on the appeal should be again taken.

The yeas and nays were ordered; and, being taken, resulted—yeas 22, nays 22; as follows:

YEAS—Messrs. Adams, Bright, Cass, Charlton, Clemens, Dawson, De Saussure, Dodge of Iowa, Douglas, Gwin, Houston, James, Jones of Iowa, Mallory, Mason, Meriwether, Rusk, Shields, Stockton, Toucey, Walker, and Weller—22.

NAYS—Messrs. Borland, Brodhead, Brooke, Chase, Clarke, Cooper, Davis, Fish, Geyer, Hamlin, Hunter, Mangum, Miller, Pearce, Pratt, Smith, Soule, Spruance, Sumner, Underwood, Upham, and Wade—22.

So the decision of the Chair was sustained.

Mr. SMITH. I cannot but regard it as a matter of a great deal of regret that a question of this character should be brought before the Senate at this period of the session, and particularly that an effort should now be made to settle what I have regarded as a mere private claim by way of an amendment to an appropriation bill—an amendment introduced to the consideration of the Senate without having been printed; without having been considered or reported by any one of the standing committees of the body; not having been considered by the Printing Committee, nor even having been referred to it—a mere amendment brought in here in the handwriting of one of the honorable members of this body, under circumstances which make it extremely difficult for me or any other member of the body to ascertain what is the purport of it, and what will be its operation. If I understand it, it corresponds substantially, and I do not know but exactly, to an amendment which was obtruded upon the Senate, or rather offered in the Senate—I will not say obtruded—by way of an amendment to the civil and diplomatic bill two years ago. It proposes to give to the printer of the last Congress, for all the printing he did during that Congress, one half the prices given by the joint resolution of 1819. Then it goes on to provide that the amount to be allowed for that printing, whatever it may be, shall not exceed the amount that would be paid under the respective contracts, if settled by the prices named in the bill of the House of Representatives which passed on the 31st of July last in regard to the public printing.

I have to say, in the first place, that this is a very remarkable reference. I desire to know what it is that is referred to in the latter part of this amendment. It refers to some bill which passed the House of Representatives.

Mr. CLEMENS. Read the whole of it.

Mr. SMITH. The latter part of the proviso is, "that the amounts to be paid shall not exceed what would be paid under the respective contracts if settled by the price named in the bill of the House of Representatives, passed on the 31st of July last." What does that refer to? To a bill that has passed the House. I do not know what that bill is. I suppose it refers to the bill which we passed in the Senate, I believe, day before yesterday. This is a very awkward reference at any rate. If it refers to that bill, why not say so? If you refer to an act of Congress, why not put in it when it was approved by the President? But this proviso says that Mr. Ritchie—for that is the amount of it—shall have one half of the prices specified in the joint resolution of 1819. Then it goes on to say, that although we agree that he shall have one half of those prices, he shall not have, at any rate, more than is contained in the act of Congress to which I have alluded. I would inquire of my honorable friend from Alabama, why not refer to the act of Congress? The way it is expressed now is no limitation at all. The prices contained in the bill which recently passed the two Houses of Congress, as I am informed, though I have not particularly investigated the subject, are altogether more than one half of

the prices named in the joint resolution of 1819. I am told so by a practical printer, though that bill was carried through the Senate so rapidly, and I may be permitted to say, with so little consideration, that it is quite impossible for me to say precisely what the prices are that are specified in it; but I have this to say, that this enactment, by the way of a proviso, corresponds, I believe, with the proviso that was offered towards the close of the last session of Congress. I unite with my friend from Maine in saying that the Committee on Printing have investigated that proposition. We thoroughly investigated it. We have looked into all its details. We have caused all the calculations to be made, and I do not hesitate to declare, in the broadest terms, that I unite in what my honorable friend from Maine says. I desire to hear my friend from Arkansas [Mr. BORLAND] on this subject. I tell the Senate that it was the judgment of every member of the Senate Committee on Printing that the amendment proposed at the last session, which I suppose to be the same as the one now under consideration, would hand over to Mr. Ritchie a fortune of no less than \$100,000. I repeat here, that this amendment, over and above covering all the outlay Mr. Ritchie has incurred in this regard, will amount to that. I say it is the deliberate judgment of every member of the committee. If the honorable Senator from Arkansas entertains a different opinion from what I now express, I do not know of it. I ask the honorable gentleman to declare, in the face of the Senate and country, whether we did not make minute calculations—whether we did not take document after document, volume after volume, page after page, and go through all the items, and make out the result? Yes, sir; we went into the calculations. I cannot produce them here. If you will report a bill to relieve Mr. Ritchie, and give me the chance to bring the calculations and all the details, I will demonstrate that you are about to put \$100,000 into his pocket.

A SENATOR. How much did Mr. Ritchie lose?

Mr. SMITH. God only knows whether he ever lost a penny. But, sir, I would be glad to get rid of Mr. Ritchie. I want to buy the peace of Congress. I want to buy him off; and I am going to propose an amendment to the amendment. I will give \$10,000 to get rid of his clamor. He is not entitled to one penny. He broke his contract from beginning to end in the most outrageous manner. Now, individuals sometimes buy their peace, and nations sometimes buy theirs, and I do not know why Congress should not buy its peace. I would agree to pay Mr. Ritchie what would be a good fortune for me, to get him out of Washington, and get rid of his claim. In place, therefore, of the miserable limitation proposed in the amendment, which is no limitation at all, I propose to strike out all after the word "allow," and add the following proviso:

*Provided*, That the amount to be allowed under the foregoing provision shall not exceed the sum of \$10,000.

Mr. PRATT. I desire to obtain information. This question has been presented to Congress before. I think at the first session of last Congress, after a long debate upon the same question, the Senator from Louisiana [Mr. SOULE] offered an amendment which met with the concurrence of the Senate. If I recollect the proposition which then passed, it provided that two or three persons who were named in the bill itself—practical printers—should ascertain the actual expense to which Mr. Ritchie had been put in doing the work of Congress for which he claims compensation, and that we should pay him that amount, together with ten per cent. profit upon it, with the proviso that it should not exceed a sum specified in the resolution. I have endeavored to find it, but have not as yet succeeded in finding what was the action of the Senate upon that occasion. My object is to inquire of the honorable Senator from Arkansas, or the honorable Senator from Connecticut, or some other Senator, whether I recollect correctly.

Mr. BORLAND. I think I can relieve the Senator from Connecticut from some difficulty if he will yield me the floor. I will make a suggestion in the form of an additional proviso, which I will read directly, but which, if the Senator will permit me, I will preface with a few words.

Mr. SMITH. Certainly.

Mr. BORLAND. It will be recollected that in the last Congress a bill or resolution passed the

Senate allowing to this printer ten per centum upon the whole amount of his expenditures in the execution of the public printing. That was based upon the consideration that he had taken a contract by which he had lost money, and that it was not proper for this Government in any of its Departments to receive a valuable consideration from any individual and refuse to allow him an adequate compensation. An estimate perhaps not precisely accurate, but approximating as nearly as was practicable at that time to accuracy, assumed that the printer had lost from \$20,000 to \$30,000 by his contract, and that the resolution if adopted, would approximate to, if not pay him the full amount of \$20,000 over and above his expenditures, leaving him for returns to himself upon his large investment and several years' labor about \$20,000 profit, which was not deemed extravagant. That resolution failed in the House. The consequence was that no allowance at all was made.

Now, I deem it due to myself and to the Committee on Printing and to the Senate to state why I cannot support the amendment of the Senator from Illinois. It became my duty as chairman of the Committee on Printing, to make an estimate of the amount which would be paid to the printer under the bill of the last session which came here and failed, and which the Senator from Illinois now proposes to revive in substance by his proviso. I found, after the most thorough examination and accurate calculation, that the increased amount which would be paid to the printer by that bill, and which will be paid under this proviso, if adopted, would, over and above the amount which he would receive under his contract, be about \$214,000. This was no conjecture. It was the result of actual calculation in figures, put down by men whose business it is to make such calculations, and whose accuracy ought not to be, and will not be, questioned, when I state that the same persons who made them have for the last three years and more had accounts passed at the Treasury Department for more than \$320,000, and not an error to the amount of three dollars in that whole time has ever been detected. Sometimes, when an error was supposed to have been detected at the Treasury Department, after they had compared it with the estimate, the officers of the Treasury Department have receded, and admitted that they were correct. I state this as evidence of the character and competency of the individuals upon whom I have relied for this estimate. I could not in conscience, in the performance of my duty, agree to pay to any contractor over and above his contract that large amount of money. At the same time I admit that the contractor, for whatever cause I am not able to say, did actually take a contract which was unwise, and upon which, in my opinion, he lost between \$20,000 and \$30,000. The contract was a very large one, involving several hundred thousand dollars. Then, believing that he has actually lost that amount, and being unwilling to take his labor and the proceeds of the investment of capital for the use of the Government, without allowing him a fair compensation, I have estimated the amount that ought to be allowed him as nearly as I have been able to do so, and embodied it in the form of an additional proviso. I propose to allow the settlement to take place as proposed by the Senator from Illinois, and to add:

*Provided further*, That the amount to be paid said contractor shall not, over and above what he would receive under his contract, exceed \$50,000.

This will allow him between \$20,000 and \$30,000 for his loss. It will cover that, and allow him for his whole investment of labor for several years in the service of the Government a profit of about \$20,000. I think this is fair and reasonable. I think it is as much as any one ought to ask. I think it is not more than the Senate ought to be willing to give. Here was an investment of many thousand dollars in a large printing establishment. A heavy responsibility was incurred, and a great deal of labor for several years given to the public service. I do not think a compensation of \$20,000 for that is too much. Considering that the individual voluntarily took the contract, to the exclusion of others who would have taken it at a higher price, in a fair competition, he ought not to ask more than \$20,000, when at the same time he is released from all obligation by the contract, which, if strictly enforced, would not only subject him to the losses already sustained,

but the loss of many thousand dollars besides, being the penalty of his bond. With these remarks, without going more into detail, to show the grounds upon which I base my statement, I submit this additional proviso, and hope the Senator from Connecticut will say no more on the subject, but let it pass.

Mr. BRODHEAD. I have not delayed the business of this Senate, nor have I prevented the civil and diplomatic bill from being taken up at any time. I was desirous of taking it up this morning. I desire now that it may progress in the proper way; but I doubt very much whether it will ever pass, if amendments of this kind are constantly offered. I see Senators around me who are constantly asking that the civil and diplomatic bill may be considered, who voted to sustain this amendment. What is it Mr. Ritchie claims? About \$200,000, according to the statement of the honorable Senator from Maine. And he has slept upon this claim for nine months this session. A poor pensioner, or any man having a small claim, must go before the committees of this body and have it fairly examined. Where is the petition in this case? Where is the report? Where is the evidence upon which we are to give \$50,000, according to the statement of the Senator from Arkansas? We have heard a great deal about economy and reform during this session, and many charges have been made against the Whig Administration for wantonly squandering the public money. I state fearlessly here, that the Senate of the United States is the most prodigal in the expenditure of the public money of any Department of this Government. Sir, we complain that this Whig Administration has expended some fifty millions a year, but to that the Senate of the United States has added ten millions. Not only have we voted the fifty millions which the Administration has demanded, but we have gone far beyond it. We have voted some four or five millions to extend the Capitol. We have voted an appropriation to the Collins line. That commenced here.

Mr. WELLER. We did not vote so much for the extension of the Capitol.

Mr. BRODHEAD. A proposition was made to discontinue the work on the Capitol. My honorable friend from California voted with me, and I say that the proposition which I made upon that occasion to discontinue the extension would have saved \$4,000,000. We have, in addition to this, voted an addition to the Collins line of \$1,000,000. We have voted \$5,000,000 for French spoliation; and if there was improper work about the Mexican Board to get \$3,350,000 on claims get fifteen years old, how much will there be to \$5,000,000 upon claims sixty years old? Not only that, there are a great many other projects, which always originate in the Senate. Why is all this? and why should the claim not be investigated? This gentleman has had nine months to bring his case before this branch of the Legislature in a proper way. But it is now urged almost upon the last day of the session as an amendment to the civil and diplomatic bill. Sir, I protest against it. It is an improper way of legislating. It brings the Senate into disrepute. I hope it will be voted out altogether. A little while ago I offered an amendment for an appropriation of some few thousands of dollars to the laborers on the extension of the Capitol, but it did not stand any chance at all. It was declared out of order; but, sir, when an appropriation of \$200,000 is asked, or \$50,000, of which the Senator from Arkansas says he will have \$20,000 profit, it is ruled in order. Why are we to look to his profits? There was his contract. Let him stand by it. If he loses, was it our fault? If he made, let him have it. Mr. President, these are my views. I do not wish to detain the Senate. I did not come here merely to make a speech to consume time; but, sir, I protest against this kind of legislation. I protest against this kind of amendments—these big amendments, after voting down the little ones.

Mr. DOUGLAS. I desire to say a few words in explanation of this amendment, as it has been assailed on all sides. I had no idea of waking up such a rage and passion all around me. I am satisfied of one thing: that if this amendment be a wasteful expenditure of public money, it will be difficult for figures to count up the amount which we have been squandering heretofore. The public printing had been done by Mr. Ritchie for more

than twenty-five per cent. less than any man on the earth has ever done it. Talk about the present contractor being below it! The present contractor has done no work according to his contract. It is a mockery upon printing to call it work; and we have abandoned it upon the ground that he had violated his contract, and not done the work according to it.

Our prices of 1819 are well understood. After a series of years, when it was supposed that the work could be done for less than those prices, you reduced them so as to make them twenty per cent. below the prices of 1819. That was done, if I recollect, under a Democratic Administration. Blair & Rives performed the work at twenty per cent. below these prices. When, in 1840, the Whigs came into power, they thought they would imitate the Democratic example, and they passed a resolution to bring the prices twenty per cent. below those of 1819; but, at the end of that Congress, after their printers had enjoyed the work during the whole two years, and upon the suggestion that Gales & Seaton, the editors of the *Intelligencer*, had lost money in doing it at twenty per cent. below the prices of 1819, the two Houses of Congress repealed the proviso, and paid them the full prices of 1819. Now, sir, if, as the Senator from Connecticut says, this is squandering public money, what are we to think of him and his friends, who paid double the amount to their printers when they were in power? It is an admission that they paid double the prices which this amendment proposes to pay Mr. Ritchie. How is it that you paid the full prices of 1819 to Gales & Seaton, the Whig editors, when they did the printing, and then talk about extravagance when we propose to pay half these prices to a Democrat who has done the public printing, and lost his fortune by an unfortunate contract? I believe that Blair & Rives once did the printing subsequently, at twenty-five per cent. below the prices of 1819, and that, according to my recollection, is the lowest at which the public printing has ever been executed by any public printer since the beginning of the Government. No Whig gentleman has ever done it short of the full prices of 1819. Democratic printers have executed it at twenty-five per cent. less.

Now, sir, on this amendment to settle the accounts of Mr. Ritchie, who we know is a man old in the public service, who has retired from the press, and ceased to be a partisan, and is now ruined and bankrupt, by having executed our work for less than it could be done, at one half what you have paid the Whig printers whenever they executed the work—and twenty-five per cent. less than any man, Whig or Democrat, ever did perform the printing for—I do not understand this outbreak of extravagance. Again, we passed a law only two days ago appointing a public printer to do the work hereafter, and we fixed a scale of prices in that law. Now, let us look and see what that scale of prices is, for the amendment provides that the prices to be paid Mr. Ritchie shall not exceed half the prices of 1819, and shall also not exceed the prices which are to be paid to the public printer under the law which was passed the day before yesterday. What are the prices of the public printer that is to be appointed under the law? I cannot tell precisely what they are, but I know this to be the history of them: First, a select committee was appointed in the House of Representatives to ascertain what were fair and reasonable prices for the public printing, and that select committee, composed of Whigs and Democrats, indiscriminately, with a distinguished Whig as its chairman, called before them all the leading printers of this city, and took their testimony as to what were fair and reasonable prices; and after having consulted all the different printers, Whigs and Democrats, and all the different papers in this city, and the job offices, they came to the conclusion that the tariff of prices fixed by them was a fair and reasonable rate to be paid to whoever should be the printer, whether Whig or Democrat. They reported that bill to the House of Representatives. It also received the sanction of the standing Committee on Printing. After thus being introduced by two committees, one the standing committee of the House, and the other the select committee appointed for the purpose—after having carefully examined every item, the House took up the bill to act upon it, and that House, upon the motion of a Democrat, still, out

of great precaution, lest too much should be paid, reduced the prices twenty per cent. below those fixed by the two committees, and in that shape they sent the bill to us. The Senate took it up and passed it as it came from the House.

Now, in providing to settle the account of Mr. Ritchie, I put two limitations upon the amount to be paid. First, it shall not exceed one half the amount paid to the Whig printers heretofore. Second, it shall in no event exceed the amount which you are to pay, under the existing law, to the public printer who is to execute our work in future. How it is that gentlemen can denounce this as being a wasteful extravagance of the public money—as being favoritism to an individual, after the two Houses of Congress have passed that law, I am unable to understand. It is a charge against the Senate and the House of Representatives—it is a charge against Congress. It is a charge of infamy against their own conduct, when passing a bill upon which the ink is scarcely dry at this moment; and if the charge be true, I would like to know what excuse any Whig upon this floor is to have for having paid twice this amount for every particle of work which has ever been executed by any Whig printer since the beginning of the Government? If these charges be true, what punishment would be adequate for them? I do not believe a word of them. Sir, I believe the prices are fair and reasonable. I believe the present law gives fair and reasonable prices to the public printers who are to do the work in future. I believe that these are only fair and reasonable prices to Mr. Ritchie, for work which he has executed. I find this explanation necessary in justification of myself for bringing forward this amendment. My object was to get rid of this old claim. Let us pay up, and begin anew. I thought that I was getting within bounds if I got it at half the price for which the work had heretofore been done. To guard it still further, I have restricted it to the prices in the bill which we have passed. If this is wrong, we ought to repeal that act. There is no excuse for continuing it a moment, if these prices are too high for Mr. Ritchie. Then, I apprehend that the remarks which I have made have shown that this is, by all the inferences that can be fairly drawn, a fair settlement; and that the charge is not well founded, that these prices have not been considered by the committee, because it had the sanction of the two committees of the House of Representatives which reported the bill. In that point of view, I think we have all the safeguards that could be asked, against paying extravagant prices for this printing.

Mr. PEARCE. I was not aware that this proposition was pending after the vote upon the appeal from the decision of the Chair, until I heard it read a second time. I had supposed that when that question was whether the decision of the Chair should stand as the judgment of the Senate, the affirmative could scarcely be maintained by a tie vote. If I had heard the announcement of the Chair, I should have taken an appeal from that. I was too late, however, to do so.

And now, sir, what is the proposition before us? Three years ago Mr. Ritchie contracted to do the public printing at certain specified prices, and upon certain specified terms. He was to furnish paper of a particular sort. The printing was to be of a certain quality, &c. For all that he was to receive the prices for which he had offered to do the work. I believe it is not contended that he was ever refused the prices for which he contracted to do it. I take it, that every dollar due him under the contract has been paid, or is ready to be paid whenever he chooses to demand it. But after he has entered into that contract—after the period for the execution of it has elapsed, he comes before Congress, and asks—what? That Congress will give him a gratuity, over and above that for which he had contracted, to become the printer of the proceedings of Congress. He asks a gratuity from the Treasury of the United States. He asks you to do that which never was done before—he asks that which you have positively refused to do in the case of the contractors for the public printing who preceded him. Wendell & Van Benthuyzen were contractors for Congress before. After they had completed their work, they came before Congress, made an exhibit, and, so far as I know, a fair and honest exhibit of their receipts and expenditures, showing a loss of \$18,000, and asked Congress not to make them a large gratuity,

but to indemnify them from loss. That, to be sure, would have been a gratuity; but not such a one as is asked for now. They asked indemnity for losses, and appealed not to the justice of Congress, but to their liberality; and what was the answer? We turned a deaf ear to their request. I believe that not a single member of the Senate favored their petition. Why is it that we thus make fish of one and flesh of another—that we refuse to do equity to one party, and shower it in superabundant liberality upon another? Why is it that we, who never pay for a contract for cannon, powder, or provisions, or anything else more than we stipulate for, desire to pay to this printer an enormous gratuity? What particular merits had he? Did he perform his contract exceedingly well? Has he a particular claim upon the liberality of Congress? Recollect what was said in a report made by the special committee in the other House, upon this subject. It may be useful to recall the statements of that report. I beg leave to ask the attention of the Senate to the facts which I propose to state. A part of Mr. Ritchie's contract was to furnish paper of a given quality, and a certain weight per ream. The testimony of a person employed in his office was, that he did furnish paper of that quality and weight for the numbers of the documents which were laid upon the desks of the members; but that, for the long numbers—far exceeding in amount those laid upon our tables, sometimes one hundred fold—he furnished inferior paper, costing several dollars less. This was a systematic business. For the number placed upon our tables, a certain kind of ink called "book ink" was used, which, I think, cost forty cents a pound; but for the long numbers, which were to be sent to our constituents, without our inspection, for whom anything was good enough, twenty-five-cent ink was used. That is the testimony, and that is the sort of performance of his contract—the *exact and faithful* performance of the contract, for which he now demands this gratuity!

The Senator from Illinois has asked, how can we condemn this, who, when some nine or ten years ago, we had a majority of Congress, gave to the printers of that Congress a larger compensation than they were entitled to? I will tell you how. The printers, in 1841, were elected under the joint resolution of 1819, which was, in every essential, the law of the land. This law fixed the rates at which the printer to Congress should be paid. It was alleged, when the resolution to which the Senator has referred was made, that the joint resolution being a law, it could not be repealed or diminished in its force, *except by law*. It had never been repealed by law. It is true that, at the commencement of the session of 1841, we had elected printers to the two Houses of Congress, and that we stipulated that the rates of compensation should be twenty per cent. under the prices of 1819. That was the stipulation made by the Senate for itself, and by the House of Representatives for itself. But this agreement was not in conformity with law. The law of 1819 was still outstanding. I do not deny that I think, according to the spirit of fairness and the arrangement by which the printers were elected, they ought not to have received the twenty per cent. They had a legal technical claim to it; but I also think, in fairness, it should have been considered as waived, because they had made a special contract for doing the work. I do not complain that the Senator condemns that transaction; but what justification does that which is pronounced an outrage ten years ago, offer to what is pronounced to be and is a much greater outrage now? Shall we set off one piece of Galphimism with another? It is common, now-a-days, to talk about Galphimism, and I shall talk of it, if this resolution passes, with much more propriety and force than those who denounce the transaction which originated the term. In that case a sum of money was paid out of the Treasury in pursuance of a law passed by Congress, and upon the decision of the Attorney General. A large amount of interest was paid; and it is to be observed in that case, if one of the parties had been an individual instead of the Government, a court of equity would have enforced the payment of the interest. Nay, more; they would have enforced compound interest, because there was a trustee, who held the fund, who had misapplied the fund—who had received the profits of the fund, and, in all such cases, a court of chancery, holding the party liable, would have made

him pay compound interest. That is declared to be a monstrous outrage; and Galphimism is now a cant word among party men. But I ask what is there in Galphimism half so outrageous as this proposition, which is to take from the Treasury a large amount of money—we know not how much—upon no pretense of law, but in the teeth of a contract not meritoriously performed? The Senator from Maine estimates the amount of gratuity which Mr. Ritchie will receive under this amendment, at \$200,000. I do not know whether that is too large; but whether it is so or not—whether the amount is only half that sum, or, if we take \$50,000 out of the Treasury—nay, if we take anything to give to a contractor who is not entitled to it according to the stipulation of his contract—not entitled to it, because of any meritorious performance of his contract, we will do that which is quite as serious a wrong as anything which is implied in the term "Galphimism." If it had been common for Congress to make gratuities—if it had been common for Congress to relieve from hard contracts those who entered into them unadvisedly, and that cannot be said in this case, there would be some sort of justification for this; there would be the justification of precedent and usage; but there is no such precedent, certainly, in the case of public contractors. In the case I have mentioned, that of Wendell & Van Benthuysen, you refused the application as if it had been a trifling impertinence, and not a serious appeal to your liberality.

The honorable Senator from Alabama says, where is the proof that this large sum of money will be given to Mr. Ritchie if this amendment passes? Sir, we can but reason from what we know. Is it reasonable to think that we should have a demand made upon us at all, unless he was to get something to which he was not entitled? He does not pretend that there is any money due him which the Government will not pay. He asks for that to which he is not entitled; and as to the amount of it, we must get it from men competent to inform us. If I had expected this debate to come up to-night, I should have been prepared to show something about it; but I have in my hand a paper, the "Daily Globe," of the 26th of August, from which I will read. From the editorial, I read the following:

"3d. I will undertake to establish before any competent tribunal that the heavy claims, scarcely less than \$100,000, and the more than \$10,000 which Mr. Ritchie proposes to *throw in*, to get Congress to give him his new terms, are utterly unfounded in every just construction of either his bid or his contract. The bills which he has presented have been reported against by the Committee on Printing of the Senate, and although Mr. Ritchie may have induced the 'best jurists in the country' to pronounce in favor of them, from an *ex parte* representation and false statement of the terms of his contract, yet he cautiously abstains from asking Congress by law, to authorize the decision of these claims to be made by the judicial tribunals, to which questions, purely legal, between the Government and a citizen, are usually submitted. Mr. Ritchie avoids a trial where both sides can be heard.

"4th. I will prove that Mr. Ritchie's constant clamor, that 'the immense quantity of public work done under his contract' is a grievance, is sheer hypocrisy—that the extra quantity which his friends voted him, and which he exclaims against as the cause of his ruin, has been the real source of his profit, and should have saved him from loss under his contract. He pretends now, that he refused my offer to give him a premium to let me take the burden complained of from his shoulders, because he 'had no confidence in my doing the work well. I offered to give him bond and good security, and take the journeyman in his office, in whose name he (Ritchie) held the contract, to superintend and see it well done. Knowing that this was too shallow a pretext, he adds, that he had every reason to believe that I would shape my accounts so as to operate against his claim for relief.'"

Mr. CLEMENS. I desire to ask if there is any proof attached to that publication?

Mr. PEARCE. No, it is the statement of John C. Rives, editor of the Globe.

Mr. CLEMENS. Then it is a personal controversy.

Mr. PEARCE. There is something more than that. There is nobody here prepared to give an account and show how much Mr. Ritchie lost. What does the honorable Senator from Connecticut propose? That we shall pay Mr. Ritchie \$10,000, over and above what he would receive from his contract.

Mr. CLEMENS. Mr. Rives is one of the very men who has executed the printing for Congress. Did he ever do it for less than thirty per cent. below the prices of 1819?

Mr. PEARCE. His contract some years ago was for twenty-five per cent. under these prices,

and Mr. Ritchie made a contract of a different sort, under the law of 1846, which required it to be let to the lowest bidder. He made it with full experience, for a part of the public printing for the prior Congress, under this same act of 1846, had been executed at his office; and because Mr. Rives made a contract some years before, under a different law, at prices rather better than Mr. Ritchie's, therefore we are now to disregard the contract and the law, and put a fortune into the contractor's pocket. That seems to be the argument. I confess I do not understand the force of it. I said that the honorable Senator from Connecticut, in a spirit, I think, of liberality, proposes to give Mr. Ritchie \$10,000 more than the contract prices; but that is not enough. One would think it would satisfy a horse-leech; but it is not enough, it seems. My honorable friend from Arkansas, who is not usually given to extravagant liberality, if I understand his proposition, proposes to give him \$50,000 more than his contract allowance. He has more of a practical knowledge of printing than I have, and perhaps more than most of us have, and he thinks that these would be very good terms for Mr. Ritchie. I am informed that the Senator added, that by giving the \$50,000, Mr. Ritchie would have \$20,000 clear profit. It seems, then, that we are, in this case, although we refused indemnity heretofore, to give more than an indemnity to Mr. Ritchie. We are to indemnify him for all his losses, and fill his pockets when, as I said before, he is not entitled by meritorious services to any particular favor at our hands. I never heard the statement denied that the long numbers of the documents contained paper vastly inferior to that of the sample which his contract bound him to furnish. He made large sums of money by using that inferior paper. This fact is not denied, and yet we are called upon to give him indemnity for his alleged losses, and to put at least \$50,000 into his pocket. How much the proposition of the Senator from Illinois will yield to him, no one can tell.

Mr. SMITH. I will remind the Senator that the Senator from Maine says that the amendment will give Mr. Ritchie \$200,000 over the contract prices. The Senator from Arkansas says it will give him \$214,000.

Mr. CLEMENS. We want the proof of that. Mr. PEARCE. These are opinions which I am glad to have. We cannot always have proof, and it behooved those who introduced this proposition to bring the proof. They who maintained the affirmative of the proposition, those who are ready, as a "measure of justice," or liberality, to pass this amendment, ought to be prepared to show the amount of the liberality which they intend to bestow. It is for them to bring proof, not for us who object to that course and stick to the contract. They have failed to produce the proof. We have the opinions of two Senators, of whom one is now chairman of the Printing Committee, as was the other at the beginning of the session, and one of whom, I believe, was once connected with the press. They tell us what they think the amendment will give to the contractor. We are entitled to look to the opinions of those gentlemen, instead of that proof which ought to be furnished on the other side. If there has been a loss they should show it.

Mr. CLEMENS. I desire to ask the Senator a question. I recollect that a proposition was introduced by a Senator from Missouri, who has not now a place upon this floor, (Mr. Benton,) to elect a public printer and pay him twenty per cent. less than the prices of 1819. My recollection is that the Senator from Connecticut and the Senator from Maryland both voted for it. It is a matter of recollection with me merely. Now we propose to put it at fifty per cent. less than the prices of 1819. I ask the Senator if he did not vote for that proposition?

Mr. PEARCE. If the gentleman alludes to any contract, all I have to say is, that I remember nothing about it. If he alludes to a proposition some two years ago to make compensation to Mr. Ritchie, or extra allowance to him, I did not vote for it.

Mr. CLEMENS. I do not refer to that. I refer to Mr. Benton's resolution.

Mr. PEARCE. I have not the slightest recollection of any such proposition. I do not know when it was made. This I do know, that just before Mr. Ritchie made his contract, I endeavored



to obtain in this Senate the passage of a resolution, by which we should suspend the operation of the act of 1846, and delay the new contract, then about to be made, until we could so arrange its terms as to make its faithful execution more certain. Many of us were dissatisfied with the working of the contract system. Members of the Senate who are now present, will recollect that I produced samples of the miserable paper and execrable printing which was furnished under it. I fell under the displeasure of some gentlemen on the other side, for the course which I pursued; particularly a Senator from Pennsylvania charged me with endeavoring to put an end to the contract system, and to restore the prices of 1819. Of course I entertained no such design, but I desired to see something done by which the public printing might be compelled to be furnished according to the contract. It was thought that my resolution might interfere with the contract that was afterwards obtained by Mr. Ritchie; and so, though I think the resolution was passed, it was reconsidered and rescinded; and then the contract was made by Mr. Ritchie, who was eager to get it—as eager as he is now to throw it off, and demand more than it allows him.

I shall not consume any more of the time of the Senate on this subject; but I mean that the people of this country shall know that although it has never been our practice to give gratuities to those who enter into contracts, and suffer losses by them, that when we have refused to indemnify one contractor who brought before us a statement which we had every reason to suppose to be fair, showing a loss, yet now, when another contractor comes who does not show the amount of his expenditure and losses, but urges general losses, which may be, and no doubt are, to a large extent, losses upon his newspaper publication, instead of leaving him to be contented with his losses, as Dogberry was, we intend that he shall be a gainer by them, that he shall have a "fortune buckled upon his back," and treat the contract and the law as if they were nullities. It is right and proper that this thing should be discussed, that everybody may know that what "justice and liberality" refuses to accord to one losing contractor of the Government, is readily and profusely granted to another, and for no good reason that any one can assign.

Mr. TOUCEY. I have not been involved in any question with regard to the public printing, nor am I in the midst of the heat of any controversy of that kind. I think the proposition that is now made is a fair and reasonable one. A committee of the Senate and of the House have inquired into the fair prices that should be paid for printing throughout this country. We have gone into that inquiry and have inquired of the most experienced men, and both Houses of Congress, acting upon the results of it, have made out a tariff of prices. Now the proposition is, that for the printing of the last three years or longer, a compensation shall be made not exceeding the tariff that has thus been established; for if I understand the proviso annexed to the amendment, it limits the compensation to these prices. Is it not just? Is it not right? Is the Congress of the United States, which needs a large amount of printing executed, unwilling to pay fair and remunerating prices? If any man has entered into a contract with us, in times past, by which he has sunk his fortune and been ruined, I ask if now, when we are called upon to make an adjustment for the work done, whether we should not do what any fair and honorable man would do in settling a contract with another which had proved ruinous to him? Does the Government of the United States—does the Congress of the United States—wish its printing to be done at less than a fair and reasonable price? And if, through accident, or mistake, or in any way, you have a bond by which you throw the reasonable expenses of printing, for this and the other House, upon a private individual, which has brought him and his family into bankruptcy, are you to exact the penalty upon that bond?

If I understand the proposition which is made, it is general. It is not confined to one man. It extends to the case of Hamilton, and to all the public printing which has been done under contract. I say, it is unbecoming the Congress of the United States to impose the burden of the public printing upon any private individual, whoever he may be, or of whatever party he may be. We

are bound, as employers, to pay those who are engaged to do a necessary service for us, a fair and just compensation. We are bound to pay just and remunerating prices. Now, we have passed a law, upon full inquiry, establishing a reasonable rate of prices for our printing, and I understand the proposition is, that you should settle the existing contracts of those who have done the public printing for two or three years upon the same terms. I must confess it strikes me as a fair and reasonable proposition. With regard to the suggestion of the Senator from Maryland, as to the deficiency of the paper, the amendment provides for that by requiring payment to be made according to the actual cost of the paper, and if any portion of the printing was done upon paper that is of less value than any of the rest, it is to be paid for according to the actual cost.

I regret that a question of this kind should become a political question. It ought not to be so. It is a question of justice to individuals, and if there is any class of men in the country who ought to be compensated it is the working-men—it is the class of men who are engaged in this business. I repeat, I think the proposition now before the Senate is just and reasonable, and what an honest and just man would be ready to do in his own affair.

Mr. HALE. I rise to gain information. I was out of the Chamber when the amendment was read. I desire to ask if the account which the honorable Senator from Connecticut has just given of it is correct; for if it be it will commend itself to my judgment more favorably than I had supposed. I understood him to say that this is a general proposition—that it is not special, applying to Mr. Ritchie alone, but includes Mr. Hamilton, and I suppose Wendell & Van Benthuyzen. I ask that the amendment may be read.

The amendment was accordingly read.

Mr. HALE. I see, then, that it is not so. The Senator from Connecticut is mistaken. It applies only to the Thirty-first Congress, and does not apply to the former contractors. Then, if there is anything in the argument of the Senator, it is obnoxious to the very charge from which he endeavored to vindicate it, and that is, that it is special and applying to one individual.

Mr. TOUCEY. It ought to be general. I thought it was.

Mr. HALE. Then I suppose, as the Senator was mistaken, he is not in favor of the proposition, for he condemned it if it was special.

I will say now, as I have always said, that I desire not only to do justice to Mr. Ritchie, but to be liberal to him. I have always desired to be so. I have said so to friends in the Senate, and out of the Senate. But, sir, I do want to see, before I vote for this, a report of a committee, or a statement of Mr. Ritchie, or somebody for him, by which I may see that he has lost money, and how much he has lost. If anything of that sort has been submitted to the Senate, I have not seen it. If there be any such statement, I am ready to act upon it. I am not governed by any consideration, except a desire to do justice to an old man. Mr. Ritchie is an old man. He is a gentleman, who stands very high with a great party in this country, and so far as I have known anything of him, I have had no reason to find fault with him. He used to rub me pretty hard sometimes, it is true, but it was nothing more than was fair in politics. I have no animosity to him. I desire to be just and liberal to him, but I desire, as a Senator, that I may have the data by which to determine whether he lost anything, and what he lost. I will take Mr. Ritchie's word for it, or I will take the statement of any committee who may investigate the matter. But I am unwilling to vote in the dark. It is said that this amendment will give Mr. Ritchie \$100,000 or \$200,000. I say again I am unwilling to do anything in the dark, but I am willing, if a statement is submitted by which to aid us in our action, to be just and generous.

Mr. TOUCEY. I supposed that the language of the amendment was broad enough to include the compensation of those who have held contracts before. I thought it would include Mr. Hamilton. I think it ought to do so. I will vote for any amendment, or any proposition that will place him or any other contractor upon the same ground; because I hold that it is the duty of this Government and of Congress to pay those who are engaged in its service fair and remunerating

prices; and if they have entered into a contract under a misapprehension, or in any other manner, and do not obtain fair and remunerating prices, I will give them to them, and especially to those who, notwithstanding the ruinous nature of their contracts, have gone on and met our demands, so as not thereby to impede the public business. That is the principle upon which I act; and I should not shrink in the application of it to any case whatever.

Mr. BORLAND. I will not repeat what I said before as to the considerations which actuated me in the suggestion I made to the Senate; but remarks have been made which call for a few words in explanation of my proposition. My proviso provides further, that the amount to be paid for said printing over and above the amount which would be paid under the terms, and at the rates of the contract for the same, shall not exceed \$50,000. Some Senators have said that they could not act, for want of data; others have said that they wanted the calculation in figures, upon which I and the Senator from Maine had stated the amount which would be paid to the printer, under the proviso of the Senator from Illinois. I do not pretend to be accurate to a dollar. I do not pretend to any precision of calculation. I stated the result, however, of a very long and patient calculation, which I believe to have been as accurate as it is in the power of any man in this city to make; and I did state, and I repeat, that the figures are here. If any Senator desires to look at them, they will convince him, beyond a doubt, that if this printing be paid for at one half the prices of 1819, the printer will receive \$214,000 more than the contract would give him.

The Senator from Illinois called our attention to a further limitation in his amendment as to the price, which did not strike my ear at the moment it was read. It brings the amount to be paid within the prices allowed by the printing bill which we passed a day or two ago, but against which I voted. I admit, that restricting it within the rates provided for in that bill, it would be something less, but I do not believe that the prices provided for in it will be a great deal less than fifty per cent. off the prices of 1819. As I stated the other day, previous to giving my vote, an exact comparison cannot be made between the prices of 1819, or any deduction from them, and the bill which we passed, because the paper is excluded in the bill that passed the other day. It is a difficult matter to separate the paper, which has heretofore, under the prices of 1819, been included in the press-work, folding, stitching, &c.

My proposition is a practical one, a specific one, which it seems to me there is no difficulty in understanding, and no necessity for data and calculations to make it intelligible to the Senate. The proposed object of the proviso of the Senator from Illinois, is to save the contractor from loss, and allow him a fair compensation for his labor. Will that Senator, or any one else, say that he desires to pay more than \$50,000 to cover that loss? I apprehend not. I have never heard it pretended that the losses were so much. It may be so, but it has never come to my ear in a way in which I could understand or appreciate it. I stated that I believed Mr. Ritchie had lost more on his contract for this reason: In 1849, when I entered upon the duties of chairman of the Committee on Printing, I took up his contract, and carefully examined it. I took up Wendell & Van Benthuyzen's, who had been the contractors of the preceding Congress, and I found that Mr. Ritchie's contract—or Trenholm & Belt's—provided for rates below those of Wendell & Van Benthuyzen. Wendell & Van Benthuyzen, in the latter part of the session of 1848 and 1849, presented a memorial to the Senate, which had been referred to the Committee on Printing, which proved, beyond a doubt, that they had lost \$17,000. There was a loss proved. I had no doubt of the amount, and I found that Mr. Ritchie had taken the work at a less price. I believed then, from what I thought would be the amount of work ordered under his contract, that he could not possibly lose less than \$25,000 or \$30,000. What did I do? I drew up a letter, as chairman of the committee, which met with the concurrence of the committee, to the contractors, telling them "that Wendell & Van Benthuyzen's contract has proved a loss of \$17,000. I find, by comparing your contract, that you have undertaken the work for less. To my mind, the result is inevitable. If you go on

"under the contract, you must lose a great deal of money, and I propose to you now, before Congress adjourns, that you come forward and surrender your contract, and let a new arrangement be made, because the committee have determined, if the contract is maintained, they will see that it is faithfully executed in every particular, and will let no personal considerations influence them to receive work below the contract; and unless you do inferior work, and furnish inferior paper, you must sustain a ruinous loss." After consultation, they agreed with me, that such was the fact, and they would be compelled to lose money if they went on with the contract. No alteration, however, was made.

I do not state this for any other purpose than to show the foundation upon which I base the opinion I have expressed, that they have lost money. They went through with the contract—it is not necessary for me to say how. That would involve a great deal of statement and discussion, which I am not disposed to go into; but I state it as the basis of my opinion, that they have lost money. My estimate is that they lost from \$20,000 to \$30,000—not less than \$20,000, and I do not believe more than \$30,000. I think it is a fair basis upon which to make the estimate. Then, as I stated when up before, I do not think these contractors, or any contractors who have made a bad bargain with their eyes open, in the face of competition, have a right to claim any extraordinary liberality on the part of the Government to release them from their obligation, and pay them a profit upon what would otherwise be a loss; but, on the other hand, I am very far from being willing, either as an individual or as a member of the Senate, to receive work at the hands of any man and refuse him a fair and living profit on it. For that reason I have fixed upon the sum of \$50,000, allowing \$30,000 as the maximum of the loss which I think Mr. Ritchie may have sustained. That will allow him a profit for four years' labor of \$20,000.

Mr. BROADHEAD. I desire to ask the Senator, as he was chairman of the committee, whether Mr. Ritchie was not paid all that his contract called for, and whether Wendell & Van Benthuyzen were not paid all that they could claim under the contract? If so, if one sustained a loss of \$17,000 and the other a loss of \$20,000, why did he not put them all in? Why not put Wendell & Van Benthuyzen in the proviso—the Senator asserts that they incurred a loss of \$17,000—if we are going to pay all these losses? I know very well my friend from Delaware, [Mr. BAYARD], never agrees to pay upon a contract where the Government has not been in error, and where the contractor incurs a loss through his own fault.

Mr. BORLAND. My friend inquires if Wendell & Van Benthuyzen, and Mr. Ritchie, have not been paid the full amount which their contract would give them? Of Wendell & Van Benthuyzen I know very little as to what was paid them. The last of their accounts was settled about the commencement of my service on the committee, as they were the printers before I came here. With regard to Mr. Ritchie, I have no certain knowledge; though there can be no question, as the accounts will show, that most of them had been settled. But I must state this: During the time that I was chairman of the committee, I never had brought to me to be audited a single one of Mr. Ritchie's accounts. None were presented while I was present in the committee. In my absence, during the recess of Congress, many of them were audited by the board, consisting of the Secretary of the Senate, the Clerk of the House, and the Clerk of the Printing Committee.

Mr. HAMLIN. I stated, when this debate commenced, what was the sum which would be paid to Mr. Ritchie upon half the prices of 1819—I stated that it would be over \$200,000. I thought then, that the detailed statement prepared by the clerk of the Printing Committee was in my desk here; but it was not. I went to the Printing Committee room. The clerk had furnished to one of the members of the House the statement which I had. I am, therefore, not able to furnish the details; but I will furnish figures, with which I trust my friend from Alabama will be satisfied.

The whole amount of printing received by Mr. Ritchie under his contract was \$145,000. Now, take the documents upon which these sums were paid, and estimate document by document upon the prices of 1819, and then take one half of that,

and it leaves \$384,000. The Senator from Alabama is not quite satisfied with this. Perhaps other Senators may be. I will state the manner of estimating it. I hold in my hand a detailed estimate of one document in four parts, for the purpose of showing specifically just how the sum is arrived at.

Mr. CLEMENS. The point is, was the \$145,000 the value of the printing which Mr. Ritchie did?

Mr. HAMLIN. I raised no such question. I stated to the Senate what I now stand here prepared to prove. The statement was made out by the clerk of the Printing Committee, and not by myself, though it was examined by me. I stated that half the prices of 1819 would add to the price of Mr. Ritchie's contract more than \$200,000. I am proceeding to prove it. He has received \$145,000 on the contract, and on these documents he would have received under one half of the prices of 1819, \$348,000. That makes a difference of \$203,000. There are Espy's Report, and some other minor matters, which, when paid for under the contract, and these scaled by the resolution of 1819, would make the amount, as near as can be calculated, \$214,000. That is the difference between half the prices of 1819 and the contract. How do I derive it? I hold in my hand a detailed statement of one of the documents, in four parts—the Patent Office Report—and I find that, under the contract for that report, he did receive \$65,182 50. One half of the rates of 1819 would have amounted to \$158,939 83, showing that he would have received for printing that single document, under the prices of the resolution of 1819, \$93,757 33 more than he was entitled to under the contract. The details of that document are as follows:

1st session Thirty-first Congress.—Under the prices of 1819, fifty per cent. off, Patent Office Report, 130,000 copies, would amount to.....	\$54,753 04
Second part of same, 65,000 copies.....	30,104 54
Mechanical part of Patent Office Report, 2d session Thirty-first Congress, 45,000 copies.....	15,903 95
Agricultural part for 2d session, 135,000 copies.....	58,274 00
	\$158,939 83
For same work under contract price, Patent Office Report, 130,000 copies, would amount to.....	\$22,243 75
Second part of same, 65,000 copies.....	23,985 00
Mechanical part of Patent Office Report, 2d session Thirty-first Congress, 45,000 copies.....	6,548 25
Agricultural part for 2d session, 135,000 copies.....	12,405 50
	\$65,182 50
	\$93,757 33

What is his actual loss? I answer, we cannot tell; but it is one of the easiest things to tell what was the cost of his work; what the paper cost; what the composition cost; what the ink cost; and what were the rents. An account current can be stated of the cost of every item that has ever been done; but the committee have never seen any such account; consequently we are left to form the best estimate we can as to what was the cost. In my judgment, a prudent, careful printer would have executed the work, in the manner in which it was done, without the loss of a single dollar. I have no doubt of it. That it was so executed, I do not believe; but that there was a loss upon it, and that loss varies somewhere from \$20,000 to \$30,000, I have very little doubt. I think the Senator from Arkansas is probably nearly right in his estimate. If we are to settle this matter upon equitable terms, it would seem reasonable that we should be presented with an account, to enable us to determine properly what we should give. I have been to the committee room since this discussion commenced; but had I supposed that it would have taken place, I would have been ready to furnish more definitely the precise figures; but I am now able to state that the bill which passed this Senate the day before yesterday, gives higher rates than one half of the prices of the rates of 1819. They are probably ten or fifteen per cent. higher; and if you adopt the amendment of the Senator from Illinois, the latter clause will make no deduction from the amount.

Mr. SMITH. It has been stated over and over again, that the rates introduced into the bill, which has recently passed the two Houses of Congress, were carefully investigated by the committee of which the honorable Senator and myself are members. I want to know if that is so.

Mr. HAMLIN. That matter never underwent an investigation before the Committee of the Sen-

ate. I was opposed to the whole system. The Senator from Connecticut did not fully agree with me. The Senator from Texas was disposed to favor the bill; consequently we made no investigation of the prices in it when it was committed. There was never any investigation of the subject.

On two occasions when the committee met, the Senator from Texas was, from sickness, unable to be there, and when he did come there we were desirous of reporting the bill back to the Senate, and never went into an examination of the prices in the bill. The committee disagreeing as to what should be done, and no two agreeing, there was no investigation made, or opinion expressed by the committee as to the prices fixed upon in the bill.

Mr. RUSK. There was no time.

Mr. HAMLIN. Besides there was no time, as the Senator says. But one word in relation to another point that has been raised. It has been said that other contracts have been made, and other sums paid in addition to the contracts. That is no rule by which I can be guided. Other Congresses may have made a contract, and then abrogated it; but that furnishes no guide for me. If they have done wrong, it is not a rule for me. If they have done right, be it so. I mean to do in this case what I believe is just between the parties and the country. Comparing the contract with the prices of the resolution of 1819, if the paper cost five or six dollars a ream, and if the printers and presses worked at night, the resolution of 1819, with twenty-five per cent. off, would pay less profit than it would when the paper cost \$3 30 per ream, and the printers worked only in the day time. In the latter case they could afford to do it for fifty per cent. off the resolution of 1819, and make more money than they could to execute the resolution of 1819 fairly with twenty per cent. off. The very difference in the mode of executing would furnish a very handsome profit. That is the fact in relation to these contracts. Everybody who knew anything about printing, knew that the printing of the last Congress and of the present was most shamefully executed, and as a member of the Printing Committee my vote stands recorded on its Journal then, as at this session, against receiving the work done, and then as now, simply because the work did not conform to the contract, and because I desired that the contract should be faithfully and fairly executed. The Senator from Arkansas [Mr. BORLAND] concurred with me, but we were overruled by a majority of the Joint Committee.

Mr. SMITH. While on that point, I wish to inquire whether the Senate committee did not appoint me a sub-committee to determine whether the work should be received or not, and whether I did not assume the responsibility of receiving it when we all knew that there was no conformity with the contract?

Mr. HAMLIN. I think, probably, the Senator is right; but the fact has gone out of my recollection. I only know that I was against receiving the work last year and this, simply because it did not come up to the standard and conform to the contract.

Taking this state of the case as it presents itself, it seems to me that we do injustice to ourselves, and injustice to the country, if we pass an amendment like that which has been offered by the Senator from Illinois. If the matter were one to which the Senate should give its favorable consideration, I am free to say that I think the proviso suggested by the Senator from Arkansas would deal very fairly and justly with the contractor; but believing, as I do, that it is neither just nor right to make a contract, and then to pay for a willful violation of it, I cannot agree, according to the dictates of my judgment, to give one farthing.

Mr. CLEMENS. The Senator from Maine has not met the point between him and myself. He stated, as I understood him to state, that Mr. Ritchie would make \$200,000 by his contract. He says I misunderstood him. Then he does not assert now that Mr. Ritchie made any such amount. He does not pretend to assert, as I understand him now, that there would be anything made by him; because he does not pretend to say that the documents in his possession prove that any such amount could be made, or that any amount could be made. He says he does not know what the losses are, but we all know that there was a loss upon the contract. We all know

Mr. Ritchie did lose by it; and I say here in the face of the Senate, and of the country, that I want nobody to work for us without getting a compensation for it. I want every man who does work for the Government of the United States, not merely to get pay for it, but to make a reasonable per cent. The Senator from Maine does not pretend to assert that this amendment would give Mr. Ritchie more than a reasonable per cent. He voted, according to my recollection, for Mr. Benton's resolution, to give twenty per cent. off the prices of 1819. We propose to deduct fifty per cent., and this it is said is extravagant and extraordinary. Why did not they think it was extravagant and extraordinary then to deduct twenty per cent. only? We propose to deduct thirty per cent. more, but it is extravagant now, while twenty per cent. was not extravagant then. I cannot understand this process. I do not profess to understand it.

Mr. DOUGLAS. If the Senator from Alabama will allow me to interrupt him, I wish to say that I have no means of knowing whether the proposition of the Senator from Arkansas will be acceptable to Mr. Ritchie or not, as the terms of settlement. I understood him to say, when I spoke to him as to whether he would agree to my amendment, that it would be the least possible amount that he would accept. As to accepting the proposition of the Senator from Arkansas, I should be apprehensive that there would be a difficulty in determining what would be due Mr. Ritchie under the contract, but I am willing to leave that to those who are to audit his accounts, and if they cannot agree, to leave it to referees. I will, therefore, take the responsibility for myself, binding no others to accept the amendment of the Senator from Arkansas, limiting the amount to \$50,000.

The PRESIDENT. That will not be in order while the amendment of the Senator from Connecticut is under consideration.

Mr. BORLAND. I ask the Senator from Connecticut to withdraw his amendment, to allow the Senator from Illinois to incorporate my proviso in his amendment.

Mr. SMITH. I have such entire confidence in the sound judgment of the honorable Senator from Arkansas, that although I think Mr. Ritchie ought not to have one dollar, and if we give him anything that it ought not to be more than \$10,000, that I will withdraw my amendment.

Mr. DOUGLAS. Then I accept the proviso of the Senator from Arkansas, so that my amendment will read as follows:

*Provided, That in settling the accounts for the printing of the Thirty-first Congress, one half of the prices given by the joint resolution of 1819, be allowed not exceeding the amount that would be paid under the respective contracts if settled by the prices named in the bill of the House of Representatives, which passed on the 31st July last, in regard to the public printing, estimating the paper at the actual cost thereof, to be paid out of any money in the Treasury not otherwise appropriated: And provided further, That the amount to be paid for said printing, over and above the amount which would be paid under the terms and at the rates of the contract for the same, shall not exceed \$50,000.*

Mr. PEARCE. I do not mean to detain the Senate long, but I have one additional remark to make. If I had not sufficient reason already for voting against the proposition, I should find it in this: Before the contract system was adopted, Mr. Ritchie was the public printer under the old system, for how many years I do not remember, whether it was two or four, but he was, I know, the printer for Congress before the rates were reduced by the contract system, and during that time he made—he must have made, no man with any sort of prudence, with anything but the grossest mismanagement would have failed to make—large sums of money. It has been urged over and over again, that he did make large sums, and I have no doubt of it. I have heard it said that he made \$100,000 while he was the printer to Congress before the contract system was adopted. Having large profits at a time when large profits could be made, with what propriety does he claim that we should now indemnify him for alleged losses made under a less favorable contract? Upon the whole, taking both contracts together, he must have made largely, and yet we insist upon giving him \$50,000 more. I am glad that it is reduced that much, but that is rather more than we are in the habit of giving to the greatest benefactor of the country. What great statesman is there who has ever had the bounty of the Government showered upon him as this public printer, who did not per-

form his work faithfully? What has he received who fought the battles of the country in three wars, who covered himself and the country, too, with glory? Has he ever been rewarded in such a manner? It seems to me that we are acting as if it were not our purpose to reward merit; not to reward great services of distinguished men—men who have won immortal renown, and are entitled to our gratitude. Nobody can deny that Mr. Ritchie has been largely the gainer in the whole; yet, it seems he has not had money enough paid to him, and we are called upon still further to fill his pockets.

Mr. HOUSTON. It is with great reluctance that I address the Senate on this occasion; but it does seem to me that a very curious course has been taken by the opponents of this amendment. If I understand the Senator from Maryland, he says he has information that a large amount of money, perhaps \$100,000, was realized by Mr. Ritchie while he had the printing for Congress. If suggestions of this kind are to be taken for conclusions, it is not the way I wish to be enlightened on subjects upon which I am to act. If I believed—notwithstanding Mr. Ritchie is a Democrat—that he was not justly entitled to the amount that it is here contemplated to give him, I would certainly oppose it as soon as I would if he were a Whig.

In administering justice and recompense to persons who have deserved the public confidence, or who have rendered services to the public, I do not ask of what political faith or profession they are, nor am I ready to receive or give credence to reports that may be in circulation as to the amount of money they may have realized. There is sufficient in this case to satisfy my mind that Mr. Ritchie, in his last contract with the Government, was a large loser. If, sir, he has rendered services or furnished materials to the public for the public benefit, I should think it humiliating on the part of this Senate, or any deliberative body, to deny a just and fair recompense. "The laborer is worthy of his hire." If he has rendered services, is this Government in such a pitiful condition as to refuse him a just reward for the labor he has rendered? Is this Government in a condition to exact from its citizens any contribution, either in labor or otherwise, and not render them a just recompense for it? I think not. I always look to whether the individual has a just demand against the Government, and if he has, I am willing to recompense him. I care not under what circumstances it arises, I never permit myself to be influenced by the fact that an individual made a bargain with the Government, when that individual has acted under an oversight, and has been injured to any amount. I am willing to recompense him out of the Treasury; and I do trust that the honorable Senators on the opposite side of the Chamber are not actuated by considerations of a political character in this case, or the recollection of events which have long since transpired.

It is true that for fifty years—it was the first newspaper I ever read—the Richmond Enquirer has been the consistent and faithful opponent of the gentlemen on the opposite side of the Chamber. Its editor has been faithful in his vocation; he has been true to his party, true to his principles, and for that I would respect him. If Gales & Seaton had a similar claim presented to this Congress—they have been my consistent opponents, and I believe they are always generous and just enough to think that I thought they were wrong and I was right—if they were placed in the circumstances of Mr. Ritchie, I would vote for their claim with as much alacrity as for Thomas Ritchie's. I permit no political considerations to influence me in meting out justice to individuals. I trust I never shall feel such a sordid emotion, and that I will, in my administrative capacity, as far as I am placed here, never cease to recollect that justice is demanded from position. I trust that I would be able, in a case of justice, even to obliterate all recollections of hostility, even if personal to myself. And I trust that gentlemen, while viewing this venerable patriarch—this patriarch of Democracy, if you please—who is a patriot you will all admit, will recollect that he has numbered more than his three score years and ten, and is now bending beneath the weight of his infirmities. He has given his life to the public, and though he has rendered no high military service, though he

has never periled his life for his country, he has devoted his life, his mind, and everything, to the diffusion of intelligence and maintaining the honor of his country in his own way. Sir, these are considerations that come upon us, and that while he is bending beneath the weight of age, when the lighting of a grasshopper is becoming almost a burden to him. Sir, he has been a friend to his party and to his country. Let us do him justice. I shall vote for the amendment.

Mr. PEARCE. Mr. President, it will be recollected that the late contractor for the public printing printed ten thousand copies of certain decisions of the Supreme Court, which ten thousand copies, it is in proof, would have been executed at any printing office in the country for the sum of \$1,600. He brought forward a bill for that printing to the amount of \$36,000, making each of those copies—a mere pamphlet—cost \$3 60 apiece. That matter was compromised by his receiving \$12,000, being about \$1 20 apiece.

Subsequently he printed the obituary remarks upon the death of General Taylor. I understand that that printing was done in Philadelphia, and that the bill for it has never been produced. It is but reasonable to apprehend that the same charge will be made for that as was made for printing the decisions of the Supreme Court in the passenger cases. I think there ought to be an amendment to restrict him in regard to this matter.

The Senate cannot have forgotten the particulars of the charge in the passenger case to which I have referred, and they must see from that the propriety of guarding against a similar charge with regard to the document of obituary notices of General Taylor, because that document could be brought in under the same class under which the printing of the decision in the passenger cases was charged. I have not the papers here by me, but I recollect that charge was made by interpolating in the contract the words "per page." One dollar per hundred copies was the rate at which a certain class of printing was to be done under the contract. If it was done under that class, there would have been but a small price; but by inserting the words "per page" in the contract, that mode of computation brought the sum up to the enormous price of \$36,000 for printing a pamphlet which would have cost \$1,600 in any printing office in the country. To remedy this, and to provide against it in future, I propose to amend the amendment by adding:

*Provided, however, That in making such payment there shall be deducted therefrom the sum of \$10,000, overpaid for printing the decisions of the Supreme Court in the emigrant tax cases from New York and Massachusetts; and that for printing the obituary notices of the deceased President Taylor, said contractor shall be paid the actual cost, with a profit of twenty per cent.*

Mr. CLEMENS. I wish to ask the Senator from Maryland if, after we shall get through with this amendment, he will be done? I want to know how many amendments he is going to offer? We all recollect that he killed Mr. Ritchie's bill at the close of the last session. All of us who were here at the time understand that very well. Now, I do not intend to quarrel with him, because we have got to meet on the Library Committee to-morrow morning together, and I do not want to meet him in bad humor. [Laughter.] I therefore want to know if he is done now?

Mr. PEARCE. I believe I shall be done when I get through with this.

Mr. DOUGLAS. If we go into the different items of that contract, I do not know when we are to get through. I supposed we had got down to a compromise, and settled upon it; but if we are going now to specify this item, that item, and the other item, I shall have to withdraw the amendment. I agreed to accept the amendment of the Senator from Arkansas, because it seemed to be regarded on all sides of the House as a satisfactory compromise, and I hope that we shall not now be raising questions as to particular items. I hope, therefore, that the Senate will take the amendment as I have offered it—as it stands at present.

Mr. HAMLIN. In relation to the obituary notices of the deceased President Taylor, I will say that they were printed in Philadelphia. The contractor here procured them to be printed there. They were very finely executed, and I have no doubt they cost the contractor much higher than the rates of his contract; but he charges, after a peculiar kind of printing, about \$100,000 for doing



the work, and actually sets up that claim. This amendment proposes to pay him what it actually cost, with a profit of twenty per cent.

Mr. MANGUM. I ask that the amendment may be divided. As to the former contract in relation to the decisions of the Supreme Court, it was a matter which was compromised, and whether advantageously for the Government or not, I am willing to abide by the compromise.

The PRESIDENT. As a division of the question is asked, the first question will be on the first part of the amendment of the Senator from Maryland to the amendment, which is to insert:

*Provided, however, That in making such payment there shall be deducted therefrom the sum of \$10,000, overpaid for printing decisions of the Supreme Court in the emigrant tax cases from New York and Massachusetts.*

Mr. WALKER. I will say a few words now to the Senate, for I am confident that the reason why that large charge was made for printing the decisions of the Supreme Court of the United States has never been properly understood. In the contract which Mr. Ritchie made there was a certain class of printing which he was to do at such a rate "per hundred copies." That was designed to cover the headings of our bills, lists of yeas and nays, and matters of that sort. After the printing of the decision of the Supreme Court was ordered there was some question raised whether it fell under any of the other classes, which were to be paid at so much per thousand *ems*. That difficulty being raised, it was not so easily settled. It was finally determined that the printing came under the fifth class—that which was to be paid so much per hundred copies, and which related to the printing of lists of yeas and nays, headings of bills, programmes of funerals, &c. It was decided to come under that class, but it could not be made to fit it without something else, and it was then ascertained that the other matter which was necessary was to insert the words "per page." Then it made it read—how? That he should be paid so much per page per hundred copies; so that it left it perfect nonsense. It is perfectly sensible and consistent if you leave out the words "per page," leaving him to be paid so much per hundred copies. When that is applied to the matter to which it was designed to be applied, it is all right; but when you insert the words "per page" before the words "per hundred copies," it makes nonsense. Who ever heard of such a thing? It is equivalent not only to inserting the words "per page" in the contract, but to striking out "per hundred copies;" and so you change the contract entirely in that particular. This charge was made under that head after interpolating "per page." The charge amounted to \$36,000 or \$37,000. The Secretary of the Senate at once revolted at making any such payment, and, as is alleged, a compromise was effected; but that compromise was effected under a clear misunderstanding and misapprehension of the contract as it was designed when entered into by the Senate. The compromise price which was paid for the printing was \$12,000. There is no guide for the allowance. The contract does not recognize it; and as we are making a final settlement with Mr. Ritchie, and as I am one of those who are willing to give him a fair remuneration for his labor, and also a fair profit upon it, I desire to see this remedied. The first part of the amendment offered by the Senator from Maryland will reach the case of the printing of the decisions of the Supreme Court. The remainder of it will reach the case of the obituary notices of General Taylor; and I think that if it be incorporated into the amendment of the Senator from Illinois, it will make a very fair proposition, and, as a whole, I shall be content to vote for it.

Mr. PEARCE called for the yeas and nays upon the first branch of the amendment; and they were ordered.

Mr. MANGUM. I shall vote against the first portion of the amendment; and I do it upon the ground that there is very great diversity of opinion amongst learned gentlemen with reference to the true construction of the contract upon which the allowance was made. My colleague [Mr. BAKER] is known to this body to be perhaps as learned a lawyer as any who occupies a seat in this branch of the Legislature; and on a very full and thorough examination of the question, he was satisfied that this charge is maintainable. There are other opinions which controvert his. The sum originally asked, I understand, was between

\$35,000 and \$37,000. It struck me as an extremely large sum. I was told that the work could be done for from \$700 to \$1,500. This matter was submitted to arbitration and compromise, and \$12,000 was fixed as a fair rate, and that was paid by the Secretary of the Senate. That officer was extremely upon his guard about the matter, and consulted various gentlemen as to what might be his duty. He paid the sum awarded as fixed. Whether that be for or against the interests of the Government, I hold that good faith binds us to it, and we ought not to break it.

Mr. UNDERWOOD. I shall vote for the amendment of my friend from Maryland, notwithstanding the reasoning of my friend from North Carolina, and upon this ground: We are dispensing grace and favor, and not right. When we are doing that, we may do it upon such terms as to exact justice. Now, we cannot get anything back for the profitable contracts that the contractors have made with the Government. They are clear profit to them. But our proceedings now go upon the ground that when we make an advantageous contract, so that a contractor loses money, we shall, by grace and favor, make up the loss to him. Well, if it appears in the settlement of that account, that in a particular item that contractor has got the advantage by some \$10,000 by a former contract by which he was entitled to it, or by a former compromise by which it was erroneously awarded to him, may we not take that into consideration in dispensing the favor which we are about to grant? It is reasonable, it is just, it is proper that it should be done, because we are dealing now with equity, not with justice. I therefore say, that when it is conceded on all hands that Mr. Ritchie got \$12,000 for a service that was only worth \$2,000, by which he pocketed, at the expense of the Government, \$10,000 in this grant of favor, those \$10,000 ought to be accounted for.

Mr. HAMLIN. I shall vote against the first branch of the amendment of the Senator from Maryland, and I will state my reason for doing so in a word. I do not care what may be the opinion of the best lawyer in this body, or out of it, as to what is the true construction of the contract. I think that all the best printers you find will not disagree about it. They all say this printing could not come under the construction claimed. But it was referred to the Secretary of the Senate, who was the proper accounting officer. A decision was made, and Mr. Ritchie got his money. It is therefore an adjudicated question, and whatever may be the right or wrong construction of the contract, I think he ought to retain the money, because he received it under the award of the proper officer.

Mr. BORLAND. I am very sorry that this proposition should have been made, for it imposes upon me, after the remarks of the Senator from North Carolina, to say a few words. I owe it to myself to say a word. I should not have made the proposition; but since it is made, I am compelled to vote for it. I must state in connection with this, as briefly as I can, the facts of the case. Upon a resolution of the Senate, in 1850, referred to the Committee on Printing, I, as chairman of the committee, made a report to the Senate upon this subject. The facts, as I understood them, and as the committee understood them, and reported them, were these: For printing the pamphlet referred to, the printer presented an account of \$37,200. These are the exact figures. When it was suggested that this was an enormous charge, he voluntarily proposed to reduce it down to \$12,500. That account was presented during the recess of the Senate, and by the board whose duty it was during the recess to audit printers' accounts that amount was paid. This was in the recess of 1849. The resolution of which I speak was subsequently introduced by the Senator from New Hampshire, and referred to the committee, and reported upon. I took up the subject, and examined it very carefully; and from the best examination I could give, and the best judgment I could form, I came to the conclusion that the price, under the contract, for that document, should have been about \$650. Less than that by several hundred dollars had been paid for it already as a regular document. I think \$156 had been paid to Tiffin & Sreep, the previous printers, for printing 1,250 copies of it as a regular document. Ten thousand copies were ordered to be printed by the Senate, and under Mr. Ritchie's contract, I came

to the conclusion that they would amount to about \$650. The whole amount that could have been charged, even under the full rates of 1819, was \$2,000. I made that report. The calculations, and the computations of the contract, and of the law under which the contract was made, are now among the documents of the Senate. I will not refer more particularly to them. The view presented in that report, was my opinion that nearly \$12,000 more than the prices which could have been demanded under the contract were paid for it. I would not have called it up to have deducted it on this occasion; but when the proposition is made distinctly, and when I am called upon to vote on it, I am compelled, out of consistency, out of my own sense of duty, here, under the law, to vote for making the deduction, and then leave him, as the amendment does, twenty-five per cent. above the full prices of 1819.

Mr. HUNTER. I wish to make an appeal to the Senate. We have appropriation bills involving an amount of more than twenty millions. I believe that if we could get this bill reported to the Senate to-night, in any reasonable time, perhaps we should be able to master the residue of our business between this and the time of adjournment. But I fear, that unless we do so, it will be impossible for us to act upon these bills in any manner creditable, or even decent. I hope the vote will be taken on all the amendments. They have been fully discussed; and the Senate will remember that there is but a very short time between this and the end of the session. I trust, therefore, that they will refrain from offering amendments. The bill is already loaded down with them; and, I fear, if we continue this, we must either sit up all night, or we shall run the risk of losing the appropriation bills.

Mr. CHASE. I concur, heartily, with the Senator from Virginia in desiring speedy action on this bill; and that desire adds great force to the regret which I feel that the amendment has been introduced upon this occasion; but those who introduced the amendment, originally, are responsible for the consumption of the time of the Senate at this late hour of the session, and not those who oppose it, because the amendment being introduced, it becomes the duty of the Senate—a duty which they owe to themselves and to their constituents—to examine its merits and discuss it.

Sir, the history of this proposition is somewhat extraordinary. When it was originally introduced it was objected to as a private claim; and if it be not a private claim, excluded by the rules, I am at a loss to know what is a private claim.

The PRESIDENT. The Senator is aware that the proposition now pending is on the first branch of the amendment offered by the Senator from Maryland to the amendment, which is to deduct \$10,000 from the printing of a certain work.

Mr. CHASE. I am aware of that; but I was responding to the observation of the Senator from Virginia in regard to the consumption of time, and I was endeavoring to show that the responsibility for that consumption was not with the opponents of the proposition of the Senator from Illinois.

Mr. HUNTER. Will the Senator allow me to say that I was not charging any one with the loss of time. The country will hold us all responsible, and we shall not be able to shift it from one to the other if we should lose the appropriation bills, or should present them in such a shape as not to bear examination.

Mr. CLEMENS. The Senator will allow me to suggest that the country will never hold the Senator from Ohio responsible for anything.

Mr. CHASE. Mr. President, under the suggestion made by the Senator from Virginia, and the suggestion by the Chair, I will refrain from saying what I was about to say in regard to the character of this claim, and of the mode in which it is now before the Senate. The Senate was equally divided whether it was a private claim or not. But without raising any question now on that point, I wish simply to ask a question of the Senator from Arkansas, who was chairman of the Printing Committee, in reference to what fell from the Senator from North Carolina. Both the Senator from North Carolina and the Senator from Maine concurred in stating that this was an adjudged matter in regard to the payment for printing the decisions of the Supreme Court. I do not know how it has been adjudged. If it was

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referred to anybody, I do not know to whom it was referred. As the Senator from Arkansas has considered this whole subject—as it was under his charge for a long period of time—I ask him to inform the Senate to whom it was referred? and by whom, if by anybody, the claim has been adjudged?

Mr. BORLAND. I will answer the Senator from Ohio; it was certainly adjudged by proper authority—by authority of the Secretary of the Senate, the Clerk of the House of Representatives, and the Clerk of the Committee on Printing—who constitute a board to audit and settle the printer's accounts during the recess of Congress. This account was presented to that board, and by them, with full legal authority, considered, though I think they erred.

The question being taken by yeas and nays on the first branch of the amendment of Mr. PEARCE to the amendment, resulted—yeas 18, nays 30; as follows:

YEAS.—Messrs. Borland, Brodhead, Chase, Clarke, Cooper, Davis, Dawson, Foot, Miller, Pearce, Pratt, Smith, Spruance, Sumner, Underwood, Upham, Wade, and Walker—18.

NAYS.—Messrs. Bayard, Bradbury, Bright, Brooke, Clemens, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Hamlin, Houston, Hunter, James, Jones of Iowa, King, Mallory, Mangum, Mason, Meriwether, Morton, Norris, Rusk, Seward, Shields, Soule, Stockton, Toucey, and Weller—30.

So it was disagreed to.

The question then recurred on the second branch of the amendment to the amendment, which was to insert:

"And for printing the obituary notices of the deceased President Taylor, said contractor shall be paid the actual cost, with a profit of twenty per cent."

Mr. SEWARD. I desire to know of those who can inform us, whether the same terms will be charged in regard to printing the obituary notices of Mr. Clay?

Mr. BORLAND. The terms are not the same, and the contractors are different.

Mr. PEARCE called for the yeas and nays on the amendment; and they were ordered; and being taken, resulted—yeas 33, nays 16; as follows:

YEAS.—Messrs. Bayard, Bell, Borland, Bradbury, Brodhead, Brooke, Chase, Clarke, Cooper, Davis, Dawson, Foot, Hamlin, Houston, Hunter, King, Mangum, Mason, Meriwether, Miller, Morton, Pearce, Pratt, Seward, Smith, Soule, Spruance, Sumner, Underwood, Upham, Wade, Walker, and Weller—33.

NAYS.—Messrs. Bright, Clemens, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Gwin, James, Jones of Iowa, Mallory, Norris, Rusk, Shields, Stockton, and Toucey—16.

So it was agreed to.

The question then recurred on the amendment as amended.

Mr. UNDERWOOD called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 33, nays 14; as follows:

YEAS.—Messrs. Bayard, Bell, Borland, Bradbury, Bright, Brooke, Clemens, Cooper, Dawson, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Gwin, Houston, Hunter, James, Jones of Iowa, King, Mallory, Mangum, Mason, Meriwether, Morton, Rusk, Seward, Shields, Soule, Stockton, Toucey, Walker, and Weller—33.

NAYS.—Messrs. Brodhead, Chase, Clarke, Davis, Foot, Miller, Norris, Pearce, Smith, Spruance, Sumner, Underwood, Upham, and Wade—14.

So it was adopted.

Mr. COOPER. There is a provision in the bill for the redemption of seventeen Loan Office certificates, giving their numbers, and appropriating \$4,165 42 for that object. I move to strike out "seventeen," and insert "eighteen," and to insert No. 266 as the number of the certificate proposed to be canceled; and increase the appropriation to \$20,000.

This is to provide for a certificate which is outstanding; the original certificate has been lost. I hold in my hand a statement from the Register of the Treasury, showing that the amount stands to the credit of the parties on the books of the Treasury Department; and I have also in my hand a letter from the Acting Secretary of the Treasury, recommending an appropriation sufficient to pay it. I will state that the original claim was for

cannon furnished during the revolutionary war, a claim that was settled at the Treasury, under the act of 1790, I think; but the certificate which was issued to the parties has been lost. Proof is made of the loss, and the statement from the Treasury Department admits that the amount stands to the credit of the parties, and has never been paid; and I have here a recommendation for its payment. No difficulty can accrue, because there is a proviso in the section as it comes from the House: "That satisfactory evidence be produced to the Secretary of the Treasury that the persons who have presented the said certificates for payment are the bona fide holders of the same."

The honorable Senator from Virginia knows that what I have said in reference to the facts of the case is true. The recommendation is that the appropriation be increased to \$25,000; but that is not necessary, because the certificate amounts to a little over \$19,000, and it was a little shorter to insert the simple word "twenty" before "four," so as to make the appropriation \$24,165 42.

Mr. HUNTER. I believe I might, with propriety, raise a point of order as to the amendment; but I think I can get my object in a shorter way. The papers in this case were handed to me by the Senator from Pennsylvania, and I examined them, and sent them to the First Comptroller for the purpose of ascertaining whether such things had ever been granted. This is not to pay a Loan Office certificate which is itself presented, and for which claims the clause in question was framed; but it is to present a claim for a lost certificate. The Comptroller has informed me that such things have been rarely done, and then upon strict examination, and only by special act. It seems to me, therefore, eminently proper that this should be the subject of special investigation and of special act. I think that the honorable Senator, probably, after he has discharged his duty to his constituent by presenting it, will not press it; but it seems to me at any rate, obviously unfit for this bill.

Mr. COOPER. I cannot consent to withdraw the amendment by any means. I hold in my hand the certificate of the Register of the Treasury. I did hope that the Senator would have stated that what I have said was the fact, because he certainly knew it. Here is the certificate from the Treasury Department:

TREASURY DEPARTMENT,  
REGISTER'S OFFICE, August 27, 1852.

I certify the above to be a true extract from the list of final settlement certificates, issued by Benjamin Stelle, commissioner for settling debts due by the United States in the State of Pennsylvania, and that it appears from the records of this office that the certificate is now outstanding and unpaid.

TOWNSEND HAINES, Register.

Here is a letter from the Treasury Department:

TREASURY DEPARTMENT, August 27, 1852.

Sir: I beg leave to call the attention of the Finance Committee to the section of the general appropriation bill, page 49, line 1,194, providing for the redemption of old outstanding Loan Office certificates. The appropriation as it now stands only provides for the specific claims then before the Department, leaving no margin for such others as may be presented during the current year. There has been this day presented another claim, the specie value of which, at the time of its issuing, was \$4,180 56, which must be provided for or remain unpaid. And in order to promote settlement of such other claims as may be presented, I respectfully request that the bill be amended, commencing at line 1,295, page 50, by inserting \$25,000, in lieu of \$4,165 42, the amount appropriated by the bill.

WILLIAM L. HODGE,  
Acting Secretary of the Treasury.

Now, can there be any doubt about that? Here is the specific certificate, and I will ask what injury can ever result to the Treasury? What odds does it make whether the original exists or not? If it be paid, it is canceled on the books of the Treasury, and it does not matter a tittle whether the original certificate is in hand or not. I admit that the Senator from Virginia sent to the Treasury, and Mr. Whittlesey said that there ought to be great caution. Well, sir, what more caution do you want than the certificate of the party against whom the claim is preferred, that it is due and outstanding? Why, in the deficiency bill there was precisely a claim similar to this. And I am

told privately, (but I suppose I may refer to it here,) by the honorable Senator from Virginia, that in that case the certificate was presented. It was not presented; because I received the papers, and there was no such thing among them. But it was probably in the Treasury Department, as I believe they are in the habit of filing the certificates themselves in the Treasury. If they were so then, what odds does the presentation of the certificate make, when you have charged on the books of the Treasury the amount that is due, when we ask for its payment, and particularly when there is a provision in the bill that the amount due on these certificates, before being paid, shall be ascertained by the Treasury?

The amendment was agreed to, there being on a division—yeas 19, noes 18.

Mr. SOULE. I have not squandered away the time of the Senate during this debate, and I have some two or three amendments to propose, which I hope it may be the pleasure of the Senate to adopt. The first one is to insert among the appropriations for the Mint at New Orleans the following:

For the proportion due by said Mint for square block paving from caplane to Bosworth street, to be paid to Thomas Haines, \$1,266 40.

This is the proportion due by the Mint to the city of New Orleans for the paving of the streets around the Mint. By the city regulations, the city pays one third the amount, and the proprietors on each side pay one third each. The bill is due, and I suppose there cannot be any difficulty as to its payment.

The PRESIDENT. Is there an estimate for it?

Mr. SOULE. Yes, sir; I have communicated it to the chairman of the Committee on Finance.

Mr. HUNTER. This is no more a private claim than some others which have been introduced into the bill. It comes within the precedents of cases which we have received.

Mr. SOULE. I have precedents in my hands showing that such claims have been at previous times introduced into the civil and diplomatic appropriation bill.

Mr. CLARKE. I really feel desirous to know upon what this is based? The Government of the United States, it seems, have purchased a site for a Mint at New Orleans; and having purchased that site, some municipal regulation of that city has imposed upon that location a tax, for some proportional expense for paving.

Mr. SOULE. The honorable Senator is mistaken. It is not a tax.

Mr. CLARKE. Then I should like to understand English.

Mr. SOULE. It is not a tax. It is an assessment for a proportion due by each proprietor for benefits derived to the property.

Mr. CLARKE. I confess I do not understand the difference between an assessment and a tax. The Government of the United States, in consequence of owning this Mint in New Orleans, are called upon to pay an assessment, as the Senator says, for paving the streets, and laying the sidewalks at the side of the pavement. Now, is that a part of the appropriation due by the Government? Is it not within the general rule, that when the Government of the United States takes a deed of property of this kind in any part of any State in the United States, they shall be exempt from taxation?

Mr. CLEMENS. We will vote for something for your State.

Mr. CLARKE. A proposition is made here by a Senator, that he will vote for anything in my State as enormous as this, although we ask nothing of that kind. Then I have nothing more to say about the matter.

The amendment was agreed to.

Mr. SOULE. There is an appropriation of \$150,000 for continuing the construction of the custom-house at New Orleans. I move to amend it by adding:

Subject to the limitations and restrictions imposed on the appropriation made for the same object at the last ses-

sion of Congress: *And provided*, That, in case the superintendence of the building be confided to an officer detailed from the Corps of Topographical Engineers, the acting architect be dispensed with, and the said superintendent allowed a compensation not exceeding eight dollars per day.

An appropriation was made for this object at the last session of Congress. While that appropriation was being made here, certain restrictions were imposed upon the manner in which the amount appropriated should be expended. The present amendment has for its object to impose upon this appropriation the same restrictions that were imposed upon the appropriation made last year. Besides, it is in contemplation of the Department of the Treasury to give the superintendence of the building to an officer detailed from the Topographical Corps of Engineers, in which case we may dispense with the services of the architect, and therefore I have provided in this amendment that, in such case, the acting architect shall be dispensed with, and a compensation shall be allowed to the officer thus detailed from the Topographical Corps, not exceeding eight dollars per day.

Mr. PRATT. Is there an estimate for this?

Mr. SOULE. Yes, sir.

Mr. CLARKE. Who has received it?

Mr. SOULE. The appropriation does not come from the Committee on Commerce. It comes from the other House, and is already in the bill; and the amendment which I propose is merely explanatory.

The amendment was agreed to.

Mr. SOULE. I propose to insert in the bill, under the head of miscellaneous items, the following:

As compensation to Jonathan Elliott, commercial agent of the United States at St. Domingo, for the amount by him expended in maintaining refugees in the late revolution at that place, \$600.

I want merely to state, that this appropriation was included in the bill as it passed this body at the last session of Congress; but through one of those mistakes of which we have had, at times, to complain, it disappeared from the bill while passing through the other House. The papers justify this claim. They justify the expenditure of this money by this agent, in maintaining, under critical circumstances, citizens of the United States, who took refuge in his house; and they have been fully justified by the vouchers that have been furnished by that gentleman to the committee which has had occasion to investigate his claim. I hope that no objection will impede its being inserted in the present bill.

The PRESIDENT. Does the Senator report the amendment from any committee?

Mr. SOULE. I do not. But I had occasion to converse with the chairman of the Committee on Finance and the chairman of the Committee on Foreign Relations on the subject. The chairman of the latter committee said he could not act on this claim on account of its not having been referred to his committee, but he mentioned to the chairman of the Committee on Finance that the claim had been acted upon on the report of the committee at the last session, and that it was extracted, I may say, from the bill while passing through the other House. He therefore considered that it might be made an exception in the present bill.

The PRESIDENT. If it be the pleasure of the Senate to dispense with the rule the amendment will be received, otherwise it cannot be.

The amendment was agreed to.

Mr. SOULE. I have one other amendment to offer. It is to insert:

SEC. — *And be it further enacted*, That the collector of customs at the port of New Orleans be, and he hereby is, authorized to appoint, with the approbation of the Secretary of the Treasury, three head gaugers for the said port, at an annual salary of \$1,500 each, instead of the force now employed in the gauger's department at the port aforesaid.

In explanation of this, I have to state to the Senate that, at this time, there is one head gauger and a deputy gauger; but the deputy gauger, having no authority to impart authenticity to his acts, his services can acquire no legal force, except under the authority of the head gauger. And it so happens that, while in the port of New York, for instance, the gaugers have more than absorbed the whole amount of fees which are procured there; yet, in New Orleans, where the labors are very nearly as great as in New York, and the

income quite as much, the expenditure occasioned by these officers has not exceeded \$3,000. The Committee on Commerce applied to the Department, and the Department have recommended, in a letter which I have in my hand, the appointment of these three gaugers, at the salary provided in the amendment. I cannot conceive of any possible objection to it.

The amendment was agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer an amendment, which is to insert:

For the payment of the balance due to the Commonwealth of Massachusetts, under the fifth article of the treaty of Washington, for the balance of expenses incurred by said State in protecting the northeastern boundary, the same having been heretofore settled at the Treasury of the United States, but unpaid for want of appropriation, \$305 81.

That is one of a few amendments, two or three in number, that I am instructed by the committee to offer, carrying out the provisions of the treaty between Great Britain and the United States, for defending the northeastern boundary. Under that treaty the Government of the United States were bound to pay to the States of Maine and Massachusetts all claims for expenses incurred by them "in protecting the said heretofore disputed territory." It has been adjusted at the Treasury, but has not been paid for want of an appropriation.

The amendment was agreed to.

Mr. MASON. I am instructed by the same committee to offer another amendment of the same class:

For payment of balance found due by the Comptroller of the Treasury, to the State of Maine, under the fifth article of the treaty of Washington, for expenses on account of northeastern boundary, over and above the appropriations made, \$2,212 78. And the accounting officers of the Treasury are hereby directed, in the settlement of the claims, under the act of March 3d, 1851, authorizing payment of interest on the advances made by the State of Maine for the use of the United States Government, in the protection of the northeastern boundary, to embrace the interest, whether paid or lost, prior or subsequent to 1839, 1840, and 1841, named in said act, upon the sums expended by said State and refunded by the United States, according to the terms of said act, as well as during said years; and that they further allow to said State whatever sums of money were paid by said State in the form of discount in negotiating loans for the purposes of said advancements.

If any explanation of the amendment is asked, I am prepared to give it. It is under the terms of the treaty.

The amendment was agreed to.

Mr. MASON. Mr. President, I offer a further amendment to the bill, not, however, by instruction of the committee, but of my own motion. There is a provision in the bill "for running and marking the boundary line between the United States and Mexico under the treaty of Guadalupe Hidalgo, \$120,000." I propose to amend this clause by adding to it:

*Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States, that the southern boundary of New Mexico is not established by the Commissioner and Surveyor of the United States further north of the town called Paso than the same is laid down on Disturnell's map which is attached to the treaty.

Mr. President, this is intended to affect the appropriation for continuing the survey of the Mexican boundary. The object is to prohibit the expenditure of any portion of the money until the line which has been adopted by the American Commissioner shall be re-formed, according to the terms of the treaty. I will not consume the time of the Senate, because I take it for granted that they are informed of the actual condition of things as to that boundary. It is in substance and briefly this: By the terms of the treaty, each Government—Mexico and the United States—was required to appoint a Commissioner and a Surveyor to represent their respective Governments in ascertaining the boundaries prescribed by the treaty. To enable them to ascertain those boundaries, Disturnell's map was made a part of the treaty, and they were required to conform to the boundaries laid down upon that map. The treaty describes the southern boundary of New Mexico "which runs north of the town called Paso." By examination of the map, and measurement with the map scale, it will be found that the boundary runs about eight miles north of the town; but the Commissioner on the part of the United States has assumed in place of that boundary the parallel of latitude of 32° 22' north, and the effect of it has been to transfer the actual boundary some thirty-

four miles north of the boundary prescribed by the treaty. The Surveyor who was associated with the Commissioner under the treaty, and who, under the treaty as construed by the Committee on Foreign Relations in their report made a few days since, was associated in equal right, and without whose assent, the Commissioner had no power to determine this boundary, dissented. He placed his veto, as he had authority to do under the treaty, upon the act of the Commissioner. The Secretary of the Interior, upon this fact being reported to him, instructed the Surveyor to sign the agreement, thus fixing the southern boundary. Whether the Surveyor has obeyed this instruction we are not informed. If the Surveyor does obey that instruction, then a question will be presented which I am prepared to meet: that the act of both officers does not commit this Government; because it is a departure from the treaty. But to that question we have not yet come. As at present informed, it is the act of the Commissioner alone, who has committed this gross and extraordinary departure from the terms of the treaty, in consequence of which, should it become the law, the United States will sustain a loss of more than five thousand square miles of territory, and will be thrown so far north upon that southern boundary as to render it exceedingly doubtful whether a southern right of way will ever be obtained to our possessions on the Pacific.

The object of this amendment is to break down that Commission where it stands unless this line is re-formed; and for one I am fully prepared to take such responsibility. Under the instructions which have been given to the Surveyor by the Secretary of the Interior, if they are obeyed the Government will sustain a loss to the extent that I have mentioned, unless the present Commission is broken down; and the object of the amendment is in the alternative to attain that end.

Notwithstanding the very great disinclination which I have to detain the Senate, there is another matter to which I must allude. It is to do justice to an enlightened, intelligent, and patriotic officer of this Government belonging to the military service. I refer to Lieutenant Colonel James Duncan Graham. Lieutenant Colonel Graham was sent out by this Administration as the astronomer to this expedition, and after he had been there a short time he was recalled. The honorable Senator from Rhode Island, [Mr. CLARKE,] who entered lately into a defense of the present Commissioner, Mr. Bartlett, in the course of his remarks said as follows:

"Before I proceed further I will say, that in my opinion the Commission was organized in one of the worst forms in which it could have possibly been sent from the United States."

He continued:

"Thus was the Commission formed, so far as regards those who had charge of it. When Mr. Bartlett was appointed I was in the city, Congress being in session. Under the direction, or by the advice of the then Secretary of the Interior, (Mr. Ewing,) Mr. Bartlett was induced to consult Colonel Graham, of the Topographical Corps, as to the number and the kind of employees who should go out with him upon the Commission; and I have it in a letter from Mr. Bartlett to me that the whole formation of the employees of the civil department was made by him, under the advice and by the direction of Colonel Graham."

Now, sir, the honorable Senator has stated that this Commission was organized "in one of the worst forms in which it could have been sent," and that it was organized under the counsel and advice of Lieutenant Colonel Graham, of the Engineer Department.

Mr. CLARKE. I have never said so.

Mr. MASON. I give it as reported in the newspaper of the day. I am very happy to hear that the honorable Senator recalls it.

Mr. CLARKE. I beg the Senator to understand that I recall nothing.

Mr. MASON. I give the Senators remarks as I find them reported in the newspaper of the day.

Mr. CLARKE. The Senator has read from two detached extracts without reading the intervening matter. I will be ready to explain it to him in a moment.

Mr. MASON. It is unnecessary to make any issue whatever with the honorable Senator from Rhode Island. Whether he said it or not, as it is reported, the allegation is made as appears upon information which he derived from the Commissioner. The statement, as derived from the authority of the Commissioner, is, that he took from the country a Commission organized in the worst pos-





appointed Commissioner, under my advice and under the advice of the Secretary of the Interior, was desired to consult Colonel Graham, who was then in this city—who had been upon the north-eastern boundary—as to the manner in which the commission should be properly organized. Mr. Commissioner Bartlett consulted Colonel Graham, and he formed his Commission, so far as he had power to form it, according to the list presented to him by Colonel Graham, and that Commission departed from here in conformity with the list established by the Commissioner under the advice of Colonel Graham.

I desire to put myself right with my honorable friend from Virginia, and also with the Senate. When I made the remark that this was the worst-formed Commission that ever had departed from the United States, (and I was under the impression that I said, from a Christian land, at least I ought to have said so,) it was not in reference to the advice that had been given by Colonel Graham, but to the manner in which the Government had chosen to send these individuals out. In order to put myself right on the subject, I will read the remarks that I did make on that occasion:

"Before I proceed further, I will say, that in my opinion the Commission was organized in one of the worst forms in which it could possibly have been sent from the United States. There were four persons holding a sort of distinct and separate command. There was, in the first place, the Commissioner, Mr. John R. Bartlett, who might be considered, I suppose, as at the head of the civil part of the Commission. In the next place, at the head of the astronomical corps was Colonel McClellan, he himself exercising a certain degree of authority, and I think, as the evidence has shown, appointing mechanics, who were under his own authority and control."

I believe that was pretty well proved.

"There was another sort of subdivided duty among them, which was discharged by Lieutenant Strain, who preferred the charges against Colonel McClellan. Of him I know nothing, except that he went with the Commission from New York in the steamer Galveston, which left there on the 3d of August, and arrived at Indianola, Texas, on the 23d of August, 1850. He claimed a sort of command, I suppose, as a naval officer, while they were on salt water, and I believe he was attached to the Commission with a view of taking charge of the boats when they should ascend or descend the Rio Grande and the Gila; but, I believe he left the Commission at Victoria, and returned to the city of Washington, where he preferred those charges."

Now, allow me to say to my friend from Virginia that he and I, I think, can have no difference on this subject. I have read the description of the Commission which I stated here. I omitted, however, (as was afterwards taken up by me and explained,) to state that there was a fourth part of this Commission, under the command of the lamented Colonel Craig, who was recently killed near Fort Yumas, or in passing across the desert from San Diego to Fort Yumas. I mentioned, in my remarks, the three parts of the Commission. I omitted to mention that, in the first place, Mr. Bartlett was at the head of the civil part of the Commission; and I think he had the only civil part there was about it. In the next place, there was Colonel McClellan, who was at the head of the astronomical corps, and appointed a number of the mechanics. In the next place, there was Lieutenant Strain, who left at Victoria, who was in command of something like the naval portion of the Commission, or that portion of it which went upon the water. Then there was Colonel Craig, who was detailed to command the escort. He went with the Commission from Indianola to El Paso; from El Paso to the copper mines; and from the copper mines down the Gila to San Diego. Unfortunately for his country and himself, he was there killed.

That was the only part of my remarks which related to the forming of the Commission. Was there anything there about Colonel Graham? No, sir—not a word. Colonel Graham had nothing to do with this at all. I was speaking in this portion of my remarks of the organization of it by the Government here—by the Administration, if you please; or, if gentlemen want me to be particular, I will say by the Secretary of the Interior. It seems almost as if that part of the Executive Department of the Administration did not know what they were about. They sent Mr. Bartlett at the head of this Commission, without their knowing what he required, and called upon him to seek the best information he could from any quarter.

I said still further:

"Thus was the Commission formed, so far as regards those who had charge of it."

There was not a word said yet in reference to Colonel Graham; although he quotes in his communication to the honorable Senator from Virginia, that I said this was the worst-formed commission that ever left the country. I repeat it, sir; it was; and if any man can dispute it, he has a bolder front than I have. But my remarks proceed:

"When Mr. Bartlett was appointed I was in the city, Congress being in session. Under the direction, or by the advice of the then Secretary of the Interior, (Mr. Ewing,) Mr. Bartlett was induced to consult Colonel Graham, of the Topographical Corps, as to the number and the kind of employees who should go out with him upon the Commission; and I have it in a letter from Mr. Bartlett to me, that the whole formation of the employees of the civil department was made by him, under the advice and by the direction of Colonel Graham."

Thus much I said. The fact is undisputed that Mr. Bartlett, under the advice of the Secretary of the Interior, and under my advice, sought the better information of Colonel Graham as to the manner in which he should proceed in organizing the civil part of his Commission. He accordingly applied to Colonel Graham, and Colonel Graham gave him a list of what he supposed would be the proper and requisite employees upon this Commission. Am I right?

Mr. MASON. Perfectly.

Mr. CLARKE. I am glad to have that point settled. Mr. Bartlett made application to Colonel Graham, not that Colonel Graham was obliged to answer him, but he made it from the high respect that he had for Colonel Graham from the reputation which that gentleman had acquired.

Mr. HUNTER. I must really rise to a question of order. Are we to go into the propriety of the conduct of Mr. Bartlett, Colonel Graham, and these other gentlemen at this period of the session? Shall we get the bill reported to the Senate to-night, if we go on in this way? I understand the proposition to be in relation to the initial point, and the debate ought to be confined to that.

Mr. CLARKE. I yield to the Senator on any question of order; but I only want to explain this matter, and it will not take a great while to do so. I want merely to show that the sensitiveness of Colonel Graham has been altogether uncalled for, and that I intended to cast no imputation upon him. If I have any imputation to make upon anybody, I know when to make it, and where to make it.

Mr. HUNTER. I must rise to a question of order again.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The Chair thinks that the discussion has entirely gone beyond the amendment pending. Senators should confine themselves to the proposition pending, which is to fix the appropriation with regard to fixing the initial point.

Mr. CLARKE. I will submit to the Chair whether I am at liberty to read the authorities upon which I made the statement, which I have already read in a speech which I delivered some time since upon this question. If I am in order, I will read them, if not, I will not.

Mr. HUNTER. It will take too much time.

Mr. CLARKE. It would not take the Senator himself more than ten minutes, and it will not take me more than five. I have a communication in regard to this matter, which I wish to read. It has been stated that the number of assistants—young men and mechanics—employed in the Boundary Commission, was unnecessarily large. Here is the explanation of that complaint:

"This fault, if fault it was, cannot be laid at Mr. Bartlett's door. The number of assistants and young men employed was in accordance with the recommendation."

Mr. HUNTER. I must insist upon my point of order. I hope the Chair will decide it.

The PRESIDING OFFICER. The Chair has already decided that Senators should confine themselves to the amendment, which is, that this appropriation shall be restricted to a certain initial point.

Mr. CLARKE. I submit to the Chair, that the honorable Senator from Virginia [Mr. Mason] has introduced—and not without my consent—a circumstance in relation to a speech which I made sometime since, in which he says I made an imputation upon Colonel Graham. Now, I want to show—and it is perhaps a question of privilege—that I have made no such imputation against Colonel Graham.

Mr. MASON. I do not ascribe to the gentleman any design to cast any imputation in any, even in the slightest degree. But from the force

of the language used this was ascribed, that the Commission had been organized under the advice of Colonel Graham; and again, that it was the worst organized Commission that ever left the country. I do not desire to continue the debate at all; but I am sure when the honorable Senator comes to read the communication of Colonel Graham, he will be satisfied with it.

Mr. CLARKE. I have no doubt of it. I am perfectly satisfied; because there is no issue to begin with. And, Mr. President, if you will only allow me to say one thing more, I will be satisfied.

The description which I gave of the Commission did not allude to Colonel Graham in any manner; but if it reflects upon anybody, it is upon the Administration of the Government that framed this Commission. Colonel Graham's name is not mentioned in it; and when I spoke of its being arranged according to a list furnished by Colonel Graham, I only spoke of that to account for the number of civil employees that Mr. Bartlett had taken with him. The honorable Senator from Virginia took an extract from the first part of my speech, without the explanation added to it; and then took along with it another extract, in another part, and he applied them together. I have merely to say, that they were not intended to apply together. I have not a word of complaint to make against Colonel Graham, so far as regards the formation of the Commission. I think it would have been formed well enough, if the men who had been sent out had been proper. But there had been an accusation against Mr. Bartlett that the Commission was unnecessarily large, and I deemed it necessary to make an explanation, in order to show that he alone was not accountable for it. Allow me to say to my friend from Virginia, that whenever the connection of Colonel Graham with the Commission is properly brought into debate here, I shall be prepared with other evidence which I have, in regard to any assertion that I may make.

Mr. PEARCE. Mr. President, I am very reluctant to trouble the Senate with any remarks upon the subject at this time; and I should not do so, but for an observation or two, which fell from the honorable Senator from Virginia. I do not object to the amendment which he has introduced. I think it seems to be carefully worded; and I do not suppose that it will occasion inconvenience, or that it is objectionable as implying any reproach upon the Secretary of the Interior. But the Senator has imputed to the Secretary of the Interior a very gross error—an error of judgment only—for I believe that he attributes no wrong motive to him. He has said, however, that the Secretary of the Interior has undertaken to request the surveyor of this Commission to sign an agreement as to the initial point; and that he has thereby committed a very gross error. My object is to show that this is not a gross error—that there is no error at all; or that, if error there be, it is one into which the Secretary very naturally fell, by reason of the example which has been given in precisely similar circumstances by former Administrations. The question, at all events, is one of construction, as to which a difference of opinion may well be tolerated.

The fifth article of the treaty with Mexico provides that, for the purpose of running and marking the boundary line, a commissioner and a surveyor shall be appointed; and it directs that certain agreements, the result of that commission, when signed by them, shall have the force of the treaty. The honorable Senator from Virginia has assumed that that clause of the treaty gives to the surveyor equal authority, and makes him a functionary of equal power and responsibility, with the commissioner. This, I think, is an error of his. The treaty does not define the powers and duties of the commissioner and surveyor. We must therefore look elsewhere to ascertain them; and thus it becomes necessary to inquire what are the proper and ordinary functions of such officers as these? And when we look to that, we see that the functions of a commissioner are essentially different from those of a surveyor. The commissioner is the directing agent, the superintending, controlling authority. The surveyor is a subordinate, inferior, operative agent. Field operations, and the resulting calculations, are his business. That was the opinion of the Secretary of the Interior, who considered that the Surveyor, in this

case, was a mere ministerial agent; that he had not the authority to decide upon the disputed points which belonged to the Commissioner.

I said that for this opinion the Secretary had example under other Administrations, and I proceed to make good the assertion. I find, upon the examination of the fifth article of the treaty of Guadalupe Hidalgo, that it is copied *verbatim* from other treaties into which the Government of the United States had previously entered. It is a copy of a similar article in the treaty of 1819 with Spain, the convention of 1828 with Mexico, and of 1838 with Texas. I do not know that there were any proceedings under the treaty of 1819. I know that there were none under the treaty of 1828 with Mexico, that Government never having appointed a commissioner and surveyor under it. There were proceedings, however, under the convention of 1838 with Texas, and a commissioner and surveyor were appointed by both Governments. I have here, in a public document, the instructions of the Department of State in 1839, under the administration of Mr. Van Buren, to Mr. Overton, the Commissioner on the part of the United States. I will read a few extracts from them to show what that Administration thought to be the difference between the power of a commissioner and a surveyor. In a letter from the Department of State to Mr. Overton, dated July 8, 1839, he is informed:

"Upon yourself, jointly with the Texan Commissioner, will devolve the duty of conducting the proceedings of the Commission, of instructing the surveyors on both sides as to their actual operations in the field, and of assigning to the clerks the duties properly appertaining to their office. If any question should arise from conflicting views between yourself and the Texan Commissioner, the duty will be yours carefully to investigate the grounds of your own opinions, and, when fully convinced of their correctness, and of the fairness of the claims which they will induce you to set up, on the part of the United States, to advocate their adoption by every proper argument, drawn from the letter and spirit of the provisions of the treaties.

"The President confidently relies upon your prudence and judgment, as upon the hearty cooperation of the United States surveyor, whom, in turn, you are expected personally to attend, direct, and assist in the performance of his duties, for a proper advocacy of the rights of your country as secured by the treaties. He is obliged the more to confide in your discretion, scrutiny, and patriotic zeal from the impossibility of foreseeing, whether and, if any, what questions may arise, and from the consequent necessity of leaving you, in a great degree, to exercise your judgment in the discussion and solution of them.

"As it is indispensable that each Government be furnished with a full and circumstantial record of the proceedings of the Commission, the expediency will doubtless occur to the Joint Commissioners to order such records to be kept in duplicate." "This duty will naturally devolve upon the clerks appointed on both sides, under the supervision of the respective Commissioners, who shall be responsible for the accuracy and safe delivery of said records, properly certified, to the respective Governments at the expiration of the Commission."

In the letter to the Surveyor the Secretary says:

"You will report yourself to Mr. John H. Overton, the United States Commissioner, for instructions as to the manner of performing the duties of your office."

The Senate must perceive that the Administration of that day evidently understood the Surveyor to be an inferior officer to the Commissioner—that he was to receive his directions from him; because the Secretary of State says expressly to the Commissioner that it will be his duty to *attend and direct the Surveyor in the performance of the duties of his office*. The Department, then, evidently did not consider the Surveyor as an officer of equal authority with the Commissioner. They gave him no instructions, but referred him to the Commissioner for instructions. They did not seem to consider that the duties of a surveyor were any other than those ordinarily assigned to an officer of that character—operative duties in the field. This view seems to have been taken by Mr. Polk's administration; for in looking over the instructions of Mr. Buchanan to Mr. Weller, Mexican Boundary Commissioner, I find the following language: "This article places you in a highly-responsible position," &c.

In another part he says:

"The joint report or declaration by the Commissioners of the final result agreed upon by them."

He does not speak of the joint report of the Commissioners and Surveyors, but of the Commissioners alone, as if they were the directing authority, and the Surveyor was only an assistant in these operations in the field:

"The joint report or declaration by the Commissioners, of the final result agreed upon by them under the fifth article of the treaty, will also be transmitted to the Department, to be filed with the journal and record of their proceedings, and the map."

This journal was never signed by the Surveyor, and it is certain that the Commissioner always and rightly considered himself as the head of the Commission. Now, sir, I shall not weary the Senate with any more quotations. I have adduced these two cases to show that prior Administrations, whose authority is certainly entitled to respect, have fallen into the very same error, if error it be, into which Mr. Stuart has fallen. Mr. Stuart's error, according to the Senator from Virginia, consists in his requesting the Surveyor, who dissents in opinion from the Commissioner, to sign the agreement which the two Commissioners had made as to the initial point. Well, the former Secretary of State, Mr. Buchanan, speaks of the agreement as the final result agreed upon by the Commissioners; though, it is true, he adds, that the agreement is to be signed and certified by the Surveyor, as well as by the Commissioner. It would seem to be very obvious that his signing the agreement, which others were to make, must have been considered merely ministerial, and for the purpose of authentication.

It is very manifest, therefore, inasmuch as the treaty has not assigned the duties specifically to each of these officers, that the Secretary of the Interior, looking to the instructions which had been given by his predecessor, and to the instructions which had been given to the Commissioner under the Texas convention, might well fall into this error, if error it be, of supposing the functions of the Surveyor to be purely ministerial, and that the directory power of the Commission resided solely in the Commissioner. I admit that on a careless reading of the fifth article of the treaty, it would *prima facie* seem to imply the Surveyor, being associated in the same sentence with the Commissioner, was of equal authority. But surely, when we consider the difference of the functions, which are essentially variant, and when we consider that that difference has been recognized by preceding Administrations, the present Secretary of the Interior must be exonerated at all events from the charge of gross error which the Senator from Virginia has attempted to cast upon him. It is not necessary to say anything now of the initial point on the Rio Bravo, for which the Commissioner alone is responsible.

Mr. MASON. I do not know exactly the language which I used. I do not remember exactly whether I said the Secretary of the Interior had fallen into a gross error, or whether I spoke of it in any other way. I meant to ascribe nothing in the world, but an error of judgment to the Secretary.

Mr. PEARCE. So I understood.

Mr. MASON. I meant to ascribe nothing but an error of a grave character, as it affects the interests of the country. The instructions that were read by the Senator from Maryland, with reference to the Commissioner and Surveyor in running the boundary line between Texas and the United States, may have been very proper in reference to the authority bestowed upon these functionaries by the treaty of their appointment.

I have not examined that treaty, and I do not know how far it has similarity to the authority vested in those functionaries. So far as the Senator read from the instructions given by Mr. Buchanan to the predecessor of the present Boundary Commissioner, they were doubtless very proper as regards that officer; but there is nothing in the letter of Mr. Buchanan to the Commissioner, which separated him from the Surveyor. The terms of the treaty, I think, are too plain to be misunderstood. I gave them, in my position as a member of the Committee on Foreign Relations, not a cursory perusal, but a close and strict examination, weighing every word in its proper order in the context, to see its meaning. The words of the treaty are these:

"In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte."

Then, in a very few words, the functions of these officers are described: "They"—who are "they?" The Commissioner and Surveyor.

"They shall keep journals, and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein."

The only construction, according to my apprehension, that the treaty will admit of is, that those functionaries, the Commissioner and Surveyor, were associated in everything, and separated in nothing. Every power that is delegated to the one is delegated to the other.

Mr. PEARCE. The Senator will allow me to read an extract from the convention with Texas. I stated that I had compared that with the treaty of Guadalupe Hidalgo, and found them, in all the essential parts, *verbatim*. One of the articles of that convention is:

"Each of the contracting parties shall appoint a Commissioner and Surveyor, who shall meet before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulf of Mexico, to the Red river. They shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein."

I believe the only difference is, that one treaty says "a Commissioner and a Surveyor," and the other says "a Commissioner and Surveyor."

Mr. MASON. One seems to be intended as a transcript of the other; and yet I venture to affirm that there will be found nothing in the instructions given to these two functionaries which would require that the one should be separated from the other, so far as the agreement to which they were to come was concerned.

This has become a most important matter to the United States, because it has resulted that the Commissioner determined this boundary line in the absence of the Surveyor, and when the Surveyor joined them, he dissented. He protested against the line established by the Commissioner. As the Secretary of the Interior construes the treaty, the Commissioner alone has power to commit the Government. The construction placed upon it by the Committee on Foreign Relations in the report which they made to the Senate, is, that the Commissioner alone had not power to commit the country until his act was assented to by the Surveyor; that until it was so assented to, his act was null. The Secretary of the Interior has construed it otherwise.

I understand, however, that the honorable Senator from Maryland says, that he does not resist the proviso that I proposed to add to the appropriation. I will not, therefore, detain the Senate further.

Mr. WELLER said: I regret very much that I am compelled to say anything to-night on this subject; but I am, from convictions of duty, driven to the necessity of moving to strike out this appropriation from the bill. There are many reasons which I could assign, if it were necessary, that the public interests demand that no further appropriation should now be made for this Commission. On the 22d day of March last, more than five months ago, I submitted a resolution to the Senate, (which was adopted,) calling upon the Secretary of the Interior for information as to the manner in which the appropriations heretofore made had been expended. There have been appropriations made by the Congress of the United States for the years 1850, 1851, and 1852—(I speak of the time which has elapsed since I headed that Commission)—amounting to the sum of \$365,000. Three hundred and sixty-five thousand dollars of the public money have been appropriated and expended. Early in the month of March last, I was anxious to ascertain the manner in which this money had been expended, in order that, if a call were made for further appropriations, we might be enabled to understand the propriety of making them. More than five months, as I have said, have elapsed since that resolution was adopted and sent to the Department of the Interior; and up to this hour the Secretary has refused to let this branch of the Government know how that money has been expended! He seems to have assumed the ground, that under his Administration the people have no right to know what disposition has been made of their money. If this be the policy of the Whig party, I trust the people will see the necessity of ejecting them from power.

Mr. PEARCE. I would explain to the Senator that it has been communicated to me by the Secretary of the Interior—in reply to an inquiry which I addressed to him recently, after a conversation which I had with the Senator—that those accounts were not kept in the Department of the Interior,



but that he had sent a direction, or a request, to the office in which they were kept, that copies of them should be made out and sent to the Senate.

Mr. WELLER. Well, sir, it is a matter of very little importance to me whether it be the fault of the Secretary or of the auditing officer of the Department. I am complaining of this Administration and of the Whig party, and they may divide the responsibility if they choose, between them.

When I was Boundary Commissioner, I was charged with "squandering the public money." Such an allegation was made by a Senator now on this floor, [Mr. SMITH,] who has not attempted to prove it, although I have challenged him to do so. A resolution was offered, calling for my accounts and all of my vouchers, in order that I might be convicted—as the accounts were then incomplete—of squandering the public money. How long do you think it took a Whig Administration then to answer that resolution? The record in my hand shows that the resolution was offered upon the 19th day of February, 1850, and upon the 27th day of the same month it was answered, transmitting the accounts, &c. It took precisely *eight days* to answer a call for all my vouchers and accounts. An answer was then promptly transmitted by the Department, showing a disbursement of nearly \$50,000. But here, now when I stand upon this floor and ask the Administration to give me an account of the manner in which my illustrious successor has expended the public moneys, five months have elapsed and they dare not give me the information! This unaccountable delay fully justifies the inference that the accounts would not bear public scrutiny. Do you call this honest and fair? Is this even-handed justice? Do the interests of the Whig party demand a suppression of the information called for?

The Senate will perceive that with this Administration, there is a very marked difference between a Democratic officer and a Whig officer! When they supposed that the production of those accounts of mine would enable them to sustain their charge against me of squandering the public money, and justify them in publishing me to the world as a "defaulter," those accounts were promptly sent here showing, as I have said, an expenditure of \$50,000. But after all their charges of "extravagance" and "defalcation," here and elsewhere, they were compelled to settle up my accounts and pay over a balance of some \$5,000 which they owed me!

But here has been an expenditure of \$365,000, and there is not a Senator on this floor who is permitted to know how one dollar of that money has been expended, and still they ask us now for \$120,000 more to prosecute this work! I must be satisfied that the amount heretofore appropriated has been honestly expended before I will consent to give you any more.

This officer was instructed to return his vouchers quarterly. Is there any difficulty in showing us these accounts, if all is honest and fair? How long will it take the accounting officer to make out the returns, and transmit them to the Senate? If they cannot transmit all, why not send us his settlements for some of the quarters of the past two years? If they cannot account for the whole appropriation, why not show us how some portion of it has been expended? If they cannot do either, why not honestly avow it? If the charges which your Whig Administration falsely made against me, are true as to my successor, depend upon it the day of exposure will come. And yet, whilst we are kept in the most profound ignorance, we are called upon to appropriate \$120,000, which, together with appropriations unaccounted for, will make nearly a half million of dollars! To this fact I desire to call the attention of the Senate and the country. It may enable the people to see how public affairs are managed by those now in power. It may seem to enlighten them as to their duty in the coming contest.

There is another thing connected with this matter to which I desire to allude. I found very recently, for the first time, that the Mexican Minister in this city had addressed a letter to the Secretary of State, under date of April 20, 1850, in which he complained of the delay of the American Commission in the prosecution of that work. I will read you a short extract from that letter:

"From the information and data which the Government of the undersigned has collected together, it must be con-

fessed that if the task of defining the boundary line has been suspended and postponed until the month of November of the present year, it has resulted entirely from the fact that the Commissioners of the United States have frequently been absent in California, and that latterly the said Commissioners, with some exceptions, have not participated in the operations of settling the boundary. It was these same Commissioners of the United States who proposed as the only means by which these important labors could be continued, that the prosecution of the same should be delayed until next November. General Garcia Condé, chief of the Mexican Commissioners, in agreeing to this proposition, only yielded to the force of necessity, and although this chief found himself encompassed with difficulty to continue in the discharge of his duty, yet he was determined, as he intimated it to the United States Commissioners, not to interrupt the operation, the management of which had been intrusted to him by his Government."

Now, sir, I am not aware that the Secretary of State ever responded to this allegation. He was quite willing that I should be censured. Here was a grave complaint—a complaint preferred by the representative of a foreign Government, that the Commissioner (he seems to have forgotten that there was but one) on the part of the United States was delaying the prosecution of that important work. To this letter, I say, the Secretary of State never made any response, although the Department of the Interior had then in its possession abundant testimony to show that it was utterly false and unfounded. They seemed to be quite willing that I should be convicted of delaying the work.

Mr. CLARKE. Will the honorable Senator tell me what Commissioner is alluded to in the letter?

Mr. WELLER. I am the man. I am the Commissioner alluded to. By the way, however, there is another letter from the Mexican Minister which I might read, complaining of a much more grievous offense on the part of my illustrious successor, whom my friend has so often defended. In that letter the Mexican Minister has complained that he (the American Commissioner) has organized parties for the purpose of exploring the country, examining its minerals, and hunting up all the bugs in the country! I believe he has parties in the field examining the geology and mineralogy of that country, and to this I presume the Mexican Minister alludes. The appropriations have been made for the sole purpose of running and marking the boundary line between the two Republics, and it would, perhaps, be somewhat difficult to justify the Commissioner in organizing these parties. If the accounts had been sent in under the call of the Senate we might have been enabled to ascertain how much money has been expended in this way.

But I was speaking of the letter complaining of my delay. The record then in the Department of the Interior showed that, so far from delaying the prosecution of the work, the delay had been the fault of the other side. I reached San Diego, the point fixed upon by the terms of the treaty, on the 31st of May,—one day after the time agreed upon,—and the Mexican Commissioner and his party did not arrive until the third day of July; and the Joint Commission was organized on the 6th. I was, therefore, compelled to remain five weeks after the time fixed upon for the meeting, wholly inactive, because of the failure of the Mexican Commissioner to meet me. As I was fully aware of the sensitiveness of the Mexican nation, I would not suffer my party to make any movements whatever in executing the work, until the representative of that Government arrived. I did not intend to give them the slightest pretext for complaint. Of these facts the Department had official knowledge, at the time the complaints were made.

But there is another point in this letter of the Mexican Minister, to which I invoke the attention of the Senate. He says that it was the fault of the American Commissioner that the Commission was adjourned in February to meet at El Paso on the 1st of November following. This is wholly unfounded, as I can readily show. In a letter addressed by me to the Department, under date of February 3, 1850, (which I find in the printed document before me,) and which was on file at the time this complaint was made, I used the following language:

"The Joint Commission to run and mark the boundary between the United States and the territories of Mexico, have agreed to adjourn to meet again at El Paso in the State of Chihuahua, on the first Monday in November next. I desired that the meeting should take place at an earlier day; but as it is understood that during the rainy season in New Mexico—July, August, and September,—no successful operations could be carried on in the field, nothing perhaps would be lost by the delay."

Now, sir, there was the distinct declaration made in that letter which was on file in the Department at the time, that I had desired that an earlier day should be fixed upon for the meeting of the Joint Commission. Such was the fact. In fixing upon the time for adjournment, I proposed July. General Garcia Condé insisted on November, as it was impossible to carry on field operations during the summer months; and I confess that I was therefore struck with surprise, that the Mexican Minister should have addressed a letter to the Secretary of State, complaining of my delay! The journal of the Joint Commission will explain the whole matter. It reads thus—

"It was determined, as nothing remains to be done on this side of the line, except that which has already been provided for, and as it is impracticable, in the present condition of California, to advance from this direction beyond the mouth of the Gila, and towards the frontier of New Mexico, that the Commission should adjourn to meet at El Paso, in the State of Chihuahua, on the first Monday of November next."—*Extract from Journal, 15th Feb., 1850.*

It is true that my drafts had been protested, the appropriation exhausted, and no means whatever left to prosecute the work; still I did not choose to let the Mexican Commissioner know my real situation. I did not choose that he should know of the infamous course pursued by the party in power towards me. I did not choose that he should know that my drafts, drawn in conformity with instructions, and within the appropriation, had been protested, and that my party was suffering for their pay. Hence it was, as the journal shows, it was *mutually* agreed to adjourn, and for the reasons stated in the extract which I have just read. I had too much pride as an American to confess my inability, for want of funds, to go on with the work.

Mr. PRATT. Mr. President, the chairman of the Committee on Finance called the Senator from Rhode Island to order, because he was speaking of a subject not connected with the amendment.

Mr. WELLER. My proposition is to strike out the appropriation for the boundary, and that brings up the whole question.

Mr. PRATT. I think the honorable Senator is out of order. I think the rules of the Senate ought to be applied to one side of the Chamber as well as the other.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) It is the impression of the Chair that the debate has taken a very wide range; but the Senate must judge whether or not the Senator from California is in order.

Mr. PRATT. I think that it is the duty of the Chair to judge.

The PRESIDING OFFICER. Then the Chair feels constrained to say that the whole debate has gone beyond the bounds of order.

Mr. WELLER. I am compelled to submit to the decision of the Chair, of course; but I think it is very remarkable that I should not be allowed to proceed. I have shown, however, by the record, that the charge of the Mexican Minister against me is wholly unfounded. There were many things introduced by the Senator from Maryland [Mr. PEARCE] connected with this Administration so far as this boundary survey is concerned, to which I desire to refer.

Mr. PRATT. Mr. President—

Mr. WELLER. I do not wish to be interrupted.

Mr. PRATT. I choose to interrupt the Senator. I rise to a point of order. If the decision of the Chair is to be conformed to, the Senator from California must conform to it as well as the rest of us. I do not see why he should say to me that he did not choose to be interrupted when my object must be evident to everybody. I listen to the Senator with as much pleasure as to any one, but I think that at this time of the night, when it is near eleven o'clock, it is of no use to be going into these questions. I listened to the gentleman attentively for four hours in defending himself, and I must say that he did defend himself very successfully against the charges which had been brought against him. But I do not want a repetition of these matters to-night, at this late hour.

Mr. WELLER. The gentleman has exaggerated the length of time which it took me to defend myself. I believe I never spoke four hours in my life at one time; and I am sure I never occupied more than two hours in addressing the Senate. Besides, I am not responding to the charges to which I then replied.

Mr. PRATT. Then I made a small mistake as to time; that is all.

Mr. WELLER. I ask no exemption from the rules by which other Senators are governed, and will put myself in order by speaking to the point that is raised by the amendment. If I were to attempt to discuss the questions presented here by the amendment proposed by the Senator from Virginia, I should occupy much more time than I would have occupied in explaining a matter somewhat personal to myself. It is not often that Senators are interrupted here, when they are speaking of matters in which their own honor or their own reputation is involved.

I wish to say a word or two to the Senator from Maryland who sits furthest from me, [Mr. PEARCE.] I agree with him that there is a distinction between the Commissioner and the Surveyor, but I should never have undertaken, as Commissioner on that boundary, to have determined any point on that line without consulting with the Surveyor. His advice would have been implicitly relied upon, unless it was plainly and palpably wrong. The instructions to which the Senator referred, places the Commissioner at the head, and thus makes a distinct difference between the two officers. Under date of January 24, 1849, (the first instructions,) you will find that in organizing the Commission, Secretary Buchanan says:

"You are referred for any information which you may deem necessary, to Andrew B. Gray, Esq., who has been appointed Surveyor under the treaty."

It certainly was the intention of the Department to draw a distinction between the power of the Commissioner and that of the Surveyor. I considered myself as the head of the Commission—no doubt about that. I held myself responsible for the movements of all the parties who went out into the field; but I relied implicitly on the judgment of the Surveyor for the determination of any point upon the face of the earth in the running of the boundary. So I relied implicitly upon the chief astronomer in determining the geographical position of any point desired. The one had charge of the linear surveys—the other of the astronomical lines.

I have perhaps detained the Senate too long. I regret very much that I have been compelled to inflict upon my friend from Maryland [Mr. PRATT] the remarks which I have made. I considered it necessary, and that is reason enough so far as I am concerned. I am sure that when he gets up in the Senate to speak of a matter in which his own reputation is involved, or where he has been grossly misrepresented at the bar of public opinion, I shall interpose no objection to his proceeding. In this respect I will return good for evil.

Mr. UNDERWOOD. We have business to perform in the execution of a treaty, and the question is, how are we to do it? I have examined this subject, as it was my duty to do, as a member of the Committee on Foreign Relations, with a great deal of attention; and I shall be very brief in submitting to the Senate the view which I take of it, and of what it is our duty to do.

We have to determine, in the first place, whether the Commissioner could act separately and apart from the Surveyor, and pledge the United States to any line agreed upon by him with the Mexican Commissioner. If the Commissioner appointed by the United States, and the Mexican Commissioner, had the right, separate and apart from the Surveyors, to agree upon a line, then the business has been done, and nothing more remains but to execute the agreement which the Commissioners have entered into. But if their act requires the assent of the Surveyors as well as of the Commissioners, then, as the Surveyor appointed on the part of the United States has never consented and agreed to that line, there yet remains a matter to be done between the two Governments, or the Commissions under the two Governments, in fixing this boundary, which has not yet been performed, and the boundary yet remains unsettled. That determination lies at the very foundation of this question, and it is to be determined by the authority of the treaty which has been read by my friend from Virginia. The expression of the treaty is:

"The two Governments shall each appoint a Commissioner and a Surveyor, who before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego and proceed to run and mark the said boundary in its whole course to the

mouth of the Rio Bravo del Norte. They shall keep journals, and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein."

I wish to call the attention of the Senate to the phrase, "the result agreed upon by them." Agreed upon by whom? The Surveyor and the Commissioner. Now, you perceive by this agreement the power of settling the boundary is committed to the Surveyor and Commissioner. The amendment of my friend from Virginia puts it in the President of the United States. I think the amendment is wrong in that particular. The treaty expressly commits it to the Surveyor and Commissioner, who shall be appointed. A previous part of the treaty incorporates Disturnell's map of 1847 as part of the treaty, and refers to the boundary designated on that map as being the boundary which the Commissioners and the Surveyors were to ascertain and mark; and then when they did ascertain it by reference to that map, and did mark it upon the ground, it was to become obligatory upon the two Governments. Why did the United States select two persons instead of one to do this? It was, in my judgment, in order to have under the treaty the assent of the minds of two persons before the Government was to be bound.

Mr. HUNTER. Allow me to suggest to the Senator from Kentucky that if he is arguing for the amendment, there is no use of it, because I believe we are all in favor of it.

Mr. UNDERWOOD. No, sir; I said expressly that this amendment would not accomplish the object, and I will endeavor to show it in a few words.

Mr. HUNTER. I beg pardon.

Mr. UNDERWOOD. I agree with the chairman of the Committee on Foreign Relations, that the assent of the minds of the Surveyor and the Commissioner was necessary to bind the Government. It is like sending out two ministers abroad to make a treaty with a foreign Government. If one of the ministers does not assent to the treaty, and the other does, the vote of the one neutralizes the vote of the other, and the Government is not committed. When the Government leaves a matter to two of its servants, it can only be committed by the assent of both to the same thing. That, in my judgment, is the meaning and sense of the treaty.

I have read a portion of the treaty to show that when these two individuals assented and agreed, their determination became obligatory upon the Government; and the minds of those two men were to be made up by inspecting the ground, comparing the ground with the map, and forming a judgment by that species of comparison. This amendment of my friend from Virginia does not put it there. He undertakes to have it settled not by the Commissioners and Surveyors sent out to examine the ground, to look at the towns, to look at the river, to look at the water-courses which enter into that river, and measure the distance from those water-courses and towns up to the line and fix it. Let me here remark that these are the appropriate duties of a Surveyor, which he will understand better than a Commissioner will, because they fall within the scope of his duties. A Surveyor can better than any one make these comparisons and researches. The object and sense of the treaty was to send these men to do that, and to locate and put up landmarks and monuments. That can be done much better by them after an examination than it can be done by the President or the Senate of the United States.

What does this amendment propose? It says that no part of this money is to be used until the President of the United States shall be satisfied that the southern boundary of New Mexico is not established by the Commissioner and Surveyor of the United States further north of the town called Paso than the same is laid down on Disturnell's map, which is added to the treaty. I understand that the meaning of this amendment is to be that you are just to go to El Paso and measure up the distance above El Paso according to the scale marked upon Disturnell's map, and when you measure that distance from El Paso up to the line, you are to put it down there that the line exists. Now, according to my understanding of the treaty, you have no more right to measure from El Paso up than you have to measure from a place in that neighborhood called La Salinera

When the map contains various towns and various rivers to cross, upon the face of it, I do not see the principle upon which you can select any one of those points to give it precedence over all the rest. I do not believe that there is any principle upon which that can be done, unless there is some expression in the treaty that gives a particular point the governing and controlling influence in the matter. If there was any particular which was to control and to have this governing influence, the individuals who made the treaty would have said in so many words, "You shall measure the distance from that point." This would have reduced it to certainty, and have left no dispute about it. If that had been the sense and intention of the treaty, all that you would have had to do would have been to have gone to the point designated and to have measured the distance; but the treaty does not use language of that sort. It refers to all the localities, all the points of a larger description upon the map, and then the position of the line as laid down upon the map, and says that the Commissioner and Surveyor, with this map before them, shall go upon the ground and determine the point intended by the treaty. In that way you see the foundation of judgment, but not by reasoning in the other way, for if the particular point had been designated there would have been nothing to do but plain measurement, about which there could have been no mistake.

I think, therefore, that this amendment as it stands, designating "Paso," and the distance from it as measured upon the map, is incorrect in that particular. I admit that Paso is mentioned in the treaty, but not as the point to measure from, any more than any other point. Here is the language in which Paso is introduced in the treaty. It says:

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination."

Several SENATORS. "Question!" "Question!" Mr. UNDERWOOD. If gentlemen call for the question in this way I will yield the floor.

The amendment was agreed to.

Mr. FISH. I have an amendment to offer as an additional section. It is to add:

SEC. —. And be it further enacted, That the salary of the chief clerk in the office of the Assistant Treasurer of the United States in New York be, and the same is hereby, increased to \$1,800 per annum, and the salary of each of the other clerks in the said office is increased to \$1,400 per annum, to be paid out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. FELCH. I am instructed by the Committee on Public Lands to move to insert among the appropriations for the public lands the following:

"For sub-dividing the Islands of Santa Cruz, San Miguel, San Bernardo, Santa Catalina, Santa Clementina, San Salvador, San Nicholas, and Santa Barbara, on the coast of California, by the Coast Survey, and according to such plan as may be devised by the General Land Office, so that such islands may be disposed of by the United States, and establishing the regular crossings along the lengths with which to connect the lines with the sub-divisions under this appropriation, \$20,000: *Provided*, That the Superintendent of the Coast Survey shall return to the General Land Office two complete copies of the maps and field books: *And provided further*, That all leases of any of such islands, or any part of them, shall be regarded as without authority, and void.

The amendment was agreed to.

Mr. PRATT. I have yet offered no amendment to this bill. I hope, therefore, that the Senate will have patience whilst I offer the only one I intend to offer. I offer it in conformity with a resolution of the Legislature of Maryland, which is in these words;

"Resolved by the General Assembly of Maryland, That the Senators and Representatives in Congress from this State, are hereby requested to use their influence in procuring the passage of a law to make free so much of the Washington and Baltimore turnpike road as lies within the District of Columbia."

This resolution was referred to the Committee on the District of Columbia, and they have reported a bill in conformity with this request. I offer the following amendment to the bill:

SEC. —. And be it further enacted, That the sum of

\$10,000 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the necessary graduation and repair of the road leading from Maryland avenue, at the boundary of Washington city, to the boundary line of the District of Columbia, in the direction of Baltimore, in the State of Maryland, according to its original design: *Provided*, That all right, title, and interest which remain in the president, directors, and company of the Columbia Turnpike road, under and by virtue of an act entitled "An act to incorporate a company for making certain turnpike roads in the District of Columbia," approved April 20, 1810, shall be extinguished so far as they affect said road by legal proceedings or otherwise, to the satisfaction of the President of the United States, before any portion of such appropriation shall be expended for the purpose aforesaid.

The amendment was agreed to.

Mr. GWIN. I have an amendment to offer, to insert in the bill after the provision for the salary of the district judge in California the following:

And an appeal from the final judgments and decrees rendered in any of the district courts in California in cases of equity, of admiralty, and maritime jurisdiction, and of "prize" or "no prize," where the matter in dispute, exclusive of costs, shall exceed the sum or value of \$2,000, shall be allowed to the Supreme Court of the United States, and upon such appeal the like proceedings shall be had as now provided by law on appeals in like cases from the judgments or decrees of the circuit courts to the Supreme Court of the United States.

The amendment was agreed to.

Mr. GWIN. I have another amendment, which is to insert, after the provision for the Mint at Philadelphia, the following:

*At San Francisco, California.*

For salaries of superintendent, assayer, melter, and refiner, coiner, and assistants, and clerk, \$23,500. For wages of workmen, \$20,000. Incidental and contingent expenses, \$5,000. *Provided*, That no part of the sums hereby appropriated for the service of the Mint at San Francisco, either for salaries, wages, or expenses, shall be expended, nor any one of the officers provided with a salary shall receive it, until, in the judgment of the President of the United States, the business of the Mint is in such a state of progress as to imperatively require such expenditure.

This amendment is rendered necessary in order to put into operation the Mint of California. The salaries provided for are the same as the law confers.

The amendment was agreed to.

Mr. DOWNS. I have an amendment to offer, by the direction of the Judiciary Committee. It is to insert:

For the purchase, for the use of the Senate, of five hundred copies of the Index of the Opinions of the Attorneys General of the United States, to be bound in the same manner as the said volumes of Opinions, \$375.

The amendment was not agreed to.

Mr. DOUGLAS. I am instructed by the Committee on the Territories to move to insert after the appropriations for the Territory of New Mexico the following:

To R. H. WEIGHTMAN, of New Mexico, for mileage and compensation for attendance during the second session of the Thirty-first Congress, \$2,465.

I would state that Mr. Weightman is now the Delegate from New Mexico. He was here during the last session, but by mistake, when the other Delegates were provided for, he was omitted.

The amendment was agreed to.

Mr. WALKER. I wish to offer an amendment in regard to a class of persons who have not yet been mentioned. It is to insert, after the provision for the increase of the compensation of the clerks, the following:

And the pay of the watchmen in the various navy-yards shall hereafter be \$500 per annum each, instead of the pay heretofore received by them.

This is for a class of men who give us their duty both day and night, alternately. They have heretofore received but \$360 a year, except in this District. I think their pay ought to be increased to a reasonable sum. I hope the Senate will adopt the amendment; it is the only one I intend to offer.

Mr. BRODHEAD. I move to amend the amendment by adding:

To enable the architect to pay the workmen on the extension of the Capitol thirty days' pay during the suspension of the work, the sum of \$18,000 is hereby appropriated, to be paid out of the appropriation authorized by the joint resolution approved April 14, 1852: *Provided*, That no workman shall receive pay who was not employed at the time of the suspension of the work.

The amendment to the amendment was not agreed to.

Mr. MALLORY. I would inform the honorable Senator from Wisconsin, that there is one navy-yard at which, by his amendment, the

watchmen will get less than they are getting now. It is the navy-yard at Pensacola.

Mr. WALKER. I was not aware of that fact, but I will amend the amendment by adding after the words "heretofore received by them," the following, "if the same be less than the sum above-mentioned."

Mr. BRADBURY. By undertaking to increase the pay of some few persons employed in the service of the Government, we necessarily create dissatisfaction on the part of the other employees. We should reflect how we do these things. We should remember that this money is not to be paid from our own pockets, but our constituents have to pay it.

The amendment was rejected.

Mr. BORLAND. I rise to propose an amendment to this bill altogether different from any which has yet been proposed. I propose to strike out an appropriation—to strike out the following:

For clerk hire, stationery, rent, fuel, and contingencies, in the compilation of the census of 1850, \$30,000.

Mr. DOUGLAS. I rise to a point of order. It is that it is contrary to all the usages of the Senate to strike out an appropriation already in the appropriation bills. [Laughter.]

Mr. BORLAND. I desire to make but one remark on the subject. If I had time, I should make a good many remarks. I have the papers before me which would enable me to sustain them by the facts. I make this motion because the appropriation of \$50,000 is not necessary. There is already unexpended some \$75,000 of this census fund. It is well that the Senate and the country should know that we have already expended \$1,202,651 upon the Census of 1850. We have paid to the marshals and their assistants, \$956,000; for salaries of clerks, &c., \$208,133; for contingent expenses, in one instance, \$24,000; for furniture of the Census Office, \$3,210. We have also paid a very extraordinary item of expense for which I have been unable to find any lawful authority—over \$14,000 for a trip to Europe of the Superintending Clerk of the Census, to visit the World's Fair.

I have here an abstract of the expense of taking the Fifth and Sixth Censuses, and I find that for the Fifth Census we paid an aggregate of \$403,529. Of course a very great increase has since been necessarily incurred in the expenditures for the marshals and assistant marshals in taking the census; but we find that so far as printing, rent, and clerk hire are concerned, the expenditures have been out of all proportion, and enormously increased. There was paid for clerk hire in the compilation of the Fifth Census, \$6,276; and for clerk hire for compiling the Sixth Census, of 1840, there were paid \$66,000, and there were only twenty persons engaged. We have had at one time, in compiling the Seventh Census, over one hundred and sixty clerks employed, and there are now between one hundred and forty and one hundred and fifty, for whom we have already paid \$208,000. About \$75,000 yet remain in the Treasury applicable to the census. The Department asked \$150,000 more, but the House of Representatives cut it down to \$50,000. I propose to strike it all out.

The amendment was agreed to; there being, on a division—AYES 19, NOES 14.

Mr. CLARKE. There is an appropriation in this bill of \$14,800 for the payment of the Auxiliary Guard of the city of Washington. I move to amend this item by striking out "\$14,800" and inserting "\$16,000." I make the motion for this reason: There are thirty men on that guard, and as now provided by law fifteen of these men receive \$500 a year, and fifteen receive \$420 a year. I have made inquiry—and particularly of the Commissioner of Public Buildings—and I am told that all these men perform the same duty. One of them came to me and told me that he had but \$420, while others, who did no more duty, were receiving \$500. My proposition is to increase the appropriation \$1,200, so as to allow each member of the guard \$500 per annum.

Mr. WELLER. It would be easier to bring them all down to \$420.

The amendment was rejected.

Mr. HAMLIN. There is in the bill a provision—

"For compensation of the Register of the Treasury and the clerks, messenger, and assistant messenger in his office, \$30,400. The salary of one of the clerks created by the act of the 20th of April, 1818, being hereby increased to \$1,000 per annum."

I move to amend this by striking out "one," and inserting "three," so that the salary of all three of the clerks shall be made \$1,000. I will state, in explanation of this amendment, that there are now three clerks in that office who receive a salary of \$800 a year. They all perform similar service. The bill proposes to increase the salary of one of these to \$1,000. The one selected has had to perform less onerous and responsible duties than the others. I think this is unjust. I think they should all be put on the same footing. I have here a letter from the Department recommending it.

The amendment was agreed to.

Mr. BROOKE. I have an amendment to offer, which is to insert among the provisions for marine hospitals, the following:

For prosecution of the building of the marine hospital in Vicksburg, \$15,000.

I would state, that two years ago an appropriation of \$10,000 was made by Congress for the purpose of erecting a marine hospital at Vicksburg. Five thousand dollars were expended in purchasing the site. I have before me a letter from the Secretary of the Treasury, in which he states that \$35,000 will be required to complete it, and advises that the whole amount should now be appropriated. I do not ask that. I merely ask for \$15,000 now.

The amendment was agreed to.

Mr. BROOKE. I have another amendment to offer, which is to insert:

For additional compensation to the collector of the port of Natchez, Mississippi, for services as inspector of the marine hospital, \$500.

I will state that a marine hospital has lately been established at Natchez. It has been opened and is now in operation. The superintendence of that hospital has been placed under the control of the collector of the customs at Natchez, and not a single cent has been given him by law, for the additional services that he is thus bound to render.

Mr. GWIN. Can my friend from Mississippi tell me how much money was ever collected by the collector at Natchez? I do not think he ever collected a cent, and as he receives a salary it might be as well to give him something to do.

Mr. BROOKE. I was about to read a letter from him showing the amount of his duties. I am informed by the collector, a gentleman whom I do not know at all, that his salary has only been \$500, and that, in addition to the office of collector, that of inspector and supervising agent of the marine hospital has been imposed on him. He states:

"The collector of this port is not permitted to have a deputy, except during his absence or his illness; consequently the duties are very onerous, and the salary with the one per cent. for disbursements, which does not amount to \$100, will not compensate a competent officer for his services. Some of the duties of the agent of the hospital are as follows:

"To superintend the purchasing of all supplies for the hospital, to hire servants for the use of the same, to keep the accounts, to see that the rules prescribed for the management of the hospital are enforced, to superintend the buildings and grounds, and the servants; to examine certificates of all persons applying for admission, and to grant permits when the credentials are correct; to report regularly to the Department the number of patients admitted and discharged, the number that died, with what diseases they are afflicted, how long they remain in the hospital; to make contracts for the supply of flour, bacon, &c.

"The building is about a mile and a half from my office, and nearly the same distance from the landing.

"The above statement will be found to be correct by application to the Secretary of the Treasury. No man who is competent to discharge all these duties, and various others too tedious to mention, is willing to undertake them for the salary and perquisites given, viz: \$600."

I think, sir, this amendment ought to be adopted. I do not know what amount of revenue is collected at Natchez. I know it is a port of entry, and by law the salary of the collector is fixed at \$500. He simply asks now, that for the additional labors that have been imposed upon him in consequence of the establishment of the marine hospital there, and which are enumerated in this letter, he shall have some additional compensation. If \$500 be too much, I am willing to reduce it; but I do not think it is, from the enumeration of the duties he has given in this letter.

The amendment was rejected.

The bill was then reported to the Senate as amended.

Mr. RUSK. I have one or two amendments which I wish to offer as soon as we shall have disposed of the amendments which have been agreed to as in Committee of the Whole. I move



now to postpone the further consideration of this bill until to-morrow, so that we may get up the postage bill.

Mr. HUNTER. My purpose is to examine by to-morrow morning, all the amendments and to see those to which I would object. There are some Senators who expect to offer amendments to particular amendments, and doubtless they would like to have an opportunity of looking into them. I do not propose to order the bill to a third reading to-night, and therefore I accede to the suggestion of the Senator from Texas.

The motion to postpone was agreed to.

#### POSTAGE ON NEWSPAPERS.

Mr. RUSK. I move now to take up the bill of the House of Representatives to amend the act "to reduce and modify the rates of postage," passed March 3, 1845. It has been returned from the House with a verbal amendment for our amendment. I move that the Senate concur in the amendment of the House.

The amendment was concurred in.

#### PUBLIC PRINTING.

Mr. HAMLIN. There is a joint resolution on the table which has been ordered to a third reading and is now engrossed, relating to the auditing of the printer's accounts during the recess, by the Secretary of the Senate, the Clerk of the House, and the Clerk of the Committee on Printing. It is entitled "A joint resolution relating to the printing of Congress during the recess." I ask that it may be put upon its passage.

The joint resolution was read a third time and passed.

#### GRANTS OF LAND.

Mr. BORLAND. I rise to ask a favor of the Senate. There is a bill on the table, which has been sent to-day from the House, making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi river, opposite the mouth of the Ohio, via Little Rock, to the Texas boundary, with branches to Fort Smith and the Mississippi river, which I ask may be taken up.

Mr. FISH. I have an amendment to offer to that bill whenever it comes up. I will state to the Senate that the amendment is Bennett's land bill.

Mr. BORLAND's motion was not agreed to.  
On motion, the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, August 28, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The Journal of yesterday was read and approved.

The SPEAKER. Reports are in order from the Committee on the Post Office and Post Roads.

Mr. PENN here obtained the floor.

Mr. HART. I ask the gentleman from Louisiana [Mr. PENN] to yield me the floor for the purpose of making a motion.

Mr. PENN. I will give my friend some five or ten minutes.

Mr. HART. I ask the unanimous consent of the House, to permit me to make a motion to allow my colleague [Mr. Brooks] to report from the Committee of Ways and Means, a bill for the establishment of a branch Mint in the city of New York.

Mr. CHANDLER. I object.

Mr. HART. Then I move to suspend the rules.

The SPEAKER. A motion to suspend the rules is not in order during the morning hour, as the House is acting during that time under a special order.

Mr. HAMILTON. I call for the regular order of business.

#### DUTIES ON RAILROAD IRON.

The SPEAKER. The regular order of business is called for, which is the reception of reports from the Committee on the Post Office and Post Roads.

Mr. PENN, from the Committee on the Post Office and Post Roads, reported a bill "for the relief of the Memphis and Charleston, or Mississippi, Tennessee, and Alabama, the Alabama and Tennessee River, the Coosa, New Orleans, and Jackson, and the New Orleans and Opelousas and Great Western Railroad Companies."

Mr. COBB. That the House may understand this bill, I ask that it be read through, and I ask the attention of the House to it. It does not propose to grant lands, and the House need not be afraid of it. It is just such a bill as you passed for the State of South Carolina a few days ago.

The bill was then read by the Clerk.

[A message was here received from the Senate, informing the House that the Senate had passed a resolution "relating to the printing of Congress during the recess," in which the concurrence of the House was requested.

Also, that the Senate had agreed to an amendment of the House to the first amendment of the Senate to the bill of the House No. 144, entitled "An act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' passed March 3d, 1851."]

Mr. PENN. The bill simply asks for time for the payment of duties upon railroad iron, by the payment of six per cent. for the time. The bill is simple in its provisions, and is a copy of the bill passed for North Carolina the other day.

Mr. VENABLE. I wish to offer an amendment, and I hope my friend will not move the previous question upon the bill.

Mr. STEVENS, of Pennsylvania. I rise to a question of order. I desire to know how this bill comes from the Committee on the Post Office and Post Roads? Is it in order for them to report such a bill?

The SPEAKER. The Chair is not apprised of the manner in which the bill comes from that committee.

Mr. PENN. The bill does not propose to appropriate one dollar of money.

The SPEAKER. The bill has been read a first and second time without objection.

Mr. VENABLE. If the gentleman will permit me, I will propose to amend by inserting the Raleigh and Gaston Railroad in North Carolina, giving them the same privileges as are conferred by the bill upon the roads now embraced in it.

Mr. PENN. I will yield simply for that purpose, provided you will demand the previous question.

Mr. VENABLE. I will demand the previous question.

Mr. CLINGMAN. I beg leave of the gentleman to make a further suggestion, which may come in as an amendment to the amendment, and we can then vote upon all three propositions. My amendment is to add the words—"and all other roads now in progress of construction in the United States."

Mr. STEVENS. That is the idea.

Mr. VENABLE. I have not yet yielded the floor.

Mr. JENKINS. Is it in order at this stage of the proceedings to move to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. It is if the gentleman can get the floor for that purpose. The gentleman from Louisiana [Mr. PENN] is upon the floor, and has yielded to the gentleman from North Carolina [Mr. VENABLE] for explanation.

Mr. SKELTON. I rise to a question of order. I wish to know whether it is in order for the Committee on the Post Office and Post Roads to report bills changing our whole revenue system?

The SPEAKER. The gentleman from Louisiana [Mr. PENN] can state how that subject came into the possession of that committee. The Chair knows nothing about it. It has been regularly reported and read a first and second time without objection; and in the opinion of the Chair it is now too late to make the objection.

Mr. SKELTON. Does the Chair decide that it is too late to raise the question of order?

The SPEAKER. It is too late, on account of the fact that the House has received and acted upon the bill, by ordering it to be read a first and second time.

Mr. SWEETSER. I rise to inquire if it is too late to take an appeal from the decision of the Chair?

The SPEAKER. It is never too late to do that.

Mr. SWEETSER. I desire to state, that in the confusion of the House this morning, this bill having crept in in the manner in which it did, the point of order is well taken. I appeal from the decision of the Chair, and call for tellers.

Mr. COBB. The gentleman says it has crept in. I would ask how it has crept in? It was regularly reported from the Committee on the Post Office and Post Roads. It is an exact copy of the bill passed yesterday.

The SPEAKER. The Chair will state the ground upon which the decision has been given. The Chair, of course, knows nothing of the manner in which the subject got into the hands of the Committee on the Post Office and Post Roads. He supposes that it was regularly referred to them. Is that the fact?

Mr. PENN. That is the fact.

The SPEAKER. Then there can be no doubt of the right of that committee to report. But, again, the bill was received without objection, and read a first and second time. The Chair decides that it is too late to raise the question of order, and that the proper time to have made the point, was when the committee made the report. From that decision the gentleman from Ohio [Mr. SWEETSER] takes an appeal.

Mr. SWEETSER. I will withdraw the appeal, as the explanation is satisfactory.

Mr. VENABLE. I now move to amend the bill by inserting the Raleigh and Gaston Railroad.

The SPEAKER. The gentleman [Mr. VENABLE] proposes to insert a bill of this House, entire, as an amendment. The Chair decides, that according to an express rule of this House, such an amendment cannot be made.

Mr. VENABLE. The amendment I propose differs from the bill referred to by the Chair in this, that my proposition includes the payment of interest. The bill has no such provision.

The SPEAKER. It is in order, then.

Mr. VENABLE. I move the previous question upon this bill.

The SPEAKER. The gentleman from Louisiana has the floor.

Mr. PARKER, of Indiana. Will the gentleman yield to me to offer an amendment?

Mr. PENN. I cannot. I call for the previous question.

Mr. HAMILTON. I move to lay the bill upon the table, and upon that I call for the yeas and nays.

The SPEAKER. It is moved to lay the bill upon the table.

Mr. ASHE. I rise to a question of order. The gentleman from Louisiana [Mr. PENN] has the floor, and how does the gentleman from Maryland [Mr. HAMILTON] get it to make that motion?

The SPEAKER. That is true. The gentleman from Louisiana is upon the floor, and the gentleman from Maryland cannot take it from him to make the motion.

Mr. HAMILTON. I suggest to the Chair, that the gentleman from North Carolina [Mr. VENABLE] moved the previous question with the consent of the gentleman from Louisiana, [Mr. PENN.]

The SPEAKER. The Chair responded at once, when the gentleman from North Carolina made that call, that the gentleman from Louisiana was upon the floor, and that a call for the previous question could not be made by him.

Mr. SKELTON. I rise to a question of order. The gentleman from Louisiana having demanded the previous question, he must have yielded the floor. Can he, after moving the previous question, still retain the floor?

The SPEAKER. The Chair did not understand the gentleman to demand the previous question.

Mr. PENN. I now call for the previous question.

Mr. HENDRICKS. I ask the gentleman to withdraw that call, that I may propose an amendment to the amendment.

Mr. HAMILTON. I move to lay the bill and the amendments upon the table, and upon that I ask the yeas and nays.

The yeas and nays were ordered.

Mr. KING, of New York. I move that there be a call of the House, and upon that I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 60, nays 84.

So a call of the House was refused.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the

following titles; which severally received the signature of the Speaker, viz:

An act for the relief of Mrs. Mary A. Davis, widow of Daniel W. Davis;

An act for a tri-monthly mail from New Orleans to Vera Cruz, via Tampico and back, in steam vessels;

An act for the relief of Margaret Hetzel, widow and administratrix of A. R. Hetzel, late assistant quartermaster in the Army of the United States; and

An act authorizing imported goods, wares, and merchandise, entered and bonded for warehousing, in pursuance of law, to be exported, by certain routes, to ports or places in Mexico.

The SPEAKER. The question now recurs upon the motion to lay the bill and amendments upon the table, and upon that the yeas and nays have been ordered.

Mr. ALLISON. Is it in order to move to postpone action upon the bill until a future day?

The SPEAKER. It is not. The pending motion is to lay upon the table.

The question was then taken, and it was decided in the negative—yeas 76, nays 84; as follows:

YEAS—Messrs. Allison, Barrere, Ribighaus, Bowie, Bowne, George H. Brown, Buell, Joseph Cable, Lewis D. Campbell, Chapman, Curtis, George T. Davis, Dawson, Dean, Dimmick, Duncan, Dunham, Durkee, Edgerton, Florence, Fowler, Henry M. Fuller, Gaylord, Gilmore, Goodenow, Green, Hamilton, Hammond, Haven, Hebard, Hibbard, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McNair, Henry D. Moore, Morrison, Murray, Newion, Andrew Parker, Peaslee, Penniman, Perkins, Price, Riddle, Robbins, Robie, Schermerhorn, Scudder, David L. Seymour, Skelton, Snow, Benjamin Stanton, Thaddeus Stevens, Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Washburn, Wells, and Wildrick—76.

NAYS—Messrs. Aiken, Willis Allen, William Appleton, Ashe, Averett, Thomas H. Bayly, Bissell, Bocoock, Bragg, Breckinridge, Brenton, Briggs, Brooks, Albert G. Brown, E. Carrington Cabell, Caldwell, Thompson Campbell, Chastain, Churchill, Clark, Clingman, Cobb, Colcock, Daniel, John G. Davis, Dockery, Eastman, Edmundson, Evans, Ewing, Freeman, Goodrich, Gorman, Hall, Harper, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Henn, Holladay, Houston, Howard, Jackson, Robert W. Johnson, Lockhart, Mace, McCorkle, McQueen, Meade, Millson, Molony, John Moore, Morehead, Murphy, Orr, Outlaw, Samuel W. Parker, Penni, Porter, Powell, Richardson, Sackett, Savage, Schoolcraft, Origen S. Seymour, Smith, Stanly, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stevens, Stone, St. Martin, Strother, Stuart, Sweetser, Taylor, Venable, Wallace, Ward, Watkins, Wilcox, Woodward, and Yates—84.

So the bill was not laid upon the table.

Mr. SEYMOUR, of New York. Has the morning hour expired?

The SPEAKER. It has not. There is a demand for the previous question upon this bill.

Mr. PARKER, of Indiana. I ask my friend from Louisiana [Mr. PENN] to withdraw that call and allow me to offer an amendment, which I think will be acceptable to the House. I will renew the call for the previous question.

The SPEAKER. The gentleman from Louisiana cannot transfer the floor to the gentleman from Indiana [Mr. PARKER] if it is objected to.

A VOICE. I object.

The SPEAKER. It is objected to. The gentleman from Louisiana may withdraw the call for the previous question, and make a motion to commit, or whatever he desires.

Mr. ALLISON. Is it in order to commit the bill?

The SPEAKER. If the gentleman had the floor to make the motion it would be.

Mr. PENN. I withdraw the demand for the previous question.

Mr. PARKER. I offer the amendment which I send to the table.

The amendment was as follows:

That the provisions and benefits of this act, so far as the same are applicable, be, and the same are hereby, extended to all the railroad companies in the United States: *Provided*, The road of the company be now in the course of construction or be commenced within one year from this date.

Mr. PARKER. I move to recommit the bill, and upon that I demand the previous question.

Mr. ALLISON. I move to lay the bill upon the table.

Mr. STEVENS, of Pennsylvania. I call the yeas and nays upon that motion.

Mr. SEYMOUR, of New York. Has the morning hour expired?

The SPEAKER. It has.

Mr. SEYMOUR. I want to make a motion in reference to the river and harbor bill.

#### WABASH AND MISSOURI RIVER RAILROAD.

The SPEAKER. There is a pending motion that the rules be suspended for the purpose of taking up the following bill:

"An act granting the right of way and making a grant of land in aid of the construction of a railroad from the Wabash to the Missouri river."

Mr. SEYMOUR. I ask the permission of the gentleman from Iowa, [Mr. CLARK,] who has the floor, to make a motion in reference to the river and harbor bill, merely for the purpose of referring it to the Committee of the Whole on the state of the Union.

Mr. COBB. I object.

Mr. SEYMOUR. I move to suspend the rules to allow me to make that motion.

The SPEAKER. A motion is pending to suspend the rules, as the Chair has already stated, for the purpose of taking up and acting upon the bill which has been reported.

Mr. CLARK. I cannot yield the floor to the gentleman from New York.

Mr. HALL. This bill I understand provides for only one railroad.

Mr. CLARK. Will it not be in order for me to make a brief statement of facts?

The SPEAKER. Not without unanimous consent.

Mr. STEVENS, of Pennsylvania. I object. The question then recurred upon the suspension of the rules.

Mr. STEVENS. I demand the yeas and nays. The yeas and nays were ordered.

The question was then taken on the motion to suspend the rules, and there were—yeas 49, nays 112; as follows:

YEAS—Messrs. Willis Allen, Bissell, Breckinridge, Brenton, Briggs, A. G. Brown, E. C. Cabell, T. Campbell, Clark, Clingman, Cobb, Conger, J. G. Davis, Durkee, Eastman, Ewing, Ficklin, Freeman, Hall, S. W. Harris, Hendricks, Henn, Houston, Jackson, John Johnson, Robert W. Johnson, Khuns, Landry, Lockhart, Mace, McQueen, Molony, John Moore, Morehead, Orr, Samuel W. Parker, Penniman, Richardson, Smith, Stanly, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Stuart, Taylor, Walsh, Welch, Wilcox, and Yates—49.

NAYS—Messrs. Aiken, Allison, William Appleton, Ashe, Averett, Thomas H. Bayly, Barrere, Bennett, Bibighaus, Bocoock, Bowie, Bowne, John H. Boyd, Bragg, George H. Brown, Buell, Burrows, Joseph Cable, Caldwell, Lewis D. Campbell, Carter, Caskie, Chandler, Chapman, Chastain, Churchill, Cleveland, Colcock, Curtis, George T. Davis, Dawson, Dean, Dimmick, Dockery, Duncan, Dunham, Edgerton, Florence, Fowler, Gaylord, Gentry, Gilmore, Goodenow, Goodrich, Gorman, Hamilton, Hammond, Harper, Isham G. Harris, Haws, Hascall, Haven, Hebard, Holladay, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McNair, Meade, Millson, Henry D. Moore, Morrison, Murphy, Murray, Newton, Outlaw, Andrew Parker, Peaslee, Perkins, Polk, Powell, Price, Reed, Riddle, Robbins, Robie, Schermerhorn, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Snow, Benjamin Stanton, Abraham P. Stevens, Thaddeus Stevens, Sutherland, Sweetser, Thompson, Thurston, Townsend, Tuck, Walbridge, Wallace, Washburn, Watkins, Wells, Wildrick, and Woodward—112.

So the rules were not suspended—two thirds not voting therefor.

#### RIVER AND HARBOR BILL.

Mr. SEYMOUR, of New York. I ask the unanimous consent of the House that the river and harbor bill, now upon the Speaker's table, be taken up that it may be referred to the Committee of the Whole on the state of the Union.

Mr. GORMAN. I object.

Mr. SEYMOUR. I then move that the rules be suspended for that purpose.

Mr. WASHBURN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken and the motion was agreed to—yeas 112, nays 47; as follows:

YEAS—Messrs. Allison, William Appleton, Ashe, Barrere, Bennett, Bibighaus, Bissell, Bowie, Bowne, Brenton, Briggs, Brooks, George H. Brown, Buell, Burrows, E. Carrington, Cabell, J. Cable, Caldwell, L. D. Campbell, T. Campbell, Carter, Chandler, Chapman, Conger, G. T. Davis, Dean, Disney, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Ewing, Florence, Fowler, Henry M. Fuller, Gaylord, Gentry, Goodenow, Goodrich, Green, Harper, Haws, Hascall, Haven, Henn, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Jenkins, John Johnson, Robert W. Johnson, George G. King, Preston King, Khuns, Landry, Lockhart, Mann, Martin, McCorkle, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Samuel W. Parker, Penni, Penniman, Perkins, Porter, Price, Reed, Richardson, Riddle, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker,

Scudder, David L. Seymour, Origen S. Seymour, Skelton, Snow, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Stuart, Sutherland, Taylor, Thompson, Thurston, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Addison White, and Yates—112.

NAYS—Messrs. Aiken, Willis Allen, Bragg, Chastain, Clark, Cleveland, Cobb, Colcock, Daniel, John G. Davis, Dawson, Dimmick, Dunham, Edmundson, Ficklin, Freeman, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Hendricks, Hibbard, Holladay, Houston, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kurtz, Letcher, McNair, McQueen, Meade, Millson, Morrison, Murphy, Orr, Andrew Parker, Phelps, Powell, Savage, Smith, Venable, Wallace, Wilcox, Wildrick, and Woodward—47.

So the rules were suspended, two thirds voting in the affirmative.

Mr. SEYMOUR. I move to refer the bill to the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I trust that the motion submitted by the gentleman from New York to refer the bill to the Committee of the Whole on the state of the Union will not prevail. There is, either under the rules or the practice of the House, no necessity for the reference. The invariable rule and practice has been to refer appropriation bills to the Committee of the Whole; but this is not an appropriation bill. I could direct the attention of the Chair to several precedents, but I shall only allude to one, which will be found on page 448 of the Journal of the proceedings of the House, of the second session of the Thirty-first Congress, 1850-'51. It will be found there that when a bill making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30th, 1852, came back to this House with sundry amendments, appropriating for other objects than those of the bill, that it was not referred to the Committee of the Whole on the state of the Union, nor was it deemed necessary that it should be. It is true that the then chairman of the Committee of Ways and Means moved to take it up, with a view to disagree to the amendments of the Senate. That, however, does not change the rule or practice upon the subject.

Mr. HALL. I ask that the 133d rule be read. The SPEAKER. The Chair has the rule before him. It is as follows:

"All proceedings touching appropriations of money, shall be first discussed in a Committee of the Whole House."

Mr. RICHARDSON. Certainly, sir; that is in the House where the bill originated; but if the Chair and the gentleman from Missouri [Mr. HALL] will refer to previous opinions upon the subject, it will be found that the invariable practice, at least since I have been a member of the House, has been, that that rule was not made to apply to amendments by the other branch of the Congress than the one in which the bill originated. I do not believe that gentlemen can point to an exception.

Mr. JONES, of Tennessee. Mr. Speaker, what question is there before the House?

The SPEAKER. The gentleman from New York [Mr. SEYMOUR] has the floor upon a motion to commit this bill. The gentleman from Illinois rises to a question of order, and is proceeding to discuss it. It is not regularly in order, because there is no decision or appeal from the Chair yet announced.

Mr. RICHARDSON. I am opposed to the proposition to refer this bill to the Committee of the Whole on the state of the Union.

Mr. JONES. I understood the Chair to decide that under the 133d rule, the amendments of the Senate must go to the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair so decides.

Mr. JONES. Then, if there is no appeal from that decision, there is no question before the House but the motion to commit.

Mr. HAMILTON. I would ask whether the motion of the gentleman from New York was not to take up this bill that it might be referred? The suspension of the rules was had upon that understanding, and that alone.

The SPEAKER. If required, the Chair will put the question whether or not the bill shall be taken up. The Chair supposed that by unanimous consent the bill was taken up.

The bill was then taken up.

Mr. SEYMOUR. I move its reference to the Committee of the Whole on the state of the Union.

Mr. EVANS. I move a suspension of the rule by which it is required that this bill shall go to a Committee of the Whole.

Mr. VENABLE. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MOREHEAD. If the rules be suspended, what will become of the amendments of the Senate?

The SPEAKER. They will be acted upon at the pleasure of the House.

Mr. MOREHEAD. Will the previous question be applied to them?

The SPEAKER. The Chair cannot anticipate the action of the House.

The question was then taken, and the motion was agreed to—yeas 115, nays 55; as follows:

YEAS—Messrs. Allison, William Appleton, Babcock, Barrere, Bennett, Bibbhaus, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, George H. Brown, Buell, Burrows, E. Carrington Cabell, Caldwell, Thompson Campbell, Carter, Chandler, Chapman, Conger, Curtis, George T. Davis, Dean, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Gaylord, Gentry, Goodenow, Goodrich, Green, Harper, Hart, Haws, Hascall, Haven, Hebard, Henn, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, John Johnson, Robert W. Johnson, George G. King, Preston King, Kuhns, Kurtz, Landry, Lockhart, Mann, Martin, McCorkle, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Samuel W. Parker, Penn, Pennington, Perkins, Porter, Price, Reed, Richardson, Riddle, Robbins, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Skelton, Snow, Stanley, Benjamin Stanton, Abraham P. Stephens, St. Martin, Strother, Stuart, Sutherland, Taylor, Thompson, Townshend, Tuck, Venable, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, and Yates—115.

NAYS—Messrs. Averett, Thomas H. Bayly, Albert G. Brown, Joseph Cable, Caskey, Chastain, Clark, Cleveland, Clingman, Cobb, Colcock, Daniel, John G. Davis, Dawson, Dimmick, Disney, Dunham, Edmundson, Ficklin, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hendricks, Hibbard, Holladay, Houston, Jackson, George W. Jones, J. Glancy Jones, Letcher, Mason, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Morrison, Murphy, Orr, Andrew Parker, Peaslee, Phelps, Polk, Powell, Savage, Smith, Stone, Wallace, Wilcox, Wildrick, and Woodward—55.

So the motion to suspend was agreed to, there being two thirds voting in the affirmative.

Mr. SEYMOUR, of New York. Is the bill now before the House for discussion?

The SPEAKER. It is. The immediate question pending is the motion to commit made by the gentleman.

Mr. SEYMOUR. I withdraw that motion.

The SPEAKER. The question now recurs upon the amendments of the Senate.

Mr. SEYMOUR. At this late hour, Mr. Speaker, I presume I shall be trespassing upon the patience of the House too far to go into a discussion of the particular amendments which have been proposed to this bill by the Senate; but another reason why I am disposed to forego the privilege which I might otherwise wish to enjoy, of a discussion upon these amendments, is that the greater portion of them are identical with those which have been heretofore proposed and discussed in the Committee of the Whole. There are, however, a few other amendments which have been voted to this bill by the Senate, and I should like to discuss them, but will not because they are questions upon which the public mind of the country is informed, and upon which, I presume, every gentleman in this House will be prepared to give an intelligent vote. I therefore shall move the previous question upon the amendments, and ask that a separate vote shall be had upon each one of them.

The call for the previous question was seconded.

Mr. HALL. As I was absent when this bill was passed, and desire my vote to be upon the record, I move that it be laid upon the table.

Mr. CARTTER. I demand the yeas and nays. I desire to give others the same opportunity.

Mr. HENN. I would ask the gentleman to withdraw the call for the yeas and nays.

Mr. CARTTER. I want an opportunity to record my vote upon that motion.

The yeas and nays were ordered.

Here a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House of the concurrence of that body in some and disagreement in the other amendments of the House to the Indian appropriation bill, and requesting that a committee of conference be appointed by the House to meet with that of the Senate upon the disagreeing votes.

Mr. JONES, of Tennessee. I move that the request of the Senate, for the appointment of a

committee of conference on the part of the House, be agreed to.

The motion was agreed to, and the Speaker appointed Messrs. JONES of Tennessee, CONGER, and HIBBARD, on the part of the House.

The question was then taken on the motion to lay the bill upon the table, and it was disagreed to—yeas 56, nays 102; as follows:

YEAS—Messrs. Aiken, Willis Allen, Averett, Thomas H. Bayly, Bragg, Albert G. Brown, Caskey, Chastain, Cleveland, Cobb, Colcock, Daniel, John G. Davis, Dimmick, Dunham, Edmundson, Ficklin, Freeman, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Hibbard, Holladay, Houston, Howard, Jackson, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Mason, McLanahan, McMullin, McNair, Meade, Millson, Morrison, Murphy, Orr, Andrew Parker, Peaslee, Phelps, Powell, Savage, Smith, Richard H. Stanton, Wallace, Wilcox, Wildrick, and Woodward—56.

NAYS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Barrere, Bibbhaus, Bissell, Bowie, Bowne, John H. Boyd, Brenton, Briggs, George H. Brown, Buell, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Clark, Conger, Curtis, George T. Davis, Dawson, Disney, Dockery, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Ewing, Fitch, Florence, Fowler, Henry M. Fuller, Gaylord, Gentry, Goodenow, Goodrich, Green, Harper, Haws, Hascall, Haven, Hebard, Henn, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, John Johnson, Daniel T. Jones, George G. King, Preston King, Kuhns, Landry, Lockhart, Mann, Martin, Molony, Henry D. Moore, John Moore, Morehead, Murray, Newton, Outlaw, Samuel W. Parker, Penn, Pennington, Perkins, Porter, Price, Reed, Richardson, Riddle, Robbins, Robie, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Skelton, Snow, Stanley, Benjamin Stanton, Abraham P. Stephens, St. Martin, Stuart, Taylor, Thompson, Townshend, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, and Yates—112.

The main question was then ordered to be put.

The question then recurred upon the adoption of the Senate's amendments.

The Clerk read the first amendment, as follows:

Strike out the following:  
"For the improvement of the navigation of the Mississippi below the rapids; the Ohio, including the repairs of the dam at Cumberland Island; the Missouri and the Arkansas rivers, \$260,000;"

—and in lieu thereof insert the following:  
"For the improvement of the navigation of the Mississippi river below the rapids, \$90,000; the Ohio, including the repairs of the dam at Cumberland Island, \$90,000; the Missouri and the Arkansas rivers, each \$40,000; and for the construction and repair of snag-boats, dredge-boats, and discharging scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers, \$150,000."

Mr. STANTON, of Ohio. I demand the yeas and nays upon the amendment.

Mr. BUELL. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. VENABLE and HAMILTON were appointed.

The House was then divided, and the tellers reported—yeas 31; a sufficient number.

So the yeas and nays were ordered.

The question was taken, and the amendment was agreed to—yeas 109, nays 56; as follows:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Barrere, Bibbhaus, Bissell, Bowie, John H. Boyd, Breckinridge, Brenton, Briggs, George H. Brown, Burrows, E. Carrington Cabell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Churchwell, Clark, Clingman, Conger, George T. Davis, John G. Davis, Dawson, Dean, Disney, Dockery, Doty, Duncan, Dunham, Durkee, Eastman, Edgerton, Ficklin, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Gaylord, Goodenow, Goodrich, Gorman, Green, Harper, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Horsford, John W. Howe, Thomas Y. How, John Johnson, Robert W. Johnson, George G. King, Kuhns, Landry, Lockhart, Mann, Martin, Mason, Molony, Henry D. Moore, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Penn, Perkins, Phelps, Porter, Price, Reed, Richardson, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, David L. Seymour, Origen S. Seymour, Snow, Stanley, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, St. Martin, Strother, Sweetser, Taylor, Thompson, Thurston, Townshend, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, and Yates—109.

NAYS—Messrs. Aiken, Willis Allen, Averett, Thomas H. Bayly, Babcock, Bragg, Buell, Caldwell, Chastain, Cobb, Colcock, Curtis, Daniel, Dimmick, Edmundson, Floyd, Gilmore, Hall, Hamilton, Hammond, Isham G. Harris, Hart, Hibbard, Holladay, Houston, Ingersoll, Ives, Jackson, Jenkins, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, McCorkle, McLanahan, McMullin, McNair, McQueen, Millson, Morrison, Murphy, Murray, Orr, Andrew Parker, Peaslee, Powell, Robbins, Robie, Skelton, Smith, Stuart, Venable, Wallace, and Wildrick—56.

The following section in the bill was read, viz:

"For the improvement of the Des Moines rapids, in the Mississippi river, at the lower chain and the English chain, \$50,000."

The second amendment of the Senate was then read, as follows:

Insert after the words "of the," in the above clause, the words "Rock River rapids and the," so that the section as amended will read, as follows:

"For the improvement of the Rock River rapids and the Des Moines rapids, in the Mississippi river, at the lower chain and the English chain, \$100,000."

Mr. SEYMOUR, of New York. It only increases the appropriation \$50,000.

The question was then taken, and the amendment was agreed to.

The following section of the bill was then read:

"For opening a ship channel, of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, \$75,000. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said channel by contract, and at an early day in the next session of Congress [to report said contract, the progress of said work, and an estimate of the annual cost of keeping said channel open]."

The third amendment of the Senate proposes to strike from the above clause the words in brackets, and to insert in lieu thereof the following:

"To report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open, and any contract made shall be limited to the amount hereby appropriated."

So that it will read when amended, as follows:

"For opening a ship channel of sufficient capacity to accommodate the wants of commerce, through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, \$75,000. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract, and at an early day in the next session of Congress, report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open, and any contract made shall be limited to the amount hereby appropriated."

The question was then taken upon the amendment, and it was agreed to.

The following clause of the original bill was read:

"For removing the raft of Red river, \$50,000."

The fourth amendment of the Senate proposes to strike out "\$50,000," and insert in lieu thereof "\$100,000," and after the word "dollars" to add the following:

"And the Secretary of War be authorized to contract with the lowest responsible bidder, within this appropriation, for the removal of said raft, after giving public notice."

The section as amended by the Senate will then read:

"For removing the raft of Red river, \$100,000, and the Secretary of War be authorized to contract with the lowest responsible bidder, within this appropriation, for the removal of said raft, after giving reasonable public notice."

Mr. SEYMOUR, of New York, demanded the yeas and nays on the adoption of this amendment.

Mr. HART demanded tellers on the yeas and nays; which were ordered; and Messrs. HART and ROBBINS were appointed; and the House being divided, the tellers reported that there were—yeas 29—deemed to be a sufficient number.

So the yeas and nays were ordered.

The question was then taken, and there were—yeas 90, nays 65; as follows:

YEAS—Messrs. Charles Allen, William Appleton, Babcock, Barrere, Bowie, Brenton, Briggs, George H. Brown, Burrows, E. Carrington Cabell, Lewis D. Campbell, Carter, Chandler, Chapman, Clark, Clingman, George T. Davis, John G. Davis, Disney, Dockery, Doty, Duncan, Dunham, Durkee, Eastman, Fitch, Florence, Fowler, Freeman, Henry M. Fuller, Gaylord, Gentry, Goodenow, Goodrich, Gorman, Green, Harper, Sampson W. Harris, Haws, Hascall, Haven, Hebard, Henn, Horsford, Howard, John W. Howe, T. Y. How, John Johnson, R. W. Johnson, G. G. King, Kuhns, Landry, Lockhart, Mann, McCorkle, Molony, Henry D. Moore, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Pennington, Porter, Price, Reed, Richardson, Sackett, Savage, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Stanley, Benjamin Stanton, Thaddeus Stevens, St. Martin, Sweetser, Taylor, Benjamin Thompson, Townshend, Tuck, Walbridge, Walsh, Ward, Watkins, Welch, Wells, Addison White, and Yates—90.

NAYS—Messrs. Willis Allen, Ashe, Averett, Bibbhaus, Babcock, Bragg, Breckinridge, Buell, Joseph Cable, Caldwell, Thompson Campbell, Caskey, Chastain, Cleveland, Cobb, Colcock, Curtis, Daniel, Dawson, Dean, Dimmick, Edgerton, Edmundson, Floyd, Gilmore, Hall, Hamilton, Isham G. Harris, Hart, Hendricks, Holladay, Houston, Ingersoll, Ives, Jackson, Jenkins, J. Glancy Jones, Preston King, Kurtz, Letcher, Mann, Mason, McLanahan, McMullin, McNair, Millson, Morrison, Murray, Orr, Andrew Parker, Peaslee, Perkins, Phelps, Powell, Robbins, Robie, David L. Seymour, Origen S. Seymour, Skelton, Richard H. Stanton, Abraham P. Stephens, Stuart, Thurston, Venable, Wallace, and Wildrick—65.

So the amendment was agreed to.

The following clause of the original bill was read, viz:

"For the further improvement of the harbor of New York, by removing the rocks at Hell Gate, \$20,000."

The fifth amendment of the Senate proposes to insert, after the word "Gate," the words "and



Diamond's Reef in the East river;" so that the clause, if amended, will then read:

"For the further improvement of the harbor of New York, by removing the rocks at Hell Gate and Diamond's Reef, in the East river, \$20,000."

The question was then taken on the amendment, and it was agreed to.

The sixth amendment of the Senate proposes to strike out the following:

"For the improvement of the channel at the mouth of Cape Fear river, North Carolina, \$8,000."

The question was taken, and the amendment was agreed to.

The following clause of the bill was read:

"For continuing the improvement of the harbor of Milwaukee, Wisconsin, \$15,000."

The seventh amendment of the Senate proposes to add, at the end of the above clause, the words, "to be expended at the point on the Milwaukee river known as the North Cut, surveyed by Lieutenant Centre."

Mr. SEYMOUR, of New York, demanded the yeas and nays upon agreeing to this amendment; but they were not ordered.

Mr. SEYMOUR demanded tellers; which were ordered; and Messrs. GOODENOW and HART were appointed.

The question was then taken, and there were—ayes 82, noes 35.

So the amendment was agreed to.

The following clause of the bill was read, viz:

"For continuing the improvement of the harbor of Michigan City, Indiana, \$20,000."

The eighth amendment of the Senate proposes to insert after the word "Indiana," in the above, the words "or the laying down a floating breakwater and safety anchorage, as the Secretary of War may determine."

The question was put, and the amendment was agreed to.

So the section as amended will read:

"For continuing the improvement of the harbor of Michigan City, Indiana, or the laying down a floating breakwater and safety anchorage, as the Secretary of War may determine, \$20,000."

The following amendments of the Senate, inserting in the bill the clauses indicated below, were severally read and agreed to, viz:

9th. "For a survey of the Rappahannock river, Virginia, \$3,000."

10th. "For a survey of Taunton river and New Bedford harbor, Massachusetts, \$3,000."

11th. "For the improvement of Kennebec river, from the United States arsenal wharf in Augusta, Maine, to Lovejoy's Narrows, \$6,000."

12th. "For a survey of San Antonio river, Texas, \$1,500."

13th. "For the surveys of harbors at Sabine, Galveston, Paso Cavallo, Velasco, Brazos de Santiago, and Corpus Christi, and the rivers Sabine, Brazos, and Trinity, Texas, \$5,000."

14th. "For repairing the public works at Little Egg harbor, New Jersey, \$8,500."

15th. "For a survey of East Pascagoula river, Mississippi, \$5,000."

16th. "For a survey of Providence harbor, Rhode Island, \$1,500."

The seventeenth amendment of the Senate was then read:

"Insert in the bill the following, viz:

"For a survey and examination of the Falls of the Ohio river, by a board of topographical and civil engineers, to be appointed by the Secretary of War, to report upon the expediency of an additional canal around said falls, and the comparative cost, advantages, and disadvantages of making such additional canal on the Kentucky and Indiana shores of said river respectively, and also the cost, advantages, and disadvantages of enlarging and extending the present canal so as to avoid the rocks at Sandy Island, retaining the present locks in their present condition, \$5,000."

Mr. SEYMOUR demanded the yeas and nays upon concurring in the amendment.

Mr. HART. I would like to inquire how often has this been surveyed by the Government?

[Cries of "Order!" "Order!"]

The yeas and nays were ordered.

The question was then taken, and there were—yeas 94, nays 62; as follows:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Barrere, Bibbighaus, Bowie, Breckinridge, Brenton, Briggs, George H. Brown, Burrows, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Chandler, Chapman, Cobb, George T. Davis, John G. Davis, Disney, Dockery, Doty, Duncan, Dunham, Durkee, Eastman, Edgerton, Evans, Fitch, Florence, Fowler, Gaylord, Gentry, Goodenow, Goodrich, Gorman, Green, Harper, Haws, Hascall, Haven, Hebard, Hendricks, Henn, Horstford, John W. Howe, Thomas Y. How, John Johnson, George G. King, Kuhns, Landry, Lockhart, Mann, Martin, Mason, Molony, Henry D. Moore, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Pennington, Perkins, Price, Reed, Sackett, Savage, Schermerhorn,

Schoolcraft, Schoonmaker, Scudder, Stanly, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Sweetser, Taylor, Thompson, Townsend, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, A. White, and Yates—94.

NAYS—Messrs. Aiken, Willis Allen, Averett, Bissell, Bragg, Albert G. Brown, Buell, Thompson Campbell, Caskey, Chastain, Cleveland, Colcock, Curtis, Dawson, Dean, Dimmick, Edmundson, Faulkner, Ficklin, Floyd, Gilmore, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Holladay, Houston, Howard, Ingersoll, Jackson, Jenkins, Daniel T. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, McLanahan, McMullin, McQueen, Meade, Millson, Morrison, Murphy, Murray, Orr, Andrew Parker, Peaslee, Powell, Richardson, Robbins, Robie, David L. Seymour, Origen S. Seymour, Skelton, St. Martin, Stuart, Thurston, Wallace, Wildrick, and Woodward—62.

So the amendment was agreed to.

A message was here received from the Senate by Mr. DICKINS, its Secretary:

Mr. SPEAKER: The Senate have passed a bill of the House of the following title, viz: H. R. No. 322, "An act in addition to an act to promote the progress of the useful arts," with sundry amendments, in which I am directed to ask the concurrence of this House. The Senate have agreed to the amendments of this House to the bill of the Senate (No. 223) entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes.'"

On motion by Mr. CARTTER, by unanimous consent,

Ordered, That the House concur in the amendments of the Senate to the bill of the House (No. 322) entitled "An act in addition to an act to promote the progress of the useful arts."

Ordered, That the Clerk acquaint the Senate therewith.

Mr. WILDRICK, from the Committee on Enrolled Bills, reported as correctly enrolled House bill No. 144, entitled "An act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' passed 3d March, 1851," when the Speaker signed the said bill.

The House then considered and agreed to the several amendments of the Senate, inserting the following clause in the harbor bill, viz:

18th. "For the repair of the sea-wall at Marblehead, Massachusetts, \$500."

19th. "For a survey of the harbor of Georgetown, South Carolina, \$3,000."

20th. "For a survey of Shrewsbury river, New Jersey, \$1,500."

21st. "For repairing the piers at Kennebunk, Maine, \$7,500."

22d. "For a breakwater at Owlhead Harbor, or at Rockland Harbor, in Maine, as the Department of War shall decide, \$15,000."

The twenty-third amendment of the Senate, inserting the following clause in the bill, was then read, viz:

"For the further removal of obstructions, and the improvement of the harbor of Dubuque, \$15,000."

Mr. CAMPBELL, of Illinois, demanded the yeas and nays upon concurring in this amendment; which were ordered.

The question was then taken, and there were—yeas 78, nays 76; as follows:

YEAS—Messrs. Charles Allen, William Appleton, Babcock, Barrere, Bibbighaus, Bowie, John H. Boyd, Briggs, George H. Brown, Burrows, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Chandler, Chapman, Clark, George T. Davis, Dockery, Doty, Duncan, Eastman, Evans, Florence, Fowler, Henry M. Fuller, Gentry, Goodenow, Goodrich, Green, Grey, Harper, Haws, Hascall, Haven, Hebard, Henn, Horstford, John W. Howe, Thomas Y. How, Ingersoll, Robert W. Johnson, Kuhns, Landry, Mann, Martin, Henry D. Moore, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Pennington, Porter, Price, Reed, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Stanley, Frederick P. Stanton, Thaddeus Stevens, Strother, Stuart, Taylor, Thompson, Townsend, Tuck, Walbridge, Walsh, Ward, Washburn, Watkins, Welch, Wells, Addison White, and Yates—78.

NAYS—Messrs. Aiken, Willis Allen, Allison, Ashe, Averett, Babcock, Bragg, Breckinridge, Brenton, Albert G. Brown, Buell, Joseph Cable, Thompson Campbell, Chastain, Clingman, Cobb, Colcock, Curtis, Daniel, John G. Davis, Dawson, Dean, Dimmick, Disney, Dunham, Edgerton, Faulkner, Fitch, Floyd, Freeman, Gaylord, Gilmore, Gorman, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hendricks, Hubbard, Holladay, Houston, Ives, Jackson, Jenkins, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, Mason, McCorkle, McLanahan, McMullin, McNair, McQueen, Meade, Millson, Molony, Morrison, Murray, Orr, Andrew Parker, Peaslee, Powell, Richardson, Robbins, David L. Seymour, Skelton, Abraham P. Stephens, Sweetser, Thurston, Wallace, Wildrick, and Woodward—76.

So the amendment was agreed to.

Mr. STANLY. I move to reconsider the vote by which the amendment was agreed to, and to lay the motion to reconsider upon the table.

Mr. CAMPBELL, of Illinois. Upon that motion I call for the yeas and nays.

Mr. HENDRICKS. I ask for tellers upon the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered; and the question being put upon the latter motion it was decided in the affirmative.

So the motion to reconsider was laid upon the table.

Mr. JONES, of Tennessee. Several votes have been taken upon the amendments to the bill while I was absent upon the Committee of Conference, and I desire that my name may be recorded in the negative upon all of them.

Mr. JOHNSON, of Arkansas. I object.

Mr. JONES, of Tennessee. The gentleman cannot object. I have a right to have my votes recorded.

The SPEAKER. The recollection of the Chair is, that it is usual for gentlemen upon committees of conference to have their votes recorded.

Mr. JOHNSON, of Arkansas. I rise to a question of order, which I wish to submit to the Chair.

Mr. HIBBARD. I wish to make a statement to the Chair. I am in the same situation as the gentleman from Tennessee, [Mr. JONES,] having been engaged upon a Committee of Conference; and in consequence I have lost my votes, and I ask permission to have them recorded.

The SPEAKER. The Chair does not recollect very distinctly what has been the practice upon that subject. The Chair knows that when a committee has leave of the House to sit during the sittings of the House, they have a right to record their votes.

Mr. STANLY. No leave was given in this case.

Mr. HIBBARD. I was absent on the Committee of Conference, and I request that my vote may be recorded in the negative.

The SPEAKER. The Chair thinks it will require the consent of the House to record the votes.

Mr. HIBBARD. Who objects?

Mr. STANLY. All of us here object.

Mr. JONES, of Tennessee. Mr. Chairman, it has been the universal practice of the House, when gentlemen are absent; by order of the House, to allow them to record their votes when they come in. I have done so myself repeatedly when I have been absent upon committees of enrollment, and committees of conference. If this were not allowed, you would not be able to procure any member of this House to serve upon those committees, at a time when perhaps it is essentially necessary.

Mr. JOHNSON, of Arkansas. I rise to a question of order. It is a question which, I believe, is pertinent, and I will just state it to the House, and it is this: Though it may have been usual to do it in cases where it would not change the result, yet the Chair must at once see that it cannot be allowed in cases where the votes in those cases would decide against the residue of the House, and perhaps defeat the intention of the House, because other members would not have an opportunity to change their votes.

The SPEAKER. The Chair decides that under the rules of the House the gentlemen have not the right to vote.

Mr. JONES, of Tennessee. Then I have to say that I will serve on no more committees of conference.

Mr. HOUSTON. I think the gentleman from Arkansas misapprehended the point in this case. The gentleman from Tennessee voted upon the last amendment.

Mr. DUNCAN. I rise to call the gentleman from Alabama to order. The question has been decided and no appeal taken, and debate is therefore not in order.

The SPEAKER. The Chair certainly knows of no rule that would authorize the gentlemen to record their votes.

Mr. JONES, of Tennessee. I appeal from that decision, because it has been the universal practice of the House, since I have been a member, to allow votes to be recorded under such circumstances.

The SPEAKER. The Chair thinks it has been usual to allow members of committees sitting by order of the House, to record their votes. But it has been practice alone. There is certainly no rule controlling the subject. The rule is very positive that those gentlemen who are not within the bar when their names are called cannot vote. The gentleman from Tennessee appeals from the decision of the Chair.

Mr. STANLY. I move to lay that appeal upon the table.

Mr. JONES. Upon that motion I ask the yeas and nays.

Mr. AVERETT. I call for tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The question was then taken, and the appeal was laid upon the table.

The twenty-fourth amendment of the Senate, inserting the following clause in the harbor bill, was read, viz:

"For repairing the piers in Big Sodus Bay, New York, \$10,000."

Mr. BAYLY, of Virginia. I ask for the yeas and nays upon that amendment, and I call for tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The question was then put upon the amendment, and it was agreed to.

The twenty-fifth amendment of the Senate, inserting the following clause in the bill, was then read, viz:

"For improving Cape Fear river, at and below Wilmington, North Carolina, \$20,000."

Mr. DAWSON. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was then put; and it was decided in the affirmative—yeas 84, nays 67; as follows:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Ashe, Babcock, Barrere, Bennett, Bibbhaugh, Bowie, Brenton, Briggs, George H. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapman, Dockery, Doty, Duncan, Eastman, Edgerton, Evans, Florence, Fowler, Henry M. Fuller, Gentry, Goodenow, Green, Grey, Harper, Haws, Hebard, Henn, John W. Howe, Thomas V. How, Andrew Johnson, Robert W. Johnson, Kuhns, Landry, Mann, Martin, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Penn, Penniman, Porter, Price, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Snow, Staley, Benjamin Stanton, Frederick P. Stanton, Strother, Stuart, Taylor, Thompson, Townshend, Tuck, Walbridge, Walsh, Ward, Watkins, Welch, Addison White, and Yates—84.

NAYS—Messrs. Willis Allen, Averett, Thos. H. Bayly, Babcock, Buell, Cleveland, Cobb, Colcock, Curtis, Daniel, John G. Davis, Dawson, Dean, Dimmick, Dunham, Edgerton, Edmundson, Faulkner, Ficklin, Fitch, Floyd, Freeman, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Hart, Hendricks, Hibbard, Holladay, Houston, Howard, Ingersoll, John Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, McCorkle, McLanahan, McNair, McQueen, Millson, Molony, Morrison, Murphy, Murray, Orr, Andrew Parker, Peaslee, Powell, Richardson, Robbins, Savage, Origen S. Seymour, Skelton, Richard H. Stanton, Thaddeus Stephens, Sutherland, Sweetser, Thurston, Wallace, Wildrick, and Woodward—67.

So the amendment was agreed to.

Mr. CLEVELAND. I move that the House take a recess until six o'clock.

[Loud cries of "No!" "No!"]

Mr. SEYMOUR, of New York. I object.

#### INDIAN APPROPRIATION BILL.

A message was received from the Senate, by the hands of ASBURY DICKINS, informing the House that that body had agreed to the report of the Committee on Conference on the Indian appropriation bill.

Mr. JONES, of Tennessee. I ask to make a report from the Committee on Conference upon the Indian appropriation bill. The Senate have agreed to it, and it now only requires that the House should agree to it, so that the bill may be enrolled.

The SPEAKER. Does the Chair understand that there is nothing but the report to be received?

Mr. JONES. That is all. The committee have agreed that the Senate shall recede from their amendments disagreed to by the House, and the Senate have concurred in the report.

The report of the Committee on Conference was then, by unanimous consent, agreed to.

#### RIVER AND HARBOR BILL.

The House resumed the consideration of the amendments of the Senate to the harbor bill.

The amendments of the Senate inserting the following clauses in the bill, were severally considered and agreed to, viz:

25th. "For repairing the piers at Huron river harbor, Ohio, \$10,000."

27th. "For continuing and repairing the breakwater at Burlington, Vermont, \$10,000."

28th. "For repairing the piers at Conneaut, Ohio, \$10,000."

29th. "For repairing the piers at New Castle, Delaware, \$15,000."

30th. "For the further improvement of the harbor at Bridgeport, Connecticut, \$10,000."

31st. "For the improvement of the river St. John, Florida, \$10,000."

[A message was here received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, announcing that the Senate had passed the bill making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, with sundry amendments.]

The thirty-second amendment of the Senate, inserting the following clause in the bill, was then read, as follows:

"For the completion of the old line of survey, or the new line, as may be deemed expedient, for a ship canal across the peninsula of Florida, \$20,000."

Mr. SEYMOUR, of New York. I wish to ask the indulgence of the House, for the last time, for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SWEETSER. Will it be in order to move to take a recess until six o'clock?

The SPEAKER. It will not be in order, except by unanimous consent.

Mr. CAMPBELL, of Illinois. I object.

The question was then taken on the amendment of the Senate, and it was decided in the affirmative—yeas 73, nays 65; as follows:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Barrere, Bibbhaugh, Bowie, Brenton, Briggs, George H. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Carter, Chandler, Chapman, Dockery, Doty, Duncan, Eastman, Edgerton, Evans, Florence, Fowler, Henry M. Fuller, Gentry, Goodenow, Green, Grey, Harper, Haws, Hebard, Henn, John W. Howe, Thomas V. How, Andrew Johnson, Robert W. Johnson, Kuhns, Landry, Mann, Martin, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Penn, Penniman, Porter, Price, Robie, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Snow, Staley, Benjamin Stanton, Frederick P. Stanton, Stuart, Sweetser, Taylor, Thompson, Tuck, Venable, Walbridge, Walsh, Ward, Watkins, Welch, Wells, Addison White, and Yates—73.

NAYS—Messrs. Willis Allen, Ashe, Averett, Babcock, Thompson Campbell, Chastain, Cleveland, Cobb, Colcock, Daniel, John G. Davis, Dawson, Dean, Dimmick, Dunham, Faulkner, Ficklin, Floyd, Gaylord, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Sampson W. Harris, Hart, Hendricks, Hibbard, Holladay, Houston, Howard, Ingersoll, Jackson, John Johnson, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Lockhart, McCorkle, McLanahan, McNair, McQueen, Millson, Molony, Morrison, Murphy, Murray, Andrew Parker, Peaslee, Phelps, Powell, Richardson, David L. Seymour, Origen S. Seymour, Skelton, R. H. Stanton, St. Martin, Sutherland, Thurston, Townshend, Wallace, and Woodward—65.

So the amendment of the Senate was agreed to.

Mr. DEAN. I move that the House take a recess.

The SPEAKER. It can only be done by unanimous consent.

[Loud cries of "Object!"]

The amendments of the Senate, inserting the following clauses in the bill, were considered and agreed to, viz:

33d. "For the survey of the sand bars in Newark, New Jersey, \$2,000."

34th. "For improving the Levee across the mouth of the river Santiago, in the State of California, to turn it into its former channel, \$30,000; to be expended under the direction of the Secretary of War."

The thirty-fifth amendment of the Senate, inserting the following clause in the bill, was read:

"For the improvement of the navigation of the Tennessee river, \$50,000, in conformity with the estimates of the War Department of the 13th July, 1852. For the improvement of the navigation of the Illinois river, the sum of \$30,000."

Mr. BRECKINRIDGE. I call for a division of the question, so as to take it first upon the Tennessee amendment, and then upon the Illinois.

Mr. STUART. Can that be done upon a Senate amendment?

The SPEAKER. The Chair thinks it can.

Mr. STUART. Is not the practice the other way with regard to Senate amendments? If it were an amendment of this House, it could be done under our rule, but the amendments of the Senate must be agreed to or rejected as a whole, I take it.

The SPEAKER. The Chair thinks the amendment is divisible. The House can reject one part and agree to the other.

Mr. STUART. I understand it to be reported as a single amendment from the Senate.

The SPEAKER. They are all in the same class. The Chair thinks that the amendment is divisible.

The question now being upon the first clause of the amendment, appropriating \$50,000 for the Tennessee river,

Mr. DAWSON demanded the yeas and nays. Mr. HENDRICKS called for tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The question was then put, and the amendment was agreed to—yeas 84, nays not counted.

The question recurred upon agreeing to the second clause of the amendment, appropriating \$30,000 for the Illinois river.

Mr. BRECKINRIDGE. Upon the adoption of that portion of the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

#### APPEALS FROM THE PATENT OFFICE.

Mr. CARTTER. I ask the permission of the House to move an agreement to a verbal amendment made by the Senate in bill No. 232, providing for appeals from the Patent Office. It is merely a verbal amendment inserting the word "associate" instead of "assistant judge," as I had put it in the bill.

There being no objection, the question was taken upon agreeing to the Senate amendment, and it was decided in the affirmative.

#### RIVER AND HARBOR BILL.

The question was then taken upon agreeing to the second clause of the 35th amendment, and it was decided in the affirmative—yeas 85, nays 58; as follows:

YEAS—Messrs. Charles Allen, Allison, William Appleton, Babcock, Barrere, Bibbhaugh, Bowie, Brenton, Briggs, George H. Brown, E. Carrington Cabell, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapman, Doty, Duncan, Durkee, Eastman, Edgerton, Evans, Ewing, Florence, Fowler, Henry M. Fuller, Gentry, Goodenow, Grey, Harper, Haws, Hascall, Haven, Hebard, Henn, Horsford, John W. Howe, John Johnson, Robert W. Johnson, Daniel T. Jones, George G. King, Kuhns, Landry, Mann, Martin, Molony, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Penniman, Porter, Price, Reed, Richardson, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, Staley, Benjamin Stanton, Frederick P. Stanton, Thaddeus Stevens, Stuart, Sweetser, Taylor, Thompson, Townshend, Tuck, Walbridge, Walsh, Ward, Watkins, Welch, Wells, Addison White, and Yates—85.

NAYS—Messrs. Averett, Thomas H. Bayly, Babcock, Breckinridge, Caskie, Chastain, Clark, Cleveland, Clingman, Curtis, Daniel, John G. Davis, Dawson, Dean, Dimmick, Dunham, Edmundson, Faulkner, Floyd, Gilmore, Gorman, Hall, Hamilton, Hammond, Isham G. Harris, Hart, Hibbard, Holladay, Houston, Howard, Hunter, Ingersoll, Jackson, George W. Jones, J. Glancy Jones, Kurtz, Letcher, Mason, McCorkle, McLanahan, McNair, McQueen, Millson, Morrison, Murphy, Murray, Orr, Andrew Parker, Peaslee, Penn, Phelps, Robbins, Robie, David L. Seymour, Skelton, R. H. Stanton, Wallace, and Woodward—58.

So the amendment was agreed to.

The amendments of the Senate inserting the following clauses in the bill were severally read and agreed to, viz:

36th. "For the improvement of the harbor and breakwater at Waukegan, Illinois, \$15,000."

37th. "That the Secretary of War cause to be examined and surveyed the river Savannah, from the city of Savannah as high up as the city of Augusta, the Ocmulgee up to Macon, and the Flint up to Albany, and the Chattahoochee up to Columbus, in the State of Georgia, and to report to Congress the amount of money which may remove any obstructions to navigation, and that the sum of \$10,000 be appropriated for that purpose."

38th. "For filling in behind the United States sea-wall in the harbor of St. Augustine, Florida, with earth, \$3,000."

The thirty-ninth and last amendment of the Senate, striking from the bill section two, was then read and agreed to, as follows:

"And be it further enacted, That the commissioners of the town of Wilmington, North Carolina, be authorized to levy and collect a tonnage duty, not exceeding four cents per ton upon all vessels not less than sixty tons, for the purpose of cleaning out the obstructions in the mouth of Cape Fear river, and that to effect that purpose, the said commissioners be authorized to pledge the receipts from the said tonnage duty, to pay the interest or principal on any loan they may effect for that purpose: *Provided*, That the Legislature of North Carolina, at its next session, order and authorize such a tonnage duty."

Mr. DUNCAN. I rise to a privileged question. I move to reconsider the vote by which these several amendments have been adopted and to lay the motion to reconsider upon the table.

The SPEAKER. By unanimous consent it can be done, otherwise a separate vote must be taken upon each amendment.

[Cries of "Object!"]

Mr. HOUSTON obtained the floor.

#### THE GARDINER CLAIM—CHARGE AGAINST

MR. CORWIN.

Mr. JOHNSON, of Tennessee. I ask the indulgence of the gentleman from Alabama to yield

me the floor for a single moment. It will not take five minutes to do what I desire should be done. It will be remembered that this House, on Monday or Tuesday, appointed a Select Committee to investigate the claim of Dr. Gardiner and the connection which the Secretary of the Treasury had with that claim. The committee, as appointed by this House, have had two meetings, but before even the committee met the Secretary of the Treasury addressed a communication to the chairman of the committee requesting an investigation instantly, and desiring that it should be gone into. The committee met and informed him that he could attend. The mover of the resolution is also urgent, and desires a number of witnesses to be summoned. Mr. Corwin, also, wishes a number of witnesses to be summoned, some of whom reside in distant States. The committee, from what they have seen of this matter, have come to the conclusion that it is impossible for them to commence and get through with the investigation before this session closes. It is known to all the members that if the session closes before the investigation has concluded, that the committee is dissolved, and there the thing ends. It is a question involving the character of a high functionary, who is pressing the matter on one hand, and the mover of the resolution upon the other, and all we ask is to make this little report, and then for the House to make such a disposition of the matter as they think proper.

Mr. HOUSTON. I shall not object to making the report unless some discussion comes up.

The Clerk then read the report, as follows:

The Select Committee appointed to investigate the facts touching the connection of the Hon. Thomas Corwin, the present Secretary of the Treasury, with the Gardiner claim, allowed by the Board for the adjustment of claims against the Republic of Mexico, under the treaty of Guadalupe Hidalgo, report, that there will not be time during the present session of Congress to complete the investigation which they are required to make by said resolution, or to procure the attendance of the witnesses who are named upon both sides, and whose testimony is regarded as necessary to the full examination of said claim, or the connection of the said Corwin therewith.

Mr. JOHNSON. I think I may speak for every member of the committee, when I say that we want the facts understood, and all the parties to have justice done them. The letters are short, and if read, will show what Mr. Corwin desires.

The Clerk read the first letter, which is as follows:

WASHINGTON CITY, August 24, 1852.

DEAR SIR: Amongst the published proceedings of the House of Representatives on Monday, I have observed a resolution of inquiry into my connection with the claim of Dr. Gardiner, before the late Mexican Commission.

I see by the published proceedings of this day, that you are the chairman of the committee raised on this resolution. As the session of Congress is drawing rapidly to a close, I am sure you will fully comprehend my extreme anxiety, that your investigation, so far as I am concerned, should proceed with the utmost possible dispatch.

I most respectfully ask, that you will inform me by the bearer of this, when I may have the opportunity of presenting testimony to the committee. Very respectfully,

THO. CORWIN.

HON. ANDREW JOHNSON.

Mr. JOHNSON. I will just say in this connection, that the committee met immediately on the receipt of that letter, and Mr. Corwin was informed that he could attend the next morning, which he did. The committee then took the necessary steps, and it was agreed to make the report which has just been read, and which was in readiness to be made to the House the day before yesterday. After that report was agreed to, the letter now about to be read was sent to the committee.

The Clerk then read the second letter, as follows:

WASHINGTON CITY, August 26, 1852.

DEAR SIR: I understood this morning, that the special committee, of which you are the chairman, have resolved that they cannot proceed with the investigation assigned to them.

The anxiety expressed by me to the committee, that it should investigate and report to the present session, induces me now to request that the committee shall ask and obtain leave to sit in the vacation, and close the matter by a report, so far as I am concerned, as soon as possible. Yours, respectfully,

THO. CORWIN.

(Hon. A. JOHNSON.)

Mr. JOHNSON. I will only add, that great anxiety is manifested by the Secretary of the Treasury on the one hand, and on the other hand, by the mover of the resolution, [Mr. OLDS,] that this investigation should be gone into. It is for the House to determine what course they will pursue.

Mr. CAMPBELL, of Ohio. I desire to ask if the mover of the resolution [Mr. OLDS] has not left the House and gone home?

Mr. EDGERTON. I will say in behalf of my colleague, [Mr. OLDS,] the mover of the resolution, who has been called home, that he is exceedingly anxious for the prosecution of this inquiry; and he requested me so to say to the House, that he is equally anxious that the committee should have an opportunity of sitting during the recess, and ascertaining the facts of the case. I move, therefore, if it be in order, that the committee have leave to sit during the recess.

Mr. GENTRY. Mr. Speaker, I do not undertake to express any opinion whatsoever, founded upon anything like an investigation of the charges and imputations that have been made against the Secretary of the Treasury, whether they are true or false, just or unjust. Certainly, so far as I can form an opinion from all my preconceptions of the character and principles of that officer, I should hold them to be false, unjust, injurious, and calumnious imputations. But yet it cannot be denied, that men of very high character have sometimes disappointed the expectations which such a character has given their friends and the public a right to entertain. We are not to assume that because an individual has maintained a high character, he may not fall from that high position, and disappoint the high expectations which have been raised, and which his friends have had a right to indulge. These imputations against Mr. Corwin are of a character which involve his official and personal honor. It is his interest to desire that this investigation, now, after all that has been said, should be made speedily and promptly, thoroughly and effectively, if indeed he feels that he is an innocent man. He has a right to demand that he should have the vindication which a full development of the facts of the case would give him. To so much as this, if he is an injured man, is he entitled from this House. On the other hand, those who have made themselves responsible for these charges, are interested in having an opportunity to make good those charges, that they, if they can substantiate them, may stand vindicated against the imputation of being false and malicious slanderers. Let the investigation, therefore, be had, and if the Secretary of the Treasury is guilty, let him be impeached, and if he is innocent, let him be vindicated; and let his calumniators stand branded with the infamy and dishonor which they will deserve. Therefore I say that this committee ought to sit during the recess.

Mr. HOUSTON. I move that that report be laid upon the table.

Mr. GENTRY. Sir, I hope not. Every principle of justice revolts against such a proceeding. A member of this House has pertinaciously insisted upon this investigation. This House has so far entertained the subject as to appoint, upon his demand, a Select Committee to investigate the charges. The House now owes it to the country, to the officer whose character is implicated, to the member of the House who has made himself responsible for this proceeding, and to its own character, not to stop short of a full investigation.

Mr. HOUSTON. I am willing that gentlemen shall discuss this proposition as much as they please. All I want to do is to dispose of the civil and diplomatic appropriation bill. I ask the permission of the House to take up that bill.

Mr. RICHARDSON. I appeal to the gentleman to hear me but for a moment.

Mr. HOUSTON. I am perfectly willing to withdraw my motion to lay the report on the table for the present. All I desire is to dispose of the civil and diplomatic bill. It will not take five minutes to do it.

Mr. RICHARDSON. If my friend will yield me the floor for a moment, I think we can dispose of this other matter.

Mr. MEADE. I hope the House has sense of justice enough to vote against laying the report of the Select Committee on the table.

Several MEMBERS. That motion has been withdrawn.

[Shouts of "Order!" "Order!" and much confusion.]

The SPEAKER. The Chair inquires of the gentleman from Alabama, whether he has withdrawn his motion to lay the report upon the table?

Mr. HOUSTON. I did withdraw it.

The SPEAKER. Then the question before the House is on the motion of the gentleman from Ohio, [Mr. EDGERTON,] that the Select Committee have leave to sit during the recess.

Mr. EDGERTON. I have reduced my motion to writing, and I ask the Clerk to read it; and upon its adoption I call the previous question.

[At this time the greatest possible confusion prevailed all over the Hall.]

Mr. HOUSTON. I gave way, as a matter of courtesy, to my friend from Tennessee, [Mr. JOHNSON,] but I had no idea of losing the floor, or of yielding for any other purpose than to enable him to present the report of the committee. I now desire to occupy the attention of the House so long as to get the civil and diplomatic bill referred.

The SPEAKER. The Chair cannot entertain any motion until the motion of the gentleman from Ohio is disposed of.

Mr. GENTRY. I suppose that by general consent, the House can refer the bill, if that is all the gentleman desires. There will be no objection to that, I presume.

The SPEAKER. Is it the unanimous wish of the House—

Mr. RICHARDSON. I rise to a question of order. The point of order I make is this: that the gentleman from Alabama [Mr. HOUSTON] having yielded to the gentleman from Tennessee [Mr. JOHNSON] to submit this motion, it is not in order for the gentleman from Alabama to resume the floor until the proposition made by the gentleman from Tennessee is disposed of.

The SPEAKER. The Chair has so stated to the House.

Mr. RICHARDSON. I desire to move to amend the proposition of the gentleman from Ohio, [Mr. EDGERTON,] by enlarging the powers of the committee.

Mr. EDGERTON. If the gentleman will hear my proposition read, he will see, I think, that it is broad enough.

The Clerk then read Mr. EDGERTON's motion, as follows:

That the committee have leave to sit in the vacation, to send for persons and papers, and to examine witnesses under oath.

#### THE CIVIL AND DIPLOMATIC BILL.

Mr. JONES, of Tennessee. With the permission of the gentleman, I desire to make a suggestion which I think will relieve the House from this difficulty. If the House will informally pass over this subject until the gentleman from Alabama can move the reference of the amendments of the Senate to the civil and diplomatic bill, they can then go on with the discussion of this matter.

The SPEAKER. By unanimous consent that can be done.

No objection was made.

Mr. HOUSTON. The Senate have returned fifty-five or sixty pages of amendments to the civil and diplomatic bill. It is utterly impossible that we can examine them as they ought to be examined, either in the Committee of Ways and Means or in the Committee of the Whole on the state of the Union, and pass the bill this session. I therefore submit the motion that the House disagree to all the amendments of the Senate, and ask for a committee of conference. The Senate expect us to do this. Several Senators have requested me to take this course. It is the only course that will save the bill.

Mr. CABELL, of Florida. It will be recollected that at the last session a similar course was pursued, and the result was that two or three most important changes were made in the law. At all events, I insist on the amendments being read.

Mr. HOUSTON. Then I move to suspend the rules for the purpose I have indicated.

The motion was agreed to.

Mr. GENTRY. If the motion of the gentleman from Alabama shall prevail, the effect will be, I suppose, to refer all these amendments to a committee of conference. Now, I think that is a very objectionable mode of legislating. It is delegating all our powers of legislation to a committee of conference.

Mr. CABELL. I rise to a question of order. I submit that any member of this House has a right to insist upon the reading of these amendments before being called upon to vote upon them.

The SPEAKER. The bill is not yet taken up.



Mr. CABELL. But the proposition is to take it up.

Mr. HALL. If that be the proposition, then the gentleman has no right to call for the reading of the amendments. A majority of the House must decide whether they shall be read or not.

Mr. HOUSTON. I now move that the House non-concur in the amendments of the Senate to the civil and diplomatic bill, and ask for a committee of conference.

The SPEAKER. The Chair will suggest to the gentleman from Alabama that he had better make his motions in their regular order. The bill has not yet been taken up.

Mr. HOUSTON. Then I move that the House now take up the civil and diplomatic bill, with a view of non-concurring in the amendments of the Senate, and appointing a committee of conference.

The question was put, and the House agreed to take up the bill.

Mr. HOUSTON. I now move that the House non-concur in all the amendments of the Senate; and if it be competent, I also include in the motion that to appoint a committee of conference, and ask that the two propositions may be decided by one vote; and I call for the previous question.

Mr. CABELL. Is it not in order to call for a division of that motion, so that the vote shall be taken upon the two propositions separately?

The SPEAKER. The gentleman from Alabama moves that the House non-concur with the amendments of the Senate to the civil and diplomatic bill, and that a committee of conference be appointed. The Chair decides that the motion is susceptible of division, and the vote must be taken upon each proposition separately, if demanded by any member.

Mr. CABELL. I demand a division of the question.

The SPEAKER. The Chair thinks that the propositions will have to be voted upon separately.

Mr. STANTON, of Kentucky. I rise to a question of order.

Mr. CLINGMAN. I beg to present this question of order—

The SPEAKER. The gentleman from Kentucky was first recognized by the Chair, and will submit his question of order.

Mr. STANTON. These amendments, or nearly all of them, contain appropriations. I submit, therefore, that under the rules of the House they must first be considered in the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman is correct. The rule does require that the amendments shall go to the Committee of the Whole on the state of the Union.

Mr. RICHARDSON. I move to suspend that rule.

Mr. HOUSTON. I submit that the rule has been suspended.

Mr. STANTON. Certainly not.

Mr. CLINGMAN. I rise to a question of order, which will take precedence to that of the gentleman from Kentucky, and which will obviate, I think, all difficulty. I submit that this bill was taken up by general consent.

Mr. CABELL. Not at all.

Mr. CLINGMAN. After it was taken up the gentleman from Alabama [Mr. HOUSTON] moved to suspend the rules to introduce the motion to non-concur with the amendments of the Senate, and to appoint a committee of conference. The question was then put, and the rules were suspended, to enable the gentleman from Alabama to introduce this identical motion. That was my understanding of the matter. I beg to call the attention of the gentleman from Alabama to this statement, and ask him if it is not correct?

The SPEAKER. The Chair sustains the view taken by the gentleman from North Carolina. The gentleman from Alabama moved to suspend the rules with a view of submitting his proposition to non-concur with the amendments of the Senate, and appoint a committee of conference. The Chair thinks the gentleman has not changed his proposition since the rules were suspended. He therefore decides that the proposition to non-concur with the amendments of the Senate is now before the House.

Mr. STANTON. I think the Chair labors under a misapprehension. My recollection is, that the rules were suspended to take the bill up, not to introduce the motion to non-concur with the

amendments and appoint a committee of conference.

The SPEAKER. That was the recollection of the Chair for the moment, but he now believes that is not the history of the question.

Mr. STANTON. My recollection is very clear, that the rules were suspended for the purpose of taking up the bill.

The SPEAKER. The Chair will state to the gentleman from Kentucky, that the bill was taken up by general consent. The gentleman from Alabama then moved to suspend the rules for the purpose of submitting his motion. The rules were suspended, and the Chair now decides the question before the House to be upon the motion to non-concur with the amendments of the Senate, and to appoint a committee of conference; which motion, upon further reflection, he thinks must be taken as a whole.

Mr. CABELL. I desire to ask the Speaker one question.

Mr. CARTTER. I call the gentleman to order.

Mr. CABELL. I ask the Speaker if I have not the right to ask upon what amendment the House are now called upon to act?

The SPEAKER. Upon all the Senate amendments to the bill.

Mr. CABELL. Well, what are they? Have I not the right to have them read, in order that the House may know what they are acting upon?

Mr. HOUSTON. I call for the previous question upon my motion.

Mr. STUART. I ask the Speaker if I was not recognized before the gentleman from Alabama, and if so, whether he had the floor to call the previous question?

The SPEAKER. The gentleman from Alabama called for the previous question some ten minutes since, upon his motion. Since that time we have been indulging in questions of order.

Mr. STUART. Then I object to any further discussion.

Mr. STANTON, of Tennessee. The gentleman from Florida [Mr. CABELL] calls for the reading of the amendments; I ask if it is not in order for me to move to dispense with the reading?

The SPEAKER. It is competent to suspend the rules for that purpose.

Mr. BAYLY, of Virginia. Is it in order to move to refer this bill?

The SPEAKER. Not in the opinion of the Chair. We are now acting under a suspension of the rules.

Mr. BAYLY. The rules were only suspended for the purpose of taking up the bill.

The SPEAKER. Debate is not in order. The previous question has been called.

Mr. BAYLY. I move to recommit the bill to the Committee of Ways and Means.

The SPEAKER. The Chair replies to the gentleman from Virginia that his motion is certainly out of order.

Mr. SEYMOUR, of New York. I wish to inquire if it is not in order to have these amendments read?

The SPEAKER. The Chair thinks it is.

Mr. HOUSTON. I beg to tell gentlemen that it will take till to-morrow night to read the amendments.

Mr. CARTTER. I object to all further debate, and call for the question on the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. CABELL, of Florida. What is the main question?

The SPEAKER. It is upon the rejection of the amendments of the Senate to the civil and diplomatic appropriation bill, and the appointment of a committee of conference.

Mr. CABELL. I ask the Chair again if I have not the right to have the amendments read?

The SPEAKER. The Chair is of the opinion that, strictly speaking, under the rule, any gentleman has the right to demand that the amendments be read.

Mr. CABELL. I demand it.

The SPEAKER. Then the Clerk will proceed to read the amendments.

Mr. CLINGMAN. I move to suspend the rule which requires that the amendments shall be read.

The SPEAKER. Under the circumstances, the Chair will entertain the motion.

Mr. STUART. I wish to suggest to the Chair that it is not by a rule of the House that this right exists; it is by parliamentary law. By parliamentary law every member has the right to have the amendment or the proposition, whatever it is, read before he is called upon to vote upon it. If it existed by our rules we should have a right to suspend those rules, but it is settled by parliamentary law, over which we have no such control.

Mr. CHASTAIN. I call for the reading of the 57th rule.

It was read by the Clerk, as follows:

"When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a vote of the House."

The SPEAKER. The Chair will state the law upon this subject, as he understands it. The gentleman from Michigan [Mr. STUART] says this is parliamentary law, and the House have no right to suspend it. The Chair thinks that the rules of the House are also parliamentary law, so far as this House is concerned. Our rules adopt the parliamentary law; and we may, by a majority, repeal or suspend that law so far as its application to the House is concerned. There is and can be no question about it. We may suspend it the same as any rule of the House. The Chair thinks there is no doubt about it.

Mr. CARTTER. I renew the motion of the gentleman from North Carolina to suspend the rules for the purpose of submitting a motion to dispense with the reading of the amendments.

Mr. CLINGMAN. I have not withdrawn the motion.

Mr. MEADE. I wish to ask the Chair if any member of this House, or all the members of this House, can be compelled to vote upon a proposition which has not been stated to the House by having it read? I protest against any such action.

The SPEAKER. The gentleman from Virginia has misunderstood the Chair, though it has been the Chair's misfortune, and not the gentleman's fault. He has stated the proposition about five times, and if, in consequence of the confusion which prevails in the Hall, it is still not understood, the Chair will take great pleasure in stating it again.

Mr. STANTON, of Kentucky. I call for the yeas and nays upon the suspension of the rules.

The SPEAKER. The rules of the House were suspended for the purpose of enabling the gentleman from Alabama [Mr. HOUSTON] to submit a proposition. The gentleman did submit his proposition, which is, that the House disagree to the amendments made by the Senate to the civil and diplomatic bill, and that a committee of conference be appointed to meet a similar committee upon the part of the Senate. That is the proposition now before the House, and the Chair thinks the gentleman is mistaken in supposing that the Chair had not stated it again and again.

Mr. CARTTER. I call for the question. [Loud cries of "Question!" "Question!"]

Mr. STEVENS, of Pennsylvania. I call for the yeas and nays. I would rather adopt every amendment than to reject them all and send them to a committee of conference. That course was pursued the last session, and some important and necessary amendments were lost in consequence.

[Cries of "Question!" "Question!"]

Mr. EWING. I rise to a question of order. I wish to know if the Speaker has decided—for the confusion was such I could not understand—that we could be forced to vote upon a proposition, about which we know nothing?

The SPEAKER. The Chair has stated very distinctly—but the confusion in the Hall has been so great that he supposes he has been misunderstood by many gentlemen—that any member has the right to demand that the amendments shall be read. The Chair also declares that it is competent for the House to suspend that rule and to dispense with the reading. That is the decision of the Chair.

Mr. ORR. I appeal from that decision. Mr. EWING. As I understand it, the rule, in practice at least, is uniform, that if the informal reading of any proposition before the House be called for by any member, it may be refused him by a majority of the House; but, if I understand the rules of the House, no member can be compelled to vote upon any proposition which he has never heard read. Now, I insist upon hearing

each amendment to the appropriation bill read, before I am called upon to vote upon it.

The SPEAKER. The question is not debatable.

Mr. EWING. I appeal from the decision of the Chair. Is that question debatable?

The SPEAKER. It is not.

Mr. JOHNSON, of Arkansas. I object to any debate.

Mr. LETCHER. I move that the House adjourn. We are doing nothing here.

[Cries of "No!" "No!" "No!"]

The question was taken, and the House refused to adjourn.

The SPEAKER. The question is upon the appeal.

Mr. CHASTAIN. I move to lay the appeal upon the table.

Mr. STANTON, of Tennessee. I desire to state a simple proposition.

Mr. STUART. I object to any discussion.

The SPEAKER. It is objected to, and debate is out of order.

Mr. STANTON. I wish to make an inquiry of the Chair.

Mr. STUART. I object to any statement or inquiry.

Mr. STANTON. Is it not in order to make an inquiry?

The SPEAKER. The gentleman from Tennessee [Mr. STANTON] asks the consent of the House to make an inquiry of the Chair.

Mr. STUART. I object.

Mr. MEADE. I rise to a question of order.

The SPEAKER. There is a question of order already pending, and it is not debatable.

Mr. MEADE. What is that question?

The SPEAKER. The Chair will be happy to state it, if the House will come to order.

Mr. CHASTAIN. Now, I move to lay the appeal upon the table.

The SPEAKER. The Chair desires to state, that there may be no misunderstanding in regard to the question of order, that the gentleman from Alabama [Mr. Hovstou] moved that the rules be suspended—the bill having been taken up by unanimous consent—for the purpose of submitting a proposition that this House reject the amendments proposed by the Senate to the civil and diplomatic appropriation bill, and that this House appoint a committee of conference to confer with a committee upon the part of the Senate upon the disagreements between the two Houses. The gentleman from Florida [Mr. CABELL] demanded that the Senate amendments be read. The Chair decided that he had a right to call for and have those amendments read. The gentleman from North Carolina [Mr. CLINGMAN] rose in his place, and moved a suspension of the rule which gives the gentleman from Florida that right. The Chair entertains that motion. The gentleman from Kentucky [Mr. EWING] appeals from the decision of the Chair. The Chair is not well informed upon which point the gentleman appeals. The Chair has stated the entire of this matter with perfect fairness.

Mr. EWING. No doubt of that; but the Chair does not understand my motion. I will state it.

[Cries of "No!" "No!" "No!"]

The SPEAKER. The gentleman has a right to state briefly the decision of the Chair from which he appeals.

Mr. EWING. I will state it as briefly as I can. I understand that a member asking informally, and for the sake of information, to have an amendment or any proposition re-read is not entitled to it, and that this privilege may be refused to him by a majority of the House. The Chair decides that it is merely under a conventional rule of the House that any member may ask for the original reading, to know what he is voting upon, or is called to vote upon; but that the rule may at any time be suspended, and any member may be forced to vote upon any proposition which has never been read. I appeal from that decision of the Chair.

[Cries of "Question!" "Question!" "Question!"]

Mr. JOHNSON, of Tennessee. I hope the 57th rule will be read.

A Voice. It has been read.

[Cries of "Order!" "Order!"]

The SPEAKER. "The rules of parliamentary practice composed in Jefferson's Manual, shall govern the House in all cases to which they are

applicable, and in which they are not inconsistent with the standing rules and order of the House, and the joint rules of the Senate and House of Representatives." That is the rule of the House. Now, Jefferson's Manual, according to the recollection of the Chair, gives to any member, called upon to vote upon a paper, the right to hear it read. It thereby becomes part of the rules, and governs this body, according to our own written rules. The Chair decides that that rule, as well as any other rule in the book, can be dispensed with by a majority of two-thirds. Upon that point the Chair understands that the gentleman from Kentucky [Mr. EWING] appeals from the decision of the Chair.

Mr. JOHNSON. I am in hopes that the 57th rule will be read.

The SPEAKER. The rule will be again read, unless it is objected to.

Mr. SWEETSER. I object.

Mr. WARD. I would like to make a single inquiry of the Chair.

The SPEAKER. The Chair would be happy to respond to any inquiry gentlemen may make, if it is the pleasure of the House.

Mr. HARRIS, of Tennessee. I object; and I call every gentleman to order who is out of order.

[Laughter.]

Mr. MEADE. I wish to say one word.

Mr. HARRIS. This debate is not in order, and I call the gentleman to order.

Mr. MEADE. The gentleman does not know what—

[Cries of "Order!" "Order!" "Order!"]

The SPEAKER. Debate is out of order.

Mr. MEADE. The gentleman does not know whether I am in order or not.

[Cries of "Order!" "Order!" "Order!"]

The SPEAKER. There is a question of order pending, and debate is not in order.

Mr. MEADE. It is that question which I want to know.

[Cries of "Order!" "Order!" "Order!"]

The SPEAKER. The Chair trusts the House will hear the gentleman from Virginia.

Mr. MEADE. I wish to know of the Chair whether I understand the question?

[Cries of "Order!" "Order!"]

The SPEAKER. The gentleman is out of order, as gentlemen insist upon enforcing the rules.

The question recurring upon the motion to lay the appeal upon the table,

Mr. WARD asked for the yeas and nays.

Mr. ORR. Give us the yeas and nays. It is an outrageous decision.

The yeas and nays were ordered.

Mr. GENTRY. Is it in order to move an adjournment?

The SPEAKER. It is not in order.

Mr. GENTRY. Then I hope we shall proceed.

[Cries of "Call the roll!" "Call the roll!"]

The SPEAKER. The Chair will state the principle involved in the appeal. It involves one single point. The Chair decides that the rule, under which a member may have a paper read at his discretion, may be suspended as other rules of the House.

Mr. MEADE. That is not the question.

[Cries of "Order!" "Order!"]

Mr. MEADE. The question is, whether I shall be compelled to vote upon a paper which has not been read?

[Cries of "Order!" "Order!" all over the House.]

The SPEAKER. The Chair is exhausted in his efforts to keep order, and will be compelled to resort to the power which belongs to the officers of this House unless order is maintained.

Several Voices. "That is right!" "That is right!"

Mr. GENTRY. I hope the House will sustain the Chair.

Mr. BAYLY, of Virginia. Mr. Speaker, I desire—

The SPEAKER. Debate is out of order.

Mr. MEADE. The proposition is stated from the Chair different from what it was before stated.

The SPEAKER. The gentleman is mistaken. The Chair has repeated it again and again in precise language; and it is the question to be voted upon.

Mr. STANLY. I beg pardon of the Chair, but I wish to ask him one question.

The SPEAKER. If the House will indulge the gentleman, the Chair would be happy to hear him.

Many MEMBERS. "I object!" "I object!"

Mr. BAYLY. I wish to ask a question.

Mr. GENTRY. I call the gentleman to order.

Mr. BAYLY. I have a right to ask a question.

The SPEAKER. The gentleman is not in order in propounding a question to the Chair, for that is debate, and none is allowed.

Mr. BAYLY. I have a right, before I vote, to inquire what your decision is.

The SPEAKER. It has been stated.

Mr. BAYLY. Have not I a right to do that?

[Cries of "Order!" "Order!"]

Mr. CARTTER. I ask that the call of the roll shall proceed.

The SPEAKER. The Chair asks gentlemen upon all hands to take their seats, and preserve their own dignity as well as the dignity of this body. The Chair announces again that unless gentlemen do obey the authority of the Chair, the Chair will call upon the Sergeant-at-Arms to aid him in executing the rules of this body.

The question was then taken upon the motion to lay the appeal upon the table, and it was decided in the affirmative—yeas 78, nays 65; as follows:

YEAS—Messrs. Charles Allen, Averett, Bockock, Bragg, Briggs, Albert G. Brown, Burrows, Busby, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Chapin, Chastain, Chingman, Conger, John G. Davis, Dawson, Doty, Dunham, Eastman, Edgerton, Evans, Faulkner, Floyd, Gentry, Gorman, Grey, Hall, Isham G. Harris, Hart, Hays, Hendricks, Henu, Hibbard, Horsford, Houston, Howard, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Daniel T. Jones, George W. Jones, Geo. G. King, Preston King, Kurtz, Letcher, Martin, Morrison, Murphy, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Perkins, Phelps, Red, Riddle, Robbins, Robie, Scudder, Skelton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Strother, T. Taylor, Thurston, Venable, Washburn, Watkins, Wells, and Wildrick—78.

NAYS—Messrs. Aiken, Allison, Ashe, Babcock, Thos. H. Bayly, Barrere, Bibbhausa, Bowie, John H. Boyd, George H. Brown, Buell, E. Carrington Cabell, Caskey, Clark, Cleveland, Cobb, Colcock, Daniel, Dimmick, Dockery, Ewing, Florence, Fowler, Henry M. Fuller, Gaylord, Goodnow, Goodrich, Green, Hammond, Harper, Hascall, Haven, Hebard, Holladay, John W. Howe, Thomas Y. How, Mann, McCorkle, McQueen, Meade, Millson, John Moore, Morehead, Murray, Nevins, Orr, Outlaw, Penningman, Powell, Price, Richardson, Schoonmaker, David L. Seymour, Stanly, Benjamin Stanton, Thaddeus Stevens, Stuart, Sweetser, Tuck, Walbridge, Walsh, Ward, Welch, Woodward, and Yates—65.

So the appeal was laid upon the table.

Mr. STEVENS, of Pennsylvania. I call for the yeas and nays upon the motion to suspend the rules. I want to know if we are to vote upon what we know nothing at all about?

Mr. GENTRY. I rise to a question of order. I do not intend to delay or embarrass the Chair with unnecessary importunity upon any point of order, and it is my rule to submit even when I think it is wrong, rather than create confusion by unnecessary points of order.

The 57th rule says that when the reading of any paper is called for, and it is objected to by any member, it shall be determined by a vote of the House. My question of order is, that upon the question raised by my honorable friend from Florida, [Mr. CABELL], the simple question is, Shall the paper be read? That the House can determine; and the motion to suspend the rules is out of place, because it implies that it requires a suspension of the rules to do that which by an express rule of the House may be done by a majority of the House.

The SPEAKER. The Chair makes a distinction; and thinks that the gentleman will, upon reflection, agree with the Chair upon the point. The Chair again repeats, that any member upon the floor may have a paper read at the Clerk's desk upon which he is called upon to vote for the first time. No member may have it read a second time without a vote of the House. There is the distinction.

Several Voices. "That is right!" "That is right!"

The SPEAKER. It is a motion to read a paper which the rules of the House do not require to be read that that rule was made for.

Mr. GENTRY. It resolves itself into a sort of technicality. If amendments to the civil and diplomatic bill are not to be regarded as papers, then the 57th rule does not apply to them.

# THE CONGRESSIONAL GLOBE.

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MONDAY, AUGUST 30, 1852.

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Mr. STEVENS, of Pennsylvania. Does the gentleman appeal?

Mr. GENTRY. I do not.

Mr. STEVENS. Then I call him to order.

Mr. GENTRY. I think other gentlemen would do well to act upon the same idea, and not annoy the Speaker with unnecessary questions of order.

Mr. JOHN W. HOWE. Is the appeal still pending?

The SPEAKER. The appeal was laid upon the table, and the decision of the Chair was sustained.

Mr. RICHARDSON here obtained the floor.

Mr. GENTRY. Will my friend from Illinois allow me one moment?

Mr. RICHARDSON. Certainly.

Mr. GENTRY. In connection with the rule which I have read I wish to make one remark. The rule is very brief, and I will read it again:

"When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House."

Now there is a note to that rule, as follows:

"As originally adopted, this rule contains, after the word 'for,' the words 'which had before been read to the House.' They were stricken out on the 14th of December, 1795."

The SPEAKER. Very good. If the gentleman will allow the Chair—and it embraces precisely one of the cases which the Chair gave a few moments ago—the Chair holds that a paper in the shape of a bill, for instance, to be voted upon, must be read under the law, and that you cannot dispense with the reading unless you dispense with the rules. But if the paper has been read once, it is not within the power of any one member to demand that it shall be read a second time. The rule provides, that if he be sustained by a vote of the House he may have it read. Again, it will embrace another case like this: If a member asks that a paper not before the House—a letter, for instance—be read, and it is objected to, he may, by a vote of the House, have it read. A bill or amendment to be voted upon must be read under the rule—the rule commands it—and it cannot be dispensed with except by a vote of two thirds. That is the decision of the Chair.

Mr. RICHARDSON. I agree entirely with the decision made by the Chair; but the point I wish to arrive at is whether two thirds of the House can dispense with the reading of a proposition upon which members are called to vote? On that, probably, the Chair and myself will differ. I agree with the Chair that it is the right of every member to have a proposition read once. These amendments have not been read at all.

The SPEAKER. The Chair might agree with the gentleman from Illinois, that it would be very tyrannical for the House to give a vote which would force any member to vote upon a matter he had not heard read. That is one point. Another is the rule by which we are governed in this matter. The Chair repeats, that our written rules adopt Jefferson's Manual, so far as they are not inapplicable and inconsistent with the other rules adopted for our Government. Mr. Jefferson's Manual, and the practice of all deliberative bodies, so far as the Chair knows anything about them, require a paper that is to be voted upon to be read. That is a rule. We have other rules, all, or any of which, the Chair decides may be dispensed with by a vote of two thirds.

Mr. RICHARDSON. The difference between the Chair and myself is this: I contend that you cannot by a two-thirds vote dispense with the first reading. The Manual, so far as it has been adopted, does not come within the category of the rules, and you cannot suspend it if any member objects.

The SPEAKER. The Chair thinks that it would be difficult for the gentleman to point to authority to sustain his position.

Mr. STANTON, of Tennessee. Is it in order to have read a case of the last Congress which is precisely in point?

The SPEAKER. If not objected to.

Mr. CAMPBELL, of Illinois. I object.

Mr. STEVENS, of Pennsylvania. What is before the House?

The SPEAKER. A proposition to suspend the rules.

Mr. BAYLY, of Virginia. As the gentleman from Tennessee says there is a precedent in point upon this subject, I beg the House will let it be read.

The SPEAKER. By the unanimous consent of the House alone can it be read.

Mr. STUART. I object.

The SPEAKER. The Chair would beg gentlemen to draw correct distinctions between the decision of the Chair and the objects to be arrived at by them. If the Chair were upon the floor, he might vote with those who thought it tyrannical to force a member of the House to vote upon what he never heard. That is one point, and the rule is another. The Chair has great confidence that he has stated the rule correctly.

A MEMBER. There is no doubt about that.

The SPEAKER. The question is, "Shall the rules be suspended that the reading of these amendments may be dispensed with?"

Mr. KING, of New York. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and the rules were not suspended—yeas 55, nays 91; as follows:

YEAS—Messrs. William Appleton, Briggs, Albert G. Brown, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chapman, Chastain, Clingman, John G. Davis, Dawson, Dean, Doty, Duham, Eastman, Faulkner, Floyd, Gilmore, Gorham, Grey, Hall, Isham G. Harris, Hart, Henn, Hibbard, Horsford, Houston, Ives, Jackson, Jenkins, Andrew Johnson, John Johnson, Robert W. Johnson, Geo. W. Jones, Letcher, Mason, McNair, Molony, Murphy, Samuel W. Parker, Peaslee, Perkins, Phelps, Porter, Reed, Riddle, Robbins, Robie, Savage, Frederick P. Stanton, Abraham P. Stephens, Stone, Strother, Taylor, and Venable—55.

NAYS—Messrs. Aiken, Allison, Ashe, Averett, Babcock, Thomas H. Bayly, Barrere, Bibb, Bibb, Biscoe, Bowie, Bragg, Breckinridge, Brooks, George H. Brown, Buell, Burrows, E. Carrington Cabell, Joseph Cable, Caskey, Clark, Cleveland, Cobb, Colcock, Conger, Daniel, Dimmick, Dockery, Duncan, Edgerton, Edmundson, Ewing, Florence, Fowler, Henry M. Fuller, Goodenow, Goodrich, Green, Hammond, Harper, Haws, Hasenell, Haven, Hebard, Holladay, Howard, John W. Howe, Thomas Y. How, George G. King, Preston King, Kurtz, Landry, Lockhart, Mann, Martin, McCorkle, Meade, Millson, John Moore, Murray, Newton, Orr, Outlaw, Penn, Penniman, Powell, Price, Richardson, Sackett, Schoolcraft, Schoonmaker, David L. Seymour, Skelton, Benjamin Stanton, Richard H. Stanton, Thaddeus Stevens, St. Martin, Stuart, Sweetser, Thurston, Tuck, Walsh, Watkins, Welch, Wells, and Wildrick—91.

So the rules were not suspended, (two thirds not voting in the affirmative.)

Mr. CABELL, of Florida. My sole object was to prevent being called upon to vote upon propositions which had never been read.

[Cries of "Read on!" and "Object to discussion!"]

Mr. CABELL. I withdraw the proposition that the amendments be read, with a view that the bill may be referred to the Committee of the Whole on the state of the Union, or the Committee of Ways and Means; I care not which.

The SPEAKER. The Chair will state to the gentleman from Florida that it is not within his power to withdraw an objection that will at all affect the reading of the paper, because the law of the House requires the paper to be read, and it cannot be dispensed with, according to the decision of the Chair, without a vote of two thirds, which vote has not been given.

[Cries of "Read on!" "Read on!"]

Mr. CABELL. I rise to a question of order. I rose in my place, and asked that these amendments be read. The gentleman from North Carolina, [Mr. CLINGMAN,] moved that the rule be dispensed with which authorized me to require them to be read. I now withdraw my proposition that they be read—

The SPEAKER. The gentleman has misunderstood the course of proceeding entirely. When the gentleman from Florida rose, and asked that the amendments be read, the Chair directed the Clerk to go to the reading under the rule. The motion made by the gentleman from North Caro-

lina was to suspend the rules, so as to dispense with the law of the House requiring the reading. The amendments must be read, the House having declined to dispense by a two-thirds vote.

Mr. CAMPBELL, of Illinois. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

Mr. STEVENS, of Pennsylvania. If it be in order, I move that this bill be referred to the Committee of Ways and Means.

The SPEAKER. We are acting under the operation of the previous question, which was ordered upon the proposition of the gentleman from Alabama, [Mr. Housron,] and no motion to commit is in order.

The Clerk proceeded with the reading of the amendments.

Mr. CABELL. Is it in order to ask for a vote upon the amendments as we proceed?

The SPEAKER. It is not in order. The object of reading the amendments now, is to enable gentlemen to determine how they will vote upon the proposition of the gentleman from Alabama, which is to reject the amendments in gross. We are acting under the operation of the previous question and a suspension of the rules, which enabled the gentleman to submit that peculiar motion.

Mr. CABELL. Has the gentleman asked the previous question?

The SPEAKER. It has been ordered by a vote of the House.

Mr. CABELL. Is it in order to move to reconsider the vote by which the previous question was ordered to be put?

The SPEAKER. The Chair thinks that it would.

Mr. CABELL. I then submit that motion. Mr. ORR. I move to lay that motion upon the table.

Mr. PHELPS. I rise to a question of order. Whilst we are reading these amendments, no motion can be made.

The SPEAKER. The Chair overrules the point of order, and is of the opinion that a motion to reconsider is a privileged question.

The question was put on laying the motion to reconsider upon the table, and upon a division there were—ayes 67, noes 45.

Mr. CABELL. I demand tellers. Tellers were ordered; and Messrs. HART and ALLISON were appointed.

The question was again put, and the motion to reconsider was laid upon the table, the tellers having reported—ayes 85, noes 44.

The Clerk proceeded with the reading of the amendments.

Mr. BAYLY, of Virginia. I ask the unanimous consent of the House to dispense with the reading of these amendments, because that is the precedent, although it has been stated otherwise.

Mr. LETCHER. I object. The Clerk proceeded with the reading.

Mr. CARTTER. I want the gentleman from Virginia to withdraw his objection. He made it to punish his own friends, who objected to the dispensing with this silly ceremony of reading.

The SPEAKER. Is it the unanimous pleasure of the body that the reading be dispensed with?

Mr. STANTON, of Ohio. I wish to know if these amendments all go to the Committee of Conference, whether, when the report comes back, it can be divided?

The SPEAKER. The Chair thinks not. Mr. STANTON. Does the Chair hold that we cannot have a separate vote upon the amendments here?

The SPEAKER. The Chair so holds. Mr. STANTON. If that be the state of things, I will not object.

The SPEAKER. Is there objection to dispensing with the reading?

There was no objection.

The SPEAKER. The question now recurs upon the proposition made by the gentleman from Alabama, and it is a double one. It is, that the



amendments of the Senate be rejected in mass, and that a committee of conference be appointed, to meet with one on the part of the Senate.

Mr. STANTON, of Kentucky. If the House vote down the proposition of the gentleman from Alabama, we then take a separate vote upon each amendment?

The SPEAKER. The Chair will state, that if the proposition of the gentleman from Alabama be voted down, the bill, under the rules, must be committed to the Committee of the Whole on the state of the Union, unless the rules be suspended so requiring.

Mr. JONES, of Tennessee. Under the rules and practice of the House, the negative of the proposition of the gentleman from Alabama is a concurrence with all of the amendments of the Senate as they now stand.

The SPEAKER. The Chair has a different impression. He will decide questions as they arise.

Mr. EWING. I would ask whether the motion of the gentleman from Alabama can be entertained with reference to these amendments which have not yet been put in the possession of the House? He moves to reject the whole of them, although they have not been read.

The SPEAKER. By the unanimous consent, the reading was dispensed with.

[Cries of "Question!" "Question!"]

The SPEAKER. The Chair desires to be precisely correct in stating the proposition of the gentleman from Alabama.

Mr. HOUSTON. My motion was to non-concur with the amendments of the Senate, and ask for a committee of conference.

The question was taken, and the amendments in gross were rejected, and a committee of conference was ordered to be requested of the Senate.

Mr. CLINGMAN. I move to reconsider that vote, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

#### THE GARDINER CASE.

Mr. EDGERTON. I move to take up the motion I submitted to the House to allow the special committee to sit during the recess.

The SPEAKER. That matter is before the House by unanimous consent.

Mr. RICHARDSON. I claim the floor on that proposition.

Mr. EDGERTON. I ask the previous question.

The SPEAKER. The Chair misunderstood the gentleman from Illinois, [Mr. RICHARDSON.] It seems that he claims the floor upon this subject. The Chair thought that the gentleman had reference to the other matter.

Mr. RICHARDSON. I propose to amend.

Mr. EDGERTON. The gentleman from Illinois cannot amend when I offered the proposition and moved the previous question.

The SPEAKER. The Chair understood the gentleman from Illinois [Mr. RICHARDSON] either as giving way for the introduction of the proposition or as adopting it.

Mr. RICHARDSON. I claim the floor upon the proposition.

The SPEAKER. The question is, whether the proposition of the gentleman from Ohio [Mr. EDGERTON] is before the House.

Mr. EDGERTON. I made my proposition verbally.

The SPEAKER. It is now before the House in writing, and will be reported to the House.

The resolution was then read, as follows:  
*Resolved*, That the select committee appointed to investigate the connection of Thomas Corwin, Secretary of the Treasury, with the Gardiner claim, have leave to sit in vacation and send for persons and papers, and to examine witnesses under oath.

Mr. RICHARDSON. It is necessary, in order to terminate their labors before the meeting of the next session of Congress, that they should make their report to some one of the officers of the House. I propose, in the amendments I submit, to obviate the difficulty which exists in the proposition made by the gentlemen from Ohio, [Mr. EDGERTON.] The gentlemen who constitute the committee may get through in two or three weeks, probably in three or four. They do not want to remain here until the sitting of the next Congress. It is necessary, then, that power should be given them to make their report to the Clerk of the

House. There is another amendment which I desire to make. I do not know very much about this Mexican Commission, but I take it for granted in the immense allowances they have made, that there are other cases where they have done wrong as well as in the case of Gardiner. I propose to give the committee power to inquire into all cases if it becomes necessary to investigate them, and make their report. I move to amend the proposition of the gentleman from Ohio [Mr. EDGERTON,] then, in two particulars, first, to enlarge the powers of the committee, and second, to enable them to make their report to the Clerk of the House during the recess of Congress.

Mr. EDGERTON. I rise to a question of order, and that is, that when I offered my proposition to the House, I moved the previous question.

The SPEAKER. The Chair did not so understand it.

Mr. EDGERTON. I now ask the previous question on the proposition I submitted.

Mr. SWEETSER. I rise to a question of order, that the amendment of the gentleman from Illinois [Mr. RICHARDSON] is not in order, as it proposes to enlarge the powers of the committee.

Mr. RICHARDSON. My amendment is, that the committee have power to investigate any other claims that were allowed by the board appointed to sit upon the Mexican claims, and to transmit their report to the Clerk of the House during the recess of Congress.

Mr. SWEETSER. I make two points of order upon that proposition. My first point of order is, that the gentleman from Illinois [Mr. RICHARDSON] has enlarged the powers for which this committee was raised, and is, therefore, not in order; and my second point of order is, that to authorize the committee to report to the Clerk of the House is not in conformity with our rules, and that such committee cannot report except to this House when in session.

The SPEAKER. The Chair overrules the first point of order, but is inclined to sustain the second. [Laughter.]

Mr. CARTER. I wish to make a practical inquiry in relation to this subject.

The SPEAKER. A demand for the previous question is made, and all debate is cut off.

Mr. CARTER. I ask my colleague to withdraw it for a moment.

Mr. EDGERTON. I cannot. I believe my proposition is all that is desired by the committee.

Mr. RICHARDSON's amendment was then read, as follows:

And that the committee have power to examine and report upon any claims allowed or rejected through the procurement of fraud or false suggestions before such Board established under the treaty of Guadalupe Hidalgo.

Mr. CAMPBELL, of Ohio. I rise to a question of order. The resolution constituting this committee was introduced, under a suspension of the rules, for the specific purpose of investigating the connection of the Secretary of the Treasury with this matter. Now, this is a proposition to introduce other investigations, and I make the point of order that it cannot be done now.

The SPEAKER. Does the gentleman contend that it will not be in the power of the House to enlarge the powers of its committees, so far as to enable them to send for persons and papers, when the rules have been suspended for the specific purpose? The Chair overrules the point of order.

Mr. CAMPBELL. I take an appeal from the decision of the Chair.

Mr. HALL. I move to lay the appeal upon the table.

The question was then taken upon Mr. HALL's motion, and it was decided in the affirmative.

So the appeal was laid upon the table.

Mr. CARTER. With the permission of my colleague, I wish to ask the chairman of the committee of investigation a single question, with a view to the practicability of its sittings during the recess. I am told that witnesses cannot be got here, and it is a useless provision.

The SPEAKER. Discussion is not in order.

Mr. DUNCAN. I rise to a question of order. This amendment is very extraordinary. It proposes to send this committee to investigate perhaps one hundred cases, which have been tried by the commission established under the authority of the Government; and I ask whether it is in order to institute that inquiry without confining the committee to specific cases?

The SPEAKER. The gentleman will remember that the gentleman from Ohio [Mr. CAMPBELL] made that precise question of order. The Chair overruled it, and the House sustained the Chair in its decision.

Mr. DUNCAN. Then I hope that the House will see the propriety of voting down the amendment.

The previous question was seconded, and the main question ordered to be put.

The question was then taken on Mr. RICHARDSON's amendment, and it was rejected.

The question then recurred upon Mr. EDGERTON's amendment.

Mr. HOWARD. I wish to state one fact.

[Cries of "I object!" "I object!" "I object!"]

The question was then taken, and it was decided in the affirmative.

So Mr. EDGERTON's amendment was agreed to.

Mr. EDGERTON moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. CONGER. I ask the unanimous consent of the House to enable me to introduce the following resolution, which I ask may be read for information.

The resolution was then read, as follows:

*Resolved*, That the Clerk of the House be directed to purchase of the publisher, for the use of members of this House, twenty thousand copies of Stansbury's Report of his Expedition to the Great Salt Lake: *Provided*, The same are executed in like style, and at a price not exceeding that paid by the Senate for the same.

Mr. HARRIS, of Tennessee. I object.

Mr. CONGER. Then I move to suspend the rules.

Mr. FICKLIN. I move that the House do now adjourn.

[Loud cries of "No!" "No!"]

Mr. TUCK. I have a matter upon which I wish—

[Shouts of "Order!"]

The SPEAKER. The gentleman from New Hampshire must be aware that there is a motion pending to suspend the rules. A motion is made that the House do now adjourn.

Mr. TUCK. If the House will permit me to say a word or two, I know they will not object to the request I am about to make.

The SPEAKER. The Chair will be glad to indulge the gentleman if it is the pleasure of the House.

[Loud cries of "Object!" and "Order!"]

Mr. FICKLIN. What is it that the gentleman from New Hampshire desires?

Mr. TUCK. I have wished to make a speech on the subject of the fisheries, which I will now publish.

[Renewed shouts of "Order!" and "Object!"]

The question was then taken upon Mr. FICKLIN's motion, and it was decided in the negative.

So the House refused to adjourn.

The question recurred upon the motion of Mr. CONGER to suspend the rules.

Mr. CONGER. I wish to inquire of the Chair if it is in order to make a very brief explanation?

The SPEAKER. It is not in order.

The question was then taken upon Mr. CONGER's motion, and it was decided in the negative.

So the rules were not suspended.

#### PAY TO JOURNAL CLERK OF THE HOUSE.

Mr. FITCH. I desire to do justice to one of our officers, and I ask the unanimous consent of the House to offer a resolution for that purpose. I wish simply to state to the House that the Presiding Officer of the House knows more about this matter than anybody else, and I believe approves of the resolution.

The resolution was read as follows:

*Resolved*, That there be paid to the present Journal Clerk of the House, out of the contingent fund, a sum which will make his annual compensation for his past services and until otherwise ordered, equal to that heretofore paid in the House and still paid in the Senate to the person performing a similar duty.

Mr. DUNHAM. I object.

Mr. FITCH. Then I move to suspend the rules to enable me to offer the resolution.

Mr. CHASTAIN. I move that the House do now adjourn.

The question was put, and on a division there were—ayes 67, noes 77.

So the House refused to adjourn.

The question recurred upon Mr. FITCH's motion to suspend the rules.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

The question was then put; and, on a division, there were—ayes 114, noes 17.

So (two thirds voting in the affirmative) the rules were suspended.

The question recurred upon the adoption of the resolution.

Mr. FITCH. I move the previous question.

The previous question was seconded, and the main question was ordered to be put.

Mr. McMULLIN. I would like to know what the Clerk now gets?

[Shouts of "Order!"]

Mr. FITCH. I will inform the gentleman with pleasure. He gets \$1,500.

[Renewed shouts of "Order!"]

The question was then put on the adoption of the resolution, and it was decided in the affirmative.

So the resolution was adopted.

Mr. FITCH. I move to reconsider the vote by which the resolution was agreed to, and to lay the motion to reconsider upon the table.

The question was put upon the latter motion, and it was agreed to.

#### PUBLIC LANDS IN CALIFORNIA.

Mr. HALL. Mr. Speaker, no provision of law at present exists by which the lands in California can be surveyed and sold. I therefore ask the unanimous consent of the House—and if it be refused, I shall move to suspend the rules—to permit the Committee on Public Lands to report back Senate bill No. 7, which provides for the survey of the public lands in California, and the grant of preëmption rights to the citizens of that country.

Mr. JONES, of Tennessee. I object.

Mr. HALL. Then I move to suspend the rules.

The SPEAKER put the question to the House, and announced that it was decided in the negative.

Mr. HALL. I ask for the yeas and nays on the motion to suspend the rules.

The SPEAKER. The Chair supposes that the gentleman is in time in asking for the yeas and nays on his proposition.

Mr. JENKINS. I move that the House do now adjourn, and upon that motion I ask for tellers.

Tellers were ordered; and Messrs. STANTON, of Tennessee, and HENY were appointed.

Mr. CLINGMAN. Before the question is put upon the adjournment, is it in order to determine what time we will adjourn to?

The SPEAKER. It is in order to move the day, within the constitutional provision, to which the House will adjourn.

Mr. CLINGMAN. I suppose that, by a suspension of the rules, the House might determine to adjourn until nine o'clock, or some earlier hour than eleven o'clock, on Monday morning. I desire to fix an earlier hour, because I think it is necessary, and if I have the unanimous consent of the House, I will name nine o'clock.

Mr. JONES, of Tennessee. I object. Eleven o'clock is early enough.

Mr. CLINGMAN. Then I move to suspend the rules.

The SPEAKER. That motion is not in order. There is a motion already pending to suspend the rules, and another motion that the House do now adjourn.

Mr. CLINGMAN. If it will obviate the objection, I will say ten o'clock, or eight o'clock.

Mr. JONES, of Tennessee. Eleven o'clock is time enough.

The question was then put upon Mr. JENKINS's motion, and the tellers reported—ayes 91, noes 27.

So the motion was agreed to, and the House (at twenty minutes past seven o'clock, p. m.) adjourned until Monday at eleven o'clock a. m.

#### PETITIONS, &c.

The following memorial and petitions were presented under the rule, and referred to the appropriate committees:

By Mr. NEWTON: The memorial of Joseph R. Ingersoll and others, praying for the establishment of an Agricultural Bureau.

By Mr. SCUDDER: The petition of Jesse Tuttle and others, of Harwich, Massachusetts, asking that an armed force of the Navy of the United States may be dispatched to the Gulf of St. Lawrence and other waters in that region, to give countenance and protection to the fishermen in their legal rights.

By Mr. FULLER, of Pennsylvania: The petition of A. P. Russell, William Jennison, and others, of Montour county, Pennsylvania, praying the passage of a bill to authorize the Secretary of the Treasury to deposit with the several States the fourth installment of the deposits of the public money to be made with said States by the act approved 23d June, 1836.

#### IN SENATE.

SATURDAY, August 28, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.

On motion by Mr. HUNTER, the reading of the Journal was dispensed with.

#### THE LOBOS ISLANDS.

A message was received from the President of the United States, by Mr. M. P. FILLMORE, his Secretary, transmitting a further report from the Secretary of State relative to the Lobos Islands, accompanied by a copy of the orders of the Navy Department to Commodore McCauley, which was requested by a resolution of the Senate of the 9th instant.

The message was read and ordered to lie on the table and be printed.

#### PETITION.

Mr. CLEMENS presented the petition of John S. Meldrum, praying indemnity for losses sustained while sutler to the thirteenth regiment of infantry during the late war with Mexico; which was ordered to lie on the table.

#### REPORTS FROM STANDING COMMITTEES.

Mr. HUNTER, from the Committee on Finance, to which was referred the bill from the House of Representatives making appropriations for the naval service for the year ending the 30th June, 1853, reported back the same with sundry amendments.

Mr. HALE, from the Committee on Private Land Claims, to which was referred the petition of the legal representatives of Jacques Clamorgan, late of Missouri, submitted a report, accompanied by a bill for their relief; which was read and passed to the second reading. The report was ordered to be printed.

#### CIVIL AND DIPLOMATIC BILL.

The Senate resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th of June, 1853, to which various amendments have been made by the Senate as in Committee of the Whole.

Mr. HUNTER. When we adjourned last night, I said that I would examine the various amendments for the purpose of excepting to such as I thought would require a separate vote; but upon looking to the state of the business, I find there will be no time for that. We will have to trust to the House to revise our proceedings, and object to such amendments as are improper. There is one, however, which I wish to reserve for the purpose of adding to it. That is the amendment in relation to the insane asylum in this city. There is a mistake which it is necessary to correct, in relation to it. I hope the question will be taken upon all the others together.

The amendments made, as in Committee of the Whole, with the exception of the one alluded to, were agreed to.

The excepted amendment is as follows:

"To enable the Secretary of the Interior, under the direction of the President of the United States, to purchase a site, containing not less than ten, nor more than fifteen acres of land, in the neighborhood of Washington, for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, \$100,000: *Provided*, That the whole expense of purchasing the site, the erecting and furnishing and fitting up of the building shall not exceed the sum herein appropriated.

Mr. HUNTER. I move to amend that amendment, by striking out the words "containing not less than ten, nor more than fifteen acres of land," so as to enable the Secretary of the Interior to purchase a site, instead of limiting the quantity of land.

Mr. DAVIS. Will that answer the Senator's purpose? A site will be only a building place, whereas you want a large quantity of land.

Mr. HUNTER. It leaves it indefinite. It leaves to the Secretary to select what quantity is wanted.

Mr. WALKER. I would ask the Senator, if

he has in his mind any given quantity of land which the officer has to purchase?

Mr. HUNTER. I will say, that the original ten or fifteen acres was according to the estimate of the Secretary of the Interior. Upon consultation with other persons, and indeed with the Secretary himself, it was thought that that would not be enough; that it would require about one hundred acres. I have thought, however, that it would be best to leave the quantity indefinite. If the appropriation is not limited in amount, he will only buy so much as will be found to be necessary. He may not be able to get one hundred acres—or more may be wanted; but, however, I am willing, if the Senator desires it, to say, "a site not exceeding one hundred acres."

Mr. BADGER. I think that had better not be done. Suppose they could buy one hundred and fifty acres for half the money, by going a little further out?

Mr. HUNTER. Very well; I will, then, let it stand as I first proposed it.

The amendment to the amendment was agreed to, and the amendment as amended was concurred in.

Mr. HAMLIN. There was an amendment made to the bill increasing the salary of two of the clerks in the office of the Register of the Treasury from \$800 to \$1,000. "The appropriation for the Register of the Treasury, and the clerks, messengers, and assistant messengers in his office," is \$30,400. The increase in the salary of the two clerks will render it necessary to amend that sum by making it \$30,800. I move to amend that clause of the bill by striking out "400," and inserting "800," making the appropriation \$30,800. The amendment was agreed to.

Mr. HUNTER. I wish to say, in relation to this bill, that I hope there will not be many more amendments offered. If there are, we shall be obliged to vote against them, whether right or wrong, because they will endanger the bill.

Mr. JONES, of Iowa. I desire to offer an amendment which the Committee on Finance have authorized. It is to insert in the bill—

For defraying the expenses of surveying and marking the boundary of the States of Missouri and Iowa, under the decision and order of the Supreme Court, \$11,042 68.

I propose this with the permission of the Committee on Finance.

The PRESIDENT. Is there an estimate for it? Mr. JONES. I was going to say so. The appropriation was made at the last session of Congress, and put in the civil and diplomatic bill, but was struck out in the House on the objection of a Missouri member, who supposed that the appropriation had already been made. The estimate has again been made by the Secretary and approved by the Committee on Finance. The appropriation is absolutely necessary.

The amendment was agreed to.

Mr. RUSK. I offer the following amendment as an additional section:

Sec. —. *And be it further enacted*, That if A. Boyd Hamilton, the present contractor for executing the printing of the Senate and House of Representatives shall file with the Secretary of the Senate and the Clerk of the House of Representatives, his written consent to relinquish his contract in terms, the said Secretary and Clerk, and the Clerk of the Printing Committee, are hereby authorized to settle up his accounts for all the work done, all the work ordered now in his hands, in process of completion, and all work that may be ordered by either the Senate or the House of Representatives prior to the assumption of his duties by the public printer under the act to execute the public printing and regulating the prices thereof, and for other purposes, under the rates allowed by the above-mentioned act, deducting thirty per cent. from the prices of the paper named in the said act.

The amendment was agreed to.

Mr. BELL. I desire to offer an amendment, and call the attention of the Senator from Virginia to it. It is to insert the following:

For compensation to the late superintendent of the new custom house at New Orleans, for his services from July 1st, 1851, to January 1st, 1852, \$1,472.

The PRESIDENT. Is that reported from a committee?

Mr. BELL. No, sir; but I think it is more legitimate than a thousand others which have been offered and acted upon.

The PRESIDENT. Then it will not be in order.

Mr. BELL. It provides for compensation to an officer who acted after his term of office had expired. He did not cease to continue his ser-

vices, but he actually performed them after the expiration of his term of office; for which he has not been paid. I have a statement of the Secretary of the Treasury in relation to the service. He should have discontinued his work at the new custom-house on the 1st of July, 1851; but it appears, by the reports of the commissioner relative to the building, made from time to time, that he continued to act until the 1st January, 1852, for which he has received no compensation. The reason of that is stated in a preceding part of the report. I have only to state that, agreeably to a proviso annexed to the appropriation for the building—the act passed 3d of March, 1851—the salary of Mr. Crockett was discontinued after the 30th June, 1851; but he continued to act, as it appears by the reports of the commissioner relative to the building, made from time to time, until the first day of January, 1852. I called the attention of the Senators from Louisiana, in a private conversation, to this subject. Senators will remember that, at the close of the last session, we abolished, suddenly, the office of superintendent, or commissioner for building this custom-house at New Orleans, and entered into a new arrangement. Although he was notified of this on the 30th of June, 1851, it did not go into effect, except that the law prohibited the payment of any salary from 30th June, 1850, until the 1st day of January, 1852; so that he continued to discharge the duties until the 1st January, 1852. The Senator from Louisiana, if he has heard me distinctly, will probably know how this is.

The PRESIDENT. The amendment will be received, if such is the pleasure of the Senate.

Mr. HUNTER. It appears to me to be a private claim. However, the Senate have seemed not to regard the rule.

The PRESIDENT. The Chair is fully aware that the Senate has departed from the rule, and the Chair is therefore under the control of the Senate. The Chair has decided that, in his opinion, this is a private claim.

Mr. BELL. But I hope the Senate will not, in this instance, take the opinion of the Chair, and vote down the amendment.

The PRESIDENT. The Chair's suggestion was simply this: That many amendments had been brought forward of a similar nature, and the Senate had thought proper to entertain them, the Chair entertaining the opinion that they were not admissible; but it was the pleasure of the Senate to admit them. Now, if such is the pleasure of the Senate, this amendment will be received.

Mr. HUNTER. I think it my duty to insist on the rule. At this late period of the session, I am anxious to get the bill through and over to the House at once. If you put any more amendments on the bill, they will all be voted down. I hope the Senator will not insist on his amendment.

Mr. BELL. If gentlemen want to debate it, I do not desire to embarrass the bill.

Mr. PRATT. I think it inappropriate at this late period of the session to attempt to raise the salaries of officers employed by the Government of the United States. We cannot know—we have not time to inquire, what they are now receiving. We have not an opportunity of knowing what ought to be received, and what may be the necessary expenditures at the places at which they may be located. I hope this amendment will not be received. It is a private claim undoubtedly. I hope the Senate will not depart from the rule.

Mr. BELL. It has been received.

Mr. PRATT. I hope the Senate will vote it down.

Mr. BELL. It is no more a private claim than many which the Senate have admitted. But the honorable Senator seems to labor under a misapprehension of the amendment. It does not propose to increase the compensation of an officer. The Senator has made an objection to the amendment without understanding its nature.

The amendment was rejected.

Mr. BRODHEAD. I desire to offer an amendment, to which I presume there will be no objection. It relates to the laborers upon the extension of the Capitol. We have provided for clerks who have constant employment, and it seems to me now that we should look a little to the interest of those who are frequently out of employment. My amendment is to add the following to the bill:

Sec. —. Be it further enacted, That to enable the Arch-

itect to pay the workmen on the extension of the Capitol thirty days' pay during the suspension of the work, the sum of \$18,000 be paid out of the appropriation authorized by the joint resolution approved April 13th, 1852: *Provided*, That no workman shall be paid who was not employed at the time of the suspension of said work, or who was discharged for incapacity or irregularity of conduct.

Mr. ADAMS. I raise the question of order whether that amendment can be received?

The PRESIDENT. It cannot be received.

Mr. BRODHEAD. I appeal from the decision of the Chair. I think the question ought to be put upon the amendment.

The PRESIDENT. Under the rule of the Senate, the Chair decides that the amendment cannot be received, inasmuch as it involves a private claim. The rule is positive, that no private claim shall be incorporated upon an appropriation bill. From the decision of the Chair the Senator appeals. The question, therefore, will be whether the Senate will sustain the Chair in his decision.

Mr. BRODHEAD. I ask for the yeas and nays upon that question.

The yeas and nays were not ordered.

Mr. HALE. I desire to propound a question to the Chair, whether it requires a majority to sustain him in his decision? Last night, while another Presiding Officer was in the chair, it was decided that it required a majority to overrule the Chair.

The PRESIDENT. The Chair has decided that the opinion of the gentleman who then occupied the chair was correct. It requires a majority of the Senate to overrule the decision of the Presiding Officer.

The decision of the Chair was sustained by the Senate, and consequently the amendment was not received.

Mr. WALKER. I move to amend the bill by inserting in it, after the appropriations for the Territories, the following:

For the payment of the sum audited by the proper officers of the Treasury, to John Catlin, for his salary as Secretary and ex officio acting Governor of Wisconsin Territory, from the 10th of June, 1848, to March 4th, 1849, a sum not exceeding \$1,817 26.

I have only to say, that the account of Mr. Catlin has passed the Auditor. Why it is not contained in the estimates submitted to us this year, I do not know, but the Senate once passed it without a word of objection. The papers were before the committee, the account was audited, and the Senate once put the allowance in the bill before it went to the House of Representatives; but in the great number of cases which were then submitted to the committees of conference, the papers were lost, and the account stands now upon the books of the Auditor as an audited account. The Senate has once passed it without a dissenting voice.

The PRESIDENT. It stands on the same footing as the amendment offered by the Senator from Tennessee.

Mr. WALKER. This is not a private claim, but it is to pay an officer of the Government for discharging his duty. His account has already been audited.

The PRESIDENT. It is the same thing, if the services were rendered after the term expired. The Chair will, however, put the amendment, as in other cases.

The amendment was rejected.

Mr. CLARKE. I desire to amend the following clause in the bill:

"For compensation and contingent expenses of the Auxiliary Guard, \$14,800."

There are thirty members of that guard. By the present appropriation, fifteen receive \$500 a year, and the other fifteen receive \$420. At first, there was no difference between them, but since that fifteen have made application, and have had an increase of their salaries to \$500. The other fifteen perform the same service, but receive a less salary, and I only desire an increase of \$1,200 in the appropriation, in order that all may be put upon the same footing. I therefore move to strike out \$14,800, and insert \$16,000, and insert at the end of the clause, "each member of the guard to receive an annual salary of \$500." This will be an increase of \$80 a year to fifteen of the guard, and will make their salaries equal to those of the other fifteen.

The amendment was rejected.

Mr. CLARKE. I move to amend the following section in the bill, by striking out "\$18,000," and inserting "\$6,000:"

"For salary and outfit of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, \$18,000."

That is the appropriation made for the Commissioner to China. The Constitution, in my opinion, is directly against the appropriation being made at this time; and then another objection I have to it is, that it is inexpedient; but as it is in the face of the direct provision of the Constitution, I ask that the amendment may be agreed to.

The amendment was rejected, there being, on a division—yeas 17, nays 17.

Mr. MANGUM. I understand that last night the appropriation in the bill for the Census Bureau was stricken out, and that the Senate to-day have concurred in that. I wish to bring to the attention of the Senate the fact, that in the event no appropriation is made for the continuation of that service, the force must of necessity be disbanded, and the work cannot be accomplished. I move, therefore, to insert in the bill—

For clerk hire, stationery, rents, fuel, and contingencies, and the completion of the census of 1850, \$49,000."

I alter the amount appropriated from \$50,000 to \$49,000. If gentlemen choose to disband the force, and discontinue the labor, they have to take the responsibility. I bring the question before the Senate.

The PRESIDENT. The Chair is under the impression that, as the amendment changes the amount appropriated, it is in order; otherwise, it would not be.

Mr. BORLAND. I have a word to say on the subject. The appropriation was stricken out of the bill by a vote of the Senate last night. The Senator from North Carolina was not here. This morning, by another vote, the Senate concurred in striking out the appropriation. I undertook to show last night, and I think I did show—if, however, I did not show it then to the satisfaction of the Senate, I think I can do so now—that the appropriation ought not to be made. I based it upon the general statement, that, instead of there being no money in the Treasury appropriated to the census, there are \$75,000 there. A note has been laid on the tables of Senators this morning, in which it is stated, that unless the appropriation is made the whole force will have to be disbanded. If there were time for the discussion of the matter, I could show, from papers in my possession, that that force ought to be disbanded; that more money has been wasted, squandered, than the Senate or the country would tolerate, if the facts were laid before them. There have been employed, at one time, I understand, nearly one hundred and ninety clerks. There are now employed from one hundred and forty to one hundred and fifty clerks. The proposition, when it is stated, is monstrous in itself. Looking back to the Sixth Census, we find there were twenty persons employed, and \$60,000 appropriated for compiling the returns. The whole cost of collecting the statistics, compiling them for publication, and printing and binding the whole document, and the abstract of the compendium, was \$904,000. We have already paid \$1,250,000 for this work; and paid for clerk hire, house-rent, and expensive furniture \$208,000. They have now on hand \$75,000 appropriated to this purpose, and not expended. Now, will any one pretend that \$75,000 is not enough to go on with the compiling of the census returns until the next session, when, if a necessity exists for more, we can give it? I have a statement from the accounts in the Auditor's office here; and I find in them an item of expense which, I think, is very characteristic of the whole. The expenses of the individual sent to Europe to visit the World's Fair—paying the expenses of parties of gentlemen and ladies, from five to six, including their wine and other things added; and we are called upon to vote to pay the amount under the head of census expenses. We have an item of \$1,430 for the expenses of the trip, with wine included in the list.

Mr. DAWSON. I would ask the Senator whether he has not observed that the receipt for the whole expenditure, and that the amount charged, are merely for the amount of the individual's expenditures—not for wine?

Mr. BORLAND. No, sir. I have an abstract of the amount which is in the hands of the printer; and I have one copy from the Fifth Auditor's office, in which the items are set forth; and in that the



amount set forth as the expenses of the individual sent to Europe, corresponds with the amount here in those vouchers, and I say they contain the expenses of parties of individuals of five or six. In one instance, in Liverpool, there is a charge for £10, which includes a bill for the expenses of a young lady, and a wine bill. These are small matters, but they are characteristic of this whole proceeding. This individual was sent there without authority, and his expenses were paid for him, but the charges have been rejected at the Treasury.

The money has, however, been paid out of the contingent fund. Here are the vouchers. It amounts to between \$1,400 and \$1,500. It is a small amount, to be sure, but when we consider the extraordinary expenditure of \$208,000 for clerk hire, \$3,000 for house-rent, and about \$3,000 for furniture, we shall come to the conclusion that it is time to look into it; especially as there is now an unexpended balance of appropriation of \$75,000. With that amount they can afford to wait until the next meeting of Congress, in December. That is my view, and upon that I moved to strike out the appropriation. The Senate struck it out, and this morning concurred in it; and now the Senator from North Carolina avoids the question of order by reducing the amount \$1,000. That may be strictly according to the rules of order, but I apprehend it is technical. But it remains for the Senate to say whether they will sustain it.

Mr. MANGUM. I mean not to enter into this debate at all. I do not desire to enter into disputes between individuals. I have simply to bring the naked fact before the Senate, which I have done, under the authority of a responsible person—that the forces of the Census Bureau must be discharged, unless an appropriation like this be made. Without knowing whether the fact is so or not, I do not undertake to vouch it. I bring it before the Senate upon responsible authority, and I desire the yeas and nays upon my amendment. If gentlemen think proper to refuse the appropriation let the responsibility rest upon them.

Mr. RUSK. I desire simply to state the reason that influenced me last night in voting to strike this amendment out, and which will influence my vote now—unless the objection be removed—against putting it in here. Senators will remember that in addition to the statistics which were collected by the Census Bureau, they have gone on, as many of us believe, beyond the law, to write histories of particular States. A history of one State was laid upon our tables. I have understood that notwithstanding there is a report upon the Secretary's table against the publication of these histories of States, that matter is still going on. I have heard so from a Senator who said he had his information from a gentleman who is engaged in writing the history of some State. Having this fact before me, unless I am satisfied it is not so, I cannot vote for the appropriation. It is accumulating a mass of unnecessary matter. I do not believe that the office have the means of accurately writing the history of a State. If they insist upon publishing these histories, they will be squandering a large amount of money in doing no good.

Mr. PRATT. I shall vote for this amendment. The Department, I understand, has recommended an appropriation much larger than that for the completion of the census. The Department is responsible to the public for the necessity of that expenditure. We have already expended, as the Senator from Arkansas says, more than a million of dollars in the preliminary steps by which this census is to be given to the public. A great deal of labor is yet necessary to perfect it, so that it may be sent to the people. Now, are we to stop this work, after the expenditure of more than a million of dollars, because the man who has charge of it is obnoxious to some Senators? Are we to go against the recommendation of the Department and stop this work, or run any risk of having stopped this important work, in which the people are certainly interested, upon which we have expended so much money, because this man happens to have offended my honorable friend from Massachusetts, [Mr. DAVIS,] or my honorable friend from Arkansas, [Mr. BORLAND,] or some other person? It seems to me, that if he be an improper man—I care nothing for him—the proper way would be to get rid of him. If he acts improperly, let us demand his dismissal; but do not let us stop

the appropriation for the printing and completion of the census. I know nothing about this officer. I do not know that he is an improper one. I do not mean to charge him with acting improperly. But it is manifestly wrong that we should run the risk of having this work stopped for the want of an appropriation of \$49,000. It was said last night that there were \$75,000 remaining of the appropriation for the census. I know nothing of that. We have no means of ascertaining it. On the contrary, I this morning received from the gentleman at the head of the work a letter, in which he states, that if the appropriation is not passed, every single workman in the Department under his control, now preparing the census for publication, will have to be dismissed. I give that for what it is worth.

In reference to the question of the Senator from Texas, I know nothing; but I take it for granted that it cannot be so. This man is acting only as the agent of the Department, and I take it for granted that the Secretary of the Interior, under whose control this office is, would not suffer the public money to be squandered in the preparation of a history which the unanimous report of a committee of the Senate says ought not to be published. I do not believe, therefore, that these histories are being prepared. I know nothing, however, about the matter. But if the person at the head of the Census is an improper person, let us ask that he be dismissed. But do not let us injure the public service for the want of an appropriation.

Mr. HUNTER. I will state in relation to this matter, that the estimate of the Department was for \$150,000; the House reduced it to \$50,000, and the Committee on Finance left it where the House put it. In relation to the balance on hand, it appears by the papers which accompanied the bill from the House, that there were \$71,000 on hand.

Mr. PEARCE. It is due to the Superintendent of the Census, that I should make an explanation of a matter in regard to which the Senator from Arkansas has manifestly fallen into an error, which error may extend throughout other members of the Senate, if this explanation be not given. The paper which the Senator has, is a list of vouchers. It does not pretend to be the account of the party admitted by the accounting officers. I understand the facts, in regard to those vouchers, to be these: The expenses of the Superintendent while on the tour were about \$1,400. When he returned, he was not only called upon for his account, but for the vouchers. He was traveling in Europe with several ladies under his charge. When he was about to leave a hotel, and went to pay the bill, of course he paid the bill for the whole party. He did not take separate vouchers. It would not have been possible for him to have taken separate vouchers for his own expenditures. He took receipts from them for the expenses of the whole party; and now he does not ask that the whole bill should be paid to him. But when he is called upon to render up his vouchers, he says: Here are all the receipts I have received; you will perceive they include the expenses of the whole party; I cannot separate them; if you insist upon having them, you must take them as they are; but you will not allow them all; you will allow only those which are properly chargeable to me. That this is the case, is manifest, because in a party of six persons traveling in Europe for several months, the whole bill would not be as small as \$1,400. Do you believe that a party of six persons traveling in Europe for several months, could do so at that expense? That would be less than \$240 each.

Mr. BORLAND. I did not state that such was the fact. I stated that there were accounts for the entertainment of himself and his party of five or six persons at different places—not that they were all the while with him. For instance, at Liverpool there is a charge, in a single instance, of £10, or \$50. In some places there are charges for six persons; in others, for five; and in one place there is a bill for the expense of a young lady who was under his charge. The account of the Superintendent is now in the hands of the printer of the Senate, and it is certified to by himself, the amount being \$1,439. The basis of that account, furnishing the items, is the vouchers in the Fifth Auditor's office. I have an abstract of them, and they amount to thirteen hundred and some odd dollars—not as much as the account is. He expended more money than his vouchers show.

The vouchers were given in to sustain his account. So far from the vouchers showing more than what he got and expended, they fall short of the account stated by himself. It is stated there, in the note, that there are some vouchers, the precise amount of which is not known.

Mr. PEARCE. I have no doubt of it. But what is the explanation? A man who is traveling in Europe does not get a receipt for everything. When he pays his passage on a railroad, for instance, he charges that himself; and it is not customary even to take receipts at hotels. This gentleman appears occasionally to have taken receipts, and when he did so, he took them for the whole party. But when he is called upon by our very particular Comptroller for every voucher, he is obliged to give in the identical papers. He gives in the papers, which give the whole bill—so much for the party; but he never did ask, he never intended to ask, that the account should be allowed for the money expended for the whole party. When called upon, he had to exhibit every voucher, although it was not his intention, at the same time, to charge for the expenses of the individuals who were along with him; and that this is the case is manifest, because his whole claim is but \$1,400; whereas, a gentleman could not travel with a party of half a dozen ladies without paying half a dozen times that amount. I think that is a sufficient explanation. The paper which the Senator had is not an official statement of his account, but is a list of the vouchers, made out by some person who happens to be one of the accounting officers. It is a mere statement of the different vouchers—what the amount of them is—but it is not stated how much is charged as due to him for his expenditures.

Mr. BORLAND. As the Senator says this is not an official paper, I will state how I got it. The First Comptroller addressed me a letter, containing one from the Secretary of the Interior, requesting me, as the mover of the resolution of inquiry on this subject, to call upon him to inform him if a statement of the account of the returns and vouchers would not be sufficient to answer the purpose of the resolution, without the vouchers themselves, as they were in foreign languages; and, in order to enable me to answer the question, whether I thought the statement of the account would answer in place of the vouchers themselves, he sent me an abstract from the Fifth Auditor's Office, to show what the vouchers were, and their amounts. It was upon that that I based the second resolution which I introduced, authorizing the Secretary to send the account instead of the vouchers. Was not this an official paper? It came with the letter of the Secretary of the Interior asking this intelligence, because it would be troublesome to give the vouchers. It is a statement of the account, and corresponds, as far as it goes, with the statement of the Superintendent Clerk, although his account contains \$100 more than the vouchers. So all the vouchers are included in what is paid, and a balance is left unaccounted for of \$100. Therefore, instead of being able to strike out any of the vouchers, the account overgoes the vouchers \$100.

If the Senator from Maryland wishes to resume his remarks, I have done; but if he has concluded, I will reply to a remark made by his colleague, [Mr. PRATT.]

As to the question, whether this business should go on or not, I can answer it with great confidence. The statement of a single fact will show, conclusively, that this compilation of statistics of every kind, including the histories and all, is now going on. If that were not the case, I would ask why are one hundred and forty clerks employed? What can they be doing? The Census of 1840 required but twenty, at an expense of \$66,000. Here, we have had nearly two hundred at one time, and now there are one hundred and forty. They have already been paid \$208,000; and, as the chairman of the Committee on Finance says, when an estimate was sent into Congress, at this session, for \$150,000 more, it was stated that there was a balance of \$71,000 on hand. I have learned from the Treasury Department that there are about \$75,000 on hand. I ask if these voluminous statistics, histories and all, are not included in what is going on with these one hundred and forty clerks? What can they want with more than \$70,000 until the next meeting of Congress? The fact that the amount is asked for, is an answer, I think, con-

clusive to the question of the Senator from Maryland, that this work is going on, notwithstanding the unanimous report of the committee adverse to it.

Mr. PRATT. My statement was that the Superintendent is not to blame, if the histories are going on. They can only be going on under the direction of the Secretary of the Interior. If the \$70,000 is not necessary for the purpose of completing the work, then the \$150,000 required by the Department was not necessary; and the blame, if any exists, should be laid upon the Department, and not upon this poor man, who is brought up here always as the groundwork of difficulty. The Government is wrong—the Department is wrong—if the thing itself is wrong; and if we have not confidence in the Department, we ought not to give an appropriation; but if we believe the Department was right in asking for the appropriation of \$150,000, we ought to grant \$49,000 to prevent the stopping of the work.

Mr. BUTLER. To some extent, I agree with the remarks of the Senator from Maryland, [Mr. PRATT.] I do not think Mr. Kennedy should suffer entirely; but I do say, from the exhibition of the subject which has been given here, that this whole system of taking the census is tending to an enormous abuse. I recollect, when the subject was first under discussion, that I protested against this enlarging of the sphere of the office, so as to take in statistical information. The Constitution only requires that an enumeration of the white and black population shall be taken, so as to enable us to regulate what shall be the representation in the House of Representatives. Instead of that, we have seen a gentleman sent to Europe to learn how to take that enumeration. Why this gentleman should have been sent to Europe to learn how to perform any of the functions incident to his office, I do not know. The abuse is so enormous—so much in violation of the Constitution, both in its letter and spirit, that I would not care if the whole of it should fail. The only way to correct the wrong practices of the Government, is to let them fail when they violate the Constitution. I do not care one cent whether an appropriation is made to enable the Department to carry on this system. I believe it is all wrong.

Mr. MANGUM. If the Constitution has been violated it has been under the direction of Congress. Whether the honorable Senator concurred in that or not, I know not. I agree with him that the census ought to be restricted to an enumeration of the population, white and black; and I think that statistics of other kinds, if they are taken wisely, in a reliable manner, ought to be under the State authority. But I mean not to go into this matter. I do not wish to occupy the time of the Senate at this late period of the session. I simply desire to bring before the Senate the fact that the business must stop, and the force must be disbanded, unless the appropriation be made. I do this under the authority of the Chief of the Census Bureau, on his proper responsibility. He says that there is not a dollar that has not been used for this purpose except the appropriation made two years ago; and that there will not be a cent on hand to continue the work unless an appropriation is now made. For that reason I have moved to insert the appropriation of \$49,000; and upon that question I desire the yeas and nays. I have no more interest in that subject than any other Senator.

The yeas and nays were ordered.

Mr. BORLAND. I have but a word to say. The Senator from Maryland [Mr. PRATT] seems to have proceeded on the assumption that the proposition to strike out the appropriation was aimed at the Census Clerk. Sir, I aimed not at him. I say that there has been an abuse here. My opinion is that it is a very gross abuse, as I am able to prove at any moment. But I do not charge it upon him. I charge it upon the Department of the Interior.

Mr. BRIGHT. I rise to a question of order. The Senator from Arkansas has spoken twice on this amendment.

The PRESIDENT. He has spoken more than twice.

Mr. BORLAND. If the Senator had waited one moment I would have been through. However, I will relieve him, and will make no further remarks.

Mr. BRIGHT. During the period of seven

years that I have been in this Senate I have never felt at liberty to make an appeal to this body, and what I am going to say now may be in bad taste, but it is a fact settled, that unless we cease talking and act we cannot finish the business of Congress at the time which we have appointed to adjourn. This is the first general appropriation bill making appropriations for carrying forward the entire machinery of the Government that we have had before us, and it is not half finished. You may add amendment after amendment here, but there is no probability that they will be considered by the House. I have six amendments before me, four of them recommended by standing committees of this body, and I would like to have offered them last night, but the position I occupied, being in the chair, precluded me from so doing; and such is my sense of public duty, I will not offer them this morning. I will run the chance of putting them in some other bill. I do hope that Senators will vote and let us get this bill to the House, so that we may take up the other appropriation bills.

Mr. BUTLER. I have only to say, that I will not vote unless I understand the subject. I said, when the river and harbor bill was taken up, that it would have the effect of compelling us to vote without knowledge; and I say, I intend to have discussion when it is necessary. I must have the knowledge necessary to control my vote on measures of this kind. I cannot vote in ignorance. When the river and harbor bill was taken up I saw what would be the result. That important political measure was taken up to the exclusion of the bills making appropriations of millions, and now upon them we are called to vote without knowledge. If it has come to that, I will sooner abandon the bills, and have no responsibility for them.

Mr. MASON. I was about to say very much what has fallen from the Senator from South Carolina. I have no idea, let it cost what it may, of being trammelled in proper debate upon an appropriation bill. I object to nothing which has fallen from the Senator from Indiana, [Mr. BRIGHT.] He has discharged what he considers his duty. He is a member of the Finance Committee; and he deems it his duty, as such, to get this measure through the Senate, so that we may take up other bills of a like character before the session closes. But I want to state this fact: that the very language which is held out to us now, was held out to him and other gentlemen when they insisted upon taking up the river and harbor bill, to urge it through in preference to these and other important measures. We told them what result we expected would follow—that we would be told, "You must not debate; debate must be cut off, or you will not get through the bill before the close of the session." I recollect that gentlemen were admonished when they insisted on giving precedence to the river and harbor bill, that the very state of things would arise that is now presented to us. I have taken as little time in debate as any gentleman. I never consume the time of the Senate unnecessarily. I think I may say so of myself. But if there be any measure offered as an amendment to this bill, which requires debate in order to explain its character, I will encourage that debate.

Mr. CASS. Knowledge come with talking, but for myself, I must say that there are some questions which I think I am competent to decide without talking; still, if any gentleman thinks I am not, he is perfectly at liberty to indulge himself in explaining the measure. I do not understand what the Senators from South Carolina and Virginia mean about the river and harbor bill. I would ask those Senators if I had not a right to vote to take up that bill in preference to others?

Mr. MASON. Undoubtedly.

Mr. CASS. If they made predictions and now choose to fulfill them, is that a reason why we should alter our course? The gentlemen could as well have talked upon the river and harbor bill as upon this. Who prohibited them from talking until the end of the session? Nobody. Nobody could prohibit them. I repeat, the fact that that bill was taken up affords no reason now why we should have an interminable talking upon this bill. If that bill had not been taken up, every man might have talked on other measures from that day to this. Such is the mode in which discussion is carried on here. And for one, I say that when-

ever I think a bill is of such public interest as to be required to be taken up, I shall vote for taking it up.

Mr. BUTLER. I did not say that the gentleman had not a right to vote to take up the river and harbor bill, but I referred to the impropriety of taking it up at the time we did, when we were certain that this bill, which takes millions out of the Treasury, would come up at the very close of the session. Yes, sir; the gentleman does not want any talk when we come to appropriate money. It amounts to that. When we come to an appropriation bill, he wants votes, and no talking.

Mr. CASS. I put it to the Senator as a candid gentleman, whether I said so.

Mr. BUTLER. I say that is the inference. Talk upon political questions that might well have waited three months; but upon these appropriation bills vote, and do not talk. The river and harbor bill has been under discussion for fifty years past; was it important to take it up at this session? And then there was another measure introduced upon this bill which gave rise to the speech made by the honorable Senator from Massachusetts [Mr. SUMNER] upon slavery. Sir, that Senator ought to have been answered. I have thus far foreborne to take part in these debates, and I will leave it for the Senator to say who has done the most talking so far as the different sections or interests of this country are concerned. If you are to balance accounts, I can say that the talking has taken place upon political questions; and now, when we are to vote, we are not allowed to investigate the matters upon which we are to vote. Sir, I say that topics have been brought up here, at the late part of this session, which ought to have been discussed by the month. The river and harbor bill was not discussed as it should have been discussed. The slavery question was not discussed as it ought to have been; and the oration of the honorable Senator from Massachusetts has gone out to give a current to public opinion. It ought to have been answered. I yielded to the suggestion of friends not to answer it. But if gentlemen wait until the last days of the session, and then endeavor to suppress debate upon an important bill of this sort, they must take the consequences.

The PRESIDENT. The Chair will inform the Senators that the question is upon a solitary amendment.

Mr. WELLER. I understand that, unless this appropriation is made, the publication of the census will necessarily be suspended. I have this to say, that, unless the census has been taken with much more accuracy in other States than in California, it is far better that its publication should be suspended. The census, I believe, shows a population in the State of California of 91,000. That is directly in the face of a census which had been taken by the State authority, showing a population of 300,000. In consequence of this error of the census agents, the State of California was deprived of at least one Representative, and came very near losing two. But this cannot be remedied. A census cannot be taken again until 1860, when the population of California will certainly exceed 800,000. We are deprived, therefore, of a representation in the other branch of Congress, to which we would have been entitled if the census had been correctly taken. Besides, I have but very little confidence in the statistical information obtained by the census agents. An examination of it in regard to some particular localities, has satisfied me that no sort of reliance can be placed upon it. If, therefore, the vote which I shall give to-day is calculated to suspend the publication of that census, I shall not regret it.

Mr. DAWSON. I have not made a motion in regard to, or said a word upon, the civil and diplomatic bill, notwithstanding the immense number of appropriations that have been presented, and the many discussions that have taken place. I desired for one to consider the position in which the body was placed, and to go quietly on and consummate every measure. But I am not going to sit here quietly and suffer the head of the Administration or the head of a Department to be charged with a failure to discharge his duty, or with an abuse of the power placed in his hands for the benefit of the Government, without saying a word. Can any Senator suppose that a personal and political friend of the head of the Department of the Interior will submit to that course? If gen-

men desire debate in defense of public officers to cease, let them avoid the interposition of questions of this character. Has there not been an attack upon the Secretary of the Interior, which is to go through the country, and be injurious to his character as an officer and as a man? And yet we are called upon by the other side to close our mouths, because the hour is late. Gentlemen, cease to make it necessary for the friends of this Administration to say a word, and you will not hear from them. I did not intend to enter into this discussion. I intend now to pursue the even tenor of my course in endeavoring to perfect this bill, which is necessary to carry on the Government; but I will take occasion to say that the charge against the Secretary of the Interior has been sustained by not one single argument or fact, and further, that he has honestly, fairly, and honorably discharged his duties in regard to the matter under discussion. There has been no abuse of the power placed in his hands. If there has been, it should be inquired into; a committee should investigate it; and if it exists, the charge should be understandingly made.

It has been charged here even that the Secretary of the Interior sent the head of the Census Bureau to England; that that individual had charged the expenses of those who accompanied him to the Government; and that the Government had paid them. What charge more inconsistent? What charge could be made more calculated to make an unfavorable impression upon the public mind than this? And what was it made for? Was it made to attack an individual, or to attack those who are politically responsible for this? What does it amount to when I call the attention of Senators to the fact, that when the vouchers for the expenditures incurred by that individual were presented, it was done with the understanding that they in the aggregate contained his own expenses, and those who were with him; and that his own expenditures only were charged to the Government? But because an account of the vouchers had to come here, the charge is made that the whole of these expenditures were charged to the Government. In order to show that such was not the fact, when I heard this charge made, I saw the Secretary of the Interior upon the subject. He said that the Senate had called for the vouchers. A list of the vouchers was sent; but the amount paid by the Government was not a single cent more than the actual expenses of the individual; and yet, from the course of remark which has been pursued here, the presumption in the public mind would be, that the Government had paid the expenses of the whole party. I went to see if it were possible that Elisha Whittelsey and others could have suffered such a thing to pass. The papers upon their face would make it appear to be so; but when you come to look at it, you find that it is not so. So much for that. I shall not go into a discussion about it.

The proposition before us now is whether we shall to-day suspend the execution of the order of Congress in relation to the census—whether, after the expenditure of more than a \$1,000,000, in paying your marshals, and your officers, to procure the information which you yourselves have ordered, you will now interrupt the work. The Senate will recollect that not one single dollar has been appropriated to carry out this census, save the first appropriation which was made in the census bill itself. It is said, and no doubt with a perfect belief of the fact, so far as information could be derived by the Senator from Arkansas, that there is a balance not yet expended. This objection can be easily met. Do you not recollect that, at the end of every quarter, this money is to be drawn upon to pay the various persons employed in the Census Bureau? And when we are told, and told directly, that there will not be a dollar to carry on this work, unless we make an appropriation, how are we met by our friends on the other side? We are told by some gentlemen that if this census be so and so, it ought to be arrested. We are told by others that the head of the Bureau is going on with the preparation of statistics, as he was ordered to do; and others say, if they thought he was doing so and so, they would vote to stop the appropriation. It is true a report has been made by a committee of the Senate adverse to the publication of certain parts of the census returns. But can the Government, which is acting under a law requiring it to do certain things,

be arrested by a resolution which this Senate has never agreed to? If the resolution expresses the sense of the Senate, why not concur in it, and make it mandatory upon the Government? Is the Government to suspend its operations in respect to this matter, because a committee has reported that their plan should not be carried out, when the Senate has not concurred in that report? Gentlemen ought to look to these things.

No suspension has taken place in the preparation of this census, and no suspension will take place under such a state of things. The question now propounded to the Senate is this: Will you reject the amendment of \$49,000, and thereby dissolve your Census Bureau, and turn loose all the men who have been employed, under the law, to prepare the returns for publication? There is the question. What do we ask? Only the amount of \$49,000, out of the \$150,000 that were called for. And why did the House of Representatives cut down the estimate? That estimate went upon the ground that the amount of \$150,000 would be necessary to consummate the whole arrangement. Finding that there was some balance on hand, and that we were again to meet in three months, the House of Representatives justly cut short the appropriation. They knew that another appropriation can be made when we meet again to carry on the work if necessary. But now we are called upon by Senators on the other side to deny that small sum, and turn loose the one hundred and forty clerks now employed on the work. I trust it will not be done.

Mr. BUTLER. That I may not be misunderstood, I desire to explain a remark that I made when I was on the floor last. When I said that the speech of the Senator from Massachusetts had not been answered, I was far from meaning that what fell from other Senators in reply to it was not an answer. I must say here, what I have said in private, that the remarks of the Senator from North Carolina, [Mr. BADGER,] the Senator from California, [Mr. WELLER,] the Senator from Iowa, [Mr. DODGE,] and the independent Senator from Indiana, [Mr. BRIGHT,] were worthy of all praise. I have praised them in private, and that is enough for me to say. What I meant by my remark was, that the subject had not received the discussion which it merited.

The question on the amendment was taken, by yeas and nays, and resulted—yeas 33, nays 17; as follows:

YEAS—Messrs. Badger, Bayard, Bell, Bradbury, Brooke, Cass, Charlton, Chase, Clarke, Clouens, Cooper, Dawson, Dodge of Wisconsin, Downs, Fish, Foot, Geyer, Gwin, Hunter, James, King, Mallory, Mangum, Miller, Morton, Pearce, Pratt, Seward, Shields, Smith, Spruance, Sumner, Underwood, Upham, and Wade—35.

NAYS—Messrs. Adams, Atchison, Borland, Bright, Brodhead, Butler, De Sausure, Douglas, Felch, Hamlin, Houston, Mason, Meriwether, Rusk, Toucey, Walker, and Weller—17.

So the amendment was agreed to.

Mr. MILLER. I move to amend the bill, by inserting at the end of the clause making the appropriation for the compensation of the Second Comptroller of the Treasury Department, the following:

And that the Second Comptroller of the Treasury Department shall be allowed a salary equal to that of the head of any other bureau, to commence from his appointment to office.

Mr. President, I will merely state, that last evening we agreed to an amendment giving to the Second Auditor of the Treasury Department an increase of his salary. The amendment was in the same terms as this is. I desire now to provide for the Second Comptroller.

Mr. GWIN. I think if the Second Auditor deserved an increase of his salary, the Second Comptroller is equally entitled to it. His labor is great, and he ought to have an increase of compensation.

The amendment was agreed to.

Mr. UPHAM. I move to amend the following clause in the bill:

"For salary of the Minister Resident to Turkey, \$6,000," by striking out "six," and inserting "nine." I hope there will be no objection to this. The salary of the Commissioner to China has been raised to \$9,000; and we have given him an outfit. There is no outfit in this case.

The PRESIDENT. Is that a report from a committee?

Mr. UPHAM. I propose it with the consent

and approbation of the Committee on Finance. They authorized me to propose it.

The PRESIDENT. The Chair is under the impression that it is not in order.

Mr. WELLER. I object to it. There is no sort of necessity for increasing the compensation of the Resident Minister to Turkey. The office was originally a consulate. I believe the person who is now the Minister Resident is traveling through the Holy Land obtaining materials for writing a book. I have no doubt it will be a very valuable one, for he is a very learned gentleman; but I do not think this increase should be made.

Mr. BADGER. I desire to make a suggestion on the point of order. When the House sends us a bill making an appropriation for any purpose, there is nothing in the rule to prevent us from moving an amendment to the amount. Surely we have power to move to increase or diminish an appropriation.

The PRESIDENT. The Chair, upon looking at the amendment again, decides that it is in order. It is merely to change the amount. As it was first read, he supposed it was a new appropriation.

The amendment was agreed to, there being, on a division—yeas 21, nays 14.

Mr. BUTLER. I move to amend the bill by inserting the following:

For the purchase—for the use of the Senate—of five hundred copies of the Digest and Index of the Opinions of the Attorneys General of the United States, to be bound in the same manner as said Opinions, \$875.

The amendment was agreed to.

Mr. SHIELDS. When in Committee of the Whole, the following amendment of the Committee on Finance was disagreed to, under a misapprehension of the facts:

"For compensation of four draw keepers, and for fuel and oil for the lamps of the Potomac bridge, \$2,755."

I will state that the same necessity now exists for draw-keepers and lights that did before a part of the bridge was carried away. The two channels are navigated now as formerly. The same necessity, therefore, exists for the lights. I therefore propose to amend the bill by inserting that provision which was rejected by the Senate as in Committee of the Whole.

The amendment was agreed to.

Mr. DAWSON. I desire to move an amendment, to do justice to three or four individuals. In the clause making appropriation for compensation to temporary clerks in the office of the Third Auditor is the following proviso:

"Provided, That no clerk shall receive more than at the rate of \$1,000 per annum, except one whose salary shall be \$1,600 per annum; and four whose compensation shall be \$4 a day."

Four dollars a day makes \$1,240 per annum. I propose to strike out the words "whose compensation shall be \$4 a day," and insert, "who shall receive 1,200 per annum." The reason for this is, that if they are allowed over \$1,200 a year, they will not obtain the increase of salary which is allowed by the bill to clerks whose salary is under \$1,200. That will do great injustice to these four clerks. I propose, therefore, to strike forty dollars from their salaries in this case, so that they may be entitled to the increase. I move, therefore, to strike out "whose compensation shall be four dollars a day," and insert "who shall each receive \$1,200 per annum."

Mr. BRIGHT. The effect of that will be to make regular clerks out of four persons who are employees—temporary clerks—in the office—persons I suppose who have forced themselves into the Treasury Department. I shall vote against the amendment. I shall not waste time in giving my reasons, but I do not believe that that or any other amendment would be granted by the House.

Mr. DAWSON. The persons who make this request are clerks in the Third Auditor's Department. The object is not to make them permanent clerks but to give them a salary of \$1,200 a year, so that they may come within the increase provided for in this bill.

The amendment was rejected.

Mr. MORTON. I have an amendment which I desire to offer. Its object is to place the salary of the Third Auditor of the Treasury upon an equality with that of the Second Auditor. He is in my estimation, a most laborious and efficient officer. His labors are as great, if not greater,



than those of any other Auditor. We have already raised the salary of the Second Auditor, but not of the Third. I move, therefore, to insert in the bill at the end of the appropriation for the compensation of the Third Auditor, &c., the following:

And that the Third Auditor of the Treasury Department shall be allowed a salary equal to that of the head of any other bureau, to commence from his appointment to office.

Mr. CASS. I submit to the Senator whether this is the time to enter into the consideration of the salaries of officers. If we begin, where are we to stop? Certainly it must be obvious that we have not time now to enter into the subject upon this appropriation bill. I know nothing of this case. I do not know whether it is right or wrong; but, in this stage of the session it is impossible to go into the consideration of such questions. If we begin with one, the whole will be pushed at us.

Mr. MORTON. The objection of the Senator from Michigan, perhaps would have been a good one, if it had been urged when the proposition was made to increase the salaries of the Second Auditor and the Second Comptroller, but I think it is too late now to urge that objection upon this bill, when amendments have been adopted increasing the salaries of those two officers. I think when this has been done, it would be invidious to make a discrimination against the Third Auditor. I am unwilling to sit silently in my seat and see such a distinction made. From my intercourse with the heads of bureaus I do not think we have a more laborious head of a bureau, or one who more richly deserves an additional compensation than the Third Auditor. I would not have urged the amendment at this time had not the example been set of increasing the salary of the other bureau officers.

Mr. CASS. I would have voted against the other propositions, if I had heard of them; but if we have done wrong once it is no reason why we should do so again.

Mr. HUNTER. It will be utterly impossible to proceed with this business of equalizing salaries. I voted against the other propositions, and should have had something to say upon them, but that I felt confident that the House would strike them out. I am free to agree with my friend from Florida, that the Third Auditor's salary should be raised as much as any of the others; but this is not the time to accomplish the object. We have no time to consider such questions. I hope the bill will be put upon its engrossment.

Mr. RUSK. A remark which has been made renders it necessary that I should say a few words. It has been said that it was unjust to raise the salary of the Second Auditor. I do not think it was unjust. I will vote for an amendment to raise the salary of any officer who presents what I stated was shown by the records of the office to be the fact.

Mr. MORTON. Did the Senator understand me to say it was unjust?

Mr. RUSK. I heard the remark made. I do not know by whom.

Mr. MORTON. I did not say it was unjust to raise the salary of the Second Auditor; but I said that if it was just to raise it, it was equally just to raise that of the Third Auditor.

Mr. RUSK. I stated, what was shown to be the fact, that the Second Auditor had done his business properly, and reduced the number of his clerks. He had forty-four clerks in 1849, and has but twenty-five now. The appropriation for the clerks in his office in 1849 was \$51,000, while in this bill it is but \$34,000. I stated that I did not believe there was any other head of a bureau who could show such a reduction. I do not mean to disparage the heads of other bureaus; I have no objection to raising their salaries; but I stated last evening that, in my opinion, there had been a reduction of the expenses in no other bureau.

The amendment was rejected.

Mr. DOUGLAS. I have an amendment, which I presume will meet with no objection, as it appropriates no money. It is to insert the following in the bill:

The corporate authorities of Washington are hereby authorized, in their discretion, to provide that in any street, or avenue, or foot-way thereof, the carriage part in the center may be not less than forty feet, the side walks on each side of the carriage way may be fifteen feet, and the residue of the ground, between the side walks and the building line,

may be inclosed by the owners of the adjoining property as ornamental courts or gardens, and for no other purpose whatever.

Some of the avenues in this city are one hundred and sixty feet wide, and it costs a vast amount of money to grade the whole width. The public authorities are of the opinion that by making the carriage way narrower, and the side walks as I propose, and then letting the balance be inclosed as ornamental gardens, it would save one half the expense of grading the streets, and at the same time improve the appearance of the city. The plan received the approval of the late Mr. Downing. I only propose to give the corporation the authority to do this if they think proper. They have not the authority under the present charter.

Mr. SHIELDS. I have not examined the plan of my colleague. I have carefully avoided interfering with this subject, because I confess it will be better managed by the corporation than by us. I am apprehensive that the effect of the amendment will be to make a radical change in the streets and avenues of the city.

Mr. BADGER. It is too large a discretion to be granted at this late hour of the session.

Mr. SHIELDS. We cannot act on it with propriety now.

The amendment was rejected.

Mr. HOUSTON. I move to insert in the bill after the clause, "For the erection of the west wing of the Patent Office Building, and completing the drains for the said building and the Patent Office Building, \$150,000," the following:

Provided, That the work and the materials furnished by contract for such building, and likewise the materials for the extension of the Capitol, be measured agreeably to the original contract, and that no further payment be made until the measurement is made and reported, the contracts and the proposals to be put in the hands of the measurer or measurers, and he or they to be sworn before entering on duty, to examine and measure and report every part of the work and material without deviation from the contracts and proposals; and if it be shown that any extra materials are used, they to be rated at the *pro rata* price for materials only, and entered in a separate column of the account; and the same rule of measurement to be applied to all other buildings and other public works in this District; and it shall be the duty of the Comptroller of the Treasury to arrest and stop any voucher not made in form and in accordance with the terms of the contract against which it is drawn; and it is hereby made a penal offense for every measurer and inspector of work or disbursing officer to make or present, or pass or attempt to pass, any falsely made or fictitious vouchers to draw money from the Treasury, on any contract or account whatever; and that all contracts shall hereafter be advertised at least sixty days before letting; and that all contracts now existing in relation to building the additions to the Capitolas as well as the Patent Office, not made according to law, are hereby canceled at the end of sixty days, and notice of the same shall be given in all the newspapers in the city of Washington; and that all contracts of every description which have been made without public notice having been given, where notice was required, shall be canceled after sixty days' notice having been given in the newspapers of this city: *Provided also*, That good and sufficient security shall be given for twice the amount of money at any time to be advanced to the contractor under any contract, and that bids shall be opened in presence of the bidders, if they or any of them should be present, and that notice to that effect shall be given in the advertisements for proposals, to be published agreeably to this proviso; and all contracts made without an appropriation of money for an object, the subject of a contract, are hereby canceled and declared void.

Mr. BRIGHT. I object to the consideration of that amendment in connection with this bill. It certainly comes within the rule. It relates to contracts disconnected from the appropriation. It is clearly not in order.

The PRESIDENT. The Chair does not see any question of order arising in the case. It involves no appropriation. It is simply making a provision with regard to contracts. The Chair is obliged to receive it.

Mr. HOUSTON. It has direct reference to the clause in the bill relating to the erection of public buildings, and is intended as a guard for the protection of the Government, and for no other purpose.

Mr. CLARKE asked for the yeas and nays on the amendment; and they were ordered.

Mr. PRATT. I object to voting on that amendment, because I cannot tell whether it is right or wrong. It covers a whole sheet of paper, and proposes to regulate contracts that have been entered into, and declares certain contracts null and void. The only reason why I shall vote against it is, that it is impossible, from hearing it once read, for me to tell whether it is right or wrong. I cannot consent to vote for an amendment which I do not understand.

Mr. HOUSTON. If the gentleman will attend

to the reading of the amendment, it can be read again for his information. I am perfectly satisfied, when he understands it, that he will say it is for no other purpose than to guard the interests of the Government. If irregularities have been practiced, it is intended as a corrective to them. It is for no other purpose; and every one who considers it, must be satisfied that it is a proper amendment. I have submitted it to a number of gentlemen, and they think it is manifestly right to guard the Treasury of the country.

Mr. HALE. I desire to call the attention of the Senator who introduced this amendment to the language of it. It strikes me that it is too sweeping, because it declares all contracts void which were entered into without certain requisites, whether they are executed contracts, or contracts executed in part, or entirely executory. What could be the effect of an act of Congress declaring an executed contract, or a contract executed in part, void? The terms of the amendment are entirely too sweeping. It applies to all contracts that have not certain regulations, whether they are executed, executed in part, or entirely executory. It seems to me it is too sweeping, and must lead to the danger of doing injustice. I shall vote against it.

Mr. HOUSTON. If the contracts have been executed, or executed in part, and payments have been made equivalent to the service rendered, the holders of them have an opportunity of entering into new contracts, as other people are able; so that I can perceive no difficulty in that. If they are made without an appropriation, or contrary to law, they are declared void. And, if made in conformity with law, or an appropriation, it requires notice to be given. I can see no objection to it.

The question was taken, by yeas and nays, and resulted—yeas 31, nays 15; as follows:

YEAS—Messrs. Atchison, Bayard, Borland, Bradbury, Brodhead, Butler, Cass, Charlton, Clarke, Clemens, Davis, De Saussure, Dodge of Iowa, Feich, Hamlin, Houston, Hunter, Jones of Iowa, King, Mallory, Mason, Meriwether, Rusk, Shields, Soule, Stockton, Toucey, Underwood, Wade, Walker, and Weller—31.

NAYS—Messrs. Badger, Bell, Chase, Cooper, Dawson, Downs, Foot, Geyer, Hale, Mangum, Miller, Pratt, Smith, Spruance, and Sumner—15.

So the amendment was agreed to.

Mr. DODGE, of Iowa. I move to amend the bill by inserting the following, after the appropriations for the Judiciary:

To refund to the county of Des Moines, in the State of Iowa, the expenses of the United States district courts, which were paid by said county prior to the 1st day of January, 1844, the sum of \$11,970 90: *Provided*, That the Secretary of the Interior be directed to examine the claim presented by the county of Des Moines, in the State of Iowa; and if upon examination he is satisfied that, prior to the 1st day of January, 1844, the said county has paid money, which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States, he is directed to audit and control the same, and said amount is directed to be paid out of any money in the Treasury not otherwise appropriated.

This was reported favorably upon by the Committee on the Judiciary at this session.

The amendment was agreed to.

Mr. HOUSTON. I desire to submit the following amendment, upon which I will make no speech, but merely ask the yeas and nays upon it: And that there be paid to the mechanics and laborers employed in Government works in the District of Columbia, twenty per cent. on the per diem they are now receiving.

Mr. HUNTER. A similar amendment has been ruled out of order by the decision of the Senate.

The PRESIDENT. It has. This cannot be received.

No further amendment being proposed, the amendments were ordered to be engrossed, and the bill was ordered to be read a third time. It was read a third time and passed.

#### LIGHT-HOUSE BILL.

Mr. HAMLIN. I am directed by the Committee on Commerce, to which was referred the bill from the House of Representatives making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes, to report back the same with amendments. I ask that it may be considered at this time.

Mr. HUNTER. I must object to that.

Mr. HAMLIN. This is a bill from the House, and it is not in the power of a single objection to prevent it being taken up now. It is in the power of a majority of the Senate to decide to take it up.

I move to postpone the prior orders for the purpose of taking it up.

Mr. MANGUM. I shall vote against the motion, upon the ground that an Executive session is indispensably necessary to the public service.

Mr. HAMLIN's motion was not agreed to, by a vote on a division—ayes 20, noes 25.

#### PUBLIC PRINTER.

On motion by Mr. BRIGHT, the Senate proceeded to the election of a printer to the Senate.

The votes having been counted, the President announced the result. The whole number of votes cast was 45—necessary to a choice, 23.

Robert Armstrong received.....	35
G. Bailey.....	4
Gales & Seaton.....	3
John C. Rives.....	1
Blank.....	2

Robert Armstrong having received a majority of the whole number of votes, was declared elected public printer.

#### COMMITTEE ON ENROLLED BILLS.

On motion by Mr. JONES, of Iowa, it was *Ordered*, That an additional member be appointed by the President *pro tem.* on the Committee on Enrolled Bills.

Mr. FISH was appointed.

#### INDIAN APPROPRIATION BILL.

Mr. HUNTER. I ask the general consent of the Senate to take up the Indian appropriation bill, that we may act on the amendments returned from the House of Representatives.

The motion was agreed to.

Mr. HUNTER. I now move that the Senate disagree to the amendment of the House to their amendment striking out lines seven and eight in page 10; that they disagree to the amendment striking from the amendment of the Senate lines ten and twelve, in page 10; that they disagree to the amendment striking from the amendment of the Senate, page 10, lines twenty-three, twenty-four, twenty-five, and twenty-six; that they agree to the residue of the amendments of the House to the amendments of the Senate; and that the Senate recede from their fourth amendment disagreed to by the House. I ask that the question may be taken on the amendments altogether. The amendments on which we disagree relate to some items in the appropriations for California. In relation to these amendments, the Committee on Finance recommend the Senate to disagree to the House amendments.

Mr. WALKER. I wish to know from the chairman of the Committee on Finance what the House did with the proviso which I offered to the bill?

Mr. HUNTER. They substituted another in nearly the same words.

Mr. WALKER. I wish to have the substitute read.

It was read, as follows:

"And be it further enacted, That no part of the appropriation herein made, or that may hereafter be made for the benefit of any Indian or tribe, or part of a tribe of Indians, shall be paid to any attorney or agent of such Indian or tribe, or part of a tribe of Indians, but shall in every case be paid directly to the Indian or Indians themselves to whom it may be due, or to the tribes or parts of tribes, *per capita*, unless some imperious necessity shall arise to require the payment to be made under the direction of the President of the United States; nor shall the executive branch of the Government now or hereafter recognize any contract made between any Indian or tribe of Indians, or part of a tribe, with any attorney for the prosecution of any claim against the Government under this act."

Mr. WALKER. The proviso has been somewhat modified, and it seems to me that the design of it is to give \$25,000 to the agent concerned in the claim of the Menomonee Indians. I will not, however, raise a question on the subject. The principle I have been contending for has been established, and I will take the proviso with that modification.

The report of the committee was then agreed to.

Mr. HUNTER. I now move that a committee of conference be appointed.

The motion was agreed to; and Mr. GWIN, Mr. PEARCE, and Mr. BELL were appointed as the committee on behalf of the Senate.

#### PROTECTION TO LIFE ON STEAMBOATS.

Mr. DAVIS. I am instructed by the Committee on Commerce to report back to the Senate a bill entitled "An act for the better preservation of the lives of passengers on board vessels propelled

in whole or in part by steam;" and I am instructed by that committee to recommend to the Senate to agree to the numerous amendments made by the House of Representatives. Although the committee do not think that the bill has been improved by these amendments, in many respects, yet, at this late stage of the session, they think it better to concur in them. I hope the bill will now be taken up, and I will follow that action on the part of the Senate by moving a vote of concurrence in all the amendments without reading them.

Mr. GWIN. I hope the Senate will adopt the suggestions of the Senator from Massachusetts. The amendments are very numerous, and their reading would cause a great delay.

Mr. HUNTER. All I have to say is, that I cannot vote to take up anything until the appropriation bills are disposed of.

The motion to take up the bill was agreed to.

Mr. DAVIS. I now move to concur in the amendments made by the House of Representatives.

Mr. TOUCEY. I would ask the Senator from Massachusetts whether the bill as amended requires that the best life-boats which can be procured shall be made use of; and also, whether it renders necessary the adoption of the best life-preservers?

Mr. DAVIS. The bill, as amended, requires that metallic life-boats shall be used; but I do not know that the word "best" is used.

Mr. PRATT. There are somewhat more than one hundred and fifty amendments reported by the House of Representatives to that bill, and we are now asked, as I understand, for a vote of concurrence in them without even hearing them read. I hold in my hand a representation from the steamboat interests of the State of Maryland, in direct opposition to this bill; and I believe that feeling is shared by the same interest along the whole of the Atlantic sea-board. They state, that if the bill should pass, it will break up the steamers they have now running; that the bill is unnecessarily severe, so far as they are concerned; and that it would be completely ruinous to their interests. As I represent those interests on this floor, I cannot permit this motion to pass without making a solemn protest against it. The Senator who has made it asks this body, and asks me, to vote in favor of the adoption of these amendments, one hundred and fifty in number at least, in despite of the remonstrance presented to me by the whole of the steamboat interests of my State, without even knowing what the effect of one of those amendments may be. I cannot do it, sir; and I shall ask for the yeas and nays on the motion.

The PRESIDENT. The Senator from Maryland has it in his power to cause the question to be taken on the amendments separately.

Mr. GWIN. I wish to make an appeal to the Senator from Maryland.

Mr. PRATT. I am desirous that the bill should not pass, and therefore there is no use in making the appeal, because it will only be made to induce me to agree to these amendments to facilitate the passage of the bill. I cannot concur in such a step, for the reason that I have stated—that the whole of the steamboat interests are opposed to the measure. In addition to what I have already said, I beg now to mention to the Senate that I have in my possession a resolution suggested by the steamboat owners, which I will submit for consideration. Their objection is not so much to the amendments as to the bill. To that they object *in toto*. They do not object to the amendments specifically. The object and the scope of those amendments are unknown to them. Possibly they are still more objectionable than the bill itself.

Mr. JONES, of Iowa. Why do they object to the amendments, if they do not understand them?

Mr. PRATT. I will now offer, as a substitute for the report of the committee, the resolution to which I have alluded. Its effect is to convey an instruction to the Committee on Commerce to sit during the recess, and inquire into this question thoroughly, so far as regards steamboat navigation in other sections of the country than the western waters, and that the committee do report such a bill at the next session of Congress as may afford adequate protection to travelers, without destroying the steamboat interests on the Atlantic sea-board.

The PRESIDENT. Is it offered as a substitute for the bill?

Mr. PRATT. Yes, sir. Allow me to say, that during the last forty years, not a single accident has occurred on the Chesapeake Bay, which would render the passage of such a bill as that at present under consideration necessary. It is inexpedient, then, to pass this bill; but if it can be made to apply solely to that section of country where legislation is imperatively demanded, I have no objection to its passage, together with all the amendments just as they came from the House of Representatives.

The PRESIDENT. The gentleman must confine himself to the consideration of those amendments. The subject-matter of the bill is not now before the Senate.

Mr. GWIN. I believe this bill to be very defective. I believe with the Senator from Maryland, [Mr. PRATT,] that it will cause serious injury to the steamboat interests in his State, and in mine also. I have been notified that it will cause serious embarrassment to the steamboat owners in my State; but I think we should have some security for life, such as this bill proposes. As it does not go into operation before next March, and as Congress will be in session some months before that time, we can then amend it, if, on mature consideration, amendment appears to be advisable. In the mean time, I am most anxious that this bill should pass, as it is evident that something of the kind is essential; and I appeal to the Senator from Maryland, [Mr. PRATT,] not to persist in his opposition to the concurrence in the amendments.

Mr. DAVIS. I wish to say a few words in reply to the Senator from Maryland. This bill has been a long time under the consideration of the House of Representatives. It passed this body by a great majority, indicating great unanimity; and it was so passed because it was understood that there were other interests than those of the steamboat owners concerned. It was very well known what feelings many of those persons entertained on this subject; that they much preferred the law of discretion to any enactment that Congress could make; that they were desirous of having this subject entirely under their own control, to go on in what manner they pleased, with a reckless disregard for human life, rather than have any legislation whatever. The bill, after much consideration, went to the House of Representatives, and it has been pursued thither by some of the steamboat gentlemen who, to my certain knowledge, have been treated with the utmost consideration, and the greatest respect paid to their wishes, so far as they were reasonable. The consequence is, that the character and tone of the bill have been so much lowered by amendments adopted by the House of Representatives that it has lost much of its efficiency. It is not sufficiently stringent, as it has been returned to us, for the protection of life and property. The foundations of the bill have not been disturbed, it is true, but the terms have been altered, and the tone abated to such a degree as very much to impair, in my judgment, its useful character. That change has been made as a concession to those interests which the Senator from Maryland [Mr. PRATT] represents. Yet, after all these concessions have been made—and they are numerous—these remonstrants are no more disposed to accept the bill now than they were at first. The more considerate are willing to accept it; but there are some, I hope not many, utterly opposed to it in every shape, and appear to desire no law but the law of discretion, which is the right to expose life to imminent peril, and often to destruction. If the Senate is willing to permit such a state of things to exist, be it so. My own opinion is, that we had better adopt the bill as it came from the House of Representatives; and as it does not take effect until next March, we can amend it during the approaching session of Congress if it should appear to be too stringent in regard to the property of steamboat owners.

In this connection I will say, in justice to the committees of the Senate and of the House of Representatives, that at every step, and under all circumstances, they paid the most scrupulous regard to the rights of property. This point was never lost sight of for a moment, and some of the provisions complained of were adopted to relieve property from burdens, as far as possible. The various forms in which boats and machinery are constructed, make a large discretion in the

inspectors necessary to meet each case, and to prevent a sacrifice of property by the exercise of a sound discretion conforming to the circumstances which exist. Most of the owners of steam tonnage have behaved with a becoming liberality, while some have been governed by views peculiar to themselves. Forgetting that a law cannot be made for individuals, but must be general, they require an impossibility, by urging upon Congress to make a law for the reckless, while it must not extend to the prudent. In my opinion, the prudent have nothing to fear from this act. They are timid without cause, and not sufficiently mindful of the terrible disasters which frequently occur. It is but a few days since seventy persons perished by drowning, while the bow of the boat Henry Clay rested upon the shore. Such were the disastrous consequences for the want of suitable means to extinguish fire! Such painful occurrences have been so frequent as to fill the public mind with deep sensibility, and there is almost a universal demand for greater security. None but boat-owners oppose such a step, and a very large majority of this class are believed to be heartily in favor of legislation. Now is the time; now the favorable moment. Many have come here to help a law along, and we should not send them away disheartened.

Mr. PRATT. Allow me to make a suggestion for the purpose of saving time. I understand that the bill is to go into operation in the month of March; it has been acted on by the House of Representatives; and suppose that it be now laid upon the table, under the rules, when we meet again in December—three months before it takes effect—we can take it up, and we shall then have sufficient time to consider and act upon the amendments of the House of Representatives. I ask the Senator from Massachusetts whether he does not think that the public interest will be better promoted by taking this course than by hurrying on the action of the Senate now? We are, at present, pressed for time, and it is impossible that we can give all the amendments due consideration; the adoption of them, without reading even, is a course that I am strongly opposed to. Since we are informed that the bill will have the effect of destroying the steamboat interest in California as well as in Maryland, I think that the suggestion is entitled to some consideration from the Senator for Massachusetts. I feel indebted to the Senator for his kindness in permitting me to interrupt him while making the suggestion.

Mr. DAVIS. The proposition made by the gentleman has been considered; but it is supposed by some of the friends of this bill, that it still contains much of good, and they are of opinion that this is the time for action. Those gentlemen who came here from the West, and whose advice and assistance in framing the bill, has been of much value, might not be able to return at the next session. If it should be permitted to die for the present session, it will then be placed in a hopeless condition, and it will be almost impossible to revive it. This is no doubt what some desire, but we are anxious to obtain the good which the bill contains, and to secure the means it affords of giving some security to life and property. If it should appear that amendments are desirable, it will be as easy to obtain them hereafter, as to take up the postponed bill at a future session.

Mr. HALE. I have not, as yet, said anything respecting this bill, but I understand that it is a very important one. I have the declarations of its friends for that opinion. The Senator from Texas [Mr. RUSK] I believe stated that it was of more importance than any of the appropriation bills. Well, there are one hundred and fifty amendments to it reported to us by the House of Representatives, and we have no time to read, much less to consider them. Under these circumstances, I think there is much force in the suggestion of the Senator from Maryland, [Mr. PRATT.] To test the sense of the Senate, I move a postponement till the second Tuesday in December, and that it be made the special order for that day.

The PRESIDENT. The motion of the Senator from New Hampshire is not strictly in order.

Mr. HALE. Then, I move to lay it on the table; and I ask for the yeas and nays.

Mr. RUSK. I hope that the Senator from New Hampshire will withdraw his motion to lay the bill on the table.

Mr. HALE. I will do so if you will renew it.

Mr. RUSK. I will do so.

Mr. BADGER. It is very questionable whether this bill could be taken up at the next session of Congress, under the joint rule. The rule is this:

"After six days from the commencement of a second or subsequent session of Congress, all bills, resolutions, or reports, which originated in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

Now, I think it is very questionable whether the rule can be so construed as to permit the bill to be brought up at the next session. Recollect that it is a rule relaxing the original parliamentary rule, and embraces no cases except those which are expressly included in it. I doubt very much whether it would embrace the case of a bill which had passed the Senate and House of Representatives, and which remained on the table, not on a question of passage, but solely on a question of concurring in amendments. I mention this, because I think it is very doubtful whether, under the rule, the bill could be taken up at the next session.

Mr. RUSK. I desire to say a very few words on this question, and shall commence by thanking, in the name of humanity, the Senator from Massachusetts, [Mr. DAVIS,] for the immense labor he has bestowed upon the preparation of this bill. It will form a page in his history, that his children may look upon with pride, when he is gone.

This is the only country in the world which has not passed stringent laws to regulate the manner in which that powerful agent, steam, is to be employed by individuals; this is the only country in the world where human life would be recklessly and wantonly sacrificed to the cupidity of steamboat proprietors, as we have seen repeatedly during the last ten or fifteen years. Some step was rendered absolutely necessary, and the Senator from Massachusetts has taken the right course in the introduction of that bill. The whole subject has been carefully investigated by that gentleman; he has obtained information on every side; his room has been open to persons representing all classes and interests; and, with a patience that did him honor, he has listened to all who desired to make any representations to him. He has read such memorials and documents bearing on the subject as I believe no other Senator, pressed with business, as we all are, could be induced to read. The whole measure has been carefully digested and matured by him; and, now, at this late stage of the session, this bill, which, from my own knowledge of the subject, and from the information of those who are much better acquainted with it than I can profess to be, is to be set aside for the purpose of gratifying the steamboat owners. Some of them, I have no doubt, oppose it, might and main, simply because they do not understand its provisions. They believe that they will be required to change all the machinery in their boats at once, and consequently that the cost of the machinery now in use will be thrown away. This is a mistake. The machinery now in use will be retained, if it is of such a character as to bear the test of inspection; that which will not do so should, of course, be rejected. And all the machinery to be made for future use must be submitted to inspection.

Some of the observations made to me by these steamboat proprietors, are not at all creditable to them, or to human nature. They have vowed their determination to defeat the bill; and have raised such paltry objections as the cost of some four or five buckets, which they will be compelled to supply, at something like a quarter of a dollar each, and the cost of a few axes, amounting, in the whole, perhaps, to not quite forty dollars.

Mr. DAVIS. Not the half of that.

Mr. RUSK. I dare say my friend from Massachusetts is right—the whole will not cost more than half what I have stated. And, sir, this opposition to the bill has been characterized by such a degree of pertinacity as I have never witnessed in outside pressure before; and I have seen much of it here. Their object appears to be the defeat of all legislation on the subject, and the power of exercising their own uncontrolled discretion.

The question for the Senate to consider is, whether they will act in such a manner as to protect steamboat interests alone; or whether they will throw some safeguards round human life, and prevent a repetition of those lamentable catastro-

phes which have occurred so frequently of late. The perils accompanying steamboat navigation, under the present system, are so great, and the chances of encountering an instant and horrible death are so numerous, that, for my part, I would rather encounter almost any risk than that with which I am threatened on the journey of some three or four thousand miles from this place to my home. However, my individual fate is a matter of no great consequence to the public—I must go at some time or other, and possibly I might as well go now, by the explosion of a steamboat boiler, as by any other means, at a future day; but, sir, I will candidly avow, that I would rather take part in an Indian fight; ay, or enter on a long Indian campaign, than venture on undertaking this voyage of three thousand or four thousand miles, as I must, to see my wife and children once again.

Mr. HUNTER. The whole question resolves itself into this: the bill, even if it were passed now, will not go into operation until next March. That being the case, I do not see any reason why those gentlemen who desire that it should be postponed until the next session should not be indulged by a compliance with their request. As to the ground taken by the Senator from North Carolina, [Mr. BADGER,] that the bill could not be revised under the rule, in case of postponement, I think he is in error, because the question will then come up on an "undetermined bill."

Mr. RUSK. There is one point which I forgot to mention, and to which I should now wish to call the attention of the Senate. If the bill is to become a law, and is to go into operation in March, it is necessary that the owners of steamboats should be allowed some time for preparation.

Mr. WELLER. It will be scarcely possible for them to be in readiness in California even then.

Mr. HUNTER. I do not understand the bill, and will not therefore undertake to speak on it; but remonstrances have been made to me by persons who represent that it will be ruinous to their interests, and especially in its operation on the Atlantic sea-board. For that reason I have been desirous that it should be postponed until next session, in order that I may have an opportunity of examining it, and of ascertaining whether it is practicable to pass such a measure for the security of human life, without infringing on private rights.

Mr. STOCKTON. At the risk of being considered wanting in those sentiments of philanthropy and concern for human life, which have been so eloquently and so fervently expressed by the Senator from Texas, [Mr. RUSK,] I must, with the candor becoming a Senator, say, that I am opposed to most of the details of the bill now under consideration, and that I propose to discuss all the amendments made by the other House. I will endeavor to make it as consistent with my notions of the great principles of human liberty and the rights of the citizen, as it is designed to be protective of human life.

Sir, "eternal vigilance is the price of liberty." We are here to consider—it is our undoubted duty to consider—what is necessary to be done for the better protection of human life on steamboats. But it is likewise our duty to consider what is due to steamboat property, and steamboat owners, as well as what is due to the protection of steamboat travelers. They are all our fellow-citizens, equally entitled to our consideration. But, sir, there is a principle, in my judgment, involved in this bill far beyond, in importance, either of those questions. It is this—how far the Federal Government, through the instrumentality of the two Houses of Congress, shall be permitted to interfere with the rights of personal property—or the private business of any citizen. I think, sir, that under the influence of recent calamities, too much sensibility is displayed on this subject; and I am afraid, sir, that too many, and too strong efforts will be made forcibly to constrain individual liberty, and to control private business. Mr. President, extremes are near each other—a good principle may go so far as to react upon itself, to the injury of society—the temperance excitement for instance. What man, what christian man will not raise his voice in favor of the great cause of temperance? But, sir, is it not likely to overleap itself? Can we shut our eyes to the dangers with which even that beneficent cause threatens the Republic? The pledge



required in favor of temperance, while it is, in some measure, a constraint on the liberty of individual free action, is a voluntary principle, confined to the individual, and operating only on present time. But, sir, when they come to improve morals by coercion—to interfere with acknowledged rights of freemen, that is a more serious matter—that is a principle which, though at the moment beneficial in its effects, may be prejudicial to human liberty in all time to come. Would you enslave mankind—would you interfere with rights essential to human liberty and human dignity? Would you, to save any number of men from intemperance, reverse the decrees of God, which require that the principles, the heart of man should be altered, and substitute human enactments for that irreversible law, upon which alone any permanent reform may be expected? Sir, great caution should be exercised in the application of the humane principles upon which this bill is based.

When you are about adopting measures to save human life from destruction on board of steamboats, I would have you to consider the value of a man's life compared with his happiness and his liberty, with the freedom and happiness of our race. Life is transient and evanescent, but liberty and equal rights, I hope, will endure as long as truth shall endure.

Sir, we ought, indeed, to be the guardians of liberty; but it seems that we are to be not only the guardians of liberty, but to take under our charge all the men and women who choose to go on board a steamboat or not, as they see fit. Ay, sir, and on board a boat which is known to be in the constant practice of racing. If a man will go on board a steamboat that is not fit to carry him, because he can go for a quarter of a dollar less than by some other conveyance, are we to destroy, or in any way interfere with the proper rights of other citizens in order to serve him? It must not be forgotten that travelers themselves are not altogether free from just reproach and responsibility in this matter—they are the principal cause of these repeated losses of life. They must, they will go in the fastest boat; yes, sir, they will rush to that boat which carries them speediest and cheapest. It is to their pockets they look when they select a boat, and to the Government to protect their lives when on board. They will go in any kind of boat, and with any kind of a captain, to go a little cheaper, and then, when accidents do happen, as they will in all human affairs, they burn with desire to hang the captain and owners, entirely overlooking their own responsibility in the matter, and that they have been the principal cause of the mischief by encouraging the construction of light cheap boats.

Mr. President, I hope I entertain as strong and sincere feelings of respect for the lives of my fellow men, as any other gentleman upon this floor; but I hold it to be my imperative duty not to permit my feelings of humanity or kindness to interfere with that protection which I am bound, as a Senator of the United States, to throw around the liberty of the citizen, the investment of his property, or the management of his own business.

Sir, I raise my voice here on this occasion to say to Senators, that in this Chamber they have, in my judgment, done enough in past time to shake the principles of Democratic freedom; and that they had best take heed lest they go so far that they never can regain what has been inconsiderately lost. Look, for example, at your census laws. You have authorized Federal officers to go into the houses of your citizens and inquire into their number and condition, and when and where and how they were born.

Again, sir, some of the States have laws authorizing their public officers to go into the houses of citizens and demand how much property they own and where it is, how much they owe and how much is owing to them, and other things equally offensive to the feelings of an independent freeman as it is injurious to his business. And now, sir, you want to control him in the investment and management of his property! Let me ask, what will be left of human liberty if we progress on this course much further? What will be, by and by, the difference between citizens of this far-famed Republic and the serfs of Russia? Can a man's property be said to be his own, when you take it out of his own control and put it into the hands of another, though he may be a Federal officer? Can a man's property be called his own

if your officer—who will certainly be a politician, and may be an irresponsible man—has the power to determine whether that property is invested according to his idea of law; and, if he sees fit, condemn it? The steamboat property in this country is owned by a numerous and respectable class of men, and perhaps as kind-hearted and humane as any of us—men, too, whose interests, as well as whose feelings, constrain them to look to the safety of their vessels, and to exercise a constant watchfulness, not only over their own interests, but also over the interests and lives of others intrusted to their care.

Sir, this bill will not attain the object intended. Let every one build his boat in his own way, but subject him to all the high responsibilities of a public servant and common carrier. If you take this kind of property out of the charge of those most interested in it, and put it in charge of men who have no sort of interest in it, except what they may derive from a per diem inspection, you will relieve from all responsibility very responsible parties, and do an inconceivable wrong to individuals and to society. Will that be right? Is it judicious? Then, again, you would apply the principles of this bill, intended, no doubt, for good, (and which, if extended only to those steamboats which run on western waters,—about which I know nothing,—might be valuable,) to boats on rivers, where they can almost touch the shore on both sides, and whose greatest difficulty is to keep from running ashore; and this is to be done in such a way as is likely to destroy the entire interests in such boats.

But I will not press the subject any further. I have thrown out these suggestions as the ground of my hope that the further consideration of this bill may be postponed. The law is not intended to go into operation before March next; and I think that in the mean time this bill may be so guarded as not to infringe on the liberties of others, while it may afford all possible guards for the safety of human life.

Mr. DOWNS. I am sorry to occupy the time of the Senate, but I cannot remain silent when such strenuous opposition is made to the passage of this bill, and when the pecuniary interests of a few steamboat owners are placed in favorable contrast with our duty to protect the lives of the public. I confess that I have heard many things, since I first had a seat in this body, which have surprised me; but the argument against the bill just delivered by the Senator from New Jersey, [Mr. STOCKTON], is the most extraordinary I ever listened to. I had thought that the criminal jurisdiction of the United States extended over the harbors, bays, and rivers of this country; and that the United States had the authority to punish the crime of murder in those waters. This bill is to punish murder, and nothing else.

Mr. STOCKTON. I do not deny the authority of Congress. I only intended to warn the Senate against its abuse.

Mr. DOWNS. I consider that the only question involved in the bill is this: Whether we shall permit a legalized, unquestioned, unchecked, and peculiar class in the community, to go on committing murder at will, or whether we shall make such enactments as will compel them to pay some attention to the value of life? I have no hostility, or prejudices, or resentments, against those persons who hold property in steamboats. I know that there are many honorable men among them. I know that, as a class, they may all be looked on as honorable and fair men; but I know something of their characteristics and peculiarities. Like the Senator from Texas, [Mr. Rusk], I have had to travel much with them, and know that, like all men who are constantly exposed to danger—like the warrior, the soldier, accustomed to risk life at every moment—they have become indifferent and careless to the perils with which they are constantly surrounded, and expose the lives of others, who avail themselves of their means of traveling, recklessly and needlessly, to instant destruction. That feeling of careless hardihood, I know, exists among them; and I ask, is it not time that Congress should interpose, when we hear repeatedly of the fatal consequences it entails—when we know that three hundred persons have, as one of its results, perished within the last month on our waters, and when we are informed that no less than seven hundred lives have been lost by steamboat accidents within the last twelve months?

Mr. DAVIS. Allow me to mention a fact. Seventy persons perished on board the Henry Clay, when the bow of the boat was on shore, solely from the want of proper means to assist their escape.

Mr. DOWNS. I know it well, sir. Yet, gentlemen here tell us that we should not interfere with private interests. I tell these gentlemen that if ever there was a subject that required the prompt and speedy action of Congress, it is that we have now under consideration. Nor is this the first time that the question has forced itself on the attention of a legislative body. Some years ago a law was passed in the State of Louisiana for a similar object, and I had some experience of the manner in which it was administered. I held the office of district attorney, and felt it to be my duty to institute a most rigid inquiry as to the causes of the numerous accidents, with a view to prevention; yet such were the defects of the law that not a single conviction could be obtained, and I became convinced that individual States have not a sufficiently extensive jurisdiction to enable them to enact such laws as will be operative. It is utterly out of their power to do so when a boat will sometimes pass through two or three States in the course of a single day. The question then comes before Congress, and we are to decide whether this wholesale, systematized process of murder is to go on, by which seven hundred persons have been hurried to a premature death in the course of a single year. I agree with the Senator from Massachusetts, [Mr. DAVIS], that the time is come for us to do something. We have needed some incentive to action, and we should proceed at once while our minds are made up.

I am opposed to any postponement. If the bill does become law, and if that law is to take effect in March, it is absolutely necessary that we should pass upon it at once, in order to enable the proprietors of steamboats to take those steps which it requires.

Mr. STOCKTON. Mr. President, I wish it to be distinctly understood that I have not undertaken to deny the right of Congress to interfere, or the necessity of some interference, in regard to the safety of steamboats. What I have said is, that it is necessary to amend and to guard such a bill as that now before us from all unnecessary encroachment on the liberty or business of the citizen. The bill has been altered since it left the Senate, and is now hurried along under the influence of humane and honorable, but excited feelings. Reference has been made by its friends to recent accidents, and especially to the loss of life which occurred on board the Henry Clay, in justification of this measure. With regard to that melancholy event, I must say that I believe all who know anything about steamboat navigation will agree with me, that not a single life ought to have been lost on that occasion. At all events, my opinion is, that to a want of self-possession the great loss of life which occurred at that time is mainly to be attributed. The boat went on shore within six or seven feet of the railroad, as we have been informed; and all that seems to have been needful for the safety of the passengers was self-command enough to get on shore from the bow, thus keeping clear of the flames. But instead of which, they unaccountably and wildly rushed to the stern, into the flames or the water. Is there anything in this bill to prevent such a panic—such a scene?

If Senators will allow the consideration of this question to be postponed until next session, it need not delay the practical operation of this measure in any respect, as no one proposes that it shall go into force until next March. This reasonable delay will afford an opportunity to amend the bill in some way that may be advantageous and satisfactory to all. I confess my own willingness to make some of its provisions more stringent than they now are. The fact is, that gentlemen do not thoroughly understand the subject, and as it is altogether a practical subject, I may be excused for saying so. It is a matter that requires great practical knowledge and experience, and should be well considered. The mere fact of a steamboat having been recently destroyed by fire, is not a good reason why this bill, incomplete and ill advised as I think it is, should be passed. The Senator from Massachusetts, [Mr. DAVIS], knows as well as I do, that the chief cause of steamboat

accidents, is the use of bad and defective boilers. It is all very well to make provisions as to the manner in which steamboats should be constructed and navigated, but there is something else to be looked to; and that is the manner in which the boilers are constructed, and the quality of the iron of which they are made. Where one accident arises from burning up of a boat, there are a dozen from bursting boilers. Whenever a boiler bursts, and deaths occur in consequence, the public are always excessively indignant against the owner of the boat, when, in truth, not the owner, but the iron master and the boiler maker are—if anybody—responsible.

The person who purchases the iron may easily be deceived; an instance of the kind happened only the other day on the Erie railroad. The iron of which one of the wheels of an engine was constructed, was so bad in quality, that it broke, and several cars were hurled down an embankment thirty or forty feet high. I hope Senators will consent to the postponement of this bill. I do not desire its rejection. I merely require such a delay as to enable us to modify it, and make it a reasonable bill. I am willing that it should be stringent in its provisions; but, at the same time, I desire that it may be intelligible, and that it may not interfere, more than is indispensable, with the rights of private property. If this request is accorded, I will then use my best exertions to aid in maturing such a bill as will not only satisfy the Senator from Massachusetts, [Mr. DAVIS,] but also the Senator from Texas, [Mr. Rusk,] and the Senator from Louisiana, [Mr. Downs.]

I now move that the bill be laid on the table.

Mr. JAMES. Will the Senator from New Jersey allow me to say one word?

Mr. WELLER. I wish to say a word, too, and hope I may have the opportunity.

Mr. STOCKTON. I must persist in my motion. If I open the door every gentleman in the Senate will speak.

Mr. WELLER. I am as desirous as any gentleman that the debate should come to a close, but I wish to say one word on the question.

Mr. STOCKTON. I must persist in my motion. I am appealed to by so many friends that I cannot withdraw.

Mr. PRATT. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. FISH. Allow me to inquire whether, if we lay this bill over, we will not destroy it? I hope that those who have a decent regard for human life will not destroy this bill by a side-blow.

The yeas and nays were taken, and resulted—yeas 8, nays 43; as follows:

YEAS—Messrs. Bayard, Butler, Clemens, Hale, Hunter, James, Pratt, and Stockton—8.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Bortland, Bradbury, Bright, Brooke, Cass, Charlton, Chase, Clarke, Cooper, Davis, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Hamilton, Houston, Jones of Iowa, Mangum, Mason, Meriwether, Miller, Morton, Norris, Rusk, Shields, Smith, Soule, Spruance, Sumner, Toucey, Underwood, Upham, Wade, Walker, and Weller—43.

The motion to lay the bill on the table did not prevail.

The PRESIDENT. The question now is on the amendment reported by the committee.

Mr. JAMES. I do not rise to consume the time of the Senate. I will merely say that when the bill was under the consideration of this body on a former occasion, I was absent, and that I had no opportunity of expressing my objections to it either here or elsewhere. If the bill should pass in its present shape, it will be almost impossible to comply with its provisions. I hope, therefore, that a committee will be appointed with power to send for persons and papers, and with instructions to report a substitute to the bill now before us.

Mr. DAVIS. One word. It is indispensably necessary that time for preparation should be allowed the steamboat owners. This bill affords them time; but if it should not now be passed, we shall be compelled to commence *de novo* next session.

Mr. STOCKTON. I hope the question will be taken on the amendments separately, and I ask that they be read.

Several SENATORS. No, no. Allow the question to be taken on all the amendments at once.

Mr. STOCKTON. The bill is a most import-

ant one; and if it is passed at all, it should be done properly.

The question was then taken separately on the first four amendments, reported from the House of Representatives, and they were agreed to.

Mr. GWIN. I would remark, that it is very injudicious to pursue this course. The amendments are read by the Secretary at the desk, and no one is aware of what effect the mere insertion or striking out of a word, or words, may have upon the general provisions of the bill. If the amendments are to be read, the Senate should be made aware of their import, by reading the clauses as amended.

Mr. ATCHISON. I have one word to say. This is the same course that we pursued with the river and harbor bill; the same course that was pursued with the civil and diplomatic appropriation bill; and I will undertake to say that not half a dozen gentlemen beyond those who reported the bills, knew the effect of a single amendment. We knew something about the general provisions, but nothing about the details of those bills. What could I, who have never been on the lakes, know about the appropriations for the harbors situated there? I never saw the estimates and surveys upon which those appropriations were recommended, but was obliged to confide in those gentlemen who took the subject in hand. We have to take these things on trust, and I am prepared to swallow this steamboat bill on trust, just as we have done many others.

Mr. BAYARD. It is a mere absurdity—the words “insert” and “strike out,” together with “the amendment of the House of Representatives.” The recurrence of the formula is ridiculous, and conveys no information to the mind of a single Senator.

Mr. DAVIS. I wish to say to the Senator from New Jersey [Mr. STOCKTON] that I know he is a humane man, and that I hope he will spare us the infliction of going over these amendments.

Mr. STOCKTON. I am so circumstanced that I could not yield to the solicitation of my friend from Massachusetts, [Mr. DAVIS,] or of the gentlemen near him; nor could I yield to any solicitations in the world; but I see the utter hopelessness of the conflict, and that my objections to the passage of the bill will be of no avail. Feeling this, it is a matter of courtesy to the Senate that I should withdraw my call for the reading of the amendments separately. Before sitting down, I wish to say a word to the Senator from Missouri, [Mr. ARCHISON.] He says that the civil and diplomatic bill, and that the river and harbor bill were passed by this body upon trust. I wish to say to him, that I take no care for such measures, for when a bill comes before us for the mere taking of money out of the Treasury, it concerns me very little; but when you come to encroach on the great principles of Government, the foundation on which the whole fabric of human liberty rests, I cannot see an attempt made to sap a single pillar without raising my warning voice; and will tell honorable Senators, in the words of the immortal Jefferson, that “eternal vigilance is the price of liberty.” The allusion of my friend from Missouri will scarcely hold good as to this bill. I now withdraw my objection.

Mr. MANGUM. Is the question on the adoption of all the amendments?

The PRESIDENT. Yes.

Mr. MANGUM. Then I hope the question will be taken.

The question was taken on the concurrence by the Senate in the amendments made to the bill by the House of Representatives, and they were agreed to.

#### PROMOTION OF USEFUL ARTS.

The bill from the House of Representatives, in addition to an act to promote the progress of the useful arts, was read a first and second time by its title, and considered as in Committee of the Whole. Having been amended, on motion of Mr. BADGER, the bill was reported to the Senate, and the amendments were concurred in, and the bill, with the amendments, was read a third time and passed.

#### INDIAN APPROPRIATION BILL.

A message from the House of Representatives was received by Mr. HAYES, its Chief Clerk, announcing that it insisted on its amendments disagreed to by the Senate to the amendments of the

Senate to the bill “making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1853,” agree to the conference asked by the Senate on the disagreeing votes of the two Houses, and have appointed Mr. GEORGE W. JONES, Mr. JAMES L. CONGER, and Mr. HARRY HIBBARD, the committee of conference on their part.

#### ARMY APPROPRIATION BILL.

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the Army bill. It has been reported from the Committee on Finance with various amendments, and it is important that they should be acted on at once.

Mr. BELL. I think that I was entitled to the floor, Mr. President, and I was about to propose that the Senate should take up a bill that appeals for support to the heart and sympathies of every man. It will be an act of disinterested benevolence which we have in our power to perform, and we are now called upon to exercise that power. The bill to which I refer is House bill No. 76, for the relief of the insane; and I throw myself on the indulgence of the Senate in asking them to take it up at this moment. I desire to do so, because I perceive that it is the only opportunity which will be offered during the present session, and that if it falls in arrear of the appropriation bills it will be impossible to take it up. I appeal, then, to honorable Senators that, if they are in favor of this bill, and if they desire that it should be passed, they will vote down the proposition to take up any other measure until this has been considered.

The motion made by Mr. HUNTER was agreed to, and the bill entitled “An act making appropriations for the support of the Army for the year ending the 30th of June, 1853,” was considered as in Committee of the Whole.

Mr. HUNTER. I move the adoption of the first amendment reported by the Committee on Finance. It is to strike out the words within brackets, and insert those in italics:

“For subsistence in kind, [six hundred and fifty thousand,] one million and forty-seven thousand one hundred and eighty-five dollars.”

This is according to a reformed estimate from the Department. The first estimate was for \$1,118,000. In March, they found that owing to some reforms which had been introduced, it could be reduced to \$1,047,185—to the amount which we propose to insert. In the House of Representatives it was reduced to \$650,000 on two calculations; one was—and, indeed, to some extent it was correct—that there are not as many men in actual service as the muster-roll shows; and again, that the amount appropriated in the deficiency bill, by way of advance for subsistence, was to be deducted from the estimate. But it will be seen that it has been always recommended as a standing policy that they should have that sum in advance; for by having more time to provide supplies, they could lay them in more economically. The Committee on Finance, therefore, propose to restore the reformed estimate, \$1,047,185. It is less than the expenditure of last year.

The amendment was agreed to.

Mr. HUNTER. The next amendment recommended by the committee is the insertion of the words “one hundred and sixty thousand” after the word “million.” The clause will then read:

“For the regular supplies of the Quartermaster’s Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the Quartermaster’s Department, at the several military posts and stations and with the armies in the field; for the horses of the first and second regiment of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers’ horses when serving in the field and at the outposts; of straw for soldiers’ bedding, and of stationery, including company and other blank books for the Army, certificates for discharged soldiers, blank forms for the pay and Quartermaster’s Department, and for the printing of division and department orders, Army regulations and reports, one million one hundred and sixty thousand dollars.”

This was the expenditure of last year.

The amendment was agreed to.

The next amendment of the committee was, in the following clause, to strike out the words “two hundred and twenty-five,” after the word “mules,” in the last line but one, and insert “three hundred;” so that the clause will read:

“For the incidental expenses of the Quartermaster’s Department, consisting of postage on letters and packets

received and sent by officers of the Army on public service, expenses of courts martial and courts of inquiry, including the additional compensation to judges advocate, recorders, members, and witnesses while on that service, under the act of March 16, 1802; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, store-houses, and hospitals; the construction of roads and other constant labor, for periods of not less than ten days, under the act of March 2, 1819; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the internment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including hire of interpreters; spies and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon masters, authorized by the act of July, 1838; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons, and medicines for horses and mules, \$300,000."

Mr. HUNTER. The estimate furnished by the Secretary of War was cut down in the House of Representatives without any good reason, and the Committee on Finance have merely recommended a restoration to the amount of the estimate.

The amendment was agreed to.

The next amendment of the committee was to insert the following:

"For fuel and quarters for officers of the Army serving on the Coast Survey, the payment of which is no longer made by the Quartermaster's Department, \$5,500."

Mr. HUNTER. There has been a question raised as to the manner of defraying this expense, as these officers are now engaged on the Coast Survey. The committee have thought it most advisable to insert an appropriation for the amount in this bill.

The amendment was agreed to.

Mr. HUNTER. The next amendment of the Committee on Finance is to strike out the word "five" after the word "million," in the last line of the following clause, and insert the word "eight." It will then read:

"For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and army depots; of subsistence, from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships and other sea-going vessels and boats, for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance, \$1,800,000."

This is a restoration to the amount named in the estimates of the Secretary of War. It will be perceived that the Committee on Finance differed with the Committee of Ways and Means of the House of Representatives, solely in regard to the estimates for the Quartermaster's Department. These estimates were less than the expenditure of the preceding year, and we did not choose to concur in the reductions made by the House of Representatives, and give occasion for a deficiency bill; which we believed would have to be introduced if we reduced the appropriation not merely below the expenditures of last year, but below the estimates.

The amendment was agreed to.

Mr. HUNTER. A similar amendment occurs in the following clause: The Committee on Finance recommend that "sixty-five" be stricken out of the last line but one, and "ninety-five" inserted. It will then read:

"For ordnance stores and supplies, as follows: for procurement of side arms and accoutrements of artillery, infantry, cavalry and riflemen, materials for and preparation of siege and field ammunition, wages of mechanics engaged in making carriages, implements, equipments, harness, &c., and for purchase of miscellaneous supplies of ordnance stores for issue to the Army, \$95,000."

The committee have acted on the same grounds in this, as in the preceding case. They saw no good reason for refusing the sum of \$95,000 for the purchase of ordnance stores and supplies; but they apprehended that if the estimate be cut down

below that amount, there would be another deficiency bill sent in.

The amendment was agreed to.

The next amendment of the committee was to add to the second section the following:

"But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the Army, for forage, for the medical and hospital departments, and for the Quartermaster's Department, to be applied to any other of the above-mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year, shall not be transferred to any other object after the expiration of that year."

The section will then read:

"SEC. 2. And be it further enacted, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of War, repealed; and no portion of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, 1852. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the Army, for forage, for the medical and hospital departments and for the Quartermaster's Department, to be applied to any other of the above-mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year, shall not be transferred to any other object after the expiration of that year."

Mr. HUNTER. It will be observed that this clause, as it came from the House of Representatives, took away the power of transfer entirely. It also provided that no portion of the moneys appropriated for this year, should be applied to the payment of any of the expenses incurred during previous years. On consultation with the Secretary of War, it was found that he had no objection to that portion of the bill which provides that the appropriations for the fiscal year shall be confined to the expenditure of the year. But the Committee of Ways and Means thought that the power of transfer had been carried too far, and proposed to sweep it away entirely. The proposition of the Committee on Finance is that it shall be put on the footing of the law of 1820, cutting off the powers of transfer granted under the act of 1842; under which, in my opinion, all the difficulties have had their origin.

The amendment was agreed to.

The next amendment of the Committee on Finance was to insert in the third section the words printed in *italics*, so as to make the section read as follows:

"SEC. 3. And be it further enacted, That so much of the act making appropriations for the support of the Army for the year ending the 30th of June, 1851, approved the 28th of September, 1850, as provides extra pay to the commissioned officers and enlisted men of the United States serving in Oregon and California, be, and the same is hereby, continued in force for one year from the 1st day of March, 1852, and that the provision of the last-mentioned act be, and is hereby, extended to New Mexico during the current year, provided for by this section, and that \$300,000 be, and is hereby, appropriated for that purpose: *Provided, That one half of the additional pay herein allowed to enlisted men shall be retained until they are honorably discharged: Provided further, That said officers and men shall receive only one half of the increased amount over the regular pay allowed by law.*"

Mr. HUNTER. The Committee on Finance propose this amendment in pursuance of a recommendation from the Secretary of War. It will be perceived that the section grants additional pay to the men in California and New Mexico; and the Secretary states that the detention of half the additional pay until the men are discharged will tend to prevent desertions.

Mr. SHIELDS. The amendment is, in my opinion, a very correct one; but I find that the section is very different from the one with which the Department furnished me. The estimate is far less than the amount actually requisite.

Mr. HUNTER. I will state, for the information of the Senator from Illinois, that it seems there has been a correspondence between the Committee of Ways and Means and the Secretary of War. He made an estimate of what the total amount would be, if the previous allowance was given, but he thought it might be cut down; but did not say how much it might be reduced. The Committee of Ways and Means cut it down one half; and as we had no rule to go by, and had increased, in some instances, the amounts they recommended, we thought it would be better to adhere to their determination in this case.

Mr. SHIELDS. I know what the previous

allowances were. The amendment which I have prepared, will decrease them; but it is perfectly satisfactory to the Department, because the same exigency does not exist now, at least not to the same extent, for an increase of pay, as did some time since.

Mr. HUNTER. I would suggest to the Senator from Illinois that if he has any amendments to offer, he had better wait until those recommended by the Committee on Finance are passed. We have but one more besides that now under consideration.

The question was taken on the amendment, and it was agreed to.

The next amendment of the Committee on Finance was to add the following additional section:

"SEC. 4. And be it further enacted, That all the unexpended balances remaining of sums appropriated for fortifications, and now liable to revert to the surplus fund, are hereby appropriated."

Mr. HUNTER. It will be remembered that in the civil and diplomatic bill, a clause in relation to the surplus fund was inserted providing that after two years appropriations shall be carried to the surplus fund. I have been informed by Colonel Totten that it is necessary to insert this clause here for the purpose of enabling the Department to make use of some unexpended balances for the purpose of keeping the fortifications in repair. My information leads me to believe that considerable inconvenience would be caused by its omission, if the clause in the civil and diplomatic bill to which I have referred becomes law.

The amendment was agreed to.

Mr. HUNTER. The Committee on Finance are through with their amendments.

Mr. RUSK. I have an amendment which I wish to come in after line one hundred and forty-three, page seven:

For completing the survey of the route from the valley of the Mississippi to the Pacific ocean, in addition to the balance unexpended under the act of the 3d March, 1849, \$34,996.

There was formerly an appropriation for this survey, and it was partially completed; the balance of \$20,000 now remains, and I am desirous of having this further sum appropriated for the purpose of completing this important work.

The PRESIDENT. Is the amendment in accordance with the estimates?

Mr. RUSK. It is.

Mr. HUNTER. Is the estimate in pursuance of law?

Mr. RUSK. It is to carry out a law passed in 1849.

The amendment was agreed to.

Mr. SHIELDS. I am instructed by the Committee on Military Affairs to offer several amendments. I will hand them in *seriatim*. The first is to strike out the third section as it stands, and insert in lieu of it:

"SEC. 3. And be it further enacted, That for extra pay to the commissioned officers of the Army of the United States serving at posts west of the States of Missouri and Arkansas, and in the eighth, ninth, tenth, and eleventh military departments, the sum of \$326,665, on the following basis, to wit: there shall be allowed to all commissioned officers \$1 50 per day, in addition to their present pay and allowance. And to the non-commissioned officers and soldiers of the Army of the United States, serving at the posts above-mentioned, \$731,892, on the following basis, to wit: there shall be allowed to each non-commissioned officer and soldier, serving as aforesaid, in addition to present pay and allowance, a per diem equal to the pay proper of each as established by law; one half of said extra pay to be retained until he shall have been honorably discharged."

I will state that the effect of that amendment will be to reduce the allowance from \$2 per day to \$1 50 to each commissioned officer, and that it embraces the department of Texas.

The amendment was agreed to.

Mr. HUNTER. I would suggest to the Senator from Illinois that he has, possibly, gone beyond the recommendation of the Secretary of War in that amendment. Does it embrace California, Oregon, and Mexico?

Mr. RUSK. And Texas?

Mr. SHIELDS. Yes.

Mr. HUNTER. Does it also include Fort Leavenworth?

Mr. SHIELDS. No. It was prepared by the War Department. I have only diminished the amount without changing the plan. The next amendment I have to offer from the Committee on Military Affairs is the following:

"That paymasters' clerks shall be entitled to receive one



ration per day when on duty at their stations, to be computed at the prices now authorized when traveling on duty."

These persons now receive \$700 a year, and this amendment will give them twenty cents a day in addition. The amendment will follow the other sections in the bill.

The question was taken, and the amendment was agreed to.

Mr. SHIELDS. I offer the following amendment:

For the pay and equipment of mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain J. C. Frémont in California during the year 1846, as appears from the muster rolls in the War Department, and for the subsistence and supplies furnished to such volunteers in said service — dollars; and the Secretary of War is authorized and required to appoint three competent officers of the Army of the United States to examine, and report upon all such claims as may be presented for subsistence and supplies of all kinds, furnished or taken for the use of said command while thus engaged in the public service. And that upon being satisfied of the correctness of the claims which may be reported on favorably, in whole or in part, shall proceed to audit and pay the same; and for the expenses of the said board of officers, the sum of \$2,000 is hereby appropriated.

In accordance with an estimate from the Department, I propose to fill up the first blank with \$16,527. The amount of those claims which have been liquidated, is \$24,714, and the amount still claimed \$26,055, making altogether about \$67,000. I move to fill the blank with \$67,000.

Mr. HUNTER. I would like to have some explanation of this amendment. I understand that it proposes to establish a commission to ascertain the expenses of the battalion raised in California under Colonel Frémont.

Mr. SHIELDS. Yes. A bill for that purpose has already passed the Senate this session, and it has gone to the House of Representatives; but it is well known that that bill will lie on their table during the present session. The payment of these claims has been so long delayed that it is time the Government should adopt some means of satisfying them. They must be met some time or other; as the Senate has already taken action on the subject, I shall not waste time by discussing it at length now.

Mr. WELLER. I think the Senator from Illinois will find that the entire amount required for the pay of the battalion is \$101,000; and the estimate of which he speaks is an estimate for the subsistence and supplies that have been furnished, and amounts to \$67,000. I would suggest to him the propriety of including both, so as to make the amount \$168,000.

The amendment proposes to appoint three officers of the Army, whose duty it shall be to investigate all these claims for supplies and subsistence furnished to Frémont's battalion in California. It is well known, at all events it is in California, that there are many of these claims which are fraudulent, or of a doubtful character. I do not think we ought to pay all the claims which may be presented; because I am satisfied there are several of them of a most extravagant character. For instance, there are some claims for horses furnished at the rate of \$125 apiece, when it is well known that in 1846 horses could be purchased in California for from \$15 to \$25 apiece. Therefore, I hold that it is necessary that there should be a commission appointed for the purpose of investigating all these claims. But I think it is necessary to insert \$101,000 for the pay of the officers and men. The pay rolls have been admirably kept by a gentleman of high character—Major Reading—who is now in this city.

Mr. SHIELDS. The gentleman from California is correct. I have looked since at the estimates, and I find that there are \$101,000 for pay, and \$67,000 for subsistence and supplies. I therefore move to fill the blank with \$168,000.

Mr. GWIN. The Senator from Illinois, I understand, now proposes to fill the blank with \$168,000. I wish to make a statement before the vote is taken on that motion. I think there can be no dispute that the amount ought to be increased in some degree. Some of these claims have not been presented to the War Department. There are a number of subsistence claims which have not been presented. For instance, the claim of Arguello passed the Senate by a unanimous vote. That amounts to about \$11,000. A number of other claims have been filed before Congress, but not in the Departments. There are various other claims amounting to about \$25,000 or \$30,000, which

have been acted upon or are now being acted upon by the committees of Congress which have not been filed at the War Department. I hope, therefore, that the chairman of the Committee on Military Affairs will put the amount at \$200,000. As I have stated, one claim for \$11,000 has passed the Senate; there is another—Mr. Alexander's claim—amounting to about \$5,000, which has been referred to the appropriate committee, and there is a claim of Mr. Melish also before the committee, which have not yet been acted upon. These claims have been presented to my own knowledge. Then there is the claim of Thomas O. Larkin, which was presented to Congress at the last session, and which, I believe, has not been presented to the War Department. I therefore ask the chairman of the Committee on Military Affairs to fill the blank with \$200,000. I think it will be perfectly safe to put in that amount.

Mr. ATCHISON. I do not know that I understand the object of this amendment, but I remember very well, some years ago, about the time these expenses were incurred, a bill was reported appropriating \$750,000 for the purpose.

Mr. GWIN. And it passed the Senate.

Mr. ATCHISON. Now it seems that this appropriation to pay Colonel Frémont's battalion, and the quartermaster's and the commissary's department of the expenditures of that Commission, during the time that battalion was in the service of the United States, amounts to \$101,000. It is very strange to me that these expenditures have diminished in this way. It is contrary to the usual course.

Mr. WELLER. We do not suppose that \$100,000 will pay all the claims against the battalion, because it is well known that good claims to the amount of at least \$800,000 have been presented; but we suppose that this appropriation would be sufficient to pay all the claims which require no investigation, and that are here in the city. It will be necessary to make an appropriation to pay the balance of the claims after there has been an investigation.

Mr. ATCHISON. Very well; that is all right.

Mr. SHIELDS. The pay of this battalion can be ascertained from the muster rolls. I intended to make provision that we should pay them according to the muster rolls, instead of putting the amount in the amendment; but I agreed, at the request of Senators, to put in the amount, for it is the same thing in the end. The number of claims that can be ascertained definitely can very easily be arranged, but the residue cannot be so easily ascertained. They will depend upon the proof made before the board, and upon what the board may determine. I say there is no use in making an appropriation of an amount of money at this time to pay the whole, because the board will not be able to act until we meet again; and the object is merely to make an appropriation that will cover the claims that are plain and clear, and about which there is no question, and not those which are litigated and disputed.

Mr. GWIN. I will take the Senator's amendment as it is.

The motion to fill the blank with \$168,000 was agreed to.

The amendment, as thus modified, was adopted.

Mr. SHIELDS. The next amendment which I have to offer is to add:

Sec. —. *And be it further enacted*, That the second section of an act entitled "An act to provide for the settlement of the accounts of the public officers and others who may have received moneys arising from military contributions or otherwise in Mexico," approved March 3d, 1849, shall be so construed as to extend to officers and other persons who were engaged in the collection of military contributions as collectors in any part of Mexico or California, during the war with Mexico, so that the benefits of the provisions of said section shall apply equally to all, whether they have paid into the Treasury all the public money in their hands or not.

This is to supply an omission in the former law. It was intended that payment should be made to those men; but the construction given to the act by the Attorney General was, that it was confined to sea-ports, and did not extend to inland ports. This is merely accomplishing what ought to have been done by previous legislation.

The amendment was agreed to.

Mr. SHIELDS. The next amendment is to add:

Sec. —. *And be it further enacted*, That the Board of officers designated by the act of the 3d of March, 1851, to procure sites for the military asylums, by and with the ap-

proval of the President of the United States, be, and they, or a part of them, are hereby, authorized and directed to examine the Blue Lick Springs and the land attached thereto, and if the same be found eligible for the purpose, and can be secured of the proprietors, or any suitable quantity of the land, including the buildings, at a reasonable price, to purchase the same for the Government of the United States, and to locate thereon the Western Military Asylum.

I would state that both the Committee on Military Affairs and the committee of the House have agreed upon this proposition, and that it meets the concurrence of the Department.

Mr. HUNTER. It seems to me that this is giving an advantage to the proprietors of one site. It confines the officers to the selection of one place, and they can select no other, provided that the price of this satisfies them.

Mr. SHIELDS. I will merely state that the commissioners who have examined this matter in the West, have made no location; but it is considered that this is the most eligible site in the West, and can be procured for one fifth the amount of money required for any other location in that region of country; but the amendment does not require them to take it. It is the wish of the Departments, and of the Military Committees, that this place may be examined, and be procured, if it can be obtained on reasonable terms.

Mr. ATCHISON. I do not understand this matter exactly; but I think that the Senator from Virginia understands it. The effect would be to confine the officers to the selection and purchase of the Blue Lick Springs, in the State of Kentucky, for the Western Military Asylum. The Senator from Illinois says that this site can be purchased at a smaller sum than any other eligible site in the West. I do not see how this can well be; for I know something of the Blue Lick; I know it is considered a very valuable property. It is made valuable because it is so extensive and so fashionable a watering place. It is perhaps more so than any other in the State of Kentucky or the western country. Now, unless there be something peculiarly healthy in the waters of the Blue Lick, there is nothing to recommend it as a healthy place, or to induce the commissioners to locate the asylum there more than at any other place that I know of.

Mr. SHIELDS. I will merely state that the commissioners did not examine that portion of the country. They did not know that this place was salable at the time they made their examinations. It has since been ascertained that this site can be procured for a much smaller sum than any site in that portion of the country where they intend locating this asylum. I believe it is a very eligible and very healthy site. All they want is permission to go and examine it; and if it is found eligible, and can be purchased at a reasonable price, that they shall have authority to purchase it.

Mr. ATCHISON. I withdraw my objection. I care nothing about it.

Mr. UNDERWOOD. Allow me to say to gentlemen that the amendment does not compel the officers to buy it. If they cannot procure the property for a reasonable price, of course it will be their duty not to buy it; but if they can get it at a reasonable price, and if it answers their purpose, then they are authorized to make the purchase.

Mr. SHIELDS. To remove all objection, I move to amend the amendment by striking out the words "and directed," so as merely to authorize the officers to do it.

Mr. UNDERWOOD. I have no objection to that.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

Mr. SHIELDS. The next amendment I have to offer, is to add:

Sec. —. *And be it further enacted*, That the Secretary of War be directed to procure a sufficient number of camels, to ascertain whether or not they can be naturalized and rendered serviceable upon this continent, and that the sum of \$30,000 be appropriated for the purpose.

This question was brought up by the former chairman of the Committee on Military Affairs, (Mr. Davis, of Mississippi,) and at that time I helped to vote down the proposition. Since then the Committee on Military Affairs have made a thorough examination of this matter, and they have come to the conclusion, that if camels can be naturalized and acclimated in this country, through the whole South and Southwest, and away to the Pacific, they will perform better ser-

vice for us than any mode of conveyance that we have yet adopted. All that we want is to make the experiment. There was a time when we had no horses in this country; and camels are known at this moment to be the cheapest mode of conveyance in the East. I hope the amendment will be adopted.

Mr. WELLER. If this great good is to result from the use of camels, perhaps the country would be glad to know who it is that confers it upon them, and I therefore call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 16; as follows:

YEAS—Messrs. Atchison, Bell, Borland, Charlton, Clemens, Dawson, De Sausure, Dodge of Wisconsin, Douglas, Fish, Foot, Geyer, Hale, Hamlin, Mason, Meriwether, Pearce, Rusk, Shields, Smith, Soule, Spruance, Stockton, Toucey, Underwood, and Wade—26.

NAYS—Messrs. Bradbury, Bright, Broadhead, Brooke, Butler, Cass, Downs, Felch, Houston, Hunter, King, Miller, Norris, Pratt, Walker, and Weller—16.

So the amendment was agreed to.

Mr. SHIELDS. I have several amendments now to offer from the Committee on Military Affairs, all of the same class, and I suppose they might as well all be put together.

"Sec. —. *And be it further enacted*, That in the adjustment of the State of Maine, under the act of the 13th June, 1842, the proper accounting officers of the Treasury be and they are hereby directed to include and allow all claims which have been heretofore presented under said act: *Provided*, It shall be satisfactorily shown that said claims have been actually allowed and paid by said State.

"Sec. —. *And be it further enacted*, That the Secretary of War allow and pay to the State of Virginia all sums that may have been advanced by that State to the officers and men of her regiment of volunteers engaged to serve for and during the war then existing between the United States and Mexico, for pay for their services from the day of their enrollment until they were mustered into the service of the United States: *Provided*, The same has not been paid heretofore by the United States to any of the officers or men for said service.

"Sec. —. *And be it further enacted*, That the Secretary of War be and he is hereby authorized and required to pay to the State of South Carolina, out of any money in the Treasury not otherwise appropriated, such sums of money as were paid by said State in 1838, 1839, and 1840, for services, losses, and damages sustained by her volunteers in the Florida war of 1835, 1837, and 1838, while in the service of the United States, and on their return from said service, as were ascertained and allowed by a board of commissioners appointed for that purpose by an act of the Legislature of said State in 1837: *Provided*, however, That no interest shall be allowed upon the moneys paid to the State of South Carolina under the provisions of this act.

"Sec. —. *And be it further enacted*, That in the settlement of the claims of the State of Georgia, under the provisions of the act of the 11th August, 1842, providing for the settlement of the claims of Georgia, for the service of her militia, which have heretofore been suspended or disallowed, the accounting officers of the Treasury Department allow and pay, upon proof that the State has allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical services, and transportation, which have not been heretofore allowed by the United States, and that for the pay of mounted infantry, the pay of cavalry be allowed, the same to be paid out of the fund appropriated by the act of the 11th of August, 1842."

The amendments were agreed to.

Mr. BORLAND. I am instructed by the Committee on Military Affairs to offer the following amendment:

"To refund to the State of North Carolina the amount of money advanced and transportation furnished to the volunteers from that State, during the late war with Mexico, the sum of \$9,352 53, with interest at the rate of six per centum per annum from the 1st day of March, in the year 1847, until paid."

Mr. CLEMENS. I move to amend the amendment by striking out the words "with interest at the rate of six per centum per annum from the first day of March, in the year 1847, until paid." All the bills for this purpose which have been reported by the Committee on Military Affairs have been without interest. I do not understand that we agreed upon the payment of interest in this case. Certainly it has been stricken out of the others; and I think all ought to be put on the same footing.

Mr. BADGER. I think my friend is mistaken.

Mr. CLEMENS. I think I am not mistaken about the action of the committee in never recommending the payment of interest.

Mr. BADGER. I think that interest has been allowed in some cases, if not in all cases, for pay and equipment of troops engaged in the prosecution of the war with Mexico.

Mr. CLEMENS. I think we struck out interest in every case. I wish to state that if interest is to be retained in this case, it is not reported by the committee, and the amendment is out of order. We have never agreed to report any bill allowing

interest. It was a mistake, I understand, in the printed bill from which this amendment is taken, by which interest is allowed; and when we agreed to report the other bills, we struck out the interest. I reported the South Carolina bill, and I know there was an express provision inserted that interest should not be allowed.

Mr. BORLAND. After the remarks of the Senator from Alabama, an explanation is due to myself. The bill for the payment of these expenses incurred by North Carolina passed the Senate two years ago, allowing interest. I heard no objection to it then, but it failed in the House for want of time, or some other cause. At this session, the purpose was either to have a new bill, or have the old bill incorporated as an amendment upon this bill. My understanding was that we were to report the bill exactly as it had been passed before.

Mr. DAWSON. The principle we have adopted is this: If the State has paid out interest on the money she advanced, then we refund her the interest; and in all bills passed authorizing an appropriation of that kind, the Committee on Military Affairs have made that recommendation; but otherwise, their action is as the Senator from Alabama says.

Mr. SHIELDS. As a general principle we have refused to allow interest. I do not know how it may be in this particular case.

The amendment of Mr. CLEMENS to the amendment was agreed to, and the amendment as amended was agreed to.

Mr. BORLAND. I am also instructed by the Committee on Military Affairs to offer an amendment, which is to add:

For refunding to the State of Michigan the amount advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States, during the late war with Mexico, \$20,000, which said sum, or so much thereof as may be necessary to pay and cancel the claim of said State, as presented and now on file in the office of the Third Auditor of the Treasury Department, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the State of Michigan.

The amendment was agreed to.

Mr. MALLORY. I move to amend the bill by adding:

"Sec. —. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in adjusting and paying the accounts of the State of Florida, for the services of her troops, under the act of February 27, 1851, to pay to said State all sums of money actually paid, or assumed to be paid, by that State, on account of the suppression of Indian hostilities, in relation to which said act was passed: *Provided*, The said payment shall not exceed the amount specified in said act.

Congress, in 1851, appropriated \$75,000 to the State of Florida, for the payment of debts incurred in the suppression of Indian hostilities in 1849. In accounting at the Treasury, the accounting officers allowed less money to these troops than Florida actually paid out. The balance of the appropriation of \$75,000 accordingly remains in the Treasury. The mounted men in the Florida volunteers have been paid less than the mounted men in the Army of the United States, by a rule of the accounting officers. This amendment has been drawn under the supervision of the Auditor; and he says that it is all that is necessary to enable him to pass the account. The money is already in the Treasury, having been appropriated; but, under their rules, it cannot be paid over.

Mr. CLEMENS. Has this case ever been acted upon by any committee?

Mr. MALLORY. It was referred to the Committee on Military Affairs.

Mr. CLEMENS. And I think we rejected it.

Mr. MALLORY. Not that I know of. It was handed back to me by one of the members of the Military Committee, who suggested that I should offer it when similar amendments were offered to this bill.

Mr. DAWSON. This was referred, together with similar claims, to the Committee on Military Affairs. The difference is between the pay of mounted infantry and cavalry. We adopted the principle that we would pay them as cavalry. This case was one that came into my hands as a member of the Military Committee, and I returned it to the Senator from Florida, suggesting to him to offer it as an amendment to this bill. It is in precise conformity with the Georgia and South Carolina cases which have already been incorporated in the bill.

Mr. CLEMENS. Does this provide for anything but the difference between the pay of mounted infantry and cavalry?

Mr. DAWSON. That is all.

Mr. BRADBURY. In order to make the amendment conform to bills which have been passed on this subject heretofore, it will be necessary to change its phraseology. This amendment provides not only for the payment of money actually paid by Florida, but of money "assumed to be paid" by that State. Perhaps it is a verbal mistake.

Mr. MALLORY. It does not exceed the amount already appropriated. She has not been paid all that she expended, and this amendment is to enable the accounting officers to pay the State the amount she actually expended.

Mr. BRADBURY. I move to strike out of the amendment the words "or assumed to be paid;" and for this reason: When a State pays out money, you have the best assurance that she pays no more than is regarded to be a fair equivalent; but sometimes, by forms of legislation, a claim may be assumed which a State would never pay. I do not know that it is so in this case, but we may establish a bad precedent. I think that in all cases we should withhold payment until the State actually pays, for if we begin to adopt a principle that we will pay that portion which the States are simply assumed to have paid, you will have regiments got up as Falstaff's was, the accounts passed, and the amount assumed, and then they will come to Congress for payment. Indeed, the usual phraseology of such bills ought to be very strictly examined, because we know that there are cases where the muster-rolls have been made out, and we have paid for fifteen hundred men for fifteen months, when there were never three hundred together for three weeks.

Mr. BORLAND. Where was that?

Mr. BRADBURY. No matter. The fact is so.

Mr. SHIELDS. The Senator from Maine is right. This amendment does not comply with the rule the Military Committee have adopted, from which we never depart.

Mr. MALLORY. I will say a word to my honorable friend from Maine, which I think will show him that his apprehension is entirely unfounded. Congress has appropriated \$75,000 in full liquidation of these debts paid, or assumed to be paid, by the State of Florida.

Mr. SHIELDS. I have not yet got through with the amendments from the Committee on Military Affairs, and I would ask the Senator to withdraw this amendment, and then he and I can confer about it and put it in such a shape as will make it acceptable.

Mr. MALLORY. Certainly. I withdraw my amendment.

Mr. SHIELDS. I am instructed by the Committee on Military Affairs to offer the following amendment:

"Sec. —. *And be it further enacted*, That the accounting officers of the United States Treasury are hereby directed to ascertain the amount justly due to Henry L. Kinney for subsistence, medicine, forage, &c., furnished by him to the company of Texas mounted volunteers, commanded by Captain Charles M. Blackwell, from September 10, 1849, to December 10, 1849, and pay him the same out of the sum of \$72,000 already appropriated for such purpose by virtue of the second section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1851," approved September 30, 1850: *Provided*, That the same shall not exceed the sum of \$6,114 76.

The amendment was agreed to.

Mr. SHIELDS. I have an amendment which I now offer that may not be strictly in order, but it is recommended by the Committee on Military Affairs, and has passed this body frequently. I hope there will be no objection to it. It is to add as an additional section:

"*And be it further enacted*, That the accounts of Adjutant General Roger Jones shall be settled by the accounting officers of the Treasury according to equity and justice, and in such manner as to allow him the pay and emoluments of his commission of Adjutant General from the time of the reduction of the Army in 1821, to March 7th, 1825, when he was restored to his rank and commission in the staff of the Army: *Provided*, That the pay and emoluments of a captain of artillery during the same period be deducted therefrom.

Mr. BRIGHT. I do not wish to override the rule. I have voted for this measure as a separate bill on three or four different occasions, and I am very glad it has passed this body, and I am sorry

that it has not got through the other House. I believe the money is justly due and ought to be paid. I would ask the Chair whether the rule that excludes private claims from appropriation bills is now in force?

The PRESIDENT. Certainly.

Mr. BRIGHT. Does it apply to this bill?

The PRESIDENT. If a question of order be raised, the Chair must decide the amendment out of order; but if it be the desire of the Senate, the Chair will put the question on the amendment.

Mr. SHIELDS. I wish only to make a statement to the honorable Senator from Indiana. I have acted upon the ground that this bill has passed here very often, and that it will pass sooner or later. I am not going into the merits of the case, but we know it will finally pass; and owing to the circumstance that this gallant officer has so recently deceased, and left a very large family, and that this money may now be ten times more valuable to them than the same amount hereafter, we agreed to report it as an amendment to this bill, and hope there will be no objection to it.

Mr. BRIGHT. I do not wish to be understood as objecting to the claim. As I said before, I have voted for it three or four times, and would vote for it again as a separate measure; but I will raise no question, if the Senate are disposed to agree to it. The amendment was agreed to.

Mr. SHIELDS. I have one more amendment to offer by direction of the Committee on Military Affairs. It is to insert as an additional section:

*And be it further enacted, That from and after the passage of this act, the principal assistant in the Engineer Bureau of the War Department shall receive a compensation not less than the principal assistant in the Ordnance Bureau of the War Department now receives.*

This is to supply an omission in former legislation, by which injustice was done to this officer. The amendment was agreed to.

Mr. SHIELDS. I have now gotten through with the amendments which I have been instructed to offer by the Committee on Military Affairs. I wish to offer one now which I have not been able to submit to the committee, but for which I have the recommendation of the Department. It has come to me at such a late hour that I have not been able to get the committee together to act upon it. I will preface it by stating that now on the Pacific coast, as has been often stated by the Senators from that portion of the country, there is only one gun of large caliber. Guns must be taken there sooner or later, and the object of my amendment is to enable us to send a few there now, so that after a fortification is built, they can be used, and in the mean time if anything serious should happen, which I hope may not be the case, the Californians can use them themselves. The amendment is to add to the appropriations:

*For armament of fortifications, \$150,000, of which \$100,000 shall be applied for the purchase and fabrication of guns of the heaviest caliber, with their carriages and equipments, for the defense of the Pacific coast of the United States.*

Mr. CASS. Ought not that to go into the fortification bill?

Mr. SHIELDS. I do not know that we can have any fortification bill.

Mr. HUNTER. I doubt the propriety of increasing the appropriations in this bill by adding amounts in this way. This has not been estimated for until very recently, and it seems to me that we are accumulating arms fast enough.

Mr. SHIELDS. I would state to my honorable friend from Virginia, that by this appropriation it is intended to obtain that species of arms which are known as Paixhan or Columbian guns, which are well known to my honorable friend from New Jersey, [Mr. Stockton.] We want but a very few in California, and they ought to have been there long ago. In case we should get into any conflict in that neighborhood, they would be very useful. That coast must be fortified sooner or later, and you cannot fortify it without having such guns as these, and by sending them there now they can be used as temporary defenses, if necessary; thus only anticipating what must occur at some time.

Mr. WELLER. I am very glad that my honorable friend from Illinois has submitted this amendment. Every one must see the necessity of having guns of the heaviest caliber, and of the greatest magnitude upon the Pacific coast. You have been attempting to get up a war, here in the Senate, at all events, with Great Britain, upon the

subject of the fisheries. If a war should arise, the Pacific coast would necessarily be the first point of attack, for the reason that there is a vast amount of commerce there which is unprotected. Our harbors are wholly unprotected; and if we should be involved in a war, as many persons fear, guns of this caliber will be absolutely necessary; and I apprehend there will be a necessity for their use, and that within a very few years, upon that coast.

Mr. CASS. I have no doubt whatever that an armament of this description should be there. I have no objection to that; but I should like to know of the honorable chairman what number of guns of that description we have on hand; and whether they cannot be sent from somewhere else. There is a great disposition under this Government to accumulate objects of this kind. I called for a report from the War Department at the last session, and it was laid upon our tables towards the end of the session. From that report it appeared that the United States had six hundred thousand muskets on hand, and were manufacturing thirty thousand or forty thousand more. I do not recollect the exact amount of the number of other arms and of the men engaged in the various arsenals. But I know that the report showed that the number of muskets was equal to, if not greater than those that Napoleon had when he got into his war with Russia.

Mr. SHIELDS. There are very few of these guns.

Mr. CASS. That is precisely what I want to know. We all know that there are forts in this country on a scale unsuitable for the present or any prospective wants of the United States. Look at Old Point Comfort. Ask members of Congress about it, and they will tell you, and ninety-nine men out of every one hundred in the country will tell you, that it commands the entrance of the Chesapeake Bay. There is hardly a man who does not think that Old Point Comfort commands that entrance, but it no more commands the entrance of the Chesapeake than it does of the Thames. It is in fact a wanton abuse of the public Treasury to be spending money on such objects. But I am not going to argue that point in an incidental manner. I wish to obtain information as to whether we have got any guns of this description, and if so, why they cannot be sent there without much expense.

Mr. SHIELDS. I concur in every word that fell from the honorable Senator from Michigan. My own investigations have brought me to precisely the same conclusions. We have filled our arsenals with arms. We have got so many on hand that we are not able to avail ourselves of improvements in their manufacture. So that if we were to get into a war, a great many of them would be useless. But there are very few of these guns in the country. There are not one hundred guns of this description now on the continent. These large Paixhans cost about \$1,000 apiece. They will cost \$1,000 apiece by the time you get them to California. My impression is, that the Department contemplate having one hundred of these guns taken to California, if they can, for \$100,000, and use the other \$50,000 for a temporary magazine, and powder, and shot, for these guns. But my impression is that we might as well confine the appropriation to \$100,000; that is, to provide for fifty guns; and fifty, in my opinion, will be capable for the present. I hope there will be no objection to that.

Mr. GWIN. I hope the appropriation asked for will not be diminished. There is not a gun on the Pacific coast, except one or two small ones. The entrance to the harbor of San Francisco, which is less than a mile wide, presents one of the finest places in the world to be fortified, and yet there is not a single gun there. Then there is the harbor of Monterey. You can shoot a pistol across its entrance. It can be defended as easily as any harbor in the world; but there is not a particle of defense there of any description. I hope the appropriation asked for will not be diminished. Every cent of it is needed; and we need arms there at this time.

Mr. CASS. I trust the appropriation will be diminished. It must be evident to the Senate that there is no proper information before us which will give us light as to the matter. It is no use for gentlemen to say it is this, or that, or the other. We should have specific information.

Mr. GWIN. Permit me to state to the honorable Senator that there is a most able report from a special board presented to us at this very session on this subject. It is in the possession of the chairman of the Committee on Military Affairs; and in that report, they make estimates for this appropriation.

Mr. CASS. I have seen all that before. I have seen reports of fortification engineers from the time of General Bernard, who commenced a system that would have swamped the revenues of England, if it had not been stopped. I want to know what number of these guns we have on hand and in what part of the country they are? As provident statesmen legislating now, we ought to know what we have got on hand. I think the honorable gentleman from Illinois is entirely right in proposing to reduce the amount to be appropriated until we can have some information. It is not a very long while till next winter, when we meet again.

Mr. SHIELDS. To speak reasonably, I think that fifty of these immense guns—ten-inch Columbiads and eight-inch Columbiads—are as much as can be used at present at that point; and they are the proper guns to fortify that point. No other guns can do it. Although the honorable Senator from California thinks the amount ought to be \$100,000, I think \$50,000 for this purpose will be ample, and I therefore move to amend the amendment so as to make it read:

*For armament of fortification \$100,000, of which \$50,000 shall be applied to the purchase and fabrication of guns of the heaviest caliber, with their carriages and equipments, for the defense of the Pacific coast of the United States.*

Mr. WELLER. I desire to ask my friend from Illinois, whether an appropriation of \$50,000 will pay for the fifty guns of which he speaks?

Mr. SHIELDS. They are estimated at \$1,000 apiece.

The amendment to the amendment was agreed to, and the amendment as amended was agreed to.

Mr. STOCKTON. Mr. President, I crave the attention of the Senate for a moment, while, in performance of a duty, a sacred duty, devolved upon me as a Senator of the United States, I propose an amendment to the bill now under consideration.

Mr. President, Mrs. Priscilla D. Twiggs lost a husband and a son in the recent war with Mexico. With patriotic ardor, at the call of their country, they rushed to the battle-field, and both found, where heroic valor led them, a bloody grave. It is hardly necessary for me to say anything more but this: that the gallant son left the United States and joined our armies in Mexico as a second lieutenant of infantry, with the promise that his commission should soon follow him. He was killed before he received that commission, and before he was regularly, or rather technically mustered into service. The accounting officer of the Treasury could not, therefore, under existing laws, pay her the amount of \$233 33, which would have accrued to him if he had been mustered into the service of the United States as a second lieutenant of infantry. His mother petitions the Senate, through me, to authorize this small amount of money to be paid to her as his legal representative; and now I ask the Senate, as the most direct and practicable way of complying with the just claims of this unfortunate and doubly bereaved lady, that they will (passing over if necessary all ordinary forms of legislation) adopt this amendment by a unanimous vote. The pittance asked is the pay prescribed by law for a second lieutenant of infantry, from the 1st of June, 1847, on which day he entered into the service of our armies in Mexico, to the 12th of September of the same year, on which day he fell in battle. In proposing payment of this debt Senators must not suppose that I make any appeal to their sympathies. No, no. I can only ask, in the name and on behalf of this almost broken-hearted lady, who has given her husband and her son to her country—justice—even-handed justice. I send to the desk the proposed amendment:

*For payment to Priscilla D. Twiggs, of the amount of the pay and allowances which would have accrued to her son, George D. Twiggs, had he been regularly in the service as a second lieutenant of infantry, from the 1st day of June, 1847, the date on which he left the United States, to the 12th September of the same year, when he fell in battle at the National Bridge in Mexico, \$233 33.*

Mr. SHIELDS. I can verify the statement of the honorable Senator from New Jersey. I feel



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in debt, as it were, to this unfortunate family. This young officer was coming out to join a regiment of which I had the command at the time—the regiment of marines. Major Twiggs, his father, fell in the battle of Chapultepec. I appointed him to command the storming party at the storming of that place, and I saw him fall. I was close to him at the time. So that, as far as I am concerned, I could not let this occasion pass without saying, that if this young gentleman had lived, he would have taken a place in the command which I had the honor to lead. His father occupied a high position. He was a brave and gallant officer. He fell in the storming of Chapultepec, and his son fell on his way to join him. I take it for granted that there will be no objection to the amendment.

The PRESIDENT. The Chair considers the amendment as received, and the question is on its adoption.

The amendment was agreed to.

Mr. MALLORY. I move to amend the appropriation for "completing the light-house at Sand Key, Florida," by adding to it the following:

And the construction of said work shall be continued and completed under the Topographical Bureau, by J. W. P. Lewis, who has hitherto had charge of it.

That involves no expenditure of money, and I can explain it in a few moments. Mr. Lewis is an engineer of Boston, of great skill. He prepared the working drawings and superintended the construction of this large and beautiful light at Sand Key, near my own residence. He conducted this work at a time when it was reported to be impracticable by an officer of the Army. He overcame those difficulties which were supposed to be insurmountable. About one half the amount required was expended, when the appropriation gave out, and the officers of the Army were compelled to discontinue his services, because of the existence of a law which compelled them to employ an Army engineer. I propose now to do justice to this gentleman, who has devoted a life to this service. He studied engineering in England, and brought his knowledge of it here. I propose that we shall have the advantages of his talents and of his abilities. There is no objection to him whatever, I believe. I have known him a long while, and he is a very worthy engineer.

Mr. CASS. This sort of legislation makes mere ciphers of the Departments. If we go on in this way the Secretary of War will not be responsible at all. If you appoint the man who is to do the business, you destroy the functions of the Administration.

Mr. HUNTER. I agree with the Senator from Michigan; we ought to leave these things to the proper Departments. We ought not to interfere with the appointing power.

Mr. WELLER. If I understand the amendment it makes an appropriation of \$44,000 for the completion of the light-house on Sand Key. I should like to know from the Senator from Florida how much has already been appropriated for the construction of that light-house? I know that it has been a very expensive one. Even our light-houses on the Pacific, where everything is so expensive, are to be done for \$25,000 or \$30,000 apiece. I desire to know before I vote upon this proposition, how much money has already been expended for the construction of this light-house?

Mr. MALLORY. This amendment makes no appropriation whatever. The appropriation is already in the bill as it came from the House. I would say to the Senator from California that I believe that the light-house is to cost nearly \$100,000. But it is an iron-screw pile-light, one hundred and forty feet high, built upon a barren island, and the appropriations for it, so far as I can learn, have been most economically and properly expended.

In reply to the honorable Senator from Virginia, I would say that this structure was commenced under the Topographical Bureau. Mr. Lewis is the gentleman who made the working drawings, who superintended all the work, and has had charge of the work up to this time. His services have been discontinued for the want of

an appropriation, and also because of the existence of a law requiring works of this kind to be performed by engineers of the Army. I think there would be no objection to this proposition on the part of the officers of the Army. This individual has been in their employ for four years, and has exhibited great skill and talent. I am satisfied that if the structure be placed under his charge it will be completed in the most perfect manner. And I believe no man in the country understands the subject as well as he does.

Mr. BADGER. I agree with the Senators from Michigan and Virginia. This is a very improper mode of legislating. Let me put a case to the Senator from Florida: Suppose this gentleman should die—laying aside every other objection—of course the work would stop, because the law designated a particular man who was to go on and superintend the application of the money to the construction of the work. If there is anything in the law requiring an officer of the Army to be detailed for the purpose, let that law be repealed so far as it applies to this light-house. That is very different from this proposition. As the Senator from Michigan says, there is no proper responsibility on the part of the executive departments, if we undertake to go and select persons to carry on these works.

Mr. WELLER. I believe this is the third appropriation which has been made for the construction of this light-house. The first appropriation, I think, was \$20,000; then there was an appropriation of \$33,000 to complete it, and now we are called upon to appropriate \$44,000 more.

The PRESIDENT. The amendment proposes no appropriation. The appropriation is already in the bill; and the question pending is on the proposition of the Senator from Florida to employ a particular individual to do the work.

Mr. WELLER. May I not discuss the propriety of the appropriation on this amendment?

The PRESIDENT. It is in order to do so; but it is more strictly correct to speak to the amendment pending.

Mr. WELLER. I merely desired to call the attention of the Senate to the fact, that a year ago \$33,000 were appropriated to complete this light-house, and now we are called upon to appropriate \$44,000 more.

Mr. MALLORY. I will modify my amendment to meet the objection of the honorable Senator from North Carolina. I feel that justice should be done to this individual. But I will modify my amendment so as to leave the Secretary of War to employ any one he pleases. I think we ought to have the services of this engineer in completing the work. He has already overcome difficulties which were considered insurmountable, and has carried the work almost to completion. We wish the advantages of his labors; and I wish to use language, so that it may be understood that we wish him to be continued.

Mr. BRADBURY. I understand that this individual is the only person who made an examination of the site of the light-house, who was of opinion that it was practicable. The officers of the Army who examined it, gave it up; but he went further, and through his genius and his skill we have been able to carry forward the work thus far. Now, I think it would be doing a great wrong to leave the law in such a situation that the Department would be unable to avail themselves of the services of this distinguished individual. Whether the amendment should stand in the form presented by the Senator from Florida, or in the form suggested by the Senator from North Carolina, will not be very material, so that justice is done.

Mr. BADGER. The statement of the Senator from Maine of itself is sufficient to show the impropriety of this appropriation. What do we know about the genius of Mr. Lewis? Are we to take evidence here and ascertain whether he discovered the site, whether he assisted by his genius, and skill, and dexterity, the officers in carrying on the work, or whether any one else cannot do it? Can we possibly determine that matter? Then,

if we do it in this instance, why not in every other case appropriate for building such a light-house at a particular point, and then say Robert Jones, or Captain Snooks shall be the man to superintend and direct the work? This is a matter which ought to be left to our executive officers.

Mr. MALLORY. I have already told the Senator from North Carolina the particulars of this matter. After this site had been recommended by various boards of underwriters, and by mercantile men all over this country, as a proper location for a light-house, it was examined with a view of placing one there, and a law passed requiring that a screw-pile light should be put there. There was no alternative but to put up that description of light. Officers of the Army examined the spot, and pronounced it impracticable. This gentleman had paid particular attention to the construction of screw-pile lights in England. He examined the place after the officers of the Army had pronounced it impracticable, and said he would engage to put a light there. He was appointed the engineer, and made drawings and specifications for the construction of the work. There is no such work on the continent of America as this. I have no doubt the Secretary of War would be glad to have authority to employ this individual, but as the law now exists it cannot be done.

Mr. SHIELDS. I wish to make a suggestion to my friend from Florida. This gentleman, I believe, is a very skillful engineer—so far as I can understand, one of the very ablest in our country, in the management of works of this kind. But the difficulty has been in the War Department. They were compelled to remove him, because they were bound to employ Topographical Engineers. They had no desire to remove this gentleman; and therefore I would suggest, in accordance with the suggestion of the Senator from Michigan, that the Senator from Florida modify his amendment, so as to give the Department a chance of employing any one they choose. I have no doubt they would select this gentleman.

Mr. MALLORY. In accordance with the suggestions of various Senators, I have modified my amendment so as to read:

And so much of any act of Congress as requires that an officer of the Army shall be employed in constructing said work, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. BELL. I offer the following amendment as an additional section:

And be it further enacted, That the Secretary of War be directed to pay to each of the survivors, or to the heirs of those who have died, of the Seminole warriors who were mustered into the service of the United States at Fort Brooke, in December, 1835, an amount equal to three months' pay, and allowances of a private soldier in the Army of the United States: *Provided*, That the amount so paid shall not exceed \$3,870: *And provided, also*, That such amount paid shall be in full of all claims of said friendly Seminoles during the Florida war, for compensation and indemnity on account of losses sustained.

In 1850 a provision passed in one of the appropriation bills, providing for the payment of these Indians. It was adopted by both Houses; but, by some mischance, it was not incorporated into the enrolled bill, in the hurry and confusion of the last night of the session. The subject was again referred to the Committee on Indian Affairs, and they made a report upon it in favor of the claim. They have now instructed me to offer it as an amendment to this bill. The reason why the claim has been so long delayed, is on account of the loss of the muster roll, which has since been supplied by Captain Casey. These Indians were under the command of Major Betton. Captain Casey, who was an officer in his command, has since supplied the deficiency of the muster roll. Hence we have full proof as to who the claimants are. I hope the amendment will be adopted.

Mr. BRIGHT. I desire to inquire whether this amendment was not voted down on the Indian appropriation bill?

Mr. BELL. It was presented either on the bill, or on the deficiency bill, and a question of order was raised, as to whether or not it was a private claim. Now, I appeal to any Senator on

this floor, if there is any pretense for saying that this amendment provides for a private claim. These Indians are as much entitled to this pay, by our laws, as our own soldiers. It is a provision for past services; and the report which has been made on this subject from the Department, will show that these services were valuable. These Indians were regularly called into the service by General Gaines.

The PRESIDENT. The Chair is under the impression that the amendment can be received, as it is merely an appropriation to meet expenses incurred by the Government in employing these Indians, and not yet paid.

The amendment was agreed to.

Mr. BORLAND. I am instructed by the Committee on Military Affairs to offer the following amendment, to come in after the appropriation for medical and hospital department of the Army:

To enable the President of the United States to procure the surrender of the patent issued to William T. G. Morton on the 12th day of November, 1846, for his discovery of the anæsthetic properties of sulphuric ether, \$100,000.

Mr. SMITH. I rise to a point of order. I object to the introduction of this amendment, on the ground that it is a private claim. It is the subject of a petition to the House of Representatives. In the House of Representatives it has been referred to a select committee, and that committee have not yet reported.

Mr. BORLAND. I believe they have reported.

Mr. SMITH. No, sir; but Dr. Morton has prepared a report, which, it seems, they have caused to be printed. I have been here watching this subject the whole session, and—

Mr. BADGER. I rise to a point of order. Is this discussion in order? I thought the Senator from Arkansas was entitled to the floor.

The PRESIDENT. The Senator from Connecticut rose to a point of order. He will state his point of order, and not go into a discussion of the merits of the question.

Mr. SMITH. I do not intend to go into its merits; but I shall have something to say about the merits of the proposition, if necessary. I contend that this is a private claim. It is not insisted that it is founded in law, but in equity. A petition has been presented to the House of Representatives, and that House has appointed a select committee on the subject.

Mr. BORLAND. I rise to a question of order. I wish to know if the Senator from Connecticut is at liberty to discuss the subject?

The PRESIDENT. The Senator from Connecticut will state his point of order.

Mr. SMITH. My point of order is that this is a private claim.

The PRESIDENT. The Chair has read the amendment, and he considers that there is no question but that it is for the benefit of an individual; but inasmuch as it proposes merely that the Government shall purchase a patent for its use, it cannot be considered a private claim under the rule, and therefore the Chair decides that the amendment is in order.

A long debate ensued upon the amendment, in which Messrs. BORLAND, SMITH, BADGER, GWIN, SHIELDS, HALE, DOUGLAS, BRADBURY, WALKER, SOULE, MANGUM, TOUCEY, BROOKE, PRATT, MALLOY, SEWARD, and HUNTER participated. [This debate will be found in the Appendix.] The amendment was finally rejected, by a vote of yeas 17, nays 28; as follows:

YEAS—Messrs. Borland, Brooke, Clemens, Dodge of Iowa, Douglas, Gwin, Houston, James, Jones of Iowa, Mallory, Morton, Shields, Soule, Stockton, Sumner, Walker, and Weller—17.

NAYS—Messrs. Bradbury, Bright, Brodhead, Cass, Charlton, Chase, Clarke, Dawson, Downs, Felch, Foot, Geyer, Hamlin, Hunter, King, Mangum, Meriwether, Miller, Norris, Pearce, Pratt, Seward, Smith, Spruance, Toucey, Underwood, Upham, and Wade—28.

Mr. DOWNS. I move to amend the bill by inserting the following:

For continuing the hydrographical and topographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation, \$50,000.

The PRESIDENT. Is that reported by a committee?

Mr. DOWNS. It is recommended by the Department of War, and the estimate is furnished by the Secretary of War and Topographical Bureau. It is to continue a work already commenced.

Mr. HUNTER. There is a provision in rela-

tion to that matter in the river and harbor bill, which has passed the House to-day.

Mr. DOWNS. I think that cannot be the case. I am inclined to believe there is some mistake in that, because the bill, as it left the Senate, had no such provision in it. An appropriation was made a few years ago for this work, but it is now exhausted. This is recommended by the Topographical Bureau, after giving a detailed account of the progress of the work, and also by the Secretary of War. I have the estimate.

The PRESIDENT. Does the amendment conform to the estimate?

Mr. DOWNS. Yes, sir; exactly. I will read the report of the Secretary of War made in January last, on the subject:

“WAR DEPARTMENT, January 20, 1852.  
“In compliance with a resolution of the Senate, dated December, 1851, that the Secretary of the Department of War communicate to the Senate any reports which have been received in reference to the inundations of the Mississippi, and to state whether any further appropriation is required to complete the surveys and investigation heretofore furnished, I have the honor to transmit herewith the report of the Chief Topographical Engineer, accompanied by the reports of Lieutenant Colonel Long, of the Topographical Engineers, and of Mr. Charles Ellet, civil engineer, submitting an estimate of \$50,000 for the further prosecution of the investigation in reference to the inundations of the Mississippi river.”

This is signed by the Secretary of War, and directed to the President of the Senate.

Lieutenant Long, in his report, limits himself to an exposition of what has been done by Captain Humphrey's command, and of what is not required to be done. He also enters into the question of the funds necessary for the future operations. From this the estimate is now submitted of \$50,000 for the ensuing fiscal year, for the further prosecution of the investigation in reference to the inundations of the Mississippi.

I will state that some years ago this survey was suggested to, and approved by the Government, and an appropriation of \$50,000 was made for the purpose of surveying the whole delta of the Mississippi, to see if it were possible that a plan could be devised to prevent the great inundations which occur there, and which are becoming more and more destructive every year. In the first instance a preliminary report was made by a board of engineers, giving the results of a reconnaissance and general view of the work, with suggestions of what ought to be done, showing the necessity for a complete survey of that portion of the river. It was a mere preliminary report. After that two commissions were organized, one of the Topographical Engineers, with Colonel Long at its head, to survey the delta proper and the shores of the Mississippi; and another, under a civil engineer—Mr. Ellet—whose special duty it was to examine the mouths of the Mississippi. They have made exceedingly interesting and valuable reports. So far as the mouth of the Mississippi is concerned, I suppose the subject has been thoroughly investigated by Professor Ellet, and the appropriation no longer extends to that branch of the work. Colonel Long has made a report showing the progress of his work, which is also exceedingly interesting; but there is a large portion of the work which was originally suggested by the preliminary examination which yet remains to be done. This applies altogether to the topographical survey. It is a work of great interest. It has been only partially executed. The proper authorities—both the chief of the Board of Engineers and the Secretary of War—recommend the appropriation. If there ever was an appropriation which should be made this is one. I hope there will be no objection to it.

The amendment was rejected; there being, on a division—ayes 16, noes not counted.

Mr. UNDERWOOD. I have been permitted to use an amendment which was prepared by the chairman of the Committee on Finance. It is to do an act of justice to one of the executive departments of the Government, by making a little increase in the salaries of the clerks in the Quartermaster's Department. It is to allow the chief clerk in that Department \$1,700 salary, two clerks, \$1,600, and one clerk \$1,400. The Quartermaster General has recommended it. I have his letter before me.

The PRESIDENT. That will not answer. The recommendation must be from the head of a Department.

Mr. HUNTER. The Committee on Finance

never acted upon that. The amendment was prepared in pursuance of the letter of the Quartermaster General, but the committee did not act upon it.

The PRESIDENT. To be in order it requires either to be estimated for by the head of a Department or to be reported from a committee.

Mr. UNDERWOOD. This is just as much in order as various propositions which have been made to increase salaries in the bill.

Mr. BAYARD. I have an amendment to propose, which depends for its adoption upon the good faith of Congress and upon the importance of the work. It is true the appropriation proposed is a large one. I shall make a brief statement in reference to the grounds upon which it may be made. It is to insert the following in the bill:

For the construction of Fort Delaware, \$200,000.

The PRESIDENT. Is that reported from a committee?

Mr. BAYARD. It is not; but it is founded on an estimate from the War Department which I hold in my hand.

Mr. President, I ask for this appropriation on the ground that the good faith of the Government is pledged to the erection of the fort, and on the further ground that common justice to the defense of three States of this Union requires that it should be made. I have nothing to do with any other fortification, because this stands on a double ground. The ground of good faith is the one on which I mainly rely. During the war of 1812—on the 27th of May, 1813—the State of Delaware ceded to the United States Pea Patch Island, for the purpose of erecting forts, batteries, and fortifications for the protection of the river Delaware and the adjacent country, upon the express condition that they would not only erect, but maintain and keep up those fortifications at their expense. That was the condition of the cession of the soil and jurisdiction over it. The United States accepted the cession on those terms. They proceeded, after the war, to erect a fort on the island. Subsequent to its erection, it was, in 1828, destroyed by fire. After it was destroyed, no step was taken to rebuild it; and owing to the negligence of the agents of the Government, the title to the island became involved. A reason which was always assigned for no further appropriation was that there was an insecure and uncertain title. But that arose from the negligence of the General Government, and from the negligence of the General Government alone. The agents of the Government made no application to the State of Delaware for the title. They chose to entangle themselves by agreement after agreement and all sorts of neglect. Things remained in this way down to 1847, when the matter was brought, with the evidence of the title of the State of Delaware, before a tribunal competent to decide—chosen by the agreement of the party who claimed as against the United States and against the title of Delaware—and referred to one of the most distinguished lawyers of our country. The decision was in favor of the State of Delaware; and that was entirely settled.

The excuse, therefore, for the delay in complying with the pledged faith of the Government has been removed since 1847, a period of five years; but the first stone of that fortification has yet to be laid. You have embanked the island. It contains about ninety acres of valuable land. In its present condition, for other purposes, it is worth from \$70,000 to \$100,000. We have the right, beyond all controversy, in Delaware, if you do not comply with the condition imposed by the grant, to recover the island from you. I do not deny that there may be legal difficulties in reference to a suit, considering the Government as the owner of the property; but I think they can be overcome. We, in Delaware, want to know the determination of Congress—whether they mean to comply with their faith or not; and if they do not, we will see if we cannot assert our legal right to recover the island. That is the reason why I place this proposition before you. But I say further, if you refuse this appropriation, you are bound by every obligation of morals to recede the island without entering into a legal contest with Delaware; because the condition is as express in the act of cession as it can be. You have violated that condition by your neglect for fifteen years, and for a period of five years more, when, with no pretense, you have refused an appropriation

for the fortification. So much for the question of good faith; now for the importance of the work.

The island is situated immediately opposite the mouth of the Chesapeake and Delaware Canal, which is the great link of communication through which, in case of war, the whole coasting trade of your country must pass from the Chesapeake Bay. It is the sole defense of the States of New Jersey, Delaware, and a part of Pennsylvania; and the sole sufficient defense of the city of Philadelphia, in the case of war, against the incursions of a foreign enemy commanding a fleet of steamers; for as to Fort Mifflin, it is a little work, which, though it might avail against one or two sailing vessels, could not possibly restrain the advance of even an ordinary fleet of steamers. The position of the island is such that works erected there would render it impossible for any fleet to advance up the Delaware. By it you may protect the whole coast, both of New Jersey and of Delaware, and obtain a new means of controlling the possibility of an enemy taking possession of your breakwater at the mouth of the bay, and maintaining it during a war as they did during the last war. You also secure the impossibility of an enemy's attacking the most valuable powder establishment in the country—so valuable that during the war of 1812, through its whole progress, you had four thousand volunteers stationed in the State of Delaware for their protection, because they were absolutely necessary for your purpose; and now they are far more important and extended than they were then.

I do not mean to go further into any argument. I only wanted to bring the matter fairly before the Senate. But I submit that there is no constitutional objection in the way of this appropriation. The faith of the Government is pledged for the maintenance of the fort. That is the great ground on which the appropriation is asked. I have nothing to do with your policy as to whether you will make appropriations for other fortifications or not. I suppose that the Government of the United States, when it pledges its faith, is not going to break it either to an individual or to a State. I am aware that the State of Delaware has but a small vote in both Houses of Congress. I am aware, of course, that her influence is commensurate only with her vote; but I do hope and believe that other States will look to this, that if the United States can break their faith with a small State, they may hereafter break it with a large State; and the principle of bad faith in any Government can only tend to its disgrace and injury. I therefore ask the Senate to agree to this appropriation, because a policy prevails in the other House not to go on with a system of fortification improvements that originated with the Government; that, though the United States have erected works, which are not yet completed, for the defense of New York; though they have erected works on other points of the sea-board, the whole coast of Delaware, the State of New Jersey, and the city of Philadelphia stand undefended by a single work, and that, too, when the Government holds the soil ceded to it by the State of Delaware on the pledge that it would erect the work for which I ask the appropriation. I cannot conceive that a stronger case could be presented. It does not stand on any system of policy. It commends itself to Congress because it is founded upon the express pledge of the Government.

Mr. HUNTER. We have a whole page of estimates for fortifications. If we adopt one, we may put the fortification bill on this bill. I hope we shall not commence with that at this hour of the night upon the Army bill. I hope we shall have a vote.

Mr. SHIELDS. There is a great deal of force in what the honorable Senator from Delaware has said in relation to this point. It is one of the most important points on the Atlantic sea-board; but it is a part of the general national defenses, and I regret to say that it seems that these defenses are about to be wholly abandoned. I should vote for this amendment most cheerfully, only it ought to be connected with a great many other points that are equally exposed and require equal defenses. The question with the Committee on Military Affairs was whether we would embarrass this bill with this necessary and essential subject, or wait until the next session when we could take it up and systematize it. We finally concluded that we could not dispose of the question this session.

I would be glad to vote for this appropriation, but I wish to vote for it only in connection with other points equally necessary.

Mr. BAYARD. I admit that the argument of the Senator from Illinois would be all-powerful if the amendment rested simply upon the importance of the work; but the difference between this and others is, that the faith of the Government is pledged for the erection of this fort. That is entirely thrown out of view in the argument of the Senator. You cannot avoid the terms upon which Delaware, small as she is, ceded the jurisdiction of the island to you, except on the principle of breaking the faith of the Government, after the grant is executed. I ask for the yeas and nays on my amendment. I want my State to know your determination.

Mr. STOCKTON. I am reluctant to say a word at this time upon the subject of the defenses of the Delaware. I do not know that I would have introduced it myself at this late period of the session; but as it has been introduced by my honorable friend, [Mr. BAYARD,] and as the State of New Jersey has a deep interest in the question, a duty seems to devolve upon me, as one of her representatives, to say a word or two in favor of this proposition to reconstruct the fort on Pea Patch Island, in the Delaware river. I was not at all surprised to see a disposition on the part of Senators to vote down this appropriation almost without a hearing. Sir, Delaware and New Jersey are amongst the smallest States in this Union. When I look around this august Senate, I perceive that those who, like myself, represent the smaller States of this Confederacy, are but a handful when compared with the rest of this body; but, sir, this will not deter me from the effort to have justice done upon this occasion to the smaller States. In truth, it is my chief inducement to rise and say a word in behalf of those States. I hope and expect that an appeal to your magnanimity will not be in vain. We hope from that magnanimity what we cannot expect from your fears. Although these States are comparatively of small geographical dimensions, Senators will remember that whilst we represent small States of the Union, we are delegates from the Old Thirteen. Mr. President, when I advert to the Old Thirteen, I cannot forget that New Jersey suffered as much in the fearful struggle for independence as any other State, and that the part she took in that contest was as meritorious as that of any other State. Sir, it may be safely assumed that New Jersey was the battle-field of the Revolution; and it is not too much to say that, upon her soil, the battle of independence was fought and won. Does not this entitle her defenses to some consideration from Congress, especially when you remember how small an amount of all the appropriations of Congress at this session, as well as other sessions, will inure to her advantage, whilst the interest of the other States has been so much your care and concern? Sir, since the adoption of the Constitution, there has been no State admitted into this Union, with the exception, perhaps, of one, of smaller dimensions than my own State. The equality supposed by our fathers to have been obtained by that Constitution, has been proved by experience to be more nominal than real. By commanding majorities in the other House of Congress, the larger States are all potential in this Government; but we do not complain of this. It was nominated in the bond, and all the obligations assumed by New Jersey, she has, and will redeem, cost what it may.

Your appropriations are made for commerce and navigation, and even for agriculture, without a murmur; but when we attempt to speak here of the other great interests of New Jersey, we can scarcely get a hearing. Those interests which my constituents hold very important, as connected with State and national defense, are not permitted to be introduced into Congress without opposition. Whilst you have given to commerce, and to navigation, and to agriculture, the highest possible encouragement, what have you done, comparatively, for all other interests? To navigation you have given the exclusive navigation of your ten thousand miles of sea coast, and a costly navy to attend upon it, and protect it wherever it goes. To agriculture you have given the best and cheapest lands in the world. Having refused to aid us in the development of our resources for defenses, the least we can expect from you is, that you will redeem your pledged word, and erect this fort. We

are told that it is too late in the session. Sir, it is never too late to do good or to act justly. We do not ask this as a mere boon. We say that Delaware and New Jersey have an indisputable claim upon the Government to build this fort, and to protect the Delaware river in every possible way against hostile incursion. We are, to be sure, small States—we have but few men at arms—we are weak—we are quite helpless, on the Delaware against an enemy. One steamer may now come, unharmed, up the Delaware to Philadelphia and Camden, and on their way may kindle all the barns and dwelling-houses on both shores in flames. With the war-speeches of grave and sedate Senators yet tingling in our ears, who will deny the possibility of such an occurrence? I feel and know the necessity for such or other defenses, and I say that it is time you redeemed your pledge to build that fort. You received a good title for the land upon the consideration that you should build a fort. For five years you have been in possession, under a good title, and for five long years you have neglected to fulfill your pledged word; and now, for the first time, we come and ask that you would fulfill your promise. We cannot compel—we entreat you, in the names of New Jersey and Delaware—we appeal to you, in consequence of their revolutionary services—in consequence of their valuable and unflinching services in the formation of the present Constitution. Your encouragement of commerce, under that Constitution, has built up on our borders large and wealthy cities, and has annihilated our foreign commerce. With one of the best sea-ports on the coast we have no foreign commerce. Your Treasury books will show that with eighty thousand tons engaged in the coasting trade, we have no foreign trade. This amount of tonnage engaged in the coasting trade shows our facilities for commerce; and yet, such has been the result of your policy, as to make all our commercial advantages inure to the benefit of other States. Notwithstanding, we have submitted to this inevitable result without a murmur, and have sustained the present Constitution with unflinching fidelity, as we aided in establishing it. Now, is it too much for us to ask, by this amendment, that you fulfill the pledge which you made to build the fort upon land granted to you for that purpose by the State of Delaware?

Mr. BAYARD. I desire to make another remark on the importance of having this fort erected. The island, as I stated, contains about ninety acres, and lies midway in the channel of the Delaware, between the States of New Jersey and Delaware, and directly opposite the mouth of the Chesapeake and Delaware canal. In the event of a war, there being no defenses there, except the slight ones at Fort Mifflin, forty-five miles above it, the island could be taken possession of by the enemy; and if he did take possession of it and cast up field-works, you would find it almost impossible to dislodge him. It is perfectly capable of being made the residence of five thousand or ten thousand men; and in the hands of an enemy you would have no means of assailing it successfully, for he could connect himself with his vessels and have the means of harassing and utterly devastating both States, and also of attacking Philadelphia.

I will mention the basis of the estimate. The recommendation is that \$200,000 can be most judiciously expended. The whole amount of the estimate for the construction of the fort is \$530,000; and the reason why the sum named in the amendment can be most judiciously expended arises from the fact, as one of the engineers has stated, that wherever a work is to be constructed, the larger the appropriation at the time the less proportion the contingencies bear to it; and it is always sound economy not to make too small a partial appropriation.

The yeas and nays were ordered, and being taken resulted—yeas 19, nays 16; as follows:

YEAS.—Messrs. Bayard, Borland, Brodhead, Dawson, De Saussure, Dodge of Iowa, Fish, Geyer, Gwin, Jones of Iowa, Mallory, Miller, Pearce, Pratt, Rusk, Spruance, Stockton, Walker, and Weller—19.

NAYS.—Messrs. Bradbury, Charlton, Clarke, Downs, Felch, Hale, Houston, Hunter, Mangum, Mason, Meriwether, Morton, Norris, Smith, Underwood, and Wade—16.

So the amendment was agreed to.

No further amendment being proposed, the bill was reported to the Senate as amended.

Mr. HUNTER. I hope the question will be taken on all the amendments together. I would



except the one in relation to Fort Delaware, but as we have just had the yeas and nays upon it, I will not.

Mr. MANGUM. I desire to except that amendment.

Mr. WELLER. I do not see that any practical good can result from reserving it. We have just had the yeas and nays upon it.

Mr. MANGUM. I see no recommendation for such an appropriation.

Mr. WELLER. But the Senate have just decided it.

Mr. MANGUM. I know that.

The PRESIDENT. It is not a matter for discussion. A Senator can ask to have the question taken on all the amendments separately, if he desires it. If there be no objection, the question will be taken upon all the amendments together, with the exception of the one mentioned by the Senator from North Carolina.

All the amendments made as in Committee of the Whole, with the exception of the one mentioned, were concurred in.

On the question to concur in the amendment, "For the construction of Fort Delaware, \$200,000,"

Mr. MANGUM asked for the yeas and nays; and they were ordered; and being taken, resulted—yeas 21, nays 25; as follows:

YEAS—Messrs. Badger, Bayard, Borland, Brodhead, Dawson, De Saussure, Dodge of Iowa, Fish, Foot, Geyer, Gwin, Jones of Iowa, Mallory, Miller, Pearce, Pratt, Rusk, Spruance, Stockton, Walker, and Weller—21.

NAYS—Messrs. Bradbury, Bright, Brooke, Charlton, Chase, Clarke, Davis, Downs, Felch, Hale, Hamlin, Houston, Hunter, King, Mangum, Mason, Meriwether, Morton, Norris, Seward, Smith, Sumner, Toucey, Underwood, and Wade—25.

So the amendment was rejected.

Mr. MALLORY. I renew the amendment which, at the request of the chairman of the Committee on Military Affairs, I withdrew when in Committee of the Whole:

*And be it further enacted, That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the claims of the State of Florida, for the services of her troops, under the act of February 27, 1851, by the provisions of the statute for the settlement of the claims of Virginia, for like services, as prescribed by this act.*

That was prepared by the Committee on Military Affairs, since it was offered this afternoon; and it is placing Florida upon a footing with Virginia and other States which have been legislated for.

Mr. DAWSON. The committee ordered the report to be made. The amendment which was withdrawn this morning went to a greater extent than the committee intended. This is in precise conformity to the one which passed for the State of Virginia. It prescribes the same rules that are to be followed in the case of Virginia.

Mr. HUNTER. I make no objection to that.

Mr. BRIGHT. This is in substance the same amendment which was before the Senate as in Committee of the Whole.

The PRESIDENT. It was then withdrawn.

Mr. BRIGHT. It comes from the Senator from Florida alone, and is not recommended by any committee. That is the point to which I wish to call the attention of the Senate. The same proposition was before the Committee on Military Affairs; but that committee rejected it, at least so the Senator from Alabama, [Mr. CLEMENS,] a member of that committee, stated to me; and he told me, if I would appeal to him, he would so state. I understood the honorable Senator from Florida, when he presented the amendment before, to state that the money had already been appropriated.

Mr. MALLORY. Yes, sir.

Mr. BRIGHT. And that all that was required was authority from the General Government to entitle Florida to pay the money.

Mr. WELLER. To receive it.

Mr. BRIGHT. No; I understand that the money has been appropriated to the State of Florida, but that legislation is now necessary in order to give Florida the right to pay it out. I understood the Senator from Florida to take that ground.

Mr. MALLORY. The explanation is simple. To reimburse Florida for the expenses of suppressing hostilities in 1849, Congress passed an act granting \$75,000. In adjusting the claims of Florida for the money paid, the accounting officers were compelled to pay her troops less money than the same description of troops in the Army are

entitled to by law. It was suggested by the accounting officers that this was unjust, and a resolution to remedy it was prepared under their direction, and submitted to the Committee on Military Affairs. A member of that committee returned the resolution to me, saying that it covered too much ground, and suggested to me to prepare one placing Florida on the same ground as other States, viz: paying her mounted volunteers eight dollars a month. I understand that is the whole ground of the amendment. It simply places Florida in that respect on an equality with other States.

Mr. BRIGHT. It is said that there will be an end of time; but I doubt whether there will ever be an end of the claims that Florida will present for money to pay for this class of demands which they allege they have against the Treasury of the United States. There has been more money appropriated out of the public Treasury to pay claims in Florida, arising from Indian hostilities and various other modes and forms, than in any other little State in the United States.

I confess I do not understand this claim, and for that reason I am unwilling to vote for it. I am willing to undertake to pay claims in Florida upon the same principle that we have paid claims in Virginia, by an act of Congress passed for the relief of Virginia; but they may be very different cases, and rest upon very different foundations. I say, I do not profess to understand this case. It may be just; but if it were so, why did the Committee on Military Affairs decide against it? If it be a just claim, why has it not been paid long since? Various applications have been made to Congress from time to time by Florida to pay this class of claims; and I confess frankly, that I suspect all these claims, and am inclined to believe that they have not merit in them.

Mr. MALLORY. Mr. President, if the honorable Senator from Indiana had given one single reason why this amendment should not be adopted, I would submit at once. He says he suspects this claim. Why, sir, I understand that the amendment has been prepared by the Military Committee. It has certainly been prepared by one member of that committee, and only one could prepare it. He drew it up and submitted it to me, and I had so much confidence in his judgment, that I did not take the trouble to read it through. This is not the same amendment which I prepared with the consent of one of the Auditors of the Treasury, and offered this morning.

It is said that Florida has received a great deal of money from the Treasury. I deny it, sir. But when she gets a thousandth part from the scrapings of the Treasury, which the great West (which the Senator from Indiana in part represents) gets, then we may come here and plead guilty of getting too much. When Florida gets paid a thousandth part of her just claims for which she is now contending, then she may be open to the imputation of getting something from the United States. This Government engaged years ago to remove the savage tribes of Indians from Florida, who had kept the State in consternation and terror for over ten years; and we repeatedly called out our troops, whom the Government of the United States was pledged in honor and faith to pay; and when we ask to be paid for them, we are answered, that we have received too much money for this description of claims. Is that the way to treat a claim presented here by a sovereign State? Why, you have voted amendment after amendment of this sort to other States, and why should you deny it to Florida?

When the gentleman says he suspects the amendment, let him point out where any suspicion upon it lies? These accounts are now before the accounting officers of the Treasury, and it has been suggested to us by these officers to prepare some such proposition as this; that justice required it, and the moment it was passed they would pay the money.

Mr. MORTON. Mr. President, I regret very much that this little amendment has elicited any discussion. It is a very simple question. By the act of 1851 there were \$75,000 appropriated for the reimbursement of Florida for moneys advanced and paid by that State, and for obligations incurred in the suppression of Indian hostilities in 1849. These obligations were incurred by Florida in calling out her troops for the purpose of suppressing these hostilities. The difficulty has arisen as to the difference between the pay of cav-

alry and mounted men. If Florida had paid her cavalry as mounted men, there would have been no difficulty; but the Comptroller, in the settlement of the accounts, thought that he was bound by the act of 1836, which provided that the troops called out for the suppression of Indian hostilities in the Florida war should be paid as infantry. Florida called out mounted men, and she, under her State laws, paid them as cavalry—paid them at the rate of eight dollars per month, instead of seven dollars per month, the pay of infantry. It is therefore simply intended by this amendment to reimburse Florida for the additional dollar per month which she has paid to those men. It is not asking of the Senate to add at this time one dollar to the appropriation bill, but it is simply to apply one dollar per month out of the \$75,000 appropriated in 1851, to pay these troops as mounted men.

I regret exceedingly that the honorable Senator from Indiana should have thought proper on this occasion to make what I consider a fling at Florida.

Mr. BRIGHT. I did not intend to do so.

Mr. MORTON. It is true that the Indian war in Florida cost this Government an immense amount of money; but that has been no fault of the people of Florida. Forty millions have been expended in that war; not for the benefit of the people of Florida, but for the benefit of the Army of the United States, and the hangers-on of that Army. I have never seen ten citizens of the State of Florida who were benefited \$1,000 by the Florida war. Many of the citizens of that State lost all their property by the war. The expenditure of \$40,000,000, part of which came from those people, did not inure to their benefit, but to the benefit of the Army and its hangers-on.

Mr. RUSK. There is another ground upon which this appropriation, or rather this diversion of an existing appropriation, ought, as it seems to me, to be granted. By the law under which the accounts were settled at the Auditor's office, there was a distinction drawn between these and other troops; and that distinction amounts to the pitiful sum of one dollar a month. Now, the proposition is to put Florida upon an equality with every other State in the Union. The money has been appropriated, and is now in the Treasury, and this is merely to allow the money to be paid to Florida in the same manner that other States have been paid.

It has been said that the Florida war has cost the United States a great deal. That is true, sir; but it has cost Florida more. It has broken up her settlements. Her people have lost nearly all their property. Nay, more; many of them—men, women, and children—who were entitled to protection by the strong arm of this Government, lost their lives. It seems to me that it is perfectly reasonable and eminently just to put these troops on the same footing with similar troops who served in other States.

Mr. SHIELDS. I merely wish to state that the same principle has been applied to Virginia, Georgia, South Carolina, and other States.

Mr. PRATT. I desire to inquire of the chairman of the Committee on Military Affairs, whether, in the case of Virginia, Georgia, and South Carolina, the United States have paid mounted men at the rate of eight dollars or seven dollars per month?

Mr. SHIELDS. Where the mounted men were mustered as such, they were paid seven dollars a month; but in Georgia, where they were mustered as cavalry, we have made a provision similar to this which is proposed now to be made for Florida.

Mr. PRATT. The true question, in my view, is this: Under the then existing laws of the United States all soldiers engaged in this war were entitled to receive only at the rate of seven dollars per month. The State of Florida paid to some, if not all, of the soldiers whom she employed in that war, eight dollars per month. She, therefore, exceeded by one dollar per month the limitation prescribed by the act of the Federal Government. It would give me great pleasure to vote with my honorable friends from Florida on this question, if the same principle has been applied to any one of the cases which we have incorporated into this bill. Have we in any one of these cases gone beyond the act of 1836? If the United States have gone beyond that, then I am willing to vote for this claim. Are the cases which have been re-

ferred to analogous to the one presented for the consideration of the Senate?

Mr. MORTON. I beg leave to say a word in reply to the honorable Senator from Maryland. The act of 1836, as I said before, provided that the troops engaged in the suppression of Indian hostilities in Florida should be paid as infantry. I think that the Comptroller of the Treasury made an error in applying this act to the payment of troops called out in 1849. I think the act of 1836 had expired; or, at all events, the act of 1851, expressly provided that Florida should be reimbursed the money which she had paid, and the obligations which she had entered into for the suppression of the Indian outbreak in 1849. I think, therefore, with due deference to the opinion of the Comptroller, that he erred in making the act of 1836, which applied to the payment of troops engaged in 1836, applicable to the troops engaged in 1849, and paid under the act of 1851.

Mr. DAWSON. I will answer the interrogatory of the Senator from Maryland. Georgia advanced money to pay her troops at the rate of eight dollars per month, or one dollar per month more than the Government of the United States authorized her to pay. When Georgia called upon the Federal Government to reimburse her for the amount of money which she had paid, the United States fell short one dollar per month. But an amendment has been adopted to-day, on this bill, which provides that Georgia shall be reimbursed at the rate of eight dollars per month—the amount which she paid.

Mr. PRATT. Then, that amendment ought to be reconsidered, or this ought to be passed.

Mr. BRIGHT. It is proper that I should say, in justification of my objection to this claim, that the refusal of the Committee on Military Affairs to recommend it, is a sufficient objection to my mind to vote against it. Under the rule, unless a claim be estimated for or recommended by some standing committee of this body, it is not proper to place it upon a general appropriation bill. I am aware that the rule has been departed from in every appropriation bill that we have thus far considered. It is a very thankless task to oppose claims of this character, and I expect that I shall do much less in future than I have in times past in regard to them.

Mr. SHIELDS. My honorable friend shows that he is a great friend of economy. In this particular instance, he exhibits a very remarkable zeal. The Committee on Military Affairs did reject the claim when it came in originally, but since then the committee have reexamined the matter, and now they place this claim precisely where they have placed all the others, and have done for Florida what they have done for the other States—no more, and no less.

The amendment was agreed to.

Mr. DOWNS. I now renew the amendment which I offered, and which was rejected by the Senate as in Committee of the Whole. It is to insert:

"For continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determining the most practicable plan for securing it from inundation, \$50,000."

I will state, in addition to what I said before, that this amendment is offered in pursuance of a recommendation of the head of the War Department; that it is necessary to carry out the work which has already been commenced, and that, in fact, the \$50,000 already expended will be, in a great degree, useless if this additional appropriation be not made.

I wish to call the attention of the Senate to the fact, that this appropriation, originally, was made to guard against no ordinary evil. It was not to provide for an ordinary case. For nearly the half century that Louisiana has been in the Union, we have never asked any appropriation for this purpose. It was only after the sales of Government land extended up the Mississippi river, and the consequent extension of the levees, that, from some cause, in the years 1849, 1850, and 1851, a state of things was produced which never had existed before. There was a general inundation then of a large portion of this country. That which had been supposed to be reclaimed before was not free from it. From the very commencement of the settlements on the Mississippi, the citizens there, without the aid of the Government, had carried on this levee system, and had, to a

great extent, protected their country out of the lands thus reclaimed by the State. The people themselves leveed their own lands. Your records show that the United States have received some \$2,000,000 from the sales of lands thus reclaimed, without spending a dollar for their reclamation.

You will recollect, Mr. President, that in 1849 so great was this calamity that almost one half of New Orleans itself was overflowed. Under these circumstances, everybody admitted the necessity of doing something. The researches of science had not then, and they have not yet, pointed out the most effectual way. Different ideas have been suggested; but it has been concurred in by everybody that the ablest engineers that could be detailed by the Government, should be appointed for the purpose of making surveys of this delta, and, if possible, to solve the problem whether these inundations could be prevented, and if so, the best way of doing it. Engineers differed in opinion. Many of the most experienced entertained different views. Some preferred raising the levees, and stopping the water's running out. Others have supposed that the only effective way would be to change the system, and open new outlets instead of extending the levees. This is a matter of life and death, not only to Louisiana, but to a large portion of Arkansas, Missouri, and Mississippi.

The first board of engineers appointed made a general reconnaissance. They took a view of the river from near St. Louis extending down to the Gulf. They saw the vast extent of the work, and the great difficulties which were experienced. This enabled them to suggest the points of investigation. They concurred in making the preliminary report. The board was regularly organized, and the surveys were commenced. They have made progress in that work, but it is far from being completed. They have not even gone far enough yet to give a definite opinion as to the best modes in which works should be commenced.

The United States have made a large donation of these overflowed and swamp lands to Louisiana and other States, for the purpose of preventing inundation. They have already appropriated to Louisiana some 8,000,000 acres, which are now at the disposition of the State authorities. The State has, as yet, adopted no definitive plan for their reclamation, because these surveys have not been completed, and no man can yet indicate the best mode of improvement.

I ask, under these circumstances, whether it is not reasonable that this amount should be appropriated? This is a question of great importance. The United States are greatly interested in it, because they have a vast quantity of public lands to be benefited. The improvement of this delta is very important to nearly all the commerce of the Union. These inundations are dangerous to all the commerce connected with New Orleans. In regard to a subject of so much interest, when a system has already been commenced, it seems to me that it would really be a hard measure of justice to Louisiana, Mississippi, and all the other States interested, to stop in the midst of the work in this way. I have not been unreasonable. This is the only amendment that I have offered to this or any other appropriation bill for Louisiana, or that section in which I am interested. I have let these bills take their course. But, sir, this is a question of life and death with my constituents. A large portion of the finest agricultural lands in the world in Louisiana is liable to be overflowed every year, and a great deal of it has been overflowed for three successive years. We wish to see whether it is not possible to enable us to avoid it. Is it not reasonable that the attempt should be made? The United States have undertaken the work, and now will they refuse to carry it on? Will they break down in the midst of it? I hope the Senate will agree to the amendment.

Mr. RUSK. This is a very important matter. It is proposed now to continue this work which has been begun by the United States. It is deeply interesting, to be sure, to the citizens of New Orleans; but it is not only interesting to them, but to the whole valley of the Mississippi, and to the whole country. The overflows on the lower part of the Mississippi threaten not only to submerge a large extent of country of the most valuable lands in the United States, but also to take down some of the bayous there, and block up or injure, or perhaps destroy, the only port which

the great valley of the Mississippi has. Under these circumstances, it is a matter of vast importance that the United States should go on with this work, to see whether some plans may not be adopted by which these inundations may be prevented. If some plan can be devised, immense benefits will result not only to the State of Louisiana, but to the valley of the Mississippi, and to the commerce of the whole country. The small expenditure asked is a mere drop in the bucket, compared with the great interests to be promoted by it.

Mr. SOULE. It will be expected that I should say something in connection with this amendment. I originated the measure two years ago, when an appropriation of \$50,000 was made for the purpose of effecting this survey. Will not the Senate consider that, having gone into that investigation already, having begun such an important work, they are committed to see it out? Why, it must strike every member of this body that unless the appropriation which is required, in order to enable the Department to carry out that great survey, be made, the expenditure already incurred will be a total loss. Under such circumstances, the Senate, considering that they have already committed themselves by the original and initiatory appropriation, cannot, with propriety, recede from what they have done, but must carry out what they have begun. In other words, the fate of this amendment will decide the question whether or not the \$50,000 already spent shall be squandered to no purpose. If that be the meaning of the Senate, then this amendment should be voted down; but if, on the contrary, the interest of the country, and the good faith with which the Government should prosecute every undertaking, when once gone into, should be sufficient considerations for granting the appropriation which is asked. I can hardly conceive of any reason which would induce any Senator to vote against the amendment of my colleague.

Mr. HUNTER. It seems to me that the river and harbor bill was the proper place for this provision. This bill should be confined to appropriations for the Army, and that was the reason why I would not vote upon it a scheme for fortifications, for they belong to another class of appropriation bills. I wish to keep the bill clear of all extraneous matter. But I am so anxious to get to a vote, that I will make no argument upon the subject.

Mr. DOWNS. The first appropriation for this object was made in the civil and diplomatic appropriation bill. I consulted with the chairman of the Committee on Military Affairs in reference to this amendment, and it was at his suggestion that I proposed to put it on this bill in preference to any other. The work is being done under the direction of military officers, and, therefore, no place seems so appropriate as the Army appropriation bill. I call for the yeas and nays upon my amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 19; as follows:

YEAS—Messrs. Badger, Borland, Bright, Brooke, Charlton, Chase, Dawson, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Fish, Geyer, Gwin, Hamlin, James, Jones of Iowa, Mallory, Meriwether, Morton, Pearce, Pratt, Rusk, Shields, Soule, Sumner, and Weller—28.

NAYS—Messrs. Bayard, Bradbury, Brodhead, Clarke, Davis, Foot, Hale, Houston, Hunter, Mangum, Mason, Miller, Seward, Spruance, Stockton, Toucey, Underwood, Wade, and Walker—19.

So the amendment was agreed to.

The amendments were then ordered to be engrossed, and the bill to be read a third time; and the amendments having been engrossed, the bill was read a third time, and passed.

#### INDIAN APPROPRIATION BILL.

Mr. GWIN. Mr. President, the Committee of Conference appointed on the Indian appropriation bill to meet a similar committee of the House of Representatives, have instructed me to report the result of their deliberations to the Senate, which is, that the Senate recede from their amendments to that bill which have been disagreed to by the House. In making this motion, Mr. President, I must be permitted to express the mortification which I experienced at the ignorance displayed by those who represented the other House on this committee of the subject-matter of our discussions—an ignorance that I fear, if permitted to rule the proceedings of that House, will prove disastrous

to the best interests of the State I in part represent here.

The question submitted to the Committee of Conference, was the propriety of appropriating a contingent fund for the service of the Indian Department in California; a fund to dispatch messengers from one section of the Indian country to another, in an emergency; a fund to enable the Superintendent to hire an escort of mountain men to attend him in his visits to the hostile tribes, instead of calling for a detachment of the Army to accompany him, which latter course, if time permitted, I could show will cost four or five times the amount that would be required, if the Superintendent was permitted to hire his own escort. A single case will prove this. The Superintendent must keep his office at San Francisco, the great center of intelligence for the State. He is informed of Indian troubles near Los Angeles: Instead of going to the Army depot at Benicia, only thirty miles from San Francisco, and taking an escort from thence four hundred miles to Los Angeles, if permitted to hire an escort of mountain men, experienced in the habits of the Indians, he would go alone to Los Angeles, and there get his escort, visit the disturbed districts, perform his duty, and then dismiss the escort. This would save the expense of eight hundred miles transportation. Any one who has traveled in that country, will at once see what an enormous additional expense this transportation will add to the expedition. And if, as is most probable, there should be a collision with the Indians, of what service would these regular soldiers be in a contest with the mountain Indians? It would be like starting an ox-team after what is called in our country a jackass rabbit, as fleet, if not fleetier, than a greyhound. But all this additional expense leading to future deficiency bills, all of this exposed inefficiency to divert the other House from its pennywise and pound-foolish policy in regard to California, passes for nothing with those who control its deliberations.

Another item submitted to the Committee of Conference, was a fund to pay the expenses of the agents in traveling through these districts. They are not allowed a cent to travel from point to point, although the Indian territory in California is a thousand miles in extent, in a region where traveling is very expensive. If an agent hears of a collision or expected collision between the miners and Indians within the bounds of his district, requiring his immediate presence, he is not permitted to buy a horse, or pay for his subsistence, in going to the point of disturbance to execute the duty for which he was appointed. What protection can agents thus provided extend to the Indians? We have taken their acorns, grass-hoppers, fisheries, and hunting-grounds from them. The ponds where the wild fowl assembled in the winter, offering them for the time an abundant supply of food, is now the mining and agricultural region of our citizens. The Indian must perish from cold and hunger, if this Government does not interpose to save him. From his hunting-ground we export an annual average value of \$60,000,000 in gold, and the revenue paid to the Treasury, from one port in California, exceeds \$3,000,000 annually, and yet the miserable pittance of \$120,000, to feed and protect these original inhabitants of the country, is refused and cut down \$20,000, by the grossly unjust policy adopted by the other House. If this is to be the policy of this Government towards these people, it will form a dark page in our history, if it does not bring the vengeance of Heaven upon us as a nation.

I now move that the Senate recede from such of its amendments as have been disagreed to by the House.

The motion was agreed to.  
So the bill was finally passed.

#### RIVER AND HARBOR BILL, ETC.

A message was received from the House of Representatives by Mr. HAYES, its Chief Clerk, announcing that it had agreed to the amendments of the Senate to the following bills:

An act making appropriations for the improvement of certain harbors and rivers; and

An act in addition to an act to promote the progress of the useful arts.

#### CIVIL AND DIPLOMATIC BILL.

The message also announced that the House of Representatives disagreed to the amendments of

the Senate to the bill "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1853, and for other purposes;" that they asked a conference on the disagreeing votes of the two Houses, and that they had appointed Mr. Houston, Mr. Appleton of Massachusetts, and Mr. George W. Jones of Tennessee, managers at the same on their part.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives; and,

On motion by Mr. HUNTER, it was

Resolved, That they insist on their amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

On motion by Mr. HUNTER, it was

Ordered, That the conferees, on the part of the Senate, be appointed by the President of the Senate.

And Mr. HUNTER, Mr. WELLER, and Mr. UNDERWOOD, were appointed.

#### ORDER OF BUSINESS.

Mr. BORLAND. I ask the Senate to take up the bill from the House of Representatives, which lies on the table, granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi river, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river.

Mr. HUNTER. I hope the Senate will go on with the appropriation bills. I want to take up the Post Office appropriation bill next. There is a bill from the House on the table, in which my constituents are interested. It is "An act making further provision for the satisfaction of Virginia military land warrants;" but I wish to go on with the appropriation bills to-night.

Mr. BORLAND. I think it will take but a few minutes to dispose of the bill which I wish to have taken up.

Mr. HUNTER. I think it will take some time.

Mr. UNDERWOOD. That bill will give rise to debate. I know a gentleman who has an amendment prepared to offer to it.

The PRESIDENT. The bill cannot be amended now.

Mr. UNDERWOOD. It has never been read once.

The PRESIDENT. That is the very reason why it is not subject to amendment.

Mr. UNDERWOOD. Can the bill be taken up now for action?

The PRESIDENT. The bill has not been read a first time. After it is read the first time, it requires unanimous consent to read it a second time on the same day.

The motion of Mr. BORLAND was agreed to; and the bill was read a first time, and ordered to a second reading.

Mr. BORLAND. I ask that the bill may be read a second time now.

Mr. FISH. I am under the necessity of objecting to the second reading of the bill at this time.

Mr. BROOKE. I rise to a question of modesty.

Mr. BADGER. That is a novel question in this body.

Mr. BROOKE. I wish to put a bill upon its passage, to which there can be no objection. I call it a question of modesty because I have never had the assurance yet to get up here and demand or ask for the passage of any bill; and I now ask the Senate to take up the bill from the House of Representatives to amend an act entitled "An act for the discontinuance of the office of surveyor general in the several districts so soon as the surveys thereof can be completed, and for abolishing land offices in certain cases, and for other purposes."

Mr. HUNTER. I hope we shall go on with the appropriation bills.

The motion of Mr. BROOKE was not agreed to.

#### MILITARY LAND WARRANTS.

The bill making further provision for the satisfaction of Virginia military land warrants was read, and passed to the second reading.

#### LAND DISTRIBUTION BILL.

Mr. FISH. I move to postpone the previous orders for the purpose of taking up the bill from

the House of Representatives, "making grants of land to aid in the construction of railroads, and for other purposes," commonly known as Bennett's land distribution bill.

Mr. HUNTER. I hope the Senator from New York will permit us to go on with the appropriation bills and dispose of them.

Mr. FISH. I would be very willing to give way to the Senator from Virginia, if I thought there would be another opportunity of getting up this bill. I have been trying for the last ten or twelve days to get an opportunity to call it up. I have yielded from day to day in order to allow the appropriation bills to pass, but discussions of all kinds have crept in till this late hour of the session, and now when I have an opportunity of taking the sense of the Senate, I really do not feel justified in yielding that opportunity.

Mr. SHIELDS. At this late hour on Saturday night, to take up a bill that will be discussed until the end of the session is, I think, a most extraordinary proceeding.

Mr. PRATT. Who will discuss it until the end of the session?

Mr. SHIELDS. I am prepared to enter into its discussion if it should be taken up.

Mr. FISH called for the yeas and nays on his motion; and they were ordered; and being taken, resulted—yeas 22, nays 23; as follows:

YEAS—Messrs. Brooke, Clarke, Davis, Dawson, Downs, Fish, Foot, Hale, James, Jones of Iowa, Mallory, Mangum, Miller, Morton, Pratt, Seward, Smith, Spruance, Stockton, Underwood, Wade, and Weller—22.

NAYS—Messrs. Badger, Bradbury, Bright, Brodhead, Charlton, Chase, De Saussure, Dodge of Iowa, Felch, Gwin, Hamlin, Houston, Hunter, King, Mason, Meriwether, Norris, Rusk, Shields, Soule, Sumner, Toucey, and Walker—23.

So the motion was not agreed to.

#### POST OFFICE APPROPRIATION BILL.

Mr. HUNTER. I move now to postpone the prior orders in order to take up the bill from the House "making appropriations for the service of the Post Office Department for the fiscal year ending the 30th of June, 1853."

Mr. GWIN. I think the naval appropriation bill has precedence.

Mr. HUNTER. No, sir; this was reported first.

Mr. HALE. I wish simply to inquire of the chairman of the Committee on Finance if he proposes to take up the naval appropriation bill to-night?

Mr. HUNTER. I hope we shall be able to dispose of all the appropriation bills to-night.

The motion was agreed to, and the Senate proceeded to consider the bill as in Committee of the Whole. It was reported from the Committee on Finance, with an amendment, which was to add:

"Sec. 2. And be it further enacted, That the Postmaster General be, and he is hereby authorized, whenever he shall deem it discreet, to dispense with the route agents now sent with the mails from New York to California, and in lieu thereof, to appoint not more than two resident agents to take charge of the mail service across the Isthmus to Panama, and to allow said agents, for salary and personal expenses, not exceeding \$3,000 per year for each of said agents, which shall be paid out of the money annually appropriated for the transportation of the mails."

Mr. HUNTER. That amendment was recommended by the Postmaster General. It is a limitation on the number of agents.

The amendment was agreed to.

Mr. SOULE. I propose the following amendment:

To enable the Postmaster General to contract for the transportation of the mail by steamboat from the Lake House to New Era, on the route No. 6116, from Donaldsonville to Washington, in the State of Louisiana, \$7,000.

A few words will suffice to put the Senate in a position to judge of the merits of this amendment. There is a line known under No. 6,116 running from a place on the Mississippi river, called Donaldsonville, to a place in the interior of Louisiana, called Washington. The mail runs three times a week on that line. It has to cross three small lakes from the point designated as the Lake House, to the point where it meets the river going up to New Orleans. At this moment that mail is carried in open skiffs, and the dangers of navigation are such that there is no security for the mail, and least of all for the passengers. The small amount asked will enable the contractor to carry the mail through these three lakes three times a week in a safe manner, and so as to afford security to those passengers who may wish to go with the mail. The matter has been laid before



the Postmaster General, but as he entertains some doubts whether he possesses authority under the act of 1845, he was prevented acting upon the proposal, although, from the conversation which I had with him, he seemed to approve of the arrangement. The amendment is proposed under the authority of the Committee on the Post Office and Post Roads, and I hope it will meet with no opposition.

The amendment was agreed to.

Mr. RUSK. I have an amendment to offer from the Committee on the Post Office and Post Roads, by way of additional section:

"Sec. —. And be it further enacted, That the Postmaster General is authorized to contract with the Ocean Steam Navigation Company for one additional trip on the Havre line, and one additional trip on the Bremen line, until the expiration of their existing contracts, receiving and delivering mails at Southampton, Cowes, or Plymouth, as the Postmaster General may direct, according to such schedule as shall be prescribed by the Postmaster General, in order thereby to maintain through such lines and the Collins line, a regular weekly communication by American mail steamers between the United States and the United Kingdom of Great Britain and Ireland; but the compensation for such additional trips shall not exceed the compensation allowed for each trip under the said existing contract: *Provided*, That the Postmaster General be, and he is hereby authorized, in his discretion, to negotiate with the contractors for changing the terminus of the Havre line from Havre to Antwerp, in Belgium, and to make an agreement for such change if he shall think proper; but the increased compensation to be allowed for such change shall be limited to a *pro rata* allowance for the increased distance."

The amendment was agreed to.

Mr. RUSK. I have another amendment to offer as an additional section:

"Sec. —. And be it further enacted, That the salary of the route agents be, and the same is hereby, increased to \$1,000 per annum.

The amendment was agreed to.

Mr. BADGER. I have an amendment which I desire to offer to this bill. It is the bill which has passed the House of Representatives, which we commonly refer to under the title of the Wheeling Bridge bill. It is for the purpose of preserving that important national structure from being taken down. The Senate will recollect that I asked them to take up the bill the other day as a separate bill; but that was refused me, and therefore I offer it as an amendment to this bill:

"Sec. —. And be it further enacted, That the bridges across the Ohio river at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's Island in said river, are hereby declared to be lawful structures in their present position and elevation, and shall be so held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding.

"Sec. —. And be it further enacted, That the said bridges are declared to be, and are established post roads for the passage of the mails of the United States, and that the Wheeling and Belmont Bridge Company are authorized to have and maintain their said bridges at their present site and elevation; and the officers and crew of all vessels and boats navigating said river, are required to regulate the use of their said vessels and boats, and of any pipes or chimneys belonging thereto, so as not to interfere with the elevation and construction of said bridges."

Mr. BRADBURY. As the question presented by this amendment is one of some delicacy, in regard to which there is liability to misconception, I wish to say a few words. The honorable Senator from South Carolina, [Mr. BUTLER,] the chairman of the Committee on the Judiciary, as well as myself, would have preferred a different bill from that embodied in this amendment. I think it important that the legislation of Congress on the subject of this bridge should assume such shape as to guard against all appearance of conflict with the Supreme Court, or of any attempt to overturn the decision it has made. Our action should be such that the popular, as well as the legal mind of the country, should be exposed to no misapprehension. If it is advisable for us to legislate to preserve this bridge in its present form and elevation, we can do so in a manner to avoid any erroneous conception as to what we attempt.

Under the law of the United States for the enrolling and licensing coasting vessels, all vessels so enrolled and licensed have the right to navigate the Ohio river, a public navigable stream, without impediment. The court found this bridge an obstruction, which impaired this right of free navigation, and therefore violated the law which, by necessary implication, forbids such obstruction. It was for violating this law that the bridge is held to be a nuisance. It is for violating the *existing law* for the regulation of commerce; but it is as competent for the Congress to modify this as any other law, and if we interpose to afford relief from

the effect of carrying it out, the more appropriate course would seem to be to make such modification as will meet the exigency. This can be done by an act regulating the height of the chimneys of the boats navigating the river. It can be done in the exercise of unquestioned power, in the ordinary mode of legislation, and in a manner that could create no erroneous impression. I have felt disposed to interpose in this manner, and to sustain such an act for the reason that the bridge has been erected in good faith, under charters from the contiguous States, and affords great public convenience without being any very serious obstruction to navigation. If we should pass such a law for the regulation of the height of the chimneys of the steamers, the bridge would not obstruct the boats that conformed to it; and as it would be the duty of all to conform, there would then be no legal ground for complaint against the bridge, and the court would, on application, unquestionably modify its decree.

The chairman of the committee, [Mr. BUTLER,] who is now out of his seat, desired me to say, if the subject was called up in his absence, that he concurred substantially in the views which I have endeavored to express.

Mr. BRODHEAD. I was not in my seat when this amendment was offered, or I should have raised a question of order. I did not expect that so important a proposition as this would have been offered as an amendment to this bill.

Mr. BADGER. I certainly gave notice to the honorable Senator from Pennsylvania that I would offer it as an amendment to this bill.

Mr. BRODHEAD. I now recollect that the honorable Senator from North Carolina did mention to me that he intended to offer it as an amendment to this bill, but in the hurry and confusion of business it had escaped my recollection. I am opposed to this amendment. I feel bound to act in this case according to the instructions, legislative and judicial, of my own State. The history of the case now before the Senate is this: In 1848 the Attorney General of the State of Pennsylvania, before the bridge was completed, instituted proceedings in the Supreme Court of the United States against this bridge. Those proceedings were prosecuted under the authority of the Legislature of Pennsylvania to final judgment. The following are the grounds upon which the Attorney General of Pennsylvania asked the Supreme Court to compel the company to abstain from erecting an obstruction to the navigation:

"1. That the Ohio river is a public highway leading to and from the ports of Pennsylvania, the free navigation whereof was a right by the law of nature and of nations, and secured by constitutional provisions and by compact between the States.

"2. That the right freely to navigate the river to and from her ports belonged to the citizens of Pennsylvania, and to all the citizens of the United States.

"3. That any obstruction to navigation was a violation of public law, constitutional right, and State compact, which the Supreme Court, as a court of equity, on complaint by an injured State, was bound to prohibit."

These are the grounds of complaint upon the part of Pennsylvania. The Ohio is a great public highway leading to and from the borders of Pennsylvania; and the citizens of that State have a right to its free navigation. This complaint was deliberately heard before the highest tribunal of the country. That tribunal is a coordinate and independent branch of this Government; and when the judgment of that court is properly rendered in a case where it has jurisdiction, it is final and conclusive. Now, what is the proposition here? It is to overturn and set aside the decision of the Supreme Court of the United States. What right have you to do that? The Supreme Court, amongst other things, decided:

"1. The Ohio river is a highway of commerce between the States, free navigation whereof being secured by regulations of Congress, and by compact of Virginia and Kentucky with all the States of the Union, it cannot lawfully be obstructed under authority of any State.

"2. An obstruction to the navigation of the Ohio river is an injury to the commerce and public works of the State of Pennsylvania, for which she is entitled to redress by proceedings in equity in the Supreme Court of the United States.

"3. The Wheeling Bridge is a serious obstruction to the navigation of the Ohio river, and is a public nuisance.

"4. It obstructs the passage of the seven daily steam-packets between Pittsburgh and Cincinnati, which carry one half of the trade and three fourths of the passengers on the Ohio river; the annual value of the merchandise and freight carried by them exceeds \$35,000,000 in value, and the passengers over eighty thousand in number.

"5. The bridge is not ninety-two feet above the ground at any point; its highest point is not over the channel, and

it is thirty feet lower at one end than at the other, so that the packets cannot pass in any stage of water without reducing the height of their chimneys, or lowering them in order to pass the bridge.

"6. It is clearly proved by science, and confirmed by practical skill and experience, that the present height of the packet chimneys is necessary, and that they cannot be reduced in length without serious injury to the speed and power of the vessel.

"7. The packet chimneys were as high as they now are before the erection of the bridge. Chimneys of equal and greater height are used on the ocean steamers, and the best packets of the eastern waters, the lakes, and the Mississippi.

"8. It is proved by science, experience, and the nature of things, that the packet chimneys cannot be lowered to pass the bridge, without imposing heavy expenses upon the packet, and endangering the safety of the vessel, and the lives of the passengers and crew.

"9. The defendants are required to relieve navigation from obstruction by elevating the bridge to the height of one hundred and eleven feet above low-water level for the width of three hundred feet over the channel.

"10. This can be done, and the bridge, after all expenditures are made, will yield a fair profit to the stockholders."

These are the points which were adjudged by the Supreme Court of the United States. It decided that the citizens of Pennsylvania had a right to the free and unobstructed navigation of the Ohio river, and that the deprivation of that right was an injury to their ports and their citizens. Therefore, I ask, what right have we to interfere with the decision of the Supreme Court? This is not the place where an appeal can be heard from that decision. The case is not to be tried here. The Supreme Court have decided that those having the right of water navigation cannot be interfered with by those who have the right of commerce by land, for it is secured to them by compact.

The resolution in the Congress of the Confederation, dated the 12th of May, 1786, is as follows:

"Resolved, That the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, be, and they are hereby, declared to be common highways, and be forever free, as well to the inhabitants of said Territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederation, without any tax, impost, or duty therefor." — *Journal of Congress*, 1786, page 637.

By the sixth article of the Constitution this engagement of the Confederation became as valid against the United States as under the Confederation. In 1789, Kentucky was admitted into the Union upon certain terms and conditions, among which was the following:

"That the use and navigation of the river Ohio, so far as the territory of the proposed State, or the territory that shall remain without the limits of this Commonwealth lies thereon, shall be free and common to the citizens of the United States."

This bridge was erected by a private corporation. A private corporation, therefore, interferes with the free navigation of the Ohio river and with the commerce of that river. The question is, whether a private corporation can so erect a bridge over one of the great channels of commerce in this country, as to obstruct that commerce. It is said that you have the right to establish post roads, and the power to do this is sought to be established under the power granted by the Constitution to Congress, to establish post offices and post roads. But, sir, have you a right so to carry out one item of this Constitution as to invade the Constitutional rights of citizens under another clause of the Constitution?

It is not my purpose to argue this question at length. It would be useless and unnecessary to do so at this late hour of the evening, and at this late period of the session, even if I had physical strength, after a twelve hours' session, to do so. It has been fully heard before the competent tribunal—the Supreme Court of the United States—and that tribunal has decided that the rights of citizens of Pennsylvania have been invaded. Now, sir, suppose that the Supreme Court of the United States were to decide that your title to your farm was a good one, what right would the Congress of the United States have to interfere and say in opposition to the decision of the Court that your rights could be invaded?

I only state the points in the case, for I have no time or strength to do more. I make this opposition to the proposition, under the instructions of the Legislature of my own State, which I consider binding in this case. In 1844, when a bridge was first proposed to be erected over the Ohio from Wheeling, the Legislature of Pennsylvania instructed her Senators and requested her Representatives in Congress to vote against the construction of any bridge at any place which would interfere

with the navigation of the Ohio river. In 1850 a similar resolution of instruction was passed. In 1851 she repeated those instructions. The Canal Commissioners of Pennsylvania have declared that the bridge was an obstruction to the free navigation of the river, and injurious to the commerce and revenues of Pennsylvania. The Supreme Court of the United States has sustained this complaint. It has declared these complaints to be well founded; and I think, therefore, that this legislation is altogether out of place. There is no urgent necessity for the adoption of this measure at this time. At any rate, the judgment of the Supreme Court cannot be carried into effect, and execution had thereon, until February next. That being the case, why should we have so important a question decided upon as an amendment to this bill at this late hour of the night, and this late period of the session? Let it go over to the next session. It is a delicate and important question, and I ask that the subject be passed over until the next session. Let the bill which came from the House lie on the table until December next, when we can consider it deliberately.

I have said that this is a delicate and important question. It is one which cannot be argued fully this evening. I do not feel at liberty to go into it at length, nor have I all the papers and documents before me. Besides, my colleague has been unable to remain in the Senate Chamber this evening, and has gone home. We have now been in session nearly twelve hours. He is not here, and I presume he desires to be heard. If we pass the subject over until December next, this company will not be injured, and we can then deliberately and carefully examine and decide this delicate and important question between sovereign States, between two of the old and venerable States of this Union. We can then decide upon it in a much better manner than we can now.

Mr. BADGER. If, Mr. President, this question has been brought before the Senate at an unreasonable time, I wish the Senate to bear me witness that, if there be any fault about it, it is the fault of the Senator from Pennsylvania, and not mine. I asked the Senate, days ago, to take up this bill for consideration. If it had then been taken up, the Senator could have been heard, and we all should have had an opportunity to discuss it. The Senator objected to it then, and objected to it on the ground of the absence of his colleague. His colleague was in the Chamber in three minutes after the Senate had disposed of the question.

Mr. BRODHEAD. It is true that I objected to it a few days ago, but I submit now to the Senate, and to the honorable Senator from North Carolina, whether, with the appropriation bills then pressing upon us, it was a much more suitable moment to consider it than it is now?

Mr. BADGER. Then it results in this: It is never reasonable to consider it. The bill which I now offer as an amendment came from the House. It was reported from the Committee on the Judiciary. I asked, under their instructions, to have it taken up and considered. The honorable Senator objected because his colleague was absent, and upon his objection the Senate refused to take it up for consideration. That there might be no ground for surprise, I then gave notice to the honorable Senator that, when the Post Office appropriation bill came up, I should offer this amendment. I have now offered it at the first seasonable moment. I ask if I have been at fault because it is offered at the close of the session?

The Senator now says that he wants it laid over until the next session; and suggests that his colleague has gone away, being no longer able to stay here. I have the highest regard for both the honorable Senators from Pennsylvania, and, if it were a question of courtesy, I should be willing to postpone it for five years, in order to accommodate them. But that is not the case here. The Senator says we should postpone this until the next session; that the decree of the court is not to be executed till February next. But does not the honorable Senator know that, if this measure goes over until the next session, it will not be passed in time? He must know that the Senate never enters into the discussion of any business until after the Christmas holidays. If the bill should then pass, what would be the consequence? Proceedings would have to be instituted in the Supreme Court for the purpose of arresting the taking down of the bridge. It is possible that the bill

might be got through in time; but it is too serious a matter to risk in that way.

Now as to the character of the proposition. The honorable Senator speaks of it as a bill to reverse the decision of the Supreme Court. Sir, I deny it utterly and absolutely. It is plain and apparent upon the face of the bill that it is no such thing. What is the reversal of the judgment of a court? It is to declare, by a superior tribunal, that, as the law stood when the court pronounced the judgment, that judgment was erroneous; and upon that ground should never have been pronounced. Does this propose any such thing? No, sir. It assumes the judgment of the court to be right, and the first section of the amendment declares that, if the Wheeling Bridge (which the court have pronounced to be a nuisance) is a nuisance, in consequence of anything contained in any law or laws of the United States, that law or those laws shall be put out of the way, and shall not be considered as affecting this bridge.

What does the second section of the amendment propose? To make the bridge a post road, a public highway; and then, in the next place, it directs that vessels navigating that stream shall regulate their smoke-pipes in such a manner as not to interfere with this bridge. Will any gentleman undertake to tell me what part of this undertakes to reverse the decision of the Supreme Court? It is just this case: Suppose a judgment had been rendered in the courts of the United States, awarding a certain sum of money to the United States, and directing that that money should be paid next February, could we not pass an act releasing that debt? It would prevent the execution of the judgment; because we, as the owners, release the debt. But does it reverse the judgment? So here; do we undertake to say that the judgment was wrong when it was delivered? Not at all. But we say this: if the judgment was right, in consequence of any law of ours, then, as far as this bridge is concerned, we repeal the law. Now, if the honorable Senator cannot perceive the difference between this and reversing the judgment, I am very sorry for it, but I cannot help it. It appears to me that the distinction is perfectly plain. If there be anything in the case beyond the law of Congress—if there be anything, as the Senator says, in a compact, in virtue of which the bridge is a nuisance, and must be put down, why, the high tribunal which has this case before it, will, upon application, so decide, and the bridge must go down. But we assume no jurisdiction or control over that. We only assume jurisdiction to alter our own laws. Then, the whole matter is reduced to this: Is it expedient? Shall that noble structure go down? Shall seven steamboats, out of the three hundred and fifty navigating the Ohio, be put to the trouble of reducing their smoke-pipes five or six feet, so as to be able to pass under the bridge? That is the question of expediency.

Mr. BRODHEAD. I merely wish to make one observation in reply to the Senator from North Carolina. The Supreme Court of the United States has decided that this bridge is a nuisance, injurious to the rights of the citizens of Pennsylvania. Now, what right have you to declare that a lawful structure which the Supreme Court has decided to be a nuisance, and injurious to the citizens of Pennsylvania?

Mr. BADGER. We do not so declare it.

Mr. BRODHEAD. The Supreme Court of the United States has declared the bridge to be a nuisance, injurious to the rights of the citizens of Pennsylvania, and you say that the rights of the citizens of Pennsylvania shall be invaded by this bridge; that our people shall not have the right to the free navigation of the Ohio river. The Supreme Court has said that the free navigation of the river has been interrupted, and now we propose to declare that this nuisance, notwithstanding it is an interruption, shall be a legal structure. That is the question. It is a delicate question, arising between States.

I think that one month at the opening of the next session will be sufficient to decide this matter. The gentleman from North Carolina agrees with me that the judgment of the court cannot be carried into effect, and execution had thereon, until February next. We shall then have, at the next session, two months to consider the bill which has been sent to us from the House. I think that the Senate of the United States will consider it a question of sufficient importance to dispose of it in

the month of December or January. But I do not wish to detain the Senate at this late hour by any further remarks.

Mr. MASON. I must ask the Senate to indulge me but a very few moments, not to add anything to what has fallen from the honorable Senator from North Carolina, who is a member of the Judiciary Committee; for he has placed the legal question in a clearer light than I could. He has shown what every Senator knows, and what the Senator from Pennsylvania knows, that the judiciary cannot legislate. They are to expound the existing laws, and nothing more. As the Senator from North Carolina says, they have expounded the existing law, and declared, as their judgment, that, under the existing law, this bridge is a nuisance. Do we attempt to reverse that judgment? Certainly not. But we do say that, if it be a nuisance under existing laws, those laws shall be removed out of the way; and that is all the amendment declares.

I wish now to say a word about the true history of this matter. It has become a part of the history of the country. This difficulty had its origin in a wretched competition between the city of Pittsburgh and those who navigate the Ohio river below Wheeling. That was the whole of it. The fact was demonstrated over and over again, that the smoke chimneys of the Pittsburgh steamboats were elevated in order to come into collision with that bridge. That has nothing to do with the question before the Senate, I admit; but it is a fact, they were elevated in order to come into collision with that bridge. At the instance of the city of Pittsburgh, the State of Pennsylvania requested that these proceedings should be judicially instituted.

Mr. BRODHEAD. The Senator will allow me to interrupt him. He says that these chimneys were elevated for the purpose of coming into collision with this bridge.

Mr. MASON. Yes, sir.

Mr. BRODHEAD. Now, I will read what the Supreme Court decided upon that point:

"7. The packet chimneys were as high as they now are before the erection of the bridge. Chimneys of equal and greater height are used on the ocean steamers, and the best packets of the eastern waters, the lakes, and the Mississippi."

Mr. MASON. The Supreme Court took that from evidence, gotten up by this extraordinary organization. That evidence was taken for the Supreme Court by Chancellor Walworth, of New York. But the fact was, and yet remains, that there were but two boats pretending to be of that height when the structure was commenced, and its elevation was ascertained; but, by the time the bridge was completed seven of those boats got very high chimneys. I do not mean, however, to go into that subject; because I am not one of those who would undertake, by legislation, to reverse the judgment of a court. But I wish to call attention to the fact, that here is the State of Pennsylvania complaining through its Senator of this bridge, when it has a bridge at Pittsburgh, and above Pittsburgh, over the Allegheny river, a river that runs up to New York. It has a bridge over the Monongahela, a river that runs through Virginia; and the boats navigating it every day in the year lower their chimneys to pass under Pennsylvania bridges. Yet under this wretched competition of the city of Pittsburgh it would deny substantially all communication across the waters of the Ohio, in order that it might flourish. That is the whole matter.

Mr. BROOKE. In all legal questions, I am willing, and more than willing, to yield to the authority of the Supreme Court; but, in questions of fact, I conceive, that, as a member of the Congress of the United States, I have the same right of judgment, humble as I am, as the Supreme Court has. As an individual, upon the testimony which I have read in this case, I have come to the conclusion that the steamboats navigating the Ohio river have elevated their chimneys to an unnecessary height, for the purpose of destroying this structure—as I conceive, one of the noblest structures in the world. I will do everything I can, as a legislator, to nullify, if I may use the expression, the decision of the Supreme Court. I have seen it lately stated in the papers, and I have every reason to believe it is true, that on the river Thames steamboats are run without any chimneys whatever—the smoke from the furnace escaping under the wheels; the action and motion of

the wheels creating a draft that is superior to that created by the height of the chimneys. I do hope that, for the sake of State sovereignty—for the sake of the great travel from the East to the West, and from the West to the East—this noble structure will be preserved.

Mr. WELLER. It must have struck every person who has passed along the Ohio river, that this is one of the most magnificent works that is to be found in the whole West. It is one of the most useful improvements that has been made on the Ohio river—one of incalculable value, in my judgment, to that whole region of country. Nor can there be any doubt that such has been the feeling produced at the city of Pittsburg against that structure, that the owners of Pittsburg steamboats have increased the height of their smoke-pipes, in order to produce a necessity for the removal of the bridge. In the month of April last, I came up the Ohio river, when it was at a very high stage. There were twelve and a half feet of water in the channel at Wheeling; and I suppose, from the knowledge I have of that river, I may safely say there would not be twelve and a half feet of water in the channel at Wheeling more than four or five weeks in the year. I passed under the bridge, at that time, upon one of these Pittsburg boats, with the largest pipes I had ever seen before upon any steamer. I said to the captain of the steamer, who lived at Pittsburg, and who of course was under the control of that influence, that the pipes were much higher than I had ever seen before. He said yes; they had found it expedient to increase the height of their pipes. But notwithstanding the height of the pipes—notwithstanding the fact that there were twelve and a half feet of water in the channel—we passed under the bridge, not at its highest point—for I was inclined to believe at the time that, as there were two gentlemen on board who would be called upon to vote on the subject, the captain really desired to give us a practical illustration of the fact that the bridge was an obstruction, by striking the pipes of his steamer against it. A little while before, when my friend from Indiana [Mr. BRIGHT] was on board a steamer going down the river, they did manage to strike the pipes against the bridge; and they supposed, I presume, that that would be sufficient evidence to satisfy that Senator that the bridge ought to be removed. But when we were going up; one of these large steamers failed to strike the bridge, and therefore did not satisfy us that it should be removed. In my judgment, that bridge should not be disturbed.

The Senator from Pennsylvania assumes that we have no right to disturb the decision of the Supreme Court. Now, suppose that a bridge had been constructed across the Ohio river, with an elevation of only twenty feet, and the Supreme Court had decided it was a constitutional bridge, and we, entertaining the opinion that the Ohio river was a great national highway, thought the obstruction should be removed, should we not have the power to nullify the decision of the Supreme Court—to change the law and declare that river a navigable highway? We do not here attempt to resist the decision of the Supreme Court. Admitting that they made the decision clearly under the law as it then existed, yet, entertaining the belief that the public interests required that the structure should remain, I say it is perfectly competent for the National Legislature so to declare.

The species of rivalry which has been gotten up between Wheeling and Pittsburg, I care nothing about. I do not sympathize with either party. I look alone to what I consider to be the interest of that region of country. Not being a citizen of Ohio, I have no personal interest or connection with it. But I regard that bridge as a valuable national improvement, which ought not to be disturbed. If the bridge is too low for the steamboats to pass under, they can very easily fit up an apparatus for lowering their pipes. Even if that were so, in my judgment, it would not obstruct the navigation of the river, at any time, more than five weeks in the year; and that could be easily obviated by lowering the chimneys of the boats—a process which can be easily accomplished by a delay of not more than five or ten minutes.

Mr. CHASE. Mr. President, it is true that the structure of the Wheeling Bridge is a splendid monument of art and science. It is a beautiful structure, highly creditable to the skill and genius of the eminent engineer under whose supervision

it was built; but I apprehend that the precise state of the question is not exactly considered by the Senate. It is not, as I understand it, whether that bridge shall be removed or not, but whether the bridge shall be changed so as to accord with the decision of the Supreme Court and leave the navigation of the river uninterrupted or not.

I have been somewhat acquainted with the progress of this case, and I know something practically in regard to the character of this river. I do not think that the bridge company have any reasonable ground of complaint against the city of Pittsburg. I am bound to say so, because, when a line was stretched across the river, indicating the present position of the bridge, the company was notified—and so it appeared by the evidence—that an application would be made to a judge of the Supreme Court for an injunction to restrain the structure. Notwithstanding this notice, the company proceeded, and proceeding thus, after warning, they were not entitled to any extraordinary sympathy, if it should be found that the structure does create a nuisance.

This whole case has been very carefully examined by the Supreme Court, and they have come to a decision that this bridge, in its present position, is a nuisance, and seriously obstructs the navigation of the river. It is a nuisance, because boats, with their ordinary chimneys, cannot pass under it at all stages of the water, so as to preserve the navigation of the river uninterrupted. What you propose to do here is to say to the navigators of the river, "You shall so arrange your business as to accommodate yourself to the bridge," when the Supreme Court has said to the bridge company, "You shall so arrange your bridge as to accommodate it to the navigation of the river." Now, if that is not putting ourselves directly in collision with the Supreme Court, I am at a loss to understand how we can accomplish that object. I repeat that the Supreme Court say to the company, "You shall so arrange your bridge as to accommodate the navigation of the river;" and it is now proposed that we shall say to the navigators of the river, "You shall so arrange your business as to accommodate it to the bridge." The Supreme Court has decided thus:

"It is clearly proved by science, and confirmed by practical skill and experience, that the present height of the packet chimneys is necessary, and that they cannot be reduced in length without serious injury to the speed and power of the vessel.

"It is proved by science, experience, and the nature of things, that the packet chimneys cannot be lowered to pass the bridge, without imposing heavy expenses upon the packet, and endangering the safety of the vessel, and the lives of the passengers and crew.

"The defendants are required to relieve navigation from obstruction by elevating the bridge to the height of one hundred and eleven feet above low-water level for the width of three hundred feet over the channel."

The present height of the bridge is ninety-two feet, and the decision of the Supreme Court, making a kind of compromise between the interests of navigation and the interests of this company, is, that they shall raise the bridge to the height of one hundred and eleven feet; that is, they shall raise the bridge nineteen feet above its present level. Now, I understand that all engineers concur in the opinion that even Mr. Ellet himself, under whose supervision the work was constructed, thinks that it can be raised at an expense of some \$40,000 or \$50,000. If this can be done, is it not obvious that we go beyond the mark if we undertake to set aside the decision of the Supreme Court, or require the navigation of the river to conform to the interests of the bridge company? If we wait for a few months, until the matter can be settled by experience, and an opportunity be afforded to the company to see whether they can comply with the decision of the Supreme Court and raise their bridge, we shall be able to act understandingly.

It happened to me, not long since, to pass down the Ohio river on my way from this city to my home in Cincinnati. When I reached Pittsburg, the water was very high. It was at an extraordinary height, a height to which it does not attain, it is true, more than once or twice a year, and sometimes not so often. But I was obliged to remain two days at the city of Pittsburg, because the boats could not get under this bridge not only without lowering their chimneys, but without taking off their wheel-houses. A member of the other House, I recollect, went in advance of me by one day from the city of Harrisburg; and I,

after waiting two days in Pittsburg, took the railroad round by the lake to reach the city of Cincinnati, instead of going down the river, and I found that the gentleman to whom I refer had gone down in a boat from Pittsburg, but finding it impossible to get under the bridge, he had returned to Beaver, and from there we went on to Cincinnati, by the railroad, together.

This bridge is an obstruction to navigation. What is the very best thing to be done, I do not pretend to know. I know that some how or other there must be a compromise between the interests of the navigators of the river and the great railroad interests which are seeking to cross the stream. But I do not think that at this late period of the session, and this late hour of the night, the Senate should undertake to decide hastily upon this matter, when, by the acknowledgment of the Senator who proposes the amendment, the whole thing can be investigated at the next session of Congress. It is one of those cases in which the maxim of *festina lente* most emphatically applies.

Mr. TOUCEY. Mr. President, I should not be willing to give a vote upon this amendment without saying a word. It is with very great diffidence that I dissent from the opinions expressed by the majority of the Committee on the Judiciary. I should be very reluctant to do so, were it not that I think I am sustained in the view I take by the minority of that committee.

It seems to be conceded, that if this amendment is a reversal of the decision of the Supreme Court, it cannot be sustained, or ought not to be sustained. The question is one of very great importance, because it is applicable to every harbor and to every river in the Union, and above all, it is applicable to the Mississippi river, which is, beyond every other, important to the whole people of the United States. The Supreme Court have decided, after a fair examination of the facts, that this bridge is an unlawful structure; that it is contrary to law, and a nuisance, because it is violative of the rights of the whole people of the Union. For, if I mistake not, the Ohio is a river which is a public highway, open to all the people of the United States—made so by compact—made so by the fact that it is a navigable river, and as such, an open highway for all the people of the country. The right to navigate it is secured by the compacts of the various States when they came into the Union. The Supreme Court has decided that this bridge is an unlawful structure, because it interferes with these rights. What is this amendment? It is, "that the bridges across the Ohio river, at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's Island, in said river, are hereby declared to be lawful structures in their present position and elevation, and shall be so held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding." Does this bill repeal any law? I ask the honorable Senator from North Carolina to tell me what law of Congress is repealed by this expression: "anything in any law or laws of the United States to the contrary notwithstanding?"

Mr. BADGER. If the honorable Senator wishes me to answer him, I will say, that no particular law of the United States is repealed by it, but every law of the United States, if there be any such law, in virtue of which that bridge is a nuisance, is, as far as respects that bridge, repealed.

Mr. TOUCEY. That is what I supposed—that is to say, every law now existing is law still. It is not repealed. The Supreme Court has decided that this bridge was in violation of existing law, and a nuisance; and now, without revising the facts, and without repealing this existing law, you declare that these bridges are lawful structures, when the Supreme Court have adjudicated that they are unlawful. I am unable to comprehend in what way the decision of the Supreme Court could be more directly overthrown, annulled, reversed, obliterated, blotted out, than it is by this amendment, if it become a law. But, without repealing any law, without enacting any new law, you here undertake to pass a law that simply reverses the decision of the Supreme Court on that precise point, and declares that bridge to be lawful, when the Supreme Court, acting as the Supreme Judiciary of the Union, has declared it to be unlawful and a nuisance. I think that is a very dangerous power to be exercised by Con-



gress; and I am not prepared to say that it is competent for Congress to exercise any such power as that over the judicial power of the Union. At all events, it is a very objectionable exercise of power, and one which can never receive my support.

Again, the second section of the amendment declares "that the Wheeling and Belmont Bridge Company are authorized to have and maintain their said bridges at their present site and elevation." By what authority does Congress undertake to say that a bridge across a navigable water—if it obstructs navigation—shall be maintained? Have you jurisdiction over the Ohio river? You have, for the purpose of conducting commerce upon it. But does the commercial power authorize Congress to build a road or a bridge? Is it the doctrine of State-Rights men, that within the limits of sovereign States Congress can build a bridge or a road, or authorize the building of a bridge or a road? I had supposed that that jurisdiction belonged to the States exclusively; but here you undertake to authorize a bridge across a navigable water by authority of Congress.

Sir, it seems to me, that some of my friends who advocate this bill, are a little aside from the State-Rights doctrines which they maintain with regard to the jurisdiction of the General Government over commerce in constructing roads and canals within the limits of sovereign States. I had supposed that Congress did not possess any such power. I had supposed that Congress had no power to build a bridge across the harbor at New Orleans, or the Mississippi river. If it can authorize a bridge, it can build it; and if so, the assent of the State makes no difference with regard to the power of Congress. I had supposed that the power conferred by the Constitution to establish post offices and post roads, did not give us power to build a road, or to build a bridge; and I should like to know in what part of the Constitution this power is to be found?

Sir, I apprehend that every river is an arm of the sea to the head of tide-water. Congress has the same power over it, for all commercial purposes, that it has over the ocean within a league of the coast. And if any one will undertake to say that the Mississippi river, with millions of navigation, is not a navigable water beyond the point—about five hundred miles above its mouth—where the tide ceases to ebb and flow, we will meet it and decide the question whether navigable water does not extend above it in America, considering the magnitude of rivers upon this Continent.

But above all, the compacts of the States when they were admitted into the Union, and the acts of Congress admitting the northwestern and southwestern States, have in every case provided that the Mississippi and Ohio rivers shall be navigable waters free for all the States and all the people of the Union. I apprehend that any obstruction of these waters would stand upon the same ground precisely as an obstruction across the mouth of any harbor.

But, sir, I did not intend to go as far as I have gone into this question at this late hour. I have made these remarks for the purpose of bringing out, and putting forth in its full strength, the idea that is impressed upon my mind, that this is an important question that ought not to be discussed upon this present post office bill. It is a question that requires extensive discussion and consideration; and it can be met as well for all practical purposes at the next session of Congress, which occurs in a few months from this time, without interfering with the just rights of any of the sovereign States of the Union. I am, therefore, entirely opposed to incorporating this amendment into this bill; and I think that this subject should be left to rest until December next, when it may be placed fully before the Senate, and fairly considered and deliberately disposed of. As the proposition now stands it is, in my judgment, from the best consideration I have been able to give to it, a direct reversal of the decision of the Supreme Court, and it is the assumption of the power to build roads and bridges within the States of this Union by authority of Congress.

Mr. PRATT. Before the honorable Senator takes his seat I wish to ask him a question. I understand him to announce as a constitutional proposition that the power on the part of the Federal Government to authorize a post road to be

made authorizes the making of the road by the Government. He contends that if the Government can authorize a State or an individual to make a road, the Government could make the road itself. How do you limit the power? Power is given by the Constitution "to establish post offices and post roads." The Constitution does not say that the States or individuals shall make them. Where, then, does the Senator derive the authority?

Mr. TOUCEY. I derive the authority over roads from the authority of every State in the Union. Every State in the Union must have roads. That was the condition of things when the Constitution was adopted. When the Constitution gives power to Congress "to establish post offices and post roads," it does not mean the power to build roads, but to establish existing roads as post roads. Such has been the construction of that article of the Constitution heretofore. It does not confer the power to build a road or to build a bridge, or authorize a State to build a road, or build a bridge; but if a State does it, it does it by its own intrinsic sovereignty, and not by any consent of Congress. But if the States establish roads, Congress may use them for the purpose of transporting the mails, or the States must go without the mails, if they do not make roads; but that is an impossible position.

Mr. HALE. I rose for the purpose of making a few remarks, but it is suggested that we can have a vote. I have no doubt that I can make a very good speech, but I am so anxious to have a vote that I will give way.

Mr. BRADBURY. I shall detain the Senate but a moment. I desire to call attention to the phraseology of the amendment, which, it seems to me, contains an assertion of power which is in terms somewhat objectionable. It declares that the Wheeling and Belmont Bridge Company are authorized to have and maintain their bridge at its present height and elevation. That bridge spanning the Ohio rests one side in Virginia, and the other in Ohio. Congress steps in, and says to the company you are authorized to have and maintain this bridge at that spot. Now, is that an assertion of power which it is proper for Congress to make? Is this Government to go into the States and prescribe where such structures shall stand, and in such terms that the States cannot remove them?

Mr. UNDERWOOD. The gentleman will allow me to correct him in point of fact. The structure is wholly in Virginia. It rests upon Zane's Island in the river, which is within the jurisdiction of Virginia.

Mr. BRADBURY. I was under the impression that the bridge was in both States; but that does not change the argument. I submit whether it would not be better to lay the bill over, so that we may consider it early in the next session. We can then adopt such phraseology as will relieve it of the embarrassments which are felt by many.

Mr. BRODHEAD. We have a very thin Senate at present. It is now approaching twelve o'clock. I move, therefore, that the Senate adjourn, so that we can take the vote on Monday morning.

The motion was not agreed to.

Mr. BRODHEAD called for the yeas and nays upon the amendment; and they were ordered; and being taken, resulted—yeas 33, nays 10; as follows:

YEAS—Messrs. Badger, Bayard, Borland, Brooke, Charlton, Clarke, Davis, Dawson, Dodge of Iowa, Downs, Fish, Geyer, Hale, Houston, Hunter, James, Jones of Iowa, Mallory, Mangum, Mason, Meriwether, Morton, Pearce, Pratt, Rusk, Smith, Soule, Spruance, Sumner, Underwood, Wade, Walker, and Weller—33.

NAYS—Messrs. Bradbury, Brodhead, Chase, De Sausure, Foot, Gwin, Norris, Seward, Stockton, and Toucey—10.

So the amendment was agreed to.

Mr. RUSK. I have another amendment to offer:

SEC. —. And be it further enacted, That the Postmaster General be, and he is hereby, authorized, if he shall deem it proper, to advertise for and establish service upon the regular mail route between New Orleans and certain Gulf ports of Florida.

The amendment was agreed to.

The bill was then reported to the Senate as amended, the amendments were concurred in, and ordered to be engrossed; and having been engrossed, the bill was read a third time and passed. On motion by Mr. RUSK, its title was amended,

by adding thereto the words, "and for other purposes."

#### OCEAN STEAMERS.

On motion by Mr. HUNTER, the Senate proceeded, as in Committee of the Whole, to consider the bill from the House of Representatives, making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1853. It proposes to appropriate:

"For the transportation of the mails from New York to Liverpool, \$858,000.

"For the transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, Charleston, and back, \$290,000.

"For the transportation of the mails from Panamato California and Oregon, and back, \$348,250.

"For the transportation of the mails from New York to Southampton and Bremen, and back, and to Cowes and Havre, and back, \$294,000.

"For the transportation of the mails between Charleston and Havana, \$50,000.

"For the transportation of the mails across the Isthmus of Panama, \$100,000."

Mr. HUNTER. The bill is to carry out existing laws; nothing more.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### JAMES CLAMORGAN.

Mr. HALE, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of James Clamorgan, deceased; which was read and passed to the second reading. The report was ordered to be printed.

#### HOUR OF MEETING.

On motion by Mr. HUNTER,

Ordered, That when the Senate adjourns, it be to meet on Monday morning at ten o'clock.

#### NAVY APPROPRIATION BILL.

On motion by Mr. HUNTER, the Senate proceeded to consider, as in Committee of the Whole, the bill from the House of Representatives making appropriations for the naval service for the year ending June 30th, 1853.

On motion, the Senate adjourned.

#### IN SENATE.

MONDAY, August 30, 1852.

Prayer by the Chaplain, Rev. C. M. BUTLER.  
The reading of the Journal was dispensed with.

#### NAVAL APPROPRIATION BILL.

On motion by Mr. GWIN, the Senate, as in Committee of the Whole, resumed the consideration of the bill making appropriations for the naval service for the year ending June 30, 1853, which was reported from the Committee on Finance, with various amendments.

The first amendment of the committee was in the clause "for pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy, \$2,771,448," to strike out "448," and insert "698;" and add to the clause the following:

"Provided, That from and after the 1st of July, 1852, the salary of the secretary of the Naval Academy at Annapolis shall be \$1,250."

Mr. HUNTER. That is an increase of \$250 on the present salary of the secretary of the Naval School at Annapolis. It is made upon the urgent recommendation of the Department, and it is the only salary which we propose to increase.

The amendment was agreed to.

The next amendment of the committee was to strike out of the bill the following words:

"And hereafter no appointment of midshipman, acting midshipman, or pupil, at any naval school in the Navy, shall be made, unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed; and that the Secretary of the Navy is hereby required to report to this House, at its second session, the number and names of appointments to the Naval School which have been made, and the district and State whence each one comes, and the number of vacancies then existing at said school, with the Congressional district which may be entitled to supply them, and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances."

Mr. HUNTER. The committee thought that this was a matter of legislation which we have no time now to consider properly, and that it was of

doubtful propriety to adopt that provision. We thought it therefore better to postpone it.

Mr. UNDERWOOD. If I understand that part of the bill which the committee recommend to strike out, it proposes to introduce the same system in regard to the appointments of boys to the Naval School that we have in regard to the Military Academy. If that be the object, I hope the amendment may not prevail. I do not think we want any discussion upon a subject so plain as that; at least, if I understand it, my mind is satisfied to vote without any discussion upon it. I would therefore ask the chairman of the committee to explain to me whether that part of the bill does not propose to put the appointments to the Naval School precisely upon the same footing with appointments to the Military School at West Point?

Mr. HUNTER. It does not put them precisely upon the same footing. It puts them on the same footing so far as Congressional districts are concerned; but there is no provision in the clause for appointments at large. The doubt in the committee was, whether there ought not to be some provision for appointments at large by the President, and whether Senators each ought not to possess the power of naming one. Under these circumstances, we think it better to postpone the consideration of the subject until the next session.

Mr. UNDERWOOD. I hope we will let the clause remain, and if it should become politic hereafter to extend the patronage of the President, by allowing him the same privilege with reference to the Naval School that he has with reference to the Military Academy, it will be easy to introduce an amendment of that sort next session, when we can consider it. If it be proper to extend the privilege to members of the Senate, so as to give them a little patronage, we can take that also into consideration next session. At present, by adhering to the bill as it came from the House, we will just put the appointments in the Navy upon the footing of appointments in the Army. I hope the amendment will not be agreed to.

A division was had upon the amendment, but before the result was announced,

Mr. HALE asked for the yeas and nays upon it, and they were ordered.

Mr. GWIN. I should like a full understanding of this provision to be had. It was introduced into the other House without the recommendation of any committee, and without any mature deliberation. It was the object of the Committee on Finance, as well as the Committee on Naval Affairs of the Senate, to mature a plan for these appointments. There is an application before the Committee on Naval Affairs, from the Secretary of the Navy, asking that the President may have power to appoint ten boys to the Naval School, in the same manner that he has to make appointments to West Point, on the ground that meritorious officers in the Navy, not having any locality, being ordered from point to point, have no opportunity to have conferred upon their sons the benefits of this school. The object of the Committee on Finance, as well as of the Committee on Naval Affairs, is to bring forward, at the next session, when there will be time to mature it, a bill in connection with this subject, giving also the power to Senators to nominate.

Mr. ATCHISON. I voted under a misapprehension in regard to this case. I voted, upon a division, to strike the clause from the bill. Now, I think, it is a proper clause. I know nothing which will distribute patronage, so far as the Naval School and the Navy are concerned, than the clause as it came from the House. The Senator from California's argument is, that there are certain officers in the Navy who have no fixed residence.

Mr. GWIN. I said that the Secretary of the Navy had applied to Congress to confer the power upon the President to appoint ten boys to the Naval School at large, as the cadets of West Point are appointed, on the ground that there are many meritorious officers of the Navy who never could get a boy into the Naval School under this provision, unless appointments at large were made.

Mr. ATCHISON. I will guarantee that those officers will get their share, and more than their share.

Mr. JONES, of Iowa. Every officer of the Navy comes from some place.

Mr. ATCHISON. Yes, sir, and he has a citi-

zenship in some place. The fact of his being an officer in the Navy does not deprive him of citizenship; for the moment he leaves the Navy, I presume that moment he is entitled to all the rights and privileges of the State in which he resided when he was appointed. I am decidedly in favor of the clause as it stands; and I repeat I voted for striking it out under an entire misapprehension, upon the general principle that everything that we strike from the bill has a tendency to perfect it.

Mr. UNDERWOOD. I am against all monopolies in behalf of families or individuals in appointments in the Navy, and my object is to spread these appointments through all the sections of the Union, and thereby secure in every Congressional district an interest on behalf of this great arm of the public defense. If you do that, you will secure an interest in the Navy, in the interior States, which has never been felt before, and you will be disseminating officers throughout the country, as well as on the sea-board. In regard to the objection of my friend from California, that we have no time to mature the subject, I will only say, let us make this commencement, and at the next session we can give the privilege to the President and to Senators, if we think proper to enlarge it.

Mr. BADGER. I hope the provision will be stricken out. I agree with my friend from Kentucky in the main object which he has in view; but the proposition to retain in this bill a provision that there is to be one midshipman taken from each Congressional district, and that he is to be appointed upon the nomination of the members of the House of Representatives, has, to my mind, two objections. In the first place, it deprives all the members of this body of any interest, direct or indirect, in proposing the appointment of any person in that arm of the public service; and as all officers of whatever grade—all commissioned officers—are originally midshipmen, and are promoted from that corps, it of course gives to the members of the House of Representatives the designation and appointment of all the officers in the Navy from this time hereafter. I can see no justice or propriety in that.

A SENATOR. That power is now possessed by the executive department.

Mr. BADGER. The fact of the executive department possessing that power, is no reason that it should be engrossed anywhere else. Then, in the next place, as my friend from New York [Mr. FISK] reminds me, that is not a provision of law. It is an arrangement, or custom, or regulation, existing in the Department. It is not imposed by any law at all. Then, I have another objection to this: it is an indirect way of conferring the appointment of officers of the United States upon individual members of the House of Representatives. Now, under the Constitution, Congress can confer the appointment of no officer otherwise than as the Constitution has devolved it, except upon the President alone, the courts of law, or the heads of Departments. But what is this provision but saying that the appointments of officers of the Navy of the United States shall be made by the members severally of the House of Representatives, when, according to the Constitution, we could not give the whole House the right, nor both Houses put together the right, to make the appointments? I hope the clause will be stricken out.

Mr. MALLORY. The fifth section of the naval appropriation act of the 3d of March, 1845, reaches the position set up by the honorable Senator from Kentucky. By that section, midshipmen are to be appointed especially with regard to the Congressional districts, in all the States and Territories. Now, it is supposed that that section has not been rigidly adhered to, but that midshipmen have been appointed from districts where they did not reside. This provision of the bill is no doubt designed to correct that; but, as the honorable Senator from North Carolina observes, it will deprive every member of this body from exercising any influence in the selection of midshipmen in the Navy, and give it all to the members of the House; whereas, now, as the law stands, it refers it to the Congressional districts, without specifying what branch of Congress shall exercise or control the appointment.

Mr. DOWNS. I do not think that the reason urged by the Senators from California and North

Carolina is a sufficient reason why this provision should be stricken out. The committee propose to strike it out. Now, it will be easy to amend that provision. It provides that one pupil or midshipman shall be appointed from each Congressional district. There will be no difficulty in amending it by adding "and ten at large," so as to put the appointments of the Naval Academy on the same footing as the cadets at West Point. There is a provision of law that the appointments shall be made in each Congressional district. It certainly was an omission when that law was passed, that it was not put in, that there should be appointments made at large. If the committee want to perfect this as they say, let them add to it, "and ten at large." That will put it on precisely the same footing as the appointment of cadets at West Point. I will therefore move to amend the provision by inserting in that part of the bill which specifies that one shall be appointed from each Congressional district, the words, "and ten from the States at large."

Mr. HUNTER. I would suggest that the number of midshipmen is fixed by law, and we have not time now to amend the system.

Mr. DOWNS. This is not a new system. It is the system adopted in regard to the Military Academy.

Mr. HUNTER. The Senator's amendment will increase the number of midshipmen. I made my remarks in reference to that. It will alter the existing law in regard to the number of midshipmen, and we have no time to consider that now.

Mr. DOWNS. I suppose adding ten to the number for three months would not make any great difference; but if the committee think there are insuperable objections to it, I shall not insist on my amendment.

Mr. DAWSON. I intended to vote to strike out this provision, and I shall do so yet. The appointing power of all officers in the Army and Navy is vested in the executive department. Have we the power to confer that appointing power upon the representatives of the different Congressional districts of the United States? If we have not, then the proposition of the committee should be adopted. I believe we have not. What we cannot do directly we cannot do indirectly. The President of the United States has issued an order, affecting both the Army and Navy in appointments of this kind, cadets and midshipmen—that in making the selection they shall be taken from each Congressional district, with a view to spread the appointments over the whole Union. This is an Executive order, instructing his subordinates how to act, and is altogether right and constitutional; but we must not usurp the power, and declare that the executive part of the Government shall make an officer, a midshipman, or a cadet out of an individual who shall be recommended to him by Representatives. If we do that, it would be denying to the President the right of exercising his discretion. I state now, that when there are a dozen applicants in one Congressional district, and the Representative of the district prefers an individual, he is generally respected; but still the Government retains the right of exercising its own discretion and selecting from the number. I therefore shall vote to strike out this provision, upon the ground that it is an effort to take away from the Executive a power belonging solely to him.

Mr. DOWNS. The Senator is in error on one point, as to its being a regulation in the Department to make the selections from the districts. There is a law providing that the appointments shall be made from each Congressional district.

Mr. DAWSON. I say the appointment is confined to the district, but not to the nomination by a Representative.

Mr. DOWNS. It is the same authority that is exercised in the appointment of cadets. I do not know why it should not be here. As to the constitutional objection, that these persons are officers, they are not officers at all. This provides merely for the education of persons, and they receive no commission while receiving that education.

Mr. SEWARD. I think there is much force in what has been said by the Senators from Georgia and North Carolina, that we cannot control or direct the President in the appointment of midshipmen; but I have no doubt that we can effect the same object by a legislative provision, which shall secure the appointment of one from each district.

I shall therefore change my vote, and shall vote for striking out this provision, for the purpose of substituting another in its place—one which will reach that object as nearly as we have the power to do, and bring the law precisely upon the foundation of the law in relation to appointments to the Military Academy. I shall propose, therefore, at the proper time, a substitute something like this:

And hereafter the President shall appoint from the United States at large, ten of the pupils of the Naval School, and that other appointments shall be made, so as to secure always, as far as possible, one pupil, midshipman, or acting midshipman, in the Navy, from each Congressional district.

Mr. BADGER. I will suggest to the Senator from New York that, as far as that arrangement is concerned, there is no necessity for any legislation. There is a law already in force to spread these appointments over the Congressional districts; and if the Senator will go to the Navy Department at any time, and inquire whether there is a vacancy in any Congressional district, he will find lists there showing the precise state of the appointments. They there equalize the appointments as far as they can. The rule is to appoint one from each Congressional district. The only difference between the bill as it stands and the existing practice is, that the bill proposes that the appointment shall be made on the nomination of the member from the district; whereas, as the law now stands, we have as much right to recommend a person from the district, as a member of the House of Representatives.

Mr. SEWARD. I thank the honorable Senator from North Carolina for his information; but the law is not known to the country to be so. It was not understood by the House of Representatives to be so. This amendment, then, which I intend to propose, makes the very provision which now exists, and is carried out in the Navy Department, and it does not propose to confer upon the members of Congress an absolute power to recommend. I suppose it is understood that the Naval School is upon the same basis with the Military Academy, and that the other consequence will follow, that where there is no cause to overrule a recommendation by a member of Congress, it will prevail; and, for one, I desire that the members of Congress from my own State shall have the power of exercising this privilege. I think it is more right, more expedient, more wise, to put it in their hands, than in the hands of Senators.

Mr. UNDERWOOD. We have at last got to a constitutional question. Let me read the Constitution, and see whether it has anything to do with it. The article in the Constitution in regard to the appointment of officers, provides:

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

Is this an office created by law? I deny it. The person for the manner of whose appointment we propose to provide, is a pupil at a school. He is not yet made a midshipman. You are taking the initiatory steps to make him an officer, but he may never be an officer. You are providing for his education, and whether you make him a midshipman of the Navy is an ulterior matter. Now, my friend from New York proposes to limit the President, in the appointments, to the Congressional districts.

Mr. SEWARD. No, sir.

Mr. UNDERWOOD. He proposes to give ten at large, and then, he says, the balance shall be arranged in Congressional districts.

The PRESIDENT. The amendment of the Senator from New York is not before the Senate.

Mr. UNDERWOOD. But his whole argument was based upon that amendment, and I hope that I can answer it.

The PRESIDENT. The Senator suggested that if the amendment of the committee prevailed, he would propose his amendment.

Mr. UNDERWOOD. That was the reason which he gave why he should vote for the committee's amendment, and if he relies upon his own

proposition as a reason for striking that out, I have a right to show that his reason is not tenable, and constitutes no motive for amending the bill as the committee propose. In that point of view, the Senator's proposition was, to give the President the appointment absolutely of ten at large, and then to restrict him to the Congressional districts in appointing the residue. Now, what authority have you, if it be a constitutional question, to restrict the discretion of the President in the selection of the officers? None whatever. You might as well undertake to restrict him in the selection of foreign ministers, or of a judge of the Supreme Court, or of any other officer, as in that of a pupil to the Academy. If it be his constitutional privilege to appoint that pupil, you cannot restrict that privilege by any such mode of legislation. If, then, this relates to the mere appointment of a pupil, out of which we may hereafter make an officer or not, according to circumstances, it is within the regulation of Congress, and it comes back to the question upon which we must rely at last: Is it prudent—is it discreet—is it a matter of national policy, that every portion of the country shall have a participation in the appointments of the officers for that branch of the service, which will more than anything else make it national? I think it good policy; and if it be just to extend the same privilege to the Senators, be it so. I am for giving the President the privilege of appointing ten; but we cannot restrict the appointments by the President, of the pupils throughout the whole United States, to Congressional districts. His constitutional privilege to appoint them, is independent of all restriction of that sort.

Mr. SEWARD. Mr. President—

Mr. HUNTER. I rise to a question, not of the appropriation of money, but of time. We have but a day left. Can we give it all to this question of appointments to the Naval School?

Mr. CASS. I desire to say one word to the Senator from New York. There is no time for us to enter into constitutional questions, and I entreat the honorable Senator to allow us to form our opinions without a further discussion. We all know that book that he has in his hand, and I believe we understand it as well as if he went on to discuss it until the next session.

Mr. ADAMS. Nobody is listening.

Mr. CASS. There is nobody listening to the discussion. It is a thrice told tale—it is a fifty times told tale.

Mr. SEWARD. I have as seldom exacted attention from this body as the honorable and distinguished Senator who says that nobody is listening—who speaks when nobody listens to admonish us not to discuss the question. I merely wish to say, in reply to the honorable Senator from Kentucky, that the existing law, which was passed in 1845, does confine the appointment of pupils and midshipmen to the States; and that, therefore, if appointments can be restricted to the States, they can be restricted to the districts.

The question was taken, by yeas and nays, on the amendment, and resulted—yeas 27, nays 22; as follows:

YEAS—Messrs. Adams, Badger, Bell, Bright, Brodhead, Clarke, Clemens, Dawson, Douglas, Fish, Gwin, Hamlin, Houston, Hunter, James, Mallory, Mangum, Mason, Miller, Morton, Norris, Pratt, Seward, Smith, Soule, Stockton, and Weller—27.

NAYS—Messrs. Atchison, Borland, Brooke, Cass, Chase, Davis, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Foot, Hale, Jones of Iowa, King, Meriwether, Rusk, Shields, Spruance, Underwood, Upham, Wade, and Walker—22.

So the amendment was agreed to.

The next amendment was in page five, line ninety-five, to strike out the word "civil" and insert "foreign."

Mr. HUNTER. The amendment is merely verbal, and is necessary to correct a clerical error. The amendment was agreed to.

The next amendment was in the same page, line one hundred and five, after the word "expenses" insert the words "of vessels."

The amendment was agreed to.

The next amendment was in the same page, line one hundred and seven, to insert at the end of the line the words:

"And for contingent expenses not enumerated, \$5,000."

Mr. HUNTER. This was estimated for and inserted by the Committee on Finance; and I do not know but this is as good a place as any other

to state that the Committee of Ways and Means cut down the estimates for the navy-yards and hospitals, and although, perhaps, the Committee on Finance would not have done so if the question had been left to them, yet in view of the fact that there would only elapse three months before the next session, and as the House committee had examined the matter, we thought it better not to depart from their recommendation. In relation to this item which has been estimated for, they did not put it in. We have agreed to their reduction of the estimates in other matters. I have stated this much for the information of the Senate.

The amendment was agreed to, and the clause as amended reads as follows:

"For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil and candles for navy-yards and shore stations, pay of watchmen and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on foreign stations, wharfage, dockage and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and store-keepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges advocates, pilots and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, \$527,840; and for contingent expenses not enumerated, \$5,000."

The next amendment was, to strike out the second section, in the following words:

"Sec. 2. And be it further enacted, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Navy Department, repealed; and no portion of the money appropriated by this act shall be applied to the payment of any expenses incurred prior to the 1st day of July, 1852."

Mr. HUNTER. This section consists of two parts, the first of which proposes to repeal the right of transfer altogether, so far as it relates to the Navy Department. That is unnecessary, because the right of transfer was repealed by the law of 1842. The right has been allowed in special instances, but the law of 1842 repealing it still remains in force. The other portion of the section proposes to introduce a provision here which was introduced into the Army bill, in which it was provided that none of the money appropriated for the current fiscal year should be expended for arrears. The Secretary of War has thought that he could not execute that provision; but so far as the Navy is concerned, it would be manifestly improper. A ship might come in from a three years' cruise, and it would be necessary to pay her out of the fund now appropriated. In view of these circumstances, the Committee on Finance propose to strike out the section.

The motion to strike out the section was agreed to.

The PRESIDING OFFICER. These are all the amendments which are proposed by the Committee on Finance.

Mr. GWIN. I have several amendments which I have been instructed by the Committee on Naval Affairs to offer. I am instructed by that committee to propose to the Senate to restore the appropriations to the amounts estimated for by the Navy Department at the commencement of this session. I have been induced to do this in consequence of two letters which we have received—one from the former, and the other from the present Secretary of the Navy. The former is as follows:

NAVY DEPARTMENT, July 19, 1852.

SIR: I transmit herewith a statement showing the reductions made by the Committee of Ways and Means of the House of Representatives in the appropriation bill now pending, from the estimates submitted by this Department, for the fiscal year ending 30th June, 1853.

These estimates having been prepared with care, and deemed to be demanded by a proper regard for the public service, I respectfully request that your committee will investigate the several subjects embraced, and if they concur in the views of the Department, that they will move such amendments as may appear to them to be required by the public interests.

I am, with great respect, your obedient servant,

WILLIAM A. GRAHAM.

Hon. WILLIAM M. GWIN,  
Chairman Naval Committee, Senate.



I have also a letter from the present Secretary, Mr. Kennedy, of the date of the 27th instant, in which he reiterates the statement that these estimates are necessary for the public service. The letter is as follows:

NAVY DEPARTMENT, August 27, 1852.

DEAR SIR: I beg leave to call your attention to the enclosed letters, which will show the importance of maintaining the appropriations asked for at the original estimates. Commodore Shubrick's letter of this date announces that the contracts are all made upon the basis of the supply necessary for seven thousand five hundred men required by the act of Congress. It would, therefore, be necessary to reduce the number of men, or to furnish the amount necessary for their supply.

Very truly yours,  
Hon. W. M. GWIN, J. P. KENNEDY.  
Chairman Naval Committee, Senate.

When the subject was before the Committee on Finance, I believe I am justified in saying that every member of that committee was prepared to restore the estimates. The subject was passed over to the Committee on Naval Affairs, and I have been requested by that committee to ask for a restoration of the estimates. The amendments which I propose to offer are for that purpose.

Mr. HUNTER. Will the Senator from California allow me to state, in relation to these estimates, that if the Committee on Finance had acted upon the subject originally, they would probably have recommended appropriations according to the estimates; but as the House Committee of Ways and Means had given great attention to the matter, the Committee on Finance determined to concur in the action of that committee. Therefore we did not add to the appropriations to make them conform to the estimates.

Mr. GWIN. I ask the Senator whether, if the question had been brought fairly before the Committee on Finance, the estimates would not have been restored?

Mr. HUNTER. I presume, under the circumstances, they would not. We would have left them as they came from the House.

Mr. GWIN. Being a member of that committee, I differ entirely from the chairman. I agreed to postpone the subject in that committee, and brought it to the attention of the Committee on Naval Affairs, with the distinct understanding that the Committee on Finance would sustain me. The first amendment which I propose under the direction of the Committee on Naval Affairs is in page six, line one hundred and fifteen, after the word twenty-nine, insert the following:

"Cooper's shop and watchman's quarters, clay walls, north and south stations."

So that the clause will read:

"*Portsmouth, New Hampshire:* For building timber-shed No. 29, cooper's shop and watchman's quarters, clay walls, north and south stations, foundation for shores at railway, &c."

The amendment was agreed to.

Mr. GWIN. That amendment having been adopted, it will be necessary to amend the clause still further by striking out the sum appropriated, and inserting a larger one. I therefore move to strike out "\$35,041 23," and insert "\$61,120 28." So that the whole clause, as I propose to amend it, will read:

"*Portsmouth, New Hampshire:* For building timber-shed No. 29, cooper's shop and watchman's quarters, clay walls, north and south stations, foundations for shores at railway, drains, gutters, and paving, and repairs of all kinds, \$61,120 28."

The amendment was agreed to.

Mr. HALE. Before the Senate passes from that clause of the bill I wish to make a slight amendment. I do not wish to steal that navy-yard for Portsmouth, New Hampshire. It belongs to Kittery, Maine. I move to strike out "Portsmouth, New Hampshire," and insert "Kittery, Maine."

The amendment was agreed to.

Mr. GWIN. The next amendment is as follows:

"After the word 'offices,' in line 120, insert 'coal houses, paving, grading, building, smithery, and repairs of all kinds.'"

The amendment was agreed to.

Mr. GWIN. The next amendment I shall propose is, that the words "\$28,100," be stricken out of line one hundred and twenty-one, and that "\$74,525," be inserted. The clause as amended will then read:

"*Boston, Massachusetts:* For rain-water cistern, pitch-house, and oakum-loft, muster office, coal-house, paving,

grading, building, smithery, and repairs of all kinds, \$74,525."

The amendment was agreed to.

Mr. GWIN. There are various other amendments which I am instructed to offer for the purpose of restoring the estimates from the Department. I send them up to the Chair, and hope that the question will be taken on them all together for the purpose of saving time. I move to insert in line one hundred and twenty-two, after the word "complete," "commander's house;" and after the word "saw-mill," insert "houses for officers." In line one hundred and twenty-five, after the words "engine house," insert "coal house, and wharves, and piers." In the same line, insert "lighters, paving, and filling in timber beyond new purchase." In line one hundred and twenty-six, strike out "\$126,800," and insert "\$240,550."

Mr. HALE. I wish to make an amendment to that section, so far as it relates to the provision of houses for officers. I ask for a division of the question. I believe that that proposition is contrary to law.

The question was taken on the first and second amendments, and they were agreed to.

Mr. HALE. Let them all go together. They are sure to pass.

The PRESIDING OFFICER. Senators can take objection to any of these amendments after the Secretary has read them.

The remaining amendments were then agreed to. The clause, as amended, reads:

"*New York, New York:* To complete commander's house, saw-mill, houses for officers, quay-wall, dredging channels, water-tank and lighter, gas-pipes and fixtures, lightning conductors, continuation of sewer, machinery, &c., for engine-house, coal-house, wharves, and piers, paving, lighters, filling in timber beyond new purchase, and repairs of all kinds, \$140,550."

The following amendments, from the Committee on Naval Affairs, were also agreed to. To amend the following clause—

"*Philadelphia, Pennsylvania:* For shed to cover north railway, covering to south railway, steam-box and pitch-kettles, mooring anchors for dry-dock, dredging channel, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf No. 3 to ship-house, paving between ways of docks, paving between timber-sheds, completing gutters and drains, completing shed No. 5, extending gas-pipes, &c., extending water-pipes one thousand feet, and repairs of all kinds, \$28,517 20."

so that it will read, as follows:

"*Philadelphia, Pennsylvania:* For shed to cover north railway, covering to south railway, steam-box and pitch-kettles, mooring anchors for dry-dock, dredging channel, extension of pier wharf No. 4, filling up and grading, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf No. 3 to ship-house, paving between ways of docks, paving between timber-sheds, completing gutters and drains, completing shed No. 5, extending gas-pipes, &c., extending water-pipes one thousand feet, and repairs of all kinds \$59,248."

To amend the clause—

"*Washington, District of Columbia:* For completing ordnance building No. 11, fitting up timber-dock, completing saw-mill, completing copper rolling-mill, completing railway, completing side lathes in machine shop, and repairs of all kinds, \$123,778."

so that it will read:

"*Washington, District of Columbia:* For completing ordnance building No. 11, fitting up timber-dock, completing saw-mill, completing copper rolling-mill, completing railway, commander's house, converting ordnance shop to fitting shop, &c., stone wharf on south front of yard, completing side lathes in machine shop, and repairs of all kinds, \$67,433."

To amend the following clause—

"*Norfolk, Virginia:* For store-house No. 14, wharf north side of timber-dock, culvert, dredging-machine, and repairs of all kinds, \$80,732 20."

so that it will read:

"*Norfolk, Virginia:* For store-house No. 14, extending quay, wharves, completing timber-dock, building for offices, paving from gate to ship house, grading and filling wharf north side of timber-dock, culvert, dredging machine, and repairs of all kinds, \$170,342 23."

To amend the following clause—

"*Pensacola, Florida:* Towards completing permanent wharf, to complete guard house and kitchen, to complete yard railway, and repair old track, to complete extension of central wharf, to rebuild east wall of cistern No. 26, for ice-house, repairs of cisterns Nos. 14 and 25, and repairs of all kinds, \$88,044."

so that it will read:

"*Pensacola, Florida:* Towards completing permanent wharf, to complete guard house and kitchen, to complete yard railway and repair old track, to complete extension of central wharf, wharf on east side of yard, extension of smithery and machine shop, four new forges, and chimneys,

to rebuild east wall of cistern No. 26, for ice-house, repairs of cisterns Nos. 14 and 25, and repairs of all kinds, \$162,782."

To amend the following clause—

"*Memphis, Tennessee:* For pavements, drains, and ditches, cisterns for rope-walk, hemp-house, store-house, (one wing,) complete, railing for vertical wall, and repairs of all kinds, \$47,043 34."

so that it will read:

"*Memphis, Tennessee:* For pavements, drains, and ditches, cisterns for rope-walk, hemp-house, store-house, (one wing,) complete, railing for vertical wall, excavation and embankment, stable and fences to commandant's house, and repairs of all kinds, \$67,859 28."

To amend the clause, (under the heading of "hospitals")—

"*At New York:* For fence round garden, repairs of buildings, painting, whitewashing, cleaning up grounds, &c., at hospital, and for completing fence and wall around the burial ground, \$8,893."

so as to make the appropriation \$18,151.

To amend the following clause—

"*At Philadelphia Naval Asylum:* For introducing gas, painting main building inside, repairing and painting wall, repairs to roof and dome, cleaning and whitewashing, cleaning and repairing gratings and ranges, water tax, shade trees, and repairs of all kinds, \$5,666."

so that it will read:

"*At Philadelphia Naval Asylum:* For introducing gas, painting main building inside, repairing and painting wall, tax on wharf, paving street, repairs to roof and dome, cleaning and whitewashing, cleaning and repairing gratings and ranges, water tax, shade trees, and repairs of all kinds, \$10,024."

To amend the following clause—

"*At Norfolk:* For repairs of hospital and dependencies, \$5,000."

by striking out "\$5,000," and inserting "\$12,168 90."

To amend the following clause, (under the heading of "hospitals")—

"*At Pensacola:* For draining and filling up ponds, &c., \$2,000."

by striking out "\$2,000," and inserting "\$24,487."

Mr. GWIN. I am instructed by the Committee on Naval Affairs to offer another amendment, which is to insert after line eleven, page one, as follows:

"That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow and pay out of any money in the Treasury not otherwise appropriated, to the officers, petty officers, seamen, and marines of the United States Navy, and officers and men of the revenue service, who served in the Pacific ocean, on the coast of California and Mexico, during the late war with Mexico, and since that period, the same increased or additional compensation as has been by law directed to be paid to the officers and soldiers of the Army who served in California."

Mr. HUNTER. As the bill came from the House, it gave these officers double allowance. I believe this is more than the House will allow; but I am willing to give to them the additional pay, by taking the provision as it came from the House.

Mr. GWIN. I will read to the Senate an extract from the Army appropriation act of September, 1850, to which the amendment refers:

"For extra pay to the commissioned officers and enlisted men of the Army of the United States, serving in Oregon or California, \$335,854, on the following basis, to wit: That there shall be allowed to each commissioned officer as aforesaid, whilst serving as aforesaid, a per diem, in addition to their regular pay and allowances, of two dollars each, and to each enlisted man as aforesaid, whilst serving as aforesaid, a per diem in addition to their present pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay of the enlisted men to be retained until honorably discharged. This additional pay to continue until the first of March, 1852, or until otherwise provided."

Mr. HUNTER. I am willing to add the fifty per centum which we agreed to in relation to the Army. I have no idea the House will agree to it.

The amendment was agreed to.

Mr. GWIN. I am instructed by the Committee on Naval Affairs to report another amendment, giving the same compensation to the officers therein named as is given by the amendment which has just been agreed to.

After line eleven, page one, insert the following:

"And the several officers who served in the late Arctic expedition which went in search of Sir John Franklin shall, in addition to the pay they have already been granted, be allowed for the period during which they served, the following compensation respectively, viz: To the commander of the expedition the pay of a commander; to passed midshipmen, the pay of lieutenants; to the assistant surgeon, the pay of a surgeon; to midshipmen, the pay of passed

midshipmen; all as if engaged on sea service. And that there be allowed to the warrant and petty officers extra pay equal to the regular pay with which they have been accredited for their services on said expedition."

This amendment simply proposes to pay all of these officers at the rate of one grade higher than the positions they actually occupied.

The amendment was agreed to.

Mr. GWIN. I propose further to amend the bill by adding after the one just adopted:

"And the pay of chaplains in the Navy shall be \$1,200 on leave, or waiting orders, and \$1,500 while on duty."

The amendment was agreed to.

Mr. GWIN. I propose further to amend, by inserting at the end of line twenty, page two, the following:

"And the salary of the assistant purser of the navy-yard at Kittery, Maine, who also discharges the duties of clerk and steward, shall be \$750 per annum."

That amendment has been recommended by the Department.

The amendment was agreed to.

Mr. GWIN. I have yet another amendment. After line twenty, page two, insert the following:

"That the pay of the first clerk to the commandant of the navy-yards in New York, Norfolk, and Boston, shall be at the rate of \$1,500 per annum, and that the second clerk of the commandants shall be paid at the rate of \$900 per annum, from and after the passage of this act."

The amendment was agreed to.

Mr. GWIN. I am instructed by the Committee on Naval Affairs to offer the following amendment; at the end of line twenty-four, page two, add the following:

"It being provided that so much of the act approved March 3d, 1851, entitled an act making appropriations for the naval service for the year ending June 30, 1852, as provides that no commutation of rations shall be allowed, except to officers and their attendants, be, and the same is hereby repealed."

The amendment was agreed to.

Mr. GWIN. I propose further to amend by inserting after line two hundred and eighteen, page ten—

"For a scientific investigation and experiment upon the character of elementary substances used as subsistence in the Navy, and the means to prevent their deterioration, \$2,500, to be expended under the direction of the Secretary of the Navy."

This amendment is recommended by the Secretary of the Navy.

The amendment was agreed to.

Mr. GWIN. I have another amendment. At the end of line thirty-one, insert the following:

"And the Secretary of the Navy be, and he is hereby, authorized and required to have completed with the least possible delay, the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress approved March 3d, 1842, and that the balance of the appropriation heretofore made for that purpose which has been carried to the surplus fund, shall be used for that purpose."

The amendment was agreed to.

Mr. GWIN. I am further directed to offer the following amendment, to come in after line thirty-one:

"And the Secretary of the Navy is hereby authorized to cause to be applied as soon as practicable, to all the steam-vessels belonging to the Government of the United States, J. P. Pirsson's double vacuum steam condenser for furnishing fresh water to marine boilers for the use of the crews."

That is strongly recommended by the Secretary of the Navy. It calls for no appropriation.

Mr. HUNTER. It appears to me, Mr. President, that that is legislating for a private individual. There are many claimants to the discovery of these condensers, and I think this is a provision that should not go in the bill.

Mr. BADGER. I think the Senator from Virginia is entirely mistaken. This is not an application on behalf of any private claimant at all. It comes to us under the recommendation of the Secretary of the Navy, who is anxious to have an opportunity of availing himself of the use of this condenser.

Mr. CASS. If an appropriation is required and asked for by the Navy Department, I will vote for it; but I will never vote to put such an improvement in the Navy without knowing anything about it. I must know whether it is necessary. If the Department needs the appropriation I will vote for it; but to legislate that a certain invention shall be used in the Navy, is going too far. There is no legislative authority necessary to authorize the Department to use this invention, if it is necessary. It has all the necessary power for it.

The PRESIDING OFFICER. Does the Sen-

ator from Virginia raise a question of order, under the rule, in regard to this amendment?

Mr. HUNTER. I will not raise the question of order, but it seems to me to be precisely the same sort of amendment which was offered to the Army bill in regard to the discoverer of ether.

Mr. PEARCE. There was a special commission appointed to inquire into this matter. It has been reported on. I have never seen that report. I do not know what its details are, but if we have such a report, it is right that we should not act upon the subject until we know what the conclusions arrived at are. I think it is not desirable that we should adopt this amendment. It seems to me to be necessary that Congress should be in possession of the information which this report contains. This may possibly be the best condenser in use; but we do not know on any evidence we have before us, whether it is the best adapted for the purpose for which it is intended. It seems to me, therefore, that it would be better to postpone the consideration of it until another time.

Mr. DAVIS. I think it is quite certain from information before the public that we ought not to adopt this amendment. There is a sharp contest now going on between the several patentees on this subject, and the question as to which is the most meritorious is not yet satisfactorily determined. To select one of these men under such circumstances, and give him the privilege of furnishing the United States Navy with condensers, appears to me to be at least doing injustice to others, and adopting a step not very judicious. If the Department desire to make use of any of these inventions, why not leave the Department to choose that which they consider the best and most useful? Why should we be called on here by our legislation to declare which of these inventions is the best, when we know nothing of them whatever? This subject has come upon us very unexpectedly, but I find on my table a letter from the Secretary of the Navy on the subject. I ask that the letter may be read.

It was accordingly read, as follows:

NAVY DEPARTMENT, January 24, 1852.

SIR: In pursuance of the authority conferred by the "Act making appropriations for the naval service for the year ending the 30th of June, 1851, approved September 23, 1850, authorizing the Secretary of the Navy to examine into the merits of the various condensers for supplying the boilers of marine engines with fresh water, and directing that he report to the House of Representatives the result of said examination, together with his opinion of the value of the test of said condensers to the Government of the United States, and appropriating the sum of \$5,000 to carry this provision of the law into effect," I have the honor to report, that for the purpose of conducting the examination required to satisfactory practical results, a board was constituted, consisting of two gentlemen of science and experience in the Department, of knowledge involved in the inquiry, who have applied great labor and research to the investigation, and I now transmit their report for the information of Congress.

It will be observed that twenty-nine different remedies have been proposed for the prevention or removal of corrosion and deposit in marine and other steam boilers by mechanical means, so as to avoid blowing off and removing the deposit, all of which are discussed in this report.

Of these, five are regarded by the commission as entitled to excellence, to wit: The inventions of Messrs. Pirsson, Baldwin, Lynch, and Miller, respectively. But no one of these has received the full approbation of the commission, so as to recommend its adoption by the Government, to the exclusion of all others, and it advises that arrangements be proposed to the several inventors, each of whom claims a patent right, for the construction and use in naval vessels, of a condenser which shall combine the most eligible parts of the apparatus of each, and be more perfect than any one of them. In this opinion the Department concurs. The amounts asked by Messrs. Pirsson and Lynch, for their respective inventions, are stated in the report, and an opinion is also expressed in the probable cost of the apparatus of Mr. Miller.

If the several claimants of patents shall entertain such proposals, a commission or a board of naval engineers may be consulted as to a proper compensation to be made to each.

I respectfully recommend that the report of the commission, which will be found to contain much useful information on this important subject of mechanical and chemical science, be ordered to be published under the supervision of the commissioners.

I have the honor to be, sir, with high respect, your obedient servant,

WILL. A. GRAHAM.

Hon. LINN BOYD,

Speaker of the House of Representatives.

Mr. DAVIS. It is manifest from that statement in regard to the report of the scientific board, that they ascertained there were some four or five of these inventions of great excellence, but that they are not prepared to select any particular one as especially worthy of attention from the Government. I think, then, that these inventions should be left to work their own way, and that

the inventors should be allowed to pursue their own course; then if the Government conceive it to be necessary to effect a purchase of any of them, such a selection should be made, on complete information, as would render it evident that it was the best that could be made, supposing that it is necessary to select any at all.

Mr. SEWARD. I would suggest to my friend from California [Mr. Gwin] to modify his amendment by striking out the word "shall," and inserting "may" instead of it, thus giving a discretionary power to the Secretary of the Navy. The amendment will then read "that the Secretary of the Navy may, if he deems it expedient," &c.

Mr. GWIN. I accept the modification.

Mr. DAVIS. I now move to strike out the name of "Pirsson," and insert the word "any" instead. So that the clause shall read "any steam condenser."

Mr. SHIELDS. As I understand it, the Navy Department at this moment possesses the power of making a fair experiment; and I think it would be wrong to require them, or to suggest to them, to apply this particular condenser to the whole Navy. Why not make the experiment at first in one or two vessels, instead of extending it to all the vessels of the United States. To require the employment of any invention to all the vessels in the Navy that are not thoroughly tested appears to me to be highly injudicious.

Mr. STOCKTON. Mr. President, I will endeavor to answer the question proposed by my friend, the Senator from Illinois, and I hope it will be satisfactory. My impression is that Senators do not thoroughly understand this subject, and that the mystery and confusion which has enveloped it heretofore is likely to continue, unless some further explanation is made. Although when this debate commenced I did not intend to take any part in it, yet, notwithstanding, I must now ask the indulgence of the Senate for a few moments while I explain, as well as I may be able, the circumstances under which this question comes before the Senate, and the necessity there seems to be that Congress should do precisely what the amendment asks them to do.

A steam condenser capable of supplying a vessel with a sufficient quantity of fresh water for her boilers, has long been a desideratum in ocean navigation. I will not detain the Senate by a dissertation on the steam-boiler or engine; all must know the importance of a condenser at sea, to supply fresh water for the boilers. I will proceed at once to show that Pirsson's condenser is the best, the very best, beyond all question the best that has yet been invented, and that experiments, full and ample experiments, have proved it to be all its friends claim for it.

Now, sir, I must be permitted to present to the Senate the following satisfactory testimonials in corroboration of what I have said, and will say, in favor of Mr. Pirsson's condenser:

In reference to Pirsson's steam surface vacuum condenser, Messrs. Henry R. Dunham & Co., of the Archimedes Steam-Engine Works, say:

"We give it as our opinion that the difference of saving in fuel alone would pay for it in a few months' use. There seems to be, at present, a disposition on the part of the owners of steamers, to pay reasonably for any improvement saving fuel, and for the preservation of boilers; both of which your invention accomplishes."

Commodore Stewart, whose opinions of such matters has ever been regarded with respect and confidence, says:

"There has been no improvement conferred on sea-going steamers equal in value to the Pirsson condenser."

Commodore Smith, Chief of Bureau of Yards and Docks, says:

"It is the best machine for the purposes for which it is designed I have ever seen, and that all sea-going steam-vessels should be furnished with them for safety, economy, and convenience."

Commodore Shubrick, the present Chief of Bureau of "Construction, Equipment, and Repairs," says:

"The bureau concurs in this view of the late Secretary, and indulges in the hope that Congress, in consideration of the deficiency of the Navy in the only description of steamers which may be considered at all efficient for war purposes, will put in the power of the Department to introduce Pirsson's surface condensers into several new propeller frigates and sloops of war."

Charles H. Haswell, the late Engineer-in-Chief of the Navy, in an official report to the late Secre-

tary of the Navy, Mr. Preston, says in regard to Pirsson's condenser:

"It presents itself in the several points of economy, efficiency, and the duration of operation of a naval steamer, in either of which its application, in my opinion, is imperatively called for. As an exponent of the extent of the economy that would be effected by it in the consumption of fuel alone, by the steamers now existing in our Navy, it would induce a saving of fifty-nine tons of coal per diem."

And again:

"I beg leave to say that, in my conviction, the instrument of Mr. Pirsson, except in the position of the tubes, is wholly novel, complete in all its arrangements, and efficient in its operations; and that the economy of marine steam navigation renders the application of it, or one of similar capacity and efficiency, positively imperative; and, further, that of such consideration is an instrument for the furnishing of fresh water to marine steam engines, that without the immediate application of it to steam engines in this country, foreign Governments will resort to it, and in the lapse of time there will be accorded to them the credit of an improvement in the marine engine, second only to the original construction of it."

Charles W. Copeland, formerly Chief Engineer in the United States Navy, late chief engineer of the Allaire Steam Engine Works, and now an eminent consulting engineer in New York, says:

"In respect to condensation by metallic surfaces, my opinion has often been expressed that this is the only remedy for many of the evils attendant upon ocean steam navigation. Of the numerous plans that have, from time to time, been brought forward to accomplish this object, Pirsson's condenser is the only one which is effectual, and at the same time avoids the evils arising from an expansion and contraction of the parts, which has caused the destruction of all others."

"This condenser has been in use for several years, giving the most satisfactory results in every respect. From my knowledge of it, I have not hesitated to recommend it for sea-going steamers, and in one or two cases it has been adopted on my recommendation, and the most satisfactory evidence furnished in regard to its operation."

"The advantage of this mode of Mr. Pirsson over the ordinary jet condenser I conceive to be—

"First. A saving of fuel to the extent of at least fifteen per cent."

"Second. An increased durability of the boilers, not less than fifty per cent."

"Third. The labor of keeping the boilers in proper condition, both at sea and in port, is very much diminished."

"Fourth. A very great saving in current repairs of boilers."

"Fifth. Boilers of a given power would occupy less room and weigh less in consequence of the 'blowing off' operation being unnecessary."

"Sixth. A much more uniformly efficient vacuum can be maintained at sea with Pirsson's condenser than with any other, and consequently there is not that amount of labor required in attending upon the engines."

B. H. Bartol, Chief Engineer of Merrick & Towne's Steam Engine Works, at Philadelphia, who constructed one of Pirsson's condensers for a steamship, says:

"The Pirsson condenser must, I think, commend itself to general favor, for the reason that there is no contingency connected with it that can cause any delay to the engine; for if we suppose that the fresh water part should entirely give out, the ordinary condenser still remains uninjured. I am well satisfied, however, that there is no part of the condenser but will last as long as the rest of the engine."

Messrs. James J. Sutton & Co., of the Franklin Steam Engine Works, at Philadelphia, say:

"We urged the importance of your invention, and at our solicitation they have ordered it. Please prepare the necessary calculations and instructions, as soon as possible, that we may get the work under way. Make your estimate so as to give us an ample supply of fresh water for the ship's use also, if at any time it should be found necessary."

Captain William W. Hunter, United States Navy, who has had much experience in steam matters, thus expresses himself:

"Pirsson's condenser will cause the same amount of fuel to do one third more work in the propulsion of vessels at sea, and it will double the durability of their iron boilers—consequently rendering the boilers less liable to accident from irregular corrosion; and one third of the tonnage of the vessel, which is saved by economizing fuel, will be available for paying freight."

"In war steamers the advantage gained by the use of Pirsson's condenser is so self-evident that it should be universally adopted."

Chief Engineer George F. Coffee, of the steamship Osprey, which has had the Pirsson condenser attached since 1849, thus speaks of it:

"The boilers of this steamship have undergone a thorough exploration, the result of which is, we found neither the iron plates nor flues in any part injured by corrosion or scales, and they are, to all appearance, just as good as when they first left the boiler shop. The workmen declared they had never before seen so clean a pair of boilers after being used; and this is true: for had we been using salt water, as we should have done if it was not for Pirsson's condenser, the boilers would have been badly scaled and much worn by this time."

"We next examined the condenser, and the result was equally gratifying with that attending the boilers. The pipes we found as perfect and in as good condition as when they were first put in. Indeed, this somewhat astonished

me, as I had been frequently told that the pipes would be found furled, or coated with a deposit, which would prevent the steam being condensed. But nothing of a deposit appeared, and the best proof of their cleanliness is, that we closed up the apparatus, leaving the pipes in precisely the same condition that we found them."

"The saving in coal and oil is very considerable. We use now one barrel of oil, where we formerly used three barrels, and a large quantity of tallow besides. The latter we have dispensed with altogether. That a steamship is much safer with Pirsson's condenser than without it, I have been fully convinced by my last year's experience; and of this no better evidence is required than the fact that a much greater volume of steam can be produced by the same amount of fuel than when salt water is used."

The editors of that scientific work, the "JOURNAL OF THE FRANKLIN INSTITUTE," say:

"The condenser of Mr. J. P. Pirsson, which was noticed in the *Journal* some time since as being in use on board the steamship 'Osprey,' running between this port and Charleston, has been examined within the last few days, while the ship was being refitted for the coming season, and found to be as perfect as when first put in use. The tubes, both internally and externally, were found to be perfectly clean, and the boilers free from scales."

Edward K. Collins, Esq., of the Collins line of steamers, says, August 18, 1852, a few days since:

"Having for a long time entertained a favorable opinion of Pirsson's condenser, I have taken much pains to get every information I could respecting it, and I am happy to say that my opinion has been so fully confirmed, that I shall put it in the next steamship I build."

George W. Aspinwall, Esq., who has had the Pirsson condenser in use on three of his steamers, thus closes a letter recommending it:

"I can only say, I never would send a steamship to sea without the Pirsson condenser, securing, as it does, so GREAT A SAVING IN ALL RESPECTS."

Now, hear what Chief Engineer Roane, of the steamship "Quickstep," says of the advantages of Pirsson's condenser, in a letter to the constructors of the engines, Messrs. Reany, Neafie & Co.; he remarks:

"Can you point to any steamship which has ever steamed continuously for forty-five days, under a constant pressure of forty pounds of steam to the square inch, part of the time, too, in the saltiest of oceans, without ever blowing one drop of water from her boilers, or once drawing the fires? This was done in the *Quickstep*, and much more."

At another part of the letter he says:

"The vessel was very deeply laden, and we encountered very heavy weather; yet not the slightest accident occurred to any part of the machinery, as on a survey at that port everything was found in perfect order. The boilers and condenser were absolutely as perfect as when they left your works. The rest of our voyage was accomplished with like results."

"Here let me stop for a moment, and consider what has been done. A small steamer, (five hundred and fifty tons,) of inferior power, laden to the water's edge, leaves the wharf at Philadelphia—passes twice through the tropics—through the Straits of Magellan—steams on continuously for some twenty thousand miles, on two occasions of periods of forty to fifty days, not having a fire drawn from her boilers—arrives at her port of destination as perfect as at the start, ready for a new cargo, and not a place to spend a shilling upon the engines or boilers if you would."

"But I have not half done with stating the remarkable things performed by the condenser or resulting from it. One of the most gratifying was the vacuum, and the temperature of the feed water. The vacuum gauges were syphons, hence effected by every change of the atmosphere. When the barometer stood at thirty inches, the mercury in the short leg of my gauges stood constantly at fourteen and a half inches below equilibrium, or equal to a vertical column of twenty-nine inches, and feed water, according to the temperature of the ocean, was from 150 degrees to 160 degrees F."

Again he says:

"Some amusing incidents occurred on the voyage. My assistants had very poor faith in the condenser when we left, and prophesied all manner of difficulties. My first assistant stuck to it that the pipes would all choke up. At Rio I was taken sick, and while unable to do duty he opened the caps to examine the pipes. His astonishment and disappointment on finding nothing there was very great. He said he could hardly believe it possible that it should be in such perfect order. I was constantly visited by engineers in every port, and from steamers of all nations. Their surprise on examining the admirable condition of my boilers was unbounded, and they would constantly contrast it with that of their own, many of which were badly scaled and burnt, and undergoing costly repairs. An old Brazilian officer who came to see me said, after a long and careful examination, 'I knew that if this was ever found out, it would be some Yankee that would do it; it is a great thing.' And so I say, it is a great thing; and you will never find me operating an engine without one, if I can help it. If any engineer would say otherwise, let him look at the crazy and unsafe condition of the boilers in the Pacific at this time, especially in the pioneer steamers. All those might now have been sound and strong, had Pirsson's condensers been on board."

Mr. Aspinwall, the owner of the *Quickstep*, in a letter dated July 22d, speaking of Mr. Roane, says:

"You may count him as a very reliable, excellent, and faithful man, and one in whom you can confide. I highly recommend him as a good mechanic and engineer, and a

trustworthy man. He served seven years with Messrs. Stillman, Allen & Co., of the Novelty Works."

Further important testimony is afforded by Chief Engineer Buck, of the steamship *Albatross*, who has had a long experience with Pirsson's condenser. He says, among other things:

"The greatest consumption of coal with the fresh water apparatus has been, and now is, twelve tons per twenty-four hours, and the boilers were always kept perfectly clean; while, however, we were using salt water, as we had to do with the jet part of the condenser, the consumption of coal was increased about six tons per twenty-four hours, and the whole interior surface of the boilers became covered with scale, while the speed of the engine was also materially diminished by reason of a deficiency in steam."

Again, he adds:

"The action of the fresh water has separated the scale which had formed inside of the boiler, and the quality of the water supplied by the condenser is so pure and fresh that I would cheerfully compromise for no worse for drinking while at sea."

Then comes the testimony of Chief Engineer Simon Baker, who had charge of the steamship *Commodore Stockton*, from Philadelphia to San Francisco, and for many months afterwards in the Pacific ocean. He says:

"On our arrival at San Francisco, a searching investigation into the condition of our machinery, boilers, and condenser, was instituted, and it was universally admitted that no steamer had ever arrived there in such perfect condition. It seemed to astonish the engineers of other steamers there as much as it pleased me, although my previous experiments with the condenser had satisfied me of its inestimable value."

"I am now about to return home, and I leave the *Commodore Stockton* at this port, with her machinery in the most satisfactory condition. The boilers and the condenser are as perfectly clean and free from scale or deposit of any kind as when they were first made, and not a single dollar has been expended on the boilers, notwithstanding they have been in constant service for nine months. I know of no other boilers which have been in use on this ocean for three months, that are not covered with scale, and many of them that have been in use for two years are entirely destroyed."

"Our boilers have been constantly supplied with fresh water, and a vacuum regularly maintained at twenty-seven inches; the feed water returned to the boilers at 118°, and has scarcely ever varied from this temperature. When we left Philadelphia we were burning bituminous coal, and consumed four tons and a half (accurately weighed) per twenty-four hours, carrying thirty-four and thirty-five inches pressure of steam, and working at full stroke. In order to test more fully the advantages of the condenser, as you desired, in going to Rio Janeiro, I shut off the fresh water apparatus, and used your condenser as a common jet condenser. Here the incalculable value of the apparatus was made very manifest. The consumption of coal was increased twenty per cent.; and the temperature of the feed water was reduced nearly 15°, and the vacuum fell and became very irregular. The difference between your fresh water apparatus and the ordinary condenser is here shown by the steadiness of the vacuum; because, through all the changes of the temperature even, the vacuum was preserved at twenty-seven inches, whilst by the ordinary condenser I could not manage to obtain a steady vacuum under the most favorable circumstances."

And he thus ends his letter:

"In conclusion, I would assure you that if engineers generally were acquainted with the value of your condenser, they would go to sea in no steamer to which it was not attached. As to the pecuniary saving, it is too large for owners of sea-going steamers to disregard, as they can be run at so much less expense, that no vessel without them can successfully compete with those having them on board."

Mr. Thompson, the President of the Atlantic Steam Navigation Company, thus speaks of Pirsson's condenser:

"It will at all times afford me pleasure to aid in the extension of the use of the condenser, for two reasons: First, it is a great private benefit to the owners of steamers, because it makes them more economical, and will therefore tend to increase the steam marine, and extend commerce. Second, it is a public good, because it preserves the strength of marine boilers, and tends greatly to the safety of those on board such steamers as use it."

Then comes engineer Samuel Genter, of the steamship *Utah*, who says:

"I have had charge of the *Utah* since she was built. Pirsson's patent condenser is attached to the engine, and operates in the most satisfactory manner, furnishing an abundant supply of fresh water to the boilers. I have condensed steam at forty pounds to the inch, whole stroke, when the water was at a temperature of 70° F., and obtained a vacuum of 26½ inches, and feed water 150° to 160° F. Maximum consumption of coal three and a half tons per twenty-four hours."

"I have been visited by many engineers, some of the most prejudiced against the introduction of new things, who have unanimously expressed themselves satisfied with the perfection of your arrangement."

"From my experience, I am prepared to make this offer: I will guarantee to take any well-constructed steamship round the world, and return to port with the boilers in the most perfect condition, as far as any deposit of scale or corrosion is concerned, provided your condenser is properly applied on board. On this I will stake my professional reputation."

Finally, we are placed in possession of the tes-



timony of a board of the most experienced practical steam engineers of the Navy, who were recently appointed to examine the whole subject of condensation, and they state:

*"We consider Pirsson's to be the best surface condenser known," for the following reasons:*

"No surface condenser can be safely or judiciously used except it contain a provision, or is so arranged, that it can instantaneously and at will be converted into a common jet condenser in the event of fracture or other derangement of the pipes, parts, &c. A surface condenser must possess, therefore, this important property; if this be absent, other merits may deserve admiration, but cannot recommend it as practical; and here we fully agree with the commission in the following opinion, viz: 'That we would not be willing to trust a vessel of our own property without a full provision for a resort to an ordinary injection condenser, and which we cannot but consider as a first and most essential point in any device of the kind.' This important requisite, the commission truly states, belongs to Pirsson's condenser, and they attribute it to Symington's. Pirsson's, however, is the only condenser presenting the new and important features of the DOUBLE VACUUM, by which the condensing surfaces are relieved from the atmospheric pressure, and consequently strain and leakage, causes alone of the failure of all other plans of surface condensation. This is not the case with Symington's condenser, mentioned by the commission in connection with Pirsson's, as affecting the same objects. Symington's has a single vacuum, and if used as a surface condenser, has all the disadvantages of the atmospheric pressure on the pipes, similar to Hall's, Miller's, and others.

"Question 4. Is it advisable to make the application of the most approved condenser to all steamers of the Navy?"

*"Answer.* We are of opinion, that, for the reasons herebefore stated, it is advisable to apply, as soon as practicable, the CONDENSER OF PIRSSON, as now being fitted to the United States steamship Alleghany, to ALL STEAMERS of the Navy, plying in sea water.

"This condenser has already been applied to eight merchant steamships; it has been in use in some of them for several years, and the practical results fully bear out our estimate and opinions. There are also two large steamships now being fitted with it at New York."

Mr. President, in addition to all this, we have a letter from the Secretary of the Navy, stating that a board of examiners had investigated the merits of Mr. Pirsson's and several other condensers, and that they had found none of them perfect—all might be improved. For all practical purposes this report was quite useless; it could have no influence to guide the Secretary. Since that examination and report, however, there have been experiments made which prove that this condenser entirely answers the purpose intended; and is beyond all kind of doubt, the best that has yet been used in our navigation, and is an instrument by which hundreds of thousands of dollars may be saved to the United States within the coming year, provided all our own steamers can be supplied with it. This practical demonstration in its favor, blowing to nothing the conclusions of scientific examiners, so bothered the Navy Department, that the Secretary would take no action on the subject without the authority of Congress.

Sir, the opposition outside of this Senate to the use of this condenser, has been untiring, and is as groundless as it seems to have been interested and vindictive. Various means have been adopted by persons outside of the Senate to destroy or disparage Mr. Pirsson's invention, and to alarm and excite the Navy Department and members of Congress. The most absurd reports have been circulated, which have contributed to embarrass the Secretary. I hope the Senator from Illinois is answered.

I did hope that it would not be necessary to detain the Senate by going so far into the merits of this machine. I did hope that all that would be necessary to satisfy any one, even my friend the honorable chairman of the Committee on Finance, would be, that it was recommended by all the Chief Engineers of the Navy, by the head of the Bureau of Construction, by the Secretary of the Navy, and by the unanimous recommendation of the Committee on Naval Affairs, who, after a careful examination, do advise its adoption in the Navy. Is there not something due to this careful examination of the subject, something due to all these opinions expressed in the decided way in which they have been expressed?

Again, amongst the evidences of the superiority of Pirsson's condenser, and that his condenser is likely to answer the purposes for which the Secretary is to be authorized to use it, there will be found in the testimony that has been presented to the Naval Committee, a statement of the engineer of the Quickstep, on board of which this condenser had been used. That vessel went to California from Philadelphia. She made one continuous passage, except when she stopped for coal,

and her boilers were supplied with fresh water from the time she left Philadelphia till she arrived at San Francisco. On her arrival at which place, her engine and boilers were examined, and they were found to be not only in good order, but absolutely as perfect as when she left Philadelphia. Now, sir, I will ask whether this well-authenticated experiment does not justify the recommendation of the Secretary of the Navy, of the Bureau of Construction, and of the Naval Committee, in a way so as to leave no doubt as to the expediency of immediately applying this condenser to the Navy.

If Senators are resolved to disregard these incontestable evidences of the value of this machine, in consequence of information they have got from other, and perhaps not the most honorable or disinterested parties—if they are determined to put down the recommendation of the Secretary of the Navy, of the Bureau of Construction, and the unanimous recommendation of the Naval Committee, in consequence of what they have heard outside of the Senate, let them do it. I shall do my duty. I stand up here as a member of the Naval Committee, to defend the recommendation of that committee, and I place my reputation, not only as a member of that committee, but the little professional reputation I have, on the statement that the Pirsson condenser will be found to answer better than any other heretofore used.

Mr. President, what do gentlemen, in the face of these experiments and recommendations, propose? Why, that this subject should be passed over for the present, and that all the boilers in your steamships shall continue to use salt water for the next year, to their great expense and detriment. The boiler of the vessel to which I have alluded, when examined at San Francisco, after a continuous voyage of twenty thousand miles, was found to be perfect, and, in the language of the engineer, "not a place to spend a shilling on the engine or boilers if you would;" and I say that if the ordinary condenser had been used, it would have cost many "shillings," if not half the original cost of the boilers to repair them.

Sir, why should this amendment not be adopted? Gentlemen say because there is some doubt on the subject. I say there ought to be no doubt—there will be no doubt in the world on the mind of any candid inquirer, that this is the best condenser that has ever been used. The Secretary of the Navy did not doubt; the Naval Committee do not doubt—and we come here this morning, all of us, and ask you to direct the Secretary of the Navy to use it. We ask this authority because, in consequence of various reports and suggestions made to him, the Secretary feels constrained to hesitate, lest he might incur too great expense without the authority of law—and we ask Congress to authorize him to do whatever he may see fit to do, and pay whatever he may see fit to pay for its use. Surely, sir, we do no more than our duty. This is not an unreasonable request to be made to Congress. But gentlemen say that this machine may be improved, may be made better. We certainly admit that it may be made better, but we also say that until you do get a better one, in the name of common sense and prudence adopt this, which is admitted to be the best now in use, and will save to the Government a large amount of money.

If Senators are not yet satisfied, nothing remains for me to do but to make a long, scientific discussion on the subject of marine engines, and the use of coal, to show the absolute necessity that something should be done to reduce the enormous expense of your steam navy. Gentlemen do not appear to understand much about steam navigation, and I fear it would take more time than the Senate can well spare to make them comprehend it fully. My belief is, sir, and I stake my standing here in the Senate upon it, that if you adopt this condenser on all your steamships, you will save nearly \$200,000 a year by the operation. In the hope that I have finally satisfied my friend from Virginia, the chairman of the Committee on Finance, as well as other Senators, as to the importance of this measure, I will detain the Senate no longer.

Mr. CASS. I am utterly opposed to this species of legislation. This is not a fit subject of legislation. I am not among the number of those alluded to by the honorable Senator from New Jersey, who have been operated upon by external

pressure. I never heard a word about this case until it came up here, and then I must say that the proposition struck me as very extraordinary. I have been surprised, also, at the discussion that has taken place. Why, sir, my object is to avoid external pressure. Every member must perceive that there is too much of it, especially towards the end of a session, and we are hurried into the adoption of measures which we ought not to adopt.

I repeat, this is a question of administration. Why should you legislate as to a particular condenser any more than a particular boiler, or the breech of a musket, or the size of a cannon, or any other improvement that may take place in any measure required in the operations of the Government? In the progress of improvements, may not your Executive adopt them whenever he pleases? Is it not within his constitutional power, if he has the means? If the Secretary comes to us, and says that he wants a certain amount appropriated for his Department for the purpose of enabling him to try this condenser, I am willing to give it to him; but I am not prepared to vote that he shall use this particular condenser, because—I avow my ignorance of the whole matter—I know nothing about it, and I am therefore unwilling to vote public money for this purpose. If the Executive wants authority to do this, I am perfectly willing to vote an appropriation, to be placed at the control of the Navy Department, to enable them to put the best condenser in the vessels of the Navy of the United States. That is all that can be properly required. It appears to me it is all that any Senator ought to require. Then we have a proper responsibility on the part of the executive department. If we give the money to the Department, to apply as they please, we can hold them responsible for it; but if we go on in this way, they will not be responsible.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I ask unanimous consent to lay this bill aside for the purpose of presenting a report from the Committee of Conference on the civil and diplomatic bill. I understand from the Committee on Enrolled Bills that it is necessary to have this report agreed to at once in order that the bill may be enrolled to-day.

There being no objection, the report was read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the bill (H. R. 196) making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1853, and for other purposes, having met, and after full and free conference, have agreed to recommend, and do recommend to the respective Houses as follows:

That the House of Representatives do agree to the 1st, 2d, 7th, 8th, 11th, 12th, 13th, 14th, 17th, 18th, 20th, 21st, 24th, 25th, 26th, 29th, 32d, 34th, 36th, 37th, 38th, 39th, 43d, 45th, 46th, 48th, 49th, 51st, 53d, 54th, 55th, 58th, 59th, 62d, 63d, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72d, 73d, 74th, 75th, 76th, 78th, 79th, 82d, 83d, 84th, 85th, 90th, 91st, 94th, 95th, 96th, 97th, 103d, 103d, 104th, 106th, 107th, 109th, 110th, 112th, 113th, 114th, and 119th amendments of the Senate.

That the two Houses do agree to the 5th amendment of the Senate, with an amendment: Page 2, in line 1, after the word "accounts," insert the words "of Thomas Ritchie, assignee of William M. Belt."

That the two Houses do agree to the 6th amendment of the Senate, with an amendment, as follows: Page 3, in line 20, insert:

"Provided, That no part of this appropriation shall be applied to the enlarging of the present, or the erection of new buildings."

That the two Houses do agree to the 19th amendment of the Senate, with an amendment, as follows: Page 6, in line 2, after the word "insert," strike out "nine thousand four hundred and eighty-five," and in lieu thereof insert the words "seven thousand."

That the two Houses do agree to the 31st amendment of the Senate, with an amendment, as follows: Page 9, in line 5, strike out the words "two thousand eight hundred," and in lieu thereof insert the words "one thousand five hundred."

That the two Houses do agree to the 35th amendment of the Senate, with amendments, as follows: Page 11, strike out lines 1 to 7 inclusive. In line 10, after the word "Towa," strike out the rest of the end of line 23, and in lieu thereof insert:

"For the expenses of the United States district court, which were paid by said county prior to the 1st day of January, 1844, and if, upon such examination, he is satisfied that, prior to the 1st day of January, 1844, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same: Provided, That the amounts thus allowed shall not exceed the sum of \$12,000, which is hereby appropriated for that purpose."

That the two Houses do agree to the 40th amendment of the Senate, with an amendment, as follows: Page 12, in line 2 of the amendment, strike out the words "sixteen

# THE CONGRESSIONAL GLOBE.

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thousand five hundred," and instead thereof insert the words "twenty thousand."

That the two Houses do agree to the 41st amendment of the Senate, with an amendment, as follows: Page 12, in line 2 of the amendment, strike out the words "sixteen thousand five hundred," and in lieu thereof insert "twenty thousand."

That the two Houses do agree to the 50th amendment of the Senate, with an amendment, as follows: Page 17, strike out lines 1 to 6 inclusive, and in lieu thereof insert:

"For purchasing a site, and the construction of a suitable building at Richmond, Virginia, for custom-house, post office, court-rooms, and other offices of the United States, \$100,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Virginia: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same at a sum or sums which shall not, in the whole, exceed the sum of \$150,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

That the two Houses do agree to the 42d amendment of the Senate, with an amendment, as follows: Page 18, strike out lines 1 to 10 inclusive, and in lieu thereof insert:

"For purchasing a site and the construction of a suitable building at Waldoborough, Maine, for custom-house, post office, and other offices of the United States, and furnishing the same, \$12,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Maine: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same, at a sum or sums which shall not, in the whole, exceed the sum of \$12,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and the President of the United States."

That the two Houses do agree to the 18th amendment of the Senate, with amendments, as follows: Page 30, in line 1, after the word "of," strike out the word "four," and in lieu thereof insert "two;" and after the word "bridge," in line 4, strike out the words "two thousand seven hundred and fifty-five dollars," and in lieu thereof insert "one thousand three hundred and seventy-seven dollars and fifty cents."

That the two Houses do agree to the 92d amendment of the Senate, with an amendment, as follows: Page 39, in line 3, after the word "thousand," strike out the words "five hundred."

That the two Houses do agree to the 105th amendment of the Senate, with an amendment, as follows: Page 43, strike out lines 7 to 10 inclusive.

That the two Houses do agree to the 108th amendment of the Senate, with an amendment, as follows: Page 45, strike out lines 1 to 9, inclusive, and in lieu thereof insert:

"All whose compensation shall exceed \$1,200 and shall be less than \$1,600, shall receive an additional compensation of ten per cent. upon the amount of their salaries: *Provided*, That no salary shall be increased to more than \$1,600 by the per cent. or additional compensation herein provided for."

That the two Houses do agree to the 111th amendment of the Senate, with an amendment, as follows: Page 46, strike out all after the word "States," in line 17, to the end of line 21.

That the two Houses do agree to the 115th amendment of the Senate, with amendments, as follows: Page 49, in line 3, after the word "agent," insert the words "for California;" in line 8, strike out the word "assistant," and in lieu thereof insert "associate;" and in line 10, after the word "Commissioners," insert "on private land claims in California."

That the two Houses do agree to the 117th amendment of the Senate, with amendments, as follows: Page 51, in line 13, strike out the word "seven," and in lieu thereof insert "five;" in line 15, strike out the word "eighteen," and in lieu thereof insert "sixteen;" in same line, (15,) after the word "dollars," strike out "one" and insert "two;" in line 16, strike out the word "sixteen" and in lieu thereof insert "twelve;" in line 17, strike out "one" and insert "two;" also, strike out the words "fourteen hundred," in lines 17 and 18, and in lieu thereof insert "one thousand," and strike out all after the word "dollars," in line 18, to the end of line 19.

That the two Houses do agree to the 120th amendment of the Senate, with an amendment, as follows: Page 52, strike out all after the word "enacted," in line 1, to the end of line 11 inclusive, and in lieu thereof insert:

"That from and after the passage of this act, in lieu of the compensation now allowed by law for his services, there shall be paid hereafter to each of the deputy naval officers at the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, \$2,000 per annum, to be paid out of the fund for the expenses of collecting the revenue."

That the two Houses do agree to the 131st amendment of the Senate, with amendments, as follows: Page 53, in line 5, strike out "eighteen," and instead thereof insert "sixteen;" and in line 7, strike out the word "fourteen," and in lieu thereof insert "twelve."

That the two Houses do agree to the 122d amendment of the Senate, with amendments, as follows: Page 54, after the word "done," in line 9, insert the word "and," and strike out all after the word "completion," in line 10 to the end of line 18 inclusive, and in lieu thereof insert:

"According to his contract prices, with such proportion of \$50,000 in addition thereto, as the amount of the work performed by him bears to the amount of work done by the printer for the Thirty-first Congress, when estimated under his contract prices."

And that the Senate do recede from their 3d, 4th, 9th, 10th, 15th, 16th, 23d, 27th, 28th, 30th, 33d, 42d, 44th, 47th, 55th, 57th, 60th, 61st, 77th, 81st, 86th, 87th, 88th, 89th, 93d, 98th, 99th, 109th, 101st, 116th, and 118th amendments.

R. M. T. HUNTER,  
J. R. UNDERWOOD,  
JOHN B. WELLER,  
*Senate Committee.*  
GEORGE S. HOUSTON,  
WILLIAM APPLETON,  
GEORGE W. JONES,  
*House Committee.*

Mr. HUNTER. I will state in general terms that we have preserved the most material amendments of the Senate. Most of the remaining amendments we have agreed to with amendments which do not alter them much. I believe that on the whole we have done the best we could, though perhaps not all that every one would desire.

The report was agreed to.

A message from the House of Representatives was subsequently received by Mr. FORNEY, its Clerk, announcing that it had agreed to the report of the Committee of Conference, on the disagreeing votes of the two Houses on the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1853, and that the bill be amended accordingly.

## NAVAL APPROPRIATION BILL.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House "making appropriations for the naval service for the year ending the 30th of June 1853," the question pending being on the amendment offered by Mr. DAVIS to the amendment of Mr. GWIN.

Mr. SHIELDS. I wish to say only a word in reply to my honorable friend from New Jersey. I regret very much to differ from him on this occasion; he is much better informed on the subject than I can possibly be. My only objection to this is my want of information and my ignorance on the subject. I am not qualified to judge of it as he is, and I wish to assure him that I never heard a word about the matter until it came up this morning. No one has ever spoken to me on the subject, either in or out of the Senate. I have not opposed it because I have received wrong information on the subject, but because I have received no information on the subject.

I want to know two things. First, what is the best invention of this kind; and next, whether, when that invention is applied on a steam vessel, it will be successful. As the Secretary of the Navy is the person qualified to judge of these matters, I prefer to leave them to him. Why does the Secretary of the Navy come here to ask us to give him permission to do that which he is already able to do without the permission? Why does he not take the responsibility himself? He is there for that purpose. He can take the best invention and apply it to a public vessel; and if it succeeds on that vessel, he can extend it to other public vessels. He can do that without this legislation. He can ascertain what is the best invention, and then he can make a fair experiment; and if successful, apply it to the whole Navy. Is not that so? Then, why does he come to us, and recommend to us to recommend to him to do that which he can do without any recommendation on our part?

Mr. STOCKTON. If my friend from Illinois desires another answer to his interrogatory, from me, I will give it. I intended to do so when I last addressed the Senate. I thought I stated that the Secretary of the Navy wanted authority to use this condenser, in consequence of the difficulties and confusion which have been thrown in his way by persons interested in other condensers, and especially because the report made by scientific gentlemen, who were appointed for that purpose, was not sufficiently definite or conclusive. The Secretary did not feel himself at liberty to go on in so important a business without authority of Congress. It will be perceived that this has been forced out of the ordinary course of depart-

mental regulation, by the interference of persons not at all connected with the Navy, and who are interested in other condensers. What we ask is merely to disembarass the present Secretary from the difficulties that seem to have constrained the action of his predecessor.

Mr. CASS. Do I understand that the report of the board was unfavorable to the application?

Mr. STOCKTON. It was more favorable to this than to any other condenser; but not conclusive.

Mr. CASS. But still not entirely favorable? Mr. STOCKTON. I wish to be perfectly understood. The board thought, as I understand the report, that the Pirsson condenser was the best; but that parts taken from several condensers might possibly make a better one than his. I have in my hand papers which prove that I am not mistaken.

Mr. SHIELDS. No doubt of it.

Mr. STOCKTON. Now, sir, as a legislator, called upon to determine what is the best course for the Department of the Navy to pursue under the circumstances, and especially, as a member of the Committee on Naval Affairs, I am constrained to insist, with earnestness, that this amendment ought to be adopted by the Senate. Our steam navy is costing annually too much money, and I believe we may reduce its expenses \$200,000 a year, by a judicious application of this condenser to all the engines. Is that not a matter of importance? How is this conclusion to be avoided? How can Senators satisfy themselves to let the present expenses go on, simply because the commission did not report that this condenser was perfect, and incapable of improvement? They reported more favorably of this than any other condenser; the only difficulty in their minds seems to have been, that they thought another one might possibly be made better than Pirsson's. When such a one is made we can use it; but, in the mean time, let us apply this.

Mr. President, I have given you the experience of persons who are engaged in steam vessels in the mercantile marine—men who are apt to do that which is best; especially that which is most economical. I cited in my former remarks, the instance of the Quickstep steamer which went to California, and stated that on her arrival there, her engines and boilers were in as good condition as when she left Philadelphia. This is no exaggeration; the evidence in my hand proves it. Upon so serious a subject as this I am disposed to confine myself within the limits of exact figures.

Here is a letter from the engineer of that steamer to which I have before referred, stating these facts, and his great surprise at the result. Here is also a letter from Mr. George Aspinwall, owner, or part owner of that vessel. Here, likewise, is a letter addressed to myself, from eminent and skillful mechanics, Reany & Neafie, in Philadelphia, written to me simply because they knew I felt an interest in such experiments.

Now, I think if Senators have faith in any human testimony—if they can believe what is testified to by the most reliable men, they must believe the concurrent testimony of these witnesses, and they must come to the conclusion that this is the best condenser now in use or known. If this be still a disputed fact, then we must go further into the testimony. But I do not think it can longer be doubted. Admitting, then, that it is the best condenser—admitting that it has done much to economize fuel, and preserve the boilers and engines, I ask Senators if they can resist the conclusion, that it is their duty to give the Secretary of the Navy authority to use it if he sees fit, and enable him to reduce the expenses of our naval marine. Sir, as a friend of the Navy—as a friend of economy—as a friend of improvement and of progress, I ask Senators to reconsider their opinions—to do justice to an honorable and useful citizen, and to vote for the amendment.

Mr. SHIELDS. I am very sorry to hear the Senator from New Jersey say that the Secretary of the Navy is embarrassed on this subject. I am sure that if my honorable friend should ever be

Secretary of the Navy, and a question of this kind should come up, he would not feel embarrassed about it.

Mr. STOCKTON. There would be no embarrassment then. [Laughter.]

Mr. SHIELDS. I am sure of it. I do not want any man in that position who is not willing to take responsibility on a point appertaining to his duty. Any man who does not take the proper responsibility of his situation would not make as good a Secretary of the Navy as my honorable and distinguished friend from New Jersey. The objection that I make is not touched at all by what the honorable Senator has said. I believe all that he has said. This may be the best condenser on earth. It may be necessary to the American Navy. I am willing to tell the Secretary to get the very best condenser on the face of the globe, and to apply that condenser to the vessels of the Navy; but that is precisely the authority which he has now, and consequently I do not see any necessity for the amendment.

Mr. DAVIS. Mr. President—

Mr. GWIN. I would suggest to Senators that they had better condense their remarks on this condenser as much as possible, so that the Navy appropriation bill may not be lost by the consumption of time.

Mr. DAVIS. I am not in the habit of dilating very much; but I would say to the honorable Senator from New Jersey that I think he argues this question upon an entire misapprehension of the nature and character of the amendment which is proposed. The proposition is not to restrict or limit the power of the Secretary of the Navy, but to enlarge it; and if this invention has one half, or a tithe of the merits which the honorable Senator from New Jersey imputes to it, what has he to fear from the amendment which I have suggested? My proposition is to strike out the name of the individual and bring him into competition with others. The honorable Senator says this condenser is immeasurably ahead of all others. Why then not leave the Secretary to investigate the matter?

Mr. STOCKTON. Does the Senator say in his amendment that the Secretary of the Navy shall select the best condenser?

Mr. DAVIS. My proposition is to leave the Secretary to select a proper condenser. I have confidence in his judgment.

Mr. STOCKTON. If the Senator will put in "best," I will agree to it.

Mr. DAVIS. Of course the Secretary would select the best condenser.

Mr. STOCKTON. Then why not say so? I will agree to that.

Mr. DAVIS. I was about to say that in a trial had by scientific men who have examined this subject, some three or four inventions were brought out, which were so nearly alike, that these scientific gentlemen could not decide to give a preference to any one of them over the others. I ask if in experimenting it is not the duty of the Secretary of the Navy, if he employs the improvements on different vessels, to employ the inventions of different inventors? Why should he be limited to one? There is no sense—no judgment in that; and certainly it does not comport with the public interest. If you are to try these inventions, let there be a fair contest, let the matter be open to inquiry, and let the United States have the benefit of the best mode.

Mr. STOCKTON. I am willing to strike out Mr. Pirsson's name, and agree to the amendment of the Senator from Massachusetts, which is:

"And the Secretary of the Navy may, if he deem it proper, cause to be applied as soon as practicable, to all the steam vessels belonging to the United States, any steam condenser which may be found best calculated for the purpose of furnishing fresh water for marine boilers, and for the use of the crew."

The amendment to the amendment was agreed to; and the amendment as amended was agreed to.

Mr. GWIN. The next amendment is to add after the appropriation "for the repairs and erection of buildings for the Naval Academy," the following:

"For the purchase of ground adjoining the premises occupied by the Naval Academy, extension of walls, making new street and wharf, and changing the front of the buildings, \$32,000."

The amendment was agreed to.

Mr. GWIN. The next amendment is to insert after the appropriation for meteorological observations, the following:

"For the payment of the salary of Professor James P. Espy during the fiscal year ending June 30th, 1848, no appropriation having been made by Congress for that year, \$2,000."

The amendment was agreed to.

Mr. GWIN. The next amendment is to insert, at the end of the appropriations for navy-yards, the following:

"For the purchase of the land known as Edward's estate, being about six acres, adjoining the navy-yard at Gosport, Virginia, \$9,000, to be expended under the direction of the Secretary of the Navy, when a valid title shall be given for the same, and the assent for the transfer to the United States obtained from the Legislature of Virginia."

The amendment was agreed to.

Mr. GWIN. The next amendment is to insert after the provision for the pay of the marine corps, the following:

"For pay and allowances, as waiting orders, to the officers of the marine corps who were disbanded under the order of the Navy Department of the 18th of August, 1848, from the period of their disbandment until their restoration under the act of March 3d, 1849, \$8,000; and the said officers shall be considered as having the same rights in regard to rank, pay, and emoluments, and in all other respects, as if they had not been out of service."

Mr. WALKER. I have an amendment to offer to that amendment, which I hope the Senator will accept. It is to add—

And the pay of the watchmen in the various navy-yards shall hereafter be \$500 each per annum, instead of the pay now received by them: *Provided*, Their present pay does not equal or exceed the sum aforesaid.

Mr. GWIN. There is another amendment to which that will be much more appropriate.

Mr. WALKER. Then I withdraw my amendment for the present.

The amendment was agreed to.

Mr. GWIN. The next amendment is to insert at the end of the first section, the following:

"To enable the Secretary of the Navy to have constructed and placed in one of the navy-yards, the instrument known as W. H. Linsey's Fluid Meter, \$2,000."

Mr. CASS. I object to the amendment, for the reason that I know nothing at all about it. Let the Secretary of the Navy put this instrument in the navy-yards, if he thinks proper. This is another question of administration, and not of legislation. We shall break down the executive departments if we go on in this way, and Congress will assume, like the National Convention in France, to do everything, from buying the smallest instrument wanted up to the highest function of Government. If we go on in this way, we shall be usurping the whole powers of the Government. It is all wrong.

Mr. MALLORY. I hope the Senator will withdraw his objection to this amendment. The constructor of this apparatus is a poor engineer, who has been for several years engaged upon its construction, and has produced a work very much wanted—the want of which has been felt throughout this country. It has been examined by a board, consisting of two captains of the Navy and Engineer Copeland, who recommended that it should be put in the New York navy-yard. Thereupon, a former Secretary of the Navy ordered it to be put up there. The Secretary soon after went out of office, and the succeeding Secretary, Mr. Graham, ordered it to be put up, but it has not yet been put up. The engineer is unable to put it up without an appropriation. I would state, in regard to this invention, that it develops accurately the evaporative power of all kinds of coal. It tests accurately the work done by every engine on the longest voyage, and every locomotive on shore, or any engine in a work-shop. An apparatus of this kind is now employed in England on many of the railroads; and evidence was adduced before the Naval Committee, showing that one English road saved \$100,000 last year by its use. The Naval Committee examined the subject very thoroughly, and they had no doubt that the interests of the country would be promoted by this appropriation.

Mr. CASS. I know nothing about the invention. I do not know but that it may be the greatest invention of modern times. My objection is to the principle of legislating for particular inventions and particular men. I shall be willing to appropriate money to enable the Navy Department to use it if it wants it, but first strike out the name, and let the Secretary obtain the best invention he can for the purpose. It is wrong to undertake to legislate for the particular invention of A or B, without knowing anything at all about it.

I should absolutely betray the confidence of my constituents, if I were to undertake to vote in this way on all such questions.

Mr. MALLORY. I ask that the name of the individual may be stricken out, so as to leave the Secretary of the Navy to employ the best invention for the purpose. I have no doubt he will employ this one, because he has recommended it very strongly.

Mr. CASS. If the Navy Department want such an instrument, I am very willing to give them authority to use one, and leave them upon their responsibility to select the best instrument.

Mr. MALLORY. I am willing to strike out the name.

Mr. SHIELDS. Even then the amendment is subject to all the objections which have been urged. Why do we legislate to compel the Department to do certain things for which they do not call. In my opinion, it is wrong. If we load this bill down with all sorts of propositions, we shall certainly defeat it.

Mr. MALLORY. This amendment is not to compel the Secretary of the Navy to erect this instrument; it only authorizes him to do it if he thinks proper.

Mr. CASS. Can he not do it now? Why should we legislate in this way?

The amendment was rejected.

Mr. GWIN. The next amendment is to add:

"Sec. —. And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized and directed to select a site for a navy-yard and naval depot in the Bay of San Francisco, in California, or the neighboring waters, either by purchase or by reservation of public land, as the case may be, and shall cause the same to be surveyed, and a plat thereof to be recorded in proper form. And when such selection shall have been made, the said Secretary shall make such arrangements as may be necessary to establish a navy-yard and naval depot, upon the most approved and economical plan, on the site so obtained; and cause to be erected a foundry, machine shop, blacksmith shop, boiler shop, engine house, pattern shop, carpenter shop, and store house."

"Sec. —. And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized and directed to complete the contract with the patentees for the construction of the basin and railway in the said navy-yard, in pursuance of the agreement made with them therefor, and for the floating dock, under the act of September 28th, 1850, as stated in his report to the House of Representatives, dated January 20, 1851; *Provided*, It can be done for a sum not exceeding \$840,000 as agreed upon; and the sum of \$500,000 is hereby appropriated towards and for the purpose of carrying into effect this and the preceding section of this act."

Mr. GWIN. This subject has been fully discussed before the Senate, and I suppose every one understands it. The proposition is to establish a navy-yard, and also a basin and railway, in connection with the floating dock in California. It is not necessary to go into any further discussion of the subject.

Mr. CLARKE. With due deference to the honorable Senator from California, I think this proposition has not been fully discussed. There was a proposition made in the Senate to add an appropriation of this description to the deficiency bill, and I believe the subject was also brought up as a separate bill. A great deal was then said, and very ingeniously and eloquently said by an honorable friend of mine; but there was not a very full discussion.

This proposition is to provide for a navy-yard and for all the appendages of a navy-yard—everything that can be imagined that should be attached to a navy-yard—and in addition to that a basin and railway in California. I wish my honorable friends from California to understand that I am not opposed to any reasonable and proper appropriation for California, her interests, and her convenience; but I am opposed to this manner of legislation, which at a late hour of the session, when there is no time to investigate the subject, comes in to ask for an appropriation which will, in the end, amount to more than \$3,000,000.

As it regards the basin and railway for California, I have simply to say now, that no doubt that would be a very great improvement in the Bay of San Francisco; and it may be right and proper that the Government should construct a basin and railway there; but we have now on its way to California a sectional dock, which I believe is three hundred and fifty feet long; and for which the Government of the United States contracted to pay \$610,000. The sectional dock has been prepared and is said to be shipped for California. The contractors notified the Secretary of the Navy that they should demand of the Govern-



ment demurrage and damages if the Government were not ready to receive the dock upon its arrival in California. No site had been authoritatively selected for a navy-yard; and there was no place to put the sectional dock when it arrived. There was nothing to which it could be attached. The consequence was that the Secretary of the Navy was compelled, as he says, to lease this dock, without any compensation whatever, to the contractors for three years. They are to have the benefit of the use of the dock for three years after its arrival, because the Government of the United States were in no condition to receive it.

There has been a commission sent from this section of country to that to select a site for a navy-yard in the Bay of San Francisco. Rumor says that they have made a selection, but there is no official information that a site has been selected. There is no place for a sectional dock when it arrives. The contractors have already received \$610,000 for it; and because the Government has no place for it, they are to have the use of it for three years, on the single condition, as I understand from the report of the Secretary of the Navy, that it is to be returned in good order and condition. This basin and railway may be necessary hereafter; but is it necessary now? Why, in the great city of New York, the commercial emporium of the country, they have not, as I understand, a basin and railway, but they use the sectional dock and the floating dock. There is a stone dock belonging to the Government of the United States at Brooklyn, and I believe that on one or two occasions the officers of the Government have allowed that dock to be used for commercial purposes in emergencies. The sectional dock in California is, I apprehend, competent to do all that is required for the wants of the Government within the Bay of San Francisco. Upon that dock, which is three hundred and fifty feet in length, any vessel of the Navy of the United States may be lifted, and raised, and brought into sight, so that persons can work upon it. I have never thought that the Government was bound to supply docks for the commercial marine. Commercial men have usually supplied themselves with docks until this thing has been done for the young and thriving State of California.

I do not propose to go into the discussion at length. I have before me a pile of documents containing all the contracts that have been made; descriptions of a basin and railway with sectional dock, and of a basin and railway with piers and without piers. But if this question is to be examined upon this bill, and we are to go into the subject, I shall feel it my duty to go into the subject at length, let the consequence be what it may. But, as this proposition is made as in Committee of the Whole, and as I am not desirous of inflicting upon the Senate a good or a bad speech, I will now suspend the observations which I have to make. I am willing to let the vote be taken; but if the amendment should be adopted by the Senate now, I shall feel it to be my duty, after the bill shall be reported to the Senate, before the amendment is voted upon there, to discuss it at length. But I say to the friends of this measure, that if, at the next session of Congress, when a site for a navy-yard shall have been selected, when we shall have become satisfied that a basin and railway is necessary, or whenever the Secretary of the Navy shall recommend Congress to make an appropriation for a basin and railway, I will withdraw my opposition. At this moment, however, I cannot agree to vote \$840,000 for a basin and railway now, when you have no site for a navy-yard; when you have loaned your sectional dock for three years, because you had no place to put it. I consider that it is at this time unnecessary, and I humbly submit to the Senate that it would be better to reject the amendment, unless the friends of the measure withdraw it. I shall make no further observations now; but, if the amendment should be insisted upon, after the bill shall have been reported to the Senate, I shall feel myself bound to go through with the whole subject.

Mr. BADGER. Mr. President, we are placed in a peculiar situation with regard to this amendment. I am not going to enter into any discussion as to the propriety of making it. It has been heretofore determined, unanimously, by the Committee on Naval Affairs—and their action has been approved by the Senate—that the United States had made a valid contract, binding in honor, with

these parties, for the erection of this basin and railway. If it is ever to be erected, there is no time to be lost. My own opinion is, that it is the poorest and most wretched economy to postpone the erection of this work (which is, in the first place, necessary, and which, in the next place, we are obliged to execute by a contract binding upon the honor and faith of the nation) when it must necessarily occupy a considerable amount of time to complete it, when the price is established, and when the Government can gain nothing in that respect by delay.

But my friend from Rhode Island, with his large bundle of papers in his hand, says that if this amendment be now persisted in, he will go into the examination which those papers may require, whatever may be the consequences. We are thus in the power of my friend. It is more important to get through with the Navy appropriation bill than to insist upon the amendment, under these circumstances. I therefore recommend to the honorable chairman of the committee, that by common consent of the committee the amendment may be withdrawn. We cannot sacrifice the naval appropriations for the consideration of this question. We are now at such a period of the session, that if my friend from Rhode Island perseveres in what he has declared—and no one who knows him will doubt that he will carry out what he has said—our whole time will be consumed in this debate. I hope, therefore, that the amendment will be withdrawn.

Mr. GWIN. It will be recollected that two years ago, after full discussion in this body, a bill was passed authorizing the Secretary of the Navy to contract for this basin and railway. It will also be recollected, that owing to a dissension between the contractors and the patentees, the State of California has not had anything appropriated for the support of this dock. I mean to have nothing to do with this dissension. The Senator from Rhode Island makes a statement with regard to this amendment that I regret very much, if correct; and that is, that he intends to speak at length in opposition to it, if it be persisted in. He says that it proposes all the paraphernalia of a navy-yard. Why, he will see that it is according to the very specification made out by the Senator from Pennsylvania [Mr. BRODHEAD] some time ago. It is nothing like an extensive navy-yard; but these are works proposed by the Senator from Virginia and the Senator from Pennsylvania. Of course, they may be enlarged hereafter.

In the next place, the Senator from Rhode Island has stated, and reiterated the statement that we have no selection for a navy-yard. Why, it has been selected twice by two boards of commissioners. It was selected by a board ordered out in 1849. It has also been selected by a board sent out last spring, and who have, by this time, arrived at New York; for I see by a telegraphic dispatch this morning that they came on the last steamer, and are now in New York. They have selected the same site that was selected before, and which is one of the best sites in the world for a navy-yard, and a basin, and railway, and dock. I have examined it myself, and know its capacity. It has been selected twice; and no better point could be selected.

I am not going into the discussion of this matter at present. I would merely propose to the Senator from Rhode Island to let the question be now taken in Committee of the Whole; let the bill be reported to the Senate, and then if he insists on speaking on the subject at length, I will agree rather than to jeopardize the bill, to have the amendment withdrawn.

Mr. CLARKE. I wish merely to make a statement in reply to my friend from California. He implicates me in regard to a matter of fact. It is true, that in 1849, some board selected a certain place, I do not know where, in the Bay of San Francisco; but this selection was not deemed sufficiently authentic, or to have been made with sufficient intelligence and care; and last spring, I believe, a commission was sent from the Atlantic seaboard to the Pacific, to revise that selection, and with power to recommend any other site. I recollect very well that Commodore Sloat was here before he started on that commission, and I talked with him on the subject. They have been there; and the Senator says that, from telegraphic information which he has received, they have arrived, after having selected a site. I do not know, nor does

the Senate know, nor does the Secretary of the Navy know, that they have made any selection at all. If the honorable Senator knows, from any private communication to himself, that they have made a selection, of course, it is so; for whatever he asserts, on his own authority, no gentleman will give more credence to than myself. But I want the Senator to understand me; I wish to say to him that it is necessary that the Board of Commissioners should report, that the Secretary of the Navy should examine their report, and that the President should adopt their report, before there can be a site established for a navy-yard in the Bay of San Francisco. When that shall be done, it will be time enough for Congress to legislate on the subject; but until it is done, you do not know what you are legislating about.

Now, with regard to another thing, I was probably mistaken, and I must be permitted to explain that for a few moments. A bill was introduced into the Senate by the honorable Senator from California, which the Senator from Pennsylvania said would take some four or five millions of dollars. I supposed that this was the same proposition, somewhat curtailed, to meet the economical views of the Senator from Pennsylvania. I have nothing to say as to the amount proposed to be appropriated. The amount, I know, is large. I do not think it necessary to have all of these establishments just yet.

Mr. BRODHEAD. I did not exactly understand what the honorable Senator from Rhode Island said about meeting my views. It never will accord with my views to establish a basin and railway in California.

Mr. CLARKE. I did not say so. I was stating, in answer to the remarks of the honorable Senator from California, that I did not understand exactly the provisions of this amendment. The Senator from California said it was in conformity with the views of the Senator from Pennsylvania—that is to say, it was restricted as he proposed to restrict it. I never supposed the Senator was in favor of it.

Mr. BRODHEAD. It was not my intention to say anything upon this subject; but as I have been alluded to several times, I will say a few words.

Mr. President, I am in favor of establishing a navy-yard and depôt in California, and I submitted at an early part of the session a proposition, as a substitute for the bill presented by the honorable Senator from California, having that object in view. But whenever the subject of a navy-yard and depôt in California has been brought forward, this basin and railway, which will cost from \$800,000 to \$1,000,000, is put into it. That proposition was considered and voted down at the last Congress, and it ought not to have been brought forward again. The basins and railways connected with these docks upon the Atlantic seaboard have not yet had a ship-of-the-line upon them. They may have had what some people consider as equivalent to it, but they have never had upon them a ship-of-the-line as required by the contract. I think that if we are to have a basin and railway in California, we ought to have it fairly tested upon the Atlantic seaboard first.

Mr. GWIN. I think the Senator is altogether mistaken upon that point. Certainly the ship Franklin, with a thousand tons of iron as ballast in her, has been taken up in one of these basins and railways within the last two weeks. She was taken on, and went off in three and a half hours. She was a seventy-four—a ship-of-the-line.

Mr. BRODHEAD. I do not wish to enter at large into this subject. I believe we ought to take the vote upon this proposition now, without much further debate. If other gentlemen would agree to take the vote without debate, I would say nothing. I must be permitted to say, however, that this question was considered at the last Congress; and I will read a portion of the naval appropriation of the last session upon this subject:

"For a floating dock in California, \$150,000. And the Secretary of the Navy is hereby required so to modify the contract alleged to have been made on the 17th of January last, as to confine the same to the construction of the floating dock alone, without the basin and railway."

Thus Congress at the last session decided to have this floating dry-dock in California without a basin and railway. Where now is the recommendation of the Department in favor of it? I assert that the proposition is not only without,

but against all recommendation of the Navy Department; and I can prove it, if necessary, by the documents. I am opposed to this proposition, because I deem that a basin and railway are unnecessary, at least for the present, in California. They would require a very heavy expenditure of money. I am willing, however, to establish a navy-yard and dépôt in California.

Mr. GWIN. I was perfectly willing to accept the suggestion of the Senator from North Carolina in order to stop debate; but I am afraid we are to have a debate on the subject now in Committee of the Whole. But I want to have it distinctly understood, that if this proposition is withdrawn it will be because gentlemen threaten to talk it down.

Mr. BRODHEAD. Does my friend understand that I will talk this down?

Mr. GWIN. I understood both the Senator from Rhode Island and the Senator from Pennsylvania, to say that they intended to discuss the subject at length.

Mr. BRODHEAD. I do not talk down projects. I do not wish to be so understood. I am willing to take the vote now, without any further discussion. I wish to ask for a division of the question, for I believe there are two sections in this amendment.

The PRESIDENT. Then the first question will be on the first branch of the amendment, which provides for a navy-yard and dépôt in California, with various appurtenances.

Mr. JAMES. I have but one word to say upon this subject. It is with profound regret that I find myself compelled to disagree with my colleague, [Mr. CLARKE.] It is true that California is a far-off State; but, sir, she is a sister State, and as such is entitled to the care and protection of this Government. I am for this measure, and if an argument is to be gone into, I am prepared to answer, and shall feel compelled to answer my colleague.

The question was then taken on the first branch of the amendment, and it was agreed to.

The question recurred on the second branch of the amendment.

Mr. WALKER. I wish to say a word or two to the Senate, for the reason that I am now going to take a different course from that which I formerly took in regard to this subject. I assisted formerly in obtaining a modification of the contract which has been alluded to, for the California dry-dock, basin, and railway. I had my reasons for it at the time. When that contract was entered into, there had been no experiment of this class of machinery. No vessel of any large size had ever been upon any of these docks. Seeing a notice in a paper last spring, that there was about to be a test at the Philadelphia dry-dock, I determined to go and witness it. I started with the hope of reaching there in time to see the vessel upon the dock, and witness the operation. I did not, however, reach Philadelphia until the vessel had been taken off. I refer to the steamer City of Pittsburg, which was the vessel with which the experiment was made. I then examined the whole apparatus and the dock. I looked into it as critically as my poor powers would enable me to do. I examined it in connection with the basin; I examined the whole in connection with the railways. I examined the machinery by which the vessel was taken upon the dock from the railways. I conversed with the persons at work about the machinery, who seemed to be intelligent men, without letting them know that I was a member of the Senate, in order that I might get the incidental observations of those men, for the purpose of satisfying myself. They spoke of it as a matter of course, that the vessel was taken up easily, safely repaired, transferred from the dry-dock, and floated into the basin, and transferred from the dock upon the railways. After looking at it, I became entirely satisfied in my own mind, that the machinery was capable of doing so. I had previously asserted that I did not believe any private individual would have the temerity of risking his vessel on one of these docks. I seriously thought so. I seriously anticipated, that, if a vessel was attempted to be taken upon that dock from the railways, she would be turned over, or in some other manner broken to pieces. The large steamer the City of Pittsburg, had been upon that dock, and was safely launched, after having been repaired. Since that, as the Senator from Califor-

nia has remarked, a seventy-four, with a thousand tons of ballast in her, has been on one of these docks, and launched safely, and with great expedition. Under this state of the case, my former objections having been to the inutilty and inefficiency of the machinery; and having been satisfied as to that by practical observation, I am convinced that I was formerly in error, and I take back all that I have said against this dry-dock, basin, and railway.

Mr. CLARKE. I have not said one word against the dock, basin, and railway. I have not said that it was not equal to the operations for which it is designed; but I have objected to making the appropriation for it at this time, for California, before a site is selected for a navy-yard there.

Mr. HUNTER asked for the yeas and nays on the amendment; and they were ordered, and, being taken, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Adams, Badger, Bell, Brooke, De Saussure, Douglas, Downs, Foot, Gwin, Hamlin, James, Mallory, Morton, Norris, Rusk, Seward, Soule, Walker, and Weller—19.

NAYS—Messrs. Atchison, Bayard, Borland, Bright, Brodhead, Chase, Clarke, Clemens, Davis, Dawson, Dodge of Wisconsin, Dodge of Iowa, Felch, Geyer, Houston, Hunter, Mangum, Meriwether, Miller, Pearce, Shields, Spruance, Toucey, Underwood, and Wade—25.

So it was not agreed to.

Mr. GWIN. As the first branch of the amendment has been adopted, and the second branch has been rejected, it will be necessary to add to the first branch:

"And for the purpose of carrying this section into effect, the sum of \$100,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

Mr. GWIN. I am instructed by the Committee on Naval Affairs to offer another amendment:

"For the purchase and freight to San Francisco of patent black marine paint, for painting the interior of the sections and end-floors of the California dry-dock, \$1,500."

The amendment was agreed to.

Mr. GWIN. The next amendment is to insert, after the one which has just been adopted—

"For superintendence, office-rent, labor, and contingent expenses connected with the construction of the floating dry-dock in the Bay of San Francisco, \$13,500."

This is according to estimates from the Department.

Mr. HUNTER. I understood the honorable Senator from Rhode Island to say that this dock had been hired out.

Mr. GWIN. The dock has not yet been put together. The materials have been packed up and sent out. The object of this is to have them properly put together. The Department has sent an estimate to the Naval Committee for this, and the intention is to employ an individual of great skill and experience in these matters to see that the dock is put together according to contract.

Mr. BRODHEAD. I do not understand this matter. These contractors have received \$610,000 for constructing a floating dock for California. We have already appropriated \$1,500 to paint the dock with a particular kind of paint. I made no opposition to that. But it is now proposed to appropriate \$13,500 for what? To superintend the putting together of this dock. I understand that the dock is done by contract; and it does seem to me that the mere superintendence cannot cost this amount.

Mr. GWIN. It is necessary for the interest of the Government to have somebody to see that the dock is put up properly, otherwise the contractors can do as they please about it. Here is what the Secretary of the Navy says in relation to the matter:

"As the estimates of the Department embraced no computation for contingencies connected with this dock, such as pay, superintendence, and other incidental expenses, I would respectfully recommend that Congress be asked for an appropriation of \$13,000."

If we have paid \$610,000 to the contractors for this dock, surely we ought to pay this small sum for the purpose of having it put properly together.

Mr. BRODHEAD. But a short time ago I understood that an officer had been sent to receive that dock. There are plenty of officers of the Navy who are unemployed, who could attend to this. We had a contract transmitted to us the other day, by which we ascertained that the contractors for this dock were to be permitted to use it for three years, without any charge upon the

part of the Government. I suppose they would not be able to use it for three years without putting it together.

Mr. GWIN. We paid \$610,000 for constructing the dock and putting it up; but the object of this is to get somebody to take care of the interest of the Government, and see that the contractors put it up properly.

Mr. BRODHEAD called for the yeas and nays on the amendment; and they were ordered; and being taken, resulted—yeas 17, nays 24; as follows:

YEAS—Messrs. Dodge of Wisconsin, Dodge of Iowa, Douglas, Downs, Gwin, Hale, Hamlin, James, Mallory, Morton, Norris, Pearce, Rusk, Seward, Soule, Stockton, and Weller—17.

NAYS—Messrs. Atchison, Badger, Borland, Bright, Brodhead, Brooke, Clarke, Clemens, Cooper, Dawson, De Saussure, Felch, Foot, Hunter, Mangum, Meriwether, Miller, Pratt, Smith, Spruance, Toucey, Underwood, Wade, and Walker—24.

So the amendment was rejected.

Mr. GWIN. I have another amendment to offer. It is to insert at the end of the appropriations in the bill—

"For a deficiency in the act making appropriations for the naval service for the year ending the 30th of June, 1850, approved March 3, 1849, for paying the unsatisfied demands for continuing the survey of the coast on the Gulf of Mexico, from Appalachicola Bay to the Mississippi, \$2,110 62, to be taken out of the balance of the fund appropriated by the act of the 3d of March, 1841, but which has been carried to the credit of the surplus fund."

This is for services rendered. The accounts were presented to the Treasury Department, but the appropriation had been carried to the surplus fund, and therefore the demands could not be paid. This is merely a reappropriation of the amount, and is recommended by the Secretary of the Navy.

The amendment was agreed to.

Mr. GWIN. I have another amendment of the same kind, to come in after the one just adopted:

"For compensation to Lieutenant Raphael Semmes, for services in continuing the survey of the coast on the Gulf of Mexico, from Appalachicola Bay to the Mississippi, \$1,164 10, to be paid out of the balance of the fund appropriated for that purpose by the act of the 3d of March, 1841, and which has been carried to the credit of the surplus fund."

The amendment was agreed to.

Mr. GWIN. I have another amendment to offer, to insert after the one just adopted:

"For the building or purchase of suitable vessels for prosecuting a survey and reconnaissance, for naval and commercial purposes, of such parts of Behring's Straits, of the North Pacific ocean, and of the China seas, as are frequented by American whale-ships, and by trading vessels, in their routes between the United States and China, under the direction of the Secretary of the Navy, the sum of \$125,000: *Provided*, That the expense of purchasing, or building, and equipping, (with the exception of the armament,) and fitting out these vessels shall not exceed the sum hereby appropriated."

This proposition was fully discussed before, and I suppose there will be no opposition to it.

Mr. BORLAND. I ask for the yeas and nays upon the amendment.

The yeas and nays were not ordered.

Mr. HUNTER. I rise to say that I am in favor of this as a separate measure, but I do not wish to attach all these propositions to the Navy appropriation bill. I am afraid that we shall lose the bill if we attach so many amendments to it.

Mr. HALE. I want to inquire of the mover of this amendment, if this survey looks to the annexation of China. [Laughter.]

Mr. GWIN. Not that I know of.

The amendment was agreed to.

Mr. GWIN. The next amendment I have to offer, is to add as an additional section—

"SEC. —. And be it further enacted, That the President of the United States be authorized to increase the number of marines now authorized by law, by the enlistment of forty sergeants, forty corporals, twenty drummers, twenty fliers, and five hundred privates; and that the sum of \$50,000 be, and the same is hereby appropriated, to be added to the appropriation for the Paymaster's Department of the marine corps, for the payment of the above men at the same rates now authorized by law; and also that the sum of \$10,000 be further appropriated for the Quartermaster's Department of the marine corps for rations, clothing, fuel, transportation, and recruiting for the above-named men."

This is recommended by the Secretary of the Navy. He has sent a letter to the Naval Committee, stating that this increase is indispensable to give efficiency to the marine corps.

Mr. HUNTER. It seems to me to be improper to put the whole legislation for the Navy upon this appropriation bill. Here is a scheme to increase the marine corps largely, and it is to be

put upon this bill when we have no opportunity to discuss it. These are measures which ought to be matured by the Committee on Naval Affairs, and brought in as separate bills, and not put upon the appropriation bills in this way. I do not know where this sort of legislation is to end. Not only that, but it will be seen that the Departments are sending to the Naval Committee estimates which they never submitted to the Finance Committee in relation to the legitimate purposes of the general appropriation bills. There are estimates, it seems, for the reappropriation of amounts which have been carried to the surplus fund, which ought certainly to have been sent to the Finance Committee. That committee ought to have some information in relation to these matters.

Mr. HALE. A proposition is brought in now at this late hour of the session to increase the marine corps five hundred men—

Mr. GWIN. Rather than have a discussion I will draw the amendment.

The next amendment I have to offer is to add:

"SEC. — And be it further enacted, That the Medical corps of the Navy be increased by the appointment of eight surgeons and ten assistant surgeons, in addition to the number now authorized by law, who shall be appointed in the same manner, and be subject to the same regulations, as those now in service."

Mr. HUNTER. That is subject to the same objection.

Mr. GWIN. Very well. I withdraw it.

I have another amendment to offer, to which the Senator from Wisconsin may properly attach his amendment. The amendment is—

"SEC. — And be it further enacted, That the percentage allowed by law to the clerks employed in the executive and legislative departments at Washington be, and is hereby, allowed to the clerks employed at the navy-yard in the city of Washington."

All I have to say is, that there are five of these clerks, and the highest salary of any of them is \$900. The salary of the clerks in the Departments have been increased, and I think these clerks ought to be increased.

Mr. WALKER. I offer an amendment to the amendment. It is to add to it—

And the pay of the watchmen in the various navy-yards shall hereafter be \$500 each per annum, instead of the pay now received by them: *Provided*, Their present pay does not equal or exceed the sum aforesaid.

The amendment to the amendment was rejected.

Mr. MORTON. I would suggest to the Senator from California to amend his amendment to add after the word "navy-yard" the words "and marine barracks."

Mr. GWIN. I accept it.

Mr. RUSK. I have an amendment to propose to the amendment, which is, perhaps, not appropriate to this bill, but it has as much merit in it as any increase of compensation that has been made during this session. The clerks in the city post office receive salaries of from \$800 to \$1,000 a year. There are, perhaps, no employees of the Government who have labored so faithfully. They have to pack up hundreds and thousands of documents and send them off. They are laboring night and day. I would therefore suggest that they be included so as to have the amendment extend to the clerks in the navy-yard, the marine barracks, and the city post office.

Mr. GWIN. I accept that.

The amendment as modified was agreed to.

Mr. GWIN. I have one other amendment to offer by direction of the Committee on Naval Affairs:

"SEC. — And be it further enacted, That the proper accounting officers of the Treasury be, and they are hereby, directed to credit the medical officers of the Navy, who, by order of the Department, served with a detachment of marines in Mexico, during the late war with that Republic, in addition to the pay to which they are entitled as medical officers of the Navy, respectively, the same allowance for rations and forage, in proportion to the time they so served, as are allowed to officers of the Army of similar standing."

Mr. HUNTER. It seems to me that this is a private claim.

The PRESIDENT. The Chair cannot consider it as strictly a private claim. It is to put these officers on the same footing with others.

Mr. HOUSTON. I move to amend the amendment of the Senator from California, by adding:

*Provided*, That the pay and medical officers of the Navy shall have the same assimilated rank as is now enjoyed by the pay and medical officers of the Army.

Mr. HUNTER. It seems to me that this is inappropriate legislation upon this bill, and at this time. It seems to me that this is a matter which

should be brought forward in a distinct and separate bill. It is time that we were through with this bill, and proceeding to the consideration of other subjects.

Mr. GWIN. I accept the amendment of the Senator from Texas.

Mr. FISH. I wish to say, with regard to the amendment first offered by the chairman of the Committee on Naval Affairs, that it is a subject which was determined early in the session by that committee. There were three of these medical officers of the Navy, who, by order of the War Department, were directed to join the Army in its progress from Vera Cruz to the city of Mexico. The naval pay bill provides a sum in gross for the payment of the medical officers. Having been sent upon shore, they were under the necessity of having horses, and being subject to all the expenses of field service, the same as the medical officers of the Army; and that pay was allowed them while serving with the Army; but on the transfer of their accounts from the Army to the Navy Department, they stand charged with those expenses which are not allowed under the naval pay bill. It seemed to the committee to be proper, inasmuch as these expenses were necessarily incurred by order of the Department, that they should be allowed and paid.

Mr. HUNTER. How are we to manage these matters on a conference with the House? We are multiplying subjects of difference between the two Houses so fast, that it will be impossible to settle the question unless we recede from all our amendments.

Mr. BADGER. I will inform my friend from Virginia how we can manage it; we must do as well as we can.

Mr. MILLER. Is the question upon the amendment proposed by the Senator from Texas?

The PRESIDENT. That amendment has been accepted by the mover of the original amendment, and it all becomes one proposition.

Mr. MILLER. Then I object to the amendment of the Senator from Texas. It undertakes to reach the question of the assimilated rank of surgeons in the Navy, which is a most important question, and which has been investigated by a board. I have understood that, according to that investigation, it has been found to be impracticable to assimilate the rank of surgeons of the Navy with surgeons of the Army. There is great difficulty about the matter, and I understand it to be the opinion of the officers appointed to investigate the matter that it is impossible. At all events this amendment undertakes to fix the rank of an important part of the service of the country upon an appropriation bill, which I think is not correct in principle.

Mr. MALLORY. The question of assimilated rank in the Navy is one exceedingly perplexing. It is a question which affects not only medical officers, but those officers who may perhaps be termed the staff corps of the Navy generally—purser and others. This matter has been under the consideration of the Naval Committee, and they intend, by a bill which they have under consideration, and which they propose to report at the next session of Congress, to meet all these difficulties, and place the rank of these officers on a proper basis. We ought not to legislate for one corps of the Navy, without legislating for all at the same time. Purser in the Navy stand in precisely the same position to the rest of the officers as do surgeons. Neither of them have any rank proper on board any ship; but they take that rank which the commander of the ship chooses to assign them.

Mr. HOUSTON. That was the very reason why the proviso was introduced, that they should have rank independent of the volition of the commanding officer—that they should not be subject to his caprices and whims, and that their rank and position should be defined explicitly by law. This is the reason why I introduced the proviso, that they should take rank in all matters of ceremony or authority, so that they may know precisely what their situation is, and that it may not be dependent upon the will of the officer who, for the time being, commands them. These officers have had no rank heretofore, and it has given rise to heart-burnings and discontents. The officers of the line, or in the naval service proper, are disposed not to accord to the staff officers any high rank. It is all regulated by chance and by favoritism. This matter has been settled in the Army,

and is well understood and defined there; and I propose, for the harmony and benefit of the service, that it shall be settled in regard to the naval officers the same as in regard to the military officers of the United States. It is an evil so easily remedied, that I do not see why the Committee on Naval Affairs should take so long about it as my friend from Florida suggests, and therefore I hope the Senate will now adopt the proviso.

Mr. MALLORY. I would very cheerfully vote for any measure which would attain this end; but if this proposition is to give staff officers of the Navy any command, under any circumstances, were an officer of the line as low down as a midshipman is on board the vessel to command it, I cannot consent to it. All that these staff officers ask, is assimilated rank in matters of ceremony, and perhaps on courts-martial. They do not ask any command. All they want is to have a proper rank, so that they may have proper quarters assigned and ceremonies observed in the line of their duty, which can always be known and understood. If we provide assimilated rank for one branch of the staff-corps, we should provide for them all. We should take in engineers, pursers, chaplains, and every person on board whose comfort and convenience may be consulted by the arrangement of quarters and attentions on board. There is some difficulty in arranging this matter of assimilated rank. I am in favor of providing for it, but I wish to include all, and to make provision for all, at the same time.

Mr. MILLER. I have been in favor of giving surgeons in the Navy a proper rank, and they ought to have it; but I am opposed to doing it in this way, by an amendment to this bill; and I think it will turn out that if this proviso passes, it will, instead of assimilating rank and producing order, create confusion in the Navy. The matter ought to be brought up properly by the Committee on Naval Affairs, after examining the whole subject, so that we can understand what we are doing.

Mr. PRATT. This is a subject which is not new to the Senate. All are aware that for several years past, memorials have been presented to the Senate, requesting that these officers of the Navy should have the same assimilated rank as the same class of officers have in the Army. Last year a medical convention, consisting of representatives of the highest ability of that class of our fellow-citizens from every State of this Union, assembled in the city of Baltimore. They sent a united memorial to the Congress of the United States, asking that their medical brethren attached to the Navy, should not be degraded by having a different rank from their brethren in the Army.

During the present year, a similar convention assembled at Richmond, Virginia, and they have sent a similar memorial. These gentlemen are collected from every section of the United States, and the supposed injustice which is done to the medical officers of the Navy, is creating a great deal of unpleasant feeling among that whole class of people throughout the United States.

For one, I cannot see why a surgeon in the Navy should not have the same assimilated rank in the Navy, which a surgeon in the Army has in the Army. Nor can I see why a purser in the Navy should not have the same rank as a paymaster in the Army has.

If I understood the honorable Senator from Florida, he states that some difficulty may grow out of this—that it requires time to digest a plan—that a medical officer or a purser should not, under any circumstances, have command of a vessel. Now, I asseverate that this amendment does not give it to them. It gives the same assimilated rank which the same class of officers have in the Army. A second lieutenant in the Army might have command of a detachment, and if there were a surgeon along, with the rank of major, he would be subordinate to this inferior officer of the regular arm of the service.

The amendment is only to give the same assimilated rank to this description of officers in the Navy which the same description of officers hold in the Army, and consequently the very difficulty which the Senator from Florida supposes to exist is precluded by the terms of the amendment. I hope the amendment will be adopted. The question has been before the Senate very frequently. It is producing a great deal of excitement, which we ought to get rid of at once. It is just to these gentlemen that they should have this rank, and



there can no harm result to the service of the United States. I hope, therefore, that the amendment will be adopted.

Mr. MALLORY. I move to amend the amendment of the Senator from California, as it now stands, by striking out, the proviso, and inserting in lieu of it the following:

*Provided, That the officers of the medical corps of the Navy, and pursers of the Navy, of less than twelve years standing, shall rank with lieutenants; and that medical officers and pursers of more than twelve years standing shall rank with commanders, but take no precedence of commanders: And provided further, That in no case shall officers of either corps take any command over officers of the line of the Navy.*

Mr. MANGUM. I am inclined to think that the amendment as proposed by the Senator from Florida is right. I am for this measure, and shall vote for it at the proper time. But I desire now to make this remark: it is almost two o'clock; we have a large amount of business to do, and if gentlemen will persist in assuming that other gentlemen cannot understand these subjects without undertaking to enlighten them with their counsels, we shall never get through this bill. We ought now to be in Executive session. There are questions of great importance to be considered in Executive session, and it will require pretty hard work for us to get through with them before the hour of adjournment. I know there have been occasions when the Senate have sat in Executive session for hours after the time fixed for the adjournment, but I understand that the present President of the Senate considers that he is bound to adjourn the Senate at twelve o'clock to-morrow, no matter whether it is in Executive or open session. Therefore, if we do not stop these debates and bring this and other bills to a close, we shall be left with half of our business unfinished.

Mr. SHIELDS. Notwithstanding the admonition of my friend from North Carolina, I want to say two or three words. This system that has prevailed in the Army, has given rise to a great deal of confusion, and the whole subject will have to be regulated over again. In all cases where rank is given, power is presumed, and they act upon that, and refuse to obey officers with actual power and rank, but whose grade is inferior to their own. In some other services they have, as a matter of etiquette, given the staff corps an honorary preference, and that is what is intended in our service, but by giving the rank we have thrown the subject into confusion. I think this proposition ought to lie over until there is time to regulate the whole subject.

The amendment of Mr. MALLORY, to the amendment of Mr. GWIN, was agreed to; there being, on a division—yeas 19, nays 18.

Mr. HALE. I want to make one suggestion to the Senate, and it is this: The Senator from Florida says he has got a bill prepared regulating this whole matter. It is but three months until the next session of Congress. I am a friend to some of these improvements, but I think it is ill time to be putting all these measures on this bill.

Mr. PRATT called for the yeas and nays on the amendment as amended; and they were ordered; and being taken, resulted—yeas 30, nays 20; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Borland, Brodhead, Cass, Clarke, Clemens, Cooper, Davis, Douglas, Downs, Fish, Geyer, Gwin, Hamlin, Houston, Mallory, Mangum, Meriwether, Miller, Morton, Norris, Pratt, Rusk, Seward, Smith, Spruance, Toucey, and Upham—30.

NAYS—Messrs. Adams, Bayard, Bright, Butler, Dawson, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Feich, Foot, Hale, Hunter, James, Jones of Iowa, King, Mason, Pearce, Shields, Underwood, and Wade—20.

So it was agreed to.

Mr. HAMLIN. I offer the following amendment:

*Sec. — And be it further enacted, That all paper used by the public printer for the space of sixty days from this date shall be furnished by him at cost, and shall be of the quality and description specified in the law passed at this session of Congress.*

Mr. President, I am very sensible that this amendment is not very pertinent to this bill, but let me say to the Senate that by the bill regulating the public printing which passed Congress a few days since, it is provided that the Superintendent shall give sixty days' notice before he shall make purchase of any paper. Therefore, if this amendment be not adopted we can have no public printing for sixty days to come. I therefore propose to authorize the public printer to purchase

his own paper for sixty days, and to furnish it at cost.

The amendment was agreed to.

Mr. RUSK. I have an amendment to offer as an additional section, which I admit is not very appropriate, but I hope it will be adopted:

*Sec. — And be it further enacted, That the Postmaster General be, and he is hereby authorized, in addition to ordinary steamboat service on the Potomac, to contract with the Washington and Fredericksburg Steamboat Company for an efficient ice-boat or ice-boats being kept up for the conveyance of the mail during the winter months: Provided, The additional expense to be incurred by the Department for keeping up such ice-boat or ice-boats shall not exceed \$30,000 per annum.*

This amendment is in precise conformity with the joint resolution introduced by the honorable Senator from Virginia, [Mr. HUNTER,] at an early day in the session. The Postmaster General desires to have this authority, and everybody knows the difficulty there is when the river is blocked up with ice during the winter of getting our mails regularly.

Mr. CASS. If the honorable Senator will strike out the name of the steamboat company, I will agree to it.

Mr. RUSK. This company has the contract for carrying the mails, and of course it is the only one which can be employed.

The amendment was rejected.

Mr. HALE. I have an amendment to offer, which is a singular one to offer here, as it is to save money instead of spending it. I am afraid that such an amendment will not commend itself to the favor of the Senate, but I will offer it:

*Sec. — And be it further enacted, That no estimate or appropriation of money in any bill making appropriations for the naval service shall authorize the payment of any increased pay, allowance, or compensation in any form whatever, beyond the amount prescribed by law in any case unless there shall be a specific direction for such extra payment designating the officer or person to whom extra payment shall be made either in some prior law or in the law making the appropriation.*

If I can have the attention of the Senate for a single moment I will explain the necessity for this amendment. In the deficiency bill which passed both Houses at the present session a more stringent provision than this was incorporated, providing that extra pay should not be allowed without a prior specific direction. The First Comptroller of the Treasury construed that to mean, that although the law making the appropriation directed the payment to an officer he could not receive it unless there had been some prior law making provision for it. On account of that construction of his the Senate concurred in repealing that clause. I now propose to reenact the same thing in relation to naval appropriations, but to make the provision less stringent, so as to authorize the extra payment, if there is any provision for it in a prior law or in the law making the appropriation. The necessity for such a prohibition grew out of the naval appropriations, and the construction of the Second Comptroller who considered that such payment might be made notwithstanding there was no law to authorize it, but he took the simple fact of the appropriation and the estimates to authorize the payment.

Mr. WELLER. I do not think it is worth while to attempt by our legislation to suit the fastidious taste of the First Comptroller. The First Comptroller seems to consider himself the special attorney employed by the Government of the United States. From the moment a claim is presented he racks his brain for the purpose of discovering whether by hook or crook the Government can avoid the payment of it. Instead of considering himself a judge, who is to pass upon the validity of claims presented, he seems to regard himself as an attorney under obligation to his client to exculpate him from the difficulty if he can. I only desired to say this much, for I have had some experience in the settlement of accounts with the First Comptroller of the Treasury.

Mr. HALE. I concur to some extent in what the Senator says, but we have humored the whim of the First Comptroller so far as to repeal the restriction which was inserted in the deficiency bill. We repealed it because the Comptroller, in applying it, gave what I consider an absurd construction. Now, as we have repealed that clause, I do not want to leave the door altogether open, and inasmuch as by the decision of the Second Comptroller money has been paid without any direction by law, but simply upon an estimate, I want to put this provision into

Mr. BADGER. I would ask the Senator from New Hampshire whether his amendment was drawn by the First Comptroller?

Mr. HALE. It was not.

Mr. BADGER. Then I would suggest to the Senator that he had better withdraw it, and let the matter stand until the next session, because very probably it will be found to be labor thrown away. At the next session the Senator can apply to the Comptroller, and get him to say what kind of a provision he will consider as producing a certain result; otherwise this will be time entirely thrown away.

Mr. HUNTER. I think the Senator from New Hampshire had better withdraw his amendment until there is time for more examination. This is a question of general legislation, and perhaps it ought not properly to be placed on an appropriation bill.

Mr. HALE. I think the amendment is right; and as I do not want the Treasury to be plundered even from now until the next session of Congress, I must insist on the amendment.

The amendment was rejected.

Mr. HALE. I have another amendment to offer. I will not say a word about it, but will simply ask the yeas and nays:

*Sec. — And be it further enacted, That all appointments in the Navy of the United States to any office shall be for the term of ten years, and that all commissions in the Navy hereafter conferred shall conform to this provision.*

The yeas and nays were not ordered.

The amendment was rejected.

Mr. HALE. I have another amendment to offer. I must discharge my duty. The Senate can vote my amendments down if they please. The amendment is:

*Sec. — And be it further enacted, That all acts, and parts of acts, authorizing any greater pay to any officer in the Navy than is allowed by the act of March 3d, 1835, be and the same are hereby repealed.*

The amendment was not agreed to.

Mr. PEARCE. I move to amend the bill by striking out the third section, which is in these words:

*"Sec. 3. And be it further enacted, That it shall be lawful for the President of the United States to appoint commanders in the Navy as well as captains, for chiefs of the bureaus of navy-yards and docks, and of ordnance and hydrography, and of construction, equipment, and repair."*

Mr. President, if it were admitted that the number of captains in the Navy was so small, or their incompetency was so great and so notorious that proper selections from these officers could not be made, I should not make this motion; but we know that there are sixty-eight captains in the Navy, and surely that is a field of selection quite large enough to furnish three competent officers for these bureaus. If that is not so, then the whole system had better be abolished, and the Navy too. But we know very well that among these sixty-eight captains we have got a score of men who have great gallantry, great reputation, and much professional skill. I know very well that among the commanders in the Navy there are some of the most accomplished gentlemen, who are an ornament to their profession. But I fear that the introduction of this section as it comes from the House will affect the principle of subordination. I think it is calculated to destroy the harmonious working of the present system, for although it is very true that orders to officers of the Navy will not in all cases issue from these bureaus, yet it is true that in a great many instances such will be the case. For example, all the officers in command of our navy-yards are captains. They receive orders from these bureaus, and if the section should be allowed to stand as it is, and the President should carry it out by appointing a commander under it, the officers in command of our navy-yards would have to receive their orders from their subordinates. This I think is improper. I will not detain the Senate by any remarks, but every one must see that confusion and dissatisfaction is liable to result if this provision be retained. I therefore move to strike it out.

Mr. MALLORY. I trust that the proposition of the Senator from Maryland will prevail. I have never heard any good reason assigned for the provision which is in the bill. Unless it can be shown that there is not the requisite ability among the rank of captains, it seems to me to be exceedingly unfair to repeal the law which now gives them the

charge of these bureaus. I will say, as another reason why this should be stricken out, that there is a proposition for a general reform and reorganization of the service, which contemplates the change, in some respects, of these bureaus, and therefore the proposition now to allow commanders to be appointed to these bureaus is partial legislation. The whole subject will have to be gone over again when we come to the question of organizing the Navy upon a proper footing. It is now totally disorganized. The present organization of these bureaus is but one of a thousand abuses, if I may call it one, which exist in the Navy. I hope no law will now be passed interfering with the act of Congress conferring upon the President authority to put captains at the head of these bureaus, unless it can be shown that the duties of these stations have not been properly attended to.

Mr. UNDERWOOD. Mr. President, I think this section, as it stands, is the very quintessence of the argument made by my friend from Maryland. If I understood him, he argued that the President ought to have the right to select these officers and put them at the head of these bureaus if he thought proper. I hope, then, that the section will be retained, because it allows the President to do that if he chooses. It does not confine him to one class. It merely widens the field of selection and of discretion. I think if you strike it out, it will be rather a reflection upon, than a compliment to the officers of the Navy. It only widens the discretion of the President, authorizing him to select commanders if he chooses to do so.

Mr. PEARCE. If widening the field of selection is all that is to be considered we might as well put in lieutenants, passed midshipmen, and midshipmen; but I am glad to say that the commanders themselves do not ask for this. This is forcing it upon them.

Mr. UNDERWOOD. I do not go for it because they ask for it. If it is necessary to put them there, I want to put them there, whether they ask for it or not. If they are the fit men to be selected to discharge these duties, I want them to be selected, and ordered to these posts without consulting their wishes.

Mr. BRIGHT. I ask for the yeas and nays upon the amendment of the Senator from Maryland. I will state, in reply to him, that I believe the officers who are to be affected by this section desire the change. The section as it stands merely gives power to the President to choose from meritorious officers throughout the service, instead of limiting him to a particular set of men, it gives him power wherever merit is found to select meritorious individuals. I hope the section will not be stricken out. I think it ought to be retained.

The yeas and nays were ordered.

Mr. PEARCE. For my own justification, I only desire to say, that when I stated that commanders in the Navy did not desire this, I said so on information derived from one of them; and I will add, he is one of the most accomplished men in the service, and just as likely to succeed to one of these places as any man of his rank.

Mr. BRIGHT. My information is derived from that class of gentlemen. It seems that some of my friends, and those of the honorable Senator from Maryland, differ about it.

Mr. MALLORY. If I understand the provision in the bill, it applies only to commanders, and does not, as the Senator from Indiana supposes, allow the President to select from any rank.

The question being taken by yeas and nays upon the amendment, resulted—yeas 22, nays 20; as follows:

YEAS—Messrs. Adams, Badger, Borland, Butler, Clarke, Clemens, Cooper, Davis, Dawson, Fish, Gwin, Houston, Hunter, King, Mallory, Mangum, Mason, Miller, Morton, Pearce, Shields, and Upham—22.

NAYS—Messrs. Atchison, Bright, Brodhead, De Sausure, Douglas, Downs, Felch, Foot, Hale, Hamlin, James, Meriwether, Pratt, Rusk, Smith, Spruance, Sumner, Toucey, Underwood, Wade, and Weller—20.

So the amendment was agreed to.

Mr. HALE. I have one further amendment to offer:

SEC. —. *And be it further enacted*, That no midshipman shall hereafter be promoted to the office of lieutenant, until he shall have served at least eight years at sea.

I wish to say a single word in reference to this amendment. There are two hundred and five passed midshipmen on the list. By looking down towards the bottom of the list you will find that

most of them in that neighborhood have been to sea for seven or eight years. About one hundred and fifty, I think, towards the close of the list have been to sea seven or eight years; but when you come to look at the top of the list—those longest in service—you find that they are at sea from five to seven years. It would seem from looking over the list that the older they are in the service the less they serve at sea. There must be some cause for this, and to remedy it I want to have it that they shall be at sea for a certain term before they are promoted. I do not wish to be raising up admirals who are living on shore.

Mr. GWIN. This is not a subject of legislation, it is a subject purely of administration.

The amendment was rejected.

The bill was then reported to the Senate as amended.

The PRESIDENT. If such be the pleasure of the Senate, the Chair will put the question on all the amendments which have been made as in Committee of the Whole.

Mr. HALE. I have no objection to the vote being taken on all the amendments together, because I have no hope at this period of the session there is a chance to defeat any of them. But I want to notify the Senate that I think there has been, for the first time, put into the Navy appropriation bill, what I consider to be a sanction by law of what has heretofore been one of the great abuses in the Navy, and that is appropriations for building houses for officers. They have been included in the estimates heretofore, but never specifically appropriated for. But, as I have no hope of getting the Senate to adopt my views, I shall vote against concurring in all the amendments.

The amendments made in Committee of the Whole were concurred in.

Mr. BADGER. I desire to renew the amendment which was offered to this bill as in Committee of the Whole by the honorable Senator from Texas, [Mr. Rusk,] for the purpose of making provision for the maintenance of an ice-boat on the Potomac river, in the course of the ensuing winter. I have modified it, so as to strike out that part which requires the Postmaster General to contract with any particular company—leaving him to contract with such company or persons as he pleases.

Mr. CASS. Does the Department want it?

Mr. BADGER. I do not care whether they do or not; I do not want the communication with the whole southern country blocked up, during the coming winter, as it was last winter. My amendment is to add—

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, in addition to ordinary steamboat service on the Potomac, to contract for an efficient ice boat or ice boats being kept up for the conveyance of the mail during the winter months: *Provided*, The additional expense to be incurred by the Department for keeping up such ice-boat or ice-boats shall not exceed \$20,000 per annum.

Mr. ADAMS. I rise to a question of order. This amendment has no proper connection with the naval appropriation bill.

The PRESIDENT. The Senate has to judge of the appropriateness of any proposition which may be offered as an amendment to a bill pending. It is not a question of order to be decided by the Chair.

Mr. HAMLIN. I desire to state one objection which I have to the amendment, and I think it should be a controlling one with the Senate. If ice-boats are placed on this river, the next thing will be to place them upon the Delaware river, and then upon the North river, and the Ohio river, and any river that may be frozen up during a portion of the winter, and it will lead to an expenditure which may absorb all the revenues of the Post Office Department.

Mr. DOWNS. If the gentleman will show me another case like this, where such an important mail is interrupted, and where that interruption can be obviated at such small expense, then it will be a proper case for the exercise of this power. The question here is, whether the whole southern mail shall be stopped for several days in the winter, or whether we shall go to a small expense for the purpose of keeping this great southern mail route open during the whole year. There is no such case elsewhere. The mail routes on the North river, and the Delaware river, are not such as this.

Mr. BRIGHT. I move to amend the amend-

ment by inserting after the word "Potomac" the words "and on the Ohio river, from Cincinnati to Louisville." That is a very important branch of the mail service, as important as any within the limits of the Union. When the river is frozen during the winter, the mail route from Louisville to Cincinnati is entirely suspended, except by way routes, on each side. There is no through mail route at that period of the year. Last winter, navigation on the Ohio was suspended for six weeks. I admit that I am against both appropriations, but if one carries I desire the other to go with it.

Mr. GWIN. I hope the question of order will be settled, whether this amendment is or is not in order.

The PRESIDENT. The Chair has already stated that he is not to judge whether the amendment is appropriate or not.

Mr. HUNTER. In relation to this matter, I would say, that I believe the proposition for ice-boats on the Potomac stands on very different ground from other rivers. But I do not think that this bill ought to be incumbered with the proposition. We have very little time now to act upon public measures. It is important that this Navy appropriation bill should be acted on immediately; and, in that view of the case, I cannot vote for any amendment which is likely to give rise to difference between the two Houses.

Mr. BADGER. As to the Ohio river, I think the gentleman who offered that amendment has given us sufficient reason for voting against it; for he announces that he is hostile to both propositions. As he is not a friend to the amendment, of course we ought not to go for it, for it must be intended to destroy the original amendment.

I am astonished that there should be any opposition to this small appropriation. Senators who were here during the past winter, and saw the inconvenience to which every member of this body, and of the other House, connected with any part of the southern portion of the United States, was put, in consequence of the want of such an ice-boat, will see the necessity for this. If the cold here was so extreme that the river could not be kept open except at a very great expenditure, it might be a good reason for not attempting it. But a small outlay of money will keep the river at all times clear, and enable us to have our regular communications. I hope that the Senate will adopt the amendment.

Mr. DAVIS. I would suggest that the other day there was an estimate made for keeping the Potomac Bridge in repair, so as to pass travel comfortably and safely across it, and it was said that could be done for \$12,000. Now, so far as this city is concerned, and the mails are concerned, it would be evidently more for the accommodation of the public to repair that bridge than to lay out the money on an ice-boat.

Mr. DOWNS. The mails do not go by land.

Mr. DAVIS. They may go by land.

Mr. DOWNS. This portion of this mail route, on the Potomac river, is by very rapid steamers, and not by land.

Mr. DAVIS. Do I understand that the intention is to have an ice-boat go down to Aquia Creek?

Mr. DOWNS. Certainly.

Mr. PRATT. During a part of last winter, when the Potomac, by reason of ice, was incapable of been navigated, an arrangement was made for a week or two with the company running a line of boats from Baltimore to Norfolk, and the mail was carried, as the Postmaster General informs me, some eight or ten hours sooner than by the Potomac route. It was first carried from hence to Baltimore, then directly down the Chesapeake Bay to Norfolk, where it connected with the whole southern line of mails. The only reason which induced the Postmaster General, as I understood him, to have this mail connection by way of the Potomac, so as to carry the great southern mail in that way, was by the force which is put upon that Department by the railroad company, who, I believe, are the owners of the line of boats from Baltimore. There is no doubt, from what I understood, that the mail could be carried more expeditiously and certainly by the Baltimore and Norfolk route than by the Potomac route. There is, therefore, no reason for the expenditure of these \$20,000 to keep this river open, when the mail can be carried at less expense from here to Baltimore, and from

Baltimore down the Chesapeake Bay to Norfolk, and there connect with the whole southern line of mails.

Mr. BADGER. I see at once why my friend from Maryland thinks this proceeding unnecessary. He says there is no use in keeping open the Potomac, because you can go by the way of Baltimore. The Senator says the mails from the South can be sent from here to Baltimore, and eight or ten hours of time will be saved. Now, the information I have on the subject authorizes me to state that the Senator is entirely mistaken—no matter from whom he obtained his information—and that the mails cannot be carried by the Baltimore and Norfolk route within fifteen hours of as short a time as by the Potomac route. But if my friend's argument is good for anything, it is an excellent argument to show that this route should be discontinued altogether; for if you can go eight or ten hours sooner by going through Baltimore, there is no reason why the Government should pay for transporting the mails down the Potomac. But the Government deems it necessary and proper to carry the mails down that river, and therefore it is proper to make this small appropriation to keep the river open.

Mr. DOUGLAS. I shall vote against this amendment, because it is the commencement of a system which will involve an immense expenditure of money. If you appropriate \$20,000 now for an ice-boat on the Potomac, do you suppose the people of the Ohio valley and the Mississippi valley will be content without having ice-boats there to keep their rivers open? So on the New York rivers and on the lakes. This little appropriation of \$20,000 now will grow up into a system, involving an expenditure of millions in a few years; and my impression is, that unless you are prepared to go into a new system for this purpose, unless the Government is prepared to take the control of ice upon all the rivers and lakes in the country, we ought not to adopt this measure. We had better encourage the people to make a railroad from here to Aquia Creek, and save the necessity of this ice-boat.

Mr. DAWSON. I wish to make a suggestion to my friend from Illinois. By an amendment which has been added by the Senate to the post road bill, I believe it has been provided that the mail shall be carried down the Ohio during the summer in steamboats. There are certain seasons, as I understand, when boats cannot travel up and down that river.

Mr. DOUGLAS. Sometimes three or four days, and sometimes two or three weeks at a time.

Mr. DAWSON. When that occurs is there not some mode to transport the mails by land?

Mr. BRIGHT. I will answer the gentleman. The mail has been carried by contract on the river, from Cincinnati to Louisville, for the last twenty-five years. Whenever navigation is suspended on the Ohio, there is no regular mail route on either side of the river. Last winter, navigation was suspended between Cincinnati and Louisville for about six weeks, and we had no regular mail. It is true there were side mails by land, connecting at different points.

Mr. DAWSON. Whenever the Potomac is frozen up the Post Office Department has to make, I believe, what is called a special contract, to convey this mail by land. Now, the question is one of economy. When the river was closed, during the past winter, the Post Office Department had to employ a line of stages, for which they had to make an extra allowance. They were called upon in an emergency, and the contractors for a limited period in that way, of course, required a larger sum than for regular service. Besides, we have to pass over one of the worst roads in the southern or western country, or, perhaps, in the world, to get by land from here to Aquia Creek. It then becomes a question of economy whether every winter we shall be put to the expense of hiring extra stages to run that distance, or shall keep an ice-boat. I venture the prediction now, that if the chairman of the Committee on the Post Office and Post Roads would inquire into the amount of compensation paid annually for this extra service between these two points, he would find it to be three or four times the amount of the cost of an ice-boat. I view this as an economical question.

But, it is said that this is the commencement of a system of expenditure which will involve the

Treasury very largely. Why, if it be so, and the emergencies of the country require it, and the interest of the transportation of the mails require it, all of us know that we ought to make the appropriation. It is said that this mail can be carried from here to Baltimore, and thence down the Patuxent river and the Chesapeake Bay. Admit that to be so; but can letters be carried round with the same speed to Richmond and Petersburg, and all through the inland route? Not at all. Gentlemen should look to all sections of the country. When they talk as to this laying the foundation of a large appropriation, they must recollect that when the railroad service commenced its cost was considered alarming; but yet the increase of mail facilities has afforded such great satisfaction to the country, that there is not now a murmur about the compensation paid to these companies, and the Department is now better able to pay them out of its revenues than ever before.

I am informed, from sources entitled to credit, that the daily transportation of the mail from the city of Washington, when the Potomac is closed up, is \$500. This is necessary for three or four weeks. Why, in that time it would amount to the cost of an ice-boat. Why should one section jump up here against another, and say if you desire this we will want it? Whenever it can be fairly demonstrated that the interests of other sections require it, I, for one, will vote for it. I am not alarmed by these things. I know full well, that you and I, sir, who live south of this point, had our letters delayed last winter frequently for five or six days, and so with all the representatives from that section of country. It is very desirable that we should have regular connection with the South. I think this will be more economical and effectual than any other plan. But if it should be found not to work well, we can stop it at the next session, and no great harm will have been done.

The amendment to the amendment was not agreed to, and the amendment was rejected.

Mr. GWIN. I wish now to renew the amendment which was rejected as in Committee of the Whole. It is—

"For superintendence, office rent, labor, and contingent expenses connected with the construction of the floating dry-dock in the Bay of San Francisco, \$13,500."

This dock has been shipped to California, and unless a superintendent is appointed to go there and receive it on the part of the Government, it will remain on ship-board. The demurrage that will accrue on the dock lying there, waiting for an officer of the United States to receive it, will be about \$800 a day, or at the rate of \$300,000 a year. The object of this amendment is, to pay the expenses of an officer to superintend the putting together and receiving of the dock when it gets there. It is to be done by a person of experience in building these docks, and not by a naval officer. The gentleman whom the Department proposes to send, has superintended the building of docks of this description heretofore, and he is very familiar with the whole subject.

Mr. BRODHEAD. I still persist in my opposition to this amendment. These contractors have a second contract, which has been entered into with them by the Navy Department, by which they are allowed to use the dock for three years. How can they use it unless it is put together?

Mr. GWIN. They will never put it up so long as they can get \$800 a day demurrage.

Mr. BRODHEAD. We have officers of the Navy enough, who have nothing else to do, who can superintend this matter; and if officers of the Navy cannot superintend it who will? We have plenty of those officers out of employment, and they can very easily be sent to California for this purpose.

Mr. WALKER. I wish to ask the Senator from California a question in regard to this matter, for I desire to vote understandingly. Have the contractors to build this dock agreed to deliver it at the place where it is to float?

Mr. GWIN. They are to deliver the materials there; but this is to see that they are properly put together.

Mr. RUSK. There seems to be a disposition in regard to this matter that I am very sorry to see. I do not look upon this appropriation as going to the contractors.

Mr. GWIN. It does not.

Mr. RUSK. It is an appropriation asked for

by the Navy Department, in order to enable them to take care of the property of the United States.

Mr. MILLER. Will the Senator from California permit me to ask him whether that recommendation was not made before the leasing out of the dock?

Mr. GWIN. It has no reference at all to the leasing of the dock. The dock cannot be used by the contractors under their lease until after it is put together and put afloat.

Mr. CHASE. I have an amendment to offer to the amendment, which I think will reconcile all difficulties. It is to insert, instead of the amendment of the Senator from California, the following:

That the Secretary of the Navy be, and he is hereby, directed to appoint some suitable naval officer, to receive and superintend the construction of the floating dry-dock in California.

Mr. BADGER. There is no necessity for that amendment; for, unless some provision is made, the Secretary of the Navy would direct an officer of the Navy to attend to it.

Mr. CHASE. I understood the Senator from California to state, that unless some person was appointed to superintend the putting together and reception of this dock, demurrage would be charged, which would amount to a great deal more than the salary of the officer. If that be the whole object to be accomplished, undoubtedly it will be accomplished by this amendment, and no difficulty whatever can arise in any quarter. I hope, therefore, that my amendment will be adopted.

Mr. RUSK. The authority which would be conveyed by the amendment of the Senator from Ohio already exists. The object is to send out a person to take care of the Government property in California. The Navy Department has made an estimate for it, and, as I understand, this is recommended by the Naval Committee of this body. Under such circumstances, it seems to me to be strange, passing strange, that there should be any opposition to it. I know the appropriations asked for California are large, and necessarily they must be large. Prices of labor and everything else there are high; but look at the returns which are received from California. The appropriations for California in the aggregate from the Treasury of the United States seem to be large, but the returns to the general prosperity of the United States from California are also large. She is a new State laboring under difficulties, away from your protecting arm in case of emergency. I trust and hope that this exercise of economy will be commenced with reference to those who have the physical force of the United States at hand to defend them, and will not be extended further to California. I know nothing about this business, but the recommendation of the Secretary of the Navy, the recommendation of the Naval Committee of this body who have had it under investigation, and my obligations to the people of California to protect them, require me to vote for this proposition. I cannot, under my sense of duty, vote against it.

Mr. ATCHISON. If this were an appropriation for the benefit of California, and a necessary one, I would be the last man to say a word against it; but this appropriation is not for the benefit of California. It is for the benefit of some person who will be appointed to superintend the putting together of this dry-dock. The question now resolves itself into this: Is there no officer in the Navy at the disposition of the Government, who has capacity, and understanding, and common sense enough to superintend this work?

Mr. GWIN. I would ask the Senator whether any officer of the Navy has ever been appointed to superintend either of the dry-docks, of this description, which have been built in the United States?

Mr. ATCHISON. I do not know anything about that.

Mr. GWIN. I know that naval officers have not superintended the putting together of these docks.

Mr. ATCHISON. I know this: that you have a naval officer at every naval depôt and navy yard in the United States, who superintends the building of vessels.

Mr. GWIN. The naval constructors attend to that.

Mr. ATCHISON. Well, the officers of the



Navy in command of the yard superintendent it. I think the proposition of the Senator from Ohio to be entirely unnecessary, because the Secretary of the Navy can now order a naval officer there to superintend the construction of this dock, and that without any additional cost. I am willing to vote this money to the State of California, if you will give me a pretext for it. I am willing to vote this money for the benefit of the people of California, but not to enable the Secretary of the Navy to appoint a special agent, and give him \$13,500 for this job, when it can be done by an officer of the Navy as well as by any superintendent outside of the Navy.

Mr. GWIN. The Secretary of the Navy has himself spoken on this subject, in his recommendation. If there was any officer of the Navy who could have superintended the work, he would have selected that officer. If officers of the Navy were competent to superintend the putting together of a dock of this description, they would have been employed. And let me say to the Senator from Missouri—for I know he is not disposed to strike down my country as some are—that the very gentleman who is to be appointed is well skilled in the business for which he has been selected; and allow me to say more, that he is of the same party with the gentleman from Missouri himself, and is eminently qualified for the station. He is an entire stranger to me; but I know his capacity. If an officer of the Navy was to be designated for the service, you would have to pay him extra compensation; and it is absolutely necessary, in putting this dock together, that a man of skill and experience in such structures should be employed. I leave it to the Senator from Rhode Island, who sits nearest me, [Mr. JAMES,] if a dock of this kind, under the superintendence of an individual ignorant of it, might not be ruined? The object is to have a man skilled in this duty. The Secretary of the Navy has recommended a man who is eminently qualified for it.

Mr. MANGUM. I rise to make another appeal to the Senate, to bring these debates to a close, and to appeal to my honorable friend from Missouri to withdraw his opposition, as this officer is to be of the same party with himself.

Mr. ATCHISON. I am decidedly opposed to this system of buying up the Democracy by such things, if such be the case. [Laughter.]

Mr. DAWSON. I desire to propound a question to the honorable Senator from California. I would ask him whether, in every instance, some naval officer, or some engineer in the Navy, has not been appointed to superintend the putting together of these dry-docks? Have not Mr. Baldwin and Mr. Sanger, and other engineers of the Navy, who have been educated for the purpose, invariably been designated as the proper persons to attend to these matters? I understand that to be so; and if it be so, what is the necessity for the amendment of the Senator from California? Why not rely on the judgment and knowledge and intelligence of those who belong to the service of the United States, and who have been educated to protect the interests of the United States? When a structure of this kind is about to be completed, why should we cut them off from an opportunity of showing that they have availed themselves of the means which we have afforded to them of perfecting themselves in their business? When you can have the work done by your own officers, who have been educated for the purpose, what is the necessity of calling in other parties? I understand that the dry-docks which have been constructed heretofore have been under the superintendence of civil engineers belonging to the Navy—of Mr. Baldwin, Mr. Sanger, and Mr. Heron. And when a controversy arose with regard to the Pensacola dock, between the superintendent and the builder, the matter of controversy was referred to Major Chase, of the service of the United States. As I do not belong to the Naval Committee, I am uninformed about these matters; but I desire that the best intelligence of the country, and that which is at the command of the Government, should be brought into action whenever such a great undertaking as this is about to be accomplished.

Mr. GWIN. I can answer the Senator in a moment. Certainly these civil engineers have been appointed to superintend the construction of these docks. So this dock has been constructed in New York under the supervision of the Chief Engineer of the Navy, General Stuart, precisely

as the other docks. It is now on its way to California, and it is to be put together there. The object is to have a proper person to attend to the interests of the United States in putting it together.

Mr. DAWSON. My inquiry is, why cannot these scientific gentlemen, belonging to the service of the United States, go to that point and see that it is put up properly? Why not let the officer of the Navy who has been connected with the transaction from the beginning, attend to it? Why not let him carry out the work completely?

But it seems to be intimated that the object is to create an office, and it is said that some competent gentleman, belonging to the same party to which the gentlemen from California and Missouri belong, is to have the office. I do not care for that, but the question is, whether any man taken from civil society is as competent to see this work properly executed as one raised for the purpose, and why such an imputation should be thrown upon the engineer corps as to supercede them in such a work as this.

Mr. GWIN. The gentleman who is to be the superintendent is an engineer.

Mr. DAWSON. But he does not belong to the Engineer Corps of the United States. Why should we not send out those who are at our service, instead of paying \$13,500 for an individual outside of the service? My object is to see justice done to those who are in the employ of the Government. I do not wish to see them thrust aside for those in civil life when a work of this kind is to be carried on.

Mr. HUNTER. I hope the Senate will dispose of this bill now. The light-house bill yet remains, and it is important that this bill should be acted upon immediately.

Mr. CASS. Does not every Senator understand this subject now? Why should gentlemen be discussing it at length? It is a waste of time to be doing so.

Mr. GWIN. I am sorry that the Senator from Georgia did not get his information from the Secretary of the Navy, who has sent an estimate here for this, and who has asked for an appropriation to employ the individual who has been employed on the same service in one of the other navy-yards.

The amendment of Mr. CHASE to the amendment of Mr. GWIN was agreed to.

Mr. CASS. I do not see any use of the amendment as it now stands. The Secretary of the Navy can employ an officer of the Navy if he chooses to do so without any special authority in this bill for that purpose.

The amendment as amended was agreed to.

The amendments were then ordered to be engrossed and the bill read a third time, and, being engrossed, the bill was read a third time and passed.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, made in compliance with a resolution of the Senate, respecting the printing, binding, and advertising executed for or by order of that Department; which was ordered to lie on the table and be printed.

Also, a report of the Acting Secretary of the Treasury, showing the payments made to General Winfield Scott and General Franklin Pierce respectively, as required by a resolution of the Senate; which, on motion by Mr. MERIWETHER, was ordered to lie on the table and be printed.

Also, a report of the Acting Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a statement of sums of money paid to persons claiming the same under the act of 8th August, 1846, as duties illegally exacted; which was ordered to lie on the table and be printed.

Mr. SOULE, from the Committee on Commerce, to which was referred the bill to regulate and fix the annual salary of the American Consul at the city of Amsterdam, reported the same without amendment.

The Senate proceeded to consider the said bill as in Committee of the Whole; and, On motion by Mr. SOULE, it was

Ordered, That it lie on the table.

#### FRAUDS AGAINST THE REVENUE.

Mr. JAMES submitted the following resolution for consideration:

*Resolved*, That a select committee, to consist of five members, be appointed by the President *pro tempore*, who shall be empowered to sit during the recess, at such times and places as they may deem necessary, and to examine, under oath, such persons as may be required, and generally to investigate the mode and manner of importations of merchandise into the United States, with a view of ascertaining whether any and what frauds have been committed or practiced against the revenue laws of the United States, and that said committee make report of their proceedings during the next session of Congress.

#### COMMITTEE ON ENROLLED BILLS.

On motion by Mr. BADGER, it was

Ordered, That two additional members be appointed on the Committee on Enrolled Bills, and that the appointment be made by the President *pro tempore*; and

Mr. MERIWETHER and Mr. HALE were appointed.

#### LIGHT-HOUSE BILL.

Mr. HAMLIN. I move to postpone the prior orders, for the purpose of taking up the bill from the House making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

Mr. MASON. I hope the Senate will not agree to that, because it is indispensably necessary that we should have an Executive session. I have desired for several days to obtain one; and if this motion is now voted down, I shall move to proceed to the consideration of Executive business.

Mr. BRIGHT. I hope neither of those propositions will be agreed to, but that the Senate will proceed to the consideration of the homestead bill. I feel it to be my duty to call the attention of the Senate to that bill, and to insist on its being taken up.

Mr. HAMLIN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HAMLIN. The Committee on Commerce have directed me to report this bill, with various amendments. The first is to strike out the clause under the heading of Maine—

"For a light-house on the Nubble, Cape Neddick, York, \$5,000"—

and insert in lieu thereof—

"For a light-house at the easterly end of the thoroughfare between North Haven and Vinal Haven, or Heron Neck, as the Department shall determine, \$5,000."

That proposes simply to authorize the Secretary of the Treasury to put a light-house upon the neck instead of another point on the other side of the bay.

The amendment was agreed to.

Mr. HAMLIN. The next amendment of the committee is to insert the following:

"For the erection of a harbor-light, on a point of land lying west of the entrance of Buck's Harbor, at Brooksville, \$3,500.

"For the erection of beacons, buoys, and spindles between Owl's Head and White Head light-houses, through Muscle Ridge Channel, \$4,000.

"For repairing and constructing the stone beacon on Penobscot river, \$3,000."

The amendments were agreed to.

Mr. HAMLIN. The next amendments of the committee are to insert the following:

"For six hollow iron buoys for the waters of Cape Fear, \$1,320.

"For one buoy in New Inlet, Great Egg Harbor, and three in Hartford, \$200.

"For a bell, to be placed on one of the light-boats in Chesapeake Bay, to be designated by the Secretary of the Treasury, \$200.

"For the erection of a light-house at Santa Cruz, California, \$30,000.

"For the completion of light-houses in California and Oregon, \$120,000.

"For light boats and other means for rendering assistance to direct mariners and others on the coasts of the United States, to be expended under the control and direction of the Secretary of the Treasury, \$10,000.

"For testing the apparatus of Wilson & Masha for illuminating light-houses, \$1,000, to be expended under the direction of the Secretary of the Treasury."

The amendments were agreed to.

Mr. HAMLIN. The next amendment is to strike out of the following section the words, "under the fifth section of this act:"

"Sec. 7. And be it further enacted, That all such reports shall, as speedily as may be, be laid before the Secretary of the Treasury, and if such as to authorize the work without further legislation, he shall forthwith proceed with it, otherwise such reports shall be laid before Congress at the next ensuing session; but in all cases where the person designated by the Secretary of the Treasury under the fifth section of this act, does not report such preliminary examination as expedient, the provisions of this act shall, without delay, be carried into execution."

The amendment was agreed to.

Mr. HAMLIN. The next amendment is to insert the following in the bill:

"For constructing three small harbor light-houses in Galveston Bay, to wit: one at Red fish Bar, one at Clopper's Bar, and one at Half-moon Shoal, \$5,000, in addition to the \$30,000 already appropriated for the light-house on Red fish Bar."

The amendment was agreed to.

Mr. HAMLIN. The next is to insert—

"For the removal of the light-house at Milwaukee, and rebuilding the same at or on the north point of Milwaukee Bay, \$5,000."

The amendment was agreed to.

Mr. HAMLIN. The next amendment to the bill is to strike out sections five and six—

"Sec. 5. *And be it further enacted*, That if such person as the Secretary of the Treasury shall designate, shall report in any of the cases herein provided for, that preliminary surveys are necessary to determine the site of a proposed light-house or light-boat, beacon or buoy, or to ascertain more fully what the public exigency demands, the Secretary of the Treasury shall thereupon direct the Superintendent of the Survey of the Coast of the United States, to perform such duty on the sea-board, and the Colonel of the Corps of Topographical Engineers to perform such duty on the northwestern lakes.

"Sec. 6. *And be it further enacted*, That the officers so directed shall forthwith enter upon the discharge of the duty, and after fully ascertaining the facts shall report, first, whether the proposed facility to navigation is the most suitable for the exigency which exists; and second, where it should be placed if the interest of commerce demand it; third, if the thing proposed be not the most suitable, whether it is expedient to make any other kind of improvement; fourth, whether the proposed light has any connection with other lights, and if so, whether it cannot be so located as to subserve both the general and the local wants of trade and navigation; and fifth, whether there be any, and if any, what other facts of importance touching the subject."

and insert in lieu thereof, the following:

"Sec. —. *And be it further enacted*, That the Secretary of the Treasury shall cause a preliminary examination to be made of the site or location of each new light-house and light boat herein provided for; and if upon such examination and report thereon he shall be of the opinion that the work is inexpedient, then said work shall be suspended, until Congress shall otherwise order."

Mr. WELLER. I think the sections proposed to be stricken out are better than the one to be inserted, and I hope, therefore, the amendment will not be agreed to. It seems to me that there is a propriety in having the information contemplated by those sections.

Mr. CASS. I think there is no doubt that this whole system of light-houses has outgrown itself. I suppose that every Senator is aware that there are many light-houses in places where they are not wanted. Too much legislation has been made without a proper knowledge of facts. Gentlemen have got up here, and when a bill was being put hastily through, inserted appropriations for light-houses where they were not wanted.

Mr. WELLER. There are appropriations in this bill for removing light-houses.

Mr. CASS. I know it. It strikes me, therefore, that we are beginning at the wrong end when we make appropriations first and then authorize an inquiry to ascertain whether they are proper. There is a defect, it seems to me, in the whole system. We want a radical change in it. It is proper to have the Fifth Auditor of the Treasury to check the accounts; but you want, beforehand, competent, scientific men to whom all questions concerning the location, &c., of light-houses should be committed. You would then have a just and economical system, which you have not now.

Mr. WELLER. That is my idea exactly.

Mr. HAMLIN. I do not think it of much importance whether the sections are stricken out and the one which has been reported adopted in their place, or not.

Mr. WELLER. Then withdraw the amendment.

Mr. HAMLIN. No, sir. I shall not withdraw it, because I think it will improve the bill. It is more direct; it is more certain. The sections proposed to be stricken out are complicated, referring the matter to the Coast Survey and Light-House Board, while the one which the committee propose to insert, makes it the simple duty of the Secretary of the Treasury to act in such a way as he thinks just and proper. The next amendment which I have to offer is a material one, and will meet with the views of the Senator from Michigan; it is to strike out all after the seventh section which refers to the organization of a Light-House Board. When that comes up, I shall briefly state my views upon it.

The amendment was not agreed to.

Mr. HAMLIN. The next amendment is to strike out all after the seventh section of the bill, as follows:

"Sec. 8. *And be it further enacted*, That the President be, and he is hereby, authorized and required to appoint, immediately after the passage of this act, two officers of the Navy, of high rank, one officer of the corps of Engineers of the Army, one officer of the corps of Topographical Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, and an officer of the Navy, and an officer of Engineers of the Army, as secretaries, who shall constitute the Light-House Board of the United States, and shall have power to adopt such rules and regulations for the government of their meetings, as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all the administrative duties of said office relating to the construction, illumination, inspection, and superintendence, of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies and materials of all kinds for building and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States.

"Sec. 9. *And be it further enacted*, That the Secretary of the Treasury shall be *ex officio* President of the Light-House Board of the United States; and the said board, at their first meeting, shall proceed to ballot for one of their members as chairman, and the member who shall receive the majority of ballots of the whole board, shall be declared by the president to be chairman of the Light-House Board, who shall, in the absence of the president of the board, preside over their meetings, and do and perform such acts as may be required by the rules of the board.

"Sec. 10. *And be it further enacted*, That the Light-House Board shall meet four times in each year for the transaction of general and special business, each meeting to commence on the first Monday in March, June, September, and December; and that the Secretary of the Treasury is hereby authorized to convene the Light-House Board whenever, in his judgment, the exigencies of the service may require it.

"Sec. 11. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, required to cause such clerks as are now employed on light-house duties in the Treasury Department, to be transferred to the Light-House Board without any change of salaries, and to provide the necessary accommodations for the secretaries and clerks, for the preservation of the archives, models, drawings, &c., &c., and for holding the meetings of the board; and that he cause to be transferred to the proper officers of the Light-House Board, all the archives, books, documents, drawings, models, returns, apparatus, &c., &c., belonging to the light-house establishment of the United States.

"Sec. 12. *And be it further enacted*, That it shall be the duty of the Light-House Board, immediately after being organized, to arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number; and the President is hereby authorized and required to direct that an officer of the Army or Navy assigned to each district, as a light-house inspector, subject to and under the orders of the Light-House Board, who shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile when traveling under orders connected with his duties.

"Sec. 13. *And be it further enacted*, That the said Light-House Board, by and with the consent and approbation of the Secretary of the Treasury, be authorized and required to cause to be prepared and distributed among the light-keepers, inspectors, and others, employed in the light-house establishment, such rules, regulations, and instructions, as shall be necessary for securing an efficient, uniform, and economical system of administering the light-house establishment of the United States, and to secure responsibility from them; which rules, regulations, and instructions, when approved, shall be respected and obeyed until altered and annulled by the same authority.

"Sec. 14. *And be it further enacted*, That it shall be the duty of the Light-House Board to cause to be prepared by the engineer, secretary of the board, or by such officer or engineer of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the light-house establishment; and no bid or contract shall be accepted or entered into, except upon the decision of the board at a regular or special meeting, and through their properly-authorized officer.

"Sec. 15. *And be it further enacted*, That hereafter all materials for the construction and repair of light-houses, light-vessels, beacons, buoys, &c., shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury; and all works of construction, renovation, and repair, shall be made by the orders of the board, under the immediate superintendence of their engineer, secretary, or such engineer of the Army as may be detailed for that purpose.

"Sec. 16. *And be it further enacted*, That it shall be the duty of the Light-House Board to furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session.

"Sec. 17. *And be it further enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed, and all acts, and parts of acts, relating to the light-house establishment of the United States, not inconsistent with the provisions of this act, and necessary to enable the Light-House Board, under the superintendence of the Secretary of the Treasury, to perform all duties

relating to the management, construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their accessories, including the procuring and testing of apparatus, supplies, and materials of all kinds for illuminating, building, and rebuilding, when necessary, maintaining and keeping in good repair the light-houses, light-vessels, beacons, buoys, and sea-marks of the United States; and the second and third sections of the act making appropriations for light-houses, light-vessels, buoys, &c., approved March 3d, 1851, are hereby declared to be in full force, and shall have the same effect as though this act had not passed: *Provided*, That no additional salary shall be allowed to any civil, military, or naval officer, who shall be employed on the Light-House Board, or who may be in any manner attached to the light-house service of the United States under this act: *And provided further*, That it shall not be lawful for any member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, to be engaged, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, nor to possess, either as principal or agent, any pecuniary interests in any patents, plan, or mode of construction, or illumination, or in any article of supply for the light-house service of the United States."

It will be seen by reading the provisions contained in that bill, which it is proposed to strike out, that they contain the frame-work of the Light-House Board. I concur most fully in what fell from the Senator from Michigan, a few moments since, that our present light-house system has outgrown the present organization. I believe I express the unanimous opinion of the Committee on Commerce, when I say, that they concur with me in that opinion; and I believe I also express the opinion of the committee as unanimous, when I say, that they deem it unadvisable now to take a plan which has been reported, as yet, by no committee; which is looking at a system that will make it as expensive as the English system in a very few years, and which, if adopted now, must be adopted here without investigation, without discussion, and without that preliminary examination which is necessary for such a subject. It is the purpose of the Committee on Commerce to let these sections be stricken out, and at another session of Congress to report a bill more in detail, which shall remove some of the objections which, in their opinion, exist to these sections, and which they would have done at this late hour if it could have received that attention before the Senate which they believe it merits. For these reasons it was believed by your committee that it was better to strike out these sections, rather than prematurely adopt such a system. I do not propose to discuss the question now. I do not propose to go into the details of it; but I ask the Senate carefully to consider, whether it is not better to postpone this matter until it can receive the sanction of its own committee? I ask the Senate if it is not better, if it is not more proper, that our legislation should be marked by such a course, than by the outside pressure of Army and Navy officers, for I see them all around me now. I am for a board, but I am not for one that is to be controlled altogether by Army and Navy officers. I am for incorporating in it as many scientific officers as are necessary, but I am not for a system that shall be built up and placed solely under their control. I will, at the proper time, aid most cheerfully and fully in perfecting a board which shall meet the approval of Senators.

Mr. CASS. As to the external pressure here I have only to say, that I have not talked with an Army or Navy officer on this subject on the floor of the Senate. There is a great deal of reason in what the Senator says. I think the present system is wrong. I know there ought to be a change now. I know the system has outgrown the present means of controlling it. But if the honorable chairman of the Committee on Commerce and the committee are disposed at the next session to take up the subject, and give us a proper system, I am disposed to submit to that.

Mr. WELLER. We had better begin now.

Mr. DAVIS. If nobody else brings forward at the next session a bill to remedy the system, I shall. I pledge myself to do it.

Mr. HAMLIN. I will take up the subject and present a bill, and concur with the Senator most cordially in perfecting the system.

Mr. CASS. So far as respects the board, I would not put two civilians upon it. I do not think it necessary. We had better go to the officers of the Army and Navy, who are already paid, and take the members of the board from them.

Mr. DAVIS. I have bestowed some attention upon this subject. Some years ago I made a re-

port to the Senate, in which I threw out the idea that a system could be adopted, simple in its character, inexpensive, and yet efficient. I think so still; but, as the Senator from Maine observes, although the subject has been in the hands of two committees—one in the House and one in the Senate—and although the Light-House Board, appointed under the act of last session, has written a book of some seven hundred or eight hundred pages upon it, neither of these committees is prepared to report upon the subject. The sections which we propose to strike out were inserted in the bill by the House of Representatives on the motion of some gentleman who had given his attention to the subject. I think we had better wait and mature a bill which may be something like a measure, economical, just, and efficient in its character; and for that further time is necessary.

Mr. PEARCE. The next session will be of three months' duration. I understand that this bill was drawn up by the Light-House Board, and laid before the Committee on Commerce three months ago. They have therefore had the same time for consideration at this session which they can command at the next. This being the case, I hope the Senate will not postpone their action on the subject. Upon that committee is the Senator from Massachusetts, [Mr. DAVIS,] who, as he has said, paid attention to the subject many years ago. I think as far back as fourteen years, that Senator made a report upon this subject, in which he shows quite satisfactorily the inefficiency of the present system. The Light-House Board, which was constituted at the last session of Congress, have examined the subject, and have made a report to us. No one can read that report without coming to the conclusion that our system is a wretched one. It has seldom availed itself of any of the improvements that have been adopted in other countries. If improvements have been adopted, they have for the most part been forced upon it by legislative action, as when, by an act of Congress, we adopted the lens lights in some of our northern light-houses. It is admitted, not only by the Light-House Board, but by the report made years ago, by the late Secretary of the Treasury, and by gentlemen admirably qualified to determine upon the subject—such as Professor Pierce, of Harvard—that it does not secure efficiency in the lights; that it does not compare in economy even with the light-house systems of other countries, and does not supply the requirements of navigation and commerce. The light-houses themselves are not constructed properly. I see it stated that some of the best light-houses in the United States are those which were constructed by the British Government before the Revolution. The light-house at Sandy Hook, for instance, was built in 1762, and is now standing a permanent structure, while light-houses which have been built under the present system, since 1838, have fallen down. This was the case in four instances during the last year. The Board reports that they were deficient in construction, and I see in the defense of the present Fifth Auditor what is enough to satisfy me that the bricks and mortar are not put together in the manner obviously proper. Then the lights used are not improved. They are not those which secure the greatest supply of the light which may be derived from the consumption of so much oil. They have adopted in England, France, Russia, Sweden, and other places, the lens system. In a common light, unaided, twenty-nine thirtieths of the light is lost by its going off into the atmosphere or striking into the earth, only one thirtieth passing along the horizon so as to meet the eye of the navigator. That is the loss of illumination in the unaided light. The reflecting lights lose twenty-five thirtieths. Under the dioptric or refracting system, where the lens is used instead of reflectors, there is a loss of but five thirtieths of light. So that the superiority of the lens over the reflector is in the same proportion as that of the reflector to the unaided light. That is an important consideration, for it is highly desirable to have the greatest intensity of light in most cases. In the reflector lights you are often compelled to use many lamps. Of course there is a much larger consumption of oil, which is an important economical consideration.

I see that this report of the Light-House Board gives the summing up of the whole affair, in regard to our system, a part of which I will read, instead of giving it in my own language. They say:

"That the towers and buildings have not been constructed in general of the best materials, nor under the care and supervision of competent or faithful engineers.

"That the want of professional knowledge of the materials, mortars, cements, &c., &c., for the construction and repairs, or faithfulness on the part of those charged with the duty, was apparent in nearly all the modern towers and buildings visited by the Board.

"That the present large sums annually required for renewing, renovating, and repairing towers and buildings, are the consequence of the want of an efficient organization, which could afford the necessary professional ability for plans, drawings, and superintending of constructions and repairs.

"That the towers are deficient in the necessary proper accommodations for oil and other supplies; in the mode of fitting them up, and in the materials employed for the interior work; and the buildings ill adapted to the comfortable accommodation of the keepers.

"That the lanterns are, as a general rule, of improper dimensions, constructed of ill adapted, and, in the end, not economical materials, without professional or scientific skill; and, in many instances, not suited to the use for which they are designed.

"That there is no proper system of ventilation for lanterns.

"That the means said to be employed for ventilating, are wholly inadequate, and contrary to true scientific principles.

"That there is very little attention paid to the painting of the interior of the lanterns and astragals, and in glazing.

"That, under a well-organized system, the lights, and other aids to navigation, might be greatly increased in number and efficiency, at a large saving upon the present annual cost.

"That there has never been an efficient systematic plan of construction, illumination, inspection, and superintendence of lights, &c., &c., in the United States."

We know well how the superintending of these light-houses is carried on. The collectors of the customs have charge of them. They get some two and a half per cent. on the disbursements, amounting to about \$400 per annum, and not exceeding that by law. These collectors are not selected with reference to their knowledge of this subject or their capacity to understand the system which is best in economy and efficiency. They may be efficient men as collectors, and inefficient as regards the duty of superintending the lights. Their inspection amounts to little or nothing in point of fact. I know that occasionally they go down the bay, or on the coast, on a fishing party, take a glance at the lights, ask a few questions of the keepers, and do no more. They suggest few or no improvements in the lights. You must, then, have proper persons—persons capable of instructing the light-keepers as to their duties, and seeing that they perform them satisfactorily—persons who in fact understand the whole system, from the construction of the building down to the scientific principles which regulate the construction of the burners. But this Light-House Board, in their report, state further, that the lights are not well distributed, or properly and sufficiently well distinguished along the coast.

I think in one place they are called a nuisance, because they interfere with each other, and confuse mariners who are not thoroughly acquainted with the coast—foreign navigators, or those of our own country who are not familiar with the locality. Indeed, under the reflecting system it is not possible to adopt the same method of distinguishing the lights as is applied so satisfactorily to the lens apparatus in France and elsewhere.

Again, the Light-House Board say:

"That many of the small lights have an unnecessary number of lamps and reflectors, while sea-coast lights are greatly deficient in them."

They say, further:

"That the buoys in the harbors of the United States are defective in size and shape, and deficient, as a general rule; and that sufficient care is not taken, nor competent persons employed, to place, moor, and replace them."

They say, in another place:

"That the light-vessels are, in general, not adapted to the service they are required to perform, being defective in size, model, and moorings."

They are not properly moored, and are, consequently, often carried away. We hardly ever hear of such a thing as a light-boat being carried away on the coast of England. Here they are carried away, and not replaced for some time, and, in the mean while, comes the mariner in the midst of a storm, and is lost for want of a proper and efficient organization of the system.

I will not detain the Senate by going over all the items to which this report alludes; but if the Senate had patience to listen, I could refer to the testimony of such men as Sir David Brewster, to show how infinitely the system we desire to establish is superior to the present one. So the report of the Senator from Massachusetts himself,

to which I have alluded, and which is full of practical information on the subject, is the best answer to the proposition which he now makes, to let this subject go over until the next session. It is fourteen years since the subject was agitated, and we have scarcely advanced an inch.

Mr. DAVIS. The Senator is greatly mistaken.

Mr. PEARCE. I know that we have improved the reflectors, but we have scarcely made any advance towards the adoption of the more perfect lens system, and in other respects are behind the improvements of other countries. We have established three of these improved lights only. How many light-houses have we? Between two and three hundred.

Mr. DAVIS. Nearly three hundred.

Mr. PEARCE. Nearly three hundred, and we have appeared only three of the improved lights. Then in regard to the cost, I understand that a lens of the first class burns about five hundred and seventy gallons of oil in a year, and an equivalent light reflector burns perhaps between double and triple that amount. So the second order of lens burns three hundred and forty gallons, and an equivalent reflector burns a much greater quantity. Here is what Sir David Brewster says, in speaking of these lenses:

"If these twenty-four reflectors are arranged in groups of six, then the brightest light which at any one time reaches the eye is that of six reflectors, which is repeated four times in each revolution; whereas in the lens apparatus we have a light equal to nine reflectors repeated eight times during each revolution, besides the additional light of the eight smaller lenses, and that of the other pieces of apparatus. Hence it was demonstrable that the lens apparatus is not only £413, or eventually £513, cheaper than the reflector apparatus, but gives a more intense and penetrating light."

I think, therefore, it will be admitted, without reading further extracts to the Senate, that an improvement is desirable in our light-house system, and that this is not likely to be effected under its present administration, which is admitted on all hands to be defective. This bill is not likely to increase the expense greatly. It is not proposed to give any additional pay to the officers who serve on the board. It is not proposed to give any pay at all to the civilians. I believe it is known that civilians can be obtained to serve without charge. Then it must be considered that there are at present about forty inspectors of lights, and their pay, if they all receive the maximum, at \$400 each, is \$16,000 per annum. This sum will more than pay all the expenses of the board, because we have Army and Navy officers who will receive no increased pay for their duties on the board. I suppose, of course, the traveling expenses will be allowed, but if so, they will be at the rate which they get in the regular service. I hope, therefore, the proposition to strike out these sections will not be agreed to.

Mr. TOLUCEY. It is to be regretted that important measures cannot be brought before Congress until the close of the session, and that we are compelled, therefore, to embrace the occasion to adopt such reforms and improvements as the exigencies of the public service demand. I think there is but one opinion, that our present system is behind the age; that it needs reform; that it needs to be brought up to the standard of modern improvements and discoveries. I am entirely in favor of the plan of introducing a board composed of competent, skillful, and learned men upon this subject, and of revising the system, which has fallen so much behind the times. I am not disposed to go into the details of the system now. Although no Senate committee or committee of the House may have been ready to report upon the subject, yet the House has reported and has presented us a bill. That bill presents to us an important public measure—one which commends itself to my judgment and to my support. I therefore shall vote to retain these sections in the bill and concur with the House of Representatives, so that the system which they propose may be adopted; and at the next session, if any defects should be found in its details, or any errors in the form which it may assume, I shall be under an obligation, as a member of this body, to the Committee on Commerce if they will bring forward such amendments as may be necessary. In the mean time, however, I propose to take the measure as it is.

Mr. DAVIS. I appeal to the honorable Senator from Connecticut whether any such emergency has sprung up in the system under which we have lived for half a century as to make it necessary to



adopt a complicated bill without considering the subject at all. That is the effect of this step. What fell from my learned friend from Maryland [Mr. PEARCE] shows how complicated the subject is, how many grave considerations are involved in it, and how necessary it is to examine it before it can be understood. I think the Senator is mistaken in several particulars. He says that we ought to adopt the lenticular system more extensively than we do. He contends that it is economy to have the lenses, and he proves that by showing that the amount of oil consumed in the lenticular lamp is less than the amount consumed in the reflector. That is true; but then see how readily the reflector light accommodates itself to our system. When the Light-House Board made these comparisons, they assumed that the whole horizon is to be lighted. The lenticular lamp can light no less than the whole horizon. It cannot be diminished. The whole quantity of oil must be used, whatever the amount of light wanted is, while, on the other hand, as every reflector has its own lamp, every reflector you take from the light diminishes so much the expense. The board dwell upon a comparison which does not apply to the general system of lights, for this reason: In a very large portion of the lights upon the coast of the United States, it is necessary to light but one half of the horizon. Therefore these comparative expenditures do not come justly into the consideration of this business at all, unless you found it upon the actual state of things.

But the Senator says our system is deficient—that it is feeble and objectionable. I know what sort of sweeping declarations are put down in the book which he holds up as authority, and I must be permitted to say to the Senate that, after reading it with some attention and care, I cannot find one thing in the present system which that Light-House Board approves of; and yet the Senate well knows that we have had that system for a long time; that we have gone on comfortably under it; and that our commercial community and ship-owners are content with it; although, at the same time, I admit that it may be improved, but it will have to be improved at an expense. The idea of economy is preposterous, upon the supposition which is made by those who introduced these sections into the bill. We build a light-house, and we put reflectors in it for some \$3,000 or \$4,000. That is the common grant made to set up a light-house and light it. Now, you cannot purchase a set of lenses for less than about \$6,000; and has it ever occurred to the Senate that there is not a manufactory of these lenses on earth, except those which are set up by the French Government? And are we to be dependent on the French Government for every light we burn? Is that a sound or just view of the subject? I admit the great importance of the lenses; I admit their great power; and I would heartily go with my friend, or any other gentleman, to establish lenses of the first order upon the great points which jut out into the sea, where vessels first make the land. Those great leading points ought to have the best lights, regardless of expense; but when you go into questions of expenditure, it must be admitted that it takes a much greater portion of labor to superintend and take care of the lenses than it does in the case of the common reflectors. I see that this very board censure the Fifth Auditor for having an unnecessary number of men superintending the lenticular lights at New York. Now, I happen to know personally, that the Frenchman who was sent over by the manufacturers to set up those lights, put in, to take charge of them, just the number of men he was directed to put there by those who constructed the lights. It is a notorious fact, that it takes a greater number of men to take charge of these lights than of the reflectors, and I could show you reasons for it if time permitted.

But, without entering into this subject, I think enough has been developed to show that this is a complicated system; that it should be provided for by law with great care, and should be introduced with caution and proper provisions in regard to economy; for you cannot change the lights of the United States into lenticular ones short of an expense of millions of dollars. You would have to alter every lantern. The reflector lanterns are not adapted for lenses. They are not high enough. They are not adapted to the introduction of the machinery necessary for the lenses. The Com-

mittee on Commerce, in my judgment, behaved very wisely when they proposed to postpone this system and go on under the system which has been in operation for years, until we can mature a plan and do it with prudence, precaution, and economy; for you will find any light-house system expensive enough. Let it take what form it may, it will soon increase to double its present expense. You have now near three hundred light-houses. Soon the number will increase to six hundred, and you will find the system burdensome enough at any rate of economy.

I will add one word more. One of the most sagacious men that I know of, and with whom I am acquainted—Mr. Stevenson—who has charge of what is called the Scott's light, has investigated this subject more thoroughly than any other individual living. I see that, in the last book published by him, he gives the preference to the reflector lights in certain positions. Where certain unvarying lights are necessary, as in narrow channels, he says the reflector light has the preference. It is true the lenses give greater light. They throw out more rays, but they are not as well adapted to some stations.

Then it follows that we should have at the head of the system an able and efficient man. One head is better than ten, and an able and efficient man who understands the subject from top to bottom will be able to go into it, and from his knowledge to regulate it according to economy, and according to the position in which the lights should be placed. He should be a man capable to discharge his duties, and he should have a suitable organization under him. But I must say, however respectable these boards are, I never have thought them worth anything. You had a Navy Board, but were obliged to give it up. You had a Census Board, but it did nothing. You had a Board connected with the Patent Office, but who ever heard of it doing anything? I never did. These boards only serve as a shelter to cover some other person who does the business allotted to them. Then I do not see any propriety in limiting such a board as is here proposed to the officers of the Army and Navy. You should take talent wherever you find it. But I do not think this is the time to discuss the subject. I think it had better be postponed until the next session.

Mr. PEARCE. I understand the Senator to say that the cost of a lens light is \$6,000. I suppose that is the first class. But I see a statement in this report on the subject.

Mr. DAVIS. The least cost of those lights which have been brought here is \$10,000.

Mr. PEARCE. I see in this report a comparison of the cost of the lights required to light the harbor of Baltimore:

"It may be useful to compare a few of the smaller lights; and as an example, the Lazaretto light, near Baltimore, may be taken. There are eleven lamps and spherical reflectors in this tower.

"Reported consumption last year 431 gallons of oil.  
"Estimated consumption, according to European standard, 449 gallons.

"United States estimate, 385 gallons.  
"This light is required to light a harbor and the entrance to it of small extent, a visibility not exceeding five to six miles.

"The first cost of the eleven lamps and reflectors, (which require to be renewed frequently,) frame, fitting, &c., independently of spare lamps, burners, &c., will be not less than.....\$350 00

Annual expense for oil, 431 gallons, at \$1 30 per gallon.....560 30  
For chimneys, glasses, and wicks.....12 30

Extra burners, supposed not less than.....5 00

Annual cost.....577 60  
independent of cleaning, powders, rags, &c., &c., not required for a lens light.

"The first cost of a sixth-order lens apparatus, which does not require to be renewed, with three lamps, (two being extra,) and pedestal, &c., complete, estimating five francs to a dollar, will be.....\$252 00

Which is less than the first cost of the reflector light by.....98 00

The consumption of oil per annum, for the lens light, will be 48 gallons, costing.....62 40  
For wicks and chimneys, say.....1 50

.....\$63 90

Mr. DAVIS. This comparison does not give a just view of the subject. It may answer for that little light. The whole of it may be true; but it does not touch the whole subject at all.

Mr. PEARCE. I mentioned that to show that

while the Senator desires to begin the improvement of lights on the sea-coast, it is desirable also, for the sake of economy, to apply them at points where great intensity of light is not so very important—as at the entrance of harbors.

Then as to the organization of the system. I find in the report made by the honorable Senator himself in 1838, some account of the French system. He says:

"The general supervision of light-houses, &c., devolves on the Minister of the Interior; but no new light can be established without the concurrent opinion of this Minister and the Minister of Marine.

Subordinate is a *Commission des Phares*; the members of which, except the Secretary, receive no compensation. It has hitherto consisted of certain civil engineers, employed in the administration of roads and bridges, naval officers, and astronomers, with the late distinguished M. Fresnel, as secretary and chief engineer. The design of such a combination is manifestly to bring to the public service the requisite qualifications to select the best sites, to construct the most suitable buildings, and to bring into use the most perfect and scientific apparatus."

Mr. DAVIS. The Senator will not understand me as recommending that system.

Mr. PEARCE. The Senator introduced it into his report without condemning it, and the concluding sentence seemed to justify the inference of his approval.

The Senator, in his report, quoted Mr. Stevenson and Dr. Brewster, to show "that the lens apparatus is in every respect better and more economical than the reflector apparatus," and admitted the superiority of the French system. But, Mr. President, it does not follow if we establish this board that it is to go to work at once to dismantle all our present light-houses, and charge us with heavy expenditures for new structures and lens lights on all points of the coast where light-houses now stand. I take it that the board will be composed of competent men, who will proceed cautiously, judiciously, and much more systematically than the present administration of lights, from the nature of its organization, can do. I presume that they will have reference to the condition of the revenue, and be limited by the appropriations made by Congress for the purpose; that they will introduce improvements from time to time, and gradually correct the evils of the present system. But I will not detain the Senate further.

Mr. PRATT. I desire to say a word in reference to the propriety of postponing this subject until the next session of Congress. That proceeds upon the hypothesis, as my colleague has said, that the board which you are about to appoint is to set to work at once and do everything wrong. It cannot be maintained unless upon the hypothesis, that the board are not only to proceed to dismantle all the existing light-houses, but to proceed upon an entirely erroneous plan in organizing the new ones. If we adopt this plan now it is manifest to every one that we shall have the ability of the distinguished Senator from Massachusetts at the next session of Congress, for the purpose of maturing, altering, and amending it, if it should be necessary. It is admitted that the present system is entirely wrong. Had we not better, then, make the commencement of a new one by appointing a scientific board for the purpose of examining the subject? If it be found, as it is found in almost every system, necessary to amend it, we shall have time to do so. The sections proposed to be stricken out of the bill were prepared by one of my colleagues in the other House, [Mr. EVANS,] a gentleman of scientific attainments, upon whose judgment, with as much confidence as I have in my friends from Massachusetts and Maine, I for one am willing to rely until experience shows that there is some fault in the system.

The Senator from Massachusetts says that the lights used in the French system are much more expensive; and they are unnecessary, except at some points going out into the sea. His argument, on that account, against the propriety of establishing the board, if it amounts to anything, must go further. He must suppose that that board will do what he says is unnecessary, and put these expensive lights where they are not important to be put. He asks, are we willing to adopt this French system of lighting when there is not a single manufactory of the lenses in this country? Now, I apprehend that if it be necessary to adopt that system, the effect of it will be to establish such a manufactory in our own country, and not to leave us dependent upon the French; for it is unknown in the history of any one thing that was

manufactured by the ingenuity of man, where the Americans have not been able to compete with the rest of the world, when it became necessary. So far from being dependent upon France, if we adopt the system, we shall have manufactories of the article here in a few years, surpassing those which are in France. I can see no possible reason for the postponement of the subject, and I was sorry to hear my friend from Michigan [Mr. Cass] giving in to it, after he had asserted that the system under which we are now acting is wrong.

Mr. DAVIS. If the Senate wants a little forecast of what these boards do, I will refer to the light-house expenses under the English system. I hold in my hand an official letter addressed to the British Government by our Minister at London in 1850 on this subject. He states that "the American mail steamers entering at Liverpool, pay for light dues the sum of £62 for each voyage." That is, every time when one of our mail steamers enters the port of Liverpool she pays \$300 in light dues; and all our shipping pay in that proportion. In the last ten years the English Light-House Board, to support their system, have collected from our commerce upwards of \$1,100,000. I hold the evidence of it in my hand. I do not propose to remedy that; I only state these facts to show that the system is enormously expensive; that it is vastly more expensive than ours, and yet gentlemen wish us to imitate France and England, instead of following the simple customs and usages which belong to our Government. They propose to complicate our system with these boards, after the fashion of the middle ages. I say that your experience with boards tells you that they are inefficient and unnecessary. You want an efficient and responsible head of the system, and nothing else, to carry on your business. We have no time now, I repeat, to organize this system properly. It cannot be done with a proper reference to economy. Where improvements are necessary, I am for them. I am from a commercial part of the country, and I want as good lights as any gentleman. There is not a portion of the country that has more ships and more tonnage afloat than my State of Massachusetts. I am, therefore, the last man to stand in the way of any improvements; but I wish to act deliberately upon this subject, and in a way that I can vindicate my conduct.

Mr. MALLORY. The State which I represent has some fifteen hundred miles of sea-coast, and a dangerous navigation. We have strongly felt, for twenty years, the want of a proper system of lighting our coast. It is one of the most important subjects that can come before Congress. Its importance has been somewhat exemplified by the extraordinary volume which has been published by the Board of Examiners—extraordinary in size, I mean. I have not had time to examine it since it has been submitted to Congress; but the very fact that the Board of Examiners have found it expedient, in order to show the importance of the subject, to publish a volume of that size, proves that we should not hastily adopt legislation of this kind without investigating what they have written. I have had some practical knowledge of light-houses. I have had the control and charge of them. I have procured their oil and appointed their keepers, and have made a practical examination of them for years, and therefore know something of the importance of the subject; and I am free to say, if the lens system is to be adopted generally in our light-houses, the expenditure will be increased in the next ten years to \$3,000,000. I will give an example of the expense of this kind of lights. One of the best light-houses on the coast of America—the light-house at the Tortugas, on the coast of Florida—has been refitted with the first class twenty-one inch lens, with three glasses. Its light can be seen as far as the curvature of the earth will permit. It is pronounced to be one of the best lights in the world. That light cost about \$10,000. A similar apparatus has been put up at the screw-pile light on Carysfort Reef. We have the report of a topographical officer upon that light, and he pronounced it to be one of the best lights in the country. It can be seen as far as the curvature of the earth will permit. I know from an actual inspection of the lights on that coast, that as they are now constructed, they are like great bon-fires upon the ocean as far as they can be seen.

Undoubtedly there are points where the Fresnel lamp is necessary, where we must not count the cost in establishing it. The Fresnel light itself cost, by contract, in France \$10,000 without the structure on which it is placed. We have appropriated \$100,000 for erecting it. We appropriated \$60,000 a few days ago, and \$40,000 have already been expended, making \$100,000. But the cost of the light-houses where they are necessary should not enter into controversy. The money must be expended if they are essential.

I am free to admit that this matter of lighting the coast needs examination and systematizing. But, sir, I can tell you, whatever evidence may be in that book, that there must be other evidence on the subject now in the office of the Fifth Auditor of the Treasury. There must be registers kept there of the opinions of the first ship-masters in the country, which are filed in the custom-houses, showing their opinion of our lights. I have examined some of them. It is a common thing to hear even American ship-masters classify our first-class lights with the first class lights of England and France. There is no comparison in regard to economy. Ours is the most economical system on earth. Not only is it more economical than that of France, but it is much more so than that of England. When a Fresnel light is established, it requires two keepers. They must be mechanics, who understand the machinery of the lights and its working; and you cannot get them for a small salary. They will not serve for \$500 a year, because they can get more elsewhere. The first cost of the lighting of this system will be immense. I grant it is the best system in the end, but in the beginning it is very expensive.

Mr. DAVIS. Will the Senator allow me to make a suggestion? Since the introduction of the reflectors at Boston, reflectors have been exceedingly well made in this country—as well as in any other, and more economically.

Mr. MALLORY. Yes, sir; we have the best reflectors which are used, and they show you the light as far as the curvature of the earth will permit. There is no urgent necessity for adopting the system proposed by the House. There is no urgent necessity for the board; and it seems to me to be very strange, when such is the case, that we are called upon, without any examination of the report—without having an opportunity to examine it, hastily to adopt a board of this kind. We can make improvements without establishing such a board. We are in the habit of specially legislating for light-houses. We legislated specially for the light-houses on Minot Ridge and Carysfort Reef; we directed that they should be constructed by the Topographical Corps. We frequently take particular light-houses out of the general system. There is, consequently, no such urgency in the matter as to require the adoption of the board, when no committee has reported in favor of it; when no Senator has had an opportunity to examine the evidence, and when the chairman of the Committee on Commerce pledges himself, within the next three months, to systematize and bring forward a plan for the better regulation of light-houses.

Mr. WELLER. As a representative of one of the States deeply interested, as a matter of course, in the establishment of proper light-houses, I desire to say a few words. As I have no personal knowledge of this subject, I have been compelled to rely on the opinions of others. There was a board of competent officers detailed for the express purpose of examining the whole light-house system, with the view of agreeing upon what system ought to be adopted in order to make it effectual. That report was presented to Congress many months since. It was printed some two or three months ago. The Senator from Florida has not examined it. I should be disposed to rely upon his judgment, if it were not for the fact that competent officers, acquainted with the whole subject, have been appointed to examine it, and their report has been communicated to Congress. I do not see that in the proposed amendment the question is involved, what sort of lights shall be used upon our coast, whether the Fresnel light or the old light. The question is, whether, in order to make the light-house system what it should be—an effective one—it is necessary to establish a board to control the whole? In my judgment, it is necessary, and, therefore, although there may be defects in the bill, I am disposed to vote for the organization of that board. It will be

subject to revision at the next session of Congress. I am unwilling that the subject should go over to the next session upon the assertion of Senators that they will bring in a perfect system. I have heard that same remark made with regard to other things which have been introduced into the Senate. I am anxious that the first step should be taken now to make the system an effective one. And in order to make it so, you must have some persons at its head who can give their personal attention to it, and who have sufficient ability to look into the whole. It is for that reason I desire that the board shall be established.

Mr. HOUSTON. I must say that, until a measure of so much importance, involving the expenditure of so much money, is recommended by a committee, I am unwilling to go for it. I care not for the opinion of any board whatever, nor for its action, for I am satisfied, from the best information which I have been able to obtain upon this subject, that the expenditure will not be less than \$4,000,000, and it will be a continued and increased expenditure upon the nation. If the lights now are sufficient to operate as beacons to vessels, so far as the curvature of the earth does not interfere with them, I see no necessity for any improvement. I will never vote for a measure so universal, in which so many are interested, and which comes forward in such a manner as not to permit us to discuss it on this floor. If it were a minor matter, thrust upon us at this moment, without discussion or time for reflection, I might be willing, through courtesy, to permit it to pass; but I cannot support any legislation of this character, that involves millions, when we know what influences out of the House are pressed upon Senators to rush it through, under the present pressure and haste of circumstances.

Mr. WELLER. I desire to say to my friend from Texas, that no outside influence has controlled my vote.

Mr. HOUSTON. The Senator was not in my mind when I made the remark.

Mr. WELLER. The only thing which governs me, is the report of the board of officers who have been selected to examine into the subject, because they were supposed to understand it; and I presume they do understand it better than I do. It is for that reason that I go with them.

Mr. CASS. Since I addressed the Senate before, I have conversed with a gentleman here—a member of the House, and he tells me that this project was devised with great care and with great caution. He likewise removed another difficulty in my mind. He states that the members of the board, whether those from civil life, or those from the Army and Navy, are not to receive one cent. That removes a great difficulty. If, therefore, the vote is taken now, I shall vote in favor of the system.

Mr. DE SAUSSURE. There are so few of us here, that the opinion of each Senator may be of some consequence; and, as I have paid some attention to the subject, it is proper, perhaps, that I should state the ground upon which I shall give my vote.

I am decidedly in favor of the sections of the bill, which it is proposed to strike out; and I say so, because I have examined them. They have been carefully prepared, although their provisions may be defective. All new systems, however, are defective, and require to be improved after time and experience have shown where the defects exist. I have no doubt that there may be defects in this scheme. But it is a new undertaking; it is a new enterprise. How was it gotten up? By the act of 1851, you authorized a Light-House Board to be appointed. That board was appointed, and was composed of scientific gentlemen, some of them officers of distinction in the Army and Navy. After a very elaborate examination, the result of which I have somewhat carefully looked into, they present you with the result to which they have come, which is, that the present system is essentially defective. They show you the fact, that the distribution of the lights is imperfect and unequal; that on some parts of the coast, to wit: at the North, there is an accumulation of lights far beyond what the exigencies of the case demand, so much so that they are accumulated in some places as to be a nuisance to the navigator instead of a benefit, and a great many of them are defective. At the South there is a far less proportion of lights than at the North. They ought certainly

to be in the same proportion in the South as at the North, and in some parts there ought to be a greater accumulation. But that is not a sectional question. No question can be made on that score, because the North has occasion, in point of fact, to use the lights at the South as much as those on their own coast. It is their commerce, their ships that navigate along that coast, and it is important to them, to escape shipwreck, to have the coast properly lighted.

There is one point of importance which is developed by the report of that board. In some parts of the country, people have been ever anxious to come forward and insist on the necessity of having lights at different points, and by urging it, have procured light-houses to be established in neighborhoods where there was not much occasion for them. A good deal of money has been expended in that way that need not have been expended. That, of course, has not applied to all sections of the country.

We need reform, and an examination of that book will demonstrate it. Gentlemen say they have not read the book. I am sorry for it. When the Senate is called upon to act upon the subject, they ought to be prepared. I could very well excuse my friend from Massachusetts, if he had not carefully examined it.

Mr. DAVIS. I have examined the report.

Mr. DE SAUSSURE. But he has examined it. I could very well excuse him if he had not, because I know he is a very laborious Senator. His hands have been full of another subject, which he has elaborated with great care, and to the great satisfaction of the Senate—I mean the steamboat bill. But other Senators have said that they have not examined the book. The Senator from Florida has not had it in his power to do so. The evidence has been before us a great while. I regret it has not been examined, for it is my firm conviction, that if Senators had examined the testimony, so elaborately prepared, and the result of which has been set before us by the board which was appointed, they would all have come to the conclusion that I have come to—that this subject requires to be acted upon, and that promptly; and that that board has pointed out the proper mode of proceeding. The plan which they suggest may be full of defects.

I regret to say that I have not come to the same conclusion with the Senator from Massachusetts. Instead of there being greater expenses entailed upon us by the reform which is advocated, I believe it is a cheaper system. I believe that by it you will greatly diminish the number of lights in some parts of the country, instead of increasing them. And although there may be an increase in other parts, yet, upon the whole, I have come to the conclusion that there will be an economy in the system which the board recommend. I have examined the difference between the dioptric light and the reflectors. It is true, the reflectors may answer in some parts of the country, after they have been improved. With that alteration, I understand they are of a superior character, and may answer the purpose instead of the lenticular light. But the dioptric light, upon the whole, I think is the best. It may be that it will be the most expensive at the outset, but it is not the most expensive in the end. The first cost may be expensive, when you come to set up and establish one of these lights. As the French say, "*C'est le premier pas qui coûte*"—it is the first step which costs. After that, the expense is comparatively small.

The system now presented to us has been elaborately prepared in the House in the bill which they have presented to us. I regret that no committee of the Senate has examined it carefully. The House has adopted it upon testimony which you yourselves directed to be prepared. I have examined it, and my judgment is satisfied that their system is right, and that it will be the cheapest. I know well that it will give a better light than the present. Unquestionably there are improvements to be made which they have not suggested, but I think they have devised the proper method of carrying out the work. The persons appointed under the act of last session to superintend the matter were competent to do it. I do not understand that the board which it is now proposed to establish, is one which will claim any compensation out of the Treasury. On the contrary, it is to be composed of officers who belong to the Government; whose talents, whose time,

whose services, belong to the country. I understand that the services are to be performed by those parties. Why not try the experiment? My friend from Massachusetts says all boards fail. I have not sufficient experience to speak with great certainty upon that subject, but I have known some boards to succeed. I have known some boards to carry out systems very well. When there was a new system to be struck out, a code of laws to be organized, I have known some boards, without compensation, patriotically to devote their attention to it, and elaborate it most successfully, and carry it into execution. They left it to other parties afterwards, who succeeded them, to continue that service. It may be in some instances that they failed. That may depend upon the persons selected. I believe, however, that you have a great many very intelligent, capable, and patriotic persons in your Navy, whose attention could be turned to this subject. A great many of them are out of service; I may say they are out of active employment, at all events; and I have no doubt it would be a relief to them to be enabled to devote a portion of their time to the country. I think that the means for the selection and composition of this board are very large, and that Congress would be able to make such a selection as would carry out the purpose contemplated by the system.

Now, when you have the evidence, when you have been at great pains to procure it—when it has been methodized and reduced to a system, what objection is there made to the plan proposed? Why, that gentlemen have not had time to examine it. It may be that it would have been better to have examined it, but, as was well suggested by the Senator from Maryland, [Mr. PEARCE,] who preceded me, you are about to encounter the short session, and you will have very little time to arrange any great matters of this sort. The whole system cannot be carried out then. You have only three months; therefore, it strikes me now is the time to enter upon the system. It has been carefully prepared; it is before you; and I think we had better adopt it.

Mr. HAMLIN. I do not wish to say anything more on this subject. All I desire is, that the Senate should vote upon the question.

Mr. MALLORY. If I had perused the work alluded to by the honorable Senator from South Carolina, I should perhaps have come to the same conclusion that he does. I should have felt constrained, however, to have examined the work in connection with other evidence upon the same subject which is in the Treasury Department. I have no objection to—on the contrary, I am decidedly in favor of, improving, or rather systemizing the plan of lighting the coast. I know the system is defective, but I have yet to learn that any of the mariners of this country, or of any other commercial people who trade with us, as a general thing, find fault with the lights on the coast. As to this work of nearly eight hundred pages, Senators will have an opportunity between this and the next session to give it a full examination.

Mr. DAVIS. There is nothing more true than the remark made by the Senator from Florida, as he took his seat, that the complaints against the present system do not come from the navigators. They spring up in Washington. They are made here by men who have no concern with navigation. Now, I am not surprised that my worthy friend from South Carolina, if he really believes all the statements which are contained in that book, as he seems to do, should be led to the conclusion that he adopts. But, sir, can all that is in that book be true? Is it possible that the lights in this country should be in such a condition as they are represented there, and yet give a reasonable degree of satisfaction to the public? As far as I recollect, in all that book, there is not one thing in the present system that the board approves of. I read it with some care and attention, and I was astonished at the declarations made in it. For, while I will not deny that there are defects in it, yet, in a system like this, which has stood more than half a century, to find no one thing to approve of in it, is a little extraordinary. I hold that the report is an unfair, unjust, and an exaggerated statement of facts. I say this with all due deference and respect to the gentlemen who put their names to that report. I suppose some other persons have collected the testimony which they present—it was

not obtained from their own observation; it has been derived from other sources, and they have been misled as to the facts.

I wish to add a word as to economy. My worthy friend from South Carolina thinks there is greater economy in the lens system, simply because it burns less oil. Now, you may go to the Department, and find that there has never been a lenticular light introduced which has not cost \$10,000, independent of the structure and lantern in which it is put. You put the greater part of your lights into operation for some \$3,000 or \$4,000. Now, if economy is to be considered at all, in the United States—and I do not know that it is—the system which we pursue is recommended by its economy; and that is one of the apologies for its defects; for whatever else may be said of the administration of this Department, it has always been economical, and always adopted views with a prudent regard to expenditure. There may be imperfect light-houses, I know there are. But, on the other hand, there are good houses. There may be imperfect reflectors. On the other hand, there are good reflectors; and all reflectors may now be made with suitable form—with a form that is mathematically correct. And when they are properly adjusted, they are good lights. They may not give as much light as the lenses; but they are good lights, and they answer the public purpose at a much less expense. Many gentlemen can certainly understand me, when I say, that the economical comparisons in the report, are made with lamps that light the whole horizon—that presupposes that you are to light the whole horizon. When you use lenses, you have but one lamp; and whether you want to light one fourth, one half, or the whole horizon, you use the same quantity of light. But every reflector has its own light, and as you diminish the reflectors, you diminish the quantity of light. The board do not suffer that to come into the comparison; and the effect is to mislead us on that point. I say that this whole subject ought to be scrutinized with care, and carried out with a careful and just consideration as to expense; and it should not be taken up and crowded down our throats on the very last days of the session, as it is now proposed to do. The bill which established the board that has made this report, was brought in here last year, under such an emergency that you could not read the title of it, and it was passed, upon a hasty vote, without reading. Then it took a man to run as rapidly as he could to the other House, to get it there so that it might be signed in time. That is the way this board was created; and it is now proposed to continue it in much the same way. I am opposed to it; but I am not opposed to a good system of lights.

Mr. PRATT asked for the yeas and nays on the amendment; and they were ordered.

Mr. HOUSTON. I have a great respect for the opinions of the Senator from South Carolina. Amongst others, he has given us one that this bill is defective. He has examined it thoroughly, and perused the authority upon which it is based, and he says it is defective. Now, we ought not hastily to commence an important system, which is acknowledged to be defective, which is to lead to a great expenditure of money. We should make it perfect. The fact that a board of officers, competent for the purpose, should have reported in favor of a measure, commends it to my respect and investigation, but not to my support, or to its adoption in the Senate. I entertain due respect for the opinions of others; but if we are to constitute boards for the shaping out of subjects for this body to adopt, we had better, in the first place, and to save trouble, invest them with power to declare them as edicts, and we become the registering power alone. If we have a right to do anything, we have a right to investigate the measures recommended by boards. I must confess, that, in many instances, the reports of boards do not commend subjects to my favorable consideration, much respect as I may have for the gentlemen composing them. I am not always disposed to adopt their reports, because their opinions may be moulded by what is called outside pressure here.

It is but this moment that the civil and diplomatic bill was finally passed in the House of Representatives by a single vote, owing, perhaps, to an obnoxious amendment, introduced into it upon my motion. That seems to me to augur some-



thing to the Senate. That that bill should be passed by one single vote, and that the casting vote of the Speaker, speaks something of a most extraordinary character.

As the honorable Senator from Florida has said, we shall have ample opportunity for investigating this enormous volume between this and the next meeting of Congress, or during the next session; and then we will be enabled to vote understandingly upon the subject, instead of adopting it now; when I will venture to say, two Senators of this body have not had the opportunity of comparing the testimony collected by these gentlemen and endorsed by their opinion, with the evidence registered in the Fifth Auditor's Office. For this reason I cannot vote for the measure, but will vote for the amendment of the committee.

The question being taken by yeas and nays, resulted—yeas 10, nays 28; as follows:

YEAS—Messrs. Brodhead, Clarke, Davis, Dodge of Wisconsin, Hale, Hamlin, Houston, Mallory, Mangum, and Miller—10.

NAYS—Messrs. Badger, Bayard, Borland, Bright, Brooke, Butler, Cass, Charlton, Chase, Cooper, Dawson, De Saussure, Dodge of Iowa, Downs, Felch, Fish, Gwin, Hunter, Jones of Iowa, Mason, Morton, Pearce, Pratt, Rusk, Spruance, Toucey, Wade, and Weller—28.

So the amendment was rejected.

The bill was then reported to the Senate as amended; the amendments were concurred in and ordered to be engrossed; and the bill was ordered to be read a third time. It was read a third time and passed.

#### EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business, and after some time spent therein, the doors were reopened.

#### ARMY APPROPRIATION BILL.

A message was received from the House of Representatives by Mr. FORNEY, its Clerk, announcing that it agreed to the 4th, 9th, 20th, and 27th amendments of the Senate to the bill making appropriations for the support of the Army for the year ending the 30th of June, 1853; and that it disagreed to the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st, 22d, 23d, 24th, 25th, 26th, 28th, 29th, and 30th amendments of the Senate to the same.

The Senate proceeded to consider their amendments disagreed to by the House to the bill making appropriations for the support of the Army for the year ending the 30th of June, 1853, and on motion by Mr. HUNTER, it was

*Resolved*, That the Senate insist on their amendments disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses.

*Ordered*, That the Committee of Conference be appointed by the President *pro tem*.

Mr. BRIGHT, Mr. DAWSON, and Mr. BRODHEAD were appointed accordingly.

A message was subsequently received from the House of Representatives by Mr. FORNEY, its Clerk, announcing that it insisted on its disagreement to the amendments of the Senate to the bill making appropriations for the support of the Army for the year ending the 30th of June, 1853; that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses; and had appointed Mr. HOUSTON, Mr. STANLY, and Mr. GORMAN, managers at the same on their part.

#### POST OFFICE APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it agreed to some, and disagreed to other amendments of the Senate to the bill making appropriations for the Post Office Department during the fiscal year ending June 30, 1853.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives to the bill making appropriations for the Post Office Department during the fiscal year ending the 30th of June, 1853, and on motion by Mr. HUNTER, it was

*Resolved*, That they insist on their amendments disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses.

The Committee of Conference was ordered to be appointed by the President *pro tem*.

Mr. MILLER, Mr. RUSK, and Mr. FELCH were appointed.

A message was subsequently received from the House of Representatives, announcing that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the

bill making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1853, and that it had appointed Mr. BROOKS, Mr. PENN, and Mr. FICKLIN, a Committee of Conference on their part.

#### POST ROADS BILL.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it agreed to the 20th amendment of the Senate to the bill to establish certain post roads; that it disagreed to the 39th, 43d, 44th, 45th, 46th, 47th, 48th, 49th, 50th, and 53d amendments of the Senate; and that it agreed to the residue of the amendments of the Senate.

#### COMMITTEE ON MEXICAN CLAIMS.

Mr. SOULE. The Select Committee, to which were referred the memorials of American citizens complaining of the action of the late Board of Commissioners on the claims submitted to their adjudication, have devoted to the discharge of the duties imposed upon them as much time, labor, and attention as they possibly could under the pressure of other exigencies, arising out of their required attendance at the sessions of the Senate, and at such standing committees as they are members of respectively. They have been able to dispose finally of nineteen memorials out of the sixty-five referred to them, and have been employed for six weeks past in taking testimony. They have now reached that point in their investigation which induces the hope that, if permitted to proceed on with their labors during the recess of Congress, they will be enabled to present themselves to the Senate early the next session with a full and complete report. In the mean time, as it will become necessary to procure testimony at no small expense to the Government, they desire that the Secretary of the Senate be clothed with sufficient authority that he may provide for such expenditures as may be deemed advisable by the committee; and the resolution which I now send to your table is destined to elicit the sense of the Senate with reference to the expediency of continuing the committee in the exercise of their powers, and of incurring the expense which the seeking for testimony may render indispensable. I now present the resolution; and I hope the Senate will pass it at once.

The resolution was read, as follows:

*Resolved*, That the Select Committee on Mexican claims appointed on the 26th of February, 1852, be continued during the ensuing recess of the Senate, and that the Secretary of the Senate pay out of the contingent fund such charges as may be necessarily incurred under the direction of the committee in obtaining testimony.

There being no objection, the resolution was read a second time and considered as in Committee of the Whole.

Mr. HALE. Since I have been here various applications of this sort have been made to extend the sessions of committees into the vacation, but they have been uniformly refused with one single exception; and that was in regard to the Committee on Printing. But since that time that committee has not sat here during the recess, but its clerk has been substituted for it. It seems to me that it is a new and dangerous principle to undertake, by special legislation of this sort, to extend the functions of Senators during the whole year; but if nobody else makes objection to this I shall not.

The resolution was read a third time and passed.

#### PATENT OFFICE REPORTS.

On a motion by Mr. HAMLIN, the Senate proceeded to consider the resolutions reported by the Committee on Printing on the 29th of April, in favor of printing the report of the Commissioner of Patents, for the year 1851, in relation to arts and manufactures; and the report was ordered to be printed.

Also, the resolution reported by the Committee on Printing the 29th of April, "that seventeen thousand additional copies of the report of the Commissioner of Patents relating to arts and manufactures be printed, fifteen thousand copies thereof for the use of the Senate, and two thousand for the use of the Commissioner of Patents;" and the resolution was agreed to.

Also, the resolution reported by the Committee on Printing the 29th of April, that thirty-two thousand five hundred additional copies of the Agricultural Report be printed, thirty thousand thereof for the use of the Senate, and two thousand five

hundred for the use of the Commissioner of Patents; and the resolution was agreed to.

#### MEXICAN BOUNDARY.

Mr. WELLER submitted the following resolution, which was considered by unanimous consent, and agreed to:

*Resolved*, That the reports from the Secretary of State, of the Interior, and War, touching the boundary line between the United States and Mexico, and referred to a select committee, be printed by the public printer, under the direction of the Secretary, for the use of the Senate.

#### RAILROAD IN ARKANSAS.

Mr. BORLAND. I ask the Senate now to take up the bill from the House of Representatives, "granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river," for the purpose of having it read a second time.

Mr. UNDERWOOD. My friend from Arkansas is the most pertinacious gentleman I ever met with. I think this is about the twentieth time he has asked the Senate to take up this bill. If it comes up, I am satisfied it will be discussed at length.

Mr. GWIN. I hope the gentleman will allow it to be read a second time, and referred.

Mr. UNDERWOOD. I wish to state that this bill gives Arkansas a favor in regard to her railroads which other States cannot obtain. If you act upon it at all, one State has as much right as another, and the bill called Bennett's distribution bill will come up, and be discussed upon this bill.

Mr. GWIN. I hope the Senate will take up this bill and pass it, as an act of justice to the Representatives from Arkansas in the other House, [Hon. R. W. JOHNSON.] That gentleman, by his energy, talents, and unwearied industry, has so won on the respect and esteem of the House of which he is a member, that in the face of a majority of forty against the policy of granting lands for railroad improvements, he has been enabled to suspend the rules requiring a two thirds vote, and then pass this bill. This is the most extraordinary exhibition of the personal influence of an individual that has ever been known in our Congressional history. And shall the Senate, where similar bills pass by a majority of twenty votes, dash the cup from his lips, and deprive his constituents of the advantages of his indomitable energy? Is not the laborer worthy of his hire? Let us not only take up the bill, but pass it, and send its author to his constituents rejoicing. He is the sole Representative of his State in the House of Representatives. He represents a border State that is not surrounded by powerful political influences that will aid him in securing beneficial objects of legislation for his constituents. I have a warm sympathy for the Senators and Representative from that State. I have experienced the fearful obstacles that the want of political influence and association throws in the way of passing measures of the first importance to new States. I have myself passed measure after measure through the Senate, of vital importance to my constituents, with what unwearied exertions my associates around me can bear witness, to see them either defeated or postponed in the other House. And shall we adopt the baneful example of that House, when for once, influenced by the principles of justice and equity, a measure is sent to us which embodies a principle that we have time and again declared in favor of? I hope not. The Senate will honor itself by taking up this bill and acting upon it at once.

Mr. UNDERWOOD. I want to state to the gentleman from California, that I have impeached the honor of nobody, particularly the honorable gentleman who represents Arkansas in the other House. I thought that, as regarded the gentleman who made the motion here, I was rather complimenting him for his pertinacity in trying to secure the interests of his State. I meant to cast no reflection upon the gentlemen from Arkansas, either here or in the other House. They are faithful representatives; but I wish to state this: the bill now upon the table which my friend from Arkansas wants to have referred, is a departure, in many essential particulars, from the railroad bills which we passed through this body; and now, have we time to consider it? Can I, as a member of the

Committee on Public Lands, have an opportunity of considering this departure, and reporting the bill back by to-morrow? Is there time to investigate it? When it cannot be investigated discreetly and properly, ought we to give Arkansas an advantage over all other States who have similar bills, and let her get her bill through, and refuse it to everybody else? I think justice requires that this bill, like the others, should be postponed until next session.

Mr. CASS. I shall vote for taking up this bill, and I shall vote for it upon its final passage; but I must say that there is a great deal of justice in what the honorable Senator from Kentucky has said. I do not understand how the House of Representatives can put through a bill of this description, on account of the personal influence of any one member, and refuse similar bills to other States. Why, the very fact of passing bills for Missouri, and Illinois, and for Arkansas—every one of which I was in favor of—

Mr. GWIN. And Michigan too.

Mr. CASS. I am speaking of the action of Congress as a body. I say that it is unjust to give lands to those States, and refuse it to others. I voted for this bill when it was before the Senate last year, and I shall vote for it again; but I do not conceive that the ground assumed by the honorable Senator from California applies. It places the rest of the Representatives of all the other States who have not succeeded, in a similar predicament. No gentleman thinks more highly of the honorable member from Arkansas than I do. I have a very high opinion of him; but I say this is one of those enormities in a free Government, that a despotic Government would not permit—passing one, two, or three bills for one, two, or three States, and refusing like bills to all the other States precisely similarly circumstanced, and who have received nothing. It is very great injustice.

Mr. RUSK. The course of reasoning of the honorable Senator from Michigan is, to me, strange. We have passed this bill through the Senate, and therefore have given it the indorsement of our justice.

Mr. UNDERWOOD. This bill is an entirely different one from the bill which we passed. The railroads go from different points. This is a House bill, and not the same bill which the Senate passed.

Mr. RUSK. Well, we passed a bill of precisely similar character, and hence, having done that, we cannot object to the justice of this bill. Even the honorable Senator from Kentucky himself did not object to it; but he thinks injustice has been done to the other States. Now, sir, if the bill is proper, if it is right, if it is a similar bill to those we have passed for the other States, it is nothing but justice to Arkansas, and I have yet to learn that it is just to refuse justice to one, because everybody else does not get it. Do gentlemen wish to introduce log-rolling here? It is vastly better that we should take these measures isolated, and pass them separately, than to combine together interests which will control, instead of the merits of each application. I have done justice to the other States, and here, because this State happens to be a peculiar locality, and because this bill does not include other States, it is said that we are doing injustice to Michigan, because we do justice to Arkansas. Sir, it is unreasonable to be complaining in this way. Besides, this is the commencement of a road which must eventually go to the shores of the Pacific. It is upon that line, and is the commencement of that road. Why there should be such strenuous opposition, I cannot see.

Mr. CASS. The honorable Senator from Texas has misunderstood me, for I am sure he would not misrepresent me. I do not object to the passage of the bill because Michigan does not get enough, but I say it is a great species of legislative injustice to pass such bills for one State and not pass them for others similarly circumstanced. I might appeal to the honorable Senators from Iowa, Wisconsin, and other States that have not been thus favored; and I would appeal to the honorable Senator from Texas, if anything was granted to every other State in the Union, would he not think it great injustice to his State not to have something granted to her? I know he would. I repeat, I consider it a great species of injustice; but I do not blame Arkansas, nor her honorable member. I merely wished to call attention to the fact that the House of Representatives had passed one bill of this sort

and refused to pass others; and to check, so far as my voice could, partial legislation.

Mr. CLEMENS. I wish to say that I concur heartily with the Senator from Texas. If the rest of us—and the State of Alabama is as much interested in these railroad bills as any other State—have had the misfortune to have Representatives in the other House who could not get these bills through, it is no reason why we should reject a bill in favor of the State whose Representative did have influence enough to get it through. All these bills passed the Senate, and I cannot understand why a Senator should now vote to reject one of them, because a member from one State happened to be a little more faithful—a little more attentive to his duties than the others. I shall vote for this bill, and vote against putting any amendment to it. The Representative from Arkansas in the other House has done his duty to his State; and I believe, if the rest of the Representatives from the new States had done their duty, we would have all got our bills through.

The PRESIDENT. The question is not on the passage of the bill, but on taking it up.

Mr. BORLAND. I wish to say a single word in justice to myself; for it is said that I have been rather pertinacious on this subject. The late day at which this bill came from the House is well known to the Senate. It is well known that there are but two days during which this bill can be attended to. It was read a first time on Saturday evening, and its second reading was then objected to, so that it could not be read a second time until to-day. I wish to have it read a second time now, so that it may be referred to the committee, and they can report upon it to-morrow.

Mr. BORLAND's motion was agreed to.

The bill was accordingly read a second time, and the Senate proceeded to consider it as in Committee of the Whole.

Mr. BORLAND. Is it competent for me to ask for its third reading now?

The PRESIDENT. It is not. It has to go through the regular stages, and is now before the Senate as in Committee of the Whole.

Mr. DAWSON. I thought the bill was taken up with a view to reference. It was so announced.

The PRESIDENT. That was the understanding of the Chair; but the Chair has no power to refer the bill without a motion.

Mr. DAWSON. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

#### VIRGINIA LAND WARRANTS.

Mr. HUNTER. There is a bill lying on the table which will give rise to no discussion. It passed the Senate two or three months ago almost unanimously. By the rules of the House, however, it could not be reached there, and they have now sent back a similar bill. I ask, as a personal favor of the Senate, that the bill may be taken up and disposed of.

The motion was agreed to.

The bill was accordingly read a second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

#### HON. DAVID L. YULEE.

Mr. MORTON. I beg leave to submit the following resolution, and ask for its consideration at this time:

*Resolved*, That there be paid out of the contingent fund of the Senate, to the Hon. DAVID L. YULEE, a sum equal to the amount of mileage and per diem compensation of a Senator from the commencement of the present session to the 27th instant, the day on which the Senate decided that the Hon. STEPHEN R. MALLORY, whose seat in the Senate was claimed by him, was duly elected a member of the Senate from the State of Florida.

Mr. RUSK. I object to its consideration now, and call for the consideration of the message of the House in relation to the post route bill.

The resolution was accordingly laid over under the rules.

#### POST ROAD BILL.

On motion by Mr. RUSK, the Senate proceeded to consider their amendments amended and disagreed to by the House of Representatives to the bill "to establish certain post roads."

Mr. RUSK. I move to concur in the amendment of the House to the twentieth amendment of the Senate, and that the Senate recede from their

other amendments, or, in other words, that the Senate recede from such of their amendments as have been disagreed to by the House.

Mr. BORLAND. Before that motion is acted upon, I wish to make an inquiry. Upon my motion a very important amendment was made to the bill, establishing mail lines upon the Ohio and Mississippi rivers. I wish to inquire of the chairman of the Committee on the Post Office and Post Roads whether that amendment has been concurred in or rejected by the House?

Mr. RUSK. It has been rejected by the House.

Mr. BORLAND. I must call for a separate vote upon that question.

Mr. HAMLIN. I ask for a separate vote upon the amendment in relation to a mail route between Boston and Halifax.

On motion by Mr. RUSK, all the amendments, with the exception of the above-mentioned two, were receded from.

The question then recurred on the motion of Mr. RUSK that the Senate recede from the following amendment:

"Sec. —. And be it further enacted, That the Postmaster General be, and he is hereby, authorized to enter into contracts for the transportation of the United States mail on board the steam-vessels which at present ply regularly between Boston, in the State of Massachusetts, and Halifax, in Nova Scotia, upon such terms as may appear to him reasonable."

Mr. HAMLIN. I hope the Senate will not recede from this amendment. It was recommended by the Postmaster General. Boats are now running about once a week from Boston to Halifax, and the object is to allow the mails to be put on board of these boats, so as to be carried directly to Halifax. The route round by the Bay of Fundy takes from two to three weeks. The object is to have a shorter conveyance.

Mr. RUSK. I know this would be a great convenience, but it is only three months until the next session of Congress. There are about thirty States interested in the internal routes provided by the bill. The result, I am told by a member of the House, if we send the bill back, will be its defeat.

The motion to recede was agreed to.

The question then recurred on the motion to recede from the following amendment of the Senate, disagreed to by the House:

"Sec. 16. And be it further enacted, That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time, on suitable and safe steamboats."

Mr. BORLAND. I hope the Senate will insist on that amendment to the bill. I consider it, and I trust a majority of the Senate will consider it, as fully equal in importance, and perhaps of more value to the country, than all the rest of the bill together. We hear complaints because the mail is not carried more than once a week, or twice a week, or because there is not a daily mail at particular points. Why, sir, upon the Ohio and Mississippi rivers, between the points mentioned in that amendment, we have no regular mail at all.

I am unwilling to occupy the time of the Senate in repeating what I have said here on more than one occasion in regard to this, but I must be permitted to say a few words upon this subject. Upon the Ohio river from Louisville to its mouth, and on the Mississippi river from the mouth of the Ohio to New Orleans, there is no mail line at all. These rivers stand in that respect on a different footing from all other mail routes in the United States; for on every other route advertisements are issued, and the mail is carried by contract, and carried regularly once a month, once a week, once a day, or at known, regular, and stated intervals; but upon these great rivers there is no regular mail line. The system there carried on is of this kind: agents are appointed at the different towns along the rivers between these points. They take the mail and send it off, as freight, upon steamboats as they pass along. Steamboats, as we all know, are of unequal speed. We know, also, that some are engaged in the transportation of passengers and freight from certain points, and pass with great rapidity between those main points; others are engaged in a sort of coasting trade. The consequence is, that some boats will pass between the mouth of the Ohio river and

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New Orleans in one fourth the time that others take; and I, living at a town on that river, may chance to put my letter in the office to-day; a mail will be made up—the agent will put it as freight on one of these coasting boats, and it will take ten days to get to New Orleans; one of the fast boats passing along will stop, and the agent will put on board a mail containing letters written by those residing in the same town the day after mine, and they will get to New Orleans three or four days sooner. The consequence is confusion beyond anything that can be conceived of by those who have not to suffer it. The revenues of the Department suffer in consequence of it. Business men are driven from the mails; and I have estimates made by men of experience and observation, some of whom are, or have been, postmasters, some editors of newspapers, merchants, and others, and many of them do not hesitate to say that not more than one tenth part of the mail matter now passes in the mails there. Others of great intelligence, and experience, and observation have looked into it, and they say that not more than one twentieth part of the mail matter passes in the mails. That fact answers the objections which the Department have heretofore made, that there is no revenue to meet this expense. Sir, you cannot have revenue when you have such a system that business men are driven from the use of the mails as a means of carrying their correspondence. The only objection that ever has been made is, that the receipts from postage will not amount to a sufficient sum to pay the cost of the transportation of this mail. If you establish a regular mail from Louisville to New Orleans, and from St. Louis to New Orleans, instead of having only one twentieth part of the mail matter carried in the mails, you will have the whole of it carried, because no man of business will select uncertain private conveyances when there is a daily mail passing his door; particularly at the low rate of postage which we now have. I repeat, that now not more than one letter out of ten, and perhaps not more than one out of twenty, is carried in the mails; whereas, if this line be established, we shall have all the mail matter on that route brought into the mails, and thus there will be a sufficient revenue to pay the expense and a surplus remaining.

For these reasons, and considering the immense amount of business involved, and the complaints that have been made, I do hope that the Senate will insist on this provision in the bill. I think that if we send it back to the House of Representatives, they cannot, in justice, or from any consideration of policy or of propriety, refuse to retain it.

Mr. RUSK. I reported a bill accomplishing the object which this amendment intends to accomplish. I am in favor of giving a daily mail to that section of the country. It has been resisted, however, for years by the Department, on account of the additional expense which it will throw upon them. It has been now struck out by the House of Representatives. It will be but three months till we meet again, and Congress can act upon it at the next session, before a contract could be made; and it seems to me, therefore, that the question is whether we shall stick to this amendment or lose the entire bill.

Mr. BORLAND. I move that the Senate insist on this amendment.

Mr. HAMLIN. The Senator from Texas made a motion to recede, and I wish to know which question is to be first put?

The PRESIDENT. The Chair has examined the rule to ascertain whether any preference is given to a motion to insist over a motion to recede, and he finds that they both stand on the same footing, and, therefore, the motion first made is to be put. The question, therefore, will be on the motion to recede from the amendment of the Senate.

Mr. BORLAND. On that question, I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 27; as follows:

YEAS—Messrs. Badger, Bayard, Cass, Cooper, Dawson,

Fish, Foot, Hale, Hamlin, Mangum, Mason, Miller, Morton, Pratt, Rusk, Smith, and Spruance—18.

NAYS—Messrs. Adams, Bell, Borland, Bright, Brodhead, Brooke, Butler, Chase, Clemens, De Saussure, Dodge of Wisconsin, Dodge of Iowa, Downs, Geyer, Houston, James, Jones of Iowa, King, Mallory, Meriwether, Shields, Soulé, Stockton, Underwood, Wade, Walker, and Weller—27.

So the Senate refused to recede.

Mr. RUSK. The other amendments are equally as important. If we insist on this, we should insist on all. I therefore move to reconsider the vote receding from our other amendments.

The motion was agreed to.

Mr. RUSK. I now move that we insist on all our amendments which have been disagreed to by the House, and ask a conference.

The motion was agreed to; and

Messrs. RUSK, BORLAND, and BADGER were appointed the conferees on the part of the Senate.

A message was subsequently received from the House of Representatives, by Mr. J. W. FORNEY, its Clerk, announcing that it insisted on its disagreement to the amendments of the Senate to the bill of the House, "to establish certain post roads," and agreed to the conference asked by the Senate, and had appointed Messrs. CLARK, HALL, and HAVEN conferees on its part.

## TRADE OF THE BRITISH COLONIES.

Mr. HAMLIN, from the Committee on Printing, to which was referred the motion of the 26th instant, to print five thousand additional copies of the report of the Secretary of the Treasury, relative to the trade of the British North American colonies, reported thereon; whereupon it was

Ordered, That five thousand additional copies of the said report be printed for the use of the Senate, one thousand additional copies for the Secretary of the Treasury, and five hundred additional copies for J. D. Andrews.

## NAVY APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it agreed to some, and disagreed to other amendments of the Senate, to the bill "making appropriations for the naval service for the year ending the 30th of June, 1853."

The Senate proceeded to consider their amendments disagreed to by the House of Representatives to the bill last mentioned; and on motion by Mr. HUNTER, it was

Resolved, That the Senate insist on their amendments disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses.

On motion by Mr. HUNTER, that the Committee of Conference be appointed by the President *pro tempore*, Mr. MALLORY, Mr. PEARCE, and Mr. TOUCHEY were appointed the committee.

A message was subsequently received from the House of Representatives, by Mr. FORNEY, its Clerk, announcing that it agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the bill making appropriations for the naval service for the year ending the 30th June, 1853, and that it had appointed Mr. PHELPS, Mr. FREDERICK P. STANTON, and Mr. THADDEUS STEVENS, the Committee of Conference on its part.

## ISTHMUS OF TEHUANTEPEC.

Mr. MASON. The Committee on Foreign Relations, to which was referred a message of the President of the United States, in answer to a resolution of the Senate calling for the correspondence between the Governments of the United States and Mexico, respecting the right of way across the Isthmus of Tehuantepec, have instructed me to make a report accompanied by three resolutions. I do not ask or expect that the matter will be acted upon at this session, but it is the desire of the committee that the report should be made, and the resolutions laid before the Senate and printed for the use of the Senate.

The resolutions were read, as follow:

Resolved, As the judgment of the Senate, that in the present posture of the question, on the grant of a right of way through the territory of Mexico, at the Isthmus of Tehuantepec, conceded by that Republic to one of its citizens, and now the property of citizens of the United States, as the same is presented by the correspondence and documents

accompanying the message of the President of the United States of the 27th July, 1852, it is not compatible with the dignity of this Government to prosecute the subject further by negotiation.

Second, Should the Government of Mexico propose a renewal of such negotiation, it should be acceded to only upon distinct propositions from Mexico, not inconsistent with the demands made by this Government in reference to said grant.

Third, That the Government of the United States stand committed to all of its citizens to protect them in their rights abroad, as well as at home, within the sphere of its jurisdiction; and should Mexico, within a reasonable time, fail to reconsider her position concerning said grant, it will then become the duty of this Government to review all existing relations with that Republic, and to adopt such measures as will preserve the honor of the country and the rights of its citizens.

Mr. MASON. So far, this is the act of the Committee on Foreign Relations alone. I regret very much that they were under the necessity of making any report at all, or that they were not able to report at an earlier period of the session. I cannot ask the Senate now to consider the subject. It is one of very grave character and great importance. I can ask only, that the report may be laid upon the table, and that with the documents which accompany it, and the resolutions, be printed for the use of the Senate.

The motion was agreed to.

Mr. BROOKE informally submitted the following resolution for consideration; which was read, and ordered to be printed:

Resolved, That the Executive be requested to inform the Government of Mexico, that unless the American holders of the right of way across Tehuantepec shall, on or before the 1st day of March next, be put in full possession of their property and franchises, this Government will proceed to protect them in the occupation and enjoyment thereof. And that if this determination should occasion a rupture of relations between the two Republics, this Government will rely for justification, in the eyes of mankind, upon the obligation of every Government to protect the rights of its own citizens, and upon the flagrant and the indefensible violation by Mexico of private right and national law.

## POST OFFICE APPROPRIATION BILL.

Mr. MILLER, from the Committee of Conference on the part of the Senate on the disagreeing votes of the two Houses on the bill making appropriations for the Post Office Department during the fiscal year ending the 30th June, 1853, reported that they had met the conferees on the part of the House, and, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows, to wit: That the House recede from their disagreement to the amendments of the Senate, numbered 1, 2, 4, and 5.

## INDIGENT INSANE.

Mr. COOPER. I move to postpone all the prior orders, for the purpose of taking up the bill from the House making a grant of land to the several States of the Union for the benefit of indigent insane persons. I hope we will wind up our business by passing a bill for such a humane purpose.

Mr. CASS. I ask for the yeas and nays on that motion.

Mr. SHIELDS. I hope the honorable Senator will withdraw the call for the yeas and nays, and let the bill be tested by a fair vote, without discussion.

Mr. CASS. It must lead necessarily to a long discussion.

Mr. SHIELDS. I hope not.

Mr. COOPER. I intend to say not a word in regard to the bill.

Mr. SHIELDS. I am in favor of this bill. I was a member of the committee that reported it, and I believe there is not a friend of the bill here who wants to discuss it. It is one of those bills that, in my humble opinion, being for such a humane object, should be treated without much discussion.

Mr. CASS. I would cheerfully withdraw the call for the yeas and nays if there was to be no discussion, and no amendments offered to the bill.

Mr. SHIELDS. I hope there will be no discussion, and no amendments, but a fair vote.

Mr. UNDERWOOD. I cannot agree to that, for I have an amendment which I wish to offer.



Mr. JONES, of Iowa. I shall vote to take up this bill, and for the very reason that I know that amendments will be offered to it, which I hope will be adopted.

Mr. CASS. Then I must insist on the call for the yeas and nays. If discussion is to proceed on this bill it cannot be disposed of at this session.

The yeas and nays were ordered.

Mr. MASON. If this bill be taken up it must necessarily lead to a long discussion.

Mr. BELL. I should like to know who will debate it—not its friends certainly.

Mr. MASON. Then its opponents will debate it.

Mr. BELL. Let the debate come on.

Mr. BRIGHT. One fact must be apparent—that if this bill be taken up, there are three or four bills on the table which will be offered as amendments to it. There is the homestead bill, and several railroad bills which will be offered as amendments, and they are germane, because they all ask for appropriations of land. I am a friend of this measure. I would be glad to see it taken up and passed, but I am quite sure, that if it be taken up now, and these amendments be offered, the residue of the session will be consumed with the subject.

Mr. ADAMS. I merely rise to suggest to Senators in favor of the proposition, that if they expect that so large a portion of the lands lying in the new States are to be taken and divided out to the old States without objection being offered, or amendments being proposed, they certainly are drawing very strongly upon the forbearance of the representatives of the new States.

Mr. BELL. No one can object to offering amendments. All we want is to have a chance to vote upon them when they are offered.

Mr. MILLER. This is the only bill which gives anything like justice to all the States of the Union. It makes a fair distribution of lands for the benefit of this unfortunate class of people in every State of the Union. In all the scrambles here for public lands for railroads, and for all kinds of purposes, this is the first time that humanity has made a call. I trust the bill will be taken up.

The question being taken by yeas and nays on the motion to proceed to the consideration of the bill, it resulted—yeas 33, nays 18; as follows:

YEAS—Messrs. Badger, Bell, Borland, Brooke, Chase, Clarke, Cooper, Dawson, De Saussure, Downs, Fish, Foot, Geyer, Hale, Hamlin, Houston, Jones of Iowa, Mallory, Mangum, Miller, Morton, Penrice, Pratt, Seward, Shields, Smith, Spruance, Stockton, Sumner, Underwood, Upham, Wade, and Weller—33.

NAYS—Messrs. Adams, Bayard, Bright, Brodhead, Butler, Cass, Clemens, Dodge of Iowa, Douglas, Felch, Gwin, Hurver, King, Mason, Meriwether, Norris, Rusk, and Walker—18.

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to grant to the several States and Territories, for the benefit of indigent insane persons, ten millions of acres of land, to be apportioned under the direction of the President of the United States, in the compound ratio of the geographical area, and representation of said States in the House of Representatives according to the Census of 1850: *Provided*, That the area of no State shall be computed at more than fifty thousand square miles; that the land, after being surveyed, shall be apportioned to the several States and Territories in sections or subdivisions of sections; and whenever there are public lands in a State or Territory, worth \$1 25 per acre, the value of the lands to be determined by the Governor of the State or Territory, the quantity to which the State or Territory shall be entitled shall be selected from those lands, and the Secretary of the Interior is to issue to those States in which there are no public lands of the value of \$1 25 per acre, land scrip to the amount of their distributive shares in acres, under the provisions of this act, which scrip to be sold by said States, and the proceeds applied solely to the uses and purposes herein prescribed: *Provided further*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any organized Territory of the United States; but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to private entry.

It further provides that all moneys derived from the sale of these lands by the States or Territories to which the lands are apportioned, and from the sales of land scrip, shall be invested in stocks of the United States, or the States, or of some other safe stocks, yielding not less than five per centum upon their par value; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, and the interest of which shall be inviolably appropriated to the comfortable maintenance and support of the curable and incurable indigent insane.

Mr. GWIN. I have an amendment to offer to the bill. It is to add:

*And be it further enacted*, That with the view of securing the speedy construction of two railroads connecting the Mississippi with the Pacific ocean, the one from a point north of Memphis, and the other not south of St. Louis, the President of the United States is hereby authorized to enter into contracts, in conformity with the provisions of this act, for the construction of a railroad from a point on Red river, at or near the southwest corner of the State of Arkansas, on the most direct and feasible route, via the vicinity of El Paso, to a point on the eastern boundary of the State of California, at or near the junction of the Gila with the Colorado river, connecting with the navigable waters flowing into the Gulf of California; and the other from a point on the western boundary of Missouri or Iowa, (not within the limits of any existing State,) on the most direct and feasible route to the eastern boundary of the State of California, with a track departing from this line at some point west of the Rocky Mountains, and running on the most direct and feasible route, to some safe and commodious harbor in the Territory of Oregon, which shall be at all times accessible to the largest class of sea-going vessels navigating the Pacific ocean.

*Sec. 2. And be it further enacted*, That the right of way, two hundred feet wide, throughout the entire length of said roads, is hereby set apart and appropriated for the use of said roads forever; and a quantity of land, equal to the alternate sections, for the space of fifty miles on each side of said roads, to wit: the sections which shall be marked and designated on the public surveys of said lands by odd numbers, are hereby set apart and appropriated to aid in the construction of said roads, in the manner and subject to the terms, conditions, limitations, and restrictions hereinafter provided.

*Sec. 3. And be it further enacted*, That for the purpose of facilitating the extension of one of said roads eastward from its terminus on Red river, on the two lines, the one through the State of Arkansas, and the other through the State of Louisiana, so as to connect at the Mississippi river with the several lines of railroads now in process of construction between the Mississippi and the Atlantic seaboard, a like quantity of land is hereby granted to the States of Arkansas and Louisiana, with the same terms, conditions, limitations, and restrictions, to wit: the alternate sections designated on the public surveys by odd numbers, for twenty miles on each side of said road, throughout its entire length within the State of Arkansas, are hereby granted to the said State of Arkansas; and the alternate sections designated on the public surveys by odd numbers, for twenty miles on each side of said road, throughout its entire length within the State of Louisiana, are hereby granted to the said State of Louisiana; and for the purpose of facilitating the extension of the other of said roads eastward from the terminus on the Missouri river, on two lines, the one through the State of Iowa, and the other through the State of Missouri, so as to connect with the principal lines now in process of construction between the Atlantic seaboard, the lakes, and the Mississippi river, a like quantity of land is hereby granted to the States of Iowa and Missouri, with the same terms, conditions, limitations, and restrictions, to wit: the alternate sections designated on the public surveys by odd numbers, for twenty miles on each side of said road, throughout its entire length within the State of Iowa, are hereby granted to the State of Iowa; and the alternate sections designated on the public surveys by odd numbers, for twenty miles on each side of said road, throughout its entire length within the State of Missouri, are hereby granted to the State of Missouri: *Provided*, That the lands granted to the State of Missouri, at the present session, in aid of railroads, shall be deducted from the amount hereby granted: *And provided further*, That if the State of Missouri shall cause those two roads to accept of, and in all things comply with the requirements of this act, in respect to the grants made to the several States herein provided for, then the lands herein granted may be divided between those two roads upon just and equitable principles, to be determined by the President of the United States; and for the purpose of facilitating the extension of each of said roads westward from the eastern boundary of the State of California, to safe and commodious harbors, which shall be at all times accessible to the largest class of sea-going vessels navigating the Pacific ocean, a like quantity of land is hereby granted to the State of California, with the same terms, conditions, limitations, and provisions, to wit: the alternate sections designated on the public surveys by odd numbers, for forty miles on each side of each of said roads, throughout their entire length within the limits of the State of California.

*Sec. 4. And be it further enacted*, That in all cases where the United States shall have disposed of any of the lands herein granted to any State, or from any cause shall be unable to convey a title to the same, the deficiency may be made up by selections, to be made under the authority of the Governor of each of said States, respectively, out of any unimproved public lands designated on the public surveys by odd numbers, and which shall lie nearest to the lines of said roads, respectively; and in like manner all deficiencies in the lands herein set apart and appropriated to enable the contractors to make said roads through the territory of the United States, may be made up by the selec-

tions to be made by said contractors, subject to the approval of the Secretary of the Interior.

*Sec. 5. And be it further enacted*, That the said grants of land are made to the States herein named on the express conditions following, to wit:

*First*. That the States of Louisiana, Arkansas, Missouri, and Iowa, respectively, will commence the roads within their respective States within one year from the passage of this act, and prosecute them with vigor to completion, and will complete the same within the period of five years from the passage of this act; and that the State of California will commence each of the roads within her limits within one year, and prosecute them with vigor to completion, and will complete them within ten years from the passage of this act, and so much sooner as the roads through the territory to connect therewith shall be completed by the contractors herein provided for.

*Second*. That the United States mail shall be carried on said roads forever, free of charge or expense to the Government, under the direction of, and in strict conformity with the requirements of the Post Office Department; and that all troops, seamen, arms, munitions of war, military and naval stores, and all funds and property of whatever kind belonging to the United States, and all persons on official business in their employment, shall at all times be transported and conveyed on and over said roads free of charge or expense to the Government; and for all the purposes of transportation in this article mentioned, the United States shall have the preference over all persons or bodies politic whatsoever, when, in the opinion of the President of the United States, the public interest requires promptness and dispatch in such transportation.

*Third*. That each of said States shall conform to and comply with such and all the terms, conditions, limitations, restrictions, and provisions of this act, in respect to these roads, and shall assent to the power which is hereby expressly reserved to Congress by law, from time to time, to regulate the charges for freight and passengers thereon, subject to the restriction that Congress shall never reduce such charges below the average rates per mile for like service for the time being on first-class railroads in the United States.

*Sec. 6. And be it further enacted*, That it shall be the duty of the Secretary of War, under the direction of the President of the United States, within one month after the passage of this act, to prepare and cause to be published in three newspapers in the District of Columbia, and in each State of the Union, for the period of six months, inviting separate sealed proposals for the construction of each of said roads through the Territories of the United States, which is not included in any of the States of the Union. At the expiration of said period of six months, the Secretary of War, under the direction of the President, shall proceed to open the said proposals and to select from among them one for the construction of each of said roads, the terms of which shall be most favorable to the United States in these particulars, to wit:

*First*. Which shall insure the completion of the roads respectively within the shortest period of time, not to exceed ten years from the date of the contract in any event.

*Second*. Which, in consideration of the lands herein set apart and appropriated and of the use of the roads for the periods agreed upon, shall insure said roads respectively to be kept in good repair, to be run and managed in all respects in compliance with the terms of the contract and with the provisions of this act, and to be surrendered and delivered up to the United States in good condition, together with all the appurtenances thereunto belonging, in the shortest period of time, not to exceed thirty years from the date of completion in any event.

All the provisions of this act, except so far as they relate exclusively to the States herein named, shall be deemed and held to be parts of said contracts, whether expressly incorporated and set forth therein or not; and the Secretary of War, under the direction of the President, is hereby authorized to demand, receive, and approve such securities and guarantees for the faithful performance of the said contracts as he shall deem necessary and proper; the said proposals to be decided upon and the contracts entered into at the expiration of one month from the day fixed upon for opening the proposals; and in the event the contractors shall not furnish the securities and guarantees required by the Secretary of War, under the direction of the President, within thirty days from the time of awarding the contracts, a selection shall be made from the other proposals, or like advertisements shall be immediately made for new proposals for the period of three months, and the same proceedings shall be had thereon as herein required for the first proposals.

*Sec. 7. And be it further enacted*, That the said contractors for each of said roads shall be deemed and held in law to be corporate and politic with perpetual succession for the period of said contracts, and for five years thereafter for the purpose of winding up their business, with the capacity of making by-laws not inconsistent with their contracts, and of suing and being sued in all courts having competent jurisdiction, and be vested with all the powers, rights, privileges, and immunities necessary and proper to the performance of their said contracts, or necessary to the vindication of their rights accruing under or growing out of or pertaining to the same.

*Sec. 8. And be it further enacted*, That so soon as the contractors on either of said roads shall have completed and put into successful operation one section of one hundred miles thereof, it shall be the duty of the President of the United States to issue to them patents for one third of the land set apart and appropriated in the second section of this act, which shall be located along and pertain to the portion of the road so completed, retaining the other two thirds as additional security for the completion of the entire road; and when an additional section of one hundred miles of the road shall have been completed and put in operation as aforesaid, a like quantity of land shall be conveyed in like manner; and so on for each section of one hundred miles so completed, until five hundred consecutive miles of said road shall have been completed and put in successful operation; when upon the completion of an additional section of one hundred miles of said road, two thirds of the land

pertaining to said section, and also one of the remaining thirds pertaining to the first section of the road so completed, shall in like manner be conveyed to the contractors to enable them to prosecute the work; and upon the completion of another section of one hundred miles, two thirds of the land pertaining to that section, together with the remaining third pertaining to the first section, shall be conveyed in like manner; and so, on the completion of another section of one hundred miles of the road, the two thirds of the land pertaining to that section, together with the one third pertaining to the second section of the road, shall be conveyed in like manner; and so on shall there be conveyed to the contractors in like manner for the completion of each section of one hundred miles of the road, two thirds of the land pertaining to that section, together with one of the remaining thirds of the land pertaining to one of the first five sections in the order in which those sections were completed, until fifteen hundred miles of said road shall have been completed and put in successful operation; upon the completion and successful operation of fifteen hundred consecutive miles of either of said roads, there shall be conveyed to the contractors in like manner for the construction of each hundred miles of road, three fourths of all the lands pertaining to such sections, and a remaining third pertaining to one of the sections already completed; and so on until the whole road shall have been completed and put in successful operation, when the residue of all the lands pertaining to such road shall be conveyed in like manner to the contractors.

Sec. 9. *And be it further enacted*, That it shall be stipulated in the contracts for the construction of said roads, that a certain number of miles of each shall be completed each year; and it shall be so arranged in this respect, that the whole of each road shall be completed within ten years and as soon as is practicable, and that all portions of said roads shall be kept in good repair, and be run and managed in conformity with the provisions of this act from the day of the completion of such portion of either road; and in case of a failure on the part of the contractors for either road to comply with the provisions of this act and the terms of their contract in all respects, without a reasonable excuse, to be judged of by Congress, subject to the veto power of the President under the Constitution, such contract may be annulled, and the road and all the lands remaining unsold shall be forfeited and shall revert to the United States.

Sec. 10. *And be it further enacted*, That the said roads shall become and remain the property of the contractors therefor, respectively, for the period specified in said contracts, subject to the terms of their contracts and the provisions of this act: *Provided*, That Congress hereby expressly reserves the right by law, from time to time to regulate the charges for freight and passengers thereon, subject to the restriction that Congress shall never reduce such charges below the average rates per mile for like service for the time being on other first-class railroads in the United States.

Sec. 11. *And be it further enacted*, That by the contracts for the construction of each of said roads, it shall be distinctly understood that the United States mails shall be carried on said roads during the full period of said contracts, free of charge or expense to the Government, under the direction of, and in strict compliance with, the requirements of the Post Office Department; and that all troops, seamen, arms, munitions of war, military and naval stores, and all funds and property of whatever kind belonging to the United States, and all persons on official business in their employment, shall at all times be transported and conveyed on said roads free of charge or expense to the Government; and for all the purposes of transportation in this article mentioned, the United States shall have the preference over all persons or bodies-politic whatever, when, in the opinion of the President of the United States, the public interest requires promptness and dispatch in such transportation.

Sec. 12. *And be it further enacted*, That in case either of the States herein named to which lands are granted, to facilitate the extension of either of said roads, shall fail to accept the same, on the terms and with the conditions herein provided, within one year from the passage of this act, the Secretary of War, under the direction of the President, is hereby authorized to award contracts for the construction of the roads, in such States as shall so fail or refuse, to the contractors having charge of the line of road of which such roads are extensions; the said contracts to be awarded on the same terms and conditions, in all respects, as the other contracts herein provided for; and the President shall dispose of and convey the lands proposed to be granted to such States, in the same manner as is herein provided for the lands set apart and appropriated in the second section of this bill.

Sec. 13. *And be it further enacted*, That upon the expiration of the period of time specified in the contracts for the construction of said roads, respectively, whereby the same shall cease to be the property of said contractors, and shall be surrendered to the United States, so much of either of said roads as shall at that time be situated within the limits of any one of the States, may be granted to such States upon the same terms and conditions, in all respects, as are herein prescribed to the States receiving grants of land under the provisions of this act; and the residue of said roads, if any, to be conveyed in like manner and on like terms and conditions, to the States in which they may be situated when such territory may become States of the Union.

Sec. 14. *And be it further enacted*, That the said roads shall be constructed in the best and most substantial manner, with all the modern improvements, with the best quality of iron rail, which shall weigh not less than sixty-four pounds to the yard, and a uniform gauge of six feet for the track.

Sec. 15. *And be it further enacted*, That a commissioner for each of said roads, who shall receive a salary of — dollars each, payable quarterly, shall be appointed by the President, by and with the advice of the Senate, whose duty it shall be, under the direction of the Secretary of War, to take all necessary measures to protect the public interests, and see that the terms of the contracts, respectively, shall be fully and strictly complied with; and the said

commissioners shall, once a year, or oftener if required, make to the Secretary of War full reports of their proceedings, and of the state and progress of the roads.

Mr. RUSK. I am favorable to this bill. If we could get a vote upon it, I should certainly vote for it. I have voted for similar bills heretofore; but, for one, I must say, we are consuming the time of the Senate to no purpose. It seems that we are about to cry out before we get out of the woods. There are committees of conference on almost every appropriation bill, and on one or two other bills, which it is absolutely necessary should be passed. This amendment will be discussed. Other amendments will be offered and discussed; and it must be evident to every one that the time of the Senate will thus be consumed to no purpose; and we shall be exactly where we are now. I move, therefore, to postpone the further consideration of the subject until to-morrow.

Mr. SHIELDS. I hope my honorable friend will not insist on that motion. I agree with him that from present appearances this bill is about to lead us into embarrassment, but I am extremely sorry that a bill of this character—a bill which is in some measure sacred—should be made the vehicle for these various amendments, which gentlemen are now about to offer. It occurs to me that it is an improper manner to treat a subject of this kind. This bill is for the relief of those who are born with claims upon humanity. When a bill is brought in here in order to relieve, and support, and protect, and foster that unfortunate class of our fellow-beings who have been stricken by Heaven, is it proper to make it a vehicle of these various amendments? In my opinion, such a course is not worthy of the Senate.

Mr. ADAMS. Will the Senator allow me to ask him a question? Does he consider that the claims of these unfortunate people rest upon the Federal Government, or upon the State governments?

Mr. SHIELDS. Sir, I am not about to discuss the question of where that claim rests. It is, however, a claim upon the nation; and the nation cannot get rid of it. This bill has been prepared by the only agent I respect about this Capitol—by Miss Dix. All your other agents come here as the agents of selfish and sordid objects. But here is a lady, who is a voluntary agent for the unfortunate—for those who have no friends. I think, sir, that, for once, we should have a fair vote upon this question. Let the bill be beaten, if gentlemen choose; but let it be beaten openly and fairly; and not by loading down with amendments. I am in favor of this amendment as a separate proposition; but I shall vote against putting it on this bill. And if it were proposed to amend this bill by tacking on a measure granting land to the State of Illinois, I should vote against it. I want to get the bill clear from all other influences.

Mr. GWIN. I wish to reply, in a few words, to the Senator from Illinois, [Mr. SHIELDS.] He says it is not just to offer amendments to this bill. It is for me to judge of my duty to my constituents; and that duty I will perform, regardless of the admonitions of those who assume to judge for me. The measure before the Senate is important. It is not just and equal in its operation. It does not do justice to the new States, but I am in favor of the principle embodied in the bill. But its importance sinks into insignificance when compared to the great national measure embodied in my amendment. The bill I propose as an amendment has been matured by the Committee on Territories, of which I am a member, and proposes the establishment of two railroads from the Mississippi valley to the Pacific ocean, one by the northern, and the other by the southern route. Sir, it is useless to disguise the fact, that upon the completion of one or more railroads connecting our Atlantic and Pacific possessions, depends the existence of this Union. The present connection between the Atlantic States and our Pacific coast is too precarious. A hostile collision with any maritime nation will interrupt, if not destroy that connection. Do you expect we can remain one nation when our social and commercial intercourse is held by so precarious a tenure? This railroad bill, or some similar measure, must become a law before we can be considered as inseparably one people. With it nothing can separate us. The Union will be impregnable to all assaults from within or without. But I repeat that this measure, or one of similar object, and a more just and liberal policy

towards California than has been pursued since I have been a member of this body, is required to make us feel on the Pacific coast that we have all of the advantages of our sister States, and are on a perfect equality with them. But I will not continue this debate. Important to my constituents as is the measure embodied in the amendment I propose, I should not have brought it forward at this late period of the session if the bill now under consideration had not been taken up. It is too late to consider either, and I propose to lay the whole subject on the table.

Mr. SHIELDS. I call for the yeas and nays on the motion of the Senator from California.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 31; as follows:

YEAS—Messrs. Adams, Bayard, Bright, Brodhead, Butler, Cass, Charlton, De Sausure, Dodge of Iowa, Douglas, Felch, Gwin, Hunter, King, Mason, Meriwether, Norris, Pratt, Rusk, Toucey, and Walker—21.

NAYS—Messrs. Badger, Bell, Borland, Brooke, Chase, Clarke, Cooper, Davis, Dawson, Downs, Fish, Foot, Geyer, Hale, Hamlin, Houston, Jones of Iowa, Mangum, Miller, Morton, Pearce, Seward, Shields, Smith, Spruance, Stockton, Sumner, Underwood, Upham, Wade, and Weller—31.

So the motion was not agreed to.

The question then recurred on the motion of Mr. RUSK, to postpone the further consideration of the bill until to-morrow.

Mr. UNDERWOOD. I gave an intimation that I intended to move an amendment to this bill. The gentleman from Illinois seems to charge those who intimate anything of that kind with a disposition to defeat the bill, and load it down with amendments. I wish to say to that gentleman, and to all of the members of the Senate, that I heartily approve of this bill, which generally bears the name of one of the most estimable females of our country, and I shall vote for it most cheerfully. But it is nothing more than an appropriation of lands to objects beneficial to the American people; and while you are appropriating lands for objects of that sort, however charitable they may be, you have as much right to appropriate them for the benefit of citizens who, in all time after your asylums shall be erected, will have to support those asylums. I say you have as much right to appropriate the lands for the benefit of the people who through after ages are to support this unfortunate class, as you have to appropriate directly for the erection of the houses.

Sir, it is a very curious argument which Senators are making here. You can give lands for the benefit of the insane; and yet you cannot appropriate lands for the benefit of the sane, who are to support the insane through all time to come! A strange charity this! as if the States were mendicants coming here, knocking at your doors, to get a few acres of land to help to build houses; when the people of the States, for ages after all your lands are gone, will have to support all these objects of charity.

The PRESIDING OFFICER, (Mr. NORRIS in the chair.) The Chair is very unwilling to interfere with the Senator, but he must remind him that debate upon the merits of the bill is not in order upon a motion to postpone.

Mr. UNDERWOOD. I had supposed that the merits of the question were directly in point, to show that the bill ought not to be postponed. I cannot understand how an argument can be made on the subject, unless it embraced the merits to show that you ought to act immediately instead of postponing it. I want to show the importance of acting upon this bill now, and not delaying it until to-morrow. What is the argument of the gentleman from Illinois worth? In my own State we have built two asylums, and I give the celebrated Miss Dix credit for one of them. I know that the land will be beneficial to us, and will help us to carry on these asylums; but I know, further, that when these houses have rotted down, if you would appropriate some of these lands for the benefit of internal improvements, after generations would be enriched by them, and be better enabled to support the insane existing then. I wish to show what ideas gentlemen entertain, and to bring them to the consideration of the country. Some insist that you have the power to give, through mere charity, lands for the temporary support of the insane, but that you cannot help the States to make permanent and lasting improvements which are to benefit the sane for ages to come.

Sir, there is no such distinction as that in the Constitution, in reason, or in the charities of the

human heart. This bill seems to find universal support upon a momentary charity, upon an excitement of sympathy for those who are suffering under the misfortune of the deprivation of intellect. Now, my policy, the policy of the gentleman from California, and others who wish to amend this bill—as it is a portion of the land system—is to provide for coming ages.

We are not limited by that momentary sympathy which acts upon the spur of the occasion, to make a mere temporary arrangement; but, sir, our charities extend, and our sympathies extend for the insane and for the sane also; not merely for a day, or a year, but through all coming ages. It is for these reasons that I wish the bill considered now and amended.

Mr. WELLER. Mr. President, I voted to take up this bill, with the sincere hope that we might be able to pass it. I have voted against laying it on the table, anticipating that gentlemen would refrain from offering their amendments. But I see that there is no hope whatever for the passage of the bill at this session. It was one to which I was devoted. It was a bill which commended itself to my judgment, and all of the sympathies of my heart. But I see it is utterly impossible to make any progress with it at this session. I am therefore driven to the necessity of moving that the bill, with the amendments, lie on the table.

Mr. BELL. I submit that the motion is not in order.

Mr. WELLER. I believe that a motion to lay on the table takes precedence of a motion to postpone. The pending question was on the motion to postpone, and I have moved that the bill lie on the table.

The PRESIDING OFFICER. (Mr. NORRIS.) The Senator from California [Mr. GWIN] moved to lay the bill upon the table, and that motion was rejected. Since that time there has been no business done; and therefore the Chair decides that the motion of the other Senator from California is not in order.

Mr. WELLER. There has been action of the Senate since that motion was made.

The PRESIDING OFFICER. Not that the Chair is aware of.

Mr. WELLER. A motion to postpone has been entertained, and that I apprehend is action.

The PRESIDING OFFICER. The motion to postpone was made before the first motion to lie on the table.

Mr. BADGER. I wish to make a suggestion on the point of order. I would suggest to the Chair, that although there may have been no motion intervening since the first motion to lie on the table, yet if debate has arisen, the second motion is in order; otherwise, if the Senate once refuse to order a bill to lie on the table, they might go on and discuss it for six, eight, or ten hours, and could not then order it to lie on the table.

Mr. WELLER. I think there has been action since the former motion to lie on the table was disposed of. The subject has been considered and debated upon a motion to postpone; and therefore I think it is now in order to move that the bill lie on the table.

The PRESIDING OFFICER. The Chair is of a different opinion.

Mr. WELLER. My object is to get rid of debate, and I am therefore constrained to appeal from the decision of the Chair.

The PRESIDING OFFICER. The Chair has decided that the motion of the Senator from California is not in order, inasmuch as there has been, according to the view of the Chair, no business intervening since the former motion to lie on the table was rejected. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken, the decision of the Chair was overruled.

The question then recurred on the motion of Mr. WELLER, that the bill, with the amendments, lie on the table.

Mr. SEWARD asked for the yeas and nays; and they were ordered; and being taken, resulted—yeas 15, nays 25; as follows:

YEAS—Messrs. Adams, Butler, Cass, Charlton, De Saussure, Dodge of Iowa, Douglas, Downs, Houston, Hunter, King, Meriwether, Toucey, Walker, and Weller—15.  
NAYS—Messrs. Badger, Bell, Brooke, Chase, Clarke, Cooper, Davis, Dawson, Foot, Geyer, Hale, Hamlin, James, Jones of Iowa, Mallory, Mangum, Morton, Norris, Pearce,

Seward, Shields, Spruance, Sumner, Underwood, Upham, and Wade—25.

So the motion was not agreed to.

Mr. BORLAND. I have an amendment to offer. I submitted it informally sometime since, and it was then ordered to lie on the table. My intention was to offer it as a substitute for the original bill; but I now offer it as an amendment to the amendment of the Senator from California, [Mr. GWIN.] It is to strike out all after the enacting clause of his amendment, and insert:

That there be granted to the several States, for the purposes hereafter mentioned, ten millions of acres of land, to be apportioned under the direction of the President of the United States in the compound ratio of the geographical area and representation of said States in the House of Representatives, according to the census of 1850: *Provided*, That the area of no State shall be computed at more than fifty-five thousand square miles.

Sec. 2. *And be it further enacted*, That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, and whenever there are lands of suitable quality in a State, the quantity to which said State shall be entitled shall be selected from such lands, and the quantity apportioned to any State in which there are no such lands shall be located in the territory belonging to the United States, and not within the limits of any State to which the Indian title shall be extinguished; and it shall be the duty of the States to offer the said lands immediately, and to complete the same at the earliest practicable day: *Provided*, That the said lands shall not be sold at a less rate per acre than the minimum price of the public lands, and that they be subject to the right of preemption, like the said public lands: *Provided*, also, That the lands hereby granted shall be taken from such portion of the public lands as shall be subject to entry at private sale at the time of selection.

Sec. 3. *And be it further enacted*, That whenever the apportionment of said lands shall be completed, patents shall be issued to the several States for the portions which shall be allotted to them; respectively; and thereupon the said States shall assume the management and sale of the lands thus apportioned to them.

Sec. 4. *And be it further enacted*, That all the expenses of management and superintendence of said lands previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong.

Sec. 5. *And be it further enacted*, That all moneys derived from the sales of the lands aforesaid, shall be invested in stocks of the United States, or of the States, and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, and the interest of which shall be inviolably appropriated to the comfortable maintenance and support of the curable and incurable indigent insane, blind, deaf, and dumb.

Sec. 6. *And be it further enacted*, That the grant of land hereby authorized shall be made on the conditions following, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

First. If any portion of the fund invested as provided by the foregoing section, or any portion of the interest thereon, shall by any action or contingency be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished, and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fifth section of this act.

Second. The interest of said fund shall be faithfully applied to the maintenance and support of the curable and incurable indigent insane, blind, deaf, and dumb, who shall be placed in regularly-organized State institutions, or in public incorporated institutions or hospitals, for the exclusive care of the insane, blind, deaf, and dumb, or in public hospitals or schools for the sole care and treatment of the same, having full corps of officers charged with the management of said institutions, and resident physicians attached thereto; and in no case shall any part of the said fund or the interest thereof, be applied permanently or temporarily to the maintenance, or support of insane persons who may be kept or confined in jails, or in buildings connected with or attached to them, or in any work-houses or poor-houses, or in any department of the same whatsoever, or in any private hospital, or in any general hospital not exclusively devoted to and occupied for the remedial care of the same.

Sec. 7. *And be it further enacted*, That if any State shall establish a public State institution for the maintenance and education of idiots, they may, at the discretion of such State, be permitted to participate in the benefits of this act, under the restrictions hereinbefore specified, and in the ratio of their numbers, relatively to the insane, for whose maintenance and support the interest of the fund belonging to such State shall be applied, anything in this act to the contrary notwithstanding.

Sec. 8. *And be it further enacted*, That the right of way through the public lands be, and the same hereby is, granted to the following States respectively, viz: Arkansas, Iowa, Wisconsin, Michigan, Ohio, Indiana, Mississippi, Louisiana, Alabama, Florida, and California, and to the Territory of Minnesota, for the construction, under the authority and direction of the Legislatures respectively of each of said States and of the said Territory, upon such route or routes as said States or Territory respectively shall direct, between the following points, viz: in Arkansas, from a point on the west bank of the Mississippi river opposite the town of Memphis, Tennessee, by way of Little Rock, to or near Fulton, on Red river; from Helena, by way of Little Rock, to Fort Smith; and from Gaines's Landing, by way of Camden, to or near Fulton. In Iowa, from Dubuque to Keokuk; and from Davenport and Burlington to the Missouri river, with a branch from the latter to Keosauque. In Wisconsin, from the southern line of the State of Wisconsin, by way of Janesville and Fond du

Lac, to Lake Superior, in said State; and from Prairie La Crosse, on the Mississippi river, in Wisconsin, to Milwaukee, in said State. In Michigan, from Pontiac to the waters of Lake Michigan, in Ottawa county, from Lake or river Saint Clair to Lake Michigan; from Milwaukee by Grand Traverse Bay to Mackinaw; from Grand river by way of the Straits of Mackinaw and Sault Ste. Marie to the Montreal river. In Ohio, from Beebe, in Ohio, by way of Chillicothe, Hillsboro', Cincinnati, and Vincennes, to a point on the east bank of the Mississippi river opposite the city of Saint Louis. In Indiana, from Indianapolis to connect with the Mobile and Chicago route, at or near the latter place. In Mississippi, from Brandon to the eastern line of the State of Mississippi, in the direction of Montgomery, Alabama. And to the States of Louisiana and Mississippi, respectively, for the construction of a railroad from New Orleans, in Louisiana, by way of Jackson, in Mississippi, and thence by Canton, Mississippi, to some point on the line between Tennessee, Mississippi, and Alabama, so as to connect with the proposed Nashville and New Orleans road; and to the State of Mississippi, from Canton, in said State, to the Tennessee line by way of Holly Springs, in said State. In Alabama and Florida, from Montgomery to the waters of Pensacola Bay, with branches to the Chattahoochee river, and a branch to the waters of the Tumsaw river and Mobile Bay. In Louisiana, from Shreveport, in said State, to a point on the west bank of the Mississippi river, at Providence or opposite Vicksburg. In Alabama, from Girard to Mobile Bay; and from Selma, on the Alabama river, to Guntersville, on the Tennessee river. In California, from San Francisco to San José. In Florida, from Pensacola, by way of Tallahassee and Madison, with a branch to Saint Mark's and a branch to Tampa Bay, to Saint Mary's in the State of Georgia. And in the Territory of Minnesota, from Fond du Lac, or the Falls of Saint Louis river, to Saint Paul; and from the western line of Minnesota, through the valley of Minnesota river, to Dubuque, with a branch to Saint Paul.

Sec. 9. *And be it further enacted*, That said States and Territory, respectively, shall have the right, also, to take necessary materials of earth, stone, and timber, for the construction of said railroads, from the public lands of the United States adjacent thereto: *Provided*, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads or public ways for transportation, including stations, with the usual buildings of all kinds, turn-outs, and such other appurtenances as are usually enjoyed by railroad companies; and a copy of the location of said roads made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to the General Land Office at Washington city, within ninety days after the completion of the same, to be recorded.

Sec. 10. *And be it further enacted*, That there be, and is hereby, granted to the said States and Territory, for the purpose of aiding in making the railroads aforesaid, every alternate section of land designated by even numbers, for six sections in width on each side of said roads respectively: but in case it shall appear that the United States have, when the lines of routes of said roads are definitely fixed by the authority aforesaid, sold any section, or any part thereof, granted as aforesaid, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governors of said States or Territory, respectively, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States most contiguous to the tier of sections above specified, so much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of preemption has attached as aforesaid, which lands thus selected in lieu of those sold, and to which the right of preemption has attached as aforesaid, together with the sections and parts of sections designated by even numbers as aforesaid, and appropriated as aforesaid, shall be held by the said States and Territory, respectively, for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road in each case, and selected for and on account of each of said roads: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of the said railroads through such reserved lands, in which case the right of way only shall be granted.

Sec. 11. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said road, shall not be sold for less than double the minimum price of the public lands when sold; which lands shall, from time to time, be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale.

Sec. 12. *And be it further enacted*, That the said lands hereby granted to the said States and Territory, respectively, shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

Sec. 13. *And be it further enacted*, That if the said railroads respectively shall not be completed within ten years, each of the said States and Territory, respectively, shall be bound to pay to the United States the amount which may be received upon the sale of any part of said lands by said States and Territory, respectively, the title to the purchas-



ers under said States remaining valid; and the title to the residue of said lands shall reinvest in the United States, to have and to hold the same in the same manner as if this act had not been passed.

Sec. 14. *And be it further enacted*, That the United States mail shall at all times be transported on said railroad, under the direction of the Post Office Department, at such prices as Congress may by law direct.

Mr. CLARKE. It appears to me, that if the bill under consideration is to be passed, it must be done in a very short time. We have now only about fourteen hours of the session remaining; and I think, if we go on in this way, we shall never get through with the bill.

Mr. BORLAND. I will state, for the information of the Senate, that my amendment consists of the bill usually called Miss Dix's bill, so modified as to include with the insane, the deaf, dumb, and blind; and then in addition to that, several railroad bills that have passed the Senate.

Mr. CLARKE. If it is such a slight amendment as that, I suppose it can be adopted without any discussion. [Laughter.]

Mr. HALE. I can hardly expect at this late hour of the evening and of the session to gain the attention of the Senate, but I will make an effort to do so for a very few moments, and then I shall have done. I have voted for this bill uniformly since its first introduction into the Senate to the present time. I have voted twice to-night against laying it on the table, and I now make an appeal to its friends and to the Senate to let us have a vote upon it, and vote down all these amendments. I am in favor of some of them as separate measures. But this bill has been sent to us from the House. Its history is familiar to us all. It seems to me that it stands out in its characteristics so prominently from the ordinary objects of legislation, that it is entitled and demands of its friends and of the Senate a hearing upon its own individual merits.

Sir, this bill emanates from a lady whose history is well known to the country. She has gone through the country, from one end of it to the other, into nearly every State of the Union, taking a gaze into that misery to which the human form and the human soul is reduced when the divine light of reason is put out by the inscrutable decrees of Providence. In nearly every State she has been received with enthusiasm, and the public records of the States bear honorable testimony to her worth, and the estimation in which she has been held by every community she has visited. She told me not long since, that if she failed in her attempt here, in the Congress of the United States, it would be the first legislative body upon this continent to which she had ever made her appeal in behalf of the unfortunate in vain.

Now, sir, I ask if this is not a subject which can appeal to the highest sympathies of our hearts, to place it above the considerations that are connected with these local interests of railroads and other matters which ordinarily appertain to our everyday legislation? I ask, may we not consider this bill without embarrassing it with any such considerations or questions as these? I do hope, that for the honor of our common nature, for the honor of humanity, we will separate this measure from everything of that kind, vote down the amendments, and come to a direct vote on the bill. What can the friends of these measures gain by proposing their amendments? They may have the miserable satisfaction that the Hebrew prisoner had in the prison of the Philistines: they may pull down the temple; they may destroy the bill and the amendments with it; but they cannot carry one or the other by loading down this bill in this way. Let us vote down these amendments, and vote upon the bill; and at the coming session of Congress, we can give to these other measures the consideration which is their due.

I wish, sir, this appeal could have been made by somebody whose voice is more potential and influential than mine; but as nobody else has made it, I have felt it to be my duty to make it, and I do trust it will find a response in the hearts of Senators.

Mr. BORLAND. I have, on consultation with friends, agreed to alter my amendment with regard to the arrangement of the roads. I therefore substitute for all of my amendment after the seventh section, what I send to the Chair. It is the same in substance, but makes a different arrangement of the roads.

The amendment as modified, was read.

Mr. CLARKE. I move to lay the whole subject on the table.

Mr. SEWARD. I ask for the yeas and nays. The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 21; as follows:

YEAS—Messrs. Adams, Bayard, Bright, Brodhead, Cass, Charlton, Clarke, Clemens, De Saussure, Dodge of Iowa, Douglas, Downs, Felch, Fish, Gwin, Houston, Hunter, James, King, Mason, Meriwether, Pratt, Walker, and Weller—24.

NAYS—Messrs. Bell, Chase, Cooper, Davis, Dawson, Geyer, Hale, Hamlin, Jones of Iowa, Mallory, Mangum, Miller, Morton, Seward, Shields, Soule, Spruance, Sumner, Underwood, Upham, and Wade—21.

So the bill was laid upon the table.

#### SENATE EMPLOYEES.

Mr. DODGE, of Iowa. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back the resolution which was offered by the Senator from North Carolina [Mr. BADGER] a few days ago, in relation to compensation of clerks and other employees in the Capitol, with an amendment, as follows:

1. *Resolved*, That there be allowed and paid, under the direction of the Committee to Audit and Control the Contingent Expenses of the Senate, to the persons in its employ, the sums respectively which were allowed at the last session, and to Harry Dodson, John Brown, and Robert Carter, the sum of \$50 each.

2. *Resolved*, That the Sergeant-at-Arms, under the direction of the same committee, be authorized to employ the messengers, pages, and folders during the recess in folding documents, and that the same price be paid therefor as was paid at the last session; and that he be authorized, under the same authority, to employ the necessary force of men and wagons to convey the documents to the city post office.

The PRESIDENT. The resolution has been read twice and referred. It is now before the Senate as in Committee of the Whole.

Mr. WELLER. I ask whether that resolution embraces the reporters?

The PRESIDENT. It does not.

Mr. WELLER. I hope they will be included.

Mr. WALKER. I offer the following amendment to provide for them:

*Resolved*, That there be paid, under the direction of the Committee to Audit and Control the Contingent Expenses of the Senate, to each member of the respective corps of reporters to the Senate, \$100.

Mr. HAMLIN. I move to amend the amendment by striking out "one hundred," and inserting "three hundred." I understand that the House of Representatives have agreed to give each of their reporters the sum of \$300. And I am quite satisfied that our reporters in the Senate are equally as talented as those in the House, and as richly deserve this compensation.

Mr. WALKER. I accept the amendment.

Mr. ADAMS. Before the vote is taken on the question of the reporters I wish to say a word. There is a provision in the resolution reported by the committee for paying folders and others during the recess. Unless that provision is better guarded, I see nothing in it to prevent documents printed in the cities of New York, Boston, and Philadelphia from being brought here, and folded at the public expense. If that be the design of the resolution, I cannot vote for it. I think it would be utterly wrong for Congress to keep employed at the public expense persons in the folding-room to fold and dispatch documents, which are not published under authority of Congress. The proposition seems to me to involve a new principle—a very important one—and a precedent will thereby be established which it may not be at all times advisable to follow.

Mr. HALE. I want to say, Mr. President, that there is but one presidential candidate on the floor of the Senate, and the party which support him ask nothing for themselves in that respect. [Laughter.]

Mr. DODGE, of Iowa. The provision in regard to the folders is precisely the same as has been adopted heretofore. It has reference to the folding of the Patent Office Report, and such speeches as Senators may order. If they send none in, there are none folded. If they do, all that they send there are folded. That is the case every session.

Mr. ADAMS. I beg to inquire if there is anything in the resolution to prevent Senators from sending to New York and elsewhere and having political documents printed, and brought here, folded and circulated at the public expense? If the resolution is so guarded as to prevent this, I

shall not insist upon my amendment. If it is not so guarded, I shall propose an amendment.

Mr. DODGE, of Iowa. The resolution is not so guarded. Senators certainly have the same right to send to New York, and have their speeches printed there, as to have them printed at the office of John C. Rives, or any other office in the city of Washington.

Mr. WALKER. For the satisfaction of the Senator from Mississippi, as well as for my own satisfaction, I shall at the proper time move to amend the resolution by providing that the folders shall be employed only in folding such documents as shall be printed by the authority of Congress, and such speeches as Senators may order to be folded.

The PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin in relation to reporters.

Mr. DODGE, of Iowa. I wish to call the attention of the Senate to the fact, that this amendment involves the introduction of an entirely new principle in regard to compensation. No such thing has ever been attempted from the foundation of the Government until the present day. This proposition was brought before the committee, but it did not receive its sanction. It is now offered by the Senator from Wisconsin, [Mr. WALKER,] who is a member of that committee, upon his own responsibility. The committee do not recommend it. I do not see how we can with propriety make this appropriation—giving compensation to the employees of the gentlemen who have contracted to report our proceedings. It would be opening a door so wide, that no man can tell where we should stop. Carry out this principle, and no treasury in the world would be sufficient to meet the demands which would thus be made upon it.

Mr. CLEMENS. One word in relation to this matter. I do not believe that a more efficient corps of reporters can be found than those who report for us. But it is the business of those who employ them to pay them—not ours. I am so well satisfied with the reporters that we have that it is very rare indeed that I look over any report of my remarks made here, before I see them in the newspapers. I am satisfied that they report correctly. But the fact is that we pay the gentlemen who contract to publish the reports, and it is not our business to pay the reporters. I therefore feel under the necessity of voting against the amendment.

The question was taken on a division, and there were—yeas 16, noes not counted.

The PRESIDENT. The amendment is not carried, in the opinion of the Chair.

Mr. WALKER. I ask for the yeas and nays.

Mr. JAMES. I move to amend the amendment, by providing that there shall be paid to each of the reporters, the sum of "\$250," instead of "\$300."

Mr. SHIELDS. I ask if the question has been lost in regard to paying them \$300?

The PRESIDENT. The amendment was not lost. The Chair stated that it was lost, in his opinion; but the Senator from Wisconsin [Mr. WALKER] called for the yeas and nays.

Mr. SHIELDS. I hope the Senator from Rhode Island will withdraw his amendment.

Mr. JAMES. Certainly, I will withdraw it. I was under the impression that the amendment giving to the reporters \$300 was lost. That was my object in proposing \$250.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 14; as follows:

YEAS—Messrs. Bayard, Brodhead, Brooke, Charlton, Clarke, Cooper, Davis, De Saussure, Downs, Fish, Foot, Gwin, Hale, Hamlin, Houston, James, Jones of Iowa, Mason, Morton, Pratt, Seward, Shields, Soule, Sumner, Upham, Wade, Walker, and Weller—28.

NAYS—Messrs. Adams, Cass, Chase, Clemens, Dodge of Iowa, Felch, Geyer, King, Mangum, Meriwether, Miller, Norris, Spruance, and Underwood—14.

So the amendment was adopted.

Mr. MANGUM. I move to amend the resolution by adding the following:

*Resolved*, That the Secretary of the Senate be authorized to employ an additional clerk, who shall be allowed the same compensation as is allowed to the engrossing clerks.

This amendment, perhaps, requires a word of explanation. The object of it is not to increase the number of clerks in actual employment, but to legalize the continuance of a clerk who has been

performing duty ever since last winter, under the authority of the Committee on Contingent Expenses.

Mr. DODGE, of Iowa. I hope that amendment will not be adopted. It seems to me to be a very extraordinary time to offer such a resolution when we are within a few hours of adjournment. If this were the first day of the session, instead of next to the last, there might be some propriety in such a resolution. I think we have quite as many clerks, if not more, than we want; and I trust that the amendment will be rejected.

Mr. GWIN. I hope the amendment will be agreed to. The gentleman for whom it provides has been employed for months past. His services were indispensable to enable the Secretary to perform the duties in his office. I know him to be a very meritorious clerk—a gentleman who has filled his post well, and who ought to be retained in it. I trust, therefore, that the amendment will be adopted.

Mr. MASON. I move that when the Senate adjourns it adjourn to meet to-morrow at ten o'clock.

The PRESIDENT. That motion cannot be received until the subject under consideration has been disposed of.

Mr. MASON. Then I move that the Senate do now adjourn.

A division was called for on the motion, and there were—ayes 15, noes 22.

So the Senate refused to adjourn.

Mr. BRODHEAD. I would like to address an inquiry to the Senator from Iowa, who reported the resolution from the committee. I should like to know what will be the aggregate amount of extra compensation which will be paid to the clerks and others under this resolution? I understand it is similar to the one heretofore adopted.

Mr. DODGE, of Iowa. Precisely the same.

Mr. BRODHEAD. I understand that the amount will be \$20,000.

A SENATOR. More than that.

Mr. BRODHEAD. I am informed that the amount will exceed \$20,000. I know that when a similar resolution was before the Senate at the last session, the honorable Senator from Indiana [Mr. WHITCOMB] showed that under it \$20,000 extra would be paid. My friend from Wisconsin says I am somewhat in error upon this subject. I would really like to know how much it is, because if it is \$10,000 or \$15,000 extra, I do not think it is exactly right. I think that the clerks here are as well paid as any of the employees about the Departments, and if we are to pay them \$10,000 or \$15,000, let us extend it to all the clerks in the Departments.

Mr. SEWARD. I regret, Mr. President, that there should be any objection to this resolution in the shape in which it comes before the Senate. I believe that it proposes nothing new. For several years past, at the expiration of the session of Congress, we have been in the habit of bestowing a gratuity upon the officers who have attended upon us during our deliberations. I believe that it proposes nothing in the way of increase or augmentation, but that the sums recommended by the committee are precisely the same as those which have heretofore been paid. I believe that we have never appropriated less than is proposed now—while we have appropriated more.

The PRESIDENT. The Chair will inform the Senator from New York [Mr. SEWARD] that the question is upon the proposition offered by the Senator from North Carolina [Mr. MANGUM] to employ an additional clerk.

Mr. MANGUM. Upon that question let me explain that the object of the amendment is not to increase the number of clerks. It is simply to continue and legalize the employment of a gentleman who has been performing duties in the Secretary's office all the session.

Mr. DODGE, of Iowa. Will the Senator from North Carolina permit me to interrupt him? Upon a representation which has been made to me in regard to this amendment, I withdraw my objection to it.

Mr. MANGUM. Then I will make no further remarks, except to say that this gentleman, at the instance of divers Democratic friends, resigned one office which was to him as good as a life estate.

Mr. ADAMS. I shall offer no opposition to the amendment proposed by the Senator from North Carolina; but I say now, that so long as I

entertain the opinion which I now entertain, I shall think it quite proper, that when gentlemen desire to employ clerks over and above the usual number, they ought to notify the Senate in advance.

The question was taken upon the amendment offered by Mr. MANGUM, and it was agreed to.

Mr. WALKER. I now move further to amend the resolution of the committee by inserting the following in regard to the provision made concerning messengers and folders:

In folding documents printed by Congress, and such speeches made in Congress as Senators may order to be folded.

Mr. CLEMENS. I move to amend the amendment by adding the following:

And that the employees in the offices of the Daily Union, the National Intelligencer, and the Republic shall each be paid the sum of \$300.

I think, sir, that if we are to pay reporters who are not directly employed by us, but who are the employees of the proprietors of these papers, we might as well give extra compensation to each of the employees engaged in each of these offices.

A SENATOR. I would suggest to the Senator from Alabama that he ought to amend his amendment by including the employees of the National Era.

Another SENATOR. And the Southern Press.

Mr. CLEMENS. But the Southern Press is dead, and of course there are no employees there.

Mr. MANGUM. I think I may feel authorized to say, that the two distinguished Whig presses named in that amendment, desire no such gratuity.

Mr. CLEMENS. Then, it is the first time I ever knew a Whig to refuse anything of the kind. [Laughter.] If the Senator proposes an amendment to my amendment, to that effect, I will accept it.

The PRESIDENT. Does the Senator from Alabama persevere in his amendment?

Mr. CLEMENS. No, sir, I withdraw it.

The PRESIDENT. The question, then, is on the amendment offered by the gentleman from Wisconsin.

Mr. WALKER. On that amendment I ask for the yeas and nays.

The yeas and nays were not ordered; and the question being taken, the amendment was agreed to.

Mr. ADAMS. I offer the following amendment to come in at the end of the section providing for the reporters:

And that the office of Reporter be, and the same is hereby, abolished, from and after the close of the present session.

Mr. HALE. I wish to inquire of the Senator from Mississippi whether he wishes to abolish the office of Reporter entirely, or whether he designs to abolish the office of Reporter to the Senate?

Mr. ADAMS. I mean the office of Reporter to the Senate.

The amendment was not agreed to.

Mr. UNDERWOOD. I offer the following amendment:

Resolved further, That the Secretary of the Senate cause to be published, and laid upon the tables of Senators at the commencement of next session, the sums paid, under these resolutions, to the several persons entitled, and the amount paid to each.

A SENATOR. Is the gentleman from Kentucky serious in offering that amendment?

Mr. UNDERWOOD. I am serious.

Mr. WELLER. We will all go for the amendment, provided the Senator from Kentucky will not make a speech.

The amendment was agreed to.

Mr. SHIELDS. I move to strike out from the original resolution, the words "under the direction of the same authority." The object is, to leave the Sergeant-at-Arms to judge of the number of wagons and horses necessary to be employed in conveying documents to the post office, during the recess. It is impossible that the committee can judge of it. If the committee were here during the recess, they could determine what would be necessary; but they will not be here, therefore this discretion should be given to the Sergeant-at-Arms.

Mr. HUNTER. Can I submit a motion to go into Executive session?

The PRESIDENT. Not until this subject is disposed of.

Mr. DODGE, of Iowa. I hope the amendment

of the Senator from Illinois [Mr. SHIELDS] will not be adopted. The resolution is now in the same terms as those of the resolution of last session. I think that the committee should have supervision of this matter. If my friend from Illinois were as well acquainted with this business as I am, I think he would not persist in his amendment.

Mr. SHIELDS. Very well; I will not persist in it.

The amendment was accordingly withdrawn.

The PRESIDENT. The question is on the resolution as amended.

Mr. GWIN. I offer the following amendment to the resolution:

Resolved, That William Hickey, the principal executive clerk, be allowed and paid the same amount of compensation as is allowed to the principal legislative clerk, commencing with the present session of Congress.

It is known that this gentleman has been performing double duty during the whole of the session. He is a clerk at the Secretary's desk, and we all know that his duties have been arduous and onerous. This amendment only proposes to put him on the same footing as the clerks who receive \$300. I trust that the amendment will be unanimously adopted.

Mr. CLEMENS. If any of the persons provided for in this report ought to be allowed extra compensation, the gentleman named in the amendment of the Senator from California ought to be provided for. But, in my opinion, none of these resolutions should pass. There is not an executive officer in the Senate or House of Representatives who has not applied for an increase of compensation. In my opinion this has been the most reckless Congress, in regard to expenditures of this kind, that ever did assemble. There is not an officer in any of the Departments who has not applied for extra compensation. I take much pleasure in saying that this is one of the most meritorious cases which has been presented here. And if any of these clerks are to receive extra compensation, the gentleman named in this amendment is entitled to receive it. But I want it distinctly understood that I shall vote against them all. I have voted for none of them, and I intend to vote for none of them.

The amendment was agreed to.

Mr. CHASE. I entirely concur with the Senator from Alabama, that this resolution contemplates a most reckless expenditure of the public money. It introduces, too, a very extraordinary principle—a principle which, I think, ought to engage the attention of the country. We have made a contract for reporting and publishing our debates. We all know the character of the corps of reporters; we all know that they perform their duties well and skillfully; but we all know, too, that our contract is not with the corps of reporters, but with the gentlemen who employ them; and the proposition to pay a gratuity to the reporters is precisely of the same character as a proposition which has several times been agitated here, within the last few months, to pay the workmen employed under one of your contractors. If the reporters are to be paid in this way, then it would be proper that the workmen engaged in building the wings of your Capitol should also be paid. I will not detain the Senate at this late hour of the session, in commenting further on what I conceive to be objectionable in the resolution; but I will move to lay the resolution on the table, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 12, nays 29; as follows:

YEAS—Messrs. Adams, Bright, Brodhead, Chase, Clemens, Downs, Hunter, Mason, Meriwether, Norris, Spruance, and Underwood—12.

NAYS—Messrs. Bayard, Bell, Borland, Brooke, Cass, Charlton, Clarke, Cooper, Davis, De Sausure, Dodge of Iowa, Fish, Foot, Geyer, Gwin, Houston, James, Jones of Iowa, Mangum, Miller, Morton, Rusk, Seward, Shields, Smith, Soule, Wade, Walker, and Weller—29.

So the motion to lay the resolution on the table was rejected.

Mr. BELL. I think there is some objection, on principle, to the state in which this resolution now stands. We propose here to pay a gratuity to reporters, who are not officers of the Senate. This subject was under the consideration of the Committee on the Contingent Fund, and it was suggested that if this payment were made, it would be difficult to determine where we should stop. If this could be placed on a safe principle, or on such

a ground as might be applied to the government of similar cases, I would have no objection whatever to give this gratuity to the reporters as an acknowledgment on the part of the Senate of the fidelity with which they have made their reports. I suggested to my friend from Iowa, who is chairman of the committee, [Mr. Dodge,] whether we could not here at once adopt a principle which would be safe in such cases. Those reporters who are admitted to the floor of the Senate ought to be in some sort under the control of the Senate. If this proposition can be amended in such a manner as that they could be recognized as officers, or with the view to such a proposition in future, taking care that no reporter should be admitted to the floor of the Senate but those who were actually employed by the publishers of the Congressional Globe and Daily Union, then, I think, I should vote for it. But these persons should be such as receive the sanction of the Secretary of the Senate to come upon the floor; they should be recognized as persons proper to be employed here. I should have no objection to the proposition that those who have been employed during the session should be so recognized; and I think it would be proper that we should resolve that in future the Secretary of the Senate should recognize and sanction such as ought to be admitted on this floor; and that no reporter should be admitted who has not such sanction. We would then have them under our control as officers of the Senate, and they would be subject to our reprehension in case of misconduct, and might, in such case, be ejected by the Presiding Officer. If that amendment was made, I think the principle would be sound. I say nothing against the amount proposed to be paid to these gentlemen, but I object to the principle as it is now embodied in that resolution.

The resolution was then reported to the Senate; the amendments were concurred in, and the resolution was read a third time and passed, as follows:

1st. *Resolved*, That there be allowed and paid, under the direction of the Committee to Audit and Control the Contingent expenses of the Senate, to the persons in its employ, the sums, respectively, which were allowed at the last session, and to Harry Dodson, John Brown, and Robert Carter, the sum of \$50 each.

2d. *Resolved*, That the Sergeant-at-Arms, under the direction of the same committee, be authorized to employ the messengers, pages, and folders, during the recess, in folding documents, and that the same price be paid therefor as was paid at the last session; and that he be authorized, under the same authority, to employ the necessary force of men and wagons to convey the documents to the city post office.

3d. *Resolved*, That there be paid, under the direction of the Committee to Audit and Control the Contingent Expenses of the Senate, to each member of the respective corps of reporters to the Senate, \$300.

4th. *Resolved*, That the Secretary of the Senate be authorized to employ an additional clerk, who shall be allowed the same compensation as the engrossing clerks.

5th. *Resolved*, That the Secretary of the Senate cause to be published and laid on the table of Senators at the commencement of the next session, the sums paid under these resolutions to the several persons entitled, and the amount paid to each.

6th. *Resolved*, That William Hickey, the principal executive clerk, be allowed and paid the same amount of compensation as is allowed to the principal legislative clerk, commencing with the present session of Congress.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it had passed the bill from the Senate to constitute Alton, in the State of Illinois, a port of entry, with an amendment.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, and it was concurred in.

Also, a message announcing that the President of the United States had notified the House that he had signed House bill No. 144, entitled "An act to amend an act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' passed March 3, 1851."

Also, "An act making appropriations for the transportation of the United States mails by ocean steamers, and otherwise, during the fiscal year ending the 30th June, 1853."

Also, "An act in addition to an act to promote the progress of the useful arts."

Also, "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1853."

Also, "An act making appropriations for the improvement of certain harbors and rivers."

#### EXECUTIVE SESSION.

On motion by Mr. SHIELDS, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned to meet at nine o'clock to-morrow morning.

#### HOUSE OF REPRESENTATIVES.

MONDAY, August 30, 1852.

The House met at eleven o'clock, a. m. Prayer by the Rev. LITTLETON F. MORGAN.

Mr. HAMMOND. I move to dispense with the reading of the Journal.

The SPEAKER. That motion is not in order, except by unanimous consent.

Mr. HALL. I object.

The Clerk then proceeded to read.

Mr. STANTON, of Tennessee. I hope I shall be allowed to move to dispense with the further reading of the Journal. I understand it will take about an hour to read it. I suppose the Speaker has examined it and found it to be correct. If it be in order, I make that motion.

Mr. HALL. I object.

The SPEAKER. The Chair is of the opinion that the motion cannot be made without a suspension of the rule. That is the impression of the Chair. He, however, is not very certain upon the matter.

Mr. JOHNSON, of Tennessee. I will not object to dispensing with the reading of the Journal. There is, however, one portion to which I desire to call the attention of the House. When the gentleman from Ohio [Mr. EDGERTON] offered the resolution requiring the select committee for investigating the conduct of the Secretary of the Treasury in relation to the Gardiner claim, to prosecute that investigation during the vacation, it was my impression that the committee would be allowed to make their report so soon as the investigation should have been completed. If they are not authorized to make their report as soon as it is completed, the object which would detain the committee during the recess will be defeated. It will not be necessary that we should be detained here after the adjournment of Congress, unless we can report the facts for the information of the country, or to those who are concerned. If it is to be laid over to the next session of Congress, the whole object will be defeated.

A message was here received from the Senate, announcing the passage, by that body, of the following bills:

A bill making appropriations for the civil and diplomatic expenses of the Government during the fiscal year ending June 30, 1853, with amendments;

A bill making appropriations for the support of the Army during the fiscal year ending June 30, 1853, with amendments;

A bill making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1853, with amendments; and

A bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending June 30, 1853, without amendment.

The SPEAKER. The Chair is informed by a member of the Committee on Enrolled Bills that it is next to impossible for them to get through with their labors—their number having been reduced from some cause. They ask, therefore, that two additional members may be placed upon the committee. Is it the pleasure of the House that the Speaker be empowered to appoint two additional members upon that committee?

There was no objection, and it was so ordered; and the Speaker appointed Messrs. McNAIR and GOODENOW.

The objection being withdrawn, the further reading of the Journal was dispensed with.

Mr. CLARK. I rise to a question of order.

Mr. JOHNSON, of Tennessee. I have already the floor upon a question of order. I rise to move a correction of the Journal. I was proceeding to state that when the gentleman from Ohio [Mr. EDGERTON] moved, on Saturday, a resolution detaining the Select Committee during

the recess of Congress, I was under the impression that they would be authorized to report the facts to the country as soon as they should have completed their investigation. Unless this authority be given them, it will be wholly useless to require them to remain here during the recess; and it will be incurring additional expense for no purpose. I was under the impression that the resolution gave that authority; and I now ask the unanimous consent of the House for the Journal to be corrected, as to permit the committee to report to the Clerk of the House during the recess.

Mr. JOHN W. HOWE. I object.

Mr. JOHNSON. I cannot see why gentlemen will object. The whole object will be defeated unless this authority be given; and I appeal to the gentleman to withdraw his objection.

Mr. HOWE. I will withdraw my objection.

The Journal was corrected accordingly.

Mr. CLARK. I now rise to a question of order.

I desire to know whether the first business in order is not to call the Committee on the Post Office and Post Roads for reports?

The SPEAKER. That would be the first business in order but for the fact, that a bill reported from that committee has not been disposed of, and is now pending before the House as unfinished business.

#### PATENT OFFICE REPORT.

Mr. GORMAN. I ask the consent of the House to make a report from the Committee on Printing.

The SPEAKER. It is not in order at this time to make a report from that committee, except by unanimous consent.

Mr. GORMAN. I ask that the report may be read for information.

It was read by the Clerk, as follows:

*Resolved*, That there be printed for the use of the House of Representatives, one hundred thousand copies of the agricultural part of the Patent Office Report.

There was no objection, and the resolution was received and agreed to.

Mr. PENN. I call for the regular order of business.

The SPEAKER. The regular order of business is the motion to lay on the table House bill No. 323, for the relief of the Memphis and Charleston or Tennessee, Mississippi and Alabama, the Alabama and Tennessee river, the Coosa, the New Orleans and Jackson, and the New Orleans and Opelousas, and Great Western Railroad Companies.

Mr. GORMAN. I desire the unanimous consent of the House to make a motion from the Committee on Printing. It is, that the mechanical part of the Patent Office Report, now lying upon your table, be taken up and printed. I ask that it may be done now; for, unless it be done, we shall not have time to do it during the present session of Congress.

[Cries of "Agreed!" "Agreed!"]

There was no objection, and the motion was received and passed.

Mr. JONES, of Tennessee. Mr. Speaker, there was a bill passed the Senate (No. 59) which was sent here and referred to the Committee of Ways and Means. Under their direction, I ask now that it may be taken up and acted upon.

Mr. PENN. I insist upon the regular order of business.

Mr. JONES. I hope I may be allowed to ask that Senate bill No. 59 be taken up and acted upon. It was referred to the Committee of Ways and Means a long time ago, and under the instructions of that committee I reported it back to the House. It is a bill to provide compensation to such persons as shall be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of August 6th, 1846, to provide for additional services required under that act. By that act, the Secretary of the Treasury is authorized to designate certain officers as receivers at land offices, custom-house officers, and collectors, as depositaries of the public money, at points where there are no assistant treasurers.

Mr. PENN. I call the gentleman from Tennessee to order. He is making a speech, and consuming the morning hour. I call for the regular order of business.

Mr. JONES. I hope the House will consent to take this bill up and pass it. It is one which will require no discussion. I have no interest in it, but I desire to see it taken up and passed.



Mr. PENN. I object, and call the gentleman to order.

Mr. JONES. Well, sir, I call the attention of the House to the fact, that a gentleman objects who comes from a section of the country where there is an assistant treasurer.

Mr. McQUEEN. I ask the gentleman from Louisiana to give way, to allow me to introduce a bill merely for the purpose of having it referred to the Committee of the Whole House.

Mr. PENN. I will yield for that purpose.

Mr. McQUEEN then, by unanimous consent, introduced a bill authorizing the adjustment and payment of the claims of William Hazard, Whig, for losses sustained by him during the war of the Revolution; which was read a first and second time by its title, referred to a Committee of the Whole House, made the order of the day for tomorrow, and, with the report accompanying, ordered to be printed.

Mr. HENDRICKS. I rise to a question of order. I object to the transaction of any other business before the House proceeds to the regular order.

#### DUTY ON RAILROAD IRON.

The House then proceeded to the regular order of business, being the motion to lay on the table House bill No. 323, for the relief of the Memphis and Charleston or Tennessee, the Mississippi and Alabama, the Alabama and Tennessee River, the Coosa, the New Orleans and Jackson, and the New Orleans and Opelousas, and Great Western Railroad Companies.

Mr. ALLISON. This is an important bill. If it be in order, I move that there be a call of the House.

The SPEAKER. That motion is in order.

Mr. IVES. I have a paper in my hand which I ask may be read for the information of the House.

Mr. PENN. I object. We have no time to spare.

The question now being on ordering a call of the House,

Mr. ALLISON demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. CHANDLER and HENDRICKS were appointed.

The House was then divided upon ordering the yeas and nays, and the tellers reported 46 in the affirmative—a sufficient number.

So the yeas and nays were ordered.

Mr. BROOKS. I would suggest, as the yeas and nays have been ordered upon this bill—and it is quite evident that we cannot dispose of it during the morning hour—that, to save time, we now take up one of the appropriation bills.

Mr. COBB. I object. We can have at least one vote upon the bill before the morning hour expires.

The SPEAKER. The yeas and nays have been ordered upon the motion that there be a call of the House, and they must be taken unless dispensed with by unanimous consent.

Mr. OUTLAW. I rise to a question of order. I understand the previous question has been ordered upon the passage of the bill. I submit that it is not in order to move a call of the House after the previous question has been ordered.

The SPEAKER. The Chair will inform the gentleman from North Carolina that the previous question has not been seconded, and much less ordered.

The question was taken, and there were—yeas 51, nays 100.

So a call of the House was not ordered.

The question then recurred upon the motion to lay the bill upon the table.

Mr. ALLISON demanded the yeas and nays; which were ordered.

The question was then put, and the result was—yeas 90, nays 80; as follows:

YEAS—Messrs. Charles Allen, Allison, Barrere, Bibb, John H. Boyd, George H. Brown, Buell, Busby, Carter, Chandler, Chapman, Cleveland, Cobb, Curtis, Dawson, Dean, Dimmick, Disney, Dockery, Duncan, Edgerton, Edmundson, Faulkner, Florence, Floyd, Fowler, Henry M. Fuller, Gamble, Gaylord, Gilmore, Goodenow, Goodrich, Green, Hamilton, Hammond, Hascall, Haven, Horsford, John W. Howe, Ingersoll, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, George G. King, Preston King, Kuhns, Kurtz, Letcher, Manu, Martin, Mason, McNair, Henry D. Moore, Morrison, Murray, Newton, Andrew Parker, Penniman, Perkins, Phelps, Price, Reed, Richardson, Riddle, Robbins, Robie,

Ross, Savage, Schoonmaker, Scudder, David L. Seymour, Origes, Seymour, Skelton, Snow, Richard H. Stanton, Thaddeus Stevens, Thompson, Thurston, Townshend, Tuck, Walbridge, Walsh, Washburn, Wells, and Wilbrick—90.

NAYS—Messrs. Aiken, Willis Allen, William Appleton, Ashe, Averett, Thomas H. Bayly, Bissell, Boccock, Bragg, Breckinridge, Brenton, Albert G. Brown, E. Carrington Cabell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Caskie, Chastain, Churchwell, Clark, Clingman, Conger, Daniel, James G. Davis, Doty, Eastman, Evans, Ewing, Ficklin, Gentry, Gorman, Grey, Hall, Isham G. Harris, Hart, Haws, Hendricks, Henn, Holladay, Houston, Howard, Thomas Y. How, Jackson, John Johnson, Robert W. Johnson, Landry, Lockhart, McKorkle, McQueen, Meade, Miller, Millson, Molony, John Moore, Morehead, Murphy, Outlaw, Samuel W. Parker, Penn, Polk, Porter, Powell, Schermerhorn, Scurry, Stanley, Frederick P. Stanton, Abraham P. Stephens, St. Martin, Strother, Sweetser, Taylor, Yenabe, Wallace, Ward, Watkins, Addison White, Alexander White, Wilcox, and Woodward—80.

So the bill was laid on the table.

Mr. JENKINS. I move to reconsider the vote just taken, by which the bill was ordered to lie upon the table, and move to lay the motion to reconsider upon the table.

Mr. BAYLY. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. COBB. For the sake of saving time, I am willing to make a compromise in this matter. If it meets the concurrence of the House, I will move to postpone the consideration of the motion till the second day of the next session of Congress.

Mr. CLINGMAN. I have no objection to that.

Mr. JENKINS. I will not object to the gentleman's motion to postpone, if he will alter the day to the fourth Tuesday of the next session.

Mr. COBB. I will accept that amendment.

Mr. KING, of New York. I object to the motion to postpone.

The SPEAKER. Then the question must be taken upon the motion to lay upon the table the motion to reconsider.

Mr. COBB. If the question is to be now decided, I ask for a call of the House; and upon that I demand the yeas and nays.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. There is a contest going on about this bill which is not likely to be soon settled. I beg leave to say to the House, that the Committee of Conference upon the civil and diplomatic bill are ready to report; and that it is absolutely necessary that that bill should be disposed of at an early hour, or it will be impossible to enroll it between now and the time of the adjournment. I am fearful it cannot be done even now. I ask, therefore, that the Committee of Conference be now permitted to report.

Mr. FICKLIN. I object.

Mr. HOUSTON. I will say to the gentleman from Illinois, in all fairness, that if the morning hour is to be taken up in this kind of contest, it would be much better to do away with it altogether.

Mr. FICKLIN. Is the morning hour out?

The SPEAKER. It is not. The morning hour expires at twenty minutes past twelve o'clock.

Mr. BAYLY, of Virginia. I hope the gentleman from Illinois [Mr. FICKLIN] will withdraw his objection.

Mr. KING, of New York. I call for the regular order of business.

The SPEAKER. The regular order of business is on the question whether there shall be a call of the House.

The yeas and nays were then ordered upon the motion for a call of the House.

[Mr. BARRERE, from the Committee on Enrolled Bills, reported as correctly enrolled the "Act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" which thereupon received the signature of the Speaker.]

Mr. COBB. I have no disposition to impede the progress of business, but it has been suggested by persons opposed to—

Mr. JONES, of Tennessee. I call the gentleman to order.

[Cries of "Order!" "Order!" "Order!"]

The SPEAKER. Discussion is out of order.

Mr. COBB. I am willing that it should be postponed until next session.

[Cries of "Order!" "Order!"]

The SPEAKER. A motion to postpone is not in order so long as a motion for a call of the House, or a motion to lay upon the table either, is pending.

Mr. KING, of New York. I call for the regular order of business.

The SPEAKER. It is upon a call of the House, and upon that the yeas and nays have been ordered.

Mr. STUART. I wish to state a question of order. As I understand the decisions of the Chair heretofore made, when the previous question is ordered upon a bill—

Mr. KING, of New York. The previous question has not been ordered upon this bill.

Mr. STUART. I understood that it had been.

The SPEAKER. It was demanded, but not seconded.

[Here a message was received from the Senate, informing the House that the Senate had agreed to the report of the Committee of Conference on the civil and diplomatic appropriation bill.]

Mr. BISSELL. Has the morning hour expired?

The SPEAKER. It has not.

The Clerk then proceeded to call the roll upon the motion for a call of the House; pending which, the morning hour having expired,

Mr. FICKLIN said: I believe the morning hour has expired, and I move that all further proceedings under the call be dispensed with.

The SPEAKER. The morning hour has expired, but the yeas and nays are being called upon a motion to order a call of the House, and it cannot be dispensed with except by unanimous consent.

Mr. FICKLIN. I hope it will be dispensed with by unanimous consent. The object was to exhaust the morning hour, and that object is accomplished.

No objection was made, and further proceedings in the call were dispensed with.

#### CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. I wish to make a report from the Committee of Conference upon the disagreeing votes of the two Houses upon the civil and diplomatic bill. I will state, in addition to other reasons for desiring to advance that bill as rapidly as possible, that it may be enrolled in time, I understood from one of the Senators upon the Committee of Conference, a few moments ago, that he had received a line from the President, saying that it would be impossible to look over the bill unless we act hastily upon it; and he made a special request that an expeditious course should be pursued with it. I call the previous question. The previous question was seconded.

The report of the Committee of Conference was then read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the bill (H. R. 196) "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1853, and for other purposes," having met, and after full and free conference, have agreed to recommend, and do recommend to the respective Houses as follows:

That the House of Representatives do agree to the 1st, 2d, 7th, 8th, 11th, 12th, 13th, 14th, 17th, 18th, 20th, 21st, 24th, 25th, 26th, 29th, 32d, 34th, 36th, 37th, 38th, 39th, 43d, 45th, 46th, 48th, 49th, 51st, 53d, 54th, 56th, 58th, 59th, 63d, 63d, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72d, 73d, 74th, 75th, 76th, 78th, 79th, 82d, 83d, 84th, 85th, 90th, 91st, 94th, 95th, 96th, 97th, 102d, 103d, 104th, 106th, 107th, 109th, 110th, 112th, 113th, 114th, and 119th amendments of the Senate.

That the two Houses do agree to the 5th amendment of the Senate, with an amendment: Page 2, line 1, after the word "accounts," insert the words "of Thomas Ritchie, assignee of William M. Belt."

That the two Houses do agree to the 6th amendment of the Senate, with an amendment, as follows: Page 3, in line 20, after the word "dollars," insert the following words: "Provided, That no part of this appropriation shall be applied to the enlarging of the present or the erection of new buildings."

That the two Houses do agree to the 19th amendment of the Senate, with an amendment, as follows: Page 6, in line 2, strike out the words "nine thousand four hundred and eighty-five," and insert in lieu thereof the words "seven thousand."

That the two Houses do agree to the 31st amendment of the Senate, with an amendment, as follows: Page 9, in line 5, after the word "of," strike out the words "two thousand eight hundred," and insert in lieu thereof the words "one thousand five hundred."

That the two Houses do agree to the 35th amendment of the Senate, with an amendment, as follows: Page 11, strike out lines from 1 to 7 inclusive.

Page 11, in line 10, after the word "Iowa," strike out all of the paragraph, and insert in lieu thereof the following

words: "For the expenses of the United States district court, which were paid by said county prior to the first day of January, one thousand eight hundred and forty-four. And if, upon such examination, it is satisfied that prior to the first day of January, one thousand eight hundred and forty-four, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December nineteenth, one thousand eight hundred and forty-three, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same: *Provided*, That the amount thus allowed shall not exceed the sum of \$12,000, which is hereby appropriated for that purpose."

That the two Houses do agree to the 40th amendment of the Senate, with an amendment, as follows: Page 12, in line 2, strike out the words "sixteen thousand five hundred," and insert in lieu thereof the words, "twenty thousand."

That the two Houses do agree to the 41st amendment of the Senate, with an amendment, as follows: Page 12, in line 2, strike out the words "sixteen thousand five hundred," and insert in lieu thereof the words "twenty thousand."

That the two Houses do agree to the 50th amendment of the Senate, with an amendment, as follows: Page 17, strike out lines from 1 to 6 inclusive, and insert in lieu thereof the following: "For purchasing a site and the construction of a suitable building at Richmond, Virginia, for custom-house, post office, court-rooms, and other offices of the United States, \$100,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Virginia: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same at a sum or sums which shall not in the whole exceed the sum of \$150,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

That the two Houses do agree to the 52d amendment of the Senate, with an amendment, as follows: Page 18, strike out lines from 1 to 10 inclusive, and insert in lieu thereof the following: "For purchasing a site and the construction of a suitable building at Waldoboro', Maine, for custom-house, post office, and other offices of the United States, and furnishing the same, \$12,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Maine: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of \$12,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

That the two Houses do agree to the 80th amendment of the Senate, with an amendment, as follows: Page 30, in line 1, after the word "of," strike out the word "four," and insert in lieu thereof the word "two."

Page 30, in line 4, after the word "bridge," strike out the words "two thousand seven hundred and fifty-five dollars," and insert in lieu thereof the words "one thousand three hundred and seventy-seven dollars and fifty cents."

That the two Houses do agree to the 92d amendment of the Senate, with an amendment, as follows: Page 39, in line 3, after the word "thousand" strike out the words "five hundred."

That the two Houses do agree to the 105th amendment of the Senate, with an amendment, as follows: Page 43, strike out lines from 7 to 10 inclusive.

That the two Houses do agree to the 108th amendment of the Senate, with an amendment, as follows: Page 45, strike out lines from 1 to 9 inclusive, and insert in lieu thereof the following: "All whose compensation shall exceed \$1,200, and shall be less than \$1,600, shall receive an additional compensation of ten per cent. upon the amount of their salaries: *Provided*, That no salary shall be increased to more than \$1,600 by the per cent. or additional compensation herein provided for."

That the two Houses do agree to the 111th amendment of the Senate, with an amendment, as follows: Page 46, in line 17, strike out after the word "States" all to the end of the paragraph.

That the two Houses do agree to the 115th amendment of the Senate, with an amendment, as follows: Page 49, in line 3, after the word "agent" insert the words "for California."

Page 49, in line 8, after the word "and," strike out the word "assistant," and insert in lieu thereof the word "associate."

Page 49, in line 10, after the word "commissioners," insert the words "on private land claims in California."

That the two Houses do agree to the 117th amendment of the Senate, with an amendment, as follows: Page 51, in line 13, strike out the word "seven," and insert in lieu thereof the word "five."

Page 51, in line 15, after the word "of," strike out the word "eighteen," and insert in lieu thereof the word "sixteen."

Page 51, in line 15, after the word "dollars," strike out the word "one," and insert in lieu thereof the word "two."

Page 51, in line 16, after the word "of," strike out the word "sixteen," and insert in lieu thereof the word "twelve."

Page 51, in line 17, strike out the word "one," and insert in lieu thereof the word "two."

Page 51, in line 17, after the word "of," strike out "fourteen hundred," and insert in lieu thereof the words "one thousand."

Page 51, in line 18, strike out all after the word "dollars," to the end of the 19th line.

That the two Houses do agree to the 120th amendment of the Senate, with an amendment, as follows: Page 53, in line 1, strike out after the word "enacted," to the end of line 11 inclusive, and in lieu thereof insert: "That from and

after the passage of this act, in lieu of the compensation now allowed by law for his services, there shall be paid hereafter to each of the deputy naval officers at the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, \$2,000 per annum, to be paid out of the fund for the expenses of collecting the revenue."

That the two Houses do agree to the 121st amendment of the Senate, with amendments, as follows: Page 2, in line 5, strike out "eighteen," and instead thereof insert "sixteen."

Page 2, in line 7, strike out the word "fourteen," and in lieu thereof insert "twelve."

That the two Houses do agree to the 122d amendment of the Senate, with an amendment, as follows: Page 54, in line 9, after the word "done," insert the word "and."

Page 54, in line 10, after the word "completion," strike out all to the end of the section, and insert in lieu thereof the following: "According to his contract prices, with such proportion of \$50,000, in addition thereto, as the amount of the work performed by him bears to the amount of work done by the printer for the Thirty-first Congress, when estimated under his contract prices."

And that the Senate do recede from their 3d, 4th, 9th, 10th, 15th, 16th, 22d, 23d, 27th, 28th, 30th, 33d, 42d, 44th, 47th, 55th, 57th, 60th, 61st, 77th, 81st, 86th, 87th, 88th, 89th, 93d, 98th, 99th, 100th, 101st, 116th, and 118th amendments.

GEO. S. HOUSTON,  
WM. APPLETON,  
G. W. JONES,  
House Committee of Conference.  
R. M. T. HUNTER,  
J. R. UNDERWOOD,  
JOHN B. WELLER,  
Senate Committee of Conference.

The following shows in detail the action of the committee:

#### Amendments to be agreed to.

That the House of Representatives do agree to the following amendments of the Senate:

1st. Strike out "four" and insert "ten," in the following section:

"For compensation and mileage of Senators, \$104,776."

2d. After line 21 insert:

"For compensation of Senators, Members of the House of Representatives, and Delegates, \$50,000."

7th. In page 14, after line 13, insert:

"For the publication of the Jefferson Papers, under the direction of the Library Committee, in addition to the balance of an unexpended appropriation, \$3,000."

8th. Strike out "twenty-one," and insert "twenty-two," in the following section:

"For publishing the Laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, \$21,325."

11th. In the proviso to the clause making appropriation for temporary clerks in the Third Auditor's Office, insert "compensation" in the place of "per diem," so that it will read:

"*Provided*, That no clerk shall receive more than at the rate of \$1,000 per annum under this act, except one, whose salary shall be \$1,600, and four, whose compensation shall be \$4 per day."

12th and 13th. Insert "eight" in the place of "four," and the word "three" in the place of "one," in the following clause:

"For compensation of the Register of the Treasury, and the clerks, messengers, and assistant messengers in his office, \$30,400. The salary of one of the clerks created by the act of 20th of April, 1818, being hereby increased to \$1,000 per annum."

14th. Insert the following in page 8, after line 13, viz:

"For the temporary employment of additional clerks in the Auditor's office of the Treasury for the Post Office Department, to compute postmasters' commissions, rendered necessary by the act of Congress reducing the rates of postage, \$10,000."

17th. Under the head of "Executive Buildings," in page 13, lines 10 and 11, strike out "\$10,000" and insert "\$14,500," in the following clause:

"For labor, fuel, and lights, \$10,000."

18th. Under the same head, strike out "\$2,500" and insert "\$4,000," in the following clause:

"For fuel, watching, and miscellaneous items for the same, \$2,500."

20th. Under the head "Contingent expenses of the Department of the Interior," in page 14, line 27, add the following:

"For Library books and maps, \$1,000."

21st. Under the head of "War Department," insert:

"For compensation of an additional clerk in the office of the Commissary General of Subsistence, \$1,000."

24th. Insert under head "Southwest Executive Building:"

"For an additional watchman of the Southwest Executive Building, \$500."

25th. Under the head of "Post Office Department" insert:

"For compensation of one additional clerk in the office of the Postmaster General, \$1,000."

26th. Under the head of "Contingent expenses of

the Post Office Department," strike out "\$10,500" and insert "\$12,500," in the clause appropriating for blank books, binding, stationery, fuel for the General Post Office Building, oil, gas, and candles, printing, labor, day watchmen, and for miscellaneous expenses, &c.

29th. Under the head of "Appropriation for the New Orleans Mint," insert:

"For the proportion due by said Mint, for square block paving from Esplanade to Barrick streets, to be paid to Thomas Hynes, \$1,265 40."

32d. Amend the following section by adding the part in italics:

"For salary of the Reporter of the Decisions of the Supreme Court, \$1,300 for each volume, published by the direction of the Supreme Court."

34th. In the clause making appropriation for defraying the expenses of the supreme court, circuit and district courts of the United States, &c., increase the sum from "\$550,000" to "\$630,000."

36th. Strike out "\$45,000" and insert in lieu thereof "\$59,057 32," in the following clause:

"For expenses of weighing and mooring, cleansing and repairing, and supplying losses of beacons, buoys, chains and anchors, \$45,000."

37th and 38th. Insert in page 32, line 22:

"For compensation of the Treasurer of the branch Mint at San Francisco, California, \$4,500;"

and in consequence increase the appropriations in the clause for additional salaries of treasurers of the Mint and branch Mint from "\$1,500" to "\$6,000."

39th. Strike out "\$9,600" and insert in lieu thereof, "And a clerk for the treasurer of the branch Mint at San Francisco, California, at a salary of \$2,500, \$12,100," in the following clause:

"For salaries of ten additional clerks authorized by the act of August 6, 1848, \$9,600."

43d. Strike out "five" and insert "seven" in the following clause:

"For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August 6, 1846, \$5,000."

45th. Insert in page 35, after line 20, the following:

"For completing the construction of the marine hospital at San Francisco, California, and for arranging the grounds, fencing, furnishing warming apparatus, and superintendence thereof, \$130,000."

46th. Insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable site in Portland, in the State of Maine, or in such place in the immediate vicinity thereof, as he shall deem proper, and to cause to be erected thereon, under his direction, a marine hospital for the relief of sick and disabled seamen; and for that purpose the sum of \$30,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated."

48th. In page 35, line 26, to the following clause, viz:

"For continuing the construction of the custom-house at New Orleans, Louisiana, \$150,000"—

add the following:

"Subject to the limitations and restrictions imposed on the appropriation made for the same object at the last session of Congress: *And provided*, That in case the superintendence of the building be confided to an officer detailed from the Corps of Topographical Engineers, the acting Architect be dispensed with, and the said Superintendent allowed compensation not exceeding \$8 per day."

49th. In page 35, after line 26, insert the following:

"For purchasing a site, and the construction of a suitable building at Wilmington, Delaware, for custom-house, post office, court-rooms, and other offices of the United States, and furnishing the same, \$25,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Delaware: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site, or lot of ground, and to make a contract, or contracts, for the erection of said building and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of \$25,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States."

51st. In page 36, after line 6, insert the following:

"To enable the Secretary of the Treasury to purchase an addition to the custom-house at Baltimore, and to repair and alter the edifice, \$110,000; said sum to cover all expenses of purchase, repair, and improvement."

53d and 54th. In page 36, line 14, strike out the word "Prussia," and also "27,000," and insert "18,000," in the following section:

"For outfit of Ministers of the United States to Great Britain, Prussia, and Mexico, \$27,000."

56th. Strike out "thirty" and insert "forty," in the following:

"For contingent expenses of foreign intercourse, \$30,000."

58th. In page 39, after line 1, insert the following:

"To enable the President of the United States to make compensation to the Spanish consul and other subjects of Spain residing at New Orleans, and subjects of Spain at Key West, for losses occasioned by violence in the year 1851, arising from intelligence then recently received at those places of the execution of certain persons at Havana, who had recently invaded the Island of Cuba, \$25,000: *Provided*, That before payments be made under this appropriation the President of the United States shall cause an investigation to be made of such alleged losses, and that the same, together with the reasonable costs of the investigation, shall be paid on the certificate of the Secretary of State that the same are proven to the satisfaction of the President."

59th. Insert in the same page the following:

"For compensation to Peter Parker, as Acting Chargé d'Affaires at Canton, China, for two years from the 24th of May, 1850, to the 24th of May, 1852, which shall be in full for all demand for such services for the period named, \$4,000."

62d. Insert the following:

"For compensation to Charles D. Arfwedson, Consul of the United States at Stockholm, Sweden, for diplomatic services rendered as Chargé d'Affaires at that place, by the instruction of the Secretary of State, from the recall of Mr. Ellsworth to the arrival of Mr. Schroeder, appointed Chargé d'Affaires from the 24th of July, 1849, to the 22d day of April, 1850, a period of eight months and twenty-nine days, being one-half of the salary of a Chargé d'Affaires, and in full of all such services for the period named, \$1,681 25."

63d. Insert the following:

"That the Secretary of State cause the accounts of Joseph Balestier, late special agent of the United States in Asia, to be settled in such manner as to allow him his traveling and other necessary expenses incurred in returning to the United States, after receipt of notice of the termination of his mission, and that his salary as such agent be allowed from the time when it was discontinued until a reasonable time for his return, not exceeding six months, to be paid out of any money in the Treasury not otherwise appropriated."

64th. Insert the following:

"To Anthony Ten Eyck, for additional compensation as late Consul to the Sandwich Islands, being the same amount allowed by act of September 30th, 1850, to Charles Eames, his successor, \$2,000."

65th. In page 39, line 14, strike out "\$30,000," and insert, "\$34,240," in the following section:

"For incidental expenses of the several land offices, \$30,000."

66th. Strike out "ten," and insert "two," in the following section:

"For surveying ten thousand six hundred and twenty-five miles of meridian, base and standard lines, meandering and survey of irregular or river lots, &c., at a rate not exceeding fifteen dollars per mile, \$39,375."

67th and 68th. Insert in the following clause the words in italics:

"For surveying private claims in California, *which may have been presented in good faith to the Board of Land Commissioners, \$22,500. Provided, That the authority hereby conferred on the Surveyor General shall apply only to such unconfirmed cases as in the gradual extension of the lines of the public surveys he shall find within the immediate sphere of his operations, and which he is satisfied ought to be respected and actually surveyed in advance of confirmation.*"

69th. After line 13, page 42, insert the following:

"For subdividing the Islands of Santa Cruz, San Miguel or Santa Rosa, San Bernard, Santa Catalina, San Clemente or San Salvador, San Nicolas, and Santa Barbara, on the coast of California, by the Coast Survey, according to such plan as may be devised by the General Land Office, so that said islands may be readily disposed of under the laws of the United States, and in establishing the necessary corners along the meanders, with which to connect the lines of the subdivisions under this appropriation, \$20,000: *Provided*, That the Superintendent of the Coast Survey shall return to the General Land Office two complete maps and field notes of said subdivisions, with the meanders and connections aforesaid, one of which shall be for the records of the Surveyor General: *And provided further*, That all leases of any of said islands, or of any part of either of them now outstanding, shall be regarded as without authority, and void."

70th. Insert in page 42, after line 17, the following:

"For completing the geological survey of the iron region of that portion of Michigan which borders on Lake Superior, \$1,500."

71st. Insert the following:

"For defraying the expense of surveying and marking the boundary between the States of Missouri and Iowa, under the recent decision and order of the Supreme Court, \$11,042 68."

72d. In page 42, after line 20, insert:

"For the compensation of a clerk in the office of the Commissioner of Public Buildings, \$1,000."

73d. In page 44, after line 3, insert:

"For compensation of two additional day watchmen, to be employed in preserving the public grounds about the

Capitol, authorized by the act of May 15, 1850, to supply deficiencies, and the act of September 30, 1850, making appropriations for the civil and diplomatic expenses of the Government, at \$500 each, \$1,000."

74th. In page 44, line 13, strike out "\$600" and insert "\$1,000," in the following clause:

"For the purchase of manure for the public grounds, \$600."

75th. In page 44, after line 20, insert:

"To complete and revise the grades in the city of Washington, and to determine the plans for the draining and sewerage thereof, \$5,000; the surveys and plans to be made by the engineer now in charge of that duty, under the direction of the President of the United States."

76th. Insert:

"To enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the cities of Washington and Georgetown an unfailling and abundant supply of good and wholesome water, report thereof to be made to Congress at its next session, the sum of \$5,000, or so much thereof as may be found necessary."

78th. Insert:

"For defraying the expenses incurred in the improvement, and for embellishing the triangular space on the north side of Pennsylvania avenue, between 13th and 14th streets, \$5,150."

79th. Insert:

"To enable the Secretary of the Interior, under the direction of the President of the United States, to purchase a site in the neighborhood of Washington, and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, \$100,000: *Provided*, That the whole expense of purchasing the site, and of erecting, furnishing, and fitting up the building, shall not exceed the sum herein appropriated."

82d. In page 45, line 14, insert:

"For defraying the expenses incurred in the improvement of Lafayette Square, \$3,988."

83d. In page 45, line 17, to the following clause—

"For the completion of the east wing of the Patent Office Building, \$103,000"—

add the following:

"*Provided*, That the work and materials furnished by contract for said building, and likewise the material for the extension of the Capitol, be measured agreeably to the original contracts; and that no further payments be made until the measurement is made and reported. The contracts and the proposals to be put in the hands of the measurer, and he or they to be sworn before entering on duty to examine and measure, and report every part of the work and materials, without deviation from the contracts and proposals; and if it be shown that any extra materials are used, they to be rated at the *pro rata* price, for materials only, and entered in a separate column of the account, and the same rule of measurement to be applied to all other buildings and other public works and contracts in this District. And it shall be the duty of the Comptroller of the Treasury to arrest and stop any voucher not made in form and in accordance with the terms of the contract against which it is drawn. And it is hereby made a penal offense for any measurer or inspector of work or disbursing officer, to make or present, or to pass or attempt to pass, any falsely made or fictitious voucher to draw money from the Treasury on any contracts or accounts whatever; and that all contracts shall hereafter be advertised at least sixty days before letting, and that all contracts now existing in relation to building the additions to the Capitol, as well as the Patent Office, not made according to law, are hereby canceled at the end of sixty days, and notice of the same shall be given in all the newspapers in the city of Washington. And that all contracts of every description, which have been made without public notice having been given, where notice was required, shall be canceled after sixty days' notice having been given in the newspapers of this city: *Provided, also*, That good and sufficient security shall be given for twice the amount of money at any time to be advanced to the contractor, under any contract, and that bids shall be opened in presence of the bidders, if they or any one of them should be present, and that notice to that effect shall be given in the advertisement for proposals, to be published agreeably to this proviso. And all contracts made without an appropriation of money for an object, the subject of a contract, are hereby canceled and declared void."

84th. Strike out, in page 45, line 18, the word "furnishing," and insert the word "finishing," in the clause appropriating for the front of the basement of the center building of the Patent Office.

85th. Insert in the following clause, in page 45, the words in italics:

"For the erection of the west wing of the Patent Office Building, and completing the drains for said building and the Post Office Building, \$150,000."

90th. Insert the following:

"For grading and paving with round stone the carriage way of Pennsylvania avenue from Seventeenth street west to Rock Creek, setting curb-stone on each side thereof at the distance of twenty-five feet from the building line, and re-laying the flag foot-ways at the intersection of the cross streets, \$20,000."

91st. Amend the clause in relation to the commission to settle land claims in California, so as to allow them to employ three clerks instead of two.

94th. Insert in page 47, after line 27:

"As indemnity to Jonathan Elliott, commercial agent of the United States at Santa Domingo, for amount by him expended in maintaining refugees in the late revolution at that place, \$600."

95th. Strike out "fifty," and insert "forty-nine," in the following clause:

"For clerk hire, stationery, rent, fuel, and contingencies, in the completion of the census of 1850, \$50,000."

96th. Insert in page 49, at the end of the following clause:

"For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe H delgo, \$120,000"—

the following:

"*Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the Commissioner and Surveyor of the United States further north of the town called 'Paso' than the same is laid down on Disturnell's map, which is added to the treaty."

97th. Strike out "place" and insert "plan" in the following clause:

"For the purpose of erecting a pedestal in Lafayette Square, for the equestrian statue of Andrew Jackson, on such *place* as may be approved of by the artist for that work, \$5,000."

102d and 103d. Insert the words in italics in the following Senate amendment:

"For establishing the branch of the United States Mint at San Francisco, California, in accordance with the provisions of the law approved the *third day of July, eighteen hundred and fifty-two*, the sum of \$300,000: *Provided*, That no contract for materials, or for the purchase, lease, rent, or erection of building shall be made, except to the lowest bidder, after sixty days' advertisement in at least three newspapers, two of which shall be published in the State of California: *And provided further*, That nothing herein contained shall prevent the transfer of machinery and materials from the United States Mint or branches to the Branch Mint at San Francisco at a fair valuation: *Provided further*, That said contract or contracts for the building and machinery for said Branch Mint shall not in the whole, for the completion, exceed the sum of \$300,000."

104th. Insert:

"For the payment of the balance due to the Commonwealth of Massachusetts, under the fifth article of the treaty of Washington, for balance of expenses incurred by said State in protecting the northeastern frontier, the same having been heretofore settled at the Treasury of the United States, but unpaid for want of an appropriation, \$305 81."

106th. In page 55, after line 1, insert:

"To enable the Secretary of State to purchase one hundred copies of the Synoptical Index, to complete the series of Statutes at Large, heretofore authorized by law, at \$3 50 per volume, \$350."

107th, 109th, 110th. In the following section strike out the words in brackets, and insert the words in italics:

"*And be it further enacted*, That the clerks, messengers, watchmen, and laborers, employed at an annual salary, or in temporary positions in the executive and legislative departments of the Government, in the city of Washington, [whose compensation does not exceed \$1,200 per annum, shall in addition thereto be allowed the following annual increase of compensation, commencing from the first day of the present fiscal year, viz: All] whose annual compensation does not exceed \$1,200, shall in addition thereto be allowed an increased compensation of twenty per cent.: *all whose annual compensation exceeds \$1,200, and is less than \$2,000, shall receive an increased compensation of ten per cent., and those whose salaries amount to or exceed \$2,000, shall receive an additional compensation of five per cent., and the same per centum or additional compensation shall be allowed and paid to the clerks and employees in the Washington city post office; and that the same shall be paid out of any money in the Treasury not otherwise appropriated: Provided*, That this section shall not extend to more than one salary of any person receiving a salary for discharging the duties of more than one office at the same time, or to any person who does not actually discharge the duties of the office for which he receives such salary, or to any person engaged in prosecuting any claim, other than his own, before any of the Departments, or Congress; and that in case any pay or accounting officer of the Government shall pay said additional per centage to any such person, it shall be a misdemeanor in the person knowingly paying or receiving such additional per centage, rendering each liable to indictment and punishment by fine and imprisonment: [Provided further, That the provisions of this section shall not apply to any person whose compensation has been increased at the present session of Congress: *Provided further*, That the increase of salary given by this section shall not extend beyond the present fiscal year, without further legislation."

112th. Insert:

"Sec. 6. *And be it further enacted*, That the collector of the customs at the port of New Orleans be, and he hereby is, authorized to appoint, with the approbation of the Secretary of the Treasury, three head-gaugers for the said port, at an annual salary of \$1,500 each, instead of the force now employed in the gauger's department at the port aforesaid."

113th. In page 58, after section 8, insert the following:

"Sec. 10. *And be it further enacted*, That where any moneys shall have remained unexpended upon any appropriations by law other than for the payment of interest on the funded debt, or the payment of interest and reimbursement, according to contract, of any loan or loans made on



account of the United States, as likewise moneys appropriated for a purpose in respect to which a larger duration is specially assigned by law, for more than two years after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined, and the moneys so unexpended shall be immediately thereafter carried, under the direction of the Secretary of the Treasury, to the account on the books of the Treasury denominated the "surplus fund," to remain, like other unappropriated moneys, in the Treasury; and it shall not be lawful, for any cause or pretense whatsoever, to transfer, withdraw, apply or use for any purpose whatever, any moneys carried as aforesaid to the surplus fund without further and specific appropriations by law."

#### 114th. Insert the following:

"Sec. 11. *And be it further enacted*, That where the ministerial officers of the United States have, or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specially provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary."

#### 119th. Insert the following:

"Sec. 16. *And be it further enacted*, That the provisions contained in the fourth section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852,' be, and the same is hereby repealed."

#### Amendments of the Senate to be agreed to as amended.

The Committee of Conference further recommended that the two Houses do agree to the following amendments of the Senate as amended:

5th amendment of the Senate. That the two Houses agree to insert in the following clause the words in italics:

"*Provided*, That in settling the accounts of *Thomas Ritchie*, assignee of *William M. Bell*, for the printing of the Thirty first Congress, one half of the prices given by the joint resolution of 1819 be allowed, not exceeding the amounts that would be paid under the respective contracts, if settled by the prices named in the act passed at the present session in regard to the public printing, estimating the paper at the actual cost thereof, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, further, That the amount to be paid for the said printing, over and above the amounts which would be paid under the terms and at the rate of the contracts for the same, shall not exceed \$50,000; and for printing the obituary notices of the decease of President Taylor, said contractor shall be paid the actual cost, with a profit of twenty per centum."

6th amendment of the Senate. Strike from the bill, under the head of "Library of Congress," in page 4, lines 8, 9, 10, and 11, as follows:

"For contingent expenses of said Library, \$800.  
"For purchase of books for said Library, \$75,000."

#### And insert, as follows:

"To defray freight and other expenses incurred under the act to regulate the exchange of certain documents and other publications, approved June 26, 1848, the sum of \$1,000, and that the said act is hereby repealed.  
"For purchase of books for said Library and for contingent expenses thereof, and for purchase of furniture for the same, \$75,000.

"For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the green-house, and for the settlement of arrears due on the erection of said green-house, \$25,000."

The Committee of Conference amend the above by adding the following:

"*Provided*, That no part of this appropriation shall be applied to the enlarging of the present or the erection of new buildings."

19th amendment of the Senate. In the clause appropriating "\$5,000 for stationery, printing, binding, furniture, and repairs, subscription to newspapers, introducing gas into the Patent Office, fuel, and other contingencies," strike out "\$5,000" and insert "\$9,486."

The Committee of Conference amend this clause by reducing the amount to \$7,000.

31st amendment of the Senate. Insert in page 27, after the clause appropriating "\$72,000 for the salaries of the district judges," the following:

"And the district judge of the northern district of California, until otherwise provided by law, shall be judge of the southern district in that State, with an additional annual compensation of \$2,800, so long as he discharges the duties of both districts. And an appeal from all final judgments and decrees rendered in any of the district courts in California, in cases of equity, of admiralty, and maritime jurisdiction, and of prize or no prize, when the matter in dispute, exclusive of cost, shall exceed the sum or value of \$2,000, shall be allowed to the Supreme Court of the United States; and upon such appeal the like proceedings shall be had as now provided by law on appeals in like cases from the judgment or decrees of the circuit courts to the Supreme Court of the United States."

The Committee of Conference amend the above by substituting \$1,500 for \$2,800.

35th amendment of the Senate. Insert after the

clause appropriating for the expenses of the United States courts, the following:

"[And to refund to the county of Des Moines, in the State of Iowa, for the expenses of the United States district court, which were paid by said county prior to the 1st day of January, 1844, the sum of \$11,970 90: *Provided*,] That the Secretary of the Interior be, and he is hereby, directed to examine the claim presented by the county of Des Moines, in the State of Iowa: [and if, upon such examination, he is satisfied that prior to the 1st day of January, 1844, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same; and said amount is hereby directed to be paid out of any money in the Treasury not otherwise appropriated.]"

The Committee of Conference amend the above by striking out the parts in brackets, and inserting after the word "Iowa," the following:

"For the expenses of the United States district court, which were paid by said county prior to the 1st day of January, 1844; and if, upon such examination, he is satisfied that prior to the 1st day of January, 1844, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December 19th, 1843, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same: *Provided*, That the amount thus allowed shall not exceed the sum of \$12,000, which is hereby appropriated for that purpose."

40th and 41st. The Senate propose to strike out "\$15,000," and insert "\$16,500," in both places where it occurs in the following clause of the bill, viz:

"For contingent expenses under the act for safe-keeping, collecting, transfer, and disbursement of the public revenue of the 6th August, 1846, \$15,000: *Provided*, That no part of said sum of \$15,000 shall be expended for clerical services."

The Committee of Conference amend the above by striking out "16,500," in each place where it occurs, and inserting "\$20,000."

50th amendment of the Senate. To be inserted in page 36, line 3:

"For purchasing site and constructing a custom-house at Richmond, Virginia, \$100,000: *Provided*, That the whole cost of the building and site shall not exceed \$150,000."

The Committee of Conference amend the above by striking it out and inserting in lieu thereof the following:

"For purchasing a site, and the construction of a suitable building at Richmond, Virginia, for custom-house, post office, court rooms, and other offices of the United States, \$100,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Virginia: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said buildings and furnishing the same at a sum or sums which shall not in the whole exceed the sum of \$150,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties to the satisfaction of the said Secretary of the Treasury and President of the United States."

52d amendment of the Senate. Insert in the bill the following, viz:

"For the erection of a custom-house at Waldoboro', Maine, \$12,000, to be expended under the direction of the Secretary of the Treasury; and said building, including site, when completed, shall not exceed the sum hereby appropriated. And said custom-house shall be exempted from all taxes assessed by the laws of the State of Maine."

The Committee of Conference amend the above by substituting for it the following:

"For purchasing a site and the construction of a suitable building at Waldoboro', Maine, for custom house, post office, and other offices of the United States, and furnishing the same, \$12,000: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever, by the act of the Legislature of Maine: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground and to make a contract or contracts for the erection of said building, and furnishing the same at a sum or sums which shall not in the whole exceed the sum of \$12,000, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of said Secretary of the Treasury and President of the United States."

80th amendment of the Senate. Insert in the bill the following:

"For compensation of four draw-keepers and for fuel and oil for the lamps of the Potomac bridge, \$3,755."

The Committee of Conference amend the above to read as follows:

"For compensation of two draw-keepers, and for fuel and oil for the lamps of the Potomac bridge, \$1,377 50."

92d amendment of the Senate. In the clause appropriating \$50,000 for the incidental expenses of the Commission appointed for settling the land claims in California, amend the following proviso—

"*Provided*, That said board be authorized to appoint and

employ one secretary and two clerks in lieu of the number provided for in the above recited act"—

—by inserting "three" clerks in lieu of "two."

The Committee of Conference amend the amendment, by restoring the number to two, at \$2,000 compensation to each.

105th amendment of the Senate. Insert in the bill the following:

"For payment of balance found due by the Comptroller of the Treasury to the State of Maine, under the fifth article of the treaty of Washington, for expenses on account of the northeastern boundary, over and above the appropriations made, \$2,212 78."

"And the accounting officers of the Treasury are hereby directed, in the settlement of the claims under the act of March 3d, 1851, 'authorizing the payment of interest upon the advances made by the State of Maine for the use of the United States Government in the protection of the northern frontier,' to embrace the interest, whether paid or lost, prior or subsequent to the years 1839, 1840, and 1841, named in said act, upon the sums expended by said State and refunded by the United States, according to the terms of said act, as well as during said years; and that they further allow to said State whatever sums of money were paid by said State in form of discount in negotiating loans for the purpose of said advancement."

The Committee of Conference amend the above by striking therefrom the following words, viz:

"And that they further allow to said State whatever sums of money were paid by said State in form of discount in negotiating loans for the purpose of said advancement."

108th. The Committee recommend to strike out of Senate amendment, which is inserted above, (No. 107-9-10,) the first part there included in italics, and insert in lieu thereof, as follows:

"All whose compensation shall exceed \$1,200, and shall be less than \$1,600, shall receive an additional compensation of ten per cent. upon the amount of their salaries: *Provided*, that no salary shall be increased to more than \$1,600 by the per cent. or additional compensation herein provided for."

111th amendment of the Senate. Insert in the bill the following:

"And the Secretary of the Treasury is hereby directed to contract for a term not more than one year, and upon the most reasonable terms, not exceeding one per cent., with the proprietors of one, and, if practicable, with those of more than one, assaying establishment in California, upon satisfactory security, to be judged by him, who shall discharge the duties prescribed, and in the manner designated by the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1851; and no gold or silver, other than coin of standard fineness of the United States, or foreign coin, in the manner prescribed by existing laws, shall be receivable in payment of dues to the United States, [and hereafter no greater compensation than one per cent. shall be required by the proprietors of any assaying establishment in California for the services prescribed in the act herein recited.]"

The Committee of Conference amend the above by striking out the words in brackets.

115th amendment of the Senate. Insert in the bill all of the section except the words in italics:

"Sec. 12. *And be it further enacted*, That the President of the United States appoint an associate law agent for California, learned in the law, and skilled in the Spanish and English languages, whose duties and compensation shall be the same as those of the law agent: *Provided*, That the compensation of the agent and [assistant] associate shall not exceed \$5,000 each. And in every case in which the board of commissioners on private land claims in California shall render a final decision, it shall be their duty to have two certified transcripts prepared of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the proper district court, and the other shall be transmitted to the Attorney General of the United States; and the filing of such transcript with the clerk aforesaid, shall *ipso facto* operate as an appeal for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid within six months thereafter of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the duty of the Attorney General, within six months after receiving said transcript, to cause a notice to be filed with the clerk aforesaid, that the appeal will be prosecuted by the United States; and on a failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed."

The Committee of Conference amend the above by striking out the word in brackets, and inserting the words in italics.

117th amendment of the Senate. Insert in the bill the following section, viz:

"Sec. 13. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to appoint and employ seven additional clerks in the Post Office Department, namely: one at an annual salary of \$1,600; one at an annual salary of \$1,600; one at an annual salary of \$1,400; and four at an annual salary each of \$1,200."

The Committee of Conference amended it to read as follows, viz:

"Sec. 13. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to appoint and employ five additional clerks in the Post Office Department, namely: one at an annual salary of \$1,600; two at an annual salary of \$1,200; two at an annual salary of \$1,000."

120th amendment of the Senate. Insert in the bill the following, viz:

"Sec. 15. *And be it further enacted*, That the provisions of the fifth section of the act of March 3d, 1851, so far as they relate to the rate of compensation of the deputy collectors of certain ports be, and the same are hereby, extended to the acting deputy naval officers and acting deputy surveyors of the said ports: *Provided*, That no additional appropriation shall be required for the collection of the revenue."

The Committee of Conference struck out the above, and inserted the following in lieu thereof:

"That from and after the passage of this act, in lieu of the compensation now allowed by law for his services, there shall be paid hereafter to each of the deputy naval officers, at the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, \$2,000 per annum, to be paid out of the fund for the expenses of collecting the revenue."

121st amendment of the Senate. Insert in the bill the following section, including the words in brackets, and omitting the words in italics:

"Sec. 16. *And be it further enacted*, That the salary of the chief clerk in the office of the assistant treasurer of the United States in New York be, and the same is hereby, increased to [eighteen] sixteen hundred dollars per annum, and the salary of each of the other clerks in the said office is increased to [fourteen] twelve hundred dollars per annum; to be paid out of any money in the Treasury not otherwise appropriated."

The Committee of Conference amended the above, by striking out the words in brackets, and inserting the words in italics.

122d amendment of the Senate. Insert in the bill the following section, including the words in brackets, and omitting the words in italics:

"Sec. 17. *And be it further enacted*, That if A. Boyd Hamilton, the present contractor for executing the printing of the Senate and House of Representatives, shall file with the Secretary of the Senate and the Clerk of the House of Representatives, his written consent to relinquish his contracts in the premises, the said Secretary and Clerk, and the clerk of the Printing Committee, are hereby authorized and required to settle and pay his accounts for all work done, and all work ordered now in his hands in process of completion, [and all work that may be ordered to be printed by either House of Congress prior to the assumption of duties by the public printer under the 'Act to provide for executing the public printing and establishing the prices thereof, and for other purposes,' at the rates allowed under the above-mentioned act for composition and press-work, deducting thirty per centum from the prices of paper named in said act.] according to his contract prices, with such proportion of fifty thousand dollars in addition thereto as the amount of the work performed by him bears to the amount of work done by the printer for the Thirty-first Congress, when estimated under his contract prices."

The Committee of Conference amended the above by striking out the words in brackets and inserting the words in italics.

*Amendments of the Senate to be receded from.*

The Committee of Conference further recommend that the Senate do recede from their following amendments:

3d amendment of the Senate. Strike out the following, under head of "Contingent expenses of the Senate":

"For printing, \$35,000.  
"For binding, \$15,000.  
"For lithographing, \$13,500.  
"For books, \$12,000.  
"For stationery, \$5,000.  
"For newspapers, \$2,500.  
"For Congressional Globe, \$6,000.  
"For reporting proceedings, &c., \$22,000.  
"For messengers, pages, laborers, police, horses, and carriages, \$20,000.  
"For miscellaneous items, \$19,000."

and insert:

"For printing, binding, lithographing, stationery, books, newspapers, Congressional Globe, reporting proceedings, messengers, pages, laborers, police, horses and carriages, and miscellaneous items, \$150,000."

4th amendment of the Senate:

"For the purchase, for the use of the Senate, of five hundred copies of the Digest and Index of the Opinions of the Attorneys General of the United States, to be bound in the same manner as the said Opinions, \$325."

9th amendment of the Senate:

"And that the Second Comptroller of the Treasury Department shall be allowed a salary equal to that of the head of any other Bureau, to commence from his appointment to office."

10th amendment of the Senate:

"And that the Second Auditor of the Treasury Department shall be allowed a salary equal to that of the head of any other Bureau, to commence from his appointment to office."

15th and 16th amendments of the Senate. Insert after the word "accounts" the words "carrying the Department mails," and strike out "\$550" and insert "\$800," in the following clause:

"In the office of the Secretary of the Treasury. For labor, blank-books, stationery, sealing ships' registers, translating foreign languages, printing, advertising, print-

ing the public accounts, and extra clerk hire for preparing and collecting information to be laid before Congress, said clerks to be employed only during the session of Congress or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session, to be answered at another—and no such extra clerk shall receive more than \$3 33 $\frac{1}{3}$  per day for the time actually and necessarily employed—\$10,550."

22d amendment of the Senate. Strike out "seven" and insert "twelve" in the following, under the head of "Bureau of Topographical Engineers":

"For blank books, binding, stationery, and labor, \$750."

23d amendment of the Senate. Add to the clause—

"For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, \$7,300"—

the following:

"*Provided*, That no provision in the fourth section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1852,' shall be so construed as to prevent the payment of the salaries of the clerks in accordance with the estimate for said bureau of the 5th of October, 1850."

27th amendment of the Senate. Strike out "one" and insert "two," in the following clause:

"For repairs of the General Post Office Building, for office furniture, glazing, whitewashing, and for keeping the fireplaces and furnaces in order, \$1,500."

28th amendment of the Senate. Insert the following:

"At San Francisco, California: For salaries of superintendent and assayer, melter and refiner, coiner and assistants and clerks, \$23,500."

"For wages of workmen, \$20,000."

"For incidental and contingent expenses, \$5,000: *Provided*, That no parts of the sums hereby appropriated for the service of the Mint at San Francisco, either for salaries, wages, or expenses, shall be expended, nor either one of the officers provided with a salary shall receive the same, until, in the judgment of the President of the United States, the business of the Mint is in such a state of progress as to imperatively require such expenditure."

30th amendment of the Senate. Insert:

"To R. H. Weighman, of New Mexico, for mileage and compensation for attendance during second session of Thirty-first Congress, \$2,465."

33d amendment of the Senate. Strike out "\$8,800" and insert "\$9,000," in the following clause, under the head of "Judiciary":

"For compensation of the district attorney, \$8,800."

42d amendment of the Senate. Insert after line 14, in page 33, as follows:

"For contingent expenses in California, under the act for the safe-keeping, collecting, transfer and disbursement of the public revenue of 6th August, 1846, \$10,000."

44th amendment of the Senate. At the end of the following clause—

"For continuing the survey of the western coast of the United States, (excluding the pay and emoluments of the officers of the Army and Navy, and the petty officers and men employed in the work,) \$150,000: *Provided*, That a sufficient number of the supernumerary second lieutenants, graduates of the Military Academy, for whom there is no command in the Army, shall, upon the application of the Superintendent of the Coast Survey, be detailed to take the places and do duty on the Coast Survey, instead of the civilians now employed in that service"—

add the following:

"And the Superintendent of the Coast Survey is hereby authorized to extend a reconnaissance of the coast of California south to Cape Saint Lucas: *Provided*, No special appropriation will be required for such extension."

47th amendment of the Senate. Insert:

"For the prosecution of the building of the marine hospital at Vicksburg, \$15,000."

55th amendment of the Senate. Strike out "six" and insert "nine," in the following clause:

"For salary of Minister Resident to Turkey, \$6,000."

57th amendment of the Senate. To the following clause—

"For salary of the Commissioner to the Sandwich Islands, \$5,000"—

add the following:

"From the time when he assumed the duties of his office at said Islands."

60th amendment of the Senate. Insert:

"For compensation to Theodore S. Fay, as Acting Chargé d'Affaires at that place, (Canton,) at various times whilst the mission was vacant, between the 18th day of July, in the year 1848, and the 10th day of December, 1850, by direction of the Department of State, the same being for the difference in the salary of a secretary of legation and a chargé d'affaires, (and which, with the sum of \$686 54, appropriated by act approved March 3d, 1851, shall be in full for all services to said 10th day of December, 1850,) \$3,153 74."

61st amendment of the Senate. Insert:

"For compensation to Buckingham Smith, late Secretary of Legation to Mexico, as Acting Chargé d'Affaires in Mexico during the absence of the Minister of the United States from that country, from the 26th of January, 1851, to the 8th

of October, in the same year, being eight months and thirteen days, \$1,756 95, which shall be paid in full of all demands for such services for the period named."

77th amendment of the Senate. Insert:

"For finishing the grading, manuring, planting, finishing the roads and walks, graveling and laying gutters along the margin of the same, and repairing the fence of the Smithsonian square, \$16,760."

81st amendment of the Senate. Strike out all after the word "dollars," in the following:

"For repairs of the two bridges over the Eastern Branch of the Potomac river, \$4,999; and that the bridges across the Potomac and Eastern Branch thereof be surrendered to the authorities of the District of Columbia."

86th amendment of the Senate. Insert:

"For the survey, under the direction of the Topographical Bureau, necessary to a correct estimate of the cost of constructing a canal basin at the terminus of the Chesapeake and Ohio canal, at Rock Creek, in Georgetown, in the District of Columbia, in pursuance of the estimate of said Bureau, \$1,200."

87th amendment of the Senate. Insert:

"For grading and graveling Delaware avenue, north of the Capitol, from B to D street, at such grade as the Corporation of Washington may adopt, and the President of the United States approve, setting the curb-stone at a distance of thirty-five feet from the building line, paving the footways to the width of five feet next the curb stone, paving the gutters with stone, and laying flag foot-ways wherever necessary, \$5,000: *Provided*, That the owners of property lying along said avenue, shall have the privilege under such restrictions as the Corporation of Washington may impose, of occupying and using as court-yards, a space not exceeding twenty feet from the building line of the avenue."

88th amendment of the Senate. Insert:

"For grading and graveling north Capitol street, from B to E street, at such grades as may be adopted by the Corporation of Washington, and approved by the President of the United States, the curb-stone at the distance of thirty feet from the building line, paving with brick five feet next the curb-stone, paving stone gutters, laying flag foot-ways where necessary, \$5,000."

89th amendment of the Senate. Insert:

"That the sum of \$10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the necessary graduation and repair of the road leading from Maryland avenue, at the boundary of Washington city, to the boundary line of the District of Columbia, in the direction of Baltimore, in the State of Maryland, according to its original design: *Provided*, That all right, title, and interest, which remain in the president, directors, and company of the Columbia turnpike road, under and by virtue of an act entitled 'An act to incorporate a company for making certain turnpike roads in the District of Columbia,' approved April 20th, 1810, shall be extinguished so far as they affect said road, by purchase not to exceed \$5,000, or otherwise to the satisfaction of the President of the United States, before any portion of said appropriation shall be expended for the purpose aforesaid."

93d amendment of the Senate. Strike out "one" and insert "two," in the following clause:

"To supply the deficiency in the fund for the relief of sick and disabled seamen, \$100,000."

98th, 99th, 100th, and 101st amendments of the Senate. Strike out "seventeen" and insert "eighteen," in the first line, strike out "and" after the words "nine thousand two hundred and ninety-four," and after the words "twelve thousand three hundred and thirty-three," insert the words "and two hundred and sixty-six," and after the words "holders of the same," insert the word "twenty," in the following clause:

"For the redemption of seventeen Loan Office certificates, numbered 158,312, 6,895, 6,896, 6,897, 6,898, 6,899, 6,900, 6,901, 6,902, 9,175, 9,285, 9,287, 9,288, 9,293, 9,294, and 12,333, which have been presented at the Treasury for payment at the specie value thereof, and with interest as computed by the Register of the Treasury: *Provided*, Satisfactory evidence be produced to the Secretary of the Treasury that the persons who have presented the said certificates for payment are the bona fide holders of the same, \$4,165 42."

116th amendment of the Senate. Insert:

"Sec. 13. *And be it further enacted*, That an additional Assistant Postmaster General shall be appointed, in the manner provided by law, who shall be assigned to duty as Chief of the Inspection Office of the Post Office Department, with the powers, duties, privileges, and compensation of an Assistant Postmaster General, as the same are now or may be hereafter prescribed by law."

118th amendment of the Senate. Insert:

"Sec. 15. *And be it further enacted*, That the Assistant Postmaster Generals shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall receive each a salary of \$3,000 per annum."

The question then recurred upon the adoption of the above report of the Committee of Conference on the civil and diplomatic appropriation bill.

Mr. FICKLIN. I demand the yeas and nays.

Mr. STANTON, of Ohio. I would inquire whether it would not be in order to have the amendments which have been agreed to read?

Mr. CAMPBELL, of Illinois. I believe they have been read.

Mr. STANTON. No, sir; those only which have been rejected have been read.

The SPEAKER. The Chair thinks that it would be in order to have the amendments read.

Mr. STANTON. Then I would make the demand that they be read.

Mr. CABELL, of Florida. Will it be in order to ask a separate vote upon any one of the amendments?

The SPEAKER. No, sir.

Mr. CABELL. That is what I supposed would be the result of referring the amendments to the Committee of Conference without consideration.

The SPEAKER. The report of the Conference Committee must be adopted or rejected as a whole.

Mr. BAYLY, of Virginia. I move that the House dispense with the reading of the amendments, and would beg leave to state, in addition, that unless proper time be given the clerks to engross those bills, mistakes will certainly occur.

Mr. FICKLIN. I desire to know what I am voting upon. I call the gentleman from Virginia to order. We have a right to have the amendments read.

The SPEAKER. The motion to dispense with the reading is not in order unless the rules of the House shall have been previously suspended for that purpose.

Mr. STANTON, of Ohio. I do not desire to detain the House, or to cause unnecessary trouble; but I must be permitted to say that I would rather a thousand times postpone the day of adjournment than be compelled to vote without understanding—

[Cries all over the Hall of "Order!" "Order!"]

The Clerk progressed with the reading of the amendments.

Mr. McMULLIN. Will it be in order, Mr. Speaker, to move to dispense with the further reading of the amendments?

Mr. FLORENCE. I object to the motion. I intend to vote understandingly.

Mr. McMULLIN. Will it be in order to move a suspension of the rules for the purpose of introducing my motion?

The SPEAKER. Such a motion would be in order.

Mr. McMULLIN. My impression is that there is not sufficient time left for the reading of the amendments, and I submit the motion for the suspension of the rules.

Mr. FICKLIN. Upon that motion I demand the yeas and nays.

The SPEAKER. Probably the reading of the amendments could be completed before the votes could be taken.

Mr. McMULLIN. At the suggestion of the Chair, which is that of several members around me, I withdraw the motion for the suspension of the rules.

Mr. HOUSTON. I will state to the House that a majority of the amendments adopted by the Conference Committee embrace very small amounts.

[Cries of "Go on!" "Go on!" addressed to the Clerk.]

[Mr. GOODENOW, from the Committee on Enrolled Bills, reported as correctly enrolled the following act; which received the signature of the Speaker:

An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending 30th June, 1853.]

The Clerk progressed with the reading of the amendments.

Mr. PRICE. I understand that the most of the day will be occupied, if the amendments are all to be read, and therefore I move that the rules be suspended so that a motion to dispense with the further reading may be introduced.

Mr. STANTON, of Ohio. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. (Mr. STUART temporarily in the chair.) The Chair understands from the Clerk, that the statement of the gentleman from New Jersey is correct.

Mr. PRICE. As the yeas and nays have been ordered, I will withdraw my motion. I do not desire an unnecessary consumption of time.

The Clerk finished the reading of the amendments.

The SPEAKER. The question now recurs upon the adoption of the report of the Committee of Conference.

Mr. FICKLIN. I demand the yeas and nays. The question was put, and 20 seconded the call; which was not a sufficient number.

Mr. FICKLIN. I demand tellers upon ordering the yeas and nays.

Tellers were ordered; and Messrs. PERKINS and HALL were appointed; and the House being divided, the tellers reported—ayes 30; deemed to be sufficient.

So the yeas and nays were ordered.

The question was then taken, and there were—yeas 69, nays 69; as follows:

YEAS—Messrs. Charles Allen, Willis Allen, William Appleton, Thomas H. Bayly, Bibbhaus, Bowie, John H. Boyd, Briggs, George H. Brown, Busby, Caldwell, Chandler, Chastain, Clark, Cobb, George T. Davis, Dockery, Duncan, Evans, Faulkner, Freeman, Gentry, Goodrich, Hammond, Harper, Isham G. Harris, Sampson W. Harris, Hart, Haven, Hendricks, Henn, Holladay, Houston, Howard, Jackson, George W. Jones, George G. King, Letcher, Martin, Mason, McCorkle, Meade, Miller, Milson, Henry D. Moore, Penn, Perkins, Polk, Porter, Powell, Price, Reed, Riddle, Robbins, Scudder, Scurry, David L. Seymour, Skelton, Snow, Stanley, St. Martin, Strother, Stuart, Taylor, Thurston, Venable, Walsb, Wilcox, and Wil-drick—69.

NAYS—Messrs. Aiken, Allison, Barrere, Beale, Bowne, Bragg, Breckinridge, Brenton, Brooks, Buell, Joseph Cable, Lewis D. Campbell, Thompson Campbell, Churchill, Cleveland, Colcock, Conger, Curtis, Dawson, Dean, Dinwiddie, Doney, Doty, Edgerly, Ewing, Ficklin, Florence, Floyd, Fowler, Gamble, Gilmore, Goodenow, Gornall, Grey, Hobard, Horstord, John W. Howe, Thomas Y. How, Ives, Andrew Johnson, John Johnson, Daniel T. Jones, Preston King, Kurtz, Lockhart, McNair, McQueen, Molony, Morehead, Murray, Newton, Andrew Parker, Samuel W. Parker, Penniman, Richardson, Robie, Ross, Schoonmaker, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Thaddeus Stevens, Sweetser, Townsend, Tuck, Walbridge, Wallace, and Watkins—69.

There being a tie, the Chair voted in the affirmative, and the question was decided in the affirmative.

So the report of the Committee of Conference was concurred in, and the bill passed.

#### PRE-EMPTIONS IN CALIFORNIA.

The SPEAKER. There is a motion before the House for the suspension of the rules, made by the gentleman from Missouri, [Mr. HALL.]

Mr. STUART. I hope, by unanimous consent, that that question will be acted upon.

Mr. HOUSTON. I desire to have the Army appropriation bill, which has been returned from the Senate, referred to the Committee of the Whole on the state of the Union.

The SPEAKER. Is it the unanimous consent of the House that the Army appropriation bill shall be referred?

[Cries of "Agreed!" "Agreed!"]

There being no objection, it was so ordered.

Mr. CLARK. I desire to obtain the unanimous consent of the House for the purpose of bringing up the post route bill, in which all are interested.

Mr. KING, of New York. I call for the regular order of business.

The SPEAKER. The gentleman from Missouri [Mr. HALL] has moved to suspend the rules to enable him to report, from the Committee on Public Lands, the bill to extend the preemption laws over California.

Mr. BRECKINRIDGE. Before the question is put, I desire to ask the gentleman from California [Mr. McCORKLE] a single question, to enable the House to vote understandingly. It is simply whether the bill embraces the mineral lands in California as well as the other lands?

Mr. McCORKLE. They are expressly reserved by this bill, and it only proposes to embrace arable lands. I ask for tellers on the motion.

Tellers were ordered; and Messrs. HART and ST. MARTIN were appointed.

The question was then taken; and there were—ayes 35, nays not counted.

So the rules were not suspended.

#### POST ROUTE BILL.

Mr. CLARK. I hope that I may have the unanimous consent of the House to take up and act upon the amendments to the post route bill.

Mr. STEVENS, of Pennsylvania. I object.

Mr. CLARK. I move a suspension of the rules for that purpose. I wish to make one or two amendments germane to the bill before it is acted upon.

Mr. KING, of New York. I ask that the amendments be read.

Mr. CLARK. My purpose is to move to non-concur with the Senate amendments; and I wish to move two or three amendments for new post routes.

Mr. STANTON, of Tennessee. I rise to a question of order.

The SPEAKER. When the Senate amendments are reported, the Chair will then hear the gentleman's point of order.

Mr. CLARK. I move that the House do non-concur with the Senate amendments. They are not germane to the bill as it went from the House. At least they are not of the same character as the bill which went from us. It was a post route bill exclusively.

Mr. STANTON. The gentleman from Iowa [Mr. CLARK] proposes to disagree with the Senate amendments, and insert in lieu thereof certain amendments. He can only propose amendments to the amendments.

The SPEAKER. The gentleman from Tennessee [Mr. STANTON] must allow the amendments to be reported to the House.

The 1st amendment was then read, as follows:

After line 9 add as follows:

"From Rockland to Isle au Haut, from Aurora to township No. 33, Hancock county.

"From Hampden, via South Hampden, South Newburg, East Dixmont, Moulton's Corner, in Jackson, to Jackson Center.

"From the city of Bangor, via Eddington, Mariaville, Wesley, Crawford, Alexander Baring, over the Black road, so called, to Calais."

Mr. WASHBURN. I move to dispense with the reading of so much of the amendments as refers to post routes.

[Cries of "Agreed!" "Agreed!"]

Mr. KING, of New York. How can you determine what they are? I cannot consent.

Mr. CLARK. I take this occasion to say that it is not my purpose to move a non-concurrence in the Senate amendments, so far as they embrace post routes alone.

The question was then taken on the first amendment, and it was agreed to.

Mr. FAULKNER. Is it in order to move to dispense with the further reading of the amendments?

The SPEAKER. It is not in order, unless by a suspension of the rules. The Chair suggests that the amendments which relate to post roads be read and voted upon by the House in the aggregate, unless a division be requested. Is that agreed to?

Mr. PHELPS. From the examination I have given to that bill, all that precedes the second section in the Senate amendments, is for the establishment of post routes through the States and Territories. I therefore hope that the reading of all of the Senate amendments preceding the second section, may be dispensed with by general consent.

Mr. JOHN W. HOWE. I understand that the Wheeling Bridge matter is placed in there as an amendment. If it is, I wish a separate vote upon it.

Mr. PHELPS. The Wheeling Bridge case is embraced in the Post Office appropriation bill, and not in this.

The question was then taken upon all the Senate amendments in relation to the post routes, from 1 to 38 inclusive, and they were agreed to.

The 39th amendment of the Senate was read, as follows:

"SEC. 2. And be it further enacted, That the Postmaster General be, and he is hereby, authorized to enter into a contract for the transportation of the United States mail on board of the steam vessels which at present ply regularly between Boston, in the State of Massachusetts, and Halifax, in Nova Scotia, upon such terms as may appear to him reasonable."

Mr. ROBBINS called for a separate vote upon that amendment.

Mr. BRECKINRIDGE demanded the yeas and nays; which were not ordered.

Mr. PHELPS demanded the previous question; which was seconded; and the main question ordered.

The question was then taken, and the amendment was disagreed to.

The 40th amendment of the Senate was read, as follows:

"SEC. 3. And be it further enacted, That if any person shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embez-



zing, or obtaining by any false pretense, or shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, or knowingly aid or assist in falsely and unlawfully making, forging, or counterfeiting any key suited to any lock which has been or shall be adopted for use by the Post Office Department of the United States, and which shall be in use on any of the mails or mail-bags of the said Post Office Department, or shall have in his possession any such mail key or any such mail lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of, or who, being employed in the manufacture of the locks or keys for the use of the said Post Office Department, whether as contractor or otherwise, shall deliver or cause to be delivered any finished or unfinished key or lock used or designed for use by the said Post Office Department, or the interior part of any such mail lock, to any person not duly authorized under the hand of the Postmaster General of the United States and the seal of the said Post Office Department to receive the same, (unless such person so receiving the same shall be the contractor for furnishing such locks and keys, or engaged in the manufacture thereof in the manner authorized by the contract, or the agent for such manufacturer,) such person so offending shall be deemed guilty of felony, and on conviction thereof shall be imprisoned for a period not exceeding ten years."

The question was then taken upon the amendment, and it was agreed to.

The 41st amendment of the Senate was read, as follows:

"SEC. 4. *And be it further enacted*, That if any person shall steal, purloin, or embezzle, any mail bags in use by or belonging to the Post Office Department of the United States, or any other property in use by or belonging to the said Post Office Department, or shall, for any lucre, gain, or convenience, appropriate any such property to his own, or any other than its proper use, or for any lucre or gain shall convey away any such property to the hindrance or detriment of the public service of the United States, the person so offending, his counsellors, aiders, and abettors (knowing of and privy to any offense aforesaid) shall, on conviction thereof, if the value of such property shall exceed twenty-five dollars, be deemed guilty of felony, and shall be imprisoned for a period not exceeding three years; or if the value of such property shall be less than twenty-five dollars, shall be imprisoned not more than one year, or be fined not less than ten dollars nor more than two hundred dollars for every such offense."

MR. CARTTER. Is there a motion to non-concur pending?

THE SPEAKER. There is no such motion.

MR. WALSH. Will it be in order to refer such portions of the amendments as make a change in the criminal code to the Judiciary?

THE SPEAKER. The amendment is a whole, and cannot be divided.

MR. STEVENS. We have already voted in one section of the character the gentleman from Maryland alludes to.

MR. HART demanded tellers; which were ordered; and Messrs. GOODENOW and HALL were appointed.

The question was then taken, and there were—aye 90, noes 31.

So the amendment was agreed to.

MR. MEADE. I move to reconsider the vote by which those two amendments were passed, because they tend towards a revival of our whole code.

MR. STUART. I call the gentleman to order.

MR. MEADE. I move to reconsider the vote by which the amendments were adopted, with a view of rejecting the whole *en masse*.

MR. STUART. The gentleman did not vote in the affirmative, as I understood it, and he has no right to make the motion.

THE SPEAKER. The Chair is not presumed to know how the gentleman votes, unless he declares it himself.

MR. HALL. I move to lay the motion to reconsider upon the table.

The question was then taken, and it was agreed to.

So the motion to reconsider was laid upon the table.

[MR. McMULLIN. If I have the right, I would move to reconsider the vote upon the amendments to the civil and diplomatic bill.]

THE SPEAKER. The gentleman will have a right to do so when he gets the floor.

MR. JONES, of Tennessee. Did the gentleman vote either way?

MR. McMULLIN. My name is not recorded either way.

MR. GORMAN. I desire to have published a report lying upon the Clerk's desk from the Regents of the Smithsonian Institution. It has been lying upon your tables, but has not been ordered to be printed.

THE SPEAKER. It can be done only by unanimous consent.

MR. JOHNSON, of Tennessee. They ought to print their own report.]

The 42d amendment of the Senate to the post route bill was then read, as follows:

SEC. 5. *And be it further enacted*, That no collector or other officer of the customs shall permit any ship or vessel, arriving within any port or collection district of the United States, to make entry or break bulk until all letters on board the same shall be delivered into the post office at or nearest said port or place, nor until the captain or commander of such ship or vessel shall have signed and sworn to a declaration before such collector or officer of customs, in the form and to the effect following; that is to say:

"I, A B, commander of the (state the name of the ship or vessel,) arriving from (state the place,) and now lying in the port of (state the name of the port,) do, as required by law, solemnly swear (or affirm as the case may be) that I have, to the best of my knowledge or belief, delivered or caused to be delivered into the post office at or nearest said port, every letter and every bag, parcel, or package of letters that were on board the (state the name of the ship or vessel) during her last voyage, and that I have so delivered or caused to be delivered all such letters, bags, parcels, and packages as were in my possession or under my power or control."

And the collector, and every officer of the customs at every port, without special instructions, and every special agent of the Post Office Department, when instructed by the Postmaster General to make examinations and seizures, shall carefully search every vessel for letters which may be on board, or have been carried or transported contrary to law; and each and every of such officers and agents, and every marshal of the United States and his deputies, shall at all times have power to seize all letters, and packages and parcels containing letters, which shall have been sent or conveyed contrary to law on board any ship or vessel, or on or over any post route of the United States, and to convey such letters to the nearest post office; or may, if the Postmaster General and the Secretary of the Treasury shall so direct, detain the said letters, or any part thereof, until two months after the trial and final determination of all suits and proceedings which may at any time, within six months after seizure, be brought against any person for sending, or carrying, or transporting any such letters contrary to any provision of any act of Congress; and one half of any penalties that may be recovered for the illegal sending, carrying, or transportation of any such letters shall be paid to the officers so seizing, and the other half to the use of the Post Office Department; and every package or parcel so seized, in which any letter shall be concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce such forfeiture as are authorized in respect to goods, wares, and merchandise forfeited by reason of any violation of the revenue laws of the United States; and all laws for the benefit and protection of officers of the customs seizing goods, wares, or merchandise for a violation of any revenue law of the United States, shall apply to the officers and agents making seizures by virtue of this act.

MR. BROOKS. That is an important proposition, and I ask for the yeas and nays upon it.

MR. BOYD. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. PHELPS and GOODENOW were appointed.

The House was divided, and the tellers reported 31 in the affirmative.

So the yeas and nays were ordered.

The question was then taken upon agreeing to the amendment, and it was decided in the negative—yeas 43, nays 96; as follows:

YEAS—Messrs. Averett, E. Carrington Cabell, Caldwell, Clark, Clingman, Daniel, Dawson, Dimmick, Dockery, Doty, Duncan, Dunham, Evans, Faulkner, Freeman, Gaylord, Gorman, Grey, Hall, Hammond, Harper, Sampson, W. Harris, Haven, Henn, Houston, Howard, Jenkins, George W. Jones, Letcher, Martin, Mason, McVair, John Moore, Morehead, Murray, Newton, Phelps, Robbins, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, Stanley, Frederick P. Stanton, and Stuart—43.

NAYS—Messrs. Aiken, Charles Allen, Willis Allen, Allison, William Appleton, Ashe, Babcock, Barrere, Bibbighaus, Bowie, Bowne, John H. Boyd, Bragg, Brenton, Briggs, Brooks, Buell, Burrows, Joseph Cable, Thompson Campbell, Carter, Caskie, Chandler, Chastain, Churchillwell, Cleveland, Cobb, Colcock, George F. Davis, Dean, Eastman, Edgerton, Florence, Floyd, Fowler, Gamble, Gilmore, Goodenow, Green, Hamilton, Hart, Haws, Hendricks, Holladay, Horsford, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jackson, Andrew Johnson, Daniel T. Jones, George G. King, Preston King, Kuhns, Kurtz, Landry, Lockhart, McCorkle, McMullin, McQueen, Meade, Milson, Henry D. Moore, Morrison, Murphy, Andrew Parker, Samuel W. Parker, Peaslee, Peuniman, Perkins, Polk, Powell, Robie, David L. Seymour, Skelton, Benjamin Stanton, Abraham P. Stephens, Thaddeus Stevens, Sutherland, Sweetser, Taylor, Thompson, Thurston, Townsend, Tuck, Walbridge, Wallace, Walsh, Washburn, Watkins, Wells, Addison White, Wilcox, Wildrick, and Woodward—96.

So the amendment was not agreed to.

The 43d amendment of the Senate was read, as follows:

SEC. 6. *And be it further enacted*, That it shall not be lawful for any person, other than the captain or commander of such ship or vessel, to carry or transport any letter or packet, or parcel containing letters, on board of any ship or vessel which shall sail from or be bound to any port or place in the United States, or at or within three miles of which there shall be any post office of the United States; and all

passengers and other persons on board such ship or vessel shall deliver all letters, and packages and parcels containing a letter or letters, to such captain or commander, as soon as practicable after the receipt thereof, or after their arrival on board such ship or vessel; and for every violation of this provision a penalty of one hundred dollars is hereby imposed, to be recovered by presentment, by information or *qui tam* action, one half for the use of the informer, and one half for the use of the Post Office Department. And it shall be the duty of such captain or commander, within twenty-four hours after his arrival at any port of the United States, within three miles of which there shall be a post office, to deliver all letters, and packages and parcels containing letters, in his custody, power or control, into the post office at or nearest said port; and every such captain or commander who shall refuse or willfully neglect to deliver the same, as aforesaid, shall forfeit the sum of five hundred dollars, and he shall also forfeit double the amount of postage which would have been chargeable on such letters if so delivered as aforesaid, either or both of which may be recovered in any court having cognizance thereof, one half of which shall be for the use of the party prosecuting for the same, and the other half for the use of the Post Office Department.

The question was taken on the amendment, and it was not agreed to.

The 44th amendment of the Senate was read, as follows:

SEC. 7. *And be it further enacted*, That any proprietor, member or agent of any express company, or other company engaged in the transportation of packages or parcels for hire, or any other person engaged in such transportation, whether as principal or agent, or temporarily or otherwise, who shall carry or cause to be carried, in violation of any act of Congress, upon or over any post road, or between any ports or places within the United States, or between any port in the United States and any port in any foreign country between which the mails of the United States are carried, any letter or communication in writing, or shall knowingly carry or cause to be carried any package or parcel containing any letter or letters, or other paper or papers in writing, or partly written and partly printed, conveying information of any kind whatever, shall, in addition to the penalties by this act, or at any time heretofore prescribed for such offense, be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to imprisonment for a term not exceeding three months, and to pay a fine not exceeding five hundred dollars for every such offense."

The question was taken on the amendment, and it was not agreed to.

The 45th amendment of the Senate was read, as follows:

"SEC. 8. *And be it further enacted*, That every contractor for carrying the mails of the United States, by land or water, and every agent or employee of such contractor, who shall knowingly transport over all or any portion of the route of said contractor, any proprietor, member, agent, or messenger of any express company, or any person engaged in the transportation of parcels or packages for hire, while such contractor shall know, or have good reason to believe, that such proprietor, member, agent, messenger, or person carries, or is engaged in carrying letters, or parcels, or packages, containing a letter or letters, on the route of the said contractor or any part thereof, in violation of any law of the United States, or shall knowingly carry any boxes, bags, trunks, packages, or parcels belonging to or in the custody of such proprietor, member, agent, messenger, or person, which he shall know or have reason to suspect contains any letter or letters, such contractor shall be liable to a fine not exceeding one year's pay of such contractor; and the Postmaster General shall have power, upon such conviction, by an instrument in writing under his hand and seal, to declare the contract for the transportation of the mail by such contractor null and void from such time as he may designate in such instrument."

The question was taken on the amendment, and it was not agreed to.

The 46th amendment of the Senate was read, as follows:

"SEC. 9. *And be it further enacted*, That in respect to any moneys which have come or shall hereafter come into the possession or custody of any of the agents of the Post Office Department, or any of the officers of the United States, or shall have been paid to the order of the Postmaster General, as provided in the second section of the act entitled 'An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department, passed 3d day of March, 1845, approved March 1, 1847,' it shall be lawful for the Postmaster General to receive all such information and statements, under oath or otherwise, from the special agents of the Department, the claimants, and all other persons, as he may deem proper, whether the same would or would not be competent evidence in a court of justice; and he may, after having given to the claimants, by publishing the same as often as once a week for three months in such and so many public newspapers as he may direct, a notice to come in and substantiate their claims, make an order for the payment thereof to such person or persons, and in such proportions as he may deem just and proper, notwithstanding there may be no certain conclusive evidence of the ownership of the same; and when such an order shall be examined, and the same approved by the Attorney General, by an instrument under the hand of such Attorney General, such moneys shall be distributed according to such order."

The question was taken on the amendment, and it was not agreed to.

The 47th amendment of the Senate was read, as follows:

"Sec. 10. *And be it further enacted*, That the Postmaster General may from time to time, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient, for allowing the mails of Canada, or of any other Province, State, or country adjoining the United States, to be carried or transported at the expense of the Province, State, or country to which such mails belong, over any part or portion of the territory of the United States, from one point in the Province, State, or country to which such mails belong, to any other point in the same, upon obtaining the same privileges for the transportation of the mails of the United States through the Province, State, or country to which such privilege shall be granted: *Provided*, That such privileges may at any time be annulled by the President of the United States, of by joint resolution of the two Houses of Congress, from and after the expiration of one month next succeeding the day on which the notice of the act of the President, or of the joint resolution of the two Houses, shall be given to the chief executive officer or head of the Post Office Department of the Province, State, or country whose privilege is to be thereby annulled."

Mr. BROOKS. There is nothing bad in that amendment, and I hope the House will concur in it.

Mr. CLARK. It ought to pass, and I call for tellers.

Tellers were not ordered.

The question was then taken on the amendment, and it was not agreed to.

The 48th amendment of the Senate was read, as follows:

"Sec. 11. *And be it further enacted*, That every mail of any Province, State, or country, having the privilege authorized to be granted in and by the next preceding section, shall, while in the Territories of the United States, be deemed and taken to be a mail of the United States, so far as to make any violation thereof, or any depredation thereon, or any act or offense in respect thereto, or any part thereof, which would be punishable under the existing laws of the United States, in case the same had been a mail or part of a mail of the United States, an offense of the same grade, and punishable in the same manner and to the same extent as though the said mails were those of the United States; and in any indictment for such act or offense, the said mails, or any part thereof, may be alleged to be, and on the trial of any such indictment they shall be deemed and held to be mails or parts of mails of the United States."

The question was put, and the amendment was not agreed to.

The 49th amendment of the Senate was read, as follows:

"Sec. 12. *And be it further enacted*, That the Postmaster General be authorized to contract or make other arrangements for the transportation of mails of the United States through any foreign country, and also for their transportation by such transient or other vessels as may be running between ports of the United States and foreign ports, or between foreign ports, in cases where there are no contracts or arrangements therefor, and to provide for the collection by prepayment or otherwise, of such postages as may be due to the United States on such letters and other mailable matter as may be sent under such arrangements and contracts, either in the United States or at such foreign ports, and for that purpose to use and employ as agents the several consuls of the United States, or such other persons as he may think fit: *Provided*, That no arrangement shall be made which shall violate the laws prevailing in such foreign ports or countries, or any treaty of the United States, and that the whole compensation to be paid for the transportation of such letters and mailable matter, shall in all cases be so limited by the terms of such contracts or arrangements, as not to exceed the whole amount of the postage chargeable upon the letters and mailable matter carried under the same."

The question was put, and the amendment was not agreed to.

The 50th amendment of the Senate was read, as follows:

"Sec. 13. *And be it further enacted*, That the Postmaster General shall be, and he is hereby, authorized to provide and furnish to all postmasters and other persons applying and paying therefor, suitable letter envelopes, with such water-marks or other guards against counterfeits as he may deem expedient, and with one or more suitable postage stamps, with such device and of such denominations and value as he may direct, printed or impressed thereon, which envelopes shall be sold at the cost of procuring and furnishing the same, as near as may be, with the addition of the value or denomination of the postage stamps so printed or impressed thereon or attached thereto as aforesaid; and letters, when inclosed in such envelopes, with postage stamps printed or impressed thereon, (the postage stamp or stamps in every such case being of the value, denomination, or amount required to prepay the postage which would be chargeable on such letters and envelopes, if sent by mail, to the place of their destination, under the provisions of the laws then in force, and such stamps and envelopes not having been used before,) shall pass in the mails as prepaid letters; and all letters inclosed in such envelopes as shall be provided and furnished by the Postmaster General, as first in this section prescribed, and with postage stamps thereon as aforesaid, (and such postage stamps on such envelopes being equal in value and amount to the rates of postage to which such letters would be liable, if sent by mail, and such postage stamps and envelopes not having been used before,) may be sent, conveyed, and delivered otherwise than by post or mail, notwithstanding any prohibition thereof under any existing law: *Provided*, That the said envelope shall be duly sealed, or otherwise firmly and securely closed, so that such letter cannot be taken therefrom without tearing or destroying such envelope, and the same duly directed and addressed, and the date of such letter, or of the receipt or transmission thereof to be written or stamped, or otherwise appear on such envelope."

hibition thereof under any existing law: *Provided*, That the said envelope shall be duly sealed, or otherwise firmly and securely closed, so that such letter cannot be taken therefrom without tearing or destroying such envelope, and the same duly directed and addressed, and the date of such letter, or of the receipt or transmission thereof to be written or stamped, or otherwise appear on such envelope."

Mr. BROOKS. This amendment merely provides for stamped envelopes.

Mr. STEVENS, of Pennsylvania. Is it open to discussion?

The SPEAKER. No debate is in order.

The amendment was not agreed to.

The 51st amendment of the Senate was read, as follows:

"Sec. 14. *And be it further enacted*, That the Auditor of the Treasury for the Post Office Department may, under such regulations and restrictions as the Postmaster General shall prescribe, allow to every postmaster whose office was not established until after the 1st day of July, 1850, or whose commissions, in consequence of the increase of labor and business at his office, shall have equalled or exceeded the commissions allowed at such office, for the year ending on the 30th day of June, 1851, such compensation in addition to his legal commissions as will, in the judgment of such auditor, make the compensation of such postmaster equal, as near as may be, to the compensation of other postmasters in the same section of the country whose labors are the same as his, and who are entitled to additional allowance under the sixth section of the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,' approved March 3d, 1851, and under orders of the Postmaster General, made in pursuance of the provisions of said sixth section of the act aforesaid."

The question was put, and the amendment was agreed to.

The 52d amendment of the Senate was read, viz:

"Sec. 15. *And be it further enacted*, That all fines and penalties imposed for any violation of any law relating to the Post Office Department shall, when collected or recovered, be paid into the Treasury to the credit of the United States, for the use of the Post Office Department, excepting, however, such part thereof as may by law belong to the party informing or prosecuting for the same."

The question was put, and the amendment was agreed to.

Mr. CLARK. I have two or three small amendments providing for additional routes, which I desire to offer to the bill.

The SPEAKER. It is not in order except by unanimous consent.

Mr. LOCKHART. I object.

Mr. CLARK. I ask for a suspension of the rules to enable me to offer them.

The SPEAKER. The House is now acting under a suspension of the rules. The Chair is, however, of the opinion, that it is competent for the House to suspend its own order, and he decides the motion to suspend the rules to be in order. The Chair, however, is reminded that there is another Senate amendment, and he suggests to the gentleman to allow that to be first disposed of.

Mr. CLARK. I have no objection to that.

The 53d amendment of the Senate was read, as follows:

"Sec. 16. *And be it further enacted*, That it shall be the duty of the Postmaster General to issue proposals, and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time, on suitable and safe steamboats."

Mr. PHELPS. I hope that amendment will be rejected. It is utterly useless.

Mr. STANTON, of Tennessee. I hope the amendment will be adopted. It is a very necessary and proper amendment.

The amendment was not agreed to.

Mr. CLARK. I now ask the unanimous consent of the House to offer the following amendment establishing a post route. It is to come in under the head of Illinois:

From Hick's Mills post office, Franklin and Kibb county, to Cherry Valley, Winnebago county, Illinois.

There was no objection, and the amendment was received.

The question was then taken, and the amendment was adopted.

Mr. CLARK. I now ask the unanimous consent to offer another amendment.

Mr. GOODENOW. I object.

Mr. CLARK. I move to suspend the rules for the purpose.

The question was taken, and two thirds not voting in the affirmative, the rules were not suspended.

#### POST OFFICE APPROPRIATION BILL.

Mr. HOUSTON. I move to take up House

bill No. 141, making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1852.

Mr. STEVENS, of Pennsylvania. I object.  
Mr. HOUSTON. I move to suspend the rules for the purpose.

The question was then taken, and two thirds voting in the affirmative, the rules were suspended. The bill was then taken up.

Mr. HOUSTON. I move the previous question upon the amendments of the Senate.

The question was seconded, and the main question ordered to be put.

The first amendment was read, as follows:

"To enable the Postmaster General to contract for the transporting the mail by steamboat from the Lake House to Iberia, on the route No. 6116, from Donaldsonville to Washington, in the State of Louisiana, \$7,000."

The question was put, and the amendment was agreed to.

The next amendment, adding the following as a new section, was then read:

"Sec. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, whenever he shall deem it discreet, to dispense with the route agents now sent with the mails from New York to California, and in lieu thereof to appoint not more than two resident agents, to take charge of the mail service across the Isthmus of Panama, and to allow said agents, for salary and personal expenses, not exceeding \$3,000 per year for each of such agents, which shall be paid out of the amount annually appropriated for the transportation of the mails."

Mr. PHELPS. I wish to inquire whether these are all the same amendments?

The SPEAKER. The Chair understands that all the sections constitute one amendment.

Mr. JONES, of Tennessee. I think they are all different amendments. They are all independent appropriations. No one has any connection with the preceding one. They were offered by different Senators, and they cannot all be included in a single amendment.

The SPEAKER. It is difficult to determine from the bill whether they are separate amendments or not. The Chair, however, thinks they should be considered as separate, and unless it is objected to, will so consider them.

Mr. PHELPS. I ask that the amendment now pending may be again reported.

The second section was again read by the Clerk. The amendment was then disagreed to.

The third amendment was then read, as follows:

"Sec. 3. *And be it further enacted*, That the salary of the route agents be, and the same is hereby increased, to \$1,000 per annum."

The question was put, and 53 rose in the affirmative.

Mr. FLORENCE demanded tellers; which were ordered; and Messrs. STROTHER and LOCKHART were appointed.

The question was again put, and the tellers reported—ayes 77, noes 57.

So the amendment was agreed to.

Mr. HART. Will it be in order to move to take a recess until six o'clock?

The SPEAKER. It would not be.

Mr. MOORE, of Louisiana. There was a section rejected of which I did not hear one word read. I hope it will be reconsidered, and that the section will be adopted. I make that motion.

Mr. HOUSTON. I call the gentleman to order.

The SPEAKER. Will the gentleman state the section to which he refers?

Mr. MOORE. It is the one authorizing the Postmaster General to contract for carrying the mail in steamboats instead of in an open boat from Lake House to New Iberia, in Louisiana, as it is now carried, by which means it is often lost.

Mr. JONES, of Tennessee, moved that the motion to reconsider be laid upon the table; which motion was agreed to.

The next amendments—Nos. 4 and 5 of the Senate—were then read, and the question being taken on concurring therein, it was decided in the negative.

Amendment of the Senate No. 6, was then read, as follows:

"Sec. 6. *And be it further enacted*, That the bridges across the Ohio river at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's Island, in said river, are hereby declared to be lawful structures in their present position and elevation, and shall be so held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding."

"Sec. 7. *And be it further enacted*, That the said bridges

are declared to be, and are established post roads for the passage of the mails of the United States, and that the Wheeling and Belmont Bridge Company are authorized to have and maintain their said bridges at their present site and elevation; and the officers and crew of all vessels and boats navigating said river are required to regulate the use of their said vessels and boats, and of any pipes and chimneys belonging thereto, so as not to interfere with the elevation and construction of said bridges."

Mr. CARTTER. Is it competent to take a separate vote upon the two sections.

The SPEAKER. The two must be voted upon as a whole.

Mr. CARTTER. One of these bridges is not ten feet high.

Mr. EDGERTON. I call the gentleman to order.

The SPEAKER. The matter contained in the amendment is indivisible. Both of the bridges are embraced in each of these separate sections.

The question being upon the adoption of the above sections,

Mr. CARTTER called for the yeas and nays; which were ordered.

Mr. STANTON, of Tennessee. Is it in order to move to suspend the rules that I may offer a resolution?

The SPEAKER. It is not.

Mr. MOORE, of Pennsylvania. Is it in order to move to take a recess for two hours?

The SPEAKER. It is not. The House is acting under the operation of the previous question.

The question was then taken on the adoption of the sixth amendment, and there were—yeas 92, nays 42; as follows:

YEAS—Messrs. Ashe, Avrett, Thomas H. Bayly, Beale, Boccock, Bragg, Breckinridge, Brenton, Briggs, Albert G. Brown, George H. Brown, Buell, Caldwell, Thompson Campbell, Caskie, Chastain, Churchwell, Clark, Cleveland, Clingman, Cobb, Colcock, Conger, Daniel, George T. Davis, Dawson, Dockery, Doty, Eastman, Edgerton, Edmundson, Evans, Ewing, Faulkner, Ficklin, Freeman, Gaylord, Goodenow, Gorman, Hall, Hamilton, Hammond, Harper, Hart, Houston, Thomas Y. How, Jackson, Jenkins, Andrew Johnson, John Johnson, Daniel T. Jones, Kuhns, Lotcher, Lockhart, Mann, Martin, Mason, McQueen, Meade, Miller, Milson, Molony, John Moore, Murphy, Murray, Newton, Outlaw, Samuel W. Parker, Penniman, Perkins, Polk, Porter, Powell, Price, Riddle, Robie, Savage, Schermierhorn, Schoolcraft, Scudder, Stanley, Frederick P. Stanton, Richard H. Stanton, Stone, Strother, Sweetser, Thompson, Venable, Wallace, Walsh, Watkins, Wilcox, and Woodward—92.

NAYS—Messrs. Charles Allen, Allison, Bibbhaus, Carter, Curtis, Dean, Dimmick, Duncan, Florence, Floyd, Fowler, Henry M. Fuller, Gamble, Gilmore, Hays, Haven, Hebard, Howard, John W. Howe, Ingersoll, J. Glancy Jones, George G. King, Kuriz, McNair, Henry D. Moore, Morehead, Morrison, Andrew Parker, Robbins, Ross, Schoonmaker, Skelton, Snow, Benjamin Stanton, Thaddeus Stevens, Sutherland, Townsend, Tuck, Walbridge, Washburn, Addison White, and Wildrick—42.

So the amendment was agreed to.

The amendment of the Senate to the title of the bill was read and agreed to, as follows, viz: add to the title the words "and for other purposes."

#### MILITARY APPROPRIATION BILL.

Mr. HOUSTON. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the military appropriation bill, which has a great many amendments to it.

Mr. STANLY. I suggest to the gentleman from Alabama, that he move to discharge the Committee of the Whole from the further consideration of the bill.

Mr. HOUSTON. I prefer that course, and if there is no objection, I withdraw my motion and allow the gentleman from North Carolina to make the motion indicated by him.

Mr. STANLY. I make that motion.

Mr. COBB. I rise to a question of privilege. I move to reconsider the vote by which the civil and diplomatic bill was passed.

The SPEAKER. Did the gentleman vote in the affirmative?

Mr. COBB. I did.

The SPEAKER. The motion of the gentleman from Alabama will be entered, but there is a motion pending which must be first considered by the House.

The question was then taken on Mr. STANLY's motion to discharge the Committee of the Whole on the state of the Union from the further consideration of the Army appropriation bill, and it was agreed to.

Mr. HOUSTON. I now ask that that bill be taken up and read.

Mr. HOUSTON. There are a great many

amendments to the bill, and should a debate arise, we never will get through. I therefore move the previous question.

The SPEAKER. We have discharged the Committee of the Whole from the military bill; but there is a rule which requires that it shall be considered in the Committee of the Whole on the state of the Union. Is it the unanimous consent of the House that that rule be suspended?

There was no objection, and the rule was suspended.

The call for the previous question was then seconded, and the main question ordered to be put.

The Clerk then proceeded to read the Senate amendments:

The 4th amendment of the Senate, inserting in page 5 the clause below, was considered and agreed to, viz:

"For fuel and quarters for officers of the Army serving on the Coast Survey, the payment of which is no longer made by the Quartermaster's Department, \$4,500."

The 1st, 2d, 3d, 5th, 6th, 7th, and 8th amendments were considered and rejected. Vide report of Committee of Conference.

The 9th amendment of the Senate was considered and agreed to, as follows:

9th. After the first section, add:

"For payment to Priscilla D. Twiggs, of the amount of the pay and allowances which would have accrued to her son George D. Twiggs, had he been regularly in service as a second lieutenant of infantry, from the 1st day of June, 1847, the date on which he left the United States, to the 12th of August in the same year, when he fell in battle at the National Bridge, Mexico, \$230 33."

The 10th, 11th, 12th, 13th, and 14th amendments of the Senate were then considered, and rejected. Vide report of Committee of Conference.

Mr. STANTON, of Tennessee. The House is rejecting all of these Senate amendments, and I propose that they be disagreed to in mass and sent to a Committee of Conference.

Mr. KING, of New York. I object.

The 15th, 16th, 17th, 18th, and 19th Senate amendments were then considered and rejected. Vide report of Committee of Conference.

The 20th amendment of the Senate was read and agreed to, as follows:

Add at the end of the bill after section 9th:

"Sec. 10. And be it further enacted, That there be appropriated as aforesaid to refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the late war with Mexico, the sum of \$9,332 53."

The 21st amendment was read, as follows:

Add as a new section at the end of the bill after section 10:

"Sec. 11. And be it further enacted, That there be appropriated as aforesaid, for refunding to the State of Michigan, the amount advanced by said State in organizing, subsisting and transporting volunteers previous to their being mustered into the service of the United States during the late war with Mexico, \$20,000; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State as presented and now on file in the office of the Third Auditor of the Treasury Department, together with the interest as aforesaid on said claim from the time said advances were made by said State, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan."

The question was put, and upon a division, there were—ayes 35, noes not counted.

Mr. STUART. I demand tellers.

Tellers were ordered; and Messrs. STANTON of Tennessee, and WHITE were appointed.

The question was again put, and the amendment was disagreed to, the tellers having reported—ayes 40, noes not counted.

The 22d, 23d, 24th, and 26th amendments of the Senate were then considered and rejected. [See report of Committee of Conference.]

The 25th amendment was read, as follows:

Add, as a new section, at the end of the bill after section 14:

"Sec. 15. And be it further enacted, That in the settlement of the claims of the State of Georgia, under the provisions of the act of the 11th of August, 1842, providing for the settlement of the claims of Georgia for the services of her militia, which have heretofore been suspended or disallowed, the accounting officers of the Treasury Department allow and pay, upon proof that the State has allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical services, and transportation, which have not been heretofore allowed by the United States. That for the pay of mounted infantry the pay of cavalry be allowed, the same to be paid out of the fund appropriated by the act of 11th August, 1842."

The question was put upon the amendment, and upon a division there were—ayes 23, noes 64; no quorum.

Mr. CHANDLER. I demand tellers.

Tellers were ordered; and Messrs. STANTON of Tennessee, and CHANDLER were appointed.

Mr. CHASTAIN. I demand the yeas and nays.

The yeas and nays were not ordered.

The question was again put, and the amendment was rejected, the tellers having reported—ayes 34, noes not counted.

Mr. WASHBURN. The amendment with regard to the payment of advances to the State of Maine was rejected. I move that the vote by which it was disagreed to be reconsidered. There can be no sort of question as to the justice of the claim. It has been audited.

[Cries of "Order!" "Order!"]

Mr. CLEVELAND. The gentleman was not present, and therefore cannot move to reconsider the vote by which the amendment he refers to was rejected.

The SPEAKER. The Chair cannot know that officially.

A motion was made that the motion to reconsider be laid upon the table; and it was agreed to.

The Clerk read the following amendment of the Senate:

"97th. Add at the end of the bill, as a new section, after section 16th, the following:

"Sec. 17. And be it further enacted, That the accounts of Adjutant General Roger Jones shall be settled by the accounting officers of the Treasury according to equity and justice, and in such manner as to allow the pay and emoluments of his commission of adjutant general from the time of the reduction of the Army in 1821 to March 7, 1825, when he was restored to his rank and commission in the staff of the Army: Provided, That the pay and emoluments of captain of artillery during the same period be deducted therefrom."

Mr. JONES, of Tennessee. That is a private claim, and ought not to be allowed here.

The question was put upon the amendment, and upon a division there were—ayes 65—

Mr. ROBBINS. I demand tellers. Tellers were ordered; and Messrs. CHANDLER and ST. MARTIN were appointed.

The question was again put, and the amendment was agreed to—the tellers having reported—ayes 91, noes 32.

Mr. CLEVELAND. I desire, with the consent of the House, to move that we take a recess.

[Cries of "I object!" "I object!" "I object!"]

The 28th, 29th and 30th amendments of the Senate, proposing to add sections 18, 19, and 20, were considered and rejected. See report of Committee of Conference.

The amendments having been disposed of—

#### EXTRA COMPENSATION.

Mr. STANTON, of Tennessee, asked permission to offer the following resolution:

Resolved, That there be paid out of the contingent fund of the House to the employees thereof, including the police of the Capitol, and such regular laborers and lamp-lighters on the public grounds around the Capitol as have heretofore been included in similar resolutions, and the two watchmen on the wings of the Capitol, the usual extra compensation allowed at the close of a session.

Mr. STANTON. Before the previous question is put, I wish to include the watchmen on the Capitol.

Mr. SKELTON. I object to the resolution.

Mr. STANTON. I move to suspend the rules for the purpose of introducing it.

The question was then taken, and there were—ayes 80, noes not counted.

Mr. BAYLY, of Virginia, demanded tellers; which were ordered.

The question was then taken, (Messrs. CHANDLER, and STANTON of Tennessee, acting as tellers,) and there were—ayes 100, noes not counted.

So the rules were suspended.

Mr. JONES, of Tennessee. I would ask my colleague, as a matter of justice, to except, in giving this compensation, those who receive the increased compensation provided for in the civil and diplomatic bill. I ask that the amount they shall receive under that shall be deducted from this.

Mr. SEYMOUR. I would like to ask the gentleman from Tennessee [Mr. STANTON] whether the amount of increased compensation by the percentage provided for in the civil and diplomatic bill will amount to \$20 to these employees, inasmuch as it does not commence until the present fiscal year commences?



# THE CONGRESSIONAL GLOBE.

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WEDNESDAY, SEPTEMBER 1, 1852.

NEW SERIES...No. 156.

Mr. WOODWARD. I will offer the following amendment to that of the gentleman from Tennessee, to compensate those who, taking into consideration the character and intensity of the labor, are worth five times as much as any of them:

And that there be paid to each of the reporters of this House for the Congressional Globe a sum equal to the extra compensation hereby allowed to the Chief Clerk in the clerk's office.

[Cries of "That's right!" "That's right!" "That's right!"]

Mr. STANTON, of Tennessee. I am willing to accept that amendment, but not that of the gentleman from Tennessee, [Mr. JONES.] I call the previous question.

The previous question was seconded, and the main question ordered.

Mr. JONES, of Tennessee. I ask that the resolution and amendment be again reported.

The resolution as amended was again read by the Clerk.

Mr. CLEVELAND. The amendment simply provides that these gentlemen shall receive the same extra compensation as we give the chief clerk. They ought to have it. Considering the nature of their services, they ought to have it more than any others here.

Mr. PENN. I hope the House will vote for the amendment.

Mr. STANTON, of Tennessee. It is right, and it should be paid to them.

Mr. JONES, of Tennessee, demanded the yeas and nays upon the amendment; which were not ordered.

Tellers were demanded; but only seventeen gentlemen rising in the affirmative, they were not ordered.

The question was then taken, and the amendment was agreed to.

Mr. BRECKINRIDGE. I will ask the gentleman from Tennessee [Mr. STANTON] to allow me to offer an amendment, to place the Sergeant-at-Arms and the Postmaster of the House upon an equal footing with the Chief Clerk.

Mr. STANTON, of Tennessee. I think the original resolution includes them.

The question was then taken on the resolution as amended, and it was agreed to.

Mr. STANTON, of Tennessee, moved to reconsider the vote by which the resolution was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

## FORTIFICATION BILL.

Mr. HOUSTON. I desire in some way to dispose of the fortification bill. If the House will consent to take action upon it, I will propose to bring it before the House, and make a test vote upon it.

Mr. CARTER. I object.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up the fortification bill.

Mr. STANTON, of Tennessee. Have we yet acted upon the naval appropriation bill?

Mr. HOUSTON. It has not yet come in from the Senate, or I would move to take it up.

Mr. WHITE, of Kentucky. I wish to know what was done with the 30th amendment to the Army bill in regard to the Blue Lick Springs in Kentucky?

The SPEAKER. It was rejected, in the opinion of the Chair.

Mr. STANTON, of Kentucky. I move to reconsider the vote by which that amendment was rejected.

The SPEAKER. The Clerk will make an entry of that motion.

Mr. STANTON, of Tennessee. I rise to a privileged question. It is to reconsider the vote by which the amendment to the Post Office bill, providing for a daily mail on the Mississippi river, was rejected.

The SPEAKER. That motion will be entered, but it cannot be considered while the motion of the gentleman from Alabama [Mr. HOUSTON] is before the House.

Mr. STANTON. Is not the motion debatable?

The SPEAKER. It is not. It is not in order to consider it while the gentleman from Alabama [Mr. HOUSTON] has the floor.

Mr. STANTON. I only wish to say a single word.

[Cries of "Order!" "Order!" "Order!"]

The SPEAKER. The motion of the gentleman from Tennessee [Mr. STANTON] is entered, and can be called up at any time when no other privileged motion is pending.

The question recurring upon Mr. HOUSTON's motion to suspend the rules,

Mr. HOUSTON demanded the yeas and nays; which were ordered.

The question was then taken, and there were—yeas 70, nays 46; as follows:

YEAS—Messrs. Allison, William Appleton, Averett, Babcock, Thomas H. Bayly, Bibbhaus, Bowie, John H. Boyd, Bragg, Breckinridge, Brooks, E. Carrington Cabell, Chandler, Chapman, Chastain, Conger, Daniel, Duncan, Evans, Florence, Goodenow, Goodrich, Gray, Hamilton, Hammond, Sampson W. Harris, Hart, Hascall, Haven, Hebard, Holladay, Houston, Howard, John W. Howe, Ingersoll, Jackson, George W. Jones, J. Glancy Jones, George G. King, Kurtz, Martin, McCorkle, Miller, Milson, Henry D. Moore, Morehead, Andrew Parker, Peaslee, Perkins, Phelps, Porter, Reed, Riddle, Robbins, Schermerhorn, Schoolcraft, Schoonmaker, Scudder, Skelton, Stanley, Frederick P. Stanton, Richard H. Stanton, Thaddeus Stevens, St. Martin, Strother, Taylor, Thurston, Walsh, Watkins, and Addison White—70.

NAYS—Messrs. Charles Allen, Barrere, Beale, Bowne, Brenton, Albert G. Brown, Buell, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Churchill, Clark, Cobb, Colcock, Dawson, Dimmick, Eastman, Edgerton, Edmundson, Ficklin, Floyd, Gaylord, Gorman, Green, Hall, Isham G. Harris, Hena, Thomas Y. How, Andrew Johnson, John Johnson, Robert W. Johnson, Letcher, Lockhart, McQueen, Murray, Outlaw, Pennington, Polk, Powell, Robie, Savage, David L. Seymour, Benjamin Stanton, Stuart, Townshend, Wallace, and Woodward—46.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. STUART in the chair.)

## FORTIFICATION BILL.

Mr. HOUSTON. I move to take up House bill No. 316, "making appropriations for certain fortifications of the United States for the year ending the 30th of June, 1853."

The question was then taken, and it was agreed to.

Mr. HOUSTON. The fortification bill as reported by the committee, contains appropriations to the amount of \$134,000. It is founded on a letter of General Totten, who classified these works into various classes, and the committee have instructed me to report back to the House one class which is embraced in this bill. General Totten, in his letter, desired the passage of the entire fortification bill; but when he found he could not get that, he urged the universal importance it was to the country of passing a bill embracing at least the first class, for the purpose of preserving the public property from dilapidation and destruction. As there is very little time for a discussion of this subject, if the committee will do so, I shall propose to go into the House for the purpose of closing the debate. I move that the committee rise.

Mr. BAYLY, of Virginia. I desire to offer a substitute, and I wish to be heard upon it for ten minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. BAYLY] can offer his substitute when the committee again organizes.

The question was then taken upon Mr. HOUSTON's motion, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially House bill No. 316, "making appropriations for certain fortifications of the United States for the year ending the 30th of June, 1853."

## LATE MR. RANTOUL.

Mr. GOODRICH. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the Speaker pay to the widow of the Hon. Robert Rantoul, deceased, whatever balance may have been

due Mr. Rantoul, as a member of this House, at the time of his death: And resolved, That the Clerk of the House be directed to pay out of the contingent fund, to Mrs. Rantoul, the per diem to which her late husband would have been entitled if he had lived until the end of the present session.

Mr. JONES, of Tennessee. I object to the latter part of that resolution. It has never been done yet, and I object to it.

Mr. GOODRICH. I will withdraw the latter clause of the resolution, if there is any objection to it. I will modify it according to the suggestion of the gentleman from Tennessee, [Mr. JONES.]

The question recurring upon the adoption of the resolution as modified, it was put, and the resolution was agreed to.

A message was received from the Senate, by Mr. DICKINS, its Secretary:

Mr. SPEAKER: The Senate have passed bills of the following titles, viz:

H. R., No. 240, entitled "An act making appropriations for the naval service for the year ending 30th June, 1853;" and

H. R., No. 312, entitled "An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," severally, with amendments, in which I am directed to ask the concurrence of this House.

On motion by Mr. HOUSTON, by unanimous consent, it was

Ordered, That the bill of the House making appropriations for the naval service, for the year ending 30th June, 1853, just reported from the Senate, with sundry amendments, be committed to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON. I move the adoption of the usual resolution, closing debate on the fortification bill in fifteen minutes after the committee shall have resumed its consideration.

Mr. JOHNSON, of Arkansas. The gentleman will allow me to suggest to him before that resolution is adopted, to make no more propositions, or I hope the House will vote them down. It is too late in the session to go into committee, and there are some things that ought to be done in the House.

Mr. HOUSTON. This is about as important as anything else that can be done for the country.

Mr. BROWN, of Mississippi. I move to amend the proposition, by striking out "fifteen minutes" and inserting "five." We have no time to waste in speech making.

The question was taken on the amendment, and it was agreed to.

The question recurred upon agreeing to the resolution as amended; and being put, it was decided in the affirmative.

So the resolution as amended was agreed to.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider on the table.

The question was taken upon the latter motion, and it was agreed to.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JOHNSON, of Arkansas. Is not a motion to postpone the bill until the first Monday in December in order?

The SPEAKER. It is not in possession of the House even, and it is not therefore in order.

Mr. JOHNSON. I hope the House will refuse to go into committee.

Mr. BROWN, of Mississippi. Is it in order to move that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and bring it into the House?

The SPEAKER. Not unless the rules were suspended, or by unanimous consent.

Mr. BAYLY. I object.

Mr. BROWN. Then I move to suspend the rules.

Mr. KING, of New York. I rise to a point of order. I wish to inquire of the Chair whether there is not a motion pending to suspend the rules and to go into committee?

The SPEAKER. There is a motion pending to go into committee.

Mr. KING. Then that motion must be first put.

The SPEAKER. There is a motion pending, made by the gentleman from Mississippi, [Mr. Brown,] to suspend the rules, which must first be put.

Mr. HOUSTON. I withdraw the motion to go into the Committee of the Whole.

Mr. HART. I renew it.

The SPEAKER. The other motion being first made, and being of equal dignity, must be first put.

Mr. HART. It was out of order, as I understood the Chair, to consider that motion.

The SPEAKER. The gentleman from Alabama [Mr. Houston] withdrew his motion to go into committee. The gentleman from Mississippi was recognized by the Chair, and submitted a motion to suspend the rules, and it is in order.

The question was then taken on Mr. Brown's motion; and on a division, there were—ayes 72, noes 66.

So (two thirds not voting in the affirmative) the rules were not suspended.

Mr. HOUSTON. I now renew my motion to suspend the rules and go into the Committee of the Whole on the state of the Union.

The question was then put upon Mr. Houston's motion, and it was agreed to.

#### FORTIFICATION BILL.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. Stuart in the chair,) and resumed the consideration of the fortification appropriation bill.

Mr. BAYLY, of Virginia. I regret exceedingly that after there was a sort of understanding between the chairman of the Committee of Ways and Means, that we were to have an hour to discuss this bill, that we should be cut down to fifteen minutes.

Mr. HOUSTON. I do not want an hour.

Mr. BAYLY. The understanding was, that I should have fifteen minutes.

Mr. HOUSTON. I have no idea of taking up my hour.

Mr. BAYLY. I choose to say that, because the gentleman can occupy his hour.

Mr. HOUSTON. I choose to say that I told the gentleman, before he commenced his remarks, that I was not going to take my hour.

Mr. BAYLY. I move a substitute for the bill, which I send to the Clerk's desk.

The substitute was then read by the Clerk, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the preservation and repair of certain fortifications, for the year ending the 30th of June, 1853:*

For repairs of Fort Mackinaw, Michigan, \$2,000.

For defensive works and canals, near Detroit, Michigan, (Fort Wayne,) \$15,000.

For repairs of Fort Ontario, New York, \$900.

For fort at outlet of Lake Champlain, (Fort Montgomery,) \$15,000.

For defensive works and canals at narrows of Penobscot river, (Fort Knox,) \$20,000.

For repairs of Fort Preble, Portland harbor, Maine, \$1,000.

For purchase of land for extension of site of Fort Preble, \$10,500.

For Fort Winthrop, Governor's Island, Boston harbor, \$10,000.

For Fort Warren, Boston harbor, \$30,000.

For repairs of Fort Independence, Boston harbor, \$10,000.

For Fort Adams, and permanent quarters and canals thereat, \$35,000.

For Fort Schuyler, Long Island Sound, New York, \$15,000.

For repairs of Fort Columbus and Castle William, New York, \$4,500.

For repairs of Fort Wood, and sea-wall, permanent wharf, and hospital, Bedlow's Island, New York, \$20,000.

For Fort Hamilton, and permanent wharf thereat, \$10,000.

For Fort Richmond, Staten Island, New York, \$50,000.

For Fort Delaware, Pea Patch Island, Delaware river, \$30,000.

For repairs of Fort Mifflin, Delaware river, \$2,000.

For fort at Solters' Point Flats, Baltimore harbor, (Fort Carroll,) \$50,000.

For Fort Monroe, Hampton Roads, Virginia, \$20,000.

For repairs of Fort Caswell, Cape Fear river, North Carolina, \$5,000.

For preservation of the site of Fort Caswell, North Carolina, \$2,000.

For repairs of Fort Macon, Beaufort harbor, North Carolina, \$2,000.

For preservation of the site of Fort Macon, North Carolina, \$1,000.

For Fort Sumter, Charleston harbor, South Carolina, \$40,000.

For repairs of canals and quarters at Fort Johnson, South Carolina, \$1,200.

For preservation of the site of Fort Johnson, including repairs of wharf, \$4,200.

For dyke to Drunken Dick Shoal, Charleston harbor, South Carolina, \$10,000.

For repairs of Castle Pinckney, Charleston harbor, South Carolina, \$800.

For Fort Pulaski, including canals and quarters, Savannah river, \$15,000.

For fort at entrance to Cumberland Sound, Georgia, \$25,000.

For Fort Barrancas and canals thereat, Pensacola harbor, \$35,000.

For Fort St. Rio, Pensacola harbor, Florida, \$15,000.

For repairs of Fort Morgan, and for additional canals and quarters thereat, Mobile Bay, Alabama, \$15,000.

For repairs of Fort Jackson, Mississippi river, Louisiana, \$20,000.

For repairs of Fort St. Philip and canals thereat, Mississippi river, \$35,000.

For repairs of Fort Pike, and for additional canals thereat, \$4,000.

For repairs of Fort Macomb, (formerly Fort Wood,) and for additional canals thereat, \$10,000.

For fort at Key West, Florida, \$50,000.

For fort at Garden Key, Florida, \$50,000.

For canals and store-houses at Fort Niagara, New York, \$10,000.

For repairs of Fort Jackson, Savannah river, Georgia, \$20,000.

For repairing a breach in the breakwater constructed for the protection of the site of Fort Sumter, Charleston harbor, South Carolina, \$12,300.

Mr. B. said: After the suffering to which the country was subjected in the late war with Great Britain, there was appointed a mixed board of Army and Navy officers, assisted by General Bernard, who was the favorite engineer of Napoleon, to perfect our fortifications. Well, sir, there have been expended on these fortifications, and such as were constructed subsequently to the revolutionary war, and prior to the late war, the sum of \$20,698,536; and the amount that is asked in my substitute—not only to preserve and to repair those forts that are completed, but to carry on the construction of two or three forts of the utmost importance—is less than three per cent. of the whole cost, or about three per cent. But if you take the old forts, the cost is little more than two per cent. to carry on their construction and keep them in repair. The percentage upon the whole is raised by the construction of four forts. Fort Delaware, on Pea Patch Island, for the protection of Philadelphia; Solter's Point, to protect the city of Baltimore; and for a fortification at Key West, and one on the dry Tortugas. A large amount of the appropriation that that bill asks for, for those works which are not already completed, are for those in the Gulf of Mexico. Everybody knows, I believe, that I have no interest in this matter, but anybody who will look at it will see the necessity for those fortifications to which I have referred. The whole commerce of the Gulf of Mexico would be terribly exposed but for those fortifications. Sir, Great Britain commands the southern outlet from the Gulf of Mexico by her fortifications in Jamaica; and Spain, by hers at Havana, has the control of the northern pass, and then Mexico has Vera Cruz or San Juan, and there is not a solitary point in the Gulf of Mexico where a single vessel laden with our commerce could, for one moment, find shelter to protect it from a British fleet. There is not a solitary point where one of our men-of-war, in the event of its being overpowered by a British fleet, could find shelter. These are not fortifications, as gentlemen suppose, of the character that has been condemned. They are not land fortifications, but are places for the shelter of our commerce and our Navy. The whole appropriation asked for to preserve, continue, and perfect these works is about three and a half per cent. on the amount expended already. Well, now, when the Government, under the control and advisement of a board of Navy and Army officers, assisted by Bonaparte's favorite engineer, has projected these works, and we have expended twenty millions upon them, is it good economy to let them go to ruin, when the small appropriation asked is about three and a half per cent. on the whole cost?

[The Speaker having temporarily resumed the chair for the purpose—

A message was received from the Senate, by Mr. DICKINS, its Secretary:

Mr. SPEAKER: The Senate have passed the bill of the House (No. 273) entitled "An act making further provision for the satisfaction of Virginia military land warrants," without amendment.

The Senate insist on their amendments disagreed to by

the House, to the bill of the House (No. 241) entitled "An act making appropriation for the service of the Post Office Department during the fiscal year ending the 30th of June, 1853," and ask a conference of the House thereon; and have appointed Mr. MILLER, Mr. RUSK, and Mr. FELCH managers of the said conference on the part of the Senate.

The Senate also insist on their amendments disagreed to by the House to the bill of the House (No. 220) entitled "An act making appropriation for the support of the Army for the year ending 30th of June, 1853," and ask a conference with the House thereon; and have appointed Mr. BRIGHT, Mr. DAWSON, and Mr. BRODHEAD managers at the said conference on the part of the Senate.

On motion by Mr. HOUSTON, by unanimous consent, it was

Ordered, That the House insist on their disagreement to the amendments of the Senate to the bill of the House (No. 220) making appropriations for the support of the Army for the year ending the 30th of June, 1853, and agree to a conference with the Senate thereon.

Mr. HOUSTON, Mr. STANLY, and Mr. GORMAN were appointed managers at the said conference on the part of this House.]

Mr. BROWN, of Mississippi. I am opposed to the substitute of the gentleman from Virginia, but I have no idea of consuming five minutes of the precious time of the House in discussing it. I simply want to express the opinion that, in my judgment, these fortifications, take them at large, are great humbugs. The fortification before the city of Vera Cruz was admitted to be the strongest in the world, or amongst the strongest. Military men said that it could not be taken. General Scott went there with an inferior force, and invested and took it in a little less than twenty-four hours. A beautiful commentary upon all your fortifications! I hope this fortification bill will be disposed of very shortly.

Mr. WALSH. I move to amend the substitute by reducing the first appropriation five dollars. Now, sir, although General Scott succeeded in destroying the castle at Vera Cruz, it had defied several Powers before that; and there is not a man superior to General Scott, or his equal, so far as military genius is concerned. That fortification was supposed, by all military and scientific men, to be impregnable. Sir, it is no argument at all against fortifications, that they are sometimes taken. But, sir, I propose to say that, if the system of fortifications is unjust, then this bill is unjust. We have heard a great deal about favoritism in regard to rivers and harbors, but this bill professes to proceed upon the principle that only such appropriations are to be made as will keep works actually in existence in proper repair. Now this is a most unjust principle, because New York harbor has already three or four forts, and Boston harbor and other harbors in the country are amply protected against the invasion of foreign forces; but you are to do nothing for Baltimore; you are not to give her the slightest protection, because her fort is not two thirds finished. What justice is there in that? If you want to carry out a just system, abandon the fortifications elsewhere and leave them precisely in the condition in which you leave that portion of the Atlantic coast in the vicinity of the city of Baltimore. What justice is there in making appropriations for the repair of fortifications which are to guard our coast against a foreign foe at one point, and leaving a great mart of trade, like the city of Baltimore, which is destined to become still larger and more important when our chain of internal improvements is completed, entirely exposed? Within the last five or ten years, this city of Baltimore has extended along the line of the Patapsco, far below old Fort McHenry, which maintained in the late war that gallant defense, and at this moment, in case of an invasion by a foreign naval force, she would be wholly unprotected. Under these circumstances, appropriations are recommended by this Military Committee, to keep up the defenses elsewhere, and to extend the sites of defenses elsewhere, while the solitary defense which Baltimore would have if it was completed, is to remain in its present condition. Now, if this system of fortifications is to be broken down and the proper defenses of the country destroyed, the Democratic party in this House will be held responsible for it; and though they may be sustained in their western fastnesses, those upon the sea-board will have a voice on this question, and will denounce their conduct.

Mr. GORMAN. Mr. Chairman, I am opposed to this amendment. I am opposed to the whole appropriation. I am opposed to any further appropriations for our fortifications. It is a known fact that this House has heretofore rejected these

appropriations. They have twice rejected them. It is an admitted fact now, in military science, that these fortifications are of no earthly use as national defenses, except in one instance, and that is for the purpose of enabling our Navy and our merchant vessels to get under the protection of their guns when pursued by an enemy. So far as they are concerned in defending the country, they are of no earthly use. No military man on the face of the earth who had five ideas above a pickled oyster would ever think of an attempt to storm one of our fortifications. No man in this country, I apprehend, imagines that the British would attempt to sail up the Potomac and attack Fort Washington. No man in his sound mind imagines that they would attack New York. No man in his sound mind imagines that they would come up the Mississippi and attack Fort Jackson. No man in his sound mind can think they would attack Fort Moultrie. No man in his sound mind can think that they would attempt to attack the fort at Point Comfort. The only help these fortifications can be is to enable our commercial marine to get in under them and protect themselves against an outward navy. But if the enemy wish to land, all they have got to do is to go to any part of our shore, land in serf-boats, and march wherever they please. But while gentlemen universally admit this, while they accept the principle, they say that you must keep them in repair. Keep what in repair? Your fine flower-gardens and fences? Keep up the paint and brush? Under your Army regulations, the soldiers do that from day to day, and a very slight appropriation is needed to keep up the repairs from year to year. The bill of the Committee of Ways and Means of \$134,000, is amply sufficient for that.

I have but one additional remark to make, and it is this: that if any gentleman can rise in his place and say that there is a fortification in America that the British cannot, by landing at some other point, surround and take, then I have learned the history of a small portion of the military science of this country to very little advantage. There is not a man in the Army, from General Scott himself down, but what will admit, that by landing on our coast and going round by land, an enemy could take any fortification in the country. They are of no earthly use whatever, except, as I said before, to protect our commercial marine by enabling vessels to run in under their guns.

Mr. STANTON, of Tennessee. I move to amend the amendment by increasing the amount \$50. I do not rise for the purpose of making an argument in reference to fortifications. I agree generally with what the gentleman from Indiana [Mr. GORMAN] has said, except in reference to one or two points, such as the Tortugas, because they do not stand upon the ground of fortifications on land which can be surrounded and taken; they defend a strait. But I consider it very important that, in the absence of these fortifications, we should strengthen the Navy, and that we should build such a vessel as I proposed when the naval appropriation bill was under consideration the other day.

The CHAIRMAN. The gentleman is not in order in discussing the propriety of building a naval vessel.

Mr. STANTON. Well, I am only illustrating the argument in reference to fortifications.

The CHAIRMAN. The Chair cannot entertain an argument of that sort at this stage of the session.

Mr. STANTON. Well, then, I will proceed in order. I was going to say that there is no time to mature a bill in reference to fortifications. I hope, therefore, that this debate will cease from this moment, and that we will rise and consider the naval appropriation bill, which has been returned from the Senate, and which is more important than the fortification bill. I move that the committee do now rise.

The question was then taken on Mr. STANTON's motion, and it was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the fortification bill, and had come to no resolution thereon.

#### SENATE'S AMENDMENTS TO THE NAVAL APPROPRIATION BILL.

Mr. STANTON, of Tennessee. I move that the Committee of the Whole on the state of the Union be discharged from the further consideration of the naval appropriation bill, and the amendments of the Senate thereto.

Mr. KING, of New York. I object.

Mr. STANTON. Then I move to suspend the rules for that purpose.

The motion was agreed to.

The bill and amendments were then taken up for consideration.

Mr. STANTON, of Tennessee. I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The 1st, 2d, 3d, and 4th amendments of the Senate were then non-concurred in.

The 5th amendment was read, as follows:

"Insert in page 2, after the clause appropriating for the repair of vessels in ordinary, the following:

"And the Secretary of the Navy be, and he is hereby, authorized and required to have completed with the least possible delay, the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress approved April 14th, 1812, and the balance of the appropriation heretofore made, which has been carried to the credit of the surplus fund, shall be used for that purpose."

Mr. DEAN. I call for the yeas and nays on concurring in the amendment.

The yeas and nays were not ordered.

Mr. SKELTON. I ask for tellers.

Tellers were ordered; and Messrs. HAMILTON, and STANTON of Tennessee, were appointed.

The question was then taken, and the tellers reported—ayes 47, noes 70.

So the amendment was not concurred in.

Mr. HALL moved to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The question was put, and the latter motion was agreed to.

The 6th amendment was read:

"Insert in the bill the following:

"And the Secretary of the Navy may, if he deem it proper, cause to be applied, as soon as practicable, to one or more of the steam vessels belonging to the United States, any steam condenser which may be found best calculated for the purpose of furnishing fresh water to marine boilers, and for the use of the crews."

The question was put, and 47 rose in the affirmative.

Mr. STANTON, of Kentucky, demanded tellers; which were ordered; and Messrs. GOODENOW and LOCKHART were appointed.

Mr. JONES, of Tennessee. I ask that the amendment may again be reported.

The amendment was again read.

The question was again put, and the tellers reported—ayes 79, noes 40.

Mr. DIMMICK demanded the yeas and nays; but they were not ordered.

So the amendment was agreed to.

7th amendment. After the following section:

"For repairs and the erection of buildings at the United States Naval Academy at Annapolis, Maryland, \$30,000"—insert:

"For the purchase of ground adjoining the premises occupied by the Naval Academy, extension of the walls, and making new street and wharf, and changing the front of buildings, \$32,000."

The amendment was not agreed to—ayes 17, noes not counted.

8th amendment. After the following clause:

"To complete the quarters for the students and professors of the Naval Academy at Annapolis, the sum of \$75,000"—insert:

"And hereafter no appointment of midshipman, acting midshipman, or pupil at any naval school in the Navy, shall be made unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed; and that the Secretary of the Navy is hereby required to report to Congress at its second session the number and names of appointments to the Naval School which have been made, and the district and State whence each one comes, and the number of vacancies then existing at said school, with the Congressional district which may be entitled to supply them, and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances."

Mr. JONES, of Tennessee. Is the proposition now to strike out what has been read?

The SPEAKER. That is the amendment.

Mr. JONES. Well, sir, I hope it will not be stricken out.

Mr. WALSH demanded the yeas and nays; but they were not ordered.

Mr. CLEVELAND demanded tellers; which were ordered; and Messrs. CLEVELAND and HAMILTON were appointed.

The question was then put, and the tellers reported—ayes 7, noes not counted.

So the amendment was disagreed to.

Mr. WALSH. Will it be in order at this stage of the proceedings to move that the Committee of Conference, which shall be appointed upon this bill, shall insist upon retaining this amendment?

The SPEAKER. It will not be in order.

The 9th and 10th amendments of the Senate propose to strike from the following section of the bill the words in brackets, and insert those in italics:

"For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on [civil] foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions, and pay of clerks to navy agents and store-keepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending, deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, \$537,840."

These amendments were severally concurred in.

11th amendment. At the end of the above section, insert:

"For contingent expenses not enumerated, \$5,000."

The amendment was disagreed to.

12th amendment. After the following section: "For meteorological observations, to be conducted under the direction of the Secretary of the Navy, \$2,000"—insert:

"For the payment of the salary of Professor James P. Espy, during the fiscal year ending June 30th, 1848, no appropriation having been made by Congress for that year, \$2,000."

The amendment was agreed to.

The remaining amendments of the Senate, from thirteen to forty-six inclusive, were severally considered and rejected by the House. [For final action, see the report of the Committee of Conference.]

Mr. CAMPBELL, of Illinois. I ask the unanimous consent of the House to allow me to take from the Speaker's table Senate bill No. 486, entitled "An act to constitute the town of Alton, in the State of Illinois, a port of delivery."

Mr. HENN. I ask the unanimous consent of the gentleman from Illinois and the House, to allow me to take up a bill for the relief of Mrs. Worth, that a Committee of Conference may be appointed.

Mr. JOHNSON, of Tennessee. I object.

The Clerk then read Senate bill No. 486 through.

The SPEAKER. Is there objection to taking up the bill just read?

There was no objection.

The bill was accordingly taken from the Speaker's table and read a first and second time by its title.

Mr. CAMPBELL. I move the following amendment, to come in at the end of the bill:

Sec. 2. And be it further enacted, That Burlington, in the State of Iowa, Galena, Illinois, and Knoxville, in the State of Tennessee, shall be ports of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of the customs to reside at each of the said ports, who shall, in addition to his own duties, also perform the duties, and receive the salary and emolument of surveyors, prescribed by the act of Congress, passed on the 2d day of March, 1831, providing for the payment of duties on imported goods at certain ports therein mentioned, the same being entitled "An Act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places." And said Burlington, Galena, and Knoxville, and the said ports of delivery be, and the same are hereby annexed to, and made part of the collection district of New Orleans, and all the privileges and facilities afforded to Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, by the act of Congress last aforesaid be, and the same are hereby, extended to said ports of Burlington, Galena, and Knoxville.



Sec. 3. *And be it further enacted*, That from and after the passage of this act, Fort Jefferson, on the north side of Long Island, in the State of New York be, and the same is hereby, made a port of delivery within the collection district of the port of New York, and that a surveyor be appointed by the President, with the advice and consent of the Senate, to reside at the said port of Fort Jefferson, who shall have power to enroll and license vessels to be employed in the coasting trade, and fisheries, and to enter, and clear, and grant registers and other usual papers to vessels employed in the whale fishery, under such restrictions and regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond to perform the usual duties in the manner prescribed, and be entitled to receive the fees allowed by law to surveyors and collectors for the same duties, and no more. But all cargoes chargeable with duties shall be entered, and the duties paid at the port of New York, before permission shall be granted to discharge the same at Fort Jefferson.

Mr. HALL. I trust the gentleman will allow me to move the insertion of Hannibal, in the State of Missouri.

Mr. DIMMICK. I object to the matter altogether.

The SPEAKER. Objection comes too late, as the bill has been introduced by unanimous consent.

Mr. CAMPBELL. I ask the previous question upon the bill and amendment.

Mr. SEYMOUR, of New York. I wish to say one word before the gentleman moves the previous question.

Mr. CAMPBELL. I withdraw the call for a moment, and yield to the gentleman from New York.

Mr. SEYMOUR. This bill has passed the Senate, and is presented in the form in which it has been recommended by the Secretary of the Treasury. The amendment embraces three ports upon the western waters, also recommended, and for which the Committee on Commerce of this House had prepared a bill, but which they have been unable to report. It also includes one port upon the Atlantic coast. They are all recommended as ports of delivery, and are all needed for the purposes of commerce.

Mr. CAMPBELL. I call for the previous question.

Mr. HALL. I only ask that Hannibal and St. Joseph, in the State of Missouri, be included in the amendment.

Mr. CAMPBELL. I decline yielding the floor.

The call for the previous question was seconded, and the main question was ordered to be put.

Mr. DIMMICK. I move that the bill be laid on the table.

The question was taken, and the House refused to lay the bill upon the table.

The question was then taken upon the amendment, and it was agreed to.

The bill was then, according to order, read a third time.

The question then recurred upon the passage of the bill.

Mr. CAMPBELL. I call for the previous question.

The call for the previous question was sustained, and the main question was ordered to be put.

The bill was then passed.

Mr. CARTTER. I ask the unanimous consent of the House to introduce the following resolution:

*Resolved*, That the Clerk of this House be directed to pay to THOMAS Y. HOW, jr., any moneys due to Nathan Rathbun, by virtue of any resolutions of this House, to pay, first, the expenses of the last sickness of said Nathan Rathbun, now deceased, and his funeral expenses, and the balances, if any, to Mary G. Rathbun, the widow of said deceased.

There was no objection, and the resolution was introduced and passed.

#### LIGHT-HOUSE BILL.

Mr. DUNCAN. I move that the rules of the House be suspended to enable me to move to take up the bill making appropriations for light-houses, buoys, &c., which has just been returned from the Senate.

The motion was agreed to, and the bill was taken up.

Mr. DUNCAN. I have only to say, that the appropriations by the amendments of the Senate are generally small in amount. They have made appropriations for some additional buoys and one or two light-houses. There is an appropriation of \$10,000, to be placed at the disposal of the Secretary of the Treasury, for light-boats, the repair

of light-boats, and providing means for the preservation of life. They have also made an appropriation of \$150,000 for the completion of light-houses in California and Oregon, which light-houses were appropriated for in 1851.

Mr. WALSH. How much is appropriated for the expenses of officers traveling in Europe?

Mr. DUNCAN. Nothing at all.

Mr. WALSH. Is there any appropriation to defray the expenses of a lieutenant of the Navy who is now traveling in Europe, as I understand, with a portion of his family, at the public expense, to ascertain the character of the French lights?

Mr. DUNCAN. There is no provision of that character in the bill. Nothing of the kind is insinuated with regard to the light-houses in California. An appropriation was made, light-houses were ordered to be built with superior lighting apparatus, and with signals, for which only \$15,000 apiece was appropriated. The Department has endeavored to contract with suitable persons for the erection of the light-houses; and I hold in my hand a letter from the Secretary of the Treasury, in which he urges upon the committee the necessity of making the additional appropriation in order to carry into effect the intentions of Congress. The committee move a concurrence with all the amendments of the Senate. With this brief explanation, I move the previous question.

The call for the previous question was seconded, and the main question was ordered to be put.

1st amendment of the Senate. Strike out the following from page 2:

"For a light-house on the south end of Northern Fox Island, at the entrance of Penobscot Bay, \$5,000."

And insert the following, viz:

"For a light-house at the easterly end of the thoroughfare between North Haven and Vinahaven, or on Haven Neck, as the Department shall determine, \$5,000."

The question was then taken upon the amendment, and it was agreed to.

A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, as follows:

Mr. SPEAKER: The Senate insist on their amendments disagreed to by the House, to the bill of the House No. 314, entitled "An act establishing certain post roads," and ask a conference on the disagreeing votes of the two Houses thereon. The Senate have appointed Mr. RUSK, Mr. BORDLAND, and Mr. BADGER managers at the said conference on the part of the Senate.

By unanimous consent, it was

*Ordered*, That the House insist on their disagreement to the amendments of the Senate to the said bill, (No. 314,) and agree to a conference with the Senate thereon.

The Speaker appointed Mr. CLARK, Mr. HALL, and Mr. HAVEN, managers at the said conference on the part of the House.

The 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th amendments of the Senate were then severally considered and agreed to, as follows:

"2d. For the erection of a harbor light on a point of land lying west of the entrance of Buck's harbor, in Brooksville, \$3,500.

"3d. For the erection of beacons, buoys, and spindles between Owl's Head and White Head light-houses, and through Muscle Ridge channel, \$4,000.

"4th. For the erection of four buoys at Goldsborough, at the following places: one on the northeast point of Calf Island, one on the western point of the middle ground off Stone Island, one on Half-tide Ledge, and one on a sunken rock at the entrance of Flanders Bay, \$200.

"5th. For repairing or reconstructing the stone beacon on Buck Ledge, Penobscot river, \$500.

"6th. For one buoy in New Inlet, Great Egg Harbor, and three buoys in Herford, \$200.

"7th. For a bell to be placed on one of the light-boats in Chesapeake Bay, to be designated by the Secretary of the Treasury, \$200.

"8th. For the removal of the light-house at Milwaukee, and rebuilding the same at the end of the north point of Milwaukee Bay, \$5,000.

"9th. For six hollow iron buoys for the waters of Cape Fear, \$1,320.

"10th. For constructing three small or harbor light-houses in Galveston Bay, namely: one at Red Fish Bar, one at Clippers' Bar, and one at Half-Moon Shoal, \$5,000, in addition to the amount (\$20,000) already appropriated for a light-house on Red Fish Bar.

"11th. For the erection of a light-house at Santa Cruz, California, \$30,000; for the completion of light-houses in California and Oregon, \$120,000.

"12th. For life-boats and other means for rendering assistance to wrecked mariners and others on the coasts of the United States, to be expended under the control and direction of the Secretary of the Treasury, \$10,000.

"13th. For testing the apparatus of Wilson & Meacham for illuminating light-houses, \$1,000, to be expended under the direction of the Secretary of the Treasury."

The following section of the original bill was read, as follows:

"SEC. 7. *And be it further enacted*, That all such reports shall, as speedily as may be, be laid before the Secretary of the Treasury, and if such as to authorize the work without further legislation, he shall forthwith proceed with it, otherwise such reports shall be laid before Congress at the next ensuing session; but in all cases where the person designated by the Secretary of the Treasury under the fifth section of this act, does not report such preliminary examination as expedient, the provisions of this act shall, without delay, be carried into execution."

The 14th amendment of the Senate was as follows:

"Strike out from the above section the words 'under the fifth section of this act,' and in the same page and line to strike out the word 'not.'"

The question was then taken, and the amendments were agreed to.

Mr. HAMMOND. I ask the unanimous consent of the House to take up Senate bill No. 321, for the relief of Z. F. Johnston. I ask that the following extract from the report be read:

"That Commander Johnston was ordered by the Secretary of the Navy to the Pacific ocean, and report to Commodore Thomas Ap C. Jones, for duty in the squadron under his command. In compliance with this order, Commander Johnston reached San Francisco on the 20th of November, 1848, and reported for duty a few days thereafter. Commodore Jones declined to assign him to duty, but detained him awaiting orders. His reasons for so doing are contained in his letter of the 27th of January, 1852, addressed to Commander Johnston, which has been laid before the committee. They are stated as follows:

"The reason why you were not placed in command on your joining the Pacific squadron, was that there was no ship on the station without a commander at that time. My reasons for not permitting you to return home immediately, were twofold; first, I wished to keep in reserve a reliable commander to meet any emergency that might happen in the squadron; and, secondly, by your remaining on shore you occupied a position for apprehending deserters from the squadron, and consequently of lessening desertion, by rendering escape more difficult. I may also add, that before the arrival of the first of the steam-packets, your return home would have been attended with great delay and expense to the Government, little, if any, short of what was necessary to maintain you on shore at San Francisco until an emergency did arise which placed you in an appropriate command."

Commander Johnston was thus detained, at heavy charges, on shore, awaiting orders, under expenses far exceeding his pay. In refusing to allow these expenses, Mr. Dayton, Fourth Auditor of the Treasury, remarks as follows:

"At the same time I have no hesitation in saying, that if I had possessed the necessary discretion, I would have admitted the claim, inasmuch as the expense was incurred under very extraordinary circumstances, in the discharge of your duty, and could not have been avoided. It is certainly very hard that you should have been required to expend the whole of your pay, and much more, for your personal subsistence, in consequence of your detention in a country where the means of living were exorbitantly high, after having proceeded there under the orders of the Department, and with the reasonable expectation of receiving the command of a vessel immediately upon your arrival, but which was not furnished you."

Mr. GOODENOW. I desire to know if the paper which has just been read, is a report from any committee of this House or of the Senate?

The SPEAKER. The Chair cannot inform the gentleman.

Mr. POLK. I understand that the objection is withdrawn.

Mr. BROWN, of Mississippi. Yes, sir, I withdraw my objection.

The SPEAKER. Is it the unanimous consent of the House that the bill should be taken up?

Mr. JOHNSON, of Tennessee. I object.

Mr. HAMMOND. I move to suspend the rules for the purpose of taking up the bill.

The question was then taken on the motion to suspend the rules for the purpose of taking up the bill, and it was decided in the affirmative.

The bill was accordingly taken from the Speaker's table, read the first and second time by its title, ordered to a third reading, and subsequently read the third time, and passed.

Here a message was received from the Senate of the United States, by the hands of ASBURY DICKINS, Esq., its Secretary, announcing that the Senate insisted on its amendments to the naval appropriation bill, and asked for a Committee of Conference; and that the Senate had appointed Mr. PEARCE, Mr. MALLORY, and Mr. TOUCEY, managers at the conference on their part.

Mr. PHELPS. I ask that the Chair may appoint a Committee of Conference on the part of the House.

There being no objection, it was so ordered; and the Speaker appointed Mr. PHELPS, Mr. FREDERICK P. STANTON, and Mr. THADDEUS STEVENS, managers at the conference on the part of the House.

## SALARIES OF OFFICERS OF THE HOUSE.

Mr. BRECKINRIDGE. I ask the unanimous consent of the House to offer the resolution which I send to the Clerk's desk.

The Clerk read the resolution, viz:

*Resolved*, That there be paid out of the contingent fund of the House to the Sergeant-at-Arms, Doorkeeper, and Postmaster, such sums in addition to their present salaries, as will make their compensation, respectively, equal to that of the Chief Clerk under the Clerk of the House of Representatives, which is \$1,800 per annum, commencing with the present Congress.

Mr. JONES, of Tennessee. I object to the introduction of that resolution.

Mr. BRECKINRIDGE. Then I move to suspend the rules; and on that motion, I call for tellers.

Tellers were ordered; and Messrs. GOODRICH, and STANTON of Tennessee, were appointed.

The question was then put, and the tellers reported—ayes 87, noes 36.

Mr. JONES, of Tennessee. I ask for the yeas and nays. We have already increased these salaries—

[Cries of "Order!"]

Mr. JONES. We have given these officers—

Mr. BRECKINRIDGE. I call the gentleman to order.

The SPEAKER. Discussion is not in order, as the gentleman from Tennessee is aware.

The yeas and nays were ordered.

Mr. GOODENOW. I desire to ask for information, if the salaries of these officers have not already been increased?

[Cries of "Order!"]

The question was then taken on the motion to suspend the rules, and there were—yeas 100, nays 43; as follows:

YEAS—Messrs. Charles Allen, Averett, Babcock, Bihghaus, Bowie, John H. Boyd, Breckinridge, Brenton, Briggs, Albert G. Brown, George H. Brown, Joseph Cable, Caldwell, Lewis D. Campbell, Thompson Campbell, Carter, Chandler, Churchwell, Cleveland, Clingman, Conger, Curtis, George T. Davis, Dawson, Dean, Dimmick, Doty, Durkee, Eastman, Edmundson, Evans, Faulkner, Florence, Freeman, Henry M. Fuller, Gamble, Gaylord, Gentry, Gilmore, Goodenow, Goodrich, Gorman, Green, Harper, Sampson W. Harris, Hart, Henn, Holladay, Horsford, Thomas Y. How, Ingersoll, Jackson, John Johnson, Robert W. Johnson, J. Glancy Jones, Kurtz, Landry, Lockhart, Mann, McCorkle, McNair, McQueen, Miller, Millson, Morrison, Murphy, Murray, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Polk, Porter, Powell, Price, Riddle, Robie, Sackett, Schoolcraft, Schoolmaker, Scudder, Scurry, Frederick P. Stanton, Richard H. Stanton, Stone, St. Martin, Strother, Stuart, Sutherland, Sweetser, Taylor, Thompson, Townshend, Venable, Wallace, Walsh, Watkins, Addison White, Alexander White, and Woodward—100.

NAYS—Messrs. Allison, Barrere, Boale, Chastain, Cobb, Daniel, Dockery, Edgerton, Floyd, Grey, Hall, Hamilton, Hammond, Isham G. Harris, Hascall, Haven, Houston, John W. Howe, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, George G. King, Preston King, Letcher, Martin, Mason, McMullin, Molony, Henry D. Moore, Morehead, Newton, Pennington, Perkins, Ross, Savage, Skelton, Benjamin Stanton, Walbridge, Washburn, Wilcox, and Wildrick—43.

So (two thirds voting in the affirmative) the rules were suspended.

The question recurred upon agreeing to the resolution.

Mr. BRECKINRIDGE. I will make but a single remark.

Mr. BROWN, of Mississippi. I ask the gentleman to yield me the floor for a moment, that I may move an amendment for one of the little boys upon the floor, who has been here during a great part of the session, and is the best and most active boy in the House.

Mr. BRECKINRIDGE. I will yield to the gentleman for that purpose.

Mr. BROWN. Then I move to amend the resolution by adding thereto the following:

And that William Norman, who has been acting as page on the floor of the House of Representatives, be placed on the same footing with the regular pages and paid the same compensation, commencing on the 24th of March last.

I have put in the 24th of March because that was the day he came on the floor.

Mr. JOHNSON, of Tennessee. I should like to know how this additional page got in here, and how it happens that he is not provided for?

Mr. BROWN. He has been performing the duties of a page, and my amendment simply asks that he shall be paid.

Mr. JOHNSON. Who brought him in here? How is it that he is not paid as the other pages are?

Mr. BRECKINRIDGE. I will simply state to the House that the salary of the Sergeant-at-

Arms, of the Postmaster, and of the Doorkeeper is only \$1,500—the same salary that is paid to the copying and engrossing clerks, and \$300 less than you pay to the Chief Clerk under the Clerk of this House. I need not tell this House that the Sergeant-at-Arms disburses a million of dollars a year, and that his duties are more responsible and important than those of any other officer of the House, and yet he receives a less salary than the Clerk of the House. The object of this resolution is to raise the salaries of these officers to \$1,800, which is the salary received by the Chief Clerk under the Clerk of the House. I move the previous question.

Mr. JONES, of Tennessee. I move to lay the resolution upon the table.

The question was put upon that motion, and it was decided in the negative.

So the House refused to lay the resolution upon the table.

The previous question was then seconded, and the main question ordered to be put.

The question was then taken upon the amendment, and it was agreed to.

The question recurred upon the resolution as amended, and being put, the resolution as amended was adopted.

Mr. BROWN, of Mississippi. I rise to a privileged question. I move to reconsider the vote by which the resolution was agreed to, and also move to lay the motion to reconsider upon the table.

The question was taken upon the latter motion, and it was agreed to.

Mr. GAMBLE. I am instructed by the Committee on Elections to offer the resolution which I send to the Clerk's desk; and if there be objection to it, I move to suspend the rules.

## HOUR OF MEETING TO-MORROW.

Mr. DEAN. I rise to a privileged question. I move that when this House adjourns, it adjourn to meet at nine o'clock to-morrow.

Mr. JENKINS. I object to that motion.

Mr. CLINGMAN. I move to suspend the rules to enable the gentleman from New York to submit his motion.

The SPEAKER. There is a motion now pending to suspend the rules, made by the gentleman from Pennsylvania, [Mr. GAMBLE,] to enable him to offer the resolution which will now be read.

Mr. DEAN. I rise to a question of order, and my question of order is, that it is in order at all times to fix the time to which the House will adjourn without suspending the rules.

The SPEAKER. The Chair overrules the point of order raised by the gentleman from New York. The rule to which the gentleman refers allows the House to fix the day to which the House will adjourn, but not to change the hour.

Mr. DEAN. Then I move that the House do now adjourn.

Mr. McMULLIN. I move that the House take a recess until to-morrow morning at ten o'clock.

The SPEAKER. That motion cannot be entertained, for there is a motion pending that the House do now adjourn.

Mr. McMULLIN. I ask the gentleman from New York to withdraw his motion to enable me to submit the one I have indicated.

Mr. DEAN. I cannot withdraw it.

Mr. JOHNSON, of Tennessee. I imagine that if the House will agree, by universal consent, to meet at nine o'clock to-morrow, the gentleman from New York will withdraw his motion for the present.

[Cries of "Object!"]

The question was then taken on Mr. DEAN's motion, and on a division, there were—ayes 68, noes 75.

So the House refused to adjourn.

Mr. McMULLIN. I move that the House take a recess till to-morrow at ten o'clock.

The SPEAKER. The motion can only be entertained by unanimous consent.

Objection was made.

The question recurred on the proposition of Mr. GAMBLE to suspend the rules for the introduction of the following resolution from the Committee on Elections:

*Resolved*, That the Clerk of the House be directed to ascertain the expenses of the contested-election case for the eleventh Congressional district of Pennsylvania, necessarily incurred by the sitting member and contestant, and

pay the same out of the contingent fund of the House; and that the Sergeant-at-Arms be authorized and directed to pay to Hendrick B. Wright the same per diem and mileage paid to members of this House, from the first day of the session to the 24 day of July inclusive.

Mr. LETCHER. I demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

Mr. GAMBLE. With the consent of the House I will so modify my resolution as to leave out the second provision.

Objection was made.

The question was then taken, and the result was—yeas 60, nays 83; as follows:

YEAS—Messrs. Aiken, Ashe, Bragg, Busby, Chandler, Chastain, Churchwell, Clark, Cleveland, Curtis, George T. Davis, Dimmick, Edmundson, Florence, Floyd, Freeman, Gamble, Gaylord, Gentry, Gilmore, Hall, Hamilton, Sampson W. Harris, Hart, Hendricks, Henn, Holladay, Howard, Ingersoll, Robert W. Johnson, J. Glancy Jones, Preston King, Kurtz, McNair, McQueen, Morrison, Murray, Andrew Parker, Peaslee, Polk, Powell, Richardson, Riddle, Robbins, Ross, Schermerhorn, Schoolcraft, Schoolmaker, Scurry, Frederick P. Stanton, Richard H. Stanton, St. Martin, Strother, Sutherland, Thurston, Townshend, Walsh, Wilcox, and Wildrick—60.

NAYS—Messrs. Charles Allen, Allison, Averett, Babcock, Barrere, Babcock, Bowie, Bowne, J. H. Boyd, Brenton, Briggs, G. H. Brown, Buell, Burrows, Caldwell, Thompson Campbell, Carter, Chapman, Clingman, Cobb, Conger, Daniel, Dean, Disney, Dockery, Doty, Durkee, Eastman, Edgerton, Ewing, Faulkner, Goodenow, Goodrich, Grey, Hammond, Harper, Isham G. Harris, Haven, Hebard, Horsford, John W. Howe, Thomas Y. How, Jenkins, Daniel T. Jones, George W. Jones, George G. King, Kuhns, Landry, Letcher, Lockhart, Mann, Martin, McMullin, Meade, Miller, Millson, John Moore, Morehead, Newton, Outlaw, Samuel W. Parker, Pennington, Perkins, Phelps, Porter, Reed, Robie, Sackett, Scudder, David L. Seymour, Stanley, Benjamin Stanton, Alexander H. Stephens, Stuart, Thompson, Tuck, Walbridge, Wallace, Washburn, Watkins, Wells, and Woodward—83.

So the rules were not suspended.

Mr. DEAN. I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That when this House adjourns, it adjourn to meet at nine o'clock to-morrow morning.

Mr. POLK. I object.

Mr. DEAN. I move to suspend the rules.

Mr. STUART. Before that vote is taken, in order that we may have three hours to complete the necessary business of the House, I desire the unanimous consent of the House that the special order for the morning hour shall be dispensed with.

[Cries of "Agreed!" "Agreed."]

Mr. FICKLIN. I object.

Mr. DEAN. I then insist upon my motion to suspend the rules.

The question was taken, and (two thirds voting in the affirmative) the rules were suspended.

The question then recurred upon the adoption of the resolution, and being put it was carried in the affirmative, and the resolution was adopted.

Mr. DEAN. I move to reconsider the vote by which the resolution was adopted, and to lay the motion to reconsider on the table.

The question was put, and the latter motion was agreed to.

Mr. STUART. It is evident that if we are to dispose of all our business to-morrow morning, we must have at least three hours to do it in. I again ask the unanimous consent of the House to dispense with the rule which requires that we should devote one hour in the morning to the consideration of other business; and if it is objected to, I will move to suspend the rules.

Mr. KING, of New York. I object.

Mr. STUART. I move to suspend the rules, to enable me to submit that motion.

Mr. FICKLIN. Is it in order to move to suspend the rules?

The SPEAKER. It is in order.

Mr. FLORENCE. I rise to a question of order. We are now acting under a suspension of the rules during the morning hour, and I submit that it is not in order to move to suspend the rules to suspend the morning hour.

The SPEAKER. The Chair will inform the gentleman from Pennsylvania that what the House may do by a majority of two thirds, they may undo by the same majority.

The question was then put, and (two thirds voting in the affirmative) the rules were suspended.

Mr. STUART. I now submit my motion, that the rule which requires that we shall devote one hour in the morning to the reception of reports, be suspended.

The question was put, and the motion was agreed to.

#### REPORTING.

Mr. MANN. I ask the unanimous consent of the House to introduce the following resolution; and if it be not obtained, I will move to suspend the rules:

*Resolved*, That William W. Curran be, and he is hereby, appointed, from and after the present session of Congress, Reporter for the House of Representatives, with authority to associate six assistants; that his annual compensation shall be the same as that of the principal clerk in the Clerk's office of this House; and the compensation of the assistant reporters shall be the same as that of the assistant clerks in the Clerk's office; to be paid out of the contingent fund of the House: *Provided*, That before this resolution shall take effect the Clerk of the House shall have procured from John C. Rives such a modification of his contract for reporting and printing the proceedings and debates of the House as to relinquish, of the price now paid him, the sum of \$3 50 per column.

Mr. JONES, of Tennessee. I object to that resolution. It is too important a resolution to be acted upon at this late stage of the session.

Mr. MANN. I move to suspend the rules.

Mr. FICKLIN. I demand the yeas and nays upon the motion to suspend the rules.

Mr. McMULLIN. I move that the House do now adjourn.

Mr. HENN. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McMULLIN. I will withdraw the motion.

Mr. CARTTER. I renew the motion.

Mr. WALSH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken, and the result was—yeas 87, nays 61.

So the motion was agreed to, and the House adjourned till to-morrow, at nine o'clock, a. m.

#### IN SENATE.

TUESDAY, August 31, 1852.

On motion by Mr. HUNTER, the reading of the Journal was dispensed with.

#### CLASSIFICATION OF CLERKS.

On motion by Mr. HUNTER, the Senate proceeded to consider the resolution reported by him, from the Committee on Finance, the 17th instant, in relation to the classification and appointment of clerks in the Executive Departments of the Government; and it was agreed to, as follows:

*Resolved*, That the Secretary of the Treasury, of War, of the Navy, of the Interior, and the Postmaster General, be directed to report to the Senate, at the commencement of its next session, the number and classification of clerks which will be required in each bureau or division of his Department, upon the supposition that they are to be organized as follows: that is to say, into four classes, viz: No. 1, into which no new appointment is to be made of any person over eighteen years of age, and with a salary of \$300 per annum. No. 2, with a salary each of \$1,200. No. 3, with a salary each of \$1,600; and No. 4, with a salary each of \$2,000. The new appointments in each Department in classes 2, 3, and 4, to be made from the class immediately below it in that Department, and the members of class No. 1 to receive five per cent. additional salaries, to commence at the end of each year of additional service; and the other classes to receive three per cent. of like additional salaries for a similar additional service; but none to receive, by virtue of these allowances, a salary higher than the grade above him; and no additional salary to be given to any member of class No. 4 after his salary reaches \$2,400. But the clerks in each Department to be subject to removal by his head.

Mr. HUNTER. The clerk of the Committee on Finance will be wanted to collect this information and put it in shape. I am therefore instructed by that committee to report the following resolution, which I ask may now be considered:

*Resolved*, That the clerk to the Committee on Finance, authorized by the resolution of the Senate of 22d December last, to be employed during the present session, be continued until the commencement of the next session, under the direction of said committee, at the rate of compensation which he now receives.

The resolution was considered by unanimous consent, and agreed to.

#### PRINTING OF DOCUMENTS.

Mr. HAMLIN, from the Committee on Printing, to which was referred the motion to print the report of the Postmaster General relative to the printing, binding, and advertising executed for or by order of that Department, reported "that the same be not printed;" and the report was concurred in.

He also, from the same committee, to which was referred the motion to print a memorial of a

committee of the Corporation of the city of Washington, presented the 26th instant, reported "that the same be not printed;" and the report was concurred in.

#### ARMY APPROPRIATION BILL.

Mr. BRIGHT, from the Committee of Conference on the part of the Senate on the disagreeing votes of the two Houses on the bill "making appropriations for the support of the Army for the year ending the 30th of June, 1853," reported that they had met the conferees on the part of the House of Representatives, and after full and free conference, had agreed to recommend, and do recommend to their respective Houses, as follows:

That the House of Representatives do recede from their disagreement to the 2d, 7th, 12th, 14th, 15th, 19th, 22d, 23d, 24th, 25th, 26th, 28th, and 30th amendments of the Senate, and agree thereto.

That the House of Representatives do recede from their disagreement to the first amendment of the Senate, and agree to the same with an amendment, as follows: Page 1, in line 4, after the word "dollars," insert the following:

*Provided*, That the Commissary Department may use, in advance of the regular appropriations for the fiscal year ending 30th of June, 1854, \$275,000 of said sum for said fiscal year.

That the House of Representatives do recede from their disagreement to the 3d amendment of the Senate, and agree to the same with an amendment, as follows: Page 1, in line 3, strike out the words, "three hundred," and insert in lieu thereof the words "two hundred and fifty."

That the House of Representatives do recede from their disagreement to the 16th amendment of the Senate, and agree to the same with amendments, as follows: Page 4, in line 16, after the word "report," insert the words "to Congress;" and in line 21, after the word "service," strike out all to the word "same," in line 25, inclusive.

That the House of Representatives do recede from their disagreement to the 17th amendment of the Senate, and agree to the same with an amendment, as follows: Page 5, in line 13, after the word "Mexico," strike out all to the end of the section.

That the House of Representatives do recede from their disagreement to the 21st amendment of the Senate, and agree to the same with amendments, as follows: Page 8, in line 15, strike out, after the word "State," to line 18, inclusive, and add at the end of the section:

*Provided*, That the same principles be applied in the settlement of the claims of the State of Alabama, and all other States, for moneys advanced in raising, subsisting, and transporting troops for the Mexican war."

And that the Senate do recede from its 5th, 6th, 8th, 10th, 11th, 13th, 18th, and 29th amendments.

The Senate proceeded to consider the report, and it was

*Resolved*, That the Senate do concur therein, and that the bill be amended accordingly.

#### POST ROADS BILL.

Mr. RUSK, from the Committee of Conference on the part of the Senate, on the disagreeing votes of the two Houses on the bill from the House of Representatives "to establish certain post roads," reported, that having met the Committee of Conference on the part of the House, they have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from their disagreement to the amendment of the Senate, No. 39, and agree to the same with an amendment, viz: Add at the end thereof, "*Provided*, That the contracts authorized by this section be to the lowest bidder, according to the provisions of the existing laws: *And provided further*, That the amount paid shall in no case exceed the amount of postage derived from the said mails."

That the Senate recede from its amendments, numbered 43, 44, 45, 46, and 49.

That the House recede from their disagreement to the amendments of the Senate, numbered 47, 48, 50, and 53; and

That there be added at the end of the word "Maine," "from South Paris, Maine, to Harrison, North Bridgeton, Bridgeton, West Bridgeton, to Fryeburg."

The Senate proceeded to consider the said report; and it was

*Resolved*, That they concur therein, and that the bill be amended accordingly.

#### FRAUDS ON THE REVENUE.

On motion by Mr. JAMES, the Senate proceeded to consider the following resolution, submitted by him yesterday:

*Resolved*, That a select committee, to consist of five members, be appointed by the President *pro tempore*, who

shall be empowered to sit during the recess, at such times and places as they may deem necessary, and to examine under oath such persons as may be required; and generally to investigate the mode and manner of importations of merchandise into the United States, with a view of ascertaining whether any and what frauds have been committed or practiced against the revenue laws of the United States; and that said committee make report of their proceedings during the next session of Congress.

Mr. HALE. It seems to me that this is a very extraordinary resolution. We have extended the powers of one committee to sit during the recess, with which I did not find any particular fault, because it was an extraordinary case which attracted great attention. But here is a proposition to raise a special committee of five without any charges being made that we know of, with power to sit during the recess when and where they please. If this is to go on, the Senate will soon be in perpetual session, only instead of being at Washington altogether, we shall be traveling around the country in little squads of five and ten at the public expense. If anything is calculated to bring the proceedings of Congress into disrepute, it will be this mode of spinning out our sessions indefinitely; and instead of transacting the regular business of the session at Washington, traveling around the country at Government expense. I think we have gone as far as we ought to go. I hope the resolution will not be adopted.

Mr. STOCKTON. I propose to amend the resolution by striking out the words "by the President *pro tempore*," so that the committee may be appointed by the Senate.

Mr. HAMLIN. A word in relation to what has fallen from the Senator from New Hampshire. We have heard a great deal of talk throughout the country about frauds upon the revenue. This is a measure which is proposed, and I suppose is designed, by the Senator from Rhode Island for the purpose of making a thorough investigation, in order to ascertain whether there is any truth in these assertions, and if there be any, to apply a corrective. I hope that gentlemen who have talked so much about frauds on the revenue will interpose no objection against making such discoveries as shall answer the ends of justice.

Mr. HALE. I do not know whether there have been many rumors of frauds on the revenue or not; but I think if we pass this resolution, and allow Senators to be drawing pay during the recess, the country will talk, and with a great deal of justice, about frauds on the revenue. I shall simply content myself with calling for the yeas and nays upon the resolution of the Senator from Rhode Island.

The question was taken on Mr. STOCKTON's amendment, and the Chair announced that it was agreed to.

Mr. MASON. I call for a division.

The PRESIDENT. The Senator is aware that the rules expressly require that all committees shall be appointed by the Senate, unless by unanimous consent they are appointed by the Chair.

Mr. MASON. I withdraw my call.

Mr. CLARKE. I have but one word to say. Those persons who are interested in the true execution of the revenue laws, have believed that there have been, and continue to be, great frauds upon the Government in regard to the valuation of imported goods, and, consequently, in the amount of duties collected. You will recollect, sir, that at the last session, there was an act passed the better to enforce the revenue laws. The opinion prevails in various sections of the country, that there are frauds. It is disputed by others, and disbelieved by many. Now, what can be better, in order to avoid that complaint, than to investigate the subject and ascertain whether the charge is true or false? If the charge against the inefficiency of the present laws is correct, why not appoint such a committee? and when the committee shall have investigated the subject and shall have reported upon it at the next session, the question will be settled, and Congress will know whether any further legislation will be necessary to enforce the revenue laws. I hope the resolution of my colleague will be adopted.

Mr. MASON. Mr. President, that there are frauds committed upon the revenue, I do not entertain a doubt; and if frauds are not committed upon the revenue, I apprehend it is the only branch of the public service where they are not committed. But I do not know of any reason why a committee should be appointed to go abroad over



the country, for the simple purpose of determining whether frauds have been committed upon the revenue. The scope of the resolution is, as I understand, to ascertain whether frauds of a peculiar character have not been committed—frauds which, in the opinion of the honorable Senator who presents it, may render it necessary to change the mode of imposing the duties from which the revenue is derived. It is to the ulterior object that I am opposed. Sir, this is but opening the way to attain the end which many Senators have in view, of changing the mode of imposing the duties from which the revenue of the country is derived. I know the views of the honorable Senator who offered this resolution. He has a theory of ascertaining the value of imported merchandise in a form which he has digested in his own mind, and the ulterior object of which, I think,—whatever may be his opinion,—will be to raise the standard of duties, after he has ascertained whether these frauds are committed. I know the Senator's views, for he did me the honor of conversing with me on the subject. They are certainly plausible, but they are theoretical, in my judgment. But, be that as it may, I would submit to the honorable Senator, and to others around him, whether this cannot just as well be ascertained by investigations made at the custom-houses as by the investigation of a committee, and whether the investigation of officers, who have the charge of these custom-houses, would not be better calculated to give us all the facts?

Sir, I am free to admit that on particular and extraordinary occasions—occasions that very seldom occur—it may be necessary for one or the other House of Congress to send a committee abroad; but I submit to the Senate that is a dangerous practice—a practice that may lead us we know not where. Committees should sit here, and should sit while the body to which they belong is in session, where the proceedings of the committees may pass under the supervision of the body to which they belong. I certainly have no distrust of the honorable Senator from Rhode Island—none in the world; but I speak of the general principle with regard to the emanation of committees from this body.

I have no desire to detain the Senate; but my objections commence at the very threshold of this scheme of changing the present mode of imposing the revenue of the country. It has been a most agitating subject—one that has divided in sentiment the people of the two great sections of this country; but I had thought that under a Democratic Administration, a standard had at last been obtained which would not be departed from—that if there were imperfections, we had better take the imperfections as they existed than attempt to change the whole system. Or if there be such imperfections as really require change, let us do it gradually, and in the ordinary mode. These investigations and inquiries can be made just as satisfactorily and just as certainly at the next session, or the succeeding session of Congress, by a Committee to sit here, as by sending one abroad of a peripatetic character. I submit also that it is too late in the session to consider the very grave and important questions that must arise under the investigations of this committee. It should have minute and specific instructions, if it is to be raised at all. I trust, therefore, that the Senate will not agree to the resolution.

Mr. JAMES. Mr. President, I am not disposed to discuss the merits of the question at this time; nor will I consume much of the time of the Senate in reply to my honorable friend from Virginia. Suffice it to say, however, that I am not for increasing duties on imports, but I am for carrying out the spirit of the law of 1846. It is a well-known fact, that while the laboring classes of this country—the mechanics, the artisans, and the agriculturists—pay all the duty imposed upon them by the law of 1846, those who consume luxuries—such as the finer qualities of broadcloth, the fine cassimeres, the silks, the laces, and articles of that character—pay little more than from fifty to seventy-five per cent. of what the law, administered according to its spirit, and honestly carried out, would impose upon them. All I ask is, that a committee may investigate the facts, and lay them before the Senate. Then the honorable Senator from Virginia can examine into the merits of the case; and whatever information may be brought here, I presume the Senate will act upon considerably.

I hope the resolution will pass. I have nothing more to say at this time.

Mr. HUNTER. This is an important subject. I believe that this practice of appointing committees to sit during the recess is a dangerous one. The resolution relates to a most important subject of legislation, perhaps the most important with which we have to deal. It becomes all-important, if we make a tribunal to collect facts, that it should be such a tribunal as would demand the universal respect and assent of the country. I have no doubt but that any committee appointed here for this purpose would command the respect of the country. But it would be a committee which would be divided in reference to party upon these questions, and there is no doubt that would influence and govern them to some extent in collecting the facts. It is impossible that it should be otherwise. But to avoid these influences, it seems to me that this investigation should be made by committees here while Congress is in session, while members around know what is passing and have the means of suggesting something, in order to make the examination fuller and fairer.

Sir, I desire to see the facts. I have no doubt that there have been frauds under all systems; and there will be frauds under any system which you may establish. But it is an immense power to confide to any committee, to allow them, during the recess, to go out and examine whom they please, and thus to shape the facts. There is no doubt but that the prepossessions of the committee will have some involuntary influence upon the mode in which they present those facts, and the manner of their investigations. I do not think it safe, therefore, to raise this committee. And I say this not in reference to the gentlemen who may be appointed on the committee, for I dare say, sir, you may get as fair a committee here as could be constituted in the country. These objections would apply to almost any committee, but they apply to a greater degree to a committee appointed during the recess than to one sitting here, when we would know what was going on, and could make suggestions and corrections if we found that the examination was taking a partial or improper course. For these reasons I cannot support the resolutions.

Mr. HALE. I call for the yeas and nays, as this question of extending our sessions indefinitely by platons is an important one.

The yeas and nays were ordered; and being taken, resulted as follows:

YEAS—Messrs. Badger, Bayard, Bell, Borland, Brodhead, Brooke, Clarke, Clemens, Cooper, Davis, Dodge of Iowa, Geyer, Houston, James, Jones of Iowa, Mallory, Mangum, Meriwether, Miller, Norris, Smith, Spruance, Stockton, Wade, Walker, and Weller—26.  
NAYS—Messrs. Adams, Bright, Butler, Chase, De Sausure, Foot, Hale, Hunter, Mason, Morton, Pearce, Rusk, Sumner, and Underwood—14.

So the resolution was agreed to.

The Senate accordingly proceeded to ballot for members of the committee, with the following result:

	Votes.		Votes.
Mr. James.....	43	Mr. Borland.....	2
Mr. Dawson.....	31	Mr. Mallory.....	2
Mr. Bright.....	26	Mr. Pratt.....	2
Mr. Bell.....	25	Mr. Walker.....	2
Mr. Shields.....	19	Mr. Adams.....	1
Mr. Hunter.....	14	Mr. Atchison.....	1
Mr. Rusk.....	11	Mr. Brodhead.....	1
Mr. Stockton.....	7	Mr. Chase.....	1
Mr. Butler.....	5	Mr. Cooper.....	1
Mr. Norris.....	5	Mr. Hamilton.....	1
Mr. Douglas.....	4	Mr. Mason.....	1
Mr. Davis.....	3	Mr. Miller.....	1
Mr. Felch.....	3	Mr. Seward.....	1
Mr. Fish.....	3	Mr. Smith.....	1
Mr. Underwood.....	3	Mr. Spruance.....	1
Mr. Bayard.....	2	Mr. Weller.....	1

So Mr. JAMES, Mr. DAWSON, Mr. BRIGHT, Mr. BELL, and Mr. SHIELDS, constitute the committee.

#### NAVAL APPROPRIATION BILL.

Mr. MALLORY, from the Committee of Conference on the disagreeing votes of the two Houses on the bill "making appropriations for the naval service for the fiscal year ending the 30th June, 1853," reported that, having met, and after full and free conference, they have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from their amendments numbered 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, and 42; and that the House recede from its disagreement to the amendments of the

Senate numbered 1, 4, 5, 12, 37, 38, 40, 43, and 44; and that the two Houses agree to the 2d amendment of the Senate, amended as follows, to wit: "In the 9th and 10th lines of said amendment 'strike out the words 'during the late war with Mexico, and since that period,' and insert instead 'thereof, 'since the 28th of September, 1850; and 'in the 33d line, strike out 'twelve hundred,' and 'insert in lieu thereof 'one thousand.'"

And that the two Houses agree to the 3d amendment of the Senate with the following amendments: "In line 8, strike out 'fifteen hundred,' and insert 'one thousand; and in line 11, strike out 'nine,' and insert 'eight.'"

That the Senate recede from its 8th amendment; and that the two Houses agree to amend the clause mentioned in said Senate's amendment by striking out of the 11th and 12th lines the words "this House," and inserting in lieu thereof the word "Congress."

That the Senate recede from their 41st amendment, and that the two Houses agree to strike out of the second section all after the word "repealed," in the 8th line, and the whole of the third section.

That the House recede from its disagreement to the 45th amendment of the Senate, and that the two Houses agree to amend the said amendment by striking out of the 6th line the words, "and the city post office."

And that the House do recede from its disagreement to the 46th amendment of the Senate, and that the two Houses agree to amend the same by inserting in the first line thereof, after the word "enacted," the following, to wit: "That Robert Armstrong, the public printer, be, and he is hereby, directed to execute without delay the public printing ordered by either House of Congress since his election as public printer."

The PRESIDENT. Will the Senate agree to the report?

Mr. MORTON. I am willing to accede to the recommendation of the Committee of Conference, except as to that part of their report which recommends to the Senate to recede from their amendment for the repairs of the hospital and navy-yard at Pensacola. I am willing to agree to the report with regard to all the other amendments; and I wish to make some remarks in opposition to that portion of the report.

The PRESIDENT. It is not in order for the Senator to move to accept a portion of the report. The Senate can refuse to agree in the report, and notify the House, and ask for another conference.

Mr. BADGER. I beg leave to suggest that the Senate have repeatedly concurred in portions of reports of committees of conference, and declined to concur in the remainder of the report, and asked for a Committee of Conference upon the disagreement.

Mr. MILLER. I think the report is an entire thing. That is certainly the parliamentary law.

Mr. MORTON. I am not much of a parliamentarian myself, and I would therefore ask the Chair whether I understood him to decide that we must take the entire report—that we cannot accept a portion of it?

The PRESIDENT. The report is made by a Committee of Conference of the two Houses. The report has been brought here by the Senate's portion of the committee. A report of the same description has gone to the House. If the Senate disagrees to the report, the House is notified of it, and the Senate may ask for another conference. But we cannot take a part of the report and agree to that, and disagree to the residue. The report is one entire thing.

Mr. UNDERWOOD. I wish to refer the Chair to a case. I am not positively certain that my recollection about it is right, but I am inclined to think it is. I understand these reports from committees of conference to be recommendations to the two Houses as to what they ought to do. Now, may we not say to the committee, "We will do so much of what you recommend, and refuse to do the rest?" The case to which I allude is this: Some three or four years ago, a proposition was offered by my friend from Wisconsin [Mr. WALKER] to amend the civil and diplomatic bill, by adding to it a provision for the government of New Mexico and California. It was agreed to by the Senate. It was agreed to by the House with an amendment, and the Senate refused to agree to the amendment of the House, and asked a conference. Everything else that was the subject of dif-

faculty on the bill had been settled; portions of the reports of the committees of conference had been agreed to, and nothing was left but that provision. There was more than one committee of conference on that alone; and, finally, the Senate receded, just before daylight in the morning of the 4th of March, and saved the bill. That is my recollection. Therefore, I think that, according to precedent, it is in the power of the Senator from Florida to move to agree to the report of the Committee of Conference in regard to everything but this particular amendment, and to adhere to that amendment of the Senate.

The PRESIDENT. If such a course has ever been pursued, it is certainly unparliamentary. A report of a committee of conference is an entire thing, and it cannot be divided.

Mr. MALLORY. The objection made by my colleague is to that portion of the report of the Committee of Conference, which recommends that the Senate recede from the amendment providing for building a brick wall around the hospital and grounds at Pensacola. I know that it is absolutely necessary that that hospital should be improved. There is no hospital in the country in such a dilapidated condition. This is so evident, that I am confident at the next session of Congress the measure will pass, and, therefore, I would suggest to my colleague that he withdraw his objection.

Mr. MORTON. Notwithstanding the appeal that has been made by my colleague, I feel it to be my duty, as one of the Senators from Florida, to resist the striking out of the amendment of the Senate providing for the repair of the hospital at Pensacola. The amendment is not, as my colleague supposes, simply for the purpose of inclosing the hospital and hospital grounds by a brick wall; it goes beyond that. I have here a communication from the commandant of that yard, and also a communication from the surgeon of the hospital, impressing upon me the absolute necessity for its prompt repair. It is a reflection upon the Government to leave that hospital in such a dilapidated situation as it now is. I will merely read three lines of the communication of the commandant of the yard, Captain Tatnall of the Navy. After speaking of other improvements absolutely necessary for that yard, he uses this language:

"As regards the hospital, it is in such a state of disgraceful dilapidation, that I should be ashamed to offer it as a shelter to the sick of a foreign squadron. Were such an institution at the North, public attention would be called to it by the press as a national discredit; but it is out of sight here, and in a few more years, if continued thus to be neglected, it will sink into the sands."

I shall, therefore, if the motion be in order, move to agree to the report of the Committee of Conference with the exception of this amendment, and to insist on it, and ask for another conference.

The PRESIDENT. The Chair has already decided, that a particular portion of the report cannot be agreed to, and the remainder of the report disagreed to. The report is an entire thing.

Mr. BADGER. I mentioned to the Chair before, that I believed there were instances where a different course had been pursued.

The PRESIDENT. Whatever may have been done heretofore, this is the only correct course. If a different course has ever been pursued, it was informal, and incorrect.

Mr. BADGER. I am aware that the decision of the Chair is right. I merely wished to call to the attention of the Chair the fact, that the parliamentary course had been departed from, in order that the Chair might enforce it for the future.

The PRESIDENT. The parliamentary law is very clear on the subject, and the Chair is not aware that it has ever been departed from when he has occupied this seat.

The report of the Committee of Conference was agreed to.

#### PRESENTATION OF CREDENTIALS.

Mr. MASON presented the credentials of the Hon. ROBERT M. T. HUNTER, chosen a Senator by the Legislature of the State of Virginia for six years from the 4th day of March, 1853; which were read.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it agreed to the amendments of the Senate to the bill entitled "An act making appro-

priations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes."

Also, that it agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill "to establish certain post roads."

Also, that it had passed the bill from the Senate for the relief of Z. F. Johnston; and a joint resolution relating to the printing of Congress during the recess.

Also, that it had passed a resolution to suspend the 17th joint rule of the two Houses, so far as to authorize the presentation of the bill from the House of Representatives making an appropriation for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes; also, the bill from the Senate to constitute Alton, in the State of Illinois, a port of delivery; and the bill to establish certain post roads.

#### SUSPENSION OF RULE.

The Senate proceeded to consider the resolution from the House, to suspend the 17th joint rule, (which prevents bills passed on the last day of the session being sent to the President of the United States,) so far as relates to the bills above named; and the resolution having been amended, on motion, by adding thereto "also the bills numbered H. R., No. 220, 240, 241, and 314," [the Army, Navy, and Post Office appropriation bills, and the post roads bill,] was agreed to.

A message from the House of Representatives was subsequently received by Mr. FORNEY, its Clerk, announcing that it agreed to the amendment of the Senate to the resolution of the House for the suspension of the 17th joint rule.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "An act making appropriations for the support of the Army for the year ending 30th of June, 1853."

Also, that it agreed to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "An act making appropriations for the naval service for the year ending June 30, 1853."

Also, to the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill "making appropriations for the service of the Post Office Department during the fiscal year ending the 30th June, 1853."

#### SUSPENSION OF RULE.

The message also announced that the House had passed a resolution for the suspension of the 17th joint rule, so far as relates to all bills passed before half past ten o'clock this day.

The PRESIDENT. The Chair will call the attention of the Senate to the fact, that the following resolution has been received from the House of Representatives:

Resolved, (with the concurrence of the Senate,) That the 17th joint rule of the two Houses be suspended on all bills passed by both Houses up to the hour of ten and a half, a. m., this day.

Mr. UNDERWOOD. I wish to call the attention of the Senate to the phraseology of that resolution. I think it is a very unusual one. Instead of suspending the rule in regard to particular bills, it suspends the rule on all bills passed up to a certain hour.

Mr. BADGER. I call the Senator to order. We have at this very session adopted a rule that a motion to suspend the 16th and 17th joint rules shall, at all times, be in order, be immediately considered, and be decided without debate.

Mr. UNDERWOOD. I suppose I can answer my friend from North Carolina.

Mr. BADGER. I was only stating the rule.

Mr. UNDERWOOD. I hope I may be allowed to say to the Senate, that this resolution is entirely different from similar resolutions which have been passed at previous sessions. We usually pass resolutions suspending the rule as to a particular bill. This is general as to time.

Mr. BADGER. I call the Senator to order.

Mr. UNDERWOOD. My statement is made.

The resolution of the House was concurred in.

HON. DAVID L. YULEE.

On motion by Mr. MORTON, the Senate pro-

ceeded to consider the following resolution submitted by him yesterday:

Resolved, That there be paid, out of the contingent fund of the Senate, to Hon. DAVID L. YULEE, a sum equal to the amount of mileage and *per diem* compensation of a Senator from the commencement of the present session to the 27th instant, the day on which the Senate decided that the Hon. STEPHEN R. MALLORY, whose seat in the Senate was claimed by him, was duly elected a Senator from the State of Florida.

Mr. ADAMS. Mr. President, I cannot vote for this resolution. I know it is said that it has been customary heretofore, both in this branch of Congress and in the other House, to allow a contestant for a seat the same compensation as a regular member. There are some cases where I have great regard for precedents, but I am not bound by precedents exclusively in anything, and if it has been the case heretofore, it has, in my humble opinion, been wrong, and we should not pursue that wrong any further. If a man who brings his case in a court of justice fails to recover, he is taxed with the costs from the commencement of the suit to the time of the rendering of judgment. The fact that a man who claims a seat in this body is rejected, is *prima facie* evidence at least, that he had no sufficient ground for contesting the seat.

I have no unkind feelings towards the claimant here. I am not going to consider the propriety or impropriety of his claim to a seat on this floor, but he has made a claim which no Senator could be found to vote for; and simply because he thought proper to set up a claim for which not one Senator could be found to vote, we are to pay him mileage and *per diem* compensation. You might just as well attempt to give mileage and compensation to a man who is around this city, whom I have seen, who presents a claim upon this body for damages sustained by reason of false imprisonment; and he speaks of annihilating this Senate unless we pass his claim. I think that under the circumstances, he may be as much entitled to pay and mileage as this claimant here. If we establish it as a universal principle that we will allow a claimant to a seat here, mileage and compensation, may not the individual to whom I refer, instead of claiming for damages for false imprisonment, set up a claim to the seat of one of us here, and could we not with as much propriety, under those circumstances, vote for paying him mileage and compensation? That individual undoubtedly has been incarcerated at the instance of the Senate, and, as acknowledged by many, unjustly. He therefore seems to have some claim. I think this is all wrong, and I therefore move to lay the resolution on the table.

Mr. BRODHEAD. I hope the Senator will not make a speech on one side and then move to lay the resolution on the table, cutting of a reply.

Mr. ADAMS. I withdraw the motion.

Mr. MORTON. I find that the resolution which I have introduced will lead to a protracted discussion, and I am unwilling to put it in jeopardy by forcing it to a vote at this time. I move, therefore, that for the present it lie on the table.

The motion was agreed to.

#### RAILROAD IN ARKANSAS.

Mr. BORLAND. I am directed by the Committee on Public Lands, to which was yesterday referred the bill from the House, "granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river," to report it back without amendment, and recommend its passage. I wish to ask for its consideration now.

Mr. UNDERWOOD. I object. The PRESIDENT. One objection will not prevent its being taken up, but it requires a majority to consider the bill at this time.

Mr. UNDERWOOD. I objected to making the report; and I ask if the Senator can make the report now, after the morning hour has expired, without obtaining consent from the Senate?

The PRESIDENT. That is not necessary.

Mr. UNDERWOOD. I thought that had been the practice.

The PRESIDENT. The report has been received, and the question now is on the motion to take up the bill.

The motion was not agreed to.

## EXECUTIVE BUSINESS.

Mr. BRIGHT. I move that the Senate proceed to the consideration of Executive business.

Mr. HOUSTON. I hope the honorable Senator will withdraw his motion in order to allow me to make a report.

Mr. BRIGHT. I cannot withdraw the motion.

Mr. HOUSTON. The report I wish to make is from a special committee. I believe it is a privileged question.

The PRESIDENT. The Chair cannot receive the report unless the Senator from Indiana withdraws his motion.

Mr. BRIGHT. I feel it to be my duty to persist in the motion.

The motion was agreed to.

The Senate accordingly proceeded to the consideration of Executive business, and after some time spent therein the doors were reopened.

## SELECT COMMITTEE OF INVESTIGATION.

Mr. HOUSTON. I wish to make a report.

The report was read, as follows:

"The Select Committee appointed by the Senate on the 6th instant to investigate frauds, bribery, &c., entered at once upon their duties, by calling witnesses before them, and instituting careful inquiry into several cases of alleged or supposed fraudulent transactions on the part of persons in the employment of the Government.

"The short time remaining from the day when these investigations were begun until the close of the session (less than a month) has necessarily restricted them within narrow limits—alike in respect to the number of cases and to the number of witnesses examined.

"Several cases of fraud and gross impropriety alleged against persons in the employment of the Government are before the committee. For want of time, however, only two have been so far investigated as to afford any definite development of their character, and the examination of them has not been completed. Without undertaking, therefore, to make any elaborate report of what they have done, the committee beg leave to submit the testimony they have taken in the two cases referred to, and ask that it be printed. And believing that the public interest will be protected and promoted by further investigation of these two cases, and many others they believe to exist, they ask leave to prosecute their inquiries during the recess, and to resume their sittings at the next session of Congress."

Mr. HOUSTON. I ask that the report be adopted, and that the testimony be printed.

Mr. UNDERWOOD. I wish to state, that the gentleman from Mississippi [Mr. Brooks] and myself, who were members of the committee, thought it improper to print any of the evidence, until the whole case was brought to a close.

Mr. BADGER. The report, if I understand it, states that the examination has not been completed with reference to any one case. Am I correct in that?

Mr. HOUSTON. There are two cases which have been nearly completed.

Mr. BADGER. I understand that the report states expressly, that the examination has not been completed in any case. If the examination has not been completed in any case, it is certainly improper to print any part of the evidence.

Mr. HOUSTON. We have not been able to get along with more than two cases; but as the public mind is demanding something, we propose to give them all the testimony we have got.

Mr. BADGER. I object to the consideration of the report at this time.

The PRESIDENT. Then it cannot be considered.

Mr. HOUSTON. As the report cannot be considered now, I ask leave to withdraw it.

Leave was granted.

## OBITUARY NOTICES OF HENRY CLAY.

Mr. HAMLIN. I offer the following resolution, which I ask may now be considered:

Resolved, That the Secretary of the Senate, Clerk of the House of Representatives, and the Clerk of the Printing Committee, be, and they hereby are, authorized to audit the accounts for printing and binding the obituary notices of the death of Henry Clay, ordered by the Senate, and to pay the same out of the contingent fund of the Senate.

I desire to say, that by special vote the Senate has ordered these obituary notices to be printed. They are now beginning to be delivered, and un-

less this resolution be adopted, they cannot be paid for.

The resolution was agreed to.

## CHEAP OCEAN POSTAGE.

A message was received from the President of the United States, by Mr. M. P. FILLMORE, his secretary, transmitting, in answer to a resolution of the Senate of the 21st instant, requesting information in respect to foreign postal arrangements and cheap ocean postage, a report of the Secretary of State, and the documents by which it was accompanied.

The message was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

## TONNAGE OF THE UNITED STATES.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a report of the Register of the Treasury in relation to the tonnage of the United States; which was ordered to lie on the table and be printed.

## PAPERS WITHDRAWN.

On motion by Mr. MASON, it was

Ordered, That Michael Nash have leave to withdraw his petition and papers.

On motion by Mr. ATCHISON, it was

Ordered, That Joseph Parks have leave to withdraw his memorial and papers.

On motion by Mr. ADAMS, it was

Ordered, That Clements, Bryan & Co. have leave to withdraw their memorial and papers.

On motion by Mr. MORTON, it was

Ordered, That the heirs of Darius Garrison have leave to withdraw their petition and papers.

## REPORTS FROM COMMITTEES.

Mr. MALLORY, from the Committee on Naval Affairs, to which was referred a report of the Secretary of the Navy on the comparative value of anthracite and bituminous coals, and resolutions of the Legislature of Florida on the same subject, submitted a report, which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to which were referred sundry memorials and petitions of officers, clerks, and others employed in the civil and military departments of the United States in Mexico, during the late war with that Republic, submitted a report.

The Senate proceeded to consider the said report, and in concurrence therewith, it was

Ordered, That the committee be discharged from the further consideration of the subject.

Mr. DOUGLAS, from the Committee on Territories, to which the following bills from the House of Representatives were referred, reported them severally without amendment:

An act authorizing the Governor of the Territory of New Mexico to call an extra session of the Legislative Assembly of said Territory, should the same be deemed necessary and expedient;

An act to authorize the legislative authority of the several Territories to control the appropriations to be made by Congress for the support of the government of said Territories;

An act making an appropriation for the completion of the public buildings in the Territory of Minnesota;

An act to amend an act entitled "An act to establish the territorial government of Oregon," approved August 14, 1848; and

An act to provide for additional clerks, and extend the sessions of the Legislative Assembly of the Territory of New Mexico.

On motion by Mr. SHIELDS, it was

Ordered, That the unfinished business in the hands of the committee be returned to the files of the Senate.

## EXECUTIVE REPORTS.

On motion by Mr. MASON, it was

Ordered, That the report of the Secretary of State, the report of the Secretary of the Treasury, the report of the Secretary of War, the report of the Secretary of the Navy, the report of the Secretary of the Interior, the report of the Postmaster General, and the report of the Attorney General, communicating, in compliance with a resolution of the Senate, information respecting the clerks employed in their respective Departments and Offices, be printed.

## STANSBURY'S REPORT.

On motion by Mr. DODGE, of Iowa, it was

Ordered, That the head of the Topographical Bureau be

allowed the number of Stansbury's Report which was assigned to him by the original resolution on that subject.

## OWEN'S REPORT.

On motion by Mr. DODGE, of Iowa, it was Ordered, That, instead of the distribution of Owen's Report heretofore ordered, there be furnished to the General Land Office one hundred copies, to the Smithsonian Institution one hundred copies, and to Dr. Owen two hundred copies.

## NAVY-YARDS.

Mr. SOULE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to report, at an early day of the next session, the amount of money expended on the several navy-yards of Gosport, Washington, Philadelphia, Brooklyn, Charlestown, Portsmouth, and Kittery, specifying the amount expended for the purchase of the original sites, and for the additional land subsequently purchased for the several navy-yards above mentioned; and also to state the amount of money expended in erecting all the buildings thereon.

## MARGARET L. WORTH.

A message from the House of Representatives was received by Mr. FORNEY, its Clerk, announcing that it insisted on its amendment to the bill for the relief of Margaret L. Worth; that it asked a conference on the disagreeing votes of the two Houses; and that it had appointed Mr. POLK, Mr. HARRIS of Tennessee, and Mr. GOODENOW, a Committee of Conference on their part.

The Senate proceeded to consider the amendment to the said bill insisted on by the House of Representatives, and it was

Resolved, That the Senate insist on its disagreement to the said amendment, and agree to the conference asked by the House of Representatives.

And Mr. STOCKTON, Mr. BORLAND, and Mr. DAVIS, were appointed the committee on the part of the Senate.

## ADJOURNMENT SINE DIE.

Mr. UNDERWOOD. I move that a committee be appointed to wait upon the President of the United States, and inform him that we have closed our legislative business, and are now ready to adjourn.

The motion was agreed to.

It was ordered, that the PRESIDENT *pro tempore* appoint the committee; and Mr. UNDERWOOD, Mr. PRATT, and Mr. BAYARD, were appointed.

The committee accordingly retired, and in a short time they returned; when

Mr. UNDERWOOD said: Mr. President, the committee appointed by the Senate to wait upon the President of the United States have performed the duty assigned them. We informed the President that the Senate had concluded its labors, and was now ready to adjourn, unless he had some further communication to make. The response of the President was, that he had no further communication to make, but to tender his congratulations to the Senate upon the termination of their tedious labors.

Mr. MANGUM offered the following resolution; which was unanimously agreed to:

Resolved, That the thanks of the Senate be given to the Hon. WILLIAM R. KING, President of the Senate *pro tempore*, for the dignity, ability, and impartiality with which he has discharged the duties of the Chair.

The hour of twelve having arrived—

The PRESIDENT arose and addressed the Senate as follows:

GENTLEMEN OF THE SENATE: The labors of this long and fatiguing session are now brought to a close. Before I adjourn the Senate, I will beg leave to say, that I have endeavored, to the utmost of my ability, to discharge faithfully, honestly, and impartially, the duties which they were pleased to devolve upon me in elevating me to this honorable position. I am aware that on some occasions, probably, I have given cause for complaint on the part of some who supposed they were entitled to the floor, when it had been assigned to others. I will take this occasion to say, that, on all such contests I have endeavored to give the floor to the individual the sound of whose voice first reached my ear, as it is utterly impossible that I can see all the Senators when they first rise. If, on any occasion, I have given any dissatisfaction, it is the cause of true and heartfelt regret.

I beg you, gentlemen, to accept my sincere thanks for the unanimous vote that has just been passed, approving of my conduct. I shall endeavor on all occasions, in whatever situation I may be placed, to act in such a manner as to have the



approbation of my own conscience, and I trust of all generous and disinterested friends.

The Senate of the United States stands adjourned *sine die*.

## HOUSE OF REPRESENTATIVES.

TUESDAY, August 31, 1852.

The House met at nine o'clock, a. m. Prayer by the Rev. C. M. BUTLER.

The SPEAKER. The Clerk informs the Chair that it has been impossible for him to make out a full Journal of the proceedings of yesterday.

Mr. CHANDLER. I move to dispense with the reading of the Journal.

The motion was agreed to.

Mr. CLARK. I beg leave to make a report from the Committee of Conference upon the post route bill.

Mr. COBB. I ask the gentleman from Iowa [Mr. CLARK] to give way. You all know that the civil and diplomatic bill is hung up here upon a proposition made by me yesterday, to reconsider the vote by which it was passed.

Mr. JONES, of Tennessee. The gentleman can hold on to his motion.

Mr. COBB. I rise to a privileged question.

The SPEAKER. There is a privileged question pending to make a report from a Committee of Conference.

The report from the Committee of Conference upon the post route bill was then read, as follows:

That the Committee of Conference on the part of the two Houses upon the disagreeing votes upon the bill for establishing post roads having met and fully and freely conferred, agree to recommend to their respective Houses as follows:

That the House recede from its disagreement to Senate amendment No. 39, and agree to the same with an amendment, to wit: Add at the end thereof, *Provided*, That the contracts authorized by this section be let to the lowest bidder, according to the provisions of the existing laws: *And provided further*, That the amount paid shall in no case exceed the amount of postage derived from the said mails. That the Senate recede from amendments numbered 43, 44, 45, 46, and 49.

And that the House recede from its disagreement to Senate amendments numbered 47, 48, 50, and 53.

That there be added at the end of Maine, "from south Paris, Maine, to Harrison, North Bridgton, Bridgton, West Bridgton, to Fryeburgh."

THOS. J. RUSK,  
GEO. E. BADGER,  
SOLON BORLAND,  
On the part of the Senate.

LINCOLN CLARK,  
S. G. HAVEN,  
W. P. HALL,  
On the part of the House.

Mr. CLARK. I will simply state that this report rejects those sections most obnoxious to the House, especially those authorizing marshals to seize packages, &c. I call the previous question upon the report.

Mr. CLEVELAND. I wish to inquire of the gentleman from Iowa, whether those amendments in regard to the revision of the penal law are all retained?

Mr. CLARK. They remain.

Mr. KING, of New York. I desire to have the sections read, that we may have an opportunity to know how the bill stands.

The SPEAKER. They were all read yesterday.

Mr. KING. The House rejected nearly the whole of them. My object in wishing the whole report read is, that we may know what they report to adopt, and what they report to reject, and without reading all the sections we cannot possibly know. We can know nothing from the numbers.

The SPEAKER. The amendments, for the purpose of having them enrolled, were left up to the latest moment in the Clerk's office, where they are now. They will be sent for.

Mr. CLINGMAN. I move to dispense with the further reading of the amendments.

Mr. KING. There are one or two sections quite objectionable.

Mr. WASHBURN. I would ask the gentleman from Iowa [Mr. CLARK] if he can tell us what portions of the amendments in the printed bill are retained, and what rejected?

Mr. CLARK. The 43d, 44th, 45th, 46th, and 49th amendments of the Senate are rejected, comprising the following sections, viz:

43d amendment.

"Sec. 6. *And be it further enacted*, That it shall not be

lawful for any person other than the captain or commander of such ship or vessel, to carry or transport any letter or packet, or parcel containing letters, on board of any ship or vessel which shall sail from or be bound to any port or place in the United States, at or within three miles of which there shall be any post office of the United States; and all passengers and other persons on board such ship or vessel shall deliver all letters, and packages, and parcels containing a letter or letters, to such captain or commander, as soon as practicable after the receipt thereof, or after their arrival on board such ship or vessel; and for every violation of this provision, a penalty of one hundred dollars is hereby imposed, to be recovered by presentment, by information or *qui tam* action, one half for the use of the informer, and one half for the use of the Post Office Department. And it shall be the duty of such captain or commander, within twenty-four hours after his arrival at any port of the United States, within three miles of which there shall be a post office, to deliver all letters, and packages and parcels containing letters, in his custody, power, or control, into the post office at or nearest said port; and every such captain or commander who shall refuse or willfully neglect to deliver the same, as aforesaid, shall forfeit the sum of five hundred dollars, and he shall also forfeit double the amount of postage which would have been chargeable on such letters if so delivered as aforesaid, either or both of which may be recovered in any court having cognizance thereof, one half of which shall be for the use of the party prosecuting for the same, and the other half for the use of the Post Office Department."

### 44th amendment.

"Sec. 7. *And be it further enacted*, That any proprietor, member, or agent of any express company, or other company engaged in the transportation of packages or parcels for hire, or any other person engaged in such transportation, whether as principal or agent, or temporarily or otherwise, who shall carry or cause to be carried, in violation of any act of Congress, upon or over any post road, or between any ports or places within the United States, or between any port in the United States and any port in any foreign country between which the mails of the United States are carried, any letter or communication in writing, or shall knowingly carry or cause to be carried any package or parcel containing any letter or letters, or other paper or papers in writing, or partly written and partly printed, conveying information of any kind whatever, shall, in addition to the penalties by this act, or at any time heretofore prescribed for such offense, be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to imprisonment for a term not exceeding three months, and to pay a fine not exceeding five hundred dollars for every such offense."

### 45th amendment:

"Sec. 8. *And be it further enacted*, That every contractor for carrying the mails of the United States, by land or water, and every agent or employee of such contractor who shall knowingly transport over all or any portion of the route of said contractor, any proprietor, member, agent, or messenger of any express company, or any person engaged in the transportation of parcels or packages for hire, while such contractor shall know or have good reason to believe that such proprietor, member, agent, messenger, or person, carries or is engaged in carrying letters, or parcels or packages containing a letter or letters, on the route of said contractor or any part thereof, in violation of any law of the United States, or shall knowingly carry any boxes, bags, trunks, packages, or parcels, belonging to or in the custody of such proprietor, member, agent, messenger, or persons which he shall know or have reason to suspect contains any letter or letters, such contractor shall be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one year's pay of such contractor; and the Postmaster General shall have power, upon such conviction, by an instrument in writing under his hand and seal, to declare the contract for the transportation of the mail by such contractor null and void, from such time as he may designate in such instrument."

### 46th amendment:

"Sec. 9. *And be it further enacted*, That in respect to any moneys which have come or shall hereafter come into the possession or custody of any of the agents of the Post Office Department, or any of the officers of the United States, or shall have been paid to the order of the Postmaster General, as provided in the second section of the act entitled 'An act to amend the act entitled 'An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department, passed 3d day of March, 1845,' approved March 1st, 1847,' it shall be lawful for the Postmaster General to receive all such information and statements, under oath or otherwise, from the special agents of the Department, the claimants, and all other persons, as he may deem proper, whether the same would or would not be competent evidence in a court of justice; and he may, after having given to the claimants, by publishing the same as often as once a week for three months in such and so many public newspapers as he may direct, a notice to come in and substantiate their claims, make an order for the payment thereof to such person or persons, and in such proportions as he may deem just and proper, notwithstanding there may be no certain conclusive evidence of the ownership of the same; and when such order shall be examined, and the same approved by the Attorney General, by an instrument under the hand of such Attorney General, such moneys shall be distributed according to such order."

### 49th amendment:

"Sec. 12. *And be it further enacted*, That the Postmaster General be authorized to contract or make other arrangements for the transportation of mails of the United States through any foreign country, and also for their transportation by such transient or other vessels as may be running between ports of the United States and foreign ports, or between foreign ports, in cases where there are no contracts or arrangements therefor, and to provide for the collection, by prepayment or otherwise, of such postages as

may be due to the United States on such letters and other mailable matter as may be sent under such arrangements and contracts, either in the United States or at such foreign ports, and for that purpose to use and employ as agents the several consuls of the United States, or such other persons as he may think fit: *Provided*, That no arrangement shall be made which will violate the laws prevailing in such foreign ports or countries, or any treaty of the United States, and that the whole compensation to be paid for the transportation of such letters and mailable matter, shall in all cases be so limited by the terms of such contracts or arrangements, as not to exceed the whole amount of the postage chargeable upon the letters and mailable matter carried under the same."

Mr. KING. Now the gentleman will please read those which the committee have adopted.

Mr. CLARK then read the following sections, which were retained.

### 39th amendment:

"Sec. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to enter into a contract for the transportation of the United States mail on board of the steam vessels which at present ply regularly between Boston, in the State of Massachusetts, and Halifax, in Nova Scotia, upon such terms as may appear to him reasonable."

The Committee of Conference add the following to the above:

"*Provided*, That the contracts authorized by this section be let to the lowest bidder, according to the provisions of existing laws: *And provided further*, That the amount paid shall in no case exceed the amount of postage derived from the said mails."

### 47th amendment:

"Sec. 10. *And be it further enacted*, That the Postmaster General may from time to time, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient, for allowing the mails of Canada, or of any other Province, State, or country adjoining the United States, to be carried or transported at the expense of the Province, State, or country to which such mails belong, over any part or portion of the territory of the United States, from one point in the Province, State, or country to which such mails belong, to any other point in the same, upon obtaining the same privileges for the transportation of the mails of the United States through the Province, State, or country to which such privilege shall be granted: *Provided*, That such privileges may at any time be annulled by the President of the United States, or by joint resolution of the two Houses of Congress, from and after the expiration of one month next succeeding the day on which the notice of the act of the President or of the joint resolution of the two Houses shall be given to the chief executive officer or head of the Post Office Department of the Province, State, or country, whose privilege is to be thereby annulled."

### 48th amendment:

"Sec. 11. *And be it further enacted*, That every mail of any Province, State, or country, having the privilege authorized to be granted in and by the next preceding section, shall, while in the territories of the United States, be deemed and taken to be a mail of the United States, so far as to make any violation thereof or any depredation thereon, or any act or offense in respect thereto or any part thereof, which would be punishable under the existing laws of the United States, in case the same had been a mail or part of a mail of the United States, an offense of the same grade and punishable in the same manner and to the same extent as though the said mails were those of the United States; and in any indictment for such act or offense, the said mails or any part thereof may be alleged to be, and on the trial of any such indictment they shall be deemed and held to be, mails or parts of mails of the United States."

### 50th amendment:

"Sec. 13. *And be it further enacted*, That the Postmaster General shall be, and he is hereby, authorized to provide and furnish to all postmasters and other persons applying and paying therefor suitable letter envelopes, with such water marks or other guards against counterfeits as he may deem expedient, and with one or more suitable postage stamps, with such device and of such denominations and value as he may direct, printed or impressed thereon, which envelopes shall be sold at the cost of procuring and furnishing the same, as near as may be, with the addition of the value or denomination of the postage stamps so printed or impressed thereon or attached thereto as aforesaid; and letters, when inclosed in such envelopes, with postage stamps printed or impressed thereon, (the postage stamp or stamps in every such case being of the value, denomination, or amount required to prepay the postage which would be chargeable on such letters and envelopes, if sent by mail, to the place of their destination, under the provisions of the laws then in force, and such stamps and envelopes not having been used before), shall pass in the mails as prepaid letters; and all letters inclosed in such envelopes as shall be provided and furnished by the Postmaster General, as first in this section prescribed, and with postage stamps thereon as aforesaid, (and such postage stamps on such envelopes being equal in value and amount to the rates of postage to which such letters would be liable, if sent by mail, and such postage stamps and envelopes not having been used before), may be sent, conveyed, and delivered otherwise than by post or mail, notwithstanding any prohibition thereof under any existing law: *Provided*, That the said envelope shall be duly sealed, or otherwise firmly and securely closed, so that such letter cannot be taken therefrom without tearing or destroying such envelope, and the same duly directed and addressed, and the date of such letter, or of the receipt or transmission thereof to be written or stamped, or otherwise appear on such envelope."

### 53d amendment:

"Sec. 15. *And be it further enacted*, That all fines and

penalties imposed for any violation of any law relating to the Post Office Department shall, when collected or recovered, be paid into the Treasury to the credit of the United States, for the use of the Post Office Department, excepting, however, such part thereof as may by law belong to the party informing or prosecuting for the same."

Mr. KING. There was a section making it obligatory upon the Postmaster General to put in operation certain routes.

Mr. CLARK. The first one was adopted.

Mr. HALL. Section second, which provided for the transportation of the mail from Boston to Halifax in steamers, was adopted with an amendment. The amendment requires that the contract shall be let to the lowest bidder; and it provides further that no more shall be paid for transporting the mail, in any event, than the revenues arising from those mails. There was an amendment providing for paying the contractor for carrying the United States mails between foreign ports. That was rejected. Then the last section, providing for the carrying of a daily mail from Louisville to Cairo, &c., was adopted.

The House was then divided on seconding the previous question, and there were—ayes 51, noes 9; no quorum voting.

Mr. DEAN. I move that there be a call of the House.

The question was put, and the motion was agreed to.

The roll was then called, and 135 members answered to their names.

Mr. DEAN. I move that all further proceedings under the call be dispensed with.

The question was taken, and the motion was agreed to.

Mr. HALL. I insist upon the regular order of business.

The SPEAKER. The question is upon seconding the demand for the previous question.

The previous question then received a second, and the main question was ordered to be put.

The question was then taken upon agreeing to the report of the committee, and it was decided in the affirmative.

#### CIVIL AND DIPLOMATIC BILL.

Mr. COBB. I will not detain the House by any lengthy remarks. Yesterday, under a sense of duty to myself, as well as a sense of duty which I considered that I owed to my country, I took action contrary to my will, and in regard to an amendment to the civil and diplomatic bill. I now call up the motion I then made to reconsider the vote by which the civil and diplomatic bill was passed.

Mr. LETCHER. I move to lay that motion upon the table.

Mr. COBB. Will the gentleman from Virginia [Mr. LETCHER] wait until he gets the floor before he makes that motion?

[Cries of "Order!" "Order!"]

The SPEAKER. The gentleman from Alabama will confine his remarks to the question under consideration.

Mr. COBB. Yesterday when the proposition before the House was to agree with the amendments proposed by the Committee of Conference upon that bill I withheld my vote, hoping that there would be men enough found in this House who, believing that the amendments were right, would sustain the report. I found, however, when the vote was about to be announced, that it took myself and one other to sustain the measure. I took upon myself then the responsibility of voting for the amendments, although it was the bitterest pill I ever took in my life, with a view to keep the civil and diplomatic bill alive, that there might not be the probability of its being entirely lost, relying, as I did, upon you, Mr. Speaker, to come to the rescue, as you have in former cases when the country was in danger. I believed you would give the casting vote and sustain the amendments. The bill as a whole I could not agree to, although there are provisions in it for which I could most cordially vote. I felt it my duty to sustain that bill by giving it my vote, although my judgment and my feelings were against it.

This is all I desire to say, and I withdraw the motion to reconsider.

Mr. HALL moved to reconsider the vote by which the report of the Committee of Conference upon the post route bill was agreed to, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the report of the Committee of Conference upon the civil and diplomatic bill was agreed to, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

#### ARMY APPROPRIATION BILL.

Mr. HOUSTON. I wish to make a report from the Committee of Conference upon the Army appropriation bill. But before I do that, I will thank my colleague [Mr. COBB] for his patriotic feelings in saving the civil and diplomatic bill; but I was satisfied that the bill was in no danger, and that there was not a single individual in this House, who would have been willing to defeat that bill, if it had depended upon his single vote.

I move the previous question upon the report which I present from the Committee of Conference on the Army bill.

Mr. JOHNSON, of Tennessee. I was in hopes that my friend [Mr. HOUSTON] was not so unkind as to strip his colleague [Mr. COBB] and the Speaker of the distinguished honor of saving the country when it was in a great crisis. [Laughter.]

The previous question was seconded, and the main question was ordered to be put.

[Mr. HENN, from the Committee on Enrolled Bills, here reported as correctly enrolled "An act for the relief of Z. F. Johnston;" which thereupon received the signature of the Speaker.]

The report of the Committee of Conference on the Army appropriation bill was then read, as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the bill (H. R. 230) "making appropriations for the support of the Army for the year ending the 30th of June, 1853," having met, and after full and free conference, have agreed to recommend, and do recommend, to the respective Houses, as follows:

That the House of Representatives do recede from their disagreement to the 2d, 7th, 12th, 14th, 15th, 19th, 22d, 23d, 24th, 25th, 26th, 28th, and 30th amendments of the Senate, and agree thereto.

That the House of Representatives do recede from their disagreement to the 1st amendment of the Senate, and agree to the same with an amendment, as follows:

Page 1, line 4, after the word "dollars," insert the following: "Provided, That the Commissary Department may use, in advance of the regular appropriations for the fiscal year ending June 30, 1854, \$275,000 of said sum for said fiscal year."

That the House of Representatives do recede from their disagreement to the 3d amendment of the Senate, and agree to the same, with an amendment, as follows:

Page 1, line 3. Strike out the words "three hundred," and insert in lieu thereof the words "two hundred and fifty."

That the House of Representatives do recede from their disagreement to the 16th amendment of the Senate, and agree to the same with amendments, as follows:

Page 4, line 16, after the word "report," insert the words "to Congress."

Page 4, line 21, after the word "service," strike out all to word "same," in line 25, inclusive.

That the House of Representatives do recede from their disagreement to the 17th amendment of the Senate, and agree to the same with an amendment, as follows:

Page 5, line 13, after the word "Mexico," strike out all to end of section.

That the House of Representatives do recede from their disagreement to the 21st amendment of the Senate, and agree to the same with amendments, as follows:

Page 8, line 15, after the word "Department," strike out all to the word "State," inclusive, in line 18, and add at the end of the section: "Provided, That the same principles be applied in the settlement of the claims of the State of Alabama, and all other States, for moneys advanced in raising, subsisting, and transporting troops for the Mexican war."

And that the Senate do recede from its 5th, 6th, 8th, 10th, 11th, 13th, 18th, and 29th amendments.

GEORGE S. HOUSTON,  
W. A. GORMAN,  
EDWARD STANLY,

Committee of Conference on the part of the House.

J. D. BRIGHT,  
WILLIAM C. DAWSON,  
RICHARD BRODHEAD,

Committee of Conference on the part of the Senate.

#### Amendments to be receded from.

The Committee of Conference recommended that the House of Representatives do recede from their disagreement of the following Senate amendments, and do agree thereto, viz:

2d amendment. Insert the words in italics in the following clause:

"For the regular supplies of Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding; and of stationery, including company and

other blank books for the Army, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for the printing of division and Department orders, Army regulations and reports, one million one hundred and sixty thousand dollars."

#### 7th amendment. Insert:

"For continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation, \$50,000."

12th amendment. After the word "fifty-two," in the following section—

"Sec. 2. And be it further enacted, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of War, repealed; and no portion of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the 1st day of July, 1852."

insert the following:

"But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the Army, for forage, for medical and hospital departments, and for the Quartermaster's Department, to be applied to any other of the above mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year shall not be transferred to any other object after the expiration of that year."

#### 14th amendment. Add the following section:

"Sec. 4. And be it further enacted, That all the unexpended balances remaining of sums appropriated for fortifications, and now liable to revert to the surplus fund, are hereby reappropriated."

#### 15th amendment. Add the following section:

"Sec. 5. And be it further enacted, That paymaster's clerks shall be entitled to receive one ration per day when on duty at their stations, to be computed at the price now authorized when traveling on duty."

#### 19th amendment. Add the following section:

"Sec. 8. And be it further enacted, That the Secretary of War be directed to pay to each of the survivors, or the heirs of those who have died, of the Seminole warriors, who were mustered into the service of the United States at Fort Brooke in December, 1835, an amount equal to three months' pay and allowances of a private soldier in the Army of the United States: *Provided*, That the amount so paid shall not exceed \$370: *And provided, also*, That such amount paid shall be in full of all claims of said friendly Seminoles during the Florida war, for compensation and for indemnity on account of losses sustained."

#### 22d amendment. Add the following section:

"Sec. 11. And be it further enacted, That in the adjustment of the accounts of the State of Maine, under the act of 13th of June, 1842, the proper accounting officers of the Treasury be, and they are hereby, directed to include and allow all claims which have been heretofore presented under said act: *Provided*, It shall be satisfactorily shown that said claims have been actually allowed and paid by the State."

#### 23d amendment. Add the following section:

"Sec. 12. And be it further enacted, That the Secretary of War allow, and pay to the State of Virginia, all sums that may have been advanced by that State to the officers and men of her regiment of volunteers engaged to serve for and during the war then existing between the United States and Mexico, for pay for their services from the day of their enrollment until they were mustered into the service of the United States: *Provided*, The same has not been paid heretofore by the United States to any of the officers or men for said service."

#### 24th amendment. Add the following section:

"Sec. 13. And be it further enacted, That the Secretary of War be, and he is hereby, authorized and required to pay to the State of South Carolina, out of any money in the Treasury not otherwise appropriated, such sums of money as were paid by said State in 1838, 1839, and 1840, for services, losses, and damages sustained by her volunteers in the Florida war of 1834, 1837, and 1838, while in the service of the United States, and on their return from said service, as were ascertained and allowed by a board of commissioners appointed for that purpose by an act of the Legislature of said State in 1837: *Provided*, however, That no interest shall be allowed upon the moneys paid to the State of South Carolina under the provisions of this act."

#### 25th amendment. Add the following section:

"Sec. 14. And be it further enacted, That in the settlements of the claims in the State of Georgia under the provisions of the act of the 11th August, 1842, providing for the settlement of the claims of Georgia for the service of her militia, which have heretofore been suspended or disallowed, the accounting officers of the Treasury Department allow and pay, upon proof that the State has allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical services, and transportation, which have not been heretofore allowed by the United States; that for the pay of mounted infantry the pay of cavalry be allowed; the same to be paid out of the fund appropriated by the act of 11th August, 1842."

#### 26th amendment. Add the following section:

"Sec. 15. And be it further enacted, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized to adjust and settle the claims of Florida for the service of her troops under the act of February 27, 1851, by the provisions stated for the settlement

of the claims of Virginia for like services as prescribed by this act."

#### 28th amendment. Add the following section:

"Sec. 17. *And be it further enacted*, That the accounting officers of the United States Treasury are hereby directed to ascertain the amount justly due to Henry L. Kenney for subsistence, medicine, forage, &c., furnished by him to the company of Texas mounted volunteers commanded by Captain Charles M. Blackwell, from September 10, 1849, to December 10, 1849, and pay him the same out of the sum of \$72,000 already appropriated for such purpose, by virtue of the second section of an act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending 30th June, 1851,' approved September 30th, 1850: *Provided*, That the same shall not exceed the sum of \$6,114 76."

#### 30th amendment. Add the following section:

"Sec. 18. *And be it further enacted*, That the board of officers designated by the act of the 3d of March, 1851, to procure sites for the military asylums, by and with the approval of the President of the United States, be, and they or a part of them are hereby, authorized to examine the Blue Lick Springs and the lands attached thereto, and if the same be found eligible for the purpose, and can be secured of the proprietors, or any suitable quantity of the land, including the buildings, at a reasonable price, to purchase the same for the Government of the United States, and locate thereon the Western Military Asylum."

The Committee of Conference further recommended that the House of Representatives do recede from their disagreement to the following amendments of the Senate, and agree to the same with amendments, as follows:

#### 1st amendment. After the following Senate amendment—

"For subsistence, \$1,047,185"—

insert the following:

"*Provided*, That the Commissary Department may use, in advance of the regular appropriation for the fiscal year ending 30th June, 1854, \$275,000 of said sum for said fiscal year."

3d amendment. The Senate propose to amend the following clause, by striking out "two hundred and twenty-five" and insert "three hundred." The committee recommend to agree to the same by amending, by striking out "three hundred" and substituting "two hundred and fifty," so that the appropriation shall be \$250,000:

"For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packets received and sent by officers of the Army on public service, expenses of courts-martial and courts of inquiry, including the additional compensation to judges advocate, recorders, members, and witnesses while on that service, under the act of March 16th, 1802; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, store-houses, and hospitals; the construction of roads and other constant labor for periods of not less than ten days, under the act of March 2d, 1819; expenses of express-boys to and from the frontier posts and armies in the field; of escorts to pyrameters, other disbursing officers and trains, when military escorts cannot be furnished; expenses of the internment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including hire of interpreters, spies and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon masters, authorized by the act of July, 1838; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron, hire of veterinary surgeons and medicines for horses and mules, \$225,000."

16th amendment. The committee recommend an agreement to the 16th amendment of the Senate, by inserting the words "to Congress" in italics, and striking out after the word "service" the following words: "and that upon being satisfied of the correctness of the claims which may be reported favorably upon in whole or in part, he shall proceed to audit and pay the same," so that it shall read as follows:

"Sec. 6. *And be it further enacted*, That for the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Fremont, in California, during the year 1846, as appears by the muster rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers in said service, \$168,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the Secretary of War is authorized and empowered to appoint three competent and disinterested officers of the Army to examine and report to Congress upon all such claims as may be presented for funds advanced and subsistence and supplies of all kinds furnished or taken for the use of said command whilst thus engaged in the public service; and for the expenses of said board of officers, the sum of \$2,000 is hereby appropriated."

17th amendment. Strike out from the 17th amendment of the Senate, at the end thereof, the following words:

"And that the benefits of the provisions of the said section

shall apply equally to all, whether they have paid into the Treasury all the public money in their hands or not"—

so that it will read as follows:

"Sec. 7. *And be it further enacted*, That the second section of an act entitled 'An act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions, or otherwise, in Mexico,' approved March 3d, 1849, shall be so construed as to extend to officers and other persons who were engaged in the collection of military contributions as collectors in any part of Mexico or California during the war with Mexico."

21st amendment. In the 21st Senate amendment, strike out after the words "Treasury Department," the words "together with interest as aforesaid on said claim from the time said advances were made by said State," and add at the end thereof the words—

"*Provided*, That the same principles be applied in the settlement of the claims of the sale of Alabama and all other States for moneys advanced in raising, subsisting, and transporting troops for the Mexican war"—

so that it will read as follows:

"Sec. 10. *And be it further enacted*, That there be appropriated as aforesaid, for refunding to the State of Michigan the amount advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States, during the late war with Mexico, \$20,000; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State, as presented and now on file in the office of the Third Auditor of the Treasury Department, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan: *Provided*, That the same principles be applied in the settlement of the claims of the State of Alabama, and all other States, for moneys advanced in raising, subsisting, and transporting troops for the Mexican war."

The Committee of Conference further recommended that the Senate do recede from its following amendments, viz:

5th amendment. The Senate's 5th amendment was to strike out "5" and insert "8" in the following clause:

"For transportation of the army, including the baggage of the troops when moving either by land or water; of clothing, camp, and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and army depots; of subsistence from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance, \$1,500,000"—

So that the appropriation should be "\$1,800,000" instead of "\$1,500,000."

6th amendment. The 6th amendment was to strike out "65" and insert "95" in the following clause:

"For ordnance stores and supplies, as follows: For procurement of side-arms and accoutrements for artillery, infantry, cavalry, and riflemen; materials for and preparation of siege and field ammunition; wages of mechanics engaged in making carriages, implements, equipments, harness, &c.; and for purchase of miscellaneous supplies of ordnance stores for issue to the army, \$65,000."

8th amendment. Insert as follows:

"For completing the survey of a route from the valley of the Mississippi to the Pacific ocean, in addition to the balance unexpended under the act of the 3d of March, 1849, \$34,993."

10th amendment. Insert as follows:

"For armament of fortifications \$100,000; of which \$50,000 shall be applied to the purchase and fabrication of guns of the heaviest caliber, with their carriages and equipments for the defense of the Pacific coast of the United States."

11th amendment. Insert after the the following clause—

"For completing the light-house at Sand Key, Florida, \$44,127 81"—

the following words:

"And the construction of said work shall be continued and completed under the Topographical Bureau, by J. W. P. Lewis, who has hitherto had charge of it; and so much of any act of Congress as requires that an officer of the Army shall be employed in constructing said work be, and the same is hereby, repealed."

13th amendment. Strike out the following section—

"Sec. 3. *And be it further enacted*, That so much of the act making appropriations for the support of the Army for the year ending June 30, 1851, approved September 28, 1850, as provides extra pay to the commissioned officers and enlisted men of the United States serving in Oregon or California, be, and the same is hereby, continued in force for

one year from the 1st day of March, 1852; and that the provision of the last-mentioned act be, and is hereby, extended to New Mexico during the current year, provided for by this section, and that \$300,000 be, and is hereby, appropriated for that purpose: *Provided further*, That said officers and men shall receive only one half of the increased amount over the regular pay allowed by law"—

and insert in lieu thereof the following:

"That for extra pay to commissioned officers of the Army of the United States, serving at posts west of the States of Missouri and Arkansas, and in the eighth, ninth, tenth, and eleventh military departments, \$226,865, on the following basis, to wit:

"That there shall be allowed to all commissioned officers \$1 50 per day, in addition to their present pay and allowances."

18th amendment. Insert as follows:

"Sec. 8. *And be it further enacted*, That the Secretary of War be directed to procure a sufficient number of camels to ascertain whether or not they can be naturalized and rendered serviceable upon this continent, and that the sum of \$30,000 be appropriated for the purpose."

29th amendment. Insert as follows:

"Sec. 19. *And be it further enacted*, That from and after the passage of this act, the principal assistant in the Engineer Bureau of the War Department shall receive a compensation not less than that which the principal assistant in the Ordnance Bureau of the War Department now receives."

A message was here received from the Senate, by the hands of Mr. DICKINS, its Secretary:

Mr. SPEAKER: The Senate have agreed to the amendment of this House to the bill of the Senate (No. 486) entitled "An act to constitute Alton, in the State of Illinois, a port of entry."

The Senate have agreed to the reports of the Committees of Conference, on the disagreeing votes of the two Houses on the bills of the following titles, viz:

"H. R. No. 314. An act establishing certain post roads."

"H. R. No. 220. An act making appropriation for the support of the Army for the year ending 30th June, 1853."

Mr. BAYLY, of Virginia. In the civil and diplomatic appropriation bill, which has just been passed, there is a verbal error concerning an honorable member of this House, which was not brought to my notice until this very moment. As chairman of the Committee on Foreign Affairs, by the direction of that committee, I moved an appropriation to our colleague [Mr. INGERSOLL] for pay as Chargé d'Affaires, from August to January, which covered the period when there was no minister there, and whilst he acted as such. By a mistake of the Clerk, it was made from August till May. It ought to be August till January. There will be no error in the settlement of the accounts, but I desire to make this statement in his justification.

Mr. JONES, of Tennessee. That bill has not yet been reported as correctly enrolled, and I move that the error be corrected.

There was no objection, and it was so ordered. The report of the Committee of Conference on the Army bill was then adopted.

Mr. JONES, of Tennessee. I move to reconsider that vote, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. JONES. I submit the following resolution:

*Resolved*, (with the concurrence of the Senate,) That the 17th joint rule of the two Houses be suspended for the remainder of the present session, so far as relates to the appropriation, light-house, and post road bills.

The 17th rule reads, as follows:

"No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation on the last day of the session."

The resolution was adopted.

Mr. STANTON, of Kentucky. I am directed by the Committee on Printing to move to take up a joint resolution from the Senate, which provides that the Clerk of the House, the Secretary of the Senate, and the clerk of the Committee on Printing, shall, during the recess, audit and settle the accounts of the public printer. If the resolution be not passed, it will impose upon the Committee on Printing the necessity of remaining here during the recess to settle and adjust those accounts. I move the resolution be taken up and passed.

There was no objection, and the resolution was taken up for consideration.

The Clerk read the resolution, as follows:

S. 61. Joint resolution relating to the printing of Congress during the recess:

*Resolved*, That the Secretary of the Senate, the Clerk of the House, and the Clerk of the Committee on Printing, jointly, be, and they are hereby, authorized to examine, audit, and pass upon all accounts for printing and binding, during the recess of the present Congress, in the same manner as is done by the Committee on Printing during the session of Congress.



Mr. STANLY. I shall be glad to know to what printing that refers?

Mr. STANTON. All the printing under the contract with Mr. Hamilton.

Mr. STANLY. Are they to settle Mr. Ritchie's accounts also?

Mr. STANTON. Not at all; they are settled in the civil and diplomatic appropriation bill.

The resolution was read a second time.

Mr. STANLY. I should like to know what are the duties of the Superintendent of the Public Printing if he has no control over this matter?

Mr. STANTON. His duties are created under the law we passed a few weeks ago. The settlement of the accounts under the old law, applicable to Mr. Hamilton alone, is all these gentlemen will have to do.

Mr. STANLY. I think that the Superintendent ought to have a command over these accounts, because these clerks cannot understand the *hocus* focus of this act.

Mr. STANTON. The clerk of the Committee on Printing is a practical printer.

Mr. STANLY. Very well, sir.

The question was taken, and the resolution was adopted.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following, which received the signature of the Speaker:

An act to constitute Alton, in the State of Illinois, a port of delivery.

Mr. HOUSTON. I move that the bill which has just been reported from the Committee on Enrolled Bills, be included in the resolution for the suspension of the 17th rule.

There was no objection, and it was so ordered.

#### NAVAL APPROPRIATION BILL.

Mr. PHELPS. I beg leave to submit the following report from the Committee of Conference on the naval appropriation bill:

The Committee of Conference on the disagreeing votes of the two Houses on the bill (H. R. 240) "making appropriations for the naval service for the year ending the 30th of June, 1853," having met, and after full and free conference, have agreed to recommend, and do recommend, to the respective Houses as follows:

That the Senate recede from their amendments numbered 7, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, and 42.

And that the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 12, 37, 38, 40, 43, and 44.

And that the two Houses agree to the 2d amendment of the Senate, amended as follows, to wit: In the 9th and 10th lines of said amendment strike out the words, "during the late war with Mexico, and since that period," and insert instead thereof, "since the 28th of September, 1850;" and in the 33d line, strike out "twelve hundred," and insert in lieu thereof, "one thousand."

And that the two Houses agree to the 3d amendment of the Senate with the following amendments: In line 8, strike out "fifteen hundred," and insert "one thousand;" and in line 11, strike out "nine," and insert "eight."

That the Senate recede from its 8th amendment, and that the two Houses agree to amend the clause mentioned in said Senate's amendment by striking out of the 11th and 12th lines the words "this House," and inserting in lieu thereof "Congress."

That the Senate recede from their 41st amendment, and that the two Houses agree to strike out of the second section all after the word "repealed," in the 8th line, and the whole of the third section.

That the House recede from its disagreement to the 45th amendment of the Senate, and that the two Houses agree to amend the said amendment by striking out of the 6th line the words "and the city post office."

And that the House do recede from its disagreement to the 46th amendment of the Senate, and that the two Houses agree to amend the same by inserting in the 1st line thereof, after the word "enacted" the following provision, to wit: "That Robert Armstrong, the public printer, be, and is hereby, directed to execute, without delay, the public printing ordered by either House of Congress since his election as public printer."

JOHN S. PHELPS,  
FRED. P. STANTON,  
THADDEUS STEVENS,  
Conferees on part of the House.  
S. R. MALLORY,  
J. A. PEARCE,  
I. TOUCEY,  
Conferees on part of the Senate.

#### Amendments of the Senate to be receded from.

7th. After the following clause—

"For the repairs and erection of buildings at the United States Naval Academy at Annapolis, Maryland, \$38,000"—insert the following:

"For the purchase of ground adjoining the premises occupied by the Naval Academy, extension of walls and making new street and wharf, and changing the front of buildings, \$32,000."

11th. After the following—

"For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing

and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges advocates, pilotage and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of the United States Navy in foreign ports, \$527,840"—

insert the following:

"For contingent expenses not enumerated, \$5,000."

13th. In the following clause, after "29"—

"Portsmouth, New Hampshire: For building timber shed No. 29, foundation for shores at railway, drains, gutters, and paving, and repairs of all kinds, \$35,041 23"—

insert:

"Coopers' shop and watchman's quarters, quay walls north and south of basin."

14th. In the same clause strike out "\$35,041 23," and insert "\$81,120 28."

15th. In the following clause, after the words "muster office"—

"Boston, Massachusetts: For rain-water cistern, pitch house, and oakum-loft, muster office, and repairs of all kinds, \$28,100"—

insert the following:

"Coal-house, pier-wharf, grading, and paving, rebuilding smithery."

16th. In the same clause, strike out "\$28,100" and insert "\$74,500 25"

17th. In the following section—

"New York, New York: To complete saw-mill, quay-wall, dredging channels, water tank and lighter, gas pipes and fixtures, lightning conductors, continuation of sewer, machinery, &c., for engine house, and repairs of all kinds, \$126,800"—

after the word "complete" insert "commander's house," &c. After the word "saw-mill" insert "house for officers, lime, pitch, and coal house, coal wharf and piers."

18th. In the same clause, after the words "engine house" insert "paving gutters and flagging, filling in timber pond and new purchase."

19th. In the same clause, strike out "\$126,800" and insert "\$240,550."

20th. In the following section—

"Philadelphia, Pennsylvania: For shed to cover north railway, covering to south railway, steam-box and pitch kettles, mooring anchors for dry dock, dredging channel, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf No. 3 to ship-house, paving between ways of docks, paving between timber sheds, completing gutters and drains, completing shed No. 5, extending gas pipes, &c., extending water pipes one thousand feet, and repairs of all kinds, \$23,517 20"—

after the words "dredging channel," insert "extension of pier wharf No. 4, filling up and grading."

21st. Strike from the above clause the words "twenty-eight thousand five hundred and seventeen" and insert "fifty-nine thousand two hundred and forty-eight."

22d. In the following section—

"Washington, District of Columbia: For completing ordnance building No. 11, fitting up timber dock, completing saw-mill, completing copper rolling-mill, completing railway, completing side lathes in machine shop, and repairs of all kinds, \$123,778"—

after the word "railway," insert "commander's house, converting ordnance shop to fitting shop, &c., stone wharf on south part of yard."

23d. Strike from the same clause "23,778," and insert "61,433."

24th. In the following section—

"Norfolk, Virginia: For storehouse No. 14, wharf north side of timber dock, culvert, dredging machine, and repairs of all kinds, \$80,732 20"—

after the word "fourteen," insert "extending quay wharves, completing timber dock, building for offices, paving from gate to ship-house, grading and filling."

25th. Same clause, strike out "\$80,732 20," and insert "\$170,342 23."

26th. In the following clause—

"Pensacola, Florida: Towards completing permanent wharf, to complete guard-house and kitchen, to complete yard railway and repair old track, to complete extension of

central wharf, to rebuild east wall of cistern No. 26, for ice-house, repairs of cisterns Nos. 14 and 25, and repairs of all kinds, \$88,944"—

after the words "central wharf," insert "wharf on east side of yard, extension of smithery and machine-shop, four new forges and chimneys."

27th. Strike out all after the word "kinds" to the word "dollars" inclusive, and insert, 162,782."

28th. In the following clause—

"Memphis, Tennessee: For pavements, drains, and ditches, cisterns for ropewalk, hemp-house, storehouse (one wing) complete, railing for vertical wall, and repairs of all kinds, \$47,043 35"—

after the word "wall," insert "excavation and embankment, stable and fences to commandant's house."

29th. Strike out from the same clause the words \$47,043 34," and insert "\$67,859 28."

30th. After the following clause—

"Sackett's Harbor, New York: For repairs of all kinds, \$500"—

add the following:

"For the purchase of land known as the Edwards Estate, being about six acres, adjoining the navy-yard at Gosport, Virginia, \$9,000, to be expended under the direction of the Secretary of the Navy, when a valid title shall be given for the same, and the assent for the transfer to the United States obtained from the Legislature of Virginia."

31st. From the following clause—

"At New York: For fence round garden, repairs of buildings, painting, whitewashing, clearing up grounds, &c., at hospital, and for completing fence and wall around the burial ground, \$8,993"—

strike out "\$8,993," and insert "\$18,151."

32d. In the following clause—

"At Philadelphia Naval Asylum: For introducing gas, painting main building inside, repairing and painting wall, repairs to roof and dome, cleaning and whitewashing, cleaning and repairing grates and ranges, water tax, shade trees, and repairs of all kinds, \$5,666"—

after the word "wall," insert "tax on wharf, paving street."

33d. From the same clause strike out "\$5,666," and insert "\$10,024."

34th. From the following clause—

"At Norfolk: For repairs of hospital and dependencies, \$5,000"—

strike out "\$5,000," and insert "\$12,168 90."

35th. From the following clause—

"At Pensacola: For draining and filling up ponds, &c., \$2,000"—

strike out "\$2,000," and insert "\$24,487."

36th. Under the head of "Marine Corps," add the following:

"For pay and allowances, as waiting orders, to the officers of the Marine Corps, who were disbanded under the order of the Navy Department of the 18th of August, 1848, from the period of their disbandment until their restoration under the act of March 3d, 1849, \$8,000; and the said officers shall be considered as having the same rights, in regard to rank, pay, and emoluments, and in all other respects as if they had not been out of service."

39th. Add at the end of the appropriations for the Marine Corps, the following:

"For compensation to Lieutenant Raphael Semmes, for service in continuing the survey of the coast on the Gulf of Mexico, from Appalachicola Bay to the Mississippi river, \$1,164 10, to be paid out of the balance appropriated for that purpose by the act approved March 3d, 1841, and which has been carried to the credit of the surplus fund."

42d. Add at the end of the bill the following:

SEC. 2 And be it further enacted, That the proper accounting officers of the Treasury be, and they are hereby, directed to credit the medical officers of the Navy, who, by order of the Department, served with a detachment of marines in Mexico, during the late war with that Republic, in addition to the pay to which they are entitled as medical officers of the Navy, respectively, the same allowances for rations, servants, and forage, in proportion to the time they so served, as are allowed to officers of the Army of similar standing: *Provided*, That the officers of the Medical Corps of the Navy, and pursers of the Navy, of less than twelve years' standing, shall rank with lieutenants; and that medical officers and pursers of more than twelve years' standing shall rank with commanders, but shall take no precedence of commanders: *Provided, further*, That in no case shall officers of either corps take any command over officers of the line of the Navy."

And that the House recede from its disagreement, and agree to the amendments of the Senate numbered as follows:

1st. Strike from the following clause—

"For pay of commission, warrant, and petty officers, and seamen, including the Engineer Corps of the Navy, \$2,771,448"—

the words "\$448," and insert "\$698."

"*Provided*, That from and after the 1st day of July, 1852, the salary of the Secretary of the Naval Academy at Annapolis shall be \$1,250 per annum."

4th. After the following clause—

"For provisions for commission, warrant, and petty of-

ficers and seamen, including engineers and marines attached to vessels for sea service, \$586,300."—

add the following:

"It being provided that so much of the act approved March 3d, 1851, entitled 'An act making appropriations for the naval service for the year ending the 30th of June, 1852,' as provides that 'no commutation of rations shall be allowed, except to officers and their attendants, and for the spirit part of the ration,' be, and the same is hereby, repealed.

"For a scientific investigation and experiments upon the character of alimentary substances used as subsistence in the Navy, and means to prevent their deterioration, \$2,500; to be expended under the direction of the Secretary of the Navy."

5th. After the following clause—

"For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, \$1,065,000"—

add the following:

"And the Secretary of the Navy be, and he is hereby, authorized and required to have completed, with the least possible delay, the war-steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress approved April 14th, 1842; and the balance of the appropriation heretofore made, which has been carried to the credit of the surplus fund, shall be used for that purpose."

12th. After the following clause—

"For meteorological observations, to be conducted under the directions of the Secretary of the Navy, \$2,000"—

add the following:

"For the payment of the salary of Professor James P. Espy during the fiscal year ending June 30th, 1848, no appropriation having been made by Congress for that year, \$2,000."

37th. After the appropriations for the Marine Corps, add the following:

"For purchase and freight to San Francisco of patent black marine paint for painting the interior of the sections and end floats of the California dry-dock, \$1,500."

38th. Add at the end of the above, the following:

"For a deficiency in the act making appropriations for the naval service for the year ending 30th of June, 1850, approved 3d March, 1849, for paying the unsatisfied demands upon the fund for continuing the survey of the coast on the Gulf of Mexico, from Appalachicola Bay to the Mississippi, \$2,110 62; to be taken out of the balance of the fund appropriated for that purpose by the act of 3d of March, 1849, and which has been carried to the credit of the surplus fund."

40th. After the second section, add the following:

"For the building or purchase of suitable vessels, and for prosecuting a survey and reconnaissance for naval and commercial purposes, of such parts of Behring's Straits, of the north Pacific ocean, and of the China seas, as are frequented by American whaling ships and by trading vessels in their routes between the United States and China, under the direction of the Secretary of the Navy, the sum of \$125,000: *Provided*, That the expense of purchasing or building and of equipping, with the exception of the armament, and of fitting out these vessels, shall not exceed the sum hereby appropriated."

43d. Add as an additional section the following:

"Sec. 3. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, authorized and directed to select a site for a navy-yard and naval depot in the Bay of San Francisco, or in California, or neighboring waters, either by purchase or by reservation of public lands, as the case may be, and shall cause the same to be surveyed, and a plat thereof to be recorded in proper form; and when such section shall have been made, the said Secretary shall make such arrangements as may be necessary to establish a navy-yard and naval depot upon the most approved and economical plan on the site so obtained, and cause to be erected a foundry, machine shop, blacksmith shop, boiler shop, engine-house, pattern shop, carpenter shop, and store house; and for the purpose of carrying this section into effect, the sum of \$100,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated."

44th. Add the following new section:

"Sec. 4. *And be it further enacted*, That the Secretary of the Navy be, and he is hereby, directed to appoint some suitable naval officer or engineer to receive and superintend the construction of the floating dry-dock in California."

And that the two Houses agree to the second amendment of the Senate, amended as follows, to wit: In the 9th and 10th lines of said amendment strike out the words "during the late war with Mexico, and since that period," and insert instead thereof, "since the 28th of September, 1850;" and in the 33d line strike out "1,200," and insert in lieu thereof, "1,000,"—so that the clause will read:

"And the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow and pay, out of any money in the Treasury not otherwise appropriated, to the officers, petty officers, seamen, and marines of the United States Navy, and to the officers and men of the revenue service who served in the Pacific ocean on the coast of California and Mexico, since the 28th day of September, 1850, the same increased or additional compensation as has been by law directed to be paid to the officers

and soldiers of the Army who served in California; and the several officers who served on the late Arctic expedition in search of Sir John Franklin shall, in addition to the pay with which they have already been credited, be allowed for the period during which they so served, the following compensation respectively, namely: the commander of the expedition the pay of a commander; the passed midshipmen the pay of lieutenants; the passed assistant surgeon the pay of a fleet surgeon; the assistant surgeon the pay of a surgeon; the midshipmen the pay of passed midshipmen—all as on sea service; and that there be allowed to the warrant officers, and to the petty officers and men that composed the crews of the vessels employed on that expedition, extra pay equal to the regular pay with which they have been credited for their services on the said expedition; and the pay of chaplains in the Navy shall be \$1,000 on leave or waiting orders, and \$1,500 while on duty."

And that the two Houses agree to the 3d amendment of the Senate with the following amendments: In line 8, strike out "1,500" and insert "1,000;" and in line 11, strike out "9" and insert "8"—so that the clause will read:

"And the salary of the assistant to purser for the navy-yard at Kittery, Maine, who also discharges the duties of clerk and steward, shall be \$750; and the pay of the 'first clerk to the commandant' at the navy-yards at Norfolk, New York, and Boston, shall be at the rate of \$1,000 per annum; and that the 'second clerk of the commandant' at the same yards shall be at the rate of \$800 per annum from and after the passage of this act."

That the Senate do recede from its 8th amendment, which is as follows:

From the following clause—

"To complete the quarters for the students and professors at the Naval Academy at Annapolis, the sum of 75,000 dollars. And hereafter no appointment of midshipman, acting midshipman, or pupil at any naval school in the Navy, shall be made unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed; and that the Secretary of the Navy is hereby required to report to this House, at its second session, the number and names of appointments to the Naval School which have been made; and the district and State whence each one comes; and the number of vacancies then existing at said school, with the Congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances"

strike out all after the word "dollars," and that the two Houses agree to amend the clause mentioned in the Senate's amendment, by striking out of the 11th and 12th lines, the words "this House," and inserting in lieu thereof "Congress," so that it will read:

"And hereafter no appointment of midshipman, acting midshipman, or pupil at any Naval School in the Navy, shall be made, unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed; and that the Secretary of the Navy is hereby required to report to Congress, at its second session, the number and names of appointments to the Naval School, which have been made; and the district and State whence each one comes; and the number of vacancies then existing at said school, with the Congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances."

That the Senate recede from their 41st amendment, which is as follows:

"Strike out sections two and three, which are as follows:

"Sec. 2. *And be it further enacted*, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Navy Department, repealed; and no portion of the money appropriated by this act shall be applied to the payment of any expenses incurred prior to the 1st day of July, 1852."

"Sec. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to appoint commanders in the Navy, as well as captains, for chiefs of the bureaus of navy-yards and docks, and of ordnance and hydrography, and of construction, equipment, and repair."

And that the two Houses agree to strike out of the second section all after the word "repealed" in the 8th line, and the whole of the third section, so that it will read:

"Sec. 2. *And be it further enacted*, That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Navy Department, repealed."

That the House recede from its disagreement to the 45th amendment of the Senate, which is as follows:

"Add to the bill the following:

"Sec. 5. *And be it further enacted*, That the percentage added by law to the pay of the clerks employed in the executive and legislative departments of Washington, be, and is hereby, allowed to the clerks employed at the navy-yard and marine barracks, and the city post office, in the city of Washington."

And that the House do recede from its disagreement to the 46th amendment of the Senate, which is as follows:

"Add as an additional section:

"Sec. 6. *And be it further enacted*, That all paper used by the public printer for the space of sixty days from this date shall be furnished by him at cost, and shall be of the quality and description specified in the law passed at this session of Congress."

And that the two Houses agree to amend the same by inserting in the first line, after the word "enacted," the following, to wit:

"That Robert Armstrong, the public printer, be, and is hereby, directed to execute, without delay, the public printing ordered by either House of Congress since his election as public printer, and"—

so that the clause will read:

"Sec. 6. *And be it further enacted*, That Robert Armstrong, the public printer, be, and is hereby, directed to execute, without delay, the public printing ordered by either House of Congress since his election as public printer, and that all paper used by the public printer for the space of sixty days from this date shall be furnished by him at cost, and shall be of the quality and description specified in the law passed at this session of Congress."

Mr. PHELPS. I call for the previous question upon the adoption of the report.

The call for the previous question was seconded, and the main question was ordered to be put.

[A message was here received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had agreed to the report of the Committee of Conference on the naval appropriation bill.]

Mr. CARTER. I call for the yeas and nays upon the adoption of the report of the Committee of Conference on the naval appropriation bill.

Mr. STANTON, of Ohio. I desire to know whether, among the amendments adopted, there is one for fortifications?

Mr. PHELPS. There is not.

The yeas and nays were ordered.

The question was taken, and the report was adopted—yeas 92, nays 64; as follows:

YEAS—Messrs. Willis Allen, Allison, William Appleton, Ashe, Thomas H. Bayly, Bennett, Bowie, Breckinridge, Brooks, Burrows, Busby, E. Carrington Cabell, Caldwell, Chandler, Chapman, Clingman, Conger, George T. Davis, Dean, Dockery, Doty, Duncan, Edmondson, Evans, Ewing, Faulkner, Florence, Freeman, Henry M. Fuller, Gentry, Gilmore, Goodrich, Gorman, Hammond, Harper, Hart, Havas, Hascall, Haven, Holladay, Jackson, Robert W. Johnson, George G. King, Kuhns, Landry, Martin, McCormick, McMullin, Miller, Millson, Molony, Henry D. Moore, John Moore, Morehead, Outlaw, Samuel W. Parker, Peaslee, Penn, Phelps, Folk, Porter, Price, Reed, Richardson, Riddle, Robbins, Sackett, Schermerhorn, Schoolcraft, Schoonmaker, David L. Seymour, Skelton, Snow, Stanley, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, Stone, St. Martin, Strother, Stuart, Sutherland, Taylor, Thompson, Thurston, Walbridge, Walsh, Washburn, Wells, and Yates—92.

NAYS—Messrs. Charles Allen, Averett, Babcock, Barrere, Beale, Bibbighaus, Brenton, Albert G. Brown, Buell, Thompson Campbell, Carter, Caskey, Clark, Cleveland, Cobb, Curtis, Daniel, Dawson, Dimmick, Durkee, Eastman, Edgerton, Ficklin, Floyd, George, Hall, Hamilton, Isham G. Harris, Horsford, Howard, John W. Howe, Thomas Y. How, Ingersoll, Ives, Jenkins, Andrew Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Mann, Mason, McNair, McQueen, Morrison, Murray, Newton, Andrew Parker, Pennington, Perkins, Powell, Robie, Savage, Benjamin Stanton, Sweetser, Townshend, Tuck, Wallace, Watkins, Addison White, Wilcox, and Woodward—64.

So the report of the Committee of Conference on the naval appropriation bill was adopted.

Mr. PHELPS. I move to reconsider the vote just taken, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. JONES, of Tennessee. I move that the 17th rule be suspended on all bills passed up to this time.

There was no objection and it was so ordered.

Mr. CARTER. I wish the House would give their unanimous consent to a motion to furnish the Patent Office with ten thousand extra copies of the Patent Office Report. The provision for that purpose was accidentally omitted to be made. The motion provides only for the usual number.

There was no objection, and it was so ordered.

The following joint resolution was reported from the Committee on Enrolled Bills as correctly enrolled; which received the signature of the Speaker:

"A Joint Resolution relating to the printing of Congress during the recess."

Mr. JONES, of Tennessee. I would suggest the propriety of the House ordering the Executive reports and communications now lying upon the Speaker's table, to be printed. It will be recollected that a great many have never been presented to the House. I ask that no extra number shall be printed.

There was no objection and it was so ordered.

Mr. SEYMOUR, of New York. There was an Executive communication made to the Senate respecting the internal trade between this country and the British Provinces, and the fisheries, which interests the country very much, and I ask leave to introduce the following resolution providing for the printing of a number of copies for the use of members of this House:

*Resolved*, That five thousand extra copies of the report made to the Senate at the present session by Mr. Andrews, upon the internal trade of the United States and its connection with the trade of the British North American Provinces, and the fisheries, be printed for the use of this House.

There was no objection, and the resolution was introduced and then adopted.

Mr. FICKLIN. I ask the unanimous consent that I may present some two or three bills from the Committee on the District of Columbia, merely to have them referred and printed. It will take but a moment's time.

Mr. HART. I object. I have bills likewise which I desire referred.

Mr. PENN. I beg leave to make the following report from the Committee of Conference on the Post Office appropriation bill.

The Committee of Conference on the disagreeing votes of the two Houses on the bill of the House of Representatives, No. 241, making appropriations for the Post Office Department during the fiscal year ending 30th June, 1853, having met, and after full and free conference, have agreed to and do recommend to their respective Houses as follows, to wit:

That the House recede from their disagreements of the Senate, numbered 1, 2, 4, and 5.

THOS. J. RUSK,  
ALPHEUS FELCH,  
J. W. MILLER,  
A. G. PENN.,  
JAMES BROOKS.

The following are the amendments of the Senate, Nos. 1, 2, 4, and 5.

Sec. 1, page 3, after line 23, insert:

To enable the Postmaster General to contract for the transporting the mail by steamboat from the Lake House to New Iberia, on the route No. 6,116, from Donaldsonville to Washington, in the State of Louisiana, \$7,000.

Add the following as new sections:

Sec. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, whenever he shall deem it discreet, to dispense with the route agents now sent with the mails from New York to California, and in lieu thereof to appoint not more than two resident agents to take charge of the mail service across the Isthmus of Panama, and to allow said agents for salary and personal expenses, not exceeding \$3,000 per year for each of such agents, which shall be paid out of the amount annually appropriated for the transportation of the mails.

Sec. 4. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, if he shall deem it proper, to advertise for, and establish service upon the regular mail route between New Orleans and certain Gulf ports of Florida.

Sec. 5. *And be it further enacted*, That the Postmaster General is authorized to contract with the Ocean Steam Navigation Company for one additional trip on the Havre line, and one additional trip on the Bremen line, until the expiration of their existing contract, receiving and delivering mails at Southampton, Cowes, or Plymouth, as the Postmaster General may direct, according to such schedule as shall be prescribed by the Postmaster General, in order thereby to maintain through such lines, and the Collins line, a regular weekly communication by American mail steamers, between the United States and the United Kingdom of Great Britain and Ireland; but the compensation for such additional trips shall not exceed the compensation allowed for each trip under the said existing contract: *And provided further*, That the Postmaster General shall be, and he is hereby, authorized, in his discretion, to negotiate with the contractors for changing the terminus of the Havre line, from Havre to Antwerp, in Belgium, and to make an agreement for such change, if he shall think proper, but the increased compensation to be allowed for such change shall be limited to a *pro rata* allowance for the increased distance.

Mr. PENN. I demand the previous question on the adoption of the report.

The previous question was seconded, and the main question ordered.

The question was then taken upon agreeing to the report of the Committee of Conference, and it was decided in the affirmative.

Mr. CLINGMAN moved to reconsider the vote by which the report of the Committee of Conference was agreed to, and to lay the motion to re-

consider upon the table; which latter motion was agreed to.

Mr. CHANDLER. I rise to ask the unanimous consent of the House to take up from the Speaker's table the bill relating to the accounts of Purser Speiden. Much distress will follow our neglect to pass it. It only asks for the exercise of justice by the Department, and I hope the House will indulge me in taking it up.

[Cries of "Agreed!" "Agreed!" "Agreed!"]

The bill was then reported as follows: Senate bill No. 217 for the relief of William Speiden.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills: "An act making further provisions for the satisfaction of Virginia military land warrants;" and also "An act making an appropriation for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes;" which severally received the signature of the Speaker.

Mr. HOUSTON. I would like to ask the gentleman from Pennsylvania [Mr. CHANDLER] a question. It seems to me that the bill for the relief of Purser Speiden is covered in the military appropriation bill which passed this morning. We have an amendment to the law of 1849, which authorizes all persons who collected military contributions in California, or in that range of country, during the war to come forward and make settlement. It covers all cases.

Mr. CHANDLER. I think that it does not reach this case, and if it did, it would do no harm to pass the bill.

Mr. JOHNSON, of Arkansas. I wish simply to say this in regard to the measure. If, as the gentleman from Alabama [Mr. HOUSTON] says, this case is covered by a provision in the Army bill, then this is but an accumulative remedy. I do not believe that this case is covered. This is a bill which deserves to be passed. It has been passed long since in the Senate, and it is now before the House, and I hope gentlemen, by making a contest about it, will not consume more time than is necessary for the subject. I call the previous question.

Mr. HOUSTON. I would ask whether the collector in this instance has paid money into the Treasury?

Mr. KING, of New York. I rise to a point of order. This bill makes an appropriation. By unanimous consent it was taken up, and the House has discovered what it is. The rules require that it should first be considered in Committee of the Whole. It makes an appropriation of a special amount, and such bills ought not to be passed in this way without anything being known of them by the House.

Mr. CHANDLER. I beg leave to say, that this bill has undergone the closest investigation here by the Senate, and is recommended by the accounting officers of the Department.

The SPEAKER. Before the bill can be passed it must go to a committee.

Mr. CHANDLER. I move that the rules of the House be suspended which require the bill to be first considered in a Committee of the Whole House.

Mr. STANTON, of Ohio. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. CHANDLER's motion, and there were—yeas 94, nays 58; as follows:

YEAS—Messrs. Aiken, Willis Allen, William Appleton, Thomas H. Bayly, Bibbhaugh, Bocoek, Bowie, Bowne, Bragg, Brenon, Brooks, Albert G. Brown, George H. Brown, Burrows, Caldwell, Thompson Campbell, Caskie, Chandler, Clingman, Curtis, Daniel, George T. Davis, Dimmick, Disney, Dockery, Doty, Edgerton, Edmundson, Evans, Florence, Henry M. Fuller, Gentry, Goodenow, Goodrich, Green, Grey, Hall, Hammond, Harper, Hart, Haws, Haven, Hebard, Holladay, Howard, Ingersoll, Jackson, John Johnson, Robert W. Johnson, George G. King, Kuhns, Lockhart, McQueen, Meade, Miller, Milson, Minner, Molony, J. Moore, Outlaw, S. W. Parker, Peaslee, Penn, Pennington, Phelps, Polk, Porter, Richardson, Robbins, Ross, Savage, Schermerhorn, Schoolcraft, Scurry, David L. Seymour, Stanley, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, St. Martin, Strother, Sweetser, Taylor, Thurston, Tuck, Walbridge, Wallace, Washburn, Watkins, Addison White, Wilcox, Woodward, and Yates—94.

NAYS—Messrs. Allison, Averett, Babcock, Barrere, Busby, Lewis D. Campbell, Carter, Chapman, Chastain, Churchill, Clark, Cleveland, Cobb, Conger, Dawson, Dean, Durkee, Eastman, Faulkner, Floyd, Freeman, Gorman, I. G. Harris, Hascall, Henn, Horsford, Houston, J. W.

Howe, T. Y. How, Ives, Jenkins, D. T. Jones, J. Glancy Jones, Preston King, Kurtz, Letcher, Mann, Martin, Mason, McCorkle, McMullin, McNair, Morehead, Morrison, Murphy, Murray, Andrew Parker, Perkins, Powell, Reed, Riddle, Robie, Schoonmaker, Skelton, Benjamin Stanton, Stuart, Townshend, and Wells—58.

So the House refused to suspend the rules.

REPORTING.

Mr. STANTON, of Tennessee. According to my recollection, there was a motion submitted last night to suspend the rules.

The SPEAKER. The Chair stated this morning, that there was a motion lying over to suspend the rules.

Mr. MANN. I call for the consideration of the resolution.

The SPEAKER. The resolution will be reported.

Mr. KING, of New York. I would inquire whether the bill introduced by the gentleman from Pennsylvania [Mr. CHANDLER] goes to a Committee of the Whole House.

The SPEAKER. It goes back to the Committee on Naval Affairs.

[A message was here received from the Senate by the hands of ASBURY DICKINS, Esq., its Secretary, agreeing to a joint resolution, with an amendment, suspending the 17th joint rule.]

The SPEAKER. The Chair hopes that the House will adopt the amendment, as it is necessary for the bill to be signed by the President.

The joint resolution was then read as follows:

"*Resolved*, (with the concurrence of the Senate,) That the 17th rule of the two Houses be suspended for the remainder of the present session, so far as relates to the appropriation bills for light-houses and post roads, and to constitute Alton, in the State of Illinois, a port of delivery."

The Senate amendment was then read, as follows:

"*Resolved*, That the Senate agree to this resolution with the following amendment: Add also the bills No. 222, 240, 241, and 314, making appropriations for the Army, Navy, Post Office, and the establishment of post roads."

The question was then taken upon concurring in the resolution as amended by the Senate, and it was decided in the affirmative.

Mr. FAULKNER. Mr. Speaker, I desire—

The SPEAKER. There is a proposition pending to suspend the rules lying over from yesterday. The gentleman from Massachusetts [Mr. MANN] moves to suspend the rules for the purpose of introducing the following resolution:

*Resolved*, That William W. Curran be, and he is hereby, appointed, from and after the present session of Congress, Reporter for the House of Representatives, with authority to associate six assistants; that his annual compensation shall be the same as that of the principal clerk in the Clerk's office of this House; and the compensation of the assistant reporters shall be the same as that of the assistant clerks in the Clerk's office; to be paid out of the contingent fund of the House: *Provided*, That before this resolution shall take effect the Clerk of the House shall have procured from John C. Rives such a modification of his contract for reporting and printing the proceedings and debates of the House as to relinquish, of the price now paid him, the sum of \$3.50 per column.

Mr. JONES, of Tennessee. That is too important a measure to be adopted at this stage of the session. I hope that the rules will not be suspended. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND. I wish to make a report from the Committee on Printing. The engravings connected with the publication of the Patent Office Report have not been provided for in the publication of the work.

The SPEAKER. The Chair understands that the Patent Office Report has been ordered to be printed without the order for the engravings. Unless objection is made, the neglect will be remedied, and the order accordingly made:

There was no objection.

The question was then taken on the proposition to suspend the rules to admit Mr. MANN's resolution, and there were—yeas 73, nays 62, as follows:

YEAS—Messrs. Charles Allen, Willis Allen, Allison, William Appleton, Thomas H. Bayly, Beale, Bennett, Albert G. Brown, Busby, Lewis D. Campbell, Carter, Chandler, Chapman, Dawson, Dean, Disney, Doty, Durkee, Eastman, Edgerton, Edmundson, Florence, Freeman, Henry M. Fuller, Gentry, Gilmore, Goodenow, Goodrich, Gorman, Hart, Hascall, Hearn, Howard, John W. Howe, Thomas Y. Howe, Andrew Johnson, Robert W. Johnson, J. G. Jones, G. G. King, Mann, Martin, McCorkle, McQueen, Meade, Milson, Molony, H. D. Moore, Newton, Outlaw, Pennington, Perkins, Price, Reed, Riddle, Sackett, Schermerhorn, Schoonmaker, Skelton, Snow, Frederick P. Stanton, Abraham P. Stephens, Thaddeus Stephens, Strother, Taylor, Townshend, Tuck, Walbridge, Walsh, Washburn, Watkins, Wells, Addison White, and Woodward—73.



**NAYS**—Messrs. Aiken, Averett, Barrere, Bibbighaus, John H. Boyd, Brenton, George H. Brown, Burrows, Caldwell, Thompson Campbell, Caskie, Chastain, Churchwell, Clark, Clingman, Conzer, Daniel, John G. Davis, Dimmick, Dockery, Duncan, Ficklin, Floyd, Hall, Hamilton, Hammond, Isham G. Harris, Haws, Haven, Hebard, Hubbard, Holladay, Houston, Jackson, Jenkins, John Johnson, Daniel T. Jones, George W. Jones, Preston King, Kuhns, Kurz, Landry, Mason, Morehead, Murphy, Murray, Andrew Parker, Samuel W. Parker, Peaslee, Penn, Phelps, Richardson, Robbins, Robie, Ross, Savage, Schooncraft, David L. Seymour, Stanly, Stuart, Sweetser, and Wilcox—62.

So (two thirds not voting in the affirmative) the rules were not suspended.

#### EXPENSES OF CONTESTED ELECTION.

**Mr. ROBBINS.** I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That the Clerk of the House be directed to pay to William Galloway, Esq., \$200, in full for his services as commissioner to take testimony in the contested election case from the fourth Congressional district of Pennsylvania in the Thirty-first Congress.

**Mr. HAMILTON.** That resolution was passed upon by the Committee on Elections; and I will state to the House that this commissioner was ordered to take the evidence by the House.

**Mr. JOHN W. HOWE.** I object to the resolution, and call the gentleman from Maryland to order.

**Mr. JONES, of Tennessee.** I move to suspend the rules, to enable the gentleman from Pennsylvania to offer his resolution.

The question was then taken on Mr. JONES's motion, and it was decided in the affirmative.

So the rules were suspended.

The question recurred upon the adoption of the resolution.

**Mr. GAMBLE.** I desire to offer an amendment to the resolution, which I send to the Clerk's desk.

The Clerk proceeded to read the amendment, as follows:

*Resolved*, That the Sergeant-at-Arms be directed to pay to Hendrick B. Wright, the contestant—

**Mr. JONES, of Tennessee, (interrupting.)** I object to that amendment.

**Mr. GAMBLE.** I have a right to offer it.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. ROBBINS] yield the floor to his colleague to offer the amendment?

#### WIDOW OF MAJOR GENERAL WORTH.

**Mr. POLK.** I ask the gentleman from Pennsylvania [Mr. ROBBINS] to yield me the floor for one moment.

**Mr. ROBBINS.** I yield the floor to the gentleman from Tennessee.

**Mr. POLK.** I think that in the closing hours of this session, it becomes this House to pay a tribute of respect to the noble dead. I therefore move, with the permission of the gentleman from Pennsylvania, that the House recede from its amendment to the bill granting a pension to the widow of Major General Worth. I hope the House will agree to it.

**Mr. CARTTER.** So do I.

The SPEAKER. Is it the unanimous consent of the House that the motion be entertained?

**Mr. HARRIS, of Tennessee.** I object.

**Mr. POLK.** I desire, the floor having been yielded to me, and objection having been made from a quarter where I did not expect it, to move to suspend the rules to enable me to submit the motion.

The SPEAKER. The gentleman from Pennsylvania [Mr. ROBBINS] is entitled to the floor.

**Mr. POLK.** The gentleman from Pennsylvania has given me the floor for this special purpose, and I hope the Speaker will not extort for him a right which he does not claim.

The SPEAKER. The Chair will execute the rule precisely as he understands it. The Chair understands the gentleman from Pennsylvania [Mr. ROBBINS] to yield the floor for a suggestion, or explanation, and not for a motion.

**Mr. ROBBINS.** I must insist on my resolution, and I call the previous question.

The SPEAKER. Does the gentleman from Pennsylvania yield for the amendment of his colleague?

**Mr. ROBBINS.** No, sir, I do not.

The previous question was then seconded, and the main question ordered.

**Mr. GAMBLE.** I think there has been some mistake. I understood my colleague to yield me the floor to offer that amendment, and I hope it will be received.

The SPEAKER. It would require unanimous consent now, the main question having been ordered. Is it the pleasure of the House that the amendment be received?

**Mr. HARRIS, of Tennessee.** I object to the introduction of the amendment.

**Mr. GAMBLE.** I offered my amendment before the previous question was seconded.

The SPEAKER. It was at the mercy of the gentleman's colleague, and his colleague declined to yield the floor for the amendment to be offered.

**Mr. GAMBLE.** I believe my colleague agrees to the amendment.

**Mr. ROBBINS.** I have no objection to it.

**Mr. LETCHER.** I have; and I object to its reception.

The question was then taken on Mr. ROBBINS's resolution, and it was adopted.

#### JAMES POOLE.

**Mr. PHELPS.** I ask the unanimous consent of the House to submit a motion to take up joint resolution from the Senate No. 57, it being a joint resolution directing a settlement of the accounts of James Poole, who was employed as a blacksmith in the service of the Indian Department. I have examined the matter myself, and am satisfied that the claim is a just one. The joint resolution only directs that the accounting officers of the Treasury shall examine and settle the accounts of this poor man, and pay him what is justly due him.

**Mr. WALSH.** I object.

**Mr. PHELPS.** I understand that in relation to the bill for the relief of Mrs. Worth, a committee of conference is asked by the Senate; and at the request of the gentleman from Tennessee, [Mr. POLK,] I ask that a committee of conference be appointed on the part of the House.

**Mr. POLK.** That is all we ask.

There being no objection, it was so ordered; and the Speaker appointed Mr. POLK, Mr. ISHAM G. HARRIS, and Mr. GOODENOW, managers at the said conference on the part of the House.

**Mr. PHELPS.** I now move that the rules be suspended for the purpose of enabling me to make the motion I have indicated in relation to the claim of James Poole.

The question was taken, and on a division there were—ayes 75, noes 42.

So (two thirds not voting in the affirmative) the rules were not suspended.

**Mr. HENN, from the Committee on Enrolled Bills,** reported back as correctly enrolled the following bills; which thereupon severally received the signature of the Speaker, viz:

An act making appropriations for the naval service for the year ending the 30th of June, 1853; and

An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1853, and for other purposes.

**Mr. STANTON, of Kentucky.** I rise to a question of privilege.

**Mr. PHELPS.** I ask the unanimous consent to correct a clerical error in relation to the document we have just ordered to be printed. In the resolution offered by the gentleman from New York, it should be "the report of Mr. Andrews."

There was no objection, and the correction was made.

**Mr. DAVIS, of Massachusetts.** I ask the unanimous consent of the House to offer the following resolution. It is authorized by the Committee on Accounts, and I hope it will not be objected to:

*Resolved*, That the Clerk of the House be authorized to pay out of the contingent fund of this House, to William H. Minnix, petition and stationery clerk, the same compensation annually which is paid to the assistant clerks of the Clerk of the House of Representatives, from the commencement of this Congress until otherwise ordered by this House.

**Mr. PENN.** Mr. Minnix has discharged his duties well, and I hope the resolution will be adopted.

[Objection was made.]

**Mr. DAVIS.** I will state that this resolution is authorized by and meets the approbation of the Committee on Accounts. I hope the objection will be withdrawn; but if not, I move to suspend the rules.

The objection was withdrawn, and the resolution was introduced.

The question was then taken, and the resolution adopted.

**Mr. ROBIE.** I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That John J. Malloy, John D. Ott, and Henry McLaughlin, public folders, be allowed \$2 50 per day during the present session of Congress, and whilst employed in office during said session, to be paid out of the contingent fund of the House: *Provided*, That this does not change the character of their employment or office, and that the amount made by them as such folders for work during this session be deducted therefrom.

There was no objection, and the resolution was introduced.

**Mr. KING, of New York.** I call for the regular order of business, whatever it is.

The SPEAKER. The regular order of business is on the adoption of the resolution just introduced by unanimous consent.

**Mr. STANTON, of Kentucky.** I offer the following amendment to the resolution:

*Resolved*, That Thomas J. Galt, and Samuel H. Lamborn, in charge of the House folding-room, be allowed the same compensation as is allowed to the person in charge of the House Library, commencing with the present session of Congress.

**Mr. EDMUNDSON.** I offer the following amendment to the amendment:

*Resolved*, That John Castin, Francis Riley, and Lewis Hickman, laborers in the Clerk's Office of the House, be allowed two dollars per day, commencing from the first day of this session, and until otherwise ordered.

**Mr. ROBIE.** I now call the previous question.

The previous question was seconded, and the main question ordered to be put.

**Mr. GORMAN.** I ask the unanimous consent of the House to make a report from the Committee on Printing.

Objection was made.

**Mr. MOREHEAD.** I move to lay the resolution and amendments on the table; and upon that question I demand the yeas and nays.

**Mr. GORMAN.** It now lacks but twenty-seven minutes of the time fixed for adjournment. I hope the House will allow a report to be made from the Committee on Printing, providing for the printing of Stansbury's Report of the Exploration and Survey of the Valley of the Great Salt Lake. No copies of that work have been ordered to be printed. I ask the unanimous consent of the House to offer the following resolution:

*Resolved*, That ten thousand extra copies of Stansbury's Report of the Exploration of the Valley of the Great Salt Lake be printed for the use of the members of this House.

**Mr. BEALE.** I object.

**Mr. GORMAN.** I hope the gentleman will withdraw his objection.

**Mr. STEVENS, of Pennsylvania.** I object. We want no more Salt Lake reports.

**Mr. GORMAN.** I move to suspend the rules to enable me to offer the resolution.

The SPEAKER. The pending question is the motion to lay on the table the resolution and amendments offered a few minutes ago.

**Mr. MOREHEAD.** I will withdraw that motion.

**Mr. LETCHER.** I renew the motion to lay the resolution and amendments on the table, and call the yeas and nays.

The yeas and nays were ordered—

**Mr. POLK.** I ask the gentleman who offered this resolution to withdraw it. The yeas and nays have been called upon it, and they will consume all the time we have left. Let us go to the consideration of private claims.

[Cries of "Object!" "Object!" and "Call the roll!"]

A message was here received from the President of the United States, by the hands of MILLARD P. FILLMORE, his Private Secretary, informing the House that he had approved and signed the following bills, viz:

A bill making appropriations for the civil and diplomatic expenses of the Government during the year ending the 30th of June, 1853, and for other purposes;

A bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes;

A bill making appropriations for the service of the Post Office Department during the year ending the 30th of June, 1853;

A bill making appropriations for the support of

the Army during the year ending June 30, 1853; and

A bill making appropriations for the naval service during the fiscal year ending June 30, 1853.

[Cries of "Call the roll."]

The Clerk then proceeded to call the roll upon the motion to lay the resolution and amendments on the table, and there were—yeas 67, nays 88; as follows:

YEAS—Messrs. Allison, Averett, Barrere, Bowie, Bragg, Brenton, Albert G. Brown, George H. Brown, Burrows, E. Carrington Cabell, Cartter, Chapman, Chastain, Clingman, John G. Davis, Dawson, Dockery, Evans, Floyd, Goodenow, Gorman, Grey, Hall, Harper, Isham G. Harris, Haws, Haven, Hebard, Hibbard, Holladay, Horsford, Houston, Ingersoll, Jackson, Jenkins, George W. Jones, George G. King, Kuhns, Landry, Letcher, Mann, Mason, McMullin, Miller, Millson, Henry D. Moore, Morehead, Murphy, Outlaw, Peaslee, Penn, Penniman, Perkins, Porter, Price, Robbins, Sackett, Savage, Snow, Stanly, Taylor, Thompson, Thurston, Wallace, Washburn, Watkins, Wells, Addison White, and Yates—67.

NAYS—Messrs. Charles Allen, Willis Allen, William Appleton, Beale, Bibighaus, John H. Boyd, Breckinridge, Buell, Busby, Caldwell, Lewis D. Campbell, Thompson Campbell, Caskie, Chandler, Churchwell, Cleveland, Cobb, Conger, Curtis, George T. Davis, Dean, Dimmick, Disney, Doty, Durkee, Eastman, Edgerton, Edmundson, Faulkner, Florence, H. M. Fuller, Gamble, Gaylord, Gilmore, Good-

rich, Green, Hamilton, Hart, Hascall, Henn, Howard, J. W. Howe, T. Y. How, Ives, A. Johnson, J. Johnson, R. W. Johnson, J. Glancy Jones, Kurtz, Lockhart, Martin, McCorkle, McNair, McQueen, Meade, Molony, John Moore, Morrison, Murray, Andrew Parker, Samuel W. Parker, Polk, Reed, Richardson, Riddle, Robbins, Robie, Schermerhorn, Schoolcraft, Schoonmaker, Scurry, David L. Seymour, Skelton, Benjamin Stanton, Frederick P. Stanton, Richard H. Stanton, Abraham P. Stephens, Thaddeus Stevens, St. Martin, Strother, Stuart, Sutherland, Sweetser, Walbridge, Walsh, Wilcox, Wildrick, and Woodward—88.

So the House refused to lay the resolution on the table.

While the roll was being called,

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill:

An act to establish certain post routes.

A message was also received from the President of the United States, by the hands of MILLARD P. FILLMORE, his Private Secretary, informing the House that he had approved and signed the above bill.

The question then recurred upon the amendment offered by Mr. EDMUNDSON to the amendment.

Mr. JOHN W. HOWE demanded the yeas and nays; and they were ordered.

Mr. CARTTER. I move that the House do now adjourn.

Mr. STANTON, of Tennessee. I rise to a question of order. The House have fixed the time of adjournment at twelve o'clock, and I submit that it is not in order to adjourn before that hour, allowing ten minutes for difference of time.

Mr. CARTTER. I will withdraw the motion.

Mr. POLK. I ask the unanimous consent of the House to make a motion, that the House recede from its amendment to the bill for the relief of Mrs. Margaret L. Worth.

Mr. HARRIS, of Tennessee. I object.

Mr. POLK. I move to suspend the rules. I want my name to be placed on the record against that amendment.

Mr. HARRIS. I hope my colleague will have that opportunity.

It now being precisely twelve o'clock,

The SPEAKER said: The hour fixed for the adjournment of the present session of Congress having arrived, the Chair announces that this House stands adjourned *sine die*.

# THE LAWS OF THE UNITED STATES.

## PUBLIC ACTS OF THE THIRTY-SECOND CONGRESS

### OF THE UNITED STATES,

*Passed at the First Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the 1st day of December, 1851, and ended on Tuesday, the 31st day of August, 1852.*

MILLARD FILLMORE, President; WILLIAM R. KING, President of the Senate *pro tempore*; LINN BOYD, Speaker of the House of Representatives.

**PUBLIC, I.**—*An Act making appropriation to meet the expenses incurred in consequence of the late Fire at the Capitol.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, or so much thereof as may be necessary, under the direction of the Commissioner of Public Buildings, in discharge of the expenses incurred in the extinguishment of the late fire in the Library room, the removal of the rubbish, and the preservation of such books and other articles as may have been saved, and the construction of a tin roof for the preservation and protection of that portion of the building now exposed.

SEC. 2. *And be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby, appropriated for the purchase of books for the Library of Congress, to be expended under the direction of the Joint Committee on the Library.

APPROVED, January 13, 1852.

**PUBLIC, II.**—*An Act to provide a Room for the Congressional Library.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twelve hundred dollars be hereby appropriated, to be expended under the direction of the Commissioner of Public Buildings, for the purpose of fitting up the Document room and a portion of the adjoining passage to receive temporarily a portion of the books of the Congressional Library.

APPROVED, January 23, 1852.

**PUBLIC, III.**—*An Act authorizing the Payment of Interest to the State of New Hampshire for advances made for the use and benefit of the United States in repelling Invasion and suppressing Insurrection at Indian Stream in said State.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Auditor of the Treasury be, and he is hereby, authorized and directed to liquidate and settle the claim of the State of New Hampshire against the United States for interest upon the military expenses incurred and actually expended by her for the protection of the

northeastern frontier of said State, and repelling invasion and suppressing insurrection at Indian Stream, in the county of Coos, in the said State, in the years eighteen hundred and thirty-five, eighteen hundred and thirty-six, and eighteen hundred and thirty-seven; and the sum so found to be due to said State shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That said amount shall not exceed six thousand dollars.

SEC. 2. *And be it further enacted*, That in ascertaining the amount of interest, as aforesaid, due to the State of New Hampshire, the following rules shall govern:

First, That interest shall not be computed on any sum which New Hampshire has not expended for the use and benefit of the United States, as evidenced by the amount refunded or repaid to the State of New Hampshire.

Second, That interest shall not be paid during any time, on any sum larger than the sum the State was paying interest for at such time.

APPROVED, January 27, 1852.

**PUBLIC, IV.**—*An Act providing for carrying into execution, in further part, the twelfth article of the Treaty with Mexico, concluded at Guadalupe Hidalgo.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of three millions one hundred and eighty thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the installment and interest, which will fall due on the thirtieth of May, eighteen hundred and fifty-two, under the twelfth article of the treaty between the United States and Mexico, made and concluded at Guadalupe Hidalgo, on the second of February, eighteen hundred and forty-eight.

APPROVED, February 10, 1852.

**PUBLIC, V.**—*An Act for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated the sum of six thousand dollars, or so much

thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, and who are out of the limits of the United States, the same to be expended under the direction of the President of the United States: *Provided*, That nothing in this act shall be construed into an approbation of any interference in the domestic affairs of Cuba by any of the citizens of the United States.

APPROVED, February 10, 1852.

**PUBLIC, VI.**—*An Act to provide for the appointment of a Superintendent of Indian Affairs in California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sixth section of an act approved May sixth, eighteen hundred and twenty-two, entitled "An act to amend an act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,' approved the thirtieth of March, eighteen hundred and two;" also, the fifth section of an act approved May twenty-fifth, eighteen hundred and twenty-four, entitled "An act to enable the President to hold treaties with certain Indian tribes, and for other purposes," be, and the same hereby are, revived and extended to the State of California, for the purpose of establishing a Superintendency of Indian Affairs for said State; and that the President, by and with the advice and consent of the Senate, be, and he hereby is, authorized to appoint a Superintendent of Indian Affairs, to reside in said State, who shall possess the same powers, and be subject to the same duties, within his superintendency, as belong to the Superintendent of Indian Affairs at St. Louis, in the State of Missouri, with the power also of exercising administrative examination over all claims, and accounts, and vouchers, for disbursements connected with Indian affairs in the said State of California, which shall be transmitted to the Commissioner of Indian Affairs for final adjudication, and by him passed to the proper accounting officers of the Treasury for settlement.

SEC. 2. *And be it further enacted*, That the said Superintendent shall have an annual salary not exceeding four thousand dollars.

SEC. 3. *And be it further enacted*, That the said Superintendent shall be allowed a clerk, whose



compensation for his services, shall not exceed two thousand five hundred dollars per annum.

APPROVED, March 3, 1852.

**PUBLIC, VII.—An Act to extend the time for selling the Lands granted to the Kentucky Asylum for teaching the Deaf and Dumb.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the further time of five years, from and after the expiration of the time heretofore allowed, be, and the same is hereby, allowed and permitted "the trustees of the Center College of Kentucky," who are also trustees of the Kentucky Asylum for teaching the Deaf and Dumb, to sell the lands heretofore granted said Asylum, and confirmed to said trustees, for the use of said Asylum, by acts of Congress heretofore passed.

APPROVED, March 11, 1852.

**PUBLIC, VIII.—An Act to provide for the Repair of the Congressional Library room, lately destroyed by fire.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of seventy-two thousand five hundred dollars be, and the same is hereby, appropriated to the repair of the Congressional Library room, which was lately destroyed by fire, according to the plan described in the report and drawings which were submitted by the architect to the Secretary of the Interior, and approved by the Committee on Public Buildings of the Senate: *Provided, however,* That the work shall be executed under the direction of the Secretary of the Interior, and be subject to such a modification of the details as may be consistent with the general arrangements of the plan and necessary and proper in the opinion of the President of the United States.

APPROVED, March 19, 1852.

**PUBLIC, IX.—An Act to make Land Warrants assignable, and for other purposes.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all warrants for military bounty land, which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are hereby declared to be assignable, by deed or instrument of writing made and executed after the taking effect of this act, according to such form, and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location: *Provided,* That any person entitled to preemption right to any land shall be entitled to use any such land warrant in payment for the same, at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified: *Provided,* That the warrants which have been or may hereafter be issued in pursuance of said laws, or of this act, may be located according to the legal subdivisions of the public lands, in one body, upon any lands of the United States, subject to private entry at the time of such location, at the minimum price: *Provided further,* That when said warrants shall be located on lands which are subject to entry at a greater minimum than the one dollar and twenty-five cents per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on.

**SEC. 2.** And be it further enacted, That the registers and receivers of the land offices shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants issued since the eleventh day of February, eighteen hundred and forty-seven, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre, the said compensation to be hereafter paid by the assignees or holders of such warrants.

**SEC. 3.** And be it further enacted, That registers and receivers, whether in or out of office at the passage of this act, or their legal representatives in case of death, shall be entitled to receive from the Treasurer of the United States, for services heretofore performed in locating military bounty land warrants, the same rate of compensation pro-

vided in the preceding section for services hereafter to be performed, after deducting the amount already received by such officers under the act entitled "An act to require the holders of military land warrants to compensate the land officers of the United States for services in relation to the location of those warrants," approved May seventeen, eighteen hundred and forty-eight: *Provided,* That no register or receiver shall receive any compensation out of the Treasury for past services who has charged and received illegal fees for the location of such warrants: And *provided further,* That no register or receiver shall receive for his services during any year a greater compensation than the maximum now allowed by law.

**SEC. 4.** And be it further enacted, That in all cases where the militia, or volunteers, or State troops of any State or Territory were called into military service, and whose services have been paid by the United States subsequent to the eighteenth of June, eighteen hundred and twelve, the officers and soldiers of such militia, volunteers, or troops shall be entitled to all the benefits of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eight, eighteen hundred and fifty, and shall receive lands for their services according to the provisions of said act, upon proof of length of service as therein required, and that the last proviso of the ninth section of the act of the eleventh of February, eighteen hundred and forty-seven, be, and the same is hereby, repealed: *Provided,* That nothing herein contained shall authorize bounty land to those who have heretofore received or become entitled to the same.

**SEC. 5.** And be it further enacted, That where any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, with a view to determine the quantity of land any such officer or soldier is entitled to under said act, approved twenty-eighth of September, eighteen hundred and fifty, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized, to the place where the same was mustered into the service of the United States; and also one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service.

APPROVED, March 22, 1852.

**PUBLIC, X.—An Act amendatory to the act entitled "An act to provide for holding the Courts of the United States in case of the sickness or other disability of the Judges of the District Courts," approved July twenty-nine, eighteen hundred and fifty.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority conferred by the act aforesaid, hereby amended, may be exercised by a Circuit Judge or by the Chief Justice of the United States as in the said act directed, whenever, on the certificate of the clerk of the Circuit or District Court, under the seal of the court, it shall be made to appear, to the satisfaction of such Judge or Chief Justice, that the public interests, from the accumulation or urgency of judicial business in any district, shall require it to be done; and the District Judge so designated and appointed shall have and exercise the same powers within such district as if the District Judge resident therein were prevented by sickness or other disability from performing his judicial duties; and it shall be lawful, in case of such appointment, for each of the said District Judges separately to hold a District or Circuit Court at the same time in such district, and discharge all the judicial duties of a District Judge therein; but no such District Judge shall hear appeals from the District Court.

APPROVED, April 2, 1852.

**PUBLIC, XI.—An Act to extend the time for selecting Lands granted to the State of Wisconsin for Saline purposes.**

Be it enacted by the Senate and House of Represent-

atives of the United States of America in Congress assembled, That the time for selecting lands for saline purposes, granted to the State of Wisconsin by virtue of the fourth subdivision of the seventh section of an act entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union," approved the sixth day of August, in the year eighteen hundred and forty-six, be, and the same is hereby, extended to the first day of January, in the year eighteen hundred and fifty-four; and the land so selected previous to the day last mentioned shall be granted to said State for the same purposes, on the same conditions, and with like effect, as if the same had been selected and confirmed within the time limited by the act above mentioned.

APPROVED, May 4, 1852.

**PUBLIC, XII.—An Act to change the time of holding the United States District Courts in Alabama, and for other purposes.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the district courts of the United States for the State of Alabama shall be held in each and every year as follows: At Mobile, on the fourth Monday in April and the second Monday after the fourth Monday in November; at Huntsville, on the second Monday in May and the second Monday in November; and at Montgomery, on the fourth Monday in May and the fourth Monday in November.

**SEC. 2.** And be it further enacted, That the county of Butler shall hereafter form a part of, and be embraced in, the middle district of said State.

APPROVED, May 4, 1852.

**PUBLIC, XIII.—An Act concerning the Sessions of the Courts of the United States in the District of Delaware.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the courts of the United States, in and for the district of Delaware, shall hereafter be held at New Castle, in the said district, and there shall be two regular terms of the circuit court of the United States for the said district, which shall commence on the third Tuesday in June, and the third Tuesday in October, in this and every year hereafter; and four regular terms of the district court of the United States for said district, which shall commence on the second Tuesday in April, the second Tuesday in June, the second Tuesday in September, and the second Tuesday in January hereafter.

**SEC. 2.** And be it further enacted, That the office of the clerk of the circuit court for said district, and the records of said court, shall be kept at Wilmington or New Castle, in the said district, as may be directed by an order, in writing, made by the judges of the said circuit court, in term or vacation, and entered upon the records thereof; and that the office of the clerk of the said district court and the records thereof shall be kept at either of the same places as may be directed by the judge of the said district court, by an order made in term or vacation, and entered upon the records thereof.

**SEC. 3.** And be it further enacted, That no process issued or proceedings pending in either of the said courts shall be avoided or impaired by this change of the time and place of holding the said courts; but all process, bail-bonds, or recognizances returnable at the next term of either of the said courts, shall be returnable and returned to the term of said courts respectively next held according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.

APPROVED, May 10, 1852.

**PUBLIC, XIV.—An Act to authorize the Legislature of the State of Mississippi to sell the lands heretofore appropriated for the use of Schools in that State, and to ratify and approve the sales already made.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of the State of Mississippi shall be, and is hereby, authorized to sell and convey in fee-simple, or lease, for a term of years, as the said Legislature may deem best,

all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within said State, and to invest the money arising from said sales, as said Legislature may direct, for the use and support of schools within the several townships and districts of country for which they were originally reserved and set apart, and for no other use or purpose whatsoever: *Provided*, Said lands, or any part thereof, shall, in no case, be sold or leased without the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislature of said State may by law direct: *And provided further*, That in all cases, the money arising from the sales of lands within a particular township and district, shall be appropriated to the use of schools within that township and district.

Sec. 2. *And be it further enacted*, That sales heretofore made by the authority of the Legislature of the State of Mississippi, of lands reserved and appropriated as aforesaid, are hereby ratified and approved in the same manner and to the same extent as if this act had been in force at the time of said sales.

APPROVED, May 19, 1852.

PUBLIC, XV.—*An Act to regulate the Mileage of the Delegate from the Territory of Oregon.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act entitled "An act to establish the Territorial Government of Oregon," approved August, eighteen hundred and forty-eight, as limits the mileage compensation of the Delegate from said Territory, be repealed.

APPROVED, May 19, 1852.

PUBLIC, XVI.—*An Act to legalize certain entries of Public Land made in the State of Florida.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several entries of land (embracing tracts once reserved to satisfy claims under the armed occupation act, but which claims were forfeited prior to the allowance of said entries) permitted at the land office at Newnansville, in the State of Florida, be, and the same are hereby, confirmed, and patents shall issue thereon as in other cases: *Provided*, That the land so entered shall have been upon the faith of the Register's certificate improved by the party in interest under said certificate, and that the said land is not claimed by adverse parties.

APPROVED, May 26, 1852.

PUBLIC, XVII.—*An Act to relinquish to the State of Iowa the lands reserved for the Salt Springs therein.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the twelve salt springs, and six sections of land adjoining or contiguous thereto, the use of which was granted to the State of Iowa, by the act entitled "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," approved March third, eighteen hundred and forty-five, shall be, and the same are hereby, granted in fee-simple to the said State of Iowa, to be disposed of, and the proceeds to be applied as the Legislature of that State shall direct: *Provided*, That nothing in this act contained shall be so construed as to interfere with the rights of third parties: *And provided further*, That if any of the lands which have been selected by the authorities of the State of Iowa, under the act aforesaid, shall have been legally claimed by preemption or otherwise, the State shall be authorized to select other lands in lieu thereof.

APPROVED, May 27, 1852.

PUBLIC, XVIII.—*An Act to grant to certain Settlers on the Menomonee Purchase, north of Fox River, in the State of Wisconsin, the right of Preemption.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That every person being the head of a family, widow, or single man over the age of twenty-one years, who, on the first day of June, eighteen hundred and fifty-two, shall be an actual settler and housekeeper, and have made other improvements, on any tract within the body of lands ceded to the United States by the treaty of eighteenth

October, eighteen hundred and forty-eight, with the Menomonee tribe of Indians, is hereby entitled to the same right of preemption, and upon the same terms and conditions as is prescribed by the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant preemption rights," approved fourth of September, eighteen hundred and forty-one: *Provided*, That where there shall be more than one such settler on any quarter-section, fractional quarter-section, or fraction of a section less than one hundred and sixty acres, the rights of such settlers, as to the land settled on, shall be the same as those prescribed by the eighth section of the act entitled "An act to authorize the investigation of certain alleged frauds under the preemption laws, and for other purposes," approved third March, eighteen hundred and forty-three, for settlers therein provided for: *And provided further*, That the preemption rights provided for in this act shall attach only to such land as shall become subject to sale at the minimum price of one dollar and twenty-five cents an acre.

APPROVED, May 27, 1852.

PUBLIC, XIX.—*An Act to provide for the holding of the District Court of the District of Columbia, in cases of Sickness or other Disability of the District Judge.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in case of the sickness or other disability of the judge of the district court of the United States, of the District of Columbia, which shall prevent him from holding any stated or appointed term of the district court of his district; and, upon the fact of such sickness or other disability being certified by the clerk of said district court to the assistant judges of the circuit court of said district, it shall be the duty of the senior assistant judge of said court to hold the district court aforesaid, and discharge all the judicial duties of the district judge, who shall be sick or otherwise disabled as aforesaid, so long as such sickness or disability shall continue; and, in case of the sickness or other disability of said senior assistant judge, the same duty shall devolve on the junior assistant judge of said circuit court; and the said judges, and each of them, is hereby authorized to exercise original jurisdiction in admiralty cases for the purposes of this act. And all the acts and proceedings in said district court, by or before either of said assistant judges, so required to hold said district court, shall have the same force, effect, and validity as if done and transacted by and before the district judge of the said district court.

Sec. 2. *And be it further enacted*, That the associate judge holding the district court as aforesaid shall and is hereby empowered to sit in the said circuit court in any case of appeal or of error from his own decision in said district court, in the same manner as if said district court had not been held by him.

APPROVED, May 27, 1852.

PUBLIC, XX.—*An Act granting the Right of Way to the State of Missouri and a portion of the Public Lands to aid in the construction of certain Railroads in said State.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way through the public lands be, and the same is hereby, granted to the State of Missouri for the construction of railroads from the town of Hannibal to the town of St. Joseph, in said State, and from the city of St. Louis to such point on the western boundary of said State as may be designated by the authority of said State, with the right also to take necessary materials of earth, stone, and timber, for the construction thereof, from the public lands of the United States adjacent to said railroads: *Provided*, That in locating the railroads aforesaid, and assigning the limits to the easement, no more land shall be taken from the United States than is necessary for a convenient construction and use of said roads as public ways for transportation, including stations, with the usual buildings of all kinds, turnouts, and such other appurtenances as are usually enjoyed by railroad companies; and a copy of the location of said roads, made under the direction of the Legislature, shall be forwarded to the proper local land offices respectively, and to

the General Land Office at Washington city, within ninety days after the completion of the same, to be recorded.

Sec. 2. *And be it further enacted*, That there be and is hereby granted to the State of Missouri, for the purpose of aiding in making the railroads aforesaid, every alternate section of land, designated by even numbers, for six sections in width on each side of said road; but, in case it shall appear that the United States have, when the line of route of said roads, or either of them, shall be definitely fixed by the authority aforesaid, sold any section, or any part thereof, granted as aforesaid, or that the right of preemption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States most contiguous to the tier of sections above specified, so much land in alternate sections, or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of preemption has attached as aforesaid; which lands, thus selected in lieu of those sold, and to which preemption rights have attached as aforesaid, together with the sections and parts of sections designated by even numbers as aforesaid, and appropriated as aforesaid, shall be held by the State of Missouri for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road in each case: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: *And provided further*, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of the said railroads through such reserved lands; in which case the right of way only shall be granted.

Sec. 3. *And be it further enacted*, That the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said roads, shall not be sold for less than double the minimum price of the public lands when sold; which lands shall from time to time be offered at public sale to the highest bidder, under the direction of the Secretary of the Interior, and shall not be subject to entry until they shall have been so offered at public sale.

Sec. 4. *And be it further enacted*, That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature thereof, for the purposes aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the Government of the United States, free from toll or other charges upon the transportation of any property or troops of the United States.

Sec. 5. *And be it further enacted*, That the lands hereby granted to said State shall be disposed of by said State only in manner following, that is to say: that a quantity of land, not exceeding one hundred and twenty sections on each road, and included within a continuous length of twenty miles of said road, may be sold, and when the Governor of said State shall certify to the Secretary of the Interior that said twenty miles of said road is completed, then another like quantity of land hereby granted may be sold; and so from time to time, until said road is completed; and, if said road be not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States.

Sec. 6. *And be it further enacted*, That the United States mail shall at all times be transported on said railroad, under the direction of the Post Office Department, at such price as Congress may by law direct.

APPROVED, June 10, 1852.

PUBLIC, XXI.—*An Act giving the assent of Congress to the State of Missouri to impose a Tax or Taxes upon all Lands hereafter sold by the United States therein from and after the day of such sale.*

*Be it enacted by the Senate and House of Represent-*

*atives of the United States of America in Congress assembled, That the assent of Congress is hereby given to the State of Missouri to impose a tax or taxes upon all lands hereafter sold by the United States in said State, from and after the day of such sale: Provided, That the assent hereby given shall in nowise impair that provision of the compact with the said State which declares that all lands belonging to citizens of the United States residing without the said State shall never be taxed higher than lands belonging to persons residing therein.*

APPROVED, June 10, 1852.

**PUBLIC, XXII.—An Act relating to the Salaries of Officers of the Territories of the United States.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any officer of either of the Territories of the United States shall be absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence shall occur, unless good cause shall be shown to the President of the United States, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.*

*Sec. 2. And be it further enacted, That the proviso contained in an act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-one, relating to the officers of the Territories of the United States," be and the same is hereby so modified as to authorize the payment of the salary of any officer therein named, notwithstanding such officer may have been absent from such Territory and his official duties for more than sixty days: Provided, The President of the United States shall certify officially his opinion that the absence of such officer has been for good and sufficient causes.*

*Sec. 3. And be it further enacted, That nothing in the said proviso, or in this act, shall be so construed as to prevent the payment of the salaries of the chief justice, associate justice, and secretary of state of the Territory of Utah, who have withdrawn from said Territory for reasons set forth in their report to the President of the United States.*

APPROVED, June 15, 1852.

**PUBLIC, XXIII.—An Act making an Appropriation for the Payment of Navy Pensions for the year ending the thirtieth June, one thousand eight hundred and fifty-three.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the pay of Navy pensions for the year ending thirtieth June, eighteen hundred and fifty-three, for invalid pensions, forty-five thousand dollars.*

APPROVED, June 19, 1852.

**PUBLIC, XXIV.—An Act to amend an act entitled "An act to carry into effect the Convention between the United States and the Emperor of Brazil of the twenty-seventh day of January, in the year eighteen hundred and forty-nine," approved March twenty-ninth, eighteen hundred and fifty.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury in discharging the awards made by the commissioner under the act "to carry into effect the convention between the United States and the Emperor of Brazil of the twenty-seventh day of January, in the year eighteen hundred and forty-nine," approved March twenty-ninth, eighteen hundred and fifty, which is hereby amended, shall in all cases to which the same shall apply, be governed by the provisions of the eighth section of the act entitled "An act to carry into effect certain stipulations of the treaty between the United States of America and the Republic of Mexico of the second day of February, eighteen hundred and forty-eight," approved March third, eighteen hundred and forty-nine, in the same manner and to the same extent as if said eighth section had been originally a part of said act hereby amended: Provided, however, That any party who shall desire*

*to avail himself of the provision of the said eighth section shall notify the Secretary of the Treasury thereof within five days from the passage of this act, or from the date of said award of the commissioner to adjust the claims against Brazil.*

APPROVED, July 3, 1852.

**PUBLIC, XXV.—An Act to establish a Branch of the Mint of the United States in California.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a branch of the Mint of the United States be established in California, to be located by the Secretary of the Treasury, for the coinage of gold and silver.*

*Sec. 2. And be it further enacted, That suitable buildings shall be procured or erected for carrying on the business of the said branch Mint, and the following officers shall be appointed, so soon as the public interests may require their services, upon the nomination of the President, by and with the advice and consent of the Senate, to wit: One superintendent, one treasurer, one assayer, one melter and refiner, and one coiner. And the said superintendent shall engage and employ as many clerks and as many subordinate workmen and servants as shall be provided for by law; and until the thirtieth of June, one thousand eight hundred and fifty-five, the salaries of said officers and clerks shall be as follows: to the superintendent and to the treasurer the sum of four thousand five hundred dollars each; to the assayer, to the melter and refiner, and to the coiner the sum of three thousand dollars each; to the subordinate workmen such wages and allowances as are customary and reasonable, according to their respective stations and occupations.*

*Sec. 3. And be it further enacted, That the officers and clerks to be appointed under this act shall take an oath or affirmation before some judge of the United States or of the Supreme Court of California, faithfully and diligently to perform the duties thereof, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the director of the Mint and the Secretary of the Treasury, or the district attorney of the United States for the State of California; with condition for the faithful and diligent performance of their offices.*

*Sec. 4. And be it further enacted, That the general direction of the business of said branch of the Mint of the United States shall be under the control and regulation of the director of the Mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said director to prescribe such regulations and require such returns periodically and occasionally as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing said branch; also, for the purpose of discriminating the coin which shall be stamped at said branch and at the Mint itself; and also for the purpose of preserving uniformity of weight, form, and fineness in the coins stamped at said branch; and for that purpose to require the transmission and delivery to him at the Mint, from time to time, of such parcels of the coinage of said branch as he shall think proper, to be subjected to such assays and tests as he shall direct.*

*Sec. 5. And be it further enacted, That all the laws and parts of laws now in force for the regulation of the Mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offences connected with the Mint or coinage of the United States, shall be and they are hereby declared to be in full force in relation to the branch of the Mint by this act established, so far as the same may be applicable thereto.*

*Sec. 6. And be it further enacted, That no permanent location of said Mint shall be made or buildings erected therefor, until the State of California shall, by some law or other public act, pledge the faith of the State that no tax shall at any time be laid, assessed, or collected by the said State, or under the authority of the said State, on the said branch Mint, or on the buildings which may be erected therefor, or on the fixtures and machinery which may be used therein, or on the lands on which the same may be placed; but nothing in this section contained shall be understood as implying an admission that any such power of taxation rightfully exists.*

*Sec. 7. And be it further enacted, That the said branch Mint shall be the place of deposit for the public moneys collected in the custom-houses in the State of California, and for such other public moneys as the Secretary of the Treasury may direct; and the treasurer of said branch Mint shall have the custody of the same, and shall perform the duties of an assistant treasurer, and for that purpose shall be subject to all the provisions contained in an act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August sixth, one thousand eight hundred and forty-six, which relates to the treasurer of the branch Mint at New Orleans.*

*Sec. 8. And be it further enacted, That, if required by the holder, gold in grain or lumps shall be refined, assayed, cast into bars or ingots, and stamped in said branch Mint, or in the Mint of the United States, or any of its branches, in such manner as may indicate the value or fineness of the bar or ingot, which shall be paid for by the owner or holder of said bullion at such rates and charges, and under such regulations, as the director of the Mint, under the control of the Secretary of the Treasury, may from time to time establish.*

*Sec. 9. And be it further enacted, That so soon as the said branch Mint is established in the State of California, and public notice shall be given thereof in the mode to be designated by the Secretary of the Treasury, then so much of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending thirtieth June, eighteen hundred and fifty-one, and for other purposes, as provides for the appointment of an United States assayer, and the contracting for the assaying and fixing the value of gold in grain or lumps, and for the forming the same into bars, be, and the whole of the clause containing said provisions shall be, hereby repealed.*

*Sec. 10. And be it further enacted, That before the Secretary of the Treasury shall procure or erect the buildings provided for in the second section of this act, or commence operations under any of the provisions of the same, at San Francisco, State of California, it shall be his duty to make a contract or contracts for the erection of said buildings, and procuring the machinery necessary for the operations of said Mint, at a sum or sums which shall not in the whole exceed the sum of three hundred thousand dollars, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and the President of the United States.*

APPROVED, July 3, 1852.

**PUBLIC, XXVI.—An Act to amend an act entitled "An act for the Punishment of Crimes in the District of Columbia."**

*Whereas it has been represented that so much of the third section of the act of which this act is an amendment as provides a punishment for the maliciously, willful, or fraudulent burning of stores, barns, or outhouses not adjoining a dwelling house, has been construed to apply to the cases of burning such houses only when they contain merchandise, tobacco, grain, or hay, whereby offenders have escaped punishment for burning buildings in which none of said articles were kept:*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, if any person or persons shall maliciously, willfully, or fraudulently, and with intent to injure or defraud any other person or persons, or body-politic or corporate, burn, or set on fire with intent to burn, or attempt to set on fire or burn, any house or outhouse in the District of Columbia, whether the same be finished or in the process of erection, though the said house or outhouse shall not at the time of such burning, or setting on fire, or attempting to set on fire or burn, have any goods, tobacco, hay, or grain therein, nor be adjoining to any dwelling house, nor be occupied or used for any purpose whatever, he, she, or they, on conviction thereof, shall be sentenced to suffer the same punishment and labor as provided in the said third section of the said act to which this is an amendment for the offenses therein enumerated.*

APPROVED, July 3, 1852.



**PUBLIC, XXVII.**—*An Act making Appropriations for the Payment of Invalid and other Pensions of the United States, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three:

For invalid pensions, under various acts, four hundred thousand dollars.

For pensions for widows and orphans, under the acts of July the fourth, one thousand eight hundred and thirty-six, and July the twenty-first, eighteen hundred and forty-eight, three hundred and seventy-seven thousand two hundred and forty dollars.

For pensions to widows, under the act of seventh July, eighteen hundred and thirty-eight, ninety thousand dollars.

For pensions to widows, under the act of third March, eighteen hundred and forty-three, thirty thousand dollars.

For pensions to widows, under the acts of the seventeenth of June, eighteen hundred and forty-four, second of February, eighteen hundred and forty-eight, and twenty-ninth of July, eighteen hundred and forty-eight, four hundred and sixty-four thousand dollars.

For half-pay pensions to widows and orphans, provided for by the eleventh section of an act approved January the twenty-ninth, eighteen hundred and thirteen, and the first and second sections of an act approved the seventeenth of April, eighteen hundred and sixteen, in addition to an unexpended balance, five thousand dollars.

APPROVED, July 12, 1852.

**PUBLIC, XXVIII.**—*An Act to supply a Deficiency to the State of Indiana, in a Township of Land granted to said State for the use of a State University, by an act of Congress approved nineteenth of April, eighteen hundred and sixteen.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be supplied to the State of Indiana, for the sole and exclusive use of the State University, an equal number of acres of land found to be deficient in the original grant, and which has been otherwise appropriated by Congress, amounting to four thousand one hundred and sixty-six acres; and that said lands be selected under the direction of the Governor of the State from any lands now in market in said State belonging to the United States, the proceeds of which shall be appropriated solely to the use of said State University, and shall never be diverted to any other purpose whatever.

APPROVED, July 12, 1852.

**PUBLIC, XXIX.**—*An Act to release from Reservation, and restore to the mass of Public Lands, certain Lands in the State of Arkansas.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several tracts of land in the State of Arkansas, heretofore reserved for the satisfaction of military bounties under the war of eighteen hundred twelve, and which now remain undisposed of, be, and they are hereby, released from such reservation, and restored to the mass of public lands, to be disposed of in the same manner as any other unoffered public land: *Provided,* That the person who may at the date of this act be an actual settler on any one of said tracts, and who, but for the reservation thereof, might have claimed the right of preëmption thereto, under act of fourth September, eighteen hundred and forty-one, be, and is hereby, authorized to enter the same, or any subdivision thereof, upon making proof of said right, and paying the minimum price per acre, within a year after the passage of this act, or prior to the day fixed for the public sale of the tract.

*Sec. 2. And be it further enacted,* That all sales of said land, or location thereof by military warrants, (other than those of the war of eighteen hundred and twelve,) which have been inadvertently permitted to be made, and which are in all

other respects fair and regular, except as embracing reserved land not offered at public sale, be, and the same are hereby, confirmed, and patents thereon which have been issued, shall be as legal and valid as if said lands had been released from reservation, and offered at public sale prior to such sales or locations.

*Sec. 3. And be it further enacted,* That all of said warrants which have not been satisfied, may be located on any of the public lands subject to private entry at the time of the location of the same.

APPROVED, July 12, 1852.

**PUBLIC, XXX.**—*An Act to amend an act entitled "An act providing for the Sale of certain Lands in the States of Ohio and Michigan, ceded by the Wyandot Tribe of Indians, and for other purposes," approved on the third day of March, eighteen hundred and forty-three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the fifth section of the act of which this is amendatory as declares that if in offering at public sale any tract of land ceded by the Wyandots, under the treaty concluded with that tribe on the seventh March, eighteen hundred and forty-two, on which improvements exist, the real value of the same, according to the estimates of the superintendents, shall not be bidden, it shall be their duty to withdraw the tract from sale, and the tracts thus withdrawn from sale shall be offered at public sale, due public notice first being given, be, and the same is hereby, repealed; and all such lands shall be exposed at public sale to the highest bidder, at such time and place as the Commissioner of the General Land Office may direct, subject to the minimum price per acre of two dollars and fifty cents.

APPROVED, July 12, 1852.

**PUBLIC, XXXI.**—*An Act to enable the Legislature of the State of Indiana to dispose of the unsold Saline Lands in said State.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the act of Congress entitled "An act to authorize the Legislature of the State of Indiana to sell and convey certain lands granted to said State for the use of the people thereof," approved July third, eighteen hundred and thirty-two, as provides that said lands shall not be sold for a less price than at which the public lands are sold, be, and the same is hereby, repealed.

APPROVED, July 12, 1852.

**PUBLIC, XXXII.**—*An Act in relation to a certain Lot of Land in the town of Gnadenhutzen, in the State of Ohio.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the lot of land in the town of Gnadenhutzen, in the county of Tuscarawas, in the State of Ohio, heretofore reserved, under the act entitled "An act providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes," approved May twenty-sixth, one thousand eight hundred and twenty-four, for the purpose of a market square, may be used for any other public purpose, upon such terms as shall be prescribed by the Secretary of the Interior, in order to secure the rights of all parties interested therein.

APPROVED, July 12, 1852.

**PUBLIC, XXXIII.**—*An Act to supply Deficiencies in the Appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two, out of any money in the Treasury not otherwise appropriated, namely:

For the amount required to pay reserved percentage under the contract for the floating dock at Philadelphia, five thousand nine hundred and thirty-three dollars and sixty-eight cents.

For the amount required to pay for dredging the river in front of the dock basin at the Philadelphia navy-yard, twelve thousand dollars.

For the amount required to pay outstanding liabilities for labor and materials expended on dry-dock, iron gates, pumps, engine-house, etc., at Brooklyn, eighty-eight thousand three hundred and six dollars and ninety-five cents.

For the amount required to pay for reservations under the contract for engine, etc., for the dry-dock at Brooklyn, seven thousand dollars.

For completing the floating dry-dock at San Francisco, California, authorized by act of third March, eighteen hundred and fifty-one, three hundred and sixty thousand dollars; and said dock may be used for the purpose of repairing merchant ships, when not in use by the Government, in such manner, for such compensation, and upon such terms and conditions as shall be prescribed by the Secretary of the Navy.

For compensation to temporary clerks in the office of the Third Auditor of the Treasury employed in making out certificates of service from the muster rolls of one thousand eight hundred and twelve, and the several Indian wars, eleven thousand eight hundred dollars; which sum shall be distributed among the clerks according to the discretion of the Secretary of the Treasury: *Provided,* That no salary from this fund shall exceed one thousand dollars per annum except two, who shall receive twelve hundred dollars per annum.

For the contingent expenses of the office of the Third Auditor, to pay for preparing books of transfers from the Quartermaster General's Office, two hundred dollars.

For compensation to extra clerks employed temporarily in the office of the Auditor of the Post Office Department, four thousand dollars.

For pasting in books, prepared for the purpose, canceled certificates of the registry and enrollments of vessels returned by the several collectors of the customs, five hundred dollars.

For annuities and grants, seven hundred and fifty dollars.

For the regular supplies of the Quartermaster's Department, consisting of forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts, seven hundred and ninety-five thousand dollars.

For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage, and horse equipment, from the depôts at Philadelphia, St. Louis, and New Orleans, to the several posts and army depôts; of subsistence, from the places of purchase, from the places of delivery under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals, fortifications, frontier posts, and army depôts; freights, tolls, and ferriage; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance, eight hundred and ninety thousand dollars.

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, forty thousand dollars.

For constructing, repairing, and enlarging barracks, quarters, hospitals, store-houses, stables, wharves, and ways, at the several posts and army depôts; for temporary cantonments, and the authorized furniture for barrack-room of non-commissioned officers and soldiers, gun-houses for the protection of cannon, including the necessary tools and materials for the objects enumerated, and for

rent of quarters and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation; for store-houses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments, two hundred and nineteen thousand dollars.

For clothing, camp and garrison equipage, and horse equipments, for engineer troops, ordnance department, dragoons, riflemen, light artillery, artillery and infantry, seventy-five thousand dollars.

For subsistence in kind, two hundred and seventy-nine thousand five hundred and seventeen dollars.

For pay of five companies of Texas mounted volunteers, eighty thousand seven hundred and forty-one dollars.

For running and marking the boundary line between the United States and Mexico, according to the treaty of Guadalupe Hidalgo, eighty thousand dollars: *Provided*, That nothing herein contained shall be so construed as to sanction a departure from the point on the Rio Grande north of the town called Paso, designated in the said treaty.

For surveying eight hundred and seventy-five miles of meridian base and standard lines meandering and survey of irregular or river lots, &c., in California, at a rate not exceeding fifteen dollars per mile, thirteen thousand one hundred and twenty-five dollars.

For subdividing land in California into townships, equal to nine hundred miles of survey, at a rate not exceeding fourteen dollars per mile, twelve thousand dollars.

For subdividing fifty townships in California into sections, at a rate not exceeding twelve dollars per mile, thirty-six thousand dollars.

For surveying private claims in California, seven thousand five hundred dollars.

For compensation of the surveyor general of Arkansas, per act of August eighth, eighteen hundred and forty-six, two thousand dollars.

For clerks in the office of the surveyor general of Arkansas, per act of August eighth, eighteen hundred and forty-six, six thousand three hundred dollars.

For surveys in the mineral region of Michigan, at a rate not exceeding six dollars per mile, twenty-four thousand seven hundred and eighty dollars.

For completing the survey of the salable lands in the Menomonee cession, and the survey of the Lake Superior region, Wisconsin, at a rate not exceeding five dollars per mile, twenty thousand dollars.

For the completion of the township lines, and the subdivisions of such of the townships as bear valuable pine timber, west of the fourth principal meridian, and between the third and fourth connection parallels, at a rate not exceeding five dollars per mile, thirty-three thousand dollars.

For annual repairs of the President's House, six hundred dollars.

For filling up and grading, &c., Franklin Square, four hundred and six dollars and ninety-nine cents.

To make the roads and walks, and to plant Lafayette Square, two thousand dollars.

To complete the improvements on the square south of the President's House, twelve thousand dollars: *Provided*, That the grounds can be filled up and the surface completed for the sum herein appropriated, and a contract for the completion of the work, with good security, be tendered and accepted at a sum not exceeding this amount.

To supply the deficiency in the appropriation for the casual repairs of the Capitol, one thousand five hundred dollars.

For completing the improvements of New Jersey avenue, north of the Capitol, nine thousand dollars.

For planting and finishing the roads and walks through that portion of the public mall surrounding the Smithsonian Institution, seven thousand dollars.

For payment to Augustus Humbert of balance of his salary as United States assayer of gold in California, under the act of thirtieth of September, eighteen hundred and fifty, twelve hundred and fifty dollars.

For compensation of extra clerks employed in the office of the Commissioner of Pensions, twenty thousand dollars: *Provided*, That no clerk shall receive more than at the rate of one thousand dollars per annum, except two, whose salary shall not exceed twelve hundred dollars per annum, under this act.

For expenses of establishing the Superintendency of Indian Affairs in California, authorized by the act of third March, eighteen hundred and fifty-two, viz:

For salary of Superintendent, one thousand three hundred and eighteen dollars, and sixty-eight cents.

For presents and provisions for Indians visiting Superintendent on official business, one thousand dollars.

For traveling expenses of the Superintendent and the necessary attendants, two thousand five hundred dollars.

For payment to the American party of St. Regis Indians, (less the sum of one thousand dollars appropriated by the act of twenty-seventh of June, eighteen hundred and forty-six, in pursuance of the stipulation contained in the supplemental article,) as a remuneration for moneys laid out by said tribe, and for services rendered by their chiefs and agents, in securing the title to the Green Bay lands, and in removal to the same, agreeably to the provisions of the ninth article of the treaty with the Six Nations of New York, of fifteenth of January, eighteen hundred and thirty-eight, four thousand dollars.

For payment to the Seneca Indians of New York, for moneys wrongfully withheld from them by an agent appointed by the Government for the management of their affairs, as per report of Thomas B. Stoddard, commissioner selected by the Secretary of War to make the requisite investigation pursuant to the direction contained in the fourth section of the act of twenty-seventh June, eighteen hundred and forty-six, making appropriations for the Indian Department, twenty-eight thousand five hundred and five dollars and fifty cents: *Provided*, That the Secretary of the Interior is hereby required, upon payment of the money herein specified, to take such further steps, if any may be necessary, as shall enable the United States to recover the amount due from said agent.

For the reappropriation of the following sums carried to the surplus fund per warrants numbered twelve and thirteen, and dated respectively, thirtieth of June, eighteen hundred and forty-six, and thirtieth of June, eighteen hundred and forty-eight, under the following heads, viz:

"For carrying into effect Choctaw treaty," act eleventh of June, eighteen hundred and forty-two, ninety-five dollars and eighty-three cents.

"For carrying into effect Choctaw treaty, on account of lands relinquished," act second of March, eighteen hundred and thirty-one, eight hundred and twenty-six dollars and twenty-six cents.

"For payment to Pottawatomies for corn crop abandoned," act third of March, eighteen hundred and thirty-nine, seven hundred and forty-two dollars and fifty cents.

"For payment to Pottawatomies for twelve log houses destroyed," act third of March, eighteen hundred and thirty-nine, six hundred dollars.

For interest on the amounts awarded Choctaw claimants, under the fourteenth article of the treaty of Dancing Rabbit Creek, of twenty-seventh of September, eighteen hundred and thirty, for lands on which they resided, but which it is impossible to give them, and in lieu of the scrip that has been awarded under the act of twenty-third of August, eighteen hundred and forty-two, not deliverable east, by the third section of said law, per act of third March, eighteen hundred and forty-five, for the half year ending thirtieth June, eighteen hundred and fifty-two, twenty-one thousand eight hundred dollars: *Provided*, That after the thirtieth day of June, eighteen hundred and fifty-two, all payments of interest on said awards shall cease, and that the Secretary of the Interior be, and he is hereby directed to pay said claimants the amount of principal awarded in each case respectively, and that the amount necessary for this purpose be, and the same is hereby, appropriated, not exceeding eight hundred and seventy-two thousand dollars: *Provided further*, That the final payment and satisfaction of said awards shall be first ratified and approved as a final release of all claims of such parties, under the fourteenth article of said treaty, by the proper national authority of the Choctaws, in such form as shall be prescribed by the Secretary of the Interior.

For the purchase of presents, and to negotiate under instructions from the Secretary of the Interior, with the Indians in Texas who have intruded

themselves into that State from the territories of the United States, for their removal from that State, twenty-five thousand dollars.

For continuing the collection and for publishing the statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts, seventeen thousand dollars: *Provided*, That the work shall be completed in five volumes, and that at least one volume shall be published in each year until the whole series of five volumes shall be finished.

For arrearages in the cost of the preparation of the volume, for the year eighteen hundred and fifty-one, of statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts, five thousand three hundred dollars.

For printing, binding, &c., six hundred copies of the first volume of the foregoing work, for distribution among new members, six thousand five hundred and seventy-five dollars.

For this sum, to enable the Secretary of the Interior to satisfy the claims of the Creek Indians for mills stipulated to be furnished under the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, four thousand dollars.

For expenses of removal and subsistence of Pottawatomies of Indiana, (\$22,500,) twenty-two thousand five hundred dollars.

For expenses of removal and subsistence of Choctaws, (\$50,000,) fifty thousand dollars.

For expenses of removal and subsistence of Winnebagoes, three thousand five hundred and thirteen dollars and two cents.

For this sum to cover arrearages for and on account of contingencies of the Indian Department, twenty-two thousand five hundred dollars.

For indemnity for losses sustained by the Menomonee Indians in the delivery of goods to them, as a part of their annuity, in the year eighteen hundred and thirty-seven, per seventh article of the treaty with that tribe of the eighteenth of October, eighteen hundred and forty-eight, three thousand six hundred and twenty-four dollars and forty-eight cents.

For payment for services of blacksmith and for the use of tools for the Seneca tribes of Indians, from the first of July to eighth of November, eighteen hundred and thirty-eight, two hundred and thirteen dollars and thirty-three cents.

For clerk hire, office rent, fuel, stationery, &c., for the Superintendent of Indian Affairs in Oregon, two thousand four hundred dollars.

For expenses of continuing negotiations with the Indian tribes of Oregon lying west of the Cascade Mountains, twelve thousand dollars.

For the completion of buildings for the use of the Superintendent and Indian Agents in Oregon, three thousand dollars.

For traveling expenses of Superintendent of Indian Affairs in Oregon, and agents, two thousand dollars.

For the reappropriation of this sum, (carried to the surplus fund per warrant number thirteen, dated thirtieth of June, eighteen hundred and forty-six,) being the balance due the Ottawa and Chippewa Indians, under the fifth article of the treaty of eighteen hundred and thirty-six, for payment of their debts, appropriated second of July, eighteen hundred and thirty-six, and reappropriated second of March, eighteen hundred and thirty-nine, six hundred and twenty-four dollars and twenty-two cents.

For the purchase of two sections of land reserved by the treaty with the Pottawatomies of October twentieth, eighteen hundred and thirty-two, for "Shobonier," one thousand six hundred dollars: *Provided*, That said sum shall not be paid until all the rights of "Shobonier," or his heirs, to said land shall be relinquished to the United States.

For the redemption of outstanding loan-office and final-settlement certificate, dated September ninth, seventeen hundred and seventy-nine, countersigned by Nathaniel Appton, Commissioner of Massachusetts Bay, issued for two hundred dollars, specie value, ten dollars and sixty-eight ninetieths, fifty-seven dollars and seventy-two cents.

For the contingent expenses of the Legislative Assembly of the Territory of Minnesota, viz:

For printing and publishing the Revised Statutes, making an index thereto, and superintending

their publication, four thousand five hundred dollars.

For necessary extra clerks during the latter part of the sessions of the Legislative Assembly, binding the Revised Statutes, and other necessary incidental expenses, two thousand dollars.

For payment of Messrs. Babcock, Wilkinson, and Holcombe, for revising the laws, five hundred dollars each, one thousand five hundred dollars.

For the contingent expenses of the House of Representatives, seventy-five thousand dollars.

For contingent expenses of the Senate, one hundred and thirty-seven thousand seven hundred and seventy-five dollars.

To enable the Secretary of the Senate to pay for the copies of the report of Doctor David Dale Owen, United States geologist, on the geology of Iowa and Wisconsin, and Minnesota Territory, heretofore ordered to be executed for the use of the Senate, under the special direction of the Commissioner of the General Land Office, thirty-one thousand two hundred and eighteen dollars and seventy-five cents: *Provided*, That no more than fifty cents a copy shall be paid for the binding of the book.

To enable the Clerk of the House of Representatives to pay for three thousand five hundred copies of the report of Doctor David Dale Owen, on the geology of Iowa and Wisconsin, and Minnesota Territory, ordered by a resolution of the House of Representatives, to be executed under the special direction of the Commissioner of the General Land Office, sixteen thousand one hundred and eighty-seven dollars and fifty cents: *Provided*, That no more than fifty cents a copy shall be paid for the binding of the book.

For contingent expenses of the Library of Congress, eight hundred dollars.

To enable the Secretary of State to purchase one hundred complete sets of Little & Brown's edition of the Statutes at Large, from volume one to volume nine inclusive, for distribution to such new officers as would have been entitled to receive them under the act of the eighth of August, eighteen hundred and forty-six, and joint resolution of the eighth of August, eighteen hundred and forty-eight, three thousand one hundred and fifty dollars.

For payment of the second and third volumes of the fifth series of the Documentary History, under contract with the Secretary of State, in addition to the balance of the appropriation of thirty-five thousand dollars, per act of the thirtieth of September, eighteen hundred and fifty, eleven thousand two hundred and ninety-four dollars.

For the payment of James W. Hale of the city of New York, in full for discharging the duties of dispatch agent from September, eighteen hundred and forty-nine, to June, eighteen hundred and fifty inclusive, the sum of six hundred dollars.

To cover the balance of compensation due to the United States geologists for the Lake Superior region, and for Wisconsin, Iowa, and Minnesota, and to their respective assistants, including the cost of superintending the printing of their final geological reports, five thousand nine hundred and fifty-two dollars: *Provided*, That there shall be no further geological survey by the Government, unless hereafter authorized by law.

For compensation of superintendent and four watchmen for that portion of the Patent Office Building which will be occupied by the Secretary of the Interior, five hundred and sixty-two dollars and fifty cents.

For outfits of *Chargés d'Affaires* to Denmark and Bolivia, nine thousand dollars.

To enable the Secretary of State to pay William E. Anderson for the loss of time and expense incurred in coming from Rio Janeiro to New York, under the direction of the American Minister at the Brazilian Court, to testify against certain persons alleged to have been engaged in the slave trade, two hundred and fifty dollars.

To supply the deficiency in the appropriation for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, three thousand dollars.

For compiling, printing, and binding the *Bienial Register* for eighteen hundred and fifty-one, in addition to the amount appropriated per act of third of March, eighteen hundred and fifty-one, two thousand two hundred and fifty-three dollars.

For the trial and maintenance of the light at Waugasham, Michigan, one thousand dollars.

For expenses incurred in bringing gas pipes and fixtures into and around the northeast Executive Building, four hundred dollars.

For purchasing, walling, and ditching a piece of land near the city of Mexico for a cemetery or burial-ground for such of the officers and soldiers of our army, in our late war with Mexico, as fell in battle, or died in and around said city, and for the interment of American citizens who have died or may die in said city, one thousand four hundred and eighty dollars and thirty-four cents; and also a sum not exceeding ten thousand seven hundred and thirty-four dollars and sixty-five cents, is hereby appropriated to pay Adam Boyd Hamilton, according to contract, for printing twenty thousand and binding eighteen thousand six hundred and ten copies, of three hundred and ninety-six pages each, of the Register's Report of the Commerce and Navigation of the United States, for eighteen hundred and fifty-one.

For additional compensation for increasing the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, to twenty-six trips per annum, at such times as shall be directed by the Postmaster General, and in conformity to his last annual report to Congress, and his letter of the fifteenth of November last to the Secretary of the Navy, commencing said increased service on the first of January, eighteen hundred and fifty-two, at the rate of thirty-three thousand dollars per trip, in lieu of the present allowance, the sum of two hundred and thirty-six thousand five hundred dollars: *Provided*, That it shall be in the power of Congress at any time after the thirty-first day of December, eighteen hundred and fifty-four, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and fifty-two, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the apprehension and safe-keeping of prisoners, in addition to former appropriations, ninety thousand dollars: *Provided*, That no officer of the United States who is in attendance upon any court of the United States, in the discharge of the duties of said office, shall receive any pay or compensation for his attendance as a witness on behalf of the Government at the same time that he receives compensation as such officer.

To enable the Secretary of the Interior to pay to the clerks employed in the Census Office on extra duty, at the rate of one hundred dollars for full service, according to the office roll, the sum of ten thousand five hundred dollars.

For determining, running, and marking the northern boundary of the State of Iowa, on the parallel of forty-three degrees thirty minutes north latitude, in addition to the appropriation heretofore made for the same object, fifteen thousand dollars.

For the reconstruction or repairs of the steamer Bibb, used in the survey of the Nantucket shoals, eighteen thousand dollars.

For establishing a depot of coal for naval purposes at Key West, in the State of Florida, twenty thousand dollars.

For the purchase of a site on which to erect a custom-house in Bangor, Maine, fifteen thousand dollars.

For the purchase of a site on which to erect a custom-house in Bath, Maine, eleven thousand dollars.

For the completion of the custom-house at Mobile, Alabama, one hundred thousand dollars; and for the completion of the custom-house at Louisville, Kentucky, the additional sum of sixteen thousand dollars.

For the completion of the custom-house at Cincinnati, fifty thousand dollars.

For the completion of the custom-house and other public offices connected therewith, at Pittsburgh, thirty-five thousand dollars.

For the completion of the fire-proof building in the city of St. Louis, Missouri; for a custom-house and independent treasury building and other offices of the United States, thirty-seven thousand dollars.

For completing the custom-house at Norfolk, Virginia, fifty thousand dollars.

For arrears of contingent expenses in the Post Office Department, seven thousand five hundred dollars.

For compensation to temporary clerks employed conditionally to bring up arrears of business in the dead-letter office, one thousand and two dollars and sixty-seven cents.

For fuel for the General Post Office Building from the twentieth of February, eighteen hundred and fifty-two, to the end of the season, seven hundred and fifty dollars.

For the payment of the salaries of the special agents of the Post Office Department to the end of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two, eleven thousand five hundred dollars.

For payment to the following named tribes of Indians of the undermentioned sums due them, retained by the late sub-Indian agent, William H. Bruce, the same to be reimbursed to the United States when recovered from said sub-agent or his sureties, viz:

To Menomonees, nine thousand four hundred and sixty-six dollars and twenty-seven cents.

To Chippewas, Menomonees, Winnebagoes, and New York Indians, five hundred and twenty-one dollars and fifty-nine cents.

To Six Nations of New York, (Stockbridge,) twenty-two dollars and fifty cents.

To Stockbridge, one thousand eight hundred and six dollars.

For expenses of treaty with the Mississippi and St. Peter's Sioux for the extinguishment of their title to lands in Minnesota Territory, being in addition to the appropriation for the same object made thirtieth September, eighteen hundred and fifty, four thousand two hundred and seventy-two dollars and thirty-eight cents.

For expenses of treating with the Indians and half breeds, for the extinguishment of the title to their lands on the Red river of the north, in the Territory of Minnesota, being in addition to the appropriation for the same object, made thirtieth September, eighteen hundred and fifty, nine hundred and one dollars and five cents.

For fulfilling treaties with the Winnebagoes, viz: purchase of tobacco, per second article of treaty of first August, eighteen hundred and twenty-nine, and fifth article of treaty of fifteenth September, eighteen hundred and thirty-two, three hundred and seventy-five dollars.

For fulfilling treaties with Ottawas and Chippewas, viz: purchase of tobacco, per fourth article of treaty of twenty-eighth March, eighteen hundred and thirty-six, three hundred dollars.

For fulfilling treaties with the Sacs and Foxes of the Mississippi, viz: purchase of tobacco, per fourth article of treaty of the twenty-first September, eighteen hundred and thirty-two, two hundred dollars.

For fulfilling treaties with the Menomonees, viz: purchase of tobacco, per second article of treaty of third September, one thousand eight hundred and thirty-six, one hundred dollars.

For the payment of annuities (and the transportation of the same) to certain tribes of Indians in accordance with the seventh article of the treaty made at Fort Laramie, on the seventeenth day of September, Anno Domini eighteen hundred and fifty-one, sixty thousand dollars.

And the Secretary of the Interior is hereby authorized to purchase the provisions, merchandise, domestic animals, and agricultural implements, to be delivered in payment of the annuity first payable under the seventh article of said treaty, without previous advertisement, if such purchases can be so made on reasonable terms.

SEC. 2. *And be it further enacted*, That there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to pay for printing four hundred and fifty copies of the estimates of appropriations for the service of the fiscal year one thousand eight hundred and fifty-three, at the rate paid by him for the printing of the Treasury Department by contract, under the provisions of the seventeenth section of the act of the twenty-sixth August, one thousand eight hundred and forty-two.

SEC. 3. *And be it further enacted*, That no part of the appropriations herein made for the benefit of any tribe or part of a tribe of Indians, shall be



paid to any attorney or agent of such tribe or part of a tribe; but shall, in every case, be paid directly to the Indians themselves, to whom it shall be due, or to the tribe or part of a tribe, *per capita*, unless the imperious interest of the Indians shall require the payment to be made collectively. Nor shall the Executive branch of the Government hereafter recognize any contract between any tribe or part of a tribe and any attorney or agent, for the prosecution of any claim against the Government under this act.

SEC. 4. *And be it further enacted*, That no estimate or appropriation of money, in any bill making appropriations, shall authorize the payment of any increased pay, allowance, or compensation, in any form whatever beyond the amount prescribed by law, in any case, unless there shall first be a specific direction for such extra payment, designating the officers to whom such extra payment shall be made.

SEC. 5. *And be it further enacted*, That the Commissioner of Public Buildings be, and he is hereby, authorized to apply any unexpended portion of the money appropriated by the act of Congress entitled "An act making appropriation to meet the expenses incurred in consequence of the late fire at the Capitol," approved January thirteenth, eighteen hundred and fifty-two, to the payment of expenses necessarily incurred in repairing the damage lately done by fire in the office of the clerk of the Supreme Court, and in making other repairs about the Capitol.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to purchase for the United States a suitable piece of ground at a central point in the city of San Francisco, California, as a site for the erection of the custom-house heretofore authorized to be built: *Provided*, That said site or ground may be obtained with good and sufficient title to the United States in exchange for such reasonable portion of the Government reserve in that city as the said Secretary shall deem just and equitable, or for a sum in lieu thereof not exceeding forty thousand dollars; and to enable the Secretary of the Treasury to carry into effect this provision, the sum of forty thousand dollars is hereby appropriated: *Provided*, That if the said Secretary shall fail to obtain such ground on satisfactory terms, then the said sum, or such portion thereof as may be necessary, may be expended in providing the proper foundations for said custom-house on the site heretofore selected for the purpose.

APPROVED, July 21, 1852.

PUBLIC, XXXIV.—*An Act to authorize the Mayor and Common Council of Chicago, Illinois, to excavate a portion of the Public Reservation at that place, with a view to the improvement of the Navigation of Chicago River.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the corporate authorities of the city of Chicago, Illinois, be, and they are hereby, authorized to excavate such portion of the reservation at Chicago, not exceeding the limits described in their memorial of January five, eighteen hundred and fifty-two, as may be necessary, according to the plan set forth in said memorial, for the improvement of the navigation of the Chicago river.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, directed to cause the limits above designated to be marked out, and to make such disposition of the buildings now standing within said limits as may be best for the public interest.

APPROVED, July 21, 1852.

PUBLIC, XXXV.—*An Act to authorize the President of the United States to designate the places for the Ports of Entry and Delivery for the Collection Districts of Puget's Sound and Umpqua, in the Territory of Oregon, and to fix the Compensation of the Collector at Astoria, in said Territory.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized to designate the places for the ports of entry for the collection districts of Puget's Sound and Umpqua, in the Territory of Oregon, upon receiving satisfactory information as to the best location for said ports, instead

of the places now established by law in said districts, respectively.

SEC. 2. *And be it further enacted*, That the annual compensation of the collector at Astoria, in the collection district of Oregon, in said Territory, be, and the same is hereby, fixed at the sum of three thousand dollars, including the fees of his office, commencing on the first day of July, in the year one thousand eight hundred and fifty; and in no event shall he be allowed a greater amount than said sum of three thousand dollars, so including the present fees of his office as aforesaid.

APPROVED, July 21, 1852.

PUBLIC, XXXVI.—*An Act supplementary to "An act providing for the taking of the Seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives, and provide for their future Apportionment among the several States," approved twenty-third May, eighteen hundred and fifty.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior proceed forthwith to apportion two hundred and thirty-three representatives among the several States, in accordance with the provisions contained in the twenty-fifth section of the act of twenty-third May, eighteen hundred and fifty, and according to the returns of population which have been completed and returned to the Census Office in the Department of the Interior. And it being made to appear that the returns of the population of California are incomplete, it is further enacted that said State shall retain the number of representatives prescribed by the act of admission thereof into the Union until a new apportionment, and for this purpose the whole number of representatives is hereby increased to two hundred and thirty-four until such apportionment.

SEC. 2. *And be it further enacted*, That if, at any future decennial enumeration of the inhabitants of the United States, the census of any district or subdivision in the United States shall have been improperly taken, or if the returns of any district or subdivision shall be accidentally lost or destroyed, the Secretary of the Interior shall have power to order a new enumeration of such district or subdivision.

SEC. 3. *And be it further enacted*, That the twentieth section of the said act be amended by striking out the words "has been" from the last line and inserting the words "may necessarily be" in lieu thereof.

APPROVED, July 30, 1852.

PUBLIC, XXXVII.—*An Act to establish additional Land Districts in the State of Wisconsin.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the public lands of the United States, in the State of Wisconsin, as lie within the following boundaries, to wit: commencing at the southwest corner of township fifteen north, of range two, east of the fourth principal meridian, thence running due east to the southeast corner of township fifteen north, of range eleven, east of the fourth principal meridian, thence north along said range line to the north line of the State of Wisconsin, thence westerly along said north line to the line between ranges one and two, east of the fourth principal meridian, thence south to the place of beginning, shall be formed into a new land district, to be called the Stevens's Point Land District, and for the sale of the public lands within the district hereby constituted, a land office shall be established at Stevens's Point, on the Wisconsin river, as soon as the public convenience may require it.

SEC. 2. *And be it further enacted*, That so much of the public lands of the United States, in the State of Wisconsin, as lie within the following boundaries, to wit: commencing at a point where the line between townships ten and eleven north touches the Mississippi river, thence due east to the fourth principal meridian, thence north to the line between townships fourteen and fifteen north, thence east to the southeast corner of township fifteen north, of range one, east of the fourth principal meridian, thence north on the range line to the south line of township number thirty-one north, thence west on the line between townships number thirty and thirty-one to the Chippewa river,

thence down said river to its junction with the Mississippi river, thence down the Mississippi river to the place of beginning, shall be formed into a new land district, to be called the La Crosse Land District, and for the sale of the public lands within the district hereby constituted, a land office shall be established at La Crosse, on the Mississippi river, as soon as the public convenience may require it.

SEC. 3. *And be it further enacted*, That the President is hereby authorized to cause the removal of either of the offices created by this act, to any other place within said district, whenever, in his opinion, such removal may be deemed expedient.

SEC. 4. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver of public moneys for each of the said districts, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land officers of the United States. And in case it shall be found necessary or expedient to establish said districts, or either of them, during the recess of Congress, the President shall be, and he is hereby, authorized to appoint the necessary officers during such recess, and until the end of the next session of Congress: *Provided, however*, That this act shall not go into effect until at least six months after its passage.

SEC. 5. *And be it further enacted*, That the Commissioner of the General Land Office, shall cause to be transferred to the land offices hereby created, all such books, maps, records, field notes, and plats, or transcripts thereof, relating to the surveys and entries of the public lands in the districts hereby created, as may be necessary for the sale of the public lands in compliance with the provisions of this act.

APPROVED, July 30, 1852.

PUBLIC, XXXVIII.—*An Act to create three additional Land Districts in the State of Iowa.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all that portion of the public lands in the State of Iowa, lying west of the range line dividing ranges seventeen and eighteen, and east of the range line dividing ranges thirty-one and thirty-two, and now included in the district of lands subject to sale at Fairfield, shall comprise a new land district, to be called the Charlton District; that so much of the public lands in said State, now included in the Iowa and Dubuque land districts, as lie between the range line dividing ranges sixteen and seventeen, and the range line dividing ranges thirty-three and thirty-four, shall form a new land district, to be called the Northern District; that all that portion of the public lands in said State now included in the district subject to sale at Fairfield, and lying west of the range line dividing ranges thirty-one and thirty-two, and all that portion of the public lands now included in the districts subject to sale at Iowa City and Dubuque, and lying west of the range line dividing ranges thirty-three and thirty-four, shall form a new land district, to be called the Missouri River District; and that the district of lands subject to sale at Dubuque shall hereafter be bounded on the north by the northern boundary line of the State of Iowa.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of the public moneys for each of the said districts respectively, who shall each be required to reside at the site of the respective office to which they may be appointed, and who shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land officers of the United States.

SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in said districts, respectively, (with the exception of sections numbered sixteen in each township, reserved for the use of schools, or such other lands as may be selected by law in lieu thereof, and of such other tracts as he may select for military or other purposes,) to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to designate the sites at which each of the several offices shall be established, and to remove the same to any other places within said districts respectively, whenever, in his opinion, it may be deemed expedient.

SEC. 5. *And be it further enacted*, That any location or sale of lands lying in either of the districts hereby created, made by the land officers at Dubuque, Iowa City, or Fairfield, after the passage of this act, and prior to the receipt by them of instructions from the Commissioner of the General Land Office under this act, shall be as good and valid in law as if this act had not been passed.

APPROVED, August 2, 1852.

PUBLIC, XXXIX.—*An Act to protect actual settlers upon the land on the line of the Central Railroad and branches by granting Preemption rights thereto.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every person now an actual settler and occupant, and who, on the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty, had made such an actual settlement and improvement as would have entitled him to a right of preemption under the act of September fourth, eighteen hundred and forty-one, but for his failure to give the requisite notice under that law, or to file proof within due time, on any tract of land now owned by the United States, and situated within the limits reserved from sale by order of the Government, because of the grant of alternate sections to the States of Illinois, Mississippi, and Alabama, in aid of the construction of the Chicago and Mobile railroad and branches, by virtue of an act of Congress approved September twentieth, eighteen hundred and fifty, entitled "An act granting the right of way and making a grant of land to the States of Illinois, Mississippi, and Alabama, in aid of the construction of a railroad from Chicago to Mobile," shall have the right to purchase, at the price established by law in regulating the sales of said lands, a quantity of the tract so settled on and improved, not less than forty nor more than one hundred and sixty acres, in legal subdivisions, on which said improvements may be situated: *Provided*, That any person claiming the right to purchase under this act shall, before the actual offering of the tract at public sale, file with the register of the proper land office a notice describing the land by its numbers, and make the necessary proof, affidavit, and payment for the land, within twelve months from the date of this act: *And provided further*, That the right of way upon and across any tract of land claimed under the provisions of this act, not exceeding two hundred feet in width, shall be reserved and retained for the said railroad and branches, as the same may be located and constructed.

APPROVED, August 2, 1852.

PUBLIC, XL.—*An Act to amend an act entitled "An act to incorporate the Washington Gaslight Company," approved July eighth, eighteen hundred and forty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act entitled "An act to incorporate the Washington Gaslight Company, approved July eighth, eighteen hundred and forty-eight, be, and the same is hereby, amended by inserting in the second section, immediately before the word "fifty," the words "three hundred and;" and in the seventh section, wherever the word "Washington" occurs, by inserting immediately thereafter the words and Georgetown.

APPROVED, August 2, 1852.

PUBLIC, XLI.—*An Act to grant the Right of Way to all Rail and Plank Roads and Macadamized Turnpikes passing through the Public Lands belonging to the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the right of way shall be, and is hereby, granted to all rail and plank road or macadamized turnpike companies that are now or that may be chartered within ten years hereafter, over and through any of the public lands of the United States, over which any rail or plank road or macadamized turnpikes are or may be authorized by

an act of the Legislature of the respective States in which public lands may be situated; and the said company or companies are hereby authorized to survey and mark through the said public lands, to be held by them for the track of said road, one hundred feet in width: *Provided*, That in case where deep excavation or heavy embankment is required for the grade of such road, then at such places a greater width may be taken by such company, if necessary, not exceeding in the whole, two hundred feet.

SEC. 2. *And be it further enacted*, That the said company or companies shall have the right to take from the public lands, in the vicinity of said road or roads, all such materials of earth, stone, or wood, as may be necessary or convenient from time to time, for the first construction of said road or roads, or any part thereof, through said land.

SEC. 3. *And be it further enacted*, That there shall be, and is hereby, granted to said company or companies, all necessary sites for watering-places, depôts, and workshops along the line of said road or roads, so far as the places convenient for the same may fall upon the public lands: *Provided*, That no one depôt or watering-place shall contain over one square acre, and that said sites shall not be nearer to each other than ten miles along the line or lines of said road or roads: *Provided further*, That the said grants herein contained, as well of the use of the public lands, as of the materials for the construction of said road or roads, shall cease and determine, unless the road or roads be begun within ten years from and after the passage of this act, and completed within fifteen years thereafter: *And provided, moreover*, That if any road, at any time after its completion, be discontinued or abandoned by said company or companies, the grants hereby made shall cease and determine, and said lands hereby granted revert back to the General Government: *Provided further*, That when a location for either of said railroads, or plank-roads, macadamized turnpikes, or sites for depôts on the line of such road or roads, shall be selected, the proper officers of such road or roads shall transmit to the Commissioner of the General Land Office a correct plat of the survey of said road or roads, together with the survey of sites for depôts before such selection shall become operative: *Provided further*, That none of the foregoing provisions of this act shall apply to, or authorize, any rights in any lands of the United States other than such as are held for private entry and sale, and such as are unsurveyed and not held for public use by erection or improvements thereon.

SEC. 4. *And be it further enacted*, That the right of way through the public lands of the United States lying in Black Rock, in the county of Erie, and State of New York, be, and the same is hereby, granted to the Lockport and Buffalo Railroad Company: *Provided*, That in the opinion of the President of the United States such grant be not injurious to the public interest, and that the location shall be approved by the President as to the position and width of the said railroad: *And provided further*, That if the said railroad shall not be completed within two years, or if at any time after its completion, the said railroad be discontinued or abandoned, the grant shall cease and determine.

APPROVED, August 4, 1852.

PUBLIC, XLII.—*An Act making Appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-three:

For pay of officers, instructors, cadets, and musicians, eighty thousand four hundred and nine dollars.

For commutation of subsistence, two thousand two hundred and sixty-three dollars.

For forage for officers' horses, seven hundred and sixty-eight dollars.

For clothing for officers' servants, thirty dollars.

For repairs, fuel, and apparatus therefor, forage

for public horses and oxen, postage, stationery, printing, and other incidental and contingent expenses, twenty-five thousand dollars.

For increase and repairs of the library, one thousand dollars.

For improvement and additions to officers' quarters, three thousand dollars.

For additional pay to the lithographer and pressman employed in the lithographic office, fifty dollars each, one hundred dollars.

For expenses of the board of visitors, three thousand dollars.

For purchase of new equatorial telescope, being the difference in value between the defective one now in use and a new one, five thousand dollars.

For purchase of thirty artillery and cavalry horses, three thousand dollars.

For forage for ninety artillery and cavalry horses, six thousand four hundred and eighty dollars.

SEC. 2. *And be it further enacted*, That hereafter the assistant professors of French and drawing shall receive the pay and emoluments allowed to other assistant professors.

SEC. 3. *And be it further enacted*, That to rectify a mistake which was made in the enrollment of the bill entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two," by omitting a clause appropriating for per diem compensation and mileage of Senators, members of the House of Representatives, and Delegates, and agreed to by the Senate and House of Representatives, the sum of fifty thousand dollars is hereby appropriated for that object, out of any money in the Treasury not otherwise appropriated.

APPROVED, August 6, 1852.

PUBLIC, XLIII.—*An Act to amend an act entitled "An act to Settle and Adjust the Expenses of the People of Oregon in defending themselves from Attacks and Hostilities of Cayuse Indians, in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight," approved February fourteenth, eighteen hundred and fifty-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury pay out of the money appropriated by the act to which this is an amendment, approved February fourteenth, eighteen hundred and fifty-one, the amount found due to the persons named in the report of Aaron E. Wait, commissioner to ascertain the necessary expenses incurred by said inhabitants, as the same was communicated to Congress by the Legislature of Oregon, at the second session of the Thirty-first Congress.

SEC. 2. *And be it further enacted*, That when a person shall have died, the amount shall be paid to his legal representatives, on the production of authenticated copies of the appointment: *Provided*, That if such deceased person shall not have been a resident of the Territory at the time of his death, and shall have left a widow in any one of the States of the Union, the amount due such decedent shall be paid to such widow; and if there be no widow surviving him, and there be infant children, then the amount shall be paid the guardian of such infant children; and if there be no widow or infant children, then to the legal representatives of such decedent as above provided for.

APPROVED, August 21, 1852.

PUBLIC, XLIV.—*An Act to Confirm to the State of Michigan certain Lands selected for Saline Purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the selection and location by the State of Michigan of the lands lying in said State, described as sections numbered two, three, four, five, eight, nine, ten, eleven, fourteen, fifteen, twenty-one, and twenty-two, in township seven, north of range fourteen east, heretofore made under and by virtue of the fourth proposition contained in the first section of an act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions," approved June twenty-third, eighteen hundred and thirty-six, be, and the same are hereby, recognized as valid and confirmed to said State, in lieu of twelve other sections which were incor-

rectly noted as confirmations under said act, by reason of an erroneous interpretation given at the General Land Office to the original list of selections.

APPROVED, August 25, 1852.

**PUBLIC, XLV.**—*An Act to provide for executing the Public Printing, and establishing the Prices thereof, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the joint resolution entitled "Joint Resolution directing the manner of procuring the printing for each House of Congress," approved August third, eighteen hundred and forty-six, be, and the same is hereby, repealed.

**SEC. 2.** *And be it further enacted,* That there shall be a Superintendent of the Public Printing, who shall hold his office for the term of two years, who shall receive for his services a salary of twenty-five hundred dollars per annum, and who shall give bond with two sureties, to be approved by the Secretary of the Interior, in the penalty of twenty thousand dollars, for the faithful discharge of his duties under this law. The said Superintendent shall be a practical printer, versed in the various branches of the arts of printing and book-binding, and he shall not be interested directly or indirectly in any contract for printing for Congress or for any Department or Bureau of the Government of the United States. The first Superintendent under this law shall hold his office until the commencement of the Thirty-third Congress, and the Superintendents thereafter appointed shall hold their offices for two years, commencing with the first day of the session of each Congress.

**SEC. 3.** *And be it further enacted,* That it shall be the duty of said Superintendent to receive from the Secretary of the Senate and Clerk of the House of Representatives all matter ordered by Congress to be printed, and from the several chiefs of Departments and heads of Bureaus all matter ordered by them respectively, to be printed at the public expense, and to keep a faithful account of the same, in the order in which the same shall be received, in a book or books to be by him kept for that purpose. He shall deliver said matter to the public printer or printers in the order in which it shall be received, unless otherwise ordered by the Joint Committee on Printing. He shall inspect the work when executed by the public printer or printers, and shall record in a book or books, to be by him kept for that purpose, the dates at which the returns of said work are made, and whether the same is executed in a neat and workmanlike manner, upon the paper furnished to the public printers by said Superintendent, and the amount allowed by said Superintendent for the said printing. It shall be his duty to supervise the execution of the public printing; to inspect the work when executed, and to see that the same is done with neatness and dispatch; to report every failure or delinquency of duty on the part of the public printer, and from time to time to report the said delinquencies to the Joint Committee of Congress on Printing. He shall issue his certificate for the amount due to the public printer for such work as shall have been faithfully executed, which certificate shall be made payable to the public printer at the Treasury of the United States, and shall not be assignable or transferable by indorsement or delivery to any third party. Said certificate of the Superintendent shall be a sufficient voucher for the Comptroller to pass, and for the Treasurer, upon the order of the Second Comptroller, to pay the same.

**SEC. 4.** *And be it further enacted,* That it shall be the duty of the said Superintendent of the public printing to advertise annually in one or more newspapers of general circulation in the cities of Boston, New York, Philadelphia, Baltimore, Washington, New Orleans, Louisville, and Cincinnati, for the space of sixty days prior to the first of December, for sealed proposals to furnish the Government of the United States all paper which may be necessary for the execution of the public printing, of quality and in quantity to be specified in the said advertisements from year to year. He shall open such proposals as may be made, in the presence of the President of the Senate and Speaker of the House of Representatives, on the first Tuesday after the first Monday of December, annually, provided a Speaker shall have been elected, or as soon thereafter as a Speaker shall be elected, and shall

award the contract for furnishing all of said paper, or such class thereof as may be bid for to the lowest bidder, whose sample, accompanying his bid, shall most nearly approximate to the quality of paper (size, weight, and texture all considered) advertised for by the said Superintendent. The sample offered with the bid accepted shall be preserved by the said Superintendent, and it shall be his duty to compare these with the paper furnished by the public contractor; and he shall not accept any paper from the contractor which does not conform to the sample preserved as aforesaid. It shall be the duty of the Superintendent of the public printing to deliver the paper for the printing of the United States upon the requisitions of the public printer or printers, and to charge him or them therewith; and, as the printing is returned and passed by the said Superintendent, he shall credit the public printer with the quantity used in the public service. It shall be the duty of said Superintendent to have the requisitions of the printer and the returns of paper by the printer balanced at least once in each year, and in default thereof to report the same to Congress for such proceedings as Congress may direct. In default of any contractor under this law to comply with his contract in furnishing the paper in proper time and of proper quality, the Superintendent is authorized to advertise for proposals, as hereinbefore provided, and award the contract to the lowest bidder; and for any increase of cost to the Government in procuring a proper supply of paper for the use of the Government, the contractor in default and his securities shall be charged with and held responsible for the same, and shall be prosecuted upon their bond, by the Superintendent, in the name of the United States, in the circuit court of the United States for the District of Columbia.

**SEC. 5.** *And be it further enacted,* That the public printer shall be required to execute each job of printing intrusted to him within thirty days from the date of its delivery by the Superintendent, except bills, reports, and joint resolutions, which shall be returned as the Clerk of the House or Secretary of the Senate shall require, unless, for good reasons shown, the Superintendent of Printing shall extend the time. And should the printer detain any matter longer than thirty days, a deduction of five per centum shall be made by the Superintendent, from the account of the printer, for such job; and an additional deduction of five per centum for an additional detention of twenty days. If the public printer shall detain such matter for sixty days, the Superintendent shall withdraw it entirely, and shall employ another printer to execute the same with promptness, upon the terms provided by law; and in such case the public printer shall not be allowed therefor.

**SEC. 6.** *And be it further enacted,* That the Superintendent of the Public Printing shall not be directly or indirectly interested in the business of the Public Printing, or in any material to be used by the public printer, or in any contract for furnishing paper to Congress or to any department or bureau of the Government of the United States. For any violation of this provision the Superintendent of the Public Printing shall forfeit his office, and may be indicted before the district court for the District of Columbia, and, if found guilty, shall be imprisoned in the penitentiary of the District of Columbia for any term not less than one nor more than five years, and, in addition thereto, may be fined in any sum from one thousand to ten thousand dollars.

**SEC. 7.** *And be it further enacted,* That when any document shall be ordered to be printed by both Houses of Congress, the entire printing of such document shall be done by the printer of that House which first ordered the same. And whenever the same person or the same firm shall be printer for both Houses of Congress, and both Houses shall order the same document to be printed within three weeks of the same time, composition shall be charged but once for said document; and no sum shall be paid to said printer for altering the headings from the form in which he printed them first to the form or forms in which such document shall afterwards be printed.

**SEC. 8.** *And be it further enacted,* That there shall be elected a public printer for each House of Congress, to do the public printing for the Congress for which he or they may be chosen, and such printing for the executive departments and bureaus of the Government of the United States, as may

be delivered to him or them to be printed, by the Superintendent of the Public Printing. The following rates of compensation shall be paid from time to time for such printing as may be ordered by Congress:

**FIRST.** For bills and joint resolutions:

For composition per page, fifty cents.

For press-work, folding, and stitching, for five hundred and eighty copies, thirty-two and a half cents per page; and at the same rate per page for any greater number not exceeding one thousand copies.

**SECOND.** For reports of committees, and the Journals of both Houses, with indexes, and the executive documents of each House, embracing messages from the President, reports from the executive departments, bureaus, and offices, and documents and statements communicated therewith, with indexes; resolutions and other documents from State Legislatures; memorials, petitions, treaties, and confidential documents for the Senate; for composition per page, octavo—

For small pica plain, one dollar.

For small pica rule, one dollar and fifty cents.

For brevier plain, one dollar and fifty cents.

For brevier rule, two dollars.

For nonpareil rule, three dollars and seventy-five cents.

For the composition of tables larger than octavo size, per one thousand ems, seventy cents; but the page of octavo size shall contain not less than one thousand six hundred ems, when printed in small pica; and the body of all plain matter shall be so printed, except extracts, yeas and nays, and addenda, which shall be printed with brevier type.

All rule and figure work shall be printed in royal octavo form, with small pica, each page containing not less than one thousand six hundred ems, if the matter to be printed can be brought into pages of that size with that kind of type, so as to be read with facility and convenience. If it cannot, it shall be printed with brevier type, each page containing not less than two thousand eight hundred ems; and if it cannot be brought into a royal octavo page with brevier type, so as to be understood with facility, it shall be printed with nonpareil type, each page containing not less than four thousand two hundred ems; and when it cannot be brought into a royal octavo page with nonpareil type, so as to be read with facility, it shall be printed with brevier type in a broadside, showing the whole table at one view, and be so filled that it can be bound in a royal octavo volume.

When matter is leaded, the composition shall be counted as if the matter were printed solid, and not leaded.

For press-work, folding, and stitching of royal octavo size—

For twelve hundred and fifty copies, thirty-two and a half cents per page, and at the same rate for any greater number not exceeding fifteen hundred copies.

For press-work, folding, and stitching of each table larger than royal octavo size—

For twelve hundred and fifty copies, one dollar and twenty-five cents per page, and at the same rate for any number not exceeding fifteen hundred copies.

The following deductions on account of folding and stitching copies reserved for binding, shall be made:

For royal octavo size, per page, for each hundred copies, one quarter of a cent; for each table larger than octavo, one quarter of a cent; and the following additional charge shall be allowed for trimming, folding, and stitching, and inserting each map, chart, diagram, or plat in the copies not reserved for binding: for every hundred copies, ten cents.

There shall be allowed for the press-work on treaties, reports, and other documents, when ordered to be printed in confidence, for the use of the Senate, at the following rates:

For the press-work, folding, and stitching of sixty-five copies, six cents per page when of the royal octavo size, and one dollar per page, for sixty-five copies when the matter cannot be contained in the royal octavo page in any type hereinbefore specified; and allowance shall be made at the same rates for any greater number of copies than sixty-five, and not exceeding one hundred.

**THIRD.** For tabular statements of the orders of the day, lists of yeas and nays, circular letters,



and miscellaneous printing ordered by Congress, not hereinbefore specified—

For composition for plain work, per thousand ems, fifty cents.

For rule and figure work, fifty cents per thousand ems.

For press-work, folding, and stitching, one hundred copies, per page—

For royal octavo, or any smaller size, ten cents.

For quarto post, twenty cents.

For foolscap and any larger size, twenty cents.

But the following deductions shall be made from the press-work, folding and stitching additional numbers to the number usually ordered by Congress of matter included in the foregoing specifications, to wit:

When the number ordered exceeds five thousand and does not exceed ten thousand, two per centum.

When the number exceeds ten thousand and does not exceed twenty thousand, five per centum.

When the number exceeds twenty thousand, forty per centum.

The press-work, folding, and stitching, of all printing not herein provided for, shall be done by the ream—the rates shall be two dollars per ream when printed on one side, and four dollars per ream when printed on both sides; when any amount less than one ream is ordered, it shall be counted and settled for as one ream.

SEC. 9. *And be it further enacted*, That the regular numbers of documents ordered by Congress shall be printed in octavo form, on paper weighing not less than fifty-six pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches; and the extra numbers shall be printed on paper weighing not less than forty-five pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches. The paper for any other species of printing ordered by Congress may be of such size and quality as the Superintendent of the Public Printing may deem suitable and proper.

SEC. 10. *And be it further enacted*, That the public printer, or printers, may be required by the Superintendent to work at night as well as through the day upon the public printing, during the session of Congress, when the exigencies of the public service require it.

SEC. 11. *And be it further enacted*, That the same prices shall be paid for printing for the executive departments that are paid for printing for Congress, except for printing post-bills, which shall be printed on paper not less than sixteen by twenty-six inches, and for printing on parchment. There shall be paid for printing the post-bills at the rate of one dollar per thousand sheets, and at the rate of ten dollars per thousand for printing parchments; but nothing shall be allowed for altering post-bills when the alteration consists in the mere change of a postmaster's name; and nothing herein contained shall prevent the heads of executive departments from employing printers out of the city of Washington to execute such printing for any of said departments as may be required for use out of Washington, when the same can be executed elsewhere as cheap as at the rates herein specified, increased by the cost of transporting the printed matter to the State or States where such matter may be required for use in the public service.

SEC. 12. *And be it further enacted*, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the Superintendent of the Public Printing and the public printer in any dispute which may arise as to the propriety of the decisions of the Superintendent making deductions on account of work which the Superintendent may refuse to receive, or which, in his opinion, may not be done with proper dispatch, as required by law; and the said committee shall pass upon the accounts of the Superintendent of the Public Printing. Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, provided that no contract, agreement, or arrangement entered into by this committee shall take effect until the same shall have been approved by that House of Congress to which the printing belongs, and when the printing delayed relates to the busi-

ness of both Houses, until both Houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing from the House in which the same may be made.

SEC. 13. *And be it further enacted*, That all acts or joint resolutions conflicting with the provisions of this act are hereby repealed; but nothing herein contained shall be construed to authorize the cancellation of any contract now or heretofore entered into with any printer under the laws heretofore in force, or to abrogate his rights in any way without his consent. Nothing in this act shall be construed to authorize the printing of the census, but the same shall be done as may be provided by law hereafter.

APPROVED, August 26, 1852.

PUBLIC, XLVI.—*An Act granting to the State of Michigan the Right of Way and a donation of Public Land, for the construction of a Ship Canal around the Falls of St. Mary's, in said State.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be, and is hereby, granted to said State, the right of locating a canal through the public lands, known as the military reservation at the Falls at St. Mary's river, in said State, and that four hundred feet of land in width, extending along the line of such canal, be, and the same is hereby, granted, to be used by said State, or under the authority thereof, for the construction and convenience of such canal, and the appurtenances thereto, and the use thereof is hereby vested in said State forever, for the purposes aforesaid and no other: *Provided*, That, in locating the line of said canal through said military reservation, the same shall be located on the line of the survey heretofore made for that purpose, or such other route between the waters above and below said falls, as, under the approval of the Secretary of War, may be selected: *And provided further*, That said canal shall be at least one hundred feet wide, with a depth of water twelve feet, and the locks shall be at least two hundred and fifty feet long and sixty feet wide.

SEC. 2. *And be it further enacted*, That there be and hereby is granted to the said State of Michigan, for the purpose of aiding said State in constructing and completing said canal, seven hundred and fifty thousand acres of public lands, to be selected in subdivisions, agreeably to the United States surveys, by an agent or agents to be appointed by the Governor of said State, subject to the approval of the Secretary of the Interior, from any lands within said State subject to private entry.

SEC. 3. *And be further enacted*, That the said lands hereby granted shall be subject to the disposal of the Legislature of said State, for the purposes aforesaid, and no other; and the said canal shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the vessels of said Government engaged in the public service, or upon vessels employed by said Government in the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted*, That if the said canal shall not be commenced within three, and completed within ten years, the said State of Michigan shall be bound to pay to the United States the amount which may be received upon the sale of any part of said lands by said State not less than one dollar and twenty-five cents per acre, the title to the purchasers under said State remaining valid.

SEC. 5. *And be it further enacted*, That the Legislature of said State shall cause to be kept an accurate account of the sales and net proceeds of the lands hereby granted, and of all expenditures in the construction, repairs, and operating of said canal, and of the earnings thereof, and shall return a statement of the same annually to the Secretary of the Interior; and whenever said State shall be fully reimbursed for all advances made for the construction, repairs, and operating of said canal, with legal interest on all advances, until the reimbursement of the same, or upon payment by the United States of any balance of such advances over such receipts from said lands and canal, with such interest, the said State shall be allowed to

tax, for the use of said canal, only such tolls as shall be sufficient to pay all necessary expenses for the care, charge, and repairs of the same.

SEC. 6. *And be it further enacted*, That before it shall be competent for said State to dispose of any of the lands to be selected as aforesaid, the route of said canal shall be established as aforesaid, and a plat or plats thereof shall be filed in the office of the War Department, and a duplicate thereof in the office of the Commissioner of the General Land Office.

APPROVED, August 26, 1852.

PUBLIC, XLVII.—*An Act to Reduce and Define the boundaries of the Military Reserve at the St. Peter's river, in the Territory of Minnesota.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, required to cause the lines of the present military reserve at Fort Snelling, in the Territory of Minnesota, to be so contracted as to embrace the following boundaries, to wit:

Beginning at the middle of the channel of the Mississippi river, below Pike's island; thence ascending along the channel of said river in such a direction as to include all the islands of the river, to the mouth of Brown's creek; thence up said creek to Rice lake; thence through the middle of Rice lake to the outlet of Lake Amelia, to the outlet of Mother lake; thence through said outlet and the middle of Mother lake, to the outlet of Duck lake; thence through said outlet and the middle of Duck lake, to the southern extremity of Duck lake; thence in a line due south to the middle of the channel of the Saint Peter's river; thence down said river so as to include all the islands to the middle of the channel of the Mississippi river; reserving further, for military purposes, a quarter section on the right bank of the Saint Peter's river, at the present ferry; and also a quarter section on the left bank of the Mississippi river, at the present ferry across that stream.

SEC. 2. *And be it further enacted*, That the Commissioner of the General Land Office be, and he is hereby, required to cause to be surveyed, as soon as practicable, so much of the lands heretofore included in the military reserve aforesaid, but without the limits of the said military reserve aforesaid, as defined by this act, as have not already been surveyed; and to cause the same, together with such of said lands as have been so surveyed, with the exceptions hereinafter set forth, to be sold at public sale, under the direction of the President of the United States.

SEC. 3. *And be it further enacted*, That the land on which the establishment of the Fur Company is situated, known as Mendota, with the settlements immediately around the same, not exceeding three hundred and twenty acres, be, and the same is hereby, reserved from sale during the term of one year after the lands surrounding the same shall be offered for sale; and the proper authorities are hereby authorized, at any time during said year, to enter the same for a town site, agreeably to and in accordance with the terms and conditions of "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four.

SEC. 4. *And be it further enacted*, That the lands comprised within the limits of said reserve be, and the same are hereby, annexed to and made a part of the Chippewa Land District, in said Territory of Minnesota.

APPROVED, August 26, 1852.

PUBLIC, XLVIII.—*An Act authorizing Imported Goods, Wares, and Merchandise, Entered and Bonded for Warehousing in pursuance of law, to be Exported by certain routes to ports or places in Mexico.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any imported goods in the original packages which shall have been duly entered and bonded, in pursuance of the warehousing act of sixth August, eighteen hundred and forty-six, may be withdrawn from warehouse at any time within two years from the original importation for immediate exportation, without payment of duties, under the provision of the act aforesaid, to Chihuahua, in Mexico, by the routes designa-

ted in the first section of the act of third March, eighteen hundred and forty-five, or by such other routes as may be designated by the Secretary of the Treasury; and likewise, that any imported merchandise duly entered and bonded at Point Isabel, in the collection district of Brazos de Santiago, or imported and bonded at any other port of the United States, and transported thence in bond, and duly rewarehoused at Point Isabel in pursuance of the provisions of the warehousing law of August sixth, eighteen hundred and forty-six, may be withdrawn from warehouse at any time within two years from the date of original importation into the United States for immediate exportation, without payment of duties under the provisions of the warehousing act aforesaid, to ports and places in Mexico, by land or water, or partly by land and partly by water, or by such routes as may be designated by the Secretary of the Treasury.

Sec. 2. *And be it further enacted*, That any imported merchandise duly entered and bonded at any port of the United States may be withdrawn from warehouse at any time within two years from the date of importation without payment of duties, in pursuance of the provisions of the warehousing law of sixth August, eighteen hundred and forty-six, for immediate exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, through the port of La Vaca, in the collection district of Saluria, in the State of Texas, and be transhipped inland, thence to San Antonio, in said State, and from the latter place to the destinations in Mexico aforesaid, either by way of Eagle Pass, the Presidio del Norte, and San Elizario, all on the Rio Grande; and the Secretary of the Treasury shall be, and is hereby, authorized to prescribe such regulations not inconsistent with law as he may deem proper and necessary respecting the packing, marking, inspection, proof of due delivery at their foreign destinations of the imports authorized by this and the foregoing section of this act, to be exported from the warehouse to ports and places in Mexico, and for the due protection in other respects of the public revenue.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury shall appoint inspectors of the customs to reside at San Antonio, Eagle Pass, the Presidio del Norte and San Elizario, or at such other points on the routes as he may designate, not exceeding four in number, who shall each receive an annual salary of two hundred and fifty dollars, and who shall make a report semi-annually to the Secretary of the Treasury, of all the trade that passes under inspection, stating the number of packages, description of goods, their value, and the names of the exporters.

Sec. 4. *And be it further enacted*, That no goods, wares, or merchandise, exported out of the limits of the United States, according to the provisions of this act, shall be voluntarily landed or brought into the United States; and on being so landed or brought into the United States, they shall be forfeited, and the same proceedings shall be had for their condemnation, and the distribution of the proceeds of their sales, as in other cases of forfeiture of goods illegally imported; and every person concerned in the voluntary landing or bringing such goods into the United States, shall be liable to a penalty of four hundred dollars.

Sec. 5. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of the foregoing act, be, and the same are hereby, repealed.

APPROVED, August 30, 1852.

PUBLIC, XLIX.—*An Act to provide for a Tri-Monthly Mail from New Orleans to Vera Cruz, via Tampico, and back, in Steam-Vessels.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Postmaster General be, and he is hereby, authorized and directed to enter into a contract for a term of five years, and for a sum not exceeding one hundred thousand dollars a year, with such person or persons as may offer sufficient and satisfactory security, after due public notice, for the transportation of the mails of the United States, upon the best terms for the United States, three times a month from New Orleans, via Tampico, to Vera Cruz, and back, in steam-vessels, of not less than eight hundred tons burden, of the best form of construction, adapted to war purposes, and to the navigation of the southern waters,

the same to be ready in the shortest possible time.

APPROVED, August 30, 1852.

PUBLIC, L.—*An Act to amend the act entitled "An act to Reduce and Modify the Rates of Postage in the United States, and for other purposes," passed March third, eighteen hundred and fifty-one.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the thirtieth day of September, eighteen hundred and fifty-two, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent, and for every additional ounce, or fraction of an ounce, one cent additional shall be charged; and when the postage upon any newspaper or periodical is paid quarterly or yearly in advance at the office where the said periodical or newspaper is delivered, or is paid yearly or quarterly in advance at the office where the same is mailed, and evidence of such payment is furnished to the office of delivery in such manner as the Post Office Department shall by general regulations prescribe, one half of said rates only shall be charged. Newspapers and periodicals not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half of the rates beforementioned: *Provided*, That small newspapers and periodicals, published monthly or oftener, and pamphlets not containing more than sixteen octavo pages each, when sent in single packages, weighing at least eight ounces, to one address, and prepaid by affixing postage stamps thereto, shall be charged only one half of a cent for each ounce or fraction of an ounce, notwithstanding the postage calculated on each separate article of such package would exceed that amount. The postage on all transient matter shall be prepaid by stamps or otherwise, or shall be charged double the rates first abovementioned.

Sec. 2. *And be it further enacted*, That books, bound or unbound, not weighing over four pounds, shall be deemed mailable matter, and shall be chargeable with postage at one cent an ounce for all distances under three thousand miles, and two cents an ounce for all distances over three thousand miles, to which fifty per cent. shall be added in all cases where the same may be sent without being prepaid, and all printed matter chargeable by weight shall be weighed when dry. The publishers of newspapers and periodicals may send to each other from their respective offices of publication, free of postage, one copy of each publication; and may also send to each actual subscriber, inclosed in their publications, bills and receipts for the same, free of postage. The publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage.

Sec. 3. *And be it further enacted*, That no newspaper, periodical, magazine, or other printed paper or matter, shall be entitled to be sent at the rates of postage in this act specified, unless the following conditions be observed:

*First*. It shall be sent without any cover or wrapper, or in a cover or wrapper open at the ends or sides, so that the character of the matter contained therein may be determined without removing such wrapper. *Second*. There shall be no word or communication printed on the same after its publication, or upon the cover or wrapper thereof, nor any writing or marks upon it, nor upon the cover or wrapper thereof, except the name and address of the person to whom it is to be sent. *Third*. There shall be no paper or other thing inclosed in or with such printed paper; and if these conditions are not complied with, such printed matter shall be subject to letter postage; and all matter sent by mail from one part of the United States to another, the postage of which is not fixed by the provisions of this act, shall, unless the same be entitled to be sent free of postage, be charged with letter postage.

Sec. 4. *And be it further enacted*, That if the publisher of any periodical, after being three months previously notified that his publication is not taken out of the office to which it is sent for delivery,

continue to forward such publication in the mail, the postmaster to whose office such publication is sent may dispose of the same for the postage, unless the publisher shall pay it; and whenever any printed matter of any description, received during one quarter of the fiscal year, shall have remained in the office without being called for during the whole of any succeeding quarter, the postmaster at such office shall sell the same and credit the proceeds of such sale in his quarterly accounts, under such regulations and after such notice as the Post Office Department shall prescribe.

Sec. 5. *And be it further enacted*, That so much of the second section of the act entitled "An act to modify and reduce the rates of postage in the United States, and for other purposes," approved March third, eighteen hundred and fifty-one, as relates to the postage or free circulation or transmission of newspapers, periodicals, and other printed matter, and all other provisions of law inconsistent with the provisions of this act are hereby repealed.

Sec. 6. *And be it further enacted*, That when a list of uncalled-for letters shall be published in any newspaper printed in any foreign language, said list shall be published in such newspaper having the largest circulation within the range of delivery of said office.

APPROVED, August 30, 1852.

PUBLIC, LI.—*An Act for the Relief of the Wilmington and Manchester Railroad Company.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to extend the time of payment of all duties, except only the amount due in fees to custom-house officers, upon all iron rails, spikes, bolts, fastenings, and other iron necessary for the construction of the Wilmington and Manchester Railroad, now or hereafter to be imported at the ports of Wilmington, North Carolina, and Charleston, South Carolina, by the Wilmington and Manchester Railroad Company, to be used on said road for the term of four years: *Provided*, That before the delivery of said iron spikes, rails, bolts, fastenings as above, the payment of the said duties so suspended by this act shall be secured by the bonds of the said company, with good personal security, to be approved by the United States district judges for the States of North and South Carolina: *And provided also*, That so soon as such portion of said railroad shall be completed as will render it expedient in the judgment of the Postmaster General to contract with said company for the transportation of the mail along the route of said road and upon said road, the Postmaster General do make a contract with said company to carry the mail as aforesaid, within such rates as are charged by other railroad companies, and that all such sums as may arise in favor of said company for the carriage of the mail as aforesaid, within the said term of four years, shall be reserved by the Postmaster General for the benefit of the Treasury, and applied as they fall due towards the payment and satisfaction of the bonds of said company to be executed by them for the payment of the duties aforesaid.

Sec. 2. *And be it further enacted*, That before the said company shall be entitled to the benefits of this act, they shall enter into an agreement to transport the mails of the United States upon the terms and conditions prescribed by law, and the regulations of the Post Office Department made in pursuance thereof: *Provided*, That the bonds to be executed to secure the payment of the duties suspended by this act shall be so drawn as to secure the payment of interest on said duties at the rate of six per centum.

APPROVED, August 30, 1852.

PUBLIC, LII.—*An Act to create an additional Land Office in the Territory of Minnesota.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the public lands of the United States, in the Territory of Minnesota, east of the Mississippi river, and west of the range line between ranges twenty-seven and twenty-eight west, and that portion west of the Mississippi river, in said Territory, lying north of the nearest township line where the above-mentioned range

line intersects the east bank of the Mississippi river, be formed into a land district to be called the Sauk River District, the land office for which shall be located at such point as the President may direct, and shall be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall respectively be required to reside at the site of said office, and who shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States. And in case it shall be found necessary or expedient to establish said district during the recess of Congress, the President shall be, and he is hereby, authorized to appoint the necessary officers during such recess, and until the end of the next session of the Senate of the United States.

APPROVED, August 30, 1852.

**PUBLIC, LIII.**—*An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-three, namely,

*Legislative.*—For compensation and mileage of Senators, one hundred and ten thousand seven hundred and seventy-six dollars.

For compensation and mileage of members of the House of Representatives, and Delegates from Territories, three hundred and thirty-five thousand three hundred and fifty-two dollars.

For compensation of Senators, Members of the House of Representatives, and Delegates, fifty thousand dollars.

For compensation of the officers and clerks of both Houses of Congress, forty-two thousand five hundred and fifty-seven dollars and fifty cents.

For the contingent expenses of the Senate, viz:

For printing, thirty-five thousand dollars.

For binding, fifteen thousand dollars.

For lithographing, thirteen thousand five hundred dollars.

For books, twelve thousand dollars.

For stationery, five thousand dollars.

For newspapers, two thousand five hundred dollars.

For Congressional Globe, six thousand dollars.

For reporting proceedings, &c., twenty-two thousand dollars.

For messengers, pages, laborers, police, horses, and carriages, twenty thousand dollars.

For miscellaneous items, nineteen thousand dollars.

For the contingent expenses of the House of Representatives, viz:

For printing and binding, one hundred and twenty-five thousand dollars: *Provided*, That on settling the accounts of Thomas Ritchie, assignee of William M. Belt, the printer of the Thirty-first Congress, one half of the prices given by the joint resolution of eighteen hundred and nineteen be allowed, not exceeding the amounts that would be paid under the respective contracts, if settled by the prices named in the act passed at the present session in regard to the public printing, estimating the paper at the actual cost thereof, to be paid out of any money in the Treasury not otherwise appropriated: *Provided further*, That the amount to be paid for the said printing, over and above the amounts which would be paid under the terms and at the rate of the contracts for the same, shall not exceed fifty thousand dollars; and for printing the obituary notices of the decease of President Taylor said contractor shall be paid the actual cost, with a profit of twenty per centum.

For furniture and repairs, three thousand five hundred dollars.

For stationery, eighteen thousand dollars.

For salary of librarian, reading clerk of the House of Representatives, clerk to the Committee on Claims, messengers, pages, and laborers, thirty-eight thousand dollars.

For horses and mail carriages, two thousand five hundred dollars.

For fuel, oil, and candles, two thousand four hundred dollars.

For newspapers, five thousand dollars.

For engraving and lithographing, twenty-five thousand dollars.

For salary of the Capitol police, three thousand five hundred and sixty dollars.

For alterations, repairs, and other miscellaneous items, thirty thousand dollars.

*Library of Congress.*—For compensation of librarian, two assistant librarians, and messenger, four thousand five hundred dollars.

To defray freight and other expenses incurred under the act to regulate the exchange of certain documents and other publications, approved June twenty-sixth, eighteen hundred and forty-eight, the sum of one thousand dollars, and that the said act is hereby repealed.

For purchase of books for said Library and for contingent expenses thereof, and for purchase of furniture for the same, seventy-five thousand dollars.

For continuing the preparation and publication of the works of the Exploring Expedition, including the expenses of the green-house, and for the settlement of arrears due on the erection of said green-house, twenty-five thousand dollars: *Provided*, That no part of this appropriation shall be applied to the enlarging of the present or the erection of new buildings.

For purchase of law books for said Library, two thousand dollars.

For the publication of the Jefferson Papers, under the direction of the Library Committee, in addition to the balance of an unexpended appropriation, three thousand dollars.

*Executive.*—For compensation of the President of the United States, twenty-five thousand dollars.

*Department of State.*—For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his office, thirty-three thousand seven hundred dollars.

For incidental and contingent expenses of said Department:

For publishing the Laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, twenty-two thousand three hundred and twenty-five dollars.

For proof-reading, packing and distributing laws and documents, including cases, labor, and transportation, ten thousand dollars.

For the purchase of such works as are immediately required for the library of the Department of State, two thousand dollars.

For remodeling the library of the Department of State, arranging and classifying the collection, binding the pamphlets which are contained therein, and preparing a catalogue of the same, one thousand dollars.

For stationery, blank books, binding, labor, and attendance, furniture, fixtures, repairs, painting and glazing, four thousand four hundred dollars.

For printing (letter-press and copper-plate) books and maps, two thousand dollars.

For newspapers, two hundred dollars.

For miscellaneous items, one thousand dollars.

*Northeast Executive Building.*—For compensation of the superintendent and four watchmen of the Northeast Executive Building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For fuel, labor, oil, and repairs, three thousand three hundred dollars.

*Treasury Department.*—For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office, thirty-three thousand seven hundred and fifty dollars.

For compensation of the First Comptroller, and the clerks and messenger in his office, twenty-two thousand one hundred and fifty dollars.

For compensation of the Second Comptroller, and the clerks and messenger in his office, twenty-four thousand six hundred and fifty dollars.

For compensation of the First Auditor, and the clerks, messenger, and assistant messenger in his office, twenty-three thousand dollars.

For compensation to the Second Auditor, and the clerks, messenger, and assistant messenger in his office, thirty-four thousand eight hundred dollars.

For compensation of the Third Auditor, and

the clerks, messengers, and assistant messengers in his office, fifty-nine thousand one hundred and fifty dollars. The salary of one of the clerks created by the act of the twentieth of April, eighteen hundred and eighteen, and who is now acting as the assistant chief clerk in said office, being hereby increased to one thousand six hundred dollars per annum.

For compensation to temporary clerks employed in the office of the Third Auditor in making out certificates of service from the muster-rolls of eighteen hundred and twelve and the several Indian wars, thirty-five thousand dollars: *Provided*, That no clerk shall receive more than at the rate of one thousand dollars per annum under this act, except one whose salary shall be sixteen hundred dollars per annum, and four whose compensation shall be four dollars per day.

For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, twenty thousand four hundred dollars.

For compensation of the Fifth Auditor, and the clerks and messenger in his office, fifteen thousand six hundred dollars.

For compensation of the Treasurer of the United States, and the clerks and messenger in his office, thirteen thousand seven hundred and fifty dollars.

For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messenger in his office, thirty thousand eight hundred dollars. The salary of three of the clerks created by the act of the twentieth of April, eighteen hundred and eighteen, being hereby increased to one thousand dollars per annum.

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, thirteen thousand eight hundred and fifty dollars.

For compensation of the Commissioner of Customs, and the clerks and messenger in his office, sixteen thousand five hundred dollars.

For the temporary employment of additional clerks in the Auditor's office of the Treasury for the Post Office Department, to compute postmasters' commissions, rendered necessary by the act of Congress reducing the rates of postage, two thousand dollars.

*Contingent expenses of the Treasury Department.*

In the office of the Secretary of the Treasury:

For labor, blank books, stationery, sealing ships' registers, translating foreign languages, printing, advertising, printing the public accounts, and extra clerk hire for preparing and collecting information to be laid before Congress, said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another—and no such extra clerk shall receive more than three dollars thirty-three and one third cents per day for the time actually and necessarily employed—ten thousand five hundred and fifty dollars.

For miscellaneous items, two thousand eight hundred dollars.

In the office of the First Comptroller:

For furniture, one hundred dollars.

For blank books, binding, stationery, printing, and labor, two thousand and thirty-four dollars.

For miscellaneous items, one hundred and twenty-five dollars.

In the office of the Second Comptroller:

For blank-books, binding, stationery, and printing blanks, including pay for the National Intelligencer and Union, to be filed, bound, and preserved for the use of the office, seven hundred dollars.

For labor, office furniture, and miscellaneous items, eight hundred dollars.

In the office of the First Auditor:

For blank books, binding, stationery, printing blanks, and labor, one thousand two hundred dollars.

For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office, three hundred dollars.

In the office of the Second Auditor:

For blank-books, binding, stationery, labor, furniture, blanks, newspapers, and miscellaneous items, one thousand five hundred dollars.

In the office of the Third Auditor:

For blank books, binding, stationery, office fur-



niture, including carpeting, labor, and miscellaneous items, two thousand dollars.

For expenses of arranging document rooms and preserving files of papers, one thousand dollars.

For contingencies incident to the bounty land service, one thousand four hundred dollars.

In the office of the Fourth Auditor:

For books and binding, six hundred dollars.

For printing, fifty dollars.

For labor, one hundred dollars.

For miscellaneous items, two hundred dollars.

In the office of the Fifth Auditor:

For blank books, binding, and stationery, two hundred and fifty dollars.

For labor, one hundred and seventy-five dollars.

For miscellaneous items, three hundred and fifty dollars.

In the office of the Treasurer:

For blank-books, binding, labor, stationery, and printing, one thousand dollars.

For miscellaneous items, five hundred dollars.

In the office of the Register:

For blank books, binding, and stationery, two thousand five hundred dollars.

For blank certificates of the registers of vessels, blank enrollments and licenses, five hundred dollars.

For arranging and binding canceled marine papers returned by the collectors, one thousand dollars.

For copper-plate printed certificates of registers of vessels and crew list, four thousand dollars.

For labor and other miscellaneous items, one thousand dollars.

In the office of the Solicitor:

For blank books, binding, stationery, printing circulars and blank forms of reports of district attorneys, clerks of courts, and marshals, and for labor, one thousand and fifty dollars.

For statutes and reports, including those of the several States, one thousand dollars.

For miscellaneous items, two hundred dollars.

In the office of the Commissioner of Customs:

For blank books, binding, stationery, printing, and labor, one thousand seven hundred dollars.

For miscellaneous items, three hundred dollars.

*Southeast Executive Building.*—For compensation of the superintendent and eight watchmen of the Southeast Executive Building, four thousand five hundred dollars.

For contingent expenses of said building, viz:

For labor, fuel, and lights, fourteen thousand five hundred dollars.

For rent of additional buildings for the accommodation of officers of the Treasury Department, three thousand five hundred dollars.

For fuel, watching, and miscellaneous items for the same, four thousand dollars.

*Department of the Interior.*—For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers, in his office, twenty-four thousand seven hundred dollars.

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office, ninety-eight thousand eight hundred and six dollars.

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office, twenty-six thousand two hundred dollars.

For compensation of the Commissioner of Pensions, and the clerks and messengers in his office, eighteen thousand eight hundred dollars.

For compensation to temporary clerks employed in the office of the Commissioner of Pensions, one hundred thousand dollars: *Provided*, That no clerk shall receive more than at the rate of three dollars thirty-three and one third cents per day, except two whose compensation shall be twelve hundred dollars per annum: *Provided further*, That the said limitation shall extend to the appropriation for a like purpose contained in the act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth June, eighteen hundred and fifty-two, approved July twenty-first, eighteen hundred and fifty-two, instead of the proviso thereto.

*Contingent expenses of the Department of the Interior.*—

In the office of the Secretary of the Interior:

For stationery, printing, binding, furniture, and repairs, subscription to newspapers, introducing gas into the Patent Office, fuel, and other contingencies, seven thousand dollars.

For library books and maps, one thousand dollars.

In the General Land Office:

For compensation of laborers, two thousand dollars.

For cash system and military patents under laws prior to act of twenty-eighth of September, eighteen hundred and fifty, patent and other records, tract books, blank books, and blank forms, for the district land offices, binding plats, field notes, and stationery, office furniture, and repairs of the same, including carpets for rooms and miscellaneous items, twenty-three thousand seven hundred and ten dollars.

To meet further requirements of the act "granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved the twenty-eighth of September, eighteen hundred and fifty, for patent and other records, parchment, blank forms of returns, &c., twenty-eight thousand dollars.

In the office of Commissioner of Indian Affairs:

For blank books, binding, and stationery, one thousand dollars.

For labor, two hundred dollars.

For miscellaneous items, eight hundred dollars.

In the office of the Commissioner of Pensions:

For stationery, printing blank forms and regulations, furniture, binding books, and miscellaneous items, sixteen thousand dollars.

*War Department.*—For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office, seventeen thousand eight hundred and fifty dollars.

For compensation of the clerk and messenger in the office of the Commanding General, one thousand five hundred dollars.

For compensation of the clerks and messenger in the office of the Adjutant General, ten thousand four hundred and fifty dollars.

For compensation of the clerks and messenger in the office of the Quartermaster General, twelve thousand three hundred dollars.

For compensation of the clerks and messenger in the office of Clothing and Equipage in Philadelphia, four thousand and forty dollars.

For compensation of the clerks and messenger in the office of the Paymaster General, nine thousand nine hundred dollars.

For compensation of the clerks and messenger in the office of the Commissary General of Subsistence, six thousand three hundred dollars.

For compensation of one additional clerk in the office of the Commissary General of Subsistence, one thousand dollars.

For compensation of the clerks and messenger in the office of the Chief Engineer, five thousand nine hundred dollars.

For compensation of the clerks and messenger in the office of the Surgeon General, three thousand six hundred and fifty dollars.

For compensation of the clerks and messenger in the office of the Colonel of Ordnance, eight thousand six hundred and fifty dollars.

For compensation of the clerks and messenger in the Bureau of Topographical Engineers, four thousand nine hundred dollars.

*Contingent expenses of the War Department.*—

In the office of the Secretary of War:

For blank books, binding, stationery, labor, and printing, one thousand four hundred and fifty dollars.

For books, maps, and plans, one thousand dollars.

For extra clerks, one thousand five hundred dollars.

For miscellaneous items, five hundred and fifty dollars.

In the office of the Commanding General:

For miscellaneous items, three hundred dollars.

In the office of the Adjutant General:

For printing Army Register, general orders, circulars, &c., seven hundred dollars.

For blank books, binding, and stationery, five hundred dollars.

For miscellaneous items, including office furniture, three hundred dollars.

In the office of the Quartermaster General, including the office at Philadelphia:

For blank books, binding, and stationery, seven hundred dollars.

For labor, one hundred and fifty dollars.

For printing, two hundred dollars.

For office rent at Philadelphia, five hundred dollars.

For miscellaneous items, four hundred dollars.

In the office of the Commissary General of Subsistence:

For blank books, binding, printing, stationery, advertising, and labor, three thousand dollars.

For miscellaneous items, one hundred and fifty dollars.

In the office of the Chief Engineer:

For blank books, binding, stationery, and printing, six hundred dollars.

For miscellaneous items, including subscriptions to two daily Washington newspapers, four hundred dollars.

In the office of the Surgeon General:

For blank books, binding, stationery, and printing, two hundred and twenty-five dollars.

For miscellaneous items, one hundred and fifty dollars.

In the Bureau of Topographical Engineers:

For blank books, binding, stationery, and labor, seven hundred and fifty dollars.

For miscellaneous items, five hundred dollars.

*Northwest Executive Building.*—For compensation of the superintendent and four watchmen of the Northwest Executive Building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For labor, fuel, and light, two thousand four hundred dollars.

For miscellaneous items, one thousand dollars.

*Building corner of F and Seventeenth streets.*—For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it, twenty-one thousand eight hundred and seventy-five dollars.

For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For labor, five hundred and forty dollars.

For miscellaneous items, eight hundred and sixty dollars.

*Navy Department.*—For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office, twenty-two thousand dollars.

For compensation of the chief of the Bureau of Construction, Equipment, and Repairs, and the clerks, draughtsman, and messenger in his office, thirteen thousand six hundred dollars.

For compensation of the chief naval constructor and the engineer-in-chief, six thousand dollars.

For compensation of the chief of the Bureau of Ordnance and Hydrography, and the clerks, draughtsman, and messenger in his office, nine thousand four hundred dollars.

For compensation of the chief of the Bureau of Navy-yards and Docks, and of the civil engineer, draughtsman, clerks, and messenger in his office, twelve thousand six hundred dollars.

For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, seven thousand three hundred dollars.

For compensation of the chief of the Bureau of Medicine and Surgery, and the assistant to chief, clerks and messenger in his office, seven thousand seven hundred dollars.

*Contingencies of the Navy Department.*

For contingencies of the Navy Department, and all the bureaus connected therewith, viz:

For blank books, binding, stationery, printing, labor, newspapers, periodicals, and miscellaneous items, six thousand nine hundred and thirty dollars.

*Southwest Executive Building.*—For compensation of the superintendent and three watchmen of the Southwest Executive Building, one thousand seven hundred and fifty dollars.

For an additional watchman of the Southwest Executive Building, five hundred dollars.

For contingent expenses of said building, viz:

For fuel, three hundred and twenty-five dollars.

For fuel and lights, one thousand three hundred and fifty dollars.

For miscellaneous items, one thousand one hundred and fifty dollars.

*Post Office Department.*—For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, and watchmen of said Department, one hundred and one thousand nine hundred dollars.

For compensation of one additional clerk in the office of the Postmaster General one thousand dollars.

For compensation of the superintendent of the Post Office Building, two hundred and fifty dollars.

*Contingent expenses of the Post Office Department.*—

For blank books, binding, stationery, fuel, for the General Post Office Building, oil, gas, and candles, printing, labor, day watchmen, and for miscellaneous expenses, twelve thousand five hundred dollars.

For repairs of the General Post Office Building, for office furniture, glazing, whitewashing, and for keeping the fire-places and furnaces in order, one thousand five hundred dollars.

*Auditor of the Post Office Department.*—For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, one hundred and three thousand two hundred dollars.

For contingent expenses of said office, viz:

For blank books, binding, stationery, labor, printing blanks and circulars, nine thousand seven hundred dollars.

For miscellaneous items, one thousand five hundred dollars.

*Mint of the United States.*

At Philadelphia, viz:

For salaries of the director, treasurer, chief coiner, melter, and refiner, engraver, assayer, assistant assayer, and their clerks, twenty-one thousand dollars.

For wages of workmen, fifty thousand dollars.

For incidental and contingent expenses, including fuel, materials, stationery, water-rent, repairs, and wastage, in addition to other available funds, twenty-five thousand dollars.

For specimens of ores and coins to be reserved at the Mint, three hundred dollars.

At Charlotte, North Carolina:

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen and watchmen, four thousand one hundred dollars.

For contingent expenses, including wastage of gold, fuel, materials, stationery, and repairs, one thousand five hundred dollars.

At Dahlonega, Georgia:

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars,

For wages of workmen, three thousand six hundred dollars.

For incidental and contingent expenses, including wastage, one thousand four hundred dollars.

At New Orleans, Louisiana.

For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and clerks, seven thousand three hundred dollars.

For wages of workmen, thirty-five thousand seven hundred dollars.

For incidental and contingent expenses, including fuel, materials, stationery, water-rent, repairs, and wastage, in addition to other available funds, forty-five thousand two hundred dollars.

For new machinery, twenty-four thousand dollars.

For the proportion due by said Mint for square block paving from Esplanade to Barrack streets, to be paid to Thomas Hynes, twelve hundred and sixty-five dollars and forty cents.

*Government in the Territories.*

*Territory of Oregon.*—For salaries of governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, nineteen thousand four hundred and forty dollars.

*Territory of Minnesota.*—For salaries of governor, superintendent of Indian affairs, three judges and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

*Territory of New Mexico.*—For salaries of governor, superintendent of Indian affairs, three judges and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For compensation of the acting secretary of the Territory of New Mexico, from the fifth of April, eighteen hundred and fifty-one, to the twentieth of June, eighteen hundred and fifty-one, four hundred and twenty-five dollars.

*Territory of Utah.*—For salaries of governor, superintendent of Indian affairs, three judges and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

*Judiciary.*—For salaries of the Chief Justice of the Supreme Court and eighteen associate judges, forty-one thousand dollars.

For salaries of the district judges, seventy-two thousand dollars. And the district judge of the northern district of California, until otherwise provided by law, shall be judge of the southern district in that State, with an additional annual compensation of fifteen hundred dollars, so long as he discharges the duties of both districts. And an appeal from all final judgments and decrees rendered in any of the district courts in California, in cases of equity, of admiralty, and maritime jurisdiction, and of prize or no prize, when the matter in dispute, exclusive of cost, shall exceed the sum or value of two thousand dollars, shall be allowed to the Supreme Court of the United States, and upon such appeal the like proceedings shall be had as now provided by law on appeals in like cases from the judgment or decrees of the circuit courts to the Supreme Court of the United States.

For salaries of the Chief Justice of the District of Columbia, the associate judges, and the judges of the criminal court and orphans' court, eleven thousand two hundred dollars.

For salaries of the Attorney General, and the clerks and messenger in his office, ten thousand three hundred dollars.

For contingent expenses of the office of the Attorney General, five hundred dollars.

For salary of the Reporter of the Decisions of the Supreme Court, one thousand three hundred dollars, for each volume published by the direction of the Supreme Court.

For compensation of the district attorneys, eight thousand eight hundred dollars.

For compensation of the marshals, seven thousand four hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia, also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the fiscal year ending Junethirtieth, eighteen hundred and fifty-three, and previous years, and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, six hundred and thirty thousand dollars.

That the Secretary of the Interior be, and he is hereby, directed to examine the claim presented by the county of Des Moines, in the State of Iowa, for the expenses of the United States district court, which were paid by said county prior to the first day of January, one thousand eight hundred and forty-four; and if, upon such examination, he is satisfied that prior to the first day of January, one thousand eight hundred and forty-four, the said county has paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated December nineteenth, one thousand eight hundred and forty-three, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow

the same: *Provided,* That the amount thus allowed shall not exceed the sum of twelve thousand dollars, which is hereby appropriated for that purpose.

*Surveyors General and their clerks.*—For compensation of the Surveyor General northwest of the Ohio, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the Surveyor General of Illinois and Missouri, and the clerks in his office, five thousand eight hundred and twenty dollars.

For compensation of the Surveyor General of Louisiana, and the clerks in his office, four thousand five hundred dollars.

For compensation of the Surveyor General of Florida, and the clerks in his office, five thousand five hundred dollars.

For compensation of the Surveyor General of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the Surveyor General of Arkansas, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the Surveyor General of Oregon, and the clerks in his office, six thousand five hundred dollars.

For compensation of the Surveyor General of California, and the clerks in his office, eighteen thousand five hundred dollars.

For clerks in the offices of the Surveyor General, including the office in Oregon, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field notes of surveys for the purpose of preserving them at the seat of government, thirty-three thousand dollars.

*Light-House Establishment.*—For supplying light-houses, containing three thousand two hundred and seventy-two lamps, with oil, tube-glasses, wicks, buffskins, whiting, and cotton cloth, transportation, and other expenses on the same, and for repairing and keeping in repair the lighting apparatus, one hundred and eighty-two thousand three hundred and thirty dollars and seventy-eight cents.

For repairs and incidental expenses, refitting and improvements of light-houses and buildings connected therewith, one hundred and ten thousand eight hundred and fifty-seven dollars.

For salaries of three hundred and twenty-one light-house keepers and twenty-four assistants, (twenty-four of them charged with double lights, and two with triple lights,) and including one thousand two hundred dollars for salary of an inspector of lights on the upper lakes, one hundred and thirty-six thousand seven hundred and eighty-three dollars and thirty-three cents.

For salaries of forty-two keepers of light-boats, twenty-three thousand dollars.

For seamen's wages, repairs and supplies of light-boats, one hundred and three thousand six hundred and sixty-four dollars and fifty-two cents.

For expenses of weighing and mooring, cleansing and repairing, and supplying losses of beacons, buoys, chains, and anchors, fifty-nine thousand and fifty-seven dollars and thirty-two cents.

For commissions at two and a half per centum to such superintendents as are entitled to the same under the proviso to the act of March third, eighteen hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them, eight thousand dollars.

For expenses of superintendents in visiting light-houses annually, and reporting their condition, two thousand dollars.

For the erection of a light-house on Seaborse Key, in Florida, in addition to eight thousand dollars appropriated by the act of September twenty-eight, eighteen hundred and fifty, four thousand dollars.

For the completion of the light-house of the third class at Red Fish Bar, Galveston Bay, Texas, five thousand dollars.

For rebuilding the light-house at Cape St. Blas, in Florida, twelve thousand dollars.

For expenses of coloring and numbering all the buoys, under the act of September twenty-eight, eighteen hundred and fifty, twelve thousand dollars.

For the additional expense incurred for fog-signals, authorized by the act of twenty-eighth of

September, one thousand eight hundred and fifty, by the application of horse-power to some of them, one thousand dollars.

*Independent Treasury.*—For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, eleven thousand five hundred dollars.

For compensation of the treasurer of the branch Mint at San Francisco, California, four thousand five hundred dollars, and additional salaries of the treasurer of the Mint at Philadelphia of one thousand dollars, and of the treasurer of the branch Mint at New Orleans of five hundred dollars, six thousand dollars.

For salaries of ten additional clerks, authorized by the acts of August sixth, eighteen hundred and forty-six, and August twelfth, eighteen hundred and forty-eight, and a clerk for the treasurer of the branch Mint at San Francisco, California, at a salary of two thousand five hundred dollars, twelve thousand one hundred dollars.

For salary of chief clerk to the assistant treasurer at New York, fifteen hundred dollars.

For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of sixth August, eighteen hundred and forty-six, twenty thousand dollars: *Provided*, That no part of said sum of twenty thousand dollars shall be expended for clerical services.

For compensation to special agents to examine the books, accounts, and money on hand in the several depositories, under the act of August-sixth, eighteen hundred and forty-six, seven thousand dollars.

*Survey of the Coast.*—For survey of the coast of the United States, including compensation to Superintendent and assistants, (and excluding the pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed in the work,) one hundred and eighty-six thousand dollars.

For continuing the survey of the Florida reefs and keys, (excluding the pay and emoluments of the officers of the Army and Navy, and petty officers and men of the Navy employed in the work,) thirty thousand dollars.

For continuing the survey of the western coast of the United States, (excluding the pay and emoluments of the officers of the Army and Navy, and the petty officers and men employed in the work,) one hundred and fifty thousand dollars: *Provided*, That a sufficient number of the supernumerary second lieutenants, graduates of the Military Academy, for whom there is no command in the Army, shall, upon the application of the Superintendent of the Coast Survey, be detailed to take the places and do duty on the Coast Survey, instead of the civilians now employed in that service.

*Marine Hospitals.*—For draining hospital site, and heating and watering the hospital at Louisville, Kentucky, two thousand dollars.

For draining hospital site and heating and watering the hospital at Paducah, two thousand dollars.

For draining hospital site and heating and watering the hospital at Napoleon, two thousand dollars.

For draining hospital site and heating and watering the hospital at Natchez, two thousand dollars.

For draining hospital site and heating and watering the hospital at St. Louis, two thousand dollars.

For draining hospital site and heating and watering the hospital at Cleveland, two thousand dollars.

To meet outstanding claims incurred in finishing the hospital at Pittsburg, and grading and draining the site, fifteen hundred and sixty-three dollars and forty-eight cents.

For completing the construction of the marine hospital at San Francisco, California, and for arranging the grounds, fencing, furnishing warming apparatus, and superintendence thereof, one hundred and thirty thousand dollars.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable site in Portland, in the State of Maine, or in such place in the immediate vicinity thereof as he shall deem proper, and to cause to be erected thereon, under his direction, a marine hospital for the relief of sick and disabled seamen; and for that purpose the sum of thirty thousand dollars be, and the same is hereby, appropriated out of any

money in the Treasury not otherwise appropriated.

*Custom-Houses.*—For continuing the construction of the custom-house at Charleston, South Carolina, two hundred thousand dollars.

For continuing the construction of the custom-house at New Orleans, Louisiana, one hundred and fifty thousand dollars, subject to the limitations and restrictions imposed on the appropriation made for the same object at the last session of Congress: *Provided*, That, in case the superintendence of the building be confided to an officer detailed from the Corps of Topographical Engineers, the acting architect be dispensed with, and the said superintendent allowed a compensation not exceeding eight dollars per day.

For purchasing a site and the construction of a suitable building at Wilmington, Delaware, for custom-house, post office, court-rooms, and other offices of the United States, and furnishing the same, twenty-five thousand dollars: *Provided*, That the said lot and building be exempted from city and all other taxes whatever, by the act of the Legislature of Delaware: *And provided further*, That, before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site, or lot of ground, and to make a contract or contracts for the erection of said building, and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of twenty-five thousand dollars, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties to the satisfaction of the said Secretary of the Treasury and President of the United States.

For the construction of a custom-house at Astoria, Oregon, in addition to ten thousand dollars heretofore appropriated, thirty thousand dollars.

For purchasing a site, and the construction of a suitable building at Richmond, Virginia, for custom-house, post office, court-rooms, and other offices of the United States, one hundred thousand dollars: *Provided*, That the said lot and building shall be exempted from city and all other taxes whatever by the act of the Legislature of Virginia: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of one hundred and fifty thousand dollars, inclusive of said lot, which said contract or contracts shall be secured by good and sufficient sureties, to the satisfaction of the said Secretary of the Treasury and President of the United States.

For annual repairs and office fixtures for the custom-house at Portsmouth, New Hampshire, Erie, Pennsylvania, and other places, twenty-five thousand dollars.

To enable the Secretary of the Treasury to purchase an addition to the custom-house at Baltimore, and to repair and alter the edifice, one hundred and ten thousand dollars, said sum to cover all expenses of purchase, repair, and improvement.

For purchasing a site and the construction of a suitable building at Waldoboro', Maine, for custom-house, post office, and other offices of the United States, and furnishing the same, twelve thousand dollars: *Provided*, That said lot and building shall be exempted from city and all other taxes whatever by the act of the Legislature of Maine: *And provided further*, That before the Secretary of the Treasury shall erect the said building, it shall first be his duty to procure a proper site or lot of ground, and to make a contract or contracts for the erection of said building and furnishing the same, at a sum or sums which shall not in the whole exceed the sum of twelve thousand dollars, inclusive of said lot; which said contract or contracts shall be secured by good and sufficient sureties to the satisfaction of the said Secretary of the Treasury and President of the United States.

*Intercourse with foreign nations.*—For salaries of Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili, seventy-two thousand dollars.

For salaries of the secretaries of legation to the same places, sixteen thousand dollars.

For outfit of Ministers of the United States to Great Britain and Mexico, eighteen thousand dollars.

For salary of the Minister Resident to Turkey, six thousand dollars.

For salary of the dragoman to the legation to Turkey, twenty-five hundred dollars.

For salaries of *Chargés d'Affaires* to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, Peru, New Granada, Venezuela, Buenos Ayres, Bolivia, Guatemala, Ecuador, and Nicaragua, seventy-six thousand five hundred dollars.

For contingent expenses of all the missions abroad, forty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For expenses of intercourse with the Barbary Powers, nine thousand dollars.

For salary of the Consul at London, two thousand dollars.

For salary of the Commissioner to the Sandwich Islands, five thousand dollars.

For interpreters, guards, and other expenses of the Consulates at Constantinople, Smyrna, and Alexandria, fifteen hundred dollars.

For office rent of the Consul at Basle, in Switzerland, one hundred dollars.

For salary and outfit of a Commissioner to reside in China, including the additional compensation under the act to carry into effect certain provisions in the treaties between the United States and China, and the Ottoman Porte, eighteen thousand dollars.

For salary of the interpreter and secretary to said mission, two thousand five hundred dollars.

For compensation to the Consuls at the five ports in China, viz: Kwang Chow, Amoy, Fuchow, Ning-po, and Shanghai, five thousand dollars.

For salary of the Consul-General at Alexandria, three thousand dollars.

For the relief and protection of American seamen in foreign countries, one hundred and twenty-five thousand dollars.

For clerk hire, office rent, and other expenses of the office of the Consul of the United States at London, two thousand eight hundred dollars.

For salary of the Consul at Beyrout, five hundred dollars.

For compensation to the Acting *Chargé d'Affaires* to Russia from the fifteenth of August, eighteen hundred and forty-eight, to the fifteenth of January, eighteen hundred and forty-nine, one thousand and forty-one dollars and sixty-seven cents.

To compensate Dabney S. Carr for expenses incurred while in the diplomatic service of the country, to be allowed in the settlement of his accounts with the Government, seven thousand one hundred and forty-four dollars.

To the secretary of legation at the Court of St. James, for services as *chargé d'affaires* at said Court from the thirty-first of August, eighteen hundred and forty-nine, to the eleventh of October, eighteen hundred and forty-nine, three hundred and one dollars and thirty-two cents.

To enable the President of the United States to make compensation to the Spanish Consul and other subjects of Spain residing at New Orleans, and subjects of Spain at Key West, for losses occasioned by violence in the year eighteen hundred and fifty-one, arising from intelligence then recently received at those places of the execution of certain persons at Havana who had recently invaded the Island of Cuba, twenty-five thousand dollars: *Provided*, That before payments be made under this appropriation, the President of the United States shall cause an investigation to be made of such alleged losses, and that the same, together with the reasonable costs of the investigation, shall be paid on the certificate of the Secretary of State, that the same are proven to the satisfaction of the President.

For compensation to Peter Parker, as Acting *Chargé d'Affaires* at Canton, China, for two years, from the twenty-fourth May, eighteen hundred and fifty, to twenty-fourth May, eighteen hundred and fifty-two, which shall be in full for all demand for such services for the period named, four thousand dollars.

For compensation of Charles D. Arfwedson, Consul of the United States at Stockholm, Sweden, for diplomatic services rendered as *chargé d'affaires* at that place, by the instruction of the Secretary of State, from the recall of Mr. Ellsworth to the arrival of Mr. Schröder, appointed *chargé d'affaires* from the twenty-fourth July, eighteen hundred and forty-nine, to the twenty-second day of April, eighteen hundred and fifty, a period of eight



months and twenty-nine days, being one half of the salary of the chargé d'affaires, and in full for all such service for the period named, sixteen hundred and eighty-one dollars and twenty-five cents.

That the Secretary of State cause the accounts of Joseph Balesier, late special agent of the United States in Asia, to be settled in such manner as to allow him his traveling and other necessary expenses incurred in returning to the United States after receipt of notice of the termination of his mission; and that his salary as such agent be also allowed from the time when it was discontinued until a reasonable time for his return, not exceeding six months, to be paid out of any money in the Treasury not otherwise appropriated.

To Anthony Tea Eyck, for additional compensation as late Commissioner to the Sandwich Islands, being the same amount allowed by act of September thirtieth, eighteen hundred and fifty, to Charles Eames, his successor, three thousand dollars.

**Public Lands.**—For salary of the recorder of land titles in Missouri, five hundred dollars.

For compensation for secretary to sign patents for public lands, one thousand five hundred dollars.

For salaries and commissions of registers of land offices, and receivers of public moneys, one hundred and twenty-six thousand eight hundred dollars.

For expenses of depositing public moneys, by receivers of public money, twenty-three thousand five hundred and eighty dollars.

For incidental expenses of the several land offices, thirty-four thousand two hundred and forty dollars.

**Surveys of Public Lands.**—For surveying the public lands, including incidental expenses and special surveys, demanding augmented rates, to be applied and apportioned to the several districts according to the exigencies of the public service; the part to be applied to the surveys required by the location and survey of private claims in Florida, to be disbursed at a rate not exceeding five dollars per mile, in addition to the unexpended balances of former appropriations, one hundred and fifteen thousand dollars.

For survey of the islands in Saginaw bay and river, and other islands on the coast of Lakes Huron and Michigan, six hundred dollars.

For correcting erroneous and defective lines of the public and private surveys in Missouri, at a rate not exceeding six dollars per mile, including office work, two thousand five hundred dollars.

For completing the survey of towns and villages in Missouri named in the act of June thirteenth, eighteen hundred and twelve, and May twenty-sixth, eighteen hundred and twenty-four, one thousand dollars.

For transcribing records of private land claims in the office of recorder of land titles at St. Louis, twelve hundred dollars.

For additional compensation to certain deputy surveyors in Illinois and Missouri, for corrective and detached surveys, one thousand six hundred and ninety-four dollars and forty-seven cents.

For the payment of a balance due for surveying done in the State of Mississippi, in the year eighteen hundred and forty-one, seven hundred and one dollars and forty-two cents.

For compensation of surveyors and other agents required in Illinois and Missouri, and Florida, to carry into effect the act of September twenty-eighth, eighteen hundred and fifty, granting swamp lands, &c., six thousand dollars.

For surveys in Louisiana at augmented rates, thirty-five thousand six hundred and eighty-six dollars.

For survey of private claims in Florida, under the act of June twenty-eighth, eighteen hundred and forty-eight, including the work now under contract, ten thousand dollars.

For completing certain surveys in Florida, at a rate not exceeding six dollars per mile, in consequence of the peculiar difficulties attending the execution of the same, on account of swamps, lakes, marshes, &c., and for scrap work, ten thousand dollars.

For surveying standard parallels, township and section lines in Oregon, at a rate not exceeding twelve dollars per mile, including incidental expenses, sixty-two thousand dollars.

For surveying two thousand six hundred and twenty-five miles of meridian, base, and standard

lines, meandering and survey of irregular or river lots, &c., at a rate not exceeding fifteen dollars per mile, thirty-nine thousand three hundred and seventy-five dollars.

For subdividing lands in California into townships, equal to two thousand seven hundred miles of surveying, at a rate not exceeding fourteen dollars per mile, thirty-seven thousand eight hundred dollars.

For subdividing one hundred and fifty townships in California into sections, at a rate not exceeding twelve dollars per mile, one hundred and eight thousand dollars.

For extending surveys in California through the mineral region, twenty thousand dollars.

For surveying private claims in California which may have been presented in good faith to the Board of Land Commissioners, twenty-two thousand five hundred dollars: *Provided*, That the authority hereby conferred on the Surveyor General shall apply only to such unconfirmed cases as in the gradual extension of the lines of the public surveys he shall find within the immediate sphere of his operations, and which he is satisfied ought to be respected, and actually surveyed in advance of confirmation.

For subdividing the islands of Santa Cruz, San Miguel, or Santa Rosa, San Bernardo, Santa Catalina, San Clemente, or San Salvador, San Nicholas, and Santa Barbara, on the Coast of California, by the Coast Survey, according to such plan as may be devised by the General Land Office, so that said islands may be readily disposed of under the laws of the United States, and in establishing the necessary corners along the meanders with which to connect the lines of the subdivisions under this appropriation, twenty thousand dollars: *Provided*, That the Superintendent of the Coast Survey shall return to the General Land Office two complete copies of the maps and field notes of said subdivisions with the meanders and connections aforesaid, one of which shall be for the records of the Surveyor General: *And provided further*, That all leases of any of said islands, or of any part of either of them now outstanding, shall be regarded as without authority and void.

For rent of Surveyor General's office, purchase of instruments, records, drawing materials, furniture, fuel, pay of messenger, &c., eleven thousand four hundred dollars.

For completing the geological survey of the iron region of that portion of Michigan which borders on Lake Superior, fifteen hundred dollars.

For defraying the expense of surveying and marking the boundary between the States of Missouri and Iowa, under the recent decision and order of the Supreme Court, eleven thousand and forty-two dollars and sixty-eight cents.

**Public Buildings.**—For compensation of the Commissioner of Public Buildings, two thousand dollars.

For the compensation of a clerk in the office of the Commissioner of Public Buildings, one thousand dollars.

For the annual repairs of the Capitol, water-closets, public stables, pavements, and other walks within and around the Capitol square, the flagging in the crypt, the doors of the wood-vaults, and for repainting the crypt, faces of the wood-vaults, &c., seven thousand dollars.

For the purchase of two thousand feet of six-inch iron water-pipe, to conduct the water to the Capitol, and for laying the same, two thousand five hundred dollars.

For annual repairs of the President's House and improvements of the grounds, viz: Repairs of the roof and chimneys, replacing defective stone at the base of the house, laying brick walks from the house to the Treasury, War, and Navy Departments; cleaning, painting, and whitewashing the inside of the house, repairing gravel walks, paving brick gutters in the grounds, fitting new blinds to the south windows outside, six thousand one hundred and fifty dollars.

For compensation to the doorkeeper of the President's House, five hundred dollars; and assistant doorkeeper of the same, three hundred and sixty-five dollars.

For compensation of two watchmen at the President's House, at a salary of five hundred dollars each per annum, one thousand dollars.

For compensation of the public gardener, twelve hundred dollars.

For compensation of sixteen laborers employed

in the public grounds and President's garden, at forty dollars per month, seven thousand six hundred and eighty dollars.

To enable the Secretary of the Interior to purchase a suitable number of iron settees to be placed in the public grounds at the Capitol and President's House, the sum of eight hundred and forty dollars.

For compensation of the keeper of the western gate of the Capitol grounds, seven hundred and thirty dollars.

For compensation of two additional day watchmen, to be employed in preserving the public grounds about the Capitol, authorized by the act of fifteenth May, eighteen hundred and fifty, to supply deficiencies, and the act of thirtieth September, eighteen hundred and fifty, making appropriations for the civil and diplomatic expenses of Government, at five hundred dollars each, one thousand dollars.

For compensation of the messenger in charge of the main furnace in the Capitol, three hundred and fifty dollars.

For compensation of the laborer in charge of the water-closets in the Capitol, three hundred and fifty-five dollars.

For cart hire upon the public grounds, one thousand dollars.

For the purchase of manure for the public grounds, one thousand dollars.

For the purchase of tools for laborers, five hundred dollars.

For the purchase of trees and tree-boxes, to replace when necessary such as have been planted by the United States, and for repairs of pavements in front of the public grounds, thirteen hundred dollars.

To complete and revise the grades in the city of Washington, and to determine the plans for the drainage and sewerage thereof, six thousand dollars; the surveys and plans to be made by the engineer now in charge of that duty, under the direction of the President of the United States.

To enable the President of the United States to cause the necessary surveys, projects, and estimates to be made for determining the best means of affording the cities of Washington and Georgetown an unfailing and abundant supply of good and wholesome water—report thereof to be made to Congress at its next session—the sum of five thousand dollars, or so much thereof as may be found necessary.

For defraying the expenses incurred in the improvement and for embellishing the triangular space on the north side of Pennsylvania avenue, between Thirteenth and Fourteenth streets, five thousand one hundred and fifty dollars.

To enable the Secretary of the Interior, under the direction of the President of the United States, to purchase a site in the neighborhood of Washington, and for the erection, furnishing, and fitting up of an asylum for the insane of the District of Columbia, and of the Army and Navy of the United States, one hundred thousand dollars: *Provided*, That the whole expense of purchasing the site, and of erecting, furnishing, and fitting up the building, shall not exceed the sum herein appropriated.

For compensation of two draw-keepers, and for fuel and oil for the lamps of the Potomac bridge, one thousand three hundred and seventy-seven dollars and fifty cents.

For the support, care, and medical treatment in the Washington Infirmary of twelve transient paupers, medical and surgical patients, two thousand dollars.

For compensation and contingent expenses of the auxiliary guard, fourteen thousand eight hundred dollars.

For compensation of two draw-keepers, and for fuel and oil for the lamps of the two bridges across the Eastern Branch of the Potomac river, nine hundred dollars.

For repairs of the two bridges over the Eastern Branch of the Potomac river, four thousand nine hundred and ninety-nine dollars; and that the bridges across the Potomac and Eastern Branch thereof be surrendered to the authorities of the District of Columbia.

For lighting Pennsylvania avenue from the Capitol grounds to the President's house, the Capitol grounds, the President's house and grounds, and the streets around the executive offices, sixteen thousand dollars.

For inclosing Lafayette Square with an iron fence, including four gates, twelve thousand dollars.

For defraying the expense incurred in the improvement of Lafayette Square, three thousand nine hundred and eighty-eight dollars.

For the completion of the east wing of the Patent Office Building, one hundred and three thousand dollars: *Provided*, That the work and materials furnished by contract for said building, and likewise the materials for the extension of the Capitol, be measured agreeably to the original contracts, and that no further payments be made until the measurement is made and reported. The contracts and the proposals to be put in the hands of the measurer, and he or they to be sworn before entering on duty to examine and measure and report every part of the work and materials without deviation from the contracts and proposals; and if it be shown that any extra materials are used, they to be rated at the *pro rata* price for materials only, and entered in a separate column of the account. And the same rule of measurement to be applied to all other buildings and other public works and contracts in this District. And it shall be the duty of the Comptroller of the Treasury to arrest and stop any voucher not made in form and in accordance with the terms of the contract against which it is drawn. And it is hereby made a penal offense for every measurer and inspector of work, or disbursing officer, to make, or present, or to pass, or attempt to pass, any falsely made or fictitious voucher to draw money from the Treasury on any contract or accounts whatever; and that all contracts shall hereafter be advertised at least sixty days before letting; and that all contracts now existing in relation to building the additions to the Capitol, as well as the Patent Office, not made according to law, are hereby canceled at the end of sixty days, and notice of the same shall be given in all the newspapers in the city of Washington; and that all contracts of every description which have been made without public notice having been given, where notice was required, shall be canceled after sixty days' notice having been given in the newspapers of this city: *Provided*, also, That good and sufficient security shall be given for twice the amount of money at any time to be advanced to the contractor, under any contract; and that bids shall be opened in presence of the bidders, if they, or any one of them, should be present, and that notice to that effect shall be given in the advertisement for proposals, to be published agreeably to this proviso. And all contracts made without an appropriation of money for an object, the subject of a contract, are hereby canceled and declared void.

For finishing the front of the basement of the center building of the Patent Office and making it conform to the design of the wings, three thousand two hundred dollars.

For the erection of the west wing of the Patent Office Building, and completing the drains for said building and of the Post Office Building, one hundred and fifty thousand dollars.

For taking up, repairing, and relaying the steps of the east portico of the Capitol, and for taking up, dressing, supplying new flagging, and relaying the same in the arcade under the portico, one thousand five hundred dollars.

For grading and paving with round stone the carriage-way of Pennsylvania avenue from Seventeenth street west to Rock Creek, setting curb-stone on each side thereof at the distance of twenty-five feet from the building line, and relaying the flag footways at the intersection of the cross streets, twenty thousand dollars.

*Miscellaneous.*—For salaries and incidental expenses of the Commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California, fifty thousand dollars: *Provided*, That said Board be authorized to appoint and employ one secretary and three clerks, in lieu of the number provided for in the above recited act, whose annual compensation shall be two thousand dollars each.

For annuities and grants seven hundred and fifty dollars.

For expenses of loans and Treasury notes, twenty thousand dollars.

To carry into effect the act approved September the twenty-eighth, eighteen hundred and fifty, for the purchase of a cemetery, near the city of Mexico, and the interment therein of the remains of the

American officers and soldiers who fell in battle or otherwise died in or near the city of Mexico, the sum of three thousand dollars, which, or so much thereof as may be necessary, shall be expended for this purpose under the direction of the President of the United States. And interments of citizens of the United States who have heretofore died or may hereafter die in Mexico may be made in said cemetery, under such regulations as may be prescribed by the President of the United States.

For the discharge of such miscellaneous claims not otherwise provided for as shall be admitted in due course of settlement at the Treasury, five thousand dollars: *Provided*, That no part of the appropriation shall be drawn from the Treasury except in pursuance of some law or resolution of Congress authorizing the expenditure.

To supply the deficiency in the fund for the relief of sick and disabled seamen, one hundred thousand dollars.

As indemnity to Jonathan Elliott, commercial agent of the United States at Santo Domingo, for amount expended by him in maintaining refugees in the late revolution at that place, six hundred dollars.

There shall be allowed and paid to each of the following persons, Charles H. Sherman, Lewis E. Jackson, Henry Taylor, Frederick Morris, and John Davies, mariners, sent into the port of New York and detained there as witnesses for the United States, one dollar and twenty-five cents for each day necessarily occupied on the voyage and arriving in New York; and the judge of the district court of the United States in which the said witnesses have been detained to testify shall allow and cause the same to be paid as other witnesses' fees are paid.

For compensation of the warden, clerk, physician, chaplain, two assistant keepers, four guards, and porter of the penitentiary of the District of Columbia, seven thousand three hundred and fifty dollars.

For compensation of three inspectors of said penitentiary, three hundred dollars.

For the support and maintenance of said penitentiary, fifteen hundred and sixty dollars.

For clerk hire, stationery, rent, fuel, and contingencies in the completion of the Census of eighteen hundred and fifty, forty-nine thousand dollars.

For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper, nineteen thousand dollars.

For running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, one hundred and twenty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended until it shall be made satisfactorily to appear to the President of the United States that the southern boundary of New Mexico is not established by the Commissioner and Surveyor of the United States further north of the town called "Paso," than the same is laid down in Disturnell's map, which is added to the treaty.

For arrearages incurred during the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, twenty-five thousand dollars.

For the collection of agricultural statistics, and purchase of seeds, to be paid out of the patent fund, five thousand dollars.

For compensation of the librarian of the Patent Office, twelve hundred dollars, to be paid out of the patent fund.

For the purpose of erecting a pedestal in Lafayette Square for the equestrian statue of Andrew Jackson, on such plan as may be approved of by the artist for that work, five thousand dollars.

For freight and transportation of the group of statuary contracted for with Horatio Greenough, from Leghorn to Washington, and for placing it upon the pedestal in front of the eastern portico of the Capitol, a sum not exceeding seven thousand dollars.

To make good the interest on investments in stocks of the State of Arkansas held in trust by the Secretary of the Treasury for the Chickasaw

Indians not yet paid, to be reimbursed out of the interest when collected, five thousand four hundred dollars.

For the construction and equipment of not less than six revenue cutters, the sum of ninety thousand dollars; the said sum to be expended under the direction of the Secretary of the Treasury.

For the redemption of seventeen loan-office certificates, numbered one hundred and fifty-eight, three hundred and twelve, six thousand eight hundred and ninety-five, six thousand eight hundred and ninety-six, six thousand eight hundred and ninety-seven, six thousand eight hundred and ninety-eight, six thousand eight hundred and ninety-nine, six thousand and nine hundred, six thousand nine hundred and one, six thousand nine hundred and two, nine thousand one hundred and seventy-five, nine thousand two hundred and eighty-five, nine thousand two hundred and eighty-seven, nine thousand two hundred and eighty-eight, nine thousand two hundred and ninety-three, nine thousand two hundred and ninety-four, and twelve thousand three hundred and thirty-three, which have been presented at the Treasury for payment at the specie value thereof and with interest as computed by the Register of the Treasury: *Provided*, Satisfactory evidence be produced to the Secretary of the Treasury that the persons who have presented the said certificate for payment are the bona fide holders of the same, four thousand one hundred and sixty-five dollars and forty-two cents.

To enable the Clerk of the House of Representatives to "deliver to each of the members and delegates of the House of the present Congress, who have not already received them, such books as have been furnished to the members of the Twenty-eighth, Twenty-ninth, Thirtieth, and Thirty-first Congresses," and which were ordered by resolution of the House of July twenty-sixth, eighteen hundred and fifty-two, one hundred and fifteen thousand eight hundred dollars: *Provided*, That the accounts for the purchase of said books be audited as usual by the Committee on Accounts: *Provided*, That report shall be made in detail at the commencement of the next session of Congress of the mode and manner of purchase of these books, and whence they were obtained.

To enable the Clerk of the House of Representatives to pay Force & Rives for one hundred copies of the eighth volume of the American Archives, or Documentary History of the United States, for new members of the House of the Twenty-eighth Congress; one hundred and one copies of the same volume for new members of the Twenty-ninth Congress; one hundred and sixteen copies of the same volume for new members of the House of the Thirtieth Congress; and one hundred and thirty-four copies of the same volume for new members of the House of the Thirty-first Congress; in all, four hundred and fifty-one volumes, at thirteen dollars ninety cents and six mills per copy, in addition to six hundred and forty dollars and thirty-six cents, an unexpended balance of a former appropriation, five thousand six hundred and thirty-one dollars and twenty-five cents.

To enable the Clerk of the House of Representatives to pay for reporting and publishing twenty-eight hundred columns of the proceedings of the present session of the House of Representatives in the Daily Globe, at seven dollars and fifty cents per column, twenty-one thousand dollars.

To enable the Clerk of the House of Representatives to pay a balance due for reporting and publishing proceedings of the House, second session of the Thirty-first Congress, at the rate of seven dollars and fifty cents per column in the Daily Globe, six hundred and forty-nine dollars and fifty cents.

To enable the Clerk of the House of Representatives to pay for twenty-four copies of the Congressional Globe and Appendix of the first session of the Thirty-second Congress for each member and delegate of the House, thirty-four thousand two hundred and seventy-two dollars; and for binding the same, being twenty-two thousand seven hundred and fifty-two volumes, in strong and substantial half-binding, with Russia leather back and corners, at a rate not exceeding sixty cents per volume, thirteen thousand six hundred and fifty-one dollars and twenty cents: *Provided*, The foregoing expenditures, to be made by the Clerk of the House of Representatives, shall be under the control and superintendence of the Committee on Accounts.

For books of the library of the Patent Office, to be paid out of the patent fund, one thousand five hundred dollars.

For fitting up the library of the Patent Office, to be paid out of the patent fund, two thousand dollars.

For salary of the clerk of the Sergeant-at-Arms, fifteen hundred dollars.

That from the commencement of the present Congress the compensation of the messengers employed in the post office of the House of Representatives be one thousand dollars per annum, in lieu of their present per diem, the sum of four thousand dollars.

For additional compensation to the disbursing clerk and draughtsman in the Patent Office, the sum of three hundred dollars each, to be paid out of the Patent Office fund; and that hereafter the disbursing clerk shall be required to give bond with approved security in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office.

For compensation of two additional permanent clerks in the Patent Office, to be appointed by the Commissioner of Patents, at a salary of fourteen hundred dollars each, the sum of twenty-eight hundred dollars, to be paid out of the Patent Office fund.

For establishing the branch of the United States Mint at San Francisco, California, in accordance with the provisions of the law approved the third day of July, eighteen hundred and fifty-two, the sum of three hundred thousand dollars: *Provided*, That no contract for materials, or for the purchase, lease, rent, or erection of buildings, shall be made, except to the lowest bidder, after sixty days' advertisement in at least three newspapers, two of which shall be published in the State of California: *And provided further*, That nothing herein contained shall prevent the transfer of machinery and materials from the United States Mint or branches to the branch Mint at San Francisco at a fair valuation: *Provided further*, That said contract or contracts for the building and machinery for said branch Mint shall not, in the whole, for the completion, exceed the sum of three hundred thousand dollars.

For the payment of the balance due the Commonwealth of Massachusetts, under the fifth article of the treaty of Washington, for balance of expenses incurred by said State in protecting the northeastern frontier, the same having been heretofore settled at the Treasury of the United States, but unpaid for want of an appropriation, three hundred and five dollars and eighty-one cents.

For payment of balance found due by the Comptroller of the Treasury to the State of Maine, under the fifth article of the treaty of Washington, for expenses on account of the Northeastern boundary over and above the appropriations made, two thousand two hundred and twelve dollars and seventy-eight cents.

And the accounting officers of the Treasury are hereby directed, in the settlement of the claims under the act of March third, eighteen hundred and fifty-one, "authorizing the payment of interest upon the advances made by the State of Maine for the use of the United States Government in the protection of the Northeastern frontier," to embrace the interest, whether paid or lost, prior or subsequent to the years eighteen hundred and thirty-nine, eighteen hundred and forty, and eighteen hundred and forty-one, named in said act, upon the sums expended by said State and refunded by the United States, according to the terms of said act, as well as during the said years.

That the Library Committee be authorized to sell any works in the Library which were rendered imperfect by the late fire, and appropriate the proceeds of said sale to the purchase of other works.

To enable the Secretary of State to purchase one hundred copies of the Synoptical Index, to complete the series of Statutes at Large, heretofore authorized by law, at three dollars and fifty cents per volume, three hundred and fifty dollars.

SEC. 2. *And be it further enacted*, That the clerks, messengers, watchmen, and laborers employed at an annual salary, or in temporary positions, in the executive and legislative departments of the Government in the city of Washington, whose annual compensation does not exceed twelve hundred dollars, shall, in addition thereto, be allowed an increased compensation of twenty per cent.; all whose annual compensation shall exceed twelve

hundred dollars, and shall be less than sixteen hundred dollars, shall receive an additional compensation of ten per cent. upon the amount of their salaries: *Provided*, That no salary shall be increased to more than sixteen hundred dollars by the per cent. or additional compensation herein provided for; and that the same shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That this section shall not extend to more than one salary of any person receiving a salary for discharging the duties of more than one office at the same time, or to any person who does not actually discharge the duties of the office for which he receives such salary, or to any person engaged in prosecuting any claim other than his own before any of the Departments or Congress; and in case any pay or accounting officer of the Government shall pay said additional percentage to any such person, it shall be a misdemeanor in the person knowingly paying or receiving such additional percentage, rendering each liable to indictment and punishment by fine and imprisonment: *Provided further*, That the increase of salary given by this section shall not extend beyond the present fiscal year without further legislation.

And the Secretary of the Treasury is hereby directed to contract for a term not more than one year, and upon the most reasonable terms, not exceeding one per cent., with the proprietors of one, and, if practicable, with those of more than one, assaying establishment in California, upon satisfactory security, to be judged by him, who shall discharge the duties prescribed and in the manner designated by the act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-one; and no gold or silver, other than coin of standard fineness of the United States, or foreign coin, in the manner prescribed by existing laws, shall be receivable in payment of dues to the United States.

SEC. 3. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject,'" shall apply to Senators and members of the House of Representatives, and Delegates from the Territories, at all extra sessions of Congress, or of the Senate, convened within ten days after the adjournment of a regular session.

SEC. 4. *And be it further enacted*, That the appropriation "for three light-houses of the third class at Half Moon Shoal, Red Field Bar, and at Clopper's Bar, Galveston Bay," of fifteen thousand dollars, by the act entitled "An act making appropriations for the light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," approved March third, eighteen hundred and fifty-one, be, and the same is hereby, made applicable exclusively to the construction of a light-house of the third class at Red Fish Bar, Galveston Bay, Texas.

SEC. 5. *And be it further enacted*, That the appropriations "for compensation of superintendent and four watchmen of the building occupied by the Secretary of the Interior," of one thousand seven hundred dollars, and of five hundred and fifty dollars, by the acts "making appropriations for the civil and diplomatic expenses of Government for the years ending thirtieth of June, eighteen hundred and fifty-one and fifty-two," approved thirtieth of September, eighteen hundred and fifty, and third March, eighteen hundred and fifty-one, be, and the same are hereby, made applicable to the "compensation of superintendent and four watchmen for that portion of the Patent Office Building which will be occupied by the Secretary of the Interior," for the fiscal year ending thirtieth of June, eighteen hundred and fifty-three.

SEC. 6. *And be it further enacted*, That the collector of the customs at the port of New Orleans be, and he hereby is, authorized to appoint, with the approbation of the Secretary of the Treasury, three head gaugers for the said port, at an annual salary of one thousand five hundred dollars each, instead of the force now employed in the gaugers' department at the port aforesaid.

SEC. 7. *And be it further enacted*, That if either of the officers of any of the Territories of the

United States shall absent himself from the Territory of which he is an officer, for a period of time greater than sixty days, he shall not receive compensation for the time he may have been absent.

SEC. 8. *And be it further enacted*, That it shall not be lawful for the officer or person in charge of any bureau or office in any of the Departments of the Government to print, or cause to be printed, at the public expense, any report he may make to the President of the United States, or to the head of any of the Departments.

SEC. 9. *And be it further enacted*, That the third section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and forty-seven, and for other purposes," approved tenth of August, eighteen hundred and forty-six, be, and the same is hereby, revived and continued in force for the fiscal year ending the thirtieth of June, eighteen hundred and fifty-three.

SEC. 10. *And be it further enacted*, That when any moneys shall have remained unexpended upon any appropriations by law, other than for the payment of interest on the funded debt, or the payment of interest and reimbursement according to contract of any loan or loans made on account of the United States, as likewise moneys appropriated for a purpose in respect to which a longer duration is specially assigned by law, for more than two years, after the expiration of the fiscal year in which the act shall have been passed, all and any such appropriations shall be deemed to have ceased and been determined; and the moneys so unexpended shall be immediately thereafter carried, under the direction of the Secretary of the Treasury, to the account on the books of the Treasury denominated the "surplus fund," to remain like other unappropriated moneys in the Treasury; and it shall not be lawful, for any cause or pretense whatsoever, to transfer, withdraw, apply, or use, for any purpose whatever, any moneys carried as aforesaid to the surplus fund without further and specific appropriations by law.

SEC. 11. *And be it further enacted*, That where the ministerial officers of the United States have, or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof, under the special taxation of the district or circuit court of the district in which the said services have been, or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary.

SEC. 12. *And be it further enacted*, That the President of the United States appoint an associate law agent for California, learned in the law, and skilled in the Spanish and English languages, whose duties and compensation shall be the same as those of the law agent: *Provided*, That the compensation of the agent and associate shall not exceed five thousand dollars each. And in every case in which the Board of Commissioners on private land claims in California shall render a final decision, it shall be their duty to have two certified transcripts prepared of their proceedings and decision, and of the papers and evidence on which the same are founded, one of which transcripts shall be filed with the clerk of the proper district court, and the other shall be transmitted to the Attorney General of the United States, and the filing of such transcript with the clerk aforesaid shall *ipso facto* operate as an appeal for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant, it shall be his duty to file a notice with the clerk aforesaid within six months thereafter of his intention to prosecute the appeal; and if the decision shall be against the United States, it shall be the duty of the Attorney General, within six months after receiving said transcript, to cause a notice to be filed with the clerk aforesaid, that the appeal will be prosecuted by the United States; and on a failure of either party to file such notice with the clerk aforesaid, the appeal shall be regarded as dismissed.

SEC. 13. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to appoint and employ five additional clerks in the Post Office Department, namely: one at an annual salary of sixteen hundred dollars, two at an annual salary of twelve hundred dollars, two at an annual salary of one thousand dollars.

SEC. 14. *And be it further enacted*, That the pro-



visions contained in the fourth section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-two," be, and the same are hereby, repealed.

Sec. 15. *And be it further enacted*, That from and after the passage of this act, in lieu of the compensation now allowed by law for his services, there shall be paid hereafter to each of the deputy naval officers at the ports of Boston, New York, Philadelphia, Baltimore, and New Orleans, two thousand dollars per annum, to be paid out of the fund for the expenses of collecting the revenue.

Sec. 16. *And be it further enacted*, That the salary of the chief clerk in the office of the assistant treasurer of the United States in New York be, and the same is hereby, increased to sixteen hundred dollars per annum, and the salary of each of the other clerks in the said office is increased to twelve hundred dollars per annum; to be paid out of any money in the Treasury not otherwise appropriated.

Sec. 17. *And be it further enacted*, That if A. Boyd Hamilton, the present contractor for executing the printing of the Senate and House of Representatives, shall file with the Secretary of the Senate and Clerk of the House of Representatives his written consent to relinquish his contracts in the premises, the said Secretary and Clerk, and the clerk of the Printing Committee, are hereby authorized and required to settle and pay his accounts for all work done and all work ordered now in his hands in process of completion, according to his contract prices, with such proportion of fifty thousand dollars in addition thereto as the amount of the work performed by him bears to the amount of work done by the printer for the Thirty-first Congress, when estimated under his contract prices.

Sec. 18. *And be it further enacted*, That no person hereafter, who holds or shall hold any office under the Government of the United States, whose salary or annual compensation shall amount to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office.

APPROVED, August 31, 1852.

PUBLIC, LIV.—*An Act making Appropriations for the Naval Service for the year ending the thirtieth of June, one thousand eight hundred and fifty-three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three:

For pay of commission, warrant, and petty officers and seamen, including the Engineer Corps of the Navy, two million seven hundred and seventy-one thousand six hundred and ninety-eight dollars: *Provided*, That from and after the first day of July, eighteen hundred and fifty-two, the salary of the Secretary of the Naval Academy at Annapolis shall be twelve hundred and fifty dollars per annum; and the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow and pay, out of any money in the Treasury not otherwise appropriated, to the officers, petty officers, seamen and marines of the United States Navy, and to the officers and men of the revenue service, who served in the Pacific ocean, on the coast of California and Mexico, since the twenty-eighth day of September, eighteen hundred and fifty, the same increased or additional compensation as has been by law directed to be paid to the officers and soldiers of the Army who served in California; and the several officers who served on the late Arctic expedition in search of Sir John Franklin shall, in addition to the pay with which they have already been credited, be allowed for the period during which they so served the following compensation respectively, namely: the commander of the expedition the pay of a commander; the passed midshipmen the pay of lieutenants; the passed assistant surgeon the pay of a fleet surgeon; the assistant surgeon the pay of a surgeon; and the midshipmen the pay of passed midshipmen—all as on sea service; and that there be allowed to the warrant officers and to the petty officers and men that composed the crews of the

vessels employed on that expedition, extra pay equal to the regular pay with which they have been credited for their services on the said expedition; and the pay of chaplains in the Navy shall be one thousand dollars on leave or waiting orders, and fifteen hundred dollars while on duty.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, ninety thousand nine hundred and sixty dollars; and the Navy Agent at Memphis, for the time during which he has performed or may perform the duties of purser, in addition to his own, shall be allowed and paid the annual salary of a purser on duty at navy-yards of the second class, which shall not be in addition to his commissions, but in lieu thereof; and the salary of the assistant to purser for the navy-yard at Kittery, Maine, who also discharges the duties of clerk and steward, shall be seven hundred and fifty dollars; and the pay of the "first clerk to the commandant" at the navy-yards at Norfolk, New York, and Boston, shall be at the rate of one thousand dollars per annum; and that the "second clerk to the commandant" at the same yards shall be at the rate of eight hundred dollars per annum from and after the passage of this act.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, six hundred and eighty-six thousand two hundred dollars; it being provided that so much of the act approved March third, eighteen hundred and fifty-one, entitled "An act making appropriations for the naval service of the year ending the thirtieth of June, one thousand eight hundred and fifty-two," as provides that "no commutation of rations shall be allowed, except to officers and their attendants, and for the spirit part of the ration," be, and the same is hereby, repealed.

For a scientific investigation and experiments upon the character of alimentary substances used as subsistence in the Navy, and means to prevent their deterioration, two thousand five hundred dollars; to be expended under the direction of the Secretary of the Navy.

For surgeons' necessities and appliances for the sick and hurt of the Navy, including the Marine Corps, thirty-seven thousand six hundred dollars.

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, one million three hundred and sixty-five thousand dollars. And the Secretary of the Navy be, and he is hereby, authorized and required to have completed, with the least possible delay, the war steamer contracted for with Robert L. Stevens, in pursuance of an act of Congress approved April fourteenth, one thousand eight hundred and forty-two; and the balance of the appropriation heretofore made, which has been carried to the credit of the surplus fund, shall be used for that purpose. And the Secretary of the Navy may, if he deem it proper, cause to be applied, as soon as practicable, to one or more of the steam-vessels belonging to the United States, any steam-condenser which may be found best calculated for the purpose, for furnishing fresh water to marine boilers and for the use of the crews.

For ordnance and ordnance stores, and small arms, including incidental expenses, one hundred and twenty-five thousand dollars.

For preparing for publication the American Nautical Almanac, nineteen thousand four hundred dollars.

For the purchase and repair of nautical instruments required for the use of the Navy, ten thousand five hundred dollars.

For the purchase of all the books, maps, and charts required for the use of the Navy, eight thousand two hundred and fifty dollars.

For backing and binding the same, and for printing and publishing sailing directions, hydrographical surveys, and astronomical observations, nine thousand two hundred dollars.

For models, drawings and copying, postage, stationery, freight and transportation, for pay of lithographer, and for working lithographic press, including chemicals, for keeping grounds and buildings in order, for repairing and protecting from further depredations brick wall on east, south, and west side of the grounds, for pay of porter, gardener, watchmen, instrument maker, for fuel, lights, and all the unenumerated contingent expenses of the Hydrographical Office and National

Observatory, eleven thousand five hundred and twenty dollars.

For continuing the publication of the wind and current charts, and for defraying all the expenses connected therewith, ten thousand dollars.

For the repairs and erection of buildings at the United States Naval Academy at Annapolis, Maryland, twenty-eight thousand dollars. To complete the quarters for the students and professors at the Naval Academy at Annapolis, the sum of seventy-five thousand dollars. And hereafter no appointment of midshipmen, acting midshipmen, or pupil at any naval school in the Navy, shall be made, unless recommended by the member of Congress representing the district in which the applicant resides, in the same manner that cadets at West Point are now appointed; and that the Secretary of the Navy is hereby required to report to Congress, at its second session, the number and names of appointments to the Naval School which have been made; and the district and State whence each one comes; and the number of vacancies then existing at said school, with the Congressional district which may be entitled to supply them; and a statement of the order in which the remainder of the Congressional districts shall be entitled to supply all future and accruing vacancies, so far as it may be determined by existing law, or by circumstances.

For the contingent expenses of the United States Naval Academy at Annapolis, Maryland, twenty-one thousand seven hundred dollars.

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and store-keepers, flags, awnings, and packing-boxes, premiums, and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels, and assistance to vessels in distress, bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, five hundred and twenty-seven thousand eight hundred and forty dollars.

For meteorological observations, to be conducted under the directions of the Secretary of the Navy, two thousand dollars.

For the payment of the salary of Professor James P. Espy, during the fiscal year ending June thirtieth, eighteen hundred and forty-eight, no appropriation having been made by Congress for that year, two thousand dollars.

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

*Portsmouth, New Hampshire.*—For building timber-shed number twenty-nine, foundation for shores at railway, drains, gutters, and paving, and repairs of all kinds, thirty-five thousand and forty-one dollars and twenty-three cents.

*Boston, Massachusetts.*—For rain-water cistern, pitch-house and oakum loft, muster office, and repairs of all kinds, twenty-eight thousand one hundred dollars.

*New York, New York.*—To complete saw-mill, quay-wall, dredging channels, water-tank and lighter, gas-pipes and fixtures, lightning conductors, continuation of sewer, machinery, &c., for engine-house, and repairs of all kinds, one hundred and twenty-six thousand eight hundred dollars.

*Philadelphia, Pennsylvania.*—For shed to cover north railway, covering to south railway, steam-box and pitch-kettles, mooring anchors for dry-dock, dredging channel, continuing pavement to wharf, cross-paving to smithery, and from thence to the dock basin, paving round west end of ship-house, paving wharf number three to ship-house,

paving between ways of dock, paving between timber-sheds, completing gutters and drains, completing shed number five, extending gas-pipes, &c., extending water-pipes one thousand feet, and repairs of all kinds, twenty-eight thousand five hundred and seventeen dollars and twenty cents.

*Washington, District of Columbia.*—For completing ordnance building number eleven, fitting up timber-dock, completing saw-mill, completing copper rolling-mill, completing railway, completing side lathes in machine shop, and repairs of all kinds, one hundred and twenty-three thousand seven hundred and seventy-eight dollars.

*Norfolk, Virginia.*—For store house number fourteen, wharf north side of timber-dock, culvert, dredging-machine, and repairs of all kinds, eighty thousand seven hundred and thirty-two dollars and twenty cents.

*Pensacola, Florida.*—Towards completing permanent wharf, to complete guard-house and kitchen, to complete yard railway and repair old track, to complete extension of central wharf, to rebuild east wall of cistern number twenty-six, for ice-house, repairs of cisterns number fourteen and twenty-five, and repairs of all kinds, eighty-eight thousand and forty-four dollars.

*Memphis, Tennessee.*—For pavements, drains, and ditches, cisterns for rope-walk, hemp-house, store-house, (one wing,) complete, railing for vertical wall, and repairs of all kinds, forty-seven thousand and forty-three dollars and thirty-four cents.

*Sackett's Harbor, New York.*—For repairs of all kinds, five hundred dollars.

For Hospitals, viz:

*At Boston.*—For repairs, five hundred dollars.

*At New York.*—For fence round garden, repairs of buildings, painting, whitewashing, clearing up grounds, &c., at hospital, and for completing fence and wall around the burial-ground, eight thousand nine hundred and ninety-three dollars. And to secure some proper place for the burial of seamen who die in the New York hospital, five thousand dollars.

*At Philadelphia Naval Asylum.*—For introducing gas, painting main building inside, repairing and painting wall, repairs to roof and dome, cleaning and whitewashing, cleaning and repairing grates and ranges, water tax, shade trees, and repairs of all kinds, five thousand six hundred and sixty-six dollars.

*At Washington.*—For general repairs four hundred dollars.

*At Norfolk.*—For repairs of hospital and dependencies, five thousand dollars.

*At Pensacola.*—For draining and filling up ponds, &c., two thousand dollars.

For Magazines:

*At Boston,* two hundred dollars.

*At New York,* one thousand dollars.

*At Washington,* one hundred and fifty dollars.

*Marine Corps.*—For pay of officers, non-commissioned officers, musicians, privates, and servants serving on shore, subsistence for officers, and pay for undrawn clothing, two hundred and seventeen thousand nine hundred and eighty-three dollars and forty-four cents.

For provisions for marines serving on shore, nineteen thousand nine hundred and eighty-four dollars and seventy-five cents.

For clothing, forty-nine thousand four hundred and sixteen dollars.

For fuel, three thousand dollars.

For military stores, repair of arms, pay of armorers, accouterments, ordnance stores, flags, drums, fife, and musical instruments, eight thousand dollars.

For transportation of officers and troops, and expenses of recruiting, nine thousand dollars.

For repairs of barracks and rent of temporary barracks and offices where there are no public buildings for that purpose, six thousand dollars.

For contingencies, viz: Freight, tonnage, toll, cartage, wharfage, compensation to judges advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, apprehension of deserters, oil, candles, forage, straw, furniture, bed sacks, spades, axes, picks, shovels, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters, twenty-five thousand dollars.

For purchase and freight to San Francisco of patent black marine paint for painting the interior of the sections and end floats of the California dry-dock, fifteen hundred dollars.

For a deficiency in the act making appropriations for the naval service for the year ending thirtieth of June, eighteen hundred and fifty, approved third March, eighteen hundred and forty-nine, for paying the unsatisfied demands upon the fund for continuing the survey of the coast on the Gulf of Mexico from Appalachicola Bay to the Mississippi, two thousand one hundred and ten dollars and sixty-two cents, to be taken out of the balance of the fund appropriated for that purpose by the act of third March, eighteen hundred and forty-nine, and which has been carried to the credit of the surplus fund.

SEC. 2. *And be it further enacted,* That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department, to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Navy Department, repealed.

For the building or purchase of suitable vessels, and for prosecuting a survey and reconnaissance for naval and commercial purposes, of such parts of Behring's Straits, of the north Pacific ocean and of the China Seas, as are frequented by American whale ships and by trading vessels in their routes between the United States and China, under the direction of the Secretary of the Navy, the sum of one hundred and twenty-five thousand dollars: *Provided,* That the expense of purchasing or building and of equipping, with the exception of the armament, and of fitting out these vessels shall not exceed the sum hereby appropriated.

SEC. 3. *And be it further enacted,* That the Secretary of the Navy be, and he is hereby, authorized and directed to select a site for a navy yard and naval depot in the Bay of San Francisco, in California, or neighboring waters, either by purchase or by reservation of public lands, as the case may be, and shall cause the same to be surveyed, and a plat thereof to be recorded in proper form; and when such selection shall have been made, the said Secretary shall make such arrangements as may be necessary to establish a navy-yard and naval depot upon the most approved and economical plan on the sites so obtained, and cause to be erected a foundry, machine shop, black-smith shop, boiler shop, engine-house, pattern shop, carpenter shop, and store-house; and for the purpose of carrying this section into effect, the sum of one hundred thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That the Secretary of the Navy be, and he hereby is, directed to appoint some suitable naval officer or engineer to receive and superintend the construction of the floating dry-dock in California.

SEC. 5. *And be it further enacted,* That the percentage added by law to the pay of the clerks employed in the executive and legislative departments of Washington be, and is hereby, allowed to the clerks employed at the navy-yard and marine barracks in the city of Washington.

SEC. 6. *And be it further enacted,* That Robert Armstrong, the public printer, be, and is hereby, directed to execute, without delay, the public printing ordered by either House of Congress since his election as public printer, and that all paper used by the public printer for the space of sixty days from this date shall be furnished by him at cost, and shall be of the quality and description specified in the law passed at this session of Congress.

APPROVED, August 31, 1852.

PUBLIC, LV.—*An Act making Appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-three:

For pay of the Army, one million three hundred and fifty-three thousand two hundred and six dollars.

For commutation of officers' subsistence, five hundred and seventy-six thousand nine hundred and forty-four dollars.

For commutation of forage for officers' horses, one hundred and five thousand five hundred and four dollars.

For payments in lieu of clothing for officers' servants, thirty-six thousand two hundred dollars.

For expenses of recruiting, thirty-two thousand eight hundred and forty-eight dollars and thirty-two cents.

For three months' extra pay for non-commissioned officers, musicians, and privates, on reenlistment, ten thousand dollars.

For subsistence in kind, one million and forty-seven thousand one hundred and eighty-five dollars: *Provided,* That the Commissary Department may use, in advance of the regular appropriation for the fiscal year ending the thirtieth of June, one thousand eight hundred and thirty-four, two hundred and seventy-five thousand dollars of said sum for said fiscal year.

For clothing of the Army, camp and garrison equipage and horse equipments, two hundred and three thousand one hundred and eighty dollars and eighty-three cents.

For the regular supplies of the Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses when serving in the field and at the outposts; of straw for soldiers' bedding; and of stationery, including company and other blank books for the Army, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for the printing of division and department orders, Army regulation and reports, one million one hundred and sixty thousand dollars.

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters, and packets received and sent by officers of the Army on public service, expenses of courts-martial, and courts of inquiry, including the additional compensation to judges advocate, recorders, members, and witnesses while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, store-houses and hospitals; the construction of roads and other constant labor for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers and trains, when military escorts cannot be furnished; expenses of the internment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermasters Department, including hire of interpreters; spies and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon-masters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, including the purchase of traveling forges, blacksmiths' and shoeing tools, horses and mule shoes, iron, hire of veterinary surgeons and medicines for horses and mules, two hundred and fifty thousand dollars.

For fuel and quarters for officers of the Army serving on the Coast Survey, the payment of which is no longer made by the Quartermaster's Department, four thousand five hundred dollars.

For constructing, repairing, and enlarging barracks, quarters, hospitals, store-houses, stables, wharves, and ways, at the several posts and army depôts, for temporary cantonments, and the authorized furniture for barrack-rooms of non-commissioned officers and soldiers, gun-houses for the protection of cannon, including the necessary tools

and materials for the objects enumerated, and for rent of quarters and offices for officers, and barracks and hospitals for troops, where there are no public buildings for their accommodation; for store-houses for the safe-keeping of military stores, and of grounds for summer cantonments and encampments, four hundred thousand dollars.

For mileage or allowance made to officers for the transportation of themselves and baggage when traveling on duty without troops, one hundred and twenty thousand dollars.

For transportation of the army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipment, and horse equipments, from the depot at Philadelphia to the several posts and army depôts; of subsistence from the places of purchase and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small-arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depôts; freights, tolls, and ferriages; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships and other sea-going vessels and boats, for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; for the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require that it be brought from a distance, one million five hundred thousand dollars.

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, one hundred and seventy thousand dollars.

For the medical and hospital departments, fifty-one thousand six hundred and seventy dollars.

For armament of fortifications, fifty thousand dollars.

For ordnance stores and supplies, as follows: for procurement of side-arms and accoutrements for artillery, infantry, cavalry, and riflemen; materials for and preparation of siege and field ammunition; wages of mechanics engaged in making carriages, implements, equipments, harness, &c.; and for purchase of miscellaneous supplies of ordnance stores for issue to the Army, sixty-five thousand dollars.

For the current expenses of the ordnance service, one hundred thousand dollars.

For the manufacture of arms at the national armories, two hundred and fifty thousand dollars.

For repairs and improvements, and new machinery at Harper's Ferry, twenty-eight thousand nine hundred and fifty dollars.

For repairs and improvements, and new machinery at Springfield armory, thirty-two thousand five hundred dollars.

For arsenals, sixty-six thousand nine hundred and eighty-five dollars.

For continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation, fifty thousand dollars.

For payment to Priscilla D. Twiggs of the amount of the pay and allowances which would have accrued to her son, George D. Twiggs, had he been regularly in the service as a second lieutenant of infantry, from the first day of June, eighteen hundred and forty-seven, the date on which he left the United States, to the twelfth of August in the same year when he fell in battle at the National Bridge, Mexico, two hundred and thirty dollars and thirty-three cents.

*Light-houses.*—For completing the light-house at Sand Key, Florida, forty-four thousand one hundred and twenty-seven dollars and eighty-one cents.

For completing the light-house at Chicago, Illinois, six thousand three hundred dollars.

For arrearages prior to July first, eighteen hundred and fifteen, payable through the office of the Third Auditor, under an act approved May first, eighteen hundred and twenty, in addition to an unexpended balance of two thousand nine hundred and sixty-nine dollars and fourteen cents, remaining in the Treasury on the thirteenth of

October, eighteen hundred and fifty-one, seven thousand five hundred dollars.

**Sec. 2. And be it further enacted,** That all acts or parts of acts authorizing the President of the United States, or the Secretary of the proper Department, under his direction, to transfer any portion of the moneys appropriated for a particular branch of expenditure in that Department to be applied to another branch of expenditure in the same Department, be, and are hereby, so far as relates to the Department of War, repealed; and no portion of the moneys appropriated by this act shall be applied to the payment of any expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two. But nothing herein contained shall be so construed as to prevent the President from authorizing appropriations for the subsistence of the Army; for forage; for the Medical and Hospital Departments, and for the Quartermaster's Department, to be applied to any other of the above-mentioned branches of expenditure in the same department, and appropriations made for a specific object for one fiscal year shall not be transferred to any other object after the expiration of that year.

**Sec. 3. And be it further enacted,** That so much of the act making appropriations for the support of the Army for the year ending the thirtieth of June, eighteen hundred and fifty-one, approved the twenty-eighth of September, eighteen hundred and fifty, as provides extra pay to the commissioned officers and enlisted men of the United States serving in Oregon or California, be, and the same is hereby, continued in force for one year from the first day of March, eighteen hundred and fifty-two, and that the provision of the last-mentioned act be, and is hereby, extended to New Mexico during the current year provided for by this section, and that three hundred thousand dollars be, and is hereby, appropriated for that purpose: *Provided further,* That said officers and men shall receive only one half of the increased amount over the regular pay allowed by law.

**Sec. 4. And be it further enacted,** That all the unexpended balances remaining of sums appropriated for fortifications, and now liable to revert to the surplus fund, are hereby reappropriated.

**Sec. 5. And be it further enacted,** That paymasters' clerks shall be entitled to receive one ration per day when on duty at their stations, to be commuted at the price now authorized when traveling on duty.

**Sec. 6. And be it further enacted,** That for the pay and equipment as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Fremont, in California, during the year eighteen hundred and forty-six, as appears by the muster rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers in said service, one hundred and sixty-eight thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated; and the Secretary of War is authorized and empowered to appoint three competent and disinterested officers of the Army to examine and report to Congress upon all such claims as may be presented for funds advanced and subsistence and supplies of all kinds furnished or taken for the use of said command whilst thus engaged in the public service; and for the expenses of said board of officers, the sum of two thousand dollars is hereby appropriated.

**Sec. 7. And be it further enacted,** That the second section of an act entitled "An act to provide for the settlement of the accounts of public officers and others who may have received moneys arising from military contributions, or otherwise, in Mexico," approved March third, eighteen hundred and forty-nine, shall be so construed as to extend to officers and other persons who were engaged in the collection of military contributions as collectors in any part of Mexico or California during the war with Mexico.

**Sec. 8. And be it further enacted,** That the Secretary of War be directed to pay each of the survivors, or to the heirs of those who have died, of the Seminole warriors, who were mustered into the service of the United States at Fort Brooke in December, eighteen hundred and thirty-five, an amount equal to three months' pay and allowances of a private soldier in the Army of the United States: *Provided,* That the amount so paid shall not exceed three thousand eight hundred and sev-

enty dollars: *And provided, also,* That such amount paid shall be in full of all claims of said friendly Seminoles during the Florida war, for compensation and for indemnity on account of losses sustained.

**Sec. 9. And be it further enacted,** That there be appropriated as aforesaid, to refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the late war with Mexico, the sum of nine thousand three hundred and eighty-two dollars and fifty-three cents.

**Sec. 10. And be it further enacted,** That there be appropriated as aforesaid, for refunding to the State of Michigan the amount advanced by said State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States, during the late war with Mexico; twenty thousand dollars; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State, as presented and now on file in the office of the Third Auditor of the Treasury Department, shall be paid by the Secretary of the Treasury to the Governor or other proper officer of the said State of Michigan: *Provided,* That the same principles be applied in the settlement of the claims of the State of Alabama, and all other States, for moneys advanced in raising, subsisting, and transporting troops for the Mexican war.

**Sec. 11. And be it further enacted,** That in the adjustment of the accounts of the State of Maine, under the act of the thirteenth of June, eighteen hundred and forty-two, the proper accounting officers of the Treasury be, and they are hereby directed to include and allow all claims which have been heretofore presented under said act: *Provided,* It shall be satisfactorily shown that said claims have been actually allowed and paid by the State.

**Sec. 12. And be it further enacted,** That the Secretary of War allow and pay to the State of Virginia all sums that may have been advanced by that State to the officers and men of her regiment of volunteers engaged to serve for and during the war then existing between the United States and Mexico, for pay for their services from the day of their enrollment until they were mustered into the service of the United States: *Provided,* The same has not been paid heretofore by the United States to any of the officers or men for said service.

**Sec. 13. And be it further enacted,** That the Secretary of War be, and he is hereby, authorized and required to pay to the State of South Carolina, out of any money in the Treasury not otherwise appropriated, such sums of money as were paid by said State, in eighteen hundred and thirty-eight, eighteen hundred and thirty-nine, and eighteen hundred and forty, for services, losses, and damages sustained by her volunteers in the Florida war of eighteen hundred and thirty-six, eighteen hundred and thirty-seven, and eighteen hundred and thirty-eight, while in the service of the United States, and on their return from said service, as were ascertained and allowed by a board of commissioners appointed for that purpose by an act of the Legislature of said State in eighteen hundred and thirty-seven: *Provided, however,* That no interest shall be allowed upon the moneys paid to the State of South Carolina under the provisions of this act.

**Sec. 14. And be it further enacted,** That in the settlement of the claims in the State of Georgia under the provisions of the act of the eleventh of August, eighteen hundred and forty-two, providing for the settlement of the claims of Georgia for the services of her militia, which have heretofore been suspended or disallowed, the accounting officers of the Treasury Department allow and pay, upon proof that the State has allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical services, and transportation, which have not been heretofore allowed by the United States; that for the pay of mounted infantry, the pay of cavalry be allowed; the same to be paid out of the fund appropriated by the act of eleventh August, eighteen hundred and forty-two.

**Sec. 15. And be it further enacted,** That the proper accounting officers of the Treasury Department be, and they are hereby, authorized to adjust and settle the claims of Florida for the service of her troops under the act of February twenty-seventh, eighteen hundred and fifty-one, by the provisions stated for the settlement of the claims



of Virginia for like services, as prescribed by this act.

SEC. 16. *And be it further enacted*, That the accounts of Adjutant General Roger Jones shall be settled by the accounting officers of the Treasury according to equity and justice, and in such manner as to allow the pay and emoluments of his commission of Adjutant General from the time of the reduction of the Army, in one thousand eight hundred and twenty-one, to March seventh, one thousand eight hundred and twenty-five, when he was restored to his rank and commission in the staff of the Army: *Provided*, That the pay and emoluments of captain of artillery during the same period be deducted therefrom.

SEC. 17. *And be it further enacted*, That the accounting officers of the United States Treasury are hereby directed to ascertain the amount justly due to Henry L. Kenney for subsistence, medicine, forage, &c., furnished by him to the company of Texas mounted volunteers, commanded by Captain Charles M. Blackwell, from September tenth, eighteen hundred and forty-nine, to December tenth, eighteen hundred and forty-nine, and pay him the same out of the sum of seventy-two thousand dollars already appropriated for such purpose, by virtue of the second section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending thirtieth June, eighteen hundred and fifty-one," approved September thirtieth, eighteen hundred and fifty: *Provided*, That the same shall not exceed the sum of six thousand one hundred and fourteen dollars and seventy-six cents.

SEC. 18. *And be it further enacted*, That the board of officers designated by the act of the third of March, one thousand eight hundred and fifty-one, to procure sites for the military asylums, by and with the approval of the President of the United States, be, and they or a part of them are hereby, authorized to examine the Blue Lick Springs and the land attached thereto, and if the same be found eligible for the purpose, and can be secured of the proprietors, or any suitable quantity of the land, including the buildings, at a reasonable price, to purchase the same for the Government of the United States, and locate thereon the Western Military Asylum.

APPROVED, August 31, 1852.

PUBLIC, LVI.—*An Act making Appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, out of any moneys in the Treasury arising from the revenues of the said Department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six, and for other purposes, viz:

For transportation of the mails, four millions one hundred thousand dollars.

For compensation to postmasters, including the additional compensation authorized by the sixth section of the act to reduce and modify the rates of postage, approved third March, one thousand eight hundred and fifty-one, two millions and twenty-two thousand dollars.

For compensation to postmasters, being the difference between the sum of one million eight hundred and seventy-five thousand dollars, appropriated for the fiscal year ending thirtieth of June, one thousand eight hundred and fifty-two, and the estimated amount of their compensation for the same year, including the additional allowances authorized by the sixth section of the act of third of March, one thousand eight hundred and fifty-one, reducing the rates of postage, one hundred and forty-seven thousand dollars.

For clerks in the offices of postmasters, four hundred and thirty thousand dollars.

For ship, steamboat, and way-letters, forty thousand dollars.

For wrapping paper, forty thousand dollars.

For office furniture for the offices of postmasters, nine thousand dollars.

For advertising, seventy thousand dollars.

For mail bags, fifty thousand dollars.

For blanks, forty-five thousand dollars.

For mail locks, keys, and stamps, ten thousand dollars.

For mail depredations and special agents, forty-five thousand dollars: Also, twenty-five hundred dollars, out of which the Postmaster General is directed to pay sixteen hundred and sixty-six dollars and sixty-six cents to the late Assistant Postmaster General, for his services performed by direction of the Postmaster General subsequent to the first of April, eighteen hundred and fifty-one, when his resignation took effect, in the organization of the mail service in California, approved by the joint resolution "to legalize certain contracts for the transportation of the mails in California and Oregon," approved January the thirteenth, eighteen hundred and fifty-two, and the residue, or so much thereof as may be necessary, be applied to settle and pay his expenses.

For miscellaneous items, ninety thousand dollars.

For postage stamps, twenty thousand dollars.

For the publication of twenty-five thousand copies of the laws and regulations of the Post Office Department, and for arrears on the table of post offices, seven thousand dollars.

To enable the Postmaster General to contract for the transporting the mail by steamboat from the Lake House to New Iberia, on the route six thousand one hundred and sixteen, from Donaldsonville to Washington, in the State of Louisiana, seven thousand dollars.

SEC. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, whenever he shall deem it discreet, to dispense with the route agents now sent with the mails from New York to California, and in lieu thereof to appoint not more than two resident agents to take charge of the mail service across the Isthmus of Panama, and to allow said agents for salary and personal expenses not exceeding three thousand dollars per year for each of such agents, which shall be paid out of the amount annually appropriated for the transportation of the mails.

SEC. 3. *And be it further enacted*, That the salary of the route agents be, and the same is hereby, increased to one thousand dollars per annum.

SEC. 4. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized, if he shall deem it proper to advertise for and establish service upon the regular mail route between New Orleans and certain gulf ports of Florida.

SEC. 5. *And be it further enacted*, That the Postmaster General is authorized to contract with the Ocean Steam Navigation Company for one additional trip on the Havre line, and one additional trip on the Bremen line, until the expiration of their existing contract, receiving and delivering mails at Southampton, Cowes, or Plymouth, as the Postmaster General may direct, according to such schedule as shall be prescribed by the Postmaster General, in order thereby to maintain through such lines, and the Collins line, a regular weekly communication by American mail steamers between the United States and the United Kingdom of Great Britain and Ireland; but the compensation for such additional trips shall not exceed the compensation allowed for each trip under the said existing contract: *And provided further*, That the Postmaster General shall be, and he is hereby, authorized, in his discretion, to negotiate with the contractors for changing the terminus of the Havre line from Havre to Antwerp, in Belgium, and to make an agreement for such change, if he shall think proper; but the increased compensation to be allowed for such change shall be limited to a *pro rata* allowance for the increased distance.

SEC. 6. *And be it further enacted*, That the bridges across the Ohio river at Wheeling, in the State of Virginia, and at Bridgeport, in the State of Ohio, abutting on Zane's Island, in said river, are hereby declared to be lawful structures in their present position and elevation, and shall be so held and taken to be, anything in any law or laws of the United States to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That the said bridges are declared to be and are established post roads for the passage of the mails of the United States, and that the Wheeling and Belmont Bridge Company are authorized to have and maintain their said bridges at their present site and eleva-

tion; and the officers and crew of all vessels and boats navigating said river are required to regulate the use of their said vessels and boats, and of any pipes or chimneys belonging thereto, so as not to interfere with the elevation and construction of said bridges.

APPROVED, August 31, 1852.

PUBLIC, LVII.—*An Act making Appropriation for the current and contingent expenses of the Indian Department, and for fulfilling Treaty stipulations with various Indian Tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes:

For the current and contingent expenses of the Indian Department, viz: For the pay of Superintendents of Indian Affairs, per acts of fifth of June, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty-one, eight thousand five hundred dollars.

For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty-one, forty-three thousand seven hundred and fifty dollars.

For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty-one, twenty-eight thousand dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent at Van Buren, Arkansas, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For repairs of buildings at agencies, two thousand dollars.

For contingencies of the Indian Department, thirty-six thousand five hundred dollars.

To the Christian Indians.—For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six, four hundred dollars.

To the Chippewas of Saginaw.—For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen, one thousand dollars.

For permanent provision for the support of blacksmiths, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty-seven, two thousand dollars.

For education during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six, one thousand dollars.

Chippewas, Menomonees, Winnebagoes, and New York Indians.—For education during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Choctaws.—For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five, three thousand dollars.

For permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty, six hundred dollars.

For permanent annuity for education, stipulated in the second article of the treaty of the twentieth of January, eighteen hundred and twenty-five, six thousand dollars.

For life annuity to one Wayne warrior, stipulated in the twenty-first article of the treaty of twenty-seventh of September, eighteen hundred and thirty, twenty-five dollars.

For permanent provision for blacksmith, stipulated in the sixth article of the treaty of eighteenth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five, six hundred dollars.

For iron and steel, &c., for shop, stipulated in the ninth article of the treaty of 20th of January, eighteen hundred and twenty-five, three hundred and twenty dollars.

For interest on the amounts awarded Choctaw claimants under the fourteenth article of the treaty of Dancing Rabbit Creek of the twenty-seventh of September, eighteen hundred and thirty, from the first of July, eighteen hundred and fifty-two to the date of the passage of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, eighteen hundred and fifty-two, a sum not exceeding two thousand dollars: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized to examine the reservation claims of the Choctaws known as Bay Indians, and of those Choctaws in whose cases the scrip awarded by the late Board of Commissioners has not been issued; and where he shall find that such Indians are clearly entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty, and under the several acts heretofore passed in relation to such claims, he is hereby authorized to extend to such claimants the provisions applicable to such claims in the acts of twenty-third August, eighteen hundred and forty-two, and of third March, eighteen hundred and forty-five.

For supplying a deficiency in the appropriations heretofore made for removing the Choctaw Indians from Mississippi, as estimated by the Commissioner of Indian Affairs, thirty-seven thousand four hundred and twelve dollars.

*Chickasaws.*—For permanent annuity, stipulated in the act of the twenty-fifth of February, seventeen hundred and ninety-nine, three thousand dollars.

For payment to the Chickasaw Indians for amount of defalcation of Captain R. D. C. Collins, United States disbursing agent, together with interest thereon at the rate of six per cent. per annum from March, eighteen hundred and thirty-nine, until paid, twenty-four thousand nine hundred eighty-two dollars and twenty-nine cents.

For the payment of two thousand eight hundred and fifty-two dollars and thirty-six cents to Hiram R. Pitchlyn in his own right and as the sole heir-at-law and legal representative of his brother, John Pitchlyn, deceased, that being the amount of the proceeds of the sales of two quarter-sections of land granted to and located in the names of the said Hiram R. Pitchlyn and John Pitchlyn, under and by virtue of the eighth article of the treaty with the Chickasaw Indians, made at the city of Washington on the twenty-fourth day of May, in the year eighteen hundred and thirty-four, and which quarter-sections of land were sold and the proceeds thereof invested in the stock of the State of Arkansas, pursuant to the provisions of the article aforesaid: *Provided*, That said Hiram R. Pitchlyn shall establish his identity, and prove that he is John Pitchlyn's sole heir, to the satisfaction of the Secretary of the Interior.

*Chippewas of Lake Superior and the Mississippi.*—For sixteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nine thousand five hundred dollars.

For sixteenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nineteen thousand dollars.

For sixteenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipu-

lated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, three thousand dollars.

For sixteenth of twenty installments for the support of farmers, purchase of implements, grain or seed, and to carry on their agricultural pursuits, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, one thousand dollars.

For sixteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, two thousand dollars.

For sixteenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, five hundred dollars.

For eleventh of twenty-five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, twelve thousand five hundred dollars.

For eleventh of twenty-five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, ten thousand five hundred dollars.

For eleventh of twenty-five installments, for the support of two smiths' shops, including pay of two smiths, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For eleventh of twenty-five installments for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand dollars.

For eleventh of twenty-five installments, for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand two hundred dollars.

For eleventh of twenty-five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For eleventh of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For the sixth, seventh, eighth, ninth, and tenth, of forty-six installments to be paid to the Chippewas of Mississippi, stipulated in the third article of the treaty of the second of August, eighteen hundred and forty-seven, five thousand dollars.

*Creeks.*—For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety, one thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two, three thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, eight hundred and forty dollars.

For iron, steel, &c., for shops, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two hundred and seventy dollars.

For sixteenth of twenty installments, for the pay of two blacksmiths and assistants, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, one thousand six hundred and eighty dollars.

For iron, steel, &c., stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, five hundred and forty dollars.

For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, six hundred dollars.

For twenty-second of thirty-three installments for education, stipulated in the thirteenth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For interest on three hundred and fifty thousand dollars at five per centum, stipulated in the third article of the treaty of the twenty-third of Novem-

ber, eighteen hundred and thirty-eight, seventeen thousand five hundred dollars.

For ninth of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For blacksmith and assistant during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron, steel, and coal, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, two hundred and seventy dollars.

For wagon-maker during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, six hundred dollars.

For agricultural implements during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two thousand dollars.

For education during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, one thousand dollars.

For liquidated balance found due the Creek Indians for losses sustained during the last war with Great Britain by that portion of the tribe that was friendly to and cooperated with the United States, in accordance with the promise of the Government, one hundred and ten thousand four hundred and seventeen dollars and ninety cents; to be paid by the United States agent for the Creek Indians to those individuals now living, and the legal representatives of those deceased who are entitled to receive the same.

To pay the claim of David Taylor, as adjusted and found due by the Second Auditor of the Treasury on the eleventh of March, eighteen hundred and fifty-two, under the latter clause of the thirteenth article of the treaty with the Cherokees, concluded at New Echota, twenty-ninth December, eighteen hundred and thirty-five, and approved by the Senate, twenty-four thousand eight hundred and fifty-three dollars and four cents, and to be paid out of the balance of the appropriations of July second, eighteen hundred and thirty-six, under the act entitled "An act making further appropriations for carrying into effect certain Indian treaties."

*Delawares.*—For permanent annuity, stipulated in the fourth article of the treaty, of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen, four thousand dollars.

For permanent annuity, stipulated in the supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, one thousand dollars.

For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen, two hundred dollars.

For life annuity to chiefs, stipulated in the supplemental article to the treaty of the twenty-sixth of October, eighteen hundred and thirty-two, two hundred dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For iron, steel, &c., for shop, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, two hundred and twenty dollars.

For interest on forty-six thousand and eighty dollars at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of

January, eighteen hundred and thirty-eight, two thousand three hundred and four dollars.

*Florida Indians or Seminoles.*—For thirtieth of thirty installments for blacksmiths' establishments, stipulated in the sixth article of the treaty of the eighteenth of September, eighteen hundred and twenty-three, and the fourth article of the treaty of the ninth of May, eighteen hundred and thirty-two, one thousand dollars.

For ninth of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five, two thousand dollars.

For ninth of fifteen installments in money, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

*Iowas.*—For interest on one hundred and fifty-seven thousand five hundred dollars at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight, seven thousand eight hundred and seventy-five dollars.

*Kickapoos.*—For nineteenth of nineteen installments as an annuity, stipulated in the fourth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-two, five thousand dollars.

*Kansas.*—For interest on two hundred thousand dollars at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six, ten thousand dollars.

*Miamies.*—For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, twenty-five thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighty-seven, seven hundred and twenty dollars.

For iron, steel, &c., stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighty-eight, two hundred and twenty dollars.

For permanent provision for the purchase of one thousand pounds of tobacco, two thousand pounds of iron, and one thousand pounds of steel, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, seven hundred and seventy dollars.

For permanent provision for pay of miller, in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighty-eight, and the fifth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-four, six hundred dollars.

For permanent provision for the purchase of one hundred and sixty bushels of salt, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighty-eight, three hundred and twenty dollars.

For education and support of poor during the pleasure of Congress, stipulated in the sixth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, two thousand dollars.

For twelfth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty, twelve thousand five hundred dollars.

For permanent provision for payment in lieu of laborers, stipulated in the sixth article of the treaty of the twenty-eighth of November, eighteen hundred and forty, two hundred and fifty dollars.

For permanent provision for agricultural assistance, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighty-eight, two hundred dollars.

*Eel Rivers, (Miamies).*—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, three hundred and fifty dollars: *Provided*, That the money appropriated by the three preceding clauses, together with the similar appropriations in eighteen hundred and fifty and eighteen hundred and fifty-one, for the

Eel Rivers, (Miamies,) heretofore withheld from payment, shall be paid to said Eel Rivers (Miamies) only, and to no other band, or nation, or individuals; and that all the annuities heretofore due and appropriated to the Eel Rivers (Miamies) and erroneously or otherwise paid to the Miami nation shall be repaid to the Eel Rivers (Miamies) out of the money appropriated in eighteen hundred and fifty-one, and eighteen hundred and fifty-two, for payment of annuities to said Miami nation; or if the Commissioner of Indian Affairs deem it more expedient and just to the Indians, shall be paid, and is hereby appropriated, out of the Treasury of the United States, to be repaid to the United States by being withheld from the Miami annuities, in such installments as the Commissioner may deem expedient.

*Menomonees.*—For seventeenth of twenty installments as annuity, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, twenty thousand dollars.

For seventeenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one thousand four hundred and forty dollars.

For seventeenth of twenty installments for iron, steel, &c., for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred and forty dollars.

For seventeenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, three thousand dollars.

For seventeenth of twenty installments for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred dollars.

For seventeenth of twenty installments for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, five hundred dollars.

For seventeenth of twenty installments for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one hundred and fifty dollars.

For expenses of their temporary removal and provisions, from their present location to the district of country on the Wolf and Oconto rivers, designated in the report of Superintendent Murray to the Commissioner of Indian Affairs, dated September thirtieth, eighteen hundred and fifty-one, twenty-five thousand dollars.

*Omahas.*—For blacksmith and assistant during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, seven hundred and twenty dollars.

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

For agricultural implements during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, five hundred dollars.

To defray the expenses of a certain party of Omaha Indians who visited the city of Washington during the month of February and March, eighteen hundred and fifty-two, the same or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, three thousand dollars.

For the Omaha Indians, twenty-five thousand dollars; five thousand thereof to be expended annually, under the direction of the President, for the relief and improvements of said Indians.

*Otoes and Missourias.*—For education during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, five hundred dollars.

For pay of farmer during the pleasure of the President, stipulated in the fifth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, six hundred dollars.

For blacksmith and assistant during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen

hundred and thirty, seven hundred and twenty dollars.

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

*Ottowas.*—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one, one thousand dollars.

*Ottowas and Chippewas.*—For eighteenth of twenty installments, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six, thirty thousand dollars.

For interest to be paid as annuity on two hundred thousand dollars, at six per cent. per annum, stipulated in the resolution of the Senate of the twenty-seventh of May, eighteen hundred and thirty-six, twelve thousand dollars.

For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, five thousand dollars.

For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three thousand dollars.

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservations, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three hundred dollars.

For eighteenth of twenty installments for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand dollars.

For eighteenth of twenty installments for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, eight hundred dollars.

For eighteenth of twenty installments for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred dollars.

For eighteenth of twenty installments for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, four hundred dollars.

For three blacksmiths and assistants for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand one hundred and sixty dollars.

For iron, steel, &c., for shops, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred and sixty dollars.

For gunsmith at Mackinac for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred dollars.

For iron, steel, &c., for shop, for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred and twenty dollars.

For two farmers and assistant, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand six hundred dollars.

For two mechanics, during the pleasure of the



President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand two hundred dollars.

*Osges.*—For fifteenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, twenty thousand dollars.

For fifteenth of twenty installments for two smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, two thousand dollars.

For fifteenth of fifty installments for pay of two millers, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, one thousand two hundred dollars.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the valuation of fifty-four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

*Plankeshaws.*—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five, three hundred dollars.

*Pawnees.*—For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three, one thousand dollars.

*Pottawatomies of Huron.*—For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

*Pottawatomies.*—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two thousand dollars.

For life annuity to chiefs, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For twentieth of twenty installments as annuity, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two, fifteen thousand dollars.

For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two, four hundred dollars.

For twentieth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of October, eighteen hundred and thirty-two, twenty thousand dollars.

For eighteenth of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, fourteen thousand dollars.

For life annuity to chiefs, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, seven hundred dollars.

For eighteenth of twenty installments as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, two thousand dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred and forty dollars.

For permanent provision for the purchase of one

hundred and sixty bushels of salt, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, three hundred and twenty dollars.

For education during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, seven hundred and twenty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two hundred and twenty dollars.

For education during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one thousand dollars.

For permanent provision for the payment in money, in lieu of two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, seven hundred and twenty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two hundred and twenty dollars.

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, seven hundred and twenty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, two hundred and twenty dollars.

For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For education during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-seventh of October, eighteen hundred and thirty-two, two thousand dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

*Quapaws.*—For twentieth of twenty installments as annuity, stipulated in the fourth article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two thousand dollars.

For education during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two hundred and twenty dollars.

For pay of farmer during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, six hundred dollars.

*Six Nations of New York.*—For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four, four thousand five hundred dollars.

*Senecas of New York.*—For permanent annuity, in lieu of interest on stock, per act of the nine-

teenth of February, eighteen hundred and thirty-one, six thousand dollars.

For interest in lieu of investment on seventy-five thousand dollars, at five per centum, per act of twenty-seventh of June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

*Stockbridges.*—For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty-fourth of November, eighteen hundred and forty-eight, eight hundred and twenty-five dollars.

*Sioux of Mississippi.*—For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, fifteen thousand dollars.

For sixteenth of twenty installments as annuity in goods, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, ten thousand dollars.

For sixteenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, &c., stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, eight thousand two hundred and fifty dollars.

For sixteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, five thousand five hundred dollars.

For fulfilling treaties with the Sioux of the Mississippi, to wit: For payment of the chiefs of the See-se-toan and Wah-pay-toan bands of Dakota or Sioux Indians, to enable them to settle their affairs, and to comply with their present just engagements; for expenses of removal of the said bands from the lands ceded, and for subsistence of themselves for one year thereafter, per first clause of the fourth article of the treaty of twenty-third July, eighteen hundred and fifty-one, ratified by the Senate of the United States on twenty-third June, eighteen hundred and fifty-two, two hundred and seventy-five thousand dollars.

For this amount, to be laid out under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops; opening farms; fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of same article and treaty, thirty thousand dollars.

For interest at the rate of five per centum on the sum of one million three hundred and sixty thousand dollars, per same article and treaty, sixty-eight thousand dollars.

For interest at the rate of five per centum on the sum of one hundred and twelve thousand dollars, (to be added to the trust fund provided for in the fourth article,) being the amount allowed in lieu of the reservation set apart in the third article, containing one million one hundred and twenty thousand acres, at ten cents per acre, per Senate's amendment to the aforesaid treaty, five thousand six hundred dollars.

For payment to the chiefs of the Med-ay-wakan-toan or Wah-pay-koo-tah bands of Dakota or Sioux Indians, to enable them to settle their affairs and enable them to comply with their present just engagements; for expenses of removal of said Indians from the lands ceded, and for subsistence for themselves for one year thereafter; per first clause of the fourth article of the treaty of fifth August, eighteen hundred and fifty-one, ratified by the Senate of the United States twenty-third June, eighteen hundred and fifty-two, two hundred and twenty thousand dollars.

For this amount, to be laid out under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops; opening farms; fencing and breaking lands, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, per second clause of same article and treaty, thirty thousand dollars.

For interest at the rate of five per centum on the sum of one million one hundred and sixty thousand dollars, per same clause, article and treaty, fifty-eight thousand dollars.

For interest at the rate of five per centum on the

sum of sixty-nine thousand dollars, (to be added to the trust fund provided for in the fourth article,) being the amount allowed in lieu of the reservation of lands set apart by the third article, containing six hundred and ninety thousand acres; at ten cents per acre, per Senate's amendment to the aforesaid treaty; three thousand four hundred and fifty dollars: *Provided*, That no portion of the money appropriated for the purpose aforesaid shall be applied until said Indians shall express their assent to the treaty as amended by the Senate.

*Sacs and Foxes of Missouri.*—For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

*Sacs and Foxes of Mississippi.*—For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four, one thousand dollars.

For twenty-first of thirty installments, as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, twenty thousand dollars.

For twenty-first of thirty installments for gunsmith, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, six hundred dollars.

For twenty-first of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-first of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred and forty dollars.

For twenty-first of thirty installments for iron, steel, &c., for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-first of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred dollars.

For twenty-first of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred dollars.

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two, forty thousand dollars.

*Shawnees.*—For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, two thousand dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, sixty dollars.

For blacksmith and assistant during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, two hundred and twenty dollars.

*Senecas and Shawnees.*—For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., for shops, during the pleasure of the President, stipulated in the fourth article

of the treaty of the twentieth of July, eighteen hundred and thirty-one, two hundred and twenty dollars.

*Senecas.*—For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron, steel, &c., for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, two hundred and twenty dollars.

For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, six hundred dollars.

*Wyandots.*—For permanent annuity, stipulated in the third article of the treaty of the seventeenth of March, eighteen hundred and forty-two, seven thousand five hundred dollars.

For permanent provision, for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, eight hundred and forty dollars.

For permanent provision for iron, steel, &c., for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, three hundred and seventy dollars.

For permanent provision for education, stipulated in the fourth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, five hundred dollars.

*Weas.*—For permanent annuity, stipulated in the fifth article of the treaty of the second of October, eighteen hundred and eighteen, three thousand dollars.

*Winnebagoes.*—For twenty-fourth of thirty installments as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For twenty-first of twenty-seven installments as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, ten thousand dollars.

For twenty-fourth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For twenty-fourth of thirty installments for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred dollars.

For twenty-first of twenty-seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three hundred dollars.

For twenty-fourth of thirty installments for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For payment of reasonable compensation, traveling, transportation, and subsistence of A. M. Mitchell and a posse of citizens of Minnesota Territory, summoned by him while marshal of said Territory, and engaged in the suppression of Indian disturbances in said Territory, about the thirtieth of June, eighteen hundred and fifty, their accounts to be settled, and payment made under the order and direction of the Secretary of the Treasury, one thousand six hundred dollars.

For twenty-fourth of thirty installments for iron, steel, &c., for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For twenty-fourth of thirty installments for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred

and twenty-nine, three hundred and sixty-five dollars.

For twenty-first of twenty-seven installments for education, stipulated in the fourth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three thousand dollars.

For twenty-first of twenty-seven installments for six agriculturists, purchase of oxen, plows, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, two thousand five hundred dollars.

For twenty-first of twenty-seven installments for pay of two physicians, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, four hundred dollars.

For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven, fifty-five thousand dollars.

For interest on eighty-five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

For payment to the heirs of Cyrus Choice, the balance due for services rendered by him as acting Indian agent in New Mexico, from the ninth of December, eighteen hundred and forty-nine, to the fourteenth of September, eighteen hundred and fifty, at the rate of fifteen hundred and fifty dollars per annum, after deducting the sum of fifty dollars heretofore paid to Cyrus Choice, one thousand one hundred and thirty-seven dollars and seventy-six cents.

For payment to Presha Bedwell, (formerly Presha Foreman,) being the amount of an award by the Cherokee commissioners in her favor, which was erroneously paid by a former Cherokee agent to some one who personated the proper claimant, the sum of four hundred and sixty-four dollars.

For payment to Horsefly, being the amount of an award by the first board of Cherokee commissioners, less the amount of six dollars, allowed as fee to the attorney, for an improvement belonging to Tiany, (the deceased wife of Horsefly,) improperly valued and paid for to Tawney, of the same town in the country east, the sum of fifty-four dollars.

For payment to Se-ka-wee, a Cherokee, only heir of Woo-tee-ti-eh, deceased, for an improvement in Turkeytown valley, Alabama, which was improperly valued and paid for to Rachael Bright, a white woman, the said Woo-tee-ti-eh, deceased, being the rightful owner, the sum of one hundred and sixty-six dollars and fifty cents.

For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, fifteen thousand dollars.

For presents to the Camanches, Kiaways, and other Indians on the Arkansas river, and to enable the President to treat with said Indians, twenty thousand dollars.

For defraying expenses incident to the visit of the Pueblo Indians, and their attendants, from New Mexico to Washington, and to defray their expenses to their homes, the sum of seven thousand five hundred dollars.

For general objects incident to Indian service in New Mexico, twenty thousand dollars.

For expenses of running and marking the eastern boundary line of the Creek country west of Arkansas, seven thousand nine hundred and ninety dollars.

For payment to James M. Marsh, to cover the loss of his property destroyed by a band of Sioux Indians, in the month of July, eighteen hundred and forty-nine, while extending "the second connection line" of the public surveys in the State of Iowa to the Missouri river, under contract with C. H. Booth, Surveyor General of the United States, one thousand two hundred dollars.

For expenses of the California superintendency, to wit: salary of Superintendent, four thousand dollars; salary of clerk to Superintendent, two thousand five hundred dollars; office rent, stationery, fuel and lights, and postage on official letters, three thousand five hundred; interpreters, three thousand dollars.

For the preservation of peace with those Indians who have been dispossessed of their lands in Cali-

fornia, until permanent arrangements be made for their future settlement, the sum of one hundred thousand dollars: *Provided*, That nothing herein contained shall be so construed as to imply an obligation on the part of the United States to feed and support the Indians who have been dispossessed of their land in California.

Furniture for Superintendent's office, five hundred dollars.

Flags for distribution among the tribes, five hundred dollars.

SEC. 2. *And be it further enacted*, That for expenses of compiling maps, under the supervision of the Commissioner of Indian Affairs, for the use of the committees of the Senate, and House of Representatives, and Indian Bureau, showing the present boundaries of the Indian territory, and the location of the various Indian tribes within the United States, five hundred dollars.

SEC. 3. *And be it further enacted*, That no part of the appropriations herein made, or that may hereafter be made, for the benefit of any Indian, or tribe, or part of a tribe of Indians, shall be paid to any attorney or agent of such Indian, or tribe, or part of a tribe; but shall in every case be paid directly to the Indian or Indians themselves to whom it shall be due, or to the tribe or part of a tribe *per capita*, unless the imperious interests of the Indian or Indians, or some treaty stipulation, shall require the payment to be made otherwise, under the direction of the President. Nor shall the Executive branch of the Government, now or hereafter, recognize any contract between any Indian, or tribe, or part of a tribe, and any attorney or agent for the prosecution of any claim against the Government under this act.

APPROVED, August 30, 1852.

**PUBLIC, LVIII.—An Act making Appropriations for the Improvement of certain Harbors and Rivers.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums of money be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the superintendence of the Secretary of War, for the following purposes, to wit:

For the continuation of the Delaware breakwater, thirty thousand dollars.

For the construction of a harbor on the east side of Reedy Island, Port Penn, Delaware, fifty-one thousand and ninety dollars.

For the repairs of the works at the harbor of Chester, on the Delaware river, five thousand dollars.

For the removal of obstructions in the Savannah river, at a place called the Wrecks, and the improvement of the navigation of said river, forty thousand dollars.

For continuing the improvement of the navigation of the Hudson river, above and below Albany, and not above Troy, fifty thousand dollars.

For the improvement of the navigation of the Mississippi river, below the rapids, ninety thousand dollars; the Ohio, including the repairs of the dam at Cumberland Island, ninety thousand dollars; the Missouri and the Arkansas rivers, each forty thousand dollars; and for the construction and repair of snag-boats, dredge-boats, discharging scows, and machinery to be used on the Mississippi, Ohio, Missouri, Arkansas, and other western rivers, one hundred and fifty thousand dollars.

For the improvement of the James and Appomattox rivers, below the cities of Richmond and Petersburg, forty-five thousand dollars.

For the improvement of the Rock River Rapids, and the Des Moines Rapids in the Mississippi river, at the lower chain and the English chain, one hundred thousand dollars.

For opening a ship channel of sufficient capacity to accommodate the wants of commerce through the most convenient pass leading from the Mississippi river into the Gulf of Mexico, seventy-five thousand dollars. And it shall be the duty of the Secretary of War to apply said moneys to the opening of said ship channel by contract, and at an early day in the next session of Congress to report the progress of the work, the amount necessary to complete it, and an estimate of the annual cost of keeping said channel open; and any contract made shall be limited to the amount hereby appropriated.

For removing the raft of Red river, one hundred thousand dollars, and that the Secretary of War be authorized to contract with the lowest responsible bidder, within this appropriation, for the removal of said raft after reasonable public notice.

For the improvement of the navigation of the Colorado river, Texas, twenty thousand dollars.

For the survey of the Trinity river, Texas, including the bar at the mouth, three thousand dollars.

For a breakwater at Richmond Island harbor, and repairing the breakwater in Portland harbor, Maine, ten thousand dollars.

For removing the rocks obstructing the navigation near Falls Island, Cobscook Bay, Maine, five thousand dollars.

For a survey in reference to the construction of a breakwater on the eastern side of the Island of Matinicus, Maine, one thousand dollars.

For the protection of Great Brewster Island, in the harbor of Boston, thirty thousand dollars.

For the preservation of Cape Cod harbor, at and near Provincetown, Massachusetts, five thousand dollars.

For repairing the breakwater at Hyannis harbor, Massachusetts, five thousand dollars.

For the preservation of Great Woods Hole harbor, two thousand five hundred dollars.

For a survey in reference to the construction of a breakwater at East Dennis, Barnstable Bay, Massachusetts, one thousand five hundred dollars.

For repairing the injuries done to the Government works on Plymouth beach, in the great storm of eighteen hundred and fifty-one, five thousand dollars.

For a survey in reference to the improvement of the harbor of Scituate, in connection with the North river, Massachusetts, one thousand dollars.

For the removal of Middle Rock, designated on the chart as Rocky buoy, in the harbor of New Haven, Connecticut, six thousand dollars.

For removing a rock near the mouth of the Seekonk river, harbor of Providence, Rhode Island, five thousand dollars.

For the further improvement of the harbor of New York, by removing the rocks at Hell Gate and Diamond reef, in the East river, twenty thousand dollars.

For a survey of the harbor of Port Jefferson, New York, with reference to the improvement thereof, twelve hundred dollars.

For the removal of the bar at the junction of the Passaic and Hackensack rivers, in Newark Bay, New Jersey, ten thousand dollars.

For the survey of Cranbury Inlet, Barnegat Bay, New Jersey, in reference to its improvement, one thousand dollars.

For the improvement of the Patapsco river, from Fort McHenry to the mouth of said river, twenty thousand dollars.

For the construction of a steam-dredge, equipment and discharging-scows, for the waters of the Chesapeake Bay and the Atlantic coast, twenty thousand dollars.

For removing obstructions at the mouth of the Susquehanna river, near Havre-de-Grace, Maryland, ten thousand dollars.

For reopening a communication between Albemarle Sound, North Carolina, and the Atlantic ocean, by the construction of a breakwater across Croatan Sound, fifty thousand dollars.

For completing the improvement of the harbor of Washington, North Carolina, five thousand dollars.

For the improvement of the harbor of Charleston, South Carolina, fifty thousand dollars.

For the improvement of the harbor of Mobile, Alabama, at Dog River Bar and the Choctaw Pass, fifty thousand dollars.

For a survey in reference to the removal of obstructions to the navigation of Bayou La Fourche, Louisiana, two thousand five hundred dollars.

For the construction of a harbor on Lake Pontchartrain, near the city of New Orleans, twenty-five thousand dollars.

For continuing the surveys of the northern and northwestern lakes, including Lake Superior, twenty-five thousand dollars.

For the improvement of the harbor of Manitowoc, Wisconsin, eight thousand dollars.

For the improvement of the harbor of Sheboygan, Wisconsin, ten thousand dollars.

For continuing the improvement of the harbor of Racine, Wisconsin, ten thousand dollars.

For continuing the improvement of the harbor of Milwaukee, Wisconsin, fifteen thousand dollars, to be expended at the point on the Milwaukee river known as the "North Cut," surveyed by Lieutenant Centre.

For continuing the improvement of the harbor of Kenosha, (formerly South Port,) Wisconsin, ten thousand dollars.

For continuing the improvement of the harbor of Chicago, Illinois, twenty thousand dollars.

For continuing the improvement of the harbor of Michigan City, Indiana, or the laying down of a floating breakwater and safety anchorage, as the Secretary of War may determine, twenty thousand dollars.

For the improvement of the harbor of New Buffalo, Michigan, eight thousand dollars.

For continuing the improvement of the harbor of St. Joseph, Michigan, ten thousand dollars.

For the improvement of Black Lake harbor, Michigan, eight thousand dollars.

For the improvement of the harbor at the mouth of Grand river, Michigan, two thousand dollars.

For the improvement of the harbor at the mouth of Clinton river, Michigan, five thousand dollars.

For the improvement of the navigation of the Saint Clair flats, connecting the upper and lower lakes, twenty thousand dollars.

For completing the improvement of the River Raisin harbor, Michigan, fourteen thousand dollars.

For constructing a steam-dredge, equipment and discharging-scows for Lake Michigan, twenty thousand dollars.

For preserving the harbor of Sandusky City, and improving the same, fifteen thousand dollars.

For continuing the improvement of the harbor at the mouth of Black river, on Lake Erie, Ohio, five thousand dollars.

For continuing the improvement of the harbor of Cleveland, Ohio, thirty thousand dollars.

For the further improvement of the harbor of Fairport, at the mouth of Grand river, Ohio, ten thousand dollars.

For continuing the improvement of the harbor of Ashtabula, Ohio, ten thousand dollars.

For continuing the improvement of the harbor of Erie, Pennsylvania, thirty thousand dollars.

For continuing the improvement of the harbor of Dunkirk, New York, thirty thousand dollars.

For repairing the sea-wall at the harbor of Buffalo, New York, fourteen thousand dollars.

For constructing a steam-dredge, equipment and discharging-scows for Lake Erie, twenty thousand dollars.

For continuing the improvement of the harbor of Oak Orchard creek, Lake Ontario, New York, ten thousand five hundred dollars.

For continuing the removal of obstructions in the harbor at the mouth of the Genesee river, Lake Ontario, New York, twenty thousand dollars.

For the improvement of the harbor of Sodus Bay, Lake Ontario, Cayuga county, New York, ten thousand dollars.

For continuing the improvement of the harbor of Oswego, Lake Ontario, New York, forty thousand dollars.

For constructing a steam-dredge, equipment and discharging-scows for Lake Ontario, twenty thousand dollars.

For a survey of the Rappahannock river, Virginia, three thousand dollars.

For a survey of Taunton river and New Bedford harbor, Massachusetts, three thousand dollars.

For improving the Kennebeck river from the United States Arsenal wharf, in Augusta, Maine, to Lovejoy's Narrows, six thousand dollars.

For a survey of San Antonio river, Texas, one thousand five hundred dollars.

For surveys of the harbors at Sabine, Galveston, Paso Cavallo, Velasco, Brazos de Santiago, and Corpus Christi, and the rivers Sabine, Brazos, and Trinity, Texas, five thousand dollars.

For repairing the public works at Little Egg harbor, New Jersey, eight thousand five hundred dollars.

For a survey of East Pascagoula river, Mississippi, five thousand dollars.

For a survey of Providence harbor, Rhode Island, fifteen hundred dollars.

For a survey and examination of the Falls of the Ohio river, by a board of topographical and civil engineers to be appointed by the Secretary of



War, to report upon the expediency of an additional canal around said falls, and the comparative cost, advantages, and disadvantages of making such additional canal on the Kentucky and Indiana shores of said river, respectively; and also the cost, advantages, and disadvantages of enlarging and extending the present canal, so as to avoid the locks at Sandy Island, retaining the present locks in their present condition, five thousand dollars.

For the repair of the sea-wall at Marblehead, Massachusetts, five hundred dollars.

For a survey of the harbor of Georgetown, South Carolina, three thousand dollars.

For a survey of Shrewsbury river, New Jersey, fifteen hundred dollars.

For repairing the piers at Kennebunk, Maine, seven thousand five hundred dollars.

For a breakwater at Owlshead harbor, or at Rockland harbor, in Maine, as the Department of War shall decide, fifteen thousand dollars.

For the further removal of obstructions and the improvement of the harbor of Dubuque, Iowa, fifteen thousand dollars.

For repairing the piers in Great Sodus Bay, New York, ten thousand dollars.

For improving Cape Fear river, at and below Wilmington, North Carolina, twenty thousand dollars.

For repairing the piers at Huron River harbor, Ohio, ten thousand dollars.

For continuing and repairing the breakwater at Burlington, Vermont, ten thousand dollars.

For repairing the piers at Conneaut, Ohio, ten thousand dollars.

For repairing the piers and improving the harbor at New Castle, Delaware, fifteen thousand dollars.

For the further improvement of the harbor at Bridgeport, Connecticut, ten thousand dollars.

For the improvement of the river Saint John, Florida, ten thousand dollars.

For the completion of the old line of survey, or new line, as may be deemed expedient, for a ship canal across the peninsula of Florida, twenty thousand dollars.

For a survey of the sand bars in Newark Bay, New Jersey, two thousand dollars.

For building a levee across the mouth of the river San Diego, in the State of California, to turn it into its former channel, into False Bay, thirty thousand dollars; to be expended under the direction of the Secretary of War.

For a survey of the harbor of Ogdensburg, New York, with reference to its improvement, three thousand dollars.

For constructing a steam-dredge, equipment and discharging-scows for Lake Champlain, and improving the navigation thereof, twenty thousand dollars.

For connecting the waters of the Indian river, and Mosquito lagoon, at the Haulover, Florida, five thousand dollars.

For the repairs, preservation, and contingencies of the harbor works on the Atlantic coast, ten thousand dollars.

For repairs and contingencies of harbors and rivers, and to meet charges for transportation of officers and for fuel and quarters, the payment of which is no longer made by the Quartermaster's Department, and for extra allowance to meet extra expenses, under the special direction of the Secretary of War, ten thousand dollars.

For the improvement of the navigation of the Tennessee river, fifty thousand dollars, in conformity with the estimates of the War Department of the thirteenth July, eighteen hundred and fifty-two; and for the improvement of the navigation of the Illinois river, the sum of thirty thousand dollars.

For the improvement of the harbor and breakwater at Waukegan, Illinois, fifteen thousand dollars.

That the Secretary of War cause to be examined and surveyed the rivers Savannah, from the city of Savannah, as high up as the city of Augusta, the Ockmulgee up to Macon, and the Flint up to Albany, and the Chattahoochee up to Columbus, in the State of Georgia, and to report to Congress the amount of money which may remove any obstructions to navigation, and that the sum of ten thousand dollars be appropriated for that purpose.

For filling in behind the United States sea-wall

in the harbor of St. Augustine, Florida, with earth, three thousand dollars.

APPROVED, August 30, 1852.

**PUBLIC, LIX.**—*An Act making Appropriations for the transportation of the United States Mail by Ocean Steamers and otherwise, during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-three:

For transportation of the mails from New York to Liverpool and back, eight hundred and fifty-eight thousand dollars.

For transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back, two hundred and ninety thousand dollars.

For transportation of the mails from Panama to California and Oregon, and back, three hundred and forty-eight thousand two hundred and fifty dollars.

**SEC. 2.** *And be it further enacted,* That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department, for the year ending the thirtieth June, one thousand eight hundred and fifty-three, out of any moneys in the Treasury arising from the revenues of said Department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six.

For transportation of the mails in two steamships, from New York, by Southampton, to Bremen, and back, at one hundred thousand dollars for each ship; and in two steamships from New York, by Cowes, to Havre, and back, at seventy-five thousand dollars for each ship, under the contract with the Ocean Steam Navigation Company of New York, in addition to an unexpended balance of former appropriations, two hundred and ninety-four thousand dollars.

For transportation of the mails between Charleston and Havana, under the contract with M. C. Mordecai, fifty thousand dollars.

For transportation of the mails across the Isthmus of Panama, one hundred thousand dollars.

APPROVED, August 30, 1852.

**PUBLIC, LX.**—*An Act making Appropriations for Light-Houses, Light-Boats, Buys, &c., and providing for the erection and establishment of the same, and for other purposes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following appropriations be, and the same are hereby, made, and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry the provisions of this act into effect: *Provided, however,* If a good title to any land which it may be necessary to use cannot be obtained on reasonable terms, or the exclusive right to such land cannot be acquired by cession, when the interest of the United States demands it, before the appropriation would by law fall into the surplus fund, in any and all such cases the appropriation shall be applicable to the objects for which they are made at any time within two years after the first meeting of the Legislature in any State wherein such land may be situated subsequently to the passage of this act, to wit:

#### MAINE.

For a light-house on the Nubble, Cape Neddick, York, five thousand dollars.

For a dumb beacon on Haddock's Ledge, in Penobscot Bay, five hundred dollars.

For Jones's fog-bells to be placed at Cape Elizabeth, Sequin, White-head, and West Quoddy-head light-house, ten thousand dollars.

For the erection of a beacon on Logey's Ledge, in Portsmouth harbor, in addition to an appropriation of five hundred dollars by the act of September twenty-eighth, eighteen hundred and fifty, five hundred dollars.

For two spar buoys on the Eastern and Western Sisters, at the entrance of Piscataqua river, one hundred and sixty dollars.

For rebuilding the light-house and keeper's

house on Boon Islands, twenty-five thousand dollars.

For a beacon on Steel's Ledge, in Penobscot Bay, one thousand dollars.

For a light-house at the easterly end of a thoroughfare between North Haven and Vinal Haven, or on Herring Neck, as the Department shall determine, five thousand dollars.

For beacons, buoys, and spindles at points on the Kennebeck river, five thousand dollars.

For Jones's fog-bell, to be placed near the light-house at Petit Menan, two thousand five hundred dollars.

For buoys to be placed on Old Man's Ledge at the entrance of Penobscot Bay, five hundred dollars.

For the erection of beacons on a reef of ledges at the entrance of Camden harbor, one near Negro Island, and one near Northeast Point; and for placing buoys on other ledges in said harbor, one thousand dollars.

For the erection of beacons or spindles and placing of buoys on the ledges at the entrance of Narraguagus harbor, one thousand dollars.

For the erection of a harbor light on a point of land lying west of the entrance of Buck's harbor, in Brooksville, three thousand five hundred dollars.

For the erection of beacons, buoys, or spindles between Owlshead and Whitehead light-houses, and through Muscle Ridge channel, four thousand dollars.

For the erection of four buoys at Goldsborough, at the following places: one on the southeast point of Calf Island, one on the western point of the Middle Ground, off Stone Island, one on Half-tide Ledge, and one on a sunken rock at the entrance of Flanders Bay, two hundred dollars.

For repairing or reconstructing the stone beacon on Buck Ledge, Penobscot river, five hundred dollars.

#### NEW HAMPSHIRE.

For a beacon on Willey's Ledge and a spar buoy on Halfway Rock, in the harbor of Portsmouth, eight hundred dollars.

#### MASSACHUSETTS.

For a light-boat near Succunessh Shoal, north channel Vineyard Sound, twelve thousand dollars.

For three buoys in Holmes's Hole harbor, three hundred dollars.

For the erection of a beacon and the repair of beacons and for buoys in the harbor of Newburyport, two thousand dollars.

For a beacon on Fawn Bar, near Deer Island, in Boston harbor, in addition to the former appropriation, one thousand dollars.

For two iron spindles on the Northeast Ledge of the Graves and on Harding's Ledge, in Boston harbor, in addition to the former appropriation, six thousand dollars.

For a light-boat near Killpond Bar or a light-house in the vicinity of it, as on examination may be thought most expedient, twelve thousand dollars.

For a spar buoy on Bibb Rock, near Wellfleet harbor, seventy five dollars.

For a buoy-boat on Great Rip, five hundred dollars.

For a buoy-boat on Sand Shoal near north end of Bass Rip, five hundred dollars. The above buoys to be located under the direction of the Superintendent of Coast Survey.

For a first class light-vessel to be moored on or near the new South Shoal off Nantucket, under the direction of the Superintendent of the Coast Survey, to be built under the direction of a competent naval architect, and fitted with a life-boat, duplicate moorings and a fog-bell, the illuminating apparatus to be of large size parabolic reflectors and Argand lamps, to produce a light properly distinguished, which shall be seen as far as the elevation of the lanterns above the level of the sea will permit, thirty thousand dollars.

For Jones's fog-bells at Baker's Island, at the entrance of Salem harbor and at Race Point, Cape Cod, five thousand dollars.

For a buoy to be placed on a rock in the Vineyard Sound, near Point Gammon light-house, one hundred and twenty dollars.

For a buoy to be placed over a sunken vessel, at Succunesset Point, one hundred and twenty dollars.

Towards the erection of a light-house of granite, iron, or a combination of both, on the outer Minot Ledge, at the entrance of Boston harbor, upon a plan to be approved by the Topographical Bureau; a contract for the building thereof to be made with the lowest responsible bidder who shall give sufficient security for the faithful performance of the same, and the work to be executed in strict conformity with the plan or plans approved by the Topographical Bureau, under the supervision of such person as the Secretary of the Treasury may designate, eighty thousand dollars.

For four spar buoys in the harbor of New Bedford, three hundred dollars.

For a light-vessel, to be moored off Minot's Ledge, until the proposed light-house on said ledge be completed, sixteen thousand dollars.

#### RHODE ISLAND.

For an iron can-buoy to be placed on a rock in the channel leading from Narraganset Bay of Nanaquicket Pond, two hundred and fifty dollars.

For a dolphin or buoy to be placed on the south point of Goat Island, in the harbor of Newport, one hundred and fifty dollars.

For the preservation of the light-house and dyke wall at Goat Island, Newport harbor, three thousand five hundred dollars.

#### CONNECTICUT.

For a light on the Long wharf, in the harbor of New Haven, five hundred dollars.

#### NEW YORK.

For a light-house on Point Au Roche, on the west side of Lake Champlain, five thousand dollars.

For six spar-buoys in Hudson river, between Albany and Troy, four hundred and eighty dollars.

For a beacon light on Black Rock pier, six hundred dollars.

To repair or rebuild the foundation of the light-house on the breakwater at Oswego, five thousand dollars.

For Jones's fog-bells to be placed at the Sandy Hook and Trogg's Neck light-houses, five thousand dollars.

For a new light-ship to take the place of that now moored off Sandy Hook, twenty thousand dollars.

For completing the light-house on Gardiner's Island, in addition to the appropriation of six thousand dollars by the act of March third, eighteen hundred and fifty-one, one thousand dollars.

For erecting a beacon on the sand-spit in the harbor of Sag Harbor, in addition to the appropriation of seven hundred dollars made by the act of March third, eighteen hundred and fifty-one, four hundred and fifty dollars.

For three buoys to mark the entrance of Stoney Brook harbor, Long Island, three hundred dollars.

For the repair of the pier at the mouth of Genesee river, and the erection of a beacon light on the same, twenty-six hundred dollars.

For the erection of three small beacon lights on the Hudson river; one at the south point of the island east of Baran Island, one at the north point of the island opposite and east of Coryman's Bar, and one on the point of the island at the mouth of Schodack channel and opposite Mull Rocks, fifteen hundred dollars.

For ten additional spar buoys in the Bay of New York, five hundred dollars.

For a spindle or beacon to be placed on the extreme eastern point of the north fork of Long Island, three thousand dollars.

#### NEW JERSEY.

For a monument on Mill Reef, in the Kill Van Kill passage, four thousand dollars.

For can-buoys to be placed in the inlet leading in Little Egg harbor, one thousand dollars.

For a beacon to be placed on the shoal in Newark Bay, known as the West Oyster bed, and bug lights on the Elbow Beacon and Set-off Point, and for replacing the fog-bell at the Passaic light-house, three thousand dollars.

#### MARYLAND.

For a fog-bell to be erected at the light-house on Seven-foot Knoll, at the mouth of Patapsco river, two thousand five hundred dollars.

For one buoy in New Inlet, Great Egg harbor, and three buoys in Harford, two hundred dollars.

For six spar-buoys to be placed in Poconoke

Sound and the entrance of Chesamissig harbor, four hundred and eighty dollars.

For a beacon light to be placed at Fort Sollers, on the Patapsco river, when said fort shall be so far completed as to receive the same, fifteen hundred dollars.

For a buoy to be placed over a wreck in Hooper's Straits in Chesapeake Bay, eighty dollars.

For a bell to be placed on one of the light-boats in Chesapeake Bay, to be designated by the Secretary of the Treasury, two hundred dollars.

#### MICHIGAN.

For buoys in Saginaw Bay and at the mouth of Saginaw river, six hundred dollars.

For a beacon light on Round Island, in Lake Superior, near the entrance of the river St. Marie, four thousand dollars.

For the repair and the removal of the light-house and keeper's house at the mouth of Clinton river, on Lake St. Clair, five thousand dollars.

For a light-house at the mouth of South Black River, five thousand dollars.

#### WISCONSIN.

For spar buoys at the entrance of Neenah or Fox river, five hundred dollars.

For a light-house at the northern outlet of Winnebago Lake, five thousand dollars.

For the removal of light-house at Milwaukee, and rebuilding the same, at and on the north point of Milwaukee Bay, five thousand dollars.

#### OHIO.

For a light-house or range lights at or near the head of Maumee Bay or the mouth of Maumee river, five thousand dollars.

For buoys at the ledge between West Sister Island and the entrance of Maumee Bay, three hundred dollars.

For the repair of the light-house, pier, and pier-head in the harbor of Huron, on which the light-house is built, six thousand dollars.

For removing the light at Vermillion harbor, and repairing the pier on which it is placed, three thousand dollars.

#### DELAWARE.

For six buoys to be placed in the Delaware Bay, from Mahon river to the upper point of the shoal known as the Shears, four hundred and eighty dollars.

For the construction of two ice-breakers, for the protection of the light-house on the Brandywine Shoal, in the Delaware Bay, three thousand six hundred dollars.

For marking Joe Flogger Shoal, in the Delaware Bay, with first class nun-buoys and can-buoys, to be constructed and placed in their position under the direction of the Superintendent of the Coast Survey, three thousand dollars.

#### VIRGINIA.

For two spar-buoys at Chincoteague Inlet, one hundred and sixty dollars.

For two spar-buoys to be placed at Metompkin Inlet, one hundred and sixty dollars.

For a light-boat at Pungoteague Creek, or a light-house to be built on a point of land adjoining said creek, as shall be found most expedient on examination, ten thousand dollars.

For the purchase of a site and the erection of a light-house on Jones's Point, in the Potomac river, near Alexandria, five thousand dollars.

For Jones's fog-bells to be placed at Assateague, Smith's Island, and Cape Henry light-houses, seven thousand five hundred dollars.

For a beacon on White Shoal, James river, one thousand dollars.

For beacon lights on Day's Point, on the Point of Shoals, and on Jordan's Point, James river, fifteen thousand dollars.

For a beacon light on the shore opposite Lyon's Creek, five thousand dollars.

For a large buoy on the tail of the Horse-shoe Shoal in Chesapeake Bay, five hundred dollars.

For two spar buoys to be placed at White Point and Elbow Point, in Mushapingo Bay, one hundred and sixty dollars.

For two spar-buoys to be placed to buoy out Occahonnoek Creek, one hundred and sixty dollars.

#### NORTH CAROLINA.

For Jones's fog-bell to be placed near Bald Head light-house, at the entrance of Cape Fear river, two thousand six hundred dollars.

For a harbor light-house on the eastern point of

Bonge banks, at the entrance of Beaufort harbor, five thousand dollars.

For too buoys to be placed in the mouth of Alligator river, in Albermarle Sound, two hundred dollars.

For a buoy to be placed on the northeast end of Falker's Shoal, in Croatan Sound, eighty dollars.

For buoys to be placed in North river, in the county of Currituck, one hundred dollars.

For a first class light-boat to be moored on Fryingpan Shoals, under the direction of the Superintendent of the Coast Survey, to be built on the most approved plan and model, under the direction of a competent naval architect, and fitted with a life-boat, duplicate moorings and fog-bell, the illuminating apparatus to be composed of large sized parabolic reflectors and Argand lamps, to produce a light properly distinguished, thirty thousand dollars.

For four large buoys to mark the two channels over Fryingpan Shoals, to be constructed and located under the direction of the Superintendent of the Coast Survey, one thousand six hundred dollars.

For four second class buoys to mark the main and Oak Island channels, leading into the Cape Fear river, in addition to the buoys now authorized, to be constructed and located under the direction of the Superintendent of the Coast Survey, one thousand dollars.

For six hollow iron buoys for the waters of Cape Fear, one thousand three hundred and twenty dollars.

#### SOUTH CAROLINA.

For a bell boat to be moored at Cape Roman Shoal, three thousand five hundred dollars.

For a harbor light to be placed on the battery in the harbor of Charleston, five hundred dollars.

For three iron buoys to be moored at the entrance of the harbor of Georgetown, six hundred and thirty dollars.

For two beacon or range lights on South Island Point, and one beacon or range light on North Island, to range with the main light at the entrance of Georgetown harbor five thousand dollars.

#### ALABAMA.

For an iron floating bell-buoy, with heavy moorings, and in every respect complete, for the entrance of Mobile Bay, four thousand dollars.

For six large iron, can, and nun-buoys, to be properly distinguished and to be moored at points off the west bank, the middle ground, and the southwest point of the Spit, two thousand one hundred dollars.

For a buoy on the northwest end of northwest Pelican Shoal, two hundred dollars.

For four wooden beacons fitted with six order Fresnel lenses or with a single twenty-one inch parabolic reflector each, to be erected on Sand Island and Mobile Point, four thousand dollars.

For a screw-pile beacon on Revenue Point, three thousand dollars.

All of the above buoys and beacons to be located under the direction of the Superintendent of the Coast Survey.

#### MISSISSIPPI.

For the erection of a light-house at or near the entrance of East Pascagoula river, instead of a former appropriation, five thousand dollars.

For a light-house on the west end of Ship Island, being a renewal of a former appropriation for this purpose, twelve thousand dollars.

For nine buoys in Cat and Ship Island harbors, to be located under the direction of the Superintendent of the Coast Survey, eighteen hundred dollars.

#### LOUISIANA.

For the examination and survey of Ship Shoal and Raccoon Point, on the coast of Louisiana, with reference to the location and direction of the light-house and the procuring a plan for the same, three thousand dollars.

For three spar-buoys to mark the channel of a harbor of refuge at Horn Island Pass, Mississippi, to be placed by the Coast Survey, two hundred and forty dollars.

#### FLORIDA.

For four iron can and nun buoys, one to be placed on the end of Sandbore, off Soldier Key, and three to mark the channel through Boca Grande Passage, eight hundred and forty dollars.

For a first class light-house near Coffin's Patches,

off Dry Bank, half way between Carysfort Reef and Sand Key light, to be constructed under the direction of the Topographical Bureau, and fitted with the most approved illuminating apparatus, thirty-five thousand dollars.

For a large buoy on Sea Horse Reef, two hundred and fifty dollars.

For three hollow iron buoys to be moored in the channel leading into a harbor recently discovered on Florida Reef, about ten miles south of Cape Florida, seven hundred dollars.

The above buoys to be located under the direction of the Coast Survey.

For a beacon on Rebecca Shoal, between Marquesas and Dry Tortugas keys, ten thousand dollars.

For securing the light-house at the mouth of St. John river, Florida, ten thousand dollars.

#### TEXAS.

For a light-boat to be moored at Aransas Pass, or a light-house as may be deemed most expedient upon further examination, and for channel buoys in the said channel, and a buoy at Dollar Point, in addition to the sum appropriated for a light-house at said Point, two thousand five hundred dollars.

For constructing three small or harbor light-houses in Galveston Bay, namely: one at Red Fish Bar, one at Clopper's Bar, and one at Half Moon Shoal, five thousand dollars in addition to the amount (twenty thousand dollars) already appropriated for a light-house on Red Fish Bar.

#### CALIFORNIA.

For large buoys to be placed on Sunken rocks, in the Bay of San Francisco, under the direction of the Superintendent of the Coast Survey, one thousand dollars.

For a beacon at Humboldt's harbor near North Spit, to be located by the officers of the Coast Survey, five thousand dollars.

For a light-house at the harbor La Pointe, on Lake Superior, five thousand dollars.

For the erection of a light-house at Santa Cruz, California, thirty thousand dollars.

For the completion of light-houses in California and Oregon, one hundred and twenty thousand dollars.

For light-boats and other means for rendering assistance to direct mariners and others on the coast of the United States, to be expended under the control and direction of the Secretary of the Treasury, ten thousand dollars.

For testing the apparatus of Wilson and Meacham, for illuminating light-houses, one thousand dollars, to be expended under the direction of the Secretary of the Treasury.

**SEC. 2. *And be it further enacted,*** That the Secretary of the Treasury be, and hereby is, authorized to cause the light-house buildings and land belonging thereto, at Otter Creek, in the State of Michigan, to be sold, and on payment of the consideration agreed for into the Treasury of the United States, to make, execute, and deliver all needful conveyances of the same, and the special jurisdiction of the United States over the same shall thereafter cease.

**SEC. 3. *And be it further enacted,*** That the Secretary of the Treasury is hereby authorized and directed to apply the money appropriated by the act of March third, eighteen hundred and fifty-one, for the erection of a light-house at Holmes's Hole harbor, to the erection of three beacon or bug lights at said Holmes's Hole harbor, according to the recommendation in the report of the Superintendent of the Coast Survey.

**SEC. 4. *And be it further enacted,*** That the sum of thirty thousand dollars appropriated by the act approved March third, eighteen hundred and fifty-one, "for the erection of a light-house on Flynn's Knoll," be, and the same is hereby, authorized to be applied to the erection of two range beacon lights, for Gedny's channel to be placed near Point Comfort, in the State of New Jersey; and two range beacon lights for the Swash channel of the harbor of New York, to be placed on Staten Island near the Elm Tree beacon, and to be constructed under the direction of the Topographical Bureau, and according to the recommendation of the Light-House Board and the Superintendent of the Coast Survey; and for a large iron floating bell beacon, to be moored off Flynn's knoll under the direction of the Superintendent of the Coast Survey.

**SEC. 5. *And be it further enacted,*** That if such

person as the Secretary of the Treasury shall designate, shall report in any of the cases herein provided for, that preliminary surveys are necessary to determine the site of a proposed light-house or light-boat, beacon or buoy, or to ascertain more fully what the public exigency demands, the Secretary of the Treasury shall thereupon direct the Superintendent of the survey of the coast of the United States to perform such duty on the seaboard, and the colonel of the Corps of Topographical Engineers to perform such duty on the north-western lakes.

**SEC. 6. *And be it further enacted,*** That the officers so directed shall forthwith enter upon the discharge of the duty, and after fully ascertaining the facts shall report: First, whether the proposed facility to navigation is the most suitable for the exigency which exists. And second, where it should be placed if the interest of commerce demands it. Third, if the thing proposed be not the most suitable, whether it is expedient to make any other kind of improvement. Fourth, whether the proposed light has any connection with other lights, and if so whether it cannot be so located as to subserve both the general and the local wants of trade and navigation. And fifth, whether there be any, and if any, what other facts of importance touching the subject.

**SEC. 7. *And be it further enacted,*** That all such reports shall, as speedily as may be, be laid before the Secretary of the Treasury, and if such as to authorize the work without further legislation, he shall forthwith proceed with it, otherwise such reports shall be laid before Congress at the next ensuing session; but in all cases where the person designated by the Secretary of the Treasury does report such preliminary examination as expedient, the provision of this act shall without delay be carried into execution.

**SEC. 8. *And be it further enacted,*** That the President be, and he is hereby, authorized and required to appoint, immediately after the passage of this act, two officers of the Navy, of high rank, one officer of the Corps of Engineers of the Army, one officer of the Topographical Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, and an officer of the Navy and an officer of engineers of the Army as secretaries, who shall constitute the Light-House Board of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all the administrative duties of said office relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea marks, and their appendages, and embracing the security of foundations of works already existing, procuring, illuminating, and other apparatus, supplies and materials of all kinds for building and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States.

**SEC. 9. *And be it further enacted,*** That the Secretary of the Treasury shall be ex-officio president of the Light-House Board of the United States; and the said board, at their first meeting, shall proceed to ballot for one of their members as chairman, and the member who shall receive the majority of ballots of the whole board, shall be declared by the president to be chairman of the Light-House Board, who shall, in the absence of the president of the board, preside over their meetings and do and perform such acts as may be required by the rules of the board.

**SEC. 10. *And be it further enacted,*** That the Light-House Board shall meet four times in each year for the transaction of general and special business, each meeting to commence on the first Monday in March, June, September, and December; and that the Secretary of the Treasury is hereby authorized to convene the Light-House Board whenever in his judgment the exigencies of the service may require it.

**SEC. 11. *And be it further enacted,*** That the Secretary of the Treasury be, and he is hereby, required to cause such clerks as are now employed on light-house duties in the Treasury Department to be transferred to the Light-House Board without any change of salary; and to provide the necessary accommodations for the secretaries and clerks, for

the preservation of the archives, models, drawings, &c., &c., and for holding the meetings of the board, and that he cause to be transferred to the proper officers of the Light-House Board all the archives, books, documents, drawings, models, returns, apparatus, &c., &c., belonging to the light-house establishment of the United States.

**SEC. 12. *And be it further enacted,*** That it shall be the duty of the Light-House Board, immediately after being organized, to arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States into light-house districts, not exceeding twelve in number; and the President is hereby authorized and required to direct that an officer of the Army or Navy may be assigned to each district as a light-house inspector, subject to and under the orders of the Light-House Board, who shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile when traveling under orders connected with his duties.

**SEC. 13. *And be it further enacted,*** That the said Light-House Board, by and with the consent and approbation of the Secretary of the Treasury, be authorized and required to cause to be prepared and distributed among the light-house keepers, inspectors, and others employed in the light-house establishment, such rules, regulations, and instructions as shall be necessary for securing an efficient, uniform, and economical system of administering the light-house establishment of the United States, and to secure responsibility from them; which rules, regulations, and instructions, when approved, shall be respected and obeyed until altered and annulled by the same authority.

**SEC. 14. *And be it further enacted,*** That it shall be the duty of the Light-House Board, to cause to be prepared by the engineers, secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the light-house establishment; and no bid or contract shall be accepted or entered into except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

**SEC. 15. *And be it further enacted,*** That hereafter all materials for the construction and repair of light-houses, light-vessels, beacons, buoys, &c., &c., shall be secured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury; and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer, secretary, or of such engineer of the Army as may be detailed for that purpose.

**SEC. 16. *And be it further enacted,*** That it shall be the duty of the Light-House Board to furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required to be laid before Congress at the commencement of each session.

**SEC. 17. *And be it further enacted,*** That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; and all acts and parts of acts relating to the light-house establishment of the United States not inconsistent with the provision of this act, and necessary to enable the Light-House Board, under the superintendence of the Secretary of the Treasury, to perform all duties relating to the management, construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their accessories, including the procuring and testing of apparatus, supplies, and materials of all kinds for illuminating, building, and rebuilding when necessary; maintaining and keeping in good repair the light-houses, light-vessels, beacons, buoys, and sea-marks of the United States; and the second and third sections of the act making appropriations for light-houses, light-vessels, buoys, &c., approved March third, eighteen hundred and fifty-one, are hereby declared to be in full force, and shall have the same effect as though this act had not passed: *Provided,* That no additional salary shall be allowed to any civil, military, or naval officer who shall be employed on the



Light-House Board, or who may be in any manner attached to the light-house service of the United States under this act: *And provided further*, That it shall not be lawful for any member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, to be engaged, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, nor to possess, either as principal or agent, any pecuniary interest in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service of the United States.

APPROVED, August 31, 1852.

**PUBLIC, LXI.—An Act to Establish certain Post Roads, and for other purposes.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following be established as Post roads:

**IN MAINE.**

From Ellsworth to Waltham.  
From North Lincoln, in the county of Penobscot, via Chester, to Nickerton, in said county.  
From Alexander, through the town of Crawford, to Wesley.  
From Rockland to Isle au Haut.  
From Aurora to township number thirty-three, Hancock county.  
From Hampden, via South Hampden, South Newberg, East Dixmont, Morton's Corner, in Jackson, to Jackson Centre.  
From the city of Bangor via Eddington, Maria-ville, Westly, Crawford, Alexander, Baring, over the Black Road (so called) to Calais.  
From South Paris to Harrison, North Bridge-ton, Bridgeton, West Bridgeton, to Fryeburg.

**IN NEW HAMPSHIRE.**

From North Charleston to Unity.  
From Lisbon via Sugar Hill to Franconia.  
From Lower Bartlett via Jackson and Pink-ham's Grant to Gorham.  
From Keene via Swanzy Center to Richmond Center.  
From Exeter via Epping, Nottingham, North-wood, Epsom, to Pittsfield.  
From Pittsfield to Farmington Dock.  
From Washington Village to Rice City.  
From Vallonia Springs, via Nineveh and Cov-entry to Oxford, in the county of Chenango.  
From Ithica, through West Danby to Spencer, in Tioga county.  
From Rathbonville to Jasper, in Steuben coun-ty.  
From Fishkill Village, through Brinkerhoff, Johnsville, Oregonville, Gayhead, and Cortland-ville, through Stormville to Poquag, in Dutchess county.  
From Havana via Odessa, Cayutaville, Enfield Center, and Applegate's Corner, to Ithica, in Tompkins county.  
From French Mountain via Queensbury, Pat-ten Mills, Griswold's Mills, and West Fort Ann, to Fort Ann, in Washington county.  
From East Aurora, in Erie county, via Willis's Mills, to South Alden.  
From Stockton, on the line of the Chautauque Central railroad, to the south line of the town of Gerry.  
From Ellenville via Woodbourne to Liberty, in Sullivan county.  
From Rough and Ready via the head of Ben-nett's Creek, Joshua Slyter's, and Brookfield, in the State of Pennsylvania, to Deerfield, in Tioga county, Pennsylvania.  
From Bath via John S. Depew's and Goble H. Rising's to West Addison, in Steuben county.  
From Addison, to Elkland, Tioga county, Pennsylvania.  
From Bath via Mitchellville to Plattsburg, Steu-ben county.  
From Savona via Bradford to Tyrone, in Steu-ben county.  
From Hornersville via Stevens's Mills, Has-kenville, Loonlake, Patchin's Mills, to Wayland depôt, on the Buffalo, Corning, and New York railroad.  
From Bath via Holman Marsh's and Moses Bennett's to Towlesville, in Steuben county.

From city post office to Harlaem railroad at Armenia, in Dutchess county.

From Shokan, on the Kingston and Delaware plank road, via Olive Bridge post office and Samp-sonville to Pine Bush.

From Franklin Falls to Hamilton.

From Elizabethtown via Harrodstown, St. Ar-mand, to Franklin Falls post office in Franklin county.

From Newcomb to Long Lake, in Hamilton county.

From the city of Albany via Guilderland, Rot-terdam, Mariaville, Menaville, and Fort Hunter, to Tribe's Hill.

From Rhinebeck via Milan, Pine Plains, to Harlaem railroad, in the town of North East, Dutchess county.

From Pottersville to Tannersville, in Essex county.

From Springville via Griffin's Mills and East Aurora to Lancaster, in Erie county.

From Wales Centre to Alden, in Erie county.

From Colesville to Wales Centre, in Erie county.

From Concord Centre via Glenwood and Hol-land to Java, in Wyoming county.

From Buffalo to the Village of Ebenezer, in Erie county.

From Buffalo, through the late Indian reserva-tion, to Colesville, in Wyoming county.

**IN NEW JERSEY.**

From Trenton via Lawrenceville to Princeton.

From Hackettstown to Hope, in the county of Warren.

From Newtown to Deckertown.

**IN PENNSYLVANIA.**

From Smith's Mills, in Crawford county, via Cockranton, to John Wightman's.

From Pittsburg, over the line of the plank road, via the city of Alleghany, Perrysville, Wexford, Zelenople, Harmony, Whitestown, Prospect, Centreville, Harrisville, and Wesley, to Franklin, in the county of Venango.

From Agnew's Mills, in the county of Venan-go, via Lamartine and Five Points to Cass, in said county.

From Ulysses, in Potter county, to Genesee Falls, in said county.

From Smicksburg via Chambersburg and Plain-ville, to intersect the mail line between Kittanning and Curwensville, thence via Clarion to Indiana Court-House.

From Scottsville via Little Mehoopany Centre, Lovelton, Sciota Valley, and Wolf Creek Valley to Cherry, in Sullivan county.

From Smithfield via Geneva, Greensborough, Mapletown, Willowtree, and Davistown to Mount Morris, in the county of Greene.

From Clara via Oswego to Ellisburg, in Potter county.

From Curlsville, in Clarion county, via Lime-stone and Kingsville to Corsica, in the county of Jefferson.

From Skippack via Harleysville, Franconia, and Tylersport to Charlestown.

From Brookville via Bellview, Dalmatia, Ring-gold, and Porterville, to Smicksburg, in the county of Indiana.

From Lawrenceville via Seely's Hill, in Jack-son township, to Seely Creek post office.

From Wyalusing to Sugar Run, in Bradford county.

From Mercer via Sandy Lake and New Leb-anon to Deer Creek.

From Parkersburg via Ercildown, McWilliams-town, Mortonville, and Marshallton, to West Chester.

From Brookville to Marion, in Forrest county.

From Lanesboro' via Starrucca, Thom Arrarat, and Herrick, to Gibson, in Susquehanna county.

From Keitztown via B. E. Day's Store, Fred-ericksville, and Landis's Store, to Bechtelsville.

From Cowdersport, up the Alleghany river, via Raymond's Settlement, to Ulysses.

From Lancaster via Swarrz Mills, Sporting Hill, Mastersonville, Colebrook Furnace, and Campbellstown, to Annville, in the county of Leb-anon.

From Greensburg to West Newton, in West-moreland county.

From Millerstown via Richfield, Mount Pleas-ant Mills, Middleburg, Centreville, and New Ber-lin, to Mifflinsburg, in the county of Union.

From Butler via Portersville, Evansburg, Zeli-nople, and Buhl's Store, to New Brighton, in the county of Beaver.

From Ickesburg via Roseburg, Bosserman's Mills, and Juniata, to Newport.

From Catfish, in Clarion county, via Isaac Sand's, to Callensburg, in said county.

From Ickesburg via Donnelly's Mill, to Mil-lerstown.

From Friendsville via Jackson Valley and War-ren Centre, to South Warren.

From Economy via Sheffield, Seventy-six, and Service, to Hookstown, in said county.

From Tunkhannock via Big Mehoopany, Bel-latimer, and Amos Ellis's, to La Porte, county of Sullivan.

From West Port, on the west branch of the Susquehanna river, up Kettle Creek, to Kettle Creek post office, on the Jersey shore, and Cau-dersport turnpike.

From Beaver via Mechanicsville, to Zelenople, in Butler county.

From Susquehanna depôt, along the Tunkhan-nock creek, through the townships of Harmony, Jackson, and Gibson, to Lenox.

From Waynesburg via head of Ten Mile Creek, to Middlebourne, in the county of Tyler, State of Virginia.

From Logansville to White Deer Mills, in Union county.

From Titusville via Enterprise, Davis's Settle-ment, Youngsville, and Chandler's Valley to Sugar Grove, in Warren county.

From West Franklin via Granville to Alba.

From Dundaff, through the townships of Her-rick and Thompson, to Lanesboro' on the New York and Erie railroad.

From Milford via Darlingsville, Lord's Valley, Bloomington, Grovesville, Tafton, and Tanner's Hollow to Salem in Wayne county.

From Equinunk to Preston, in Wayne county.

From Roxburg via Cherry Valley to Strouds-burg, in Monroe county.

From Morris down Babb's Creek to Pine Creek, and down Pine Creek to Waterville.

From Allentown via Millerstown, Schimers-ville, Upper Milford, Claytonville, Schultzville, Buckset's Store, New Berlin, and Oystertown to Pottstown.

From McConnellsburg via Mercersburg, Green Castle, and Waynesboro' to Emmittsburg, Mary-land.

From Fairmount Springs to Cherry, in Sullivan county.

From Margaretta Furnace via New Bridgeville and York Furnace to McCull's Ferry, in York county.

From Pennington, in Chester county, to Rock, in Lancaster county.

From Nazareth, Northampton county, via Mooresburg, to Wales.

**IN MARYLAND.**

From Washington via new cut road to T. B. Beantown, Bryantown, Charlotte Hall, Chaptico, and St. Clement's Bay to Leonardtown.

From Charlotte Hall via Bryantown, Beantown, Piscataway, Palmers and Good Hope to Wash-ington city, District of Columbia.

From the city of Frederick via the turnpike, Mechanicstown, and St. Mary's College to Em-mitsburg.

From White Hall, on the Baltimore and Susque-hanna railroad, and Buckstone to Gorsuch's Mills.

From Denton down Fowling Creek, Upper Hunting Creek, New Hope, Federalsburg, Can-non's Ferry, and Seaford to Concord, in Dela-ware.

From Piscataway via Beantown, Bryantown, and Charlotte Hall to Leonardtown.

From Jarrettsville via Lagrange Iron Works, Pilesville, and Slaterville to Peach Bottom, Penn-sylvania.

From Bryantsville via Castle Fin to McCall's Ferry, Pennsylvania.

**IN VIRGINIA.**

From Boon Court-House to Wyoming Court-House.

From Girardstown to Glingary.

From Ashton's Mills to Lauck's Cross Roads.

From Winchester to White Hall.

From Front Royal to Conrad's Store.

From North Mountain post office, via Cedges-ville, and Tomahawk Sping, to Jones's Spring.

From Ruckmanville, Highland county, via Wade's Store, to Huntersville.  
From Pickaway Plains, Monroe county, via Rocky Point, Wolf Creek, and Snopesville, to Cedar Grove, on the Red and Blue Sulphur turnpike.

From Fairfax Court-House, via Falls Church, Bailey's Cross Roads and Brixton, to Washington, District of Columbia.

From Leesburg to Point of Rocks, Maryland.  
From Hopkin's Store to Salt Sulphur Springs, in Monroe county.

From Charleston to Rabbletown, in Jefferson county.

From Milford via Port Royal and Port Conway to King George Court-House.

From New Market via Brocksgap, Dovesville, Brake's Run, and Eymann's Run, to Luney's Creek, in Hardy county.

From Zackville via Elizabeth, Forks of Ready Creek, and M. D. W. Boggs's, to Tanner's Cross Roads, in Jackson county.

From New Castle to Salem in Roanoke.

From Salem via Cave Spring to Jacksonville, Floyd county.

From West Warren to Cotton's Store, in Wetzel county.

From Cotton's Store, via Knob Fork, Willow, and Randolph, to Martinsville, in Wetzel county.

From the Forks of Fish Creek to Woodlands.

From Russell Mills via Sylvan Mills, to St. Mary's, Pleasants county.

From Mattoax Depot via Elk Hill, Lodore, Painesville, and Rodophil, to Deatonsville, Amelia county.

From Glenville via Townsend Mills, to Stout's Mills, in Gilmore county.

From Beatty's Mills, down the South Fork of Fishing Creek, and down Indian Creek to Ripley's, in county of Tyler.

From New Martinsville via Fan Light, Pack-saddle, Carney's, Gorby's Mills, and forks of Fish River to Fish Creek post office, in Marshall county.

From Jacksonville via Buffalo Mountain, to intersect the Taneygap road from Hillsville to Mountain Eddy.

From Peterstown via Gap Mill to Sweet Springs.

From West Columbia via Cedar Flats, Upper Flats, and Elast Falls to Jackson Court-House.

From Mowfield via Howard's Lick, John Mathias, and Orkney Springs to Mount Jackson, in Shenandoah county.

From New Canton via Virginia Mills, Diana Mills, and Glenmore to Mount View, in Buckingham county.

From Farmville via Curdsville to Buckingham Court-House.

From Mount Vinco via Glenmore to Warren, in Albemarle county.

From Washington via Piscataway, Beantown, and Bryantown to Leonardtown, Maryland.

From Rose's Mills to Temperance, in Amherst county.

From Howardsville via turnpike road to Middlebrook, Augusta county.

From Howardsville via Goodwin's Church, and Mount Vinco to Buckingham Court-House.

From Buckingham Court-House via Mount Vinco, Glenmore, Diana Mills, and Virginia Mills to Canton, in Buckingham county.

From the Louisa Fork of Sandy via Grapevine, John's Creek, up Big Creek and Tug and the Forks of Sandy to Warfield, in Lawrence county, Kentucky.

From Wirt Court-House via Lee's Mills, Reedy Ripple, and Three Forks of Reedy to Reedsville.

From Lexington via Colliertown to Buchanan, in Botetourt county.

From Williamsport, in Wood county, to intersect the Parkersburg and Baltimore mail route at the junction of the Williamsport and Northwestern turnpike, sixteen miles east of Parkersburg.

From Davis's Mills via Fancy Grove and Alexander Leftwick's, in Bedford county, to Berger's Store, in Pittsylvania county.

From Davis's Store to Berger's Store, Pittsylvania county.

From Swynsard's to Waddell's Store, in Charles City county.

From Dragon Ordinary via Scuffletown and G. W. Simond's Store, to Mathews Court-House.

From Millford in Caroline county to Port Royal, in the same county.

## IN NORTH CAROLINA.

From Middletown to Cape Hatteras.

From Greenville via Ward's Store, to Hamilton, in Martin county.

From Salem via Germantown, Walnut Cove, Madison, and Leaksville to Danville, in Pittsylvania county, Virginia.

From Franklin to Chilhowee, in Blount county, Tennessee.

From Burnsville via Jack's Creek, Cox's Creek, and Bamsaytown to Longmire, Washington county, Tennessee.

From Cypress Grove post office, on the Wilmington and Raleigh railroad, via Long Creek, Beatty's Bridge, and Black River Chapel, to Harrel's Store, in New Hanover county.

From Columbia to Fort Landing, in Tyrrel county.

From Columbia to Gum Neck, in Tyrrel county.

From Hookertown via Johnson's Mills and Coxville to Greenville.

From Wilson to Greenville.

From Graves to Leaksville, in Rockingham county.

From Brinkleyville to Arcola, in Warren county.

From Alleman post office via Summer's Mill to Monticello, Guilford county.

From Fayetteville, on east side of Cape Fear river, via Blockus to Elizabethtown, Bladen county.

From West Brooks, Bladen county, to Caintuck, in New Hanover county.

From Beaufort to Jarrott's Bay, in Carteret county.

## IN SOUTH CAROLINA.

From Grahamville to Blufon.

From Robertsville to Guyton central railroad, Georgia.

From Gillisonville via A. M. Ruth's and B. L. Willingham's to Beech Branch.

From West Union to Pendleton, in the district of Anderson.

From Graham's Cross Roads to Indiantown, Williamsburg district.

From Camden via James Hailes, Clayborn's Store, Tryon and Blackman's Store, Blackman's Gold Mine, and Wolf Pond to Monroe, in Union county, North Carolina.

From Newburg Court-House via Saluda, Mount Willing, Oakland, and Perry's Cross Roads to Lotts, in Edgefield district.

From Indiantown via John Singletary's to Graham's Cross Roads, in Williamsburg district.

From Orangeburg Court-House to Vance's Ferry, in Orangeburg district.

From Spartanburg Court-House via Boiling Spring, White's Store, Fingersville Cross Roads at John Wilkins, and Poorsford, on Broad river, to Rutherford, North Carolina.

From Unionville via Bradley's Old Place, John McKissick's Skull Shoal, Gowdeysville, and Oak Grove to Wilkinsville.

From Pinkneyville to Gowdeysville.

From Anderson via Townville and Bachelor's Retreat to Clarksville, Georgia.

From Anderson via Clayton and Rabun's Gap, to Chattanooga.

From Pendleton to Clayton, Georgia.

From Anderson via Rabun's Gap to Knoxville, Tennessee.

From the head of the Greenville and Columbia railroad to Greenville.

From Newburg Court-House via J. A. Bulware's, Bankwright's Ferry, on Saluda river, Perry's Cross Roads, Oakland, Mount Willing, Smith to Lotts, Edgefield district.

## IN GEORGIA.

From Clayton to Whetstone, in the district of Pickens, South Carolina.

From Swayne's Store to Waresboro', in the county of Ware.

From Spartato Tennille, in Washington county.

From Edonton via James Denmark's, William D'Loach's, and Benjamin Brewton's to Reidsville, in the county of Tatnall.

From Tennille, on the Central railroad, via Rick's Mills, in Emanuel county.

From Okapilco via Sinclair's Mills to Piscola, in Lowndes county.

From Waresboro' to Jacksonville, in Telfair county.

From Edonton via James Shuman's to Edward's Bridge, in the county of Bryan.

From Cedar Town, Paulding county, to Pumpkin Pile, in said county, being an extension of route number three thousand three hundred and seventy-six, now in operation.

From Pendaroi's Store, in Wayne county, via Linder's Bluff, Ruddishville, and Esonville to Honesville, in Appling county.

From Mount Vernon to Sugar Creek, in Telfair county.

From Swainsboro' to Reidsville, in Tatnall county.

From Blairsville to Clarkville, in Habersham county.

From Cambelltown to Fairburn, in Fayette county.

From Gainesville, Hall county, to Carnesville, in Franklin county.

From Gum Swamp, Pulaski county, to Irwinville, Irwin county.

From Center Village, Camden county, via Trader's Hill and Raulerson's Ferry, to Surwame Shoals, Florida.

## IN ALABAMA.

From West Point via Fredonia, Milltown, and Goldville to Talladega, in Talladega county.

From Jacksonville via New Bethel, Ben. H. Page's, A. H. Colvin's, Samuel B. Hodge's, and Turkeytown to Peter Wagon's.

From Port Gibson, along the south bank of the Tennessee river, to Chattanooga, State of Tennessee.

From Weedowee via Lamar, Eastville, Laurel Hill, and Lodi, in the county of Coweta, Georgia, and Rutherford, Georgia, to Newman, Georgia.

From Oakfusky via Powder Mills, Flat Rock, and Mad Indian to Lower Fish Head, in Talladega county.

From Oxford via Corngrove, Arbacochee, Eastville, and Laurel Hill to Newman, Georgia.

From Tusculumbia via Frankfort, Blue Lick, Cherubusco, Burleson, Chastine's Store, and Cross Roads to Smithville, Monroe county, Mississippi.

From Houston, in Hancock county, to Moulton, in Lawrence county.

From Talladega via Goldville, Dadeville, and Rome to Loachapocha depot, on the West Point railroad, Macon county.

From Jonesboro' via Cam's Store and Luth's Store to York, Walker county.

From Abbeville via Round Hill and Skippersville to Barnes's Cross Roads, Dale county.

From Fayette Court-House via Newtonville and Hacleman's Cross Roads to Reform, in Pickens county.

From Tuscaloosa via William Blockus, on Bear Creek road, to Centerville, in Bibb county.

From Fayette Court-House via Dublin and Holley Grove to Japar, Walker county.

From Fayette Court House via Big Pond, Mud Creek, and Olinda, in Fayette county, to Columbus, Mississippi.

From Tuscaloosa via North Point and John McConnel's, on Moore's Ridge Road, to Newtonville, Fayette county.

From Centerville to Carrolton, in Tishemingo county, Mississippi.

From Rogersville, in Lauderdale county, to Gilbertsboro', in Limestone county.

From Bolivar via Valley Head to Alpine, Georgia.

From Long Island to Chattanooga, Tennessee.

From Somerville, Alabama, via Gandy Cove, Wolf Creek, Stout's, and Warner river, to Elyton.

## IN MISSISSIPPI.

From Jackson to Pascagoula, in Jackson county.

From Monticello via Benjamin Buster's and G. H. Sasser's to Smithdale, in Amite county.

From Westville to Monticello, in Lawrence county.

From Gallatin via White Oak, Utica, and Hall's Ferry to Warrenton, in Warren county.

From Vicksburg via Hodgson's, Rolling Fork, Colonel Vick's, H. R. West's, McNutt's, Paxton's, and Yerger's to Greenville, in Washington county.

From Canton via Carthage and Philadelphia to DeKalb, in Kemper county.

From New Albany via Poplar Springs to Harrisburg, Pontotoc county.

From Spring Hill via Salem, Swan's Mills and Harrison's to Hickory Flat, in the county of Tippah.

From Salem via Spring Hill, to Berlin in the State of Tennessee.

From Ripley via Carter's Mills, Dry Run, and Black Land to Rienzi, in the county of Tishomingo.

From Hillsboro' via Decatur, Tallapatchie, Sookalina, Marion, Allamutcha, Gaston, Black Bluff ferry and Jefferson, to Linden, Marengo county, Alabama.

From Louisville via Hayne's Mills, to Darley's Cross Roads, Lowndes county.

From Eastport via Telegraphic route to Waynesboro', Wayne county, Tennessee.

From Canton via Carthage, Edinburg, Jacinto, Philadelphia, Summerville, and Brooklyn to Gainesville.

From Gainesville to New Orleans, Louisiana.

From Monticello to Westville.

From Augusta to Enon High School.

From Holmesville via Fordsville to Mobile.

From Carolonton to Aberdeen.

From Kosciusko via Houston to Pontotoc.

#### IN LOUISIANA.

From Columbia via Salmagundi, Ion and Jones's ferry to Point Jefferson, in Morehouse parish.

From Greenwood via Cooke's Store, Mooring's ferry, and Monterey to Boston, in the State of Texas.

From mouth of Red river via Lewisport, Cheneyville, Alexandria, Natchitoches, and Mansfield to Greenwood, in Caddo parish.

From Shreveport to Washington, in Arkansas.

From Cheneyville via Hinston and Anococo prairie to Burr's ferry, in the parish of Sabine.

From Manny via Pendleton to Milan, in Sabine county, Texas.

From Pecan Point via Monticello and Point Jefferson to Monroe, in Ouachita parish.

From Charenton to Bayou Chine.

From Grand Coteau via Arnaville to Breaux bridge, in the parish of St. Martin.

From the mouth of Red river via Burr's ferry to Huntsville, in Texas.

From Sparta via Salt Springs, Iverson, and Compe to Grand Ecore.

From Washington, in St. Landry parish, via Carneston and Isle's and Cole's Settlement, in Calcasieu parish, to Huddleston, in the parish of Rapides.

From Thibodeau to Lockport.

From mouth of Red river to Burr's ferry, on Sabine river.

From Harrisonburg to Natchitoches.

From Harrisonburg to Winnsburg.

From Donaldsonville to Opelousas.

From Alexandria to Sabine town, Texas.

#### IN KENTUCKY.

From Glasgow to Columbia via Sampson Jones's South Fork of Little Barren river.

From Eminence to Drennon's lake via New Castle.

From Hazel Green via Swiftville and Estell's steam furnace to Irvine, in Estell county.

From Boonville via Rock Spring, Grey Hawk, and Pond creek to London, in the county of Laurel.

From Hopkinsville via Trenton to Springfield, Robertson county, Tennessee.

From Madisonville via Daniel Sisk and Day's store to Princeton.

From Hazel Green via Swiftville to Proctor, in Owsley county.

From Elizabethtown to Samuel Willyard's, in Hardin county.

From Elizabethtown to Buena Vista, in Hardin county, on the Rolling Fork.

From Warsaw via Sparta to New Liberty, in Owen county.

From Owen to Stamperstown, Bassett's Store, Lee's Mills, Bently's Mills, and Griffey's Office, to Georgetown, in Scott county.

From Versailles to Clifton, on the Kentucky river.

From Somerset via George W. Stone's, Brawner and Kelley's Store, and Joseph Dibberl's Store to Williamsburg, in Whitley county.

From Mount Welcome post office via Flat Lick, &c., to Boston, in Whitley county.

From Boonville to Hazel Green, in Morgan county.

From Louisville via Jeffersontown, Fishersville, Reed's Store, and Bloomfield, to Chapline, in Nelson county.

From Somerset to Crab Orchard.

From Maysville to Springdale, at the mouth of Cabin Creek.

From Elizabethtown via Big Spring to Hardinsburg, Breckenridge county.

From Brandenburg via Constantine, Flint Island, Cedar Grove, Union Star, and Stevensport, to Cloversport, Breckenridge county.

From Owen to McCormick's Store, Livermore and Worthington and South Carrollton to Greenville, Muhlenburg county.

From Hawkesville via Lewisport to Yellville, Daviess county.

From Garrettsville via Meadville to Big Spring.

From Bradenburg via Meadville and Hutsonville to Litchfield.

From Somerset via Smith's ferry, on the Cumberland river, by the new cut wagon road to Craig's ferry, thence to Rockhold's, in Whitley county.

#### IN TENNESSEE.

From Newport, via George McNabb's, up Corley's creek to Shoult's and Jones's cove to Sevierville, in Sevier county.

From Taylorsville via Laurel Fork of the Holston and Sharp's Cross Roads to Abingdon, Virginia.

From Marshall's ferry on the Holston to Hay's ferry on the French road.

From Sycamore via Elisha Clark's and Brewer's to Sneedville, in Hancock county.

From Woodbourne via Academia to Strawberry Plains, Jefferson county.

From Ormes's Store to Washington, in the county of Rhea.

From Baker's Gap to Dugger's ferry, in Carter county.

From Cleveland via Cohutta Springs to Elijah, State of Georgia.

From Sylco to Fancy Hill, Murray county, Georgia.

From Double Springs via Equality, Netherland, and Mount Granger to Crossville, in the county of Bledsoe.

From Smithville, crossing Mountain creek, to McMinnville, in the county of Warren.

From Gallatin via Lebanon to Murfreesborough, in Rutherford county.

From Fayetteville to Tullahoma, in the county of Coffee.

From Shelbyville via Pulaski and Lawrenceburg to Waynesburg, in the county of Wayne.

From Wood's via Brodie's ferry, Palo Alto, and Pleasant Exchange to Red Mound.

From Morristown to Dandridge, in the county of Jefferson.

From Tobacco Port, via Hope and Spottswood Wilkinson's, to Pine Bluff, in Calloway county, Kentucky.

From Waverly to Linden, in Perry county.

From Sparta, via Zachariah Anderson's, John Blearsdale's, Nine Mile post office, intersecting the route from Pikeville to Crossville.

From Sparta via Spencer to Chattanooga.

From Charlotteville via Billsburg, Reyan's Store, Teser's Cross Roads, to Springfield, in Robertson county.

From Pulaski via Fayetteville and Tullahoma to McMinnville, in Warren county.

From Hermitage via Swallow Bluff, on the Tennessee river, to Savannah, in Hardin county.

From Cheapvalley, in Henry county, via New London, to Conyersville, in said county.

From Marshall's Ferry to Hay's Ferry.

From Decaturville via Hermitage and Swallow Bluff to Savannah, in Hardin county.

#### IN OHIO.

From Kalida via New Bavaria, Napoleon, West Barre, (or Taft's corner,) Essex, Ohio, Etna, Lyons, and Baker's Corners to Adrian, Michigan.

From Lima to St. Johns, in Auglaize county.

From Furdlay via Benton, Webster, Pendleton, Pleasant, Vaughnville, Gomar, Delphos, and Vancourt Court-House to Fort Wayne, Indiana.

From Clinton township, Fulton county, to Bryan, Williams county.

From Toledo via Bryan and Hecksville, to Fort Wayne, Indiana.

From Bryan via Amasa Shaffer's, West Buffa-

to, John Luke's, and Spring Lake to Nettle Lake post office.

From Powhattan via Armstrong's Mills, Beallsville, Captina, Pilcher, Jerusalem, to Malaga.

From Brynton to Wadsworth, in Medina county.

From Painesville via Bloomfield to West Greenville, in Pennsylvania, on the plank road.

From Somerset to Jackson, in the county of Licking.

From Eaton via Sugar Valley, to West Florence, in Preble county.

From Xenia via New Jasper, Jamestown, Jeffersonville, to Washington, in Fayette county.

From Dayton via Bellbrooke to Spring Valley, in Green county.

From Carrollton, via Kossuth, Morges, Magnolia, to Zoar, in Tuscarawas county, and return via Summerman's, Scott's Mills, Kossuth, to Carrollton.

From Bucyrus via Osceola, Upper Sandusky, Whartensburg, to Williamstown.

From Stoner post office via Risdon, Brown's Corners, via townships of Perry, Bloom, and Henry, to Woodbury post office, in Wood county.

From Mount Gilead via Smith's Mills and Whetstone to Corsica, in Morrow county.

From Gallion via Corsica, McEwen's Cross Roads, to Lexington, Richland county.

From Harrisonville to Stephen Aiken's in Vinton county, via Jeremiah Carpenter's, and William Townsend's.

From Canton via North Industry, Sparta, Sandyville, Zoar, and Canal Dover to New Philadelphia, in Tuscarawas county.

From Coolville via Lottridge, Hull's, Garden Shade, and Pleasant, to Hibbardsville.

From Coshocton via Simon's Run, Mohawk Valley, to New Castle, in Coshocton county.

From Canton via Richville, Navarre, Freese's Store post office, Winesburg, and Berlin, to Millersburg, in Holmes county.

From Port Clinton to Ottawa City, in Ottawa county.

From Gallipolis via Wilksville and McKinster's to Lee, in Athens county.

From Grienville via Dallis and Saint Henry to Celina, Mercer county.

From Jacksonville via Greenwood post office to Lomarus post office, Shelby county.

From Gettysburg via Webster to Jacksonville, Darke county.

From Greenville via Abbottsville, Pittsburg, in Darke county, New Lebanon, to Union, in Montgomery county.

From Elyria via La Porte, Ransonville, Grafton, Litchfield, Chatham, Lodi, Burbank to Wooster, in Wayne county.

From Williamsburg via Sardinia, Fincastle to Scott post office, Adams county.

From Ripley via Russellville, Ashridge, Fincastle, New Market to Hillsborough, Highland county.

From Williamsburg via Mount Horeb, Branons, Sardinia, and Fincastle to Winchester, in Adams county.

From Cleveland via Royalton, Hinckley, Granger, and Sharon to Wadsworth, in Medina county.

From Charilton via South Kirtland post office, Pleasant Valley, to Euclid in the county of Cuyahoga.

From Ashland via Hayesville, Mahican and McKay to Londonville, in Ashland county.

From Newton's Falls to Milton, in Mahoning county, at Price's Mills.

From Warren via Lordstown, North Jackson, and Ellsworth, to Salem, in Columbiana county.

From Troy via the Turnpike Road to Springfield, in Clarke county.

From Poland via East Lewistown to Columbiana.

From Greenville via Abbottsville, Arcanum Pittsburg, New Lebanon, Center, and Clayton, to Dayton.

From Columbus via Harrisburg, Palestine, Mount Sterling, Bloomingburg, to Washington Court-House, Fayette county.

From Austin via Good Hope to Washington Court-House, in Fayette county.

From Carrollton to Bayard, in Columbiana county.

From Salinesville via Mechanicsville, Scrogsville, Harlaem, Kilgore, Germano, Hopedale, to Cadiz, in Hamilton county.



From Carrollton via Algonquin, Palermo, New Hagerstown, Franklin, Brownsville, West Chester, Milnersville, and New Salem, to Cambridge.  
From McConnellsville via Hook's Salt Works, and N. Coburn's to Frisley's ferry, on the Muskingum.

From New Market via Jackson, Thornville, and Somerset to New Lexington, in Perry county.  
From Lucasville via D. W. McJenkins's, James Scott's, and Galena, &c., to Locust Grove, in Adams county.

From Bainbridge via Mount Latham to Waverley, Pike county.

From Chillicothe via Yellow Bird, Clarksburg, to New Holland, in Pickaway county.

From Tupper's Plains via Long Bottom to Chester, Meigs county.

From Newton's Falls to Milton, in Mahoning county, at Price's Mills.

From Warren via Lordstown, North Jackson, and Ellsworth, to Salem, in Columbiana county.

From Troy via the Turnpike Road to Springfield, in Clark county.

From Poland via East Lewistown to Columbiana.

From Marysville via the free turnpike to Richmond, in Union county.

From Marysville via the free turnpike to Dublin, in Franklin county.

From Marysville via the free turnpike to Kenton, in Hardin county.

From Seicleville, in Picaway county, to Seistsville and Talton, in said county, to Adelphi, in Ross county.

From Lancaster, in Fairfield county, through Carrol Canal, Winchester, and Grovesport, to Columbus, in Franklin county.

## IN INDIANA.

From Lafayette via Rensselaer and Morocco to Muncie, Illinois.

From Logansport via "the proposed new office" to Camden, Carroll county.

From Crawfordsville via Independence and Pine Village to Oxford, Benton county.

From Lafayette via Dayton, Winship's Mills, Jefferson, and Frankfort, to Michigantown, in Clinton county.

From Frankfort via Reese's Mills, Lebanon, and Jamestown, to Danville, Hendricks county.

From Columbus via Jonesville to Rockford, in Jackson county.

From Muncietown via Jay's Court-House, New Corydon, to Wilshire, in Van Wert county.

From Albion via Luke N. Clemens's to Swan post office, in Noble county.

From Monticello to Oxford, in Benton county.

From New Castle via Cadiz, Mechanicsburg, Hunterville, and New Columbus, to Pendleton, in Madison county.

From Liberty via Clifton post office, Abingdon, Centerville, Williamsburg, and Bloomington, to Winchester, in Randolph county, by the turnpike.

From Portland Mills, via Parkerville, Bruin's Cross Roads, to Annapolis, Parke county.

From Greencastle via Grubb's Mills to Portland Mills.

From Brownstown via Houston to Bloomington, ——— county.

From Hagerstown, Wayne county, via Unionsport, to Macksville, Randolph county.

From Winnimac, in Pulaski county, via Medaryville, to Saltillo, in Jasper county.

From New Harmony to Maysville, Illinois.

From Evansville to Bowlin Green, Kentucky, by the Ohio, Green, and Barren rivers.

## IN MISSOURI.

From Hartford to Milan, in Sullivan county.

From Milan via Lewis's Mills and Judge Johnson's Store, to Princeton, in Mercer county.

From Tenton via Edenburg to Gallatin, in Davies's county.

From Shelbyville to Kirksville, in Adair county.

From Lagrange to Monticello, in Lewis county.

From Tully to Monticello, in Lewis county.

From Georgetown to Spring Garden post office, in Pettis county.

From St. Joseph via Rochester and Gentryville to Athens, Gentry county.

From Keytesville to Bee Branch Settlement.

From Jefferson City to Little Rich woods.

From Kansas via Parkville to Platte City, Monroe county.

From Jasper via Alfordville to Mount Pleasant, in Martin county.

From Bloomfield via Linton to Carlisle, in Sullivan county.

From Owensville to Mount Carmel, in Illinois.

From Boonville via Crowville and Taylorsville to Huntingburg, Dubois county.

From Troy to Worth, in Dubois county.

From Gentryville to Ferdinand in Dubois county.

From Laurel via Orange, Steel's groves, Falmouth, and Louisville, to New Castle, in Henry county.

From New Castle, via Dan Webster, Ashland, Rogersville, and Luray to Muncietown, Henry county.

From Indianapolis via Noblesville, Tipton, and Kokomo to Peru.

From Whitley Court-House via Thorn Creek to Albion, in Noble county.

From Morristown via Manilla and Cynthia to Middletown, in Shelby county.

From Marion via San Jacinto to Vernon.

From Brownstown to Rockford, in Jackson county, on the east side of Driftwood fork of White river.

From Bedford via Pemhook to Brownstown, in Brown county.

From Crawfordsville, Montgomery county, to Green Castle via Lodogo, Carpentersville, and Bainbridge, in Putnam county.

From Peru, in Miami county, via Santa Fé, to Bexar, on the State Road from Peru to Alexander, in Madison.

From Forsyth, via Big Beaver Creek, to Harts-ville, Wright county.

From Mount Vernon via Dunkle's Store, Ashgrove to Orleans, in Polk county.

From Fairview to High Point, Johnson county.

From Hermitage via Buffalo to Hartsville, Wright county.

From Little Prairie post office to Crane Creek post office, in Barry county.

From Troy via Carson King's, Bush Creek Settlement, and Middletown to Mexico, in Udrian county.

From Warrenton to Middletown, in Montgomery county.

From Hannibal via Shelbyville to Bloomington, Macon county.

From West Point to Westport, in Jackson county.

From Port William post office via S. W. Evans's Store, Grubbsville, Rucker's Prairie to Richmond, in Washington county.

From Houston via Philadelphia to Shelbyville, in Shelby county, being an extension of the route from Lagrange to Houston.

From Shelbyville to Paris, in Monroe county.

From Brunswick to Bloomington, in Macon county.

From Memphis, Scotland county, via Dr. P. T. Huff's to Bloomfield, Iowa.

From Morristown to Dandridge, in Jefferson county.

From Paris via Shelbyville to Newark, in Knox county.

From Bloomington via Vienna to Edina, in Knox county.

From Bethany to Decatur, in Decatur county, Iowa.

From Linneus to Trenton, in Grundy county.

## IN ILLINOIS.

From Bloomington via Westwood, Eureka, and Metamora to Spring Bay, in the county of Woodford.

From Jerseyville via Jersey Landing Portage, Des Sioux to St. Charles, Missouri.

From McLanesboro' to Equality, in Gallatin county.

From Albion via New Massillon and Enterprise to Salem, Marion county.

From McLanesboro' to Marion, in the county of Williamson.

From Benton via McLanesboro', Carmi, Philipstown to Harmony, Indiana.

From Metropolis City via Brooklyn to Paducah, Kentucky.

From Raleigh via H. Garner's, W. N. Michell's, and Thomas Saunders to Marion in Williamson county.

From Raleigh to Elizabethtown, in Harden

county, via Bankston, Independence, and Somerset.

From Channahon via Kawkakee, Wilmington, Rockville, and Bournbonaise to Momence, in the county of Will.

From Chiney's Grove via North Fork post office to Lafayette, Indiana.

From Riley post office, McHenry county, to intersect the mail from Belvidere to Genoa, near the residence of Charles B. Lord.

From Sycamore via Squire Cable's, Coral, Union, and Belden to Woodstock, in McHenry county.

From Charleston via Long point to Tentopolis, in Effingham county.

From Springfield via Shelbyville, Ewington, Stringtown, Newton, St. Marie, and Lawrenceville to Vincennes, Indiana.

From Warsaw to Augusta.

From Chili via Northfield and Kossuth to Warsaw.

From Charleston via Gruell's, Lake Fork, Monticello, and Mount Pleasant to Bloomington, in McLean county.

From Jacksonville via Indian Creek, Crows Point, Rushaway, Petersburg, and Athens to Middleton, in Logan county.

From Peoria via Rome, Chillicothe, Henry, Lone Tree, Arisha, Indiantown, and Princeton to Peru.

From Carlinsville via Edwardsville, Collinsville, and Belleville to St. Louis.

From Springfield via Lick Creek, Waverly, Locust Spring, Cummington, Chesterfield, Brighton, and Monticello to Alton.

From Jacksonville via Arcadia to Beardstown.

From Golconda via J. R. Potts's to Brooklyn, in Massac county.

From McLanesboro', in Hamilton county, to Liberty, in White county.

From Keithsburg, in Mercer county, via Pope Creek, twenty miles east via Hendersonville to Knoxville, in Knox county, to intersect the Peoria and Burlington daily mail line.

From Marshall via Castlefin to Grandview.

From Shawneetown along the middle road, known as the Cypress road, to David Keasler's, in Gallatin county.

From Jerseyville via Jersey Landing and Portage Des Sioux to St. Charles, Missouri.

From Hicks's Mills post office, Franklin, De Kalb county, to Cherry Valley, Winnebago county.

## IN ARKANSAS.

From Washington via Clarksville, Mount Pleasant, Gilmer, Henderson, and Rush to Galveston, Texas.

From Locust Grove to Lebanon, in Searcy county.

From Lisbon via Beechland and Calhoun to Lewisville, Fayette county.

From Wilmington via Hillsboro', Spearsville, and Scottsville to Homer, Louisiana.

From Fayetteville via Boon's Grove to Carrollton, in Carroll county.

From Eldorado via Lisbon, Mount Holly, Beechland post office, Roland Smith's Settlement to Lewisville, Fayette county.

From Darysaw's, in Jefferson county, via White Oak and Powell's Mills to Elba, in Bradley county.

From Oakland Grove via Brownsville to Desare, in Prairie county.

From Pine Bluffs via White Oak Bluff to Princeton, in Dallas county.

From Little Rock via the old military road and Bayou Meter Settlement and Samuel Walker's old stand to Searcy, in White county.

From Fort Gibson, Cherokee Nation, via Creek Agency, North Fork, Perryville, and Fort Washita, to Fort Arbuckle, Western Territory.

From Fort Smith via Choctaw Agency, Perryville, Boggy Depot, and Fort Washita to Preston, in Texas.

From Arkadelphia to Hot Springs, in Hot Springs county.

From Grandylaze to Searcy.

From Desare to Searcy.

From Fort Smith to Waldron.

From Boonville to Fort Smith.

From Fort Smith to Donna Anna, on the Rio Grande, in connection with the line of military posts.

## IN MICHIGAN.

From Ynouski via Orangeville Mills to Yankee Springs, Barry county.

From Kalamazoo via Ashtemo, Pine Grove, Breedsville, Hunter's, South Haven, Ganges, and Johnston's to Newark, Allegan county.

From Otsego via Watson, Dorr, and Bryan to city of Grand Rapids, Hunt county.

From Saugatuck post office to South Haven, Van Buren county.

From Quincy via Butler and Clarendon townships, to Homer, Calhoun county.

From Sault Ste. Marie via Grand Island to Marquette, Marquette county.

From Marquette via Little Bay and De Noquet to Green Bay, Wisconsin.

From Marquette via Le Ause to Eagle river, Houghton county.

From Le Aunsee via Ontonagon and Lapoint to Fond du Lac, in Minnesota Territory.

From Lapeer via Lathrop's Mills, Oregon, Nevers's Mills, Marathon, Hays's Mills, and Foust, to Pine Run, in Genesee county.

From Corunna via Owasso, Rusk, Northampton, and St. Charles to Saginaw City, Saginaw county.

From Adrian via Rome Centre, Addison, Somerset, Liberty, and South Jackson to Jackson, in Jackson county.

From Columbus via Memphis, East and West Berlin to Almonte, in Lapeer county.

From Abscota post office to Pine Creek post office, Calhoun county, being an extension of the route from Marshall to Abscota.

From Detroit to Lansing by the plank road.

From Grand Rapids via Grandville to Holland.

## IN WISCONSIN.

From Platteville via New California, Mifflin, and Linden to Mineral Point.

From Prairie du Chien via Eagle Point Mills and Boydstown to Fennimore.

From Mineral Point via Darlington and Avon to Shullsburg, in Lafayette county.

From Sheboygan via Manitowoc, Kewaunee, Bailey's Harbor, and Sturgeon Bay, by steamers to Green Bay.

From Fond du Lac via Rosendale, Ripon, Ceresco, and Dartford to Princeton, in Marquette county.

From Ripon via Green Lake to Marquette.

From Fond du Lac via Wedge's Prairie, Fairwater, Mackford, Tachorah, and Grand Prairie, to Kingston.

From Osh Kosk by steamer to Mukwa.

From Mennasha to Lake Shanwanno.

From Princeton via Montello, Roxo, and Packwaukee to Delton, Portage county.

From Watertown via Juneau to Waupun, Fond du Lac county.

From Columbus via Courtland, Cambria, and Randolph, to Kingston, in Marquette county.

From Platteville via New California, Montfort, and Highland, to Muscoda.

From Namahkum via Black Creek, Neshkoro, Willow Creek, and Saukville, to Waupaka, in Waupaka county.

From Madison via Montello, Dakota, and Wautoma, to Waupaka Falls.

From Montello via Harrisville, Long Meadow, William Sylvester's to Grand Rapids, in Portage county.

From Theresa via Mayville, Horikon, Juneau, Oak Grove, and Lowell, to Columbus, in the county of Columbia.

From Ripon via Sacramento, Poy Sippi, Little River, and Weyauweya, to Mukwa, in Waupaka county.

From Montello via Westfield and Kingsbury ferry to Reed's Landing, on the Mississippi river.

From Waukesha via Pewaukee, Merton, Monches, Hartford, Iron Ridge, Mayville, Moore and Conklin's mill, to Fond du Lac, Fond du Lac county.

From Princeton via Dakin's hotel, Warwick, on Willow Creek, and Saukville, to Weyauweya, in Winnebago county.

From Ceresco via Dartford, Princeton, Harrisville, Westfield, Grand Marsh, through the valley of Lemoniro, and down La Cross Valley to La Cross, on the Mississippi river.

From Racine via Caledonia, Thompsonville, South Raymond, and Norway, to Waterford, in Racine county.

From Hefena via Wyoming Valley and Otter Creek, to Highland, in Iowa county.

From Prescott via Mill Valley, Willow river, Pineville, and Crandall's mills, to the Falls of St. Croix river.

From Menasha via Waupaka to Plover, on the Wisconsin river.

From Mineral Point via Willow Springs, Darlington and Gratio to Warren.

From New Haven to Necedah.

From Mineral Point to Shullsburg.

From West Bend to Monches.

From Madison to Wauhacca falls.

From La Cross to Back river falls.

From Madison by Farwell Mill, Montandon, Arlington, Poinett, Dekorra, and Oshankutlo to Wauona.

From Waushara by Mackford and Dartford to Berlin, in Marquette county.

## IN IOWA.

From Monona to Hardin, in Allemaque county, to make a continuous route from Monona to Decorah, in Winneshiek county.

From Monona via Bunker Hill, Point Rock, and Columbus to Lansing, in Allemaque county.

From Port Atkinson via Decorah to Lansing, in Allemaque county.

From Louisville to Fort Dodge, on the Des Moines river.

From West Union via Eldorado to Decorah, in Winneshiek county.

From Columbus via Union Prairie, Jamestown, and Decorah to Louisville, in Winneshiek county.

From Quasqueton to Fort Des Moines, in Polk county.

From McGregor's Landing to Tom Corwin's, in Allemaque county.

From Davenport to Tipton, in Cedar county.

From Davenport via Allen's Grove, Thorn's Mill, and Walnut Fork to Anamosa, in Jones county.

From Colesburg via Sodomville and Wilsonville to West Union, Fayette county.

From Salem via Mount Pleasant and Stockley's to Hope Farm.

From Newton via Pella, Knoxville, and Chariton to Garden Grove.

From Knoxville via Barkersville, La Grange and South Fork to Centerville.

From Chariton via Osceola, Pisgah, Union, Adair, and Montgomery Court-Houses to Coonville.

From Bellevue, Jackson county, via Spring Brook, Higginsport, Spragueville, and Boon's Spring to De Witt, in Clinton county.

From Marengo to Marietta.

From Oskaloosa via Knoxville and Indianola to Winterset, in Madison county, and via Adair and Cass Court-Houses to Kane, being a continuation of said route.

From Council Bluffs, on the Missouri river, to Fort Laramie.

From Chariton via Glenn's, White Breast, Argo, and Hopeville to Pisgah, in Union county.

From Marengo via the corners of Benton and Poweshiek counties, and through the center of Tama and Marshall counties, to Marietta, in Marshall county.

From Kanessville via Gaston, Fairview, Florence, and Council Bluffs to Linden, in Missouri.

From Kanessville to Sargeant's Bluffs.

From Newton via Pella Amsterdam, Knoxville and Chariton, to Nine Eagles Point and New Buda, in Decatur county.

From Fairfield via Lancaster, Sigourney, and Indianapolis to Montezuma, in Poweshiek county.

From Corydon via Grand River post office, to Princeton, in Mercer county, Missouri.

From Corydon to Chariton Point, in Lucas county.

From Apple Grove via Friel's post office, Hartford, and Palmyra, to Indianola, in Warren county.

From West Point via Pilot Grove, East Grove, Salem, Viga, Glasgow, and Harmony to Fairfield.

From Kane via Pidgeon Mills, Boyer river, Sargeant's Bluffs, Harrison, Monona, and Wakaw Court-Houses to mouth of Big Sioux river.

From Lancaster via Springfield, Indianapolis, Union Mills and Montezuma to the Big Woods.

From Fort des Moines via Adell, McKay, the county seats of Audubon, Guthrie, Shelby, and

Harrison counties to Sargeant's Bluffs on the Missouri river.

From Macedonia via Montgomery and Noddaway Court-Houses to Marysville Missouri.

From Red Rock via Paran City and Pleasantville to Indianola.

From Pisgah to Macedonia via Johnson's.

From Garden Grove via Decatur Court-House and New Buda to Lott's Grove.

From Garden Grove via Hopeville, Pisgah, and Winterset to Adell.

From Ottumwa Court-House to Albia.

From Union Mills to Montezuma.

From Indianola via Chariton, South Fork, Centerville, and Well's Mills to Lancaster, Missouri.

From Drakeville via Unionville, Moravia, and Dodge's Point to Garden Grove.

From Eddyville via Elm Grove and Hamaker's Mill to Knoxville.

From Brighton via Valley post office, Dutch creek to South English.

From Ashland via Creesville, Competine, Abingdon, and Blue Point to Richland.

From Centre Point via Marysville, to Bradford, in Chickasaw county.

From Cedar Rapids to Marengo, in Iowa county.

From Dubuque to Fort Atkinson.

From Quasqueton to county seat of Benton county.

From Delhi to West Union.

From Salem to Columbus City.

From Dubuque to Lansing and Lycuens, in Alamakee county.

From Lansing via Indian Mission, to Fort Atkinson, in Winneshiek.

From Centre Point, Linn county, via Marysville, in Benton county, and Cedar Falls, in Black Hawk county, John C. Barrick's, in Bremer county, and Coon Grove, in Floyd county, to Clear Lake.

From Prairie du Chien, in Wisconsin, via Old Mission, Mentral post office, in Bremen county, Cedar Falls, to Fort Des Moines, in Polk county.

From Decorah to Plum Grove.

From Dubuque via Monna and Decorah, to Saint Paul.

From Independence via Mentral post office and Bradford post office, in Chickasaw county, to Old Mission.

From Dubuque via Independence, through the counties of Black Hawk, Grundy, Hardin, and Risley, to Fort Dodge, in Yell county.

## IN FLORIDA.

From Homassasa via Crystal river and Wekuva to Long Pond, in Levy county.

From Fanning via Cook's Hammock, Warrier, Fenhalloway, Econfence, and Rocky Ford, to Marion, in Jefferson county.

From New River to Middleburg, in Duval county, being an extension of the route from Alligator.

From Key West via Cedar Keys, Tampa Bay, St. Marks, Appalachicola, and Pensacola, to New Orleans, Louisiana.

From Sopchoppy to Walker, on the Oklockny river, in Wakulla county, being a continuance of the route from Tallahassee.

## IN TEXAS.

From Galveston via Galveston Bay and up the Trinity to Liberty, by water.

From Liberty via Woodville, to Nacogdoches.

From Paris to Greenville, in Hunt county.

From Gilmer via Quitman, to Kaufman.

From Tyler via Canton, to Athens.

From Gainesville via Alton and Waxie-hatche, to Corsicana.

From Clarksville to Jefferson, in Cass county.

From Livingston via Trinity Court-House, to Crockett.

From Houston via San Felipe, Catspring, Post Oak Point, and Fayetteville, to La Grange.

From Houston via Chambers, Roberts, Greenwood, and Grimes's Prairie to Anderson, in Grimes county.

From Houston via Richmond, Columbus, and Gonzales to San Antonio.

From San Jacinto to Smithfield, on Trinity river.

From San Antonio via Goliad, Carabajul's crossing of the Cibola to Lamar, in Refugio county.

From Anderson via Sulphur Springs, Plasters,

Mitchell's, and Leona to Centreville, being an extension of the route.

From Centreville via Hall's Bluffs to Crockett, in Houston county.

From Huntsville to Mitchell's, in Walker county, via Leona to Centreville, being an extension of the route.

From Lynchburg via prairies between San Jacinto and Trinity, Washington crossings at the Cushatta village near Smithfield to San Augustine.

From San Antonio, west bank of San Antonio river via Goliad, Refugio, to Copano, in Refugio county.

From Austin via Georgetown, Belton, Waco village, Springfield, Fairfield, Palestine, Rusk, Henderson, and Marshall to Shreveport, Louisiana.

From McKinney to Sherman.

From McKinney through Alton to the county seat of Tarrant county.

From Mount Vernon via Quitman to Tyler, in Smith county.

From Laredo via Roma and Rio Grande City to Brownsville.

From Houston via Anderson, Boonville, Wheelock, Marlin, and Waco to Corsicana.

From Brenham via Oakgrove, Stony Point, Alexander, and Young's prairie to Austin.

From Washington to Cole Spring.

From Anahuac to Woodville via Som Lake.

From Buena Vista to Mount Enterprise, Rusk county, via Caledonia.

From Palestine to Magnolia.

From Houston to Hodges via Clear Lake and J. Little's.

From Henderson to Gum Springs via Bunker Hill and Jamestown.

From Livingston to Woodville.

From New Orleans by sea to Sabine Pass, Texas.

From Sabine Pass to Wies's Bluff.

From Wies's Bluff to Nacogdoches.

#### IN CALIFORNIA.

From Santa Barbara to Los Angeles.

From San Pedro to Los Angeles.

From Sacramento City, daily, via Marysville, Hamilton City, Chico, to Shasta City.

From Shasta City via Weaversville, weekly, to Yreka, in Siskiyou county.

From Marysville, weekly, via Ophir, Bidwell's bar, Bodley's Ranch, Onion Valley, to Nelson's creek.

From Onion Valley, weekly, to Washington and Seventy-six.

From Trinidad to Yreka via Tompkins's ferry, Orleans bar, Happy Camp and Scott's bar.

From Venicia to Knight's landing.

#### IN OREGON TERRITORY.

From Marysville to Youcalla.

From Oregon City via Molalla, Kalapooa, and the forks of Willamette river to Pleasant Hill, in Lane county.

From Marysville to King's valley, in Benton county.

From Port Orford to Shasta Bute City.

From Gray's harbor, mouth of Chihalis river, to Olympia.

From Astoria via a line running west to Hillsborough, Washington county, Tualatin in said county, North Yam Hill, at Smith's Bridge, Steward's, Yam Hill county, South Yam Hill, in said county, at Hampton's, Nesmith's Mills, Polk county, King's valley in said county, Calapooe Gap, Benton county, Youcalla, Umpqua county, Shasta Mines in said county, to Sacramento city, in California.

From Portland City via Harris's ferry, Chehulan, in Yam Hill county, Lafayette in said county, Forests in said county, Nathaniel Ford's Polk county, H. Laville's Store in said county, Marysville, Benton county, Skinner's in said county, Toucalla, Umpqua county, Scottsville in said county, Umpqua City to Gardiner, in Umpqua county.

From Oregon City to Lafayette.

From Salem via Cincinnati, Polk county, Nathaniel Ford's to Nesmith's Mills, in Polk county.

From San Francisco to the head of Puget's Sound.

#### IN UTAH TERRITORY.

From Great Salt Lake City via American Fork, Provo City, Springfield, Payson's Summit Creek, Nephi City, Fillmore City, Red Creek, Parovan, Johnson's Springs, and Cold Creek to Santa Clara,

in the Territory of Utah, and thence via San Bernardino to San Diego, in California.

From Great Salt Lake City to Tooele City, in the county of Tooele, in the Territory of Utah.

#### IN NEW MEXICO.

From Gainesville, in Texas, via Fort Belknap to Donand.

#### IN MINNESOTA TERRITORY.

From St. Paul via Redwing and Reed's Landing, in Wabashaw county to Lansing, in the State of Iowa.

From Decorah via Brownsville, Montezuma, and Minnesota City to Wabashaw.

From St. Paul via Decorah and Elkader to Dubuque, State of Iowa.

From St. Paul via Mendota, Shahcopee, Little Rapids, Le Sueur, and Traverse des Sioux to Mankato.

From St. Paul to Cannon river.

From St. Paul to Little Canada.

From Little Canada via White Bear Lake to Stillwater.

From Little Canada to the Falls of St. Anthony.

From Fort Snelling to the Falls of St. Anthony.

From Fort Ripley to Crow Wing.

From Crow Wing via Cass Lake and Red Lake to Pembina.

From Crow Wing via Sandy Lake to Fond du Lac.

From Minnesota City to Traverse des Sioux.

From Dubuque, Iowa, to Mankato.

SEC. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to enter into a contract for the transportation of the United States mail on board of the steam-vessels which at present ply regularly between Boston, in the State of Massachusetts, and Halifax, in Nova Scotia, upon such terms as may appear to him reasonable: *Provided*, That the contracts authorized by this section shall be let to the lowest bidder according to the provisions of the existing laws: *And provided further*, That the amount paid shall in no case exceed the amount of postage derived from the said mails.

SEC. 2. *And be it further enacted*, That if any person shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, or shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, or knowingly aid or assist in falsely and unlawfully making, forging, or counterfeiting any key suited to any lock which has been or shall be adopted for use by the Post Office Department of the United States, and which shall be in use on any of the mails or mail bags of the said Post Office Department, or shall have in his possession any such mail key or any such mail lock, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of, or who being employed in the manufacture of the locks or keys for the use of the said Post Office Department, whether as contractor or otherwise, shall deliver or cause to be delivered any finished or unfinished key or lock used or designed by the said Post Office Department, or the interior part of any such mail lock, to any person not duly authorized under the hand of the Postmaster General of the United States and the seal of the said Post Office Department to receive the same, (unless such person so receiving the same shall be the contractor for furnishing such locks and keys, or engaged in the manufacture thereof in the manner authorized by the contract, or the agent for such manufacturer,) such persons so offending shall be deemed guilty of felony, and, on conviction thereof, shall be imprisoned for a period not exceeding ten years.

SEC. 4. *And be it further enacted*, That if any person shall steal, purloin, or embezzle any mail bags in use by or belonging to the Post Office Department of the United States, or any other property in use by or belonging to the said Post Office Department, or shall, for any lucre, gain, or convenience, appropriate any such property to his own, or any other than its proper use, or for any lucre or gain shall convey away any such property to the hindrance or detriment of the public service of the United States, the person so offending, his counsellors, aiders, and abettors (knowing of and privy to any offense aforesaid) shall, on

conviction thereof, if the value of such property shall exceed twenty-five dollars, be deemed guilty of felony, and shall be imprisoned for a period not exceeding three years; or if the value of such property shall be less than twenty-five dollars, shall be imprisoned not more than one year, or be fined not less than ten dollars, nor more than two hundred dollars for every such offense.

SEC. 5. *And be it further enacted*, That no collector or other officer of the customs shall permit any ship or vessel arriving within any port or collection district of the United States to make entry or break bulk until all letters on board the same shall be delivered into the post office at or nearest said port or place, nor until the captain or commander of such ship or vessel shall have signed and sworn to a declaration before such collector or officer of the customs, in the form and to the effect following, that is to say: "I, A B, commander of the [state the name of the ship or vessel,] arriving from [state the place,] and now lying in the port of [state the name of the port,] do, as required by law, solemnly swear (or affirm as the case may be) that I have, to the best of my knowledge or belief, delivered, or caused to be delivered into the post office at or nearest said port, every letter and every bag, parcel, or package of letters that were on board the [state the name of the ship or vessel,] during her last voyage, and that I have so delivered or caused to be delivered all such letters, bags, parcels, and packages as were in my possession or under my power or control." And the collector, and every officer of the customs at every port, without special instructions, and every special agent of the Post Office Department, when instructed by the Postmaster General to make examinations and seizures, shall carefully search every vessel for letters which may be on board, or have been carried or transported contrary to law, and each and every of such officers and agents, and every marshal of the United States and his deputies, shall at all times have power to seize all letters, and packages, and parcels containing letters which shall have been sent or conveyed contrary to law on board any ship or vessel, or on or over any post route of the United States, and to convey such letters to the nearest post office, or may, if the Postmaster General and the Secretary of the Treasury shall so direct, detain the said letters, or any part thereof, until two months after the trial and final determination of all suits and proceedings which may at any time within six months after such seizure be brought against any person for sending, or carrying, or transporting any such letter contrary to any provisions of any act of Congress; and one half of any penalties that may be recovered for the illegal sending, carrying, or transportation of any such letters shall be paid to the officer so seizing, and the other half to the use of the Post Office Department; and every package or parcel so seized, in which any letter shall be concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce such forfeiture as are authorized in respect to goods, wares, and merchandise forfeited by reason of any violation of the revenue laws of the United States; and all laws for the benefit and protection of officers of the customs seizing goods, wares, or merchandise for a violation of any revenue law of the United States shall apply to the officers and agents making seizures by virtue of this act.

SEC. 6. *And be it further enacted*, That the Postmaster General may from time to time, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or of any other Province, State, or country adjoining the United States, to be carried or transported at the expense of the Province, State, or country to which such mails belong, over any part or portion of the territory of the United States, from one point in the Province, State, or country to which such mails belong, to any other point in the same, upon obtaining the same privileges for the transportation of the mails of the United States through the Province, State, or country to which such privileges shall be granted: *Provided*, That such privileges may at any time be annulled by the President of the United States, or by joint resolution of the two Houses of Congress, from and after the expiration of one month next succeeding the day on which the notice of the act of the President or of the joint resolution of the two Houses shall be given to the chief executive officer or head



of the Post Office Department of the Province, State, or country whose privilege is to be thereby annulled.

SEC. 7. *And be it further enacted*, That every mail, of any Province, State, or country having the privilege authorized to be granted in and by the next preceding section, shall, while in the territories of the United States, be deemed and taken to be a mail of the United States, so far as to make any violation thereof, any depredation thereon, or any act or offense in respect thereto, or any part thereof, which would be punishable under the existing laws of the United States, in case the same had been a mail or part of a mail of the United States, an offense of the same grade, and punishable in the same manner, and to the same extent, as though the said mails were those of the United States; and in any indictment for such act or offense, the said mails or any part thereof may be alleged to be, and on the trial of any such indictment they shall be, deemed and held to be mails or parts of mails of the United States.

SEC. 8. *And be it further enacted*, That the Postmaster General shall be, and he is hereby, authorized to provide and furnish to all postmasters and other persons applying and paying therefor suitable letter envelopes, with such water marks or other guards against counterfeits as he may deem expedient, and with one or more suitable postage stamps, with such device and of such denomination and value as he may direct, printed or impressed thereon, which envelopes shall be sold at the cost of procuring and furnishing the same, as near as may be, with the addition of the value or denomination of the postage stamps so printed or impressed thereon or attached thereto as aforesaid; and letters, when inclosed in such envelope, with postage stamps printed or impressed thereon, (the postage stamp or stamps in every such case being of the value, denomination, or amount required to prepay the postage which would be chargeable on such letters and envelopes if sent by mail to the place of their destination under the provisions of the laws then in force, and such stamps and envelopes not having been before used,) shall pass in the mails as prepaid letters; and all letters inclosed in such envelopes as shall be provided and furnished by the Postmaster General, as first in this section prescribed, and with postage stamps thereon as aforesaid, (and such postage stamps on such envelopes being equal in value and amount to the rates of postage to which such letters would be liable if sent by mail; and such postage stamps and envelopes not having been before used,) may be sent, conveyed, and delivered otherwise than by post or mail, notwithstanding any prohibition thereof under any existing law: *Provided*, That the said envelope shall be duly sealed, or otherwise firmly and securely closed, so that such letter cannot be taken therefrom without tearing or destroying such envelope; and the same duly directed and addressed, and the date of such letter, or the receipt or transmission thereof, to be written or stamped or otherwise appear on such envelope.

SEC. 9. *And be it further enacted*, That the Auditor of the Treasury for the Post Office Department, may, under such regulations and restrictions as the Postmaster General shall prescribe, allow to every postmaster, whose office was not established until after the first day of July, one thousand eight hundred and fifty, or whose commissions, in consequence of the increase of labor and business at his office, shall have equalled or exceeded the commissions allowed at such office for the year ending on the thirtieth day of June, one thousand eight hundred and fifty-one, such compensation, in addition to his legal commissions, as will, in the judgment of such Auditor, make the compensation of such postmaster equal, as near as may be, to the compensation of other postmasters in the same section of the country whose labors are the same as his, and who are entitled to an additional allowance under the sixth section of the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," approved March third, eighteen hundred and fifty-one, and under orders of the Postmaster General, made in pursuance of the provisions of said sixth section of the act aforesaid.

SEC. 10. *And be it further enacted*, That all fines and penalties imposed for any violation of any law relating to the Post Office Department shall, when collected or recovered, be paid into the Treasury to the credit of the United States for the

use of the Post Office Department, excepting, however, such part thereof as may by law belong to the party informing or prosecuting for the same.

SEC. 11. *And be it further enacted*, That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time on suitable and safe steamboats.

APPROVED, August 31, 1852.

PUBLIC, LXII.—*An Act to amend an act entitled "An Act to provide for the Better Security of the Lives of Passengers on board of Vessels propelled in whole or in part by Steam, and for other purposes."*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no license, register, or enrollment, under the provisions of this or the act to which this is an amendment shall be granted, or other papers issued, by any collector to any vessel propelled in whole or in part by steam, and carrying passengers, until he shall have satisfactory evidence that all the provisions of this act have been fully complied with; and if any such vessel shall be navigated, with passengers on board, without complying with the terms of this act, the owners thereof and the vessel itself shall be subject to the penalties contained in the second section of the act to which this is an amendment.

SEC. 2. *And be it further enacted*, That it shall be the duty of the inspectors of the hulls of steamers, and the inspectors of boilers and engines, appointed under the provisions of this act, to examine and see that suitable and safe provisions are made throughout such vessels to guard against loss or danger from fire; and no license or other papers on any application shall be granted if the provisions of this act for preventing fires are not complied with, or if any combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes, or machinery, shall be placed at less than eighteen inches distant from such heated metal or other substance likely to cause ignition, unless a column of air or water intervenes between such heated surface and any wood or other combustible material so exposed, sufficient at all times and under all circumstances to prevent ignition; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material in such manner as to leave the air to circulate freely between such material and the wood: *Provided, however*, That when the structure of such steamers is such, or the arrangement of the boilers or machinery is such that the requirements aforesaid cannot without serious inconvenience or sacrifice be complied with, inspectors may vary therefrom if, in their judgment, it can be done with safety.

SEC. 3. *And be it further enacted*, That every vessel so propelled by steam, and carrying passengers, shall have not less than three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed, otherwise by hand; one whereof shall be placed near the stern—one near the stem and one amidship; each having a suitable well-fitted hose, of at least two thirds the length of the vessel, kept at all times in perfect order, and ready for immediate use; each of which pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel so low as to be at all times in the water when she is afloat: *Provided*, That in steamers not exceeding two hundred tons measurement, two of said pumps may be dispensed with, and in steamers of over two hundred tons, and not exceeding five hundred tons measurement, one of said pumps may be dispensed with.

SEC. 4. *And be it further enacted*, That every such vessel carrying passengers shall have at least two good and suitable boats supplied with oars, in good condition at all times for service, one of which boats shall be a life-boat made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons, with life-lines attached to the gunwale, at suitable distances. And every such vessel of more than five hundred tons, and

not exceeding eight hundred tons measurement, shall have three life-boats; and every such vessel of more than eight hundred tons and not exceeding fifteen hundred tons measurement, shall have four life-boats; and every such vessel of more than fifteen hundred tons measurement, shall have six life-boats; all of which life-boats shall be well furnished with oars and other necessary apparatus: *Provided, however*, The inspectors are hereby authorized to exempt steamers navigating rivers only from the obligation to carry the life-boat herein provided for, more than one, the same being of suitable dimensions, made of metal, and furnished with all necessary apparatus for use and safety; such steamers having other suitable provisions for the preservation of life in case of fire or other disaster.

SEC. 5. *And be it further enacted*, That every such vessel carrying passengers shall also be provided with a good life-preserver made of suitable material, and float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such vessel and in readiness for the use of the passengers; and every such vessel shall also keep twenty-five buckets and five axes; and there shall be kept on board every such vessel exceeding five hundred tons measurement, buckets and axes after the rate of their tonnage, as follows: On every vessel of six hundred tons measurement, five buckets and one ax for each one hundred tons measurement, decreasing this proportion as the tonnage of the vessel increases, so that any such vessel of thirty-five hundred tons, and all such vessels exceeding the same, shall not be required to keep but three buckets for each one hundred tons of measurement, and but one ax for every five buckets.

SEC. 6. *And be it further enacted*, That every such vessel carrying passengers on the main or lower deck shall be provided with sufficient means convenient to such passengers for their escape to the upper deck in case of fire or other accident endangering life.

SEC. 7. *And be it further enacted*, That no loose hemp shall be carried on board any such vessel; nor shall baled hemp be carried on the deck or guards thereof, unless the bales are compactly pressed and well covered with bagging or a similar fabric; nor shall gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids or materials which ignite by friction, be carried on board any such vessel as freight, except in cases of special license for that purpose, as hereinafter provided; and all such articles kept on board as stores shall be secured in metallic vessels. And every person who shall knowingly violate any of the provisions of this section shall pay a penalty of one hundred dollars for each offense, to be recovered by action of debt in any court of competent jurisdiction.

SEC. 8. *And be it further enacted*, That hereafter all gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, and materials which ignite by friction, when packed or put up for shipment on board of any such vessel, shall be securely packed or put up separately from each other and from all other articles; and the package, box, cask, or vessel containing the same, shall be distinctly marked on the outside with the name or description of the articles contained therein. And every person who shall pack or put up, or cause to be packed or put up for shipment on board of any such vessel, any gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, or materials which ignite by friction, otherwise than as aforesaid, or shall ship the same, unless packed and marked as aforesaid, on board of any steam-vessel carrying passengers, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding eighteen months, or both.

SEC. 9. *And be it further enacted*, That instead of the existing provisions of law for the inspection of steamers and their equipment, and instead of the present system of pilotage of such vessels, and the present mode of employing engineers on board the same, the following regulations shall be observed, to wit: The collector or other chief officer of the customs, together with the supervising inspector for the district, and the judge of the district court of the United States for the district in each of the following collection districts, namely, New

Orleans and St. Louis, on the Mississippi river; Louisville, Cincinnati, Wheeling, and Pittsburg, on the Ohio river; Buffalo and Cleveland, on Lake Erie; Detroit, upon Detroit river; Nashville, upon the Cumberland river; Chicago, on Lake Michigan; Oswego, on Lake Ontario; Burlington, in Vermont; Galveston, in Texas; and Mobile, in Alabama; Savannah, in Georgia; Charleston, in South Carolina; Norfolk, in Virginia; Baltimore, in Maryland; Philadelphia, in Pennsylvania; New York, in New York; New London, in Connecticut; Providence, in Rhode Island; Boston, in Massachusetts; Portland, in Maine; and San Francisco, in California, shall designate two inspectors of good character, and suitable qualifications, to perform the services required of them by this act within the respective districts for which they shall be appointed—one of whom, from his practical knowledge of ship-building, and the uses of steam in navigation, shall be fully competent to make a reliable estimate of the strength, seaworthiness, and other qualities of the hulls of steamers, and their equipment, deemed essential to safety of life, when such vessels are employed in the carriage of passengers, to be called the Inspector of Hulls; the other of whom, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also in the construction and use of boilers, and the machinery and appurtenances therewith connected, shall be able to form a reliable opinion of the quality of the material, the strength, form, workmanship, and suitableness of such boilers and machinery to be employed in the carriage of passengers without hazard to life from imperfections in the material, workmanship, or arrangement of any part of such apparatus for steaming, to be called the Inspector of Boilers; and these two persons, thus designated, if approved by the Secretary of the Treasury, shall be from the time of such designation inspectors, empowered and required to perform the duties herein specified, to wit:

*First.* Upon application in writing by the master or owner they shall, once in every year at least, carefully inspect the hull of each steamer belonging to their respective districts and employed in the carriage of passengers, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for her crew and passengers, and is in a condition to warrant the belief that she may be used in navigation as a steamer with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, and other things are faithfully complied with; and if they deem it expedient they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

*Second.* They shall also inspect the boilers of such steamers before the same shall be used, and once in every year thereafter, subjecting them to a hydrostatic pressure, the limit to which, not exceeding one hundred and sixty-five pounds to the square inch for high-pressure boilers, may be prescribed by the owner or the master, and shall satisfy themselves by examination and experimental trials that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between the flues are sufficient, and that the fire line of the furnace is below the prescribed water line of the boilers; and that such boilers, and the machinery, and the appurtenances may be safely employed in the service proposed in the written application, without peril to life; and shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, (one of which may, if necessary in the opinion of the inspectors to secure safety, be taken wholly from the control of all persons engaged in navigating such vessel;) that there is a suitable number of gauge-cocks properly inserted, and a suitable water-gauge and steam-gauge indicating the height of the water and the pressure of the steam; that in or upon the outside flue of each outside high-pressure boiler there is placed in a suitable manner alloyed metals, fusible by the heat of the boiler when raised to the highest working pressure allowed, and that in or upon the top of the flues of all

other high-pressure boilers in the steamer such alloyed metals are placed as aforesaid, fusing at ten pounds greater pressure than said metals on the outside boilers, thereby in each case letting steam escape; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not; so that in high-pressure boilers the water shall not be less than four inches above the flue: *Provided, however,* In steamers hereafter supplied with new high-pressure boilers, if the alloy fuses on the outer boilers at a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act.

*Third.* That in subjecting to the hydrostatic test aforesaid boilers called and usually known under the designation of high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of inspected iron plates at least one fourth of an inch thick, in the best manner, and of the quality herein required, and shall rate the working power of all high-pressure boilers, whether of greater or less diameter, old or new, according to their strength compared with this standard; and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and sixty-five to one hundred and ten, and no high-pressure boilers hereafter made shall be rated above this standard; and in subjecting to the test aforesaid that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall allow as a working power of each new boiler a pressure of only three fourths the number of pounds to the square inch to which it shall have been subjected by the hydrostatic test and found to be sufficient therefor, using the water in such tests at a temperature not exceeding sixty degrees Fahrenheit; but should such inspectors be of opinion that said boiler, by reason of its construction or material, will not safely allow so high a working pressure, they may, for reasons to be stated specifically in their certificate, fix the working pressure of said boiler at less than three fourths of said test pressure; and no low-pressure boiler hereafter made shall be rated in its working pressure above the aforesaid standard; and provided that the same rules shall be observed in regard to boilers heretofore made, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that its application would be unjust, in which cases the inspectors may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the hydrostatic test; and no valve, under any circumstances, shall be loaded or so managed in any way as to subject a boiler to a greater pressure than the amount allowed by the inspectors, nor shall any boiler or pipe be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or any other cause.

*Fourth.* That when the inspection in detail is completed, and the inspectors approve of the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector of the district, substantially as follows:

State of \_\_\_\_\_, district of \_\_\_\_\_:

Application having been made in writing by \_\_\_\_\_ to the subscribers, inspectors for said district, to examine the steamer \_\_\_\_\_, of \_\_\_\_\_, whereof \_\_\_\_\_ are owners and \_\_\_\_\_ is master, we, having performed that service, now, on this \_\_\_\_\_ day of \_\_\_\_\_, Anno Domini \_\_\_\_\_, do certify that she was built in the year \_\_\_\_\_, is in all respects staunch, sea-worthy, and in good condition for navigation, having suitable means of escape in case of accident from the main to the upper deck; that she is provided with [here insert the number of state-rooms, the number of berths therein, the number of other permanent berths for cabin passengers, the number of berths for deck or other classes of passengers, the number of passengers for each class for whom she has suitable accommodations; and in case of steamers sailing to or from any European port, or to or from any port on the Atlantic or the Pacific, a distance of one thousand miles or upwards, the number of each she is permitted to carry; and in case of a steamer sailing to any other port, a distance

of five hundred miles or upwards, the number of deck passengers she is permitted to carry; also the number of boilers, and the form, dimensions, and material of which each boiler is made, the thickness of the metal, and when made; if after this act takes effect, and of iron, whether they are such in all respects as the act requires, whether each boiler has been tried by hydrostatic test, the amount of pressure to the square inch in pounds applied to it, whether the amount allowed as the maximum working power was determined by the rule prescribed by this act, if not, the reason for a departure from it; also the number of safety-valves required, their capacity, the load prescribed for each valve, how many are left in the control of the persons navigating the vessel, whether one is withdrawn, and the manner of securing it against interference; also the number and dimensions of supply pipes, and whether they and the other means provided are sufficient at all times and under all circumstances when in good order to keep the water up four inches at least above the top of the flue; also the number and dimensions of the steam-pipes, the number and kind of engines, the dimensions of their cylinders, the number and capacity of the forcing pumps, and how worked; the number and kind of gauge-cocks, water, and steam-gauges, where situate, and how secured; also the manner of using alloyed metals and the pressure at which they are known by the inspectors to fuse; the equipments for the extinguishment of fires, including hose, fire-buckets, and axes; the provisions for saving life in case of accident, including boats, life-preservers, and substitutes therefor, where kept, and all other provisions made on board for the security of the lives of passengers.] And we further certify, that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the point aforesaid, hose, boats, life-preservers, and other things, is in conformity with the provisions of law; and that we declare it to be our deliberate conviction, founded upon the inspection which we have made, that the vessel may be employed as a steamer upon the waters named in the application, without peril to life from any imperfection of form, materials, workmanship, or arrangement of the several parts, or from age or use. And we further certify, that said vessel is to run within the following limits, to wit: from \_\_\_\_\_ to \_\_\_\_\_ and back, touching at intermediate places. And which certificate shall be verified by the oaths of the inspectors signing it, before a person competent by law to administer oaths. And in case the said inspectors do not grant a certificate of approval, they shall state in writing, and sign the same, their reasons for their disapproval.

*Fifth.* Upon the application of the master or owner of any steamer employed in the carriage of passengers, for a license to carry gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids and materials which ignite by friction, or either of them, the inspectors shall examine such vessel, and if they find that she is provided with chests or safes composed of metal, or entirely lined therewith, or one or more apartments thoroughly lined with metal at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight any of the articles aforesaid, those of each description to be secured in such chest, safe, or apartment containing no other article, and carried at a distance from any fire to be specified in the certificate: *Provided,* That any such certificate may be revoked or annulled at any time by the inspectors, upon proof that either of the said articles have been carried on board said vessel at a place and in a manner not authorized by such certificate, or that any of the provisions of this act in relation thereto have been violated.

*Sixth.* The said inspectors shall keep a regular record of certificates of inspections of vessels, their boilers, engines, and machinery, whether of approval or disapproval, and when recorded the original shall be delivered to the collector of the district; they shall keep a like record of certificates authorizing gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, and materials which ignite by friction, or either of them to be carried as freight, by any such vessel, and when recorded deliver the originals to said collector; they shall keep a like record of all licenses to pilots and engineers, and all revocations thereof, and shall from time to time

report to the supervising inspector of their respective districts, in writing, their decisions on all applications for such licenses, or proceedings for the revocation thereof, and all testimony received by them in such proceedings.

*Seventh.* The inspectors shall license and classify all engineers and pilots of steamers carrying passengers.

*Eighth.* Whenever any person claiming to be qualified to perform the duty of engineer upon steamers carrying passengers, shall apply for a certificate, the board of inspectors shall examine the applicant, and the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer, are all such as to authorize the belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall give him a certificate to that effect for one year, signed by them, in which certificate they shall state the time of the examination, and shall assign the appointee to the appropriate class of engineers.

*Ninth.* Whenever any person claiming to be a skillful pilot for any such vessel shall offer himself for a license, the said board shall make diligent inquiry as to his character and merits; and if satisfied that he possesses the requisite skill, and is trustworthy and faithful, they shall give him a certificate to that effect, licensing him for one year to be a pilot of any such vessels within the limit prescribed in the certificate; but the license of any such engineer or pilot may be revoked upon proof of negligence, unskillfulness, or inattention to the duties of the station: *Provided, however,* if in cases of refusal to license engineers or pilots, and in cases of revocation of any license by the local board of inspectors, any engineer or pilot deeming himself wronged by such refusal or revocation, may, within thirty days after notice thereof, on application to a supervising inspector, have his case examined anew by such supervising inspector, upon producing a certified copy of the reasons assigned by the local board for their doings in the premises; and such supervising inspector may revoke the decision of such local board of inspectors and license such pilot or engineer; and like proceedings, upon the same conditions, may be had by the master or owner of any such vessel, or of any steamboat boiler, for which the said local board shall have refused, upon inspection, to give a certificate of approval, or shall have notified such master or owner of any repairs necessary after such certificate has been granted.

*Tenth.* It shall be unlawful for any person to employ, or any person to serve, as engineer or pilot on any such vessel, who is not licensed by the inspectors; and any one so offending shall forfeit one hundred dollars for each offense: *Provided, however,* That if a vessel leaves her port with a complement of engineers and pilots, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault, or collusion of the master, owner, or any one interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

*Eleventh.* In addition to the annual inspection, it shall be the duty of said board to examine seasonably steamers arriving and departing, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessel unsafe, which service may be performed by one of the board; and if he shall discover an omission to comply with the law, or that repairs have become necessary to make the vessel safe, he shall at once notify the master, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may take the opinion of the board thereon, and if dissatisfied with the decision of such board, may apply for a reexamination of the case to the supervising inspector, as is hereinbefore provided; or if he shall refuse or neglect to comply with the requirement of the local board, and shall, contrary thereto, and while the same remains uncorrected by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable for any damage to the passengers and their baggage which shall occur from any defects so as aforesaid stated in said notice, which shall be in writing, and all inspections and orders

shall be promptly made by the inspectors; and where it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them; and no inspectors of one district shall modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things demanding more repairs than were thought necessary when the order was made; nor shall the inspectors of one district appoint a person coming from another, if such person has been rejected for unfitness or want of qualifications.

*Twelfth.* The said board, when thereto requested, shall inspect steamers belonging to districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by the inspectors are removed; and if any vessel shall be navigated after a board of inspectors have refused to make the collector a certificate of approval, she shall be liable to the same penalties as if she had been run without a license: *Provided, however,* That nothing herein contained shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it is safe so to do.

*Thirteenth.* The said board of inspectors shall have power to summon before them witnesses, and to compel their attendance by the same process as in courts of law; and after reasonable time given to the alleged delinquent of the time and place of investigation to examine said witnesses under oath touching the performance of their duties by engineers and pilots of any such vessel, and if it shall appear satisfactorily that any such engineer or pilot is incompetent, or that life has been placed in peril by reason of such incompetency, or the negligence or misconduct on the part of any such person, the board shall immediately suspend or revoke his license, and report their doings to the chief officer of the customs, and the said chief officer of the customs shall pay out of the revenues herein provided such sums to any witness so summoned under the provisions of this act for his actual travel and attendance as shall be officially certified by an inspector hearing the case upon the back of the summons, not exceeding the rates allowed to a witness for travel and attendance in the circuit and districts courts of the United States.

*Fourteenth.* That the said board shall report promptly all their doings to the chief officer of the customs, as well as all omissions or refusals to comply with the provisions of law on the part of any owner or master of any such vessel propelled in whole or in part by steam, carrying passengers.

*Fifteenth.* That it shall at all times be the duty of all engineers and pilots licensed under this act, and all mates to assist the inspectors in the examination of any such vessels to which any such engineer, mate, or pilot belongs, and to point out all defects and imperfections in the hull or apparatus for steaming, and also to make known to them, at the earliest opportunity, all incidents occasioning serious injury to the vessel or her equipment, whereby life may be in danger; and in default thereof the license of any such engineer or pilot shall be revoked.

*Sec. 10. And be it further enacted,* That in those cases where the number of passengers is limited by the inspectors' certificate, it shall not be lawful to take on board of any steamer a greater number of passengers than is certified by the inspectors in the certificate; and the master and owners, or either of them, shall be liable, to any person suing for the same, to forfeit the amount of passage-money and ten dollars for each passenger beyond the number allowed. And, moreover, in all cases of an express or implied undertaking to transport passengers, or to supply them with food and lodging, from place to place, and suitable provision is not made of a full and adequate supply of good and wholesome food and water, and of suitable lodging for all such passengers, or where barges or other craft impeding the progress are taken in tow, for a distance exceeding five hundred miles, without previous and reasonable notice to such passengers; in all such cases the owners and the vessel shall be liable to refund all the money paid for the passage, and to pay also the damage sustained by such default or delay: *Provided, however,* That if in any such case a satisfactory bond is given to the marshal for the benefit of the plain-

tiff, to secure the satisfaction of such judgment as he may recover, the vessel shall be released.

*Sec. 11. And be it further enacted,* That if the master of a steamer, or any other person, whether acting under orders or not, shall intentionally load or obstruct, or cause to be loaded or obstructed, in any way or manner, the safety-valve or valves of a boiler, or shall employ any other means or device whereby the boiler shall be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or shall be exposed to a greater pressure, or shall intentionally derange or hinder the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, it shall in any such case be a misdemeanor, and any and every person concerned therein, directly or indirectly, shall forfeit two hundred dollars, and may, at the discretion of the court, be, in addition thereto, imprisoned not exceeding eighteen months.

*Sec. 12. And be it further enacted,* That if at any time there be a deficiency of water in a boiler, by suffering it to fall below three inches above the flue as prescribed in this act, unless the same happens through inevitable accident, the master, if it be by his order, assent, or connivance, and also the engineer, or other person whose duty it is to keep up the supply, shall be guilty of an offense for which they shall severally be fined one hundred dollars each; and if an explosion or collapse happens in consequence of such deficiency, they, or any of them, may be further punished by imprisonment for a period of not less than six nor more than eighteen months.

*Sec. 13. And be it further enacted,* That hereafter all boilers of steamboats made of iron shall be constructed of plates which have been stamped according to the provisions of this act.

*Sec. 14. And be it further enacted,* That it shall be the duty of such inspectors to ascertain the quality of the material of which the boiler-plates of any such boiler so submitted to their inspection are made; and to satisfy themselves, by any suitable means, whether the mode of manufacturing has been such as to produce iron equal to good iron made with charcoal, such as in their judgment may be used for generating steam-power without hazard to life; and no such boiler shall be approved which is made of unsuitable material, or of which the manufacture is imperfect, or is not, in their opinion, of suitable strength, or whose plates are less than one fourth of an inch in thickness, for a high-pressure boiler of forty-two inches in diameter, and in that proportion of strength according to the maximum of working pressure allowed for high-pressure boilers of greater or less diameter, or which is made of any but wrought iron of a quality equal to good iron made with charcoal.

*Sec. 15. And be it further enacted,* That all plates of boiler-iron shall be distinctly and permanently stamped in such manner as the Secretary of the Treasury shall prescribe, and if practicable, in such place or places that the mark shall be left visible after the plates are worked into boilers; with the name of the manufacturer, the quality of the iron, and whether or not hammered, and the place where the same is manufactured.

*Sec. 16. And be it further enacted,* That it shall be unlawful to use in such vessel for generating steam for power a boiler or steam-pipe connecting the boilers, made after the passage of this act, of any iron unless it has been stamped by the manufacturer as herein provided; and if any person shall make for use in any such vessel a boiler of iron not so stamped, intended to generate steam for power, he shall, for any such offense, forfeit five hundred dollars, to be recovered in an action of debt by any person suing for the same; and any person using or causing to be used in any such vessel such a boiler to generate steam for power, shall forfeit a like sum for each offense.

*Sec. 17. And be it further enacted,* That if any person shall counterfeit the marks and stamps required by this act, or shall falsely stamp any boiler iron, and be convicted thereof, he shall be fined not exceeding five hundred dollars and imprisoned not exceeding two years. And if any person or persons shall stamp or mark plates with the name or marks of another, with intent to mislead, deceive, or defraud, such person or persons shall be liable to any one injured thereby for all damage occasioned by such fraud or deception.



Sec. 18. *And be it further enacted*, That in order to carry this act fully into execution, the President of the United States shall, with the advice of the Senate, appoint nine supervising inspectors, who shall be selected for their knowledge, skill, and experience in the uses of steam for navigation, and who are competent judges not only of the character of vessels, but of all parts of the machinery employed in steaming, who shall assemble together at such places as they may agree upon once in each year at least, for joint consultation and the establishment of rules and regulations for their own conduct and that of the several boards of inspectors within the districts, and also to assign to each of the said nine inspectors the limits of territory within which he shall perform his duties. And the said supervising inspectors shall each be paid for his services after the rate of fifteen hundred dollars a year, and in addition thereto his actual reasonable traveling expenses incurred in the necessary performance of his duty when away from the principal port in his district, and certified and sworn to by him under such instructions as shall be given by the Secretary of the Treasury, who is hereby authorized to pay such salaries, and also such traveling expenses, and the actual reasonable expenses (both to them and other inspectors) of transporting from place to place the instruments used in inspections, which expenses shall be proved to his satisfaction.

Sec. 19. *And be it further enacted*, That the supervising inspectors shall watch over all parts of the territory assigned them, shall visit, confer with, and examine into the doings of the several boards of inspectors, and shall, whenever they think it expedient, visit such vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this act have been observed and complied with, both by the board of inspectors and the master and owners; and it shall be the duty of all masters, engineers, and pilots of such vessels, to answer all reasonable inquiries and to give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

Sec. 20. *And be it further enacted*, That whenever a supervising inspector ascertains to his satisfaction that the master, engineer, pilot, or owners of any such vessel fail to perform the duties according to the provisions of this act, he shall report the facts in writing to the board in the district where the vessel belongs, and, if need be, cause the negligent or offending parties to be prosecuted; and if he has good reason to believe there has been, through negligence, or from any other cause, a failure of the board who inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury, who shall cause immediate investigation into the truth of the complaint, and if he deems the cause sufficient shall remove the delinquent.

Sec. 21. *And be it further enacted*, That it shall be the duty of such supervising inspectors to see that the said several boards within their respective collection districts execute their duties faithfully, promptly, and, as far as possible, uniformly, in all places, by following out the provisions of this act, according to the true intent and meaning thereof; and they shall, as far as practicable by their established rules, harmonize differences of opinion when they exist in different boards.

Sec. 22. *And be it further enacted*, That the said supervising inspectors shall also visit collection districts in which there are no boards of inspectors, if there be any, where steamers are owned or employed, and each one shall have full power to inspect any such steamer or boilers of each steamer in any such district, or in any other district where, from distance or other cause, it is inconvenient to resort to the local board, and to grant certificates of approval according to the provisions of this act, and to do and perform in such districts all the duties imposed upon boards in the districts where they exist: *Provided*, That no supervising or other inspector shall be deemed competent to inspect in any case where he is directly or indirectly personally interested, or is associated in business with any person who is so interested, but in all such cases the duty shall be performed by disinterested inspectors, and inspection made in violation of this rule shall be void and of no effect.

Sec. 23. *And be it further enacted*, That it shall

be the duty of each of the collectors, or other chief officer of the customs for the districts aforesaid, except San Francisco, to make known without delay to the collectors of all the said districts, except San Francisco, the names of all persons licensed as engineers or pilots for such vessels, and the names of all persons from whom upon application licenses have been withheld, and the names of all whose licenses have been revoked or suspended, and also the names of all such vessels which neglect or refuse to make such repairs as may be ordered under the provisions of this act, and the names of all for which license has been on application refused.

Sec. 24. *And be it further enacted*, That it shall be the duty of the collectors, or other chief officers of the customs, and of the inspectors aforesaid, within the said several districts, to enforce the provisions of law against all such steamers arriving and departing; and upon proof that any collector or other chief officer of the customs, or inspector, has negligently or intentionally omitted his duty in this particular, such delinquent shall be removed from office, and shall also be subject to a penalty of one hundred dollars for each offense, to be sued for in an action of debt before any court of competent jurisdiction.

Sec. 25. *And be it further enacted*, That the collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required by this act to be delivered to him, and shall give to the master or owner of the vessel therein named two certified copies thereof—one of which shall be placed by such master or owner in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and there kept at all times; the other shall be retained by such master or owner as evidence of the authority thereby conferred; and if any person shall receive or carry any passenger on board any such steamer not having a certified copy of the certificate of approval as required by this act, placed and kept as aforesaid, or who shall receive or carry any gunpowder, oil of turpentine, oil of vitriol, camphene, or other explosive burning fluids, or materials which ignite by friction, as freight on board any steamer carrying passengers, not having a certificate authorizing the same, and a certified copy thereof placed and kept as aforesaid, or who shall stow or carry any of said articles at a place or in a manner not authorized by such certificate, shall forfeit and pay for each offense, one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction.

Sec. 26. *And be it further enacted*, That every inspector who shall willfully certify falsely touching any such vessel propelled in whole or in part by steam, and carrying passengers, her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed or sworn to by him, shall, on conviction thereof, be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both.

Sec. 27. *And be it further enacted*, That if any such vessel carrying passengers, having a license and certificate as required by this act, shall be navigated without having her hull, accommodations, boilers, engines, machinery, and their appurtenances, and all equipments in all things conformable to such certificate, the master or commander by whom she shall be so navigated, having knowledge of such defect, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding two months, or both: *Provided*, That such master or commander shall not be liable for loss or deficiency occasioned by the dangers of navigation, if such loss or deficiency shall be supplied as soon as practicable.

Sec. 28. *And be it further enacted*, That on any such steamers navigating rivers only, when from darkness, fog, or other cause the pilot on watch shall be of opinion that the navigation is unsafe, or from accident to or derangement of the machinery of the boat, the engineer on watch shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor or moored as soon as it prudently can be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he shall do the same; but in such case both he and the owners of such steamer shall be answerable for all dam-

ages which shall arise to the person of any passenger and his baggage from said causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command or said owners.

Sec. 29. *And be it further enacted*, That it shall be the duty of the supervising inspectors to establish such rules and regulations to be observed by all such vessels in passing each other as they shall from time to time deem necessary for safety, two printed copies of which rules and regulations, signed by said inspectors, shall be furnished to each of such vessels, and shall at all times be kept up in conspicuous places on such vessels, which rules shall be observed both night and day. Should any pilot, engineer, or master of any such vessel, neglect or willfully refuse to observe the foregoing regulations, any delinquent so neglecting or refusing shall be liable to a penalty of thirty dollars, and to all damage done to any passenger in his person or baggage by such neglect or refusal; and no such vessel shall be justified in coming into collision with another if it can be avoided.

Sec. 30. *And be it further enacted*, That whenever any damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel or either of them, and the vessel, shall be liable to each and every person so injured, to the full amount of damage, if it happens through any neglect to comply with the provisions of law herein prescribed, or through known defects or imperfections of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of an engineer or pilot, or their neglect or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such engineer or pilot, and recover damages for any such injury caused as aforesaid by any such engineer or pilot.

Sec. 31. *And be it further enacted*, That before issuing the annual license to any such steamer, the collector or other chief officer of the customs for the port or district shall demand and receive from the owner or owners of the steamer, as a compensation for the inspections and examinations made for the year, the following sums, in addition to the fees for issuing enrollment and licenses, now allowed by law, according to the tonnage of the vessel, to wit: for each vessel of a thousand tons and over, thirty-five dollars; for each of five hundred tons and over, but less than one thousand tons, thirty dollars; and for each under five hundred tons and over one hundred and twenty-five tons, twenty-five dollars; and for each under one hundred and twenty-five tons, twenty dollars, at the time of obtaining registry, and once in each year thereafter, pay, according to the rate of tonnage before mentioned, the sum of money herein fixed. And each engineer and pilot licensed as herein provided shall pay for the first certificate granted by any inspector or inspectors the sum of five dollars, and for each subsequent certificate one dollar, to such inspector or inspectors, to be accounted for and paid over to the collector or other chief officer of the customs, and the sums derived from all the sources above specified shall be quarterly accounted for and paid over to the United States in the same manner as other revenue.

Sec. 32. *And be it further enacted*, That each inspector shall keep an accurate account of every such steamer boarded by him during the year, and of all his official acts and doings, which in the form of a report he shall communicate to the collector, or other chief officer of the customs, on the first days of May and November, in each year.

Sec. 33. *And be it further enacted*, That the inspectors in the following districts shall each be allowed annually the following compensation, to be paid under the direction of the Secretary of the Treasury, in the manner officers of the revenue are paid, to wit:

For the district of Portland, in Maine, three hundred dollars.

For the district of Boston and Charlestown, in Massachusetts, eight hundred dollars.

For the district of New London, in Connecticut, three hundred dollars.

For the district of New York, two thousand dollars.

For the district of Philadelphia, in Pennsylvania, one thousand dollars.

For the district of Baltimore, in Maryland, one thousand dollars.

For the district of Norfolk, in Virginia, three hundred dollars.

For the district of Charleston, in South Carolina, four hundred dollars.

For the district of Savannah, in Georgia, four hundred dollars.

For the district of Mobile, in Alabama, one thousand dollars.

For the district of New Orleans, or in which New Orleans is the port of entry, in Louisiana, two thousand dollars.

For the district of Galveston, in Texas, three hundred dollars.

For the district of St. Louis, in Missouri, fifteen hundred dollars.

For the district of Nashville, in Tennessee, four hundred dollars.

For the district of Louisville, in Kentucky, twelve hundred dollars.

For the district of Cincinnati, Ohio, fifteen hundred dollars.

For the district of Wheeling, Virginia, five hundred dollars.

For the district of Pittsburg, Pennsylvania, fifteen hundred dollars.

For the district of Chicago, Illinois, five hundred dollars.

For the district of Detroit, Michigan, eight hundred dollars.

For the district of Cleveland, Ohio, five hundred dollars.

For the district of Buffalo, New York, twelve hundred dollars.

For the district of Oswego, or of which Oswego is the port of entry, New York, three hundred dollars.

For the district of Vermont, two hundred dollars.

For the district of San Francisco, California, fifteen hundred dollars.

SEC. 34. *And be it further enacted*, That the Secretary of the Treasury shall provide the inspectors with a suitable number of instruments, of uniform construction, so as to give uniform results, to test the strength of boilers.

SEC. 35. *And be it further enacted*, That it shall be the duty of the master of any such steamer to cause to be kept a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which record shall be open to the inspection of the inspectors and officers of the customs at all times; and in case of default, through negligence or design, the said master shall forfeit one hundred dollars, which penalty, as well as that for excess of passengers, shall be a lien upon the vessel: *Provided, however*, A bond may, as provided for in other cases, be given to secure the satisfaction of the judgment.

SEC. 36. *And be it further enacted*, That every master or commander of any such steamer shall keep on board of such steamer at least two copies of this act, to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses so to do, or shall unreasonably refuse to exhibit a copy of the same to any passenger who shall ask it, he shall forfeit twenty dollars.

SEC. 37. *And be it further enacted*, That any inspector who shall, upon any pretense, receive any fee or reward for his services rendered under this act, except what is herein allowed to him, shall forfeit his office; and if found guilty, on indictment, be otherwise punished, according to the aggravation of the offense, by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both.

SEC. 38. *And be it further enacted*, That all engineers and pilots of any such vessel shall, before entering upon their duties, make solemn oath, before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, perform all the duties required of him by this act, without concealment or reservation; and if any such engineer, pilot, or any witness summoned under this act as a witness, shall, when under examination on oath, knowingly and intentionally falsify the truth, such person shall be deemed guilty of perjury, and if convicted be punished accordingly.

SEC. 39. *And be it further enacted*, That the supervising inspectors, appointed under the provisions of this act, shall, within their respective districts,

under the direction of the Secretary of the Treasury, take the examination, or receive the statements in writing, of persons of practical knowledge and experience in the navigation of steam-vessels, the construction and use of boilers, engines, machinery, and equipments, touching the form, material, and construction of engines, and their appurtenances; the causes of the explosion of boilers and collapse of flues, and the means of prevention; the kind and description of safety-valves, water and steam-gauges, or indicators; equipments for the extinguishment of fires, and for the preservation of life in case of accident on board of such vessels, and all other means in use or proper to be adopted for the better security of the lives of persons on board vessels propelled in whole or in part by steam; the advantages and disadvantages of the different descriptions of boilers, engines, and their appurtenances, safety-valves, water and steam-gauges, or indicators, equipments for the prevention or extinguishment of fires, and the preservation of life in case of accident, in use on board such vessel; whether any, and what further legislation is necessary or proper for the better security of the lives of persons on board such steam-vessels; which examination and statements so taken and received, shall be transmitted to the Secretary of the Treasury, at such time as he shall prescribe.

SEC. 40. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause such interrogatories to be prepared and published as in his opinion may be proper to elicit the information contemplated by the preceding section, and upon the receipt of the examination and statements taken by the inspectors, shall report the same to Congress, together with the recommendation of such other provisions as he may deem proper to be made for the better security of the lives of persons on board steam-vessels.

SEC. 41. *And be it further enacted*, That all penalties imposed by this act may be recovered in an action of debt by any person who will sue therefor in any court of the United States.

SEC. 42. *And be it further enacted*, That this act shall not apply to public vessels of the United States, or vessels of other countries, nor to steamers used as ferry-boats, tug-boats, towing-boats, nor to steamers not exceeding one hundred and fifty tons burden, and used in whole or in part for navigating canals. The inspection and certificate required by this act shall in all cases of ocean steamers constructed under contract with the United States for the purpose, if desired, of being converted into war steamers, be made by a chief engineer of the Navy, to be detailed for that service by the Secretary of the Navy; and he shall report both to said Secretary and to the supervising inspector of the district where he shall make any inspection.

SEC. 43. *And be it further enacted*, That all such parts of this act as authorize the appointment and qualification of inspectors, and the licensing of engineers and pilots, shall take effect upon the passage thereof, and that all other parts of this act shall go into effect at the times and places as follows: In the districts of New Orleans, St. Louis, Louisville, Cincinnati, Wheeling, Pittsburg, Nashville, Mobile, and Galveston, on the first day of January next, and in all other districts on the first day of March next.

SEC. 44. *And be it further enacted*, That all parts of laws heretofore made, which are suspended by or are inconsistent with this act, are hereby repealed.

APPROVED, August 30, 1852.

PUBLIC, LXIII.—*An Act in addition to an Act to promote the Progress of the Useful Arts.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That appeals provided for in the eleventh section of the act entitled "An act in addition to an act to promote the progress of the useful arts," approved March third, eighteen hundred and thirty-nine, may also be made to either of the assistant judges of the circuit court of the District of Columbia; and all the powers, duties, and responsibilities imposed by the aforesaid act, and conferred upon the chief judge, are hereby imposed and conferred upon each of the said assistant judges.

SEC. 2. *And be it further enacted*, That in case appeal shall be made to the said chief judge, or to

either of the said assistant judges, the Commissioner of Patents shall pay to such chief judge, or assistant judge, the sum of twenty-five dollars required to be paid by the appellant into the Patent Office by the eleventh section of the said act on said appeal.

SEC. 3. *And be it further enacted*, That section thirteen of the aforesaid act, approved March the third, eighteen hundred and thirty-nine, is hereby repealed.

APPROVED, August 30, 1852.

PUBLIC, LXIV.—*An Act to constitute Alton, in the State of Illinois, a Port of Delivery.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Alton, in the State of Illinois, shall be, and is hereby, constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, providing for the payment of duties on imported goods, at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;" and the said town of Alton and the said port of delivery be, and is hereby, annexed to and made a part of the collection district of New Orleans, and all the facilities and privileges afforded by the said act of Congress of the second of March, eighteen hundred and thirty-one, be, and are hereby, extended to the said port of Alton.

SEC. 2. *And be it further enacted*, That Burlington, in the State of Iowa; Galena, Illinois; and Knoxville, in the State of Tennessee, shall be ports of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of the customs to reside at each of said ports, who shall, in addition to his own duties, also perform the duties and receive the salary and emoluments of surveyors, prescribed by the act of Congress passed on the second day of March, one thousand eight hundred and thirty-one, providing for the payment of duties on imported goods at certain ports therein mentioned, the same being entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;" and said Burlington, Galena, and Knoxville, and the said ports of delivery, be, and the same are hereby, annexed to and made part of the collection district of New Orleans; and all the privileges and facilities afforded to Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, by the act of Congress last aforesaid, be, and the same are hereby, extended to said ports of Burlington, Galena, and Knoxville.

SEC. 3. *And be it further enacted*, That from and after the passage of this act, Port Jefferson, on the north side of Long Island, in the State of New York, be, and the same is hereby, made a port of delivery within the collection district of the port of New York; and that a surveyor be appointed by the President, with the advice and consent of the State, to reside at the said port of Port Jefferson, who shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear and grant registers and other usual papers to vessels employed in the whale fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond, perform the usual duties in the manner prescribed, and be entitled to receive the fees allowed by law to surveyors and collectors for the same duties, and no more. But all cargoes chargeable with duties shall be entered and the duties paid at the port of New York before permission shall be granted to discharge the same at Port Jefferson.

APPROVED, August 31, 1852.

PUBLIC, LXV.—*An Act making further provisions for the satisfaction of Virginia Land Warrants.*

*Be it enacted by the Senate and House of Repre-*

*representatives of the United States of America in Congress assembled, That all unsatisfied outstanding military land warrants or parts of warrants issued or allowed prior to the first day of March, eighteen hundred and fifty-two, by the proper authorities of the Commonwealth of Virginia, for military services performed by the officers and soldiers, seamen or marines of the Virginia State and continental lines in the Army or Navy of the Revolution, may be surrendered to the Secretary of the Interior, who, upon being satisfied, by a revision of the proofs or by additional testimony, that any warrant thus surrendered was fairly and justly issued in pursuance of the laws of said Commonwealth for military services so rendered, shall issue land scrip in favor of the present proprietors of any warrant thus surrendered, for the whole or any portion thereof yet unsatisfied, at the rate of one dollar and twenty-five cents for each acre mentioned in the warrant thus surrendered and which remains unsatisfied, which scrip shall be receivable in payment for any lands owned by the United States subject to sale at private entry; and said scrip shall moreover be assignable by indorsement attested by two witnesses. In issuing such scrip the said Secretary is authorized, when there are more persons than one interested in the same warrant, to issue to each person scrip for his or her portion of the warrant; and where infants or feme-coverts may be entitled to any scrip, the guardian of the infant and the husband of the feme-covert may receive and sell or locate the same: *Provided*, That no less than a legal subdivision shall be entered and paid for by the scrip issued in virtue of this act.*

*Sec. 2. And be it further enacted, That this act shall be taken as a full and final adjustment of all bounty land claims to the officers and soldiers, seamen and marines, of the State of Virginia, for services in the war of the Revolution: *Provided*, That the State of Virginia shall, by a proper act of the Legislature thereof, relinquish all claim to the lands in the Virginia military land district in the State of Ohio.*

*Sec. 3. And be it further enacted, That in settling the claims of the State of Ohio, under the acts of March second, eighteen hundred and twenty seven, and May twenty-fourth, eighteen hundred and twenty-eight, granting lands to said State for canal purposes, the same principles shall be acted upon as have been applied under the provisions of the act of May the ninth, eighteen hundred and forty-eight, entitled "An act in addition to an act therein mentioned," for the settlement of the claims of the State of Indiana accruing under the said act of March the second, eighteen hundred and twenty-seven.*

APPROVED, August 31, 1852.

## RESOLUTIONS.

[No. 1.]—*A Resolution of welcome to Louis Kossuth.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and the country; and that a copy of this resolution be transmitted to him by the President of the United States.*

APPROVED, December 15, 1851.

[No. 2.]—*A Joint Resolution providing for the printing of additional copies of the Journals and Public Documents.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall hereafter be printed one hundred copies of the public journals and documents of the House of Representatives, in addition to the number now printed, which shall be deposited with the Secretary of State for distribution according to law.*

APPROVED, December 23, 1851.

[No. 3.]—*Joint Resolution to authorize the Postmaster General to legalize certain Contracts for the transportation of the Mail in California and Oregon.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby,*

*authorized to accept and confirm, as permanent contracts for the residue of the present contract term in the Southwestern and Northwestern sections, ending the thirtieth of June, one thousand eight hundred and fifty-four, the several contracts for mail transportation in California and Oregon, made under the advertisement for proposals for such mail contracts, as communicated in the last annual report of the Postmaster General; and that, when the said contracts shall have been so accepted and confirmed, they shall be valid, legal, and binding for the purposes therein mentioned.*

APPROVED, January 13, 1852.

[No. 4.]—*Joint Resolution providing for the Binding of certain Documents.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the Executive documents, the printing of additional copies of which have been ordered during the present session, or may during either session of the present Congress be ordered by either House of Congress, and the size of which shall not be less than two hundred and fifty pages, such additional copies shall be bound under the direction of the Joint Committee on Printing: *Provided*, That the cost shall not exceed twelve and a half cents per volume for the whole number ordered.*

APPROVED, January 27, 1852.

[No. 5.]—*A Resolution extending the Time of the Commission under the Convention with Brazil.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to carry into effect the Convention between the United States and the Emperor of Brazil of the twenty-seventh day of January, in the year eighteen hundred and forty-nine," approved March twentieth, eighteen hundred and fifty, shall be, and the same is hereby, continued in force for the period of four months from and after the first day of March, in the year eighteen hundred and fifty-two.*

APPROVED, February 27, 1852.

[No. 6.]—*A Resolution to authorize the Continuance of the work upon the two wings of the Capitol.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the period between the passage of this resolution and the end of the fiscal year terminating June thirtieth, eighteen hundred and fifty-three, the sum of five hundred thousand dollars, for the continuance of the work on the two wings of the Capitol: *Provided*, Nothing herein contained shall be so construed as to authorize any officer or agent of the United States to bind the United States by contract beyond the amount appropriated by Congress, or to sanction any such contract heretofore made.*

APPROVED, April 14, 1852.

[No. 7.]—*Joint Resolution approving and confirming an act of the Legislative Assembly of the Territory of Oregon, entitled "An Act to provide for the selection of places for location and erection of the Public Buildings of the Territory of Oregon," and for other purposes.*

*Whereas, by the first section of an act of the Legislative Assembly of the Territory of Oregon, passed by the House of Representatives of said Territory on the thirtieth day of January, eighteen hundred and fifty-one, and by the Council of said Territory on the first day of February, eighteen hundred and fifty-one, entitled "An Act to provide for the selection of places for location and erection of the Public Buildings of the Territory of Oregon," it was enacted that the seat of government of said Territory be established and located at Salem, in the county of Marion, in said Territory, and that each and every session, either general or special, of the Legislative Assembly of said Territory, thereafter convened, shall be held at Salem, in said Territory; and whereas doubts have arisen as to the validity of said act:*

*Be it therefore resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said Act of the Legisla-*

*tive Assembly of the Territory of Oregon establishing and locating the seat of government of said Territory at Salem, in the county of Marion, in said Territory, be, and the same is hereby, ratified, approved, and confirmed.*

*Sec. 2. And be it further resolved, That the late session of the Legislative Assembly of said Territory, held at Salem, in conformity with the provisions of the act above referred to, be, and the same is hereby, declared to have been held in conformity to the provisions of Law.*

APPROVED, May 4, 1852.

[No. 8.]—*A Resolution authorizing the Purchase of the Ninth Volume of the Laws of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State, in compliance with his request made to the Committee on the Judiciary, be authorized to purchase of the publishers of the Statutes at Large one thousand copies of volume nine of said Statutes at Large, now just published, and cause the same to be distributed as the first eight volumes were distributed by order of Congress, under the act of August eighth, eighteen hundred and forty-six.*

APPROVED, May 10, 1852.

[No. 9.]—*A Resolution granting the Right of Way to the Fayetteville and Central Plank Road.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, not exceeding forty feet in width, through the public land of the United States, at Fayetteville, North Carolina, (which is at present not improved,) be, and the same is hereby, granted to the Fayetteville and Central Plank Road: *Provided*, That in the opinion of the President of the United States said grant be not injurious to the public interests: *And provided further*, That if the said road be not completed in two years, or if at any time after its completion the said road be discontinued or abandoned, the grant hereby made shall cease and determine.*

APPROVED, May 13, 1852.

[No. 10.]—*Joint Resolution authorizing the Secretary of the Treasury to ratify and confirm an exchange of Lands between the United States and Charles Reynolds, of the city of Natchez, and State of Mississippi.*

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to ratify and confirm the exchange of lands made for the erection of a marine hospital in the city of Natchez, and State of Mississippi, on the eighth day of February, A.D. eighteen hundred and fifty, between Lieutenant Colonel S. H. Long, on behalf of the United States, and Charles Reynolds, of the city of Natchez, and State aforesaid, and to give and receive deeds to and from the said Charles Reynolds for the lands so given and received in exchange.*

APPROVED, June 10, 1852.

[No. 11.]—*Joint Resolution changing the name of St. Peter's river, in Minnesota Territory.*

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, the river in the Territory of Minnesota, heretofore known as the Saint Peters, shall be known and designated on the public records as the Minnesota river.*

APPROVED, June 19, 1852.

[No. 12.]—*Joint Resolution accepting from Giuseppe Fagnani a Portrait of Henry Clay, and ordering it to be placed in the Library of Congress.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the portrait of Henry Clay, presented to the nation by Giuseppe Fagnani, a resident of New York, be placed in the Library of Congress.*

APPROVED, July 3, 1852.

[No. 13.]—*A Resolution to establish certain Post Routes.*

*Resolved by the Senate and House of Representatives*



of the United States of America in Congress assembled, That the Postmaster General shall be, and he is hereby, authorized in his discretion to contract for carrying the mail on all the plank roads which have been or shall be constructed in the United States, and in all cases when in his opinion the public interest and convenience require it; and that for the time during which mails may be carried on such plank roads, or any part thereof, the same shall be and they are hereby declared to be post roads of the United States.

SEC. 2. *And be it further enacted*, That the road from Vallona Springs, in Broome county, New York, by the way of Ninevah and Coventry, to Oxford, be and the same is hereby declared a post road. And the Postmaster General is authorized to pay a reasonable compensation for carrying the mail on said route, by discretion of the Department, previous to this time. And that the road from Oxford aforesaid, by the way of Coventryville to South Bainbridge, be, and the same is hereby, declared a post road.

APPROVED, July 12, 1852.

[No. 14.]—*Joint Resolution providing for the distribution of the Laws of Congress and the Debates thereon.*

With a view to the cheap circulation of the laws of Congress and the debates contributing to the true interpretation thereof, and to make free the communication between the representative and constituent bodies:

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the present session of Congress, the Congressional Globe and Appendix, which contain the laws and the debates thereon, shall pass free through the mails so long as the same shall be published by order of Congress: *Provided*, That nothing herein shall be construed to authorize the circulation of the Daily Globe free of postage.

APPROVED, August 6, 1852.

## PRIVATE ACTS.

[No. 1.]—*An Act to admit a Vessel called the Etiwan to Registry.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be issued, under the direction of the Secretary of the Treasury, a register for the barque "Etiwan, of Charleston," formerly a Swedish vessel called the Ulrica, but now owned by W. Bradford, Carson, Harle & Co., and William Thayer, citizens of the State of South Carolina, the said vessel having been burned in the harbor at Charleston, and become a wreck, was condemned and sold, and was purchased by them, and which they have caused to be repaired and refitted for sea again: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairing and refitting said barque in the United States, after purchase by the present owners, exceeds three fourths of the value of said vessel when so reconstructed.

APPROVED, January 23, 1852.

[No. 2.]—*An Act authorizing the Secretary of the Treasury to issue a Register to the Brig Ada.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be issued, under the direction of the Secretary of the Treasury, a register for the brig Ada, formerly a British vessel, but now owned by Joseph A. Barelli, a citizen of the State of Louisiana, which said vessel having been wrecked near the Balize, at the mouth of the Mississippi river, and condemned, and which he has caused to be repaired and refitted for sea: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three fourths of the original cost of building a vessel of the same tonnage in the United States.

APPROVED, January 23, 1852.

[No. 3.]—*An Act for the Relief of Edward Everett.*  
*Be it enacted by the Senate and House of Repre-*

*sentatives of the United States of America in Congress assembled*, That the sum of six hundred and seven dollars and fifty cents be allowed to Edward Everett, late a sergeant in company A, first regiment, Illinois volunteers, in full for services rendered by him to the Quartermaster's Department at San Antonio, from October fifteen, eighteen hundred and forty-six, to June seventeenth, eighteen hundred and forty-seven, and the same be paid to him out of any money in the Treasury not otherwise appropriated.

APPROVED, January 27, 1852.

[No. 4.]—*An Act for the Relief of the Virginia Woolen Company.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury cause to be paid to the Virginia Woolen Company, or to its duly authorized agent, the sum of six thousand and eighty-five dollars and four cents, out of any money in the Treasury not otherwise appropriated; this being the amount retained by the United States from the said company for an alleged non-compliance with a contract entered into between the United States and said company, on or about the tenth day of January, one thousand eight hundred and forty-eight, for the delivery of one hundred thousand yards of cloth.

APPROVED, January 27, 1852.

[No. 5.]—*An Act to admit the hermaphrodite Brig Sylphide to Registry.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be issued, under the direction of the Secretary of the Treasury, a register for the hermaphrodite brig Sylphide, formerly of Bremen, but now owned by John S. Maunsell and William Parker, citizens of the United States, residing in Louisiana, which vessel was condemned by the port wardens of the port of New Orleans, and afterwards sold at public auction, and purchased by said Maunsell and Parker for the sum of three hundred and eighty dollars, and has since been repaired and refitted for sea, at the expense of four thousand dollars: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of repairing and refitting said hermaphrodite brig in the United States exceeds three-fourths of the value of said vessel, when so reconstructed.

APPROVED, February 27, 1852.

[No. 6.]—*An Act for the Relief of Lieutenant-Colonel Mitchell, of the State of Missouri.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Attorney-General of the United States to prosecute the writ of error pending before the Supreme Court of the United States in the case of D. D. Mitchell versus M. X. Harmony, without cost to the plaintiff in error.

SEC. 2. *And be it further enacted*, That the Attorney-General be, and he is hereby directed to cause such chancery or other proceedings to be instituted in the name of D. D. Mitchell versus M. X. Harmony, or his assignees, before the proper court at St. Louis, Missouri, as shall stay proceedings upon a certain judgment at law, in the name of said Harmony against said Mitchell, until the rendition of an opinion by the Supreme Court of the United States upon the writ of error aforesaid. And it shall be the duty of the Secretary of the Treasury to cause such security to be entered by the United States as shall indemnify and save said Mitchell harmless against said judgment.

SEC. 3. *And be it further enacted*, That whenever the Attorney-General of the United States shall certify to the Secretary of the Treasury that the writ of error in the cause aforesaid has failed, or that no further steps can be taken at law or in equity, whereby to avoid the payment of said judgment in favor of said Harmony rendered in the State of Missouri, then it shall be the duty of the Secretary of the Treasury, and he is hereby authorized to liquidate and satisfy said judgment, damages, and costs, out of any money in the Treasury not otherwise appropriated.

APPROVED, March 11, 1852.

[No. 7.]—*An Act for the Relief of Rufus Dwinel.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be paid to Rufus Dwinel, the sum of thirteen thousand and thirty-seven dollars and seventy-two cents, the same to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, March 11, 1852.

[No. 8.]—*An Act to extend the Time for selling the Lands granted to the Kentucky Asylum for teaching the Deaf and Dumb.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the further time of five years, from and after the expiration of the time heretofore allowed, be, and the same is hereby allowed and permitted "The trustees of the Center College of Kentucky," who are also trustees of the Kentucky Asylum for teaching the deaf and dumb, to sell the lands heretofore granted said asylum, and confirmed to said trustees, for the use of said asylum, by acts of Congress heretofore passed.

APPROVED, March 11, 1852.

[No. 9.]—*An Act for the Relief of James Ferguson, surviving partner of the firm of Ferguson and Milhado.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to James Ferguson, surviving partner of the late firm of Ferguson & Milhado, of the city of Norfolk, in Virginia, out of any moneys in the Treasury not otherwise appropriated, a sum not exceeding seven hundred and thirty-five dollars and sixty cents, being the amount alleged to have been paid by them in discharge of their bond given the United States, dated May twenty-second, eighteen hundred and forty-eight, for duties on one hundred and forty-two hogsheads of molasses, which were destroyed by fire, while in public store, on the fourteenth day of June, eighteen hundred and forty-eight: *Provided*, That satisfactory evidence shall be produced to the Secretary of the Treasury of the destruction of said merchandise by fire as aforesaid.

APPROVED, March 19, 1852.

[No. 10.]—*An Act for the Relief of Philip Miller.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be required to place the name of Philip Miller, of Kentucky, upon the roll of invalid pensioners, and that the said Philip Miller be entitled to receive the sum of eight dollars per month during his natural life, to commence on the first day of May, eighteen hundred and forty-eight.

APPROVED, March 19, 1852.

[No. 11.]—*An Act for the Relief of Williams, Staples, and Williams.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby authorized and directed to pay to Williams, Staples, and Williams, of the city of Norfolk, in the State of Virginia, out of any moneys in the Treasury not otherwise appropriated, a sum not exceeding eleven hundred and fifty-six dollars and fifty cents, being the duty paid by them on one hundred and twenty-one hogsheads of sugar, which were destroyed by fire while in the public store, in the city of Norfolk aforesaid, on the fourteenth day of June, eighteen hundred and forty-eight, which sugars were imported by them into the port of Norfolk, on or about the sixth day of June, eighteen hundred and forty-eight: *Provided*, That satisfactory evidence shall be produced to the Secretary of the Treasury of the destruction of said sugar by the fire aforesaid.

APPROVED, March 19, 1852.

[No. 12.]—*An Act to authorize the issuing of a Register to the Brig America.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress*

assembled, That there be issued, under the directions of the Secretary of the Treasury, a register to the brig America, a British vessel, lately called the Primrose, which vessel was stranded on the coast of the United States, and purchased by Nathaniel Noyes, a citizen of the United States, and by him repaired: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairs made in the United States, after the purchase of the said vessel by the present owner, exceeds three fourths of the original cost of building a vessel of the same tonnage in the United States.

APPROVED, April 2, 1852.

[No. 13.]—*An Act to authorize the issuing of a Register to the Ship Kossuth.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be issued, under the direction of the Secretary of the Treasury, a register to the ship Kossuth, a Guatemalan vessel, lately called the Ship Republica de Guatemala, which has been purchased by J. B. Stouvenel, a citizen of the United States, while said vessel was lying in the port of New York almost a wreck: *Provided*, That it shall be proved to the satisfaction of the Secretary of the Treasury that the cost of her repairs made in the United States, after the purchase of the said vessel by her present owner, exceeds three fourths of the original cost of building a vessel of the same tonnage in the United States.

APPROVED, April 2, 1852.

[No. 14.]—*An Act for the Relief of Theodore Offut.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby directed to pay to Theodore Offut, out of any money in the Treasury not otherwise appropriated, the sum of ninety dollars, the value of a bay mare, the property of said Offut, which was turned over for the use of the Government by his commanding officer, Captain W. C. Pollard, without authority.

APPROVED, April 14, 1852.

[No. 15.]—*An Act for the Relief of the Monroe Railroad Company and their Sureties.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized to cancel the several bonds given by the Monroe Railroad Company for the duties on certain railroad bars of iron imported for the use of said company at Savannah, in the State of Georgia, in the year eighteen hundred and forty-one; and he is hereby further authorized to enter the judgments satisfied, which have been, or may be obtained by the United States against said company, or their sureties, on their bonds aforesaid, upon the defendants paying the costs of said suits.

APPROVED, May 4, 1852.

[No. 16.]—*An Act for the Relief of Joseph Johnson.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby required to place the name of Joseph Johnson, of Addison county, Vermont, on the pension roll, at the rate of eight dollars per month; said allowance to commence on the first day of January, eighteen hundred and fifty, and continue during his natural life.

APPROVED, May 4, 1852.

[No. 17.]—*An Act for the Relief of Albra Tripp.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the name of Albra Tripp, a soldier in the service of the United States in the late war with Great Britain, be placed on the roll of invalid pensions, at the rate of four dollars per month, commencing the first day of December, eighteen hundred and fifty-one, to continue during his natural life.

APPROVED, May 4, 1852.

[No. 18.]—*An Act for the Relief of James Lewis.*

*Be it enacted by the Senate and House of Repre-*

*sentatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to James Lewis, out of any money in the Treasury not otherwise appropriated, the sum of three hundred and sixteen dollars—the amount recommended to be paid to him as witness fees and mileage, by the United States District Court for the Eastern District of Virginia.

APPROVED, May 4, 1852.

[No. 19.]—*An Act for the Payment of Arrears of Pension to the Guardian of Artemas Conant.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the arrears of pension now due to Artemas Conant, an invalid pensioner, by an act passed July sixth, eighteen hundred and fifteen, be paid to his guardian for the use of said Conant, at the rate of five dollars and thirty-three and one-third cents [\$5.33 $\frac{1}{3}$ ] per month, from March fourth, eighteen hundred and thirty, to April eighteen hundred and forty-six.

APPROVED, May 4, 1852.

[No. 20.]—*An Act for the Relief of Charles G. Hunter.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper accounting officers of the Treasury Department be, and they are hereby authorized and required to allow to Charles G. Hunter, credit for the sum of seven thousand nine hundred and forty-nine dollars and eighty-eight cents, being the amount of losses sustained by him while commanding and acting as purser of the steamer Scourge and the schooner Taney.

APPROVED, May 6, 1852.

[No. 21.]—*An Act for the Relief of Jane Irwin.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That out of any money in the Treasury not otherwise appropriated, there shall be allowed and paid to Jane Irwin, the only child of Colonel Jared Irwin, who served in the Georgia State troops from the beginning to the close of the revolutionary war, as an equivalent for services rendered and losses sustained by him, the half-pay of a captain for the period of thirty-five years, without interest.

APPROVED, May 6, 1852.

[No. 22.]—*An Act for the Relief of Anna Norton and Louis Foskit.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be required to pay to Anna Norton and Louis Foskit, the children and only heirs of Zephaniah Ross, a revolutionary soldier, the amount of pension which would have been paid to said Ross had his pension been continued to him from the fourth day of March, eighteen hundred and twenty-two, to the first day of January, eighteen hundred and twenty-eight.

APPROVED, May 10, 1852.

[No. 23.]—*An Act for the Relief of Sylvanus Blodget.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby required to place the name of Sylvanus Blodget upon the pension roll, at eight dollars per month, commencing on the seventh day of January, Anno Domini eighteen hundred and forty-six.

APPROVED, May 26, 1852.

[No. 24.]—*An Act for the further Relief of Robert Milligan.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby directed to place the name of Robert Milligan upon the invalid pension roll, at the rate of four dollars per month, in addition to the sum of four dollars per month to which he is entitled under the law of Congress, approved June

twenty-fifth, eighteen hundred and thirty-four, to commence on the first day of January, in the year eighteen hundred and fifty-two.

APPROVED, May 26, 1852.

[No. 25.]—*An Act for the Relief of John W. Robinson.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby authorized and directed to place the name of John W. Robinson, of the State of Maryland, a soldier of the late war with Great Britain, on the invalid pension roll, at eight dollars per month, to commence on the first day of January, eighteen hundred and fifty, and to continue during his natural life.

APPROVED, May 26, 1852.

[No. 26.]—*An Act for the Relief of William Greer.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby directed to pay to William Greer, out of any moneys in the Treasury not otherwise appropriated, the sum of sixty dollars and twenty-five cents, with legal interest thereon from July, eighteen hundred and forty-three, it being in full payment of moneys by him at that time advanced to the United States.

APPROVED, May 26, 1852.

[No. 27.]—*An Act to change the Name of the American-built vessel named Amelia, and to grant a Register in her name.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the collector of the customs for the port of Baltimore be, and he is hereby authorized, under the direction of the Secretary of the Treasury, to admit to register, under the name and title of the "Harbinger," the schooner now owned by Joseph Weathers, and known as the "Amelia."

APPROVED, June 10, 1852.

[No. 28.]—*An Act to authorize the issuing a Register to the Schooner Caroline, of Barnstable.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be issued, under the direction of the Secretary of the Treasury, a register to the schooner Caroline, a British vessel which was wrecked on the coast of the United States in January, eighteen hundred and fifty-two, and purchased by Lewis Crosby, a citizen of the United States, and by him repaired: *Provided*, It shall be proved to the satisfaction of the Secretary of the Treasury that the cost of the repairs made in the United States, after the purchase of the vessel by the present owner, shall exceed three fourths of the present value of said vessel, after having been so repaired.

APPROVED, June 10, 1852.

[No. 29.]—*An Act to change the Name of the Steamboat Brilliant.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the owners of the steamboat "Brilliant" be, and they are hereby authorized to change the name of the said boat to that of Mary Hunt, and to make a new registry of said boat in that name, at the port of Louisville, in the State of Kentucky.

APPROVED, June 15, 1852.

[No. 30.]—*An Act for the Relief of William S. Payne.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is hereby authorized and directed to pay to William S. Payne, of the State of Virginia, out of any money in the Treasury not otherwise appropriated, the sum of fifty dollars, being the amount of fine imposed on him, and by him paid to the collector at Tappahannock, for neglecting to renew the license on the vessel William Page, in the year eighteen hundred and forty-nine.

APPROVED, June 19, 1852.

[No. 31].—*An Act for the Relief of the Heirs of John Jackson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and required to pay to the legal representatives of John Jackson, deceased, the pilot on board the Bon Homme Richard, during her brilliant action with the British frigate *Serapis*, in which action the said Jackson lost an arm, such a sum as will equal a pension at the rate of six dollars per month, from the fifteenth day of November, seventeen hundred and seventy-nine, to the day of said Jackson's death, agreeably to the pledge given by the captain of the said Bon Homme Richard, and the report of the committee of the Continental Congress, made on the twenty-eighth day of September, seventeen hundred and eighty-five.

APPROVED, July 3, 1852.

[No. 32].—*An Act for the Relief of Amos Knapp.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Amos Knapp, from and after the passage of this act, shall be placed upon the roll of invalid pensioners, and shall receive eight dollars per month, the pension of a common soldier.

APPROVED, July 12, 1852.

[No. 33].—*An Act for the Relief of Francis Tribou.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby required to place the name of Francis Tribou, of Monroe, in the county of Waldo, and State of Maine, on the roll of invalid pensioners, and pay to him the sum of four dollars per month, from the first day of January, Anno Domini eighteen hundred and forty-eight, to continue during his natural life.

APPROVED, July 12, 1852.

[No. 34].—*An Act for the Relief Ichabod Weymouth.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby directed to place the name of Ichabod Weymouth upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence from the first day of January, eighteen hundred and fifty, and to continue during his natural life.

APPROVED, July 12, 1852.

[No. 35].—*An Act for the Relief of Gustavus A. De Russy, late an acting Purser in the Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to Gustavus A. De Russy, late an acting purser in the Navy, the sum of three hundred and sixty-two dollars, in full of the balance of compensation to which he is entitled for his services in the capacity aforesaid.

APPROVED, July 21, 1852.

[No. 36].—*An Act for the Relief of James W. Campbell, of Pike county, Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James W. Campbell, of Pike county, State of Missouri, be authorized to enter, free of charge, any of the public lands subject to private entry, at one dollar and twenty-five cents per acre, lying in the district of lands subject to sale at the land office at Palmyra, in said State, not exceeding one hundred and twenty acres, upon making proof satisfactory to the register and receiver of said land office, subject to the approval of the Commissioner of the General Land Office, that he is the legal assignee of John J. Jackson, and that two certain receiver's receipts, numbered nineteen thousand five hundred and thirteen, and nineteen thousand five hundred and fourteen, dated June twenty-sixth, eighteen hundred and thirty-eight, purporting to be issued by A. Bird, receiver

at Palmyra, in favor of said Jackson, one for fifty dollars, and one for one hundred dollars are genuine, and upon surrendering said receipts to the United States and executing a relinquishment of all his right, title, and interest to the land therein described.

APPROVED, July 21, 1852.

[No. 37].—*An Act for the Relief of Isaac Cobb.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is directed to place the name of Isaac Cobb, of Abbott, in the State of Maine, on the pension list of the United States, at the rate of twenty-four dollars per annum, commencing on the fourth day of March, eighteen hundred and forty-one, and to continue during his natural life.

APPROVED, July 21, 1852.

[No. 38].—*An Act for the Relief of John McIntosh.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby directed to place the name of John McIntosh, of the county of Montgomery and State of Kentucky, on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the fourth day of March, eighteen hundred and forty-eight, and continue during his natural life.

APPROVED, July 21, 1852.

[No. 39].—*An Act for the Relief of the Executors and Heirs of Thomas Fletcher, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William M. Sudduth and Henry Daniel, surviving executors, and Felix M. Fletcher, David W. Fletcher, John Fletcher, and Margaret Washington (late Margaret Fletcher,) heirs of Thomas Fletcher, deceased, be, and hereby are released and forever discharged from a certain penal bond in the sum of twenty thousand dollars, payable to the United States, executed by the said Thomas Fletcher as one of the securities of Cary Nichols, on the twenty-eighth day of May, in the year one thousand eight hundred and seventeen.

APPROVED, July 21, 1852.

[No. 40].—*An Act for the Relief of the legal Representatives of James C. Watson, of Georgia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Treasurer of the United States pay to the legal representatives of General James C. Watson, late of the State of Georgia, deceased, fourteen thousand six hundred dollars, with six per cent. interest per annum, from the eighth of May, eighteen hundred and thirty-eight, till paid, out of any money in the Treasury not otherwise appropriated, being the amount paid by him, under the sanction of the Indian Agent, to certain Creek warriors for slaves captured by said warriors while they were in the service of the United States against the Seminole Indians in Florida.

APPROVED, July 30, 1852.

[No. 41].—*An Act to amend an Act entitled "An Act to incorporate the Washington Gaslight Company," approved July eighth, eighteen hundred and forty-eight.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to incorporate the Washington Gaslight Company," approved July eighth, eighteen hundred and forty-eight, be, and the same is hereby amended, by inserting in the second section, immediately before the word "fifty," the words "three hundred and;" and in the seventh section, wherever the word "Washington" occurs, by inserting immediately thereafter the words "and Georgetown."

APPROVED, August 2, 1852.

[No. 42].—*An Act for the Relief of Sergeant Leonard Skinner.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the Secretary of the Interior cause to be issued to Leonard Skinner, late sergeant in Captain Newton's company (B) of the United States regiment of Mounted Riflemen, a military bounty land warrant for one hundred and sixty acres of land; and that the proper accounting officers of the Treasury be, and they are hereby directed and required to adjust his accounts, and pay the same in the same manner as if he had been of age and regularly discharged by military authority.

APPROVED, August 16, 1852.

[No. 43].—*An Act for the Relief of Monmouth B. Hart, Joel Kelly, and William Close, securities for the late Benjamin F. Hart, a purser in the United States Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby authorized and directed, in the adjustment of the account of the late purser Benjamin F. Hart, to credit him with the amount of the loss of his private stores occasioned by the wreck of the United States ship *Concord*, to which he was attached, as nearly as the same can be ascertained; and, also, with the difference between the amount of public stores received by him as purser of the said vessel and the aggregate amount of those issued and those which came to the hands of his successor; and to make such other allowances as the said accounting officers may deem equitable under the circumstances of the case: *Provided, however,* That the said credits and allowances shall not exceed the balance which was found due to the United States upon the last settlement of the account of said purser.

APPROVED, August 16, 1852.

[No. 44].—*An Act for the Relief of the Heirs of Semoice, a friendly Creek Indian.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the children and heirs of Semoice, deceased, a Creek Indian, to wit: Hetty Deas, Vicy Foxy, and Elizabeth Semoice, be and are hereby vested with a title in fee simple, to fractional section twenty-three, township four, range two east, containing six hundred and two acres and fifty-three hundredths of an acre, being the same land selected and entered by the said Semoice, under and by virtue of an act approved second July, eighteen hundred and thirty-six, entitled "An Act for the relief of Samuel Smith, Lynn MacGhee, and Semoice, friendly Creek Indians:" *Provided,* That this act shall not be construed to defeat or prejudice the legal claim, if there be any, of other persons to the said tract of land.

APPROVED, August 16, 1852.

[No. 45].—*An Act for the Relief of David Murphy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby required to place the name of David Murphy on the invalid pension roll, at the rate of five dollars and thirty-three and one third cents per month, during life, to commence the twenty-seventh of February, eighteen hundred and forty-six.

APPROVED, August 21, 1852.

[No. 46].—*An Act for the Relief of William P. Greene.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized to allow, in the settlement of the accounts of the collector of the port of Providence, Rhode Island, the sum of three hundred and twenty-four dollars and twenty-six cents, paid to William P. Greene, surveyor of the customs, for his fees as measurer of salt at that port, under an appointment from the proper authority, for services rendered as such between the twenty-eighth of April, eighteen hundred and forty-nine, and the ninth of July, eighteen hundred and fifty.

APPROVED, August 25, 1852.

[No. 47].—*An Act granting Relief to John A. McGaw of New York.*

Be it enacted by the Senate and House of Repre-



*representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is authorized and directed to pay to John A. McGaw, of the city of New York, the sum of one thousand four hundred dollars, out of any money in the Treasury not otherwise appropriated; the same being due the said McGaw, for demurrage of the ship Charlotte, at Vera Cruz, Mexico, while in the service of the United States.*

APPROVED, August 25, 1852.

[No. 48.]—*An Act granting a Pension to John Le Roy.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed and paid to John Le Roy, who was an express rider in the late war with Mexico, a pension of twenty dollars per month, to commence on the twenty-second day of February, eighteen hundred and forty-seven, and to continue during life; and that the said pension be paid as all other invalid pensions are paid, out of any money in the Treasury not otherwise appropriated.*

APPROVED, August 25, 1852.

[No. 49.]—*An Act for the Relief of Joseph Morton Plummer and Mary Reynolds Plummer.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to place the names of Joseph Morton Plummer and Mary Reynolds Plummer, minor children of the late Captain Samuel M. Plummer, of the United States Army, upon the pension roll, and pay to them a pension amounting to half the pay per month to which their father was entitled at the time of his death, for the period of five years; said pension to commence on the ninth day of March, one thousand eight hundred and fifty-two.*

APPROVED, August 26, 1852.

[No. 50.]—*An Act for the Relief of John Moore White.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Moore White, son and sole heir of Major John White, a major in the Army of the Revolution, and slain at the battle of Germantown, or his heirs, the seven years' half-pay to which Major White would have been entitled, had he not died before a resolve of Congress passed the twenty-fourth of August, one thousand seven hundred and eighty.*

APPROVED, August 26, 1852.

[No. 51.]—*An Act for the Relief of Mrs. Margaret Hetzel, Widow and Administratrix of A. R. Hetzel, late Assistant Quartermaster in the Army of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be,*

*and he is hereby authorized to allow and pay to Mrs. Margaret Hetzel, administratrix on the estate of the late A. R. Hetzel, late Assistant Quartermaster in the Army of the United States, the sum of twelve thousand nine hundred and eighty-eight dollars and seventy-four cents, being the amount claimed by him, in the account rendered by him, for a part of the third quarter of the year eighteen hundred and thirty-eight, and which was disallowed at the Treasury, out of any money in the Treasury not otherwise appropriated.*

APPROVED, August 30, 1852.

[No. 52.]—*An Act for the Relief of Mrs. Mary A. Davis, Widow of Daniel W. Davis.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Mary A. Davis, widow of the late Daniel W. Davis, the sum of two hundred and fifty-four dollars, being the amount paid by her to employ a substitute for her late husband during his illness, and while he was a clerk in the Paymaster's Department.*

APPROVED, August 30, 1852.

[No. 53.]—*An Act for the Relief of Z. F. Johnson.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby directed to audit the accounts of Commander Z. F. Johnson, of the United States Navy, for the necessary and proper personal expenses incurred by him at San Francisco, California, while awaiting duty, under orders, and compelled to live on shore, between the twentieth day of November, eighteen hundred and forty-eight, and the twenty-first day of April, eighteen hundred and forty-nine, and pay the same out of any money in the Treasury not otherwise appropriated.*

APPROVED, August 31, 1852.

## RESOLUTIONS.

[No. 1.]—*A Resolution for the Relief of Elizabeth Prewitt, Widow and Executrix of Robert C. Prewitt, deceased.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby authorized and directed, out of the funds arising from post offices, to pay to Elizabeth Prewitt, widow of Robert C. Prewitt, deceased, late of Missouri, one hundred and twenty-four dollars, in full discharge and payment for services rendered in transporting the mail on route No. four thousand seven hundred and twenty-one, (4721,) from Auburn to Ashley, in Missouri, from the first of July, one thousand eight hundred and forty-six, to the first of July, one thousand eight hundred and fifty.*

APPROVED, March 19, 1852.

[No. 2.]—*A Resolution granting the Right of Way to the Fayetteville and Central Plank-road.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, not exceeding forty feet in width, through the public land of the United States, at Fayetteville, North Carolina, (which is at present not improved,) be, and the same is hereby granted to the Fayetteville and Central Plank-road: Provided, That in the opinion of the President of the United States, said grant be not injurious to the public interests: And provided further, That if the said road be not completed in two years, or if at any time after its completion the said road be discontinued or abandoned, the grant hereby made shall cease and determine.*

APPROVED, May 13, 1852.

[No. 3.]—*Joint Resolution authorizing the Secretary of the Treasury to ratify and confirm an Exchange of Lands between the United States and Charles Reynolds, of the City of Natchez, and State of Mississippi.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and empowered to ratify and confirm the exchange of lands made for the erection of a marine hospital, in the city of Natchez and State of Mississippi, on the eighth day of February, Anno Domini eighteen hundred and fifty, between Lieutenant Colonel S. H. Long, on behalf of the United States, and Charles Reynolds, of the city of Natchez and State aforesaid, and to give and receive deeds to and from the said Charles Reynolds for the lands so given and received in exchange.*

APPROVED, June 10, 1852.

[No. 4.]—*Joint Resolution for the Relief of Elizabeth P. Thurston, of the Territory of Oregon.*

*Whereas, Samuel R. Thurston, now deceased, late a Delegate in Congress from the Territory of Oregon, did, during the period of his official term as such Delegate, frank to Linn City, in said Territory, to the address of himself and wife sundry books and documents; and whereas the acting Deputy Postmaster at Linn City aforesaid, has refused to deliver up to Elizabeth F., widow of said Samuel R. Thurston, deceased, the said books and documents, under the allegation that the same were improperly franked, and demanding the payment of postage thereon as a condition precedent to their delivery; therefore be it*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby directed to cause the Acting Deputy Postmaster at Linn City, in the Territory of Oregon, to deliver up to Elizabeth F. Thurston, widow of said Samuel F. Thurston, deceased, all such books and documents so withheld as aforesaid, franked by, and belonging to the said Samuel R. Thurston without post office or other charges thereon.*

APPROVED, July 17, 1852.